

**立法會**  
**Legislative Council**

LC Paper No. CB(2)563/18-19(04)

Ref : CB2/PL/MP

**Panel on Manpower**

**Updated background brief prepared by the Legislative Council Secretariat  
for the meeting on 15 January 2019**

**Occupational safety performance in Hong Kong**

**Purpose**

This paper gives an account of the past discussions by the Panel on Manpower ("the Panel") on Hong Kong's occupational safety performance since the Fourth Legislative Council ("LegCo").

**Background**

2. According to the Administration, the number of occupational injuries (including industrial and non-industrial accidents)<sup>1</sup> in 2017 was 35 631, representing a slight drop of 0.4% over 35 768 in 2016. The injury rate per 1 000 employees was 11.8 in 2017, down by 1.3% when compared with 11.9 in 2016. The number of industrial accidents<sup>2</sup> for all sectors in 2017 was 11 077, up by 1.8% when compared with 10 883 in 2016; while the accident rate per 1 000 workers increased by 0.3% from 17.1 to 17.2. The accidents mainly involved "slip, trip or fall on the same level" and "incorrect manual lifting or carrying".

---

<sup>1</sup> Occupational injuries (including industrial and non-industrial accidents) refer to injury cases in workplaces reported under the Employees' Compensation Ordinance (Cap. 282), resulting in death or incapacity for work of over three days.

<sup>2</sup> Industrial accidents refer to injuries and deaths arising from industrial activities in industrial undertakings as defined under the Factories and Industrial Undertakings Ordinance (Cap. 59).

## **Deliberations of the Panel**

### Safety performance of the construction industry

#### *Site safety of public works projects*

3. Members noted with grave concern about the fatalities and injuries since the commencement of the Hong Kong-Zhuhai-Macao Bridge ("HZMB") project in 2011. Some members queried whether such accidents had occurred because employers/contractors sought to catch up with works progress at the expense of safe work practices and the Administration's monitoring measures failed to achieve its purpose. Members took a strong view that the Administration should conduct investigation into the causes of such accidents as well as draw up preventive measures and take specific enforcement actions against unsafe work practices.

4. According to the Administration, the Labour Department ("LD") had been closely monitoring the occupational safety of HZMB local projects. It had completed the investigation work of the fatal accident occurred on 29 March 2017 and, after consulting the Department of Justice, initiated prosecutions against the duty holders who were suspected to have contravened the occupational safety and health ("OSH") legislation. In addition, LD had in conjunction with the Marine Department organized talks and seminars on marine industrial safety for the resident site staff and frontline workers of HZMB projects. Members were also advised that given the commencement of various mega infrastructure projects in recent years, LD established a dedicated office in 2011, which was specifically tasked with inspecting these projects and conducting related law enforcement work.

#### *Safety of working at height*

5. Noting that most of the construction fatal accidents were related to fall of persons from height, members were concerned about the preventive measures adopted by the Administration to reduce risks associated with working at height. The Administration advised that the Committee on Construction Site Safety under the Construction Industry Council ("CIC") had formed a Task Force, comprising members from relevant government departments (including LD and the Buildings Department ("BD")) and industry stakeholders including representatives of relevant trade associations and workers' unions, to follow up the design safety for work at external walls. LD had also been working closely with BD in revising its Practice Notes to require developers when constructing new buildings to provide air-conditioner platforms with suitable guard-rails to facilitate air-conditioner maintenance, and devices to facilitate cleaning and repair at buildings with curtain walls. In addition, CIC issued the revised Guidelines on Planking Arrangement for Providing Working Platforms on

Bamboo Scaffolds ("the Guidelines") in September 2017, in a bid to prevent workers from falling through the voids. LD had also revised the Code of Practice for Bamboo Scaffolding Safety ("CoP") to facilitate the industry's compliance. LD would make reference to the Guidelines and CoP when enforcing safety legislation relating to the use of bamboo scaffolds

6. Members were further advised that LD had in collaboration with the Occupational Safety and Health Council ("OSHC") launched the Safety Helmets with Y-type Chin Straps Sponsorship Scheme for small and medium-sized enterprises ("SMEs") in April 2017, which provided subsidy to SMEs engaged in the construction industry to purchase safety helmets with Y-type chin straps that conformed to safety standards. In response to members' enquiry about the progress and effectiveness of the sponsorship scheme, the Administration advised that OSHC had approved 623 applications amounted to some \$400,000 up to July 2018. It was highlighted that some large and medium enterprises in the construction industry had taken their own initiative to purchase safety helmets with Y-type chin straps for their employees.

7. The Administration further advised that LD, in collaboration with OSHC, continued to promote the "OSH Star Enterprise Safety Accreditation Scheme" for the repair, maintenance, alteration and addition ("RMAA") industry. The Scheme covered the provision of safety training, subsidies for the purchase of fall arresting devices and safety audits for small and medium-sized RMAA contractors, and the offer of premium discounts up to 50% to those bamboo scaffolding contractors accredited under the Scheme through collaboration with the insurance sector.

#### *Safety at work in confined spaces*

8. Regarding the occupational safety of workers when carrying out works related to hand-dug tunnelling, the Administration advised that contractors had the legal obligation to ensure OSH of workers employed by them. LD also issued the "Guidance Notes on Safety and Health of Hand-dug Tunnelling Work" in December 2017 to enhance the protection of workers engaged in tunnelling works. The Guidance Notes highlighted that hand-dug tunnelling method should only be adopted under exceptional circumstances, and required relevant duty holders to take more stringent OSH measures before commencement of the works.

#### *Worksite inspections*

9. Noting that the number of fatal accidents in the construction industry had been increasing, members were concerned about LD's monitoring efforts and difficulties in manpower deployment for worksite inspections. The

Administration advised that LD had and would continue to bid for additional manpower resources in the resources allocation exercises for stepping up inspection and enforcement targeting at the construction industry. This apart, LD would continue to adopt a risk-based approach in devising measures to enhance OSH performance of the construction industry. Specifically, LD would participate in site safety management committee meetings of public works projects so that LD would be appraised of their latest risk situations, and give advice on work processes of higher risk and adjust the inspection strategy accordingly in a more focused manner. LD would also enhance the promotion of the complaint channel to encourage construction workers to report unsafe working condition so that LD could conduct prompt and targeted inspections.

#### *On-site safety officers*

10. Concern was raised about whether registered safety officers ("RSOs"), who were employed by construction contractors, would be proactive in reporting their employers' non-compliance with OSH requirements. There was a view that the Administration should make it mandatory for construction contractors to engage RSOs through an intermediary agency so as to ensure their independent role.

11. According to the Administration, RSOs were reminded of the importance of taking proactive steps to ensure that their employers/clients were fully aware of the potential adverse implications and consequences of refusing to accept or neglecting their advice. Should there be sufficient evidence that an RSO had failed to perform his duties, LD would activate the registration suspension/cancellation process for the safety officer concerned under the registration system for RSOs. The Administration was of the view that the requirement of engaging RSOs by contractors had achieved the desired outcome for the former to render assistance to contractors in establishing safety management systems to prevent accidents. The Administration added that under the law, duty holders of construction projects were not prohibited from engaging RSOs through an intermediary agency.

#### *Safety training for construction workers*

12. Some members considered that training on occupational safety should be provided for new entrants to the construction industry, in particular ethnic minorities ("EMs") who might encounter communication problem at work. The Administration pointed out that construction workers were required to receive safety training and complete the Mandatory Basic Safety Training Course (Construction Work) (commonly known as the "Green Card" course) before commencing work. The Administration further advised that LD had prepared promotional leaflets and posters with simple and easy-to-understand pictorial aids which were printed in various ethnic languages. Outreaching

seminars in collaboration with relevant labour unions were also organized at construction sites to deliver OSH message to EMs.

#### Industrial accidents in the food and beverage services sector

13. Some members expressed concern about the effectiveness of the publicity and educational efforts put in place by the Administration in addressing industrial accidents in the food and beverage services sector. According to the Administration, with a view to consolidating its efforts in publicity and promotion, education, training, research and sponsorship schemes for the catering industry, OSHC established the Catering Safety and Health Steering Committee in 2015 to further promote and enhance the work safety standards of the industry. In addition, OSHC continued to implement the "OSH Star Enterprises Catering OSH Enhancement Pilot Scheme" to further improve the work safety of the catering industry practitioners, and to encourage the industry to improve tidiness and cleanliness standards at workplaces. Members were also advised that LD would conduct special enforcement operations targeting at OSH of the catering industry.

#### Occupational safety under hot or inclement weather

14. Members were gravely concerned about OSH of employees working outdoor during hot summer and typhoon season, particularly heat stroke cases occurred in outdoor working environments. There was a suggestion that the general duty of an employer should include suspension of work under extremely hot weather in order to ensure the safety of workers.

15. The Administration advised that LD had published a guide on the prevention of heat stroke at work in a hot environment and practical methods for abating the risk of heat stroke. Duty holders were advised to arrange appropriate rest breaks for employees during hot periods, set up temporary sunshade wherever possible and provide cool potable water for employees at all times during work. The arrangement of an additional rest break had been implemented in all construction sites for workers during summer months, i.e. a 15-minute rest break in the morning in addition to the 30-minute rest break in the afternoon to prevent heat stroke at work as recommended by CIC under the "Guidelines on Site Safety Measures for Working in Hot Weather" issued in 2013.

16. The Administration further advised that LD had enhanced the protection of employees from heat stroke by conducting large-scale inspections to workplaces during the hot months over the past years. Specifically, LD had adopted a two-tier inspection mode whereby occupational safety officers ("OSOs") conducted inspections to workplaces of high-risk to heat stroke such as construction sites, container yards and outdoor cleansing workplaces, and

assessed the risk of heat stress. OSOs would take immediate enforcement actions against inadequate preventive measures for heat stroke, including initiating prosecution or issuing warnings and improvement notices. They would refer doubtful cases to LD's occupational hygienists for in-depth study with the aid of appropriate equipment.

### Raising penalties of the occupational safety and health legislation

17. Members noted with concern that the construction industry topped all industries in terms of the number of industrial fatalities and accident rate. Most members called for the imposition of heavier penalty on convicted cases related to fatal industrial accidents in the construction industry so as to increase the deterrent effect against non-compliance with OSH legislation. The Panel passed a motion at the special meeting on 12 April 2017 urging the Administration to, among others, increase the penalties by forbidding the companies concerned to tender in public works contracts for one year after the occurrence of a fatal accident, and to introduce legislative amendments to subject those consultants and contractors who were found to be negligent in their safety performance to criminal liability so as to further enhance the deterrence effect.

18. At the Panel meeting on 17 July 2018, members were briefed on the broad directions proposed by LD to raise the penalties of OSH legislation. According to the Administration, the overall objective of conducting a review of the penalty level for non-compliance with OSH legislation was to raise the deterrence to an appropriate level. While the penalty review had not been finalized, the Administration would make reference to the penalty levels under similar legislation in other jurisdictions and relevant overseas experience on instituting prosecution against offences of similar nature and take into account the actual situation in Hong Kong when working out the legislative amendment details. Depending on the views of relevant stakeholders and the progress of law drafting, the Administration aimed to introduce an amendment bill within the 2019-2020 legislative session.

### **Relevant papers**

19. A list of the relevant papers on the LegCo website is in the **Appendix**.

**Relevant papers on  
Occupational safety performance in Hong Kong**

<b>Committee</b>	<b>Date of meeting</b>	<b>Paper</b>
Panel on Manpower	21.1.2009 (Item III)	<a href="#">Agenda</a> <a href="#">Minutes</a>
Panel on Manpower	16.7.2009 (Item II)	<a href="#">Agenda</a> <a href="#">Minutes</a>
Panel on Manpower	22.10.2009 (Item III)	<a href="#">Agenda</a> <a href="#">Minutes</a>
Panel on Manpower	21.1.2010 (Item III)	<a href="#">Agenda</a> <a href="#">Minutes</a>
Legislative Council	5.5.2010	<a href="#">Motion on "Medical check-ups for professional drivers"</a>
Legislative Council	12.5.2010	<a href="#">Motion on "Protecting the safety and health of employees at work in inclement weather"</a>
Legislative Council	19.5.2010	<a href="#">Motion on "Reviewing occupational safety and health and employees' compensation system"</a>
Panel on Manpower	20.5.2010 (Item IV)	<a href="#">Agenda</a> <a href="#">Minutes</a>
Panel on Manpower	20.1.2011 (Item IV)	<a href="#">Agenda</a> <a href="#">Minutes</a>
Panel on Manpower	17.6.2011 (Item IV)	<a href="#">Agenda</a> <a href="#">Minutes</a>
Legislative Council	6.7.2011	<a href="#">Official Record of Proceedings (Question 2)</a>

<b>Committee</b>	<b>Date of meeting</b>	<b>Paper</b>
Legislative Council	19.10.2011	<a href="#">Official Record of Proceedings (Question 7)</a>
Legislative Council	14.12.2011	<a href="#">Official Record of Proceedings (Question 1)</a>
Legislative Council	11.1.2012	<a href="#">Official Record of Proceedings (Question 10)</a>
Legislative Council	28.3.2012	<a href="#">Official Record of Proceedings (Question 11)</a>
Panel on Manpower	20.6.2012 (Item V)	<a href="#">Agenda</a> <a href="#">Minutes</a>
Panel on Manpower	11.7.2012 (Item IV)	<a href="#">Agenda</a> <a href="#">Minutes</a>
Panel on Manpower	18.12.2012 (Item IV)	<a href="#">Agenda</a> <a href="#">Minutes</a>
Panel on Manpower	25.1.2013 (Item V)	<a href="#">Agenda</a> <a href="#">Minutes</a>
Panel on Manpower	16.4.2013 (Item V)	<a href="#">Agenda</a> <a href="#">Minutes</a>
Panel on Manpower	19.11.2013 (Item V)	<a href="#">Agenda</a> <a href="#">Minutes</a>
Panel on Manpower	17.12.2013 (Item V)	<a href="#">Agenda</a> <a href="#">Minutes</a>
Legislative Council	18.12.2013	<a href="#">Official Record of Proceedings (Question 13)</a>
Legislative Council	8.1.2014	<a href="#">Official Record of Proceedings (Question 21 and 22)</a>



<b>Committee</b>	<b>Date of meeting</b>	<b>Paper</b>
Panel on Manpower	15.4.2014 (Item IV)	<a href="#">Agenda</a> <a href="#">Minutes</a> <a href="#">LC Paper No. CB(2)1836/13-14(01)</a>
Legislative Council	16.4.2014	<a href="#">Official Record of Proceedings</a> <a href="#">(Question 6)</a>
Legislative Council	30.4.2014	<a href="#">Official Record of Proceedings</a> <a href="#">(Question 2)</a>
Legislative Council	11.6.2014	<a href="#">Official Record of Proceedings</a> <a href="#">(Question 1)</a>
Panel on Manpower	17.6.2014 (Item V)	<a href="#">Agenda</a> <a href="#">Minutes</a>
Panel on Manpower	18.11.2014 (Item IV)	<a href="#">Agenda</a> <a href="#">Minutes</a>
Panel on Manpower	17.3.2015 (Item IV)	<a href="#">Agenda</a> <a href="#">Minutes</a>
Panel on Manpower	16.6.2015 (Item IV)	<a href="#">Agenda</a> <a href="#">Minutes</a>
Panel on Manpower	14.7.2015 (Item II)	<a href="#">Agenda</a> <a href="#">Minutes</a>
Panel on Manpower	17.11.2015 (Item IV)	<a href="#">Agenda</a> <a href="#">Minutes</a>
Legislative Council	3.2.2016	<a href="#">Official Record of Proceedings</a> <a href="#">(Question 15)</a>
Panel on Manpower	15.3.2016 (Item V)	<a href="#">Agenda</a> <a href="#">Minutes</a>
Panel on Manpower	21.6.2016 (Item III)	<a href="#">Agenda</a> <a href="#">Minutes</a>

<b>Committee</b>	<b>Date of meeting</b>	<b>Paper</b>
Panel on Manpower	15.11.2016 (Item V)	<a href="#">Agenda</a> <a href="#">Minutes</a> <a href="#">LC Paper No. CB(2)866/16-17(01)</a>
Legislative Council	16.11.2016	<a href="#">Official Record of Proceedings (Question 19)</a>
Legislative Council	30.11.2016	<a href="#">Official Record of Proceedings (Question 1)</a>
Legislative Council	11.1.2017	<a href="#">Official Record of Proceedings (Question 4)</a>
Panel on Manpower	23.1.2017 (Item III)	<a href="#">Agenda</a> <a href="#">Minutes</a>
Panel on Manpower (Special meeting)	12.4.2017 (Item I)	<a href="#">Agenda</a> <a href="#">LC Paper No. CB(2)1357/16-17(05)</a>
Panel on Manpower	16.5.2017 (Item V)	<a href="#">Agenda</a> <a href="#">Minutes</a>
Panel on Manpower	20.6.2017 (Item IV)	<a href="#">Agenda</a> <a href="#">Minutes</a>
Panel on Manpower	18.7.2017 (Item V)	<a href="#">Agenda</a> <a href="#">Minutes</a>
Panel on Manpower	19.12.2017 (Item V)	<a href="#">Agenda</a> <a href="#">Minutes</a>
Panel on Manpower	17.7.2018 (Item II & III)	<a href="#">Agenda</a> <a href="#">Minutes</a>