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Panel on Manpower

**Information note prepared by the Legislative Council Secretariat
for the meeting on 21 May 2019**

**Working arrangements and labour benefits for government outsourced
workers performing cleansing duties in public toilets**

The Panel on Manpower ("the Panel") has not discussed specifically the working arrangements and labour benefits for government outsourced workers performing cleansing duties in public toilets. However, in the context of discussing enhancing the protection of non-skilled employees engaged by government service contractors ("GSCs") at the Panel meetings on 15 January and 19 February 2019, members raised concern about the lack of storage and rest/changing facilities for government outsourced workers performing cleansing duties in public toilets. Members urged the Administration to request GSCs to specify in the standard employment contract the provision of necessary and suitable items/clothing/equipment, drinkable water as well as rest time and paid meal breaks to non-skilled employees. Some members also expressed dissatisfaction at the Administration's inadequate efforts in monitoring the cleansing services and maintenance of public toilet facilities after outsourcing the cleansing services to GSCs and called for further improvement and monitoring of the government outsourcing system.

2. According to the Administration's reply to a question raised by a Member at the Council meeting, government departments would, taking into account the area of the venue and other relevant considerations, provide appropriate rest facilities for contractors' employees. GSCs should provide a reasonable and safe working environment for their employees and, as far as reasonably practicable, comply with the "Guidelines for Good Occupational Hygiene Practice in a Workplace". The relevant question raised by the Member and the Administration's reply is in the **Appendix**.

Press Releases

LCQ20: Working environment and rest facilities of the Government's outsourced workers

Following is a question by the Hon Chan Hak-kan and a written reply by the Secretary for Labour and Welfare, Mr Matthew Cheung Kin-chung, in the Legislative Council today (January 22):

Question :

It is learnt that as some of the newly completed government venues (such as Tuen Mun North West Swimming Pool) do not provide for rest rooms, toilets and changing rooms for use by employees of the outsourced service contractors (contractors), such employees need to take their meals on staircases and queue up to use public changing rooms. In addition, it has been reported that quite a number of cleansing staff employed by the contractors under the Food and Environmental Hygiene Department (FEHD), the Leisure and Cultural Services Department (LCSD) and the Housing Department (HD) can take a break beside refuse bins only, need to change their uniforms at home before going to work and are not permitted to use government staff toilets. In this connection, will the Government inform this Council:

- (1) whether, according to the relevant criteria or guidelines, the authorities are required to reserve space for and build facilities (such as rest rooms, toilets and changing rooms) for use by the contractors' employees when designing government venues; if so, of the details; if not, the reasons for that;
- (2) of the respective current numbers of venues under FEHD, LCSD and HD (including refuse collection points, public toilets, shopping malls in public housing estates, car parks, swimming pools and sports grounds, etc.) with contractors engaged and, among them, the respective numbers of venues provided with rest rooms, changing rooms and water dispensers for use by the contractors' employees; if the venues are not provided with such facilities, of the reasons for that;
- (3) whether it is commonly stipulated in the existing outsourced service contracts that contractors must provide a reasonable and safe working environment for their employees; if so, of the contents of the relevant clauses; if not, whether it will consult the Labour Department (LD) and include such clauses in the contracts in future; and
- (4) whether LD has any plan to assess the working environment of the contractors' employees to examine if they are working in a reasonable and safe environment; if it has, of the details of the plan; if not, the reasons for that?

Reply :

President,

The Occupational Safety and Health Ordinance (OSHO) and its subsidiary regulations provide for employers' duty to ensure, as far as reasonably practicable, their employees' safety and health at work. The person responsible for a workplace is also required to provide drinking water, toilets and other sanitary

conveniences. LD has prepared the "Guidelines for Good Occupational Hygiene Practice in a Workplace" to remind employers of their duties to ensure that sufficient sanitary conveniences and wash basins are provided at readily accessible locations near work areas and adjacent to other facilities such as changing rooms.

My reply to the four parts of the question is as follows:

(1) According to the information provided by the Government Property Agency, when designing government venues, government departments will calculate the space required, including staff's workplace, based on the staff's ranks, operational needs and facilities required. The identity of the employee (whether he is a civil servant, contract staff or outsourced worker) is not a consideration.

(2) At present, the number of government venues of FEHD, LCSD and HD with contractors engaged is more than 400, 750 and 160 respectively. Taking into account the area of the venue and other relevant considerations, the Administration will provide suitable rest facilities for employees of the contractors. If rest facilities are available for members of the public and/ or staff at the venues concerned, employees of the contractors can generally make use of those facilities. Many government venues with contractors engaged have rest rooms, changing rooms or water dispensers, which can normally be used by employees of the contractors. Some venues do not provide for such facilities owing to space constraints.

(3) and (4) According to the information provided by departments, generally there are contractual provisions stipulating that the contractors should comply with all the legislation in relation to the execution of the service contracts, including OSHO. LD will review the outsourced service contracts concerned to consider the need to advise relevant departments to revise the service contracts or make other administrative arrangements with a view to ensuring that the contractors provide a reasonable and safe working environment for their employees and, as far as reasonably practicable, comply with the "Guidelines for Good Occupational Hygiene Practice in a Workplace".

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