

立法會
Legislative Council

LC Paper No. CB(2)1390/20-21
(These minutes have been seen
by the Administration)

Ref : CB2/PL/MP

Panel on Manpower

Minutes of meeting
held on Tuesday, 18 May 2021, at 4:30 pm
in Conference Room 2 of the Legislative Council Complex

Members present : Hon LUK Chung-hung, JP (Chairman)
Hon CHAN Chun-ying, JP (Deputy Chairman)
Hon YIU Si-wing, BBS
Hon Alice MAK Mei-kuen, BBS, JP
Hon KWOK Wai-keung, JP
Hon POON Siu-ping, BBS, MH
Dr Hon CHIANG Lai-wan, SBS, JP
Hon CHUNG Kwok-pan
Hon SHIU Ka-fai, JP
Hon Wilson OR Chong-shing, MH
Hon YUNG Hoi-yan, JP
Dr Hon Pierre CHAN
Hon Vincent CHENG Wing-shun, MH, JP

Member absent : Hon WONG Kwok-kin, SBS, JP

Public Officers attending : Item III
Mr HO Kai-ming, JP
Under Secretary for Labour and Welfare

Item IV
Mr HO Kai-ming, JP
Under Secretary for Labour and Welfare

Mr Chris SUN Yuk-han, JP
Commissioner for Labour

Mr Raymond HO Kam-biu, JP
Assistant Commissioner for Labour (Development)

Miss Bonny WONG Wai-man
Senior Labour Officer (Maternity Leave Pay) 1
Labour Department

Item V

Mr Jeff LEUNG Wing-yan, JP
Deputy Commissioner for Labour
(Occupational Safety and Health)

Dr WAN Yuen-kong
Occupational Health Consultant (1)
Labour Department

Dr KONG Hing-kei
Acting Occupational Health Consultant (2)
Labour Department

Mr MA Kwok-kuen
Senior Labour Officer (Compensation) (Operations 1)
Labour Department

Ms Pearl KWOK Sze-ngar
Senior Labour Officer (Labour Relations) (Liaison)
Labour Department

Item VI

Mr Jeff LEUNG Wing-yan, JP
Deputy Commissioner for Labour
(Occupational Safety and Health)

Mr CHAN Ka-lai
Acting Assistant Commissioner for Labour
(Occupational Safety)

Mr WAN Chi-ping
Chief Occupational Safety Officer (System and Support)
Labour Department

Clerk in attendance : Miss Betty MA
Chief Council Secretary (2) 1

Staff in attendance : Ms Rita LAI
Senior Council Secretary (2) 1

Ms Kiwi NG
Legislative Assistant (2) 1

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I. Information paper issued since the last meeting

Members noted that no information paper had been issued since the last meeting.

II. Date of next meeting and items for discussion
(LC Paper Nos. CB(2)1080/20-21(01) and (02))

Regular meeting in June 2021

2. Members agreed that the following items proposed by the Administration be discussed at the next regular meeting at 4:30 pm on 15 June 2021:

- (a) Employees' right, benefits and welfare of digital platform workers and casual workers; and
- (b) Report on the Consultancy Study on Relationship between Notified Workplace Deaths and Work Condition.

3. Dr CHIANG Lai-wan suggested that the Panel should discuss the latest employment situation in Hong Kong and the specific assistance measures targeted at employees from industries that suffered from the epidemic. Mr YIU Si-wing echoed a similar concern and suggested that the Panel should discuss the implementation of the Job Creation Scheme. The Chairman suggested and members agreed that the issues would be followed up by the Subcommittee to Study the Setting Up of an Unemployment Assistance System in Hong Kong.

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III. Update on the proposal to abolish the offsetting arrangement under the Mandatory Provident Fund System

4. At the invitation of the Chairman, the Under Secretary for Labour and Welfare ("USLW") provided members with an update on the preparatory work for abolishing the "offsetting" arrangement under the Mandatory Provident Fund ("MPF") System, as detailed in his speaking note tabled at the meeting.

(Post-meeting note: The speaking note of USLW was issued to members vide LC Paper No. CB(2)1098/20-21 on 20 May 2021.)

IV. Implementation of the Reimbursement of Maternity Leave Pay Scheme

(LC Paper Nos. CB(2)1080/20-21(03) and (04))

5. At the invitation of the Chairman, USLW briefed members on the implementation of the Reimbursement of Maternity Pay Leave Scheme ("RMLP Scheme") administered by the Labour Department ("LD"), as detailed in the Administration's paper.

6. Members noted a background brief entitled "The Reimbursement of Maternity Leave Pay Scheme" prepared by the Legislative Council ("LegCo") Secretariat.

Implementation of the Reimbursement of Maternity Pay Leave Scheme

7. Mr KWOK Wai-keung, Mr POON Siu-ping and Mr Vincent CHENG expressed concern about the implementation of the RMLP Scheme. Specifically, they asked about the number of applications received under the Scheme since its inception and whether it met the expectation.

8. USLW responded that since the coming into operation of the Employment (Amendment) Ordinance 2020 ("Amendment Ordinance") on 11 December 2020, employers could apply to the Government for full reimbursement of the additional maternity leave pay ("MLP") that was required to be paid and had been paid to employees pursuant to the Amendment Ordinance. USLW and Commissioner for Labour ("C for L") advised that since the launching of the RMLP Scheme on 1 April 2021 and up till 17 May 2021, 428 applications had been received from employers, of which 205 applications had been processed. It was expected that more applications would be received in the forthcoming period. It was noteworthy that employers would be required to submit applications not later than three

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months after the last day of the employee's 14 weeks' statutory maternity leave ("ML") under the Employment Ordinance (Cap. 57) ("EO"); or not later than three months after the commencement date (i.e. 1 April 2021) of the RMLP Scheme (whichever was later). As such, the first batch of employers could seek reimbursement for the additional MLP by end of June 2021.

9. The Chairman and the Deputy Chairman sought information on the proportion of applications for RMLP submitted on-line through the Reimbursement Easy Portal ("REP"). The Deputy Chairman expressed further concern as to relevant promotional work of REP targeted at the small- and medium-sized enterprises ("SMEs") so as to facilitate their submission of applications. C for L advised that of the 177 applications for RMLP received in April 2021, around 85% of the applications were submitted through REP.

10. Mr Vincent CHENG called on the Government to step up its publicity efforts so as to enhance public understanding of the RMLP Scheme. The Chairman added that the Government should strengthen the publicity in respect of employees' entitlement to 14 weeks' statutory ML. Consideration could be given to publicizing the RMLP Scheme to females who just gave birth to babies at hospitals. USLW responded that the Administration would consider extending the publicity to hospitals in respect of members' suggestions and advised that the Government had in fact publicized the RMLP Scheme at the Maternal and Child Health Centres.

Organization of the Reimbursement of Maternity Leave Pay Division and need for the proposed Chief Labour Officer post

11. Having regard to the outsourcing of the administration of the RMLP Scheme to a private sector processing agent and the fact that only some 27 000 cases were expected to seek reimbursement under the RMLP Scheme each year, Mr Vincent CHENG held the view that a prudent approach should be adopted in considering the proposed creation of a supernumerary post of Chief Labour Officer ("CLO") (D1) to lead the RMLP Division. Mr CHENG called on the Administration to first critically examine the viability of absorbing the duties of the proposed CLO post by internal redeployment of resources.

12. Mr POON Siu-ping queried about the delineation of responsibilities between the proposed CLO post and other CLO posts in LD. Firstly, he was concerned whether the responsibilities of the proposed CLO post to assist in the formation and execution of the operational arrangements for disbursing government subsidies to employers after the abolition of the "offsetting" arrangement would overlap with that of the CLO (Offsetting Policy)

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("CLO(OP)") post in LD's Labour Administration Branch. Secondly, he was concerned whether the responsibilities of the proposed CLO post in respect of the regulation of trade unions to ensure their compliance with the Trade Unions Ordinance (Cap. 332) ("TUO") would overlap with that of the CLO (Statutory Minimum Wage) ("CLO(SMW)") post who was currently the Registrar of Trade Unions. Ms Alice MAK was particularly concerned about how the proposed CLO post would assist in the regulation of trade unions to ensure their compliance with TUO and The Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region ("National Security Law"). Mr Vincent CHENG asked whether the Government would consider designating a CLO post for solely taking up duties in relation to trade unions' compliance with TUO.

13. In response to members' views and concerns, USLW and C for L advised that to ensure the effective implementation of the RMLP Scheme, LD proposed to create a supernumerary post of CLO (D1) for three years to lead and plan the work of the RMLP Division. Given the scale and new implementation mode of the RMLP Scheme as well as the complexity of the relevant legislative provisions, the proposed post could provide high-level supervision and coordination for ensuring the effective implementation of the RMLP Scheme and proper use of public funds. The proposed post would also assist in the formulation and execution of the operational arrangements for disbursing government subsidies to employers under the abolition of the "offsetting" arrangement, and strengthening the regulation of trade unions.

14. USLW and C for L further advised that the CLO(OP) post in LD provided support to the Assistant Commissioner for Labour (Policy Support) in taking forward the work relating to the abolition of the "offsetting" of severance payment and long service payment with employers' mandatory contributions under the MPF System. Currently, the incumbent of the CLO(OP) post was fully stretched by the relevant legislative work. To expedite the preparatory work for the abolition of the "offsetting" arrangement, the proposed CLO post would, among others, provide support to the Assistant Commissioner for Labour (Development) ("ACL(D)") in formulating and executing the operational arrangements for disbursing government subsidies to employers after the abolition of the "offsetting" arrangement.

15. USLW and C for L further said that the CLO(SMW) post was mainly tasked with formulation of policies and strategies in respect of SMW and the Minimum Wage Ordinance (Cap. 608). In view of the significant increase in the number of registered trade unions in the past months, it was considered necessary to strengthen the strategic and policy support to ACL(D) in respect of the regulation of trade unions, including formulating and implementing

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targeted enforcement strategies for ensuring trade unions' compliance with TUO and relevant laws (including the National Security Law), supervising the investigation and follow-up work on complaints against trade unions, reviewing the relevant provisions of TUO, etc. C for L supplemented that the proposed CLO post would be responsible for performing relevant statutory responsibilities conferred by TUO and the National Security Law as well as overseeing the administration of TUO and the operation of the Registry of Trade Unions to assist in achieving sound trade union management, promote responsible trade unionism and protect the interests of trade union members.

16. C for L stressed that as the supernumerary CLO post responsible for the working hours policy had lapsed on 31 March 2021, if the creation of the proposed CLO post was approved, there would be no change in the directorate establishment of LD for 2021-2022 as compared to the previous two years. USLW and C for L appealed to members to support the proposal for creation of the CLO post which had been submitted to the Establishment Subcommittee for consideration.

17. Mr YIU Si-wing, Mr KWOK Wai-keung and Mr Vincent CHENG expressed grave concern about the organization and work of the RMLP Division which comprised 31 civil service posts and 13 contract staff. Given that an outsourced processing agent with its own staff members had already been appointed at end 2020 to assist in the administration of the RMLP Scheme and that there would be only some 27 000 cases seeking reimbursement under the RMLP Scheme each year, the Chairman, Mr YIU and Mr CHENG urged the Government to critically review the organization and staffing of the RMLP Division. Mr KWOK said that the Hong Kong Federation of Trade Unions was in principle not in support of outsourcing government services and enquired about the Government's plan of taking up the relevant tasks on its own in the long run. The Chairman shared a similar concern. Mr POON Siu-ping cast doubt about the need to appoint the processing agent in the administration of the RMLP Scheme in view of the small number of applications each year. Ms Alice MAK asked how the appointment of the private sector processing agent could better assist in the implementation of the RMLP Scheme as compared with performing the duties by government employees.

18. USLW and C for L responded that the RMLP Scheme was a new measure using public money to subsidize employers in providing employment benefits to their employees under EO. With reference to the statistics of 2019, it was estimated that some 27 000 female employees would benefit from the Amendment Ordinance each year and relevant employers were entitled to seek reimbursement from the Government for the additional MLP amounting

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to around \$498 million per annum. The RMLP Division would closely monitor the operations of the RMLP Scheme to ensure that the processing agent could timely and effectively handle and process applications for RMLP. Specifically, the Division would offer advice to the processing agent on processing of applications and approval instructions having regard to the actual circumstances, arrange payment of RMLP to applicant employers, formulate publicity and public engagement activities of the RMLP Scheme, handle enquiries, respond to views of stakeholders, etc.

19. C for L further advised that as the appointment of the processing agent would be subject to regular tendering exercises, LD needed to have its own staff to establish and monitor the implementation arrangements for ensuring uninterrupted provision of services of the RMLP Scheme during changes of processing agents in future. While the Government would not rule out the possibility of implementing the RMLP Scheme on its own, the appointment of the processing agent helped speed up the launch of the RMLP Scheme on 1 April 2021 following the coming into operation of the Amendment Ordinance. In general, the notification of application results and payment of RMLP for approved applications would be made within 15 working days upon receipt of an application together with all the required information and documents.

Monitoring of the processing agent

20. In response to the Deputy Chairman's enquiry about whether a penalty mechanism was put in place for monitoring the performance and work of the processing agent, C for L and ACL(D) advised that the RMLP Division would closely monitor the performance of the processing agent to ensure its compliance with the policy objectives and standards laid down in the service contract. ACL(D) added that the RMLP Scheme had put in place a mechanism to monitor and review the performance of the processing agent including quality assurance checks and internal audit checks, so as to ensure that the processing agent would handle the applications properly and deliver the services effectively. Advice and/or warning would be issued to the processing agent if the service standard deviated from that laid down in the service contract. Notably, the retention money would be withheld and would only be released to the processing agent for completion of its work to the satisfaction of LD in accordance with the service contract.

21. As regards internal audit checks of RMLP applications processed by the processing agent, Mr POON Siu-ping sought information on the proportion and selection of applications to be checked. Mr KWOK Wai-keung was concerned that the compliance checks would cause unnecessary inconvenience

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to the applicants if the RMLP Division would need to obtain information from the applicants.

22. C for L responded that in vetting and approving applications under the RMLP Scheme, it was necessary to ensure that the approved reimbursement payment to employers met the requirements of the Scheme. A risk-based approach would be adopted in conducting the quality assurance checks and internal audit checks of applications processed by the processing agent. It was expected that less than 10% of the applications handled by the processing agent would be checked and on-site inspections would also be conducted by the RMLP Division. The RMLP Division would keep in view any special cases or irregularities. ACL(D) added that in vetting applications for RMLP, the processing agent would need to verify the eligibility of applicants and the calculation of MLP in accordance with EO and under different modes of employment. For verification purpose, employers would be required to provide further information, such as wage data of the employees concerned in the 12-month period preceding the first day of ML and employment contracts of employees as necessary.

V. Occupational disease and occupational health situation in 2020
(LC Paper Nos. CB(2)1080/20-21(05) and (06))

23. At the invitation of the Chairman, Deputy Commissioner for Labour (Occupational Safety and Health) ("DC for L (OSH)") briefed members on the occupational diseases and occupational health situation in Hong Kong in 2020 and the related promotion and enforcement work of LD, as detailed in the Administration's paper.

24. Members noted an updated background brief entitled "Occupational diseases and occupational health performance in Hong Kong" prepared by the LegCo Secretariat.

Confirmed cases of occupational diseases in 2020

25. Mr POON Siu-ping sought explanation for the significant decrease in the number of confirmed cases of occupational diseases from 442 in 2019 to 216 in 2020, in particular the reduction of occupational deafness cases from 308 in 2019 to 78 in 2020.

26. DC for L (OSH) explained that in making applications to the Occupational Deafness Compensation Board ("ODCB") for compensation, the applicants would be arranged to receive hearing test at designated hearing test

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centres of the Hospital Authority. Given the suspension of such testing services in 2020 due to the COVID-19 epidemic, the number of confirmed cases of occupational deafness was thus reduced as compared with those of previous years. Nevertheless, the testing services had resumed normal from early 2021 and it was expected that the backlog cases could be cleared accordingly.

27. The Deputy Chairman noted with concern that the number of confirmed cases of occupational deafness topped those of all other occupational diseases in the past five years and enquired about the Government's efforts in addressing noisy hazard and reducing hearing damage at workplaces.

28. In response, DC for L (OSH) said that ODCB and the Occupational Safety and Health Council ("OSHC") had taken the initiatives to promote awareness on prevention of occupational deafness and exposure to noisy environment at work. The Government would liaise with them and provide the requisite information after the meeting.

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Employees' compensation for contracting COVID-19 at work

29. Mr POON Siu-ping and Mr KWOK Wai-keung said that the labour sector called on the Government to consider prescribing COVID-19 as an occupational disease under the Employees' Compensation Ordinance (Cap 282) ("ECO") so as to enhance protection for employees. Mr POON then sought information on LD's follow-up work in respect of employees' compensation claims with employees suspected to have contracted COVID-19 arising out of and in the course of employment.

30. Senior Labour Officer (Compensation) (Operations 1)/LD ("SLO(C)(OP1)/LD") advised that from January 2020 to 28 April 2021, LD received a total of 541 employees' compensation claims with employees suspected to have contracted COVID-19 arising out of and in the course of employment. Of these cases, 528 cases were reported to LD on the employers' own initiative and the remaining 13 cases were followed up by LD upon notification by the employees. However, over 20% of the employees concerned withdrew their claims or did not pursue further with their claims owing to various reasons, such as the employers were confirmed to have no liability for employees' compensation or the employees had fully recovered after taking sick leaves. Of those cases which were confirmed to be work injury cases, the employers concerned were required to take up the employees' compensation liability, and so far 11 non-fatal cases, in which the average period of absence from duty was 23 days, were settled after the employers had made payments in accordance with the Certificate of Compensation

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Assessment issued by C for L. LD was actively following up the remaining cases.

31. Mr KWOK Wai-keung expressed grave concern that over 100 healthcare personnel were involved in the 541 employees' compensation claims. While employees infected with disease at work were currently protected under section 36(1) of ECO, the onus was on the employee to prove that the infection was by accident arising out of and in the course of employment. Mr KWOK was concerned about LD's provision of assistance to the employees concerned as well as the average processing time and the progress of handling such claims.

32. The Chairman took the view that COVID-19 should be prescribed as a compensable occupational disease under ECO as in the case of the Severe Acute Respiratory Syndrome in 2003, notwithstanding that the Government's repeated saying that the criteria for prescribing COVID-19 as a compensable occupational disease had yet to be met. It was illogical for employees having contracted COVID-19 arising out of employment to seek employees' compensation for work injury under ECO. Enquiry was raised as to whether employees having contracted COVID-19 with unknown source would be classified as work injury cases under ECO. The Chairman drew the attention of the Government to the fact that the Panel passed two motions at its meeting on 21 April 2020 urging it to, among others, list COVID-19 in the Second Schedule to ECO as an occupational disease immediately. He also called on the Government to expedite the processing of such employees' compensation claims.

33. SLO(C)(OP1)/LD advised that at the time of reporting to LD, the majority of the above employees' compensation claims had yet to be confirmed whether the employees concerned had contracted COVID-19 at work or the infections were linked to other sources. Apart from information provided by the employers and employees concerned, LD would obtain medical reports and advice from the Centre for Health Protection of the Department of Health with reference to the contact tracing findings for consideration. LD would then inform both parties about its views on the likelihood and relevance of the case being work-related. Notably, a number of employers admitted the employees' compensation liability accordingly. On whether cases with employees contracting COVID-19 from unknown sources would be compensable under ECO, it would be subject to all available information, including the medical reports and contact tracing findings as well as information provided by employers and employees in individual cases.

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34. DC for L (OSH) and SLO(C)(OP1)/LD further advised that the lead time taken by LD to handle a work injury claim case hinged on the facts of the case and the production of necessary information. SLO(C)(OP1)/LD added that currently, there were more than 100 such cases awaiting medical reports. Also, more than 100 cases were being processed and LD would soon provide its views on the likelihood and relevance of these cases being work injuries.

Prevention of heat stroke at work

35. With respect to the Portable Waist Fan Sponsorship Scheme for SMEs ("the Scheme") launched by LD and OSHC in April 2021 to sponsor SMEs, the Deputy Chairman sought information on the sponsorship quota under the Scheme and whether there was any plan to increase the quota to benefit more employees. Mr Vincent CHENG appealed to the Government to increase the amount of subsidy for each SME to buy these fans.

36. Occupational Health Consultant (1)/LD ("OHC(1)/LD") responded that the Scheme was launched by LD and OSHC in April 2021 to sponsor SMEs in nine industries with a higher risk of heat stroke to buy portable waist fans at a discounted price and there was a quota of about 600 applications under the Scheme. After the launch of the Scheme, there was overwhelming response from the industries. LD and OSHC were considering increasing the sponsorship quota to benefit more employees.

37. Mr POON Siu-ping recalled that a pilot scheme had been launched years ago to test the effectiveness of cooling vests on prevention of heat stroke at work. He asked about the relevant assessment outcome.

38. DC for L (OSH) responded that OSHC had commissioned a university to study the effectiveness of personal cooling vests in reducing heat stress of workers at work and thereafter launched a pilot scheme to explore the feasibility of wider use of cooling vests in several industries in the summer of 2013. The evaluation results with comments such as "too bulky" and body cooling effect lasting for a short period of time indicated that the personal cooling vests could not fully satisfy the workers' needs. On the other hand, according to the evaluation result through a questionnaire survey on the large-scale promotional campaign on heat stroke prevention launched by LD in collaboration with OSHC in 2020 ("the promotional campaign"), portable waist fan was the most popular cooling product. The fan was small in size. Mounted on the waist, the fan delivered cool air under the clothing and helped to dissipate heat. It also kept the skin dry and prevented it from sticking to the clothes with the sweat. Requiring no hands for its operation, the fan allowed the worker to work freely.

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39. Pointing out that Hong Kong was getting increasingly hot during summer, Mr Vincent CHENG asked about the measures adopted by the Government to better safeguard the occupational health of employees when performing outdoor work in the hot summer months.

40. DC for L (OSH) advised that LD launched the promotional campaign in May 2020. Through distributing protective equipment, broadcasting publicity video and conducting extensive publicity, the promotional campaign sought to remind outdoor workers of the potential hazards of working under very hot weather and the need to take suitable preventive measures, including drinking more water or electrolytes-containing beverages, wearing light-coloured air permeable clothing, wearing wide-brimmed hats or safety helmets with neck shades, wearing arm covers, etc. In addition, LD also issued guidelines on rest breaks to employers and encouraged them to work out through consultation with their employees rest break arrangements as agreed by both parties. As regards inspections targeting at outdoor workplaces with a higher risk of heat stroke, LD would check with both duty holders and employees to see whether the duty holders had taken appropriate preventive measures, including providing suitable rest breaks, with a view to effectively safeguarding employees' OSH. Notably, during LD's 22 000 inspections targeting at outdoor workplaces with a higher risk of heat stroke in 2020, both duty holders and employees had confirmed the provision of suitable rest breaks.

41. In response to Mr Vincent CHENG's follow-up enquiry about the enforcement work after the inspections to outdoor workplaces with a higher risk of heat stroke, OHC(1)/LD advised that two improvement notices and 11 warning letters were issued from April to September 2020 for relatively minor problems, such as inadequate ventilation of workplaces and employers' failure in providing potable water in the vicinity of workplaces. No prosecution had been taken out during the period.

Study on cases of sudden death at workplaces

42. With respect to the study on employees' sudden death at work being conducted by OSHC, the Deputy Chairman asked about the progress and when the study findings would be made available.

43. DC for L (OSH) responded that in October 2017, LD commissioned OSHC to undertake a three-year study on the relationship between workplace deaths and work condition. OSHC had completed the study and submitted a report to LD in early 2021. LD would revert to the Panel on the key findings of the study as well as LD's observations on the matter in June 2021.

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VI. Hong Kong's occupational safety performance in 2020

(LC Paper Nos. CB(2)1080/20-21(07) and (08))

44. At the invitation of the Chairman, DC for L (OSH) briefed members on Hong Kong's occupational safety performance in 2020 as detailed in the Administration's paper.

45. Members noted an updated background brief entitled "Occupational safety performance in Hong Kong" prepared by the LegCo Secretariat.

Occupational injuries statistics

46. The Chairman, Mr KWOK Wai-keung and Mr POON Siu-ping expressed grave concern that the number of occupational injuries had remained on the high side in the past years regardless of numerous efforts made by the Government to improve the occupational safety performance of various industries. The Chairman held the view that more resources should be allocated for implementing safety measures at workplaces so as to effectively help reduce the number of industrial accidents. Mr KWOK remarked that it was necessary to conduct studies on the causes of industrial accidents and adopt specific counter measures to prevent the recurrence of similar industrial accidents. Mr POON considered it imperative to raise the deterrent effect of penalties for non-compliance with the OSH legislation and called on the Government to be determined to take forward the relevant legislative amendment exercise regardless of opposition views from the employer side.

47. DC for L (OSH) responded that with a view to better safeguarding employees at work, LD endeavoured to devise new policies and measures, including taking forward the legislative amendment proposal to raise penalties of OSH offences so as to increase the deterrent effect for non-compliance with OSH legislation and refining the statutory notification mechanism of construction works. Meanwhile, LD had also implemented specific measures, such as promoting safety measures on working at height by using step platforms instead of A-ladders for work-above-ground activities and using safety helmets with chin straps. Moreover, portable waist fans were used to prevent heat stroke hazard.

48. Mr SHIU Ka-fai asked about the factors attributing to the decrease in the accident rates per 1 000 employees for the construction industry in the past few years. DC for L (OSH) said that the construction industry was one of the industries mostly affected by the COVID-19 epidemic. As such, the decrease in the accident rates per 1 000 employees for the construction industry in 2020 might be attributed to the employment market situation in that year.

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49. Mr SHIU Ka-fai sought information on the causes for the 18 fatal cases in the construction industry in 2020. With respect to the seven fatal cases of persons falling from height, Mr SHIU sought further information on the respective numbers of cases involving large-scale and small-scale works projects. DC for L (OSH) responded that the safety hazards commonly seen in the construction industry often involved work-at-height and lifting operations. Among the 18 construction fatalities in 2020, the seven cases of persons falling from height involved two new works contractors and five contractors undertaking repair, maintenance, alteration and addition ("RMAA") works. During January to early May 2021, there were both two cases of constructional fatalities for new works and RMAA works.

50. As a number of constructional fatalities involved minor works projects, Mr SHIU Ka-fai called on the Government to enhance the safety awareness of the Registered Minor Works Contractors and strengthen the provision of necessary occupational safety training to them. DC for L (OSH) advised that the Government attached great importance to work safety of undertaking RMAA works. For instance, the Administration briefed the Panel at its meeting on 16 March 2021 on the legislative amendment proposal to refine the statutory notification mechanism for construction works with short durations or engaging less workers so as to enable LD to effectively identify higher-risk workplaces for early inspections. The Government would continue to strengthen its publicity and educational efforts to raise the safety awareness of employers and workers involved regardless of the size of works projects.

Safety of working at height

51. The Chairman expressed concern about the work safety of workers undertaking maintenance works on external walls of some existing buildings which were not conducive to the adoption of common work methods for maintenance work at external walls of these buildings. The Chairman enquired about the work progress of the Special Duties Office which was formed by LD in April 2019 to follow up with the matter.

52. DC for L (OSH) advised that the Special Duties Office formed in April 2019 was working full steam ahead with relevant professionals to study the external wall designs of some existing residential buildings, which might not be conducive to the adoption of common work methods for maintenance work at external walls of these buildings, and identify possible problems so encountered. Given the considerable number of buildings involved in some 456 housing estates, it would take three years to complete the exercise.

[The Chairman directed that the meeting would be extended by 15 minutes.]

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Inspection/enforcement and publicity

53. Mr POON Siu-ping was concerned about the impact of the COVID-19 epidemic on LD's workplace inspections in 2020. With respect to LD's launching of special enforcement operations ("SEOs") in 2020, Mr POON sought information on the outcomes and enquired whether prosecution had been initiated.

54. DC for L (OSH) acknowledged that the civil service had been affected by the COVID-19 epidemic to a certain extent in 2020. While LD conducted 87 000 inspections to work sites in the construction industry in 2019, the number of inspections was reduced to 58 000 in 2020. That said, a more targeted and risk-based approach was adopted in conducting the workplace inspections in 2020 and efforts had been made to maintain the coverage of the inspections as far as practicable. As regards five SEOs targeting at various high-risk processes of the construction industry in 2020, Acting Assistant Commissioner for Labour (Occupational Safety) advised that LD conducted 9 858 inspections with 45 Suspension Notices and 790 Improvement Notices issued and 443 prosecutions initiated. At Mr POON Siu-ping's request, the Administration agreed to provide information on the outcomes of the 443 prosecutions initiated after the meeting.

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55. Pointing out that the food and beverage services sector had been recording the highest number of industrial accidents among all industries and that the catering establishments were closed during some times in 2020 because of the prevention and control measures for the COVID-19 epidemic, Mr POON Siu-ping expressed concern about the difficulties in conducting occupational safety workplace inspections in the sector.

56. DC for L (OSH) responded that LD had been exploring innovative means to strengthen its publicity efforts in raising the OSH awareness in the food and beverage services sector, including placing OSH advertisements at popular websites as well as making use of Catering Safety Animation videos which were widely disseminated through different channels to draw the attention of interested parties to the general safety precautionary measures necessary to protect employees engaging in similar work activities.

57. Pointing out that currently, a contractor who undertook small-scale construction works lasting less than six weeks or engaging not more than 10 workers at any one time were not required under the OSH legislation to furnish LD with the information of the construction works within seven days after commencement of the works, the Chairman expressed concern whether safety

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inspections would be arranged to the work sites of these small-scale construction projects.

58. Acknowledging that the contractors undertaking the abovementioned small-scale construction works were not required to notify LD under the current statutory notification mechanism for construction works, DC for L (OSH) advised that staff of Occupational Safety – Operations would nonetheless conduct inspections to these work sites. In addition, LD had established referral mechanisms with the Housing Department and The Hong Kong Association of Property Management Companies Limited respectively for follow-up on high-risk RMAA works. That said, the Government considered it more desirable to refine the statutory notification mechanism for construction works.

59. There being no other business, the meeting ended at 6:36 pm.

Council Business Division 2
Legislative Council Secretariat
20 August 2021