

**Panel on Manpower  
List of follow-up actions**

**Government's response**

**Item 10: Hong Kong's occupational safety performance in the first half of 2021**

- (a) The number of industrial accidents involving persons falling from height in the past years, in which injured workers concerned were not entitled to receiving employees' compensation because either the employers failed to take out employees' compensation insurance for them or the injured employees were regarded as self-employed persons by the employers

The Employees' Compensation Ordinance (Cap. 282) (ECO) applies to all employees who are employed under contracts of service or apprenticeship. If an employee sustains an injury or dies as a result of an accident arising out of and in the course of his employment or suffers from a prescribed occupational disease, his employer is in general liable to pay compensation under ECO. According to ECO, all employers are required to take out employees' compensation insurance policies to cover their liabilities under the laws (including the common law). An employer who fails to comply with this requirement commits an offence and remains liable to pay the compensation under ECO and at common law.

2. ECO does not apply to self-employed persons. However, an employer cannot evade his liabilities under ECO by labelling his employees as self-employed persons. Whether there exists an employer-employee relationship depends on the actual circumstances of the case. If there is in essence an employer-employee relationship between both parties, the employer is still required to fulfil his responsibilities under ECO. Should the employer and the employee fail to reach a settlement with the assistance of the Labour Department (LD), the case shall be determined by the Court.

- (b) The number of visitors to the OSH Immersive Experience Hall of the Occupational Safety and Health (OSH) Academy situated in Tsing Yi in 2021 and any plan in place to promote the simulated emergency situation to the construction workers so as to raise their awareness of OSH

3. Located at the Tsing Yi OSH Academy (the Academy) of the Occupational Safety and Health Council (OSHC), the OSH Immersive Experience Hall opened in 2019. OSH Immersive Experience Hall applies

Virtual Reality, 3D Simulation, Immersive Visualization technique, and integration with motion platform to provide an interactive OSH training.

4. Over 850 people visited the OSH Immersive Experience Hall in 2021. Due to the COVID-19 pandemic during this period, conduct of the Academy's training courses and visits to the Academy were adversely affected, and so was the number of visitors to the OSH Immersive Experience Hall.

5. Besides, fall-from-height is a common cause of fatal work accidents in the construction industry. One of the training scenarios set in Immersive Experience Hall is the highly realistic truss-out bamboo scaffold erected at an external wall. Trainees and visitors could experience the serious consequences of not taking sufficient safety measures under a safe condition, hence understanding the importance of adopting safety measures and becoming more safety conscious.

6. OSHC has incorporated this virtual interactive safety training into its working at height related safety training courses. The training is well received by the trainees, with over 90% of them who have experienced this interactive training agreeing that it is close to the real-life scenario and has helped strengthen their safety awareness of working at height.

7. Apart from the trainees of the Academy, OSHC also invited workers' unions, trade associations and professional associations of the construction industry as well as schools to visit the OSH Immersive Experience Hall in order to promote work at height safety.

(c) The number of compensation claims with employees suspected to have contracted COVID-19 arising out of and in the course of employment since the outbreak of COVID-19

8. As at 30 September 2021, LD received a total of 555 employees' compensation cases reported under the Employees' Compensation Ordinance (Cap. 282) with employees suspected to have contracted COVID-19 arising out of and in the course of employment.