

# Make prior work arrangements for rainstorms

The Labour Department (LD) today (June 6) reminded employers to make prior work arrangements for staff in times of rainstorms as soon as possible.

"To avoid disputes and confusion, employers should make prior work arrangements for staff and contingency measures in times of and rainstorms," an LD spokesman said.

"In working out and enforcing the arrangements, employers should give prime consideration to employees' safety both in the workplace and during their journeys to and from work, and adopt a flexible approach. Whenever possible, they should consult their staff."

The work arrangements should cover the following matters:

- \* Whether employees are required to report for duty when different rainstorm warnings are issued;
- \* After a rainstorm warning is cancelled, the time for staff who have not reported for duty to resume work and the arrangements;
- \* How wages and allowances (if any) will be calculated for staff who are required to report for duty and those who are late for work or absent from work during rainstorms; and
- \* For employees who are required to travel to and from workplaces during rainstorms, whether transport facilities will be provided to them and, if so, the arrangements.

"Employers should make realistic assessments of the requirements for essential staff and require only absolutely essential staff to report for duty in adverse weather conditions. If Amber, Red or Black Rainstorm Warning is issued during working hours, employees working indoors should remain on duty as usual and stay where they are unless it is dangerous to do so. Supervisors of employees working outdoors in exposed areas should suspend outdoor duties as soon as practicable. They should arrange their employees to take shelter temporarily and resume duty when weather conditions so permit. When Black Rainstorm Warning is issued, employees should resume duty until the warning is lowered and weather conditions permit. If Black Rainstorm Warning remains in force at the end of working hours, for safety reasons, employers should provide employees with an area in the workplace as temporary shelter for them to stay if they want to."

"If possible, employers should provide transport services for employees who are still required to travel to and from workplaces when the Black Rainstorm Warning is in force, or give them a special travelling allowance as encouragement."

"For staff who have practical difficulties in resuming work promptly

upon cancellation of a rainstorm warning, employers should give due consideration to the circumstances of individual employees and handle each case flexibly."

"As rainstorms are natural calamities that cannot be avoided, employers should not deduct wages of employees who are absent from or late for work because of inclement weather. Neither should employers dismiss an employee summarily based on these grounds," he said.

The spokesman also reminded employers to observe the statutory liabilities and requirements under the Employment Ordinance, the Occupational Safety and Health Ordinance, the Employees' Compensation Ordinance and the Minimum Wage Ordinance.

Employers should not deduct the annual leave, statutory holidays or rest days employees are entitled to under the Employment Ordinance so as to compensate for the loss of working hours resulting from employees' failure to report for duty upon the announcement of a Black Rainstorm Warning. An employer who without reasonable excuse fails to comply with relevant provisions under the Employment Ordinance is liable to prosecution.

Employers should also note that they have an obligation to maintain a safe workplace for their employees under the Occupational Safety and Health Ordinance.

"If employees are required to work in times of rainstorms, employers should ensure that the risks at work are properly controlled and reduced to levels that are as low as reasonably practicable," the spokesman said.

Under the Employees' Compensation Ordinance, employers are liable to pay compensation for deaths or injuries incurred when employees are travelling by a direct route from their residences to workplaces, or from workplaces back to residences after work, four hours before or after working hours on a day when Typhoon Signal No. 8 or above or a Red or Black Rainstorm Warning is in force.

To provide practical guidelines and samples of work arrangements for the reference of employers and employees, the LD has issued the booklet "Code of Practice in times of Typhoons and Rainstorms". The code can be obtained from the branch offices of the Labour Relations Division or downloaded from the department's webpage ([www.labour.gov.hk/eng/public/wcp/Rainstorm.pdf](http://www.labour.gov.hk/eng/public/wcp/Rainstorm.pdf)).

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**[Employers, contractors and employees](#)**

# should be aware of electrical safety at work during rainstorm

As the rainstorm warning has been issued by the Hong Kong Observatory, the Labour Department (LD) reminds employers and contractors that they should adopt necessary work arrangements and take suitable safety measures to protect the safety of their employees when they are carrying out electrical work or handling electrical plant.

A spokesman for the LD said today (June 6) that employers and contractors should avoid assigning employees to carry out electrical work (like electric arc welding work) or handle electrical plant at places affected by rainstorms, and should refer to the "Code of Practice in times of Typhoons and Rainstorms" and the "Guide on Safety at Work in times of Inclement Weather" issued by the LD.

Even if electrical work is carried out or electrical plant is handled at places not affected by the rainstorm, suitable safety measures must still be adopted to prevent electric shock as the air would be more humid. Such measures include:

- (i) Ensure that all live parts of an electrical installation are isolated from the power supply source and rendered dead, and the isolation from the power supply source must be maintained as long as electrical work is being carried out;
- (ii) Before carrying out any electrical work or handling any electrical plant, cut off and lock out the power supply source, then test the circuit concerned to confirm it is dead and display suitable warning notices, and issue a work permit thereafter;
- (iii) Ensure that protective devices (such as suitable and adequate fuses and circuit breakers) for the electrical installations or electrical plant have been installed and maintained in good working order, and portable electric tools must be double-insulated or properly earthed;
- (iv) Provide suitable personal protective equipment such as insulating gloves and insulating mats for employees; and
- (v) If live electrical work is unavoidable, a comprehensive risk assessment should be conducted by a competent person and the appropriate safety precautions should be taken to remove or properly control the electrical hazards involved before such work can proceed.

In addition, employees should co-operate with the employer or contractor to follow the safety instructions and use the safety equipment provided.

The LD has published guidebooks and leaflets on electrical work safety. These safety publications are available free from divisional offices of the department or can be downloaded from its website

([www.labour.gov.hk/eng/public/content2\\_8.htm](http://www.labour.gov.hk/eng/public/content2_8.htm)).

Should there be any questions about occupational safety and health matters, please contact the Occupational Safety Officer of the LD at 2559 2297.

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## [Public urged to report flooding](#)

Attention duty announcers, radio and TV stations:

Please broadcast the following as soon as possible and repeat it at suitable intervals:

Members of the public are advised to report any street flooding that comes to their notice to the Drainage Services Department by calling the 24-hour drainage hotline on 2300 1110.

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## [Transcript of SCMA's remarks on LegCo by-election](#)

Following is the transcript of remarks made by the Secretary for Constitutional and Mainland Affairs, Mr Patrick Nip, at a media session after attending the Legislative Council meeting today (June 6):

Reporter: Is there any plan for the by-election to wait for the (appeal relating to the) New Territories East (geographical constituency)?

Secretary for Constitutional and Mainland Affairs: As I said, basically, the Electoral Affairs Commission will act in accordance with the legal requirements to conduct a by-election whenever there is a vacancy as earlier as practicable. So that is the legal requirement. And it will also take into account the actual circumstances. That will be the follow-up work to be done by the Electoral Affairs Commission.

(Please also refer to the Chinese portion of the transcript.)

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## LCQ19: Unlicensed medical practice

Following is a question by the Hon Pau Tse and a written reply by the Secretary for Food and Health, Professor Sophia Chan, in the Legislative Council today (June 6):

Question:

It has been reported that in the year before last, four persons of South Korean nationality who claimed that they were medical staff and two Hong Kong women suspected of acting as intermediaries allegedly used a hotel in Hong Kong as a medical clinic, solicited patronage through online advertisements and conducted, for customers in the hotel, medical examinations prior to plastic surgery. Those four persons of South Korean nationality were subsequently prosecuted for, among other offences, practising without registration as medical practitioners (commonly known as "unlicensed medical practice"). Regarding the issue of foreign nationals engaging in unlicensed medical practice in Hong Kong, will the Government inform this Council:

(1) of the number of cases involving foreign nationals engaging in unlicensed medical practice in Hong Kong received by the authorities in the past three years, together with a breakdown by nationality; among them, of the respective numbers of those who were prosecuted and convicted;

(2) whether intermediaries were involved in the cases mentioned in (1); if so, of the details;

(3) whether it received in the past three years reports of medical incidents involving foreign nationals engaging in unlicensed medical practice in Hong Kong; if so, of the details; of the channels through which members of the public may pursue so as to hold the other party responsible; which policy bureau or government department is dedicated to the handling of the relevant complaints lodged by members of the public;

(4) of the measures put in place to alert members of the public that they should, before receiving medical services relating to plastic surgery, verify whether the persons providing such services for them are medical practitioners registered under the Medical Registration Ordinance (Cap. 161);

(5) given that talks held by intermediaries are available in the market from time to time to induce members of the public in Hong Kong to join cross-boundary/cross-nation plastic surgery packages, whether the authorities have compiled statistics on the current number of intermediaries engaging in such business in Hong Kong; whether the authorities will study the enactment of legislation to regulate plastic surgery intermediaries with a view to enhancing the protection for members of the public; and

(6) as the Code of Professional Conduct for the Guidance of Registered Medical Practitioners stipulates that practice promotion by medical

practitioners is not permitted, whether overseas medical practitioners coming to Hong Kong to provide consultation service for patients is subject to similar restriction and regulation; if so, of the details; if not, whether the authorities have studied amending the legislation to plug the loopholes?

Reply:

President,

My reply to the questions raised by the Hon Paul Tse is as follows.

(1) to (3) The Department of Health (DH) refers complaints of suspected illegal practice of medicine to the Police and provides professional support if needed. In 2015-2017, DH referred 67 cases of suspected illegal practice of medicine to the Police.

As the progress of cases involved varies, the Government does not maintain statistics on number of cases of illegal practice of medicine involving foreign nationals, number prosecuted and convicted, and number involving intermediary agent.

Members of the public should report suspected illegal practice of medicine to the Police. The DH will provide professional support to the Police if needed.

(4) The DH has been providing information to the public on the possible risks and complications associated with certain cosmetic procedures through various media, including television, radio, newspapers and websites. Besides, the DH has produced pamphlets and booklets on common beauty procedures advising the public that certain beauty procedures should only be performed by locally registered medical practitioners (e.g. procedures related to injection). A list of registered medical practitioners can be found at the website of the Medical Council of Hong Kong ([www.mchk.org.hk/english/list\\_register/doctor\\_list.php](http://www.mchk.org.hk/english/list_register/doctor_list.php)). Further information is available at the DH website ([www.dh.gov.hk/english/useful/useful\\_medical\\_beauty/useful\\_medical\\_beauty.html](http://www.dh.gov.hk/english/useful/useful_medical_beauty/useful_medical_beauty.html)).

(5) The Food and Health Bureau and DH do not have the statistics on number of intermediaries engaging in business involving cross-boundary/cross-nation plastic surgery packages. The reply to part 4 of the question above has set out the current measures of the Government on increasing public awareness on possible risks associated with cosmetic procedures.

(6) The Medical Council of Hong Kong issued the Code of Professional Conduct to provide guidance on professional conduct for registered doctors in Hong Kong. The Code is not applicable to any person not registered in Hong Kong.

Moreover, according to section 28 of the Medical Registration Ordinance (MRO), subject to the provision of section 28(3) of the MRO, if any person who is not being registered or provisionally registered or exempted from

registration practises medicine or surgery, or does any medical diagnosis, prescribes any medical treatment or performs any medical treatment (including surgery) in relation to a person which results in personal injury to that person, he commits an offence and is liable to fine and imprisonment. The maximum penalty is imprisonment for seven years.