

LCQ1: Prevention of industrial accidents

Following is a question by the Hon Rock Chen and a reply by the Secretary for Labour and Welfare, Mr Chris Sun, in the Legislative Council today (January 10):

Question:

It has been reported that after the Government amended the legislation in April last year to increase the maximum penalties for occupational safety and health (OSH) offences, there have still been a number of industrial accidents in Hong Kong. In this connection, will the Government inform this Council:

(1) given that the construction industry has been adopting the subcontracting system all along, whether it has compiled statistics on the respective numbers of principal contractors and subcontractors (including sub-subcontractors) among the companies or individuals convicted of breaching OSH-related legislation in the past five years; if not, whether it will consider compiling the relevant statistics, so as to facilitate the authorities to formulate policies on preventing industrial accidents;

(2) as some members of the public have queried the deterrent effect of OSH-related legislation, whether the Government has stepped up law enforcement as well as publicity and education efforts, so as to promote a culture of occupational safety in the construction industry; if so, of the details; if not, the reasons for that; and

(3) given that imported workers under the Labour Importation Scheme for the Construction Sector are gradually arriving to work in Hong Kong, of the measures introduced by the Government to enhance their skills and awareness of occupational safety, and whether it has assessed if the relevant occupational safety courses and equipment operation training are sufficient to enable imported workers, who are unfamiliar with the local working environment, to carry out their work safely?

Reply:

President,

Having consulted the Development Bureau, my consolidated reply to the questions is as follows:

(1) The numbers of convicted summonses in the past five years on breaching the occupational safety and health (OSH) legislation by construction contractors (including "companies" and "individuals") are tabled in Annex. Among them, the number of such summonses in 2023 (as at the end of November) is 1 352.

Regardless of being a "company" or an "individual", one could undertake different works projects in the capacity as a principal contractor or a subcontractor. As their capacities may vary in different projects, the Labour Department (LD) does not keep statistics of companies or individuals convicted of breaching OSH-related legislation by categorising them as a principal contractor or a subcontractor.

(2) Pursuant to the risk-based principle and keeping close tabs on the OSH risk levels of various industries and their changes, the LD formulates and adjusts the three-pronged approach including inspection and enforcement, publicity and promotion, as well as education and training in a timely manner to promote OSH culture and prevent accidents from happening. The legislative amendment last year to increase the penalties of OSH offences is one of the strategies to improve the OSH performance of Hong Kong.

In order to achieve the aforesaid goal of improving OSH, apart from routine inspections, the LD has also committed to improving the OSH performance of the construction industry through a series of targeted measures. These include conducting four special enforcement operations targeting the construction industry since April last year to curb unsafe practices; 31 in-depth surprise inspections targeting construction sites with poor safety performance and possible deficiencies in their safe systems of work; as well as area patrols targeting minor Renovation, Maintenance, Alteration and Addition works sites (especially those involving truss-out scaffolding).

To further strengthen inspection and enforcement efforts, the LD also set up a number of Special Task Forces in November 2023 to continue targeting construction sites, in particular sites of new works and sites involving high-risk work processes for carrying out rigorous inspections and enforcement actions.

On publicity and promotion, since the increase in the penalties for OSH offences in April 2023, the LD has rolled out comprehensive publicity campaigns, including launching a set of newly-produced television announcements in the public interest (API), radio APIs and a poster to strengthen the promotion of the new penalties. At the same time, the LD also issued press releases, provided the latest information on the new penalties on the LD's website and the "Work Safety Alert" mobile application, jointly organised talks with the industry, sent emails to the duty holders concerned to brief them on the legislation etc., so as to alert the industry and members of the public on the new penalties for OSH offences. At the end of last year, the LD launched a new round of publicity on public transport, main road tunnel portals and screens on external walls of shopping malls.

On the other hand, the LD launched a set of promotional videos with the themes of "truss-out bamboo scaffolds", "OSH Star Enterprise Scheme", "electrical work", "the revised OSH legislation" and "general potential work hazards in construction sites", etc. in collaboration with the Occupational Safety and Health Council (OSHC) in mid-December 2023. In order to further enhance publicity, a TV programme of five two-minute episodes has also been produced by the LD and the OSHC for the promotion of OSH messages. The

programme has commenced to broadcast on television and multimedia platform from this Monday (January 8).

In respect of education and training, the LD has recently updated the contents of the mandatory basic safety training course for the construction industry (i.e. the Green Card course for construction sector) and mandatory safety training courses of confined spaces operation, so as to enhance safety awareness of workers and their ability to prevent accident. At the same time, workers who completed the Green Card course are required to attend the revalidation course three years later before they can renew their "Green Cards". Workers can also revisit the main contents of the courses on the LD's website at any time to refresh their knowledge.

Concurrently, the LD organises a number of free training courses on a regular basis on work safety in the construction industry and the requirements of the law, and co-organises OSH talks and online seminars of different themes with individual organisations from time to time and arranges staff to serve as speakers. The Occupational Safety and Health Training Centre of the LD organised 813 courses and talks last year, 592 of which were related to work safety in the construction industry.

(3) To address the manpower shortage of the construction sector, the Government has been adopting multi-pronged measures including enhancing training of local workers, recruiting new blood and promoting the application of technologies for uplifting productivity across the sector, and implementing the Labour Importation Scheme for the Construction Sector (the Scheme).

Under the Scheme, imported workers must be workers with relevant skills who have the relevant site works experience and safety knowledge. They must abide by Hong Kong's regulations in relation to construction safety, including the following:

(i) imported workers must complete the Green Card course for construction sector;

(ii) imported workers must comply with the "designated workers for designated skills" requirement where they work under the instruction and supervision of semi-skilled or skilled workers unless they have passed the tests and registered as semi-skilled or skilled workers; and

(iii) if the imported labour need to carry out the work procedures which, in accordance with the law, must be performed by a competent person (such as operation of an excavator), they must have passed the tests recognised by relevant local authorities or obtained equivalent qualifications before carrying out such work procedures.

In addition, the Smart Site Safety System must be adopted at all sites engaged with imported workers. Principal contractors under the Scheme are also required to assign a designated safety officer to be in charge of the safety briefing and arrangement for training related measures for their imported labour, and give on-site explanation of site operation in Hong Kong

and the requirements with which they should comply, including those on site safety. The policy bureaux, departments and contractors responsible for the relevant works contracts approved under the Scheme have advised that the above requirements have been duly implemented and they will continue to ensure their compliance at work sites as part of their ongoing monitoring of the performance of contractors.