

LCQ13: Workers of the construction industry working after consuming alcohol

Following is a question by the Hon Wilson Or and a written reply by the Secretary for Labour and Welfare, Dr Law Chi-kwong, in the Legislative Council today (May 5):

Question:

It is learnt that some workers of the construction industry have the habit of consuming alcoholic drinks while at work or during lunch. As their judgment may be impaired under the influence of alcohol, industrial accidents are more prone to occur. In this connection, will the Government inform this Council:

(1) of the number of industrial accidents in the construction industry and, among them, the number of those the cause of which was suspected or ascertained upon investigation to be related to the workers concerned being under the influence of alcohol, in each of the past five years; and

(2) whether the existing legislation or relevant guidelines prohibit workers of the construction industry from working after they have consumed alcohol; if not, whether it will, by drawing reference from the practice of the governments of other places of imposing penalties on workers who work after consuming alcohol and their employers, enact the relevant legislation and set the relevant policies, so as to enhance industrial safety of the construction industry?

Reply:

President,

My reply to the question raised by the Member is as follows:

(1) The number of industrial accidents in the construction industry from 2016 to 2020 is set out in Annex.

For the industrial accidents that happened at the construction industry during this period and investigated by the Labour Department (LD), we did not find the workers concerned were under the influence of alcohol.

(2) The existing occupational safety and health (OSH) legislation does not have specific provisions to prohibit construction workers from working after consuming alcohol, or from consuming alcohol at work. However, the general duty provisions of the Factories and Industrial Undertakings Ordinance (Cap. 59) and the Occupational Safety and Health Ordinance (Cap. 509) provide that proprietors/employers shall, so far as reasonably practicable, provide necessary instruction and supervision to ensure the safety and health of

employees at work. Pursuant to the provisions, contractors of the construction industry shall formulate and implement management policy to prevent the influence of alcohol on the OSH of employees and workplaces, including securing the cooperation of employees to implement the relevant policy. The maximum penalty for breaching the above requirements is a fine of \$500,000 and imprisonment for six months.

As far as employees are concerned, the above legislation also requires employees at work to, so far as reasonably practicable, take care of the OSH of themselves and other persons, and cooperate with their employers or other persons to ensure the OSH of employees on construction sites. Hence, construction employees have the responsibility to ensure that they are not influenced by alcohol at work so as to prevent accidents. The maximum penalty for breaching the above requirements is a fine of \$50,000 and imprisonment for six months.

To help employers and employees understand their OSH obligations to prevent the influence of alcohol in workplaces, the Occupational Safety and Health Council and the LD issued "《防止酒後工作危害安全衛生》" (Chinese version only) and "Safety Handbook for Construction Site Workers" etc. respectively. These publications help contractors and employees comply with the relevant requirements in OSH legislation, and understand the influence of alcohol on the safety and health at work so as to prevent the occurrence of accidents.

During routine inspections and accident investigations, LD officers will pay attention to whether contractors and employees at construction sites comply with the above requirements. The LD will take enforcement actions if there is violation of OSH legislation.