

LCQ22: Safety of large metal gates

Following is a question by the Hon Tony Tse and a written reply by the Secretary for Labour and Welfare, Mr Chris Sun, in the Legislative Council today (December 13):

Question:

It has been reported that five industrial accidents involving large metal gates have occurred in Hong Kong in four years, resulting in two deaths and three injuries. The gate collapse accident which occurred at the Kai Tak Cruise Terminal in September this year resulted in the injury of a security guard. It is learnt that the relevant security control room, being aware of the tilting of the gate in question, assigned this security guard and other security guards to carry out inspection and repair work on the gate. However, none of them had the relevant professional qualifications. In this connection, will the Government inform this Council:

(1) of the number of accidents involving large metal gates (including electrically and manually operated gates), the number of casualties involved and the identities of the casualties (e.g. property management staff, engineering staff, property users and passers-by) in each of the past five years;

(2) of the number of persons prosecuted in each of the past five years for accidents involving large metal gates; the average time taken from the occurrence of the relevant cases to the institution of prosecutions by the Government; among these cases, the respective numbers of those that have been tried, are under trial, pending trial and being followed up by other means; the judgments on the tried cases;

(3) of the legislation, regulations and guidelines in place that govern the design, installation, day-to-day operation, repair and maintenance of large metal gates, and whether they include ways for dealing with suspected malfunctions of such gates; and

(4) in the light of the aforesaid industrial accidents involving large metal gates, whether the authorities will review the relevant legislation, regulations and guidelines, assess the effectiveness of inspection and enforcement work, and provide appropriate training to property management personnel?

Reply:

President,

Having consulted the Development Bureau, my consolidated reply to the questions raised by the Hon Tony Tse is as follows:

(1) According to the record of the Labour Department (LD), there were a total of two cases of occupational fatality (i.e. cases of work accidents resulting

in death reported under the Employees' Compensation Ordinance) involving large metal gates from 2018 to 2022. The two cases happened in 2019 and 2022 respectively and the deceased were security guards.

The LD does not keep a breakdown of the non-fatal occupational injuries involving large metal gates.

(2) The LD does not maintain statistical records on the penalties imposed by courts in relation to prosecutions against accidents involving large metal gates and the average time taken from the occurrence of the relevant cases to the institution of prosecution by the LD. After checking the records, the prosecution progress and sentencing outcome of the five accidents mentioned in the question are as follows (as at December 1, 2023):

Date and location of accident	Prosecution progress	Sentencing outcome
August 10, 2019 at The Boxes in San Tin, Yuen Long, New Territories (fatal case involving a security guard)	Completed	The employer and occupier of the premises were fined \$70,000 and \$40,000 respectively
August 15, 2022 at Temporary Maternal and Child Health Centre, Yan Cheung Road, Yau Ma Tei (fatal case involving a security guard)	Judicial proceedings in progress	Judicial proceedings in progress
June 15, 2023 at Tsuen Wan West Sports Centre, Lai Shun Road, Tsuen Wan (injury case involving a cleaning worker)	Investigations in progress	Investigations in progress
July 25, 2023 at Kowloon Tong Mansion, Boundary Street, Kowloon Tong (injury case involving a security guard)		
September 24, 2023 at Kai Tak Cruise Terminal (injury case involving a security guard)		

(3) The design, installation, daily operation and maintenance of large metal gates is mainly regulated by the Buildings Ordinance (Cap. 123) and the Practice Notes for Authorized Persons, Registered Structural Engineers and

Registered Geotechnical Engineers APP-146 "Large Metal Gates" published by the Buildings Department. In addition, the Electrical and Mechanical Services Department has formulated the Code of Practice for Installation of Electrically Operated Sliding Gates, Sliding Glass Doors and Rolling Shutters for electrically operated metal gates to provide guidance to stakeholders on the safe design and installation of such equipment.

According to the general duty provisions of the Occupational Safety and Health Ordinance, occupiers of premises/employers shall provide or maintain plant and systems of work that are, so far as reasonably practicable, safe and without risks to health; and provide such information, instruction, training and supervision as may be necessary to ensure, so far as reasonably practicable, the safety and health at work of the employees.

The LD has also published A Safety Guide on Gate Work to remind the industry to pay attention to the well-functioning devices, installation and proper maintenance, regular inspection, etc of gates and urged employers to provide a system of work on gate-related work which is safe and without risks to health. The above system of work should include regular inspection and a sound system for maintenance and report of damage so as to enhance gate safety and prevent accidents.

(4) Adopting the risk-based principle, the LD closely monitors the potential safety risks of gates at workplace, and formulates and adjusts the targets for inspection and enforcement, including urging employers to enhance the maintenance, inspection of gates and the employees' safety awareness so as to prevent accidents involving gates.

In light of changes in the occupational safety and health (OSH) risks, the LD from time to time reviews and where necessary amends the OSH legislation and OSH codes of practice/guidelines to ensure that the regulatory regime keeps pace with the times. The LD will continue to monitor the situation of the devices, installation, maintenance and safe use of gates.

Regarding the training provided for property management staff, information and legal requirements on the safe use of gates was included in the OSH training courses organised by the LD last year. OSH seminars are also co-organised by the LD and property management organisations to brief the industry on the related safety knowledge and legal requirements on the safe use of gates.

At the same time, the LD also provides information on the safe use of gates to the training providers of relevant training courses through the Property Management Services Authority and Qualifications Framework Secretariat which is responsible for monitoring the training courses provided for people working in the security industry as teaching materials so as to enhance the knowledge of operational safety of gates amongst the industry and avoid accidents.