

LCQ3: Measures to enhance occupational safety and health at construction sites

Following is a question by the Hon Kwok Wai-keung (Hon Dennis Leung asked on his behalf) and a reply by the Secretary for Labour and Welfare, Mr Chris Sun, in the Legislative Council today (March 13):

Question:

Regarding measures to enhance occupational safety and health (OSH) at construction sites, will the Government inform this Council:

(1) whether it will consider introducing for contractors a demerit point system whereby demerit points will be allotted to contractors who are found to have breached OSH-related requirements during safety inspections, and the demerit points accumulated by the contractors concerned will be taken into account in evaluating their tenders submitted for public works projects, and the tendering qualifications of contractors whose demerit points have exceeded a specified limit will be suspended, so as to enhance deterrence;

(2) as it is learnt that individual contractors have implemented on their own "marking schemes for workers" under which demerit points will be allotted to workers who have breached safety rules at construction sites, and workers whose accumulated demerit points have reached the maximum limit may be suspended from work, and it has been reported that the Construction Industry Council (CIC) will standardise the relevant criteria for allotting demerit points and implement a "safety performance scheme" in the first half of this year, whether the authorities will make it mandatory for all contractors to participate in the scheme; and

(3) as a number of major infrastructural projects will commence in Hong Kong, and according to the Construction Expenditure Forecast released by CIC in July last year, the total construction expenditure of the construction industry in Hong Kong will range from \$240 billion to \$375 billion per annum from 2022-2023 to 2031-2032, whether the authorities will proportionally increase the expenses spent on OSH-related measures to raise the OSH awareness in society as a whole?

Reply:

President,

The Government attaches great importance to site safety. The Labour Department (LD) has been closely monitoring the level and trends of occupational safety and health (OSH) risks in various industries. Pursuant to the risk-based principle, the LD formulates and adjusts strategies for

inspection and enforcement, publicity and promotion, as well as education and training to uplift the OSH performance. The Development Bureau (DEVB) from time to time reviews the safety management system of public works and adopts a multi-pronged approach by implementing measures on various fronts, including project design, tender evaluation, contract provisions, works supervision, technology application, regulation of contractors, as well as publicity and promotion, with a view to uplifting site safety performance.

Having consulted the DEVB, my consolidated reply to the questions raised by the Hon Kwok Wai-keung (Hon Dennis Leung asked on his behalf) is as follows:

(1) The works departments responsible for managing public works contracts are required to assess the contractors' performance (including performance on "site safety") on a quarterly basis. Works departments should take into account the inspection results of the LD, works departments and their resident site staff when assessing contractors' performance on "site safety".

Under the current tender evaluation mechanism, contractors' performance on "site safety" and accident rate in public works contracts, as well as their record of serious incidents (whether they occurred on public works sites or not) will be assessed. The assessment related to "site safety" contributes to about 30 per cent of the overall technical score at most. Therefore, contractors' performance in public works contracts will directly affect their opportunities of being awarded for future public works contracts.

If the contractor's performance on "site safety" is rated as "very poor" in a quarterly assessment, its performance report will be rated as "adverse". Generally speaking, if a contractor receives two consecutive "adverse" quarterly performance reports in a public works contract, the DEVB will suspend the contractor from tendering for public works contracts pursuant to the regulating regime. Besides, if a contractor receives repeated "adverse" quarterly performance reports, even if the reports are not consecutive, we can also consider suspending the contractor from tendering for public works contracts, if necessary, taking into account actual circumstances. In the above situation, the works department will conduct an end-of-contract review after the completion of contract, and will take appropriate regulating actions against the contractor, including downgrading, demotion, or even removal from the approved lists, as necessary.

The DEVB will immediately suspend the contractor concerned from tendering for public works contracts after the occurrence of serious construction incident on sites. Subject to the investigation findings, the DEVB will convene a Panel of Enquiry and will impose further regulating actions on the contractor as necessary.

(2) Every member in the project team plays an important role in ensuring site safety. Everyone has the responsibility to perform their own duties. The Construction Industry Council (CIC) is further enhancing the safety awareness of all industry stakeholders and nurturing a safety culture.

The Government understands that the "Frontline Site Personnel Safety Performance Recording Platform" (the Platform) applicable to frontline site personnel and workers on construction sites is being studied by the CIC and consultations with different stakeholders on its details are still ongoing. It is understood that the purpose of setting up the Platform is to enhance the safety performance and safety awareness of frontline site personnel, and to praise and reward those with outstanding performance, and also to arrange appropriate additional safety training for those whose safety performance is of concern. The establishment of the Platform should help improve the safety performance of frontline site personnel and will not affect their livelihood or employment opportunities.

The CIC takes the lead in developing and implementing the Platform, which is a voluntary measure adopted by the industry. We believe that it would help further raise workers' awareness of OSH.

(3) Pursuant to the risk-based principle, the LD will continue allocating resources to promote OSH and raise the public awareness of OSH. On inspection and enforcement front, other than routine inspections, the LD will flexibly deploy resources and workforces according to the needs of special operations so as to conduct relevant work more effectively. On publicity and education front, the LD in collaboration with the Occupational Safety and Health Council has allocated considerable resources for training, education and publicity work. This includes organising large-scale activities (e.g. the "OSH Innovation and Technology Expo"), stepping up publicity efforts through a wide range of channels (including advertisements on television and public transport), continuing to organise OSH seminars and courses, and updating the existing OSH codes of practice, safety guidelines, training courses and mobile applications, etc, to disseminate and publicise OSH messages to stakeholders in the construction industry, with a view to heightening OSH awareness amongst employers and employees and to cultivating a positive work safety culture, thereby preventing the occurrence of accidents.