

LCQ7: Marine industrial safety

Following is a question by the Hon Chau Siu-chung and a written reply by the Acting Secretary for Transport and Logistics, Mr Liu Chun-san, in the Legislative Council today (December 6):

Question:

It is learnt that serious marine industrial accidents occur in Hong Kong from time to time, with four fatal accidents recorded last year and at least four accidents occurring this year. In this connection, will the Government inform this Council:

- (1) of the staffing establishment and strength of the Marine Department (MD)'s personnel responsible for inspecting vessels engaged in works to ensure the occupational safety and health of the workers concerned, as well as the number of cases of contravention of requirements found, in each of the past five years; among such cases, the respective numbers of those in which the MD issued warning letters to and instituted prosecutions against the persons involved;
- (2) of the respective numbers of cases of conviction for contravening the Merchant Shipping (Local Vessels) (Works) Regulation (Cap. 548I) and the Shipping and Port Control (Works) Regulation (Cap. 313X) in each of the past five years; among such cases, (i) the number of those in which a fine was imposed and the average amount of fine imposed, as well as (ii) the number of those in which imprisonment was imposed and the average term of imprisonment imposed;
- (3) as there are many views that the penalties for marine industrial safety-related offences are too light and an example is that the maximum penalty for contravening the provisions relating to the general duties of persons in charge of works and employers under the relevant legislation is only a fine of \$25,000, which is far lighter than the maximum penalties for contravening the provisions of a similar nature under the Occupational Safety and Health Ordinance (Cap. 509) and the Factories and Industrial Undertakings Ordinance (Cap. 59), whether the Government will expeditiously amend Cap. 548I and Cap. 313X, so as to raise the penalties for contravening marine industrial safety-related legislation, thereby enhancing the deterrent effect; if so, of the details; if not, the reasons for that; and
- (4) whether the MD has plans to step up inspection and law enforcement work as well as publicity activities for enhancing marine industrial safety; if so, of the details; if not, of the reasons for that?

Reply:

President,

The Marine Department (MD) has been attaching great importance to marine

industrial safety and conducting frequent inspections and enforcement actions, as well as publicity and promotional activities to enhance the awareness of the maritime industry on marine safety and minimise the occurrence of accidents. Replies to various parts of the Hon Chau's question are as follows:

(1) and (2) Enforcement of marine industrial safety in Hong Kong is undertaken by the Marine Industrial Safety Section of the MD. The establishment and strength of the relevant section stood at 14 and 12 respectively. Statistics on inspection and enforcement actions, warnings or directions issued to the persons involved, prosecutions instituted by the MD, convictions and the amount of fines in the past five years are shown in the Annex.

(3) and (4) Safety matters relating to marine works and cargo operations of local vessels in the waters of Hong Kong are regulated by the Merchant Shipping (Local Vessels) (Works) Regulation (Cap. 548I) and the Shipping and Port Control (Works) Regulation (Cap. 313X). In addition to the aforementioned legislation, specific works are regulated by the MD pursuant to the Merchant Shipping (Local Vessels) Ordinance (Cap. 548) and the Shipping and Port Control Ordinance (Cap. 313). For instance, under section 41 of Cap. 548 and section 40 of Cap. 313, no owner or coxswain/master of, or other person having control over, a vessel shall, except with the written permission of the Director of Marine, carry out, or cause to be carried out, any repairs to, or break up, the vessel. Offenders are liable to a fine at level six (\$100,000) and to imprisonment for two years.

Since marine works are vastly different from the works at factories, construction sites, etc, in terms of scale, number of persons involved, operating environment, coverage of works area, work techniques, etc, and cargo operations of river-trade vessels from the Mainland and Macao in Hong Kong are also subject to the same regulation under the relevant marine legislation, no direct comparison can therefore be made between the provisions and penalties of the legislation regulating marine works and those under the Factories and Industrial Undertakings Ordinance (Cap. 59) and the Occupational Safety and Health Ordinance (Cap. 509). The penalty level under the existing marine legislation has already had deterrent effect for the maritime industry.

In addition, with a view to effectively enhancing marine industrial safety, the MD will continue to strengthen inspections and enforcement actions on marine works, and remind both employers and employees in the maritime industry to pay attention to marine industrial safety. The MD will also investigate all marine incidents that occur in the Hong Kong waters (including marine industrial incidents), for the purpose of determining the details and the causes of the incident, so as to enhance the safety of life at sea and avoid similar incidents in future. Meanwhile, the MD will also put forward safety suggestions in the investigation report to relevant individuals or organisations and follow up on the implementation of such suggestions. Furthermore, the MD will issue Marine Department Notices to promulgate the lessons learnt by the industry from the incidents so that the industry can draw lessons from it and take precautionary measures.

The MD will also continue to step up its publicity efforts targeting at the industry, encourage the industry to actively participate in safety seminars organised by marine construction contractors and the Occupational Safety and Health Council, and distribute promotional materials during routine inspections on vessels to remind the industry of the safety matters when handling cargoes, etc. In addition, the MD will continue to organise marine industrial safety seminars to share incident cases with the industry and put forward safety suggestions to minimise the occurrence of similar incidents.