

LCQ9: Safety devices for tail lifts of goods vehicles

Following is a question by the Hon Shiu Ka-fai and a written reply by the Secretary for Labour and Welfare, Dr Law Chi-kwong, in the Legislative Council today (January 6):

Question:

It is learnt that quite a number of goods vehicles with tail lifts have not been installed with the safety devices required in the Guidance Notes on Prevention of Trapping Hazards of Tail Lifts (the Notes) and, as a result, industrial accidents involving the operation of tail lifts have occurred from time to time. In addition, some drivers have relayed that as most tail lifts of goods vehicles have very thin tailboards and are not installed with a flashing lamp at the edge, an opened tail lift with tailboard not yet lowered to the road surface is like a sharp knife placed horizontally at the height of the neck level of a driver. This may result in serious traffic accidents in case drivers are not alert enough. In this connection, will the Government inform this Council:

- (1) of the current number of goods vehicles with a tail lift in Hong Kong; whether it knows, among such vehicles, (i) the number and percentage of those which have been installed with the safety devices required in the Notes, and (ii) the number of those which have not been installed with such devices and the reasons for that;
- (2) of the number of traffic accidents involving tail lifts of goods vehicles and the resultant casualties in each of the past five years;
- (3) of the number of industrial accidents involving the operation of tail lifts of goods vehicles and the resultant casualties in each of the past five years;
- (4) regarding the (i) traffic accidents and (ii) industrial accidents which involved tail lifts of goods vehicles respectively, of the number of prosecutions instituted by the authorities against the relevant persons, the number of convictions among such prosecutions, and the maximum and minimum penalties imposed on the convicted persons (with a breakdown by nature of the cases), in each of the past five years; and
- (5) whether the Government will, by way of enacting legislation, make the statutory requirement that tail lifts of goods vehicles must be installed with safety devices, so as to spur owners of goods vehicles to install such devices expeditiously; if so, of the details; if not, the reasons for that?

Reply:

President,

The Labour Department (LD) administers the Factories and Industrial Undertakings Ordinance (Cap. 59) and the Occupational Safety and Health Ordinance (Cap. 509) to safeguard the occupational safety and health (OSH) of employees, whereas the Transport Department (TD) examines the construction of vehicles to ascertain their roadworthiness in accordance with the Road Traffic Ordinance (Cap. 374) as well as its subsidiary legislation and draws up the Code of Practice for the Loading of Vehicles to ensure road safety. In consultation with TD, my reply to the various parts of the question raised by the Member is as follows:

(1) According to the records of TD, there are currently about 30 000 goods vehicles equipped with tail lifts (TLGVs) in Hong Kong. As accidents resulting in death or injury of employees during operation of tail lifts of goods vehicles (GVTLs) occur from time to time, LD revised the Guidance Notes on Prevention of Trapping Hazards of Tail Lifts (the GN) in 2015. The GN sets out specific measures for safe operation of GVTLs, including the installation of safety devices, to assist employers and employees in complying with the relevant OSH legislation to prevent the occurrence of accidents.

Having considered the supply of installation service for safety devices of GVTLs, the retirement deadlines for TLGVs of various Euro models and the views of the relevant stakeholders from the transport trade, LD recommended TLGVs of Euro V and later models to be first installed with five safety devices in an orderly manner (Note 1). Currently, there is no statutory requirement for TLGV owners to notify LD whether the safety devices have been installed. However, through the information gathered from the relevant installation service providers, LD noticed that a total of more than 6 500 TLGVs of Euro V or later models have been installed with the above-mentioned safety devices from April 2018 to October 2020, representing about 30 per cent of these TLGVs. LD will continue to follow up with the duty holders of the remaining TLGVs to install the safety devices in a timely manner.

(2) TD does not maintain records on the number of traffic accidents involving GVTLs.

(3) LD does not keep the number of accidents involving the operation of GVTLs and the number of employees so injured. During the period from 2015 to 2019, the number of fatalities of employees involving the operation of GVTLs is as follows:

Year of accident	2015	2016	2017	2018	2019
No. of fatal cases/ deceased employees involving the operation of GVTLs	0	1	0	0	0

(4) Over the same period, in respect of accidents resulting in death or injury of employees during operation of GVTLs, LD instituted 10 prosecutions. All of the defendants were convicted. A breakdown by nature of the case is as follows:

Year of accident	2015	2016	2017	2018	2019	Minimum and maximum fines
Involving fatality of employees	0	2*	0	0	0	\$35,000 and \$40,000
Involving injury of employees	4	1	0	2	1	\$6,000 and \$21,000

*A fatal accident happened in 2016 involving GVTL operation. LD prosecuted 2 stakeholders.

According to TD, the Police do not maintain the prosecution and conviction figures related to traffic accidents involving GVTLs.

(5) To safeguard the OSH of employees when operating GVTLs, in accordance with the "General Duties" provisions of the above-mentioned OSH legislation, employers shall, so far as reasonably practicable, provide and maintain safe plant (including tail lifts) and system of work, and provide required information, instruction, training and supervision so as to ensure the OSH of employees. Through the issuance of the GN, LD provides practical guidance to assist the trade in complying with the "General Duties" provisions when using and operating GVTLs, and lists out feasible safety devices, so as to avoid the occurrence of accidents. LD makes reference to the GN when enforcing the above-mentioned legislation.

Besides, as stipulated in regulation 106 of the Road Traffic (Construction and Maintenance of Vehicles) Regulations (Cap. 374A), all goods vehicles shall be fitted with obligatory reflectors at their rears. In addition, goods vehicles of classes of medium or above shall be fitted with rear markings as required under regulation 119 of the above-mentioned Regulations in order to show clearly the position of their rears and to alert other road users.

For safety protection of motorists, passengers and road users, at present, goods vehicles are required to undergo annual examination. The aforementioned obligatory reflectors and/or rear markings will be inspected during vehicle examinations to ascertain that they are in compliance with the relevant requirements before the goods vehicles could pass the examinations and have their vehicle licences renewed.

In addition to the above-mentioned statutory requirements, TD has published the Code of Practice for the Loading of Vehicles, covering, among others, the traffic-related safety advice for using vehicles equipped with tail lifts. The Code of Practice recommends that a vehicle owner should fit additional lighting equipment and retro-reflective aids to the tail lift of his/her vehicle so as to make the opened tail lift more visible while loading/unloading. Furthermore, TD has also published a technical bulletin

detailing the issues to be noted when fitting additional lighting equipment and retro-reflective aids to vehicles equipped with tail lifts. This technical bulletin serves to facilitate the relevant installation by the trade, without compromising the integrity of the vehicle construction, while enhancing road safety.

Note 1: The five safety devices are two-hand control device, audio and visual warning devices, locking device, foot protector and system to maintain slow and even opening and closing motions of tail lifts.