

Special enforcement operation targets new works construction sites in Kai Tak Development Area and Kowloon Bay

The Labour Department (LD) has been attaching great importance to the work safety of construction workers, and is also determined to safeguard the employment opportunities of local workers. To curb unsafe work activities and crack down on illegal employment, the LD commenced a four-week Special Enforcement Operation on April 23 targeting the new works sites in the Kai Tak Development Area and Kowloon Bay.

To crack down on the employment of illegal workers, Labour Inspectors of the LD, vested with the authority of Part IVB of the Immigration Ordinance, checked 84 workers on employee's proof of identity at the new work sites of the Kai Tak Development Area during the operation. Fourteen contractors were also checked to see if employees' compensation insurance was in place under the Employees' Compensation Ordinance.

The LD's spokesman today (May 18) warned, "Pursuant to the relevant provisions of the Immigration Ordinance, employers are required by law to take all practicable steps to ensure that job seekers are lawfully employable before employing them. Employing illegal workers is a serious offence. Employers are liable to a fine of \$350,000 and imprisonment for three years upon conviction. In addition, pursuant to the relevant provisions of the Employees' Compensation Ordinance, no employer shall employ any employee in any employment unless there is in force a policy of insurance to cover his or her liabilities under the laws (including the common law) for injuries at work in respect of all his or her employees. An employer who fails to secure insurance cover is liable to prosecution and, upon conviction, to a maximum fine of \$100,000 and imprisonment for two years."

The spokesman added, "In the third week of the operation, the Occupational Safety Officers of the LD inspected 17 new works sites with 97 improvement notices issued and 15 prosecutions initiated. The above-mentioned legal notices and prosecutions mainly involved issues including failure to erect guard rails at floor edges, failure to use safe working platforms, failure to secure the loads during lifting operations adequately, and failure to wear suitable safety helmets and eye protectors by workers. During the operation, the LD also noticed that some contractors had failed to properly maintain the excavators and operate them safely for excavation work, which may cause the excavators to overturn, and hence result in serious accidents."

During the first three weeks of the operation, the LD inspected a total of 54 new works sites with 314 improvement notices issued and 37 prosecutions initiated. Pursuant to the general duty provisions of the Factories and Industrial Undertakings Ordinance, employers shall provide safe working environments, safe plant and systems of work for their employees. Those who contravene the above provisions are liable to a maximum fine of \$500,000 and

imprisonment for six months.

The LD once again reminds contractors and employers to provide plant and devise systems of work for their work activities that are safe and without risks to health. Employees should co-operate with their employers, adopt all safety measures and use the provided personal protective equipment properly to avoid endangering their own work safety and that of other workers. For employees' rights and benefits, the employers shall ensure that job seekers are lawfully employable before employing them, and take out employees' compensation insurance.