

Transcript of remarks by CE at media session before ExCo meeting (with video)

Following is the transcript of remarks by the Chief Executive, Mrs Carrie Lam, at a media session before the Executive Council meeting this morning (August 28):

Reporter: Mrs Lam, the Demosist^Å members who said they were detained in the Mainland said there were concerns that there would be similar cases happening just because of their political views. Do you have ... will you relay these concerns to Beijing, and do you find these behaviours acceptable? And also why do you think currently not a good time for us to take the step to set up the committee to ensure national security?

Chief Executive: Well I'll answer the second question first. As far as I understand, I read from the announcement made by the Macau Government, the decision to set up a committee to safeguard national security is to further enhance and improve the legal system to protect national safety, and that is of course premised on the fact that in the year 2009, Macau has already enacted a piece of legislation to protect national security and that is, in our case, it is local legislation to put into effect Basic Law Article 23. So, I would have this to say, that our primary responsibility is to find a right opportunity and create the necessary conditions for us to put into effect the local legislation before we need a committee to ensure the legislation is being effectively enforced.

On the first question, I cannot comment on the case, because as far as this case is concerned, all the details were provided unilaterally by one side, even without the affected persons appearing to substantiate their claims or allegations. I can only say that as a matter of policy and principle, we would expect Hong Kong people, if they go to another territory, they have to respect the legal jurisdiction and the legislation in that particular place. Secondly, since last year, after I took office, we have signed an understanding with the Public Security Bureau about a notification system. So, in other words, if there are Hong Kong people being detained or arrested for criminal offences, we will receive notification. On this case we have not received any notification. And thirdly, there is absolutely no question of another law enforcement agency outside of Hong Kong, with jurisdiction to enforce the laws in Hong Kong. The Hong Kong law enforcement agencies are the only authorised institutions to enforce the law in Hong Kong.

(Please also refer to the Chinese portion of the transcript.)

Make prior work arrangements for rainstorms

The Labour Department (LD) today (August 28) reminded employers to make prior work arrangements for staff in times of rainstorms as soon as possible.

"To avoid disputes and confusion, employers should make prior work arrangements for staff and contingency measures in times of rainstorms," an LD spokesman said.

"In working out and enforcing the arrangements, employers should give prime consideration to employees' safety both in the workplace and during their journeys to and from work, and adopt a flexible approach. Whenever possible, they should consult their staff."

The work arrangements should cover the following matters:

- * Whether employees are required to report for duty when different rainstorm warnings are issued;
- * After a rainstorm warning is cancelled, the time for staff who have not reported for duty to resume work and the arrangements;
- * How wages and allowances (if any) will be calculated for staff who are required to report for duty and those who are late for work or absent from work during rainstorms; and
- * For employees who are required to travel to and from workplaces during rainstorms, whether transport facilities will be provided to them and, if so, the arrangements.

"Employers should make realistic assessments of the requirements for essential staff and require only absolutely essential staff to report for duty in adverse weather conditions. If an Amber, Red or Black Rainstorm Warning is issued during working hours, employees working indoors should remain on duty as usual and stay where they are unless it is dangerous to do so. Supervisors of employees working outdoors in exposed areas should suspend outdoor duties as soon as practicable. They should arrange for their employees to take shelter temporarily and resume duty when weather conditions permit. When the Black Rainstorm Warning is issued, those employees should not resume duty until the warning is lowered and weather conditions permit. If the Black Rainstorm Warning remains in force at the end of working hours, for safety reasons, employers should provide employees with an area in the workplace as temporary shelter for them to stay if they want to.

"If possible, employers should provide transport services for employees who are still required to travel to and from workplaces when the Black Rainstorm Warning is in force, or give them a special travelling allowance as encouragement.

"For staff who have practical difficulties in resuming work promptly

upon cancellation of a rainstorm warning, employers should give due consideration to the circumstances of individual employees and handle each case flexibly.

"As rainstorms are natural occurrences that cannot be avoided, employers should not deduct wages of employees who are absent from or late for work because of inclement weather. Neither should employers dismiss an employee summarily based on these grounds," he said.

The spokesman also reminded employers to observe the statutory liabilities and requirements under the Employment Ordinance, the Occupational Safety and Health Ordinance, the Employees' Compensation Ordinance and the Minimum Wage Ordinance.

Employers should not deduct the annual leave, statutory holidays or rest days employees are entitled to under the Employment Ordinance so as to compensate for the loss of working hours resulting from employees' failure to report for duty upon the announcement of a Black Rainstorm Warning. An employer who without reasonable excuse fails to comply with relevant provisions under the Employment Ordinance is liable to prosecution.

Employers should also note that they have an obligation to maintain a safe workplace for their employees under the Occupational Safety and Health Ordinance.

"If employees are required to work in times of rainstorms, employers should ensure that the risks at work are properly controlled and reduced to levels that are as low as reasonably practicable," the spokesman said.

Under the Employees' Compensation Ordinance, employers are liable to pay compensation for deaths or injuries incurred when employees are travelling by a direct route from their residences to workplaces, or from workplaces back to residences after work, four hours before or after working hours on a day when Typhoon Signal No. 8 or above or a Red or Black Rainstorm Warning is in force.

To provide practical guidelines and samples of work arrangements for the reference of employers and employees, the LD has issued the booklet "Code of Practice in times of Typhoons and Rainstorms". The code can be obtained from the branch offices of the Labour Relations Division or downloaded from the department's webpage (www.labour.gov.hk/eng/public/wcp/Rainstorm.pdf).

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**Employers, contractors and employees
should be aware of electrical safety**

at work during rainstorm

As the rainstorm warning has been issued by the Hong Kong Observatory, the Labour Department (LD) reminds employers and contractors that they should adopt necessary work arrangements and take suitable safety measures to protect the safety of their employees when they are carrying out electrical work or handling electrical plant.

A spokesman for the LD said today (August 28) that employers and contractors should avoid assigning employees to carry out electrical work (like electric arc welding work) or handle electrical plant at places affected by rainstorms, and should refer to the "Code of Practice in times of Typhoons and Rainstorms" and the "Guide on Safety at Work in times of Inclement Weather" issued by the LD.

Even if electrical work is carried out or electrical plant is handled at places not affected by the rainstorm, suitable safety measures must still be adopted to prevent electric shock as the air would be more humid. Such measures include:

- (i) Ensure that all live parts of an electrical installation are isolated from the power supply source and rendered dead, and the isolation from the power supply source must be maintained as long as electrical work is being carried out;
- (ii) Before carrying out any electrical work or handling any electrical plant, cut off and lock out the power supply source, then test the circuit concerned to confirm it is dead and display suitable warning notices, and issue a work permit thereafter;
- (iii) Ensure that protective devices (such as suitable and adequate fuses and circuit breakers) for the electrical installations or electrical plant have been installed and maintained in good working order, and portable electric tools must be double-insulated or properly earthed;
- (iv) Provide suitable personal protective equipment such as insulating gloves and insulating mats for employees; and
- (v) If live electrical work is unavoidable, a comprehensive risk assessment should be conducted by a competent person and the appropriate safety precautions should be taken to remove or properly control the electrical hazards involved before such work can proceed.

In addition, employees should co-operate with the employer or contractor to follow the safety instructions and use the safety equipment provided.

The LD has published guidebooks and leaflets on electrical work safety. These safety publications are available free from divisional offices of the department or can be downloaded from its website (www.labour.gov.hk/eng/public/content2_8.htm).

Should there be any questions about occupational safety and health matters, please contact the Occupational Safety Officer of the LD at 2559 2297.

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