

LCQ3: Occupational safety of Government's outsourced workers

Following is a question by the Hon Kwok Wai-keung and a reply by the Secretary for Financial Services and the Treasury, Mr Christopher Hui, in the Legislative Council today (April 2):

Question:

It is learnt that since 2021, there have been at least four cases of workers falling from wooden folding ladders resulting in deaths or serious injuries, and some members of the public have relayed that some of the Government's outsourced service contractors have not complied with the requirements set out in the Overview of Work-at-Height Safety issued by the Labour Department to provide their staff with working platforms that meet the safety standards for work-above-ground. In this connection, will the Government inform this Council:

(1) whether it has stipulated in the outsourced service contracts that the contractors must strictly comply with the Code of Practice on Safety Management, including the provision of safe working equipment to staff and the formulation of safety guidelines at work; if so, of the details; if not, the reasons for that;

(2) of the occupational safety and health statistics of the Government's outsourced services (including the number of cases of occupational injuries, industrial accidents and occupational diseases) over the past three years, and the average number of days of sick leave taken by staff for work-related injuries, broken down in table form by types of work and accident; and

(3) of the number of inspections of the workplaces of outsourced staff carried out by the Government over the past three years, and whether it has formulated an assessment indicator in this regard; if so, of the details; if not, the reasons for that; what measures in place to enhance the safety management standard of contractors to ensure the safety of their staff at work?

Reply:

President,

The Government has all along attached great importance to the protection of occupational safety and health (OSH) of outsourced workers employed by government service contractors (GSCs). GSCs, as with other local employers, are regulated by OSH-related legislation, including the Occupational Safety and Health Ordinance (OSHO) and its relevant subsidiary regulations, etc. The OSHO stipulates that every employer must, so far as reasonably practicable, ensure the safety and health at work of all the employees.

Having consulted the Labour and Welfare Bureau and the four major

procuring departments (i.e. the Food and Environmental Hygiene Department, the Leisure and Cultural Services Department, the Government Property Agency and the Housing Department), our reply to the question raised by the Hon Kwok Wai-keung is as follows:

(1) All GSCs must ensure that the OSH of their employees are duly safeguarded. When procuring outsourced services, government departments may, depending on the nature and scope of the services, stipulate in the contract terms the relevant OSH-related requirements that the GSCs must comply with. Such requirements may include the codes of practice/guidelines to be observed, the requirement for the contractors to provide their staff with adequate equipment and tools as well as OSH training, etc. Departments may also request tenderers to submit management proposals in respect of OSH as necessary, which the successful tenderer must implement such proposals in the performance of the contract.

For GSCs employing non-skilled workers, the Government requires them to fulfil their OSH management responsibilities on various fronts:

(i) Tenderers who have been convicted of a relevant offence under the OSHO and the Factories and Industrial Undertakings Ordinance, etc will be debarred from bidding government service contracts for a maximum period of up to five years. In evaluating tenders for a service contract involving the employment of non-skilled workers, the department concerned will check whether any of the tenderers are subject to debarment; and

(ii) Tenderers for service contracts that involve non-skilled workers performing duties outdoors, in an indoor environment without air-conditioning and/or in the vicinity of high temperature installations are required to submit a Heat Stroke Prevention Work Plan (Work Plan) certified by a Safety Officer who has a valid registration with the Labour Department (LD). Any tender submitted without a Work Plan will not be considered further in the tender assessment. Contractors who fail to comply with the measures committed in the Work Plan may also be issued with demerit points under the Demerit Point System.

In addition to the above contractual and tendering requirements, the LD has been committed to ensuring, through inspection and enforcement, publicity and promotion, as well as education and training, that employers (including GSCs) comply with the relevant statutory requirements, with a view to minimising safety and health risks at workplaces and safeguarding the OSH of employees.

(2) As regards the Member's enquiry about the cases of OSH-related injuries and deaths in the past three years, we have collected relevant information on outsourced non-skilled workers from the four major procuring departments. Such information is set out at Annex.

(3) The LD has all along adopted a multi-pronged strategy in promoting employers (including GSCs) to enhance the safety management standard and protect the OSH of their employees. Relevant measures include:

(i) adopting a risk-based approach in conducting OSH inspections at different workplaces. If OSH issues are identified during inspections, the LD will exercise its professional judgement in assessing the seriousness and consequences of the issues and, based on the evidence available, take enforcement actions. Such actions may include issuing written warnings, improvement notices and suspension notices, or even initiating prosecutions. The said inspections also cover the workplaces of GSCs. In respect of GSCs employing non-skilled workers, the LD conducted 185, 199 and 224 OSH inspections respectively from 2022 to 2024, and took 41, 52 and 27 enforcement actions.

(ii) issuing OSH guidelines to help contractors and other employers enhance their safety management standard. Such guidelines include "Guidance Notes on Prevention of Heat Stroke at Work", "Cleansing Workers – Safe Use of Chemicals", "Lightening the Load" and "Guide on Safety at Work in times of Inclement Weather"; and

(iii) co-organising activities (e.g. OSH talks, seminars and training programmes) with organisations such as the Occupational Safety and Health Council (OSHC), trade associations and workers' unions to enhance the OSH awareness of both employers and employees. The LD and the OSHC have also set up hotlines to answer OSH-related enquiries.

In addition to the inspections conducted by the LD, procuring departments are also, in general, required to formulate suitable arrangements for inspection of contractors' workplaces (including the number of inspections) having regard to factors such as nature of the outsourced services and their manpower, and to develop assessment indicators as necessary.

The Government will remain committed to safeguarding the OSH of outsourced workers employed by service contractors through the implementation of various measures.

Thank you, President.