

LCQ8: Guidance Notes on Prevention of Heat Stroke at Work

Following is a question by the Hon Lam So-wai and a written reply by the Secretary for Labour and Welfare, Mr Chris Sun, in the Legislative Council today (February 19):

Question:

The Labour Department (LD) launched on May 2 last year the revised "Guidance Notes on Prevention of Heat Stroke at Work" (GN) and introduced the optimised Heat Stress at Work Warning system. However, some labour unions have relayed that GN and the optimised measures are virtually non-existent (including the fact that some companies still do not arrange rest time or shaded areas for rest breaks for their employees), failing to help employees in preventing heat stroke. In this connection, will the Government inform this Council:

(1) of the number of cases of heat stroke-related work injury cases registered at LD in the past three years; whether it has reviewed if the number of heat stroke-related work injury cases registered has decreased after the revision of GN; if it has reviewed and the outcome is in the affirmative, of the details; if the outcome of the review is in the negative, whether it has studied the reasons for that;

(2) after the revision of GN, of the respective numbers of advice or warnings given by the authorities against employers who have not taken sufficient measures to prevent heat stroke; as the Secretary for Labour and Welfare indicated in a media interview in May last year that for employers who deliberately do not follow GN, the authorities will invoke the provision of general responsibility of employers under the Occupational Safety and Health Ordinance (Cap. 509) to institute prosecutions, of the number of such prosecutions so far; and

(3) of the specific timetable for reviewing GN; whether the authorities will consider legislating to mandate employers to conduct workplace heat stress risk assessment for their employees so as to further ensure the safety of employees; if so, of the details; if not, the reasons for that?

Reply:

President,

My reply to the Hon Lam So-wai's question is as follows:

(1) The number of work injury cases related to heat stress in the past three years is listed below:

Year	2022	2023	2024
Total number of cases	16	31	29*

* As some suspected cases are still under investigation, the number of cases in 2024 is provisional and subject to change based on the investigation outcome.

The increase in the number of cases is probably related to the issuance of the "Guidance Notes on Prevention of Heat Stroke at Work" (GN) by the Labour Department (LD) in 2023 and the extensive publicity carried out in collaboration with the Occupational Safety and Health Council. The GN raised employers' and employees' awareness and concern about heat stroke at work, as well as their understanding that heat stroke at work can be considered and handled as work injuries, thus resulting in an increase in the reporting of relevant cases in 2023 and 2024.

(2) In the summer of 2024, the LD conducted a total of 23 620 inspections related to risk control measures against heat stress and issued 1 031 warnings to relevant stakeholders. The warnings were mainly related to failure to conduct a heat stress risk assessment in accordance with the GN to ensure the implemented heat stroke preventive measures are appropriate and effective, failure to keep records of heat stress risk assessment, or failure to take adequate preventive measures to reduce the risk of heat stroke at work. We did not find any serious contravention in the period of inspection that warranted prosecution under the general duty provisions of the Occupational Safety and Health Ordinance (OSHO). We believe that most employers recognise the need to prevent their employees from getting heat stroke at work and are willing to take necessary measures against heat stress in accordance with the recommendations in the GN.

(3) In 2023, the LD issued the GN and introduced the Heat Stress at Work Warning (HSWW) based on the Hong Kong Heat Index to enable employers and employees to formulate, with reference to the GN and according to the heat stress level, appropriate and risk-based control measures to reduce the risk of heat stroke posed to employees at work.

Taking into account the views of various stakeholders, the LD expedited the review in May 2024 with parts of the GN revised and strengthened in order to enhance the employers' and employees' understanding of the criteria and recommendations provided in the GN. At the same time, the HSWW system was optimised by linking its warning with the Hong Kong Observatory's "Extremely Hot" special alert and adjusting the cancellation mechanism of HSWW further so that the re-issuance of warning within a short time after cancellation was significantly reduced in 2024.

Under the general duty clauses of section 6 of the OSHO, every employer must, so far as reasonably practicable, ensure the safety and health at work of all the employer's employees, including the provision or maintenance of a working environment and systems of work that are safe and without risks to health of the employees. Employers are required to conduct heat stress risk assessments for employees working in hot environment, and take necessary risk

control measures based on the assessment results to prevent employees from getting heat stroke at work. The LD will conduct inspection and law enforcement work. In particular, inspection of workplaces with a higher risk of heat stroke will be stepped up during summer time to ensure that employers have taken appropriate measures to safeguard employees against heat stroke at work. If irregularities are found during inspection, relevant law enforcement actions will be taken based on the seriousness of the circumstances and the evidence available.

We believe that the GN can raise the awareness and capacity of employers and employees in preventing heat stroke at work, and we will continue to conduct various publicity and promotional activities as well as education and training work to remind and assist them to take appropriate heat stroke preventive measures in accordance with the GN. Moreover, the LD will continue to perform inspection and law enforcement work to monitor the implementation of heat stroke prevention measures in high-risk industries and ensure that employers have taken appropriate measures to prevent employees from getting heat stroke at work.