

CONTROLLING OFFICER'S REPLY

FHB(FE)157

(Question Serial No. 0168)

Head: (49) Food and Environmental Hygiene Department
Subhead (No. & title): (-) Not Specified
Programme: Not Specified
Controlling Officer: Director of Food and Environmental Hygiene (Miss Vivian LAU)
Director of Bureau: Secretary for Food and Health

Question:

As regards cases of injury at work handled by the Food and Environmental Hygiene Department (the Department) in respect of outsourced cleansing workers, please advise this Committee on the following:

1. the number of reported cases of injury at work received by the Department in respect of outsourced cleansing workers in each of the past three years (if no such statistics are available, the reason(s)); the measures taken by the Department to follow up the reported cases of injury at work (if no follow-up actions have been taken, the reason(s));
2. whether the Department has considered increasing manpower to monitor the occupational safety and health of outsourced workers; and
3. whether the Department has specified in the tender document for each outsourced cleansing service contract and the signed contract the minimum staffing requirement for each service item, the protective equipment in the required quantities, the number of training courses on occupational safety and health, the provision of sufficient drinking water, and the regular provision of changing and locker facilities (if yes, the details; if not, the reason(s)); whether a review will be conducted and relevant arrangements implemented.

Asked by: Hon LEUNG Yiu-chung (Member Question No. 8)

Reply:

The information sought is provided as follows -

1. The contracts signed between the Food and Environmental Hygiene Department (the Department) and its service contractors stipulate that in the event of any of the contractors' employees suffering from any injury or death in the course of or arising out of the contract (whether or not a claim for compensation is involved), the contractor shall, within 7 clear working days, give notice in writing of such injury or death to the Department. The contractors are also required to comply with all the

legislation in relation to the execution of the service contracts, including the Occupational Safety and Health Ordinance (Cap. 509) (the Ordinance). The number of reported cases received by the Department on injury at work of cleansing workers employed under cleansing service contracts in the past three years is given below -

Year	2014-15	2015-16	2016-17 (as at 28.2.2017)
No. of reported cases on injury at work	89	94	61

If the Department suspects a breach of the Ordinance in a reported case, the case will be referred to the Labour Department (LD) for investigation. If it is confirmed that the contractor has committed an offence under the Ordinance, LD will take appropriate action including instituting prosecution against the contractor. The Department will also take action in accordance with the contract terms, including the issuance of verbal warnings, written warnings and default notices as well as withholding/deducting monthly payment of service charge.

2. The contractors have a duty to ensure, as far as reasonably practicable, their employees' safety and health at work. The Department will offer appropriate assistance where circumstances and resources permit.
3. The Department has generally adopted an "outcome-based" approach in outsourcing cleansing services. Clear and precise performance-based service requirements including the scope of the services required, level of cleanliness expected, response time for rectification of unsatisfactory performance, etc. are incorporated in the tender document. Minimum requirements relating to manpower, work shift, and cleansing frequency may be stipulated in the tender document based on operational needs. The tenderers are required to apply their expertise and experience in devising the staff deployment plan and the mode of operation to provide cleansing services up to the performance standard as required by the Department. Tender proposals are binding once the relevant tender is accepted and will form the basis for monitoring the contractor's performance.

In the tender document for each cleansing service contracts and the signed contract, the Department specifies that the contractor shall provide sufficient protective equipment, necessary training on occupational safety, provision of potable water and ancillary tools as well as comply with all the legislation in relation to the execution of the service contracts, including the Ordinance. It is incumbent upon contractors to ensure their employees' safety and health at work. There is no specific requirement on the provision of changing and locker facilities and the number of training courses on occupational safety and health. Nevertheless, many venues of the Department with contractors engaged have resting/changing facilities which can be used by employees of the contractors.