

**CONTROLLING OFFICER'S REPLY**

**FHB(FE)309**

**(Question Serial No. 3878)**

Head: (49) Food and Environmental Hygiene Department

Subhead (No. & title): (-) Not specified

Programme: (2) Environmental Hygiene and Related Services

Controlling Officer: Director of Food and Environmental Hygiene (Miss Vivian LAU)

Director of Bureau: Secretary for Food and Health

Question:

Please advise this Committee of the following:

- (a) the number of employees hired by the cleansing service contractors of the Food and Environmental Hygiene Department in the past 5 years and their job types or occupations; the average daily wage rates, monthly salaries, working hours and average number of leave days of the employees concerned, with a breakdown by job type or occupation;
- (b) the measures taken by the Department to monitor the compliance with the Occupational Safety and Health Ordinance by cleansing service contractors; whether regular or blitz inspections have been conducted or visits paid to workers; if yes, the respective numbers of regular inspections, blitz inspections and visits paid to workers in the past 5 years, as well as the ranks of staff who performed the duties;
- (c) further to the above question, the number of suspected non-compliance cases, with a breakdown by type; the actions taken by the Department to handle cases of suspected non-compliance with the Occupational and Health Ordinance upon detection, as well as the penalties imposed on the contractors concerned;
- (d) whether the Department has specified in the tender document for each cleansing service contract and the signed contract the minimum staffing requirement in each work shift for each service item; if yes, the details and the measures taken to monitor the service contractors' compliance with the requirement. If the requirement has not been specified, please give reason(s) and advise whether a review or study will be conducted in future;
- (e) whether the Department has specified in the tender document for each cleansing service contract and the signed contract that the contractor shall provide training on occupational safety, protective equipment in the required quantities, ancillary tools, changing facilities and refreshment; if yes, the details and the measures taken to monitor the service contractors' compliance with the requirement. Please also advise

whether any inspection will be carried out and the rank(s) of the staff responsible for the inspection(s). If the requirement has not been specified, please give reason(s) and advise whether a review or study will be conducted in future; and

- (f) the number of cases of cleansing service contractors' non-compliance with contract requirements that were received and detected upon inspection by the Department in the past 5 years, with a breakdown by type of non-compliance and penalty imposed.

Asked by: Hon CHEUNG Chiu-hung, Fernando (Member Question No. (LegCo use): 2011)

Reply:

- (a) The information sought is provided as follows –

<b>Job Type</b>	<b>No. of Employees Hired by Cleansing Service Contractors</b>				
	<b>2013-14</b>	<b>2014-15</b>	<b>2015-16</b>	<b>2016-17</b>	<b>2017-18 (as at 31 December 2017)</b>
<b>Cleansing Workman</b>	8 220	7 689	8 016	7 973	8 308
<b>Toilet Attendant</b>	1 002	960	856	855	909
<b>Operative</b>	855	860	869	875	911
<b>Supervisor</b>	974	938	910	933	1 018
<b>Driver / Coxswain</b>	449	443	438	461	434

Note : The Food and Environmental Hygiene Department (the Department) does not keep information on the average daily wage rate, monthly salaries, working hour and average number of leave days. As long as all relevant legislation and contract requirements are complied with, the contractors may make their own arrangements for employing workers to provide the services.

- (b), (c) & (e) In the tender document for each public cleansing service contracts and the signed contracts, the Department specifies that the contractor shall provide necessary training on occupational safety, sufficient protective equipment, ancillary tools and potable water as well as comply with all the legislation in relation the execution of the service contracts, including the Occupational Safety and Health Ordinance (Cap. 509) (the Ordinance). It is incumbent upon contractors to ensure their employees' safety and health at work. Staff of the Department carry out regular and surprise inspections to check the contractors' performance and ensure their compliance with the contractual requirements. Under the Occupational Safety and Health Regulation (Cap. 509A) (OSHR), employers have a duty to ensure, as far as reasonably

practicable, their employees' safety and health at work, which includes providing sufficient drinking water and toilets for employees.

It is also stipulated in the contracts that the contractors should ensure that all their employees wear tidy and clean uniforms or special protective clothing which the Government may consider necessary or appropriate while they are providing the services. This includes the replacement of face mask at least once at the beginning of a work shift or immediately after the mask is damaged. The contractors are obliged to provide and replace uniforms and special protective clothing for their staff. The Department has added a clause to newly awarded contracts to require the contractor to submit a uniform supply and allocation plan within 2 weeks after the commencement of contract to the Department for approval. The contractor is also required to keep a full record of allocation of such items to each employee with his/her acknowledgement of receipt, and produce the record at the request of the Department for inspection. There is no specific statutory or contractual requirement on the provision of changing and locker facilities. Nevertheless, many venues of the Department with contractors engaged have resting/changing facilities which can be used by employees of the contractors. As for newly completed facilities including refuse collection points (RCPs), changing and storage facilities are provided for both in-house staff and contractors' employees. The Department is planning to launch a pilot scheme to carry out improvement works in existing roll call points, including RCPs, where feasible, for provision of changing and storage facilities.

Any breach of contractual obligations by the contractors will lead to the issuance of verbal warnings, written warnings and default notices as well as deduction of monthly payment of service charge. If the Department finds that any contractor fails to comply with the requirements for providing its employees with sufficient drinking water, the Department will issue a notice of blatant default to the contractor without prior warning. The Department will also refer the case to the Labour Department for investigation on any contravention of OSHR. The Department does not keep separate breakdown on the number of regular and surprise inspections conducted in these aspects. The inspections may be performed by officers at the rank of Senior Health Inspector, Health Inspector I/II, Overseer and Senior Foreman.

- (d) 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.
- (f) The total numbers of verbal warnings, written warnings and default notices issued by the Department to public cleansing service contractors, as well as deduction of monthly payments of service charge are provided in the following table –

	<b>2013-14</b>	<b>2014-15</b>	<b>2015-16</b>	<b>2016-17</b>	<b>2017-18 (as at 28 February 2018)</b>
<b>No. of verbal warnings issued</b>	1 213	2 422	2 116	2 547	1 928
<b>No. of written warnings issued</b>	270	260	118	852	106
<b>No. of default notices issued</b>	1 053	1 316	1 228	763	979
<b>Amount of service charge payments deducted (\$ million)</b>	2.778	2.608	2.718	3.898	2.089

No breakdown on the type of non-compliance is available.

- End -