

CONTROLLING OFFICER'S REPLY**FHB(FE)263****(Question Serial No. 5182)**

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:

Please provide the number of reported cases of injury at work received by the Food and Environmental Hygiene Department in respect of non-skilled outsourced cleansing workers, parts of body involved and the reason(s) for the injuries, details of the follow-up actions taken by the Department regarding the reported cases of injury at work in the past 5 years. If no follow-up actions have been taken, please state the reason(s). If figures relating to the reported cases are not available, please state the reason(s). Has the Department considered increasing manpower to monitor the occupational safety and health of outsourced workers, and how will it ensure the occupational safety and health of outsourced workers?

Asked by: Hon CHEUNG Chiu-hung, Fernando (LegCo internal reference no.: 1658)

Reply:

The contracts signed between the Food and Environmental Hygiene Department and its service contractors stipulate that in the event of the injury or death of any of the contractor's employees in the course of executing the contract or arising out of the contract (whether or not a claim for compensation is involved), the contractor should, 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 5 years is given as follows:

Year	2015-16	2016-17	2017-18	2018-19	2019-20 (As at 29.2.2020)
No. of reported cases on injury at work	94	65	68	63	19

The injuries sustained by cleansing workers at work in the reported cases were mainly sprains, strains, bruises, cuts and wounds in different parts of the body. Unintended collisions (for instance, with a bicycle or a hand cart), slips, trips or falls on same level and lifting were common causes of injuries. 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 after investigation that the contractor has committed an offence under the Ordinance, the LD will take appropriate actions 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.

The contractors have a duty to ensure, as far as practicable, their employees' safety and health at work under the Occupational Safety and Health Regulation (Cap. 509A). In the Department's services contracts involving non-skilled workers, the contractors undertake that the contractor personnel should have the necessary training which includes training in occupational safety and health for provision of the services, and 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. The contractors are obliged to provide and replace uniforms and special protective clothing for their staff. The Department adds a clause to newly awarded contracts to require the contractors to submit a plan for the supply and allocation of uniforms and special protective clothing within 2 weeks after the commencement of the contracts for approval. The contractors are also required to keep a record of allocation of such items to each employee with his/her acknowledgement of receipt, and produce the record at the Department's request for inspection. Staff of the Department carry out regular and surprise inspections to check the contractors' performance and ensure their compliance with the contractual requirements. 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.

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