

CONTROLLING OFFICER'S REPLY

FHB(FE)318

(Question Serial No. 4737)

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:

In the past 5 years, has the Department put in place any tools, measures or work arrangements to ensure the safety of outsourced cleansing workers at work and prevent them from sustaining injuries at work or suffering from musculoskeletal disorders? If yes, what are the expenditures involved? Please also provide the number of outsourced cleansing workers who were injured in the course of work or injured due to musculoskeletal disorders arising from work in the past 5 years. Does the Department have a work plan or a budget for preventing outsourced workers from sustaining injuries in the course of work or suffering from occupational diseases arising from work and improving their working environment? If yes, what are the items and the expenditure involved? If no, what is/are the reason(s)?

Asked by: Hon KWOK Ka-ki (LegCo internal reference no.: 340)

Reply:

The contracts signed between the Food and Environmental Hygiene Department and its service contractors stipulate that the contractor personnel should have the necessary training which includes training in occupational safety and health for provision of the services, and 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. 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 provide the record at the Department's request for inspection.

In addition, it is also part of the contractual requirements that contractors should comply with all legislation in relation to the execution of the service contracts. Specifically, the Occupational Safety and Health Regulation (Cap. 509A) (the Regulation) provides that the employers have a duty to ensure, as far as practicable, their employees' safety and health at work. If the Department suspects a breach of the Regulation, 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 Regulation, the LD will take appropriate actions including instituting prosecution against the contractor. The Department will also take actions 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 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

* No breakdown on cause of injury is available.

The Department does not keep a breakdown of the expenditure on occupational safety.

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