

**CONTROLLING OFFICER'S REPLY**

**FHB(FE)357**

**(Question Serial No. 4471)**

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 wake of the outbreak of novel pneumonia, there is a severe shortage of epidemic-prevention supplies on the market. As the outsourced cleansing workers of the Department are responsible for maintaining public health, it is a matter of concern whether they have got sufficient personal protective equipment. Please advise this Committee on the following:

- a. whether there are provisions in the tender document for each outsourced cleansing service contract and the signed service contract requiring the contractors to provide their non-skilled workers with specific types of protective equipment (including head covers, gloves, goggles, face masks, N95 respirators, plastic aprons, rubber boots, extension sleeves, rubber gloves and cotton yarn gloves) in the required quantities and keep a record of the quantities and expiry dates of those items.
- b. in 2019, the respective number of verbal warnings, written warnings and default notices issued by the Department to its non-skilled outsourced service contractors for their breach of the Occupational Safety and Health Ordinance and failure to provide their workers with the equipment as stipulated in the outsourced service contracts (e.g. failure to provide face masks, goggles, protective clothing, etc. during the epidemic prevention period), as well as the monthly service charges deducted and demerit points given due to the breaches.

Asked by: Hon WAN Siu-kin, Andrew (LegCo internal reference no.: 63)

Reply:

- a. Under the service contracts between the Food and Environmental Hygiene Department and its contractors, the contractors should comply with all legislation in relation to the execution of the 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.

In addition, it is also part of the contractual requirements that 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. 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 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.

- b. As mentioned above, the contractors should comply with all legislation in relation to the execution of the service contracts. 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 action in accordance with the contract terms, including the issue of verbal warnings, written warnings and default notices as well as withholding/deducting monthly payment of service charge. Information on the actions\* taken by the Department against the contractors for their breaches of the contract terms in 2019 is as follows:

Year	No. of verbal warnings issued	No. of written warnings issued	No. of default notices issued	Amount of service charge payments deducted (\$ million)
2019	2 412	91	1 419	3.765

\*Note: The Department does not keep a separate breakdown of the number of cases where the Department has taken action against the contractors' breaches of the contract terms in relation to the provision of equipment for their employees.

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