



Hong Kong General Chamber of Commerce
香港總商會 1861

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8 December 2023

Ms May Chan
Commissioner for Labour
Labour Department
16/F, Harbour Building
38 Pier Road, Central
Hong Kong

Dear Ms Chan,

**Consultation – Revision of "Code of Practice –
Safety and Health at Work in Confined Spaces"**

The Hong Kong General Chamber of Commerce ("the Chamber") welcomes the opportunity to respond to the captioned consultation.

Against the backdrop of two worker fatalities from a suspected gas leak underground in September 2023, the Labour Department's suggested revision of the "Code of Practice – Safety and Health at Work in Confined Spaces" is a major step in the direction of Vision Zero, as advocated by The International Social Security Association. The proposed Code of Practice is a solid attempt at adhering to Vision Zero's seven golden rules: take leadership – demonstrate commitment; identify hazards – control risks; define targets – develop programmes; ensure a safe and healthy system – be well-organised; ensure safety and health in machines, equipment and workplaces; improve qualifications – develop competence; and invest in people – motivate by participation.

Furthermore, the current code was issued by the then Commissioner for Labour back in 2000, warranting a necessary review after over two decades.

When it comes to implementation, the Chamber recommends providing more clarity and guidelines to practitioners. Detailed information sessions, guidebook and videos, and even training might need to be provided to support the roll out of the new measures. In terms of training, we suggest courses provided to be upgraded in an orderly manner to strengthen workers' qualifications.

Certified Workers and Competent Persons

The Chamber recommends that Labour Department fully reviews trainers' qualifications, the trainer-student ratio, and facilities offered by existing training providers, to ensure the competence of certified workers and competent persons.¹

¹ Refer to 4 of the Proposed Code of Practice

Risk Assessment Report and Recommendations

The Chamber supports the Labour Department's proposal in the code of practice for proprietors or contractors to put in place alternative measures in prevention of workers entering confined spaces for work. This suggested revision takes into account the significant developments in technology since 2000, and proposes the use of advanced equipment such as remote-control monitoring.²

We recommend that the underground pipework be of a sufficient size to enable the implementation of the mandatory requirement for workers to wear approved breathing apparatus and use a suitable safety harness connected to a lifeline, in accordance with section 9 of the Confined Spaces Regulation.³

While the exact requirements for air monitoring shall be determined by the competent person, the challenges of continuously ensuring that the ventilation is adequate need to be considered, especially for large enclosed spaces.⁴

We support the proposed code of practice's provision about reviewing on a regular basis the work environment and processes, to safeguard the validity of the risk assessment and recommendations, thereby ensuring that work safety is practised with consistency.⁵

Compliance with Risk Assessment Report and Issuance of Certificate

The Chamber welcomes the addition of a template of a "Permit-to-work Certificate", which encompasses checklists such as safety precautions for entry into the confined space, isolation measures, and emergency rescue equipment provided. The "Permit-to-work Certificate" will help proprietors or contractors implement the risk assessment report's recommended safety precautions and prevent foreseeable hazards.⁶

As a proposed requirement, proprietors or contractors need to employ two competent persons to complete the risk assessment report. This may lead to proprietors or contractors being confronted with shortage of competent persons. We suggest that the Labour Department offers an adaptation period and monitors closely training providers' teaching quality.⁷

Safety Precautions When Work is Being Undertaken

We appreciate the Labour Department's expansion of an existing code of practice about training the standby person on how to maintain communication with workers inside the confined space, by including suggested updates such as harnessing new technology to effectively communicate with workers inside the confined space. This will further encourage proprietors or contractors to capitalize on technological advancements to create safe enclosed spaces. However, the Chamber hopes the Labour Department will provide further details on the various kinds of new technology that can be leveraged, and how it can enhance organizations' access to them, to help organizations benchmark and improve their safety performance.⁸

² Refer to 5.1 of the Proposed Code of Practice

³ Refer to 5.13 of the Proposed Code of Practice

⁴ Refer to 5.15 of the Proposed Code of Practice

⁵ Refer to 5.19 of the Proposed Code of Practice

⁶ Refer to 6.3 and Appendix II of the Proposed Code of Practice

⁷ Refer to 6.6 of the Proposed Code of Practice

⁸ Refer to 8.5 of the Proposed Code of Practice

Furthermore, we welcome the proposed implementation of two levels of alarm systems for workers to act as appropriate during the monitoring of the enclosed working environment, and the newly added Appendix III which provides information on the subject.⁹ Also, the newly included Appendix I, namely the risk assessment form for confined spaces, is comprehensive and includes a risk assessment table which assists the competent person in upholding safety standards.¹⁰

Emergency Procedures

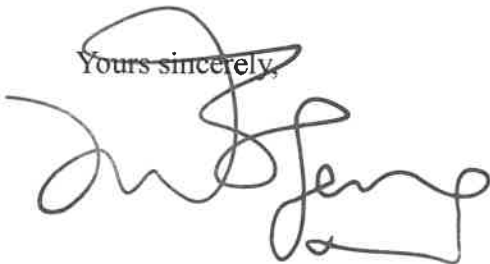
The Labour Department needs to ensure the effectiveness of public emergency services, to fulfill the requirement of having sufficient rescue personnel and equipment on the same worksite or nearby in the confined space.¹¹

The Chamber supports the proposal that proprietors or contractors equip workers with body-worn video cameras in the specific circumstances of individual projects where practicable. The standby person can thus keep track of the workers and summon help from the rescue team should an emergency occur.¹² Making it compulsory for workers to carry a personal motion-sensing alarm device for the same purpose is also a positive move.¹³

Conclusion

We hope that you will take early steps to implement our above recommendations. In addition, we recommend that the Government provides much-needed support for proprietors or contractors to realize Vision Zero, as many organizations are still recovering from the impact of COVID-19.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Patrick Yeung', written over the typed name and title below.

Patrick Yeung
CEO

⁹ Refer to 8.10 of the Code of Practice

¹⁰ Refer to Appendix I of the Code of Practice

¹¹ Refer to 10.5 of the Code of Practice

¹² Refer to 10.8 of the Code of Practice

¹³ Refer to 10.10 of the Code of Practice