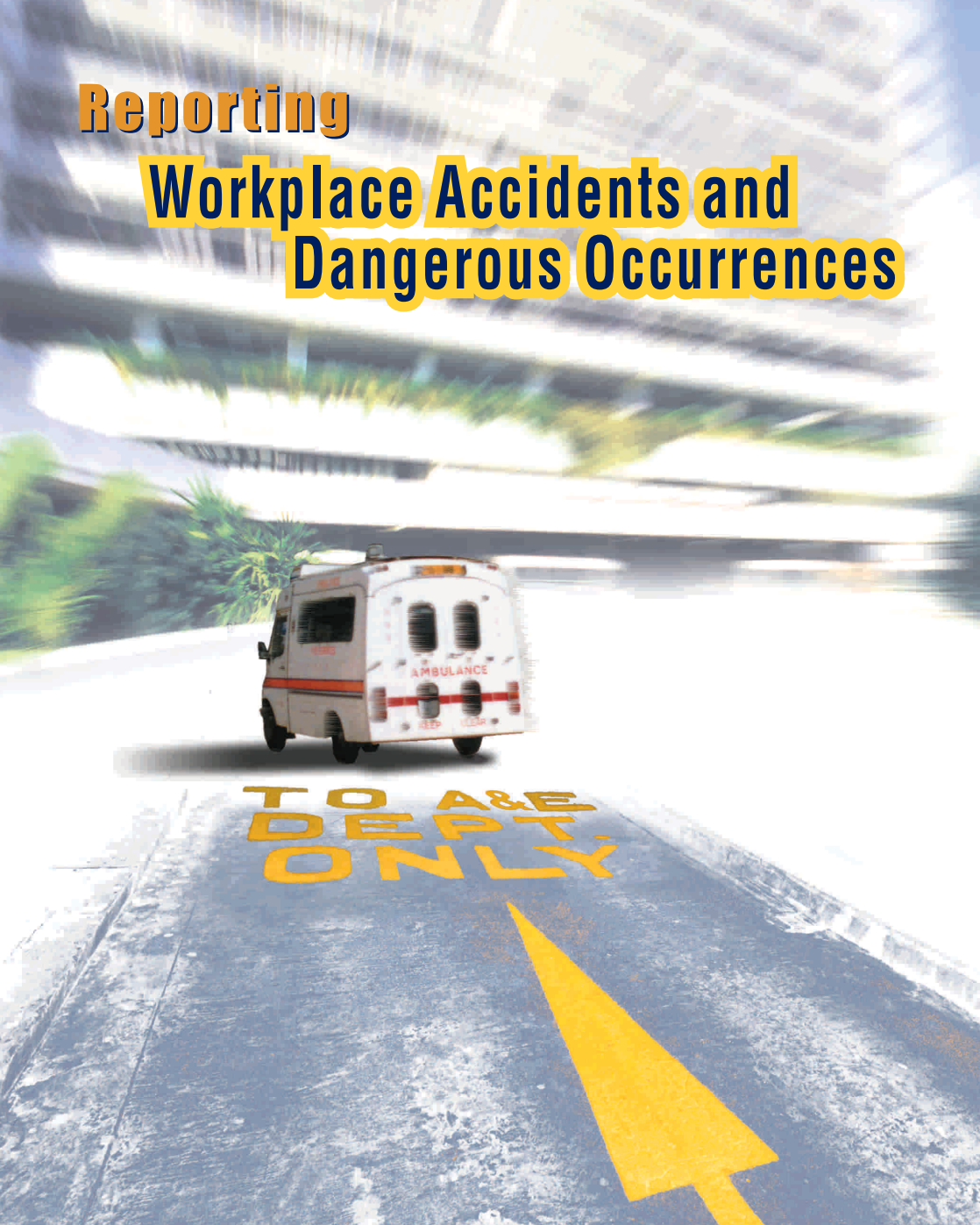


Reporting Workplace Accidents and Dangerous Occurrences



Occupational Safety and Health Branch
Labour Department

Corrigendum to Reporting Workplace Accidents and Dangerous Occurrences

(Year 2002 edition) (18 August 2023)

Item	Page	Current Version	Amendment
1	3	Penalty A person responsible for a workplace who fails in his duties for reporting accident as required commits an offence and is liable on conviction to a maximum fine of \$50,000.	Penalty A person responsible for a workplace who fails in his duties for reporting accident as required commits an offence and is liable on conviction to a maximum fine at level 6 (currently \$100,000).
2	5	Penalty An occupier of premises who fails to report dangerous occurrence as required commits an offence and is liable on conviction to a maximum fine of \$50,000.	Penalty An occupier of premises who fails to report dangerous occurrence as required commits an offence and is liable on conviction to a maximum fine at level 6 (currently \$100,000).

- End -

This guidebook is prepared by the
Occupational Safety and Health Branch
Labour Department

This Edition

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This guidebook is issued free of charge and can be obtained from offices of the Occupational Safety and Health Branch or downloaded from website of the Labour Department at <http://www.info.gov.hk/labour/eng/public/os/accidentdo.exe>. Addresses and telephone numbers of the offices can be found in website of the Department at <http://www.info.gov.hk/labour/eng/tele/index.htm>.

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PART I : REPORTING WORKPLACE ACCIDENT

Section 13 of the Occupational Safety and Health Ordinance, Chapter 509, requires that an **ACCIDENT** which occurs at a **WORKPLACE** and causes the death of, or serious bodily injury to, or incapacity from working for at least 3 days of, an employee must be reported.

"ACCIDENT" includes any event that detrimentally affects the health of a person.

"WORKPLACE" means any place where employees work, but does not include any of the following –

- (a) an aircraft or vessel when located in a public place;
- (b) when a vehicle that is designed or used for the carriage of people, animals or goods is located in a public place, the seat or position normally occupied by the driver of the vehicle;
- (c) domestic premises at which the only employees are domestic servants;
- (d) a place at which only self-employed persons work;
- (e) any other place of a kind prescribed by a regulation for the purposes of this paragraph.

Who should Report Accident?

An accident must be reported by the person responsible for a workplace. The person responsible for a workplace is the employer of the employees who are employed to carry out work there, or if the employer does not exercise any degree of control over the relevant part or aspect of the workplace, means the **OCCUPIER** of the workplace.

"OCCUPIER", in relation to any premises or workplace, includes a person who has any degree of control over the premises or workplace and, in particular, includes a person who, under a lease or contract, has an obligation –

- (a) for the maintenance or repair of the premises; or
- (b) for the safety of, or the absence of risks to health arising from the condition or use of, any plant or substance located on the premises; or
- (c) to provide, maintain or repair a means of access to, or egress from, the premises.



How to Report Accident?

1. Where an accident causes the death of, or **SERIOUS BODILY INJURY** to, an employee –
 - ⇒ Notify it to an occupational safety officer of the Labour Department (LD) within 24 hours after the time when the accident occurred.
 - ⇒ Report it in writing to an occupational safety officer of the LD within 7 days after the date of the accident if notification of the accident is not contained in a written report that contains the particulars required below.

"SERIOUS BODILY INJURY", in relation to a person, includes any bodily injury that results in the person's admission at a hospital or clinic for treatment or observation.

2. Where an accident (other than an accident causing the death of, or serious bodily injury to, an employee) causing an employee **INCAPACITATED** from working for at least 3 days –
 - ⇒ Report it in writing, with the particulars required below, to an occupational safety officer of the LD within 7 days after the date of the accident.

"INCAPACITATED", in relation to a victim of an accident, means that the victim is permanently or temporarily incapacitated from working in any capacity in which, but for the accident, the victim would have been capable of working.

(**Note:** The above report in writing is not required if notice of the accident has been given in accordance with Section 15 of the Employees' Compensation Ordinance, Chapter 282.)



Subsequent Death of Accident Victim

Where the victim of an accident dies after the accident has been notified or reported -

- ⇒ Report, within 24 hours after becoming aware of the death, either orally or in writing the death to an occupational safety officer of the LD **AND** to the police officer in charge of the police station nearest to the workplace.



What are to be Reported in Writing?

The report in writing must contain the following particulars –

- (a) the name and principal business address of the occupier of the premises concerned;
- (b) if the victim is an employee of an employer who is not the occupier of the premises, the name and principal business address of the employer;
- (c) the name, residential address, gender, identity card number, age (if known) and occupation (if any) of the victim of the accident;
- (d) details of the industrial, commercial or other activities carried on at the workplace; and
- (e) particulars of the accident, including the injury and whether death or incapacity ensued and the activity that the victim was engaged in at the time of the accident.



Penalty

A person responsible for a workplace who fails in his duties for reporting accident as required commits an offence and is liable on conviction to a maximum fine of \$50,000.



PART II : REPORTING DANGEROUS OCCURRENCE

Section 14 of the Occupational Safety and Health Ordinance, Chapter 509, requires that a dangerous occurrence that occurs at a workplace must be reported, notwithstanding that the occurrence has been notified or reported in relation to reporting of workplace accident.



What is Dangerous Occurrence?

"Dangerous Occurrence" means an occurrence of a kind specified below –

1. The disintegration of a revolving vessel, wheel, grindstone or grinding wheel that is operated by mechanical power.
2. The collapse or failure of a lifting appliance (except the breakage of chain or rope slings).
(Note: "Lifting appliance" includes crane, derrick, winch and hoist.)
3. An explosion or fire that –
 - (a) causes damage to the structure of any workplace, or to any plant or substance at a workplace; and
 - (b) prevents the continuation of ordinary work at the workplace.
4. An electrical short circuit or electrical failure of electrical plant that –
 - (a) is followed by, or associated with, an explosion or fire; or
 - (b) causes structural damage to the plant,
being a short circuit, failure, explosion, fire or damage that stops the operation of the plant or prevents it from being used.
5. An explosion of a receiver or container used for the storage at a pressure greater than atmospheric pressure or of any gas or gases (including air) or any liquid or solid resulting from the compression of gases.
6. A total or partial collapse of a roof, wall, floor, structure or foundation of premises where a workplace is located.
7. A total or partial collapse of any overburden, face, tip or embankment within a quarry.
8. The overturning of, or a collision with any object, by –
 - (a) a bulldozer, dumper, excavator, grader, lorry or shovel loader; or
 - (b) a mobile machine used for the handling of any substance in a quarry.



Who should Report Dangerous Occurrence?

The occupier of premises where a workplace is located must report any dangerous occurrence that occurs at the workplace.

How to Report a Dangerous Occurrence?

⇒ Report it in writing to an occupational safety officer of the LD within 24 hours after the dangerous occurrence.

What are to be Reported in Writing?

The report in writing must contain the following particulars –

- (a) the time of the dangerous occurrence;
- (b) particulars of damage to, or the destruction of, property; and
- (c) the circumstances of the dangerous occurrence.

Penalty

An occupier of premises who fails to report dangerous occurrence as required commits an offence and is liable on conviction to a maximum fine of \$50,000.



Part III : USEFUL INFORMATION

Labour Department hotline for reporting accidents or dangerous occurrences:
2815 0678 (auto-recording after office hours)

If you wish to enquire about this booklet or require advice on occupational safety and health, you can contact the Occupational Safety and Health Branch through:

Telephone : 2559 2297 (auto-recording after office hours)

Fax : 2915 1410

E-mail : laboureq@labour.gcn.gov.hk

Information on the services offered by the Labour Department and on major labour legislation is also available at <http://www.info.gov.hk/labour>.