

President's Message	1
深圳特區勞動爭議的若干法律問題探討	2
Occupational and Environmental Noise - The Two Sides of a Coin	7
Leadership In Safety Management In China	9
Welcome New Members	9
Safe Foreman Award 2007	11

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President's Message Leung Chiu Ming, Michael

Stepping into the festive month, may I wish all of you Merry Christmas and a Happy New Year!

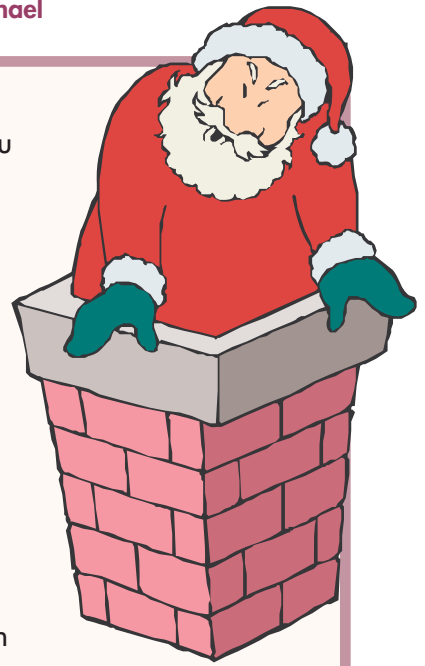
Starting October, the Society has organized a handful of joint CPD events with other organizations, on 12th and 20th October, 17th and 25th November and 18th December. More CPD talks are waiting in the pipeline pending further confirmation with speakers and venues.

The Society is recruiting its first batch of student members, mainly from those studying the Bachelor of Science in Environmental and Occupational Safety and Health course in the Hong Kong Polytechnic University. It is anticipated that as the Society is on its stable growth, full members can share their valuable experience with student members and help the younger generation to face the challenge of the ever-changing world of occupational health and safety.

Quite a number of members are working in the construction industry in Macau. The Society is actively pursuing collaborative initiatives with the Macau authority as well as peers in the field.

Due to personal reasons, our Hon. Treasurer has officially submitted his resignation in October 2006. His office has since then been taken over by another Executive Council member Agnes Chow, whose original position of Chairperson of Editorial Committee is succeeded by yet another Executive Council member Norbert Fan. On behalf of the Society, I wish to express our gratitude to Andy

for his service, and wish that he will one day return to the Executive Council to serve our members. Appreciation also goes to Agnes and Norbert for taking up the new duties.



深圳特區勞動爭議的若干法律問題探討

(按：此文曾於2003年的深港兩地勞動法暨安全生產法專家論壇上發表)

深圳大學法學院副院長、副教授 鍾明霞

深圳毗鄰香港，兩地無論在經濟、貿易還是社會生活上都有非常緊密的聯繫，特別是今年6月29日在香港簽署的《內地與香港關於建立更緊密經貿關係的安排》(Mainland and HongKong Closer Economic Partnership Arrangement)，開創了香港與內地、尤其是香港與深圳、與珠江三角洲區域經濟一體化的新型關係。作為中國最有活力的經濟特區和香港的後方，深圳給予了香港應有的支持，但更多的可能還是受益於香港這個市場經濟較發達地區的經濟和法律制度。

一個有趣的現象是，我們內地學者在研究某個法律問題時，不但要瞭解西方國家的理論和實踐，也要盡可能瞭解香港的做法，希望得到有益的借鑒，並且據我所知，深圳的很多地方性法規在立法前，有關專家必定要先去香港考察一番，然後結合深圳的實際情況來制定，結果是往往在全國開創了先例，例如1993年4月制定的《深圳經濟特區股份有限公司條例》就早於全國性的《公司法》，1996年制定的《深圳經濟特區企業欠薪保障條例》也在內地首開先河，充分發揮了深圳特區的窗口和試驗田的作用。

由於兩地的特殊淵源，我們專門討論深港兩地勞動法的相關問題，也顯得特別重要和有意義。我對勞動法並沒有很深的研究，只能就深圳特區勞動爭議中最常見的幾個法律問題談點看法，希望能從今天的討論中得到有益的啟示。

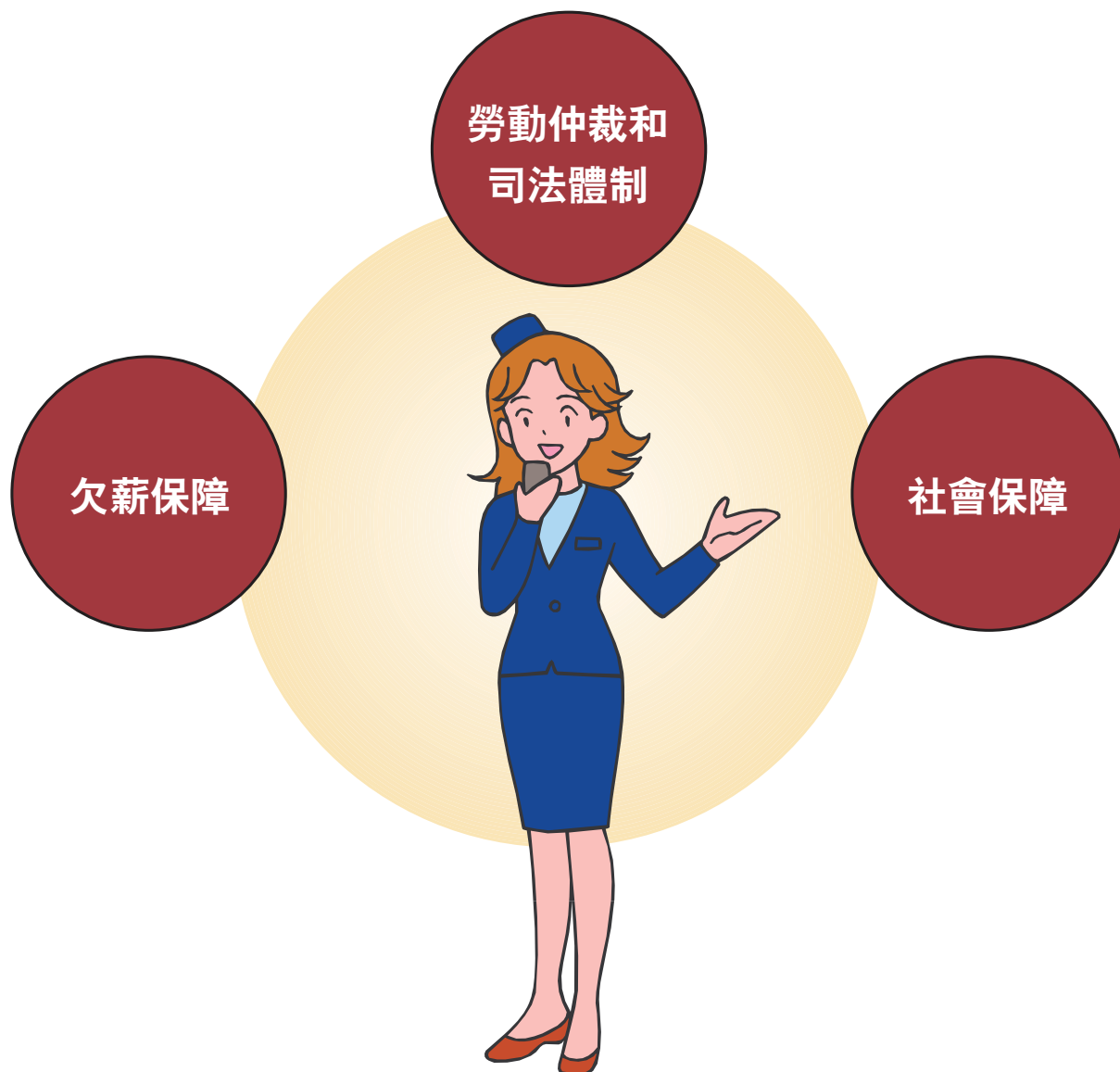
一、勞動仲裁和司法體制問題

所謂勞動爭議是指用人單位與職工，因實現勞動權利和履行勞動義務而發生的糾紛。我國勞動爭議主要是通過調解、仲裁、訴訟程序的有機結合來處理。目前無論是國家的法律還是深圳的法規，都是要先仲裁，然後才能提起訴訟，即仲裁是訴訟的必經前置程序。不經過勞動仲裁裁決的勞動爭議案件，當事人向法院提起訴訟的，法院不予受理，而且，當事人行使訴權的條件是“對仲裁裁決不服”，這就是所謂仲裁前置原則。

將勞動爭議仲裁作為必經程序，雖然可以發揮勞動仲裁部門熟悉勞動業務的優勢，但其缺點也是很明顯的，首先是周期太長，不利於及時保護當事人的合法權益。本來商事仲裁較之法院判決程序上應簡化，特別是勞動爭議。雖然勞動爭議中不全是企業的錯，但總體上看，勞動者屬於弱勢群體，勞動者的利益急需保護，但現在的規定反而複雜化，有時候使得勞動者的利益不能及時得到保護。這不僅無法體現法律制度的效率，而且很可能使矛盾雙方積怨加深。其次，仲裁、訴訟必須依次進行，也違背了仲裁的自願精神，增加了當事人的訴訟成本和心理負擔。而且現行法律法規對勞動爭議中涉及的勞動關係和僱傭關係之間的區別並無明確規定。經常聽法官朋友說他們受理的僱傭關係案件非常多，卻沒有明確的法律規則可以採用。《合同法》草案中本來有“僱傭合同”，作為勞動關係的一般準則。當適用勞動法不能解決的問題，就適用《合同法》中的僱傭合同規定。可是正式出臺的《合同法》卻取消了僱傭合同的規定，造成處理某些勞動爭議案件無法可依。再次，勞動爭議仲裁的實際效用也並未得到充分發揮。我國目前的勞動爭議仲裁與其它商事仲裁截然不同，它是由國家強制力確定的，而不是基於雙方當事人自願選擇，實際上它更接近國家行政機關的一種行政決定。對於這種裁決，只要一方當事人不服，就可以通過訴訟途徑使裁決歸於無效。

二、欠薪保障問題

欠薪保障問題雖然是個全國性的問題，但在深圳尤其突出，主要發生在“三來一補”和建築行業等。深圳現有10萬多家企業，其中外資企業和民營企業等非公有經濟占絕對比重。據有關部門統計，深圳受理的勞動爭議糾紛中，75%的案件是由拖欠工資引起的，而且欠薪問題主要集中在工程施工隊、“三來一補”、私營和民營企業。深圳勞動系統目前已成為全市的“信訪大戶”和全廣東省的“仲裁大戶”，一是勞動信訪量近年來一直占全市信訪總量的一半左右，並有逐年上升趨勢；



二是深圳勞動爭議仲裁數量占全省的40%左右，在每年處理的勞動爭議案件中，涉及外資、民營企業的爭議案件占70%以上¹。

深圳和內地不同，內地的國有企業多，雖然有欠薪，但還不至於跑掉，為了社會穩定，政府最後還是會兜著。上世紀80年代末90年代初，在東北瀋陽就有過所謂的“安定團結貸款”。而在深圳，民營和私營企業多，特別是建築行業，層層轉包，欠薪問題就更突出了，工人往往不知道老闆是誰，也就不知道找誰討要薪水。最近深圳就發生了好幾起因欠薪而引發的跳樓、攔馬路等事件，引起了社會的極大震動。

欠薪缺乏保障，與現行管理體制也有關係。例如，欠薪的經營者逃跑後，換個企業名稱或者另

外租賃場地重起爐灶，逃避了應有的法律責任，極大地損害了勞動者的合法權益，破壞了誠信和社會交易安全。現行管理體制對此卻缺乏有效的監管或限制，甚至該破產的又不破產等。

深圳在借鑒香港《破產企業欠薪保障條例》的基礎上，於1996年制定了《深圳經濟特區欠薪保障條例》，並於1997年1月1日起施行，現在正在制定《工資支付條例》，主要內容是關於工資標準和支付期限的確定，以便判斷是否構成欠薪。目前的做法是，按照《欠薪保障條例》第4條的規定，建立欠薪保障基金，由工商局在企業年審時向每家企業大約收取300元作為欠薪保障基金（對新成立的企業，在辦理工商登記註冊時收取）。在某個企業發生欠薪問題時，由該基金先解燃眉之急。儘管這種做法受到了一些批評，被指為亂收費，但

對保護勞動者利益還是有一定作用，有其積極的一面。當然，這也是權宜之計，因為數額有限，仍然解決不了根本問題。而且《欠薪保障條例》中，只有特區內企業和與之形成的勞動關係員工方可享受欠薪保障，特區外則不行，造成了特區內外適用勞動法規的不統一。

欠薪的原因很多，有正常的經營虧損，也有惡意逃跑的等等。由於在根本上缺乏誠信，欠薪後換一個名字或換一個地方重操舊業的情形屢見不鮮，在現行制度框架下也沒有什麼阻力，不但損害了勞動者的利益，也危害了社會的交易安全和秩序。為了保護勞動者利益，盡可能減少欠薪糾紛，維護社會穩定，除了要大力提倡誠信外，關鍵是要在制度上限制欠薪者的任意註冊登記以及超過正常限度的消費，例如可以通過聯網來控制欠薪者的異地註冊行為，通過法院來限制欠薪者的不當消費，上海法院就有限制欠債者豪華消費的有關規定，值得我們借鑒。此外，由於地方保護主義盛行，所以還有必要從稅務、信貸等方面對有欠薪史的經營者進行監管。

三、社會保障問題

社會保障法與勞動法有著密不可分的關係，社會保障法的核心內容—社會保險法就是建立在勞動關係的基礎上，在勞動法發展到一定程度上產生的，社會保險法的內容無一不與勞動法有密切的關係。

與西方國家相比，我國社會保障制度建立較晚，但學術界對社會保障的研究已成為熱點。從目前我國社會保障的構建看，社會保障應當包括兩方面內容，一是完全由國家財政支撐的項目，包括對社會弱勢的救助，對軍人及軍烈屬的優撫安置，對無依無靠的孤老殘幼、殘疾人員以及社會大眾舉辦的社會福利和有關的社區服務，這些完全屬於國民收入再分配範疇，充分體現社會公平；二是由用人單位、職工個人繳費、國家給予適當補助的三方共同籌資的項目，包括養老保險、醫療保險、工傷保險、失業保險和生育保險等²，這些屬於社會保險範疇。我們現在主要是勞動保障，還不是真正意義上的社會保障。但深圳的保險制度一直走在全國前列，一是起步早，深

圳早在上世紀90年代初就開始建立了工傷保險，以後又陸續建立了失業保險、養老保險和醫療保險；二是對外來工的保護與戶籍人口一視同仁，順應了市場經濟的發展。但即使是在深圳，社會保障制度實施過程中仍存在一些問題，例如一些用人單位不為職工投保，或者拖欠保險費；另外，針對公民社會保障權利受到侵犯而設置的救濟手段並不健全，致使公民社會保障權利受到侵犯時難以獲得救濟。1999年發生在深圳的的士司機齊峰案就暴露出深圳的有關法規不配套、社會保險實施仍不完美的弊端³。深圳出租車公司與出租車司機間的關係以前一直屬於承包關係，發包者沒有法定義務為承包司機辦理社會保險，而且層層轉包的錯綜複雜關係，使得出租車司機權益難以得到切實保障。正對這一不合理的現象，深圳已經開始了這方面的改革，2002年3月出臺的深圳市政府規章《綠色出租小汽車管理規定》就將出租車公司與出租車司機間的關係規定為勞動關係，經營企業與其聘用的駕駛員，應簽訂市勞動部門統一制定的勞動用工合同和市主管部門統一印製示範文本的員工服務合同，這樣為司機買保險就成了公司的法定義務，從而進一步維護了廣大勞動者的合法權益。

綜上所述，本文認為，要妥善解決勞動爭議，保護勞動者的合法利益，重在制度和法律，雖然大規模的集中式運動（如每逢春節前，領導上門督促企業按時發放工資或進行各種檢查等）也能湊效，但只有好的制度和法律，並且能夠得到貫徹執行，才能從根本上解決問題，從而切實維護廣大勞動者的根本利益，維護社會穩定，在這方面我們還有很多工作要做。

- 1 見2002年5月14日《南方都市報》
- 2 目前我國有關社會保險法律規定，屬於用人單位、職工個人和國家三方共同繳費的項目是養老保險、醫療保險和失業保險，生育保險和工傷保險主要由用人單位繳費、國家財政給予適當補助。
- 3 深圳安達客運有限公司的士司機齊峰，載客的時候被歹徒劫持，在與歹徒搏鬥時致殘，100%喪失了勞動能力。齊峰以公司沒有為自己辦理工傷保險為由，向公司索賠各種費用200余萬元。勞動仲裁和一審法院均駁回齊峰的訴訟請求，2001年4月，深圳中級人民法院又駁回齊峰的上訴，維持了原判。

Occupational and Environmental Noise - The Two Sides of a Coin

Leung Chiu Ming, Michael

Introduction

Health and safety professionals nowadays are sometimes proactive, but in other times almost being forced, to expand their regime to include environmental protection, in particular those safety officers working in the construction and manufacturing industries.

The aim of this article is to make a small-scale comparison between occupational noise and environmental noise related to say air conditioning ventilation system.

The Laws

On the aspect of noise control, even if the noise comes out of the same source such as air conditioning ventilation system, there are at least two departments (sometimes three, including the Hong Kong Police) that handle it under two different sets of legislation, viz. the Labour Department that enforces the Factories and Industrial Undertakings (Noise at Work) Regulations, and the Environmental Protection Department that enforces the Noise Control Ordinance and its subsidiary regulations.

They are two sides of a coin, like twins, but yet so different. Occupational noise deals with the noise that affects the workers, and in an indoor setting, refers to the noise within the four walls of the premises. Environmental noise deals with the noise that escapes from the premises, which are sometimes as open as an open site, which affects the public nearby.

Noise Control Methods

On occupational noise, the management of the organization should first consider engineering control in terms of low-vibration technology etc., then administrative control such as training, information, shift work etc., and finally personal protective equipment through wearing of ear muff or ear plug. They are not mutually exclusive and the management can apply

a combination of these methods. On the other hand, for environmental noise, the solution is almost exclusively through the engineering design, such as minimizing the vibration noise emanated from the air conditioning ventilation system. We cannot apply administrative control by asking the complainant to change his lifestyle to avoid the noisy hours, nor can we demand him to wear ear protectors.

Noise Levels

The occupational threshold noise level has been set at 85 dB(A) / 8 hours (daily exposure) for the first action level, 90 dB(A) / 8 hours for the second action level and 140 dB for the peak action level. For environmental noise, it all depends on the region where the organization is sited, as well as the location of the complainant. The EPD would first identify the location of the Noise Sensitive Receiver (NSR), most of the time a domestic one, then determine the Area Sensitive Rating (ASR) of the area within which the NSR is located, and finally determine the Acceptable Noise Level (ANL) by reference to the ASR and the time period under consideration.

High Court Magistracy Appeal Case No. 894 of 1997

The High Court (Court of First Instance) Magistracy Appeal Case No. 894 of 1997, the Secretary for Justice (Appellant) v. Tak Yue Restaurant Ltd. (Respondent) could be of some interest. The Respondent was being charged with failure to comply with a Noise Abatement Notice issued by the EPD under s. 13(1)(c) of the Noise Control Ordinance, requiring the Respondent to ensure the noise emanated from the Respondent's restaurant did not exceed the limits specified in the Notice, which were 62 dB(A) during daytime and evening, and 52 dB(A) at night. The ANL for the area where the Respondent's restaurant was at the time were 65 dB(A) for day and evening and 55 dB(A) for night time, as specified in Table 3 of the Technical Memorandum issued by the EPD under s. 10 of the Noise Control

Ordinance. The magistrate considered that the EPD had been ultra vires in arbitrarily prescribing a limit in a notice that departed from the one authorized in the Technical Memorandum. The learned Judge however overturned the magistrate's decision and allowed the appeal, accepting EPD's point of view that the ANL of 65 dB(A) and 55 dB(A) are the general level of noise in the area where the NSR is located, and that is the aggregate of several noise sources. The individual noise sources which together made up the ANL in question, must be more strictly controlled in order to get those levels of noise at the location of the NSR.

The interesting points are these: First, if you install an air conditioning ventilation system for a certain premises, it would be very difficult for you to be absolutely sure that the noise emanated from this system would not adversely affect your neighbour. It will depend on the exact location of the NSR, viz. the complainant, which you may never know until a complaint is received by EPD. Second, even if you design it to be in line with the ANL specified in the Technical Memorandum, you may still get into trouble as in the above court case, because the ANL measured at the NSR is the aggregate noise, not only your contributory portion, and you will not know how much

it will be until the EPD issues you with a noise abatement noise.

Conclusion

The concept of "aggregate" dosage will be more far-fetched than we could imagine. By "indoor", EPD would mean in the common area of an indoor environment, such as the common corridor of a shopping centre, outside the legislative control of the occupational health laws. In future, when the control of indoor air quality becomes statutory under the EPD regime, then individuals who contribute to the overall indoor air quality could be at stake, as in the above case of "aggregate noise level". If you operate a photo finishing shop and measurement right at the exit of your shop shows that the level of volatile organic compounds that escape from within to the common corridor is within limits, there is no relief yet because when combined with the VOC from the adjoining units, such as a furniture shop, or a restaurant, the "aggregate VOC level" may then be exceeded, and every individual shop operator will then be in trouble.

Now would you see it my way – Occupational or Environmental – which one is more difficult to handle?



Leadership In Safety Management In China

Norbert Fan

World-class safety performance can be achieved for major project execution in China. However, past experience shows that exceptional performance requires a proactive and hands-on approach to safety management throughout the life of the project, in design, procurement and construction. In particular, the approach must promote a "Safety Culture" at all levels in the project organization, including the owner, international contractor, Chinese design institute, suppliers and construction contractors. Safety Culture shall be based on a new concept "Safety Justice" targeted at a zero tolerance safety policy - no accident is acceptable through winning the hearts and support of all the project members, and this shall be started on day one of the project backed up by a clear policy statement, by-laws and penalty/incentive scheme. In a previous article titled Safety Justice appeared in the June 2003 edition of the Newsletter of Hong Kong Society of Registered Safety Officers, the concept of Safety Justice was introduced by the author for the first time. Safety Justice is the new concept developed to bring out the importance of being fair and just in safety management and emphasis its place in safety culture building in any organization.

Safety Justice

In Chapter One, Laying Plan, of his famous book On Art of War, Sun Tzu points out that, for a nation to win war, her ruler must exercise good moral law (道). This moral law will cause the people to be in complete accord with their rulers, so that they will follow him regardless of their lives, undismayed by any danger (道者，令民與上同意也。故可與之死，可與之生，而不詭也。). It is this attitude in complete accord with their superiors that the safety culture of any organization aims to implant in the mass of the workers. Good human law finds its root in good moral law; this is the case that English Common Law is comprised of two basic elements: it is justice supplemented by common sense approach. Justice consists of two fundamental

elements: fairness and impartiality, while common sense approach requires innovation and resourcefulness. The importance of justice to safety management is that, without such moral law as its foundation, safety culture cannot be built in any organization. The absence of any common sense approach of innovation and resourcefulness, the cost to the organization to establish the safety management system could be so high that it just simply failed. Therefore, the right of being treated impartially must be protected by company official by-laws and policy statements; those who in position or has the power to exercise judgment over other people must do so according to well publicized rules and guidelines clearly spelt out in written form. The company shall also establish a penalty/award scheme to guarantee the above methods and disciplines will be followed closely and justice can be achieved. This idea of using written regulations is also reflected in Sun Tzu's text when he expressed the need to marshal the army by法 which means Method and Discipline (法者，曲制、官道、主用也。). Therefore, company by-laws, policy statement, publicized rules, guidelines and penalty/reward scheme in this writing have exactly the same meaning as Sun Tzu's methods and disciplines (法) whose purpose is to control or to marshal a particular group of people.

In short, Safety Justice means the following: on top company management level, the top executives must set good role models and to fulfill their duty to proclaim that the right of impartiality will be protected by all means including company by-laws and policy statements. Also, the power of making judgment over other people shall be executed according to well-publicized rules and guidelines in written form. Company penalty/award policy shall be set up under supervision of an independent department to guarantee the above captioned power cannot be misused so that fairness can be achieved. Why do we need all of these? The reason is simple. People are not only the major part

of any human management system, but also the pivotal elements that run the systems and make them work. Without fairness and impartiality, people will not accept the obligations by the systems and hence the systems will not survive. On execution level, safety practitioners and field managers shall be experts in human management. Sun Tzu's five virtues should be the ideal reference and standard for them to target at and to work hard for. In his famous book *On Art of War*, Sun Tzu mentions five virtues a commander must possess in order to win battles; they are wisdom (智), sincerity (信), benevolence (仁), courage (勇) and strictness (嚴). It is obvious that great wisdom is needed in warfare since all warfare is based on deception (兵者，詭道也)。It is also true for safety practitioners that wisdom is demanded since common sense approach requires great deal of resourcefulness and innovation. Sincerity (信) will make a person a man of his words, and will more likely stick to game plan laid down beforehand and to execute 法 (Method and Discipline) wholeheartedly. Benevolence (仁) will make a person

more humane and will tend to think in others' shoes; he will more likely come up compromised solutions well accepted by all fractions so that impartiality will be kept. Persons with courage (勇) will dare to take on responsibility and to delegate power to his sub-ordinates. He will implement 法 (Method and Discipline) without any hesitation even the adversity is against him. Besides, he will accept the adverse consequence due to the execution of his plan by his men even it is not the direct result of his command. Person with strictness (嚴) will follow the exact game plan in detail to guarantee fairness of due process without any interference by favoritism.

Chinese sites often involve thousands of workers, an integrated approach to safety management with strong and proactive leadership with close supervision is essential. In order to achieve this, a comprehensive project safety program led by experts so selected based on the Sun Tzu's virtues should be developed. It should be implemented throughout the life span of the project from design stage to operation and maintenance.

Key principles of an effective safety program based on Safety Justice are:-

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| <ul style="list-style-type: none"> * Set up system based on justice with aim to promote and establish safety culture around project team or organization; * Select project team members based on Sun Tzu's five virtues; * Identify and document applicable Chinese legal requirements, international standards & codes and owner requirements but always adopt the higher standards; * Assign clear responsibility and accountability for safety management within the project organization, a zone system shall be set up with all the supervisory staff of the zone held responsible and accountable for safety performance; strict reward and penalty scheme shall be employed accordingly; * Apply a consistent and strict system and procedures across the entire project to assure of fairness; | <ul style="list-style-type: none"> * Promote an safety culture among all personnel employed on the project through multi-lingual training, provision of appropriate personnel protection equipment, and by providing incentives in the form of reward and recognition for excellent safety performance on both the individual and organizational levels; * Ensure safety is fully considered during the design stage through appropriate safety and construction review procedures, taking account of all existing and anticipated safety requirements and regulations; * Provide strict and constant control, audit, monitoring, appraisal and verification of safety performance of Chinese design institute, contractor and vendor * Keep mind opened to and dare to take on new suggestions for innovation. |
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Leadership Style of Mr. Rudy Giuliani

Safety professionals working in China play a very important role in public relations building; they need to build up and maintain firm and influential human relations among Chinese colleagues of design institutes, contractors and vendors so that they can realize the needs and to fulfill the safety responsibilities by themselves. Also, Chinese sites often involve thousands of workers, sites safety staffs, therefore, strong leadership is needed on top of regular management skills. Although Sun Tzu points out the basic human virtues for strong leadership, the theories of leadership and public relationship are complicated and hollow. It is better off to demonstrate by a masterpiece performed by Rudy Giuliani. A lot of people don't like Rudy Giuliani, the New York City's mayor. But even Giuliani's harshest critics have had to admit he has proven his finest in the aftermath of the September 11 tragedy.

His leadership in the face of unprecedented horror has demonstrated pure public relations genius. Giuliani's rare instincts can teach other politicians and public relations professionals alike how to seize public relations leadership in crisis. Indeed, recognizing the steps the mayor has followed – presumably instinctively – in confronting this crisis of all crises is more instructive than any crisis communication manual. Crisis management and Chinese site safety management are actually relevant in nature, considering the dynamic nature of construction works and the large number of workers, machinery performing great varieties of dangerous functions in a rather narrow area simultaneously.

- **Lead with action**

Communication is hollow and false if not bolstered by reality and fact. Action must come first. Mayor Giuliani understood this. Within what seemed like

moments after the Trade Center crashes, Giuliani took charge of the rescue operation. In subsequent days, he personally kept the public informed and updated on all the various actions that government was taking to restore order. He led with action.

- **Go quickly to the scene of the tragedy**

Not only did Giuliani and Governor Pataki continually conduct news conferences at the Ground Zero epicenter of the carnage, but they both narrowly escaped death when they departed Building one, ten minutes before it imploded. Giuliani understood the importance of “symbolically bonding” with those affected by the tragedy, by rushing quickly to the scene of the onslaught. This technique could easily be translated to be “frequent presence in the centers of the activities in the construction sites.”

- **Communicate continually**

In crisis, uncertain is the enemy. Nature abhors a vacuum. Others will fill the crisis information void if official sources don't come forward immediately and continually to set the communications agenda. Accordingly, Mayor Giuliani set the agenda early, with morning planning meetings of his key aides followed by periodic press briefings to deliver specific messages. At one, he posted photos of the flight recorders that needed to be located. At another, he vowed to punish the bogus fundraisers and bomb scare callers. And at another, he pleaded against provocation of people of Arab descent. At construction sites, right messages and information about safety have to be sent out continually. Otherwise, other will fill the voids.

- **Demonstrate humanity**

Few things are more urgent in a crisis than showing a human face to those who grieve. But many leaders

mistakenly consider it a “sign of weakness” to show emotion. As hard-nosed as he is, Rudy Giuliani has no trouble expressing emotion. Among the most poignant portraits was the mayor’s hesitant, heart-rending acknowledgement of the loss of three fire-fighting friends, who had accompanied him in the day. In such tragedy, not only is it not wrong to show emotion – it is necessary. Showing emotion toward hardworking workers will make them think you are one of them.

- **Use symbols**

In the Trade Center tragedy, the most memorable image was a horrific one – the sight of a jumbo jet crashing headlong into a steel tower and bringing down a nation. So here again, it was left to the mayor to come up with more hopeful, alternative symbolism. And so he did, the mayor conducted his press conferences in an FDNY fire department baseball cap and an EMS medical worker windbreaker. In so doing, he transmitted to one and all that hope and heroism and courage and confidence were still very much alive, regardless of the devastation. This shows the importance in construction sites that the site supervisory team members must set good and healthy examples to the workers.

- **Express optimism**

The final responsibility of a leader in crisis is to express the clear and unmistakable notion that “this too will pass.” Rudy struck that tone early and often. “We are going to rebuild,” he promised at the very first press conference. “We are going to come out of this stronger than we were before. Emotionally stronger, politically stronger, economically stronger.” Giuliani’s language was as simple as it was eloquent – honest, straightforward, apolitical. And perhaps it was this quality, more than anything else that distinguished him from all the other politicians. No matter how tough the site situation is, site safety staff shall always express optimism about the importance and the necessity of site safety*.

Conclusion

World class execution of major projects with excellent safety performance is possible in China through the application of the best International project management practice adapted and modified in order to account of the specific opportunities and constraints.

* Source: extracted from the *MANAGEMENT HORIZONS* (Dec 2001), No.11 Civil Service Training and Development Institute, Hong Kong.

The following applications were approved by the Executive Committee of The Society of Registered Safety Officers:

1. Mr. Cheung Tak Wah, Dennis

2. Mr. Lau Chung Chi

Student members:

1. Mr Poon Wing Kin 潘永建

2. Ms Lam Yu Ting 林宇婷

3. Mr Leung Shiu Kei 梁兆基

4. Mr Leung Ming Ho 梁明顯

5. Ms Lin Lai Miu 連麗苗

Safe Foreman Award 安全管工獎 2007

回答職安健問題

填寫參加表格

即可參加

此活動由明建會主辦，註冊安全主任協會協辦及各大機構贊助
主要目的是確認管工對工地安全之重要性並表揚管工對安全之承擔

- 冠軍可獲得現金獎一萬元及獎座一個
- 其餘四名準決賽者各得現金伍仟元及獎狀一份
- 入圍者各得二百元禮券及獎狀一份
- 合格參賽者各得紀念品一份

參加資格：

所有工地管工及其職責必須直接管轄工人參與地盤工程，並要展現對工地安全有充份了解及積極地推廣及執行職安健。

參加方法：

1. 回答10條職安健選擇題。
2. 表達管工對工地安全之看法、意見及以實例表述。
3. 填寫參加表格，於二零零七年一月二十六日前，傳真至 2681 4417 或郵寄火炭郵箱482號，註冊安全主任協會收。
4. 評審委員會從各參賽者中選出優勝者進行會面。
5. 查詢可致電 9167 3573 蕭錦源先生 或 2516 8731 侯傑智先生

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