



14 December, 2010

To: List "C"

Safety Arrangements for Mainland Operations

The University, like many of its sister Institutions in Hong Kong, is extending its research and teaching activities beyond the HKSAR border into the Mainland. These activities may take place in different forms, from our own operation to various degrees of co-operation with our Mainland partners. Regardless of the forms of operation, HKU employees and students may be physically present in our Mainland venues in the course of their employment and study. The existing Safety and Health Policy of the University requires that their safety and health should be ensured too.

The issue was discussed in the recent meetings of the University's Safety, Health and Environment Committee (SHEC). Members are of the view that the University should have arrangements to ensure the safety and health of the University personnel in the Mainland to the same extent as their counterparts on the HKSAR campus. In this regard, SHEC has approved a policy document titled "Arrangements for Mainland Operations" under the University's current Safety and Health Policy. A copy of the approved document is attached here for your information.

The policy document defines the roles of the "Management Representative" in managing safety of his/her Mainland operation, and highlights the importance and challenges of achieving legal compliance in safety matters. If you happen to be a Management Representative as defined in the document, I invite you to peruse the document and take safety and health into consideration at all stages of your operation accordingly. I cannot emphasize enough that, while we are fast expanding our presence in the Mainland, we must build into our operations the necessary safety and health element to make them sustainable.

If you have any question about the policy document or need any advice, please feel free to contact me or the Director of Safety Dr Edmund Hau at 2859 2400 or email: ekmhau@hku.hk.

Professor John Malpas
PVC (Infrastructure)

EH/ii - Encl.

c.c. Chairman, SHEC
Secretary, SHEC
Director of Safety

The University of Hong Kong

Arrangements for Mainland Operations

("Section 4" to Code of Practice for the Implementation of the Safety and Health Policy)

When the University takes part in a teaching or research operation in the Mainland, either as a wholly owned operation or as a joint venture, it has both the legal and the moral responsibility to ensure the safety and health of its employees, students and visitors to the same extent as in the University's HKSAR campus. The person who represents the University to oversee the management of that operation (the Management Representative thereafter) is charged with the responsibility to ensure the safety and health of all the facilities and activities under his management. The Management Representative is not necessarily the one who is stationed in the Mainland venue or the one who is legally responsible under the safety legislation in the Mainland. The Management Representative may be the Dean of a Faculty, a Department Head or a senior staff member who has the overall management and budgetary responsibility of the Mainland operation as assigned by the Vice-Chancellor or his delegate.

The Management Representative should:

- (a) Take into account the health and safety as well as insurance issues when signing agreement with the Mainland partner;
- (b) Consult with the Director of Estates, Director of University Health Service, Director of Safety or other relevant specialists on safety and health matters when planning for new projects/operations in the Mainland;
- (c) Implement the University's Safety and Health Policy and Guidelines in the premises under his management;
- (d) Ensure that all activities and facilities comply with the relevant safety and health legislation in PRC Mainland;
- (e) Ensure that the safety standards in the University's HKSAR campus are also adopted and implemented in the Mainland premises as far as reasonably practicable;
- (f) Ensure that appropriate risk assessments are performed and resources are made available to enable activities to be conducted safely and facilities maintained without risk to users;
- (g) Regularly communicate with the personnel stationed in the concerned Mainland premises on safety matters and the relevant legal compliance;
- (h) Conduct accident investigations, and review safety performance as necessary to maintain a high safety standard.

Differences in safety standards between HKSAR and the Mainland are not uncommon. As a general principle, when difference in safety standards between the two jurisdictions arises, the higher standard should be adopted as far as reasonably practicable. It should however be noted that adopting a higher safety standard does not necessarily imply legal compliance with Mainland legislation.

Health and safety legislation and its implementation in the Mainland is substantially different from that in the HKSAR, and can be rather complicated to new comers. The Management Representative should seek the advice of local qualified safety experts to assist in achieving full legal compliance.