

5. Arrangements for Companies Established by the University

Creating separate research companies is an established way of many universities to efficiently transform research outputs into real-world benefits in society at large. The University of Hong Kong is no exception. Typically such a company can exist as a limited company. Depending on the nature of the company and the mode of collaboration, if any, with other institutions, the Board of Directors may include both HKU members and researchers from other institutions.

The Board of Directors is charged with a duty of care to ensure the health and safety of its employees and visitors both as a legal and a moral obligation. As a research company established by the University (“Company” hereafter) is a separate legal entity from HKU, the University Safety Policy will not automatically apply to its operation. This section lays down the over-arching principle to guide HKU members acting as Directors of Companies to exercise the duty of care to ensure the health and safety of their employees and visitors. Directors should adopt the following as their company policy wherever possible.

In line with the general obligation under Hong Kong Laws, the Director of a Company (“Director” hereafter) shall ensure that all relevant health and safety legislation is complied with.

The Director should also ensure that employees of the Company and its visitors are provided with the same level of protection as stipulated in the HKU Safety Policy and the safety guidelines in the HKU Safety Manual as far as reasonably practicable. Among other things, the following should be implemented. The Director should:

1. Consult with the relevant professionals of HKU (e.g. Estates Office, University Health Service and Safety Office) on safety matters when planning for facilities and operations that may constitute a high risk (e.g. research laboratories involving the use of hazardous equipment or materials).
2. Ensure that risk assessments are conducted for projects/activities involving specific hazards (chemicals, biological agents and radiation), and that safety measures are put in place to control the risks.
3. Ensure that all employees and visitors working with those specific hazards are adequately trained, and the training is properly recorded.
4. Set up and implement a proactive inspection/audit programme to regularly monitor the high-risk facilities/operations.
5. Develop an emergency plan to prepare for and respond to foreseeable emergencies.
6. Set up and implement an effective accident reporting system, and investigate accidents as appropriate to formulate preventive strategies.

The Director can delegate the above responsibilities (but not the legal liabilities) to other staff as appropriate, but should provide sufficient resource to the concerned staff for implementation.

In the event that the Board of Directors of a Company consists also of non-HKU members, the Director representing HKU should consult with other Directors of the Board and resolve if alternative safety arrangements will be adopted. As an over-arching principle, any alternative arrangements to be adopted should be equivalent to or at a higher standard than those adopted by HKU.