

立法會
Legislative Council

LC Paper No. CB(3) 133/03-04

Ref : CB(3)/M/OR

Tel : 2869 9205

Date : 6 November 2003

From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Council meeting of 26 November 2003

**Proposed resolution under
the Factories and Industrial Undertakings Ordinance and
the Interpretation and General Clauses Ordinance**

I forward for Members' consideration a proposed resolution which the Secretary for Economic Development and Labour will move at the Council meeting of 26 November 2003 under the Factories and Industrial Undertakings Ordinance and the Interpretation and General Clauses Ordinance. The President has directed that "it be printed in the terms in which it was handed in" on the Agenda of the Council.

2. The draft speech, in both English and Chinese versions, which the Secretary for Economic Development and Labour will deliver when moving the proposed resolution, is also attached.

(Ray CHAN)
for Clerk to the Legislative Council

Encl.

FACTORIES AND INDUSTRIAL UNDERTAKINGS ORDINANCE

AND

INTERPRETATION AND GENERAL CLAUSES ORDINANCE

RESOLUTION

(Under section 7 of the Factories and Industrial Undertakings Ordinance (Cap. 59) and section 35 of the Interpretation and General Clauses Ordinance (Cap. 1))

CONSTRUCTION SITES (SAFETY)(AMENDMENT) REGULATION 2003

RESOLVED that the Construction Sites (Safety) (Amendment)

Regulation 2003, made by the Commissioner for Labour on 28 May 2003, be approved, subject to the following amendments -

(a) in section 15 -

(i) in paragraph (a), by deleting the proposed regulation 38A(1A);

(ii) by adding -

"(aa) in paragraph (3), by repealing "unsafe place on the site" and substituting "place on the site where any hazardous

conditions are present";";

(iii) by deleting paragraph (b) and
substituting -

"(b) in paragraph (4), by repealing
"making any place safe if all"
and substituting "rectifying
any hazardous conditions if
all reasonably";";

(iv) by adding -

"(ba) by adding -

"(4A) For the
purpose of this
regulation, "hazardous
conditions" (危險狀況)
includes the following
conditions that may give
rise to a risk of persons
falling from a height -

- (a) unprotected
edge or
opening at a
place of work;
- (b) improper design
and
construction of

a place of work;

(c) inadequate or
insecure
support or
anchoring of a
place of work;

(d) improper
maintenance of a
place of work;

(e) any working
platform (other
than a suspended
working
platform) that
fails to comply
with the
provisions of
the Third
Schedule
applicable to
it."";

(v) in paragraph (c), in the proposed
regulation 38A(5) -

(A) in paragraph (a) -

(I) by deleting "(1A)" and
substituting "(4A)";

(II) by deleting "paragraph
(1)" and substituting
"paragraphs (1), (3) and
(4)";

(B) in paragraph (b), by deleting
"(1A)" and substituting "(4A)";

(b) in section 16, in the proposed regulation 38AA -

(i) by deleting paragraph (2);

(ii) by renumbering paragraphs (3), (4) and
(5) as paragraphs (2), (3) and (4)
respectively;

(iii) by deleting paragraph (3) and
substituting -

"(3) Subject to paragraph (4),
any contractor who has direct
control over any construction work
shall take suitable and adequate
steps to ensure that, so far as is
reasonably practicable, no person
gains access to any place which is
within the place of work where the
construction work is being carried
out and where any hazardous
conditions are present.";

(iv) in paragraph (4) -

(A) by deleting "Paragraph (4)" and

substituting "Paragraph (3)";

(B) by deleting "making any place safe" and substituting "rectifying any hazardous conditions";

(v) by adding -

"(5) For the purpose of this regulation, "hazardous conditions" (危險狀況) includes the following conditions that may give rise to a risk of persons falling from a height -

- (a) unprotected edge or opening at a place of work;
- (b) improper design and construction of a place of work;
- (c) inadequate or insecure support or anchoring of a place of work;
- (d) improper maintenance of a place of work;
- (e) any working platform (other

than a suspended
working platform)
that fails to
comply with the
provisions of the
Third Schedule
applicable to
it.";

(vi) in paragraph (6) -

(A) in paragraph (a) -

(I) by deleting "(2)" and
substituting "(5)";

(II) by deleting "paragraph
(1)" and substituting
"paragraphs (1), (3) and
(4)";

(B) in paragraph (b), by deleting
"(2)" and substituting "(5)";

(c) by deleting section 21(b) and substituting -

"(b) in paragraph (3), by adding "and the
contractor who employs him to carry out
the inspection" after "the scaffold";";

(d) by deleting section 24(c) and substituting -

"(c) in paragraph (3)(b), by repealing
"concerned" and substituting
"responsible for the construction site

concerned and the contractor who employs that person to carry out the examination".";

(e) in section 34, in the proposed regulation 48(1A)(b), by deleting "remains on the site to carry out the construction work" and substituting "employed to carry out the construction work remains on the site";

(f) in section 43 -

(i) in paragraph (a), by deleting "38AA(1), (3) or (4)" and substituting "38AA(1), (2) or (3)";

(ii) in paragraph (b)(v), by deleting "38AA(3) or (4)" and substituting "38AA(2) or (3)";

(g) in section 44, by deleting "regs. 38A(1A), 38AA(2)" and substituting "regs. 38A(4A), 38AA(5)".

CONSTRUCTION SITES (SAFETY)(AMENDMENT) REGULATION 2003

CONTENTS

Section		Page
1.	Interpretation	1
2.	Restriction on employment of persons under 18 years of age on construction sites	1
3.	Construction, maintenance, and inspection of hoist	2
4.	Cabins for drivers	2
5.	Drums and pulleys	2
6.	Brakes, controls, safety devices, etc.	3
7.	Trained workmen to operate hoist or give signals	3
8.	Safety of hoistways, platforms and cages	3
9.	Operation of hoists	4
10.	Winches	4
11.	Safe working load and marking of hoists	4
12.	Test and examination of hoists	5
13.	Carrying of persons prohibited	5
14.	Loads to be safely secured	5
15.	Duty of contractor responsible for construction site to ensure safety of places of work	6
16.	Regulation added	
	38AA. Duty of other contractors to ensure safety of places of work	8
17.	Prevention of falls	10
18.	Safe means of support	11
19.	Construction and maintenance of scaffolds, etc.	11
20.	Trained workmen to erect scaffold under supervision	11
21.	Inspection of scaffolds	12
22.	Boatswain's chairs (not power operated)	12

23.	Defences to regulations 38B(1) and (1A) and 38C	12
24.	Safety of excavations, etc.	13
25.	Fencing of excavations, etc.	13
26.	Safe guarding the edges of excavations, etc.	13
27.	Requirements for emergency escape	13
28.	Prevention of inhalation of dust and fumes	14
29.	Protection of eyes	14
30.	Fencing of machinery	14
31.	Trained and competent workmen to operate mechanical equipment	16
32.	Cleaning of dangerous machinery by young persons	16
33.	Use of electricity on construction sites	17
34.	Safety helmets	18
35.	Protection from falling materials	18
36.	Lighting of working places, etc.	19
37.	Projecting nails	19
38.	Materials kept on construction sites	20
39.	Prevention of drowning	20
40.	Power to prohibit smoking	21
41.	Maintenance of fire escapes and fire-fighting appliances	21
42.	Information to be furnished to Commissioner	21
43.	Offences and penalties relating to contractors	22
44.	Requirements with which certain safety equipment must comply	23

CONSTRUCTION SITES (SAFETY)(AMENDMENT) REGULATION 2003

(Made under section 7 of the Factories and
Industrial Undertakings Ordinance
(Cap. 59) subject to the approval
of the Legislative Council)

1. Interpretation

Regulation 2(1) of the Construction Sites (Safety)

Regulations (Cap. 59 sub. leg. I) is amended -

(a) by repealing the definition of "subcontractor";

(b) by adding -

"direct control" (直接控制), in relation to any
construction work, process, excavation,
operation, or erection, substantial
addition, alteration or dismantling of
scaffold, means control over the way the
construction work, process, excavation,
operation, or erection, substantial
addition, alteration or dismantling of
scaffold, as the case may be, is carried
out;".

**2. Restriction on employment of persons under
18 years of age on construction sites**

Regulation 4A is amended by adding -

"(1A) Any contractor who has direct control over any
construction work shall ensure that no person under 18 years
of age is employed to carry out the construction work unless
that person satisfies one or more of the descriptions set out

in paragraph (1)(a), (b), (c) or (d).".

**3. Construction, maintenance,
and inspection of hoist**

Regulation 5 is amended -

- (a) in paragraph (1), by adding "and any contractor who has direct control over any construction work which involves the use of the hoist" before "shall";
- (b) in paragraph (2), by adding "and any contractor who has direct control over any construction work which involves the use of the hoist" before "shall".

4. Cabins for drivers

Regulation 8 is amended by adding "and any contractor who has direct control over any construction work which involves the use of the hoist" before "shall".

5. Drums and pulleys

Regulation 9 is amended -

- (a) in paragraph (1) -
 - (i) by adding "and any contractor who has direct control over any construction work which involves the use of the hoist" before "shall";
 - (ii) by repealing "其吊" and substituting "該吊";
- (b) in paragraph (2), by repealing "contractor" and substituting "contractors".

6. Brakes, controls, safety devices, etc.

Regulation 10 is amended -

- (a) in paragraph (1), by adding "and any contractor who has direct control over any construction work which involves the use of the winch" before "shall";
- (b) in paragraph (2), by adding "and any contractor who has direct control over any construction work which involves the use of the hoist" before "shall".

7. Trained workmen to operate hoist or give signals

Regulation 20 is amended -

- (a) in paragraph (1), by adding "and any contractor who has direct control over any construction work which involves the use of the hoist" before "shall";
- (b) in paragraph (2), by adding "and any contractor who has direct control over any construction work which involves the use of the hoist" before "shall".

8. Safety of hoistways, platforms and cages

Regulation 31 is amended -

- (a) in paragraph (1), by adding "and any contractor who has direct control over any construction work which involves the use of the hoist" before "shall";
- (b) in paragraph (3), by adding "and any contractor who has direct control over any construction work which involves the use of the hoist," before "shall".

9. Operation of hoists

Regulation 32 is amended -

- (a) in paragraph (1) -
 - (i) by adding "and any contractor who has direct control over any construction work which involves the use of the hoist" before "shall";
 - (ii) in subparagraph (a), by repealing "其吊" and substituting "該吊";
- (b) in paragraph (2), by adding "and any contractor who has direct control over any construction work which involves the use of the hoist" before "shall".

10. Winches

Regulation 33 is amended -

- (a) by adding "and any contractor who has direct control over any construction work which involves the use of the hoist" before "shall";
- (b) by repealing "其吊" where it twice appears and substituting "該吊".

11. Safe working load and marking of hoists

Regulation 34 is amended -

- (a) in paragraph (1) -
 - (i) by adding "and any contractor who has direct control over any construction work

which involves the use of the hoist"

before "shall";

- (ii) by repealing "其吊" where it twice appears and substituting "該吊";

- (b) in paragraph (2), by adding "每名" before "有關的承建商".

12. Test and examination of hoists

Regulation 35 is amended -

- (a) in paragraph (1), by adding "and any contractor who has direct control over any construction work which involves the use of the hoist" before "shall";
- (b) in paragraph (3), by adding "and any contractor who has direct control over any construction work which involves the use of the hoist" before "shall";
- (c) in paragraph (4)(b), by repealing "contractor" and substituting "contractors".

13. Carrying of persons prohibited

Regulation 36 is amended by adding "and any contractor who has direct control over any construction work which involves the use of the hoist" before "shall".

14. Loads to be safely secured

Regulation 38 is amended -

- (a) in paragraph (1), by adding "and any contractor who has direct control over any construction work which

- involves the use of the hoist" before "shall";
- (b) in paragraph (2), by repealing "contractor" and substituting "contractors";
- (c) in paragraph (3), by repealing "contractor" and substituting "contractors";
- (d) in paragraph (4), by repealing "contractor takes" and substituting "contractors take";
- (e) in paragraph (5), by adding "and any contractor who has direct control over any construction work which involves the use of the hoist" before "shall";
- (f) in paragraph (6), by adding "and any contractor who has direct control over any construction work which involves the use of the hoist" before "shall".

15. Duty of contractor responsible for construction site to ensure safety of places of work

Regulation 38A is amended -

- (a) by repealing paragraph (1) and substituting -
 - "(1) Without prejudice to the other provisions of this Part, the contractor responsible for any construction site shall, so far as reasonably practicable -
 - (a) identify the hazardous conditions of persons working at a height in the construction site;
 - (b) rectify any hazardous conditions of persons working

at a height in the construction site; and

- (c) safeguard any person working at a height in the construction site against all hazardous conditions.

(1A) For the purpose of paragraph (1), "hazardous conditions" (危險狀況) includes the following conditions that may give rise to a risk of fall of person from height -

- (a) unprotected edge or opening at a place of work;
- (b) improper design and construction of a place of work;
- (c) inadequate or insecure support or anchoring of a place of work;
- (d) improper maintenance of a place of work;
- (e) any working platform (other than a suspended working platform) that fails to comply with the provisions of the Third Schedule applicable to it.";

- (b) in paragraph (4), by adding "reasonably" before "practicable";

- (c) by adding -

"(5) For the avoidance of doubt, it is

hereby declared that -

- (a) paragraph (1A) does not prejudice the generality of paragraph (1);
- (b) the reference to working platform in paragraph (1A) does not prejudice the operation of the provisions of the Factories and Industrial Undertakings (Suspended Working Platforms) Regulation (Cap. 59 sub. leg. AC) in relation to a working platform which is a suspended working platform."

16. Regulation added

The following is added -

"38AA. Duty of other contractors to ensure safety of places of work

(1) Without prejudice to the other provisions of this Part, any contractor who has direct control over any construction work shall, so far as reasonably practicable -

- (a) identify the hazardous conditions of persons working at a height in the construction work;
- (b) rectify any hazardous conditions of persons working at a height in the construction work;
- and
- (c) safeguard any person working at a height in

the construction work against all hazardous conditions.

(2) For the purpose of paragraph (1), "hazardous conditions" (危險狀況) includes the following conditions that may give rise to a risk of fall of person from height -

- (a) unprotected edge or opening at a place of work;
- (b) improper design and construction of a place of work;
- (c) inadequate or insecure support or anchoring of a place of work;
- (d) improper maintenance of a place of work;
- (e) any working platform (other than a suspended working platform) that fails to comply with the provisions of the Third Schedule applicable to it.

(3) Any contractor who has direct control over any construction work shall ensure that, so far as is reasonably practicable, suitable and adequate safe access to and egress from every place of work where the construction work is being carried out is provided and properly maintained.

(4) Subject to paragraph (5), any contractor who has direct control over any construction work shall ensure that, so far as is reasonably practicable, no person gains access to any unsafe place which is within the place of work where the construction work is being carried out.

(5) Paragraph (4) shall not apply in relation to a person engaged in work for the purpose of making any place

safe if all reasonably practicable steps have been taken to ensure the safety of that person whilst engaged in that work.

(6) For the avoidance of doubt, it is hereby declared that -

- (a) paragraph (2) does not prejudice the generality of paragraph (1);
- (b) the reference to working platform in paragraph (2) does not prejudice the operation of the provisions of the Factories and Industrial Undertakings (Suspended Working Platforms) Regulation (Cap. 59 sub. leg. AC) in relation to a working platform which is a suspended working platform."

17. Prevention of falls

Regulation 38B is amended -

(a) by adding -

"(1A) Subject to paragraphs (2), (3) and (4), any contractor who has direct control over any construction work shall take adequate steps to prevent any person on any place where the construction work is being carried out from falling from a height of 2 metres or more.";

(b) in paragraphs (2), (4) and (5)(a), by repealing "paragraph (1)" and substituting "paragraphs (1) and (1A)";

(c) in paragraph (3), by repealing "Paragraph (1)" and

substituting "Paragraphs (1) and (1A)".

18. Safe means of support

Regulation 38C is amended by adding "and any contractor who has direct control over the work" before "shall" where it first appears.

19. Construction and maintenance of scaffolds, etc.

Regulation 38D is amended by adding "and any contractor who has direct control over any work which involves the use of the scaffold, ladder, or other means of support" before "shall" where it first appears.

20. Trained workmen to erect scaffold under supervision

Regulation 38E is amended -

(a) by renumbering it as regulation 38E(1);

(b) by adding -

"(2) Any contractor who has direct control over any erection, substantial addition, alteration or dismantling of any scaffold shall ensure that the scaffold is not erected, added to, altered or dismantled except by workmen who are -

(a) adequately trained and possess adequate experience of such work; and

(b) under the immediate supervision

of a competent person.".

21. Inspection of scaffolds

Regulation 38F is amended -

- (a) in paragraph (1), by adding "and any contractor who has direct control over any construction work which involves the use of the scaffold" before "shall";
- (b) in paragraph (3), by repealing "contractor responsible for the scaffold" and substituting "contractors concerned";
- (c) in paragraph (4), by repealing "contractor" and substituting "contractors".

22. Boatswain's chairs (not power operated)

Regulation 38G is amended -

- (a) by renumbering it as regulation 38G(1);
- (b) by adding -
 - "(2) Any contractor who has direct control over any construction work shall ensure that no boatswain's chair or similar plant or equipment (not being a boatswain's chair or similar plant or equipment which is raised or lowered by a power-driven lifting appliance) is used in the construction work.".

23. Defences to regulations 38B(1) and (1A) and 38C

Regulation 38H(1) is amended by adding "or (1A)" after

"38B(1)".

24. Safety of excavations, etc.

Regulation 39 is amended -

- (a) in paragraph (1), by adding "and any contractor who has direct control over the operations" before "shall";
- (b) in paragraph (2), by repealing "contractor" and substituting "contractors";
- (c) in paragraph (3)(b), by repealing "contractor" and substituting "contractors".

25. Fencing of excavations, etc.

Regulation 40(1) is amended by adding "and any contractor who has direct control over the excavation or any construction work in the shaft, pit or opening" before "shall".

26. Safe guarding the edges of excavations, etc.

Regulation 41 is amended by adding ", and any contractor who has direct control over the excavation or any construction work in the shaft, pit or opening," before "shall".

27. Requirements for emergency escape

Regulation 41A is amended by adding "and any contractor who has direct control over the excavation or any construction work in the shaft, tunnel, pit or opening" before ", shall".

28. Prevention of inhalation of dust and fumes

Regulation 42 is amended by adding "and any contractor who has direct control over the work" before "shall".

29. Protection of eyes

Regulation 43 is amended by adding "and any contractor who has direct control over the process," before "shall".

30. Fencing of machinery

Regulation 44 is amended -

(a) by repealing paragraph (1) and substituting -

"(1) The contractor responsible for any prime mover, transmission machinery and other machinery (whether or not driven by mechanical power), and any contractor who has direct control over any construction work which involves the use of the prime mover, transmission machinery and other machinery, shall ensure that -

(a) every flywheel and moving part of the prime mover;

(b) every part of the transmission machinery; and

(c) every dangerous part of the other machinery,

are effectively guarded unless they are in such a position or of such construction as to

be as safe to every workman on the construction site as they would be if they were effectively guarded.

(1A) The reference to effectively guarded in paragraph (1) means effectively guarded by one or more of the following methods -

- (a) an automatic guard;
- (b) subject to paragraph (1B), a fixed guard;
- (c) an interlocking guard;
- (d) a trip guard;
- (e) a two-hand control device.

(1B) An opening may be provided in any fixed guard mentioned in paragraph (1A)(b) in accordance with regulation 6 of the Factories and Industrial Undertakings (Guarding and Operation of Machinery) Regulations (Cap. 59 sub. leg. Q).";

(b) in paragraph (2), by repealing "fenced, the contractor shall ensure that the fencing" and substituting "guarded, the contractors shall ensure that the guarding";

(c) by adding -

"(3) For the purpose of paragraph (1A), "automatic guard" (自動式護罩), "fixed guard" (固定式護罩), "interlocking guard" (互鎖式護罩), "trip guard" (觸覺式護罩) and "two-hand control

device" (雙手控制裝置) have the meanings respectively assigned to them by regulation 2 of the Factories and Industrial Undertakings (Guarding and Operation of Machinery) Regulations (Cap. 59 sub. leg. Q).".

31. Trained and competent workmen to operate mechanical equipment

Regulation 45 is amended -

- (a) in paragraph (1), by adding "and any contractor who has direct control over any construction work which involves the use of the equipment" before "shall";
- (b) in paragraph (2), by adding "and any contractor who has direct control over any construction work which involves the use of the equipment" before "shall".

32. Cleaning of dangerous machinery by young persons

Regulation 46 is amended -

- (a) by adding -

"(1A) Any contractor who has direct control over any construction work which involves the use of any machinery or plant in the site shall ensure that no young person is permitted to clean any dangerous part of the machinery or plant while the machinery or plant is in motion by the aid of any mechanical power.";

- (b) in paragraph (2), by repealing "paragraph (1)" and

substituting "paragraphs (1) and (1A)".

33. Use of electricity on construction sites

Regulation 47 is amended -

(a) by adding -

"(1A) Where workmen employed in carrying out any construction work are liable to come into contact with any live electric cable or apparatus, any contractor who has direct control over the construction work shall, both before the commencement of the work at the site and during its progress, take such measures (whether by rendering the cable or apparatus electrically dead or otherwise) as will prevent them from being endangered by the cable or apparatus.";

(b) by adding -

"(3) Any contractor who has direct control over any construction work at any place where there is any electrically charged overhead cable or apparatus shall take such precautions, by the provision of adequate and suitably placed barriers or other means, as will prevent the cable or apparatus from being a source of danger to workmen carrying out the construction work (whether as a result of lifting appliance coming into contact with the cable or apparatus or otherwise).".

34. Safety helmets

Regulation 48 is amended by adding -

"(1A) Any contractor who has direct control over any construction work shall -

- (a) provide each workman employed to carry out the construction work with a suitable safety helmet; and
- (b) take all reasonable steps to ensure that no workman remains on the site to carry out the construction work unless he is wearing a suitable safety helmet."

35. Protection from falling materials

Regulation 49 is amended -

- (a) by adding -

"(1A) Where workmen are employed to carry out any construction work, any contractor who has direct control over the construction work shall take such precautions as are necessary to prevent any workman carrying out the construction work from being struck by any falling material or object.";

- (b) in paragraph (2), by repealing "shall take steps to ensure that scaffolding materials, tools, other objects and material are" and substituting ", and any contractor who has direct control over any construction work which involves the use of

scaffolding materials, tools or other objects and materials, shall take steps to ensure that they are";

(c) by adding -

"(4) In any construction work where proper lowering is impracticable or where any part of a building or other structure is being demolished or broken off, any contractor who has direct control over the construction work shall take all reasonable steps as are necessary to protect any workman employed at the site from falling or flying debris."

36. Lighting of working places, etc.

Regulation 50 is amended by adding "and any contractor who has direct control over any construction work engaged in by that workman" before "shall".

37. Projecting nails

Regulation 51 is amended -

(a) by renumbering it as regulation 51(1);

(b) by adding -

"(2) Any contractor who has direct control over any construction work shall ensure that no timber or material with projecting nails or other sharp objects are used in the construction work or left on the place where the construction work is being carried out if

the nails or objects are a source of danger to workmen employed there.".

38. Materials kept on construction sites

Regulation 52 is amended -

(a) by adding -

"(1A) Any contractor who has direct control over any construction work shall ensure that all platforms, gangways, floors, or other places used as passageways to the place where the construction work is being carried out are kept clear of any loose materials which are not required for immediate use.";

(b) in paragraph (2), by adding "and any contractor who has direct control over any construction work which involves the use of the materials that are being kept or stored in the site" before "shall".

39. Prevention of drowning

Regulation 52A is amended -

(a) by adding -

"(1A) Where any construction work is carried out on a place situated on, or adjacent to, water into which a workman is liable to fall with risk of drowning, any contractor who has direct control over the construction work shall -

(a) provide suitable rescue equipment and keep it in an efficient state; and

(b) take measures to arrange for the prompt rescue of any such person in danger of drowning.";

(b) in paragraph (2), by adding "and any contractor who has direct control over any construction work on the land, structure or floating stage" before "shall".

40. Power to prohibit smoking

Regulation 53(2) is amended by adding "and any contractor who has direct control over any construction work in the site" before "shall".

41. Maintenance of fire escapes and fire-fighting appliances

Regulation 54 is amended by adding -

"(1A) Any contractor who has direct control over any construction work shall maintain in good condition and free from obstruction all the means of escape in case of fire and all fire-fighting appliances provided in the place where the construction work is being carried out.".

42. Information to be furnished to Commissioner

Regulation 56 is amended by adding -

"(3) For the purpose of this regulation, "subcontractor"

(次承建商) means a person employed by a contractor to perform construction work under a contract for services."

**43. Offences and penalties relating
to contractors**

Regulation 68 is amended -

(a) in paragraph (1)(a), by repealing "4A, 5, 8, 9, 10(1) or (2), 20, 31(1) or (3), 32, 33, 34, 35(1) or (3), 36, 38, 38A(1), (2) or (3), 38B(1), 38C, 38D, 38E, 38F(1) or (4), 38G, 39(1) or (2), 40(1), 41, 41A, 42, 43, 44, 45, 46, 47, 48(1), 49, 50, 51, 52, 52A, 53(2), 54(1)," and substituting "4A(1) or (1A), 5(1) or (2), 8, 9(1) or (2), 10(1) or (2), 20(1) or (2), 31(1) or (3), 32(1) or (2), 33, 34(1) or (2), 35(1) or (3), 36, 38(1), (2), (3), (5) or (6), 38A(1), (2) or (3), 38AA(1), (3) or (4), 38B(1) or (1A), 38C, 38D, 38E(1) or (2), 38F(1) or (4), 38G(1) or (2), 39(1) or (2), 40(1), 41, 41A, 42, 43, 44(1) or (2), 45(1) or (2), 46(1) or (1A), 47(1), (1A), (2) or (3), 48(1) or (1A), 49(1), (1A), (2), (3) or (4), 50, 51(1) or (2), 52(1), (1A) or (2), 52A(1), (1A) or (2), 53(2), 54(1) or (1A),";

(b) in paragraph (2) -

(i) in subparagraph (a), by repealing "5, 31(1) or (3), 32, 34, 35(1) or (3), 38, 38E, 38F(1), 39(1) or (2), 41, 41A, 47 or 49" and substituting "5(1) or (2), 31(1) or (3), 32(1) or (2), 34(1) or (2), 35(1) or (3), 38(1), (2), (3), (5) or (6),

38E(1) or (2), 38F(1), 39(1) or (2), 41, 41A, 47(1), (1A), (2) or (3), 49(1), (1A), (2), (3) or (4)";

(ii) in subparagraph (b), by repealing "4A, 8, 9, 10(1) or (2), 20, 33, 42, 43, 44, 45, 46, 48(1), 50, 51, 52, 52A, 53(2) or 54(1)" and substituting "4A(1) or (1A), 8, 9(1) or (2), 10(1) or (2), 20(1) or (2), 33, 42, 43, 44(1) or (2), 45(1) or (2), 46(1) or (1A), 48(1) or (1A), 50, 51(1) or (2), 52(1), (1A) or (2), 52A(1), (1A) or (2), 53(2), 54(1) or (1A)";

(iii) in subparagraph (d), by repealing "of \$10,000" and substituting "at level 3";

(iv) in subparagraph (f), by adding ", 38AA(1)" after "38A(1)";

(v) in subparagraph (g), by repealing "38B(1), 38C, 38D or 38G" and substituting "38AA(3) or (4), 38B(1) or (1A), 38C, 38D, 38G(1) or (2)".

44. Requirements with which certain safety equipment must comply

The Third Schedule is amended, within the square brackets, by repealing "reg. 38B(4)" and substituting "regs. 38A(1A), 38AA(2) & 38B(4)".

Fred TING

Commissioner for Labour

28 May 2003

Explanatory Note

The purposes of the Regulation are to amend the Construction Sites (Safety) Regulations (Cap. 59 sub. leg. I) to -

- (a) extend the duty imposed on the contractor responsible for a construction site or any plant to any contractor who has direct control over the construction work, process, excavation, operation or erection, substantial addition, alteration or dismantling of scaffold concerned;
- (b) amend regulation 38A to prescribe the specific measures required to ensure the safety of places of work; and
- (c) amend regulation 44 to prescribe the specific measures required to effectively guard a prime mover, transmission machinery and other machinery.