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4 March 2008

Clerk to Bills Committee
(Attn : Ms. YUE Tin-po)
Legislative Council Building
8 Jackson Road
Central
Hong Kong

Dear Ms. Yue,

Buildings (Amendment) Bill 2007
Response to Bills Committee's Enquiries at the Meeting on 15 February 2008

Thank you for your letter dated 21 February 2008. I write to provide the information requested by Members at the captioned meeting and report progress on our follow-up actions.

Requirements under the Factories and Industrial Undertakings Ordinance (Cap. 59) ("FIUO")

2. At the Bills Committee meeting, the Administration was requested to provide information on the requirements under the FIUO concerning the appointment of safety officers and safety supervisors for carrying out minor works, as well as the Government's assistance to the building industry to facilitate practitioners' compliance with the requirements under FIUO. We have consulted the Labour Department ("LD") and the information is set out in ensuing paragraphs.

Employment of Safety Officers

3. Under regulation 14(1) of the Factories and Industrial Undertakings (Safety Officers and Safety Supervisors) Regulations (Cap. 59, Sub. Leg. Z)

(“SOSSR”), the proprietor of a construction site who is a principal contractor shall employ a full time safety officer where the total number of persons employed therein, not being persons employed by a specialist contractor, is 100 or more. For the proprietor of more than one construction site who is a principal contractor, he shall employ a full time safety officer where the total aggregate number of persons employed at such construction sites, not being persons employed by a specialist contractor, is 100 or more.

4. For the proprietor of one construction site who is a specialist contractor or the proprietor of more than one construction site who is a specialist contractor, there is similar requirement for him to employ a full time safety officer as above.

5. It is the duty of a safety officer to assist the proprietor of an industrial undertaking in promoting the safety and health of persons employed therein. His tasks, among other things, include advising the proprietor as to measures to be taken in the interest of the safety and health of persons employed in the industrial undertaking and implementing such measures; inspecting the industrial undertaking to determine whether there is any machinery, plant, equipment, appliance or process of work carried out in the industrial undertaking liable to cause risk of bodily injury to any person employed in an industrial undertaking and reporting the findings with recommendations for correction to the proprietor; investigating accidents and dangerous occurrences and reporting with recommendations for prevention to the proprietor, etc.

6. Under SOSSR, a “specialist contractor” is defined as any person who is nominated by an owner, occupier or developer of property, or by an agent or architect, surveyor or engineer of such owner, occupier or developer, or by the principal contractor, and who enters into a contract with the principal contractor to perform all or part of the construction work in a construction site which the principal contractor has contracted to perform, or with an owner, occupier or developer of property, or with an agent or architect, surveyor or engineer of such owner, occupier or developer to perform construction work in a construction site which the principal contractor has not contracted to perform.

Employment of Safety Supervisors

7. Under regulation 16 of SOSSR, the proprietor of a construction site who is a principal contractor shall employ a safety supervisor where the total number of persons employed therein, not being persons employed by a specialist contractor, is 20 or more.

8. For the proprietor of more than one construction site who is a principal contractor, he shall employ a safety supervisor on each construction site on which the number of persons employed, not being persons employed by a specialist contractor, is 20 or more. For the proprietor of one construction site who is a specialist contractor or the proprietor of more than one construction site who is a specialist contractor, there is similar requirement for him to employ a safety supervisor as above.

9. A safety supervisor shall assist the proprietor and the safety officer (as the case maybe) on the industrial undertaking in promoting the safety and health of persons employed therein. His main tasks include assisting the safety officer (as the case maybe) in carrying out his duties; supervising the observance by the workers of the safety standards and advising the proprietor or safety officer on such observance; and promoting the safe carrying on of work in the industrial undertaking, etc.

10. For common household minor works, for instance, the installation of supporting frames for air conditioners in one location, it is anticipated that the number of workers involved will be small and usually below 20. As such, the employment of safety officers or safety supervisors will not be required under the SOSSR.

Assistance to the Building Industry

11. To facilitate understanding and compliance with various requirements under the FIUO and its subsidiary legislation by the industry, LD has published a series of publications in the form of guides to regulations, codes of practice, guidance notes, guidebooks and leaflets on various occupational safety and health subjects. These safety publications are issued free of charge to the public and provide practical guidance for proprietors, contractors and other relevant stakeholders for compliance with the legislative requirements.

12. LD also provides free training courses, briefing sessions and talks to assist the industry in understanding the statutory requirements, compliance standards and other legislation-related issues. It also organizes safety seminars, workshops, promotional visits and other promotional activities for the building industry, some in joint effort with other stakeholders, to reinforce their safety awareness and understanding of the law.

13. To assist small renovation and maintenance contractors in complying with the legal requirements, LD and the Occupational Safety and Health

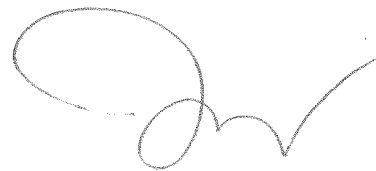
Council have jointly launched the "SME Sponsorship Scheme for Work-at-height Fall Arresting Equipment for Renovation and Maintenance Work" since October 2005, providing financial subsidy to purchase fall-arresting equipment for those working-at-height.

14. In addition to the above initiatives, the Administration stands ready to provide further advice to the building industry, including the future registered minor works contractors, on the requirements under FIUO and its regulations to facilitate their compliance.

Comments from the Hong Kong Institute of Surveyors ("HKIS") and the Law Society of Hong Kong ("LSHK")

15. At the aforementioned Bills Committee meeting, the Administration was requested to further consult the professional institutes in the building industry on the comments made by the HKIS on the Bill, and to discuss further with the LSHK on the details of the proposed validation scheme. The Administration has recently met with the HKIS and Hong Kong Institute of Engineers to further exchange views on the Bill. We will arrange further meetings with other professional institutes and the LSHK to discuss the legislative proposal, and report to the Bills Committee the outcome of the discussion in due course.

Yours sincerely,



(Jerry Cheung)

for Secretary for Development

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| c.c. | DB | (Attn : Mr H W Cheung/ Mr S T Lam) | [Fax : 2840 0451] |
| | DoJ | (Attn : Mr Allen Lai/ Miss Selina Lau/ Ms Carmen Chu) | [Fax : 2869 1302] [Fax : 2536 8137] |
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