

**The Administration's response to the amendment
to the Construction Sites (Safety) (Amendment) Regulation
(CSSR) proposed by
the Democratic Party at the meeting of the
LegCo Subcommittee held on 26 January 1999**

The Administration shares the Democratic Party's view that the proposed ban on using boatswain's chairs will enhance the standards of industrial safety. We however consider that our original proposal to provide a grace period of six months to allow the industry to prepare for the new legislation is appropriate and adequate. We do not support the Democratic Party's proposal to further postpone the implementation of regulation 38G in the proposed CSSR for the following reasons :-

- (a) During the six months grace period, any worker using a boatswain's chair will have sufficient time to complete a course and obtain the qualification in using suspended working platforms as an alternative working platform. The relevant course provided by the Construction Industry Training Authority only lasts for two days and is run also on Saturdays and Sundays. A further extension of six months is therefore unnecessary.
- (b) A postponement of the effective date for regulation 38G will serve no meaningful purpose as far as the boatswain's chair workers are concerned. After the implementation of the proposed CSSR, a contractor responsible for a construction site will have the obligation to ensure that every place of work on the site is, so far as reasonably practicable, safe (regulation 38A). He has to take "adequate steps" to prevent any person from falling from a height of 2 metres or more and one of the adequate steps will be the provision of a suitable working platform (regulation 38B). He should also ensure that the scaffold, ladder or other means of support is used and is safe (regulation 38C). This means that in order to comply with these regulations, he has to provide, where practicable, a means of support other than a boatswain's chair. The Labour Department will enforce the proposed CSSR and will issue Suspension Notices to prohibit the working with boatswain's

chairs in situations where other safer means of support are available.

Deferring the effective date for regulation 38G will not enhance the employment opportunities of workers using boatswain's chairs. As mentioned above, the contractor will have to comply with regulations 38A, B and C when the proposed CSSR come into effect and there will be very little scope for the use of boatswain's chair.

- (c) The contractor will not be able to apply for exemption from regulation 38G in cases where the use of boatswain's chairs is the only reasonable and practicable option or for works of very short duration.