

**Administration's Response to the submission of
Hong Kong E&M Contractors' Association on
Factories & Industrial Undertakings (Confined Spaces) Regulation**

A two-day training program for those “certified workers” who are required to wear or use the breathing apparatus when working in a confined space is definitely not enough, considering they would not possess any prior knowledge. Also the regulation does not specify the competency and training requirements related to wearing breathing apparatus which is known in the industry as a specialist rather than a “certified worker. (Reg. 9)

Though Reg. 9 does not specify the competency and training requirements related to wearing breathing apparatus, the training requirements of certified workers and other person are dealt with under Reg. 11. Reg. 11 stipulates the training requirements in broad terms, and a Code of Practice, which provides all the necessary technical details, will be issued after the enactment of the new Regulation and consultation with relevant parties. We consider it more appropriate to provide a set of technical details in a Code of Practice.

To address the training needs for certified workers and competent persons, the Construction Industry Training Authority (CITA), the Occupational Safety and Health Council (OSHC) will offer 1-day Safety Training Course for certified workers working in Confined Space in 1999 (Copies of the courses description attached at Annex). They, as well as other training institutions, will also organise suitable courses on preventive safety measures and emergency measures including use of personal protective equipment & rescue equipment. The extent and length of training required on the use of rescue equipment such as breathing apparatus depends on their type and the sophistication on their application. Tailor-made training programmes with longer training period on the use of a particular type of equipment will be provided if necessary.

This regulation specifies a lot of rescue and safety requirements, however would the workers staying outside of the confined space be

taking the responsibility to rescue those workers that are facing danger inside? If the answer is yes, this worker may need to be trained such as a First Aider (plus knowledge in using such rescue as apparatus and equipment) rather than the so-called “certified worker” and hence this area must be clearly defined. Also in the industry, apart from FSD and the Ambulance Unit, very few, had received such kind of training and knowledge in using such specified apparatus and equipment. (Reg. 10(2))

The role of persons referred to in Reg. 10 is basically different from the person referred to in Reg 8(b). Under Reg. 8(b), a person is required to station outside the confined space to maintain communication with the workers inside. He should be capable of summoning assistance rapidly in emergencies and pulling the worker in the confined spaces out. Since his role is very different from that of a worker entering a confined space to work, the training he should receive is different from the worker inside. Reg. 11 separately requires the proprietor and contractor to provide him with the necessary instructions, training and advice to ensure the safety and health of all workers in the confined space.

We think that said person may not necessary be one of the persons referred to in Reg. 10(3), whose main responsibilities are to rescue any worker who may suffer injury in a confined space by using the safety equipment. For the latter, CITA and OSHC will organise training courses on preventive safety measures, emergency measures and First Aid. The Auxiliary Medical Service, the St. John’s Ambulance Association and the Hong Kong Red Cross can provide courses of training in first aid as well.

There is no guideline on numbers of persons in the rescue team and it can be one upto a large number. (Reg. 10(3))

In regard to the number of persons required as referred to in Reg. 10(3), factors to be considered include the nature of the work, the hazards inherent in the confined space in relation to the work and to the work methods proposed. These are technical details to be addressed in an approved Code of Practice. A competent person should assess the above factors against a background of the professional knowledge in such work.