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12 February 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 22 January 2008

At the Bills Committee meeting of the Buildings (Amendment) Bill 2007 held on 22 January 2008, the Administration was requested to provide information on the interface between the proposed minor works control system and the Construction Sites (Safety) Regulations (Cap. 59, Sub. Leg. I) (CS(S)R) of the Factories and Industrial Undertakings Ordinance (Cap. 59) (FIUO), with particular reference regarding the latter's requirement for contractors to ensure safety of works on the construction sites. We have consulted the Labour and Welfare Bureau and the Labour Department and the detailed information is in ensuing paragraphs.

2. The Labour Department administers the FIUO and its subsidiary legislation to protect the safety and health of people at work in Hong Kong.
3. Requirements under the aforementioned safety and health legislation are applicable to the carrying out of building works under the extant Buildings Ordinance. Such requirements will also be applicable to the conduct of minor works when they are designated (from building works) by the Building Authority under the proposed minor works control system. The introduction of the new control regime will not alter the requirements under the FIUO and its

subsidiary legislation.

Factories and Industrial Undertakings Ordinance (FIUO)

4. Under section 6A of the FIUO, the proprietor of an industrial undertaking (including any construction work) is required to ensure, so far as is reasonably practicable, the health and safety at work of all persons employed by him. The matters to which that duty extends include, in particular, the provision and maintenance of plant and systems of work that are safe and without risks to health, and the provision of such information, instruction, training and supervision as is necessary to ensure the safety and health at work of all persons employed by him in the industrial undertaking.

5. Moreover, section 6BA of the FIUO requires the proprietor of construction work not to employ any person who has not been issued a relevant certificate in respect of a relevant safety training course (i.e. a Green Card for mandatory basic safety training) or whose relevant certificate has expired to carry out construction work at his construction site.

Construction Sites (Safety) Regulations (CS(S)R)

6. Under CS(S)R regulation 38A, the contractor responsible for any construction site shall identify the hazardous conditions of persons working at height in the construction site, rectify the hazardous conditions and safeguard any person working at height in the construction site against all hazardous conditions. Furthermore, suitable and adequate safe access to and egress from every place of work on the site shall be provided and properly maintained.

7. Under CS(S)R regulation 38B, a contractor responsible for any construction site shall take adequate steps to prevent any person on the site from falling from a height of 2 metres or more. Adequate steps shall include the provision, use and maintenance of one or more of the following:

- (a) working platforms;
- (b) guard-rails, barriers, toe-boards and fences;
- (c) coverings for openings; and
- (d) gangways and runs.

8. CS(S)R regulation 38C requires that where work cannot be safely done on or from the ground or from part of a permanent structure, the contractor responsible for the construction site shall provide, and ensure the use of, a scaffold, ladder or other means of support, all of which shall be safe for the purpose.

9. CS(S)R regulations 38D, 38E and 38F stipulate the safety requirements in respect of scaffolds and other means of support. Under CS(S)R regulation 38D, the contractor responsible for any scaffold, ladder or other means of support shall ensure that it is not used unless it is so designed and constructed that it does not collapse, overturn or move accidentally. The scaffold, ladder or other means of support shall be of suitable and sound materials of sufficient strength and capacity for the purpose. It shall also be properly maintained and securely supported or suspended.

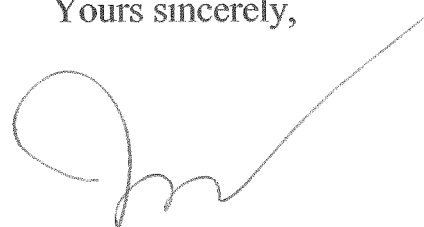
10. Under CS(S)R regulation 38E, the erection, substantial addition or alteration, and dismantling of a scaffold shall be carried out by trained workmen under the immediate supervision of a competent person.

11. Moreover, under CS(S)R regulation 38F, a scaffold shall be inspected by a competent person before being taken into use for the first time, after substantial addition, partial dismantling or other alteration, and after exposure to adverse weather conditions and at regular intervals not exceeding 14 days immediately preceding each use of the scaffold.

12. Apart from the regulations above which are mainly related to the safety of working at height, a contractor shall also observe other miscellaneous safety requirements under Part VII of the CS(S)R, including the protection of eyes, safe use of electricity, wearing of safety helmets, and protection from falling materials. A contractor shall also observe CS(S)R regulation 61 regarding the provision and maintenance of sufficient first aid facilities as well as CS(S)R regulation 4A regarding the restriction on employment of persons under 18 years of age on construction site.

13. The Administration stands ready to provide advice and assistance to building contractors, including the future registered minor works contractors, on the requirements under the FIUO and CS(S)R to facilitate their compliance.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Jerry Cheung', with a long, sweeping line extending upwards and to the right.

(Jerry Cheung)
for Secretary for Development

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 : 2845 2215]
	C for L	(Attn : Mr S H Tso)	[Fax : 2544 3271]