

For discussion on
16 March 2021

Legislative Council Panel on Manpower

Refinement of Statutory Notification Mechanism for Construction Works

Purpose

This paper aims to brief Members on the legislative amendment proposal of the Labour Department (“LD”) to refine the statutory notification mechanism for construction works, and to invite Members’ views on the proposal.

Background

2. The number of fatal industrial accidents and the accident rate per 1 000 workers in the construction industry have been the highest among all industries in recent years. Enhancing the protection of construction workers’ occupational safety and health (“OSH”) has always been the top priority of LD. Apart from education and training as well as publicity and promotion, LD tenders OSH advice to site management, and if necessary, takes out prosecution against duty-holders breaching OSH legislation, through inspection and enforcement.

3. Pursuant to regulation 56(1) of the Construction Sites (Safety) Regulations (“CSSR”), Cap. 59I, a contractor who undertakes construction works lasting for six weeks or longer and engaging more than ten workers shall furnish LD with the information of the construction works within seven days after commencement of the works. The information facilitates LD in arranging targeted safety inspections.

4. In accordance with the above regulation, if a contractor has reasonable grounds in believing that the construction works will be completed in less than six weeks or will engage not more than ten workers at any one time, the contractor is

not required to notify LD of the construction works.

5. LD has examined 182 construction fatal accident cases that happened from 2009 to 2018 and found that 68 cases involved work durations of less than six weeks or employment of not more than ten workers. The concerned contractors were not required to notify LD of the construction works under the existing statutory notification mechanism.

Proposed Amendments

(A) Expanding the scope of notification to include more higher-risk construction works

6. As some construction works with short durations or engaging less workers may involve operations carrying relatively higher potential risks, we propose to also require notification of the following four types of such relatively higher risk construction works:

- (i) Construction works involving erection, substantial addition, alteration, use or dismantling of truss-out scaffolds (“TOS”) at external wall of a building;*
- (ii) Construction of a tunnel of 2.5 m or above in length;*
- (iii) Construction or demolition of a building¹; and*
- (iv) Construction works in any pit, shaft, trench or excavation requiring any worker to work in a space over 1.2 m deep.*

(B) Adjusting the notification deadline

7. Pursuant to the requirement set out in regulation 56(1) of the CSSR, a contractor shall notify LD within seven days after commencement of the works. Due to the limitation of the existing regulation, LD is unable to conduct timely risk assessment of the construction works before they commence, and hence unable to arrange Occupational Safety Officers to conduct early inspection to sites carrying

¹ It refers to construction or demolition of any storey of a building.

relatively higher risk. In this regard, LD proposes to adjust the deadline for notification of construction works from “within seven days after the commencement of the works” to “before the commencement of the works”. Besides, we will review the information required in the revised statutory notification mechanism, including requesting contractors to provide details of the nature of the works to be carried out in the first 14 days of the work (say whether there will be scaffolding works or whether power-driven lifting appliance will be used). Such information will enable LD to effectively identify higher-risk workplaces for early inspections.

8. As erection, addition, alteration and dismantling of TOS at external wall, which usually complete within one day, carry relatively higher potential risk, it is necessary for LD to get information concerning such works in a timely manner for conducting timely inspections. Taking into account the operation of the relevant trade, we propose that contractors undertaking TOS works shall furnish LD with the relevant works information three working days before the commencement of the works.

9. LD notices that owing to certain emergency situations, some contractors need to commence the works as soon as possible, and are hence unable to notify the works to LD before it commences. We will exempt such works from prior notification to LD. The exemption will allow contractors under certain emergency situations (such as for saving human life, protecting public health, preventing personal injury, preventing damage to property, preventing serious interruption or disruption to a public transport system or utility service) not to notify LD of the construction works before their commencement. The contractors, however, shall furnish LD with the information within 48 hours after the commencement of the works.

Advice sought

10. Members are invited to provide views on the proposed amendments as set out in paragraphs 6 to 9 above.

Labour and Welfare Bureau
Labour Department
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