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立法會參考資料摘要

《工廠及工業經營條例》 (第59章)

1998年建築地盤(安全(修訂)規例)

引言

在一九九八年九月二十二日的會議上,行政會議建議,行政長官指令,應根據《工廠及工業經營條例》第7條,並在獲得立法會通過後,制定 1998 年建築地盤(安全)(修訂)規例(載於**附件 A**),以加強保障高空工作人士的安全。

背景和論據

現行規例的缺點

- 2. 目前,在建築地盤高空工作的人士的安全由建築地盤(安全)規例第 VA 部規管。規例自一九八三年開始實施,當中的條文訂明有關棚架、工作平台及梯子等的安全規定,以規管涉及工人在可能導致他們從高空墮下的地點或位置操作的各種工作環境。現行規例的有關條文載於附件 B。
- 3. 當局認爲高空工作人士應盡可能使用適當的工作平台。如這個做法不可行,則 應選用安全網。如使用安全網亦不可行,才可使用安全帶/安全吊帶。
- 4. 不過,現行規例使用的字眼未能清楚表達這種新的風險管理概念。結果,在很多高空工作的情況下,建造業承建商選擇了較廉宜的辦法,就是向工人提供安全帶/安全吊帶作爲防護措施。此外,現行規例的用詞亦過於複雜,令人難以理解,而且亦包含過多技術性資料。
- 5. 在採取執法行動時,控方必須證明承建商遵守某些規例(例如提供工作平台) 是可行的,這規定令到我們在執行現行規例方面遇到很大的因難。

建議

- 6. 在建造業的意外中,工人從高空墮下是導致死亡的主要原因。有鑑於此,現行規例須予修訂,以處理有關問題,而這亦是我們在一九九七年定下的其中一項政策綱領。
- 7. 我們建議以修訂規例中新的第 VA 部取代現行規例有關部分,藉以一
 - (a) 界定高空工作;
 - (b) 界定要達到的安全標準;
 - (c) 說明法例的目的,是盡量減少高空工作(即兩米或以上)。如工人需要在高空工作,承建商須提供適當的工作平台。如這不可行,承建商應提供安全網及安全帶/安全吊帶1。只有在不可能這樣做的情況下,才可單獨使用安全帶/安全吊帶;及
 - (d) 要求承建商(在審理罪項的司法程序中)證明使用工作平台或安全網 是並不可行的。由於承建商最清楚是否可使用工作平台或安全網,我 們認爲這項要求是合理的。
- 8. 此外,我們建議修訂規例應只包含基本的規定,有關技術的細則應載列於經當局批核的工作守則中。這樣,即使日後因爲技術發展以致安全措施有變,當局亦可迅速將有關的修改納入工作守則中而毋須修訂法例。

修訂規例

9. 修訂規例的主要條文如下一

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¹我們知道在很多情況下,例如在電梯槽內,是不可能使用工作平台或安全網的。在這種情況下,如果東主已使用配有穩固繫穩物的安全帶,便已履行了他的法定責任。另外,值得注意的是,根據《工廠及工業經營條例》第7(4)條,勞工處處長有權豁免任何工業經營受根據該條例而訂立的規例所規限。

- (a) 列明承建商必須提供安全工作環境的基本責任,以及採取足夠的步驟 以防止任何工人從高度不少於兩米之處墮下(規例第 38A 及 38B 條);
- (b) 列明高空工作人士所需的防護措施和適當的工作平台(規例第 38C 及 38D 條);
- (c) 棚架必須由曾受訓練的工人在合資格的人士監督下搭建(規例**第 38E** 條);及
- (d) 棚架在使用前或在作出相當大程度的更改後,必須經由合資格的人士檢查(規例第 38F條)。
- 10. 此外,我們在現行規例內加入一個全新的附表 3,訂明新安全措施的技術細則。

立法程序時間表

11. 修訂規例會在一九九八年十月十四日提交立法會審批。

實施

12. 我們建議修訂規例在制定爲法例的六個月後生效,讓建造業有足夠時間,熟習 在本港並不常用的安全網的安全標準。

與《基本法》的關係

13. 律政司認爲擬議的法例與《基本法》不涉及人權的條文並無抵觸。

與人權的關係

14. 律政司認爲擬議的法例與《基本法》涉及人權的條文並無抵觸。

修訂規例的約束力

15. 修訂規例沒有明文規定對國家具約束力,而現行規例的條文,也沒有此明文規定。

對財政和人手的影響

16. 修訂規例對政府的財政和人手並無影響。

對經濟的影響

17. 提供適當的工作平台或安全網的費用,與工程的承造費相比,實屬小數目。因此,上述修訂建議預料不會對承建商造成沉重的經濟負擔。就竹棚架而言,新的規定會導致承建商須在棚架搭建階段多付一點費用,並需要在後期就建築方法作技術調整。由於預期新訂條文可減少意外數目,醫療服務、補償和社會保障津貼的需求因此而降低,讓整體社會受惠。這筆減省的費用,足以抵銷承建商爲遵守有關規例而需要支付的額外費用。

公眾諮詢

18. 我們已徵詢勞工顧問委員會及其轄下的工業安全及健康委員會對有關建議的 意見,並獲得他們的支持。

公眾反應

19. 我們預期修訂規例不會引起市民太大關注,但職工會和職業安全方面的專業人士會歡迎我們建議對高空工作安全措施所作的修訂。承建商或會對涉及的額外費用有所不滿,但預料他們會接納有關修訂。

官傳安排

20. 我們會發出新聞稿,並會安排發言人解答新聞界的查詢。

教育統籌局

負責人員:曹振華先生

電話: 2810 3561

一九九八年九月廿三日

《工廠及工業經營條例》(第59章)

1998年建築地盤(安全)(修訂)規例

附件

附件 A: 建議制定的《1998年建築地盤(安全)(修訂)規例》

附件 B: 現行的《建築地盤(安全)規例》

《1998年建築地盤(安全)(修訂)規例》

(根據《工廠及工業經營條例》(第59章) 第7條訂立並經立法會批准)

1. 生效日期

本規例自勞工處處長以憲報公告指定的日期起實施。

2. 釋義

《建築地盤(安全)規例》(第59章,附屬法例)第2(1)條現予修訂一

- (a) 在"梯子"的定義中,廢除"不";
- (b) 廢除"吊索式棚架"、"梯式棚架"、"排架式棚架"及"懸吊式棚架"的定義;
- (c) 在"工作平台"的定義中,在"台架"之後加入"及吊船";
- (d) 加入一
 - ""工作地方" (place of work) 指任何人爲以下目的而使 用的地方—
 - (a) 建築工程;或
 - (b) 任何由建築工程產生或與建築工程有 關的工作活動,

並包括該人於工作時可進入的地方;

"吊船"(suspended working platform)指《工廠及工業經營(吊船)規例》(第 59 章,附屬法例)所指的 吊船;

"安全帶" (safety belt) 包括安全吊帶;"。

3. 取代第 VA 部

第 VA 部現予廢除,代以一

"第 VA 部

棚架、工作平台及梯子等

38A. 工作地方的安全

- (1) 在不影響本部其他條文的原則下,負責任何建築地盤的承建商 須確保該地盤內每個工作地方對在該地方工作的人而言,在合理切實可行範圍 內屬盡量安全和盡量保持安全。
- (2) 負責任何建築地盤的承建商須確保在合理切實可行範圍內,盡量在該地盤內每個工作地方提供適當和足夠的安全進出口並妥爲維修該等進出口。
- (3) 除第(4)款另有規定外,負責任何建築地盤的承建商須採取適當和足夠的步驟,以確保在合理切實可行範圍內,盡可能沒有人得以進入該地盤內任何不安全的地方。
- (4) 任何人如進行旨在使任何地方安全的工作,而已採取所有切實可行的步驟以確保該人於進行該工作時安全,則就該人而言,第(3)款並不適用。

38B. 防止墮下

- (1) 在不抵觸第(2)及(4)款的規定下及除第(3)款另有規定外, 負責任何建築地盤的承建商須採取足夠的步驟防止該地盤內有任何人從高度 不少於2米之處墮下。
- (2) 就第(1)款而言,"足夠的步驟"(adequate steps)包括設置、使用及維修以下一項或多於一項安全設備一
 - (a) 工作平台;
 - (b) 護欄、屏障、底護板及圍欄;
 - (c) 孔洞的覆蓋物;
 - (d) 木板路及路徑。
- (3) 凡已採取足夠的預防措施,以防止任何人有從在拆卸工程中暴露出來的孔洞、角位、裂口或邊緣墮下的危險,第(1)款並不適用於該等孔洞、角位、裂口或邊緣。
- (4) 爲施行第(1)款而設置的每一工作平台(吊船除外)、護欄、 屏障、底護板、圍欄、孔洞的覆蓋物、木板路或路徑,須符合附表 3 內適用於 該等安全設備的條文。
 - (5) 爲冤生疑問,現宣布一
 - (a) 第(2)及(4)款並不影響第(1)款的一般性;
 - (b) 第(4)款中對工作平台的提述,就屬吊船的工作平台而言,並不影響《工廠及工業經營(吊船)規例》(第59章,附屬法例)的條文的實施。

38C. 作支持用的安全設施

凡工作不能在地面上或從地面處或從永久性構築物的某部分安全地進行,負責有關建築地盤的承建商,須提供並確保有使用棚架、梯子或其他作支持用的設施,而在顧及所須進行的工作後,上述所有棚架、梯子或設施須就其用途而言是安全的。

38D. 棚架等的構造及維修

負責第 38C 條所提述的任何棚架、梯子或其他作支持用的設施的承建商,須確保該等設施只在以下條件獲符合的情況下使用一

- (a) 該等設施的設計及構造使其不會倒塌、翻倒或意外地移動;
- (b) 該等設施以適當和質佳的物料造成,而該等物料就其將用作的 用途而言,是具有足夠的強度及荷載力量的;及
- (c) 該等設施是妥爲維修的,而該等設施每個部分均保持有穩固的 支持或保持穩固地懸吊着,以確保該等設施在合理切實可行範 圍內盡量穩當。

38E. 曾受訓練的工人在監督下架設棚架

負責建築地盤內任何棚架的承建商,須確保只在以下條件獲符合的情況下,方可在該地盤內架設該棚架或在相當程度上擴建、更改或拆卸該棚架一

- (a) 擔任上述工作的工人曾受足夠訓練,並具有該等工作的足夠經驗;及
- (b) 上述工作在合資格的人的直接監督下進行。

38F. 檢查棚架

(1) 除第(2)款另有規定外,負責建築地盤內任何棚架的承建商, 須確保該棚架只在以下條件獲符合的情況下使用一

(a) 該棚架-

- (i) 在首次使用前已經由合資格的人檢查;
- (ii) 在經過相當程度上的擴建後,或其中部分經過 拆卸後,或經過其他更改後,已經由合資格的 人檢查;
- (iii) 在其經歷相當可能會影響其強度或穩定性或使 其任何部分移位的天氣情況之後,已經由合資 格的人檢查;及
- (iv) 定期地在緊接每次使用前的 14 天之內,已經由 合資格的人檢查;及
- (b) 檢查該棚架的人已按認可格式作出報告,並加以簽署, 而該報告載有各項訂明的詳情,其中包括述明該棚架處 於安全操作狀態的陳述。
- (2) 凡不會有人可從棚架任何部分的高度不少於2米之處墮下,則 就該棚架而言,第(1)款並不適用。
- (3) 第(1)(b)款所指的棚架檢查報告須於完成後隨即由合資格的人交付負責該棚架的承建商。
 - (4) 根據第(3)款獲交付報告的承建商須一
 - (a) 時刻將該報告或其副本備存於該報告所關乎的棚架所 在的地盤內;
 - (b) 在所有合理時間讓下述人士查閱該報告或其副本一

- (i) 任何要求查閱該報告的職業安全主任;
- (ii) 任何合法地處於該地盤的其他人(包括任何正使用或擬使用該棚架的人)。

38G. 工作吊板(非動力操作)

負責建築地盤的承建商須確保在該地盤內不得使用工作吊板或同類工業裝置或設備(但藉動力推動式起重機械升起或降下的工作吊板或同類工業裝置或設備除外)。

38H. 第 38B (1) 及 38C 條的免責辯護

- (1) 任何被控第 38B(1)或 38C 條所訂罪行的承建商如證明有以下情況,則可以此作爲免責辯護一
 - (a) 在該個案的所有情況下,遵從該條所有或任何規定均不 屬切實可行;
 - (b) (i) 該承建商已提供適當和足夠的安全網及安全帶以代替遵從該等規定;或
 - (ii) 在該個案的所有情況下,提供該等安全網不屬 切實可行,而有關承建商已提供適當和足夠的 安全帶以代替遵從該等規定;及
 - (c) 已採取所有合理步驟以確保獲提供安全帶的人恰當使 用該等安全帶。
- (2) 就第(1)款而言,安全網只在以下條件獲符合的情況下方視爲 適當和足夠一

- (a) 該等安全網的設計及構造;及
- (b) 該等安全網的架設、維修及其保持所在的位置,

能使其有效地保護在高處進行與採用該網有關的工作的人、能使其有效地保護 使用該工作所在的建築地盤的有關部分進出口的人,和在切實可行範圍內能盡 量防止墮進網中的人受傷。

- (3) 就第(1)款而言,安全帶只在以下條件獲符合的情況下方視爲 適當和足夠一
 - (a) 該等安全帶持續繫於適當和穩固的繫穩物;
 - (b) 該等安全帶有適當的裝配以配合其使用;及
 - (c) 該等安全帶的設計、構造和維修能防止使用該等安全帶的人一旦墮下時受傷。

38I. 配戴安全帶的責任

每名在建築地盤工作並獲提供安全帶的人,每當爲其本人或爲其他人的安全而需要使用安全帶時,均須配戴安全帶,並須保持將安全帶一直繫於穩固的繫穩物。"。

4. 與承建商有關的罪行及罰則

第 68 條現予修訂一

(a) 在第(1)(a)款中,廢除"38A、38B、38C、38D(1)或(2)、38E、38F、38G、38H、38I(1)或(2)、38J(1)、(2)或(3)、38K(1)、38L、38M(1)或(2)、38N(1)、38O(1)、(2)或(3)、38P(1)、38Q(1)、(2)、(3)、(4)或(5)"而代以"38A(1)、(2)或(3)、38B(1)、38C、38D、38E、38F(1)或(4)、38G";

(b) 在第(2)款中-

- (i) 在(a)段中,廢除"38C、38E、38F、38G、38J(1)、(2)或(3)、38K(1)、38O(1)、(2)或(3)、38Q(2)、(3)、(4)或(5)"而代以"38E、38F(1)或(4)";
- (ii) 在(f)段中,廢除 "38D(2)、38Q(1)" 而代以 "38A (1)、(2)或(3)、38B(1)、38C、38D、38G";
- (iii) 在(g)段中一
 - (A) 廢除"、38B、38D(1)、38H、38I、38L、38M、38N(1)或38P(1)";
 - (B) 廢除分號而代以句號;
- (iv) 廢除(h)及(i)段。
- 5. 合資格檢驗員等所犯的罪行

第 70 (1A) 條現予修訂, 廢除 "38K(2)" 而代以 "38F(3)"。

6. 其他人所犯的罪行

第 71 (1) 條現予修訂,廢除 "38R" 而代以 "38I"。

7. 加入附表

現加入一

某些安全設備須符合的規定

1. 工作平台、木板路及路徑的闊度

- (1) 除第(2)及(3)款另有規定外,任何工作平台、木板路或路徑的闊度不得小於400毫米。
- (2) 除第(3)款另有規定外,任何用於搬運物料的木板路或路徑的 闊度不得小於650毫米。
- (3) 凡因空間的限制以致設置第(1)或(2)款所規定闊度的工作平台、木板路或路徑不屬切實可行,則該等工作平台、木板路或路徑須在合理切實可行範圍內盡量寬闊,以代替符合第(1)或(2)款的規定。

2. 工作平台等以夾板等鋪密

- (1) 除第(2)款另有規定外,每一工作平台、木板路及路徑須以夾板或木板鋪密。
- (2) 如在符合以下說明的工作平台、木板路或路徑之下的人不會有遭穿過該工作平台、木板路或路徑墮下的物料或物品擊中的危險,則第(1)款並不適用於該工作平台、木板路或路徑—
 - (a) 由有孔隙的金屬物組成,而任何孔隙的面積均不超逾 4 000 平方毫米;或
 - (b) 其夾板或木板的穩固程度足以防止其移動、而所放置的 位置使相鄰的夾板或木板之間的空間不超逾 25 毫米。

3. 工作平台、木板路及路徑的夾板及木板

作爲工作平台、木板路或路徑組成部分的夾板或木板一

- (a) 須構造良好,有足夠的強度,且無明顯欠妥之處;
- (b) 在顧及支持物之間的距離下,其厚度能夠提供足夠的安全保障,其闊度不得小於 200毫米而厚度不得小於 25毫米;或如該夾板或木板的厚度超逾 50毫米,則其闊度不得小於 150毫米;
- (c) 除非經充分地穩固以防止傾斜,否則不得伸出其末端支 持物超逾 150 毫米之外;
- (d) 須穩固和平坦地擱在其支持物上;及
- (e) 須擱在至少3個支持物上,除非在顧及支持物之間的距離及來板或木板的厚度下,其狀況是能防止過度下陷或不平均下陷的。

4. 孔洞的覆蓋物

每一爲孔洞而設置的覆蓋物一

- (a) 其構造須能防止人、物料及物品墮下;及
- (b) 須以粗體字淸晰地標明,以顯示其用途,或穩固地固定 於適當位置。

5. 底護板等的高度

底護板或其他同類屏障的高度不得低於 200 毫米。

6. 護欄的高度

除第7條另有規定外,在工作平台、木板路、路徑或樓梯上任何工作地 方之上的護欄一

- (a) 就最高的一條護欄而言,其高度不得低於 900 毫米,亦不得高於 1 150 毫米;
- (b) 就在中間的一條護欄而言,其高度不得低於 450 毫米, 亦不得高於 600 毫米。

7. 第6條的例外情況

在竹棚架上的工作平台如受棚架上 2 枝或多於 2 枝的橫竹保護,而橫竹之間的距離在 750 毫米與 900 毫米之間,則第 6 條並不適用於該工作平台。

8. 暫時將護欄等移去等

- (1) 護欄、底護板及屏障可爲供人進入或搬運物料或爲有關工作的 其他目的,按所需的時間及程度移去或暫不架設,惟須在該段時間屆滿後在切 實可行範圍內盡快回復原位或架設。
 - (2) 樓梯不須設有底護板。"。

勞工處處長

1998年 月 日

註釋

本規例的目的是對《建築地盤(安全)規例》(第 59 章,附屬法例)作出以下修訂一

- (a) 廢除第 VA 部而代以新的第 VA 部及新的附表 3,在新的部分所載的條文中,亦包括關於建築地盤內的棚架、工作平台、木板路及路徑的條文,以對在該等地盤工作的人提供較大程度的安全保障,尤其是在防止從高處墮下此一方面的安全保障(見第 3 及 7 條);及
- (b) 就引入新的第 VA 部而作出相應的修訂(見第 2、4、5 及 6 條)。

CONSTRUCTION SITES (SAFETY) REGULATIONS

(Cap. 59, section 7)

[21 July 1978]

PART I

PRELIMINARY

1. Citation

These regulations may be cited as the Construction Sites (Safety) Regulations.

2. Interpretation

(1) In these regulations, unless the context otherwise requires—

"builder's lift" (建築工地升降機) has the same meaning as in the Builders' Lifts and Tower Working Platforms (Safety) Ordinance (Cap. 470); (L.N. 552) of 1995)

"competent examiner" (合資格檢驗員), in relation to the carrying out of any test and examination required by these regulations, means a person who

- (a) appointed for that purpose by the contractor required by these regulations to ensure that the test and examination is carried out: (L.N. 285 of 1993)
- (b) a registered professional engineer registered under the Engineers Registration Ordinance (Cap. 409) within a relevant discipline specified by the Commissioner; and (L.N. 285 of
- (c) by reason of his qualifications, training and experience, competent to carry out the test and examination; (L.N. 285 of 1993)

"competent person" (合資格的人), in relation to any duty to be performed under these regulations by a competent person, means a person who is--

[附屬法例]

建築地盤(安全)規例

(第 59 章第 7 條)

[1978年7月21日]

第1部

導言

1. 引稱

本規例可引稱為《建築地盤(安全)規例》。

2. 釋藝

- (1) 在本規例中,除文意另有所指外---
- "工人" (workman) 指從事建築工程的人;
- "工作平台" (working platform) 包括工作台架; (1983 年第 238 號法律公告)
- "工業裝置"(plant) 包括任何工業裝置、設備、裝置、機械、器具或儀器,或其任何 部分;
- "升降或作懸吊之用" (raising or lowering or as a means of suspension) 指以起重機械或 起重裝置升起或降下負荷物,或以起重機械或起重裝置作懸吊負荷物之用;
- "用"或"使用"(used, in use),就任何工業裝置而育,指用於建築工程或在建築工程中 使用;
- "安全操作負荷" (safe working load), 就起重機械或起重裝置而言——
 - (a) 指現行有效的測試證明書所指明的操作有關的機械或裝置的讀當安全操 作負荷,而該證明書是為施行本規例由合資格檢驗員就該機械或裝置而 按認可格式發出的;或 (1994 年第 21 號法律公告)
 - (b) 如無規定須有上述證明書,則指適合該起重機械或起重裝置的安全操作 **自荷; (1978 年第 280 號法律公告)**
- "次承建商" (subcontractor) 指由承建商聘用根據服務合約進行建築工程的人;
- "吊重機"(hoist) 指裝有運載架、平台或機籠的起重機器,不論其是否由機械動力推 動,且運載架、平台或機籠的活動是由一條或多於一條導軌限制的;亦指與吊重

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- (a) appointed for that purpose by the contractor required by these regulations to ensure that the duty is carried out by a competent person; and
- (b) by reason of substantial training and practical experience, competent to perform the duty;
- "construction site" (建築地盤) means a place where construction work is undertaken and also any area in the immediate vicinity of any such place which is used for the storage of materials or plant used or intended to be used for the purpose of the construction work;
- "crane" (起重機) means any appliance equipped with mechanical means of raising and lowering a load and for transporting the load while suspended; and also all chains, ropes, swivels, or other tackle (down to and including the hook), used in the operation of a crane; but does not include—
 - (a) a hoist block running on a fixed rail or wire;
 - (b) a stacker or conveyor whereby a load is moved by means of a belt or platform; or
 - (c) an earth or mineral moving or excavating appliance not fitted with a grab;
- "hoist" (吊重機) means a lifting machine, whether worked by mechanical power or not, with a carriage, platform or cage, the movement of which is restricted by a guide or guides; and also the supports, well and enclosures, and the carriage, platform or cage, and the whole of the mechanical and electrical apparatus (if any) required in connexion with the operation and safety of a hoist, but does not include a builder's lift or a tower working platform; (L.N. 280 of 1978; L.N. 552 of 1995)
- "ladder" (梯子) does not include a folding step-ladder; (L.N. 238 of 1983) "ladder scaffold" (梯式研架) means a scaffold with a working platform which is supported directly on a ladder by means of a crutch or bracket on a rung or rungs of a ladder: (L.N. 238 of 1983)
- "lifting appliance" (起重機械) means a crab, winch, pulley block, or gin wheel used for raising or lowering and a hoist, crane, sheerlegs, excavator, drag line, pile driver, pile extractor, or overhead runway;
- "lifting gear" (起重裝置) means a chain sling, rope sling or similar gear, and a ring, link, hook, plate clamp, shackle, swivel or eyebolt; (L.N. 280 of 1978)
- "maintained" (维修、保持) means maintained in an efficient state, in efficient working order and in good repair;
- "material" (物料), except in regulations 5, 29, 39 and 61, includes waste material and debris;
- "plant" (工業裝置) includes any plant, equipment, gear, machinery, apparatus, or appliance, or any part thereof;

[附屬法例]

機的操作及安全有關所需的支持物·非道及圍封,運載架、平台或機籠,以及整套機電器具(如有的話);但不包括建築工地升降機或塔式工作平台; (1978 年第 280 號法律公告; 1995 年第 552 號法律公告)

- "吊索式棚架" (stung scaffold) 指以起重裝置、纜索或鏈條或堅硬構件懸吊、且並無設置起重機械或同類裝置以作升降之用的棚架; (1983 年第238 號法律公告)
- "合資格的人" (competent person) 就本規例規定須由合資格的人執行的職責而言,指 符合下述情况的人----
 - (a) 由承建商指定執行該職責,而本規例規定該承建商須確保該職責由合資格的人執行;及
 - (b) 因其所受的實質訓練及實際經驗而有足夠能力執行該職責;
- "合資格檢驗員" (competent examiner) 就本規例規定須進行的測試與檢驗而言,指符合下述情況的人——
 - (a) 由本規例規定須確保該等測試及檢驗得以進行的承建商所指定; (1993 年第 285 號法律公告)
 - (b) 根據《工程師註冊條例》(第 409 章) 註冊的註冊專業工程師,並屬於處長 所指明的有關界別;及 (1993 年第 285 號法律公告)
 - (c) 因其資格、所受訓練及經驗而有足夠能力進行該等測試及檢驗: (1993 年第285 號法律公告)
- "物料" (material),除第5、29、39及61條外,包括廣料及碎料;
- "建築工地升降機"(builder's lift)的涵義與《建築工地升降機及塔式工作平台(安全)條例》(第470章)中該詞的涵義相同; (1995年第552號法律公告)
- "建築地盤" (construction site) 指正進行建築工程的地方,以及緊接該地方而用以貯存 用於或擬用於建築工程的物料或工業裝置的附近範圍;
- "起重裝置" (lifting gear) 指鏈式吊索、纜吊索或同類裝置,以及環圈、鏈環、吊約、板鉗、鈎環、轉環或有眼螺栓; (1978 年第 280 號法律公告)
- "起重機" (crane) 指備有機械設備用以升起及降下負荷物及用以運輸懸吊中的負荷物 的機械;以及指在起重機操作中使用的所有鏈條、纜索、轉環或其他滑車 (計至 並包括吊鈎),但不包括——
 - (a) 在固定軌道或鋼纜上行走的吊重滑車;
 - (b) 通過引帶或平台移動負荷物的堆垛機或輸送機;或
 - (c) 移動或挖掘泥土或礦物但沒有裝置抓斗的機械;
- "起重機械" (lifting appliance) 指用以升降的起重滑車、絞車、滑輪組或吊重輪、以及 吊重機、起重機、腳架起重機、挖掘機、拉索挖機、打樁機、拔樁機或架空軌 道:
- "原動機" (prime mover) 指藉下列能源提供機械能量的引擎、電動機或其他裝置
 - (a) 水蒸汽或電力;
 - (b) 燃料的燃烧;或
 - (c) 任何其他能源;

[附屬法例]

[Subsidiary]

- "prime mover" (原動機) means any engine, motor, or other appliance, which provides mechanical energy derived from—
 - (a) steam or electricity;
 - (b) the combustion of fuel; or
 - (c) any other source;
- "raising or lowering or as a means of suspension" (升降或作懸品之用) means raising or lowering or as a means of suspension of a load on a lifting appliance or lifting gear;

"safe working load" (安全操作負荷), in relation to a lifting appliance or to lifting gear, means either—

- (a) the appropriate safe working load for operating the appliance or gear as specified in the current certificate of test given in the approved form by a competent examiner in respect of the appliance or gear for the purposes of these regulations; or
- (L.N. 21 of 1994)
 (b) where no such certificate is required, the relevant safe working load appropriate to the lifting appliance or lifting gear; (L.N. 280 of 1978)
- "scaffold" (例架) means any temporarily provided structure on or from which persons perform work in connexion with operations or works to which these regulations apply, and any temporarily provided structure which enables persons to obtain access to or which enables materials to be taken to any place at which such work is performed, and includes any working platform, gangway, run, ladder or step-ladder (other than an independent ladder or step-ladder which does not form part of such a structure) together with any guard-rail, toe-board or other safeguards and all fixings, but does not include a lifting appliance or a structure used merely to support such an appliance or to support other plant or equipment; (L.N. 238 of 1983)

"slung scaffold" (吊索式棚架) means a scaffold suspended by means of lifting gear, ropes or chains or rigid members and not provided with means of raising or lowering by a lifting appliance or similar device; (L.N. 238 of 1983)

"subcontractor" (次承建商) means a person employed by a contractor to perform construction work under a contract for services;

"suspended scaffold" (懸吊式棚架) means a scaffold (not being a slung scaffold) suspended by means of ropes or chains and capable of being raised or lowered but does not include a boatswain's chair or similar appliance; (L.N. 238 of 1983)

"tower working platform" (塔式工作平台) has the same meaning as in the Builders' Lifts and Tower Working Platforms (Safety) Ordinance (Cap. 470); (L.N. 552 of 1995)

"梯子" (ladder) 不包括摺合踏梯; (1983 年第 238 號法律公告)

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- "梯式棚架" (ladder scaffold) 指附有工作平台,而工作平台由梯子藉梯級上的叉壁或 托架直接支持的一種棚架; (1983 年第 238 號法律公告)
- "排架式棚架" (trestle scaffold) 包括由下述任何一種自行支持物支持其平台的棚架。 該等自行支持物為台架、摺合踏梯、三腳架或與上述任何自行支持物同類的可移 動裝置; (1983 年第 238 號法律公告)
- "棚架"(scaffold)指任何臨時設置的構築物,以供人在其上或從其上進行與本規例所適用的操作或工程有關的工作,以及指使人能進入或使物料能送到進行上述工作的地方的臨時設置的構築物,並包括任何工作平台、木板路、路徑、梯子或踏梯(不是上述構築物組成部分的獨立梯子或踏梯除外),連同任何護欄、底護板或其他防護裝置及所有固定裝置,但不包括起重機械或僅用以支持起重機械或支持其他工業裝置或設備的構築物; (1983 年第238 號法律公告)
- "塔式工作平台" (tower working platform) 的涵義與《建築工地升降機及塔式工作平台 (安全)條例》(第 470 章) 中該詞的涵義相同; (1995 年第 552 號法律公告)
- "傳動機械" (transmission machinery) 指任何軸、輪、鼓、滑輪、固定輪及游滑輪系統、聯結器、離合器、傳動帶或其他裝置,而原動機的運動可藉上述裝置傳送至任何工業裝置或由任何工業裝置接收;
- "維修"、"保持" (maintained) 指保持有效狀況、有效操作狀態及維修良好;
- "懸吊式棚架" (suspended scaffold) 指以纜索或鍵條懸吊並可被升起或降下的棚架 (並 非吊索式棚架),但不包括工作吊板或同類裝置。 (1983 年第238 號法律公告)

"transmission machinery" (傳動機械) means any shaft, wheel, drum, pulley, system of fast and loose pulleys, coupling, clutch, driving belt, or other device, by which the motion of a prime mover is transmitted to or received by any plant;

"trestle scaffold" (排架式棚架) includes a scaffold in which the supports for the platform are any of the following which are self-supporting that is to say, split heads, folding step-ladders, tripods or movable contrivances similar to any of the foregoing: (L.N. 238 of 1983)

"used" or "in use" (用、使用), in relation to any plant, means used or in use in construction work:

"working platform" (工作平台) includes a working stage; (L.N. 238 of 1983)

"workman" (工人) means a person engaged in construction work.

(2) For the purposes of these regulations—

(a) a contractor is responsible for a construction site if he is undertaking construction work there or, where there is more than one contractor undertaking construction work at the site, if he is the principal contractor undertaking work there;

(b) a contractor is responsible for any plant referred to in these regulations if it is located at a construction site for which he is responsible.

3. Application of regulations

These regulations apply to-

- (a) all construction work;
- (b) all construction sites; and
- (c) the machinery, plant, tools, gear and materials with which any construction work is carried on.

4. Exemptions

If the Commissioner is satisfied that, in case of any particular class or description of plant or of any special description or method of work, the application of any requirement of these regulations relating to safety or health is, in certain circumstances, not necessary in the interests of safety or not reasonably practicable, he may, by certificate in writing under his hand, grant an exemption from that requirement in the case of that class or description of plant or of that special description or method of work in such circumstances and subject to such conditions as may be specified in the certificate.

(2) 就本規例而言

- (a) 承建商如在任何建築地盤進行建築工程,即為負責該地盤的承建商,凡 在任何建築地盤進行建築工程的承建商超過一名,則在該建築地盤進行 工程的總承建商即為負責該地盤的承建商;
- (b) 任何在本規例內提述的工業裝置,如位於某承建商所負責的建築地盤 內,則該承建商即為負責該工業裝置的承建商。

3. 本規例的適用範圍

本規例適用於——

- (a) 所有建築工程;
- (b) 所有建築地盤;及
- (c) 用以進行建築工程的機械、工業裝置、工具、裝置及物料。

4. 豁免

如處長信納在某些情況下,本規例有關保障安全或健康的規定對於個別種類或類別的工業裝置或對於某特別的工作類別或方法的適用,就保障安全而言是不需要的,或不是合理切實可行的,則處長可薪其親自簽署的證明書給予豁免,使該種類或類別的工業裝置或該特別的工作類別或方法,在證明書內指明的情況下並在符合證明書內指明的條件下,免受有關規定的規限。

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- (a) securely suspended or supported when being raised or lowered;
 and
- (b) adequately secured so as to prevent danger arising to persons or property as a result of the slipping or displacement of any part of the load.
- (2) Where, by reason of the nature or position of the operation the load is liable, while being moved on a hoist or on lifting gear, to come into contact with any object so that the object may become displaced, the contractor shall take all reasonable steps as will ensure that no person lawfully on or near the construction sites where the hoist or gear is being used is endangered by the displacement of the object. (71 of 1989 s. 13)
- (3) Where, in connexion with the hoist, or lifting gear a receptacle is used for raising or lowering stone, bricks, tiles, slates, or other objects, the contractor shall cause the receptacle to be enclosed, or to be constructed or designed so as to prevent the accidental fall of any of such objects.
- (4) Paragraph (3) shall not apply to a grab, shovel, or similar excavating receptacle if the contractor takes effective steps to prevent persons being endangered by a fall of objects therefrom.
- (5) The contractor responsible for a hoist shall ensure that neither loose more rial nor goods are carried on the platform of the hoist unless the platform is closed or other effective precautions have been taken to prevent the material or goods from falling from the platform.
- (6) The contractor responsible for any hoist which is used for raising or lowering loads shall ensure that no load is left suspended from the hoist unless a competent person is present to supervise the use of the hoist.

(L.N. 285 of 1993)

PART VA

SCAFFOLDS, WORKING PLATFORMS AND LADDERS, ETC.

38A. General

Without prejudice to the other provisions of this Part, the contractor responsible for any construction site shall ensure that—

- (a) there is, so far as is reasonably practicable, suitable and sufficient safe access to and egress from every place on the site at which any person at any time works, which access and egress shall be properly maintained; and
- (h) every place on the site at which any person at any time works shall, so far as is reasonably practicable, be made and kept safe for any person working there.

(a) 在升起或降下時穩固地懸吊着或支持着;及

- (b) 充分地穩闊着,以防止因負荷物任何部分滑脱或移位面對任何人或任何 財產遊成危險。
- (2) 凡因操作的性質或位置,使負荷物在被吊車機或起重裝置移動時,有可能碰到任何物體以致該物體移位,則承建商須採取所有合理步驟,以確保合法置身於使用該吊重機或起重裝置的建築地盤之內或附近的人,不會因該物體的移位面受到危害。(1989 年第71 號第13 條)
- (3) 凡有任何盛器與吊重機或起重裝置一同使用,以升起或降下百塊、轉塊、瓦片、石板或其他物體,則承建商須確保該盛器被圍封或有適當的構造或設計,以防止上述任何物體意外陷下。
- (4) 如承建商已採取有效的步驟,以防止任何人受到從抓斗、縫斗或同類挖掘藍器堕下的物體所危害,則第(3)款不適用於該等挖掘藍器。
- (5) 負責吊重機的承建商須確保其吊重機平台不得用以運載貨品或裝散物料,除 非平台已有圍封,或已採取其他有效預防措施,以防止該等貨品或物料從平台鹽下。
- (6) 負責用以升起或降下負荷物的吊重機的承建商,須確保不會任由負荷物在其 吊重機上懸吊着,除非有合資格的人在場監督該吊重機的使用。

(1993 年第 285 號法律公告)

[附屬法例]

第 VA 部

棚架、工作平台及梯子等

38A. 一般規定

在不损害本部其他條文的原則下,負責任何建築地盤的承建商須確保——

- (a) 在合理切實可行範圍內盡量於地盤內隨時會有人工作的每個地方設有適 當及充足的安全進出口,面該管進出口須要為維修;及
- (b) 為在地盤內任何地方工作的人的利益。在合理切實可行範圍內盡量令到 及保持地盤內隨時會有人工作的每個地方安全。

38B. Provision of scaffolds, etc.

Without prejudice to the other provisions of this Part, where work cannot safely be done on or from the ground or from part of a building or other permanent structure, the contractor responsible for the construction site concerned shall provide, place and keep in position for use and properly maintain either scaffolds or, where appropriate, ladders or other means of support, all of which shall be sufficient, strong and suitable for the purpose.

38C. Supervision of work and inspection of material

The contractor responsible for a scaffold on a construction site shall ensure that no such scaffold is erected on the site or substantially added to, altered or dismantled except under the immediate supervision of a competent person and by competent workmen possessing adequate experience of such work.

38D. Construction and maintenance of scaffolds

- (1) The contractor responsible for a scaffold shall ensure that every scaffold provided on a construction site and every part thereof is-
 - (a) of good construction, made of strong and sound materials, and free from patent defect; and
 - (b) properly maintained.
- (2) The contractor responsible for a scaffold shall ensure that every such scaffold is kept so fixed, secured or placed in position as to prevent so far as is reasonably practicable accidental displacement. (71 of 1989 s. 13)

38E. Slung scaffolds

The contractor responsible for any construction site shall ensure that-

- (a) no chain, wire rope, lifting gear, metal tube or other means of suspension for slung scaffolds is used on the site unless the following requirements (in so far as they are applicable) are observed, (in addition as respects chains, ropes and lifting gear to satisfying the requirements of the Factories and Industrial Undertakings (Lifting Appliances and Lifting Gear) Regulations (Cap. 59 sub. leg.)), that is to say— (L.N. 285 of 1993)
 - (i) it is suitable and of adequate strength for the purpose for which it is used:
 - (ii) it is properly and securely fastened to safe anchorage points and to other main supporting points;
 - (iii) it is so placed as to ensure stability of the scaffold;

[附屬法例]

38B. 棚架的設置等

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在不損害本部其他條文的原則下,凡工作不能在地而上或從地面處或從建築物部 · 分或其他永久性構築物部分之處安全進行,負責有關的建築地盤的承建商須設置標準 或 (如屬適當者) 梯子或其他作支持用的工具,並將其放置及保持在熵當位置以但使 用,以及妥為維修,而上述側架、梯子或其他作支持用的工具領载其用途里於是是 夠、堅固及適合的。

38C. 監督工作及檢查物料

負責建築地盤內的棚架的承建商須確保、除在合資格的人的直接監督下、及由對 有關的工作有是夠經驗的有是夠能力的工人推行外,不得在建築地盤內架設團智或在 和常程的下增設、更改或拆卸棚架。

38D. 棚架的構造及維修

- (1) 負責棚架的承建商須確保在建築地盤內設置的每座棚架及其每一部分均
 - (a) 構造良好,以堅固質住的物料造成,且無明顯欠爰之處;及
 - (b) 妥為維修。
- (2) 負責棚架的承建商須確保上述的每座棚架均保持固定、穩固或放置於屬當位 置,以在合理切實可行範圍內盡量防止意外移位。 (1989 年第71 號第 13 條)

38E. 吊索式棚架

- 負責任何建築地盤的承建商須確保---
 - (a) 其地盤內不得使用鏈條、網絲纜索、起重裝置、金屬管筒或其他暫吊手 具以懸吊吊索式掤架,除非下列規定(如該等規定適用)獲得遵守。(達 條、纜索及起重裝置亦須符合(工廠及工業經營(起重機械及起重裝置) 規例》(第 59 章、附屬法例)的規定)、即上述腱條、網絲纜索、起重芳 置、金屬管簡或其他懸吊工具須 -- (1993 年第 285 號法律公告)
 - (i) 適合其用途,並有足夠的強度以配合其用途;
 - (ii) 妥善及穩固地繫於安全錯定點及其他主要支持點:
 - (iii) 放置在能確保棚架的穩定性的位置;

- (iv) it is as nearly vertical as is reasonably practicable; and(v) it is kept taut;
- (b) no rope other than a wire rope is used for the suspension of slung scaffold;
- (c) where chains or wire ropes are used for the suspension of a slung scaffold, steps are taken to prevent such chains or wire ropes coming into contact at points of suspension with edges where this would cause danger;
- (d) every slung scaffold is secured to prevent undue horizontal movement while it is used as a working platform.

38F. Cantilever, jib, figure and bracket scaffolds

The contractor responsible for a construction site shall ensure that-

- (a) no cantilever scaffold or jib scaffold is used on the site unless it is adequately supported, fixed and anchored, has outriggers of adequate length and strength and is where necessary sufficiently and properly strutted or braced to ensure rigidity and stability; and
- (b) no figure scaffold or bracket scaffold supported or held by dogs, spikes, or similar fixings liable to pull out of the stone-work, brickwork or other surface in which they are gripped or fixed is used on the site.

38G. Support for scaffolds, etc.

The contractor responsible for a construction site shall ensure that—

- (a) no part of a building or other structure is used as support for a scaffold, ladder, folding step-ladder or crawling ladder, or for part of a scaffold, ladder, folding step-ladder or crawling ladder, unless the part of the building or other structure is of sound material and sufficiently stable and of sufficient strength to afford safe support;
- (b) gutters are not used as such supports unless they and their fixings are suitable and are of adequate strength and in the case of overhanging eaves gutters shall not be so used unless in addition they have been specially designed as walkways.

38H. Suspended scaffolds (not power operated)

The contractor responsible for a construction site shall ensure that no suspended scaffold which is not raised or lowered by a power-drive lifting appliance (in addition, as respects lifting appliances, chains, ropes and lifting

(iv) 在合理切實可行範圍內盡量近乎垂直;及

- (v) 保持拉紧;
- (b) 除鋼絲纜索外不得使用其他纜索以懸吊吊索式棚架;
- (c) 如使用鏈條或鋼絲纜索以懸吊吊索式砌架,而鏈條或鋼絲纜索倘在懸吊 點碰到任何邊緣會造成危險,則須採取步驟以防止鏈條或鋼絲纜索在懸 吊點碰到任何邊緣;
- (d) 每座吊索式棚架均予以穩固,以防止其在用作工作平台時作過度的橫向 移動。

38F. 懸臂、吊臂、圖形及托架式棚架

負責建築地盤的承建商須確保----

- (a) 地盤內不得使用懸臂棚架或吊臂棚架,但如所用的懸臂棚架或吊臂棚架 已予充分支持、固定及锚定,並裝有足夠長度及強度的外伸支架,且在 所需之處已予充分及妥善支承或拉緊,以確保剛硬性及穩定性,則不在 此限;及
- (b) 如有以扒釘、銷棒或同類固定裝置支持或抓緊的圖形棚架或托架式梯架,而該等扒釘、銷捧或同類固定裝置可從將其夾着或固定的石造物、 轉造物或其他表面拔出者,則該等棚架不得在地盤使用。

38G. 棚架的支持等

負責建築地盤的承建商須確保---

- (a) 建築物或其他構築物的任何部分均不得用以支持棚架、梯子、摺合路梯或爬梯或其任何部分,但如該建築物或其他構築物部分以質佳的物料建造,充分穩定及有足夠的強度,使其能提供安全的支持,則不在此限;
- (b) 檐槽不得作上述支持之用,除非該等檐槽及其固定裝置是適用的及有足 夠的強度;如屬飛槽,則檐槽除須符合上述規定外,並須經特別設計以 作人行道,否則不得作上述支持之用。

3811. 懸吊式棚架 (非動力操作)

負責建築地盤的承建商須確保,並非藉動力推動式起重機械升起或降下的懸吊式 棚架須符合下列規定(與其一同使用的起重機械、鍵條、纜索及起重裝置,亦須符合

[附屬法例]

gear used in connexion therewith, to the requirements in the Factories and Industrial Undertakings (Lifting Appliances and Lifting Gear) Regulations (Cap. 59 sub. leg.)) is used for raising or lowering or carrying a person unless—(L.N. 285 of 1993)

- (a) outriggers—
 - (i) of adequate length and strength and properly installed and supported:
 - (ii) firmly anchored at the inner ends;
 - (iii) securely fastened to any ballast or counterweights; and
 - (iv) installed horizontally, are used;
- (b) the points of suspension are at adequate horizontal distances from the face of the building or other structure;
- (c) wire ropes or chains are used for the raising, lowering and suspension of the suspended scaffold;
- (d) the wire ropes or chains are securely attached to the outriggers or other supports;
- (e) adequate arrangements are made to prevent undue tipping, tilting or swinging of a scaffold and to secure it to prevent undue horizontal movement while it is being used as a working platform;
- (f) the platform of the suspended scaffold—
 - (i) except to the extent necessary for drainage, is closely boarded, planked or plated; and
 - (ii) is not less than 0.45 metres wide;
- (g) the winches or other lifting appliances or similar devices of the suspended scaffold are—
 - (i) provided with a brake or similar device which comes into operation when the operating handle or lever is released; and
 - (ii) adequately protected against the effect of weather, dust or material likely to cause damage; and
- (h) it is properly maintained.

381. Boatswain's chairs (not power operated)

- (1) The contractor responsible for a construction site shall ensure that no boatswain's chair or similar plant or equipment (not being a boatswain's chair or similar plant or equipment which is raised or lowered by a power-driven lifting appliance) is used unless—
 - (a) it is of good construction, sound material, adequate strength and free from patent defect;

[附屬法例]

《王巖及王業經營(起重機械及起重裝置)規例》(第59章,附屬法例)的規定)。否則 不得用以升起或降下或運載任何人 (1993年第285號法律公告)

- (a) 使用符合下述規定的外伸支架-----
 - (i) 有足夠的長度及強度,以及妥為安裝及支持;
 - (ii) 內端穩固地錯定;
 - (iii) 穩固地繫於任何壓重物或衡重物;及
 - (iv) 按水平位置安裝;
- (b) 懸吊點與建築物或其他構築物的表面有足夠的水平距離;
- (c) 使用網絲纜索或鏈條以升起、降下及懸品該懸品式棚架;
- (d) 該等鋼絲纜索或鏈條穩固地繋於外伸支架或其他支持物上
- (e) 作出足夠的安排,以防止掤架獨度傾斜、傾側或搖擺,並將具種周口時 止其在用作工作平台時作獨度的橫向移動;
- (f) 懸吊式棚架的平台----
 - (i) 除因排水所需外,以夾板、木板或金屬板鋪密;及
 - (ii) 不少於 0.45 米闊;
- (g) 懸吊式棚架的絞車或其他起重機械或同類裝置----
 - (i) 設有制動器或同類裝置,當操作手製或操作桿器開時,該制動器或 同類裝置即行操作;及
 - (ii) 獲足夠保護,免受天氣、塵埃或有相當可能對其造成損害的特料時 影響;及
- (4) 妥為維修。

381. 工作吊板 (非動力操作)

- (4) 負責建築地盤的承建商須確保不得使用工作品板或同類工業裝置或設備(印 - 藉動力推動式起重機械升起或除下的工作吊板或同類工業裝置或設備除外),除井
 - (a) 其構造良好,以質佳的物料造成,有是夠的強度,且無明顯欠妥之處。

- (b) the outriggers or other supports are of adequate strength and properly installed and supported:
- (c) the chains, ropes, lifting gear or other means of suspension used therewith (in addition to satisfying the requirements in the Factories and Industrial Undertakings (Lifting Appliances and Lifting Gear) Regulations (Cap. 59 sub. leg.)) are securely attached to the outriggers or other supports and to the chair or similar plant or equipment or to any lifting appliance or other device attached thereto, as the case may be; (L.N. 285 of 1993)
- (d) suitable means are provided to prevent any occupant falling out;
- (c) it is free of materials or articles liable to interfere with the occupant's handhold or foothold or otherwise endanger him;
- (f) suitable measures are taken to prevent spinning or tipping in a manner dangerous to any occupant;
- (g) safety belts attached to independent life lines are provided to the occupants and each life line is securely suspended;
- (h) its installation has been, and its use is, supervised by a competent person; and
- (i) it is properly maintained.
- (2) The contractor responsible shall ensure that no boatswain's chair or similar plant or equipment is used as a working place in circumstances in which a suspended scaffold could be used unless the work is of such short duration as to make the use of a suspended scaffold unreasonable or the use of a suspended scaffold is not reasonably practicable.

38J. Trestle scaffolds

- (1) The contractor responsible for a construction site shall ensure that all trestles and supports used for the construction of any trestle scaffold are of good construction, suitable and sound material, adequate strength for the purposes for which they are used and free from patent defect and are properly maintained.
 - (2) The contractor shall ensure that no trestle scaffold is used—
 - (a) if the scaffold is so situated that a person would be liable to fall from its working platform a distance of more than 4.5 metres; or
 - (b) if constructed with more than one tier where folding supports are used.
- (3) The contractor shall ensure that no trestle scaffold is erected on a scaffold platform unless—
 - (a) the width of the said platform is such as to leave sufficient clear space for the transport of materials along the platform; and
 - (b) the trestles or supports are firmly attached to the said platform and adequately braced to prevent displacement.

[附屬法例]

- (b) 其外仲支架或其他支持物有足夠的强度,以及妥為安裝及支持;
- (c) 鏈條、纜索、起重裝置或其他一同使用的懸吊工具(除須符合《工廠及工業經營(起重機械及起重裝置)規例》(第59章,附屬法例)的規定外), 牢固地繫於外伸支架或其他支持物,及繫於該吊板或同類工業裝置或設 備,或繫於任何起重機械或與其相繫接的其他裝置(視屬何情況而定); (1993年第285號法律公告)
- (d) 設有適當的設施以防止任何佔用人堕出;
- (e) 並無可干擾佔用人的扶手或立足點的物料或物品或可在其他方面危害佔 用人的物料或物品;
- (f) 採取適當的措施以防止可對佔用人構成危險的旋轉或傾斜;
- (g) 向估用人提供繫於獨立救生鄉的安全帶,而每條救生鄉均穩固地懸吊着;
- (4) 由合資格的人監督其安裝及使用;及
- (i) 妥為維修。
- (2) 上述負責的承建商須確保,在可使用懸吊式棚架作為工作地方的情况下,不 得使用工作吊板或問類工業裝置或設備,但如工作的持續期較短,以致使用懸吊式棚架變得不合理或並不是合理切實可行,則壓例外。

38.J. 排架式棚架

- (1) 負責建築地盤的承建商須確保用以建造排架式棚架的所有排架及支持物均構造良好,以適當及質佳的物料造成,有足夠的強度,以配合其用途,及無明顯欠妥之處,並妥為維修。
 - (2) 承建商須確保如有下述情況,不得使用排架式棚架——
 - (a) 棚架所處的位置使人可從其工作平台墮下超過 4.5 米;或
 - (b) 在使用摺合式支持物的情况下, 伽架的構造超過一層。
 - (3) 承建商須確保在棚架平台上不得架設排架式棚架,除非---
 - (a) 平台有適當的闊度,可留下是夠無阻的空間,讓物料沿平台運輸;及
 - (b) 排架或支持物穩固地繫於平台,並充分拉緊,以防止移位。

[附属法例]

[Subsidiary]

38K. Inspection of scaffolds

- (1) Subject to paragraph (3), the contractor responsible for a scaffold shall ensure that the scaffold is not used on a construction site unless—
 - (a) the scaffold—
 - (i) has been inspected by a competent person within the immediately preceding month;
 - (ii) has been inspected by a competent person since exposure to weather conditions likely to have affected its strength or stability or to have displaced any part; and
 - (b) a report has been made by the person carrying out the inspection in the approved form containing the prescribed particulars which includes a statement to the effect that the scaffold is in safe working order. (L.N. 285 of 1993)
- (2) A report under this regulation of an inspection and the results thereof, signed by the person carrying out the inspection, shall be—
 - (a) made in the prescribed form and contain the prescribed particulars; and
 - (b) delivered forthwith to the contractor concerned.
- (3) This regulation shall not apply in relation to a scaffold no part of which has been erected for more than a month, or a trestle scaffold or a scaffold from no part of which a person is liable to fall a distance of more than 2 metres.

38L. Construction of working platforms, gangways, runs, etc.

The contractor responsible for a construction site shall ensure that—

- (a) every working platform, gangway or run from any of which a person is liable to fall a distance of more than 2 metres is either closely boarded, planked or plated, or is a platform consisting of open metal work having interstices none of which exceeds 3 800 square millimetres in area;
- (b) every board or plank forming part of a working platform, gangway or run is—
 - (i) of sound construction, adequate strength and free from patent defect:
 - (ii) of a thickness capable of affording adequate security having regard to the distance between the supports and be not less than 200 millimetres in width and not less than 25 millimetres in thickness or not less than 150 millimetres in width when the board or plank exceeds 50 millimetres in thickness:

38K. 检查棚架

(4) 除第(3)款另有規定外,負責棚架的承建商須確保不得在其建築地醫由使用棚架,除非——

(a) 棚架----

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- (i) 在之前一個月內經由合資格的人檢查;
- (ii) 自暴露於相當可能會影響其強度或穩定性或使其任何部分移位的人 氣情況下之後,經由合資格的人檢查;及
- (b) 進行檢查的人已按認可格式作出報告、報告載有各項訂明的詳情,其中包括述明該棚架處於安全操作狀態的陳述。 (1993 年第 285 對法律公告)
- (2) 由進行檢查的人簽署本條所規定的檢查及其結果的報告。須一。
 - (a) 按訂明格式作出,並載有各項訂明的詳情;及
 - (b) 隨即交付有關的承建商。
- (3) 對於沒有任何部分架設超過一個月的棚架,或不**會**有人可從任何部分車下場 過2米的排架式棚架或棚架,本條並不適用。

38L. 工作平台、木板路、路徑的構造等

百青建築地盤的承建商須確保——

- (a) 如有人可從工作平台,未板路或路徑暨下超過2米,該工作平台,未按 路或路徑須以夾板,木板或金屬板鋪密,或須為由有問隨的金屬物組成 的平台,而任何間隨面積不得超逾3800平方毫米;
- (b) 作為工作平台、木板路或路徑組成部分的央板或木板---
 - (i) 構造良好,有足夠的強度,且無明顯欠妥之處;
 - (ii) 在顧及支持物之間的距離下,其厚度能夠提供足夠的安全保障,其 關度不小於 200 毫米而厚度不小於 25 毫米,如該夾板或木板厚度 超逾 50 毫米,則關度不小於 150 毫米;

- (iii) rests securely and evenly on its supports;
- (c) no board or plank which forms part of a working platform, gangway or run projects beyond its end support to a distance exceeding 150 millimetres unless it is sufficiently secured to prevent tipping.

38M. Widths of working platforms

- (1) The contractor responsible for a construction site shall ensure that-
 - (a) any working platform from which a person is liable to fall a distance of more than 2 metres is at least 400 millimetres wide:
 - (b) any gangway or run from any part of which a person is liable to fall a distance of more than 2 metres is, if the gangway or run-
 - (i) is used for the passage of persons only, at least 400 millimetres wide:
 - (ii) is used for the passage of materials is adequate in width for the passage of materials and in any case is at least 650 millimetres wide.
- (2) This regulation does not apply to a working platform, gangway or where it is impracticable by reason of limitations of space to provide a platform, gangway or run of the required width; but, in any such case, the platform, gangway or run shall be as wide as is reasonably practicable.

38N. Guard-rails at working platforms and places

- (1) The contractor responsible for a construction site shall ensure that every side of a working platform, working place, gangway, run or stair being a side from which a person is liable to fall a distance of more than 2 metres is provided with a suitable guard-rail or guard-rails of adequate strength to a height between 900 millimetres and 1 150 millimetres.
- (2) The guard-rails required under paragraph (1) may be removed or remain unerected for the time and to the extent necessary for the access of persons or the movement of materials.
 - (3) None of the requirements of this regulation shall apply to—
 - (a) the platform of a ladder scaffold if a secure handhold is provided along the full length of such platform;
 - (b) the platform of a trestle scaffold when the platform is supported on folding trestles, split heads or similar devices or folding sten-ladders:
 - (c) the platform of a bamboo scaffold if such platform is protected by not less than 2 horizontal bamboo members of the scaffold spaced at intervals between 750 millimetres to 900 millimetres.

[附屬法例]

- (ii) 穩儲及平坦地擱在其支持物上;
- (c) 作為工作平台、木板路或路徑組成部分的夾板或木板,除非充分幾個以 防止傾斜,否則不得伸出其末端支持物之外超逾 150 毫米。

38M. 工作平台的關度

- (1) 負責建築地盤的承建商須確保——
 - (a) 如有人可從任何工作平台鹽下超過2米,則該工作平台須至少閱 400毫 米;
 - (b) 如有人可從任何木板路或路徑的任何部分鹽下超過2米,則該木板路或 路 郊 -----
 - (i) 如只用作讓人通過須至少問 400 毫米;
 - (ii) 如用作讓物料通過,其闊度須足以讓物料通過,但無論如何至少閱
- (2) 凡因空間的限制以致提供達到所規定關度的工作平台、木板路或路徑不切實 可行,則本條不適用於該工作平台、木板路或路徑,但在此情況下,該平台、木板路 或路徑須在合理切實可行範圍內盡量寬闊。

38N. 在工作平台及工作地方的護欄

- (1) 負責建築地盤的承建商須確保如有人可從工作平台、工作地方、木板路、路 徑或樓梯的任何一邊腳下超過 2 米,即須在該一邊設置一道或多於一道適當護攔。而 護欄須有足夠的強度,其高度在900毫米與1150毫米之間。
- (2) 第(1) 款規定須設置的護欄,可按所需的時間及程度移去或暫不架設,以供 入進入或搬運物料。
 - (3) 本條的規定不適用於 ----
 - (a) 梯式棚架的平台(如已沿平台的全長設置穩固的扶手);
 - (b) 排架式棚架的平台 (如平台由摺台式排架、台架或同類裝置或摺合踏梯 在下面支持);
 - (c) 竹棚架的平台(如平台獲不少於2枝在棚架中的橫竹的保護,而橫竹之 間的距離在 750 毫米與 900 毫米之間)。

380. Construction maintenance and use of ladders and folding step-ladders

(1) The contractor responsible for a construction site shall ensure that a ladder or a folding step-ladder is not used—

 (a) unless it is of good construction, of suitable and sound material and of adequate strength for the purpose for which it is used and is properly maintained; and

(b) if any rung thereof is missing or defective.

(2) The contractor for a construction site shall ensure that no ladder standing on a base is used unless—

(a) it is securely fixed to its upper resting place, or, in the case of a vertical ladder near to its upper end:

Provided that where such a fixing is impracticable the ladder shall be securely fixed at or near its lower end;

(b) it has a level and firm footing and is not standing on loose bricks or other loose packing:

(c) it is secured where necessary to prevent undue swaying or sagging; and

(d) it is equally and properly supported on each stile or side.

(3) Where it is impracticable in the case of a ladder standing on a base to comply with either of the requirements in paragraph (2)(a), the contractor shall cause a person to be stationed at the foot of the ladder when in use to prevent it slipping.

38P. Openings, corners, breaks and edges

- (1) The contractor responsible for a construction site shall ensure that every opening, corner, break, edge or other dangerous place through or from which any person on the site is liable to fall a distance of more than 2 metres is provided with either—
 - (a) a suitable guard-rail or guard-rails of adequate strength to a height of between 900 millimetres and 1 150 millimetres above the surface across which persons are liable to pass so creeted as to prevent as far as possible the fall of persons; or
 - (b) a covering so constructed as to prevent the fall of persons, materials and articles; any such covering shall be clearly and boldly marked to show its purpose or be securely fixed in position.
- (2) Such guard-rails and coverings may be removed or remain unerected—
 - (a) where this is necessary in order to proceed with any permanent filling in, covering or enclosure; or

【附屬法例】

380. 梯子及摺合踏梯的構造、維修及使用

- (1) 负责建築地盤的承建商須確保---
 - (a) 除非梯子或摺合踏梯構造良好,以適當及質佳的物料造成,及有是對的 強度,以配合其用途以及妥為維修,否則不得使用;及
 - (b) 如梯子或褶合踏梯的任何梯級不全或欠妥,即不得使用。
- (2) 負責建築地盤的承建商須確保不得使用豎立於基面上的梯子、除非。
 - (a) 梯子穩固地固定於其上方的擱置點,如屬垂直放置的梯子,則在接近其 上端的位置率固地固定:

但上述固定方法如不切實可行,則在梯子的下端或接近其下端的位置穩固地固定;

- (b) 梯子有平坦及穩固的立足處,而非對立於嚴散的轉塊或其他騷散的觀點 1-:
- (c) 梯子在其有需要之處予以穩固,以防過度的搖晃或下陷;及
- (d) 梯子的每一梯挺或每邊均獲平均而妥善的支持。
- (3) 凡要求某豎立於基面上的梯子符合第 (2)(a) 款的任何一項規定並不切實可行,則當使用該梯子時,承建商須派人駐於梯腳,以防止梯子滑下。

38P. 孔洞、角位、裂口及遗緣

- (1) 如任何建築地盤內任何人可覽下孔洞、角位、裂口、邊緣或其他危險地方超過2米或從孔洞、角位、裂口、邊緣或其他危險地方贖下超過2米,則負責該建築地盤的承建商須確保每個孔洞、角位、裂口、邊緣或其他危險地方均設有——
 - (a) 一道或多於一道適當護欄,護欄須有足夠的強度,高度在有人可越陷的 表面之上 900 毫米與 1 150 毫米之間,其架設方式須盡可能防止有人堕 下: 並
 - (b) 適當構造的覆蓋物,以防止有人、物料或物品贖下;該等覆蓋物須以租 體字清晰地標明,以顯示其用途,或穩固地固定於正確位置上。
 - (2) 在下述情况下,上述護關及覆蓋物可予以移去或暫不架設——
 - (a) 為進行永久性的填塞、覆蓋或圍封工程所需;或

- (b) for the time and to the extent necessary for the access of persons or the movement of materials or other purposes of the work.
- (3) Paragraphs (1) and (2) shall not apply to any opening, corner, break or edge created in the course of demolition operations to which the Building (Demolition Works) Regulations (Cap. 123 sub. leg.) apply, or to any opening, corner, break or edge created in the course of any other demolition operation, if in the course of such last mentioned demolition operation, the opening, corner, break or edge is not left unattended.

38Q. Prevention of falls and provision of safety nets and belts

(1) Where by reason of the special nature or circumstances of any part of the work or of the access thereto or the egress therefrom it is impracticable to comply with all or any of the requirements of regulations 38A, 38B, 38L, 38M, 38N and 38P so far as they relate to the falls of persons, the contractor responsible for a construction site shall erect and keep in such positions as to be effective to protect persons carrying on that part of the work or using the id access or egress suitable safety nets or safety belts or other suitable and sufficient equipment of such a design and so constructed and installed as to prevent so far as practicable injury to persons:

Provided that such safety nets may be removed or remain unerected for the time and to the extent necessary for the access of persons or the movement of materials or other purposes of the work, but shall be replaced or erected as soon as practicable.

- (2) Where the use of a safety belt is required pursuant to paragraph (1) the contractor shall provide each workman employed on the site with a suitable safety belt.
- (3) Where a safety belt is provided under this regulation the contractor shall also provide a suitable and sufficient anchorage and suitable fittings therefor; and each such safety belt, anchorage and fitting shall be of such a design and so constructed as to prevent serious injury in the event of a fall to any person using it.
- (4) The contractor shall ensure that all safety nets, safety belts and other equipment provided pursuant to this regulation are properly maintained.
- (5) The contractor shall take all reasonable steps to ensure that no workman remains on any dangerous place on the construction site without wearing a safety belt provided to the workman in pursuance of this regulation.

[附屬法例]

- (b) 為供人進入或搬運物料,或為有關的工程的其他目的,但具限於按所需 的時間及程度。
- (3) 對於《建築物(拆卸工程)規例》*(第123章,附屬法例)所適用的在拆卸工程 中造成的孔洞、角位、製口或邊緣、第(1)及(2)款並不適用;對於在任何其他拆卸工 程中造成的孔洞、角位、裂口或邊緣、只要在拆卸工程進行過程中,該等孔洞、角 位、裂口或邊緣並非任由無人看顧,則第(1)及(2)款亦不適用。

38Q. 防止鹽下及提供安全網及安全帶

(1) 凡因工程任何部分或該部分工程的進出自的特殊性質或情況,以致符合第 38A 、38B 、38L 、38M 、38N 及 38P 條有關防止有人堕下的所有或任何規定並不 切實可行,則負責有關建築地盤的承建商、須架設適當的安全網或安全帶或其他適當 而足夠的設備,並將其保持在適當的位置上,以有效保護進行該部分工程或使用該進 出口的人,而上述安全網或安全帶或其他設備須有適當的設計及構造,並經適當的安 装,以在切實可行範圍內盡量防止有人受傷:

但為供人進入或搬運物料或為有關工程的其他目的、上述安全網可按所需的時間 及程度移去或暫不架設,惟須在切實可行範圍內盡快恢復原位或予以架設。

- (2) 凡依據第(1)款必須使用安全帶,則承建商須向受僱於地盤的每名工人提供 適當的安全帶。
- (3) 凡承建商根據本條提供安全帶,則亦須提供適當而足夠應用的錨樁及適當的 装配,以配合安全帶的使用;而上述安全帶、錯拵及裝配的設計及構造能防止任何使 用的人一旦堕下時受重傷。
 - (4) 承建商須確保依據本條提供的所有安全網、安全帶及其他設備均妥為維修。
- (5) 承建商須採取所有合理步驟,以確保工人如無配戴着依據本條向其提供的安 全帶,即不得逗留在建築地盤的危險地方。

^{*&}quot;《建築物 (拆卸工程) 規例》" 乃 "Building (Demolition Works) Regulations" 之譯名。

38R. Duty to wear safety belt

Every workman employed on a construction site who has been provided with a safety belt shall wear it and keep it attached to a secure anchorage whenever the use of the belt is necessary for his own or any other person's safety.

(Part VA added L.N. 238 of 1983)

PART VI

EXCAVATIONS ON CONSTRUCTION SITES

39. Safety of excavations, etc.

- (1) The contractor responsible for any construction site at which excavating or earthworking operations are being carried on shall cause a structure made of suitable timber or other suitable material to be erected in connexion with the operations as soon as may be necessary after their commencement so as to prevent workmen employed on the site from being endangered by a fall or displacement of earth, rock, or other material (including waste material and debris) adjacent to or forming the side of the excavation or earthwork.
 - (2) The contractor shall-
 - (a) cause every part of the excavation or earthwork where workmen are employed to be examined by a competent person at least once in every period of 7 days after the commencement of the excavation or earthwork until it is completed or abandoned; and
 - (b) ensure that after any such examination no further work in respect of the excavation or earthwork is carried on until there has been obtained from that person in respect of the examination, or in respect of any further examination that may be necessary, a report in the approved form which includes a statement to the effect that the excavation or earthwork, and every structure erected under paragraph (1), is safe and secure. (L.N. 21 of 1994)
- (3) A report under paragraph (2) of an examination and the results thereof, signed by the person carrying out the examination, shall be—
 - (a) made in the approved form and contain the prescribed particulars; and (L.N. 21 of 1994)
 - (b) delivered forthwith to the contractor concerned.

[附屬法例]

38R. 配戴安全帶的寬任

受僱於建築地盤並獲提供安全帶的每名工人、每當為其個人或其他人安全商需要 使用安全帶時,均須配戴安全帶,及保持安全帶一直繋於穩固的錯拵。

(第174.部由1983 年第238 號法律公告增援)

第VI部

建築地盤內的挖掘工程

39. 挖掘工程等的安全

- (1) 負責任何正在進行挖掘工程或泥土工程的建築地盤的承建商,須在工程展開後,按需要盡早就該等工程安排架設以適當木料或其他適當物料造成的槽篓物,藉口防止因挖掘工程或泥土工程毗鄰的或構成該等工程側旁的泥土、巖石或其他物料(包括廢料及碎料) 堕下或移位而使受僱於該地盤的工人受到危害。
 - (2) 該承建商須 ----
 - (a) 在挖掘工程或泥土工程展開後,安排合資格的人每7天至少一次檢驗有工人受僱工作的挖掘工程或泥土工程的每一部分,直至有關的工程完成或放棄進行為正;及
 - (b) 確保在進行上述檢驗後,除非已向該人取得有關該次檢驗或有關任何進一步檢驗(如需要進一步檢驗者)的按認可格式作出的報告,其中包括這明有關的挖掘工程或泥上工程及根據第(4)款架設的所有構築物均屬方金及穩固的陳述,否則不得進一步進行有關的挖掘工程或泥上工程(1994年第21號法律公告)
 - (3) 由進行檢驗的人簽署其第(2)款所規定的檢驗及其結果的報告·須
 - (a) 按認可格式發出,並載有各項訂明的詳情;及 (1994 年第 21 對法律) 告)
 - (b) 隨即交付有關的承建商。