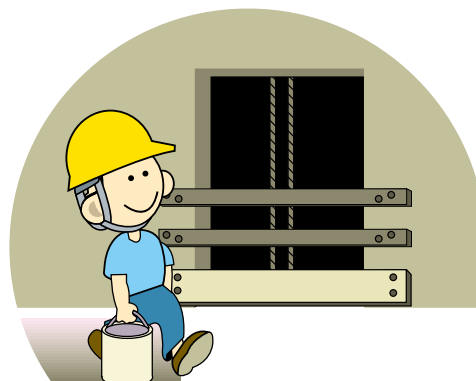


A Guide to the Provisions for **Safe Places of Work** under Part VA of the Construction Sites (Safety) Regulations



Subsidiary regulation of the Factories and
Industrial Undertakings Ordinance (Cap. 59)



Occupational Safety and Health Branch
Labour Department



OCCUPATIONAL SAFETY & HEALTH COUNCIL

**Corrigendum to A Guide to the Provisions for Safe Places of Work under Part VA of
the Construction Sites (Safety) Regulations (Year 2017 edition)
(19 April 2024)**

Item	Page	Current Version	Amendment
1	12	<p>Penalties</p> <ul style="list-style-type: none"> ● Any contractor responsible for a construction site who fails to comply with the provisions of Part VA commits an offence and is liable on conviction to a maximum fine of \$200,000 and 12 months' imprisonment. ● Any competent person who fails to comply with the provisions on reports to be delivered after inspections of scaffolds commits an offence and is liable on conviction to a maximum fine of \$200,000 and 12 months' imprisonment. ● Any person who fails to comply with the provisions of Part VA and wilfully and without reasonable cause does anything likely to endanger himself or others commits an offence and is liable on conviction to a maximum fine of \$50,000. ● Any person working on a construction site who fails in his duty under Reg. 38I for wearing safety belt commits an offence and is liable on conviction to a maximum fine of \$10,000. 	<p>Penalties</p> <ul style="list-style-type: none"> ● Any contractor who fails to comply with the provisions of Part VA commits an offence and is liable on conviction to a maximum fine of \$400,000 and to imprisonment for 12 months. ● Any competent person who fails to comply with the provisions on reports to be delivered after inspections of scaffolds commits an offence and is liable on conviction to a maximum fine of \$200,000 and to imprisonment for 12 months. ● Any person who fails to comply with the provisions of Part VA and wilfully and without reasonable cause does anything likely to endanger the contractor or workman or others commits an offence and is liable on conviction to - (a) in the case of a contractor – a maximum fine of \$100,000; or (b) in the case of a workman - a maximum fine of \$50,000. ● Any person working on a construction site who fails in his duty under Reg. 38I for wearing safety belt commits an offence and is liable on conviction to a maximum fine of \$150,000.

This Guide is prepared by the
Occupational Safety and Health Branch
Labour Department

This Edition Sep 2017

This Guide is issued free of charge and can be obtained from offices of the Occupational Safety and Health Branch, Labour Department. It can also be downloaded from <http://www.labour.gov.hk/eng/public/os/A/PartVA.pdf>. For enquiries about addresses and telephone numbers of the offices, please call 2559 2297.

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Contents

	Page
Introduction	1
Interpretation	2
Duties of Contractors	5
Employment of Persons under 18 on Construction Sites	5
Restrictions on Employment of Persons under 18	5
Scaffolds, Working Platforms and Ladders, etc.	6
Safety of Places of Work	6
Prevention of Falls	6
Safe Means of Support	7
Construction and Maintenance of Scaffolds, etc.	7
Trained Workmen to Erect Scaffold under Supervision	7
Inspection of Scaffolds	8
Boatswain's Chairs (not power operated)	8
Miscellaneous Provisions	9
Keeping of Records	9
Duties of Persons	10
Duty to Wear Safety Belt	10
Defences	11
Defences to Regulations 38B(1), 38B(1A) and 38C [Reg 38H]	11
Penalties	12
Enquiry	13
Complaint	13
Annex 1 - Requirements for Working Platforms, Gangways and Coverings, etc.	14
Annex 2 - Form 5 : Report on Inspections of Scaffolds	15

Introduction

Part VA of the Construction Sites (Safety) Regulations provide a greater degree of safety to persons working on construction sites, in particular in relation to preventing falls from heights. The following contractors have the general duty to make and keep every place of work on a construction site safe, and in particular, to take suitable and adequate steps to prevent persons from falling from a height of 2 metres or more:

- (a) the contractor responsible for a construction site.
- (b) contractors who have **direct control** over any construction work.
- (c) contractors who have **direct control** over any work which involves the use of scaffolds, ladders, or other means of support.
- (d) contractors who have direct control over any erection, substantial addition, alteration or dismantling of any scaffold.

This guide outlines the major provisions of Part VA of the Construction Sites (Safety) Regulations in order to let you have a preliminary understanding of these provisions. If you wish to know more about the provisions, you can either refer to the original text (available on the website of the Department of Justice at <http://www.elegislation.gov.hk>) or contact the Occupational Safety and Health Branch of the Labour Department at 2559 2297.

Interpretation

In this Guide, unless the context otherwise requires -

“Approved Training Course” means such training course provided by the Authority as the Commissioner for Labour may approve from time to time for the purposes of this regulation.

“Authority” means the Construction Industry Training Authority established under the Industrial Training (Construction Industry) Ordinance (Chapter 317).

“Competent Person” means a person who is -

- (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” 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.

“Construction Work” means -

- (a) the construction, erection, installation, reconstruction, repair, maintenance (including redecoration and external cleaning), renewal, removal, alteration, improvement, dismantling, or demolition of any structure or works specified in the Third Schedule;
- (b) any work involved in preparing for any operation referred to in paragraph (a), including the laying of foundations and the excavation of earth and rock prior to the laying of foundations;
- (c) the use of machinery, plant, tools, gear, and materials in connection with any operation referred to in paragraph (a) or (b).

“Direct Control”

in relation to any construction work, process, excavation, operation, or erection, substantial addition, alteration or dismantling of scaffold, means control over the way the construction work, process, excavation, operation, or erection, substantial addition, alteration or dismantling of scaffold, as the case may be, is carried out.

“Ladder”

includes a folding step-ladder.

“Maintained”

means maintained in an efficient state, in efficient working order and in good repair.

“Place of Work”

means any place which is used by any person for the purposes of -

- (a) construction work; or
- (b) any work activities arising from, or in connection with, construction work,

and includes any place to which such a person has access whilst at work.

“Plant”

includes any plant, equipment, gear, machinery, apparatus, or appliance, or any part thereof.

“Safety Belt”

includes a safety harness.

“Scaffold”

means any temporarily provided structure on or from which persons perform work in connection with operations or works to which the Construction Sites (Safety) 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.

Specified Structures and Works under the Third Schedule

means -

- (a) Any building, edifice, wall, fence, or chimney, whether constructed wholly or partly above or below ground level.
- (b) Any road, motorway, railway, tramway, cableway, aerial ropeway or canal.
- (c) Any harbour works, dock, pier, sea defence work, or lighthouse.
- (d) Any aqueduct, viaduct, bridge, or tunnel.
- (e) Any sewer, sewage disposal works, or filter bed.
- (f) Any airport or works connected with air navigation.
- (g) Any dam, reservoir, well, pipeline, culvert, shaft, or reclamation.
- (h) Any drainage, irrigation, or river control work.
- (i) Any water, electrical, gas, telephonic, telegraphic, radio, or television installation or works, or any other works designed for the manufacturing or transmission of power or the transmission or reception of radio or sound waves.
- (j) Any structure designed for the support of machinery, plant, or power transmission lines.

“Suspended Working Platform”

means a suspended working platform within the meaning of the Factories and Industrial Undertakings (Suspended Working Platforms) Regulation (Cap. 59 sub.leg.).

“Working Platform”

includes a working stage.

“Workman”

means a person engaged in construction work.

Duties of Contractors

Employment of Persons Under 18 on Construction Sites

Restriction on Employment of Persons under 18 [Reg. 4A]

- ◆ No person under 18 years of age shall be employed at any place on a construction site unless that person –
 - (a) is apprenticed to that contractor or to any other contractor engaged in work at that site, under a contract of apprenticeship registered under the Apprenticeship Ordinance (Chapter 47);
 - (b) has completed an apprenticeship and possesses a certificate of completion issued under the Apprenticeship Ordinance (Chapter 47);
 - (c) has undertaken an approved training course and possesses a certificate of completion in respect of that course issued by the Authority in such form as the Authority may determine for that purpose; or
 - (d) is undergoing on-site training, as part of an approved training course, under the supervision of any person authorized in writing by the Authority for that purpose.

Scaffolds, Working Platforms and Ladders, etc.

Safety of Places of Work [Reg. 38A & 38AA]

- ◆ To identify and rectify the **hazardous conditions** of persons working at a height.
- ◆ To safeguard any person working at a height against all **hazardous conditions**.
- ◆ To ensure the provision and proper maintenance of suitable and adequate safe access to and egress from every place of work.
- ◆ To take suitable and adequate steps to ensure no person gains access to any place where any **hazardous conditions** are present.

Hazardous conditions include the following conditions that may give rise to a risk of persons falling from a height -

- unprotected edge or opening at a place of work;
- improper design and construction of a place of work;
- inadequate or insecure support or anchoring of a place of work;
- improper maintenance of a place of work;
- any working platform (other than a suspended working platform) that fails to comply with the provisions of the Third Schedule applicable to it.

Prevention of Falls [Reg. 38B(1) & 38B(1A)]

- ◆ To take **adequate steps** to prevent any person on a construction site or any place where any construction work is being carried out from falling from a height of 2 metres or more.

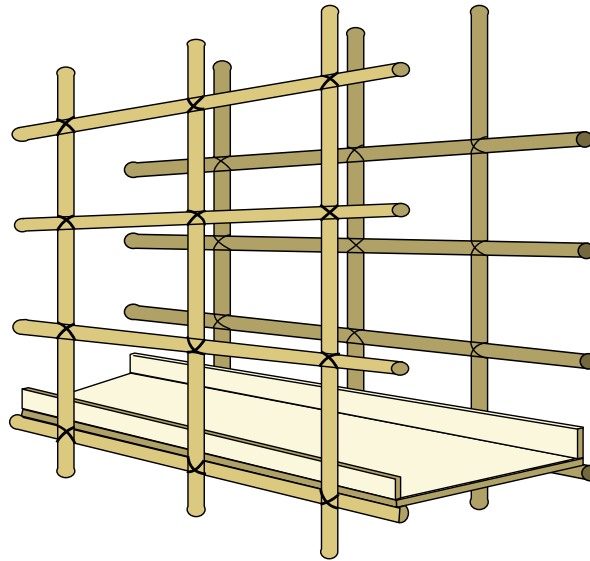
Adequate steps include the provision, use and maintenance of one or more of the following safety measures:

- working platforms;
- guard-rails, barriers, toe-boards and fences;
- coverings for openings;
- gangways and runs.

These safety measures shall comply with the section mentioned at Annex 1 – 'Requirements for Working Platforms, Gangways and Coverings, etc.'

Safe Means of Support [Reg. 38C]

- ◆ To provide and ensure the use of a scaffold, ladder or other means of support that is safe for the purpose where work cannot be safely done on or from the ground or from part of a permanent structure.



Construction and Maintenance of Scaffolds, etc. [Reg. 38D]

- ◆ To ensure a scaffold, ladder or other means of support used for carrying out work is –
 - (a) so designed and constructed that it does not collapse, overturn or move accidentally;
 - (b) made of suitable and sound materials of sufficient strength and capacity;
 - (c) stable by being securely supported or suspended; and
 - (d) properly maintained.

Trained Workmen to Erect Scaffold under Supervision [Reg. 38E]

- ◆ To ensure a scaffold is erected or substantially added to, altered or dismantled by workmen who are –
 - (a) adequately trained and possess adequate experience of such work; and
 - (b) under the immediate supervision of a competent person.

Inspection of Scaffolds [Reg. 38F]

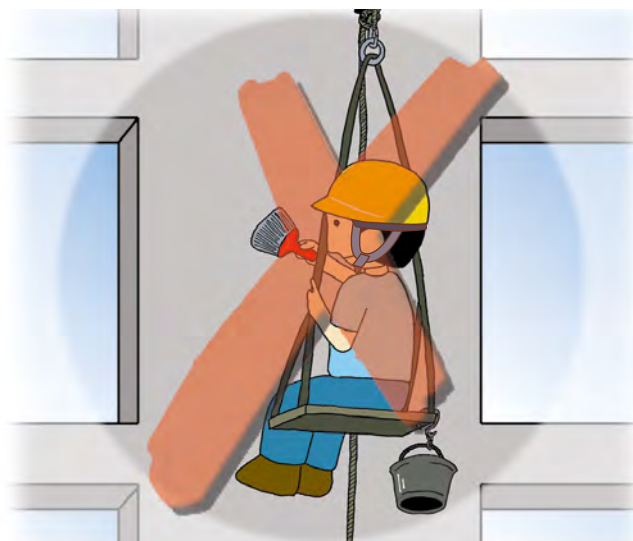
- ◆ To ensure a scaffold is not used unless –
 - (a) the scaffold has been inspected by a competent person :
 - (i) before use for the first time;
 - (ii) after any substantial addition, partial dismantling or other alteration;
 - (iii) after any exposure to weather conditions likely to have affected its strength or stability or to have displaced any part of it;
 - (iv) at regular intervals not exceeding 14 days immediately preceding each use of the scaffold; and
 - (b) a report has been made and signed by the person carrying out the inspection in an approved form^[Note] containing the prescribed particulars which include a statement to the effect that the scaffold is in safe working order.

[Note] The section on "Keeping of Records" in this guide describes the duty to keep for available inspections the reports relating to inspections of scaffolds.

Boatswain's Chairs (not power operated) [Reg. 38G]

- ◆ To ensure no **boatswain's chair** or similar plant or equipment is used on a construction site.

Boatswain's chair does not include boatswain's chair or similar plant or equipment which is raised or lowered by a power-driven lifting appliance.



Miscellaneous Provisions

Keeping of Records [Reg. 67]

- ◆ The reports in respect of any inspection carried out on a scaffold shall be kept –
 - (a) at the construction site where the scaffold is located; or
 - (b) at his/her office (or at his/her principal office for having more than one office) if –
 - i. the construction work at the site will be completed within a period of less than 6 weeks from its commencement; or
 - ii. the construction work at the site has been completed; or
 - iii. the scaffold has ceased to be located at the construction site.

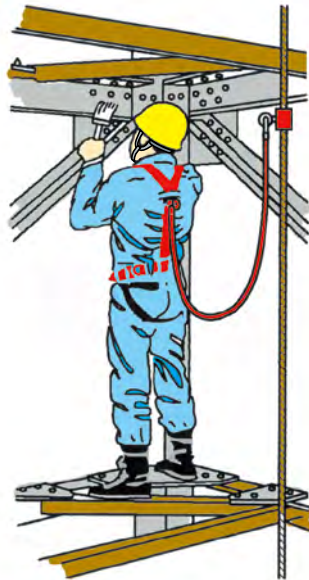
- ◆ A contractor shall –
 - (a) at all reasonable times, make available for inspection by any occupational safety officer who requests to see the reports required to be kept by him/her; and
 - (b) on being requested to do so by an occupational safety officer within such period (being not less than 7 days) as may be specified in the request, deliver to the occupational safety officer a copy of, or an extract from, any report required to be kept by him/her.

- ◆ Any such reports may, unless the Commissioner for Labour has previously directed to the contrary, be destroyed or otherwise disposed of after the expiration of 6 years from the date on which they were received.

Duties of Persons

Duty to Wear Safety Belt [Reg. 38I]

- ◆ Whenever the use of a safety belt is necessary for his/her own or any other person's safety, it shall be the duty of every person working on a construction site who has been provided with a safety belt to :
 - (a) wear it; and
 - (b) keep it attached to a secure anchorage.



Defences

Defences to Regulations 38B(1), 38B(1A) and 38C [Reg. 38H]

- ◆ It shall be a defence to a contractor charged with an offence under regulation 38B(1) / 38B(1A) for failing to take adequate steps or under regulation 38C for not providing a scaffold, ladder or other means of support by showing that –
 - (a) in all circumstances, it was impracticable to comply with all or any of the requirements of these regulations;
 - (b) suitable and adequate **safety nets** and **safety belts** were provided; or in all circumstances where it was impracticable to provide **safety nets**, suitable and adequate **safety belts** were provided; and
 - (c) all reasonably practicable steps were taken to ensure the proper use of the **safety belts**.

Safety nets are considered suitable and adequate if they are of such design and construction and so erected, maintained and kept in position that they are effective to protect persons falling from height and to prevent injury to persons falling onto them.

Safety belts include safety harnesses, and are considered suitable and adequate if they are attached continuously to a suitable and secure anchorage, have suitable fittings, and are of a design, construction and so maintained as to prevent injury to persons using them in case of a fall.

Penalties


- ◆ Any contractor responsible for a construction site who fails to comply with the provisions of Part VA commits an offence and is liable on conviction to a maximum fine of \$200,000 and 12 months' imprisonment.
- ◆ Any competent person who fails to comply with the provisions on reports to be delivered after inspections of scaffolds commits an offence and is liable on conviction to a maximum fine of \$200,000 and 12 months' imprisonment.
- ◆ Any person who fails to comply with the provisions of Part VA and wilfully and without reasonable cause does anything likely to endanger himself or others commits an offence and is liable on conviction to a maximum fine of \$50,000.
- ◆ Any person working on a construction site who fails in his duty under Reg. 38I for wearing safety belt commits an offence and is liable on conviction to a maximum fine of \$10,000.

Enquiry

If you wish to enquire about this guide or require advice on occupational safety and health matters, please contact the Occupational Safety and Health Branch of the Labour Department through:

 Telephone : 2559 2297 (auto-recording service available outside office hours)

 Fax : 2915 1410

 E-mail : enquiry@labour.gov.hk

Information on the services offered by the Labour Department and on major labour legislation is also available on our website at <http://www.labour.gov.hk>.

For details on the services offered by the Occupational Safety and Health Council, please call 2739 9000.

Complaint

If you have any complaints about unsafe workplaces and work practice, please call the Labour Department's occupational safety and health complaint hotline at 2542 2172. All complaints will be treated in the strictest confidence.

Annex 1 - Requirements for Working Platforms, Gangways and Coverings, etc.

- Width of working platforms, gangways and runs**
- not less than 400 mm
 - not less than 650 mm for gangway or run used for movement of materials
-

- Construction of working platforms, gangways and runs**
- closely boarded or planked
(a working platform, gangway or run –
 - (a) consisting of open metal work having interstices none of which exceeds 4000 mm²;
 - (b) the boards or planks forming it are secured to prevent movement and the space between adjacent boards or planks does not exceed 25 mmneed not be closely boarded or planked if there is no risk of persons below it from being struck by materials or articles falling through the platform, gangway or run.)
 - boards or planks forming platforms etc.
 - of sound construction, adequate strength and free from patent defect
 - not less than 200 mm in width and not less than 25 mm in thickness or not less than 150 mm in width when the board or plank exceeds 50 mm in thickness
 - not protruding beyond its end support to a distance exceeding 150 mm
 - rest securely and evenly on its supports
 - rest on at least 3 supports
-

- Coverings for opening**
- so constructed as to prevent the fall of persons, materials and articles
 - clearly and boldly marked as to show its purpose or securely fixed in position
-

- Height of toe-boards**
- not less than 200 mm (toe-boards are not required for stairs)
-

- Height of guard-rails**
- The height of a guard-rail above any place of work on a working platform, gangway, run or stairway shall be –
- top guard-rail: not less than 900 mm and not more than 1150 mm
 - intermediate guard-rail: not less than 450 mm and not more than 600 mm
- For working platforms on bamboo scaffolds, these height dimensions may not apply if the platforms are protected by not less than 2 horizontal bamboo members spaced at intervals between 750 mm to 900 mm.
-

[規例第 38F(1) 條]
[reg. 38F(1)]

表格五
FORM 5

建築地盤(安全)規例
棚架

每十四日一次或在其他場合執行的檢查結果報告
本表格乃由勞工處處長為施行建築地盤(安全)規例第 38F(1)條而認可

Construction Sites (Safety) Regulations

SCAFFOLDS
REPORTS OF RESULTS OF FORTNIGHTLY OR OTHER INSPECTIONS

Form approved by the Commissioner for Labour for the purposes of regulation 38F(1) of the Construction Sites (Safety) Regulations

僱主或承建商姓名或名稱
Name or Title of Employer
or Contractor

建築地盤地址
Address of Site

開始施工日期
Work Commenced Date

有關棚架的說明或所在地點 Description or location (1)	檢查日期 Date of inspection (2)	檢查結果 註明該座棚架是否處於安全操作狀態 Result of inspection State whether the scaffold is in safe working order (3)	檢查者簽署及職階 Signature and designation of person who made the inspection (4)

任何合資格檢驗員或合資格的人，如向承建商交付他明知有任何要項屬虛假的證明書或報告，即屬犯罪；一經定罪，可處罰款二十萬元及監禁十二個月。
Any competent examiner or competent person who delivers to a contractor a certificate or makes a report which is to his knowledge false as to a material particular shall be guilty of an offence and shall be liable on conviction to a fine of \$200,000 and to imprisonment for 12 months.

