

# **Construction Sites (Safety) Regulations**

## **(Cap. 59 sub. leg. I)**

### **Contents**

<b>Regulation</b>		<b>Page</b>
	<b>Part I</b> <b>Preliminary</b>	
1.	Citation	1-2
2.	Interpretation	1-2
3.	Application of regulations	1-10
4.	Exemptions	1-12
	<b>Part IA</b> <b>Employment of Persons under 18 on</b> <b>Construction Sites</b>	
4A.	Restriction on employment of persons under 18 years of age on construction sites	1A-2
	<b>Part II</b> <b>Use of Hoist etc.</b>	
5.	Construction, maintenance, and inspection of hoist	2-2
6-7.	<i>(Repealed)</i>	2-4
8.	Cabins for drivers	2-4
8A.	Exemption from cabin requirements	2-4

<b>Regulation</b>		<b>Page</b>
9.	Drums and pulleys	2-6
10.	Brakes, controls, safety devices, etc.	2-6
11-19.	( <i>Repealed</i> )	2-8
20.	Trained workmen to operate hoist or give signals	2-8
21-28.	( <i>Repealed</i> )	2-10
28A.	( <i>Repealed</i> )	2-10

**Part III**  
(*Repealed*)

29-30.	( <i>Repealed</i> )	3-2
30A.	( <i>Repealed</i> )	3-2

**Part IV**  
**Special Provisions as to Hoists**

31.	Safety of hoistways, platforms and cages	4-2
32.	Operation of hoists	4-4
33.	Winches	4-6
34.	Safe working load and marking of hoists	4-6
35.	Test and examination of hoists	4-8

**Part V**  
**Carrying of Persons and Securing of Loads  
on Hoists**

36.	Carrying of persons prohibited	5-2
37.	( <i>Repealed</i> )	5-2

<b>Regulation</b>		<b>Page</b>
38.	Loads to be safely secured	5-2
<b>Part VA</b>		
	<b>Scaffolds, Working Platforms and Ladders, etc.</b>	
38A.	Duty of contractor responsible for construction site to ensure safety of places of work	5A-2
38AA.	Duty of other contractors to ensure safety of places of work	5A-4
38B.	Prevention of falls	5A-8
38C.	Safe means of support	5A-10
38D.	Construction and maintenance of scaffolds, etc.	5A-10
38E.	Trained workmen to erect scaffold under supervision	5A-12
38F.	Inspection of scaffolds	5A-12
38G.	Boatswain's chairs (not power operated)	5A-16
38H.	Defences to regulations 38B(1) and (1A) and 38C	5A-16
38I.	Duty to wear safety belt	5A-18
38J.	(Repealed)	5A-20
38K.	(Repealed)	5A-20
38L.	(Repealed)	5A-20
38M.	(Repealed)	5A-20

<b>Regulation</b>		<b>Page</b>
38N.	( <i>Repealed</i> )	5A-20
38O.	( <i>Repealed</i> )	5A-20
38P.	( <i>Repealed</i> )	5A-20
38Q.	( <i>Repealed</i> )	5A-20
38R.	( <i>Repealed</i> )	5A-20

**Part VI**  
**Excavations on Construction Sites**

39.	Safety of excavations, etc.	6-2
40.	Fencing of excavations, etc.	6-4
41.	Safe guarding the edges of excavations, etc.	6-6
41A.	Requirements for emergency escape	6-8

**Part VII**  
**Miscellaneous Safety Requirements**

42.	Prevention of inhalation of dust and fumes	7-2
43.	Protection of eyes	7-2
44.	Fencing of machinery	7-2
45.	Trained and competent workmen to operate mechanical equipment	7-6
46.	Cleaning of dangerous machinery by young persons	7-8
47.	Use of electricity on construction sites	7-8
48.	Safety helmets	7-10

<b>Regulation</b>		<b>Page</b>
49.	Protection from falling materials	7-12
50.	Lighting of working places, etc.	7-14
51.	Projecting nails	7-16
52.	Materials kept on construction sites	7-16
52A.	Prevention of drowning	7-18
53.	Power to prohibit smoking	7-20
54.	Maintenance of fire escapes and fire-fighting appliances	7-20
55.	Sanitary conveniences, etc.	7-20

**Part VIII**  
**Notification of Construction Work**

56.	Information to be furnished to Commissioner	8-2
57.	Further information	8-4
58.	Notification of change	8-4
59.	Notification of completion	8-4

**Part IX**  
**Health and Welfare**

**Provision of First Aid Facilities**

60.	Interpretation	9-2
61.	Provision of first aid box or cupboard	9-2
62.	Persons in charge of first aid box or cupboard	9-4
63.	Team to include persons trained in first aid	9-6

<b>Regulation</b>		<b>Page</b>
64.	Provision of stretchers	9-6
65.	Exemption where first aid room provided	9-6
	<b>Welfare</b>	
66.	Shelter and facilities for meals	9-8
	<b>Part X</b>	
	<b>Miscellaneous Provisions</b>	
67.	Keeping of records	10-2
67A.	Forms	10-4
68.	Offences and penalties relating to contractors	10-4
69.	Offences by persons employed	10-6
70.	Offences by competent examiners, etc.	10-8
71.	Offences by other persons	10-10
First Schedule	( <i>Repealed</i> )	S1-2
Second Schedule	Contents of First Aid Boxes or Cupboards	S2-2
Third Schedule	Requirements with which Certain Safety Equipment must Comply	S3-2

# Construction Sites (Safety) Regulations

(Cap. 59, section 7)

[21 July 1978]

(Format changes—E.R. 3 of 2021)

## 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 is—

- (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 1993*)

- (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—

- (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;

**direct control** (直接控制), 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; (*L.N. 258 of 2003*)

**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) includes a folding step-ladder; (*L.N. 238 of 1983; L.N. 76 of 1999*)

**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** (維修、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;

**place of work** (工作地方) 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; (*L.N. 76 of 1999*)

**plant** (工業裝置) includes any plant, equipment, gear, machinery, apparatus, or appliance, or any part thereof;

**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** (升降或作懸吊之用) 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*)

**safety belt** (安全帶) includes a safety harness; (*L.N. 76 of 1999*)

**scaffold** (棚架) 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*)

**suspended working platform** (吊船) means a suspended working platform within the meaning of the Factories and Industrial Undertakings (Suspended Working Platforms) Regulation (Cap. 59 sub. leg. AC); (*L.N. 76 of 1999*)

**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*)

**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;

**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.

(*L.N. 76 of 1999; L.N. 258 of 2003*)

### 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.

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## Part IA

### Employment of Persons under 18 on Construction Sites

*(Part IA added L.N. 221 of 1994)*

#### 4A. Restriction on employment of persons under 18 years of age on construction sites

- (1) The contractor responsible for a construction site shall ensure that no person under 18 years of age is employed at any place on the 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 (Cap. 47);
  - (b) has completed an apprenticeship and possesses a certificate of completion issued under the Apprenticeship Ordinance (Cap. 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.
- (1A) Any contractor who has direct control over any construction work shall ensure that no person under 18 years of age is employed to carry out the construction work unless that person satisfies one or more of the descriptions set out in paragraph (1)(a), (b), (c) or (d). *(L.N. 258 of 2003)*
- (2) In this regulation—

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***approved training course*** (認可訓練課程) means such training course provided by the Authority as the Commissioner may approve from time to time for the purposes of this regulation;

***Authority*** (當局) means— (*12 of 2006 s. 84*)

- (a) the body known as the Construction Industry Training Authority before the commencement\* of section 71 of the Construction Industry Council Ordinance (Cap. 587); or
- (b) the Construction Industry Council established by section 4 of the Construction Industry Council Ordinance (Cap. 587). (*12 of 2006 s. 84*)

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Editorial Note:

\* Commencement date: 1 January 2008.

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## Part II

### Use of Hoist etc.

#### 5. Construction, maintenance, and inspection of hoist

- (1) The contractor responsible for a hoist and any contractor who has direct control over any construction work which involves the use of the hoist shall ensure that it is not used unless— *(L.N. 258 of 2003)*
  - (a) it is of good mechanical construction, made of strong and sound materials, and free from patent defect;
  - (b) it is properly maintained;
  - (c) the arrangements for fixing and anchoring the hoist are adequate to secure its safety;
  - (d) it is adequately and securely supported; and *(L.N. 280 of 1978)*
  - (e) every structure supporting it is of good construction and adequate strength, of sound materials and free from patent defect. *(L.N. 280 of 1978; L.N. 307 of 1998)*
- (2) The contractor responsible for any hoist which is in use and any contractor who has direct control over any construction work which involves the use of the hoist shall— *(L.N. 258 of 2003)*
  - (a) cause it to be inspected at least once in each week in which it is in use—
    - (i) by the driver or operator; or
    - (ii) if the driver or operator is not competent for the purpose, by a competent person; and

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- (b) ensure that after any such inspection, the hoist is not used unless there has been obtained in respect of the inspection, or any further inspection that may be necessary as a result of any defect discovered in the hoist on that inspection, a report in the approved form which includes a statement to the effect that the hoist is in safe working order.

*(L.N. 285 of 1993)*

**6-7. (*Repealed L.N. 285 of 1993*)**

**8. Cabins for drivers**

Subject to regulation 8A, the contractor responsible for a hoist and any contractor who has direct control over any construction work which involves the use of the hoist shall ensure that it is not used unless it is provided with a suitable cabin which— *(L.N. 280 of 1978; L.N. 258 of 2003)*

- (a) affords the driver or operator of the hoist adequate protection from the weather; and
- (b) is so constructed as to—
- (i) give him a clear and unrestricted view that will enable him to use the hoist safely; and
  - (ii) afford ready access to those parts of the hoist that are within the cabin and require periodic inspection or maintenance.

*(L.N. 285 of 1993)*

**8A. Exemption from cabin requirements**

Regulation 8 shall not apply—

- (a) where the driver or operator is indoors or otherwise adequately protected from the weather;

(b) to a hoist other than a hoist operated only from one position alongside the winch;

(c)-(e) *(Repealed L.N. 285 of 1993)*

*(L.N. 280 of 1978)*

## 9. Drums and pulleys

(1) The contractor responsible for any hoist which has a drum or pulley on which a rope is carried and any contractor who has direct control over any construction work which involves the use of the hoist shall ensure that the hoist is not used unless the drum or pulley is of sufficient diameter and construction for the rope used. *(L.N. 258 of 2003)*

(2) If the rope terminates at the winding drum of the hoist, the contractors shall ensure that the hoist is not used unless— *(L.N. 258 of 2003)*

(a) the rope is properly secured to the drum; and

(b) at least two turns of the rope remain on the drum at every operating position of the hoist.

*(L.N. 285 of 1993)*

## 10. Brakes, controls, safety devices, etc.

(1) The contractor responsible for a winch and any contractor who has direct control over any construction work which involves the use of the winch shall ensure that it is not used unless it is fitted with one or more efficient brakes, or other similar safety devices, which will prevent a load suspended from the appliance from falling out of control or dangerously. *(L.N. 258 of 2003)*

(2) Subject to paragraph (3), the contractor responsible for a hoist and any contractor who has direct control over any

construction work which involves the use of the hoist shall ensure that it is not used unless— (*L.N. 258 of 2003*)

- (a) every lever, handle, switch, or other device used for controlling the operation of any part of the hoist (being a lever, handle, switch, or other device the accidental movement or displacement of which is liable to cause danger) is, where practicable (unless it is so placed or the hoist is so constructed as to prevent accidental movement or displacement), provided with a suitable spring or other locking arrangement to prevent any such accidental movement or displacement; and
  - (b) every lever, handle, switch, or other device for controlling the operation of any part of the hoist has either on or adjacent to it clear markings to indicate its purpose and the mode of operation.
- (3) Where, at the date of the commencement\* of these regulations, a hoist is in use and continues subsequently to be used, it shall be sufficient if the requirements of paragraph (2)(a) are complied with not later than 12 months after that date.

(*L.N. 285 of 1993*)

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Editorial Note:

\* Commencement date: 21 July 1978.

**11-19. (*Repealed L.N. 285 of 1993*)**

**20. Trained workmen to operate hoist or give signals**

- (1) The contractor responsible for a hoist and any contractor who has direct control over any construction work which involves the use of the hoist shall ensure that, when it is used on a construction site, it is not operated except by a workman who is trained and competent to operate it: (*L.N. 258 of 2003*)

Provided that the hoist may be operated by a workman not so qualified if he is operating it under the supervision of another workman who is so qualified.

- (2) The contractor responsible for a hoist driven by mechanical power and any contractor who has direct control over any construction work which involves the use of the hoist shall ensure that no workman under 18 years of age is employed— (*L.N. 258 of 2003*)
- (a) to operate the hoist; or
  - (b) to give signals to the driver of the hoist.

*(L.N. 285 of 1993)*

**21-28.** (*Repealed L.N. 285 of 1993*)

**28A.** (*Repealed L.N. 285 of 1993*)

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## Part III

*(Repealed L.N. 285 of 1993)*

**29-30.** *(Repealed L.N. 285 of 1993)*

**30A.** *(Repealed L.N. 285 of 1993)*

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## Part IV

### Special Provisions as to Hoists

#### 31. Safety of hoistways, platforms and cages

- (1) The contractor responsible for a hoist and any contractor who has direct control over any construction work which involves the use of the hoist shall ensure that it is not used unless— *(L.N. 258 of 2003)*
  - (a) the hoistway of the hoist is, at all points at which access to the hoistway is provided or at which persons are in danger of being struck by a moving part of the hoist, efficiently protected by a substantial enclosure;
  - (b) the enclosure is, where access to and egress from the hoist is required, fitted with secure gates;
  - (c) the enclosure and gates where practicable extend to a height of at least 2 metres unless a lower height (being not less than 900 millimetres) is sufficient to prevent a person from falling down the hoistway and there is no risk of any person coming into contact with any moving part of the hoist; and *(L.N. 238 of 1983)*
  - (d) the gates are kept closed, except where the platform or cage is at rest at a landing place and it is for the time being necessary for the gate to be opened for the purpose of loading or unloading goods, plant, or material. *(L.N. 552 of 1995)*
- (2) Every person using a hoist shall ensure that the gate is closed immediately after use unless it is for the time being necessary to keep the gate open in accordance with paragraph (1)(d).

- (3) The contractor responsible for a hoist and any contractor who has direct control over any construction work which involves the use of the hoist, shall— (*L.N. 258 of 2003*)
- (a) unless it is impracticable to do so, provide and maintain efficient devices which will support its platform or cage and its safe working load in the event of the failure of the hoist rope or ropes or any of the hoisting gear; and
  - (b) provide and maintain one or more efficient automatic devices which will ensure that the platform or cage of the hoist does not pass the highest point to which it is designed to travel.

## 32. Operation of hoists

- (1) The contractor responsible for a hoist and any contractor who has direct control over any construction work which involves the use of the hoist shall ensure that— (*L.N. 258 of 2003*)
- (a) it is not used unless it is, as far as practicable, constructed in such a way that it can be operated only from one position at any one time; and
  - (b) (*Repealed L.N. 552 of 1995*)
- (2) Where a workman operating a hoist does not have a clear and unrestricted view of the hoist's carriage, platform or cage throughout its travel (except at points where such a view is not necessary for safe working), the contractor responsible for the hoist and any contractor who has direct control over any construction work which involves the use of the hoist shall make effective arrangements for signals for operating the hoist to be given to the workman from each landing place at which the hoist is used and to enable him to stop the carriage, platform or cage at the appropriate level. (*L.N. 280 of 1978; L.N. 258 of 2003*)

### 33. Winches

The contractor responsible for a hoist, which is operated by means of a winch, and any contractor who has direct control over any construction work which involves the use of the hoist shall ensure that the hoist is not used— (*L.N. 258 of 2003*)

- (a) unless the winch is so constructed that the brake is applied when the control lever, handle or switch is not held in the operating position; or
- (b) if the winch is fitted with a pawl and ratchet gear on which the pawl has to be disengaged, before the platform or cage can be lowered.

### 34. Safe working load and marking of hoists

- (1) The contractor responsible for a hoist and any contractor who has direct control over any construction work which involves the use of the hoist shall— (*L.N. 258 of 2003*)
  - (a) cause the safe working load applicable to the hoist to be clearly and legibly marked on its platform or cage; and
  - (b) ensure that it is not used to carry any load greater than that safe working load, except that for the purpose of carrying out a test under regulation 35 the safe working load may be exceeded by such amount as a competent examiner carrying out the test may authorize.
- (2) In addition to paragraph (1), every such contractor shall ensure that—
  - (a) (*Repealed L.N. 552 of 1995*)
  - (b) the hoist has marked or affixed to its platform or cage a clear and legible notice stating that the carriage of persons is prohibited. (*L.N. 552 of 1995*)

**35. Test and examination of hoists**

- (1) The contractor responsible for any hoist which is manufactured or substantially altered or substantially repaired after the commencement\* of these regulations and any contractor who has direct control over any construction work which involves the use of the hoist shall ensure that it is not used unless, since the date of its manufacture or of the alteration or repair, as the case may be— (*L.N. 258 of 2003*)
  - (a) it has been tested and thoroughly examined by a competent examiner; and
  - (b) there has been obtained from him in respect of the test and examination a certificate in the approved form, which includes a statement to the effect that the hoist is in a safe working condition.
- (2) (*Repealed L.N. 552 of 1995*)
- (3) The contractor responsible for a hoist and any contractor who has direct control over any construction work which involves the use of the hoist shall ensure that it is not used, whether for carrying goods, or otherwise, unless, during the preceding 6 months— (*L.N. 258 of 2003*)
  - (a) it has been thoroughly examined by a competent examiner; and
  - (b) there has been obtained from him a report in the approved form which includes a statement to the effect that the hoist is in a safe working condition:

Provided that a hoist may be used without obtaining a report under this paragraph if within the preceding 6 months there has been obtained under paragraph (1) a certificate which includes a statement to the effect that the hoist is in a safe working condition. (*L.N. 552 of 1995*)

- (4) A report under this regulation of a test or examination and the results thereof, signed by the person making or responsible for the carrying out of the test or examination, shall be—
- (a) made in the approved form and contain the prescribed particulars; and
  - (b) delivered forthwith to the contractors concerned.  
*(L.N. 258 of 2003)*
- (5) The person making the report of any examination required by paragraph (3) shall, within 28 days of the completion of the examination, send to the Commissioner a copy of the report in every case where the examination shows that the hoist cannot continue to be used with safety unless certain repairs are carried out immediately or within a specified time.  
*(L.N. 552 of 1995)*

*(L.N. 285 of 1993)*

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Editorial Note:

\* Commencement date: 21 July 1978.

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## Part V

### Carrying of Persons and Securing of Loads on Hoists

#### 36. Carrying of persons prohibited

The contractor responsible for a hoist and any contractor who has direct control over any construction work which involves the use of the hoist shall ensure that it is not used for carrying persons at any time.

(*L.N. 552 of 1995; L.N. 258 of 2003*)

#### 37. (*Repealed L.N. 285 of 1993*)

#### 38. Loads to be safely secured

- (1) The contractor responsible for a hoist and any contractor who has direct control over any construction work which involves the use of the hoist shall, before it is used, ensure that every part of any load to be raised or lowered by the hoist is— (*L.N. 258 of 2003*)
  - (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 contractors 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 contractors 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 contractors take effective steps to prevent persons being endangered by a fall of objects therefrom.
- (5) The contractor responsible for a hoist and any contractor who has direct control over any construction work which involves the use of the hoist shall ensure that neither loose material nor goods are carried on the platform of the hoist unless the platform is enclosed 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 and any contractor who has direct control over any construction work which involves the use of the hoist 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; L.N. 258 of 2003*)

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## Part VA

### Scaffolds, Working Platforms and Ladders, etc.

*(Part VA replaced L.N. 76 of 1999)*

#### **38A. Duty of contractor responsible for construction site to ensure safety of places of work**

- (1) Without prejudice to the other provisions of this Part, the contractor responsible for any construction site shall, so far as reasonably practicable—
  - (a) identify the hazardous conditions of persons working at a height in the construction site;
  - (b) rectify any hazardous conditions of persons working at a height in the construction site; and
  - (c) safeguard any person working at a height in the construction site against all hazardous conditions.  
*(L.N. 258 of 2003)*
- (1A) *(Repealed L.N. 257 of 2003)*
- (2) The contractor responsible for any construction site shall ensure that, so far as is reasonably practicable, suitable and adequate safe access to and egress from every place of work on the site is provided and properly maintained.
- (3) Subject to paragraph (4), the contractor responsible for any construction site shall take suitable and adequate steps to ensure that, so far as is reasonably practicable, no person gains access to any place on the site where any hazardous conditions are present. *(L.N. 257 of 2003; L.N. 258 of 2003)*
- (4) Paragraph (3) shall not apply in relation to a person engaged in work for the purpose of rectifying any hazardous conditions if all reasonably practicable steps have been taken

to ensure the safety of that person whilst engaged in that work. (*L.N. 257 of 2003; L.N. 258 of 2003*)

- (4A) For the purpose of this regulation, ***hazardous conditions*** (危險狀況) includes the following conditions that may give rise to a risk of persons falling from a height—
- (a) unprotected edge or opening at a place of work;
  - (b) improper design and construction of a place of work;
  - (c) inadequate or insecure support or anchoring of a place of work;
  - (d) improper maintenance of a place of work;
  - (e) any working platform (other than a suspended working platform) that fails to comply with the provisions of the Third Schedule applicable to it. (*L.N. 257 of 2003; L.N. 258 of 2003*)
- (5) For the avoidance of doubt, it is hereby declared that—
- (a) paragraph (4A) does not prejudice the generality of paragraphs (1), (3) and (4);
  - (b) the reference to working platform in paragraph (4A) does not prejudice the operation of the provisions of the Factories and Industrial Undertakings (Suspended Working Platforms) Regulation (Cap. 59 sub. leg. AC) in relation to a working platform which is a suspended working platform. (*L.N. 257 of 2003; L.N. 258 of 2003*)

### **38AA. Duty of other contractors to ensure safety of places of work**

- (1) Without prejudice to the other provisions of this Part, any contractor who has direct control over any construction work shall, so far as reasonably practicable—
- (a) identify the hazardous conditions of persons working at a height in the construction work;

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- (b) rectify any hazardous conditions of persons working at a height in the construction work; and
  - (c) safeguard any person working at a height in the construction work against all hazardous conditions.
- (2) Any contractor who has direct control over any construction work shall ensure that, so far as is reasonably practicable, suitable and adequate safe access to and egress from every place of work where the construction work is being carried out is provided and properly maintained.
- (3) Subject to paragraph (4), any contractor who has direct control over any construction work shall take suitable and adequate steps to ensure that, so far as is reasonably practicable, no person gains access to any place which is within the place of work where the construction work is being carried out and where any hazardous conditions are present.  
*(L.N. 257 of 2003)*
- (4) Paragraph (3) shall not apply in relation to a person engaged in work for the purpose of rectifying any hazardous conditions if all reasonably practicable steps have been taken to ensure the safety of that person whilst engaged in that work.
- (5) For the purpose of this regulation, ***hazardous conditions*** (危險狀況) includes the following conditions that may give rise to a risk of persons falling from a height—
- (a) unprotected edge or opening at a place of work;
  - (b) improper design and construction of a place of work;
  - (c) inadequate or insecure support or anchoring of a place of work;
  - (d) improper maintenance of a place of work;
  - (e) any working platform (other than a suspended working platform) that fails to comply with the provisions of the Third Schedule applicable to it. *(L.N. 257 of 2003)*

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- (6) For the avoidance of doubt, it is hereby declared that—
- (a) paragraph (5) does not prejudice the generality of paragraphs (1), (3) and (4);
  - (b) the reference to working platform in paragraph (5) does not prejudice the operation of the provisions of the Factories and Industrial Undertakings (Suspended Working Platforms) Regulation (Cap. 59 sub. leg. AC) in relation to a working platform which is a suspended working platform.

*(L.N. 257 of 2003; L.N. 258 of 2003)*

### 38B. Prevention of falls

- (1) Subject to paragraphs (2), (3) and (4), the 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.
- (1A) Subject to paragraphs (2), (3) and (4), any contractor who has direct control over any construction work shall take adequate steps to prevent any person on any place where the construction work is being carried out from falling from a height of 2 metres or more. *(L.N. 258 of 2003)*
- (2) For the purpose of paragraphs (1) and (1A), *adequate steps* (足夠的步驟) 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;
  - (d) gangways and runs.
- (3) Paragraphs (1) and (1A) shall not apply to any opening, corner, break or edge exposed in the course of demolition operations if adequate precautions have been taken to

prevent any person from being exposed to the risk of falling therefrom.

- (4) Every working platform (other than a suspended working platform), guard-rail, barrier, toe-board, fence, covering for an opening, gangway or run provided for the purpose of paragraphs (1) and (1A) shall comply with the provisions of the Third Schedule applicable to it.
- (5) For the avoidance of doubt, it is hereby declared that—
  - (a) paragraphs (2) and (4) do not prejudice the generality of paragraphs (1) and (1A);
  - (b) the reference to working platform in paragraph (4) does not prejudice the operation of the provisions of the Factories and Industrial Undertakings (Suspended Working Platforms) Regulation (Cap. 59 sub. leg. AC) in relation to a working platform which is a suspended working platform.

*(L.N. 258 of 2003)*

### **38C. Safe means of support**

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 concerned and any contractor who has direct control over the work shall provide, and ensure the use of, a scaffold, ladder or other means of support, all of which shall be safe for the purpose, having regard to the work to be done.

*(L.N. 258 of 2003)*

### **38D. Construction and maintenance of scaffolds, etc.**

The contractor responsible for any scaffold, ladder or other means of support referred to in regulation 38C and any contractor who has direct control over any work which involves the use of the

scaffold, ladder, or other means of support shall ensure that it shall not be used unless it is— *(L.N. 258 of 2003)*

- (a) so designed and constructed that it does not collapse, overturn or move accidentally;
- (b) of suitable and sound materials of sufficient strength and capacity for the purpose for which it is to be used; and
- (c) properly maintained and every part thereof kept so securely supported or suspended as to ensure, so far as is reasonably practicable, that it is stable.

#### **38E. Trained workmen to erect scaffold under supervision**

- (1) 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 by workmen who are— *(L.N. 258 of 2003)*
  - (a) adequately trained and possess adequate experience of such work; and
  - (b) under the immediate supervision of a competent person.
- (2) Any contractor who has direct control over any erection, substantial addition, alteration or dismantling of any scaffold shall ensure that the scaffold is not erected, added to, altered or dismantled except by workmen who are—
  - (a) adequately trained and possess adequate experience of such work; and
  - (b) under the immediate supervision of a competent person.*(L.N. 258 of 2003)*

#### **38F. Inspection of scaffolds**

- (1) Subject to paragraph (2), the contractor responsible for a scaffold on a construction site and any contractor who has direct control over any construction work which involves the

use of the scaffold shall ensure that the scaffold is not used unless— (*L.N. 258 of 2003*)

(a) the scaffold—

- (i) has been inspected by a competent person before being taken into use for the first time;
- (ii) has been inspected by a competent person after any substantial addition, partial dismantling or other alteration;
- (iii) has been inspected by a competent person after any exposure to weather conditions likely to have affected its strength or stability or to have displaced any part;
- (iv) has been inspected by a competent person 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 containing the prescribed particulars which include a statement to the effect that the scaffold is in safe working order.

- (2) Paragraph (1) shall not apply in relation to a scaffold from no part of which a person is liable to fall from a height of 2 metres or more.
- (3) A report under paragraph (1)(b) of an inspection of a scaffold shall be delivered forthwith by the competent person to the contractor responsible for the scaffold and the contractor who employs him to carry out the inspection. (*L.N. 257 of 2003; L.N. 258 of 2003*)
- (4) The contractors to whom a report is delivered under paragraph (3) shall— (*L.N. 258 of 2003*)

- (a) at all times keep the report, or a copy thereof, on the construction site on which the scaffold to which the report relates is located;
- (b) at all reasonable times make that report or copy available for inspection by—
  - (i) any occupational safety officer who requests to see it;
  - (ii) any other person who is lawfully on the site (including any person using or proposing to use the scaffold).

### **38G. 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 on the site. (*L.N. 258 of 2003*)
- (2) Any contractor who has direct control over any construction work 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 in the construction work. (*L.N. 258 of 2003*)

### **38H. Defences to regulations 38B(1) and (1A) and 38C**

- (1) It shall be a defence for a contractor charged with an offence under regulation 38B(1) or (1A) or 38C to show— (*L.N. 258 of 2003*)
  - (a) that in all the circumstances of the case, it was impracticable to comply with all or any of the requirements of that regulation;
  - (b) that—

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- (i) the contractor provided suitable and adequate safety nets and safety belts in lieu of complying with those requirements; or
  - (ii) in all the circumstances of the case, it was impracticable to provide such safety nets and the contractor provided suitable and adequate safety belts in lieu of complying with those requirements; and
  - (c) that all reasonably practicable steps were taken to ensure the proper use of the safety belts by the persons to whom they were provided. (*L.N. 64 of 1999*)
- (2) Safety nets shall not be considered as suitable and adequate for the purpose of paragraph (1) unless they are—
- (a) of such design and so constructed; and
  - (b) so erected, maintained and kept in such positions, as to be effective to protect persons carrying on at a height the work to which the nets relate, to protect persons using any access to or egress from the part of the construction site where that work is being done and to prevent as far as practicable injury to persons falling onto them.
- (3) Safety belts shall not be considered as suitable and adequate for the purpose of paragraph (1) unless they—
- (a) are attached continuously to a suitable and secure anchorage;
  - (b) have suitable fittings therefor; and
  - (c) are of such a design and so constructed and maintained as to prevent injury to persons using them in the event of a fall.

### **38I. Duty to wear safety belt**

Every person working on a construction site who has been

## Construction Sites (Safety) Regulations

Part VA

5A-20

Regulation 38J

Cap. 59I

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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.

**38J.** *(Repealed L.N. 76 of 1999)*

**38K.** *(Repealed L.N. 76 of 1999)*

**38L.** *(Repealed L.N. 76 of 1999)*

**38M.** *(Repealed L.N. 76 of 1999)*

**38N.** *(Repealed L.N. 76 of 1999)*

**38O.** *(Repealed L.N. 76 of 1999)*

**38P.** *(Repealed L.N. 76 of 1999)*

**38Q.** *(Repealed L.N. 76 of 1999)*

**38R.** *(Repealed L.N. 76 of 1999)*

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## 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 and any contractor who has direct control over the operations 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. (*L.N. 258 of 2003*)
- (2) The contractors shall— (*L.N. 258 of 2003*)
  - (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 responsible for the construction site concerned and the contractor who employs that person to carry out the examination. (*L.N. 257 of 2003; L.N. 258 of 2003*)
- (4) This regulation shall not apply—
- (a) to an excavation or earthwork where, having regard to the nature and slope of the sides of the excavation or earthwork and other circumstances, no fall or dislodgment of earth, rock, or other material is liable to occur—
    - (i) so as to bury or trap a workman or other person employed in or near the excavation or earthwork; or
    - (ii) so as to strike any such workman or person from a height of more than 1.2 metres; or (*L.N. 280 of 1978; L.N. 238 of 1983*)
  - (b) in relation to a workman actually engaged in the erection of any structure or in rendering any excavation or earthwork safe, or to a person engaged in examining any such structure, if other precautions which are reasonably adequate to ensure his safety are taken.

#### **40. Fencing of excavations, etc.**

- (1) Subject to paragraph (2), the contractor responsible for any construction site where there is an excavation, shaft, pit, or opening in the ground into or down the side of which a workman or other person lawfully on the site is liable to fall

a distance of more than 2 metres and any contractor who has direct control over the excavation or any construction work in the shaft, pit or opening shall, for the purpose of preventing any such fall, so far as practicable ensure that either— (*L.N. 238 of 1983; L.N. 258 of 2003*)

- (a) a suitable barrier is erected as close as is reasonably practicable to the edge of the excavation, shaft, pit or opening; or
  - (b) the excavation, shaft, pit, or opening is securely covered.
- (2) Paragraph (1) shall not apply to any part of an excavation, shaft, pit or opening while (and to the extent to which) the absence of such barrier and covering is necessary for the access of persons or for the movement of plant or equipment or materials or while (and to the extent to which) it has not yet been practicable to erect such barrier or covering since the formation of that part of the excavation, shaft, pit or opening. (*L.N. 238 of 1983*)

(*L.N. 280 of 1978*)

#### 41. Safe guarding the edges of excavations, etc.

The contractor responsible for any construction site at which there is an excavation, shaft, pit or opening in the ground, and any contractor who has direct control over the excavation or any construction work in the shaft, pit or opening, shall ensure that— (*L.N. 258 of 2003*)

- (a) no material is placed or stacked close to the edge of the excavation, shaft, pit, or opening so as to endanger any person who is working in it; and
- (b) no load or plant is placed or moved near the edge of the excavation, shaft, pit or opening if it is likely to cause the side of the excavation, shaft, pit, or opening to collapse and thereby endanger any person.

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*(L.N. 280 of 1978)*

#### **41A. Requirements for emergency escape**

The contractor responsible for any construction site, at which there is an excavation, shaft, tunnel, pit or opening in the ground and where there is reason to apprehend danger to persons employed therein from rising water or from an irruption of water or material and any contractor who has direct control over the excavation or any construction work in the shaft, tunnel, pit or opening, shall ensure that adequate means are provided, so far as practicable, to enable such persons to reach positions of safety in the event of emergency.

*(L.N. 280 of 1978; L.N. 258 of 2003)*

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## Part VII

### Miscellaneous Safety Requirements

#### 42. Prevention of inhalation of dust and fumes

Where any construction work involves the grinding, cleaning, spraying, mixing, or working of any material which causes dust or fumes to be given off of a character and extent likely to be injurious to the health of workmen employed in the work, the contractor responsible for the work and any contractor who has direct control over the work shall take all reasonable steps as are necessary to prevent the inhalation of the dust or fumes by the workmen, either by providing adequate ventilation or by the provision and use of suitable respirators or other effective means.

*(71 of 1989 s. 13; L.N. 258 of 2003)*

#### 43. Protection of eyes

The contractor responsible for any construction site, where there is carried on any process which results in particles of material or dust being produced in such a manner as to be likely to enter or damage the eyes of any workman engaged in the process, and any contractor who has direct control over the process, shall ensure that— *(L.N. 258 of 2003)*

- (a) suitable goggles or effective screens are provided for the protection of the workman; and
- (b) the workman uses the goggles or screens, as the case may be.

#### 44. Fencing of machinery

- (1) The contractor responsible for any prime mover, transmission machinery and other machinery (whether or not driven by

mechanical power), and any contractor who has direct control over any construction work which involves the use of the prime mover, transmission machinery and other machinery, shall ensure that—

- (a) every flywheel and moving part of the prime mover;
- (b) every part of the transmission machinery; and
- (c) every dangerous part of the other machinery,

are effectively guarded unless they are in such a position or of such construction as to be as safe to every workman on the construction site as they would be if they were effectively guarded. (*L.N. 258 of 2003*)

- (1A) The reference to effectively guarded in paragraph (1) means effectively guarded by one or more of the following methods—
- (a) an automatic guard;
  - (b) subject to paragraph (1B), a fixed guard;
  - (c) an interlocking guard;
  - (d) a trip guard;
  - (e) a two-hand control device. (*L.N. 258 of 2003*)
- (1B) An opening may be provided in any fixed guard mentioned in paragraph (1A)(b) in accordance with regulation 6 of the Factories and Industrial Undertakings (Guarding and Operation of Machinery) Regulations (Cap. 59 sub. leg. Q). (*L.N. 258 of 2003*)
- (2) Where under paragraph (1) parts of any machinery are required to be guarded, the contractors shall ensure that the guarding is kept in position while the parts are in motion or in use, except where the parts are necessarily exposed for examination or for any lubrication or adjustment shown by

the examination to be immediately necessary. (*L.N. 258 of 2003*)

- (3) For the purpose of paragraph (1A), *automatic guard* (自動式護罩), *fixed guard* (固定式護罩), *interlocking guard* (互鎖式護罩), *trip guard* (觸覺式護罩) and *two-hand control device* (雙手控制裝置) have the meanings respectively assigned to them by regulation 2 of the Factories and Industrial Undertakings (Guarding and Operation of Machinery) Regulations (Cap. 59 sub. leg. Q).

(*L.N. 258 of 2003*)

#### 45. Trained and competent workmen to operate mechanical equipment

- (1) The contractor responsible for any mechanical equipment and any contractor who has direct control over any construction work which involves the use of the equipment shall ensure that, when it is used on a construction site, it is not operated except by a workman who is trained and competent to operate it: (*L.N. 258 of 2003*)

Provided that the equipment may be operated by a workman not so qualified if he is operating it under the supervision of another worker who is so qualified.

- (2) The contractor responsible for any mechanical equipment and any contractor who has direct control over any construction work which involves the use of the equipment shall ensure that no person under 18 years of age is employed— (*L.N. 258 of 2003*)
- (a) to operate the equipment; or
  - (b) to give signals to the operator of the equipment.

- (3) In this regulation, *mechanical equipment* (機動設備) includes any bulldozer, compactor, dumper, excavator, grader, loader, locomotive, lorry, scraper, truck and any mobile

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machine which is used for the handling of any material on a construction site.

(*L.N. 238 of 1983*)

#### **46. Cleaning of dangerous machinery by young persons**

- (1) A contractor responsible for a construction site shall ensure that no young person is permitted to clean any dangerous part of any machinery or plant in the construction site while the machinery or plant is in motion by the aid of any mechanical power. (*L.N. 304 of 1996*)
- (1A) Any contractor who has direct control over any construction work which involves the use of any machinery or plant in the site shall ensure that no young person is permitted to clean any dangerous part of the machinery or plant while the machinery or plant is in motion by the aid of any mechanical power. (*L.N. 258 of 2003*)
- (2) For the purpose of paragraphs (1) and (1A), a dangerous part of any machinery or plant has the meaning assigned to **dangerous part** (危險部件) in the Factories and Industrial Undertakings (Guarding and Operation of Machinery) Regulations (Cap. 59 sub. leg. Q). (*L.N. 258 of 2003*)

#### **47. Use of electricity on construction sites**

- (1) Where workmen employed at a construction site are liable to come into contact with any live electric cable or apparatus, the contractor responsible for the site shall, both before the commencement of the work at the site and during its progress, take such measures (whether by rendering the cable or apparatus electrically dead or otherwise) as will prevent them from being endangered by the cable or apparatus.
- (1A) Where workmen employed in carrying out any construction work are liable to come into contact with any live electric

cable or apparatus, any contractor who has direct control over the construction work shall, both before the commencement of the work at the site and during its progress, take such measures (whether by rendering the cable or apparatus electrically dead or otherwise) as will prevent them from being endangered by the cable or apparatus. (*L.N. 258 of 2003*)

- (2) A contractor responsible for a construction site where there is any electrically charged overhead cable or apparatus shall take such precautions, by the provision of adequate and suitably placed barriers or other means, as will prevent the cable or apparatus from being a source of danger to workmen employed on the site (whether as a result of a lifting appliance coming into contact with the cable or apparatus or otherwise).
- (3) Any contractor who has direct control over any construction work at any place where there is any electrically charged overhead cable or apparatus shall take such precautions, by the provision of adequate and suitably placed barriers or other means, as will prevent the cable or apparatus from being a source of danger to workmen carrying out the construction work (whether as a result of lifting appliance coming into contact with the cable or apparatus or otherwise). (*L.N. 258 of 2003*)

## 48. Safety helmets

- (1) A contractor responsible for a construction site shall—
  - (a) provide each workman employed on the site with a suitable safety helmet; and
  - (b) take all reasonable steps to ensure that no workman remains on the site unless he is wearing a suitable safety helmet.

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- (1A) Any contractor who has direct control over any construction work shall—
- (a) provide each workman employed to carry out the construction work with a suitable safety helmet; and
  - (b) take all reasonable steps to ensure that no workman employed to carry out the construction work remains on the site unless he is wearing a suitable safety helmet.
- (L.N. 257 of 2003; L.N. 258 of 2003)*
- (2) No person shall enter a construction site unless he is wearing a suitable safety helmet.

*(L.N. 280 of 1978)*

#### **49. Protection from falling materials**

- (1) Where workmen are employed at any place on a construction site, the contractor responsible for the site shall take such precautions as are necessary to prevent any workman working at that place from being struck by any falling material or object.
- (1A) Where workmen are employed to carry out any construction work, any contractor who has direct control over the construction work shall take such precautions as are necessary to prevent any workman carrying out the construction work from being struck by any falling material or object. *(L.N. 258 of 2003)*
- (2) The contractor responsible for a construction site, and any contractor who has direct control over any construction work which involves the use of scaffolding materials, tools or other objects and materials, shall take steps to ensure that they are— *(L.N. 258 of 2003)*
  - (a) not thrown, tipped, or shot down from a height where they are liable to cause injury to any person on or near the site; and

- (b) where practicable, properly lowered in a safe manner by means of a lifting appliance or lifting gear.
- (3) At any construction site where proper lowering is impracticable or where any part of a building or other structure is being demolished or broken off, the contractor responsible for the construction site shall take all reasonable steps as are necessary to protect workmen employed at the site from falling or flying debris. (*71 of 1989 s. 13*)
- (4) In any construction work where proper lowering is impracticable or where any part of a building or other structure is being demolished or broken off, any contractor who has direct control over the construction work shall take all reasonable steps as are necessary to protect any workman employed at the site from falling or flying debris. (*L.N. 258 of 2003*)

## 50. Lighting of working places, etc.

Where at a construction site any workman is required or authorized (whether expressly or impliedly) to—

- (a) work in any place on the site;
- (b) use any approach to that place;
- (c) be in any part of the site where raising or lowering operations are in progress; or
- (d) be in the vicinity of any dangerous opening (whether in the ground or in a structure),

the contractor responsible for the site and any contractor who has direct control over any construction work engaged in by that workman shall ensure that the place, approach, part or opening is adequately and suitably lit to the extent necessary to secure that workman's safety.

*(L.N. 258 of 2003)*

## 51. Projecting nails

- (1) The contractor responsible for a construction site shall ensure that no timber or material with projecting nails or other sharp objects are used or left on the site if the nails or objects are a source of danger to workmen employed there. (*L.N. 258 of 2003*)
- (2) Any contractor who has direct control over any construction work shall ensure that no timber or material with projecting nails or other sharp objects are used in the construction work or left on the place where the construction work is being carried out if the nails or objects are a source of danger to workmen employed there. (*L.N. 258 of 2003*)

## 52. Materials kept on construction sites

- (1) The contractor responsible for a construction site shall ensure that all platforms, gangways, floors, or other places on the site used as passageways are kept clear of any loose materials which are not required for immediate use.
- (1A) Any contractor who has direct control over any construction work shall ensure that all platforms, gangways, floors, or other places used as passageways to the place where the construction work is being carried out are kept clear of any loose materials which are not required for immediate use. (*L.N. 258 of 2003*)
- (2) The contractor responsible for any construction site where materials are being kept or stored and any contractor who has direct control over any construction work which involves the use of the materials that are being kept or stored in the site shall ensure that they are not— (*L.N. 258 of 2003*)
  - (a) insecurely stacked in a place where they may be dangerous to workmen employed at the site; or

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- (b) stacked in such a way as to overload and render unsafe any floor or other part of a building or structure on the site.

## 52A. Prevention of drowning

- (1) Where a construction site is situated on, or adjacent to, water into which a workman is liable to fall with risk of drowning, the contractor responsible for the site shall—
  - (a) provide suitable rescue equipment and keep it in an efficient state; and
  - (b) take measures to arrange for the prompt rescue of any such person in danger of drowning.
- (1A) Where any construction work is carried out on a place situated on, or adjacent to, water into which a workman is liable to fall with risk of drowning, any contractor who has direct control over the construction work shall—
  - (a) provide suitable rescue equipment and keep it in an efficient state; and
  - (b) take measures to arrange for the prompt rescue of any such person in danger of drowning. (*L.N. 258 of 2003*)
- (2) Where there is a special risk of such a fall from land or from a structure adjacent to or above the water or from a floating stage, the contractor responsible for the construction site and any contractor who has direct control over any construction work on the land, structure or floating stage shall provide secure fencing to prevent such a fall. (*L.N. 258 of 2003*)
- (3) Any fencing provided under paragraph (2) may be removed or remain unerected for the time and to the extent necessary for the access of persons or the movement of materials.

*(L.N. 280 of 1978)*

**53. Power to prohibit smoking**

- (1) Where, in any construction site, any flammable liquid or any mixture containing any such liquid or any substance or thing which in the opinion of the Commissioner involves danger from fire is used or intended to be used, the Commissioner may by order in writing prohibit smoking and the use of naked lights in such construction site.
- (2) The contractor responsible for a construction site in which smoking or the use of naked lights is prohibited in accordance with the provisions of paragraph (1) and any contractor who has direct control over any construction work in the site shall take such steps to enforce the prohibition as the Commissioner may by notice direct. (*L.N. 258 of 2003*)

**54. Maintenance of fire escapes and fire-fighting appliances**

- (1) The contractor responsible for a construction site shall maintain in good condition and free from obstruction all the means of escape in case of fire and all fire-fighting appliances provided in such construction site.
- (1A) Any contractor who has direct control over any construction work shall maintain in good condition and free from obstruction all the means of escape in case of fire and all fire-fighting appliances provided in the place where the construction work is being carried out. (*L.N. 258 of 2003*)
- (2) No person shall wilfully alter, damage, obstruct or otherwise impair any such means of escape, or fire-fighting appliance.

**55. Sanitary conveniences, etc.**

The contractor responsible for a construction site shall provide sufficient and suitable latrine and washing conveniences on the site and, where persons of both sexes are or are intended to

## Construction Sites (Safety) Regulations

Part VII

7-22

Regulation 55

Cap. 59I

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be employed, such conveniences shall afford proper separate accommodation for persons of each sex.

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## Part VIII

### Notification of Construction Work

#### 56. Information to be furnished to Commissioner

- (1) Subject to paragraph (2), a contractor who undertakes construction work shall, within 7 days after the commencement of the work, furnish in writing to the Commissioner the following information—
  - (a) the contractor's name and address;
  - (b) if the contractor is a firm, the name under which it carries on business and the name and address of every partner in the firm;
  - (c) the name and address of every subcontractor employed on the work;
  - (d) the location of the construction site;
  - (e) the nature of the work;
  - (f) the date upon which the work was commenced;
  - (g) whether any mechanical power is being or will be used in connexion with the work and, if so, the nature of the mechanical power; and
  - (h) the expected duration of the work.
- (2) Paragraph (1) shall not apply if—
  - (a) at the date of commencement of the work—
    - (i) the contractor has reasonable grounds for believing that the work will be completed in a period of less than 6 weeks from that date; or
    - (ii) any other construction work is being undertaken at the same construction site and the information

- specified in paragraph (1) has been furnished to the Commissioner in respect of that construction work; or
- (b) not more than 10 workmen are or will be employed on the work at any one time.
- (3) For the purpose of this regulation, **subcontractor** (次承建商) means a person employed by a contractor to perform construction work under a contract for services. (*L.N. 258 of 2003*)

## 57. **Further information**

If requested by the Commissioner, by notice in writing, a contractor required to furnish information under regulation 56 shall, within 14 days from the date of the notice, furnish in writing to the Commissioner such further information in respect of the relevant construction work as may be specified in the notice.

## 58. **Notification of change**

Whenever a material change occurs in respect of any information furnished to the Commissioner under regulation 56 or 57, the contractor undertaking the relevant construction work shall, within 7 days after becoming aware of it, notify the Commissioner in writing of the change.

## 59. **Notification of completion**

A contractor required to furnish information under regulation 56 shall, within 7 days after the date of completion of the relevant construction work, notify the Commissioner in writing of the date of completion.

## Part IX

### Health and Welfare

#### Provision of First Aid Facilities

##### 60. Interpretation

- (1) In this Part, unless the context otherwise requires—  
*person trained in first aid* (曾受急救訓練的人) means a person who—
- (a) holds a current certificate of competency in first aid issued by the St. John Ambulance Association;
  - (b) is a registered nurse within the meaning of the Nurses Registration Ordinance (Cap. 164); or
  - (c) has otherwise completed a course of training in first aid approved by certificate under the hand of the Commissioner.
- (2) For the purposes of this Part, the number of persons employed at a construction site shall be taken to be the number of persons actually working there at any one time.

##### 61. Provision of first aid box or cupboard

- (1) The contractor responsible for a construction site at which 5 or more workmen are employed shall provide and maintain so as to be readily accessible a separate first aid box or cupboard for every 50 workmen or part thereof employed on the site.
- (2) For the purposes of paragraph (1), a first aid box or cupboard shall—
- (a) contain the items specified in the Second Schedule and any additional items required under paragraph (3); and

- (b) have a sufficient capacity to hold those items.
- (3) The Commissioner may, by notice in writing to the contractor, require him to provide at the construction site any of the following additional items—
  - (a) two wooden splints measuring 900 millimetres long, 60 millimetres wide and 10 millimetres deep; (*L.N. 238 of 1983*)
  - (b) two wooden splints measuring 600 millimetres long, 60 millimetres wide and 10 millimetres deep. (*L.N. 238 of 1983*)
- (4) The contractor shall at all times ensure that—
  - (a) the items in the box or cupboard are maintained in a serviceable and sanitary condition; and
  - (b) all materials for dressings in the box or cupboard are those designated in, and are of a grade not lower than the standards specified by, the British Pharmaceutical Codex or by any supplement to it.
- (5) Nothing except appliances and requisites for first aid shall be kept in a first aid box or cupboard.
- (6) Each first aid box or cupboard shall be clearly and legibly marked “FIRST AID” in English and “急救” in Chinese.

## 62. Persons in charge of first aid box or cupboard

- (1) The contractor responsible for a construction site shall ensure that all first aid boxes or cupboards provided for the purposes of regulation 61 are placed in the charge of a team of responsible persons designated by him.
- (2) The contractor shall ensure that at least one member of such team is always readily available during working hours.

- (3) A notice in English and Chinese shall be affixed to each first aid box or cupboard specifying the names of the members of the team designated under paragraph (1).
- (4) If a first aid box or cupboard is not provided in a workroom at a construction site, a notice in English and Chinese stating the location of the nearest first aid box or cupboard and the names of the members of the team designated under paragraph (1) shall be displayed in a prominent place in such workroom.

### **63. Team to include persons trained in first aid**

At any construction site the team referred to in regulation 62 shall include—

- (a) where not less than 30, but less than 100 workmen are employed, at least one person trained in first aid; and
- (b) where not less than 100 workmen are employed, at least two persons so trained.

### **64. Provision of stretchers**

The contractor responsible for a construction site at which 50 or more workmen are employed shall—

- (a) cause a stretcher to be provided at the site; and
- (b) ensure that it is kept alongside the first aid box or cupboard provided for the purposes of regulation 61 and is maintained at all times in a serviceable condition.

### **65. Exemption where first aid room provided**

- (1) Where a room is provided at a construction site for the sole purpose of providing first aid or medical treatment, and the contractor responsible for the construction site makes arrangements so as to ensure the treatment there of all injuries occurring at the site, the Commissioner may, by

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notice in writing to the contractor, exempt the site from the requirements of this Part to such extent and subject to such conditions as he may specify in the notice.

- (2) The contractor shall cause every such notice to be prominently displayed in the room so provided.

## Welfare

### **66. Shelter and facilities for meals**

- (1) The contractor responsible for a construction site shall provide at the site—
- (a) a room or covered area where workmen can shelter during inclement weather;
  - (b) a supply of wholesome drinking water; and
  - (c) if facilities for obtaining meals are not available in the vicinity of the site, or if the Commissioner so directs, a room or covered area where workmen can take meals and one or more stoves on which hot meals can be prepared.
- (2) If a room or area provided for the purposes of paragraph (1)(c) affords shelter from inclement weather, a contractor shall not be required to provide a separate room or area for the purposes of paragraph (1)(a).
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## Part X

### Miscellaneous Provisions

#### 67. Keeping of records

- (1) Every contractor shall keep the certificates and reports received by him in respect of any test, inspection or examination carried out under these regulations on any plant, excavation, or earthwork—
  - (a) at the construction site where the plant is located or the excavating or earthworking operations are being carried on; or
  - (b) if the contractor has reasonable grounds for believing that the construction work at the site will be completed within a period of less than 6 weeks from its commencement, or if the work at the site has been completed or the equipment has ceased to be located at a construction site, at his office, or if he has more than one office, at his principal office. (*L.N. 238 of 1983; L.N. 64 of 1999; L.N. 76 of 1999*)
- (2) The contractor shall, at all reasonable times, make available for inspection by any occupational safety officer who requests to see them all certificates and reports required to be kept by the contractor under paragraph (1). (*32 of 2000 s. 48*)
- (3) The contractor shall, 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 certificate or report required to be kept by the contractor under paragraph (1). (*32 of 2000 s. 48*)

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- (4) Any such certificates or reports may, unless the Commissioner 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 by the contractor.

#### **67A. Forms**

Every form to be used in these regulations shall be in such form as the Commissioner for Labour may from time to time approve by notice in the Gazette.

*(L.N. 285 of 1993)*

#### **68. Offences and penalties relating to contractors**

- (1) Any contractor who—
- (a) contravenes any of the provisions of regulation 4A(1) or (1A), 5(1) or (2), 8, 9(1) or (2), 10(1) or (2), 20(1) or (2), 31(1) or (3), 32(1) or (2), 33, 34(1) or (2), 35(1) or (3), 36, 38(1), (2), (3), (5) or (6), 38A(1), (2) or (3), 38AA(1), (2) or (3), 38B(1) or (1A), 38C, 38D, 38E(1) or (2), 38F(1) or (4), 38G(1) or (2), 39(1) or (2), 40(1), 41, 41A, 42, 43, 44(1) or (2), 45(1) or (2), 46(1) or (1A), 47(1), (1A), (2) or (3), 48(1) or (1A), 49(1), (1A), (2), (3) or (4), 50, 51(1) or (2), 52(1), (1A) or (2), 52A(1), (1A) or (2), 53(2), 54(1) or (1A), 55, 56(1), 57, 58, 59, 61(1), (2), (4), (5) or (6), 62, 63, 64, 65(2), 66(1) or 67(1), (2) or (3); or *(L.N. 221 of 1994; L.N. 552 of 1995)*
  - (b) fails to comply with any requirement under regulation 61(3),

shall be guilty of an offence. *(L.N. 280 of 1978; L.N. 118 of 1981; L.N. 238 of 1983)*

- (2) A person who is convicted of an offence under paragraph (1)—

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- (a) in respect of a contravention of regulation 4A(1) or (1A), 8, 9(1) or (2), 10(1) or (2), 20(1) or (2), 33, 34(1)(a) or (2), 38(6), 42, 43, 45(1) or (2), 46(1) or (1A), 48(1) or (1A), 50, 52(1), (1A) or (2), 52A(1), (1A) or (2), 56(1), 57, 58, 63 or 66(1) is liable to a fine at level 6;
  - (b) in respect of a contravention of regulation 5(1), 31(1) or (3), 32(1) or (2), 34(1)(b), 35(1) or (3), 38(1), (2), (3) or (5), 38E(1) or (2), 38F(1), 39(1) or (2), 41, 41A, 44(1) or (2), 47(1), (1A), (2) or (3), 49(1), (1A), (2), (3) or (4), 53(2) or 54(1) or (1A) is liable to a fine of \$400,000;
  - (c) in respect of a contravention of regulation 5(2) is liable to a fine of \$200,000;
  - (d) in respect of a contravention of regulation 36, 38A(2) or (3), 38AA(2) or (3), 38B(1) or (1A), 38C, 38D or 38G(1) or (2) is liable to—
    - (i) if the offence was committed without reasonable excuse—a fine of \$400,000 and to imprisonment for 12 months; or
    - (ii) in any other case—a fine of \$400,000;
  - (e) in respect of a contravention of regulation 38A(1), 38AA(1) or 40(1) is liable to a fine of \$400,000 and to imprisonment for 12 months; or
  - (f) in respect of a contravention of regulation 38F(4), 51(1) or (2), 55, 59, 61(1), (2), (3), (4), (5) or (6), 62, 64, 65(2) or 67(1), (2) or (3) is liable to a fine at level 4. (*5 of 2023 s. 27*)

*(L.N. 118 of 1981; L.N. 238 of 1983; L.N. 285 of 1993; L.N. 21 of 1994; L.N. 64 of 1999; L.N. 76 of 1999; L.N. 257 of 2003; L.N. 258 of 2003)*

## 69. Offences by persons employed

Any contractor or workman engaged in construction work who 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— (5 of 2023 s. 28)

- (a) in the case of a contractor—a fine at level 6; or
- (b) in the case of a workman—a fine at level 5.

(L.N. 118 of 1981; L.N. 21 of 1994; E.R. 3 of 2021; 5 of 2023 s. 28)

## 70. Offences by competent examiners, etc.

- (1) Any competent examiner who having carried out any test, inspection or examination required by these regulations—
  - (a) fails or refuses to deliver forthwith, or within a reasonable time thereafter, to the contractor concerned a report referred to in regulation 35(4); or
  - (b) fails to comply with regulation 35(5),

shall be guilty of an offence and shall be liable on conviction to a fine at level 5. (L.N. 238 of 1983)
- (1A) Any competent person who having carried out any test, inspection or examination required by these regulations fails or refuses to deliver forthwith, or within a reasonable time thereafter, to the contractor concerned a report referred to in regulation 38F(3) or 39(3) shall be guilty of an offence and shall be liable on conviction to a fine at level 5. (L.N. 21 of 1994; L.N. 76 of 1999)
- (2) Any such competent examiner or competent person who delivers to a contractor any certificate, or 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 fine of \$200,000 and to imprisonment for 12 months. (71 of 1989 s. 13)

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*(L.N. 118 of 1981; L.N. 21 of 1994; E.R. 3 of 2021)*

## **71. Offences by other persons**

- (1) Any person who contravenes regulation 31(2) or 38I commits an offence and is liable on conviction to a fine of \$150,000. *(L.N. 280 of 1978; L.N. 238 of 1983; L.N. 76 of 1999)*
- (1A) A person who contravenes regulation 48(2) commits an offence and is liable on conviction to a fine at level 5. *(5 of 2023 s. 29)*
- (2) Any person who contravenes any order made under regulation 53(1), or who contravenes regulation 54(2), commits an offence and is liable on conviction to a fine of \$150,000.

*(L.N. 118 of 1981; E.R. 3 of 2021; 5 of 2023 s. 29)*

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Construction Sites (Safety) Regulations

First Schedule

S1-2

Cap. 59I

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## First Schedule

*(Repealed L.N. 285 of 1993)*

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## Second Schedule

[reg. 61]

### Contents of First Aid Boxes or Cupboards

- (a) A copy of the leaflet issued by the Commissioner giving advice on first-aid treatment.
- (b) A sufficient number of (and in any event not less than 12) small sterilized unmedicated dressings for injured fingers.
- (c) A sufficient number of (and in any event not less than 6) medium-sized sterilized unmedicated dressings for injured hands or feet.
- (d) A sufficient number of (and in any event not less than 6) large sterilized unmedicated dressings for other injured parts of the body.
- (e) A sufficient number of (and in any event not less than 24) waterproof adhesive wound dressings of assorted sizes.
- (f) A sufficient number of (and in any event not less than 4) triangular bandages of unbleached calico, the longest side of each bandage measuring not less than 1 300 millimetres and each of the other sides of each bandage measuring not less than 900 millimetres. (*L.N. 238 of 1983*)
- (g) A sufficient supply (and in any event not less than 1 roll) of zinc oxide adhesive plaster.\*
- (h) A sufficient number of (and in any event not less than 6) 30 grams packets of absorbent cotton wool. (*L.N. 238 of 1983*)
- (i) A pressure bandage.

## Construction Sites (Safety) Regulations

Second Schedule

S2-4

Cap. 59I

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- (j) A sufficient number of (and in any event not less than 6) safety pins.
- (k) A sufficient supply of eye baths.

\* The roll or each of the rolls to be at least 4.5 metres by 25 millimetres. (*L.N. 238 of 1983*)

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## Third Schedule

[regs. 38A(4A), 38AA(5) &  
38B(4)]

(L.N. 257 of 2003; L.N. 258 of 2003)

## Requirements with which Certain Safety Equipment must Comply

### 1. Width of working platforms, gangways and runs

- (1) Subject to subsections (2) and (3), the width of any working platform, gangway or run shall be not less than 400 millimetres.
- (2) Subject to subsection (3), the width of any gangway or run used for the movement of materials shall be not less than 650 millimetres.
- (3) Where it is impracticable by reason of limitations of space to provide a working platform, gangway or run of the width required by subsection (1) or (2), then, in lieu of complying with that subsection, the working platform, gangway or run shall be as wide as is reasonably practicable.

### 2. Working platforms, etc. to be closely boarded, etc.

- (1) Subject to subsection (2), every working platform, gangway and run shall be closely boarded or planked.
- (2) Subsection (1) shall not apply to a working platform, gangway or run—
  - (a) consisting of open metal work having interstices none of which exceeds 4 000 square millimetres in area; or
  - (b) the boards or planks of which are so secured as to prevent their moving and so placed that the space

between adjacent boards or planks does not exceed 25 millimetres,

if there is no risk of persons below the platform, gangway or run being struck by materials or articles falling through the platform, gangway or run.

### **3. Boards and planks in working platforms, gangways and runs**

Every board or plank forming part of a working platform, gangway or run shall—

- (a) be of sound construction, adequate strength and free from patent defect;
- (b) be 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;
- (c) not protrude beyond its end support to a distance exceeding 150 millimetres unless it is sufficiently secured to prevent tipping;
- (d) rest securely and evenly on its supports; and
- (e) rest on at least 3 supports unless, taking into account the distance between the supports and the thickness of the board or plank the conditions are such as to prevent undue or unequal sagging.

### **4. Coverings for opening**

Every covering provided for an opening shall be—

- (a) so constructed as to prevent the fall of persons, materials and articles; and

- 
- (b) clearly and boldly marked as to show its purpose or be securely fixed in position.

**5. Height of toe-boards, etc.**

The height of a toe-board or other similar barrier shall be not less than 200 millimetres.

**6. Height of guard-rails**

Subject to section 7, the height of a guard-rail above any place of work on a working platform, gangway, run or stairway shall be—

- (a) in the case of a top guard-rail, not less than 900 millimetres and not more than 1 150 millimetres;
- (b) in the case of an intermediate guard-rail, not less than 450 millimetres and not more than 600 millimetres.

**7. Exception to section 6**

Section 6 shall not apply to a working platform on a bamboo scaffold if the platform is protected by not less than 2 horizontal bamboo members of the scaffold spaced at intervals between 750 millimetres to 900 millimetres.

**8. Temporary removal, etc. of guard-rails, etc.**

- (1) Guard-rails, toe-boards and barriers 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 concerned, but shall be replaced or erected as soon as practicable after the expiration of that time.
- (2) Toe-boards shall not be required for stairs.

*(L.N. 76 of 1999)*