

Chapter 7 **SITE SAFETY PERSONNEL**

7.1 **CONTRACTOR'S SAFETY PERSONNEL**

7.1.1 **Statutory Requirements**

- (a) The Factories and Industrial Undertakings (Safety Officers and Safety Supervisors) Regulations (FIU(SO&SS)R) require a contractor or a specialist contractor to employ one registered Safety Officer on a full-time basis when the total number of persons employed by him in construction sites is 100 or more. He must also employ one Safety Supervisor in each site with 20 or more persons under his employment. Safety Supervisors must not be required to carry out other work that would prevent them from carrying out their safety duties properly.
- (b) A contractor or a specialist contractor shall not employ any person as a Safety Officer unless that person is registered under the ((FIU(SO&SS)R).
- (c) The responsibility of a Safety Officer is to assist the proprietor of an industrial undertaking in promoting the safety and health of persons employed. The main duties as stipulated in the (FIU(SO&SS)R) are as follows :
 - (i) advising the proprietor as to measures to be taken in the interest of safety and health and, with the proprietor's approval, implementing such measures;
 - (ii) inspecting the workplace to identify potential hazards and reporting the findings with recommendations for correction to the proprietor;
 - (iii) investigating accidents (with or without personal injury) and dangerous occurrences and reporting with recommendations for prevention to the proprietor;
 - (iv) advising the proprietor of any repair or maintenance in respect of premises, plant and equipment that ought to be

carried out in the interest of safety and health;

- (v) assisting in the supervision of Safety Supervisors;
 - (vi) receiving, discussing and counter signing reports submitted to him by Safety Supervisors; and
 - (vii) preparing and submitting a monthly report to the proprietor in a specified form.
- (d) The responsibility of a Safety Supervisor is to assist the proprietor and any person employed as a Safety Officer in promoting the safety and health of persons employed. The main duties are as follows : -
- (i) assisting a Safety Officer in carrying out his duties;
 - (ii) supervising the observance by the workers of the safety standards;
 - (iii) advising the proprietor or the Safety Officer as to the observance by the workers of the safety standards;
 - (iv) promoting the safe execution of work in the construction site; and
 - (v) preparing and submitting a weekly report to the proprietor or the Safety Officer in a specified form.

7.1.2 **Contractual Requirements**

The following are general requirements of the safety personnel for PWP contracts. The Architect/Engineer may stipulate or may have stipulated different requirements to suit special circumstances under the individual contracts, such as the nature and complexity of the Works, the number of isolated sites, the potential risks anticipated on site and the value of the contract.

(a) **Safety Officer**

(i) The Contractor shall employ full-time Safety Officers in works contracts in accordance with the total no. of workers employed on the Works or in connection with the Contract whether in the employ of the Contractor or his sub-contractor in accordance with the following table:

| <u>Total no. of workers</u> | <u>Minimum no. of full-time Safety Officer</u> |
|-----------------------------|---|
| 50 to 200 | 1 - |
| 201 to 700 | 2 (at least 1 of them shall be a safety officer who has been qualified and registered under the Factories and Industrial Undertakings (Safety Officers and Safety Supervisors) Regulations as a safety officer for at least 3 years and during which has gained the relevant experience in site safety administration of the Contract) |
| 701 to 1200 | 3 (at least 1 of them shall be a safety officer who has been qualified and registered under the Factories and Industrial Undertakings (Safety Officers and Safety Supervisors) Regulations as a safety officer for at least 3 years and during which has gained the relevant experience in site safety administration of the Contract) |
| 1201 and above | 4 (at least 2 of them shall be safety officers who have been qualified and registered under the Factories and Industrial Undertakings (Safety Officers and Safety Supervisors) Regulations as a safety officer for at least 3 years and during which have gained the relevant experience in site safety administration of the Contract) |

Where the total number is less than 50, the Safety Officer may be engaged part-time but with sufficient presence on the Site to perform his duties of a Safety Officer. The time thus spent on Site shall not be less than 12 hours per week excluding attendance of the Site Safety Management Committee meeting and Site Safety Committee meeting.

(ii) For a term contract, the Contractor shall employ one full time Safety Officer. Where the total number of workers exceeds 200, additional Safety Officers shall be employed in accordance with the following table.

| <u>Total no. of workers</u> | <u>Minimum no. of full-time Safety Officer</u> |
|-----------------------------|---|
| 201 to 700 | 2 (at least 1 of them shall be a safety officer who has been qualified and registered under the Factories and Industrial Undertakings (Safety Officers and Safety Supervisors) Regulations as a safety officer for at least 3 years and during which has gained the relevant experience in site safety administration of the Contract) |
| 701 to 1200 | 3 (at least 1 of them shall be a safety officer who has been qualified and registered under the Factories and Industrial Undertakings (Safety Officers and Safety Supervisors) Regulations as a safety officer for at least 3 years and during which has gained the relevant experience in site safety administration of the Contract) |
| 1201 and above | 4 (at least 2 of them shall be safety officers who have been qualified and registered under the Factories and Industrial Undertakings (Safety Officers and Safety Supervisors) Regulations as a safety officer for at least 3 years and during which have gained the relevant experience in site safety administration of the Contract) |

(iii) In addition to the duties stipulated in the legislation, a Safety Officer is required to

- supervise and monitor the implementation of the Safety Plan/Contractor's site safety obligations set out in the contract.
- ensure the sub-contractors and all persons working on the Site are made aware of and comply with the Safety Plan/Contractor's site safety obligations set out in the contract.
- maintain a safety diary
- carry out a weekly site inspection with the Architect/Engineer's staff and complete inspection checklist in a format to be agreed by the Architect/Engineer's Representative.
- prepare detailed reports on dangerous occurrences and serious incidents/accidents and complete standard forms provided by Architect/Engineer.
- prepare training programme, arrange and/or conduct trainings and maintain training records.
- co-ordinate with sub-contractors or other contractors on the preparation of specific method statements including risk assessments.
- keep a register of the names, telephone numbers and addresses of the Safety Supervisors, Safety Representatives, competent persons and competent examiners employed on the contract.
- keep and maintain a record of all examination and test certificates required by any legislation or the Contract.

- prepare a monthly report for consideration at the meeting of the Site Safety Management Committee
- attend meetings of the Site Safety Committee and/or the Site Safety Management Committee.
- carry out internal safety audits to monitor the implementation of the Safety Plan at intervals of not less than once every six months.

(b) **Safety Supervisor**

- (i) The Contractor shall employ at least one Safety Supervisor to work full-time on Site. Where the number of workers employed on the Works or in connection with the Contract whether in the employ of the Contractor or by his sub-contractor exceeds 50, the number of Safety Supervisors to be provided shall be increased by one for every additional 50 workers.
- (ii) For works contracts, in addition to (i) above, each sub-contractor of the first tier (directly employed by the Contractor) engaging 20 persons or more in the activities for which he is responsible shall provide at least one full-time Safety Supervisor.
- (iv) For term contracts, in addition to (i) above, the Contractor shall provide at least one full-time Safety Supervisor at each work location where the number of workers engaged there exceeds 20.
- (iv) Safety Supervisors must have at least three years experience on construction work and have completed an appropriate safety training course provided for Safety Supervisors.
- (v) In addition to the duties stipulated in the legislation, a Safety Supervisor is required to

- carry out safety inspections at least daily and complete checklist
- attend meetings of the Site Safety Committee and the Site Safety Management Committee
- conduct tool box talks if he has completed courses on safety training techniques.

(c) **Safety Representatives**

A safety representative is the foreman or ganger of each labour group or team working on the Site and appointed by the Contractor. He is required to ensure

- that directives on safety and health matters from the Contractor, the Safety Officer and Safety Supervisors are duly carried out;
- safety practices are adopted by the workers; and
- the use of personal protective clothing and equipment by the workers at all times.

7.2 ARCHITECT/ENGINEER'S SAFETY PERSONNEL

7.2.1 The Architect/Engineer's duties on site safety

- (a) The Architect/Engineer has the following duties with respect to safety on site :
- (i) administer those clauses in the contract relating to construction safety and health;
 - (ii) ensure the safety of his site staff, by providing or arranging suitable training, protective clothing, safety equipment, first-aid and welfare facilities etc.;
 - (iii) comment on the adequacy of the Safety Plan;

- (iv) chair the Site Safety Management Committee meetings and arrange for the preparation of minutes of the meeting;
 - (v) carry out site safety inspections and ensure prompt follow up action taken by the Contractor on deficiencies identified;
 - (vi) consider safety audit reports received and monitor progress of the action plan submitted by the Contractor.
 - (vii) take follow-up action against deficiencies identified in site inspections, Inspection Reports received from the Labour Department and Marine Department as well as Improvement Notices and Suspension Notices.
- (b) The Architect/Engineer's Representative and other resident site staff will assist the Architect/Engineer in carrying out the above duties.

7.2.2 Resident Safety Staff

(a) General

(Resident Safety Staff is to include staff working part time on site)

It is the Architect/Engineer's responsibility to determine his resident safety staff requirements and to assign construction safety duties to his site staff, having regard to the size and nature of the contract concerned.

- (b) The most senior staff on site should be assigned the responsibility to assist the Architect/Engineer in dealing with construction safety matters. The secretary of the Site Safety Management Committee shall be appointed by the Architect/Engineer.
- (c) Those site staff who are not assigned to exclusively deal with construction safety matters should familiarize themselves with

safety requirements and the applicable sections of the safety legislation (particularly the Construction Sites (Safety) Regulations) so that they can detect any unsafe working methods or breach of safety legislation and bring such matter to the attention of the contractor's Site Agent or Safety Officer.

- (d) For works contracts and Design and Build contracts with estimated contract sums of over \$500 million involving employment of Resident Site Staff (RSS) by Consultants, at least one safety personnel, who shall have the same or equivalent academic qualifications for registration as Registered Safety Officer, shall be included in the RSS establishment to act as safety advisor to the Architect/Engineer*.

7.3 **Employment and Performance of Registered Safety Officers (RSO)**

- (a) The number of RSO required under each contract depends on the number of workers employed on the Works or in connection with the contract whether in the employ of the Contractor or his sub-contractor in accordance with section 7.1.2(a)(i) or (ii) above under that contract.
- (b) For contracts where full-time RSO is not warranted, part-time RSO shall be employed. When a contract requires a part-time RSO, the total number of contracts served by the same RSO concurrently shall not be more than three. This is because the time to be spent by a part-time RSO stipulated in Chapter 3 shall be not less than 12 hours per week excluding attendance of the Site Safety Management Committee or Site Safety and Environmental Management Committee meetings and the Site Safety Committee or Site Safety and Environmental Committee meetings. It is therefore reasonable for a RSO not to serve more than three contracts at the same time except for contracts which are nearing substantial completion and may no longer require 12 hours site attendance by the RSO.
- (c) RSO database maintained by Development Bureau

To ensure that the contractual attendance requirements of the RSOs are met and only RSO with satisfactory performance are employed, a database called PWP Construction Site Safety and Environmental Statistics (PCSES) system is maintained by Development Bureau (DEVB) keeping records on the employment status and performance of RSO engaged in public works contracts. The Architect/Engineer or his delegated representative shall report any new appointment/changes/termination of the employment of RSO under a contract and/or his performance

within 2 weeks by entering the information in the PCSES System or using the RSO Notification Form in **Appendix II** under "Restricted" cover if the RSO database in PCSES system is upkept by the Departmental Safety and Environmental Advisory Unit (DSEAU) in the Works Department (WD). For replacement of RSO, two separate forms should be used with one for the newly employed and the other for the outgoing RSO.

(d) Procedure for Approving new RSO for public works contracts

The Contractor shall not commence any construction on Site without the appointment and attendance of the required number of RSO, unless expressly permitted by the Architect/Engineer in writing. The employment or replacement of each RSO shall also be approved by the Architect/Engineer in accordance with the following procedure:

- (i) For each proposed nomination of RSO, the Architect/Engineer shall request the Contractor to provide the following information:
- a copy of the proposed RSO's registration letter issued by Labour Department
 - previous employment records of the proposed RSO, including his engineering experience /background
 - present engagement of the proposed RSO in other contracts including public works contracts, Housing Authority contracts and private sector contracts, and the capacity in which he is employed(part-time or full-time); the anticipated completion date of such contracts should also be provided
- (ii) If the submitted information indicates that the proposed RSO is already working either full-time on another contract or part-time in three other contracts, then the proposed nomination should be rejected (see para. 7.3(b) above) unless it is confirmed that the proposed nominated RSO has relinquished his employment in other contracts.

- (iii) If the Architect/Engineer or his delegated representative considers that the proposed RSO can be employed under his contract, he will then verify the current employment status and previous performance records, if any, of the proposed RSO in other public works contract(s) against the data store in the database. For consultant managed contracts, a project officer shall provide the data extracted from the PCSES system. For Works Departments (WDs) upkeeping the RSO database in PCSES system by DSEAU, the Architect/Engineer or his delegated representative will verify the above-mentioned employment status and previous performance records of the RSO with the Departmental Safety and Environmental Adviser (DSEA) using the standard memo at **Appendix I**. DSEA shall furnish the information to the Architect/Engineer within 5 working days of receipt based on the information stored in the PCSES system.
- (iv) When there are doubts on the suitability of the proposed RSO, the Architect/Engineer shall seek the comments of the DSEA. DSEA shall provide his comment on the proposed nomination within 5 working days of receipt.
- (v) The Architect/Engineer shall then consider the proposed nomination based on the information collected and comments provided by DSEA taking also into consideration the following:
- When the proposed RSO is already working full-time in a current contract, no approval shall be given for new employment under other contract(s)
 - When the nature of the Works is complex, or involves high risk operations, the proposed RSO should possess relevant engineering background and adequate experience meeting the requirements of the Contract

- If the performance of the proposed RSO has been rated "poor" in other public works contract(s), the Architect/Engineer who had marked the "poor" performance and/or the Departmental Safety and Environmental Adviser shall be consulted before making a decision on the proposed employment.
 - If the proposed RSO is to work part-time in more than one contract, then the total number of contracts served by him concurrently shall in general not be more than three (para. 7.3(b) refers).
- (vi) After the employment of any approved new/replacement RSO by the Contractor, the Architect/Engineer shall upload the appointment/change of employment status of RSO to the PCSES system and complete the standard notification form in **Appendix II** to DSEA within 2 weeks. For WDs upkeeping the RSO database in PCSES system by DSEAU, the Architect/Engineer shall notify the RSO employment to DSEA within 2 weeks using the standard notification form in **Appendix II** for uploading to PCSES system by DSEAU.
- (vii) When the employment status of a RSO is changed due to works completion, replacement or removal from the Contract because of unsatisfactory performance etc., the Architect/Engineer shall notify the completion of the RSO service and provide his comments and remarks on the efficiency and performance of the RSO in the PCSES system and complete the standard notification form in **Appendix III** to DSEA within two weeks from the end date of the employment under the Contract. For WDs upkeeping the RSO database in PCSES system by DSEAU, the Architect/Engineer shall provide his comments and remarks on the efficiency and performance of the RSO on the standard form in **Appendix III** to DSEA within two weeks from the end date of the employment under the Contract for uploading to PCSES system by DSEAU.

- (viii) Unless a notification form is provided to the PCSES, the employment of a RSO under a previously registered Contract will not be automatically regarded as terminated after the completion date. It is therefore important that the Architect/Engineer should upload the notification to PCSES as soon as it is confirmed that the Contract is completed and/or the RSO is no longer employed.
- (ix) For contracts administered by consultants, the reporting of RSO employment/performance to PCSES system and DSEA of the concerned works departments shall be done through the project consultant management office.
- (x) If a RSO employed full-time under one contract has been found working concurrently under other contract(s) or employed as part-time safety officer, when the total time of engagement in all contracts concerned has exceeded 36 hours per week excluding attendance of the Site Safety Management Committee or Site Safety and Environmental Management Committee meetings and the Site Safety Committee or Site Safety and Environmental Committee meetings, the payment for "provide safety officer" under contracts participating in the Pay for Safety Scheme shall be deducted in accordance with the Method of Measurement. A remark shall also be made in the reporting form that the RSO has been over-engaged.
- (xi) The performance of the RSO shall be assessed by the Architect(s)/Engineer(s) or his Representatives of the concerned works department(s) with input from the respective Departmental Safety and Environmental Adviser(s) as necessary. In assessing, remarks on the following aspects should be made:
- adequacy of attendance and effort in site inspections, safety meetings, safety training and promotion
 - updating and keeping of records and statistics; preparation of reports, risk assessments and method statements

- provision of practical advice and comments
- responsive to advice and instructions and promptness in taking follow up action

To: **Departmental Safety and Environmental Adviser,** _____ (Dept)
(Attn: _____) (Fax No. (_____)
(Name/Post)

**Request Information on Employment Status
and Performance of the Proposed Safety Officer**

Contract No.: _____
Contract Title: _____
Contractor: _____

Contract Period: from _____ to _____

The contractor of the above contract has recently proposed *Mr./Ms.

_____ (_____) registered under Labour Department's
(name of proposed Safety Officer) (in Chinese)

letter ref. (_____) in _____ dated _____
(file ref.)

to be the ***full-time Safety Officer / part-time Safety Officer of not less than *6/12/18 hours worked per week** for the captioned contract. Prior to the approval, I should be grateful for your advice on the current employment status and the previous performance record of the proposed Safety Officer in other public works contract(s), if any.

Name in Block Letter of _____ Post _____ Signature _____ Date _____
*Architect/Engineer's
Representative

Contact Tel. No.: _____ Fax No.: _____

Name of the Consultant: _____
(Where applicable)

* Delete as appropriate

To: **Departmental Safety and Environmental Adviser,** _____ (Dept)
(Attn: _____) (Fax No. (_____)
(Name/Post)

Appointment/Change of Employment Status of Safety Officer

(To be uploaded to PCSES system, or submitted to Departmental Safety and Environmental Advisory Unit, within 2 weeks after the appointment or change of employment status of the Safety Officer for a contract)

Contract No.: _____
Contract Title: _____
Contractor: _____

Contract Period: from _____ to _____

Particulars of the Appointed Safety Officer:

_____ (_____) registered under Labour Department's
(name of proposed Safety Officer) (in Chinese)
letter ref. (_____) in _____ dated _____
(file ref.)

[Tick where applicable] [* Delete as appropriate]

This is to report the appointment of the above SO starting from: _____ (date)
and his/her employment status is: full time Part-time of *6/12/18 hour per week

This is to report the change of status of the above SO starting from: _____ (date)
and the new employment status is: full time Part-time of *6/12/18 hour per week

Name in Block Letter of _____ Post _____ Signature _____ Date _____
*Architect/Engineer's
Representative

Contact Tel. No.: _____ Fax No.: _____

Name of the Consultant: # _____

c.c. _____ (Attn: _____)
(Name of Contractor)

Only applicable for contracts administered by consultants

To: **Departmental Safety and Environmental Adviser,** _____ (Dept)
(Attn: _____) (Fax No. (_____)
(Name/Post)

Report on Performance of Safety Officer

(To be uploaded to PCSES system, or submitted to Departmental Safety and Environmental Advisory Unit, within 2 weeks after the end date of completion of service of the Safety Officer for a contract)

Contract No.: _____

Contract Title: _____

Full name of Safety Officer: _____ (English) (Chinese)

Start / End date of employment under the Contract: _____ / _____

Overall performance: * Very Good / Good / Satisfactory / Poor / Very Poor/NA

Remarks on the performance of the Safety Officer:

(Please provide evidence to support any adverse comments on the Safety Officer; and provide reason for “NA”)

Completed by: _____
Name of the *Architect/Engineer’s Representative Signature Date Tel. No.

Endorsed by: _____
Name of the *Architect/Engineer Signature Date

Name of the Consultant: # _____

c.c. _____ (Attn: _____)
(Name of Consultant Management Office) #

_____ (Attn: _____)
(Name of Contractor, only applicable if the report is adverse)

_____ (Attn: _____)
(Name of Safety Officer, only applicable if the report is adverse)

* Delete as appropriate # Only applicable for contracts administered by consultants