

**MEMO**

From Secretary for Development
Ref (03E72) in DEVB(W)516/80/04
Tel. No. 3509 8335
Fax No. 2524 9308
Email alancwwong@devb.gov.hk
Date 3 August 2022

To Distribution
(Attn : _____)
Your Ref. _____
dated _____
Fax No. _____
Total Pages 2 + Encl.

Construction Site Safety Manual

**Quarterly Performance Assessment of Safety Officers
in Public Works Contracts**

At present, Safety Officers (SOs) in public works contracts only appraised at the end of the employment under respective public works contracts whereas contractors (the employers of SOs) are appraised every quarter.

2. In order to have a continuous assessment on the performance of the SOs so as to provide timely reviews of the performance of the SOs and to identify possible areas for improvement to strive for further excellence, contract administrators of public works contracts are required to conduct quarterly performance assessments on SOs.

3. We have also taken the opportunity to enhance the transparency and fairness of the performance assessment system of SOs in public works contracts, by introducing the following two new measures:

- (a) the Architect/Engineer for the Contract shall provide a copy of the completed performance assessment report to the SO being appraised within 3 days after the end of the assessment period; and
- (b) an appeal mechanism will be introduced to handle appeals lodged by SO in respect of the Overall Performance in his/her quarterly performance assessment report.

4. To take forward the measures in paragraphs 2 and 3 above, Chapter 7 of the Construction Site Safety Manual has been updated and the revised pages are attached under this memo. The updated documents will be uploaded to the webpage of this Bureau.

Effect on Public Works Contracts

5. The measures in paragraphs 2 and 3 take effect on **1 September 2022**. To prepare for the changeover to quarterly performance assessment on 1 September 2022, contract administrators shall complete a performance assessment for all serving SOs in public works contracts for the period ending 31 August 2022, irrespective of their start date of employment in the respective public works contracts. All these performance assessments shall be uploaded to the PWP Construction Site Safety and Environmental Statistics (PCSES) system **by 14 September 2022**.

6. Please bring this memo to the attention of the project officers, consultants, resident site staff, contractors and safety officers.

Enquiries

7. Any enquiries on the above should be addressed to Mr LEE Man-yiu, Assistant Secretary (Works Policies 5) 5 at 3509 8305.

(Alan WONG)
for Secretary for Development

Distribution

DArchS	(Attn: DDArchS)
DCED	(Attn: DDCED)
D of DS	(Attn: DD of DS)
DEMS	(Attn: DDEMS/TS)
DHy	(Attn: DDHy)
DWS	(Attn: DDWS)

c.c.

DArchS	(Attn: DSEA)
DCED	(Attn: SE/SEA)
D of DS	(Attn: SE/SA)
DEMS	(Attn: SE/Q&S)
DHy	(Attn: SE/SEA)
DWS	(Attn: SE/Safety)

Internal

PS(W)	} to note in file
DS(W)2	
PAS(W)5	
AS(WP5)5	
File DEVB(W) 516/71/01	

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 an 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 RSOs with acceptable 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 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 stored in the PCSES system. For consultant managed contracts, a project officer shall provide the data extracted from the PCSES system. For 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" or "Very Poor" in other public works contract(s), the Architect/Engineer who had marked the "Poor" or "Very Poor" performance and/or the DSEA 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) Unless a notification form is provided to the PCSES system, the employment of an RSO under a previously registered contract will not be automatically regarded as terminated after the completion date. It is therefore important that the works departments should upload the notification to PCSES system as soon as it is confirmed that the Contract is completed and/or the RSO is no longer employed.
- (viii) 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.
- (ix) If an 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 performance assessment report that the RSO has been over-engaged.

(e) Performance Assessment of RSOs for Public Works Contracts

- (i) For having a continuous assessment on the performance of the RSOs so as to provide timely reviews of the performance of the SOs and to identify possible areas for improvement to strive for further excellence, performance assessment on RSOs (including those employed on full-time or part-time basis) shall be conducted for each one of the quarterly periods ending February, May, August and November. The standard proforma for quarterly performance assessment of RSOs is at **Appendix III**. Guidelines on Assessment of Overall Performance of Safety Officer is also given at **Appendix III**.
- (ii) If the employment status of an RSO is changed due to works completion, replacement or removal from the contract because of unsatisfactory performance, etc. in between the quarterly period ending February, May, August or November, performance assessment on the RSO shall be completed by using the standard proforma in **Appendix III**.
- (iii) If the Architect/Engineer's Representative considers that the performance of the RSO is unsatisfactory (viz. "Poor" or "Very Poor"), he/she shall ensure that the situation is brought to the attention of the

contractor and RSO concerned in writing. The Architect/Engineer shall also duly reflect the unsatisfactory performance of the RSO in the quarterly performance report of the contractor and RSO.

- (iv) The performance of the RSO shall be assessed by the Architect/Engineer or his/her Representative with input from the respective DSEA as necessary. In case the quarterly performance assessment report of the RSO is an "Outstanding", "Poor" or "Very Poor" report, substantiation at the remarks section of the standard proforma at **Appendix III** should be given to support the assessment. The "Outstanding", "Poor" or "Very Poor" report shall also be endorsed by a directorate officer of the Project Office supervising the consultants (for contracts supervised by consultants) or an officer at a rank higher than the Architect/Engineer for the Contract if the Architect/Engineer for the Contract is not a directorate officer (for contracts supervised by in-house resources). In carrying out the assessment, 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
 - responsiveness to advice and instructions from the Architect/Engineer or his/her Representative and Contractor and promptness in taking follow up actions
 - discharge of duties by RSO as required by the Contract
- (v) For the avoidance of doubt, if there are more than one RSOs working under the same

public works contract, each RSO shall be appraised separately.

- (vi) After the performance assessment report at **Appendix III** has been completed, the Architect/Engineer for the Contract shall furnish a copy of the completed performance assessment report to the RSO being appraised and the contractor concerned within 3 days after the end of the assessment period. The RSO being appraised shall also be advised in the same letter enclosing the performance assessment report that an appeal could be lodged pursuant to the mechanism in the ensuing paragraphs if he/she does not agree to the performance assessment in the report.
- (vii) If the RSO being appraised does not agree to the Overall Performance in the quarterly performance assessment report, he/she shall lodge an appeal, together with the written representation, to the DSEA of the WD concerned within five working days (Saturdays, Sundays and Public Holidays are not counted as working days) after the receipt of the quarterly performance assessment report from the Architect/Engineer for the Contract, with a copy to the project team of the Project Office. Late submission of an appeal by the RSO concerned shall not be entertained. DSEA will then arrange to review the quarterly performance assessment report concerned at the upcoming meeting of the Site Safety Review Committee (SSRC), or other equivalent committee, of the WD chaired by Deputy Director or Assistant Director of the WD. The Architect/Engineer for the Contract may be invited to join the deliberation. For the avoidance of doubt, no legal representative at the SSRC, or other equivalent committee, of the WD chaired by Deputy Director or Assistant Director of the WD is allowed.
- (viii) If the RSO lodges an appeal but subsequently fails to provide written representations within the prescribed period, the SSRC (or other equivalent committee) will discuss the appeal

without the representations from the RSO concerned.

- (ix) The decision by SSRC (or other equivalent committee) shall be final. DSEA will notify the RSO concerned of the final decision on the rating on Overall Performance in the quarterly performance assessment report concerned in writing as soon as the final decision by SSRC (or other equivalent committee) has been made.
- (x) All quarterly performance assessment reports of the RSOs shall be uploaded to PCSES system by WD within two weeks after the end of the assessment period. For WDs upkeeping the RSO database in PCSES system by DSEAU, the Architect/Engineer shall provide the completed **Appendix III** to DSEA within two weeks after the end of the assessment period for uploading to PCSES system by DSEAU.
- (xi) In case an appeal on the Overall Performance in the quarterly performance assessment report has been lodged by the RSO, the performance assessment report concerned shall be uploaded to the PCSES system by DSEAU within three days after SSRC (or other equivalent committee) has made the final decision.

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

Report on Performance of Safety Officer
(for the period between _____ and _____)

(To be uploaded to PCSSES system, or submitted to Departmental Safety and Environmental Adviser
 within 2 weeks after the end of the assessment period)

Contract No.: _____
 Contract Title: _____

Name of Safety Officer: _____
 Registration Reference _____
 under Labour Department _____

Overall Performance [Please refer to Guidelines overleaf] –

- ☐ Outstanding ☐ Good ☐ Satisfactory
☐ Poor ☐ Very Poor

Remarks on the Performance of the Safety Officer –

(Note: Remarks shall be given for supporting the rating for “Outstanding”, “Poor” or “Very Poor”)

Completed by: _____
 [Name & Post of A/E’s Representative] Signature Date

Agreed by: _____
 [Name & Post of A/E’s] Signature Date

Endorsed by[#]: _____
 [Name & Post of Officer in Project Office] Signature Date

[#] Only for report rated “Outstanding”, “Poor” or “Very Poor”. It shall be endorsed by a directorate officer of the Project Office supervising the consultants (for consultants-managed contracts) or an officer at a rank higher than the A/E if the A/E is not a directorate officer (for contracts supervised by in-house resources).

Name of Consultants[@] : _____

c.c.: _____ [Project Office in Dept[@]] (Attn: _____)
 _____ [Contractor] (Attn: _____)
 _____ [Safety Officer]

[@] For consultants-managed contract

Guidelines on Assessment of Overall Performance of Safety Officer –

Outstanding	Performance which is significantly and consistently better than that required by the Contract.
Good	Performance which is occasionally better than that required by the Contract.
Satisfactory	Performance which fully meets requirements in the Contract.
Poor	<ul style="list-style-type: none">(a) Performance of the Safety Officer considered to be below that required by the Contract though without serious deficiencies; <i>OR</i>(b) Where instructions have to be repeatedly issued and work has consistently to be redone in order to attain the “Satisfactory” level; <i>OR</i>(c) Performance of the Safety Officer could only meet requirements in the Contract through enhanced supervision effort.
Very Poor	<ul style="list-style-type: none">(a) Performance of the Safety Officer considered to be significantly below that required by the Contract; <i>OR</i>(b) Where instructions have to be repeatedly issued and the work has consistently to be redone but is still unable to attain a “Satisfactory” level; <i>OR</i>(c) Performance of the Safety Officer could not meet requirements in the Contract through enhanced supervision effort.

Note:

Personal data provided in this Report on Performance of Safety Officer are to facilitate the Safety Officer performance assessment process in public works contracts. Access to the completed report is limited to the Safety Officer being appraised and those authorised persons who are involved in the administration of the public works contracts in Government Bureaux/Departments requiring reference to completed Report on Performance of Safety Officer and authorized person participated in activities related to the administration of the Public Works Programme Construction Site Safety and Environmental Statistics (PCSES) system. As the data subject, the Safety Officer being appraised has the right to seek access to and correct the personal data in his/her Report on Performance of Safety Officer in accordance with the provisions of the Personal Data (Privacy) Ordinance. Such request should be made to the Departmental Safety and Environmental Adviser of the Works Department overseeing the public works contracts concerned.