

BY FAX & DESPATCH

MEMO

<i>From :</i>	Secretary for Development	<i>To :</i>	Distribution
<i>Ref :</i>	DEVB(W) 516/71/01	<i>Attn :</i>	
<i>Tel No :</i>	3509 8277	<i>Your Ref. :</i>	in
<i>Fax No :</i>	2524 9308	<i>dated :</i>	<i>Fax. No. :</i>
<i>Date :</i>	17 May 2017	<i>Total Pages :</i>	5 + Encl.

Construction Site Safety Manual

DEVB TC(W) No. 3/2009 – Regulating Action against Contractors for Occurrence of a Serious Incident or Conviction for Site Safety or Environmental Offences

The Works Policies Coordination Committee (WPCC) supported the results of the Review of Safety Management System for Public Works Contracts which include revisions to the following areas:

- (a) To establish a new statistic “severe incidents” for replacing “reportable incidents” in tender evaluation;
- (b) Regulating actions against contractors for occurrence of a serious incident include:
 - (i) requiring the contractor to undertake independent safety audit immediately after the serious incident occurred;
 - (ii) considering the contribution of third party in determining the level of penalty;
 - (iii) pre-qualified contractor of a tendering exercise not being affected by the regulating action;
- (c) The items in the Bills for the Pay for Safety Scheme (PFSS); and
- (d) The Safety Score Card system.

2. To effect revisions (a), (b)(i) and (b)(ii) above, amendments to Chapter 9 of the Construction Site Safety Manual (the Manual) and DEVB TC(W) No. 3/2009 have been made and promulgated under this memo with immediate effect. This memo also promulgates the general updating of Chapters 3, 7 and 8 of the Manual. Revisions (b)(iii), (c) and (d) above would be dealt with separately, upon finalizing the administrative details of the proposed revisions, under the relevant chapters of the Manual and technical circulars.

3. The updated contractual provisions shall be incorporated in public works contracts for which tenders are to be invited on or after 15 June 2017. The major revisions promulgated under this memo are summarised below:

Appendix III of Chapter 3 – Particular Specification (PS)

- (i) Clause 2(1) – Updating of regulations/guidelines.
- (ii) Clause 8 – Adding requirements for training to workers carrying out road works; and updating of training for site management/supervisory staff and acceptance of revalidation course.
- (iii) Clause 13(2)&(6) – Requirement for reporting of severe incidents.
- (iv) Clause 14(22) – Requirement for wearing chin straps attached to safety helmets.
- (v) Clause 18 – Inclusion of PS related to Pay for Safety Performance Merit Scheme. Annex F of the guidelines promulgated under DEVB memo ref (02LSW-01-1) in DEVB (W) 516/70/03 dated 22 November 2013 attached to ETWB TC(W) No. 19/2005 and incorporated in Chapter 12 of the Manual as Appendix VI (Version November 2013) is hereby obsoleted.
- (vi) Clause 19 – Enhancement of safety on excavation works.
- (vii) Clause 20 – Requirement for site traffic safety management plan.
- (viii) Clause 21 – Reminder of inclusion of PS related to Site Safety Cycle (SSC) and welfare facilities for workers according to ETWB TC(W) No. 30/2002.

Paragraph 7.3 of Chapter 7 – Employment and Performance of Registered Safety Officers

- (i) Revision to the reporting mechanism making use of the PWP Construction Site Safety and Environmental Statistics (PCSES) system.

Appendix II of Chapter 8 – Contact List of Labour Department

- (i) Updating of the list of telephone and fax numbers and Addresses.

Chapter 9 – Accident Reporting

- (i) Paragraph 9.3.5 – New paragraph for the details of report of severe incidents.
- (ii) Appendix IV to VI – Revision to the reporting mechanism making use of the PCSES system.

DEVB TC(W) No. 3/2009

- (i) The last part of paragraph 11 is to be replaced by the following:

“11. ... Upon receipt of the information, DEVB will check whether the contractor(s) and the subcontractor(s) concerned are on the Lists. If so, DEVB will write to the LD or MD and/or other government departments as appropriate to obtain further information on the incident. In the meantime, for those serious incidents happened on or after 15 June 2017, DEVB will write to and request the contractor(s) to conduct at his own expense an independent safety audit on the contractor’s safety management system at the construction site where the serious incident occurred. The procedures are set out in **Annex C, Attachment 3**. Should the contractor(s) decline to conduct the independent safety audit, then the decline would be recorded and presented in the Information Paper referred to in paragraph 17 for Panel members’ reference when the Panel is convened. On the other hand, should the contractor(s) conducted the independent safety audit accordingly and completed it within a reasonable time, then the audit findings would be summarised and presented in the aforementioned Information Paper for Panel members’ reference when the Panel is convened and the similar regulating action stipulated in paragraph 4 of Annex C, Attachment 1 would not be repeated.”

- (ii) The first part of paragraph 31 is to be replaced by the following:

“31. This paragraph applies where the regulating action decided on by PS(W) is either a voluntary suspension or a mandatory suspension, with an improvement proposal and/or an independent safety audit. Notwithstanding the period of suspension imposed upon or accepted by the contractor, where DEVB has written to the contractor in accordance with PS(W)’s decision requesting various improvements to be carried out by the contractor as part of the improvement proposal or an improvement action plan and a situation report as part of the independent safety audit, the suspension will not be lifted unless the overall score of the audit is 80% or above, and until DEVB is satisfied that ...”

- (iii) Paragraph 40 is added:

“40. In case a contractor with on-going voluntary or mandatory suspension(s) agrees to the suspension under the provisions of this Circular, the suspension will take effect immediately after the lifting of those ongoing suspension(s).”

- (iv) The note before paragraph 4 of Annex C Attachment 1 regarding Independent Safety Audit is to be replaced by the following:

“Independent Safety Audit

(Applicable for serious incident for which the contractor declined to conduct the independent safety audit as requested in paragraph 11 of this Circular or site safety offences only)”

- (v) Annex C Attachment 2 is to be replaced by the revised Annex C Attachment 2.

4. The updated documents of the Manual and DEVB TC(W) No. 3/2009 can be downloaded from DEVB’s website. The revision history of the Manual is attached in **Appendix A**. In addition, a list of relevant pages in the Manual that need to be updated is attached in **Appendix B** for easy reference.

5. The revisions have incorporated comments from DSEAs and Contract Advisors. For further enquiry, please contact Mr Henry LAM at telephone no. 3509 8305.

(Vitus NG)
for Secretary for Development

Encl.

Distribution

DArchS

DCED

D of DS

DEMS

DHy

DWS

c.c.

DSEA/ArchSD

DSEA/CEDD

DSEA/DSD

DSEA/EMSD

DSEA/HyD

DSEA/WSD

CAd/ArchSD

SE/CA/CEDD

SE/CA/DSD

CAd/EMSD

SE/CA/HyD

SE/CA/WSD

Internal – *to note in file*

PSW

DS(W)2