

Appendix VIII – Occupational Safety and Health in “Minor Works” - Advice from the Labour Department

1 Introduction

In carrying out “minor works”, all too often workers would encounter occupational safety and health (OSH) problems. In the event of a workplace accident during the work, not only workers and their families would suffer harm and pain, there would also be delay and even suspension of works, thus incurring losses. What is more, the additional costs that arise from accidents, such as compensation, medical expenses, insurance premiums, criminal and civil litigation and the like, would bring losses to contractors, employers, property owners, residents, commercial tenants, property management companies and incorporated owners.

2 Legal Liability of a “Duty Holder”

Although the legal interpretation of “duty holder” is rather broad, its basic concept refers to any person, in particular the contractor, employer, occupier, client of outsourced contractors, property management company, incorporated owners and the executor of the Deed of Mutual Covenant, etc., who has any degree of control over the premises or workplace. The liabilities of an “occupier” and an “employer” are clearly defined under the Occupational Safety and Health Ordinance (Cap. 509). Any person who fails to comply with the relevant provisions is liable on conviction to a maximum fine of \$200,000 and to imprisonment for 6 months.

3 Key Points in OSH Management

Duty holders in different capacities have to focus on different key points in OSH management. Some key points in OSH management for “minor works” are listed below for reference.

- (a) The employer and the contractor responsible for “minor works” should -
 - conduct risk assessment of “minor works”; and
 - establish and implement a safe system of work, including observance of safety regulations and training and supervision of workers.
- (b) The occupier (including Property Management Companies / Incorporated Owners / Property Owners / Residents / Commercial Tenants) should -
 - conduct site inspection on the “minor works” or appoint building professionals to carry out such work and determine the areas for which he has a duty in the capacity of an “occupier”; and
 - take safety measures to eliminate or reduce the risks related to “minor works” such as fencing off the work site, prohibiting persons not connected with the works from entering the site, etc.
- (c) The client of outsourced contractors involved in the works should -
 - be thoroughly acquainted with all the risks and safety issues of the outsourced work, determine the scope of responsibilities, seek professional and legal advice and take out liability insurance, etc.;
 - consider not only the tender price but also the company’s past safety record and adequacy of safety management system listed in the project plan when awarding a “minor works” contract;
 - regulate, through contractual terms, the planning and implementation of appropriate

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- safety measures by the contractor, and manage and control the contractor and his sub-contractors; and
 - seek assistance from relevant government departments if a serious safety and health problem relating to “minor works” is likely to occur.
- (d) The property management company and the executor of the Deed of Mutual Covenant should -
- disseminate the OSH information on minor works to property owners / residents / commercial tenants;
 - find out in advance from the persons concerned and the property owners the nature of works to be carried out in the common areas or a unit of the building, and take actions to supervise and control the works accordingly; and
 - request the contractors and workers carrying out the works to submit relevant proof of safety training.

4 Safety Issues to Note

The legislation administered by the Labour Department for governing OSH in “minor works” include the Occupational Safety and Health Ordinance, the Factories and Industrial Undertakings Ordinance and its subsidiary Construction Sites (Safety) Regulations, Factories and Industrial Undertakings (Electricity) Regulations, Factories and Industrial Undertakings (Gas Welding and Flame Cutting) Regulation, Factories and Industrial Undertakings (Dangerous Substances) Regulations, Factories and Industrial Undertakings (Woodworking Machinery) Regulations and Factories and Industrial Undertakings (Cartridge-Operated Fixing Tools) Regulations.

- (a) Working at Heights Safety:
- Working at height is common in “minor works”, such as renovation works at external walls, installation of split-type air conditioners and laying of wires and pipes. Contractors must take adequate safety precautions to prevent workers from falling from heights or over building edges, scaffolds or working platforms while carrying out works. These works should be carried out on a proper working platform or a scaffold provided with proper working platforms;
 - Regarding the guard-rails erected at working platforms, gangways, runs, building edges or stairways, the top guard-rail should be fixed at a height between 900 mm and 1150 mm while the intermediate guard-rail should be fixed at a height between 450 mm and 600 mm. A working platform on a bamboo scaffold should be protected by not less than 2 horizontal bamboo members of the scaffold spaced at intervals between 750 mm to 900 mm;
 - The width of a working platform should not be less than 400 mm. The height of toe-boards should not be less than 200 mm;
 - Truss-out bamboo scaffolds are commonly used in renovation works at external walls and installation of air conditioners. In the erection of a truss-out scaffold, the design of the scaffold and the relevant working procedures should be drawn up by a competent person. Each bracket should be fitted with three or more anchor bolts. The scaffold should be firmly fixed in a suitable location and provided with safe means of access. When the erection of the scaffold is completed, it should be certified safe by a competent person before the scaffold is taken into use. Workers working on truss-out scaffolds

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- should wear safety harnesses, and each harness is fitted with fall arrestor and anchored to an independent lifeline; and
- A ladder serves mainly to provide a safe means of access and egress and should not be used as a working platform or as a means of support for working.
- (b) Electricity Safety:
- Temporary electric boards and portable electric tools are commonly used in “minor works”. If safety precautions for such devices and equipment are not sufficient, serious electrical accidents would happen at anytime;
 - Do not connect too many electrical appliances to one socket outlet; one socket outlet should be connected with one electric tool only. The power supply should be installed with an effective residual current circuit-breaker;
 - Fasten the cord to the cord grip on the plug. The cord grip should grip the outer insulation sheath of the cord. The live, neutral and earth cores in the cord should be properly connected onto the plug;
 - Use non-conductive working platforms to carry out electrical works at height;
 - Avoid using electrical equipment in congested and wet workplaces; and
 - When working in a switch room or performing electrical installation, isolate the supply to the electrical equipment and circuits to be worked on. The associated circuit breakers or switches should be locked up with warning signs posted outside the switchboard panels to indicate that work is in progress.
- (c) Welding Safety:
- Electric arc welding and gas welding are common in the welding and cutting processes. The area nearby the welding process should be free from inflammable substances and no work involving inflammable substances should be carried out at the same time;
 - Welding process should be carried out in a well-ventilated place; workers should have undergone relevant safety training and wear suitable personal protective equipment;
 - Electric arc welding process should not be carried out on wet floor, in humid condition or outdoor in rainy weather. The welding equipment and the workpiece should be effectively earthed. The bare live metal part of the electric arc welding transformer must be insulated or covered; and
 - Before carrying out gas welding work, the equipment and device such as the flashback arrestor should be carefully checked; damaged parts should be repaired and replaced. The gas cylinders, when in use, should be kept upright and as far away from the hot work as possible. Fire extinguishers should be provided near the welding process.
- (d) Fire Precautions for Inflammable Substances:
- Paint, thinner, turpentine, adhesive and alcohol used for “minor works” are inflammable substances. If the substances are not properly handled, fire and explosion may occur;
 - Containers holding inflammable substances should be properly labelled to remind workers of the relevant hazards and safety precautions; and
 - When inflammable substances are in use, good ventilation should be provided and smoking prohibited. Naked flame and hot work such as welding and asphalt-mixing should not be conducted in the vicinity.
- (e) Confined Spaces Safety:
- The cleaning / maintenance of manholes, sewer drains, water tanks and the like are typical examples of working in confined spaces;
 - Dangers commonly found in confined spaces are oxygen deficiency and the presence of methane and toxic gases such as hydrogen sulphide leading to suffocation, fire and

Appendix VIII – Occupational Safety and Health in “Minor Works” - Advice from the Labour Department

explosion. However, some potential hazards may be overlooked, such as the sudden in-rush of liquids / sewage, or caving in of sand and gravel; and

- Before conducting work in a confined space, the competent person(s) shall conduct a risk assessment on the work to be performed in confined space, and ensure that effective safety measures have already been taken to eliminate the risks, including signing and issuing permit-to-work, conducting tests on quality of air and effectiveness of the ventilation, and using breathing apparatus. Only certified workers shall be allowed to enter confined spaces or work inside.

5 Conclusion

Duty holders must clearly define their roles and responsibilities in “minor works” and provide a safe and healthy working environment for the works through proper arrangements and sound management.

For more OSH information, please refer to the safety publications “Code of Practice for Bamboo Scaffolding Safety”, “A Guide to the Factories and Undertakings (Electricity) Regulations”, “Code of Practice : Safety and Health at Work for Gas Welding and Flame Cutting”, “Occupational Safety and Health Management in Renovation and Maintenance Works for the Property Management Industry”, “Guidance Notes to Renovation Safety”, “Safety Precautions in Use of Truss-out Scaffolds” (Chinese version only) and “Safety Hints on Renovation Work”. These publications can be obtained free of charge from the district offices of the Occupational Safety and Health Branch (OSHB) of the Labour Department (LD) or downloaded from LD’s homepage (http://www.labour.gov.hk/eng/public/content2_8.htm) for reference. For further enquiry, please contact the OSHB of LD at 2559 2297.

