

Explanatory Notes on Accident/Incident Reporting for Construction Sites

These notes are to be read in conjunction with the Summary of Action.

(0) Introduction

- 0.1 The explanatory notes outline the reporting mechanism of industrial accidents and incidents on construction sites.
- 0.2 Industrial accidents ^{Note 1} / incidents on construction site are reflective indicators of the effectiveness of safety management, and as such, may provide a clue on areas requiring rectification and improvement. It is the responsibility of the Contractor and the Site Safety Committee to study and find out the true causes / factors contributing to the accident / incident, any unsafe conditions and practices leading to the accident / incident, and advise corrective measures to prevent recurrence.
- 0.3 For administrative purpose, industrial incidents / accidents are classified into respective categories and the procedures for reporting accident / incident are described in the paragraphs below. These categories may not be mutually exclusive, i.e. an incident can be categorized under one or more category.
- 0.4 The Contractor is required under the Factories and Industrial Undertaking (F&IU) Regulation 17 to notify Labour Department (oral or written) for accidents that resulted in fatality and serious bodily injury (if a person is admitted to a hospital immediately following the accident for observation or treatment) and to the Police (for fatal case) within 24 hours.
- 0.5 Accidents that have resulted in incapacity exceeding 3 days have to be reported in writing by the proprietor (Contractor) to Labour Department within 7 days after the accident.
- 0.6 Related contractual requirements on accident reporting are stipulated under the relevant GCC Clause and Particular Specification for contracts adopting the HKHA General Conditions of Contract. Term contracts shall adopt

Note 1 Industrial accidents refer to injuries and deaths arising from industrial activities in industrial undertakings as defined under the F&IUO. A reportable accident, under the F&IUO, refers to injuries arising from industrial activities, which incurs incapacity of the person injured for more than 3 days.

revised contractual requirements on accident reporting accordingly.

0.7 The Contractor shall comply with pertinent procedures, contractual and legal obligations for accident/ incident report and follow-up actions, including but not limited to the following-

- (a) Report to the Labour Department in prescribed forms:
(<https://www.info.gov.hk/cgi-bin/forms/elogframe.cgi?formnoinput=&keywordinput=&deptinput=LABD&format=&dept=Search>)
 - (i) accidents involving incapacity from work for more than 3 days
 - Form 2 with Supplementary Information on Accidents on Construction Sites
 - (ii) occupational diseases
 - Form 2A
 - (iii) accidents involving incapacity from work for not more than 3 days
 - Form 2B
 - dangerous occurrence defined in the First Schedule of the F&IU Regulations
 - Dangerous Occurrence Report Form [DO]
 - (iv) dangerous occurrence defined in the Occupational Safety and Health (OSH) Ordinance
 - Dangerous Occurrence Report Form [DO/NIU]
- (b) Copy such reports to the CM in accordance with the relevant clause(s) of GCC for Term Contracts;
- (c) Report to the Contract Manager (CM) or Contract Manager Representative all accidents as defined under the Factories and Industrial Undertakings Regulations and any other incidents to be reported immediately (within the day of the occurrence of the accident / incident) in accordance with the ‘accident / incident reporting procedures’ of HD set out at the Housing Authority Site Safety Website.
- (d) The Form 2, Supplementary Information Sheet, Form 2A, Form 2B and Dangerous Occurrence Form can be obtained from government website mentioned in 0.7(a) and submission to Labour Department. Follow

the accident / incident reporting procedures of HD which are obtainable from the Housing Authority Site Safety Website (Summary of Action). Printing and submission of signed hard copy of the LD's Form 2 and Form No. EMDTG04-F6 (the Preliminary Report) with hard copy of all other documents is required.

- (e) Notify Housing Department site staff immediately on the day of the accident / incident, including –
 - (i) Serious accident / incident;
 - (ii) Reportable accidents including non-serious accidents, dangerous occurrence and near miss / incidents (if the accident / incident, though not serious by immediate effect, may have potentially serious consequence, such as those involving but not limited to falling from height, falling object, being struck by moving object, lifting, injury to head, profuse bleeding, injured person becoming unconscious, body of injured person pierced by foreign object, public safety etc.) on site, or substantial damage to works or property;
 - (iii) Death of person; and
 - (iv) Injury or fatality involving members of the public.
- (f) Provide statistics and analysis of accidents, investigate and ascertain contributory factors and root causes, identify the trends and recommend means of prevention and improvement;
- (g) Provide necessary information to the Nominated Sub-contractors' Safety Supervisors for preparing Nominated Sub-contractors' accident report and investigation; and
- (h) Provide means to communicate accident statistics information, recommendation to prevent recurrences and lessons learnt from previous accidents to all persons working on the Site;
- (i) For injury involving hospitalisation for over a week, Contractor has to

provide report to CM by Form no. EMDTG04-F7 weekly and within 7 days after the discharge of the injured or issue of certification of death. Printing and submission of signed hard copy of the Form no. EMDTG04-F7 by the Contractor is required; and

(j) Report to Monthly Contract Meetings findings and actions as above.

0.8 After the HD project clerk of works, building services inspector or inspector of works has vetted the preliminary report prepared by the Contractor, Contractor should issue an investigation report to conclude by the fact itself about the accident / incident to respective CM as soon as possible. Printing and submission of signed hard copy of the investigation report with attachments by the Contractor is required.

0.9 Contract Manager should brief the Contractor of pertinent accident / incident report and follow-up actions in Monthly Contract Meeting.

(1) Non-serious accident

1.1 Footnote 1 defines industrial accident under the F&IU Regulations. Defining an accident as “non-serious” (those not classified as serious below but required to be reported to LD (Form 2)), is to facilitate contractors’ performance review process (not statutory) as triggered by the accident and for the purpose of administering the reporting procedure. The administrative definition of a “serious accident” is described in (2) 2.2 below; accident of lesser severity is “non-serious”.

1.2 Upon occurrence of a “non-serious accident”, the Contractor is required to verbally report to HD site staff immediately i.e. within the day of the accident.

1.3 Within 7 days after occurrence of a “non-serious accident”,
(a) the Contractor is required to submit to the Labour Department(LD)’s Form 2 and Supplementary Information on Accidents on Construction Sites in accordance with the F&IU Regulations.
(b) a copy of attachments, concealing sensitive privacy data, is to be submitted together with the LD’s Form 2 to the CM with copy to the Statutory Compliance Unit (SCU) (for Building Works) or the Building

Services Management Unit (BSMU) (for Building Services Works).

(c) Form No. EMDTG04-F6 is to be submitted to the CM within 24 hours.

- 1.4 For all reportable accidents, the Contractor is required to submit to the CM accident investigation report as soon as practicable.
- 1.5 For accidents with potentially serious consequence, such as those involving but not limited to falling from height, falling object, being struck by moving object, lifting, injury to head, profuse bleeding, injured person becoming unconscious, body of injured person pierced by foreign object, public safety etc., the CM will conduct meeting with the Contractor to review the incident and any necessary safety improvement measures (paragraphs under (6) below refer).
- 1.6 The Contractor is required to report findings and recommendations of accident investigation to Site Safety Committee convened by the Contractor and Monthly Contract Meeting as soon as practicable.

(2) Serious (including fatal) incident

- 2.1 Footnote 1 defines industrial accident under the F&IU Regulations. Defining an accident / incident as “serious”, as opposed to “non-serious”, is to facilitate contractors’ performance review process (not statutory) as triggered by the accident and for the purpose of administering the reporting procedure.
- 2.2 Serious incident means an incident involving either one or a combination of the following (with reference to DEVB TC(W) no. 3/2009):
 - (a) Loss of life at a construction site;
 - (b) Serious bodily injury at a construction site:
 - (i) resulting in a loss or amputation of a limb; or
 - (ii) which has caused or is likely to cause permanent total disablement to the injured;
 - (c) Dangerous occurrence as listed in Schedule 1 of F&IU Reg (Cap 59A);
 - (d) Incident at a construction site leading to or resulting in an injury that is considered serious (but not up to the extent as described in (ii) above), or damage to works or property on or adjacent to the construction site

that posed a potential threat to public safety.

- 2.3 Upon occurrence of a “serious incident”, the Contractor is required to report to the Police and verbally report to HD site staff immediately after calling hotline 999 on the day of the incident; and notify an occupational safety officer of the Labour Department within the day of the accident.
- 2.4 Within 7 days after occurrence of a “serious incident”,
 - (a) the Contractor is required to submit to the LD’s Form 2 and Supplementary Information on Accidents on Construction Sites in accordance with the F&IU Regulations.
 - (b) a copy of attachments, concealing sensitive privacy data, is to be submitted together with the LD’s Form 2 to the CM with copy to the Statutory Compliance Unit (SCU) (for Building Works) or the Building Services Management Unit (BSMU) (for Building Services Works).
 - (c) Form No. EMDTG04-F6 is to be submitted to the CM within 24 hours.
- 2.5 The Contractor is required to submit to the CM accident investigation report as soon as practicable.
- 2.6 The CM will conduct meeting with the Contractor to review the incident and any necessary safety improvement measures (paragraphs under (6) below refer).
- 2.7 The CM, based on his understanding of the incident and the site circumstances, without necessarily depending on receipt of the Contractor’s investigation report, may issue timely warning to the Contractor.
- 2.8 The Contractor is required to report findings and recommendations of accident investigation to Site Safety Committee convened by the Contractor and Monthly Contract Meeting as soon as practicable.
- 2.9 The secretary of CRC will inform the concerned contractor to attend an interview with CRC or Procurement Review and List Management Board (PRLMB).
- 2.10 Serious incident will trigger Panel of Enquiry process.

(3) Dangerous Occurrence ^{Note 2}

3.1 Upon occurrence of a Dangerous Occurrence (DO), the Contractor, under the F&IU Regulation 18 and OSH Ordinance Section 14, is required to report to the Labour Department within 24 hours by submitting appropriate Dangerous Occurrence Report Form.

^{Note 2} A. Dangerous Occurrence (DO) is defined under Schedule 1 of F&IU Reg (Cap 59A) and extracted below for ease of reference:

1. Bursting of a revolving vessel, wheel, grindstone or grinding wheel moved by mechanical power.
2. Collapse or failure of a crane, derrick, winch, hoist or other appliance (but not including a builder's lift or tower working platform to which the Builders' Lifts and Tower Working Platforms (Safety) Ordinance (Cap 470) applies) used in raising or lowering persons or goods or any part thereof (except the breakage of chain or rope slings), or the overturning of a crane.
3. Explosion or fire causing damage to the structure of any room or place in which persons are employed, or to any machine or plant contained therein and resulting in the complete suspension of ordinary work in such room or place.
4. Electrical short circuit or failure of electrical machinery, plant or apparatus, attended by explosion or fire or causing structural damage thereto, and involving its stoppage or disuse.
5. Explosion of a receiver or container used for the storage at a pressure greater than atmospheric pressure of any gas or gases (including air) or any liquid or solid resulting from the compression of gas.
6. Collapse in whole or part from any cause whatsoever of any roof, wall, floor, structure or foundation forming part of the premises of an industrial undertaking in which persons are employed.
7. Total or partial collapse of any overburden, face, tip or embankment in a quarry.
8. Overturning of, or collision with any object by, any bulldozer, dumper, excavator, grader, lorry or shovel loader, or any mobile machine used for the handling of any substance in a quarry.

B. Dangerous Occurrence (DO) is defined under Schedule 1 of Occupational Safety and Health Ordinance (Cap 509) and extracted below for ease of reference:

1. The disintegration of a revolving vessel, wheel, grindstone or grinding wheel that is operated by mechanical power.
2. The collapse or failure of a lifting appliance* (except the breakage of chain or rope slings).
3. An explosion or fire that
 - (a) causes damage to the structure of any workplace, or to any plant or substance at a workplace; and
 - (b) prevents the continuation of ordinary work at the workplace.
4. An electrical short circuit or electrical failure of electrical plant that
 - (a) is followed by, or associated with, an explosion or fire, or
 - (b) causes structural damage to the plant, being a short circuit, failure, explosion, fire or damage that stops the operation of the plant or prevents it from being used.
5. An explosion of a receiver or container used for the storage at a pressure greater than atmospheric pressure of any gas or gases (including air) or any liquid or solid resulting from the compression of gases.
6. A total or partial collapse of a roof, wall, floor, structure or foundation of premises where a workplace is located.
7. A total or partial collapse of any overburden, face, tip or embankment within a quarry.
8. The overturning of, or a collision with any object by,
 - (a) a bulldozer, dumper, excavator, grader, lorry or shovel loader, or
 - (b) a mobile machine used for the handling of any substance in a quarry.

N.B. * lifting appliance includes crane, derrick, winch and hoist.

- 3.2 To avoid possible delay of reporting due to mis-interpreting what is a DO under the above stated F&IU Regulation and OSH Ordinance, the Contractor is required to report to the Labour Department of any such likely incident and let the decision rest with the Labour Department.
- 3.3 The Contractor is required to verbally report to HD site staff immediately i.e. within the day of the DO.
- 3.4 Within 24 hours after the DO, the Contractor submits a copy of the DO Report Form together with the LD's DO Report Form and Form No. EMDTG04-F6 to CM with copy to SCU (for Building Works) or BSMU (for Building Services Works).
- 3.5 The Contractor is required to submit to the CM investigation report as soon as practicable.
- 3.6 The CM will conduct meeting with the Contractor to review the incident and any necessary safety improvement measures (paragraphs under (6) below refer).
- 3.7 The CM, based on his understanding of the incident / accident, without necessarily depending on receipt of the Contractor's investigation report, may issue timely warning to the Contractor.
- 3.8 If the DO incurs a reportable accident,
 - (a) within 7 days, the Contractor is required to submit to the Labour Department Form 2 and Supplementary Information on Accidents on Construction Sites in accordance with the F&IU Regulations.
 - (b) a copy of attachments, concealing sensitive privacy data, is to be submitted together with the LD's Form 2 to the CM with copy to the Statutory Compliance Unit (SCU) (for Building Works) or the Building Services Management Unit (BSMU) (for Building Services Works).
 - (c) Form No. EMDTG04-F6 is to be submitted to the CM within 24 hours.
- 3.9 The Contractor is required to report findings and recommendations of accident investigation to Site Safety Committee convened by the Contractor and Monthly Contract Meeting as soon as practicable.

If the DO is a Serious Incident

3.10 The secretary of CRC will inform the concerned Contractor to attend an interview with CRC or Procurement Review and List Management Board (PRLMB).

3.11 Serious incident will trigger Panel of Enquiry.

(4) Near Miss / Incident

4.1 If the occurrence of a near miss / incident involves potentially serious or fatal consequence (even though seemingly not serious by immediate effect, such as those involving but not limited to falling from height, falling object, being struck by moving object, lifting, public safety etc.), or substantial damage to property, the Contractor is required to verbally report to HD site staff immediately i.e. within the day of the near miss / incident.

4.2 In the above circumstances, within 24 hours after occurrence of a near miss / incident, the Contractor submits to CM, Form No. EMDTG04-F6 with copy to SCU (for Building Works) or BSMU (for Building Services Works).

4.3 The Contractor is required to submit to the CM an investigation report and other required attachments with sensitive privacy data concealed as soon as practicable.

4.4 The CM will consider to conduct meetings with the Contractor to review the near miss / incident and any necessary safety improvement measures (paragraphs under (6) below refer).

4.5 The CM, based on his understanding of the near miss / incident, without necessarily depending on receipt of the Contractor's investigation report, may issue timely warning to the Contractor.

4.6 The Contractor is required to report findings and recommendations of investigation of such near miss / incident to Site Safety Committee convened by the Contractor and Monthly Contract Meeting as soon as practicable.

(5) Death of person(s) not due to industrial accident ^{Note 3} / Injury or fatality involving members of the public

- 5.1 Upon occurrence of an incident which involves death of person(s) not due to industrial accident on site, the Contractor is required to verbally report to HD site staff immediately within the day of the incident.
- 5.2 The Contractor is required to report to the Police immediately and the Labour Department within 24 hours after the incident. The Contractor is required to assess if the death concerned is not due to industrial accident, including calling the Labour Department's Employees' Compensation Division (on 3107 1700 or updated telephone number). The Contractor shall follow up all necessary action.
- 5.3 Upon consultation with the Labour Department's Employees' Compensation Division, if applicable, within 7 days after occurrence of such incident,
- (a) the Contractor is required to submit to the LD's Form 2 and Supplementary Information on Accidents on Construction Sites in accordance with the F&IU Regulations, and Labour Department Form 2A in case of death due to occupational disease in accordance with Employees' Compensation Ordinance and Regulations.
 - (b) A copy of such documents, concealing sensitive privacy data, is to be submitted together with the submission of LD's Form 2 (if necessary) and Form No. EMDTG04-F6 to the CM with copy to SCU (for Building Works) or BSMU (for Building Services Works).
 - (c) The Contractor is required to report findings and recommendations of investigation of such incident to Site Safety Committee convened by the Contractor and Monthly Contract Meeting as soon as practicable.

(6) Follow up on accident / incident report and investigation by Contractor

- 6.1 Apart from the aforesaid accident / incident reporting procedures, the Contractor has the following obligations –
- (a) provide statistics and analysis of accidents,
 - (b) investigate and ascertain contributory factors and root causes of accident, identify the trends; and

^{Note 3} Occupational Safety & Health Ordinance Section 13 requires that an accident occurred at a workplace must be reported to an occupational safety officer within 24 hours if the accident causes death or serious bodily injury. Written report is required within 7 days after the date of accident. The accident is defined to include any event that detrimentally affects the health of a person.

(c) recommend means of prevention and improvement.

6.2 Contractor has to provide necessary information to the Nominated Sub-contractors' Safety Supervisors for preparing Nominated Sub-contractors' accident report and investigation. Report to the monthly site meetings all accidents and incidents, including dangerous occurrence.

6.3 In the event of serious accident, dangerous occurrence or as deemed necessary (near miss / incident / non-serious accident with potentially serious consequence), CM should consider to conduct an interview with the Contractor to ascertain pertinent matters of concern including but not limited to the following –

- (d) Details and circumstances leading to the accident / incident (with photos and plans showing the accident scene and setting);
- (e) Investigations / findings (including probable causes);
- (f) Safety measures adopted prior to the accident /incident ; and
- (g) Improvement actions after the accident /incident to prevent recurrence.

6.4 For injury involving hospitalisation for over a week, Contractor has to submit Form no. EMDTG04-F7 to the CM weekly and within 7 days after the discharge of the injured or issue of certification of death.

6.5 Contractors should make use of the tool Root Cause Analysis to identify the probable causes and deficiencies in the safety management system for formulating improvement actions to prevent recurrence.

(7) Triggering accident report to Contractors Review Committee

7.1 As mentioned in the above paragraphs, CM in charge should trigger the accident / incident report to CRC (using Fatal Accident / Serious Incident Report – Form no. EMDTG04-F5) if it is a serious incident as defined in (2) 2.2 above.

7.2 Apart from the above categories, CM may elect to trigger an accident / incident report to CRC if deemed necessary –

- (a) near miss / accident though not serious by immediate effect but with potentially serious consequence, such as those involving but not limited to falling from height, falling object, being struck by moving object, lifting, injury to head, profuse bleeding, injured person

becoming unconscious, body of injured person pierced by foreign object, public safety etc; or

- (b) if there are particular concerns about contractor's safety performance, such as frequent accident occurrence or poor safety performance as revealed by site inspections, site audits, MASS safety assessments, safety audits, surprise safety inspections etc.).

7.3 In the event of serious incident, CRC or PRLMB will interview the Contractor.