Development and Construction Management Board Instruction P06/09 (3rd Issue)

From: AD(DP)  To: All Project Teams and Contract Managers
Date: 27 April 2016  Total Pages: 11 + 69 (Annexes 1 - 8 )
+ 3 (supplementary information for internal use only)

Regulatory Measures on Account of Unsatisfactory Site Safety Performance in Capital Works New Works Contracts
(Revised on 27.04.2016)

PURPOSE

The Housing Authority (HA) Building Committee approved the implementation of the suspension from tendering system on account of unsatisfactory site safety performance on 10 August 1999 (BC Paper no. 138/99 refers). This Instruction updates the established procedures and sets out the regulatory actions and procedures to be taken. It shall be read in conjunction with DCMBI no. P05/09 on accident reporting.

(a) the implementation of the suspension from tendering system on account of unsatisfactory site safety performance in Housing Authority (HA) Capital Works New Works Contracts (including demolition, foundation, building and associated building services nominated sub-contracts, civil engineering, geotechnical engineering and soft landscape works);

(b) serious incident occurrence; and

(c) enhanced alert or warning trigger on account of accident rate for Capital Works New Works building contracts.

ACTION & STATUS

2. This Instruction is MANDATORY. DCMB approved the issue of this Instruction on 31 March 2016 by presumption.
3. All the regulatory measures stipulated in this Instruction shall take immediate effect.

4. The Guide to Registration of Works Contractors and Property Management Services Providers (the Guide) lays down the guidelines and procedures on administration and monitoring of the performance of Housing Authority (HA) works contractors and property management service providers. This Instruction shall be read in conjunction with the Guide, and Development Bureau (DEVB) Technical Circular (Works) No. 3/2009 Note 1.

SUMMARY OF CHANGES

5. The summary of changes include the following –

(a) Addition of Procurement Review and List Management Board (PRLMB) in the examination process of suspension from tendering on account of Labour Department’s Suspension Notice.

(b) The regulatory measures on account of unsatisfactory site safety audit performance of building services nominated sub-contractors to follow those of building and engineering works have been added.

(c) Revision of warning trigger from 18 per 1,000 workers to 15 per 1,000 workers on account of the revised performance target from no more than 12 accidents per 1,000 workers to no more than 9 accidents per 1,000 workers Note 2 under the Programme of Activities (POA) for Development & Construction and Building Control.

(d) Inclusion of alert and warning trigger on account of unsatisfactory performance under Surprise Safety Inspection Programme (SSIP).

(e) Inclusion of procedure on alert and warning trigger on account of unsatisfactory performance under Housing Authority Safety Auditing System (HASAS) in this instruction.

(f) Minor editorial amendments.

Note 1 The said circular sets out the policy and procedure when considering regulating action against a contractor (including sub-contractors) on public works lists for occurrence of a serious incident or conviction of site safety (or environmental) offences. hyperlink: http://www.devb.gov.hk/filemanager/technicalcirculars/en/upload/299/1/C-2009-03-0-1.pdf

Note 2 With effect from 1 April 2016 onwards the performance target was revised from at not more than 12 accidents per 1,000 workers to 9 accidents per 1,000 workers under the Programme of Activities for Development & Construction and Building Control.
IMPLEMENTATION

6. The three routes by which failure to meet pre-determined site safety performance standard leading to suspension from tendering are on account of –

(a) Labour Department’s Suspension Notice;

(b) Development Bureau (DEVB) Panel Hearing verdict; and

(c) Housing Authority Safety Auditing System (HASAS) Score.

7. When a contractor is suspended from tendering for a specific period, the contractor is subject to the following –

(a) will not be invited to tender for contracts to be tendered out during the specific period;

(b) for tenders issued but not yet submitted, the contractor will be asked to stop processing the tenders and return any collected tender documents immediately; and

(c) tenders already returned by the contractor will not be considered / recommended for award during the specific period.

8. Detailed criteria of each of the aforementioned three routes are given in the ensuing paragraphs 9 to 18.

(A) Suspension from Tendering on account of Labour Department’s Suspension Notice (Flowchart in Annex 1A) (For all Capital Works New Works Contracts)

9. Labour Department conducts regular inspection at construction sites to check that site safety provisions and operation are in compliance with site safety regulations. Should there be serious site safety contraventions, the Commissioner for Labour is authorized under the Occupational Safety and Health Ordinance to suspend construction activities by issuing Suspension Notice to the contractors concerned. Such “Suspension Notice” will not be revoked until the contractor has made satisfactory rectification.

10. If a Suspension Notice imposed at a HA site fails to be revoked within 14 days, the PRLMB, or Contractors Review Committee (Building-New Works)
(CRC/BNW), Contractors Review Committee (Building Services) (CRC/BS) and Contractors Review Committee (Engineering) (CRC/E), corresponding to the contract category, will examine the context of the suspension.

11. If the PRLMB or respective CRC is satisfied with the findings that the contractor has taken effective measures to rectify the site safety contravention concerned and that the continual enforcement of the Suspension Notice for more than 14 days is not related to the Contractor’s responsibility and is also beyond the contractor's reasonable mitigation efforts, the PRLMB will not consider or the CRC shall not recommend suspension from tendering.

12. However, if the contractor fails to identify the root cause of the site safety irregularities leading to the suspension and cannot demonstrate that they have taken effective remedial actions or the findings reveal that the enforcement of a Suspension Notice for more than 14 days is primarily due to their responsibility, the CRC shall then rate the contractor’s performance as adverse and recommend suspension from tendering for at least three months to the Chairperson of the PRLMB for endorsement. In the circumstances that the PRLMB is convened to examine the Suspension Notice, the Chairperson of PRLMB may, on the advice of PRLMB Members, endorse same level of regulatory action.

(B) Suspension from tendering on Account of Panel Hearing Verdict
(Flowchart in Annex 2A)
(For all Capital Works New Works Contracts)

13. DEVB may take regulatory actions against a Public Works listed contractor or specialist contractor that has been convicted of a number of safety related (or environmental) offences or has incurred a serious incident on a construction site. The relevant procedures for convening the Panel of Enquiry are set out under DEVB Technical Circular (Works) no. 3/2009.

14. If the site safety related offences or serious incident concerned occurred within a HA New Works construction site and the concerned contractor is a Public Works listed contractor or specialist contractor, DEVB Panel of Enquiry and regulatory action will be triggered. Considering the regulatory actions that DEVB decides to impose on the subject contractor, the Chairperson of the PRLMB shall endorse automatic suspension from tendering for the corresponding category of listing under HA New Works, parallel Note 3 to DEVB Panel’s verdict to suspend the concerned contractor from tendering for public works, and designate the date of commencing such disciplinary suspension from tendering, which should be on or shortly after the receipt of the notice from

Note 3 Parallel in terms of the duration of suspension from tendering.
15. In the circumstances that a HA listed contractor, being convicted of safety related offences or having incurred a serious incident on HA New Works site, is not on DEVB’s Lists of Approved Contractors or Specialist Contractors for Public Works, DEVB Panel of Enquiry and regulatory system will not be triggered. The department will convene Housing Department (HD) Panel of Enquiry modeling on the operating procedures of the DEVB Panel of Enquiry.

16. The procedures set out hereby shall be read in conjunction with DCMBI no. P05/09 on accident reporting.

(C) **Suspension from tendering on account of failure in Housing Authority Safety Auditing System (HASAS) Score** (Flowchart in Annex 3A)

*(For Capital Works New Works Building (including Building Services Nominated Sub-contracts) and Engineering Contracts)*

17. Under HASAS, 70% verified Safety Audit percentage score is set as the Passing Mark for site safety performance. If a contractor or a lift and escalator nominated sub-contractor fails to score 70% on either or both of the two verified summary sub scores viz. part (a) Safety Management System or part (b) Safety Audit Checklist, or a building services nominated subcontractor (electrical, fire services and water pump, and air conditioning and ventilation) fails to score 70% in verified total safety audit percentage score, the audit result is reckoned as failed. Any such failure shall be reported to the CRC and the CM in charge shall issue a warning letter to the contractor / building services nominated subcontractor (template at Annex 3B).

18. If there are two consecutive failed audit results in any one project in a rolling six month period, the CRC shall rate the performance of the contractor / the building services nominated sub-contractor as adverse and recommend to the Chairperson of the PRLMB for suspension from tendering for three months. The Chairperson of the PRLMB shall designate the date of commencing such disciplinary suspension from tendering, which should be on the date of endorsement of regulatory action.

(D) **Serious Incident Occurrence**

*(For all Capital Works New Works Contracts)*

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**Note 4** For building services nominated sub-contracts including electrical, fire services and water pump, and air conditioning and ventilation installations, failure will only be applicable for those audits with more than 7 assessable parts.
19. In addition to the above three routes, when a HA listed contractor incurs a serious incident \(^\text{Note 5}\) at any new works construction site, irrespective whether this is a HA site or non-HA site, the CRC / PRLMB may take the following timely actions on risk management grounds –

(a) Conduct an interview with the Contractor concerned shortly after such incident, to express HA’s concerns and require tightening up of site safety management, and consider further actions, if necessary; and

(b) Quarantine a tenderer tendering for HA’s contracts for critical examination (paper no. TC 50/2012 refers), with regard to concurrent procurement process, if any.

(E) **Alert and Warning Trigger on Account of Unsatisfactory Accident Rate**

**(For all New Works Building Contracts)**

20. The workflow for alert and warning trigger on account of accident rate is given in **Annex 5A**, and consists of the following –

(a) Annualized accumulative project accident rate (AR) will be compiled for New Works building contracts \(^\text{Note 6}\) on a rolling basis.

(b) Alert and warning trigger on account of accident rate will be implemented through operations of CRC to bring timely alert.

CM’s Alert

(c) Contract Manager (CM) in charge of any New Works building contract triggered by “accident rate alert” \((9 < \text{AR} \leq 12)\) \(^\text{Note 7}\) will issue a one-off alert letter (template at **Annex 5B**) to the concerned contractor and request for submission of “safety improvement proposal” to step up site management and monitoring in order to curb further accident occurrence,

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**Note 5** Serious incident means an incident involving either one or a combination of the following (with reference to DEVB TC(W) no. 3/2009):
(i) loss of life at a construction site;
(ii) serious bodily injury at a construction site:
- resulting in a loss or amputation of a limb; or
- which has caused or is likely to cause permanent total disablement to the injured;
(iii) dangerous occurrence or 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.

**Note 6** Accident rate on contract basis is based on the receipt of Supplementary Information Sheets from Labour Department and the average daily number of workers on site from GF527 plus number of site management staff collated by CTO site staff. The formula for annualized accumulative accident rate is given in Annex 5A. In the long run, keep in view to include accident captured from HA Accident / Incident Reports (DCMP-F787).

**Note 7** Annualized accumulative project accident rate is expressed in terms of accident number per 1000 workers.
for review by the Site Safety Committee and during the quarterly safety audit.

Triggering “Watch List Alert” by CRC

(d) Should the annualized accumulative project accident rate exceed the 12 accidents per 1,000 workers, this will trigger “Watch List Alert” by CRC, and CRC will issue a one-off alert letter (sample at Annex 5C) to the concerned contractor on contract basis.

Upon triggering “Watch List Alert” by CRC

(e) AR in next consecutive quarter has not worsened with reference to “Watch List Alert” and AR ≤ 15, no further action.

(f) AR > 15 Note 8 in next consecutive quarter, CRC will issue a warning letter (sample at Annex 5D) to the concerned contractor on contract basis.

(g) AR in next consecutive quarter has worsened with reference to “Watch List Alert” though AR ≤ 15, CRC will review as to whether a warning letter is to be issued to the concerned contractor on contract basis.

For continuously high AR

(h) For continuously high annualized accumulative project accident rate, CRC will consider the case and decide for further action, if necessary.

21. While the accident rate triggers Note 9 provide an automatic mechanism for system alert and warning, Contract Managers should bear in mind the following –

(a) The system trigger does not bar the Contract Manager (CM) from issuing any required alert to and/or taking follow up actions with a contractor for any site safety concerns during the course of construction (any time) or for other types of contracts (such as foundation or demolition) as deemed appropriate should it be warranted by the circumstances Note 10. The CM may trigger discussion of the safety performance of a contract through submission of Site Safety Quarterly Performance Report (Annex 4).

Note 8 Consideration should be given as to whether high AR is due to extraordinarily low number of workers on site. Where AR trigger is coupled with workers number less than 80, the triggered case will be examined against other performance indicators such as PASS safety scores, HASAS scores, SSIP scores and safety convictions etc.

Note 9 Essentially for application to building contracts with at least a year span of construction period, to balance off possible extremities due to low worker numbers employed on site or pro-rata effect on annualizing accident rate due to short contract duration etc.

Note 10 Other circumstances may include serious shortfall in site safety management or “near-miss” incident due to unsatisfactory safety performance of a contractor….. etc.
(b) For contractor(s) with poor site safety record, the CM, CRC or PRLMB may elect to interview the senior management of the contractor(s) and /or carry out site inspections to tighten control and monitoring of the contractor(s)’ safety performance and measures.

(F) Alert and Warning Trigger on account of failure in Surprise Safety Inspection Programme (SSIP) (Flowchart in Annex 6A) (For Capital Works New Works Building and Engineering Contracts)

22. Under SSIP, 70% verified score of SSIP is set as the Passing Mark for site safety performance. If a contractor fails to score 70% in any one verified activity score of SSIP, the CM will issue an alert letter to the concerned contractor (template at Annex 6B). Any failure in the verified total score of SSIP shall be reported to the respective CRC for review of the concerned contractor’s safety performance and the CM in charge shall issue a warning letter to the contractor (template at Annex 6C).

(G) Alert and Warning Trigger on account of failure in Critical Pass of Housing Authority Safety Auditing System (HASAS) Score (Flowchart in Annex 7A) (For Capital Works New Works Building and Engineering Contracts)

23. Under HASAS, 70% verified Safety Audit percentage score is set as the passing mark for Critical Pass. Failure to meet Critical Pass in any one of the key elements of Part A or high-risk subsections of Part B on contract basis will trigger alert to the respective Contract Manager (CM), the CM will issue letters to the concerned contractor according to DCMBI P08/09. Failure in any Critical Pass on contract basis in two consecutive quarters will trigger alert to the respective Contractor Review Committee (CRC) for review of the concerned contractor’s safety performance and the CM in charge shall issue a

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Note 11 Critical Pass in HASAS version 1.5.1:

**Part A : Key Elements**
- Element 7 Job Hazard Analysis

**Part B : High-risk Subsections**
- 14.1.3 Working at Height
- 14.1.4 Housekeeping
- 14.1.5 Protection against Falling Objects
- 14.3.2 Electrical Supply System
- 14.2.3 Lifting Operations / 14.4.1 Tower Crane / 14.4.2 Mobile Crane

Note 12 “Consecutive Critical Pass failure” means failure in any Critical Pass in safety audit on a contract in a quarter and failure in any Critical Pass in the immediately following consecutive quarter, and such Critical Pass failure may or may not even be the same.
warning letter to the contractor (template at Annex 7B).

FEEDBACK

24. Any query or feedback concerning this circular should be directed to SM/SH or M/SH).

Original Signed

( Irene CHENG )
Assistant Director (Development & Procurement)
for Development & Construction Management Board

ANNEXES

Annex 1A : Flowchart showing the procedures of implementing Suspension from Tendering on account of Labour Department’s Suspension Notice (DCMP-F7114) (revised)

Annex 1B : Warning letter from Contract Manager to Contractor on Labour Department’s Suspension Notice (DCMP-F796) (revised)

Annex 1C : Warning letter from Contract Manager of geotechnical engineering contract to contractor on Labour Department’s Suspension Notice (DCMP-F7130) (new)

Annex 2A : Flowchart showing the procedures of implementing Suspension from tendering on account of Development Bureau Panel Hearing Verdict (DCMP-F7115)

Annex 2B : Membership of Housing Department Panel of Enquiry (DCMP-F7116)

Annex 2C : Information for Panel of Enquiry (Template, DCMP-F7117)

Annex 2D : Report to Development Bureau Panel of Enquiry (Template, DCMP-F798)

Annex 3A : Flowchart showing the procedures of implementing Suspension from tendering on account of Housing Authority Safety Auditing System (HASAS) Score (DCMP-F7118) (revised)

Annex 3B : Warning letter from Contract Manager to Contractor on failed Safety Audit result (DCMP-F797) (revised)
Annex 4 : Site Safety Quarterly Performance Report Form (DCMP-F713) (revised)

Annex 5A : Flowchart showing alert and warning trigger on account of accident rate (DCMP-F7119) (revised)

Annex 5B : Alert letter from Contract Manager to contractor on account of accident rate (Template, DCMP-F795) (revised)

Annex 5C : Alert letter from CRC to contractor on account of accident rate exceeding limit (DCMP-F7120) (revised)

Annex 5D : Warning letter from CRC to contractor on account of accident rate exceeding limit (DCMP-F7121) (revised)

Annex 6A : Flowchart showing alert and warning trigger on account of failure in Housing Authority Surprise Safety Inspection Programme (SSIP) (DCMP-F7123) (new)

Annex 6B : Alert letter from Contract Manager to contractor on failed activity score of SSIP (DCMP-F7124) (new)

Annex 6C : Warning letter from Contract Manager to Contractor on failed total score of SSIP (DCMP-F7125) (new)

Annex 7A : Flowchart showing alert and warning trigger on account of failure in Critical Pass of Housing Authority Safety Auditing System (HASAS) Score (DCMP-F7127) (new)

Annex 7B : Warning letter from Contract Manager to Contractor on failed critical pass of HASAS (DCMP-F7129) (new)

Annex 8 : Summary of changes (revised)
REVISION HISTORY
29.5.2009  1st Issue
30.10.2014  2nd Issue covered revision of alert and warning trigger with reference to revised accident rate target, inclusion of workers and site management staff for calculation of accident rate, and triggering discussion at Contractors Review Committee due to unsatisfactory safety performance under Surprise Safety Inspection
27.04.2016  3rd Issue (this revision): Refer paragraph 5

Distribution
SM/QM (for issue of control copies)
c.c.
DD(EM),
H(ICU), AD(EM)1, AD(EM)2, AD(EM)3,
SMS/SC, SBSE/BSM, SPSM/SS, SHM/EDS
OSHC
Suspension from Tendering on Account of Labour Department (LD)’s Suspension Notice (SN)

Safety & Health Unit to forward copy of Suspension Notice (SN) from LD to Contract Manager (CM) and Procurement Section.

CM to monitor whether SN continues for more than 14 days, and issue warning letter to contractor (Annex 1B/Annex 1C)(Note 4).

LD revokes SN in 14 days or less. No further action with regard to regulatory system (Note 1).

END

CM to request Contractor to submit written representation on why SN has continued for more than 14 days.

CM to examine the context of SN and forms an opinion regarding Contractor’s responsibility.

CM to submit to CRC (Note 2), via CRC secretary, form DCMP-F713 & Contractor’s written representation, if any.

PRLMB / CRC opines that the contractor has taken effective measures to rectify the site safety contravention concerned and that the continual enforcement of the SN for more than 14 days is insignificantly related to the Contractor’s responsibility and is also beyond the contractor’s reasonable mitigation effort.

PRLMB / CRC to examine CM’s report and Contractor’s written representation.

CRC to recommend suspension from tendering for at least 3 months to the Chairperson of Procurement Review List Management Board (PRLMB).

Chairperson of PRLMB to endorse CRC’s recommendation or same level of regulatory action on advice of PRLMB.

END

Notes
(1) : HD’s Safety & Health Unit forwards copy of Notice of Revocation of SN received from LD to CM and Procurement Section.
(2) : CRC in the flowchart refers to CRC/BNW, CRC/E or CRC/BS.
(3) : Uplifting of suspension from tendering is subject to uplifting of SN by Labour Department.
(4) : Annex 1C for Geotechnical Engineering Term contract.
Guidance Notes:

1. Two versions of the Form are available and attached: The first one immediately below is for use in contracts which adopted the Government of Hong Kong General Conditions of Contract 1993 Edition or the Government of Hong Kong Sub-contract Conditions 1988 Edition, and the next one [i.e. the form with the form number annexed with “(HAGCC 2013 Edition)”] is for use in contracts which adopted the HKHA General Conditions of Contract (2013 Edition) or the HKHA General Conditions of Nominated Sub-contract (2013 Edition).

2. Select only one version of the Form as appropriate.
Dear Sir /Madam,

**Contract Title:**
**(Contract No.:)**
**Warning Letter**

**Issuance of Suspension Notice by Labour Department**

I write to express our concern and to alert your attention to the issue of suspension notice by Labour Department on (date) for the captioned contract.

The suspension notice issued may have reflected major deficiencies in the site safety management and the physical conditions of the working environment / plant / system, with imminent impact on the safety of personnel within or in the vicinity of the site.

Further to Clause 30 of the General Conditions of Contract (GCC) requiring your conformance with pertinent enactment and regulations which includes, among others, the Construction Sites (Safety) Regulations, I would draw your attention to the following conditions of contract and specifications clauses pertaining to site safety, including:-

(i) GCC20 - Safety and security of the Works,
(ii) SCC 16 - Safety,
(iii) Specification Clause *PRE.B6.150 / PRE.C6.150 - Safety, and

We will closely monitor as to whether the suspension notice would continue for more than 14 days. Should the suspension notice not be revoked by Labour Department within 14 days, you will be required to submit written representation for the continuation of the suspension notice over 14 days, and the Department’s Contractors Review Committee may take steps to review your company’s general performance and make any necessary recommendations to the Procurement Review and List Management Board for their consideration in respect of your future tendering eligibility.
Yours faithfully,

(______________)
Chief
Contract Manager

or (______________)
(Name of Consultant)
Contract Manager

cc. OSHC (Attn: Mr. Jack FONG by fax to 3106 0775)
Internal
* A/
  SE/
  BSE/C
  PQS
  CTO(BW)/ CTO(C)Works
  COW / IOW
  BSI /
  SM/SH
  Sec to CRC/____

* Delete and fill in as appropriate
Following is the (HAGCC 2013 Edition) version of the form
(Contractor)
(Attn: Managing Director)

Dear Sir / Madam,

Contract Title:
(Contract No.:
Warning Letter
Issuance of Suspension Notice by Labour Department

I write to express our concern and to alert your attention to the issue of suspension notice by Labour Department on (date) for the captioned contract.

The suspension notice issued may have reflected major deficiencies in the site safety management and the physical conditions of the working environment / plant / system, with imminent impact on the safety of personnel within or in the vicinity of the site.

Further to Clause 5.23 of the General Conditions of Contract requiring your conformance with pertinent enactments and regulations which includes, among others, the Construction Sites (Safety) Regulations, I would draw your attention to the following General Conditions of Contract (GCC) and Specifications clauses pertaining to site safety:

(i) GCC Clause 5.11 – Safety, security and environmental management of the Works,
(ii) Specification Clause *PRE.B6.070 / PRE.C6.070 - Safety, security and environmental management of the Works, and
(iii) Specification Clause *PRE.B8.210 / PRE/C9.205 - Compliance with safety regulations and contract requirements.

We will closely monitor as to whether the suspension notice would continue for more than 14 days. Should the suspension notice not be revoked by Labour Department within 14 days, you will be required to submit written representation for the continuation of the suspension notice over 14 days, and the Department’s Contractors Review Committee may take steps to review your company’s general performance and make any necessary recommendations to the Procurement Review and List Management Board for their consideration in respect of your future tendering eligibility.
Yours faithfully,

( )
Chief
Contract Manager

or ( )
(Name of Consultant)
Contract Manager

cc. OSHC (Attn: Mr. Jack FONG by fax to 3106 0775)
Internal
* A/
 SE/
 BSE/C
 PQS
 CTO(BW)/ CTO(C)/Works
 COW / IOW
 BSI /
 SM/SH
 Sec to CRC/___

* Delete and fill in as appropriate
Guidance Notes:

1. This form is for use in Geotechnical Engineering Term Contracts which adopted the Hong Kong Housing Authority General Conditions of Contract for Term Contracts 1990 Edition [i.e. the form with the form number annexed with “(HAGCC 1990 Edition)”].
Dear Sir / Madam,

**Contract Title:**
(Contract No.):

**Warning Letter**

**Issuance of Suspension Notice by Labour Department**

I write to express our concern and to alert your attention to the issue of suspension notice by Labour Department on [date] for the captioned contract.

The suspension notice issued may have reflected major deficiencies in the site safety management and the physical conditions of the working environment / plant / system, with imminent impact on the safety of personnel within or in the vicinity of the site.

Further to Clause 32 of the General Conditions of Contract (GCC) requiring your conformance with pertinent enactment and regulations which includes, among others, the Construction Sites (Safety) Regulations, I would draw your attention to the following conditions of contract and specifications clauses pertaining to site safety, including:-

(i) GCC21 - Safety and security of the Works;

We will closely monitor as to whether the suspension notice would continue for more than 14 days. Should the suspension notice not be revoked by Labour Department within 14 days, you will be required to submit written representation for the continuation of the suspension notice over 14 days, and the Department’s Contractors Review Committee may take steps to review your company’s general
performance and make any necessary recommendations to the Procurement Review and List Management Board for their consideration in respect of your future tendering eligibility.

Yours faithfully,

( )
Chief Geotechnical Engineer / Contract Manager

cc. OSHC (Attn: Mr. Jack FONG by fax to 3106 0775)
   Internal
   * PQS
   CTO(C)Works
   IOW
   SM/SH
   Sec to CRC/___
   GE/xx

* Delete and fill in as appropriate
Suspension from Tendering on Account of Development Bureau Panel Hearing Verdict (1)

Serious Incident (Note 2) or convictions (Note 3) on construction site

- Whether incident or convictions on HA construction site?
  - NO
  - Whether the contractor is undertaking HA works or invited to tender for HA works?
    - NO
    - Whether contractor has been invited to tender for HA works?
      - NO
        - On risk management grounds, CRC/PRLMB to (i) convene meeting with the concerned contractor, to express concerns/require tightened vigilance and site safety management (ii) quarantine the contractor for critical examination
      - YES
        - DEVB to invite the concerned contractor to submit written representative
        - DEVB to notify HD tentative schedule of the Panel and to request HD for information for preparation of Information Paper for the Panel
        - HD S&H Unit to collate information from Contract Manager (CM) and Procurement Section for preparation of an “Information Paper” of the Panel case to DEVB (template at Annex 2D)
        - HD Procurement Section to confirm the meeting schedule of Panel and circulate “Information Paper” of the Panel case to Panel members
        - HD Procurement Section to invite the concerned contractor to submit written representation (with executive summary)

  - YES
    - DEVB to notify HD tentative schedule of the Panel and to request HD for information for preparation of Information Paper for the Panel
    - HD Procurement Section to collate information from Labour Department, Contract Manager (CM) and Procurement Section for preparation of an “Information Paper” of the Panel case to DEVB (template at Annex 2C)
    - HD Procurement Section to inform Panel members the recommendations of Panel; regulatory actions involving suspension of the contractor from tendering for HD works
    - HD Procurement Section to bring matter forward to respective CRC and PRLMB for consideration of appropriate regulatory actions.

- NO
  - Convening Panel of Enquiry
  - DEVB to inform the recommendations of Panel; regulating actions involving voluntary or mandatory suspension of the contractor from tendering for public works
  - HD Procurement Section to inform Panel members the recommendations of Panel; regulatory actions involving suspension of the contractor from tendering for HD works
  - HD Procurement Section to bring matter forward to respective CRC and PRLMB for consideration of appropriate regulatory actions.

Notes

(1) DEVB may take regulating actions on a contractor (on Public Works lists) who has caused or contributed to a serious incident or been convicted of a Number of site safety (or environmental) offences on a construction site. DEVB TC(W) no. 3/2009 sets out the procedures to be followed for regulating action.

(2) “Serious incident” means an incident involving either one or a combination of the following: (a) loss of life at a construction site (b) serious bodily injury resulting in a loss or an amputation of a limb; or which has caused or is likely to cause permanent total disablement to the injured (c) dangerous occurrence or incident at a construction site leading to or resulting in serious injury [but not up to the extent as (b)], or damage to works or property that posed a potential threat to public safety.

(3) Convicted of 5 or more site safety offences counted by the date of commission (not conviction), each arising but of separate incidents on any 5 month period committed by the Contractor on a construction site under the same contract (or sub-contract for contractor in the capacity of “Sub-contractor”).

(4) Membership of HD Panel of Enquiry (Annex 2B), where the concerned contractor is not on Public Works Lists.

(5) For the types of regulating actions including suspension for tendering and independent safety audit, refer to the guidelines and considerations set out in DEVB TC (W) no. 3/2009 Annex C.
Membership of the Housing Department Panel of Enquiry

Chairman: Deputy Director (Development & Construction)\textsuperscript{Note 1}
Secretary: The respective Contractor Review Committee (CRC) Secretary

(1) Basic Members

Representative of Hong Kong Construction Association (HKCA)
- A representative of the HKCA who is not an employee, officer or shareholder of the contractor invited to make representation to the Panel

Representatives from Procurement Review and List Management Board (PRLMB)
- The Chairperson of the respective Contractor Review Committee (CRC)\textsuperscript{Note 2} responsible for the category of works in respect of which the Panel of Enquiry is to be convened for the contractor
- Assistant Director (Development & Procurement)\textsuperscript{Note 3}
- Assistant Director (Project)\textsuperscript{Note 3}  1
- Assistant Director (Project)\textsuperscript{Note 3}  2
- Assistant Director (Project)\textsuperscript{Note 3}  3
- Chief Architect (Procurement)

Safety & Health Unit (only for matters concerning site safety incident or offences)
- Senior Manager/Safety & Health
- Manager/Safety & Health

(2) Technical Advisor
- A representative from Labour Department (LD) (preferably at D2 level or above) [where a serious incident or site safety offences are considered]; or
- A representative of the Environmental Protection Department (preferably at D2 level or above) [where environmental offences are being considered]

(3) Ad-hoc Members (on need basis)
- Where a contractor in respect of whom the Panel of Enquiry is to be convened is a building services, electrical or mechanical contractor, a representative of the Hong Kong Electrical and Mechanical Contractors’ Association who is not an employee, officer or shareholder of the contractor invited to make representation to the Panel
- Concerned subject officers.

\textsuperscript{Note 1} Chairman of Procurement Review and List Management Board (PRLMB)
\textsuperscript{Note 2} Respective Contractor Review Committee:
- Contractor Review Committee (Building-New Works) - CRC/BNW
- Contractor Review Committee (Building-Maintenance Works) – CRC/BM
- Contractor Review Committee (Building Services) - CRC/BS
- Contractor Review Committee (Engineering)

\textsuperscript{Note 3} May participate in the capacity of the chairperson of the respective CRC.

DCMP-F7116 (30/10/2014)
*(Template)*

**Information Paper for Panel of Enquiry**

**Regulatory Actions on Contractor – Site Safety**

1. Introduction
2. Composition of the Panel of Enquiry
3. Particulars of the Contractor
4. Housing Authority Works Contracts in Hand and Record of Adverse Performance
5. Relationship between the D/P and the Contractor
6. Sub-contractor Management and Subcontractor Registration Scheme (SRS)
7. Brief Account of the Incident and Investigation
8. Main Points in the Written Representations
9. Comments from Contract Managers on the Site Safety Performance of the Contractors on Active HA Works Contracts
10. Comments from Labour Department
11. Improvement Notice(s) (IN) / Suspension Notice(s) (SN) Received
12. Accident Statistics in HA Works Contracts
13. Site Safety Conviction Record
14. Precedent Panels of Enquiry on Site Safety of the Contractor
15. Precedent Panels of Enquiry on Similar Incidents

Appendix A - Particulars of the Contractor
Appendix B - Precedent Panels on similar incidents
Annex – Photos showing accident scene
**Introduction**

1. The Panel of Enquiry is to be convened in accordance with DCMBI No. 06/2009 and modeled on DEVB TC(W) No. 3/2009.

2. The contractor, *(name: )* , incurred one fatal accident on *(date: )* in a Housing Department’s *(type: )* contract. *(Describe the incident in one or two sentences).*

3. In connection with the above, a Panel of Enquiry will be convened at *(time & venue )* to hear the representation of the Contractor. This paper summarizes the written representations from the contractor, comments from Housing Department and Labour Department (LD) together with the contractor’s safety performance records for the Panel Member’s information.

**Composition of the Panel of Enquiry**

4. The Panel of Enquiry comprises:

   - *(name)* DD(DC) (Chairman)
   - *(name)* AD(DP)
   - *(name)* AD(P)1
   - *(name)* AD(P)2
   - *(name)* AD(P)3
   - *(name)* CA/P
   - *(name)* HKCA
   - *(name)* SM/P#
   - *(name)* SM/SH
   - *(name)* M/SH

5. The following representatives from *(the Contractor)* will attend the Panel Meeting.

   - *(name)* Managing Director
   - *(name)* Contract Manager
   - *(name)* Other Post
Particulars of the Contractor

6. The particulars of the (name of Contractor) are shown in Appendix A.

Housing Authority Works Contracts in Hand and Record of Adverse Performance

<table>
<thead>
<tr>
<th>Contractor</th>
<th>No. of HA contracts in hand (total contract value)</th>
<th>No. of “adverse” report on contractor’s performance for the period between (date) and (date)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Due to poor site safety</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Relationship between the D/P and the Contractor

8. (Name of Contractor) was the principal contractor responsible for the (types of contract work). The D/P was a (# trade) worker employed by (name of contractor or sub-contractor).

Sub-contractor Management and Voluntary Sub-contractor Registration Scheme (VSRS)

9. *(Name of sub-contractor) was involved in the accident / *no sub-contractor was involved in the accident. If sub-contractor(s) were (was) involved, provide information of Sub-contractor management and SRS.

Brief Account of the Incident and Investigation

10. Provide details:

11. Photos showing the accident scene are attached in Annex.

12. LD had the following observations regarding the accident:
Main Points in the Written Representations

13. (The Contractor) made the following salient points in its written representation:

13.1 Details and circumstances leading to the accident

13.2 Accident investigation and findings

13.3 Safety measures adopted before the accident

13.4 Improvement actions taken after the accident

Comments from Contract Managers on the Site Safety Performance of the Contractors on Active HA Works Contracts

14.

Comments from Labour Department

15. xxxxxxxxxxx.

Improvement Notice(s) (IN) / Suspension Notice(s) (SN) Received

16. During the period between (date) and (date), *(INs and SNs / no INs and SNs)
were issued to sites under the management of *(the Contractor).*

**Accident Statistics in HA Works Contracts**

17.

**Site Safety Conviction Record**

18. xxxxxxxx

**Precedent Panels of Enquiry on Site Safety of the Contractor**

19. xxxxxxxx

**Precedent Panels of Enquiry on Similar Incidents**

20. Details of Precedent Panels of Enquiry on similar incidents are attached in *Appendix B* (if applicable).

* Delete as appropriate

# Fill in information as appropriate.
Annex 2D

(Template)

Report to Panel of Enquiry

1. Brief summary of the incident

(By CM)

1.1 Related Incident Data
- Contract No.: 
- Contract Title: 
- Contractor: 
- Date of Accident: 
- Name of Deceased: Name in English (Chinese name)
- Sex: Male / Female
- Age: 
- Trade: 

1.2 Description of Accident

2. Comment on whether the Contractor involved has caused or contributed to the incident (whether by act or omission)

(By S&H Unit, incorporating information from CM, CRC and/or PRLMB interview)

2.1 xxxxx

2.2 xxxxx.

2.3 xxxxx
3. Comment on the site safety performance of the contractor in all other active Housing Authority contracts

(By Contract Manager and Procurement Section)

Source: Housing Department
Date: 
File ref.: HD(C)TS 4/49/24

(S&H Unit to compile the report consolidating information from the Contract Manager, Procurement Section, interviews of Contractor by CM, interviews of CRC and/or PRLMB.)
Suspension from Tendering on Account of Housing Authority Safety Auditing Score (HASAS) (Note 4)

Quarterly safety audits are conducted in accordance with HASAS

Occupational Safety & Health Council (managing HASAS) to forward to respective CM Summary of Project Safety Audit Verified Scores of the concerned project and to Safety & Health Unit (S&H) Summary of Safety Audit Scores for each quarter

S&H to forward Summary of Project Safety Audit Verified Scores (HASAS) [DCMP-F790] to respective CRC Secretary

Whether either Part (A) Safety Management System or Part (B) Safety Audit Checklist/Process Control Programme of a main contractor / a lift and escalator nominated subcontractor falls below 70%, or the verified total score of a building services nominated subcontractor (electrical, fire services and water pump, air conditioning and ventilation) falls below 70% (note 3)

YES

CRC Secretary to request CM to complete the DCMP-F713 before CRC meeting

CM to complete Part A and Part B of DCMP-F713 and return to CRC Secretary

CRC (note 1)

Two consecutive failures for the same project in a rolling six month period

CRC shall rate the performance of the contractor / nominated building services sub-contractor as adverse and recommend to the Chairman of PRLMB for suspension from tendering for three months.

Chairman of PRLMB to endorse CRC’s recommendation and designates the date of commencing such disciplinary suspension from tendering, which should be on the date of the endorsement.

END

Notes
(1) : CRC in the flowchart refers to CRC/BNW, CRC/E or CRC(BS).
(2) : Uplifting of suspension from tendering is subject to verified safety audit scores in Part (A) and Part (B) of a main contract / lift and escalator nominated subcontract, the verified score of a building services nominated subcontract (electrical, fire services and water pump, air conditioning and ventilation) not falling below 70% in coming quarterly safety audit.
(3) : For nominated building services sub-contracts (electrical, fire services and water pump, air conditioning and ventilation), failure will only be applicable for those audits with more than 7 assessed items.
(4) : Housing Authority Lift and Escalator Nominated Subcontracts Safety Auditing System (HALENSAS) is a system under HASAS and covered in this flowchart.

DCMP-F7118 (27/04/2016)
Guidance Notes:

1. Two versions of the Form are available and attached: The first one immediately below is for use in contracts which adopted the Government of Hong Kong General Conditions of Contract 1993 Edition or the Government of Hong Kong Sub-contract Conditions 1988 Edition, and the next one [i.e. the form with the form number annexed with “(HAGCC 2013 Edition)”] is for use in contracts which adopted the HKHA General Conditions of Contract (2013 Edition) or the HKHA General Conditions of Nominated Sub-contract (2013 Edition).

2. Select only one version of the Form as appropriate.
Dear Sir /Madam,

Contract Title: 
(Contract No.:) 
Warning Letter

**Unsatisfactory Safety Audit Performance**

I write to express our concern and to alert your attention to the unsatisfactory safety audit performance of the captioned contract under the *Housing Authority Safety Auditing System (HASAS) / Housing Authority Lift and Escalator Nominated Sub-contracts Safety Auditing System (HALENSAS).*

The passing threshold of verified safety audit percentage scores for Part (A) Safety Management System and Part (B) Safety Audit Checklist of the Safety Audit of the main contract, the lift and escalator nominated subcontract, and the verified total safety audit percentage score of building services (electrical / fire services and water pump / air conditioning and mechanical ventilation) nominated subcontract is 70%. According to the safety audit percentage scores verified by Occupational Safety and Health Council for this safety audit assessment, the verified safety audit percentage score*(s) for [Part (A) Safety Management System and/or Part (B) Safety Audit Checklist of the Safety Audit] of the *captioned contract / the lift and escalator nominated subcontract, or the verified total safety audit percentage score*(s) of building services [*electrical / fire services and water pump / air conditioning and mechanical ventilation] nominated subcontract fall*(s) below the said threshold.

Further to Clause 30 of the General Conditions of Contract (GCC) requiring your conformance with pertinent enactment and regulations which includes, among others, the Construction Sites (Safety) Regulations, I would draw your attention to the following conditions of contract and specifications clauses pertaining to site safety, including:-

(i) GCC20 - Safety and security of the Works,
(ii) SCC 16 - Safety,
(iii) Specification Clause *PRE.B6.150 / PRE.C6.150 - Safety, and
You are urged to strengthen safety management and take steps to improve safety performance. If there are two consecutive failures in safety audit assessments, the Department’s Contractors Review Committee may take steps to review your *company’s / your company’s building services [please specify electrical, fire services and water pump, air conditioning and mechanical ventilation, lift or escalator installation]* nominated subcontractor’s general performance and make any necessary recommendations to the Procurement Review and List Management Board for their consideration in respect of the future tendering eligibility of *your company / your company and your company’s nominated sub-contractor.

Yours faithfully,

( )
Chief
Contract Manager

or ( )
(Name of Consultant)
Contract Manager

cc. OSHC (Attn: Mr. Jack FONG by fax to 3106 0775)
Nominated Sub-contractor
Internal
* A/
SE/
BSE/C
PQS
CTO(BW)/ CTO(C)/Works / CTO(BS)/C
COW / IOW
BSI /
SM/SH
Sec to CRC/___

* Delete or fill in as appropriate
^ Edit for the applicable clause reference for the contract as appropriate
Following is the (HAGCC 2013 Edition) version of the form
Dear Sir / Madam,

Contract Title:
(Contract No.:
Warning Letter
Unsatisfactory Safety Audit Performance

I write to express our concern and to alert your attention to the unsatisfactory safety audit performance of the captioned contract under the *Housing Authority Safety Auditing System (HASAS) / Housing Authority Lift and Escalator Nominated Sub-contracts Safety Auditing System (HALENSAS).

The passing threshold of verified safety audit percentage scores for Part (A) Safety Management System and Part (B) Safety Audit Checklist of the Safety Audit of the main contract, the lift or escalator nominated subcontract, and the verified total safety audit percentage score of building services (electrical / fire services and water pump / air conditioning and mechanical ventilation) nominated subcontract is 70%. According to the safety audit percentage scores verified by Occupational Safety and Health Council for this safety audit assessment, the verified safety audit percentage score*(s) for [* Part (A) Safety Management System and/or Part (B) Safety Audit Checklist of the Safety Audit] of the *captioned contract / the lift or escalator nominated subcontract or the verified total safety audit percentage score*(s) of building services [*electrical / fire services and water pump / air conditioning and mechanical ventilation] nominated subcontract fall*(s) below the said threshold.

Further to Clause 5.23 of the General Conditions of Contract requiring your conformance with pertinent enactments and regulations which include, among others, the Construction Sites (Safety) Regulations, I would draw your attention to the following General Conditions of Contract (GCC) and Specification clauses pertaining to site safety:-

(i) GCC Clause 5.11 – Safety, security and environmental management of the Works,
(ii) Specification Clause *PRE.B6.070 / PRE.C6.070 - Safety, security and environmental management of the Works, and
(iii) Specification Clause *PRE.B8.210 / PRE.C9.205 - Compliance
with safety regulations and contract requirements.

You are urged to strengthen safety management and take steps to improve safety performance. If there are two consecutive failures in safety audit assessments, the Department’s Contractors Review Committee may take steps to review your *company’s / your company’s building services [please specify electrical, fire services and water pump, air conditioning and mechanical ventilation, lift or escalator installation]* nominated subcontractor’s general performance and make any necessary recommendations to the Procurement Review and List Management Board for their consideration in respect of the future tendering eligibility of *your company / your company and your company’s nominated sub-contractor.

Yours faithfully,

(Chief / Contract Manager
or (Name of Consultant) Contract Manager

cc. OSHC (Attn: Mr. Jack FONG by fax to 3106 0775)
Nominated Sub-contractor
Internal
* A/
SE/
BSE/C
PQS
CTO(BW)/ CTO(C)/Works / CTO(BS)/C
COW / IOW
BSI / SM/SH
Sec to CRC/___

* Delete or fill in as appropriate
To: *CRC/BNW Secretary (currently SM/P1)  Date Received: _________
*CRC/E Secretary (currently SM/P3)

SITE SAFETY
QUARTERLY PERFORMANCE REPORT
Period of Report _________ to _________ (quarter) ______ (year)
(Follow the Guidance Notes Attached to This Form)

Part A
(Please mark a “tick” [✓] to the appropriate box below)

☐ There are no triggered reports for discussion at the CRC for the projects under my purview during the reporting period. *(No need to submit Part B)*

☐ There are ___ numbers of triggered reports (details in Part B) for discussion at the CRC for the projects under my purview during the reporting period. Other projects under my purview are not triggered for discussion at the CRC.

Submitted by

_______________ Date

Project Chief’s signature (Post: )
Part B
(Please submit 1 copy for each project.)

1.0 Project Particulars

Contract No. :
Project Title :
Contractor :
Contractor and Contract category * Building : NW1/NW2
* Eng. : Site formation/Foundation/Demolition

For in-house project
Project Chief : Tel. :
Project Senior : Tel. :
Project Officer : Tel. :

For consultant project
Consultant : Tel. :
Director’s Representative : Tel. :
Liaison Officer : Tel. :

2.0 Trigger Status

This Site Safety Quarterly Performance Report is triggered for discussion at the CRC because :

☐ a. Verified Safety Audit percentage score on Part (A) safety management system (Note 1) is below 70%; OR

☐ b. Verified Safety Audit percentage score on Part (B) safety audit checklist (Note 1) is below 70%; OR

☐ c. Suspension Notice was issued by the Commissioner of Labour on site safety contravention and the suspension had / has been enforced for more than 14 days. (The 15th day is within the reporting quarter) (Note 3); OR

☐ d. Occurrence of fatal accident/serious incident (Note 4); OR

☐ e. Surprise Safety Inspection Programme Total Score (Note 9) is below 70%; OR

☐ f. Others (specify):

The CM is required to provide details and data in Section 3.1 to 3.8 below.
### 3. Checklist on Documents required for Triggered Report

<table>
<thead>
<tr>
<th>3.1 Site Safety Audit Report</th>
<th>* YES / NO</th>
<th>Copy enclosed</th>
</tr>
</thead>
<tbody>
<tr>
<td>report has been verified by the Occupational Safety &amp; Health Council (Note 2)</td>
<td>* YES / NO</td>
<td>Site Safety Audit Report for the previous quarter has also been triggered for CRC discussion (Note 1)</td>
</tr>
</tbody>
</table>

| 3.2 Labour Department’s Suspension Notice enforced for more than 14 days (Note 3) | * YES / * NA | Copy enclosed |
| Period suspended: from ____ to ____ /* not yet revoked to date. |
| No. of days suspended : __________ |
| Upon examination of the context of the suspension and having considered the Contractor’s written explanation, the CM’s findings is : |
| The contractor fails to identify the root cause of the site safety irregularities leading to the suspension and cannot demonstrate that they have taken effective remedial actions. |
| The contractor has taken effective measure to rectify the site safety contravention concerned and that the continual enforcement of the Suspension Notice for more than 14 days is due to factors unrelated to the contractor’s responsibility and is also beyond the Contractor’s reasonable mitigation effort. |
| The enforcement of the Suspension Notice for more than 14 days is due to the contractor’s responsibility. |
| Contractor’s written explanation on why the Suspension Notice could not be revoked within 14 days is enclosed. |
| A brief statement and documents of the above findings are enclosed in this report. |

<table>
<thead>
<tr>
<th>3.3 Documents or notice of</th>
<th>* YES / * NA</th>
<th>Copy enclosed</th>
</tr>
</thead>
<tbody>
<tr>
<td>DCMP-F713 (27/04/2016)</td>
<td></td>
<td>Page B - 2</td>
</tr>
</tbody>
</table>
### Other reference documents for CRC’s consideration.

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.4</td>
<td>Any serious site safety negligence reported by the auditor or observed by the Project Team? (Note 5)</td>
</tr>
<tr>
<td>3.5</td>
<td>Any serious incident reported? *YES / NO (Note 6)</td>
</tr>
<tr>
<td>3.6</td>
<td>CM *warning letter / *stop works order on site safety issued. Serious site safety negligence and serious incident covered in Section 3.4 and 3.5 should be warned by the CM. (Note 7)</td>
</tr>
</tbody>
</table>

#### Practical improvement action taken by Contractor expeditiously (for example, within 7 calendar days after *warning letter / *stop works order issuance).

<table>
<thead>
<tr>
<th>Date</th>
<th>Yes / No</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td></td>
</tr>
</tbody>
</table>

Copy of *warning Letter(s) / *stop works order enclosed.

### Period suspended:

- From ______ to ______ / *not yet revoked to date.
- No. of days suspended: ________

### Other reference documents for CRC’s consideration.

- Adjudication from the Development Bureau Panel of Enquiry to suspend the contractor from tendering public works (Note 4)

- Copy of *warning Letter(s) / *stop works order enclosed.

- Practical improvement action taken by Contractor expeditiously (for example, within 7 calendar days after *warning letter / *stop works order issuance).
Suspension notice, improvement notice, warning letters, special precautionary letter or letters on site safety regulations contravention issued by the Labour Department. (Note 7)

| 1. (Date) | Yes / No |
| 2. (Date) | Yes / No |
| 3. (Date) | Yes / No |

☐ Copy of these notices / letters enclosed.

3.8 The following data is extracted from PASS scores for the Quarter for CRC’s reference: (Note 8)

<table>
<thead>
<tr>
<th>PASS site safety output assessment</th>
<th>PASS site safety input assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>001 General Site Safety %</td>
<td>Month</td>
</tr>
<tr>
<td>%</td>
<td>%</td>
</tr>
<tr>
<td>%</td>
<td>%</td>
</tr>
<tr>
<td>005 Block Related Safety %</td>
<td>%</td>
</tr>
<tr>
<td>No. of reportable accidents no.</td>
<td>no.</td>
</tr>
<tr>
<td>Accident Rate %</td>
<td>%</td>
</tr>
<tr>
<td>%</td>
<td>%</td>
</tr>
</tbody>
</table>

3.9 Additional briefing to CRC by CM, if any. ____________________________
A. **Background**

(a) BC Papers No. 72/99 and No. 138/99 on site safety were respectively approved by the Building Committee on 29.4.99 and 10.8.99.

BC Paper No. 138/99 addresses Site Safety Measures to contain increase in construction site accidents. These include **Suspension from Tendering on account of unsatisfactory site safety performance.**

(b) Supervision of the Contractor’s site safety performance is one of the responsibilities to be discharged by Contract Managers. For orderly administration of the measures approved by BC, with effect from **the quarter commencing July 1999**, Contract managers (abbreviated as CM) will have to appraise and submit **site safety quarterly performance report**, form DCMP-F713, to CRC secretary. The Report shall be submitted to the CRC secretary by the **fifth working** day of April, July, October, January for reporting the immediate past quarter.

(c) Triggered **report** will be discussed at the Department’s Contractors Review Committees (CRC).

(d) This guidelines aims to provide a consistent approach for CMs to appraise and submit Site Safety Quarterly Performance Report.

B. **Guidelines**

(a) CM shall submit Site Safety Quarterly Performance Report by completing standard form no. DCMP-F713

(b) Guidance Notes :

**Note 1:**

Under the current HASAS, safety audit is conducted every 3 months. The following 14 elements on site safety are audited and each item is given a score by the auditor:

1. Safety Policy
2. Safety Organisation
3. Safety Training
4. In-House Safety Rules and Regulations
5. Safety Committee
6. Programme for Inspection of Hazardous Conditions
7. Job Hazard Analysis
8. Personal Protection Programme
9. Accident/Incident Investigation
10. Emergency Preparedness
11. Safety Promotion
12. Health Assurance Programme
13. Evaluation, Selection and Control of Subcontractor
14. Process Control Programme

**Element 1-13**

Safety management system is audited under elements 1 to 13, building up to a sub total score (Part A). The Report is triggered if this subtotal is below 70%.

**Element 14**

Safety audit checklist is audited under element 14 and reported as a subtotal score (Part B). The Report is triggered if this subtotal is below 70%.

Under the current HALENSA, the safety audits are conducted during the active lift or escalator installation period close to projection completion. Part A covers safety system of work and Part B on safety audit checklist.

**Note 2:**

The Occupational Safety & Health Council (OSHC) is HA’s appointed Consultant to help manage the Housing Authority Safety Audit Scheme (HASAS). Coordination has been sought with OSHC such that the safety audit programme for all projects will be consistently administered to accord with the Quarterly (July - Sept, Oct. - Dec., Jan - March and April - June) Site Safety Report:

(i) Auditors shall complete the Quarterly Site Safety Audit on or before the end of February, May, August and November.

(ii) Site Safety Audit Report shall be sent by the auditors to OSHC for verification on or before the 7th of March, June, September and December.

(iii) Verified Audit Report shall be received by the CM by the end of each quarter.

**Note 3:**

The Labour Department conducts regular inspection at construction sites to check that site safety provision and operation are in compliance with site safety regulations. Should there be serious site safety contravention, the Commissioner for Labour is authorized under the Occupational Safety and Health Ordinance to suspend construction activities by issuing Suspension Notice to the Contractor concerned. Such Suspension Notice will not be lifted until the Contractor has made satisfactory rectification.

**Note 4:**

Under the Development Bureau (DEVB) regulating system, actions shall be taken against public works listed contractors who have been convicted of safety related (or environmental) offences or who have incurred serious incidents on a construction site. The DEVB regulating system can suspend the concerned contractor from tendering for public works projects, as set out under DEVB Technical Circular (Works) No. 3/2009.
In the circumstance that a HD contractor involved in a Site Safety related offence is not in the List of Approved Contractors for Public Works, DEVB’s regulating system will not be enforceable. The CRC will then conduct a HD’s Panel Hearing similar to that of DEVB’s for adjudication.

Note 5:
(i) Serious site safety negligence reported by the Auditor or observed by the Project Team is included in the Report for CRC’s reference.

(ii) As a guideline, site safety negligence is considered to be serious if such negligence is causing imminent risk of serious or fatal injury.

(iii) The Project Team must dutifully identify such negligence by all venues including regular site inspection, PASS observation, safety audit, surprise safety inspection programme or upon receiving Labour Department’s letters.

Note 6:
For the purpose of this Report, a serious incident as defined in DEVB Technical Circular (Works) No. 3/2009 is one which occurs at the contractor’s site, including off-site prefabricating, prestressing, precasting yard or the like, which leads to one or more of the following:

(a) loss of life at a construction site;
(b) serious bodily injury at a construction site resulting in an amputation of a limb or an injury which has caused or is likely to cause permanent total disablement to the injured;
(c) dangerous occurrence or incident at a construction site leading to or resulting in an injury or damage to works or property on or adjacent to the construction site that posed a potential threat to public safety.

Note 7:
(i) The CM must immediately warn the Contractor verbally and by letter to rectify serious site safety negligence identified, notwithstanding that other appropriate actions should also be taken immediately.

(ii) The Contractor must be made understood that immediate rectification and improvement must be carried out.

(iii) Likewise, notices or letters issued by the Labour Department on site safety must be attended immediately by the Contractor. Whether the subject matter referred in these documents constitute a serious site safety negligence situation shall be evaluated by the CM and give warning to the Contractor accordingly.

(iv) Practical response of the Contractor is monitored and reported. Slow, passive or indifferent response by the Contractor is to be noted for CRC’s reference.

Note 8:
(i) The CM is required to enter data from the corresponding PASS Quarterly Performance Report, and the corresponding site safety data from PASS.
(ii) CM is required to check if site safety elements assessed under PASS reveal serious site safety negligence and report in section 3.4 and 3.5 of this report for CRC’s reference. This does not preclude other venues of identifying safety negligence.

**Note 9:**

(i) The Occupational Safety & Health Council (OSHC) is HA’s appointed consultant to manage the Surprise Safety Inspection Programme (SSIP). Under the current SSIP, safety inspection is conducted by inspector of OSHC every 3 months. The 5 activity items, equivalent to the critical pass items in HASAS, are assessed and each item is given a score by the inspector:

1. Working at Height
2. Prevention of Falling Objects
3. Housekeeping
4. Lifting Operations
5. Electrical Supply System

The total score of SSIP represents the overall performance of these five activity items. The Report is triggered if the total score is below 70%.

(ii) After verifying the scores and settling any dispute raised by the contractors, OSHC shall send the SSIP report to the CM within two to four weeks after the visit.
### Alert and Warning Trigger on Account of Accident Rate

#### On monthly basis

1. CTO site staff to collate summary of number of workers from GF 527 plus number of site management staff on contract basis to Procurement Section.
2. Safety & Health Unit to verify the no. of reportable accidents on new works construction sites with project teams, based on Supplementary Information Sheet (SIS) returns from Labour Department.

#### On quarterly basis

Safety & Health Unit to provide Procurement Section with a summary of verified SIS returns (namely reportable accidents on site) from Labour Department for each new works contract.

#### For Building-New Works (BNW) contracts already commenced for one year or more

Procurement Section to compile and include annualized accumulative accident rate in performance reports of new works building contracts, on quarterly basis.

CRC to review safety performance of the contractor.

**A**  \( AR < 9 \)

- **AR ≤ Alert level (9/1000 workers)**
  - No action. Keep monitoring AR

**B**  \( 9 < AR < 12 \)

- **9 < AR ≤ 12**
  - **AR > Accident Rate Limit under POA (9/1000 workers) and AR ≤ (12/1000 workers)**
    - Trigger Alert by CM.

**C**  \( AR > 12 \)

- **AR > (12/1000 workers)**
  - Trigger Watch List Alert by CRC. (Note 6)

#### Accident Rate Alert : > 9 / 1000 workers

#### Watch List Alert : > 12 / 1000 workers

#### Warning Alert : > 15 / 1000 workers

CM Alert (Note 5)

CRC to issue an one-off alert letter to contractor (Annex 5B) (with copy to CRC secretary and OSHC), requesting for submission of Safety Improvement Proposal, for review by Site Safety Committee and the next audit assessment.

CRC to review safety performance of the contractor.

CRC to issue an one-off alert to the contractor (Sample at Annex 5C)

No action. Keep monitoring AR

**AR has not worsened compared with “Watch List Alert” and AR ≤ 15/1000 workers**

**AR > 15/1000 workers**

CRC to issue warning letter to the contractor (Sample at Annex 5D)

No action. Keep monitoring AR

**AR has worsened compared with “Watch List Alert” though AR ≤ 15/1000 workers**

CRC Warning

No action. Keep monitoring AR

**AR has not worsened compared with “Watch List Alert” and AR ≤ 15/1000 workers**

**AR > 15/1000 workers**

CRC to issue warning letter to the contractor (Sample at Annex 5D)

No action. Keep monitoring AR

**AR has worsened compared with “Watch List Alert” though AR ≤ 15/1000 workers**

CRC Warning

No action. Keep monitoring AR

#### The formula for annualized accumulative project accident rate (on contract basis)

\[
\frac{\sum_{\text{Total cumulative number of reportable accident (N)}} \times 1000 \times \text{Average daily number of workers (W)}}{\text{365 (days)} \times \text{Contract duration (days) (D)}}
\]

- **Note 1** Number of cumulative accident is based on receipt of Supplementary Information Sheets from Labour Department up to the cut-off date stated in footnote 3 below. In the long run, keep in view to include accident captured from HA Accident / Incident Reports (DCMP-F787).
- **Note 2** The average daily number of workers are to be based on the summary collated by CTO site staff from GF527 returns plus no. of site management staff. The cut-off date shall follow that stated in footnote 3 below.
- **Note 3** Cumulative number of reportable accidents (N), contract duration (D) and average daily number of workers (W) are to be counted from contract commencement to a quarterly cut off date, namely 31 March, 30 June, 30 September and 31 December of the year; and for completed contract, the cut off date is set at the Certified Substantial Completion date.
- **Note 4** CRC Secretary to seek advice from S&H Unit on levels of accident rate alert for CRC endorsement.
- **Note 5** CM Alert will be triggered if and when annualized accumulative project accident rate (AR) exceeds the target accident rate limit: 9 per 1000 workers [until further revised, in line with accident limit set under Programme of Activities (POA)].
- **Note 6** “Watch List Alert” at CRC level will be triggered if and when annualized accumulative project accident rate (AR) exceeds 12 per 1000 workers [until further revised].
- **Note 7** Consideration should be given as to whether high AR is due to extraordinarily low number of workers on site. Where AR trigger is coupled with workers number less than 80, the triggered case will be examined against other performance indicators such as PASS safety scores, HASAS scores, SSIP scores and safety convictions etc.
- **Note 8** For continuously high AR, CRC may consider the case and decide for further action, if necessary.
Guidance Notes:

1. Two versions of the Form are available and attached: The first one immediately below is for use in contracts which adopted the Government of Hong Kong General Conditions of Contract 1993 Edition or the Government of Hong Kong Sub-contract Conditions 1988 Edition, and the next one [i.e. the form with the form number annexed with “(HAGCC 2013 Edition)”] is for use in contracts which adopted the HKHA General Conditions of Contract (2013 Edition) or the HKHA General Conditions of Nominated Sub-contract (2013 Edition).

2. Select only one version of the Form as appropriate.
Dear Sir /Madam,

Contract Title:  
(Contract No.:)  
Alert on Safety Performance - Accident Rate

I write to express our concern and to alert your attention to the escalating accident rate for the captioned contract.

Accident rate provides a performance indicator among other related key performance indicators in respect of site safety for balanced scorecard risk management. Your role to ensure construction workplace safety is important and operations at site must be carefully managed at all levels to prevent accidents.

The prevailing target of Housing Authority New Works contracts is zero fatal accident and the performance target in terms of average accident limit is revised to not more than 9 accidents per 1,000 workers from 1 April 2016 onwards. According to the accident reports captured by Labour Department and those submitted by your site office, the annualized accumulative accident rate for the captioned contract exceeds the alert level of 9 accidents per 1,000 workers.

Further to Clause 30 of the General Conditions of Contract (GCC) requiring your conformance with pertinent enactment and regulations which includes, among others, the Construction Sites (Safety) Regulations, I would draw your attention to the following conditions of contract and specifications clauses pertaining to site safety, including:

(i) GCC Clause 20 - Safety and security of the Works,
(ii) SCC 16 - Safety,
(iii) Specification Clause *PRE.B6.150 / PRE.C6.150 - Safety, and

We draw your attention to your failure to comply with the contractual
obligations under GCC clauses 17(1) and 20(1) to keep the Site and the Works in an orderly state appropriate to the avoidance of danger to all persons. In this connection, please submit Safety Improvement Proposal for review by the Site Safety Committee and during the next round of safety audit.

If there is a significant fall in safety performance, the Department’s Contractors Review Committee may take steps to review your company’s general performance and make any necessary recommendations to the Procurement Review and List Management Board for their consideration in respect of your company’s future tendering eligibility.

Yours faithfully,

( )
Chief / Contract Manager

or ( )
(Name of Consultant) Contract Manager

cc. OSHC (Attn: Mr. Jack FONG by fax to 3106 0775)

* A/
  SE/
  BSE/C
  PQS
  CTO(BW)/
  COW / IOW
  BSI /
  SM/SH
  See to CRC/BNW (Attn: SM/P1)

* Delete and fill in as appropriate
Following is the (HAGCC 2013 Edition) version of the form
Dear Sir / Madam,

**Contract Title:**
(Contract No.:)

**Alert on Safety Performance - Accident Rate**

I write to express our concern and to alert your attention to the escalating accident rate for the captioned contract.

Accident rate provides a performance indicator among other related key performance indicators in respect of site safety for balanced scorecard risk management. Your role to ensure construction workplace safety is important and operations at site must be carefully managed at all levels to prevent accidents.

The prevailing target of Housing Authority New Works contracts is zero fatal accident and the performance target in terms of average accident limit is revised to not more than 9 accidents per 1,000 workers from 1 April 2016 onwards. According to the accident reports captured by Labour Department and those submitted by your site office, the annualized accumulative accident rate for the captioned contract exceeds the alert level of 9 accidents per 1,000 workers.

Further to Clause 5.23 of the General Conditions of Contract requiring your conformance with pertinent enactments and regulations which includes, among others, the Construction Sites (Safety) Regulations, I would draw your attention to the following General Conditions of Contract (GCC) and Specification clauses pertaining to site safety:-

(i) GCC Clause 5.11 - Safety, security and environmental management of the Works,
(ii) Specification Clause *PRE.B6.070 / PRE.C6.070 - Safety, security and environmental management of the Works, and
(iii) Specification Clause *PRE.B8.210 / PRE.C9.205 - Compliance with safety regulations and contract requirements.

We draw your attention to your failure to comply with the contractual obligations under GCC Clauses 5.8(1) and 5.11(2) to keep the Site and the Works in an orderly state appropriate to the avoidance of danger to all persons. In this connection, please submit Safety Improvement Proposal for review by the Site Safety Committee and during the next round of safety audit.
If there is a significant fall in safety performance, the Department’s Contractors Review Committee may take steps to review your company’s general performance and make any necessary recommendations to the Procurement Review and List Management Board for their consideration in respect of your company’s future tendering eligibility.

Yours faithfully,

( )
Chief / Contract Manager

or ( )
(Name of Consultant) Contract Manager

cc. OSHC (Attn: Mr. Jack FONG by fax to 3106 0775)
* A/
  SE/
  BSE/C
  PQS
  CTO(BW)/
  COW / IOW
  BSI /
  SM/SH
  Sec to CRC/BNW (Attn: SM/P1)

* Delete and fill in as appropriate
Our Ref. : BY REGISTERED POST
Tel. No. :
Fax No. : Date:

(Contractor)
(Attn: Managing Director)

Dear Sir /Madam,

Contractors Review Committee (Building – New Works) (CRC/BNW)
Contract Title:
(Contract No.):
Alert Letter
Watch List Alert Trigger

Accident rate provides a performance indicator (PI) among other related key performance indicators in respect of site safety for balanced scorecard risk management. The prevailing target of Housing Authority New Works contracts is zero fatal accident and the performance target in terms of average accident limit is revised to not more than 9 accidents per 1,000 workers from 1 April 2016 onwards.

According to the accident reports captured by Labour Department and those submitted by your site office, the annualized accumulative accident rate for the captioned contract exceeds 12 per 1000 workers and this has triggered “Watch List Alert” by the Contractors Review Committee (CRC).

Your role to ensure construction workplace safety is important. In this connection, you are hereby reminded to effect adequate safety precautions and measures, step up vigilance and strengthen safety management on all fronts and to ensure the safety of all persons and safe operations at site at all times.

You are further advised that CRC/BNW takes a close monitoring on your performance. The above matters are causing concern and unless substantial and immediate improvement in your performance on this project is observed, further regulatory actions in accordance with the Guide to Registration of Works Contractors and Property Management Services Providers will be considered as appropriate.
Yours faithfully,

( )
Senior Manager / Procurement 1
For Director of Housing

b.c.c.  * CRC/BNW Chairman & Members
      OSHC (Attn: Mr. Jack FONG by fax to 3106 0775)
      CM (#)
      SM/SH
      File via CA/P

* Delete appropriate
# fill in as appropriate
Dear [Contractor]

(Attn: Managing Director)

I refer to the trigger of “Watch List Alert” and the issuance of reminder letter to you by the Contractors Review Committee (CRC) dated #.

According to the accident reports captured by Labour Department and those submitted by your site office, the annualized accumulative accident rate for the captioned contract exceeds 15 per 1000 workers / has worsened as compared to the “Watch List Alert”.

Your role to ensure construction workplace safety is important. In this connection, you are hereby reminded to effect adequate safety precautions and measures, step up vigilance and strengthen safety management on all fronts and to ensure the safety of all persons and safe operations at site at all times.

You are further advised that CRC/BNW takes a close monitoring on your performance. The above matters are causing serious concern and unless substantial and immediate improvement in your performance on this project is observed, further regulatory actions in accordance with the Guide to Registration of Works Contractors and Property Management Services Providers will be considered as appropriate.

DCMP-F7121 (27/04/2016)
Yours faithfully,

( )
Senior Manager / Procurement 1
For Director of Housing

b.c.c. * CRC/BNW Chairman & Members
OSHC (Attn: Mr. Jack FONG by fax to 3106 0775)
CM (#)
SM/SH
File via CA/P

* Delete appropriate
# fill in as appropriate
Alert and Warning Trigger on Account of failure in Surprise Safety Inspection Programme (SSIP)

Quarterly Surprise Safety Inspections (SSI) are conducted

Occupational Safety & Health Council (managing SSIP) to forward to respective CM the SSIP scores of the concerned project and to Safety & Health Unit (S&H) Summary of SSIP Scores for each quarter

S&H to forward Summary of SSIP Scores to respective CRC Secretary

Whether the verified activity scores or total score of SSIP falls below 70%

YES

If any of verified activity score falls below 70%
CM to issue an alert letter to the contractor (template at Annex 6B)

CRC Secretary to request CM to complete DCMP-F713 before CRC meeting

If the verified total score falls below 70%
CM to complete Part A and Part B of DCMP-F713 and return to CRC Secretary

CM to issue warning letter and trigger alert to the contractor (template at Annex 6C)

(1): CRC in the flowchart refers to CRC/BNW or CRC/E.

DCMP-F7123 (27/042016)
Guidance Notes:

1. Two versions of the Form are available and attached: The first one immediately below is for use in contracts which adopted the Government of Hong Kong General Conditions of Contract 1993 Edition or the Government of Hong Kong Sub-contract Conditions 1988 Edition, and the next one [i.e. the form with the form number annexed with “(HAGCC 2013 Edition)”] is for use in contracts which adopted the HKHA General Conditions of Contract (2013 Edition) or the HKHA General Conditions of Nominated Sub-contract (2013 Edition).

2. Select only one version of the Form as appropriate.
Dear Sir /Madam,

Contract Title:
(Contract No.):
Alert on Unsatisfactory Site Safety Performance under Surprise Safety Inspection Programme (SSIP)

I write to express our concern and to alert your attention to the unsatisfactory site safety performance for the captioned contract under SSIP.

The passing threshold of verified activity score of SSIP is 70%. According to the activity scores verified by Occupational Safety and Health Council for this SSIP, the verified activity score*(s) for [*working at height / prevention of falling objects / housekeeping / lifting operations / electrical supply system] for the captioned contract fall*(s) below the said threshold.

Further to Clause 30 of the General Conditions of Contract (GCC) requiring your conformance with pertinent enactment and regulations which includes, among others, the Construction Sites (Safety) Regulations, I would draw your attention to the following conditions of contract and specifications clauses pertaining to site safety, including:

(i) GCC20 - Safety and security of the Works,
(ii) SCC 16 - Safety,
(iii) Specification Clause *PRE.B6.150 / PRE.C6.150 - Safety, and

You are urged to strengthen safety management and take steps to improve safety performance. If there are continuous unsatisfactory SSIP results, the Department’s Contractors Review Committee may take steps to review your company’s general performance and make any necessary recommendations to the Procurement Review and List Management Board for their consideration in respect of your company’s future tendering eligibility.
Yours faithfully,

( )
Chief / Contract Manager

or ( )
(Name of Consultant)
Contract Manager

cc. OSHC (Attn: Mr. Henry CHEUNG by fax to 3106 0775)
Internal
* A/
   SE/
   BSE/C
   PQS
   CTO(BW)/ CTO(C)/Works CTO(BS)/C
   COW / IOW
   BSI /
   SM/SH
   Sec to CRC/

* Delete or fill in as appropriate
Following is the (HAGCC 2013 Edition) version of the form
Dear Sir / Madam,

Contract Title: 
(Contract No.:)

Alert on Unsatisfactory Site Safety Performance under Site Safety Inspection Programme (SSIP)

I write to express our concern and to alert your attention to the unsatisfactory site safety performance for the captioned contract under SSIP.

The passing threshold of verified activity score of SSIP is 70%. According to the activity scores verified by Occupational Safety and Health Council for this SSIP, the verified activity score(s) for [*working at height / prevention of falling objects / housekeeping / lifting operations / electrical supply system] for the captioned contract fall(s) below the said threshold.

Further to Clause 5.23 of the General Conditions of Contract requiring your conformance with pertinent enactments and regulations which include, among others, the Construction Sites (Safety) Regulations, I would draw your attention to the following General Conditions of Contract (GCC) and Specification clauses pertaining to site safety:

(i) GCC Clause 5.11 – Safety, security and environmental management of the Works,
(ii) Specification Clause *PRE.B6.070 / PRE.C6.070 - Safety, security and environmental management of the Works, and
(iii) Specification Clause *PRE.B8.210 / PRE.C9.205 - Compliance with safety regulations and contract requirements.

You are urged to strengthen safety management and take steps to improve safety performance. If there are continuous unsatisfactory SSIP results, the Department’s Contractors Review Committee may take steps to review your company’s general performance and make any necessary recommendations to the Procurement Review and List Management Board for their consideration in respect of your company’s future tendering eligibility.
Yours faithfully,

(  )
Chief /
Contract Manager

or (  )
(Name of Consultant)
Contract Manager

cc. OSHC (Attn: Mr. Henry CHEUNG by fax to 3106 0775)
   Internal
   * A/
   SE/
   BSE/C
   PQS
   CTO(BW)/ CTO(C)/Works CTO(BS)/C
   COW / IOW
   BSI /
   SM/SH
   Sec to CRC/___

* Delete or fill in as appropriate
Guidance Notes:

1. Two versions of the Form are available and attached: The first one immediately below is for use in contracts which adopted the Government of Hong Kong General Conditions of Contract 1993 Edition or the Government of Hong Kong Sub-contract Conditions 1988 Edition, and the next one [i.e. the form with the form number annexed with “(HAGCC 2013 Edition)”] is for use in contracts which adopted the HKHA General Conditions of Contract (2013 Edition) or the HKHA General Conditions of Nominated Sub-contract (2013 Edition).

2. Select only one version of the Form as appropriate.
Dear Sir /Madam,

Contract Title:  
(Contract No.:)  
Warning Letter  
Warning on Unsatisfactory Site Safety Performance  
under Surprise Safety Inspection Programme (SSIP)

I write to express our concern and to alert your attention to the unsatisfactory site safety performance for the captioned contract under SSIP.

The passing threshold of verified total score of SSIP is 70%. According to the total score verified by Occupational Safety and Health Council for this SSIP, the verified total score for the captioned contract falls below the said threshold.

Further to Clause 30 of the General Conditions of Contract (GCC) requiring your conformance with pertinent enactment and regulations which includes, among others, the Construction Sites (Safety) Regulations, I would draw your attention to the following conditions of contract and specifications clauses pertaining to site safety, including:-

(i) GCC20 - Safety and security of the Works,
(ii) SCC 16 - Safety,
(iii) Specification Clause *PRE.B6.150 / PRE.C6.150 - Safety, and

You are urged to strengthen safety management and take steps to improve safety performance. If there are continuous unsatisfactory SSIP results, the Department’s Contractors Review Committee may take steps to review your company’s general performance and make any necessary recommendations to the Procurement Review and List Management Board for their consideration in respect of your company’s future tendering eligibility.
Yours faithfully,

( )
Chief /  
Contract Manager

or ( )
(Name of Consultant)  
Contract Manager

cc. OSHC (Attn: Mr. Henry CHEUNG by fax to 3106 0775)

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  SM/SH
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* Delete and fill in as appropriate
Following is the (HAGCC 2013 Edition) version of the form
Dear Sir / Madam,

Contract Title:
(Contract No.:)
Warning Letter
Warning on Unsatisfactory Site Safety Performance
under Site Safety Inspection Programme (SSIP)

I write to express our concern and to alert your attention to the unsatisfactory site safety performance for the captioned contract under SSIP.

The passing threshold of verified total score of SSIP is 70%. According to the total score verified by Occupational Safety and Health Council for this SSIP, the verified total score for the captioned contract falls below the said threshold.

Further to Clause 5.23 of the General Conditions of Contract requiring your conformance with pertinent enactments and regulations which include, among others, the Construction Sites (Safety) Regulations, I would draw your attention to the following General Conditions of Contract (GCC) and Specification clauses pertaining to site safety:­

(i) GCC Clause 5.11 – Safety, security and environmental management of the Works,
(ii) Specification Clause *PRE.B6.070 / PRE.C6.070 - Safety, security and environmental management of the Works, and
(iii) Specification Clause *PRE.B8.210 / PRE.C9.205 - Compliance with safety regulations and contract requirements.

You are urged to strengthen safety management and take steps to improve safety performance. If there are continuous unsatisfactory SSIP results, the Department’s Contractors Review Committee may take steps to review your company’s general performance and make any necessary recommendations to the Procurement Review and List Management Board for their consideration in respect of your company’s future tendering eligibility.
Yours faithfully,

( )
Chief
Contract Manager

or ( )
(Name of Consultant)
Contract Manager

cc. OSHC (Attn: Mr. Henry CHEUNG by fax to 3106 0775)

Internal
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  SE/
  BSE/C
  PQS
  CTO(BW)/ CTO(C)/Works / CTO(BS)/C
  COW / IOW
  BSI /
  SM/SH
  Sec to CRC/

* Delete or fill in as appropriate
Alert and Warning Trigger on Account of failure in Critical Pass of Housing Authority Safety Auditing Score (HASAS)

Quarterly safety audits are conducted in accordance with HASAS

Occupational Safety & Health Council (managing HASAS) to forward to respective CM Summary of Project Safety Audit Verified Scores of the concerned project and to Safety & Health Unit (S&H) Summary of Safety Audit Scores for each quarter

S&H to forward Summary of Project Safety Audit Verified Scores (HASAS) [DCMP-F790] to respective CRC Secretary

Failure to meet Critical Pass in anyone of the Key elements of Part A or high-risk subsections of Part B (note 2)

CMR/CM to issue letters to the contractor according to the mechanism under DCMBI no.P08/09

Failure in two consecutive quarters

CRC to review the performance of the contractor.

CM to issue warning letter and trigger alert to the contractor (template at Annex 7B)

(1) : CRC in the flowchart refers to CRC/BNW or CRC/E.
(2) : Critical Pass in HASAS version 1.5.1:
**Part A : Key Elements**
- Element 7 Job Hazard Analysis

**Part B : High-risk Subsections**
- 14.1.3 Working at Height
- 14.1.4 Housekeeping
- 14.1.5 Protection against Falling Objects
- 14.3.2 Electrical Supply System
- 14.2.3 Lifting Operations / 14.4.1 Tower Crane / 14.4.2 Mobile Crane
Guidance Notes:

1. Two versions of the Form are available and attached: The first one immediately below is for use in contracts which adopted the Government of Hong Kong General Conditions of Contract 1993 Edition or the Government of Hong Kong Sub-contract Conditions 1988 Edition, and the next one [i.e. the form with the form number annexed with “(HAGCC 2013 Edition)”] is for use in contracts which adopted the HKHA General Conditions of Contract (2013 Edition) or the HKHA General Conditions of Nominated Sub-contract (2013 Edition).

2. Select only one version of the Form as appropriate.
Dear Sir / Madam,

Contract Title:
(Contract No.):

Warning on Unsatisfactory Site Safety Performance under Housing Authority Safety Auditing System (HASAS)

I write to express our concern and to alert your attention to the unsatisfactory site safety performance for the captioned contract under HASAS.

According to the safety audit assessment conducted by Occupational Safety and Health Council, the Critical Pass item(s) - [*Element 7 Job Hazard Analysis/Working at Height (14.1.3)/ Housekeeping (14.1.4)/ Protection against Falling Objects (14.1.5)/ Lifting Operations (14.2.3)/ Electrical Supply System (14.3.2)/ Tower Crane (14.4.1)/ Mobile Crane (14.4.2)] was/were recorded failure for two consecutive quarters. The passing threshold of audit scores is 70%.

Further to Clause 30 of the General Conditions of Contract (GCC) requiring your conformance with pertinent enactment and regulations which includes, among others, the Construction Sites (Safety) Regulations, I would draw your attention to the following conditions of contract and specifications clauses pertaining to site safety, including:

(i) GCC20 - Safety and security of the Works,
(ii) SCC 16 - Safety,
(iii) Specification Clause *PRE.B6.150 / PRE.C6.150 - Safety, and

You are urged to strengthen safety management and take steps to improve safety performance. If there are continuous unsatisfactory site safety performance results under HASAS, the Department’s Contractors Review Committee may take steps to review your company’s general performance and make any necessary recommendations to the Procurement Review and List Management Board for their consideration in respect of your company’s future tendering eligibility.
Yours faithfully,

( )

Chief / 
Contract Manager

or ( )
(Name of Consultant) 
Contract Manager

cc. OSHC (Attn: Mr. Jack FONG by fax to 3106 0775) 
Internal
* A/
   SE/
   BSE/C
   PQS
   CTO(BW)/ CTO(C)/Works CTO(BS)/C
   COW / IOW
   BSI /
   SM/SH
   Sec to CRC/

* Delete and fill in as appropriate
Following is the (HAGCC 2013 Edition) version of the form
Dear Sir / Madam,

Contract Title: (Contract No.:
Warning Letter

Warning on Unsatisfactory Site Safety Performance under Housing Authority Safety Auditing System (HASAS)

I write to express our concern and to alert your attention to the unsatisfactory site safety performance for the captioned contract under HASAS.

According to the safety audit assessment conducted by Occupational Safety and Health Council, the Critical Pass item(s) - [*Element 7 Job Hazard Analysis/Working at Height (14.1.3)/ Housekeeping (14.1.4)/ Protection against Falling Objects (14.1.5)/ Lifting Operations (14.2.3)/ Electrical Supply System (14.3.2)/ Tower Crane (14.4.1)/ Mobile Crane (14.4.2)] was/were recorded failure for two consecutive quarters. The passing threshold of audit scores is 70%.

Further to Clause 5.23 of the General Conditions of Contract requiring your conformance with pertinent enactments and regulations which include, among others, the Construction Sites (Safety) Regulations, I would draw your attention to the following General Conditions of Contract (GCC) and Specification clauses pertaining to site safety:

(i) GCC Clause 5.11 – Safety, security and environmental management of the Works,
(ii) Specification Clause *PRE.B6.070 / PRE.C6.070 - Safety, security and environmental management of the Works, and
(iii) Specification Clause *PRE.B8.210 / PRE.C9.205 - Compliance with safety regulations and contract requirements.

You are urged to strengthen safety management and take steps to improve safety performance. If there are continuous unsatisfactory site safety performance results under HASAS, the Department’s Contractors Review Committee may take steps to review your company’s general performance and make any necessary recommendations to the Procurement Review and List Management Board for their
consideration in respect of your company’s future tendering eligibility.

Yours faithfully,

( )
Chief / Contract Manager

or ( )
(Name of Consultant) Contract Manager

cc. OSHC (Attn: Mr. Jack FONG by fax to 3106 0775)
Internal
* A/
SE/
BSE/C
PQS
CTO(BW)/ CTO(C)/Works CTO(BS)/C
COW / IOW
BSI /
SM/SH
Sec to CRC/____

* Delete or fill in as appropriate
### Summary of Changes

<table>
<thead>
<tr>
<th>DCMBI No. P06/09</th>
<th>Changes</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>General</strong></td>
<td>The changes are made to cover the role of PRLMB in examination process of suspension notice from Labour Department, new / revised regulatory action related to safety audit of building services nominated subcontracts, SSIP and revised performance target of accident rate.</td>
</tr>
<tr>
<td><strong>Paragraph 3</strong></td>
<td>All measures shall take immediate effect except that the measure related to revised performance target of accident rate will be effective from 1 April 2016.</td>
</tr>
<tr>
<td><strong>Paragraph 5</strong></td>
<td>Summary of changes revised.</td>
</tr>
<tr>
<td><strong>Paragraph 9</strong></td>
<td>‘lifted’ revised to ‘revoked’</td>
</tr>
<tr>
<td><strong>Paragraph 10 &amp; 11</strong></td>
<td>The role of PRLMB added.</td>
</tr>
</tbody>
</table>
| **Paragraph 12** | (i) Scenario of contractor failing to identify the root cause of site safety irregularities resulting in suspension and to take effective remedial action added.  
(ii) PRLMB convened to examine Suspension Notice added. |
| **Paragraph 17** | Failure in safety audit of building services nominated subcontracts for triggering CRC’s discussion and CM’s warning added. |
| **Paragraph 18** | Consecutive failures in safety audit of building services nominated subcontracts leading to recommendation of suspension from tendering added. |
| **Paragraph 20** | Accident rate for triggering warning revised. |
| **Paragraph 21** | (i) Reference to Site Safety Quarterly Performance Report added.  
(ii) ‘piling’ changed to ‘foundation’. |
| **Paragraph 22** | New paragraph on alert and warning trigger on account of SSIP added. |
| **Paragraph 23** | New paragraph on alert and warning trigger on account of safety audit performance added. |
| **Paragraph 25** | New paragraph on suspension from tendering on account of safety audit performance added. |
| **Paragraph 28** (previous paragraph 25) | Performance target of accident rate revised. |
| **Paragraph 29** | New paragraph on alert and warning trigger on account of SSIP added. |
| Annex 1A | (i) PRLMB added in the workflow in examining contractor’s representation on LD’s suspension notice.  
(ii) Scenario of a contractor’s failure to identify root cause of site safety irregularities leading to suspension and take effective remedial action added. |
|---|---|
| Annex 1B | (i) Specification clauses of civil engineering added.  
(ii) OSHC added in circulation list. |
| Annex 1C | New warning letter for geotechnical engineering contract added. |
| Annex 3A | Failure in safety audit or HALENSAS for building services nominated subcontracts added. |
| Annex 3B | (i) failure in safety audit or HALENSAS for building services nominated subcontracts added.  
(ii) Specification clauses of civil engineering added.  
(iii) Site staff of engineering works added in circulation list. |
| Annex 4 | (i) Failure in SSIP total score for triggering discussion added.  
(ii) One more option for CM’s findings in Item 3.2 added.  
(iii) Note 9 for SSIP added. |
| Annex 5A | (i) Performance target of accident rate revised.  
(ii) Accident rate for triggering warning revised. |
| Annex 5B | (i) Performance target of accident rate revised.  
(ii) Specification clauses of civil engineering added. |
| Annex 5C | Performance target of accident rate revised. |
| Annex 5D | Accident rate for triggering warning revised. |
| Annexes 6A, 6B, 6C, 7A, 7B and 8 | New annexes added. |