

LCQ12: Follow-up actions in respect of construction sites with frequent incidents

Following is a question by the Hon Michael Tien and a written reply by the Secretary for Development, Ms Bernadette Linn, in the Legislative Council today (April 10):

Question:

It has been reported that in March this year, a curtain wall component broke during lifting and fell at the construction site (the site) of the redevelopment project of the Mariners' Club in Tsim Sha Tsui, hitting passers-by. Besides, incidents have occurred frequently at the site in recent years, including bamboo scaffolds catching fire in September 2022, the outbreak of a No. 4 alarm fire in March last year, as well as members of the public reporting in September last year about the dubious quality of steel reinforcing bars (rebar) used in the project. In this connection, will the Government inform this Council:

(1) given that in the light of the aforesaid reports, the registered structural engineer (RSE) of the aforesaid project proposed that relevant rebar samples be taken out by randomly opening up the cast structures at the site for testing, and the Buildings Department (BD) advised on January 20 this year that the proposal was being scrutinised, whether construction works is still being carried out at the site; if so, whether the BD will consider requiring the suspension of construction works at the site and allowing the resumption of construction works only after the rebar samples have been verified that they are in compliance with the relevant specifications;

(2) regarding the situation of the site, whether the authorities have comprehensively reviewed if the site has other potential safety hazards with the relevant Authorised Persons, RSEs and registered contractors; if the authorities have, of the details; if not, the reasons for that; and

(3) whether new mechanisms are in place to take follow-up actions in respect of construction sites with frequent incidents; if so, of the details; if not, the reasons for that?

Reply:

President,

The Government attaches great importance to the safety and quality of building works. In so far as private development projects are concerned, the Buildings Department (BD), by virtue of the Buildings Ordinance (BO) (Cap. 123), requires the registered building professionals (RBP) (including

Authorised Persons (AP), registered structural engineers (RSE), registered geotechnical engineers, etc) and the registered contractors (RC) responsible for building works to properly supervise the building works in accordance with the respective supervision plans prepared by them and submitted to the BD under the Code of Practice for Site Supervision 2009, so as to ensure that the works comply with the BO. In addition to complying with the BO itself and its subsidiary regulations, the building works should also comply with the approved plans of the works concerned, and any conditions imposed or orders made by the BD under the BO. The BD also exercises a gatekeeping role vigilantly upon completion of building works. When the RBP and RC apply for the Occupation Permit (OP), they should certify the new building has been completed in accordance with the provisions of the BO and its regulations and the plans approved, and ensure that the building is in compliance with regulations and structurally safe.

The replies to the various parts of the question are as follows:

(1) Regarding the report on the quality of some of the steel reinforcing bars (rebar) used at the captioned site, the BD has scrutinised the testing proposal and supplementary information provided by the project RSE and has accepted the proposal. The proposal included randomly opening up the reinforced concrete structural walls and beams which have been completed cast from 29/F to 39/F for inspection and taking some 80 rebar samples for testing. The BD has also approved the temporary safety measures required during rebar sampling so as to ensure that the overall structural safety of the building would not be affected by the sampling works. Having obtained the BD's approval of the plans and consent to commence the works, the RC is currently conducting the sampling works on site under the supervision of the RSE or his representative. BD officers are also deployed to monitor the works.

The RSE anticipated that the concerned rebar sampling works will be completed at the end of this month. The samples will be sent to a laboratory under the Hong Kong Laboratory Accreditation Scheme for testing of rebars and preparation of reports. The rebar test reports will be submitted to the BD by early June. If any rebars are found not in compliance with the approved plans and the requirements of the BO and the relevant regulations, the BD will require the RSE to submit an incident report and the necessary remedial measures to the satisfaction of the BD.

Since the concreting works for the superstructure of the project (including 29/F to 39/F) had already been completed at the end of last year, and given the RSE's confirmation after inspection that the concreting works was sound and the building was structurally safe, it was not necessary for the BD to require suspension of works on site with regard to the above incident.

(2) Regarding the safety incident that occurred during the installation of the curtain wall works at the captioned site on March 12 this year, BD officers, upon arrival at the site, found that the RC had already taken the initiative to suspend the works concerned. The BD also served an order in

writing on the RC on the next day in accordance with the B0 requiring the cessation of the curtain wall installation works until the order has been withdrawn. Furthermore, the BD required the project AP, RSE and RC to enhance site safety by carrying out risk assessment on the works concerned, reviewing the current safety measures, stepping up site supervision, etc, and to submit an incident report as well as the necessary remedial measures to the BD. The above-mentioned cease works order will not be withdrawn until the necessary measures for enhancing site safety have been implemented to the satisfaction of the BD.

In addition to requiring the project AP, RSE and RC to take remedies after the above incident, having regard to the multiple incidents at the afore-mentioned site, the BD met with the project AP, RSE and RC in mid-March this year to reiterate its concerns over past incidents involving site safety and quality of construction materials, and required them to duly implement the corresponding improvement measures. These measures included reviewing the remaining building works to be carried out on site, conducting risk assessment of such works, and strengthening site supervision in respect of safety and quality of works. The BD has stepped up inspections to the site to ensure that the RBP and RC have implemented the relevant improvement measures to safeguard public safety and the quality of building works in accordance with the approved plans and the requirements of the B0.

From the fire safety perspective, according to Fire Services Department (FSD), as in other construction sites, FSD officers will conduct inspections at construction sites and provide appropriate advice based on section 7(c) of the Fire Services Ordinance (Cap. 95) having regard to the potential fire risks at construction sites, so as to ensure that the responsible persons of the construction sites comply with the requirements specified in the FSD Circular Letter No. 2/2024 on Fire Protection Measures in High-rise Buildings under Construction (CL), and that the facilities are in efficient working order at all times. If it is found that the requirements of the CL are not duly complied with, a Fire Hazard Abatement Notice (FHAN) will be issued by the FSD to the responsible person in accordance with section 3 of the Fire Services (Fire Hazard Abatement) Regulation (Cap. 95F), requiring rectification of the fire hazard(s) within a specified period. Non-compliance with the FHAN is liable to prosecution. Building contractors or responsible persons of the construction sites should provide sufficient fire protection for the construction sites in strict compliance with the requirements of the CL.

(3) Generally speaking, when there is an alleged incident involving building works at a private construction site, BD officers will be deployed to inspect the site as soon as possible to inquire into the incident, consider the site situation and carry out an assessment, so as to implement appropriate measures to ensure the safety of the building and building works under construction. The BD will also follow up the case with the project RBP and RC requiring them to submit an incident report and a proposal on necessary remedial measures, and conduct investigation into the incident. If any person or the RC is found to have contravened the B0, the BD will instigate prosecution action against the relevant person or the RC in accordance with

the BO. If any RBP or RC have been negligent or have misconducted themselves in their professions or in any building works, the case will be referred to relevant disciplinary board for disciplinary proceedings. The BD will also refer the case to other law enforcement authorities for follow-up investigation and appropriate actions where necessary.

The BD is investigating the incident involving the quality of rebar at the afore-mentioned site, as well as the safety incident that occurred during the curtain wall installation works. Appropriate follow-up actions will be taken having regard to the investigation findings.

System-wise, it was proposed in last year's Policy Address that the Government would conduct a comprehensive review of the BO, including considering strengthening the registration and disciplinary systems for contractors, increasing the disciplinary penalties, streamlining the procedures for prosecution and making referrals to the disciplinary board, with a view to enhancing professionalism in the building industry and ensuring the quality and safety of works. The Government will put forward the relevant amendment proposals this year.