



Labour Department (Headquarters)

勞工處 (總處)

Your reference 來函編號 :

Our reference 本處檔案編號 : (8) in LD ELD/1 - 10/1

Tel. number 電話號碼 : 2559 2297

Fax number 傳真機號碼 : 3102 0734

先生/女士 :

在合資格的人的直接監督下
架設、相當程度上的擴建、更改或拆卸棚架

本人特此致函，提醒你有關《建築地盤(安全)規例》(第 59I 章)第 38E 條的法例要求。

2. 《建築地盤(安全)規例》第 38E(1)(b)及(2)(b)條規定，負責建築地盤內任何棚架的承建商，或任何直接控制任何棚架的架設、相當程度上的擴建、更改或拆卸的承建商，須確保該地盤內的棚架只可在合資格的人的直接監督下，由曾受訓練的工人架設、相當程度上的擴建、更改或拆卸。

3. 終審法院近日在判決[2019] HKCFA 20 一案時認為，除其他事項外，該規例要求棚架工人須在合資格的人的直接監督下工作，而該合資格的人當時須不主動地參與相關棚架工作，並可在不需顧慮自身安全的情況下，監督棚架及棚架工人的安全。根據有關判決，直接監督棚架工作的合資格的人，不可同時主動地參與相關棚架工作。有關判決(只有英文版)可從以下網址下載：

<https://legalref.judiciary.hk>

4. 有關的承建商須留意以上的判決及採取一切適當措施，以遵從上述的規例(如適用)。如對此信有任何查詢，請致電勞工處職業安全及健康諮詢熱線 2559 2297 與本處職員聯絡。

勞工處處長

(李永強



代行)

2019 年 12 月 9 日



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9 December 2019

**Erection, Substantial Addition, Alteration or Dismantling of Scaffolds
under the Immediate Supervision of Competent Persons**

Dear Sir/Madam,

I write to draw your attention to the legal requirement under regulation 38E of the Construction Sites (Safety) Regulations ("CSSR"), Cap 59L.

2. Regulations 38E(1)(b) and (2)(b) of the CSSR stipulate that the contractor responsible for a scaffold on a construction site or any contractor who has direct control over any erection, substantial addition, alteration or dismantling of any scaffold shall ensure that no such scaffold is erected on the site or substantially added to, altered or dismantled except by trained workmen who are under the immediate supervision of a competent person.

3. In a recent judgement of the Court of Final Appeal case of [2019] HKCFA 20, it was held, among others, that the regulations concerned require that the scaffolding workmen at work shall be under the immediate supervision of a competent person who is not at the time himself or herself actively engaged in such work and who is free to look to the safe condition of the scaffold and the safety of the workmen without being distracted by having to mind his or her own safety. Accordingly, the competent person who immediately supervises workmen carrying out scaffolding work shall not actively engage himself or herself in such work. Details of the judgement can be found on the following website:

<https://legalref.judiciary.hk>

4. You are strongly urged to take note of the above judgement and to take all suitable steps to comply with the said regulation if applicable. Should you need further information about this letter, please contact Occupational Safety and Health Enquiry Hotline at 2559 2297.

Yours faithfully,

(LEE Wing-keung)
for Commissioner for Labour