

Drainage Services Department
Technical Circular No. 5/2009

Confined Space Safety Training for Competent Persons and Certified Workers Engaged in DSD's Works

(One copy of this Circular shall be kept in the office of each DSD's works sites, depots, major sewage treatment plants and pumping stations for reference.)

Introduction

In order to pursue continuous improvement in construction safety, DSD commissioned in September 2006 an independent safety consultant to review the safety of its confined space works. The review was completed in early 2007. DSD is now ready to launch a "continuous competence enhancement" training programme as recommended by the safety consultant to upkeep the safety competence and safety awareness of the confined space workers employed by DSD's contractors and their subcontractors.

Scope

2. This Circular describes the operation of the "continuous competence enhancement" training programme and sets out the contractual provisions of requiring DSD's contractors to arrange their workers concerned to attend the training programme.

Effective Date

3. This Circular applies to DSD's contracts with confined space works included in the Pay for Safety and Environment Scheme (PFSES) where tenders will be invited **on or after 16 October 2009**.

Continuous Competence Enhancement Training Programme

4. In order to continually upkeep the safety competence and safety awareness of the workers engaged in DSD's confined space works, DSD with the support of the safety consultant has developed two enhancement courses for the contractors' workers who possess the qualification of a "competent person (CP)" and "certified worker (CW)" as per Factories and Industrial Undertakings

(Confined Spaces) Regulation. These courses are:

- (a) “Confined Space Safety Training Course for Competent Persons Engaged in DSD’s Works” (or in short form “Confined Space Training for Competent Persons”); and
- (b) “Confined Space Safety Training Course for Certified Workers Engaged in DSD’s Works” (or in short form “Confined Space Training for Certified Workers”).

5. The courses aim to strengthen the hand-on practice on the proper conduct of risk assessment and correct use of various safety equipment like breathing apparatus, safety harness, gas detector, etc. and are designed with regard to the particular working environment and specific risks of DSD’s confined space works. The courses will be delivered by the Construction Industry Council Training Academy (CICTA). Detailed contents of the courses and admission requirements can be seen in CICTA’s website <http://www.hkcic.org>.

6. A certificate, which is valid for three years, will be issued to a worker who has attended the course and passed the written and practical examinations. For renewal, the worker is required to attend the whole course and pass both examinations again.

7. All workers of DSD’s contractors and their subcontractors are required to complete relevant enhancement courses mentioned in paragraph 4 above before they are allowed to act as CPs or CWs in carrying out DSD’s confined space works except for a short grace period described in paragraph 8. The Contractor is deemed to have failed this requirement if any one of his CPs or CWs does not possess the certificate or the certificate obtained previously has expired.

8. A CP or CW, who does not possess the respective certificate, is allowed to carry out confined space works for a grace period of 4 months¹ counting from the date the CP or CW commences work on the Site. The Contractor shall arrange such CPs and CWs to attend the training as soon as possible with a view to obtaining the certificates within the grace period. After the grace period has expired, no CP nor CW without a certificate will be allowed to carry out the confined space works. The grace period will not be extended if the Contractor cannot provide reasonable explanation to the satisfaction of the Engineer’s Representative (ER).

Note 1 The length of the grace period may be changed subject to review of the scheme in due course.

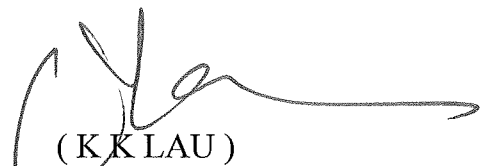
Contractual Provisions

9. A new item for reimbursing DSD's contractors for arranging a worker to attend the confined space safety training of this Circular will be added to the "Site Safety" bill available in PFSES contracts. The Contractor shall pay a token allowance as specified in the relevant item in the Bills of Quantities or Schedule of Rates to each of the workers, which is HK\$650 per worker per course, after he or she has successfully completed the training course and obtained the certificate. At the end of a month, the Contractor shall prepare and submit a certified monthly statement of workers who have successfully completed the training courses. The contractual administration of the confined space safety training courses is virtually the same as that of "trade specific advanced safety training", which is commonly known as the "Silver Card" courses.

10. The contractual provisions regarding the confined space safety training, which include the particular specification (PS) clauses, method of measurement (MM) and the items to be added to the bills of quantities (BOQ) or schedule of rates (SOR), are contained in **Appendix I**, whereas the monthly statement of confined space safety training attended is contained in **Appendix II**.

Enquiry

11. Any enquiries regarding the above shall be directed to Senior Engineer/Safety Adviser (SE/SA) or Senior Engineer/Contract Adviser (SE/CA) as appropriate.



(KK LAU)

Director of Drainage Services

Contractual Provisions for Confined Space Safety Training for Contractor's Workers

A. Particular Specification Clause

(Applicable to both works contracts and term contracts included in the Pay for Safety and Environment Scheme)

The following clause shall be added to PS Clause No.8 – “Safety Training” under the “Site Safety” Section.

8 Confined Space Safety Training for Contractor's Workers

- (11) (a) The following requirements on confined space safety training shall be applicable to Contractor's workers carrying out confined space works.
- (b) All workers having the qualification of a “competent person (CP)” as per Factories and Industrial Undertakings (Confined Spaces) Regulation, who are employed on the Works or in connection with the Contract whether in the employ of the Contractor or subcontractors are required to hold a valid certificate on completion of the 1-day training course “**Confined Space Safety Training Course for Competent Persons Engaged in DSD's Works**” run by the Construction Industry Council Training Academy (CICTA). For the purpose of this Contract, the course is referred to hereinafter as the “**Confined Space Training for Competent Persons**” and the certificate as the “Certificate for Competent Persons”.
- (c) All workers having the qualification of a “certified worker (CW)” as per Factories and Industrial Undertakings (Confined Spaces) Regulation, who are employed on the Works or in connection with the Contract whether in the employ of the Contractor or subcontractors are required to hold a valid certificate on completion of the 1-day training course “**Confined Space Safety Training Course for Certified Workers Engaged in DSD's Works**” run by CICTA. For the purpose of this Contract, the course is referred to hereinafter as the “**Confined Space Training for Certified Workers**” and the certificate as the “Certificate for Certified Workers”.
- (d) For workers having both the qualifications of a CP and CW as stated in sub-clause (b) and (c) above, they shall be taken as workers having the qualification of a CP only for the purpose of this PS Clause and the relevant provisions in this PS Clause shall apply.
- (e) The provisions in this PS Clause do not apply to Safety Officers (SOs) appointed by the Contractor, who are registered under the Factories and Industrial Undertakings (Safety Officers and Safety Supervisors) Regulations. However, if they are also qualified as “competent persons” as per Factories and Industrial Undertakings (Confined Spaces) Regulation and are to perform the duties of a CP in the carrying out of confined space works, they shall be taken as workers having the qualification of a CP for the purpose of this PS Clause and the relevant provisions in this PS Clause shall apply.
- (f) Notwithstanding sub-clause (b) and (c) above, a CP who does not possess the

Certificate for Competent Persons or a CW who does not possess the Certificate for Certified Workers is allowed to carry out confined space works for a grace period of 4 months counting from the date the CP or CW commences work on the Site. The Contractor shall arrange such CPs and CWs to attend the training as per sub-clause (b) to (e) above as soon as possible with a view to obtaining the Certificates within the grace period. After the grace period has expired, no CPs nor CWs are allowed to carry out confined space works without the respective Certificates. The grace period will not be extended if the Contractor cannot provide reasonable explanation to the satisfaction of the ER.

- (g) The Contractor shall ensure that the workers comply with the admission requirement of the “**Confined Space Training for Competent Persons**” and “**Confined Space Training for Certified Workers**”, i.e. they shall be “competent persons” or “certified workers” recognized by the Commissioner for Labour as per Factories and Industrial Undertakings (Confined Spaces) Regulation at the time of application for admission to the respective courses. When applying for the “**Confined Space Training for Competent Persons**” course, attention is drawn to the requirement of having at least 1-year’s relevant post-qualification experience in confined space risk assessment. A worker who passes the examinations at the end of these courses will be awarded a Certificate, which is valid for 3 years. Certificate holders shall attend the full course and pass the examinations again for renewal of their Certificates.
- (h) The Contractor shall pay a token allowance as specified in the relevant item in the Bills of Quantities / Schedule of Rates* to each worker who has successfully completed the “**Confined Space Training for Competent Persons**” and obtained the “Certificate for Competent Persons”, or completed the “**Confined Space Training for Certified Workers**” and obtained the “Certificate for Certified Workers”. The worker is responsible for the payment of the course fee. However, the token allowance will not be paid if the course is attended before the worker starts working on the Site or after the worker has left the Site.
- (i) At the end of each month, the Contractor shall prepare and submit a certified monthly statement of workers who have successfully completed the “**Confined Space Training for Competent Persons**” and “**Confined Space Training for Certified Workers**” to the Engineer using the proforma provided in **Appendix II**. Copies of the “Certificate for Competent Persons” and “Certificate for Certified Workers”, the original receipts signed by the workers for receiving the token allowance and a certified payroll record indicating the trade and salaries of the workers shall be made available for inspection if requested by the Engineer.
- (j) The Contractor shall only arrange such CPs and CWs, who are genuinely engaged in the carrying out of confined space works incur under or in connection with the Contract, to attend the “**Confined Space Training for Competent Persons**” and “**Confined Space Training for Certified Workers**”. The Engineer has the right to disapprove the payment of token allowance for a worker for attending the “**Confined Space Training for Competent Persons**” or “**Confined Space Training for Certified Workers**”

if he/she is found not engaging in the confined space works incur under or in connection with the Contract at all and the Contractor cannot provide any justification acceptable to the Engineer's Representative.

* delete whichever is inapplicable

B. Method of Measurement

(Applicable to works contracts included in the Pay for Safety and Environment Scheme)

The following method of measurement shall be added to “Provide Safety Training” under the “Site Safety” Section.

PROVIDE SAFETY TRAINING

Measurement

- xx.31(a) The measurement of “Provide safety training in the form of Confined Space Training for Competent Persons to competent persons” shall be paid on a per worker basis subject to the production of a “Certificate for Competent Persons” issued by the Construction Industry Council Training Academy as evidence in accordance with Particular Specification clause 8(11). The payment shall be made for successful completion of the 1-day Confined Space Training for Competent Persons during the course of the Contract. No payment will be made if the course is attended before the worker starts working on the Site or after the worker has left the Site.

- xx.31(b) The measurement of “Provide safety training in the form of Confined Space Training for Certified Workers to certified workers” shall be paid on a per worker basis subject to the production of a “Certificate for Certified Workers” issued by the Construction Industry Council Training Academy as evidence in accordance with Particular Specification clause 8(11). The payment shall be made for successful completion of the 1-day Confined Space Training for Certified Workers during the course of the Contract. No payment will be made if the course is attended before the worker starts working on the Site or after the worker has left the Site.

- xx.32(a) Adjustment to or no measurement for the item on “Provide safety training in the form of Confined Space Training for Competent Persons to competent persons” will be made if the Engineer’s Representative is dissatisfied with the relevance of such training with the worker and the Contractor cannot provide any justification acceptable to the Engineer’s Representative.

- xx.32(b) Adjustment to or no measurement for the item on “Provide safety training in the form of Confined Space Training for Certified Workers to certified workers” will be made if the Engineer’s Representative is

dissatisfied with the relevance of such training with the worker and the Contractor cannot provide any justification acceptable to the Engineer's Representative.

Itemisation

xx.33 (revised) Separate items shall be provided for "Provide Safety Training" in accordance with General Principles paragraphs 3 and 4 and the following:

Group	Feature
I	1. Provide safety training in the form of
II	1. Trade specific advanced safety training 2. Site specific induction training 3. Tool Box Talks 4. Confined Space Training for Competent Persons 5. Confined Space Training for Certified Workers
III	1. Skilled workers 2. General workers 3. Competent persons 4. Certified workers

Provide safety training in the form of Confined Space Training for Competent Persons to competent persons

xx.37(a) The item for "Provide safety training in the form of Confined Space Training for Competent Persons to competent persons" shall, in accordance with the General Preambles paragraph 2, include for:

- (a) arranging competent persons to attend Confined Space Training for Competent Persons organized by the Construction Industry Council Training Academy;
- (b) payment of the token allowance to the competent persons;
- (c) preparation of training programme and records, and submission of certified monthly statements to the Engineer; and
- (d) administration in connection with (a), (b) and (c) above.

Provide

safety

xx.37(b) The item for "Provide safety training in the form of

training in the form of Confined Space Training for Certified Workers to certified workers

Confined Space Training for Certified Workers to certified workers” shall, in accordance with the General Preambles paragraph 2, include for:

- (a) arranging certified workers to attend Confined Space Training for Certified Workers organized by the Construction Industry Council Training Academy;
- (b) payment of the token allowance to the certified workers;
- (c) preparation of training programme and records, and submission of certified monthly statements to the Engineer; and
- (d) administration in connection with (a), (b) and (c) above.

C. Method of Measurement

(Applicable to term contracts included in the Pay for Safety and Environment Scheme)

The following method of measurement shall be added to “Provide Safety Training” under the “Site Safety” Section.

PROVIDE SAFTY TRAINING

- xx.31 *Item Description* Provide Confined Space Training for Competent Persons to competent persons
- xx.32 *Measurement* The units of measurement shall be in “number”.
- The measurement of “Provide Confined Space Training for Competent Persons to competent persons” shall be paid on a per worker basis subject to the production of a “Certificate for Competent Persons” issued by the Construction Industry Council Training Academy as evidence in accordance with Particular Specification clause 8(11). The payment shall be made for attending the 1-day Confined Space Training for Competent Persons during the course of the Contract. No payment will be made if the course is attended before the worker starts working on the Site or after the worker has left the Site.
- xx.33 *Item Coverage* The item for “Provide Confined Space Training for Competent Persons to competent persons” shall include for:
- (a) arranging competent persons to attend Confined Space Training for Competent Persons organized by the Construction Industry Council Training Academy;
 - (b) payment of the token allowance to the competent persons;
 - (c) preparation of training programme and records, and submission of certified monthly statements to the Engineer; and
 - (d) administration in connection with (a), (b) and (c) above.
- xx.34 *Item Description* Provide Confined Space Training for Certified Workers to certified workers

xx.35 *Measurement*

The units of measurement shall be in “number”.

The measurement of “Provide Confined Space Training for Certified Workers to certified workers” shall be paid on a per worker basis subject to the production of a “Certificate for Certified Workers” issued by the Construction Industry Council Training Academy as evidence in accordance with Particular Specification clause 8(11). The payment shall be made for attending the 1-day Confined Space Training for Certified Workers during the course of the Contract. No payment will be made if the course is attended before the worker starts working on the Site or after the worker has left the Site.

xx.36 *Item Coverage*

The item for “Provide Confined Space Training for Certified Workers to certified workers” shall include for:

- (a) arranging certified workers to attend Confined Space Training for Certified Workers organized by the Construction Industry Council Training Academy;
- (b) payment of the token allowance to the certified workers;
- (c) preparation of training programme and records, and submission of certified monthly statements to the Engineer; and
- (d) administration in connection with (a), (b) and (c) above.

D. Bills of Quantities

(Applicable to works contracts included in the Pay for Safety and Environment Scheme)

The following items shall be added to Bills of Quantities under the “Site Safety” Section.

Based on \$100M contract value over 2 years

Item No.	Description	Quantity	Unit	Rate	Amount
K**	Provide safety training in the form of Confined Space Training for Competent Persons to competent persons	10	nr	\$650	\$6,500
L**	Provide safety training in the form of Confined Space Training for Certified Workers to certified workers	30	nr	\$650	\$19,500

Notes:

** The rates for items K and L are fixed and should not be adjusted upwards or downwards even if the value of the contract is greater than or below \$100M. The quantities are estimates for a contract of value HK\$100M. They can be adjusted in accordance with the amount of confined space works expected under the Contract

nr number

E. Schedule of Rates

(Applicable to term contracts included in the Pay for Safety and Environment Scheme)

The following items shall be added to Schedule of Rates under the “Site Safety” Section.

Based on \$100M contract value over 2 years

Item No.	Description	Quantity#	Unit	Scheduled Rate	Amount#
K**	Provide Confined Space Training for Competent Persons to competent persons	20	nr	\$650	\$13,000
L**	Provide Confined Space Training for Certified Workers to certified workers	60	nr	\$650	\$39,000

Notes:

** The rates for items K and L are fixed and should not be adjusted upwards or downwards even if the value of the contract is greater than or below \$100M, but the quantities can be adjusted in accordance with the amount of confined space works expected under the Contract

Figures in the shaded columns are estimates for contract of value HK\$100M. They are for illustration purpose and should not be entered in the Schedule of Rates

nr number

Drainage Services Department
Monthly Statement of Confined Space Safety Training for Competent Persons and Certified Workers
 (Month _____)

Contract No. and Title: _____

Name of Contractor: _____

Name of Worker		Name of Subcontractor (if not employed by the Contractor)	Qualification as per F&IU(Confined Spaces) Regulation Pls. state whether CP, CW or both (or SO)	Training Course Attended			
				Confined Space Training for Competent Persons Certificate No.	Date of Issue	Confined Space Training for Certified Workers Certificate No.	Date of Issue
in English	in Chinese						

Prepared by: _____ Certified by: _____
 (Name of Safety Officer) (Name of Site Agent)

Signature: _____ Signature: _____
 Date: _____ Date: _____