



CONSTRUCTION
INDUSTRY COUNCIL
建造業議會



GUIDELINES ON ARRANGEMENT OF “INSTRUCTION AND SUPERVISION” AND **CODE OF PRACTICE** FOR REASONABLE MEASURES OF “INSTRUCTION AND SUPERVISION”

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Part 1

Preface

- 1.1 The “designated workers for designated skills” requirement under the Construction Workers Registration Ordinance (Cap.583) (hereinafter called “the CWRO”) stipulates that a worker must register as a registered skilled/semi-skilled worker or a registered skilled/semi-skilled worker(provisional), for a designated trade division, or work under the “instruction and supervision” of a registered skilled/semi-skilled worker for that designated trade division in order to carry out works of that trade division (except the “exempted works”).
- 1.2 This publication provides guidelines on the arrangement of “instruction and supervision” under section 4 of the CWRO. It also provides a code of practice for the reasonable measures of “instruction and supervision” under section 4A of the CWRO as practical guidance for principal contractors, employers of workers and workers.
- 1.3 This publication consists of four parts: Part 1: Preface and Disclaimer; Part 2: Interpretation; Part 3: Guidelines on Arrangement of “Instruction and Supervision”; and Part 4: Code of Practice for Reasonable Measures of “Instruction and Supervision”.
- 1.4 The Code of Practice for Reasonable Measures of “Instruction and Supervision” in Part 4 is issued by the Construction Industry Council (“CIC”) in accordance with section 63B of the CWRO. According to Section 63C of the CWRO, any person shall not be liable to civil or criminal proceedings due to the failure of observing any provision in the Code of Practice. However, the Code of Practice may be admissible in evidence by the court in the legal proceedings.

Disclaimer

Whilst reasonable efforts have been made to ensure the accuracy of the information contained in this publication, the CIC nevertheless would encourage readers to seek appropriate independent advice from their professional advisers where possible and readers should not treat or rely on this publication as a substitute for such professional advice for taking any relevant actions.

The contents of this publication should not be treated as inclusive of all matters and requirements in relation to the CWRO.

Part 2

Interpretation

In this document, unless the context otherwise requires, the terminologies below shall have the following meanings:-

2.1 Registered Skilled / Semi-Skilled Worker

In relation to a designated trade division, means a registered skilled worker or a registered semi-skilled worker for that trade division.

2.2 Registered Skilled / Semi-skilled Worker (Provisional)

In relation to a designated trade division, means a registered skilled worker (provisional) or a registered semi-skilled worker (provisional) for that trade division.

2.3 Instructor

In relation to a designated trade division, means a registered skilled/ semi-skilled worker for that trade division, who provides “instruction and supervision” to the other registered construction workers to carry out the construction work that involves any skills of that trade division (i.e. the “relevant skilled worker” as referred to in section 4A of the CWRO).

2.4 Worker under Instruction

In relation to a designated trade division, means a registered construction worker (i.e. the “registered worker” as referred to in section 4A of the CWRO), who is under “instruction and supervision” to carry out the construction work that involves any skills of that trade division.

Part 3

Guidelines on Arrangement of “Instruction and Supervision”

- 3.1 In accordance with the statutory requirements of the CWRO, any person carrying out on a construction site construction work in relation to a designated trade division must register as a registered skilled/semi-skilled worker or registered skilled/semi-skilled worker (provisional) of that trade division, unless the registered construction worker:
- (a) is carrying out the relevant work under the “instruction and supervision” of a registered skilled/semi-skilled worker for that trade division (section 4 of the CWRO);
 - (b) is carrying out the relevant work under the work-across trade divisions arrangement (section 3A of the CWRO); or
 - (c) is carrying out the exempted works under the CWRO or is a person exempted under the CWRO (section 63A of the CWRO).
- 3.2 To comply with the relevant requirement of “instruction and supervision” in paragraph 3.1(a) above, the principal contractor/employer of the worker shall arrange qualified Instructor to provide “instruction and supervision” to the Worker under Instruction based on the actual situation of the construction site and the construction works, and should determine the appropriate number and ratio of Instructors and Workers under Instruction to ensure that the Instructor can effectively instruct and supervise the Worker under Instruction.
- 3.3 The Instructor should provide guidance to the Worker under Instruction regarding the work content and technical requirements before carrying out the relevant skilled work. The Instructor and the Worker under Instruction should be on duty on the same construction site and be able to identify each other (for instance, knowing each other’s nickname and contact method) so that effective communication can be maintained between the Instructor and the Worker under Instruction. Moreover, the Worker under Instruction should be able to consult and seek timely advice from the Instructor during the work.

Part 4

Code of Practice for Reasonable Measures of “Instruction and Supervision”

- 4.1 In accordance with section 4A of the CWRO, if the principal contractor/ employer of the worker assigns a registered construction worker that has not been registered for the relevant designated trade division (Worker under Instruction) to carry out work of that trade division under the “instruction and supervision” of a registered skilled/semi-skilled worker (Instructor) for that trade division, the principal contractor/ employer of the worker must implement reasonable measures to ensure that the Worker under Instruction can identify his/her Instructor as a registered skilled/semi-skilled worker of the relevant trade division. The Workers under Instruction must be informed of the related measures.
- 4.2 The principal contractor/employer of the worker should develop a set of appropriate reasonable measures in relation to the construction work, and must properly implement those measures when the construction works are being carried out. Under normal circumstances, reasonable measures may include but not limited to any one or a combination of the following recommended options as well as other reasonable measures as deemed appropriate.

(a) Recommended Option 1 – Appoint Designated Person

- (i) Where a Worker under Instruction is assigned to carry out work of the designated trade division under “instruction and supervision”, the principal contractor / employer of the worker should appoint a designated person (e.g. foreman, controller of the subcontractor etc.) for the daily work to:
- arrange a registered skilled/semi-skilled worker of the relevant trade division to act as the Instructor for the Worker under Instruction; and
 - inform the Worker under Instruction orally or in writing to enable him/her to identify the relevant Instructor.
- (ii) Before assigning the Worker under Instruction to carry out on a construction site construction work of the designated trade division(s) (e.g. the first day of work on the construction site), the principal contractor/employer of the worker should explain clearly in writing the arrangement of “instruction and supervision” to the Worker under Instruction (a sample of which is attached at Annex A) and inform the Worker under Instruction about the designated person as appointed.
- (iii) The principal contractor/employer of the worker should ensure that the relevant designated person is aware of his/her delegated duty, and supervise the designated person to earnestly execute the relevant work. The principal contractor/employer of the worker should also ensure that the Worker under Instruction can contact the above designated person for enquiry at all times if necessary.

(b) Recommended Option 2 – Form

- (i) When the Worker under Instruction is carrying out on a construction site construction work of the designated trade division, the principal contractor/employer of the worker should set out the arrangement of “instruction and supervision” in a form (a sample of which is attached at Annex B), including the identity of the relevant Instructor and his/her registered trade division, so that the Worker under Instruction can identify the relevant Instructor as a registered skilled/semi-skilled worker of the corresponding trade division.
- (ii) The principal contractor/employer of the worker should ensure the form is adequately updated and relevant workers must be notified in a timely manner.

(c) Recommended Option 3 - Label

- (i) The principal contractor/employer of the worker should stick label(s) on the safety helmets of the Instructor and the Worker under Instruction for identification (a sample of which is attached at Annex C).
- (ii) The principal contractor/employer of the worker should —
 - ensure that labels are properly adhered to safety helmets;
 - ensure that the relevant worker (especially the Instructor) will not mistakenly put on the safety helmet of other worker;
 - check the helmets regularly to ensure the label does not cover any damaged parts.

Annex A Sample of Appoint Designated Person

Construction Workers Registration Ordinance (Cap.583)

Name and Registration Number
of Worker under Instruction: _____

Name of principal contractor/employer
of the Worker under Instruction*: _____

Name of construction site/
Title of contract: _____

Contract Number: _____

Arrangement of "Instruction and Supervision"

We (the principal contractor/employer of the Worker under Instruction*), if arrange the Worker under Instruction that has not been registered for the relevant designated trade division to carry out work of that trade division under "instruction and supervision", should implement the following measures to ensure that the Worker under Instruction can identify his/her Instructor as a registered skilled/semi-skilled worker for the relevant designated trade division.

- For the daily work, we have appointed a designated person (foreman/controller of the subcontractor, Mr./Ms. _____ and his/her telephone number is _____), who will arrange a registered skilled/semi-skilled worker for the relevant designated trade division as the Instructor for the Worker under Instruction and will inform the Worker under Instruction orally or in writing to enable him/her to identify the relevant Instructor.
- The Worker under Instruction can contact the above designated person for enquiry at all times if necessary.

* Please delete where appropriate.

**Chop/Signature of representative of the
principal contractor/employer of the
Worker under Instruction*:**

Date:

I understand the above arrangement of
"Instruction and Supervision".

Signature of Worker under Instruction:

Date:

Annex B Sample of Form

Construction Workers Registration Ordinance (Cap.583)

Name of principal contractor/employer
of the Worker under Instruction*: _____

Name of construction site/
Title of contract: _____

Contract Number: _____

Arrangement of "Instruction and Supervision"

Name, Registration No. and Registered Trade Division of the Instructor (please refer to Schedule 1 of the CWRO)	Name, Registration No. and Signature of the Worker under Instruction

* Please delete where appropriate.

**Chop/Signature of representative of the
principal contractor/employer of the Worker under Instruction*:**

Date:

Annex C Sample Labels

Sample Label for Instructor



Sample Label for Worker under Instruction

