

CONSTRUCTION SITES (SAFETY) REGULATIONS, CAP. 591

In the case of Sanfield Building Contractors Ltd v Li Kai Cheong of

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2003, Vol. 6, HKCFAR, p. 207 mentions **res ipsa loquitur** in an accident

2003, VOL. 6, HKCFAR, P. 207 MENTIONS RES IPSA LOQUITUR IN AN ACCIDENT  
involving **latent defect**. - a hidden on concealed flaw. an "unknown cause" needs to be placed according to law.  
INVOLVING LATENT DEFECT.

The respondent in this appeal case to the Court of Final Appeal, fell from a

THE RESPONDENT IN THIS APPEAL CASE TO THE COURT OF FINAL APPEAL, FELL FROM A  
substantial height to the ground as he was stationed on a scaffold that toppled over,

SUBSTANTIAL HEIGHT TO THE GROUND AS HE WAS STATIONED ON A SCAFFOLD THAT TOPPLED OVER,  
and therefore ultimately suffered from severe injuries. The cause on which the issue of  
AND THEREFORE ULTIMATELY SUFFERED FROM SEVERE INJURIES. THE CAUSE ON WHICH THE ISSUE OF  
**liability actually turns**, (although) of an **unknown cause**, is one that would cease to occur  
a matter of fact regarded a liability, res ipsa loquitur as  
a mode of inferential reasoning.

LIABILITY ACTUALLY TURNS, ALTHOUGH OF AN UNKNOWN CAUSE, IS ONE THAT WOULD CEASE TO OCCUR  
normally without **negligence**, in this case, the appellant's negligence.

UNUSUALLY WITHOUT NEGLIGENCE, IN THIS CASE, THE APPELLANT'S NEGLIGENCE.  
COULD NOT ARGUE IT WAS NOT FORESEEABLE.

The liability of the appellants as contractors of the construction site is

THE LIABILITY OF THE APPELLANTS AS CONTRACTORS OF THE CONSTRUCTION SITE IS  
stipulated on **Reg. 38D** of the Construction Sites (Safety) Regulations, Cap. 591.

STIPULATED ON REG. 38 D OF THE CONSTRUCTION SITES SAFETY REGULATIONS, CAP. 591.

**38D. Construction and maintenance of scaffolds, etc.**

The contractor responsible for any scaffold, ladder or other means of support referred to in regulation 38C and any contractor who has direct control over any work which involves the use of the scaffold, ladder, or other means of support shall ensure that it shall not be used unless it is— (L.N. 258 of 2003)

- so designed and constructed that it does not collapse, overturn or move **accidentally**;
- of suitable and sound materials of sufficient strength and capacity for the purpose for which it is to be used; and
- properly maintained and every part thereof kept so securely supported or suspended as to ensure, so far as is reasonably practicable, that it is stable.

Source:

source :

e legislation.gov.hk

Relevant ordinance

e legislation.gov.hk

vlex.hk

vlex.hk

Grammar ; case law