

立法會
Legislative Council

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**Paper for the House Committee meeting
on 30 March 2001**

**Report of the Subcommittee on
Factories and Industrial Undertakings Ordinance (Cap. 59)
(Appointed Day under Section 6BA(17)) Notice**

Purpose

This paper reports on the deliberations of the Subcommittee on Factories and Industrial Undertakings Ordinance (Cap. 59) (Appointed Day under Section 6BA(17)) Notice.

The Notice (Legal Notice 65 of 2001)

2. By the Notice, the Secretary for Education and Manpower appoints 1 May 2001 for the purposes of section 6BA(5), (7) and (8) of the Factories and Industrial Undertakings Ordinance (Cap. 59) (the Ordinance). As from that date, every proprietor of a relevant industrial undertaking (construction work and container handling) shall not employ a person who has not been issued with a certificate in respect of his attendance at a recognised safety training course. All workers carrying out construction work and container handling should have received basic safety training and must carry a valid certificate (commonly known as the "green card") with them while at work.

The Subcommittee

3. At the House Committee meeting on 16 March 2001, Members agreed to form a subcommittee to examine the Notice. Under the chairmanship of Hon Cyd HO, the subcommittee met the Administration on 21 March 2001. The membership list of the subcommittee is in **the Appendix**.

Deliberations of the Subcommittee

The commencement date

4. Members note that the Administration's original intention was to allow a grace period of 14 months after enactment of the Factories and Industrial Undertakings (Amendment) Ordinance 1999 in July 1999 in order to give sufficient time for the industries concerned to make necessary preparations for meeting the requirements. The Administration reviewed the position in September 2000 and considered that the relevant legislation should not be brought into effect at that time as more time was required for workers to receive the relevant training and obtain the "green card". Following a further review earlier this year, the Administration came to the view that there should not be any problem in bringing the relevant legislation into effect on 1 May 2001.

Training of workers

5. The Commissioner for Labour has recognised a total of 41 organisations to conduct the relevant safety training courses which are of one day's duration only. Of the 41 organisations, 33, including the Construction Industry Training Authority (CITA), provide safety training for construction workers while the other eight, including five major container handling companies, the Vocational Training Council (VTC) and the Occupational Safety and Health Council (OSHC), provide safety training for container handling workers.

6. Members note that at the end of February 2001, about 344 200 workers had already obtained the construction "green card". At present about 8 000 people are waiting to attend the training courses run by CITA. As CITA has the capacity to train about 13 000 workers each month, it has no problem in training all those on the waiting list within a month.

7. As for container handling, about 6 300 workers had obtained the "green card" as at the end of February 2001. At present, about 600 workers are waiting to attend the training. The VTC and OSHC have no problem in providing training to these workers by end of April 2001.

Publicity

8. The Administration conducted a press briefing on 3 March 2001 to announce the commencement date and urge those who had not yet obtained the "green card" to make arrangements to receive the necessary training before 1 May 2001. This was followed by a press release on 9 March 2001. In addition, the Administration has also prepared a radio announcement of public interest (API) to publicise the effective date. It has also written to relevant employer organisations and employees unions to inform them of the commencement date. Furthermore, Labour Department officers will advise proprietors and contractors of the commencement date during routine inspections

as well as in its other promotional activities and training courses.

Implementation

9. The Administration has informed members that the Labour Department will exercise flexibility during the initial period after the law has been brought into effect. It will not take enforcement action against a proprietor/contractor if his workers have already enrolled for and are waiting for their turn to attend the training course.

Members' comments

10. Members have asked the Administration to give an indication of the length of the initial period referred to in paragraph 9 above. The Administration has assured members that a reasonable period of a few months will be given and that it will exercise flexibility in deciding the length of the period in question and in taking enforcement action. It has also emphasised that the objective of the legislation is not prosecution but to require workers to receive safety training to enhance their awareness and knowledge of safety and health at work.

11. A member has pointed out that some smaller container handling undertakings may not be aware of the commencement date. In order to ensure that publicity on the subject reaches as many people as possible, the member has suggested that an API should be broadcast on television as well. The Administration has agreed to the suggestion and will make arrangements in this regard.

12. The Members representing the labour sector have pointed out that labour unions fully support the legislation and since the requirement, which aims at reducing industrial accidents, is not difficult to meet, they hope that it will be implemented as soon as possible.

13. Members support the commencement date as proposed in the subsidiary legislation on the understanding that the Administration will strengthen publicity on the subject and exercise flexibility in the initial period after the legislation has taken effect.

Advice sought

14. The subcommittee invites the House Committee to note its deliberations.

Legislative Council Secretariat

29 March 2001

Appendix

**Subcommittee on Factories and Industrial Undertakings Ordinance
(Cap. 59) (Appointed Day under Section 6BA(17)) Notice**

Membership List

Chairman	Hon Cyd HO Sau-lan
Members	Hon LEE Cheuk-yan
	Dr Hon LUI Ming-wah, JP
	Hon HUI Cheung-ching
	Hon Mrs Miriam LAU Kin-yee, JP
	Hon Andrew CHENG Kar-foo
	Hon LI Fung-ying, JP
	Hon LEUNG Fu-wah, MH, JP
	(Total : 8 Members)
Clerk	Ms Doris CHAN
Legal Adviser	Miss Anita HO
Date	22 March 2001