

**Information Paper for the Legislative Council
Sub-Committee Meeting
on 21 March 2001**

**Commencement Date of Section 6BA(5), (7) and (8) of
the Factories and Industrial Undertakings Ordinance
*[Mandatory Safety Training]***

Purpose

This paper informs Members of the Administration's proposal to commence section 6BA(5), (7) and (8) of the Factories and Industrial Undertakings Ordinance ("relevant legislation") on **1 May 2001**. This means that with effect from 1 May 2001, 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") while at work.

Background

2. The Factories and Industrial Undertakings (Amendment) Ordinance 1999 ("Amendment Ordinance") was passed by the Legislative Council on 16.7.1999. Among others, the Amendment Ordinance provides that with effect from a date to be appointed by the Secretary for Education and Manpower ("SEM"), workers in the construction and container handling industries should have received basic safety training and obtained the green card. The policy intent is to enhance employees' awareness and knowledge on safety and health at work with a view to reducing industrial accidents.

3. The original intention was to allow a grace period of 14 months after enactment of the relevant legislation, i.e. September 2000 so as to allow sufficient time for the industries concerned to make necessary preparation for meeting the new legislative requirements.

4. Having reviewed the position in September 2000, we considered that the relevant legislation should not be brought into effect at that time as more time would be required to allow workers to receive the training and obtain the green card.

5. Earlier this year, we reviewed the situation again and came to the view that there should be no problem in bringing the relevant legislation into effect on 1 May 2001. Therefore, SEM has, by notice in the gazette published on 9 March 2001, appointed **1 May 2001** to commence the relevant legislation.

Training of Workers

6. The Commissioner for Labour has recognized a total of 41 organisations to conduct the relevant safety training courses and the list is given in the **Annex**. Of these, 33 organisations, including the Construction Industry Training Authority (“CITA”), have been approved to provide safety training for construction workers while 8 organisations including 5 major container handling companies, the Vocational Training Council (“VTC”) and the Occupational Safety and Health Council (“OSHC”) have been approved to provide safety training for container handling workers.

7. As at end of February 2001, about 344,200 workers have obtained the construction “green card”. At present, about 8,000 people are waiting to attend the training course run by the CITA. The CITA has the capacity to train about 13,000 workers each month and has no problem in training all those on the waiting list within a month.

8. As for container handling, about 6,300 workers have obtained the “green card” as at end of February 2001. At present, about 600 workers are waiting to attend the training. The VTC and OSHC have assured us that they can provide training to these workers by end of April 2001.

Related Publicity

9. A press briefing was conducted on 3 March 2001 to announce the commencement date and urge those who had not yet obtained the green card to make arrangement to receive the necessary training before 1 May 2001. This was followed by a press release issued on 9 March 2001. Concurrently, we have prepared a radio API to publicize the effective date. We have also written to relevant employer organisations and employees unions to inform them of the commencement date. LD officers will advise proprietors and contractors of the commencement date during routine inspections and in its other promotional activities/training courses.

Conclusion

10. The Administration considers that it is reasonable to bring the relevant legislation into effect on 1 May 2001 for the following reasons :

- We have allowed an extra grace period making the total grace period to over 21 months and the industries concerned should have sufficient time to make the necessary preparation;
- Training providers have no difficulty in providing training to those on the waiting list by end of April 2001; and
- The LD will exercise flexibility during the initial period after the law has been brought into effect and will not take enforcement action against a proprietor/contractor if his workers have already enrolled for the “green card” course and are waiting for their turn to attend the training course.

Labour Department
March 2001

Relevant Safety Training Courses recognized by the Commissioner for Labour pursuant to Section 6BA(2) of the Factories and Industrial Undertakings Ordinance

For persons employed at industrial undertakings carrying out

(1) construction work

Mandatory Basic Safety Training Course provided by

- a. Construction Industry Training Authority
(Enquiry Telephone no. 2903 0609)
- b. Hong Kong and Kowloon Electrical Engineering and Appliances Trade Workers Union
(Enquiry Telephone no. 2393 9955)
- c. Hong Kong Construction Industry Employees General Union
(Enquiry Telephone no. 2332 6866)
- d. The Hong Kong Polytechnic University
(Enquiry Telephone no. 2766 7602)
- e. Occupational Safety and Health Council
(Enquiry Telephone no. 2739 9377)
- f. Construction Site Workers General Union
(Enquiry Telephone no. 2770 8668)
- g. B + B Construction Co. Ltd.
- h. The Hong Kong and China Gas Company Limited
- i. Nishimatsu Construction Co., Ltd.
- j. Gammon Construction Ltd.
- k. Bilfinger + Berger - Bauaktiengesellschaft
- l. Jardine Securicor Limited
- m. SGB Asia Pacific Ltd.

For persons employed at industrial undertakings carrying out

Mandatory Basic Safety Training Course provided by

- n. Hip Hing Construction Co., Ltd.
- o. The Hongkong Electric Co. Ltd.
- p. Kowloon-Canton Railway Corporation
- q. MTR Corporation
- r. Mak Hang Kei (HK) Construction Limited
- s. Anderson Asia (Holdings) Limited
- t. Schindler Lifts (Hong Kong) Limited
- u. Balfour Beatty Zen Pacific Joint Venture
- v. ATAL Engineering Ltd.
- w. Dickson Construction Co. Ltd.
- x. Industrial Technology Consultants Limited
- y. Materialab Limited
- z. Hsin Chong Construction Co., Ltd.
- aa. Safety Specialist Services Ltd.
- ab. Origin Production Limited
- ac. Costain-China Harbour Joint Venture
- ad. China State Construction Engineering (Hong Kong) Limited
- ae. Chun Wo Construction & Engineering Co. Ltd.
- af. Kum Shing (K.F.) Construction Co. Ltd.
- ag. Armed Forces Training Institute Limited

(2) container handling

- a. Occupational Safety and Health Council
(Enquiry Telephone no. 2739 9377)
- b. The Hong Kong Polytechnic University
(Enquiry Telephone no. 2766 7602)

- c. Hongkong International Terminals Limited
- d. Modern Terminals Limited
- e. Sea-Land Orient Terminals Ltd.
- f. COSCO-HIT Terminals (Hong Kong) Ltd.
- g. River Trade Terminal Co. Ltd.
- h. Seamen's Training Centre (Vocational Training Council)
(Enquiry Telephone no. 2458 3833)