

FACTORIES AND INDUSTRIAL UNDERTAKINGS ORDINANCE

RESOLUTION

(Under section 7 of the Factories and Industrial
Undertakings Ordinance (Cap. 59))

RESOLVED that the Factories and Industrial
Undertakings (Gas Welding and Flame Cutting)
Regulation, made by the Commissioner for Labour
on 21 June 2001, be approved.

FACTORIES AND INDUSTRIAL UNDERTAKINGS (GAS WELDING AND FLAME CUTTING) REGULATION

(Made under section 7 of the Factories and Industrial Undertakings Ordinance (Cap. 59) subject to the approval of the Legislative Council)

1. Commencement

(1) Subject to subsection (2), this Regulation shall come into operation on the day on which this Regulation is published in the Gazette.

(2) Sections 3, 6 and 7 shall come into operation on a day to be appointed by the Commissioner for Labour by notice published in the Gazette.

2. Interpretation

In this Regulation, unless the context otherwise requires –

“blowpipe” (吹管) means the burner device in which separate supplies of fuel gas and oxidant gas are mixed in appropriate proportions to produce the required flame for welding or cutting work;

“certificate” (證書) means a certificate issued to a person by the organizer of a training course which evidences that, by virtue of his attendance at the training course designed for that purpose, he is trained and competent to perform gas welding and flame cutting work;

“gas welding and flame cutting” (氣體焊接及火焰切割) means welding or cutting work carried on in industrial undertakings with a flame produced by mixing a fuel gas and an oxidant gas in a blowpipe;

“training course” (訓練課程) means a training course that is –

- (a) recognized by the Commissioner;
- (b) conducted for the purpose of instructing a person the necessary safety precautions to be observed in gas welding and flame cutting work; and

- (c) designed to ensure that a person is adequately trained and competent to perform gas welding and flame cutting work.

3. Duty of proprietor to ensure that gas welding and flame cutting work is performed by competent persons

(1) A proprietor shall ensure that gas welding and flame cutting work is only performed by –

- (a) a person who has attained the age of 18 years and holds a valid certificate; or
- (b) a person who is undergoing training in performing gas welding and flame cutting work and the performance of such work is under the supervision of a person who has attained the age of 18 years and holds a valid certificate.

(2) For the purpose of this section, “training” (訓練) means any training provided under a training course or other kinds of training provided by the proprietor.

4. Duty of proprietor to provide training course

(1) Subject to subsection (3), a proprietor shall ensure the provision of a training course to each of his employees who is instructed (whether directly or indirectly) by him to perform gas welding and flame cutting work.

(2) In case the employee fails to obtain a certificate after attending the training course, the proprietor shall ensure the provision of an additional training course for the employee.

(3) A proprietor is not obliged to comply with subsection (1) in relation to an employee if the employee holds a valid certificate.

5. Duty of person to attend training course

An employee referred to in section 4(1) is required to attend such training course as may be provided by the proprietor unless he holds a valid certificate.

6. Production of certificate

(1) A person who performs gas welding and flame cutting work referred to in section 3(1)(a) shall, on being so required by an occupational safety officer, produce his valid certificate to the officer for inspection.

(2) A person who is unable to produce his valid certificate for inspection when required to do so under subsection (1), shall produce it for inspection by the officer within such reasonable time and at such reasonable place as required by the officer.

7. Offences and penalties

(1) A proprietor who without reasonable excuse contravenes section 3(1) commits an offence and is liable to a fine at level 5.

(2) A proprietor who without reasonable excuse contravenes section 4(1) commits an offence and is liable to a fine at level 5.

(3) An employee referred to in section 4(1) who without reasonable excuse contravenes section 5 commits an offence and is liable to a fine at level 3.

(4) Any person who performs gas welding and flame cutting work and who without reasonable excuse contravenes section 6 commits an offence and is liable to a fine at level 3.

Commissioner for Labour

21 June 2001

Explanatory Note

The purpose of this Regulation is to ensure that gas welding and flame cutting work is performed by competent persons. It imposes a duty on the proprietor to ensure that gas welding and flame cutting work is only performed by a person who has attained the age of 18 years and holds a valid certificate or is undergoing training in performing gas welding and flame cutting work and the performance of such work is under the supervision of a certificate holder. It further imposes a duty on the proprietor to provide training courses designed to ensure that his employees are adequately trained and competent to perform gas welding and flame cutting work. Employees of proprietors are required to attend training courses provided by proprietors. The Regulation also provides for ancillary matters such as the duty to produce certificates for inspection and specifies the offences and penalties for contravention of the provisions.