

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 (Woodworking Machinery)(Amendment) Regulation 2002, made by the Commissioner for Labour on 5 June 2002, be approved.

**FACTORIES AND INDUSTRIAL UNDERTAKINGS (WOODWORKING
MACHINERY)(AMENDMENT) REGULATION 2002**

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

1. Training

Regulation 9(2) of the Factories and Industrial Undertakings
(Woodworking Machinery) Regulations (Cap. 59 sub. leg.) is amended
by repealing "Except with the written permission of the
Commissioner for Labour, no" and substituting "No".

Commissioner for Labour

5 June 2002

Explanatory Note

The purpose of this Regulation is to prohibit the employment
of persons under 16 years of age on any woodworking machine.

DRAFT

**Speech by Mrs Fanny Law, JP,
Secretary for Education and Manpower
in moving the Motion on the
Factories and Industrial Undertakings
(Woodworking Machinery)
(Amendment) Regulation 2002
at the Legislative Council on 26 June 2002**

Madam President,

I move that the Factories and Industrial Undertakings (Woodworking Machinery) (Amendment) Regulation 2002 made by the Commissioner for Labour be approved.

2. The proposed Amendment Regulation seeks to prohibit the employment of persons under 16 years of age to work on any woodworking machine. The Amendment is required for the compliance of the International Labour Convention No. 182 : The Worst Forms of Child Labour Convention, 1999 (the Convention).

3. The Convention and its accompanying Worst Forms of Child Labour Recommendations (Recommendation No. 190) were unanimously adopted by the International Labour Conference held in June 1999. It is one of the eight core conventions of the International Labour Organisation and is widely ratified by member states. As at May 2002, about 120 countries have ratified the Convention.

4. The HKSAR Government is committed to the protection of the rights of children and promotion of their interests. Having consulted the Committee on the Implementation of International Labour Standards of the Labour Advisory Board, the Administration has concluded that the Convention should be applied to the HKSAR and has notified the Central People's Government of this position in September 2001. The Central People's Government is also considering ratifying the Convention.

5. The Convention calls for immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour, including the employment of child labour in work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children. Under the Convention, a child is defined as a person under the age of 18 years.

6. While Convention No. 182 aims at providing protection for children under the age of 18, Recommendation No. 190, which supplements the Convention, provides some flexibility to lower the age limit to 16. This is on condition that the competent authority will ensure that the health, safety and morals of children aged 16 and 17 are fully protected, and that the children have received adequate specific instruction or vocational training in the relevant branch of activity.

7. The Factories and Industrial Undertakings (Woodworking Machinery) Regulations, i.e. the principal Regulations, were enacted in 1971. In the 1970s, it was not uncommon that persons below 16 years were employed to operate machinery of various kinds. Owing to the relatively dangerous nature of woodworking machines, employers are allowed to employ persons under 16 only with the written permission of the Commissioner for Labour. In granting the permission, the Commissioner could impose additional safety precautions as deemed necessary.

8. The Amendment Regulation aims to prohibit the employment of all children below 16 years of age on woodworking machines. This is achieved by removing the discretionary power of the Commissioner to permit the employment of persons under 16 years of age. However, I have not recommended raising the age limit to 18 years as there is still a practical need to allow persons aged 16 and 17 to operate woodworking machines. Currently, there are two designated trades under the Apprenticeship Ordinance (Cap. 47) involving the use of woodworking machines, i.e. Carpenter/Joiner and Wood Furniture Maker. Some young persons who would like to join the apprenticeship training or work in these trades may not have reached the age of 18. In order not to jeopardize the employment

opportunity of this particular group of persons, I have not proposed to raise the minimum age limit beyond 16 for employment on woodworking machines.

9. Although persons aged 16 and 17 will still be allowed to work on woodworking machines after the proposed amendments are made, employers are bound by their statutory obligation under current safety legislation to ensure that adequate instruction and training have been provided to such workers.

10. The proposed amendment of removing the Commissioner's discretionary power to allow employers to employ persons younger than 16 years of age will not have any practical impact on employers and persons under 16 years of age. The Labour Department has not received any application for permission to employ such persons on woodworking machines since the principal Regulations came into operation in 1971.

11. The Amendment Regulation, if enacted, would prohibit the employment of any person under 16 years of age on any woodworking machines and enable the HKSAR to comply in full the International Labour Convention No. 182. The proposal is supported by both the Labour Advisory Board and the LegCo Panel on Manpower. I now recommend the proposed Amendment Regulation to Honourable Members.

12. Madam President, I beg to move.