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Panel on Manpower

Information note prepared by the Legislative Council Secretariat for the meeting on 12 July 2010

Factories and Industrial Undertakings (Loadshifting Machinery) Regulation

According to the Administration, loadshifting machines are those used to move a load sideways, upwards or downwards. These include excavators, loaders and other earth-moving equipment used in the construction industry and forklift trucks used at various workplaces such as warehouses, cargo terminals and other storage establishment.

2. The Factories and Industrial Undertakings (Loadshifting Machinery) Regulation (Cap. 59AG) ("the Regulation"), which was endorsed by the Legislative Council on 5 April 2000, sets out the training and certification requirements for operators of specified loadshifting machines. The Schedule to the Regulation specifies 11 types of loadshifting machines. The Regulation also imposes a duty on responsible persons to ensure that loadshifting machines are only operated by persons who have received recognized training and are in possession of a valid certificate. The operator of a loadshifting machine has a duty to attend the training course provided and to produce the certificate for inspection when required. Failure to comply with these requirements is an offence, and the penalties are set out in section 8 of the Regulation.

3. Having regard to the limited training capacity available at the time of the introduction of the Regulation, the Administration decided that the Regulation should be implemented in two phases. The first phase would apply to operators of bulldozers, loaders, excavators, trucks and lorries on construction sites and forklift trucks in industrial undertakings. Subject to satisfactory progress of the first phase, the statutory requirements would be extended to the operators of compactors, dumpers, graders, locomotives and scrapers on construction sites in the second phase.

Implementation of the first phase

4. The first phase of the Regulation was implemented in two stages. The provisions concerning the training requirements came into operation on 20 November

2000, empowering the Commissioner for Labour to recognize training courses for operators of machines under the first phase. After a sufficient number of operators of loadshifting machines in the first phase had been trained and issued with valid certificates, provisions requiring these machines to be operated only by persons in possession of valid certificates came into operation on 1 September 2002.

Implementation of the second phase

5. The second phase comprises two stages. The first stage, which was implemented on 1 September 2006, brought paragraphs (f) to (j) in Part II of the Schedule to the Regulation into operation to enable the Commissioner for Labour to recognize training courses for the operators of machines under the second phase.

6. After a sufficient number of operators have been trained and issued with certificates, the Administration is now proposing to launch the second stage to bring sections 3, 6 and 8 of the Regulation into effect, making it mandatory for machines under the second phase to be operated only by persons in possession of valid certificates. The Administration will brief the Panel on Manpower on its proposal at the meeting on 12 July 2010.

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