

For information on
11 April 2011

Legislative Council Panel on Manpower
Review of the System for Recognition and Monitoring
of Mandatory Safety Training Courses
and the Proposed Improvement Measures

Purpose

This paper informs Members of a review by the Administration of the system for recognition and monitoring of mandatory safety training (“MST”) courses and the proposed improvement measures.

Background

2. The Labour Department (“LD”) strives to improve safety and health at work through the three-pronged approach of legislation and enforcement, publicity and promotion, and education and training. Safety training, which imparts in those who work with risks with the knowledge and skills to manage such risks, is one of the major tools for bringing sustained improvements in occupational safety and health.

Legislation

3. The Factories and Industrial Undertakings (“FIU”) Ordinance and its subsidiary regulations require persons engaged in specific high-risk sectors / activities / machine operations to complete MST and obtain relevant certificates. There are at present the following six types of MST stipulated under different legislation (**Table 1**).

Table 1 : The Six types of MST

Types of MST	Relevant Legislation
Training for Crane Operators	FIU (Lifting Appliances and Lifting Gear) Regulation
Training for Persons Working on Suspended Working Platforms (“SWPs”)	FIU (Suspended Working Platforms) Regulation
Confined Spaces Safety Training (for Certified Workers and Competent Persons)	FIU (Confined Spaces) Regulation
Mandatory Basic Safety Training (for Construction Work and Container Handling) (commonly known as “green card” training)	FIU Ordinance
Safety Training for Various Types of Loadshifting Machinery (“LSM”)	FIU (Loadshifting Machinery) Regulation
Gas Welding Safety Training	FIU (Gas Welding and Flame Cutting) Regulation

Overall Situation

4. As at end December 2010, LD had recognised 664 MST courses run by 157 training course providers (“TCPs”). These TCPs broadly fall into the following four categories (**Table 2**).

Table 2: TCPs and Recognised MST Courses (end of December 2010)

Types of TCPs	No. of TCPs	No. of Courses
Commercial TCPs	47 (29.9%)	241 (36.3%)
Organisations providing in-house training courses	74 (47.1%)	265 (39.9%)
Workers’ unions or employers’ associations	13 (8.3%)	62 (9.3%)
Professional institutions, universities or statutory bodies	23 (14.7%)	96 (14.5%)
Total :	157	664

5. The number of MST certificates issued by TCPs in the past few years have consistently exceeded 200 000¹. Most of these (about 70%) were issued by commercial TCPs (**Table 3**) and were issued in respect of Mandatory Basic Safety Training (“MBST”), commonly known as “green card” training (about 77%) (**Table 4**).

Table 3: MST Certificates Issued in 2010 (by Types of TCPs)

Type of TCPs	No. of Certificates
Commercial TCPs	152 437 (69.8%)
Organisations providing in-house training courses	9 516 (4.4%)
Workers’ unions or employers’ associations	7 728 (3.5%)
Professional institutions, universities or statutory bodies	48 647 (22.3%)
Total:	218 328

Table 4: MST Certificates Issued in 2010 (by Types of MST Course)

Type of MST Course	No. of Certificates	
Crane Operators	4 900	(2.2%)
Persons Working on SWPs	1 072	(0.5%)
Confined Spaces Certified Workers and Competent Persons	31 869	(14.6%)
MBST (for Construction / Container Handling Workers) (commonly known as “green card” training)	168 923	(77.4%)
Loadshifting Machinery Operators	6 683	(3.1%)
Gas Welders	4 881	(2.2%)
Total:	218 328	

¹ The number of MST certificates issued in 2009 was 231 096 and 218 328 in 2010.

Course Recognition

6. LD has issued a series of Guidance Notes (“GN”) for various types of MST. TCP applicants are expected to develop their own course contents in accordance with the GN and submit these to LD with their course proposals for vetting. The vetting process generally covers the proposed course contents, trainers and training venue, as well as examination questions and other administrative arrangements. Any persons or organisations may apply to run MST courses. MST course providers will receive from LD an approval letter, setting out the approval conditions imposed, when their applications to run MST courses are approved. The courses recognised do not have validity period attached.

Course Monitoring

7. LD officers monitor the recognised courses delivered by TCPs primarily through surprise inspections. When we discover breaches of approval conditions, we will issue warning letters to the TCPs concerned. For serious breaches, we will consider withdrawing recognition of the courses.

Arrangements for Examination and Issue of Certificates

8. The performance of trainees in the post-course examination reflects the effectiveness of TCPs in conducting the training, and could indirectly serve as an indicator of the quality of course instruction. At present, TCPs develop and use their own examination questions, which have been vetted by LD during the stage of course recognition. Trainees could take the examination after the course and obtain certificates immediately. This arrangement is more convenient to those who have to obtain the certificates before getting to work.

Problems Identified

9. In recent years, there has been growing concern about the quality of MST courses. Individual courses had been found to have problems of different gravity. This has resulted in worries in some quarters (including those in the construction industry) about whether the MST courses could effectively improve safety awareness and knowledge of workers. Meanwhile, LD had in the past three years withdrawn recognition for seven courses run by three TCPs. LD takes the matter very seriously. Apart from stepping up the monitoring of such courses, we have undertaken a review of the system between 2009 and 2010 with a view to identifying improvement measures.

10. The review has identified a number of problems in the system. These include –

- at present, individual TCPs develop the contents of their own courses in accordance with the GN issued by LD. As a result, there may be discrepancies in the course contents even among the same type of recognised MST courses provided by different TCPs. When vetting course proposals submitted by applicants, LD mainly considers the course proposals and does not consider in detail the applicants' capability and commitment to providing quality MST course;
- some TCPs had management problems, e.g. trimming down the course contents without prior approval, shortening the course duration and employing unapproved trainers and training venues. Problems in post-course examinations, e.g. cheating and laxity of invigilation, had also been discovered. However, since staff of TCPs and trainees would inevitably behave with more discipline in the presence of LD officers conducting inspections, it is difficult to unveil such problems, hence ensure the quality of course delivery through surprise inspections of LD officers; and
- there is currently no validity period for courses recognised. As disciplinary actions are limited to the issue of warnings and, in respect of serious malpractices, withdrawal of recognition, deterrent against poor performers is insufficient.

11. In the light of these problems, LD would step up monitoring, including enhancing surprise inspections of post-course examinations, and undertaking thorough investigation and evidence gathering for cases involving serious malpractices to facilitate disciplinary actions. However, monitoring inspections alone cannot effectively tackle the problems. There is a need to tighten the requirements on TCPs and courses during the process of approving MST course applications. In addition, there is also a need to enhance the regulatory control and disciplinary mechanism.

Views Gathered

12. In the course of the review, LD had invited the Independent Commission Against Corruption ("ICAC") to provide advice, and organised two focus group meetings ("FGMs") in August 2010 to tap the views of relevant parties on problems of the existing MST system and options for improvement.

13. Participants of the FGMs had a general consensus that there was room for improvement in the existing MST system. Major views expressed in the meetings included –

- improving examination arrangements is an effective way to ensure the quality of training provided. In this regard, the provision by LD of examination papers centrally to TCPs for the post-course examinations could minimise the chance of leaks of examination contents. Compared with other ideas like introducing a system of central examination or bringing in independent invigilators, it also better takes into account the practical situation of the trainees, minimising resistance to the proposal, and is more reasonably practicable;
- standardising course contents would be useful for ensuring the quality of MST courses;
- a validity period should be introduced for courses recognised so that it would be more effective to ensure serious measures by TCPs to assure the quality of the MST courses;
- a mechanism should be established to periodically evaluate the quality of TCPs; and
- the existing situation of relying on “warnings” and “withdrawal of recognition” alone was not adequate to deter malpractices.

Improvement Initiatives

14. In light of the review, advice from ICAC and the views gathered from the two FGMs, we have identified a number of improvement measures to address deficiencies in the existing system. Nonetheless, in consideration of the complexity of some improvement measures and their possible impact on interested parties, LD considers a two-phased approach necessary such that less complicated measures could be implemented first. Meanwhile, other measures could be examined in a more thorough manner, taking due account of interested parties’ opinion, before coming to a firm view on the improvement measures to be implemented in the second phase.

Phase 1

15. Three major improvement measures are proposed for the first phase –
- **Standardising Course Contents** – to standardise the contents of MST courses to maintain consistency of the courses delivered by different TCPs. This could also shorten the time for considering applications for course recognition.
 - **Consolidating the GNs** – to consolidate the different GNs issued for the six types of MST courses at the moment and lay down all approval conditions to facilitate reference and compliance by TCPs.
 - **Centralising the Issue of Examination Papers** – to prepare examination papers centrally and issue them to individual TCPs shortly before examinations.
16. The proposed measures of issuing examination papers centrally and standardising course contents will start with the MBST course first and will be extended to other types of MST courses progressively.

Phase 2

17. Other initiatives arising from the review and the FGMs, including the evaluating/accrediting TCP's governance and quality assurance capability, introducing a validity period for recognised courses, developing a demerit point system and strengthening disciplinary actions against poor performers, would involve more complicated issues and are likely to impact on existing TCPs. As such, we propose that more in-depth studies should be conducted with consultation with interested parties before determining the measures to be implemented in Phase 2.

Consultation

18. We have consulted the Occupational Safety and Health Council, the Labour Advisory Board and its Committee on Occupational Safety and Health and the Committee on Construction Site Safety of the Construction Industry Council, which generally supported our proposed improvement measures.

Way Forward

19. In view of the problems identified and views gathered in this review, we consider it necessary and appropriate to undertake improvement measures to the existing system for recognition and monitoring of MST courses. We plan to implement the Phase 1 improvement measures set out above in paragraph 15 in the second half of 2011, and continue to examine measures for implementation in Phase 2 to enable early implementation.

Labour and Welfare Bureau
Labour Department
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