

(Letterhead of the Federation of Hong Kong and Kowloon Labour Unions)

20 April 1999

**Views of the Federation of Hong Kong and Kowloon Labour Unions on
Factories and Industrial Undertakings (Amendment Bill 1999)**

The Federation of Hong Kong and Kowloon Labour Unions ("the Federation") supports in principle the objectives of the Factories and Industrial Undertakings (Amendment) Bill 1999 ("the Bill") to provide for mandatory safety training for persons employed in the construction and container handling industries and to expand the Commissioner for Labour's power to make regulations. However, the Federation finds several clauses of the Bill undesirable and our views are as follows:

1. Employers in the construction and container handling industries should be responsible for making arrangement for their serving workers to receive safety training.

Given the relatively high accident rates for the two industries in recent years, the Federation welcomes the Government's move to provide safety training to workers in such industries. Workers, for the sake of their own safety, will accept such arrangement. As a matter of fact, most employers have never considered allocating resources to safety training such as arranging for their staff to attend paid safety training courses during office hours and paying for the costs incurred. As a result, most workers are discouraged to receive safety training for fear that their income will be reduced. As such, the Federation proposes that employers be required under the Bill to make arrangement for their serving workers to attend paid safety training courses during office hours. Moreover, the Administration should break up the one-day training course into two to three sessions so that employers can arrange for their workers to receive safety training in batches, and in turn minimize the disruption to production. Furthermore, the Federation calls for the full support by the Government to training bodies in terms of allocation of resources, with a view to alleviating employers' burden in respect of course fees and other aspects.

2. The Bill should also provide that employers are required to make arrangement for workers whose "green cards" will soon expire to attend refresher courses for renewal of their "green cards". In the event that workers fail to have their "green cards" renewed as a result of the lack of initiatives on the part of their employers to make such arrangement, employers should not dismiss their workers on the grounds that the workers

concerned do not hold a valid “green card”. The Federation also proposes that, for the purposes of renewing the green cards, serving workers should only be required to take the relevant course and should be exempted from the test upon confirmation by their employers or trade unions that they have been continuously engaged in employment in the industries and no undesirable safety records can be tracked. A grace period of a suitable length of time should also be given to workers who are unable to renew their green cards in time for some reasons.

3. Section EBA(12) of the Bill provides that “a relevant person who, without reasonable excuse, contravenes subsection (7) commits an offence and is liable to a fine at level 3”. The Federation is of the view that forgetting to carry the “green card” while at work is not a serious offence. A fine of \$10,000 is too heavy and workers in general can hardly afford to pay such an amount of fine. Moreover, it is difficult to define the phrase “reasonable excuse” and as a result, workers may easily be subjected to unfair treatment.

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