

**立法會**  
**Legislative Council**

LC Paper No. CB(2)1320/98-99  
(These minutes have been seen  
by the Administration)

Ref : CB2/SS/9/98

**Subcommittee on Factories and Industrial Undertakings  
(Loadshifting Machinery) Regulation**

**Resolution under section 7 of the  
Factories and Industrial Undertakings Ordinance (Cap. 59)**

**Minutes of Meeting  
held on Monday, 13 September 1999 at 8:30 am  
in the Chamber of the Legislative Council Building**

- Members Present** : Hon Mrs Miriam LAU Kin-ye, JP (Chairman)  
Hon HO Sai-chu, SBS, JP  
Hon Cyd HO Sau-lan  
Hon LEE Kai-ming, SBS, JP  
Hon CHAN Wing-chan
- Members Absent** : Hon Ronald ARCULLI, JP  
Hon CHOY So-yuk  
Hon Andrew CHENG Kar-foo
- Member Attending** : Hon CHAN Yuen-han
- Public Officers Attending** : Mr Herman CHO  
Principal Assistant Secretary for Education and Manpower  
  
Mr Samson LAI  
Assistant Secretary for Education and Manpower

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Mr William SIU  
Assistant Commissioner for Labour

Miss Marie SIU  
Senior Government Counsel

**Attendance by :** Hong Kong Container Freight Station Association  
**Invitation** Limited

Mr LO Wong-fung, Steve  
President

Ms TONG Hang-fa, Judy  
Chief Administrator

Construction Industry Training Authority

Mr Albert Y C TONG  
Executive Director

Vocational Training Council

Mr Tong P K YEUNG  
Acting Centre Manager, Seamen's Training Centre

Mr Henry H W LEE  
Industrial Training Officer

Occupational Safety & Health Council

Mr TANG Wah-shing  
Executive Director

CityU SCOPE OSH Alumni Association

Mr Lawrence HO  
Chairman of the Executive Committee

Mr WONG Siu-shun  
Hon Assistant Secretary of the Executive Committee

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Central Container Handling Safety Committee

Mr Paul HO Tung-chuen  
Chairman

Hong Kong Storehouses and Transportation Staff Association

Mr CHOI Chi-ming  
Secretary

Mr CHAN Woon-fai  
Vice-Treasurer

The Hong Kong Construction Association Ltd

Mr Patrick W T CHAN  
Secretary General

The Hong Kong Small and Medium Business Association

Mr SHI Kai-biu  
President

Society of Registered Safety Officers

Mr Rheo LAM Chun-kow  
Honorary Secretary

Mr Michael C M LEUNG  
Executive Committee Member

The Chinese General Chamber of Commerce

Hon HO Sai-chu  
Vice-chairman

**Clerk in Attendance** : Mrs Constance LI  
Chief Assistant Secretary (2) 2

**Staff in Attendance** : Mr Arthur CHEUNG  
Assistant Legal Adviser 5

Mr Stanley MA  
Senior Assistant Secretary (2) 6

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**I. Meeting with the Administration and the deputations**

The Chairman welcomed the deputations and representatives of the Administration to the meeting. She informed members that the Subcommittee had invited 17 organizations to forward submissions on the proposed Factories and Industrial Undertakings (Loadshifting Machinery) Regulation (the proposed Regulation), and eleven of them had indicated that they would like to present their views to the Subcommittee. Members also noted that nine written submissions had been received from deputations before the meeting.

2. At the invitation of the Chairman, representatives of the 11 deputations presented their views to the Subcommittee.

*Hong Kong Container Freight Station Association (HKCFSA)*  
*[Paper Nos. CB(2)2716/98-99(01) and CB(2)2756/98-99(05)]*

3. Mr Steve LO of HKCFSA referred members to the written submission and highlighted the following points -

- (a) the Administration had under-estimated the number of forklift truck operators. HKCFSA estimated that there were at least 4 500 operators in the container handling industry operating more than 2 000 forklift trucks under a two-shift system;

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- (b) the proposed grace period of 18 months would not be adequate for all existing forklift truck operators to complete the mandatory refresher courses;
- (c) the course fees were expensive due to the high pay for part-time instructors (about \$4,000 a day). To reduce the costs, full-time instructors should be employed to conduct the refresher courses;
- (d) HKCFSA was willing to organize refresher training courses for forklift truck operators as it had the necessary resources such as training venues and forklift trucks. It hoped that approval could be given for HKCFSA to organize courses for its members and for people who wished to join the trade as forklift truck operators; and
- (e) all employees working in storehouses and container freight stations should also be required to attend the mandatory safety training course and obtain the green card.

*Construction Industry Training Authority (CITA)*

*[Paper No. CB(2)2716/98-99(02)]*

4. Mr Albert TONG of CITA said that CITA supported the proposed legislation for mandatory training and certification requirements for operators of specified loadshifting machinery on construction sites. He highlighted the following points in the written submission of CITA -

- (a) CITA supported the proposed 18-month grace period for mandatory training and was confident that it could provide the required training and certification to all existing earth-moving

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machine operators. While there were about 2 000 existing operators of earth-moving machinery, the actual demand for training and certification would be higher as workers in other trades might also wish to apply for the certification course; and

- (b) CITA would provide a two-day certification course charging about \$1,200 for existing operators of earth-moving machinery working in the construction industry. The course would comprise a two-day refresher programme (\$400), a written test (\$100) and a practical test (\$700).

*Vocational Training Council (VTC)*

*[Paper No. CB(2)2756/98-99(03)]*

5. Mr P K YEUNG of VTC said that VTC supported the proposed Regulation and could provide a maximum of 300 and 96 training places a year for existing and new operators respectively, subject to availability of funds. He added that VTC estimated that there were at least 3 000 forklift truck operators working in various industrial undertakings.

*Occupational Safety and Health Council (OSHC)*

*[Paper No. CB(2)2756/98-99(04)]*

6. Mr TANG Wah-shing of OSHC said that OSHC supported the proposed Regulation which could enhance the safety standard at industrial undertakings. He added that OSHC had trained a total of 300 forklift truck operators and 36 instructors since 1997. As the actual training demand might be higher, OSHC proposed that a longer grace period might be necessary. The OSHC would increase its training capacity to meet the training demand and would only recover the costs of organising such training. He also suggested that the proposed

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Regulation should specify the period during which all existing operators should have completed training.

*CityU SCOPE OSH Alumni Association (CUSOAA)*

*[Paper Nos. CB(2)2779/98-99(02)]*

7. Mr Lawrence HO of CUSOAA said that CUSOAA supported the proposed Regulation and the mandatory training for existing and new loadshifting machine operators. He expressed concern that as the Regulation had not specified the criteria and procedures for the issue of training certificates, it might give rise to implementation or enforcement difficulties. Mr HO also made the following suggestions -

- (a) the duties and liabilities of principal contractors, subcontractors, and owners of hire plants as "responsible person" should be clearly defined under section 4 of the proposed Regulation; and
- (b) section 8(1) of the proposed Regulation had imposed very stringent liability of a "responsible person", and the Regulation should also provide a defence on reasonable grounds.

*Central Container Handling Safety Committee (CCHSC)*

*[Paper No. CB(2)2779/98-99(03)]*

8. Mr Paul HO of CCHSC said that CCHSC supported the proposed Regulation in principle. Mr HO estimated that there were some 3 500 forklift trucks in operation, and about 7 000 to 8 000 operators (who worked on a two-shift system) would need to attend the two-day refresher course. The CCHSC was concerned about the impact of the legislation on the trade in view of the large number of operators requiring training. He suggested that the certificate should

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be issued automatically to existing operators who had two years service and had a good safety record or evidence of previous training. Mr HO also made the following points -

- (a) as operation of forklift trucks and front loaders required similar skills, these operators should be allowed to operate both types of machines;
- (b) Government should conduct briefing for the trade on the new requirements in the Regulation;
- (c) Government should encourage more institutions to operate training courses and publicize the training standards for general information; and
- (d) Government should clarify whether the Regulation would also apply to forklift truck operators engaged in cargo loading/unloading between a ship and a container terminal.

*Hong Kong Storehouses and Transportation Staff Association (HKSTSA)*

*[Paper No. CB(2)2779/98-99(05)]*

9. Mr CHOI Chi-ming of HKSTSA said that HKSTSA supported the proposed Regulation and highlighted the following points -

- (a) as the training cost would be a burden on the operators, proprietors should be required to pay the training fees and arrange paid leave for workers to attend refresher courses;



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- (b) while it was reasonable to stipulate a minimum age for operators of specific loadshifting machinery, the Regulation should provide for the flexibility that existing operators below the age of 18 years would be allowed to attend the refresher training and obtain the certificate tests at the commencement of the Regulation;
- (c) Government should specify the standards and requirements for the training programmes and the tests for the issue of certificates;
- (d) Government should encourage experienced and qualified institutions such as trade unions to provide refresher training for loadshifting machine operators;
- (e) the Regulation had not specified the criteria for renewal of training certificates. Operators with two years continuous service and satisfactory safety records should be allowed to renew their certificates after completing the relevant refresher courses, without having to go through the test; and
- (f) holders of the Special Purpose Vehicle Driving Entitlement issued under the Road Traffic Ordinance should be exempt from the proposed Regulation.

*The Hong Kong Construction Association (HKCA)*

*[Paper No. CB(2)2779/98-99(04)]*

10. Mr Patrick CHAN of the HKCA said that HKCA supported the proposed Regulation and the phased implementation of the training requirement. He stressed that as some machinery such as locomotives and scrapers was not commonly used, the proposed Regulation should provide flexibility for the

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machine owners or suppliers to provide such training under the guidance of Labour Department or CITA.

*The Hong Kong Small and Medium Business Association (HKSMBA)*

11. Mr SHI Kai-biu of the HKSMBA said that HKSMBA strongly objected to the proposed penalty on proprietors if their employees operated loadshifting machinery without a valid certificate. He said that it was not uncommon for managers and storehouse staff to operate the machines during the absence of operators on sick leave. He pointed out that proprietors of small and medium firms were already subject to a number of legislative requirements which had added to their financial burden. He added that some 1 400 small and medium organizations had become bankrupt and about 11 800 companies had closed down in 1999.

*Society of Registered Safety Officers (SRSO)*

*[Paper No. CB(2)2798/98-99(02)]*

12. With the permission of the Chairman, Mr Rheo LAM of SRSO tabled the written submission of the SRSO. He said that Government should also provide information on other causes of accidents in connection with the operation of loadshifting machines and address these problems in addition to the mandatory training requirements. He questioned the need for the proposed Regulation, as the general duties provisions under the Factories and Industrial Undertakings Ordinance (FIUO) and Occupational Safety and Health Ordinance already required employers to provide training for their employees. He considered that a Code of Practice on the training and safety requirements for specified industrial undertakings would suffice.

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13. Mr Michael LEUNG of SRSO also made the following points relating to the Regulation -

- (a) whether the definition of "responsible person" who was required to provide training under section 2 referred to the machine owner or the company hiring the service of the machine;
- (b) the test standards for refresher courses should be specified and that trade unions should also be allowed to organize such training;
- (c) certificate holders should also be required to attend refresher courses to update their knowledge; and
- (d) there should be no penalty on those employees who forgot to bring their certificates to work.

*The Chinese General Chamber of Commerce (CGCC)*

14. Mr HO Sai-chu of CGCC said that CGCC supported the proposed Regulation which aimed at protecting of workers' safety at work. However, he expressed concern as to whether there would be sufficient supply of qualified operators for the industry within the 18 months. He pointed out that proprietors of small and medium companies or factories might have difficulties in complying with the training requirement while the large companies and construction industry already had training courses for their employees. For example, training of workers in the construction industry was organized by CITA through a levy on the construction companies. To lessen the burden on small and medium companies, he suggested that Government should consider providing subsidies to the mandatory training courses for operators of loadshifting machinery, similar to the subsidies to continuing education and vocational training.

15. The Chairman thanked the deputations for their views. She said that the Federation of Hong Kong and Kowloon Labour Unions had also provided a written submission [Paper No. CB(2)2794/98-00(01)] to the Subcommittee. The Subcommittee would follow up with the Administration the views and suggestions expressed in the submissions.

#### Discussion with deputations

##### *Training costs*

16. Mr CHAN Wing-chan expressed concern about the high costs of the mandatory refresher courses and supported Mr HO Sai-chu's suggestion that Government should consider subsidizing such training. He asked whether the training cost for forklift truck operators could be reduced with a lower rental of the training venue at the VTC Seamen's Training Centre. He also asked if a smaller class would have any impact on the training fees.

17. Mr TANG Wah-shing of OSHC responded the main component of the training fee was the honorarium for part-time lecturer. He anticipated that there would be increased training demand after enactment of the Regulation, and that full-time instructors could be employed which could lead to a lower cost. He said that the rental for training venue would remain the same irrespective of the class size which normally ranged from 15 to 21 trainees.

##### *Training capacity*

18. As representatives of the deputations had provided different estimates on the number of forklift truck operators requiring training, Miss Cyd HO asked the deputations to explain the basis of their calculations.

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19. Mr Steve LO of the HKCFSA said that the container freight station industry occupied about 9 million square feet as operation space. As two forklift trucks were required for an area of 10 000 square feet, around 1 800 forklift trucks would be required by the industry. There would be a total of 4 500 operators who worked on a two-shift or three-shift system.

20. Mr Paul HO of CCHSC said that CCHSC estimated there were about 7 000 to 8 000 operators based on a forecast of 3 500 trucks in operation. He added that there was no authoritative estimate on the actual number of forklift truck operators. Mr Henry LEE of VTC said that the VTC's estimate of 3 000 operators was based on its 1998 manpower survey on the transport and physical distribution industry and the figure did not include operators employed on construction sites.

21. As regards operators of earth-moving equipment, Mr Albert TONG of CITA said that according to manpower survey on the construction industry, there were some 2 000 operators working on construction sites each day. It was expected most operators would attend refresher courses for operating both the bulldozers and excavators. Taking into account some occasional operators not covered by the manpower survey, the CITA had estimated that about 5 000 to 6 000 training places would be required.

22. In response to the Chairman, Mr Albert TONG of CITA said that CITA had previously organised similar refresher training for about 8 000 crane operators in 1993. With the engagement of full-time instructors, he envisaged little problem in meeting the training demand for earth-moving equipment. As regards the refresher training for forklift truck operators, Mr Steve LO of the HKCFSA said that with the current low instructor-student ratio, it might be difficult to meet the training demand particularly during peak seasons of the

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container handling industry. He suggested organising more courses during off-peak periods such as Monday to Wednesday and training more instructors so as to reduce the instructor costs.

23. Miss Cyd HO enquired about the availability of training venues and forklift trucks to meet the training demand within the 18 months grace period. Mr Steve LO of HKCFSA replied that the 30 members of HKCFSA had a total of about seven million square feet of warehouse space and 2 000 forklift trucks altogether, and these should be sufficient to meet the training needs.

*Training of instructors*

24. Miss Cyd HO asked whether there would be sufficient qualified instructors to train the required number of forklift truck and earth-moving machinery operators within 18 months.

25. Mr TANG Wah-shing of OSHC and Henry LEE of VTC informed members that the OSHC and VTC had trained 36 and 100 forklift truck instructors respectively. As regards earth-moving equipment, Mr Albert TONG of CITA said that there were sufficient instructors who were experienced loadshifting machine operators having completed a trainer course in England. CITA could arrange to train additional instructors within a month.

26. Mr Steve LO of the HKCFSA considered that additional instructors should be trained as soon as practicable because some of the 130 forklift truck instructors might no longer be in service. Mr TANG Wah-shing of OSHC responded that OSHC was willing to organize more instructor classes in conjunction with employers and other associations.

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*Training programmes*

27. Miss Cyd HO enquired about the design and contents of the training programmes for forklift truck and earth-moving equipment operators.

28. Mr Albert TONG of CITA said that CITA had been organizing comprehensive training courses for new operators of earth-moving equipment and the total course duration was about 80 working days, to be followed by a written test and a practical test. The course content of the proposed two-day refresher course had also been approved by the Labour Department.

29. Mr Henry LEE of VTC said that the training programme was modelled on the UK curriculum, and trainers were previously recruited from the UK to train the instructors. Mr TANG Wah-shing of OSHC said that the two-day refresher course of the OSHC for forklift truck operators also followed the UK model and the proposed programme was being examined by the Labour Department.

Discussion with the Administration

[Paper No. CB(2) 2756/98-99(01)]

*Government subsidy to training courses*

30. In view of the high training costs for refresher courses, Mr HO Sai-chu, Mr CHAN Wing-chan and Mr LEE Kai-ming urged Government to provide subsidies to the mandatory refresher courses. These members considered that the refresher training and certification requirements were new statutory requirements, and the Government should subsidize these courses to alleviate the financial burden on employers in view of the current economic situation. Mr HO Sai-chu was of the view that Government subsidy to refresher courses was in line with the policy of subsidizing continuing education and vocational training.

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31. Mr LEE Kai-ming suggested that the Administration should also consider allocating temporary training venues at Kai Tak to the VTC and OSHC for organizing refresher courses on forklift trucks in order to lower training cost.

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32. The Chairman shared members' concern about the high training costs, and urged the Government to consider providing subsidies to the refresher courses.

33. In response, Principal Assistant Secretary for Education and Manpower (PAS(EM)) said that it was not Government policy to subsidize mandatory training for a particular industry. He said that Government was subsidizing institutions which provided vocational training for various industries. As regards the courses operated by the CITA and OSHC, he said that they were financially independent institutions funded by levies from the construction industry and employees' compensation insurance.

Admin

34. PAS(EM) also pointed out that the training fees were determined by the training institutions themselves. He explained that the high costs were due to the high wages for part-time instructors, high rentals for training equipment and venues, and the insurance costs. To address members' concerns, the Labour Department would discuss with the training institutions to see if they could lower the refresher training fees.

*Exemption and renewal requirements*

35. The Chairman enquired whether experienced operators would be exempted from the mandatory training. PAS(EM) replied that they would not be exempted as the refresher training courses aimed at updating and reinforcing the safety awareness of existing operators. The Chairman said that it was unclear as to whether the proposed scheme would cover only new operators or all existing



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operators, and whether there would be any service requirements for existing operators to attend the refresher training and re-validation courses for renewal of certificates. She therefore requested the Administration to provide such information in tabular form for members' easy reference. PAS(EM) agreed.

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*Responses to views expressed by deputations*

36. To facilitate discussion at the next meeting, the Chairman requested the Administration to provide a response to views expressed in the written submissions at the meeting. PAS(EM) agreed.

Admin

37. On the consultation with the industries on training and certificate renewal requirements, Assistant Commissioner for Labour said that normally Labour Department would consult the trade on the implementation details after the Regulation was enacted. At the request of the Subcommittee, the Labour Department had already discussed with the Advisory Committee on Certificate of Operators of Specified Plants and Equipment the implementation details on 20 August 1999 and would further consult the trade on the proposal. A composite paper would then be forwarded to the Subcommittee for consideration.

*Date of next meeting*

38. Members agreed to hold the next meeting at 8:30 am on 13 October 1999.

*(Post-meeting note : The next meeting was subsequently re-scheduled to 20 October 1999.)*

**II. Any other business**

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39. There being no other business, the meeting ended at 10:33 am.

Legislative Council Secretariat

17 February 2000