

**The Administration's response to issues raised
at the meeting of the Subcommittee on the
Factories and Industrial Undertakings
(Loadshifting Machinery) Regulation on 23 July 1999**

Item (a): Membership list of Advisory Committee on Certificate of Operators of Specified Plants and Equipment (together with the names of organisations represented.)

The membership list of the Advisory Committee on Certificate of Operators of Specified Plants and Equipment (ACCOSPE) for the term 1997-99 is at Annex 1.

Item (b): The validity period of the training certificate for operators of specified loadshifting machines and whether the operators must attend refresher training for renewal of certificates?

The length of the validity period of the training certificate for operators of specified loadshifting machines will be set in consultation with the industries affected. To prepare for industry consultation, the Labour Department sought the advice of the ACCOSPE at a meeting on 20.8.99. The Committee advised that the validity period of training certificates issued to operators of earth-moving equipment should be five years whilst that for operators of forklift trucks should be 10 years. The difference in the length of the validity periods reflects the difference in the level of skill and knowledge required in operating that equipment and the likelihood of new models of the equipment being introduced. The Committee agreed that the certificate holders should be required to attend a refresher course (one day for earth-moving equipment and half-a-day for forklift truck operators) and pass a test (written multiple choice questions) before a new certificate would be issued to them. This will ensure the knowledge, skill competence as well as the safety awareness of the operators. The validity period of the revalidated certificates should be the same as the first certificates.

The Labour Department is preparing a document putting forward an outline of the training scheme to trade organizations and workers unions of related industries and professional bodies to solicit their views. On receipt of their views, the Labour Department will finalize and issue the detailed guidelines for training providers to follow.

Item (c) : Whether the existing operators can be exempted from attending refresher courses if there is no change in the type of loadshifting machine they are operating?

We do not consider it appropriate to exempt existing operators of loadshifting machinery from attending a refresher training course. Such training course comprises theoretical and practical safety training elements and aims at updating and reinforcing their safety awareness and training them to operate the machines safely. This is similar to the arrangements for the training and certification of existing crane operators and workers using suspended working platforms under their respective regulations. Moreover, for those who are not regular machine operators, the refresher course serves to ensure the competency of the operators in handling loadshifting machine, both existing and new or improved models.

The ACCOSPE members advised that, at the commencement of the training scheme, operators of earth-moving equipment with three years experience and forklift truck drivers with one year experience should be required to attend a two-day refresher course and be awarded a certificate upon its completion. Those who do not possess the prerequisite experience would have to attend a full course of a longer duration. The course length will depend on the type of the machine they intend to operate. For those who have attended the relevant courses currently conducted by Construction Industry Training Authority (CITA), Occupational Safety and Health Council (OSHC) and Vocational Training Council (VTC), the Committee opined that the Labour Department should consider recognising the training and the certificates. The Committee's recommendations will be included in our consultation paper for the related industries.

Item (d) : The reasons for setting such a high training fee for the two-day refresher courses (\$1,200 - \$2,280 per person) and whether the Government will consider subsidizing the training courses.

The Administration has requested the relevant training providers to supply breakdown on the fees charged on refresher courses for operators of earth-moving equipment and forklift trucks. The breakdown provided for the courses run by the VTC/Harbour Transportation Workers General Union, OSHC and CITA are at Annexes 2-4 respectively.

In gist, the reasons for relatively high course fees being charged are the low students to instructor ratio, high rentals for training ground and equipment, insurance costs, etc. It is not the Government policy to subsidise the training courses concerned.

Item (e) : Whether the operators who fail in the assessment after the training course can re-apply for the course immediately and free of charge?

The ACCOSPE advised that any operator who failed in the test after the training course should be given one chance to resit the test. We will encourage the training providers through our guidelines to conduct the re-test as soon as practicable, including where possible on the same day of the first test. As to the fee and the procedure for re-application by those trainees who fail in the assessment, we believe that such matters should be left to be decided by the training providers.

As far as existing training providers are concerned, both the Harbour Transportation Workers General Union and OSHC have confirmed that course attendees who failed in the assessment test after the forklift truck training course could apply to resit the test once and do so free of charge. CITA has advised that attendees of its earth-moving machinery training courses could apply to resit the part(s) of the test they have failed but have to pay for the relevant examination fees, i.e. \$110 for written test and \$700 for practical test.

Item (f) : Whether there is any service requirement for attending the refresher course?

The ACCOSPE considered that there should be a service requirement for attending the refresher courses. For existing operators, the requirement should be as given in our response to item (c) above. For future certificate holders revalidating their certificates, the Committee recommended that in the five years prior to the expiry of the certificate, an operator of an earth-moving equipment should have three years operational service in the trade and a forklift truck driver should have two years operational service.

Item (g) : The Administration to consider making express provisions in the Regulation for recognition of the existing training courses run by CITA/VTC.

The Administration does not intend to make express provision in the Regulation for recognition of any existing training courses because under the definition of “training course” in Section 2 of the proposed Regulation, the Commissioner has the power to recognize, with retrospective effect, any training course conducted and certificate issued before the enactment of the law. By making an express provision in the regulation, the Commissioner will have no flexibility but to require future courses to be structured to a standard and requirements similar to those being operated by CITA/VTC.

**Refresher course for forklift truck operators runs by the
Harbour Transportation Workers General Union (HTWGU)
and sponsored by the Vocational Training Council (VTC)**

Course fee : \$1,800 per person
\$1,200 per person for HTWGU members

(VTC sponsors the course by reimburseing \$200 to each successful trainee)

<u>Breakdown of costs</u>	<u>Average cost per trainee</u>
	\$
1. Insurance expenses (Training site, instructors and trainees)	166.60
2. Site expenses (Written test, lecture room, running costs)	208.30
3. Miscellaneous expenses (Uniforms, safety helmets, stationery, lecture notes, certificates, etc.)	212.10
4. Equipment expenses (Rental for 2 forklift trucks \$1,400 per day, fuel \$300 per class; transportation cost \$1,400 per class)	491.60
5. Honorarium for instructors (Written test \$600 x 2 per day Practical test and maintenance test \$600 x 2 per day)	400.00
6. Production of course material and maintenance of teaching equipment	50.00
7. Administrative and promotional expenses	50.00
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	Total : \$1,578.60
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Annex 3

Two-day Refresher course for forklift truck operators runs by the Occupational Safety and Health Council (OSHC)

<u>Breakdown of costs</u>	<u>Average cost per trainee</u>
	\$
8. Honorarium for lecturers (Classroom training \$650 x 6 hrs = \$3,900 Practical training \$650 x 6 hrs x 7 lecturers = \$27,300)	31,200
9. Rental of venue (Classroom training (OSHC training centre \$0 (waived)) Practical training (Seamen's Training Centre \$1,100)	1,100
10. Rental for forklift trucks	9,000
11. Insurance (covering course participants, equipment and third party property damage)	2,000
12. Course material	1,000
13. Operation cost	3,548
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	Total : \$47,848
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Course fee per person for a class of 21	\$2,278

**Two-day Refresher course for earth-moving equipment operators
runs by the Construction Industry Training Authority (CITA)**

	<u>Fees per person</u>
	\$
1. Refresher course (if taken separately)	400
2. Written test (if taken separately)	110
3. Practical test (if taken separately)	700
4. Combination of parts 1-3 above	1,200

Notes

- (a) The refresher course and written test will be conducted by one examiner for each group of 6 candidates.
- (b) The practical test will be conducted on a one examiner to one candidate basis.
- (c) Rate of charge is set to cover the actual cost incurred by the test and no overhead cost is recovered by CITA.