

註冊安全主任協會的信頭

Letterhead of SOCIETY OF REGISTERED SAFETY OFFICERS

Submission of the Society of Registered Safety Officers on the Proposed Factories and Industrial Undertakings (Loadshifting Machinery) Regulation to the Bills Committee Meeting of 13.9.99 of the Legislative Council.

Presented by Mr Michael C.M. Leung (Co-opt Executive Council Member) & Mr Rheo C.K. Lam (Hon Secretary).

1. General

Our Society supports the Government's concern and awareness of the accidents caused by the loadshifting machinery. We have the following comments which are basically made following the numbering sequence of the Brief provided. Our Society is pleased to hold further discussion with interested parties on this Regulation or on other safety and health matters.

2. Background and Arrangement

(Have Other Causes of Other Serious Accidents Been Looked Into and Taken Care Of?)

Whilst our Society agrees that a lack of proper and adequate training of the operators can be a cause of the loadshifting machinery, **we ask the enforcing authority to provide further information** on those accidents which have caused serious injuries but are non-fatal so that the Legislative Council and the community can have a better picture of the seriousness of the whole matter.

It is our experience and a known fact that the conditions of the loadshifting machinery in local construction sites are far from safe and there is a lack of control on its safe operation and maintenance required for safe operation. Furthermore, a lack of safety protection (e.g. roll over protective structure ROPS) and misuse of the machinery are often the common causes of many serious accidents. They are no less important and contributory than safety training of the operators alone. **We ask the enforcing authority why this area has not been attended to and whether there is any plan or time**

frame in introducing legislative control on this aspect?

3, Present Position

Do We Really Need This Safety Regulation?

Whilst our Society agrees to the fact that present training provided to the operators of the loadshifting machinery is non-standard-specific and the quality not assured **we ask whether there are other alternative options available other than bringing in a new safety legislation?**

We see it fit and not inappropriate for **the Administration to produce a code of practice (COP)** on the training required for the operators of the loadshifting machinery as well as on the quality required of such training so that responsible persons are able to comply with the general duties provisions required of under the F&IUO and the Occupational Safety & Health Ordinance (OSHO). This COP can cover other safety aspects for the safe operation of the loadshifting machinery.

We believe this is a more fruitful approach and is able to help the responsible persons more effectively to accomplish safety. This approach is also in line with the intended legislative spirit when the general duties provision of the F&IUO & the OSHO were made.

4 The Proposal

(Why Only Cover F&IU & Not Occupational-wide)

Talking from the safety point of view and as far as accident prevention goes, there is virtually very little difference in term of its risk when a loadshifting machine is operating in a non-industrial setting or in an industrial setting to which the proposed legislation only applies to the latter.

It is our strong belief that the **safe operation of the loadshifting machinery should be put under the umbrella of the OSHO** so that the risks are regulated under the same standard and requirement irrespective of its locality.

5 The Regulation

5.1 Regulation 2

Responsible person— Does it include an agent or company which hires the

machine on short or long term basis?

Does a responsible person include a company or only refers to actually the physical person involved?

5.2 Training Course

For obvious reasons, it is very undesirable to simply specify a training course has to be recognised by C for L but without specifying what constitutes its quality and requirements for its recognition.

How can other agents (e.g. private company which wish to provide such training) or bodies (e.g. trade unions) which are interested to provide such training course.

Our Society requests that the specific requirements for the training course to be spelled out clearly.

5.3 Regulation 4

Taking into consideration of the high mobility nature of the local employees in various industries, it is not unreasonable to require operators to have refresher training within a certain period of time after an operator becomes qualified.

5.4 Regulation 6

It is not clear to us whether failure to produce a certificate is interpreted to be the same as operating the machine without the required training. **There is a need to make it clearly an offence for persons who operate a loadshifting machinery without the required training as evidenced by a valid certificate versus failure to produce a certificate.** This helps to make it clear to deter unauthorised use of the machinery by untrained workers.

6. Others

The listing of loadshifting machinery in the Schedule does not provide a cover-all situation. (e.g. vibrating roller, roller, paver, concrete pumper, piling rig etc). **Does loadshifting machinery embrace earth moving machinery?**