

**The Administration's response to issues raised  
at the meeting of the Subcommittee on the  
Factories and Industrial Undertakings  
(Loadshifting Machinery) Regulation on 20 October 1999**

**(a) An estimate on the number of existing forklift truck operators and new comers who will require training, the timetable for meeting the training demand, and the number of institutes which will/can provide training**

The Labour Department does not have a full list of undertakings which employ forklift trucks in work processes on their premises and therefore could not conduct a large scale sounding out to determine the number of forklift truck operators. The Accreditation Unit of the Department contacted some establishments that they knew were owners and operators of forklift trucks and was able to solicit information from 22 of them. 12 of these 22 establishments were big ones which had a total of 623 trucks (or 51.9 trucks per establishment) and collectively employed 2,326 forklift truck operators. The other 10 were smaller establishments which owned only 53 trucks in total (an average of 5.3 trucks per establishment) and employed 50 operators among them. All the 12 big establishments indicated a preference to provide in-house training for their operators and all the small ones would arrange their operators to be trained by outside training providers.

This survey shows that the majority of forklift truck operators (98% of those surveyed) are employed by large establishments and these establishments would provide their own training. Only a small number of operators employed by smaller establishments (2% of those surveyed) would require training provided by outside bodies, e.g. Vocational Training Council (VTC), Occupational Safety and Health Council (OSHC) or the Harbour Transportation Workers General Union (HTWGU). We have no accurate estimate on the number of new forklift truck operators but believe that their number should be relatively small. The combined 3,700 training places now offered by the three existing training providers in a 18 months period should therefore be sufficient to train all of them.

In the light of the responses from the bigger establishments contacted in the survey, we estimate that there would be 15 or more training providers for forklift truck operators, viz, the VTC, OSHC, HTWGU and the 12 establishments which would run in-house training for their own employees.

**(b) Concrete proposals/arrangements for reducing the training costs/fees to an affordable level**

In view of Members' concern, we urged VTC, OSHC and HTWGU to find means to lower their training fees. We received the following advice from them :

- VTC indicated that they would reduce the fees from \$2,200 to \$2,000 if they bought their own forklift trucks instead of hiring them.
- OSHC would reduce the training fee from \$2,280 to around \$850 if the demand justified the employment of full-time lecturers to replace casual trainers paid on an hourly rate, as well as purchasing their own forklift trucks.
- HTWGU indicated that they were unable to further reduce their course fees.

The following table is a summary of the fees structure by the three organizations :-

<b>Trainer</b>	<b>OSHC</b>	<b>VTC</b>	<b>HTWGU *</b>
Original fees	\$2,280	\$2,200	\$1,800/ \$1,200 (for members)
Proposed fees	\$850	\$2,000	\$1,800/\$1,200
% reduction	63%	9.1%	N.A.

Note \* Until the end of December 1999, each successful trainee will be reimbursed \$200 from VTC sponsorship.

With the assistance of the Government Property Agency, a suitable site has been identified at Kai Tak for the OSHC to conduct training courses for forklift truck operators. A short term lease for the site is being arranged.

**(c) Revised definition of “responsible person” and amendments to provide a reasonable excuse for the responsible person in respect of offences under the proposed Regulation**

Our intention regarding the coverage of a “responsible person” is to include anyone who has the management of or control over (but not the physical operation of) the loadshifting machine. In the situation of a

construction site, it will cover the “contractor responsible for the site” which is defined in the Construction Sites (Safety) Regulations. In such case, the principal contractor and other subcontractors may be held liable because they should be concerned that any loadshifting machines operating on the site should work safely. Any negligence in the use of such machines may cause serious damage to both property and lives of workers thereon. Besides, earth-moving equipment on sites are fairly big objects and it is not likely that they could escape the contractor’s notice. However, a contractor can discharge his obligations under the proposed Regulation if he can prove that he has maintained a system, through proper delegation of authority and responsibility, communication of such delegation, and adequate instruction and supervision, to ensure that the proposed law is being complied with.

Section 8(2) of the proposed Regulation has already provided a reasonable excuse for the responsible person in respect of an offence under section 4. We have no objection to Members’ suggestion to provide a reasonable excuse for the responsible person in respect of an offence under section 3 of the proposed Regulation and will amend the proposed section 8(1) accordingly.

**(d) The weighting of the written test for issuance of a training certificate and the passing rate of the written test**

Up to the present time, outside training providers have concentrated their training efforts on Experienced Operators Course which has a 50/50 ratio for their theory and practical training. A recent survey of the 2-day Experienced Operators Course revealed that all the trainees of VTC and OSHC passed the written test and the failure rate in written tests conducted by the HTWGU was less than 1%.

**(e) Whether the Administration will review the training progress and effectiveness of related arrangements, say 12 months after enactment of the Regulation, before making a final decision on the effective date of the Regulation**

We propose to commence the proposed Regulation 18 months after enactment as we consider that this period will allow sufficient number of workers to be trained and certified to operate the loadshifting machines. We shall monitor the progress of training closely and review the situation at an appropriate time before making a final decision on the effective date

of the Regulation. We will brief the Legislative Council Manpower Panel in due course on the review and the decision on the effective date of the Regulation.