

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

- (a) to reconsider the definition of "responsible person" and to clearly identify which party (or parties) should be held responsible for compliance with proposed sections 3, 4 and 5 in the regulation**

The Administration has amended the definition of "responsible person" in section 2. Please refer to the revised version of the proposed Regulation attached.

Sections 3, 4 and 5 of the proposed Regulation have been revised. We consider that a contractor responsible for a construction site should also be held responsible for discharging the obligations under section 3 of the proposed Regulation because he is the person having the overall management of the site. He should implement a system to ensure that such obligations are discharged. We have no intention to hold him liable if such system is in place and the mistake has been committed by someone who has been delegated with the relevant responsibilities.

We have changed section 4 to the effect that only the responsible person who employs the operator will be required to provide the training.

- (b) to consider whether an operator who operates a loadshifting machine without a valid certificate should be an offence under the proposed regulation**

We are not in favour of introducing a penalty for workers who operate a loadshifting machine without a valid certificate because we can prosecute the worker concerned under section 6B of the FIUO if he has no valid certificate and his action is likely to endanger the safety of others.

- (c) to provide further information on the training schedule and training capacity of VTC for forklift truck operators**

The VTC is planning to run a 2-day Experienced Operator Course every month and a 5-day New Operator Course every 2 months. The class size of each course is 12 trainees. The total training capacity is 300 operators per year, with 204 training places for experienced operators and 96 for new operators.

In addition, VTC will provide 20 training places per year in its 8-day Forklift Truck Instructor/Examiner Course. The first course will be in spring 2000 and the course fee is about \$9,800 per person. The actual number of training places in the VTC courses can be adjusted in the light of market demands.

Education and Manpower Bureau