

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

**Summary of written submissions  
received for the meeting on 13 September 1999**

<b><u>Organization/ Paper No(s).</u></b>	<b><u>Major views</u></b>
<p>1. Hong Kong Container Freight Station Association Limited (HKCFSA)</p> <p>CB(2)2716/98-99(01) and CB(2)2756/98-99(05)</p>	<ul style="list-style-type: none"><li>- <u>Supports</u> occupational safety and appreciates the idea to organize loadshifting machinery training courses for forklift truck drivers by VTC and OSHC;</li><li>- The number of forklift truck operators is underestimated - at least 4,500 persons need to be trained as the operation is based on 2-shifts a day;</li><li>- The training fees charged by VTC and OSHC are too expensive for companies which rely heavily on forklift trucks in daily operation;</li><li>- It would take 3.5 - 4 years to train up most of the forklift truck operators according to Government's training proposal;</li><li>- Government should provide additional resources to VTC and OSHC, and free training to forklift truck operators who are members of HKCFSA (the latter can provide training sites and forklift trucks for the training);</li><li>- After completed training for forklift truck operators of HKCFSA, other people in the industry and other areas can also be trained to increase supply of truck operators; and</li><li>- Extend the scope of Green Card to container freight station industry to enhance forklift truck operators' knowledge and awareness of occupational safety.</li></ul>

<p>2. Construction Industry Training Authority (CITA)</p> <p>CB(2)2716/98-99(02)</p>	<ul style="list-style-type: none"><li>- <u>Supports</u> legislation for mandatory training and certification requirements for operators of specified loadshifting machines on construction sites;</li><li>- <u>Supports</u> the proposed period of 18 months after enactment of the proposed Regulation for the mandatory training to become effective and the proposed implementation by two phases;</li><li>- CITA plans to conduct certification tests at a total cost of \$1,200 for operators of earth-moving machines, comprising a 2-day refresher course (\$400), a written test (\$100) and a practical test (\$700); and</li><li>- Suggests certification for past graduates of CITA's courses on operation of earth-moving machines on production of relevant proof and passing the practical test.</li></ul>
<p>3. Harbour Transportation Workers General Union</p> <p>CB(2)2756/98-99(02)</p>	<ul style="list-style-type: none"><li>- New operators of forklift trucks should attend a five-day full-time training course and pass a written and a practical test, i.e., 1 day on theories learning, 3 days on practical training and 1 day on practical test;</li><li>- Serving forklift truck operators with at least 1 year's experience should attend a 2-day course and pass a written and a practical test;</li><li>- The validity of a training certificate for forklift trucks should be 5 years;</li><li>- An operator applying for renewal of certificate should produce written proof that he had worked in the trade for at least 2 years in the preceding 5 years; and</li><li>- Renewal of certificate is subject to successful completion of a one-day refresher course and a written test.</li></ul>

<p>4. Vocational Training Council (VTC)  CB(2)2756/98-99(03)</p>	<ul style="list-style-type: none"><li>- In <u>support</u> of the enforcement of the Regulation, VTC is willing and able to provide training to workers operating forklift trucks in all industrial undertakings;</li><li>- The Seamen's Training Centre of VTC can offer 204 training places annually for in-service operators and 96 places for pre-entry people; and</li><li>- The Transport and Physical Distribution Training Board of VTC has estimated that a supply of at least 3000 operators will be required, based on an average of 1.5 operators for each forklift truck. In 1994 - 1998, TPDTB had sponsored the training of 450 people.</li></ul>
<p>5. Occupational Safety &amp; Health Council (OSHC)  CB(2)2756/98-99(04)</p>	<ul style="list-style-type: none"><li>- <u>Supports</u> the proposed Regulation;</li><li>- Forklift training completed for 300 forklift truck operators and 36 instructors since 1997. OSHC will increase training capacity when necessary;</li><li>- Suggests a code of practice or guideline under the Regulation requiring operators to attend a refresher course for renewal of certificate;</li><li>- In view of the large demand for training at the initial stage of implementation, OSHC <u>suggests</u> the Administration to review the training demand and allow a longer grace period for the industry to train up all loadshifting machinery operators; and</li><li>- OSHC provides quality training and recovers the cost of training from the charges.</li></ul>

<p>6. CityU SCOPE OSH Alumni Association</p> <p>CB(2)2779/98-99(02)</p>	<p><u>Supports</u> the proposed Regulation on the following grounds :</p> <ul style="list-style-type: none"><li>- A total of 22 fatal accidents between 1994-98 were related to loadshifting machines, resulting in loss in productivity, additional resources in compensations and legal actions, and sufferings to victims;</li><li>- The vast number of infrastructure projects in the coming years will require use of more sophisticated and powerful loadshifting machines, and more manpower. More newcomers to the construction industry will require training;</li><li>- Formal training by recognized institutes will enhance workers' qualifications and productivity; and</li><li>- The legal obligations of operators, employers and contractors regarding the training and competence of operators are not well defined under the F&amp;IU Construction Sites (Safety) Regulations and the Labour Department has difficulties to rectify the existing mal-practice.</li></ul> <p><u>Improvement suggestions</u> :</p> <ul style="list-style-type: none"><li>- To define the duties and liabilities of responsible person, e.g. principal contractors, subcontractors and owners of hired plants, with regard to training under Section 4 of the proposed Regulation; and</li><li>- Section 8(1) imposing an absolute liability on a "responsible person" is too stringent. There should be a proviso under the proposed Regulation for responsible persons to defend for offences and penalties under Section 8(1).</li></ul>
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<p>7. Central Container Handling Safety Committee</p> <p>CB(2)2779/98-99(03)</p>	<ul style="list-style-type: none"><li>- <u>Supports</u> the proposed Regulation;</li><li>- There will be around 7000 to 8000 forklift truck operators requiring training as 3500 forklift trucks are in use with a manning ratio of 2 or 2.5 to 1 machine;</li><li>- <u>Concerns</u> about the transitional arrangement, strongly <u>recommends</u> automatic approval for those operators with proven in-service records (for not less than 2 years) and evidence of training;</li><li>- Government to clarify/address the following issues/situations :<ul style="list-style-type: none"><li>a. interchangeability between a forklift operator certificate and a front loader operator certificate;</li><li>b. need to distinguish a 3-ton forklift truck from a 30-ton forklift truck;</li><li>c. situations where a ship's crew drives a forklift truck owned by the ship to load or unload cargo to/from a ship at a container terminal;</li><li>d. qualifications for an authorized training scheme operator; and</li></ul></li><li>- The Administration should conduct thorough consultation with the relevant industries as soon as possible.</li></ul>
<p>8. The Hong Kong Construction Association Ltd</p> <p>CB(2)2779/98-99(04)</p>	<ul style="list-style-type: none"><li>- <u>Supports</u> the spirit of the proposed Regulation;</li><li>- Considers the list of loadshifting machinery included in Phase I implementation suitable and should be announced before the proposed Regulation comes into effect; and</li></ul>

	<p>- Some machinery such as locomotives and scrapers identified for Phase 2 implementation are not commonly used. The proposed Regulation should allow owners or suppliers of these machinery to provide training under the guidance of CITA.</p>
<p>9. Hong Kong Storehouses and Transportation Staff Association</p> <p>CB(2)2779/98-99(05)</p>	<p>- <u>Supports</u> the proposed Regulation;</p> <p><u>Concerns and suggestions</u> :</p> <ol style="list-style-type: none"><li>a. The training is expensive - suggests requiring proprietors to pay for the training course and allow workers to attend the required training with pay;</li><li>b. Agrees that new operators of specific loadshifting machines must be of age 18 or above and have passed the requisite test, but serving operators who are below 18 at the commencement of the proposed Regulation should still be allowed to attend the training and tests for issue of a certificate;</li><li>c. Government should prescribe the standards for the training and tests;</li><li>d. To ensure sufficient supply of qualified operators at the commencement of the proposed Regulation, Government should encourage trade unions and employees' association with relevant experience to organize training for workers;</li><li>e. Operators with satisfactory safety records should be allowed to renew their certificates after completing the refresher course. Written test should apply only to operators with unsatisfactory safety records; and</li><li>f. Holders of the Special Purpose Vehicle Driving Entitlement should be exempt from the proposed Regulation.</li></ol>

<p>10. Federation of Hong Kong and Kowloon Labour Unions</p> <p>CB(2)2794/98-99(01)</p>	<p>- <u>Supports</u> in principle the proposed Regulation;</p> <p><u>Suggestions</u> :</p> <ul style="list-style-type: none"><li>- the Regulation should require proprietors to pay for the training and issue of certificates, and to arrange workers to attend the refresher course with pay. Government should allocate more resources to the training institutions to reduce the financial burden on proprietors;</li><li>- The penalties (\$10,000) for offences by employees under Sections 8(3) and 8(4) are too heavy. The definitions of "reasonable time and place" and "reasonable excuses" are open to interpretation;</li><li>- Government should allocate more resources for VTC, OSHC and other relevant organizations such as workers' associations and trade unions to increase the supply of training places to meet the training demand for the first 18 months after commencement of the proposed Regulation; and</li><li>- Holders of the Special Purpose Vehicle Driving Entitlement should be exempt from proposed Regulation.</li></ul>
<p>11. Society of Registered Safety Officers</p> <p>Paper No. CB(2)2798/98-99(02)</p>	<p>- <u>Supports</u> the Government's concern about accidents in operation of loadshifting machinery;</p> <p><u>Requests</u> :</p> <ul style="list-style-type: none"><li>- Government to provide further information on accidents involving serious injuries;</li><li>- Government's plan and time frame for introducing legislative control to the safe operation and proper maintenance of loadshifting machinery;</li><li>- <u>Suggests</u> a Code of Practice, rather than the proposed Regulation, to specify the training required of operators and other safety aspects in the operation of loadshifting machinery;</li></ul>

	<ul style="list-style-type: none"><li>- OSHO should cover safe operation of loadshifting machinery so that non-industrial undertakings are included;</li></ul> <p><u>Regulation 2</u></p> <ul style="list-style-type: none"><li>- Whether the definition of "responsible person" includes an agent or a company which hire loadshifting machines on a short or long term basis, and whether the definition refers to a person or a company;</li><li>- To stipulate specific requirements for training courses to be recognized by C for L and ways for trade unions and agents to provide relevant training if interested;</li></ul> <p><u>Regulation 4</u></p> <ul style="list-style-type: none"><li>- Agrees that it is not unreasonable to require operators to attend refresher training after a certain period of time;</li></ul> <p><u>Regulation 6</u></p> <ul style="list-style-type: none"><li>- It should be made clear in the Regulation whether failure to produce a valid certificate is an offence; and</li><li>- The list of loadshifting machinery in the Schedule is not comprehensive (e.g. vibrating roller, elevated working platform, paver, concrete pumper, pilling rig etc are not included).</li></ul>
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