

# **A Guide to the Factories and Industrial Undertakings (Loadshifting Machinery) Regulation**



Subsidiary Regulation of the Factories and  
Industrial Undertakings Ordinance (Cap. 59)



**Occupational Safety and Health Branch**  
**Labour Department**

<http://www.labour.gov.hk>

**Corrigendum to A Guide to the Factories and Industrial Undertakings**

**(Loadshifting Machinery) Regulation (Year 2011 edition)**

**(16 October 2023)**

<b>Item</b>	<b>Page</b>	<b>Current Version</b>	<b>Amendment</b>
1	9	<p><b>Penalty</b></p> <ul style="list-style-type: none"><li>◆ <b>A responsible person</b> who without reasonable excuse fails in his duties under the Regulation commits an offence and is liable on conviction to a maximum fine of <b>\$50,000</b>.</li><li>◆ Any <b>employee / operator of loadshifting machine</b> who without reasonable excuse fails in his duties under the Regulation commits an offence and is liable on conviction to a maximum fine of <b>\$10,000</b>.</li></ul>	<p><b>Penalty</b></p> <ul style="list-style-type: none"><li>◆ <b>A responsible person</b> who without reasonable excuse fails in his duties under the Regulation commits an offence and is liable on conviction to a fine at <b>level 6</b> (currently \$100,000).</li><li>◆ An <b>employee</b> who without reasonable excuse fails in his duties under the Regulation commits an offence and is liable on conviction to a fine at <b>level 5</b> (currently \$50,000).</li><li>◆ Any <b>person who operates a loadshifting machine</b> and who without reasonable excuse fails in his duties under the Regulation commits an offence and is liable to a fine at <b>level 3</b> (currently \$10,000).</li></ul>

- End -

This guide is prepared by  
the Occupational Safety and Health Branch  
Labour Department

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This edition    February 2011

This guide is issued free of charge and can be obtained from offices of the Occupational Safety and Health Branch of the Labour Department. It can also be downloaded from the Labour Department's website at <http://www.labour.gov.hk>. For enquiries about addresses and telephone numbers of the offices, please visit the above website or call 2559 2297.

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# **A Guide to the Factories and Industrial Undertakings (Loadshifting Machinery) Regulation**

Occupational Safety and Health Branch  
Labour Department

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## Introduction

The Factories and Industrial Undertakings (Loadshifting Machinery) Regulation (the Regulation) was approved by the Legislative Council on 5 April 2000. The purpose of the Regulation is to ensure that the loadshifting machine used in industrial undertakings is operated by a person who has attended a relevant training course and holds a valid certificate.

This guide outlines the major provisions of the Regulation in order to let you have an understanding of the Regulation. While this guide explains provisions of the Regulation in simple terms, the Regulation itself remains to be the sole authority of the legal requirements.

If you wish to know more about the Regulation, you can either refer to the original text or contact the Occupational Safety and Health Branch of the Labour Department. Enquiry telephone number is on page 10 of this guide.

## Implementation

Loadshifting machines were brought into control under the Regulation in two phases. In the first phase, the Regulation was applicable to **fork-lift trucks** used in industrial undertakings and **bulldozers, loaders, excavators, trucks** and **lorries** used on construction sites. In the second phase, the Regulation was extended to cover **compactors, dumpers, graders, locomotives** and **scrapers** used on construction sites.

All requirements related to the first phase loadshifting machines came into full operation on 1 September 2002, i.e. operators of bulldozers, loaders, excavators, trucks and lorries used on construction sites and fork-lift trucks used in industrial undertakings shall have attended a relevant and recognised training course and hold valid certificates applicable to that type of loadshifting machine.

The provisions empowering the Commissioner for Labour to recognise training courses in respect of the second phase loadshifting machines, i.e. compactors, dumpers, graders, locomotives and scrapers, came into force on 1 September 2006. The requirements that a second phase loadshifting machine shall only be operated by a person who has attended a recognised training course and holds a valid certificate applicable to that type of loadshifting machine came into force on 31 March 2011.

## Exemption

The Regulation does not apply to the operator of a truck or lorry who holds a valid driving licence issued under the Road Traffic Ordinance (Cap. 374) of the class to which the truck or lorry belongs.

## Training Course and Certificate

A loadshifting machine shall only be operated by a person who has attended a relevant training course and holds a valid certificate.

"Training course" means a training course that is -

- ◆ recognised by the Commissioner for Labour;
- ◆ conducted for the purpose of instructing a person in the operation of a type of loadshifting machine; and
- ◆ designed to ensure that a person is adequately trained and competent to operate a type of loadshifting machine.

"Certificate" means a certificate issued to a person by the organiser of a training course which evidences that, by virtue of his attendance at the training course designed for that purpose, he is trained and competent to operate a particular type of loadshifting machine.



# Loadshifting Machines

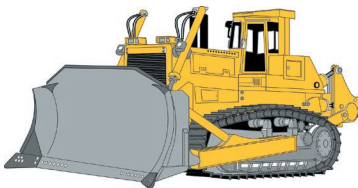
“Loadshifting machine” means a power-operated mobile machine of a type specified below and which is operated by a person riding on the machine.

- ◆ In industrial undertakings -
  - ◆ a fork-lift truck (*means any self-propelled vehicle equipped with a mast along which travels a power-operated device for elevating and carrying loads*)
- ◆ On construction sites -
  - ◆ a bulldozer
  - ◆ a loader
  - ◆ an excavator
  - ◆ a truck
  - ◆ a lorry
  - ◆ a compactor
  - ◆ a dumper
  - ◆ a grader
  - ◆ a locomotive
  - ◆ a scraper

Loadshifting machines brought under control in the first phase



fork-lift truck



bulldozer

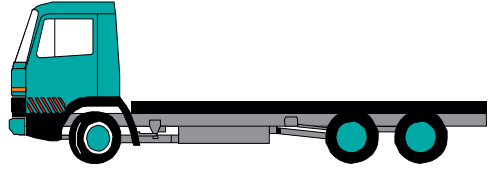


loader

# Loadshifting Machines



excavator



truck

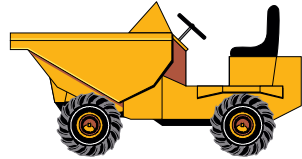


lorry

Loadshifting machines brought under control in the second phase



compactor



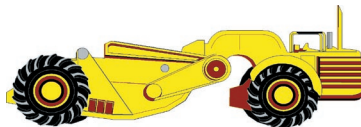
dumper



grader



locomotive



scraper

(Pictures of loadshifting machines shown above are for illustration purpose only.)

## Recognised Training Courses

Up to January 2011, the following training courses\* on loadshifting machines are recognised by the Commissioner for Labour:

Course Providers		Recognised Courses
1	Construction Industry Council (Tel: 2870 0183)	(i) Earth Moving Machines Operation course (ii) Combined loader & bulldozer courses (iii) Excavator courses (iv) Mini/Skid Loader courses (v) Combined bulldozer, loader and excavator course (vi) Compactor courses
2	Maritime Services Training Institute, Vocational Training Council (Tel: 2458 3833)	(i) Counterbalance type Fork-lift truck courses (ii) Reach type Fork-lift truck courses
3	Occupational Safety and Health Council (Tel: 2739 9377)	(i) Counterbalance type Fork-lift truck courses (ii) Reach type Fork-lift truck courses (iii) Fork-lift truck (Pallet Stacker) courses
4	Harbour Transportation Workers General Union (Tel: 2780 0381)	Counterbalance type Fork-lift truck courses

## Recognised Training Courses

Course Providers		Recognised Courses
5	Construction Machinery Technical Training Centre (Tel: 2477 2333)	(i) Mini/Skid Loader courses (ii) Excavator course (iii) Counterbalance type Fork-lift truck courses (iv) Reach type Fork-lift truck courses (v) Fork-lift truck (Pallet Stacker) courses
6	Christian Action (Tel: 2716 8812)	Counterbalance type Fork-lift truck courses
7	Hong Kong Construction Industry Professional Plant-operators and Mechanics' Association (Tel: 2388 6887)	(i) Compactor courses (ii) Excavator courses
8	Origin Production Limited trading as The Hong Kong Safety Training Association (Tel: 8202 1515)	(i) Mini/Skid Loader courses (ii) Counterbalance type Fork-lift truck courses (iii) Reach type Fork-lift truck courses
9	Hong Kong Human Resources Limited (Tel: 2301 1197)	Counterbalance type Fork-lift truck courses

*\* Recognised training courses which are provided only to employees of the course providers are not listed. Please contact the course providers by phone for the details about the recognised training courses. For latest information on recognised courses, please browse our Homepage on the internet or contact us by phone.*

## Duties of Responsible Person

“responsible person” in relation to a loadshifting machine, means a person who is having the management or in charge of the machine but does not include a person who operates the machine, and the contractor who has control over the way any construction work which involves the use of the machine is carried out and, in the case of a loadshifting machine situated on or used in connection with work on a construction site, also means the contractor responsible for the construction site;

A responsible person shall -

- ◆ ensure operator of a loadshifting machine -
  - ◆ has attained the age of 18 years; and
  - ◆ holds a valid certificate applicable to that type of loadshifting machine.
- ◆ provide each of his employees, who is directly or indirectly instructed by him to operate a loadshifting machine, a training course relevant to the loadshifting machine unless the employee holds a valid certificate applicable to that type of loadshifting machine.
- ◆ provide his employee with an additional training course if the employee fails to obtain a certificate after attending the training course for that type of loadshifting machine.

## Duties of Employee

An employee who is required to operate loadshifting machine shall -

- ◆ attend loadshifting machine training course provided by his employer unless he holds a valid certificate applicable to that type of loadshifting machine.

## Duties of Operator of Loadshifting Machine

- ◆ To produce certificate relevant to the loadshifting machine for inspection upon request by an occupational safety officer.
- ◆ To produce the certificate for inspection within such reasonable time and at such reasonable place as required by an occupational safety officer.

## Penalty

- ◆ **A responsible person** who without reasonable excuse fails in his duties under the Regulation commits an offence and is liable on conviction to a maximum fine of **\$50,000**.
- ◆ Any **employee / operator of loadshifting machine** who without reasonable excuse fails in his duties under the Regulation commits an offence and is liable on conviction to a maximum fine of **\$10,000**.

## Enquiry

For enquiry about the contents of this guide or for advice on occupational safety and health, please contact us through -



Telephone: 2559 2297 (auto-recording after office hours)



Fax : 2915 1410



E-mail : [enquiry@labour.gov.hk](mailto:enquiry@labour.gov.hk)

Information on services offered by the Labour Department and on major labour legislation can also be found by visiting our Homepage on the Internet at <http://www.labour.gov.hk>.

## Complaints

If you have any complaints about unsafe workplaces and practices, please call the Labour Department's Occupational Safety and Health complaint hotline at 2542 2172. All complaints will be treated in the strictest confidence.

