

**Corrigendum to A Guide to Section 6BA of the Factories and Industrial Undertakings
Ordinance Cap 59 (Mandatory Basic Safety Training) (Year 2001 edition)
(22 November 2023)**

Item	Page	Current Version	Amendment
1	2-3	<p>Penalty</p> <p><i>Proprietor</i></p> <ul style="list-style-type: none"> • A proprietor who employs a person who is not issued with a valid certificate commits an offence and is liable to a maximum fine of \$50,000. • A proprietor who fails to establish and maintain a register in the form specified by the Commissioner commits an offence and is liable to a maximum fine of \$10,000. • A proprietor who causes or permits any statement made in the register to be removed before the expiration of 18 months from the date on which the statement was made commits an offence and is liable to a maximum fine of \$10,000. 	<p>Penalty</p> <p><i>Proprietor</i></p> <ul style="list-style-type: none"> • A proprietor who employs a person who is not issued with a valid certificate commits an offence and is liable on conviction to a fine at level 6 (currently \$100,000). • A proprietor who fails to establish and maintain a register in the form specified by the Commissioner commits an offence and is liable on conviction to a fine at level 4 (currently \$25,000). • A proprietor who causes or permits any statement made in the register to be removed before the expiration of 18 months from the date on which the statement was made commits an offence and is liable on conviction to a fine at level 4 (currently \$25,000).
2	7	<p style="text-align: center;">紀錄冊 REGISTER 第 II 部 PART II</p> <p>....</p> <p>注意：</p> <p>(iii) 東主不遵守該條例第 6BA(8)(a) 條為施行第 (7)(c) 條而設立及備存的紀錄冊，即屬犯該條例第</p>	<p style="text-align: center;">紀錄冊 REGISTER 第 II 部 PART II</p> <p>....</p> <p>注意：</p> <p>(iii) 東主不遵守該條例第 6BA(8)(a) 條為施行第 (7)(c) 條而設立及備存的紀錄冊，即屬犯該條例第</p>

Item	Page	Current Version	Amendment
		<p>6BA(16)條所訂罪行，一經定罪可處第3級罰款。</p> <p>Note :</p> <p>(iii) A proprietor who fails to establish and maintain a register for the purposes of section 6BA(7)(c) in accordance with section 6BA(8)(a) of the Factories and Industrial Undertakings Ordinance commits an offence under section 6BA(16) and is liable on conviction to a fine at level 3.</p> <p>....</p> <p>FIUO-6BA-REGISTER-2</p>	<p>6BA(16)條所訂罪行，一經定罪可處第4級罰款。</p> <p>Note :</p> <p>(iii) A proprietor who fails to establish and maintain a register for the purposes of section 6BA(7)(c) in accordance with section 6BA(8)(a) of the Factories and Industrial Undertakings Ordinance commits an offence under section 6BA(16) and is liable on conviction to a fine at level 4.</p> <p>....</p> <p>FIUO-6BA-REGISTER-2 (2023)</p>

Public forms have been updated (see **Annex**) and can be downloaded from the GovHK's website at <https://www.gov.hk/en/residents/forms/>.



Public Forms

- End -

《工廠及工業經營條例》(第59章)
FACTORIES AND INDUSTRIAL UNDERTAKINGS ORDINANCE (CAP. 59)

紀錄冊
REGISTER

受僱於有關工業經營的有關人士於該工業經營工作時未能在
第6BA(7)(b)(i)條所指的要求下出示有關證明書的紀錄冊
REGISTER OF RELEVANT PERSON EMPLOYED AT RELEVANT INDUSTRIAL UNDERTAKING
WHO IS UNABLE TO PRODUCE RELEVANT CERTIFICATE ON DEMAND UNDER
SECTION 6BA(7)(b)(i) WHILE AT WORK AT THE UNDERTAKING

本紀錄冊乃由勞工處處長就《工廠及工業經營條例》(第59章) 第6BA條的需要而指明
*Register specified by the Commissioner for Labour for the purposes of section 6BA
of the Factories and Industrial Undertakings Ordinance (Cap. 59)*

第 I 部
PART I

有關工業經營的資料
PARTICULARS OF RELEVANT INDUSTRIAL UNDERTAKING

有關工業經營的名稱：

Name of Relevant Industrial Undertaking : _____

工業經營的地址：

Address of Relevant Industrial
Undertaking : _____

獲授權簽署人 Authorized Signatory : _____

姓名 Name : _____

職位 Post Title : _____

日期 Date : _____

(公司蓋印)
(Company Chop)

第 II 部
PART II

有關工業經營的有關人士受僱於該工業經營工作時未能在
第6BA(7)(b)(i)條所指的要求下出示有關證明書的聲明

STATEMENT OF RELEVANT PERSON EMPLOYED AT RELEVANT INDUSTRIAL UNDERTAKING
WHO IS UNABLE TO PRODUCE RELEVANT CERTIFICATE ON DEMAND UNDER
SECTION 6BA(7)(b)(i) WHILE AT WORK AT THE UNDERTAKING

聲明
Statement

1. 本人，即下述有關人士，謹以至誠聲明，本人已獲發給有關證明書而該證明書的有效期仍未屆滿。本人並在下列的日子，未能在東主或獲其授權的代理人要求下出示該證明書。本人並沒有在緊接該東主或其代理人提出要求當日之前一天在此紀錄冊內作出同樣聲明。

1. I, solemnly and sincerely declare that I have been issued with a relevant certificate and the certificate has not expired. I am unable to produce the certificate upon demand by the proprietor or the authorized agent of the proprietor on the date as listed below. I have not made a like statement in this register on the day immediately preceding the day on which the demand is made.

2. 本人現聲明：本人所知所信，上述聲明是詳盡及正確的，並確信其真實無錯。

2. I hereby declare that the above statement is complete and correct to the best of my knowledge and belief.

項目 Item No.	工作時未能出示 有關證明書的日期 Date of Not Producing Relevant Certificate While at Work	有關人士姓名 Name of Relevant Person	身分證號碼或 護照號碼 HK Identity Card or Passport No.	聲明人簽署 Signature of Declarant	作出聲明的日期 Date of Making the Statement

- 注意：**
- (i) "有關人士"、"有關工業經營"及"有關證明書"各自其有《工廠及工業經營條例》(第59章)第6BA條分別給予該等詞語的涵義。
 - (ii) 東主不得安排或准許於第6BA(7)(c)條提述的任何聲明在該等紀錄冊內作出之日後18個月屆滿前，將該聲明從紀錄冊中刪除。
 - (iii) 東主不遵守該條例第6BA(8)(a)條為施行第(7)(c)條而設立及備存的紀錄冊，即屬犯該條例第6BA(16)條所訂罪行，一經定罪可處第4級罰款。
 - (iv) 如任何受僱於有關工業經營的有關人士作出該條例第6BA(7)(c)條所提述的聲明，而在作出該聲明時並非已獲發給有效期未屆滿的有關證明書，即屬犯該條例第6BA(14)條所訂罪行，一經定罪可處第3級罰款。
 - (v) 東主須備存紀錄冊於工作地點所屬的地方。

- Note :**
- (i) A "relevant certificate", "relevant industrial undertaking" and "relevant person" have the meaning respectively assigned to them under section 6BA of the Factories and Industrial Undertakings Ordinance (Cap. 59).
 - (ii) A proprietor shall not cause or permit any statement referred to in section 6BA(7)(c) made in any such register to be removed therefrom at any time before the expiration of 18 months from the date on which the statement was made in the register.
 - (iii) A proprietor who fails to establish and maintain a register for the purposes of section 6BA(7)(c) in accordance with section 6BA(8)(a) of the Factories and Industrial Undertakings Ordinance commits an offence under section 6BA(16) and is liable on conviction to a fine at level 4.
 - (iv) A relevant person employed at a relevant industrial undertaking who makes a statement referred to in section 6BA(7)(c) and is not a person who has been issued a relevant certificate which has not expired at the time of making that statement, commits an offence under section 6BA(14) and is liable on conviction to a fine at level 3.
 - (v) A proprietor shall maintain the register within the precincts of the workplace.

From 1 May 2001 onwards, a person shall receive safety training recognised by the Commissioner for Labour (the Commissioner) and hold a valid certificate (generally known as Green Card) before he can be employed to carry out **construction work or container handling**. And proprietors shall only employ persons who are issued with a valid certificate to carry out construction work or container handling. The person shall carry the certificate with him while at work in the industrial undertaking and produce it upon demand by the proprietor or an occupational safety officer of the Labour Department.

This guide outlines the major requirements of the Section. While it explains the requirements in simple language, the Section itself shall remain the sole authority of the requirements explained.

DUTY OF PROPRIETOR

A proprietor of construction work or container handling shall -

- ◆ only employ persons who are issued with a valid certificate to carry out construction work or container handling.
- ◆ establish and maintain a register of persons who cannot produce their certificates upon demand in the form specified by the Commissioner (the form specified on page 6 & 7 of this guide).

DUTY OF PERSON EMPLOYED

A person employed to carry out construction work or container handling shall -

- ◆ carry the certificate with him while at work in the industrial undertaking.

- ◆ produce the certificate upon demand by the proprietor, by an agent authorised by the proprietor or by an occupational safety officer of the Labour Department.
- ◆ make a statement in the register (the form specified on page 7 of this guide) kept by the proprietor if he cannot produce his certificate upon demand by the proprietor or his authorised agent.
- ◆ produce his certificate at a place and within a period specified by the occupational safety officer when he cannot produce the certificate upon demand by the officer.

CERTIFICATE

Validity

A certificate issued upon attendance at a recognised safety training course shall have a valid period of one year to three years.

Loss or deface etc.

Where a certificate is lost, defaced or destroyed, the person to whom the certificate was issued shall make an application as soon as possible to the Commissioner for the issue of a replacement certificate.

PENALTY

Proprietor

- ◆ A proprietor who employs a person who is not issued with a valid certificate commits an offence and is liable to a maximum fine of \$50,000.

- ◆ A proprietor who fails to establish and maintain a register in the form specified by the Commissioner commits an offence and is liable to a maximum fine of \$10,000.
- ◆ A proprietor who causes or permits any statement made in the register to be removed before the expiration of 18 months from the date on which the statement was made commits an offence and is liable to a maximum fine of \$10,000.

Person Employed

- ◆ A person who makes a statement in the register kept by the proprietor and is not a person issued with a certificate which has not expired at the time of making the statement commits an offence and is liable to a maximum fine of \$10,000.
- ◆ A person who fails to produce his certificate at a place and within a period specified by the occupational safety officer without reasonable excuse commits an offence and is liable to a maximum fine of \$10,000.

RECOGNISED SAFETY TRAINING COURSE

Up to June 2001, the following safety training courses are recognised by the Commissioner for purposes of the Section. Any person who wishes to attend these courses can contact the course providers direct. The course providers will charge a fee for attendance in the course.

(i) Construction work:

Course Provider	Recognised Courses	Telephone
Construction Industry Training Authority (CITA)	Mandatory Basic Safety Training for the Construction Industry	2903 0609
Hong Kong Construction Industry Employees General Union	Mandatory Basic Safety Training for the Construction Industry	2332 6866
Construction Site Workers General Union	Mandatory Basic Safety Training for the Construction Industry	2770 8668
Hong Kong & Kowloon Electrical Engineering and Appliances Trade Workers Union	Mandatory Basic Safety Training for the Construction Industry	2393 9955
The Hong Kong Polytechnic University	Mandatory Basic Safety Training for the Construction Industry	2766 7579
Hong Kong Workers' Health Centre	Mandatory Basic Safety Training for the Construction Industry	2725 3996

(ii) Container handling:

The Hong Kong Polytechnic University	Mandatory Basic Safety Training for the Container Handling Industry	2766 7579
Occupational Safety and Health Council (OSHC)	Mandatory Basic Safety Training for the Container Handling Industry	2311 3322
Seamen's Training Centre (Vocational Training Council)	Mandatory Basic Safety Training for the Container Handling Industry	2458 3833
Harbour Transportation Workers General Union	Mandatory Basic Safety Training for the Container Handling Industry	2780 0381
Construction Machinery Technical Training Centre	Mandatory Basic Safety Training for the Container Handling Industry	2477 2333

For latest information on recognised courses, please browse our Homepage on the Internet or contact us by phone.

Anybody who wishes to run safety training course for purposes of the Section can apply to the Commissioner. Application should be submitted to the Occupational Safety and Health Training Centre, 13/F, City Landmark I, 68 Chung On Street, Tsuen Wan, New Territories (enquiry telephone 2940 7057).

USEFUL INFORMATION

If you wish to enquire about this guide or require advice on occupational safety and health, you can contact the Occupational Safety and Health Branch through:

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

Fax : 2915 1410

E-mail : enquiry@labour.gov.hk

Information on the 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/>.

[第 6BA 條]
[section 6BA]

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工業經營的地址 :

Address of Relevant Industrial
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獲授權簽署人 Authorized Signatory : _____

姓名 Name : _____

職位 Post Title : _____

日期 Date : _____

FIUO-6BA-REGISTER-1

第 II 部
PART II

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 - A proprietor shall maintain the register within the precincts of the workplace.

FIUO-6BA-REGISTER-2

A Guide to Section 6BA of the Factories and Industrial Undertakings Ordinance Cap 59 (Mandatory Basic Safety Training)

