

A Guide to the Factories and Industrial Undertakings (Gas Welding and Flame Cutting) Regulation



Occupational Safety and Health Branch
Labour Department

Corrigendum to A Guide to the Factories and Industrial Undertakings
(Gas Welding and Flame Cutting) Regulation (Year 2002 edition)
(20 December 2023)

Item	Page	Current Version	Amendment
1	4	<p>Penalty</p> <p>A proprietor who fails in his duties under the Regulation without reasonable excuse commits an offence and is liable on conviction to a maximum fine of \$50,000.</p> <p>An employee who fails in his duties under the Regulation without reasonable excuse commits an offence and is liable on conviction to a maximum fine of \$10,000.</p> <p>A person who performs gas welding and flame cutting work and fails in his duties under the Regulation without reasonable excuse commits an offence and is liable on conviction to a maximum fine of \$10,000.</p>	<p>Penalty</p> <p>A proprietor who without reasonable excuse fails in his duties under the Regulation commits an offence and is liable on conviction to a fine at level 6 (currently \$100,000).</p> <p>An employee who without reasonable excuse fails in his duties under the Regulation commits an offence and is liable on conviction to a fine at level 5 (currently \$50,000).</p> <p>Any person who performs gas welding and flame cutting work and who without reasonable excuse fails in his duties under the Regulation commits an offence and is liable to a fine at level 3 (currently \$10,000).</p>

- End -

INTRODUCTION

The purpose of the Factories and Industrial Undertakings (Gas Welding and Flame Cutting) Regulation (the Regulation) is to ensure gas welding and flame cutting work in industrial undertakings is carried out by persons who are trained and certified competent for carrying out such work.

This Guide outlines provisions of the Regulation in order to let you have a preliminary understanding of the Regulation. While provisions of the Regulation are briefly explained, the Regulation itself shall remain the sole authority of the legal requirements.

THE WORK REGULATED

"Gas Welding and Flame Cutting" means welding or cutting work carried on in industrial undertakings with a flame produced by mixing a fuel gas (e.g. acetylene, propane, hydrogen, etc.) and an oxidant gas (e.g. oxygen) in a blowpipe.

"Blowpipe" means the burner device in which separate supplies of fuel gas and oxidant gas are mixed in appropriate proportions to produce the required flame for welding or cutting work.

DUTY OF PROPRIETOR

In Relation to Performance of Work

- | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| ◆ Ensure that gas welding and flame cutting work is only performed by a person who | |
| > has attained the age of 18 years and holds a valid certificate ; or | 3(1)(a)* |
| > is undergoing training in performing gas welding and flame cutting work under the supervision of a person who has attained the age of 18 and holds a valid certificate . | 3(1)(b)* |

Related Section

"Certificate" means a certificate issued to a person by the organizer 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 perform gas welding and flame cutting work.

In Relation to Training Course

- | | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| ◆ Ensure the provision of a training course to each of his employees not holding a valid certificate and instructed directly or indirectly by him to perform gas welding and flame cutting work. | 4(1) |
| ◆ Ensure the provision of an additional training course to his employee who fails to obtain a certificate after attending the training course . | 4(2) |

"Training course" means a training course that is -

- (a) recognized by the Commissioner for Labour;
- (b) conducted for the purpose of instructing a person the necessary safety precautions to be observed in gas welding and flame cutting work; and
- (c) designed to ensure that a person is adequately trained and competent to perform gas welding and flame cutting work.

* Section that will come into effect at the end of 2003.

DUTY OF EMPLOYEE

- ◆ attend a training course on gas welding and flame cutting work provided by the proprietor unless he holds a valid certificate.

Related Section

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DUTY OF PERSON PERFORMING THE WORK

Any person who performs gas welding and flame cutting work shall produce his valid certificate for inspection

- ◆ upon demand by an occupational safety officer; or
- ◆ within such reasonable time and at such reasonable place as specified by the occupational safety officer, when he cannot produce his certificate upon demand by the officer.

Related Section

6(1)*

6(2)*

* Section that will come into effect at the end of 2003.

PENALTY

A proprietor who fails in his duties under the Regulation without reasonable excuse commits an offence and is liable on conviction to a maximum fine of \$50,000.

An employee who fails in his duties under the Regulation without reasonable excuse commits an offence and is liable on conviction to a maximum fine of \$10,000.

A person who performs gas welding and flame cutting work and fails in his duties under the Regulation without reasonable excuse commits an offence and is liable on conviction to a maximum fine of \$10,000.

Related Section

7(1)* &

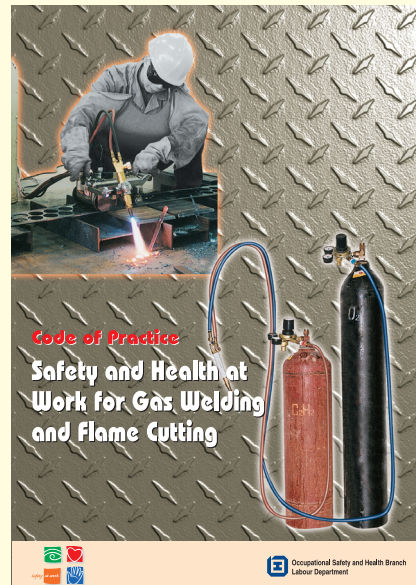
7(2)*

7(3)*

7(4)*

CODE OF PRACTICE

The Labour Department has published a Code of Practice "Safety and Health at Work for Gas Welding and Flame Cutting". It provides practical guidance to proprietors of industrial undertakings and those employed therein on safe practices in gas welding and flame cutting. This Code of Practice is issued free of charge and can be obtained from offices of the Occupational Safety and Health Branch.



* Section that will come into effect at the end of 2003.

RECOGNIZED TRAINING COURSE

Any person who wishes to organise training course for the purposes of the Regulation can apply to the Occupational Safety and Health Training Centre on 13/F, City Landmark I, 68 Chung On Street, Tsuen Wan (telephone 2940 7057).

Information on training courses recognized by the Commissioner for Labour can be found by visiting our Website on the Internet (<http://www.info.gov.hk/labour>) or by telephone 2559 2297.

Attendance at any training course can be arranged with the course providers direct. The course providers will charge a fee for the course.

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 : laboureq@labour.gcn.gov.hk

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