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**

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:

<table>
<thead>
<tr>
<th>Course Provider</th>
<th>Recognised Courses</th>
<th>Telephone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction Industry Training Authority (CITA)</td>
<td>Mandatory Basic Safety Training for the Construction Industry</td>
<td>2903 0609</td>
</tr>
<tr>
<td>Hong Kong Construction Industry Employees General Union</td>
<td>Mandatory Basic Safety Training for the Construction Industry</td>
<td>2332 6866</td>
</tr>
<tr>
<td>Construction Site Workers General Union</td>
<td>Mandatory Basic Safety Training for the Construction Industry</td>
<td>2770 8668</td>
</tr>
<tr>
<td>Hong Kong &amp; Kowloon Electrical Engineering and Appliances Trade Workers Union</td>
<td>Mandatory Basic Safety Training for the Construction Industry</td>
<td>2393 9955</td>
</tr>
<tr>
<td>The Hong Kong Polytechnic University</td>
<td>Mandatory Basic Safety Training for the Construction Industry</td>
<td>2766 7579</td>
</tr>
<tr>
<td>Hong Kong Workers’ Health Centre</td>
<td>Mandatory Basic Safety Training for the Construction Industry</td>
<td>2725 3996</td>
</tr>
</tbody>
</table>

### (ii) Container handling:

<table>
<thead>
<tr>
<th>Course Provider</th>
<th>Recognised Courses</th>
<th>Telephone</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Hong Kong Polytechnic University</td>
<td>Mandatory Basic Safety Training for the Container Handling Industry</td>
<td>2766 7579</td>
</tr>
<tr>
<td>Occupational Safety and Health Council (OSHC)</td>
<td>Mandatory Basic Safety Training for the Container Handling Industry</td>
<td>2311 3322</td>
</tr>
<tr>
<td>Seamen’s Training Centre (Vocational Training Council)</td>
<td>Mandatory Basic Safety Training for the Container Handling Industry</td>
<td>2458 3833</td>
</tr>
<tr>
<td>Harbour Transportation Workers General Union</td>
<td>Mandatory Basic Safety Training for the Container Handling Industry</td>
<td>2780 0381</td>
</tr>
<tr>
<td>Construction Machinery Technical Training Centre</td>
<td>Mandatory Basic Safety Training for the Container Handling Industry</td>
<td>2477 2333</td>
</tr>
</tbody>
</table>

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/.
## A Guide to Section 6BA of the Factories and Industrial Undertakings Ordinance Cap 59

**Mandatory Basic Safety Training**

### Statement of Relevant Person Employed at Relevant Industrial Undertaking Who is Unable to Produce Relevant Certificate on Demand Under Section 6BA(7)(b)(ii) While at Work in the Undertaking

#### Statement

1. I, 

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

<table>
<thead>
<tr>
<th>Item No.</th>
<th>Date of Not Producing Relevant Certificate While at Work</th>
<th>Name of Relevant Person</th>
<th>HK Identity Card No. or Passport No.</th>
<th>Signature of Declaration</th>
<th>Date of Making the Statement</th>
</tr>
</thead>
</table>

### Notes

- A "relevant certificate", "relevant industrial undertaking", and "relevant person" have the meaning respectively assigned to them under section 8BA of the Factories and Industrial Undertakings Ordinance (Cap. 59).
- A person shall not cause or permit any statement referred to in section 8BA(7)(c) made in any such register to be removed from any such register before the expiration of 10 months from the date on which the statement is made in the register.
- A person who fails to establish and maintain a register for the purposes of section 8BA(7)(b) and in accordance with section 8BA(7)(c) of the Factories and Industrial Undertakings Ordinance commits an offence under section 8BA(14) and is liable on conviction to a fine at level 3.
- 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 8BA(14) and is liable on conviction to a fine at level 3.

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