

A Guide to the Factories and Industrial Undertakings (Cargo & Container Handling) Regulations



Occupational Safety and Health Branch
Labour Department

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**A GUIDE TO THE
FACTORIES AND INDUSTRIAL UNDERTAKINGS
(CARGO AND CONTAINER HANDLING)
REGULATIONS**

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1. INTRODUCTION

In Hong Kong, there has been an intensive use of modern devices and sophisticated techniques in the handling of cargo at docks, quays and wharves and the handling of containers in container handling yards, bringing about safety problems for those working in these areas. The Factories and Industrial Undertakings (Cargo and Container Handling) Regulations provide for the requirements on safety of workers employed in industrial undertakings of loading, unloading or handling of cargo and goods at docks, quays or wharves as well as those employed in industrial undertakings of loading, unloading, handling, stacking, unstacking, storing or maintaining (including repairing) of freight containers. They also stipulate requirements on the provision of first aid facilities at docks, quays and wharves.

This guide summarises the main provisions of these regulations, and explains the law in simple language. Whilst every care has been taken in the preparation of this guide, the Factories and Industrial Undertakings (Cargo and Container Handling) Regulations remain to be the sole authority for the provisions of the law explained.

This guide should be read in conjunction with “A Guide to the Factories and Industrial Undertakings (Lifting Appliances and Lifting Gear) Regulations” which, apart from construction work, also lay down legal requirements for the construction, testing, examination and safe use of lifting appliances and lifting gear used for raising or lowering or as a means of suspension in other industrial undertakings. This guide should also be read in conjunction with guides relating to the Factories and Industrial Undertakings Ordinance (Sections 6A & 6B) which imposes general duties on proprietors and persons employed with regard to the health and safety at work in industrial undertakings.

2. REGULATIONS

As defined in the Factories and Industrial Undertaking Ordinance, 'Container handling' means the loading, unloading, handling, stacking, unstacking, storing or maintaining (including repairing) of containers.

2.1 Interpretation

Reg.2

The terms in these regulations are defined as follows:

'Cargo handling' means the loading, unloading or handling of cargo or goods at a dock, quay or wharf.

'person employed' means a person employed in cargo handling;

'proprietor' means

- (a) except in regulations 10A, 10B and 17(5), a proprietor in relation to an industrial undertaking of cargo handling; and
- (b) in regulations 10A, 10B and 17(5), a proprietor in relation to an industrial undertaking of container handling;

'working place' means any place on a dock, quay or wharf in which persons are employed in cargo handling.

2.2 Application

These regulations apply to

- (a) industrial undertakings engaged in the loading, unloading or handling of cargo or goods at any docks, quays or wharves.
- (b) industrial undertakings engaged in loading, unloading, handling, stacking, unstacking, storing or maintaining (including repairing) of containers.

These regulations do not apply to cargo or container handling operations on the seaward side, namely the loading, unloading or handling of cargo, goods or containers using cranes or other lifting gear on ships or lighters.

The responsibility for ensuring that these regulations are observed lies with the proprietors of industrial undertakings engaged in the loading, unloading or handling of cargo or goods at docks, quays or wharves or industrial undertakings engaged in the loading, unloading, handling, stacking, unstacking, storing or maintaining (including repairing) or freight containers.

Note: In the Factories and Industrial Undertakings Ordinance, 'proprietor' is defined to include any person for the time being having the management or control of the business carried on in an industrial undertaking and to include a body corporate, a firm and an occupier and the agent of such an occupier.

2.3 Requirements for Cargo Handling Operations

2.3.1 Safety Requirements

- (a) Access over docks, etc.

Reg.3

Every regular approach over a dock, quay or wharf shall be maintained safe for persons employed. This means that docks, quays and wharves shall be organised and maintained so that workers can easily move about in all areas in which they may have to work or to which they may have to gain access without being in danger of falling, being struck, being trapped, etc.

Dangerous places, such as breaks in the structure of any dock, quay or wharf, dangerous corners, and other dangerous parts or edges shall be securely fenced to a height of at least 750mm (2.5 feet). The fencing shall be maintained in good condition.

(b) Rescue from drowning

Reg.4

Provision shall be made and maintained for the rescue of persons from drowning.

To this end, suitable and adequate life-saving appliances, such as life buoys and lifelines, shall be provided and maintained, and shall be kept readily accessible on a dock, quay or wharf.

(c) Lighting facility

Reg.5

All working places on a dock, quay or wharf and all roads of access to them from highways shall be adequately lighted at all times. In this connection, efficient artificial lighting may have to be used to supplement inadequate natural lighting.

(d) Electrical equipment

Reg.6

Electrical equipment and circuits shall be properly designed, constructed, installed, protected and maintained to prevent danger from contact and fire. Switching arrangements for electrical installations shall be so arranged that the power supply can be easily and quickly cut-off in the event of an accident or in the presence of potential danger. This means that switches, isolators, etc, shall be efficient and within easy reach from the corresponding electrical equipment, easy identifiable and easily operated.

Electrical equipment shall be suitable both for the purpose to which it is being applied and for the circumstances in which it is being used. For instance, flame-proof electrical equipment shall be used in places where there is an explosion risk; electrical equipment exposed to wet or corrosive conditions shall be either specially designed for the purpose or suitably protected, and so on. Care should be taken when using portable electrical equipment. In particular, portable or flexible electrical conductors shall be kept away from areas where there is constant movement of persons, machines, vehicles or cargo.

Portable lamps shall only be used when it is impracticable to provide permanent lighting. In hazardous situations, such as wet conditions, the voltage of portable lamps shall be kept as low as possible in order to avoid the danger of electric shock to the users.

Portable electrical equipment shall be inspected at least once in every day of use. This inspection may be a visual examination to detect, for example, the condition of conductors, joints, connecting plugs and switches. This inspection shall be carried out by a competent person appointed to do so by the proprietor responsible for the compliance of these regulations.

Competent person means a person who, by reason of his training and practical experience, is competent to perform the inspection.

(e) Maintenance and use of fork-lift trucks

Reg.7

The owner of any fork-lift truck shall not use it or allow it to be used for cargo handling at docks, quays and wharves unless the truck is properly maintained and unless the person operating it is trained and competent to operate it.

An owner means the person by whom the truck is kept and used and, if the truck is the subject of a hiring agreement or hire purchase agreement, means the person in possession of the truck under that agreement.

(f) Removal of safety appliances, etc.

Reg.8

Fencing, life-saving means or appliances, lights or other things shall not be removed or interfered with unless there is a need to do so, say for repair or replacement. Where these items have to be removed or interfered with, the work must be authorized by the proprietor responsible for the compliance of these regulations. Once the need for the removal of an item no longer exists, it shall be immediately replaced.

(g) Stacking at docks, etc.

Reg.9

Cargo and goods shall be stacked on a dock, quay or wharf in such a way that there is always clear passage leading to the means of access to any vessel lying alongside the dock, quay or wharf. And if there is any space left along the edge of the dock, quay or wharf, it shall be at least 900 mm (3 feet) wide and kept clear of all obstruction.

- (h) Safe means of stacking or unstacking Reg.10

Where stacking or unstacking of cargo or goods, or related handling cannot be safely carried out without securing the cargo or goods, reasonable measures to guard against accident shall be taken by shoring or otherwise.

2.3.2 First Aid Facilities

- (a) *'person trained in first aid'* means a person who: Reg.11

(i) *holds a current certificate of competency in first aid issued by the St. John Ambulance Association;*

(ii) *is a registered nurse within the meaning of the Nurses Registration Ordinance; or*

(iii) *has otherwise completed a course of training in first aid approved by certificate under the hand of the Commissioner for Labour.*

'number of persons employed in a working place' means the number of persons actually working there at any one time.

- (b) First aid boxes or cupboards shall be provided in every Reg.12

working place at a dock, quay or wharf, in the ratio of one box or cupboard to every 100 persons or part thereof employed. These boxes or cupboards shall be readily accessible to all persons employed in the working place at the dock, quay or wharf. They shall also be of adequate size and, depending on the number of employees, contain at least the items listed in Part I, II or III (see Appendix), as the case may be, of the Schedule to these Regulations.

In addition to the items listed in the Schedule, the Commissioner for Labour may, by notice in writing, require any of the following additional items to be kept in a first aid box or cupboard:

- (i) a sufficient supply of assorted sizes of waterproof adhesive wound dressings;
- (ii) a sufficient supply of waterproof adhesive plaster;
- (iii) a sufficient supply of eye baths.

Every first aid box or cupboard shall be marked plainly 'FIRST AID' in English and '急救' in Chinese. First aid boxes or cupboards shall not be used to store or hold anything other than first aid equipment which shall be kept in good condition at all times.

The Commissioner for Labour may also by notice in writing require a stretcher to be provided for any working place. The stretcher must be kept alongside a first aid box or cupboard provided under this regulation, and be maintained in good condition at all times.

(c) Standards of dressings

Reg.13

All materials for dressings kept in a first aid box or cupboard shall be those designated in, and of a quality or grade not lower than the standards specified by the British Pharmaceutical Codex or any of its supplements.

(d) Persons trained in first aid

Reg.14

Where 30 or more persons are employed in a working place at a dock, quay or wharf, persons trained in first aid shall be readily available during working hours.

The number of persons trained in first aid required under this regulation is as below:

- (i) one when the number of persons employed in a working place is 30 or more but less than 100, and
- (ii) two when the number of persons employed in a working place is 100 or more.

A notice in English and Chinese, listing the names of the persons trained in first aid available and the places where they can be found, must be affixed to every first aid box or cupboard provided in any working place at the dock, quay or wharf.

(e) Exemption where first aid room is provided

Reg.15

If a properly set-up first aid room is provided at a dock, quay or wharf, the Commissioner for Labour may by notice in writing exempt the proprietor from the requirements of regulations 12, 13 and 14 to such an extent and subject to such conditions as the Commissioner may specify in the notice. In such cases, the notice of exemption shall be prominently displayed in the first aid room provided.

2.3.3 Miscellaneous Provisions

(a) Exhibition of notices

Reg.16

At every dock, quay or wharf where there are cargo handling operations, the following notices in English and Chinese shall be exhibited in prominent positions:

- (i) the location of rescue and life-saving appliances, provided under regulation 4,

- (ii) the location of first aid boxes or cupboards provided under regulation 12,
- (iii) the position of stretcher(s) provided under regulation 12(7),
- (iv) the location of any first aid room, if provided.

2.3.4 Offences and Penalties

- (a) Any proprietor who contravenes: *Reg.17*
 - (i) regulations 3, 4 or 6 shall be guilty of an offence and liable on conviction to a fine of \$50,000;
 - (ii) regulation 5 shall be guilty of an offence and liable on conviction to a fine of \$50,000; and
 - (iii) regulations 12, 13, 14, 15(2) or 16 shall be guilty of an offence and liable on conviction to a fine of \$10,000.
- (b) Any person (a proprietor, an owner of fork-lift truck, a worker at the dock, etc.) who contravenes:
 - (i) regulations 7 or 8 shall be guilty of an offence and liable on conviction to a fine of \$50,000; and
 - (ii) regulations 9 or 10 shall be guilty of an offence and liable on conviction to a fine of \$10,000.
- (c) Any workman employed or engaged in cargo handling, who wilfully and without reasonable cause does anything likely to endanger himself or others shall be guilty of an offence and liable on conviction to a fine of \$50,000. *Reg.18*

2.4 Requirements for Container Handling Operations

2.4.1 Safety Requirements

- (a) Maintenance and use of fork-lift trucks

Reg.7

The owner of any fork-lift truck shall not use it or allow it to be used for container handling at any industrial undertaking unless the truck is properly maintained and unless the person operating it is trained and competent to operate it.

An owner is the person by whom the truck is kept and used and, if the truck is the subject of a hiring agreement or hire purchase agreement, the person in possession of the truck under that agreement.

- (b) Stability of stacks of containers

Reg.10A

Effective steps shall be taken to ensure that:

- (i) the stacking, unstacking or handling of containers is done in a safe and secure manner;
- (ii) containers are safely stored, stacked or arranged; and
- (iii) the container stacking ground is maintained in a level and firm condition. Such steps include adequate compaction and consolidation of the ground, the provision of proper drainage systems, and the even distribution of imposed load to prevent ground settlement causing the container stack to tilt.

(c) Working on top of a container

Reg.10B

No person shall be allowed to work on top of a container unless adequate precautions have been taken to prevent fall of person from the container. Such precautions include wearing of a safety belt attached to an independent lifeline and a suitable anchorage.

2.4.2 Offences and Penalties

(a) Any proprietor who contravenes regulations 10A or 10B shall be guilty of an offence and liable on conviction to a fine of \$50,000.

Reg.17

(b) Any owner of fork-lift trucks, who contravenes regulation 7 shall be guilty of an offence and liable on conviction to a fine of \$50,000.

(c) Any workman employed or engaged in container handling, who wilfully and without reasonable cause does anything likely to endanger himself or others shall be guilty of an offence and liable on conviction to a fine of \$50,000.

Reg.18

3. USEFUL INFORMATION

- (a) 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

- (b) If you wish to lodge a complaint regarding unsafe workplaces and practices, you can contact the Accident Analysis and Information Division through:

Telephone : 2542 2172

Fax : 2541 8537

E-mail : enquiry@labour.gov.hk

All complaints will be treated in the strictest confidence.

- (c) 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.

Address of our Homepage is <http://www.labour.gov.hk>.

Appendix

First Aid Equipment to be Kept in a First Aid Box or Cupboard

PART I

Where the number of persons employed in a working place is less than 10 —

- (a) A copy of the leaflet giving advice on first aid treatment issued by the Commissioner.
 - (b) A sufficient number (not less than 6) of small sterilized unmedicated dressings for injured fingers.
 - (c) A sufficient number (not less than 3) of medium-sized sterilized unmedicated dressings for injured hands or feet.
 - (d) A sufficient number (not less than 12) of adhesive wound dressings of assorted sizes.
 - (e) A sufficient number (not less than 2) of triangular bandages of unbleached calico, the longest side of which measures not less than 1.3 metres and each of the other sides not less than 900 millimetres.
 - (f) A sufficient supply (not less than 1 roll of 25 millimetres by 4.5 metres zinc oxide plaster) of adhesive plaster.
 - (g) A sufficient number (not less than 3) of 30 grams packets of absorbent cotton wool.
 - (h) A pressure bandage.
 - (i) Safety pins.
-

PART II

Where the number of persons employed in a working place is 10 or more but less than 50 —

- (a) A copy of the leaflet giving advice on first aid treatment issued by the Commissioner.
 - (b) A sufficient number (not less than 12) of small sterilized unmedicated dressings for injured fingers.
 - (c) A sufficient number (not less than 6) of medium-sized sterilized unmedicated dressings for injured hands or feet.
 - (d) A sufficient number (not less than 24) of adhesive wound dressings of assorted sizes.
 - (e) A sufficient number (not less than 4) of triangular bandages of unbleached calico, the longest side of which measures not less than 1.3 metres and each of the other sides not less than 900 millimetres.
 - (f) A sufficient supply (not less than 1 roll of 25 millimetres by 4.5 metres zinc oxide plaster) of adhesive plaster.
 - (g) A sufficient number (not less than 6) of 30 grams packets of absorbent cotton wool.
 - (h) A pressure bandage.
 - (i) Safety pins.
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PART III

Where the number of persons employed in a working place is 50 or more —

- (a) A copy of the leaflet giving advice on first aid treatment issued by the Commissioner.
 - (b) A sufficient number (not less than 24) of small sterilized unmedicated dressings for injured fingers.
 - (c) A sufficient number (not less than 12) of medium-sized sterilized unmedicated dressings for injured hands or feet.
 - (d) A sufficient number (not less than 36) of adhesive wound dressings of assorted sizes.
 - (e) A sufficient number (not less than 8) of triangular bandages of unbleached calico, the longest side of which measures not less than 1.3 metres and each of the other sides not less than 900 millimetres.
 - (f) A sufficient supply (not less than 2 roll of 25 millimetres by 4.5 metres zinc oxide plaster) of adhesive plaster.
 - (g) A sufficient number (not less than 12) of 30 grams packets of absorbent cotton wool.
 - (h) A pressure bandage.
 - (i) Safety pins.
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