

Information Sheet

Application for Approval of Protective Helmet under the Factories and Industrial Undertakings (Blasting by Abrasives) Special Regulations, Cap. 59C

In accordance with the Factories and Industrial Undertakings (Blasting by Abrasives) Special Regulations, Chapter 59C (the Regulations), a proprietor of an industrial undertaking has a duty to provide every person, who is employed in a blasting process, a protective helmet of a type approved by the Commissioner for Labour. The protective helmet should be designed to enclose the head, face and neck of a person who is employed, in that blasting process. The Commissioner for Labour is empowered to approve a protective helmet to be used in an industrial undertaking for a blasting process that uses sand or other material containing free silica as an abrasive under the Regulations. A proprietor providing non-approved protective helmet for a person who is employed in that blasting process may contravene the Regulations.

2. Application for approval of a protective helmet to be used in that blasting process shall be made by the proprietor of an industrial undertaking to Operations Division (Headquarters), Occupational Safety – Operations, Occupational Safety and Health Branch, Labour Department (LD). This **Information Sheet (IS-HELMET)** sets out the procedures and processes required for an application. For efficient processing your application, applicants are advised to read and follow all instructions in this entire documentation before submitting the application form.

Application Procedures

3. The procedures of an application for approval of a protective helmet under the Regulation are as follows:

(a) To obtain the Application Form

The Application Form (**AF-HELMET**) can be downloaded from the homepage of LD (www.labour.gov.hk), obtained by emailing enquiry@labour.gov.hk or calling us at 2852 3721.

(b) To ensure a unique identification of the protective helmet

The protective helmet submitted for approval should have a product trade name and model number(s) to distinguish it from other similar helmets. The Commissioner for Labour will issue a certificate in writing to permit the use of the protective helmet, with a description including the product trade name and model number(s), for that blasting process when it is approved.

(c) To complete the Application Form and submit associated documentation

The authorised representative of an industrial undertaking has to complete and submit the Application Form together with the associated documentation to LD as listed below.

P.T.O.

Applicants and their employees, agents and contractors must not offer an advantage as defined in the Prevention of Bribery Ordinance, Cap. 201 to any government officer in connection with their applications or while having dealings of any kind with government departments.

(i) ***Business Registration Certificate*** –

The Business Registration Certificate (certified true copy) of the industrial undertaking should be submitted.

(ii) ***Product Information*** –

Manufacturer's specification and performance data sheet, operation and maintenance manual, assembly manual, catalogue, user instructions and quality assurance documentation of manufacturing, etc. (e.g. valid ISO 9001 certification documentation) should be included in the submission. Consistent product trade name and model number(s) should be clearly stated in the manufacturer's specification, catalogue with data sheet and reference information. The product and its major components should have permanent marking of model number(s) or other means of unique identification.

(iii) ***Copy of Certificate / Report / Declaration of the Product*** –

The manufacturer should have documentation certifying that the product has met the requirements of current international standard(s) or compliance standard(s) that relates to the specification and performance of the product. Examples of documentation include EC-Type Examination Certificate, EU-Type Examination Certificate, EU Declaration of Conformity, Certificate of Approval issued by NIOSH, test report issued by an accredited testing body, etc. where appropriate. The documentation copy to be submitted should be certified as a true copy of the original by an appropriate authority such as the documentation issuing body, a government agency or a lawyer.

(iv) ***Others*** –

If documentation is not written in English or Chinese, the applicant is required to provide translated versions in English or Chinese. If there is a need to submit other relevant documentation and information, LD will contact the applicant.

(d) **To submit the Application Form and documentation**

A duly completed Application Form and associated documentation should be delivered or mailed to:

Operations Division (Headquarters)
Occupational Safety – Operations
Occupational Safety and Health Branch
Labour Department
13/F., Harbour Building, 38 Pier Road
Central, Hong Kong

P.T.O.

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Processing of an Application

4. The following outlines the handling process after receiving an application.

- (a) LD will send an acknowledgment to the applicant upon receipt of the Application Form / associated documentation / product sample.
- (b) LD will vet and verify the submitted information / documentation. LD may contact the applicant to provide further information / documentation as required.
- (c) At a later stage, LD will notify the applicant in writing to submit a product sample for examination. The product sample(s) should be properly packed in its original state from the manufacturer and submitted to LD upon notification. If necessary, LD will require the applicant to make a demonstration on the proper use and/or maintenance of product. LD will notify the applicant in writing if a demonstration is needed.
- (d) To facilitate the approval, LD will consider inviting the applicant for a meeting to help him / her understand LD's requirements when there is a need in processing the application. LD will notify the applicant in writing if a meeting is needed.
- (e) Approval of protective helmet takes into account the information / documentation submitted by the applicant and product sample for the application. In assessing an application, LD will consider various factors such as whether the requirements stated in section 3 have been met, whether the protective helmet has met the requirements of current international standard(s) or compliance standard(s) that relates to the specification and performance of the product, whether there is suitable quality assurance on the manufacture of the protective helmet. If LD considers that the protective helmet is suitable for approval after taking account of all the relevant factors, LD will approve the application.
- (f) When the approval is granted, the Commissioner for Labour will issue a certificate in writing to permit the use of the protective helmet for a blasting process that uses sand or other material containing free silica as an abrasive. Any change of blasting process, change of component of protective helmet or deviation from the information / documentation as provided in the course of the application will render the approval invalid. The applicant has a duty to notify LD in writing beforehand when there is any aforementioned change / deviation in future.
- (g) Upon completion of the application process, LD will notify the applicant to collect the submitted product sample in writing. The applicant has to collect the submitted product sample at his / her own expense within ONE month. Otherwise, the submitted product sample will be disposed of by LD in such manner as it deems appropriate.

5. Enquiry can be made to LD by:

Email: enquiry@labour.gov.hk / Telephone No.: 2852 3721 / Fax No.: 2157 9250

P.T.O.

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STATEMENT OF PURPOSE FOR THE COLLECTION OF PERSONAL DATA
BY OCCUPATIONAL SAFETY AND HEALTH BRANCH
LABOUR DEPARTMENT

(Application for Approval of Protective Helmet under the Factories and Industrial Undertakings (Blasting by Abrasives) Special Regulations, Cap 59C)

Purpose of Collection

1. The personal data provided by you by means of this form will be used by the Occupational Safety and Health Branch of the Labour Department for the following purposes:
 - (a) activities relating to the administration of the Factories and Industrial Undertakings Ordinance and Occupational Safety and Health Ordinance and other legislation administered by the Labour Department;
 - (b) activities relating to checking compliance with legislative requirements and carrying on the legal proceedings; and
 - (c) carrying on research and compilation of statistical data.

Classes of Transferees

2. The personal data you provide may be disclosed to relevant parties and authorities (e.g. Government Bureaux and Departments, law firms, etc.) for the purpose mentioned in paragraph 1 above.

Access to Personal Data

3. You have a right of access and correction with respect to personal data as provided for in Sections 18 & 22 and Principle 6 of Schedule 1 of the Personal Data (Privacy) Ordinance. Your right of access includes the right to obtain a copy of your personal data provided to this department.

Enquiries

4. Enquiries concerning the personal data collected, including the making of access and corrections, should be addressed to:

Operations Division (Headquarters)
Occupational Safety – Operations
Occupational Safety and Health Branch
Labour Department
13/F., Harbour Building, 38 Pier Road
Central, Hong Kong

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