

《工廠及工業經營（槍彈推動打釘工具）規例》 (第 59 章，附屬法例 R)

Factories and Industrial Undertakings (Cartridge-Operated Fixing Tools) Regulations (Cap. 59 sub. leg. R)

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《工廠及工業經營（槍彈推動打釘工具）規例》

Factories and Industrial Undertakings (Cartridge-Operated Fixing Tools) Regulations

(第 59 章，附屬法例 R)

(Cap. 59 sub. leg. R)

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《工廠及工業經營（槍彈推動打釘工具）規例》

（第 59 章第 7 條）

[1977 年 7 月 1 日] 1977 年第 117 號法律公告
(格式變更——2021 年第 1 號編輯修訂紀錄)

第 I 部

導言

1. 引稱

本規例可引稱為《工廠及工業經營（槍彈推動打釘工具）規例》。

2. 釋義

在本規例中，除文意另有所指外——

工具 (tool) 指槍彈推動打釘工具；

合資格證明書 (certificate of competency) 指——

- (a) 由一名提供工具操作訓練課程的人所發給的證明書，而該訓練課程是處長所批准者；或
- (b) 獲處長批准為相等於 (a) 段所提述的證明書的其他證明書；

防護設備 (protective equipment) 指安全眼罩、安全頭盔及聽覺保護器；

直接推動工具 (direct-acting tool) 指推動力由槍彈直接傳達至釘上的工具；

Factories and Industrial Undertakings (Cartridge-Operated Fixing Tools) Regulations

(Cap. 59, section 7)

[1 July 1977] *L.N. 117 of 1977*
(*Format changes—E.R. 1 of 2021*)

Part I

Preliminary

1. Citation

These regulations may be cited as the Factories and Industrial Undertakings (Cartridge-Operated Fixing Tools) Regulations.

2. Interpretation

In these regulations, unless the context otherwise requires—

approved tool (認可工具) means a tool, including any part thereof, approved by the Commissioner under regulation 19; (*L.N. 329 of 1988*)

cartridge (槍彈) means a propellant gas producing cartridge designed for use in a tool;

cartridge-operated fixing tool (槍彈推動打釘工具) means an instrument designed and used for driving pins into structural material, the driving force being derived from a cartridge;

certificate of competency (合資格證明書) means—

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第 2 條

建築地盤 (construction site) 指進行建築工程的地方，以及緊接任何該等地方而用以貯存用於或擬用於建築工程的物料或工業裝置的附近範圍；

釘 (pin) 包括釘子、螺桿、線環、空心釘、扣釘以及其他藉工具打入結構性物料的同類物體；

間接推動工具 (indirect-acting tool) 指推動力通過有限軸向運行的居間活塞始傳達至釘上的工具；

槍彈 (cartridge) 指設計供工具用的能產生推進氣體的槍彈；

槍彈推動打釘工具 (cartridge-operated fixing tool) 指設計及用於將釘打入結構性物料的器具，而打釘的推動力是來自槍彈的；

製造商 (manufacturer) 就任何工具而言，指該工具的製造商；

認可工具 (approved tool) 指處長根據第 19 條認可的任何工具，包括該工具的任何部分；(1988 年第 329 號法律公告)

操作員 (operator) 指使用工具或受僱使用工具的人；

聽覺保護器 (ear protector) 包括耳罩、耳塞及耳閥。

(2021 年第 1 號編輯修訂紀錄)

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(a) a certificate issued by a person who provides courses of training, approved by the Commissioner, in the operation of a tool; or

(b) such other certificate approved by the Commissioner as being equivalent to a certificate referred to in paragraph (a);

construction site (建築地盤) means a place where construction work is undertaken and also any area in the immediate vicinity of any such place which is used for the storage of materials or plant used or intended to be used for the purpose of construction work;

direct-acting tool (直接推動工具) means a tool in which the driving force is transmitted to the pin directly from a cartridge;

ear protector (聽覺保護器) includes ear-muffs, ear plugs and ear valves;

indirect-acting tool (間接推動工具) means a tool in which the driving force is transmitted to the pin by means of an intervening piston with limited axial movement;

manufacturer (製造商), in relation to a tool, means the manufacturer of the tool;

operator (操作員) means a person using or employed in using a tool;

pin (釘) includes a nail, stud, eyelet, eyepin, fastener or other similar object which is driven into structural material by means of a tool;

protective equipment (防護設備) means safety goggles, safety helmets and ear protectors;

tool (工具) means a cartridge-operated fixing tool.

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3. 適用範圍

凡在任何工業經營中使用任何工具，本規例即適用。

3. Application

These regulations apply in relation to the use of any tool in an industrial undertaking.

第 II 部

承建商、東主及操作員的責任

4. 只可使用認可工具

除認可工具外，不得在工業經營中使用其他工具。

5. 工具的操作狀況

- (1) 每件工具均須保持只有在下述情況下方能操作的狀況——
 - (a) 在身管末端裝上與管軸成直角的碎片防護罩。如屬直接推動工具，碎片防護罩的外緣與管軸之間須保持不少於 50 毫米的距離；
 - (b) 當碎片防護罩緊貼於待刺入物料上，而碎片防護罩及身管均緊壓該物料的表面並回壓至盡頭時；
 - (c) 當身管及碎片防護罩以超逾 5 公斤的壓力壓向待刺入物料的表面時；及
 - (d) 如屬直接推動工具，管軸與施工面垂直線之間的角度少於 7 度。
- (2) 每件工具均須保持在下述情況即不能操作的狀況——
 - (a) 工具正在裝槍彈時；
 - (b) 工具從不超逾 300 厘米的高度掉到堅硬表面上；及
 - (c) 工具的任何部分裝嵌錯誤，或為裝槍彈而須拆卸或撥轉的各獨立部件並未穩固地一起鎖緊。
- (3) 每件工具均須妥為維修，且無明顯欠妥之處。

Part II

Duties of Contractors, Proprietors and Operators

4. Only approved tools to be used

No tool other than an approved tool shall be used in an industrial undertaking.

5. Operational condition of tools

- (1) Every tool shall be maintained in such condition that it can be operated only—
 - (a) when fitted with a splinter guard at right angles to the axis of the barrel and at the end of the barrel. In the case of a direct-acting tool the splinter guard shall be so maintained that the distance from the outer edge of the guard to the axis of the barrel shall not be less than 50 mm;
 - (b) when the splinter guard is in firm contact with the material to be pierced and the splinter guard and barrel are fully pressed home against the surface of the material;
 - (c) when the barrel and splinter guard are pressed against the surface of the material to be pierced with a pressure exceeding 5 kg; and
 - (d) in the case of a direct-acting tool, when the axis of the barrel is at an angle of less than 7 degrees to a line perpendicular to the work surface.
- (2) Every tool shall be maintained in such condition that it cannot operate—
 - (a) when the tool is being loaded;

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第 6 條

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6. 釘

- (1) 任何的釘，除符合製造商就個別類型及個別式樣的工具而定的規格者外，均不得在該工具的操作中使用。
- (2) 任何的釘，包括其帽及環，其尺寸須與工具的身管口徑配合。

7. 槍彈

任何槍彈，除符合製造商就個別類型及個別式樣的工具而定的規格者外，均不得在該工具的操作中使用。

8. 工具的標記

每件工具均須在其上或在固定於其上的牌上保持清晰及永久的標記，以中文或英文標明——

- (a) 製造商的姓名、名稱或商標；
- (b) 工具的類型或型號；及
- (c) 工具的編號。

9. 工具及輔助設備的貯存

- (b) when the tool is dropped on to a hard surface from a height not exceeding 300 cm; and
- (c) when any part of the tool has been assembled incorrectly or when the separate parts required to be dismantled or manipulated for loading have not been firmly locked together.
- (3) Every tool shall be maintained properly and free from patent defects.

6. Pins

- (1) No pins other than those which correspond to the manufacturer's specifications for the particular type and make of tool shall be used in the operation of that tool.
- (2) Pins, including their caps or rings, shall be of a size in conformity with the bore of the barrel of the tool.

7. Cartridges

No cartridges other than those which correspond to the manufacturer's specifications for the particular type and make of tool shall be used in the operation of that tool.

8. Tool markings

Every tool shall be kept clearly and permanently marked, in English or in Chinese, either on the tool or on a plate fixed to it, with—

- (a) the manufacturer's name or trade mark;
- (b) the type or model of the tool; and
- (c) its serial number.

9. Storage of tool and ancillary equipment

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第 10 條

- (1) 每件工具均須有一個構造堅固並有適當上鎖裝置的工具箱或同類容器，以供貯存該工具，其槍彈、釘及輔助設備。
- (2) 裝上槍彈的工具，不得貯存於根據第 (1) 款設置的工具箱或其他容器內。
- (3) 工具不需時，須存放在根據第 (1) 款設置的工具箱或其他容器內，該工具箱或容器須上鎖並貯存於安全地方。

10. 工具箱須裝有護理及操作工具的指示

每個根據第 9 條設置的工具箱或同類容器，須裝有一份適合該工具的製造商指示手冊，以中英文列出下述資料——

- (a) 工具裝槍彈、發射及拆卸時須依循的程序；
- (b) 處理因任何因由而出現燃點延遲時須依循的程序；
- (c) 有關工具的定期清潔、抹油及檢查的指示，以及有關拆卸及重裝工具可移走的部件的正確方法的指示；及
- (d) 有關為工具選擇獲推薦的釘及槍彈的指示，連同分辨槍彈所含炸藥量的強度的指南。

11. 操作員須持有合資格證明書

- (1) 除持有合資格證明書的人外，其他人不得使用工具。
- (2) 合資格證明書的格式須經處長批准。

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- (1) A tool box, or other similar container, which is of strong construction and fitted with suitable means for locking it shall be provided for the storage of every tool, its cartridges, pins and ancillary equipment.
- (2) A loaded tool shall not be stored in the tool box or other container provided under paragraph (1).
- (3) While a tool is not required for use it shall be kept in the tool box, or other container, provided under paragraph (1), which shall be locked and stored in a secure place.

10. Tool box to contain instructions on care and operation of tool

Every tool box, or other similar container, provided under regulation 9, shall contain a copy of the manufacturer's instruction manual appropriate to the tool in English and Chinese giving the following information—

- (a) the procedure to be followed for loading, firing and dismantling the tool;
- (b) the procedure to be followed for dealing with delayed ignition for any cause;
- (c) instructions on regular cleaning, oiling and inspection and the correct method of dismantling and reassembling the removable parts of the tool; and
- (d) instructions on the selection of recommended pins and cartridges for the tool together with a guide for distinguishing the strength of the charge contained in the cartridges.

11. Operators to hold certificates of competency

- (1) A tool shall not be used other than by a person who holds a certificate of competency.

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第 II 部
第 12 條

12. 照明及安全工作地方

凡使用工具的地方，均須——

- (a) 有適當照明，其程度為保障操作員安全所需者；及
- (b) 在合理切實可行範圍內盡量成為安全地方及保持安全，使操作員有穩固的立足點。*(1989 年第 71 號第 13 條)*

13. 安全大氣

在含有易燃蒸氣、易燃氣體或爆炸性塵埃的大氣中，不得使用工具。

14. 防護設備

- (1) 須設置適當的防護設備，並保持其狀況良好，以供每個操作員使用。
- (2) 使用工具時，每個操作員均須配戴根據第 (1) 款為其設置的防護設備。

15. 發現有欠妥之處時的行動

工具操作員如發現工具有任何故障或欠妥之處，或發現供與工具一併使用的釘或槍彈有故障或欠妥之處，則須——

- (a) 停止操作該工具；及
- (b) 隨即向僱用他的承建商或東主報告該項故障或欠妥之處。

16. 未滿 18 歲的人不准使用工具

未滿 18 歲的人，不准使用工具。

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- (2) A certificate of competency shall be in a form approved by the Commissioner.

12. Lighting and safe place of work

The place in which a tool is used shall—

- (a) be suitably lit to the extent necessary to secure the operator's safety; and
- (b) so far as is reasonably practicable, be made and kept safe to the extent that the operator shall have a firm foot-hold. *(71 of 1989 s. 13)*

13. Safe atmosphere

No tool shall be used in an atmosphere containing flammable vapours, flammable gases or explosive dusts.

14. Protective equipment

- (1) Suitable protective equipment shall be provided and maintained in good condition for the use of every operator.
- (2) Every operator shall, while using a tool, wear the protective equipment provided for him under paragraph (1).

15. Action when defect discovered

If the operator of a tool discovers a fault or defect in the tool, or in any pins or cartridges provided for use therewith, he shall—

- (a) cease to operate the tool; and
- (b) forthwith report the fault or defect to the contractor or proprietor employing him.

16. Person under 18 not to use tools

No person under the age of 18 years shall be permitted to use a

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第 17 條

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Regulation 17

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17. 不當地使用工具等

任何人不得不當地使用或無合理辯解而干擾——

- (a) 任何工具、釘或槍彈；或
 - (b) 根據第 14(1) 條設置的任何防護設備。
- _____

tool.

17. Misuse of tools, etc.

No person shall misuse or, without reasonable excuse, interfere with—

- (a) any tool, pin or cartridge; or
 - (b) any protective equipment provided under regulation 14(1).
- _____

第 III 部

雜項

18. 罪行及罰則

- (1) 在任何建築地盤或任何其他工業經營內，如有違反第 4、5、6、7、8、9、10、11、12、13、14 或 16 條的任何條文之事，或就該建築地盤或工業經營有違反上述各條的任何條文之事，則在該建築地盤從事建築工程的承建商，或該工業經營的東主，即屬犯罪，可處第 5 級罰款。(1994 年第 39 號法律公告)
- (1A) (由 1994 年第 39 號法律公告廢除)
- (2) 任何操作員違反第 6、7、9(2) 或 (3)、11、13、14(2) 或 15 條的任何條文，即屬犯罪，可處第 3 級罰款。
- (3) 任何人違反第 17 條的任何條文，即屬犯罪，可處第 5 級罰款。(1994 年第 39 號法律公告)
(1981 年第 327 號法律公告；2021 年第 1 號編輯修訂紀錄)

19. 處長可認可工具

處長可藉憲報公布認可某一槍彈推動打釘工具。
(1988 年第 329 號法律公告)

Part III

Miscellaneous

18. Offences and penalties

- (1) The contractor engaged in construction work on a construction site or the proprietor of any other industrial undertaking in or in respect of which any of the provisions of regulation 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 or 16 is contravened commits an offence and is liable to a fine at level 5. (*L.N. 39 of 1994*)
- (1A) (*Repealed L.N. 39 of 1994*)
- (2) An operator who contravenes any of the provisions of regulation 6, 7, 9(2) or (3), 11, 13, 14(2) or 15 commits an offence and is liable to a fine at level 3.
- (3) Any person who contravenes any of the provisions of regulation 17 commits an offence and is liable to a fine at level 5. (*L.N. 39 of 1994*)
(*L.N. 327 of 1981; E.R. 1 of 2021*)

19. Commissioner may approve tools

The Commissioner may approve a cartridge-operated fixing tool by notice in the Gazette.
(*L.N. 329 of 1988*)

附表

(由 1988 年第 329 號法律公告廢除)

Schedule

(Repealed L.N. 329 of 1988)