

《工厂及工业经营规例》

(第 59 章，附属法例 A)

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FACTORIES AND INDUSTRIAL UNDERTAKINGS
REGULATIONS

(Cap. 59 sub. leg. A)

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《工厂及工业经营规例》

(第 59 章第 7 条)

[1955 年 9 月 29 日]

(本为 1955 年第 A103 号政府公告)

第 I 部 导言

1. 引称

本规例可引称为《工厂及工业经营规例》。

2. 释义

在本规例中，除文意另有所指外——

“危险事故”(dangerous occurrence)指附表 1 所指明的事故；
(1969 年第 132 号法律公告)

“身分证”(identity card)指根据《人事登记条例》(第 177 章)
发出的身分证；(1969 年第 132 号法律公告)

“物料”(material)包括废料及碎料；(1978 年第 157 号法律公告)

“耐火物料”(fire-resisting material)指经由建筑事务监督证明
为具耐火性能的建筑物料；

“干事会”(executive)就职工会而言，指获会员委托管理职工
会事务的组织，并指当其时执行职工会会长、主席、副
主席、秘书或司库职能的人；(1969 年第 132 号法律公告)

FACTORIES AND INDUSTRIAL UNDERTAKINGS REGULATIONS

(Cap. 59, section 7)

[29 September 1955]

PART I PRELIMINARY

1. Citation

These regulations may be cited as the Factories and Industrial Undertakings Regulations.

2. Interpretation

In these regulations, unless the context otherwise requires—

“dangerous occurrence”(危险事故) means any occurrence
specified in the First Schedule; (*L.N. 132 of 1969*)

“executive”(干事会), in relation to a trade union, means the body
to which the management of the affairs of the trade union
is entrusted by the members and also means any person for
the time being carrying out the functions of a president,
chairman, vice-chairman, secretary or treasurer of a trade
union; (*L.N. 132 of 1969*)

“fire-resisting material”(耐火物料) means a building material
certified by the building authority to be fire-resisting;

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第 I 部

第 3 条

“传动装置”(mill-gearing)包括将运动或动力传送到任何机器的每个轴、轮、鼓及滑轮以及其他器具；

“职工会”(trade union)指根据《职工会条例》(第 332 章)注册的职工会；(1969 年第 132 号法律公告)

“复盖层”(overburden)就石矿场而言，指在石矿场开采的花岗岩、斑岩或石灰岩之上所复盖的任何其他物质。(1969 年第 29 号法律公告)

(1980 年第 11 号第 6 条；1996 年第 302 号法律公告)

3. (由 1980 年第 11 号第 6 条废除)

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“identity card”(身分证) means an identity card issued under the Registration of Persons Ordinance (Cap. 177); (L.N. 132 of 1969)

“material”(物料) includes waste material and debris; (L.N. 157 of 1978)

“mill-gearing”(传动装置) includes every shaft, wheel, drum and pulley and every other appliance by which motion or power is communicated to any machine;

“overburden”(复盖层), in respect of a quarry, means any other substance which overlies the granite, porphyry or limestone which is extracted in the quarry; (L.N. 29 of 1969)

“trade union”(职工会) means a trade union which is registered under the Trade Unions Ordinance (Cap. 332). (L.N. 132 of 1969)

(11 of 1980 s. 6; L.N. 302 of 1996)

3. (Repealed 11 of 1980 s.6)

第 II 部

(由 1980 年第 11 号第 6 条废除)

Part II

(Repealed 11 of 1980 s. 6)

第 IIA 部

受雇从事地底工作的人的身体检查

16A. 第 IIA 部的适用范围

本部适用于下述工业经营 ——

- (a) 矿场；
- (b) 石矿场；及
- (c) 涉及隧道工程的工业经营。

(1969 年第 132 号法律公告)

16B. 在工业经营中受雇从事地底工作的人的登记册

- (1) 本部所适用的每一工业经营，其东主须按照本条备存或安排备存一份登记册。
- (2) 登记册须按照订明的格式，就每名在工业经营中受雇从事地底工作的人 ——(见附表 2 表格 1)
 - (a) 指明其姓名地址；
 - (b) 指明其身分证号码 (如有身分证者) ；
 - (c) 指明其出生日期；
 - (d) 附有其正面半身照片一张；
 - (e) 指明他在该工业经营中首次开始从事地底工作的日期；及
 - (f) 指明他按照第 16C(3) 条每次接受身体检查的日期。

(1969 年第 132 号法律公告)

PART IIA

MEDICAL EXAMINATIONS OF PERSONS EMPLOYED TO WORK UNDERGROUND

16A. Application of Part IIA

This Part shall apply to the following industrial undertakings—

- (a) mines;
- (b) quarries; and
- (c) industrial undertakings involving tunnelling operations.

(L.N. 132 of 1969)

16B. Register of persons employed underground in industrial undertaking

- (1) The proprietor of every industrial undertaking to which this Part applies shall maintain or cause to be maintained therein a register in accordance with this regulation.
- (2) The register shall be in the prescribed form and shall in respect of every person employed to work underground in the industrial undertaking- (see Second Schedule, Form 1)
 - (a) specify his name and residential address;
 - (b) specify the number of his identity card, if any;
 - (c) specify his date of birth;
 - (d) contain a full face photograph of the person;
 - (e) specify the date on which he first commenced to work underground in the industrial undertaking; and
 - (f) specify the date of every medical examination undergone by him in accordance with regulation 16C(3).

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第 IIA 部
第 16C 条

PART IIA
Regulation 16C

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(L.N. 132 of 1969)

16C. 未接受身体检查的雇员不得从事地底工作

- (1) 除第 16D 及 16E 条另有规定外，任何人均不准在本部所适用的任何工业经营开始从事地底工作，除非在该人首次开始地底工作之日的上一个月内 ——
 - (a) 东主已按照第 (3) 款聘请医生替该人进行身体检查；及
 - (b) 职业健康科主任医生已根据第 (4) 款发出证明书，证明该人适合在该工业经营中从事地底工作。 (1982 年第 248 号法律公告)
- (2) 任何 21 岁以下的人如 ——
 - (a) 在本部所适用的工业经营中受雇从事地底工作；及
 - (b) 已受雇从事该类工作超过 12 个月，
 则于任何时间均不准继续从事该类工作，除非在过去 12 个月的期间内 ——
 - (i) 东主已按照第 (3) 款聘请医生替该人进行身体检查；及
 - (ii) 职业健康科主任医生已根据第 (4) 款发出证明书，证明该人适合在该工业经营中从事地底工作： (1982 年第 248 号法律公告)
 但于本条生效日期在本部所适用的工业经营中受雇从事地底工作的 21 岁以下的人，即使未有接受本款第 (i) 段所规定的身体检查，仍可由该日起继续受雇从事该类工作，但为期不得超逾 3 个月。
- (3) 凡为施行本条而有任何人须接受身体检查，则 ——
 - (a) 雇用或行将雇用该人在工业经营中从事地底工作的有关的工业经营东主，须填写订明的身体检查报告第 I 部，一式两份； (见附表 2 表格 2)

16C. Employees not to work underground unless examined medically

- (1) Subject to regulations 16D and 16E, no person shall be permitted to commence to work underground in an industrial undertaking to which this Part applies unless within the month preceding the date on which the person first commences so to work—
 - (a) the proprietor has engaged a medical practitioner to examine the person medically in accordance with paragraph (3); and
 - (b) the senior occupational health officer has issued a certificate under paragraph (4) that the person is fit to work underground in such an industrial undertaking. (L.N. 248 of 1982)
- (2) No person under the age of 21 years—
 - (a) who is employed to work underground in an industrial undertaking to which this Part applies; and
 - (b) who has been so employed for more than 12 months, shall be permitted to continue in such employment at any time unless within the preceding period of 12 months—
 - (i) the proprietor has engaged a medical practitioner to examine the person medically in accordance with paragraph (3); and
 - (ii) the senior occupational health officer has issued a certificate under paragraph (4) that the person is fit to work underground in such an industrial undertaking: (L.N. 248 of 1982)
 Provided that a person under the age of 21 years who is employed at the date of commencement of

- (b) 接受检查的人须填写订明的身体检查报告第 II 部，一式两份；及（见附表 2 表格 2）
- (c) 一名医生须对该人进行身体检查，而该医生须 ——
 - (i) 填写有关该人的订明的身体检查报告第 III 部，一式两份；（见附表 2 表格 2）
 - (ii) 将填妥的报告 1 份递交职业健康科主任医生；及（1982 年第 248 号法律公告）
 - (iii) 将填妥的报告 1 份保留。
- (4) 职业健康科主任医生接获第 (3) 款所订的就任何人而作出的身体检查报告后，须随即按照该报告的结果向聘请上述进行检查的医生的工业经营东主递交订明格式的证明书。（见附表 2 表格 3）
- (5) 为施行本条而对任何人进行身体检查所需的费用，决不得由该人支付或向该人追讨。

(1969 年第 132 号法律公告)

- this regulation to work underground in an industrial undertaking to which this Part applies may continue to be so employed for a period not exceeding 3 months from such date, notwithstanding that he has not been examined medically as required under sub-paragraph (i) of this paragraph.
- (3) Where any person is required to be examined medically for the purposes of this regulation—
- (a) the proprietor of the industrial undertaking in which the person is employed or is to be employed to work underground shall complete Part I of the prescribed medical examination report in duplicate; (see Second Schedule, Form 2)
 - (b) the person required to be examined shall complete Part II of the prescribed medical examination report in duplicate; and (see Second Schedule, Form 2)
 - (c) a medical practitioner shall carry out a medical examination of the person, and—
 - (i) complete Part III of the prescribed medical examination report in duplicate in respect of the person; (see Second Schedule, Form 2)
 - (ii) forward 1 copy of the completed report to the senior occupational health officer; and (*L.N. 248 of 1982*)
 - (iii) retain 1 copy of the completed report.
- (4) Where the senior occupational health officer receives a medical examination report under paragraph (3) in respect of any person, he shall forthwith forward a certificate in the prescribed form and in accordance with the report to the proprietor of the industrial undertaking by whom the medical practitioner has been engaged. (see Second Schedule, Form 3)

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第 IIA 部
第 16D 条

PART IIA
Regulation 16D

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16D. 在过去 12 个月内曾接受身体检查的雇员获豁免检验

- (1) 任何人 ——
 - (a) 年满 21 岁；
 - (b) 现正受雇或曾于任何时间受雇于本部所适用的工业经营中从事地底工作；
 - (c) 为受雇从事该类工作而已按照第 16C(3) 条接受身体检查；及
 - (d) 职业健康科主任医生已因应该身体检查的结果，根据第 16C(4) 条发出有关该人的体格适合证明书，*(1982 年第 248 号法律公告)*

则即使该人没有就他在该工业经营再受雇或在其他工业经营受雇一事接受第 16C(1)(a) 条所规定的身体检查，他仍可于上述身体检查日期后 12 个月内随时 ——

 - (i) 再受雇于该工业经营从事地底工作；或
 - (ii) 在符合第 (2) 款的规定下，于本部所适用的任何其他工业经营中受雇从事地底工作。
- (2) 工业经营的东主在根据第 (1)(ii) 款雇用任何人之前，须向职业健康科主任医生取得一份根据第 16C(4) 条发出的有关身体检查的证明书。*(1982 年第 248 号法律公告)*

(1969 年第 132 号法律公告)

- (5) The expenses of the medical examination of any person for the purposes of this regulation shall in no case be payable by or recoverable from the person.

(L.N. 132 of 1969)

16D. Exemption from medical examination where employee examined within previous 12 months

- (1) Any person—
 - (a) who has attained the age of 21 years,
 - (b) who is or has at any time been employed to work underground in an industrial undertaking to which this Part applies,
 - (c) who has been examined medically in accordance with regulation 16C(3) for the purposes of such employment; and
 - (d) in respect of whom the senior occupational health officer has, as a result of the medical examination, issued a certificate of fitness under regulation 16C(4), *(L.N. 248 of 1982)*

may, at any time within 12 months after the date of the medical examination—

 - (i) be re-employed to work underground in the industrial undertaking; or
 - (ii) be employed, subject to paragraph (2), to work underground in any other industrial undertaking to which this Part applies,

notwithstanding that in respect of his re-employment in such industrial undertaking, or his employment in such other industrial undertaking, the person has not been examined medically as required under regulation 16C(1)(a).

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第 IIA 部
第 16E 条

PART IIA
Regulation 16E

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16E. 所从事的工作相当不可能超过 6 个月完成则雇员获豁免身体检查

凡任何年满 21 岁的人将在本部所适用的任何工业经营中受雇从事地底工作，而劳工处处长或任何获他以书面授权的人员信纳该人将受雇从事的地底工作相当不可能超过 6 个月完成，则即使该人没有就该项雇用接受第 16C(1)(a) 条所规定的身体检查，劳工处处长或该获授权人员可以书面批准雇用该人从事该类工作，期限由劳工处处长或该获授权人员指明，但不得超逾 6 个月。

(1969 年第 132 号法律公告)

16F. 体格资料的披露

(1) 如职工会干事会的一名获授权成员提出要求，而劳工处处长或任何获他以书面授权的人员认为该职工会是代表 21 岁以下而又在本部所适用的工业经营中受雇从事地底工作的人者，则劳工处处长或该获授权人员须向该成员提供有关该名获如此雇用的人的下述资料——

- (a) 姓名；
- (b) 身分证号码（如有身分证者）；
- (c) 出生日期；

(2) Before employing any person under paragraph (1)(ii), the proprietor of the industrial undertaking shall obtain from the senior occupational health officer a copy of the certificate issued under regulation 16C(4) in respect of the medical examination. (*L.N. 248 of 1982*)

(*L.N. 132 of 1969*)

16E. Exemption from medical examination where work unlikely to take more than 6 months to complete

Where any person who has attained the age of 21 years is to be employed to work underground in any industrial undertaking to which this Part applies, and the Commissioner for Labour or any officer authorized in writing by him is satisfied that the underground work on which the person is to be employed is unlikely to take more than 6 months to complete, the Commissioner for Labour or the authorized officer may give written permission for the employment of the person on such work for such period, not exceeding 6 months, as the Commissioner for Labour or the authorized officer shall specify, notwithstanding that in respect of such employment, the person has not been examined medically as required under regulation 16C(1)(a).

(*L.N. 132 of 1969*)

16F. Disclosure of medical information

(1) At the request of an authorized member of the executive of any trade union which in the opinion of the Commissioner for Labour, or any officer authorized in writing by him, represents any person under the age of 21 years who is employed to work underground in any industrial undertaking to which this Part applies, the Commissioner for Labour or the authorized officer shall supply to such member the following information in respect of the person so employed—

- (a) his name;

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第 IIA 部
第 16F 条

- (d) 在职业健康科主任医生根据第 16C(4) 条接获的有关该人的最新身体检查报告内所指明的该人在有关工业经营中首次开始从事地底工作的日期或拟首次开始如此工作的日期；及 (1982 年第 248 号法律公告)
- (e) 职业的性质，
并须向该成员出示根据第 16C(4) 条发出的有关该名获如此雇用的人的最新证明书，以供查阅。
- (2) 任何 ——
 - (a) 本部所适用的工业经营的东主；或
 - (b) 公职人员，
不得向任何人披露按照第 16C(3) 条检查某人身体所得的资料，除非 ——
 - (i) 该项资料所关乎的人同意披露；
 - (ii) 该项资料是向一名执行职务的公职人员披露；或
 - (iii) 该项资料是根据任何成文法则而获准或规定须予披露的。

(1969 年第 132 号法律公告)

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- (b) his identity card number, if any;
- (c) his date of birth;
- (d) the date which, in the latest medical examination report received by the senior occupational health officer under regulation 16C(4) in respect of the person, is specified as the date on which he first commenced to work underground in the industrial undertaking or as the proposed date on which he was to first commence so to work; and (L.N. 248 of 1982)
- (e) the nature of his occupation,
and shall produce for inspection to such member the latest certificate issued under regulation 16C(4) in respect of the person so employed.
- (2) No—
 - (a) proprietor of an industrial undertaking to which this Part applies; or
 - (b) public officer,
shall disclose to any person any medical information which is obtained on the examination of a person in accordance with regulation 16C(3), unless—
 - (i) the person to whom the information relates consents to the disclosure;
 - (ii) the information is disclosed to a public officer acting in the course of his duty; or
 - (iii) the disclosure of the information is permitted or required under any enactment.

(L.N. 132 of 1969)

第 III 部

一般条文

17. 引致死亡或丧失工作能力的意外的报告

- (1) 凡在任何工业经营中发生的意外引致 ——
- (a) 任何人在意外发生时死亡或在其后随即死亡；或
 - (b) 任何人受严重身体伤害，
- 则该工业经营的东主须在意外发生后 24 小时内以口头或书面向以下人士作出意外报告，述明死者或伤者的姓名、伤害的性质，以及意外发生的时间、地点及情况 ——
- (i) 如意外在非石矿场的工业经营中发生，向一名职业安全主任报告；或 (2000 年第 32 号第 48 条)
 - (ii) 如意外在石矿场发生，则向矿务总监报告，(1997 年第 76 号法律公告)
- 又凡意外引致死亡，亦须向最接近意外发生地点的警署报案。
- (2) 除第 (4) 款另有规定外，凡在任何工业经营中发生的意外引致 ——
- (a) 任何人在意外发生时死亡或在其后随即死亡；
 - (b) 任何人受严重身体伤害；或
 - (c) 任何人在意外发生后随即丧失工作能力超逾 3 天，而在意外发生时他是有该项工作能力的，
- 则该工业经营的东主除作出第 (1) 款规定的报告外，尚须在意外发生后 7 天内以书面向以下人士作出意外报告 (报告内须载有第 (5) 款所指明的详情) ——
- (i) 如意外在非石矿场的工业经营中发生，向一名职业安全主任报告；或 (2000 年第 32 号第 48 条)

PART III

GENERAL

17. Report of accidents resulting in death or incapacity

- (1) Where an accident in an industrial undertaking results in—
- (a) the death of a person at the time of the accident or immediately thereafter; or
 - (b) serious bodily injury to a person,
- a report of the accident stating the name of the person, the nature of the injury and the time, place and circumstances of the accident shall be made orally or in writing by the proprietor of the industrial undertaking within 24 hours after the accident—
- (i) to an occupational safety officer, where the accident occurs in an industrial undertaking other than a quarry; or (32 of 2000 s. 48)
 - (ii) to the Superintendent of Mines, where the accident occurs in a quarry,
- and to the police station nearest to the place of accident, where the accident results in death.
- (2) Subject to paragraph (4), where an accident in an industrial undertaking results in—
- (a) the death of a person at the time of the accident or immediately thereafter;
 - (b) serious bodily injury to a person; or
 - (c) the incapacity, for a period exceeding 3 days immediately following the accident, of a person for any

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- (ii) 如意外在石矿场发生，则向矿务总监报告。(1997 年第 76 号法律公告)
- (3) 凡在意外中受伤的人后来因伤死亡，而该工业经营的东主获悉该宗死亡事件，则该东主除他可能已根据第 (1)(b) 及 (2)(b) 或 (c) 款作出的报告或他根据该等条文须作出的报告外，尚须在获悉该宗死亡事件后 24 小时内以口头或书面向以下人士报告该宗死亡事件——
- (a) 如意外在非石矿场的工业经营中发生，向一名职业安全主任报告；或 (2000 年第 32 号第 48 条)
- (b) 如意外在石矿场发生，则向矿务总监报告，(1997 年第 76 号法律公告)
- 并须向最接近意外发生地点的警署报案。
- (4) 如已就该宗意外根据《雇员补偿条例》(第 282 章) 第 15 条发出通知，则该工业经营的东主无须根据第 (2) 款作出报告。
- (5) 根据第 (2) 款作出的报告须载有以下资料——
- (a) 该工业经营东主的姓名或名称及地址；
- (b) 死者或伤者的姓名、职业、地址、性别、年龄及身分证号码；
- (c) 意外发生日期及详情；及
- (d) 伤害的性质，并述明有否因伤造成死亡或丧失工作能力。
- (6) 就第 (1) 及 (2) 款而言，任何人如在意外发生后随即被送入医院接受观察或治疗，即被当作已在该意外中遭受严重身体伤害。
- (1975 年第 7 号法律公告)

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- employment which he was capable of undertaking at the time of the accident,
- a report of the accident (containing the particulars specified in paragraph (5)) shall, in addition to any report required to be made under paragraph (1), be made in writing by the proprietor of the industrial undertaking within 7 days after the accident—
- (i) to an occupational safety officer, where the accident occurs in an industrial undertaking other than a quarry; or (32 of 2000 s. 48)
- (ii) to the Superintendent of Mines, where the accident occurs in a quarry.
- (3) Where a person who is injured in an accident dies subsequently as a result of the injury and the death comes to the notice of the proprietor of the industrial undertaking, the proprietor shall, in addition to any report which he may have made or is required to make under paragraphs (1)(b) and (2)(b) or (c), report the death orally or in writing within 24 hours after it comes to his notice—
- (a) to an occupational safety officer, where the accident has occurred in an industrial undertaking other than a quarry; or (32 of 2000 s. 48)
- (b) to the Superintendent of Mines, where the accident has occurred in a quarry,
- and to the police station nearest to the place of the accident.
- (4) No report is required under paragraph (2) if notice of the accident has been given under section 15 of the Employees, Compensation Ordinance (Cap. 282).
- (5) A report under paragraph (2) shall contain—
- (a) the name and address of the proprietor of the industrial undertaking;

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第 18 条

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18. 危险事故的报告

- (1) 在任何工业经营中发生的每宗危险事故，不论有否造成人身伤害，均须由该工业经营的东主在事发后 24 小时内向以下人士报告 —— (1975 年第 7 号法律公告)
 - (a) 如事故在非石矿场的工业经营中发生，向一名职业安全主任报告；及 (2000 年第 32 号第 48 条)
 - (b) 如事故在石矿场发生，则向矿务总监报告。 (1969 年第 29 号法律公告；1997 年第 76 号法律公告)
- (2) 根据本条作出的每份报告均须以书面形式作出，并须为第 17 条所规定的报告之外另再作出者，其内容须包括以下详情：意外发生时间，意外对肇事工业经营的任何建筑物、机械或工业装置所造成的损害，以及意外发生的情况。 (1969 年第 29 号法律公告)

19. 第 17 及 18 条的适用范围

- (b) the name, occupation and address of the deceased or injured person and his sex, age and identity card number;
 - (c) the date and particulars of the accident; and
 - (d) the nature of the injury, stating whether death or incapacity was caused by the injury.
- (6) For the purposes of paragraphs (1) and (2) a person shall be deemed to have suffered serious bodily injury in an accident if he is admitted to a hospital immediately following the accident for observation or treatment.

(L.N. 7 of 1975)

18. Reports of dangerous occurrences

- (1) Every dangerous occurrence which occurs in an industrial undertaking, whether any personal injury has been caused or not, shall be reported by the proprietor of the industrial undertaking within 24 hours of its occurrence— (L.N. 7 of 1975)
 - (a) in the case of an industrial undertaking other than a quarry, to an occupational safety officer; and (32 of 2000 s. 48)
 - (b) in the case of a quarry, to the Superintendent of Mines. (L.N. 29 of 1969)
- (2) Every report made under this regulation shall be in writing, and in addition to any report required under regulation 17, and shall include particulars of the time of the occurrence of the accident, any damage to any building, machinery or plant in the industrial undertaking in which the accident occurred, and the circumstances in which the accident occurred. (L.N. 29 of 1969)

19. Application of regulations 17 and 18

凡发生根据《矿务条例》(第 285 章)第 47 条的条文须作出报告的任何意外,则第 17 及 18 条的条文对该宗意外概不适用。

(1975 年第 7 号法律公告; 1997 年第 76 号法律公告)

20. 检取样本的权力

- (1) 职业安全主任在通知东主后,或如东主未能即时找到,则在通知工业经营的管工或其他负责人后,可随时检取以下物料的足够样本作分析之用:即在危险行业或附表所列行业中使用或混合使用的任何物料,或在工业经营中使用或拟使用而该职业安全主任认为经分析后可证明相当可能会对受雇的人造成身体伤害的物质。(2000 年第 32 号第 48 条)
- (2) 当职业安全主任根据本条检取样本时,上述东主或管工或其他负责人在提供所需器具后,可要求该职业安全主任将样本分成三份,根据其性质将每份加以标记及密封或扎牢,然后——(2000 年第 32 号第 48 条)
 - (a) 将一份交付该东主或管工或其他负责人;
 - (b) 保留一份作日后比较之用;及
 - (c) 将一份呈交政府化验师分析。
- (3) 任何证明书如看来是由政府化验师就根据本条分析样本所得结果而签发,则在根据本条例进行的任何法律程序中,须被接纳为该证明书中所述事项的证据,但该法律程序中的任何一方均可要求传召负责分析样本的人出庭作为证人。
- (4) 除因检控本条例所订罪行所需外,任何人均不得公布或向他人披露根据本条进行分析所得的结果。

The provisions of regulations 17 and 18 shall not be applicable in the case of any accident which is required to be reported under the provisions of section 47 of the Mining Ordinance (Cap. 285).

(L.N. 7 of 1975)

20. Power to take samples

- (1) An occupational safety officer may at any time after informing the proprietor or, if the proprietor is not readily available, a foreman or other responsible person in the industrial undertaking, take for analysis sufficient samples of any material in use or mixed for use in a dangerous trade or scheduled trade, or of any substance used or intended to be used in an industrial undertaking being a substance which he thinks may prove on analysis to be likely to cause bodily injury to the person employed. (32 of 2000 s. 48)
- (2) The proprietor or the foreman or other responsible person aforesaid may, at the time when a sample is taken under this regulation, and on providing the necessary appliances, require the occupational safety officer to divide the sample into 3 parts, to mark and seal or fasten up each part in such manner as its nature permits, and— (32 of 2000 s. 48)
 - (a) to deliver one part to the proprietor, or the foreman or other responsible person aforesaid;
 - (b) to retain one part for future comparison; and
 - (c) to submit one part to the Government Chemist for analysis.
- (3) A certificate purporting to be a certificate by the Government Chemist as to the result to an analysis of a sample under this regulation shall in any proceedings under the Ordinance be admissible as evidence of the matters stated therein, but either party may require the person by whom the analysis was made to be called as a witness.

21. 受雇的人的职责

- (1) 受雇于任何工业经营中的人，不得故意干扰或不当地使用为确保受雇于该工业经营的人的健康、安全或福利而依据本条例提供的工具、器具、设施或其他物件，而凡有为确保健康或安全而根据本条例提供给上述的人使用的工具或器具，该人须予以使用。
- (2) *(由 1989 年第 71 号第 13 条废除)*

21A. *(由 1992 年第 239 号法律公告废除)*

- (4) No person shall, except in so far as is necessary for the purposes of a prosecution for an offence under the Ordinance, publish or disclose to any person the results of an analysis made under this regulation.

21. Duties of persons employed

- (1) No person employed in an industrial undertaking shall wilfully interfere with or misuse any means, appliance, convenience or other thing provided in pursuance of the Ordinance for securing the health, safety or welfare of the persons employed in the industrial undertaking, and where any means or appliance for securing health or safety is provided for the use of any such person under the Ordinance, he shall use the means or appliance.
- (2) *(Repealed 71 of 1989 s. 13)*

21A. *(Repealed L.N. 239 of 1992)*

第 IV 部

应呈报工场 *

(第 IV 部由 1978 年第 157 号法律公告增补)

编辑附注：

* (由 1985 年第 50 号第 9 条修订)

适用范围

22. 本部的适用范围

本部 (第 23 条除外) 适用于每间属工业经营的应呈报工场。
(1985 年第 50 号第 9 条)

呈报书

(1985 年第 50 号第 9 条)

23. 呈报书及禁止通知书的格式

根据本条例第 9 条作出的呈报及根据本条例第 9A 条发出的禁止通知书，须按照劳工处处长不时藉宪报公告批准的格式。
(1985 年第 50 号第 9 条)

意外的预防

24. 危险平台、液体等的围封

在每间应呈报工场内 —— (1985 年第 50 号第 9 条)

- (a) 所有平台、楼面的坑槽及孔洞以及其他可对人构成危险的地方；及

PART IV

NOTIFIABLE WORKPLACES*

(Part IV added L.N. 157 of 1978)

Editorial Note:

* (Amended 50 of 1985 s. 9)

Application

22. Application of this Part

This Part (except regulation 23) shall apply to every notifiable workplace that is an industrial undertaking.
(50 of 1985 s. 9)

Notification

(50 of 1985 s. 9)

23. Form of notification and prohibition notice

Every notification under section 9 of the Ordinance and every prohibition notice under section 9A of the Ordinance shall be in such form as the Commissioner for Labour may from time to time approve by notice in the Gazette.
(50 of 1985 s. 9)

Prevention of Accidents

24. Fencing of dangerous platforms, liquids, etc.

In every notifiable workplace— (50 of 1985 s. 9)

- (a) all platforms, pits and openings in floors and every other place liable to be dangerous to persons; and

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(b) 所有盛载有滚烫、腐蚀性或有毒液体的器册，
须加以安全围封，高度不少于 900 毫米，或以其他使处长感到
满意的方式加以防护。(1984 年第 238 号法律公告)

25. 由青年清洁危险机械

- (1) 在应呈报工场内，当机械靠机械动力运行时，任何青年
均不准清洁该机械的危险部分。就本款而言，经职业安
全主任向应呈报工场东主通知属危险的机械部分，须推
定为机械的危险部分。(1985 年第 50 号第 9 条；2000 年
第 32 号第 48 条)
- (2) 在应呈报工场内，当传动装置为推动机械的任何部分而
运行时，任何青年均不准清洁该传动装置。
(1996 年第 302 号法律公告)

26-31. (由 1981 年第 214 号法律公告废除)

卫生

32. 清洁

- (1) 每间应呈报工场均须保持清洁，并没有来自排水渠、卫
生设施或妨碍物的臭气，而在不损害上述条文的概括性
的原则下——
 - (a) 在工作间的楼面及工作台以及在楼梯及通道上积聚
的污垢及垃圾须以适当的方法每日予以清除；
 - (b) 每个工作间的楼面须以清洗或(如有效及适当)以打
扫或其他方法清洁，每星期至少一次；及

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(b) all vessels containing any scalding, corrosive or
poisonous liquid,
shall be securely fenced to a height of not less than 900 millimetres
or otherwise protected to the satisfaction of the Commissioner.
(L.N. 238 of 1984)

25. Cleaning of dangerous machinery by young persons

- (1) No young person shall be permitted to clean any dangerous
part of the machinery in a notifiable workplace while the
machinery is in motion by the aid of any mechanical power.
For the purpose of this paragraph, such parts of the machinery
shall be presumed to be dangerous as are notified by an
occupational safety officer to the proprietor of the notifiable
workplace. (50 of 1985 s. 9; 32 of 2000 s. 48)
- (2) No young person shall be permitted to clean any mill-
gearing while such mill-gearing is in motion for the purpose
of propelling any part of the machinery in a notifiable
workplace.

(L.N. 302 of 1996)

26-31. (Repealed L.N. 214 of 1981)

Hygiene

32. Cleanliness

- (1) Every notifiable workplace shall be kept in a clean state,
and free from effluvia arising from any drain, sanitary
convenience or nuisance, and, without prejudice to the
generality of the foregoing provisions—
 - (a) accumulations of dirt and refuse shall be removed daily
by a suitable method from the floor and benches of
workrooms and from the staircases and passages;

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- (c) 所有内墙及隔墙，以及房间的所有天花板或顶部须髹上石灰水，每年至少一次；如已髹上油漆或清漆者，则须以热水及肥皂清洗，每 14 个月期间至少一次，及须重新髹上油漆或清漆，每 42 个月期间至少一次。
- (2) 应呈报工场的东主须备存关于以下的纪录 ——
 - (a) 已按照第 (1)(c) 款在应呈报工场内髹上石灰水的表面；及
 - (b) 已按照第 (1)(c) 款在应呈报工场内髹上油漆或清漆的表面以及经清洗或重新髹上油漆或清漆的部分；及
 - (c) 进行该等工作的每个人的姓名及地址，以及进行该等工作的日期。
- (3) 应呈报工场的东主在职业安全主任的要求下须出示根据第 (2) 款备存的纪录。 *(2000 年第 32 号第 48 条)*
(1985 年第 50 号第 9 条)

33. 通风

- (1) 在每间应呈报工场内，均须设置有效及适当的设施，藉着每个工作间或矿场每个竖井内的新鲜空气的流通，以确保及保持该工作间或竖井有足够的通风，并在切实可行范围内尽量使到在应呈报工场内进行的任何工序或工

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- (b) the floor of every workroom shall be cleaned at least once in every week by washing or, if it is effective and suitable, by sweeping or other method; and
- (c) all inside walls and partitions, and all ceilings or tops of rooms shall be limewashed at least once in every year or, if they have been oil-painted or varnished, they shall be washed with hot water and soap at least once in every period of 14 months and repainted or varnished at least once in every period of 42 months.
- (2) The proprietor of a notifiable workplace shall maintain a record of—
 - (a) the surfaces within the notifiable workplace which have been limewashed in accordance with paragraph (1)(c); and
 - (b) the painted and varnished surfaces within the notifiable workplace and the parts thereof which have been washed, or repainted or revarnished, in accordance with paragraph (1)(c); and
 - (c) the name and address of each person who carried out such work and the date or dates on which the work was carried out.
- (3) The proprietor of a notifiable workplace shall produce the record maintained under paragraph (2) for inspection when required to do so by an occupational safety officer. *(32 of 2000 s. 48)*
(50 of 1985 s. 9)

33. Ventilation

- (1) In every notifiable workplace, effective and suitable provision shall be made for securing and maintaining by the circulation of fresh air in each workroom or, in the case of a mine, in each shaft, the adequate ventilation of the room or shaft, and

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作所产生可能损害健康的所有烟气、尘埃及其他杂质变得无害。

- (2) 在不损害第 (1) 款的概括性的原则下，在每间应呈报工场内，如由于所进行的任何工序或工作，会引致散发尘埃、烟气或其他杂质而其性质及程度相当可能令受雇的人受到伤害或感到不适，或散发大量任何种类的尘埃，则须采取所有切实可行的步骤，保护受雇的人，免其吸入尘埃、烟气或其他杂质，并防止尘埃、烟气或其他杂质在工作间积聚，尤其在工序的性质使其切实可行的情况下，须在尽量接近尘埃、烟气或其他杂质来源之处设置及保持排气器具，以防止它们进入工作间的空气。(1989 年第 71 号第 13 条)

(1985 年第 50 号第 9 条)

34. 照明

- (1) 应呈报工场内须设置有效的设施，以确保及保持在该处有人工作或经过的每个部分均有足够及适当的天然或人工照明。
- (2) 用以照明应呈报工场工作间的所有玻璃窗及天窗须在切实可行范围内尽量保持内外表面清洁，不受阻挡：(1989 年第 71 号第 13 条)
- 但为了减低热力或耀目程度，该等玻璃窗或天窗可髹上石灰水或予以遮蔽。

(1985 年第 50 号第 9 条)

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Regulation 34

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for rendering harmless, so far as practicable, all fumes, dust and other impurities that may be injurious to health generated in the course of any process or work carried on in the notifiable workplace.

- (2) Without prejudice to the generality of paragraph (1), in every notifiable workplace in which, in connexion with any process or work carried on, there is given off any dust or fume or other impurity of such a character and to such extent as to be likely to be injurious or offensive to the persons employed, or any substantial quantity of dust of any kind, all practicable steps shall be taken to protect the persons employed against inhalation of the dust or fume or other impurity and to prevent its accumulating in any workroom, and in particular, where the nature of the process makes it practicable, exhaust appliances shall be provided and maintained, as near as possible to the point of origin of the dust or fume or other impurity, so as to prevent its entering the air of any workroom. (71 of 1989 s. 13)

(50 of 1985 s. 9)

34. Lighting

- (1) Effective provision shall be made for securing and maintaining sufficient and suitable lighting, whether natural or artificial, in every part of a notifiable workplace in which persons are working or passing.
- (2) All glazed windows and skylights used for the lighting of workrooms in any notifiable workplace shall, so far as practicable, be kept clean on both the inner and outer surfaces and free from obstruction: (71 of 1989 s. 13)

Provided that any such window or skylight may be white-washed or shaded for the purpose of mitigating heat or glare.

(50 of 1985 s. 9)

35. 楼面的排水

- (1) 在应呈报工场内，凡进行的工序或工作会弄湿楼面，而弄湿程度达到可利用排水设施将水分排去，则须设置及保持有效的设施以排去水分。 *(1985 年第 50 号第 9 条)*
- (2) 任何排水设施如不符合《建筑物条例》(第 123 章)的条文，则就本条而言，须当作并非有效。

36. 过度挤迫

- (1) 当工作进行时，应呈报工场不得过度挤迫而造成受雇于该处的人的健康有受伤害的危险。
- (2) 在不损害第 (1) 款的概括性的原则下，如受雇的人在同一时间在任何工作间的活动空间少于每人 7 立方米，则该应呈报工场即当作如上述的过度挤迫。 *(1984 年第 238 号法律公告)*
- (3) 在每间应呈报工场的每个房间内，须张贴告示，指明为顾及本条的条文而可雇用在该房间内工作的人数。

(1985 年第 50 号第 9 条)

37. 卫生设施等

- (1) 在每间应呈报工场的处所内，须设置足够及适当的厕所及清洗设施；如该工场雇用或拟雇用男性及女性雇员，则该等设施须提供适当的分开男女各自使用的地方。 *(1985 年第 50 号第 9 条)*

35. Drainage of floors

- (1) Where, in any notifiable workplace, any process or work is carried on which renders the floor liable to be wet to such extent that the moisture is capable of being removed by drainage, effective means shall be provided and maintained for draining off the moisture. *(50 of 1985 s. 9)*
- (2) Any means for draining which does not comply with the provisions of the Buildings Ordinance (Cap. 123) shall be deemed not to be effective for the purpose of this regulation.

36. Overcrowding

- (1) A notifiable workplace shall not, while work is carried on, be so overcrowded as to cause risk of injury to the health of the persons employed therein.
- (2) Without prejudice to the generality of paragraph (1), a notifiable workplace shall be deemed to be so overcrowded as aforesaid, if the number of persons employed at a time in any workroom is such that the amount of cubic space allowed for every person employed in the room is less than 7 cubic metres. *(L.N. 238 of 1984)*
- (3) In every room in every notifiable workplace a notice shall be posted specifying the number of persons who, having regard to the provisions of this regulation, may be employed in the room.

(50 of 1985 s. 9)

37. Sanitary conveniences, etc.

- (1) Every notifiable workplace shall be provided with sufficient and suitable latrine and washing conveniences on the premises and, where persons of both sexes are or are intended to be

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第 59A 章

第 IV 部
第 38 条

- (2) 任何厕所或清洗设施如不符合《建筑物条例》(第 123 章) 的条文, 则就本条而言, 须当作并不足够或适当。

38. 食水的供应

在每间应呈报工场内, 须在所有受雇的人方便到达的适当地点提供及保持足够的食水供应, 食水可来自公共总水管或经卫生主任以书面批准的来源。

(1985 年第 50 号第 9 条)

39. 修理、维修及安全

- (1) 应呈报工场的楼面、墙壁、天花板、窗户及天窗均须保持维修良好, 以及没有剥落。
- (2) 应呈报工场所有楼面的表面须为平坦及不溜滑, 并须保持如此, 而楼面不得放置可导致任何人因绊脚或其他情况而跌倒或绊倒的障碍物或危险物。
- (3) 在应呈报工场内, 所有货品及物料的贮存、堆叠或以其他方式排列的方式, 不得对任何人造成危险。 (1999 年第 53 号第 10 条)

(1985 年第 50 号第 9 条)

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Regulation 38

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employed such conveniences shall afford proper separate accommodation for persons of each sex. (50 of 1985 s. 9)

- (2) Any latrine or washing convenience which does not comply with the provisions of the Buildings Ordinance (Cap. 123) shall be deemed not to be sufficient and suitable for the purpose of this regulation.

38. Supply of drinking water

In every notifiable workplace an adequate supply of drinking water either from a public main or from a source approved in writing by a health officer shall be provided and maintained at suitable points conveniently accessible to all persons employed.

(50 of 1985 s. 9)

39. Repair, maintenance and safety

- (1) All the floors, walls, ceilings, windows and skylights of a notifiable workplace shall be maintained in a good state of repair and free from spalls.
- (2) The surface of all the floors of a notifiable workplace shall be rendered and maintained in an even and non-slippery condition and the floors shall be kept free from any obstruction or hazard which might cause a person to fall down or stumble by tripping or otherwise.
- (3) In a notifiable workplace all goods and materials shall be stored, stacked or otherwise arranged in such a manner that no danger is caused to any person.

(50 of 1985 s. 9)

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第 V 部

Part V

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第 V 部

(由 1978 年第 157 号法律公告废除)

Part V

(*Repealed L.N. 157 of 1978*)

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第 VI 部
第 43 条

PART VI
Regulation 43

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第 VI 部

罪行及罚则

43. (由 1980 年第 11 号第 6 条废除)
44. 违反第 16F(2)、20(4) 或 21 条的罚则
任何人 ——
- 违反第 16F(2)、20(4) 或 21 条的任何条文，(1992 年第 239 号法律公告)
 - (由 1981 年第 214 号法律公告废除)
- 即属犯罪，可处罚款 \$10,000。
(1958 年第 A71 号政府公告；1969 年第 132 号法律公告；1978 年第 157 号法律公告；1981 年第 114 号法律公告；1982 年第 149 号法律公告)
45. 违反第 16C(1)、16C(2)、24、25、33 或 36(1) 条的罚则
- 任何工业经营或应呈报工场的东主(视属何情况而定) ——
- (由 1981 年第 214 号法律公告废除)
 - 如在其工业经营或应呈报工场內，有任何人获准作出违反第 16C(1)、16C(2) 或 25 条的事情；或
 - 如就其工业经营或应呈报工场有违反第 24、33 或 36(1) 条之事，
- 即属犯罪。(1958 年 A71 号政府公告；1967 年第 189 号法律公告；1969 年第 132 号法律公告；1973 年第 221 号法律公告；1978 年第 157 号法律公告；1980 年第 11 号第 6 条；1981 年第 114 号法律公告；1981 年第 214 号法律公告；1985 年第 50 号第 9 条)
- 任何人犯第 (1) 款所订罪行，可被处罚如下 ——

PART VI

OFFENCES AND PENALTIES

43. (Repealed 11 of 1980 s. 6)
44. **Penalty for contravention of regulation 16F(2), 20(4) or 21**
Any person who—
- contravenes any of the provisions of regulation 16F(2), 20(4) or 21, (L.N. 239 of 1992)
 - (Repealed L.N. 214 of 1981)
- shall be guilty of an offence and shall be liable to a fine of \$10,000.
(G.N.A. 71 of 1958; L.N. 132 of 1969; L.N. 157 of 1978; L.N. 114 of 1981; L.N. 149 of 1982)
45. **Penalty for contravention of regulation 16C(1), 16C(2), 24, 25, 33 or 36(1)**
- The proprietor of any industrial undertaking or of any notifiable workplace, as the case may be,—
- (Repealed L.N. 214 of 1981)
 - in which any person is permitted to do anything in contravention of any of the provisions of regulation 16C(1), 16C(2), or 25; or
 - in respect of which any of the provisions of regulation 24, 33 or 36(1) are contravened,
- shall be guilty of an offence. (G.N.A. 71 of 1958; L.N. 189 of 1967; L.N. 132 of 1969; L.N. 221 of 1973; L.N. 157 of 1978; 11 of 1980 s. 6; L.N. 114 of 1981; L.N. 214 of 1981; 50 of 1985 s. 9)

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第 46 条

- (a) 违反第 24 条者，如无合理辩解而犯该罪行，可处罚款 \$200,000 及监禁 12 个月，在任何其他情况下，则可处罚款 \$200,000；(1989 年第 71 号第 13 条)
- (b) 违反第 25 条者，可处罚款 \$50,000；(1981 年第 214 号法律公告)
- (c) 违反第 16C(1) 或 16C(2) 条者，可处罚款 \$50,000；
- (d) 违反第 33 或 36(1) 条者，可处罚款 \$50,000。(1981 年第 114 号法律公告；1994 年第 11 号法律公告)

46. 违反第 16B、34、37(1)、38 或 39 条的罚则

- (1) 任何工业经营或应呈报工场的东主(视属何情况而定)——
 - (a) 违反第 16B 条的任何条文；或 (1992 年第 239 号法律公告)
 - (b) 如就其工业经营或应呈报工场有违反第 34、37(1)、38 或 39 条之事，
即属犯罪。(1958 年 A71 号政府公告；1968 年第 87 号法律公告；1969 年第 132 号法律公告；1973 年第 150 号法律公告；1976 年第 26 号法律公告；1978 年第 157 号法律公告；1980 年第 11 号第 6 条；1981 年第 114 号法律公告；1981 年第 214 号法律公告；1982 年第 149 号法律公告；1985 年第 50 号第 9 条)
- (2) 任何人犯第 (1) 款所订罪行，可被处罚如下——
 - (a) (由 1981 年第 214 号法律公告废除)
 - (b) 违反第 16B、37(1) 或 38 条者，可处罚款 \$10,000；及 (1981 年第 114 号法律公告；1982 年第 149 号法

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Regulation 46

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- (2) A person guilty of an offence under paragraph (1) shall—
 - (a) in respect of a contravention of regulation 24, be liable to a fine of \$200,000 and to imprisonment for 12 months where the offence was committed without reasonable excuse, and to a fine of \$200,000 in any other case; (71 of 1989 s. 13)
 - (b) in respect of a contravention of regulation 25, be liable to a fine of \$50,000; (L.N. 214 of 1981)
 - (c) in respect of a contravention of regulation 16C(1) or 16C(2), be liable to a fine of \$50,000;
 - (d) in respect of a contravention of regulation 33 or 36(1), be liable to a fine of \$50,000. (L.N. 114 of 1981; L.N. 11 of 1994)

46. Penalty for contravention of regulation 16B, 34, 37(1), 38 or 39

- (1) The proprietor of any industrial undertaking or of any notifiable workplace, as the case may be,—
 - (a) who contravenes any of the provisions of regulation 16B; or (L.N. 239 of 1992)
 - (b) in respect of which any of the provisions of regulation 34, 37(1), 38 or 39 are contravened,
shall be guilty of an offence. (G.N.A. 71 of 1958; L.N. 87 of 1968; L.N. 132 of 1969; L.N. 150 of 1973; L.N. 26 of 1976; L.N. 157 of 1978; 11 of 1980 s. 6; L.N. 114 of 1981; L.N. 214 of 1981; L.N. 149 of 1982; 50 of 1985 s. 9; L.N. 239 of 1992)
- (2) A person guilty of an offence under paragraph (1) shall—
 - (a) (Repealed L.N. 214 of 1981)
 - (b) in respect of a contravention of regulation 16B, 37(1) or 38, be liable to a fine of \$10,000; and (L.N. 114 of 1981; L.N. 149 of 1982; L.N. 239 of 1992; L.N. 11 of 1994)

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第 47 条

律公告；1992 年第 239 号法律公告；1994 年第 11 号法律公告)

- (c) 违反第 34 或 39 条者，可处罚款 \$50,000。(1994 年第 11 号法律公告)

47. 违反第 17、18、32、35(1) 或 36(3) 条的罚则

- (1) 任何工业经营或应呈报工场的东主(视属何情况而定)——
- (a) (由 1980 年第 11 号第 6 条废除)
- (b) 如就其工业经营或应呈报工场有违反第 32、35(1) 或 36(3) 条之事；或
- (c) 无合理辩解而没有作出第 17 或 18 条所规定的报告，或作出该报告但他明知报告中有任何要项属虚假者，(1975 年第 7 号法律公告)

即属犯罪。(1958 年 471 号政府公告；1978 年第 157 号法律公告；1981 年第 114 号法律公告；1985 年第 50 号第 9 条)

- (2) 任何人犯第 (1) 款所订罪行，可被处罚如下——
- (a) 违反第 32 或 35(1) 条者，可处罚款 \$50,000；
- (b) 违反第 36(3) 条者，可处罚款 \$10,000；
- (c) 第 (1)(c) 款所提述的没有作出报告或作出虚假报告者，可处罚款 \$50,000。(1981 年第 114 号法律公告；1994 年第 11 号法律公告)

48. 东主的法律责任

尽管本条例第 13 条另有规定，如有任何违反第 20(4) 或 21 条

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Regulation 47

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- (c) in respect of a contravention of regulation 34 or 39, be liable to a fine of \$50,000. (L.N. 11 of 1994)

47. Penalty for contravention of regulation 17, 18, 32, 35(1) or 36(3)

- (1) The proprietor of any industrial undertaking or of any notifiable workplace, as the case may be,—
- (a) (Repealed 11 of 1980 s. 6)
- (b) in respect of which any of the provisions of regulation 32, 35(1) or 36(3) are contravened; or
- (c) who, without reasonable excuse, fails to make any report required by regulation 17 or 18, or who makes such a report which he knows to be false in any material particular,

shall be guilty of an offence. (L.N. 7 of 1975)

- (2) A person guilty of an offence under paragraph (1) shall—
- (a) in respect of a contravention of regulation 32 or 35(1), be liable to a fine of \$50,000; (L.N. 11 of 1994)
- (b) in respect of a contravention of regulation 36(3), be liable to a fine of \$10,000; (L.N. 11 of 1994)
- (c) in respect of a failure to report or a making of a false report referred to in paragraph (1)(c), be liable to a fine of \$50,000. (L.N. 114 of 1981; L.N. 11 of 1994)

(G.N.A. 71 of 1958; L.N. 157 of 1978; L.N. 114 of 1981; 50 of 1985 s. 9)

48. Liability of proprietors

Notwithstanding anything contained in section 13 of the Ordinance,

的罪行在任何工业经营内或就任何工业经营发生，该工业经营的东主并不因而犯相同罪行。

(1958 年 A71 号政府公告)

the proprietor of an industrial undertaking in or in respect of which an offence against regulation 20(4) or 21 is committed shall not be guilty of a like offence.

(G.N.A. 71 of 1958)

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第 59A 章附表 1
第 1 条FIRST SCHEDULE
Regulation 1S1-2
Cap. 59A**附表 1**[第 2 条]
(1969 年第 132 号法律公告)**危险事故**

1. 靠机械动力推动的旋转器皿、轮、磨石或磨轮爆裂。
2. 用以升起或降下人或货品的起重机、吊臂起重机、绞车、吊重机或其他机械 (但不包括《建筑工地升降机及塔式工作平台 (安全) 条例》(第 470 章) 所适用的建筑工地升降机及塔式工作平台) 或其任何部分倒塌或失灵 (链或吊索折断的事故除外) , 或起重机翻倒。 (1995 年第 548 号法律公告)
3. 对有人受雇在内工作的任何房间或地方的结构或其内所装置的机器或工业装置造成损害, 并引致在该等房间或地方进行的日常工作完全停顿的爆炸或火警。
4. 电力机械、工业装置或器具的电力短路或失灵, 随即发生爆炸或火警或引致其结构损毁, 并使其停用或废弃。
5. 用以在大于大气压力的压力下贮存一种或多种气体 (包括空气) 或液体或固体的接收器或容器因气体压缩而发生爆炸。
6. 有人受雇在内工作的工业经营处所, 属其组成部分的屋顶、墙壁、楼面、构筑物或地基因任何因由而整个或部分倒塌。

FIRST SCHEDULE[reg. 2]
(L.N. 132 of 1969)**DANGEROUS OCCURRENCES**

1. Bursting of a revolving vessel, wheel, grindstone or grinding wheel moved by mechanical power.
2. Collapse or failure of a crane, derrick, winch, hoist or other appliance (but not including a builder's lift or tower working platform to which the Builders' Lifts and Tower Working Platforms (Safety) Ordinance (Cap. 470) applies) used in raising or lowering persons or goods or any part thereof (except the breakage of chain or rope slings), or the overturning of a crane. (L.N. 548 of 1995)
3. Explosion or fire causing damage to the structure of any room or place in which persons are employed, or to any machine or plant contained therein and resulting in the complete suspension of ordinary work in such room or place.
4. Electrical short circuit or failure of electrical machinery, plant or apparatus, attended by explosion or fire or causing structural damage thereto, and involving its stoppage or disuse.
5. Explosion of a receiver or container used for the storage at a pressure greater than atmospheric pressure of any gas or gases

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第 59A 章附表 1
第 7 条

-
7. 石矿场的复盖层、工作面、尖端或筑堤整个或部分倒塌。(1969 年第 29 号法律公告)
8. 在石矿场的推土机、倾卸车、挖土机、平土机、货车或铲泥搬土机，或用以处理物质的流动机器翻倒或与任何物体相撞。
-

FIRST SCHEDULE
Regulation 6S1-4
Cap. 59A

- (including air) or any liquid or solid resulting from the compression of gas.
6. Collapse in whole or part from any cause whatsoever of any roof, wall, floor, structure or foundation forming part of the premises of an industrial undertaking in which persons are employed.
7. Total or partial collapse of any overburden, face, tip or embankment in a quarry. (*L.N. 29 of 1969*)
8. Overturning of, or collision with any object by, any bulldozer, dumper, excavator, grader, lorry or shovel loader, or any mobile machine used for the handling of any substance in a quarry.
-

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附表 2

SECOND SCHEDULE

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附表 2

SECOND SCHEDULE

表格 1

FORM 1

[第 16B 条]


[reg. 16B]

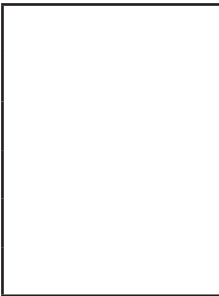
工厂及工业经营规例

FACTORIES AND INDUSTRIAL UNDERTAKINGS REGULATIONS

在工业经营中受雇从事地底工作的人的登记册

REGISTER OF PERSONS EMPLOYED TO WORK UNDERGROUND
IN INDUSTRIAL UNDERTAKINGS

| | | |
|----|---|---|
| 1. | 工业经营名称：..... | |
| 2. | 受雇从事地底工作的人的全名： |  |
| 3. | 住址：..... | |
| 4. | 身份证号码：..... | |
| 5. | 出生日期：..... | |
| 6. | 工人在上述工业经营中首次开始从事地底工作的日期：..... | (工人正面半身照片) |
| 7. | 工人按照第 16C(3) 条接受身体检查的日期： (a) (b) (c) | |

| | | |
|----|--|--|
| 1. | Name of industrial undertaking: | |
| 2. | Full name of person employed to work underground: |  |
| 3. | Residential address: | |
| 4. | Identity Card No.: | |
| 5. | Date of birth: | |
| 6. | Date on which worker first commenced to work underground in the undertaking: | (Full face photograph of worker). |
| 7. | Dates of medical examinations undergone by worker in accordance with regulation 16C(3): (a) (b) (c) | |

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附表 2

SECOND SCHEDULE

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表格 2

[第 16C(3) 条]

工厂及工业经营规例

身体检查报告

第 I 部 (由工业经营东主填写，一式两份。)

致：.....
(进行身体检查的医生的姓名)1. 本人，.....
(东主全名)居住于
(东主住址)为 的东主，
(工业经营地址)现请你按照《工厂及工业经营规例》第 16C(3) 条检查
.....
(雇员 / 准雇员 * 全名)2. 上述雇员 / 准雇员 * 现正 / 将会 * 受雇从事地底工作
.....
(指明雇员 / 准雇员 * 的职业性质)他首次开始从事 / 将会开始从事 * 上述工作的日期为
.....
(指明日期或建议日期)

日期：.....

东主签署：.....

FORM 2

[reg. 16C(3)]

FACTORIES AND INDUSTRIAL UNDERTAKINGS REGULATIONS

MEDICAL EXAMINATION REPORT

Part I. (To be completed in duplicate by the proprietor of the industrial undertaking).

To:
(name of medical practitioner by whom examination is to be carried out)1. I,
(full name of proprietor).....
(residential address of proprietor)the proprietor of
(name of industrial undertaking)situated at
(address of industrial undertaking)request you to examine
(full name of Employee/proposed Employee*)

in accordance with regulation 16C(3) of the Factories and Industrial Undertakings Regulations.

2. This Employee/proposed Employee* is/will be* employed to work underground as a
.....
(specify nature of Employee's/proposed Employee's* occupation)and first commenced/will commence* such work on
.....

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附表 2

第 II 部 (由雇员或准雇员填写, 一式两份。)

A. 雇员/准雇员 * 全名

出生日期

住址

B. 病历

(a) 曾否患肺结核?

如曾患此病, 请提供细节

(b) 曾否患其他慢性呼吸系统病?

(c) 曾否患心脏病、糖尿病或其他严重或长期疾病?

C. 目前病患 (如有的话)

本人谨此声明: 尽本人所知, 上述回答均属正确无误。

日期:

雇员/准雇员 * 签署:

第 III 部 (由进行检查的医生填写, 一式两份。)

A. 一般营养状况

体重 公斤 体高 毫米

眼: 视力敏锐度 右 左 耳

SECOND SCHEDULE

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(specify date or proposed date)

Date:

Signature of proprietor:

Part II. (To be completed in duplicate by the Employee or proposed Employee).

A. Full Name of Employee/proposed Employee*

Date of birth

Residential Address

B. History of Past Illnesses.

(a) Is there a history of pulmonary tuberculoses?

If so give details

(b) Is there a history of other chronic respiratory disease?

(c) Is there a history of heart disease, diabetes mellitus or any other serious or prolonged disease?

C. Present Complaints (if any).

I declare that to the best of my knowledge the answers given above are accurate.

Date:

Signature of Employee/proposed Employee*:

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附表 2

心血管系统脉搏率 血压

.....

.....

腹部

疝

泌尿生殖系统

尿 比重 白蛋白 糖

骨骼系统

上肢

下肢

神经系统

.....

B. 胸部 X 光检查 (日期

..... 医生报告
(进行 X 光检查的医生)

如下 :

.....

.....

C. 本人已按照本报告检查上述 ,
(全名)

并认为他适合 / 不适合 * 在《工厂及工业经营规例》第 IIA 部所适用的工业经营中从事地底工作。

日期 :

进行检查的医生签署 :

进行检查的医生姓名 :
(正楷)

地址 :

SECOND SCHEDULE

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Part III. (To be completed in duplicate by examining medical practitioner).

A. General Nutrition

Weight kg Height mm

Eyes: Visual acuity R. L. Ears

Cardiovascular System Pulse rate B.P.

.....

.....

Abdomen

Hernias.....

Genito-urinary System

Urine Sp.G Alb. Sugar

Skeletal System

Upper limbs

Lower limbs

Nervous System

.....

B. Chest X-ray Examination (date

Dr. reports as
(medical practitioner by whom X-ray examination is made)

follows:

.....

.....

C. I have examined the above named
(full name)

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附表 2

.....
电话号码：.....

- 注： (a) 本表格填妥后，一份应由进行检查的医生以机密函件方式送交劳工处职业健康科的职业健康科主任医生。另一份则由进行检查的医生保留。
- (b) * 删去不适用者。

(1982 年第 248 号法律公告；1984 年第 238 号法律公告)

表格 3

[第 16C(4) 条]

工厂及工业经营规例

雇员／准雇员 * 体格适合证明书

致：.....
(工业经营东主)

SECOND SCHEDULE

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in accordance with this report, and consider that he is fit/unfit* to work underground in an industrial undertaking to which Part IIA of the Factories and Industrial Undertakings Regulations applies.

Date:

Signature of Examining Medical Practitioner:

Name of Examining Medical Practitioner:.....
(block capitals)

Address:.....

Telephone Number:

- Notes: (a) One copy of this completed form should be sent by the examining medical practitioner under confidential cover to the senior occupational health officer, Occupational Health Division, Labour Department. The other copy is to be retained by the examining medical practitioner.
- (b) * Delete whichever is inapplicable.

(L.N. 248 of 1982; L.N. 238 of 1984)

FORM 3

[reg. 16C(4)]

FACTORIES AND INDUSTRIAL UNDERTAKINGS REGULATIONS

CERTIFICATE AS TO FITNESS OF EMPLOYEE/PROPOSED
EMPLOYEE*To:
(proprietor of industrial undertaking)

《工厂及工业经营规例》

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附表 2

(工业经营地址)

本人谨此证明 先生

(全名)

住址为

(住址)

已按照《工厂及工业经营规例》第 16C(3) 条接受身体检查，他适合／不适合 * 在该规例第 IIA 部所适用的工业经营中从事地底工作。

发出日期：.....

签署：.....

(职业健康科主任医生)

注：* 删去不适用者。

(1969 年第 132 号法律公告；1982 年第 248 号法律公告)

FACTORIES AND INDUSTRIAL UNDERTAKINGS REGULATIONS

SECOND SCHEDULE

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.....
(address of industrial undertaking)

I hereby certify that Mr.

(full name)

of

(residential address)

has been examined medically in accordance with regulation 16C(3) of the Factories and Industrial Undertakings Regulations and is fit/unfit* to work underground in an industrial undertaking to which Part IIA of the regulations applies.

Date of issue:

Signed:

(senior occupational health officer)

Note: * Delete whichever is inapplicable.

(L.N. 132 of 1969; L.N. 248 of 1982)

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附表 3

THIRD SCHEDULE

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附表 3

(由 1992 年第 239 号法律公告废除)

THIRD SCHEDULE

(Repealed L.N. 239 of 1992)