

《工廠及工業經營(負荷物移動機械)規例》
(第 59 章, 附屬法例 AG)

Factories and Industrial Undertakings (Loadshifting Machinery) Regulation
(Cap. 59 sub. leg. AG)

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尚未實施的條文 / 修訂 ——

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制定史

本為 2000 年第 85 號法律公告——2003 年第 262 號法律公告，2021 年第 3 號編輯修訂紀錄

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《工廠及工業經營(負荷物移動機械)規例》

(第 59 章第 7 條)

(略去制定語式條文——2021 年第 3 號編輯修訂紀錄)

[2000 年 11 月 20 日] 2000 年第 281 號法律公告
(格式變更——2021 年第 3 號編輯修訂紀錄)

1. (已失時效而略去——2021 年第 3 號編輯修訂紀錄)

2. 釋義

(1) 在本規例中，除文意另有所指外——

叉式起重車 (fork-lift truck) 指任何設有桅桿的自動推進的車輛，而桅桿附有沿著其上移動的以動力操作的裝置，以供升降和運載負荷物之用；

建築地盤 (construction site) 具有《建築地盤(安全)規例》(第 59 章，附屬法例 I) 第 2(1) 條給予該詞的涵義；

負荷物移動機 (loadshifting machine) 指屬附表指明的種類以動力操作的流動機器，該機器須由人在機器上操作；

負責人 (responsible person) 就負荷物移動機而言，指管理或主管該機器的人，但不包括操作該機器的人，亦指控制涉及使用該機器的任何建築工程的進行方式的承建商；如該機器位於建築地盤或用於建築地盤的工程方面，則亦指負責該建築地盤的承建商；(2003 年第 262 號法律公告)

訓練課程 (training course) 指符合以下條件的訓練課程——

- (a) 獲處長認可；
- (b) 為教授某一種類的負荷物移動機的操作而舉辦的；及

Factories and Industrial Undertakings (Loadshifting Machinery) Regulation

(Cap. 59, section 7)

(Enacting provision omitted—E.R. 3 of 2021)

[20 November 2000] L.N. 281 of 2000
(Format changes—E.R. 3 of 2021)

1. (Omitted as spent—E.R. 3 of 2021)

2. Interpretation

(1) In this Regulation, unless the context otherwise requires—

certificate (證書) means a certificate issued to a person by the organizer of a training course which evidences that, by virtue of his attendance at the training course designed for that purpose, he is trained and competent to operate a particular type of loadshifting machine;

construction site (建築地盤) has the meaning assigned to it by regulation 2(1) of the Construction Sites (Safety) Regulations (Cap. 59 sub. leg. I);

fork-lift truck (叉式起重車) means any self-propelled vehicle equipped with a mast along which travels a power-operated device for elevating and carrying loads;

loadshifting machine (負荷物移動機) means a power-operated mobile machine of a type specified in the Schedule and which is operated by a person riding on the machine;

responsible person (負責人), in relation to a loadshifting machine, means a person who is having the management or in charge

- (c) 目的是確保受訓人士有足夠訓練並有足夠能力操作某一種類的負荷物移動機；

證書 (certificate) 指由訓練課程的籌辦人發給某人的證書，證明該人曾憑藉參加目的在於提供訓練和使人有足夠能力操作某類負荷物移動機的訓練課程而受訓練，並有足夠能力操作該類負荷物移動機。

(2021 年第 3 號編輯修訂紀錄)

- (2) 就本規例而言，承建商如在任何建築地盤進行建築工程，即為負責該地盤的承建商，凡在任何建築地盤進行建築工程的承建商多於一名，則在該地盤進行建築工程的總承建商即為負責該地盤的承建商。

3. 負荷物移動機的操作

負荷物移動機的負責人須確保該機器只由符合以下條件的人士操作——

- (a) 年滿 18 歲；及
- (b) 持有適用於該機器所屬種類的負荷物移動機的有效證書。

4. 負責人提供訓練課程的責任

- (1) 除第 (3) 款另有規定外，負荷物移動機的負責人須確保每名由其指派（不論直接或間接指派）操作該機器的僱員均獲提供該機器所屬種類的訓練課程。

of the machine but does not include a person who operates the machine, and the contractor who has control over the way any construction work which involves the use of the machine is carried out and, in the case of a loadshifting machine situated on or used in connection with work on a construction site, also means the contractor responsible for the construction site; (L.N. 262 of 2003)

training course (訓練課程) means a training course that is—

- (a) recognized by the Commissioner;
 - (b) conducted for the purpose of instructing a person in the operation of a type of loadshifting machine; and
 - (c) designed to ensure that a person is adequately trained and competent to operate a type of loadshifting machine.
- (2) For the purposes of this Regulation, a contractor is responsible for a construction site if he is undertaking construction work there or, where there is more than one contractor undertaking construction work at the site, if he is the principal contractor undertaking construction work there.

3. Operation of loadshifting machine

The responsible person of a loadshifting machine shall ensure that the machine is only operated by a person who—

- (a) has attained the age of 18 years; and
- (b) holds a valid certificate applicable to the type of loadshifting machine to which that machine belongs.

4. Duty of responsible person to provide training course

- (1) Subject to subsection (3), the responsible person of a loadshifting machine shall ensure the provision to each of his employees who is instructed (whether directly or indirectly) by him to operate a loadshifting machine of a training course

- (2) 如僱員在參加訓練課程後未能取得證書，負荷物移動機的負責人須確保向該僱員提供與該訓練課程的負荷物移動機種類相同的另一次訓練課程。
- (3) 如僱員持有適用於該機器所屬種類的負荷物移動機的有效證書，則該機器的負責人無須根據該款向該僱員提供訓練課程。

5. 參加訓練課程的責任

除非第 4(1) 條提述的僱員持有適用於該機器所屬種類的負荷物移動機的有效證書，否則該僱員必須參加由該機器的負責人提供的訓練課程。

6. 出示證書

- (1) 操作負荷物移動機的人在職業安全主任提出要求時，須向有關主任出示其有效證書以供查閱。
- (2) 任何人在根據第 (1) 款被要求出示有效證書時，如不能出示該證書，則須在有關主任規定的合理時間地點，出示該證書讓該主任查閱。

7. 豁免

操作卡車或貨車的人，如持有根據《道路交通條例》(第 374 章)發出的駕駛該車所屬種類車輛的有效駕駛執照，則本規例不適用於該人。

conducted for the type of loadshifting machine to which that machine belongs.

- (2) In case the employee fails to obtain a certificate after attending the training course, the responsible person of a loadshifting machine shall ensure the provision of an additional training course conducted for the same type of loadshifting machine as the first-mentioned training course for the employee.
- (3) The responsible person of a loadshifting machine is not obliged to comply with subsection (1) if the employee holds a valid certificate applicable to the type of loadshifting machine to which that machine belongs.

5. Duty of person to attend training course

An employee referred to in section 4(1) is required to attend such training course as may be provided by the responsible person of the loadshifting machine unless he holds a valid certificate applicable to the type of loadshifting machine to which that machine belongs.

6. Production of certificate

- (1) A person who operates a loadshifting machine shall, on being so required by an occupational safety officer, produce his valid certificate to the officer for inspection.
- (2) A person who is unable to produce his valid certificate for inspection when required to do so under subsection (1), shall produce it for inspection by the officer within such reasonable time and at such reasonable place as required by the officer.

7. Exemption

This Regulation does not apply to a person who operates a truck or lorry if he is the holder of a valid driving licence issued under the

8. 罪行及罰則

- (1) 負責人如無合理辯解而違反第 3 條，即屬犯罪，可處第 5 級罰款。
 - (2) 負責人如無合理辯解而違反第 4(1) 條，即屬犯罪，可處第 5 級罰款。
 - (3) 第 4(1) 條提述的僱員如無合理辯解而違反第 5 條，即屬犯罪，可處第 3 級罰款。
 - (4) 操作負荷物移動機的人如無合理辯解而違反第 6 條，即屬犯罪，可處第 3 級罰款。
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Road Traffic Ordinance (Cap. 374) of the class to which the truck or lorry belongs.

8. Offences and penalties

- (1) A responsible person who without reasonable excuse contravenes section 3 commits an offence and is liable to a fine at level 5.
 - (2) A responsible person who without reasonable excuse contravenes section 4(1) commits an offence and is liable to a fine at level 5.
 - (3) An employee referred to in section 4(1) who without reasonable excuse contravenes section 5 commits an offence and is liable to a fine at level 3.
 - (4) Any person who operates a loadshifting machine and who without reasonable excuse contravenes section 6 commits an offence and is liable to a fine at level 3.
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附表

[第 2 條]

第 I 部

在工業經營中使用的負荷物移動機 ——

- (a) 叉式起重車。

第 II 部

在建築地盤使用的負荷物移動機 ——

- (a) 推土機；
- (b) 搬土機；
- (c) 挖掘機；
- (d) 卡車；
- (e) 貨車；
- (f) 壓實機；
- (g) 傾卸車；
- (h) 平土機；
- (i) 機車；
- (j) 鏟運機。

Schedule

[s. 2]

Part I

Loadshifting machines used in industrial undertakings—

- (a) a fork-lift truck.

Part II

Loadshifting machines used on construction sites—

- (a) a bulldozer;
- (b) a loader;
- (c) an excavator;
- (d) a truck;
- (e) a lorry;
- (f) a compactor;
- (g) a dumper;
- (h) a grader;
- (i) a locomotive;
- (j) a scraper.