

《職業安全及健康條例》
(第 509 章)

Occupational Safety and Health Ordinance
(Cap. 509)

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尚未實施的條文 / 修訂 ——

尚未實施的條文及修訂的資料，可於「電子版香港法例」(<http://www.elegislation.gov.hk>) 閱覽。

Provisions / Amendments not yet in operation —

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《職業安全及健康條例》

(第 509 章)

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Occupational Safety and Health Ordinance

(Cap. 509)

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本條例旨在確保正在工作中的任何人的安全及健康，就有關的事宜訂定條文，以及對《工廠及工業經營條例》及《行政上訴委員會條例》作出相應修訂。

An Ordinance to ensure the safety and health of persons when they are at work, to provide for related matters, and to consequentially amend the Factories and Industrial Undertakings Ordinance and the Administrative Appeals Board Ordinance.

[1997 年 5 月 23 日] 1997 年第 281 號法律公告
(格式變更——2018 年第 2 號編輯修訂紀錄)

[23 May 1997] L.N. 281 of 1997
(Format changes—E.R. 2 of 2018)

(略去制定語式條文——2018 年第 2 號編輯修訂紀錄)

(Enacting provision omitted—E.R. 2 of 2018)

第 I 部 導言

Part I Preliminary

1. 簡稱

- (1) 本條例可引稱為《職業安全及健康條例》。
- (2) (已失時效而略去——2018 年第 2 號編輯修訂紀錄)

1. Short title

- (1) This Ordinance may be cited as the Occupational Safety and Health Ordinance.
- (2) (Omitted as spent—E.R. 2 of 2018)

2. 本條例的目的

本條例的目的是——

- (a) 確保在工作中的僱員的安全及健康；
- (b) 訂明會有助於使僱員的工作地點變得對該等僱員更加安全和健康的措施；
- (c) 改善適用於在工作地點使用或存放的若干危險工序、作業裝置及物質的安全及健康標準；
- (d) 一般地對僱員的工作環境的安全和健康方面作出改善。

2. Purposes of Ordinance

The purposes of this Ordinance are as follows—

- (a) to ensure the safety and health of employees when they are at work;
- (b) to prescribe measures that will contribute to making the workplaces of employees safer and healthier for them;
- (c) to improve the safety and health standards applicable to certain hazardous processes, plant and substances used or kept in workplaces;

3. 釋義

(1) 在本條例中，除文意另有所指外——

上訴委員會 (Appeal Board) 指根據《行政上訴委員會條例》(第 442 章) 第 5 條設立的行政上訴委員會；

工作 (work) 指以僱員身分工作；

工作地點 (workplace) 指有僱員工作的任何地方，但不包括以下任何一項——

- (a) 位於公眾地方的飛機或船隻；
- (b) 當經設計為運載人、動物或貨物的載具或使用作如此運載用途的載具位於任何公眾地方時，通常由該載具的司機佔用的座位或位置；
- (c) 在其內的僱員均屬家庭傭工的住宅處所；
- (d) 只有自僱人士工作的地方；
- (e) 屬規例為施行本段而訂明的種類的任何其他地方；

工作地點工作守則 (workplace code of practice) 指根據第 40(1) 條發出的工作守則，亦指經修訂的該工作守則 (如該守則曾經修訂)；

公眾地方 (public place) 指——

- (a) 任何公眾街道、碼頭或公園；或
- (b) 鐵路的永久通道；或
- (c) 水域的任何部分或任何公眾可航行的水道；或
- (d) 香港上空的任何部分；或
- (e) 任何人有權進入的任何其他地方 (不論是否須付款)；

公職分析員 (public analyst) 指政府化驗師、政府病理學家或由行政長官為施行本條例而以書面委任的任何分析員；(由 2000 年第 54 號第 3 條修訂)

(d) generally to improve the safety and health aspects of working environments of employees.

3. Interpretation

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

activity (活動) includes operation and process;

Appeal Board (上訴委員會) means the Administrative Appeals Board established under section 5 of the Administrative Appeals Board Ordinance (Cap. 442);

bodily injury (身體傷害) includes injury to health;

Commissioner (處長) means the Commissioner for Labour;

court (法庭) includes a magistrate;

dangerous occurrence (危險事故) means an occurrence of a kind specified in Schedule 1;

domestic premises (住宅處所) means premises occupied as a private dwelling;

domestic servant (家庭傭工) has the same meaning as in the Employment Ordinance (Cap. 57);

employee (僱員) means a natural person who works under a contract of employment or apprenticeship, but does not include a domestic servant;

employer (僱主) means a person who employs natural persons under contracts of employment or apprenticeship;

function (職能) includes a power and a duty;

identity card (身分證) means an identity card issued under the Registration of Persons Ordinance (Cap. 177);

improvement notice (敦促改善通知書) means a notice served under section 9;

危險事故 (dangerous occurrence) 指屬附表 1 指明的種類的事故；

住宅處所 (domestic premises) 指作為私人住宅而佔用的處所；

佔用人 (occupier) 就任何處所或工作地點而言，包括具有對該處所或工作地點有任何程度控制權的任何人，並尤其包括第 (5) 或 (6) 款適用的人；

作業裝置 (plant) 包括機械、設備、器具、家具、裝設及裝置；

身分證 (identity card) 指根據《人事登記條例》(第 177 章) 發給的身分證；

身體傷害 (bodily injury) 包括對健康造成的傷害；

法庭 (court) 包括裁判官；

物質 (substance) 指天然或人工的物質，不論是處於固體、液體、氣體或蒸汽的形態；

活動 (activity) 包括操作及工序；

紀錄 (record) 包括以電子形式記錄的資料；

負責人 (person responsible) 就任何工作地點而言，具有第 (2) 款給予該詞的涵義；

家庭傭工 (domestic servant) 的涵義與《僱傭條例》(第 57 章) 中該詞的涵義相同；

船隻 (vessel) 的涵義與《船舶及港口管制條例》(第 313 章) 第 2 條中該詞的涵義相同；(由 2014 年第 150 號法律公告修訂)

處所 (premises) 包括任何載具及任何公眾地方，並包括個別處所的一部分；

處長 (Commissioner) 指勞工處處長；

規例 (regulation) 指根據本條例訂立的規例；

敦促改善通知書 (improvement notice) 指根據第 9 條送達的通知書；

僱主 (employer) 指根據僱傭合約或學徒合約僱用自然人的人；

僱員 (employee) 指任何根據僱傭合約或學徒合約工作的自然人，但不包括家庭傭工；

occupational safety officer (職業安全主任) means a public officer designated as such under section 20 or a person taken to be so designated because of that section;

occupier (佔用人), in relation to any premises or workplace, includes a person who has any degree of control over the premises or workplace and, in particular, includes a person to whom subsection (5) or (6) applies;

offence of strict liability (嚴格法律責任罪行) means an offence in relation to the prosecution of which it is not necessary for the prosecutor to prove—

- that the defendant did the act or omission constituting the offence intentionally, knowingly or recklessly; or
- that the defendant had knowledge of any specific ingredient of the offence;

person responsible (負責人), in relation to a workplace, has the meaning given by subsection (2);

plant (作業裝置) includes machinery, equipment, appliances, furniture, furnishings and fittings;

premises (處所) includes any vehicle and any public place, and also includes a part of particular premises;

public analyst (公職分析員) means the Government Chemist, the Government Pathologist or any analyst appointed in writing by the Chief Executive for the purposes of this Ordinance; (Amended 54 of 2000 s. 3)

public place (公眾地方) means—

- any public street, pier or public garden; or
- the permanent way of a railway; or
- any part of the territorial sea or any publicly navigable waterway; or
- any part of the airspace above Hong Kong; or

暫時停工通知書 (suspension notice) 指根據第 10 條送達的通知書；

職能 (function) 包括權力及責任；

職業安全主任 (occupational safety officer) 指根據第 20 條指定為職業安全主任的公職人員或因該條而被視作如此指定的人；

嚴重身體傷害 (serious bodily injury) 就任何人而言，包括任何導致該人進入醫院或診所接受治療或觀察的身體傷害；

嚴格法律責任罪行 (offence of strict liability) 指任何符合以下說明的罪行：就該罪行提出檢控時，檢控人不需要證明——

- (a) 被告人蓄意地作出或明知而作出或罔顧後果地作出構成該罪行的作為或蓄意地有或明知而有或罔顧後果地有構成該罪行的不作為；或
 - (b) 被告人知悉該罪行的任何特定要素。
- (編輯修訂——2018 年第 2 號編輯修訂紀錄)
- (2) 就本條例而言，工作地點的負責人是受僱於該工作地點工作的僱員的僱主；如該僱主並沒有對該工作地點的有關部分或方面行使任何程度的控制權，則工作地點的負責人指該工作地點的佔用人。
 - (3) 就本條例而言，因在工作中的人的活動而引起的危險，視作包括可歸因於進行經營的方式的危險、可歸因於在與經營有關連的情況下使用的作業裝置或物質的危險以及可歸因於如此使用的處所的狀況的危險。
 - (4) 就本條例而言，任何人只有在確實身處工作地點的時間，方屬在工作中。然而，任何人如以乘客的身分由**工作地點**的定義的 (b) 段所提述的載具運載，而運載的情況與任何適用於運載並非在工作地點工作的人士的情況無異，則就本條例而言，該人不可視作在工作地點工作。
 - (5) 任何人如根據任何租契或合約就以下事宜承擔責任——

- (e) any other place to which people are entitled to have access whether with or without payment;

record (紀錄) includes information recorded in electronic form;

regulation (規例) means a regulation under this Ordinance;

serious bodily injury (嚴重身體傷害), in relation to a person, includes any bodily injury that results in the person's admission at a hospital or clinic for treatment or observation;

substance (物質) means a natural or artificial substance, whether in the form of a solid, liquid, gas or vapour;

suspension notice (暫時停工通知書) means a notice served under section 10;

vessel (船隻) has the same meaning as in section 2 of the Shipping and Port Control Ordinance (Cap. 313);

work (工作) means work as an employee;

workplace (工作地點) means any place where employees work, but does not include any of the following—

- (a) an aircraft or vessel when located in a public place;
- (b) when a vehicle that is designed or used for the carriage of people, animals or goods is located in a public place, the seat or position normally occupied by the driver of the vehicle;
- (c) domestic premises at which the only employees are domestic servants;
- (d) a place at which only self-employed persons work;
- (e) any other place of a kind prescribed by a regulation for the purposes of this paragraph;

workplace code of practice (工作地點工作守則) means a code of practice issued under section 40(1) and, if such a code has been amended, means the code as amended.

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- (a) 處所的維修或修葺；或
- (b) 任何置於處所的作業裝置或物質的安全或沒有因任何置於處所的作業裝置或物質的狀況或使用而對健康產生的危險，
- 則就本條例而言，該人被視為該處所的佔用人。
- (6) 任何人如根據任何租契或合約就提供、維修或修葺進出處所的途徑而承擔責任，則就本條例而言，該人被視為該處所的佔用人。
- (7) 第 (5) 及 (6) 款不適用於屬住宅處所佔用人身分的人。

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- (2) For the purposes of this Ordinance, the person responsible for a workplace is the employer of the employees who are employed to carry out work there, or if the employer does not exercise any degree of control over the relevant part or aspect of the workplace, means the occupier of the workplace.
- (3) For the purposes of this Ordinance, risks arising out of the activities of persons at work are taken to include risks attributable to the manner of conducting an undertaking, risks attributable to the plant or substances used in connection with an undertaking and risks attributable to the condition of premises so used.
- (4) For the purposes of this Ordinance, a person is at work only during the time when the person is actually at a workplace. However, a person is not to be regarded as being at work at a workplace for those purposes when the person is being conveyed as a passenger in a vehicle referred to in paragraph (b) of the definition of *workplace* in circumstances no different from those applicable to persons being so conveyed who are not at work at a workplace.
- (5) A person who, under a lease or contract, has an obligation for—
- (a) the maintenance or repair of premises; or
- (b) the safety of, or the absence of risks to health arising from the condition or use of, any plant or substance located on premises,
- is taken to be an occupier of the premises for the purposes of this Ordinance.
- (6) A person who, under a lease or contract, has an obligation to provide, maintain or repair a means of access to, or egress from, premises is taken to be an occupier of the premises for the purposes of this Ordinance.

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4. 條例對某些人士的適用範圍

本條例只適用於以僱主身分行事的獨立承辦商及自僱人士或只以工作地點所在的處所的佔用人身分行事的獨立承辦商及自僱人士。

5. 條例對政府具約束力

- (1) 本條例對政府具約束力。
- (2) 政府或任何以公職人員身分行事的公職人員均不會被控犯違反本條例的任何罪行。

- (7) Subsections (5) and (6) do not apply to persons in their capacity as occupiers of domestic premises.

4. Application of Ordinance to certain persons

This Ordinance applies to independent contractors and self-employed persons only in their capacity as employers or as occupiers of premises where workplaces are located.

5. Ordinance to bind Government

- (1) This Ordinance binds the Government.
- (2) Neither the Government nor any public officer in the officer's capacity as such is liable to be prosecuted for an offence against this Ordinance.

第 II 部**對在工作中的僱員的安全及健康的責任****6. 僱主須確保僱員的安全及健康**

- (1) 每名僱主均須在合理地切實可行範圍內，確保其所有在工作中的僱員的安全及健康。
- (2) 僱主沒有遵守第 (1) 款的情況，包括（但不限於）下述各項——
 - (a) 沒有提供或維持在合理地切實可行範圍內屬安全和不曾危害健康的作業裝置及工作系統；
 - (b) 沒有作出有關的安排，以在合理地切實可行範圍內確保在使用、處理、貯存或運載作業裝置或物質方面是安全和不曾危害健康的；
 - (c) 沒有提供所需的資料、指導、訓練及監督，以在合理地切實可行範圍內確保其在工作中的僱員的安全及健康；
 - (d) 對於任何由僱主控制的工作地點——
 - (i) 沒有維持該工作地點處於在合理地切實可行範圍內屬安全和不曾危害健康的情況；或
 - (ii) 沒有提供或維持在合理地切實可行範圍內屬安全和不曾危害健康的進出該工作地點的途徑；
 - (e) 沒有為其僱員提供或維持在合理地切實可行範圍內屬安全和不曾危害健康的工作環境。
- (3) 任何僱主沒有遵守第 (1) 款，即屬犯罪，一經定罪，可處罰款 \$200,000。

Part II**Responsibility for Safety and Health of Employees at Work****6. Employers to ensure safety and health of employees**

- (1) Every employer must, so far as reasonably practicable, ensure the safety and health at work of all the employer's employees.
- (2) The cases in which an employer fails to comply with subsection (1) include (but are not limited to) the following—
 - (a) a failure to provide or maintain plant and systems of work that are, so far as reasonably practicable, safe and without risks to health;
 - (b) a failure to make arrangements for ensuring, so far as reasonably practicable, safety and absence of risks to health in connection with the use, handling, storage or transport of plant or substances;
 - (c) a failure to provide such information, instruction, training and supervision as may be necessary to ensure, so far as reasonably practicable, the safety and health at work of the employer's employees;
 - (d) as regards any workplace under the employer's control—
 - (i) a failure to maintain the workplace in a condition that is, so far as reasonably practicable, safe and without risks to health; or
 - (ii) a failure to provide or maintain means of access to and egress from the workplace that are, so far as reasonably practicable, safe and without any such risks;

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- (4) 任何僱主如蓄意地沒有遵守第 (1) 款或明知而沒有遵守第 (1) 款或罔顧後果地沒有遵守第 (1) 款，即屬犯罪，一經定罪，可處罰款 \$200,000 及監禁 6 個月。

7. 處所佔用人須確保在該等處所受僱的人安全及健康

- (1) 任何僱員的工作地點如位於不受其僱主控制的處所，則該處所的佔用人須確保——
- 該處所；及
 - 進出該處所的途徑；及
 - 存放於該處所的任何作業裝置或物質，在合理地切實可行範圍內是安全和不會危害健康的。
- (2) 任何佔用人如沒有遵守第 (1) 款，即屬犯罪，一經定罪，可處罰款 \$200,000。
- (3) 任何佔用人如蓄意地沒有遵守第 (1) 款或明知而沒有遵守第 (1) 款或罔顧後果地沒有遵守第 (1) 款，即屬犯罪，一經定罪，可處罰款 \$200,000 及監禁 6 個月。

8. 工作中的僱員須照顧其他人並須與僱主合作

- (1) 任何在工作中的僱員——

- (e) a failure to provide or maintain a working environment for the employer's employees that is, so far as reasonably practicable, safe and without risks to health.

- (3) An employer who fails to comply with subsection (1) commits an offence and is liable on conviction to a fine of \$200,000.
- (4) An employer who fails to comply with subsection (1) intentionally, knowingly or recklessly commits an offence and is liable on conviction to a fine of \$200,000 and to imprisonment for 6 months.

7. Occupier of premises to ensure safety and health of persons employed at those premises

- (1) If an employee's workplace is located on premises that are not under the control of the employee's employer, the occupier of the premises must ensure that—
- the premises; and
 - the means of access to and egress from the premises; and
 - any plant or substances kept at the premises, are, so far as reasonably practicable, safe and without risks to health.
- (2) An occupier who fails to comply with subsection (1) commits an offence and is liable on conviction to a fine of \$200,000.
- (3) An occupier who fails to comply with subsection (1) intentionally, knowingly or recklessly commits an offence and is liable on conviction to a fine of \$200,000 and to imprisonment for 6 months.

8. Employees at work to take care of others and to co-operate with employer

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- (a) 須在合理地切實可行範圍內，照顧在其工作地點並有可能因其在工作中的作為或不作為而受影響的人（包括僱員本身）的安全及健康；及
 - (b) 對於本條例或任何其他條例為確保安全或健康而施加於其僱主或任何其他人的任何規定，須在合理地切實可行範圍內，盡量在所需的情況下與其僱主或該等其他人合作以使該等規定得以遵守。
- (2) 任何僱員如沒有遵守第 (1) 款，即屬犯罪，一經定罪，可處第 3 級罰款。
 - (3) 任何僱員如蓄意地沒有遵守第 (1) 款或明知而沒有遵守第 (1) 款或罔顧後果地沒有遵守第 (1) 款，即屬犯罪，一經定罪，可處第 5 級罰款及監禁 6 個月。
-

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Section 8

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- (1) An employee while at work—
 - (a) must, so far as reasonably practicable, take care for the safety and health of persons (including the employee) who are at the employee's workplace and who may be affected by the employee's acts or omissions at work; and
 - (b) as regards any requirement imposed in the interests of safety or health on the employee's employer or any other person by this or any other Ordinance, must, so far as reasonably practicable, co-operate with the employer or other person so far as may be necessary to enable the requirement to be complied with.
 - (2) An employee who fails to comply with subsection (1) commits an offence and is liable on conviction to a fine at level 3.
 - (3) An employee who fails to comply with subsection (1) intentionally, knowingly or recklessly commits an offence and is liable on conviction to a fine at level 5 and to imprisonment for 6 months.
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第 III 部

強制執行

9. 處長可向僱主或佔用人送達敦促改善通知書

- (1) 處長如認為僱主或工作地點所在的處所的佔用人有以下情況，可向該僱主或佔用人送達敦促改善通知書——
 - (a) 正在違反本條例或《工廠及工業經營條例》(第 59 章)；或
 - (b) 已違反上述條例的其中一條而違反情況令該違例事項相當可能繼續或重覆。
- (2) 敦促改善通知書必須——
 - (a) 以書面發出；及
 - (b) 指出有關的僱主或佔用人；及
 - (c) 述明處長認為該僱主或佔用人正在違反本條例或《工廠及工業經營條例》(第 59 章)或已在第 (1)(b) 款所提述的情況下違反上述條例的其中一條；及
 - (d) 指明處長認為遭違反的本條例或《工廠及工業經營條例》(第 59 章)的條文；及
 - (e) 規定該僱主或佔用人須——
 - (i) 在該通知書指明的限期內對該違例事項作出補救；或
 - (ii) 停止繼續或重覆該違例事項。
- (3) 依據第 (2)(e)(i) 款指明的限期，必須是在顧及施加予有關的僱主或佔用人的規定後屬合理的期限。
- (4) 處長可藉送達有關的僱主或佔用人的書面通知修訂或撤銷任何敦促改善通知書或暫停其實施。

Part III

Enforcement

9. Commissioner may serve improvement notice on employer or occupier

- (1) The Commissioner may serve an improvement notice on an employer, or an occupier of premises where a workplace is located, if of the opinion that the employer or occupier—
 - (a) is contravening this Ordinance or the Factories and Industrial Undertakings Ordinance (Cap. 59); or
 - (b) has contravened either of those Ordinances in circumstances that make it likely that the contravention will be continued or repeated.
- (2) An improvement notice must—
 - (a) be in writing; and
 - (b) identify the employer or occupier concerned; and
 - (c) state that the Commissioner is of the opinion that the employer or occupier is contravening this Ordinance or the Factories and Industrial Undertakings Ordinance (Cap. 59), or has contravened either of those Ordinances in circumstances referred to in subsection (1)(b); and
 - (d) specify the provision of this Ordinance or the Factories and Industrial Undertakings Ordinance (Cap. 59) in relation to which the Commissioner has formed that opinion; and
 - (e) require the employer or occupier either—
 - (i) to remedy the contravention within a period specified in the notice; or

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- (5) 任何僱主或佔用人如無合理辯解而沒有遵從敦促改善通知書的規定，即屬犯罪，一經定罪，可處罰款 \$200,000 及監禁 12 個月。
- (6) 在就違反第 (5) 款的罪行而進行的法律程序中，如被告人證明遵從敦促改善通知書的規定不屬合理地切實可行，該被告人即有不遵從該規定的合理辯解。

10. 處長可向僱主或佔用人送達暫時停工通知書

- (1) 處長如認為因以下事宜而有造成死亡或嚴重身體傷害的迫切危險——
- 在工作地點所在的處所進行的活動；或
 - 在工作地點所在的處所或置於該處所的任何作業裝置或物質的狀況或使用，
- 則他可向就該處所負責的僱主或該處所的佔用人送達暫時停工通知書。
- (2) 暫時停工通知書必須——
- 以書面發出；及
 - 指出有關的僱主或佔用人；及

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- (ii) to refrain from continuing or repeating the contravention.
- (3) The period specified in subsection (2)(e)(i) must be a reasonable one having regard to the requirement imposed on the employer or occupier concerned.
- (4) The Commissioner may, by notice in writing served on the employer or occupier concerned, amend or revoke an improvement notice or suspend its operation.
- (5) An employer or occupier who, without reasonable excuse, fails to comply with a requirement of an improvement notice commits an offence and is liable on conviction to a fine of \$200,000 and to imprisonment for 12 months.
- (6) In proceedings for an offence against subsection (5), the defendant has a reasonable excuse for not complying with a requirement of an improvement notice if the defendant establishes that it was not reasonably practicable to comply with the requirement.

10. Commissioner may serve suspension notice on employer or occupier

- (1) The Commissioner may serve a suspension notice on an employer who is responsible for, or on an occupier of, premises where a workplace is located, if of the opinion that because of—
- an activity undertaken on the premises; or
 - the condition or use of the premises or of any plant or substance located on the premises,
- there is an imminent risk of death or serious bodily injury.
- (2) A suspension notice must—
- be in writing; and
 - identify the employer or occupier concerned; and

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- (c) 指明處長認為產生或相當可能產生造成死亡或嚴重身體傷害的危險的事宜；及
- (d) 指示在該通知書仍然有效的期間不得進行的活動或不得使用的處所、作業裝置或物質。
- (3) 暫時停工通知書在其送達日期或該通知書指明的較後的日期生效，並繼續有效（但當其實施遭暫停時則屬例外），直至被撤銷為止。
- (4) 凡暫時停工通知書就任何活動、處所、作業裝置或物質而言屬有效，則處長在信納以下事宜不再產生和不再相當可能產生造成死亡或嚴重身體傷害的迫切危險後——
- (a) 在該處所進行活動；或
- (b) 該處所或置於該處所的任何作業裝置或物質的狀況或使用，
- 必須藉送達有關的僱主或佔用人的書面通知，撤銷該暫時停工通知書。
- (5) 處長可藉送達有關的僱主或佔用人的書面通知修訂暫時停工通知書或暫停其實施。
- (6) 任何僱主或佔用人如無合理辯解而違反暫時停工通知書，即屬犯罪，一經定罪——
- (a) 可處罰款 \$500,000 及監禁 12 個月；及
- (b) 可就犯罪者明知而蓄意繼續該違反事項期間的每日（不足一日亦作一日計），另處罰款 \$50,000。

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- (c) specify the matters that, in the Commissioner's opinion, create, or are likely to create, a risk of death or serious bodily injury; and
- (d) direct the activity not to be undertaken, or the premises, plant or substance not to be used, while the notice remains in force.
- (3) A suspension notice takes effect on the date on which it is served, or on such later date as is specified in the notice, and, except when its operation is suspended, remains in force until it is revoked.
- (4) Where a suspension notice is in force in relation to an activity, premises, plant or a substance, the Commissioner must, by notice in writing served on the employer or occupier concerned, revoke the suspension notice on being satisfied that—
- (a) the undertaking of the activity on the premises; or
- (b) the condition or use of the premises, or of any plant or substance located on the premises,
- no longer creates, and is no longer likely to create, an imminent risk of death or serious bodily injury.
- (5) The Commissioner may, by notice in writing served on the employer or occupier concerned, amend a suspension notice or suspend its operation.
- (6) An employer or occupier who, without reasonable excuse, contravenes a suspension notice commits an offence and is liable on conviction—
- (a) to a fine of \$500,000 and to imprisonment for 12 months; and
- (b) to a further fine of \$50,000 for each day or part of a day during which the offender knowingly and intentionally continues the contravention.

11. 僱主或佔用人要求覆核暫時停工通知書的權利

- (1) 在獲送達暫時停工通知書後的 28 天內，有關的僱主或佔用人可以書面向處長申請覆核該通知書。
- (2) 申請必須 ——
 - (a) 以書面提出；及
 - (b) 指明該申請所基於的理由。
- (3) 在收到申請覆核暫時停工通知書後的 14 天內，處長必須藉確認、撤銷或更改該通知書而對該申請作出決定。
- (4) 處長必須在對覆核暫時停工通知書的申請作出決定後的切實可行範圍內盡快藉書面通知，將該決定通知申請人。如該暫時停工通知書在覆核後並沒有遭撤銷，則該決定必須載有作出該決定的原因的陳述。
- (5) 如處長在收到申請後的 14 天內沒有對覆核的申請作出決定，則該暫時停工通知書視作被撤銷。
- (6) 除第 (5) 款另有規定外，暫時停工通知書的實施不受根據本條提出的申請或根據第 12 條提出的上訴所影響。

12. 僱主或佔用人可針對處長的決定而向上訴委員會提出上訴

- (1) 任何受處長根據第 11 條作出的決定影響的僱主或佔用人，可針對該決定向上訴委員會提出上訴。
- (2) 上訴必須在以書面將該決定通知有關的僱主或佔用人後的 28 天內向上訴委員會提出。

11. Right of employer or occupier to have suspension notice reviewed

- (1) Within 28 days after being served with a suspension notice, the employer or occupier concerned may make an application in writing to the Commissioner for a review of the notice.
- (2) An application must—
 - (a) be in writing; and
 - (b) specify the grounds on which it is based.
- (3) Within 14 days after receiving an application for the review of a suspension notice, the Commissioner must determine the application either by confirming the notice or by revoking or varying it.
- (4) As soon as practicable after determining an application for the review of a suspension notice, the Commissioner must, by written notice, inform the applicant of the decision. If the suspension notice is not revoked as a result of the review, the decision must contain a statement of the reasons for the decision.
- (5) A suspension notice is taken to be revoked if the Commissioner fails to determine an application for its review within 14 days after receiving the application.
- (6) Subject to subsection (5), the operation of a suspension notice is not affected by the making of an application under this section or the lodgement of an appeal under section 12.

12. Employer or occupier may appeal to Appeal Board against Commissioner's decision

- (1) An employer or occupier affected by a decision of the Commissioner under section 11 may appeal to the Appeal Board against the decision.

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- (3) 上訴委員會在聆訊根據本條提出的關於暫時停工通知書的上訴後——
- (a) 可基於導致送達該通知書的情況已不再存在的理由或該通知書所載的指示屬不合理的理由而撤銷該通知書；
 - (b) 如信納導致送達該通知書的情況繼續存在，則上訴委員會可基於該通知書所載的指示屬不合理的理由而修改該通知書；
 - (c) 可基於導致送達該通知書的情況繼續存在和該通知書所載的指示屬合理的理由而駁回該上訴。
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- (2) An appeal must be lodged with the Appeal Board within 28 days after the decision is notified in writing to the employer or occupier concerned.
- (3) On the hearing of an appeal under this section relating to a suspension notice, the Appeal Board may do one of the following—
- (a) revoke the notice on the grounds that the circumstances that gave rise to the service of the notice have ceased to exist or that the directions contained in the notice are unreasonable;
 - (b) if satisfied that the circumstances that gave rise to the service of the notice continue to exist, modify the notice on the ground that the directions contained in the notice are unreasonable;
 - (c) refuse the appeal on the grounds that the circumstances that gave rise to the service of the notice continue to exist and that the directions contained in the notice are reasonable.
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第 IV 部**工作地點意外及職業病****13. 工作地點的負責人須就意外及其他事宜發出通知**

- (1) 如 ——
- (a) 在工作地點發生意外；及
- (b) 該意外造成僱員死亡或遭受嚴重身體傷害，
- 則該工作地點的負責人必須在該意外發生的時間後的 24 小時內將該意外通知一名職業安全主任。
- (2) 如 ——
- (a) 根據第 (1) 款發出的意外通知不是載於載有第 (3) 款所規定的詳情的書面報告內；或
- (b) 發生於工作地點的意外 (已根據第 (1) 款通知的意外則除外) 的受害人已因該意外而喪失工作能力，而該受害人是僱員，
- 則該工作地點的負責人必須在該意外發生的日期後的 7 天內以書面向一名職業安全主任報告該意外。
- (3) 為施行第 (2) 款而擬備的報告必須載有以下詳情 ——
- (a) 有關處所的佔用人的姓名或名稱及其主要營業地址；
- (b) 受害人的僱主的姓名或名稱及其主要營業地址 (如該僱主不是該處所的佔用人)；
- (c) 意外受害人的姓名、住址、性別、身分證號碼、年齡 (如知道的話) 及職業 (如有的話)；
- (d) 在工作地點進行的工業、商業或其他活動的細節；
- (e) 該意外的詳情，包括身體傷害和是否隨之而導致死亡或喪失工作能力，以及在意外發生時受害人正進行的活動。

Part IV**Workplace Accidents and Occupational Diseases****13. Person responsible for workplace to notify accidents and other matters**

- (1) If—
- (a) an accident occurs at a workplace; and
- (b) the accident causes the death of, or serious bodily injury to, an employee,
- the person responsible for the workplace must notify the accident to an occupational safety officer within 24 hours after the time when the accident occurred.
- (2) If—
- (a) notification of an accident under subsection (1) is not contained in a written report that contains the particulars required by subsection (3); or
- (b) an employee who is a victim of an accident that has occurred at a workplace (other than an accident notified under subsection (1)) has been incapacitated by the accident,
- the person responsible for the workplace must in writing report the accident to an occupational safety officer within 7 days after the date of the accident.
- (3) A report prepared for the purposes of subsection (2) must contain the following particulars—
- (a) the name and principal business address of the occupier of the premises concerned;

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- (4) 如意外的通知已按照《僱員補償條例》(第 282 章) 第 15 條發出，則無須根據第 (3) 款作出意外報告。
- (5) 如在工作地點發生的意外的受害人在已按照本條發出通知或作出報告該意外後死亡，則該工作地點的負責人必須在獲悉該宗死亡後的 24 小時內向一名職業安全主任及最接近該工作地點的警署的負責警務人員報告該宗死亡。該報告可以口頭或書面作出。
- (6) 任何工作地點的負責人如沒有遵守本條的規定，即屬犯罪，一經定罪，可處第 5 級罰款。
- (7) 在本條中——
- 喪失工作能力** (incapacitated) 就任何意外的受害人而言，指該受害人永久或暫時喪失以任何身分工作的能力，而若無發生該意外的話，該受害人本應有能力以該身分工作；
- 意外** (accident) 包括對任何人的健康造成具損害性的影響的事件。
- (8) 就本條而言，喪失工作能力的情況須最少令意外的受害人在 3 天內不能工作，該受害人才算是喪失工作能力。

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- (b) if the victim is an employee of an employer who is not the occupier of the premises, the name and principal business address of the employer;
- (c) the name, residential address, gender, identity card number, age (if known) and occupation (if any) of the victim of the accident;
- (d) details of the industrial, commercial or other activities carried on at the workplace;
- (e) particulars of the accident, including the injury and whether death or incapacity ensued and the activity that the victim was engaged in at the time of the accident.
- (4) A report of an accident is not required under subsection (3) if notice of the accident has been given in accordance with section 15 of the Employees' Compensation Ordinance (Cap. 282).
- (5) If a victim of an accident that occurred at a workplace dies after the accident has been notified or reported in accordance with this section, the person responsible for the workplace must, within 24 hours after becoming aware of the death, report the death to an occupational safety officer and to the police officer in charge of the police station nearest to the workplace. The report can be made orally or in writing.
- (6) A person responsible for a workplace who fails to comply with a requirement of this section commits an offence and is liable on conviction to a fine at level 5.
- (7) In this section—
- accident** (意外) includes any event that detrimentally affects the health of a person;
- incapacitated** (喪失工作能力), in relation to a victim of an accident, means that the victim is permanently or temporarily

14. 有關的處所的佔用人須向職業安全主任報告危險事故

- (1) 工作地點所在的處所的佔用人必須向一名職業安全主任報告任何發生於該工作地點的危險事故。
- (2) 該報告必須以書面作出，並在有關的危險事故發生後的 24 小時內提交。
- (3) 該報告必須載有以下詳情——
 - (a) 該事故發生的時間；
 - (b) 對財產造成的損害或財產遭損壞的詳情；
 - (c) 該事故的情況。
- (4) 儘管已按照第 13 條就該事故發出通知或作出報告，本條仍必須獲遵守。
- (5) 任何處所的佔用人如沒有遵守本條的規定，即屬犯罪，一經定罪，可處第 5 級罰款。

15. 醫生須向處長呈報職業病

- (1) 任何醫生如在檢驗任何僱員或前僱員時或在檢驗在緊接死亡前是僱員或前僱員的人的屍體時——
 - (a) 發現或懷疑該僱員或前僱員現正或曾經患上附表 2 所指明的職業病；及

incapacitated from working in any capacity in which, but for the accident, the victim would have been capable of working.

- (8) For the purposes of this section, a victim of an accident is incapacitated from working only if the incapacity prevents the victim from working for at least 3 days.

14. Occupier of relevant premises to report dangerous occurrence to occupational safety officer

- (1) The occupier of premises where a workplace is located must report to an occupational safety officer any dangerous occurrence that occurs at the workplace.
- (2) The report must be in writing and be lodged within 24 hours after the dangerous occurrence concerned.
- (3) The report must contain the following particulars—
 - (a) the time of the occurrence;
 - (b) particulars of damage to, or the destruction of, property;
 - (c) the circumstances of the occurrence.
- (4) This section must be complied with even though the occurrence has been notified or reported in accordance with section 13.
- (5) An occupier of premises who fails to comply with a requirement of this section commits an offence and is liable on conviction to a fine at level 5.

15. Medical practitioner to notify occupational disease to Commissioner

- (1) If, on examining an employee or a former employee or the body of a person who was immediately before the death an employee or former employee, a medical practitioner—

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(b) 相信該疾病是或可能是可歸因於該附表第 3 欄所指明的職業，

該醫生必須將該項發現或懷疑呈報處長。

- (2) 該呈報必須以處長提供的表格或認可的格式以書面作出，並於達成有關結論後在切實可行範圍內盡快提交。
- (3) 任何醫生如無合理辯解而沒有遵守本條，即屬犯罪，一經定罪，可處第 3 級罰款。

16. 為在工作地點發生的意外或危險事故而進行的非正式研訊

- (1) 凡在工作地點發生意外或危險事故，處長可安排進行研訊，以斷定該意外或事故的起因及其發生的情況。
- (2) 研訊由處長指定的職業安全主任進行。
- (3) 獲指定進行研訊的職業安全主任須以非正式的方式進行研訊和向處長報告該研訊的裁斷。該報告必須以書面作出。
- (4) 進行研訊的職業安全主任如在該研訊過程中認為基於以下原因，完成該研訊是不可能的——
 - (a) 該主任覺得掌握有關資料或有關文件的任何人，不能夠或不願意——
 - (i) 提供該資料；或
 - (ii) 出示該文件；或
 - (iii) 回答關於任何有關事宜的問題；或
 - (b) 任何其他理由，

(a) finds or suspects that the employee or former employee is or was suffering from an occupational disease specified in Schedule 2; and

(b) believes that the disease was or may have been attributable to an occupation specified in column 3 of that Schedule,

the practitioner must notify the finding or suspicion to the Commissioner.

- (2) The notification must be in writing and on a form provided or approved by the Commissioner and must be lodged as soon as practicable after the conclusion is formed.
- (3) A medical practitioner who, without reasonable excuse, fails to comply with this section commits an offence and is liable on conviction to a fine at level 3.

16. Holding of informal inquiry into workplace accident or dangerous occurrence

- (1) Whenever an accident or dangerous occurrence occurs in a workplace, the Commissioner may arrange for an inquiry to be held to determine the causes of the accident or occurrence and the circumstances in which it occurred.
- (2) An occupational safety officer designated by the Commissioner is to conduct the inquiry.
- (3) The occupational safety officer designated to conduct an inquiry is required to conduct the inquiry in an informal manner and to report the findings of the inquiry to the Commissioner. The report must be in writing.
- (4) The occupational safety officer conducting an inquiry may terminate the inquiry if, in the course of the inquiry, that officer considers that it is not possible to conclude the inquiry—

則該主任可終止該研訊。

- (5) 在根據第 (4) 款終止研訊後，有關的職業安全主任必須將終止研訊一事通知處長。該通知必須以書面作出，並必須述明終止的理由。
- (6) 本條適用於任何意外或危險事故，不論它是否涉及任何人的死亡或對任何人造成的身體傷害。

17. 為在工作地點發生的意外或危險事故而進行的正式研訊

- (1) 在根據第 16 條收到終止通知後，處長可安排就意外或危險事故的起因及其發生的情況，進行研訊。
- (2) 處長可親自進行研訊或指定一名勞工處副處長進行該研訊。
- (3) 進行研訊的處長或勞工處副處長可——
 - (a) 訊問經宣誓的證人及各方；及
 - (b) 藉書面通知，指示證人出席研訊以作證或出示文件或提供其他關鍵性證據。
- (4) 任何人不可被要求在研訊中出示他不可被要求在法庭的民事法律程序中出示的任何文件，亦不可被要求在研訊中提供他不可被要求在法庭的民事法律程序中提供的其他關鍵性證據。
- (5) 進行研訊的處長或勞工處副處長不受證據規則的約束，並可收取他覺得與裁定現正研訊的事宜有關的任何證據。

- (a) because a person who appears to that officer to have relevant information or relevant documents is unable or unwilling—
 - (i) to provide the information; or
 - (ii) to produce the documents; or
 - (iii) to answer questions about any relevant matter; or
- (b) for any other reason.
- (5) On terminating an inquiry under subsection (4), the occupational safety officer concerned must notify the termination to the Commissioner. The notice must be in writing and must state the reasons for the termination.
- (6) This section applies to an accident or dangerous occurrence whether or not it involves the death of, or bodily injury to, a person.

17. Holding of formal inquiry into workplace accident or dangerous occurrence

- (1) On receiving a termination notice under section 16, the Commissioner may arrange for an inquiry to be held into the causes of the accident or dangerous occurrence and the circumstances in which it occurred.
- (2) The Commissioner may conduct the inquiry personally or designate a deputy commissioner for labour to conduct it.
- (3) The Commissioner or the deputy commissioner for labour conducting the inquiry may—
 - (a) examine witnesses and parties on oath; and
 - (b) by notice in writing, direct the attendance at the inquiry of witnesses in order to give evidence or to produce documents or other material evidence.

- (6) 任何人 ——
- (a) 如無合理辯解而沒有應要求出席研訊以作證或出示文件或提供其他關鍵性證據；或
 - (b) 如在出席研訊時 ——
 - (i) 拒絕回答向他提出的問題或出示由他管有或控制的文件或提供由他管有或控制的其他關鍵性證據；或
 - (ii) 在回答向他提出的問題時，提供他知道是虛假或具誤導性的資料；或
 - (iii) 出示他知道是虛假或具誤導性的文件或其他關鍵性證據，
 即屬犯罪，一經定罪，可處第 5 級罰款及監禁 3 個月。
- (7) 在研訊時被提問任何問題的人不得因該問題的答案可能導致他人罪而獲寬免不需回答該問題。
- (8) 但如有以下情況，則在刑事法律程序中（但檢控任何人就回答問題而犯《刑事罪行條例》（第 200 章）第 31 條所訂的偽證罪的法律程序或第 (6)(b)(ii) 款所訂的罪行則屬例外），任何問題及答案均不可被接納為針對有關的人的證據 ——
- (a) 該人在回答該問題前聲稱該答案可能導致他人罪；或
 - (b) 在回答該問題前並沒有人令該人注意到作出上述聲稱的權利。
- (9) 在符合第 (7) 款的規定下，任何在研訊中作證或出示文件或其他關鍵性證據的人，有權享有在原訟法庭進行的民事法律程序中的證人所享有的相同特權及豁免權。（由 1998 年第 25 號第 2 條修訂）
- (10) 任何人如在研訊中以具侮辱性或威脅性的態度對待另一人，即屬犯罪，一經定罪，可處第 5 級罰款及監禁 3 個月。

- (4) A person cannot be required to produce at an inquiry any document or other material evidence that the person could not be required to produce in civil proceedings before a court.
- (5) The Commissioner or the deputy commissioner for labour conducting an inquiry is not bound by the rules of evidence and can receive any evidence that appears to be relevant to determining the matters being inquired into.
- (6) A person who—
 - (a) without reasonable excuse, fails to attend to give evidence or produce documents or other material evidence at an inquiry after being required to do so; or
 - (b) on attending the inquiry—
 - (i) refuses to answer a question put to the person or to produce a document or other material evidence that is in the possession or under the control of the person; or
 - (ii) in answer to a question put to the person, provides information that is to the person's knowledge false or misleading; or
 - (iii) produces a document or other material evidence that is to the person's knowledge false or misleading,
 commits an offence and is liable on conviction to a fine at level 5 and to imprisonment for 3 months.
- (7) A person to whom a question is put at an inquiry is not excused from answering the question on the ground that the answer might tend to incriminate the person.
- (8) However, neither the question nor the answer is admissible in evidence against the person in criminal proceedings (other than proceedings charging the person with having committed in relation to the answer perjury under section 31 of the

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- 18. 死因裁判研訊不受根據第 17 條進行的研訊影響**
根據第 17 條進行研訊並不影響根據《死因裁判官條例》(第 14 章)進行研訊。
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- Crimes Ordinance (Cap. 200) or an offence under subsection (6)(b)(ii)—
- (a) if the person claims before answering the question that the answer might tend to incriminate the person; or
 - (b) if the person's entitlement to make such a claim was not brought to the person's attention before the question was answered.
- (9) A person giving evidence or producing a document or other material evidence at an inquiry is, subject to subsection (7), entitled to the same privileges and immunities as a witness in civil proceedings before the Court of First Instance. (*Amended 25 of 1998 s. 2*)
- (10) A person who, at an inquiry, behaves in an insulting or threatening manner towards another person, commits an offence and is liable on conviction to a fine at level 5 and to imprisonment for 3 months.

- 18. Coronial inquest not affected by inquiry under section 17**
The holding of an inquiry under section 17 does not affect the holding of an inquiry under the Coroners Ordinance (Cap. 14).
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第 V 部**人員的委任及職能****19. 負責條例的施行的人員的委任**

- (1) 行政長官可委任勞工處處長和委任行政長官認為所需的其他人員以施行和強制執行本條例及《工廠及工業經營條例》(第 59 章)。(由 2000 年第 54 號第 3 條修訂)
- (2) 在緊接本條的生效日期前根據《工廠及工業經營條例》(第 59 章)第 3 條擔任職位的人，視作按在緊接該生效日期前擔任職位的人的委任條款相同的委任條款以及與在緊接該生效日期前適用於該等人士所享有的權利相同的權利而根據第 (1) 款獲委任。

20. 處長可將職銜授予人員

- (1) 處長可指定根據第 19 條獲委任或視作獲委任的任何人員為職業安全主任。
- (2) 處長亦可將職級授予該等人員，並可將職銜及職級授予如此獲委任或視作為如此獲委任的其他人員。
- (3) 處長憑藉其擔任處長職位而屬一名職業安全主任。
- (4) 根據第 19 條視作獲委任的並且在緊接本條的生效日期前身為《工廠及工業經營條例》(第 59 章)所指的督察的人，視作職業安全主任。
- (5) 以下人士亦屬職業安全主任——
 - (a) 每一名衛生主任；

Part V**Appointment and Functions of Officers****19. Appointment of officers to administer Ordinance**

- (1) The Chief Executive may appoint a Commissioner for Labour and such other officers as the Chief Executive considers necessary for the administration and enforcement of this Ordinance and the Factories and Industrial Undertakings Ordinance (Cap. 59). (*Amended 54 of 2000 s. 3*)
- (2) Persons holding office under section 3 of the Factories and Industrial Undertakings Ordinance (Cap. 59) immediately before the commencement of this section are taken to be appointed under subsection (1) on the same terms and with the same entitlements as those applicable to those persons immediately before that commencement.

20. Commissioner may assign designations to officers

- (1) The Commissioner may designate as occupational safety officers any of the officers appointed or taken to be appointed under section 19.
- (2) The Commissioner may also assign ranks to those officers and designations and ranks to other officers so appointed or taken to be so appointed.
- (3) The Commissioner is, by virtue of holding office as such, an occupational safety officer.
- (4) Persons who are taken to be appointed under section 19 and who, immediately before the commencement of this section, were inspectors within the meaning of the Factories and Industrial Undertakings Ordinance (Cap. 59) are taken to be occupational safety officers.

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- (b) 獲處長以書面一般地授權或特別為某目的或在某場合而授權以行使和執行職業安全主任的職能的任何其他公職人員。

21. 行使或執行職業安全主任的職能

- (1) 處長須向每一名職業安全主任（處長或衛生主任則除外）發出權限證明書。
- (2) 權限證明書必須——
 - (a) 述明該證明書是根據本條例發出的；及
 - (b) 註明獲發該證明書的人的姓名；及
 - (c) 描述委予或施加於該人的職能的性質；及
 - (d) 述明該證明書是以處長的權限發出的。
- (3) 在根據本條例或任何其他條例行使或執行職能時，職業安全主任——
 - (a) 可由他合理地需要的人陪同和協助，以行使或執行該職能；及
 - (b) 在有人提出要求時，必須出示其權限證明書，以供查閱。
- (4) 第(3)(b)款不適用於處長或衛生主任，但當行使或執行職業安全主任的職能時，處長或衛生主任在有人提出要求時必須出示其獲委任為處長或衛生主任的證據，以供查閱。

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- (5) The following persons are also occupational safety officers—
- (a) every health officer;
 - (b) any other public officer authorized in writing by the Commissioner, either generally or specially for a specific purpose or occasion, to exercise and perform the functions of an occupational safety officer.

21. Exercise or performance of functions by occupational safety officers

- (1) The Commissioner is required to issue a certificate of authority to each occupational safety officer (other than the Commissioner or a health officer).
- (2) A certificate of authority must—
 - (a) state that it is issued under this Ordinance; and
 - (b) give the name of the person to whom it is issued; and
 - (c) describe the nature of the functions conferred or imposed on the person; and
 - (d) state that it is issued with the Commissioner's authority.
- (3) When exercising or performing a function under this Ordinance or any other Ordinance, an occupational safety officer—
 - (a) may be accompanied and assisted by such persons as the officer reasonably requires in order to exercise or perform the function; and
 - (b) must, if required to do so, produce for inspection the officer's certificate of authority.
- (4) Subsection (3)(b) does not apply to the Commissioner or a health officer, but, when exercising or performing a function of an occupational safety officer, the Commissioner

22. 進入工作地點所在的處所的權力

- (1) 職業安全主任如有合理理由相信有以下情況，可無需手令而進入和視察處所——
 - (a) 該處所正用作為工作地點；或
 - (b) 在該處所正在發生或已經發生違反本條例的事。
- (2) 裁判官如基於經宣誓而作的告發而信納——
 - (a) 有以下情況——
 - (i) 某職業安全主任曾謀求進入某處所，但已遭拒絕進入；或
 - (ii) 遭拒絕進入該處所，是可合理地預期的；或
 - (iii) 該等處所並沒有被人佔用；或
 - (iv) 該個案屬緊急者；及
 - (b) 有充分理由讓職業安全主任進入該處所，則該裁判官可應處長提出的申請而發出手令，授權該職業安全主任進入（並可使用所需的武力以進入）該處所。
- (3) 在離開按照本條進入的沒有人佔用的處所時，職業安全主任必須確保已有防範措施以防侵入者進入該處所，而該等措施的有效程度須一如該主任進入該處所時所見到的情況一樣。
- (4) 根據本條發出的手令持續有效 1 個月或直至進入該處所的目的已經達到為止，以較早發生者為準。

or a health officer must, if required to do so, produce for inspection evidence of his or her appointment as such.

22. Power to enter premises where workplace is located

- (1) An occupational safety officer may, without warrant, enter and inspect premises if the officer believes on reasonable grounds that—
 - (a) the premises are being used as a workplace; or
 - (b) a contravention of this Ordinance is being or has been committed on the premises.
- (2) A magistrate may, on the application of the Commissioner, issue a warrant authorizing an occupational safety officer to enter premises with such force as may be necessary if the magistrate is satisfied, on sworn information—
 - (a) that—
 - (i) an occupational safety officer has sought admission to those premises but admission has been refused; or
 - (ii) refusal of admission to the premises is reasonably expected; or
 - (iii) the premises are unoccupied; or
 - (iv) the case is one of urgency; and
 - (b) that there is a good reason for an occupational safety officer to enter the premises.
- (3) On leaving unoccupied premises entered in accordance with this section, an occupational safety officer must ensure that they are as effectively secured against trespassers as the officer found them at the time of entry.

23. 已進入處所的職業安全主任的權力

- (1) 已根據第 22 條進入處所的職業安全主任可作出以下的所有或任何事情——
- (a) 檢取他合理地相信屬違反本條例的證據的任何物品；
 - (b) 對在該處所發現的任何作業裝置或物質進行測試或檢驗；
 - (c) 進行測試，以斷定該處所環境的大氣狀況或其他實質狀況；
 - (d) 在他合理地相信該處所內發現的任何物質可損害在該處所工作的僱員的安全或健康的情況下，取去該物質的樣本以供分析；
 - (e) 為該處所或為在該處所發現的任何作業裝置或物質拍照；
 - (f) (如他是醫生) 為任何人進行體格檢驗，但只可在該人同意下進行；
 - (g) 要求該處所的佔用人或顯然是該佔用人的僱員或代理人的任何人，向他提供合理所需的協助及方便，以使他能行使或執行其職能；
 - (h) 在他合理地懷疑在該處所內發現的任何人已犯違反本條例的任何罪行或能夠提供關於犯該罪行的證據的情況下，要求該人出示其身分證，以供查閱；
 - (i) 要求在該處所的任何人出示由該人控制並關於受僱在該處所工作的僱員的安全或健康的紀錄，以供查閱；如任何該等紀錄既不是以中文亦不是以英文作出的，則可要求該人出示載述該等紀錄內容的中文或英文書面陳述；

- (4) A warrant issued under this section continues in force for 1 month or until the purpose for which entry is required has been fulfilled, whichever first occurs.

23. Powers of occupational safety officers who have entered premises

- (1) An occupational safety officer who has entered premises under section 22 may do all or any of the following—
- (a) seize any article that the officer reasonably believes to be evidence of a contravention of this Ordinance;
 - (b) conduct tests or examinations of any plant or substance found on the premises;
 - (c) conduct tests to determine the atmospheric or other physical condition of the environment of the premises;
 - (d) if the officer reasonably believes that any substance found on the premises could prejudice the safety or health of employees who work on the premises, take samples of the substance for analysis;
 - (e) take photographs of the premises or of any plant or substance found on the premises;
 - (f) if the officer is a medical practitioner, carry out a medical examination of a person (but only with the person's consent);
 - (g) require the occupier of the premises or any person who is apparently an employee or agent of that occupier to provide the officer with such assistance and facilities as is or are reasonably necessary to enable the officer to exercise or perform the officer's functions;
 - (h) require any person found on the premises to produce for inspection the person's identity card if the officer reasonably suspects that the person has committed an

- (j) 為任何該等紀錄或陳述書的所有或任何部分複製副本。
- (2) 凡物質是可容易分成多於一個部分，擬取去該物質的樣本的任何職業安全主任必須向有關處所的佔用人或(如該佔用人不在)顯然是掌管該處所的人，告知該佔用人或該人有權要求按照第(3)款將該樣本分成三部分。
- (3) 如有人向職業安全主任提出上述要求，則該主任必須——
- 將樣本分成三個大致相等的部分；及
 - 將該樣本的其中一部分交給提出該要求或由他人代為提出該要求的人；及
 - 向公職分析員呈交另一部分，以供分析；及
 - 保留第三部分，以供將來作比較之用。
- (4) 如根據本條呈交以供分析的樣本已由一名公職分析員分析或在其督導下分析，則在根據本條例引起的法律程序中，看來是由該公職分析員簽署的或以其權限而簽署的並說明分析結果的任何證明書，可在該等法律程序中被接納為證據。
- (5) 任何人如為了商業目的而使用根據本條呈交以供分析的樣本的一部分的分析結果，即屬犯罪，一經定罪，可處第3級罰款。
- (6) 任何職業安全主任——
- 可帶走任何按照本條出示的紀錄或陳述書，並於合理地需要的期間保存該等紀錄或陳述書，以便複製副本；及
 - 如合理地相信該等紀錄或陳述書是違反本條例的罪行的證據，則可帶走和保留該等紀錄或陳述書，直至已就該罪行而進行的法律程序進行聆訊和作出最終的裁定為止。

- offence against this Ordinance or is able to provide evidence of the commission of such an offence;
- require any person on the premises to produce for inspection records under the control of the person relating to the safety or health of employees employed at the premises and, if any such records are not in the English or Chinese language, to produce a statement in writing in English or Chinese setting out the contents of those records;
 - make copies of all or any part of any such records or statements.
- (2) An occupational safety officer who proposes to take a sample of a substance that is capable of being easily divided into parts must tell the occupier of the premises concerned or, if that occupier is not available, the person apparently in charge of those premises that that occupier or person is entitled to request the sample to be divided in accordance with subsection (3).
- (3) If such a request is made to an occupational safety officer, the officer must—
- divide the sample into 3 more or less equal parts; and
 - give one part of the sample to the person by whom or on whose behalf the request was made; and
 - submit another part to a public analyst for analysis; and
 - retain the third part for future comparison.
- (4) In legal proceedings arising under this Ordinance, a certificate, purporting to be signed by or with the authority of the public analyst by whom or under whose supervision a sample submitted for analysis under this section was analysed and stating the results of the analysis, is admissible in evidence in those proceedings.

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- (7) 任何職業安全主任在自保管任何紀錄或陳述書的人處帶走該紀錄或陳述書前，必須向該人發出收據。該主任必須讓該人或獲該人授權的任何人於勞工處日常辦公時間內取覽該等文件。

24. 職業安全主任可要求若干資料

- (1) 職業安全主任 ——
- (a) 如合理地相信某處所是工作地點，可要求任何人提供可識別該處所的佔用人的身分的資料；或
- (b) 可要求任何人提供可協助他決定是否正在發生或已經發生違反本條例的事的資料，
- 但他必須合理地相信該人掌握該等資料，而他不能在合理的情況下從另一來源取得該等資料，方可行使以上權力。
- (2) 任何人如 ——
- (a) 無合理辯解而拒絕遵從根據第 (1) 款向該人提出的要求；或

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- (5) A person who, for commercial purposes, uses the results of an analysis of a part of a sample submitted for analysis under this section commits an offence and is liable on conviction to a fine at level 3.
- (6) An occupational safety officer may—
- (a) in order to make copies of records or statements produced in accordance with this section, take away and retain them for such period as may be reasonably necessary; and
- (b) if the officer reasonably believes that the records or statements are evidence of an offence against this Ordinance, take away and retain them until proceedings for the offence have been heard and finally determined.
- (7) Before taking away records or statements, an occupational safety officer must tender a receipt to the person from whose custody they are taken. The officer must give that person, or any person authorized by that person, access to the documents during the Labour Department's ordinary hours of business.

24. Occupational safety officer may request certain information

- (1) An occupational safety officer may request a person to provide—
- (a) information that may identify the occupier of premises that the officer reasonably believes to be a workplace; or
- (b) information that may assist the officer to determine whether or not a contravention of this Ordinance is being or has been committed,
- but only if the officer reasonably believes that the person has that information and cannot reasonably obtain the information from another source.
- (2) A person who—

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- (b) 在回應該要求時提供該人知道是或理應知道是虛假或具誤導性的資料，
即屬犯罪，一經定罪，可處第 5 級罰款。
- (3) 任何人如只因提供資料可能導致他入罪而拒絕遵從根據第 (1) 款提出的要求，則他並無合理辯解。但如有以下情況，則在刑事法律程序中（但檢控任何人就提供資料而犯第 (2) 款所訂的罪行的法律程序則除外），該要求及資料均不可被接納為證據——
- (a) 該人在遵從該要求前聲稱所提供的資料可能導致他入罪；或
- (b) 在遵從該要求前並沒有人令該人注意到可作出上述聲稱的權利。
- (4) 不論有關的職業安全主任是否身處他已按照第 22 條進入的處所，本條賦予的權力均可行使。

25. 職業安全主任可要求負責人在工作地點展示告示

- (1) 職業安全主任可要求工作地點的負責人在該工作地點展示任何與以下事宜有關的指明告示——
- (a) 本條例的實施；或
- (b) 在工作地點安裝或存放的任何作業裝置或物質；或
- (c) 在工作地點進行的任何商業或工業活動。

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- (a) without reasonable excuse, refuses to comply with a request made to the person under subsection (1); or
- (b) in response to such a request, provides information that the person knows or ought reasonably to know is false or misleading,
- commits an offence and is liable on conviction to a fine at level 5.
- (3) A person does not have a reasonable excuse for refusing to comply with a request made under subsection (1) only because provision of the information might tend to incriminate the person. However, neither the request nor the information is admissible in criminal proceedings (other than proceedings charging the person with having committed in relation to the provision of the information an offence under subsection (2))—
- (a) if, before complying with the request, the person claims that the information provided might tend to incriminate the person; or
- (b) if the person's entitlement to make such a claim was not brought to the person's attention before the request was complied with.
- (4) The power conferred by this section may be exercised whether or not the occupational safety officer concerned is on premises entered in accordance with section 22.

25. Occupational safety officer may require responsible person to exhibit notice in workplace

- (1) An occupational safety officer may require the person responsible for a workplace to exhibit at the workplace any specified notice relevant to—
- (a) the operation of this Ordinance; or

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- (2) 根據本條提出的要求必須以書面提出，並可指明有關告示須予展示的期間、方式及地點。
- (3) 如沒有指明期間，則工作地點的負責人必須展示告示，為期最少 12 個月。如沒有指明展示告示的地點或方式，則該人必須在工作地點的有關僱員經常前往的部分顯眼地展示該告示。
- (4) 任何工作地點的負責人如無合理辯解而 ——
- (a) 沒有遵從根據本條提出的要求；或
- (b) 違反第 (3) 款，
- 即屬犯罪，一經定罪，可處第 5 級罰款。

26. 妨礙職業安全主任及其他人士根據條例行使或執行職能的罪行

任何人如 ——

- (a) 無合法辯解而抗拒、妨礙或阻延正在根據本條例行使或執行或企圖根據本條例行使或執行職能的職業安全主任；或
- (b) 無合法辯解而不遵從按照第 23(1)(h) 或 (i) 條向該人提出的要求；或
- (c) 無合法辯解而阻止或企圖阻止另一人協助職業安全主任根據本條例行使或執行職業安全主任的職能；或

- (b) any plant or substance installed or kept at the workplace; or
- (c) any commercial or industrial activity carried on at the workplace.
- (2) A requirement under this section must be in writing and may specify the period for which, and the manner and place in which, the relevant notice is to be exhibited.
- (3) If no such period is specified, the person responsible for the workplace must exhibit the notice for not less than 12 months. If no such place or manner is specified, that person must exhibit the notice conspicuously in a part of the workplace frequently visited by the employees concerned.
- (4) A person responsible for a workplace who, without reasonable excuse—
- (a) fails to comply with a requirement made under this section; or
- (b) contravenes subsection (3),
- commits an offence and is liable on conviction to a fine at level 5.

26. Offence to obstruct occupational safety officers and others exercising or performing functions under Ordinance

A person who—

- (a) without lawful excuse, resists, obstructs or delays an occupational safety officer who is exercising or performing or attempting to exercise or perform a function under this Ordinance; or
- (b) without lawful excuse, fails to comply with a requirement made to the person in accordance with section 23(1)(h) or (i); or

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- (d) 直接或間接地恐嚇或威脅正在根據本條例行使或執行職業安全主任的職能的職業安全主任或協助該主任的人，

即屬犯罪，一經定罪，可處第 5 級罰款及監禁 6 個月。

27. 假冒職業安全主任的罪行

任何人如假冒或虛假地表示自己是職業安全主任，即屬犯罪，一經定罪，可處第 5 級罰款及監禁 6 個月。

28. 公職人員不須為若干作為及不作為而承擔個人法律責任

- (1) 公職人員或按第 21(3)(a) 條的規定協助職業安全主任的人作出或沒有作出任何作為時，如真誠相信作出或不作出該作為是由本條例或根據本條例所規定或授權的，則該人員或該人無須為該作為或不作為承擔個人法律責任。
- (2) 第 (1) 款並不影響政府因公職人員或任何人已作出或不作出該款適用的作為而可能負上的任何法律責任。

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- (c) without lawful excuse, prevents, or attempts to prevent, another person from assisting an occupational safety officer in the exercise or performance of the officer's functions under this Ordinance; or
- (d) directly or indirectly, intimidates or threatens an occupational safety officer or person assisting such an officer in the exercise or performance of the officer's functions under this Ordinance,

commits an offence and is liable on conviction to a fine at level 5 and to imprisonment for 6 months.

27. Offence to impersonate occupational safety officer

A person who impersonates, or falsely represents that the person is, an occupational safety officer commits an offence and is liable on conviction to a fine at level 5 and to imprisonment for 6 months.

28. Public officers not personally liable for certain acts and omissions

- (1) A public officer, or a person assisting an occupational safety officer as provided by section 21(3)(a), is not personally liable for any act done or omitted to be done by the officer or person if the officer or person did or omitted to do the act in the honest belief that the act or omission was required or authorized by or under this Ordinance.
- (2) Subsection (1) does not affect any liability that the Government may have because a public officer or person has done or omitted to do an act to which that subsection applies.

第 VI 部

雜項罪行

29. 公職人員及其他人士披露若干資料的罪行

- (1) 任何公職人員如無合法權限而向任何人披露已作出投訴的人的姓名或可識別已作出投訴的人的身分的任何資料，而該投訴是——
 - (a) 指稱有違反本條例或《工廠及工業經營條例》(第 59 章)的事的；或
 - (b) 引致該人員或任何其他公職人員察覺該等違例事項的，
 該公職人員即屬犯罪。
- (2) 任何公職人員如無合法權限而向以下人士披露因收到第 (1) 款所提述的種類的投訴而曾到訪某工作地點，亦屬犯罪——
 - (a) 該工作地點的佔用人或該佔用人的代理人或僱員；或
 - (b) 如受僱在工作地點工作的僱員的僱主不是該地方的佔用人，則該僱主或其代理人或僱員。
- (3) 任何現正或曾經受僱為公職人員的人如無合法權限而向另一人披露以下資料，即屬犯罪——
 - (a) 關於在與根據本條例或《工廠及工業經營條例》(第 59 章)行使或執行職能有關連的情況下取得的製造秘密或商業秘密或工作程序的資料；或
 - (b) 由醫生按照第 15 條呈報的資料。
- (4) 為施行本條，任何人均具有合法權限披露資料，但該項披露必須——

Part VI

Miscellaneous Offences

29. Offence for public officers and others to disclose certain information

- (1) A public officer commits an offence if, without lawful authority, the officer discloses to a person the name of, or any information that could identify, a person who has made a complaint—
 - (a) alleging a contravention of this Ordinance or the Factories and Industrial Undertakings Ordinance (Cap. 59); or
 - (b) as a result of which the officer or any other public officer has become aware of such a contravention.
- (2) A public officer also commits an offence if, without lawful authority, the officer discloses—
 - (a) to the occupier of a workplace, or to an agent or employee of the occupier; or
 - (b) if the employer of employees employed at a workplace is not the occupier of that place, to the employer, or to an agent or employee of the employer,
 that a visit to the workplace was made as a result of a complaint of a kind referred to in subsection (1).
- (3) A person who is or was formerly employed as a public officer commits an offence if, without lawful authority, the person discloses to another person—
 - (a) information relating to manufacturing or commercial secrets or working processes that was obtained through the exercise or performance of a function under this

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- (a) 是在與本條例 (或《工廠及工業經營條例》(第 59 章)) 的施行有關連的情況下作出的；或
- (b) 是為遵守另一條例的規定而作出的；或
- (c) 是由法庭命令作出的或由獲法律授權訊問證人的人命令作出的，並且是在與由法庭或該人聆訊或裁定任何事宜有關連的情況下命令作出的。
- (5) 任何人如犯違反本條的罪行，一經定罪，可處第 3 級罰款。
- (6) 本條適用於曾如第 21(3)(a) 條或《工廠及工業經營條例》(第 59 章) 第 4(2A) 條所述陪同或協助的任何職業安全主任的任何人，猶如該人是職業安全主任一樣。

30. 有人干擾或誤用為僱員的安全或健康而提供的物品的罪行

任何人如蓄意或罔顧後果地干擾或不當地使用任何為了受僱在工作地點工作的僱員的安全或健康著想而在工作地點提供的物品，即屬犯罪，一經定罪，可處第 5 級罰款。

31. 僱主就為符合法定規定而作出的任何事情向僱員收取費用的罪行Part VI
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- Ordinance or the Factories and Industrial Undertakings Ordinance (Cap. 59); or
- (b) information notified by a medical practitioner in accordance with section 15.
- (4) For the purposes of this section, a person has lawful authority to disclose information if the disclosure—
- (a) is made in connection with the administration of this Ordinance (or the Factories and Industrial Undertakings Ordinance (Cap. 59)); or
- (b) is made for the purpose of complying with a requirement of another Ordinance; or
- (c) is ordered by a court, or by a person authorized by law to examine witnesses, in connection with the hearing or determination of any matter by the court or person.
- (5) A person who is convicted of an offence against this section is liable to a fine at level 3.
- (6) This section applies to a person who has accompanied or assisted an occupational safety officer as referred to in section 21(3)(a) or section 4(2A) of the Factories and Industrial Undertakings Ordinance (Cap. 59) as if the person were such an officer.

30. Offence for person to interfere with or misuse article provided for safety or health of employees

A person who intentionally or recklessly interferes with, or misuses, an article provided at a workplace in the interests of the safety or health of employees employed at the workplace commits an offence and is liable on conviction to a fine at level 5.

31. Offence for employer to charge employees for anything done to fulfil statutory requirement

任何僱主如因根據本條例或為施行本條例而作出任何事情或提供任何東西而——

- (a) 向任何僱員徵收或企圖向任何僱員徵收費用；或
- (b) 授權向任何僱員徵收費用，

即屬犯罪，一經定罪，可處第 5 級罰款。

32. 阻止向工作地點的僱員提供救助的罪行

任何人如無合法權限或其他合理辯解而藉恐嚇或任何其他作為或任何不作為，蓄意或罔顧後果地阻止、妨礙或阻延就工作地點的僱員的疾病或傷害而提供或接受救助，即屬犯罪，一經定罪，可處第 5 級罰款及監禁 6 個月。

33. 董事、合夥人等的法律責任

- (1) 被裁定犯違反本條例的罪行的人如是一間公司，而該罪行經證明是在該公司的任何董事、經理、秘書或其他同類高級人員的同意或縱容下所犯的，或是可歸因於任何此等人的疏忽的，則該董事、經理、秘書或其他同類高級人員，即屬犯相同罪行。
- (2) 被裁定犯違反本條例的罪行的人如是一間商號，而該罪行經證明是在該商號的任何合夥人或任何關涉該商號的管理的人的同意或縱容下所犯的，或是可歸因於任何此等人的疏忽的，則該合夥人或關涉該商號的管理的人，即屬犯相同罪行。

An employer who—

- (a) imposes or attempts to impose; or
- (b) authorizes the imposition of,

a charge on any of the employer's employees for anything done or provided under or for the purposes of this Ordinance commits an offence and is liable on conviction to a fine at level 5.

32. Offence to prevent aid from being given to employee at workplace

A person who, by intimidation or by any other act or any omission, intentionally or recklessly prevents, obstructs or delays, without lawful authority or other reasonable excuse, the giving or receiving of aid in respect of an illness or injury of an employee at a workplace commits an offence and is liable on conviction to a fine at level 5 and to imprisonment for 6 months.

33. Liability of directors, partners, etc.

- (1) Where the person convicted of an offence against this Ordinance is a company and it is proved that the offence was committed with the consent or connivance of, or was attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the company, the director, manager, secretary or other similar officer shall be guilty of the like offence.
- (2) Where the person convicted of an offence against this Ordinance is a firm and it is proved that the offence was committed with the consent or connivance of, or was attributable to any neglect on the part of, any partner in the firm or any person concerned in the management of the firm, the partner or the person concerned in the management of the firm shall be guilty of the like offence.

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就罪行而進行的法律程序

34. 可以處長的名義對罪行提出檢控

- (1) 任何職業安全主任可就違反本條例的任何罪行以處長的名義提出和進行檢控。
- (2) 儘管有《裁判官條例》(第 227 章)第 12 條的規定，第 (1) 款仍然適用，但本條的規定並不限制律政司司長就檢控該等罪行根據該條例具有的職能。(由 1997 年第 362 號法律公告修訂)

35. 在關乎罪行的傳票中不須指明若干事宜

- (1) 關乎違反本條例的罪行的傳票，可致予指明工作地點所在的處所的佔用人，而無須實際指明該佔用人的姓名或名稱。
- (2) 在就違反本條例的罪行而發出並指稱有人沒有遵從或沒有履行任何只須在切實可行或合理地切實可行的範圍內予以遵從的規定或予以履行的責任的傳票中，無需提出被告人遵從有關規定或履行有關責任是切實可行或合理地切實可行的。

36. 可作為證據的陳述書

- (1) 在就違反本條例的罪行而進行的法律程序中，看來是由處長簽署的陳述書在所有的法律程序中可被接納為該陳述書內所載事宜的證據，但該陳述書須是——

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Proceedings for Offences

34. Prosecution for offence may be brought in Commissioner's name

- (1) An occupational safety officer may, in the name of the Commissioner, bring and conduct a prosecution for any offence against this Ordinance.
- (2) Subsection (1) applies despite section 12 of the Magistrates Ordinance (Cap. 227), but nothing in this section limits the functions of the Secretary for Justice under that Ordinance with respect to the prosecution of offences. (*Amended L.N. 362 of 1997*)

35. Not necessary to specify certain matters in summons for offence

- (1) A summons relating to an offence against this Ordinance may be addressed to the occupier of premises where a specified workplace is located without actually naming that occupier.
- (2) In a summons for an offence against this Ordinance alleging a failure to comply with a requirement or an obligation that has to be complied with only in so far as it is practicable or is reasonably practicable to do so, it is not necessary to aver that it was practicable, or was reasonably practicable, for the defendant to comply with the requirement or obligation.

36. Evidentiary statements

- (1) In proceedings for an offence against this Ordinance, a statement, purporting to be signed by the Commissioner, is

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- (a) 關乎 ——
- (i) 處長為施行本條例而備存的任何紀錄；或
 - (ii) 載於規例所訂明種類的正式文件內並關於在工作中的職業安全或健康的任何其他事宜；及
- (b) 核證該陳述書的內容是按照該紀錄或文件內所載的詳情而作出的。
- (2) 在根據本條可被接納的陳述書內的處長的簽署，無須予以證明。

37. 僱主與僱員關係的證據

就根據本條例引起的任何法律程序而言，任何人從事或受僱於在有關時間由另一人經營的特定經濟活動或從事或受僱於由另一人任東主的業務或經營的證據，即屬 ——

- (a) 如此從事或受僱於該活動、業務或經營的人在該時間屬該另一人的僱員的證據；及
- (b) 該另一人在該時間是如此從事或受僱於該活動、業務或經營的人的僱主的證據。

38. 被告人證明若干事宜的責任

在就違反本條例並涉及以下不作為的罪行而進行的法律程序中 ——

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admissible in all legal proceedings as evidence of the matters contained in the statement if the statement—

- (a) relates to—
- (i) a record kept by the Commissioner for the purposes of this Ordinance; or
 - (ii) any other matter relating to occupational safety or health at work contained in an official document of a kind prescribed by a regulation; and
- (b) certifies that the contents of the statement are in accordance with particulars contained in the record or document.

- (2) It is unnecessary to prove the signature of the Commissioner in a statement admissible under this section.

37. Evidence of employer-employee relationship

Evidence that a person is engaged or employed in a particular economic activity that is, or was at a relevant time, carried on by another person, or was engaged or employed in a business or undertaking of which another person is the proprietor, is, for the purposes of any legal proceedings arising under this Ordinance, evidence—

- (a) that the person so engaged or employed is, or was at that time, an employee of the other person; and
- (b) that the other person is, or was at that time, the employer of the person so engaged or employed.

38. Onus on defendant to prove certain matters

In proceedings for an offence against this Ordinance involving a failure—

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- (a) 沒有遵守、遵從或履行任何只須在切實可行或合理地切實可行的範圍內予以遵守的規定、予以遵從的要求或予以履行的責任；或
- (b) 沒有採取任何步驟、合理步驟或合理地切實可行的步驟以遵守有關規定、遵從有關要求或履行有關責任，

被告人有責任證明遵守有關規定、遵從有關要求或履行有關責任不屬切實可行或不屬合理地切實可行，或已採取步驟、合理步驟或合理地切實可行的步驟以遵守有關規定、遵從有關要求或履行有關責任。

39. 任何人無須因同一作為或不作為而被檢控兩次

任何人如曾就某項作為或不作為而犯《工廠及工業經營條例》(第 59 章) 某條文所訂的罪行而被定罪或裁定無罪，則該人不可就同一作為或不作為並就本條例的相應條文所訂的罪行而被檢控。

- (a) to comply with a requirement or an obligation that has to be complied with only in so far as it is practicable or reasonably practicable to do so; or
- (b) to take steps, reasonable steps or reasonably practicable steps to comply with the requirement or obligation,

the onus is on the defendant to establish that compliance with the requirement or obligation was not practicable or was not reasonably practicable, or that steps, reasonable steps or reasonably practicable steps were taken to comply with the requirement or obligation.

39. Person not liable to be prosecuted twice for same act or omission

A person who has been convicted or acquitted of having committed an offence under a provision of the Factories and Industrial Undertakings Ordinance (Cap. 59) in relation to an act or omission is not liable to be proceeded against for an offence under a corresponding provision of this Ordinance relating to the same act or omission.

第 VIII 部**工作地點守則及附屬法例****40. 工作地點工作守則**

- (1) 處長可為向僱主、僱員及不是僱主的工作地點佔用人提供實務指引而發出工作守則。
- (2) 工作地點工作守則——
 - (a) 可包含由處長批准的關乎職業安全或健康的守則、標準、規則、規格或條文；及
 - (b) 可應用、編入、參照或提述任何已由任何團體或當局公布或發表的文件，而該文件是於處長批准時有效的或是不時經修訂、公布或發表的。
- (3) 處長可修訂或撤銷根據本條發出的工作守則。
- (4) 處長須以中文及英文發表——
 - (a) 根據本條發出的任何工作守則；及
 - (b) (如該守則其後經修訂) 對該守則作出的修訂，並可以處長認為能向受影響的人傳達該守則或修訂的內容的形式發表。
- (5) 每當根據本條發出任何工作守則時或該守則被修訂或遭撤銷時，處長須在憲報刊登關於該項發出、修訂或撤銷的公告。
- (6) 處長須於勞工處的總辦事處在日常辦公時間備有所有工作地點工作守則，以供公眾人士查閱。查閱工作地點工作守則須是免費的。
- (7) 工作地點工作守則自關於該守則的公告在憲報刊登的日期起生效，或自該公告所指明的較後日期起生效。

Part VIII**Workplace Codes and Subsidiary Legislation****40. Workplace codes of practice**

- (1) The Commissioner may issue codes of practice for the purpose of providing practical guidance to employers and employees, and to occupiers of workplaces who are not employers.
- (2) A workplace code of practice—
 - (a) may consist of a code, standard, rule, specification or provision relating to occupational safety or health approved by the Commissioner; and
 - (b) may apply, incorporate or refer to any document that has been formulated or published by a body or authority either as in force at the time when the document is approved by the Commissioner or as amended, formulated or published from time to time.
- (3) The Commissioner may amend or revoke a code of practice issued under this section.
- (4) The Commissioner is required to publish in both English and Chinese—
 - (a) any code of practice issued under this section; and
 - (b) if the code is subsequently amended, the amendments made to the code.

The publication may be in such form as the Commissioner considers will communicate the contents of the code or of the amendments to the people affected.
- (5) Whenever a code of practice is issued under this section or the code is amended or revoked, the Commissioner is required

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- (8) 工作地點工作守則的修訂自關於該項修訂的公告在憲報刊登的日期起生效，或自該公告所指明的較後日期起生效。
- (9) 工作地點工作守則自關於該守則的撤銷的公告在憲報刊登的日期起停止有效或自該公告所指明的較後日期起停止有效。

41. 工作地點工作守則的效力

- (1) 任何人不會只因違反工作地點工作守則的條文而招致民事或刑事法律責任。
- (2) 但如法庭在任何法律程序中信納工作地點工作守則對裁定在該法律程序中受爭論的事宜是有關的，則——
- (a) 該工作守則在該法律程序中可被接納為證據；及
- (b) 證明某人已違反或沒有違反守則的有關條文的證據，可獲法律程序的任何一方依賴為可確立或否定該事宜的證據。
- (3) 在任何法律程序中，在沒有相反證據的情況下，任何看來是工作地點工作守則的副本的文件須推定為該守則真實副本。
- (4) 工作地點工作守則並不是就《釋義及通則條例》(第 1 章)第 V 部而言的附屬法例。

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to publish in the Gazette a notice of the issue, amendment or revocation.

- (6) The Commissioner is required to make available at the head office of the Labour Department, during ordinary business hours, all workplace codes of practice for inspection by members of the public. No charge is to be made for the inspection of a workplace code of practice.
- (7) A workplace code of practice takes effect on the date on which notice of the code is published in the Gazette or on such later date as is specified in the notice.
- (8) An amendment to a workplace code of practice takes effect on the date on which notice of the amendment is published in the Gazette or on such later date as is specified in the notice.
- (9) A workplace code of practice ceases to have effect on the date on which notice of revocation of the code is published in the Gazette or on such later date as is specified in the notice.

41. Effect of workplace code of practice

- (1) A person does not incur a civil or criminal liability only because the person has contravened a provision of a workplace code of practice.
- (2) However, if, in any legal proceedings the court is satisfied that a workplace code of practice is relevant to determining a matter that is in issue in the proceedings—
- (a) the code of practice is admissible in evidence in the proceedings; and
- (b) proof that the person contravened or did not contravene a relevant provision of the code may be relied on by any party to the proceedings as tending to establish or negate that matter.

42. 處長可訂立規例

- (1) 處長可為或就以下的所有或任何事宜訂立規例——
 - (a) 確保在工作中的僱員的安全及健康；
 - (b) 對僱主、僱員及不是僱主的工作地點佔用人施加額外的責任；
 - (c) 訂明任何規例規定訂明或准許訂明的事情；
 - (d) 概括而言，使本條例的條文及目的得以更佳地施行。
- (2) 處長尤可為或就以下的所有或任何事宜訂立規例——
 - (a) 確保在工作地點提供足夠的設施，以治療因在該等工作地點發生的意外而對僱員造成的身體傷害；
 - (b) 就消除和避免在工作地點中出現對該工作地點的僱員的危險及潛在危險，訂定條文；
 - (c) 訂明為防止在工作地點發生火警和為保障受僱在該等工作地點工作的僱員免受在該地點發生火警的後果的影響而須採取的預防措施（包括提供足夠的逃生途徑）；
 - (d) 確保工作地點維持於符合衛生的狀況；
 - (e) 禁止僱用任何人或屬指明類別的人在工作地點進行任何指明種類的活動，或規管屬該種類的活動在工作地點的進行；

- (3) In any legal proceedings, a document that purports to be a copy of a workplace code of practice is, in the absence of evidence to the contrary, to be presumed to be a true copy of the code.
- (4) A workplace code of practice is not subsidiary legislation for the purposes of Part V of the Interpretation and General Clauses Ordinance (Cap. 1).

42. Commissioner may make regulations

- (1) The Commissioner may make regulations for or with respect to all or any of the following—
 - (a) ensuring the safety and health of employees when they are at work;
 - (b) imposing additional responsibilities on employers and employees and on occupiers of workplaces who are not employers;
 - (c) prescribing anything required or permitted to be prescribed by a regulation;
 - (d) generally, providing for the better carrying into effect of the provisions and purposes of this Ordinance.
- (2) In particular, the Commissioner may make regulations for or with respect to all or any of the following—
 - (a) ensuring the provision at workplaces of adequate facilities for treating bodily injuries to employees as a result of accidents occurring at those workplaces;
 - (b) providing for the removal from, and the avoidance at, workplaces of dangers and potential dangers to employees at those workplaces;
 - (c) prescribing precautions to be taken to prevent outbreaks of fire at workplaces and to protect employees employed at those workplaces from the consequences of outbreaks

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- (f) 禁止工作地點的負責人在該工作地點操作或使用任何指明種類的作業裝置，或規管該等作業裝置的操作或使用；
- (g) 禁止工作地點的負責人在該工作地點貯存或使用屬指明種類的物質，或規管任何屬該種類的物質的貯存或使用；
- (h) 就受僱在工作地點工作的僱員提供體格檢驗和備存關於該等檢驗的紀錄，訂定條文；
- (i) 規定工作地點的負責人向處長呈報該等工作地點的詳情，以及在該等詳情有所更改時，將該等更改通知處長；
- (j) 就對在工作地點進行的活動作評估，以決定該等活動對受僱在該等工作地點工作的僱員的安全或健康所造成的危險的程度，訂定條文；
- (k) 規定工作地點的負責人備存在該等工作地點進行的指明活動的紀錄；
- (l) 規定任何人在任何因有在工作地點吸收任何物質的危險的情況下或因在工作地點使用任何物質而引致身體傷害的危險的情況下，須接受指明的生物化學或生物學的測試；
- (m) 訂明措施，以探查和調查發生吸收任何物質或因使用任何物質而造成身體傷害的個案（包括進行體格檢驗，進行生物化學或生物學的測試和通知僱員缺勤的資料）；
- (n) 賦予對處長或職業安全主任根據本條例作出的指明種類的決定提出上訴的權力，並就該等上訴的聆訊和裁定，訂定條文；
- (o) 訂明職業安全主任在指明情況下須向僱主或其他人提供的資料；
- (p) 就為本條例的施行而使用的格式或表格，作出規定。

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- of fire there (including provision of adequate means of escape);
- (d) ensuring that workplaces are maintained in a hygienic condition;
- (e) prohibiting persons, or persons of a specified class, from being employed to undertake any specified kind of activity at a workplace or regulating the carrying on of an activity of that kind at a workplace;
- (f) prohibiting persons who are responsible for workplaces from operating or using any specified kind of plant at those workplaces, or regulating the operation or use of any such plant;
- (g) prohibiting persons who are responsible for workplaces from storing or using any specified kind of substance at those workplaces, or regulating the storage or use of any substance of that kind;
- (h) providing for the medical examination of employees employed at workplaces and for the keeping of records of those examinations;
- (i) requiring persons who are responsible for workplaces to notify particulars of those workplaces to the Commissioner and, where those particulars change, to notify the Commissioner of the changes;
- (j) providing for activities undertaken at workplaces to be assessed in order to determine the extent of risk of those activities to the safety or health of employees employed at those workplaces;
- (k) requiring persons who are responsible for workplaces to keep records of specified activities carried on at those workplaces;

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- (3) 由處長訂立的所有規例須獲立法會批准。(由 2000 年第 54 號第 3 條修訂)
- (4) 規例可應用、採納或以提述或參照形式編入(可加以變通或不加以變通)任何刊物(包括任何條例或附屬法例),並可以該刊物在出版時有效的或是不時有效的狀況為準。
- (5) 規例可訂明任何人作出或不作出任何指明作為即屬犯罪,並——
- (a) 可授權就該罪行處以不超過 \$200,000 的罰款;及
- (b) 可就屬持續性質的罪行而言,授權就該罪行持續期間的每日(不足一日亦作一日計),另處罰款 \$5,000。
- (6) 規例可宣布根據第(5)款訂立的任何特定罪行為嚴格法律責任罪行。
- (7) 訂立不屬嚴格法律責任罪行的罪行的規例,可授權判處不超過 12 個月的監禁,作為罰款以外的附加刑罰或代替罰款,但該規例只可授權於在檢控犯該罪行的法律程序中證明被告人是蓄意地或罔顧後果地或在知悉該罪行的所有要素的情況下犯該罪行時判處該項監禁。
- (8) 規例可——
- (a) 一般地適用或藉參照指明的例外情況或因素而就其適用範圍予以限制;或
- (b) 按屬指明種類的不同因素而適用於不同情況;或
- (c) 授權任何須由任何指明的人或群體決定、應用、施行或規管的事宜或事物,或可作出任何該等事情的組合。

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- (l) requiring persons, in any circumstances arising out of the risk of absorbing any substance at a workplace or the risk of bodily injury arising out of the use of any substance at a workplace, to undergo a specified biochemical or biological test;
- (m) prescribing measures for detecting and investigating cases in which absorption of any substance, or bodily injury arising out of the use of any substance, has occurred (including medical examinations, the carrying out of biochemical or biological tests and notification of absences of employees from work);
- (n) conferring rights of appeal from specified kinds of decisions of the Commissioner or an occupational safety officer under this Ordinance and providing for the hearing and determination of those appeals;
- (o) prescribing information that occupational safety officers are required to provide to employers or other persons in specified circumstances;
- (p) providing for the forms to be used for the purposes of this Ordinance.
- (3) All regulations made by the Commissioner shall be subject to the approval of the Legislative Council.
- (4) A regulation may apply, adopt or incorporate by reference, with or without modification, any publication (including any Ordinance or subsidiary legislation), either as in force at the time of publication or as in force from time to time.
- (5) A regulation may make it an offence for a person to do or omit to do any specified act and may authorize—
- (a) the imposition of a fine, not exceeding \$200,000, for such an offence; and

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第 VIII 部
第 43 條

Part VIII
Section 43

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Cap. 509

43. 處長可修訂附表

處長可藉於憲報刊登的命令，修訂附表 1 或 2，以加入新的項目或取代或更改現有的項目，但有關的修訂必須有助於達致本條例的目的。

- (b) if the offence is a continuing one, the imposition of a further fine of \$5,000 for each day or part of a day during which the offence has continued.
- (6) A regulation may declare any particular offence created under subsection (5) to be an offence of strict liability.
- (7) A regulation that creates an offence that is not one of strict liability may, in addition to or instead of a fine, authorize the imposition of a sentence of imprisonment for a period of not more than 12 months, but only if, in the case of proceedings for such an offence, it is proved that the defendant committed the offence intentionally or recklessly or with knowledge of all of the ingredients of the offence.
- (8) A regulation may—
 - (a) apply generally or be limited in its application by reference to specified exceptions or factors; or
 - (b) apply differently according to different factors of a specified kind; or
 - (c) authorize any matter or thing to be determined, applied or regulated by any specified person or group of persons, or may do any combination of those things.

43. Commissioner may amend Schedules

The Commissioner may, by order published in the Gazette, amend Schedule 1 or 2 by adding a new item or by replacing or altering an existing item, but only if the amendment promotes the purposes of this Ordinance.

第 IX 部**補充條文****44. 處長可就條例的實施批予豁免**

- (1) 如處長信納有以下情況，則可藉書面通知豁免任何人，使其不受本條例的指明規定的實施所管限——
 - (a) 該人遵守該規定不是合理地切實可行的；及
 - (b) 在顧及有關的情況下豁免該人使其不受該規定所管限是合理的。
- (2) 處長在批予任何豁免時，可向獲豁免人士施加條件。
- (3) 如根據本條施加於獲豁免人士的任何條件遭違反，則根據本條批予的豁免即停止有效。在該情形下，本條例在猶如沒有批予該豁免的情況下適用於該人。
- (4) 本條賦予的權力必須由處長親自行使或由處長為行使該權力的目的而特別指定的公職人員行使。
- (5) 處長必須備存豁免的登記冊，並確保按照本條批予的每一項豁免已在該登記冊中予以記錄。處長亦必須確保該登記冊——
 - (a) 備存於勞工處的總辦事處；及
 - (b) 供公眾人士於該辦事處的日常辦公時間免費查閱。
- (6) 處長可隨時藉送達獲豁免人士的書面通知撤銷根據本條批予的任何豁免或更改任何規限該等豁免的條件。

Part IX**Supplementary****44. Commissioner may grant exemptions from operation of Ordinance**

- (1) The Commissioner may, by notice in writing, exempt a person from the operation of a specified requirement of this Ordinance if the Commissioner is satisfied that—
 - (a) it is not reasonably practicable for the person to comply with the requirement; and
 - (b) having regard to the relevant circumstances, it is reasonable that the person should be exempted from the requirement.
- (2) The Commissioner may, in granting such an exemption, impose conditions on the exempted person.
- (3) An exemption granted under this section ceases to have effect if any condition imposed under this section on the exempted person is contravened. In that event this Ordinance applies to the person as if the exemption had not been granted.
- (4) The power conferred by this section must be exercised by the Commissioner personally or by a public officer specifically designated by the Commissioner for the purpose.
- (5) The Commissioner must keep a register of exemptions and ensure that every exemption granted in accordance with this section is recorded in the register. The Commissioner must also ensure that the register—
 - (a) is kept at the head office of the Labour Department; and

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第 45 條

Part IX
Section 45

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45. 由條例向 2 名或多於 2 名的不同人士施加的規定

- (1) 對由本條例或根據本條例向 2 名或多於 2 名的不同人士施加的任何規定，如該等人士其中的任何一人已完全遵守該規定，則該規定被視作為已獲每一名該等人士遵守。
- (2) 本條受本條例的任何相反的明訂條文所規限。

46. 根據條例所訂的規例及工作守則須具凌駕性

- (1) 凡根據本條例訂立的規例的條文與根據《工廠及工業經營條例》(第 59 章)訂立的規例的條文相抵觸，則前者凌駕於後者之上。
- (2) 凡根據本條例發出的工作守則的條文與根據《工廠及工業經營條例》(第 59 章)發出的工作守則的條文相抵觸，則前者凌駕於後者之上。

47. 為施行條例而送達文件的方式

為施行本條例而送達的文件可藉以下方式送達——

- (a) 如送達不屬法人團體或合夥的人，則——
 - (i) 將該文件面交該人；或

(b) is made available for inspection by members of the public without charge during the ordinary business hours of that office.

- (6) The Commissioner may at any time, by notice in writing served on the exempted person, revoke an exemption granted under this section or vary any condition to which such an exemption is subject.

45. Requirements imposed by Ordinance on 2 or more different persons

- (1) A requirement imposed by or under this Ordinance on 2 or more different persons is taken to have been complied with by each of those persons if any one of them has fully complied with the requirement.
- (2) This section is subject to any express provision of this Ordinance to the contrary.

46. Regulations and codes of practice under Ordinance to prevail

- (1) A provision of a regulation made under this Ordinance is to prevail over any inconsistent provision of a regulation made under the Factories and Industrial Undertakings Ordinance (Cap. 59).
- (2) A provision of a code of practice issued under this Ordinance is to prevail over any inconsistent provision of a code of practice issued under the Factories and Industrial Undertakings Ordinance (Cap. 59).

47. How documents are to be served for purposes of Ordinance

A document to be served for the purposes of this Ordinance may be served—

- (a) in the case of a person other than a body corporate or partnership—

- (ii) 以掛號郵遞方式將該文件用致予該人的信件寄交該人的通常居住地點或通常業務地點或(如該人的地址不為人知)寄往該人最後為人所知的居住地點或業務地點；或
- (b) 如送達法人團體，則——
- (i) 將該文件送交該團體在香港經營業務的地方，並將該文件交予明顯是關涉該團體的管理的人或明顯是該團體所僱用的人；或
- (ii) 以掛號郵遞方式將該文件用致予該團體的信件寄交該團體在香港的註冊辦事處或寄交該團體在香港經營業務的地方；或
- (c) 如送達合夥，則——
- (i) 將該文件送交該合夥在香港經營業務的地方，並將該文件交予明顯是關涉該合夥的管理的人或明顯是該合夥所僱用的人；或
- (ii) 以掛號郵遞方式將該文件用致予該合夥的信件寄交該合夥在香港經營業務的地方。

48-50. (已失時效而略去——2018 年第 2 號編輯修訂紀錄)

51. 保留及過渡性條文

載有保留及過渡性條文的附表 5 具有效力。

- (i) by delivering it to the person personally; or
- (ii) by sending it by registered post in a letter addressed to the person at the person's usual place of residence or business or, if the person's address is unknown, addressed to the person's last known place of residence or business; or
- (b) in the case of a body corporate—
- (i) by delivering it to any place in Hong Kong at which the body carries on business and giving it to a person apparently concerned in the management of, or apparently employed by, the body; or
- (ii) by sending it to the body by registered post by letter addressed to the body at its registered office in Hong Kong or at any place in Hong Kong at which the body carries on business; or
- (c) in the case of a partnership—
- (i) by delivering it to any place in Hong Kong at which the partnership carries on business and giving it to a person apparently concerned in the management of, or apparently employed by, the partnership; or
- (ii) by sending it to the partnership by registered post by letter addressed to the partnership at any place in Hong Kong at which the partnership carries on business.

48-50. (Omitted as spent—E.R. 2 of 2018)

51. Savings and transitional provisions

Schedule 5 (containing savings and transitional provisions) has effect.

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附表 1

Schedule 1

S1-2
Cap. 509**附表 1**

[第 3 及 43 條]

危險事故

1. 靠機械動力推動的旋轉器皿、輪、磨石或磨輪解體。
2. 起重機械倒塌或失靈 (鏈式吊索或纜吊索折斷的事故除外) 。
3. 任何符合以下說明的爆炸或火警 ——
 - (a) 對任何工作地點的結構或對任何工作地點的作業裝置或物質造成損害的；及
 - (b) 導致在該工作地點進行的日常工作不能繼續的。
4. 任何電力作業裝置的電力短路或電力失靈，而該短路或失靈 ——
 - (a) 隨後引發爆炸或火警，或是與爆炸或火警有關連的；或
 - (b) 對該作業裝置造成結構損毀，
 而該短路、失靈、爆炸、火警或損毀導致該作業裝置的運作停頓或令該作業裝置不能使用。
5. 用以在大於大氣壓力下貯存一種或多於一種氣體 (包括空氣) 或壓縮氣體而成的液體或固體的接收器或容器發生爆炸。

Schedule 1

[ss. 3 & 43]

Dangerous Occurrences

1. The disintegration of a revolving vessel, wheel, grindstone or grinding wheel that is operated by mechanical power.
2. The collapse or failure of a lifting appliance (except the breakage of chain or rope slings).
3. An explosion or fire that—
 - (a) causes damage to the structure of any workplace, or to any plant or substance at a workplace; and
 - (b) prevents the continuation of ordinary work at the workplace.
4. An electrical short circuit or electrical failure of electrical plant that—
 - (a) is followed by, or associated with, an explosion or fire; or
 - (b) causes structural damage to the plant,
 being a short circuit, failure, explosion, fire or damage that stops the operation of the plant or prevents it from being used.
5. An explosion of a receiver or container used for the storage at a pressure greater than atmospheric pressure or of any gas or gases (including air) or any liquid or solid resulting from the compression of gases.

S1-3
第 509 章

附表 1

-
6. 在工作地點所在處所的屋頂、牆壁、地板、地面、構築物或地基完全或部分倒塌。
7. 石礦場內的覆蓋層、工作面、傾卸場或築堤整個或部分倒塌。
8. (a) 推土機、傾卸車、挖土機、平土機、貨車或鏟泥搬土機的翻倒或與任何物體相撞；或
(b) 用以處理石礦場內的物質的非固定機器的翻倒或與任何物體相撞。

在本附表中——

起重機械 (lifting appliance) 包括起重機、人字吊臂、絞車及吊重機。

Schedule 1

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Cap. 509

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6. A total or partial collapse of a roof, wall, floor, structure or foundation of premises where a workplace is located.
7. A total or partial collapse of any overburden, face, tip or embankment within a quarry.
8. The overturning of, or a collision with any object by—
(a) a bulldozer, dumper, excavator, grader, lorry or shovel loader; or
(b) a mobile machine used for the handling of any substance in a quarry.

In this Schedule—

lifting appliance (起重機械) includes crane, derrick, winch and hoist.

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第 509 章

附表 2

Schedule 2

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Cap. 509

附表 2

[第 15 及 43 條]

Schedule 2

[ss. 15 & 43]

須予呈報的職業病

Notifiable Occupational Diseases

項	疾病	職業	Item	Disease	Occupation
1.	因電磁輻射(輻射熱除外)或電離粒子引致皮膚或皮下組織或骨發炎、潰瘍或惡性疾病,或血質不調,或內障	任何涉及暴露於電磁輻射(輻射熱除外)或電離粒子中的職業。	1.	Inflammation, ulceration or malignant disease of the skin or subcutaneous tissues or of the bones, or blood dyscrasia, or cataract, due to electro-magnetic radiations (other than radiant heat), or to ionising particles	Any occupation involving exposure to electro-magnetic radiations other than radiant heat, or to ionising particles.
2.	熱內障	任何涉及經常或長期暴露於鎔融或熾熱物質發出的光線的職業。	2.	Heat cataract	Any occupation involving frequent or prolonged exposure to rays from molten or red-hot material.
3.	氣壓病,包括減壓症、氣壓傷及骨壞死	任何涉及在受壓縮或稀疏空氣或其他氣體或混合氣體下工作的職業。	3.	Dysbarism, including decompression sickness, barotrauma and osteonecrosis	Any occupation involving subjection to compressed or rarefied air or other gases or gaseous mixtures.
4.	因重複動作引致手或前臂痙攣(編輯修訂——2018年第2號編輯修訂紀錄)	任何涉及長期用手書寫、打字或需手指、手或臂作重複動作的職業。	4.	Cramp of the hand or forearm due to repetitive movements	Any occupation involving prolonged periods of handwriting, typing or other repetitive movements of the fingers, hand or arm.

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附表 2

Schedule 2

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項	疾病	職業
5.	手皮下蜂窩織炎 (手瘍)	任何涉及由於體力勞動而導致手部受嚴重或長期的磨擦或壓力的職業。
6.	因膝或周圍部分受嚴重或長期的外來磨擦或壓力而引起膝或周圍部分患粘液囊炎或皮下蜂窩織炎 (膝瘍)	任何涉及由於體力勞動而導致膝或周圍部分受嚴重或長期的外來磨擦或壓力的職業。
7.	因手肘或周圍部分受嚴重或長期的外來磨擦或壓力而引起手肘或周圍部分患粘液囊炎或皮下蜂窩織炎 (肘瘍)	任何涉及由於體力勞動而導致手肘或周圍部分受嚴重或長期的外來磨擦或壓力的職業。
8.	手或前臂 (包括手肘) 的腱或相關腱鞘的外傷性炎症 (由 1999 年第 147 號法律公告修訂)	任何涉及體力勞動, 或手或手腕頻常活動或反覆動作的職業。

Item	Disease	Occupation
5.	Subcutaneous cellulitis of the hand (beat hand)	Any occupation involving manual labour causing severe or prolonged friction or pressure on the hand.
6.	Bursitis or subcutaneous cellulitis arising at or about the knee due to severe or prolonged external friction or pressure at or about the knee (beat knee)	Any occupation involving manual labour causing severe or prolonged external friction or pressure at or about the knee.
7.	Bursitis or subcutaneous cellulitis arising at or about the elbow due to severe or prolonged external friction or pressure at or about the elbow (beat elbow)	Any occupation involving manual labour causing severe or prolonged external friction or pressure at or about the elbow.
8.	Traumatic inflammation of the tendons of the hand or forearm (including elbow), or of the associated tendon sheaths (Amended L.N. 147 of 1999)	Any occupation involving manual labour, or frequent or repeated movements of the hand or wrist.

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Schedule 2

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項	疾病	職業	Item	Disease	Occupation
9.	炭疽	任何涉及接觸患炭疽的動物或處理 (包括起卸或運送) 動物產品或殘留物的職業。	9.	Anthrax	Any occupation involving contact with animals infected with anthrax or the handling (including the loading and unloading or transport) of animal products or residues.
10.	馬鼻疽	任何涉及接觸馬科動物或其屠體的職業。	10.	Glanders	Any occupation involving contact with equine animals or their carcasses.
11.	受鈎端螺旋體感染	任何涉及下列情況的職業—— (a) 在受到或可能受到老鼠、田鼠或野鼠，或其他小哺乳類動物侵擾的地方工作；或 (b) 在狗房工作，或照料或處理狗隻；或 (c) 接觸牛科動物或牛肉產品，或豬隻或豬肉產品。	11.	Infection by leptospira	Any occupation involving— (a) work in places which are, or are liable to be, infested by rats, field mice or voles, or other small mammals; or (b) work at dog kennels or the care or handling of dogs; or (c) contact with bovine animals or their meat products or pigs or their meat products.
12.	因吸入發霉乾草或其他發霉蔬菜產品的塵埃引致肺病，其症狀	任何因下列的受僱工作而涉及暴露於發霉乾草或其他發霉蔬菜產品的塵埃中的職業——	12.	Pulmonary disease due to the inhalation of the dust of mouldy hay or other mouldy	Any occupation involving exposure to the dust of mouldy hay or other mouldy vegetable produce attributable to employment in—

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項	疾病	職業	Item	Disease	Occupation
	與病癥歸因於支氣管肺系統邊緣部分的反應以致影響氣體交換(農夫肺)	(a) 農務、園藝或林務；或 (b) 起卸或處理貯存中的上述乾草或其他蔬菜產品；或 (c) 處理蔗渣。		vegetable produce and characterized by symptoms and signs attributable to a reaction in the peripheral part of the bronchopulmonary system, and giving rise to a defect in gas exchange (farmer's lung)	(a) agriculture, horticulture or forestry; or (b) loading or unloading or handling in storage the hay or produce; or (c) handling bagasse.
13.	受布魯氏菌屬生物感染	任何涉及接觸下列物體的職業—— (a) 受布魯氏菌感染的動物；或 (b) 該等動物的屠體或該等動物部分；或 (c) 從該等屠體或部分取得的任何未經處理的產品；或 (d) 布魯氏菌的實驗樣本或疫苗，或含有布魯氏菌的實驗樣本或疫苗。	13.	Infection by organisms of the genus brucella	Any occupation involving contact with— (a) animals infected by brucella; or (b) the carcasses or any parts of those animals; or (c) any untreated products derived from those carcasses or parts; or (d) laboratory specimens or vaccines of, or containing, brucella.
14.	結核病	任何因下列的受僱工作而涉及緊密並經常接觸一處或多於一處結核病病源的職業—— (a) 醫治或護理結核病患者，或提供該項醫治或護理的附帶服務；或 (b) 照料結核病患者(而該等患者是因其身體或精神虛弱而需接受照料的)；或 (c) 以研究工作者身分進行與結核病有關的研究工作；或	14.	Tuberculosis	Any occupation involving close and frequent contact with a source of tuberculosis infection that is attributable to employment— (a) in the medical treatment or nursing of a person or persons suffering from tuberculosis, or in a service ancillary to that treatment or nursing; or

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項	疾病	職業	Item	Disease	Occupation
		(d) 以實驗室工作人員、病理學家或驗屍工作人員身分工作，而其職業涉及使用結核病病源的物料的工作；或 (e) 從事附帶於上述 (d) 段所指明的的工作類別的職業。			(b) in attending to a person suffering from tuberculosis, where the need for attendance arises because of the person's physical or mental infirmity; or (c) as a research worker engaged in research in connection with tuberculosis; or (d) as a laboratory worker, pathologist or post-mortem worker, where the employment involves working with materials that are a source of tuberculosis infection; or (e) in any occupation ancillary to employment in an occupation specified in paragraph (d).
15.	非經腸道而患上的病毒性肝炎	任何涉及接觸下列物體的職業—— (a) 人類血液或人類血液產品；或 (b) 病毒性肝炎的病源。	15.	Parenterally contracted viral hepatitis	Any occupation involving contact with— (a) human blood or human blood products; or (b) a source of viral hepatitis.
16.	豬型鏈球菌感染	任何涉及接觸受豬型鏈球菌感染的豬隻，或受如此感染的豬隻的屠體、產品或殘留物的職業。	16.	Infection by streptococcus suis	Any occupation involving contact with pigs infected by streptococcus suis, or with the carcasses, products or residues of pigs so infected.
17.	飼鳥病／鸚鵡熱	任何涉及接觸受飼鳥病／鸚鵡熱感染的鳥類、其遺體或未經處理的產品的職業。	17.	Avian chlamydiosis	Any occupation involving contact with birds infected with chlamydia psittaci, their remains or untreated products.

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項	疾病	職業
18.	鉛或鉛化合物中毒	任何涉及—— (a) 使用或處理鉛、鉛化合物或含鉛物質的職業；或 (b) 暴露於鉛、鉛化合物或含鉛物質的煙霧、塵埃或蒸汽中的職業。
19.	錳或錳化合物中毒	任何涉及—— (a) 使用或處理錳、錳化合物或含錳物質的職業；或 (b) 暴露於錳、錳化合物或含錳物質的煙霧、塵埃或蒸汽中的職業。
20.	磷或磷無機化合物中毒，或因磷有機化合物的抗膽素酯酶作用或假抗膽素酯酶作用而中毒	任何涉及—— (a) 使用或處理磷、磷化合物或含磷物質的職業；或 (b) 暴露於磷、磷化合物或含磷物質的煙霧、塵埃或蒸汽中的職業。
21.	砷或砷化合物中毒	任何涉及—— (a) 使用或處理砷、砷化合物或含砷物質的職業；或 (b) 暴露於砷、砷化合物或含砷物質的煙霧、塵埃或蒸汽中的職業。

Item	Disease	Occupation
18.	Poisoning by lead or a compound of lead	Any occupation involving— (a) the use or handling of; or (b) exposure to the fumes, dust or vapour of, lead or a compound of lead, or a substance containing lead.
19.	Poisoning by manganese or a compound of manganese	Any occupation involving— (a) the use or handling of; or (b) exposure to the fumes, dust or vapour of, manganese or a compound of manganese, or a substance containing manganese.
20.	Poisoning by phosphorus or an inorganic compound of phosphorus or the anti-cholinesterase or pseudo anti-cholinesterase action or organic phosphorus compounds	Any occupation involving— (a) the use or handling of; or (b) exposure to the fumes, dust or vapour of, phosphorus or a compound of phosphorus, or a substance containing phosphorus.
21.	Poisoning by arsenic or a compound of arsenic	Any occupation involving— (a) the use or handling of; or (b) exposure to the fumes, dust or vapour of, arsenic or a compound of arsenic, or a substance containing arsenic.

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項	疾病	職業
22.	汞或汞化合物中毒	任何涉及—— (a) 使用或處理汞、汞化合物或含汞物質的職業；或 (b) 暴露於汞、汞化合物或含汞物質的煙霧、塵埃或蒸汽中的職業。
23.	二硫化碳中毒	任何涉及—— (a) 使用或處理二硫化碳、二硫化碳化合物或含二硫化碳物質的職業；或 (b) 暴露於二硫化碳、二硫化碳化合物或含二硫化碳物質的煙霧或蒸汽中的職業。
24.	苯或苯同系物中毒	任何涉及—— (a) 使用或處理苯或任何苯同系物的職業；或 (b) 暴露於苯或任何苯同系物的煙霧或含苯或任何苯同系物的蒸汽中的職業。
25.	苯或苯同系物的硝基、氨基或氯基衍生物中毒，或硝基氯苯中毒	任何涉及—— (a) 使用或處理苯的硝基、氨基或氯基衍生物或硝基氯苯的職業；或 (b) 暴露於苯的硝基、氨基或氯基衍生物或硝基氯苯的煙霧或含苯的硝基、氨基或氯基衍生物或硝基氯苯的蒸汽中的職業。

Item	Disease	Occupation
22.	Poisoning by mercury or a compound of mercury	Any occupation involving— (a) the use or handling of; or (b) exposure to the fumes, dust or vapour of, mercury or a compound of mercury, or a substance containing mercury.
23.	Poisoning by carbon bisulphide	Any occupation involving— (a) the use or handling of; or (b) exposure to the fumes, or vapour of, carbon bisulphide or a compound of carbon bisulphide, or a substance containing carbon bisulphide.
24.	Poisoning by benzene or homologue of benzene	Any occupation involving— (a) the use or handling of; or (b) exposure to the fumes of, or vapour containing, benzene or any of its homologues.
25.	Poisoning by a nitro-derivative, amino-derivative or chloro-derivative of benzene or of a homologue of benzene, or poisoning by nitro-chlorobenzene	Any occupation involving— (a) the use or handling of; or (b) exposure to the fumes of, or vapour containing, a nitro-derivative, amino-derivative or chloro-derivative of benzene or nitro-chlorobenzene.

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項	疾病	職業
26.	二硝基苯酚或其同系物中毒，或二硝基苯酚的取代化合物中毒，或上述各物質的鹽類中毒	任何涉及—— (a) 使用或處理二硝基苯酚或其同系物或二硝基苯酚的取代化合物或上述各物質的鹽類的職業；或 (b) 暴露於二硝基苯酚或其同系物或二硝基苯酚的取代化合物或上述各物質的鹽類的煙霧或含二硝基苯酚或其同系物或二硝基苯酚的取代化合物或上述各物質的鹽類的蒸汽中的職業。
27.	脂肪系碳氫化合物的鹵素衍生物中毒	任何涉及—— (a) 使用或處理脂肪系碳氫化合物的鹵素衍生物的職業；或 (b) 暴露於脂肪系碳氫化合物的鹵素衍生物的煙霧或含脂肪系碳氫化合物的鹵素衍生物的蒸汽中的職業。
28.	二氧化二乙烯(二噁烷)中毒	任何涉及—— (a) 使用或處理二氧化二乙烯(二噁烷)的職業；或 (b) 暴露於二氧化二乙烯(二噁烷)的煙霧或含二氧化二乙烯(二噁烷)的蒸汽中的職業。
29.	氯化萘中毒	任何涉及—— (a) 使用或處理氯化萘的職業；或 (b) 暴露於氯化萘的煙霧或含氯化萘的塵埃或蒸汽中的職業。

Item	Disease	Occupation
26.	Poisoning by dinitrophenol or a homologue or by substituted dinitrophenols or by the salts of those substances	Any occupation involving— (a) the use or handling of; or (b) exposure to the fumes of, or vapour containing, dinitrophenol or a homologue or substituted dinitrophenols or the salts of those substances.
27.	Poisoning by halogen derivatives of hydrocarbons of the aliphatic series	Any occupation involving— (a) the use or handling of; or (b) exposure to the fumes of, or vapour containing, halogen derivatives of hydrocarbons of the aliphatic series.
28.	Poisoning by diethylene dioxide (dioxan)	Any occupation involving— (a) the use or handling of; or (b) exposure to the fumes of, or vapour containing, diethylene dioxide (dioxan).
29.	Poisoning by chlorinated naphthalene	Any occupation involving— (a) the use or handling of; or (b) exposure to the fumes of, or dust or vapour containing, chlorinated naphthalene.

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項	疾病	職業	Item	Disease	Occupation
30.	氮氧化物中毒	任何涉及—— (a) 使用或處理氮氧化物的職業；或 (b) 暴露於氮氧化物的煙霧或含氮氧化物的塵埃或蒸汽中的職業。	30.	Poisoning by oxides of nitrogen	Any occupation involving— (a) the use or handling of; or (b) exposure to the fumes of, or dust or vapour containing, oxides of nitrogen.
31.	鉍或鉍化合物中毒	任何涉及—— (a) 使用或處理鉍、鉍化合物或含鉍物質的職業；或 (b) 暴露於鉍、鉍化合物或含鉍物質的煙霧、塵埃或蒸汽中的職業。	31.	Poisoning by beryllium or a compound of beryllium	Any occupation involving— (a) the use or handling of; or (b) exposure to the fumes, dust or vapour of, beryllium or a compound of beryllium or a substance containing beryllium.
32.	鎘中毒	任何涉及—— (a) 使用或處理鎘的職業；或 (b) 暴露於鎘的塵埃或煙霧中的職業。	32.	Poisoning by cadmium	Any occupation involving— (a) the use or handling of; or (b) exposure to the dust or fumes of, cadmium.
33.	眼角膜營養障礙 (包括角膜表面潰瘍)	任何涉及—— (a) 使用或處理砷、焦油、松脂、瀝青、礦物油 (包括石蠟)、煙灰或任何此等物質的化合物、產品或殘留物的職業；或 (b) 暴露於砷、焦油、松脂、瀝青、礦物油 (包括石蠟)、煙灰或任何此等物質的化合物、產品或殘留物中的職業。	33.	Dystrophy of the cornea of the eye (including ulceration of the corneal surface)	Any occupation involving— (a) the use or handling of; or (b) exposure to, arsenic, tar, pitch, bitumen, mineral oil (including paraffin) or soot, or any compound, product or residue of any of those substances.

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項	疾病	職業	Item	Disease	Occupation
34.	上皮癌初期	任何涉及—— (a) 使用或處理砷、焦油、松脂、瀝青、礦物油(包括石蠟)、煙灰，或任何此等物質的化合物、產品或殘留物的職業；或 (b) 暴露於砷、焦油、松脂、瀝青、礦物油(包括石蠟)、煙灰，或任何此等物質的化合物、產品或殘留物中的職業。	34.	Primary epitheliomatous cancer of the skin	Any occupation involving— (a) the use or handling of; or (b) exposure to, arsenic, tar, pitch, bitumen, mineral oil (including paraffin) or soot, or any compound, product or residue of any of those substances.
35.	鉻潰瘍，包括鼻中隔穿破	任何涉及—— (a) 使用或處理鉻酸，或鉍、鉀、鈉或鋅的各酸鹽或中鉻酸鹽的職業；或 (b) 含上述任何物質的製劑或溶液的職業。	35.	Chrome ulceration including perforation of nasal septum	Any occupation involving the use or handling of— (a) chromic acid, chromate or bichromate or ammonium, potassium, sodium or zinc; or (b) any preparation or solution containing any of those substances.
36.	泌尿道(腎盂、輸尿管、膀胱及尿道)原發性上皮瘤，包括乳頭狀瘤、原位癌及侵入癌	任何涉及生產、使用或處理以下項目的職業—— (a) α -萘胺、 β -萘胺或亞甲基-雙一、二-氯苯胺，或含有至少一個硝基或伯胺基或至少一個硝基或伯胺基(聯苯胺)的二苯；及 (b) 任何由鹵化甲基或甲氧基取代的環的上述物質，與任何上述物質的鹽，以及生產金胺與品紅。	36.	Primary neoplasm of the epithelial lining of the urinary tract (renal pelvis, ureter, bladder and urethra), including papilloma, carcinoma-in-situ and invasive carcinoma	Any occupation involving the production, use or handling of— (a) alpha-naphthylamine, betanaphthylamine or methylenebis-orthochloraniline, or disphenyl substituted by at least one nitro or primary amino group or by at least one nitro and primary amino group (including benzidine); and (b) any of those substances if further ring substituted by halogeno methyl or methoxyl group and the salts of any of those substances and the production of auramine and magenta.

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項	疾病	職業	Item	Disease	Occupation
37.	多發性外周神經炎	任何涉及—— (a) 生產、使用或處理各種自然狀態的正己烷或甲基正丁基甲酮或含有正己烷或甲基正丁基甲酮的製劑或溶液的職業；或 (b) 暴露於各種自然狀態的正己烷或甲基正丁基甲酮或含有正己烷或甲基正丁基甲酮的製劑或溶液中的職業。	37.	Peripheral poly-neuropathy	Any occupation involving— (a) the production, use or handling of; or (b) exposure to, any physical form of, or any preparation or solution containing n-Hexane or methyl-n-butyl ketone.
38.	局部皮膚瘤(乳頭狀或角化性)	任何涉及—— (a) 使用或處理砷、焦油、松脂、瀝青、礦物油(包括石蠟)、煙灰或任何此等物質的化合物、產品或殘留物的職業；或 (b) 暴露於砷、焦油、松脂、瀝青、礦物油(包括石蠟)、煙灰或任何此等物質的化合物、產品或殘留物中的職業。	38.	Localised new growth of the skin, papillomatous or keratotic	Any occupation involving— (a) the use or handling of; or (b) exposure to, arsenic, tar, pitch, bitumen, mineral oil (including paraffin) or soot, or any compound, product or residue of any of those substances.
39.	職業性白斑病	任何涉及—— (a) 使用或處理對特丁基苯酚、對特丁基苯二酚、對戊基苯酚、對苯二酚或一苯甲基對苯二酚或對苯二酚一丁基醚的職業；或 (b) 暴露於對特丁基苯酚、對特丁基苯二酚、對戊基苯酚、對苯二酚或一苯甲基對苯二酚或對苯二酚一丁基醚中的職業。	39.	Occupational vitiligo	Any occupation involving— (a) the use or handling of; or (b) exposure to, paratertiary-butyl phenol, paratertiary-butyl catechol, para-amyl-phenol, hydroquinone or the monobenzyl or monobutyl ether of hydroquinone.

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項	疾病	職業	Item	Disease	Occupation
40.	因塵埃、液體或蒸汽引致皮膚發炎或潰瘍 (包括氯痤瘡但不包括鉻潰瘍)	任何涉及暴露於足以刺激皮膚的塵埃、液體或蒸汽中的職業。	40.	Inflammation or ulceration of the skin produced by dust, liquid or vapour (including the condition known as chloracne but excluding chrome ulceration)	Any occupation involving exposure to dust, liquid or vapour, where the exposure is capable of irritating the skin.
41.	因塵埃、液體或蒸汽引致上呼吸道或口腔的粘膜發炎或潰瘍	任何涉及暴露於塵埃、液體或蒸汽中的職業。	41.	Inflammation or ulceration of the mucous membrane of the upper respiratory passages or mouth produced by dust, liquid or vapour	Any occupation involving exposure to dust, liquid or vapour.
42.	鼻腔或相關氣竇的癌症 (鼻癌)	任何涉及—— (a) 製造或修理木製成品的職業；或 (b) 製造或修補全部或部分以皮革或纖維板製成的鞋類或鞋配件的職業。	42.	Carcinoma of the nasal cavity or associated air sinuses (nasal carcinoma)	Any occupation involving— (a) the manufacture or repair of wooden goods; or (b) the manufacture or repair of footwear or components of footwear made wholly or partly of leather or fibre board.
43.	棉屑沉著病	任何涉及暴露於原棉屑的職業。	43.	Byssinosis	Any occupation involving exposure to raw cotton dust.

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項	疾病	職業
44.	職業性哮喘病	任何涉及使用或處理可刺激或敏化呼吸系統的下述任何一種物質或暴露於下述任何一種物質中的職業—— (a) 異氰酸鹽； (b) 鉑化合物； (c) 因製造、運送或使用以鄰苯二甲酸酐、偏苯三酸酐或三乙烯四胺為主要成分的硬化劑（例如環氧樹脂硬化劑）所引起的煙霧或塵埃； (d) 因使用松脂作為助焊劑所引起的煙霧； (e) 甲醛； (f) 蛋白酶； (g) 作研究或教育用途或在實驗室使用的動物或昆蟲； (h) 因大麥、燕麥、黑麥、小麥或玉米的播種、栽植、收割、弄乾、處理、研磨、運送或貯存，或因上述穀物製成的穀粉或粉末的運送或貯存所引起的塵埃。 (i) 任何其他在工作期間吸入的敏化物質。 (由 1999 年第 147 號法律公告增補)
45.	矽肺病	任何職業。

Item	Disease	Occupation
44.	Occupational asthma	Any occupation involving the use or handling of, or exposure to, any of the following agents which may irritate or sensitise the respiratory system— (a) isocyanates; (b) platinum salts; (c) fumes or dusts arising from the manufacture, transport or use of hardening agents (such as epoxy resin curing agents) based on phthalic anhydride, trimellitic anhydride or triethylenetetramine; (d) fumes arising from the use of rosin as a soldering flux; (e) formaldehyde; (f) proteolytic enzymes; (g) animals or insects used for the purposes of research or education or in laboratories; (h) dusts arising from the sowing, cultivation, harvesting, drying, handling, milling, transport or storage of barley, oats, rye, wheat or maize, or the handling, milling, transport or storage of meal or flour made from them. (i) any other sensitising agent inhaled at work. (Added L.N. 147 of 1999)
45.	Silicosis	Any occupation.

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項	疾病	職業	Item	Disease	Occupation
46.	與石棉有關的疾病 (例如石棉沉着病及 間皮瘤)	任何職業。	46.	Asbestos-related diseases (such as asbestosis and mesothelioma)	Any occupation.
47.	職業性失聰	任何職業。	47.	Occupational deafness	Any occupation.
48.	腕管綜合症	任何涉及重複使用內部部件震動的手提 有動力供應的工具而使用該等工具會將 震動傳送至手部的職業，但涉及使用純 粹手動的工具的職業除外。(由 1999 年 第 147 號法律公告增補)	48.	Carpal tunnel syndrome	Any occupation involving repetitive use of hand-held powered tools whose internal parts vibrate so as to transmit that vibration to the hand, but excluding those which are solely powered by hand. (Added L.N. 147 of 1999)
49.	退伍軍人病	任何涉及修理、保養或整理—— (a) 使用清水的冷卻系統；或 (b) 熱水處理系統， 的職業。(由 1999 年第 147 號法律公告 增補)	49.	Legionnaires' disease	Any occupation involving the repair, maintenance or service of— (a) cooling systems that use fresh water; or (b) hot water service systems. (Added L.N. 147 of 1999)
50.	嚴重急性呼吸系統綜 合症	任何涉及因為受僱從事以下工作以致緊 密並經常接觸一處或多於一處嚴重急性 呼吸系統綜合症病源的職業——(由 2005 年第 14 號法律公告修訂) (a) 醫治或護理嚴重急性呼吸系統綜合 症患者，或提供該項醫治或護理的 附帶服務；或 (b) 照料嚴重急性呼吸系統綜合症患者 (而該患者是因其身體或精神虛弱 而需接受照料的)；或	50.	Severe acute respiratory syndrome	Any occupation involving close and frequent contacts with a source or sources of severe acute respiratory syndrome infection that is attributable to employment— (a) in the medical treatment or nursing of a person suffering from severe acute respiratory syndrome, or in a service ancillary to that treatment or nursing; or

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項	疾病	職業	Item	Disease	Occupation
		<ul style="list-style-type: none"> (c) 識別、探查、追查、隔離、扣留、監督或監察嚴重急性呼吸系統綜合症患者；或 (d) 從事與嚴重急性呼吸系統綜合症有關連的研究工作的研究工作者，或從事該項研究工作的附帶服務；或 (e) 擔任實驗室工作人員、病理學家、驗屍工作人員或殮殮服務工作人員，而該項工作涉及處理屬嚴重急性呼吸系統綜合症病源的任何人體或其他物料，或從事該項處理工作的附帶服務。 (由 2004 年第 214 號法律公告增補) 			<ul style="list-style-type: none"> (b) in attending to a person suffering from severe acute respiratory syndrome, where the need for attendance arises because of the person's physical or mental infirmity; or (c) in identifying, detecting, tracing, isolating, detaining, supervising or surveillance of a person suffering from severe acute respiratory syndrome; or (d) as a research worker engaged in research in connection with severe acute respiratory syndrome, or in a service ancillary to that research; or (e) as a laboratory worker, pathologist, post-mortem worker or funeral services worker, where the employment involves the handling of any human body or other materials that are a source of severe acute respiratory syndrome infection, or in a service ancillary to that handling. (Added L.N. 214 of 2004)
51.	甲型禽流感	任何涉及因為受僱從事以下工作以致緊密並經常接觸一處或多於一處甲型禽流感病源的職業——(由 2005 年第 14 號法律公告修訂)	51.	Avian influenza A	Any occupation involving close and frequent contacts with a source or sources of avian influenza A infection that is attributable to employment—

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項	疾病	職業	Item	Disease	Occupation
		<p>(a) 從事處理屬甲型禽流感病源的家禽或雀鳥、未經烹煮的已死家禽或雀鳥或其部分或其殘留物、或未經處理的家禽或雀鳥產品的工作人員，或從事該項處理工作的附帶服務；或（由 2005 年第 14 號法律公告修訂）</p> <p>(b) 從事與甲型禽流感有關連的研究工作的研究工作者，或從事該項研究工作的附帶服務；或</p> <p>(c) 從事處理屬甲型禽流感病源的物料的實驗室工作人員，或從事該項處理工作的附帶服務。（由 2004 年第 214 號法律公告增補）</p>			<p>(a) as a worker engaged in the handling of poultry or birds or their uncooked remains or residues, or their untreated products, that are a source of avian influenza A infection, or in a service ancillary to that handling; or (<i>Amended L.N. 14 of 2005</i>)</p> <p>(b) as a research worker engaged in research in connection with avian influenza A, or in a service ancillary to that research; or</p> <p>(c) as a laboratory worker engaged in the handling of materials that are a source of avian influenza A infection, or in a service ancillary to that handling. (<i>Added L.N. 214 of 2004</i>)</p>

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附表 3

Schedule 3

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附表 3

(已失時效而略去——2018 年第 2 號編輯修訂紀錄)

Schedule 3

(Omitted as spent—E.R. 2 of 2018)

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附表 4

Schedule 4

S4-2
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附表 4

(已失時效而略去——2018 年第 2 號編輯修訂紀錄)

Schedule 4

(Omitted as spent—E.R. 2 of 2018)

附表 5

[第 51 條]

保留及過渡性條文**1. 行政長官可訂立保留及過渡性規例**

- (1) 行政長官可在立法會批准下，訂立載有相應於本條例制定的屬保留或過渡性質的條文的規例。(由 2000 年第 54 號第 3 條修訂)
- (2) 如規例如此規定，第 (1) 款所提述的任何條文可自本條例獲批准的日期或較後的日期起生效。
- (3) 如第 (1) 款所提述的條文自一個較其在憲報刊登的日期為早的日期起生效，則在其如此生效的範圍內，該條文的實施並不——
 - (a) 以損害任何人(政府或任何公共機構除外)的方式影響該人在該條文刊登的日期之前存在的權利；或
 - (b) 就在該條文刊登的日期前作出的事情或沒有在該日期前作出的事情向任何人(政府或任何公共機構除外)施加法律責任。

2. 根據《工廠及工業經營條例》進行的研訊

儘管《工廠及工業經營條例》(第 59 章)第 11A 及 11B 條被廢除，

Schedule 5

[s. 51]

Savings and Transitional Provisions**1. Chief Executive may make savings and transitional regulation**

- (1) The Chief Executive may make regulations, subject to the approval of the Legislative Council, containing provisions of a savings or transitional nature consequent on the enactment of this Ordinance. (*Amended 54 of 2000 s. 3*)
- (2) A provision referred to in subsection (1) may, if the regulation so provides, take effect from the date of assent to this Ordinance or a later date.
- (3) To the extent to which a provision referred to in subsection (1) takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as—
 - (a) to affect, in a manner prejudicial to any person (other than the Government or a public body), the rights of that person existing before the date of its publication; or
 - (b) to impose liabilities on any person (other than the Government or a public body) in respect of anything done, or omitted to be done, before the date of its publication.

2. Inquiries under Factories and Industrial Undertakings Ordinance

S5-3
第 509 章

附表 5
第 2 條

緊接在該等條文被廢除前根據該等條文的任何一條待決的任何研訊可繼續進行和完成，猶如該等條文未被廢除一樣。

Schedule 5
Section 2

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Despite the repeal of sections 11A and 11B of the Factories and Industrial Undertakings Ordinance (Cap. 59), an inquiry pending under either of those sections immediately before their repeal may be continued and completed as if those sections had not been repealed.