

LEGISLATIVE COUNCIL BRIEF

Boilers and Pressure Vessels Ordinance (Chapter 56)

BOILERS AND PRESSURE VESSELS (AMENDMENT) BILL 2001

INTRODUCTION

At the meeting of the Executive Council on 24 April 2001, the Council ADVISED and the Chief Executive ORDERED that the Boilers and Pressure Vessels (Amendment) Bill 2001, at Annex A, should be introduced into the Legislative Council.

BACKGROUND AND ARGUMENTS

General Background

2. The Ordinance controls the use and operation of boilers and pressure vessels and provides for the holding of enquiries in case of accidents. It requires boilers and steam receivers falling within its coverage to be operated under the direct supervision of a "competent person" who should possess a certificate of competency issued by the Boilers and Pressure Vessels Authority (the Authority). At present, the Commissioner for Labour has been appointed as the Authority.
3. Under section 6(1) of the Ordinance, the Authority may, upon application in writing and upon payment of the prescribed fee, issue a certificate to a person if -
 - (a) that person has produced to the Authority evidence that satisfies the latter as to his suitability to be issued with the certificate and as to his experience in the operation of boilers and steam receivers of the class or type to be specified in the certificate; or
 - (b) that person has satisfied the examiners appointed by the Authority as to his suitability to be issued with the certificate and as to his competence to operate boilers and steam receivers of the class or type to be specified in the certificate.
4. A person who possesses a certificate (certificate holder) may obtain under section 6(3) an endorsement of his existing certificate, or a new certificate, from the Authority if he satisfies the Authority that he is competent to operate additional classes or types of boilers and steam receivers.

5. The Authority collects fees to cover the cost relating to the issue or endorsement of certificates and has power under section 6(4)(a) to revoke a certificate at any time.

The Problem and the Proposal

6. In 1997, when the proposals for reviewing fees and charges under the Ordinance were examined by the then Legislative Council, ambiguities were identified in the provisions relating to the charging of fees under the Ordinance by the then Legislative Council. The fees and charges review proposals were supported on the basis of the undertaking by the Administration to conduct a review and to introduce necessary amendments. Having examined in consultation with the Department of Justice, the relevant provisions of the Ordinance and the Regulations, as well as the actual practices, we have concluded that these provisions should be clarified in the following aspects.

(A) Charging of fees

7. Section 65(1)(c) of the Ordinance provides that "the Authority may by regulation provide for fees". Under regulation 18(1) of the Regulations, the prescribed fee for the issue of a certificate is \$330. A person who sits for an examination for the purposes of the issue or endorsement of a certificate is required under regulation 18(2) to pay a fee of \$610. The Department of Justice has advised that the existing provisions have the following ambiguities -

(a) Authority to charge different fees

There is no express provision in the Ordinance empowering the Authority to -

- (i) charge fees for conducting examinations; or
- (ii) impose different fees in respect of different classes of applicants, i.e. those who need to take an examination and those who do not need to take an examination.

There is a need to include such a provision under section 65.

(b) Fees for endorsement of certificates by production of evidence

Although the existing practice is that the fee collected under regulation 18(1) applies to both the issue and endorsement of a certificate, regulation 18(1) does not expressly cover the endorsement of an existing certificate. Regulation 18(1) needs to be amended so as to cover the endorsement of certificates.

(c) **Fees for an applicant who fails in an examination:**

Regulation 18(2) requires an applicant to pay a fee prior to each occasion on which he/she is examined for the purpose of the issue or endorsement of a certificate. This is mainly to recover the cost incurred by the Authority in conducting examinations for the purpose of section 6 and a very small portion of the fee is charged for the issue or endorsement of certificates. The fee is payable by an applicant irrespective of whether he/she passes or fails the examination. However, without express authorisation under the existing provisions, the Authority may only set the fee at a level sufficient to recover the costs of providing the services. Charging the unsuccessful applicants for the issue or endorsement of certificates may be ultra vires, but refunding the small amount of fees to the unsuccessful applicants would incur additional administrative cost and is not cost-effective. An express provision should be included in section 65 to empower the Authority to fix the amount of fee for general recovery of expenditure incurred in performing his functions under the Ordinance without being limited by reference to the amount of costs in relation to a particular application.

(d) **Refund**

At present, Labour Department could make alternative arrangements for a scheduled examination without incurring cost if at least two working days' advance notice of postponement could be served. In such a case, the Authority may refund the applicant on the basis that the cost for the examination has yet to be incurred. Express provisions providing for such refund are required.

(B) Issue, Endorsement and Revocation of Certificates

8. According to the existing practice, the Authority may issue or endorse a certificate under sections 6(1) or 6(3) of the Ordinance if an applicant -

- (a) has produced evidence that satisfies the Authority; or
- (b) has passed the examination conducted by the Authority and satisfied the Authority,

that the applicant is a fit and proper person to hold a certificate and has substantial experience, skill and knowledge in the operation of the classes and types of boilers and pressure vessels concerned. Sections 6(1) and 6(3) do not clearly reflect these factors and should therefore be amended to provide for them.

9. Separately, while section 6(4)(a) empowers the Authority to revoke certificates, it does not provide for the circumstances under which the Authority may exercise the power. In practice, the Authority may revoke a certificate if he ceases to be satisfied, having regard to the factors for the issue or endorsement of certificates, that the certificate holder is a suitable person to hold the certificate. There is a need to spell it out under section 6(4)(a).

(C) Conduct of Examinations

10. The Department of Justice has advised that the Ordinance does not explicitly authorise the Authority to conduct examinations for the purpose of the endorsement of a certificate and to make rules or regulations providing for examinations. It is therefore necessary to expressly provide in section 6 of the Ordinance that the Authority may conduct examinations.

11. In addition, the Authority now appoints "examiners" for the conduct of examinations for the purpose of section 6. To avoid confusion with the definition of "appointed examiner"¹ in section 2, there is a need to replace "examiner" by "assessor".

(D) Appeal Mechanism

12. The Ordinance does not provide for an appeal mechanism against administrative decisions regarding (i) the issue or endorsement of certificates under sections 6(1) or 6(3); and (ii) the revocation of certificates under section 6(4)(a). In line with section 5A² and in order to comply with the human rights requirements that determinations of a person's civil right (including the right to practise in a trade) are made by a competent, independent and impartial tribunal, there is a need to make provisions under the Ordinance to enable persons aggrieved by the relevant decisions by the Authority to appeal against those decisions to the Administrative Appeals Board.

(E) Technical Amendments

13. There is inconsistency in the Chinese text of the term of "competence" in section 49(7) of the Ordinance, i.e. "資格", with that of the same term used in the same context under section 6(2), i.e. "足夠能力". It is necessary to amend

¹ Under section 2 of the Ordinance, "appointed examiner" refers to a boiler inspector, air receiver inspector or a pressurized fuel container inspector, as the case may be. They are responsible under various sections of the Ordinance to examine a boiler, pressure vessel, air receiver or pressurized fuel container.

² Section 5A of the Ordinance provides for the revocation and suspension of appointment of a boiler inspector, air receiver inspector and a pressurized fuel container inspector. A person who is aggrieved by the Authority's decision to revoke or suspend his appointment may appeal against the decision to the Administrative Appeals Board.

section 49(7) so that the Chinese text of the term "competence" is the same as in section 6(2).

Implementation

14. The Bill, if enacted, should come into immediate effect.

THE BILL

15. **Clause 2** of the Bill amends section 6 of the Ordinance to -

- (a) clarify the grounds on which the Authority may issue, endorse or revoke a certificate under sections 6(1), 6(3) or 6(4)(a);
- (b) give express authorisation to the Authority to conduct examinations and appoint assessors for the issue and endorsement of certificates and to make rules governing those examinations; and
- (c) provide that appeals against the Authority's decisions on the issue, endorsement or revocation of certificates may be made to the Administrative Appeals Board.

16. **Clause 3** amends the Chinese text of the term "competence" in section 49(7) to "足夠能力".

17. **Clause 4** amends section 65 by adding a new subsection (3) to provide the basis for the fee charging arrangements under the Ordinance.

18. **Clause 6** amends regulation 18 to clarify the different fee arrangements in connection with the applications for the issue and endorsement of certificates by way of examinations and production of evidence and to provide for refund of application fees under prescribed circumstances.

19. **Clause 5** provides for the savings and transitional arrangements and **clause 7** provides for the consequential amendments to the Schedule to the Administrative Appeals Board Ordinance (Cap 442).

20. The existing provisions being amended are attached at Annex B.

LEGISLATIVE TIMETABLE

21. The legislative timetable will be -

Publication in the Gazette

27 April 2001

First Reading and commencement of Second Reading debate	9 May 2001
Resumption of Second Reading debate, committee stage and Third Reading	To be notified

BASIC LAW IMPLICATIONS

22. The Department of Justice advises that the proposed Bill does not conflict with those provisions of the Basic Law carrying no human rights implications.

HUMAN RIGHTS IMPLICATIONS

23. The Department of Justice advises that the proposed legislation is consistent with the human rights provisions of the Basic Law.

BINDING EFFECT OF THE LEGISLATION

24. The amendments will not affect the current binding effect of the Ordinance and the Regulations.

FINANCIAL AND STAFFING IMPLICATIONS

25. The proposal to provide for an appeal mechanism against relevant decisions of the Authority may cause a small increase in the number of appeal cases to be handled by the Secretariat of the Administrative Appeals Board. The Director of Administration will meet any financial or staffing implications thus arising from his existing resources. The other proposals have no financial or staffing implications for Government.

ECONOMIC IMPLICATIONS

26. The amendment helps to clarify the ambiguities in the relevant provisions of the Ordinance and the Regulations. There are no economic implications.

PUBLIC CONSULTATION

27. The Labour Advisory Board's Committee on Occupational Safety and Health and the Labour Advisory Board itself were consulted at their meetings on 17 March 1998 and 17 April 1998 respectively. The proposal to clarify the fee charging arrangements was endorsed at both meetings.

PUBLICITY

28. A press release will be issued. A spokesman will be available to handle media enquiries.

Education and Manpower Bureau
April 2001

Subject Officer: Mr K K Lam
Telephone Number: 2810 3561

A BILL

To

Amend the Boilers and Pressure Vessels Ordinance and the Boilers and Pressure Vessels Regulations.

Enacted by the Legislative Council.

1. Short title

This Ordinance may be cited as the Boilers and Pressure Vessels (Amendment) Ordinance 2001.

Boilers and Pressure Vessels Ordinance

2. Certificates of competency

Section 6 of the Boilers and Pressure Vessels Ordinance (Cap. 56) is amended -

(a) by repealing subsection (1) and substituting -

"(1) The Authority may, upon application in writing, issue a certificate of competency to a person if that person -

- (a) has produced evidence that satisfies the Authority; or
- (b) has passed the examination conducted by the Authority and satisfied the Authority,

that -

- (i) he is a fit and proper person to hold the certificate; and
- (ii) he has substantial experience,

skill and knowledge in the operation of all classes and types of boiler and steam receiver or of boilers or steam receivers, or both, of the class or type to be specified in the certificate, as the case may be.";

(b) by repealing subsection (3) and substituting -

"(3) The Authority may, upon application in writing by a person who has been issued with a certificate of competency referred to in subsection (2)(b), endorse the existing certificate of the person or issue a new certificate of competency to certify that the person is competent to operate all classes and types of boiler and steam receiver or is competent to operate boilers or steam receivers, or both, of a class or type ("additional class or type") in addition to the class or type specified in the existing certificate, as the case may be.

(3A) The Authority may endorse an existing certificate of competency or issue a new certificate of competency under subsection (3) only if that person -

- (a) has produced evidence that satisfies the Authority; or
- (b) has passed the examination

conducted by the Authority and satisfied the Authority,

that -

- (i) he is a fit and proper person to have the existing certificate endorsed or to be issued with the new certificate; and
- (ii) he has substantial experience, skill and knowledge in the operation of all classes and types of boiler and steam receiver or of boilers or steam receivers, or both, of the additional class or type, as the case may be.";

(c) by repealing subsection (4)(a) and substituting -

"(a) The Authority may revoke a certificate of competency if, having regard to the conditions referred to in subsection (1)(i) and (ii), it ceases to be satisfied that the holder of the certificate is a suitable person to hold the certificate.";

(d) by adding -

"(5) A person who makes an application under subsection (1) or (3) shall pay the prescribed application fee.

(6) The Authority shall cause

examinations to be conducted and shall appoint assessors for the purposes of subsections (1)(b) and (3A)(b).

(7) The Authority may, in relation to examinations conducted under subsection (6), make rules providing for -

- (a) the syllabus for the examinations;
- (b) the conditions to be satisfied by candidates before taking the examinations;
- (c) the standards of competency to be attained by candidates at the examinations;
- (d) the procedures for and the method of conducting the examinations;
- (e) the procedures for the review of examination results; and
- (f) general matters in relation to the examinations.

(8) For the avoidance of doubt, it is declared that rules made under subsection (7) are not subsidiary legislation.

(9) A person aggrieved by a decision of the Authority made in respect of him under subsection (1), (3) or (4)(a) may, within 28 days of being notified of the decision by the Authority, appeal to the Administrative

Appeals Board.

(10) A revocation of a certificate of competency by the Authority under subsection (4)(a) shall have immediate effect, notwithstanding any appeal lodged by the holder of the certificate against the decision under subsection (9)."

3. Offences in relation to use and operation of boilers or pressure vessels

Section 49(7) is amended by repealing "資格" and substituting "足夠能力".

4. Regulations

Section 65 is amended by adding -

- "(3) (a) The amount of any fee prescribed in regulations made under subsection (1)(c) -
- (i) may be fixed at levels sufficient to effect the recovery of expenditure incurred or likely to be incurred by the Authority in performing his functions under this Ordinance;
 - (ii) shall not be limited by reference to the amount of administrative or other costs incurred or likely to be incurred in relation to the application, service or facility, or other matter, to which such fee relates.
- (b) Different fees may be prescribed for different types of application, service or facility, or other

matter, based on the manner in which they are made to the Authority or based on such other circumstances as are specified in those regulations."

5. Savings and Transitional

(1) This Ordinance shall not apply to any application under section 6 of the principal Ordinance submitted to the Authority before the commencement date and such application shall be governed by the principal Ordinance in force immediately before that date, as if this Ordinance had not been enacted.

(2) An examiner appointed by the Authority before the commencement date for the purposes of section 6 of the principal Ordinance shall be deemed to be an assessor appointed by the Authority under that section as amended by this Ordinance.

(3) This Ordinance shall not affect the validity of any certificate of competency issued or endorsed under section 6 of the principal Ordinance before the commencement date and a certificate of competency so issued or endorsed that is valid immediately before that date shall remain valid as if it had been issued or endorsed under that section as amended by this Ordinance.

(4) In this section, "commencement date" (生效日期) means the date on which this Ordinance comes into effect.

Boilers and Pressure Vessels Regulations

6. Regulation substituted

Regulation 18 of the Boilers and Pressure Vessels Regulations (Cap. 56 sub. leg.) is repealed and the following substituted -

"18. Fees

(1) A person who applies to be issued with a new certificate of competency or applies to have an existing certificate of competency endorsed by the Authority under section 6(1)(a) or (3A)(a) of the Ordinance, as the case may be, shall pay an application fee of \$330.

(2) A person who applies to be issued with a new certificate of competency or applies to have an existing certificate of competency endorsed by the Authority under section 6(1)(b) or (3A)(b) of the Ordinance, as the case may be, shall pay an application fee of \$610.

(3) Subject to subregulation (4), application fees paid under this regulation may not be refunded by the Authority.

(4) A person who fails to attend an examination conducted under section 6(6) of the Ordinance shall, at his request, have his application fee refunded by the Authority if he has given not less than 2 days' advance notice in writing to the Authority of his inability to attend the examination."

Consequential Amendments

Administrative Appeals Board Ordinance

7. Schedule amended

Item 2 of the Schedule to the Administrative Appeals Board Ordinance (Cap. 442) is amended, in column 3 -

- (a) by renumbering it as paragraph (a);
- (b) by adding -

- "(b) A decision of the Boilers and Pressure Vessels Authority on the issue or endorsement of a certificate of competency under section 6(1) or (3).
- (c) A decision of the Boilers and Pressure Vessels Authority to revoke a certificate of competency under section 6(4)(a).".

Explanatory Memorandum

This Bill amends the Boilers and Pressure Vessels Ordinance (Cap. 56) and the Boilers and Pressure Vessels Regulations (Cap. 56 sub. leg.) in order to clarify the provisions concerning certificates of competency for the operation of boilers and steam receivers. The principal amendments are -

- (a) to clarify the grounds on which the Boilers and Pressure Vessels Authority ("Authority") may issue a certificate of competency to an applicant (see clause 2(a));
- (b) to clarify the grounds on which the Authority may endorse the certificate of competency of, or issue a new certificate of competency to, an existing holder of certificate (see clause 2(b));
- (c) to prescribe the circumstances under which the Authority may revoke a certificate of competency (see clause 2(c));
- (d) to give express authorization to the Authority to conduct examinations and appoint assessors for the purposes of deciding whether to issue and endorse certificates of competency and to make rules

governing those examinations (see new section 6(6) to (8) added by clause 2(d));

- (e) to provide for an appeal mechanism in relation to decisions by the Authority on the issue, endorsement and revocation of certificates of competency (see new section 6(9) and (10) added by clause 2(d));
- (f) to clarify the different fee arrangements in connection with applications for the issue and endorsement of certificates of competency by way of production of evidence and examination (see new regulation 18(1) and (2) added by clause 6); and
- (g) to provide for refund of application fees under prescribed circumstances (see new regulation 18(4) added by clause 6).

Chapter: 56	Title: BOILERS AND PRESSURE VESSELS ORDINANCE	Gazette Number:
Section: 6	Heading: Certificates of competency	Version Date: 30/06/1997

(1) The Authority may, upon application in writing therefore and upon payment of the prescribed fee, issue a certificate of competency to any person who-

- (a) has produced to him evidence that satisfies him as to the suitability of that person to be issued therewith and as to his experience in the operation of all classes and types of boiler and steam receiver or of boilers or steam receivers, or both, of the class or type to be specified in the certificate of competency, as the case may be; or
- (b) has satisfied such examiners as the Authority may appoint as to his suitability to be issued therewith and as to his competence to operate all classes and types of boiler and steam receiver or boilers or steam receivers, or both, of the class or type to be specified in the certificate of competency, as the case may be.

(2) Every certificate of competency shall be in the prescribed form and shall, as the case may be, certify that the person to whom it is issued is-

- (a) competent to operate all classes and types of boiler and steam receiver and their auxiliary equipment; or
- (b) competent to operate boilers or steam receivers, or both, and their auxiliary equipment, of the class or type specified therein.

(3) Where the Authority is satisfied that a person to whom he has issued a certificate of competency certifying that that person is competent to operate boilers or steam receivers, or both, of a specified class or type is, as the case may be, competent to operate all classes and types of boiler and steam receiver or competent to operate a class or type of boiler or steam receiver in addition to the class or type specified in that certificate, he may, upon payment of the prescribed fee, endorse the certificate accordingly or issue to that person a new certificate of competency.

- (4) (a) The Authority may revoke a certificate of competency at any time.
- (b) A certificate of competency shall be deemed to have been revoked if the person to whom it was issued has not, for a period of 4 years or more than 4 years, been engaged in the operation of the class or type of boiler or steam receiver in respect of which the certificate was issued.

(Amended 87 of 1988 s. 35)

Chapter: 56	Title: BOILERS AND PRESSURE VESSELS ORDINANCE	Gazette Number:
Section: 49	Heading: Offences in relation to use and operation of boilers or pressure vessels	Version Date: 30/06/1997

Remarks:

Section 49(3) not yet in operation

PART VII

OFFENCES AND PENALTIES

(1) No boiler or pressure vessel, other than a pressurized fuel container, shall be used or operated, except for the purposes of this Ordinance by or under the direction of the Authority or an appointed examiner, unless the boiler or pressure vessel and its auxiliary equipment has been examined in accordance with this Ordinance and a certificate of fitness has been issued in respect thereof after that examination.

(2) No pressurized fuel container shall be used or operated, except for the purposes of this Ordinance by or under the direction of the Authority or; in appointed examiner unless the pressurized fuel container has been examined in accordance with this Ordinance and has been certified in the manner provided by this Ordinance to be in safe working order.

(3) No new pressurized fuel container shall be used or operated unless it has been approved by the Authority or is of a type or brand that has been approved by the Authority.

(4) No boiler or pressure vessel shall be operated at a greater pressure than the pressure specified in the latest certificate of fitness issued in respect thereof as the maximum permissible working pressure at which the boiler or pressure vessel may be operated.

(5) No boiler or pressure vessel shall be used or operated otherwise than in accordance with the conditions (if any) specified in the certificate of fitness issued after the last examination thereof for the purposes of this Ordinance.

(6) No boiler or pressure vessel shall be used or operated during the continuance in force of an order in respect thereof made under section 32.

(7) No boiler or steam receiver shall be operated except under the direct supervision of a competent person whose certificate of competency certifies that he is competent to operate all classes or types of boiler and steam receiver or that he is competent to operate boilers or steam receivers of the class or type in question.

(8) In the event of a contravention of subsection (1), (2), (3), (5) or (7), the owner of the boiler or pressure vessel, as the case may be, shall be guilty of an offence and shall be liable on summary conviction to a fine of \$30000. (Amended 18 of 1982 s. 5)

(9) In the event of a contravention of subsection (4), the owner of the boiler or pressure vessel, as the case may be, shall be guilty of an offence and shall be liable on summary conviction to a fine of \$30000 unless he shows to the satisfaction of the court that he did not know that the boiler or pressure vessel was being so operated and that he had taken all reasonable steps to prevent its being so operated. (Amended 18 of 1982 s. 5)

(10) In the event of a contravention of subsection (6), the owner of the boiler or pressure vessel, as the case may be, shall be guilty of an offence and shall be liable on summary conviction to a fine of \$50000. (Amended 18 of 1982 s. 5)

(Amended 87 of 1988 ss.31, 33 & 35)

Chapter: 56	Title: BOILERS AND PRESSURE VESSELS ORDINANCE	Gazette Number:
Section: 65	Heading: Regulations	Version Date: 30/06/1997

- (1) The Authority may by regulation provide for-
 - (a) the design and construction of boilers and pressure vessels and their auxiliary equipment;
 - (b) the numbering of boilers and pressure vessels and control of their operation;
 - (c) fees. (Amended 87 of 1988 s.34; 78 of 1993 s. 3)
- (2) Regulations made under this section may provide that contravention of specified provisions of such regulations shall be an offence and may provide penalties therefor: Provided that no penalty so provided shall exceed a fine of \$50000 and imprisonment for 2 years.

(Amended 18 of 1982 s.14)

Chapter: 56A	Title: BOILERS AND PRESSURE VESSELS REGULATIONS	Gazette Number:
Section: 18	Heading: Fees	Version Date: 30/06/1997

(1) Save as provided in subregulation (2), a fee of \$330 shall be payable in respect of a certificate of competency.

(2) A fee of \$610 shall be paid prior to each occasion on which a person is examined for the purposes of the issue or endorsement of a certificate of competency; and, where the Authority decides in consequence of such examination to issue or endorse a certificate of competency, no fee shall be payable in respect of the certificate of competency or the endorsement of the certificate of competency, as the case may be.

(L.N. 622 of 1994; L.N. 1 of 1997)

Chapter: 442	Title: ADMINISTRATIVE APPEALS BOARD ORDINANCE	Gazette Number: L.N. 193 of 2000
Section:	Heading: SCHEDULE	Version Date: 28/06/2000

Remarks:

Item 45 of this schedule has commenced operation since 19 June 2000 only in so far as it relates to a decision of the Commissioner for Labour to refuse to register a person under section 6 or to register a person under that section subject to conditions. - see L.N. 131 of 2000.

[sections 3, 4 & 22]

Item	Ordinance	Decision
1.	Apprenticeship Ordinance (Cap 47)	A decision of the Director of Apprenticeship or any public officer in the performance or exercise of any function, duty or power under the Ordinance.
2.	Boilers and Pressure Vessels Ordinance (Cap 56)	The revocation or suspension of an appointment as a boiler inspector, air receiver inspector or pressurized fuel container inspector under section 5A.
3.	Employment Ordinance (Cap 57)	A decision of the Commissioner for Labour under section 53(1) to refuse to issue or renew or to revoke a licence to operate an employment agency.

4. Factories and Industrial Undertakings Ordinance (Cap 59)
 - (a) An exemption by the Commissioner for Labour under section 7(4) of an industrial undertaking from any regulation.
 - (b) An order by the Commissioner for Labour under section 7(4), for an industrial undertaking to adopt special precautions in addition to any precautions required by any regulation.
 - (c) Under section 9A-
 - (i) the issue by the Commissioner for Labour of a prohibition notice in respect of a notifiable workplace;
 - (ii) a refusal by the Commissioner for Labour to cancel a prohibition notice;
 - (iii) the giving by the Commissioner for Labour of any direction upon the cancellation of a prohibition notice.
 - (d) (Repealed 39 of 1997 s. 49)
5. Quarries (Safety) Regulations (Cap 59 sub. leg.)
 - (a) A refusal by the Commissioner for Labour to approve any person as a supervisor or deputy supervisor under regulation 4(1) or 6(1).
 - (b) A withdrawal by the Commissioner for Labour of his approval of a supervisor or deputy supervisor under regulation 10(1).
6. Factories and Industrial Undertakings (Safety Officers and Safety Supervisors) Regulations (Cap 59 sub. leg.)
 - (a) A refusal by the Commissioner for Labour to register a person as a safety officer under regulation 7.
 - (b) The cancellation by the Commissioner for Labour of a person's registration as a safety officer under regulation 9.
 - (c) The suspension by the Commissioner for Labour of a person's registration as a safety officer under regulation 10.
7. Weights and Measures Ordinance (Cap 68)

A decision of the Commissioner, as defined in section 2, or of an authorized officer which is taken in the exercise or performance of any function under the Ordinance.
8. Miscellaneous Licences Ordinance (Cap 114)

The decision under section 5 of any officer authorized to issue a licence under the Ordinance as to the grant of a licence, the renewal of a licence or the revocation of a licence.
9. Acetylating Substances (Control) Ordinance (Cap 145)

A decision of the Commissioner, as defined in section 2(1), under the Ordinance, relating to-

 - (a) the issue of a licence or permit;
 - (b) the refusal to issue a licence or permit;
 - (c) the cancellation or suspension of a licence or permit;
 - (d) the cancellation or variation of any condition or the specification of a new condition in a licence or permit.
10. Gambling Ordinance (Cap 148)

The decision under section 22 of the Commissioner for Television and Entertainment Licensing as to the grant of a licence, the renewal of a licence, the imposition of conditions of a licence or the cancellation of a licence.

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| 11. | Chinese Temples Ordinance (Cap 153) | <ul style="list-style-type: none"> (a) The refusal by the Chinese Temples Committee under section 4 to grant an exemption from section 4(1). (b) The withdrawal by the Chinese Temples Committee under section 4 of an exemption granted under section 4(1). |
| 12. | Weapons Ordinance (Cap 217) | A decision of the Commissioner of Police under section 9(1) to order the delivery up to him or seizure of any martial arts weapon. |
| 13. | Travel Agents Ordinance (Cap 218) | <p>A decision of the Registrar of Travel Agents-</p> <ul style="list-style-type: none"> (a) to refuse to grant a licence under section 12(1); (b) to impose conditions on a licence under section 11(1) or 18; (c) to refuse consent to a change of ownership or control under section 18(c); (d) to suspend or revoke a licence under section 19. |
| 14. | Firearms and Ammunition Ordinance (Cap 238) | <ul style="list-style-type: none"> (a) A decision of the Commissioner of Police refusing to grant a licence under section 30 or to renew a licence under section 32. (b) A decision of the Commissioner of Police, under section 33, cancelling a licence or varying or revoking any condition attached thereto or adding any further condition or deleting any premises from a dealer's licence at which business may be carried on. (c) The imposition of a condition of licence which is considered to be unreasonable. (d) A decision of the Commissioner referred to in section 34(1AA). (Added 14 of 2000 s. 33) (e) The imposition of a term or condition under section 4(3), 12(4), 12A(3), 27A(1), 29 or 46C(3), which is considered to be unreasonable. (Added 14 of 2000 s. 33) |
| 15. | Massage Establishments Ordinance (Cap 266) | A decision of the licensing authority under section 6, 7, 8 or 9. |
| 16. | Grant Schools Provident Fund Rules (Cap 279 sub. leg.) | A question of interpretation or application of the Rules. |
| 17. | Subsidized Schools Provident Fund Rules (Cap 279 sub. leg.) | A decision of the Board under the Rules. |
| 18. | Mining Ordinance (Cap 285) | The cancellation of an Authorized Buyer's Licence under section 41. |
| 19. | Mining (General) Regulations (Cap 285 sub. leg.) | A decision of the Commissioner of Mines under regulation 30(4A)(a) specifying the rate per tonne at which royalty shall be payable in respect of minerals and the period for which it shall be payable. |

20. Dangerous Goods Ordinance (Cap 295) A decision under section 9 of an officer authorized under the Ordinance to issue a licence-
- (a) to refuse to grant a licence;
 - (b) to refuse to renew a licence; or
 - (c) to revoke a licence.
21. Dangerous Goods (General) Regulations (Cap 295 sub. leg.) Prohibiting or imposing conditions on the continued use of a storage tank under regulation 127.
22. Business Registration Ordinance (Cap 310)
- (a) The service of a notice under section 3(4) by the Commissioner of Inland Revenue that a person is to be deemed to be a person carrying on business.
 - (b) The service of a notice under section 3(4AA) by the Commissioner of Inland Revenue that a person is to be deemed to be a person carrying on business at a branch of a business.
 - (c) The service of a notice under section 6(4D) by the Commissioner of Inland Revenue requesting a person to make an application for registration under a different name. (Replaced 3 of 1999 s. 19)
23. Motor Vehicles (First Registration Tax) Ordinance (Cap 330) A decision of the Commissioner for Transport under the Ordinance.
24. Animals (Control of Experiments) Ordinance (Cap 340) A refusal to issue a licence, endorsement or permit under section 7, 8, 9, 10 or 14.
25. Chinese Permanent Cemeteries Rules (Cap 1112 sub. leg.) A decision of the Board of Management of the Chinese Permanent Cemeteries not to withdraw a notice in rule 12(2) regarding reversion of a subscriber lot to the Board.
Note: The Board of Management of the Chinese Permanent Cemeteries is specified for the purpose of section 22(5) of this Ordinance.
26. Sewage Services Ordinance (Cap 463) A decision of the Drainage Authority under the Ordinance. (Added 105 of 1994 s. 15)
27. Timber Stores Ordinance (Cap 464) A decision of the Director relating to-
- (a) an application for a licence under section 4;
 - (b) an application for transfer of a licence under section 5;
 - (c) the revocation, suspension, refusal to renew or transfer; amendment or variation of conditions of a licence under section 8. (Added 11 of 1995 s. 23)
28. Marine Parks Ordinance (Cap 476) A decision of the Country and Marine Parks Authority under section 11 or 22 of the Ordinance. (Added 37 of 1995 s. 36)

29. Personal Data (Privacy) Ordinance (Cap 486) A decision of the Privacy Commissioner for Personal Data-
- (a) to impose conditions on his consent to the carrying out of a matching procedure under section 32(1)(b)(i);
 - (b) to refuse to consent to the carrying out of a matching procedure under section 32(1)(b)(ii);
 - (c) to refuse under section 39(3) to carry out or continue an investigation initiated by a complaint;
 - (d) not to delete under section 46(5) a matter from a report under the Ordinance;
 - (e) not to serve an enforcement notice under section 47;
 - (f) to serve an enforcement notice under section 50. (Added 81 of 1995 s. 73)
30. Dutiable Commodities Ordinance (Cap 109) A decision of the Commissioner of Customs and Excise under section 7, 26, 26A or 29. (Added 46 of 1996 s. 43)
31. Dogs and Cats Ordinance (Cap 167)
- (a) A decision by a police officer or an authorized officer under section 6(1)(c)(i) or (ii) to destroy a dog.
 - (b) A decision by an authorized officer under section 9 in specifying the place or period of detention of a dog or cat or any other thing under this Ordinance.
 - (c) A decision by an authorized officer under section 10 to vary the period of detention of a dog or cat or any other thing under this Ordinance.
 - (d) A decision by an authorized officer under section 11(1) to refuse an application for the removal from detention under this Ordinance of a dog or cat or any other thing.
 - (e) A decision by the Director under section 11(2) to order the forfeiture of a dog or cat or any other thing.
 - (f) A decision by the Director under section 17(2) to impose any condition in granting an exemption under section 17. (Added 97 of 1997 s. 11)
33. Child Care Services Ordinance (Cap 243) A decision of the Director of Social Welfare-
- (a) under section 7(2), refusing an application for registration;
 - (b) under section 9, cancelling a registration;
 - (c) under section 11B(3), refusing an application for exemption from registration;
 - (d) under section 11D, revoking an exemption from registration;
 - (e) under section 15B(2), determining a person to be unsuited to act as a childminder;
 - (f) under section 15C(4), refusing a request for the issue of a certificate;
 - (g) under section 15D(4), refusing to make a declaration that a person should no longer be deemed unsuited to act as a childminder. (Added 38 of 1997 s. 19)

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| 34. | Wild Animals Protection Ordinance (Cap 170) | A decision of the Director in relation to-
(a) the granting of or the refusal to grant a permit or a special permit pursuant to section 13 or 15; or
(b) the cancellation of a permit or a special permit under section 15A. (Added 77 of 1996 s. 22) |
| 35. | Occupational Safety and Health Ordinance (Cap 509) | A decision of the Commission for Labour under Part III. (Added 39 of 1997 s. 49) |
| 36. | Ozone Layer Protection Ordinance (Cap 403) | A decision of the Director of Environmental Protection under section 5, 6 or 7 or under provisions of the regulations that may be specified to be subject to an appeal under section 8. (Added 6 of 1997 s. 10) |
| 39. | Volunteer and Naval Volunteer Pensions Ordinance (Cap 202) | A decision in a review under section 22. (Added 56 of 1997 s. 7) |
| 40. | Child Care Services Regulations (Cap 243 sub. leg.) | A decision of the Director of Social Welfare under regulation 4 refusing an application for inclusion in a register or removing the name of a person from a register. (Added L.N. 272 of 1997. Amended 32 of 2000 s. 37) |
| 41. | Prevention of Copyright Piracy Ordinance (Cap 544) | A decision of the Commissioner of Customs and Excise under section 11 or 12 of the Ordinance. (Added 22 of 1998 s. 43) |
| 44. | Dangerous Dogs Regulation (Cap 167 sub. leg.) | A direction by an authorized officer under section 14 of the Regulation. (Added L.N. 185 of 2000) |
| 45. | Factories and Industrial Undertakings (Safety Management) Regulation (Cap 59 sub. leg. AF) | (a) A decision of the Commissioner for Labour to refuse to register a person under section 6 or to register a person under that section subject to conditions.
(b) A decision of the Commissioner for Labour under section 24(1) to require the appointment of a new safety review officer.
(c) A decision of the disciplinary board under section 29(2) to reprimand a registered person, cancel the registration of a registered person or suspend the registration of a registered person. (Added L.N. 298 of 1999) |
| 46. | Port Control (Cargo Working Areas) Regulations (Cap 81 sub. leg.) | A decision of the Director or the supervisor under regulation 4A(4), 5B, 6AA, 7, 7A, 7B, 7C, 7D, 7E, 13 or 21. (Added L.N. 280 of 1999) |

Time within which appeals are to be made

An appeal under any item mentioned in this Schedule shall be made within 28 days after receipt of notice of the decision to which the appeal relates.

(Enacted 1994)