

敬啓者：

《職業安全及健康（顯示屏幕設備）規例》擬議修訂

就以上政府當局提出的規例，本人建議加入一新條文，訂明勞工處處長有責任向僱主、僱員及不是僱主的工作地點的負責人提供實務指引而發出工作守則，發出或修訂有關工作守則的公告須於憲報刊登；本人擬加入的條文也訂明，工作守則本身不會直接引致任何民事或刑事法律責任，但可以在法庭的法律程序中被接納為證據。

現隨函附上本人擬增訂的規例第 11 條擬稿，以供小組委員會主席及各委員參考，有關係文內容主要是參照《職業安全及健康條例》（第 509 章）第 40 及 41 條有關工作地點守則的規定而制訂。

本人希望在小組委員會下次會議上加以討論。謝謝！

此致

《職業安全及健康（顯示屏幕設備）規例》
小組委員會主席及各委員

李卓人 謹啓

2001 年 6 月 13 日

11. Codes of practice

(1) The Commissioner is required to issue codes of practice for the purpose of providing practical guidance to employers and employees, and to the persons responsible for workplaces who are not employers.

(2) The Commissioner may amend or revoke a code of practice issued under this section.

(3) 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.

(4) Whenever a code of practice is issued under this section or the code is amended or revoked, the Commissioner is required to publish in the Gazette a notice of the issue, amendment or revocation.

(5) The Commissioner is required to make available at the head office of the Labour Department, during ordinary business hours, all codes of practice for inspection by members of the public. No charge is to be made for the inspection of a code of practice.

(6) A 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.

(7) An amendment to a 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.

(8) A 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.

(9) A person does not incur a civil or criminal liability only because the person has contravened a code of practice but, if, in any legal proceedings the court is satisfied that a 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.

(10) In any legal proceedings, a document that purports to be a copy of a code of practice is, in the absence of evidence to the contrary, to be presumed to be a true copy of the code.