

立法會
Legislative Council

LC Paper No. LS56/01-02

**Paper for the House Committee Meeting
of the Legislative Council
on 22 February 2002**

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 8 February 2002**

Date of Tabling in LegCo : 27 February 2002

Amendment to be made by : 13 March 2002 (or 10 April 2002 if extended by resolution)

Factories and Industrial Undertakings Ordinance (Cap. 59)
Factories and Industrial Undertakings (Safety Management) Regulation (Cap. 59 sub. leg.) (Commencement) Notice 2002 (L.N. 21)

This Notice appoints 1 April 2002 as the day on which certain provisions of the Factories and Industrial Undertakings (Safety Management) Regulation (Cap. 59 sub. leg.) ("the Regulation") will come into operation. The Regulation relates to the implementation of a safety management system in Hong Kong which consists of 14 key process elements. The Regulation had been considered by a subcommittee appointed by the House Committee before it was approved by a resolution of this Council. The provisions which inaugurate the registration regime of safety auditors and scheme operators had been brought into operation on 19 June 2000.

2. The provisions commencing operation on 1 April 2002 will require contractors or proprietors of construction sites, shipyards, factories and other designated industrial undertakings with 100 or more workers, as well as construction projects with a contract value of \$100 million or more, to adopt the first 10 of the 14 process elements of the safety management system specified in Schedule 4 to the Regulation and to carry out safety audits. Designated industrial undertakings are defined in the Regulation as those involved in the generation and transmission of electricity, town gas or liquefied petroleum gas and in the handling of containers. Construction sites and industrial undertakings employing 50 to 99 workers each will be required to adopt the first eight of the 14 process elements of the safety management system and to carry out safety reviews. Any person who fails to comply with these requirements commits an offence and is liable on conviction to a fine of \$200,000 and to imprisonment for 6 months.

3. The remaining provision that has not been brought into operation is Part 3 of Schedule 4. The Part sets out the remaining four process elements of the safety management system. According to the Administration, there will be a review one year after the Regulation comes into force for the purpose of deciding on the appropriate time to bring the remaining four process elements into operation. Members may wish to refer to the Report of the Subcommittee on the Factories and Industrial Undertakings (Safety Management) Regulation (LC Paper No. CB(2)356/99-00 dated 10 November 1999) for further information.
4. The legal and drafting aspects of the Notice are in order.

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