

**Administration's Response to the issue raised
at the meeting of the LegCo Subcommittee on regulation relating to
Occupational Safety and Health**

To revise clause 14(1) to the effect a fine be imposed for committing offences which are of a less serious nature; while for offences which are of a more serious nature leading to imprisonment, a proprietor/contractor be provided with an opportunity to give “reasonable excuse” or “reasonable cause” before imposing on him the penalty.

For Section 14, we propose to delete subsection (1) and substitute the followings:-

(1) A proprietor or contractor who-

- (a) contravenes section 7, 8, 9, 10(2) or (3) or 11(1) or (2) commits an offence and is liable, on conviction-
 - (i) where the offence was committed without reasonable excuse, to a fine at level 6 and to imprisonment for 6 months; and
 - (ii) in any other case, to a fine at level 6;
- (b) contravenes section 5(1) or (5), 6(1) or 10(1) commits an offence and is liable, on conviction-
 - (i) where the offence was committed without reasonable excuse, to a fine of \$200,000 and to imprisonment for 12 months and;
 - (ii) in any other case, to a fine of \$200,000;
- (c) contravenes section 6(2) commits an offence and is liable, on conviction, to a fine at level 5.