

C214-E

Amend the Factories and Industrial Undertakings Ordinance.

Enacted by the Legislative Council.

1. Short title

This Ordinance may be cited as the Factories and Industrial Undertakings (Amendment) (No. 2) Ordinance 1999.

2. Prosecution of offences

Section 17 of the Factories and Industrial Undertakings Ordinance (Cap. 59) is amended by adding---

"(5) Notwithstanding section 26 of the Magistrates Ordinance (Cap. 227), prosecution under this Ordinance for any of the offences specified in the Fifth Schedule shall be commenced within 6 months from the offence being discovered by or coming to the notice of the Commissioner."

3. Schedule added

The following is added---

"FIFTH SCHEDULE [s. 17(5)]

Offences to be Prosecuted within 6 Months from  
Offence being Discovered by or Coming  
to Notice of Commissioner

1. Contravention of section 9(1) of this Ordinance.
2. Contravention of regulation 56(1) of the Construction Sites (Safety) Regulations (Cap. 59 sub. leg.).
3. Failure to comply with regulation 30 of the Factories and Industrial Undertakings (Work in Compressed Air) Regulations (Cap. 59 sub. leg.).
4. Failure to comply with section 6(1) of the Factories and Industrial Undertakings (Asbestos) Regulation (Cap. 59 sub. leg.)."

Explanatory Memorandum

This Bill relates to 4 summary offences under the Factories and Industrial Undertakings Ordinance (Cap. 59) (1 under the principal Ordinance and 3 under different subsidiary legislation). The Bill aims at extending the time in which prosecution for those offences must be commenced. At present, prosecution for any of those offences shall be commenced within 6 months from the commission of the offence.

2. Clause 2 amends section 17 of the principal Ordinance by adding a new subsection (5), which provides that prosecution for any of the offences specified in the new Fifth Schedule shall be commenced within 6 months from the offence being discovered by or coming to the notice of the Commissioner for Labour.

3. Clause 3 adds the new Fifth Schedule, which sets out the offences to which the new section 17(5) applies.