

**立法會**  
**Legislative Council**

Ref : CB2/SS/14/02

LC Paper No. CB(2) 2918/02-03  
(These minutes have been seen by  
the Administration)

**Subcommittee on proposed resolution under section 7 of  
the Factories and Industrial Undertakings Ordinance**

**Minutes of the second meeting  
held on Wednesday, 16 July 2003 at 2:30 pm  
in Conference Room B of the Legislative Council Building**

**Members present** : Hon Cyd HO Sau-lan (Chairman)  
Hon LEE Cheuk-yan  
Hon CHAN Kwok-keung, JP  
Hon Andrew CHENG Kar-foo  
Hon LI Fung-ying, JP  
Hon LEUNG Fu-wah, MH, JP

**Member absent** : Hon Abraham SHEK Lai-him, JP

**Public Officers attending** : Mr Fred TING  
Deputy Commissioner for Labour

Ms Marie SIU  
Senior Government Counsel (Law Drafting)

Mr TSO Sing-hin  
Chief Occupational Safety Officer (Support Services)  
Labour Department

Mr Danny CHAN  
Deputy Chief Occupational Safety Officer (Development)  
Labour Department

**Clerk in attendance** : Mrs Sharon TONG  
Chief Assistant Secretary (2)1

**Staff in attendance** : Miss Kitty CHENG  
Assistant Legal Adviser 5

Mrs Eleanor CHOW  
Senior Assistant Secretary (2)4

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### **I. Confirmation of minutes of meeting**

The minutes of the meeting held on 18 June 2003 were confirmed.

### **II. Meeting with the Administration**

2. The Subcommittee deliberated (index of proceedings attached at **Annex**).

3. The Subcommittee completed "clause-by clause" examination of the proposed amendments to the four sets of subsidiary legislation under section 7 of the Factories and Industrial Undertakings Ordinance (Cap. 59) (FIUO). The Subcommittee requested the Administration to provide a written response on the following -

- (a) to consider adopting a consistent drafting principle in respect of providing a definition for "unsafe" and "safe" place under Regulation 38A(3) and (4) and the proposed new Regulation 38AA(4) and (5), as the term "hazardous conditions" was introduced in the proposed Regulations 38A(1A) and 38AA(2);
- (b) to clarify the party responsible for complying with Regulation 38A(3) and the proposed new Regulation 38AA(4) if the unsafe place was a common working area where more than one contractor were involved; and
- (c) to clarify the party responsible for complying with the proposed Regulation 48(1A) concerning safety helmet of workman.

### **III. Date of next meeting**

4. Members agreed that the next meeting would be held on 31 July 2003 at 10:45 am to discuss the Administration's response.

5. The meeting ended at 4:25 pm.

Council Business Division 2  
Legislative Council Secretariat  
30 July 2003

**Proceedings of the meeting of the  
Subcommittee on proposed resolution under section 7 of the  
Factories and Industrial Undertakings Ordinance  
on Wednesday, 16 July 2003 at 2:30 pm  
in Conference Room B of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action Required
000000 - 000511	Chairman	Confirmation of minutes of meeting	
000512 - 000831	Admin Chairman	Briefing on the proposed amendments to the four Regulations under FIUO, namely- <ul style="list-style-type: none"> <li>(a) Construction Sites (Safety) (Amendment) Regulation (CSSR);</li> <li>(b) Factories and Industrial Undertakings (Lifting Appliances and Lifting Gear) Regulations (Cap. 59 sub leg. J);</li> <li>(c) Factories and Industrial Undertakings (Suspended Working Platforms) Regulation (Cap. 59 sub. Leg. AC); and</li> <li>(d) Factories and Industrial Undertakings (Loadshifting Machinery) Regulation (Cap. 59 sub. Leg. AG)</li> </ul>	
000832 - 002205	Admin Chairman Hon LEE Cheuk-yan	Briefing on the Administration's response to the Legal Service Division's letter dated 3 June 2003 (LC Paper No. CB(2) 2514/02-03(02))  Insurance liabilities of the principal contractor and other contractors under the Employees' Compensation Ordinance (Cap. 282) and in consequence to the proposed amendments to the four Regulations	

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action Required</b>
002206 - 002557	Hon LI Fung-ying Admin Chairman	Responsibility of the principal contractor before and after the proposed amendments to the four Regulations	
002558 - 002817	Chairman	Clause-by-clause examination of the four Amendment Regulations (LC Paper No. CB(2) 2807/02-03(02))	
002818 - 003009	Admin Chairman	Proposed amendments to Regulation 2 of CSSR  Definition of "direct control"	
003010 - 003308	Hon LI Fung-ying Chairman Admin	Reasons for adding new (1A) to Regulation 4A of CSSR  Definition of "該人" under the proposed new Regulation 4A(1A)	
003309 - 003937	Chairman Admin	Proposed amendments to Regulations 5, 8, 9, 10, 20, 31, 32, 33 and 34 of CSSR  Reasons for amending Regulation 34(2) of CSSR	
003938 - 004135	Chairman Admin	Proposed amendments to Regulations 35, 36 and 38 of CSSR	
004136 - 005110	Admin Chairman ALA5	Proposed amendments to Regulation 38A of CSSR to prescribe the duty of contractor responsible for construction site to ensure safety of places of work  Qualification of the party responsible for enforcing the proposed Regulation 38A	

Time marker	Speaker	Subject(s)	Action Required
005111 - 010210	Chairman Admin Hon CHAN Kwok- keung	Proposed new Regulation 38AA of CSSR to prescribe the duty of other contractors to ensure safety of places of work  Difference between and application for the proposed Regulations 38A and 38AA	
010211 - 012124	Hon Andrew CHENG Chairman Admin	Provision of the definition of "hazardous conditions" under the proposed Regulations 38A(1A) and 38AA(2)  Whether to provide a definition for "unsafe" and "safe" place under Regulation 38A(3) and (4), and the proposed new Regulation 38AA(4) and (5)  Party responsible for complying with Regulation 38A(3) and the new Regulation 38AA(4) if the unsafe place is a common working area where more than one contractor are involved	<b>Admin to consider adopting a consistent drafting principle in respect of providing definitions for certain terms</b>  <b>Admin to clarify the party responsible for complying with Regulation 38A(3) and the proposed new Regulation 38AA(4) if the unsafe place is a common working area where more than one contractor are involved</b>
012125 - 012144	Admin Chairman	Proposed amendments to Regulations 38B - 43 of CSSR	

Time marker	Speaker	Subject(s)	Action Required
012145 - 013115	Admin Chairman Hon Andrew CHENG Hon LEE Cheuk-yan	Proposed amendments to Regulation 44 of CSSR to prescribe the specific measures required to effectively guard a prime mover, transmission machinery and other machinery  Difference between the proposed Regulation 44(1)(a), 44(1)(b) and 44(1)(c)  Whether to define the term "dangerous part" in proposed Regulation 44(1)(c)  Whether a simplified drafting method should be adopted for the proposed Regulation 44(1)	
013116 - 013315	Admin Chairman Hon LEE Cheuk-yan	Proposed amendments to Regulations 45 and 46 of CSSR  Definition of "young persons" under Regulation 46	
013316 - 013637	Chairman Admin	Proposed amendments to Regulations 47 and 48 of CSSR  Party responsible for complying with the proposed Regulation 48(1A) concerning safety helmet	<b>Admin to clarify the party responsible for complying with the proposed Regulation 48(1A) concerning safety helmet</b>
013638 - 014419	Chairman Admin	Proposed amendments to Regulations 49 - 54, 56 and 68 of CSSR  Definition of "level 3" under the proposed Regulation 68(2)(d)	
014420 - 014508	Admin Chairman	Proposed amendments to Schedule 3 of CSSR, Cap. 59 sub leg. J, AC and AG	

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action Required</b>
014509 - 014939	Admin Hon Andrew CHENG	Date of next meeting	

Council Business Division 2  
Legislative Council Secretariat  
30 July 2003