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Mr Tso Sing-hin
Chief Occupational Safety Officer
(Support Services)
Labour Department
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38 Pier Road
Central, Hong Kong

By Fax (2544 3497) and By Post

24 July 2003

Dear Mr Tso,

Proposed Resolution under Section 7 of Cap. 59

It is understood that the reason for proposing amendments to regulations 38A(1) and 44(1) of the Construction Sites (Safety) Regulations (Cap. 59 sub. leg. I) ("CSSR") is because of the ruling of Beeson J. in *HKSAR v. Lam Geotechnics Limited* (HCMA No. 379 of 2000).

In the LegCo Brief, the Administration seems to accept that Regulation 44(1) of CSSR falls outside the enabling powers conferred on the Commissioner for Labour by section 7 of the Factories and Industrial Undertakings Ordinance (Cap. 59) and the object of the proposed amendments to regulations 38A(1) and 44(1) is "to remove the ambiguity" and "to make them enforceable" (para. 3 and 4).

Beeson J.'s reasoning, if I may refer to the judgment, is as follows:

"Having considered the arguments advanced I am satisfied that the elements of the offence purportedly set out in reg 44 are incompletely defined because of the uncertainty in the words 'to the satisfaction of the Commissioner', which means that those who are required to regulate their conduct according to the regulation cannot ascertain, before a prosecution is brought, what fencing measures would satisfy the Commissioner. ... I find that *reg 44* is ultra vires the enabling powers conferred on the Commissioner of Labour by the Factories and Industrial Undertakings Ordinance (Cap. 59). Accordingly the charge against the appellant is struck out and the conviction quashed." (pp. 375I -376B)

With regard to Beeson J.'s ruling, does the Administration consider the whole of regulation 44 of CSSR ultra vires, or, only the relevant part of regulation 44, that is, regulation 44(1) or regulation 44(1)(c), the subject of the appeal, ultra vires?

Although it was the opinion of Beeson J. that "[v]iewing comparable legislative provisions does not help decide the point as the words 'to the satisfaction of the Commissioner' are used rarely" (p. 373F), a search into the Laws of Hong Kong reveals that there are in fact many instances where this legislative formula is used. For example, regulation 24 of the Factories and Industrial Undertakings Regulations (Cap. 59 sub. leg. A) (Enclosure 1) provides the following:

"In every notifiable workplace-

- (a) all platforms, pits and openings in floors and every other place liable to be dangerous to persons; and
- (b) all vessels containing any scalding, corrosive or poisonous liquid,

shall be securely fenced to a height of not less than 900 millimetres or otherwise protected to the satisfaction of the Commissioner."

Enclosed please also find a list (Enclosure 2) (which is not exhaustive) of legislative provisions that contain the legislative formula "to the satisfaction of" an enforcement authority. Does the Administration consider necessary to review all legislative provisions which contain the drafting formula "to the satisfaction" of an enforcement authority?

I would be most grateful if you advise me in bilingual form on or before 29 July 2003.

Yours sincerely,

Kitty Cheng
Assistant Legal Adviser

Encl

c.c. Legal Adviser
CAS(2)1

[Subsidiary]

[附屬法例]

PART IV

第 IV 部

NOTIFIABLE WORKPLACES

應呈報工場

(50 of 1985 s. 9)

(1985 年第 50 號第 9 條)

Application

適用範圍

22. Application of this Part

22. 本部的適用範圍

This Part (except regulation 23) shall apply to every notifiable workplace that is an industrial undertaking.

本部 (第 23 條除外) 適用於每間屬工業經營的應呈報工場。

(50 of 1985 s. 9)

(1985 年第 50 號第 9 條)

Notification

呈報書

(50 of 1985 s. 9)

(1985 年第 50 號第 9 條)

23. Form of notification and prohibition notice

23. 呈報書及禁止通知書的格式

Every notification under section 9 of the Ordinance and every prohibition notice under section 9A of the Ordinance shall be in such form as the Commissioner for Labour may from time to time approve by notice in the Gazette.

根據本條例第 9 條作出的呈報及根據本條例第 9A 條發出的禁止通知書，須按照勞工處處長不時藉憲報公告批准的格式。

(50 of 1985 s. 9)

(1985 年第 50 號第 9 條)

Prevention of Accidents

意外的預防

24. Fencing of dangerous platforms, liquids, etc.

24. 危險平台、液體等的圍封

In every notifiable workplace— (50 of 1985 s. 9)

在每間應呈報工場內—— (1985 年第 50 號第 9 條)

(a) all platforms, pits and openings in floors and every other place liable to be dangerous to persons; and

(a) 所有平台、樓面的坑槽及孔洞以及其他可對人構成危險的地方；及

(b) all vessels containing any scalding, corrosive or poisonous liquid, shall be securely fenced to a height of not less than 900 millimetres or otherwise protected to the satisfaction of the Commissioner. (L.N. 238 of 1984)

(b) 所有盛載有滾燙、腐蝕性或有毒液體的器皿，須加以安全圍封，高度不少於 900 毫米，或以其他使處長感到滿意的方式加以防護。
(1984 年第 238 號法律公告)

25. Cleaning of dangerous machinery by young persons

25. 由青年清潔危險機械

(1) No young person shall be permitted to clean any dangerous part of the machinery in a notifiable workplace while the machinery is in motion by the aid of any mechanical power. For the purpose of this paragraph, such parts

(1) 在應呈報工場內，當機械靠機械動力運行時，任何青年均不准清潔該機械的危險部分。就本款而言，經職業安全主任向應呈報工場東主通知屬危險的機械部分，須推定為機械的危險部分。 (1985 年第 50 號第 9 條；2000 年第 32 號第 48 條)

Search Results . . .

Enclosure 2

25 section(s) found

	Version Date
(1) <u>Cap 369E REG 7 Deck sheathing and floors</u>	30/06/1997
(2) <u>Cap 109A REG 38 Construction</u>	30/06/1997
(3) <u>Cap 60E REG 3 Exemptions in respect of regulations 4 and 5</u>	01/07/1997
(4) <u>Cap 327 SECT 27I Design and construction of lifts and escalators to be to satisfaction of Director</u>	17/06/1999
(5) <u>Cap 520 SECT 19 Maintenance and remedial work</u>	30/06/1997
(6) <u>Cap 470 SECT 12 Lift work to be carried out to satisfaction of Director</u>	30/06/1997
(7)<u>Cap 285 SECT 58 Liability of employer for offences committed by his employees</u> N/A	30/06/1997
(8) <u>Cap 123 SECT 29 Construction and maintenance of private streets and access roads</u>	30/06/1997
(9) <u>Cap 109A REG 81 Construction of warehouses</u>	30/06/1997
(10)<u>Cap 520B SECT 16 Payment of tolls</u> N/A	14/04/2000
(11) <u>Cap 327 SECT 27H Lift works and escalator works to be carried out to satisfaction of Director</u>	17/06/1999
(12)<u>Cap 139A REG 14 Information necessary before release from quarantine</u> N/A	30/06/1997
(13) <u>Cap 369AR SECT 15 Serviceability and maintenance requirements</u>	30/06/1997
(14)<u>Cap 358AL SECT 27 Contravention of notice</u> N/A	30/06/1997
(15)<u>Cap 290 SECT 19 Registration of adoptions</u> N/A	30/06/1997
(16) <u>Cap 109A REG 52 Construction of distilleries</u>	30/06/1997
(17)<u>Cap 374D REG 15 Restrictions on issue of hire car permits and considerations for issue</u> N/A	19/07/2002
(18)<u>Cap 369AA REG 7 Ships without documents</u> N/A	30/06/1997
(19) <u>Cap 132BT SECT 7 Duty of occupier of premises not having latrine accommodation</u>	01/01/2000
(20)<u>Cap 140 SCHED 2 PASSENGERS EXEMPTED FROM LIABILITY TO PAY THE TAX</u> N/A	07/04/2000
(21)<u>Cap 161 SECT 12 Provisional registration</u> N/A	01/07/1997
(22) <u>Cap 520A SECT 6 Recovery and rescue</u>	14/04/2000
(23)<u>Cap 132BT SECT 10 Offences and penalties</u> N/A	01/01/2000
(24)<u>Cap 132BU SECT 37 Penalties</u> N/A	01/01/2000
(25)<u>Cap 132BG SECT 27 Offences and penalties</u> N/A	01/01/2000

[[Simple Search](#)] [[Advanced Search](#)]

[附屬法例]

均須以鋼建造，並須氣密以及按需要適當地隔熱，並須水密至某個所需高度，以防止水從上述的毗連空間流入乘客空間；而尤其是將衛生間與撥作乘客起居用的任何空間分隔的艙壁，均須水密至高出衛生間地板至少 9 吋的高度，但門道則除外。

(7) 第(6)款的條文不適用於將以下地方分隔的任何艙壁——

- (a) 衛生間與衛生間之間；
- (b) 洗衣房與乾衣房之間或與另一洗衣房或乾衣房之間；
- (c) 廚房與廚房或配膳室之間；
- (d) 冷藏室與冷藏室之間；或
- (e) 撥供有鋪位乘客使用的衛生間與有鋪位乘客的艙房之間，而該衛生間是可從該艙房直接進入的。

7. 甲板覆蓋層及地板

(1) 在本規例所適用的每艘船舶上，構成撥作乘客起居用的任何艙室或空間(作活動空間者除外)頂部的每層甲板，並暴露於天氣中者，均須以鋼或其他金屬建造。

(2) 除第(3)款另有規定外，每層上述甲板的面層，如暴露於天氣中，均須予覆蓋至令處長滿意。

(3) 構成最上層甲板間之上撥作乘客使用的任何空間或艙室頂部的甲板面層，如既非構成已撥作乘客活動空間的空間所包括的露天甲板的一部分，亦非乘客需進出的甲板的一部分，而它的底部又裝有令處長滿意的絕緣材料以避免吸水、冷凝、傳聲、藏垢及藏蟲鼠，則無須予以覆蓋。

(4) 所有露天甲板，如構成已撥作乘客活動空間的空間任何部分，以及乘客需進出的所有甲板，均須予覆蓋至令處長滿意。

(5) 任何並非暴露於天氣中的甲板，如其上有任何空間已撥作運載無鋪位乘客，則須予覆蓋至令處長滿意，並須裝有適當的排水溝以方便清洗。

[Subsidiary]

shall be constructed of steel and shall be gastight and, where required, suitably insulated, and shall be watertight to such height as is necessary to prevent the passage of water from such adjoining space into the passenger space; and, in particular, any bulkhead separating sanitary accommodation from any space allocated for the accommodation of passengers shall, except in doorways, be watertight to a height of at least 9 inches above the floor of the sanitary accommodation.

(7) The provisions of paragraph (6) shall not apply to any bulkhead that separates—

- (a) sanitary accommodation from other sanitary accommodation;
- (b) a laundry room from a drying room or from another laundry or drying room;
- (c) a galley from another galley or a pantry;
- (d) a cold store room from another cold store room; or
- (e) sanitary accommodation appropriated for the use of a berthed passenger from the cabin of a berthed passenger from which it may be entered directly.

7. Deck sheathing and floors

(1) In every ship to which these regulations apply, every deck forming the crown of any of the compartments or spaces allocated for the accommodation of passengers, other than as exercise space, and exposed to the weather shall be constructed of steel or other metal.

(2) Subject to paragraph (3), the upper side of every such deck shall, where it is exposed to the weather, be sheathed to the satisfaction of the Director.

(3) The upper side of a deck forming the crown of any space or compartment above the uppermost between deck which is allocated for the use of passengers shall not be required to be sheathed if it forms neither part of a weather deck included in the space allocated as exercise space for passengers nor part of a deck to which passengers require access and if it is fitted on the undersides with insulating material to the satisfaction of the Director so as to avoid absorption of water, condensation, transmission of noise and the harbouring of dirt and vermin.

(4) All weather decks forming any part of the space allocated as exercise space for passengers and all decks to which passengers require access shall be sheathed to the satisfaction of the Director.

(5) Any deck not exposed to the weather upon which any space has been allocated for the carriage of unberthed passengers shall be sheathed to the satisfaction of the Director and shall be fitted with proper gutterways to facilitate cleaning.

[附屬法例]

- (6) 構成燃油艙頂部的甲板上不得運載任何乘客，除非——
- 該層甲板完全油密；
 - 在撥作乘客起居用的空間或艙室內，並無入孔或開口通往該油艙；
 - 該層甲板上覆以不易燃物料，該層物料並不透油，而其厚度為處長批准者；及
 - 該空間或艙室的通風良好。
- (7) 凡須在構成燃油艙頂部的甲板以外地方加覆蓋層或鋪地板，則覆蓋層或地板須由以下材料組成——
- 最少 2¼ 吋厚的木材，並須妥為鋪設與填隙；或
 - 經處長批准的任何材料，以代替木材，其厚度由處長釐定，並鋪設至令處長滿意。
- (8) 在撥作乘客起居用的艙室或空間內的任何金屬甲板上鋪設的覆蓋層或地板，如是以非木材的任何材料組成，則該覆蓋層或地板須以處長所批准的材料組成，而其鋪設須使該等材料與艙壁之間的接口(裝有排水溝處除外)呈圓滑狀，以避免覆蓋層或地板出現隙縫；如屬有鋪位乘客的起居間(撥作供有鋪位乘客使用的衛生間、廚房及洗衣房除外)，則該覆蓋層或地板可以亞麻油氈組成，並鋪設至令處長滿意。
- (9) 所有衛生間及每個廚房與洗衣房的地板——
- 須以水磨石、瓷磚或其他不透液體的堅硬材料覆蓋；
 - 須提供良好的立足處；
 - 其鋪設方式須使該等起居間的地板與艙壁之間的接口呈圓滑狀，並使地板無隙縫；及
 - 鋪設至令處長滿意。
- (10) 每間病室或配藥處的地板，除在病室或配藥處內或與其相連的衛生間的地板外，均須由以下材料組成——
- 亞麻油氈，須沒有接口，並鋪設至令處長滿意；或
 - 經處長批准的任何材料，該材料相當可能不會被外科所用酒精或其他在病室或配藥處使用的液體所損壞，並鋪設至令處長滿意。

[Subsidiary]

- (6) No passenger shall be carried on a deck forming the crown of an oil fuel space unless—
- the deck is thoroughly oiltight;
 - within the space or compartment allocated as accommodation for passengers, there is no manhole or opening to the oil space;
 - the deck is covered by a non-inflammable composition, impervious to oil and of a thickness approved by the Director; and
 - the space or compartment is well ventilated.
- (7) Where sheathing or flooring is required otherwise than on deck forming the crown of an oil fuel space it shall consist of—
- wood of at least 2¼ inches in thickness, properly laid and caulked; or
 - a material approved by the Director in substitution for wood, of a thickness determined by the Director and laid to the satisfaction of the Director.
- (8) Where the sheathing or flooring laid on any metal deck in a compartment or space allocated as accommodation for passengers consists of any material other than wood, such sheathing or flooring shall consist of a material approved by the Director and so laid that the joinings of such material with the bulkheads, other than where gutterways are fitted, shall be rounded in a manner that will avoid crevices in the sheathing or flooring; and in the case of berthed passenger accommodation other than sanitary accommodation, galleys and laundries allocated for the use of berthed passengers, such sheathing or flooring may consist of linoleum laid to the satisfaction of the Director.
- (9) The floors of all sanitary accommodation and of every galley and laundry shall—
- be covered with terrazo, tiles or other hard material impervious to liquids;
 - provide a good foothold;
 - be laid in such a manner that the joinings of the floors with the bulkheads in such accommodation are rounded and have no crevices in them; and
 - be laid to the satisfaction of the Director.
- (10) The floors of every hospital or dispensary, other than in sanitary accommodation contained in or connected with any such hospital or dispensary, shall consist of—
- linoleum, free from joints and laid to the satisfaction of the Director; or
 - a material, approved by the Director, not likely to be damaged by surgical spirits or other liquids used in the hospital or dispensary, laid to the satisfaction of the Director.

[附屬法例]

“持牌人”(licensee)包括當其時控制或管理在領有牌照處所進行的業務的人；(1980年 第 202 號法律公告)

“領有牌照處所”(licensed premises)或“處所”(premises)指任何領有牌照的人設有啤酒釀造廠的處所，而在文意許可的情況下，包括任何與領有牌照處所或與在領有牌照處所進行的業務相關的處所；

“器皿”(vessel)指任何與釀製或配製啤酒相關而使用或擬使用的器皿。(1980年 第 202 號法律公告；1989年 第 16 號第 7 條)

38. 建造

- (1) 領有牌照處所須以牆或圍欄圍起，以達致關長滿意的程度。
- (2) 處所每一部分的門的外面須附有永久的中英文描述，說明該部分的用途，而該用途須符合與要求發出關乎上述處所的牌照的申請一併呈交關長的圖則。
- (3) 沒有關長的書面同意，不得對處所作出結構上改動或更改處所任何部分所作的用途。
- (4) 處所每一部分的照明須達致關長滿意的程度。
- (5) 處所須時刻保持修葺良好堅固，並須保持衛生，以達致關長滿意的程度。
- (6) (a) 持牌人須在處所內提供和保持達致關長滿意程度的辦公地方，連同所有必需的家具、書寫物料、冷暖氣設備、清潔和照明，以及盥洗地方，以供香港海關人員在處所內執行職務時使用。(1970年 第 6 號法律公告)
- (b) 本段所規定的設施均不得收費。

(1982年 第 294 號法律公告；1999年 第 12 號第 3 條)

39. 業務

除獲關長書面同意外，不得在處所內進行持牌人釀製或配製啤酒的業務以外的其他業務，亦不得將處所內釀製或配製的啤酒以外的其他令人醺醉的酒類帶進或貯存於處所內。

(1982年 第 294 號法律公告；1999年 第 12 號第 3 條)

[Subsidiary]

“licensed premises”(領有牌照處所)或“premises”(處所) means any premises whereon any person is licensed to keep a brewery and, where the context admits, includes any premises in connection with the licensed premises or with the business conducted thereon;

“licensee”(持牌人) includes the person for the time being having the control or management of the business conducted upon the licensed premises; (L.N. 202 of 1980)

“vessel”(器皿) means any vessel used or intended to be used in connection with brewing or making beer. (L.N. 202 of 1980; 16 of 1989 s. 7)

38. Construction

(1) The licensed premises shall be enclosed by walls or fences to the satisfaction of the Commissioner.

(2) The door of each portion of the premises shall carry on the outside thereof a permanent description in English and Chinese of the purpose for which such portion is used which use shall be in accordance with the plans submitted to the Commissioner together with the application upon which the licence appertaining to the said premises was issued.

(3) No structural alteration of the premises, or change in the use to which any portion of the premises is put, shall be made without the consent in writing of the Commissioner.

(4) Every part of the premises shall be illuminated to the satisfaction of the Commissioner.

(5) The premises shall at all times be kept in good and substantial repair and in sanitary condition to the satisfaction of the Commissioner.

(6) (a) The licensee shall provide and maintain in the premises, to the satisfaction of the Commissioner, office accommodation, with all necessary furniture, writing materials, heating and cooling equipment, cleaning and lighting, and lavatory accommodation, for the use of members of the Customs and Excise Service on duty at the premises. (L.N. 6 of 1970)

(b) No charge shall be levied for the facilities required by this paragraph.

(L.N. 294 of 1982)

39. Business

Except with the consent in writing of the Commissioner, no business other than the licensee's business of brewing or making beer shall be carried on within the premises and no intoxicating liquors other than beer brewed or made on the premises shall be brought upon or stored in the premises.

(L.N. 294 of 1982)

[Subsidiary]

- “clothing item” (成衣製品) means any item of apparel which is specified in the Schedule to the Industrial Training (Clothing Industry) Ordinance (Cap. 318) and manufactured in Hong Kong; (*L.N. 23 of 1976*)
- “exempted article” (豁免物品) means any article to or in respect of which regulations 4 and 5 do not apply by virtue of the provisions of regulation 3;
- “Imports and Exports Classification List” (進出口貨品分類表) means the current Hong Kong Imports and Exports Classification List issued by the Commissioner as amended from time to time by notification published in the Gazette; (*L.N. 294 of 1982*)
- “international route” (國際航線) means a route between Hong Kong and a place in another country; (*66 of 2000 s. 3*)
- “means of transport” (運輸工具) means any vessel (including lighters and barges, whether or not shipborne, and hydrofoils), hovercraft, aircraft, motor road vehicles (including cycles with engines, trailers, semi-trailers and combinations of vehicles) and railway rolling stock, together with their normal spare parts, accessories and equipment carried on board the means of transport (including special equipment for the loading, unloading, handling and protection of cargo); (*L.N. 639 of 1994*)
- “owner” (擁有人) in respect of an aircraft includes every person acting as agent for the owner or who receives freight or other charges in respect of the aircraft;
- “regional route” (區域航線) means a route between Hong Kong and another place in China; (*66 of 2000 s. 3*)
- “transit cargo” (過境貨物) means any article that is destined for a place outside Hong Kong and is passing through Hong Kong on the same ship or aircraft without transhipment. (*L.N. 256 of 1984*) (*29 of 2000 s. 2*)

PART II

IMPORT AND EXPORT DECLARATIONS

3. Exemptions in respect of regulations 4 and 5

Nothing in regulations 4 and 5 shall apply to or in respect of—

- (a) transhipment cargo;
- (b) transit cargo;
- (c) articles imported or exported by the Government or the armed forces of the Crown;

[附屬法例]

“運輸工具” (means of transport) 指任何船隻 (包括躉船和駁船, 不論其是否屬於船載, 以及水翼船)、飛翔船、飛機、機動道路車輛 (包括引擎單車、拖車、半拖車和組合車輛) 及全部鐵路列車, 以及連同載於運輸工具上的普通零件、配件及設備 (包括用以裝載、卸放、處理和保護貨物的特別設備); (*1994 年第 639 號法律公告*)

“暫准進口證” (A.T.A. Carnet) 指以下文件——

- (a) 按 1961 年 12 月 6 日於布魯塞爾就暫時讓貨品入口而協定的暫准進口證的海關公約 (亦稱為《暫准進口海關公約》*) 附文內所列格式的文件, 或按 1990 年 6 月 26 日於伊斯坦布爾協定的《暫准進口公約》* 的附件 A 附錄 1 所列格式的文件; 或 (*1994 年第 639 號法律公告*)
- (b) 在《暫准進口海關公約》* 適用於香港的範圍內, 按不時藉修訂《暫准進口海關公約》* 所規定的其他格式的文件, 或在香港仍然屬《暫准進口公約》* 簽訂一方的範圍內, 按上述《暫准進口公約》* 的任何修訂所規定的其他格式的文件; (*1973 年第 235 號法律公告; 1994 年第 639 號法律公告; 2000 年第 66 號第 3 條*)

“擁有人” (owner), 就飛機而言, 包括所有以代理人身分為擁有人行事的人, 或所有就飛機而收取運費或其他收費的人;

“豁免物品” (exempted article) 指任何物品, 而因第 3 條的條文, 第 4 及 5 條是不會適用於該物品的。

(*2000 年第 29 號第 2 條*)

第 11 部

進口及出口報關單

3. 有關第 4 及 5 條的豁免

第 4 及 5 條的規定, 不適用於下列各項——

- (a) 轉運貨物;
- (b) 過境貨物;
- (c) 由政府或官方武裝部隊輸入或輸出的物品;

* “《暫准進口海關公約》” 乃 “A.T.A. Convention” 之譯名。

“《暫准進口公約》” 乃 “Convention on Temporary Admission” 之譯名。

[Subsidiary]

- (d) ships' stores, including bunker fuel, for use by or consumption on board the vessel on which the stores are carried; (*L.N. 235 of 1973*)
- (e) aircraft stores, including aviation fuel, for use by or consumption on board the aircraft on which the stores are carried; (*L.N. 23 of 1976*)
- (f) personal baggage including any article which is shown to the satisfaction of the Commissioner to be imported or exported otherwise than for trade or business, but not including motor vehicles; (*L.N. 297 of 1979*)
- (g) any postal packet the contents of which are valued at less than \$4,000;
- (h) any article—
 - (i) which consists solely of, and is marked clearly as, advertising material and which is supplied free of charge;
 - (ii) which consists solely of, and is marked clearly as, a sample of any product and which is intended, to the satisfaction of the Commissioner, to be distributed free of charge for the purpose of advertising the article of which it is a sample;
 - (iia) valued at less than \$1,000, which consists solely of a sample of any product and is intended, to the satisfaction of the Commissioner, to be used for the purpose of advertising the article of which it is a sample; (*L.N. 235 of 1973; L.N. 46 of 1984*)
 - (iii) which is imported solely for the purpose of exhibition and which is intended, to the satisfaction of the Commissioner, to be exported after it has been exhibited and is neither sold nor disposed of in any other way in Hong Kong; (*L.N. 256 of 1984*)
 - (iv) which is exported solely for the purpose of exhibition and which is intended, to the satisfaction of the Commissioner, to be imported after exhibition; (*L.N. 235 of 1973*)
 - (v) which is imported after having been exported for exhibition in accordance with sub-paragraph (iv); (*L.N. 46 of 1984*)
 - (vi) which is imported or exported under and in accordance with an A.T.A. Carnet;
 - (vii) which is imported solely for the purpose of being used in a sports competition and which is intended, to the satisfaction of the Commissioner, to be exported after the competition and is neither sold nor disposed of in any other way in Hong Kong; (*L.N. 46 of 1984*)

[附屬法例]

- (d) 船舶補給品 (包括燃料艙燃料), 而該等補給品是運載該等補給品的船隻所使用或在該船隻上耗用的; (*1973 年第 235 號法律公告*)
- (e) 飛機補給品 (包括飛行燃料), 而該等補給品是運載該等補給品的飛機所使用或在該飛機上耗用的; (*1976 年第 23 號法律公告*)
- (f) 私人行李, 包括任何證明使關長信納不是為生意或業務而輸入或輸出的物品, 但不包括汽車; (*1979 年第 297 號法律公告; 2000 年第 66 號第 3 條*)
- (g) 任何郵包, 而其內所載物件的價值是 \$4,000 以下;
- (h) 任何下述物品——
 - (i) 該物品只包括廣告材料, 並已清楚地作出如此標明和屬於免費供應者;
 - (ii) 該物品只包括任何產品的樣本, 並已清楚地作出如此標明, 且令關長信納該樣本是為該物品的廣告宣傳而擬免費分發者; (*2000 年第 66 號第 3 條*)
 - (iia) 該物品的價值是在 \$1,000 以下, 並只包括任何產品的樣本, 且令關長信納該樣本是擬為該物品的廣告宣傳而使用者; (*1973 年第 235 號法律公告; 1984 年第 46 號法律公告; 2000 年第 66 號第 3 條*)
 - (iii) 該物品是只為展覽目的而輸入, 並令關長信納該物品是擬於展覽後輸出, 且不會在香港售賣或以任何其他方式處置者; (*1984 年第 256 號法律公告; 2000 年第 66 號第 3 條*)
 - (iv) 該物品是只為展覽目的而輸出, 並令關長信納該物品是擬於展覽後輸入者; (*1973 年第 235 號法律公告; 2000 年第 66 號第 3 條*)
 - (v) 該物品是為展覽而在按照第 (iv) 節輸出後輸入者; (*1984 年第 46 號法律公告*)
 - (vi) 該物品是根據並按照暫准進口證輸入或輸出者;
 - (vii) 該物品是只為在一項體育比賽中使用而輸入, 並令關長信納該物品是擬於比賽後輸出, 且不會在香港售賣或以任何其他方式處置者; (*1984 年第 46 號法律公告; 2000 年第 66 號第 3 條*)

[Subsidiary]

- (viii) which is exported solely for the purpose of being used in a sports competition and which is intended, to the satisfaction of the Commissioner, to be imported after the competition; or (*L.N. 46 of 1984*)
- (ix) which is imported after having been exported for use in a sports competition in accordance with sub-paragraph (viii); (*L.N. 75 of 1970; L.N. 46 of 1984*)
- (i) marine fish, including edible crustaceans, molluscs and other similar edible products derived from the sea, arriving in Hong Kong direct from fishing grounds on fishing craft registered or licensed in Hong Kong; (*L.N. 256 of 1984*)
- (j) gifts of a personal nature where no payment is or is to be made by the receiver thereof;
- (k) used empty freight containers which are—
 - (i) regularly imported and exported; and
 - (ii) used solely for the carriage of articles which are imported or exported; (*L.N. 75 of 1970*)
- (l) any aircraft part or accessory imported or exported by an air transport undertaking operating air services on international or regional routes, the principal place of business of which is situated outside Hong Kong, for the purpose of being— (*66 of 2000 s. 3*)
 - (i) used in the repair or maintenance of aircraft owned or chartered by such undertaking and operated by it on any international or regional air route; or (*66 of 2000 s. 3*)
 - (ii) given in non-profitable exchange for any other aircraft part or accessory to any other similar air transport undertaking for a similar use,and which is used for such purpose or so exchanged and used; (*L.N. 23 of 1976*)
- (m) any article imported by a transport undertaking operating sea or air freight transport services on international or regional routes, the principal place of business of which is situated outside Hong Kong, for the purpose of being used in the repair and maintenance of freight containers operated by that undertaking in the transport of goods by sea or air on its international or regional routes and which is used for such purpose; (*L.N. 23 of 1976; L.N. 384 of 1987; 66 of 2000 s. 3*)
- (n) banknotes and coins after issue into circulation, being legal tender in any country; (*L.N. 384 of 1987*)
- (o) any radio and television production and broadcasting equipment and specially adapted radio or television vans and their equipment—

[附屬法例]

- (viii) 該物品是只為在一項體育比賽中使用而輸出，並令關長信納該物品是擬於該比賽後輸入者；或 (*1984 年第 46 號法律公告；2000 年第 66 號第 3 條*)
- (ix) 該物品是為在一項體育比賽中使用而在按照第 (viii) 節輸出後輸入者； (*1970 年第 75 號法律公告；1984 年第 46 號法律公告*)
- (i) 由在香港註冊或領牌的漁船直接從漁場運抵香港的海魚，包括可供食用的甲殼類動物、軟體動物和其他可供食用的同類海產； (*1984 年第 256 號法律公告*)
- (j) 屬私人性質的禮物，而該禮物為收受人沒有付款或不會付款者；
- (k) 下述使用過的空貨運貨櫃箱——
 - (i) 該等貨櫃箱是經常輸入和輸出者；及
 - (ii) 該等貨櫃箱是純粹為運載輸入或輸出的物品而使用者； (*1970 年第 75 號法律公告*)
- (l) 由經營國際或區域航線航空服務的空運企業(其主要營業地點設於香港以外的地方)為下述目的而輸入或輸出的任何飛機部件或配件—— (*2000 年第 66 號第 3 條*)
 - (i) 為用以修理或維修該企業所擁有或租用的飛機，而該飛機是由該企業在任何國際或區域航線上經營者；或 (*2000 年第 66 號第 3 條*)
 - (ii) 為接受該部件或配件，作為按非牟利的方式與任何其他類似的空運企業交換任何其他作類似用途的飛機部件或配件，而該飛機部件或配件且是為了上述目的而使用或為此而交換和使用者； (*1976 年第 23 號法律公告*)
- (m) 由經營國際或區域航線海運或空運服務的運輸企業(其主要營業地點設於香港以外的地方)為了修理和維修其在國際或區域航線上藉海運或空運運輸貨品時所使用的貨運貨櫃箱而輸入的任何物品，而該物品且是為了上述目的而使用者； (*1976 年第 23 號法律公告；1987 年第 384 號法律公告；2000 年第 66 號第 3 條*)
- (n) 在任何國家作為法定貨幣而在發行後流通的銀行紙幣及硬幣； (*1987 年第 384 號法律公告*)
- (o) 任何電台製作、電視製作及廣播設備，以及經特別改裝的電台或電視客貨車及其設備，而——

[Subsidiary]

- (i) which is owned and imported by a person established or resident outside Hong Kong; and
- (ii) which is intended, to the satisfaction of the Commissioner, to be exported after having been used in Hong Kong; (*L.N. 639 of 1994*)
- (p) any means of transport for the purpose of being used as a means of conveyance at the time when it is being imported or exported, other than those which are imported or exported as cargo or part thereof. (*L.N. 639 of 1994*)

(*L.N. 294 of 1982*)

4. Import declarations

(1) Every person who imports any article other than an exempted article shall lodge with the Commissioner an accurate and complete import declaration relating to such article using services provided by a specified body, in accordance with the requirements that the Commissioner may specify. (*L.N. 322 of 1999*)

(2) Every declaration required to be lodged under paragraph (1) shall be lodged within 14 days after the importation of the article to which it relates.

- (3) Only one declaration is required in respect of imported articles that—
- (a) were imported under one bill of lading or air waybill; or
 - (b) (i) have item code numbers with identical first 4 digits;
(ii) were imported in the same ship, vehicle, train or aircraft; and
(iii) were consigned from the same country. (*L.N. 384 of 1987*)

- (3A) Notwithstanding paragraph (2), where articles—
- (a) are imported on a frequent and regular basis;
 - (b) have a value not exceeding \$1,000 for each consignment; (*L.N. 46 of 1984*)
 - (c) have an identical code number; and
 - (d) are consigned from the same country,

a monthly declaration may, with the prior approval of the Commissioner, be lodged not later than the 7th day of each month, setting out particulars of every such article imported during the previous month.

(3AA) Notwithstanding paragraph (3), a separate declaration shall be lodged in respect of food items specified in Appendix I of the Imports and Exports Classification List. (*L.N. 384 of 1987*)

[附屬法例]

- (i) 該等製作、客貨車及設備是由在香港以外地方建業或居住的人所擁有和輸入的；及
- (ii) 令關長信納該等製作、客貨車及設備擬於香港使用後輸出者； (*1994 年第 639 號法律公告；2000 年第 66 號第 3 條*)
- (p) 任何在輸入或輸出時被用作運送工具的運輸工具，但不包括作為貨物或貨物一部分而輸入或輸出的運輸工具。 (*1994 年第 639 號法律公告；1982 年第 294 號法律公告*)

4. 進口報關單

(1) 輸入任何並非豁免物品的物品的人須按照關長指明的規定，使用指明團體提供的服務，就該物品向關長呈交準確而完整的進口報關單。 (*1999 年第 322 號法律公告；2000 年第 66 號第 3 條*)

(2) 根據第 (1) 款須予呈交的每份報關單，須於該報關單所涉及之物品進口後 14 天內呈交。

(3) 下述的進口物品，只需一份報關單——

- (a) 根據一份提單或空運提單而輸入的進口物品；或
- (b) (i) 項目代碼編號首 4 個數字相同的進口物品；
(ii) 由同一船舶、車輛、鐵路列車或飛機輸入的進口物品；及
(iii) 由同一國家托運而來的進口物品。 (*1987 年第 384 號法律公告*)

(3A) 儘管第 (2) 款另有規定，凡下述的物品——

- (a) 經常和定期輸入的物品；
- (b) 以每次托運計算，價值不超過 \$1,000 的物品； (*1984 年第 46 號法律公告*)
- (c) 代碼編號相同的物品；及
- (d) 由同一國家托運而來的物品，

可在獲得關長事先批准下，於不遲逾每月的第 7 日呈交每月報關單，列明上月輸入的每項該等物品的詳情。 (*2000 年第 66 號第 3 條*)

(3AA) 儘管第 (3) 款另有規定，須就進出口貨品分類表附錄 I 所指明的食物項目呈交一份獨立的報關單。 (*1987 年第 384 號法律公告*)

(3) 凡第 (2) 款所提述的人擬進行升降機工程或自動梯工程，而該等工程並不符合實務守則的有關部分的規定，則他須在進行該等工程前，將擬進行的升降機工程或自動梯工程的詳細資料呈交署長，並取得其書面批准，表明擬進行的工程如予進行，將達到令他滿意的程度。 (由 1999 年第 4 號第 29 條修訂)

(3A) 署長根據第 (3) 款給予批准時，可就升降機工程或自動梯工程、升降機或自動梯的操作、保養及檢驗或為升降機或自動梯而設的任何安全設備的測試，施加他認為合適的條件。 (由 1999 年第 4 號第 29 條增補)

(4) 任何人違反第 (3) 款的規定，或在取得署長批准後沒有按照向署長呈交的詳細資料進行升降機工程或自動梯工程，或違反根據第 (3A) 款施加的條件，即屬犯罪，可處罰款 \$5,000 及監禁 6 個月。 (由 1999 年第 4 號第 29 條修訂)

(第 IVB 部由 1993 年第 44 號第 11 條增補)

271. 升降機及自動梯的設計及建造 須令署長滿意

(1) 所有升降機及自動梯的設計及建造須令署長滿意。

(2) 凡升降機或自動梯的設計及建造符合根據本部所訂立的實務守則的有關部分的規定，則該設計及建造須當作已令署長滿意。

(3) 凡註冊升降機工程師、註冊自動梯工程師、註冊升降機承建商或註冊自動梯承建商擬進行任何升降機工程或自動梯工程，而——

(a) 工程所關乎的升降機或自動梯的設計或建造既非符合實務守則的有關部分的規定，亦沒有獲署長根據本款批准；或

(b) 工程會導致升降機或自動梯的設計或建造成為一如 (a) 段所提述，他須在進行該等工程前，向署長呈交有關設計及建造或建議的設計及建造的詳細資料以求批准。

(3) Where a person referred to in subsection (2) proposes to carry out lift works or escalator works that are not in accordance with the relevant portions of codes of practice, he shall, before carrying them out, submit details of the proposed lift works or escalator works to the Director and obtain the approval in writing of the Director that the proposed works, if carried out, will be to his satisfaction. (Amended 4 of 1999 s. 29)

(3A) The Director may, in giving approval under subsection (3), impose any condition as he thinks fit as to the lift works or the escalator works or to the operation, maintenance and examination of the lift or escalator or the testing of any safety equipment provided for the lift or escalator. (Added 4 of 1999 s. 29)

(4) A person who contravenes subsection (3) or, having obtained the approval of the Director, fails to perform lift works or escalator works in accordance with the details submitted to the Director or contravenes a condition imposed under subsection (3A), commits an offence and shall be liable to a fine of \$5,000 and to imprisonment for 6 months. (Amended 4 of 1999 s. 29)

(Part IVB added 44 of 1993 s. 11)

271. Design and construction of lifts and escalators to be to satisfaction of Director

(1) The design and construction of all lifts and escalators shall be to the satisfaction of the Director.

(2) Design and construction of a lift or escalator in accordance with the relevant portions of codes of practice established under this Part shall be deemed to be to the satisfaction of the Director.

(3) Where a registered lift engineer, registered escalator engineer, registered lift contractor or registered escalator contractor proposes to carry out any lift works or escalator works—

(a) in relation to a lift or escalator of which the design or construction is neither in accordance with the relevant portions of codes of practice nor approved by the Director under this subsection; or

(b) resulting in a lift or escalator of such design or construction as referred to in paragraph (a),

he shall, before carrying out such works, submit details of the design and constructions or the proposed design and construction to the Director for approval.

(4) 署長根據第(3)款給予批准時，可就升降機或自動梯的設計及建造、升降機或自動梯的操作、保養及檢驗或為升降機或自動梯而設的任何安全設備的測試，施加他認為合適的條件。

(5) 任何人違反第(3)款的規定，或在就任何建議的設計及建造取得署長批准後沒有按照署長所批准的詳細資料設計或建造升降機或自動梯，或違反根據第(4)款施加的條件，即屬犯罪，可處第2級罰款及監禁6個月。

(由1999年第4號第30條增補)

第 V 部

罪行

28. 某些罪行

(1) 任何人——

- (a) 偽造按本條例的規定、根據本條例的規定、或為施行本條例的規定而需要的任何證明書；
- (b) 明知任何該等證明書在要項上屬於虛假而仍予以發出或簽署；
- (c) 明知任何該等證明書有上述偽造或虛假情況而仍予以行使或使用；
- (d) 明知任何該等證明書不適用於某部升降機或自動梯，仍當其適用而予以行使或使用；或
- (e) 根據第6或11C條提出申請時作出任何在要項上屬於虛假的陳述，

(由1987年第43號第30條修訂)

即屬犯罪，一經定罪，可處罰款\$5,000及監禁12個月。(由1987年第43號第30條修訂)

(1A) 任何人在紀律審裁委員會或上訴委員會根據第10(a)或(b)、11H(a)或(b)或16B(a)或(b)條(視屬何情況而定)作出下列要求時，在委員會席前進行的任何程序中——

- (a) 無合理辯解而沒有出席；
- (b) 拒絕在宣誓後接受訊問；或
- (c) 無合理辯解而沒有交出任何有關文件，

即屬犯罪，一經定罪，可處罰款\$5,000及監禁6個月。(由1987年第43號第30條增補)

(4) The Director may, in giving approval under subsection (3), impose any condition as he thinks fit as to the design and construction of the lift or escalator or to the operation, maintenance and examination of the lift or escalator or the testing of any safety equipment provided for the lift or escalator.

(5) A person who contravenes subsection (3), or having obtained the approval of the Director to any proposed design and construction, fails to design or construct a lift or an escalator in accordance with the details approved by the Director or contravenes a condition imposed under subsection (4), commits an offence and shall be liable to a fine at level 2 and to imprisonment for 6 months.

(Added 4 of 1999 s. 30)

PART V

OFFENCES

28. Certain offences

(1) Any person who—

- (a) forges any certificate required by, under or for the purposes of this Ordinance;
- (b) gives or signs any such certificate knowing it to be false in a material particular;
- (c) knowingly utters or makes use of any such certificate so forged or false;
- (d) knowingly utters or makes use of as applying to any lift or escalator any such certificate which does not so apply; or
- (e) makes any statement which is false in a material particular in an application under section 6 or 11C, (Amended 43 of 1987 s. 30)

shall be guilty of an offence and shall be liable on conviction to a fine of \$5,000 and to imprisonment for 12 months. (Amended 43 of 1987 s. 30)

(1A) Any person who—

- (a) without reasonable excuse fails to attend;
- (b) refuses to be examined upon oath; or
- (c) without reasonable excuse fails to produce any relevant document,

at any proceedings before a disciplinary board or appeal board, when required to do so by the disciplinary board or appeal board under section 10(a) or (b), 11H(a) or (b) or 16B(a) or (b), as the case may be, shall be guilty of an offence and shall be liable on conviction to a fine of \$5,000 and to imprisonment for 6 months. (Added 43 of 1987 s. 30)

- (2) 隧道設施的設計、建造及安裝須經路政署署長批准。
- (3) 在不影響第 19 條及第 (2) 款的一般性的原則下——
- (a) 公司須在隧道區安裝無線電通訊系統，該系統須為令警務處處長及消防處處長感到滿意者；
- (b) 如警務處處長或消防處處長如此要求，公司須對 (a) 段所提述的系統作出警務處處長或消防處處長 (視何者適當而定) 所指明的任何改裝 (可包括功能提升或加強)；
- (c) 公司須安裝用以管制和監察隧道區內交通的系統，該系統須令運輸署署長感到滿意；
- (d) 如運輸署署長如此要求，公司須對 (c) 段所提述的系統作出他所指明的任何改裝 (可包括功能提升或加強)。
- (4) 公司須承擔安裝和改裝 (如有的話) 第 (3) 款所提述的任何系統的開支和承擔維修該等系統的責任 (包括開支)。
- (5) 公司須確保在根據第 18(1) 條決定的日期前，隧道及連接道路不用以供車輛交通 (與建造工程有關的車輛除外) 通過。
- (6) 公司在本條下的義務，是增補根據第 28 條訂立的規例中指明的任何規定的。

18. 隧道及連接道路的開放

- (1) 如運輸署署長信納隧道及連接道路已準備妥當可供車輛交通通過，他須——
- (a) 決定該隧道及連接道路的開始經營日期；及
- (b) 在憲報公告根據 (a) 段決定的日期。
- (2) 第 (1) 款所提述的日期，須為在路政署署長向運輸署署長及公司發出關於路政署署長認為隧道及連接道路是處於適合交通通過的狀況的證明書後，在切實可行範圍內的最早日期。

19. 維修及補救工程

- (1) 公司須維修隧道區及隧道設施至令路政署署長感到滿意的程度。
- (2) 如隧道區或隧道設施沒有維修至令路政署署長感到滿意的程度，則下述條文適用——

(2) The design, construction and installation of the tunnel facilities shall be subject to the approval of the Director of Highways.

(3) Without affecting the generality of section 19 and subsection (2), the Company shall—

- (a) install in the tunnel area a system of radio communication, being a system that is satisfactory to the Commissioner of Police and the Director of Fire Services;
- (b) if the Commissioner of Police or the Director of Fire Services so requires, effect any modifications (which may include upgrading or enhancement), specified by that Commissioner or Director, as may be appropriate, to the system referred to in paragraph (a);
- (c) install a system, for control and surveillance of traffic in the tunnel area, to the satisfaction of the Commissioner;
- (d) if the Commissioner so requires, effect any modifications (which may include upgrading or enhancement), specified by him, to the system referred to in paragraph (c).

(4) The Company shall bear the expenses of the installation and the modification (if any) of any system referred to in subsection (3) and the responsibility (including expenses) for its maintenance.

(5) The Company shall ensure that the Tunnel Link is not used for the passage of vehicular traffic (other than vehicles concerned with the construction works) until the date determined under section 18(1).

(6) The obligations of the Company under this section are in addition to any requirements specified in regulations made under section 28.

18. Opening of Tunnel Link

(1) Where the Commissioner is satisfied that the Tunnel Link is ready for the passage of vehicular traffic, he shall—

- (a) determine a date for the commencement of its operation; and
- (b) notify in the Gazette the date determined under paragraph (a).

(2) The date referred to in subsection (1) shall be the soonest practical date after the Director of Highways has issued a certificate to the Commissioner and the Company that in his opinion the Tunnel Link is in a condition fit for the passage of traffic.

19. Maintenance and remedial work

(1) The Company shall maintain the tunnel area and the tunnel facilities to the satisfaction of the Director of Highways.

(2) Where the tunnel area or the tunnel facilities are not maintained to the satisfaction of the Director of Highways, the following applies—

- (a) 路政署署長可藉送達公司的書面通知，要求公司在該通知內指明的期間，進行認為對適當維修隧道區及隧道設施屬必需並在該通知內指明的工程；
- (b) 如路政署署長認為 (a) 段所提述的工程由他進行會較有利於公眾利益，則他可進行該工程。
- (3) 如路政署署長擬為施行第 (2)(b) 款而進行任何工程，則他須將其意向以書面通知公司。
- (4) 公司在接獲第 (3) 款所指的通知後，可在該通知的日期開始起計 14 天內，藉向路政署署長發出書面通知反對路政署署長進行任何工程，並須在該通知內指明反對理由。
- (5) 如路政署署長根據第 (3) 款發出通知——
- (a) 除 (b) 段另有規定外，在自發出該項通知的日期起計的 15 天期間屆滿之前，他不得為第 (2)(b) 款的目的而展開任何工程；
- (b) 如他在 (a) 段所提述的期間內接獲一份反對通知，則他須考慮該項反對，並須決定是否由其本人進行該工程或要求公司進行該工程，而他須據此決定而行事。
- (6) 如公司不遵守根據第 (2)(a) 款作出的任何要求，則路政署署長可進行其認為對適當維修隧道區及隧道設施屬必需的工程。

20. 緊急情況下的補救工程

- (1) 如路政署署長認為隧道區或其任何部分——
- (a) 已變得危險；或
- (b) 有可能變得危險，
- 而他因此認為已出現或相當可能出現緊急情況，則他可進行他覺得必需的補救工程。
- (2) 如將路政署署長根據第 (1) 款進行工程的意向通知公司並不切實可行，則路政署署長可進行該等工程而無須通知公司。

- (a) the Director of Highways may, by a notice in writing served on the Company, require the Company to carry out, within such period as is specified in the notice, such work as specified by him (being work he considers necessary for the proper maintenance of the tunnel area and the tunnel facilities);
- (b) if in the opinion of the Director of Highways, public interest will be better served if the work referred to in paragraph (a) were to be carried out by him, he may carry out that work.

(3) Where the Director of Highways intends to carry out any work for the purposes of subsection (2)(b), he shall give notice in writing of his intention to the Company.

(4) On receiving a notice under subsection (3), the Company may, by notice in writing given to the Director of Highways within 14 days beginning on the date of the notice, object to the Director carrying out any work and in that notice shall specify the grounds for the objection.

(5) Where the Director of Highways gives a notice under subsection (3)—

- (a) subject to paragraph (b), he shall not commence any work for the purposes of subsection (2)(b) until the period of 15 days beginning on the date of giving the notice has expired;
- (b) if he receives a notice of objection within the period referred to in paragraph (a), he shall consider the objections and determine whether to carry out the work himself or require the Company to do it, and act accordingly.

(6) Where the Company does not comply with any requirement made under subsection (2)(a), the Director of Highways may carry out such work as he considers necessary for the proper maintenance of the tunnel area and the tunnel facilities.

20. Remedial work in emergency

(1) Where in the opinion of the Director of Highways, the tunnel area or any part of it—

- (a) has been rendered dangerous; or
- (b) is liable to become dangerous,

and as a result, in his opinion an emergency has arisen or is likely to arise, he may carry out such remedial work as appears to him to be necessary.

(2) Where it is not practicable to give notice to the Company of his intention to carry out any work under subsection (1), the Director of Highways may carry out such work without notice to the Company.

(2) 凡署長制定實務守則或修訂已制定的實務守則，他須於憲報刊登公告以指出經制定或修訂的守則及指明其生效日期，並通知關於守則文本或修訂文本可供查閱的地點。

12. 升降機工程的進行須令署長滿意

- (1) 所有升降機工程的進行須令署長滿意。
- (2) 凡註冊檢驗員或註冊承建商按照本部所制定的實務守則的有關部分進行升降機工程，該等工程的進行須被當作令署長滿意。
- (3) 凡第(2)款所提述的人不按照實務守則的有關部分進行升降機工程，他須於進行工程前，向署長呈交擬進行的升降機工程的詳細資料，並取得署長的書面批准，內容是如進行該擬進行的工程，將會令署長滿意。

第 VI 部

升降機工程

13. 擁有人的責任

建築工地升降機或塔式工作平台的擁有人無論何時均須聘用註冊承建商，並須確保升降機工程只由該註冊承建商或由其所僱用的註冊檢驗員進行，或在該註冊承建商或由其所僱用的註冊檢驗員監督下進行。

14. 禁止未獲授權的人進行升降機工程

- (1) 除第(2)款另有規定外，除以下人士外，任何人不得進行升降機工程——
 - (a) 註冊檢驗員；
 - (b) 身為合資格人員並屬——
 - (i) 註冊承建商的個人；或
 - (ii) 合夥(該合夥為註冊承建商)成員的個人；
 - (c) 註冊承建商所僱用的合資格人員；或

(2) Where the Director establishes a code of practice or amends a code of practice already established, he shall publish a notice in the Gazette identifying the code that is established or amended, specifying the date on which it is to take effect and advising the place at which a copy of the code or amendment may be examined.

12. Lift work to be carried out to satisfaction of Director

- (1) All lift work shall be carried out to the satisfaction of the Director.
- (2) Where a registered examiner or registered contractor carries out lift work in accordance with the relevant portions of codes of practice established under this Part, he shall be deemed to have carried them out to the satisfaction of the Director.
- (3) Where a person referred to in subsection (2) carries out lift work that is not in accordance with the relevant portions of codes of practice, he shall, before carrying it out, submit details of the proposed lift work to the Director and obtain the approval in writing of the Director that the proposed work, if carried out, will be to his satisfaction.

PART VI

LIFT WORK

13. Duty of owner

The owner of a builder's lift or tower working platform shall, at all times, retain the services of a registered contractor and shall ensure that no lift work is carried out except by or under the supervision of such registered contractor or a registered examiner employed by such registered contractor.

14. Prohibition of carrying out lift work by unauthorized person

- (1) Subject to subsection (2), no person shall carry out lift work other than—
 - (a) a registered examiner;
 - (b) an individual who is—
 - (i) a registered contractor; or
 - (ii) a member of a partnership that is a registered contractor, and is a competent worker;
 - (c) a competent worker employed by a registered contractor; or

- (b) 任何該等補償的款額；或
(c) 須付補償或獲付補償的人，

任何人如因有關工程的進行或保養，有人進入、穿過或干擾土地或物業而蒙受任何損失或損害，可向土地審裁處申請就該爭議進行聆訊和作出裁定，但如該人和與有關工程的進行或保養相關的建築工程所屬的人或其任何繼承人（視屬何情況而定）已訂立支付經確定款額的補償的書面協議，則屬例外。

(4) 根據第(3)款提出的申請，可在蒙受損失或損害之日起計3年內，或在土地審裁處酌情許延展的期限內提出。

(5) 土地審裁處具有司法管轄權，可就根據第(3)款提出的申請進行聆訊和作出裁定；在將《土地審裁處條例》(第17章)應用於任何該等裁定時，該條例第11(1)條須具效力，猶如該條(a)及(b)段被“根據《建築物條例》(第123章)第28D(3)條提出的任何申請”所取代一樣。

(由1982年第41號第8條增補)

29. 私家街道及通路的建造及保養

(1) 每條私家街道及通路須由臨街處所擁有人鋪設路面、敷設渠道、污水渠及排水渠，而達致建築事務監督滿意的程度和符合規例，以及須由臨街處所擁有人加以照明和妥善保養，而達致建築事務監督滿意的程度。

(2) 凡任何私家街道或通路未有如此鋪設路面、敷設渠道、污水渠及排水渠，加以照明或妥善保養——

- (a) 建築事務監督可藉向各臨街處所擁有人送達的書面命令，規定各臨街處所擁有人在命令所指明的期限之內進行建築事務監督認為必需的工程；或
(b) 如屬私家街道，而建築事務監督認為該等工程由他進行或在他的指示下進行會更符合公眾利益，則即使各臨街處所擁有人願意進行該等工程，建築事務監督仍可自行進行該等工程，但須符合第(3)款條文的規定。
- (3) (a) 凡建築事務監督依據第(2)(b)款的條文擬進行任何工程，他須向各臨街處所擁有人發出擬進行工程的通知。

- (b) the amount of any such compensation; or
(c) the person by or to whom it is payable,

any person who, by reason of the carrying out or maintenance of the relevant works, has suffered any loss or damage to any land or property entered upon, cut through or interfered with may apply to the Lands Tribunal to hear and determine the dispute, except where he and the person in connexion with whose building works the relevant works are carried out or maintained or, as the case may be, any of that person's successors have entered into an agreement in writing for the payment of an ascertained amount of compensation.

(4) An application under subsection (3) may be made within 3 years of the date on which the loss or damage was suffered or within such extended time as the Lands Tribunal may in its discretion allow.

(5) The Lands Tribunal shall have jurisdiction to hear and determine any application under subsection (3); and in the application of the Lands Tribunal Ordinance (Cap. 17) to any such determination, section 11(1) of that Ordinance shall have effect as if for paragraphs (a) and (b) thereof there were substituted the words “any application under section 28D(3) of the Buildings Ordinance (Cap. 123)”.

(Added 41 of 1982 s. 8)

29. Construction and maintenance of private streets and access roads

(1) Every private street and access road shall be surfaced, channelled, sewered and drained to the satisfaction of the Building Authority and in compliance with regulations and lighted to the satisfaction of the Building Authority, and shall be maintained in good order to his satisfaction, by the frontagers.

(2) Where any private street or access road is not so surfaced, channelled, sewered, drained, lighted or maintained in good order, the Building Authority—

- (a) may by order in writing served on the frontagers require them to carry out, within such time as may be specified therein, such work as he considers necessary; or
(b) where, in the case of a private street, the public interest would, in his opinion, be better served if such work were carried out by him or under his direction, may, subject to the provisions of subsection (3), carry out such work himself, notwithstanding that the frontagers may be willing to carry out such work.
- (3) (a) Where, pursuant to the provisions of subsection (2)(b) the Building Authority intends to carry out any work, he shall give notice of his intention to the frontagers.

- (b) 任何欲反對建築事務監督進行有關工程的臨街處所擁有人，須於 (a) 段所規定的通知發出後 14 天內，發出反對通知，並指明反對理由。
- (c) 建築事務監督不得展開或授權展開該等工程，直至上述 14 天的期限屆滿為止，或如他在該期限內接獲任何反對，則直至他就該反對作出考慮和答覆為止，兩者以較遲者為準。
- (4) 如任何根據第 (2)(a) 款作出的命令不獲遵從，則建築事務監督可進行或安排進行命令所規定進行的工程。
- (5) 凡建築事務監督認為某私家街道或通路已變得危險或可變得危險，並因而出現緊急情況，他可無須通知臨街處所擁有人，或在發出通知之前或之後，進行或安排進行他覺得必需的工程。如建築事務監督決定該個別情況屬緊急情況，則該項決定即為最終決定，並對所有人具約束力。 (由 1965 年第 40 號第 6 條增補)
- (6) 依據第 (2)(b) 款或第 (4) 款條文進行的任何工程的費用，或依據第 (5) 款條文進行的任何工程的費用，只要建築事務監督認為可歸因於該緊急情況，他即可向各臨街處所擁有人追討；建築事務監督須按下列方法分攤該等費用—— (由 1965 年第 40 號第 6 條修訂)
- (a) (如屬私家街道) 按各臨街處所擁有人所擁有的處所的臨街寬度分攤；或
- (b) (如屬通路) 按該路所通往的地段所佔面積的比例分攤。 (由 1961 年第 37 號第 4 條代替)
- (7) (a) 在某私家街道的臨街處所擁有人提出申請後，或如多於一人，則在按價值計佔較大份數的臨街處所擁有人提出申請後，建築事務監督如認為公眾使用該街道的情況足以成為政府應支付保養費用的理由，則他可承擔該街道的進一步保養。
- (b) 建築事務監督不得承擔任何私家街道的進一步保養，直至——
- (i) 建有該街道的土地的擁有人已在該土地不附有任何類別的對立權利、業權、權益、信託、申索、留置權、要求及限制的情況下，把該土地退回政府；及

- (b) Any such frontager who wishes to object to the carrying out of such work by the Building Authority shall give notice of his objection, specifying the grounds thereof, within a period of 14 days from the giving of the notice required by paragraph (a).
- (c) The Building Authority shall not commence or authorize the commencement of such work until the expiration of the said period of 14 days or, where he has received any objection within such period, until he has considered and made reply thereto, whichever is the later.
- (4) If any order made under subsection (2)(a) is not complied with, the Building Authority may carry out or cause to be carried out the work required thereby to be carried out.
- (5) Where in the opinion of the Building Authority a private street or access road has been rendered dangerous or liable to become dangerous and emergency has thereby arisen, he may carry out or cause to be carried out such work as may appear to him to be necessary, either without notice to the frontagers or before or after such notice. The decision of the Building Authority that the particular case is one of emergency shall be final and binding on all persons. (Added 40 of 1965 s. 6)
- (6) The Building Authority may recover the cost of any work carried out pursuant to the provisions of subsection (2)(b) or of subsection (4), or the cost of any work carried out pursuant to the provisions of subsection (5) so far as it is in his opinion attributable to the emergency, from the frontagers; and the Building Authority shall apportion such cost— (Amended 40 of 1965 s. 6)
- (a) in the case of private streets, according to the frontages of the premises owned by such frontagers; or
- (b) in the case of an access road, in proportion to the areas of the lots to which the road provides access. (Replaced 37 of 1961 s. 4)
- (7) (a) Upon the application of the frontager on a private street or, where there are more than one of the greater part in value of such frontagers, the Building Authority may, where he considers that the use of the street by the public is such as to justify its maintenance at the expense of the Government, undertake the further maintenance of the street.
- (b) The Building Authority shall not undertake the further maintenance of any private street until—
- (i) the owner or owners of the land on which the street is constructed have surrendered such land to the Government free from all competing rights, titles, interests, trusts, claims, liens, demands and restrictions of all kinds whatsoever; and

(ii) 他根據第(2)(a)款作出的任何命令獲得遵從為止。

(8) 建築事務監督可豁免任何無建築物臨向或緊連的私家街道，使本條所有或部分規定不適用於該私家街道。

(9) 為任何私家街道的照明而供應氣體或電力的費用，及該用途所需的所有器具的保養費用，須由政府承擔。(由1961年第37號第4條修訂)

(10) 凡建築事務監督證明基於公眾安全、良好秩序及保安的理由，照明某通路是符合公眾利益的，為該通路的照明而供應氣體或電力的費用，及該用途所需的所有器具的保養費用，須由政府承擔。(由1961年第37號第4條增補)

(由1959年第44號第13條代替)

30. 街道的出入口

(1) 任何人不得進行任何街道的任何進出途徑或出入口的建造、平整、鋪設或改動工程，除非——

- (a) 建築事務監督已根據本條給予同意，或
- (b) 建築事務監督已同意展開的建築工程或街道工程包括該等工程。

(2) 建築事務監督如認為任何街道的擬建進出途徑或出入口——

- (a) 會構成危險或相當可能會構成危險；或
- (b) 會損及使用或預期會使用該街道的來往交通或行人的安全或便利，

可拒絕就該等工程給予同意。

(3) 建築事務監督在給予同意時，可藉書而命令施加他認為必需的條件，以確保使用或預期會使用該街道的來往交通及行人的安全便利。

(4) 就第 22、23、24、33、35、37 條及第 IV、V、VI 部而言，任何街道的任何進出途徑或出入口的建造、平整、鋪設或改動工程，須當作為街道工程。

(由1959年第44號第13條增補)

(ii) any order which he may have made under subsection (2)(a) has been complied with.

(8) The Building Authority may exempt from the application of this section, either wholly or in part, any private street on which no buildings front or abut.

(9) The cost of the supply of gas or electricity for the lighting of any private street and the cost of maintaining all apparatus required for such purpose shall be borne by the Government. (Amended 37 of 1961 s. 4)

(10) Where the Building Authority certifies that the lighting of an access road is in the public interest on the grounds of public safety, good order and security, the cost of the supply of gas or electricity for the lighting of the access road and the cost of maintaining all apparatus required for such purposes shall be borne by the Government. (Added 37 of 1961 s. 4)

(Replaced 44 of 1959 s. 13)

30. Openings to or from streets

(1) Save where the Building Authority has given his consent—

- (a) under this section, or
- (b) for the commencement of building works or street works which include such works,

no person shall carry out works for the construction, formation, laying out, or alteration of any means of access or opening to or from any street.

(2) The Building Authority may refuse to give his consent for such works where in his opinion the intended access or opening to or from any street is such as to—

- (a) be dangerous or likely to be dangerous; or
- (b) be prejudicial to the safety or convenience of traffic or pedestrians using or expected to use such street.

(3) In giving his consent the Building Authority may by order in writing impose such conditions as he considers necessary for securing the safety and convenience of traffic and pedestrians using or expected to use the street.

(4) Works for the construction, formation, laying out or alteration of any means of access or opening to or from any street shall be deemed to be street works for the purposes of sections 22, 23, 24, 33, 35, 37, and Parts IV, V and VI.

(Added 44 of 1959 s. 13)

[附屬法例]

81. 保稅倉的建造

每個保稅倉，其每一部分及其內或其上的每一固定附着物的建造須達致關長滿意的程度，並須維持修葺良好堅固和保持衛生，以達致關長滿意的程度，尤須符合下列規定——

- (a) 保稅倉的照明及通風須達致關長滿意的程度；
- (b) 窗口須適當地予以穩固； (1970 年第 6 號法律公告)
- (c) 保稅倉的建造方式，是門須有扣件，能由香港海關人員裝上鎖和加封，而裝上鎖後，除香港海關人員外，任何人不得進入保稅倉；
- (d) 關長可安排在任何保稅倉裝上鎖；
- (e) 沒有關長的同意，不得作出任何改動或修葺。

(1982 年第 294 號法律公告；1999 年第 12 號第 3 條)

82. 燈**83A. 交出貨品供檢查及貯存方式**

(1) 如關長有此要求，保稅倉管理人須從速交出貯存在保稅倉內的任何貨品供檢查。

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(2) 除獲關長書面准許外，保稅倉管理人在保稅倉內貯存貨品時——

- (a) 不得改變貨品剛進倉時的包裝；
- (b) 須整齊地排列貨品以確保可安全及容易地往返貨品所在之處；及
- (c) 須在所有包裝上作清晰及獨特的標記，令有關貨品可容易地藉參照存貨帳目或紀錄而辨認。

辦稅

(2) 關長根據本條所規定的任何收費均不得收取。

(1982 年第 294 號法律公告；1999 年第 12 號第 3 條)

84. 貨品的查驗等的設施

每名保稅倉管理人須在保稅倉的適當地方提供和保持下列物品，達致關長滿意的程度—— (1999 年第 12 號第 3 條)

[Subsidiary]

81. Construction of warehouses

Every warehouse and every part thereof and every fixture therein or thereon shall be constructed and maintained in good and substantial repair and sanitary condition to the satisfaction of the Commissioner, and in particular—

- (a) the warehouse shall be illuminated and ventilated to the satisfaction of the Commissioner;
- (b) the windows shall be suitably secured; (L.N. 6 of 1970)
- (c) the warehouse shall be so constructed, and the door shall have such fastenings capable of being fitted with locks affixed and sealed by a member of the Customs and Excise Service, that when such locks are fitted no person except a member of the Customs and Excise Service can have any access to the warehouse;
- (d) the Commissioner may cause locks to be fitted to any warehouse;
- (e) no alterations or repairs shall be made without the consent of the Commissioner.

(L.N. 294 of 1982)

83A. Production of goods for inspection and manner of storage

(1) When required so to do by the Commissioner, the warehouse-keeper shall promptly produce any goods stored in a warehouse for inspection.

(2) Except with the written permission of the Commissioner, a warehouse-keeper shall, when storing goods in the warehouse—

- (a) not alter the packaging in which the goods were first entered;
- (b) arrange the goods in a tidy manner to ensure safe and easy access to and from the goods; and
- (c) mark all packaging legibly and uniquely so that the goods can be easily identified by reference to the stock account or record.

(2) No charge shall be levied for any services required by the Commissioner under this regulation.

(L.N. 294 of 1982)

84. Facilities for examination, etc., of goods

Every warehouse-keeper, to the satisfaction of the Commissioner, shall provide and maintain, in a suitable place in the warehouse—

27E. 本部所適用的升降機的擁有人責任

本部所適用的升降機的擁有人須確保升降機並非用作——

- (a) (由 1993 年第 44 號第 10 條廢除)
- (b) 運載超過額定負載的負載；或
- (c) 運載任何人(不論是否在車輛內)。

(由 1999 年第 4 號第 26 條修訂)

27F. (由 1999 年第 4 號第 27 條廢除)

(第 IVA 部由 1987 年第 43 號第 29 條增補)

第 IVB 部

實務守則

27G. 實務守則

署長可就以下事宜訂立實務守則——

- (a) 升降機工程及自動梯工程；及
- (b) 指明與升降機及自動梯的設計及建造有關的安全規定。

(由 1999 年第 4 號第 28 條代替)

27H. 升降機工程及自動梯工程的進行須令署長滿意

- (1) 所有升降機工程及自動梯工程的進行須達到令署長滿意的程度。
- (2) 凡註冊升降機工程師、註冊自動梯工程師、註冊升降機承建商或註冊自動梯承建商按照本部所訂立的實務守則的有關部分進行升降機工程或自動梯工程，須被當作他已進行該等工程，並達到令署長滿意的程度。

27E. Duty of owners of lifts to which this Part applies

The owner of a lift to which this Part applies shall ensure that the lift is not used—

- (a) (Repealed 44 of 1993 s. 10)
- (b) to carry a load greater than the rated load; or
- (c) to carry any person (whether inside a vehicle or otherwise).

(Amended 4 of 1999 s. 26)

27F. (Repealed 4 of 1999 s. 27)

(Part IVA added 43 of 1987 s. 29)

PART IVB

CODES OF PRACTICE

27G. Codes of practice

The Director may establish codes of practice—

- (a) for lift works and escalator works; and
- (b) specifying safety requirements relating to the design and construction of lifts and escalators.

(Replaced 4 of 1999 s. 28)

27H. Lift works and escalator works to be carried out to satisfaction of Director

(1) All lift works and escalator works shall be carried out to the satisfaction of the Director.

(2) Where a registered lift engineer, registered escalator engineer, registered lift contractor or registered escalator contractor carries out lift works or escalator works in accordance with the relevant portions of codes of practice established under this Part, he shall be deemed to have carried them out to the satisfaction of the Director.

(3) 凡第(2)款所提述的人擬進行升降機工程或自動梯工程，而該等工程並不符合實務守則的有關部分的規定，則他須在進行該等工程前，將擬進行的升降機工程或自動梯工程的詳細資料呈交署長，並取得其書面批准，表明擬進行的工程如予進行，將達到令他滿意的程度。(由1999年第4號第29條修訂)

(3A) 署長根據第(3)款給予批准時，可就升降機工程或自動梯工程、升降機或自動梯的操作、保養及檢驗或為升降機或自動梯而設的任何安全設備的測試，施加他認為合適的條件。(由1999年第4號第29條增補)

(4) 任何人違反第(3)款的規定，或在取得署長批准後沒有按照向署長呈交的詳細資料進行升降機工程或自動梯工程，或違反根據第(3A)款施加的條件，即屬犯罪，可處罰款\$5,000及監禁6個月。(由1999年第4號第29條修訂)

(第IVB部由1993年第44號第11條增補)

271. 升降機及自動梯的設計及建造 須令署長滿意

- (1) 所有升降機及自動梯的設計及建造須令署長滿意。
- (2) 凡升降機或自動梯的設計及建造符合根據本部所訂立的實務守則的有關部分的規定，則該設計及建造須當作已令署長滿意。
- (3) 凡註冊升降機工程師、註冊自動梯工程師、註冊升降機承建商或註冊自動梯承建商擬進行任何升降機工程或自動梯工程，而——
 - (a) 工程所關乎的升降機或自動梯的設計或建造既非符合實務守則的有關部分的規定，亦沒有獲署長根據本款批准；或
 - (b) 工程會導致升降機或自動梯的設計或建造成為一如(a)段所提述，他須在進行該等工程前，向署長呈交有關設計及建造或建議的設計及建造的詳細資料以求批准。

(3) Where a person referred to in subsection (2) proposes to carry out lift works or escalator works that are not in accordance with the relevant portions of codes of practice, he shall, before carrying them out, submit details of the proposed lift works or escalator works to the Director and obtain the approval in writing of the Director that the proposed works, if carried out, will be to his satisfaction. (Amended 4 of 1999 s. 29)

(3A) The Director may, in giving approval under subsection (3), impose any condition as he thinks fit as to the lift works or the escalator works or to the operation, maintenance and examination of the lift or escalator or the testing of any safety equipment provided for the lift or escalator. (Added 4 of 1999 s. 29)

(4) A person who contravenes subsection (3) or, having obtained the approval of the Director, fails to perform lift works or escalator works in accordance with the details submitted to the Director or contravenes a condition imposed under subsection (3A), commits an offence and shall be liable to a fine of \$5,000 and to imprisonment for 6 months. (Amended 4 of 1999 s. 29)

(Part IVB added 44 of 1993 s. 11)

271. Design and construction of lifts and escalators to be to satisfaction of Director

- (1) The design and construction of all lifts and escalators shall be to the satisfaction of the Director.
- (2) Design and construction of a lift or escalator in accordance with the relevant portions of codes of practice established under this Part shall be deemed to be to the satisfaction of the Director.
- (3) Where a registered lift engineer, registered escalator engineer, registered lift contractor or registered escalator contractor proposes to carry out any lift works or escalator works—
 - (a) in relation to a lift or escalator of which the design or construction is neither in accordance with the relevant portions of codes of practice nor approved by the Director under this subsection; or
 - (b) resulting in a lift or escalator of such design or construction as referred to in paragraph (a),
 he shall, before carrying out such works, submit details of the design and constructions or the proposed design and construction to the Director for approval.

[附屬法例]

(9) 如需要從船舶的導航設備或其他設備將資料不受中斷地輸入本規例所規定的無線電裝設,以確保該無線電裝設的性能妥善,則須設置設施以確保一旦船舶的主用或應急電源發生故障時能持續供應該等資料。

(10) 為計算備用能源的規定容量,所使用的總電流須按照附表 1 所指明的方法計算。

14. 性能標準

根據本規例須設置的每項設備——

- (a) 均須符合國際海事組織所採納的性能標準,該等性能標準亦即附表 2 所指明的規格;及
- (b) 如屬香港船舶上設置的設備,則亦須另外符合電訊管理局局長所發出的適當的性能規格,該等性能規格亦即附表 2 所指明的規格。

15. 可使用性和維修方面的規定

- (1) 根據本規例須設置的每項設備,其設計須使主要部件能容易更換而無須作複雜的重新調校或重新校正。
- (2) 如情況適用,設備的構造和裝設的方式,須使該設備能易於接觸以作檢查和船上維修。
- (3) 每艘船舶上均須提供令處長滿意的足夠資料,使設備能夠妥善操作和獲得妥善維修。
- (4) 每艘船舶上均須設置令處長滿意的足夠工具及備件,使設備能夠獲得維修,而處長可在商船公告中指明香港船舶上須設置的工具及備件。
- (5) 根據本規例須設置的每項無線電設備均須予以維修,使其可符合第 5 條所指明的功能規定,並使其符合附表 2 所指明的性能規格。
- (6) 行走 A1 和 A2 海區內的航程的船舶,須使用附表 3 所指明的下述方法中的至少一項,以確保符合上述功能規定,該等方法即——
 - (a) 備有雙重的設備;
 - (b) 岸上維修;或

[Subsidiary]

(9) If an uninterrupted input of information from the ship's navigational or other equipment to a radio installation required by this Regulation is needed to ensure its proper performance, means shall be provided to ensure the continuous supply of such information in the event of failure of the ship's main or emergency source of electrical power.

(10) For the purpose of calculating the required capacity of the reserve source of energy, the total current used shall be calculated in accordance with the method specified in Schedule 1.

14. Performance standards

Every equipment required to be provided under this Regulation—

- (a) shall conform to performance standards adopted by the International Maritime Organization which shall be specifications specified in Schedule 2; and
- (b) shall, in the case of equipment provided on Hong Kong ships, in addition, conform to appropriate performance specifications issued by the Telecommunications Authority which shall be specifications specified in Schedule 2.

15. Serviceability and maintenance requirements

- (1) Every equipment required to be provided under this Regulation shall be so designed that the main units can be replaced readily, without elaborate recalibration or readjustment.
- (2) Where applicable, the equipment shall be so constructed and installed that it is readily accessible for inspection and on-board maintenance purposes.
- (3) Adequate information to the satisfaction of the Director shall be provided on every ship to enable the equipment to be properly operated and maintained.
- (4) Adequate tools and spares to the satisfaction of the Director shall be provided on every ship to enable the equipment to be maintained and the Director may specify in a Merchant Shipping Notice the tools and spares to be provided on Hong Kong ships.
- (5) Every radio equipment required to be provided under this Regulation shall be maintained to provide the availability of the functional requirements specified in section 5 and to meet the performance specifications specified in Schedule 2.
- (6) On ships engaged on voyages in sea areas A1 and A2, the availability shall be ensured by using at least one of the following methods specified in Schedule 3, that is to say—
 - (a) duplication of equipment;
 - (b) shore-based maintenance; or

[附屬法例]

[Subsidiary]

(c) 海上電子維修。

(7) 行走 A3 和 A4 海區的航程的船舶，須使用附表 3 所指明的方法中的至少兩項，以確保符合上述功能規定。

(8) 必須採取一切合理步驟使設備維持有效的運作狀態，以確保符合第 5 條所指明的所有功能規定，但用以提供第 5(h) 條所規定的一般無線電通訊的設備即使功能失常，只要該船舶能夠發揮所有遇險和安全功能，則該設備的功能失常亦不得被視為令船舶不適航，或被視為令船舶在修理設施並非隨時備用的港口延滯的理由。

(9) 本規例所適用的所有香港船舶，當其在航程中行走時，須由符合第 16 條的規定並由船長指定的合資格人士進行附表 4 所指明的適當的測試和檢查。如本規例所規定的任何無線電裝設並非處於運作狀態，即須通知船長並將細節記錄在無線電日誌內。

16. 無線電人員

(1) 每艘船舶均須載有在第 (2) 款所指明的遇險和安全無線電通訊方面合資格的人士。該等人士須為無線電規例所指明的適當的證書的持有人，而其中一人須被指定在發生遇險事故時負上首要的無線電通訊責任。

(1A) 在每艘客船上，須指派至少一名按照第 (1) 款是合資格的人士，在發生遇險事故時只執行無線電通訊職責。 (1998 年第 110 號法律公告)

(2) (a) 僅行走 A1 海區內的航程的每艘船舶，均須載有至少一名持有按照無線電規例發出的限用值機員證書、通用值機員證書、二級無線電電子證書或一級無線電電子證書其中一項的人士。

(b) 行走 A1 海區外的航程的每艘船舶，均須載有至少一名持有按照無線電規例發出的通用值機員證書、二級無線電電子證書或一級無線電電子證書其中一項的人士。

(c) 如藉海上電子維修功能而確保船舶符合第 5 條所指明的功能規定，則船舶須載有至少一名持有按照無線電規例發出的二級無線電電子證書或一

(c) at-sea electronic maintenance.

(7) On ships engaged on voyages in sea areas A3 and A4, the availability shall be ensured by using a combination of at least 2 of the methods specified in Schedule 3.

(8) While all reasonable steps shall be taken to maintain the equipment in efficient working order to ensure compliance with all the functional requirements specified in section 5, malfunction of the equipment for providing the general radiocommunications required by section 5(h) shall not be considered as making a ship unseaworthy or as a reason for delaying the ship in ports where repair facilities are not readily available, provided the ship is capable of performing all distress and safety functions.

(9) In all Hong Kong ships to which this Regulation applies, a qualified person who satisfies section 16 and who is nominated by the master shall, while the ship is engaging on voyages, carry out the appropriate tests and checks specified in Schedule 4. If any of the radio installations required by this Regulation is not in a working order, the master shall be informed and the details recorded in the radio log.

16. Radio personnel

(1) Every ship shall carry persons qualified for distress and safety radiocommunications purposes as specified in subsection (2). The persons shall be holders of certificates specified in the Radio Regulations as appropriate, any one of whom shall be designated to have primary responsibility for radiocommunications during distress incidents.

(1A) In every passenger ship, at least one person qualified in accordance with subsection (1) shall be assigned to perform only radiocommunications duties during distress incidents. (L.N. 110 of 1998; 36 of 2000 s. 28)

(2) (a) Every ship engaged on voyages exclusively in sea area A1 shall carry at least one person holding either a restricted operator's certificate, a general operator's certificate, a second-class radio electronic certificate or a first-class radio electronic certificate issued in accordance with the Radio Regulations.

(b) Every ship engaged on voyages beyond sea area A1 shall carry at least one person holding either a general operator's certificate, a second-class radio electronic certificate or a first-class radio electronic certificate issued in accordance with the Radio Regulations.

(c) In case the availability of functional requirements specified in section 5 is to be ensured by at-sea electronic maintenance capability, the ship shall carry at least one person holding a second-class radio electronic certificate or a first-class radio electronic certificate issued in accordance with the Radio

[附屬法例]

- (b) 所有已製成的啤酒的處置方式；及
(c) 從處所移走的啤酒量。

(1982 年第 294 號法律公告；1989 年第 16 號第 11 條)

49. 報表

持牌人須在每個月第 14 天或之前(如任何月份的第 14 天為公眾假期，則在下一個工作日)向關長提交由關長指明格式的報表，並在表內載列關長所指明的關於持牌人釀製或配製啤酒的業務的詳情。

(1992 年第 123 號法律公告；1996 年第 452 號法律公告；1999 年第 12 號第 3 條)

酒房**50. 釋義**

在下列關於酒房的規例中——

“釀酒商”(distiller)包括持牌人及任何當時掌管酒房的人。

51. 酒房的標記

每間酒房外面須以最少 75 毫米高的中英文字體清晰地永久標明“領有牌照酒房編號”及“LICENSED DISTILLERY NO.”(指明酒房編號)。

(1982 年第 189 號法律公告；1996 年第 452 號法律公告)

52. 酒房的建造

每間酒房須以牆或圍欄圍起，其每一部分及其內或其上的每一固定附著物的建造須達致關長滿意的程度，並須維持修葺良好堅固和保持衛生，以達致關長滿意的程度，尤須符合下列規定——

- (a) 酒房只可由公眾可以進出的街道或道路進入；
(b) 酒房的照明及通風須達致關長滿意的程度；
(c) 在酒房內須採取預防火警發生的必需措施，並須設有關長所規定的滅火器及其他滅火裝置；

[Subsidiary]

- (b) the manner in which all beer manufactured is disposed of; and
(c) the quantity of beer removed from the premises.

(L.N. 294 of 1982; 16 of 1989 s. 11)

49. Returns

The licensee shall furnish to the Commissioner on or before the fourteenth day of each month (or if the fourteenth day of any month is a general holiday, on the next working day) a return, in such form, and containing such particulars in relation to the licensee's business of brewing or making beer, as the Commissioner may specify.

(L.N. 123 of 1992; L.N. 452 of 1996)

Distilleries**50. Interpretation**

In the following regulations relating to distilleries—

“distiller” (釀酒商) includes the licensee and any person for the time being in charge of a distillery.

51. Marking of distilleries

There shall be legibly and permanently marked on the outside of every distillery, in English and Chinese in letters and characters at least 75 mm high, the words “LICENSED DISTILLERY NO.” and “領有牌照酒房編號” (specifying the number of the distillery).

(L.N. 189 of 1982; L.N. 452 of 1996; L.N. 254 of 1997)

52. Construction of distilleries

Every distillery shall be enclosed by walls or fences and every part thereof and every fixture therein or thereon constructed and maintained in good and substantial repair and in sanitary condition, to the satisfaction of the Commissioner, and in particular—

- (a) access to the distillery may be obtained only from a street or road to which the public has access;
(b) the distillery shall be illuminated and ventilated to the satisfaction of the Commissioner;
(c) necessary precautions to prevent the outbreak of fire shall be taken in the distillery and such fire extinguishers and other fire fighting appliances as the Commissioner may require shall be provided;

[附屬法例]

- (d) 酒房內須有一個或多於一個貯存庫(以下稱為酒庫)，以收集和貯存所有應課稅酒類；
- (e) 蒸餾器須屬經關長批准的種類，而且對蒸餾器作出的安排，以及蒸餾器和酒庫的建造，須使在酒房生產的所有酒精一定由每個蒸餾器直接傳送入酒庫，或先傳送入一個鎖上的收集器，然後傳送入酒庫，在兩種情況下，除香港海關人員外，任何人均不得接觸該等酒精；酒精收集器不得設有出口，但有由香港海關人員裝上鎖並加封的活栓的出口除外；
- (f) 沒有關長的同意，不得作出任何改動或修葺，亦不得更改處所任何部分所作的用途；
- (g) 釀酒商須提供和保持達致關長滿意程度的清潔的辦公地方，連同所有必需的家具、書寫物料、冷暖氣設備、照明和盥洗地方，以供香港海關人員在處所內執行職務時使用，而本段所規定的設施均不得收費。
(1987 年第 7 號法律公告)
(1982 年第 294 號法律公告；1999 年第 12 號第 3 條)

53. 鎖和加封物

關長可安排將鎖或加封物或鎖連加封物附加於任何酒庫、蒸餾器、酒管、發酵用的器皿、冷凝器之上，又如認為需要，亦可附加於任何其他用具或地方之上。
(1987 年第 7 號法律公告；1999 年第 12 號第 3 條)

54. 酒庫當作私用保稅倉

在不損害本部的原則下，為施行任何關於應課稅貨品的貯存的規例，每個酒庫須當作私用保稅倉，但——

- (a) 酒庫不需另外領取牌照；
- (b) 在酒庫外面清晰地永久標明“酒庫”及“SPIRIT STORE”，而非標明“私用保稅倉”及“LICENSED WAREHOUSE”；(1996 年第 452 號法律公告)
- (c) 除非根據並按照許可證的規定，否則不得將酒類移離酒庫；(1996 年第 452 號法律公告)

[Subsidiary]

- (d) in the distillery there shall be one or more stores (hereinafter called spirit stores) for the collection and storage of all dutiable liquor;
- (e) the stills shall be of a type approved by the Commissioner and shall be so arranged, and the stills and the spirit stores so constructed, that all spirit produced in the distillery must pass from every still either directly into a spirit store or first into a locked receiver and then into a spirit store, but in either case so that no access can be had to the spirit except by a member of the Customs and Excise Service, the spirit receiver shall have no outlet except through a cock fitted with a lock affixed and sealed by a member of the Customs and Excise Service;
- (f) no alterations or repairs, and no change in the use to which any part of the premises is put, shall be made without the consent of the Commissioner;
- (g) the distiller shall provide and maintain, to the satisfaction of the Commissioner, clean office accommodation and all necessary furniture, writing materials, heating and cooling equipment, lighting, and lavatory accommodation, for the use of members of the Customs and Excise Service on duty at the premises and no charge shall be levied for the facilities required by this paragraph. (L.N. 7 of 1987)

(L.N. 294 of 1982)

53. Locks and seals

The Commissioner may cause locks or seals or both locks and seals to be affixed to any spirit store, still, spirit pipe, fermenting vessel, condenser or, if he deems it necessary, to any other utensil or place.

(L.N. 7 of 1987)

54. Spirit store to be deemed a licensed warehouse

Without prejudice to this Part, every spirit store shall be deemed to be a licensed warehouse for the purpose of any regulations relating to the storage of dutiable goods, except that—

- (a) no separate licence shall be necessary for the store;
- (b) on the outside of the store, instead of the words “LICENSED WAREHOUSE” and “私用保稅倉”, there shall be legibly and permanently marked the words “SPIRIT STORE” and “酒庫”; (L.N. 452 of 1996)
- (c) no liquor shall be removed from a spirit store except under and in accordance with a permit; (L.N. 452 of 1996)

[附屬法例]

(3) 凡設於任何處所的廁所或尿廁是以機械通風系統通風，該處所的擁有人或該處所的佔用人(如擁有人不在香港或不能輕易尋獲)，須時刻保持該通風系統操作良好。

6. 防止廁所或尿廁堵塞

如有任何物質難以溶於水中或相當可能阻止或妨礙任何需用水作沖廁用途的廁所或尿廁妥善操作，任何人不得將該物質或准許將該物質放入該廁所或尿廁內。

第 III 部

馬桶或衛生容器

7. 沒有廁所設施的處所的佔用人的責任

(1) 如某處所內不能提供廁所設施，該處所或其有關部分的佔用人，須為居住於該處所內的人提供足夠的馬桶或衛生容器以供使用，數量為不少於每 25 人(或不足 25 人) 1 個馬桶或衛生容器。

(2) 上述每個馬桶或衛生容器均須——

- (a) 大小切合用途；
- (b) 以平滑的不透水物料製造；及
- (c) 配有緊貼的蓋或覆蓋物，或封藏於箱子或構築物內，而該箱子或構築物的製造方法是可防止臭味從其內發出或是可防止蒼蠅進入其內，且構造亦令署長滿意者。(1986 年第 10 號第 32(2) 條)

(3) 每個馬桶或衛生容器及其全部附屬裝置或器具，均須由其設置所在的處所的佔用人，時刻保持維修妥善及清潔衛生，並且令署長滿意。(1986 年第 10 號第 32(2) 條)

(1999 年第 78 號第 7 條)

[Subsidiary]

(3) Where a latrine or urinal installed in any premises is ventilated by a mechanical ventilating system, the owner, or if the owner is absent from Hong Kong or cannot readily be found, the occupier of the premises shall at all times keep it maintained in good working order.

6. Prevention of obstruction to latrines or urinals

No person shall insert or permit to be inserted into any latrine or urinal, which requires the use of water for flushing purposes, any matter which is not easily soluble in water or which is likely to prevent or obstruct the proper operation thereof.

PART III

SANITARY PAILS OR CONTAINERS

7. Duty of occupier of premises not having latrine accommodation

(1) In any premises in which no latrine accommodation can be provided the occupier of such premises or part thereof shall provide sufficient sanitary pails or containers for the use of the inmates of the premises so that there shall be not less than 1 sanitary pail or container for each 25 inmates or part thereof.

(2) Every such sanitary pail or container shall—

- (a) be of a size suitable to its purpose;
- (b) be constructed of smooth impervious material; and
- (c) have either a close-fitting lid or cover, or be enclosed in a box or structure, so made as to prevent the emission of smell therefrom or the access of flies thereto and constructed to the satisfaction of the Director. (10 of 1986 s. 32(2))

(3) Every sanitary pail or container and all fittings or appliances appurtenant thereto shall, at all times, be maintained in good repair and in a clean and hygienic condition to the satisfaction of the Director by the occupier of the premises in which it is installed. (10 of 1986 s. 32(2))

(78 of 1999 s. 7)

(3) 公司在運輸署署長指示下，須自費移去或更改任何根據第(1)或(2)款在隧道區內豎立或放置的交通標誌、管制燈號或道路標記。

5. 通訊

(1) 公司須提供下述設備和時刻將該等設備維持於能發揮效用的操作狀態，並須達到令運輸署署長感到滿意的程度——

- (a) 控制中心與下述機構的直接電訊聯繫(包括直接電話聯繫)——
 - (i) 香港警務處的地區指揮及控制中心；
 - (ii) 消防處的通訊中心；及
 - (iii) 運輸署緊急事故交通協調中心；
- (b) 設於隧道及連接道路內的緊急通訊系統，以供消防處的人員與該部門的通訊中心通訊；
- (c) 無線電轉播系統，將控制中心發出關於交通情況及交通安排的訊息傳送至使用隧道人士；
- (d) 接駁隧道及連接道路的中央閉路電視系統而設於控制中心內的影像輸出埠，以供裝設接駁運輸署緊急事故交通協調中心的閉路電視監控設備；及
- (e) 緊急電話系統，以供隧道及連接道路的使用者在緊急情況下與控制中心通訊。

(2) 當任何在隧道區內有交通改道或阻礙交通的情況而可能影響隧道區外的交通流動時，公司須立刻向香港警務處的地區指揮及控制中心及運輸署署長所指定的人員報告。

6. 救援

- (1) 公司須遵守下述規定，並須達到令運輸署署長感到滿意的程度——
- (a) 提供足夠數目而適合處理隧道區內的車輛故障、交通意外及交通阻塞的曾受訓練的人員及服務車輛；
 - (b) 確保——
 - (i) (a)段提述的車輛的類型、規格及數量須是已事先獲得運輸署署長批准的，而該等車輛須由有關工作人員操控和時刻維持於準備隨時出動的狀態；及

(3) The Company shall, if directed to do so by the Commissioner, remove or alter at its own cost any traffic sign, light signal or road marking erected or placed in the tunnel area under subsection (1) or (2).

5. Communication

(1) The Company shall, to the satisfaction of the Commissioner, provide and maintain in efficient working order at all times—

- (a) direct telecommunications links, including direct telephone link, between the control centre and— (36 of 2000 s. 28)
 - (i) a regional command and control centre of the Hong Kong Police Force;
 - (ii) the communication centre of the Fire Services Department; and
 - (iii) the Emergency Transport Coordination Centre of the Transport Department;
- (b) an emergency communication system in the Tunnel Link for officers of the Fire Services Department to communicate with the communication centre of that department;
- (c) a radio re-broadcasting system for the transmission of messages on traffic conditions and arrangements from the control centre to persons using the tunnel;
- (d) a video output port in the control centre for the central closed circuit television system of the Tunnel Link for the installation of closed circuit television monitor to the Emergency Transport Coordination Centre of the Transport Department; and
- (e) an emergency telephone system for users of the Tunnel Link to communicate with the control centre in case of emergency.

(2) The Company shall, without delay, report any diversion or interruption of traffic within the tunnel area that may affect the flow of traffic outside that area to a regional command and control centre of the Hong Kong Police Force and to an officer designated by the Commissioner.

6. Recovery and rescue

- (1) The Company shall, to the satisfaction of the Commissioner—
- (a) provide an adequate number of trained personnel and service vehicles suitable for dealing with vehicular breakdowns, accidents and obstruction in the tunnel area;
 - (b) ensure that—
 - (i) the vehicles referred to in paragraph (a) are of the type, specification and quantity for which the Commissioner has given prior approval and are manned and maintained at all times in a state of readiness; and

[附屬法例]

- (ii) 當任何該等車輛在行車綫上時，須維持該等車輛與控制中心之間的雙向無線電通訊聯繫；及
- (c) 提供和時刻維持足夠並能發揮效用的急救設備。
- (2) 公司須在隧道區內提供和時刻維持足夠並能發揮效用的消防裝置及設備，並且須達到令消防處處長感到滿意的程度。
- (3) 公司須在隧道區內發生火警、交通意外或有人受傷的情況時而於消防處人員及香港警務處人員未抵達之前，在合理的切實可行範圍內盡量和盡快採取滅火行動和為受傷的人提供急救治療，並且須協助消防處人員及香港警務處人員進行任何滅火或救援行動。

7. 空氣質素及通風

- (1) 公司須遵守下述規定，並須達到令運輸署署長感到滿意的程度——
- (a) 提供足夠的通風系統並時刻將其維持於良好操作狀態，以保障使用隧道區或受僱在隧道區內工作的人的健康及安全；
- (b) 提供設備，用以持續測量和記錄隧道內的一氧化碳氣體濃度及二氧化氮氣體濃度以及消光系數，並在濃度超過第(2)款指明的水平時在控制中心發出可見並可聽到的警報；如在商業市場上並無測量二氧化氮氣體的設備，則須提供用以持續測量和記錄一氧化氮氣體的設備，但一旦在商業市場上有測量二氧化氮氣體的設備，須立即予以替換；及
- (c) 以運輸署署長規定的格式，每月向運輸署署長提交報告，該報告須有顯示 (b) 段提述的持續測量結果的統計資料及運輸署署長所規定的資料。
- (2) 公司須確保——
- (a) 隧道內的一氧化碳氣體濃度，在任何 5 分鐘內以容積計平均不超過百萬分之一百；

[Subsidiary]

- (ii) while any such vehicle is present in a lane, a 2-way radio link is maintained between the vehicle and the control centre; and
- (c) provide and maintain at all times adequate and efficient first aid equipment.
- (2) The Company shall, to the satisfaction of the Director of Fire Services, provide and maintain adequate and efficient fire service installations and equipment in the tunnel area at all times.
- (3) The Company shall in the event of fire, traffic accident or injury to persons in the tunnel area, conduct fire fighting operation and render first aid treatment to the injured persons as soon as and so far as it is reasonably practicable prior to the arrival of those officers of the Fire Services Department and Hong Kong Police Force, and offer assistance to those officers in the course of any fire fighting or rescue operation.

7. Air quality and ventilation

- (1) The Company shall, to the satisfaction of the Commissioner—
- (a) provide and maintain in good working order at all times an adequate system of ventilation for the health and safety of persons using or employed in the tunnel area;
- (b) provide equipment for the continuous measurement and recording of the concentration of carbon monoxide gas, nitrogen dioxide gas and extinction coefficient in the tunnel and for visual and audible alarm warnings to be given in the control centre if the concentration exceeds the level specified in subsection (2); where the equipment for measuring nitrogen dioxide gas is not commercially available in the market, equipment for the continuous measurement and recording of nitric oxide gas shall be provided subject to it being immediately replaced by equipment for measuring nitrogen dioxide gas when such equipment is available; and
- (c) submit monthly report with statistical data showing the results of the continuous measurements referred to in paragraph (b) to the Commissioner, in a form and containing the information required by him.
- (2) The Company shall ensure that—
- (a) the concentration of carbon monoxide gas in the tunnel does not during any 5-minute period exceed an average of 100 parts per million by volume;