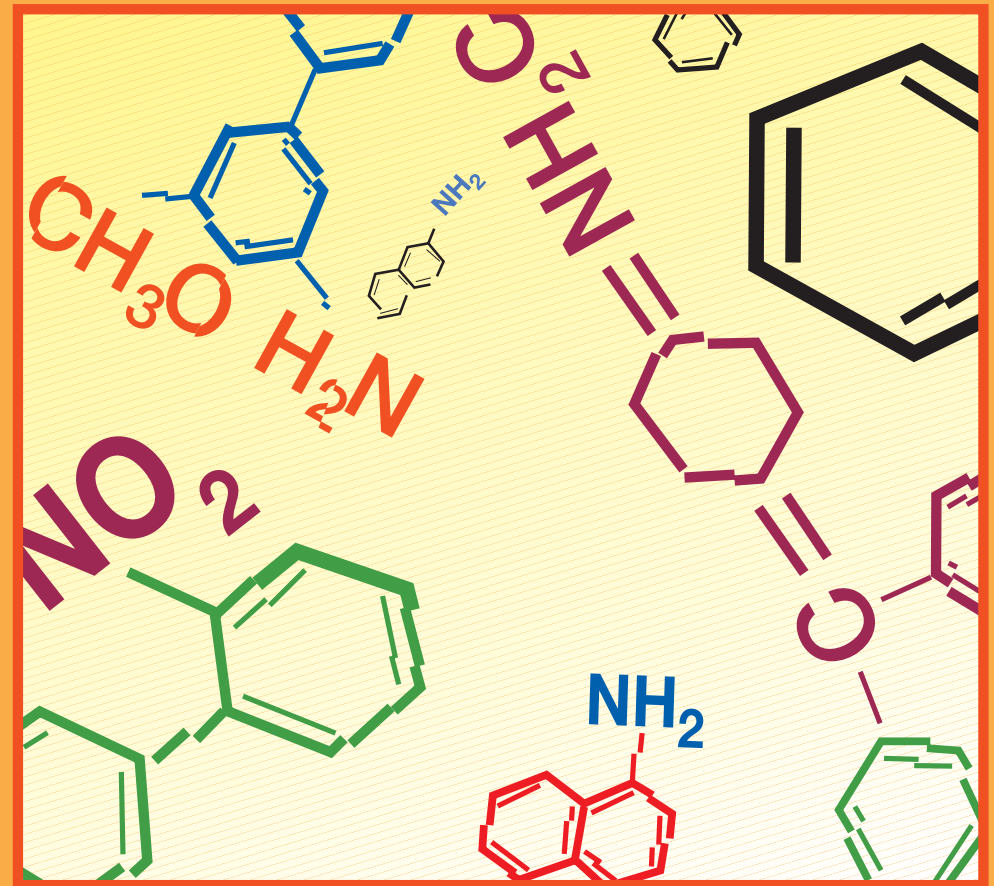


工廠及工業經營 (可致癌物質) 規例簡介

A Guide to the Factories and Industrial Undertakings (Carcinogenic Substances) Regulations



本簡介由勞工處職業安全及健康部編印

This guidebook is prepared by the
Occupational Safety and Health Branch
Labour Department

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工廠及工業經營（可致癌物質）規例簡介

A Guide to the Factories and Industrial Undertakings (Carcinogenic Substances) Regulations

本簡介可以在勞工處職業安全及健康部各辦事處免費索取，亦可於勞工處網站http://www.labour.gov.hk/public/content2_8a.htm 直接下載。有關各辦事處的地址及查詢電話，可參考勞工處網站<http://www.labour.gov.hk/tele/osh.htm> 或致電2559 2297。

歡迎複印本簡介，但作廣告、批核或商業用途者除外。如需複印，請註明錄自勞工處刊物《工廠及工業經營（可致癌物質）規例簡介》。

This guidebook is issued free of charge and can be obtained from offices of the Occupational Safety and Health Branch, Labour Department. It can also be downloaded from website of the Labour Department at http://www.labour.gov.hk/eng/public/content2_8a.htm. For enquiries on addresses and telephone numbers of the offices, please visit the website of the Labour Department at <http://www.labour.gov.hk/eng/tele/osh.htm> or call 2559 2297.

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第一部

引言及可致癌物質的管制

1.1 引言

一般人相信，化學品是引致人類患癌的主要成因。根據流行病學的研究顯示，β-萘胺、聯苯胺、4-氨基二苯、4-硝基二苯及這些化學品的鹽都是使染料製造廠工人患上膀胱癌的誘發因素。α-萘胺、鄰聯甲苯胺、聯茴香胺、二氯化聯苯胺、金胺及品紅亦疑是引致人類患癌的致癌物。據知這些物質並無在香港生產或使用，因此，工廠及工業經營（可致癌物質）規例是屬預防性質的法例，目的是禁止或管制將來可能引進香港而與這些物質有關的任何生產工序或工作。

本簡介列出上述規例的主要條文，並以簡淺文字解釋法例。雖然在編製本簡介時已力求審慎，但是其中闡述的各項法例規定仍以上述規例為依據。

本簡介應與工廠及工業經營條例（第6A及6B條）有關的簡介同時閱讀。該條例規定東主及受僱人士須在維持工業經營內工作健康及安全方面負起一般責任。

PART I INTRODUCTION AND CONTROL OF CARCINOGENIC SUBSTANCES

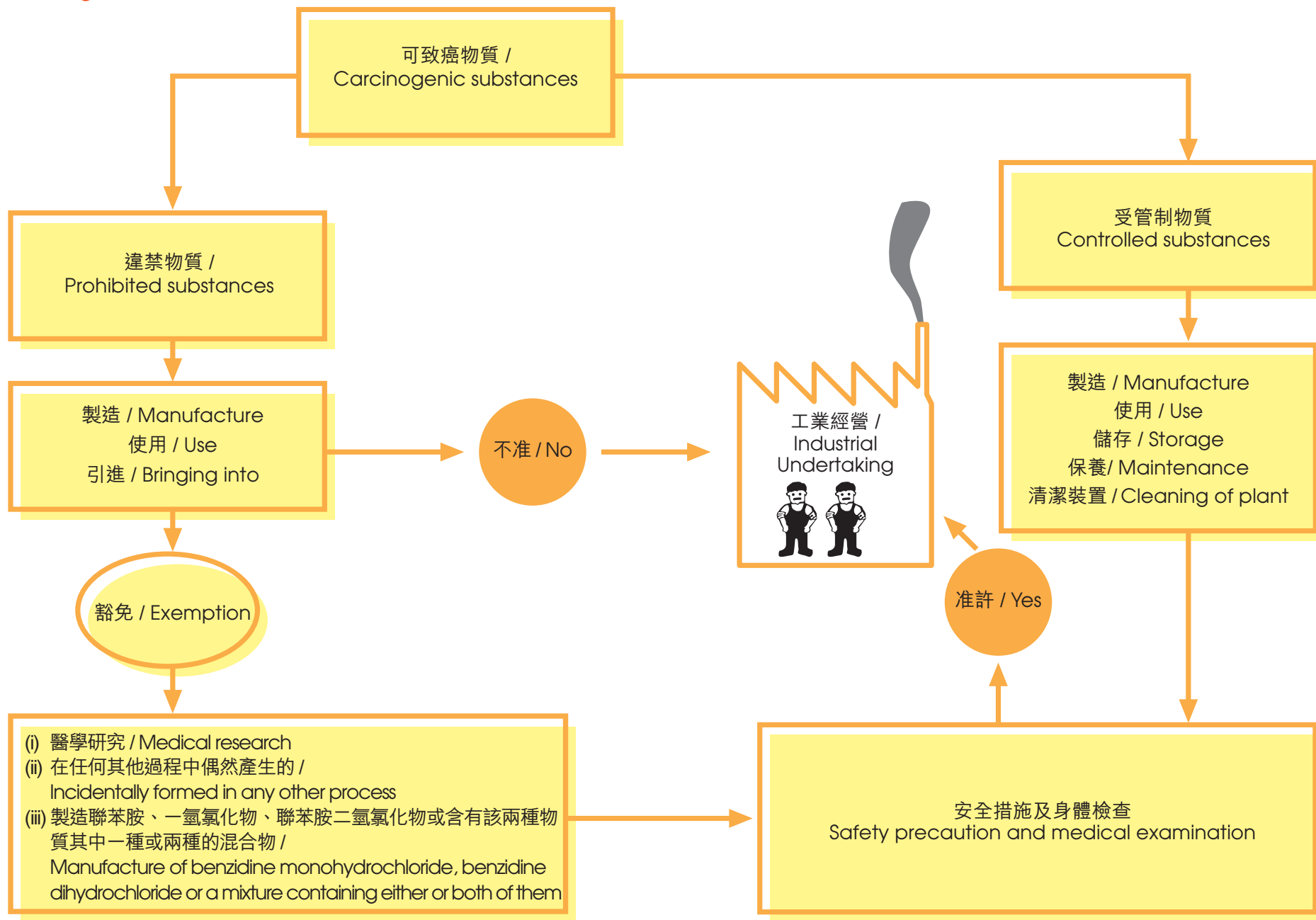
1.1 Introduction

It is generally believed that chemicals are largely responsible for the causation of human cancers. Based on epidemiological studies, beta-naphthylamine, benzidine, 4-aminodiphenyl and 4-nitrodiphenyl and their salts have been shown to be responsible for the induction of bladder cancer among industrial workers employed in the dye-manufacturing plants. It is also suspected that alpha-naphthylamine, orthotolidine, dianisidine, dichlorobenzidine, auramine and magenta are human carcinogens. All these substances are not known to be manufactured or used in Hong Kong. Therefore, the Factories and Industrial Undertakings (Carcinogenic Substances) Regulations are precautionary in nature and their intention is to prohibit or control any manufacture process or work involving such substances which might be brought to Hong Kong in future.

This guide sets out the main provisions of the regulations and explains the law in simple language. While every care has been exercised in the preparation of this guide, the regulations remain to be sole authority for the provisions of the law explained.

This guide should be read in conjunction with other guides relating to the Factories and Industrial Undertakings Ordinance (Sections 6A & 6B) which imposes general duties on proprietors and persons employed with regard to the health and safety at work in industrial undertakings.

1.2 簡圖
Diagram



2. 可致癌物質

可致癌物質分為兩類：

受管制物質

- (a) α -萘胺及 α -萘胺的鹽（但含有超過百分之一 β -萘胺（因化學反應而產生並以副產品形式存在）的 α -萘胺除外）；
- (b) 鄰聯甲苯胺及鄰聯甲苯胺的鹽；
- (c) 聯茴香胺及聯茴香胺的鹽；
- (d) 二氯化聯苯胺及二氯化聯苯胺的鹽；
- (e) 金胺；及
- (f) 品紅。

受禁止物質

- (a) β -萘胺及 β -萘胺的鹽；
 - (b) 聯苯胺及聯苯胺的鹽；
 - (c) 4-氨基二苯及4-氨基二苯的鹽；
 - (d) 4-硝基二苯及4-硝基二苯的鹽；
- 以及任何含有以上各種化合物的全部、一種或多種的物質（因化學反應而產生並以副產品形式存在，且整體濃度不超過百分之一的除外）。

2. Carcinogenic substances

Carcinogenic substances are divided into two categories :

Controlled Substances

- a. alpha-naphthylamine and its salts (other than alpha-naphthylamine containing, as a by-product of a chemical reaction, more than 1% of beta-naphthylamine);
- b. ortho-tolidine and its salts;
- c. dianisidine and its salts;
- d. dichlorobenzidine and its salts;
- e. auramine; and
- f. magenta.

Prohibited Substances

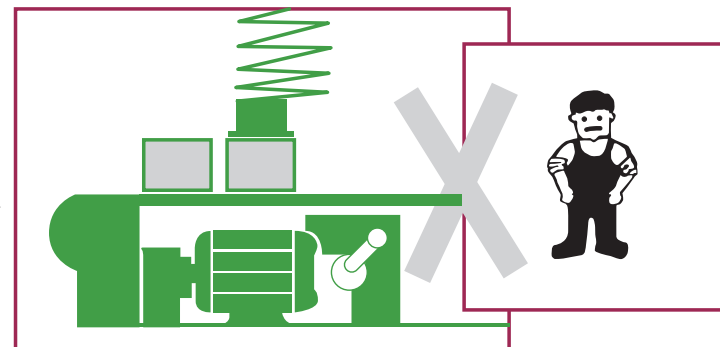
- a. beta-naphthylamine and its salts;
 - b. benzidine and its salts;
 - c. 4-aminodiphenyl and its salts;
 - d. 4-nitrodiphenyl and its salts;
- and any substance containing all or any one or more of these chemical compounds (other than as a by-product of a chemical reaction and in a total concentration not exceeding 1%).

第二部 受禁止物質

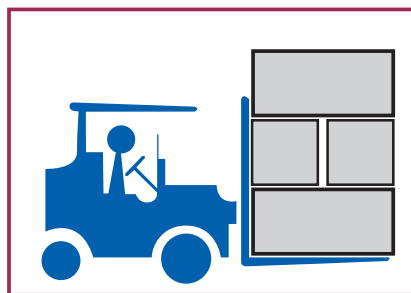
規例第3條

3. 禁止僱用任何人士製造受禁止物質及使用受禁止物質

規例禁止僱用任何人士在工業經營內從事與任何受禁止物質有關的製造活動或生產工作。



規例亦禁止將任何受禁止物質運入任何工業經營內，但純為出口而將這類受禁止物質運入船塢、埠頭、貨運碼頭、倉庫或機場，則屬例外。



PART II PROHIBITED SUBSTANCES

Regulation 3

3. Prohibition of employment in manufacture of any prohibited substance and its use

No person shall be employed in any industrial undertaking in connection with the manufacture or production of any prohibited substance.

The bringing of any prohibited substance into any industrial undertaking is also prohibited except the bringing of any such substance into any dock, quay, wharf, warehouse or airport for the sole purpose of exporting it.

4. 豁免

勞工處處長可在下列情況下，以書面發出證明，豁免工業經營遵守規例第3條的各項規定：

活動	豁免條件
(a) 製造或使用任何受禁止物質的計劃	<ol style="list-style-type: none"> 1. 純為進行或用以進行醫學上或科學上的研究、調查或試驗； 2. 經實驗室或有關場所的主管或負責人以書面證實有關的製造及使用計劃是進行醫學上或科學上的研究、調查或試驗所必須的； 3. 規例第6至第9條的安全及健康規定須予以遵守； 4. 可能列在豁免證明書內的任何其他條件須予以遵守。
(b) 在任何製造過程中（受禁止物質的製造除外）偶然產生的受禁止物質	<ol style="list-style-type: none"> 1. 製造過程須在完全密封的裝置內進行，以確保： <ol style="list-style-type: none"> (i) 不會有受禁止物質漏出；及 (ii) 受禁止物質不會被人從裝置內拿出來，但若需每隔一段時間取出一定數量這類物質，以便管制及分析，確保產品不會沾有受禁止物質，則不在此限； 2. 規例第6至第9條的安全及健康規定須予以遵守； 3. 可能列在豁免證明書內的任何其他條件須予以遵守。

4. Exemption

The Commissioner for Labour may by certificate in writing exempt any industrial undertaking from the provisions of regulation 3 under the following situations :

Activities	Conditions of Exemption
(a) Proposal for the manufacture or use of any prohibited substance	<ol style="list-style-type: none"> 1. Purely for the purpose of or in the course of medical or scientific research, investigation or testing; 2. Certified in writing by the director or other person in charge of the laboratory that the proposed manufacture or use is necessary for medical or scientific research, investigation or testing. 3. The safety and health requirements or regulations 6 to 9 will be complied with. 4. Any other conditions as may be specified in the certificate of exemption will be complied with.
(b) Prohibited substance incidentally formed in any manufacturing process (other than the manufacture of any such prohibited substance)	<ol style="list-style-type: none"> 1. The manufacture process will be carried out in a totally enclosed system such that : <ol style="list-style-type: none"> (i) no prohibited substance escapes from the system; and (ii) no prohibited substance is removed from the system with the exception that a necessary quantity at necessary frequency may be removed for control and analysis to secure that the product will be free from prohibited substances. 2. The safety and health requirements of regulations 6 to 9 will be complied with. 3. Any other conditions as may be specified in the certificate of exemption will be complied with.

活動	豁免條件
<p>(c) 關於製造聯苯胺一鹽酸鹽、聯苯胺二鹽酸鹽或含有該兩種物質其中一種或兩種的混合物，或在任何製造過程中使用這些物質或其中一種物質的計劃</p>	<ol style="list-style-type: none"> 1. 製造或使用過程須在完全密封的裝置內進行，以確保： <ol style="list-style-type: none"> (i) 不會有受禁止物質（聯苯胺鹽酸鹽除外）漏出；及 (ii) 受禁止物質不會被人從裝置內拿出來，但若需每隔一段時間取出一定數量這類物質，以便管制及分析，確保產品不會沾有受禁止物質，則不在此限； 2. 須採取充足措施，以確保聯苯胺鹽酸鹽除在完全密封的裝置內時，在任何時間都保持潮濕，而且水與聯苯胺鹽酸鹽的比重不低於一分水比兩分聯苯胺鹽酸鹽的比率； 3. 規例第6至第9條的安全及健康規定須予以遵守； 4. 可能列在豁免證明書內的任何其他條件須予以遵守。

不過，勞工處處長可發出書面通知，將任何已批准的豁免撤銷。

Activities	Conditions of Exemption
<p>(c) Proposal for the manufacture of benzidine monohydrochloride, benzidine dihydrochloride or a mixture containing either or both of those substances or to use such substances or either of them in any process of manufacture</p>	<ol style="list-style-type: none"> 1. The manufacture or use will be carried out in a totally enclosed system such that : <ol style="list-style-type: none"> (i) no prohibited substance (other than benzidine hydrochloride) escapes from the system; and (ii) no prohibited substance is removed from the system with the exception that a necessary quantity at necessary frequency may be removed for control and analysis to secure that the product will be free from prohibited substances. 2. Adequate steps will be taken to ensure that the benzidine hydrochlorides are, at all times, except while they are in the totally enclosed system, kept wet so that the proportion by weight of water to benzidine hydrochloride is not less than one part of water to two parts of benzidine hydrochlorides. 3. The safety and health requirements of regulations 6 to 9 will be complied with. 4. Any other conditions as may be specified in the certificate of exemption will be complied with.

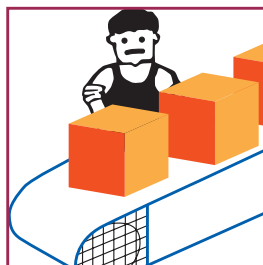
Nevertheless, the Commissioner for Labour may, by notice in writing, revoke any exemption granted.

第三部 受管制物質

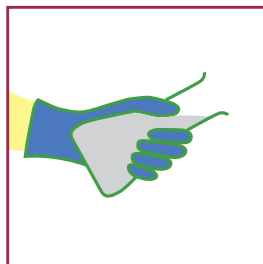
5. 本部的適用範圍

本部適用於僱有任何人士從事下列工作的工業經營 —

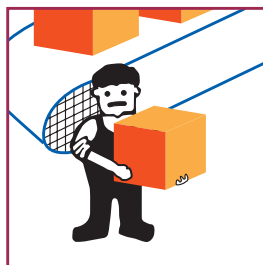
(a) 製造任何受管制物質或進行任何產生這類物質的工序；



(b) 進行任何涉及使用或處理任何受管制物質(金胺或品紅除外)的工序；



(c) 因進行上述(a)或(b)項的任何製造活動或工序而儲存或搬運任何受管制物質；或



(d) 因進行上述(a)及(b)項的任何製造活動或工序而維修或清潔廠房設備或清潔容器、儲存室或工作室。



PART III CONTROLLED SUBSTANCES

5. Application of this part

This Part applies to any industrial undertaking in which any person is employed :

(a) in connection with the manufacture of any controlled substance or any process in which any such substance is formed;

(b) in connection with any process in which any controlled substance (other than auramine or magenta) is used or handled;

(c) in the storage or movement of any controlled substance in connection with any manufacture or process mentioned in (a) or (b) above; or

(d) in the maintenance or cleaning of plant or the cleaning of containers, stores or work-rooms in connection with any manufacture or process mentioned in (a) and (b) above.

6. 安全措施

所有工業經營的東主都必須 —

(a) 採取切實可行措施，預防任何人士吸入、吞下或吸收任何受管制物質；

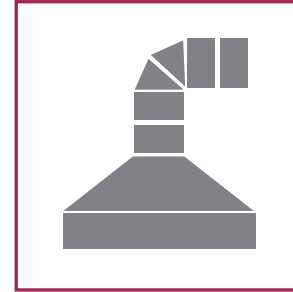
可行措施包括以下幾項：

(i) 工程方法

例如：

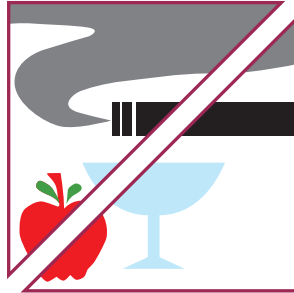


工程在完全密封的情況下進行
Total enclosure of the process



裝設高效率的局部抽風系統
Efficient local exhaust system

(ii) 禁止在工作區域內飲食或吸煙

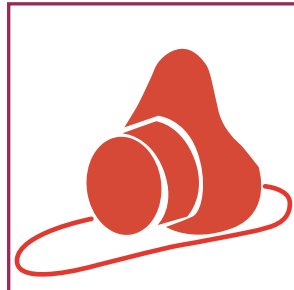


(iii) 個人防護裝備

例如：



圍裙 Aprons



呼吸器 Respirator



手套 Gloves

6. Safety precautions

The proprietor of every industrial undertaking is required to :

(a) take practicable steps to prevent any person from exposure to the risk of inhaling, ingesting or absorbing any controlled substance;

practicable steps include :

(i) engineering means,

e.g.

(ii) prohibition of eating, drinking or smoking in the work areas;

(iii) personal protective equipment,

e.g.

- (b) 在當眼處張貼經批准的警告，以便：
- (i) 告誡工人有關對健康構成危險的事物；
 - (ii) 告誡工人務須定期接受身體檢查；及
 - (iii) 促請工人注意安全作業的方法；及
- (c) 確保所有受管制物質存放在合適的容器內。容器上須以清晰易讀的字體標明所存放物質的名稱，並寫上以下的字句：
- “可致癌物品
CARCINOGENIC SUBSTANCE”



- b. post approved warning notices in conspicuous places to :
- (i) warn the workers of the dangers to health;
 - (ii) warn the workers of the need for regular medical examinations; and
 - (iii) draw the workers' attention to safe working practices; and
- c. ensure that all controlled substances are kept in suitable receptacles legibly marked with the name of the substance it contains and also with the following words and characters :
- “可致癌物品
CARCINOGENIC SUBSTANCE”



7. 指定醫生

工業經營的東主須指定一名醫生為僱員檢查身體。

指定醫生須熟悉本規例的規定，並熟悉受禁止物質及受管制物質對健康的危害。

此外，東主亦須在指定醫生後的十四天內，以書面呈報勞工處處長該名醫生的姓名及地址。



規例第8條

8. 身體檢查

凡受僱於工業經營從事任何製造活動、工序或工作的人士，須在***首次受僱從事這類工作**的一個月內，接受指定醫生檢查身體，以後並須每隔不超過六個月受檢查一次，此外，遇有需要，亦須提供尿液樣本，供醫務衛生署病理學研究院的化驗所作尿液剝脫細胞診斷。

有關東主須負擔身體檢查的費用。

規例第9條

9. 健康登記冊

工業經營的東主須保存一份有關每名曾接受身體檢查的人士的健康登記冊。（表格式樣見附錄一）該登記冊須妥為存放，以備在合理時間內供給勞工處職業安全主任查閱。



* 首次受僱從事這類工作包括「在停止從事這類工作超過六個月後，再次受僱在本部適用的工業經營內工作」。

7. Appointment of medical practitioner

The proprietor of an industrial undertaking is required to appoint a medical practitioner to carry out medical examinations of persons employed therein.

The appointed medical practitioner must be conversant with the provisions of these regulations and the health hazards associated with prohibited and controlled substances.

The proprietor is also required to notify the Commissioner, in writing, of the name and address of the medical practitioner within 14 days after such appointment.

Regulation 8

8. Medical examinations

Every person who is employed in any industrial undertaking in any manufacture, process or work is required to submit himself for medical examination by the appointed medical practitioner within 1 month of being **first so employed*** and at intervals of not more than 6 months. He is also required to provide samples of urine as necessary for the exfoliative cytology of the urine by a laboratory of the Institute of Pathology of the Medical and Health Department.

The proprietor concerned is required to bear the cost of the medical examinations.

Regulation 9

9. Health registers

The proprietor of every industrial undertaking is required to maintain a Health Register in respect of each person medically examined. (Sample form in Appendix I)

The Register should be available for inspection by an occupational safety officer of Labour Department at all reasonable times.

* (*first so employed* includes re-employment in any industrial undertaking to which this part applies following a cessation of such employment for any period exceeding 6 months).

第四部

違例事項及罰則

10. 違例事項及罰則

規例第10條

凡未有遵守下述規例的工業經營東主，均屬違法，可被判罰。各項違例事項的最高罰款如下：



違例事項	罰款
(a) 違反規例第3(1)條或第3(2)條	200,000元
(b) 未有遵守根據規例第4條而發出的豁免證明書內所開列的任何條件	200,000元
(c) 違反第6(a)條、第6(c)條、第7(1)條、第8(1)條、第9(1)條、第9(2)條或第9(3)條的規定	50,000元
(d) 違反規例第6(b)條或第7(2)條的規定	10,000元

PART IV

OFFENCES AND PENALTIES

10. Offences and penalties

Regulation 10

The proprietor of any industrial undertaking who fails to comply with any of the following regulations commits an offence and is liable to a maximum fine as indicated:

Offence	Fine
(a) Contravention of regulation 3 (1) or 3(2)	\$200,000
(b) Failure to comply with any condition specified in a certificate of exemption granted under regulation 4	\$200,000
(c) Contravention of regulation 6(a), 6(c), 7(1), 8(1), 9(1), 9(2) or 9(3)	\$50,000
(d) Contravention of regulation 6(b) or 7(2)	\$10,000

附錄一

附表
工廠及工業經營(可致癌物質)規例
受僱從事與可致癌物質有關工作的人的
健康登記冊

第1部

(由東主在該人受僱工作期間填寫)

工業經營名稱：_____

地址：_____

電話號碼：_____

受僱的人詳情—

姓名：_____ 性別：_____

身份證（或其他身
份證明文件）號碼：_____

出生日期：_____

地址：_____

電話號碼：_____

每6個月進行一次身體檢查的紀錄—

檢查日期	提供尿液樣本日期	指定醫生姓名
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

與本規例所指的物質有關的受僱期間—

工序	物質名稱	由	至
1 _____	_____	_____	_____
2 _____	_____	_____	_____
3 _____	_____	_____	_____
4 _____	_____	_____	_____

第2部

(由東主在終止僱用該人時填寫及送交)

致：香港勞工處處長

茲依據《工廠及工業經營（可致癌物質）規例》第9(2)條規定遞交本登記冊。

(工業經營的印章)

簽署：_____

姓名：_____

職位：_____

日期：_____

註：

- 按照第8條的規定，現正受僱或已經受僱從事第5條所提及的任何製造、工序或工作的每個人，只要他繼續受僱於該工業經營，則須每隔不超過6個月接受身體檢查一次。身體檢查包括尿液剝脫細胞診斷。
- 受僱的人須於指定時間接受身體檢查，並須提供尿液樣本。

APPENDIX I

SCHEDULE
FACILITIES AND INDUSTRIAL UNDERTAKINGS
(CARCINOGENIC SUBSTANCES) REGULATIONS
HEALTH REGISTER OF PERSONS EMPLOYED IN CONNECTION WITH
CARCINOGENIC SUBSTANCES

Part 1

(to be filled by proprietor in the course of employment of the person)

Name of industrial undertaking : _____

Address : _____

Telephone : _____

PARTICULARS OF EMPLOYED PERSON —

Name : _____ Sex : _____

Identity Card (or other
identification document) No. : _____

Date of birth : _____

Address : _____

Telephone : _____

REGISTER OF 6-MONTHLY MEDICAL EXAMINATION —

Date of examination	Date urine sample provided	Name of appointed medical practitioner
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

PERIODS OF EMPLOYMENT IN CONNECTION WITH SUBSTANCES UNDER THE REGULATIONS —

Process	Name of Substance	From	To
1 _____	_____	_____	_____
2 _____	_____	_____	_____
3 _____	_____	_____	_____
4 _____	_____	_____	_____

Part 2

(to be filled and sent by proprietor on cessation of employment of the person)

To : Commissioner for Labour, Labour Department, Hong Kong
Pursuant to regulation 9 (2) of the Factories and Industrial Undertakings
(Carcinogenic Substances) Regulations, this register is forwarded herewith.

(Chop of industrial undertaking)

Signature : _____

Name : _____

Position : _____

Date : _____

Notes :

- In accordance with regulation 8 every person who is or has been employed in any manufacture, process or work referred to in regulation 5 is required to be medically examined at intervals of not more than 6 months so long as his employment in the industrial undertaking continues. The medical examination includes exfoliative cytology of the urine.
- Employed persons are required to submit themselves for medical examination at the appointed time and to provide a urine sample.

附錄二

資料查詢

如你對本簡介有任何疑問，或想查詢其他職業安全及健康事宜，你可與勞工處職業安全及健康部聯絡：

電話：2559 2297（辦公時間外，將會自動錄音）

傳真：2915 1410

電子郵件：enquiry@labour.gov.hk

你亦可透過互聯網絡，找到勞工處提供的各項服務，及主要勞工法例的資料。本處的網址是 <http://www.labour.gov.hk>。

你並可透過職安熱線 2739 9000，找到職業安全健康局提供各項服務的資料。

投訴

如有任何有關不安全工作地方及工序的投訴，請致電勞工處職安健投訴熱線 2542 2172。

APPENDIX II

USEFUL INFORMATION

If you wish to enquire about this guidebook or require advice on occupational safety and health, you can contact the Occupational Safety and Health Branch of Labour Department through :

Telephone : 2559 2297 (auto-recording after office hours)

Fax : 2915 1410

E-mail : enquiry@labour.gov.hk

Information on the services offered by the Labour Department and on major labour legislation can also be found by visiting our Home Page on the Internet. Address of our Home Page is <http://www.labour.gov.hk>.

Information on the services offered by the Occupational Safety & Health Council can be obtained through hotline 2739 9000.

COMPLAINTS

If you have any complaints about unsafe workplaces and practices, please call the Labour Department's occupational safety and health complaint hotline at 2542 2172.