

Proprietors of Notifiable Workplaces and contractors undertaking Construction Works are required to give notification of their workplaces or construction works to the Commissioner for Labour. A proprietor or contractor who fails to give the notification commits an offence and may be prosecuted. He also deprives himself of an opportunity of being advised by Occupational Safety Officers of the Labour Department to improve the safety and health conditions of his workplace in the early stage of operation.

Notification of Workplace

Section 9 of the Factories and Industrial Undertakings Ordinance requires that proprietor of a Notifiable Workplace shall give the Commissioner for Labour:

- (a) notification of his workplace in the prescribed form (Form A) before the first occasion on which any industrial process is commenced or any industrial operation is carried on in the workplace;
- (b) notification of change in the location or name of the workplace or in the nature of the industrial process or industrial operation carried on therein in the prescribed form (Form B) before the change takes effect; and
- (c) where there has been a change in identity of the proprietor of the workplace, notification of the fact of such change within 21 days after it takes effect.

“Notifiable Workplace” (應呈報工場) means -

- (a) any factory, mine or quarry; and
- (b) any premises or place in which a Dangerous Trade or Scheduled Trade is carried on or is proposed to be carried on, including catering establishments,

but does not include a construction site (for notification of construction site, please see page 2 of this leaflet).

“Dangerous Trades” (危險行業) means -

1. Boiler chipping.
2. The manufacture of glass from basic raw materials.
3. Manufacturing processes involving the use of arsenic, lead, manganese, mercury, phosphorus, or any compound of any of them.
4. Vermillion manufacture.
5. Chromium plating.
6. The machining or grinding of celluloid or magnesium, or of any article wholly or partly made of celluloid or magnesium in any manufacturing process.
7. The manufacture of hydrochloric, nitric or sulphuric acids.

“Scheduled Trades” (附表所列行業) means -

1. Any industrial undertaking involving the use of any dangerous goods specified in Category 5 in the Schedule to the Dangerous Goods (Application and Exemption) Regulations (Cap. 295 sub. leg.) and for which a licence is required under the Dangerous Goods Ordinance (Cap. 295).
2. Any industrial undertaking involving the use of coal gas.
3. Any industrial undertaking involving the use of electricity as motive power or for heating or in any electrolytic process, other than electricity used solely for the ventilation, heating or lighting of a building.
4. Any industrial undertaking involving the use of any X-ray or radioactive substance.

Notification of Construction Work

Regulations 56, 58 and 59 of the Construction Sites (Safety) Regulations requires that a contractor undertaking Construction Work shall:

- (a) furnish the Commissioner for Labour with information (Form C) on the construction work within 7 days after commencement of the work;
- (b) whenever a material change occurs in respect of any information furnished according to (a), notify the Commissioner for Labour in writing of the change within 7 days after becoming aware of it; and
- (c) notify the Commissioner for Labour in writing of the date of completion of the relevant construction work within 7 days after its completion.

A contractor is not required to give notification of the construction work he undertakes if he has reasonable grounds for believing that:

- (i) the work will be completed in a period of less than 6 weeks; or
- (ii) not more than 10 workmen are or will be employed on the work at any one time.

“Construction Work” (建築工程) means -

- (a) the construction, erection, installation, reconstruction, repair, maintenance (including redecoration and external cleaning), renewal, removal, alteration, improvement, dismantling, or demolition of any of the Specified Structures and Works;
- (b) any work involved in preparing for any operation referred to in paragraph (a), including the laying of foundations and the excavation of earth and rock prior to the laying of foundations;

- (c) the use of machinery, plant, tools, gear, and materials in connection with any operation referred to in paragraph (a) or (b).

“Specified Structures and Works” (指明的構築物及工程) means -

1. Any building, edifice, wall, fence, or chimney, whether constructed wholly or partly above or below ground level.
2. Any road, motorway, railway, tramway, cableway, aerial ropeway or canal.
3. Any harbour works, dock, pier, sea defence work, or lighthouse.
4. Any aqueduct, viaduct, bridge, or tunnel.
5. Any sewer, sewage disposal works, or filter bed.
6. Any airport or works connected with air navigation.
7. Any dam, reservoir, well, pipeline, culvert, shaft, or reclamation.
8. Any drainage, irrigation, or river control work.
9. Any water, electrical, gas, telephonic, telegraphic, radio, or television installation or works, or any other works designed for the manufacturing or transmission of power or the transmission or reception of radio or sound waves.
10. Any structure designed for the support of machinery, plant, or power transmission lines.

Where to Notify

Notification can be sent to : 13/F., Harbour Building,
38 Pier Road, Central, H.K.

or by facsimile to : 2544 3497

Penalty

A proprietor or contractor who contravenes any of the above regulations is liable on conviction to a maximum fine of \$10,000.

Enquiry

If you wish to enquire about the notification of workplace and construction work, you can ring up 2559 2297.

- Note :
1. The forms can also be downloaded from the homepage of Labour Department at <http://www.info.gov.hk/labour>.
 2. If there are any discrepancies between the contents of this leaflet and the legislation explained, the legislation shall prevail.

FORM A

FACTORIES AND INDUSTRIAL UNDERTAKINGS ORDINANCE (Chapter 59) Notification of Establishment of a Notifiable Workplace (Note 1)

In accordance with section 9(1) of the Factories and Industrial Undertakings Ordinance, notice is hereby given of the establishment of a notifiable workplace, the particulars of which are as follows :-

Name of workplace.....

Address of workplace.....

Date of commencement of operation.....

Name of person having the management or control of the workplace.....

Nature of industrial process/operation to be carried on there.....

Brief description of machinery to be installed.....

Approximate number of persons to be employed: men..... women.....

young persons.....(Note 2)

Date.....

Signed by/on behalf of the person having the management or control of the workplace (Note 3)

Full name.....

Capacity.....

Address.....

Notes:

1. 'Notifiable workplace' means (a) any factory, mine or quarry; and (b) any premises or place in which a dangerous trade or scheduled trade is carried on or is proposed to be carried on, but does not include a construction site within the meaning of the Construction Sites (Safety) Regulations.
2. A young person is one who has attained the age of 15 years but not the age of 18 years.
3. Where the person having the management or control of the workplace is a firm, the notification must be signed by one of the partners. Where it is a body corporate, the notification must be attested in the manner required by the document of the incorporation.
4. The person having the management or control of a notifiable workplace is required to notify the Commissioner for Labour of any proposed change in the location or name of the workplace or in the nature of the industrial process or operation carried on there.

FORM C (Part 1)

Construction Sites (Safety) Regulations
Regulation 56(1)
NOTIFICATION OF CONSTRUCTION WORK

(To be completed and returned to the Labour Department within 7 days after the commencement of work)

To: The Commissioner for Labour,
Hong Kong.

Name of contractor	
Address of contractor	
If the contractor is a firm, the name under which it carries on business and the name and address of every partner in the firm	
The name and address of every sub-contractor employed on the work	
The location of the construction site	
The nature of the work	
The date upon which the work was commenced	
The expected duration of the work	

FORM C (Part 2)

Details of heavy mechanical equipment used or will be used in connexion with the work (Please use additional page(s) when necessary)	Equipment	Number	Make/Model
	Passenger hoist (Builders' lift)		
	Material hoist		
	Gantry crane		
	Mobile crane		
	Tower crane		
	Pile driver		
	Loader		
	Bulldozer		
	Excavator		
	Dumper		
	Others		

(Chop of company)
L.D.202(Rev. 3/95) (cont'd)

Signature.....
Position.....
Date.....

FORM B

FACTORIES AND INDUSTRIAL UNDERTAKINGS ORDINANCE
(Chapter 59)

Notification of Proposed Change in Particulars of a Notifiable Workplace (Note 1)

In accordance with section 9(2) of the Factories and Industrial Undertakings Ordinance, notice is hereby given of a proposed change in the particulars of a notifiable workplace known asas follows:

- *(a) Name of workplace
To be changed from.....
to.....
Proposed date of change.....
- *(b) Location of workplace
To be changed from
to.....
Proposed date of change.....
- *(c) Brief description of change in the nature of industrial process/operation to be introduced
.....
.....
Proposed date of change.....

Date.....
Signed by/on behalf of the person having the management or control of the workplace (Note 2)
Full name.....
Capacity.....
Address.....

* Complete where applicable.

Notes:

1. 'Notifiable workplace' means (a) any factory, mine or quarry; and (b) any premises or place in which a dangerous trade or scheduled trade is carried on or is proposed to be carried on, but does not include a construction site within the meaning of the Construction Sites (Safety) Regulations.

2. Where the person having the management or control of the workplace is a firm, the notification must be signed by one of the partners. Where it is a body corporate, the notification must be attested in the manner required by the document of incorporation.

Notify Your Workplace and Construction Work

