

The Hong Kong SAR Government
Labour Department

Safety Regulations related to Catering Industry



Occupational Safety and Health Legislation applicable to Catering Industry

- **Factories and Industrial Undertakings Ordinance (Chapter 59 of the Laws of Hong Kong)**
- **Occupational Safety and Health Ordinance (Chapter 509 of the Laws of Hong Kong) and**
- **Subsidiary regulations made under the above Ordinances**

The Government gazetted the Occupational Safety and Health Legislation (Miscellaneous Amendments) Ordinance 2023 on 28 April, 2023

The Occupational Safety and Occupational Health Legislation (Miscellaneous Amendments) Ordinance 2023 (the Ordinance) takes effect upon gazettal on 28 April 2023.

The Ordinance amends the Factories and Industrial Undertakings Ordinance (Cap. 59) and the Occupational Safety and Health Ordinance (Cap. 509), as well as their subsidiary legislation to increase overall the penalties for occupational safety and health (OSH) offences so as to enhance their deterrent effect for better protection of employees' OSH.

The Ordinance mainly makes amendments to the OSH legislation as follows:

(i) With regard to offences under general duty (GD) provisions for employers, proprietors and occupiers of premises (employer GD provisions), the Labour Department (LD) can take out prosecutions by way of indictment. The maximum fines and imprisonment terms are set at **\$10 million and two years** respectively, and new provisions are added to require the courts to take into account the convicted entity's turnover and other financial information given by the convicted entity when sentencing;

(ii) **increase** the maximum fines of offences prosecuted summarily under the employer GD provisions and the employee GD provisions **to \$3 million and \$150,000** respectively;

(iii) adjust the maximum fines for other summary offences according to their seriousness; and

(iv) **extend the time limit for prosecution** for an offence that is triable summarily **from six months to nine months**.

Statutory requirements for notifiable workplaces

《Factories and Industrial Undertakings Ordinance》

Section 9

Notification of workplaces

The proprietor of "notifiable workplace" is required to report relevant workplace information to the Commissioner for Labour under the following circumstances:

1. Notify the Commissioner in the prescribed form **before the first commencement of any industrial process or industrial operation in the workplace.**
2. Any change in the location or name of the workplace or in the nature of the industrial processes or industrial operations carried on shall be notified to the Commissioner in the prescribed form **before it takes effect.**
3. Any change in the identity of the proprietor of the workplace shall be notified to the Commissioner **within 21 days after it takes effect by writing.**

Statutory requirements for notifiable workplaces

Notifiable Workplace

"Notifiable workplace" including any catering establishment involving the use of electricity as motive power or for heating.

Method of notification

Submit the prescribed form by post to 13/F, Harbour Building, 38 Pier Road, Central, Hong Kong, or fax to 2544 3497.

Penalty

Any proprietor, who contravenes aforesaid section 9, commits an offence and is liable to a fine at level 6 of **\$100,000.**





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Guidance Notes on Prevention of Heat Stroke at Work

EasyCal

A Calculating Tool for the Abolition of MPF Offsetting Arrangement

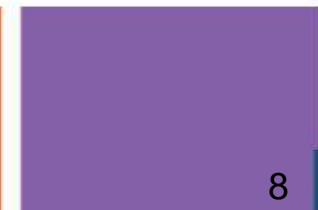


Would like to know how to calculate the amount of severance payment / long service payment and the Government subsidy after the abolition of MPF offsetting arrangement?
Please use our calculating tool – "EasyCal"!

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 工傷復員先導計劃
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for Employees Injured at Work


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Occupational Safety and Health



Occupational Safety Service

enforces legislation governing workplace safety through inspections



Boilers and Pressure Vessels Division

enforces legislation regulating the safe operation of pressure equipment



Occupational Safety and Health Centre

provides information and advisory services on occupational safety and health



Occupational Safety and Health Conviction Records

provides the occupational safety and health conviction records in the past two years



Occupational Health Clinic

provides services on prevention, diagnosis and treatment of work-related illnesses



Occupational Safety and Health Statistics

links to occupational safety and health statistics and bulletin



Occupational Safety and Health e-Quiz

links to Occupational Safety and Health e-Quiz



Safety at Work Icon

(Download the Icon)



Pilot Rehabilitation Programme for Employees Injured at Work (Construction Industry)

Facilitates injured construction employees recover and return to work early



Occupational Health Service

provides advisory service on matters concerning the health of employees and the hygiene of workplaces



Occupational Safety and Health Training

provides training on occupational safety and health



Registration and Staff Training Division

provides services on registration as safety officers, safety auditors and safety auditor training scheme operators



Occupational Health Talks and Courses

provide free occupational health public talks, outreach health talks and courses to employers and employees



Occupational Safety and Health Internet Links

links to other occupational safety and health websites



Upcoming Events (Occupational Health Public Talks)

provides news on upcoming occupational health public talks, occupational safety and health events



Latest Subscription to the Occupational Safety Charter



Notifying Your Workplace and Construction Work

(including factories and catering establishments)

Link: <https://www.labour.gov.hk/eng/osh/content.htm>





Notifying Your Workplace and Construction Work

Proprietors of Notifiable Workplaces and contractors undertaking Construction Works are required to give notification of their workplaces (including factories and catering establishments, etc.) 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:

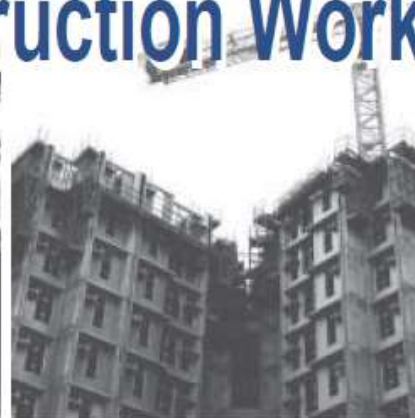
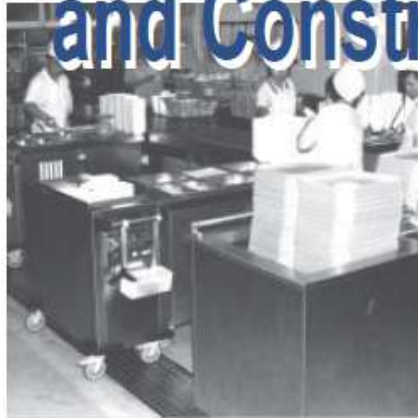
- a. notification of his workplace in the prescribed form ([FIUO-NOT](#) ) before the first occasion on which any industrial process is commenced or any industrial operation is carried on in the workplace;
- b. notification of change in the location or name of the workplace or in the nature of the industrial process or industrial operation carried on therein in the prescribed form ([LD394\(S\)](#) ) before the change takes effect;
- 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.

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 ([LD202](#) ) on the construction work within 7 days after commencement of the work;

Notify Your Workplace and Construction Work



Occupational Safety and Health Branch
Labour Department

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;

Notification of Establishment of a Notifiable Workplace (Note 1)

開設應呈報工場(註 1)呈報書

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:—
本人擬開設下開應呈報工場，並將有關該工場的資料細則開列如下，茲根據工廠及工業經營條例第 9(1)條的規定，特此呈報：—

Name of workplace
工場名稱
Address of workplace
工場地址
Date of commencement of operation
開始營業日期
Name of person having the management or control of the workplace
有權管理或控制該工場的人士的姓名
Nature of industrial process/operation to be carried on there 在該工場內採用的工序/操作性質

Brief description of machinery to be installed 簡述所裝置的機器

Approximate number of persons to be employed: men women
僱用人數約有 男工 女工
young persons (Note 2)
青年 (註 2)

Date
日期
Signed by/on behalf of the person having the management or control of the workplace (Note 3)
由有權管理或控制該工場的人士或其代表簽署(註 3)

Full name 姓名
Capacity 職位
Address 地址

Notes:

附註

- '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.
應呈報工場，指(a)任何工廠、礦場或石礦場；及(b)任何處所或地方，而在其內是進行或擬進行危險行業或附表所列行業者，但不包括建築地盤(安全)規例所指的地盤。
- A young person is one who has attained the age of 15 years but not the age of 18 years.
青年乃指年滿十五歲但未滿十八歲的人士。
- 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.
任何管理或控制該工場的人士，如屬一間公司者，則呈報書須由其中一位合夥人簽署。如屬一法人團體者，則呈報書須根據公司立憲文件所規定的方法予以核實。
- 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.
任何管理或控制該工場的人士，如屬轉換工場的地點或名稱或所進行的工業工序或工業操作的性質，須向勞工處處長呈報。

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 as as 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:

- '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.
- 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.

Factories and Industrial Undertakings (Fire Precautions in Notifiable Workplaces) Regulations

A Guide to the Factories and Industrial Undertakings (Fire Precautions in Notifiable Workplaces) Regulations



Occupational Safety and Health Branch
Labour Department

Regulations on Doors(1)

- All exit doors of notifiable workplaces must be readily opened and closed at any times and must not be blocked.



Regulations on Doors(2)

- If it is not a sliding door, it must be equipped with a self-closing device and keep the door closed;
- The self-closing device must be in good working order.



Regulations on Doors(3)

- Every door (except sliding door) that leading out of a notifiable workplace must be **opened outward**;
- When opening outwards, **the effective width of any means of escape shall not be reduced**.



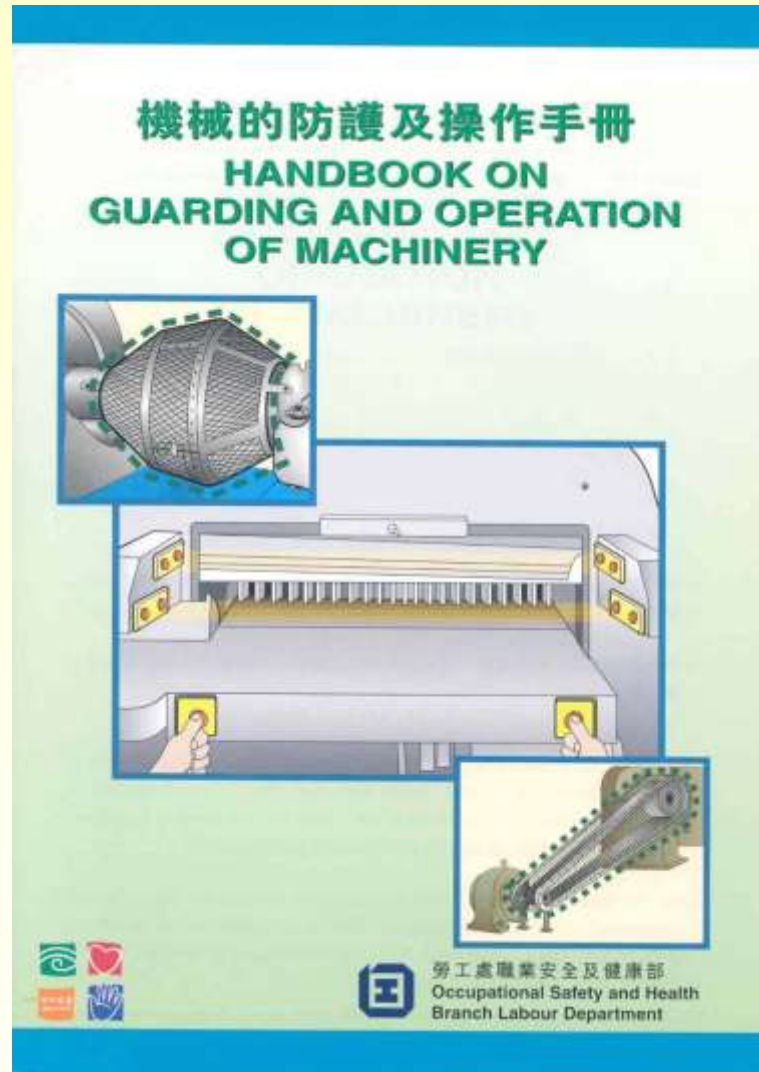
Regulations on Doors(4)

➤ When any person employed in a notifiable workplace or in any room in the workplace, whether or not they are working, **all doors, gates and shutters leading of the workplace or room shall not be locked or fastened** so as to cause them cannot be easily and immediately opened from the inside .



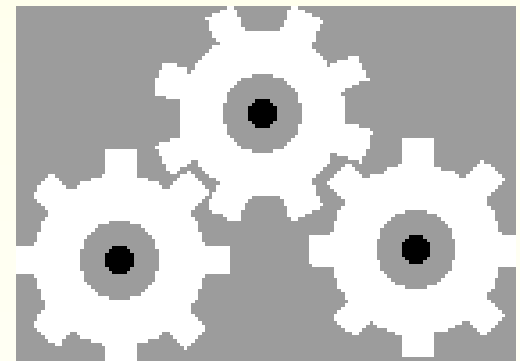
Without reasonable excuse commits an offence and is liable to a fine of **\$400,000** and imprisonment for **6 months**

Factory and industrial Undertakings (Guarding and Operation of Machinery) Regulations



Proprietor's liability for dangerous parts

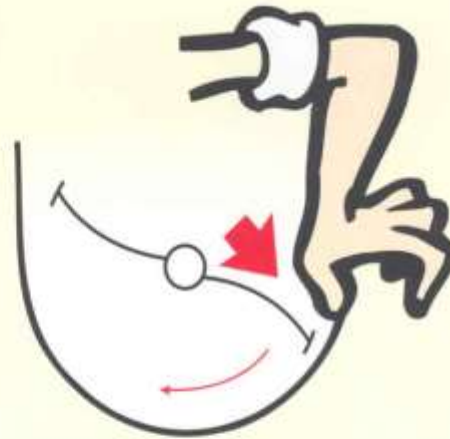
- In this legislation, there are **17 types of machinery dangerous parts** that must be effectively guarded. Contravention are subject to a level 6 fine **(\$100,000)**.
- Below are some of the most common dangerous parts found in the catering industry.



Appropriate Guarding Methods

- ◆ fixed guard (固定式護罩)
- ◆ interlocking guard (互鎖式護罩)
- ◆ automatic guard (自動式護罩)
- ◆ trip guard (觸覺式護罩)
- ◆ two-hand control device (雙手控制裝置)

Type 7: Rotating mixer arms in casings fitted with openings



設有孔口的罩壳內的旋轉混合器攪臂
Revolving Mixer Arms in Casings
fitted with Openings

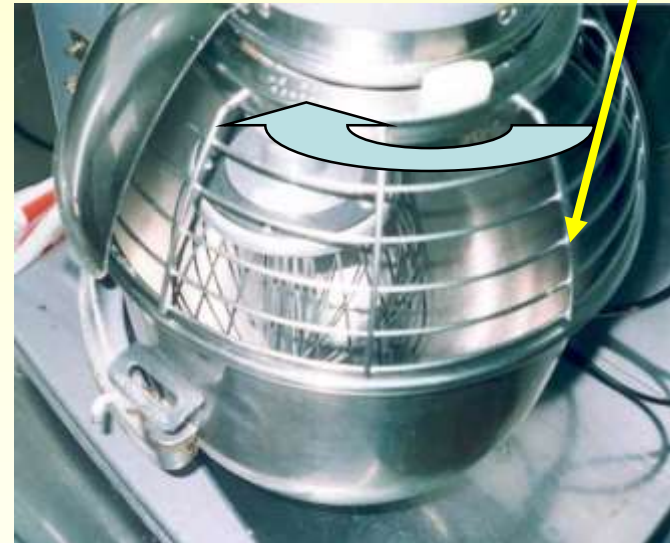
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Type 7: Rotating mixer arms in casings fitted with openings

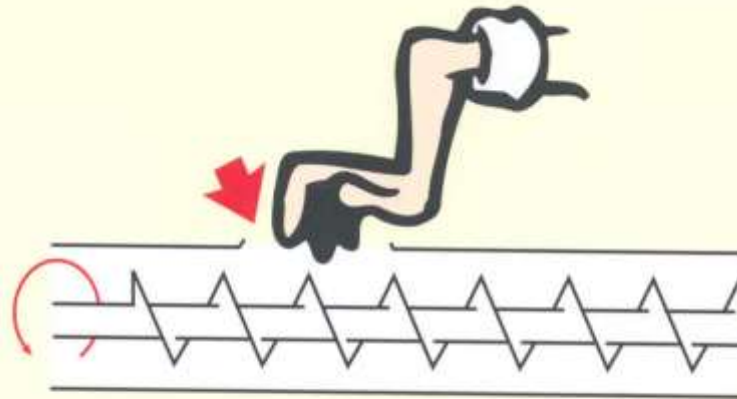
Rotating mixer arms



Interlocking guard



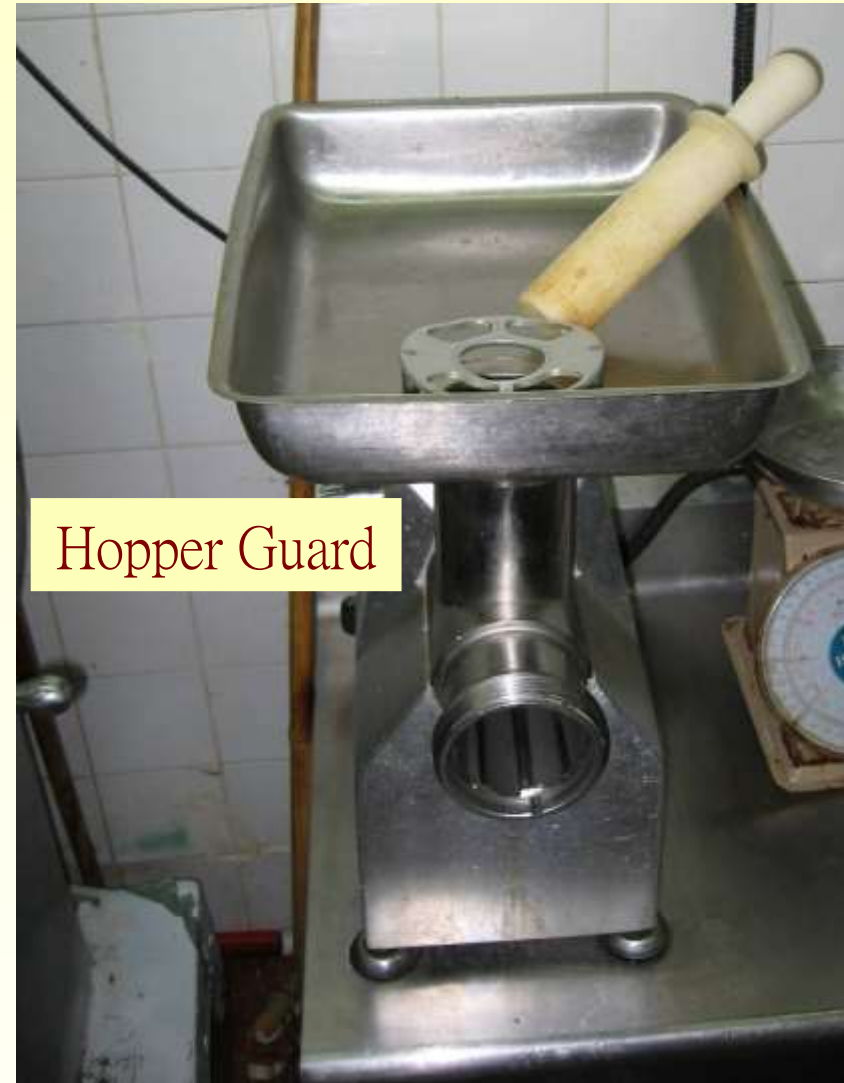
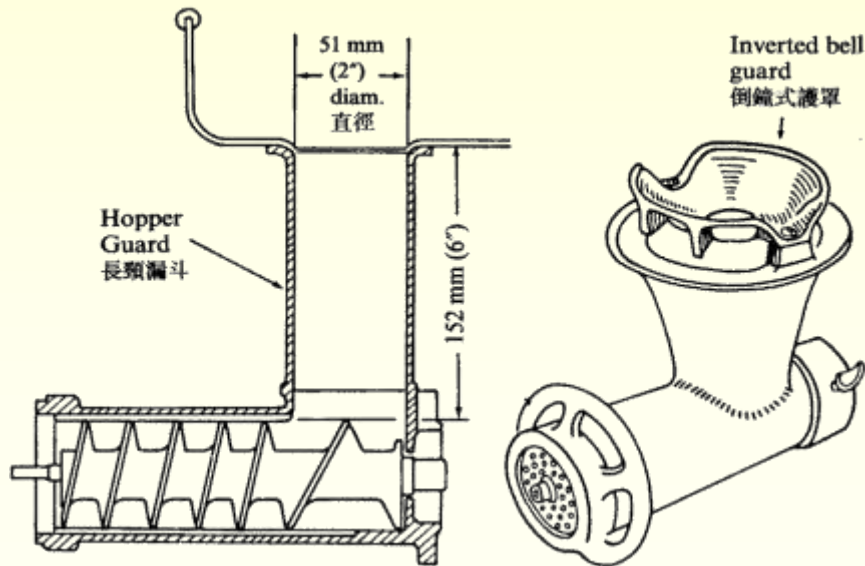
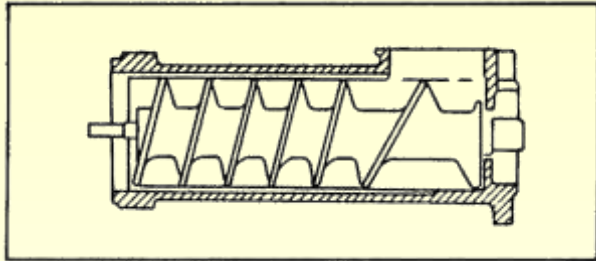
Type 8: Rotating worms and spirals in casings fitted with openings



設有孔口的罩壳內的旋轉螺桿及螺旋
Revolving Worms and Spirals in Casings
fitted with Openings

8

Type 8: Rotating worms and spirals in casings fitted with openings



Factories and Industrial Undertakings Regulations

All floors of a notifiable workshop must be:

- Maintained in a good state of repair;
- Rendered in an even and non-slippery condition;
- Kept free from any obstruction.

To prevent any person from tripping or falling. Offenders are liable to a fine at level 6 of \$100,000.







Inquiries about occupational safety and health information of the Labour Department

- **Occupational Safety and Health Consultation hotline: 2559 2297**
- **Occupational Health Consultation Hotline: 2852 4041**
- **E-mail: enquiry@labour.gov.hk**
- **Fax: 2915 1410**
- **Occupational Safety and Health Complaint Hotline: 2542 2172**
- **Website: <https://www.labour.gov.hk/eng/osh/content5.htm>**
- **Bilingual Law Information System: <https://www.elegislation.gov.hk/>**

Thank You!

