



Your reference 來函編號：
Our reference 本處檔案編號： LD LRT/1-10/EC
Tel. number 電話號碼： 2852 4950
Fax. number 傳真機號碼： 2157 1245

11 May 2023

Dear Sir/Madam,

Occupational Safety and Occupational Health Legislation
(Miscellaneous Amendments) Ordinance 2023

The Occupational Safety and Occupational Health Legislation (Miscellaneous Amendments) Ordinance 2023 (“Amendments Ordinance”) took effect from 28 April 2023. The Amendments Ordinance amended 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.

2. Major amendments made under the Amendments Ordinance include:-
 - (i) for extremely serious contraventions, the Labour Department can take out prosecutions by invoking the general duty (“GD”) provisions for employers, proprietors and occupiers of premises (“employer GD provisions”) as indictable offence and the maximum fines and imprisonment terms are set at \$10 million and two years respectively;
 - (ii) increasing 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) adjusting the maximum fines for other summary offences according to their seriousness; and
 - (iv) extending the time limit for prosecution for an offence that is triable summarily from six months to nine months.

3. For details, please refer to the pamphlet enclosed with the letter. We should be grateful if you would distribute this letter and pamphlet to your relevant affiliated associations for reference.

4. If you have any enquiries about this letter, please contact the Occupational Safety Officer of this department at 2852 4951.

Yours sincerely,



(YUEN Tsz Lok, Murphy)
for Commissioner for Labour

Labour Department

Occupational Safety and Occupational Health Legislation (Miscellaneous Amendments) Ordinance 2023 (Effective from 28 April 2023)

The Legislative Council passed the Occupational Safety and Occupational Health Legislation (Miscellaneous Amendments) Bill 2022 (“Bill”) on 19 April 2023 to amend the Factories and Industrial Undertakings Ordinance (Cap. 59) and the Occupational Safety and Health Ordinance (Cap. 509), as well as their subsidiary legislation. The Bill seeks to overall increase the maximum penalties for occupational safety and health (“OSH”) offences in order to enhance their deterrent effect. The Occupational Safety and Occupational Health Legislation (Miscellaneous Amendments) Ordinance 2023 (“Amendment Ordinance”) was published by the Government in the Gazette on 28 April 2023 and came into operation on the same day.

2. Key amendments introduced by the Amendment Ordinance include:

- (i) with regard to extremely serious OSH contraventions, to take out prosecutions by invoking the general duty (“GD”) provisions for employers, proprietors and occupiers of premises (“employer GD provisions”) as indictable offence and to pitch their maximum fines and imprisonment terms at \$10 million and two years respectively;
- (ii) to 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) to adjust the maximum fines for other summary offences, and to set the maximum fines for employer-related offences and employee-related offences respectively according to their seriousness; and
- (iv) to extend the time limit for prosecution for an offence that is triable summarily from six months to nine months.

3. The Amendment Ordinance can be downloaded from the Government Logistics Department’s website at <https://www.gld.gov.hk/egazette/pdf/20232717/es1202327175.pdf>.

4. Public forms related to the Amendment Ordinance have been updated and can be downloaded from the GovHK’s website at <https://www.gov.hk/en/residents/forms/>.

5. The Labour Department will continue to update the content of OSH publications related to the Amendment Ordinance. The Amendment Ordinance prevails over the content of the OSH legislation in the existing publications.



Amendment Ordinance



Public Forms

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