

Chapter:	406	ELECTRICITY ORDINANCE	Gazette Number	Version Date
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	Long title	69 of 1999	12/11/1999
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An Ordinance to repeal and replace the Electricity Supply Ordinance, to provide for the registration of electrical workers, contractors and generating facilities, to provide safety requirements for electricity supply, electrical wiring and products, to provide powers for electricity suppliers and the Government respecting electrical accidents and enforcement of this Ordinance, and to provide for measures designed to ensure that activities carried out in the vicinity of electricity supply lines do not prejudice safety or the continuity of the electricity supply.

(Enacted 1990. Amended 69 of 1999 s. 2)

[Sections 2, 4 to 7, 9 to 13, 14(1) and (2), 15(1), 16, 17, 18, 20, 30, 42, 43, 44(1)(a), (b), (c), (f) and (g), (2) and (3), 45 to 52, 55(1), (3), (4), (5) and (6) and 56 to 62 }	2 November 1990	<i>L.N. 342 of 1990</i>
Section 33 }	16 November 1991	<i>L.N. 410 of 1991</i>
Sections 3, 8, 14(3) and (4), 15(2), 19, 31, 32, 34, 35, 44(1)(d) and (e), 53, 54, and 55(2) }	1 June 1992	<i>L.N. 98 of 1992</i>
Sections 21 to 23 and 36 to 41 }	8 January 1993	<i>L.N. 392 of 1992</i>
Sections 24 to 28 and 29(1)(a), (2) and (3) }	23 March 1995	<i>L.N. 103 of 1995</i>
Section 29(1)(b) }	1 December 2000	<i>L.N. 196 of 2000]</i>

(Originally 16 of 1990)

Part:	I	PRELIMINARY	30/06/1997
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Section:	1	Short title and commencement		
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- (1) This Ordinance may be cited as the Electricity Ordinance.
- (2) This Ordinance shall come into operation on a day to be appointed by the Chief Executive by notice in the Gazette and he may appoint different days for different provisions. (Amended 61 of 2000 s. 3)

(Enacted 1990)

Section:	2	Interpretation	69 of 1999	12/11/1999
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In this Ordinance, unless the context otherwise requires-

"accessory" (附件) means a device, other than current-using equipment, associated with current-using equipment or with the wiring of an electrical installation;

"current-using equipment" (用電器具) means electrical equipment that, during normal use, converts electrical energy into another form of energy such as light, heat, sound or motive power;

"Director" (署長) means the Director of Electrical and Mechanical Services;

"electric line" (輸電線) means-

- (a) a conductor used for the purpose of conveying, transmitting or distributing electricity and any casing, coating, covering, tube, pipe or insulator enclosing, surrounding or supporting such conductor, or any part of it;
- (b) any apparatus connected with such conductor or other thing mentioned in paragraph (a) for the purpose of conveying, transmitting or distributing electricity,

and in paragraph (a), reference to a conductor used for the purpose of conveying, transmitting or distributing electricity includes reference to a wire or to any other means used for that purpose; (Added 69 of 1999 s. 3)

"electrical accident" (電力意外) means an incident involving electricity that causes a fire or explosion or that causes death or injury to a person;

"electrical equipment" (電力器具) means machines, transformers, apparatus, appliances, measuring instruments, protective devices, wiring material, accessories, fittings and similar things, used for generation, conversion, transmission, distribution, control, measurement or utilization of electrical energy;

"electrical installation" (電力裝置) means an assembly of associated electrical equipment;

"electrical product" (電氣產品) means any current-using equipment, lighting fitting or accessory, that uses low voltage or high voltage electricity;

"electrical work" (電力工程) (電力工作) means work in relation to the installation, commissioning, inspection, testing, maintenance, modification or repair of a low voltage or high voltage fixed electrical installation and includes the supervision and certification of that work and the certification of design of that installation;

"electricity supplier" (供電商) means a person who generates, supplies and sells electricity at low or high voltage for use in an electrical installation;

"electricity supply line" (供電電纜) means an electric line, or any cable used in conjunction with such a line for the purpose of transmitting control signals, which is owned by an electricity supplier; (Added 69 of 1999 s. 3)

"energized part" (帶電部分) means that part of an electrical installation that is energized at low voltage or high voltage;

"extra low voltage" (特低壓) means voltage normally not exceeding-

- (a) 50V root mean square alternating current; or
- (b) 120V direct current,

between conductors or between a conductor and earth;

"fixed electrical installation" (固定電力裝置) means a low or high voltage electrical installation that is fixed to premises but does not include any electrical equipment that is supplied with electricity after passing through a socket of the installation at which the supply can be disconnected without the use of a tool;

"generating facility" (發電設施) means an electrical installation used to produce electricity at low voltage or high voltage;

"high voltage" (高壓) means voltage normally exceeding low voltage;

"low voltage" (低壓) means voltage normally exceeding extra low voltage but normally not exceeding-

- (a) between conductors, 1000V root mean square alternating current or 1500V direct current; or
- (b) between a conductor and earth, 600V root mean square alternating current or 900V direct current;

"owner" (擁有人) of an electrical installation or generating facility includes-

- (a) a person who is in possession or control of an electrical installation; and
- (b) a person who holds premises in which an electrical installation is located, whether the premises are held under lease, licence or otherwise and includes an agent of that person and a tenant or occupier of premises;

"registered electrical contractor" (註冊電業承辦商) means an electrical contractor registered under section 33;

"registered electrical worker" (註冊電業工程人員) means an electrical worker registered under section 30;

"supply" (供應), in relation to the supply of an electrical product, means-

- (a) to sell or hire out the electrical product;
- (b) to offer, keep or exhibit the electrical product for sale or for hiring out;
- (c) to exchange or dispose of the electrical product for any consideration;
- (d) to transmit, convey or deliver the electrical product in pursuance of-

 - (i) a sale;
 - (ii) a hiring out; or
 - (iii) an exchange or disposal for any consideration; or

- (e) for commercial purposes, to give the electrical product as a prize or to make a gift of such a product;

(Replaced 69 of 1999 s. 3)

"wiring installation" (線路裝置) means that part of a fixed electrical installation that is used for the distribution and control of electricity, including fittings, accessories, devices and switches but excluding current-using

equipment.

(Enacted 1990)

Part:	II	DIRECTOR'S POWERS	30/06/1997
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Section:	3	Director may require accident report	30/06/1997
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(1) Where the Director has reason to believe that an electrical installation has been involved in an electrical accident, he may by notice require its owner to give him a registered electrical worker's report of the accident within 2 weeks after the date of the notice.

(2) The registered electrical worker shall state in the accident report his opinion as to the cause of the accident and what remedial action in relation to a fixed electrical installation has been done by him or should be done to prevent a recurrence of the accident.

(Enacted 1990)

Section:	4	Removal of item for examination	30/06/1997
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(1) The Director may, after notifying the owner of an electrical installation of the reason, remove from premises any item that has been involved in an electrical accident and may retain the removed item for examination.

(2) At the request of its owner, the Director shall return the retained item when he has completed his examination.

(3) Unless the owner requests a return of the item removed under subsection (1) within 6 months after it was removed, the Director may dispose of it without compensation to the owner.

(Enacted 1990)

Section:	5	Director may require owner to rectify installation	30/06/1997
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(1) Where the Director has reasonable grounds to believe that an electrical installation-

- (a) could cause an electrical accident;
- (b) affects the safe and stable operation of the electricity supplier's or another person's electrical installation; or
- (c) contravenes this Ordinance,

he may by notice require the owner of the electrical installation to rectify the installation within a time specified in the notice.

(2) If the installation is not rectified within the time specified under subsection (1), the Director may disconnect, or order the electricity supplier to disconnect, the electricity supply from all or part of the electrical installation.

(3) Before disconnecting the electricity supply, the Director shall notify the owner of the reason for the disconnection.

(Enacted 1990)

Section:	6	Emergency disconnection	30/06/1997
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(1) Where the Director considers that there is an imminent risk of an electrical accident, he may without notice disconnect, or order the electricity supplier to disconnect, the electricity supply from an electrical installation.

(2) At the request of the owner of the disconnected installation, the Director shall give the owner the reason for the disconnection within 2 weeks after the date of the request.

(Enacted 1990)

Section:	7	Electricity supplier to disconnect	30/06/1997
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Where ordered to do so by the Director under section 5 or 6 an electricity supplier shall disconnect the electricity supply from the electrical installation and the supplier shall prevent, so far as reasonably possible, unauthorized

reconnection of the supply.

(Enacted 1990)

Section:	8	No reconnection until compliance		30/06/1997
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(1) An owner of a fixed electrical installation shall not reconnect or cause or knowingly allow another person to reconnect the electricity supply to the fixed electrical installation disconnected under section 5 or 6 until the Director notifies the owner that he has received a certificate prepared and signed by a registered electrical worker in a form required by the Director certifying that the electrical installation complies with this Ordinance.

(2) An owner does not contravene subsection (1) where he causes or allows a registered electrical worker to reconnect the electricity supply to the electrical installation for the purpose of testing the installation.

(Enacted 1990)

Section:	9	Exemption of electrical installation, etc.		30/06/1997
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(1) Where the Director is satisfied that an owner is capable of safely installing and maintaining his own fixed electrical installation, the Director may, by order, exempt the owner, his electrical installations, his electrical workers or any combination of them, from any of the provisions of this Ordinance relating to electrical installations.

(2) The Director may make an exemption under subsection (1) subject to conditions specified in the order, and he may in the order modify the application of provisions of this Ordinance so far as is necessary to give effect to those provisions and conditions in light of the exemption.

(Enacted 1990)

Part:	III	ELECTRICITY SUPPLIER'S POWERS AND OBLIGATIONS		30/06/1997
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Section:	10	Electricity supplier to report electrical accident		30/06/1997
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(1) If an electrical accident occurs involving an electricity supplier's electrical installation, the supplier shall inform the Director within 3 days after the accident.

(2) Within 4 weeks after the accident the supplier shall give the Director a report of the cause of the accident and what remedial action has been or will be done to prevent a recurrence of the accident.

(Enacted 1990)

Section:	11	Electricity supplier to report electricity interruption		30/06/1997
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(1) If an unintended electricity supply interruption occurs, causing distress or inconvenience to the public, the electricity supplier shall, if requested by the Director and by a date specified by him, give the Director a report of the cause of the interruption and what remedial action has been or will be done to prevent a recurrence of the interruption.

(2) The Director may by notice require an electricity supplier who receives electricity directly from a source outside of Hong Kong to inform the Director and any other person specified by the Director of a loss or impending loss of all or a portion of the electricity supply from that source or of an impending failure to receive an expected supply of electricity from that source and the Director may specify in the notice the type of information required and the method and frequency of reporting it.

(Enacted 1990)

Section:	12	Inspection before connection		30/06/1997
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(1) An electricity supplier shall not connect the electricity supply to a fixed electrical installation unless he has inspected the installation and is satisfied that it is safe to do so.

(2) Notwithstanding subsection (1), an electricity supplier may reconnect the electricity supply to a fixed electrical installation without inspection if the reconnection is made within a prescribed period after the disconnection, so long as the disconnection was for reasons other than safety or contravention of this Ordinance.

(Enacted 1990)

Section:	13	Connection and continued supply	30/06/1997
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(1) Where a fixed electrical installation complies with this Ordinance an electricity supplier shall, within a reasonable time after being requested to do so by the owner of the installation, connect the electricity supply to the installation.

(2) Subsection (1) does not oblige an electricity supplier-

- (a) to supply electricity where it is impracticable or unsafe to do so because of the location of the owner's premises; or
- (b) to supply electricity to an owner who does not agree to the supplier's usual contractual terms or to provide reasonable evidence of credit worthiness; or
- (c) to supply or continue to supply electricity to an owner of an electrical installation who has failed to perform his contractual obligations to the supplier.

(3) If an electricity supplier refuses to connect the electricity supply to an owner's electrical installation, he shall give the owner the reason for the refusal.

(Enacted 1990)

Section:	14	Electricity supplier may inspect or require inspection	30/06/1997
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(1) If an electricity supplier has reasonable grounds to believe that a fixed electrical installation may contravene this Ordinance or may affect the safe and stable operation of the supplier's or another person's electrical installation, he may at a reasonable time enter premises to inspect the fixed electrical installation and he shall inform the owner of the electrical installation of the results of the inspection.

(2) Notwithstanding any agreement between an electricity supplier and the owner of the installation, the owner is not obliged to allow the supplier to inspect his installation unless the supplier has given him at least 2 weeks notification of the proposed time of the inspection and includes in the notice the reason for the inspection.

(3) Notwithstanding any agreement between an electricity supplier and the owner, instead of submitting to the inspection under subsection (1), the owner may arrange his own inspection and give the supplier an inspection report by a date not later than that set out in the notification under subsection (2).

(4) The inspection report must be prepared and signed by a registered electrical worker in a form required by the Director and state the worker's opinion on whether the fixed electrical installation contravenes this Ordinance or affects the safe and stable operation of the supplier's or another person's electrical installation.

(Enacted 1990)

Section:	15	Owner to rectify problem	30/06/1997
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(1) If after an inspection is made under section 14(1) or (3) the electricity supplier considers that the fixed electrical installation contravenes this Ordinance or affects the safe and stable operation of another person's electrical installation the supplier may by notice require the owner of the installation to rectify the problem by a date specified in the notice.

(2) Within one week after rectifying the problem the owner shall give the supplier a certificate prepared and signed by a registered electrical worker in a form required by the Director certifying that the owner's installation complies with this Ordinance.

(Enacted 1990)

Section:	16	Electricity supplier may disconnect supply	30/06/1997
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(1) If an owner-

- (a) fails either to allow the supplier to carry out the inspection under section 14(1) or to give the supplier a report under section 14(3) within the time required; or
- (b) fails to rectify the problem under section 15 within the time specified by the supplier,

the supplier may disconnect the electricity supply from the owner's electrical installation.

(2) The supplier shall notify the owner at least 2 weeks before the time of intended disconnection and he shall

include in the notice the reason for the disconnection.

(3) The supplier shall not disconnect under this section while an appeal under section 42 against the disconnection is pending.

(4) If an appeal against disconnection is unsuccessful, the supplier shall notify the owner at least 2 days before the time of intended disconnection.

(Enacted 1990)

Section:	17	Emergency disconnection	30/06/1997
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(1) Where an electricity supplier considers that there is an imminent risk of electrical accident, he may without notice disconnect the electricity supply from an electrical installation and shall prevent, so far as is reasonably possible, unauthorized reconnection of the supply.

(2) At the request of the owner of the disconnected installation, the supplier shall give the owner the reason for the disconnection within 2 weeks after the date of the request.

(Enacted 1990)

Section:	18	Disconnection to ensure supply stability	30/06/1997
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(1) An electricity supplier may without notice disconnect the supply of electricity from all or part of an electrical installation if he considers it necessary to ensure the safe and stable operation of the supplier's or another person's electrical installation.

(2) At the request of the owner of the disconnected installation, the supplier shall give the owner the reason for the disconnection within 2 weeks after the date of the request.

(Enacted 1990)

Part:	IV	RESPONSIBILITIES OF OWNERS OF ELECTRICAL INSTALLATIONS	30/06/1997
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Section:	19	Inspection after electrical accident	30/06/1997
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(1) Within 2 weeks after the occurrence of an electrical accident that involves or affects a fixed electrical installation, the owner of the installation shall have the affected part of the installation inspected by a registered electrical worker.

(2) Except in the case of a life threatening emergency the owner of the electrical installation shall not use or knowingly allow the use of the affected part of the installation until he has been given a certificate prepared and signed by a registered electrical worker in a form required by the Director certifying that the affected part of the owner's installation complies with this Ordinance.

(3) Within 2 weeks after the date of the certificate the owner shall give a copy of it to the Director.

(Enacted 1990)

Section:	20	Prevention of electrical accident	30/06/1997
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(1) An owner of an electrical installation shall not connect to his installation anything that he knows or ought reasonably to know is likely to cause an electrical accident.

(2) Proof that a defendant connected something to his electrical installation that was likely to cause an electrical accident is, in the absence of evidence to the contrary, proof that the defendant knew or ought reasonably to have known that his connection of the thing was likely to cause an electrical accident.

(3) If an owner knows that the condition of his electrical installation is likely to cause an electrical accident he shall immediately have it rectified.

(Enacted 1990)

Part:	V	GENERATING FACILITY REGISTRATION	30/06/1997
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Section:	21	Generating facility registration	30/06/1997
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(1) The owner of a generating facility that is in use or on standby use shall register it with the Director unless it-

- (a) is used on an aircraft;
- (b) is used on a watercraft;
- (c) is used on a hovercraft;
- (d) is on a land vehicle where the facility is not connected to a wiring installation outside the vehicle;
- (e) is used in construction work as defined and regulated under the Factories and Industrial Undertakings Ordinance (Cap 59);
- (f) forms part of an electrical installation that requires a periodic test certificate to be submitted to the Director under this Ordinance; or
- (g) only supplies electricity to an electrical installation that is owned by the owner of the generating facility.

(2) The Director shall issue a certificate of registration to the owner of a generating facility registered by him under this section.

(3) An owner of a registered generating facility shall display at the facility a copy of the certificate of registration.

(4) No person shall use an unregistered generating facility that is required to be registered under this section.

(Enacted 1990)

Section:	22	Maintenance of generating facility	30/06/1997
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An owner of a registered generating facility and an owner of a generating facility referred to in section 21(1)(e), (f) or (g) shall-

- (a) maintain the generating facility in continuous safe working order; and
- (b) unless there is no registered electrical contractor in a case where section 35(3) applies, display at the facility a notice showing the name and registration number of the registered electrical contractor employed for the purpose of paragraph (a).

(Enacted 1990)

Section:	23	Cancellation of registration	30/06/1997
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(1) Where the Director considers that there is evidence that the owner of a registered generating facility has failed to rectify the generating facility within a time specified in a notice under section 5(1) or has failed to comply with section 21(3) or 22, he shall notify the owner specifying the evidence and advising the owner that he is entitled to a hearing or to submit a written representation and that if he intends to request a hearing or submit a representation he must do so within 4 weeks after the date of the Director's notice.

(2) Where the Director does not, within 4 weeks after the date of the notice sent under subsection (1), receive from the owner a request for a hearing, he may, after considering any written representation received from the owner, cancel the registration of the owner's generating facility.

(3) Where the Director, within 4 weeks after the date of the notice sent under subsection (1), receives from the owner a request for a hearing, he shall afford the owner a reasonable opportunity to be heard.

(4) After the hearing or, where the owner fails without reasonable excuse to attend at the time set by the Director for the hearing, the Director may cancel the registration.

(5) The Director shall notify the owner of his decision and the reasons for it.

(Enacted 1990)

Part:	VI	ELECTRICAL PRODUCTS	30/06/1997
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Section:	24	Exemption	L.N. 223 of 1998	29/05/1998
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(1) (Repealed 12 of 1997 s. 3)

(2) Where the Director is satisfied that an electrical product is not hazardous, he may, by notice in the Gazette, exempt it from any or all of the provisions of this Ordinance that relate to electrical products. (Amended 12 of 1997 s. 3)

(Enacted 1990)

Section:	25	Prohibition of electrical products	L.N. 223 of 1998	29/05/1998
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(1) Where the Director considers that an electrical product does not meet the prescribed safety requirements he may by notice in the Gazette prohibit its use or supply. (Amended 12 of 1997 s. 4)

(2) Where, after 3 days have elapsed from the date of the Gazette containing the Director's notice prohibiting the supply of an electrical product under subsection (1), a person supplies the product, the Director may seize it if, at the time of seizure, the supply of the product is still prohibited. (Replaced 12 of 1997 s. 4)

(3) If no notice of appeal from the Director's seizure of the product has been delivered within the time required under section 43(2), or where the Director's action is upheld by the appeal board, the Director may dispose of the seized product without compensation to its owner.

(Enacted 1990)

Section:	25A	Compensation for seizure and detention	L.N. 223 of 1998	29/05/1998
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(1) Where an electrical product is seized under section 25(2), the Government shall, subject to section 25(3) and this section, be liable to compensate the owner of the electrical product for any loss or damage suffered by him as a result of the seizure.

(2) In a proceeding against the Government in respect of a claim for compensation under subsection (1), the amount of the compensation recoverable shall be such amount as is just and equitable in all the circumstances of the case, including the conduct and comparative blameworthiness of-

- (a) the owner of the electrical product;
- (b) the person in charge or control of the electrical product at the time it was seized;
- (c) the agents of the persons specified in paragraphs (a) and (b); and
- (d) public officers and other persons concerned.

(3) No proceedings shall be maintainable in respect of a claim for compensation under subsection (1) unless-

- (a) (i) an appeal has been made to the appeal board under section 43; and
- (ii) the appeal board has not confirmed the action of the Director to seize an electrical product under section 25(2) and has ordered the Director to return the seized electrical product; and
- (b) the proceedings are commenced within 6 months after the date of such order.

(4) A claim for compensation under this section may be made-

- (a) in the Small Claims Tribunal, for claims up to the maximum jurisdiction of the Tribunal; or
- (b) in the District Court, irrespective of the amount claimed.

(Added 12 of 1997 s. 5)

Section:	26	Entry and inspection		30/06/1997
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For the purpose of section 27 or for ascertaining compliance with this Ordinance in relation to electrical products the Director may without notice enter premises, other than domestic premises, during reasonable hours to inspect electrical products and he may examine any process or procedure (including arrangements for carrying out a test) connected with the production of electrical products.

(Enacted 1990)

Section:	27	Electrical product testing		30/06/1997
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(1) Where the Director has reasonable cause to suspect that in relation to an electrical product this Ordinance has been contravened he may remove the electrical product from premises other than domestic premises and retain the

electrical product for testing.

(2) After testing the retained electrical product, the Director shall return it to its owner or to the premises from which it was removed along with a notice of whether the product complies with this Ordinance.

(3) Where the electrical product tested under subsection (1) is determined by the Director to be not in compliance with this Ordinance, the owner of the electrical product is, if the Director so notifies him when the product is returned, liable to the Government for the cost of testing the product and the cost is recoverable as a civil debt.

(Enacted 1990)

Section:	28	Power to obtain information		30/06/1997
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Where the Director has reasonable cause to suspect that in relation to an electrical product this Ordinance has been contravened he may by notice-

- (a) require a person to give him information respecting the origin and destination of the product; and
- (b) in the case of a person carrying on or employed in a business, require him to produce documents that relate to the origin and destination of the product.

(Enacted 1990)

Section:	29	Electrical product offences	L.N. 196 of 2000	01/12/2000
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(1) No person shall supply an electrical product- (Amended 12 of 1997 s. 6)

- (a) that is prohibited under section 25; or
- (b) for which no certificate of safety compliance has been issued as required by regulations respecting electrical product safety.

(2) No person shall use an electrical product that he knows is prohibited under section 25.

(3) In a prosecution under subsection (2) proof that a defendant used a prohibited electrical product is, in the absence of evidence to the contrary, proof that the defendant knew that the electrical product was prohibited.

(Enacted 1990)

Part:	VII	ELECTRICAL WORKERS AND CONTRACTORS		30/06/1997
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Section:	30	Electrical worker registration		30/06/1997
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Workers

(1) Where the Director considers that an applicant is, in accordance with the regulations respecting registration, qualified to do electrical work in any grade, the Director shall register him as an electrical worker for that grade.

(2) The Director shall issue to a registered electrical worker a certificate of registration on which the Director shall specify the grade of electrical work that the worker is entitled to do and, where the Director considers it appropriate, he shall also specify-

- (a) the type of electrical work the worker is entitled to do within a grade; or
- (b) the type of electrical installation or premises on which the worker is entitled to do electrical work within a grade.

(3) In addition to the electrical work that a registered electrical worker is entitled to do within the grade for which he is registered, the worker is entitled to do any other type of electrical work, or work on any type of electrical installation or premises, that the Director specifies on his certificate of registration.

(4) The Director may specify on a registered electrical worker's certificate of registration that the worker is only entitled to do electrical work on a particular installation, type of installation or type of premises for a specified period of time, notwithstanding the term of his registration.

(5) Any person may, without charge, inspect the register of electrical workers.

(6) A registered electrical worker shall have his registration certificate with him or available at his workplace while doing electrical work.

(7) Where the Director refuses to register or renew the registration of an applicant, he shall notify the applicant and in the notice give his reasons for refusal.

(Enacted 1990)

Section:	31	Electrical worker offences		30/06/1997
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(1) Subject to section 32, no person shall do personally or offer or undertake to do electrical work personally unless he is a registered electrical worker who is entitled by his certificate to do the work.

(2) No person shall advertise or otherwise hold himself out as-

- a registered electrical worker if he is not a registered electrical worker; or
- a registered electrical worker certified to do electrical work for which he is not certified.

(3) Where this Ordinance requires or authorizes a registered electrical worker to make a report or to certify something, before issuing the report or certificate, the worker shall submit the report or certificate to-

- the registered electrical contractor for whom the electrical work is done, except where the contractor is the same person as the worker; or
- the owner in a case where section 35 (3) applies,

so that it can be endorsed as required by section 34(11).

(Enacted 1990)

Section:	32	Electrical worker exemptions	L.N. 130 of 2007	01/07/2007
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Remarks:

For the saving and transitional provisions relating to the amendments made by the Resolution of the Legislative Council (L.N. 130 of 2007), see paragraph (12) of that Resolution.

(1) If a person who is not a registered electrical worker works under the oral or written instruction of a registered electrical worker who is aware of and responsible for that person's work, the person may do electrical work of the kind specified in the certificate of that registered electrical worker, but he shall not-

- certify that a fixed electrical installation complies with this Ordinance; or
- work on energized parts of a fixed electrical installation when he is not immediately adjacent to that registered electrical worker.

(2) A person who is not a registered electrical worker may do electrical work on a fixed electrical installation while participating in a training course or tests of a university, polytechnic or tertiary educational institute, the Vocational Training Council or an institute, training centre, school or programme run or approved by the Director or by the Permanent Secretary for Education for instruction or testing involving electrical work. (Amended 3 of 2003 s. 41; L.N. 130 of 2007)

(3) A person who is not a registered electrical worker may do electrical work that is necessary in relation to any kind of research done under the auspices of an organization or programme mentioned in or approved under subsection (2).

(Enacted 1990)

Section:	33	Electrical contractor registration		30/06/1997
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CONTRACTORS

(1) Where the Director considers that an applicant is qualified to do business as an electrical contractor to carry out electrical work, and that the person meets any qualifications that may be prescribed in the regulations respecting registration, the Director may register the person as an electrical contractor and shall issue to him a certificate of registration.

(2) Where a partnership that is registered as an electrical contractor under subsection (1) acquires or loses a partner, the new partnership shall be deemed to continue to be registered under the name in which the original partnership was registered unless the Director, in a notice sent to the address on the register, states that he does not consider that the new partnership is qualified to be registered under subsection (1).

(3) The registration of the new partnership as a registered electrical contractor shall become void 4 weeks after the Director sends a notice under subsection (2).

(4) Any person may, without charge, inspect the register of electrical contractors.

(5) Where the Director refuses to register or renew the registration of an applicant, he shall notify the applicant

and in the notice give his reasons for refusal.

(Enacted 1990)

Section:	34	Electrical contractor duties and offences		30/06/1997
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(1) No person shall do business as an electrical contractor or contract to carry out electrical work unless he is a registered electrical contractor.

(2) No person shall advertise or otherwise hold himself out as a registered electrical contractor if he is not a registered electrical contractor.

(3) A registered electrical contractor shall not employ a person other than a registered electrical worker to do electrical work except as provided in section 32.

(4) A registered electrical contractor and an owner referred to in section 35(3) shall ensure that no registered electrical worker employed by him shall do electrical work that the worker is not entitled to do under this Ordinance.

(5) A registered electrical contractor and an owner referred to in section 35(3) shall not cause or knowingly allow-

(a) a registered electrical worker employed by him; or

(b) a person employed by him in the circumstances specified under section 32,

to do electrical work in contravention of this Ordinance.

(6) A registered electrical contractor and an owner referred to in section 35(3) shall effectively supervise a registered electrical worker employed by him.

(7) A registered electrical contractor, when required by notice of the Director, shall produce for inspection any record, plan or document in his possession or under his control that the Director considers relevant for the purpose of enforcing this Ordinance.

(8) A registered electrical contractor shall display in a prominent place at his principal place of business the original of his certificate of registration and a copy of his certificate of registration issued by the Director at each of his other places of business.

(9) Subject to subsection (10)(b), a registered electrical contractor shall carry on his business as an electrical contractor only at and from each business address registered with the Director under the regulations.

(10) Where a registered electrical contractor ceases to carry on business or where any of the following particulars change after the registration of an electrical contractor, the contractor shall notify the Director within 2 weeks afterward-

(a) the persons who are authorized to make an endorsement referred to in subsection (11);

(b) a business address;

(c) the name under which the electrical contractor does business;

(d) the partners in the case of a contractor registered as a partnership; and

(e) any other particulars as may be prescribed.

(11) Where this Ordinance requires or authorizes a registered electrical worker to make a report or to certify something, the registered electrical contractor for whom the electrical work is done, or the owner in a case where section 35(3) applies, shall endorse the report or certificate.

(12) Where the registered electrical contractor under subsection (11) is the same person as the registered electrical worker who made the report or certified something, he shall nevertheless endorse the report or certificate in his capacity as the contractor.

(Enacted 1990)

Section:	35	Registered electrical contractor required		30/06/1997
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(1) No person shall employ a person other than a registered electrical contractor to carry out electrical work.

(2) Notwithstanding subsection (1), a registered electrical contractor may employ a registered electrical worker to do electrical work and may employ a person to do electrical work in the circumstances specified under section 32.

(3) Notwithstanding subsection (1), an owner of an electrical installation may employ a registered electrical worker of the appropriate grade on a full time basis at a regular wage or salary to do electrical work on that installation.

(Enacted 1990)

Part:	VIII	DISCIPLINE OF ELECTRICAL WORKERS AND CONTRACTORS		30/06/1997
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Section:	36	Director may discipline or refer to disciplinary tribunal	L.N. 130 of 2007	01/07/2007
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Remarks:

For the saving and transitional provisions relating to the amendments made by the Resolution of the Legislative Council (L.N. 130 of 2007), see paragraph (12) of that Resolution.

- (1) Where the Director considers that there is evidence that a registered electrical worker or a registered electrical contractor has failed to comply with this Ordinance-
 - (a) he may refer the matter to the Secretary for the Environment for hearing by a disciplinary tribunal; or (Amended L.N. 106 of 2002; L.N. 130 of 2007)
 - (b) in accordance with section 37, he may do either or both of the following-
 - (i) reprimand the worker or contractor;
 - (ii) fine a worker up to \$1000 and a contractor up to \$10000.
- (2) In accordance with section 37, the Director may cancel a registration if he considers that-
 - (a) the registrant obtained registration by fraud or on the basis of misleading or inaccurate information;
 - (b) the registration was made in error; or
 - (c) the registrant is no longer qualified under this Ordinance to be registered.
- (3) Where a registrant without reasonable excuse fails to pay a fine imposed on him under subsection (1) or section 41 on or before the time stipulated for payment, the Director may, in accordance with section 37, suspend his registration until the fine is paid.
- (4) A fine imposed under this section is recoverable as a civil debt.

(Enacted 1990)

Section:	37	Discipline procedure		30/06/1997
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(1) Where the Director considers that there are grounds for taking action under section 36(1)(b), (2) or (3) he shall notify the registrant specifying the grounds and advising the registrant that he is entitled to a hearing or to submit a written representation and that if he intends to request a hearing or submit a representation he must do so within 4 weeks after the date of the Director's notice.

(2) Where the Director, in his notice under subsection (1) in respect of a proposed action under section 36(1)(b), states that the alleged failure, if proved or admitted, will not attract a penalty greater than that set out in the notice, the Director shall not impose a greater penalty.

(3) Where the Director does not, within 4 weeks after the date of the notice sent under subsection (1), receive from the registrant a request for a hearing, he may, after considering any written representation from the registrant, impose the appropriate penalty under section 36.

(4) Where the Director, within 4 weeks after the date of the notice sent under subsection (1), receives a request for a hearing, he shall afford the registrant a reasonable opportunity to be heard.

(5) After the hearing or, where the registrant fails without reasonable excuse to attend at the time set by the Director for the hearing, the Director may exonerate the registrant or impose the appropriate penalty under section 36.

(6) The Director shall notify the registrant of his decision and the reasons for it.

(Enacted 1990)

Section:	38	Disciplinary tribunal panel	L.N. 130 of 2007	01/07/2007
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Remarks:

For the saving and transitional provisions relating to the amendments made by the Resolution of the Legislative Council (L.N. 130 of 2007), see paragraph (12) of that Resolution.

- (1) The Secretary for the Environment shall appoint members to a disciplinary tribunal panel based on the following numbers and categories- (Amended L.N. 106 of 2002; L.N. 130 of 2007)

- (a) not more than 5 persons who are corporate members of the Hong Kong Institution of Engineers;
- (b) not more than 5 persons from tertiary educational institutions;
- (c) not more than 5 persons from organizations that he considers represent the interests of registered electrical contractors;
- (d) not more than 5 persons from organizations that he considers represent the interests of registered electrical workers; and
- (e) not more than 5 persons from organizations that he considers are representative of or promote the interests of owners of commercial, industrial or domestic electrical installations.

(2) A public officer is not eligible for appointment to the disciplinary tribunal panel.

(3) A member shall be appointed for a term of 3 years and may be reappointed at the end of a term.

(Enacted 1990)

Section:	39	Disciplinary tribunal	L.N. 130 of 2007	01/07/2007
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Remarks:

For the saving and transitional provisions relating to the amendments made by the Resolution of the Legislative Council (L.N. 130 of 2007), see paragraph (12) of that Resolution.

- (1) Within 21 days after receipt of notice of a matter from the Director under section 36(1), the Secretary for the Environment shall appoint a disciplinary tribunal to hear the matter and the tribunal shall consist of one member from each category of the disciplinary tribunal panel. (Amended L.N. 106 of 2002)
- (2) The members shall elect a chairman from among themselves.
- (3) Each member shall be remunerated out of money provided by the Legislative Council for the purpose at a rate that the Secretary for the Environment may determine. (Amended L.N. 125 of 2004)

(Enacted 1990. Amended L.N. 130 of 2007)

Section:	40	Proceedings before the disciplinary tribunal		30/06/1997
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- (1) The chairman shall notify the registrant of the time and place of its hearing into the matter.
- (2) The registrant and the Director may be represented by an agent or legal representative at a proceeding before the disciplinary tribunal.
- (3) A legal adviser may be present at proceedings of the disciplinary tribunal to advise the chairman on any matter.

(Enacted 1990)

Section:	41	Disciplinary tribunal powers		30/06/1997
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- (1) The disciplinary tribunal may, by notice under the signature of the chairman-
 - (a) order a person to attend before the tribunal and give evidence;
 - (b) order a person to produce documents; and
 - (c) authorize a person to inspect an electrical installation.
- (2) After concluding its hearing, the disciplinary tribunal may exonerate the registered electrical worker or contractor or may do one or more of the following-
 - (a) reprimand the worker or contractor;
 - (b) fine a worker up to \$10000 and a contractor up to \$100000;
 - (c) suspend or cancel the registration of the worker or contractor;
 - (d) suspend the worker's or contractor's right to apply for registration or renewal of registration for a specified period of time.
- (3) The disciplinary tribunal may make any order it thinks fit with regard to the payment of costs of the proceedings under this section and the costs of the Director or of the registered electrical worker or contractor.
- (4) The disciplinary tribunal shall notify the registered electrical worker or registered electrical contractor of its decision and the reasons for it.
- (5) Where no notice of appeal has been delivered to the Director within the time required under section 43(2), the decision of the disciplinary tribunal takes effect at the expiration of that time.
- (6) Where a notice of appeal has been delivered to the Director within the time required under section 43(2),

but the appellant abandons his appeal before the commencement of the hearing before the appeal board, the decision of the disciplinary tribunal takes effect on the day after the Director receives notice of the abandonment.

(7) A fine imposed under this section and costs awarded or imposed under this section are recoverable as a civil debt.

(Enacted 1990)

Part:	IX	APPEALS		30/06/1997
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Section:	42	Appeal to Director		30/06/1997
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Expanded Cross Reference:

13,14,15,16,17,18

(1) A person who is aggrieved by a decision or action of an electricity supplier under sections 13 to 18 may appeal to the Director.

(2) Within 2 weeks after receiving a notice or reason from an electricity supplier under a section referred to in subsection (1), the appellant shall deliver to the Director a notice of appeal stating the substance of the matter and reasons for the appeal.

(3) Unless the Director decides otherwise, an appeal under this section in relation to a decision or action under section 13, 17 or 18 does not suspend the supplier's decision or action.

(4) The Director may by notice to any person require that person to attend before him and provide documents and give evidence relevant to an appeal under this section.

(5) The Director may-

- (a) confirm the electricity supplier's decision or action;
- (b) make any decision that the electricity supplier could have made; or
- (c) order the electricity supplier to connect or reconnect the electricity supply to an electrical installation.

(6) The Director shall notify the appellant and the supplier of his decision and the reasons for it.

(Enacted 1990)

Section:	43	Appeal to appeal board		L.N. 130 of 2007	01/07/2007
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Remarks:

For the saving and transitional provisions relating to the amendments made by the Resolution of the Legislative Council (L.N. 130 of 2007), see paragraph (12) of that Resolution.

(1) A person who is aggrieved by a decision or action of the Director or a decision of a disciplinary tribunal under this Ordinance may appeal to the appeal board appointed under section 45.

(2) Within 4 weeks after the decision or action of the Director or the decision of the disciplinary tribunal, the appellant shall deliver to the Director a notice of appeal stating the substance of the matter and reasons for the appeal.

(3) After receiving the notice of appeal the Director shall forward it to the Secretary for the Environment. (Amended L.N. 106 of 2002; L.N. 130 of 2007)

(4) An appeal under this section against a decision of the Director does not suspend the Director's decision unless he decides otherwise.

(Enacted 1990)

Section:	44	Appeal board panel		L.N. 130 of 2007	01/07/2007
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Remarks:

For the saving and transitional provisions relating to the amendments made by the Resolution of the Legislative Council (L.N. 130 of 2007), see paragraph (12) of that Resolution.

(1) The Secretary for the Environment shall appoint members to an appeal board panel based on the following numbers and categories- (Amended L.N. 106 of 2002; L.N. 130 of 2007)

- (a) not more than 5 persons whose names are currently entered in the register of registered professional engineers established and maintained under the Engineers Registration Ordinance (Cap 409) under the electrical discipline; (Replaced 12 of 1997 s. 7)
- (b) not more than 5 persons from tertiary educational institutions;
- (c) not more than 5 persons from the electricity supply industry;
- (d) not more than 5 persons from organizations that he considers represent the interests of registered electrical contractors;
- (e) not more than 5 persons from organizations that he considers represent the interests of registered electrical workers;
- (f) not more than 5 persons from organizations that he considers represent the interests of persons who manufacture, trade in or certify electrical products; and
- (g) not more than 5 persons from organizations that he considers are representative of or promote the interests of owners of commercial, industrial or domestic electrical installations or owners of electrical products.

(2) A public officer is not eligible for appointment to the appeal board panel.

(3) A member shall be appointed for a term of 3 years and may be reappointed at the end of a term.

(Enacted 1990)

Section:	45	Appeal board	L.N. 130 of 2007	01/07/2007
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Remarks:

For the saving and transitional provisions relating to the amendments made by the Resolution of the Legislative Council (L.N. 130 of 2007), see paragraph (12) of that Resolution.

- (1) Within 21 days after receipt of a notice of appeal from the Director under section 43(3), the Secretary for the Environment shall appoint an appeal board to hear the appeal and the board shall consist of a public officer and one member from each category of the appeal board panel. (Amended L.N. 106 of 2002)
- (2) In respect of an appeal from a decision of a disciplinary tribunal, the Secretary for the Environment shall not appoint to the appeal board a person who was on the disciplinary tribunal whose decision is being appealed. (Amended L.N. 106 of 2002)
- (3) The members shall elect a chairman from among themselves.
- (4) The quorum of an appeal board is 6 members.
- (5) Each member other than the public officer shall be remunerated out of money provided by the Legislative Council for the purpose at a rate that the Secretary for the Environment may determine. (Amended L.N. 125 of 2004)

(Enacted 1990. Amended L.N. 130 of 2007)

Section:	46	Proceedings before the appeal board		30/06/1997
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- (1) The chairman shall notify the appellant of the time and place of its hearing of the appeal.
- (2) The appellant and the Director may be represented by an agent or legal representative at a proceeding before the appeal board.
- (3) The appellant and the Director may adduce evidence at an appeal from a decision of the Director.
- (4) The appellant and the Director may appear and make representations at an appeal from a decision of the disciplinary tribunal but they shall not adduce evidence unless the appeal board consents.
- (5) A legal adviser may be present at proceedings of an appeal board to advise the chairman on any matter.

(Enacted 1990)

Section:	47	Appeal board powers	L.N. 223 of 1998	29/05/1998
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- (1) The appeal board may, by notice under the signature of the chairman-
 - (a) order a person to attend before the board and give evidence;
 - (b) order a person to produce documents;
 - (c) authorize a person to inspect an electrical installation; or
 - (d) authorize a person to inspect an electrical product and for that purpose authorize entry to premises, other than domestic premises, where an electrical product is exhibited or kept for the purpose of sale or

hire.

(2) The appeal board may-

- (a) confirm or revoke the decision or action of the Director or decision of the disciplinary tribunal;
- (b) make any decision that the Director or disciplinary tribunal could have made;
- (c) order the Director to take any action within his powers, including an order to return an electrical product seized under section 25(2); or (Amended 12 of 1997 s. 8)
- (d) in an appeal from a decision of the Director to impose a fine or reprimand under section 36(1), do anything that the disciplinary tribunal may do under section 41 (2).

(3) The appeal board may make any order it thinks fit with regard to the payment of costs of the proceedings under this section and the costs of the Director or of any person in respect of whom the proceedings are brought.

(4) The appeal board shall notify the appellant and the Director of its decision and the reasons for it.

(5) A fine imposed under this section and costs awarded or imposed under this section are recoverable as a civil debt.

(Enacted 1990)

Part:	X	MISCELLANEOUS PROVISIONS	30/06/1997
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Section:	48	Authorized officers	30/06/1997
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The Director may authorize in writing any public officer to exercise any powers and perform any duties conferred or imposed on the Director by this Ordinance.

(Enacted 1990)

Section:	49	Powers of entry	30/06/1997
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(1) The Director may at a reasonable time enter premises to inspect an electrical installation but an owner of an electrical installation is not obliged to allow the Director to inspect his installation unless the Director has given him at least 2 weeks notification of the proposed time of the inspection and includes in the notice the reason for the inspection.

(2) In order to investigate an electrical accident, the Director may enter premises to inspect an electrical installation.

(3) For the purposes of effecting entry in pursuance of the powers under subsection (2) and sections 4(1), 5(2), 16(1) and (4), 41(1)(c) and 47(1)(c) and (d) the Director, an electricity supplier or a person authorized by a disciplinary tribunal or by an appeal board may without notice or further notice enter premises.

(4) For the purposes of effecting entry in pursuance of the powers under sections 6, 17(1) and 18(1) the Director or an electricity supplier may without notice enter premises using such force as is necessary in the circumstances.

(5) If a magistrate is satisfied that it is necessary or desirable for the purposes of carrying out powers and duties under this Ordinance, he may issue a warrant authorizing a person to enter premises to inspect an electrical installation or product or to obtain information or documents.

(6) A warrant under subsection (5) continues in force until the earlier of the purpose for which it was issued is satisfied or 6 months after its date of issue.

(7) The Director, an employee or agent of an electricity supplier or a person authorized by a disciplinary tribunal or an appeal board, in entering premises under this Ordinance, may take with him any other person necessary to assist him in carrying out his powers and duties under this Ordinance.

(Enacted 1990)

Section:	50	Powers of inspection	30/06/1997
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For the purpose of conducting an inspection under this Ordinance, the Director, a supplier or a person authorized by a disciplinary tribunal or an appeal board may test, disconnect and reconnect all or part of an electrical installation.

(Enacted 1990)

Section:	51	Notices	30/06/1997
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(1) Where a notice, reason, report or request is authorized or required under section 3, 4(1), 5(1) or (3), 6(2), 8(1), 10(2), 11, 13(3), 14(2) or (3), 15(1), 16(2) or (4), 17(2), 18(2), 19(3), 23(1), (2) or (5), 25(2), 27, 28, 33(2) and (3), 34(7) and (10), 37(1), (3) or (6), 40(1), 41(4), 42(4) or (6), 43(2), 46(1), 47(4) or 49(1) the person required or authorized to give the notice, reason, report, or request shall do so in writing.

(2) A notice or other document of the Director or an electricity supplier shall be in Chinese and English but a notice or other document between the Director and an electricity supplier may be in either language.

(Enacted 1990)

Section:	52	Service	30/06/1997
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A notice or other document referred to in this Ordinance may be served in person or sent by post to the recipient's premises or deposited in his post box or receptacle.

(Enacted 1990)

Section:	53	Publication of decision	30/06/1997
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Where the Director, a disciplinary tribunal or an appeal board disciplines a registrant, the Director shall publish in the Gazette the name of the registrant, the penalty and the reasons for the disciplinary action.

(Enacted 1990)

Section:	54	Return of certificate	30/06/1997
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A person whose registration is suspended or cancelled shall return his registration certificate and all issued copies to the Director within 1 week after the date shown on the notification of suspension or cancellation.

(Enacted 1990)

Section:	55	Minor offences	30/06/1997
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(1) A person who contravenes section 7, 10, 11(1), 13, 16(2), (3) or (4), 17(2), 18(2), 19(3), 21(1), (3) or (4), 22, 29(1)(b) or 54 commits an offence.

(2) An owner of an electrical installation who fails to comply with a requirement of the Director under section 3(1) commits an offence.

(3) An electricity supplier who fails to notify an owner under section 5(3) commits an offence.

(4) An electricity supplier who fails to comply with an order of the Director under section 42(5)(c) commits an offence.

(5) A person who puts a fuse in a fixed electrical installation where the fuse is of a higher rating than the circuit is designed for commits an offence.

(6) A person who commits an offence under this section is liable to a fine of \$10000.

(Enacted 1990)

Section:	56	Major offences	L.N. 223 of 1998	29/05/1998
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(1) A person who contravenes section 8(1), 12(1), 19(1) or (2), 20(1) or (3), 29(2), 31(1) or (2), 34(1), (2), (3), (4), (5), (6) or (7) or 35(1) commits an offence. (Amended 12 of 1997 s. 9)

(2) A person who, without authorization from the supplier, the Director or the appeal board reconnects or causes or knowingly allows the reconnection of an electrical installation disconnected under section 16(1), 17(1) or 18(1) commits an offence.

(3) A person who connects or causes or knowingly allows a person to connect an electrical installation to another person's electrical installation without his consent, commits an offence.

(4) A person who intentionally interferes with an electricity supplier's electrical installation without the supplier's consent, commits an offence.

(5) An owner who fails to comply with a condition of an exemption made under section 9 commits an offence.

(6) An electricity supplier who fails to comply with a notice of the Director under section 11(2) commits an offence.

(7) A person who without reasonable excuse-

- (a) fails to attend when required; or
- (b) refuses to give or withholds evidence or documents required,

under section 28, 41(1)(a) or (b), 42(4) or 47(1)(a) or (b) commits an offence.

(8) Where a corporation commits an offence under this Ordinance, each director and officer of the corporation is guilty of the offence unless he proves that the offence was committed without his consent or connivance and that he exercised all such due diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and to all the circumstances.

(9) A person who commits an offence under this section is liable to a fine of \$50000 on a first conviction and a fine of \$100000 on a subsequent conviction for the same offence and in either case is liable to imprisonment for 6 months.

(Enacted 1990)

Section:	56A	Penalty for supplying a prohibited product	L.N. 223 of 1998	29/05/1998
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A person who contravenes section 29(1)(a) commits an offence and is liable-

- (a) on first conviction, to a fine at level 6 and to imprisonment for 1 year; and
- (b) on subsequent conviction, to a fine of \$500000 and to imprisonment for 2 years.

(Added 12 of 1997 s. 10)

Section:	56B	Defence of due diligence	L.N. 223 of 1998	29/05/1998
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(1) It is a defence in a proceeding against a person for an offence under section 56A or section 55(1) regarding a contravention of section 29(1)(b) if the person charged shows that he took all reasonable steps and exercised all due diligence to avoid committing the offence.

(2) Where in any proceedings the defence under subsection (1) involves an allegation that the commission of the offence was due-

- (a) to the act or default of another person; or
- (b) to reliance on information given by another,

the person charged is not, without the leave of the court, entitled to rely on the defence unless, not less than 7 clear working days before the hearing of the proceedings, he has served a notice on the person bringing the proceedings giving such information identifying or assisting in the identification of the person who committed the act or default or gave the information that was in the possession of the person serving the notice at the time he served it.

(3) A person is not entitled to rely on the defence under subsection (1) by reason of his reliance on information given by another person, unless he shows that it was reasonable in all the circumstances for him to have relied on the information, having regard in particular-

- (a) to the steps which he took, and those which might reasonably have been taken, for the purpose of verifying the information; and
- (b) to whether he had any reason to disbelieve the information.

(Added 12 of 1997 s. 10)

Section:	57	Limitation period		30/06/1997
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A prosecution under this Ordinance shall be commenced within 6 months after the offence becomes known to the Director.

(Enacted 1990)

Section:	58	Evidence by certificate		30/06/1997
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A document purporting to be signed or issued by or on behalf of the Director under this Ordinance is admissible in evidence without proof of the signature or that it was issued by or on behalf of the Director and is, in the absence of contrary evidence, proof of the facts stated in it.

Section:	59	Regulations	L.N. 130 of 2007	01/07/2007
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Remarks:

For the saving and transitional provisions relating to the amendments made by the Resolution of the Legislative Council (L.N. 130 of 2007), see paragraph (12) of that Resolution.

(1) The Chief Executive in Council may make regulations for the general purposes of this Ordinance including regulations for all or any of the following matters- (Amended 61 of 2000 s. 3)

- (a) the procedures, qualifications and requirements for registration and renewal of registration of electrical workers, electrical contractors and generating facilities;
- (b) the grading of electrical work for registration of electrical workers;
- (c) additional or alternative qualifications for registration of electrical workers for each grade or type of electrical work as may be specified, considered equivalent, set or approved by the Director;
- (d) regulating the voltage and frequency of alternating current supply and their limits of variation as supplied to the main incoming terminals of an owner's electrical installation;
- (e) requiring, in specified circumstances, fixed electrical installations to be tested and certified before being energized;
- (f) requiring specified types of fixed electrical installations in specified types of premises or fixed electrical installations used for specified purposes to be periodically tested and certified and authorizing the Director to require particular premises specified by him by notice in the Gazette to have their fixed electrical installations periodically tested and certified;
- (g) requirements for the design, construction, installation, wiring and protection of fixed electrical installations;
- (h) regulating an electricity supplier's installation and maintenance of its electric overhead lines and supports, cables, transformers, switchgear, control gear and other prescribed electrical equipment;
- (i) the methods by which an electricity supplier shall maintain a safe and efficient supply of electricity;
- (ia) measures designed to ensure that activities performed in the vicinity of electricity supply lines are performed in a manner that minimizes causing an electrical accident or interruption to the supply of electricity; (Added 69 of 1999 s. 4)
- (j) specifying additional circumstances in which or the type of fixed electrical installations in respect of which the Director may make an exemption order under section 9;
- (k) safety requirements for different classes of electrical products;
- (l) limiting the application of the regulations to specified classes of electrical products;
- (m) certification of safety compliance of electrical products;
- (n) requiring all or specified classes of electrical product sellers or seller's agents to notify purchasers about hazardous defects in the product and requiring those sellers or seller's agents to accept a return of the product and refund the purchase price of the product;
- (o) adoption by reference into the regulations of codes or standards as they may be amended from time to time relating to electrical installations or electrical products; and
- (p) the procedures to be followed with respect to proceedings of the disciplinary tribunal and the appeal board.

(2) The Chief Executive in Council may make regulations under subsection (1)(d) to (i) for an area of Hong Kong that the Director of Housing may, by notice in the Gazette, designate as a special area for the purpose of this subsection. (Amended 61 of 2000 s. 3)

(3) Where a code or standard is adopted by reference under subsection (1)(o) the Director shall publish a notice in the Gazette specifying where copies of the code or standard can be obtained.

(4) Subject to subsections (5) and (8), regulations under this section may provide for a penalty not exceeding those set out in section 56(9) for a contravention of a regulation. (Amended 12 of 1997 s. 11; 69 of 1999 s. 4)

(5) Where a penalty is imposed for a contravention of the Electrical Products (Safety) Regulation (Cap 406 sub. leg. G), the penalty may not exceed those set out in section 56A. (Added 12 of 1997 s. 11)

(6) Subject to subsection (7), the Secretary for the Environment may by order in the Gazette amend any provision contained in Schedules to regulations made under this Ordinance. (Added 12 of 1997 s. 11. Amended L.N. 106 of 2002; L.N. 130 of 2007)

(7) The power to amend provisions contained in Schedules to regulations made under this Ordinance shall not include a power to impose a fee or charge nor a power to increase or decrease or otherwise vary or repeal any fee or charge specified or referred to in any provision contained in those Schedules. (Added 12 of 1997 s. 11)

(8) Regulations made for the purposes of subsection (1)(ia) shall be subject to the approval of the Legislative Council and-

- (a) may provide for the approval by the Director of a person as competent to ascertain the position of electricity supply lines which are not above ground or readily visible;
- (b) may empower the Director to direct a person to remedy a contravention of such a regulation, and may provide for measures designed to enforce such a direction or otherwise to give effect to it or to prevent a continuation or repetition of the contravention;
- (c) may vary, modify or limit Part IX ("APPEALS") in its application to a decision or action of the Director made or performed under those regulations and, in particular, may shorten the period within which an appeal against such a decision or action may be brought or may provide that an appeal board appointed for the purpose of hearing such an appeal shall be of a composition different to that otherwise provided for under Part IX;
- (d) may confer on the Director the power to enter and inspect any place or premises for the purpose of giving effect to the object specified in that subsection;
- (e) may provide for the establishment by the Director of codes of practice for the purpose of providing practical guidance in respect of any of the requirements under such a regulation, and for the use of such codes in criminal proceedings;
- (f) if a contravention of such a Regulation is declared to constitute an offence, may in respect of such contravention specify a penalty of a fine not exceeding \$200000 or a term of imprisonment not exceeding 12 months or both such fine and imprisonment and, in the case of a continuing offence, a daily penalty not exceeding \$10000. (Added 69 of 1999 s. 4)

(Enacted 1990)

Section:	60	(Omitted)		30/06/1997
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(Omitted)

(Enacted 1990)

Section:	61	(Omitted)		30/06/1997
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(Omitted)

(Enacted 1990)

Section:	62	(Omitted)		30/06/1997
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(Omitted)

(Enacted 1990)

Section:	63	(Repealed 23 of 2002 s. 126)	23 of 2002	19/07/2002
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