

建造業議會（“議會”）就申請豁免提供電子讀證裝置的審批指引

The Construction Industry Council’s (“the Board”) Guidelines for Assessment of Application for Exemption from Providing Card Reading Device

1. 若工程合約/施工通知下所進行的工程不屬於《建造業工人註冊條例》（第583章）（“條例”）下所指的「建造工作」或進行該工程的地方不屬於條例下所指的「建造工地」，條例的要求包括於工地提供讀證裝置，將不適用於該合約/施工通知，因此毋須提出豁免申請。

If the work to be carried out under a contract/works order does not fall within the definition of “construction work” or the place where the work to be carried out falls outside the definition of “construction site” under the Construction Workers Registration Ordinance (Cap. 583) (the “CWRO”), the requirements of the CWRO including the provision of card reading devices are not applicable to the contract/works order concerned. Accordingly, application for exemption is not necessary.

2. 若所進行的保養工作屬條例釋義下“建造工作”(a)(vi)¹所指根據固定期保養合約進行的保養工作，條例已列明不用提供讀證裝置，毋須申請豁免。但若該固定期保養合約下的個別施工通知(Works Order)涉及條例釋義下“建造工作”(a)(i)至(v)²段所指的建造工作，承建商仍須於有關工地提供讀證裝置或就該施工通知提交豁免申請。

If the maintenance work to be carried out falls within paragraph (a)(vi)¹ of the definition of “construction work” under the CWRO, it is stated in the CWRO that provision of card reading device is not required. However, if the work to be carried out under a specific works order of the maintenance term contract falls within paragraph (a)(i) to (v)² of the definition of “construction work”, the principal contractor is still required to provide card reading device on the site(s) concerned or to apply for exemption for the works order(s) concerned.

- 1 指對公共機構或指明機構所擁有的(或以其他方式屬於該機構的)任何指明構築物進行的任何保養工作(根據固定期保養合約而進行者)。

means any maintenance work, carried out under a term contract for maintenance, of any specified structure owned by, or otherwise belonging to, a public body or a specified body.

- 2 指—

- (i) 任何指明構築物的建造、建立、裝設或重建；
- (ii) 對任何指明構築物進行增建、翻新、改建、修葺、拆除或拆卸工程，而該工程是涉及該指明構築物或任何其他指明構築物的結構的；
- (iii) 為預備進行第(i)或(ii)節所提述的任何作業而涉及的任何建築作業，包括鋪築地基、鋪築地基之前的泥土及沙石挖掘、清理工地、工地勘測、工地修復、推土、開掘隧道、沖孔、搭建棚架及闢設進出通道；
- (iv) 構成第(i)或(ii)節所提述的任何作業的整體一部分或使該項作業完整的任何建築作業或建築物裝備工程；或
- (v) 涉及任何指明構築物的結構的任何建築物裝備工程。

2 means

- (i) the construction, erection, installation or reconstruction of any specified structure;
- (ii) the addition, renewal, alteration, repair, dismantling or demolition of any specified structure that involves the structure of the specified structure or any other specified structure;
- (iii) any building operation involved in preparing for any operation referred to in subparagraph (i) or (ii), including laying of foundations, excavation of earth and rock prior to laying of foundations, site clearance, site investigation, site restoration, earthmoving, tunneling, boring, scaffolding and provision of access;
- (iv) any building operation, or building services work, forming an integral part of, or rendering complete, any operation referred to in subparagraph (i) or (ii); or
- (v) any building services work that involves the structure of any specified structure.

3. 其工程合約或施工通知的建造工作總值(按提出申請時的總值為準)，以不多於港幣一百萬元，議會通常會給予豁免。總承建商可透過提交指定申報書，向議會作出申報以獲得豁免。

If the value of construction works of the contracts/works orders based on the value of construction work at the time of application does not exceed HK\$ 1 million, the Council will normally grant exemption. The principal contractors may obtain exemption by completing and submitting a specified declaration form to the Council.

4. 就建造工作價值而言，於禁止條文實施生效日（即 2007 年 9 月 1 日）或之後展開的工程合約或施工通知，工程合約或施工通知下建造工作的總值將會被考慮。於禁止條文實施生效日前已展開並於生效日後繼續施工的工程合約或施工通知，議會通常只考慮餘下工程的建造工作的價值。

When considering the value of construction work, for the construction work that started on or after the first phase of the Prohibition has come into effect (i.e. 1 September 2007), the value of all construction work carried out or to be carried out under the contract/works order will be taken into account. For construction work that has started before 1 September 2007 and still continues after that date, the Council will normally consider only the value of the outstanding part of the construction work on 1 September 2007, i.e. excluding the value of the work completed before that date.

5. 鑑於總承建商可因應建造工地的實體狀況和位置選用掌上型電腦的讀證裝置，故建造工地的實體狀況和位置本身應不構成不能提供讀證裝置的充分理由。在這樣的情況，提供讀證裝置的要求可按以下方式作彈性處理：

The principal contractor may choose using a mobile PDA card reading device due to the constraints of the physical condition and location of the construction site. As such, the physical condition and location of a construction site by itself may not constitute good reason for being unable to provide a card reading device on site. In such circumstances, the requirement of providing a card reading device may be satisfied in an alternative manner:

5.1 就固定期合約而言，若個別施工通知（Works Order）的價值多於港幣一百萬

元，總承建商須在該施工通知下所設的工地辦事處提供電子讀證裝置；若該施工通知並未設有工地辦事處，則總承建商須在固定期合約下的總工地辦事處提供電子讀證裝置，並須採取合理步驟及作出應盡的努力以確保該系統於有關施工通知下的建造工地能有效地運作；

Under a term contract, if the value of construction work under a works order is more than HK\$ 1million, the principal contractor is required to provide a card reading device on the site office established for the works order concerned. If there is no such site office, the principal contractor should provide a card reading device at the main site office established under the term contract, and take reasonable steps and exercise due diligence to ensure that such device is operated effectively on the construction sites under the works order concerned ;

- 5.2 若同一工程合約/施工通知涉及多於一個建造工地進行建造工作，總承建商只需要於固定的工地辦事處(permanent site office)提供電子讀證裝置，並須採取合理步驟及作出應盡的努力以確保該裝置於工程合約/施工通知的其他建造工地能有效地運作。若施工通知並沒設有工地辦事處，總承建商須按 5.1 處理。

Under a contract/works order, if multiple construction sites are involved, the principal contractor is required to provide a card reading device at the permanent site office only, and to take reasonable steps and exercise due diligence to ensure that such device is operated effectively on all the relevant construction sites under the contract/works order concerned. If there is no such site office under a works order, the principal contractor should act in accordance with paragraph 5.1.

6. 根據條例第 58(3)(b)條，豁免申請須在任何建造工作在有關建造工地上展開後的 7 日內提出，或在議會於任何個案中容許的較長限期內提出。考慮到郵遞的時間，議會通常於收到申請的十四天後審批及處理。

According to Section 58(3)(b) of the CWRO, an application for exemption shall be made within 7 days after any construction work begins on the site, or within such further time as the Council may allow in any case. Taking into account the mailing time, the Council will normally consider and/or process an application in 14 days after receiving it.

7. 若申請書所提供的資料不齊全，議會可基於沒有提供申請所須資料而拒絕處理。The Council may refuse to process and consider an incomplete application form.

8. 本審批指引不會影響議會根據條例行使其酌情權。

Nothing contained herein shall affect the exercise of discretion by the Council under the CWRO.