



CONSTRUCTION INDUSTRY COUNCIL NEWSLETTER 建造業議會通訊

Issue No. 7
第七期 07/2011



CONSTRUCTION
INDUSTRY COUNCIL
建造業議會

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The Construction Industry Council was formally formed on 1 February 2007 in accordance with the Construction Industry Council Ordinance (Cap. 587). It has a Chairman and 24 Members representing various sectors of the industry including employers, professionals, academics, contractors, workers, independent persons and Government officials. All of them are appointed by the Secretary for Development in accordance with Section 9 of the Construction Industry Council Ordinance.

建造業議會根據《建造業議會條例》(第587章)於2007年2月1日正式成立。議會包括主席及24名成員，來自代表業內各界別的人士，包括聘用人、專業人士、學者、承建商、工人、獨立人士和政府官員。議會主席及成員均由發展局局長按《建造業議會條例》第9條委任。

ENQUIRY 查詢

Should you have any queries, please contact the CIC Secretariat:

如有任何查詢，請聯絡建造業議會秘書處：

Tel 電話 : (852) 2100 9000
Fax 傳真 : (852) 2100 9090
Email 電郵 : enquiry@hkcic.org
for general enquiry 一般查詢

newsletter@hkcic.org
for newsletter 有關議會通訊

Website 網址 : www.hkcic.org

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Safety of construction personnel is of paramount importance to the construction industry. The Construction Industry Council (CIC) is dedicated in working closely with the construction industry to identify potential safety hazards in construction sites, to recommend measures for improving site safety and to foster a safety culture among Stakeholders who are involved within the industry.

To facilitate early resolution of construction site injury claims, CIC established a Task Force on the application of mediation towards construction injuries disputes under the Committee on Construction Site Safety to review the applicability of using mediation (a form of alternative dispute resolution method) for resolving such claims. As a result, the Guidelines on Handling Construction Work Injury and Fatal Accident Cases were published in July 2011 to provide guidance to those who are not familiar with the process of injury compensation as well as to facilitate employees and employers to understand their rights and obligations in relation to work injury and fatal accident matters.

In the same month, the CIC issued the Technical Guidelines on the Design, Installation & Maintenance of Cast-in Anchors at External Walls of New Buildings. The Guidelines cover

important information regarding the location, design, installation and maintenance of cast-in anchors at external walls of new buildings. We hope that the Guidelines will help reduce the number of fall-related injuries relating to Repairs, Maintenance, Alterations and Additions (RMAA) works and to further improve the safety of those who have to work in this area.

The Guidelines on Safety of Tower Cranes was re-issued in 2010 as a result of feedback from the industry. A Technical Seminar on the subject was successfully held in July 2011. The purpose of the Seminar was to promulgate the adoption of the Guidelines in site practices with the ultimate aim of improving the safety of tower crane operations in construction sites.

The CIC is proactively addressing the concerns pertaining to recent increases in fatal accidents, in this connection, a new Working Group on Site Safety Incidents was formed in August 2011 to address such matters. To supplement, "Safety Alerts" will be issued from time to time to further promote good practices in the workplace and to provide quick references for frontline construction personnel to refer to when carrying out day to day operations.

Ensuring safety at construction sites requires continues collaboration and commitment from all relevant stakeholders in the construction industry. With the concerted efforts from industry stakeholders, CIC will continue to strive for enhancement and promotion of site safety in the construction industry of Hong Kong for the benefit of all concerned.

Mr. Christopher TO
Executive Director, CIC

建造行業施工人員的安全至為重要，是以建造業議會（議會）一直致力與業界緊密合作，察悉建築地盤的潛在安全隱患，提出改善工地安全措施的建議，以促進工地安全及向業界推廣安全文化。

為盡早處理建造地盤工傷索償，議會轄下的工地安全委員會成立了一個有關以調解方式來處理建造工程的工傷賠償糾紛的專責小組，負責檢討以調解方式（另類爭議解決方式）來解決索償糾紛是否可行。就此，議會於2011年7月發表了《建造工傷及致命意外個案處理指引》，為不熟悉有關工傷事故索償程序的人士、工人和僱主提供全面的參考，令其對相關之權利和義務有更深入的了解。

同月，議會發表了《新樓宇外牆上設計、安裝及維修澆注錨固裝置技術指引》。指引詳述有關澆注錨固裝置的各種重要資訊，包括位置、設計、安裝及保養等技術資料。我們期望指引能有助減少有關維修，保養，改建和加建（RMAA）工程中的高空下墮意外及傷亡，並進一步保障工人的安全。

議會採納業界反饋意見後，於2010年發表了《塔式起重機安全指引（第二版）》，更於2011年7月就此專題成功舉辦了技術研討會。研討會的目的是簡介指引，以及分享在工地實際應用指引的經驗，從而改善塔式起重機操作安全。

議會亦積極關注近來工地致命事故上升的情況，並於2011年8月成立了一個新的「工地安全事故專責小組」，以適當處理這些問題。另一方面，「安全警示」將會隨時發出，以提倡良好的作業方式，並可為前線建造工人於日常操作時提供快捷便利的參考。

保障建築地盤的安全有賴各業界持份者的承諾，以及恆久的支持和合作。議會會繼續與業界人士攜手合作，為改善香港建造業的工地安全努力，為業界謀福祉。

陶榮先生
建造業議會執行總監

CIC NEWS 議會最新動向

GUIDELINES PUBLISHED BY THE CIC

In order to provide necessary guidance and examine the latest concerns of the industry, the Construction Industry Council (CIC) released three publications in May and July 2011 respectively. They are the "Guidelines on Trip Ticket System for Disposal of Construction & Demolition Materials in Private Sector Works", "Technical Guidelines on the Design, Installation & Maintenance of Cast-in Anchors at External Walls of New Buildings" and "Guidelines on Handling Construction Work Injury and Fatal Accident Cases"

GUIDELINES ON TRIP TICKET SYSTEM FOR DISPOSAL OF CONSTRUCTION & DEMOLITION MATERIALS IN PRIVATE SECTOR WORKS

The Guidelines aim at encouraging the adoption of a trip ticket system to monitor the disposal of construction and demolition materials generated from private sector construction projects.

Since 2005, the Government has implemented the Trip Ticket System (TTS) in public works contracts to track the disposal of construction and demolition (C&D) materials through the use of the Disposal Delivery Form (DDF) or a "CHIT" issued by the Environmental Protection

建造業議會發表新指引

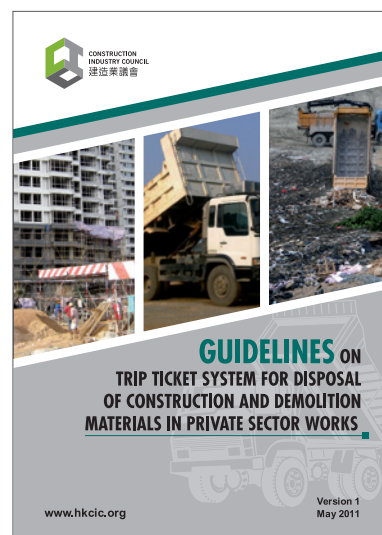
建造業議會分別於2011年5月及7月發表了三份新指引—《私人工程處置拆建物料運載記錄制度指引》、《新樓宇外牆上設計、安裝及維修澆注錨固裝置技術指引》及《建造工傷及致命意外個案處理指引》。出版三份刊物的目的主要是要引導業界從業員採納良好的作業方式，並為業界所關注的事項提供研究參考。

私人工程處置拆建物料運載記錄制度指引

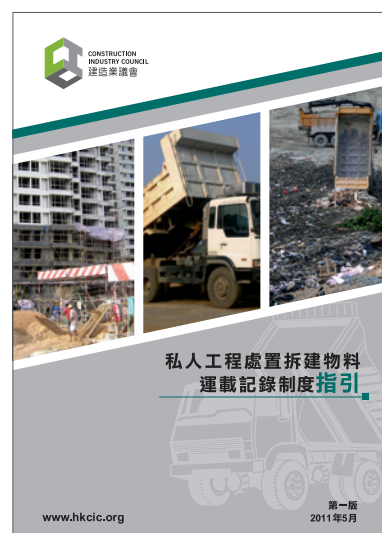
指引旨在鼓勵業界採納建議的良好作業方式，以及運載記錄制度，監察私人建造項目所產生的拆建物料的處置情況。

自2005年起，政府在工務工程項目實施運載記錄制度（制度），以「運載記錄票」或由環境保署根據《廢物處置（指定廢物處置設施）規例》（第354L章）上之訂明條款發出的「載運入帳票」，追查拆建物料的運載情況。此指引是議會經與各持份者深入探討後，認為可將有關安排應用於私人工程上以確保拆建物料妥為處置，而編纂出版。

該指引載列了聘用人、顧問及承建商可採取的建議做法，以追查建造工程所產生的拆建物料的處置情況。



Please refer to this link to download the Guidelines:-
<<http://www.hkcic.org/WorkArea/linkit.aspx?LinkIdIdentifier=id&ItemID=7556&libID=7609>>



請從以下連結下載指引:
<<http://www.hkcic.org/WorkArea/linkit.aspx?LinkIdIdentifier=id&ItemID=7557&libID=7610>>

Department under the Waste Disposal (Designated Waste Disposal Facility) Regulation (Cap. 354L). Considering such arrangements are applicable to private sector works, the CIC therefore compiled the Guidelines after in-depth discussion with various stakeholders, to ensure effectiveness in monitoring such processes.

The Guidelines set out the recommended actions to be taken by the Employer, the Consultant and the Contractor to track the disposal of construction and demolition materials generated from construction works.

TECHNICAL GUIDELINES ON THE DESIGN, INSTALLATION & MAINTENANCE OF CAST-IN ANCHORS AT EXTERNAL WALLS OF NEW BUILDINGS

The Guidelines offer practical advice in relation to cast-in anchors (a safety device that helps prevent falls from height during external repair and maintenance works) regarding its location, design, installation and maintenance at external walls of new buildings

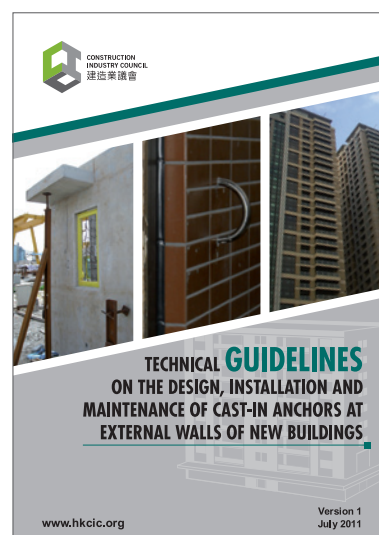
The Director of Buildings issued PNAP ADV-14 in February 2010 advising Authorised Persons (AP) and Registered Structural Engineers (RSE) to install Gondolas in new buildings

新樓宇外牆上設計、安裝及維修澆注錨固裝置技術指引

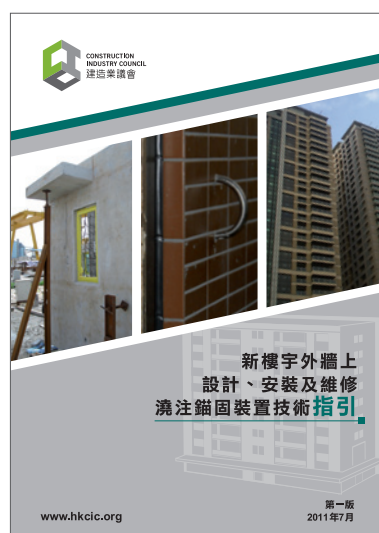
指引詳述有關澆注錨固裝置(一種防墮設備, 有助防止工人進行樓宇外牆維修及保養工程時從高處墮下)的各種重要資訊, 包括位置、設計、安裝及保養等技術資料。

屋宇署署長於2010年2月發出《認可人士、註冊結構工程師及註冊岩土工程師作業備考》(PNAP)ADV-14, 建議認可人士及註冊結構工程師於新建樓宇中安裝吊船系統, 以方便樓宇的外部檢查及保養。

為進一步保障外牆維修工人的安全, 議會認為亦應建議認可人士及註冊結構工程師在設計及建造新樓宇時安裝澆注錨固裝置, 指引也因此應運而生。我們期望指引能有助減少在工地發生高空下墮的意外, 並進一步保障工人的安全。



Please refer to this link to download the Guidelines:-
<<http://www.hkcic.org/WorkAreaDownloadAsset.aspx?id=7680&langType=1033>>



請從以下連結下載指引:
<<http://www.hkcic.org/WorkAreaDownloadAsset.aspx?id=7681&langType=1028>>

CIC NEWS

議會最新動向

to facilitate external inspection and building maintenance.

To further enhance safety for workers carrying out external maintenance and repair works of existing buildings, the CIC considers that AP and RSE should also be advised to provide cast-in anchors in the design and construction of new buildings, which forms the background to the development of the Guidelines. Hopefully they will help reduce the number of fall-related injuries on construction sites and further ensure worker safety in the future.

GUIDELINES ON HANDLING CONSTRUCTION WORK INJURY AND FATAL ACCIDENT CASES

The Guidelines set out the framework for handling construction work injury and fatalities. Under the existing provisions of the Employees' Compensation Ordinance, when a construction worker sustains injury/dies as a result of an accident arising out of and in the course of employment, compensation is payable to the injured person/the deceased's family members.

To avoid time-consuming and expensive court proceedings which may ensue, a Task Force on the Application of Mediation on Construction Injuries Dispute under the Committee on Construction Site Safety of the CIC was set up to review the applicability of mediation for resolving work injury and fatality claims. Accepting that mediation would be an effective dispute resolution mechanism, the CIC

developed the Guidelines to facilitate workers' and employers' understanding of their rights and obligations.

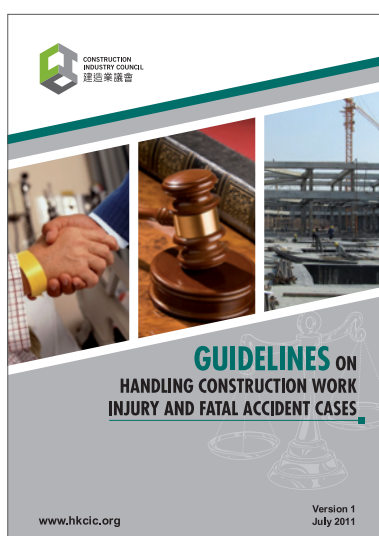
Covering the whole injury compensation process which includes notification of work injury, sick leave clearance, medical and compensation assessment, establishment of liability, compensation calculation, and mediation as an alternative to litigation, the Guidelines are comprehensive enough for both employees and employers. Hopefully the publication will give both parties a better grasp of the procedures and help protect their respective interests in the event of construction work injury and fatal accident cases.

建造工傷及致命意外個案處理指引

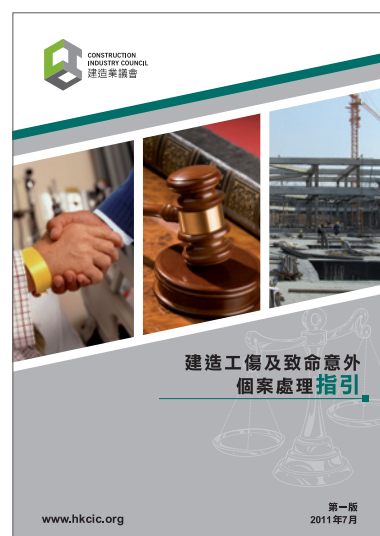
指引闡明了建造工傷及致命意外個案的處理程序。根據《僱員補償條例》的現有條文，建造工人在受僱工作期間因工遭遇意外以致受傷或死亡，受傷工人／死者家庭成員應獲得補償。

為免訴諸費時而昂貴的法律訴訟，議會轄下的工地安全委員會成立了「應用調解方式於建造工程的工傷賠償糾紛專責小組」，檢討調解方法對平息因工傷亡索償糾紛的適用性。議會認為調解能有效解決糾紛，為此制定此有關工傷賠償流程的指引，讓僱傭雙方了解自身的權責。

指引涵蓋有關呈報工傷、申請病假及銷假、醫療及補償評估、確定法律責任、計算賠償金額，以及如何以調解替代訴訟等重要資料，能為工人及僱主提供全面的參考。我們期望指引能讓大家更了解建造工傷及致命意外個案的處理程序，從而保障雙方利益。



Please refer to this link to download the Guidelines:-
<<http://www.hkcc.org/WorkArea/DownloadAsset.aspx?id=7735&langType=1033>>



請從以下連結下載指引：
<<http://www.hkcc.org/WorkArea/DownloadAsset.aspx?id=7736&langType=1028>>

TV COMMERCIAL LAUNCHED BY THE CIC

To arouse public awareness of the Construction Industry Council and introduce its function and services, CIC launched its new TV commercial on 29 August 2011 at TVB's Jade, HD-Jade, Pearl, J2, I-News, TVB.Com and related channels.

Through introduction to the CIC and its daily operations, the TV commercial helps to enlighten the general public of the construction industry regarding its improved welfare benefits and working environment, as well as its favourable training regime and career prospect, as well as to attract new talents to join the construction industry with a view of building a better future for Hong Kong.

建造業議會推出電視廣告

為令公眾加深對建造業議會（議會）的認識以及推廣其功能和服務，議會推出新一輯電視廣告，並於2011年8月29日開始在無綫電視翡翠台、高清翡翠台、明珠台、J2台、互動新聞台等相關頻道播出。

透過是次電視廣告藉著介紹議會及其日常運作，令公眾對業界日趨完善的福利制度和work環境、良好的培訓機制和晉升前景有進一步的認識，以吸引更多有志之士投身建造業，為香港建造更美好的未來。



YOUTH CONSTRUCTION DISCOVERY CHALLENGE 青年建造探索挑戰賽

My Dream School 理想校園由我造

A project for inspiring your school design 啟發你的校園設計

The Youth Construction Discovery Challenge

The Youth Construction Discovery Challenge (YCDC) is an open team competition for secondary school students to make proposals for school campus improvement. It is organized by the Building and Civil Engineering Training Board of the Vocational Training Council, the Construction Industry Council, most of the major industry associations and professional bodies of the construction industry and strongly supported by the Development Bureau. It is also recommended by the Education Bureau as one of the projects for the "Other Learning Experiences" (OLE), which forms an important component of the New Senior Secondary (NSS) curriculum. The YCDC competition will be commenced in November this year and will end in May next year. The aim of this competition is to enable students to invoke their creativity, learn to work in teams and at the same time, gain an insight of the construction professions. Experienced professionals in the construction industry would be appointed as mentors to guide students to accomplish competition requirements and help them get acquainted with the construction professions. Students participating in this competition would be immensely benefited as they would be able to learn new knowledge, experiences and insights from their mentors. Such opportunity for students to learn directly from a group of elite professionals in the construction industry is scarce and priceless. On the other hand, the organizers would also hope that this competition would enable the younger generation to have an interest in the construction professions and eventually consider to develop their future careers there. Dear readers, please help promote this meaningful competition to the secondary schools you are familiar with and encourage their students to take part.

If you need further information, you may:

visit the following website: <http://www.vtc.edu.hk/hq2/ycdc>, or contact
Mr Henry Hui - Tel: 39076640; Email: henryhui@vtc.edu.hk or
Ms Joyce Au - Tel: 39076811; Email: joyceau@vtc.edu.hk.

「青年建造探索挑戰賽」簡介

「青年建造探索挑戰賽」(YCDC) 是一個為中學生而設的公開比賽，同時亦是教育局推薦的新高中課程「其他學習經歷」(OLE) 項目之一。其目的是讓同學們通過參與此活動，提出改善校園方案，從而了解建造行業，發揮他們的創造力及團隊精神。這個有意義的比賽將在本年十一月至明年五月舉行，由職業訓練局土木工程及建築業訓練委員會、建造業議會、各建造業商會及專業學會聯合舉辦，並得到發展局的大力支持。同學們可藉此良機與經驗豐富的建造業專業精英交流，從中汲取寶貴知識和擴闊視野。這活動不僅可為同學們帶來莫大的裨益，主辦單位同時亦希望藉此活動，引起年輕一代對建造業關注及增加他們對建造業的興趣，吸引他們考慮將來以建造業為其終身職業。期望讀者向各學校推介此活動，鼓勵同學們踴躍參賽。

如欲了解詳情，請：

瀏覽：<http://www.vtc.edu.hk/hq2/ycdc>
聯絡許賢浩先生 - 電話：3907 6640；電郵：henryhui@vtc.edu.hk
或區頌詩女士 - 電話：3907 6811；電郵：joyceau@vtc.edu.hk

1 - 4. Highlight of the shooting day
拍攝當日之花絮

CIC NEWS

議會最新動向

RESOURCE CENTRE

“Innovative”, “dynamic”, “interactive”, “informative” are most appropriate to describe the Resource Centre. CIC is commissioned to set up such a multi-function Resource Centre to open a new chapter for the construction industry.

By integrating up-to-date information technology and multi-media simulating systems, the centre serves as a one-stop information hub to facilitate students, graduates, professionals and construction craftsmen to promote the construction industry in Hong Kong. It arouses the interest of the public in construction work through interactive discovery experience. It also attracts potential young people to join the construction industry and builds up a positive and professional image of the construction industry.

The Resource Centre will be situated on the Ground Floor of the CIC Training Academy Kowloon Bay Training Centre. The total floor area is about 10,000 sq ft with the layout as shown in the diagram:

This centre is divided into 9 zones which include Career Booth; Library; Conference Room / Focus Group Room; Gallery; Hall of Fame; Green Construction; Good Practice; Multimedia and Discovery. Each of the 9 zones has its own specialised features. Brief introduction of some major zones are as follows.

CAREER BOOTH

Visitors can find a wide range of training programme for construction work trades, career path and various job opportunities. A Construction Employment Platform (CEP) will be set up to facilitate employers to put vacancies and job seekers to apply jobs. The CEP is easy to access by Internet with a user-friendly kiosk.

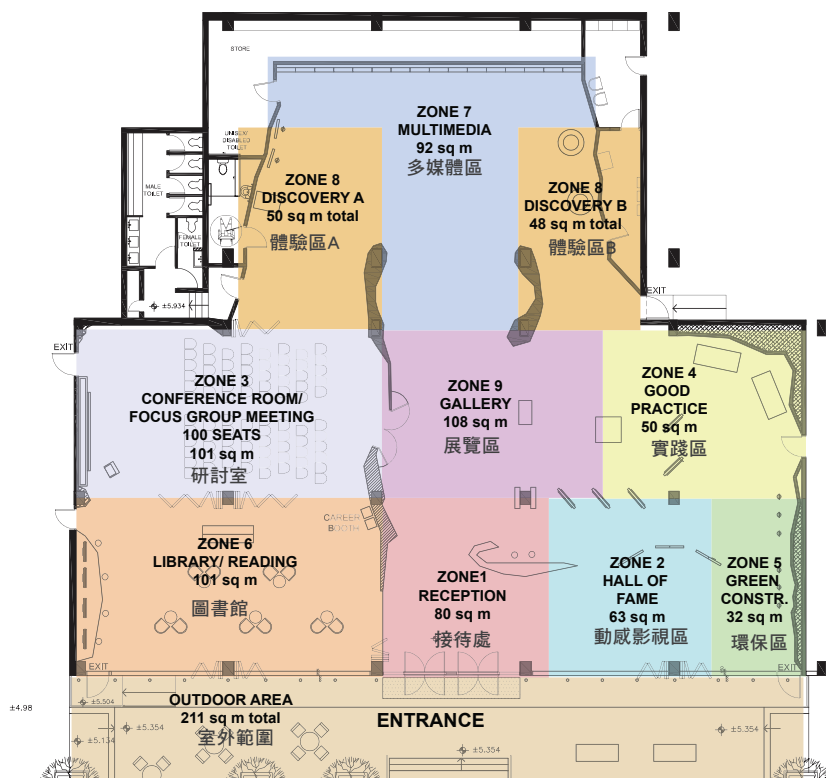
HALL OF FAME

High impact videos and images coupled with footages to highlight the significant features of building, infrastructure, and constructions in Hong Kong.

資源中心

「嶄新」、「動感」、「互動」、「資訊齊備」絕對是最適合形容資源中心的詞語。建造業議會將設立一間結合以上元素的多功能資源中心，為建造業打開新的一頁。

資源中心集合了最新的資訊科技及多媒體虛擬系統，為學生、畢業生、專業人士、建造業從業員，提供一站式的服務及資料庫，推動香港建造業。中心內設有互動遊戲，有助提升大眾對建造業的興趣，亦可以吸納有潛質年青人加入建造業，建立一個正面及專業的形象。資源中心座落於建造業議會訓練學院九龍灣訓練中心地下，面積約為一萬呎，以下是平面圖：



Floor plan of the Resource Centre
資源中心平面圖

GOOD PRACTICES AREA

By applying interactive technology, visitors can place the world wide landmark construction models on the multi-touch table to project a 3D image.

GREEN CONSTRUCTION ZONE

Visitors can use one of the six iPads with customised applications to shoot a building or construction. The iPad will then showcase the environmental applications of the respective constructions.

MULTI-MEDIA ZONE

16 LED panels will be combined to form a mega screen with radar control to display the development of major constructions in decades. A maximum of 8 visitors can interact with the screen wall simultaneously.

DISCOVERY ZONE

Computerised simulation to demonstrate the process of construction and safety measures is available for visitors to experience the process personally. Visitors will be provided with virtual accounts to record their performance and score. A certificate or souvenir will be granted after completing the whole series of activities.

The construction of Resource Centre is progressing smoothly and it is anticipated to be opened in the first half of 2012. We look forward to seeing you explore such adventures at the Resource Centre soon.

中心分為9個區域，包括：職業服務區、圖書館、研討室、展覽廳、動感影視區、環保區、實踐區、多媒體區及體驗區。每區都各具特色，以下是主要區域的簡介。

職業服務區

參觀人士可以找到各類型的訓練課程、行業晉升階梯及不同的職位空缺。區內的輕觸式電腦會設置「建工網」方便僱主及求職者。

動感影視區

區內將播放高質素短片及形象，重點介紹香港的特色大廈、基建項目等。

實踐區

透過互動科技，參觀人士可以將世界各地的建築模型放在輕觸式電子桌面上，3D立體影像便會投射出來。

環保區

環保區設有6部iPad及特製的應用程式。參觀人士只需用iPad選取建築物，電腦便會出現該建築物的環保特色。

多媒體區

16部LED顯示屏會組合成一個巨型視屏，展示數十年來的建築物變化，最多8位參觀人士可同一時間使用。

體驗區

在體驗區內，會設有多個虛擬建築過程及安全守則的遊戲。參觀人士可用電子戶口紀錄個人的遊戲成績，當完成所有活動後，可獲發證書或紀念品。

資源中心的籌備工作現正順利展開，預計將於2012年初運作。我們期待不久的將來會在資源中心見到大家。



1. Different interesting images or videos will be produced in Hall of Fame
動感影視區會展出有趣的影像或短片
2. In the Green Construction Zone, visitors can use the iPad to shoot a certain construction; its environmental features will be displayed.
環保區內，參觀人士可用iPad選擇建築物，該建築物的環保特色便會顯示出來。
3. Visitors select the landmark construction on the touch-screen mega LED panels at the multi-media zone.
參觀人士可於多媒體區內的巨型LED顯示屏選擇香港的特定建築。

CIC EVENT 議會活動

ACTIVITIES ON LU PAN PATRON'S DAY - 13 JULY 2011

This year's Lu Pan Patron's Day was filled with excitement and was extremely meaningful to us.

Early in the morning, the Young Lu Pan Award Ceremony was successfully held at Lu Pan Temple. A total of 13 outstanding young graduates received their awards. The Award this year was jointly organised by Kwong Yuet Tong, CIC and some key industry players. We believe the professionalism of Lu Pan will be inherited with the dedication and enthusiasm of the awardees in their future endeavours.

Headed by Ir Billy WONG, Chairman of Construction Industry Training Board (CITB), some staff members and over 200 CIC trainees paid sincere respects to Master Lu Pan at the temple in the same morning.

The Lu Pan Patron's Day Dinner was held on 12 July 2011. We are delighted that more than 80 members of the CITB and Course Advisory Panel attended to commemorate the birthday of Master Lu Pan.

魯班先師寶誕 - 2011年7月13日

本年度的魯班先師寶誕日對建造業議會及其訓練學院而言實在充滿喜悅及意義。

當天早上，「2011『年青魯班』選舉」頒獎典禮在魯班先師廟順利舉行。是次活動由香港魯班廣悅堂與建造業議會及業界聯合舉辦，一共有13位表現出色的年青畢業生獲得殊榮。相信各得獎者能夠延續魯班先師的專業精神，繼續發光發亮，事業更上一層樓。同日早上，建造業訓練委員會主席黃永灝工程師亦率領眾教職員及超過二百名學員到魯班先師廟向先師致敬。

魯班先師寶誕晚宴於7月12日舉行，超過80位建造業訓練委員會及課程顧問組成員一同慶祝魯班先師寶誕。



1. Group photo of 13 awardees and their nominators.
十三位得獎人及提名人合照
2. Mrs. Carrie LAM, Secretary for Development presented the Award to Mr Tse Chi Ping, Young Lu Pan awardee.
發展局局長林鄭月娥女士頒獎予『優秀年青魯班』謝致平先生
3. Ir Billy WONG, Chairman of CITB and guests hosted the offering ceremony.
建造業訓練委員會主席黃永灝工程師與嘉賓主持供奉儀式

TECHNICAL SEMINAR: SAFETY OF TOWER CRANES - 22 JULY 2011

Technical Seminar on Safety of Tower Cranes was successfully held on 22 July 2011. It is the sequel to "Guidelines on Safety of Tower Cranes - Version 2" (the Guidelines) published by CIC in July 2010.

The industry responded fervently to the seminar with more than 190 industry practitioners attending. Speakers shared their practical experience in the adoption of the Guidelines in site practices, as well as concerns in relation to safety planning, management, and skill development.

It is hoped that through the seminar, participants could have a better understanding of the Guidelines and could promptly implement the recommended practices when handling tower crane works on site.

塔式起重機的安全措施技術研討會 - 2011年7月22日

「塔式起重機的安全措施」技術研討會於2011年7月22日舉行。這次研討會為議會於2010年7月發表的《塔式起重機安全（第二版）》作延續跟進。

業界對研討會的反應非常熱烈，超過190位從業員參與。眾講者於會上分享了他們於施工方法上採用指引的實踐經驗，也探討了關於塔式起重機的安全規劃、管理和改善從業員技術的方面的心德。

議會希望與會者可通過研討會對指引有更清晰的了解，在操作塔式起重機及相關工作時，可貫徹執行此良好的作業方式。



1. Industry practitioners responded fervently to the Seminar.
業界人士積極參與研討會
2. (from left to right) Mr. Paul CHAN, Working Group Member of the Responsible Person of Contractors' Plant Department Concerning "Guidelines on Safety of Tower Cranes"; Mr. CHEUNG Hau-wai, Chairman of Committee on Construction Site Safety, CIC; Mr. LAI Siu-kei, an experienced practitioner on the management of tower crane installation/ climbing / dismantlemen; Mr. KO Pui-yung, Senior Divisional Occupational Safety Officer, Labour Department.
(由左至右) 承建商機械部負責人關注「塔式起重機安全指引」小組成員陳永昌先生; 建造業議會工地安全委員會主席張孝威先生; 從事塔式起重機組裝、升機、拆機程序管理的資深從業員黎兆基先生; 勞工處高級分區職業安全主任高培容先生。
3. Mr. CHEUNG Hau-wai facilitates the Question & Answer Session.
張孝威先生主持答問環節。

INDUSTRY FOCUS 業界動向

LEVELLING THE CONSTRUCTION SITE: COMPETITION LAW FOR HONG KONG

INTRODUCTION

Hong Kong's Legislative Council is poised to enact a competition law to protect the competitive process from being undermined by agreements between competitors or restrictive practices by businesses that have substantial market power. Competition laws have been enacted in over 120 jurisdictions so far, including Malaysia (2010), Mainland China (2008), Singapore (2005), Vietnam (2005), India (2002) and Indonesia (1999). Although it is viewed with concern by some of Hong Kong's smaller businesses, the Competition Bill promises tangible benefits for both large and small players in the construction industry who are prepared for its commencement.

WHAT WILL THE COMPETITION BILL DO?

A new Competition Commission would be established, with responsibility for investigating possible infringements and prosecuting offenders before the Competition Tribunal. Its responsibilities would also include promoting public understanding of the law and promoting adoption of compliance measures by businesses.

A new court – the Competition Tribunal – will have power to impose fines and various orders, including orders to compensate parties who have suffered loss and orders to cease and desist from anti-competitive conduct.

The Government and statutory bodies will enjoy certain exemptions from the competition law but private sector businesses will also be “excluded” in some circumstances, including where an agreement contributes to enhancing economic efficiencies. This exclusion is likely to prove important in the construction sector, where the scale and complexity of projects often means that a large range of suppliers and numerous sub contractors must be closely coordinated in order to complete the project efficiently. Construction industry businesses will have the opportunity to self assess whether the exclusion applies, or apply for a Commission decision on that question, or seek a “block exemption” for agreements of the relevant type.

AGREEMENTS BETWEEN COMPETITORS

Competition authorities around the world attach high priority to investigating suspected “cartel” arrangements between businesses that ought to be competing with one

為建造工地提供公平競爭的環境： 香港的競爭法

引言

香港立法會即將就競爭者之間擬訂的協議，或某些藉具有龐大市場影響力而限制業務運作模式訂立競爭法，以保障競爭的過程不受妨害。直到目前為止，已有超過120個司法區制定了競爭法，包括馬來西亞(2010)、中國內地(2008)、新加坡(2005)、越南(2005)、印度(2002)和印尼(1999)。縱使香港有些較小型業務對競爭法存在憂慮，競爭條例草案保證會對建造業內作好準備的大、小型企業帶來實質的好處。

競爭條例草案帶來的工作是甚麼？

一個全新的競爭委員會將成立，負責調查有嫌疑的違法行為並於競爭審裁處提出檢控。競爭委員會的責任亦包括推廣有關法例以加強公眾的認識，並鼓勵業界採納符合規範的措施。

全新的法庭 – 「競爭審裁處」，將被賦予判處罰款和各種法令的權力，包括向蒙受損失人士發出賠償和停止及結束反競爭行為的法令。

政府和某些法定機構將享有對競爭法的若干豁免，惟私營機構在若干情況亦可獲得「豁免」，包括當其協議有助提升經濟效益時。此項豁免可能對建造業帶來重大影響，因工程的規模和複雜程度不同，意味著眾多供應商及分包商需要緊密協調工作，才可保證項目有效率地完成。建造業業者可自我評估有關豁免

another but instead agree among themselves to fix prices, limit output, rig bids, allocate customers or otherwise avoid competing. In Hong Kong, such conduct would be caught by the “first conduct rule” under the Competition Bill. Anti competitive agreements can potentially arise either between construction industry firms, or between firms that are suppliers to (or customers of) the construction industry, as the following two UK cases show.

A specific complaint in the East Midlands in 2004 quickly led the Office of Fair Trading (OFT) to discover evidence that the practice of “cover pricing” was widespread in the UK’s construction industry. Cover pricing involves the coordinated submission of false bids on project tenders, so that clients are unknowingly induced to pay prices that are higher than would be required under a genuinely competitive tender. Infringements by 112 firms in 199 tenders affected building projects across England worth in excess of GBP200m including schools, universities, hospitals, apartment blocks and housing refurbishments. Fines (currently under appeal) were imposed on 103 companies.

In a separate case, the OFT found in 2009 that eight recruitment agencies supplying employees to the

construction industry had operated a cartel between 2004 and 2006, one of the objects of which was to fix the prices certain construction companies and intermediaries would have to pay for candidates. Fines totaling GBP39m were imposed on six of the agencies (though later reduced on appeal).

MISUSE OF MARKET POWER

In *Boral Besser Masonry v ACCC* the Australian competition agency prosecuted Boral for alleged misuse of market power, which would be prohibited in Hong Kong by the Competition Bill’s “second conduct rule.” In the 1990s, during economic recession in the State of Victoria, a price war broke out between manufacturers of concrete masonry products (CMPs), such as concrete blocks, bricks and paving slabs. The customers for CMPs were mainly builders, blocklayers and retailers. Boral’s quotes for blocks at hospital and shopping centre projects declined from 90 cents in 1993 to 62 cents in 1994. The ACCC alleged that Boral was engaging in “predatory pricing,” i.e. selling at prices below its own costs with the intention of driving its rivals out of the CMP market, so that Boral could subsequently have the market to itself.

Ultimately, the High Court of Australia

是否適用，或向委員會申請就有關問題作出判定，又或者就有關類型的協議申請「集體豁免」。

競爭者之間的協議

全球各競爭監管局，均對應該互相競爭惟卻相互間協議定立價格、限制產量、操縱投標、分配顧客或其他規避競爭的行為等等，疑為「同業聯盟」安排的個案之調查工作，給予優先處理。該等行為在香港將受競爭條例草案下「第一操守規則」所制約。正如以下兩宗英國個案顯示，反競爭協議可能在建造公司之間或建造業的供應商（或客戶公司）之間出現。

2004年東密德蘭的一宗特別投訴，迅速引起公平貿易辦事處的注意，發現有證據顯示英國建造業盛行「抬哄定價」的做法。抬哄定價牽涉工程投標者之間互相協調提交虛假標書，促使客戶在一無所知的情況下，被迫付出一個在真正競爭性投標下產生的更高價格。112所公司在199宗投標案的侵權行為，影響了整個英國的建築項目，包括學校、大學、醫院、住宅大樓和房屋修葺，其總值超過2億英鎊。法院已向其中103所公司判處罰款（現正進行上訴）。

在另一個案中，公平貿易辦事處於2009年發現八所向建造業界提供僱員招聘服務的中介公司，在2004年至2006年期間相互協調實施同業聯盟，其中一項措施旨在訂立建築公司和中介機構須支付應徵者的金額。其中六所中介公司獲判罰總值3900萬英鎊的罰款（即使其後經上訴獲得減少）。

INDUSTRY FOCUS

業界動向

rejected the ACCC's claims. It found that Boral's price cutting was forced on Boral by its competitors and customers. Customers demanded lower prices and Boral either had to reduce its prices or leave the market. Boral's pricing behaviour was the result of intense competition rather than the misuse of market power. The case illustrates the critical difference between conduct in response to intense competition (which is lawful) and anti-competitive conduct by a firm that has market power.

MERGERS

Competition laws generally require review of mergers that are likely to reduce competition. Under the current Competition Bill, such rules would apply only to mergers involving a telecommunications licensee but in overseas regimes mergers affecting the construction industry have been reviewed.

For example, in 2007 Sumitomo sought clearance to acquire all the medium-density fibreboard (MDF) business of Carter Holt Harvey (CHH) in New Zealand. Prior to the application, MDF panels were produced by a Sumitomo subsidiary, by CHH, and by a third operator called Dongwha. The proposed merger would reduce the number of suppliers from three to two and Dongwha would present only a weak competitor to the merged Sumitomo/CHH: Dongwha was committed to export most of its MDF output, customers couldn't readily change to using imported MDF, and it would take years for a new provider to build a new factory. The Commerce Commission concluded

that MDF users would be forced to pay higher prices if Sumitomo acquired CHH's MDF operations, so declined to grant clearance.

HOW CAN CONSTRUCTION COMPANIES PREPARE FOR COMPETITION LAW?

The economic harm caused by anti-competitive conduct can be very substantial so high penalties may be imposed where infringements are proved. The costs resulting from lost management time, damage to brand reputation, and possible disqualification from government projects can also be significant. As a precaution, many businesses and industry associations implement compliance programmes to minimise the risk of competition law infringements.

A good competition compliance programme assists by:

- Preventing or reducing anti-competitive conduct;
- Allowing anti-competitive conduct to be detected early and stopped;
- Enabling the business to seek immunity or penalty reductions; and
- Contributing to the bottom line by promoting a competitive culture throughout the organisation.

Often competition compliance programmes are created in response to investigations. For example, following the OFT's cover pricing investigation the UK Contractors Group and National Federation

不當使用市場實力

在Boral Besser Masonry對ACCC一案中，Boral被指稱不當使用市場影響力而被澳洲競爭監管局(ACCC)檢控，此類行為在香港的競爭條例草案中的「第二操守規則」將被禁制。上世紀90年代，在維多利亞省的經濟衰退期間，混凝土砌石產品(CMPS)如混凝土塊、磚塊和鋪路板等的生產商之間發生了價格戰。混凝土砌石產品的主要顧客是建造商、砌磚商和零售商。Boral在醫院和購物中心項目的磚塊報價，從1993年的90仙，降至1994年的62仙。ACCC指Boral實施了「掠奪式定價」，即以低於本身成本的價格進行銷售，以驅逐其他競爭者離開混凝土砌石產品市場，令Boral其後可獨霸市場。

ACCC的申索最後遭澳洲高等法院駁回。高等法院裁定Boral的割價行為是由其對手和顧客所迫使的。顧客要求更低的價格，因此Boral只可降低價格或退出該市場。Boral的定價行為是激烈競爭的結果，而非不當使用市場影響力。本案說明了因應激烈的市場競爭採取的措施(合法)和濫用市場影響力進行的反競爭行為(非法)之關鍵性區別。

合併案

競爭法亦需審查可能會妨礙市場公平競爭的合併行為。在本港現行的競爭條例草案下，有關規則只適用於涉及電訊業持牌公司的合併案，然而海外的機制早已就影響建造業的合併案進行了檢討。

其中一個例子是，住友公司於2007年就收購所有紐西蘭Carter Holt Harvey (CHH)公司的中密度纖維板業務，申請許可一事。作出申請前，中密度纖維板是由住友的一所附屬公司、CHH、及第三經營者Dongwha所生產。建議的合併會把供應商數量從三家減至兩家，迫使Dongwha在住友/CHH合併公司下成為弱勢的競爭者—Dongwha將大部分其生產的中密度纖維板產品出口，而顧客不

of Builders jointly launched a competition law code of conduct to help avoid breaches of competition law by the UK construction industry. Prudent businesses and industry associations may choose to invest proactively in compliance measures to manage their risk.

While a comprehensive compliance system may be costly or difficult for smaller companies to implement, the key elements can be established inexpensively. The basic aim should be to assist staff and management to recognize situations in which they should seek advice and to know whom to go to for that advice. To this end, computer-based training is often cost-effective, particularly if reinforced by face-to-face training.

This article is contributed by

Dr. Andrew Simpson

Assistant Professor, Hong Kong Polytechnic University
Director, Certari Consulting

可能適應隨時改用入口的產品，新供應商又將需要多年時間來建造新的工廠。商業委員會的結論是，假如住友收購CHH的中密度纖維板業務，使用者將被迫支付更高昂的價錢，因此拒絕發出收購許可。

建築公司如何為競爭法作準備？

反競爭行為所造成的經濟損害可以非常巨大，因此當證明存在侵權行為時，判處的刑罰可能較高。因損失管理時間、損害品牌聲譽和可能失去參與政府項目的資格等所造成的損失，亦可以非常嚴重。很多企業和業界組織均實施了合規方案以作防範，減低侵犯競爭法的風險。

一套針對競爭法的良好合規方案必須：

- 防止或減少反競爭行為；
- 令反競爭行為被盡早察悉及制止；
- 為其業務爭取豁免或減低刑罰；以及
- 透過提倡整體機構的公平競爭意識文化，對良性競爭精神作出貢獻。

針對競爭法的良好合規方案往往因應調查工作而衍生。例如，隨公平貿易辦事處的抬哄定價調查後，英國承包商集團及全國建造商聯盟即共同推出有關競爭法的行為守則，以助英國建造業界避免違反競爭法。審慎嚴謹的企業和業界商會則可選擇積極投入設立合規設施，以妥善管理有關風險。

對於較小型的公司，要實施全面的合規制度可能代價高昂或有困難，然而確立主要元素其實花費低廉。基本的目標，應是協助員工和管方意識到應該尋求意見的情況，及應要向誰尋求相關意見。就此，以電腦為本的培訓，再配合面授培訓作為鞏固，足可符合成本效益。

此文章由

Dr. Andrew Simpson 提供

香港理工大學助理教授
Certari Consulting 董事

Fig. 1 Eight Elements of a Compliance System



圖 1：合規制度的八項元素



INDUSTRY FOCUS

業界動向

THE NEW ARBITRATION ORDINANCE AND ITS APPLICATION TO THE CONSTRUCTION INDUSTRY

INTRODUCTION

On 1st June 2011, the new Arbitration Ordinance (the "Ordinance") came into effect in the Hong Kong SAR. The Ordinance supersedes the previous Arbitration Ordinance (Cap. 341) (the "previous Ordinance"). It is of particular interest to the construction industry which sees wide adoption of arbitration clauses in standard forms (including HKIAC forms) and use of arbitration in resolving disputes.

The Ordinance has introduced a number of significant features which industry users should know. In particular, it unifies the pre-existing international and domestic regimes. The law adopted is essentially the UNCITRAL Model Law, with a number of additional provisions and modifications which are unique to Hong Kong.

The intention of the reform of the Ordinance is to enhance the status of Hong Kong as a major arbitration centre and a Model Law jurisdiction and to encourage more arbitrations to be carried out in Hong Kong. The drafters of the Ordinance have also tried to make it more user-friendly by setting out provisions by references to stages of arbitration and clearly incorporating the Model Law provisions and references into the main body of Ordinance.

The Ordinance includes some modifications and supplements from as well as some opt-in provisions

derived from the previous Ordinance and the UK Arbitration Act 1996 (the "UK Act") which will automatically apply to domestic arbitration agreements entered into before the commencement and within 6 years after the commencement of the Ordinance (the "Transitional Period").

ORIGIN AND GENERAL PRINCIPLES

Section 9 of the Ordinance, sets out the international origin and general principles and the intention of this principle is to "facilitate interpretation by internationally accepted principles" and "promote a more uniform understanding of the Arbitration Model Law"¹. This means that the clauses in the Model Law can be interpreted by adopting a vast volume of cases of international origin and materials from other Model Law jurisdictions including those jurisdictions which are not common law jurisdictions, for example those Model Law countries in Europe. This will strengthen our jurisprudence in this area and allow us to take advantage of legal developments in other jurisdictions. The Court can also have reference to international standards and practice in interpreting the relevant provisions.

COURT INTERVENTION

One of the notable differences in the Ordinance is less intervention by the Court in the arbitration process. In the Ordinance (apart from the opt-in provisions) there is no appeal

新仲裁條例及其對建造業的應用

引言

新的仲裁條例（「條例」）於2011年6月1日在香港特別行政區生效。該條例取代以往的仲裁條例（第341章）（「以往條例」）。對於在標準合約式樣上（包括香港國際仲裁中心之式樣）廣泛採用仲裁條款及運用仲裁方式解決爭議之建造業來說，此條例尤其值得關注。

有關條例提出若干業內人士須注意的重大特點。尤其是條例結合了現存的國際及本地體制。所採用的法例基本上是聯合國國際貿易法委員會《示範法》，並加入香港獨有的若干額外條文及修訂。

改革條例的用意，是為提升香港作為主要仲裁中心及《示範法》司法管轄區的地位，並鼓勵更多仲裁工作在香港進行。條例的草擬者亦已嘗試令條例更方便執行，透過參照仲裁各階段而列出條文，及在條例主體內清楚融合《示範法》的條文及提述內容。

條例包含來自以往條例與1996年英國仲裁法的若干修訂及增補內容及所引申的若干供選用的條文，此條例將自動適用於本條文生效日期之前及生效日期之後的6年內（「過渡期」）所簽訂的本地仲裁協議。

來源及一般原則

條例的第9條列出國際上的來源和一般原則，而此原則的用意是「促進以國際上接納的原則來釋義」和「提倡對《仲裁示範法》更一致的理解」¹。這意味《示範法》的條款可通過採用其他採納《示範法》的司法管轄區的大量國際上的個案和材料，包括非普通法司法管轄區（如歐洲）的國家來解釋。此將加強香港在這領域的法理學認知並讓香港從其他司法管轄區的法律發展取得益處。解釋相關條文時，法院亦能參考國際標準及慣例。

1. Pg29, paras. 174-175. UNCITRAL report 2006 2006年聯合國國際貿易法委員會報告書第29頁第174-175段

on a point of law (which was in any event very limited under the previous Ordinance), no determination by the Court on a preliminary point of law, and no consolidation power to combine arbitrations on similar disputes.

Where the opt-in provisions apply, there is actually wider scope to challenge arbitration award on grounds of serious irregularity which did not exist under the previous Ordinance.

OPT-IN PROVISIONS FOR “DOMESTIC” ARBITRATION

The Ordinance allows parties to apply by agreement a number of the provisions set out in Schedule 2 which preserves some of the key provisions under the domestic regime of the previous Ordinance.

These opt-in provisions mainly relate to the Court’s powers to consolidate arbitrations, determine preliminary question of law and deal with challenges against arbitral awards on grounds of serious irregularity and appeals on questions of law.

Due to the widespread use of standard form construction contracts in Hong Kong providing for a domestic arbitration, the construction industry is used to the Court’s powers under the domestic regime. The object of these opt-in provisions is to allow these powers to automatically apply to domestic arbitrations for the Transitional Period. They are also conveniently set out in a schedule which can always be opted in by the parties if they wish to subject their arbitration to such powers. One

significant difference between these opt-in provisions and the equivalent provisions under the old domestic regime is that there is a procedure to challenge an award on grounds of serious irregularity. Previously an award can only be challenged under the domestic regime on the ground of misconduct of either the arbitrator or the proceedings. This is something taken from the UK Arbitration Act 1996 which will afford potentially more opportunities to challenge awards in relation to procedural issues.

Another unique feature of the Ordinance that applies to the construction industry is that where the whole or any part of the “construction operations”² to be carried out under a “construction contract”³ to which Schedule 2 applies is subcontracted to any person under another construction contract, also containing an arbitration agreement, the provisions under Schedule 2 will also apply to the subcontracting parties’ arbitration agreement. Otherwise, if there was no automatic opt-in for construction subcontracts, the status quo of local construction subcontractors will change once the Ordinance comes into force. Such an arrangement will be in contrast to main construction contracts in Hong Kong, where almost all standard form contracts contain a reference to domestic arbitration.

2. As defined in the Construction Industry Council Ordinance (“CICO”) referred to in Section 101 of the Ordinance.
按條例第101條所引述的建造業議會條例之定義

3. Also as defined in the CICO.
同樣按建造業議會條例之定義

法院介入

條例的其中一項顯著分別，是法院在仲裁過程中有較少介入。條例中（除了供選用的條文），法律論點上不存在上訴（此情形在以往條例下任何情況亦非常罕見）、按初步法律論點無須由法院進行裁決，及不存在將類似爭議的仲裁工作結合之合併權力。

當供選用的條文適用時，事實上對於以嚴重不當之處為申訴理由而挑戰仲裁裁決提供了更大空間，而往條例並無如此的說明。

就「本地」仲裁而供選用的條文

本條例容許立約方透過協議，引用附表2列出的若干條文，該附表保留了以往條例的本地體制下若干主要的條文。這些供選用的條文主要是關於法院就合併仲裁、裁決初步法律觀點問題及處理以嚴重不當之處為申訴理由而挑戰仲裁裁決和就法律觀點問題等上訴的權力。

基於香港普遍使用訂定進行本地仲裁的標準樣建造合約，建造業習慣規限於本地體制下的法院權力。這些供選用的條文的目的，是容許這些權力在過渡期內，自動適用於本地仲裁。有關條文亦已方便列出於附表，假如立約方希望仲裁受有關權力的規限，則可隨時選用有關條文。這些供選用的條文與本地舊有體制下對等條文的其中一項重大分別，是附有以嚴重不當之處為申訴理由而挑戰裁決的程序。以往，本地體制下只能以仲裁員或仲裁程序失當為申訴理由而挑戰裁決。根據嚴重不當之處為一項理由，是引用自《1996年英國仲裁法》，此理由將可提供更挑戰有關程序裁決的機會。

條例另一項適用於建造業的獨特特點，是當將於附表2適用的「建造合約」²下進行的「建造工程」³全部或任何部分，載有仲裁協議的另一建造合約下分包予任何人士，則附表2的條文亦將適用於分包各方的仲裁協議。不然，假如建造分包合約沒有自動選用的安排，則一旦條例生效時，本地建造分包商的現狀即會

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POWERS OF THE TRIBUNAL AND INTERIM MEASURES

The Ordinance also provides under Section 56 the arbitral tribunal with powers to make orders for security for costs, discovery of documents, and directions that evidence is given by way of affidavit. These powers are basically the same as those under Section 2GB of the previous Ordinance except that the power to require money in dispute to be secured is removed.

Under Section 35 of the Ordinance, an arbitral tribunal is able to grant interim measures relating to, for example, injunctive relief and orders for the preservation of assets and evidence, in respect of any arbitration proceedings commenced (unless the parties have agreed otherwise). Applications may be made to the tribunal under Section 37 of the Ordinance for a “preliminary order” directing a party not to frustrate the purpose of the interim measure requested. This caters for the situation where swift action taken by one party without notice to the other, namely an “ex-parte” application, is required in order to preserve the status quo with an interim measure.

As an arbitration friendly jurisdiction, Hong Kong Courts also have the ability under Section 45 to grant interim measures in aid of:

- arbitration proceedings commenced in Hong Kong; and
- so long as certain elements are satisfied, arbitration proceedings commenced outside Hong Kong.

The Hong Kong Courts’ ability to grant interim measures in relation to arbitration proceedings commenced outside of Hong Kong is a relatively new feature of Hong Kong arbitration law. Under the Ordinance, the test for granting interim measures with respect to non-Hong Kong seated arbitrations is more clearly defined. Specifically, not only must the arbitration proceedings be capable of giving rise to an award (whether interim or final) that may be enforceable in Hong Kong, the interim measure sought must be of a type which may be granted by the Hong Kong Courts in relation to arbitral proceedings.

The Court’s power to grant interim measures under Section 45 of the Ordinance is concurrent with the power of the arbitral tribunal to do so. The Court may however decline to grant an interim measure on the ground that the interim measure sought is currently the subject of arbitral proceedings and the Court considers it is more appropriate for the interim measure sought to be dealt with by the arbitral tribunal.

CONFIDENTIALITY

The Ordinance has prescribed the rules on confidentiality of Court proceedings commenced in aid of arbitration proceedings. Pursuant to Section 16 of the Ordinance, the default position will be that proceedings are to be heard in private (e.g. in closed court) but the Court has the discretion under Section 16(2) to order the proceedings to be heard in open

改變。香港差不多所有標準式樣合約均載有參照本地仲裁的條文，有關安排將與香港的主要建造合約形成對比。

仲裁庭之權力及臨時措施

條例亦在第56條內，訂定仲裁庭有權就費用保證、文件披露、及以誓章提出證據的指引，而發出命令。除了刪除要求就爭議的金額進行保證的權力外，這些權力基本上與以往條例的第2GB條相同。

根據條例的第35條，除非各方已另行協議，仲裁庭對任何已展開的仲裁程序，仲裁庭均能夠授予例如關於禁制補償以及保護資產和證據的命令等之臨時措施。根據條例的第37條，可向仲裁庭申請一項「初步命令」，指示一方不可阻撓另一方達成其申請臨時措施的目的。這樣，可使一方能以臨時措施在不通知另一方下（即「單方面」申請）採取迅速行動來保護現狀。

香港的法院作為方便進行仲裁的司法管轄區，亦能夠按第45條授予臨時措施，以協助：

- 在香港展開的仲裁程序；及
- 在香港以外展開的仲裁程序，只要符合若干條件。

香港法院擁有可以就香港以外展開的仲裁程序授予臨時措施的能力，是香港仲裁法例的一項較新特點。在條例下，對於授予非香港主持仲裁案的臨時措施之審測方法，得到更清晰的界定。具體來說，仲裁程序不僅必須能夠引發一項可於香港強制執行的（臨時或最終）裁決，而且尋求的臨時措施必須是可被香港法院授予之仲裁程序的相關類型。

法院根據條例第45條而授予臨時措施的權力，與仲裁庭的相關權力並存。然而，如所尋求的臨時措施是現正進行仲裁程序的議題，和法院認為所尋求的臨時措施更適合由仲裁庭處理，法院可拒絕授予臨時措施。

保密

條例對於協助仲裁程序而展開的法律程

court on the application of any party, or if the Court is satisfied that those proceedings ought to be heard in open court. This is to be contrasted with the normal position that Court proceedings should be heard in open court.

This position accords with the general principle that arbitration is a confidential process and is intended to balance the need to protect confidentiality with public interest issues of transparency of process and public accountability of the judicial system. An order made by the Court of First Instance in this respect for the hearing to be in open court or in private is not subject to appeal.

Where Court hearings are conducted in private, Section 17 of the Ordinance provides the Court must not make a direction permitting information to be published unless all parties have agreed or the Court is satisfied that the information, if published, would not reveal any matter that any party reasonably wishes to remain confidential. This is logical given the default position being to preserve confidentiality.

The Ordinance prohibits (subject to agreement otherwise by the parties) publication, disclosure or communication of any information relating to the arbitral proceedings or an award made in those proceedings. This prohibition is subject to a few statutory exceptions such as disclosure to protect or pursue a legal right or interest or to enforce or challenge an award, disclosure to some public body or tribunal which

the party is obliged by law to make the disclosure and disclosure to a professional or any other advisor of the parties, as set out in Section 18 of the Ordinance.

CONCLUSION

There is no doubt that the Ordinance will further strengthen the perception of Hong Kong as a regional centre for conducting arbitrations and the adoption of the Model Law as the single regime for both domestic and international arbitrations will attract international parties who are unfamiliar with or have less confidence in local laws. The Ordinance will also help Hong Kong enhance its position as one of the leading international arbitration centres.

The Transitional Period and the opt-in provisions will provide necessary comfort to Hong Kong users in particular those in the construction industry familiar with the domestic regime under the previous Ordinance and to those parties who wish to receive more assistance from the Hong Kong courts.

This article is contributed by
Timothy HILL and Damon SO,
Partner, Hogan Lovells

此文章由 **Timothy Hill** 及 **蘇睿哲** 提供
霍金路偉律師行合伙人

序，已訂明有關保密的規則。根據條例第16條，預設的程序是以閉門形式進行聆訊（例如非公開法庭），然而法院按第16(2)條有酌情權在任何一方的申請下，或確信有關程序應於公開法庭進行聆訊下，命令有關程序於公開法庭進行聆訊。這方式與正常程序下法院程序須於公開法庭進行聆訊，形成對比。

這程序符合了仲裁是一項保密程序此項準則，而且符合了用意是在保障其隱密性的需要、與司法制度的過程須具透明度和對公眾負責等的公眾權益之間取得平衡的原則。原訟法庭所作出公開或閉門進行聆訊的裁決，是不會接受上訴的挑戰。

假如法院聆訊以閉門進行，則條例的第17條訂定，法院不可作出容許發表資料的指引，除非各方同意或法院確信有關資料發表，將不會涉露任何一方合理地期望能維持保密的任何內容。這樣的安排是合乎邏輯，因預設的程序是需要維持保密性的原則。

本條例（在符合各方另立之協議基礎下）禁止關於仲裁的程序或這些程序中所作裁決的任何資料之發表、披露或交流。此項禁止受到一些法定例外情況所規限，按本條例第18條所列，例如為保障或追索一項法律權利或權益，或者強制執行或挑戰一項裁決的披露、一方有法律責任需對若干公共機構或審裁處作出的披露，及向專業人士或各方任何其他顧問資料的披露等。

結論

毫無疑問的是，本條例將進一步加強大眾對香港成為地區性的仲裁中心的印象，而採用《示範法》作為本地及國際仲裁的單一體制，將吸引到對本地法例不熟悉或具有較少信心的國際人士採納。本條例亦將有助香港提升作為其中一個國際領先仲裁中心的地位。

過渡期和供選用條文對香港有關人士提供了必要的安心，特別是對於建造業內熟悉以往條例下本地體制的人士及希望從香港法院取得更多協助的人士。

RECENT EVENTS OF CONSTRUCTION INDUSTRY

業界近期活動

CONSTRUCTION SAFETY FORUM AND AWARD PRESENTATION – 4 JULY 2011

To enhance the occupational safety and health standard in the construction industry, the Occupational Safety and Health Council, (OSHC) jointly held the 'Construction Safety Forum and Award Presentation' on 4 July 2010, with 16 organisations including the Construction Industry Council (CIC), at the Hong Kong Convention and Exhibition Centre.

It aims to drive the enhancement of fall prevention equipment and safety measures for working at height by contractors, developers and property management companies. Organisations and employees with outstanding performances were recognised and shared their experiences and thoughts with others who attended the Forum.

建造業安全分享會暨頒獎典禮-2011年7月4日

為了持續提升建造業的職業安全及健康水平，職業安全健康局(職安局)於2010年7月4日，聯同包括建造業議會在內的16間業界機構在香港會議展覽中心舉辦了「建造業安全分享會暨頒獎典禮」。

活動邀請了有傑出職安健表現的機構代表，聚首一堂，分享經驗及交流心得，並嘉許在推行職安健上有出色表現的機構及員工，藉此加強業界對職安健的意識，提醒員工注重工作安全，共同推動職安健文化。



1-2. Mr. CHEUNG Hau-Wai, Chairman of Committee on Construction Site Safety, CIC presented the award to participants
建造業議會工地安全委員會主席張孝威先生頒發獎項予參賽者

3. Ir. Alex LEUNG, Senior Manager (Concil Services), CIC received an official souvenir from Ir. Conrad WONG, Vice - President of Occupational Safety & Health Council
建造業議會高級經理(議會事務)梁偉雄工程師從職業安全健康局副主席黃天祥工程師手上接過主辦機構紀念狀

MANPOWER TRAINING & DEVELOPMENT

人力培訓及發展

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CONSTRUCTION EMPLOYMENT PLATFORM – CONSTRUCTION JOBS

Placing a recruitment advertisement on a newspaper is a common recruitment practice ; likewise, job seekers read recruitment advertisements to get a job. However, personal referral is preferred by front-line construction workers.

CIC will launch “Construction JobsNet” – a web-based employment information platform that provides assistance to employers and job seekers. The launching of the platform will be put in place in three phases:

PHASE I

In October 2011, job seekers can search for vacancies posted by employers and apply for a job directly.

PHASE II

By the end of 2011, touch screen kiosks will be installed at Workers’ Registration Offices, Workers’ Union Offices and MTR stations where there are high passenger flow.

PHASE III

In the first quarter of 2012, the platform will be in an interactive mode. Whilst job seekers can search and apply jobs directly via the platform, employers can shortlist suitable candidates and invite them for interview. Moreover, there will be SMS passing vacancy information to workers. Workers’ Registration Card reading services enabling registered workers to transmit personal information to the platform will be in place.

建造業就業資訊平台 - 建工網

僱主及尋找工作人士一般在報刊招聘員工及求職，但前線建造業工友則多依靠人際網路轉介工作機會。建造業議會即將推出一個就業資訊平台 - 「建工網」為僱主及工友提供招聘與尋找工作上的方便。此平台將分三個階段推出：

第一階段

預計於2011年10月中推出。求職人士亦可以於網上搜尋僱主刊登的刊登職位空缺，並根據指示申請職位；智能手機版亦同時推出

第二階段

預計於2011年底推出。多部輕觸式電腦將設於工人註冊處，工會辦事處及人流繁忙的地鐵站，方便各區的求職人士

第三階段

預計於2012年首季推出互動功能，屆時不但求職人士可以在「建工網」申請職位空缺，僱主更可以主動在此網站找尋及聯絡合適的求職人士。此外，「建工網」又會以短訊把職位空缺資料傳至求職人士的手機上；並研究在輕觸式電腦機上安裝把讀卡器，方便註冊工友把個人資料傳遞至「建工網」，而不用重新登記。



Construction JobsNet
建工網

MANPOWER TRAINING & DEVELOPMENT

人力培訓及發展

JOB FAIRS RECRUITS NEW ENTRANTS TO THE INDUSTRY

On 26 and 27 February, 2011 the MTR Corporation held the "Job Fair for the Construction Industry", which was aimed at promoting the construction industry to the general public and to recruit new talents to join the industry. The CIC was a supporting organisation of the event.

The following are some key figures of the event:

- 23 main contractors participated
- over 2,000 jobs in more than 30 categories of trades offered
- about 2,200 visitors attended the event
- about 3,300 application forms received

就業博覽為行業加添生力軍

港鐵公司於2011年2月26日及27日舉辦「建造業就業博覽」，藉以吸引更多人士加入建造業。建造業議會獲邀為活動支持機構。

下列為是次活動的主要數樣

- 23間承建商參展
- 提供超過30多項工種，合共2,000個職位空缺
- 超過2,200人次出席
- 承建商合共收到超過3,300份職位申請表



A group photo of officiating guests and exhibiting contractors.
主禮嘉賓與參展之承建商合照

CIC TRAINING ACADEMY FORMWORK RECRUITMENT DAY - 30 JULY 2011

On 30 July 2011, the CIC Training Academy successfully held the Formwork Recruitment Day which was aimed at attracting more people to become formwork operatives. Joining the event were 14 companies that provided some 140 vacancies. The event ended with promising results with 15 applicants received job offers and 46 applicants admitted to the training courses.

建造業議會訓練學院模板工招聘日 - 2011年7月30日

建造業議會訓練學院於2011年7月30日舉行模板工招聘日，為業界提供招聘模板工的平台。當天共有14家公司提供近140個模板工的職位空缺，有15人即場獲聘及有46人報讀入行課程。



Employers were interviewing formwork applicants
僱主面試模板工人

“BUILD UP” TRAINING PROGRAMME

The “Build Up” Training Programme is initiated and subsidised by the Development Bureau to meet the future manpower demands of the construction industry. The Programme aims not only at attracting new entrants, but also to enhance skills and competitiveness of in-service construction workers; ultimately nurturing the professionalism of the industry.

The CIC Training Academy is delighted to take part in the scheme and the promotional activities, such as production of TV commercials, various advertisements, outdoor banners, posters and Build Up Website <<www.buildhk.hk>>, etc.

「Build 升」培訓計劃

發展局於早前推出「Build升」培訓計劃，以培訓津貼推動建造業的人力發展；一方面吸引生力軍入行，同時提升在職建造業人員的技能和競爭力，讓行業更趨專業化。

建造業議會訓練學院十分高興能參與「Build升」培訓計劃及宣傳活動，包括製作宣傳短片、廣告戶外橫額、宣傳海報、「Build 升」網站 www.buildhk.hk 等。

1. Banner displayed at CIC Training Academy Kwai Chung Training Centre
建造業議會訓練學院葵涌訓練中心懸掛橫額
2. New look of CIC shuttle van.
議會小巴亦換上彩衣
3. Mega banner at Water Supplies Department Mongkok Centre.
水務署旺角中心懸掛之大型宣傳橫額
4. Bus body print advertisement.
巴士車身廣告



CIC TRAINING ACADEMY UPGRADING COURSES 建造業提昇課程

Courses 課程名稱	Objectives 目的	Enquiry 查詢電話
Senior Construction Workers Trade Management Course 資深工人之行業管理課程	To assist experienced construction worker to develop their career and sustainability 協助建造業資深工友獲得事業發展的機會	2100 9154
Heritage Maintenance (Joinery) Course 文物建築復修(木器)認知課程	To deliver lectures and craft demonstrations on general and practical joinery and painting skills for heritage maintenance to the experienced workers who are interested in the area. 透過課堂及工場示範，為有志從事文物建築復修的經驗工友介紹常見的木器或油漆工件的復修技術	2100 9600
Heritage Maintenance (Painting) Course 文物建築復修(油漆)認知課程		2100 9500

CIC EVENTS CALENDAR

議會活動日誌

DATE 日期	EVENTS 活動	VENUE 場地
30 September 2011 2011年9月30日	Dinner Reception of the Hong Kong Construction industry to Celebrate the 62th Anniversary of the PRC 香港建造界慶祝中華人民共和國成立62周年聯歡宴會	Metropol Restaurant, Hong Kong 香港 - 名都酒樓
11 October 2011 2011年10月11日	Technical Seminar on Building Information Modelling for the Future 建築資訊模型對未來建造業的影響技術研討會	Novotel Century Hong Kong, Hong Kong 香港 - 世紀香港酒店
24 November 2011 2011年11月24日	Construction Industry Charity Concert 建造業慈善演唱會	Hong Kong City Hall, Hong Kong 香港 - 香港大會堂
December 2011 2011年12月	Technical Seminar on Contract Price Fluctuation System for Private Sector Construction Contracts 私營界別建造合約價格調整制度技術研討會	To be confirmed 待定
December 2011 2011年12月	Construction Technology Forum 建造業技術論壇	To be confirmed 待定
December 2011 2011年12月	Technical Seminar on Handling Construction Work Injury and Fatal Accident Cases 建造工傷及致命意外個案處理技術研討會	To be confirmed 待定
February 2012 2012年2月	CIC Anniversary Cocktail Reception 2012 2012年建造業議會周年酒會	To be confirmed 待定
March 2012 2012年3月	CIC Conference 2012 2012年建造業議會研討會	To be confirmed 待定

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免費訂閱

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立即發電郵至 <newsletter@hkcic.org> 登記，免費訂閱由建造業議會直接發出的通訊。

ABOUT CIC NEWSLETTER
關於《建造業議會通訊》

CIC Newsletter is published quarterly by the Construction Industry Council (CIC). It reports news of the latest development and recent updates of the construction industry in Hong Kong and is distributed to construction professionals and practitioners, as well as individuals who are interested in the area of construction.

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《建造業議會通訊》由建造業議會每季出版，內容以報導香港建造業最新動態及發展為主，並免費派發予建造業界的專業人士和從業員，及對建造業感興趣人士。

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