《建造業議會條例》
(第 587 章)
Construction Industry Council Ordinance
(Cap. 587)

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尚未實施的條文 / 修訂 ——

尚未實施的條文及修訂的資料，可於「電子版香港法例」(https://www.elegislation.gov.hk) 閱覽。

Provisions / Amendments not yet in operation —

Please see Hong Kong e-Legislation (https://www.elegislation.gov.hk) for information of provisions and amendments not yet in operation.

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《建造業議會條例》

(第 587 章)

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本條例旨在就以下事宜訂定條文 ——

(a) 設立屬法人團體的建造業議會；

(b) 建造業議會的職能及管理；

(c) 建造業承建商須就建造工程繳付的徵款；

(d) 廢除《工業訓練 (建造業) 條例》；

(e) 解散建造業訓練局；

(f) 將建造業訓練局的權利、資產、法律責任及義務歸屬建造業議會；

(g) 就《肺塵埃沉着病 (補償) 條例》所指的建造業徵款計劃對該條例及《肺塵埃沉着病 (補償)(評估徵款) 規例》作出相應修訂；及

(h) 其他相應及相關事宜。

[2007 年 2 月 1 日]

(格式變更 ——2013 年第 1 號編輯修訂紀錄)

(略去制定語式條文 ——2013 年第 1 號編輯修訂紀錄)

An Ordinance to provide for—

(a) the establishment of the Construction Industry Council as a body corporate;

(b) the functions and management of the Construction Industry Council;

(c) a levy to be paid by contractors in the construction industry in respect of construction operations;

(d) the repeal of the Industrial Training (Construction Industry) Ordinance;

(e) the dissolution of the Construction Industry Training Authority;

(f) the vesting of the rights, assets, liabilities and obligations of the Construction Industry Training Authority in the Construction Industry Council;

(g) corresponding amendments to the Pneumoconiosis (Compensation) Ordinance and the Pneumoconiosis (Compensation) (Assessment of Levy) Regulations in respect of the construction industry levy scheme under that Ordinance; and

(h) other consequential and related matters.

[1 February 2007]

(Format changes—E.R. 1 of 2013)

(Enacting provision omitted—E.R. 1 of 2013)

第 1 部

導言

1. 簡稱

(1) 本條例可引稱為《建造業議會條例》。

(2) *(已失時效而略去 ——2013 年第 1 號編輯修訂紀錄)*

2. 釋義

(1) 在本條例中，除文意另有所指外 ——

反對者 (objector) 指根據第 55 條提出反對的人；

另加罰款 (further penalty) 指根據第 46(3) 條須繳付的另加罰款；

局長 (Secretary) 指發展局局長；*(由 2007 年第 130 號法律公告修訂)*

固定期合約 (term contract) 指符合以下說明的建造合約 ——

(a) 該合約規定須在某指明期間內完成該合約所關乎的所有建造工程 (不論該期間是否能藉協議更改)；及

(b) 某承建商根據該合約，按有關聘用人藉他或他人代他在指明期間內不時向該承建商發出的通知而作出的要求進行建造工程；

委任成員 (appointed member) 指根據第 9(1)(a) 或 (c) 條委任的議會成員；

承建商 (contractor) 就任何建造工程 (不論該建造工程是否根據合約進行) 而言，指 ——

(a) 根據《建築物條例》(第 123 章) 第 9 條就該建造工程獲委任為承建商的人；或

(b) (如沒有委任上述的人) 進行該建造工程的人；

附加費 (surcharge) 指根據第 41 條徵收的附加費；

Part 1

Preliminary

1. Short title

(1) This Ordinance may be cited as the Construction Industry Council Ordinance.

(2) *(Omitted as spent—E.R. 1 of 2013)*

2. Interpretation

(1) In this Ordinance, unless the context otherwise requires—

appointed day (指定日期) means the day on which Part 9 comes into operation*;

appointed member (委任成員) means a member of the Council appointed under section 9(1)(a) or (c);

authorized person (獲授權人), in relation to construction operations, means—

(a) the authorized person appointed or nominated under section 4 of the Buildings Ordinance (Cap. 123) in respect of the construction operations; or

(b) if no authorized person is appointed under that section, the person appointed in accordance with section 66 in respect of the construction operations;

building (建築物) has the meaning assigned to it in section 2(1) of the Buildings Ordinance (Cap. 123);

carry out (進行), in relation to any construction operations, includes—

(a) to manage, or to arrange for, the carrying out of the construction operations;

附加費通知 (notice of surcharge) 指第 41(3) 條提述的附加費的通知；

建造工程 (construction operations) 具有附表 1 給予該詞的涵義；

建造合約 (construction contract) 指承建商據以進行建造工程的由聘用人與承建商訂立的合約 (但不包括僱傭合約)；

建造業 (construction industry) 指進行建造工程的行業；

建築物 (building) 具有《建築物條例》(第 123 章) 第 2(1) 條給予該詞的涵義；

指定日期 (appointed day) 指第 9 部開始實施的日期 *；

施工通知 (works order) 指由聘用人或他人代他根據固定期合約向承建商發出的藉以要求進行建造工程的通知；

訓練局 (CITA) 指在第 71 條生效前存在的由《工業訓練 (建造業) 條例》(第 317 章) 第 4 條設立的建造業訓練局；

訓練委員會 (Training Board) 指根據第 29(1) 條設立的建造業訓練委員會；*(由 2012 年第 17 號第 44 條修訂)*

財政年度 (financial year) 指根據第 22(1) 條訂定為議會的財政年度的期間；

執行總監 (Executive Director) 指根據第 13 條獲委任的執行總監；

處理反對事宜委員會 (Objections Board) 指根據第 54(1) 條設立的委員會；*(由 2012 年第 17 號第 44 條修訂)*

註冊主任 (Registrar) 指根據《建造業工人註冊條例》(第 583 章) 第 36(1) 條委任的建造業工人註冊主任；*(由 2012 年第 17 號第 44 條增補)*

註冊委員會 (Registration Board) 指根據《建造業工人註冊條例》(第 583 章) 第 11A(1) 條設立的建造業工人註冊委員會；*(由 2012 年第 17 號第 44 條增補)*

評估通知 (notice of assessment) 指第 33(3) 條所描述的評估通知；

進行 (carry out) 就任何建造工程而言，包括 ——

(b) to provide one's own labour or that of any other person for the carrying out of the construction operations; and

(c) otherwise to undertake the construction operations;

CITA (訓練局) means the Construction Industry Training Authority established by section 4 of the Industrial Training (Construction Industry) Ordinance (Cap. 317) and in existence before the commencement of section 71;

construction contract (建造合約) means a contract between an employer and a contractor under which the contractor carries out construction operations but does not include a contract of employment;

construction industry (建造業) means the industry in which construction operations are carried out;

construction operations (建造工程) has the meaning assigned to it in Schedule 1;

contract of employment (僱傭合約) has the meaning assigned to it in section 2(1) of the Employment Ordinance (Cap. 57);

contractor (承建商), in relation to any construction operations (whether the construction operations are carried out under a contract or otherwise), means—

(a) the person appointed as contractor under section 9 of the Buildings Ordinance (Cap. 123) in respect of the construction operations; or

(b) if no such person is appointed, the person who carries out the construction operations;

Council (議會) means the Construction Industry Council established by section 4;

employer (聘用人) means a person for whom a contractor carries out construction operations, whether under a contract or otherwise;

(a) 管理或安排建造工程的進行；

(b) 就進行建造工程而提供自己或任何其他人的勞力；及

(c) 以其他方式承辦建造工程；

聘用人 (employer) 指由承建商代為進行建造工程的人，不論該建造工程是否根據合約進行；

僱傭合約 (contract of employment) 具有《僱傭條例》(第 57 章) 第 2(1) 條給予該詞的涵義；

罰款 (penalty) 指根據第 46(2) 條須繳付的罰款；

價值 (value) 就任何建造工程而言，指根據第 52 條釐定的建造工程價值；

徵款 (levy) 指第 32(2) 條提述的建造業徵款；

獲授權人 (authorized person) 就建造工程而言，指 ——

(a) 根據《建築物條例》(第 123 章) 第 4 條就該建造工程獲委任或指定的認可人士；或

(b) (如沒有根據該條委任的認可人士) 按照第 66 條就該建造工程獲委任的人；

總價值 (total value) 就任何建造工程而言，指第 53 條所界定的建造工程總價值；

職能 (function) 包括權力、權限或職責；

議會 (Council) 指由第 4 條設立的建造業議會。

(2) 在不影響第 (1) 款所訂的***承建商*** 及***聘用人*** 的定義的一般性的原則下，為解釋該等詞語的目的，以下條文適用 ——

(a) 凡任何人根據僱傭合約為任何其他人進行建造工程 ——

(i) 如首述的人根據《建築物條例》(第 123 章) 第 9 條就該建造工程獲委任為承建商，則他 (而非該其他人) 即為該建造工程的承建商；及

Executive Director (執行總監) means the Executive Director appointed under section 13;

financial year (財政年度) means the period fixed as the financial year of the Council under section 22(1);

function (職能) includes a power, authority or duty;

further penalty (另加罰款) means any further penalty payable under section 46(3);

levy (徵款) means the Construction Industry Levy referred to in section 32(2);

notice of assessment (評估通知) means a notice of assessment described in section 33(3);

notice of surcharge (附加費通知) means a notice of the surcharge referred to in section 41(3);

Objections Board (處理反對事宜委員會) means the board established under section 54(1); *(Added 17 of 2012 s. 44)*

objector (反對者) means a person who makes an objection under section 55;

penalty (罰款) means any penalty payable under section 46(2);

Registrar (註冊主任) means the Registrar of Construction Workers appointed under section 36(1) of the Construction Workers Registration Ordinance (Cap. 583); *(Added 17 of 2012 s. 44)*

Registration Board (註冊委員會) means the Construction Workers Registration Board established under section 11A(1) of the Construction Workers Registration Ordinance (Cap. 583); *(Added 17 of 2012 s. 44)*

Secretary (局長) means the Secretary for Development; *(Amended L.N. 130 of 2007)*

surcharge (附加費) means any surcharge imposed under section 41;

term contract (固定期合約) means a construction contract—

(ii) 如首述的人並無根據《建築物條例》(第 123 章) 第 9 條就該建造工程獲委任為承建商，則首述的人並非該建造工程的承建商；

(b) 凡任何人為自己進行建造工程而沒有安排任何其他人進行該建造工程，則首述的人即兼為該建造工程的承建商及聘用人；

(c) 凡任何人在一名或多於一名其他人根據某僱傭合約所提供的協助下為自己進行建造工程，而該名或該等其他人並無根據《建築物條例》(第 123 章) 第 9 條就該建造工程獲委任為承建商，則首述的人即兼為該建造工程的承建商及聘用人。

(編輯修訂 ——2013 年第 1 號編輯修訂紀錄)

編輯附註：

* 見 2006 年第 264 號法律公告及 2007 年第 183 號法律公告。

(a) that provides for completion of all construction operations to which the contract relates within a specified period (whether or not such period may be varied by agreement); and

(b) under which a contractor carries out construction operations as required by the employer by any notice issued from time to time within the specified period by or on behalf of the employer to the contractor;

total value (總價值), in relation to any construction operations, means the total value of the construction operations as defined in section 53;

Training Board (訓練委員會) means the Construction Industry Training Board established under section 29(1); *(Added 17 of 2012 s. 44)*

value (價值), in relation to any construction operations, means the value of the construction operations as determined under section 52;

works order (施工通知) means a notice issued by or on behalf of an employer to a contractor under a term contract, by which the employer requires construction operations to be carried out.

(Amended 17 of 2012 s. 44)

(2) Without affecting the generality of the definitions of ***contractor*** and ***employer*** under subsection (1), the following applies for the purposes of construing those terms—

(a) where a person carries out construction operations for any other person under a contract of employment—

(i) if the first-mentioned person is appointed as contractor under section 9 of the Buildings Ordinance (Cap. 123) in respect of the construction operations, he (and not that other person) is the

3. 對政府的適用範圍

本條例對政府具約束力。

contractor in respect of the construction operations; and

(ii) if the first-mentioned person is not appointed as contractor under section 9 of the Buildings Ordinance (Cap. 123) in respect of the construction operations, the first-mentioned person is not the contractor in respect of the construction operations;

(b) where a person carries out construction operations for himself without any arrangement for the carrying out of the construction operations by any other person, the first-mentioned person is both the contractor and the employer in respect of the construction operations;

(c) where a person carries out construction operations for himself with the assistance, under a contract of employment, of one or more other persons none of whom is appointed as contractor under section 9 of the Buildings Ordinance (Cap. 123) in respect of the construction operations, the first-mentioned person is both the contractor and the employer in respect of the construction operations.

Editorial Note:

* See L.N. 264 of 2006 and L.N. 183 of 2007.

3. Application to Government

This Ordinance binds the Government.

第 2 部

建造業議會

4. 建造業議會的設立

(1) 現由本條設立一個名為 " 建造業議會 " 的機構。

(2) 議會屬永久延續的法人團體，並須設有法團印章。

(3) 議會可以其法團名稱起訴及被起訴。

(4) 議會不得視為政府的受僱人或代理人，亦不得視為享有政府的任何地位、豁免權或特權。

5. 議會的職能

議會具有以下職能 ——

(a) 就可能影響建造業或與建造業相關的策略性事宜、重大政策及立法倡議，以及就建造業所關注的事宜，向政府提供意見及作出建議；

(b) 向政府反映建造業的需要及期許；

(c) 促進建造業的持續發展及進步，藉以提升建造業的質素及競爭力；

(d) 促進自律規管、制訂操守守則及執行該等守則，藉以維護建造業的專業精神及持正；

(e) 透過設立或管理註冊計劃或評級計劃，改善與建造業有關連的人士的表現；

(f) 透過策劃、推廣、監管、提供或統籌訓練課程或計劃，增進建造業從業員的技術；

Part 2

Construction Industry Council

4. Establishment of Construction Industry Council

(1) There is established by this section a body to be known as the "Construction Industry Council".

(2) The Council is a body corporate with perpetual succession and is required to have a common seal.

(3) The Council may sue and be sued in its corporate name.

(4) The Council is not to be regarded as the servant or agent of the Government or as enjoying any status, immunity or privilege of the Government.

5. Functions of Council

The functions of the Council are—

(a) to advise and make recommendations to the Government on strategic matters, major policies and legislative proposals, that may affect or are connected with the construction industry, and on matters of concern to the construction industry;

(b) to reflect to the Government the construction industry's needs and aspirations;

(c) to elevate the quality and competitiveness of the construction industry by promoting the ongoing development and improvement of the industry;

(d) to uphold professionalism and integrity within the construction industry by promoting self-regulation, formulating codes of conduct and enforcing such codes;

(g) 鼓勵研究活動及創新技術的應用，以及設立適用於建造業的標準或促進該等標準的設立；

(h) 在解決爭議、環境保護、多層分判、職業安全及健康、採購方法、項目管理及監管、符合可持續原則的建造及有助改善建造質素的其他範疇方面，推廣建造業良好作業方式；

(i) 透過促進和諧勞資關係及提倡遵守關乎僱傭的法例規定，以及透過增進建造業內各界別之間的溝通，增強建造業的凝聚力；

(j) 發揮資源中心功能以供建造業同業分享知識及經驗；

(k) 透過製訂表現指標，評核建造業達致的進步；

(l) 就根據本條例徵收的徵款率作出建議；*（由 2012 年第 17 號第 45 條修訂）*

(la) 進行或資助關乎職業安全及健康、環境保護或建造業可持續發展的教育、宣傳、研究或其他計劃；及 *（由 2012 年第 17 號第 45 條增補）*

(m) 執行對建造業屬相干的其他職能，包括本條例、《建造業工人註冊條例》(第 583 章) 或任何其他成文法則賦予或委予議會的職能，或根據本條例、《建造業工人註冊條例》(第 583 章) 或任何其他成文法則賦予或委予議會的職能。 *（由 2012 年第 17 號第 45 條修訂）*

(e) to improve the performance of persons connected with the construction industry through establishing or administering registration schemes or rating schemes;

(f) to advance the skills of personnel in the construction industry through planning, promotion, supervision, provision or coordination of training courses or programmes;

(g) to encourage research activities and the use of innovative techniques and to establish or promote the establishment of standards for the construction industry;

(h) to promote good practices in the construction industry in relation to dispute resolution, environmental protection, multi-layer subcontracting, occupational safety and health, procurement methods, project management and supervision, sustainable construction and other areas conducive to improving construction quality;

(i) to enhance the cohesiveness of the construction industry by promoting harmonious labour relations and the observance of statutory requirements relating to employment, and by facilitating communication among various sectors of the industry;

(j) to serve as a resource centre for the sharing of knowledge and experience within the construction industry;

(k) to assess improvements made by the construction industry through the compilation of performance indicators;

(l) to make recommendations with respect to the rate of the levy imposed under this Ordinance; *(Amended 17 of 2012 s. 45)*

(la) to conduct or finance educational, publicity, research or other programmes relating to occupational safety

6. 議會的補充職能

在不局限第 5 條的原則下，議會亦具有以下職能 ——

(a) 向建造業提供訓練課程；

(b) 為建造業設立及維持業界訓練中心；

(c) 協助已完成向建造業提供的訓練課程的人就業，包括以提供財政援助的方式給予協助；

(d) 評核任何人在涉及建造業或與建造業相關的任何種類的工作方面已達致的技術水平，並就任何該等工作舉行考核及測試、發出或頒發修業證明書或技術水平證明書和訂定須達致的水平。 *(由 2012 年第 17 號第 46 條修訂)*

(e) *(由 2012 年第 17 號第 46 條廢除)*

7. 議會的權力

(1) 議會可作出所有對執行其在本條例、《建造業工人註冊條例》(第 583 章) 或任何其他成文法則下的職能屬必需、

and health, environmental protection or sustainable development in the construction industry; and *(Added 17 of 2012 s. 45)*

(m) to perform any other functions relevant to the construction industry, including those functions conferred or imposed on it by or under this Ordinance, the Construction Workers Registration Ordinance (Cap. 583) or any other enactment. *(Amended 17 of 2012 s. 45)*

6. Supplementary functions of Council

Without limiting section 5, the Council also has the following functions—

(a) to provide training courses for the construction industry;

(b) to establish and maintain industrial training centres for the construction industry;

(c) to assist, including by the provision of financial assistance, in the placement of persons who have completed training courses provided for the construction industry;

(d) to assess the standards of skills achieved by any person in any kind of work involving or in connection with the construction industry, to conduct examinations and tests, to issue or award certificates of attendance or competence, and to establish the standards to be achieved in respect of any such work. *(Amended 17 of 2012 s. 46)*

(e) *(Repealed 17 of 2012 s. 46)*

7. Powers of Council

(1) The Council may do all such things as are necessary for, or incidental or conducive to, the performance of its functions

附帶或有助的事。 *(由 2012 年第 17 號第 47 條修訂)*

(2) 在不局限第 (1) 款的原則下 ——

(a) 議會可持有、獲取或出租或租用任何種類的動產或不動產；

(b) 除第 8(1) 條另有規定外，議會可出售或以其他方式處置任何種類的動產或不動產；

(c) 議會可訂立、轉讓或接受他人轉讓以及更改或撤銷任何合約或義務；

(d) 在符合第 8(2) 及 (3) 條的規定下，議會可就議會的支出預算所示任何項目批撥支出，並可在提供保證的情況下借入或以其他方式籌措款項，並可為批撥支出而將議會的所有或任何財產押記；

(e) 議會可就它提供的設施或服務的使用或它設立或管理的註冊計劃或評級計劃收取費用；

(f) 議會可聘用任何技術、專業或其他人士以提供上述設施或服務，並對關乎該等聘用的任何事宜作出裁奪；

(g) 議會可就與建造業有關連的人士設定、設立、經辦及維持註冊計劃或評級計劃；

(h) 議會可對關乎其職能的任何事宜進行研究；

(i) 議會可決定適用於建造業的各項標準，尤其是設計、工序、建造技術、成品、材料及採購方法的標準，及建議採納該等標準；

(j) 議會可收集、分析、編製、發表及散發關乎建造業或關乎對執行其職能屬必要的其他事項的資料；

(k) 議會可制訂、發出及公布建造業從業員操守守則及建造業良好作業方式；

(l) 議會可調查或以其他方式處置關於任何操守守則、註冊計劃或評級計劃的申訴；

(m) 議會可就操守守則、註冊計劃及評級計劃進行檢討；

under this Ordinance, the Construction Workers Registration Ordinance (Cap. 583) or any other enactment. *(Amended 17 of 2012 s. 47)*

(2) Without limiting subsection (1), the Council may—

(a) hold, acquire or lease any kind of property, whether movable or immovable;

(b) subject to section 8(1), sell or otherwise dispose of any kind of property, whether movable or immovable;

(c) enter into, assign or accept the assignment of, and vary or rescind, any contract or obligation;

(d) subject to section 8(2) and (3), meet the expenditure on any item shown in the estimates of expenditure of the Council, borrow or otherwise raise money on such security as may be necessary, and charge all or any of the property of the Council for the purposes of meeting its expenditure;

(e) charge fees for the use of any facility or service provided by the Council or in respect of any registration scheme or rating scheme established or administered by the Council;

(f) engage any technical, professional or other person to provide any such facility or service, and determine any matter relating to such engagement;

(g) devise, establish, operate and maintain registration schemes or rating schemes in respect of persons connected with the construction industry;

(h) conduct research into any matter relating to its functions;

(i) determine standards for application in the construction industry, in particular the standards for designs, processes, construction techniques, products, materials

(n) 議會可就建造工程設定訓練要求、提供及核准訓練課程及舉行考核及測試；

(o) 議會可就上述訓練課程、考核及測試發出及頒發修業證明書或技術水平證明書，以及監督及管理建造業的學徒訓練計劃；

(p) 議會可為建造業籌辦及安排研討會、展覽、研習班、會議或訓練課程或計劃；

(q) 議會可從事它認為適當的任何形式的宣傳活動；

(r) 議會可成立或管理任何公司或參與任何公司的成立或管理，或聘用任何其他團體提供服務；

(s) 議會可獲取或處置任何公司的股份；及

(t) 議會可為任何符合其職能的目的而收取合法地給予的任何資金、捐贈或饋贈。

and methods of procurement and recommend the adoption of such standards;

(j) collect, analyse, compile, publish and disseminate information relating to the construction industry or such other subject as may be necessary for the performance of its functions;

(k) formulate, issue and promulgate codes of conduct for personnel and good practices in the construction industry;

(l) investigate or otherwise dispose of complaints concerning any code of conduct, registration scheme or rating scheme;

(m) conduct reviews in respect of codes of conduct, registration schemes and rating schemes;

(n) set training requirements, provide and approve training courses and conduct examinations and tests, in respect of construction operations;

(o) issue and award certificates of attendance or competence in respect of such training courses, examinations and tests and oversee and administer apprenticeship schemes for the construction industry;

(p) organize and arrange seminars, exhibitions, workshops, conferences or training courses or programmes for the construction industry;

(q) engage in publicity activities in any form that the Council considers appropriate;

(r) form or manage or participate in the formation or management of any company or engage the services of any other body;

(s) acquire or dispose of shares in any company; and

8. 對議會的權力的限制

(1) 除經行政長官批准外，議會不得出售或以其他方式處置任何獲政府免收地價批給的土地。

(2) 除經財政司司長批准外，議會不得借入或以其他方式籌措一筆超逾議會現行財政年度支出預算總額的 10% 的款額。

(3) 除經財政司司長批准外，如某款額連同之前借入或以其他方式籌措而仍未付還的款額的總額，超逾議會現行財政年度支出預算總額的 10% ，則議會不得借入或以其他方式籌措該款額。

9. 議會的組成

(1) 議會須由以下人士組成 ——

(a) 由局長委任的主席；

(b) 不超過 3 名由局長委任的公職人員；及

(c) 不超過 21 名由局長委任的其他成員。

(2) 局長不可根據第 (1)(a) 或 (c) 款委任公職人員。

(3) 在第 (1)(c) 款提述的成員中 ——

(a) 須有不超過 4 名代表聘用人的人士；

(b) 須有不超過 4 名代表與建造業相關的專業人士或顧問的人士；

(c) 須有不超過 5 名代表建造業承建商、分包商、材料供應商或設備供應商的人士；

(t) receive any funds, donations or gifts lawfully given for a purpose consistent with its functions.

8. Limitations on Council's powers

(1) Except with the approval of the Chief Executive, the Council shall not sell or otherwise dispose of any land granted at nil premium by the Government.

(2) Except with the approval of the Financial Secretary, the Council shall not borrow or otherwise raise an amount which by itself exceeds 10% of the total estimated expenditure of the Council for the current financial year.

(3) Except with the approval of the Financial Secretary, the Council shall not borrow or otherwise raise an amount if the aggregate of that amount and the outstanding amounts previously borrowed or otherwise raised exceeds 10% of the total estimated expenditure of the Council for the current financial year.

9. Composition of Council

(1) The Council is to consist of—

(a) a chairperson appointed by the Secretary; *(Amended 17 of 2012 s. 48)*

(b) not more than 3 public officers appointed by the Secretary; and

(c) not more than 21 other members appointed by the Secretary.

(2) The Secretary may not appoint a public officer under subsection (1)(a) or (c).

(3) Of the members referred to in subsection (1)(c)—

(a) not more than 4 are to be persons who represent employers;

(d) 須有不超過 2 名代表與建造業相關的訓練機構或學術或研究機構的人士；

(e) 須有不超過 3 名來自代表受僱於建造業的工人且根據《職工會條例》(第 332 章) 登記的職工會的人士；及

(f) 須有不超過 3 名屬局長認為適合擔任議會成員的其他人士。

(4) 局長須就根據第 (1)(a)、(b) 或 (c) 款作出的委任在憲報刊登公告。

(5) 在委任第 (3)(a)、(b)、(c) 或 (e) 款提述的成員時，局長須考慮由任何一個或多於一個指明團體為該委任的目的而作出的任何提名。

(6) 在第 (5) 款中，***指明團體*** (specified bodies) ——

(a) 就第 (3)(a) 款而言，指附表 2 第 1 部所列的團體；

(b) 就第 (3)(b) 款而言，指附表 2 第 2 部所列的團體；

(c) 就第 (3)(c) 款而言，指附表 2 第 3 部所列的團體；及

(d) 就第 (3)(e) 款而言，指附表 2 第 4 部所列的團體。

(b) not more than 4 are to be persons who represent professionals or consultants connected with the construction industry;

(c) not more than 5 are to be persons who represent contractors, subcontractors, materials suppliers or equipment suppliers in the construction industry;

(d) not more than 2 are to be persons who represent training institutes or academic or research institutions connected with the construction industry;

(e) not more than 3 are to be persons who are from trade unions representing workers employed in the construction industry that are registered under the Trade Unions Ordinance (Cap. 332); and

(f) not more than 3 are to be such other persons as the Secretary thinks fit to be members of the Council.

(4) The Secretary shall give notice in the Gazette of an appointment under subsection (1)(a), (b) or (c).

(5) When appointing a member referred to in subsection (3)(a), (b), (c) or (e), the Secretary shall have regard to any nomination made for the purposes of such appointment by any one or more of the specified bodies.

(6) In subsection (5), ***specified bodies*** (指明團體) means—

(a) in relation to subsection (3)(a), the bodies set out in Part 1 of Schedule 2;

(b) in relation to subsection (3)(b), the bodies set out in Part 2 of Schedule 2;

(c) in relation to subsection (3)(c), the bodies set out in Part 3 of Schedule 2; and

(d) in relation to subsection (3)(e), the bodies set out in Part 4 of Schedule 2.

10. 委任成員及身為公職人員的成員的任期

(1) 委任成員的任期由局長決定，但不得超逾 3 年。

(2) 委任成員在任期屆滿後，有資格再獲委任，但他不可連續擔任委任成員超過 6 年。

(3) 身為公職人員的成員的任免由局長酌情決定。

11. 委任成員的辭職

(1) 委任成員可在任何時間藉向局長給予書面通知而辭職。

(2) 辭職在有關辭職通知指明的日期生效，如無指明日期，則在局長收到該通知的日期生效。

12. 委任成員的免任

如出現以下情況，局長可終止某委任成員的任命 ——

(a) 該成員在未經議會准許下連續 3 次缺席議會的會議；

(b) 該成員破產或與其債權人訂立《破產條例》(第 6 章) 第 2 條所指的自願安排；

(c) 該成員因身體上或精神上的疾病以致喪失行為能力；或

(d) 局長認為該成員因任何其他原因而不能夠或不適合執行其成員職能。

13. 議會的執行總監

10. Term of office of appointed member and member who is public officer

(1) An appointed member holds office for a period not exceeding 3 years as determined by the Secretary.

(2) An appointed member is eligible for reappointment on the expiry of his term of office, but he may not serve as such a member continuously for more than 6 years.

(3) A member who is a public officer holds office at the discretion of the Secretary.

11. Resignation of appointed member

(1) An appointed member may resign at any time by giving notice in writing to the Secretary.

(2) A resignation takes effect on the date specified in the notice of resignation or, if a date is not specified, on the date the Secretary receives the notice.

12. Removal of appointed member

The Secretary may terminate the appointment of an appointed member if the member—

(a) has been absent from 3 consecutive meetings of the Council without the Council's permission;

(b) becomes bankrupt or enters into a voluntary arrangement within the meaning of section 2 of the Bankruptcy Ordinance (Cap. 6) with his creditors;

(c) is incapacitated by physical or mental illness; or

(d) is for any other reason unable or unfit, in the opinion of the Secretary, to perform his functions as such member.

13. Executive Director of Council

(1) 議會須委任一名並非公職人員的人為議會的執行總監。

(2) 執行總監須就議會的管理、運作及行政向議會負責，並須在議會的指示的規限下，執行其執行總監職能。

14. 議會的會議及程序

附表 3 就議會具有效力。

15. 議會可設立專責委員會

(由 2012 年第 17 號第 49 條修訂)

(1) 議會可按它認為適當而設立專責委員會，以更妥善地執行其職能。

(2) 議會可決定根據第 (1) 款設立的專責委員會的組成、職能及程序。

(由 2012 年第 17 號第 49 條修訂)

16. 轉授議會的職能及委出小組委員會

(1) 在符合《建造業工人註冊條例》(第 583 章) 第 9 條的規定下，議會可將其任何職能，轉授予 ——

(a) 議會主席；

(b) 議會其他成員；

(c) 執行總監；

(d) 根據第 15 條設立的專責委員會；

(e) 議會任何僱員；

(f) 訓練委員會；

(g) 註冊委員會；或

(h) 註冊主任。 *(由 2012 年第 17 號第 50 條代替)*

(1) The Council shall appoint a person who is not a public officer to be the Executive Director of the Council.

(2) The Executive Director shall be responsible to the Council for the management, conduct and administration of the Council and shall perform his functions as the Executive Director subject to the Council's directions.

14. Meetings and proceedings of Council

Schedule 3 has effect with respect to the Council.

15. Council may establish committees

(1) The Council may establish any committees as it considers appropriate for the better performance of its functions.

(2) The Council may determine the composition, functions and procedures of a committee established under subsection (1).

16. Delegation of Council's functions and appointment of subcommittee

(1) Subject to section 9 of the Construction Workers Registration Ordinance (Cap. 583), the Council may delegate any of its functions to—

(a) the chairperson of the Council;

(b) any other member of the Council;

(c) the Executive Director;

(d) a committee established under section 15;

(e) any employee of the Council;

(f) the Training Board;

(g) the Registration Board; or

(2) 議會不可根據第 (1) 款轉授以下任何權力或職能 ——

(a) 第 7(2)(a)、(b) 及 (d) 條提述的權力；*(由 2012 年第 17 號第 50 條修訂)*

(b) 委任核數師的權力；

(c) 設立專責委員會和決定其組成及職能的權力；*(由 2012 年第 17 號第 50 條修訂)*

(d) 根據第 (1) 款作出轉授的權力；

(e) 核准根據第 3 部規定須呈交局長的議會擬進行的活動的計劃、其收支預算或其他結算表或報告的權力；

(f) 授權擬備其帳目或其他財務紀錄的權力；

(g) 訓練委員會或處理反對事宜委員會的職能。

(3) 轉授可受議會認為合適的條款及條件規限。

(4) 轉授的作出，並不妨礙議會同時執行已轉授的職能。

(5) 議會可修訂或撤銷任何轉授。

(6) 議會可授權根據第 15 條設立的專責委員會委出小組委員會，以更妥善地執行該專責委員會的職能。*(由 2012 年第 17 號第 50 條修訂)*

17. 僱用職員

(1) 議會可僱用執行其職能所需的人士。

(2) 議會可裁奪所有關乎其僱員的薪酬及僱員的任用或僱用的其他條款及條件的事宜。

(h) the Registrar. *(Replaced 17 of 2012 s. 50)*

(2) The Council may not delegate under subsection (1) any of the following powers or functions—

(a) the powers referred to in section 7(2)(a), (b) and (d); *(Amended 17 of 2012 s. 50)*

(b) the power to appoint an auditor;

(c) the power to establish a committee and determine its composition and functions;

(d) the power to delegate under subsection (1);

(e) the power to approve programmes of its proposed activities, estimates of its income and expenditure or other statements or reports required to be submitted to the Secretary under Part 3;

(f) the power to authorize the preparation of its accounts or other financial records;

(g) the functions of the Training Board or the Objections Board. *(Amended 17 of 2012 s. 50)*

(3) A delegation may be subject to such terms and conditions as the Council considers fit.

(4) A delegation does not prevent the concurrent performance by the Council of the functions delegated.

(5) The Council may amend or revoke a delegation.

(6) The Council may authorize a committee established under section 15 to appoint a subcommittee for the better performance of the committee's functions.

17. Employment of staff

(1) The Council may employ such persons as it requires to perform its functions.

18. 職員的利益等

(1) 議會可向其僱員、任何類別的僱員或僱員的受養人或就上述人士批給或作出撥備以向他們批給退休利益、酬金、花紅或其他利益。

(2) 議會可向已故僱員的遺產代理人或該僱員的受養人支付款項，不論該款項屬恩恤性質或法律上應予支付的。

(3) 議會可為提供第 (1) 或 (2) 款提述的退休利益、酬金、花紅或其他利益或付款而設立、管理及掌控任何基金或計劃，或與任何公司或組織訂立安排，以由該公司或組織 (單獨或與議會共同) 設立、管理及掌控任何基金或計劃。

(4) 議會可要求其僱員或其任何類別的僱員供款予第 (3) 款提述的任何基金或計劃。

(5) 在第 (1) 及 (2) 款中，***僱員*** (employee) 包括議會的前僱員。

(6) 根據本條賦予議會的權力，並不減損根據《強制性公積金計劃條例》(第 485 章) 施加於僱主的義務及職責。

19. 議會成員等的保障

(1) 本條所適用的人如以真誠行事，即無須為他在執行或本意是執行本條例或《建造業工人註冊條例》(第 583 章) 賦

(2) The Council may determine all matters relating to the remuneration of its employees and other terms and conditions of their appointment or employment.

18. Staff benefits, etc.

(1) The Council may grant, or make provision for the grant of, retirement benefits, gratuities, bonuses or other benefits to or in respect of its employees, any class of its employees or their dependants.

(2) The Council may make payments, whether ex gratia or legally due, to the personal representative of a deceased employee or to a dependant of such an employee.

(3) The Council may establish, manage and control, or enter into an arrangement with any company or association for the establishment, management and control by the company or association (either alone or jointly with the Council) of any fund or scheme for the purposes of providing for the retirement benefits, gratuities, bonuses or other benefits or the payments referred to in subsection (1) or (2).

(4) The Council may require its employees, or any class of its employees, to make contributions to any fund or scheme referred to in subsection (3).

(5) In subsections (1) and (2), ***employee*** (僱員) includes a former employee of the Council.

(6) The powers conferred on the Council under this section are without derogation from the obligations and duties imposed under the Mandatory Provident Fund Schemes Ordinance (Cap. 485) on an employer.

19. Protection of members of Council, etc.

(1) A person to whom this section applies, acting in good faith, is not personally liable for anything done or omitted to be done

予或委予或根據本條例或《建造業工人註冊條例》(第 583 章) 賦予或委予議會的任何職能時所作出的或沒有作出的任何事情，承擔個人法律責任。

(2) 第 (1) 款就某作為或不作為賦予某人的保障，在各方面均不影響議會為該作為或不作為而負的法律責任。

(3) 本條適用於 ——

(a) 議會的任何成員；

(b) 根據第 15 條設立的專責委員會的任何成員；

(c) 訓練委員會或處理反對事宜委員會的任何成員；

(d) 根據第 16(6) 條委出的小組委員會的任何成員；

(e) 根據第 54(3) 條委出的小組委員會的任何成員；

(f) 根據附表 4 第 11 條委出的小組委員會的任何成員；及

(g) 議會的任何僱員。

(由 2012 年第 17 號第 51 條修訂)

20. 訓練局提供資金

(1) 如第 5 及 9 部是在本部生效日期之後的日期實施，則局長可在該兩部實施之前，要求訓練局提供為應付議會合理地招致的開支而有需要的資金。

(2) 訓練局須順應任何上述要求。

by that person in the performance or purported performance of any function conferred or imposed on the Council by or under this Ordinance or the Construction Workers Registration Ordinance (Cap. 583).

(2) The protection conferred on a person by subsection (1) in respect of an act or omission does not in any way affect any liability of the Council for that act or omission.

(3) This section applies to—

(a) any member of the Council;

(b) any member of a committee established under section 15;

(c) any member of the Training Board or the Objections Board;

(d) any member of a subcommittee appointed under section 16(6);

(e) any member of a subcommittee appointed under section 54(3);

(f) any member of a subcommittee appointed under section 11 of Schedule 4; and

(g) any employee of the Council.

(Amended 17 of 2012 s. 51)

20. Provision of funds by CITA

(1) If Parts 5 and 9 come into operation on a date after the day of commencement of this Part, the Secretary may, before the coming into operation of those 2 Parts, request the CITA to provide such funds as are necessary to meet expenses reasonably incurred by the Council.

(2) The CITA shall comply with any such request.

第 3 部

財務條文

21. 議會的資金及財產

議會的資金及財產由以下各項組成 ——

(a) 以徵款、附加費、罰款及另加罰款形式收取或追討所得的所有款項；*（由 2014 年第 22 號第 50 條修訂）*

(b) 議會以批款、貸款、捐贈、費用、租金或利息形式收到的所有款項；

(c) 出售任何由議會持有或代議會持有的財產所得的所有款項；

(d) 訓練局根據第 20 條提供的所有資金；及

(e) 議會為其目的而合法地收到的所有其他款項及財產。

22. 預算及財政年度

(1) 議會在局長批准下，可不時訂定一段期間為議會的財政年度。

(2) 在每個財政年度，議會均須於局長決定的日期前，向局長呈交其下個財政年度擬進行的活動的計劃及其收支預算。

(3) 議會第一個財政年度的計劃及預算須在本條生效後在切實可行範圍內盡快呈交。

23. 銀行帳戶

議會須 ——

Part 3

Financial Provisions

21. Funds and property of Council

The funds and property of the Council consist of—

(a) all moneys received or recovered by way of levy, surcharge, penalty and further penalty; *(Amended 22 of 2014 s. 50)*

(b) all moneys received by the Council by way of grants, loans, donations, fees, rent or interest;

(c) all moneys derived from the sale of any property held by or on behalf of the Council;

(d) all funds provided by the CITA under section 20; and

(e) all other moneys and property lawfully received by the Council for its purposes.

22. Estimates and financial year

(1) The Council may, with the approval of the Secretary, fix from time to time a period to be the financial year of the Council.

(2) In every financial year, the Council shall submit to the Secretary, before a date determined by him, a programme of its proposed activities and estimates of its income and expenditure for the next financial year.

(3) The Council shall submit the programme and estimates for the first financial year as soon as practicable after the commencement of this section.

23. Bank account

The Council shall—

(a) 在庫務署署長批准的銀行維持一個帳戶；及

(b) 將它收到的所有款項存入該帳戶。

24. 資金的投資

議會並不即時需用以執行其職能的任何議會資金，均可 —— *(由 2012 年第 17 號第 52 條修訂)*

(a) 作定期、通知或儲蓄存款，存入由財政司司長為作該等存款的目的而一般地或就個別情況而提名的銀行的定期存款帳戶、通知存款帳戶或儲蓄帳戶；或 *(由 2012 年第 17 號第 52 條代替)*

(b) 在財政司司長事先批准下，投資於議會認為適合的任何投資項目。 *(由 2012 年第 17 號第 52 條代替)*

25. 帳目

(1) 議會須保存其所有收入及支出的妥善帳目及紀錄。

(2) 在任何財政年度結束後，議會須在切實可行範圍內盡快安排就該財政年度擬備議會的帳目表。

(3) 帳目表須包括收支結算表及資產負債表。

26. 核數師

(1) 議會須為施行本條例委任一名核數師。

(2) 根據第 (1) 款委任的核數師須 ——

(a) 審計第 25(2) 條提述的帳目表；及

(a) maintain an account with a bank approved by the Director of Accounting Services; and

(b) pay all moneys received by it into the account.

24. Investment of funds

Any funds of the Council that are not immediately required by the Council for the performance of its functions may be— *(Amended 17 of 2012 s. 52)*

(a) deposited on fixed term or call deposit or in a savings account in any bank nominated by the Financial Secretary either generally or in any particular case, for that purpose; or *(Replaced 17 of 2012 s. 52)*

(b) subject to the prior approval of the Financial Secretary, invested in any investments the Council thinks fit. *(Replaced 17 of 2012 s. 52)*

25. Accounts

(1) The Council shall maintain proper accounts and records of all its income and expenditure.

(2) The Council shall, as soon as practicable after the end of a financial year, cause to be prepared a statement of accounts of the Council in respect of the financial year.

(3) The statement of accounts is to include an income and expenditure account and a balance sheet.

26. Auditors

(1) The Council shall appoint an auditor for the purposes of this Ordinance.

(2) The auditor appointed under subsection (1) shall—

(b) 向議會呈交關於帳目表的報告。

(3) 核數師有權 ——

(a) 查閱議會的所有帳目冊、憑單及其他財務紀錄；及

(b) 要求他認為合適的關於該等帳目冊、憑單及紀錄的資料及解釋。

27. 向局長呈交報告等

(1) 在任何財政年度結束後的 6 個月內，議會須就該財政年度向局長呈交 ——

(a) 一份議會在該財政年度內的活動的報告，報告須包括一項就議會職能範圍內的事宜在該年度的發展而作的綜覽；

(b) 第 25(2) 條提述的帳目表的文本；及

(c) 第 26(2)(b) 條提述的核數師報告。

(2) 局長須安排將根據第 (1) 款收到的文件提交立法會會議席上省覽。

(3) 局長可在個別個案中延展根據第 (1) 款呈交文件的限期。

(a) audit the statement of accounts referred to in section 25(2); and

(b) submit a report on the statement of accounts to the Council.

(3) The auditor is entitled to—

(a) have access to all books of account, vouchers and other financial records of the Council; and

(b) require such information and explanations of those books, vouchers and records as he thinks fit.

27. Submission of reports, etc. to Secretary

(1) Within 6 months after the end of a financial year, the Council shall, in respect of the financial year, submit to the Secretary—

(a) a report on the activities of the Council during the financial year, including a general survey of the developments during that year in respect of matters falling within the scope of the Council's functions;

(b) a copy of the statement of accounts referred to in section 25(2); and

(c) the auditor's report referred to in section 26(2)(b).

(2) The Secretary shall cause the documents received under subsection (1) to be laid on the table of the Legislative Council.

(3) The Secretary may in a particular case extend the period for submitting the documents under subsection (1).

28. 豁免繳付課稅

議會獲豁免而無須繳付根據《稅務條例》(第112章)徵收的稅項。

28. Exemption from taxation

The Council is exempt from taxation under the Inland Revenue Ordinance (Cap. 112).

第 4 部

建造業訓練委員會

29. 建造業訓練委員會的設立

(1) 議會須設立一個委員會，以執行議會在第 6 條下的補充職能，以及根據第 16(1) 條轉授予該委員會的任何職能。 *（由 2012 年第 17 號第 53 條代替）*

(2) 根據第 (1) 款設立的委員會的英文名稱為 "Construction Industry Training Board"，中文名稱則為 " 建造業訓練委員會 "。

(3) 訓練委員會可作出所有對執行上述職能屬必需、附帶或有助的事。

30. 訓練委員會的組成、會議及程序等

附表 4 就訓練委員會具有效力。

Part 4

Construction Industry Training Board

29. Establishment of Construction Industry Training Board

(1) The Council is to establish a board to perform the Council's supplementary functions under section 6 and any function delegated to the board under section 16(1). *(Replaced 17 of 2012 s. 53)*

(2) The board established under subsection (1) is to be known in the English language as the "Construction Industry Training Board" and in the Chinese language as "建造業訓練委員會".

(3) The Training Board may do all such things as are necessary for, or incidental or conducive to, the performance of those functions.

(Amended 17 of 2012 s. 53)

30. Composition, meetings and proceedings of Training Board, etc.

(Amended 17 of 2012 s. 54)

Schedule 4 has effect with respect to the Training Board.

(Amended 17 of 2012 s. 54)

第 5 部

徵款

31. 本部的釋義

在本部中 ——

付款通知 (notice of payment) 指根據第 35 條給予的通知；

竣工通知 (notice of completion) 指根據第 36 條給予的通知。

32. 徵款的徵收

(1) 徵收徵款須按附表 5 第 2 部指明的徵款率就在香港進行的建造工程徵收。

(2) 上述徵款名為“建造業徵款”，並須按照本部評估及繳付。

(3) 如任何建造工程的總價值不超逾附表 5 第 1 部指明的款額，則不得對該建造工程徵收徵款。

(4) 本條適用於第 (1) 款所描述的建造工程，而不論該建造工程是為個人、公共機構、團體或機關 (不論是公營或私營) 或任何其他人進行。

33. 何人須繳付徵款

(1) 在符合第 (2) 款的規定下，如有任何建造工程須予徵款，該徵款須由該建造工程的承建商繳付。

Part 5

Levy

31. Interpretation of this Part

In this Part—

notice of completion (竣工通知) means a notice given under section 36;

notice of payment (付款通知) means a notice given under section 35.

32. Imposition of levy

(1) A levy at the rate specified in Part 2 of Schedule 5 is to be imposed in respect of construction operations carried out in Hong Kong.

(2) The levy is to be known as the “Construction Industry Levy” and it is to be assessed and paid according to this Part.

(3) Construction operations the total value of which does not exceed the amount specified in Part 1 of Schedule 5 are not liable to the levy.

(4) This section applies to construction operations described in subsection (1) irrespective of whether the construction operations are carried out for an individual, a public authority, a body or organ (whether public or private) or any other person.

33. Who is to pay levy

(1) Subject to subsection (2), the levy is payable by a contractor of any construction operations which are subject to the payment of a levy.

(2) 承建商只在議會向他發出評估通知的情況下，才須依據第 (1) 款繳付款項。

(3) 評估通知須採用書面形式，並須指明有關承建商須繳付的徵款的款額。

34. 承建商及獲授權人須就進行建造工程通知議會

(1) 在任何建造工程展開後的 14 天內，該建造工程的承建商及獲授權人須各自藉通知告知議會他是該建造工程的承建商或獲授權人。

(2) 第 (1) 款提述的通知須符合議會指明的格式，並須述明建造工程的估計總價值。

(3) 只有在以下情況下須根據本條給予通知 ——

(a) 有關建造工程是根據固定期合約進行的；或

(b) 經合理估計，有關建造工程的總價值超逾附表 5 第 1 部指明的款額。

(4) 議會可在個別個案中延展根據本條給予通知的限期。

(5) 任何人無合理辯解而沒有遵照本條的規定給予通知，即屬犯罪，一經定罪，可處第 1 級罰款。

35. 就建造工程作出的付款通知

(1) 凡就任何並非根據固定期合約進行的建造工程或其任何階段或任何部分向承建商付款或作出惠及承建商的付款，

(2) A contractor is liable to make a payment pursuant to subsection (1) only if the Council gives him a notice of assessment.

(3) A notice of assessment shall be in writing and shall specify the amount of the levy payable by the contractor.

34. Contractor and authorized person to notify Council of their carrying out of construction operations

(1) Within 14 days after any construction operations have commenced, the contractor and the authorized person in respect of the construction operations shall each inform the Council, by a notice, that he is such contractor or authorized person.

(2) A notice referred to in subsection (1) shall be in a form specified by the Council and shall state the estimated total value of the construction operations.

(3) A notice is required to be given under this section only if—

(a) the construction operations are carried out under a term contract; or

(b) it is reasonably estimated that the total value of the construction operations exceeds the amount specified in Part 1 of Schedule 5.

(4) The Council may in a particular case extend the period for giving a notice under this section.

(5) A person who, without reasonable excuse, fails to give a notice as required by this section commits an offence and is liable on conviction to a fine at level 1.

35. Notice of payment made in respect of construction operations

(1) If a payment is made to or for the benefit of a contractor in respect of any construction operations or any stage or

該承建商須在付款作出後的 14 天內向議會給予付款的通知。

(2) 凡於某月份就任何根據固定期合約進行的建造工程向承建商付款或作出惠及承建商的付款，該承建商須在該月份的最後一天後的 14 天內向議會給予付款的通知。

(3) 就某建造工程或某建造工程的某階段或某部分而作出的付款的付款通知須符合議會指明的格式，並須述明該建造工程的價值或該階段或該部分的價值。

(4) 只有在以下情況下須根據本條給予通知 ——

(a) 有關建造工程是根據固定期合約進行的；或

(b) 經合理估計，有關建造工程的總價值超逾附表 5 第 1 部指明的款額。

(5) 議會可在個別個案中延展根據本條給予通知的限期。

(6) 任何人無合理辯解而沒有遵照本條的規定給予通知，即屬犯罪，一經定罪，可處第 3 級罰款。 *（由 2012 年第 17 號第 55 條修訂）*

36. 建造工程竣工通知

(1) 在任何建造工程完竣後，有關的承建商及獲授權人須各自就工程完竣一事向議會給予通知。

part of any construction operations, other than construction operations carried out under a term contract, the contractor shall, within 14 days after the payment is made, give notice of the payment to the Council.

(2) If a payment is made to or for the benefit of a contractor in respect of any construction operations carried out under a term contract, the contractor shall, within 14 days after the last day of the month in which the payment was made, give notice of the payment to the Council.

(3) A notice of payment shall be in a form specified by the Council and shall state the value of the construction operations or the value of the stage or part of the construction operations in respect of which the payment was made.

(4) A notice is required to be given under this section only if—

(a) the construction operations are carried out under a term contract; or

(b) it is reasonably estimated that the total value of the construction operations exceeds the amount specified in Part 1 of Schedule 5.

(5) The Council may in a particular case extend the period for giving a notice under this section.

(6) A person who, without reasonable excuse, fails to give a notice as required by this section commits an offence and is liable on conviction to a fine at level 3. *(Amended 17 of 2012 s. 55)*

36. Notice of completion of construction operations

(1) After the completion of any construction operations, the contractor and the authorized person shall each give notice of the completion to the Council.

(2) 如任何建造工程 (根據施工通知進行者除外) 是分階段進行的，則在每一階段完竣後，有關的承建商及獲授權人須各自就該階段完竣一事向議會給予通知。

(3) 竣工通知須在建造工程或建造工程的有關階段 (視屬何情況而定) 完竣後的 14 天內給予，但議會可在個別個案中延展給予通知的限期。

(4) 有關通知須符合議會指明的格式，並須述明已完竣的建造工程的價值或已完竣的階段的價值。

(5) 只有在以下情況下須根據本條給予通知 ——

(a) 有關建造工程是根據固定期合約進行的；或

(b) 經合理估計，有關建造工程的總價值超逾附表 5 第 1 部指明的款額。

(6) 任何人無合理辯解而沒有遵照本條的規定給予通知，即屬犯罪，一經定罪，可處第 3 級罰款。 *(由 2012 年第 17 號第 56 條修訂)*

37. 依據付款通知或竣工通知作出評估

(1) 議會在收到付款通知後，須就該通知所關乎的建造工程或建造工程的某階段或某部分，評估須繳付的徵款的款額。

(2) 議會如沒有根據第 (1) 款作出評估，則須在收到竣工通知後，就該竣工通知所關乎的建造工程或建造工程的某階段，評估須繳付的徵款的款額。

(2) If any construction operations (other than those carried out under works orders) are carried out in stages, after the completion of each stage, the contractor and the authorized person shall each give notice of the completion to the Council.

(3) A notice of completion shall be given within 14 days after the completion of the construction operations or the stage of the construction operations (as the case may be) but the Council may in a particular case extend the period for giving the notice.

(4) The notice shall be in a form specified by the Council and shall state the value of the completed construction operations or the value of the completed stage.

(5) A notice is required to be given under this section only if—

(a) the construction operations are carried out under a term contract; or

(b) it is reasonably estimated that the total value of the construction operations exceeds the amount specified in Part 1 of Schedule 5.

(6) A person who, without reasonable excuse, fails to give a notice as required by this section commits an offence and is liable on conviction to a fine at level 3. *(Amended 17 of 2012 s. 56)*

37. Assessment pursuant to notice of payment or notice of completion

(1) On receiving a notice of payment, the Council shall assess the amount of the levy payable in respect of the construction operations or the stage or part of the construction operations to which the notice relates.

(2) If no assessment has been made under subsection (1), on receiving a notice of completion, the Council shall assess

(3) 如有關付款通知是就中期付款或部分付款而給予的，則除第 (4) 款另有規定外 ——

(a) 有關評估屬臨時評估；而

(b) 在為有關建造工程作出最後一次付款時，須作出最後評估。

(4) 如根據本條作出的評估是就任何建造工程的某階段或某部分或就任何建造工程而作出的，而該階段或該部分或該建造工程構成任何其他建造工程的某階段或某部分，則 ——

(a) 該評估屬臨時評估；而

(b) 在該等其他建造工程完竣時，須作出最後評估。

38. 對根據固定期合約進行的建造工程的評估可予延遲

如建造工程是根據固定期合約進行的，則在不抵觸第 42 條的條文下，議會可將任何根據第 37 條作出的評估延遲至議會認為適當的時間。

39. 就建造工程的某階段或某部分作出評估

須就任何建造工程的某階段或某部分繳付的徵款的款額的評估，須在猶如該階段或該部分是另行構成根據本條例須予徵款的建造工程的情況下作出。

40. 議會作出評估的權力

the amount of the levy payable in respect of the construction operations or the stage of the construction operations to which the notice of completion relates.

(3) If the notice of payment is given in respect of an interim payment or partial payment, subject to subsection (4)—

(a) the assessment shall be a provisional assessment; and

(b) a final assessment shall be made on the final payment for the construction operations.

(4) If an assessment made under this section is in respect of a stage or part of any construction operations, or in respect of any construction operations, which constitute a stage or part of any other construction operations—

(a) the assessment shall be a provisional assessment; and

(b) a final assessment shall be made on the completion of those other construction operations.

38. Assessment for construction operations under term contract may be deferred

If the construction operations are carried out under a term contract, the Council may, subject to section 42, defer the making of any assessment under section 37 until such time as the Council considers appropriate.

39. Assessment in respect of stage or part of construction operations

The amount of the levy payable in respect of a stage or part of any construction operations is to be assessed as if that stage or part separately constitutes construction operations that are subject to payment of levy under this Ordinance.

40. Powers of Council to make assessment

(1) 在符合第 42 及 44 條的規定下，在任何建造工程或任何建造工程的任何階段或任何部分完竣後，議會可評估須就該建造工程或該建造工程的該階段或該部分繳付的徵款的款額，即使並無付款通知亦無竣工通知給予議會亦然。

(2) 如議會覺得它就徵款作出的任何評估少於恰當的款額，則在符合第 42 及 44 條的規定下，議會可再就徵款作出評估。

41. 附加費的徵收

(1) 如承建商沒有根據第 35 或 36 條給予通知，亦沒有在議會容許的限期內就沒有給予通知而給予合理辯解，則除第 43 及 45 條另有規定外，議會可向他徵收附加費。

(2) 附加費的款額，不可超逾承建商須繳付的徵款的款額的兩倍。

(3) 儘管有第 (1) 款的規定，承建商在議會向他發出附加費的通知的情況下，才須繳付有關附加費。

(4) 附加費通知須採用書面形式，並須指明承建商須繳付的附加費的款額。

42. 作出評估的時限：根據固定期合約進行的建造工程

如建造工程是根據固定期合約進行的，則在以下期間 (以最後完結者為準) 屆滿後，不可根據本條例作出評估 ——

(a) 根據該合約進行的所有建造工程完竣後的 2 年；

(b) 該合約所規定的所有該等建造工程的完竣限期屆滿後的 2 年；

(1) The Council may, subject to sections 42 and 44, assess the amount of the levy payable in respect of any construction operations or any stage or part of any construction operations, after the completion of the construction operations or the stage or part of the construction operations, notwithstanding that neither a notice of payment nor a notice of completion has been given to the Council.

(2) If it appears to the Council that any assessment of levy made by it is less than the proper amount, subject to sections 42 and 44, the Council may make an additional assessment of the levy.

41. Imposition of surcharge

(1) If a contractor fails to give a notice under section 35 or 36 and fails to give, within a period allowed by the Council, a reasonable excuse for that failure, the Council may, subject to sections 43 and 45, impose a surcharge on him.

(2) The surcharge may not exceed twice the amount of the levy payable by the contractor.

(3) Notwithstanding subsection (1), the contractor is liable to pay a surcharge only if the Council gives him a notice of the surcharge.

(4) A notice of surcharge shall be in writing and shall specify the amount of the surcharge payable by the contractor.

42. Time limit on making assessment: construction operations under term contract

In the case of construction operations carried out under a term contract, an assessment under this Ordinance may not be made after the expiry of whichever is the last to end of the following periods—

(c) 議會得悉它認為足以令作出評估屬有理可據的證據後的一年。

43. 徵收附加費的時限：根據固定期合約進行的建造工程

如建造工程是根據固定期合約進行的，則在以下期間 (以最後完結者為準) 屆滿後，不可徵收附加費 ——

(a) 根據該合約進行的所有建造工程完竣後的 2 年；

(b) 該合約所規定的所有該等建造工程的完竣限期屆滿後的 2 年；

(c) 議會得悉它認為足以令徵收附加費屬有理可據的證據後的一年。

44. 作出評估的時限：並非根據固定期合約進行的建造工程

就並非根據固定期合約進行的建造工程而言，在以下期間 (以最後完結者為準) 屆滿後，不可根據本條例作出評估 ——

(a) 建造工程完竣後的 2 年；

(b) 議會得悉它認為足以令作出評估屬有理可據的證據後的一年。

(a) 2 years after the completion of all construction operations under the contract;

(b) 2 years after the expiry of the period within which the contract stipulates that all such construction operations have to be completed;

(c) one year after evidence, sufficient in the opinion of the Council to justify the making of the assessment, comes to its knowledge.

43. Time limit on imposing surcharge: construction operations under term contract

In the case of construction operations carried out under a term contract, a surcharge may not be imposed after the expiry of whichever is the last to end of the following periods—

(a) 2 years after the completion of all construction operations under the contract;

(b) 2 years after the expiry of the period within which the contract stipulates that all such construction operations have to be completed;

(c) one year after evidence, sufficient in the opinion of the Council to justify the imposition of the surcharge, comes to its knowledge.

44. Time limit on making assessment: construction operations other than those under term contract

In respect of construction operations other than those carried out under a term contract, an assessment under this Ordinance may not be made after the expiry of whichever is the last to end of the following periods—

(a) 2 years after the completion of the construction operations;

45. 徵收附加費的時限：並非根據固定期合約進行的建造工程

就並非根據固定期合約進行的建造工程而言，在以下期間 (以最後完結者為準) 屆滿後，不可徵收附加費 ——

(a) 建造工程完竣後的 2 年；

(b) 議會得悉它認為足以令徵收附加費屬有理可據的證據後的一年。

46. 繳付徵款、附加費或罰款等

(1) 獲發評估通知或附加費通知的承建商須於指明期間內，向議會繳付發給他的通知所指明的徵款或附加費的款額。

(2) 如徵款或附加費的全數款額並無在指明期間內繳付，承建商須繳付數目為未繳付款額的 5% 的罰款。

(3) 如徵款或附加費 (包括根據第 (2) 款徵收的罰款) 的全數款額並無在指明期間屆滿後的 3 個月內繳付，承建商須繳付數目為未繳付款額的 5% 的另加罰款。

(4) 就並無繳付任何徵款或附加費而徵收的罰款或另加罰款，是須在該徵款或附加費之外再行繳付的。

(5) 在本條中，***指明期間*** (specified period) ——

(a) 就徵款而言，指承建商收到評估通知後的 28 天期間；及

(b) 就附加費而言，指承建商收到附加費通知後的 28 天期間。

(b) one year after evidence, sufficient in the opinion of the Council to justify the making of the assessment, comes to its knowledge.

45. Time limit on imposing surcharge: construction operations other than those under term contract

In respect of construction operations other than those carried out under a term contract, a surcharge may not be imposed after the expiry of whichever is the last to end of the following periods—

(a) 2 years after the completion of the construction operations;

(b) one year after evidence, sufficient in the opinion of the Council to justify the imposition of the surcharge, comes to its knowledge.

46. Payment of levy, surcharge or penalty, etc.

(1) A contractor who is given a notice of assessment or a notice of surcharge shall pay to the Council the amount of the levy or surcharge specified in the notice given to him, within the specified period.

(2) If the amount of the levy or surcharge is not fully paid within the specified period, the contractor is liable to pay a penalty of 5% of the unpaid amount.

(3) If the amount of the levy or surcharge, including any penalty imposed under subsection (2), is not fully paid within 3 months after the expiry of the specified period, the contractor is liable to pay a further penalty of 5% of the unpaid amount.

(4) A penalty or further penalty is payable in addition to the levy or surcharge for the non-payment of which it is imposed.

(5) In this section, ***specified period*** (指明期間), in relation to—

47. 徵款、附加費或罰款等的追討

(1) 任何根據本條例到期及須繳付的徵款、附加費、罰款或另加罰款，均可作為欠議會的民事債項而予以追討。

(2) 即使欠付的款額超逾在《區域法院條例》(第 336 章) 下區域法院的民事司法管轄權的金錢限額，為上述追討而提出的訴訟仍可在區域法院提出。

48. 雖有擬提出的反對仍須繳付徵款、附加費或罰款等

承建商即使擬根據第 55 條提出反對，仍須按照第 46 條繳付徵款、附加費、罰款或另加罰款。

49. 議會寬免或退還全部或部分徵款、附加費或罰款等的權力

(1) 如議會認為在個別個案的特殊情況下，寬免或退還全部或任何部分的徵款、附加費、罰款或另加罰款是公平及合理的，則可如此行事。

(2) 如根據第 (1) 款獲寬免的款額已繳付予議會，則議會須退還該款額。

(3) 就任何建造工程而言，如由於超過一名承建商繳付全部或部分欠付的款額以致議會收到超過恰當款額的徵款，則議會須將多繳的款額退還有權獲得退款的承建商。

(a) the levy, means the period of 28 days after the contractor receives the notice of assessment; and

(b) a surcharge, means the period of 28 days after the contractor receives the notice of surcharge.

47. Recovery of levy, surcharge or penalty, etc.

(1) A levy, surcharge, penalty or further penalty due and payable under this Ordinance is recoverable as a civil debt due to the Council.

(2) An action for such recovery may be brought in the District Court notwithstanding that the amount due exceeds the financial limits on the civil jurisdiction of the District Court under the District Court Ordinance (Cap. 336).

48. Levy, surcharge or penalty, etc. payable despite intention to object

The levy or a surcharge, penalty or further penalty shall be paid in accordance with section 46 even if the contractor concerned intends to make an objection under section 55.

49. Council's power to waive or refund whole or part of levy, surcharge or penalty, etc.

(1) The Council may waive or refund the whole or any part of a levy, surcharge, penalty or further penalty if it considers it fair and reasonable to do so in the special circumstances of a particular case.

(2) If an amount waived under subsection (1) has already been paid to the Council, the Council shall refund it.

(3) If, in respect of any construction operations, the Council receives more than the proper amount of the levy due to more than one contractor paying the whole or part of amount due,

50. 本部的適用範圍

(1) 本部不適用於同時符合以下兩項說明的建造工程 ——

(a) 為佔用任何住用單位或任何住用單位的部分的人進行的；及

(b) 進行該建造工程的唯一或主要的目的是裝飾、改動、修葺、保養或翻新該單位或該單位的任何部分。

(2) 在本條中，***住用單位*** (domestic unit) 指純粹或主要作居住用途或擬純粹或主要作居住用途，並構成一個獨立住戶單位的處所。

(3) 就本條而言，任何人如擬佔用任何住用單位，他即視為佔用該單位的人。

51. 行政長官會同行政會議將某些建造工程豁除於本部的適用範圍以外的權力

(1) 行政長官會同行政會議可藉在憲報刊登的命令，將任何建造工程豁除於本部的適用範圍以外。

(2) 根據第 (1) 款作出的命令，可豁除個別建造工程，或某類型或種類的建造工程。

(3) 根據第 (1) 款作出的命令，可指明有關豁除在何種情況下適用或為何目的而適用。

the Council shall refund the excess to the contractor entitled to the refund.

50. Application of this Part

(1) This Part does not apply to construction operations that are carried out both—

(a) for a person who occupies a domestic unit or part of a domestic unit; and

(b) for the sole or principal purpose of decorating, altering, repairing, maintaining or renovating the unit or any part of the unit.

(2) In this section, ***domestic unit*** (住用單位) means any premises used or intended to be used solely or principally for residential purposes and constituting a separate household unit.

(3) For the purposes of this section, a person is regarded as a person who occupies a domestic unit if he intends to occupy the unit.

51. Power of Chief Executive in Council to exclude certain construction operations from application of this Part

(1) The Chief Executive in Council may, by order published in the Gazette, exclude any construction operations from the application of this Part.

(2) An order under subsection (1) may exclude particular construction operations or a type or description of construction operations.

(3) An order under subsection (1) may specify the circumstances in which or the purposes for which the exclusion applies.

第 6 部

建造工程的價值等

52. 建造工程的價值

(1) 就任何建造工程而言 ——

(a) 在該建造工程是某建造合約的標的的情況下，該建造工程的價值為 ——

(i) 該合約內述明的可歸於該建造工程的代價；或

(ii) 可參照該合約而確定的可歸於該建造工程的代價；或

(b) 如屬任何其他情況，該建造工程的價值為可預期在公開市場中就進行該建造工程而得到的合理代價。

(2) 儘管有第 (1)(a) 款的規定，如按照該款釐定的可歸於任何建造工程的代價，低於可預期在公開市場中就進行該建造工程而得到的合理代價，則該建造工程的代價為第 (1)(b) 款提述的合理代價。

(3) 就本條而言，議會在某個別個案中確定可預期在公開市場中就進行有關建造工程而得到的合理代價時，可考慮以下任何或所有事宜 ——

(a) 該建造工程所用物料的成本或價值；

(b) 該建造工程所涉及的時間、工作及勞動力的成本或價值；

(c) 該建造工程中所用的設備；

(d) 就該建造工程招致而議會認為合理的總體經營成本；

(e) 可預期在公開市場中就進行該建造工程而得到的合理利潤；

(f) 議會認為適當的任何其他因素。

Part 6

Value of Construction Operations, etc.

52. Value of construction operations

(1) In relation to any construction operations, the value of the construction operations is—

(a) if the construction operations are the subject of a construction contract—

(i) the consideration attributable to the construction operations, that is stated in the contract; or

(ii) the consideration attributable to the construction operations, that is ascertainable by reference to the contract; or

(b) in any other case, the reasonable consideration to be expected in the open market for the carrying out of the construction operations.

(2) Notwithstanding subsection (1)(a), if the consideration attributable to any construction operations as determined in accordance with that subsection is below the reasonable consideration to be expected in the open market for the carrying out of the construction operations, the consideration of the construction operations is to be the reasonable consideration referred to in subsection (1)(b).

(3) For the purposes of this section, the Council may, in a particular case, have regard to any or all of the following matters when ascertaining the reasonable consideration to be expected in the open market for the carrying out of the construction operations concerned—

53. 建造工程的總價值

(1) 為施行本條例 ——

(a) 如建造合約屬固定期合約並有施工通知根據該合約發出，則***總價值*** (total value) 就根據該建造合約進行的建造工程而言，指根據該等施工通知的要求而進行的所有建造工程的價值的總和；

(b) 如建造合約並非 (a) 段所描述的固定期合約，但有屬分階段進行的建造工程或屬分階段進行的建造工程的部分的建造工程根據該合約進行，則***總價值*** (total value) 就根據該建造合約進行的建造工程而言，指該如此進行的建造工程的所有階段的價值的總和；及

(c) 如屬任何其他情況，則***總價值*** (total value) 就根據該建造合約進行的建造工程而言，指該建造工程的價值。

(2) 為施行本條例 ——

(a) 如並非根據建造合約進行的建造工程屬分階段進行的建造工程，或屬分階段進行的建造工程的部分，則***總價值*** (total value) 就該建造工程而言，指該如此進行的建造工程的所有階段的價值的總和；及

(a) the cost or value of materials used in the construction operations;

(b) the cost or value of time, work and labour involved in the construction operations;

(c) the equipment used in the construction operations;

(d) such overhead costs incurred in relation to the construction operations as the Council considers reasonable;

(e) the reasonable profit to be expected in the open market for the carrying out of the construction operations;

(f) any other factors that the Council considers appropriate.

53. Total value of construction operations

(1) For the purposes of this Ordinance, ***total value*** (總價值), in relation to construction operations carried out under a construction contract, means—

(a) if the contract is a term contract under which works orders are issued, the aggregate of the values of all construction operations carried out as required by those works orders;

(b) if the contract is not a term contract described in paragraph (a), but a contract under which the construction operations are or form part of any construction operations that are carried out in stages, the aggregate of the values of all stages of the construction operations so carried out; and

(c) in any other case, the value of the construction operations.

(2) For the purposes of this Ordinance, ***total value*** (總價值), in relation to construction operations that are not carried out under a construction contract, means—

(b) 如並非根據建造合約進行的建造工程屬任何其他情況，則***總價值*** (total value) 就該建造工程而言，指該建造工程的價值。

(a) if the construction operations are or form part of any construction operations that are carried out in stages, the aggregate of the values of all stages of the construction operations so carried out; and

(b) in any other case, the value of the construction operations.

第 7 部

反對及上訴

54. 處理反對事宜委員會的設立

(1) 議會須設立一個由 3 名議會成員組成的委員會，以裁定根據第 55 條或《建造業工人註冊條例》(第 583 章) 第 29 條提出的反對。 *(由 2012 年第 17 號第 57 條代替)*

(2) 處理反對事宜委員會可作出所有對執行第 (1) 款所述的職能屬必需、附帶或有助的事。

(3) 議會可授權處理反對事宜委員會委出小組委員會，以更妥善地執行處理反對事宜委員會的職能。

(4) 處理反對事宜委員會可決定本身的程序。

55. 反對徵款或附加費

(1) 根據第 33 或 41 條獲通知的人，可反對有關的徵款或附加費。

(2) 反對須以書面通知 (***反對通知***) 提出。

(3) 反對通知必須在承建商收到評估通知或附加費通知 (視屬何情況而定) 後的 21 天內向議會送達。

(4) 反對通知須述明反對理由，並須附有反對者所據的所有書面陳述及其他文件證據。

Part 7

Objections and Appeals

54. Establishment of Objections Board

(Amended 17 of 2012 s. 57)

(1) The Council is to establish a board consisting of 3 members of the Council for the purpose of determining objections made under section 29 of the Construction Workers Registration Ordinance (Cap. 583) or section 55. *(Replaced 17 of 2012 s. 57)*

(2) The Objections Board may do all such things as are necessary for, or incidental or conducive to, the performance of the function mentioned in subsection (1).

(3) The Council may authorize the Objections Board to appoint a subcommittee for the better performance of the Objections Board's function.

(4) The Objections Board may determine its own procedures.

(Amended 17 of 2012 s. 57)

55. Objections to levy or surcharge

(1) A person who is notified under section 33 or 41 may object to the levy or surcharge.

(2) The objection shall be made by a notice in writing (***notice of objection***).

(3) A notice of objection must be served on the Council within 21 days after the contractor receives the notice of assessment or the notice of surcharge (as the case may be).

56. 處理反對事宜委員會的決定

(1) 議會須將根據第 55 條或《建造業工人註冊條例》(第 583 章) 第 29 條提出的每一宗反對轉介處理反對事宜委員會考慮。 *(由 2012 年第 17 號第 58 條修訂)*

(2) 處理反對事宜委員會可維持、取消或減低有關的徵款或附加費，並須將其決定告知議會。

(3) 議會須在收到反對通知後的 28 天內，將處理反對事宜委員會的決定以書面方式通知反對者，如上述並非切實可行，則須在一段合理期間內將處理反對事宜委員會的決定以書面方式通知反對者。

(4) 如某項徵款或附加費根據本條取消或減低，則議會須隨即將多繳的徵款的款額或包括任何款額的罰款或另加罰款的任何款額 (視屬何情況而定) 退還反對者。

57. 針對處理反對事宜委員會的決定提出上訴

(1) 反對者如對處理反對事宜委員會的決定感到受屈，可針對該決定向區域法院提出上訴。

(2) 上訴須在反對者收到關於有關決定的通知後的 30 天內提出。

(3) 除非屬上訴的標的之徵款或附加費的款額 (包括任何款額的罰款或另加罰款) 已予繳付，否則該上訴不獲聆訊。

(4) A notice of objection shall state the grounds of objection and shall be accompanied by all written statements and other documentary evidence relied on by the objector.

56. Decision of Objections Board

(Amended 17 of 2012 s. 58)

(1) The Council shall refer every objection made under section 29 of the Construction Workers Registration Ordinance (Cap. 583) or section 55 to the Objections Board for consideration.

(2) The Objections Board may confirm, cancel or reduce the levy or surcharge and shall inform the Council of its decision.

(3) The Council shall notify the objector in writing of the decision of the Objections Board within 28 days after the Council receives the notice of objection or, where that is not practicable, within a reasonable period.

(4) If a levy or surcharge is cancelled or reduced under this section, the Council shall forthwith refund to the objector the amount of the levy or any amount, including any amount of the penalty or further penalty, that has been paid in excess (as the case may be).

(Amended 17 of 2012 s. 58)

57. Appeals against decision of Objections Board

(Amended 17 of 2012 s. 59)

(1) An objector who is aggrieved by a decision of the Objections Board may appeal to the District Court against that decision. *(Amended 17 of 2012 s. 59)*

(2) An appeal shall be lodged within 30 days after the objector receives the notification of the decision.

(4) 區域法院在聆訊上訴時可維持、取消或減低有關徵款或附加費，並可就訟費作出它認為合適的任何命令。

(5) 區域法院如取消或減低某項徵款或附加費，則可命令退還所取消或減低的款額，及任何已繳付的罰款或另加罰款的款額。

(6) 區域法院可命令上述退款須連同自繳款予議會的日期起按法院所釐定的利率計算的利息，或不連同利息退還。

58. 法院規則

根據《區域法院條例》(第 336 章) 第 17 條設立的區域法院規則委員會可為第 57 條的施行訂立法院規則。

(3) An appeal may not be heard unless the amount of the levy or surcharge which is the subject of the appeal, including the amount of any penalty or further penalty, has been paid.

(4) On hearing an appeal, the District Court may confirm, cancel or reduce the levy or surcharge and make any order as to costs as it thinks fit.

(5) If the District Court cancels or reduces a levy or surcharge, it may order the repayment of the cancelled or reduced amount, and any amount of the penalty or further penalty that has been paid.

(6) The District Court may order repayment with interest, at a rate determined by the Court, calculated from the date of payment to the Council, or without interest.

58. Rules of court

The District Court Rules Committee established under section 17 of the District Court Ordinance (Cap. 336) may make rules of court for the purposes of section 57.

第 8 部

雜項條文

59. 提供資料

(1) 任何建造工程所涉的聘用人、承建商或獲授權人須在議會或獲議會授權的人員指明的時間內，以議會或該人員指明的格式，向議會或該人員提供議會或該人員為執行其在本條例下的職能而要求的屬第 (2) 款所描述種類的資料。

(2) 第 (1) 款提述的資料是 ——

(a) 關乎有關聘用人、承建商或獲授權人 (視屬何情況而定) 所涉的建造工程的資料，包括已就或須就該建造工程或與該建造工程相關的任何工作繳付的任何款額的資料 ;

(b) 由他人代為進行有關建造工程的人的姓名或名稱及地址；及

(c) 進行有關建造工程的人的姓名或名稱及地址。

(3) 任何人無合理辯解而沒有遵守第 (1) 款，即屬犯罪，一經定罪，可處第 1 級罰款。

60. 出示文件等

(1) 在議會或獲議會授權的人員為執行其在本條例下的職能而提出的要求下，有關建造工程所涉的聘用人、承建商或獲授權人須出示或安排出示他管有的關乎該聘用人、

Part 8

Miscellaneous

59. Provision of information

(1) An employer, a contractor or an authorized person concerned in any construction operations shall give the Council or an officer authorized by the Council, within a time and in a form specified by the Council or the officer, any information of a kind described in subsection (2) that the Council or the officer may require for the purposes of performing its or his functions under this Ordinance.

(2) The information referred to in subsection (1) is—

(a) information relating to the construction operations that the employer, contractor or authorized person (as the case may be) is concerned in, including information on any amount paid or payable in respect of the construction operations or any work connected with the construction operations;

(b) the name and address of the person for whom the construction operations are carried out; and

(c) the name and address of the person by whom the construction operations are carried out.

(3) A person who, without reasonable excuse, fails to comply with subsection (1) commits an offence and is liable on conviction to a fine at level 1.

60. Production of documents, etc.

(1) An employer, a contractor or an authorized person concerned in any construction operations shall produce or cause to be produced for inspection by the Council or an officer

承建商或獲授權人 (視屬何情況而定) 所涉的建造工程的任何文件或紀錄，包括關乎已就或須就該建造工程或與該建造工程相關的任何工作繳付的任何款額的文件或紀錄，以供議會或該人員查閱。

(2) 在議會或獲議會授權的人員為第 (1) 款提述的目的而提出的要求下，有關聘用人、承建商或獲授權人須准許議會或該人員製作有關文件或紀錄的文本或摘錄其內容，或將該文件或紀錄帶走一段合理期間。

(3) 任何人無合理辯解而沒有遵守第 (1) 或 (2) 款，即屬犯罪，一經定罪，可處第 1 級罰款。

61. 根據第 59 及 60 條提供的資料的保護

(1) 除第 (2) 款另有規定外，任何人除向議會或以公務身分行事的議會僱員外，不得向其他人披露根據第 59 條由某人 (***資料提供人***) 提供或自某人 (***資料持有人***) 取得的任何資料，或根據第 60 條從任何文件或紀錄取得的任何資料，但如得到資料提供人或資料持有人的同意則除外。

(2) 第 (1) 款不適用於以下情況 ——

(a) 根據《肺塵埃沉着病及間皮瘤 (補償)(評估徵款) 規例》(第 360 章，附屬法例 A) 第 14 條提供資料； *(由 2008 年第 6 號第 51 條修訂)*

(b) 根據《建造業工人註冊條例》(第 583 章) 第 31(1) 條提供資料；

authorized by the Council, any document or record in his possession that relates to the construction operations that the employer, contractor or authorized person (as the case may be) is concerned in, including a document or record relating to any amount paid or payable in respect of the construction operations or any work connected with the construction operations, if required by the Council or the officer for the purposes of performing its or his functions under this Ordinance.

(2) If required by the Council or an officer authorized by the Council for the purposes referred to in subsection (1), the employer, contractor or authorized person shall permit the Council or the officer to make a copy of such a document or record or make any extract from it, or to remove it for a reasonable period.

(3) A person who, without reasonable excuse, fails to comply with subsection (1) or (2) commits an offence and is liable on conviction to a fine at level 1.

61. Protection of information given under sections 59 and 60

(1) Subject to subsection (2), a person shall not disclose other than to the Council, or to an employee of the Council acting in his official capacity, any information given or obtained under section 59 or any information obtained from any document or record under section 60 without the consent of the person who gave it or from whom it was obtained.

(2) Subsection (1) does not apply—

(a) to the provision of information under regulation 14 of the Pneumoconiosis and Mesothelioma (Compensation) (Assessment of Levy) Regulations (Cap. 360 sub. leg. A); *(Amended 6 of 2008 s. 51)*

(c) 以摘要形式披露由若干聘用人、承建商或獲授權人提供或取自他們的相類的資料，而該摘要的表達方式，是令他人不能從中確定關乎任何個別承建商的業務的詳情者；

(d) 議會向它為核對或確定建造工程的價值而授權或僱用的人披露資料；

(e) 議會向根據《肺塵埃沉着病及間皮瘤 (補償) 條例》(第 360 章) 設立的肺塵埃沉着病補償基金委員會披露資料；*(由 2008 年第 6 號第 51 條修訂)*

(f) *(由 2012 年第 17 號第 60 條廢除)*

(g) 為任何根據本條例提起的法律程序或為該等法律程序的任何報導而披露資料；或

(h) 為依從根據《個人資料 (私隱) 條例》(第 486 章) 第 18 條提出的查閱資料要求而提供的個人資料複本。

(3) 任何人故意在違反第 (1) 款的情況下披露資料，即屬犯罪，一經定罪，可處第 3 級罰款。*(由 2012 年第 17 號第 60 條修訂)*

62. 以議會印章簽立文件

(b) to the provision of information under section 31(1) of the Construction Workers Registration Ordinance (Cap. 583);

(c) to the disclosure of information in the form of a summary of similar information given by or obtained from a number of employers, contractors or authorized persons if the summary is so framed as not to enable particulars relating to any particular contractor's business to be ascertained from it;

(d) to the disclosure of information by the Council to any person authorized or employed by it for the purposes of checking or ascertaining the value of construction operations;

(e) to the disclosure of information by the Council to the Pneumoconiosis Compensation Fund Board established under the Pneumoconiosis and Mesothelioma (Compensation) Ordinance (Cap. 360); *(Amended 6 of 2008 s. 51)*

(f) *(Repealed 17 of 2012 s. 60)*

(g) to any disclosure of information made for the purposes of any legal proceedings brought under this Ordinance, or for the purposes of any report of any such proceedings; or

(h) to the supply of a copy of personal data in compliance with a data access request under section 18 of the Personal Data (Privacy) Ordinance (Cap. 486).

(3) A person who intentionally discloses any information in contravention of subsection (1) commits an offence and is liable on conviction to a fine at level 3. *(Amended 17 of 2012 s. 60)*

62. Documents under seal of Council

(1) 在文件上蓋上議會的法團印章須由任何 2 名議會成員簽署認證。

(2) 任何文件如看來是以法團印章妥為簽立的，即可獲接納為證據，而除非相反證明成立，否則亦須視為妥為簽立。

63. 簽署議會文件的權力

議會發出的通知或任何其他文件，均可由議會為本條的施行而授權的議會人員簽署。

64. 根據第 63 條簽署的文件的可接納性

任何文件如看來是由議會發出的通知或其他文件，並且看來是由為第 63 條的施行而獲授權的議會人員簽署的，則該文件即可獲接納為證據，而除非相反證明成立，否則亦須視為是由議會發出的通知或其他文件，並須視為是以其看來的簽署方式簽署的。

65. 證明書等作為證據

(1) 任何本條適用的證明書如看來是由為第 63 條的施行而獲授權的議會人員簽署的，即可在任何法律程序中獲接納為證據。

(2) 除非相反證明成立，否則上述證明書即為其內所述事實的證據，並須視為是以其看來的簽署方式簽署的。

(3) 本條適用於述明以下事項的證明書 ——

(a) 本條例規定或根據本條例要求的通知在某一日期是否已給予或發出；或

(b) 根據本條例欠付的徵款、附加費、罰款或另加罰款的款額仍未繳付。

(1) The affixing of the common seal of the Council is to be authenticated by the signatures of any 2 of its members.

(2) A document purporting to be duly executed under the common seal is admissible in evidence and, unless the contrary is proved, is to be regarded as having been duly executed.

63. Power to sign Council's documents

A notice or any other document given or issued by the Council may be signed by an officer of the Council, authorized by the Council for the purposes of this section.

64. Admissibility of documents signed under section 63

A document purporting to be a notice or other document given or issued by the Council and purporting to be signed by an officer of the Council authorized for the purposes of section 63 is admissible in evidence and, unless the contrary is proved, is to be regarded as a notice or other document given or issued by the Council and signed as purported.

65. Evidence by certificate, etc.

(1) In any legal proceedings, a certificate to which this section applies purporting to be signed by an officer of the Council authorized for the purposes of section 63 is admissible in evidence.

(2) Unless the contrary is proved, such a certificate is evidence of the facts stated in it and is to be regarded as signed as purported.

(3) This section applies to a certificate stating that—

(a) a notice required by or under this Ordinance has or has not been given on a particular date; or

66. 委任獲授權人

(1) 如政府就任何建造工程而言屬聘用人，則政府須委任或由他人代為委任某人執行獲授權人的職能。

(2) 在任何其他情況下，如並無根據《建築物條例》(第 123 章) 第 4 條委任的認可人士，則建造工程的有關聘用人須委任某人執行獲授權人的職能。

(3) 為使議會能執行其在第 5 部下的職能，第 (2) 款適用的聘用人須在建造工程展開前，以議會指明的格式向議會提供根據該款委任的人的姓名或名稱，及該建造工程的承建商的姓名或名稱。

(4) 任何人沒有遵守第 (2) 或 (3) 款，即屬犯罪，一經定罪，可處第 1 級罰款。

(5) 第 (3) 款只在以下情況下適用 ——

(a) 有關建造工程是根據固定期合約進行的；或

(b) 經合理估計，有關建造工程的總價值超逾附表 5 第 1 部指明的款額。

67. 以欺詐手段規避徵款及給予虛假文件或資料的罪行

(1) 任何人 ——

(b) an amount of a levy, surcharge, penalty or further penalty due under this Ordinance has not been paid.

66. Appointment of authorized persons

(1) If the Government is the employer in respect of any construction operations, a person shall be appointed by or on behalf of the Government to perform the functions of an authorized person.

(2) In any other case, the employer in respect of any construction operations shall, if no authorized person is appointed under section 4 of the Buildings Ordinance (Cap. 123), appoint a person to perform the functions of an authorized person.

(3) For the purposes of enabling the Council to perform its functions under Part 5, an employer to whom subsection (2) applies shall, before the commencement of the construction operations, supply to the Council, in a form specified by it, the name of the person appointed under that subsection and the name of the contractor in respect of the construction operations.

(4) A person who fails to comply with subsection (2) or (3) commits an offence and is liable on conviction to a fine at level 1.

(5) Subsection (3) applies only if—

(a) the construction operations are carried out under a term contract; or

(b) it is reasonably estimated that the total value of the construction operations exceeds the amount specified in Part 1 of Schedule 5.

67. Offences of fraudulent evasion of levy and giving false documents or information

(1) A person commits an offence if he—

(a) 明知而牽涉入以欺詐手段規避他或任何其他人應繳付的徵款；或

(b) 明知而牽涉入採取步驟，以期以欺詐手段規避他或任何其他人應繳付的徵款，

即屬犯罪。

(2) 任何人 ——

(a) 意圖欺騙而為本條例的目的出示、提供或送交在要項上屬虛假的文件或紀錄，或為本條例的目的以其他方式利用該等文件或紀錄；或

(b) 在為本條例的目的提供資料時，作出他明知在要項上屬虛假的陳述或罔顧實情地作出在要項上屬虛假的陳述，

即屬犯罪。

(3) 任何人犯第 (1)(a) 或 (b) 款所訂罪行，一經定罪，可處第 3 級罰款或該人藉其行為規避或意圖藉其行為規避的徵款的款額的 3 倍，兩者以款額較大者為準。

(4) 任何人犯第 (2)(a) 或 (b) 款所訂罪行，一經定罪，可處第 3 級罰款或該人藉其行為規避或意圖藉其行為規避的徵款的款額的 3 倍，兩者以款額較大者為準。 *(由 2012 年第 17 號第 61 條修訂)*

68. 規例

局長可為以下所有或任何目的訂立規例 ——

(a) 就聘用人、承建商及獲授權人須備存的紀錄訂定條文；

(a) is knowingly concerned in the fraudulent evasion of the payment of a levy due from him or from any other person; or

(b) is knowingly concerned in taking steps with a view to the fraudulent evasion of the payment of a levy due from him or from any other person.

(2) A person commits an offence if he—

(a) with intent to deceive, produces, supplies or sends for the purposes of this Ordinance, or otherwise makes use of for those purposes, a document or record that is false in a material particular; or

(b) in providing any information for the purposes of this Ordinance, makes a statement that he knows to be false in a material particular or recklessly makes a statement that is false in a material particular.

(3) A person who commits an offence under subsection (1)(a) or (b) is liable on conviction to a fine at level 3 or 3 times the amount of the levy that was evaded or intended to be evaded by his conduct, whichever is the greater.

(4) A person who commits an offence under subsection (2)(a) or (b) is liable on conviction to a fine at level 3 or 3 times the amount of the levy that was evaded or intended to be evaded by his conduct, whichever is the greater. *(Amended 17 of 2012 s. 61)*

68. Regulations

The Secretary may make regulations for all or any of the following purposes—

(a) to provide for records that are to be kept by employers, contractors and authorized persons;

(b) 在不抵觸本條例中關乎資料的個別條文的情況下，就聘用人、承建商及獲授權人須提供的資料訂定條文；

(c) 為更妥善地施行本條例的條文及達致本條例的目的而須作出的一般規定。

69. 修訂附表 1、2、3 及 4 的權力

局長可藉在憲報刊登的命令修訂附表 1、2、3 及 4。

70. 修訂附表 5 的權力

(1) 立法會可藉決議修訂附表 5。

(2) 對附表 5 的修訂在指明期間屆滿時生效。

(3) 雖有根據第 (1) 款作出的任何修訂生效，在該修訂作出前的附表 5 繼續適用於本款所適用的建造工程。

(4) 第 (3) 款適用於以下建造工程 ——

(a) 有關投標書已於指明期間屆滿前向有關聘用人呈交的建造工程；

(b) 根據建造合約進行的其他建造工程，但先決條件是該合約在指明期間屆滿前已訂立或該建造工程在該期間屆滿前已展開；及

(b) subject to the particular provisions relating to information in this Ordinance, to provide for information that is to be supplied by employers, contractors and authorized persons;

(c) generally for the better carrying out of the provisions and purposes of this Ordinance.

69. Power to amend Schedules 1, 2, 3 and 4

The Secretary may, by order published in the Gazette, amend Schedules 1, 2, 3 and 4.

70. Power to amend Schedule 5

(1) The Legislative Council may by resolution amend Schedule 5.

(2) Any amendment to Schedule 5 shall come into effect on the expiry of the specified period.

(3) Despite the coming into effect of any amendment made under subsection (1), Schedule 5 as it was before such amendment continues to apply to the construction operations to which this subsection applies.

(4) Subsection (3) applies to the following construction operations—

(a) construction operations the tender for which had been submitted to the employer before the expiry of the specified period;

(b) other construction operations carried out under a construction contract, if the contract had been entered into before the expiry of the specified period or the construction operations had commenced before the expiry of that period; and

(c) 在指明期間屆滿前已展開的不屬 (a) 及 (b) 段提述的建造工程。

(5) 在本條中，***指明期間*** (specified period) 就根據第 (1) 款作出的個別修訂而言，指該項修訂於憲報刊登後的 30 天期間。

(c) construction operations other than those referred to in paragraphs (a) and (b), that had commenced before the expiry of the specified period.

(5) In this section, ***specified period*** (指明期間), in relation to a particular amendment made under subsection (1), means the period of 30 days after the publication in the Gazette of that amendment.

第 9 部

廢除、轉歸、過渡及保留條文，及相應或相關修訂

71. 廢除

(1) *(已失時效而略去 ——2013 年第 1 號編輯修訂紀錄)*

(2) 訓練局現予解散。

72. 將訓練局的權利、資產、法律責任及義務轉歸議會及保存訓練局的作為的有效性

(1) 自指定日期起，訓練局的所有權利、資產、法律責任及義務即憑藉本條而轉歸議會。

(2) 本條例不影響訓練局在指定日期前作出的任何事情的有效性，亦不影響在指定日期前就訓練局作出的任何事情的有效性。

(3) 《印花稅條例》(第 117 章) 不適用於本條所達成的轉歸。

73. 完成已展開的作為

在緊接指定日期前正由訓練局進行或正就訓練局進行的任何事情，均可由議會按照本條例的條文進行或完成。

74. 起訴的權利

(1) 議會可就它根據第 72 條承擔的法律責任或義務被起訴，而有關人士可就該等法律責任或義務向議會進行追討。

Part 9

Repeal, Vesting, Transitional and Savings Provisions, and Consequential or Related Amendments

71. Repeal

(1) *(Omitted as spent—E.R. 1 of 2013)*

(2) The CITA is dissolved.

72. Vesting of rights, assets, liabilities and obligations of CITA in Council and saving of validity of CITA's acts

(1) By virtue of this section, all rights, assets, liabilities and obligations of the CITA are to be vested in the Council as from the appointed day.

(2) Nothing in this Ordinance affects the validity of anything done by or in relation to the CITA before the appointed day.

(3) The Stamp Duty Ordinance (Cap. 117) does not apply to any vesting effected by this section.

73. Completion of acts already commenced

Anything which immediately before the appointed day is in the process of being done by or in relation to the CITA may be carried on or completed by the Council in accordance with the provisions of this Ordinance.

74. Rights of action

(1) The Council may be sued for the liabilities or obligations to which it is subject under section 72 and they may be recovered from the Council.

(2) 議會可就任何根據第 72 條轉歸議會的據法權產提起訴訟、進行追討或作強制執行，而無須將該項轉歸通知受該據法權產約束的人。

75. 法律申索及待決法律程序等

(1) 在緊接指定日期前存在的由訓練局提出或針對訓練局而提出的法律申索 (不論是現有的或未來的，實有的或或有的)，包括任何已產生的上訴權利，以及由訓練局提起或針對訓練局而提起的司法及行政程序，並不因第 71 條所指的廢除而中止，該法律申索可由議會繼續進行或強制執行，或針對議會而繼續進行或強制執行。

(2) 如訓練局屬任何法律程序的一方而該法律程序在緊接指定日期前仍屬待決，則自該日起，議會須取代訓練局作為該等法律程序的一方。

76. 既有協議等的效力

(1) 由訓練局、對訓練局或就訓練局訂立的任何協議、安排或合約或達成的其他交易或作出的其他事情，如在緊接指定日期前是有效的，或是在該日期當日或之後生效的，則該等協議、安排、合約、交易及事情具有的效力，猶如它們是由議會、對議會或就議會訂立、達成或作出一樣。

(2) 在不影響第 (1) 款的一般性的原則下，任何批給訓練局的租契、租賃、准許、許可或牌照如在緊接指定日期前是有效的，或是在該日期當日或之後生效的，則該等租契、租賃、准許、許可或牌照具有的效力，猶如它們是批給議會一樣。

77. 對訓練局的提述

自指定日期起，在以下項目中對訓練局的提述，須視為對議會的提述 ——

(2) The Council may sue on, recover or enforce a chose in action vested in it under section 72 without having to give notice of the vesting to a person bound by the chose in action.

75. Legal claims and pending legal proceedings, etc.

(1) Legal claims (whether present or future, actual or contingent) by or against the CITA, including any accrued right of appeal, judicial and administrative proceedings instituted by or against the CITA, that existed immediately before the appointed day do not abate by reason of the repeal under section 71 and may be continued or enforced by or against the Council.

(2) Where immediately before the appointed day, any legal proceedings to which the CITA is a party are pending, the Council is to, as from that day, be substituted as a party to those proceedings in place of the CITA.

76. Effect of existing agreement, etc.

(1) Any agreement, arrangement, contract made or entered into or other transaction effected or other thing done by, to or in relation to the CITA that is in force or effective immediately before the appointed day or which is to take effect on or after that day has effect as if made, entered into, effected or done by, to or in relation to the Council.

(2) Without affecting the generality of subsection (1), any lease, tenancy, permit or licence granted to the CITA that is in force or effective immediately before the appointed day or which is to take effect on or after that day has effect as if granted to the Council.

77. References to CITA

As from the appointed day, the references to the CITA in the following are to be taken as references to the Council—

(a) 任何協議、合約或其他文書；

(b) 為在法院、審裁處或相類的機關席前進行任何法律程序而發出、擬備或使用的任何法律程序文件或其他文件；及

(c) 關乎或影響根據第 72 條轉歸議會的訓練局的任何財產、權利、法律責任或義務的任何其他文件 (成文法則除外)。

78. 簿冊等的交付

屬於訓練局並在緊接指定日期前由訓練局掌控的所有簿冊、帳目、會議紀錄及其他文件及設備，均須於該日期由在當日開始之時看管及保管該等文件或設備的人交付予議會。

79. 財產紀錄

訓練局的任何財產如在緊接指定日期前列於任何銀行、公司或其他法團的簿冊內，則該銀行、公司或其他法團須應議會的要求在該等簿冊內將有關財產轉到議會名下。

80. 僱用的延續

(1) 訓練局僱員的受僱，並不因訓練局的解散而終止。

(2) 任何人如在緊接指定日期前根據有效的僱傭合約受僱為訓練局的僱員，而若非訓練局解散則根據該合約在該日期仍會是訓練局的僱員，則自該日期起，該人即成為議會的僱員，而其僱用條款及條件，與在緊接該日期前適用於他受訓練局僱用的條款及條件相同。

(3) 第 (2) 款提述的人士的受僱並不因本部的生效而中斷或間斷。

(4) 儘管有第 17 及 18 條的規定，本條仍適用。

(a) any agreement, contract or other instrument;

(b) any process or other document issued, prepared or employed for the purposes of any proceedings before a court, tribunal or similar body; and

(c) any other document (other than an enactment) relating to or affecting any property, right, liability or obligation of the CITA vested in the Council under section 72.

78. Delivery of books, etc.

All books, accounts, minutes and other documents and equipment belonging to the CITA and in its control immediately before the appointed day shall be delivered to the Council on that day by the person who has the care and custody of those documents or equipment on the commencement of that day.

79. Record of property

Any property of the CITA which, immediately before the appointed day, was standing in the books of a bank, company or other corporation is to be transferred in those books to the Council at the request of the Council, by the bank, company or other corporation.

80. Continuance of employment

(1) The employment of an employee of the CITA is not to be terminated by reason of the dissolution of the CITA.

(2) As from the appointed day, a person who, immediately before that day, is an employee of the CITA under a valid contract of employment and who, if not for the dissolution, would have been its employee under the contract on that day, becomes an employee of the Council on the same terms and conditions that applied immediately before that day to his employment with the CITA.

81. 呈交訓練局活動的報告

(1) 在指定日期後的 6 個月內，議會須向局長呈交 ——

(a) 訓練局在指明期間的活動的報告；

(b) 就該期間擬備的訓練局帳目表的文本；及

(c) 核數師就該等帳目表作出的報告。

(2) 局長須安排將根據第 (1) 款收到的文件提交立法會會議席上省覽。

(3) 局長可延展根據第 (1) 款呈交文件的限期。

(4) 在本條中 ——

指明期間 (specified period) 指自訓練局根據被廢除條例第 20 條呈交的報告及結算表所關乎的最後一個財政年度結束後的翌日開始而在緊接指定日期的前一日結束的期間；

被廢除條例 (repealed Ordinance) 指《工業訓練 (建造業) 條例》(第 317 章)；

帳目表 (statement of accounts) 包括收支結算表及資產負債表。

82. 議會須為施行第 81 條委任核數師

(3) There is no break or interruption in the employment of a person referred to in subsection (2) by reason of the commencement of this Part.

(4) This section applies notwithstanding sections 17 and 18.

81. Submission of reports on activities of CITA

(1) Within 6 months after the appointed day, the Council shall submit to the Secretary—

(a) a report on the activities of the CITA during the specified period;

(b) a copy of the statement of accounts of the CITA in respect of that period; and

(c) the auditor's report on the statement of accounts.

(2) The Secretary shall cause the documents received under subsection (1) to be laid on the table of the Legislative Council.

(3) The Secretary may extend the period for submitting the documents under subsection (1).

(4) In this section—

repealed Ordinance (被廢除條例) means the Industrial Training (Construction Industry) Ordinance (Cap. 317);

specified period (指明期間) means the period beginning on the day next following the end of the last financial year of the CITA in respect of which reports and statements had been submitted under section 20 of the repealed Ordinance and ending on the day immediately before the appointed day;

statement of accounts (帳目表) includes an income and expenditure account and a balance sheet.

82. Council to appoint auditor for purposes of section 81

(1) 議會須為施行第 81 條委任一名核數師。

(2) 根據第 (1) 款委任的核數師須 ——

(a) 審計第 81 條提述的帳目表；及

(b) 向議會呈交關於帳目表的報告。

(3) 核數師有權 ——

(a) 查閱議會掌控的訓練局的所有帳目冊、憑單及其他財務紀錄；及

(b) 要求他認為合適的關於該等帳目冊、憑單及紀錄的資料及解釋。

83. 關乎某些建造工程的過渡條文

(1) 本條例不適用於以下建造工程 ——

(a) 有關投標書已於生效日期前向有關聘用人呈交的建造工程；

(b) 根據建造合約進行的其他建造工程，但先決條件是該合約在生效日期前已訂立或該建造工程在生效日期前已展開；及

(c) 在生效日期前已展開的不屬 (a) 及 (b) 段提述的建造工程。

(2) 雖有第 71 條的生效，在緊接該生效前有效的被廢除條例在第 (3) 款的規限下，繼續適用於第 (1) 款提述的建造工程。

(3) 就上述建造工程而言，根據被廢除條例賦予訓練局的權力和委予訓練局的職能，須由議會行使及執行。

(4) 在本條中 ——

生效日期 (commencement day) 指本部開始實施的日期 *；

(1) The Council shall appoint an auditor for the purposes of section 81.

(2) The auditor appointed under subsection (1) shall—

(a) audit the statement of accounts referred to in section 81; and

(b) submit a report on it to the Council.

(3) The auditor is entitled to—

(a) have access to all books of account, vouchers and other financial records of the CITA that are in the Council's control; and

(b) require such information and explanations of those books, vouchers and records as he thinks fit.

83. Transitional provisions in relation to certain construction operations

(1) This Ordinance does not apply to the following construction operations—

(a) construction operations the tender for which had been submitted to the employer before the commencement day;

(b) other construction operations carried out under a construction contract, if the contract had been entered into before the commencement day or the construction operations had commenced before the commencement day; and

(c) construction operations other than those referred to in paragraphs (a) and (b), that had commenced before the commencement day.

(2) Despite the commencement of section 71, the repealed Ordinance as it was in force immediately before the commencement continues to apply to the construction

被廢除條例 (repealed Ordinance) 指《工業訓練 (建造業) 條例》(第 317 章)。

編輯附註：

* 見 2006 年第 264 號法律公告及 2007 年第 183 號法律公告。

84. 相應或相關修訂

(1) *(已失時效而略去 ——2013 年第 1 號編輯修訂紀錄)*

(2) 附表 6 第 3 條作出的修訂就該條開始實施的課稅年度及以後的各課稅年度適用。

(3) 在第 (2) 款中，***課稅年度*** (year of assessment) 具有《稅務條例》(第 112 章) 第 2(1) 條給予該詞的涵義。

operations referred to in subsection (1), subject to subsection (3).

(3) In respect of those construction operations, the powers conferred and the functions imposed on the CITA under the repealed Ordinance shall be exercised and performed by the Council.

(4) In this section—

commencement day (生效日期) means the day on which this Part comes into operation*;

repealed Ordinance (被廢除條例) means the Industrial Training (Construction Industry) Ordinance (Cap. 317).

Editorial Note:

* See L.N. 264 of 2006 and L.N. 183 of 2007.

84. Consequential or related amendments

(1) *(Omitted as spent—E.R. 1 of 2013)*

(2) The amendments effected by section 3 of Schedule 6 apply in relation to the year of assessment in which that section comes into operation and to all subsequent years of assessment.

(3) In subsection (2), ***year of assessment*** (課稅年度) has the meaning assigned to it in section 2(1) of the Inland Revenue Ordinance (Cap. 112).

附表 1

[第 2 及 69 條]

建造工程

1. 在本條例中，***建造工程*** (construction operations) 指屬以下任何種類的工程 ——

(a) 《建築物條例》(第 123 章) 第 2(1) 條界定的建築工程；

(b) 《建築物條例》(第 123 章) 第 2(1) 條界定的街道工程；

(c) 建造、改動、修葺、修理、保養、擴建、拆卸或拆除 ——

(i) 任何建築物，或其他構成或將會構成土地一部分的臨時或永久構築物；

(ii) 任何構成或將會構成土地一部分的工程；

(iii) 任何供土地排水、護岸、供水或防衞之用的工業裝置或工業裝設；或

(iv) 任何輸電線、電訊器具或管道，

包括牆壁、塔架、飛機跑道、船塢及海港、鐵路、內陸水道、水庫、輸水管、井及污水渠；

(d) 供應及裝設在任何建築物或其他構成土地一部分的構築物內的任何裝配或設備，包括暖氣、照明、空氣調節、通風、能源供應、渠務、衞生設施、垃圾收集、供水、防火、保安或通訊系統、升降機或自動梯及其他超低電壓工程；

(e) 任何建築物或其他構成土地一部分的臨時或永久構築物的外部或內部清潔工作，但以在該建築物或構築物的建造、改動、修葺、保養、擴建或修復過程中進行者為限；

Schedule 1

[ss. 2 & 69]

Construction Operations

1. In this Ordinance, ***construction operations*** (建造工程) means operations of any of the following descriptions—

(a) building works as defined in section 2(1) of the Buildings Ordinance (Cap. 123);

(b) street works as defined in section 2(1) of the Buildings Ordinance (Cap. 123);

(c) construction, alteration, repair, maintenance, extension, demolition or dismantling of—

(i) any buildings, or other temporary or permanent structures forming, or to form, part of land;

(ii) any works forming, or to form, part of land;

(iii) any industrial plant or any industrial installations for the purposes of land drainage, coast protection, water supply or defence; or

(iv) any power-lines, telecommunications apparatus or pipelines,

including walls, pylons, aircraft runways, docks and harbours, railways, inland waterways, reservoirs, water-mains, wells and sewers;

(d) supply and installation of fittings or equipment in any buildings, or other structures forming part of land, including systems of heating, lighting, air-conditioning, ventilation, power supply, drainage, sanitation, refuse collection, water supply, fire protection, security or

(f) 任何建築物或其他構成土地一部分的臨時或永久構築物的任何外部或內部的表面或任何外部或內部的部分的髹漆或裝飾工作；

(g) 構成 (a)、(b)、(c)、(d)、(e) 及 (f) 段所描述的任何工程的一個整體的部分或是為該等工程作準備或是使該等工程完整的任何工程，包括清理及勘測工地、翻動泥土、挖掘、建隧道及鑽鑿、鋪設地基、構築、保養或拆除棚架、修復工地、園景建構以及提供行車道及其他通道的工程。

communications, lift or escalator and other extra low voltage works;

(e) external or internal cleaning of any buildings, or other temporary or permanent structures forming part of land, to the extent that it is carried out in the course of construction, alteration, repair, maintenance, extension or restoration of such buildings or structures;

(f) painting or decorating any external or internal surfaces or parts of any buildings, or other temporary or permanent structures forming part of land;

(g) operations which form an integral part of, or are preparatory to, or are for rendering complete, any of the operations described in paragraphs (a), (b), (c), (d), (e) and (f), including site clearance and investigation, earthmoving, excavation, tunnelling and boring, laying of foundations, erection, maintenance or dismantling of scaffolding, site restoration, landscaping and the provision of roadways and other access works.

2. 儘管有第 1 條的規定，***建造工程*** (construction operations) 並不包括屬以下任何種類的工程 ——

(a) 設計、提供意見或顧問工作，除非該設計、提供意見或顧問工作是附帶於第 1 條所描述的任何工程；

(b) 在某地方製造任何機組或機械，以將該等機組或機械運送往另一地方，而該另一地方上的唯一或主要活動是 ——

(i) 發電；或

(ii) 擬作出售用途的任何物料或製成品 (包括化學品、藥劑產品、石油、氣體、鋼、食物或飲品或車輛) 的生產、輸送、加工或大量貯存。

3. 在本附表中 ——

土地 (land) 包括海底的土地；

特低壓 (extra low voltage) 指於正常情況下 ——

(a) 在導體與導體之間或導體與地之間不超逾 50 伏特均方根交流電的電壓；或

(b) 在導體與導體之間或導體與地之間不超逾 120 伏特直流電的電壓。

2. Notwithstanding section 1, ***construction operations*** (建造工程) does not include operations of any of the following descriptions—

(a) design, advice or consultation work, unless such design, advice or consultation work is incidental to any operations described in section 1;

(b) manufacture of plant or machinery at a site for delivery of such plant or machinery to another site where the sole or principal activity at that other site is—

(i) power generation; or

(ii) the production, transmission, processing or bulk storage of any materials or manufactured products, including chemicals, pharmaceuticals, oil, gas, steel, food or drink or vehicles, which are intended for sale.

3. In this Schedule—

extra low voltage (特低壓) means voltage normally not exceeding—

(a) 50V root mean square alternating current between conductors or between a conductor and earth; or

(b) 120V direct current between conductors or between a conductor and earth;

land (土地) includes land under the sea.

附表 2

[第 9 及 69 條]

指明團體

第 1 部

聘用人

1. 機場管理局
2. *(由 2011 年第 89 號法律公告廢除)*
3. 香港鐵路有限公司 *(由 2007 年第 11 號第 36 條修訂)*
4. The Real Estate Developers Association of Hong Kong Limited

第 2 部

專業人士及顧問

1. 香港建築師學會
2. 香港園境師學會
3. 香港規劃師學會
4. 香港測量師學會
5. 香港工程師學會

Schedule 2

[ss. 9 & 69]

Specified Bodies

Part 1

Employers

1. Airport Authority
2. *(Repealed L.N. 89 of 2011)*
3. MTR Corporation Limited
4. The Real Estate Developers Association of Hong Kong Limited

Part 2

Professionals and Consultants

1. The Hong Kong Institute of Architects
2. The Hong Kong Institute of Landscape Architects
3. The Hong Kong Institute of Planners
4. The Hong Kong Institute of Surveyors
5. The Hong Kong Institution of Engineers

第 3 部

承建商、分包商、材料供應商及設備供應商

1. 香港建造業分包商聯會有限公司 *(由 2011 年第 89 號法律公告代替)*
2. *(由 2011 年第 89 號法律公告廢除)*
3. 香港建造商會有限公司
4. 香港建築業物料聯會有限公司
5. 香港機電工程商聯會有限公司
6. 香港建築業承建商聯會有限公司
7. 香港油壓吊機商會有限公司
8. *(由 2011 年第 89 號法律公告廢除)*
9. 香港持牌水喉匠協會有限公司
10. *(由 2011 年第 89 號法律公告廢除)*
11. 註冊電梯營造商聯會有限公司

第 4 部

職工會

1. 建築地盤職工總會

Part 3

Contractors, Subcontractors, Materials Suppliers and Equipment Suppliers

1. Hong Kong Construction Sub-contractors Association Limited *(Replaced L.N. 89 of 2011)*
2. *(Repealed L.N. 89 of 2011)*
3. The Hong Kong Construction Association, Limited
4. Hong Kong Construction Materials Association Limited
5. The Hong Kong Federation of Electrical and Mechanical Contractors Limited
6. Hong Kong General Building Contractors Association Limited
7. Hong Kong Hydraulic Truck Cranes Association Limited
8. *(Repealed L.N. 89 of 2011)*
9. Hong Kong Licensed Plumbers Association Limited
10. *(Repealed L.N. 89 of 2011)*
11. The Registered Elevator and Escalator Contractors Association Limited

Part 4

Trade Unions

1. Construction Site Workers General Union

2. 駐地盤人員協會 *(由 2011 年第 89 號法律公告代替)*
3. 香港機電業工會聯合會 *(由 2011 年第 89 號法律公告代替)*
4. 香港建造業總工會
5. 香港電業工程專業人員協會
6. 香港電梯業總工會
7. *(由 2011 年第 89 號法律公告廢除)*

2. Resident Site Staff Association *(Replaced L.N. 89 of 2011)*
3. The Federation of Hong Kong Electrical and Mechanical Industries Trade Unions *(Replaced L.N. 89 of 2011)*
4. Hong Kong Construction Industry Employees General Union
5. Hong Kong Electrical Engineering Professional Employees Association
6. Hong Kong General Union of Lift and Escalator Employees
7. *(Repealed L.N. 89 of 2011)*

附表 3

[第 14 及 69 條]

議會的會議及程序

1. 釋義

在本附表中 ——

主席 (chairperson) 指本條例第 9(1)(a) 條提述的議會主席；*(由 2012 年第 17 號第 62 條修訂)*

成員 (member) 指本條例第 9(1) 條提述的議會成員。

2. 會議的舉行

(1) 在不抵觸第 (2) 款的條文下，議會會議須在主席指定的時間及地點舉行。

(2) 如有由不少於半數的議會成員簽署的書面通知要求舉行會議，則議會須舉行會議。

3. 會議通知

除主席另有決定外，會議通知須在會議舉行的日期前最少 14 天送達每一位成員。

4. 法定人數

(1) 議會會議的法定人數為不少於其半數成員。

Schedule 3

[ss. 14 & 69]

Meetings and Proceedings of Council

1. Interpretation

In this Schedule—

chairperson (主席) means the chairperson of the Council referred to in section 9(1)(a) of this Ordinance; *(Added 17 of 2012 s. 62)*

member (成員) means a member of the Council referred to in section 9(1) of this Ordinance.

(Amended 17 of 2012 s. 62)

2. Holding of meetings

(1) Subject to subsection (2), a meeting of the Council shall be held at such time and place as the chairperson may appoint. *(Amended 17 of 2012 s. 62)*

(2) The Council shall meet if there is a notice in writing, signed by not less than half of its members, requesting that a meeting be held.

3. Notice of meetings

Unless otherwise determined by the chairperson, a notice of meeting shall be served on each member at least 14 days before the day on which the meeting is to be held.

(Amended 17 of 2012 s. 62)

4. Quorum

(1) At a meeting of the Council, a quorum is not less than half of

(2) 如根據第 6 條有成員就某事宜被取消參與作出決定或商議的資格，則在計算決定或商議該事宜的法定人數時，不得將該成員計算在內。

5. 議會的程序

(1) 除第 (2) 款另有規定外，議會會議須由主席主持。

(2) 如主席因任何原因不能夠主持某次議會會議，則出席該會議的成員須互選一人主持會議。

(3) 所有待決問題均須由出席會議並有投票的成員的過半數票決定，如票數相等，主持會議的成員除本身原有的一票外，另可投決定票。 *(由 2012 年第 17 號第 62 條修訂)*

6. 成員的利害關係的披露

如任何成員在議會會議考慮的任何事宜中有直接或間接金錢利害關係，則 ——

(a) 該成員須於會議開始後，在切實可行的範圍內盡快向議會披露其利害關係的事實及性質；

(b) 如會議要求該成員在議會考慮該事宜時避席，該成員須按要求避席；及

(c) 在任何情況下，該成員均不得就該事宜投票。

7. 議會備存紀錄冊

its members.

(2) If a member is disqualified from taking part in a decision or deliberation in respect of a matter under section 6, he shall be disregarded for the purposes of constituting the quorum for deciding or deliberating on that matter.

5. Proceedings of Council

(1) Subject to subsection (2), the chairperson is to preside at a meeting of the Council.

(2) If, for any reason, the chairperson is not able to preside at a meeting of the Council, the members present at the meeting are to elect a member from among themselves to preside.

(3) All questions for determination are to be decided by a majority of votes of the members present and voting, and if there is an equality of votes, the member presiding has a casting vote in addition to his or her original vote.

(Amended 17 of 2012 s. 62)

6. Disclosure of interests of members

If a member has a pecuniary interest, whether direct or indirect, in any matter under consideration at a meeting of the Council, the member—

(a) shall, as soon as practicable after the commencement of the meeting, disclose to the Council the fact and nature of his interest;

(b) shall withdraw from the meeting while the Council is considering the matter, if so required by the meeting; and

(c) shall not in any case vote on the matter.

7. Keeping of register by Council

(1) 議會須為備存成員作出的任何披露的紀錄的目的，設置和保存一份紀錄冊。

(2) 議會可決定紀錄冊的形式，包括在其內作出記項的方式。

(3) 在成員作出披露後，議會須安排將該成員的姓名及該項披露的詳情記錄在紀錄冊內；如有進一步披露的作出，則議會須在該項進一步披露作出後安排將該項進一步披露的詳情記錄在紀錄冊內。

(4) 為使公眾人士能確定成員作出的披露的詳情，議會須將紀錄冊供公眾於任何合理時間查閱。

(5) 在本條中，***披露*** (disclosure) 指根據第 6 條規定作出的金錢利害關係的披露。

8. 程序的有效性

議會的任何程序的有效性不受以下情況影響 ——

(a) 任何成員的委任有欠妥之處；或

(b) 議會席位出現空缺。

9. 議會會議須公開進行

(1) 除第 (2) 款另有規定外，議會會議須向公眾人士開放。

(2) 在以下情況下，第 (1) 款不適用於某次議會會議或某次議會會議的某部分 ——

(a) 如議會認為施行第 (1) 款相當可能導致 ——

(i) 關於議會的財務事宜或投資的資料過早發放；或

(1) The Council is to establish and maintain a register for the purpose of keeping a record of any disclosure made by a member.

(2) The Council may determine the form of the register, including the manner of making entries in it.

(3) After a disclosure is made by a member, the Council is to cause the name of that member and the particulars of the disclosure to be recorded in the register; if a further disclosure is made, the Council is to cause those particulars to be recorded in the register after such disclosure is made.

(4) For the purpose of enabling any member of the public to ascertain the particulars of the disclosure made by a member, the Council is to make available the register for inspection by the public at any reasonable time.

(5) In this section, ***disclosure*** (披露) means a disclosure of pecuniary interest required to be made under section 6.

8. Validity of proceedings

The validity of any proceedings of the Council shall not be affected by—

(a) any defect in the appointment of a member; or

(b) any vacancy in the membership of the Council.

9. Meetings of Council to be held in public

(1) Subject to subsection (2), a meeting of the Council shall be open to the public.

(2) Subsection (1) does not apply to a meeting of the Council or a part of a meeting of the Council in the following circumstances—

(a) if, in the opinion of the Council, it is likely that the application of subsection (1) would result—

(ii) 在違反任何法律、法庭或審裁處作出的命令或指示、保密責任或其他法律義務或責任的情況下披露資料；

(b) 如議會認為有待在該會議或該會議的該部分討論或考慮的任何事宜相當可能關乎 ——

(i) 人事事宜；或

(ii) 某個別個案，而該個案涉及施行本條例中關於徵款、附加費、罰款或另加罰款的條文；或

(c) 如議會在顧及個別個案的整體情況後，合理地認為第 (1) 款不應適用於該會議或該會議的該部分。

10. 議會可決定程序

在不抵觸本條例的條文下，議會可決定本身的程序。

11. 不經會議作出的決議

(1) 除第 2(2) 條及本條另有規定外，任何可由議會在會議中以決議處理的事務，均可在無須召開會議的情況下以書面決議有效地處理，但先決條件是 ——

(a) 該決議須由過半數合資格成員簽署及同意；及

(b) 該決議須在指明期間內獲如此簽署及同意的。

(2) 如某決議是以超過一份文件的形式作出，而每份該等文件均採用相近的格式，且該等文件合共載有過半數合資格成員的簽署及獲過半數合資格成員的同意，則第 (1)(a) 款的規定須視為已獲符合。

(i) in premature release of information concerning any financial matter or investment of the Council; or

(ii) in a disclosure of information in breach of any law, order or direction of a court or tribunal, duty of confidentiality, or other legal obligation or duty;

(b) if, in the opinion of the Council, it is likely that any matter to be discussed or considered at the meeting or part of the meeting—

(i) concerns personnel matters; or

(ii) concerns a particular case that involves the carrying out of any provision of this Ordinance relating to the levy, surcharge, penalty or further penalty; or

(c) if the Council, having regard to all the circumstances of a particular case, reasonably considers that subsection (1) should not apply to the meeting or part of the meeting.

10. Council to determine procedures

Subject to the provisions of this Ordinance, the Council may determine its own procedures.

11. Resolutions without meetings

(1) Subject to section 2(2) and this section, any business that may be transacted by a resolution of the Council in a meeting may be validly transacted, without a meeting, by a resolution in writing if—

(a) the resolution is signed and endorsed by more than half of the eligible members; and

(b) it is so signed and endorsed within the specified period.

(2) If a resolution is in the form of more than one document, the requirements of subsection (1)(a) are to be regarded

(3) 任何載有某合資格成員的簽署的無線電報、電報、圖文傳真或以電子方式傳送的文件，均須視為已由該成員簽署。

(4) 某決議如以超過一份文件的形式作出，則須視為在於指明期間內最後一名簽署及同意該決議的成員簽署該決議的日期作出。

(5) 任何成員均可在指明期間內向主席給予書面通知，要求在議會會議上處理有關決議所關乎的事務。

(6) 凡有根據第 (5) 款給予的通知，則以下條文適用 ——

(a) 有關決議所關乎的事務不得以第 (1) 款描述的方式處理；

(b) 第 (1) 款所指的決議不得作出或視為已作出。

(7) 為施行本條 ——

同意 (endorse) 就某決議而言，包括同意在無須召開議會會議的情況下以決議處理有關事務；

合資格成員 (eligible member) 指任何在作出有關決議的日期有權就有關事務出席議會會議並在議會會議上就有關事務投票的成員；

指明期間 (specified period) 就第 (1) 款提述的任何事務而言，指符合以下說明的期間 ——

as satisfied if each document is in the like form and the documents together bear the signatures of, and have been endorsed by, more than half of the eligible members.

(3) A telex, cable or facsimile, or an electronically transmitted document, that bears the signature of an eligible member is to be regarded as signed by that member.

(4) A resolution in the form of more than one document is to be regarded as made on the date on which the resolution is signed by the last member to sign and endorse it within the specified period.

(5) A member may, within the specified period, give notice in writing to the chairperson requiring that the business to which the resolution relates be transacted at a meeting of the Council. *(Amended 17 of 2012 s. 62)*

(6) Where a notice is given under subsection (5), the following applies—

(a) the business to which the resolution relates may not be transacted in the manner described in subsection (1);

(b) a resolution for the purposes of subsection (1) may not be made or regarded as having been made.

(7) For the purposes of this section—

eligible member (合資格成員) means a member who, on the date on which the resolution is made, is entitled to attend and vote at a meeting of the Council in respect of the business;

endorse (同意), in relation to a resolution, includes to endorse the transaction of the business by a resolution without a meeting of the Council;

specified period (指明期間), in relation to any business referred to in subsection (1), means a period—

(a) 該期間是由主席決定並在為處理該事務的目的而傳閱的文件中指明的；及

(b) 在該期間內，成員可向議會表明他是否同意有關決議。

(a) that is determined by the chairperson and specified in the documents circulated for the purposes of transacting the business; and *(Amended 17 of 2012 s. 62)*

(b) within which a member may indicate to the Council as to whether he endorses the resolution.

附表 4

[第 19、30 及 69 條]

訓練委員會的組成、會議及程序等

1. 釋義

在本附表中 ——

主席 (chairperson) 指根據第 2(4) 條委任的訓練委員會主席；*(由 2012 年第 17 號第 63 條修訂)*

訓練委員會成員 (Board member) 指第 2 條提述的訓練委員會成員。

2. 訓練委員會的組成

(1) 訓練委員會須由 14 名由議會委任的成員組成。*(由 2012 年第 17 號第 63 條修訂)*

(2) 在該等成員中 ——

(a) 4 名須屬議會認為代表與建造業相關的專業人士或顧問的人士；

(b) 3 名須屬議會認為代表建造業承建商的人士；

(c) 一名須屬議會認為代表與建造業相關的訓練機構或大專院校的人士；

(d) 3 名須屬議會認為來自代表受僱於建造業的工人且根據《職工會條例》(第 332 章) 登記的職工會的人士；*(由 2012 年第 17 號第 63 條修訂)*

Schedule 4

[ss. 19, 30 & 69]

Composition, Meetings and Proceedings of Training Board, etc.

(Amended 17 of 2012 s. 63)

1. Interpretation

In this Schedule—

Board member (訓練委員會成員) means a member of the Training Board referred to in section 2; *(Amended 17 of 2012 s. 63)*

chairperson (主席) means the chairperson of the Training Board appointed under section 2(4). *(Added 17 of 2012 s. 63)*

(Amended 17 of 2012 s. 63)

2. Composition of Training Board

(Amended 17 of 2012 s. 63)

(1) The Training Board is to consist of 14 members appointed by the Council.

(2) Of those members—

(a) 4 are to be persons who, in the opinion of the Council, represent professionals or consultants connected with the construction industry;

(b) 3 are to be persons who, in the opinion of the Council, represent contractors in the construction industry;

(c) one is to be a person who, in the opinion of the Council, represents a training institute or tertiary educational institution connected with the construction industry;

(e) 一名須屬議會認為適合擔任訓練委員會成員的其他人士；及

(f) 2 名須屬公職人員。

(3) 議會不可根據第 (2)(a)、(b)、(c)、(d) 或 (e) 款委任公職人員。

(4) 議會須委任一名訓練委員會成員為訓練委員會主席。

3. 並非公職人員的訓練委員會成員的任期

(1) 在不抵觸第 (2) 款的條文下，並非公職人員的訓練委員會成員 ——

(a) 在議會決定的期間擔任該職位；及

(b) 在任期屆滿後，有資格再獲委任。

(2) 並非公職人員的訓練委員會成員不可連續擔任訓練委員會成員超過 6 年。

4. 並非公職人員的訓練委員會成員的辭職

(1) 並非公職人員的訓練委員會成員可在任何時間藉向議會給予書面通知而辭職。

(2) 辭職在有關辭職通知指明的日期生效，如無指明日期，則在議會收到該通知的日期生效。

5. 會議的舉行

(d) 3 are to be persons who, in the opinion of the Council, are from trade unions representing workers employed in the construction industry that are registered under the Trade Unions Ordinance (Cap. 332);

(e) one is to be such other person as the Council thinks fit to be a member of the Training Board; and

(f) 2 are to be public officers.

(3) The Council may not appoint a public officer under subsection (2)(a), (b), (c), (d) or (e).

(4) The Council is to appoint a Board member to be the chairperson of the Training Board.

(Amended 17 of 2012 s. 63)

3. Term of office of Board member who is not public officer

(1) Subject to subsection (2), a Board member who is not a public officer—

(a) holds office for a period determined by the Council; and

(b) is eligible for reappointment on the expiry of his term of office.

(2) A Board member who is not a public officer may not serve as such a member continuously for more than 6 years.

4. Resignation of Board member who is not public officer

(1) A Board member who is not a public officer may resign at any time by giving notice in writing to the Council.

(2) A resignation takes effect on the date specified in the notice of resignation or, if a date is not specified, on the date the Council receives the notice.

5. Holding of meetings

訓練委員會會議須在主席指定的時間及地點舉行。

6. 法定人數

(1) 訓練委員會會議的法定人數為不少於6名訓練委員會成員。

(2) 如根據第 8 條有訓練委員會成員就某事宜被取消參與作出決定或商議的資格，則在計算決定或商議該事宜的法定人數時，不得將該成員計算在內。

7. 訓練委員會的程序

(1) 除第 (2) 款另有規定外，訓練委員會會議須由主席主持。

(2) 如主席因任何原因不能夠主持某次訓練委員會會議，則出席該會議的訓練委員會成員須互選一人主持會議。

(3) 所有待決問題均須由出席會議並有投票的訓練委員會成員的過半數票決定。

(4) 如票數相等，主持會議的成員除本身原有的一票外，另可投決定票。 *（由 2012 年第 17 號第 63 條修訂）*

8. 訓練委員會成員的利害關係的披露

如任何訓練委員會成員在訓練委員會會議考慮的任何事宜中有直接或間接金錢利害關係，則 ——

(a) 該成員須於會議開始後，在切實可行的範圍內盡快向訓練委員會披露其利害關係的事實及性質；

A meeting of the Training Board shall be held at such time and place as the chairperson may appoint.

(Amended 17 of 2012 s. 63)

6. Quorum

(1) At a meeting of the Training Board, a quorum is not less than 6 Board members. *(Amended 17 of 2012 s. 63)*

(2) If a Board member is disqualified from taking part in a decision or deliberation in respect of a matter under section 8, he shall be disregarded for the purposes of constituting the quorum for deciding or deliberating on that matter.

7. Proceedings of Training Board

(Amended 17 of 2012 s. 63)

(1) Subject to subsection (2), the chairperson is to preside at a meeting of the Training Board.

(2) If, for any reason, the chairperson is not able to preside at a meeting of the Training Board, the Board members present at the meeting are to elect a member from among themselves to preside.

(3) All questions for determination are to be decided by a majority of votes of the Board members present and voting.

(4) If there is an equality of votes, the member presiding has a casting vote in addition to his or her original vote.

(Amended 17 of 2012 s. 63)

8. Disclosure of interests of Board members

If a Board member has a pecuniary interest, whether direct or indirect, in any matter under consideration at a meeting of the Training Board, the member— *(Amended 17 of 2012 s. 63)*

(b) 如會議要求該成員在訓練委員會考慮該事宜時避席，該成員須按要求避席；及

(c) 在任何情況下，該成員均不得就該事宜投票。

9. 程序的有效性

訓練委員會的任何程序的有效性不受以下情況影響 ——

(a) 任何訓練委員會成員的委任有欠妥之處；或

(b) 訓練委員會席位出現空缺。

10. 訓練委員會可決定程序

在不抵觸本條例的條文下，訓練委員會可決定本身的程序。

11. 轉授訓練委員會的職能及委出小組委員會

(1) 訓練委員會可按它認為適當而委出小組委員會。

(2) 訓練委員會可藉書面方式將其任何職能轉授予根據第 (1) 款委出的小組委員會。

(3) 訓練委員會不可根據第 (2) 款轉授以下任何權力 ——

(a) 根據第 (1) 款委出小組委員會的權力；

(b) 根據第 (2) 款作出轉授的權力；

(a) shall, as soon as practicable after the commencement of the meeting, disclose to the Training Board the fact and nature of his interest;

(b) shall withdraw from the meeting while the Training Board is considering the matter, if so required by the meeting; and

(c) shall not in any case vote on the matter.

(Amended 17 of 2012 s. 63)

9. Validity of proceedings

The validity of any proceedings of the Training Board shall not be affected by— *(Amended 17 of 2012 s. 63)*

(a) any defect in the appointment of a Board member; or

(b) any vacancy in the membership of the Training Board. *(Amended 17 of 2012 s. 63)*

10. Training Board to determine procedures

(Amended 17 of 2012 s. 63)

Subject to the provisions of this Ordinance, the Training Board may determine its own procedures.

(Amended 17 of 2012 s. 63)

11. Delegation of Training Board's functions and appointment of subcommittee

(Amended 17 of 2012 s. 63)

(1) The Training Board may appoint any subcommittee as it considers appropriate.

(2) The Training Board may delegate in writing any of its functions to a subcommittee appointed under subsection (1).

(c) 核准須呈交議會的訓練委員會擬進行的活動的計劃、其收支預算或其他結算表或報告的權力；

(d) 授權擬備其帳目或其他財務紀錄的權力。

(4) 轉授可受訓練委員會認為合適的條款及條件規限。

(5) 轉授的作出，並不妨礙訓練委員會同時執行已轉授的職能。

(6) 訓練委員會可修訂或撤銷任何轉授。

12. 訓練委員會的預算

(1) 在每個財政年度，訓練委員會均須於議會決定的日期前，向議會呈交其下個財政年度擬進行的活動的計劃及其收支預算。

(2) 訓練委員會第一個財政年度的計劃及預算須在本條生效後在切實可行範圍內盡快呈交。

(3) The Training Board may not delegate under subsection (2) any of the following powers— *(Amended 17 of 2012 s. 63)*

(a) the power to appoint a subcommittee under subsection (1);

(b) the power to delegate under subsection (2);

(c) the power to approve programmes of its proposed activities, estimates of its income and expenditure or other statements or reports required to be submitted to the Council;

(d) the power to authorize the preparation of its accounts or other financial records.

(4) A delegation may be subject to such terms and conditions as the Training Board considers fit.

(5) A delegation does not prevent the concurrent performance by the Training Board of the functions delegated.

(6) The Training Board may amend or revoke a delegation.

(Amended 17 of 2012 s. 63)

12. Estimates of the Training Board

(Amended 17 of 2012 s. 63)

(1) In every financial year, the Training Board shall submit to the Council, before a date determined by the Council, a programme of its proposed activities and estimates of its income and expenditure for the next financial year.

(2) The Training Board shall submit the programme and estimates for the first financial year as soon as practicable after the commencement of this section.

(Amended 17 of 2012 s. 63)

13. 訓練委員會的帳目及向議會呈交報告等

(1) 訓練委員會須保存其所有收入及支出的妥善帳目及紀錄。

(2) 在任何財政年度結束後，訓練委員會須在切實可行範圍內盡快安排就該財政年度擬備訓練委員會的帳目表。

(3) 帳目表須包括收支結算表及資產負債表。

(4) 訓練委員會須於議會決定的日期前，向議會呈交一份訓練委員會在有關的財政年度內的活動的報告及第 (2) 款提述的帳目表的文本。

13. Accounts of the Training Board and submission of reports, etc. to Council

(Amended 17 of 2012 s. 63)

(1) The Training Board shall maintain proper accounts and records of all its income and expenditure.

(2) The Training Board shall, as soon as practicable after the end of a financial year, cause to be prepared a statement of accounts of the Training Board in respect of the financial year.

(3) The statement of accounts is to include an income and expenditure account and a balance sheet.

(4) The Training Board shall submit to the Council, before a date determined by the Council, a report on the activities of the Training Board during the financial year and a copy of the statement of accounts referred to in subsection (2).

(Amended 17 of 2012 s. 63)

附表 5

[第 32、34、35、36、66 及 70 條]

徵款

第 1 部

指明款額

$3,000,000 。

(由 2018 年第 133 號法律公告修訂)

第 2 部

指明徵款率

有關建造工程的價值的 0.5%。 *(由 2012 年第 133 號法律公告修訂)*

Schedule 5

[ss. 32, 34, 35, 36, 66 & 70]

Levy

Part 1

Specified Amount

$3,000,000.

(Amended L.N. 133 of 2018)

Part 2

Specified Rate

0.5% of the value of the construction operations concerned. *(Amended L.N. 133 of 2012)*

附表 6

(已失時效而略去 ——2013 年第 1 號編輯修訂紀錄)

Schedule 6

(Omitted as spent—E.R. 1 of 2013)