



CIC 通訊 Newsletter

Issue No. 4 | 第四期 09/2010

About Construction Industry Council 有關建造業議會

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

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

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Should you have any queries, please contact the CIC Secretariat:
如有任何查詢，請聯絡建造業議會秘書處：

Tel 電話：(852) 3571 8718
Fax 傳真：(852) 3571 9848
Email 電郵：enquiry@hkcc.org
(for general enquiry)
newsletter@hkcc.org
(for newsletter)
Website 網址：www.hkcc.org

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Table of Contents | 目錄

CIC Executive Director's Message 議會執行總監的話	2
CIC News 議會最新動向	3
CIC Events 議會活動	10
Industry Focus 業界焦點	12
Recent Events of Construction Industry 業界近期活動	15
Good Practices & Updated Codes 良好作業方式及最新作業守則	16
Manpower Training & Development 人力培訓及發展	18
CIC Cares about the Society 建造業議會關懷社會	19
CIC Events Calendar 議會活動日誌	20

Special Highlights | 今期重點



P.3 Chief Executive's Visit to
CIC Tin Shui Wai Training
Centre
特首參觀議會天水圍訓
練中心



P.5 Secretary for
Development's Visit to
CIC Tin Shui Wai Training
Centre
發展局局長參觀議會天水
圍訓練中心



P.6 CIC Annual Report 2009
建造業議會2009年度年報



Mr Christopher TO
Executive Director, CIC
建造業議會執行總監 陶榮先生

First of all, I would like to welcome Mr WAI Chi-Sing as a new member of Construction Industry Council with effect from June 2010. Mr WAI is the new Permanent Secretary for Development of the HKSAR Government, replacing the recently retired Mr MAK Chai Kwong. By this opportunity, I would also like to thank Mr MAK for his dedicated service during his term as a member of the Council and his valuable contribution to the Council's achievement thus far. I look forward to working with Mr WAI and wish Mr MAK all the joy a happy retirement can bring.

As the ten major infrastructure projects progress, the Hong Kong construction industry begins to experience the shortage of skilled construction workers. It is envisaged that this situation will be further exacerbated as the construction of the ten major infrastructure projects enters the full swing in the coming years. At the outset, Mr Donald Tsang Yam-Kuen, the Chief Executive of the HKSAR Government, visited the CIC Training Centre at Tin Shui Wai on 12 August 2010. He encouraged the Construction Industry Council Training Academy (CIC Training Academy), a major source of supply of skilled personnel for the industry, to respond to the challenges of the construction industry. At the same time he also urged school leavers to consider enrolment of professional skilled training courses with the view to joining the construction industry. I am pleased to see that the Government has recently approved an injection of HK\$100 million to train the personnel much needed for the industry with the current aging problem which is not healthy in terms of sustainability.

Over the last few months, CIC has released a number of guidelines aimed at protecting of workers' wages, improvement of the construction site safety and adoption of partnering contracts. As part of our commitment to a continual improvement of the safety, quality and competitiveness of the construction industry, more industry guidelines, backed up by sound research, are in the pipeline for release in the near future. In addition, CIC will be holding several technical seminars and technology forums in the coming months and the Inauguration CIC Conference is scheduled to take place on 11 March 2011. The main purpose of these events is to communicate the latest construction technology developments and management practices in the construction industry and to share experience in tackling the technical challenges facing the Hong Kong construction industry. Without industry's participation in our policy setting, it will be difficult for us to enhance industry's well-being and on this basis I do urge our stakeholders to communicate with us for the benefit of our industry as a whole. Please do watch this space for further developments that lie ahead.

首先歡迎韋志成先生於2010年6月起出任建造業議會的新成員。韋先生是香港特區政府發展局常任秘書長，接替最近退休的麥齊光先生。本人藉此機會感謝麥齊光先生在出任議會成員期間，盡心竭力，對議會的工作貢獻良多。我期待與韋先生攜手努力，並祝願麥先生退休生活愉快。

隨著十大基建項目的推展，香港建造業開始面臨熟練技工短缺的問題。預計未來數年十大基建項目逐漸進入建設高峰期，問題將變得更為嚴重。在此背景下，2010年8月12日，特區政府行政長官曾蔭權先生參觀了建造業議會設於天水圍的訓練中心。建造業議會訓練學院是業界熟練工人的主要培訓機構，行政長官勉勵建造業議會訓練學院應對建造業所面臨的挑戰。此外，曾先生亦鼓勵中學畢業生考慮報讀專業技能訓練課程，投身建造業。欣悉政府最近批准注資1億元以訓練業界需求殷切的人材，解決建造業工人年齡偏高，有礙可持續發展的情況。

過去幾個月來，議會發表了多份指引，旨在保障工人獲發工資、加強工地安全，以及採用伙伴合作合約。持續提升建造業的安全、質素及競爭力，是我們的服務承諾。就此，我們正在積極開展相關的研究工作，即將發佈更多業界指引。此外，議會將在隨後幾個月舉辦各種技術研討會，而議會首屆大會亦定於2011年3月11日舉行。各項活動的主要目的，是介紹建造技術及管理的最新發展，並就如何應對香港建造業面臨的技術挑戰分享經驗。業界參與議會的政策制訂，有助我們加強為業界謀福祉。就此，請業界持份者積極與議會溝通交流，讓整體業界受惠。有關日後的發展，請留意《建造業議會通訊》。

Chief Executive Visits to CIC's Tin Shui Wai Training Centre 特首探訪天水圍訓練中心

The Chief Executive of the Hong Kong SAR, the Honourable Mr Donald TSANG, visited the Construction Industry Council (CIC) Training Centre at Tin Shui Wai on 12 August 2010. Accompanied by Mr TAM Chi-yuen, Raymond, Director of the Chief Executive's Office and Mr HO On-tat, Andy, Information Co-ordinator, the Chief Executive was received by Mr WAI Chi-sing, Permanent Secretary for Development (Works), Mr LEE Shing-see, Chairman of CIC, Mr Christopher TO, Executive Director of CIC and Mr Charles WONG, Director (Training) of CIC.

Apart from visiting the facilities in the training centre, Mr TSANG also chatted with trainees in the training sessions. In view of the investment in infrastructure projects by the HKSAR Government at an average of HK\$50 billion per annum in recent years, the Chief Executive encouraged the trainees to complete the courses and apply their skills in the future.

In addition, the Chief Executive visited the training classes on bar bending and fixing, and bricklaying, plastering and tiling respectively being held under the sun. During the visit, he told the trainees to abandon the out-of-date concept that one will never be able to climb up the social ladder by working as a wage earner. With the commencement of some major infrastructure projects, the trainees will be provided with plenty of opportunities. In the fall-arresting demonstration given in the safety card training course, Mr TSANG mentioned to the trainees that Hong Kong's safety records had attained a world-class level, work-related injury related to construction works had dropped significantly, yet it was necessary to pay attention to safety at work to maintain the good safety records of Hong Kong.

Mr TSANG reiterated that the HKSAR Government was in full support of the CIC's initiative in providing more skilled construction personnel through training and re-training. An additional funding of \$100 million had been earmarked to strengthen the relevant training and to improve the practice of the industry in this year. He hoped CIC would continue its efforts and train the technical personnel required for the development of Hong Kong. Young people were also urged to participate in specialised training in construction and join the construction industry. 🌱

香港特別行政區行政長官曾蔭權先生於2010年8月12日(星期四)到訪建造業議會(簡稱「議會」)設於天水圍的訓練中心,發展局常任秘書長(工務)韋志成先生聯同議會主席李承仕先生、執行總監陶榮先生、以及總監(培訓)黃敦義先生迎接曾特首及其陪同來訪的特首辦公室主任譚志源先生及新聞統籌專員何安達先生。

除巡視中心的訓練設施外,曾特首又與正在接受訓練課堂的學員交談。鑑於近年特區政府每年平均投資約500億港元於基建工程項目上,曾特首鼓勵學員努力完成課程,將來學以致用。

曾特首亦分別參觀了鋼筋屈紮班和砌磚批盪鋪瓦班在烈日下的訓練。期間,他鼓勵受訓學員摒棄「工字不出頭」的過時觀念,大型建設工程陸續有來,不愁沒有發展機會。在參觀「平安卡」安全課程的防墮安全示範時,曾特首也向學員表示,香港的安全紀錄屬世界一流水平,與建築有關的工傷數字已大幅減少,希望大家工作時務必注意安全,以保持香港的良好安全記錄。

曾特首重申,特區政府非常支持建造業議會通過培訓及再培訓提供更多建造業的技術人員,亦已於今年通過額外撥款一億港元以加強有關培訓和改善業界的狀況,他希望議會繼續努力,為建設香港培訓所需的技術人員。他又呼籲年輕人考慮接受建造業的職業訓練,加入建造業。🌱



Visit of Secretary for Development Visits CIC's Tin Shui Wai Training Centre 發展局局長參觀天水圍訓練中心天水圍訓練中心

Mrs Carrie LAM, the Secretary for Development visited Construction Industry Council (CIC) Training Centre at Tin Shui Wai on 29 March 2010. She observed the training courses offered and met with the trainees who were receiving training at the Centre. Other visitors included district councilors, community representatives and media organisations. Mrs LAM encouraged the trainees to be confident about the industry as many works projects were about to commence.

Mr Charles WONG, Director (Training) of CIC introduced the training courses at this Training Centre and its future training directions, including more courses on different construction trades as well as training courses conducted in English for ethnic minority groups. CIC Training Academy will continue to promote its courses to residents in Tin Shui Wai by various promotional activities, so that more job seekers and new immigrants can receive training and then join the construction industry.

發展局局長林鄭月娥女士於2010年3月29日到訪建造業議會（簡稱「議會」）設於天水圍的訓練中心，藉此瞭解在該訓練中心舉辦的各項課程及學員受訓情況。區議員、社區人士，以及傳媒機構一同參與是次探訪。林局長勉勵學員對建造行業要有信心，因眾多工程正陸續推出。

議會總監（培訓）黃敦義先生介紹了現時在天水圍訓練中心開辦的課程以及未來培訓的方向，包括提供更多工種之訓練課程及為少數族裔提供以英語教授之訓練課程。建訓學院將繼續透過多元化的推廣活動，將課程推廣至區內市民，讓更多待業及新來港人士接受訓練，繼而投身建造業工作。

Mr YL CHU, Senior Manager, CIC introducing to Mrs Carrie LAM, Secretary for Development the painting equipment.
議會高級經理朱延年先生向發展局局長林鄭月娥女士介紹油漆工具




Mrs Carrie LAM, Secretary for Development visiting the bar-bending training class
發展局局長林鄭月娥女士參觀鋼筋屈曲訓練課程

CIC Annual Report 2009 | 議會2009年度年報

Construction Industry Council (CIC) recently issued its Annual Report 2009 (the Report), which shows that CIC had an industrious year in 2009.

The report provides an overview of the committee activities and achievements of the year, touching on major events such as CIC's collaboration with building professionals to create the Hong Kong Green Building Council (HKGBC) in November 2009. Throughout the year, CIC also spread awareness of safety of various areas through seminars and meetings, as well as providing support to numerous organisations in the construction industry.

The Annual Report includes information about the work progress of CIC and what CIC plans to accomplish in the future through the Chairman's Message and the Executive Director's Report. The Report also contains the work progress report by the eight standing committees, namely Committee on Administration of Finance, Committee on Construction Site Safety, Committee on Procurement, Committee on Environment and Technology, Committee on Subcontracting, Objections Committee, Construction Industry Training Board, as well as Committee on Manpower Training and Development. The List of CIC Members for 2009 and 2010 respectively, and the CIC Financial Statement are also provided in the Report.

The Annual Report is available for download on CIC's Website <<http://www.hkcic.org/eng/main.aspx>>. 

建造業議會（簡稱「議會」）最近發表了2009年度年報（簡稱「年報」），展示議會在2009年勤奮工作的成果。

年報綜述本年度的委員會活動及成果，例如議會與建築專業人士攜手合作，於2009年11月成立香港綠色建築議會。議會於過去一年來亦在各種研討會及會議上宣揚不同範疇的安全意識，並支持多個建造業的機構。

年報包括議會的工作進展。主席的話及執行總監報告闡述了日後的工作計劃。此外，年報亦載列議會轄下八個常設委員會的報告，包括行政及財務委員會、工地安全委員會、採購委員會、環境及技術委員會、工程分判委員會、處理反對事宜委員會、建造業訓練委員會及人力培訓及發展委員會，以及2009年度及2010年度的議會成員名單及議會的財務報表。

年報載於議會網頁：<http://www.hkcic.org/chi/main.aspx>。 



 [CIC Annual Report 2009](#)
建造業議會2009年度年報

 [CIC Annual Report 2009 Index Page at CIC Website](#)
建造業議會網站內之2009年度年報目錄



Recent Release of CIC Guidelines | 議會最新發表的指引

Construction Industry Council (CIC) has completed four guidelines this year. They are:-

- Guidelines on Safety of Tower Cranes (Version 2)
- Guidelines on Safety of Lift Shaft Works: Volume 1 – During Construction Stage and Before Handing Over to Lift Installation Contractor
- Guidelines on Partnering
- Guidelines on Measures for Protection of Workers' Wages

The purpose of releasing these Guidelines is to provide the industry participants with the necessary guidance to adopt new standards and methods as well as good practices. The CIC strongly recommends the adoption of these Guidelines by industry stakeholders where appropriate.

Guidelines on Safety of Tower Cranes

Tower cranes are widely used for conveying of building materials on construction sites. Given that collapse of tower crane could result in serious threats to the safety of site personnel and members of the public, organisations and individuals responsible for safety of tower cranes should take appropriate measures to assure their safety. The measures recommended in the Guidelines for enhancing the safety of tower crane operations include checking before erection of tower cranes; improvements of site supervision; qualification and experience of Specialist Contractors; and qualification and experience of Competent Persons and workmen. This publication makes recommendations on the measures for further enhancing the safety of tower cranes based on the good practices suggested by the concerned industry stakeholders including tower crane owners, specialist contractors and professionals.

Guidelines on Safety of Lift Shaft Works: Volume 1 – During Construction Stage and Before Handing Over to Lift Installation Contractor

Nowadays, most of the buildings and construction projects involve lift installation. The construction of lift shafts and the subsequent lift installation processes necessitate the attention of all project stakeholders to ensure site safety. The Guidelines focus on the precautionary measures recommended for enhancing the safety of lift shaft works before handing over to the lift installation contractor. This publication promotes safe practices for lift shaft works, with reference to core ingredients of a safe system of work in the

建造業議會（議會）今年完成了四份指引，分別為：

- 《塔式起重機安全指引（第二版）》
- 《升降機槽工程安全指引：第1卷 - 施工期間直至移交予升降機安裝承建商前》
- 《伙伴合作指引》
- 《保障工人獲發工資措施指引》

制訂指引的目的，是引導業界從業員採納新標準、新方法和良好的作業方式。議會強烈建議業界持份者在合適情況下採納有關指引。

《塔式起重機安全指引》

建造工地廣泛使用塔式起重機運送建築物料。由於塔式起重機倒塌會嚴重危及地盤工人和公眾的安全，負責塔式起重機安全的機構或個人須採取適當的措施以確保他們的安全。本指引就如何加強塔式起重機的操作安全提出建議措施，包括架設塔式起重機前的檢查、改善工地監督、專業承建商的資格和經驗，以及合資格人士和工人的資格和經驗。本刊物以相關業界持份者所倡議的良好作業做法為基礎。這些持份者包括塔式起重機的機主、專業承建商及專業人士。

《升降機槽工程安全指引：第1卷 - 施工期間直至移交予升降機安裝承建商前》

現時，大多數建築物及相關建造工程均涉及升降機安裝。在建造升降機槽及隨後安裝升降機的過程中，所有項目持份者均需確保地盤安全。本刊物重點講述所建議採取的預防措施，以提升在移交予升降機安裝承建商前進行的升降機槽工程的安全。本刊物參照安全工作制度的核心元素：消除風險、減低危害、預防事故及保護工人的原則，以推廣

protection principles of risk elimination, hazard reduction, accident prevention and protection of workers. Volume 1 sets out the good practices recommended by the CIC for enhancing work safety of site personnel working near or inside a lift shaft during the construction stage and before handing-over to the lift installation contractor. The Guidelines will have a total of three volumes covering various stages of the safety of lift shaft works. Volumes 2 and 3 will be released in due course.

Guidelines on Partnering

This publication is a reference document for client, contractor and consultant organisations considering the use of partnering on construction projects in Hong Kong. The principal aim is to provide practical and simple advice that will provide guidance on the use of the different forms of partnering contracts currently available. For organisations that are new to the partnering experience, the objective is to provide an introduction to the different forms of partnering together with some thoughts on the principal advantages and pitfalls to be avoided. For organisations that are already familiar with the use of partnering on construction projects, additional information on the different forms of partnering, as well as their respective benefits and limitations are provided. Advices are also given on alliancing, the use of NEC partnering contracts and how best to migrate from non-contractual to contractual partnering.

Guidelines on Measures for Protection of Workers' Wages

This publication provides a summary of the measures to facilitate stakeholders especially those from the private sector to ensure payment of workers' wages. The HKSAR Government has adopted a series of measures to safeguard construction workers from non-payment of their wages by focusing on the following measures, including settling arrears of wages duty by the main contractor, keeping comprehensive workers records, providing administrative support, as well as enhancing subcontractor management. This publication provides a quick reference to employers, architects, engineers and contractors on recommended measures. 🌐

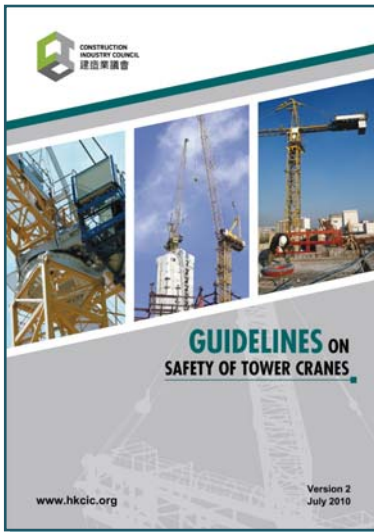
升降機槽工程的安全作業方式。第1卷載列議會建議的良好作業方式，涵蓋從施工至升降機槽移交予升降機承建商前這一段期間，加強在升降機槽內部或附近工作的工地人員的作業安全。指引共有3卷，涵蓋升降機槽工程安全的各個階段。第2及第3卷將於日後推出。

《伙伴合作指引》

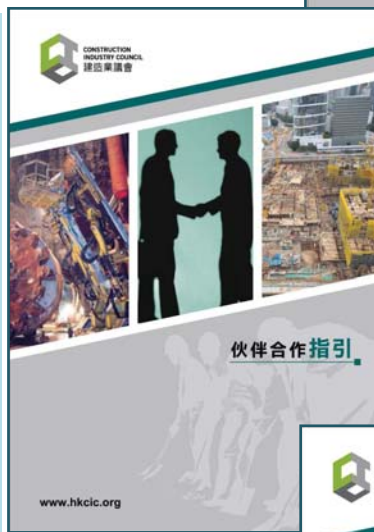
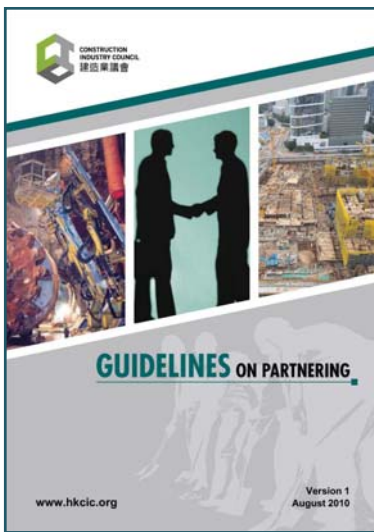
本指引旨在提供參考予考慮在香港建造項目採用伙伴合作模式的委託人、承建商及顧問機構。主要目的是提供簡單而務實的建議，就使用現有不同形式的伙伴合作合約提供指導。對於從未採用伙伴合作模式的機構，目的是簡介不同形式的伙伴合約模式、主要優點及應注意事項。對已熟悉伙伴合作模式並應用於建造項目的機構，可從本指引獲悉不同伙伴合作模式的更多資料，以及有關的優點及局限。指引亦就結盟、NEC伙伴合作合約的使用，以及如何從非契約性伙伴合作過渡至契約性伙伴合作提出建議。

《保障工人獲發工資措施指引》

《保障工人獲發工資措施指引》向持份者，特別是私營界別持份者推薦有關措施，以確保工人獲發工資。為保障建築工人免被拖欠工資，香港特區政府採取了各種措施，包括由總承建商承擔欠薪問題、備存全面的工人記錄、提供行政支援，以及改善分包商的管理。本指引就建議措施，向聘用人、建築師、工程師及承建商提供簡易參考。 🌐



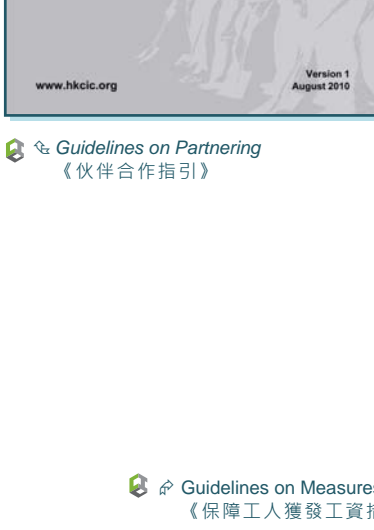
📄 *Guidelines on Safety of Tower Cranes*
《塔式起重機安全指引》



📄 *Guidelines on Partnering*
《伙伴合作指引》



📄 *Guidelines on Safety of Lift Shaft Works: Volume 1 - During Construction Stage and Before Handing Over to Lift Installation Contractor*
《升降機槽工程安全指引：第1卷 - 施工期間直至移交予升降機安裝承建商前》



📄 *Guidelines on Measures for Protection of Workers' Wages*
《保障工人獲發工資措施指引》

“Construction Industry Mega Fun Day cum 2010 Hong Kong Youth Skills Competition” receives encouraging response, 10-11 July 2010, Hong Kong 建造業活力繽紛嘉年華暨青年技能比賽成功舉行 - 2010年7月10至11日，香港

Supported by various Government departments and organisations of the construction industry, Construction Industry Council (CIC) organised the “Construction Industry Mega Fun Day cum 2010 Hong Kong Youth Skills Competition” which took place successfully on 10-11 July 2010 at the CIC Sheung Shui Training Centre with a great success. The officiating guest at the opening ceremony was Mrs Carrie LAM, Secretary for Development, HKSAR Government.

This two-day event consisted of a series of exciting activities, including focal skill competition, exhibition of main construction projects, try-out workshops, recruitment seminars for newcomers and charity sales, etc. There were also exciting basketball matches and hip-hop dance performances.

The Youth Skills Competition was jointly organised by CIC, the Vocational Training Council, the Clothing Industry Training Authority and the Industrial Centre of the Hong Kong Polytechnic University. The competition of three trades, namely painting, plumbing and tiling fell under the responsibility of CIC. The winners will have the opportunity to represent Hong Kong in the 6th bi-annual Guangzhou / Hong Kong / Macau / Chengdu Youth Skills Competition to be held in Macau later this year and the 41st bi-annual WorldSkills Competition in London, United Kingdom in 2011.

由建造業議會舉辦，香港特區政府多個部門及業內機構全力支持的「建造業活力繽紛嘉年華暨2010全港青年技能比賽」於7月10日及11日在建造業議會上水訓練中心成功舉行。發展局局長林鄭月娥女士主持了開幕典禮。

為期兩日的活動內容豐富精彩，除技能比賽外，還包括香港建造業主要工程項目展覽、互動工作坊、生力軍青雲路資料展覽、慈善義賣、籃球比賽及HipHop舞蹈表演等。

「全港青年技能比賽」由建造業議會、職業訓練局、製衣業訓練局及香港理工大學工業中心聯合舉辦。建造業議會負責的比賽項目為油漆、水喉及鋪瓦。各項目的優勝者均有機會代表香港參加2010年在澳門舉行的第六屆「穗港澳蓉青年技能競賽」，以及2011年於英國倫敦舉行的第四十一屆「世界技能大賽」。



Mr LEE Shing-see, Chairman of CIC presenting a handcrafted shield made by instructors and trainees of CIC Training Academy to Mrs Carrie LAM, Secretary for Development, as a souvenir.
建造業議會主席李承仕先生頒贈由議會訓練學院一班師生親手製作的紀念盾予發展局局長林鄭月娥女士

(From left to right) Hon. Abraham SHEK Lai-him, Mr Conrad WONG Tin-cheung, Ir Billy WONG Wing-hoo, Mrs Carrie LAM and Mr LEE Shing-see showing their charity tile drawing for “Construction Charity Fund”.
(由左至右)石禮謙議員、黃天祥先生、黃永灝工程師、林鄭月娥局長及李承仕先生一同展示各自製作的「愛心情牆大行動」瓦片，為「建造業關懷基金」籌款。





📍 (left) Trainees of CIC Training Academy introducing the construction technology exhibits to public audience. (middle) Witnessed by the Guests-of-Honour, contestant representatives taking the competition oaths. (right) Mrs Carrie LAM, Secretary for Development touring around the booths and encouraging contestants.
 (左) 建造業議會訓練學院學員向參觀人士講解營造技術。(中) 在主禮嘉賓見證下，參賽選手代表舉行宣誓儀式。(右) 發展局局長林鄭月娥女士參觀技能比賽，並鼓勵選手努力創出佳績。

Lu Pan Patron Festival | 魯班先師寶誕

Lu Pan is the patron saint of the construction industry. He is credited with the invention of a number of tools, such as the saw, chisel and the leveling ruler which are essential to the building trade. This festival falls on the 13th day of the lunar sixth month.

魯班是建築行業的先師。他發明創造很多，例如鋸子、鑿子和水平尺等，都是現今建築行業不可缺少的工具。每年農曆六月十三為魯班先師寶誕。

A Lu Pan Temple is situated in Ching Lin Terrace above Kennedy Town on Hong Kong Island. Every year during the Lu Pan festival, the CITB representatives and trainees of CIC Training Academy training centres go there to pay respect to Master Lu Pan.

港島堅尼地城青蓮台上有一座魯班先師廟。於每年寶誕期間，建造業議會訓練委員會代表聯同訓練學院的學員均前赴魯班先師廟向先師致敬。

A dinner reception for members of the CITB Course Advisory Panel is also held during the festival as a token of appreciation to the incessant contribution of the members over the year. CITB was grateful that Mr WAI Chi-sing, the newly appointed Permanent Secretary for Development (Works) participated at the event this year. 📍

此外，建造業議會訓練學院亦於每年寶誕期間設宴款待課程顧問組的成員，感謝各成員一年來對訓練工作的寶貴支持及貢獻。新任發展局常任秘書長（工務）韋志成工程師撥冗出席是年之晚宴，學院同人深表謝意。 📍



📍 Lu Pan Temple in Ching Lin Terrace, Hong Kong
 位於香港青蓮台上的魯班廟

📍 Members and Directors of CIC leading the toast at the dinner reception.
 建造業議會成員和總監於晚宴上祝酒



Working in Hot Weather | 在炎熱天氣下工作

The temperature for Hong Kong's summers is somewhere between 30°C to 35°C, the heat is also frequently accompanied with humidity levels as high as 80%. Commonly seen are those days where the only thing in the sky is an ominous sun showing no mercy. Under these conditions of heat, construction workers suffer the most. Evidently toiling under the hot sun, with many other workers and sizzling machinery proved to be too much for two workers who died two months ago.

The concerns of construction workers, especially after the loss of these individuals, have led to a tremendous momentum in improving the working conditions during high temperatures. The recent march of construction workers was attempted to plead with employers to provide workers a 10-15 minute break in the morning, along with a 30-minute break in the afternoon. Temperatures and humidity levels are gradually increasing each year, and as a result changes need to be implemented for the well-being of construction workers. CIC is addressing this current issue and is working to provide guidelines for construction workers working under hot weather in Hong Kong. 🌱

香港夏季的溫度，平均為30°C至35°C，而濕度亦高達80%，天空上只見熾熱的太陽，盡情散發熱力。在這種酷熱天氣下，建造工人最受影響。他們在猛烈的太陽下辛勤工作，機器聲音不絕於耳，對在兩個月前喪生的兩名工人來說，實屬難以承受的水平。

建造工人的憂慮，特別是在有關事故發生後，形成了要求改善在酷熱天氣下工作環境的強大呼聲。建造工人近日遊行，要求僱主在早上提供10至15分鐘的休息時間，並在下午設30分鐘休息時間。氣溫及濕度每年逐步上升，為了工人的福祉，有必要採取相應措施。議會正針對此事宜，為在炎熱天氣下工作的建造工人制訂指引。🌱

Employee? Contractor? Self-employed Person? | 僱員？判頭？自僱人士？

Recently, there has been widespread public concerns and discussions about the issue of "employee versus self-employed person". Actually, in determining whether a person is an employee or a self-employed person, it is not the title of the job or the contract but what it is in substance that matters. If the relationship between the parties is in essence one of employer-employee, the employer still has to fulfil his obligations under the labour legislations such as the Employment Ordinance and the Employees' Compensation Ordinance.

Obligations that cannot be shirked

Several years ago, an air-conditioning worker suffered a partial loss of vision in his left eye in a work-related accident when he was welding a part in an air-conditioner. He brought an employee's compensation claim against the company. But the judges of the District Court and the Court of Appeal held that there was no employer-employee relationship between the worker and the defendant

近來，「僱主或自僱人士」這議題在社會上引起了廣泛關注及討論。事實上，一名就業人士的身份是「僱員」抑或是「自僱人士」，並非取決於其職位或合約名稱，而須視乎該名人士與協約的另一方的實質關係。縱使涉及爭議的雙方已簽署自僱人士合約，若雙方實質上存在僱傭關係，僱主仍須履行他在《僱傭條例》、《僱員補償條例》及其他有關勞工法例下的責任。

不能逃避的責任

數年前，一名冷氣機技工在一次安裝冷氣機的過程中遇上意外，令左眼失去部份視力。該技工向被告公司追討工傷賠償，但區域法院及高等法院上訴法庭法官卻指他與被告公司之間並不存在僱傭關係。

company.

The worker appealed further to the Court of Final Appeal. The Court of Final Appeal ruled that the worker was an employee of the defendant company and the defendant company was ordered to pay the compensation. The gist of the judgment is as follows:

1. although the worker made his own arrangements for an MPF scheme as a self-employed person, the employer was required to fulfil his responsibilities under the legislation if in essence there existed an employer-employee relationship. While the worker had worked for more than one employer, the judge considered that it was the nature of casual employment and this nature had no impact on the employment rights enjoyed by the worker. In addition, since the worker was skilful in his job, he did not require supervision or control over the manner of carrying out the work;
2. the worker bore no financial risks and received his daily-rated remuneration only. Whenever items had to be purchased by the worker for work purposes, he was reimbursed by the defendant company;
3. work equipment was provided by the defendant company;
4. the worker did not hire anyone to help.

該技工其後向終審法院提出上訴，終審法院裁定他為被告公司的僱員，被告公司須支付賠償。以下為裁決的重點：

1. 雖然該技工在安排強積金計劃時報稱為自僱人士，但如果雙方實質上存在僱傭關係，被告公司必須履行法例下的責任。而他雖曾同時為多間不同公司工作，但法官認為這純屬「散工」的性質，而該性質並不影響他在法例下的僱傭權益。另外，由於他是一名熟練的技工，被告公司並不須控制其工作程序；
2. 該技工不須承擔業務財政風險，他只收取以每日計算的薪酬；若因工作需要而要購置任何物品或支付交通費用，他可向被告公司實報實銷有關費用；
3. 該技工的工作工具由被告公司提供；
4. 該技工沒有聘請幫工。

(案件編號：FACV14/2006)

(For details, please refer to FACV14/2006)

How to differentiate an employee from a self-employed person?

There is no single conclusive test to differentiate an employee from a self-employed person. Below are some examples for reference. However, they are not conclusive tests applicable to every case, as different industries and companies may have different customs or trade practices. All relevant factors have to be taken into account in making a distinction between an employee and a self-employed person. There is also no strict rule as to the relative weight that an individual factor should carry. The following table sets out the general rights and obligations of an employee and a self-employed person / contractor.

如何分辨僱員與自僱人士

現時沒有任何單一因素可區別僱員與自僱人士。以下是一些參考例子，但需注意這些例子並非絕對準則，不同行業或公司可能有不同習慣或行業特性，要分辨僱員與自僱人士需要考慮所有相關因素，而某個因素該佔多大比重也沒有定律。下表簡單列出了僱員與判頭或自僱人士通常擁有的權利和責任。

An employee's general rights and obligations 僱員通常擁有的權利和責任	A self-employed person / contractor's general rights and obligations 自僱人士 / 判頭通常擁有的權利和責任
Work equipment provided by the employer 工作工具由僱主提供	Provides his own work equipment 自備工作工具
Need not bear the risks of business loss 無需承擔業務虧損風險	Bears the risks of business loss 需承擔業務虧損風險
No right to hire helpers 無權自行聘請幫工	Free to hire helpers 有權自行聘請幫工
Employees' compensation insurance provided by the employer 僱員補償保險由僱主投購	Responsible for his own insurance 須自行安排保險
Workplace, work procedures, attendance and working hours largely controlled by the employer 工作範圍、程序、出勤和工作時間的控制權主要在於僱主	Workplace, work procedures, attendance and working hours largely self-controlled 對工作範圍、程序、出勤和工作時間大致上擁有控制權
Income tax return filed by and MPF scheme contributions made by the employer 僱主會向稅務局申報僱員的薪俸和安排強積金供款	Responsible for his own taxation matters and MPF scheme contributions 自行處理稅務和安排強積金供款

Points to Note for Employers

An employer should not unilaterally change the status of his employee to a contractor or self-employed person. Otherwise, the employee may lodge a claim for remedies against his employer on the ground of unreasonable variation of the terms of the employment contract under the Employment Ordinance. Moreover, the employee may also make a claim for termination compensation against his employer on the ground of constructive dismissal under common law.

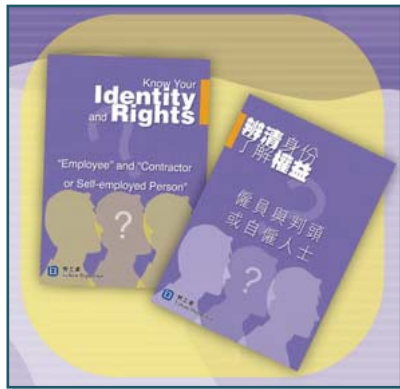
In addition, an employer should cautiously assess the risks involved if he enters into a contract to engage someone as a contractor or self-employed person. If in essence there exists an employer-employee relationship, the employer is still required to fulfil his responsibilities under the relevant legislations even though his worker is called or has labelled himself as a contractor or self-employed person in the contract. Employers who violate the law will be prosecuted.

僱主要注意的事項

僱主不可以單方面將僱員轉為判頭或自僱人士，否則僱員可根據《僱傭條例》下有關不合理更改僱傭合約條款的規定，向僱主提出補償申索。僱員亦可根據普通法，視有關轉變為變相解僱，向僱主追討解僱補償。

此外，任何人士如欲與他人訂立判頭或自僱人士的合約，必須非常審慎評估所涉及的風險。即使僱主聲稱僱員為判頭或自僱人士，或僱員在合約中自稱為自僱人士，但如果雙方實質上存在僱傭關係，僱主仍須履行他在有關法例下的責任，違例的僱主可被檢控。

For details about the differences between an employee and a self-employed person / contractor, please refer to the leaflet "Know Your Identity and Rights – Employee and Contractor or Self-employed Person" published by the Labour Department. (The leaflet can be downloaded at the website of the Labour Department <<http://www.labour.gov.hk/eng/public/wcp/SelfEmployedPerson.pdf>>). You may also call the hotline (852) 2717 1771 (the hotline is handled by the 1823 Call Centre) or make enquiries in person to offices of the Labour Relations Division of the Labour Department. 🌐



🌐 Know Your Identity and Rights - Employee and Contractor or Self-employed Person" issued by the Labour Department
勞工處發表的《辨清身份、了解權益 – 僱員與判頭或自僱人士》

如讀者希望了解更多有關僱員與判頭或自僱人士的分別，可參閱勞工處出版的小冊子《辨清身份、了解權益 – 僱員與判頭或自僱人士》（可於勞工處網頁<<http://www.labour.gov.hk/tc/public/pdf/wcp/SelfEmployedPerson.pdf>>下載），亦可致電(852) 2717 1771（此熱線由「1823電話中心」接聽）、或親臨勞工處勞資關係科分區辦事處查詢。🌐

Recent Events of Construction Industry | 業界最新活動

Occupational Safety & Health Council "Construction Safety Forum and Award Presentation" - 6-7 July 2010, Hong Kong

職業安全健康局「建造業安全日分享會暨頒獎典禮」

- 2010年7月6-7日，香港

To enhance safety awareness in the construction industry, the Occupational Safety and Health Council (OSHC) continues to organise large scale promotional campaign with stakeholders in the industry this year. 6-7 July 2010 marked this year's Construction Safety Day. On that day, sharing sessions were arranged for the finalists to share their best practices with participants at the Hong Kong Convention and Exhibition Centre. A Construction Safety Award Presentation Ceremony was the grand finale for this significant event.

CIC was delighted to participate in this annual event as one of the co-organisers. Taking this opportunity, CIC would like to convey our congratulations to those awardees for their achievement in construction safety and to thank all those who participated in the competition. 🌐

為提高建造業的安全意識，職業安全健康局（職安局）在今年繼續與業界持份者舉辦大型推廣活動。職安局把2010年7月6-7日定為本年度建造業安全日，並於香港會議展覽中心舉行典禮。當日設有分享會，讓參賽者與出席者分享良好作業方式，而建造業安全頒獎典禮則是次盛事掀起高潮。

議會成為此一年一度盛事的協辦機構，深感榮幸。議會藉此機會恭賀得獎者，祝賀他們在職安健方面所取得的成就，並感謝所有參賽者參與是次盛會。🌐

Launch of the Guidelines on Partnering | 建造業議會指引 - 伙伴合作

* This article is contributed by Mr Ian COCKING and Mr Colin JESSE
本文章由郭敬仁先生及謝仕先生提供。

While making a number of recommendations for improvements in the construction industry, “Construct for Excellence” (or “The Tang Report”) stressed that it was not sufficient merely to improve procedures and practices, it called for “a change of culture and mindset among stakeholders” and encouraged an increased use of partnering.

Since that time non-contractual partnering has become quite common in Hong Kong, especially in public sector contracts. Towards the end of 2008 the Committee on Procurement (Com-PCM) under the CIC set up a Taskforce to co-ordinate and undertake the drafting of a comprehensive set of guidelines on partnering.

Their terms of reference are to review the features of non-contractual partnering, contractual partnering including NEC contracts, alliancing, and ways for migrating from non-contractual partnering to contractual partnering.

Members of the Taskforce comprising specialists in partnering and relevant sectors of the construction industry were asked to contribute their experience and expertise to produce the CIC's first set of “Guidelines on Partnering”, which are now about to be launched.

The guidelines are intended as a reference document for all those considering the use of partnering on construction projects in Hong Kong, whether you are from a client, contractor or consultant's organisation.

The principal aim is to provide practical and simple advice that will lead and assist readers to adopt a partnering approach.

For those who are new to the partnering experience, the objective is to provide an introduction to the different forms of partnering together with some thoughts on the principal advantages and some of the pitfalls to be avoided. The different forms of partnering are explained in some detail so that readers can make an informed decision on which form may be best suited to their own requirements. Key characteristics of non-contractual partnering, contractual partnering and alliancing are summarised.

《建業圖新報告書》(唐英年報告書)就改善建造業的措施提出一些建議，並強調純粹改善有關程序和做法並不足夠，業界持份者必須「在文化和心態上有所改變」，並鼓勵加強採用伙伴合作模式。

自此，非契約性伙伴合作方式於香港漸為常見，特別常見於公營界別合約。在2008年年底，建造業議會轄下的採購委員會成立專責小組，以協調全面的伙伴合作指引的草擬工作。

專責小組的職權範圍是檢討非契約性伙伴合作、按NEC合約模式推行的契約性伙伴合作、結盟，以及由非契約性伙伴合作過渡至契約性伙伴合作的方法。

專責小組的成員包括伙伴合作方面的專家及建造業相關持份者，他們利用經驗及專業知識制訂了議會首份《伙伴合作指引》，該指引即將發表。

指引旨在為考慮在香港的建造項目採用伙伴合作方式的人士，不論是聘用人、承建商或顧問機構，提供參考。

指引的主要目的是提供務實而簡單的建議，引導及協助讀者採取伙伴合作模式。

對於從未採用伙伴合作模式的人士，指引的目的是簡介不同形式的伙伴合作模式，主要優點及應注意事項。對不同形式的伙伴合作作了較詳盡的闡述，以便讀者決定最切合需求的模式。指引還介紹了非契約性伙伴合作、契約性伙伴合作及結盟的主要特徵。

It is intended that readers who are already familiar with the use of partnering on construction projects will be able to find additional information on the different forms of partnering together with their benefits and limitations. Advices are also given on the use of partnering contracts and on how best to migrate from non-contractual to contractual partnering.

Rather than adopting a non-legally binding, informal partnering charter (as is the case in non-contractual partnering), contractual partnering requires parties to incorporate the principles of partnering into the construction contract itself. This can be done either by amending an existing traditional construction contract by inserting clauses that promote partnering behaviour (the Guidelines provide examples of how this can be done) or by adopting a standard form of partnering contract from the outset.

Com-PCM considers that now is the right time to pioneer partnering as a new procurement strategy in Hong Kong. It hopes that clients, contractors and consultants from across the Hong Kong construction industry, regardless of their level of partnering experience, will be able to refer to these Guidelines in order to encourage and promote the successful integration of partnering for the benefit of the future construction projects in Hong Kong.

熟悉伙伴合作模式及其於建造項目應用的讀者，可從該指引獲悉不同伙伴合作模式的更多資料，及其有關的優點和局限。指引亦就伙伴合作合約的使用，以及如何從非契約性伙伴合作過渡至契約性伙伴合作提出建議意見。

有別於非契約性伙伴合作模式採用的非正式、不具約束力的伙伴合作約章，契約性伙伴合作模式須有關人士在建造合約內納入伙伴合作原則。方法是在現行的傳統建造合約新增推廣伙伴合作行為的條文（有關例子亦載於指引內），或從一開始便採取標準形式的伙伴合作合約。

採購委員會認為目前是在香港推動伙伴合作合約這一新採購策略的合適時機，期望香港建築業的聘用人、承建商及顧問，不論其在伙伴合作模式所具備的經驗多少，均會參照該指引，以鼓勵及推動伙伴合作模式成功應用，讓香港日後的建造項目有所裨益。

Government Department 政府部門	Practice Note 作業備考	Source 資料來源
Development Bureau 發展局	Technical Circular (Works) No. 2/2010 Consultants' Fee Proposal 技術通告（工務）第 2/2010 號 顧問收費建議	< http://www.devb.gov.hk/filemanager/technicalcirculares/en/upload/305/1/C-2010-02-01.pdf >
Fire Services Department 消防處	Circular Letter No. 1/2010 Emergency Exit Devices 通函第 1/2010 號 緊急出口裝置	< http://www.hkfsd.gov.hk/home/eng/source/circular/2010_01.pdf >
	Circular Letter No. 2/2010 Multi-sensor Detectors in Fire Detection Systems 通函第 2/2010 號 火警偵測系統的複合式感應偵測器	< http://www.hkfsd.gov.hk/home/eng/source/circular/2010_02.pdf >
Lands Department 地政總署	LAO Practice Note No. 1/2010 - Application for (a) Special Arrangement for a Lease Modification (or a Land Exchange) for Redevelopment of an Industrial Lot; or (b) Special Waiver for Conversion of an Entire Existing Industry Building 地政處作業備考編號 1/2010 重建工業地段的契約修訂（或換地）特別安排；或改裝整幢現有工業大廈特別豁免書的運用	< http://www.landsd.gov.hk/en/images/doc/2010-1.pdf >

Government Department 政府部門	Practice Note 作業備考	Source 資料來源
Planning Department 規劃署	Hong Kong Planning Standards and Guidelines Chapter 10 - Conservation 香港規劃標準與準則第十章 自然保育及文化保護	< http://www.pland.gov.hk/pland_en/tech_doc/hkpsg/full/ch10/ch10_text.htm >

Manpower Training & Development | 人力培訓及發展

Enhanced Construction Manpower Training Scheme

強化建造業人力訓練計劃

As the major infrastructure projects, building and maintenance works of small and medium scales are being progressively rolled out, there will be a demand for massive manpower in the construction industry. In the meantime, the Hong Kong construction industry is facing the aging workforce problem in some trades. In response, CIC Training Academy, supported by the Development Bureau, has launched the “Enhanced Construction Manpower Training Scheme” to speed up the training of new entrants for the industry.

The Hong Kong Construction Association has led some contractors to jointly sign a Charter to commit to employment of graduates of the Training Scheme with specific salary and allowances. The participating employers will employ the graduates with a monthly remuneration of not less than HK\$8,000 for 6 months and afterwards (upon their satisfactory performance), HK\$10,000 for another 6 months. For the person receives training at CIC Training Academy prior to the employment, a maximum monthly training allowance of HK\$5,000 will be given.

The first phase of the Training Scheme will include the full-time training courses of “Bar-bending and Fixing”, “Timber and Aluminium Formworks”, “Metal Formwork and Concreting” and “Drainlaying”. These courses will be offered in September and are now open for applications. For enquiries and applications, please call (852) 2903 0689 or visit Construction Industry Council website at <www.hkcic.org>.

隨著基建、工程、中小型樓宇及維修工程的開展，建造業需要大量人力資源，與此同時，部份工種又出現人手老化問題，有鑒於此，建造業議會訓練學院在發展局的支持下，推出「強化建造業人力訓練計劃」（訓練計劃），加快招募為建造業培育更多生力軍的步伐。

香港建造商會帶領部份承建商於早前簽署約章，共同承諾以特定薪津聘請訓練計劃的畢業學員，在首六個月的聘用期內，薪金不少於每月 8,000 元，如果表現滿意，後六個月的薪金不少於每月 10,000 元。而入職前在建訓學院的訓練期內，學員可獲每月最高 5,000 元之訓練津貼。

首階段的訓練計劃包括「鋼筋屈紮班」、「木/鋁模板班」、「金屬模板及混凝土班」及「地渠班」全日制訓練課程，預計於九月開課，現正接受報名。查詢及報名，歡迎致電 (852) 2903 0 6 8 9 或 瀏覽 建造業 議會 網頁 <www.hkcic.org>。

CIC Cares about the Society | 建造業議會關懷社會

Construction Industry Council (CIC) cares for the society and has been actively participating in community and charitable services, including annual events such as the Love Teeth Day of the Community Chest; MSF Day of the Medecins Sans Frontieres and fund-raising and donation activities of Oxfam Rice Sale organised by Oxfam Hong Kong. CIC has also invited colleagues and trainees to participate in the annual Community Chest Walks for Millions, and arranged the Hong Kong Red Cross to organise blood donation event at various training centres. The activities were successfully held with satisfactory results. 🌱

建造業議會（議會）一向關懷社會，積極參與不同的公益及慈善活動，每年定期參加的活動包括公益金的愛牙日、無國界醫生的無國界醫生日，以及樂施會的樂施米義賣大行動籌款及義賣。議會亦廣邀同事及學員，身體力行支持每年的公益金百萬行，並安排香港紅十字會在不同的訓練中心舉行捐血活動。各項活動均獲美滿成績。🌱



CIC Events Calendar | 議會活動日誌

Date 日期	Event 活動	Organiser 主辦機構	Venue 場地
27 September 2010 2010年9月27日	National Day Banquet for the Hong Kong Construction Industry 香港建造界慶祝中華人民共和國成立六十一周年聯歡宴會	Hong Kong Construction Association Hong Kong Construction Industry Employees General Union Hong Kong Federation of Electrical & Mechanical Contractors Construction Industry Council 香港建造商會 香港建造業總工會 香港機電工程商聯會 建造業議會	Metropol Restaurant 名都酒樓
5 November 2010 2010年11月5日	Technical Seminar on Lift Shaft 升降機槽技術研討會	Construction Industry Council 建造業議會	Pacific Place Conference Centre 太古廣場會議中心
3 December 2011 2010年12月3日	Technical Seminar on Partnering 伙伴合作技術研討會	Construction Industry Council 建造業議會	(To be confirmed) (待定)
10 December 2010 2010年12月10日	Construction Technology Forum 建造業技術論壇	Construction Industry Council 建造業議會	(To be confirmed) (待定)
January 2011 2011年1月	Technical Seminar on Tower Crane 塔式起重機技術研討會	Construction Industry Council 建造業議會	(To be confirmed) (待定)
18 February 2011 2011年2月18日	CIC Anniversary Cocktail Reception 建造業議會周年酒會	Construction Industry Council 建造業議會	(To be confirmed) (待定)
11 March 2011 2011年3月11日	Inaugural CIC Conference 建造業議會首屆研討會	Construction Industry Council 建造業議會	HK Science Park 香港科技園

Other Construction Events | 其他建造業活動

Date 日期	Event 活動	Organiser 主辦機構	Venue 場地
21 September 2010 2010年9月21日	9th Hong Kong Occupational Safety and Health Award 2010 第九屆香港職業安全健康大獎	Occupation Safety and Health Council * Co-organised by Construction Industry Council 職業安全健康局 * 建造業議會協辦	HK Convention and Exhibition Centre 香港會議展覽中心
13 November 2010 2010年11月13日	CIOB (Hong Kong) Conference 2010 2010年英國特許建造學會 (香港) 會議	Chartered Institute of Building (HK) 英國特許建造學會 (香港)	(To be confirmed) (待定)

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About CIC Newsletter
關於《建造業議會通訊》

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

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

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