

香港特別行政區

2006年第12號條例

印章位置

行政長官
曾蔭權
2006年6月1日

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撥款；
- (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》所指的建造業撥款計劃對該條例及《肺塵埃沉着病(補償)(評估撥款)規例》作出相應修訂；及
- (h) 其他相應及相關事宜。

由立法會制定。

第1部

導言

1. 簡稱及生效日期

- (1) 本條例可引稱為《建造業議會條例》。
- (2) 本條例自環境運輸及工務局局長以憲報公告指定的日期起實施。

HONG KONG SPECIAL ADMINISTRATIVE REGION

ORDINANCE NO. 12 OF 2006

L.S.

Donald TSANG
Chief Executive
1 June 2006

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.

Enacted by the Legislative Council.

PART 1

PRELIMINARY

1. Short title and commencement

- (1) This Ordinance may be cited as the Construction Industry Council Ordinance.
- (2) This Ordinance shall come into operation on a day to be appointed by the Secretary for the Environment, Transport and Works by notice published in the Gazette.

(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
- (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。

39E. 石礦產品的價值

- (1) 為施行本條例並就任何石礦產品而言，“價值”(value)指石礦產品的價值。
- (2) 委員會在確定任何石礦產品的價值時，可考慮以下任何或所有事宜——
- (a) 該石礦產品的種類及數量；
- (b) 該石礦產品生產時的市價。”。

12. 規例

第47條現予修訂——

- (a) 在(b)段中，廢除“根據第35條須繳徵款的評估方法”而代以“徵款的評估”；
- (b) 在(b)(vi)段中——
- (i) 在“由”之前加入“須”；
- (ii) 廢除“僱主”而代以“聘用人”；
- (c) 在(c)段中——
- (i) 廢除“records”而代以“the records that are”；
- (ii) 廢除“僱主”而代以“聘用人”。

13. 加入條文

現加入——

“50. 關乎某些建造工程的過渡條文

- (1) 《建造業議會條例》(2006年第12號)附表6第6至25條(第13條除外)對本條例(包括其附屬法例)作出的修訂(“有關修訂”)不適用於以下建造工程——

(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—

- (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.

39E. Value of quarry products

- (1) For the purposes of this Ordinance, “value” (價值), in relation to any quarry products, means the value of the quarry products.
- (2) The Board may have regard to any or all of the following matters when ascertaining the value of any quarry products—
- (a) the type and volume of the quarry products;
- (b) the market price of the quarry products at the time of production.”.

12. Regulations

Section 47 is amended—

- (a) in paragraph (b), by repealing “method of assessing the levy payable under section 35” and substituting “assessment of levy”;
- (b) in paragraph (b)(vi)—
- (i) by repealing “information” and substituting “the information that is”;
- (ii) by repealing “僱主” and substituting “聘用人”;
- (c) in paragraph (c)—
- (i) by repealing “records” and substituting “the records that are”;
- (ii) by repealing “僱主” and substituting “聘用人”.

13. Section added

The following is added—

“50. Transitional provisions in relation to certain construction operations

- (1) The amendments to this Ordinance, including its subsidiary legislation, as effected by sections 6 to 25 (except section 13) of Schedule 6 to the Construction Industry Council Ordinance (12 of 2006) (“the amendments”) do not apply to the following construction operations—

- (a) 有關投標書已於生效日期前向有關建造工程聘用人提交的建造工程；
- (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)段所提述的建造工程。
- (2) 修訂前的本條例繼續適用於第(1)款所提述的建造工程。
- (3) 在本條中——

“生效日期”(commencement day)指《建造業議會條例》(2006年第12號)附表6第6至25條開始實施的日期；

“修訂前的本條例”(pre-amended Ordinance)指在緊接有關修訂生效前有效的本條例(包括其附屬法例)。”。

14. 徵款

附表5現予修訂，廢除“[第2及35條]”而代以“[第35及36條]”。

《肺塵埃沉着病(補償)(評估徵款)規例》

15. 釋義

《肺塵埃沉着病(補償)(評估徵款)規例》(第360章，附屬法例A)第2條現予修訂——

- (a) 在“石礦業”的定義中，廢除“業。”而代以“業；”；
- (b) 加入——
- “反對者”(objector)指根據第12條提出反對的人；
- “付款通知”(notice of payment)指根據第5條給予的通知，並包括按照該條第(6)款送交委員會的通知的文本；

- (a) construction operations the tender for which had been submitted to the construction 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) The pre-amended Ordinance continues to apply to the construction operations referred to in subsection (1).

(3) In this section—

“commencement day”(生效日期) means the day on which sections 6 to 25 of Schedule 6 to the Construction Industry Council Ordinance (12 of 2006) come into operation;

“pre-amended Ordinance”(修訂前的本條例) means this Ordinance, including its subsidiary legislation, as in force immediately before the commencement of the amendments.”.

14. Levy

Schedule 5 is amended by repealing “[ss. 2 & 35]” and substituting “[ss. 35 & 36]”.

Pneumoconiosis (Compensation) (Assessment of Levy) Regulations

15. Interpretation

Regulation 2 of the Pneumoconiosis (Compensation) (Assessment of Levy) Regulations (Cap. 360 sub. leg. A) is amended—

- (a) in the definition of “石礦業”, by repealing “業。” and substituting “業；”;
- (b) by adding—

“notice of completion”(竣工通知) means a notice given under regulation 5A, and includes a copy of a notice sent to the Board in accordance with paragraph (6) of that regulation;

“notice of payment”(付款通知) means a notice given under regulation 5, and includes a copy of a notice sent to the Board in accordance with paragraph (6) of that regulation;

P.01/01

B1954 2007年第183號法律公告

2007年第40期憲報第二號法律副刊

2007年第183號法律公告

《2007年〈建造業議會條例〉(生效日期)公告》

現根據《建造業議會條例》(第587章)第1(2)條，指定2008年1月1日為該條例尚未實施的條文開始實施的日期。

發展局局長
林鄭月娥

2007年9月25日

TO 25368103

FROM D OF J

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22-NOV-2007

L. S. NO. 2 TO GAZETTE NO. 48/2007

L.N. 183 of 2007 B1955

L.N. 183 of 2007

CONSTRUCTION INDUSTRY COUNCIL ORDINANCE
(COMMENCEMENT) NOTICE 2007

Under section 1(2) of the Construction Industry Council Ordinance (Cap. 587), I appoint 1 January 2008 as the day on which those provisions of the Ordinance that have not come into operation shall come into operation.

Carrie LAM
Secretary for Development

25 September 2007

TOTAL P.01