
**Provisional Construction Industry
Co-ordination Board**

**Operational Framework of the
Voluntary Subcontractor Registration Scheme**

December 2002

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Foreword

In its report submitted to the Chief Executive in January 2001, the Construction Industry Review Committee (CIRC) has made a number of recommendations to uplift the performance of subcontractors as a crucial element of the whole value chain. One of these recommendations deals with the need to build up a pool of capable and responsible subcontractors with specialized skills and strong professional ethics through a voluntary registration scheme to be administered by the industry itself.

As a precursor of industry co-ordinating body proposed by CIRC, the Provisional Construction Industry Co-ordination Board (PCICB) has developed a set of proposals on the voluntary subcontractor registration scheme as embodied in this consultation document. Since this initiative is entirely led by the industry, its success relies on your full support and active participation. We would therefore like to offer you an opportunity to take part in shaping our final proposals. Please send us your comments through the PCICB Secretariat by **30 January 2003** at –

Room 2100, Murray Building,
Garden Road,
Central,
Hong Kong
(fax 2189 7990, e-mail – enquiry@pcicb.gov.hk)

Those who would like to access the consultation document electronically may visit our website at <http://www.pcicb.gov.hk>.

*Provisional Construction
Industry Co-ordination Board
December 2002*

Operational Framework of the Voluntary Subcontractor Registration Scheme

1. Overview

Functions

1.1. In order to achieve its intended purpose as a platform to elevate the standard of subcontractors, the registration scheme should be designed to cater for the following functions –

- (a) a convenient source of reference on firms actively engaged in the subcontracting business;
- (b) a launch-pad of new initiatives aimed at improving the professionalism and upgrading the management training of subcontractors; and
- (c) a system of capability assessment, performance tracking and disciplinary procedures for the subcontracting trade.

Structure

1.2. By way of background, CIRC has recommended that a voluntary registration scheme should be set up by 2004, and that the Government should review the need to migrate to a mandatory scheme three years after its implementation. We are thus attempting to fast-track this process.

1.3. Ideally speaking, the registration scheme should be structured to provide an indication on the type, size and complexity of projects capable of being undertaken by each subcontractor. However, it would be unrealistic to aim at this goal without first acquiring a reasonable amount of operational experience and allowing a period of adaptation by all parties involved. To impose a set of stringent screening criteria without adequate preparations and widespread consensus within the industry is unlikely to engender support and acceptance.

1.4. With these considerations in mind, we prefer a phased approach starting off with the Primary Register demanding relatively simple and accommodating entry requirements so as to attract a critical mass of subcontractors at the outset. Subject to prevailing response and feedback from the industry, a second layer, tentatively referred to as the Premier Register, could be rolled out to form a two-tier system with capability grading in selected trades.

2. Trade Classifications

2.1. A set of trade classifications for the Primary Register drawn up having due regard to the impact on built quality is at Annex A. It makes up of 25 trades divided into three main groups –

- (a) 10 trades covering structural works;
- (b) nine trades covering finishing works; and
- (c) six trades covering electrical and mechanical works.

3. Entry Requirements

3.1. At the first phase of implementation, we propose only two basic requirements for the Primary Register –

- (a) completed at least one job as a subcontractor relevant to the trade for which registration is applied; and
- (b) documentary proof of the job completed.

3.2. For the Premier Register which is meant to show the varying level of capability possessed by individual firms, it should call for a more demanding set of entry requirements covering –

- (a) duration of experience in the relevant trades;
- (b) key managerial and technical staff with their professional qualifications and supervisory experience;

- (c) manpower resources (e.g. directly-employed labour) and financial capability;
- (d) historical performance records, particularly those related to statutory requirements on employment, site safety and environment protection;
- (e) internal quality assurance systems; and
- (f) referees and strategic partners.

3.3. The above list is by no means exhaustive. We welcome views and suggestions on how to strike a sensible balance between the aspirations for sophisticated competence assessment and prevailing readiness of the industry.

4. Registration Procedures for the Primary Register

Submission of application

4.1. To secure registration in the Primary Register, applicants will be required to –

- (a) submit a set of information with accompanying documents as detailed at Annex B; and
- (b) make a declaration on the accuracy of information and authenticity of the accompanying documents; and
- (c) undertake to abide by the rules and procedures of the registration scheme.

Processing of applications

4.2. The scheme operator will conduct an initial screening of the applications by –

- (a) verifying registration details against documents supplied by the applicants;

- (b) contacting the applicants to seek clarifications or obtain supplementary information; and
- (c) making an assessment based on the entry requirements.

4.3. Upon completion of initial screening, the scheme operator will make recommendations for endorsement by a management committee chaired by a member of PCICB with representatives drawn from itself, clients, main contractors, subcontractors and professional institutions. The composition and terms of reference are at Annex C.

Renewal of registration

4.4. Registrations are subject to renewal at two-year intervals upon submission of the relevant supporting documents. Registered details may be modified before the due date for renewal, while any substantial changes on company ownership, major shareholding or key personnel will trigger off a compulsory renewal. In both cases, a small handling fee will be charged.

Publication of registered details

4.5. In the interest of transparency and to provide a ready source of reference, certain registered details such as company name, affiliated trades, contact details and owners/major shareholders may be posted on the PCICB website.

4.6. To create more value for the registered subcontractors, they may also request for publication of their specialties and listing status on the government registration schemes at Annex D.

Fees and Charges

4.7. For the registration scheme to be self-sustaining, application and renewal fees will be charged to meet the capital outlay and recurrent operating expenditure. In order to deter frivolous cases, unsuccessful applicants will not be entitled to refunds. Listing on more than one trade will be entitled to discounts.

5. Regulatory Actions

5.1. Given that the Primary Register is meant to be a primary source of reference within the industry and the anchorage of a more advanced grading system in future, its integrity must be preserved. To this end, regulatory action would be imposed given the following circumstances –

- (a) supply of false information in the course of applications for registration or renewal;
- (b) gross failure to give timely notification of substantial changes on registered details and to apply for renewal;
- (c) violation of the registration rules; and
- (d) infringement of statutory requirements on occupational health, site safety and employment, particularly those provisions governing timely payment of wages.

5.2. The management committee will investigate complaints brought against registered subcontractors and mete out regulatory actions, where justified by available evidence. Such actions may include removal from the register, temporary suspension of registered status or written warning.

6. Appeals

6.1. A separate channel of redress will be available in the form of appeal committees empowered to confirm, reverse or vary decisions made by the management committee.

6.2. The PCICB will appoint a panel of independent persons, without direct affiliation with itself or the management committee, to serve on appeal committees. An appeal committee will conduct hearings with the presence of a chairman and two other members. The chairman may be substituted by another member in case there are conflicts of interest.

7. Rules

7.1. For the sake of transparency and consistency, the management committee will promulgate a set of rules governing the submission and processing of applications as well as disciplinary and appeal proceedings.

8. Complementary Measures

8.1. Major clients and main contractors will be invited to indicate their firm support for the registration scheme by subscribing to a package of complementary measures. Some examples include –

- (a) procurement arrangements that encourage the mandatory employment of registered subcontractors;
- (b) contractual terms that allow registered subcontractors to be given proper recognition or incremental credits in the tender evaluation process;
- (c) adoption of fair and equitable subcontracting practice as enshrined in the guidelines at Annex E which are currently undergoing industry consultation; and
- (d) sponsorship and other forms of assistance for the training of registered subcontractors.

8.2. Since circumstances may differ between individual clients, there cannot be too rigid an approach. Again, we welcome ideas on what other complementary measures can be pursued.

9. Interim Arrangements

9.1. While PCICB must take ownership of the registration scheme, it does not possess the staffing resources or administrative facilities to take up its routine management at this stage. Pending establishment of the

statutory industry co-ordinating body, such a task may be entrusted to an external party, such as one of the major trade associations. This interim arrangement will be reviewed after two years when the first batch of renewal cases comes on stream.

10. Implementation Schedule

10.1. Depending on the outcome of this consultation exercise, we will proceed with the schedule of implementation below –

Timing	Activity/Milestone
February 2003	● Collation of comments and formulation of final proposals for approval by PCICB
March/May 2003	● Pre-launch preparations including promulgation of registration procedures and rules, hardware installation, software development, staff recruitment
June 2003	● Formal launch of Primary Register

11. Future Developments

11.1. Subsequent to launching of the Primary Register, we will draw up a plan to roll out the Premier Register, probably starting with selected trades on trial basis. Furthermore, consideration will be given to linking up eligibility for listing on the Premier Register with demonstrated commitment to abide by the Guidelines on Subcontracting Practice or codes of conduct promulgated in future by PCICB.

11.2. In line with the recommendations made by CIRC, administration of the registration scheme will be taken over by the statutory industry co-ordinating body upon its establishment. A review will also be conducted in due course to examine if there is a need for mandatory registration and the best timing for it to take place.

Trade Classification

Group	Trade	Specialty
1. Structural	1.1 Demolition	<ul style="list-style-type: none"> • Asbestos removal
	1.2 Foundation and Piling	<ul style="list-style-type: none"> • Sheet piles • Bored piles • Driven piles • Diaphragm walls • Micro piles
	1.3 Concreting Formwork	<ul style="list-style-type: none"> • Timber formworks • Large panel formworks • Formwork • Metal/system formwork
	1.4 Reinforcement Bar Fixing	
	1.5 Concreting	
	1.6 Pre-casting Components Fabrication	
	1.7 Scaffolding	<ul style="list-style-type: none"> • Bamboo scaffolding • Metal scaffolding
	1.8 Excavation and Civil Work	
	1.9 Structural Steelwork	
	1.10 Other Structural Trades	<ul style="list-style-type: none"> • Pre-stressing system • Expansion Joints
2. Finishing	2.1 Finishing Wet Trades	<ul style="list-style-type: none"> • Brick/block work • Plastering and tiling • Spray plaster • Flooring • Stone mason

Group	Trade	Specialty
	2.2 Marble and Granite	
	2.3 Joinery and Wooden Flooring	<ul style="list-style-type: none"> • Cabinetry • Wooden flooring • Partition walls • Work top • Toilet and shower cubicle
	2.4 Window Fabrication and Installation	<ul style="list-style-type: none"> • Aluminum window/louvers • Steel windows/louvers • Curtain wall
	2.5 Doors Fabrication and Installation	<ul style="list-style-type: none"> • Timber doors • Metal doors
	2.6 Waterproofing	
	2.7 Painting	<ul style="list-style-type: none"> • Brush painting • Spray painting
	2.8 Metal Work	<ul style="list-style-type: none"> • Metal work • Stainless steel work • Metal roof/skylight cladding/ space frame
	2.9 Other Finishing Trades	<ul style="list-style-type: none"> • Glazier work • Concrete road slab and pavement • Flexible road paving • Artificial rocks • Fitting out • Sports and playground equipment/surface • Raised floor • False ceiling • Miscellaneous work
3. E & M	3.1 Lift and Escalators	<ul style="list-style-type: none"> • Escalators and moving walkways mechanized fittings • Lifts mechanical fitting
	3.2 Electrical	<ul style="list-style-type: none"> • Electrical wiring • General electrical installation • Electrical control and power panel assembly

Group	Trade	Specialty
3.3	Heating, Ventilation, and Air-conditioning	<ul style="list-style-type: none"> • HVAC pipe work • HVAC mechanical fitting • HVAC control • Sheet metal and ducting • Insulation
3.4	Fire Services Installation	<ul style="list-style-type: none"> • Fire service pipe work • Fire services electrical fittings
3.5	Plumbing and Drainage	<ul style="list-style-type: none"> • Plumbing • Drainage • Road drains & sewers
3.6	Other E&M Trades	<ul style="list-style-type: none"> • Security & communication system • Building automation system • General mechanical fitting • Signage • Welding • Gas installation

Information Required for Registration

Type of Information	Supporting Document/Evidence
<ul style="list-style-type: none"> Trade for which registration is being sought 	Nil
<ul style="list-style-type: none"> Company name and address Proprietors or major shareholders Contact details 	Business registration Photocopy of passports or ID cards
<ul style="list-style-type: none"> List of projects undertaken including the scope, nature and value of works, particulars of employers etc 	Documentary proof (e.g. contracts or reference letters)
<ul style="list-style-type: none"> Specialties in the relevant trade (where appropriate) 	Nil
<ul style="list-style-type: none"> Listing in government registration schemes (optional) 	Certificate or approval letters granted by the relevant bureaux or departments

Note –

1. The types of supporting documents listed above are not intended to be exhaustive.
2. Applicants will also be required to –
 - (a) make a declaration on the accuracy of the information and the authenticity of the accompanying documents; and
 - (b) undertake to abide by the rules for the registration scheme.

Structure of the Management Committee

Composition

- Chairman appointed by PCICB
- Members representing –
 - PCICB
 - clients
 - main contractors
 - subcontractors
 - professional institutions

Terms of reference

- oversee operation of the registration scheme
- formulate rules and procedures for the registration scheme
- examine and endorse recommendations made by the scheme operator on individual applications
- handle complaints against registered subcontractors and impose the appropriate regulatory actions.

Government Registration Schemes

Bureau/ Department	Registration Scheme	Scope
BD	Registered General Building Contractors) Registered Specialist Contractors)	List of firms that may fulfill requisite obligations under the Buildings Ordinance
EMSD	Registered Electrical Contractors Registered Lift Contractors) Registered Escalator Contractors)	List of electrical contractors registered under the Electricity Ordinance. Registers kept under the Lifts and Escalators (Safety) Ordinance on firms that are qualified to undertake lift and escalator works.
FSD	Fire Service Installation Contractors	Firms qualified to undertake works relating to fire services installations
HA	Works Contractors	Firms that may undertake works in public housing projects
ETWB	Approved Contractors for Public Works Approved Suppliers of Materials and Specialist Contractors for Public Works	Firms that may undertake public works projects as main contractors Firms that may provide specialist materials and services for public works contractors (usually as subcontractors or suppliers)

Abbreviations

BD	Buildings Department
EMSD	Electrical and Mechanical Services Department
FSD	Fire Services Department
HA	Housing Authority
ETWB	Environment, Transport and Works Bureau

Guidelines on Subcontracting Practice

(The guidelines at this annex are the draft version issued for industry consultation in early November 2002. A final version incorporating comments made by industry stakeholders will be issued in early 2003.)

臨時建造業統籌委員會

Provisional Construction Industry Co-ordination Board

工程分判指引

GUIDELINES ON SUBCONTRACTING PRACTICE

**2002年11月
November 2002**

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序言

工程分判是本地建造業源用的作業方式，在建造供應鏈中提供必要的彈性。然而，這個制度存在不少問題，顯著的包括經多層分判後，確保建造質素的責任便會變得模糊不清，及無效益的轉判起不到增值作用。

建造業檢討委員會（建檢會）在 2001 年 1 月發表的報告中，提出數項措施以改善現況，其中包括建立非強制性分包商註冊制度、向分包商提供培訓及加強監管、以及由承建商協助提升分包商的表現。

臨時建造業統籌委員會（臨時建統會）制定這指引以落實建檢會的建議，提供有助改善分包商表現的有利環境。

臨時建造業統籌委員會
2002 年 11 月

Foreword

Subcontracting is a long-standing practice in the local construction industry that provides an essential element of flexibility in the overall supply chain. However, it has been plagued by a host of problems, notably those associated with multi-layer subcontracting which blurs the accountability for assuring built quality and non-productive subcontracting which creates no added value.

In its report published in January 2001, the Construction Industry Review Committee (CIRC) has put forward some initiatives to improve the present situation. These include setting up of a voluntary subcontractor registration scheme, training and tightened control over subcontractors, as well as contractors assisting to raise the performance standards of subcontractors.

These guidelines are published by the Provisional Construction Industry Co-ordination Board (PCICB) in response to the recommendation made by CIRC aiming to raise the performance standards of subcontractors by providing them with a conducive environment.

*Provisional Construction
Industry Co-ordination Board
November 2002*

第 1 章

緒言

目標

1.1. 工程分判指引旨在列載建造業認可的良好分判作業原則（“良好作業原則”），以期推廣有關知識及推動業界廣泛採用，從而達到下列目標 –

- (a) 清楚界定分包合約締約各方的角色和責任；
- (b) 公平的付款條款及適時發放薪金；
- (c) 公開和具透明度的遴選分包商過程；
- (d) 有效而具透明度的架構以管理分判活動；
- (e) 清晰訂明分包合約內各項工程責任誰屬；
- (f) 促使各方在履行分包合約時加強合作和協調；以及
- (g) 分包商持續提升其表現的意願。

Chapter 1

Introduction

Objectives

1.1. These guidelines are designed to document the principles of good subcontracting practice (“principles of good practice”) recognized by the industry, thus facilitating knowledge transfer and promoting their wider adoption so as to achieve the following –

- (a) a clear delineation of roles and responsibilities between different parties involved;
- (b) equitable payment terms and timely payment of wages;
- (c) an open and fair selection process of subcontractors;
- (d) an effective and transparent framework for the management of subcontracting activities;
- (e) an unambiguous chain of accountability for works executed under subcontracts;
- (f) stronger sense of collaboration and co-ordination in executing subcontracts; and
- (g) willingness of subcontractors to pursue continuing improvement of performance.

適用範圍

1.2. 指引適用於各層的分包合約。

結構

1.3. 第 2 至 4 章涵蓋數個主要的範疇，包括訂立分包合約、其採購安排及管理等三個主要課題的良好作業原則。

1.4. 本指引的最後部份提供一個索引，用以查閱有助達到上文第 1.1 段各項目標的良好作業原則。

Scope of application

1.2. These guidelines apply to all tiers of subcontracts.

Structure

1.3. The principles in Chapters 2 to 4 cover a number of key topics covering subcontracts, procurement of subcontracts and management of subcontracts.

1.4. An index is provided at the end of these guidelines to show the relationship between principles of good practice and the objectives set out in paragraph 1.1.

第 2 章

分包合約

引言

2.1. 本章詳述承建商及分包商在訂立合約關係時的良好作業原則。

書面分包合約

2.2. 分包合約應以書面形式訂立，以增加透明度和更有效地保障締約雙方的法律權益。

標準合約

2.3. 分包合約可採用公司沿用或有關行業商會制定的標準合約，再按個別情況修訂。

2.4. 香港建造商會制定的標準自選分包合約，就是業內標準合約的例子。

分包合約條款

2.5. 不論採用公司沿用的標準合約還是業內的標準合約，分包合約條款都應清晰詳盡地界定約束締約各方的權利與義務。

Chapter 2

Subcontracts

Introduction

2.1. This chapter deals with the principles of good practice in regard to the contractual relationship established between contractors and subcontractors.

Written subcontracts

2.2. Subcontracts should be made on written documents for the sake of better transparency and more effective safeguard of legal rights.

Standard forms

2.3. Subcontracts may be based on standard forms promulgated by individual companies or trade associations, with appropriate customizations as required.

2.4. An example of industry standard form is the Standard Form of Domestic Subcontracts published by the Hong Kong Construction Association (HKCA).

Terms of subcontracts

2.5. The terms of a subcontract, whether in company standard form or industry standard form, should define with clarity the full set of rights and obligations binding upon both parties.

管制進一步轉判

2.6. 分包合約應列載條款以禁止轉判整份分包合約，並阻止進行無實際效益的分判活動。承建商可要求分包商在進一步轉判工程之前，須事先獲得批准／同意。

付款條款

2.7. 分包合約應清楚訂明釐定中期及最終應付款的方法。

2.8. 應制定的條款以涵蓋下列主要範疇 –

- (a) 公平和適時發放已完成的工程的工程款項;
- (b) 公正及清楚明確的扣減分包商可得款項的安排;
- (c) 確認分包工程的改動，以及有關的估值和付款安排;
- (d) 在收不到工程款項或被拖欠款項時分包商有何即時可以行使的權益；以及
- (e) 分包商向所僱用的工人準時發放工資的承諾。

Control of further subletting

2.6. Subcontracts should provide for specific prohibition of total subletting and discourage non-productive subcontracting. The subcontractor may also be required to seek prior approval or consent for further subletting of works.

Payment terms

2.7. The method to ascertain interim and final payments under subcontracts should be clearly defined.

2.8. Provisions should be made to cater for the following key aspects –

- (a) fair and timely payments for works done;
- (b) clear and equitable arrangements on deduction of payments;
- (c) identification, valuation and payment for variations to subcontract works;
- (d) immediate rights of the subcontractor in the event of non-payment or late payment; and
- (e) commitment by subcontractors to make timely payment of wages to their workers.

解決糾紛

2.9. 分包合約應促成締約各方盡早解決糾紛。除仲裁外，締約各方亦可考慮在合約內加入其他的解決糾紛機制，包括進行調解、審裁、及設立解決糾紛委員會。

法例規定的責任

2.10. 分包合約應訂明遵守法例規定的責任，特別是有關環保、職業健康及工地安全的法例規定。

總承包合約的條款

2.11. 分包合約應適當地界定分包商履行總承包合約條款的責任。在可行情況下應盡量避免使用可能引起混淆的詞語如“back to back”；如必須使用，則應清楚說明其含意。

其他合約條款

2.12. 締約各方可考慮把下述補充條款加入在分包合約內-

- (a) 合資格技工的最低比率，以推動建築工人技能的提昇和發展；
- (b) 直接僱用或直接管理工人的最低比率；
- (c) 提供保險保障（包括工人賠償）的法律責任；

Dispute resolution

2.9. Subcontracts should facilitate early dispute resolution. Apart from arbitration, alternative dispute resolution mechanisms like mediation, adjudication and dispute resolution boards may be considered.

Statutory obligations

2.10. Subcontracts should clarify the responsibility for ensuring compliance with statutory requirements, particularly those related to environment, occupational health and site safety.

Terms of main contracts

2.11. The obligation of subcontractors in fulfilling relevant terms of the main contracts should be suitably underscored. Potentially ambiguous phrases such as “back to back” should be avoided as far as practical and qualified when used.

Other contract terms

2.12. The subcontracting parties may impose supplementary items on –

- (a) minimum ratio of trade-tested workers to promote skills upgrading and development;
- (b) minimum ratio of directly employed or controlled labour;
- (c) liabilities for insurance coverage including workers compensation;

- | | |
|----------------------------|---|
| (d) 提供履約保證金的規定； | (d) requirements for the placing of performance bond; |
| (e) 在締約各方同意下終止分包合約的權利； | (e) mutual rights to agree on termination of the subcontract; |
| (f) 承建商須向分包商提供的“協助”*和設施；以及 | (f) attendance* and facilities to be provided by the main contractor to subcontractors; and |
| (g) 提供底層分包商的資料。 | (g) information on the subcontractors engaged in lower tiers. |

* “協助”包括承建商對分包商的支援，以便其進行工程。例如工地安全設施及在施工時間表中為分包工程作出適當安排。

* “Attendance” includes support provided by the contractor to facilitate subcontractors’ works. Examples are site safety provisions and making proper allowance for subcontractors’ works in the construction programme.

第 3 章

分包合約的採購安排

引言

3.1. 本章詳述採購的良好作業原則，包括遴選分包商，及就分包合約的條款達成協議。

3.2. 分包合約的採購工作，可透過直接協商或投標方式進行。下文會集中討論在本地建造業比較廣泛採用的投標方式。

招標文件

3.3. 招標文件應盡量提供—

- (a) 足夠的資料，讓投標者能提交切實可行的標書；
- (b) 具體的評審標書準則；以及
- (c) 清晰的提交標書指示。

發出投標邀請書

3.4. 投標邀請書應在同一時間發出。

Chapter 3

Procurement of Subcontracts

Introduction

3.1. This chapter spells out the principles of good procurement practice, including selecting subcontractors and concluding terms of subcontracts.

3.2. Subcontracts may be procured through direct negotiation or tendering. The following paragraphs focus on tendering, which is more prevalent in the local construction industry.

Tender documents

3.3. Tender documents should attempt to set out –

- (a) adequate level of information for tenderers to submit realistic bids;
- (b) details about the tender evaluation criteria; and
- (c) clear instructions for submission of tenders.

Issue of tender invitations

3.4. Invitation for tenders should be issued at the same time.

招標期

3.5. 投標者應有充分時間擬備標書。至於給予多少時間，則應按分包合約的複雜程度來釐定。

提交標書

3.6. 為對其他的投標者公平起見，逾期遞交的標書應不予接納。

評審標書

3.7. 所有標書應一律按照招標文件所列的準則進行評審。

3.8. 評審標書準則應在價格、過往表現和質素方面有適當的比重，從而促進良性競爭。評審標書時可以採用下列準則－

- (a) 承辦性質相近的工程的經驗；
- (b) 主要管理及監督人員是否足夠及有沒有所需的專業技能；
- (c) 資金與人手等是否足夠，俾在進行現有工程之餘仍有能力承辦有關分包項目；
- (d) 技術建議書的質素，尤其在是否符合招標規定方面；
- (e) 過往表現；以及
- (f) 價格及付款條文。

Tendering period

3.5. The tendering period should be sufficient for tender preparation and should be commensurate with the level of complexity involved.

Submission of tenders

3.6. For the sake of fairness to other bidders, late returns beyond the stipulated deadline should not be accepted.

Tender assessment

3.7. All tenders should be assessed on an equal basis using the criteria stipulated in tender documents.

3.8. Tender assessment criteria should aim at promoting healthy competition by placing suitable weights on price, past performance and quality. The following criteria may be used in tender evaluation –

- (a) previous experience on jobs of similar nature;
- (b) adequacy and professional competence of key management and supervisory staff;
- (c) availability of capital and labour resources to undertake the subcontract on top of other on-going commitments;
- (d) quality of technical proposal with particular reference to compliance with tender requirements;
- (e) track record of past performance; and
- (f) price and payment terms.

投標過程中的誠信

3.9. 投標過程應具誠信和有透明度。參與者不應以串同定價等有違操守的行為，破壞投標過程中的誠信原則。

3.10. 應該採取適當的措施，確保標書內容保密，以免一些敏感的商業資料外洩。

Integrity of tendering process

3.9. The tendering process should be conducted with honesty and transparency. Interested parties should refrain from compromising the integrity of this process by engaging in unethical behaviour such as price collusion.

3.10. Appropriate measures should be available to safeguard the confidentiality of tender submissions and prevent leakage of sensitive commercial information.

第 4 章

管理分包合約

引言

4.1. 本章闡述有關妥善管理分包合約的良好作業原則。

了解工程項目要求

4.2. 承建商應提供適當指引使分包商能明瞭工程項目的要求及其法律責任。在這方面，可行的措施包括－

- (a) 在動工前舉行簡介會（可安排委託機構一同出席），向分包商講解項目的主要要求；以及
- (b) 擬備主要事項的清單以方便查閱。

監督與管理

4.3. 承建商應制定合適的機制，以便妥善管理以下主要範疇內的工程分判活動－

- (a) 分包合約的工程範圍；
- (b) 協調各分包商的工作；
- (c) 控制分包合約工程的施工時間和質素；以及

Chapter 4

Management of Subcontracts

Introduction

4.1. This chapter expounds on the principles of good practice in connection with management of subcontracts.

Understanding of project requirements

4.2. Contractors should provide proper guidance to assist subcontractors in understanding the project requirements and their legal obligations. To this end, possible measures include –

- (a) pre-contract briefing sessions (with the involvement of clients, if possible) to highlight major project requirements; and
- (b) preparation of a checklist of key items for quick reference.

Supervision and management

4.3. Contractors should set up a mechanism to manage subcontracting activities in the following key areas –

- (a) scope of works to be executed through subcontracts;
- (b) co-ordination of subcontractors;
- (c) control over timing and quality of subcontracted works; and

(d) 管制進一步把合約轉判及防止沒有實際效益的分判活動。

4.4. 承建商與分包商均須調派足夠人手，妥善管理和監督分包工程。承建商不應把管理和監督的責任全盤轉嫁予分包商，並應監督各層分包商的工程。

協調與解決問題

4.5. 承建商和分包商應確立有效的機制，透過協調和積極的方式解決問題。可行的安排包括定期舉行會議檢討工程的進展及共同巡視工地，以查核在施工期間和完工後的工程質素。

工作關係

4.6. 締約各方應在恪守道德操守和公平交易的基礎上積極培養和衷合作的精神。承建商亦可與聲譽良好的分包商發展長遠的策略性合作關係。

4.7. 締約各方可考慮採用伙伴合作模式，以達致訂定共同目標，改善參與工程各方的溝通，及迅速排解糾紛。

(d) control of further subletting and prevention of non-productive subcontracting.

4.4. Both contracting parties should devote adequate time and staff resources towards the management and supervision of subcontracted works. In particular, contractors should not shift the entire burden of workload to subcontractors and should oversee the works in all tiers.

Co-ordination and problem solving

4.5. Contractors and subcontractors should put in place an effective mechanism for co-ordinated and proactive problem solving. Regular meetings to review progress and joint site inspections to check the quality of completed works and work in progress may be considered.

Working relations

4.6. The contracting parties should strive to nurture a cooperative spirit built upon ethical behaviour and fair dealings. Contractors may also develop long-term strategic relationship with subcontractors enjoying a good reputation.

4.7. The contracting parties may adopt partnering arrangements to facilitate the setting of common objectives, to improve communication and to expedite the resolution of disputes.

工作及薪金記錄

4.8. 承建商應確保其分包商妥善備存準確的出勤和發放薪金記錄，以便掌握資源調配的情況，並作為評估僱員保險索償的其中一項依據。如承建商作出要求，分包商應提交有關記錄。

持續提升表現

4.9. 承建商應主動向分包商提供以下支援，以持續提升其表現－

- (a) 定期評估分包商的表現；
- (b) 工程完工後的檢討；以及
- (c) 培訓管理及監督人員。

委託機構的參與

4.10. 委託機構不應直接介入分包商的遴選、監督和日常管理。不過，委託機構可要求總承建商設立適當的監管系統或程序。

4.11. 為加強資料的全面性，委託機構亦可要求總承建商提交有關分包商的詳細資料。

Attendance and wage records

4.8. Contractors should ensure that their subcontractors maintain accurate attendance and wage payment records to keep track of resource deployment and to help in assessing claims for employees' compensation. Subcontractors should make available the records upon request.

Continuing improvements

4.9. Contractors should provide active support to their subcontractors to elevate their performance through –

- (a) regular performance evaluation and appraisals;
- (b) post-completion reviews; and
- (c) training for the managerial and supervisory staff.

Client involvement

4.10. Clients should refrain from direct interference with the selection, supervision and daily management of subcontractors. However, they may require the main contractors to adopt proper regulatory system or management procedures.

4.11. In order to reduce the extent of information asymmetry, clients may impose requirement for the main contractors to submit details on their subcontractors.

索引

目標*	相關段落		
	第 2 章	第 3 章	第 4 章
(a) 清楚界定分包合約締約各方的角色和責任	第 2.2 至 2.12 段		
(b) 公平的付款條款及適時發放薪金	第 2.7 至 2.8 段		
(c) 公開和具透明度的遴選分包商過程		第 3.3 至 3.10 段	
(d) 有效而具透明度的架構以管理分判活動			第 4.3、4.4、4.8、4.10 及 4.11 段
(e) 清晰訂明分包合約內各項工程責任誰屬	第 2.5、2.6、2.10 及 2.11 段		第 4.2 至 4.4 段
(f) 促使各方在履行分包合約時加強協調和合作			第 4.5 至 4.7 段
(g) 持續提升分包商的表現的意願			第 4.9 段

* 第 1 章第 1.1 段所述的各項目標。

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Objectives*	Paragraphs		
	Chapter 2	Chapter 3	Chapter 4
(a) a clear delineation of roles and responsibilities between different parties involved	2.2 to 2.12		
(b) equitable payment terms and timely payment of wages	2.7 and 2.8		
(c) an open and fair selection process of subcontractors		3.3 to 3.10	
(d) an effective and transparent framework for the management of subcontracting activities			4.3, 4.4, 4.8, 4.10 and 4.11
(e) an unambiguous chain of accountability for works executed under subcontracts	2.5, 2.6, 2.10, 2.11		4.2 to 4.4
(f) stronger sense of collaboration and co-ordination in executing subcontracts			4.5 to 4.7
(g) willingness of subcontractors to pursue continuing improvement of performance			4.9

* Objectives listed in paragraph 1.1 of Chapter 1.