

Chapter:	360A	<b>Pneumoconiosis and Mesothelioma (Compensation) (Assessment of Levy) Regulations</b>	Gazette Number	Version Date
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		<b>Empowering section</b>	E.R. 1 of 2013	25/04/2013
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**Pneumoconiosis and Mesothelioma (Compensation) (Assessment of Levy) Regulations**

(6 of 2008 s. 31)

(Cap 360 section 47)

[1 January 1981]

(Originally L.N. 236 of 1980)

(\*Format changes—E.R. 1 of 2013)

**Note:**

These regulations were amended by Part 2 of the Construction Industry Levy (Miscellaneous Amendments) Ordinance 2004 (3 of 2004). The transitional provisions contained in section 40 of Part 4 of that Amendment Ordinance read as follows-

**"40. Transitional provisions relating to Part 2**

(1) Notwithstanding anything contained in Part 2 of this Ordinance, and in addition to and without derogating from section 23 of the Interpretation and General Clauses Ordinance (Cap 1), the amendments effected under this Ordinance shall not apply to any construction works if, before the commencement date-

- (a) the tender for the construction works has been submitted to the employer concerned;
- (b) no tender for the construction works has been submitted to the employer concerned, but a construction contract in respect of the construction works has been entered into; or
- (c) no tender for the construction works has been submitted to the employer concerned and no construction contract in respect of the construction works has been entered into, but the construction works have been commenced.

(2) For the purposes of this section-

# "commencement date" (生效日期) means the day appointed under section 1(3) of this Ordinance as the day on which Part 2 of this Ordinance comes into operation;

"construction works" (建造工程) has the same meaning as in section 2(1) of the pre-amended Ordinance;

"employer" (僱主) has the same meaning as in section 2(1) of the pre-amended Ordinance;

"pre-amended Ordinance" (未經修訂條例) means the Pneumoconiosis (Compensation) Ordinance (Cap 360) at any time in force before the commencement date."

# Commencement date: 1 June 2004.

\* The format of the whole Regulations has been updated to the current legislative styles.

Part:	1	<b>Preliminary</b>	E.R. 1 of 2013	25/04/2013
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Regulation:	1	<b>Citation</b>	E.R. 1 of 2013	25/04/2013
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These regulations may be cited as the Pneumoconiosis and Mesothelioma (Compensation) (Assessment of Levy) Regulations.

(6 of 2008 s. 32)

Regulation:	2	<b>Interpretation</b>	E.R. 1 of 2013	25/04/2013
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In these regulations, unless the context otherwise requires-

**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; (12 of 2006 s. 84)

**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; (12 of 2006 s. 84)

**notice of surcharge** (附加費通知) means a notice of the surcharge referred to in regulation 6D(3); (12 of 2006 s. 84)

**objector** (反對者) means a person who makes an objection under regulation 12; (12 of 2006 s. 84)

**quarry industry** (石礦業) means the industry that is engaged in the operation of a quarry. (3 of 2004 s. 27)  
(3 of 2004 s. 27)

Part:	2	<b>Construction Operations*</b>	E.R. 1 of 2013	25/04/2013
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**Note:**

\* (3 of 2004 s. 28)

Regulation:	3	<b>(Repealed 3 of 2004 s. 29)</b>	6 of 2008	18/04/2008
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Regulation:	4	<b>Contractor and authorized person to notify Board of their carrying out of construction operations</b>	E.R. 1 of 2013	25/04/2013
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- (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 Board, by a notice, that he is such contractor or authorized person. (12 of 2006 s. 84)
- (2) A notice referred to in paragraph (1) shall be in a form specified by the Board and shall state the estimated total value of the construction operations. (12 of 2006 s. 84)
- (3) A notice is required to be given under this regulation 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 to the Ordinance. (12 of 2006 s. 84)
- (3A) The Board may in a particular case extend the period for giving a notice under this regulation. (12 of 2006 s. 84)
- (4) A contractor or authorized person in respect of the construction operations complies with this regulation if he—
  - (a) had given a notice to the Construction Industry Council under section 34 of the Construction Industry Council Ordinance (Cap 587) in respect of the construction operations; and
  - (b) sent a copy of that notice to the Board within the specified period. (12 of 2006 s. 84)
- (5) Every contractor or authorized person who, without reasonable excuse, fails to comply with this regulation commits an offence and is liable to a fine at level 2. (L.N. 32 of 1983; 12 of 2006 s. 84)
- (6) In this regulation, **specified period** (指明期間) means the period of 14 days referred to in paragraph (1) or, if the Board has extended that period under paragraph (3A), the extended period. (12 of 2006 s. 84)

(E.R. 1 of 2013)

Regulation:	5	<b>Notice of payment made in respect of construction operations</b>	E.R. 1 of 2013	25/04/2013
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- (1) If a payment is made to or for the benefit of a contractor in respect of any construction operations or any stage or 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 Board. (12 of 2006 s. 84)
- (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 Board. (12 of 2006 s. 84)

- (3) A notice of payment shall be in a form specified by the Board 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. (12 of 2006 s. 84)
- (4) A notice is required to be given under this regulation 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 to the Ordinance. (12 of 2006 s. 84)
- (5) The Board may in a particular case extend the period for giving a notice under this regulation. (12 of 2006 s. 84)
- (6) A contractor complies with this regulation if he—
  - (a) had given a notice to the Construction Industry Council under section 35 of the Construction Industry Council Ordinance (Cap 587) in respect of the relevant payment; and
  - (b) sent a copy of that notice to the Board within the specified period. (12 of 2006 s. 84)
- (7) Every contractor or authorized person who without reasonable excuse fails to comply with this regulation commits an offence and is liable to a fine at level 2. (L.N. 32 of 1983; 12 of 2006 s. 84)
- (8) In this regulation, **specified period** (指明期間) means the period of 14 days referred to in paragraph (1) or (2) or, if the Board has extended that period under paragraph (5), the extended period. (12 of 2006 s. 84)  
(3 of 2004 s. 31; E.R. 1 of 2013)

Regulation:	5A	<b>Notice of completion of construction operations</b>	E.R. 1 of 2013	25/04/2013
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- (1) After the completion of any construction operations, the contractor and the authorized person shall each give notice of the completion to the Board.
- (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 Board.
- (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 Board may in a particular case extend the period for giving the notice.
- (4) The notice shall be in a form specified by the Board 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 regulation 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 to the Ordinance.
- (6) A contractor or authorized person complies with this regulation if he—
  - (a) had given a notice to the Construction Industry Council under section 36 of the Construction Industry Council Ordinance (Cap 587) in respect of the relevant completion; and
  - (b) sent a copy of that notice to the Board within the specified period.
- (7) A person who, without reasonable excuse, fails to comply with this regulation commits an offence and is liable to a fine at level 2.
- (8) In this regulation, **specified period** (指明期間) means the period of 14 days referred to in paragraph (3) or, if the Board has extended that period under that paragraph, the extended period.  
(12 of 2006 s. 84)

Regulation:	6	<b>Assessment pursuant to notice of payment or notice of completion</b>	E.R. 1 of 2013	25/04/2013
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- (1) On receiving a notice of payment, the Board 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 paragraph (1), on receiving a notice of completion, the Board shall assess 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 paragraph (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 regulation 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.

(12 of 2006 s. 84)

Regulation:	6A	<b>Assessment for construction operations under term contract may be deferred</b>	E.R. 1 of 2013	25/04/2013
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If the construction operations are carried out under a term contract, the Board may, subject to regulation 6E, defer the making of any assessment under regulation 6 until such time as the Board considers appropriate.

(12 of 2006 s. 84)

Regulation:	6B	<b>Assessment in respect of stage or part of construction operations</b>	E.R. 1 of 2013	25/04/2013
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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 the Ordinance.

(12 of 2006 s. 84)

Regulation:	6C	<b>Powers of Board to make assessment</b>	E.R. 1 of 2013	25/04/2013
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- (1) The Board may, subject to regulations 6E and 6G, 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 Board.
- (2) If it appears to the Board that any assessment of levy made by it is less than the proper amount, subject to regulations 6E and 6G, the Board may make an additional assessment of the levy.

(12 of 2006 s. 84)

Regulation:	6D	<b>Imposition of surcharge</b>	E.R. 1 of 2013	25/04/2013
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- (1) If a contractor fails to give a notice under regulation 5 or 5A and fails to give, within a period allowed by the Board, a reasonable excuse for that failure, the Board may, subject to regulations 6F and 6H, impose a surcharge on him.
- (2) The surcharge may not exceed twice the amount of the levy payable by the contractor.
- (3) Notwithstanding paragraph (1), the contractor is liable to pay a surcharge only if the Board 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.

(12 of 2006 s. 84)

Regulation:	6E	<b>Time limit on making assessment: construction operations under term contract</b>	E.R. 1 of 2013	25/04/2013
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In the case of construction operations carried out under a term contract, an assessment under this Part 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 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 Board to justify the making of the assessment, comes to its knowledge.

(12 of 2006 s. 84)

Regulation:	6F	<b>Time limit on imposing surcharge: construction operations under term contract</b>	E.R. 1 of 2013	25/04/2013
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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 Board to justify the imposition of the surcharge, comes to its knowledge.

(12 of 2006 s. 84)

Regulation:	6G	<b>Time limit on making assessment: construction operations other than those under term contract</b>	E.R. 1 of 2013	25/04/2013
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In respect of construction operations other than those carried out under a term contract, an assessment under this Part 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;
- (b) one year after evidence, sufficient in the opinion of the Board to justify the making of the assessment, comes to its knowledge.

(12 of 2006 s. 84)

Regulation:	6H	<b>Time limit on imposing surcharge: construction operations other than those under term contract</b>	E.R. 1 of 2013	25/04/2013
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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 Board to justify the imposition of the surcharge, comes to its knowledge.

(12 of 2006 s. 84)

Part:	3	<b>Quarry Industry</b>	E.R. 1 of 2013	25/04/2013
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Regulation:	7	<b>(Repealed 3 of 2004 s. 33)</b>	6 of 2008	18/04/2008
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Regulation:	8	<b>Quarry operators to notify Board of quarry operations</b>	E.R. 1 of 2013	25/04/2013
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- (1) Subject to paragraph (2), every quarry operator who begins a quarry operation on the date of commencement of these regulations or on any date thereafter shall, within 14 days after the date on which such quarry operation has begun, or such further time as the Board may in any case allow, give notice to the Board in a form approved by the Board specifying the quarry at which he is carrying on the quarry operation.
- (2) Where on the date of commencement of these regulations a quarry operator is carrying on a quarry operation, he shall, within 14 days after such date, or such further time as the Board may in any case allow, give notice to the Board in a form approved by the Board specifying the quarry at which he is carrying on the quarry operation.
- (3) Any quarry operator who, without reasonable excuse, fails to give notice in accordance with this regulation commits an offence and is liable to a fine at level 2. (L.N. 32 of 1983)

(E.R. 1 of 2013)

Regulation:	9	<b>Notice by quarry operator of quarry products and their value</b>	E.R. 1 of 2013	25/04/2013
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- (1) Not later than 14 days after the expiry of a month, or such further time as the Board may in any case allow, every quarry operator shall give notice to the Board in a form approved by the Board specifying the volume of the quarry products extracted or produced during the immediately preceding month and their value.
- (2) Not later than 14 days after the cessation of a quarry operation, or such further time as the Board may in any case allow, the quarry operator shall give notice to the Board in a form approved by the Board specifying the quantity of the quarry products extracted or produced during the period immediately preceding the cessation and their value, other than the quarry products included in the notice given under paragraph (1).
- (3) No notice shall be required to be given in accordance with this regulation in respect of any quarry products extracted before the date of commencement of these regulations.
- (4) Any quarry operator who, without reasonable excuse, fails to give notice in accordance with this regulation commits an offence and is liable to a fine at level 2. (L.N. 32 of 1983)

(E.R. 1 of 2013)

Regulation:	10	<b>Assessment</b>	E.R. 1 of 2013	25/04/2013
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- (1) Subject to paragraph (2), the Board shall assess the amount of levy due from the quarry operator in respect of the value of the quarry products extracted or produced during each period of 6 months or up to the date of cessation of the quarry operation.
- (2) If the Board is not satisfied as to the accuracy of the quantity or value of the quarry products specified in any notice given in accordance with regulation 9, it shall assess the quantity and value of the quarry products before assessing the amount of levy due under paragraph (1).
- (3) The Board may assess the amount of levy due under paragraph (1) notwithstanding that no notice has been given to it under regulation 9.
- (4) Where it appears to the Board that an assessment of levy under paragraph (1) has been made at less than the proper amount, then, subject to paragraph (7), the Board may at any time make an additional assessment of levy due from the quarry operator in respect of the value of quarry products.
- (5) If a quarry operator fails to give any notice required to be given by him in accordance with regulation 9 and to give a reasonable excuse therefor within such period as the Board may allow in any case, the Board may, in addition to the levy assessed under paragraph (3), impose a surcharge on the quarry operator not exceeding twice the amount of the levy so assessed on the value of the quarry products in respect of which such failure occurred.
- (6) The Board shall notify the quarry operator in writing of any assessment of levy or imposition of surcharge.
- (7) An assessment or surcharge under this regulation may be made or imposed within-
  - (a) 2 years after the cessation of the quarry operation; or
  - (b) 1 year after evidence of facts, sufficient in the opinion of the Board to justify the making of the assessment or the imposition of the surcharge comes to its knowledge, whichever is the later.

Part:	4	<b>Payment of Levy or Surcharge</b>	E.R. 1 of 2013	25/04/2013
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Regulation:	11	<b>Time within which levy or surcharge is to be paid</b>	E.R. 1 of 2013	25/04/2013
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For the purposes of section 37 of the Ordinance, the amount of any levy or surcharge-

- (a) specified in a notice of assessment or a notice of surcharge; or (12 of 2006 s. 84)
- (b) specified in a notice given to a quarry operator under regulation 10,

shall be paid by the contractor or quarry operator within 28 days after receipt by him of the notice.

Part:	5	<b>Objections and Appeals</b>	E.R. 1 of 2013	25/04/2013
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Regulation:	12	<b>Objection</b>	E.R. 1 of 2013	25/04/2013
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- (1) Any person who is notified under regulation 6D(3) or 10(6) or section 35(5) of the Ordinance may, by notice in writing (**notice of objection**) served on the Board within 21 days after the receipt of the notice, object to the levy or surcharge.
- (2) A notice of objection shall state the grounds of objection and shall be accompanied by all written statements and other documentary evidence relied upon by the objector in support of the objection.
- (3) An objection under paragraph (1) shall be considered by the appropriate committee of the Board which may confirm, cancel or reduce the levy or surcharge.
- (4) The Board shall notify the objector of the decision of the committee under paragraph (3) within 28 days after the receipt by the Board of the notice of objection and, if a levy or surcharge is cancelled or reduced, the Board 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). (L.N. 32 of 1983)

(12 of 2006 s. 84)

Regulation:	13	<b>Appeals</b>	E.R. 1 of 2013	25/04/2013
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- (1) An objector who is aggrieved by a decision notified to him under regulation 12(4) may appeal to the Court against that decision. (12 of 2006 s. 84)
- (2) An appeal under paragraph (1) shall be lodged within 30 days after the receipt of the notification by him.
- (3) An appeal under this regulation shall not be heard unless the amount of the levy or surcharge which is the subject matter of the appeal, including the amount of any penalty or further penalty, has been paid. (L.N. 32 of 1983)
- (4) On hearing any appeal under this regulation the Court may-
  - (a) confirm, cancel or reduce the levy or surcharge;
  - (b) if it cancels or reduces a levy or surcharge, order the repayment of the amount of levy or surcharge cancelled or reduced, and any amount of the penalty or further penalty which has been paid, with interest from the date of payment to the Board at such rate as the Court may determine or without interest; and (L.N. 32 of 1983; 12 of 2006 s. 84)
  - (c) make such order as it thinks fit as to the payment of the costs of the hearing.

Part:	6	<b>Miscellaneous</b>	E.R. 1 of 2013	25/04/2013
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Regulation:	14	<b>Provision of information and production of documents</b>	E.R. 1 of 2013	25/04/2013
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- (1) A construction employer, contractor or authorized person concerned in any construction operations shall- (3 of 2004 s. 34)
  - (a) provide the Board, or an officer of the Board authorized by it for the purposes of this regulation, within such time and in such form as the Board or such officer may specify, with such information relating to the construction operations (including information on any amount paid or payable in respect of the construction operations or any work connected therewith), or the name and address of the person for or by whom the construction operations are carried out, as the Board or such officer may require for the purposes of performing its or his functions under the Ordinance and these regulations;
  - (b) on being so required by the Board or such officer, produce or cause to be produced any documents or records in his possession relating to the construction operations (including a document or record relating to any amount paid or payable in respect of the construction operations) for inspection by the Board or such officer and permit the Board or such officer to take copies or make extracts from them or to remove them for a reasonable period. (3 of 2004 s. 34)
- (2) A quarry operator shall-
  - (a) provide the Board, or an officer of the Board authorized by it for the purposes of this regulation, within such time and in such form as the Board or such officer may specify, with such information relating to the quarry operated by him (including information on any amount paid or payable in respect of the quarry products) as the Board or such officer may require for the purposes of performing its or his functions under the

Ordinance and these regulations;

- (b) on being so required by the Board or such officer, produce or cause to be produced any documents or records in his possession relating to the quarry operated by him (including a document or record relating to any amount paid or payable in respect of the quarry products) for inspection by the Board or such officer and permit the Board or such officer to take copies or make extracts from them or to remove them for a reasonable period.
- (3) Any person who, without reasonable excuse, fail to comply with a requirement under this regulation when it is within his power to do so commits an offence and is liable to a fine at level 1.

(12 of 2006 s. 84; E.R. 1 of 2013)

Regulation:	15	<b>Protection of information given under regulation 14</b>	E.R. 1 of 2013	25/04/2013
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- (1) Subject to paragraph (2), no person shall disclose otherwise than to the Board, or to an employee of the Board in his official capacity, any information provided or obtained under regulation 14 (including information provided or obtained from documents or records) without the consent of the person who provided it or from whom it was obtained.
- (2) Paragraph (1) does not apply-
- (a) in the case of construction operations- (3 of 2004 s. 35)
- (i) to the provision of information under section 59 or 60 of the Construction Industry Council Ordinance (Cap 587); (12 of 2006 s. 84)
- (ia) to the provision of information under section 31(1) of the Construction Workers Registration Ordinance (Cap 583); (12 of 2006 s. 84)
- (ii) to the disclosure of information in the form of a summary of similar information provided by or obtained from a number of construction 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; (3 of 2004 s. 35)
- (iii) to the disclosure of information by the Board to any person authorized or employed by it for the purpose of checking or ascertaining the value of construction operations; (L.N. 32 of 1983; 3 of 2004 s. 35; 12 of 2006 s. 84)
- (iv) to the disclosure of information by the Board to the Construction Industry Council established under the Construction Industry Council Ordinance (Cap 587); or (L.N. 32 of 1983; 12 of 2006 s. 84; 17 of 2012 s. 65)
- (v) (Repealed 17 of 2012 s. 65)
- (vi) 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); (12 of 2006 s. 84)
- (b) in the case of quarry industry, to the disclosure of information in the form of a summary of similar information provided by or obtained from a number of quarry operators if the summary is so framed as not to enable particulars relating to any particular quarry operator's business to be ascertained from it;
- (c) to any disclosure of information made for the purpose of any legal proceedings brought under the Ordinance or these regulations, or for the purposes of any report of any such proceedings.
- (3) Any person who intentionally discloses any information in contravention of this regulation commits an offence and is liable to a fine at level 1.

(E.R. 1 of 2013)

Regulation:	16	<b>Appointment of authorized persons</b>	E.R. 1 of 2013	25/04/2013
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- (1) If the Crown is the construction employer in respect of any construction operations, a person shall be appointed by or on behalf of the Crown to perform the functions of an authorized person. (12 of 2006 s. 84)
- (2) In any other case, the construction 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. (12 of 2006 s. 84)
- (3) For the purposes of enabling the Board to perform its functions, under the Ordinance and these regulations, in relation to the collection or assessment of any levy payable in respect of any construction operations, a construction employer to whom paragraph (2) applies shall, before the commencement of the construction operations, supply to the Board, in a form specified by it, the name of the person appointed under that paragraph



and the name of the contractor in respect of the construction operations. (12 of 2006 s. 84)

(4) (Repealed 12 of 2006 s. 84)

(5) Any person who fails to comply with paragraph (2) or (3) commits an offence and is liable to a fine at level 1. (12 of 2006 s. 84)

(6) Paragraph (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 to the Ordinance. (12 of 2006 s. 84)

(3 of 2004 s. 36; E.R. 1 of 2013)