

頭條報道 Headline

「NEC 」新工程合約

NEC - New Engineering Contract

新工程合約「NEC」的發展

NEC其實不是一種新的合約模式。它的最初版本早於1993年 推出,第二次修訂版亦在1995年發行,而最近期的版本是 2005年的NEC3。 在1993年首次推出時,NEC主要用於建 築工程的主承包合約 「Engineering and Construction Contract (ECC)」,而後再延伸至其他的合約類別,如定期服務合約及 專業服務合約等。

僱主與承包商之間的主承包合約,在NEC的範疇中再有六個不 同層次及形式的選項,僱主可從中選出最合適的選項訂定合 約。選項如下:

- 選項A 具有活動時間表的標價合約
- 選項B 具有工程量清單的標價合約
- 選項C 具有活動時間表的目標合約
- 選項D 具有工程量清單的目標合約
- 選項E 成本補償合約
- 選項F管理合約

這些選項為合約提供一個框架,再而發展為不同合約條款,用 以訂明僱主及承包商之間的風險分佈及補償方法。NEC承包合 約內容包括一些核心基本條款,及一些自由挑選和組合的自選 條款,以滿足及配合不同項目的實際需要及情況,而其他特殊 條款則統列為Z條款。

香港的 NEC

NEC的合約模式於2006年在香港試行,首個項目為渠務署位 於西貢的福民路明渠改善工程,所採用的合約為 NEC3 ECC 選項C。此後,渠務署再以 NEC3 ECC選項A至選項D等方式 用於其他五份合約。去年,渠務署批出首份機電工程的NEC3 ECC,項目為田寮下村污水泵房及塘面村污水泵房機電設備, 項目採用選項C形式,預計完工日期為2015年9月。

目前香港政府是NEC的主要用家,他們將會在2015至2016 年批出更多NEC模式工程合約。除政府以外,有好些私人企 業,例如中電及港鐵,均已採用NEC。

NEC的特點和優勢

NEC相比傳統的合約形式,例如標準合約,宣稱更具有一定的 優勢。例如,它可以鼓勵僱主和承包商之間建立更佳的互信和 合作,並聯手以更有效的方法解決問題。NEC另有一個重要的

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二零一四年十月至十二月會員通訊

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特點,就是它的風險登記和預警。僱主和承包商雙方都必須 在風險登記冊內列出他們預期的風險,以作預警用途。雙 方並須定期會晤和合作,共同努力降低風險,以減少事後爭

NEC中另一個重要特點是對工程變化和索賠的調解方法,在 NEC內稱作賠償事項。每項賠償事項將於事件發生後既定的 時間內處理。承包商須要提交報價,並知會任何有關主要日 期或項目完成日期的時間變更。項目經理(僱主的代表)接 著進行評估,除非承包商不同意評估的結果,並將該事件於 幾個星期內提交審議,否則此補償事項須如常執行。隨後, 賠償事項將作出定案,即合約金額的調整,以及工程計劃所 作出的相應時間調整。相對於傳統合約,這是重大改善,因 為傳統合約通常只在項目最後期才處理有關金錢及時間索賠 問題,更甚者,有時只在項目完成後才開始處理。

值得一提的是,NEC其中一個特點,是合約會以簡單英語的 現在時態編寫。這樣做,據稱可以更清楚、簡單和容易地被 使用,是否真確還有待判斷,但可以肯定的是,業內人士必 定需要時間適應此新的用語。

香港承包商的挑戰

香港承包商需要為NEC作好準備,因為預計在未來幾年,NEC 將被廣泛應用於公共工程項目上。未來仍充滿挑戰,包括承包 商缺乏對合約條款的理解、缺乏此類合約的管理知識和經驗 等。他們須要投入更多資源於程序編制和成本控制等方面。特 別是目標合約,即選項C或D,假若變得愈來愈普遍,這種新的 合約形式將甚具挑戰性,因香港承包商基本上不熟識它。

目前使用中的NEC3合約已存在一些核心條款的重大修正。承 包商特別須要注意在選項C目標成本合約的付款條文修訂。付 款條文已更改成「Pay-when-paid」,即該承包商只可收到他 們已經支付給員工、供應商和分包商的金額。這意味著承包商 將被要求提供他們所付出每一元的付款證明。而事實上,這是 ·個相當苛刻的修正,因在原本NEC3合約的付款條文內,承 包商是可以收到自己尚未支付而項目經理估計承包商需要支付 的金額。故此,承包商需要確保他們能夠承受因此而造成的負 現金流,這狀況可能會持續到接近項目完成才告一段落。

總括而言,若單針對工程變化和索償的快速解決辦法,NEC可 說是個較佳的合約方式,相信將會受到承包商的歡迎。然而, 承包商必須先克服當中挑戰,始能獲得NEC所帶來的好處,否 則,NEC比較於其他標準合約,可能會更不利於他們。

Brief History of NEC

New Engineering Contract is not new. The first edition was published in 1993, the second in 1995 and the most recent one - NEC3 in 2005. When it was first launched in 1993, NEC was simply used as the main contract for construction contracts - the Engineering and Construction Contract or ECC. It was later expanded though to cover Term Service Contract, the Professional Services Contract and others.

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The Engineering and Construction Contract is used as the main contract for construction contract between an Employer and a Contractor. Within the ECC there are six family level options of which the Employer can choose what he considers to be the most suitable -

- Option A Priced contract with activity schedule
- Option B Priced contract with bill of quantities
- Option C Target contract with activity schedule
- Option D Target contract with bill of quantity
- Option E Cost-reimbursable contract
- Option F Management contract

These options offer a framework for a contract with the contract clauses differ primarily in regard to the way the contractor is reimbursed and risks are allocated to control costs. A NEC Engineering and Construction Contract will comprise some core clauses and a selection of option clauses and it is styled on a pick 'n' mix basis to fit the circumstances of the project. What we normally understood as special conditions can be included as Z-clauses.

NEC in Hong Kong

In Hong Kong, NEC was first used in 2006 for a pilot trial by the Drainage Services Department (DSD) in its Improvement of Fuk Man Road Nullah in Sai Kung project, on NEC3 ECC Option C. Following this, DSD adopted NEC3 ECC in five other contracts, on different options from Option A to Option D. Last year, DSD awarded its first E&M contract on NEC3 ECC for its Provision of Electrical and Mechanical Facilities for Tin Liu Ha Sewage Pumping Station and Tong Min Tsuen Sewage Pumping Station. It is on Option C and the project completion is scheduled in September 2015.

The Hong Kong Government is currently the main user of NEC and there are in the pipeline more NEC contracts for Government projects in 2015 and 2016. Some private companies such as CLP and MTRC are also using NEC contracts.

Features and Advantages of NEC

It is claimed that NEC have certain advantages compared to the traditional forms of contract such as GCC. For example, it can encourage better mutual trust and cooperation between the Employer and the Contractor and therefore it can enable joint effective problem solving. There is an important feature in NEC to achieve this – its risks register and early warning system. The Employer and the Contractor are both required to list out their conceived risks in a risk register, as an early warning matter. The parties are then required to meet and cooperate in order to reduce the risk. As a result, there should be fewer disputes.

Another important feature in NEC is on resolution of variations and claims, called compensation events in NEC. Every compensation event will be dealt with within a time allowed after it happens. The Contractor will be required to submit a quotation and notify any change in key dates or completion date of the project, and the Project Manager (the Employer's representative) will then make his assessment and the compensation event will be implemented unless the Contractor does not agree to the assessment and refer the matter to adjudication which the Contractor can do so within few weeks. The compensation event is then regarded as concluded - that the contract sum will be adjusted and the programme will be revised accordingly. This is a big improvement to what usually happens in the traditional forms of contract which allow issues on cost and time to be dealt with very late in the project, sometimes after the project completion.

One particular feature of NEC that worth to mention is that it is written in the present tense in plain English. Written in this way, it is said that it will be clear, simple and easy to use. Whether this is so is yet to be judged but it is for sure that people in the industry do need time to adapt themselves in its new terminology.

Challenges to Contractors in Hong Kong

Contractors in Hong Kong will need to prepare themselves for NEC as it will become extensively used in public works contracts in coming years. There are challenges ahead -lack of understanding of its contract terms, lack of knowledge and experience in contract administration, and that it is very resource demanding especially in programming and costing. This new form of contract will become more challenging if target cost contract - Option C or D is becoming a more common option to be used, which many contractors in Hong Kong have not had much experience before.

The NEC3 contracts being used include some important amendments even in its core clauses. Contractors need to note one particular important amendment on Option C - Target Cost contract - the payment term. The payment term has been changed to a pay-whenpaid payment term that the Contractor will only be paid the amount they have already paid, to staff, suppliers and subcontractors. In practice, that means that the Contractor will be required to provide proof on every dollar they have paid before they can get the payment. This is a very harsh change from what arguably payment term in the original NEC3 contract that the Contractor can be paid an amount not yet paid by the Contractor but the Project Manager forecast will have been paid. Contractors need to make sure that they can afford the negative cash flow resulted that can last to nearly the project completion.

To conclude, NEC can be a better form of contract welcomed by contractors in particular on the quick resolution of variations and claims. However, Contractors need to overcome the challenges in order to get most benefits out of NEC, or they may find themselves in a worse position as in other standard form contracts.

媼食資料 Notes To Trade

香港房屋委員會 招標公告

2014年9月至2015年2月共6個月的建築(新工程)合約下電力裝備安裝工程指定分包合約/合約

分包合約所屬的合約編號	指定分包 合約/ 合約名稱	工程說明(性質及數量)	暫定招標日期
20140055	安達臣道C1 地盤公屋發展計劃和C2地盤第 2期附屬設施大樓建築工程的電力裝置工程	2幢27層高住宅樓宇 (合共1352個單位) 和1幢附屬設施大樓	2014年9月
20140301	前葵涌已婚警察宿舍公屋發展計劃建築工程的電力裝置工程	2幢23至24層高住宅樓宇(合共866個單位)、1個屋邨 管理處、1個垃圾收集站、1個多用途活動區、1個安老院 舍暨長者日間護理單位、1個停車場、1個綜合家庭服務中 心和1座升降機塔	2015年2月

商會活動 Organised Activities

2014年永遠會長方宏浩盃羽毛球賽 2014 Badminton Competition – The Life President **Martin Fong Cup**

2014年永遠會長方宏浩盃羽毛球賽,已於2014年7月10, 17及31日在九龍何文田牧愛街18號佛光街體育館舉行。經 過3日激烈的比賽,本年度羽毛球精英已順利誕生。在此多謝 永遠會長方先生的慷慨支持。

The 2014 Life President Martin Fong Cup Badminton Competition was successfully held on 10, 17 and 31 July 2014 at Fat Kwong Street Sports Centre, 18 Good Shepherd Street, Ho Man Tin, Kowloon. Once again we would like to extend our sincere thanks to our Life President Mr. Martin Fong for his generous support to the competition.

商會活動 Organised Activities

男子單打 Men's Single			
獎項	參賽者	代表機構	
冠軍	李永堂	施耐德電氣(香港)有限公司	
亞軍	陸智釗	保誠工程服務有限公司	
季軍	吳凌峰	喜利得(香港)有限公司	

女子單打 Women's Single			
獎項	參賽者	代表機構	
冠軍	陳珮柔	東昇科技有限公司	
亞軍	何佩賢	榮港電器有限公司	
季軍	梁嘉雯	豐盛創建機電工程集團有 限公司	

男子雙打 Men's Doubles			
獎項	參賽者		代表機構
冠軍	郭己桓	李永堂	施耐德電氣(香港)有限公司
亞軍	陳志雄	周振東	先達系統有限公司
季軍	梁智宗	吳志強	科達電業有限公司
男女子混合雙打 Mixed Doubles			
獎項	參賽者		代表機構
冠軍	吳志強	吳邵頤	科達電業有限公司
亞軍	陳志強	陳珮柔	東昇科技有限公司
季軍	李靜愛	吳曉俊	香港通用電器有限公司











中電環保節能機構嘉許計劃 2014 **CLP GreenPlus Recognition Award 2014**

中電環保節能機構嘉許計劃2014於2014年9月4日(星期 五)在九龍灣常悅道8號零碳天地舉行。經過評審委員會的嚴格 挑選,最終有63間機構脫穎而出,贏得殊榮。嘉許計劃以「 節能『星』級、行行有計」為主題,共吸引超過500間機構 參與,較去年涵蓋更多行業。而申請參與計劃的數目亦大大躍 進,比去年增加至4,000份。

CLP GreenPlus Recognition Award ceremony was held on Friday 4 September 2014 at ZCB, 8 Sheung Yuet Road, Kowloon Bay, Kowloon. After a very stringent selection process, judging panels determined that 63 organisations would be honoured with awards and drew the participation of more than 500 organisations that collectively covered a wider range of industries compared to last year. The number of applications has also increased substantially to 4,000.

CLP的中電 中電「環保節能機構」 嘉許計劃 2014

建造業關懷基金綜合服務中心開幕典禮 **Construction Charity Fund Integrated Service Centre -Opening Ceremony**

建造業關懷基金綜合服務中心開幕典禮於2014年8月21日(星 期四) 在長沙灣麗安邨噴水池空地舉行。

Construction Charity Fund Integrated Service Centre's Opening Ceremony was held on Thursday 21 August 2014 at Lai On Estate, Cheung Sha Wan, Kowloon.





商會活動 Organised Activities

三會舉行中華人民共和國成立65周年聯歡晚會 The 65th PRC Anniversary Celebration Dinner

港九電業總會、香港電器業進出口商會及本會,於2014年9 月25日(星期四)舉行中華人民共和國成立65周年聯歡晚會。

The 65th PRC Anniversary Celebration Dinner, jointly organized by "Hong Kong & Kowloon Electric Trade Association", "Hong Kong E.P.M. Importers and Exporters Association Ltd." and HKECA, was successfully held on Thursday 25 September 2014.











員動態 Members' News

即將舉辦之活動 Upcoming Activities

2014電力規例研討會

2014 Electricity Regulations Technical Seminar

由機電工程署主辦,港九電器工程電業器材職工會和本會協辦的 電力規例研討會將於2014年10月13日(星期一) 在理工大學 賽馬會綜藝館舉行。

Technical Seminar on "Electricity Regulations" co-organized with EMSD and the HK & Kowloon Electrical Engineering & Appliance Trade Workers Union will be held on Monday 13 October 2014 at The Hong Kong Polytechnic University.

第15屆國際電力設備及技術展覽會(北京) EP China 2014 (Beijing)

第十五屆國際電力設備及技術展覽會暨第八屆國際電工裝備展覽 會於2014年10月22日至24日(星期三至星期五)在北京中國 國際展覽中心舉行。為配合市場高速發展,展會規模不斷擴大, 此屆展會面積將增至8個展館,預計吸引來自中外1,000家參

EP China 2014 and Electrical China 2014 will be held on 22 to 24 October 2014 (Wed to Fri) at China International Exhibition Centre, Beijing, P.R. China. It will be expanding to total 8 exhibition halls, which expecting for a total of about 1000 exhibitors all over the world.

2014年會員週年大會聚餐

2014 Annual General Meeting Dinner

會員週年聚餐,定於2014年11月7日(星期五)在香港灣仔軒 尼詩道71-85號灣仔東園酒家宴會廳舉行。

Annual General Meeting Dinner will be held on Friday 7 November 2014 at Tung Yuen Banquet, 71-85 Hennessy Road, Wan Chai, Hong Kong.

機電安全健步嘉年華2014 **E&M Safety Walk and Carnival Fair 2014**

機電安全健步嘉年華2014,將於2014年11月30日(星期日) 在大棠有機生態園舉行。活動當天,我們安排了非常豐富的節 目,包括山徑步行、健身操、機電安全話劇、問答遊戲及親子活 動等,藉以宣傳安全信息,中午更會安排燒烤及精彩的抽獎遊戲 助慶,絕對是一個老少咸宜的家庭同樂日,既可以與家人朋友-起觀賞沿途山清水秀、環境清幽的自然美景外,鍛鍊身體之餘, 亦可藉透過身體力行推動工作安全,並持之以恆將安全信息傳

The E&M Safety Walk and Carnival Fair for this year will be held on 30 November 2014(Sun) at Taitong Organic Ecopark, Tai Tong Village, Yuen Long. The programme includes morning drill exercise, hiking, safety quiz and various games and lucky draws. Lunch will be provided in BBQ style.

建浩業議會2014年度畢業典禮 Construction Industry Council – 2014 Graduation Ceremony

建造業議會2014年度畢業典禮將於2014年12月4日(星期 四)在九龍灣常悅道8號零碳天地舉行。

Construction Industry Council – 2014 Graduation Ceremony will be held on Thursday 4 December 2014 at Zero Carbon Building, 8 Sheung Yuet Road, Kowloon Bay, Kowloon.

第21屆理事選舉

The 21st Term Executive Committee Election

2015年至2017年 - 第21屆理事選舉將於2014年12月份 舉行。

The 21st Term Executive Committee (2015-2017) Election will be held on December 2014.

香港電器工程商會 7/2014 - 9/2014年度新會員名單			
入會日期	申請會員名稱	會籍	代表人
Joining Date	Applicant Name	Membership Types	Representative
7/2014	愛寶科技有限公司 Ipower Technology Limited	普通會員 Ordinary Member	陳錦程先生 Mr. Chan Kam Ching Paul
7/2014	雅迪行貿易有限公司 Artic International Trading Limited	贊助會員 Associate Member	蔡子亮先生 Mr. Tsoi Chi Leung Donald
9/2014	百靈技術進展有限公司 Bestlink Technical Advance Co.,Ltd.	普通會員 Ordinary Member	盧任富先生 Mr. Lo Yum Fu

高球專線 Golfers Link

增輝盃高爾夫球賽

Junefair Cup Golf

增輝盃高爾夫球賽,於2014年3月28日(星期五)在西麗高爾夫球會舉行,在此多謝增輝集團的慷慨贊助,隊員的支持和參與,令比賽能順利完成。當天比賽氣氛熱烈,大家都樂而忘返。

Junefair Cup Golf was held successfully on Friday 28 March 2014 at Xili Golf Club, China. We would like to express our appreciation to Junefair Group for the kind sponsorship and the keen participation of team members and guests, all of you made the tournament successfully be held.



增輝盃 Junefair Cup Golf

28 March 2014 2014年3月28日

Xili Golf Club 西麗高爾夫球會

Champion	Mr. Leung Chi Kong	冠軍	梁志剛先生
1st Runner Up	Mr. Ip Shing Wai	亞軍	葉成偉先生
2nd Runner Up	Mr. Lawrence Wong	季軍	黃顯榮先生
Best Gross	Mr. Ho Chi Hung	最低杆	何志雄先生
Best Front Nine	Mr. Tung Kwok Kuen	最佳前九	董國權先生
Best Back Nine	Mr. Chui Hin Chi	最佳後九	徐顯枝先生
Longest Drive Hole No B4	Mr. Jason Mak	最遠發球獎:第B4洞	麥家傑先生
Longest Drive Hole No C3	Mr. Ma Chun Pong	最遠發球獎:第C3洞	馬振邦先生
Close to Pin Hole No B3	Mr. Law Yun Ping	最近洞獎:第B3洞	羅潤平先生
Close to Pin Hole No B5	Mr. Leung Chi Kong	最近洞獎:第B5洞	梁志剛先生
Close to Pin Hole No C4	Mr. Leung Mathew	最近洞獎:第C4洞	梁國興先生
Close to Pin Hole No C8	Mr. Ho Chi Hung	最近洞獎:第C8洞	何志雄先生
Guest Winner	Mr. Wong Wai Kaw	嘉賓組冠軍	黃維梂先生

施耐德盃高爾夫球賽 Schneider Cup Golf

施耐德盃高爾夫球賽,於2014年7月11日(星期五)在觀瀾高爾夫球會舉行,在此多謝施耐德電氣(香港)有限公司的慷慨贊助,隊員的支持和參與,令比賽能順利完成。當天比賽氣氛熱烈,大家都樂而忘返。

Schneider Cup Golf was held successfully on Friday 11 July 2014 at Mission Hills Club, China. We would like to express our appreciation to Schneider Electric (HK) Limited for the kind sponsorship and the keen participation of team members and guests, all of you made the tournament successfully be held.



施耐德盃 Schneider Cup Golf

11 Jul 2014 2014年7月11日

Mission Hills Golf Club 深圳觀瀾湖高爾夫球會

Champion	Mr. lu Chu Leung	冠軍	姚柱良先生
1st Runner Up	Mr. Leung Mathew	亞軍	梁國興先生
2nd Runner Up	Mr. Sin Chi Keung	季軍	冼自強先生
Best Gross	Mr. lu Chu Leung	最低杆	姚柱良先生
Best Front Nine	Mr. Kwok Hau Cheung	最佳前九	郭厚祥先生
Best Back Nine	Mr. Ho Cheuk Kin	最佳後九	何焯堅先生
Longest Drive Hole No 7	Mr. Siu Ka Wing	最遠發球獎 第 7 洞	蕭嘉榮先生
Longest Drive Hole No 10	Mr. Lam Lok Lei	最遠發球獎:第 10洞	林樂基先生
Close to Pin Hole No 6	Mr. Cheung Chi Shing	最近洞獎:第 6 洞	張志城先生
Close to Pin Hole No 8	Mr. Siu Ka Wing	最近洞獎:第8洞	蕭嘉榮先生
Close to Pin Hole No 13	Mr. Wong Wing Yiu	最近洞獎:第 13 洞	黃榮耀先生
Close to Pin Hole No 16	Mr. Kwan Wai Yuen	最近洞獎:第 16 洞	關偉元先生
Guest Winner	Mr. Wong Wai Kaw	嘉賓組冠軍	黃維梂先生

ABB盃高爾夫球賽

ABB Cup Golf

ABB盃高爾夫球賽,於2014年8月29日(星期五)在聚豪高爾夫球會舉行,在此多謝ABB(香港)有限公司的慷慨贊助,隊員的支持和參與,令比賽能順利完成。當天比賽氣氛熱烈,大家都樂而忘返。

ABB Cup Golf was held successfully on Friday 29 August 2014 at Tycoon Golf Club, China. We would like to express our appreciation to ABB (Hong Kong) Limited for the kind sponsorship and the keen participation of team members and guests, all of you made the tournament successfully be held.



ABB盃 ABB Cup Golf

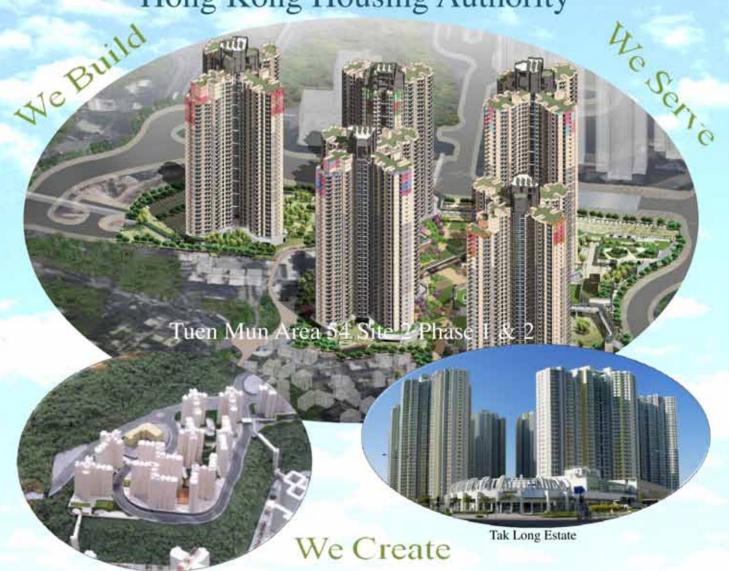
29 Aug 2014 2014年8月29日 Tycoon Golf Club 聚豪高爾夫球會

Champion	Mr. Lai Wing Ki	冠軍	黎永基先生
1st Runner Up	Mr. Leung Mathew	亞軍	梁國興先生
2nd Runner Up	Mr. Ng Wing Chui	季軍	伍永超先生
Best Gross	Mr. Ng Wing Chui	最低杆	伍永超先生
Best Front Nine	Mr. Tse Wai Tung	最佳前九	謝偉童先生
Best Back Nine	Mr. Poon Shing Hung	最佳後九	潘盛洪先生
Longest Drive Hole No E6	Mr. Leung Chi Kong	最遠發球獎:第E6洞	梁志剛先生
Longest Drive Hole No F9	Mr. Siu Ka Fai, Kevin	最遠發球獎:第F9洞	蕭嘉輝先生
Close to Pin Hole No E3	Mr. Siu Ka Fai, Kevin	最近洞獎:第E3洞	蕭嘉輝先生
Close to Pin Hole No E8	Mr. Leung Chi Kong	最近洞獎:第E8洞	梁志剛先生
Close to Pin Hole No F5	Mr. Siu Ka Fai, Kevin	最近洞獎:第F5洞	蕭嘉輝先生
Close to Pin Hole No F6	Mr. Tong Kam Wah	最近洞獎:第F6洞	湯錦華先生
Guest Winner	Mr. Sam Lung	嘉賓組冠軍	Mr. Sam Lung

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