

《职业训练局条例》

(第 1130 章)

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VOCATIONAL TRAINING COUNCIL ORDINANCE

(Cap. 1130)

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本条例旨在就职业训练局的设立、职能及管理以及相关目的订定条文。

To provide for the establishment, functions and management of a Vocational Training Council and for purposes connected therewith.

[1982 年 2 月 26 日]

[26 February 1982]

第 I 部**PART I****导言****PRELIMINARY****1. 简称**

本条例可引称为《职业训练局条例》。

1. Short title

This Ordinance may be cited as the Vocational Training Council Ordinance.

2. 释义

在本条例中，除文意另有所指外——

“一般委员会”(general committee)指根据第 10 条设立的一般委员会；

“工业”、“工业界”(industry)包括商业及服务行业；

“工业训练”(industrial training)指在工业界就业的过程中或为于工业界就业而给予或接受的训练，但不包括技能训练；
(由 1991 年第 35 号第 2 条修订)

“工业训练中心”(industrial training centre)指职训局或他人代职训局提供工业训练的地方；

“工业教育”(technical education)指科技学院或工业学院提供的教育；
(由 1991 年第 35 号第 2 条修订)

“主席”(Chairman)及“副主席”(Deputy Chairmen)分别指根据第 8 条委任的职业训练局主席及副主席；

“行业”(trade)指工业界中任何行业或职业；

“技能训练”(skills training)指——

2. Interpretation

In this Ordinance, unless the context otherwise requires—

“Chairman”(主席) and “Deputy Chairmen”(副主席) mean respectively the Chairman and Deputy Chairmen of the Vocational Training Council appointed under section 8;

“Council”(职训局) means the Vocational Training Council established by section 4;

“council committee”(职训局委员会) means a committee established under section 11;

“Executive Director”(执行干事), “Deputy Executive Director”(副执行干事) and “Assistant Executive Director”(助理执行干事) mean respectively the Executive Director, a Deputy Executive Director and an Assistant Executive Director of the Council appointed under section 9(1); (Replaced 35 of 1991 s. 2)

“financial year”(财政年度) means the period fixed as the financial year of the Council under section 14(2);

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- (a) 给予残疾人士的有关就业技能的训练；或
- (b) 给予残疾人士的附属于 (a) 段所提述训练的有关日常活动及社交技能的训练；(由 1991 年第 35 号第 2 条增补)
- “技能训练中心” (skills centre) 指职训局或他人代职训局提供技能训练的任何地方；(由 1991 年第 35 号第 2 条增补)
- “科技学院” (technical college) 及“工业学院” (technical institute) 分别指职训局设立、营办或管理的任何科技学院或工业学院；(由 1991 年第 35 号第 2 条代替)
- “财政年度” (financial year) 指根据第 14(2) 条订定为职训局财政年度的一段期间；
- “训练委员会” (training board) 指根据第 10 条设立的训练委员会；
- “执行干事” (Executive Director)、“副执行干事” (Deputy Executive Director) 及“助理执行干事” (Assistant Executive Director) 分别指根据第 9(1) 条委任的职训局执行干事、副执行干事及助理执行干事；(由 1991 年第 35 号第 2 条代替)
- “残疾人士” (person with a disability) 指因身体上或精神上的损害以致其获得和保留公开就业的机会减低的人；(由 1991 年第 35 号第 2 条增补。由 2005 年第 2 号第 2 条修订)
- “职能” (functions) 包括权力及职责；
- “职训局” (Council) 指根据第 4 条设立的职业训练局；
- “职训局委员会” (council committee) 指根据第 11 条设立的委员会。

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- “functions” (职能) includes powers and duties;
- “general committee” (一般委员会) means a committee established under section 10;
- “industrial training” (工业训练) means training given or received in the course or for the purpose of employment in industry, but does not include skills training; (Amended 35 of 1991 s. 2)
- “industrial training centre” (工业训练中心) means a place where industrial training is provided by or on behalf of the Council;
- “industry” (工业、工业界) includes commerce and services;
- “person with a disability” (残疾人士) means a person whose prospects of securing and retaining open employment are reduced by reason of physical or mental impairment; (Added 35 of 1991 s. 2. Amended 2 of 2005 s. 2)
- “skills centre” (技能训练中心) means any place where skills training is provided by or on behalf of the Council; (Added 35 of 1991 s. 2)
- “skills training” (技能训练) means—
- (a) training given to persons with a disability in relation to employment skills; or
- (b) training given to persons with a disability in relation to daily activities and social skills incidental to training referred to in paragraph (a); (Added 35 of 1991 s. 2. Amended 2 of 2005 s. 2)
- “technical college” (科技学院) and “technical institute” (工业学院) mean respectively any technical college or technical institute established, operated or managed by the Council; (Replaced 35 of 1991 s. 2)
- “technical education” (工业教育) means education provided by a technical college or technical institute; (Amended 35 of 1991 s. 2)
- “trade” (行业) means any trade or occupation in industry;

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3. 适用范围

《教育条例》(第 279 章)对任何科技学院、工业学院、工业训练中心或技能训练中心均不适用。

(由 1991 年第 35 号第 3 条修订)

“training board” (训练委员会) means a board established under section 10.

3. Application

The Education Ordinance (Cap. 279) shall not apply in respect of any technical college, technical institute, industrial training centre or skills centre.

(Amended 35 of 1991 s. 3)

第 II 部

职业训练局

4. 职业训练局的设立

- (1) 现设立一个名为职业训练局的训练局，该训练局是一个以该名称成立的永久延续的法人团体，并可起诉与被起诉。
- (2) 职训局须备有一个法团印章，加盖印章须由任何 2 名职训局成员签署认证。

5. 职训局的宗旨

(具追溯力的适应化修订——见 2000 年第 56 号第 3 条)
职训局的宗旨是——

- (a) 就为确保有一个切合香港发展需要的全面工业教育及工业训练制度而需采取的措施向行政长官提供意见；(由 2000 年第 56 号第 3 条修订)
- (b) 订立、发展和营办计划，以训练维持和改善工业所需的操作工、技工、技术员及技师；
- (c) 促进学徒的训练；(由 1991 年第 35 号第 4 条代替)
- (d) 向 15 岁及以上的残疾人士提供技能训练并就提供该等训练加以统筹，以改善他们的就业机会和训练他们应付公开就业；(由 1991 年第 35 号第 4 条增补)
- (e) 设立、营办和维持科技学院、工业学院、工业训练中心及技能训练中心。(由 1991 年第 35 号第 4 条增补)

PART II

VOCATIONAL TRAINING COUNCIL

4. Establishment of the Vocational Training Council

- (1) There is hereby established a council, to be known as the Vocational Training Council, which shall in that name be a body corporate with perpetual succession and shall be capable of suing and being sued.
- (2) The Council shall have a common seal, the affixing of which shall be authenticated by the signature of any 2 members of the Council.

5. Objects of the Council

The objects of the Council shall be—

- (a) to advise the Chief Executive on the measures required to ensure a comprehensive system of technical education and industrial training suited to the developing needs of Hong Kong; (*Amended 56 of 2000 s. 3*)
- (b) to institute, develop and operate schemes for training operatives, craftsmen, technicians and technologists needed to sustain and improve industry;
- (c) to promote the training of apprentices; (*Replaced 35 of 1991 s. 4*)
- (d) to provide and co-ordinate the provision of skills training to persons with a disability who are aged 15 and over for the purpose of improving their employment prospects and preparing them for open employment; (*Added 35 of 1991 s. 4. Amended 2 of 2005 s. 3*)

6. 职训局的职能

(1) 职训局须——

- (a) 审议行政长官向职训局提出的任何有关工业教育、工业训练或技能训练的事宜，并就该等事宜向行政长官报告；(由 2000 年第 56 号第 3 条修订)
- (b) 每年向行政长官报告一次，或按行政长官指示的次数向行政长官报告；(由 2000 年第 56 号第 3 条修订)
- (c) 审查科技学院、工业学院、工业训练中心及技能训练中心在财务上的需要，并就该等财务上的需要向行政长官提出建议；(由 2000 年第 56 号第 3 条修订)
- (d) 营办和维持政府指派予职训局的技能训练中心；
- (e) 经常检讨——
 - (i) 工业界对已受训人力的需求；
 - (ii) 为应付工业界需求而可提供的已受训人力；
 - (iii) 可供训练工业界所需的人力的设施；
 - (iv) 雇主提供工业训练及学徒训练方面的事宜；及
 - (v) 雇主为受训学员及学徒提供的工业训练的足够程度，以及促进和改善该等训练所须采取的措施；
- (f) 审议和建议何种行业应由行政长官根据《学徒制度条例》(第 47 章)第 45 条指明为指定行业；(由 2000 年第 56 号第 3 条修订)
- (g) 审议训练委员会及一般委员会提出的关于训练课程的建议，并如认为适当，则须批准该等建议；及
- (h) 就技能训练提供技术方面的辅助器材及职业评估。(由 1991 年第 35 号第 5 条增补)

- (e) to establish, operate and maintain technical colleges, technical institutes, industrial training centres and skills centres. (Added 35 of 1991 s. 4)

6. Functions of the Council

(1) The Council shall—

- (a) consider and report to the Chief Executive on any matter concerning technical education, industrial training or skills training referred to it by the Chief Executive; (Amended 35 of 1991 s. 5; 56 of 2000 s. 3)
- (b) report to the Chief Executive annually or as often as he may direct; (Amended 56 of 2000 s. 3)
- (c) examine and make recommendations to the Chief Executive on the financial needs of technical colleges, technical institutes, industrial training centres and skills centres; (Amended 56 of 2000 s. 3)
- (d) operate and maintain any skills centre assigned to it by the Government;
- (e) keep under review—
 - (i) the needs of industry for trained manpower;
 - (ii) the availability of trained manpower to meet the needs of industry;
 - (iii) the facilities available to train the manpower needed by industry;
 - (iv) the provision by employers of industrial training and apprenticeships; and
 - (v) the adequacy of industrial training provided by employers for trainees and apprentices and the measures to be taken to promote and improve such training;

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- (2) 职训局可为更有效地执行其宗旨而作出一切所需或所附带的事情，或作出一切有助于更有效地执行其宗旨的事情，并在不损害前述条文的一般性的原则下，尤可——
- (a) 就任何关于工业教育、工业训练或技能训练的事宜向政府及有利害关系的人谘询意见；
 - (b) 就有关工业教育、工业训练或技能训练的任何方面进行或委托他人进行研究；
 - (c) 收取和审议关于发展工业教育、工业训练及技能训练的建议或提议；
 - (d) 指明向接受工业训练的人教授的技能及操作知识；
 - (e) 为任何行业设计训练课程、考试及测验；
 - (f) 就作为某些人接受工业教育或工业训练的先决条件而对他们所须达到的最低教育程度作出建议；
 - (g) 传布训练材料及关于根据第 (1) 款经常检讨的事宜的资料；
 - (h) 设立、营办和维持科技学院、工业学院、工业训练中心及技能训练中心；
 - (i) 提供或批准工业教育、工业训练及技能训练的训练课程及其他设施；
 - (j) 帮助申请接受工业训练及技能训练的人找寻适合的训练设施；
 - (k) 为任何个别行业订立所须达致的技能水平，就任何行业举行考试及测验，并颁发修读证明书及合格证明书；
 - (l) 经政务司司长批准后，使用政府任何部门的人手、设施及服务；(由 1997 年第 362 号法律公告修订)
 - (m) 将职训局的资金分配予任何人，以提供职训局批准的训练课程(该人根据任何其他条例负责提供的训练课程或为应付他本身对已受训人手的需求而提供的训练课程除外)；

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- (f) consider and recommend which trades should be specified by the Chief Executive to be designated trades under section 45 of the Apprenticeship Ordinance (Cap. 47); (*Amended 35 of 1991 s. 5; 56 of 2000 s. 3*)
 - (g) consider and approve, if thought fit, recommendations from training boards and general committees for training courses; and (*Amended 35 of 1991 s. 5*)
 - (h) provide technical aids and vocational assessment in connection with skills training. (*Added 35 of 1991 s. 5*)
- (2) The Council may do all things that are necessary for, or incidental or conducive to, the better carrying out of the objects of the Council and may in particular, but without prejudice to the generality of the foregoing—
- (a) consult with the Government and with any interested person on any matter pertaining to technical education, industrial training or skills training; (*Amended 35 of 1991 s. 5*)
 - (b) conduct or commission research into any aspect of technical education, industrial training or skills training; (*Amended 35 of 1991 s. 5*)
 - (c) receive and consider suggestions or proposals for the development of technical education, industrial training and skills training; (*Amended 35 of 1991 s. 5*)
 - (d) specify the skills and operations to be taught to persons undergoing industrial training;
 - (e) devise training programmes, examinations and tests for any trade;
 - (f) recommend the minimum standard of education to be attained by persons as a pre-requisite to their undergoing technical education or industrial training;

- (n) 雇用员工并给予他们酬金；
- (na) 向政府缴付款项，为数相当于政府依据《退休金(特别规定)(职业训练局)条例》(第 387 章)第 4 条须就由政府转至职训局任职的人而支付的退休金款额；(由 1991 年第 55 号第 5 条增补)
- (o) 聘请技术及专业顾问，就职训局的任何职能所引起或与职训局的任何职能相关的事宜提供意见，并给予他们酬金；
- (p) 支付津贴予修读职训局所提供或批准的课程的人；
- (q) 支付津贴予参与提供职训局所提供或批准的训练课程的人；
- (r) 支付其认为适当的开支予并非公职人员的职训局成员、职训局委员会成员或训练委员会或一般委员会的成员；
- (s) 取得、持有和承租为执行职训局在本条例下的职能所需的任何财产，并在符合持有该等财产的条款及条件下处置该等财产；
- (t) 接受合法地给予并符合职训局在本条例下的宗旨的资金及捐赠；
- (u) 经财政司司长批准后，以所需的保证借入款项或以其他方式筹集款项，并为该目的而将职训局全部或任何部分的财产作押记；(由 1997 年第 362 号法律公告修订)
- (v) 就职训局提供的服务或使用职训局提供的设施收取费用；(由 2005 年第 2 号第 4 条修订)
- (w) 为贯彻其宗旨或行使其职能而订立任何合约；(由 2005 年第 2 号第 4 条修订)
- (x) 与他人成立合伙或订立其他形式的联营关系；(由 2005 年第 2 号第 4 条增补)
- (g) disseminate training materials and information on matters kept under review under subsection (1);
- (h) establish, operate and maintain technical colleges, technical institutes, industrial training centres and skills centres; (Amended 35 of 1991 s. 5)
- (i) provide or approve training courses and other facilities for technical education, industrial training and skills training; (Amended 35 of 1991 s. 5)
- (j) help candidates for industrial training and skills training to find suitable training facilities; (Amended 35 of 1991 s. 5)
- (k) establish standards of skill to be achieved in any particular trade, conduct examinations and tests in respect of any trade and award certificates of attendance and competence;
- (l) with the approval of the Chief Secretary for Administration make use of personnel, facilities and services of any department of the Government; (Amended L.N. 362 of 1997)
- (m) allocate funds of the Council to any person for the purpose of providing any training course approved by the Council other than a training course which that person is responsible for providing under any other Ordinance or is providing in order to meet his own requirements for trained personnel;
- (n) employ staff and remunerate them;
- (na) pay to the Government amounts representing the cost of pension benefits payable by the Government pursuant to section 4 of the Pensions (Special Provisions) (Vocational Training Council) Ordinance (Cap. 387) in respect of persons transferred from service under the Government to service under the Council; (Added 55 of 1991 s. 5)

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- (y) 取得、持有和处置在其他法人团体内的权益，以及成立或参与成立法人团体；（由 2005 年第 2 号第 4 条增补）
- (z) 提供训练或教育课程，或提供咨询、顾问、研究或其他有关服务，不论是否为了牟利；及（由 2005 年第 2 号第 4 条增补）
- (za) 为贯彻其宗旨或行使其职能而按职训局认为适合的条款向任何人作出贷款。（由 2005 年第 2 号第 4 条增补）
- (3) 在符合第 (4) 款的规定下，职训局可独自或透过代理人或连同其他人或组织，或以其他人或组织的代理人身分，在香港或其他地方执行该局在本条之下的任何职能。（由 2005 年第 2 号第 4 条增补）
- (4) 如职训局为任何人（合资格的人除外）的训练或教育而在香港以外地方执行其任何职能，则政府不得为该等职能的执行而提供津贴，而政府向职训局提供的津贴亦不得用作资助该等职能的执行。（由 2005 年第 2 号第 4 条增补）
- (5) 就第 (4) 款及本款而言 ——
- “合资格的人” (eligible person) 指符合以下各项描述的人 ——
- (a) 该人持有根据《人事登记条例》(第 177 章) 发出的身分证；及
- (b) 该人 ——
- (i) 不受任何根据《入境条例》(第 115 章) 就该人施加的逗留条件（逗留期限除外）所规限；及
- (ii) 没有违反任何逗留期限；
- “逗留期限” (limit of stay) 就任何人而言，指限制该人留在香港的期限的逗留条件。（由 2005 年第 2 号第 4 条增补）
- （由 1991 年第 35 号第 5 条修订）

- (o) engage technical and professional advisers to advise on any matter arising out of or connected with any of the functions of the Council, and remunerate them;
- (p) pay allowances to persons attending courses provided or approved by the Council;
- (q) pay allowances to persons partaking in the provision of training courses provided or approved by the Council;
- (r) pay such expenses as it thinks fit to any member, other than a public officer, of the Council, of a council committee or of a training board or general committee;
- (s) acquire, hold and lease any property required for the discharge of its functions under this Ordinance and, subject to the terms and condition upon which such property is held, dispose of it;
- (t) receive funds and donations lawfully given and consistent with its objects under this Ordinance;
- (u) with the approval of the Financial Secretary borrow or otherwise raise money on such security as may be necessary, and, for that purpose, charge all or any part of the property of the Council;
- (v) charge fees for any services or the use of any facility provided by the Council; (Amended 2 of 2005 s. 4)
- (w) enter into any contract in furtherance of its objects or the exercise of its functions; (Amended 2 of 2005 s. 4)
- (x) enter into a partnership or other form of joint venture with other persons; (Added 2 of 2005 s. 4)
- (y) acquire, hold and dispose of interests in other corporate bodies and form or take part in forming corporate bodies; (Added 2 of 2005 s. 4)

- (z) provide for profit or otherwise training or educational programmes, advisory, consultancy, research or other related services; and *(Added 2 of 2005 s. 4)*
- (za) make a loan to any person on such terms as it considers appropriate in furtherance of its objects or the exercise of its functions. *(Added 2 of 2005 s. 4)*
- (3) Subject to subsection (4), the Council may perform any of its functions under this section in Hong Kong or elsewhere either on its own or through an agent or jointly with or as agent for other person or organization. *(Added 2 of 2005 s. 4)*
- (4) If the Council performs any of its functions outside Hong Kong for the training or education of a person (other than an eligible person), no subsidy shall be made available by the Government towards the performance of such functions and no subsidy provided by the Government to the Council shall be used to subsidize the performance of such functions. *(Added 2 of 2005 s. 4)*
- (5) For the purposes of subsection (4) and this subsection—
- “eligible person” (合格的人) means a person who—
- (a) holds an identity card issued under the Registration of Persons Ordinance (Cap. 177); and
- (b) (i) is not subject to any condition of stay imposed in respect of the person under the Immigration Ordinance (Cap. 115), other than a limit of stay; and
- (ii) is not in breach of any limit of stay;
- “limit of stay” (逗留期限), in relation to a person, means a condition of stay limiting the period during which the person may remain in Hong Kong. *(Added 2 of 2005 s. 4)*

(Amended 35 of 1991 s. 5)

7. 转授职能

- (1) 职训局可一般地或在任何个别情况下，将执行或行使其在本条例下的任何职能转授予任何训练委员会或一般委员会、职训局委员会或任何公职人员，由该等委员会或公职人员代其执行或行使。
 - (2) 如职训局在本条例下的任何职能由第 (1) 款所提述的训练委员会、一般委员会、职训局委员会或公职人员执行或行使，则除非相反证明成立，否则该职能的执行或行使须当作已妥为转授予该训练委员会、一般委员会、职训局委员会或公职人员（视属何情况而定）。
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7. Delegation

- (1) The Council may, either generally or in any particular case, delegate to any training board or general committee, any council committee or any public officer the performance or exercise on its behalf of any of its functions under this Ordinance.
 - (2) Where any function of the Council under this Ordinance is performed or exercised by a board, committee or public officer referred to in subsection (1), the performance or exercise shall, unless the contrary is proved, be deemed to have been duly delegated to that board, committee or public officer as the case may be.
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第 III 部**成员、干事、训练委员会、一般委员会及职训局委员会****8. 职训局的成员**

(具追溯力的适应化修订——见 2000 年第 56 号第 3 条)

- (1) 职训局由以下成员组成——
- (a) 由行政长官委任的并非公职人员的人不超逾 18 名；
 - (b) 由行政长官委任的公职人员不超逾 4 名；
 - (c) 执行干事。(由 1991 年第 35 号第 6 条增补)
- (2) 行政长官须从根据第 (1)(a) 款获委任的成员中委出一名职训局主席。
- (3) 行政长官须从根据第 (1)(a) 及 (b) 款获委任的成员中委出他认为适当数目的职训局副局长。
- (4) 每名本身是公职人员的职训局成员，任期由行政长官酌情决定。
- (5) 在不损害《释义及通则条例》(第 1 章)第 42 条的原则下，每名根据第 (1)(a) 款获委任的职训局成员，任期由行政长官决定，并可不时再获委任。
- (6) 任何根据第 (1)(a) 款获委任的职训局成员，可随时藉发给行政长官的书面通知而辞去其于职训局内的职务。
- (7) 任何根据第 (1)(a) 款获委任的职训局成员，如由于不在香港或任何其他理由以致不能行使其作为成员的权力或执行其作为成员的职责，则行政长官可委任另一人在该成员缺席或丧失履行职务能力期间出任职训局临时成员。
- (8) 根据第 (1)(a) 或 (b)、(2)、(3) 或 (7) 款作出的所有委任，均须藉公告于宪报公布。

(由 1991 年第 35 号第 6 条修订；由 2000 年第 56 号第 3 条修订)

PART III**MEMBERSHIP, EXECUTIVE, BOARDS AND COMMITTEES****8. Membership of the Council**

(Adaptation amendments retroactively made - see 56 of 2000 s. 3)

- (1) The Council shall consist of the following members—
- (a) such number of persons other than public officers, not exceeding 18, as the Chief Executive may appoint;
 - (b) such number of public officers, not exceeding 4, as the Chief Executive may appoint;
 - (c) the Executive Director. (*Added 35 of 1991 s. 6*)
- (2) The Chief Executive shall appoint a Chairman of the Council from those members appointed under subsection (1)(a).
- (3) The Chief Executive shall appoint such number of Deputy Chairmen of the Council as he may think fit from those members appointed under subsection (1)(a) and (b).
- (4) Every member of the Council who is a public officer shall hold office at the discretion of the Chief Executive.
- (5) Without prejudice to section 42 of the Interpretation and General Clauses Ordinance (Cap. 1), every member of the Council who is appointed under subsection (1)(a) shall be appointed for such period as the Chief Executive may determine and may from time to time be reappointed.
- (6) Any member of the Council who is appointed under subsection (1)(a) may at any time, by notice in writing to the Chief Executive, resign from the Council.
- (7) If any member of the Council who is appointed under subsection (1)(a) is absent from Hong Kong or is for any

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9. 干事

(具追溯力的适应化修订——见 2000 年第 56 号第 3 条)

- (1) 职训局可不时委任一名执行干事作为职训局的总干事，并可委任就职训局妥善而有效率的运作而言属适合的副执行干事及助理执行干事。(由 1991 年第 35 号第 7 条代替)
- (1A) 没有行政长官事先同意，职训局不得根据第 (1) 款委任执行干事。(由 1991 年第 35 号第 7 条增补。由 2000 年第 56 号第 3 条修订)
- (2) 执行干事以及(在主席同意下)一名副执行干事或助理执行干事，可出席任何职训局委员会、训练委员会或一般委员会的会议。(由 1991 年第 35 号第 7 条修订)

10. 训练委员会及一般委员会的设立、成员及职能

(具追溯力的适应化修订——见 2000 年第 56 号第 3 条)

- (1) 行政长官可依照职训局的意见，设立训练委员会及一般委员会。
- (2) 行政长官须委任训练委员会及一般委员会的主席及成员，他们均无须为职训局成员。

other reason unable to exercise the powers or perform the duties of his office as a member, the Chief Executive may appoint another person to be a temporary member of the Council during the absence or incapacity of that member.

- (8) All appointments made under subsection (1)(a) or (b), (2), (3) or (7) shall be published by notice in the Gazette.

(Amended 35 of 1991 s. 6; 56 of 2000 s. 3)

9. Director

(Adaptation amendments retroactively made - see 56 of 2000 s. 3)

- (1) The Council may from time to time appoint an Executive Director to be the chief executive of the Council, and such Deputy Executive Directors and Assistant Executive Directors as may be appropriate to the proper and efficient functioning of the Council. *(Replaced 35 of 1991 s. 7)*
- (1A) No appointment of an Executive Director shall be made by the Council under subsection (1) without the prior consent of the Chief Executive. *(Added 35 of 1991 s. 7. Amended 56 of 2000 s. 3)*
- (2) The Executive Director and, with the consent of the Chairman, a Deputy Executive Director or Assistant Executive Director may attend any meeting of any council committee, training board or general committee. *(Amended 35 of 1991 s. 7)*

10. Establishment, membership and functions of training boards and general committees

(Adaptation amendments retroactively made - see 56 of 2000 s. 3)

- (1) The Chief Executive may, on the advice of the Council, establish training boards and general committees.

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- (3) 训练委员会及一般委员会须执行职训局决定的职能，并须按职训局决定的次数向职训局报告。
(由 2000 年第 56 号第 3 条修订)

11. 职训局委员会的设立及成员

职训局可设立多于一个职训局委员会以协助职训局执行其职能，并须委出该等委员会的主席及成员，其中最少三分之二的成员须为职训局成员。

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- (2) The Chief Executive shall appoint the chairman and members of any training board or general committee, none of whom need be a member of the Council.
- (3) Training boards and general committees shall perform such functions as the Council may decide and shall report to the Council as often as the Council may decide.

(Amended 56 of 2000 s. 3)

11. Establishment and membership of council committees

The Council may establish council committees to assist it to perform its functions and shall appoint the chairman and members of any such committee, of which at least two thirds of the membership shall be members of the Council.

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财务条文

12. 职训局的资金及财产

(具追溯力的适应化修订——见 2000 年第 56 号第 3 条)
职训局的资金及财产由以下各项组成——

- (a) 立法会拨作职训局用途的所有款项；(由 2000 年第 56 号第 3 条修订)
- (b) 以拨款、贷款、资金、捐赠、费用、租金或利息的形式由职训局合法收取的所有款项；
- (c) 得自出售职训局持有或他人代职训局持有的财产的所有款项；及
- (d) 职训局合法取得的所有财产及资产。

13. 工业学院的权利及责任

- (1) 在本条例生效前，可由工业学院行使或强制执行的、或可由工业学院的代表行使或强制执行的所有合约权利及其他权利，须在本条例生效时成为可由职训局行使和强制执行的权利。
- (2) 在本条例生效时，职训局须承担工业学院或其代表在本条例生效前所招致的所有债项及法律责任，并须履行工业学院或其代表在本条例生效前所招致的所有合约责任及其他责任。

14. 预算及财政年度

(具追溯力的适应化修订——见 2000 年第 56 号第 3 条)

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FINANCIAL PROVISIONS

12. Funds and property of the Council

The funds and property of the Council shall consist of—

- (a) all moneys appropriated by the Legislative Council for the purposes of the Council;
- (b) all moneys lawfully received by the Council by way of grants, loans, funds, donations, fees, rent or interest;
- (c) all moneys derived from the sale of any property held by or on behalf of the Council; and
- (d) all property and assets lawfully acquired by the Council.

13. Rights and obligations of technical institutes

- (1) All contractual and other rights exercisable or enforceable by or on behalf of the technical institutes before the commencement of this Ordinance shall on the commencement thereof become and be exercisable and enforceable by the Council.
- (2) On the commencement of this Ordinance the Council shall become liable for all debts and liabilities and for the performance of all contractual and other obligations incurred by or on behalf of the technical institutes before the commencement of this Ordinance.

14. Estimates and financial year

(Adaptation amendments retroactively made - see 56 of 2000 s. 3)

- (1) In each financial year, before a date to be fixed by the Chief Executive, the Council shall submit to the Chief Executive

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- (1) 在每个财政年度，职训局须在行政长官订定的日期前，将一份职训局下个财政年度的建议活动计划书及收支预算呈交行政长官批准：*(由 1991 年第 35 号第 8 条修订)*
- 但职训局首个财政年度的计划书及收支预算，须于本条例生效后在切实可行范围内尽快呈交。
- (2) 职训局可在行政长官事先批准下，不时订定某段期间为职训局的财政年度。

*(由 2000 年第 56 号第 3 条修订)***15. 补充预算***(具追溯力的适应化修订——见 2000 年第 56 号第 3 条)*

在任何财政年度内，职训局可为实行根据第 14(1) 条呈交并获批准的¹建议活动计划书的内容而将补充预算呈交行政长官批准。

*(由 2000 年第 56 号第 3 条修订)***16. 资金的投资**

职训局须将所有并非即时需用的资金投资于财政司司长所批准的投资项目。

*(由 1997 年第 362 号法律公告修订)***17. 帐目**

- (1) 职训局须就所有财务交易备存妥善的帐目及纪录。
- (2) *(由 1991 年第 35 号第 9 条废除)*
- (3) 在每个财政年度终结后，职训局须安排拟备该财政年度的职训局收支结算表，以及在该财政年度最后一日的职训局资产负债表。*(由 2005 年第 2 号第 5 条修订)*

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for his approval a programme of its proposed activities and estimates of its income and expenditure for the next financial year: *(Amended 35 of 1991 s. 8)*

Provided that the programme and estimates for the first financial year of the Council shall be submitted as soon as practicable after the commencement of this Ordinance.

- (2) The Council may, from time to time, with the prior approval of the Chief Executive, fix a period to be the financial year of the Council.

*(Amended 56 of 2000 s. 3)***15. Supplementary estimates***(Adaptation amendments retroactively made - see 56 of 2000 s. 3)*

During any financial year the Council may, for the purpose of implementing its programme of proposed activities submitted and approved under section 14(1), submit supplementary estimates to the Chief Executive for his approval.

*(Amended 56 of 2000 s. 3)***16. Investment of funds**

All funds of the Council not immediately required shall be invested in such investments as may be approved by the Financial Secretary.

17. Accounts

- (1) The Council shall keep proper accounts and records of all financial transactions.
- (2) *(Repealed 35 of 1991 s. 9)*
- (3) After the end of each financial year the Council shall cause to be prepared a statement of income and expenditure of the

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- (4) 第 (3) 款所规定的收支结算表及资产负债表均须由主席签署，如主席不在香港或因其他理由而不能行使主席的权力或执行主席的职责，则须由任何一名副主席签署。（由 2005 年第 2 号第 5 条增补）

(由 1991 年第 35 号第 9 条修订)

18. 核数师

- (1) 职训局须委任一名核数师。该核数师有权随时——
- (a) 取用他认为为执行其职能所需的职训局的所有帐簿、付款凭单及其他纪录；及
- (b) 要求取得他认为为执行其职能所需的资料及解释。
- (2) 核数师须在切实可行范围内尽快审计第 17 条所规定的收支结算表及资产负债表，并须就该收支结算表及资产负债表向职训局呈交报告，但无论如何不得迟于每个有关财政年度终结后 4 个月方进行审计和呈交报告。

(由 1991 年第 35 号第 10 条代替)

19. 报表及报告须送交行政长官并提交立法会会议席上省览

(具追溯力的适应性修订——见 2000 年第 56 号第 3 条)

- (1) 职训局须在每个财政年度终结后 7 个月内，或在行政长官决定的较长期间内，向行政长官呈交一份职训局在该财政年度的活动报告，并一并呈交依据第 17(3) 条拟备的收支结算表及资产负债表，以及核数师依据第 18(2) 条向其呈交的报告。
- (2) 行政长官须安排将其根据第 (1) 款收到的报告、收支结算表及资产负债表提交立法会会议席上省览。

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Council during that financial year and a balance sheet of the Council on the last day thereof. (*Amended 2 of 2005 s. 5*)

- (4) The statement and balance sheet required by subsection (3) shall be signed by the Chairman, or if the Chairman is absent from Hong Kong or is for any other reason unable to exercise the powers or perform the duties of a Chairman, by any one of the Deputy Chairmen. (*Added 2 of 2005 s. 5*)

(*Amended 35 of 1991 s. 9*)

18. Auditor

- (1) The Council shall appoint an auditor, who shall be entitled at any time—
- (a) to have access to all books of account, vouchers and other records of the Council; and
- (b) to require such information and explanation, as he considers necessary to discharge his function.
- (2) The auditor shall, as soon as is practicable and in any case not later than 4 months after the close of each financial year, audit the statement and balance sheet required by section 17 and shall submit a report on them to the Council.

(*Replaced 35 of 1991 s. 10*)

19. Statements and reports to be sent to Chief Executive and laid on table of Legislative Council

(Adaptation amendments retroactively made - see 56 of 2000 s. 3)

- (1) The Council shall, within the period of 7 months, or such longer period as the Chief Executive may determine, after the close of each financial year, submit to the Chief Executive a report of its activities during that financial year together with the statement and balance sheet prepared pursuant to section 17(3) and the report submitted to it by the auditor pursuant to section 18(2).

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(由 1991 年第 35 号第 11 条修订；由 2000 年第 56 号第 3 条修订)

19A. 审计署署长的审核

(具追溯力的适应化修订——见 2000 年第 56 号第 3 条)

- (1) 审计署署长可就职训局在执行其职能和行使其权力时运用其资源的节约情况、效率及效验，进行他认为适当的审核。
- (2) 审计署署长——
 - (a) 有权在任何合理时间取用他为根据第 (1) 款进行审核而合理需要的在职训局保管或控制中的任何文件；及
 - (b) 有权向 (a) 段所提述的任何文件的持有人或负责人要求取得为根据第 (1) 款进行审核而合理需要的资料及解释。
- (3) 审计署署长可向立法会主席呈交他根据第 (1) 款进行审核所得的结果。(由 2000 年第 56 号第 3 条修订)
- (4) 第 (1) 款不得解释作赋权审计署署长质疑职训局的政策目标是否可取。

(由 1991 年第 35 号第 12 条增补。由 1997 年第 362 号法律公告修订)

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- (2) The Chief Executive shall cause the reports, statement and balance sheet received by him under subsection (1) to be laid on the table of the Legislative Council.

(Amended 35 of 1991 s. 11; 56 of 2000 s. 3)

19A. Director of Audit's examination

- (1) Director of Audit may carry out such examination as he thinks fit into the economy, efficiency and effectiveness with which the Council has used its resources in discharging its functions and exercising its powers.
- (2) The Director of Audit shall—
 - (a) have a right of access at all reasonable times to any documents in the custody or under the control of the Council which he may reasonably require; and
 - (b) be entitled to require from any person holding or accountable for any document referred to in paragraph (a) such information and explanation as are reasonably necessary,
 for the purpose of carrying out an examination under subsection (1).
- (3) The Director of Audit may submit to the President of the Legislative Council the results of any examination carried out by him under subsection (1).
- (4) Subsection (1) shall not be construed as entitling the Director of Audit to question the merits of the policy objectives of the Council.

(Added 35 of 1991 s. 12)

第 V 部**一般及杂项规定****20. 职训局订立规则的权力**

- (1) 职训局可就以下所有或任何事项订立与本条例并无抵触的规则——(由 1991 年第 35 号第 13 条修订)
 - (a) 对职训局的议事程序及任何职训局委员会、训练委员会或一般委员会的议事程序的规管；
 - (b) 对职训局财务的规管和控制；
 - (c) 对根据第 6(2) 条雇用或聘请的人的雇用条件、条款及纪律的规管；
 - (d) 对科技学院及工业学院的学生，以及工业训练中心及技能训练中心的受训学员的操行及纪律的规管；及 (由 1991 年第 35 号第 13 条修订)
 - (e) 为更有效地执行职训局在本条例下的宗旨和更有效地行使职训局在本条例下的职能。
- (2) 就第 (1)(d) 款而言，职训局可为不同的学院或中心订立不同的规则。(由 1991 年第 35 号第 13 条增补)
- (3) 根据本条订立的规则，就《释义及通则条例》(第 1 章) 第 34 条而言，不得视为附属法例。(由 1991 年第 35 号第 13 条增补)

21. 职训局并非政府受雇人或代理人**PART V****GENERAL AND MISCELLANEOUS****20. Power of the Council to make rules**

- (1) The Council may make rules not inconsistent with this Ordinance for all or any of the following matters— (*Amended 35 of 1991 s. 13*)
 - (a) the regulation of its proceedings and the proceedings of any council committee, training board or general committee;
 - (b) the regulation and control of its finances;
 - (c) the regulation of the conditions and terms of employment and the discipline of persons employed or engaged under section 6(2);
 - (d) the regulation of the conduct and discipline of students at technical colleges and technical institutes and trainees at industrial training centres and skills centres; and (*Amended 35 of 1991 s. 13*)
 - (e) the better carrying out of its objects and exercise of its functions under this Ordinance.
- (2) For the purposes of subsection (1)(d) different rules may be made for different colleges, institutes or centres. (*Added 35 of 1991 s. 13*)
- (3) Rules made under this section shall not be regarded as subsidiary legislation for the purpose of section 34 of the Interpretation and General Clauses Ordinance (Cap. 1) (*Added 35 of 1991 s. 13*)

21. Council not servant or agent of the Government

5-3
第 1130 章

第 V 部
第 22 条

职训局并非政府的受雇人或代理人，亦不享有任何政府地位、政府豁免权或政府特权。

(由 2002 年第 23 号第 41 条修订)

22. 职训局须受行政长官会同行政会议的指示所规限

(具追溯力的适应化修订——见 2000 年第 56 号第 3 条)

- (1) 行政长官会同行政会议可就职训局行使本条例下的职能向职训局作出其认为适当的指示，而职训局须遵从任何该等指示。
- (2) 行政长官会同行政会议可将本条赋予他的权力转授予一名公职人员。

(由 2000 年第 56 号第 3 条修订)

23. 盖有印章文件的真实性及可接纳为证据的情况

任何看来是经盖上职训局法团印章并妥为签立的文件，除非相反证明成立，否则须当作为一份妥为签立的文件，无须再作证明而获收取为证据。

PART V
Section 22

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Cap. 1130

The Council is not the servant or agent of the Government and does not enjoy any status, immunity or privilege of the Government.

(Amended 23 of 2002 s. 41)

22. Council to be subject to directions of the Chief Executive in Council

(Adaptation amendments retroactively made - see 56 of 2000 s. 3)

- (1) The Chief Executive in Council may give to the Council such directions as he thinks fit with respect to the exercise of its functions under this Ordinance and the Council shall comply with any such direction.
- (2) The Chief Executive in Council may delegate to a public officer the powers conferred upon him by this section.

(Amended 56 of 2000 s. 3)

23. Authenticity and admissibility in evidence of document under seal

Any document purporting to be a document duly executed under the common seal of the Council shall, unless the contrary is proved, be deemed to be a document so executed and shall be received in evidence without further proof.