| Clause | | Remarks/Guidelines |
| --- | --- | --- |
| **GCT 34 Tenderer’s consent and authorization on conviction records and site incident records** | | |
| (1) | The tenderer shall submit with the tender a duly signed letter in the form set out in **Appendix** [*insert appropriate reference*] to the General Conditions of Tender giving consent to the [*name of the project office/procuring department*] to obtain from all relevant government departments/bureaux, authorizing such relevant government departments/bureaux to release and make available to [*name of the project office/procuring department*] and giving further consent to the [*name of the project office/procuring department*] to furnish to the *Project Manager* designate information on conviction records and site incident records as more particularly described in sub-clauses (2) and (3) below for the purpose of tender assessment. |  |
| (2) | Information on the tenderer’s conviction records includes all information relating to its convictions, including the legislation violated, dates of offences, dates of convictions and the associated fine imposed by the court, site addresses, contract numbers and contract title*s*, for offences under the following ordinances (including all subsidiary legislation made thereunder) and specific subsidiary legislation (if any): | **Note 1** : Project office/procuring department should check the ordinances / specific subsidiary legislation to be listed, taking into account the provisions of the tender documents as adopted for any particular project (including GCT and SCT). On the basis of the GCT and SCT promulgated by DEVB (via Technical Circulars and memos) as at 30 November 2012, the ordinances/specific subsidiary legislation to be covered include:   * 1. Section 27 of the Public Health and Municipal Services Ordinance (Cap 132);   2. Section 17I and Section 38A of the Immigration Ordinance (Cap 115);   3. Employment Ordinance (Cap 57);   4. Factories and Industrial Undertakings Ordinance (Cap. 59);   5. Occupational Safety and Health Ordinance (Cap. 509);   6. Shipping and Port Control Ordinance (Cap. 313);   7. Merchant Shipping (Local Vessels) Ordinance (Cap. 548);   8. Air Pollution Control Ordinance (Cap. 311);   9. Noise Control Ordinance (Cap. 400);   10. Waste Disposal Ordinance (Cap. 354);   11. Water Pollution Control Ordinance (Cap. 358);   12. Dumping at Sea Ordinance (Cap. 466);   13. Ozone Layer Protection Ordinance (Cap. 403);   14. Environmental Impact Assessment Ordinance (Cap. 499); and   15. Hazardous Chemicals Control Ordinance (Cap. 595).   **Note 2** : To be included when the standard marking scheme set out in Appendix C1 to DEVB TCW No. 4/2014 is adopted. Departments should check with the Highways Department for such conviction records. |
|  | (a) [*Set out the ordinances/specific sub-legislation quoted in relevant GCTs and SCTs*] [See Note 1];  (b) [Land (Miscellaneous Provisions) Ordinance (Cap. 28)][See Note 2]; and  (c) [*Other ordinances / specific subsidiary legislation to be specified by the project office/procuring department if required for tender assessment in accordance with the provisions of the tender documents as adopted for any particular project*]. [See Note 1] |
| (3) | Information on site incident records includes all information relating to any incident involving loss of life or serious bodily injury at any construction site in Hong Kong, regardless of whether the tenderer has or may have any involvement therein. For the purpose of this Clause, “serious bodily injury” and “construction site” shall bear the same meanings as assigned to them under paragraph 10(g)(ii) and paragraph 10(a), respectively, of DEVB TC(W) No. 5/2023 dated 28 July 2023 or any subsequent update. | DEVB’s memo ref. DEVB(W) 546/84/01 dated 10.11.2023. |
| (4) | The letter shall be signed by a person authorized to sign Government contracts on the tenderer's behalf [See Note 3]. | **Note 3** : This is not to be inserted as an essential submission pursuant to Clause GCT 21. However, contract drafter shall ensure that the submission of the duly signed letter of consent and authorization is covered by GCT 16 as amended in accordance with DEVB’s memo ref. DEVB(W) 510/10/01 dated 10 September 2012 and entitled Tender Clarifications. |
| (5) | If the tenderer is an unincorporated or incorporated joint venture, each participant of the unincorporated joint venture or shareholder of the incorporated joint venture shall submit such a duly signed letter. The signatory for such participant or shareholder shall be a person authorized to sign Government contracts on behalf of that participant or, as the case may be, shareholder. |  |
| **Appendix \_\_**  To: [ Name of the procuring department ]  Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Dear Sir/Madam,  **Contract No. [ ]**  **[ Contract title ]**  **Letter of Consent and Authorization**  We hereby give consent to the [ name of the project office/procuring department ] to obtain from all relevant government departments/bureaux and authorize such relevant government departments/bureaux to release and make available to [ *name of the project office/procuring department* ] the following information for the purposes of assessment of [our submission]\* in this tendering exercise:   1. Information on our conviction records (if any), including the legislation violated, dates of offences, dates of convictions and the associated fine imposed by the court, site addresses, contract numbers and contract titles, for offences under the following ordinances (including all sub-legislation made thereunder) and specific sub-legislation (if any):   [ *set out the legislation referred to in GCT X(1)* ]; and   1. Information on site incident records, including all information relating to any incident involving loss of life or serious bodily injury at any construction site in Hong Kong, regardless of whether we have or may have any involvement therein. For the purpose of this sub-paragraph, “serious bodily injury” and “construction site” shall bear the same meanings as assigned to them under paragraph 10(g)(ii) and paragraph 10(a), respectively, of DEVB TC(W) No. 5/2023 dated 28 July 2023 or any subsequent update.   We give further consent to the [ *name of the project office / procuring department* ] to furnish the information described in sub-paragraphs (1) and (2) above to [ *name of project consultant*], the *Project Manager* designate, for the same purposes.  (Signed for and on behalf of the tenderer or, as the case may be, each participant or shareholder of the joint venture) | | \* Where GCT 34(5) applies, change to "the submission of [*name of the tenderer*]". |