

HKQAA Net-Zero Certificate Program

香港品質保證局碳中和證書計劃

Terms and Conditions (“T&C”)

條款及條件（“條款”）

By submitting an application to HKQAA Net-Zero Certificate Program, the applicant agrees to be bound by this Terms and Conditions.

申請機構就香港品質保證局碳中和證書計劃提交申請，即表示申請機構同意並受本《條款及條件》約束。

If anything in these terms is held to be invalid or unenforceable by any court or other competent authority, all other provisions will remain in full force and effect.

如果任何法院或其他主管當局裁定這些條款中的任何內容無效或無法執行，則所有其他規定將保持全部效力。

This T&C shall be construed in accordance with the laws of Hong Kong and shall be subject to the exclusive jurisdiction of the courts of Hong Kong.

本條款應按香港法律詮釋，並受香港法院的專屬司法管轄權管轄。

In case there is any conflict between the Chinese version and the English version, the English version shall prevail.

若英文本與中文譯本之間有任何歧異，則以英文本為準。

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1.0 Applicant's self-declaration 申請機構的自我聲明

Applicants who wish to make an application for a certificate under the Scheme must agree to the make the following declaration:

申請機構如欲申請本計劃下的證書，必須同意作出以下聲明：

- We commit to comply with HKQAA "Terms and Conditions" requirements and relevant laws and regulation.
我等承諾遵守香港品質保證局《條款及條件》要求和相關法律法規。
- We promise that we will identify and impose necessary control to ensure compliance with relevant laws and regulations.
我等承諾我等將識別並實施必要的控制，以確保遵守相關法律法規。
- We understand that HKQAA may refuse to conduct an assessment if we are unable to provide the documentation/evidence as requested by HKQAA. Furthermore, we acknowledge that the assessment fee will not be refunded.
我等明白香港品質保證局可以拒絕給予評審如我們未能提供要求的文件或證據，相關評定費用將不獲退回。
- We declare that all the information and supporting documents provided in this application are true, accurate and complete and not misleading or fraudulent in any respect.
我等表明在申請中提供的所有資料及證明文件均是真實，準確，完整的和無誤導或欺騙性性質。
- We recognize that HKQAA may forthwith withdraw our certificate or refuse to issue a certificate if we are unable to comply with the requirements of the HKQAA Net-Zero Certificate Program (Scheme), and in the "Terms and Conditions".
我等明白如我等不能符合香港品質保證局碳中和證書計劃（計劃）及《條款及條件》的要求，香港品質保證局可以撤銷我等的證書、或拒絕頒發證書。
- We acknowledge that HKQAA will only assess if the registration requirements are fulfilled based on the information, data, and reports we provided. HKQAA will not validate or verify the information, data, and reports in the assessment process and HKQAA does not have any express, implied or statutory duty of due diligence or independent verification of any information, data, and reports we provide. HKQAA is not liable for any future enquiries or complaints regarding the authenticity and accuracy of the information, data, and reports we provided and that we shall indemnify HKQAA of any losses it suffered from our submission of false, inaccurate or misleading information, data or reports.
我等知悉香港品質保證局只會根據我等提供的資料、數據和報告來評審是否滿足註冊要求，過程中並不包括審定或核查我等提供的資料、數據和報告。香港品質保證局對申請者提供的任何信息、數據或報告沒有任何明確、暗示性和法律責任進行盡職調查和獨立核查。日後若接獲任何有關我等的資料、數據、和報告的真確性和準確性的查詢或投訴時均與香港品質保證局無關。我等承諾賠償香港品質保證局因我等提交虛假、不準確或誤導性的資料、數據或報告而遭受的任何損失。

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- We promise to continuously implement and maintain the measures stated in the assessment checklist from the date of certificate issuance and keep record on relevant supporting documents within the applicable period.

我等承諾在證書日期起計持續實施和維持在評審清單中的措施，並於適用期內保留相關的證明文件。

- We understand that the assessment may not be able to cover all the documents/ evidence/ projects/ products under the registration scope according to the sampling approach adopted during the assessment. Hence, the assessment conclusion only represent the fulfillment of the registration requirements based on the sampled documents/ evidence.

我等明白在評審中採用的抽樣方法或未能完全覆蓋註冊範圍內的所有文件/ 證據/ 項目/ 產品。評審結論僅依據在評審過程中抽取的文件/ 證據能滿足註冊要求。

- We acknowledge that the registration will only be granted by HKQAA if we fulfill the registration requirements and all payment are settled.

我等知悉香港品質保證局只會在我等能滿足註冊要求及支付所有的費用下才會頒發註冊資格。

- We acknowledge that the registration fee shall be payable upon submission of an application. All fees paid shall be non-refundable and shall not be subject to set-off, deduction or refund.

我等瞭解在提交申請時應繳付註冊費用，所有已付費用均不會退還，並且不予扣除或抵銷。

- We agree that if our organization has been granted the certificate, the submitted assessment checklist and the certificate will be disclosed on HKQAA website. We agree to comply with and be bound by this T&C under circumstances that we consider to be fair and reasonable.

我等亦同意假如我等能成功獲得證書，所提交的評審清單及證書將會披露於香港品質保證局的網站上，並鑒於香港品質保證局同意繼續處理我等的申請及評審我等業務，我等將在我等認為公平及合理的規則下，遵守此條款並受其約束。

- We acknowledge that upon registration, the contents and data provided in the assessment checklist maybe used by HKQAA for educational, research, analysis purposes and/ or any other purposes which HKQAA see just and fit without prior notice. For service management or knowledge sharing reasons, the results of the research and analysis may be shared externally in anonymized form.

我等知悉在成功註冊後，香港品質保證局或會在不預先通知的情況下使用我等在評審清單上提供的內容和數據作教育、研究、分析之用、和/或任何香港品質保證局認為公正和合適的用途。因應計劃管理或知識共享的原因，相關研究和分析的結果或會以匿名的形式對外分享。

- We acknowledge that if HKQAA receives complaint against our registration on HKQAA Net-Zero Certificate Program, we have the responsibilities and obligations in fully assisting HKQAA during the investigation process and provide all the necessary documents/ evidence/ written confirmation as per HKQAA's request. Pending a determination by HKQAA, we understand that our registration may be suspended under such circumstances. We

further acknowledge that HKQAA shall have the right of final determination in any complaints relating to our registration.

我等知悉我等有責任及義務在香港品質保證局收到有關我等的香港品質保證局碳中和證書計劃的投訴而展開調查時全力提供協助，並按照香港品質保證局的要求提供一切必須的文件/ 證據/ 書面確認。我等明白在這種情況下我等的註冊可能會被暫停。我等進一步承認，對於任何與我等的註冊有關的投訴，香港品質保證局將擁有最終決定權。

- We understand that HKQAA reserves the right to accept or decline any application at its discretion without providing any reason.

我等瞭解香港品質保證局保留是否接受任何申請的最後決定權而無須給予任何理由。

- We understand that HKQAA reserves the right not to consider or refuse to publish any content in my application that is inappropriate without prior notice, the content includes, but is not limited to: any content that is beyond the scope of HKQAA application requirements, measures that have been duplicated and mentioned, promote particular services or products, promote political viewpoints or activities, content that is obscene, libelous, illegal, or other content that HKQAA determines as inappropriate.

我等瞭解香港品質保證局保留刪除任何不合適內容而無須事先通知的權利，有關內容包括但不限於：偏離主題、于前文提及屬重複的措施、推廣產品或服務、推廣政治主張或活動、淫褻、誹謗、違法或香港品質保證局認為不恰當的內容。

- We declare that we have maintained all the licences and permits which are required or necessary in connection with the conduct of our business related to the sector we applied for in this application.

我等表明我等持有所有在申請中因應行業要求的牌照和許可證。

- We understand that we shall be wholly liable for and will indemnify HKQAA against all liabilities, losses, damages, costs, legal costs, professional and other expenses of any nature whatsoever incurred or suffered by HKQAA whether direct or consequential (including, without limitation, any economic loss or other loss of profits, business or goodwill) arising out of any dispute or contractual, tortious or other claims or proceedings brought against HKQAA by a third party claiming relief against HKQAA in respect of any event arising from and/ or in connection with any breach of this T&C or relevant guideline.

我等明白我等有責任及須彌償香港品質保證局，使其免受由於參加者違反本條款及/或相關指引而引起的任何糾紛或合同、侵權或其他申索或程序或者第三方向香港品質保證局提出訴訟以索取濟助，從而為香港品質保證局帶來的所有直接或相應損失，如任何法律責任、損失、損害、費用、法律費用、專業及任何性質的其他開支（包括但不限於任何經濟損失或其他利潤、業務或商譽損失）。

- We acknowledge that HKQAA is the owner or licensee of copyright, know-how and other intellectual property rights in the Scheme. No rights, title or interest in such intellectual property is transferred to us from the issuance of the certificate.

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我等明白，香港品質保證局是計劃的版權、專有技術和其他知識產權的所有者或被許可人。證書頒發後，香港品質保證局不會將這些知識產權的任何權利或利益轉移給我等。

- We recognize that HKQAA operates the registration service of HKQAA Net-Zero Certificate Program (Scheme) that are in accordance with this “Terms and Conditions” which we have been provided with the application form and which we have read and are familiar with (“T&C”). We also agree that if our application for registration in respect of HKQAA Net-Zero Certificate Program is successful, we will comply with and be bound by the “Terms and Conditions” of the Scheme which we consider to be fair and reasonable. We further undertake to pay all cost required in relation to our application and any future registration. We recognize that if the registration is not granted within 6 months after the last day of assessment, this application will be ceased.

我等接受香港品質保證局按報價文件或建議書上指定的香港品質保證局碳中和證書計劃提供註冊服務，並符合申請表中所提供及我等曾閱讀及熟讀的《條款及條件》（“條款”）。我等亦同意假如我等能按香港品質保證局碳中和證書計劃的要求成功申請註冊，我等將遵守我等認為公平及合理的規則，並受約束。我等並同意按有關收費標準支付現有及將來註冊的所需費用。我等承認如果在評審的最後一天之後的 6 個月內未獲授予註冊，本申請將被終止。

- We undertake that upon registration, we shall continuously implement the measures stated in the assessment checklist, comply with the “Terms and Conditions”. Upon registration, we shall notify HKQAA promptly about the following circumstances when there are:

我等承諾獲得註冊後將持續執行評審清單內所制定的措施，並遵守《條款及條件》。獲得註冊後，在發生以下情況時，我等應及時向香港品質保證局通報：

- a. any material complaints from clients or interested parties regarding the defined boundary of HKQAA Net-Zero Certificate Program;

客戶或相關方就香港品質保證局碳中和證書計劃的範圍對象有重大投訴；

- b. non-compliance issues of the product or projects or services operated under the HKQAA Net-Zero Certificate Program against statutory requirements raised by regulatory authorities;

香港品質保證局碳中和證書計劃下所運作的產品、項目、或服務被執法監管部門認定不合法定要求；

- c. changes in legal status, production and business operation, organizational structure, ownership; administrative license, compulsory certification or other qualification; legal representative, top management personnel, management representative;

相關情況發生變更，包括：法律地位、生產經營狀況、組織狀態或所有權；取得的行政許可資格、強制性認證或其他資質證書；法定代表人、最高管理者、管理者代表；

- d. any other material occasions affecting the continuous implementation of measures stated in the assessment checklist.

出現重大影響持續執行評審清單內所訂定的措施的其他重要情況。

2.0 Disclosure 披露

After the issuance of a certificate, HKQAA will update the online register of registered organizations on the HKQAA website, the following documents will be made available for inspection to increase the transparency of the public:

頒發證書後，香港品質保證局將在本局的網站上更新註冊列表，並附上以下文件以增加公眾的透明度：

- Certificate; and
證書；及
- The content of the assessment checklist (without showing the supporting documents).
評審清單的內容（不包括相關證明文件）。

Remarks: The contents and data provided in the assessment checklist maybe used by HKQAA for educational, research, analysis purposes and/ or any other purposes which HKQAA see just and fit without prior notice. For service management or knowledge sharing reasons, the results of the research and analysis may be shared externally in anonymized form.

備註：香港品質保證局或會在不預先通知的情況下使用在評審清單上提供的內容和數據作教育、研究、分析之用、和／或任何香港品質保證局認為公正和合適的用途。因應計劃管理或知識共享的原因，相關研究和分析的結果或會以匿名的形式對外分享。

3.0 Complaint Handling 投訴處理

Any complaint received by HKQAA against registered organization regarding its participation or inclusion in this Scheme will be referred to the registered organization for follow-up actions. The validity of certificate may be affected if registered organization fails to close out the complaint case within specified period.

如香港品質保證局接獲任何針對註冊機構有關本計劃的投訴，相關投訴將會轉介予註冊機構跟進處理。如註冊機構未能在指定時間內完成處理相關投訴，或會影響註冊機構的證書有效性。

Registered organization shall provide investigation records to HKQAA within 14 days upon receiving the complaint. HKQAA may arrange a follow up visit to review the corrective actions conducted by the registered organization if deemed necessary. HKQAA retains the absolute discretion to make decision for suspending the validity of the certificate. HKQAA's determination in every complaint shall be final.

註冊機構應在收到投訴後 14 天內向香港品質保證局提供調查記錄。香港品質保證局在需要時或會安排跟進評審以審視註冊機構所執行的糾正措施。香港品質保證局特此保留決定暫停證書有效性的絕對酌情權。香港品質保證局將保留一切最終決定權。

4.0 Registration Suspension 暫停註冊

The following circumstances may lead to registration suspension:

下列情況可能會導致暫停註冊：

- I. Issuance of a registration contrary to or in violation of any laws or regulation of Hong Kong, Macau or Mainland China;
因頒發註冊而違反任何香港、澳門或中國內地的法律法規；
- II. Failure to fulfil the Scheme requirements during the assessment, and failure to arrange a follow-up visit or resolve the non-conformity during follow-up visit;
註冊機構在評審中未能滿足計劃要求，而未能安排跟進評審或相關要求未能於跟進評審中解決；
- III. Failure to close out valid complaint case and make appropriate corrective actions within the stated time period as determined by HKQAA; or
對於有效投訴，未能於指定時間內完成處理及採取合適的糾正措施；或
- IV. Any other reasons that HKQAA may think just and fit. Including but not limited to:
任何香港品質保證局認為合適及公正的理由。包括但不限於：
 - a. Using the registration to make misleading or false statements; or
利用註冊作出誤導或虛假陳述；或
 - b. Sub-licence, assign, or transfer the right to use or otherwise allow a third party to use the certificate or the registration under the Scheme without the prior written permission of the HKQAA.
在未經香港品質保證局書面同意的情況下將註冊證書的使用權或註冊資格分授許可證權、轉讓或以其他方式轉移給第三方。

To resume its registration status after suspension, registered organization shall make corrective actions within a stated time period as determined by HKQAA. The validity of registration will be resumed if the corrective actions fulfil HKQAA requirements. The maximum period for registration suspension is three months. If registered organization fails to rectify the non-conformity within the stated time period, registration will be withdrawn.

在註冊被暫停後，註冊機構應於香港品質保證局所指定時間內採取糾正措施，相關措施符合香港品質保證局的要求後，機構的註冊可以繼續維持；註冊暫停最長期間為三個月，若註冊機構未能於指定時間內對於不符合項作出糾正，機構的註冊會被撤銷。

5.0 Registration Withdrawal 撤銷註冊

The following circumstances may lead to registration withdrawal:

下列情況可能會導致撤銷註冊：

- I. Violation of any requirements of "HKQAA Net-Zero Certificate Program Handbook";
違反《香港品質保證局碳中和證書計劃手冊》的要求；
- II. Violation of any terms in the "Terms and Conditions";
違反《條款及條件》；
- III. Violation of any terms in the "Guideline for the Use of Mark";
違反《標誌使用指引》；
- IV. Failure to pay for the registration fee within a prescribed period;
未能繳付註冊費用；
- V. Failure to fulfill the Scheme requirements, and not able to complete the corrective actions within a stated time period;
未能符合本計劃要求，和不符合要求的項目未能於指定時間內完成糾正措施；
- VI. Failure to rectify the non-conformity in order to resume the validity of registration within the three-month period of registration suspension;
未能在暫停註冊的三個月期限內對於不符合項做出糾正以恢復註冊有效性；
- VII. Voluntary withdrawal; or
自願撤銷；或
- VIII. Any other reasons that HKQAA may think just and fit.
任何香港品質保證局認為合適及公正的理由。

Organization can reapply in not less than one month after registration withdrawal and completing rectification.

在註冊被撤銷後，機構在不少於一個月及完成整改後可重新提出申請。