

HKQAA Net-Zero Certificate Program

香港品质保证局碳中和证书计划

Terms and Conditions (“T&C”)

条款及条件（“条款”）

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证书计划提交申请，即表示申請機構同意并受本《条款及条件》约束。

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当局裁定这些条款中的任何内容无效或无法执行，则所有其他规定将保持全部效力。

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.

本条款应按香港法律诠释，并受香港法院的专属司法管辖权管辖。

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

若英文本与中文译本之间有任何歧异，则以英文本为准。

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1.0 Applicant's self-declaration 申請機構的自我声明

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、和報告的真實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.

我等承诺在证书日期起持续实施和维持在评审清单中的措施，并于适用期内保留相关的证明文件。

- 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.

我等明白在评审中采用的抽样方法或未能完全覆盖注册范围内的所有文件/ 证据/ 项目/ 产品。评审结论仅依据在评审过程中抽取的文件/ 证据能满足注册要求。

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

我等知悉香港品质保证局只会在我等能满足注册要求及支付所有的费用下才会颁发注册资格。

- 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.

我等了解在提交申请时应缴付注册费用，所有已付费用均不会退还，并且不予扣除或抵销。

- 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获得证书，所提交的评审清单及证书将会披露于香港品质保证局的网站上，并鉴于香港品质保证局同意继续处理我等的申请及评审我等业务，我等将在我等认为公平及合理的规则下，遵守此条款并受其约束。

- 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.

我等知悉在成功注册后，香港品质保证局或会在不预先通知的情况下使用我等在评审清单上提供的内容和数据作教育、研究、分析之用、和/或任何香港品质保证局认为公正和合适的用途。因应计划管理或知识共享的原因，相关研究和分析的结果或会以匿名的形式对外分享。

- 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.

我等知悉我等有责任及义务在香港品质保证局收到有关我等的香港品质保证局碳中和证书计划的投诉而展开调查时全力提供协助，并按照香港品质保证局的要求提供一切必须的文件/ 证据/ 书面确认。我等明白在这种情况下我等的注册可能会被暂停。我等进一步承认，对于任何与我等的注册有关的投诉，香港品质保证局将拥有最终决定权。

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

我等了解香港品质保证局保留是否接受任何申请的最后决定权而无须给予任何理由。

- 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.

我等了解香港品质保证局保留删除任何不合适内容而无须事先通知的权利，有关内容包括但不限于：偏离主题、于前文提及属于重复的措施、推广产品或服务、推广政治主张或活动、淫褻、诽谤、违法或香港品质保证局认为不恰当的内容。

- 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请中因应行业要求的牌照和许可证。

- 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.

我等明白我等有责任及须弥偿香港品质保证局，使其免受由于参加者违反本条款及/或相关指引而引起的任何纠纷或合同、侵权或其他申索或程序或者第三方向香港品质保证局提出诉讼以索取济助，从而为香港品质保证局带来的所有直接或间接损失，如任何法律责任、损失、损害、费用、法律费用、专业及任何性质的其他开支（包括但不限于任何经济损失或其他利润、业务或商誉损失）。

- 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.

HKQAA Net-Zero Certificate Program 香港品质保证局碳中和证书计划

我等明白，香港品质保证局是计划的版权、专有技术和其他知识产权的所有者或被许可人。证书颁发后，香港品质保证局不会将该些知识产权的任何权利或利益转移给我等。

- 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.

我等接受香港品质保证局按报价文件或建议书上指定的香港品质保证局碳中和证书计划提供注册服务，并符合申请表中所提供及我等曾阅读及熟读的《条款及条件》（“条款”）。我等亦同意假如我等能按香港品质保证局碳中和证书计划的要求成功申请注册，我等将遵守我等认为公平及合理的规则，并受约束。我等并同意按有关收费标准支付现有及将来注册的所需费用。我等承认如果在评审的最后一天之后的 6 个月内未获授予注册，本申请将被终止。

- 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:

我等承诺获得注册后将持续执行评审清单内所制定的措施，并遵守《条款及条件》。获得注册后，在发生以下情况时，我等应及时向香港品质保证局通报：

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

客户或相关方就香港品质保证局碳中和证书计划的范围对象有重大投诉；

- 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;

香港品质保证局碳中和证书计划下所运作的产品、项目、或服务被执法监管部门认定不符合法定要求；

- 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;

相关情况发生变更，包括：法律地位、生产经营状况、组织状态或所有权；取得的行政许可资格、强制性认证或其他资质证书；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.

出现重大影响持续执行评审清单内所订定的措施的其他重要情况。

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:

颁发证书后，香港品质保证局将在本局的网站上更新注册列表，并附上以下文件以增加公众的透明度：

- Certificate; and
证书；及
- The content of the assessment checklist (without showing the supporting documents).
评审清单的内容（不包括相关证明文件）。

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.

备注：香港品质保证局或会在不预先通知的情况下使用在评审清单上提供的内容和数据作教育、研究、分析之用、和/或任何香港品质保证局认为公正和合适的用途。因应计划管理或知识共享的原因，相关研究和分析的结果或会以匿名的形式对外分享。

3.0 Complaint Handling 投诉处理

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.

如香港品质保证局接获任何针对注册机构有关本计划的投诉，相关投诉将会转介予注册机构跟进处理。如注册机构未能在指定时间内完成处理相关投诉，或会影响注册机构的证书有效性。

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.

注册机构应在收到投诉后 14 天内向香港品质保证局提供调查记录。香港品质保证局在需要时或会安排跟进评审以审视注册机构所执行的纠正措施。香港品质保证局特此保留决定暂停证书有效性的绝对酌情权。香港品质保证局将保留一切最终决定权。

4.0 Registration Suspension 暂停注册

The following circumstances may lead to registration suspension:

下列情况可能会导致暂停注册：

- I. Issuance of a registration contrary to or in violation of any laws or regulation of Hong Kong, Macau or Mainland China;
因颁发注册而违反任何香港、澳门或中国内地的法律法规；
- 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;
注册机构在评审中未能满足计划要求，而未能安排跟进评审或相关要求未能于跟进评审中解决；
- III. Failure to close out valid complaint case and make appropriate corrective actions within the stated time period as determined by HKQAA; or
对于有效投诉，未能于指定时间内完成处理及采取合适的纠正措施；或
- IV. Any other reasons that HKQAA may think just and fit. Including but not limited to:
任何香港品质保证局认为合适及公正的理由。包括但不限于：
 - a. Using the registration to make misleading or false statements; or
利用注册作出误导或虚假陈述；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.
在未经香港品质保证局书面同意的情况下将注册证书的使用权或注册资格分授许可证权、转让或以其他方式转移给第三方。

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.

在注册被暂停后，注册机构应于香港品质保证局所指定时间内采取纠正措施，相关措施符合香港品质保证局的要求后，机构的注册可以继续维持；注册暂停最长期间为三个月，若注册机构未能于指定时间内对于不符合项作出纠正，机构的注册会被撤销。

5.0 Registration Withdrawal 撤销注册

The following circumstances may lead to registration withdrawal:

下列情况可能会导致撤销注册：

- I. Violation of any requirements of "HKQAA Net-Zero Certificate Program Handbook";
违反《香港品质保证局碳中和证书计划手册》的要求；
- II. Violation of any terms in the "Terms and Conditions";
违反《条款及条件》；
- III. Violation of any terms in the "Guideline for the Use of Mark";
违反《标志使用指引》；
- IV. Failure to pay for the registration fee within a prescribed period;
未能缴付注册费用；
- V. Failure to fulfill the Scheme requirements, and not able to complete the corrective actions within a stated time period;
未能符合本计划要求，和不符合要求的项目未能于指定时间内完成纠正措施；
- VI. Failure to rectify the non-conformity in order to resume the validity of registration within the three-month period of registration suspension;
未能在暂停注册的三个月期限内对于不符合项做出纠正以恢复注册有效性；
- VII. Voluntary withdrawal; or
自愿撤销；或
- VIII. Any other reasons that HKQAA may think just and fit.
任何香港品质保证局认为合适及公正的理由。

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

在注册被撤销后，机构在不少于一个月及完成整改后可重新提出申请。