

# THE CHINESE UNIVERSITY OF HONG KONG

## CONTRACT FOR SERVICE REQUEST FORM

(This Form should be submitted to the Bursary at least TWO WEEKS before the commencement of the engagement)

### Important Notes:

1. Departments/Units should, based on the "substance of relationship" between a service provider and the University, determine whether a Contract for Service should be offered. The Administrative Affairs Committee (AAC) at its 13<sup>th</sup> (2010) meeting affirmed that any proposed contract for service to be offered to an individual person should be carefully vetted by the Business Office according to the University tendering and purchasing procedures so as to ensure that the contract for service was awarded to a bona fide service provider and was not a way to extend the service previously provided by a former employee of the University. Doubtful cases should be referred to AAC for review.
2. A Contract for Service is **NOT** an employment contract and there is **NO** employer-employee relationship between CUHK and the service provider. In this connection, the service provider is required to complete Part II of this Form overleaf.
3. When offering a Contract for Service, Departments/Units should observe the guidelines on the prevention of conflict of interest set out in the Staff Handbook and the University Ordering and Tender Procedures.
4. A Contract for Service agreement (available from Bursary's website: <http://www.cuhk.edu.hk/bursary>) is required if (a) the contract sum is equal to or more than \$50,000; OR (b) there are continuing contracts for duration equal to or more than 12 months and the contract sum or the periodic payments are more than \$4,000 per month.
5. The service provider is required to observe the University's Policy on Intellectual Property Rights as stipulated in his/her Contract, if applicable.
6. The completed Form, together with the Contract for Service document (if any), should be sent to the Bursary. On completion or satisfactory progress of the project/contract, a Payment Voucher should be sent to the Bursary for payment.
7. Departments/Units should follow the appropriate quotation-seeking or tendering procedures as prescribed in the University Ordering and Tender Procedures (please refer to [http://www.cuhk.edu.hk/bursary/stf/eng/bus\\_purchase\\_info.html](http://www.cuhk.edu.hk/bursary/stf/eng/bus_purchase_info.html) for details). Prior approval should be sought from Tender Board/Business Office, if applicable, **BEFORE** the engagement of service commences. No retroactive approval will be granted.

### Part I (to be completed by the Department/Unit concerned)

**Department / Unit:** \_\_\_\_\_

**Name of Service Provider:** \_\_\_\_\_

**Description of Services to be Provided:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Contract Duration:** From \_\_\_\_\_ To \_\_\_\_\_

### Nature of Contract (Contract OF Service vs Contract FOR Service):

Under the Employment Ordinance ("EO") and the Mandatory Provident Fund Schemes Ordinance ("MPFSO"), if on account of the "substance of relationship" between an employer and a service provider, there is an employment relationship between the two, the contract in question is a Contract **of** Service. A Contract **of** Service is equivalent to a Contract of Employment under the EO. The legal implications associated with a Contract **of** Service are different to those associated with a Contract **for** Service. For example, if a service provider becomes an employee of CUHK, provisions of the EO and MPFSO concerning matters such as sick leave, annual leave, employer's contribution to MPF, etc. will apply. It is *against the law* for an employer to extinguish or withhold any statutory rights, benefits or protection otherwise available to its employees. As such, a Contract **of** Service should be processed by the Personnel Office according to existing University regulations and procedures and should **NOT** be treated as a Contract **for** Service. In order to assist CUHK in determining whether a contract is a Contract **of** Service or a Contract **for** Service, please complete the following checklist.

*The following checklist contains a list of factors which are most likely to be relevant for your consideration in determining whether this is a Contract for Service. If you have any doubts on whether an employment relationship exists, please contact the Personnel Office for clarification [see Important Notes no. 1 above].*

<b>The service provider:-</b>	<b>TRUE</b>	<b>FALSE</b>
1. is not required to work in the office of the Department/Unit	<input type="checkbox"/>	<input type="checkbox"/>
2. is free to provide services at any time within the contract period	<input type="checkbox"/>	<input type="checkbox"/>
3. is not required to use the University's tools/equipments	<input type="checkbox"/>	<input type="checkbox"/>
4. does not require work instructions or supervision from the Department/Unit	<input type="checkbox"/>	<input type="checkbox"/>
5. will complete the work by his/her own arrangement (e.g. hiring helpers at his/her own cost if necessary)	<input type="checkbox"/>	<input type="checkbox"/>
6. will be responsible for the insurance coverage and the tax related to the income arising from this Contract for Service of both himself/herself and his/her helpers, if any	<input type="checkbox"/>	<input type="checkbox"/>
7. will not represent the Department/Unit whilst in the conduct of the service (e.g. coordinate and/or liaise with parties both within and outside the University)	<input type="checkbox"/>	<input type="checkbox"/>

- Remuneration:** ☐ A lump sum payment on completion of contract/project - HK\$ \_\_\_\_\_
- ☐ Pay on progress (stages) of project/contract - A total of HK\$ \_\_\_\_\_  
(being HK\$ \_\_\_\_\_ x \_\_\_\_\_ instalments)
- ☐ Piece rate - HK\$ \_\_\_\_\_ (e.g. no. of questionnaires / interviews completed)

**Cost Centre/Project/Business Area Code** (for deduction of payment): \_\_\_\_\_

I confirm that this engagement is a Contract for Service and that there is sufficient funding to pay for the service.

**Any other Contract for Service offered to the same service provider by the same department in the past 12 months?**

- ☐ Yes (please provide copies of the forms) ☐ No

**Service Initiated/Requested by:**

Name in print: \_\_\_\_\_ Title: \_\_\_\_\_

- ☐<sup>1</sup> I declare that I have no actual/potential conflict of interests in the procurement of services set out in this form.  
☐<sup>1</sup> I have attached my written declaration of actual/potential conflict of interests.

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

**Part II (to be completed by the service provider)**

**Statement**

I acknowledge and understand that as a self-employed person/individual service provider acting in my own capacity as a party to this Contract for Service, I am **NOT** an employee of The Chinese University of Hong Kong which does **NOT** have any liability to me as an employer under the Employment Ordinance, the Mandatory Provident Fund Schemes Ordinance and/or any other applicable laws whatsoever arising out of this Contract. I shall make/have made my own arrangements as applicable and as required by the relevant laws of the Hong Kong Special Administrative Region.

I confirm that I have no relatives or close associates employed by CUHK to whom my provision of services under this contract will lead to actual/potential conflict of interests.

I confirm that I ☐ have never been employed by CUHK ☐ am a retired employee of CUHK (pls fill in i-iii below)  
☐ am a full-time staff of CUHK ☐ am an ex-employee of CUHK (pls fill in i-iii below)  
☐ am a part-time / honorary staff of CUHK (pls fill in ii-iii below)

(i. Last employment ended on \_\_\_\_\_ (dd/mm/yy) ii. Post: \_\_\_\_\_

iii. Dept.: \_\_\_\_\_)

**For tax reporting purpose :** (The information is collected for tax reporting purpose only and the Payroll Office, CUHK does not use or disclose the information for other purposes without your explicit consent.)

Sex: ☐ Male ☐ Female Marital Status (Optional) : ☐ Single ☐ Married ☐ Divorced  
 Do you ordinarily reside in Hong Kong? ☐ Yes ☐ No

**Contractor**

**Witness**

Full name in print: (Mr/Mrs/Ms/Dr)	Name in print: (Mr/Mrs/Ms/Dr)
HKID Card/Passport No.:	HKID Card/Passport No.:
Correspondence Address :	Correspondence Address :
Signature:	Signature:
Date:	Date:

**Part III (endorsement and declaration by Department Chairman / Unit Head / Dean / Provost)**

Remarks (if any): \_\_\_\_\_ Name in print: \_\_\_\_\_

- ☐<sup>2</sup> I declare that I have no actual/potential conflict of interests in the procurement of services set out in this form.  
☐<sup>2</sup> I have explicitly requested staff of my unit involved in this procurement to declare actual/potential conflict of interests and no such declaration is received.  
☐<sup>2</sup> I have attached the written declaration of actual/potential conflict of interests made by me and/or the following staff member(s) of my department / unit: \_\_\_\_\_

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

<sup>1</sup> Either one of the two boxes must be checked.

<sup>2</sup> One or two boxes may be checked if applicable.