

立法會
Legislative Council

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**Paper for the House Committee Meeting
of the Legislative Council
on 16 March 2001**

**Legal Service Division Report on
Industrial Training (Construction Industry)
(Amendment) Bill 2001**

Object of the Bill

To empower the Construction Industry Training Authority to arrange for and cover the costs of the medical examination of persons employed in prescribed occupations in the construction industry involving exposure to hazardous substances.

LegCo Brief Reference

2. LegCo Brief EMB CR 1/2961/95 dated 28 February 2001, issued by the Education and Manpower Bureau.

Date of First Reading

3. 14 March 2001.

Comments

4. The Bill has one single purpose, i.e. to expand the functions of the Construction Industry Training Authority so as to empower it to make arrangements for and to cover the costs of the medical examination of persons who are or are to be employed in certain prescribed occupations in the construction industry. In practical terms, the amendments proposed by the Bill

will only affect the long title and section 5 (Functions of the Authority) of the Industrial Training (Construction Industry) Ordinance (Cap. 317).

5. The intention of the Administration is to prescribe those occupations in a regulation to be made under the Factories and Industrial Undertakings Ordinance (Cap. 59), which will provide for the mandatory medical examination of persons employed in work involving exposure to and the use of hazardous substances and physical agents.

6. In other words, the Bill is introduced in preparation for the proposed regulation and is expected to come into effect not later than the commencement of the proposed regulation after it is made. The Administration has indicated in the paper (paragraph 19) for the LegCo Panel on Manpower meeting on 15 February 2001 that it will introduce the proposed regulation after the enactment of the Bill.

7. In order to cover the cost to the Authority in discharging its new proposed function in future, the Administration is also proposing to increase the existing levy (at 0.4%) collected from the construction industry by the Authority by 0.03%. Under section 22 of the Industrial Training (Construction Industry) Ordinance, the rate of the levy (including therefore any increase) has to be prescribed by the Legislative Council by resolution.

Public Consultation

8. According to the LegCo Brief, the Labour Advisory Board has expressed support for the proposed regulation. The Hong Kong Construction Association and Real Estate Developers Association of Hong Kong have indicated support for engaging the Authority as the agent for the construction industry.

Consultation with the LegCo Panel

9. The Panel on Manpower was briefed on the proposed regulation and the related amendments proposed by the Bill at its meeting on 15 February 2001.

Conclusion

10. The proposal made in the Bill is in itself rather straightforward. However, since it is dependent on and subsidiary to the proposed regulation to

be made under the Factories and Industrial Undertakings Ordinance, Members may wish to consider to hold this Bill in abeyance until they have come to a view on the proposed regulation after it is introduced by the Administration.

11. The legal and drafting aspects of the Bill are in order.

Encl

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