

立法會
Legislative Council

LC Paper No. CB(1)1455/04-05
(These minutes have been seen
by the Administration)

Ref : CB1/BC/1/04

Bills Committee on Construction Industry Council (No. 2) Bill

**Minutes of eighth meeting held on
Tuesday, 19 April 2005, at 2:30 pm
in Conference Room B of the Legislative Council Building**

- Members present** : Hon KWONG Chi-kin (Chairman)
Ir Dr Hon Raymond HO Chung-tai, S.B.St.J., JP
Hon LEE Cheuk-yan
Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP
Hon CHAN Yuen-han, JP
Hon Howard YOUNG, SBS, JP
Hon Emily LAU Wai-hing, JP
Hon Andrew CHENG Kar-foo
Hon Abraham SHEK Lai-him, JP
Hon LI Fung-ying, BBS, JP
Hon WONG Kwok-hing, MH
Hon Alan LEONG Kah-kit, SC
Hon Patrick LAU Sau-shing, SBS, JP
- Member absent** : Hon CHEUNG Hok-ming, SBS, JP
- Public officers attending** : Mr Clement CHEUNG
Deputy Secretary for the Environment, Transport and
Works (Works) 1
- Ms Agnes KWAN
Assistant Secretary for the Environment, Transport and
Works (Industry Review)
- Ms Frances HUI
Senior Government Counsel
Department of Justice

Ms Selina LAU
Government Counsel
Department of Justice

Clerk in attendance : Miss Odelia LEUNG
Chief Council Secretary (1)4

Staff in attendance : Miss Kitty CHENG
Assistant Legal Adviser 5

Ms Sarah YUEN
Senior Council Secretary (1)6

Action

I Confirmation of minutes

(LC Paper No. CB(1)1266/04-05 -- Minutes of meeting on
31 March 2005)

The minutes of the meeting held on 31 March 2005 were confirmed.

II Meeting with the Administration

(LC Paper No. CB(1)1265/04-05(01) -- List of follow-up actions
arising from discussion at the
meeting on 31 March 2005

LC Paper No. CB(1)1265/04-05(02) -- Administration's response to
the list of follow-up actions
arising from discussion at the
meeting on 31 March 2005

LC Paper No. CB(1)1265/04-05(03) -- Letter dated 13 April 2005
from the Administration on
"Nominating Organizations
for the Category of 'Trade
Unions' and Further Changes
to Proposed Functions"

LC Paper No. CB(1)1267/04-05(01) -- Mark-up version of the draft
Committee Stage
Amendments to clause 5 of
the Bill)

2. Ms LI Fung-ying declared interests as a Member returned from the
functional constituency of labour.

3. The Bills Committee deliberated (Index of proceedings attached at the

Appendix).

4. The Administration was requested to:

Clause 9

- (a) provide the revised updated list of nominating organizations for the categories of “employers”, “professionals/consultants”, “contractors/subcontractors & materials/equipment suppliers” and “trade unions”;
- (b) review the drafting of clause 9. Members considered that the basic principle of representation should be enshrined in the drafting;
- (c) advise whether the number of members representing workers would be increased; and
- (d) provide the details as to how the list of nominating organizations tailored for the hybrid model would be promulgated. Members noted that the Administration was looking into an option of incorporating the list into the Bill as a schedule.

III Any other business

5. Members agreed to discuss the following at the next meeting to be held on Tuesday, 10 May 2005, at 4:30 pm –

- (a) Composition of Construction Industry Training Board (clause 2 in Schedule 3);
- (b) Updated Committee Stage Amendments to clause 5;
- (c) Finance for Construction Industry Training Authority and Construction Industry Council; and
- (d) Clause-by-clause examination of the Bill.

6. The meeting ended at 4:25 pm.

**Proceedings of the eighth meeting of the
Bills Committee on Construction Industry Council (No. 2) Bill
on Tuesday, 19 April 2005, at 2:30 pm
in Conference Room B of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action required
000000 – 000040	Chairman	Confirmation of minutes of the meeting held on 31 March 2005 (LC Paper No. CB(1)1266/04-05) Opening remarks	
000041 – 000538	Administration	Briefing by the Administration on its letter dated 13 April 2005 (the Letter) on “Nominating Organizations for the Category of ‘Trade Unions’ and Further Changes to Proposed Functions” (LC Paper No. CB(1)1265/04-05(03)) (Clause 9)	
000539 – 002556	Ms LI Fung-ying Mr Patrick LAU Ms Emily LAU Administration	A member’s query of the following - (a) How Government would decide which two of the nominees put forward by the seven nominating organizations listed in Annex A to the Letter (the List) would be appointed to the Construction Industry Council (CIC) as representatives of trade unions of workers; and (b) Why would nominating organizations for the category of “trade unions” need to be labour unions registered for a minimum period of four years (the four-year requirement). The size of membership would suffice to prove the representation of a trade union. Another member’s emphasis on the need to set out clear criteria for selection of nominee(s) for appointment to CIC. In his view, to ensure accountability, the number of	

Time marker	Speaker	Subject(s)	Action required
		<p>nominees by professional bodies should be the same as the number of seats for the relevant category</p> <p>Administration's expression of the following points –</p> <p>(a) The present proposed hybrid model for the composition of CIC was intended to strike a compromise between the flexibilities of a non-prescriptive approach and proper recognition of industry bodies contributing to the reform initiatives. Having a larger pool of candidates for the Administration to select and appoint members to CIC would be conducive to achieving a fair balance of all interests;</p> <p>(b) The requirement that the nominating organizations should be incorporated/registered for a minimum of four years would be applicable to all categories concerned, aiming to provide a basis for assessing the participation of individual organizations in taking forward the reform agenda mapped out by the Construction Industry Review Committee in 2001 and to prevent proliferation of stakeholder groups aspiring to take part in the nominating mechanism.</p> <p>(c) In making appointment to CIC, the Administration would take into account the order of priority that would possibly be assigned to the candidates by their nominating organizations as well as other relevant issues including the abilities of individual nominees in contributing to the discussion of CIC; and</p>	

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		(d) The selection criteria set out in the Letter would not be stipulated in the Bill.	
002557 – 003353	Mr LEE Cheuk-yan Administration	<p>A member’s expression of the following views –</p> <p>(a) The number of CIC members from trade unions representing construction workers should be increased;</p> <p>(b) Representation was a more important factor to consider than history of formation when identifying nominating organizations; and</p> <p>(c) The proposed hybrid model was acceptable.</p> <p>The Administration reiterated the need for the four-year requirement and advised that the scope for an expanded representation of construction workers on CIC was being explored.</p>	The Administration to take action under paragraph 4(c) of the minutes
003354 –005528	Ms Emily LAU Mr Howard YOUNG Administration	<p>Administration’s provision of information on the membership size and representation of the proposed nominating organizations for the category of “trade unions”</p> <p>A member’s expression of the following views –</p> <p>(a) The phrase “in the opinion of the Secretary” should be deleted from clauses 9(3)(a) to 9(3)(e); and</p> <p>(b) To ensure accountability, the representatives of different categories of members on CIC should be selected by the nominating organizations in the</p>	

Time marker	Speaker	Subject(s)	Action required
		<p>respective categories instead of by the Government.</p> <p>Administration's expression of the following views –</p> <p>(a) The hybrid model was proposed in accordance with the suggestions made by the Bills Committee (BC) and considered a feasible way to address the concerns expressed by industry organizations on representation as well as accountability. It would also provide the flexibility necessary for the Administration to identify suitable candidates to sit on CIC; and</p> <p>(b) Appointment of CIC members in their personal capacities would enable them to represent all interests of respective categories and contribute from a more macro perspective</p> <p>Another member expressed support for the hybrid model but stressed the need to ensure transparency in drawing up the list of nominating organizations</p> <p>Administration's explanation that transparency was one of the major considerations in deciding how best the list could be promulgated. The feasibility of incorporating it into the Bill as a schedule was closely examined.</p>	<p>The Administration to take action under paragraph 4(d) of the minutes</p>

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005529 –010809	Ms LI Fung-ying Ms Emily LAU Mr Alan LEONG Administration	<p>Members’ emphasis on the following –</p> <p>(a) It was necessary to increase the number of CIC members representing construction workers from two to three in recognition of their divergent background; and</p> <p>(b) The needs and nature of individual categories, especially “trade unions”, must be considered.</p> <p>Administration’s expression of the following points –</p> <p>(a) Members of CIC should represent all interests within their respective categories and work for the well-being of the whole construction industry; and</p> <p>(b) There was a need to ensure a certain extent of consistency in the selection criteria for nominating organizations in the proposed hybrid model.</p>	
010810 –012852	Chairman Ms Emily LAU Ir Dr Raymond HO Mr WONG Kwok-hing Mr Howard YOUNG Administration	<p>A member’s reiteration of her stance as follows –</p> <p>(a) The phrase “in the opinion of the Secretary” should be deleted from clauses 9(3)(a) to 9(3)(e); and</p> <p>(b) To ensure accountability, the representatives of different categories of members on CIC should be selected by the respective categories and not by the Government.</p> <p>Other members’ expression of their stances as follows –</p> <p>(a) Nominating organizations should</p>	

Time marker	Speaker	Subject(s)	Action required
		<p>be identified to put forward candidates for selection and appointment to CIC, so that CIC members could represent the interests of both their respective categories and the whole construction industry; and</p> <p>(b) There was a need to ensure the representation of CIC members.</p> <p>Administration’s agreement to –</p> <p>(a) Review the drafting of clause 9 to enshrine the basic principle of representation;</p> <p>(b) Examine how clause 9 should be amended to address the concern about the phrase “in the opinion of the Secretary” in clauses 9(3)(a) to 9(3)(e) and whether the nominating organizations could be set out in a schedule to the Bill; and</p> <p>(c) Provide the revised updated lists of nominating organizations for the categories of “employers”, “professionals/consultants”, “contractors/subcontractors & materials/equipment suppliers” and “trade unions”.</p> <p>Administration’s indication of its tentative thinking to increase the number of members representing construction workers on CIC without enlarging CIC membership</p> <p>Some members’ view that to provide flexibility, the numbers of candidates to be nominated by different categories might vary and should not be stipulated</p>	<p>The Administration to take action under paragraph 4(b) of the minutes</p>

Time marker	Speaker	Subject(s)	Action required
		in the Bill	
012853 - 013842	Chairman Mr Abraham SHEK Mr Patrick LAU Mr Howard YOUNG Administration	<p>A member's expression of the following views –</p> <p>(a) The Administration should be allowed some flexibility to select and appoint CIC members from a larger pool of candidates;</p> <p>(b) The Administration should respond to the Hong Kong Construction Association's submission on composition of CIC; and</p> <p>(c) He withdrew his earlier view that the Housing Authority should be one of the nominating organizations for the category of "employers".</p> <p>Another member's emphasis on the need to ensure that every major construction-related profession, especially the architects, would be represented on CIC</p> <p>Administration's reiteration of its agreement to provide the revised updated lists of nominating organizations for the categories of "employers", "professionals/consultants", "contractors/subcontractors & materials/equipment suppliers" and "trade unions" (clauses 9(3)(a) to 9(3)(c) and 9(3)(e))</p>	The Administration to take action under paragraph 4(a) of the minutes
013843 – 015247	Administration Ms LI Fung-ying Mr Abraham SHEK	Briefing by the Administration on the proposed composition of the Construction Industry Training Board (CITB) (clause 2 in Schedule 3) (Item 6 of LC Paper No. CB(1)1161/04-05(02)). The Administration advised that since CITB would function as one of the major	

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		<p>committees underpinning CIC, a flexible model with individual candidates appointed on an ad personam basis should suffice. Moreover, as a hybrid model had been proposed for the composition of CIC and there might be overlap of membership between CIC and CITB, the Administration considered the proposed mode of composition of CITB appropriate.</p> <p>Discussion on how the BC should continue its scrutiny work pending resolution of staffing matters in the Construction Industry Training Authority (CITA), which were related to clause 82. A member's view that the Bill should only be passed upon resolution of the matters</p> <p>Administration's expression of the following points –</p> <p>(a) Efforts had been made to strive for an effective dialogue between the management and staff sides of CITA on organizational changes necessary to cope with the projected financial difficulties, including the introduction of a voluntary exit scheme; and</p> <p>(b) Clause 82 was adequate in ensuring the continuity of employment for all serving staff of CITA on their existing terms upon the amalgamation with CIC.</p>	
015248 – 015400	Chairman	Meeting arrangements	