

Bills Committee on Construction Industry Council (No.2) Bill**Administration's Responses to the Submission by
Hon Cheung Hok-ming, Member of the Bills Committee**

Clause	Views Expressed	Administration's Responses
6	<p>Clause 6 of the Bill stipulates that the Construction Industry Council (CIC) has the function of establishing and maintaining training centres for the construction industry. Would the Administration clarify if CIC plans to follow the proposal of the Vocational Training Council (VTC) on providing services for areas outside Hong Kong? If yes, is it necessary to amend the Bill with reference to the Vocational Training Council (Amendment) Bill 2004? Besides, what actions the Administration will take to tackle the problem of overlapping in functions between CIC and VTC?</p>	<p>The functions of CIC as proposed in the Bill are mainly for enhancing the standards and performance of the industry. By subsuming the Construction Industry Training Authority (CITA) as one of its committees, CIC will continue to provide training opportunities for the industry. Nonetheless, the services will not be available for areas outside Hong Kong.</p> <p>As the subject concerned involves major considerations such as institutional arrangement, resources allocation, cost effectiveness etc., and the possibility of overlapping functions with other organizations such as VTC calls for careful examination, CIC may have a thorough review of this matter when it is established upon the passage of the Bill.</p>
8(1)	<p>Clause 8(1) of the Bill stipulates that except with the approval of the Chief Executive, the CIC shall not sell or otherwise dispose of any land granted at nil premium by the Government. Would the Administration clarify if the term "otherwise dispose of" in this clause covers leasing, loaning or sharing such land? If yes, will this lessen the possibility of any collaboration between CIC and other organizations or individuals?</p>	<p>The legislative intent of Clause 8(1) of the Bill is to ensure that the land granted at nil premium by the Government to the organization concerned will not be abused. At present, same restriction is also contained in the Industrial Training (Construction Industry) Ordinance, the Industrial Training (Clothing Industry) Ordinance and the Pneumoconiosis (Compensation) Ordinance. We are seeking legal advice as to whether this clause covers leasing, loaning or sharing such land, and will revert to the Bills Committee in due course.</p>
9	<p>Clause 9 of the Bill stipulates the composition of CIC. Would the Administration clarify whether it is necessary to specify the remuneration of members (regardless of them being paid or not) and expenses in the Bill?</p>	<p>The members of CIC to be appointed by the Secretary for the Environment, Transport and Works (the Secretary) will not receive any remuneration for their appointment. It is hence not necessary for the Bill to make provisions on this issue.</p>

11&12	<p>Clauses 11 and 12 of the Bill stipulate the resignation and removal of CIC members. Would the Administration clarify whether the Bill should set out the responsibilities of members to surrender or account for the property or information of CIC upon their resignation or removal?</p>	<p>Since the handover arrangements upon resignation, removal, or expiry of the tenure of individual members should be set out in administrative rules or guidelines made by CIC, there is no need to provide the details in the Bill.</p>
12	<p>Clause 12 of the Bill stipulates the removal of CIC members. Would the Administration clarify whether the Bill should provide for how to regulate members who committed offences concerning dishonest behaviour such as those stipulated in Part II of the Prevention of Bribery Ordinance (Chapter 201)?</p>	<p>The Secretary may decide to remove a member according to Clause 12(d) of the Bill. The factors to be taken into account should include deeds and integrity of the member concerned.</p>
27	<p>Clause 27 of the Bill stipulates that CIC shall maintain proper accounts and prepare relevant statement. Would the Administration clarify the consequences of violating this clause and the interpretation of “as soon as practicable”?</p>	<p>It is stated in the Bill that CIC shall submit to the Secretary documents to be laid on the table of the Legislative Council within 6 months after the end of a financial year. Since the statement of accounts stipulated in Clause 27 and the report of the auditor are included in those required documents, the statement should generally be compiled within that period. If the accounts have not been properly maintained or the preparatory works have been delayed, resulting in failure to submit the reports in a timely manner, the Administration will apply to court for a mandamus commanding CIC to perform its statutory duties in very extreme cases.</p>
49	<p>Clause 49 of the Bill stipulates the recovery of levy, surcharge or penalty. Would the Administration consider exploring the feasibility of disclosing those who fail to make the proper payments so as to enhance the efficiency of enforcement actions?</p>	<p>The levy collection mechanism proposed in the Bill is adopted from long-standing practices of CITA in accordance with the Industrial Training (Construction Industry) Ordinance. Over the years, this mechanism has been operating with proven effectiveness. There seems no pressing need to step up the control on recovering the arrears.</p>