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1 <sup>st</sup> draft	13.6.2005	#122998 v2
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### COMMITTEE STAGE AMENDMENTS

### CONSTRUCTION INDUSTRY COUNCIL (NO. 2) BILL

**(Clauses 2, 5, 7, 9, 10, 12, 13, 14, 15, 18, 21, 56, 58, 59, 71 and 82 and new Schedule 1A, Schedule 2, Schedule 3 and Schedule 5)**

CONSTRUCTION INDUSTRY COUNCIL (NO. 2) BILL

**COMMITTEE STAGE**

Amendments to be moved by the Secretary for the  
Environment, Transport and Works

<u>Clause</u>	<u>Amendment Proposed</u>
2(1)	In the definition of "Objections Committee", by deleting "異議審核" and substituting "處理反對 事宜".
2(2)(a)(ii)	By deleting ", and the person for whom the construction operations are carried out is the contractor".
5	(a) In paragraph (a) -  (i) by adding ", and on matters of concern to the construction industry" after "industry";  (ii) in the Chinese text, by deleting "或作" and substituting "及作".  (b) In paragraph (e), by deleting "stakeholders in" and substituting

"persons connected with".

(c) In paragraph (h) -

(i) by deleting "procurement methods, site safety," and substituting "dispute resolution,";

(ii) by adding "multi-layer subcontracting, occupational safety and health, procurement methods, project management and supervision," after "protection,".

(d) By adding -

"(ha) to enhance the cohesiveness of the construction industry by promoting harmonious labour relations and the observance of statutory requirements relating to employment, and by facilitating communication among various sectors of the industry;".

(e) In paragraph (j), by deleting "monitor" and substituting "assess".

- 7(2)
  - (a) In paragraph (g), by deleting "stakeholders, companies or personnel of" and substituting "persons connected with".
  - (b) In paragraph (k), in the English text, by deleting "construction personnel" and substituting "personnel".
  - (c) In paragraph (t), by deleting "statutory objects" and substituting "functions".
  
- 9(1)
  - (a) By deleting paragraph (b).
  - (b) In paragraph (d), by deleting "20" and substituting "21".
  
- 9(3)
  - (a) In paragraph (a), by deleting ", in the opinion of the Secretary,".
  - (b) In paragraph (b), by deleting ", in the opinion of the Secretary,".
  - (c) In paragraph (c), by deleting ", in the opinion of the Secretary,".
  - (d) In paragraph (d), by deleting ", in the opinion of the Secretary,".
  - (e) In paragraph (e) -
    - (i) by deleting "2" and substituting "3";

- (ii) by deleting “, in the opinion of the Secretary,”.

9

By adding -

“(5) When appointing a member referred to in subsection (3)(a), (b), (c) or (e), the Secretary shall have regard to any nomination made for the purposes of such appointment by any one or more of the specified bodies.

(6) In subsection (5), “specified bodies” (指明團體) means -

- (a) in relation to subsection (3)(a), the bodies set out in Part 1 of Schedule 1A;
- (b) in relation to subsection (3)(b), the bodies set out in Part 2 of Schedule 1A;
- (c) in relation to subsection (3)(c), the bodies set out in Part 3 of Schedule 1A;
- and
- (d) in relation to subsection (3)(e), the bodies set out in Part 4 of Schedule

1A.".

- 10(1) In the Chinese text, by deleting everything after "成員" and substituting "的任期由局長決定，但不得超逾3年。".
- 10(2) By deleting everything after "but" and substituting "he may not serve as such a member continuously for more than 6 years.".
- 12 In paragraph (d), by deleting "the functions assigned to him" and substituting "his functions as such member".
- 13 By deleting the clause.
- 14 By deleting the heading and substituting "**Executive Director of Council**".
- 14 By deleting subclause (2) and substituting -  
"(2) The Executive Director shall be responsible to the Council for the management, conduct and administration of the Council and shall perform his functions as the Executive Director

subject to the Council's directions."

- 14 By deleting subclause (3).
- 15 By deleting the clause.
- 18(2)(g) In the Chinese text, by deleting "異議審核" and substituting "處理反對事宜".
- 21(3)(c) In the Chinese text, by deleting "異議審核" and substituting "處理反對事宜".
- 56 In the heading, in the Chinese text, by deleting "異議審核" and substituting "處理反對事宜".
- 56(2) In the Chinese text, by deleting "異議審核" and substituting "處理反對事宜".
- 56(3) In the Chinese text, by deleting "異議審核" where it twice appears and substituting "處理反對事宜".

- 56(4) In the Chinese text, by deleting “異議審核” and substituting “處理反對事宜”.
- 58 In the heading, in the Chinese text, by deleting “異議審核” and substituting “處理反對事宜”.
- 58(1) In the Chinese text, by deleting “異議審核” and substituting “處理反對事宜”.
- 58(2) In the Chinese text, by deleting “異議審核” and substituting “處理反對事宜”.
- 58(3) In the Chinese text, by deleting “異議審核” where it twice appears and substituting “處理反對事宜”.
- 59 In the heading, in the Chinese text, by deleting “異議審核” and substituting “處理反對事宜”.
- 59(1) In the Chinese text, by deleting “異議審核” and substituting “處理反對事宜”.



71 (a) In the heading, by adding "1A," before  
"2".

(b) By adding "1A," before "2".

82 By adding before subclause (1) -

"(1A) The employment of an employee  
of the CITA is not to be terminated by  
reason of the dissolution of the CITA.".

82(1) By deleting "dissolution of the CITA" and  
substituting "dissolution".

82(2) By deleting "such a person" and substituting  
"a person referred to in subsection (1)".

82 By adding -

"(3) This section applies  
notwithstanding sections 19 and 20.".

New By adding -

"SCHEDULE 1A [ss. 9 & 71]

SPECIFIED BODIES

PART 1

EMPLOYERS

1. Airport Authority
2. Kowloon-Canton Railway Corporation
3. MTR Corporation Limited
4. The Real Estate Developers  
Association of Hong Kong Limited

PART 2

PROFESSIONALS AND CONSULTANTS

1. The Hong Kong Institute of  
Architects
2. The Hong Kong Institute of Landscape  
Architects
3. The Hong Kong Institute of Planners
4. The Hong Kong Institute of Surveyors
5. The Hong Kong Institution of  
Engineers

PART 3

CONTRACTORS, SUBCONTRACTORS, MATERIALS  
SUPPLIERS AND EQUIPMENT SUPPLIERS

1. The Association of Plastering  
Sub-contractors Limited
2. Hong Kong Bar-bending Contractors  
Association, Limited
3. The Hong Kong Construction  
Association, Limited
4. Hong Kong Construction Materials  
Association Limited
5. The Hong Kong Federation of  
Electrical and Mechanical  
Contractors Limited
6. Hong Kong General Building  
Contractors Association Limited
7. Hong Kong Hydraulic Truck Cranes  
Association Limited

8. Hong Kong & Kowloon Scaffolders  
General Merchants Association  
Limited
9. Hong Kong Licensed Plumbers  
Association Limited
10. The Hong Kong Marble & Granite  
Merchants Association, Limited
11. The Registered Elevator and  
Escalator Contractors Association  
Limited

PART 4

TRADE UNIONS

1. Construction Site Workers General  
Union
2. Consultant Engineering Firm Resident  
Site Staff Association
3. Hong Kong and Kowloon Electrical  
Engineering and Appliances Trade  
Workers Union

4. Hong Kong Construction Industry  
Employees General Union
5. Hong Kong Electrical Engineering  
Professional Employees Association
6. Hong Kong General Union of Lift and  
Escalator Employees
7. Union of Hong Kong Electrical  
Engineering Assistants".

Schedule 2,  
section 1

- (a) In the definition of "chairman", by deleting everything after "section 9(1)(a) of this Ordinance" and substituting a semicolon.
- (b) In the definition of "member", by deleting everything after "section 9(1) of this Ordinance" and substituting a full stop.

Schedule 2

By adding -

**"6A. Keeping of register by Council**

- (1) The Council is to establish and

maintain a register for the purpose of keeping a record of any disclosure made by a member.

(2) The Council may determine the form of the register, including the manner of making entries in it.

(3) After a disclosure is made by a member, the Council is to cause the name of that member and the particulars of the disclosure to be recorded in the register; if a further disclosure is made, the Council is to cause those particulars to be recorded in the register after such disclosure is made.

(4) For the purpose of enabling any member of the public to ascertain the particulars of the disclosure made by a member, the Council is to make available the register for inspection by the public at any reasonable time.

(5) In this section, "disclosure" (披露) means a disclosure of pecuniary interest required to be made under section 6."

Schedule 2 By adding -

**"7A. Meetings of Council to be held in public**

(1) Subject to subsection (2), a meeting of the Council shall be open to the public.

(2) Subsection (1) does not apply to a meeting of the Council or a part of a meeting of the Council in the following circumstances -

(a) if, in the opinion of the Council, it is likely that the application of subsection (1) would result -

(i) in premature release of information concerning any financial matter or investment of the Council; or

(ii) in a disclosure of information in breach of any law, order or

direction of a  
court or  
tribunal, duty  
of  
confidentiality,  
or other legal  
obligation or  
duty;

(b) if, in the opinion of the  
Council, it is likely that  
any matter to be discussed  
or considered at the  
meeting or part of the  
meeting -

(i) concerns  
personnel  
matters; or

(ii) concerns a  
particular case  
that involves  
the carrying out  
of any provision  
of this  
Ordinance  
relating to the



levy, surcharge,  
penalty or  
further penalty;  
or

(c) if the Council, having regard to all the circumstances of a particular case, reasonably considers that subsection (1) should not apply to the meeting or part of the meeting."

Schedule 2 By deleting section 9 and substituting -

**"9. Resolutions without meetings**

(1) Subject to section 2(2) and this section, any business that may be transacted by a resolution of the Council in a meeting may be validly transacted, without a meeting, by a resolution in writing if -

(a) the resolution is signed and endorsed by more than half of the eligible members; and

(b) it is so signed and endorsed within the specified period.

(2) If a resolution is in the form of more than one document, the requirements of subsection (1)(a) are to be regarded as satisfied if each document is in the like form and the documents together bear the signatures of, and have been endorsed by, more than half of the eligible members.

(3) A telex, cable or facsimile, or an electronically transmitted document, that bears the signature of an eligible member is to be regarded as signed by that member.

(4) A resolution in the form of more than one document is to be regarded as made on the date on which the resolution is signed by the last member to sign and endorse it within the specified period.

(5) A member may, within the specified period, give notice in writing to the chairman requiring that the

business to which the resolution relates be transacted at a meeting of the Council.

(6) Where a notice is given under subsection (5), the following applies -

(a) the business to which the resolution relates may not be transacted in the manner described in subsection (1);

(b) a resolution for the purposes of subsection (1) may not be made or regarded as having been made.

(7) For the purposes of this section -

"eligible member" ( ) means a member who, on the date on which the resolution is made, is entitled to attend and vote at a meeting of the Council in respect of the business;

"endorse" ( ), in relation to a resolution, includes to endorse the transaction of the business by a

resolution without a meeting of the Council;

"specified period" (), in relation to any business referred to in subsection (1), means a period -

(a) that is determined by the chairman and specified in the documents circulated for the purposes of transacting the business; and

(b) within which a member may indicate to the Council as to whether he endorses the resolution."

Schedule 3,  
section 1

In the definition of "Board member", by deleting everything after "section 2" and substituting a semicolon.

Schedule 3

By deleting section 3 and substituting -

**"3. Term of office of Board member who is not public officer**

(1) Subject to subsection (2), a Board member who is not a public

officer -

(a) holds office for a period determined by the Council; and

(b) is eligible for reappointment on the expiry of his term of office.

(2) A Board member who is not a public officer may not serve as such a member continuously for more than 6 years."

Schedule 3 By deleting section 5.

Schedule 3 By deleting section 12.

Schedule 5, section 4 By deleting "103." and "104." and substituting "104." and "105." respectively.

Schedule 5, section 6(b) In the proposed section 2(2)(a)(ii), by deleting ", and the person for whom the construction operations are carried out is the contractor".

Schedule 5,      By deleting "71." and substituting "72."  
section  
26(b)