

**A Comparison of the Construction Industry Council (No.2) Bill  
with Relevant Provisions of the Industrial Training (Construction Industry) Ordinance (Cap.317)**

<b>CIC (No. 2) Bill</b> <sup>Note 1</sup>		<b>Industrial Training (Construction Industry) Ordinance (Cap.317)</b>
<b>Part 1</b>	Short title and commencement <b>(Section 1)</b>	(1) This Ordinance may be cited as the Construction Industry Council (No. 2) Ordinance.  (2) <b>This Ordinance shall come into operation on a day to be appointed by the Secretary for the Environment, Transport and Works by notice published in the Gazette.</b>
	Interpretation <b>(Section 2)</b>	(1) In this Ordinance, unless the context otherwise requires –  "appointed day" (指定日期) means the day on which Part 9 comes into operation;  "appointed member" (委任成員) means a member of the Council appointed under section 9(1)(a) or (d);  "authorized person" (獲授權人), in relation to
		(1) In this Ordinance, unless the context otherwise requires-  "Authority" (訓練局) means the Construction Industry Training Authority established by section 4;  "authorized person" (獲授權人) means -  (a) in relation to construction operations not carried out for the Crown -  (i) the authorized person appointed under

<sup>Note 1</sup> Contents of the (CIC No.2) Bill that have no corresponding provisions in the Industrial Training (Construction Industry) Ordinance (Cap.317) are highlighted in bold type, whereas the proposed Committee Stage Amendments (CSAs) are indicated in revision mode and shown in italic print.

	<p style="text-align: center;"><b>CIC (No. 2) Bill</b><sup>Note 1</sup></p>	<p style="text-align: center;"><b>Industrial Training (Construction Industry) Ordinance (Cap.317)</b></p>
	<p>construction operations, means –</p> <p>(a) the authorized person appointed or nominated under section 4 of the Buildings Ordinance (Cap. 123) in respect of the construction operations; or</p> <p>(b) if no authorized person is appointed under that section, the person appointed in accordance with section 68 in respect of the construction operations;</p> <p><b>“Board” (訓練委員會) means the Construction Industry Training Board established under section 31;</b></p> <p>“building” (建築物) has the meaning assigned to it in section 2(1) of the Buildings Ordinance (Cap. 123);</p> <p><b>“carry out” (進行), in relation to any construction operations, includes –</b></p> <p>(a) <b>to manage, or to arrange for, the carrying out of the construction operations;</b></p>	<p>section 4 of the Buildings Ordinance (Cap 123); or</p> <p>(ii) if no such authorized person has been appointed, the person appointed under section 34(2);</p> <p>(b) in relation to construction operations carried out for the Crown, the person appointed under section 34(1);</p> <p>(c) (Repealed 3 of 2004 s. 3)</p> <p>"building" (建築物) has the meaning assigned to it in section 2(1) of the Buildings Ordinance (Cap 123);</p> <p>"building works" (建築工程) has the meaning assigned to it in section 2(1) of the Buildings Ordinance (Cap 123);</p> <p>"chairman" (主席) means the chairman of the Authority appointed under section 8;</p> <p>"construction contract" (建造合約) means a contract between an employer and a contractor under which the contractor carries out construction operations, but does not include a contract of employment;</p>

	CIC (No. 2) Bill <sup>Note 1</sup>	Industrial Training (Construction Industry) Ordinance (Cap.317)
	<p>(b) to provide one’s own labour or that of any other person for the carrying out of the construction operations; and</p> <p>(c) otherwise to undertake the construction operations;</p> <p>“CITA” (訓練局) means the Construction Industry Training Authority established by section 4 of the Industrial Training (Construction Industry) Ordinance (Cap. 317) and in existence before the commencement of section 73;</p> <p>“construction contract” (建造合約) means a contract between an employer and a contractor under which the contractor carries out construction operations but does not include a contract of employment;</p> <p>“construction industry” (建造業) means the industry in which construction operations are carried out;</p> <p>“construction operations” (建造工程) has the meaning assigned to it in Schedule 1;</p> <p>“contract of employment” (僱傭合約) has the</p>	<p>"construction industry" (建造業) means the industry in which construction operations are carried out;</p> <p>"construction operations" (建造工程), subject to section 3A, has the meaning assigned to it in Schedule 1;</p> <p>"contract of employment" (僱傭合約) has the meaning assigned to it in section 2(1) of the Employment Ordinance (Cap 57);</p> <p>"contractor" (承建商) means-</p> <p>(a) in relation to construction operations not carried out for the Crown -</p> <p>(i) the person appointed as contractor under section 9 of the Buildings Ordinance (Cap 123); or</p> <p>(ii) if no such person has been appointed, the person carrying out the construction operations;</p> <p>(b) in relation to operations carried out for the Crown, the person carrying out the construction operations, whether the construction operations are carried out under a contract or otherwise;</p>

	CIC (No. 2) Bill <sup>Note 1</sup>	Industrial Training (Construction Industry) Ordinance (Cap.317)
	<p>meaning assigned to it in section 2(1) of the Employment Ordinance (Cap. 57);</p> <p>“contractor” (承建商), in relation to any construction operations (whether the construction operations are carried out under a contract or otherwise), means –</p> <p>(a) the person appointed as contractor under section 9 of the Buildings Ordinance (Cap. 123) in respect of the construction operations; or</p> <p>(b) if no such person is appointed, the person who carries out the construction operations;</p> <p><b>“Council” (議會) means the Construction Industry Council established by section 4;</b></p> <p>“employer” (聘用人) means a person for whom a contractor carries out construction operations, whether under a contract or otherwise;</p> <p><b>“Executive Director” (執行總監) means the Executive Director appointed under section 14;</b></p>	<p>(c) (Repealed 3 of 2004 s. 3)</p> <p>"employer" (僱主) means a person for whom construction operations are carried out by a contractor, whether under a contract or otherwise;</p> <p>"financial year" (財政年度) means the period fixed by the Authority under section 15(2);</p> <p>"further penalty" (另加罰款) means the further penalty payable under section 27(1B);</p> <p>"levy" (徵款) means the construction industry levy imposed under section 21;</p> <p>"member" (委員) means a member of the Authority appointed under section 7;</p> <p>"penalty" (罰款) means the penalty payable under section 27(1A);</p> <p>"specified amount" (指明數額) means the amount specified in Part 2 of Schedule 2;</p> <p>"specified rate" (指明徵款率) means the rate of levy specified in Part 1 of Schedule 2;</p>

	CIC (No. 2) Bill <sup>Note 1</sup>	Industrial Training (Construction Industry) Ordinance (Cap.317)
	<p>“financial year” (財政年度) means the period fixed as the financial year of the Council under section 24(1);</p> <p><b>“function” (職能) includes a power, authority or duty;</b></p> <p>“further penalty” (另加罰款) means any further penalty payable under section 48(3);</p> <p>“levy” (徵款) means the Construction Industry Levy referred to in section 34(2);</p> <p><b>“notice of assessment” (評估通知) means a notice of assessment described in section 35(3);</b></p> <p><b>“notice of surcharge” (附加費通知) means a notice of the surcharge referred to in section 43(3);</b></p> <p><b>“Objections Committee” (異議審核委員會) means the committee established under section 56;</b></p> <p><b>“objector” (反對者) means a person who makes an objection under section 57;</b></p>	<p>"street" (街道) has the meaning assigned to it in section 2(1) of the Buildings Ordinance (Cap 123);</p> <p>"street works" (街道工程) has the meaning assigned to it in section 2(1) of the Buildings Ordinance (Cap 123);</p> <p>"surcharge" (附加費) means the surcharge under section 26(7);</p> <p>"term contract" (固定期合約) means a construction contract -</p> <p>(a) that provides for completion of all construction operations to which the contract relates within a specified period (whether or not such period may be subsequently varied by agreement); and</p> <p>(b) under which a contractor carries out construction operations as required by the employer concerned by any notice from time to time issued within the specified period by or on behalf of the employer to the contractor under the contract;</p> <p>"total value" (總價值), in relation to construction operations, has the meaning assigned to it in section 2B;</p> <p>"trade union" (職工會) means a trade union registered under the Trade Unions Ordinance (Cap 332);</p>

	<p style="text-align: center;"><b>CIC (No. 2) Bill</b><sup>Note 1</sup></p>	<p style="text-align: center;"><b>Industrial Training (Construction Industry) Ordinance (Cap.317)</b></p>
	<p>“penalty” (罰款) means any penalty payable under section 48(2);</p> <p><b>“Secretary” (局長) means the Secretary for the Environment, Transport and Works;</b></p> <p>“surcharge” (附加費) means any surcharge imposed under section 43;</p> <p>“term contract” (固定期合約) means a construction contract –</p> <p>(a) that provides for completion of all construction operations to which the contract relates within a specified period (whether or not such period may be varied by agreement); and</p> <p>(b) under which a contractor carries out construction operations as required by the employer by any notice issued from time to time within the specified period by or on behalf of the employer to the contractor;</p> <p>“total value” (總價值), in relation to any construction operations, means the total value of the construction operations as defined in section</p>	<p>"value" (價值), in relation to construction operations, has the meaning assigned to it in section 2A;</p> <p>"works order" (施工通知) means a notice -</p> <p>(a) issued by or on behalf of an employer to a contractor under a term contract; and</p> <p>(b) by which the employer requires construction operations to be carried out by the contractor.</p> <p>(2) For the purposes of this Ordinance -</p> <p>(a) where a person carries out any construction operations for any other person under a contract of employment, the construction operations shall be regarded as carried out by-</p> <p>(i) subject to subparagraph (ii), that other person; or</p> <p>(ii) where the first-mentioned person is a contractor by virtue of paragraph (a)(i) of the definition of "contractor", the first-mentioned person;</p> <p>(b) where a person carries out any construction operations for himself without arrangement (except under a contract of employment) for the carrying out of such</p>

CIC (No. 2) Bill <sup>Note 1</sup>		Industrial Training (Construction Industry) Ordinance (Cap.317)
	<p>55;</p> <p>“value” (價值), in relation to any construction operations, means the value of the construction operations as determined under section 54;</p> <p>“works order” (施工通知) means a notice issued by or on behalf of an employer to a contractor under a term contract, by which the employer requires construction operations to be carried out.</p> <p>(2) Without affecting the generality of the definitions of “contractor” and “employer” under subsection (1), the following applies for the purposes of construing those terms –</p> <p>2(a) where a person carries out construction operations for any other person under a contract of employment –</p> <p>(i) if the first-mentioned person is appointed as contractor under section 9 of the Buildings Ordinance (Cap. 123) in respect of the construction operations, he (and not that other person) is the contractor in respect of the construction operations; and</p>	<p>operations by any other person, the first-mentioned person shall, apart from being the person who carries out the construction operations, also be regarded as the person for whom such operations are carried out,</p> <p>and the definitions of "contractor" and "employer" and the other provisions of this Ordinance shall be construed accordingly. (Replaced 3 of 2004 s. 3)</p> <p>(3) For the purposes of this Ordinance, a person shall be regarded as undertaking or carrying out construction operations if-</p> <p>(a) he manages, or arranges for, the carrying out of the construction operations by any other person for the employer concerned, whether by way of sub-contracting or otherwise; or</p> <p>(b) he provides his own labour or that of any other person for the carrying out of the construction operations.</p> <p>(Section 2)</p>

CIC (No. 2) Bill <sup>Note 1</sup>		Industrial Training (Construction Industry) Ordinance (Cap.317)
	<p>(ii) if the first-mentioned person is not appointed as contractor under section 9 of the Buildings Ordinance (Cap. 123) in respect of the construction operations, the first-mentioned person is not the contractor in respect of the construction operations, <del>and the person for whom the construction operations are carried out is the contractor;</del></p> <p>(b) where a person carries out construction operations for himself without any arrangement for the carrying out of the construction operations by any other person, the first-mentioned person is both the contractor and the employer in respect of the construction operations;</p> <p>(c) where a person carries out construction operations for himself with the assistance, under a contract of employment, of one or more other persons none of whom is appointed as contractor under section 9 of the Buildings Ordinance (Cap. 123) in respect of the construction operations, the first-mentioned person is both the contractor and the employer in respect of the construction operations.</p>	



<b>CIC (No. 2) Bill<sup>Note 1</sup></b>		<b>Industrial Training (Construction Industry) Ordinance (Cap.317)</b>	
	Application to Government <b>(Section 3)</b>	This Ordinance binds the Government.	This Ordinance shall bind the Crown.  (Section 3)
<b>Part 2</b>	Establishment of Construction Industry Council <b>(Section 4)</b>	<p>(1) There is established by this section a body to be known as the “Construction Industry Council”.</p> <p>(2) The Council is a body corporate with perpetual succession and is required to have a common seal.</p> <p>(3) The Council may sue and be sued in its corporate name.</p> <p>(4) <b>The Council is not to be regarded as the servant or agent of the Government or as enjoying any status, immunity or privilege of the Government.</b></p>	<p>(1) There is hereby established an authority, to be known as the Construction Industry Training Authority, which shall in that name be a body corporate with perpetual succession and shall be capable of suing and being sued.</p> <p>(2) The Authority shall have a common seal, the affixing of which shall be authenticated by the signature of any 2 members.</p> <p>(Section 4)</p>
	Functions of Council <b>(Section 5)</b>	<p><b>The functions of the Council are –</b></p> <p>(a) <b>to advise and make recommendations to the Government on strategic matters, major policies and legislative proposals, that may affect or are connected with the construction industry, and on matters of concern to the construction industry;</b></p>	<p>The Authority shall have the following functions-</p> <p>(d) to make recommendations with respect to the rate of levy;</p> <p>(Section 5)</p>

	CIC (No. 2) Bill <sup>Note 1</sup>	Industrial Training (Construction Industry) Ordinance (Cap.317)
	<p>(b) to reflect to the Government the construction industry's needs and aspirations;</p> <p>(c) to elevate the quality and competitiveness of the construction industry by promoting the ongoing development and improvement of the industry;</p> <p>(d) to uphold professionalism and integrity within the construction industry by promoting self-regulation, formulating codes of conduct and enforcing such codes;</p> <p>(e) to improve the performance of stakeholders <del>in</del> <i>persons connected with</i> the construction industry through establishing or administering registration schemes or rating schemes;</p> <p>(f) to advance the skills of personnel in the construction industry through planning, promotion, supervision, provision or coordination of training courses or programmes;</p> <p>(g) to encourage research activities and the use of innovative techniques and to establish or promote the establishment of standards for the construction industry;</p>	

	CIC (No. 2) Bill <sup>Note 1</sup>	Industrial Training (Construction Industry) Ordinance (Cap.317)
	<p>(h) to promote good practices in the construction industry in relation to <i>dispute resolution, procurement methods, site safety, environmental protection, multi-layer subcontracting, occupational safety and health, procurement methods, project management and supervision</i>, sustainable construction and other areas conducive to improving construction quality;</p> <p>(ha) <i>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;</i></p> <p>(i) to serve as a resource centre for the sharing of knowledge and experience within the construction industry;</p> <p>(j) to monitor improvements made by the construction industry through the compilation of performance indicators;</p> <p>(k) to make recommendations with respect to the rate of the levy imposed under this Ordinance;</p>	

CIC (No. 2) Bill <sup>Note 1</sup>		Industrial Training (Construction Industry) Ordinance (Cap.317)
	<p>and</p> <p><b>(l) to perform any other functions relevant to the construction industry, including those functions conferred or imposed on it by or under this Ordinance or any other enactment.</b></p>	
Supplementary functions of Council <b>(Section 6)</b>	<p>Without limiting section 5, the Council also has the following functions –</p> <p>(a) to provide training courses for the construction industry;</p> <p>(b) to establish and maintain industrial training centres for the construction industry;</p> <p>(c) to assist, including by the provision of financial assistance, in the placement of persons who have completed training courses provided for the construction industry;</p> <p>(d) to assess the standards of skills achieved by any person in any kind of work involving or in connection with the construction industry, to conduct examinations and tests, to issue or award certificates of attendance or competence, and to establish the standards to be achieved in respect of any such work;</p>	<p>The Authority shall have the following functions-</p> <p>(a) to provide training courses for the construction industry;</p> <p>(b) to establish and maintain industrial training centres therefor;</p> <p>(c) to assist, including to assist by way of financial provision, in the placement of persons completing training courses;</p> <p>(e) to assess the standards of skills achieved by anyone in any kind of work involving or in connection with the construction industry, conduct examinations or tests, issue or award certificate of competence and establish the standards to be achieved in respect of such work.</p> <p>(Section 5)</p> <p>Notwithstanding anything in this Ordinance, the Authority may—</p>

<b>CIC (No. 2) Bill<sup>Note 1</sup></b>		<b>Industrial Training (Construction Industry) Ordinance (Cap.317)</b>
	<p>(e) where it is appointed under the Construction Workers Registration Ordinance (18 of 2004) as the Registrar of Construction Workers under that Ordinance, to perform the functions conferred or imposed on the Registrar by or under that Ordinance or any other enactment.</p>	<p>(a) if appointed under section 36(1) of the Construction Workers Registration Ordinance (Cap 583), act as the Registrar of Construction Workers under that Ordinance; and</p> <p>(b) as such, perform the functions as are imposed on, and exercise the powers as are conferred on, the Registrar under that Ordinance or any other enactment.</p> <p>(Section 6A)</p>
<b>Powers of Council (Section 7)</b>	<p>(1) The Council may do all such things as are necessary for, or incidental or conducive to, the performance of its functions.</p> <p>(2) Without limiting subsection (1), the Council may –</p> <p>(a) hold, acquire or lease any kind of property, whether movable or immovable;</p> <p>(b) subject to section 8(1), sell or otherwise dispose of any kind of property, whether movable or immovable;</p> <p>(c) enter into, assign or accept the assignment of, and vary or rescind, any contract or obligation;</p> <p>(d) subject to section 8(2) and (3), meet the</p>	<p>(1) The Authority may do all such things as are necessary for, or incidental or conducive to, the better carrying out of the functions of the Authority and may in particular, but without prejudice to the generality of the foregoing–</p> <p>(a) hold, acquire or lease all kinds of property, whether movable or immovable;</p> <p>(b) subject to subsection (2), sell or otherwise dispose of all kinds of property whether movable or immovable;</p> <p>(c) enter into, assign or accept the assignment of, and vary or rescind any contract or obligation;</p> <p>(d) subject to subsection (3), meet expenditure on any item shown in the approved estimates of expenditure of the Authority, borrow or otherwise</p>

CIC (No. 2) Bill <sup>Note 1</sup>		Industrial Training (Construction Industry) Ordinance (Cap.317)
	<p>expenditure on any item shown in the estimates of expenditure of the Council, borrow or otherwise raise money on such security as may be necessary, and charge all or any of the property of the Council for the purposes of meeting its expenditure;</p> <p>(e) charge fees for the use of any facility or service provided by the Council or in respect of any registration scheme or rating scheme established or administered by the Council;</p> <p>(f) engage any technical, professional or other person to provide any such facility or service, and determine any matter relating to such engagement;</p> <p><b>(g) devise, establish, operate and maintain registration schemes or rating schemes in respect of stakeholders, <del>companies</del> or <del>personnel</del> of persons connected with the construction industry;</b></p> <p><b>(h) conduct research into any matter relating to its functions;</b></p> <p><b>(i) determine standards for application in the construction industry, in particular the standards for designs, processes,</b></p>	<p>raise money on such security as may be necessary, and for that purpose, charge all or any of the property of the Authority;</p> <p>(e) make charges for the use of any facility or service provided by the Authority;</p> <p>(f) engage the services of other bodies to perform any of its functions under section 5(a) and (e).</p> <p>(Section 6)</p>

CIC (No. 2) Bill <sup>Note 1</sup>		Industrial Training (Construction Industry) Ordinance (Cap.317)
	<p><b>construction techniques, products, materials and methods of procurement and recommend the adoption of such standards;</b></p> <p><b>(j) collect, analyse, compile, publish and disseminate information relating to the construction industry or such other subject as may be necessary for the performance of its functions;</b></p> <p><b>(k) formulate, issue and promulgate codes of conduct for <del>construction</del> personnel and good practices in the construction industry;</b></p> <p><b>(l) investigate or otherwise dispose of complaints concerning any code of conduct, registration scheme or rating scheme;</b></p> <p><b>(m) conduct reviews in respect of codes of conduct, registration schemes and rating schemes;</b></p> <p><b>(n) set training requirements, provide and approve training courses and conduct examinations and tests, in respect of construction operations;</b></p>	

CIC (No. 2) Bill <sup>Note 1</sup>		Industrial Training (Construction Industry) Ordinance (Cap.317)
	<p>(o) issue and award certificates of attendance or competence in respect of such training courses, examinations and tests and oversee and administer apprenticeship schemes for the construction industry;</p> <p>(p) organize and arrange seminars, exhibitions, workshops, conferences or training courses or programmes for the construction industry;</p> <p>(q) engage in publicity activities in any form that the Council considers appropriate;</p> <p>(r) form or manage or participate in the formation or management of any company or engage the services of any other body;</p> <p>(s) acquire or dispose of shares in any company; and</p> <p>(t) receive any funds, donations or gifts lawfully given for a purpose consistent with its <del>statutory</del> objects <i>functions</i>.</p>	
Limitations on Council's powers <b>(Section 8)</b>	(1) Except with the approval of the Chief Executive, the Council shall not sell or otherwise dispose of any land granted at nil premium by the Government.	(2) Authority shall not sell or otherwise dispose of land granted at nil premium by the Government except with the prior approval of the Chief Executive.



CIC (No. 2) Bill <sup>Note 1</sup>		Industrial Training (Construction Industry) Ordinance (Cap.317)
	<p>(2) Except with the approval of the Financial Secretary, the Council shall not borrow or otherwise raise an amount which by itself exceeds 10% of the total estimated expenditure of the Council for the current financial year.</p> <p>(3) Except with the approval of the Financial Secretary, the Council shall not borrow or otherwise raise an amount if the aggregate of that amount and the outstanding amounts previously borrowed or otherwise raised exceeds 10% of the total estimated expenditure of the Council for the current financial year.</p>	<p>(3) Except with the prior approval of the Financial Secretary, no sum shall be borrowed or otherwise raised under subsection (1)(d) which itself, or together with all other sums previously borrowed or otherwise raised under that subsection and still outstanding, exceeds, or in the aggregate exceeds, 10 per cent of the approved total estimated expenditure for the current financial year.</p> <p>(Section 6)</p>
Composition of Council <b>(Section 9)</b>	<p>(1) The Council is to consist of –</p> <p>(a) a chairman appointed by the Secretary;</p> <p><del>(b) the Executive Director;</del></p> <p>(c) not more than 3 public officers appointed by the Secretary; and</p> <p>(d) not more than 20 21 other members appointed by the Secretary.</p> <p>(2) The Secretary may not appoint a public officer under subsection (1)(a) or (d).</p>	<p>(1) The Authority shall consist of 13 members appointed by the Chief Executive of whom- (Amended 36 of 1991 s. 2)</p> <p>(a) 2 shall be persons nominated by the Hong Kong Construction Association Limited; (Amended L.N. 336 of 1988)</p> <p>(b) 1 shall be a person nominated by the Hong Kong Federation of Electrical and Mechanical Contractors Limited; (Replaced 3 of 2004 s. 7)</p>

CIC (No. 2) Bill <sup>Note 1</sup>		Industrial Training (Construction Industry) Ordinance (Cap.317)
	<p>(3) Of the members referred to in subsection (1)(d) –</p> <p>(a) not more than 4 are to be persons who, <del>in the opinion of the Secretary,</del> represent employers;</p> <p>(b) not more than 4 are to be persons who, <del>in the opinion of the Secretary,</del> represent professionals or consultants connected with the construction industry;</p> <p>(c) not more than 5 are to be persons who, <del>in the opinion of the Secretary,</del> represent contractors, subcontractors, materials suppliers or equipment suppliers in the construction industry;</p> <p>(d) not more than 2 are to be persons who, <del>in the opinion of the Secretary,</del> represent training institutes or academic or research institutions connected with the construction industry;</p> <p>(e) not more than <del>2</del> 3 are to be persons who, <del>in the opinion of the Secretary,</del> are from trade unions representing workers employed in the construction industry that are registered under the Trade Unions</p>	<p>(c) 1 shall be a person nominated by the Hong Kong Institute of Architects;</p> <p>(d) 1 shall be a person nominated by the Hong Kong Institute of Surveyors; (Amended 73 of 1999 s. 5)</p> <p>(e) 1 shall be a structural engineer nominated by the Hong Kong Institution of Engineers; (Amended 60 of 1982 s. 2; 3 of 2004 s. 7)</p> <p>(f) 1 shall be a civil engineer nominated by the Hong Kong Institution of Engineers;</p> <p>(g) 1 shall be a person who holds office as an official of a trade union representing workers employed in the construction industry;</p> <p>(gaa) 1 shall be a person who holds office as an official of a trade union representing electrical and mechanical workers employed in the construction industry; (Added 3 of 2004 s. 7)</p> <p>(ga) 1 shall be a person nominated by the Executive Director of the Vocational Training Council; (Added 36</p>

	CIC (No. 2) Bill <sup>Note 1</sup>	Industrial Training (Construction Industry) Ordinance (Cap.317)
	<p>Ordinance (Cap. 332); and</p> <p>(f) not more than 3 are to be such other persons as the Secretary thinks fit to be members of the Council.</p> <p><b>(4) The Secretary shall give notice in the Gazette of an appointment under subsection (1)(a), (c) or (d).</b></p> <p><b>(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.</b></p> <p><b>(6) In subsection (5), “specified bodies” ( ) means –</b></p> <p><b>(a) in relation to subsection (3)(a), the bodies set out in Part 1 of Schedule 1A;</b></p> <p><b>(b) in relation to subsection (3)(b), the bodies set out in Part 2 of Schedule 1A;</b></p> <p><b>(c) in relation to subsection (3)(c), the bodies set out in Part 3 of Schedule 1A; and</b></p> <p><b>(d) in relation to subsection (3)(e), the</b></p>	<p>of 1991 s. 2)</p> <p>(h) 2 shall be public officers; and (Amended 36 of 1991 s. 2)</p> <p>(i) 1 shall be a person, not being a public officer or person connected with any of the organizations mentioned in paragraphs (a) to (ga). (Amended 36 of 1991 s. 2)</p> <p>(Section 7)</p> <p>(1) The Chief Executive shall appoint a member to be chairman of the Authority.</p> <p>(Section 8)</p>

<b>CIC (No. 2) Bill<sup>Note 1</sup></b>		<b>Industrial Training (Construction Industry) Ordinance (Cap.317)</b>	
		<i>bodies set out in Part 4 of Schedule 1A.</i>	
Term of office of appointed member and member who is public officer <b>(Section 10)</b>	<p>(1) An appointed member holds office for a period not exceeding 3 years as determined by the Secretary.</p> <p>(2) An appointed member is eligible for reappointment on the expiry of his term of office, but may not hold office for more than 2 consecutive terms.</p> <p>(3) <b>A member who is a public officer holds office at the discretion of the Secretary.</b></p>	<p>(2) A member who is not a public officer appointed under subsection (1)(h) shall, unless his appointment is terminated or otherwise ceases, hold office for such period as the Chief Executive may specify.</p> <p>(3) On the expiration of his period of appointment or reappointment, as the case may be, any such member shall be eligible for reappointment for such further term as the Chief Executive may specify.</p> <p>(Section 7)</p>	
Resignation of appointed member <b>(Section 11)</b>	<p>(1) An appointed member may resign at any time by giving notice in writing to the Secretary.</p> <p>(2) A resignation takes effect on the date specified in the notice of resignation or, if a date is not specified, on the date the Secretary receives the notice.</p>	<p>(4) Any such member may at any time resign from office by giving notice in writing to the Chief Executive, and he shall cease to be a member from the date specified in the notice or, if no date is specified, from the date of the receipt by the Chief Executive of the notice.</p> <p>(Section 7)</p>	
Removal of appointed member <b>(Section 12)</b>	<p><b>The Secretary may terminate the appointment of an appointed member if the member –</b></p> <p>(a) <b>has been absent from 3 consecutive meetings of the Council without the Council’s permission;</b></p>		

CIC (No. 2) Bill <sup>Note 1</sup>		Industrial Training (Construction Industry) Ordinance (Cap.317)
	<p>(b) becomes bankrupt or enters into a voluntary arrangement within the meaning of section 2 of the Bankruptcy Ordinance (Cap. 6) with his creditors;</p> <p>(c) is incapacitated by physical or mental illness; or</p> <p>(d) is for any other reason unable or unfit, in the opinion of the Secretary, to perform the functions assigned to him.</p>	
Casual vacancies (Section 13)	<p>(1) If an appointed member is temporarily absent from Hong Kong or is unable to perform the functions of his office for any other reason, the Secretary may appoint another person to act in his place during his absence or incapacity.</p> <p>(2) Only a person who satisfies the same criteria that applied to the appointment of the member replaced may be appointed under subsection (1).</p> <p>(3) The Secretary shall give notice in the Gazette of an appointment under subsection (1).</p>	<p>(5) If any member other than the chairman is absent from Hong Kong or is for any other reason unable to exercise the powers or perform the duties of his office as member, the Chief Executive may appoint another person to be a temporary member in his place during his absence or incapacity.</p> <p>(Section 7)</p> <p>(2) If the chairman is absent from Hong Kong or is for any other reason unable to act as chairman, the Chief Executive may appoint another member to be chairman in his place during his absence or incapacity.</p> <p>(Section 8)</p>

<b>CIC (No. 2) Bill<sup>Note 1</sup></b>		<b>Industrial Training (Construction Industry) Ordinance (Cap.317)</b>
Appointment of Executive Director (Section 14)	<p>(1) <b>The Council shall appoint a person who is not a public officer to be the Executive Director of the Council.</b></p> <p>(2) <b>If the Executive Director is temporarily absent from Hong Kong or is unable to perform the functions of his office for any other reason, the Council may appoint another person to act in his place during his absence or incapacity.</b></p> <p>(3) <b>The Council shall give notice in the Gazette of an appointment under this section.</b></p>	
Functions of Executive Director (Section 15)	<b>Subject to the Council's direction, the Executive Director is responsible for the management, conduct and administration of the Council.</b>	
Meetings and proceedings of Council (Section 16)	Schedule 2 has effect with respect to the Council.	<p>(1) Meetings of the Authority shall be held at such times and places as the chairman may appoint.</p> <p>(2) A quorum shall be 6 members.</p> <p>(3) At any meeting of the Authority the chairman shall preside.</p> <p>(4) If the chairman is absent from any meeting of the Authority, the members present at the meeting may elect</p>

<b>CIC (No. 2) Bill<sup>Note 1</sup></b>	<b>Industrial Training (Construction Industry) Ordinance (Cap.317)</b>
	<p style="text-align: center;">one of their number to act as chairman in his place.</p> <p>(5) The chairman or the member acting in his place shall have a deliberative vote on all matters coming before the Authority and in the case of an equality of votes he shall also have a casting vote.</p> <p>(6) If a member has a pecuniary interest, whether direct or indirect, in any contract or proposed contract or in any other matter, and is present at a meeting of the Authority at which the contract or other matter is the subject of consideration, he shall as soon as practicable after the commencement of the meeting, disclose to the Authority the fact and nature of his interest.</p> <p>(7) Such member shall, if so required by the meeting, withdraw from the meeting while the Authority is considering the contract or matter and in any case shall not vote thereon.</p> <p>(8) Subject to this Ordinance, the Authority may determine its own procedure at meetings.</p> <p>(Section 9)</p> <p>The Authority may transact any of its business by the circulation of papers, and a resolution in writing which is approved in writing by a majority of the members shall be as valid and effectual as if it had been passed at a meeting of the</p>

<b>CIC (No. 2) Bill<sup>Note 1</sup></b>			<b>Industrial Training (Construction Industry) Ordinance (Cap.317)</b>
			Authority by the votes of the members so approving the resolution.  (Section 10)
Council may establish committees <b>(Section 17)</b>	<p>(1) The Council may establish any committees as it considers appropriate for the better performance of its functions.</p> <p>(2) The Council may determine the composition, functions and procedures of a committee established under subsection (1).</p>	<p>(1) Subject to subsection (2), the Authority may appoint committees for the better discharge of its functions under this Ordinance.</p> <p>(5) Each committee may determine its own procedure at meetings.</p> <p>(Section 11)</p>	
Delegation of Council's functions and appointment of subcommittee <b>(Section 18)</b>	<p>(1) The Council may delegate in writing any of its functions to a committee established under section 17.</p> <p>(2) The Council may not delegate under subsection (1) any of the following powers or functions –</p> <p style="margin-left: 40px;">(a) the powers referred to in section 7(2)(a), (b), (c) and (d);</p> <p style="margin-left: 40px;">(b) the power to appoint an auditor;</p> <p style="margin-left: 40px;">(c) the power to establish a committee and determine its composition and functions;</p>	<p>(3) Subject to subsection (4), the Authority may in writing delegate to any committee appointed under subsection (1) or (2) any of its powers and functions: Provided that no delegation under this subsection shall preclude the Authority from exercising or performing at any time any power or function so delegated.</p> <p>(4) Notwithstanding subsection (3), the Authority shall not delegate to a committee the power-</p> <p style="margin-left: 40px;">(a) to approve the annual programme and estimates required to be submitted under section 15;</p> <p style="margin-left: 40px;">(b) to authorize the preparation of the statements required under section 18(2).</p>	



CIC (No. 2) Bill <sup>Note 1</sup>		Industrial Training (Construction Industry) Ordinance (Cap.317)
	<p>(d) the power to delegate under subsection (1);</p> <p>(g) the functions of the Board or the Objections Committee.</p> <p><b>(3) A delegation may be subject to such terms and conditions as the Council considers fit.</b></p> <p>(4) A delegation does not prevent the concurrent performance by the Council of the functions delegated.</p> <p><b>(5) The Council may amend or revoke a delegation.</b></p> <p><b>(6) The Council may authorize a committee established under section 17 to appoint a subcommittee for the better performance of the committee's functions.</b></p>	(Section 11)
Employment of staff <b>(Section 19)</b>	<p>(1) The Council may employ such persons as it requires to perform its functions.</p> <p>(2) The Council may determine all matters relating to the remuneration of its employees and other terms and conditions of their appointment or employment.</p>	<p>The Authority may appoint such employees as it thinks fit and determine all matters relating to their remuneration and terms and conditions of appointment or employment.</p> <p>(Section 12)</p>

	<b>CIC (No. 2) Bill</b> <sup>Note 1</sup>	<b>Industrial Training (Construction Industry) Ordinance (Cap.317)</b>
Staff benefits, etc. <b>(Section 20)</b>	<p>(1) The Council may grant, or make provision for the grant of, retirement benefits, gratuities, bonuses or other benefits to or in respect of its employees, any class of its employees or their dependants.</p> <p>(2) The Council may make payments, whether ex gratia or legally due, to the personal representative of a deceased employee or to a dependant of such an employee.</p> <p>(3) The Council may establish, manage and control, or enter into an arrangement with any company or association for the establishment, management and control by the company or association (either alone or jointly with the Council) of any fund or scheme for the purposes of providing for the retirement benefits, gratuities, bonuses or other benefits or the payments referred to in subsection (1) or (2).</p> <p>(4) The Council may require its employees, or any class of its employees, to make contributions to any fund or scheme referred to in subsection (3).</p> <p>(5) In subsections (1) and (2), “employee” (僱員) includes a former employee of the Council.</p> <p><b>(6) The powers conferred on the Council under</b></p>	<p>(1) The Authority may-</p> <p>(a) grant, or make provision for the grant of, pensions, gratuities and retirement benefits, to its employees;</p> <p>(b) provide other benefits for the welfare of its employees and their dependants;</p> <p>(c) make payments, whether ex gratia or legally due, to the personal representative of a deceased employee or to any person who was dependent on such employee at his death.</p> <p>(2) The Authority may establish, manage and control or enter into an arrangement with any company or association for the establishment, management and control by such company or association either alone or jointly with the Authority of any fund or scheme for the purpose of providing for the pensions, gratuities, benefits and payments referred to in subsection (1).</p> <p>(3) The Authority may make contribution to any fund or scheme referred to in subsection (1) and may require its employees to make contributions thereto.</p> <p>(4) In this section "employees" (僱員) includes any class of employee which the Authority may specify and in subsection (1) includes former employees.</p>

CIC (No. 2) Bill <sup>Note 1</sup>		Industrial Training (Construction Industry) Ordinance (Cap.317)
	<p><b>this section are without derogation from the obligations and duties imposed under the Mandatory Provident Fund Schemes Ordinance (Cap. 485) on an employer.</b></p>	(Section 13)
Protection of members of Council, etc. <b>(Section 21)</b>	<p><b>(1) A person to whom this section applies, acting in good faith, is not personally liable for anything done or omitted to be done by that person in the performance or purported performance of any function conferred or imposed on the Council by or under this Ordinance.</b></p> <p><b>(2) The protection conferred on a person by subsection (1) in respect of an act or omission does not in any way affect any liability of the Council for that act or omission.</b></p> <p><b>(3) This section applies to –</b></p> <ul style="list-style-type: none"> <li><b>(a) any member of the Council;</b></li> <li><b>(b) any member of a committee established under section 17;</b></li> <li><b>(c) any member of the Board or the Objections Committee;</b></li> <li><b>(d) any member of a subcommittee appointed under section 18(6);</b></li> </ul>	

<b>CIC (No. 2) Bill<sup>Note 1</sup></b>		<b>Industrial Training (Construction Industry) Ordinance (Cap.317)</b>
		<p>(e) any member of a subcommittee appointed under section 56(3);</p> <p>(f) any member of a subcommittee appointed under section 13 of Schedule 3; and</p> <p>(g) any employee of the Council.</p>
	Provision of funds by CITA (Section 22)	<p>(1) If Parts 5 and 9 come into operation on a date after the day of commencement of this Part, the Secretary may, before the coming into operation of those 2 Parts, request the CITA to provide such funds as are necessary to meet expenses reasonably incurred by the Council.</p> <p>(2) The CITA shall comply with any such request.</p>
<b>Part 3</b>	Funds and property of Council (Section 23)	<p>The funds and property of the Council consist of –</p> <p>(a) all moneys recovered by way of levy, surcharge, penalty and further penalty;</p> <p>(b) all moneys received by the Council by way of grants, loans, donations, fees, rent or interest;</p> <p>(c) all moneys derived from the sale of any property held by or on behalf of the Council;</p>
		<p>The funds and property of the Authority shall consist of-</p> <p>(a) all moneys recovered by way of levy, surcharge, penalty and further penalty; (Amended 7 of 1981 s. 3)</p> <p>(b) any moneys received by the Authority by way of grants, loans, donations, fees, rent or interest;</p> <p>(c) all moneys derived from the sale of any property held by or on behalf of the Authority; and</p>

<b>CIC (No. 2) Bill<sup>Note 1</sup></b>		<b>Industrial Training (Construction Industry) Ordinance (Cap.317)</b>
	<p>(d) <b>all funds provided by the CITA under section 22; and</b></p> <p>(e) all other moneys and property lawfully received by the Council for its purposes.</p>	<p>(d) all other moneys and property lawfully received by the Authority for its purposes.</p> <p>(Section 14)</p>
Estimates and financial year <b>(Section 24)</b>	<p>(1) The Council may, with the approval of the Secretary, fix from time to time a period to be the financial year of the Council.</p> <p>(2) In every financial year, the Council shall submit to the Secretary, before a date determined by him, a programme of its proposed activities and estimates of its income and expenditure for the next financial year.</p> <p>(3) The Council shall submit the programme and estimates for the first financial year as soon as practicable after the commencement of this section.</p>	<p>(1) In each financial year, before a date to be appointed by the Chief Executive, the Authority shall submit to the Chief Executive a programme of its proposed activities and estimates of its income and expenditure for the next financial year: Provided that the programme and estimates for the first financial year of the Authority shall be forwarded as soon as is practicable after the commencement of this Ordinance.</p> <p>(2) The Authority may, from time to time, with the prior approval of the Chief Executive, fix a period to be the financial year of the Authority.</p> <p>(Section 15)</p>
Bank account <b>(Section 25)</b>	<p>The Council shall –</p> <p>(a) maintain an account with a bank approved by the Director of Accounting Services; and</p> <p>(b) pay all moneys received by it into the account.</p>	<p>(1) The Authority shall open and maintain an account with a bank approved by the Director of Accounting Services.</p> <p>(2) The Authority shall pay all moneys received by it into the account referred to in subsection (1).</p> <p>(Section 16)</p>

<b>CIC (No. 2) Bill<sup>Note 1</sup></b>		<b>Industrial Training (Construction Industry) Ordinance (Cap.317)</b>	
Investment of funds <b>(Section 26)</b>	<p>Any funds of the Council that are not immediately required by the Council for the performance of its functions may, with the approval of the Financial Secretary –</p> <p>(a) be deposited on fixed deposit in a bank; or</p> <p>(b) be invested in such investments as the Council thinks fit.</p>	<p>All funds of the Authority that are not immediately required may be-</p> <p>(a) deposited on fixed deposit in any bank or savings bank nominated by the Financial Secretary either generally or in any particular case, for that purpose; or</p> <p>(b) subject to the prior approval of the Financial Secretary, invested in such investments as the Authority thinks fit.</p> <p>(Section 17)</p>	
Accounts <b>(Section 27)</b>	<p>(1) The Council shall maintain proper accounts and records of all its income and expenditure.</p> <p>(2) The Council shall, as soon as practicable after the end of a financial year, cause to be prepared a statement of accounts of the Council in respect of the financial year.</p> <p>(3) The statement of accounts is to include an income and expenditure account and a balance sheet.</p>	<p>(1) The Authority shall maintain proper accounts and records of all income and expenditure.</p> <p>(2) After the end of each financial year, the Authority shall cause to be prepared statements of income and expenditure during the previous financial year and of the assets and liabilities of the Authority on the last day thereof.</p> <p>(Section 18)</p>	
Auditors <b>(Section 28)</b>	<p>(1) The Council shall appoint an auditor for the purposes of this Ordinance.</p> <p>(2) The auditor appointed under subsection (1)</p>	<p>(1) The Authority shall appoint auditors, who shall be entitled at any time to have access to all books of account, vouchers and other financial records of the Authority and to require such information and explanations thereof as</p>	

CIC (No. 2) Bill <sup>Note 1</sup>		Industrial Training (Construction Industry) Ordinance (Cap.317)
	<p>shall –</p> <p>(a) audit the statement of accounts referred to in section 27(2); and</p> <p>(b) submit a report on the statement of accounts to the Council.</p> <p>(3) The auditor is entitled to –</p> <p>(a) have access to all books of account, vouchers and other financial records of the Council; and</p> <p>(b) require such information and explanations of those books, vouchers and records as he thinks fit.</p>	<p>they may think fit.</p> <p>(2) The auditors shall audit the statements prepared under section 18(2) and shall report thereon to the Authority.</p> <p>(Section 19)</p>
Submission of reports, etc. to Secretary <b>(Section 29)</b>	<p>(1) Within 6 months after the end of a financial year, the Council shall, in respect of the financial year, submit to the Secretary –</p> <p>(a) a report on the activities of the Council during the financial year, <b>including a general survey of the developments during that year in respect of matters falling within the scope of the Council’s functions;</b></p>	<p>(1) The Authority shall, within 6 months after the end of each financial year or such further time as the Chief Executive may in any particular year allow, submit to the Chief Executive a report on the activities of the Authority and copies of the statements prepared under section 18(2) and the report made under section 19(2).</p> <p>(2) The Chief Executive shall cause the reports and statements received by him under subsection (1) to be laid on the table of the Legislative Council.</p>

<b>CIC (No. 2) Bill<sup>Note 1</sup></b>		<b>Industrial Training (Construction Industry) Ordinance (Cap.317)</b>
		<p>(b) a copy of the statement of accounts referred to in section 27(2); and</p> <p>(c) the auditor's report referred to in section 28(2)(b).</p> <p>(2) The Secretary shall cause the documents received under subsection (1) to be laid on the table of the Legislative Council.</p> <p>(3) <b>The Secretary may in a particular case extend the period for submitting the documents under subsection (1).</b></p>
	Exemption from taxation <b>(Section 30)</b>	<b>The Council is exempt from taxation under the Inland Revenue Ordinance (Cap. 112).</b>
<b>Part 4</b>	Establishment of Construction Industry Training Board <b>(Section 31)</b>	<p>(1) <b>The Council shall establish a committee to perform its supplementary functions under section 6.</b></p> <p>(2) <b>The committee established under subsection (1) is to be known in the English language as the “Construction Industry Training Board” and in the Chinese language as “建造業訓練委員會”.</b></p>



<b>CIC (No. 2) Bill<sup>Note 1</sup></b>		<b>Industrial Training (Construction Industry) Ordinance (Cap.317)</b>
		<b>(3) The Board may do all such things as are necessary for, or incidental or conducive to, the performance of those functions.</b>
	Composition, meetings and proceedings of Board, etc. <b>(Section 32)</b>	<b>Schedule 3 has effect with respect to the Board.</b>
<b>Part 5</b>	Interpretation of this Part <b>(Section 33)</b>	<b>In this Part – “notice of completion” (竣工通知) means a notice given under section 38; “notice of payment” (付款通知) means a notice given under section 37.</b>
	Imposition of levy <b>(Section 34)</b>	<p>(1) A levy, to be known as the construction industry levy, at the specified rate shall be imposed on the value of all construction operations undertaken or carried out in Hong Kong.</p> <p>(2) Notwithstanding subsection (1), construction operations the total value of which does not exceed the specified amount shall not be liable to the levy.</p> <p><b>(Section 21)</b></p>
		<p>(1) A levy at the rate specified in Part 2 of Schedule 4 is to be imposed in respect of construction operations carried out in Hong Kong.</p> <p>(2) The levy is to be known as the “Construction Industry Levy” and it is to be assessed and paid according to this Part.</p> <p>(3) Construction operations the total value of which does not exceed the amount specified in Part 1 of</p>

CIC (No. 2) Bill <sup>Note 1</sup>		Industrial Training (Construction Industry) Ordinance (Cap.317)
	<p>Schedule 4 are not liable to the levy.</p> <p><b>(4) This section applies to construction operations described in subsection (1) irrespective of whether the construction operations are carried out for an individual, a public authority, a body or organ (whether public or private) or any other person.</b></p>	
Who is to pay levy <b>(Section 35)</b>	<p>(1) Subject to subsection (2), the levy is payable by a contractor of any construction operations which are subject to the payment of a levy.</p> <p>(2) A contractor is liable to make a payment pursuant to subsection (1) only if the Council gives him a notice of assessment.</p> <p>(3) A notice of assessment shall be in writing and shall specify the amount of the levy payable by the contractor.</p>	<p>(3) Subject to section 26(8A), the levy shall be payable in accordance with this Ordinance by every contractor who carries out construction operations.</p> <p>(Section 21)</p> <p>(8) Any assessment of levy or imposition of surcharge under this section shall be notified in writing by the Authority.</p> <p>(8A) A levy or surcharge shall not be payable by a contractor-</p> <p>(a) if he has not been notified by the Authority of an assessment of such levy or imposition of such surcharge, as the case may be, under subsection (8);</p> <p>(Section 26)</p>
Contractor and authorized person to notify Council	<p>(1) Within 14 days after any construction operations have commenced, the contractor and the authorized person in respect of the construction operations shall each inform the Council, by a</p>	<p>(1) Within 14 days after any construction operations have begun or such further time as the Authority may in any case allow –</p>

CIC (No. 2) Bill <sup>Note 1</sup>		Industrial Training (Construction Industry) Ordinance (Cap.317)
	<p>of their carrying out of construction operations <b>(Section 36)</b></p> <p>notice, that he is such contractor or authorized person.</p> <p>(2) A notice referred to in subsection (1) shall be in a form specified by the Council and shall state the estimated total value of the construction operations.</p> <p>(3) A notice is required to be given under this section only if –</p> <p>(a) the construction operations are carried out under a term contract; or</p> <p>(b) it is reasonably estimated that the total value of the construction operations exceeds the amount specified in Part 1 of Schedule 4.</p> <p>(4) The Council may in a particular case extend the period for giving a notice under this section.</p> <p>(5) A person who, without reasonable excuse, fails to give a notice as required by this section commits an offence and is liable on conviction to a fine at level 1.</p>	<p>(a) the contractor in respect of the construction operations; and</p> <p>(b) the authorized person appointed in connection with the construction operations,</p> <p>shall each give notice to the Authority in such form as the Authority may specify that he is the contractor in respect of the construction operations or authorized person appointed in connection with the construction operations, as the case may be.</p> <p>(1A) Except in the case of a term contract, subsection (1) shall not apply in respect of any construction operations if it is reasonably estimated that the total value of such operations does not exceed the specified amount.</p> <p>(2) Every notice under subsection (1) shall state the estimated total value of the construction operations.</p> <p>(3) Every contractor or authorized person who, without reasonable excuse, fails to give a notice when required to do so by subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine of \$1000.</p> <p>(Section 24)</p>
Notice of payment made	<p>(1) If a payment is made to or for the benefit of a contractor in respect of any construction</p>	<p>(1) Subject to subsection (1A), where a payment or an interim payment is made to a contractor or for his</p>

CIC (No. 2) Bill <sup>Note 1</sup>		Industrial Training (Construction Industry) Ordinance (Cap.317)
in respect of construction operations <b>(Section 37)</b>	<p>operations or any stage or part of any construction operations, other than construction operations carried out under a term contract, the contractor shall, within 14 days after the payment is made, give notice of the payment to the Council.</p> <p>(2) If a payment is made to or for the benefit of a contractor in respect of any construction operations carried out under a term contract, the contractor shall, within 14 days after the last day of the month in which the payment was made, give notice of the payment to the Council.</p> <p>(3) A notice of payment shall be in a form specified by the Council and shall state the value of the construction operations or the value of the stage or part of the construction operations in respect of which the payment was made.</p> <p>(4) A notice is required to be given under this section only if –</p> <p>(a) the construction operations are carried out under a term contract; or</p> <p>(b) it is reasonably estimated that the total value of the construction operations</p>	<p>benefit in respect of any construction operations, the contractor shall, within 14 days after the payment is made or such further time as the Authority may in any case allow, give notice of it to the Authority in such form as the Authority may specify.</p> <p>(1A) Where any payment or interim payment is made in any calendar month to a contractor or for his benefit in respect of any construction operations that are carried out under a term contract, the contractor shall, within 14 days after the last day of that month or such further time as the Authority may in any case allow, give notice of it to the Authority in such form as the Authority may specify.</p> <p>(2A) Except in the case of a term contract, subsections (1) and (2) shall not apply in respect of any construction operations if it is reasonably estimated that the total value of such operations does not exceed the specified amount.</p> <p>(3) Every notice under subsection (1), (1A) or (2) shall state the value of the construction operations or stage thereof in respect of which payment was made or the value of the operations or stage thereof which have been completed, as the case may be.</p> <p>(4) Every contractor or authorized person who without reasonable excuse fails to give a notice when required</p>

CIC (No. 2) Bill <sup>Note 1</sup>		Industrial Training (Construction Industry) Ordinance (Cap.317)
	<p>exceeds the amount specified in Part 1 of Schedule 4.</p> <p>(5) The Council may in a particular case extend the period for giving a notice under this section.</p> <p>(6) A person who, without reasonable excuse, fails to give a notice as required by this section commits an offence and is liable on conviction to a fine at level 1.</p>	<p>to do so by subsection (1), (1A) or (2) shall be guilty of an offence and shall be liable on conviction to a fine of \$2000.</p> <p>(Section 25)</p>
<p>Notice of completion of construction operations <b>(Section 38)</b></p>	<p>(1) After the completion of any construction operations, the contractor and the authorized person shall each give notice of the completion to the Council.</p> <p>(2) If any construction operations (other than those carried out under works orders) are carried out in stages, after the completion of each stage, the contractor and the authorized person shall each give notice of the completion to the Council.</p> <p>(3) A notice of completion shall be given within 14 days after the completion of the construction operations or the stage of the construction operations (as the case may be) but the Council may in a particular case extend the period for giving the notice.</p>	<p>(2) Not later than 14 days, or such further time as the Authority may in any case allow, after the completion of any construction operations, or of any stage of the construction operations (if the construction operations are undertaken or carried out in stages), the contractor and the authorized person appointed in respect of the construction operations shall each give notice of such completion to the Authority in such form as the Authority may specify.</p> <p>(2A) Except in the case of a term contract, subsections (1) and (2) shall not apply in respect of any construction operations if it is reasonably estimated that the total value of such operations does not exceed the specified amount.</p> <p>(3) Every notice under subsection (1), (1A) or (2) shall state the value of the construction operations or stage</p>

CIC (No. 2) Bill <sup>Note 1</sup>		Industrial Training (Construction Industry) Ordinance (Cap.317)
	<p>(4) The notice shall be in a form specified by the Council and shall state the value of the completed construction operations or the value of the completed stage.</p> <p>(5) A notice is required to be given under this section only if –</p> <p>(a) the construction operations are carried out under a term contract; or</p> <p>(b) it is reasonably estimated that the total value of the construction operations exceeds the amount specified in Part 1 of Schedule 4.</p> <p>(6) A person who, without reasonable excuse, fails to give a notice as required by this section commits an offence and is liable on conviction to a fine at level 1.</p>	<p>thereof in respect of which payment was made or the value of the operations or stage thereof which have been completed, as the case may be.</p> <p>(4) Every contractor or authorized person who without reasonable excuse fails to give a notice when required to do so by subsection (1), (1A) or (2) shall be guilty of an offence and shall be liable on conviction to a fine of \$2000.</p> <p>(Section 25)</p>
Assessment pursuant to notice of payment or notice of completion <b>(Section 39)</b>	<p>(1) On receiving a notice of payment, the Council shall assess the amount of the levy payable in respect of the construction operations or the stage or part of the construction operations to which the notice relates.</p> <p>(2) If no assessment has been made under subsection (1), on receiving a notice of</p>	<p>(1) On receipt of a notice of payment under section 25(1), the Authority shall assess the amount of levy due in respect of the construction operations or the stage of the construction operations (if the construction operations are undertaken or carried out in stages) to which the payment relates.</p> <p>(2) Where more than one payment is made or to be made in respect of construction operations or a stage of the</p>

<p style="text-align: center;"><b>CIC (No. 2) Bill<sup>Note 1</sup></b></p>		<p style="text-align: center;"><b>Industrial Training (Construction Industry) Ordinance (Cap.317)</b></p>
	<p>completion, the Council shall assess the amount of the levy payable in respect of the construction operations or the stage of the construction operations to which the notice of completion relates.</p> <p>(3) If the notice of payment is given in respect of an interim payment or partial payment, subject to subsection (4) –</p> <p style="padding-left: 40px;">(a) the assessment shall be a provisional assessment; and</p> <p style="padding-left: 40px;">(b) a final assessment shall be made on the final payment for the construction operations.</p> <p>(4) If an assessment made under this section is in respect of a stage or part of any construction operations, or in respect of any construction operations, which constitute a stage or part of any other construction operations -</p> <p style="padding-left: 40px;">(a) the assessment shall be a provisional assessment; and</p> <p style="padding-left: 40px;">(b) a final assessment shall be made on the completion of those other construction operations.</p>	<p>construction operations, the assessment under subsection (1) shall be a provisional assessment and a final assessment shall be made on the final payment in respect of the construction operations, each stage of the operations or all stages of the operations, as is appropriate.</p> <p>(3) On receipt of a notice of completion of construction operations or any stage thereof under section 25(2), the Authority shall, if no assessment under subsection (1) or (2) has been made, assess the amount of levy due in respect of the construction operations or the stage of the construction operations.</p> <p>(4) Where construction operations are undertaken or carried out in stages the Authority may make a provisional assessment under subsection (3) on the completion of each stage of the construction operations and make a final assessment on the completion of all stages of the construction operations.</p> <p>(Section 26)</p>

<b>CIC (No. 2) Bill<sup>Note 1</sup></b>			<b>Industrial Training (Construction Industry) Ordinance (Cap.317)</b>
	Assessment for construction operations under term contract may be deferred <b>(Section 40)</b>	If the construction operations are carried out under a term contract, the Council may, subject to section 44, defer the making of any assessment under section 39 until such time as the Council considers appropriate.	(4A) Notwithstanding subsections (1), (2) and (3), where construction operations are carried out under a term contract, the Authority may defer the making of any assessment under subsection (1), (2) or (3) until such time as the Authority considers appropriate.  (Section 26)
	Assessment in respect of stage or part of construction operations <b>(Section 41)</b>	The amount of the levy payable in respect of a stage or part of any construction operations is to be assessed as if that stage or part separately constitutes construction operations that are subject to payment of levy under this Ordinance.	(11) For the purposes of this section, where the amount of levy due in respect of a stage of any construction operations is assessed under this section, the amount of levy shall be assessed as if such stage of the construction operations separately constitutes construction operations subject to payment of levy under this Ordinance.  (Section 26)
	Powers of Council to make assessment <b>(Section 42)</b>	(1) The Council may, subject to sections 44 and 46, assess the amount of the levy payable in respect of any construction operations or any stage or part of any construction operations, after the completion of the construction operations or the stage or part of the construction operations, notwithstanding that neither a notice of payment nor a notice of completion has been given to the	(5) The Authority may assess the amount of levy due in respect of the construction operations or stage thereof which have or has been completed notwithstanding that no notice has been given to the Authority under section 25.  (6) Where it appears to the Authority that an assessment of levy has been made at less than the proper amount, then, subject to subsection (9), the Authority may at any time



CIC (No. 2) Bill <sup>Note 1</sup>		Industrial Training (Construction Industry) Ordinance (Cap.317)
	<p>Council.</p> <p>(2) If it appears to the Council that any assessment of levy made by it is less than the proper amount, subject to sections 44 and 46, the Council may make an additional assessment of the levy.</p>	<p>make an additional assessment of levy due in respect of construction operations or a stage of construction operations.</p> <p>(Section 26)</p>
<p><b>Imposition of surcharge (Section 43)</b></p>	<p>(1) If a contractor fails to give a notice under section 37 or 38 and fails to give, within a period allowed by the Council, a reasonable excuse for that failure, the Council may, subject to sections 45 and 47, impose a surcharge on him.</p> <p>(2) The surcharge may not exceed twice the amount of the levy payable by the contractor.</p> <p>(3) Notwithstanding subsection (1), the contractor is liable to pay a surcharge only if the Council gives him a notice of the surcharge.</p> <p>(4) A notice of surcharge shall be in writing and shall specify the amount of the surcharge payable by the contractor.</p>	<p>(7) If a contractor fails to give any notice required to be given by him under section 25 and does not give a reasonable excuse therefor within such period as the Authority may allow in any case, the Authority may, in addition to the levy assessed under this section and payable by the contractor, impose a surcharge on the contractor not exceeding twice the amount of the levy so assessed.</p> <p>(8) Any assessment of levy or imposition of surcharge under this section shall be notified in writing by the Authority.</p> <p>(8A) A levy or surcharge shall not be payable by a contractor –</p> <p>(a) if he has not been notified by the Authority of an assessment of such levy or imposition of such surcharge, as the case may be, under subsection (8); or</p> <p>(b) to the extent that the levy or surcharge, as the case may be, has been paid by any other contractor unless</p>

CIC (No. 2) Bill <sup>Note 1</sup>		Industrial Training (Construction Industry) Ordinance (Cap.317)
		<p>the levy or surcharge, as the case may be, may be required or ordered to be refunded or repaid to that other contractor under section 27(1C), 29(4) or 30(4).</p> <p>(Section 26)</p>
Time limit on making assessment: construction operations under term contract <b>(Section 44)</b>	<p>In the case of construction operations carried out under a term contract, an assessment under this Ordinance may not be made after the expiry of whichever is the last to end of the following periods –</p> <p>(a) 2 years after the completion of all construction operations under the contract;</p> <p>(b) 2 years after the expiry of the period within which the contract stipulates that all such construction operations have to be completed;</p> <p>(c) one year after evidence, sufficient in the opinion of the Council to justify the making of the assessment, comes to its knowledge.</p>	<p>(10) If construction operations are carried out under a term contract, an assessment or surcharge under this section shall be made or imposed within -</p> <p>(a) 2 years after the completion of all construction operations to which the contract relates;</p> <p>(b) 2 years after the expiration of the period within which all construction operations to which the contract relates have to be completed as provided for by the contract; or</p> <p>(c) 1 year after evidence of facts, sufficient in the opinion of the Authority to justify the making of the assessment or the imposition of the surcharge comes to its knowledge, whichever is the last to occur</p> <p>(Section 26)</p>
Time limit on imposing	<p>In the case of construction operations carried out under a term contract, a surcharge may not be imposed after</p>	<p>(10) If construction operations are carried out under a term contract, an assessment or surcharge under this section</p>

CIC (No. 2) Bill <sup>Note 1</sup>		Industrial Training (Construction Industry) Ordinance (Cap.317)
	<p>surcharge: construction operations under term contract <b>(Section 45)</b></p> <p>the expiry of whichever is the last to end of the following periods –</p> <ul style="list-style-type: none"> <li>(a) 2 years after the completion of all construction operations under the contract;</li> <li>(b) 2 years after the expiry of the period within which the contract stipulates that all such construction operations have to be completed;</li> <li>(c) one year after evidence, sufficient in the opinion of the Council to justify the imposition of the surcharge, comes to its knowledge.</li> </ul>	<p>shall be made or imposed within -</p> <ul style="list-style-type: none"> <li>(a) 2 years after the completion of all construction operations to which the contract relates;</li> <li>(b) 2 years after the expiration of the period within which all construction operations to which the contract relates have to be completed as provided for by the contract; or</li> <li>(c) 1 year after evidence of facts, sufficient in the opinion of the Authority to justify the making of the assessment or the imposition of the surcharge comes to its knowledge, whichever is the last to occur.</li> </ul> <p>(Section 26)</p>

<b>CIC (No. 2) Bill<sup>Note 1</sup></b>		<b>Industrial Training (Construction Industry) Ordinance (Cap.317)</b>
Time limit on making assessment: construction operations other than those under term contract <b>(Section 46)</b>	In respect of construction operations other than those carried out under a term contract, an assessment under this Ordinance may not be made after the expiry of whichever is the last to end of the following periods –  (a) 2 years after the completion of the construction operations;  (b) one year after evidence, sufficient in the opinion of the Council to justify the making of the assessment, comes to its knowledge.	(9) Subject to subsection (10), an assessment or surcharge under this section shall be made or imposed within -  (a) 2 years after the completion of the operations; or  (b) 1 year after evidence of facts, sufficient in the opinion of the Authority to justify the making of the assessment or the imposition of the surcharge comes to its knowledge, whichever is the later.  (Section 26)
Time limit on imposing surcharge: construction operations other than those under term contract <b>(Section 47)</b>	In respect of construction operations other than those carried out under a term contract, a surcharge may not be imposed after the expiry of whichever is the last to end of the following periods –  (a) 2 years after the completion of the construction operations;  (b) one year after evidence, sufficient in the opinion of the Council to justify the imposition of the surcharge, comes to its knowledge.	(9) Subject to subsection (10), an assessment or surcharge under this section shall be made or imposed within -  (a) 2 years after the completion of the operations; or  (b) 1 year after evidence of facts, sufficient in the opinion of the Authority to justify the making of the assessment or the imposition of the surcharge comes to its knowledge, whichever is the later.  (Section 26)
Payment of levy, surcharge or penalty, etc. <b>(Section 48)</b>	(1) A contractor who is given a notice of assessment or a notice of surcharge shall pay to the Council the amount of the levy or surcharge specified in the notice given to him, within the specified period.	(1) The amount of levy or surcharge specified in a notice given to a contractor under section 26(8) shall be paid by the contractor to the Authority within 28 days after the receipt by him of the notice.

CIC (No. 2) Bill <sup>Note 1</sup>		Industrial Training (Construction Industry) Ordinance (Cap.317)
	<p>(2) If the amount of the levy or surcharge is not fully paid within the specified period, the contractor is liable to pay a penalty of 5% of the unpaid amount.</p> <p>(3) If the amount of the levy or surcharge, including any penalty imposed under subsection (2), is not fully paid within 3 months after the expiry of the specified period, the contractor is liable to pay a further penalty of 5% of the unpaid amount.</p> <p>(4) A penalty or further penalty is payable in addition to the levy or surcharge for the non-payment of which it is imposed.</p> <p>(5) In this section, “specified period” (指明期間), in relation to –</p> <p>(a) the levy, means the period of 28 days after the contractor receives the notice of assessment; and</p> <p>(b) a surcharge, means the period of 28 days after the contractor receives the notice of surcharge.</p>	<p>(1A) If the amount of the levy or surcharge is not paid within the period specified in subsection (1) the contractor shall be liable to pay, in addition, a penalty of 5 per cent of the amount unpaid.</p> <p>(1B) If the amount of the levy or surcharge including any penalty payable under subsection (1A) is not paid within 3 months after the expiry of the period specified in subsection (1) the contractor shall be liable to pay, in addition, a further penalty of 5 per cent of the amount unpaid.</p> <p>(Section 27)</p>

<b>CIC (No. 2) Bill</b> <sup>Note 1</sup>		<b>Industrial Training (Construction Industry) Ordinance (Cap.317)</b>
Recovery of levy, surcharge or penalty, etc. <b>(Section 49)</b>	<p>(1) A levy, surcharge, penalty or further penalty due and payable under this Ordinance is recoverable as a civil debt due to the Council.</p> <p>(2) An action for such recovery may be brought in the District Court notwithstanding that the amount due exceeds the financial limits on the civil jurisdiction of the District Court under the District Court Ordinance (Cap. 336).</p>	<p>(1) Any amount of levy or surcharge, including the amount of any penalty or further penalty, due and payable under this Ordinance shall be recoverable as a debt due to the Authority.</p> <p>(2) An action under subsection (1) may be brought in the District Court notwithstanding that the amount due exceeds the civil jurisdiction of the District Court as may from time to time be determined under the District Court Ordinance (Cap 336).</p> <p>(Section 28)</p>
Levy, surcharge or penalty, etc. payable despite intention to object <b>(Section 50)</b>	The levy or a surcharge, penalty or further penalty shall be paid in accordance with section 48 even if the contractor concerned intends to make an objection under section 57.	<p>(2) Payment shall be made in accordance with subsections (1), (1A) and (1B) notwithstanding that the contractor may wish to object to the levy assessed or surcharge imposed under section 26.</p> <p>(Section 27)</p>
Council's power to waive or refund whole or part of levy, surcharge or	<p>(1) The Council may waive or refund the whole or any part of a levy, surcharge, penalty or further penalty if it considers it fair and reasonable to do so in the special circumstances of a particular case.</p>	<p>(1C) The Authority may remit all or part of any levy or surcharge payable under subsection (1), or any penalty or further penalty payable under subsection (1A) or (1B) if, in the special circumstances of any case, it thinks it fair and reasonable to do so, and if the amount so remitted has been paid, it shall be refunded.</p>

<b>CIC (No. 2) Bill</b> <sup>Note 1</sup>		<b>Industrial Training (Construction Industry) Ordinance (Cap.317)</b>
penalty, etc <b>(Section 51)</b>	<p>(2) If an amount waived under subsection (1) has already been paid to the Council, the Council shall refund it.</p> <p>(3) If, in respect of any construction operations, the Council receives more than the proper amount of the levy due to more than one contractor paying the whole or part of amount due, the Council shall refund the excess to the contractor entitled to the refund.</p>	<p>(Section 27)</p> <p>(8A) A levy or surcharge shall not be payable by a contractor –</p> <p>(b) to the extent that the levy or surcharge, as the case may be, has been paid by any other contractor unless the levy or surcharge, as the case may be, may be required or ordered to be refunded or repaid to that other contractor under section 27(1C), 29(4) or 30(4).</p> <p>(Section 26)</p>
Application of this Part <b>(Section 52)</b>	<p>(1) This Part does not apply to construction operations that are carried out both –</p> <p>(a) for a person who occupies a domestic unit or part of a domestic unit; and</p> <p>(b) for the sole or principal purpose of decorating, altering, repairing, maintaining or renovating the unit or any part of the unit.</p> <p>(2) In this section, “domestic unit” (住用單位)</p>	<p>(1) This Ordinance does not apply to construction operations –</p> <p>(a) which are carried out for a person who occupies any domestic premises or part of any domestic premises; and</p> <p>(b) the sole or principal purpose of which is to decorate, alter, repair, maintain or renovate the premises or such part of such premises.</p> <p>(4) In this section-</p>

CIC (No. 2) Bill <sup>Note 1</sup>		Industrial Training (Construction Industry) Ordinance (Cap.317)
	<p>means any premises used or intended to be used solely or principally for residential purposes and constituting a separate household unit.</p> <p>(3) For the purposes of this section, a person is regarded as a person who occupies a domestic unit if he intends to occupy the unit.</p>	<p>(a) "domestic premises" (住用處所) means premises used or intended to be used solely or principally for residential purposes and constituting a separate household unit;</p> <p>(b) a person shall be regarded as a person who occupies a domestic premises if he intends to occupy the premises.</p> <p>(Section 3A)</p>
Power of Chief Executive in Council to exclude certain construction operations from application of this Part <b>(Section 53)</b>	<p>(1) The Chief Executive in Council may, by order published in the Gazette, exclude any construction operations from the application of this Part.</p> <p>(2) An order under subsection (1) may exclude particular construction operations or a type or description of construction operations.</p> <p>(3) An order under subsection (1) may specify the circumstances in which or the purposes for which the exclusion applies.</p>	<p>(2) This Ordinance does not apply to any construction operations, or any type or description of construction operations, which are or is excluded from the application of this Ordinance by the Chief Executive in Council by order published in the Gazette.</p> <p>(3) Without limiting the generality of subsection (2), an order made under that subsection may specify the circumstances under which or the purposes for which any construction operations, or any type or description of construction operations, referred to in the order are or is to be excluded from the application of this Ordinance.</p> <p>(Section 3A)</p>



<b>CIC (No. 2) Bill<sup>Note 1</sup></b>		<b>Industrial Training (Construction Industry) Ordinance (Cap.317)</b>
<b>Part 6</b>	Value of construction operations <b>(Section 54)</b>	<p>(1) In relation to any construction operations, the value of the construction operations is –</p> <p style="padding-left: 40px;">(a) if the construction operations are the subject of a construction contract –</p> <p style="padding-left: 80px;">(i) the consideration attributable to the construction operations, that is stated in the contract; or</p> <p style="padding-left: 80px;">(ii) the consideration attributable to the construction operations, that is ascertainable by reference to the contract; or</p> <p style="padding-left: 40px;">(b) in any other case, the reasonable consideration to be expected in the open market for the carrying out of the construction operations.</p> <p>(2) Notwithstanding subsection (1)(a), if the consideration attributable to any construction operations as determined in accordance with that subsection is below the reasonable consideration to be expected in the open market for the carrying out of the construction operations, the consideration of the construction operations is to be the reasonable consideration referred to in subsection (1)(b).</p>
		<p>(1) For the purposes of this Ordinance, "value" (價值), in relation to construction operations, means -</p> <p style="padding-left: 40px;">(a) where the construction operations are carried out under a construction contract, the consideration attributable to such operations, as stated in, or ascertainable by reference to, the contract; or</p> <p style="padding-left: 40px;">(b) where the construction operations are not carried out under a construction contract, the reasonable consideration to be expected on the open market in respect of the carrying out of such operations.</p> <p>(2) Notwithstanding subsection (1)(a), if in a particular case the consideration attributable to the construction operations concerned as determined in accordance with that subsection is below the reasonable consideration to be expected on the open market in respect of the carrying out of such operations, that subsection shall be deemed to contain a reference to the reasonable consideration described in this subsection instead of the consideration described in that subsection.</p> <p>(3) For the purposes of subsections (1)(b) and (2), the Authority may, when ascertaining the reasonable consideration as referred to in those subsections in respect of the carrying out of any construction operations, have regard to all or any of the following matters -</p>

CIC (No. 2) Bill <sup>Note 1</sup>		Industrial Training (Construction Industry) Ordinance (Cap.317)
	<p>(3) For the purposes of this section, the Council may, in a particular case, have regard to any or all of the following matters when ascertaining the reasonable consideration to be expected in the open market for the carrying out of the construction operations concerned -</p> <ul style="list-style-type: none"> <li>(a) the cost or value of materials used in the construction operations;</li> <li>(b) the cost or value of time, work and labour involved in the construction operations;</li> <li>(c) the equipment used in the construction operations;</li> <li>(d) such overhead costs incurred in relation to the construction operations as the Council considers reasonable;</li> <li>(e) the reasonable profit to be expected in the open market for the carrying out of the construction operations;</li> <li>(f) any other factors that the Council considers appropriate.</li> </ul>	<ul style="list-style-type: none"> <li>(a) the cost or value of materials used in the construction operations;</li> <li>(b) the cost or value of time, work and labour involved in the construction operations;</li> <li>(c) the equipment used in the construction operations;</li> <li>(d) such overhead costs incurred in relation to the construction operations as the Authority considers reasonable;</li> <li>(e) the reasonable profit to be expected on the open market in respect of the carrying out of the construction operations;</li> <li>(f) any other factors that the Authority considers appropriate.</li> </ul> <p>(Section 2A)</p>

	<b>CIC (No. 2) Bill</b> <sup>Note 1</sup>	<b>Industrial Training (Construction Industry) Ordinance (Cap.317)</b>
<p>Total value of construction operations <b>(Section 55)</b></p>	<p>(1) For the purposes of this Ordinance, “total value” (總價值), in relation to construction operations carried out under a construction contract, means –</p> <ul style="list-style-type: none"> <li>(a) if the contract is a term contract under which works orders are issued, the aggregate of the values of all construction operations carried out as required by those works orders;</li> <li>(b) if the contract is not a term contract described in paragraph (a), but a contract under which the construction operations are or form part of any construction operations that are carried out in stages, the aggregate of the values of all stages of the construction operations so carried out; and</li> <li>(c) in any other case, the value of the construction operations.</li> </ul> <p>(2) For the purposes of this Ordinance, “total value” (總價值), in relation to construction operations that are not carried out under a construction contract, means –</p> <ul style="list-style-type: none"> <li>(a) if the construction operations are or form part of any construction operations that are carried out in stages, the aggregate of the</li> </ul>	<p>For the purposes of this Ordinance, "total value" (總價值), in relation to construction operations, means -</p> <ul style="list-style-type: none"> <li>(a) where the construction operations are carried out under a construction contract- <ul style="list-style-type: none"> <li>(i) in the case the construction contract is a term contract, the aggregate of the respective values of all construction operations carried out as required by works orders issued under the contract;</li> <li>(ii) in the case the construction operations are or form part of any construction operations that are carried out in stages, the aggregate of the respective values of all stages of the operations so carried out; or</li> <li>(iii) in any other case, the value of the construction operations; or</li> </ul> </li> <li>(b) where the construction operations are not carried out under a construction contract - <ul style="list-style-type: none"> <li>(i) in the case the construction operations are or form part of any construction operations that are carried out in stages, the aggregate of the respective values of all stages of the operations so carried out; or</li> <li>(ii) in any other case, the value of the construction</li> </ul> </li> </ul>

CIC (No. 2) Bill <sup>Note 1</sup>		Industrial Training (Construction Industry) Ordinance (Cap.317)	
		<p>values of all stages of the construction operations so carried out; and</p> <p>(b) in any other case, the value of the construction operations.</p>	<p>operations.</p> <p>(Section 2B)</p>
<b>Part 7</b>	Establishment of Objections Committee <b>(Section 56)</b>	<p>(1) The Council shall establish a committee consisting of 3 members of the Council for the purposes of determining objections made under section 57.</p> <p><b>(2) The Objections Committee may do all such things as are necessary for, or incidental or conducive to, the performance of the function mentioned in subsection (1).</b></p> <p><b>(3) The Council may authorize the Objections Committee to appoint a subcommittee for the better performance of the Objections Committee’s function.</b></p> <p>(4) The Objections Committee may determine its own procedures.</p>	<p>(2) The Authority shall appoint a committee, comprising 3 members of the Authority, for the purpose of the determination of any objection under section 29.</p> <p>(5) Each committee may determine its own procedure at meetings.</p> <p>(Section 11)</p>
	Objections to levy or surcharge <b>(Section 57)</b>	<p>(1) A person who is notified under section 35 or 43 may object to the levy or surcharge.</p> <p>(2) The objection shall be made by a notice in writing (“notice of objection”).</p>	<p>(1) Any person who is notified under section 26(8) of an assessment of levy, or imposition of surcharge may, by notice in writing served on the Authority within 21 days after the receipt of the notice, object to the levy or surcharge.</p>

CIC (No. 2) Bill <sup>Note 1</sup>		Industrial Training (Construction Industry) Ordinance (Cap.317)
	<p>(3) A notice of objection must be served on the Council within 21 days after the contractor receives the notice of assessment or the notice of surcharge (as the case may be).</p> <p>(4) A notice of objection shall state the grounds of objection and shall be accompanied by all written statements and other documentary evidence relied on by the objector.</p>	<p>(2) A notice of objection under subsection (1) shall state precisely the grounds of objection and shall be accompanied by all written statements and other documentary evidence relied upon by the objector in support of the objection.</p> <p>(Section 29)</p>
Decision of Objections Committee <b>(Section 58)</b>	<p>(1) The Council shall refer every objection made under section 57 to the Objections Committee for consideration.</p> <p>(2) The Objections Committee may confirm, cancel or reduce the levy or surcharge and shall inform the Council of its decision.</p> <p>(3) The Council shall notify the objector in writing of the decision of the Objections Committee within 28 days after the Council receives the notice of objection or, where that is not practicable, within a reasonable period.</p> <p>(4) If a levy or surcharge is cancelled or reduced under this section, the Council shall forthwith refund to the objector the amount of the levy or any amount, including any amount of the penalty</p>	<p>(3) An objection under subsection (1) shall be considered by the appropriate committee of the Authority which may confirm, cancel or reduce the levy or surcharge.</p> <p>(4) The Authority shall notify the objector of the decision of the committee under subsection (3) within 28 days after the receipt by the Authority of the notice of objection under subsection (1) and, if a levy or surcharge is cancelled or reduced, any amount which has been paid by the contractor in excess of that found to be due, excluding the amount of any penalty or further penalty which has been paid, shall forthwith be repaid by the Authority to the objector.</p> <p>(Section 29)</p>

CIC (No. 2) Bill <sup>Note 1</sup>		Industrial Training (Construction Industry) Ordinance (Cap.317)
	or further penalty, that has been paid in excess (as the case may be).	
Appeals against decision of Objections Committee <b>(Section 59)</b>	<p>(1) An objector who is aggrieved by a decision of the Objections Committee may appeal to the District Court against that decision.</p> <p>(2) An appeal shall be lodged within 30 days after the objector receives the notification of the decision.</p> <p>(3) An appeal may not be heard unless the amount of the levy or surcharge which is the subject of the appeal, including the amount of any penalty or further penalty, has been paid.</p> <p>(4) On hearing an appeal, the District Court may confirm, cancel or reduce the levy or surcharge and make any order as to costs as it thinks fit.</p> <p>(5) If the District Court cancels or reduces a levy or surcharge, it may order the repayment of the cancelled or reduced amount, and any amount of the penalty or further penalty that has been paid.</p> <p>(6) The District Court may order repayment with interest, at a rate determined by the Court, calculated from the date of payment to the Council, or without interest.</p>	<p>(1) An objector who is aggrieved with a decision notified to him under section 29(4) may appeal to the District Court against that decision.</p> <p>(2) An appeal under subsection (1) shall be lodged within 30 days after the receipt of the notification by him.</p> <p>(3) An appeal under this section shall not be heard unless the amount of the levy or surcharge which is the subject-matter of the appeal, including the amount of any penalty or further penalty, has been paid.</p> <p>(4) On hearing any appeal under this section the District Court may-</p> <p>(a) confirm, cancel or reduce the levy or surcharge;</p> <p>(b) if it cancels or reduces a levy or surcharge, order the repayment of the amount of levy or surcharge cancelled or reduced, excluding the amount of any penalty or further penalty which has been paid, with interest from the date of payment to the Authority at such rate as the court may determine or without interest; and</p> <p>(c) make such order as it thinks fit as to the payment of</p>

<b>CIC (No. 2) Bill<sup>Note 1</sup></b>		<b>Industrial Training (Construction Industry) Ordinance (Cap.317)</b>
		the costs of the hearing.  (Section 30)
	Rules of court <b>(Section 60)</b>	The District Court Rules Committee established under section 17 of the District Court Ordinance (Cap. 336) may make rules of court for the purposes of section 59.  (5) The Chief Justice may make rules of court for the purposes of this section.  (Section 30)
<b>Part 8</b>	Provision of information <b>(Section 61)</b>	(1) An employer, a contractor or an authorized person concerned in any construction operations shall give the Council or an officer authorized by the Council, within a time and in a form specified by the Council or the officer, any information of a kind described in subsection (2) that the Council or the officer may require for the purposes of performing its or his functions under this Ordinance.  (2) The information referred to in subsection (1) is -  (a) information relating to the construction operations that the employer, contractor or authorized person (as the case may be) is concerned in, including information on any amount paid or payable in respect of the construction operations or any work connected with the construction operations;  (1) An employer, contractor or authorized person concerned in any construction operations shall-  (a) provide the Authority, or an officer of the Authority authorized by it for the purposes of this section, within such time and in such form as the Authority or such officer may specify, with such information relating to the construction operations (including any amount paid or payable in respect of the construction operations or any work connected therewith), or the name and address of the person for or by whom the construction operations are undertaken, as the Authority or such officer may require;  (4) Any person who, without reasonable excuse, fails to comply with a requirement under subsection (1) when it is within his power to do so shall be guilty of an offence and shall be liable on conviction to a fine of \$1000.  (Section 31)

CIC (No. 2) Bill <sup>Note 1</sup>		Industrial Training (Construction Industry) Ordinance (Cap.317)
	<p>(b) the name and address of the person for whom the construction operations are carried out; and</p> <p>(c) the name and address of the person by whom the construction operations are carried out.</p> <p>(3) A person who, without reasonable excuse, fails to comply with subsection (1) commits an offence and is liable on conviction to a fine at level 1.</p>	
Production of documents, etc. <b>(Section 62)</b>	<p>(1) An employer, a contractor or an authorized person concerned in any construction operations shall produce or cause to be produced for inspection by the Council or an officer authorized by the Council, any document or record in his possession that relates to the construction operations that the employer, contractor or authorized person (as the case may be) is concerned in, including a document or record relating to any amount paid or payable in respect of the construction operations or any work connected with the construction operations, if required by the Council or the officer for the purposes of performing its or his functions under this Ordinance.</p> <p>(2) If required by the Council or an officer authorized by the Council for the purposes</p>	<p>(1) An employer, contractor or authorized person concerned in any construction operations shall-</p> <p>(b) on being so required by the Authority or such officer, produce or cause to be produced any documents or records in his possession relating to the construction operations (including any amount paid or payable in respect of the construction operations) for inspection by the Authority or such officer and permit the Authority or such officer to take copies or make extracts from them or to remove them for a reasonable period.</p> <p>(4) Any person who, without reasonable excuse, fails to comply with a requirement under subsection (1) when it is within his power to do so shall be guilty of an offence and shall be liable on conviction to a fine of \$1000.</p>



CIC (No. 2) Bill <sup>Note 1</sup>		Industrial Training (Construction Industry) Ordinance (Cap.317)
	<p>referred to in subsection (1), the employer, contractor or authorized person shall permit the Council or the officer to make a copy of such a document or record or make any extract from it, or to remove it for a reasonable period.</p> <p>(3) A person who, without reasonable excuse, fails to comply with subsection (1) or (2) commits an offence and is liable on conviction to a fine at level 1.</p>	(Section 31)
Protection of information given under sections 61 and 62 <b>(Section 63)</b>	<p>(1) Subject to subsection (2), a person shall not disclose other than to the Council, or to an employee of the Council acting in his official capacity, any information given or obtained under section 61 or any information obtained from any document or record under section 62 without the consent of the person who gave it or from whom it was obtained.</p> <p>(2) Subsection (1) does not apply –</p> <p><b>(a) to the provision of information under regulation 14 of the Pneumoconiosis (Compensation)(Assessment of Levy) Regulations (Cap. 360 sub. leg. A);</b></p> <p><b>(b) to the provision of information under</b></p>	<p>(2) Subject to subsection (3), no person shall disclose otherwise than to the Authority, or to an employee of the Authority in his official capacity, any information provided or obtained under subsection (1) (including information obtained from documents or records) without the consent of the person who provided it or from whom it was obtained.</p> <p>(3) Subsection (2) does not apply-</p> <p>(a) to the disclosure of information in the form of a summary of similar information provided by or obtained from a number of employers, contractors or authorized persons if the summary is so framed as not to enable particulars relating to any particular contractor's business to be ascertained from it;</p>

CIC (No. 2) Bill <sup>Note 1</sup>		Industrial Training (Construction Industry) Ordinance (Cap.317)
	<p><b>section 31(1) of the Construction Workers Registration Ordinance (18 of 2004);</b></p> <p>(c) to the disclosure of information in the form of a summary of similar information given by or obtained from a number of employers, contractors or authorized persons if the summary is so framed as not to enable particulars relating to any particular contractor's business to be ascertained from it;</p> <p>(d) to the disclosure of information by the Council to any person authorized or employed by it for the purposes of checking or ascertaining the value of construction operations;</p> <p>(e) to the disclosure of information by the Council to the Pneumoconiosis Compensation Fund Board established under the Pneumoconiosis (Compensation) Ordinance (Cap. 360);</p> <p>(f) to the disclosure of information by the Council to the Construction Workers Registration Authority established under the Construction Workers Registration</p>	<p>(aa) to the disclosure of information by the Authority to any person authorized or employed by it for the purpose of checking or ascertaining the value of construction operations;</p> <p>(ab) to the disclosure of information by the Authority to -</p> <p>(i) the Pneumoconiosis Compensation Fund Board established under the Pneumoconiosis (Compensation) Ordinance (Cap 360); or</p> <p>(ii) the Construction Workers Registration Authority established under the Construction Workers Registration Ordinance (Cap 583); or</p> <p>(b) to any disclosure of information made for the purpose of any legal proceedings brought under this Ordinance, or for the purposes of any report of any such proceedings.</p> <p>(5) Any person who intentionally discloses any information in contravention of subsection (2) shall be guilty of an offence and shall be liable on conviction to a fine of \$2000.</p>

CIC (No. 2) Bill <sup>Note 1</sup>		Industrial Training (Construction Industry) Ordinance (Cap.317)
	<p>Ordinance (18 of 2004);</p> <p>(g) to any disclosure of information made for the purposes of any legal proceedings brought under this Ordinance, or for the purposes of any report of any such proceedings; or</p> <p><b>(h) to the supply of a copy of personal data in compliance with a data access request under section 18 of the Personal Data (Privacy) Ordinance (Cap. 486).</b></p>	(Section 31)
Documents under seal of Council <b>(Section 64)</b>	<p>(1) The affixing of the common seal of the Council is to be authenticated by the signatures of any 2 of its members.</p> <p>(2) A document purporting to be duly executed under the common seal is admissible in evidence and, unless the contrary is proved, is to be regarded as having been duly executed.</p>	<p>(2) The Authority shall have a common seal, the affixing of which shall be authenticated by the signature of any 2 members.</p> <p>(3) Any document purporting to be a document duly executed under the seal of the Authority shall be received in evidence and shall, unless the contrary is proved, be deemed to be a document so executed.</p> <p>(Section 4)</p>
Power to sign Council's documents <b>(Section 65)</b>	A notice or any other document given or issued by the Council may be signed by an officer of the Council, authorized by the Council for the purposes of this section.	(1) Any notice or other document given or issued by the Authority may be signed by an officer of the Authority, authorized by the Authority for the purposes of this subsection.

<b>CIC (No. 2) Bill<sup>Note 1</sup></b>			<b>Industrial Training (Construction Industry) Ordinance (Cap.317)</b>
			(Section 33)
Admissibility of documents signed under section 65 <b>(Section 66)</b>	A document purporting to be a notice or other document given or issued by the Council and purporting to be signed by an officer of the Council authorized for the purposes of section 65 is admissible in evidence and, unless the contrary is proved, is to be regarded as a notice or other document given or issued by the Council and signed as purported.	(2) Any document purporting to be a notice or other document given or issued by the Authority and purporting to be signed by an officer of the Authority authorized under subsection (1) shall be received in evidence and shall until the contrary is proved be deemed to be such a notice or other document.	(Section 33)
Evidence by certificate, etc. <b>(Section 67)</b>	<p>(1) In any legal proceedings, a certificate to which this section applies purporting to be signed by an officer of the Council authorized for the purposes of section 65 is admissible in evidence.</p> <p>(2) Unless the contrary is proved, such a certificate is evidence of the facts stated in it and is to be regarded as signed as purported.</p> <p>(3) This section applies to a certificate stating that -</p> <p style="padding-left: 40px;">(a) a notice required by or under this Ordinance has or has not been given on a particular date; or</p> <p style="padding-left: 40px;">(b) an amount of a levy, surcharge, penalty or further penalty due under this Ordinance</p>	<p>A certificate purporting to be signed by an officer of the Authority authorized for the purposes of section 33 -</p> <p>(a) that any notice required by or under this Ordinance has or has not been given or has or has not been given at any date; or</p> <p>(b) that any amount of levy, surcharge, penalty or further penalty due under this Ordinance has not been paid,</p> <p>shall be sufficient evidence of that fact until the contrary is proved.</p>	(Section 32)

<b>CIC (No. 2) Bill<sup>Note 1</sup></b>		<b>Industrial Training (Construction Industry) Ordinance (Cap.317)</b>	
		has not been paid.	
Appointment of authorized persons <b>(Section 68)</b>	<p>(1) If the Government is the employer in respect of any construction operations, a person shall be appointed by or on behalf of the Government to perform the functions of an authorized person.</p> <p>(2) In any other case, the employer in respect of any construction operations shall, if no authorized person is appointed under section 4 of the Buildings Ordinance (Cap. 123), appoint a person to perform the functions of an authorized person.</p> <p>(3) For the purposes of enabling the Council to perform its functions under Part 5, an employer to whom subsection (2) applies shall, before the commencement of the construction operations, supply to the Council, in a form specified by it, the name of the person appointed under that subsection and the name of the contractor in respect of the construction operations.</p> <p>(4) A person who fails to comply with subsection (2) or (3) commits an offence and is liable on conviction to a fine at level 1.</p> <p><b>(5) Subsection (3) applies only if –</b></p>	<p>(1) If any construction operations are to be carried out for the Crown, a person shall be appointed by or on behalf of the Crown to perform the functions of an authorized person under this Ordinance in respect of such construction operations.</p> <p>(2) Subject to subsection (1), every person for whom construction operations are to be undertaken shall, if no authorized person has been appointed under section 4 of the Buildings Ordinance (Cap 123), appoint a person to be the authorized person under this Ordinance in respect of such construction operations.</p> <p>(3) Any person who has appointed an authorized person under subsection (2) shall, before the commencement of the construction operations concerned, inform the Authority of the respective names of –</p> <p style="padding-left: 40px;">(a) the person appointed under that subsection; and</p> <p style="padding-left: 40px;">(b) the contractor in respect of the construction operations.</p> <p>(4) Every person who is appointed under subsection (2) or who is the contractor in respect of any construction operations to which this section applies shall inform the Authority in writing of that fact before the commencement</p>	

CIC (No. 2) Bill <sup>Note 1</sup>		Industrial Training (Construction Industry) Ordinance (Cap.317)
	<p>(a) <b>the construction operations are carried out under a term contract; or</b></p> <p>(b) <b>it is reasonably estimated that the total value of the construction operations exceeds the amount specified in Part 1 of Schedule 4.</b></p>	<p>of the operations.</p> <p>(5) Any person who fails to comply with subsection (2), (3) or (4) shall be guilty of an offence and shall be liable on conviction to a fine of \$2000.</p> <p>(Section 34)</p>
<p>Offences of fraudulent evasion of levy and giving false documents or information <b>(Section 69)</b></p>	<p>(1) A person commits an offence if he –</p> <p>(a) is knowingly concerned in the fraudulent evasion of the payment of a levy due from him or from any other person; or</p> <p>(b) is knowingly concerned in taking steps with a view to the fraudulent evasion of the payment of a levy due from him or from any other person.</p> <p>(2) A person commits an offence if he –</p> <p>(a) with intent to deceive, produces, supplies or sends for the purposes of this Ordinance, or otherwise makes use of for those purposes, a document or record that is false in a material particular; or</p> <p>(b) in providing any information for the purposes of this Ordinance, makes a</p>	<p>(1) Any person who is knowingly concerned in, or in the taking of steps with a view to, the fraudulent evasion of the payment of a levy, whether due from him or from any other person, shall be guilty of an offence and shall be liable on conviction to a fine of \$10000 or 3 times the amount of levy that was or was intended to be evaded by his conduct, whichever is the greater.</p> <p>(2) Any person who -</p> <p>(a) with intent to deceive, produces, supplies or sends for the purposes of this Ordinance or otherwise makes use for those purposes of any document or record which is false in a material particular; or</p> <p>(b) in providing any information for the purposes of this Ordinance, makes any statement which he knows to be false in a material particular or recklessly makes a statement which is false in a material particular,</p> <p>shall be guilty of an offence and shall be liable on</p>

<b>CIC (No. 2) Bill<sup>Note 1</sup></b>		<b>Industrial Training (Construction Industry) Ordinance (Cap.317)</b>
	<p>statement that he knows to be false in a material particular or recklessly makes a statement that is false in a material particular.</p> <p>(3) A person who commits an offence under subsection (1)(a) or (b) is liable on conviction to a fine at level 3 or 3 times the amount of the levy that was evaded or intended to be evaded by his conduct, whichever is the greater.</p> <p>(4) A person who commits an offence under subsection (2)(a) or (b) is liable on conviction to a fine at level 2 or 3 times the amount of the levy that was evaded or intended to be evaded by his conduct, whichever is the greater.</p>	<p>conviction to a fine of \$5000 or 3 times the amount of any levy that was or was intended to be evaded by his conduct, whichever is the greater.</p> <p>(Section 35)</p>
<p>Regulations <b>(Section 70)</b></p>	<p>The Secretary may make regulations for all or any of the following purposes –</p> <p>(a) to provide for records that are to be kept by employers, contractors and authorized persons;</p> <p>(b) subject to the particular provisions relating to information in this Ordinance, to provide for information that is to be supplied by employers, contractors and authorized persons;</p>	<p>The Chief Executive in Council may by regulation provide for-</p> <p>(a) records to be kept by employers, contractors and authorized persons;</p> <p>(b) information to be supplied by employers, contractors and authorized persons;</p> <p>(c) (Repealed 60 of 1982 s. 5)</p>

<b>CIC (No. 2) Bill<sup>Note 1</sup></b>		<b>Industrial Training (Construction Industry) Ordinance (Cap.317)</b>
	(c) generally for the better carrying out of the provisions and purposes of this Ordinance.	(d) any matter which is to be or may be prescribed;  (e) generally for the better carrying out of the provisions and purposes of this Ordinance.  (Section 36)
Power to amend Schedules 1, 1A, 2 and 3 <b>(Section 71)</b>	The Secretary may, by order published in the Gazette, amend Schedules 1, 1A, 2 and 3.	The Chief Executive in Council may, by order published in the Gazette, amend Schedule 1  (Section 37)
Power to amend Schedule 4 <b>(Section 72)</b>	<p>(1) The Legislative Council may by resolution amend Schedule 4.</p> <p>(2) Any amendment to Schedule 4 shall come into effect on the expiry of the specified period.</p> <p>(3) Despite the coming into effect of any amendment made under subsection (1), Schedule 4 as it was before such amendment continues to apply to the construction operations to which this subsection applies.</p> <p>(4) Subsection (3) applies to the following construction operations –</p> <p style="padding-left: 20px;">(a) construction operations the tender for</p>	<p>(4) The Legislative Council may by resolution amend Schedule 2.</p> <p>(5) Any amendment to Schedule 2-</p> <p>(5)(a) shall come into effect on the expiration of the period of 30 days after the publication of the resolution in the Gazette;</p> <p>(b) shall not apply to any construction operations if, before the expiration of the period referred to in paragraph (a)-</p> <p style="padding-left: 20px;">(i) the tender for the construction operations has been submitted to the employer concerned;</p>



<b>CIC (No. 2) Bill<sup>Note 1</sup></b>		<b>Industrial Training (Construction Industry) Ordinance (Cap.317)</b>
	<p>which had been submitted to the employer before the expiry of the specified period;</p> <p>(b) other construction operations carried out under a construction contract, if the contract had been entered into before the expiry of the specified period or the construction operations had commenced before the expiry of that period; and</p> <p>(c) construction operations other than those referred to in paragraphs (a) and (b), that had commenced before the expiry of the specified period.</p> <p>(5) In this section, “specified period” (指明期間), in relation to a particular amendment made under subsection (1), means the period of 30 days after the publication in the Gazette of that amendment.</p>	<p>(ii) no tender for the construction operations has been submitted to the employer concerned, but a construction contract in respect of the construction operations has been entered into; or</p> <p>(iii) no tender for the construction operations has been submitted to the employer concerned and no construction contract in respect of the construction operations has been entered into, but the construction operations have been commenced.</p> <p>(Section 21)</p>
<b>Part 9</b>	<p>Repeal (Section 73)</p> <p>(1) <b>The Industrial Training (Construction Industry) Ordinance (Cap. 317) is repealed.</b></p> <p>(2) <b>The CITA is dissolved.</b></p>	
	<p>Vesting of rights, assets,</p> <p>(1) <b>By virtue of this section, all rights, assets, liabilities and obligations of the CITA are to</b></p>	

<b>CIC (No. 2) Bill<sup>Note 1</sup></b>		<b>Industrial Training (Construction Industry) Ordinance (Cap.317)</b>
liabilities and obligations of CITA in Council and saving of validity of CITA's acts <b>(Section 74)</b>	<p style="text-align: center;"><b>be vested in the Council as from the appointed day.</b></p> <p><b>(2) Nothing in this Ordinance affects the validity of anything done by or in relation to the CITA before the appointed day.</b></p> <p><b>(3) The Stamp Duty Ordinance (Cap. 117) does not apply to any vesting effected by this section.</b></p>	
Completion of acts already commenced <b>(Section 75)</b>	<b>Anything which immediately before the appointed day is in the process of being done by or in relation to the CITA may be carried on or completed by the Council in accordance with the provisions of this Ordinance.</b>	
Rights of action <b>(Section 76)</b>	<p><b>(1) The Council may be sued for the liabilities or obligations to which it is subject under section 74 and they may be recovered from the Council.</b></p> <p><b>(2) The Council may sue on, recover or enforce a chose in action vested in it under section 74 without having to give notice of the vesting to a person bound by the chose in action.</b></p>	
Legal claims and pending	<b>(1) Legal claims (whether present or future, actual or contingent) by or against the CITA,</b>	

CIC (No. 2) Bill <sup>Note 1</sup>		Industrial Training (Construction Industry) Ordinance (Cap.317)
<p>legal proceedings, etc. (Section 77)</p>	<p><b>including any accrued right of appeal, judicial and administrative proceedings instituted by or against the CITA, that existed immediately before the appointed day do not abate by reason of the repeal under section 73 and may be continued or enforced by or against the Council.</b></p> <p><b>(2) Where immediately before the appointed day, any legal proceedings to which the CITA is a party are pending, the Council is to, as from that day, be substituted as a party to those proceedings in place of the CITA.</b></p>	
<p>Effect of existing agreement, etc. (Section 78)</p>	<p><b>(1) Any agreement, arrangement, contract made or entered into or other transaction effected or other thing done by, to or in relation to the CITA that is in force or effective immediately before the appointed day or which is to take effect on or after that day has effect as if made, entered into, effected or done by, to or in relation to the Council.</b></p> <p><b>(2) Without affecting the generality of subsection (1), any lease, tenancy, permit or licence granted to the CITA that is in force or effective immediately before the appointed day or which is to take effect on or after that day has effect as if granted to the Council.</b></p>	

<b>CIC (No. 2) Bill<sup>Note 1</sup></b>		<b>Industrial Training (Construction Industry) Ordinance (Cap.317)</b>
References to CITA <b>(Section 79)</b>	<p><b>As from the appointed day, the references to the CITA in the following are to be taken as references to the Council –</b></p> <p><b>(a) any agreement, contract or other instrument;</b></p> <p><b>(b) any process or other document issued, prepared or employed for the purposes of any proceedings before a court, tribunal or similar body; and</b></p> <p><b>(c) any other document (other than an enactment) relating to or affecting any property, right, liability or obligation of the CITA vested in the Council under section 74.</b></p>	
Delivery of books, etc. <b>(Section 80)</b>	<p><b>All books, accounts, minutes and other documents and equipment belonging to the CITA and in its control immediately before the appointed day shall be delivered to the Council on that day by the person who has the care and custody of those documents or equipment on the commencement of that day.</b></p>	
Record of property <b>(Section 81)</b>	<p><b>Any property of the CITA which, immediately before the appointed day, was standing in the books of a bank, company or other corporation is to be</b></p>	

CIC (No. 2) Bill <sup>Note 1</sup>		Industrial Training (Construction Industry) Ordinance (Cap.317)
	<p><b>transferred in those books to the Council at the request of the Council, by the bank, company or other corporation.</b></p>	
Continuance of employment (Section 82)	<p><b>(1) As from the appointed day, a person who, immediately before that day, is an employee of the CITA under a valid contract of employment and who, if not for the dissolution of the CITA, would have been its employee under the contract on that day, becomes an employee of the Council on the same terms and conditions that applied immediately before that day to his employment with the CITA.</b></p> <p><b>(2) There is no break or interruption in the employment of such a person by reason of the commencement of this Part.</b></p>	
Submission of reports on activities of CITA (Section 83)	<p><b>(1) Within 6 months after the appointed day, the Council shall submit to the Secretary –</b></p> <p><b>(a) a report on the activities of the CITA during the specified period;</b></p> <p><b>(b) a copy of the statement of accounts of the CITA in respect of that period; and</b></p> <p><b>(c) the auditor’s report on the statement of accounts.</b></p>	

	CIC (No. 2) Bill <sup>Note 1</sup>	Industrial Training (Construction Industry) Ordinance (Cap.317)
	<p>(2) The Secretary shall cause the documents received under subsection (1) to be laid on the table of the Legislative Council.</p> <p>(3) The Secretary may extend the period for submitting the documents under subsection (1).</p> <p>(4) In this section –</p> <p>“repealed Ordinance” (被廢除條例) means the Industrial Training (Construction Industry) Ordinance (Cap. 317);</p> <p>“specified period” (指明期間) means the period beginning on the day next following the end of the last financial year of the CITA in respect of which reports and statements had been submitted under section 20 of the repealed Ordinance and ending on the day immediately before the appointed day;</p> <p>“statement of accounts” (帳目表) includes an income and expenditure account and a balance sheet.</p>	

<b>CIC (No. 2) Bill<sup>Note 1</sup></b>		<b>Industrial Training (Construction Industry) Ordinance (Cap.317)</b>
Council to appoint auditor for purposes of section 83 <b>(Section 84)</b>	<p><b>(1) The Council shall appoint an auditor for the purposes of section 83.</b></p> <p><b>(2) The auditor appointed under subsection (1) shall –</b></p> <p style="padding-left: 40px;"><b>(a) audit the statement of accounts referred to in section 83; and</b></p> <p style="padding-left: 40px;"><b>(b) submit a report on it to the Council.</b></p> <p><b>(3) The auditor is entitled to –</b></p> <p style="padding-left: 40px;"><b>(a) have access to all books of account, vouchers and other financial records of the CITA that are in the Council’s control; and</b></p> <p style="padding-left: 40px;"><b>(b) require such information and explanations of those books, vouchers and records as he thinks fit.</b></p>	
Transitional provisions in relation to certain construction operations <b>(Section 85)</b>	<p><b>(1) This Ordinance does not apply to the following construction operations –</b></p> <p style="padding-left: 40px;"><b>(a) construction operations the tender for which had been submitted to the employer before the commencement day;</b></p>	

	CIC (No. 2) Bill <sup>Note 1</sup>	Industrial Training (Construction Industry) Ordinance (Cap.317)
	<p>(b) other construction operations carried out under a construction contract, if the contract had been entered into before the commencement day or the construction operations had commenced before the commencement day; and</p> <p>(c) construction operations other than those referred to in paragraphs (a) and (b), that had commenced before the commencement day.</p> <p>(2) Despite the commencement of section 73, the repealed Ordinance as it was in force immediately before the commencement continues to apply to the construction operations referred to in subsection (1), subject to subsection (3).</p> <p>(3) In respect of those construction operations, the powers conferred and the functions imposed on the CITA under the repealed Ordinance shall be exercised and performed by the Council.</p> <p>(4) In this section –</p>	



<b>CIC (No. 2) Bill<sup>Note 1</sup></b>		<b>Industrial Training (Construction Industry) Ordinance (Cap.317)</b>
		<p><b>“commencement day” (生效日期) means the day on which this Part comes into operation; “repealed Ordinance” (被廢除條例) means the Industrial Training (Construction Industry) Ordinance (Cap. 317).</b></p>
Consequential or related amendments (Section 86)	<p><b>(1) The enactments specified in Schedule 5 are amended as set out in that Schedule.</b></p> <p><b>(2) The amendments effected by section 3 of Schedule 5 apply in relation to the year of assessment in which that section comes into operation and to all subsequent years of assessment.</b></p> <p><b>(3) In subsection (2), “year of assessment” (課稅年度) has the meaning assigned to it in section 2(1) of the Inland Revenue Ordinance (Cap. 112).</b></p>	
<b>Schedule 1 - Construction operations</b>	<p>1. In this Ordinance, “construction operations” (建造工程) means operations of any of the following descriptions –</p> <p style="padding-left: 40px;">(a) building works as defined in section 2(1) of the Buildings Ordinance (Cap. 123);</p> <p style="padding-left: 40px;">(b) street works as defined in section 2(1) of the</p>	<p>1. For the purposes of this Ordinance, "construction operations" (建造工程) means operations of any of the following descriptions-</p> <p style="padding-left: 40px;">(a) building works;</p> <p style="padding-left: 40px;">(b) street works;</p>

CIC (No. 2) Bill <sup>Note 1</sup>		Industrial Training (Construction Industry) Ordinance (Cap.317)
	<p>Buildings Ordinance (Cap. 123);</p> <p>(c) construction, alteration, repair, maintenance, extension, demolition or dismantling of –</p> <p>(i) any buildings, or other temporary or permanent structures forming, or to form, part of land;</p> <p>(ii) any works forming, or to form, part of land;</p> <p>(iii) any industrial plant or any industrial installations for the purposes of land drainage, coast protection, water supply or defence; or</p> <p>(iv) any power-lines, telecommunications apparatus or pipelines, including walls, pylons, aircraft runways, docks and harbours, railways, inland waterways, reservoirs, water-mains, wells and sewers;</p> <p>(d) supply and installation of fittings or equipment in any buildings, or other structures forming part of land, including systems of heating, lighting, air-conditioning, ventilation, power supply,</p>	<p>(c) without limiting the generality of paragraphs (a) and (b)-</p> <p>(i) construction, alteration, repair, maintenance, extension, demolition or dismantling of-</p> <p>(A) any buildings, or other temporary or permanent structures forming, or to form, part of land;</p> <p>(B) any works forming, or to form, part of land;</p> <p>(C) any industrial plant or any industrial installations for purposes of land drainage, coast protection, water supply or defence; or</p> <p>(D) any power-lines, telecommunication apparatus or pipe-lines,</p> <p>including, without limiting the generality of the foregoing, walls, pylons, aircraft runways, docks and harbours, railways, inland waterways, reservoirs, water-mains, wells and sewers;</p> <p>(ii) supply and installation of fittings or equipment in any buildings, or other structures forming part of land, including, without limiting the generality of the foregoing, systems of heating, lighting,</p>

CIC (No. 2) Bill <sup>Note 1</sup>		Industrial Training (Construction Industry) Ordinance (Cap.317)
	<p>drainage, sanitation, refuse collection, water supply, fire protection, security or communications, lift or escalator and other extra low voltage works;</p> <p>(e) external or internal cleaning of any buildings, or other temporary or permanent structures forming part of land, to the extent that it is carried out in the course of construction, alteration, repair, maintenance, extension or restoration of such buildings or structures;</p> <p>(f) painting or decorating any external or internal surfaces or parts of any buildings, or other temporary or permanent structures forming part of land;</p> <p>(g) operations which form an integral part of, or are preparatory to, or are for rendering complete, any of the operations described in paragraphs (a), (b), (c), (d), (e) and (f), including site clearance and investigation, earthmoving, excavation, tunnelling and boring, laying of foundations, erection, maintenance or dismantling of scaffolding, site restoration, landscaping and the provision of roadways and other access works.</p>	<p>air-conditioning, ventilation, power supply, drainage, sanitation, refuse collection, water supply, fire protection, security or communications, lift or escalator and other extra low voltage works;</p> <p>(iii) external or internal cleaning of any buildings, or other temporary or permanent structures forming part of land, to the extent that it is carried out in the course of construction, alteration, repair, maintenance, extension or restoration of such buildings or structures;</p> <p>(iv) painting or decorating any internal or external surfaces or parts of any buildings, or other temporary or permanent structures forming part of land;</p> <p>(v) operations which form an integral part of, or are preparatory to, or are for rendering complete, any of the operations described in paragraphs (a), (b) and (c)(i), (ii), (iii) and (iv), including, without limiting the generality of the foregoing, site clearance and investigation, earthmoving, excavation, tunnelling and boring, laying of foundations, erection, maintenance or dismantling of scaffolding, site restoration, landscaping and the provision of roadways and other access works.</p>

	<b>CIC (No. 2) Bill<sup>Note 1</sup></b>	<b>Industrial Training (Construction Industry) Ordinance (Cap.317)</b>
	<p>2. Notwithstanding section 1, “construction operations” (建造工程) does not include operations of any of the following descriptions –</p> <p>(a) design, advice or consultation work, unless such design, advice or consultation work is incidental to any operations described in section 1;</p> <p>(b) manufacture of plant or machinery at a site for delivery of such plant or machinery to another site where the sole or principal activity at that other site is –</p> <p>(i) power generation; or</p> <p>(ii) the production, transmission, processing or bulk storage of any materials or manufactured products, including chemicals, pharmaceuticals, oil, gas, steel, food or drink or vehicles, which are intended for sale.</p> <p>3. In this Schedule – “extra low voltage” (特低壓) means voltage normally not exceeding –</p>	<p>2. Notwithstanding section 1, "construction operations" (建造工程) does not include operations of any of the following descriptions-</p> <p>(a) design, advice and consultation work, unless such design, advice and consultation work is incidental to any of the operations described in section 1;</p> <p>(b) manufacture of plant or machinery at a site for delivery of such plant or machinery to another site where the sole or principal activity at that other site is -</p> <p>(i) power generation; or</p> <p>(ii) the production, transmission, processing or bulk storage of any materials or manufactured products, including chemicals, pharmaceuticals, oil, gas, steel, food or drink or vehicles, which are intended for sale.</p> <p>3. For the purposes of this Schedule- "extra low voltage" (特低壓) means voltage normally not exceeding-</p> <p>(a) 50V root mean square alternating current; or</p>

<b>CIC (No. 2) Bill</b> <sup>Note 1</sup>		<b>Industrial Training (Construction Industry) Ordinance (Cap.317)</b>
	<p>(a) 50V root mean square alternating current between conductors or between a conductor and earth; or</p> <p>(b) 120V direct current between conductors or between a conductor and earth; “land” (土地) includes land under the sea.</p>	<p>(b) 120V direct current, between conductors or between a conductor and earth; “land” (土地) includes land under the sea.</p> <p>(Schedule 1)</p>
	<p><b>Schedule 1A – Specified Bodies</b></p> <p style="text-align: right;"><small>Note 2</small></p>	
<p><b>Schedule 2 - Meetings and proceedings of Council</b></p> <p><b>Interpretation (Section 1)</b></p>	<p><b>In this Schedule –</b></p> <p><b>“chairman” (主席) means the chairman of the Council referred to in section 9(1)(a) of this Ordinance, and includes a person appointed under section 13(1) of this Ordinance to act in his place;</b></p> <p><b>“member” (成員) means a member of the Council referred to in section 9(1) of this Ordinance, and includes a person appointed under section 13(1) or 14(2) of this Ordinance to act in his place.</b></p>	

<sup>Note 2</sup> There is no similar corresponding provisions in the Industrial Training (Construction Industry) Ordinance (Cap.317).

<b>CIC (No. 2) Bill<sup>Note 1</sup></b>		<b>Industrial Training (Construction Industry) Ordinance (Cap.317)</b>	
<p> <b>Holding of Meetings (Section 2)</b> </p>	<p>           (1) Subject to subsection (2), a meeting of the Council shall be held at such time and place as the chairman may appoint.         </p> <p> <b>(2) The Council shall meet if there is a notice in writing, signed by not less than half of its members, requesting that a meeting be held.</b> </p>	<p>           (1) Meeting of the Authority shall be held at such times and places as the chairman may appoint.         </p> <p>           (Section 9)         </p>	
<p> <b>Notice of meetings (Section 3)</b> </p>	<p> <b>Unless otherwise determined by the chairman, a notice of meeting shall be served on each member at least 14 days before the day on which the meeting is to be held.</b> </p>		
<p> <b>Quorum (Section 4)</b> </p>	<p>           (1) At a meeting of the Council, a quorum is not less than half of its members.         </p> <p> <b>(2) If a member is disqualified from taking part in a decision or deliberation in respect of a matter under section 6, he shall be disregarded for the purposes of constituting the quorum for deciding or deliberating on that matter.</b> </p>	<p>           (2) A quorum shall be 6 members.         </p> <p>           (Section 9)         </p>	
<p> <b>Proceedings of Council (Section 5)</b> </p>	<p>           (1) Subject to subsection (2), the chairman is to preside at a meeting of the Council.         </p> <p>           (2) If, for any reason, the chairman is not able to         </p>	<p>           (3) At any meeting of the Authority the chairman shall preside.         </p> <p>           (4) If the chairman is absent from any meeting of the         </p>	

CIC (No. 2) Bill <sup>Note 1</sup>		Industrial Training (Construction Industry) Ordinance (Cap.317)
	<p>preside at a meeting of the Council, the members present at the meeting are to elect a member from among themselves to preside.</p> <p>(3) All questions for determination are to be decided by a majority of votes of the members present and voting, and if there is an equality of votes, the member presiding has a casting vote in addition to his original vote.</p>	<p>Authority, the members present at the meeting may elect one of their number to act as chairman in his place.</p> <p>(5) The chairman or the member acting in his place shall have a deliberative vote on all matters coming before the Authority and in the case of an equality of votes he shall also have a casting vote.</p> <p>(Section 9)</p>
Disclosure of interests of members <b>(Section 6)</b>	<p>If a member has a pecuniary interest, whether direct or indirect, in any matter under consideration at a meeting of the Council, the member –</p> <p>(a) shall, as soon as practicable after the commencement of the meeting, disclose to the Council the fact and nature of his interest;</p> <p>(b) shall withdraw from the meeting while the Council is considering the matter, if so required by the meeting; and</p> <p>(c) shall not in any case vote on the matter.</p>	<p>(6) If a member has a pecuniary interest, whether direct or indirect, in any contract or proposed contract or in any other matter, and is present at a meeting of the Authority at which the contract or other matter is the subject of consideration, he shall as soon as practicable after the commencement of the meeting, disclose to the Authority the fact and nature of his interest.</p> <p>(7) Such member shall, if so required by the meeting, withdraw from the meeting while the Authority is considering the contract or matter and in any case shall not vote thereon.</p> <p>(Section 9)</p>
Validity of proceedings <b>(Section 7)</b>	<p><b>The validity of any proceedings of the Council shall not be affected by –</b></p> <p>(a) <b>any defect in the appointment of a member;</b></p>	

CIC (No. 2) Bill <sup>Note 1</sup>		Industrial Training (Construction Industry) Ordinance (Cap.317)	
		<p style="text-align: center;"><b>or</b></p> <p><b>(b) any vacancy in the membership of the Council.</b></p>	
	<p><i>Meeting of Council to be held in public (Section 7A)</i></p>	<p><i>(1) Subject to subsection (2), a meeting of the Council shall be open to the public.</i></p> <p><i>(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 -</i></p> <p><i>(a) if, in the opinion of the Council, it is likely that the application of subsection (1) would result -</i></p> <p style="padding-left: 40px;"><i>(i) in premature release of information concerning any financial matter or investment of the Council; or</i></p> <p style="padding-left: 40px;"><i>(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;</i></p> <p><i>(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</i></p>	



CIC (No. 2) Bill <sup>Note 1</sup>		Industrial Training (Construction Industry) Ordinance (Cap.317)
	<p><i>meeting -</i></p> <p><i>(i) concerns personnel matters; or</i></p> <p><i>(ii) is relevant to the carrying out of any provision of this Ordinance that relates to the levy, surcharge, penalty or further penalty; or</i></p> <p><i>(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.</i></p>	
Council to determine procedures <b>(Section 8)</b>	Subject to the provisions of this Ordinance, the Council may determine its own procedures.	(8) Subject to this Ordinance, the Authority may determine its own procedure at meetings.  (Section 9)
Resolutions without meetings <b>(Section 9)</b>	<p>(1) Anything which may be done by resolution of the Council in a meeting may be validly done, without a meeting, by a resolution in writing if the resolution is signed by more than half of the members who, on the date on which the resolution is made, would be entitled to attend and vote at a meeting of the Council.</p> <p><b>(2) If a resolution is in the form of more than one</b></p>	<p>The Authority may transact any of its business by the circulation of papers, and a resolution in writing which is approved in writing by a majority of the members shall be as valid and effectual as if it had been passed at a meeting of the Authority by the votes of the members so approving the resolution.</p> <p>(Section 10)</p>

<b>CIC (No. 2) Bill<sup>Note 1</sup></b>		<b>Industrial Training (Construction Industry) Ordinance (Cap.317)</b>
	<p>document, the requirement under subsection (1) is to be regarded as satisfied if each document is in the like form and the documents together bear the signatures of more than half of the members.</p> <p>(3) A telex, cable or facsimile, or an electronically transmitted document, that bears the signature of a member is to be regarded as having been signed by that member.</p> <p>(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 it.</p>	
<p><b>Schedule 3</b> <sup>Note 3</sup> – Composition, meetings and proceedings of</p>	<p><b>In this Schedule –</b></p> <p><b>“Board member” (訓練委員會成員) means a member of the Board referred to in section 2, and includes a person appointed under section 5 of to act</b></p>	

<sup>Note 3</sup> Corresponding provisions in the Industrial Training (Construction Industry) Ordinance (Cap.317) are also set out for a comparison with contents of this Schedule in light of the proposed arrangements that functions currently performed by the Construction Industry Training Authority (except the function regarding making recommendations with respect to the rate of levy) will be taken over by the Construction Industry Training Board.

<b>CIC (No. 2) Bill<sup>Note 1</sup></b>		<b>Industrial Training (Construction Industry) Ordinance (Cap.317)</b>
Board, etc.	<b>in his place;</b>	
Interpretation <b>(Section 1)</b>	<b>“chairman” (主席) means the chairman of the Board referred appointed under section 2(4).</b>	
Composition of Board <b>(Section 2)</b>	<p>(1) The Board is to consist of 13 members appointed by the Council.</p> <p>(2) Of those members –</p> <p>(a) 4 are to be persons who, in the opinion of the Council, represent professionals or consultants connected with the construction industry;</p> <p>(b) 3 are to be persons who, in the opinion of the Council, represent contractors in the construction industry;</p> <p>(c) one is to be a person who, in the opinion of the Council, represents a training institute or tertiary educational institution connected with the construction industry;</p> <p>(d) 2 are to be persons who, in the opinion of the Council, are from trade unions representing workers employed in the construction industry that are registered</p>	<p>(1) The Authority shall consist of 13 members appointed by the Chief Executive of whom –</p> <p>(a) 2 shall be persons nominated by the Hong Kong Construction Association Limited;</p> <p>(b) 1 shall be a person nominated by the Hong Kong Federation of Electrical and Mechanical Contractors Limited;</p> <p>(c) 1 shall be a person nominated by the Hong Kong Institute of Architects;</p> <p>(d) 1 shall be a person nominated by the Hong Kong Institute of Surveyors;</p> <p>(e) 1 shall be a structural engineer nominated by the Hong Kong Institution of Engineers;</p> <p>(f) 1 shall be a civil engineer nominated by the Hong Kong Institution of Engineers;</p> <p>(g) 1 shall be a person who holds office as an official</p>

<b>CIC (No. 2) Bill<sup>Note 1</sup></b>		<b>Industrial Training (Construction Industry) Ordinance (Cap.317)</b>
	<p>under the Trade Unions Ordinance (Cap. 332);</p> <p>(e) one is to be such other person as the Council thinks fit to be a member of the Board; and</p> <p>(f) 2 are to be public officers.</p> <p>(3) The Council may not appoint a public officer under subsection (2)(a), (b), (c), (d) or (e).</p> <p>(4) The Council is to appoint a Board member to be the chairman of the Board.</p>	<p>of a trade union representing workers employed in the construction industry;</p> <p>(gaa) 1 shall be a person who holds office as an official of a trade union representing electrical and mechanical workers employed in the construction industry;</p> <p>(ga) 1 shall be a person nominated by the Executive Director of the Vocational Training Council;</p> <p>(h) 2 shall be public officers; and</p> <p>(i) 1 shall be a person, not being a public officer or person connected with any of the organizations mentioned in paragraphs (a) to (ga).</p> <p>(Section 7)</p> <p>(1) The Chief Executive shall appoint a member to be chairman of the Authority.</p> <p>(Section 8)</p>
Term of office of Board member who is not public officer	<p>(1) A Board member who is not a public officer holds office for a period determined by the Council.</p> <p>(2) A Board member who is not a public officer is</p>	<p>(2) A member who is not a public officer appointed under subsection (1)(h) shall, unless his appointment is terminated or otherwise ceases, hold office for such period as the Chief Executive may specify.</p>

<b>CIC (No. 2) Bill</b> <sup>Note 1</sup>		<b>Industrial Training (Construction Industry) Ordinance (Cap.317)</b>
<b>(Section 3)</b>	eligible for reappointment on the expiry of his term of office.	(3) On the expiration of his period of appointment or reappointment, as the case may be, any such member shall be eligible for reappointment for such further term as the Chief Executive may specify.  (Section 7)
Resignation of Board member who is not public officer <b>(Section 4)</b>	(1) A Board member who is not a public officer may resign at any time by giving notice in writing to the Council.  (2) A resignation takes effect on the date specified in the notice of resignation or, if a date is not specified, on the date the Council receives the notice.	(4) Any such member may at any time resign from office by giving notice in writing to the Chief Executive, and he shall cease to be a member from the date specified in the notice or, if no date is specified, from the date of the receipt by the Chief Executive of the notice.  (Section 7)
Casual vacancies <b>(Section 5)</b>	(1) If a Board member, other than a member who is a public officer, is temporarily absent from Hong Kong or is unable to perform the functions of his office for any other reason, the Council may appoint another person to act in his place during his absence or incapacity.  (2) <b>Only a person who satisfies the same criteria that applied to the appointment of the Board member replaced may be appointed under subsection (1).</b>	(5) If any member other than the chairman is absent from Hong Kong or is for any other reason unable to exercise the powers or perform the duties of his office as member, the Chief Executive may appoint another person to be a temporary member in his place during his absence or incapacity.  (Section 7)

<b>CIC (No. 2) Bill<sup>Note 1</sup></b>		<b>Industrial Training (Construction Industry) Ordinance (Cap.317)</b>
Holding of meetings <b>(Section 6)</b>	A meeting of the Board shall be held at such time and place as the chairman may appoint.	(1) Meetings of the Authority shall be held at such times and places as the chairman may appoint.  (Section 9)
Quorum <b>(Section 7)</b>	(1) At a meeting of the Board, a quorum is not less than 6 Board members.  (2) <b>If a Board member is disqualified from taking part in a decision or deliberation in respect of a matter under section 9, he shall be disregarded for the purposes of constituting the quorum for deciding or deliberating on that matter.</b>	(2) A quorum shall be 6 members.  (Section 9)
Proceedings of Board <b>(Section 8)</b>	(1) Subject to subsection (2), the chairman is to preside at a meeting of the Board.  (2) If, for any reason, the chairman is not able to preside at a meeting of the Board, the Board members present at the meeting are to elect a member from among themselves to preside.  (3) All questions for determination are to be decided by a majority of votes of the Board members present and voting.	(3) At any meeting of the Authority the chairman shall preside.  (4) If the chairman is absent from any meeting of the Authority, the members present at the meeting may elect one of their number to act as chairman in his place.  (5) The chairman or the member acting in his place shall have a deliberative vote on all matters coming before the Authority and in the case of an equality of votes he shall also have a casting vote.

<b>CIC (No. 2) Bill<sup>Note 1</sup></b>		<b>Industrial Training (Construction Industry) Ordinance (Cap.317)</b>
	(4) If there is an equality of votes, the member presiding has a casting vote in addition to his original vote.	(Section 9)
Disclosure of interests of Board members <b>(Section 9)</b>	<p>(a) shall, as soon as practicable after the commencement of the meeting, disclose to the Board the fact and nature of his interest;</p> <p>(b) shall withdraw from the meeting while the Board is considering the matter, if so required by the meeting; and</p> <p>(c) shall not in any case vote on the matter.</p>	<p>(6) If a member has a pecuniary interest, whether direct or indirect, in any contract or proposed contract or in any other matter, and is present at a meeting of the Authority at which the contract or other matter is the subject of consideration, he shall as soon as practicable after the commencement of the meeting, disclose to the Authority the fact and nature of his interest.</p> <p>(7) Such member shall, if so required by the meeting, withdraw from the meeting while the Authority is considering the contract or matter and in any case shall not vote thereon.</p> <p>(Section 9)</p>
Validity of proceedings <b>(Section 10)</b>	<p><b>The validity of any proceedings of the Board shall not be affected by -</b></p> <p><b>(a) any defect in the appointment of a Board member; or</b></p> <p><b>(b) any vacancy in the membership of the Board.</b></p>	
Board to	Subject to the provisions of this Ordinance, the Board	(8) Subject to this Ordinance, the Authority may determine its

<b>CIC (No. 2) Bill<sup>Note 1</sup></b>		<b>Industrial Training (Construction Industry) Ordinance (Cap.317)</b>	
	determine procedures <b>(Section 11)</b>	may determine its own procedures.	own procedure at meetings.  (Section 9)
	Resolutions without meetings <b>(Section 12)</b>	<p>(1) Anything which may be done by resolution of the Board in a meeting may be validly done, without a meeting, by a resolution in writing if the resolution is signed by more than half of the Board members who, on the date on which the resolution is made, would be entitled to attend and vote at a meeting of the Board.</p> <p>(2) <b>If a resolution is in the form of more than one document, the requirement under subsection (1) is to be regarded as satisfied if each document is in the like form and the documents together bear the signatures of more than half of the Board members.</b></p> <p>(3) <b>A telex, cable or facsimile, or an electronically transmitted document, that bears the signature of a Board member is to be regarded as having been signed by that member.</b></p> <p>(4) <b>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 it.</b></p>	<p>The Authority may transact any of its business by the circulation of papers, and a resolution in writing which is approved in writing by a majority of the members shall be as valid and effectual as if it had been passed at a meeting of the Authority by the votes of the members so approving the resolution.</p> <p>(Section 10)</p>



<b>CIC (No. 2) Bill<sup>Note 1</sup></b>		<b>Industrial Training (Construction Industry) Ordinance (Cap.317)</b>	
Delegation of Board's functions and appointment of subcommittee <b>(Section 13)</b>	<p>(1) The Board may appoint any subcommittee as it considers appropriate.</p> <p>(2) The Board may delegate in writing any of its functions to a subcommittee appointed under subsection (1).</p> <p>(3) The Board may not delegate under subsection (2) any of the following powers –</p> <p style="padding-left: 20px;">(a) the power to appoint a subcommittee under subsection (1);</p> <p style="padding-left: 20px;">(b) the power to delegate under subsection (2);</p> <p style="padding-left: 20px;">(c) the power to approve programmes of its proposed activities, estimates of its income and expenditure or other statements or reports required to be submitted to the Council;</p> <p style="padding-left: 20px;">(d) the power to authorize the preparation of its accounts or other financial records.</p> <p><b>(4) A delegation may be subject to such terms and conditions as the Board considers fit.</b></p>	<p>(1) Subject to subsection (2), the Authority may appoint committees for the better discharge of its functions under this Ordinance.</p> <p>(3) Subject to subsection (4), the Authority may in writing delegate to any committee appointed under subsection (1) or (2) any of its powers and functions: Provided that no delegation under this subsection shall preclude the Authority from exercising or performing at any time any power or function so delegated.</p> <p>(4) Notwithstanding subsection (3), the Authority shall not delegate to a committee the power -</p> <p style="padding-left: 20px;">(a) to approve the annual programme and estimates required to be submitted under section 15;</p> <p style="padding-left: 20px;">(b) to authorize the preparation of the statements required under section 18(2).</p> <p><b>(Section 11)</b></p>	

<b>CIC (No. 2) Bill<sup>Note 1</sup></b>		<b>Industrial Training (Construction Industry) Ordinance (Cap.317)</b>
	<p>(5) A delegation does not prevent the concurrent performance by the Board of the functions delegated.</p> <p><b>(6) The Board may amend or revoke a delegation.</b></p>	
Estimates of the Board <b>(Section 14)</b>	<p>(1) In every financial year, the Board shall submit to the Council, before a date determined by the Council, a programme of its proposed activities and estimates of its income and expenditure for the next financial year.</p> <p>(2) The Board shall submit the programme and estimates for the first financial year as soon as practicable after the commencement of this section.</p>	<p>(1) In each financial year, before a date to be appointed by the Chief Executive, the Authority shall submit to the Chief Executive a programme of its proposed activities and estimates of its income and expenditure for the next financial year: Provided that the programme and estimates for the first financial year of the Authority shall be forwarded as soon as is practicable after the commencement of this Ordinance.</p> <p>(Section 15)</p>
Accounts of the Board and submission of reports, etc. to Council <b>(Section 15)</b>	<p>(1) The Board shall maintain proper accounts and records of all its income and expenditure.</p> <p>(2) The Board shall, as soon as practicable after the end of a financial year, cause to be prepared a statement of accounts of the Board in respect of the financial year.</p> <p>(3) The statement of accounts is to include an income and expenditure account and a balance</p>	<p>(1) The Authority shall maintain proper accounts and records of all income and expenditure.</p> <p>(2) After the end of each financial year, the Authority shall cause to be prepared statements of income and expenditure during the previous financial year and of the assets and liabilities of the Authority on the last day thereof.</p> <p>(Section 18)</p>

<b>CIC (No. 2) Bill</b> <sup>Note 1</sup>		<b>Industrial Training (Construction Industry) Ordinance (Cap.317)</b>
	<p>sheet.</p> <p>(4) The Board shall submit to the Council, before a date determined by the Council, a report on the activities of the Board during the financial year and a copy of the statement of accounts referred to in subsection (2).</p>	<p>(1) The Authority shall, within 6 months after the end of each financial year or such further time as the Chief Executive may in any particular year allow, submit to the Chief Executive a report on the activities of the Authority and copies of the statements prepared under section 18(2) and the report made under section 19(2).</p> <p>(Section 20)</p>
<b>Schedule 4 – Levy</b>	<p>PART 1</p> <p>SPECIFIED AMOUNT</p> <p>\$1,000,000.</p> <p>PART 2</p> <p>SPECIFIED RATE</p> <p>0.4% of the value of the construction operations concerned.</p>	<p>PART 1</p> <p>SPECIFIED RATE</p> <p>0.4% of the value of the construction operations concerned.</p> <p>PART 2</p> <p>SPECIFIED AMOUNT</p> <p>\$1000000.</p> <p>(Schedule 2)</p>
<b>Schedule 5 – Consequential</b>	Note 4	

Note 4 There is no similar corresponding provisions in the Industrial Training (Construction Industry) Ordinance (Cap.317).

<b>CIC (No. 2) Bill<sup>Note 1</sup></b>		<b>Industrial Training (Construction Industry) Ordinance (Cap.317)</b>
	or related amendments	