



CB(1) 306/04-05(10)

香港建築師學會
The Hong Kong Institute of Architects

Your Ref. : CB1/BC/1/04
Our Ref. : BLA/CIC2Bill/RC/cw/1104

18 November 2004

Hon Kwong Chi-kin
Chairman of the Bills Committee
Legislative Council
c/o Legislative Council Secretariat
3/F Citibank Tower
3 Garden Road
Hong Kong

By Fax and By Post
Fax No. : 2869 6794

Dear Sir

Construction Industry Council (No. 2) Bill

Thank you for your letter dated 8 Nov 2004 ref. no. CB1/BC/1/04 inviting us to give views on the Bill.

We support the establishment of the statutory body Construction Industry Council (CIC) to spearhead reforms and sustaining momentum to achieve continuous improvements across the construction industry. We noted that the proposed CIC would take over the function of the Construction Industry Training Authority established under Cap 317.

In the limited time available to us to go through the document, we have the following observations:

1. The setting up, appointment of members and representation of the proposed CIC is different from that of the CITA, which has some representatives nominated by major professional bodies, including our institute, and trade associations;
2. The setting up, appointment of members and representation of proposed Construction Industry Training Board (CITB) under the proposed CIC is similarly different from that of the CITA;
3. We support the proposal that the Chairman is not a public officer;
4. We consider that by comparison with other Councils operating in Hong Kong with regulating functions in particular industries, there is scope to increase the membership from the maximum 25 Members proposed. This would allow greater representation for the proposed CIC, to achieve its aim of promoting of self-regulation in a market-driven environment, in the best interests of the community;
5. We consider that similarly there is scope to increase the representation under Clause 9(3)(b) such that the representatives of the professions and consultants are drawn from the professional institutes. We consider that this is the only certain way for the CIC to

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achieve full consultation with major stakeholders in the industry and gain the benefit of the representation processes available in those bodies. Another important reason for the professional institutions to make their nominations is to ensure that the particular member properly represents their profession. He will have the duty to report back to his profession and by doing so will ensure the most informative feedback for the CIC. Individual appointments are unlikely to have the same effect;

6. We note that the functions of the Council will have a wider impact than on the construction industry itself. This is elaborated further in **Annex B** to ETWB(IR)310/13(02). We therefore propose that consideration be given to amending the composition of the Council by increasing the number of lay-members, representing consumers and not drawn from the construction industry, (i.e. that Cl. 9 (3)(f) be amended);

7. Part 8, Cl. 62(1) states that:

“An employer, a contractor, or an **authorized person**...shall produce.... for inspection by the Council.... any document...that relates to the construction operations....”

We are of the opinion that the definition of “any document ... that relates to the construction...” is too wide. Most of the documentation in construction projects does not relate directly to the functions of the Council and hence we consider that the scope of this clause should be narrowed. We are also of the opinion that this clause would appear to relate primarily to the matter of the levy, and since the Bill may become the model for the subsequent Ordinance, then it should more properly be placed in Part 5.

We are preparing a detail submission and will forward under separate cover. We wish to give an oral presentation of our view to the Bills Committee on 9 December 2004 and the names of our representatives will be advised in due course.

Thanks you for your attention.

Yours sincerely

Rita Cheung (Mrs)
Registrar

c.c. Hon Patrick S S Lau, LegCo Member (Architectural, Surveying & Planning)
Prof Bernard Lim, Chairman, Board of Local Affairs