

立法會
Legislative Council

LC Paper No. LS6/10-11

Bills Committee on Communications Authority Bill

Examples of statutory provisions relating to the functions, meetings and composition of statutory bodies or authorities

At the meeting of the Bills Committee on Communications Authority Bill held on 4 November 2010, the Legal Service Division was requested to prepare an information note giving examples of Ordinances and subsidiary legislation which contain provisions:

- (a) setting out the mission, vision, purposes, objectives or functions of a statutory body or authority;
- (b) requiring meetings of a statutory body or authority to be held in public; and
- (c) providing that the statutory body or authority concerned should consist of members nominated by the trade and different sectors of the community.

2. According to our research, we are not able to find statutory provisions which expressly provide for the mission or vision of a statutory body or authority. However, in the provisions setting out the objects and/or functions of a statutory body or authority, references are made to some general principles which the statutory body or authority is to promote or uphold. These general principles may be regarded as the mission or vision of the relevant statutory body or authority. Examples of these statutory provisions are set out at **Annex I**.

3. The relevant examples on matters referred to in paragraph 1(b) and (c) above are set out at **Annexes II** and **III** for members' consideration.

Encl.

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12 November 2010

Examples of statutory provisions that set out the purposes, objectives or functions of a statutory body or authority

	<i>Ordinance</i>	<i>Statutory body/Authority</i>	<i>Relevant provisions</i>
1	Hong Kong Tourism Board Ordinance (Cap. 302)	Hong Kong Tourism Board	<p><u>Section 4 - Objects of Board</u> The objects of the Board shall be-</p> <ul style="list-style-type: none"> (a) to endeavour to increase the contribution of tourism to Hong Kong; (b) to promote Hong Kong globally as a leading international city in Asia and a world class tourist destination; (c) to promote the improvement of facilities for visitors; (d) to support the Government in promoting to the community the importance of tourism; (e) to support, as appropriate, the activities of persons providing services for visitors to Hong Kong; (f) to make recommendations to and advise the Chief Executive in relation to any measures which may be taken to further any of the foregoing matters. <p><u>Section 7 - General powers of Board</u> The Board may</p> <ul style="list-style-type: none"> (m) do all such things as are calculated to facilitate, or as are incidental or conducive to, the exercising or performing of the powers or duties of the Board and the better carrying out of the objects of the Board.
2	Hong Kong Arts Centre Ordinance (Cap. 304)	Hong Kong Arts Centre	<p><u>Section 6 - Objects of the Centre</u> Subject to this Ordinance, the objects of the Centre are-</p> <ul style="list-style-type: none"> (a) to promote, sponsor, encourage and provide for the appreciation of and participation in the visual, literary, musical and performing arts of whatever nature; (b) to promote, exhibit, display and perform such arts, publicly and otherwise; (c) to promote, support, sponsor, encourage and provide facilities for the learning and practising of such arts; (d) to initiate, support and sponsor the creation, composition and production of such arts; (e) to co-operate with and assist persons, companies, societies, bodies and associations which have as their objects any of the objects specified in paragraphs (a) to (d);

	<i>Ordinance</i>	<i>Statutory body/Authority</i>	<i>Relevant provisions</i>
			<p>(f) such objects ancillary and incidental to the objects specified in paragraphs (a) to (e) as the Board may consider appropriate; and</p> <p>(g) to apply its profits howsoever derived solely towards the promotion of its objects specified in this section, in and outside Hong Kong.</p> <p><u>Section 7 - Powers of the Centre</u> Subject to this Ordinance and to the Special Conditions of the Private Treaty Grant to the Centre of Inland Lot 8382, the Centre may do all such things as are necessary for, or incidental or conducive to, the better carrying out of its objects</p>
3	Hong Kong Academy of Medicine Ordinance (Cap. 419)	Hong Kong Academy of Medicine	<p><u>Section 4 - Objects of Academy</u> The objects of the Academy shall be-</p> <p>(a) to promote the advancement of the art and science of medicine;</p> <p>(b) to foster the development of-</p> <p>(i) postgraduate medical education and continuing medical education;</p> <p>(ii) the study and practice of medicine and its specialties; and</p> <p>(iii) medical research;</p> <p>(c) to promote-</p> <p>(i) the integrity of the medical profession;</p> <p>(ii) ethical conduct in the practice of medicine and its specialties; and</p> <p>(iii) the improvement of the standards of such practice through training programmes approved by the Academy;</p> <p>(d) to promote the improvement of health care for Hong Kong citizens;</p> <p>(e) to foster a spirit of co-operation among medical practitioners; and</p> <p>(f) to facilitate the exchange of information and ideas in relation to all aspects of the art and science of medicine and matters connected with the medical profession.</p>

	<i>Ordinance</i>	<i>Statutory body/Authority</i>	<i>Relevant provisions</i>
4	Hong Kong Arts Development Council Ordinance (Cap. 472)	Hong Kong Arts Development Council	<p><u>Section 4 - Functions of the Council</u></p> <p>The functions of the Council are-</p> <ul style="list-style-type: none"> (a) to plan, promote and support the broad development of the arts, including the literary, performing, visual and film arts, and to develop and improve the participation and education in and the knowledge, practice, appreciation, accessibility and informed criticism of the arts, with a view to improving the quality of life of the whole community; (b) to formulate and implement strategy for the planning, development, promotion and support of the arts; (c) to uphold the principle of, and encourage, freedom of artistic expression; (d) to encourage excellence, innovation, creativity and diversity in the arts; (e) to encourage interest, understanding, knowledge and skill in the arts at all levels within the formal education system as well as through extracurricular, part-time and voluntary systems; (f) to strive for the creation of an environment conducive to ensuring that- <ul style="list-style-type: none"> (i) all persons in Hong Kong have the opportunity to enjoy, partake in and have access to the arts; and (ii) those with the ability and desire to pursue a career in the arts have the opportunity to do so and receive tuition; (g) to advise the Government on the policies, standard of provision of facilities, educational programmes, levels of funding and any other matters that may affect the planning, development, promotion and support of the arts; and (h) to engage in other activities conducive to the planning, promotion and support of the development of the arts that the Chief Executive, after consultation with the Council, permits or assigns to it. <p><u>Section 5(1) - Powers of the Council</u></p> <ul style="list-style-type: none"> (1) The Council may do all things that- <ul style="list-style-type: none"> (a) are expedient for or incidental or conducive to, the better performance of; or (b) in the opinion of the Council, are necessary to facilitate the carrying out of; the functions of the Council.

	<i>Ordinance</i>	<i>Statutory body/Authority</i>	<i>Relevant provisions</i>
5	Sex Discrimination Ordinance (Cap. 480)	Equal Opportunities Commission	<p><u>Section 64 - Functions and powers of Commission</u></p> <p>(1) The Commission shall-</p> <ul style="list-style-type: none"> (a) work towards the elimination of discrimination; (b) promote equality of opportunity between men and women generally; (c) work towards the elimination of sexual harassment; (d) in the case of any act alleged to be unlawful by virtue of this Ordinance, encourage persons who are concerned with the matter to which the act relates to effect a settlement of the matter by conciliation, whether under section 84 or otherwise; (e) keep under review the working of this Ordinance and, when it is so required by the Chief Executive or otherwise thinks it necessary, draw up and submit to the Chief Executive proposals for amending this Ordinance; and (f) perform such other functions as are imposed on it under this Ordinance or any other enactment. <p>(2) The Commission may do all such things as are necessary for, or incidental or conducive to, the better performance of its functions</p>
6	Disability Discrimination Ordinance (Cap. 487)	Equal Opportunities Commission	<p><u>Section 62(1) - Functions and powers of Commission</u></p> <p>Section 62(1)(a) and (d) to (f) of Cap. 487 are substantially the same as section 64(1)(a) and (d) to (f) of Cap. 480. Section 62(1)(b) and (c) of Cap. 487 provide that the Commission should promote equality of opportunity between persons with a disability and persons without a disability and work towards the elimination of harassment and vilification.</p>

	<i>Ordinance</i>	<i>Statutory body/Authority</i>	<i>Relevant provisions</i>
7	Securities and Futures Ordinance (Cap. 571)	Securities and Futures Commission	<p><u>Section 4 - Regulatory objectives of Commission</u></p> <p>The regulatory objectives of the Commission are-</p> <ul style="list-style-type: none"> (a) to maintain and promote the fairness, efficiency, competitiveness, transparency and orderliness of the securities and futures industry; (b) to promote understanding by the public of the operation and functioning of the securities and futures industry; (c) to provide protection for members of the public investing in or holding financial products; (d) to minimize crime and misconduct in the securities and futures industry; (e) to reduce systemic risks in the securities and futures industry; and (f) to assist the Financial Secretary in maintaining the financial stability of Hong Kong by taking appropriate steps in relation to the securities and futures industry. <p><u>Section 6 - General duties of Commission</u></p> <ul style="list-style-type: none"> (1) In performing its functions, the Commission shall, so far as reasonably practicable, act in a way which- <ul style="list-style-type: none"> (a) is compatible with its regulatory objectives; and (b) it considers most appropriate for the purpose of meeting those objectives. (2) In pursuing its regulatory objectives and performing its functions, the Commission shall have regard to- <ul style="list-style-type: none"> (a) the international character of the securities and futures industry and the desirability of maintaining the status of Hong Kong as a competitive international financial centre; (b) the desirability of facilitating innovation in connection with financial products and with activities regulated by the Commission under any of the relevant provisions; (c) the principle that competition among persons carrying on activities regulated by the Commission under any of the relevant provisions should not be impeded unnecessarily; (d) the importance of acting in a transparent manner, having regard to its obligations of preserving secrecy and confidentiality; and (e) the need to make efficient use of its resources.

	<i>Ordinance</i>	<i>Statutory body/Authority</i>	<i>Relevant provisions</i>
8	West Kowloon Cultural District Authority Ordinance (Cap. 601)	West Kowloon Cultural District Authority	<p><u>Section 4 - Functions of Authority</u></p> <p>(1) The functions of the Authority are-</p> <ul style="list-style-type: none"> (a) to prepare a development plan under section 21(1) and to perform the other functions imposed on it under section 21; (b) to develop the leased area in accordance with the land use and other requirements or conditions specified in the approved development plan; (c) either alone or jointly or by agreement with any other person, to provide (including plan, design and construct), operate, manage, maintain or otherwise deal with arts and cultural facilities, related facilities or ancillary facilities; (d) to advocate, promote, organize, sponsor, encourage and provide for the appreciation of and participation in arts and culture; (e) to promote, exhibit and display the arts publicly and otherwise; (f) to initiate and support the creation, composition, production, learning and practising of the arts; and (g) to perform such other functions as are conferred or imposed on the Authority by or under this or any other Ordinance. <p>(2) The Authority shall perform its functions under subsection (1) in ways which aim to achieve the following objectives-</p> <ul style="list-style-type: none"> (a) to facilitate the long-term development of Hong Kong as an international arts and cultural metropolis; (b) to uphold and encourage freedom of artistic expression and creativity; (c) to enhance and promote excellence, innovation, creativity and diversity in arts and culture; (d) to enhance the appreciation of a diverse and pluralistic range of the arts; (e) to develop new and experimental works in arts and culture; (f) to cultivate and nurture local talents in the arts (including local artists), and local arts groups and arts-related personnel; (g) to encourage wider participation by the local community in arts and culture; (h) to promote and provide arts education to the local community; (i) to facilitate the development of cultural and creative industries; (j) to facilitate and enhance cultural exchange and cooperation between the Mainland of China, Hong Kong and any other place;

	<i>Ordinance</i>	<i>Statutory body/Authority</i>	<i>Relevant provisions</i>
			<ul style="list-style-type: none"> (k) to facilitate and enhance cooperation between any government or non-government body or organization and providers of the arts, within and outside Hong Kong; (l) to encourage community, commercial and corporate support and sponsorship of arts and culture; (m) to provide or facilitate the provision of free and accessible open space within the leased area to the general public; and (n) to strengthen the position of Hong Kong as a tourist destination.

Examples of statutory provisions that require meetings of a statutory body or authority to be held in public

	<i>Ordinance/ Regulation</i>	<i>Statutory body/Authority</i>	<i>Relevant provisions</i>
1	Town Planning Ordinance (Cap. 131)	Town Planning Board	<p><u>Section 2C - Meetings of Board and of committees</u></p> <p>(1) Subject to subsection (2), all meetings of the Board or of any committee appointed under section 2(3) or 2A shall be open to the public.</p> <p>(2) Subsection (1) does not apply to-</p> <p>(a) in the case of any meeting held under or for the purposes of section 6B, 6F, 12A, 16, 16A or 17, such part or parts of the meeting that are held for deliberation by the Board or the committee, as the case may be, for making any decision under section 6B(8), 6F(8) (whether with or without application of section 6F(9)), 12A(23), 16(3), 16A(5) or 17(6), after hearing any person who, not being a member of the Board or the committee, as the case may be, is entitled or allowed to be heard or otherwise has an opportunity of making representations or providing information at the meeting; and</p> <p>(b) in the case of any other meeting, the meeting or any part or parts of the meeting if in the opinion of the Board or the committee, as the case may be, it is likely that—</p> <p>(i) the application of subsection (1) to such meeting or such part or parts of the meeting, as the case may be, would not be in the public interest;</p> <p>(ii) the application of subsection (1) to such meeting or such part or parts of the meeting, as the case may be, would result in premature release of information that would prejudice the position of the Board, the Government, the Chief Executive or the Chief Executive in Council or, in the case of a meeting of the committee, the committee in carrying out its or his functions under this Ordinance;</p> <p>(iii) the application of subsection (1) to such meeting or such part or parts of the meeting, as the case may be, would result in a disclosure of information in breach of any duty of confidentiality owed to any person by the Board or the Government or, in the case of a meeting of the committee, the committee, or owed to the Government by the Board or, in the case of a meeting of the committee, the committee, by virtue of any law or any requirement under any law, or in contravention of any prohibition by any order of a magistrate or a court or by any law or any requirement under any law;</p>

	<i>Ordinance/ Regulation</i>	<i>Statutory body/Authority</i>	<i>Relevant provisions</i>
			<p>(iv) the application of subsection (1) to such meeting or such part or parts of the meeting, as the case may be, would result in a disclosure of information in respect of which a claim to legal professional privilege could be maintained in law, or</p> <p>(v) any matter transacted at such meeting or such part or parts of the meeting, as the case may be, would be relevant to the institution or conduct of any legal proceedings.</p> <p>(3) Subject to the provisions of this Ordinance, the Board or any committee appointed under section 2(3) or 2A may determine its practice and procedure at its meeting.</p>
2	Mental Health Ordinance (Cap. 136)	Guardianship Board	<p><u>Section 59X(4) - Proceedings before the Board and procedure</u></p> <p>(4) Proceedings before the Guardianship Board shall be open to the public unless the Board, in any particular case, determines that it is in the interests of the mentally incapacitated person the subject of the proceedings, or for some other good reason, that those proceedings should be conducted wholly or partly in the absence of the public.</p>
3	Midwives (Registration and Disciplinary Procedure) Regulation (Cap. 162 sub. leg. C)	Midwives Council of Hong Kong	<p><u>Section 25 - Inquiry in public or in camera</u></p> <p>(1) Subject to subsection (2), an inquiry of the Council shall be open to the public.</p> <p>(2) The Council-</p> <p>(a) may at its discretion determine that an inquiry shall be held wholly or partly in camera;</p> <p>(b) may at any stage of an inquiry determine that the remainder of the inquiry shall be held in camera.</p>
4	Security and Guarding Services Ordinance (Cap. 460)	Security and Guarding Services Industry Authority	<p><u>Section 5(7) - Meetings of the Authority</u></p> <p>(7) Meetings of the Authority to hear any application under this Ordinance shall be open to the public except where the Authority is satisfied that this would not be in the public interest.</p>

	<i>Ordinance/ Regulation</i>	<i>Statutory body/Authority</i>	<i>Relevant provisions</i>
5	Construction Industry Council Ordinance (Cap. 587)	Construction Industry Council	<p><u>Schedule 3, paragraph 9 - Meetings of Council to be held in public</u></p> <p>(1) Subject to subsection (2), a meeting of the Council shall be open to the public.</p> <p>(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-</p> <p>(a) if, in the opinion of the Council, it is likely that the application of subsection (1) would result-</p> <p>(i) in premature release of information concerning any financial matter or investment of the Council; or</p> <p>(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;</p> <p>(b) if, in the opinion of the Council, it is likely that any matter to be discussed or considered at the meeting or part of the meeting-</p> <p>(i) concerns personnel matters; or</p> <p>(ii) concerns a particular case that involves the carrying out of any provision of this Ordinance relating to the levy, surcharge, penalty or further penalty; or</p> <p>(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.</p>
6	Energy Efficiency (Labelling of Products) Ordinance (Cap. 598)	Appeal Board appointed under section 36 of Cap. 598	<p><u>Section 38(5) - Proceedings before appeal board</u></p> <p>(5) The hearing of the appeal is to be open to the public unless the appeal board determines that there is good reason for it to be held in camera.</p>

Examples of statutory provisions that require members of a statutory body or authority to be nominated by the trade and different sectors of the community

	<i>Ordinance</i>	<i>Statutory body/Authority</i>	<i>Relevant provisions</i>
1	Midwives Registration Ordinance (Cap. 162)	Midwives Council of Hong Kong	<p><u>Section 3 - Establishment and composition of Midwives Council</u></p> <p>Section 3(2) The Council shall consist of the Director, the Supervisor of Midwives of the Department of Health and members appointed by the Chief Executive.</p> <p>Section 3(3) The appointed members are to comprise-</p> <ul style="list-style-type: none"> (a) a registered midwife in the public service of Hong Kong to be nominated by the Director of Health; (b) a registered medical practitioner to be nominated by the University of Hong Kong; (c) a registered medical practitioner to be nominated by The Chinese University of Hong Kong; (d) a registered midwife to be nominated by the Hospital Authority within the meaning of the Hospital Authority Ordinance (Cap 113); (e) a registered midwife to be nominated by each hospital declared by the Council under regulations made under this Ordinance to be a training school for midwives; (f) 3 registered midwives nominated by the Hong Kong Midwives Association; (g) 2 lay members.
2	Hong Kong Arts Centre Ordinance (Cap. 304)	Board of Governors of the Hong Kong Arts Centre	<p><u>Section 9 - Membership of the Board</u></p> <p>Section 9(1) The Board shall consist of not more than 15 members.</p> <p>Section 9(2) The following persons shall be members of the Board</p> <ul style="list-style-type: none"> (a) the Executive Director, ex officio; (b) not more than 3 members appointed by the Chief Executive; (c)-(d) (Repealed 78 of 1999 s. 7) (e) 2 members elected by individual members of the Centre under section 21(1)(a) who shall represent the interests of the individual members;

	<i>Ordinance</i>	<i>Statutory body/Authority</i>	<i>Relevant provisions</i>
			<p>(f) 2 members nominated by the organization members of the Centre elected under section 21(1)(b) who shall represent the interests of the organization members; and</p> <p>(g) at least 4 but not more than 7 members, being persons interested in the visual, literary, musical or performing arts, co-opted by the members of the Board who are members under any of the foregoing paragraphs.</p>
3	The Hong Kong Institute of Education Ordinance (Cap. 444)	Council of the Hong Kong Institute of Education	<p><u>Section 8(1) - Membership of the Council</u></p> <p>Section 8(1) The Council shall consist of</p> <p>(a) the President;</p> <p>(b) the Vice Presidents, if any have been appointed;</p> <p>(c) at least one but not more than 3 public officers appointed by the Chief Executive;</p> <p>(d) at least one but not more than 3 persons nominated by the Academic Board from among its number and appointed by the Council;</p> <p>(e) 3 members elected from among their number by-</p> <p>(i) the full-time teaching staff; and</p> <p>(ii) the administrative staff whose rank or grade is equivalent to that of full-time teaching staff;</p> <p>(f) not more than 14 other persons appointed by the Chief Executive, who shall be neither public officers nor employees of the Institute, and of whom-</p> <p>(i) at least 5 shall be persons considered by the Chief Executive to have had relevant experience in commerce, industry or a profession in Hong Kong;</p> <p>(ii) not more than 3 shall be persons considered by the Chief Executive to have had relevant experience in higher education either in Hong Kong or elsewhere; and</p> <p>(iii) not more than 3 shall be persons considered by the Chief Executive to have had relevant experience in education, other than higher education, either in Hong Kong or elsewhere;</p> <p>(g) a full-time student of the Institute appointed by the Council.</p>

	<i>Ordinance</i>	<i>Statutory body/Authority</i>	<i>Relevant provisions</i>
4	Hong Kong Arts Development Council Ordinance (Cap. 472)	Hong Kong Arts Development Council	<p><u>Section 3 - Establishment of the Council</u></p> <p>Section 3(3) The Council shall consist of</p> <ul style="list-style-type: none"> (a) a Chairman, a Vice-chairman and not more than 22 other members, each of whom shall be appointed by the Chief Executive for a term not exceeding 3 years; (b)-(c) (Repealed 78 of 1999 s. 7) (d) the Secretary for Home Affairs or his representative; (e) the Permanent Secretary for Education or his representative; and (f) the Director of Leisure and Cultural Services or his representative. <p>Section 3(4) The other members referred to in subsection (3)(a) may include up to 10 persons nominated by organizations or groups of organizations specified under subsection (5), and each such organization or group of organizations may nominate for this purpose not more than 1 person for each of the interests represented by that organization or group of organizations, and each such person shall, in the opinion of the Chief Executive, be experienced in the interest for which he has been nominated.</p> <p>Section 3(5) The Chief Executive may by notice in the Gazette specify for the purposes of subsection (4) up to 10 organizations or groups of organizations each of which shall, in the opinion of the Chief Executive, be representative of one or more of the following interests-</p> <ul style="list-style-type: none"> (a) literary arts; (b) music; (c) dance; (d) drama; (e) visual arts; (f) film arts; (g) arts administration; (h) arts education; (i) arts criticism; (j) Chinese opera (Xiqu).

	<i>Ordinance</i>	<i>Statutory body/Authority</i>	<i>Relevant provisions</i>
5	Legal Aid Services Council Ordinance (Cap. 489)	Legal Aid Services Council	<p><u>Section 5 - Membership of the Council</u></p> <p>Section 5(1) The Council consists of the following members</p> <ul style="list-style-type: none"> (a) a Chairman who is not a public officer and who is not a barrister or solicitor or, in the opinion of the Chief Executive, who is not connected in any other way directly with the practice of law; (b) 2 barristers and 2 solicitors, each holding a practising certificate issued under the Legal Practitioners Ordinance (Cap 159); (c) 4 persons who, in the opinion of the Chief Executive, are not connected in any way with the practice of law; and (d) the Director of Legal Aid. <p>.....</p> <p>Section 5(3) Before appointing a member under subsection (1)(b), the Chief Executive shall consult-</p> <ul style="list-style-type: none"> (a) the Bar Council of the Hong Kong Bar Association on the appointment of a barrister; and (b) the Council of The Law Society of Hong Kong on the appointment of a solicitor. <p>Section 5(4) When consulted under subsection (3)-</p> <ul style="list-style-type: none"> (a) the Bar Council of the Hong Kong Bar Association may recommend any barrister; and (b) the Council of The Law Society of Hong Kong may recommend any solicitor, to the Chief Executive for appointment, but the Chief Executive may appoint a person other than the person so recommended.

	<i>Ordinance</i>	<i>Statutory body/Authority</i>	<i>Relevant provisions</i>
6	Construction Industry Council Ordinance (Cap. 587)	Construction Industry Council	<p><u>Section 9 - Composition of Council</u></p> <p>Section 9(1) The Council is to consist of-</p> <p>(a) a chairman appointed by the Secretary¹;</p> <p>(b) not more than 3 public officers appointed by the Secretary; and</p> <p>(c) not more than 21 other members appointed by the Secretary.</p> <p>Section 9(2) The Secretary may not appoint a public officer under subsection (1)(a) or (c).</p> <p>Section 9(3) Of the members referred to in subsection (1)(c)-</p> <p>(a) not more than 4 are to be persons who represent employers;</p> <p>(b) not more than 4 are to be persons who represent professionals or consultants connected with the construction industry;</p> <p>(c) not more than 5 are to be persons who represent contractors, subcontractors, materials suppliers or equipment suppliers in the construction industry;</p> <p>(d) not more than 2 are to be persons who represent training institutes or academic or research institutions connected with the construction industry;</p> <p>(e) not more than 3 are to be persons who are from trade unions representing workers employed in the construction industry that are registered under the Trade Unions 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>Section 9(4) The Secretary shall give notice in the Gazette of an appointment under subsection (1)(a), (b) or (c).</p> <p>Section 9(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.</p> <p>Section 9(6) In subsection (5), “specified bodies” (指明團體)² means-</p> <p>(a) in relation to subsection (3)(a), the bodies set out in Part 1 of Schedule 2;</p> <p>(b) in relation to subsection (3)(b), the bodies set out in Part 2 of Schedule 2;</p> <p>(c) in relation to subsection (3)(c), the bodies set out in Part 3 of Schedule 2; and</p> <p>(d) in relation to subsection (3)(e), the bodies set out in Part 4 of Schedule 2.</p>

¹ Secretary for Development.

² The specified bodies set out in Schedule 2 include, among others, the Airport Authority, MTR Corporation Limited, the Hong Kong Institute of Architects, the Association of Plastering Sub-contractors Limited, Hong Kong Licensed Plumbers Association Limited and Construction Site Workers General Union.

	<i>Ordinance</i>	<i>Statutory body/Authority</i>	<i>Relevant provisions</i>
7	Financial Reporting Council Ordinance (Cap. 588)	Financial Reporting Council	<p><u>Section 7 - Composition of Council</u></p> <p>Section 7(1) The Council is to consist of</p> <ul style="list-style-type: none"> (a) the Registrar of Companies, or a person appointed by the Registrar, in writing, as his representative, as an ex officio member; (b) the Chief Executive Officer of the Council, as an ex officio member; and (c) subject to subsection (2), the following members- <ul style="list-style-type: none"> (i) one member appointed by the Chief Executive on the nomination of the Securities and Futures Commission; (ii) one member appointed by the Chief Executive on the nomination of the HKEC³; (iii) one member appointed by the Chief Executive on the nomination of the HKICPA⁴; and (iv) not fewer than 4, and not more than 6, other members appointed by the Chief Executive from amongst persons who either because of their experience in accounting, auditing, finance, banking, law, administration or management, or because of their professional or occupational experience, appear to the Chief Executive to be suitable for such appointment. <p>Section 7(2) The number of members of the Council who are lay persons is to exceed the number of those who are not.</p>

³ Hong Kong Exchanges and Clearing Limited.

⁴ Hong Kong Institute of Certified Public Accountants.