

立法會
Legislative Council

LC Paper No. LS24/99-00

**Paper for the House Committee Meeting
of the Legislative Council
on 5 November 1999**

**Legal Service Division Further Report on
Industrial Training (Construction Industry)
(Amendment) Bill 1999**

Members may recall that the Legal Service Division made a report to the House Committee on 15 October 1999 on the Bill (LegCo Paper No. LS8/99-00 refers).

2. One of the purposes of the Bill is to expand the functions of the Construction Industry Training Authority (the Authority) to cover two additional activities, i.e. to provide voluntary skills assessment tests and to conduct the Employers Subsidy Scheme. According to the LegCo Brief, these two activities have been carried out by the Authority for some time. We have raised queries with the Administration on whether there should be a validation clause to accord the Authority with legal basis for such activities in the past.

3. At the House Committee, Members agreed to defer the decision on the Bill pending clarifications from the Administration. Hon. Andrew Cheng also suggested that the Administration should brief the Panel on Manpower on the details of the Bill. We have received a letter dated 25 October 1999 from the Administration. They now decided to introduce a Committee Stage amendment (CSA) to add a validation clause (please see Annex). The CSA is in order from the drafting point of view.

4. On policy aspects, the Panel on Manpower was briefed on the Bill by the Administration on 28 October 1999. A paper was submitted by the Administration for the meeting (vide LC Paper No. CB(2)179/99-00(05)).

5. The legal and drafting aspects of the Bill are in order. Subject to Members' views, the Bill is ready for resumption of the Second Reading debate.

Encl.

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1 November 1999

INDUSTRIAL TRAINING (CONSTRUCTION INDUSTRY)

(AMENDMENT) BILL 1999

COMMITTEE STAGE

Amendments to be moved by the Secretary for

Education and Manpower

Clause

Amendment Proposed

New

By adding -

“7. Validation

(1) Every act or thing done by the Authority for or in connection with the assessment of the standards of skills achieved by anyone in any kind of work involving or in connection with the construction industry including, without limitation, the conduct of examinations or tests, the issue or award of certificates of competence and the establishment of the standards to be achieved in respect of any such work that would have been lawful if section 5(e) of the principal Ordinance, as added by section 4 of this Ordinance, had been in force at the time when it was done is validated and declared to have

Clause

Amendment Proposed

been lawfully done by the Authority.

(2) The expenditure by the Authority of any sum by way of financial provision to assist in the placement of persons completing training courses that would have been lawful if section 5(c) of the principal Ordinance, as amended by section 4 of this Ordinance, had been in force at the time when it was expended is validated and declared to have been lawfully expended by the Authority.”.