

Responses to comments from the Hong Kong Institute of Surveyors

(in the same order as the comments raised in their letter dated 18.6.2003)

1. The Employment Ordinance (EO) regulates the terms and conditions of employment contract of workers. Actions which contravene the provisions in EO will be liable to prosecution.
2. The proposed membership composition of the Authority have a balance mix of representations from different sectors of the construction industry, including construction associations, trade unions, training institutes, major employer, relevant government representatives and 6 other persons connected with the construction industry, which may include one or more representatives from the relevant professional institutions. A good balance in representations would serve to trawl the expertise and views of all sectors.
3. In order to solicit inputs and views from the relevant professional bodies on issues related to qualifications of workers, we will review the composition of the Qualifications Committee and consider including a representative from the professional bodies.
4. The definition of “construction works” for the imposition of levy in Part 4 of this Bill is adopted from that of the Industrial Training (Construction Industry) Ordinance (Cap.317) to streamline the administrative arrangements in the collection of levies. There is an amendment Bill currently being pursued by the Administration in amending the various provisions under the Industrial Training (Construction Industry) Ordinance. One of the amendments involves the definition of “construction works”, which is to be replaced by “construction operations” to deal with amongst others the issue of “design and build” and “fix only” works. The definition of “construction works” in Part 4 will adopt the amended version of “construction works” when Cap. 317 is amended.
5. Clause 59(9)(a) in this Bill states that a “controller” means a principal contractor for the site; or if there is no principal contractor for the site, any person who has control over, or is in charge of, the site. The formulation “has control over, or is in charge of,” a construction site is adopted from the definition of “construction site controller” in section 38A(1) of the Immigration Ordinance (Cap. 115). If the client appoints a project manager to take charge of a site, the project manager is the “controller”. If the client himself directly supervises his workers and take charge of the work on site, he is the “controller” of the site.