

立法會
Legislative Council

Ref : CB2/BC/7/02

LC Paper No. CB(2) 433/03-04
(These minutes have been seen by
the Administration)

**Bills Committee on Construction Industry Levy
(Miscellaneous Amendments) Bill 2003**

**Minutes of the fourth meeting
held on Monday, 10 November 2003 at 4:30 pm
in Conference Room B of the Legislative Council Building**

Members present : Hon LAU Ping-cheung (Chairman)
Ir Dr Hon Raymond Chung-tai, JP
Hon CHAN Kwok-keung, JP
Hon Andrew CHENG Kar-foo
Hon Abraham SHEK Lai-him, JP
Hon LI Fung-ying, JP
Hon LEUNG Fu-wah, MH, JP

Members absent : Hon Cyd HO Sau-lan
Hon LEE Cheuk-yan

Public Officers attending : Mr Byron LAM
Principal Assistant Secretary for Education and Manpower

Miss Shirley LAU
Assistant Secretary for Education and Manpower

Mrs Jenny CHAN, JP
Assistant Commissioner for Labour

Mr LAI Ka-tong
Senior Labour Officer (Compensation)
Labour Department

Ms Vicki LEE
Senior Government Counsel

Mr Michael LAM
Senior Government Counsel

Ms Grace LEUNG
Government Counsel

Mr Albert TONG
Executive Director
The Construction Industry Training Authority

Mr Tony YAU
Accounting Manager
The Construction Industry Training Authority

Clerk in attendance : Mrs Sharon TONG
Chief Assistant Secretary (2)1

Staff in attendance : Miss Kitty CHENG
Assistant Legal Adviser 5

Miss Betty MA
Senior Assistant Secretary (2) Select Committee 2

I. Confirmation of minutes of previous meeting

The minutes of the meeting held on 17 October 2003 were confirmed.

II. Meeting with the Administration

2. The Bills Committee deliberated (index of proceedings attached at **Annex**).

Administration's response to issues raised by members at the meeting on 17 October 2003

(LC Paper No. CB(2)188/03-04(01))

3. Ms LI Fung-ying expressed disappointment that the Administration would not provide any undertaking that the fee charging principle for determining the test fee for the electrical and mechanical (E&M) trade tests would be the same as that for the fees of the construction trade tests. Ms LI said that although the Administration had explained to members that the same fee-charging principle would likely be extended to the E&M trade tests, in the absence of an undertaking, the principle for determining the E&M test fee could be revised later. Ms LI urged that the Administration should

adopt remedial measures to ensure that the future fee charging principle for determining the test fee for the E&M trade tests would be the same as that for the fees of the construction trade tests. Principal Assistant Secretary for Education and Manpower (PAS(EM)) responded that the Executive Director of the Construction Industry Training Authority (CITA), who was also present at the meeting, would relay members' concern over the test fees to the CITA Board.

4. Ir Dr Raymond HO held a strong view that the number of seats allocated to the Hong Kong Institution of Engineers (HKIE) on the CITA Board should not be reduced from two to one. Dr HO commented that HKIE had not been consulted on the proposal.

5. PAS(EM) said that the proposed changes to the composition of the CITA Board were considered by the CITA Board which consisted of two HKIE representatives. The relevant minutes of meeting reflected that the proposal to reduce the number of seats allocated to HKIE from two to one had received unanimous support from the CITA Board at its meeting held in May 2002. PAS(EM) further said that the proposal was in fact conceived by the industry. PAS(EM) added that, apart from the CITA Board, the Provisional Construction Industry Co-ordination Board (PCICB) which had a wide representation from the construction industry also endorsed this proposal. The Administration was of the opinion, given the representativeness of these two construction industry related organizations, the industry had been adequately consulted.

(Post meeting note : The Administration has provided the extract from the minutes of the CITA Board meeting held on 16 May 2002 after the meeting, which is attached.)

6. Ir Dr Raymond HO disagreed with the Administration's remarks that the proposal received unanimous support from the CITA Board. He pointed out that to his knowledge, the two HKIE representatives opposed the proposal at the CITA Board meeting in May 2002. Dr HO said that discussion of the proposal by the CITA Board and PCICB, which were advisory bodies, was by no means consulting the stakeholders in the industry. HKIE, being stakeholder, should be formally consulted. Dr HO stated that he would not support the Bill if the Administration did not accede to retaining the two seats presently allocated to HKIE on the CITA Board.

7. Mr LEUNG Fu-wah considered that organisations and professional bodies affected by the proposed changes to the composition of CITA Board should be directly consulted, instead of indirectly through their respective representatives on the Board. Ms LI Fung-ying and Mr CHAN Kwok-keung considered that as HKIE was directly affected by the proposal, it should be properly consulted. To address Dr Raymond HO's concern, Mr CHAN Kwok-keung suggested that the Administration might consider increasing the membership of the CITA Board from 13 to 14. Mr Abraham SHEK expressed support for the suggestion.

8. The Bills Committee requested the Administration to consider expanding the

composition of the CITA Board from 13 members to 14 members so that the existing two seats for HKIE on the CITA Board would be retained.

Amendments proposed by the Administration

9. The Bills Committee noted that having considered the concern raised by the legal adviser to the Bills Committee, the Administration would propose amendments to clause 5 of the Bill to reflect more clearly the policy intent that a person would be regarded as a person who occupied or owned a domestic premises if he occupied or owned any part of the premises.

III. Date of next meeting

10. Members agreed that the next meeting would be held on 1 December 2003 at 10:45 am.

11. There being no other business, the meeting ended at 6:05 pm.

Council Business Division 2
Legislative Council Secretariat
25 November 2003

**Proceedings of the meeting of the
Bills Committee on Construction Industry Levy
(Miscellaneous Amendments) Bill 2003
on Monday, 10 November 2003 at 4:30 pm
in Conference Room B of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action Required
000000 - 000213	Chairman	Confirmation of minutes of meeting on 17 October 2003	
000214 - 001002	Admin	Administration's response to issues raised by members at the meeting on 17 October 2003 (LC Paper No. CB(2)188/03-04(01))	
001003 - 001451	Chairman Hon LI Fung-ying Admin	Fee charging principle adopted by the Construction Industry Training Authority (CITA)	
001452 - 003713	Ir Dr Hon Raymond HO Admin Chairman Hon LEUNG Fu-wah	Consultation with the Hong Kong Institution of Engineers on the proposed change to the composition of the CITA Board	
003714 - 004819	Hon CHAN Kwok-keung Chairman Admin Ir Dr Hon Raymond HO Hon Abraham SHEK	Composition of the CITA Board	Admin to consider increasing the membership of the CITA Board from 13 to 14.
004820 - 010329	Admin	Clause-by-clause examination of the Bill : Clauses 1 to 5	
010330 - 010704	Chairman Admin	Clause 6, Administration's reply to Assistant Legal Adviser's letter dated 6 October 2003 (LC Paper No. CB(2)188/03-04(02))	
010705 - 011650	Chairman Admin Hon LI Fung-ying	Determination of open market price under clause 4	

Time marker	Speaker	Subject(s)	Action Required
011651 - 011655	Admin	Administration's proposed Committee Stage amendment (CSA) to clause 7	
011656 - 012904	Chairman Admin ALA5 Hon CHAN Kwok-keung	Clause 5 - Interpretation of "domestic premises" in the proposed new section 3A of the Industrial Training (Construction Industry) Ordinance	Admin will propose a CSA to better reflect the policy intent
012905- 013333	Hon CHAN Kwok-keung Admin Chairman Hon LI Fung-ying	Consultation process of the proposed changes to the composition of the CITA Board	
013334 - 013505	Chairman	Date of next meeting	

Council Business Division 2
Legislative Council Secretariat
25 November 2003

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內部文件
建造業訓練局

2002年5月16日(星期四)下午2時35分
於香港香港仔漁光道95號7字樓
建造業訓練局會議室舉行之
第178次會議之會議記錄

出席

- 黃永灝先生 : 主席
由香港建造商會推薦
- 王克活先生 : 委員
由香港建造商會推薦
- 林光祺先生 : 委員
由香港建築師學會推薦
- 周東山先生, JP : 委員
勞工處處長代表
- 曹蕃富先生 : 委員
工務局局長代表
- 莊堅烈先生 : 委員
由土木工程及建築業訓練委員會推薦
- 黃文楷先生 : 委員
由職業訓練局執行幹事推薦
- 黃寶琳先生 : 委員
業外人士代表
- 鄭偉雄先生 : 委員
由香港測量師學會推薦
- 鄭兆添先生 : 委員
建造業工人代表
- 關治平工程師 : 委員
由香港工程師學會推薦
- 譚景良先生 : 委員
由土木工程及建築業訓練委員會推薦
- 唐一柱先生 : 建訓局行政總監
- 梁劉素儀女士 : 建訓局秘書
- 因事缺席
- 魯文超工程師 : 委員
由香港工程師學會結構工程部推薦
- 列席
- 羅世傑先生 : 助理秘書

1982.1.5 林光祺先生認為本局除着眼理想外，亦要注重提升訓練成果的質量。黃主席指出提升訓練的質素必然會是理想的一部分。

1982.1.6 莊堅烈先生支持本局成為統籌訓練的機構，負責制定基準和鑑定課程，未來的角色尤如建造業的教育司署。

1982.1.7 與會者在進一步討論後，同意本局的未來路向不應只是提供訓練，亦應協助其他業內機構鑑定其提供的課程的標準，及為培訓人員提供訓練。

1982.2 督導委員會展開工作

督導委員會主席譚景良先生報告，督導委員會已正式成立，將開始運作。回應譚先生詢問督導委員會應向那個委員會報告，經討論後，與會者同意應向建訓局委員會報告。

1982.3 建訓局委員會的委員組合的標準

1982.3.1 黃主席告知與會者，臨時建造業統籌委員會屬下的一工作小組在討論後，建議修訂建訓局委員會的委員組合，並徵詢本局的意見。建議的修訂包括：

甲. 香港工程師學會所提名的代表由兩位減為一位，騰出的一位將由香港機電工程商協會提名；

乙. 在職業訓練局執行幹事和土木工程及建築業訓練委員會分別提名的三位代表之中，保留由執行幹事提名的一位，其餘兩位則由建訓局委員會增選；及

丙. 所有專業學會的代表必須仍在其專業範疇內執業。

1982.3.2 與會者在討論後同意上述工作小組所建議的修訂。

1983. 別無其他事項，會議在下午 4 時 25 分結束。

- 完 -

YCT/SYLJL/hy

黃永灝先生
主席

梁劉素儀女士
秘書

日期： 2002年6月20日

