

立法會
Legislative Council

LC Paper No. CB(1)665/03-04
(These minutes have been
seen by the Administration)

Ref : CB1/PL/PLW/1

**Panel on Planning, Lands and Works and
Panel on Manpower**

**Minutes of joint meeting held on
Tuesday, 25 November 2003 at 2:30 pm
in the Chamber of the Legislative Council Building**

Members present : Members of the Panel on Planning, Lands and Works

Dr Hon TANG Siu-tong, JP (Chairman)
Hon LAU Ping-cheung (Deputy Chairman)
Hon James TIEN Pei-chun, GBS, JP
Ir Dr Hon Raymond HO Chung-tai, JP
Hon James TO Kun-sun
Hon WONG Yung-kan
Hon LAU Wong-fat, GBS, JP
Hon Timothy FOK Tsun-ting, SBS, JP
Hon Abraham SHEK Lai-him, JP
Hon Albert CHAN Wai-yip
Hon WONG Sing-chi
Hon IP Kwok-him, JP

Members of the Panel on Manpower

Hon CHAN Kwok-keung, JP (Deputy Chairman)
Hon LEE Cheuk-yan
Hon LEUNG Yiu-chung
Hon Ambrose LAU Hon-chuen, GBS, JP
Hon Andrew CHENG Kar-foo
Hon LI Fung-ying, JP
Hon Tommy CHEUNG Yu-yan, JP
Hon LEUNG Fu-wah, MH, JP

Members absent : Members of the Panel on Planning, Lands and Works

Dr Hon David CHU Yu-lin, JP
Hon TAM Yiu-chung, GBS, JP

Members of the Panel on Manpower

Hon LAU Chin-shek, JP (Chairman)
Hon Kenneth TING Woo-shou, JP
Hon Cyd HO Sau-lan
Dr Hon LUI Ming-wah, JP
Hon CHAN Yuen-han
Hon SZETO Wah
Hon Michael MAK Kwok-fung
Hon Frederick FUNG Kin-kee

Public officers attending : Environment, Transport and Works Bureau

Mr Clement CHEUNG
Deputy Secretary for the Environment, Transport and Works (Works)3

Mr Norman Y S HEUNG
Chief Assistant Secretary for the Environment, Transport and Works (Works)8

Clerk in attendance : Ms Anita SIT
Chief Assistant Secretary (1)6

Staff in attendance : Ms Rosalind MA
Senior Assistant Secretary (1)8

Mr Anthony CHU
Assistant Secretary (1)2

Ms Christina SHIU
Legislative Assistant

Action

I. Election of Chairman

Dr TANG Siu-tong was elected Chairman of the joint meeting.

Action

II. Proposed establishment of Construction Industry Council

(LC Paper No. CB(1) 364/03-04(01) — Information paper provided by the Administration

2. Members noted that the Administration intended to introduce a Bill into the Legislative Council in early 2004 for the establishment of a Construction Industry Council (CIC).

3. At the invitation of the Chairman, the Deputy Secretary for the Environment, Transport and Works (Works)3 (DS for ETW(W)3) took members through some salient points set out in the Administration's paper.

Mode of appointment of members to the CIC

4. Dr Raymond HO said that currently, members of the Construction Industry Training Authority (CITA) were nominated by professional bodies, trade associations and labour unions. While the Construction Industry Levy (Miscellaneous Amendments) Bill 2003 (CIL(MA) Bill), which was under scrutiny by a Bills Committee, sought to modify the composition of CITA, there was no proposal to abolish this arrangement. Under the present proposal, however, members of the CIC would be appointed in their personal capacities and therefore not bound to consult or report to any industry bodies. He was concerned that this would not be conducive to a collaborative working relationship between the CIC and other stakeholders.

5. In response, DS for ETWB(W)3 replied that the Provisional Construction Industry Co-ordination Board (PCICB) considered it too restrictive to stipulate by law a list of designated industry bodies which would nominate candidates to sit on the CIC. The proposed appointment arrangement would also open up a wider source of suitable talents. The CIC could still maintain a close linkage with these bodies through prior consultation conducted before appointments were made and participation by nominated industry representatives in its standing committees.

6. Dr Raymond HO asked if there was inconsistency in the mode of appointment between the CIC and the future Construction Industry Training Board (CITB) which would take over from CITA. He also opined that the nomination mechanism provided CITA a close linkage with other industry bodies and requested the Administration to retain this arrangement.

7. DS for ETWB(W)3 clarified that under the present proposal, CITB members would be drawn from key sectors and appointed on personal capacities rather than nominated by designated industry bodies, similar to the proposed appointment arrangement for the CIC. He acknowledged the importance of maintaining an effective communication channel with industry bodies and undertook to revisit the appointment arrangement for the CIC and CITB, drawing

Action

reference from overseas experience such as the Building and Construction Authority in Singapore.

8. Mr Abraham SHEK said that the Hong Kong Construction Association Limited (HKCA) was of the view that the CIC members representing contractors should be nominated by HKCA instead of being appointed on their personal capacities by the Administration. On the other hand, the Real Estate Developers Association agreed to the appointment arrangement proposed by the Administration. He asked the Administration to further discuss with the organizations to understand their concerns with a view to working out an arrangement acceptable to all relevant parties.

9. Mr LAU Ping-cheung said that his constituency was of the view that CIC members should be nominated by the respective industry bodies. He suggested that the Administration consider a hybrid mode of appointment in that some members were appointed on personal capacities while the other members were nominated by designated industry bodies.

10. DS for ETWB(W)3 said that the Administration would discuss with PCICB and other relevant industry bodies in light of the diverse views conveyed by members.

Proposed establishment of CITB to replace the existing CITA

11. Dr Raymond HO queried about the rationale of a proposal in the CIL(MA) Bill to modify the composition of CITA Board, given the present proposal to dissolve CITA and replace it with a CITB.

12. DS for ETWB(W)3 replied that the proposal to modify the composition of CITA Board to cope with an expanded scope of functions was made in accordance with recommendations of the Construction Industry Review Committee. Since the idea was to achieve a broad symmetry between the composition of CITB and that of the CITA Board, any changes arising from enactment of the CIL(MA) Bill would be duly reflected in the CIC Bill.

13. Ms LI Fung-ying and Mr LEUNG Fu-wah sought elaboration on the rationale for replacing CITA with a CITB. DS for ETWB(W)3 explained that the move was part of an overall consolidation exercise aimed at setting up the CIC as an umbrella organization funded by industry levies to assume responsibility for various statutory functions including industrial training. The proposed replacement of CITA with a CITB was thus necessary to avoid having two separate statutory bodies with overlapping powers and functions, particularly in respect of levy assessment and collection. As the proposed membership structure of CITB would resemble that of CITA, there should be a smooth transition.

Action

14. Ms LI Fung-ying noted from the Administration's paper that all serving staff of CITA would deem to be employees of the CIC with their existing terms preserved and with no service break counted for the purpose of determining their rights to employment benefits. She recalled that notwithstanding a similar undertaking made by the Administration on the transfer of employees from the former Land Development Corporation to the Urban Renewal Authority, a number of serving staff were laid off soon after establishment of the Authority. She therefore sought assurance from the Administration that the jobs and benefits of the serving staff of CITA would be properly safeguarded upon transfer to CITB.

15. DS for ETWB(W)3 responded that CITA had been consulted on the proposed transitional arrangements and concurred with the Administration that its organizational structure should remain intact to ensure continuity. For the 500 odd staff in CITA, their existing terms of employment would be unchanged upon transfer to the CIC. However, he thought that it was not appropriate for the Administration to impose too many constraints on how the CIC should manage CITB.

16. In response to the enquiry of Mr LEUNG Fu-wah, DS for ETWB(W)3 confirmed that as far as the serving staff of CITA were concerned, the only impact affecting them would be a change of employer from CITA to the CIC.

Composition of the CIC

17. Referring to the statement that the composition of CIC should be flexible and balanced in paragraph 8 of the Administration's paper, Ms LI Fung-ying pointed out that under the present proposal, while there were five members representing construction contractors, subcontractors and suppliers of building materials or equipment, there were only two members representing construction workers. She questioned the rationale for the disparity in the number of members representing the two sectors. Mr LEE Cheuk-yan shared the concern of Ms LI and opined that the number of CIC members representing the two sectors should be the same.

18. DS for ETWB(W)3 said that the Administration would consider strengthening the representation of construction workers in the CIC, but he could not make a commitment to increase the number of seats allocated to construction workers to five. He supplemented that one representative of general construction workers and one representative of mechanical and electrical workers were sitting on the PCICB at present.

19. Mr LEUNG Yiu-chung questioned the criteria for determining the number of members representing different sectors. He considered that having five members representing contractors but only two representing construction workers was apparently unreasonable. In fact, there was a need to strengthen

Action

the current co-ordination framework in the construction industry for channelling views of frontline workers.

20. DS for ETWB(W)3 said that frontline workers had ample opportunities to contribute their expertise in working groups and task forces formed by the PCICB, and that the CIC would not deviate from this approach. He opined that rather than focusing on the number of seats allocated to each category, the most important principle was whether construction workers at large considered the proposed membership of the CIC comprehensive enough to cater for their interests.

21. Mr LEUNG Yiu-chung did not agree that there was already sufficient representation of frontline workers under the current consultative or co-ordination framework of the construction industry. He also did not agree that "sufficient representation" as perceived by the respective sector was the most important principle for determining the number of CIC members representing construction workers. He questioned if the Administration would apply the same principle for determining the number of representatives for construction contractors, subcontractors and suppliers of building materials or equipment. He reiterated his demand that there should be a more reasonable treatment for construction workers in respect of their representation in the CIC. He also opined that the representatives for construction workers should come from labour unions.

22. DS for ETWB(W)3 reiterated that the Administration needed to balance the interests of different sectors. To achieve successful operation, the CIC must actively involve different sectors of the industry, especially construction workers and labour unions. He agreed to review the number of seats allocated to construction workers on the CIC but declined to give an undertaking that it would be brought up to match the number of representatives for construction contractors, subcontractors and suppliers of building materials or equipment.

23. The Chairman said that as all those members who had spoken on this issue considered the number of members in the CIC representing construction workers was not sufficient, the Administration should further discuss the issue with the PCICB and the industry bodies.

24. Mr LEE Cheuk-yan noted that the CIC would consist of, inter alia, not more than four members (not being public officers) representing construction clients and not more than three members (not being public officers) in "other categories". He sought details of these categories of CIC members. DS for ETWB(W)3 replied that construction clients included private developers, the Government as well as other public bodies which initiated and tendered out construction projects to main contractors. As for "other categories", he clarified that this was meant to cover individuals not belonging to the construction industry who were capable of offering an independent and objective perspective.

Action

Representatives from labour unions

25. Ms LI Fung-ying asked the Administration to consider specifying in the future legislation that the CIC members representing construction workers should come from labour unions. Mr LEUNG Fu-wah further suggested specifying in the future legislation that the representatives should come from the "most representative" labour union, a standard promoted by the International Labour Organization.

26. DS for ETWB(W)3 said that the current proposal of having not more than two members (not being public officers) representing construction workers sitting on the CIC would allow a wider choice of candidates. Since in practice it was highly unlikely that the candidates were not drawn from labour unions, he agreed to convey Ms LI's suggestion to the PCICB. As regards Mr LEUNG's suggestion, he responded that it would be technically difficult to come up with a legal definition of "most representative" labour union.

27. Mr LEE Cheuk-yan expressed the view that it would be very difficult, if not impossible, to verify which labour union had the largest membership. Moreover, those construction workers who did not belong to the "most representative" labour union should also be represented. He thus emphasized the need for broad representation for construction workers in the CIC, whilst reiterating his view that the number of representatives for construction workers should be the same as those representing construction contractors, subcontractors and suppliers of building materials or equipment.

Other matters

28. Dr Raymond HO urged the Administration to reach out beyond the PCICB and take into account the views expressed by other industry bodies before finalizing the future legislation. He also asked for information on the organizational structure of the CIC, including its underpinning committees.

29. DS for ETWB(W)3 said that the PCICB would consult all relevant professional bodies and trade associations before making any proposals to the Administration on major issues affecting the construction industry. As regards organizational structure of the CIC, he said that there was no fixed plan at this stage but undertook to provide a proposed co-ordination framework as set out in the report published by the Construction Industry Review Committee in January 2001 and a chart showing the working groups and task forces underpinning the PCICB for members' reference.

(Post-meeting note: The information provided by the Administration was circulated to members vide LC Paper No. CB(1)516/03-04 on 5 December 2003.)

Action

III. Any other business

30. There being no other business, the meeting ended at 3:17 pm.

Council Business Division 1
Legislative Council Secretariat
24 December 2003