

(譯本)

香港中環花園道 3 號
花旗銀行大廈 3 樓
立法會秘書處
法案委員會秘書

傳真：2869 6754

經辦人：袁家寧女士

袁女士：

《建造業議會(第 2 號)條例草案》

貴會發信廣邀各界就立法會正在審議的《建造業議會(第 2 號)條例草案》(條例草案)提出意見，本人謹以臨時建造業統籌委員會(臨時建統會)主席身分回函作覆。

成立建造業議會(議會)一事為建造業檢討委員會(建檢會)提交的 109 項建議中相當重要的一環，並且深得業界支持。為此，臨時建統會已克盡其職，在廣泛諮詢業內人士後，敲定議會的法定架構大綱擬稿提交與政府，亦已正式通過立法會現時審議的條例草案。

惟以下數點本人希望提請委員會注意：

1. 臨時建統會認為，議會架構較為彈性以配合業界日後轉變實在至為重要，這項原則亦為條例草案的基本理念，我們相信法案委員會將據此審議該草案。
2. 業界對成立議會的需要已有共識，然而本人亦了解在其法定權力方面仍有不同意見。有關情形已在草擬法定架構大綱時經仔細探討，臨時建統會深信議會必須具備現時草案所建議的權力，藉以有效發揮其為香港建造業擬議業界統籌機構的角色。至於在草案內加入管制業界各種作業模式的條文，例如工程分判及支付工資等事宜的意見，表面雖看似可取，實則將會招致種種法律問題，使業界蒙受不必要掣肘，並帶來執行上有欠明確的地方，本人強烈反對採納此種

做法。業界本身在建造業議會領導下秉公處理上述問題的確十分重要，多方設限卻絕非良策。

3. 至於建造業議會的成員組合，臨時建統會亦經仔細討論後確定，被委任者以個人名義參與議會的彈性模式最為可取。我們瞭解由專業團體及商會提名其代表加入議會的硬性規定模式簡潔之處，並注意到某些團體正倡議此法。但我們認為這種方式難免將不少其他業界相關團體摒諸門外，以致縮窄其代表層面，同時亦未必能夠確保日後議會成員具備積極投入的態度，對業界整體並無裨益；現附上與物業發展及建造範疇有關的 59 個機構名單(只備英文本)，以資說明上述情形。

然而，確定委任人選前進行有系統諮詢的彈性處理手法值得仔細探討，在法例內加入有關限制則應予避免。

4. 最後，建造業議會及建造業訓練局(建訓局)的合併計劃旨在收納後者現行徵款機制及法定職能於新設體制安排之下，我們會力求在建訓局管理架構或現職人員僱傭條件不受影響的情況下達致平穩過渡。

過去三年，臨時建統會一直為解決建造業存在已久的問題而努力不懈，在數個主要範疇亦有顯著成果，有關進展已撮述於提交法案委員會的資料文件。是項條例草案及早通過將使我們獲得明確授權，擴展工作至現有職權範圍以外，為提高本地建造業的競爭力作出更大貢獻。

我期望在 2004 年 12 月 2 日法案委員會會議上親身闡釋本人的意見。

臨時建統會主席簡基富

2004 年 11 月 30 日

A. Organizations related to property development and construction:

Air Conditioning & Refrigeration Association of Hong Kong (ACRA)
Asian Institute of Intelligent Buildings (AIIB)
Association for Project Management (APM) - Hong Kong Branch
Association of Consulting Engineers of Hong Kong (ACEHK)
Association of Registered Fire Services Installation Contractors of Hong Kong (FSICA)
Building Services Operation and Maintenance Executives Society (BSOMES)
Chartered Institute of Housing (Asian Pacific Branch)
Chartered Institute of Water and Environmental Management (CIWEM) - Hong Kong Branch
Chartered Institution of Building Services Engineers (CIBSE) - Hong Kong Branch
Construction Industry Institute Hong Kong (CII)
Contractor's Authorised Signatory Association
Environmental Contractors Management Association (ECMA)
HK-BEAM Society
Hong Kong Association of Property Management Companies (HKAPMC)
Hong Kong Construction Industry Employees General Union (HKCIEGU)
Hong Kong Construction Innovation Committee (HKCI)
Hong Kong Construction Sub-contractors Association Ltd (HKCSA)
Hong Kong Electrical & Mechanical Contractors' Association (HKEMCA)
Hong Kong Electrical & Mechanical Management & Professional Association
Hong Kong Electrical Contractors' Association Ltd. (HKECA)
Hong Kong Federation of Electrical and Mechanical Contractors (HKFEMC)
Hong Kong General Building Contractors Association Ltd (HKGBCA)
Hong Kong Institute of Building (HKIOB)
Hong Kong Institute of Clerks of Works (HKICW)
Hong Kong Institute of Construction Managers (HKICM) (formerly known as Hong Kong Institute of Builders)
Hong Kong Institute of Engineering Surveyors (HKIES)
Hong Kong Institute of Planners (HKIP)
Hong Kong Interior Design Association
Hong Kong Plumbing & Sanitary Ware Trade Association (HKPSWTA)
Institute of Maintenance and Building Management (IMBM) - Hong Kong Branch
Institute of Quarrying - Hong Kong Branch
Institution of Civil Engineers (ICE)
Institution of Engineers, Australia (IEAust) - Hong Kong Chapter
Institution of Fire Engineers - Hong Kong Branch
Institution of Mechanical Engineers, Hong Kong Branch
International Association of Elevator Engineers - HK-China Branch
Lift and Escalator Contractors Association (LECA)
Professional Green Building Council (PGBC)
Registered Elevator and Escalator Contractors Association (REECA)
The American Institute of Architects Hong Kong Chapter

The Association of Architectural Practices Ltd. (AAP)
The Chartered Institute of Building (Hong Kong)
The Chartered Institute of Logistics and Transport in Hong Kong (CILTHK) (formerly known as CITHK)
The Hong Kong Construction Association Ltd (HKCA)
The Hong Kong Construction Innovation Committee
The Hong Kong Institute of Architects (HKIA)
The Hong Kong Institute of Facility Management (HKIFM)
The Hong Kong Institute of Housing (HKIH)
The Hong Kong Institute of Land Administration (HKILA)
The Hong Kong Institute of Landscape Architects (HKILA)
The Hong Kong Institute of Real Estate (HKIR)
The Hong Kong Institute of Real Estate Administration (HIREA)
The Hong Kong Institute of Surveyors (HKIS)
The Hong Kong Institution of Engineers (HKIE)
The Institute of Electrical and Electronic Engineers, Inc - Hong Kong Section (IEEE-HK)
The Institution of Electrical Engineers - Hong Kong Centre (IEE-HK)
The International Facility Management Association - Hong Kong Chapter
The Real Estate Developers Association of Hong Kong (REDA)
The Royal Institution of Chartered Surveyors (RICS) - Hong Kong Chapter
Total: 59