

立法會
Legislative Council

LC Paper No. CB(1)945/05-06
(These minutes have been
seen
by the Administration)

Ref : CB1/BC/1/04/2

Bills Committee on Construction Industry Council (No. 2) Bill

**Minutes of twenty-second meeting held on
Thursday, 19 January 2006, at 4:30 pm
in Conference Room A of the Legislative Council Building**

- Members present** : Hon KWONG Chi-kin (Chairman)
Ir Dr Hon Raymond HO Chung-tai, S.B.St.J., JP
Hon LEE Cheuk-yan
Hon CHAN Yuen-han, JP
Hon Howard YOUNG, SBS, JP
Hon Emily LAU Wai-hing, JP
Hon Andrew CHENG Kar-foo
Hon LI Fung-ying, BBS, JP
Hon WONG Kwok-hing, MH
Hon Patrick LAU Sau-shing, SBS, JP
- Members absent** : Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP
Hon Abraham SHEK Lai-him, JP
Hon Alan LEONG Kah-kit, SC
Hon CHEUNG Hok-ming, SBS, JP
- Public officers attending** : Mr Jack CHAN
Principal Assistant Secretary for the Environment,
Transport and Works (Works) 1
- Ms Agnes KWAN
Assistant Secretary for the Environment, Transport and
Works (Industry Review)
- Ms Frances HUI
Senior Government Counsel
Department of Justice

Ms Selina LAU
Government Counsel
Department of Justice

Attendance by invitation : The Construction Industry Training Authority

Mr Tony YAU
Accounting Manager

Clerk in attendance : Miss Odelia LEUNG
Chief Council Secretary (1)4

Staff in attendance : Miss Kitty CHENG
Assistant Legal Adviser 5

Ms Sarah YUEN
Senior Council Secretary (1)6

Action

I Confirmation of minutes

(LC Paper No. CB(1)629/05-06 -- Minutes of meeting on
8 December 2005

LC Paper No. CB(1)718/05-06 -- Minutes of meeting on
20 December 2005)

The minutes of the meetings held on 8 and 20 December 2005 respectively were confirmed.

II Clause-by-clause examination of the Bill

(LC Paper No. CB(1)708/05-06(01) -- List of follow-up actions
arising from discussion at the
meeting on 5 January 2006

LC Paper No. CB(1)708/05-06(02) -- Administration's responses to
follow-up actions arising from
discussions at the meetings on
20 December 2005 and
5 January 2006

LC Paper No. CB(1)708/05-06(03) -- Information paper provided
by the Construction Industry
Training Authority on "Levy
imposition, determination and
objection"

- LC Paper No. CB(1)99/05-06(03) -- Draft Committee Stage Amendments to Clauses 2, 5, 7, 9, 18, 21, 56, 58, 59 and 71 and new Schedule 1A, Schedule 2 and Schedule 5
- LC Paper No. CB(1)99/05-06(04) -- Marked-up version of the draft Committee Stage Amendments to Clauses 2, 5, 7, 9, 18, 21, 56, 58, 59 and 71 and new Schedule 1A, Schedule 2 and Schedule 5
- LC Paper No. CB(1)2313/04-05(04) -- A comparison of the Construction Industry Council (No. 2) Bill with relevant provisions of the Industrial Training (Construction Industry) Ordinance (Cap. 317)
- LC Paper No. CB(1)2024/04-05(04) -- Updated summary of concerns/views expressed by organizations and the Bills Committee (as at 11 July 2005)
- LC Paper No. CB(1)2386/04-05(02) -- Administration's responses to the updated summary of concerns/views expressed by organizations and the Bills Committee (as at 11 July 2005)
- LC Paper No. CB(1)1120/04-05(01) -- Letter dated 14 March 2005 from Hon CHEUNG Hok-ming expressing views on certain clauses of the Bill
- LC Paper No. CB(1)1161/04-05(03) -- Administration's response to the letter from Hon CHEUNG Hok-ming
- LC Paper No. CB(1)1106/04-05(01) -- Assistant Legal Adviser's letter dated 9 March 2005 commenting on certain clauses of the Bill
- LC Paper No. CB(1)1201/04-05(01) -- Administration's response to the letter from Assistant Legal Adviser
- LC Paper No. CB(3)34/04-05 -- The Construction Industry Council (No. 2) Bill

LC Paper No. CB(1)153/04-05(02) -- Marked-up copy of the consequential amendments arising from the Bill)

2. The Bills Committee deliberated (Index of proceedings attached at the **Appendix**).

3. The Administration was requested to:

Clause 6 in Schedule 2

(a) consider expressly providing in law that a register of interest declarations of members of Construction Industry Council (CIC) be kept and made available to members of the public;

Clause 9 in Schedule 2

(b) provide the proposed Committee Stage Amendments to the clause with reference to section 2B of the Town Planning Ordinance about transaction of business by circulation of papers;

Clause 2 in Schedule 3

(c) revise the clause to address the following views expressed by members –

(i) CIC should be given the flexibility to appoint members to the Construction Industry Training Board (the Board);

(ii) members appointed should be representative of the relevant sectors of the construction industry. A member considered that nominations should be made by industry organizations; and

(iii) persons other than CIC members might be appointed to the Board; and

Clause 3 in Schedule 3

(d) revise the clause in line with clause 10 to provide that appointed members of the Board should not be allowed to hold office for more than six consecutive years.

III Any other business

4. To allow sufficient time to sort out the outstanding issues, members agreed that the next meeting originally scheduled for 9 February 2006 be cancelled. The twenty-third meeting would be held on Thursday, 23 February 2006, at 2:30 pm. The Chairman urged the Administration to provide its response to all the outstanding issues and a complete set of Committee Stage Amendments for consideration at the meeting.

5. The meeting ended at 6:10 pm.

Council Business Division 1
Legislative Council Secretariat
27 February 2006

**Proceedings of the twenty-second meeting of the
Bills Committee on Construction Industry Council (No. 2) Bill
on Thursday, 19 January 2006, at 4:30 pm
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action required
000000 - 000035	Chairman	Confirmation of minutes of the meetings held on 8 and 20 December 2005 respectively (LC Paper Nos. CB(1)629/05-06 and CB(1)718/05-06 respectively)	
000036 - 000108	Chairman	Opening remarks	
<i>Discussion on the Administration's responses to follow-up actions arising from discussions at the meetings on 20 December 2005 and 5 January 2006</i>			
000109 - 000810	Chairman Administration	Briefing by the Administration on its responses to follow-up actions arising from discussions at the meetings on 20 December 2005 and 5 January 2006 (LC Paper No. CB(1)708/05-06(02))	
000811 - 001907	Chairman Ms LI Fung-ying Ms Emily LAU Administration	<p>Members' view on the need to further follow up and report back in writing on items (4) to (6) of LC Paper No. CB(1)708/05-06(02) before resumption of the Second Reading Debate on the Bill</p> <p>Administration's expression of the following points in response to members –</p> <p>(a) Committee Stage Amendments (CSAs) would be proposed in response to members' views on items (5) and (6);</p> <p>(b) Construction Industry Council (CIC) would be invited to draw up clear and transparent guidelines on declaration of interests with reference to current practices of</p>	The Administration to take action under paragraph 3(b) of the minutes

Time marker	Speaker	Subject(s)	Action required
		<p>similar statutory organizations and its own specific circumstances; and</p> <p>(c) Since the Bill provided for the setting up of a committee to specifically handle objection cases rather than levy assessment, there would be no role conflict in respect of the members to be appointed to that committee by CIC.</p>	
001908 - 003750	<p>Chairman Mr Patrick LAU Mr Howard YOUNG Ms LI Fung-ying Ms Emily LAU Administration</p>	<p>Chairman's recapitulation of the Bills Committee (BC)'s recent discussion on item (6) of LC Paper No. CB(1)708/05-06(02) (clause 2 in Schedule 3)</p> <p>Members' expression of the following views on clause 2 in Schedule 3 –</p> <p>(a) A member's view that to ensure members appointed to the Construction Industry Training Board (CITB) would be representative of and accountable to the relevant sectors of the construction industry, they should be appointed from candidates nominated by industry organizations. In any event, the nominating mechanism in question should be reasonable, clear and transparent;</p> <p>(b) Another member's view that since CIC's representativeness would be ensured with proposed CSAs to clause 9, CIC should be trusted to appoint members of CITB;</p> <p>(c) Yet another member's disagreement on applying a nominating mechanism for CITB. It was suggested that CITB should comprise members of CIC who could also propose other candidates</p>	

Time marker	Speaker	Subject(s)	Action required
		<p>from relevant sectors if he/she was too busy to sit on CITB;</p> <p>(d) Some members' indication of support for CIC members to sit on CITB, and further proposal that the appointment of candidates proposed for CITB should be endorsed by the whole Council and not just the CIC Chairman. There was also view that the appointees should be required to report back to respective sectors; and</p> <p>(e) A member's expression of reservation about restricting the composition of CITB on grounds that setups like CITB might need to seek outside expert advice. He therefore opined that persons other than CIC members might be appointed to CITB.</p> <p>Members' agreement that CIC should be given the flexibility to appoint its own members or other candidates to CITB, and that clause 2 in Schedule 3 should be reviewed in light of their views above</p>	<p>The Administration to take action under paragraph 3(c) of the minutes</p>
003751 - 004649	<p>Chairman Ms Emily LAU Mr Patrick LAU Administration</p>	<p>Members' expression of the following views on item (4) of LC Paper No. CB(1)708/05-06(02) (clause 6 in Schedule 2) –</p> <p>(a) There was a need to expressly provide in law the principle that a register of interest declarations of CIC members be kept and made available to members of the public;</p> <p>(b) The secretariat of CIC should ensure that members who had an interest in matters under consideration should not be</p>	<p>The Administration to take action under paragraph 3(a) of the minutes</p>

Time marker	Speaker	Subject(s)	Action required
		<p>provided with the relevant papers;</p> <p>(c) Reference should be made to the relevant provision of the Town Planning Board; and</p> <p>(d) A member's view that, to facilitate updating, there should be a centralized record of interest declarations of members serving on various advisory and statutory bodies.</p> <p>Administration's agreement to consider providing in the Bill that a register of interest declarations should be maintained by CIC, but underlined the need for flexibility to work out the details by administrative means. It was also explained that the Bill had already had an express provision concerning disclosure of interests of CIC members in prescribed circumstances</p>	
Clause-by-clause examination of the Bill			
004650 - 004829	Chairman Administration	Chairman's advice that the Administration had yet to report back on its undertaking concerning clause 82	
004830 - 005200	Chairman Mr Patrick LAU Administration	<p><i>Schedule 3 Composition, meetings and proceedings of Board, etc.</i></p> <p>- <i>Clause 3: Term of office of Board member who is not public officer</i></p> <p>Members' view that the clause should be revised in line with clause 10 to provide that appointed members should not be allowed to hold office for more than six consecutive years</p>	The Administration to take action under paragraph 3(d) of the minutes
005201 - 005600	Chairman Mr Patrick LAU	- <i>Clause 8: Proceedings of Board</i>	

Time marker	Speaker	Subject(s)	Action required
	<p>Ms Emily LAU Mr Howard YOUNG Administration</p>	<p>Some members' view that meetings of CITB should be conducted in public as was presently the practice of the Construction Industry Training Authority (CITA)</p> <p>Administration's explanation that based on the experience of CITA, members of the public had shown little interest in attending the discussions related to training matters. There was hence no need to open up future meetings of CITB</p> <p>Some other members' view that as CITB would have to report its work at CIC's open meetings, to obviate administrative work, there might not be a need to require CITB to conduct open meetings</p>	
<p>005601 - 005739</p>	<p>Chairman Ms Emily LAU Administration</p>	<p>- <i>Clause 13: Delegation of Board's functions and appointment of subcommittee</i></p> <p>A member's expression of concern about the power of CITB to appoint subcommittees as it considered appropriate</p> <p>Administration's explanation that since CITB would organize specialized training courses/trade-testing and take charge of relevant duties, the experience of CITA demonstrated that it would be necessary to set up a host of subcommittees participated by practitioners with suitable expertise for the carrying out of its responsibilities including advising on the curricula and requirements of individual courses/trade-testing based on prevailing needs of the industry</p> <p>The Chairman's indication of support for the above subcommittees and</p>	

Time marker	Speaker	Subject(s)	Action required
		appointment of non-CIC members	
005740 - 010006	Chairman Administration	<p data-bbox="710 338 1203 376">- <i>Clause 8: Proceedings of Board</i></p> <p data-bbox="710 421 1276 734">Members noted the views on the clause in the updated summary of concerns/views expressed by organizations and the Bills Committee (as at 11 July 2005) (LC Paper No. CB(1)2024/04-05(04)) and the Administration's response thereto (LC Paper No. CB(1)2386/04-05(02))</p>	
010007 - 010318	Chairman Administration Ms Emily LAU	<p data-bbox="710 786 943 824"><i>Schedule 4 Levy</i></p> <p data-bbox="710 869 1118 907">Members noted the Schedule</p>	
010319 - 012723	Administration Chairman	<p data-bbox="710 947 1273 1025"><i>Schedule 5 Consequential or related amendments</i></p> <p data-bbox="710 1070 1276 1227">Reference to the marked-up copy of the consequential amendments arising from the Bill (LC Paper No. CB(1)153/04-05(02))</p> <p data-bbox="710 1272 1118 1310">Members noted the Schedule</p>	
012724 - 013019	Chairman Miss CHAN Yuen-han Administration	<p data-bbox="710 1350 1276 1832">Administration's explanation in response to a member that it had yet to report back on its undertaking concerning smooth transition of the staff of CITA upon its amalgamation with CIC (clause 82) because feedback from parties involved was still outstanding on the length of the transitional period. Active steps were being taken to forge a consensus between the management and staff sides of CITA on this front</p>	
013020 - 013233	Chairman Administration	Meeting arrangements	

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