

立法會
Legislative Council

LC Paper No. CB(1)2025/04-05
(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 eleventh meeting held on
Tuesday, 21 June 2005, at 2:30 pm
in Conference Room B 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 Mrs Selina CHOW LIANG Shuk-ye, GBS, JP
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 Alan LEONG Kah-kit, SC
Hon Patrick LAU Sau-shing, SBS, JP
- Members absent** : Hon LEE Cheuk-yan
Hon Abraham SHEK Lai-him, JP
Hon CHEUNG Hok-ming, SBS, JP
- Public officers attending** : Mr Clement CHEUNG
Deputy 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

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)1808/04-05 -- Minutes of meeting on 31 May 2005)

The minutes of the meeting held on 31 May 2005 were confirmed.

II Meeting with the Administration

(LC Paper No. CB(1)1807/04-05(01) -- List of follow-up actions arising from discussion at the meeting on 31 May 2005

LC Paper No. CB(1)1807/04-05(02) -- Administration's response to the list of follow-up actions arising from discussion at the meeting on 31 May 2005

LC Paper No. CB(1)1807/04-05(03) -- Letter dated 15 June 2005 from the Administration providing information on the meeting arrangements of the Construction Industry Training Authority)

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

Follow-up actions by the Administration

Admin 3. The Administration was requested to:

- (a) obtain a written undertaking from the Provisional Construction Industry Co-ordination Board that it supported meetings of the future Construction Industry Council (CIC) be open to the public;
- (b) make an undertaking during the second reading debate on the Bill that it was the Government's committed policy to open up

meetings of CIC;

- (c) consider providing in law that meetings of CIC be open to the public except under certain specified circumstances. One suggestion was to add a clause in Schedule 2 to the Bill; and
- (d) provide information on the practices of other public bodies which conducted open meetings. The Town Planning Board (TPB) and the Housing Authority (HA) had been quoted as examples.

ALA 4. Members also requested the Assistant Legal Adviser to consider drafting Committee Stage Amendments concerning opening up meetings of CIC in the event that the Administration refused to so specify in law.

III Any other business

5. Members agreed to reschedule the twelfth meeting of the Bills Committee originally scheduled for 7 July 2005 for Thursday, 14 July 2005, at 4:30 pm. They also agreed to schedule the thirteenth meeting of the Bills Committee for Wednesday, 20 July 2005, from 2:30 pm to 6:30 pm.

6. Members agreed to discuss the following at the twelfth meeting –

- (a) Meeting arrangements for CIC;
- (b) Finance for the Construction Industry Training Authority and CIC; and
- (c) Clause-by-clause examination of the Bill.

7. The meeting ended at 4:15 pm.

Council Business Division 1
Legislative Council Secretariat
11 July 2005

**Proceedings of the eleventh meeting of the
Bills Committee on Construction Industry Council (No. 2) Bill
on Tuesday, 21 June 2005, at 2:30 pm
in Conference Room B of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action required
000000 - 000049	Chairman	Confirmation of minutes of the meeting held on 31 May 2005 (LC Paper No. CB(1)1808/04-05)	
000050 - 000131	Chairman	Opening remarks	
<u>Discussion on the meeting arrangements of the Construction Industry Training Authority</u>			
000132 - 000540	Administration	Briefing by the Administration on its letter dated 15 June 2005 providing information on the meeting arrangements of the Construction Industry Training Authority (CITA) (LC Paper No. CB(1)1807/04-05(03))	
000541 - 002003	Ms Emily LAU Administration	<p>A member's expression of the following views –</p> <p>(a) Meetings of the Construction Industry Council (CIC) should in principle be open to the public, and that this principle should be specified in Schedule 2 to the Bill. Reference could be made to the Town Planning Board (TPB);</p> <p>(b) The Administration needed to explain why the seven urgent meetings called by CITA were not open to the public;</p> <p>(c) The meeting venue was too small as it could accommodate only 24 people;</p> <p>(d) It was questionable whether CITA's guidelines on open meetings, issued in 1997 (the 1997 guidelines), were still in effect;</p>	

Time marker	Speaker	Subject(s)	Action required
		<p>(e) Proposed legislative amendments and CITA’s operating results and investments should be discussed at open meetings (3.1(b) and (c) of the 1997 guidelines); and</p> <p>(f) CIC should not have unfettered discretion to determine whether to exclude the public from its meetings (4(n) of the 1997 guidelines).</p> <p>Administration’s expression of the following points –</p> <p>(a) The Administration did not think it appropriate to provide in law that meetings of CIC be open to the public since industry stakeholders should be allowed the flexibility in deciding the operational details once CIC was established. However, an undertaking could be made during the second reading debate on the Bill that it was the Government’s committed policy to encourage CIC to enhance its transparency by conducting open meetings under suitable circumstances;</p> <p>(b) TPB’s meeting arrangements should not be applied to CIC because the former examined territorial issues and was a Government-led organization, whereas the latter was intended to be a self-regulatory body led by practitioners of local construction industry;</p> <p>(c) The seven urgent meetings of CITA were not open to the public because they dealt with sensitive /internal matters that should not be discussed openly, such as</p>	<p>The Administration to take action under paragraph 3(b) of the minutes</p>

Time marker	Speaker	Subject(s)	Action required
		<p>personnel decisions, legal proceedings related to levy assessment/collection and CITA's financial results;</p> <p>(d) Past experience demonstrated that the public was not enthusiastic about attending CITA's meetings. Should there be a need for a larger meeting venue to cater for increased public demand for attendance, suitable arrangements could be made; and</p> <p>(e) The 1997 guidelines were still in force and they served as a useful basis for CIC to give thoughts on its own meeting practices.</p> <p>The member's view that if CIC was not Government-led, it should be more willing to open up its meetings. She reiterated the need to provide for open meetings in law because the Administration's proposed undertaking in (a) above would not suffice</p> <p>Administration's indication that apart from its undertaking in (a), the Provisional Construction Industry Co-ordination Board (PCICB) had arrived at a broad consensus that current meeting arrangements adopted by CITA could be extended to CIC. While industry stakeholders generally felt that CIC should have greater flexibility to work out the details, the majority had no objections against opening up its future meetings.</p>	
002004 - 002220	Mrs Selina CHOW Administration	A member's view that while CIC should be encouraged to be more open, it should be given flexibility in determining its meeting arrangements	

Time marker	Speaker	Subject(s)	Action required
		Administration's agreement to obtain a written undertaking from PCICB that it supported meetings of the future CIC be open to the public.	The Administration to take action under paragraph 3(a) of the minutes
002221 - 002739	Miss CHAN Yuen-han Administration	<p>Administration's confirmation that at present the papers and summary of discussions of PCICB were accessible to the public. Nonetheless, open meeting arrangements had not been implemented.</p> <p>A member sought to ascertain the following –</p> <p>(a) Whether the seating capacity of the future meeting venue would be sufficient, in particular when staffing matters were discussed and many staff would wish to attend the meeting(s) concerned; and</p> <p>(b) Whether staff of CIC would be required to apply for annual leave for attending the meetings.</p> <p>Administration's expression of the following points –</p> <p>(a) Meeting facilities of CIC would be provided according to the needs identified; and</p> <p>(b) At present CITA staff were required to apply for annual leave for attending meetings of CITA (4(f) of the 1997 guidelines). CIC would come up with suitable arrangements having regard to the circumstances. Members' views in this respect would be carefully examined.</p>	

Time marker	Speaker	Subject(s)	Action required
		<p>The member's view that similar to the practice of the civil service, CIC staff representing unions should not be required to apply for annual leave for attending CIC meetings</p> <p>Administration's emphasis on the need to allow industry stakeholders to decide on operational details of CIC.</p>	
002740 - 003603	Mr Patrick LAU Administration	<p>A member's query of the following:</p> <p>(a) What items were discussed at open meetings of CITA (Annex 1 to the 1997 guidelines); and</p> <p>(b) How to ensure CIC would open its meetings if PCICB at present did not conduct open meetings.</p> <p>Administration's expression of the following points –</p> <p>(a) CITA discussed items other than those listed in paragraph 3 of the 1997 guidelines at open meetings. Public attendance at CITA meetings however had been small in the past because CITA mainly dealt with industry matters and the industry was already adequately represented on it;</p> <p>(b) Unlike the future CIC, PCICB was provisional in nature and set up for implementing recommendations of the Construction Industry Review Committee. Though the meetings of PCICB were not open to the public, all discussion papers and summary of discussions were uploaded onto its public website. Reports on major progress were also sent to the LegCo regularly; and</p>	

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		<p>(c) CIC would need to perform certain statutory functions and exercise certain statutory powers as an umbrella organization. The Bills Committee (BC) had pointed out that conducting open meetings would facilitate continued participation of small stakeholder groups who might not be directly involved in the deliberations of CIC.</p> <p>The member's view that if CIC was to open up its meetings, its meeting venue should be situated at a convenient location to facilitate public attendance</p> <p>Administration shared the member's view but highlighted the need to strike a balance in this regard in consideration of the resource implications</p>	
003604 - 005827	<p>Chairman Ms LI Fung-ying Mr WONG Kwok-hing Mr Howard YOUNG Ir Dr Raymond HO Mr Alan LEONG Administration</p>	<p>A member's expression of regrets over the conservative and uncooperative attitude of the management of CITA. She was worried that the CIC management would adopt similar attitude</p> <p>Administration's explanation that the present proposed hybrid model for the composition of CIC would be conducive to achieving a fair balance of different interests because the Administration would have a larger pool of candidates to select and appoint to CIC. Moreover, various major sectors of the industry would be represented in CIC to provide a strong leadership shared by key stakeholders.</p> <p>Members' request that to enhance transparency to facilitate public</p>	

Time marker	Speaker	Subject(s)	Action required
		<p>scrutiny, it should be provided in law that meetings of CIC be open to the public except under certain specified circumstances. One suggestion was to add a clause in Schedule 2 to the Bill</p> <p>Administration's agreement to examine the suggestion in detail, but reiterated that it might not be appropriate to specify open meeting arrangements in law because of the following considerations –</p> <p>(a) If the provision was too general, it would easily cause disputes. However, setting out rigid conditions in statute would compromise flexibility in the future operation of CIC; and</p> <p>(b) A majority preference for adopting open meeting arrangements through administrative measures was indicated by the industry.</p>	
005828 - 010854	Chairman Ms Emily LAU Miss CHAN Yuen-han Administration	<p>A member's view on the need for the BC to consider introducing Committee Stage Amendment (CSA) to the Bill to provide that meetings of CIC should in principle be open to the public if the Administration refused to accede to members' request</p> <p>Administration's reiteration of the need to take into consideration the views of the industry. Hence the undesirability of providing for the open meeting requirement in law</p> <p>Another member's view that if TPB could open up its meetings, there should not be too much difficulty for CIC to follow suit</p> <p>The members' call upon the</p>	

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		Administration to refine the 1997 guidelines, in particular 3.1(b), 3.1(c), and 4(a) to 4(h), if they were to apply to CIC. In so doing, reference could be made to overseas practices in conducting open meetings	
010855 - 012218	Chairman Mr Patrick LAU Mr WONG Kwok-hing Administration	<p>A member's view that, to obviate confusion and hence disputes, there was a need to list out the details of the open meeting requirement, and to provide in law the principle of open meetings because:</p> <ul style="list-style-type: none"> - the meetings of CITA were already open to the public; and - there was a need to gauge public views on some of the matters discussed at CIC's meetings. <p>Administration's reiteration of the following points –</p> <p>(a) CITA had opened up its meetings to the public since 1997 although public attendance was small. Similar administrative arrangements could be extended to CIC; and</p> <p>(b) The Administration's policy intention was to encourage CIC to enhance its transparency by conducting open meetings.</p> <p>A member's emphasis on the need to make it clear in the Bill that CIC should in principle open up its meetings to facilitate public scrutiny, and that it should not be given too much free hand in this regard</p> <p>Chairman's recapitulation of the following –</p>	

Time marker	Speaker	Subject(s)	Action required
		<p>(a) The undertakings made by the Administration at this meeting;</p> <p>(b) Members' view to provide in law the principle of open meetings; and</p> <p>(c) The possibility of introducing CSA by the BC if the Administration did not accede to members' request in (b).</p> <p>Chairman's advice that the Assistant Legal Adviser should consider preparing the relevant CSA</p>	<p>The Administration to take action under paragraph 3(c) of the minutes</p> <p>ALA to take action under paragraph 4 of the minutes</p>
012219 – 012847	<p>Chairman Ms Emily LAU Ms LI Fung-ying Miss CHAN Yuen-han Mr Howard YOUNG Administration</p>	Meeting arrangements	
012848 –013149	<p>Chairman Miss CHAN Yuen-han Administration</p>	<p>Administration's explanation of the lead time necessary to compile the information required by members on financial projections of CITA</p> <p>A member's emphasis on the need to properly ascertain CITA's financial position</p>	
013150 - 013311	<p>Chairman Ms Emily LAU Ms LI Fung-ying Mr Howard YOUNG Administration</p>	<p>Meeting arrangements</p> <p>Chairman's request of the Administration to provide information on the practices of other public bodies which conducted open meetings, such as TPB and HA</p> <p>Administration's call upon the BC to start clause-by-clause examination of the Bill pending resolution of the outstanding policy matters</p>	<p>The Administration to take action under paragraph 3(d) of the minutes</p>

Time marker	Speaker	Subject(s)	Action required
013312 - 013344	Mr Andrew CHENG	A member's indication of the Democratic Party's support for open meetings of CIC	
013345 - 014007	Chairman Miss CHAN Yuen-han Ms Emily LAU Ir Dr Raymond HO Administration	A member's expression of reservation to start clause by clause examination Administration's undertaking that the Bill would not be rushed through without thorough deliberations on concerns raised by members Discussion on the need to schedule more meetings in the summer recess to expedite scrutiny of the Bill Meeting arrangements	
014008 - 014154	Mr Alan LEONG	A member's view that reference could be made to section 2C of the Town Planning Ordinance (Cap. 131) should it be decided that the open meeting requirement be provided in law	
014155 - 014536	Chairman Ir Dr Raymond HO Ms Emily LAU Miss CHAN Yuen-han Mr Patrick LAU	Meeting arrangements	