

立法會
Legislative Council

LC Paper No. CB(1)601/04-05
(These minutes have been
seen
by the Administration)

Ref : CB1/BC/1/04

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

**Minutes of third meeting held on
Thursday, 9 December 2004, at 9:00 am
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 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 Abraham SHEK Lai-him, JP
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 CHEUNG Hok-ming, SBS, JP
- Public officers attending** : Mr Clement CHEUNG
Deputy Secretary for Environment, Transport and
Works (Works) 1
- Miss Agnes KWAN
Assistant Secretary for Environment, Transport and
Works (Industry Review)
- Ms Frances HUI
Senior Government Counsel
Department of Justice

Miss Selina LAU
Government Counsel
Department of Justice

Attendance by invitation : Construction Industry Training Authority Staff Association

Mr NG Kwok-kwan
Chairman

Mr CHAN Chi-keung
Deputy Chairman

Consultant Engineering Firm Resident Site Staff Association

Mr LAM Chak-sang
Chairman

Hong Kong Construction Industry Employees General Union

Mr CHOI Chun-wa
Chairman

Mr TING San-hing
Deputy Chairman

The Hong Kong Institute of Architects

Mr Tony TANG
Member, Board of Local Affairs

The Hong Kong Construction Association Ltd.

Mr Patrick CHAN
Secretary General

Mr Billy WONG
President

The Hong Kong Institute of Surveyors

Mr CHEUNG Tat-tong
Senior Vice President

Hong Kong & Kowloon Electrical Engineering &
Appliances Trade Workers Union

Mr SIN Kai-ming
Vice-Chairman

Mr LAU Wai-kit
Secretary

Professional Green Building Council

Mr Kenneth CHAN
Vice-Chairman

Chartered Institute of Building (Hong Kong)

Mr John LEE
President

Mr LEE Fook-pui
Vice-President

Hong Kong Licensed Plumbers Association

Mr CHOY Tin-sung
Secretary

Mr TSANG Kwai-yin
Chairman

The Association of Plastering Subcontractors Ltd.

Mr NG Shiu-ming
Secretary

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

I. Meeting with deputations and the Administration

- (LC Paper No. CB(1)306/04-05(07) -- Submission dated 16 November 2004 from Construction Industry Training Authority Staff Association
- LC Paper No. CB(1)306/04-05(08) -- Submission dated 16 November 2004 from Consultant Engineering Firm Resident Site Staff Association
- LC Paper No. CB(1)306/04-05(09) -- Submission dated 18 November 2004 from Hong Kong Construction Industry Employees General Union
- LC Paper No. CB(1)306/04-05(10) -- Submission dated 18 November 2004 from The Hong Kong Institute of Architects
- LC Paper No. CB(1)306/04-05(11) -- Submission from The Hong Kong Construction Association Ltd.
- LC Paper No. CB(1)434/04-05(01) -- Submission from Hong Kong & Kowloon Electrical Engineering & Appliances Trade Workers Union
- LC Paper No. CB(1)306/04-05(12) -- Submission from Professional Green Building Council
- LC Paper No. CB(1)400/04-05(01) -- Submission from Kowloon-Canton Railway Corporation
- LC Paper No. CB(1)346/04-05(01) -- List of follow-up actions arising from discussion at the meeting on 5 November 2004
- LC Paper No. CB(1)346/04-05(02) -- Administration's response to the list of follow-up actions arising from discussion at the meeting on 5 November 2004
- LC Paper No. CB(1)346/04-05(03) -- Information paper provided by the Administration on "Progress in Taking Forward Recommendations of the Construction Industry Review Committee"
- LC Paper No. CB(1)374/04-05(04) -- Summary of concerns/views

raised by organizations (as at 29 November 2004))

Ms Emily LAU Wai-hing declared interests that The Frontier had received a donation of \$254,400 from the Hong Kong Construction Association for conducting a survey on housing.

2. Members noted the following submissions tabled at the meeting –

- (a) Further submission from Construction Industry Training Authority Staff Association; and
- (b) Further submission from the Provisional Construction Industry Co-ordination Board.

(Post-meeting note: The above submissions were circulated to members vide LC Paper No. CB(1)451/04-05 on 10 December 2004.)

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

Follow-up actions to be taken by the Administration

- Admin 4. Members requested the Administration to take the following actions:
- (a) to provide a consolidated response to the submissions and concerns of deputations; and
 - (b) to come up with concrete proposals to deal with the following issues:
 - (i) Composition of the Construction Industry Council (CIC) (clause 9);
 - (ii) Problems in the construction industry such as management of subcontracting, wage arrears, illegal workers and difficulty in obtaining employees' compensation insurance coverage faced by genuine workers who took up self-employed status;
 - (iii) Staff relation issues within the Construction Industry Training Authority (CITA) and their impact on transitional arrangements leading up to the formation of CIC (clause 82); and
 - (iv) Resources for CIC, in particular adequacy of the levy to sustain its future operation.
5. The Chairman also requested the deputations to provide written

submissions to the BC if they had not done so after the meeting.

II. Any other business

Clerk

6. Members deliberated on how the Bill should be taken forward with regard to the proposed schedule of meetings tabled at the meeting. They concurred that the BC should next meet on Tuesday, 4 January 2005, at 4:30 pm to consolidate on the issues that needed to be tackled. In this regard, members agreed that the Clerk should prepare a summary of concerns to facilitate discussion. The BC would allow sufficient time for the Administration to liaise with stakeholders to come up with ways to resolve their concerns. The BC would meet again in mid February 2005.

(Post-meeting note: The agreed schedule of meetings was circulated to members vide LC Paper No. CB(1)449/04-05 on 10 December 2004.)

7. The meeting ended at 12:10 pm.

Council Business Division 1
Legislative Council Secretariat
3 January 2005

**Proceedings of the third meeting of the
Bills Committee on Construction Industry Council (No. 2) Bill
on Thursday, 9 December 2004, at 9:00 am
in Conference Room A of the Legislative Council Building**

| Time marker | Speaker | Subject(s) | Action required |
|--------------------|---|---|--|
| 000000 – 000327 | Chairman | Welcoming remarks | |
| 000328 – 000656 | Construction Industry Training Authority Staff Association (CITASA) | Presentation of views (LC Paper No. CB(1)306/04-05(07) and CITASA's further submission tabled at the meeting) | |
| 000657 – 000847 | Consultant Engineering Firm Resident Site Staff Association (CEFRSSA) | Presentation of views (LC Paper No. CB(1)306/04-05(08)) | |
| 000848 – 002124 | Hong Kong Construction Industry Employees General Union (HKCIEGU) | Presentation of views (LC Paper No. CB(1)306/04-05(09)) | |
| 002125 – 002916 | The Hong Kong Institute of Architects (HKIA) | Presentation of views (LC Paper No. CB(1)306/04-05(10)) | HKIA to provide written submission after the meeting at Chairman's request |
| 002917 – 003312 | The Hong Kong Construction Association Ltd. (HKCA) | Presentation of views (LC Paper No. CB(1)306/04-05(11)) | |
| 003313 – 003939 | The Hong Kong Institute of Surveyors (HKIS) | Presentation of views | HKIS to provide written submission after the meeting at Chairman's request |
| 003940 – 004311 | Hong Kong & | Presentation of views | |

| Time marker | Speaker | Subject(s) | Action required |
|-----------------|---|---|---|
| | Kowloon Electrical Engineering & Appliances Trade Workers Union (HKKEEATWU) | (LC Paper No. CB(1)434/04-05(01)) | |
| 004312 – 004728 | Professional Green Building Council (PGBC) | Presentation of views (LC Paper No. CB(1)306/04-05(12)) | |
| 004729 – 005123 | Chartered Institute of Building (Hong Kong) (CIB(HK)) | Presentation of views | CIB(HK) to provide written submission after the meeting at Chairman's request |
| 005124 – 005752 | Hong Kong Licensed Plumbers Association (HKLPA) | Presentation of views | HKLPA to provide written submission after the meeting at Chairman's request |
| 005753 – 005824 | The Association of Plastering Subcontractors Ltd. (TAPSL) | Presentation of views | TAPSL to provide written submission after the meeting at Chairman's request |
| 005825 – 011339 | Ms Emily LAU HKLPA PGBC HKCA | Discussion on whether conduct of open meetings by the Construction Industry Council (CIC) could help address concerns about its composition, and whether this approach had been explored by the Provisional Construction Industry Co-ordination Board (PCICB). Members noted that PCICB had not considered the issue. Views on the need to ensure wide and balanced representation on CIC and to | |

| Time marker | Speaker | Subject(s) | Action required |
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| | | <p>appoint CIC members from candidates nominated by professional bodies and trade associations</p> <p>Suggestions on how CIC could address the underlying causes of wage arrears.</p> <p>Functions of CIC (clause 5) and the role to be played by Government.</p> | |
| 011340 – 013119 | Mrs Selina CHOW HKKEEATWU HKIS HKIA HKLPA HKCA | <p>Members noted that there was general support among the deputations for appointment of CIC members from candidates nominated by professional bodies and trade associations</p> <p>Disadvantages of appointing CIC members in personal capacity, including:</p> <ul style="list-style-type: none"> - such members would tend to side with the Government rather than represent interests of their respective professions or trades; - it would not be possible to replace such members if they failed to reflect the aspirations of their respective professions or trades, or when they could not perform effectively; and - lack of accountability <p>A deputation’s emphasis on the need to ensure all relevant trades were represented on CIC</p> <p>The present composition of the Construction Industry Training Authority (CITA)</p> <p>Views that privileges of CITA should be inherited by CIC</p> | |

| Time marker | Speaker | Subject(s) | Action required |
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| | | How CIC could secure sufficient resources to enable it to function properly, and whether the levy would be adequate to sustain its future operation | The Administration to take action under paragraph 4(b)(iv) of the minutes |
| 013120 – 014209 | Mr WONG Kwok-hing CITASA | Concern that CITASA was unaware of the transitional arrangements leading up to the formation of CIC CITASA’s complaint about: - Proposals in the pipeline to extend working hours as well as to reduce wages and fringe benefits; and - sudden dismissal of a senior staff working in CITA | |
| <i>Break from 014210 to 015514</i> | | | |
| 015515 – 021529 | Chairman Mrs Selina CHOW Ms LI Fung-ying Mr Alan LEONG Administration Ms Emily LAU | Discussion on the way forward with regard to the proposed schedule of meetings tabled at the meeting Administration’s recapitulation of the major issues namely, composition of CIC, long-standing problems in the industry such as management of subcontracting, and anxiety of CITA staff about transitional arrangements leading up to the formation of CIC. Call upon the Administration to make reference to the Hong Kong Sports Development Board in dealing with transitional arrangements leading up to the formation of CIC (clause 82) | The Clerk to take action under paragraph 6 of the minutes The Administration to take action under paragraph 4(b)(iii) of the minutes |

| Time marker | Speaker | Subject(s) | Action required |
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| 021530 – 022449 | Ms LI Fung-ying HKCA HKCIEGU | <p>HKCA's view that the present composition of CITA should be retained for the Construction Industry Training Board (CITB), and that CIC should inherit privilege presently enjoyed by CITA, namely, free land grant for training centres</p> <p>Need to appoint CIC members from candidates nominated by professional bodies and trade associations</p> <p>Need to explain to CITA staff detailed transitional arrangements leading up to the formation of CIC so as to avoid misunderstanding</p> | |
| 022450 – 023939 | Ir Dr Raymond HO HKCIEGU HKIA HKLPA | <p>Reference to the PCICB's further submission tabled at the meeting</p> <p>Discussion on how CIC members could be appointed from candidates nominated by professional bodies and trade associations, as well as the difficulty in achieving a fair balance of all interests</p> <p>A member's emphasis on the need to ensure engineers would be represented on CIC</p> <p>Advantage of having an even flow of public works projects to contain unemployment in the industry</p> <p>Need for the Government to provide a seeding grant or an interest-free loan for the setting up of CIC</p> <p>Need for the CIC to enhance its transparency and explore additional job opportunities for the industry</p> | |
| 023940 – 025334 | Mr Alan LEONG CEFRSSA PGBC | Discussion on how the composition of CIC (clause 9) could be improved, in particular a member's proposal to | The Administration to take action |

| Time marker | Speaker | Subject(s) | Action required |
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| | HKCIEGU HKLPA HKKEEATWU | <p>specify in the Bill professional bodies or trade associations that could nominate candidates from their respective sectors for consideration by the Government.</p> <p>CEFRSSA's view that since site supervisory personnel played an important role in ensuring construction quality, this sector should be represented on CIC.</p> | under paragraph 4(b)(i) of the minutes |
| 025335 - 025739 | Mr WONG Kwok-hing | Concern about whether CIC was capable of tackling the various problems in the industry such as management of subcontracting, wage arrears, illegal workers, and difficulty in obtaining employees' compensation insurance coverage faced by genuine workers who took up self-employed status | The Administration to take action under paragraph 4(b)(ii) of the minutes |
| 025740 – 030243 | Administration Chairman | <p>Administration's initial response to deputations' and members' views expressed at the meeting as follows:</p> <ul style="list-style-type: none"> - The Administration reiterated the importance of ensuring wide and balanced representation on CIC, with ample flexibility to accommodate suitable talents from various sectors and to cater for changing circumstances. - The Administration would liaise with labour unions to examine how the functions of CIC could be amended to embrace the aspirations of workers; and - CIC would exercise prudence in utilizing available resources and was likely to be supported by a small secretariat comprising about five staff incurring an annual expenditure of around \$4 million. | The Administration to take action under paragraph 4(a) of the minutes |

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Legislative Council Secretariat
3 January 2005