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DRAFTING HISTORY TABLE

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1 st draft	13.6.2005	#122998 v2
2 nd draft	8.9.2005	#122998 v5
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COMMITTEE STAGE AMENDMENTS

CONSTRUCTION INDUSTRY COUNCIL (NO. 2) BILL

(Clauses 2, 5, 7, 9, 18, 21, 56, 58, 59 and 71 and new Schedule 1A, Schedule 2 and Schedule 5)

CONSTRUCTION INDUSTRY COUNCIL (NO. 2) BILL

COMMITTEE STAGE

Amendments to be moved by the Secretary for the
Environment, Transport and Works

<u>Clause</u>	<u>Amendment Proposed</u>
2(1)	In the definition of "Objections Committee", by deleting "異議審核" and substituting "處理反對 事宜".
2(2)(a)(ii)	By deleting ", and the person for whom the construction operations are carried out is the contractor".
5	(a) In paragraph (a) - (i) by adding ", and on matters of concern to the construction industry" after "industry"; (ii) by deleting "或作" and substituting "及作". (b) In paragraph (e), by deleting "stakeholders in" and substituting "persons connected with".

(c) In paragraph (h) -

(i) by deleting "procurement methods, site safety," and substituting "dispute resolution,";

(ii) by adding "multi-layer subcontracting, occupational safety and health, procurement methods, project management and supervision," after "protection,".

(d) By adding -

"(ha) to enhance the cohesiveness of the construction industry by promoting harmonious labour relations and the observance of statutory requirements relating to employment, and by facilitating communication among various sectors of the industry;".

(e) In paragraph (j), by deleting "monitor" and substituting "assess".

- 7(2)
- (a) In paragraph (g), by deleting "stakeholders, companies or personnel of" and substituting "persons connected with".
 - (b) In paragraph (k), by deleting "construction personnel" and substituting "personnel".
 - (c) In paragraph (t), by deleting "statutory objects" and substituting "functions".
- 9(1)
- (a) By deleting paragraph (b).
 - (b) In paragraph (d), by deleting "20" and substituting "21".
- 9(3)
- (a) In paragraph (a), by deleting ", in the opinion of the Secretary,".
 - (b) In paragraph (b), by deleting ", in the opinion of the Secretary,".
 - (c) In paragraph (c), by deleting ", in the opinion of the Secretary,".
 - (d) In paragraph (d), by deleting ", in the opinion of the Secretary,".
 - (e) In paragraph (e) -
 - (i) by deleting "2" and substituting "3";

- (ii) by deleting “, in the opinion of the Secretary,”.

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By adding -

“(5) When appointing a member referred to in subsection (3)(a), (b), (c) or (e), the Secretary shall have regard to any nomination made for the purposes of such appointment by any one or more of the specified bodies.

(6) In subsection (5), “specified bodies” () means -

- (a) in relation to subsection (3)(a), the bodies set out in Part 1 of Schedule 1A;
- (b) in relation to subsection (3)(b), the bodies set out in Part 2 of Schedule 1A;
- (c) in relation to subsection (3)(c), the bodies set out in Part 3 of Schedule 1A;
- and
- (d) in relation to subsection (3)(e), the bodies set out in Part 4 of Schedule

1A.”.

18(2)(g) By deleting “異議審核” and substituting “處理反對
事宜”.

21(3)(c) By deleting “異議審核” and substituting “處理反對
事宜”.

56 In the heading, by deleting “異議審核” and
substituting “處理反對事宜”.

56(2) By deleting “異議審核” and substituting “處理反對
事宜”.

56(3) By deleting “異議審核” where it twice appears
and substituting “處理反對事宜”.

56(4) By deleting “異議審核” and substituting “處理反對
事宜”.

58 In the heading, by deleting “異議審核” and
substituting “處理反對事宜”.

58(1) By deleting "異議審核" and substituting "處理反對
事宜".

58(2) By deleting "異議審核" and substituting "處理反對
事宜".

58(3) By deleting "異議審核" where it twice appears
and substituting "處理反對事宜".

59 In the heading, by deleting "異議審核" and
substituting "處理反對事宜".

59(1) By deleting "異議審核" and substituting "處理反對
事宜".

71 (a) In the heading, by adding "1A," before
"2".

(b) By adding "1A," before "2".

New By adding -

"SCHEDULE 1A [ss. 9 & 71]

SPECIFIED BODIES

PART 1

EMPLOYERS

1. Airport Authority
2. Kowloon-Canton Railway Corporation
3. MTR Corporation Limited
4. The Real Estate Developers
Association of Hong Kong Limited

PART 2

PROFESSIONALS AND CONSULTANTS

1. The Hong Kong Institute of
Architects
2. The Hong Kong Institute of Landscape
Architects
3. The Hong Kong Institute of Planners
4. The Hong Kong Institute of Surveyors
5. The Hong Kong Institution of
Engineers

PART 3

CONTRACTORS, SUBCONTRACTORS, MATERIALS
SUPPLIERS AND EQUIPMENT SUPPLIERS

1. The Association of Plastering
Sub-contractors Limited
2. Hong Kong Bar-bending Contractors
Association, Limited
3. The Hong Kong Construction
Association, Limited
4. Hong Kong Construction Materials
Association Limited
5. The Hong Kong Federation of
Electrical and Mechanical
Contractors Limited
6. Hong Kong General Building
Contractors Association Limited
7. Hong Kong Hydraulic Truck Cranes
Association Limited

8. Hong Kong & Kowloon Scaffolders
General Merchants Association
Limited
9. Hong Kong Licensed Plumbers
Association Limited
10. The Hong Kong Marble & Granite
Merchants Association, Limited
11. The Registered Elevator and
Escalator Contractors Association
Limited

PART 4

TRADE UNIONS

1. Construction Site Workers General
Union
2. Consultant Engineering Firm Resident
Site Staff Association
3. Hong Kong and Kowloon Electrical
Engineering and Appliances Trade
Workers Union

4. Hong Kong Construction Industry
Employees General Union
5. Hong Kong Electrical Engineering
Professional Employees Association
6. Hong Kong General Union of Lift and
Escalator Employees
7. Union of Hong Kong Electrical
Engineering Assistants".

Schedule 2 (a) In section 1, in the definition of
"member", by deleting "or 14(2)".

(b) By adding -

**"7A. Meetings of Council to be
held in public**

(1) Subject to subsection (2), a
meeting of the Council shall be open to
the public.

(2) Subsection (1) does not apply
to a meeting of the Council or a part of
a meeting of the Council in the following
circumstances -

(a) if, in the opinion of the

Council, it is likely that the application of subsection (1) would result -

(i) in premature release of information concerning any financial matter or investment of the Council; or

(ii) in a disclosure of information in breach of any law, order or direction of a court or tribunal, duty of confidentiality, or other legal obligation or duty;

(b) if, in the opinion of the Council, it is likely that

any matter to be discussed
or considered at the
meeting or part of the
meeting -

(i) concerns
personnel
matters; or

(ii) concerns a
particular case
and is relevant
to the carrying
out of any
provision of
this Ordinance
relating to the
levy, surcharge,
penalty or
further penalty;
or

(c) if the Council, having
regard to all the
circumstances of a
particular case,
reasonably considers that
subsection (1) should not

apply to the meeting or
part of the meeting.".

- Schedule 5
- (a) In section 4, by deleting "103." and "104." and substituting "104." and "105." respectively.
 - (b) In section 6(b), in the proposed section 2(2)(a)(ii), by deleting ", and the person for whom the construction operations are carried out is the contractor".