

(Extract)

立法會

Legislative Council

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**Paper for the House Committee meeting
on 12 May 2006**

**Report of the Bills Committee on
Construction Industry Council (No. 2) Bill**

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Other amendments

40. The Administration has taken on board a number of suggestions from members to improve the future operation of CIC and the text of the Bill. The major ones which will require amendments to the Bill include the following –



- (a) clarifying the policy intention about the maximum tenure of appointed members of CIC and CITB that they should not hold office for more than six consecutive years (clause 10 and clause 3 in Schedule 3) ;
- (b) deleting the provision concerning appointment of members to fill casual vacancies of CIC (clause 13). The provision is considered unnecessary from the policy angle because a similar provision in Cap 317 has never been invoked;
- (c) adding an express provision to regulate the relationship of the Executive Director of CIC with CIC (clause 14). The Executive Director of CIC shall be responsible to CIC for the management, conduct and administration of CIC, and shall perform his functions as the Executive Director subject to CIC's direction;
- (d) establishing a register of interest declarations made by CIC members for public inspection (new clause 6A in Schedule 2). The register will be uploaded on the web-site of CIC; and



- (e) regulating the transaction of CIC business by circulation of papers by providing that any member may require the business be transacted at a meeting (clause 9 in Schedule 2) .

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(Extract)

Construction Industry Council (No. 2) Bill
Committee Stage Amendments

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10. Term of office of appointed member and member who is public officer

(1) An appointed member holds office for a period not exceeding 3 years as determined by the Secretary.

☆ { (2) An appointed member is eligible for reappointment on the expiry of his term of office, but he may not serve as such a member continuously for more than 6 years~~hold office for more than 2 consecutive terms.~~

(3) A member who is a public officer holds office at the discretion of the Secretary.

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Schedule 3

3. Term of office of Board member who is not public officer

(1) Subject to subsection (2), a Board member who is not a public officer –

(a) holds office for a period determined by the Council; and

(b) is eligible for reappointment on the expiry of his term of office.

☆ { (2) A Board member who is not a public officer may not serve as such a member continuously for more than 6 years.

~~3. Term of office of Board member who is not public officer~~

~~(1) A Board member who is not a public officer holds office for a period determined by the Council.~~

~~(2) — A Board member who is not a public officer is eligible for reappointment on the expiry of his term of office.~~



Schedule 2

9. Resolutions without meetings

(1) Subject to section 2(2) and this section, any business that may be transacted by a resolution of the Council in a meeting may be validly transacted, without a meeting, by a resolution in writing if –

(a) the resolution is signed and endorsed by more than half of the eligible members; and

(b) it is so signed and endorsed within the specified period.

(2) If a resolution is in the form of more than one document, the requirements of subsection (1)(a) are to be regarded as satisfied if each document is in the like form and the documents together bear the signatures of, and have been endorsed by, more than half of the eligible members.

(3) A telex, cable or facsimile, or an electronically transmitted document, that bears the signature of an eligible member is to be regarded as signed by that member.

(4) A resolution in the form of more than one document is to be regarded as made on the date on which the resolution is signed by the last member to sign and endorse it within the specified period.

(5) A member may, within the specified period, give notice in writing to the chairman requiring that the business to which the resolution relates be transacted at a meeting of the Council.

(6) Where a notice is given under subsection (5), the following applies –

(a) the business to which the resolution relates may not be transacted in the manner described in subsection (1);

(b) a resolution for the purposes of subsection (1) may not be made or regarded as having been made.



(7) For the purposes of this section –
“eligible member” () means a member who, on the date on which the resolution is made, is entitled to attend and vote at a meeting of the Council in respect of the business;
“endorse” (), in relation to a resolution, includes to endorse the transaction of the business by a resolution without a meeting of the Council;
“specified period” (), in relation to any business referred to in subsection (1), means a period –
(a) that is determined by the chairman and specified in the documents circulated for the purposes of transacting the business; and
(b) within which a member may indicate to the Council as to whether he endorses the resolution.

9. Resolutions without meetings

~~(1) Anything which may be done by resolution of the Council in a meeting may be validly done, without a meeting, by a resolution in writing if the resolution is signed by more than half of the members who, on the date on which the resolution is made, would be entitled to attend and vote at a meeting of the Council.~~

~~(2) If a resolution is in the form of more than one document, the requirement under subsection (1) is to be regarded as satisfied if each document is in the like form and the documents together bear the signatures of more than half of the members.~~

~~(3) A telex, cable or facsimile, or an electronically transmitted document, that bears the signature of a member is to be regarded as having been signed by that member.~~

~~(4) A resolution in the form of more than one document is to be regarded as made on the date on which the resolution is signed by the last member to sign it.~~

