

Construction Industry Council (No. 2) Bill

The Administration's draft proposed Committee Stage amendments to

- **Clause 9**
- **New Schedule 1A**
- **Schedule 2**

9. Composition of Council

- (1) The Council is to consist of –
 - (a) a chairman appointed by the Secretary;
 - ~~(b) the Executive Director;~~
 - (c) not more than 3 public officers appointed by the Secretary; and
 - (d) not more than 2021 other members appointed by the Secretary.
- (2) The Secretary may not appoint a public officer under subsection (1)(a) or (d).
- (3) Of the members referred to in subsection (1)(d) –
 - (a) not more than 4 are to be persons who, ~~in the opinion of the Secretary,~~ represent employers;
 - (b) not more than 4 are to be persons who, ~~in the opinion of the Secretary,~~ represent professionals or consultants connected with the construction industry;
 - (c) not more than 5 are to be persons who, ~~in the opinion of the Secretary,~~ represent contractors, subcontractors, materials suppliers or equipment suppliers in the construction industry;
 - (d) not more than 2 are to be persons who, ~~in the opinion of the Secretary,~~ represent training institutes or academic or research institutions connected with the construction industry;
 - (e) not more than 23 are to be persons who, ~~in the opinion of the Secretary,~~ are from trade unions representing workers employed in the construction industry that are registered under the Trade Unions Ordinance (Cap. 332); and
 - (f) not more than 3 are to be such other persons as the Secretary thinks fit to be members of the Council.
- (4) The Secretary shall give notice in the Gazette of an appointment under subsection (1)(a), (c) or (d).

(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.

SCHEDULE 1A
SPECIFIED BODIES

[ss. 9 & 71]

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

[ss. 16 & 71]

MEETINGS AND PROCEEDINGS OF COUNCIL

1. Interpretation

In this Schedule –

“chairman” (主席) means the chairman of the Council referred to in section 9(1)(a) of this Ordinance, and includes a person appointed under section 13(1) of this Ordinance to act in his place;

“member” (成員) means a member of the Council referred to in section 9(1) of this Ordinance, and includes a person appointed under section 13(1) ~~or 14(2)~~ of this Ordinance to act in his place.

2. Holding of meetings

(1) Subject to subsection (2), a meeting of the Council shall be held at such time and place as the chairman may appoint.

(2) The Council shall meet if there is a notice in writing, signed by not less than half of its members, requesting that a meeting be held.

3. Notice of meetings

Unless otherwise determined by the chairman, a notice of meeting shall be served on each member at least 14 days before the day on which the meeting is to be held.

4. Quorum

(1) At a meeting of the Council, a quorum is not less than half of its members.

(2) If a member is disqualified from taking part in a decision or deliberation in respect of a matter under section 6, he shall be disregarded for the purposes of constituting the quorum for deciding or deliberating on that matter.

5. **Proceedings of Council**

(1) Subject to subsection (2), the chairman is to preside at a meeting of the Council.

(2) If, for any reason, the chairman is not able to preside at a meeting of the Council, the members present at the meeting are to elect a member from among themselves to preside.

(3) All questions for determination are to be decided by a majority of votes of the members present and voting, and if there is an equality of votes, the member presiding has a casting vote in addition to his original vote.

6. **Disclosure of interests of members**

If a member has a pecuniary interest, whether direct or indirect, in any matter under consideration at a meeting of the Council, the member –

- (a) shall, as soon as practicable after the commencement of the meeting, disclose to the Council the fact and nature of his interest;
- (b) shall withdraw from the meeting while the Council is considering the matter, if so required by the meeting; and
- (c) shall not in any case vote on the matter.

7. **Validity of proceedings**

The validity of any proceedings of the Council shall not be affected by –

- (a) any defect in the appointment of a member; or
- (b) any vacancy in the membership of the Council.

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.

8. Council to determine procedures

Subject to the provisions of this Ordinance, the Council may determine its own procedures.

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.