



THE HONG KONG INSTITUTE OF  
**SURVEYORS**

23 December 2004

Clerk to Bills Committee  
Legislative Council Secretariat  
3/F Citibank Tower  
3 Garden Road  
Hong Kong

Attn: Ms Sarah Yuen

Dear Ms Yuen,

**Re: Construction Industry Council (No. 2) Bill**

Thank you for inviting our Institute to present our views on the above Bill on 9 December 2004.

We are pleased to summarize our views in writing for consideration by the Bills Committee.

**1. General**

1.1 We support the setting up of the **Construction Industry Council ("CIC")** to move forward the various recommendations of the Hon. Henry Tang in the Report of the Construction Industry Review Committee ("CIRC") and to take charge of the long term strategic issues of the construction industry.

**2. Function of the CIC (Clause 5 of the Bill)**

2.1 At present, policy and implementation issues affecting the construction industry are co-ordinated by the Environment, Transport and Works Bureau ("ETWB"). To ensure effective operation of the CIC and achievement of its objectives, it is important for the strategic framework governing the relationship between CIC and ETWB to be spelt out in the Bill. In particular, how and to what extent will CIC's duties / objectives interact with the matters / targets identified in the Hon Tang's CIRC Report?

2.2 In Section 29 of the Bill, it is stipulated that CIC shall submit annual reports to the Secretary for ETWB and the Legislative Council. However the scope of report appears to be limited. Instead of being confined to "activities of CIC .... during that year in respect of matters falling within the scope of CIC's function" we would propose that it should be expanded to cover more long term aspects such as CIC's strategic plans



and target achievements. The ETWB should assume a monitoring role to ensure the target and objectives as identified be met.

### 3. **Composition of Council (Clause 9)**

3.1 To ensure effective functioning, CIC must be accepted by the industry and general public as an organization properly reflecting interests of all stakeholders. It is essential that its members command a firm and wide base of representation. We opine that there is room for increasing the number of Councillors in CIC to allow wider representation from the industry to achieve the aims of self-regulation of the market.

3.2 We **do not support** the proposal in Section 9(3) of the Bill for members representing contractors, professionals or consultants to be "**appointed by the Secretary for ETWB on individual basis**". We consider it far more effective for the membership in this regard to be "nominated by the respective associations and professional institutions and appointed by the Secretary for ETWB". Professional institutions have a long history of establishment in Hong Kong and they have a steady and very substantial number of membership. They are widely represented in various government consultation bodies. Members drawn from these institutions are better placed to contribute to the CIC than members who are appointed in their personal capacity. They enjoy the benefit of established channels of communication / consultation with their fellow members. They also have the privilege of accessing some useful information under discussion by other consultation bodies via their councils. Such information, properly co-ordinated, will assist the nominated members to better reflect the views and demands of their fellow members with the support of their respective councils. More importantly, because of their representation base, the professional institutions can monitor their performance and as a result they will be able to help promote and gain acceptance of CIC's policy and services.

3.3 Nomination through professional institutions will ensure members so nominated to report back to their respective councils to enjoy the benefit as state above. On the contrary, institutions will have difficulties in obligating individual members to communicate and report back to their councils. Given the associations' willingness to contribute to a better practice of the construction industry, such nomination should not be seen as a threat to the functioning of the Council. Quite to the contrary, only through proper representation will the Council be able to ensure transparency, which is of overriding importance in Hong Kong today.

### 4. **Construction Industry Training Board (Clause 31)**

4.1 We have no particular comments on the proposed re-constitution of CITA into CITB. We support a more co-ordinated approach in educational and training issues. However we would like to see more elaborated goals and



objectives being declared and enshrined in CIC's legal framework. HKIS has created a technical grade membership in 2004. We would like to work closer with the new CITB for training of appropriate technicians who eventually could become qualified professionals some days and governed by the professional code of conduct of our institute.

4.2 It is not clear from the wording of the Bill how, and to what extent, the assets and liabilities of the CITA, after the re-constitution, will remain to be used to fund education and training. Alternatively, how much of CITA's funding will be directed to other objectives and new initiatives of CIC? It is also not clear if CITA could receive fees from other organization such as the Construction Workers Registration Authority.

5. Levy (Clauses 34, 35 and 54)

5.1 The minimum amount attracting levy (\$1.0M as defined in Schedule 4) seems to be on the low side. In addition, for projects where no AP is appointed (see for example Section 68) a lay employer may not have the knowledge and expertise to file the necessary returns. A plan should be in place for properly informing and educating the public before the Bill is enacted.

5.2 The only source of funds to support the operation of CIC is from levy. Given the current state of the construction industry, a careful estimate of the likely levies to be received is important to ensure that there are sufficient resources to support the proper functioning of the Council. It is noted that levy is also the primary source of fund for the newly set up Construction Workers Registration Authority.

We trust that our views will be taken into account when the Bills Committee meets again in the future. We would be happy to offer further views should the Committee find appropriate.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'T.T. Cheung', written in a cursive style.

T.T. Cheung  
President (2004-05)

c.c. Hon. Patrick S S Lau, Legco Member (ASP)



# THE HONG KONG INSTITUTE OF SURVEYORS

致立法會秘書處  
法案委員會秘書

## 『建造業議會』(第2號)條例草案諮詢建議

### 1. 前言

1.1 香港測量師學會支持成立『建造業議會』，此舉可將唐英年司長以往所提出的『建造業檢討委員會報告』向前推進、為建造業提供長遠發展作出規劃藍本。

### 2. 『建造業議會』職能(草案第五條)

2.1 環境運輸及工務局一直統籌有關建造業的政策規定及執行。為確使『建造業議會』暢順運作及達到議會成立的目標，『建造業議會』與環境運輸及工務局的管治關係及法定架構必須明朗化。特別是『建造業議會』的職能範疇、編制、權力目標、如何推行『建造業檢討委員會報告』所構思的改革計劃、落實各項改動從而提高業界的素質、加強競爭力。

2.2 條例第二十九節提出『建造業議會』必須向立法會和環境運輸及工務局局長提供周年報告，但報告所要求的內容比較狹窄。條文提出：「...『建造業議會』要為該年度在職權範圍以內所作出的具體活動提供報告...」香港測量師學會建議該等報告內容應該囊括『建造業議會』在制訂長遠規劃及長遠目標的成就。與此同時，環境運輸及工務局要發揮監管的角色，確保所制訂的目標及任務得以完成。

### 3. 會議的組成(第九條)

3.1 為確保『建造業議會』能有效運作及得到社會認同，它必須反映業界及有關人士的利益；『建造業議會』成員組合的廣泛性及認受性一定要被接納以外，學會認為『建造業議會』的成員人數還可以增加，務求更廣泛代表業界並發揮自我監察的目的。

3.2 香港測量師學會並不支持第九條(3)：承建商、專業人士或顧問的代表合由環境運輸及工務局局長指定委任之建議。學會認為若要強化『建造業議會』成員組合的有效性，則該等提名要由相關專業學會或組織提出並由環境運輸及工務局局長委任。在香港，專業學會擁有悠長的歷史以外，它們會員的專業技能及人數不斷擴大、提升；專業學會或組織有著現成溝通和諮詢管道，人脈廣闊，除了能更有系統地諮詢之餘，它們的自身嚴格要求將會把研究變得更仔細、討論變得更深入、彙聚及融合專業知識從而達到一個新的水準。更重要的是專業學會對制訂守則及評估有它嚴格的標準，在社會上享有非常高的公信力。專業學會代表作為成員組合將會為『建造業議會』贏得源源不斷的代表性、更能凝聚力量。



3.3 專業學會代表有責任向隸屬學會作出彙報；反之，專業學會不能向非代表會員作出強迫性報告的要求。在本學會欣然與有關方面合作的大前提下，『臨時建造業統籌委員會』提出專業學會及工會組織代表會妨礙『建造業議會』的運作，本學會實在不敢苟同。只有透過合適的代表『建造業議會』才能達致高度透明運作，符合目前香港社會要求。

#### 4. 『建造業訓練委員會』(譯名)(第 31 條)

4.1 學會對將『建造業訓練局』重組成『建造業訓練委員會』的建議沒有重大意見，並支持所有教育及培訓事宜應該得到適當的統籌及安排。然而，學會希望『建造業議會』的法定架構及目標能包含在『建造業議會』的綱領內反映出來。在今年(2004)本學會剛通過接納「技術協佐級會員」；在這方面，本會希望將要成立的『建造業訓練委員會』共同合作，為新接納的「技術協佐級會員」提供優質培訓，完成他們成為專業人士的願望。

4.2 條例內文並沒有詳細列明『建造業訓練局』的資產及負債在重組後會如何運用於教育及培訓的部分。再說，『建造業訓練局』在執行『建造業議會』建議時會給予該等建議的撥款亦欠詳盡。另一方面，『建造業訓練局』會否接受其他機構，例如『建造業工人註冊管理局』的支援亦沒有說明。

#### 5. 徵款(第 34,35 及 54 條)

5.1 實施收費的最低工程定額(表 4 定義為一百萬元)似乎偏低。在沒有委託認可人士(建築師名單)的工程項目來說(第六十八節為例)，僱主可能沒有專業知識或經驗去處理有關申報。在條例實行以前，政府必須部署有關政策的大眾教育。

5.2 『建造業議會』的營運全賴對建造業的收費。以現市道來看，此間必須嚴謹估計收支平衡預算、確保『建造業議會』能順利運作；同時要留意新成立的『建造業工人註冊管理局』也是依賴該等收費營運。

張達棠

張達棠會長  
香港測量師學會  
2004年12月23日