

**LegCo Panel on Manpower
(Meeting on 23 January 2003)**

**Registration Requirements under
the Proposed Construction Workers Registration Scheme**

PURPOSE

The purpose of this paper is to inform Members of the requirements for obtaining registration under the proposed Construction Workers Registration System (the proposed Registration System) to be implemented by way of legislation.

BACKGROUND

2. In response to requests from the construction industry, the then Construction Advisory Board (CAB) decided in July 1999 to set up a Working Group on Registration of Construction Workers (the Working Group), which comprised stakeholders of the construction industry (a list of the members is given at Annex A), to study the proposal for implementing a workers registration system.

3. The Administration subsequently endorsed the recommendations of the Working Group to introduce a mandatory registration system for construction site workers as the proposed Registration System would:

- (a) ensure the quality of construction works through assessment and certification of the skill levels of all construction site workers;
- (b) provide more reliable data on labour supply to facilitate manpower planning and training;
- (c) raise the status of the construction workers by recognizing their skill levels;

- (d) foster a quality culture in the construction industry as workers will try to improve their skill levels to attain higher status and earn more income;
- (e) help combat hiring of illegal workers working on construction sites; and
- (f) help eliminate some of the wage disputes between the contractors and the workers with the availability of site entry and exit records.

SCOPE AND SKILL LEVELS

4. The proposed Registration System is targeted at construction site workers engaged in new construction site works and in major addition, alteration, improvement and term maintenance works. Based on the categorization of skill levels of workers widely accepted by the construction industry and agreed by the Working Group, construction site workers will be registered under one of the three categories according to their skill levels as a skilled worker or a semi-skilled worker of individual trades, or as a general worker. Skilled and semi-skilled workers are required to pass the relevant trade tests and intermediate trade tests respectively conducted by the Construction Industry Training Authority (CITA) or the Vocational Training Council (VTC).

5. Workers who are in possession of relevant qualifications under existing legislation such as registered electrical workers, registered gas installers and licensed plumbers etc. are allowed to register as skilled workers of the respective trades.

REQUIREMENTS FOR REGISTRATION

6. To ensure smooth implementation of the proposed Registration System, the Administration is mindful of the need for:

- (a) minimizing any possible disruption to the construction industry; and
- (b) avoiding rendering existing "competent" workers out of work.

To achieve these aims, there will be transitional and provisional registration arrangements for the workers who have substantial work experience but do not possess the requisite qualifications or have yet to pass the relevant trade tests for registration.

7. In fact, there will be standard provisions for the workers to obtain registration. Workers with not less than four years' relevant experience could apply to take trade test and, if passed, they could apply for registration as skilled workers for the respective trades. Similarly, workers could apply for registration as semi-skilled workers if they pass the intermediate trade tests for semi-skilled workers, which have no specific experience requirements. Workers are also allowed to take the tests repeatedly until they pass it.

8. The trade tests are conducted in a manner very much like the day-to-day work carried out by the workers on site. It should not be difficult for an experienced worker to pass the test.

Provisional Registration

9. Provisional registration is allowed for experienced workers who have not yet acquired the trade test certificates or equivalent qualifications for obtaining registration. Workers who possess not less than six years experience in the respective trade could apply for registration as skilled worker (provisional), while those who have not less than two years relevant experience could apply for registration as semi-skilled worker (provisional). A period of three years is allowed for these workers to pass the respective trade tests to formally register as skilled or semi-skilled workers.

Registration (Exemption) for Senior Workers (老行尊) Without the Requisite Qualifications

10. In recognition of the craftsmanship of the highly experienced and usually **senior workers (老行尊)** and their contributions to, and long service in, the construction industry, and to avoid the embarrassing situation where an experienced and senior worker had to undergo trade test invigilated by his former apprentice, there will be an **one-off** transitional provision for these

senior workers. Under the system, senior workers with 10 years' or more relevant experience in the specific trades but without the relevant trade test certificates or equivalent qualifications could be registered as skilled workers in their respective trades, subject to passing an interview conducted by an assessment panel comprising representatives from relevant trade associations, trade unions, training institutes and Government departments. This arrangement was the common consensus of the industry after thorough discussion on the exemption mechanism at meetings of the Working Group and Sub-group on the Registration of Construction Workers. Though some members of the Working Group and Sub-group considered that a minimum of 15 years' relevant experience was required for granting such exemption, the 10-year rule was finally agreed and adopted. The exemption mechanism was underpinned by the following:

- (a) To ensure the quality of construction works, the Working Group and Sub-group were of the common view that the skill level of registered skilled workers should fulfill a minimum acceptable standard. If the standard is not meeting the expectation of the employers or the requirements of the industry, it will undermine the creditability of the proposed Registration System.
- (b) Since the exempted workers have not gone through the respective trade tests, there remains a certain degree of uncertainty about their skill levels and competencies. In order to minimize the uncertainty and the chance of registering workers not having the required skills as skilled workers, a sufficiently long period of experience and a proper assessment interview are considered necessary.

Review and Appeals Mechanisms

11. A Review Committee will be established to allow workers to request for reviews of the decisions of the Registrar.

12. In addition, an Appeal Board, comprising representatives from relevant trade unions, trade associations and professional institutions, and independent of the statutory Registration Authority will be appointed by the Administration to handle appeals from construction workers.

CONSULTATION

13. Throughout the development of the proposed Registration System, representatives from the relevant Government bureaux/departments, trade associations, training institutes, ICAC, major employers of the construction industry as well as trade unions of the construction industry have been fully consulted through the Working Group and Sub-group on the Registration of Construction Workers since July 1999.

14. The Construction Industry Review Committee (CIRC) also recommended in its Report issued in January 2001 that the worker registration system should be implemented as soon as possible.

15. The Administration had consulted the LegCo Panel on Planning, Lands and Works on this legislative proposal at a special meeting held on 3 October 2002.

CURRENT PROGRAMME

16. Drafting of the legislation is now being finalized. We aim to introduce the draft Bill into the LegCo in early 2003.

Encl. – Annex A

Environment, Transport and Works Bureau
January 2003

List of Members
Working Group on the Registration of Construction Workers

The then Works Bureau

Education and Manpower Bureau

Buildings Department

Housing Bureau

Housing Department

Labour Department

ICAC

The Real Estates Developers Association of Hong Kong

The Hong Kong E&M Contractors' Association Ltd.

The Hong Kong Construction Association, Ltd.

Employees Retraining Board

Construction Industry Training Authority

Vocational Training Council

KCRC

MTR Corporation

Hong Kong Construction Industry Employees General Union

Hong Kong and Kowloon Electrical Engineering and Appliances Trade Workers' Union