

LEGISLATIVE COUNCIL BRIEF

CONSTRUCTION WORKERS REGISTRATION (FEES) REGULATION

CONSTRUCTION WORKERS REGISTRATION ORDINANCE (CAP. 583)

INTRODUCTION

This brief explains the main provisions in the Construction Workers Registration (Fees) Regulation (the Regulation). As the registration of construction workers is expected to commence on 29 December 2005, the Regulation which prescribes the fees and related arrangements in relation to the registration shall also come into operation on the same date. A copy of the Regulation is attached at Annex A for Members' information.

BACKGROUND

2. The Construction Workers Registration Ordinance (CWRO), enacted in July 2004, provides the legal framework for the implementation of a mandatory registration system for construction workers.

3. Prior to the commencement of the registration, it is necessary for the Construction Workers Registration Authority (CWRA) established under the CWRO to prescribe details of the fees relating to the application for registration and renewal of registration, as well as to provide for other arrangements such as waiver of fees and refunds by way of the Regulation.

THE REGULATION

4. The main provisions of the Regulation are summarized below —

(a) Part 1 – Preliminary

This part contains the commencement date and definitions.

(b) Part 2 – Fees for application for registration

This part deals with the fees¹ for application for registration. In particular —

(i) section 3 prescribes the application fee for registration with reference to the period within which the application is made;

(ii) section 4 provides for the case where the applicant is already a registered construction worker; and

(iii) section 5 provides that half of the prescribed fee is payable if the application is supported by “relevant qualification”².

(c) Part 3 – Other fees

This part deals with the fees in respect of an application for renewal of registration, an application for replacement of a registration card and a notice of appeal.

(d) Part 4 – Waiver of fees

This part provides for the waiver of the prescribed fees for applications for registration or for renewal of registration in the case where the applicant makes two or more such applications on the same date.

¹ The fees are basically to cater for a registration validity period of 36 months.

² This refers to the qualifications set out under column 4 in Parts 1, 2 and 3 of Schedule 1 to the CWRO relevant to various designated trades. They are primarily licenses or registrations required by other Ordinances.

(e) Part 5 – Refund of fees

This part requires the Registrar of Construction Workers (the Registrar) to refund the fee or a portion of the fee paid in respect of the registration, or renewal of registration, if the registration will be valid for less than 36 months. It also requires the Registrar to refund the fee or a portion of the fee paid in respect of an application for provisional registration if the registration expires before lasting for 36 months.

EFFECT OF THE PROPOSAL

5. To enable the Registrar to cope with the anticipated workload for registration, construction workers will be invited to apply for their first registration in 4 different periods in the initial 8 months (initial registration period) according to their birth months. This administrative arrangement is proposed to enhance efficiency and the applicants for registration are encouraged to follow the assigned periods. Different application fees have been prescribed according to the periods during which the applications are actually made. This is to take into account the fact that some workers may, upon invitation, pay the application fee for registration earlier than others.

6. Under the proposed scheme, an applicant is only required to pay the application fee once to become a registered construction worker, notwithstanding that he may be registered for more than one designated trades. If, upon first registration, a provisionally registered worker for a designated trade subsequently applies for full registration for the trade, an application fee is payable if he is only holding provisional registration(s). In the circumstances, a refund mechanism is built in to cater for the situation when the provisional registration for which payment has been made expires before 36 months.

7. To alleviate the financial burden of the construction workers, the application fees for registration (including renewals of registration) are reduced by half if the applicant for the registration holds a “relevant qualification”.

8. In the renewal of registration, an applicant is required to pay a fee of \$100 (or \$50 if holding a “relevant qualification”) for the renewal for another 36 months in the normal course of events. Due to the need to align the expiry date of registration with that in the “Green Card”³, the validity period of the renewed registration may vary from 12 to 48 months. If, as a result of the alignment, the period during which the renewed registration is in effect is less than 36 months, a refund mechanism is provided. If the period during which the renewed registration is in effect is longer than 36 months, no extra fee will be chargeable.

LEGISLATIVE TIMETABLE

9. The Regulation will be published in the Gazette on 14 October 2005 and tabled in the Legislative Council on 19 October 2005. The commencement date of the Regulation is 29 December 2005.

IMPLICATIONS OF THE PROPOSAL

10. The level of fees prescribed in the Regulation is the same as that included in our previous submissions to the Legislative Council. As the prescribed fees are relatively low, it will not have any significant financial implication to the construction workers. The proposal has no financial and civil service implications to the Government. The proposal is in conformity with the Basic Law, including the provisions of the human rights, and will not affect the binding effect concerning CWRO.

PUBLIC CONSULTATION

11. The CWRA, comprising members from the key stakeholders of the construction industry, has considered and agreed to the Regulation. Relevant Government bureaux and departments have also been consulted.

³ the relevant certificate for completion of a safety course as defined in section 6BA of the Factories and Industrial Undertakings Ordinance.

PUBLICITY

12. A series of promotion and publicity activities for the registration including press release, TV and Radio Announcements for Public Interest, etc. will be launched by the CWRA prior to its commencement.

ENQUIRIES

13. For enquiries, please contact Mr. Ambrose S Y CHEONG, Chief Assistant Secretary for the Environment, Transport and Works (Works) at 2848 2060.

Environment, Transport and Works Bureau

13 October 2005

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REGULATION**

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CONSTRUCTION WORKERS REGISTRATION (FEES) REGULATION

(Made by the Construction Workers Registration Authority under section 63 of the Construction Workers Registration Ordinance (Cap. 583) with the approval of the Secretary for the Environment, Transport and Works)

PART 1

PRELIMINARY

1. Commencement

This Regulation shall come into operation on 29 December 2005.

2. Interpretation

(1) In this Regulation, unless the context otherwise requires –

“first period” (首段期間) means a period that begins on 29 December 2005 and expires at the end of 28 February 2006;

“fourth period” (第四段期間) means a period that begins on 1 July 2006 and expires at the end of 31 August 2006;

“relevant qualification” (有關資格), in relation to a designated trade, means the qualification set out in column 4 of Part 1, 2 or 3 of Schedule 1 to the Ordinance opposite the trade;

“second period” (第二段期間) means a period that begins on 1 March 2006 and expires at the end of 30 April 2006;

“third period” (第三段期間) means a period that begins on 1 May 2006 and expires at the end of 30 June 2006.

(2) For the purposes of this Regulation, an application for registration is an application under section 39(1) of the Ordinance for registration as –

- (a) a registered skilled worker for one designated trade set out in Part 1 or 2 of Schedule 1 to the Ordinance;

- (b) a registered skilled worker (provisional) for one designated trade set out in Part 1 or 2 of Schedule 1 to the Ordinance;
- (c) a registered semi-skilled worker for one designated trade set out in Part 2 or 3 of Schedule 1 to the Ordinance;
- (d) a registered semi-skilled worker (provisional) for one designated trade set out in Part 2 or 3 of Schedule 1 to the Ordinance; or
- (e) a registered general worker.

(3) For the purposes of this Regulation, an application for renewal of registration is an application under section 44(5) of the Ordinance for renewal of registration as –

- (a) a registered skilled worker for one designated trade set out in Part 1 or 2 of Schedule 1 to the Ordinance;
- (b) a registered semi-skilled worker for one designated trade set out in Part 2 or 3 of Schedule 1 to the Ordinance; or
- (c) a registered general worker.

PART 2

FEES FOR APPLICATION FOR REGISTRATION

3. Application fees: general

Subject to this Part, the fee payable in respect of an application for registration is –

- (a) if the application is made within the first period, \$78;
- (b) if the application is made within the second period, \$84;
- (c) if the application is made within the third period, \$89;
- (d) if the application is made within the fourth period, \$95;
and
- (e) if the application is made at any other time, \$100.

4. Application fees: applicant is a registered construction worker

- (1) If –
- (a) a person applies for registration; and
 - (b) the person holds another registration that is in effect,

section 3 does not apply to the application.

- (2) Subject to section 5, if –
- (a) a person applies for registration as a registered skilled worker, or a registered semi-skilled worker, for a designated trade;
 - (b) the person is a registered skilled worker (provisional), or a registered semi-skilled worker (provisional), for the trade; and
 - (c) the person is not –
 - (i) a registered skilled worker, or a registered semi-skilled worker, for any other designated trade; or
 - (ii) a registered general worker,

the fee payable in respect of the application is \$100.

5. Application fees: application supported by relevant qualification

If –

- (a) a person applies for registration as a registered skilled worker, or a registered semi-skilled worker, for a designated trade; and
- (b) the application is supported by the relevant qualification for the trade held by the person,

the fee payable in respect of the application is one half of the fee prescribed for the application under section 3 or 4(2), rounded up to the nearest dollar.

PART 3
OTHER FEES

6. Application fees: renewal of registration

(1) Subject to subsection (2), the fee payable in respect of an application for renewal of registration is \$100.

(2) If –

(a) a person applies for the renewal of his registration as a registered skilled worker, or a registered semi-skilled worker, for a designated trade; and

(b) the application is supported by the relevant qualification for the trade held by the person,

the fee payable in respect of the application is one half of the fee prescribed for the application under subsection (1).

7. Application fees: replacement of registration card

The fee payable in respect of an application under section 46(8) or (9) of the Ordinance is \$100.

8. Fees for the purpose of a notice of appeal

The fee payable in respect of a notice of appeal for the purposes of section 52(4)(b) of the Ordinance is \$30.

PART 4
WAIVER OF FEES

9. Waiver of application fees for registration

(1) This section applies if –

- (a) a person makes 2 or more applications for registration on the same date; and
 - (b) a fee is prescribed for each application under section 3, 4(2) or 5.
- (2) The fee payable in respect of each application, other than the following, is waived –
- (a) in the case where the fee so prescribed for each application is of the same amount, the fee payable in respect of any one application specified by the Registrar;
 - (b) in any other case –
 - (i) the fee payable in respect of the application for which the fee so prescribed is of the lower or lowest amount; or
 - (ii) if there are 2 or more such applications, the fee payable in respect of any one of such applications specified by the Registrar.

10. Waiver of application fees for renewal of registration

- (1) This section applies if –
- (a) a person makes 2 or more applications for renewal of his registration on the same date; and
 - (b) a fee is prescribed for each application under section 6(1) or (2).
- (2) The fee payable in respect of each application, other than the following, is waived –
- (a) in the case where the fee so prescribed for each application is of the same amount, the fee payable in respect of any one of such applications specified by the Registrar;

- (b) in any other case –
 - (i) the fee payable in respect of the application for which the fee so prescribed is of the lower or lowest amount; or
 - (ii) if there are 2 or more such applications, the fee payable in respect of any one of such applications specified by the Registrar.

PART 5

REFUND OF FEES

**11. Refund of application fees for registration:
when registration is less than 36 months**

- (1) If –
 - (a) the Registrar accepts an application for registration; and
 - (b) the date specified under section 44(1) of the Ordinance for the registration is less than 36 months after the date of registration,

the Registrar shall make a refund of the fee paid in respect of the application or a portion of such fee.

(2) Subject to subsection (7), if the application is made within the first period, the amount to be refunded under subsection (1) is calculated in accordance with the following formula, with the result rounded up to the nearest dollar –

$$\frac{F}{852} \times [852 - (D - 243)].$$

(3) Subject to subsection (7), if the application is made within the second period, the amount to be refunded under subsection (1) is calculated in accordance with the following formula, with the result rounded up to the nearest dollar –

$$\frac{F}{912} \times [912 - (D - 183)].$$

(4) Subject to subsection (7), if the application is made within the third period, the amount to be refunded under subsection (1) is calculated in accordance with the following formula, with the result rounded up to the nearest dollar –

$$\frac{F}{973} \times [973 - (D - 122)].$$

(5) Subject to subsection (7), if the application is made within the fourth period, the amount to be refunded under subsection (1) is calculated in accordance with the following formula, with the result rounded up to the nearest dollar –

$$\frac{F}{1034} \times [1034 - (D - 61)].$$

(6) If the application is made at any other time, the amount to be refunded under subsection (1) is calculated in accordance with the following formula, with the result rounded up to the nearest dollar –

$$\frac{F}{1095} \times (1095 - D).$$

(7) If the amount to be refunded under subsection (1) as calculated in accordance with the formula set out in subsection (2), (3), (4) or (5) is larger than the amount of fee paid in respect of the application, the amount to be so refunded is the amount of fee so paid.

(8) In the formulae set out in subsections (2), (3), (4), (5) and (6) –

(a) F represents the amount of fee paid in respect of the application; and

- (b) D represents the number of days within the period that begins on the date of registration and expires at the end of the date specified under section 44(1) of the Ordinance for the registration.

**12. Refund of application fees for registration:
when applicant's provisional registration
expires before lasting for 36 months**

- (1) This section applies if –
- (a) a person is a registered skilled worker (provisional), or a registered semi-skilled worker (provisional), for a designated trade;
 - (b) the person applies for registration as a registered skilled worker, or a registered semi-skilled worker, for the trade; and
 - (c) the Registrar accepts the application.

(2) If the Registrar is satisfied that on the date on which the person's registration referred to in subsection (1)(a) expires by virtue of section 45(1)(b) or (2)(b) of the Ordinance, it has been in effect for less than 36 months, the Registrar shall make a refund of the fee paid in respect of the person's application for such registration or a portion of such fee.

(3) Subject to subsection (8), if the application is made within the first period, the amount to be refunded under subsection (2) is calculated in accordance with the following formula, with the result rounded up to the nearest dollar –

$$\frac{G}{852} \times [852 - (C - 243)].$$

(4) Subject to subsection (8), if the application is made within the second period, the amount to be refunded under subsection (2) is calculated in accordance with the following formula, with the result rounded up to the nearest dollar –

$$\frac{G}{912} \times [912 - (C - 183)].$$

(5) Subject to subsection (8), if the application is made within the third period, the amount to be refunded under subsection (2) is calculated in accordance with the following formula, with the result rounded up to the nearest dollar –

$$\frac{G}{973} \times [973 - (C - 122)].$$

(6) Subject to subsection (8), if the application is made within the fourth period, the amount to be refunded under subsection (2) is calculated in accordance with the following formula, with the result rounded up to the nearest dollar –

$$\frac{G}{1034} \times [1034 - (C - 61)].$$

(7) If the application is made at any other time, the amount to be refunded under subsection (2) is calculated in accordance with the following formula, with the result rounded up to the nearest dollar –

$$\frac{G}{1095} \times (1095 - C).$$

(8) If the amount to be refunded under subsection (2) as calculated in accordance with the formula set out in subsection (3), (4), (5) or (6) is larger than the amount of fee paid in respect of the application, the amount to be so refunded is the amount of fee so paid.

(9) In the formulae set out in subsections (3), (4), (5), (6) and (7) –

(a) G represents the amount of fee paid in respect of the application for registration as a registered skilled worker

- (provisional), or a registered semi-skilled worker (provisional), for the designated trade; and
- (b) C represents the number of days within the period that –
- (i) begins on the date of registration as a registered skilled worker (provisional), or a registered semi-skilled worker (provisional), for the designated trade; and
 - (ii) expires at the end of the date of registration as a registered skilled worker, or a registered semi-skilled worker, for the designated trade.

13. Refund of application fees for renewal of registration: when registration is renewed for less than 36 months

- (1) If –
- (a) the Registrar accepts an application for renewal of registration; and
 - (b) the date specified under section 44(1) of the Ordinance for the registration is less than 36 months after the relevant date,

the Registrar shall make a refund of a portion of the fee paid in respect of the application.

(2) The amount to be refunded under subsection (1) is calculated in accordance with the following formula, with the result rounded up to the nearest dollar –

$$\frac{H}{1095} \times (1095 - B),$$

where –

- H represents the amount of fee paid in respect of the application; and

B represents the number of days within the period that begins on the relevant date and expires at the end of the date specified under section 44(1) of the Ordinance for the registration.

(3) In this section, “relevant date” (有關日期) has the meaning assigned to it by paragraph (b), (c) or (d) of the definition of “relevant date” in section 44(10) of the Ordinance.

chairman,
Construction Workers Registration
Authority

2005

Explanatory Note

The object of this Regulation is to prescribe the fees relating to the applications for registration of construction workers (including the renewal of registration of those workers) and to provide for other arrangements such as waiver of fees and refunds.

2. Part 1 contains the commencement date and definitions.
3. Part 2 deals with the fees for application for registration. In particular –
 - (a) section 3 prescribes the application fee for registration with reference to the period within which the application is made;

- (b) section 4 provides for the case where the applicant is already a registered construction worker;
- (c) section 5 provides that half of the prescribed fee is payable if the application for registration is supported by relevant qualification.

4. Part 3 deals with the fees in respect of an application for renewal of registration, an application for replacement of a registration card and a notice of appeal.

5. Part 4 provides for the waiver of the prescribed fees for applications for registration or for renewal of registration in the case where the applicant makes 2 or more applications on the same date.

6. Part 5 requires the Registrar of Construction Workers (“the Registrar”) to refund the fee or a portion of the fee paid in respect of the registration, or renewal of registration, if the registration will be valid for less than 36 months. It also requires the Registrar to refund the fee or a portion of the fee paid in respect of an application for provisional registration if the registration expires before lasting for 36 months.