

立法會
Legislative Council

LC Paper No. CB(1)947/06-07
(These minutes have been seen
by the Administration)

Ref: CB1/SS/3/06/1

**Subcommittee on
Construction Workers Registration Ordinance
(Amendment of Schedule 1) Notice 2007 and
Construction Workers Registration Ordinance (Commencement) Notice 2007**

**Minutes of the second meeting on
Thursday, 25 January 2007, at 10:45 am
in the Chamber of the Legislative Council Building**

- Members present** : Hon KWONG Chi-kin (Chairman)
Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP
Hon Abraham SHEK Lai-him, JP
Hon LI Fung-ying, BBS, JP
Hon WONG Kwok-hing, MH
- Members absent** : Hon LEE Cheuk-yan
Hon TAM Yiu-chung, GBS, JP
Prof Hon Patrick LAU Sau-shing, SBS, JP
- Public officers attending** : Mr David S P TONG
Principal Assistant Secretary for the Environment,
Transport and Works (Works)
- Mr Ambrose S Y CHEONG
Chief Assistant Secretary for the Environment, Transport
and Works (Works)
- Mr Raymond S F LAM
Assistant Secretary for the Environment, Transport and
Works (Education & Training)
- Mr S Y LAM
Assistant Secretary for the Environment, Transport and
Works (Education & Training)

Ms Emma WONG
Government Counsel
Department of Justice

Attendance by invitation : Kowloon Canton Railway Workers Union

Mr KO Pak-kwan
Chairman

Electronic Communication Technical Staff Union

黃光榮先生
理事長

The Federation of Hong Kong Electrical & Mechanical Industries Trade Unions

Mr LAI Chi-wah
Chairman

Hong Kong Air-Conditioning and Refrigerating Trades Workers General Union

Mr KWOK Chi-keung
Chairman

Clerk in attendance : Ms Anita SIT
Chief Council Secretary (1)4

Staff in attendance : Ms Connie FUNG
Assistant Legal Adviser 3

Mr WONG Siu-yee
Senior Council Secretary (1)7

Ms Christina SHIU
Legislative Assistant (1)7

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I Meeting with deputations and the Administration

- (L.N. 3 of 2007 -- The Construction Workers Registration Ordinance (Amendment of Schedule 1) Notice 2007
- L.N. 4 of 2007 -- The Construction Workers Registration Ordinance (Commencement) Notice 2007
- Ref: ETWB(CR)(W)1 - 10/8 Pt. 19 -- Legislative Council Brief on "Construction Workers Registration Ordinance (Amendment of Schedule 1) Notice 2007"
- LC Paper No. LS28/06-07 -- Legal Service Division Report
- LC Paper No. CB(1)761/06-07(01) -- Marked-up copy of the relevant amendments made by L.N. 3 of 2007
- LC Paper No. CB(1)761/06-07(02) -- Letter dated 9 January 2007 from Legal Service Division to the Administration
- LC Paper No. CB(1)761/06-07(03) -- Reply letter dated 11 January 2007 from the Administration to Legal Service Division
- LC Paper No. CB(1)761/06-07(04) -- Draft resolution proposed by the Administration to amend the Construction Workers Registration Ordinance (Amendment of Schedule 1) Notice 2007
- LC Paper No. CB(1)761/06-07(05) -- Marked-up copy showing the amendments proposed by the Administration to the Construction Workers Registration Ordinance (Amendment of Schedule 1) Notice 2007
- LC Paper No. CB(1)795/06-07(01) -- A set of photographs showing all the 16 types of vehicle body covered in the Construction Workers Registration Ordinance (Amendment of Schedule 1) Notice 2007)

The Subcommittee deliberated (index of proceedings attached at **Annex**).

2. The Subcommittee completed clause-by-clause examination of the Construction Workers Registration Ordinance (Commencement) Notice 2007 (the Commencement Notice) and the Construction Workers Registration Ordinance (Amendment of Schedule 1) Notice 2007 (the Amendment Notice). The Subcommittee also examined the draft resolution proposed by the Administration

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which sought to amend the Amendment Notice to improve the drafting of the "Description of work" for the four truck driver trades covered by the Amendment Notice.

3. The Chairman would present a verbal report to the House Committee at its meeting on 26 January 2007. The Administration would move its proposed resolution at the Legislative Council meeting on 7 February 2007.

II Any other business

4. There being no other business, the meeting ended at 12:40 pm.

Council Business Division 1
Legislative Council Secretariat
13 February 2007

**Subcommittee on
Construction Workers Registration Ordinance
(Amendment of Schedule 1) Notice 2007 and
Construction Workers Registration Ordinance (Commencement) Notice 2007**

**Proceedings of the second meeting
on Thursday, 25 January 2007, at 10:45 am
in the Chamber of the Legislative Council Building**

| Time marker | Speaker | Subject(s) | Action required |
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| 000000 - 000252 | Chairman | Opening remarks | |
| 000253 - 001927 | Kowloon Canton Railway Workers Union (KCRWU) Administration | <p>Presentation of views (LC Paper No. CB(1)818/06-07(02), tabled and subsequently issued to members on 26 January 2007)</p> <p>View that there should be flexibility in the registration system</p> <p>The Administration's response that a fair mechanism was in place to handle qualifications other than those specified for registration under the respective trades in Schedule 1 to the Construction Workers Registration Ordinance. These qualifications would be considered by the Construction Workers Qualifications Committee</p> <p>Concern about the difficulties faced by experienced workers without any acceptable qualifications in applying for registration</p> <p>The Administration's response that those with the specified experience would be eligible for provisional registration. Provisionally registered skilled workers could obtain full registrations by passing trade tests or completing specified training courses within 3 years after registration. The Construction Workers Registration Authority (CWRA) and the Kowloon-Canton Railway Corporation (KCRC) were discussing</p> | |

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| | | <p>whether relevant trainings received by KCRC's workers could be considered as equivalent qualifications for registration</p> <p>Concern about whether train compartments would be considered as a specified structure</p> <p>The Administration's response that the Ordinance did not include train compartments as a specified structure</p> | |
| 001928 - 002938 | Electronic Communication Technical Staff Union (ECTSU) Administration | <p>Presentation of views on registration for holders of a Security Personnel Permit (Category D), recognition of skills enhancement courses provided by the Education and Manpower Bureau (EMB) for the purpose of registration as "registered skilled worker", the importance of vocational skills, and recognition of training obtained from former radio institutes</p> <p>The Administration's response that the Security Bureau focused on good character and academic attainment in issuing a Security Personnel Permit (Category D) whereas registration as registered construction workers emphasized vocational skills and attainment in trade tests. Holders of a Security Personnel Permit (Category D) could also register if they possessed the specified qualification. The Construction Workers Qualifications Committee would consider equivalent qualifications for the purpose of registration</p> | |
| 002939 - 004602 | The Federation of Hong Kong Electrical & Mechanical Industries Trade Unions (FHKEMITU) Administration | <p>Presentation of views on the difficulties faced by workers without any acceptable qualifications in applying for registration</p> <p>Concern that some experienced</p> | |

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| | | <p>workers could only register as "registered general worker" rather than "registered skilled worker", and view that the scope of the "Description of work" in Schedule 1 was too narrow</p> <p>The Administration's response that the Construction Workers Qualifications Committee would consider equivalent qualifications. CWRA had sent letters to all registered general workers to remind them that they could actually apply for provisional registration as "registered skilled worker (provisional)" if they possessed the specified experience. There were different opinions on whether the present "Description of work" for various designated trades was too wide or too narrow, and CWRA would formulate guidelines for its staff to determine whether a certain work procedure was within the normal scope of work of the trade concerned</p> | |
| 004603 - 005310 | <p>Hong Kong Air-Conditioning and Refrigerating Trades Workers General Union (HKACRTWGU) Administration</p> | <p>Presentation of views on the importance of flexibility in the registration system, the difficulties faced by experienced workers without any acceptable qualifications in applying for registration and the undesirable situation where some experienced workers could only be registered as "registered general worker" in order to make a living</p> <p>The Administration's response that the Construction Workers Qualifications Committee would consider equivalent qualifications, workers with specified experience could apply as "registered semi-skilled worker (provisional)" or "registered skilled worker (provisional)" and specified training courses for "registered skilled worker</p> | |

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| | | (provisional)" were available | |
| 005311 - 005805 | FHKEMITU Administration Chairman | <p>Enquiry on when a place would be considered as a construction site and whether a "registered general worker" under the supervision of a "registered skilled worker" for a designated truck driver trade could perform the duties of the latter</p> <p>The Administration's response that the focus was on workers personally carrying out construction work. The contractor concerned would inform CWRA when construction work commenced in a place and the place would be considered as a construction site from the commencement date. Workers would also be subject to regulation under other relevant legislation in performing their duties, such as the requirement of possessing a valid driving licence</p> <p>The Chairman's view that the Administration should report to the Panel on Manpower on the progress of registration of workers before the "prohibitions" provisions in the Ordinance came into force</p> | |
| 005806 - 005931 | Mr Abraham SHEK Administration | <p>View that the Administration should provide, before the proposed merger of the Mass Transit Railway and Kowloon-Canton Railway systems materialized, a concrete response to KCRWU to address their concerns</p> <p>The Administration's advice that the Administration would report to the Panel on Planning, Lands and Works on the legislative progress in April 2007 and continue to liaise with CWRA and KCRWU to facilitate the registration process. The Administration agreed to also report</p> | |

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| | | to the Panel on Manpower | |
| 005932 - 010353 | Mr WONG Kwok-hing Administration | <p>Reference to the submission from the Welding Industry Employees Association (LC Paper No. CB(1)818/06-07(01), tabled and subsequently issued to members on 26 January 2007)</p> <p>The Administration's response that a certificate of passing a welder test in conformity with BS EN 287-1:1992 standard would be accepted for registration as "registered skilled worker" for the designated trade "Structural Steel Welder", and clarification that the certificate jointly issued by the Vocational Training Council and Construction Industry Training Authority was a steel welder trade test certificate without testing the welding work by an accredited welding inspection body. Therefore, that certificate would be accepted for registration for the designated trade "General Welder" but not "Structural Steel Welder"</p> | |
| 010354 - 011539 | Ms LI Fung-ying Administration KCRWU Chairman | <p>View that various bureaux concerned should have coordination so that training courses provided by EMB would receive the same level of recognition for the purpose of registration. The Administration should play an active role in coordinating the accreditation of qualifications under the Qualifications Framework with the construction workers registration system</p> <p>The Administration's response that CWRA could liaise with EMB on the issue, but Vocational Training Council, Construction Industry Training Authority and other relevant Government departments already had</p> | |

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| | | <p>representatives in CWRA. CWRA had considered requests from some organizations in relation to equivalent qualifications matters and an interactive approach was adopted</p> <p>View that experienced workers involved in related trades should be able to register for multiple designated trades with ease</p> <p>The Administration's response that CWRA had formed the Registration Implementation Committee to facilitate the registration process</p> <p>View that provisional registration was undesirable for experienced workers</p> <p>KCRWU's concern about lower remuneration for workers holding provisional registration status and the difficulty faced by workers in finding time to attend specified training courses</p> <p>The Administration's response that mechanisms were in place to handle various situations and provisional registration was a means to recognize workers' experience and protect their livelihood. Objective criteria had to be adopted in the legislation</p> <p>The Chairman's view that the Administration should review the "Description of work" for trades from time to time to ensure that the description could adequately cater for the practical circumstances of individual designated trades</p> | |
| 011540 - 012534 | Administration | <p>The Administration's briefing on the photographs of all the vehicle body types covered by the Amendment Notice (LC Paper No. CB(1)795/06-07(01))</p> | |

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| 012535 - 012738 | Mr WONG Kwok-hing Administration | <p>Enquiry on whether the registration procedures for truck drivers was easy and whether the attendance of training courses was required for registration</p> <p>The Administration's response that truck drivers could easily register if they possess the relevant driving licence(s) and there was no need to attend any training course for registration</p> | |
| 012739 - 014309 | Administration Chairman | <p>The Administration's briefing</p> <p>Clause-by-clause examination of the Commencement Notice, the Amendment Notice and the draft resolution proposed by the Administration to amend the Amendment Notice</p> | |
| 014310 - 014535 | Ms LI Fung-ying Administration Chairman | <p>Enquiry on paragraph (b) of item 55 in section 2(8) of the Amendment Notice in relation to mobile workshop and the Administration's explanation</p> <p>Completion of clause-by-clause examination</p> | |
| 014536 - 014555 | Chairman Clerk | <p>The Chairman would make a verbal report to the House Committee at its meeting on 26 January 2007</p> <p>The Administration would move its proposed resolution at the Legislative Council meeting on 7 February 2007</p> | |