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Secretary for the Environment, Transport and Works
(Attn: Mr LAM Shun Yuen, AS (Education & Training))
Environment, Transport and Works Bureau
15-16/F, Murray Building
Garden Road
Central
Hong Kong

9 January 2007

BY FAX
Fax No. : 2882 7152

Dear Mr Lam,

**Construction Workers Registration Ordinance
(Amendment of Schedule 1) Notice 2007 (L.N. 3 of 2007)**

I am scrutinising the above Notice with a view to advising Members and should be grateful if you would clarify the following:

- (a) In items 53, 54 and 55 of Part 1 of Schedule 1 to the Construction Workers Registration Ordinance (Cap. 583) (the Ordinance), as amended by section 2(6), (7) and (8) of the Notice respectively, is there any reason for not including in the amended "Description of Work" for the trades "Truck Driver (Heavy goods vehicles)", "Truck Driver (Medium goods vehicles)" and "Truck Driver (Special purpose vehicles)" the reference "to transport construction materials, building debris or excavated materials", which reference appears in the existing "Description of Work" for the above trades?
- (b) It appears that the new items 52A and the amended items 53, 54 and 55, as drafted, would have the effect of making the driving of certain articulated vehicles, heavy good vehicles, medium goods vehicles and special purpose vehicles within, into and out of construction sites construction work for the purpose of the Ordinance. Does this reflect the Administration's intention? If so, the way the type of work is described in the above items seems to be different from that applicable to other trades set out in Schedule 1 to the Ordinance. As you are aware, the types of work described in the existing "Description of Work" for other trades in the said Schedule relate to an act concerning

or forming an integral part of building operations or maintenance work within the definition of “construction work” under section 2 of the Ordinance. Is there any reason for adopting a different approach in the above items? In what way does the driving of the above-mentioned vehicles alone amount to construction work under the Ordinance?

- (c) In items 53, 54 and 55, as amended, it appears possible from the reference to certain specified types of vehicle body (e.g. gully emptier and traffic warning sign) that the driving of the vehicles concerned within, into or out of construction sites may not necessarily be for the purpose of transporting construction materials, building debris or excavated materials. If this is the case, the amendments would seem to have widened the scope of the existing “Description of Work” for the trades concerned. Does this reflect the Administration’s intention? If so, what is the reason for the change?

The above Notice will be considered by the House Committee at its meeting on 12 January 2007. I should therefore be grateful if you could let us have the Administration’s reply in both languages before the House Committee meeting.

Yours sincerely,

(Connie Fung)
Assistant Legal Adviser

cc: DoJ (Attention: Miss Emma WONG, GC) Fax No. 2869 1302
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