

ETWB (CR)(W)1-10/8 Pt.19

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Miss Connie FUNG  
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Legal Service Division  
Legislative Council Secretariat  
Legislative Council Building  
8 Jackson Road  
Central, Hong Kong

**BY FAX (2877 5029)**

Dear Miss Fung,

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

Thank you for your letter of 9 January 2007.

Please find our following reply in response to your observations on the captioned amendment notice for your consideration:

- (a) The existing "Description of work" for the three trades "Truck Driver (Heavy goods vehicles)", "Truck Driver (Medium goods vehicles)" and "Truck Driver (Special purpose vehicles)" i.e. items 53, 54 and 55 of Part 1 of Schedule 1 respectively, as you have pointed out, makes reference to the wordings "to transport construction materials, building debris or excavated materials" in describing the work applicable. However, such description does not fully reflect our policy intent. There are different types of vehicle body to which the goods vehicles belong. By virtue of the existing "Description of work", those truck drivers of general purpose goods vehicles, who only transport materials into or out of construction sites are also required to register. Apart from deviating from our intention to register construction workers who are carrying out construction work on sites, it also causes inconvenience to such drivers and is difficult to enforce in practice. Besides, the above description also fails to cover those truck drivers of vehicles that are directly involved in carrying out construction work other than transportation of materials. Hence, the amendments to the "Description of work" for these trades were drafted without making reference to such wordings.
- (b) While the amended "Description of work" for the four truck driver trades i.e. the new item 52A and the amended items 53, 54 and 55 of Part 1 of Schedule 1 does

not make specific reference to the types of construction work carried out by these trades, we rely on the term “construction sites” and the types of vehicle body specified to govern the scope of construction workers covered. As the types of vehicle body specified are those that are normally involved in carrying out construction work, it is our intention to specify driving such vehicles within, into or out of construction site as work that is involved in construction work for the purpose of this Ordinance. Hence, we are of the view that the “Description of work”, as amended, serves to ensure that only those truck drivers of specified types of vehicle body are required to obtain registration. However, having said that and for the avoidance of any doubt that may arise, we are prepared to amend the “Description of work” for these four trades by including a reference to wordings like “for the purpose of carrying out construction work”.

- (c) We agree that the reference to specified types of vehicle body in the “Description of work” for items 53, 54 and 55, as amended, would slightly widen the scope of truck drivers covered and include truck drivers of those types of vehicle body not necessarily employed for transportation of materials. This reference is necessary as it is our intention to require such drivers to obtain registration, in view that the specified types of vehicle body are directly involved in carrying out construction work. On the other hand, specifying the types of vehicle body in the “Description of work” would help reduce the scope by excluding truck drivers of those general purpose goods vehicles that are only used for transportation of materials to construction sites.

Please feel free to contact me if you have any further queries.

Yours sincerely,

( S Y LAM )  
for Secretary for the Environment,  
Transport and Works

Encl.

c.c. Secretary for Justice  
(Attn. Miss Emma WONG) Fax. 2869 1302