

立法會
Legislative Council

LC Paper No. CB(1)2227/11-12
(These minutes have been seen
by the Administration)

Ref : CB1/BC/3/11

Bills Committee on Construction Industry Legislation
(Miscellaneous Amendments) Bill 2012

Minutes of the first meeting
held on Friday, 13 April 2012, at 8:38 am
in Conference Room 2B of the Legislative Council Complex

- Members present** : Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP
(Chairman)
Hon LI Fung-ying, SBS, JP
Hon CHEUNG Hok-ming, GBS, JP
Hon Cyd HO Sau-lan
Hon WONG Sing-chi
Hon IP Wai-ming, MH
Hon IP Kwok-him, GBS, JP
Hon Alan LEONG Kah-kit, SC
- Members absent** : Hon Abraham SHEK Lai-him, SBS, JP
Dr Hon PAN Pey-chyou
- Public officers attending** : Agenda Item II

Mr Enoch LAM Tin-sing
Deputy Secretary for Development (Works) 2

Miss Charmaine WONG Hoi-wan
Principal Assistant Secretary for Development
(Works)1

Mr LAU Chun-kit
Chief Assistant Secretary for Development
(Works)6

Mr George MAK Kin-ming
Assistant Secretary for Development (Works
Policies)10

Mr Sunny CHAN Yuen-sun
Senior Assistant Law Draftsman
Department of Justice

Ms Lonnie NG Wah-chi
Senior Government Counsel
Department of Justice

Clerk in attendance : Mr Arthur LEUNG
Chief Council Secretary (1)7

Staff in attendance : Ms Clara TAM
Assistant Legal Adviser 9

Mr Simon CHEUNG
Senior Council Secretary (1)9

Miss Iris CHEUNG
Legislative Assistant (1)7

Action

I. Election of Chairman

Ir Dr Raymond HO, the member who had the highest precedence among those present in the meeting, presided at the election of Chairman of the Bills Committee.

2. Mr IP Kwok-him nominated Ir Dr Raymond HO, and the nomination was seconded by Mr Alan LEONG and Mr WONG Sing-chi. Ir Dr Raymond HO accepted the nomination.

3. There being no other nomination, Ir Dr Raymond HO was elected Chairman of the Bills Committee, and took over the chair of the meeting.

4. The Chairman proposed and members accepted the late application from Ms Cyd HO to become a member of the Bills Committee.

II. Meeting with the Administration

- (LC Paper No. CB(3)510/11-12 -- The Bill
- File Ref: DEVB(CR)W1-10/31 -- Legislative Council Brief issued by Development Bureau
- LC Paper No. LS39/11-12 -- Legal Service Division Report
- LC Paper No. CB(1)1556/11-12(01) -- Marked-up copy of the Bill prepared by the Legal Service Division
- LC Paper No. CB(1)1556/11-12(02) -- Paper on Construction Industry Legislation (Miscellaneous Amendments) Bill 2012 prepared by the Legislative Council Secretariat (background brief))

5. The Administration briefed the Bills Committee on the Bill. Members deliberated (Index of proceedings attached at **Appendix**).

(Post-meeting note: The Administration's powerpoint presentation was circulated vide LC Paper No. CB(1)1586/11-12(01) on 13 April 2012.)

Admin 6. The Administration was requested to –

- (a) advise whether consideration could be given to extending the validity period of provisional registration so that those senior workers who did not want to attend trade tests would not be forced out of work when the registration expired;
- (b) set out details of the proposals under which minor works of value below certain amount would be exempted so that workers who

were not registered for the relevant trades would be allowed to undertake those construction works;

- (c) provide details of the design of the all-in-one registration card and relevant logistical arrangements;
- (d) conduct a briefing for staff members of Construction Workers Registration Authority ("CWRA") and listen to their concerns directly; and forthwith report on the outcome of consultation with those staff members; and
- (e) provide copies of the minutes of the relevant meetings of Construction Industry Council and CWRA which showed that CWRA staff would be offered a further employment contract of at least two years upon the expiry of the existing contracts valid on the day of amalgamation.

III. Any other business

7. Members agreed that the Bills Committee should hold a meeting on Saturday, 5 May 2012 to receive deputations' views on the Bill. The Bills Committee noted the Administration's wish that meetings be held more frequently.

8. There being no other business, the meeting ended at 9:39 am.

**Proceedings of the first meeting of
Bills Committee on Construction Industry Legislation (Miscellaneous Amendments) Bill 2012
on Friday, 13 April 2012, at 8:38 am
in Conference Room 2B of the Legislative Council Complex**

Time marker	Speaker	Subject(s)	Action required
<i>Agenda Item I – Election of Chairman</i>			
000340 - 000451	Ir Dr Raymond HO Mr IP Kwok-him Mr WONG Sing-chi	Election of Ir Dr Raymond HO as Chairman of the Bills Committee	
000452 - 000525	Chairman Members	Acceptance of late membership application from Ms Cyd HO	
<i>Agenda Item II – Meeting with the Administration</i>			
000526 - 002533	Administration Chairman	Briefing and powerpoint presentation (CB(1)1586/11-12(01)) by the Administration on the Bill The Chairman's comment that the Bills Committee should hold a meeting to receive views on the Bill from deputations of the construction sector	
002534 - 005401	Ms LI Fung-ying Administration	Ms LI Fung-ying's views that – (a) it was necessary to address the need of the senior workers under provisional registration through extending validity period of provisional registration, and allowing greater freedom for construction workers to continue to choose between formal and provisional registration; (b) the Administration should consolidate all construction-related cards into one single "smart card". Given the strenuous nature of construction works most of which had to be performed outdoor, effort should be given to enhance durability of the card; and (c) the Administration was required to note that she had received complaints from CWRA staff who had written to CIC management to express their concerns about transitional staff arrangements at the amalgamation of CIC and CWRA, and had received no reply so far. The Administration should conduct a briefing face to face with CWRA staff to listen to their concerns	The Administration to take action under para. 6

Time marker	Speaker	Subject(s)	Action required
		<p>The Administration's response that –</p> <ul style="list-style-type: none"> (a) the purpose of bringing in provisional registration was to allow construction workers to continue to work pending completion of prescribed training and assessment/trade tests; (b) the existing legislation did not provide for the extension of the provisional registration. As such, the Administration intended to extend under the Bill the validity period of registration of skilled workers (provisional) and semi-skilled workers (provisional) under special circumstances (such as illnesses and injuries) which were beyond workers' control; (c) the Administration had yet to implement Phase Two Prohibition under the Construction Work Registration Ordinance ("CWRO"), which would prohibit workers from undertaking works for which they were not registered. In consultation with the trade organizations, the Administration was in the course of identifying ways and measures to improve the provisional registration system; (d) in order to reduce the number of cards a worker had to carry to work, the Bill sought to amend CWRO such that in future a construction worker registration card would be able to store and display information of various construction-related cards/certificates issued by other authorities. Meanwhile, the Administration would also think of ways to enhance the durability of the card; (e) provisions would be included in the Bill to ensure the continuance of existing employments following amalgamation until their natural expiry, and there would not be unilateral alteration of the employment contracts by CIC; (f) the Administration had met regularly with CIC and CWRA management on transitional arrangements for staff. CIC and CWRA management had agreed that CWRA staff would be offered a further employment contract of not less than two years upon expiry of existing contract valid on the day of amalgamation. 	

Time marker	Speaker	Subject(s)	Action required
		<p>The Administration gathered that most CWRA staff actually welcomed the arrangements. The Administration would provide copies of the minutes of relevant meetings of CIC and CWRA for members' reference; and</p> <p>(g) the Administration would conduct a briefing for CWRA staff and report on the outcome of its consultation with these staff;</p> <p>Response of the Chairman that the Administration should provide a written response on the above discussions to the Bills Committee</p>	
005402 - 010645	Ms Cyd HO Administration	<p>Ms Cyd HO's views that –</p> <p>(a) whether it was appropriate to make use of an additional piece of legislation bringing out miscellaneous amendments to two ordinances to cater for the amalgamation of CIC and CWRA;</p> <p>(b) the Administration should act in a sympathetic way assisting senior construction workers who knew their jobs well but resisted assessment/examination, in assessments/trade tests;</p> <p>(c) while it was desirable for the Administration to move towards consolidation of construction-related cards, electronic card-readers should be made readily available at construction sites for sub-contractors to easily verify registration status of their workers; and</p> <p>(d) she was concerned whether the construction workers registration system would reduce operational flexibility by prohibiting workers from performing work items for which they had not been registered</p> <p>The Administration's response that –</p> <p>(a) after consulting the sector, the Administration had decided to adopt a simplified approach under which necessary amendments would be made to both CWRO and Construction Industry Council Ordinance ("CICO"), since this would minimize changes to the existing legislation and provide clear references to the sector which knew the two ordinances well. Once the amendments took</p>	The Administration to take action under para. 6

Time marker	Speaker	Subject(s)	Action required
		<p>effect, the Construction Industry Legislation (Miscellaneous Amendments) Bill would cease to exist;</p> <p>(b) the Administration had met with relevant labour unions on how to move on to stage 2 legislative amendments which would deal mainly with the implementation of the Phase Two Prohibition under CWRO. The Administration was aware of the needs of senior workers, and was considering the possibility of replacing trade tests with oral assessment;</p> <p>(c) construction contractors were required to provide either static or mobile card-readers at works sites to verify the registration status of construction workers;</p> <p>(d) to allow greater flexibility for carrying out small-scale construction works, the Administration was considering exempting minor works of lesser scale and value from the Phase Two Prohibition forbidding workers from undertaking works which they had not registered for;</p> <p>(e) with the help of the trade unions, the Administration would encourage construction workers through different means to become multi-skilled; and</p> <p>(f) in a way similar to the driving licence, the Administration would explore the possibility of displaying the types of works for which the card-holder was registered on the construction worker registration card issued under CWRO</p>	
<i>Agenda Item III – Any other business</i>			
010646 - 011025	Chairman Ms Cyn HO Ms LI Fung-ying Administration	Meeting arrangements	