

香港特別行政區政府

The Government of the Hong Kong Special Administrative Region

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24 May 2012

Ms Joanne MAK  
Clerk to Bills Committee  
Legislative Council Secretariat  
Legislative Council Complex  
1 Legislative Council Road  
Central  
Hong Kong

Dear Ms MAK

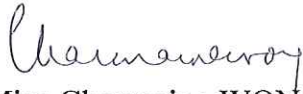
**Bills Committee on Construction Industry Legislation  
(Miscellaneous Amendments) Bill 2012**

**Administration's Response to issues raised by Deputations**

In response to issues raised by deputations at the second meeting of the Bills Committee on Construction Industry Legislation (Miscellaneous Amendments) Bill 2012 held on 5 May 2012, we provide the Administration's response in the Appendices listed below –

- \_\_\_\_\_ Appendix I - List of organizations which have presented their views; and  
\_\_\_\_\_ Appendix II - Administration's response to the issues raised by deputations.

Yours sincerely,

  
(Miss Charmaine WONG)  
for Secretary for Development

## Appendix I

### **Construction Industry Legislation (Miscellaneous Amendments) Bill 2012**

#### **List of Deputations for Bills Committee Meeting on 5 May 2012**

No.	Organizations	Titles in Appendix II	Written submission (LC Paper)
1.	Construction Industry Council	CIC	-
2.	Hong Kong Construction Sub-contractors Association Ltd.	HKCSCA	-
3.	Hong Kong General Building Contractors Association Ltd.	HKGBCA	-
4.	Hong Kong Construction Industry Employees General Union	HKCIEGU	CB(1) 1756/11-12(01)
5.	The Federation of Hong Kong Electrical and Mechanical Industries Trade Union	FHKEMITU	CB(1) 1789/11-12(01)
6.	Hong Kong General Union of Lift and Escalator Employees	HKGULEE	-
7.	Construction Industry Council Staff General Union	CICSGU	CB(1)1789/11-12(02)
8.	Construction Workers Registration Authority Staff Side	CWRA Staff	CB(1)1756/11-12(02)
9.	Resident Site Staff Association	RSSA	CB(1)1756/11-12(03)
10.	Construction Workers Registration Authority	CWRA	CB(1)1774/11-12(01)

Note : Organizations nos.8 to 10 did not attend the deputation session.

## Construction Industry Legislation (Miscellaneous Amendments) Bill 2012

### Views of Deputations and Response of the Administration

No.	Organisations	Summary of views	Administration's Response
1.	CIC	<ul style="list-style-type: none"> <li>■ CIC supports the introduction of the Bill.</li> </ul>	<ul style="list-style-type: none"> <li>■ Supported noted.</li> </ul>
2.	HKCSCA	<ul style="list-style-type: none"> <li>■ HKCSCA supports the amalgamation of CIC and CWRA and holds the view that amalgamation will enhance operational efficiency of CIC and the workers registration system.</li> </ul>	<ul style="list-style-type: none"> <li>■ Support noted.</li> </ul>
3.	HKGBCA	<ul style="list-style-type: none"> <li>■ HKGBCA supports in principle the amalgamation of CIC and CWRA.</li> <li>■ Raises concern on whether workers registration matters will be dealt with independently and the work arrangements for the Chief Executive Officer/CWRA</li> </ul>	<ul style="list-style-type: none"> <li>■ Support noted.</li> <li>■ On amalgamation of CIC and CWRA, CWRA will be dissolved and a statutory body, to be known as "Construction Workers Registration Board" (CWRB), will be</li> </ul>

No.	Organisations	Summary of views	Administration's Response
		(CEO/CWRA).	<p>established to take over largely the functions of CWRA.</p> <ul style="list-style-type: none"> <li>■ The amended Construction Workers Registration Ordinance (CWRO) will clearly stipulate the registration functions of CWRB to preserve its legal entity and independent function.</li> <li>■ Upon amalgamation, CWRB will continue to be served by a Secretariat headed by a senior officer similar to the level of CEO/CWRA.</li> </ul>
4.	HKCIEGU	<ul style="list-style-type: none"> <li>■ HKCIEGU supports the amalgamation.</li> <li>■ Requests to improve the operational efficiency of the workers registration system and to ensure that the benefits of affected staff are protected.</li> </ul>	<ul style="list-style-type: none"> <li>■ Support noted.</li> <li>■ The Bill has included provisions to enhance the operational efficiency of the workers registration system including <ul style="list-style-type: none"> <li>- extension of the workers registration renewal period from 3 months to 6 months;</li> </ul> </li> </ul>

No.	Organisations	Summary of views	Administration's Response
			<ul style="list-style-type: none"> <li>- increase of workers representatives in statutory bodies under CIC and CWRA (CWRB upon amalgamation) from 2 persons to 3 persons; and</li> <li>- extension of the validity period of provisional registration under circumstances beyond the control of the workers.</li> </ul> <ul style="list-style-type: none"> <li>■ On amalgamation, only one single body will be responsible for formulating, promoting, implementing and reviewing all the relevant functions. This will help enhance operational efficiency, achieve synergy and facilitate the nurturing of a high quality professional workforce to meet the demands of the construction industry.</li> <li>■ A provision has been included in the Bill to ensure the continuance of employment of the CWRA staff upon amalgamation. CIC has also committed to extend the employment</li> </ul>

No.	Organisations	Summary of views	Administration's Response
			contracts of all serving CWRA staff to until two years after the date of amalgamation in terms and conditions not less favourable than their prevailing contracts.
5.	FHKEMITU	<ul style="list-style-type: none"> <li>■ FHKEMITU supports in principle the amalgamation.</li> <li>■ To improve the workers registration system as the number of registered skilled / semi-skilled workers do not reflect the true picture of the construction industry.</li> </ul>	<ul style="list-style-type: none"> <li>■ Support noted.</li> <li>■ The Administration is consulting the industry about proposals on how to take forward the remaining phases of prohibition under CWRO whereby workers engaging in specified trades need to become semi-skilled/ skilled workers of the relevant trades or to work under instruction and supervision of skilled workers. By the time the remaining phases of prohibition are implemented, the registration system will reflect more accurately the skills profile of the workers concerned.</li> </ul>

No.	Organisations	Summary of views	Administration's Response
		<ul style="list-style-type: none"> <li data-bbox="584 300 1281 528">■ Establishment of a team of professional construction workforce require improvements to different contributing elements such as better management of subcontractors, etc.</li>   <li data-bbox="584 687 1281 1007">■ It is doubtful if amalgamation would benefit workers given that trade tests and registration requirements will be handled by one single body. To reduce or waive fees for trade test or specified training course would bring direct benefits to workers.</li> </ul>	<ul style="list-style-type: none"> <li data-bbox="1303 300 2045 624">■ Government and CIC are working closely with the construction industry to ensure continuous improvement of different contributing elements including subcontracting, site safety and training to support the healthy and sustainable development of the construction industry.</li>   <li data-bbox="1303 687 2045 1054">■ On amalgamation, only one single body will be responsible for formulating, promoting, implementing and reviewing all relevant matters. This will help achieve operational efficiency, achieve synergy and facilitate the nurturing of a high quality professional workforce to meet the demands of the construction industry.</li>   <li data-bbox="1303 1118 2045 1342">■ The Administration has sought approval from the Finance Committee for a commitment of \$100 M in 2010 and one of the measures is to provide subsidy to workers to undertake trade tests, specified training courses for trades</li> </ul>

No.	Organisations	Summary of views	Administration's Response
		<ul style="list-style-type: none"> <li data-bbox="584 395 1281 671">■ Consolidation of worker registration card with other construction-related cards aims to reduce the number of cards that a worker needs to carry. However, workers may still need to carry the cards given the mobility of their work.</li> <li data-bbox="584 1023 1281 1102">■ There is possible misuse of the personal data of the workers.</li> </ul>	<p data-bbox="1361 300 1742 336">with shortage of workers.</p> <ul style="list-style-type: none"> <li data-bbox="1303 395 2051 959">■ A new provision has been included in the Bill to provide a legal basis for consolidation of the worker registration card with other construction-related cards. On passage of the Bill, the Administration will liaise with the relevant authorities to explore the feasibility of consolidation of construction-related cards, taking into account the relevant legislations, validity periods of the cards etc. with a view to gradually reducing the number of cards that a worker needs to carry.</li> <li data-bbox="1303 1023 2051 1342">■ When a worker applies for registration, CWRA only collects essential personal information and documents on registration qualifications. The data so collected has been handled by CWRA in accordance with the provisions under the Personal Data (Privacy) Ordinance, Cap.486. Principal</li> </ul>



No.	Organisations	Summary of views	Administration's Response
		<ul style="list-style-type: none"> <li>■ There may be possible abuse of the power to delegate by CIC</li> </ul>	<p>contractors and designated persons on construction sites using card-reading device can only have access to part of the workers' data stored electronically in the card viz name, English prefix and the first three digits of the Hong Kong Identity Card, information on Green Card, registration number, designated trades registered, skill levels and expiry date of registration.</p> <ul style="list-style-type: none"> <li>■ As the only statutory industry co-ordinating body, the composition of CIC includes employers, professionals, academics, contractors, workers, independent persons and government officials. As such, views of all sectors are fully considered when CIC formulates long term strategies.</li> <li>■ Delegation of power by CIC to its employees or members will be carefully considered and approved by CIC. CIC will also stipulate clearly the limitations of different groups of</li> </ul>

No.	Organisations	Summary of views	Administration's Response
			delegates.
6.	HKGULEE	<ul style="list-style-type: none"> <li>■ This Union has no comments on the Bill.</li> </ul>	<ul style="list-style-type: none"> <li>■ The Administration takes note of the Union's point of view.</li> </ul>
7.	CICSGU	<ul style="list-style-type: none"> <li>■ CICSGU has reservation on the amalgamation of CIC and CWRA.</li> <li>■ The Union holds the view that CIC management has not fulfilled the commitment made at the time when the CIC amalgamated with the former Construction Industry Training Authority in 2008.</li> </ul>	<ul style="list-style-type: none"> <li>■ The Administration notes the Union's reservation.</li> <li>■ In a letter dated 21 April 2006 issued by the former Provisional Construction Industry Co-ordination Board to the Chairman of the Bills Committee on Construction Industry Council (No.2) Bill, the following commitments were made concerning the transitional arrangements for establishment of the Construction Industry Council (CIC) "we are prepared to pledge that no major organizational changes or staff retrenchment would arise from budgetary reasons after the Bill is enacted and within two years upon the setting up of CIC."</li> </ul>

No.	Organisations	Summary of views	Administration's Response
		<ul style="list-style-type: none"> <li>■ CICS GU has concerns on whether amalgamation will affect the CIC's contract staff who are performing registration functions on behalf of CWRA.</li> <li>■ CICS GU has concern on the human</li> </ul>	<ul style="list-style-type: none"> <li>■ We note that CIC has fulfilled its commitments. We also understand that CICS GU still have concerns about other issues. As such, the Administration and the CIC management have arranged a meeting with representatives of CICS GU on 24 May 2012 to follow up on the concerns.</li> <li>■ Terms and conditions of service for CIC's contract staff who are performing registration functions on behalf of CWRA will not be affected upon amalgamation of CIC and CWRA.</li> <li>■ A human resource consultant will be appointed to study the duties and responsibilities etc of the CWRA staff together with those employed by CIC for registration function within two years after amalgamation of the two statutory bodies.</li> <li>■ We have already relayed the concerns to CIC</li> </ul>

No.	Organisations	Summary of views	Administration's Response
		resources and working environment within CIC.	management for follow up.
8.	CWRA Staff	<ul style="list-style-type: none"> <li>■ Concerns raised by CWRA staff side are as follows –</li> <li>• organization structure of the amalgamated CIC and CWRA;</li> <li>• terms and conditions of service of CWRA staff;</li> <li>• participation of CWRA staff in amalgamation process; and</li> <li>• exit arrangements.</li> </ul>	<ul style="list-style-type: none"> <li>■ Executive Director/ CIC (ED/CIC) and CEO/ CWRA conducted a meeting on 10 May 2012 to exchange views on all concerns of CWRA staff.</li> <li>■ ED/CIC and CIC Secretariat met CWRA staff on 16 May 2012 concerning the issues raised by the affected staff at the meeting held on 25 April 2012.</li> <li>■ Development Bureau will continue to coordinate and follow up on meetings between CIC and CWRA on transitional arrangements for CWRA staff.</li> </ul>
9.	RSSA	<ul style="list-style-type: none"> <li>■ RSSA supports the introduction of the Bill.</li> </ul>	<ul style="list-style-type: none"> <li>■ Support noted.</li> </ul>

No.	Organisations	Summary of views	Administration's Response
		<ul style="list-style-type: none"> <li>■ To rationalize the validity period of the worker registration card and other construction-related cards to 5 years.</li> </ul>	<ul style="list-style-type: none"> <li>■ Given that the worker registration card and other construction-related cards issued by different authorities under different legislations have different requirements and each has its own validity period, it is difficult to rationalize the validity period of these cards to 5 years.</li> <li>■ At present, workers have the option of consolidating the information of the Safety Training Certificate (commonly known as “Green Card”) issued under the Factories and Industrial Undertakings Ordinance, Cap.59 with the worker registration card. Both the Green Card and the worker registration card have a validity period of 3 years. In view of the importance of construction safety, a period of 3 years is considered appropriate as workers are required to attend the Construction Industry Safety Training Revalidation Course before renewal of the certificate.</li> </ul>

No.	Organisations	Summary of views	Administration's Response
		<ul style="list-style-type: none"> <li>■ To amend the relevant ordinances to facilitate the worker registration card and store information of other construction related card.</li> <li>■ To increase the number of offices for application and renewal of worker registration on amalgamation of CIC and CWRA</li> </ul>	<ul style="list-style-type: none"> <li>■ A new provision has been included in the Bill to enable the worker registration card to store and display information of other construction-related cards.</li> <li>■ At present, CIC has 4 offices for application of worker registration. These offices are located one each in Aberdeen, Kowloon Bay, Kwai Chung and Sheung Shui. A total of 9 offices are handling applications for renewal of worker registration. Apart from the 4 offices mentioned, 5 offices are currently operated by the Hong Kong Construction Industry Employees General Union, Federation of Hong Kong Electrical and Mechanical Industries Trade Union and Construction Site Workers General Union.</li> <li>■ Renewal of worker registration may also be done by post.</li> </ul>

No.	Organisations	Summary of views	Administration's Response
		<ul style="list-style-type: none"> <li>■ Whether the provisions of CWRO apply to imported workers.</li> </ul>	<ul style="list-style-type: none"> <li>■ The number of offices will be increased to meet the needs when necessary.</li> <li>■ Imported workers are subject to the provisions of CWRO.</li> </ul>
10.	CWRA	<ul style="list-style-type: none"> <li>■ CWRA supports the amalgamation.</li> </ul>	Support noted.