

Construction Industry Legislation (Miscellaneous Amendments) Bill 2012

Contents

Clause		Page
--------	--	------

Part 1

Preliminary

1.	Short title and commencement	C389
2.	Enactments amended	C389

Part 2

Amendments to Construction Workers Registration Ordinance (Cap. 583)

3.	Long title amended	C391
4.	Section 2 amended (interpretation)	C391
5.	Section 2A added	C391
	2A. Ordinance applies to Government	C393
6.	Part 3 heading amended	C393
7.	Section 7 repealed (Authority)	C393
8.	Section 8 amended (functions and powers of Authority)	C393
9.	Section 9 substituted	C395
	9. Limitation on delegations	C395
10.	Sections 10 and 11 repealed	C397
11.	Section 11A added	C397
	11A. Registration Board	C397

Construction Industry Legislation (Miscellaneous Amendments) Bill 2012

C379

Clause	Page
12.	Section 12 amended (Qualifications Committee) C399
13.	Section 13 amended (functions and powers of Qualifications Committee) C405
14.	Section 14 amended (Review Committee)..... C405
15.	Section 15 amended (functions and powers of Review Committee) C411
16.	Section 24 amended (contractor and authorized person to notify Authority when undertaking construction operations) C413
17.	Section 25 amended (notice by contractor and authorized person of payments made in respect of construction operations and of completion)..... C413
18.	Section 26 amended (assessment)..... C415
19.	Section 29 amended (objection)..... C417
20.	Section 30 repealed (appeals) C417
21.	Section 31 amended (provision of information and production of documents) C419
22.	Section 37 amended (functions and powers of Registrar)..... C421
23.	Section 40 amended (qualifications for registration)..... C421
24.	Section 44 amended (expiry and renewal of registration)..... C423
25.	Section 45 substituted C425
45.	Expiry of registration as registered skilled worker (provisional), etc..... C425

Construction Industry Legislation (Miscellaneous Amendments) Bill 2012

C381

Clause	Page
26.	Section 45A added C427
45A.	Application to extend registration as registered skilled worker (provisional), etc. C429
27.	Section 46 amended (issue of registration card) C433
28.	Section 46A added C433
46A.	Additional information in registration card C433
29.	Section 49 amended (cancellation of registration) C435
30.	Section 51 amended (review of decisions)..... C437
31.	Section 52 amended (notice of appeal)..... C437
32.	Section 53 amended (Appeal Board panel)..... C439
33.	Section 54 amended (Appeal Board)..... C441
34.	Section 55 amended (proceedings before Appeal Board) C443
35.	Section 57 amended (powers of Appeal Board)..... C445
36.	Section 61 amended (service, etc. of notices)..... C447
37.	Section 63 amended (regulations) C447
38.	Section 64 repealed (rules) C449
39.	Section 64A added C449
64A.	Privileges and immunities of members of Appeal Board, etc. C449
40.	Part 10 added..... C449

Clause	Page
--------	------

Part 10

Dissolution of Construction Workers Registration Authority

70.	Interpretation of this Part	C451
71.	Dissolution of Authority	C451
72.	Vesting of rights, etc. of Authority in Council and saving of validity of Authority’s acts	C451
73.	Completion of acts started before commencement date	C453
74.	Rights of action	C455
75.	Legal claims and pending legal proceedings, etc.	C455
76.	Effect of existing agreement, etc.	C455
77.	References to Authority	C459
78.	Delivery of books, etc.	C459
79.	Record of property	C459
80.	Continuance of employment	C459
81.	Submission of reports on activities of Authority	C461
82.	Council to appoint auditor for purposes of section 81	C463
83.	Change of Registrar	C463
41.	Schedule 1 amended (designated trades)	C465
42.	Schedule 4 amended (Authority, standing committees and other committees)	C465
43.	“Council” substituted for “Authority”	C489

Clause	Page
--------	------

Part 3

Amendments to Construction Industry Council Ordinance (Cap. 587)

44.	Section 2 amended (interpretation).....	C493
45.	Section 5 amended (functions of Council).....	C493
46.	Section 6 amended (supplementary functions of Council)	C495
47.	Section 7 amended (powers of Council)	C495
48.	Section 9 amended (composition of Council).....	C495
49.	Section 15 amended (Council may establish committees)	C497
50.	Section 16 amended (delegation of Council’s functions and appointment of subcommittee).....	C497
51.	Section 19 amended (protection of members of Council, etc.)	C499
52.	Section 24 amended (investment of funds)	C501
53.	Section 29 amended (establishment of Construction Industry Training Board)	C501
54.	Section 30 amended (composition, meetings and proceedings of Board, etc.).....	C503
55.	Section 35 amended (notice of payment made in respect of construction operations)	C505
56.	Section 36 amended (notice of completion of construction operations)	C505
57.	Section 54 amended (establishment of Objections Committee)	C505

Clause	Page
58.	Section 56 amended (decision of Objections Committee)..... C507
59.	Section 57 amended (appeals against decision of Objections Committee) C509
60.	Section 61 amended (protection of information given under sections 59 and 60)..... C511
61.	Section 67 amended (offences of fraudulent evasion of levy and giving false documents or information) C511
62.	Schedule 3 amended (meetings and proceedings of Council) C511
63.	Schedule 4 amended (composition, meetings and proceedings of Board, etc.)..... C513

Part 4

Consequential and Related Amendments

Division 1—Amendments to Prevention of Bribery Ordinance (Cap. 201)

64.	Schedule 1 amended (public bodies) C525
-----	---

Division 2—Amendments to Pneumoconiosis and Mesothelioma (Compensation) (Assessment of Levy) Regulations (Cap. 360 sub. leg. A)

65.	Regulation 15 amended (protection of information given under regulation 14)..... C525
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A BILL

To

Amend the Construction Workers Registration Ordinance and the Construction Industry Council Ordinance to dissolve the Construction Workers Registration Authority and transfer its functions to the Construction Industry Council; to provide for miscellaneous matters; and to make incidental, consequential and related amendments.

Enacted by the Legislative Council.

Part 1

Preliminary

1. Short title and commencement

- (1) This Ordinance may be cited as the Construction Industry Legislation (Miscellaneous Amendments) Ordinance 2012.
- (2) This Ordinance comes into operation on a day to be appointed by the Secretary for Development by notice published in the Gazette.

2. Enactments amended

The enactments specified in Parts 2, 3 and 4 are amended as set out in those Parts.

Part 2

Amendments to Construction Workers Registration Ordinance (Cap. 583)

3. Long title amended

Long title—

Repeal

“the establishment of a Construction Workers Registration Authority;”.

4. Section 2 amended (interpretation)

(1) Section 2(1)—

Repeal the definitions of *Authority*, *CIC*, *committee*, *Qualifications Committee* and *Review Committee*.

(2) Section 2(1)—

Add in alphabetical order

“***Council*** (議會) means the Construction Industry Council established by section 4 of the Construction Industry Council Ordinance (Cap. 587);

Qualifications Board (資格評審委員會) means the Construction Workers Qualifications Board established by section 12(1);

Registration Board (註冊委員會) means the Construction Workers Registration Board established under section 11A(1);

Review Board (覆核委員會) means the Construction Workers Review Board established by section 14(1);”.

5. Section 2A added

Part 1, after section 2—

Add

“2A. Ordinance applies to Government

This Ordinance applies to the Government.”.

6. Part 3 heading amended

Part 3, heading—

Repeal

“CONSTRUCTION WORKERS REGISTRATION AUTHORITY AND
STANDING COMMITTEES”

Substitute

**“Council’s Functions under Ordinance and
Registration Board, etc.”.**

7. Section 7 repealed (Authority)

Section 7—

Repeal the section.

8. Section 8 amended (functions and powers of Authority)

(1) Section 8, heading—

Repeal

“Authority”

Substitute

“Council under this Ordinance”.

(2) Section 8(1)—

Repeal

“Authority shall”

Substitute

“Council has the following functions under this Ordinance”.

- (3) Section 8(1)(a), English text, before “be”—

Add

“to”.

- (4) Section 8(1)(b), English text, before “set”—

Add

“to”.

- (5) Section 8(1)(c), English text, before “make”—

Add

“to”.

- (6) Section 8(1)—

Repeal paragraph (d)

Substitute

“(d) to perform any other functions imposed on the Council under this Ordinance.”.

- (7) Section 8—

Repeal subsections (2) and (3).

9. Section 9 substituted

Section 9—

Repeal the section

Substitute

“9. Limitation on delegations

- (1) The Council must not delegate under section 16 of the Construction Industry Council Ordinance (Cap. 587) any of its functions or powers under section 8(1)(a) or (c), 36, 60 or 63.

(2) The Council may delegate a registration function to the Registration Board only.

(3) In this section—

registration function (註冊職能) means any of the Council's functions and powers under section 8(1)(b) and Parts 4, 6 (except section 36), 7 and 8 (except sections 60 and 63).”.

10. Sections 10 and 11 repealed

Sections 10 and 11—

Repeal the sections.

11. Section 11A added

Before section 12—

Add

“11A. Registration Board

(1) The Council is to establish a board to perform or exercise—

(a) any registration function or other functions or powers delegated to the board under section 16 of the Construction Industry Council Ordinance (Cap. 587);

(b) (if the board is appointed under section 36(1) as the Registrar) the functions and powers conferred on the Registrar under this Ordinance or the Construction Industry Council Ordinance (Cap. 587); and

(c) other functions and powers conferred on the board under this Ordinance or the Construction Industry Council Ordinance (Cap. 587).

- (2) The board established under subsection (1) is to be called in English the “Construction Workers Registration Board” and in Chinese “建造業工人註冊委員會”.
- (3) The Registration Board may do all things that are necessary for, or incidental or conducive to, the performance of its functions under this Ordinance or the Construction Industry Council Ordinance (Cap. 587).
- (4) Part 1 of Schedule 4 has effect with respect to the Registration Board.
- (5) In this section—
registration function (註冊職能) means any of the Council’s functions and powers under section 8(1)(b) and Parts 4, 6 (except section 36), 7 and 8 (except sections 60 and 63).”.

12. Section 12 amended (Qualifications Committee)

- (1) Section 12, English text, heading—

Repeal

“Committee”

Substitute

“Board”.

- (2) Section 12(1)—

Repeal

“committee called in English the “Construction Workers Qualifications Committee””

Substitute

“board called in English the “Construction Workers Qualifications Board””.

- (3) Section 12(2), English text—

Repeal

“Committee”

Substitute

“Board”.

- (4) Section 12(2)(a), English text—

Repeal

“chairman”

Substitute

“chairperson”.

- (5) Section 12(2)(a), Chinese text—

Repeal

“他”

Substitute

“該人”.

- (6) Section 12(2)—

Repeal

“Authority” (wherever appearing)

Substitute

“Registration Board”.

- (7) Section 12(2)(b)—

Repeal

“13”

Substitute

“14”.

- (8) Section 12(2)(b)(v)—

Repeal

“2”

Substitute

“3”.

- (9) Section 12(3)(a), English text—

Repeal

“Committee”

Substitute

“Board”.

- (10) Section 12(5), English text—

Repeal

“chairman” (wherever appearing)

Substitute

“chairperson”.

- (11) Section 12(5), English text—

Repeal

“Committee” (wherever appearing)

Substitute

“Board”.

- (12) Section 12(5)—

Repeal

“his”

Substitute

“the”.

- (13) Section 12(6), English text—

Repeal

“Committee”

Substitute

“Board”.

13. Section 13 amended (functions and powers of Qualifications Committee)

(1) Section 13, English text, heading—

Repeal

“Committee”

Substitute

“Board”.

(2) Section 13(1), English text—

Repeal

“Committee”

Substitute

“Board”.

(3) Section 13(1)(b) and (d)—

Repeal

“Authority”

Substitute

“Registration Board”.

(4) Section 13(2), English text—

Repeal

“Committee”

Substitute

“Board”.

14. Section 14 amended (Review Committee)

(1) Section 14, English text, heading—

Repeal

“Committee”

Substitute

“**Board**”.

- (2) Section 14(1)—

Repeal

“committee called in English the “Construction Workers Review Committee””

Substitute

“board called in English the “Construction Workers Review Board””.

- (3) Section 14(2), English text—

Repeal

“Committee”

Substitute

“**Board**”.

- (4) Section 14(2)—

Repeal

“8”

Substitute

“9”.

- (5) Section 14(2)—

Repeal

“Authority” (wherever appearing)

Substitute

“Registration Board”.

- (6) Section 14(2)(f)—

Repeal

“2”

Substitute

“3”.

- (7) Section 14(3)(a), English text—

Repeal

“Committee”

Substitute

“Board”.

- (8) Section 14(3)(b)—

Repeal

“or”.

- (9) Section 14(3)—

Repeal paragraph (c)

Substitute

“(c) the Registrar;

(d) (if the Registrar is a body corporate) a member, officer or employee of the Registrar; or

(e) (if the Registrar is a body unincorporate) a member of the Registrar.”.

- (10) Section 14(4), English text—

Repeal

“Committee shall elect a chairman”

Substitute

“Board are to elect a chairperson”.

- (11) Section 14(6), English text—

Repeal

“chairman” (wherever appearing)

Substitute

“chairperson”.

(12) Section 14(6), English text—

Repeal

“Committee” (wherever appearing)

Substitute

“Board”.

(13) Section 14(6)—

Repeal

“his”

Substitute

“the”.

(14) Section 14(7), English text—

Repeal

“Committee”

Substitute

“Board”.

15. Section 15 amended (functions and powers of Review Committee)

(1) Section 15, English text, heading—

Repeal

“Committee”

Substitute

“Board”.

(2) Section 15(1) and (2), English text—

Repeal

“Committee”

Substitute

“Board”.

16. Section 24 amended (contractor and authorized person to notify Authority when undertaking construction operations)

(1) Section 24, heading—

Repeal

“Authority”

Substitute

“Council”.

(2) Section 24(1)—

Repeal

“Authority” (wherever appearing)

Substitute

“Council”.

(3) Section 24—

Repeal subsection (4)

Substitute

“(4) A contractor or authorized person complies with subsection (1) if the contractor or authorized person has given a notice to the Council under section 34 of the Construction Industry Council Ordinance (Cap. 587) in respect of the construction operations.”.

17. Section 25 amended (notice by contractor and authorized person of payments made in respect of construction operations and of completion)

(1) Section 25(1), (2) and (3)—

Repeal

“Authority” (wherever appearing)

Substitute

“Council”.

- (2) Section 25—

Repeal subsection (6)

Substitute

“(6) A contractor or authorized person complies with subsection (1), (2) or (3) if the contractor or authorized person has given a notice to the Council under section 35 or 36 of the Construction Industry Council Ordinance (Cap. 587) in respect of the relevant payment or completion.”.

18. Section 26 amended (assessment)

- (1) Section 26(1), (3), (4), (5), (6), (7), (8) and (9)—

Repeal

“Authority” (wherever appearing)

Substitute

“Council”.

- (2) Section 26(10)(a)—

Repeal

“Authority”

Substitute

“Council”.

- (3) Section 26(10)(b)—

Repeal

“to that other contractor under section 27(4), 29(4) or 30(4)”

Substitute

“, or may be refunded, to that other contractor under section 27(4), or section 56(4) or 57(5) of the Construction Industry Council Ordinance (Cap. 587)”.

- (4) Section 26(11)(b) and (12)(c)—

Repeal

“Authority”

Substitute

“Council”.

19. Section 29 amended (objection)

- (1) Section 29(1)—

Repeal

“Authority”

Substitute

“Council”.

- (2) Section 29—

Repeal subsection (3)

Substitute

“(3) The Council is to deal with the objection in accordance with section 56 of the Construction Industry Council Ordinance (Cap. 587).”.

- (3) Section 29—

Repeal subsection (4).

20. Section 30 repealed (appeals)

Section 30—

Repeal the section.

21. Section 31 amended (provision of information and production of documents)

(1) Section 31(1)—

Repeal

“Authority” (wherever appearing)

Substitute

“Council”.

(2) Section 31(2)—

Repeal

“Authority” (wherever appearing)

Substitute

“Council”.

(3) Section 31(2), Chinese text—

Repeal

“該局”

Substitute

“議會”.

(4) Section 31(3)(d)—

Repeal

“Authority”

Substitute

“Council”.

(5) Section 31(3)(d), Chinese text—

Repeal

“該局”

Substitute

“議會”.

- (6) Section 31(3)(e)—

Repeal

“Authority to CIC, or”

Substitute

“Council”.

22. Section 37 amended (functions and powers of Registrar)

- (1) Section 37(1)(d) and (f) and (2)—

Repeal

“Authority”

Substitute

“Council”.

- (2) Section 37(3), English text—

Repeal

“conductive”

Substitute

“conducive”.

23. Section 40 amended (qualifications for registration)

- (1) Section 40(2)(b)(i)—

Repeal

“Authority”

Substitute

“Council”.

- (2) Section 40(2)(c), English text—

Repeal

“Committee”

Substitute

“Board”.

(3) Section 40(3)(b)(i)—

Repeal

“Authority”

Substitute

“Council”.

(4) Section 40(3)(c), English text—

Repeal

“Committee”

Substitute

“Board”.

(5) Section 40(5)(b) and (6)(b), English text—

Repeal

“Committee”

Substitute

“Board”.

24. Section 44 amended (expiry and renewal of registration)

(1) Section 44(7)(a)—

Repeal

“3”

Substitute

“6”.

(2) Section 44(8)(b)—

Repeal

“Authority”

Substitute

“Council”.

(3) Section 44(9)—

Repeal

“Authority”

Substitute

“Council”.

(4) Section 44(9), Chinese text—

Repeal

“該局”

Substitute

“議會”.

25. Section 45 substituted

Section 45—

Repeal the section

Substitute

“45. Expiry of registration as registered skilled worker (provisional), etc.

(1) The registration of a person as a registered skilled worker (provisional) for a designated trade expires—

(a) on the third anniversary of the date of registration;

-
- (b) if the registration is extended under section 45A, on the new expiry date notified under section 45A(6) or, if the registration has been so extended more than once, on the new expiry date so notified in accordance with the latest extension; or
 - (c) on the date on which the person is registered as a registered skilled worker for the trade (if the date falls before the time of expiry mentioned in paragraph (a) or (b)).
- (2) The registration of a person as a registered semi-skilled worker (provisional) for a designated trade expires—
- (a) on the third anniversary of the date of registration;
 - (b) if the registration is extended under section 45A, on the new expiry date notified under section 45A(6) or, if the registration has been so extended more than once, on the new expiry date so notified in accordance with the latest extension; or
 - (c) on the date on which the person is registered as a registered skilled worker, or a registered semi-skilled worker, for the trade (if the date falls before the time of expiry mentioned in paragraph (a) or (b)).
- (3) Subject to section 45A, the registration of a person as a registered skilled worker (provisional), or a registered semi-skilled worker (provisional), for a designated trade is not renewable.”.

26. Section 45A added

After section 45—

Add

“45A. Application to extend registration as registered skilled worker (provisional), etc.

- (1) A person may apply to the Registrar to extend his or her registration as a registered skilled worker (provisional), or a registered semi-skilled worker (provisional), for a designated trade (*provisional registration*).
- (2) An application under subsection (1) must be in the specified form.
- (3) The application must be made not earlier than 28 days before and not later than 28 days after the expiry of the provisional registration, or within any other period the Registrar may allow in any particular case.
- (4) The Registrar may accept the application only if the Registrar is satisfied that a specified ground exists or the Registrar thinks it fair and reasonable to accept the application.
- (5) If the application is accepted, the Registrar may extend the provisional registration for a period not exceeding 12 months as determined by the Registrar.
- (6) If the application is accepted, the Registrar must as soon as practicable notify the applicant in writing of the extension of the provisional registration and the new expiry date of that registration.
- (7) If the application is rejected, the Registrar must as soon as practicable notify the applicant of the rejection in writing.
- (8) A specified ground exists in relation to an application for extension of the registration as a registered skilled worker (provisional) for a designated trade if, due to illness or injury, the applicant—
 - (a) could not attend or complete the last relevant training course available before the expiry of the registration;

- (b) could not attend or complete the assessment of the applicant's competence in the area covered by the course; or
 - (c) could not attend or complete the last relevant trade test available before the expiry of the registration.
- (9) A specified ground exists in relation to an application for extension of the registration as a registered semi-skilled worker (provisional) for a designated trade if, due to illness or injury, the applicant could not attend or complete the last relevant intermediate trade test available before the expiry of the registration.
- (10) In this section—

relevant intermediate trade test (相關中級工藝測試) means a trade test conducted by the Council or a training institute in the construction industry in Hong Kong in respect of a designated trade, and for which test an intermediate trade test certificate set out in column 5 of Part 2 or column 3 of Part 3 of Schedule 1 opposite the designated trade may be issued;

relevant trade test (相關技能測試) means a trade test conducted by the Council or a training institute in the construction industry in Hong Kong in respect of a designated trade, and for which test a trade test certificate set out in column 3 of Part 1 or 2 of Schedule 1 opposite the designated trade may be issued;

relevant training course (相關訓練課程), in relation to a person registered as a registered skilled worker (provisional) for a designated trade, means a training course specified under section 41(1) in relation to the registered skilled workers (provisional) for the trade.”

27. Section 46 amended (issue of registration card)

After section 46(5)—

Add

“(5A) If the Registrar accepts under section 45A(4) an application to extend the registration of a person as a registered skilled worker (provisional), or a registered semi-skilled worker (provisional), for a designated trade, the Registrar must—

- (a) amend the Register to reflect the extension;
- (b) record the new expiry date of the registration on the registration card issued to the person; and
- (c) return the card to the person with that new expiry date recorded on it.”.

28. Section 46A added

After section 46—

Add

“46A. Additional information in registration card

(1) On application by a person to whom a registration card has been or is to be issued, the Registrar may record on that registration card any information that is contained in a document—

- (a) issued to the person under or for the purposes of—
 - (i) any other enactment relevant to the construction industry; or
 - (ii) any system, scheme or programme relating to the safety, training or registration of, or qualification assessment for, construction workers in Hong Kong; and

- (b) specified by the Council for the purposes of this section by notice published on the Council website.
- (2) The Council must obtain the Secretary's approval before making a specification under subsection (1)(b).
- (3) An application under subsection (1) must be in the specified form.
- (4) If the Registrar is satisfied that any information recorded on a registration card under this section is no longer accurate or applicable, the Registrar may by notice in writing require the person to whom the card has been issued to return the card to the Registrar for the purpose of revising or deleting that information.
- (5) A person to whom a notice is given under subsection (4) must, not later than 14 days after the date on which the notice is given, return the registration card to the Registrar.
- (6) A person who, without reasonable excuse, contravenes subsection (5) commits an offence and is liable on conviction to a fine at level 1.
- (7) In this section—

Council website (議會網站) means a website (or section of a website) of the Council specifically intended to be accessible by the general public in Hong Kong.”.

29. Section 49 amended (cancellation of registration)

Section 49(7)—

Repeal

“hand over”

Substitute

“return”.

30. Section 51 amended (review of decisions)

(1) Section 51(1), after “44(1)”—

Add

“, 45A(4) or (5)”.

(2) Section 51(1), English text—

Repeal

“Committee” (wherever appearing)

Substitute

“Board”.

(3) Section 51(3)—

Repeal

“Authority”

Substitute

“Council”.

(4) Section 51(4), (5), (6) and (7), English text—

Repeal

“Committee” (wherever appearing)

Substitute

“Board”.

31. Section 52 amended (notice of appeal)

(1) Section 52(1), after “44(1)”—

Add

“, 45A(4) or (5)”.

(2) Section 52(1)—

Repeal

“Authority”

Substitute

“Council”.

- (3) Section 52(3), (4)(c), (5) and (6)—

Repeal

“Authority”

Substitute

“Council”.

32. Section 53 amended (Appeal Board panel)

- (1) Section 53(2)(b)—

Repeal

“Authority”

Substitute

“Council”.

- (2) Section 53(2)(c), English text—

Repeal

“Committee”

Substitute

“Board”.

- (3) Section 53(2)(d)—

Repeal

“Committee; or”

Substitute

“Board;”.

- (4) Section 53(2)—

Repeal paragraph (e)

Substitute

- “(e) the Registrar;
- (f) (if the Registrar is a body corporate) a member, officer or employee of the Registrar;
- (g) (if the Registrar is a body unincorporate) a member of the Registrar; or
- (h) a member of the Registration Board.”.

- (5) Section 53(6)(a)—

Repeal

everything after “officer,”

Substitute

“a member of the Council, a member of the Registration Board, a member of the Qualifications Board or a member of the Review Board;”.

- (6) Section 53(6)—

Repeal paragraph (b)

Substitute

- “(b) has become the Registrar;
- (ba) (if the Registrar is a body corporate) has become a member, officer or employee of the Registrar;
- (bb) (if the Registrar is a body unincorporate) has become a member of the Registrar;”.

33. Section 54 amended (Appeal Board)

- (1) Section 54(1)(b)—

Repeal

“7”

Substitute

“21”.

- (2) Section 54(3), English text—

Repeal

“shall elect a chairman”

Substitute

“are to elect a chairperson”.

- (3) After section 54(4)—

Add

“(5) The amendment made by section 33(1) of the Construction Industry Legislation (Miscellaneous Amendments) Ordinance 2012 (of 2012) (*amending section*) to subsection (1)(b) does not apply to a notice of appeal served under section 52(3) before the commencement date of the amending section, and that subsection as in force immediately before that commencement date applies to that notice as if that amendment had not been made.”.

34. Section 55 amended (proceedings before Appeal Board)

- (1) Section 55(1)(b)(i)—

Repeal

“Authority” (wherever appearing)

Substitute

“Council”.

- (2) Section 55(2), English text—

Repeal

“chairman”

Substitute

“chairperson”.

- (3) Section 55(6), English text—

Repeal

“chairman”

Substitute

“chairperson”.

- (4) Section 55(6), English text, after “his”—

Add

“or her”.

- (5) After section 55(9)—

Add

“(10) If, during the hearing of an appeal by an Appeal Board, the term of appointment of a member of the Appeal Board panel who has been selected to be a member of the Appeal Board expires, the member may continue to hear the appeal until the appeal is determined, as if the term of appointment had not expired.”.

35. Section 57 amended (powers of Appeal Board)

- (1) Section 57(1), English text—

Repeal

“chairman”

Substitute

“chairperson”.

- (2) Section 57(3)(a)—

Repeal

“Authority” (wherever appearing)

Substitute

“Council”.

36. Section 61 amended (service, etc. of notices)

(1) Section 61(1)—

Repeal

“Authority” (wherever appearing)

Substitute

“Council”.

(2) Section 61(1), English text—

Repeal

“Committee”

Substitute

“Board”.

(3) Section 61(1)(a), English text—

Repeal

“Authority’s”

Substitute

“Council’s”.

37. Section 63 amended (regulations)

(1) Section 63(1)—

Repeal

“Authority”

Substitute

“Council”.

(2) Section 63(1)(d)—

Repeal

“section”

Substitute

“sections 45A, 46A and”.

38. Section 64 repealed (rules)

Section 64—

Repeal the section.

39. Section 64A added

Before section 65—

Add

“64A. Privileges and immunities of members of Appeal Board, etc.

(1) A member of an Appeal Board has, in the performance of the member’s functions or exercise of the member’s powers under this Ordinance, the same privileges and immunities as a judge of the Court of First Instance in civil proceedings in that Court.

(2) Any person who appears before an Appeal Board, including a party to a hearing and any representative of the party, is entitled to the same privileges and immunities as the person would have in civil proceedings in the Court of First Instance.”.

40. Part 10 added

Before Schedule 1—

Add

“Part 10

Dissolution of Construction Workers Registration Authority

70. Interpretation of this Part

In this Part—

Amendment Ordinance 2012 (《2012年修訂條例》) means the Construction Industry Legislation (Miscellaneous Amendments) Ordinance 2012 (of 2012);

Authority (管理局) means the Construction Workers Registration Authority established by section 7(1) of the pre-amended Ordinance;

commencement date (生效日期) means the date appointed for the commencement of section 40 of the Amendment Ordinance 2012 under section 1 of that Ordinance;

pre-amended Ordinance (修訂前的本條例) means the Construction Workers Registration Ordinance (Cap. 583) as in force immediately before the commencement date.

71. Dissolution of Authority

The Authority is dissolved by this section.

72. Vesting of rights, etc. of Authority in Council and saving of validity of Authority’s acts

- (1) All rights, assets, liabilities and obligations of the Authority are to be vested in the Council as from the commencement date.
- (2) Nothing in this Part affects the validity of anything done by or in relation to the Authority before the commencement date.

- (3) The Stamp Duty Ordinance (Cap. 117) does not apply to any vesting effected by this section.

73. Completion of acts started before commencement date

- (1) Anything which immediately before the commencement date is in the process of being done by or in relation to the Authority may be carried on or completed by, or in relation to, the Council in accordance with this Ordinance.
- (2) Without limiting subsection (1), if a notice of objection was served on the Authority under section 29(1) of the pre-amended Ordinance and the Authority had not made a decision in respect of the objection under section 29(3) of that Ordinance before the commencement date, the Council is to deal with the objection in accordance with section 29 of this Ordinance.
- (3) Without limiting subsection (1), if a notice of appeal was served on the Authority under section 52(1) or (3) of the pre-amended Ordinance and the Authority had not forwarded a copy of the notice to the Secretary under section 52(6) of that Ordinance before the commencement date, the Council is to deal with the notice in accordance with section 52 of this Ordinance.
- (4) Anything which immediately before the commencement date is in the process of being done by or in relation to the Qualifications Committee established by section 12 of the pre-amended Ordinance may be carried on or completed by, or in relation to, the Qualifications Board in accordance with this Ordinance.
- (5) Anything which immediately before the commencement date is in the process of being done by or in relation to the Review Committee established by section 14 of the pre-amended Ordinance may be carried on or completed by, or in relation to, the Review Board in accordance with this Ordinance.

74. Rights of action

- (1) The Council may be sued for the liabilities or obligations to which it is subject under section 72 and they may be recovered from the Council.
- (2) The Council may sue on, recover or enforce a chose in action vested in it under section 72 without having to give notice of the vesting to a person bound by the chose in action.

75. Legal claims and pending legal proceedings, etc.

- (1) Legal claims (whether present or future, actual or contingent) by or against the Authority (including any judicial or administrative proceedings instituted by or against the Authority and any accrued right of appeal) that existed immediately before the commencement date do not abate by reason of the dissolution under section 71 and may be continued or enforced by or against the Council.
- (2) If immediately before the commencement date, any legal proceedings to which the Authority is a party are pending, the Council is to, as from that date, be substituted as a party to those proceedings in place of the Authority.

76. Effect of existing agreement, etc.

- (1) Any agreement, arrangement or contract made or entered into or other transaction effected or other thing done by, to or in relation to the Authority that was in force or effective immediately before the commencement date, or that is to take effect on or after that date, has effect as if made, entered into, effected or done by, to or in relation to the Council.
- (2) Without limiting subsection (1), any lease, tenancy, permit or licence granted to the Authority that was in force or effective immediately before the

commencement date, or that is to take effect on or after that date, has effect as if granted to the Council.

- (3) Without limiting subsection (1), any appointment made under section 12(2) of the pre-amended Ordinance that was in force immediately before the commencement date, or that takes effect on or after that date, has effect as if made by the Registration Board under section 12(2) of this Ordinance.
- (4) Without limiting subsection (1), any appointment made under section 14(2) of the pre-amended Ordinance that was in force immediately before the commencement date, or that takes effect on or after that date, has effect as if made by the Registration Board under section 14(2) of this Ordinance.
- (5) Without limiting subsection (1), any appointment made under section 16 of the pre-amended Ordinance that was in force immediately before the commencement date, or that takes effect on or after that date, has effect as if made by the Council under section 16 of this Ordinance.
- (6) Any training course specified under section 41(1) of the pre-amended Ordinance is deemed to have been specified by the Council under section 41(1) of this Ordinance.
- (7) Any development course specified under section 44(8) of the pre-amended Ordinance is deemed to have been specified by the Council under section 44(8) of this Ordinance.
- (8) Nothing in this section makes valid any act or document which is otherwise invalid.

77. References to Authority

As from the commencement date, the references to the Authority in the following are to be taken as references to the Council—

- (a) any agreement or contract;
- (b) any process or other document issued, prepared or employed for the purposes of any proceedings before a court, tribunal or similar body; and
- (c) any other document (other than an enactment) relating to or affecting any property, right, liability or obligation of the Authority vested in the Council under section 72.

78. Delivery of books, etc.

All books, accounts, minutes and other documents and equipment belonging to the Authority and under its control immediately before the commencement date are to be delivered to the Council on that date by the person who had the care and custody of those documents or equipment immediately before that date.

79. Record of property

Any property of the Authority which, immediately before the commencement date, was standing in the books of a bank, company or other corporation is to be transferred in those books to the Council at the request of the Council, by the bank, company or other corporation.

80. Continuance of employment

- (1) The employment of an employee of the Authority is not to be terminated by reason of the dissolution of the Authority.
- (2) As from the commencement date, a person who, immediately before that date, was an employee of the

Authority under a valid contract of employment and who, if not for the dissolution, would have been its employee under the contract on that date, becomes an employee of the Council on terms and conditions no less favourable than those that applied immediately before that date to the employment of the person with the Authority.

- (3) There is no break or interruption in the employment of a person referred to in subsection (2) by reason of the commencement of this Part.
- (4) This section applies despite sections 17 and 18 of the Construction Industry Council Ordinance (Cap. 587).

81. Submission of reports on activities of Authority

- (1) Within 6 months after the commencement date, the Council must submit to the Secretary—
 - (a) a report on the activities of the Authority during the specified period;
 - (b) a copy of the statement of accounts of the Authority in respect of the specified period; and
 - (c) the auditor's report on the statement of accounts.
- (2) The Secretary must cause the documents received under subsection (1) to be laid on the table of the Legislative Council.
- (3) The Secretary may extend the period for submitting the documents under subsection (1).
- (4) In this section—

specified period (指明期間) means the period beginning on the day next following the end of the last financial year of the Authority in respect of which reports and statements had been submitted under section 11 of the pre-amended Ordinance and ending on the day immediately before the commencement date;

statement of accounts (帳目表) includes an income and expenditure account and a balance sheet.

82. Council to appoint auditor for purposes of section 81

- (1) The Council must appoint an auditor for the purposes of section 81.
- (2) The auditor appointed under subsection (1) must—
 - (a) audit the statement of accounts referred to in section 81; and
 - (b) submit a report on it to the Council.
- (3) The auditor is entitled to—
 - (a) have access to all books of account, vouchers and other financial records of the Authority that are under the Council's control; and
 - (b) require any information and explanations of those books, vouchers and records that the auditor thinks fit.

83. Change of Registrar

- (1) Anything which immediately before the commencement date is in the process of being done by or in relation to the Registrar appointed under section 36(1) of the pre-amended Ordinance may be carried on or completed by, or in relation to, the Registrar appointed under section 36(1) of this Ordinance in accordance with this Ordinance.
- (2) The Register of Construction Workers established and maintained under section 37(1)(a) of the pre-amended Ordinance is deemed to have been established and maintained under section 37(1)(a) of this Ordinance by the Registrar appointed under section 36(1) of this Ordinance.

- (3) Any registration card issued under section 46 of the pre-amended Ordinance that was in force immediately before the commencement date has effect as if issued under section 46 of this Ordinance by the Registrar appointed under section 36(1) of this Ordinance.”.

41. Schedule 1 amended (designated trades)

- (1) Schedule 1, before “48 & 65]”—

Add

“45A,”.

- (2) Schedule 1, English text—

Repeal

“CIC” (wherever appearing)

Substitute

“Council”.

- (3) Schedule 1, Part 1, item 51, column 4—

Repeal

“Hong Kong Laboratory Accreditation Scheme”

Substitute

“Hong Kong Inspection Body Accreditation Scheme”.

42. Schedule 4 amended (Authority, standing committees and other committees)

- (1) Schedule 4, heading—

Repeal

“AUTHORITY, STANDING COMMITTEES AND OTHER COMMITTEES”

Substitute

“Registration Board, its Subcommittees and Other Boards”.

- (2) Schedule 4—

Repeal

“[ss. 7, 8, 9”

Substitute

“[ss. 11A”.

- (3) Schedule 4, Part 1, heading—

Repeal

“AUTHORITY AND ITS MEMBERS”

Substitute

“Registration Board”.

- (4) Schedule 4, section 1—

Renumber the section as section 1A.

- (5) Schedule 4, before section 1A—

Add

“1. Composition of Registration Board

- (1) The Registration Board is to consist of 19 members appointed by the Council as follows—
- (a) a chairperson;
 - (b) 4 public officers;
 - (c) 2 persons, each of whom is, in the opinion of the Council, a person from a training institute in the construction industry in Hong Kong;
 - (d) 3 persons, each of whom is, in the opinion of the Council, a person from a professional body connected with the construction industry in Hong Kong;
 - (e) 2 persons, each of whom is, in the opinion of the Council, a person from a contractor in the construction industry in Hong Kong;

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- (f) 3 persons, each of whom is, in the opinion of the Council, a person from a trade union, registered under the Trade Unions Ordinance (Cap. 332), that represents workers in the construction industry in Hong Kong;
- (g) 1 person who is, in the opinion of the Council, a person from a real estate developers association in Hong Kong; and
- (h) 3 persons, each of whom is, in the opinion of the Council, a person connected with the construction industry in Hong Kong.
- (2) An appointment under subsection (1) must be notified in the Gazette.
- (3) If, for any period, the chairperson of the Registration Board is absent from Hong Kong or is, for any other reason, unable to perform the functions of the office, the other members of the Registration Board may elect from among themselves a person to act as chairperson of the Registration Board during that period.”.
- (6) Schedule 4, section 1A—
Repeal
“Authority” (wherever appearing)
Substitute
“Registration Board”.
- (7) Schedule 4, section 1A—
Repeal
“Secretary” (wherever appearing)
Substitute
“Council”.
- (8) Schedule 4, section 2, heading—

Repeal

“**Authority**”

Substitute

“**Registration Board**”.

- (9) Schedule 4, English text, section 2—

Repeal

“chairman” (wherever appearing)

Substitute

“chairperson”.

- (10) Schedule 4, section 2—

Repeal

“**Authority**” (wherever appearing)

Substitute

“**Registration Board**”.

- (11) Schedule 4, section 2(3)(b) and (c)—

Repeal

“section 7(5) of this Ordinance”

Substitute

“section 1(3)”.

- (12) Schedule 4, English text, section 2(4), after “his” —

Add

“or her”.

- (13) Schedule 4, section 3, heading—

Repeal

“**Authority**”

Substitute

“Registration Board”.

- (14) Schedule 4, section 3—

Repeal

“Authority” (wherever appearing)

Substitute

“Registration Board”.

- (15) Schedule 4, English text, section 3(3)(a)—

Repeal

“chairman”

Substitute

“chairperson”.

- (16) Schedule 4, after section 3—

Add

“3A. Estimates of Registration Board

- (1) In every financial year, the Registration Board must submit to the Council, before a date determined by the Council, a programme of its proposed activities and estimates of its income and expenditure for the next financial year.
- (2) The Registration Board must, as soon as practicable after the commencement date of this section, submit the programme and estimates for the first financial year.

3B. Accounts of Registration Board and submission of reports, etc. to Council

- (1) The Registration Board must maintain proper accounts and records of all its income and expenditure.

- (2) The Registration Board must, as soon as practicable after the end of a financial year, cause to be prepared a statement of accounts of the Registration Board in respect of the financial year.
- (3) The statement of accounts is to include an income and expenditure account and a balance sheet.
- (4) The Registration Board must submit to the Council, before a date determined by the Council, a report on the activities of the Registration Board during the financial year and a copy of the statement of accounts.

3C. Delegation of Registration Board's functions and powers

- (1) The Registration Board may appoint any subcommittee that it considers appropriate.
- (2) The Registration Board may delegate in writing any of its functions or powers (including any functions or powers delegated to it under section 16 of the Construction Industry Council Ordinance (Cap. 587)) to a subcommittee appointed under subsection (1).
- (3) The Registration Board may not delegate under this section any of the following—
 - (a) the power to appoint a subcommittee under subsection (1);
 - (b) the power to delegate under subsection (2);
 - (c) the Council's function under section 52(5) of this Ordinance;
 - (d) the power to approve programmes of its proposed activities, estimates of its income and expenditure, its statement of accounts or report on its activities;
 - (e) the power to authorize the preparation of its accounts or other financial records.”.

(17) Schedule 4—

Repeal sections 4 and 5.

(18) Schedule 4, Part 2, heading—

Repeal

“COMMITTEES ESTABLISHED BY AUTHORITY AND MEMBERS OF COMMITTEES”

Substitute

“Subcommittees Appointed by Registration Board and Members of Subcommittees”.

(19) Schedule 4, section 6, heading—

Repeal

“committees”

Substitute

“subcommittees”.

(20) Schedule 4, section 6—

Repeal

“Authority” (wherever appearing)

Substitute

“Registration Board”.

(21) Schedule 4, section 6—

Repeal

“committee” (wherever appearing)

Substitute

“subcommittee”.

(22) Schedule 4, English text, section 6(b)—

Repeal

“chairman”

Substitute

“chairperson”.

- (23) Schedule 4, section 7, heading—

Repeal

“committees”

Substitute

“subcommittees”.

- (24) Schedule 4, section 7—

Repeal

“committee”

Substitute

“subcommittee”.

- (25) Schedule 4, section 7—

Repeal

“Authority” (wherever appearing)

Substitute

“Registration Board”.

- (26) Schedule 4, section 7(a)—

Repeal

“section 9(1)(b) of this Ordinance”

Substitute

“section 3C(2)”.

- (27) Schedule 4, Chinese text, section 7(a)—

Repeal

“該局”

Substitute

“註冊委員會”.

(28) Schedule 4, English text, Part 3, heading—

Repeal

“QUALIFICATIONS COMMITTEE AND ITS MEMBERS”

Substitute

“Qualifications Board and its Members”.

(29) Schedule 4, English text, section 8—

Repeal

“Committee” (wherever appearing)

Substitute

“Board”.

(30) Schedule 4, section 8—

Repeal

“Authority” (wherever appearing)

Substitute

“Registration Board”.

(31) Schedule 4, English text, section 9, heading—

Repeal

“Committee”

Substitute

“Board”.

(32) Schedule 4, English text, section 9—

Repeal

“chairman” (wherever appearing)

Substitute

“chairperson”.

(33) Schedule 4, English text, section 9—

Repeal

“Committee” (wherever appearing)

Substitute

“Board”.

(34) Schedule 4, English text, section 9(4), after “his”—

Add

“or her”.

(35) Schedule 4, English text, section 10, heading—

Repeal

“**Qualification Committee**”

Substitute

“**Qualifications Board**”.

(36) Schedule 4, English text, section 10—

Repeal

“Qualification Committee” (wherever appearing)

Substitute

“Qualifications Board”.

(37) Schedule 4, English text, section 10—

Repeal

“the Committee” (wherever appearing)

Substitute

“the Board”.

(38) Schedule 4, English text, section 10(3)(a)—

Repeal

“chairman”

Substitute

“chairperson”.

- (39) Schedule 4, English text, Part 4, heading—

Repeal

“REVIEW COMMITTEE AND ITS MEMBERS”

Substitute

“Review Board and its Members”.

- (40) Schedule 4, English text, section 11—

Repeal

“Committee” (wherever appearing)

Substitute

“Board”.

- (41) Schedule 4, section 11—

Repeal

“Authority” (wherever appearing)

Substitute

“Registration Board”.

- (42) Schedule 4, section 11(4)—

Repeal paragraph (b)

Substitute

“(b) has become the Registrar;

(ba) (if the Registrar is a body corporate) has become a member, officer or employee of the Registrar;

(bb) (if the Registrar is a body unincorporate) has become a member of the Registrar;”.

- (43) Schedule 4, English text, section 12, heading—

Repeal

“Committee”

Substitute

“Board”.

(44) Schedule 4, English text, section 12—

Repeal

“chairman” (wherever appearing)

Substitute

“chairperson”.

(45) Schedule 4, English text, section 12—

Repeal

“Committee” (wherever appearing)

Substitute

“Board”.

(46) Schedule 4, English text, section 12(4), after “his”—

Add

“or her”.

(47) Schedule 4, English text, section 13, heading—

Repeal

“Committee”

Substitute

“Board”.

(48) Schedule 4, English text, section 13—

Repeal

“Committee” (wherever appearing)

Substitute

“Board”.

(49) Schedule 4, English text, section 13(3)(a)—

Repeal

“chairman”

Substitute

“chairperson”.

43. “Council” substituted for “Authority”

(1) The following provisions—

- (a) section 16;
- (b) section 20;
- (c) section 27;
- (d) section 28;
- (e) section 33;
- (f) section 35;
- (g) section 36;
- (h) section 41;
- (i) section 47;
- (j) section 56;
- (k) section 58(2), (3), (4) and (5);
- (l) section 60;
- (m) section 62—

Repeal

“Authority” (wherever appearing)

Substitute

“Council”.

(2) Section 60, heading—

Repeal

“Authority’s”

Substitute

“Council’s”.

- (3) Section 62, heading—

Repeal

“Authority”

Substitute

“Council”.

- (4) Section 62, English text—

Repeal

“Authority’s” (wherever appearing)

Substitute

“Council’s”.

Part 3

Amendments to Construction Industry Council Ordinance (Cap. 587)

44. Section 2 amended (interpretation)

(1) Section 2(1)—

Repeal the definitions of *Board* and *Objections Committee*.

(2) Section 2(1)—

Add in alphabetical order

“***Objections Board*** (處理反對事宜委員會) means the board established under section 54(1);

Registrar (註冊主任) means the Registrar of Construction Workers appointed under section 36(1) of the Construction Workers Registration Ordinance (Cap. 583);

Registration Board (註冊委員會) means the Construction Workers Registration Board established under section 11A(1) of the Construction Workers Registration Ordinance (Cap. 583);

Training Board (訓練委員會) means the Construction Industry Training Board established under section 29(1);”.

45. Section 5 amended (functions of Council)

(1) Section 5(1)—

Repeal

“and”.

(2) After section 5(1)—

Add

“(la) to conduct or finance educational, publicity, research or other programmes relating to occupational safety and health, environmental protection or sustainable development in the construction industry; and”.

(3) Section 5(m), after “Ordinance”—

Add

“, the Construction Workers Registration Ordinance (Cap. 583)”.

46. Section 6 amended (supplementary functions of Council)

(1) Section 6(d)—

Repeal the semicolon

Substitute a full stop.

(2) Section 6—

Repeal paragraph (e).

47. Section 7 amended (powers of Council)

Section 7(1), after “functions”—

Add

“under this Ordinance, the Construction Workers Registration Ordinance (Cap. 583) or any other enactment”.

48. Section 9 amended (composition of Council)

Section 9(1)(a), English text—

Repeal

“chairman”

Substitute

“chairperson”.

49. Section 15 amended (Council may establish committees)

(1) Section 15, Chinese text, heading—

Repeal

“委員會”

Substitute

“專責委員會”.

(2) Section 15(1) and (2), Chinese text—

Repeal

“委員會”

Substitute

“專責委員會”.

50. Section 16 amended (delegation of Council's functions and appointment of subcommittee)

(1) Section 16—

Repeal subsection (1)

Substitute

“(1) Subject to section 9 of the Construction Workers Registration Ordinance (Cap. 583), the Council may delegate any of its functions to—

- (a) the chairperson of the Council;
- (b) any other member of the Council;
- (c) the Executive Director;
- (d) a committee established under section 15;
- (e) any employee of the Council;
- (f) the Training Board;
- (g) the Registration Board; or
- (h) the Registrar.”.

(2) Section 16(2)(a)—

Repeal

“, (c)”.

(3) Section 16(2)(c), Chinese text—

Repeal

“委員會”

Substitute

“專責委員會”.

(4) Section 16(2)(g), English text—

Repeal

“Board or the Objections Committee”

Substitute

“Training Board or the Objections Board”.

(5) Section 16(6), Chinese text—

Repeal

“的委員會”

Substitute

“的專責委員會”.

(6) Section 16(6), Chinese text—

Repeal

“該委員會”

Substitute

“該專責委員會”.

51. Section 19 amended (protection of members of Council, etc.)

(1) Section 19(1), after “Ordinance”—

Add

“or the Construction Workers Registration Ordinance (Cap. 583)”.

(2) Section 19(3)(b), Chinese text—

Repeal

“委員會”

Substitute

“專責委員會”.

(3) Section 19(3)(c), English text—

Repeal

“Board or the Objections Committee”

Substitute

“Training Board or the Objections Board”.

52. Section 24 amended (investment of funds)

Section 24—

Repeal

everything after “functions”

Substitute

“may be—

- (a) deposited on fixed term or call deposit or in a savings account in any bank nominated by the Financial Secretary either generally or in any particular case, for that purpose; or
- (b) subject to the prior approval of the Financial Secretary, invested in any investments the Council thinks fit.”.

53. Section 29 amended (establishment of Construction Industry Training Board)

(1) Section 29—

Repeal subsection (1)

Substitute

“(1) The Council is to establish a board to perform the Council’s supplementary functions under section 6 and any function delegated to the board under section 16(1).”.

(2) Section 29(2), English text—

Repeal

“committee”

Substitute

“board”.

(3) Section 29(3), English text—

Repeal

“Board”

Substitute

“Training Board”.

54. Section 30 amended (composition, meetings and proceedings of Board, etc.)

(1) Section 30, English text, heading—

Repeal

“Board”

Substitute

“Training Board”.

(2) Section 30, English text—

Repeal

“Board”

Substitute

“Training Board”.

55. Section 35 amended (notice of payment made in respect of construction operations)

Section 35(6)—

Repeal

“level 1”

Substitute

“level 3”.

56. Section 36 amended (notice of completion of construction operations)

Section 36(6)—

Repeal

“level 1”

Substitute

“level 3”.

57. Section 54 amended (establishment of Objections Committee)

(1) Section 54, English text, heading—

Repeal

“Committee”

Substitute

“Board”.

(2) Section 54—

Repeal subsection (1)

Substitute

“(1) The Council is to establish a board consisting of 3 members of the Council for the purpose of determining objections made under section 29 of the Construction Workers Registration Ordinance (Cap. 583) or section 55.”.

(3) Section 54(2), English text—

Repeal

“Committee”

Substitute

“Board”.

(4) Section 54(3), English text—

Repeal

“Committee”

Substitute

“Board”.

(5) Section 54(3), English text—

Repeal

“Committee’s”

Substitute

“Board’s”.

(6) Section 54(4), English text—

Repeal

“Committee”

Substitute

“Board”.

58. Section 56 amended (decision of Objections Committee)

(1) Section 56, English text, heading—

Repeal

“Committee”

Substitute

“Board”.

- (2) Section 56(1)—

Repeal

“section 55 to the Objections Committee”

Substitute

“section 29 of the Construction Workers Registration Ordinance (Cap. 583) or section 55 to the Objections Board”.

- (3) Section 56(2) and (3), English text—

Repeal

“Committee”

Substitute

“Board”.

59. Section 57 amended (appeals against decision of Objections Committee)

- (1) Section 57, English text, heading—

Repeal

“Committee”

Substitute

“Board”.

- (2) Section 57(1), English text—

Repeal

“Committee”

Substitute

“Board”.

60. Section 61 amended (protection of information given under sections 59 and 60)

(1) Section 61(2)—

Repeal paragraph (f).

(2) Section 61(3)—

Repeal

“level 1”

Substitute

“level 3”.

61. Section 67 amended (offences of fraudulent evasion of levy and giving false documents or information)

Section 67(4)—

Repeal

“level 2”

Substitute

“level 3”.

62. Schedule 3 amended (meetings and proceedings of Council)

(1) Schedule 3, section 1—

Repeal the definition of *chairman*.

(2) Schedule 3, section 1—

Add in alphabetical order

“*chairperson* (主席) means the chairperson of the Council referred to in section 9(1)(a) of this Ordinance;”.

(3) Schedule 3, English text, sections 2 and 3—

Repeal

“chairman”

Substitute

“chairperson”.

- (4) Schedule 3, English text, section 5—

Repeal

“chairman” (wherever appearing)

Substitute

“chairperson”.

- (5) Schedule 3, section 5(3), after “his”—

Add

“or her”.

- (6) Schedule 3, English text, section 11—

Repeal

“chairman” (wherever appearing)

Substitute

“chairperson”.

63. Schedule 4 amended (composition, meetings and proceedings of Board, etc.)

- (1) Schedule 4, English text, heading—

Repeal

“COMPOSITION, MEETINGS AND PROCEEDINGS OF BOARD, ETC.”

Substitute

“Composition, Meetings and Proceedings of Training Board, etc.”.

- (2) Schedule 4, English text, section 1, definition of *Board member*—

Repeal

“the Board”

Substitute

“the Training Board”.

- (3) Schedule 4, section 1—

Repeal the definition of *chairman*.

- (4) Schedule 4, section 1—

Add in alphabetical order

“*chairperson* (主席) means the chairperson of the Training Board appointed under section 2(4).”.

- (5) Schedule 4, English text, section 2, heading—

Repeal

“**Board**”

Substitute

“**Training Board**”.

- (6) Schedule 4, English text, section 2(1)—

Repeal

“Board”

Substitute

“Training Board”.

- (7) Schedule 4, section 2(1)—

Repeal

“13”

Substitute

“14”.

- (8) Schedule 4, section 2(2)(d)—

Repeal

“2”

Substitute

“3”.

- (9) Schedule 4, English text, section 2(2)(e)—

Repeal

“Board”

Substitute

“Training Board”.

- (10) Schedule 4, English text, section 2(4)—

Repeal

“chairman of the Board”

Substitute

“chairperson of the Training Board”.

- (11) Schedule 4, English text, section 5—

Repeal

“Board”

Substitute

“Training Board”.

- (12) Schedule 4, English text, section 5—

Repeal

“chairman”

Substitute

“chairperson”.

- (13) Schedule 4, English text, section 6(1)—

Repeal

“the Board”

Substitute

“the Training Board”.

- (14) Schedule 4, English text, section 7, heading—

Repeal

“**Board**”

Substitute

“**Training Board**”.

- (15) Schedule 4, English text, section 7(1)—

Repeal

“chairman is to preside at a meeting of the Board”

Substitute

“chairperson is to preside at a meeting of the Training Board”.

- (16) Schedule 4, English text, section 7(2)—

Repeal

“chairman is not able to preside at a meeting of the Board”

Substitute

“chairperson is not able to preside at a meeting of the Training Board”.

- (17) Schedule 4, section 7(4), after “his”—

Add

“or her”.

- (18) Schedule 4, English text, section 8—
Repeal
“the Board” (wherever appearing)
Substitute
“the Training Board”.
- (19) Schedule 4, English text, section 9—
Repeal
“the Board” (wherever appearing)
Substitute
“the Training Board”.
- (20) Schedule 4, English text, section 10, heading—
Repeal
“**Board**”
Substitute
“**Training Board**”.
- (21) Schedule 4, English text, section 10—
Repeal
“Board”
Substitute
“Training Board”.
- (22) Schedule 4, English text, section 11, heading—
Repeal
“**Board’s**”
Substitute

“Training Board’s”.

(23) Schedule 4, English text, section 11—

Repeal

“Board” (wherever appearing)

Substitute

“Training Board”.

(24) Schedule 4, English text, section 12, heading—

Repeal

“Board”

Substitute

“Training Board”.

(25) Schedule 4, English text, section 12—

Repeal

“Board” (wherever appearing)

Substitute

“Training Board”.

(26) Schedule 4, English text, section 13, heading—

Repeal

“Board”

Substitute

“Training Board”.

(27) Schedule 4, English text, section 13—

Repeal

“Board” (wherever appearing)

Substitute

“Training Board”.

Part 4

Consequential and Related Amendments

Division 1—Amendments to Prevention of Bribery Ordinance (Cap. 201)

64. Schedule 1 amended (public bodies)

(1) Schedule 1—

Repeal item 100.

(2) At the end of Schedule 1—

Add

“122. Construction Workers Registration Board.”.

Division 2—Amendments to Pneumoconiosis and Mesothelioma (Compensation) (Assessment of Levy) Regulations (Cap. 360 sub. leg. A)

65. Regulation 15 amended (protection of information given under regulation 14)

(1) Regulation 15(2)(a)(iv), after “(Cap. 587);”—

Add

“or”.

(2) Regulation 15(2)(a)—

Repeal subparagraph (v).

Explanatory Memorandum

The objects of this Bill are to dissolve the Construction Workers Registration Authority (*Authority*) established under the Construction Workers Registration Ordinance (*Cap. 583*), to transfer the Authority's functions to the Construction Industry Council (*Council*) established under the Construction Industry Council Ordinance (*Cap. 587*), to extend the application of *Cap. 583* to the Government, to change the names of certain bodies established under *Cap. 583* and *Cap. 587*, and to make certain minor modifications to the operation of the construction workers registration system and to the powers of the Council.

Part 1 of the Bill

2. Clause 1 sets out the short title and provides for commencement.

Part 2 of the Bill

3. Part 2 amends *Cap. 583*.
4. Clause 3 removes the reference to the Construction Workers Registration Authority from the long title to *Cap. 583* as a consequence of the dissolution of the Authority.
5. Clause 5 adds a new section 2A to provide that *Cap. 583* applies to the Government.
6. Clause 7 repeals section 7 as a consequence of the dissolution of the Authority.
7. Clause 8 amends section 8 to provide for the functions and powers of the Council under *Cap. 583*.

8. Clause 9 substitutes section 9 to provide for certain limitations on the Council's power to delegate its functions and powers under Cap. 583.
9. Clause 10 repeals sections 10 and 11 as a consequence of the dissolution of the Authority.
10. Clause 11 adds a new section 11A to provide for the establishment of the Construction Workers Registration Board (*Registration Board*).
11. Clause 12 amends section 12 to replace the Construction Workers Qualifications Committee by the Construction Workers Qualifications Board, whose members are to be appointed by the Registration Board under that section. While only 2 trade union representatives were appointed as members of the Committee to be replaced, 3 trade union representatives are to be appointed as members of the new board.
12. Clause 14 amends section 14 to replace the Construction Workers Review Committee by the Construction Workers Review Board, whose members are to be appointed by the Registration Board under that section. While only 2 trade union representatives were appointed as members of the Committee to be replaced, 3 trade union representatives are to be appointed as members of the new board.
13. Clause 19 amends section 29 so that an objection made under that section to a levy or surcharge imposed under Cap. 583 is to be dealt with by the Council under section 56 of Cap. 587.
14. Clause 24 amends section 44 to extend the period within which applications for the renewal of certain classes of registration of construction workers may be made.

15. Clause 25 substitutes section 45 to provide for the expiry of a registration as a registered skilled worker (provisional), or a registered semi-skilled worker (provisional), for a designated trade, following the addition of a new section 45A which provides for the extension of that registration.
16. Clause 26 adds a new section 45A to provide for the extension of a registration as a registered skilled worker (provisional), or a registered semi-skilled worker (provisional), for a designated trade, and to provide for matters relating to an application for the extension.
17. Clause 28 adds a new section 46A to enable the Registrar of Construction Workers (*Registrar*) to record on a registration card issued under Cap. 583 certain information contained in another document relevant to the construction industry.
18. Clause 30 amends section 51 to enable a person to ask the Construction Workers Review Board to review the Registrar's decision in respect of the person's application to extend the person's registration as a registered skilled worker (provisional), or a registered semi-skilled worker (provisional), for a designated trade.
19. Clause 31 amends section 52 to enable a person to appeal to a Construction Workers Appeal Board (*Appeal Board*) in respect of the Registrar's decision in respect of the person's application to extend the person's registration as a registered skilled worker (provisional), or a registered semi-skilled worker (provisional), for a designated trade.
20. Clause 32 amends section 53 to set out the membership of the Appeal Board panel formed under Cap. 583.
21. Clause 33 amends section 54 to extend the period within which an Appeal Board must be appointed after the Secretary for Development has received a notice of appeal under section 52(3).

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22. Clause 34 amends section 55 to enable a member of an Appeal Board to continue to hear an appeal until the appeal is determined even if the term of appointment of the member expires before that determination.
 23. Clause 37 amends section 63(1)(d) to enable the Council to make regulations to provide for applications made under the new sections 45A and 46A.
 24. Clause 39 adds a new section 64A to confer privileges and immunities on members of an Appeal Board appointed under Cap. 583.
 25. Clause 40 adds a new Part 10 which contains transitional and saving provisions concerning the dissolution of the Authority.
 26. Clause 41 amends Schedule 1 to substitute a correct reference for a wrong reference.
 27. Clause 42(3) to (17) amends Part 1 of Schedule 4 to provide for the composition, tenure of office of members, and proceedings, of the Registration Board, and certain other miscellaneous matters concerning the Registration Board.
 28. Clause 42(18) to (27) amends Part 2 of Schedule 4 to provide for matters relating to the members, functions and powers of the subcommittees formed under the Registration Board.
 29. Clause 42(28) to (38) amends Part 3 of Schedule 4 to substitute references to the Construction Workers Qualifications Board for references to the Construction Workers Qualifications Committee.
 30. Clause 42(39) to (49) amends Part 4 of Schedule 4 to substitute references to the Construction Workers Review Board for references to the Construction Workers Review Committee.

31. Clause 43 substitutes a reference to the Council for a reference to the Authority in various sections as a consequence of the dissolution of the Authority and the transfer of its functions to the Council.

Part 3 of the Bill

32. Part 3 amends Cap. 587.
33. Clause 44 replaces the definition of *Objections Committee* by a definition of *Objections Board* as a consequence of the change in name made by clause 57. Clause 44 also adds the definitions of *Registrar*, *Registration Board* and *Training Board*.
34. Clause 45 amends section 5 to add a new item to the list of the Council's functions.
35. Clause 46 repeals section 6(e) as the Registrar is to be appointed by the Council under Cap. 583.
36. Clause 50 amends section 16 to provide for the persons to whom the Council may delegate its functions and powers under Cap. 583 and Cap. 587. That clause also removes the restriction on the Council's power to delegate its functions and powers relating to contracts.
37. Clause 52 amends section 24 to provide that the Council may deposit in banks nominated by the Financial Secretary any of its funds not immediately required to be used, or invest those funds in certain investment if the prior approval of the Financial Secretary is obtained.
38. Clause 53 amends section 29 to further provide that the Construction Industry Training Board may perform any function delegated to it under section 16(1).

39. Clause 57 amends section 54 to change the name of the body established under that section to “Objections Board”. That section is also amended to enable the Objections Board to determine an objection made under section 29 of Cap. 583 to any levy or surcharge imposed under Cap. 583.
40. Clause 60 repeals section 61(2)(f) as a consequence of the dissolution of the Authority.
41. Clause 63 amends section 2 of Schedule 4 to enable the Council to appoint one more person from relevant trade unions to be a member of the Construction Industry Training Board.
42. Clauses 55, 56, 60(2) and 61 amend sections 35, 36, 61 and 67 to amend the levels of fine under those sections to align them with the levels of fine provided for similar offences under Cap. 583.

Part 4 of the Bill

43. Part 4 amends the Prevention of Bribery Ordinance (Cap. 201) and the Pneumoconiosis and Mesothelioma (Compensation) (Assessment of Levy) Regulations (Cap. 360 sub. leg. A).
44. Clause 64 amends Schedule 1 to the Prevention of Bribery Ordinance (Cap. 201) to substitute a reference to the Registration Board for a reference to the Authority as a consequence of the dissolution of the Authority and the transfer of its functions to the Council.
45. Clause 65 repeals regulation 15(2)(a)(v) of the Pneumoconiosis and Mesothelioma (Compensation) (Assessment of Levy) Regulations (Cap. 360 sub. leg. A) as a consequence of the dissolution of the Authority.