

**LEGISLATIVE COUNCIL
PANEL ON DEVELOPMENT**

**Enactment of Exemption Regulation and
Addition of Three New Trade Divisions under
Construction Workers Registration Ordinance**

Follow-up Actions to Meeting on 8 November 2016

The Administration provides the supplementary information as required by the Panel as follows.

(a) The rationale for exempting emergency construction work from the "designated workers for designated skills" requirement under the proposed Exemption Regulation.

2. We propose to exempt emergency construction work from the "designated workers for designated skills" requirement (DWDS requirement) for a period of 72 hours. Its purpose is to allow contractors to take immediate action under emergency situation in the interests of the public. After the proposed exemption period, the remaining construction work (including any necessary remedial work to the completed emergency construction work) shall be carried out in accordance with DWDS requirement.

3. In devising the proposed exemption for emergency construction work, we have taken into account all relevant factors including necessity, trade practice and safety consideration. Details are set out below.

(i) **Necessity** – As an emergency situation may be substantial in scale (e.g. a major landslide) and/or happen at night, it may not always possible for the responsible contractor to immediately deploy sufficient registered semi-skilled/skilled workers on site to carry out the specified emergency construction work¹ (e.g. urgent repair of the drainage channels which involves the skill of the trade division "Drainlayer"²). In the interests of the public, it is considered

¹ As stated in paragraph 12 of LC Paper No. CB(1)51/16-17(04), the specified emergency construction works includes the emergency work for saving human life, preventing personal injury, preventing damage to property, or preventing serious interruption or disruption to a public transport system or utility service.

² "Drainlayer" is one of the 47 trade divisions at Annex I of LC Paper No. CB(1)51/16-17(04) which such skill work is proposed to be exempted from "DWDS" requirement in respect of "emergency construction work".

necessary to exempt such work from the DWDS requirement for a certain period of time so that the contractor could take immediate action.

- (ii) **Trade practice** – After due discussion and consultation with industry stakeholders, it is considered reasonable to require the responsible contractor to deploy sufficient registered semi-skilled/skilled workers on site after the first 72 hours counting from the time at which the contractor becomes aware of the emergency.
 - (iii) **Safety consideration** – The skill work proposed to be exempted is limited to the ones involving the skills of the 47 trade divisions listed in Annex I of LC Paper No. CB(1)51/16-17(04). In drawing up the list, we have taken into consideration the safety of workers and the general public. For instance, the list does not cover the skills of plant operation, electrical work, lift work, escalator work and gas installation work. Please also refer to the legal liabilities in respect of health and safety of workers in paragraph 4 below.
- (b) **The party/parties (i.e. the contractor, the sub-contractor, etc.) to be responsible for industrial causalities related to emergency construction work, and whether the proposed Exemption Regulation or the Construction Workers Registration Ordinance (Cap. 583) ("CWRO") would clearly stipulate the details about such responsibilities; if yes, the details.**

4. The Factories and Industrial Undertakings Ordinance (Cap. 59) and the Occupational Safety and Health Ordinance (Cap. 509) have set out the legal requirements for proprietors/employers to protect the safety and health of workers/employees at work, including those engaged in emergency construction work and rescue work. As these occupational safety and health ("OSH") legislations have stipulated the legal liabilities of relevant duty holders to safeguard the safety and health of workers/employees at work and the proposed exemptions will not in any way waive such legal liabilities or rid the duty holders of their statutory OSH obligations, there is no need to repeat such under the proposed Exemption Regulation.

(c) Regarding the trade tests to evaluate the level of trade skills of construction workers, whether the Construction Industry Council ("CIC") would consider combining the tests for trade divisions of similar nature, instead of requiring construction workers to take these tests one by one.

5. CIC will consider combining the trade tests for trade divisions of similar nature on need basis. In fact, there are currently combined trade tests for trade divisions of similar nature, including the trade test called "Trade Test for Painter and Decorator" which covers the 10 relevant trade divisions under the trade group. A summary of the trade tests covering skills of similar nature is at **Annex A**.

6. According to CIC, there is at present no request for combining other trade tests. Notwithstanding this, should there be such a request, CIC will carefully consider the request in consultation with relevant industry stakeholders. Should consensus be reached within the industry, CIC will then develop and launch other trade tests covering skills of similar nature.

(d) Details about the publicity and promotional activities (including the work plan for such activities and the itemized expenditures incurred) to be launched by CIC for implementing the requirements under CWRO to be effective from 1 April 2017.

7. To prepare for implementing the DWDS requirement under CWRO, CIC launched an extensive publicity and promotional campaign in January 2015 with an estimated total expenditure of about \$11.7 million. The publicity and promotional activities are briefly set out in the ensuing paragraphs with details at **Annex B**.

October 2016 to March 2017

8. With the application for senior workers registration closed on 30 September 2016, CIC has focused its publicity and promotional activities on registration of workers through passing trade tests and the details of DWDS requirements. The key promotional activities during the period will include -

- advertising at TV, radio and newspapers;
- advertising at publications of trade associations / labour unions;
- conducting briefing sessions (by CIC Secretariat and labour unions) for industry stakeholders;
- sending SMS / letters to registered workers and whatsapp messages to labour unions/trade associations;

- advertising at social media including Facebook, Twitter and Youtube;
- erecting posters and distributing leaflets at construction sites;
- erecting banners on site hoardings of public works sites as well as community halls;
- launching a smartphone application to disseminate useful information;
- conducting direct promotion to ethnic minorities through briefing sessions and dedicated radio channels; and
- publishing relevant brochures and guidelines on DWDS requirements (including exemption requirements).

After April 2017

9. CIC will continue the promotional activities as mentioned in paragraph 8 above to prepare the industry for the implementation of DWDS requirement.

10. Further, as the three new trade divisions (viz. false ceiling installer, partition (metal frame) installer and cable jointer (dead cable)) will be added to CWRO on 1 April 2017, CIC will also include in the promotional materials the registration arrangements for the three new trade divisions.

Between January 2015 and September 2016 (Completed)

11. By way of background, CIC has started promotional activities for the DWDS requirement since early 2015. During the period, CIC's publicity and promotional activities mainly focus on the one-off senior workers registration arrangement (application was already closed on 30 September 2016).

12. The no. of registered skilled / semi-skilled workers has significantly increased from 122,000 in end 2014 to 183,000 in October 2016. Considering that there are about 50,000 senior worker registration applications being processed and CIC should complete the processing of such applications by March 2017, we trust that most skilled workers would be registered before the implementation of "DWDS" requirement.

**Works Branch
Development Bureau
November 2016**

**List of Trade Tests and Intermediate Trade Tests
Covering More than One Skill**

I. Trade Tests Covering More than One Skill

Trade Test	Skills Covered
1. Painter and Decorator	Painter and Decorator (Master)
	Painter and Decorator (Roller Painting)
	Painter and Decorator (Surface Filling)
	Painter and Decorator (Emulsion Painting)
	Painter and Decorator (Brushing Lacquering)
	Painter and Decorator (Synthetic Painting)
	Painter and Decorator (Clear Lacquering)
	Painter and Decorator (Texture-spray)
	Painter and Decorator (Metal Paint Spray)
	Painter and Decorator (Paperhanging)
	Painter and Decorator (Sign Writing)
2. Marble Worker	Marble Worker (Master)
	Marble Worker (Polishing)
	Marble Worker (Dry Fixing)
	Marble Worker (Wet Fixing)
3. Tiler	Tiler
	Tiler (Mosaic)
	Tiler (Tile)
4. Carpenter (Formwork -Building Construction)	Carpenter (Formwork -Building Construction)
	Carpenter (Formwork -Building Construction) (Striking)
5. Carpenter (Formwork - Civil Construction)	Carpenter (Formwork - Civil Construction)
	Carpenter (Formwork - Civil Construction) (Striking)


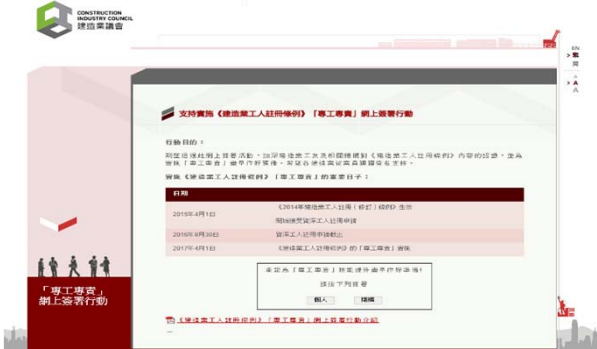

Trade Test	Skills Covered
6. Joiner	Joiner
	Joiner (Assembling)
7. Plasterer	Plasterer
	Plasterer (Floor)
8. Bricklayer, Plasterer and Tiler	Bricklayer
	Plasterer
	Tiler

II. Intermediate Trade Tests Covering More than One Skill


Intermediate Trade Test	Skills Covered
9. Marble Worker	Marble Worker (Master)
	Marble Worker (Polishing)
	Marble Worker (Dry Fixing)
	Marble Worker (Wet Fixing)
10. Tiler	Tiler
	Tiler (Mosaic)
	Tiler (Tile)
11. Plasterer	Plasterer
	Plasterer (Floor)




CIC's Publicity Plan for "Designated Workers for Designated Skills" Requirement




	Publicity Item	Description	Period
<p>Printed Materials</p>	<p>Posters and Leaflets for Senior Workers Registration Arrangement / Designated Workers for Designated Skills</p>	<p>Distributed to trade associations, labour unions, contractors and workers</p> 	<p>From Jan 2015</p>
	<p>“Designated workers for designated skills” Booklets</p>	<p>Distributed to principal contractors, employers of workers and workers</p> 	<p>From Jul 2015 Updated edition to be published in early 2017</p>
	<p>"Senior Workers Registration Arrangement " Brochure</p>	<p>Distributed to workers through outreach team, workers unions and CIC service points</p> 	<p>Distribute from Dec 2015</p>


	Publicity Item	Description	Period
Printed Materials (Cont'd)	Guidelines on Arrangement of "Instruction and Supervision" and Code of Practice for Reasonable Measures on "Instruction and Supervision"	To be distributed to contractors	From Oct 2016
Online and Social Media	Internet and Social media	News about Senior Workers Registration Arrangement and Designated Workers for Designated Skills on CIC Website, Facebook 	From Jan 2015
	Signature campaign	Solicit stakeholders' support to the implementation of "Designated workers for designated skills" provision 	From 10 Feb 2015
	Variety Show "Build a Better Hong Kong"	Swearing-in ceremony to promote the implementation of "Designated workers for designated skills" provision 	28 Mar 2015 on TVB Jade





	Publicity Item	Description	Period
Online and Social Media (Cont'd)	Simpleshow video	2-min video to explain the provision of "designated workers for designated skills" playing on Youtube and CIC premises 	Apr 2015
	Trade Tests Mobile App	Encourage workers to enrol for trade tests online 	From May 2015
	Whatsapp message	About Senior Workers Registration Arrangement and Designated Workers for Designated Skills, to trade associations/unions for forwarding to industry stakeholders and workers	From Apr 2015
	News App	Advertisement about Senior Workers Registration Arrangement 	Jul - Aug 2016
	Discuss.com	Advertisement about Senior Workers Registration Arrangement	Aug 2016
	Designated Workers for Designated Skills Mobile App	Provide information about Designated Workers for Designated Skills to industry stakeholders	From Apr 2017




	Publicity Item	Description	Period
Printed Advertisement and Advertisement on TV, radio and public vehicle	Newspaper advertisement	Colour newspaper ad about Senior Workers Registration Arrangement 	Headline Daily - Sep 2015 Metro Daily - Oct 2015 Headline Daily - Sep 2016 Oriental Daily - Sep 2016 Apple Daily - Sep 2016
	Designated Workers for Designated Skills TV Advertisement	A TV advertisement featuring leading actor Shek Sau (石修) 	From Apr 2015
	TV API (Senior Workers Registration Arrangement)	Channels: Viu TV, ATV, TVB, TVB Network Vision, Cable TV, Now Broadband TV	30 Apr 2015 - 30 Sep 2016
	Radio API (Senior Workers Registration Arrangement)	All radio channels	1 Apr 2016 - 30 Sep 2016
	Radio API (Trade Tests)	All radio channels	3 Jul 2015 - 2 Jul 2016
	TV API (Trade Tests)	Channels: Viu TV, ATV, TVB, TVB Network Vision, Cable TV, Now Broadband TV	1 Aug 2015 - 31 July 2016
	TV API (Designated workers for designated skills)	Channels: Viu TV, TVB, TVB Network Vision, Cable TV, Now Broadband TV	1 Oct 2016 - 31 Mar 2018
	Radio API (Designated workers for designated)	All radio channels	1 Oct 2016 - 31 Mar 2018
	Radio Promotion during Horse Racing Programme	Commercial Radio	Nov 2015 - Jan 2016 May 2016 -

	Publicity Item	Description	Period
<p>Printed Advertisement and Advertisement on TV, radio and public vehicle (Cont'd)</p>	<p>TV Advertisement & L-shaped window on MTR trains</p>	<p>Broadcast TV API to promote Senior Workers Registration Arrangement in 5 MTR lines including East Rail Line, West Rail Line, Ma On Shan Line, Kwun Tong Line and Tseun Kwan O Line.</p> 	<p>Jun - Jul 2015 Apr - Jul 2016</p>
	<p>Bus body and Chair Ad</p>	<p>Advertisement on bus bodies and chairs</p> 	<p>Apr - May 2016</p>
	<p>Trade publications</p>	<p>Advertisements at 8 trade associations'/ labour unions' publications</p> 	<p>From Apr 2015</p>

	Publicity Item	Description	Period
<p>Printed Advertisement and Advertisement on TV, radio and public vehicle (Cont'd)</p>	<p>MTR station Ad</p>	<p>Advertisement at Shatin and Tuen Mun Station</p> 	<p>Mar - Apr 2016</p>
<p>Briefing Sessions</p>	<p>Briefing sessions</p>	<p>Organised for all industry stakeholders including contractors, trade associations, labour unions and professional bodies. Individual sessions are arranged for companies upon request</p> <p>Topics:</p> <ul style="list-style-type: none"> - Senior Workers Registration Arrangement (before 30/9/2016) - Designated Workers for Designated Skills - Instruction and Supervision, Exempted Works 	<p>From Dec 2014</p>
	<p>Morning exercise sessions at public works construction sites</p>	<p>Promote Senior Workers Registration Arrangement and trade tests and collect information of workers express interest</p>	<p>From Apr 2015</p>
	<p>Lunch briefing sessions</p>	<p>Conduct on-site briefings to workers during lunch time in collaboration with HKCIEGU (香港建造業總工會)</p> 	<p>From Apr 2015 to Dec 2017</p>

	Publicity Item	Description	Period
Promotion to Stakeholders	Email/ eDM	Provide information to trade associations, labour unions, contractors, construction-related safety and human resources societies, etc.	From Apr 2015
	Promotion at industry events	Distributing leaflets about Senior Workers Registration Arrangement in industry events	Jan - Sep 2016
	Focus Group Meeting	Focus Group Meeting with industry stakeholders on implementation of Designated Workers for Designated Skills	Jul 2016
	Promotion to professional associations	Provide information to HKIE, HKIS and HKIA by email and invite members to attend briefing sessions	June 2015
Press Briefing	Press briefing for "Construction Workers Registration (Amendments) Ordinance"	Construction Workers Registration (Amendment) Ordinance 2014 	Feb 2015
	Press briefing for Designated Workers for Designated Skills	Implementation of Designated Workers for Designated Skills	Apr 2017
Direct Promotion	SMS	1st round - pre-assessment of Senior Workers Registration Arrangement (to over 200,000 qualified workers aged above 28, without skilled worker registration) 2nd round - to workers holding provisional registration (1,270 workers) or general workers who held provisional registration (8,218 workers) 3rd round - Designated Workers for Designated Skills	From Dec 2014
	Letter to workers	Letters sent to encourage workers to register (Gas Installer, Lift and Escalator Worker and Plant Operators)	Jul 2015

	Publicity Item	Description	Period
Direct Promotion (Cont'd)	Outreach team	Set up a temporary outreach team to promote Senior Workers Registration Arrangement and trade tests on construction sites and assist workers to complete relevant applications 	Aug 2015 – Mar 2017
Outdoor Promotion	Billboard for Senior Workers Registration Arrangement / Designated Workers for Designated Skills	Mongkok, Kwun Tong, Hung Hom 	From Nov 2015
	Construction site hoarding banner about Senior Workers Registration Arrangement / Designated Workers for Designated Skills	at public works construction sites (Over 70 sites)	Jun 2015 - Sep 2016
		at private construction sites (over 1400 pieces of banners)	Jun 2015 - Sep 2016
		Cross Harbour Tunnel entrance 	Sep 2015 - Sep 2016
Roadside banner about Senior Workers Registration	Banners were erected at 13 districts	Jun - Jul 2016	
Outer wall banner for Senior Workers Registration Arrangement	21 community halls and centres in 15 districts 	Jun 2015 - Sep 2016	

	Publicity Item	Description	Period
Promotion to ethnic minority	Briefing session	Briefing session to Hong Kong Integrated Nepalese Society Limited + Promotion on its facebook 	From Feb 2015
	Radio Ad	Radio Ad on RTHK and Metro Broadcast Corp Ltd ethnic minority programmes to promote Senior Workers Registration Arrangement at 5 programmes to population of Nepalese, Indian, Indonesian, Thai, Pakistani	From Jun 2015
		Radio Ad on RTHK and Metro Broadcast Corp Ltd ethnic minority programmes to promote Designated Workers for Designated Skills at 5 programmes to population of Nepalese, Indian, Indonesian, Thai, Pakistani	From Dec 2016
	Simple brochure	Simple brochure in English and Nepalese (3,000pcs) 	From Jul 2015
Others	Giveaways	To give towels and card holders, vouchers of fast food restaurant and mobile phone monitor cleaners to workers to help raise awareness of the one-off arrangement for senior workers registration. 	From Jul 2015