

**立法會**  
***Legislative Council***

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**Paper for the House Committee**

**Report of the Subcommittee on  
Construction Workers Registration Ordinance  
(Expiry of Section 39(1)(b) and (d)) Notice**

**Purpose**

This paper reports on the deliberations of the Subcommittee on Construction Workers Registration Ordinance (Expiry of Section 39(1)(b) and (d)) Notice ("the Subcommittee").

**Background**

2. Enacted in 2004, the Construction Workers Registration Ordinance (Cap. 583) ("CWRO") provides for, among other things, the registration of construction workers. Upon the commencement of the registration system in December 2005, a transitional arrangement has been provided for experienced construction workers who were carrying out skill works. Under the transitional arrangement, a person who has not less than six years of specified skill works experience as at 29 December 2005 may apply under section 39(1)(b) of CWRO for registration as a registered skilled worker (provisional) of the relevant trade division, and a person who has not less than two years of specified skill works experience may apply under section 39(1)(d) of CWRO for registration as a registered semi-skilled worker (provisional) of the relevant trade division. Section 39(3) of CWRO provides that section 39(1)(b) and (d) each expires on a day or days to be appointed by the Secretary for Development ("SDEV") by notice published in the Gazette.

3. According to the Administration,<sup>1</sup> the total number of registered semi-skilled workers (provisional) and registered skilled workers (provisional) ("registered semi-skilled/skilled workers (provisional)") has been declining from about 18 000 in December 2007 to about 1 200 in December 2017, showing that most of the experienced workers in active service should have already been registered as registered semi-skilled workers and registered skilled workers ("registered semi-skilled/skilled workers"). Therefore, the Administration considers that the transitional arrangement, which is intended to be an interim measure, is no longer necessary. After the cessation of provisional registration, construction workers can register as registered semi-skilled/skilled workers if they pass the relevant trade tests or hold other qualifications specified by CWRO.

### **Construction Workers Registration Ordinance (Expiry of Section 39(1)(b) and (d)) Notice**

4. Against the above background, SDEV has made the Construction Workers Registration Ordinance (Expiry of Section 39(1)(b) and (d)) Notice ("the Notice") to appoint 1 July 2019 as the day on which section 39(1)(b) and (d) of CWRO expires ("the expiry date") in order to terminate the arrangement for provisional registration.

5. The Notice was gazetted on 4 May 2018 and tabled before the Legislative Council at its meeting of 9 May 2018 for negative vetting.

### **The Subcommittee**

6. At the meeting of the House Committee on 11 May 2018, Members agreed to form a subcommittee to study the Notice. Hon HO Kai-ming was elected as the Chairman of the Subcommittee. The Subcommittee has held one meeting with the Administration to scrutinize the Notice. The membership list of the Subcommittee is in the **Appendix**.

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<sup>1</sup> Source: Legislative Council Brief on the Notice ([File Ref: DEVB\(CR\)\(W\)1-10/31](#))

## **Deliberations of the Subcommittee**

7. The Subcommittee generally supports the Notice, and notes that a consensus on the cessation of provisional registration has been reached among the stakeholders in the construction industry including the labour unions. In the course of deliberations, the Subcommittee has examined issues including the timetable for the cessation of provisional registration; and means to notify construction workers and registered semi-skilled/skilled workers (provisional) of the cessation. The Subcommittee's deliberations are set out in the ensuing paragraphs.

### Timetable for the cessation of provisional registration

8. The Subcommittee has discussed whether it is necessary to slightly defer the expiry date, so as to minimize impact on the workers in active service.

9. The Administration indicates that, since the commencement of the "designated workers for designated skills" registration system under CWRO in 2005, the Construction Industry Council ("CIC") has promoted the need and benefits of registration under CWRO in enhancing the quality of construction works and career status of construction workers. Over the years, most of the experienced workers in active service have already been registered as registered semi-skilled/skilled workers. Furthermore, with a period of slightly more than 12 months before the expiry date, the Administration considers that the proposed cessation of provisional registration would have little impact on the workers in active service. Before the expiry date, eligible workers with relevant skill works experience may still apply for registration as semi-skilled/skilled workers (provisional) under CWRO. Registered semi-skilled/skilled workers (provisional) may, within the three-year valid period of their provisional registrations, apply for registration as registered semi-skilled/skilled workers after passing the relevant trade tests or obtaining the relevant certifications for their respective skills specified by CWRO.

### Means to notify construction workers of the cessation of provisional registration

10. The Subcommittee notes that CIC has been publicizing the cessation of provisional registration through various means, including leaflets, posters, advertisements and electronic messages. Contractors, subcontractors, trade associations and labour unions have also been urged to remind eligible workers to seek provisional registration.

11. On the suggestion of the Subcommittee, the Administration has undertaken to send messages through mobile phone short message services to relevant construction workers to remind them about the cessation of provisional registration.

Means to notify registered semi-skilled/skilled workers (provisional) of the cessation of provisional registration

12. The Subcommittee has expressed concerns about the registration status of the existing 1 200 registered semi-skilled/skilled workers (provisional) (as in December 2017), given that their provisional registrations are normally valid only for three years and not renewable.

13. According to the Administration, while provisional registration is meant for a transitional arrangement, CIC has kept encouraging those registered semi-skilled/skilled workers (provisional) to complete the relevant trade tests or obtain certifications for their respective skills specified by CWRO to seek registration as registered semi-skilled/skilled workers earlier. Yet, it is understood that some workers, especially those mainly engaged in small-scale construction works such as home decorations, minor refurbishments, etc. who do not normally carry out construction work on construction sites, may not be very keen to seek registration as registered semi-skilled/skilled workers under CWRO. In this regard, the Administration and CIC have planned to step up efforts in promoting registration among workers engaging in small-scale construction works.

14. On the advice of the Subcommittee, the Administration has undertaken to send letters to those existing registered semi-skilled/skilled workers (provisional) to draw their attention to the cessation of provisional registration and to ascertain whether they intend to apply for registration as registered semi-skilled/skilled workers, and to call on them to encourage other eligible workers to register early.

**Recommendation**

15. The Subcommittee has completed scrutiny of the Notice and will not propose amendments to the Notice. The Chairman of the Subcommittee has made a verbal report on the deliberations of the Subcommittee at the House Committee meeting on 25 May 2018.

**Advice sought**

16. Members are invited to note the deliberations of the Subcommittee as set out above.

Council Business Division 1  
Legislative Council Secretariat  
28 May 2018

**Subcommittee on Construction Workers Registration Ordinance  
(Expiry of Section 39(1)(b) and (d)) Notice**

**Membership list**

**Chairman**                      Hon HO Kai-ming

**Members**                      Hon Abraham SHEK Lai-him, GBS, JP  
Dr Hon CHIANG Lai-wan, JP  
Ir Dr Hon LO Wai-kwok, SBS, MH, JP

(Total : 4 members)

**Clerk**                              Ms Doris LO

**Legal Adviser**                Miss Rachel DAI