

Impact Assessment of the proposed Construction Workers Registration System on serving construction workers in the industry

The Proposal

1. To recapitulate the proposal, a mandatory Registration System for construction site workers is proposed to be implemented by way of legislation. Based on the categorization of skill levels of workers widely accepted by the construction industry, workers would be registered for individual trade under one of the three categories according to their skill levels as a skilled worker or a semi-skilled worker, or as a general worker. Skilled and semi-skilled workers are required to pass the relevant trade tests and intermediate trade tests respectively conducted by the Construction Industry Training Authority (CITA) and the Vocational Training Council (VTC), or possess other equivalent qualification eligible for registration. As a pre-requisite for registration, all workers should hold a valid certificate of completion of basic safety training (green card).

Possible Impacts

2. Prior to law drafting, the possible impacts on serving construction workers were examined and it was considered that there would be no adverse impacts on the workers. Most importantly, implementation of the Registration would not force any existing worker out of job or affect their wages. In response to the concerns raised by some LegCo members at the Panel meeting held on 3 October 2002, a special meeting was convened on 18 October 2002 with key players of the construction industry including representatives from the relevant trade associations (Hong Kong Construction Association and Hong Kong E&M Contractors' Association), trade unions (Hong Kong Construction Industry Employees General Union, Federation of Hong Kong Electrical & Mechanical Industries Trade Unions and Construction Site Workers General Union) and training institute (CITA) to further assess the possible impacts on serving workers. The conclusions drawn at the meeting further substantiate our previous observations as follows:

(a) Job Security

The mandatory Registration System would only provide registered construction workers an objective certification of their skill levels and thus, would not affect their present employment if they are engaged to carry out construction work relevant to the skill levels and trades they are registered. This is in fact the intent of implementing the proposed Registration System to ensure the quality of construction works. Those who have yet to attain the skill level expected from their work could still be engaged as provisional skilled/ semi-skilled workers or general workers.

(b) **Salary Level**

The proposed Registration would not affect the wages of construction workers as wage level is essentially market driven and affected by the supply and demand of workers in the construction industry. With the Registration in place, registered workers would have their skill levels certified, which could be an objective reference for the employers to pay them market wages corresponding to their skill levels and trades.

(c) **Employment Related Benefits**

Not only the existing employment related benefits of the workers would be unaffected, the proposed Registration would help protect the interests of workers. Since more reliable site attendance records would be available with the implementation of the proposed Registration System, such records would be useful in confirming the attendance of a registered worker in case of insurance claims or wage disputes.

Measures to safeguard their interests

3. Since some existing workers may not have the requisite qualifications to register as skilled or semi-skilled workers when the Registration comes into operation, there would be one-off transitional and exemption arrangements for the workers to continue to work on site. A transitional period of 3 years would be allowed for the provisionally registered workers to upgrade and prepare themselves for passing the respective trade tests. Moreover, to reduce the burden of the workers in paying various fees pertinent to working on construction site, registration and renewal fees would be charged at a level which the workers can afford.

4. As regards the concern on the difficulty that would face the workers in obtaining certification on their past experience, members at the above meeting considered that it should not be a real problem if they had genuinely been working in the construction industry for such a period as they could obtain the requisite certification from their past employers, the relevant trade associations or trade unions. ETWB is exploring with the Law Draftsman further viable means to facilitate the workers in having their past experience certified.
