

立法會
Legislative Council

LC Paper No. CB(1)903/03-04
(These minutes have been seen
by the Administration)

Ref: CB1/BC/6/02

**Bills Committee on
Construction Workers Registration Bill**

**Fourth meeting on
Monday, 5 January 2004, at 5:30 pm
in Conference Room A of the Legislative Council Building**

- Members present** : Hon CHAN Kwok-keung, JP (Chairman)
Ir Dr Hon Raymond HO Chung-tai, JP
Hon LEE Cheuk-yan
Hon LI Fung-ying, JP
Hon LEUNG Fu-wah, MH, JP
- Members absent** : Hon Cyd HO Sau-lan
Hon CHAN Yuen-han, JP
Hon LEUNG Yiu-chung
Hon Andrew CHENG Kar-foo
Hon Abraham SHEK Lai-him, JP
Hon LAU Ping-cheung
- Public Officers attending** : Environment, Transport and Works Bureau

Mr W S CHAN
Deputy Secretary for the Environment, Transport and
Works (Works)

Mr Helius K M NG
Principal Assistant Secretary for the Environment,
Transport and Works (Works)

Mr S Y LAM
Acting Chief Assistant Secretary for the Environment,
Transport and Works (Works)

Department of Justice

Mr Lawrence S Y PENG
Deputy Principal Government Counsel

Miss Selina LAU
Government Counsel

Clerk in attendance : Mr Andy LAU
Chief Council Secretary (1)2

Staff in attendance : Miss Anita HO
Assistant Legal Adviser 2

Ms Alice AU
Senior Council Secretary (1)5

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I Confirmation of minutes of meeting and matters arising

(LC Paper No. CB(1)675/03-04 - Minutes of meeting held on 13 November 2003)

1. The minutes of meeting held on 13 November 2003 were confirmed.

II Meeting with the Administration

(LC Paper No. CB(1)677/03-04(01) - Second Report to the Bills Committee on the Qualifying Period for Senior Workers provided by the Administration)

2. The Bills Committee deliberated (Index of proceedings attached at **Annex A**).

3. Members noted that after further consultation with major stakeholders of the construction industry under the Preparatory Working Group on the Implementation of a Registration System for Construction Workers, the Administration now recommended a qualifying period of eight years for senior workers to be exempted from trade tests and obtain registration as "skilled workers" (LC Paper No. CB(1)677/03-04(01)). However, there were still divergent views between trade associations and workers unions with each side maintaining that the qualifying period should be ten years and six years respectively. Some members considered that more lobbying efforts should be made with a view to narrowing down their differences on the exemption requirement. The Chairman said that the Bills Committee would

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further consider the Administration's proposal at a later meeting.

4. The Administration was requested to take follow-up actions on the following:
 - (a) to consider amending clause 7 of the Bill to the effect that members of the Construction Workers Registration Authority (the Authority) would be appointed by the Chief Executive, instead of by the Secretary for the Environment, Transport and Works (the Secretary), so as to bring it in line with the arrangement adopted for similar organizations such as the Construction Industry Training Authority, the Vocational Training Council and the Occupational Safety and Health Council; and
 - (b) to consider amending clause 20 of the Bill to the effect that the rate of levy would be prescribed by a resolution of the Legislative Council (i.e. subject to the positive vetting procedure), instead of by a notice made by the Secretary (i.e. subject to the negative vetting procedure), so as to bring it in line with section 22 of the Industrial Training (Construction Industry) Ordinance (Cap. 317).

5. As regards the membership of the Authority, members noted that in line with the Government's "6-year rule", members of the Authority would be appointed for a term of not exceeding three years and would be re-appointed for not more than once.

III Any other business

6. Members agreed that the next meeting would be held on 11 February 2004, at 8:30 am.

7. There being no other business, the meeting ended at 6:35 pm.

Council Business Division 1
Legislative Council Secretariat
30 January 2004

**Proceedings of fourth meeting of the
Bills Committee on Construction Workers Registration Bill
on Monday, 5 January 2004, at 5:30 pm
in Conference Room A of the Legislative Council Building**

| Time marker | Speaker | Subject(s) | Action required |
|---|---------------------------------------|---|------------------------|
| <i>Agenda Item I – Confirmation of minutes of meeting and matters arising</i> | | | |
| 000000 – 000109 | Chairman | - Confirmation of minutes of the meeting held on 13 November 2003 [LC Paper No. CB(1)675/03-04] | |
| <i>Agenda Item II – Meeting with the Administration</i> | | | |
| 000110 – 001115 | Admin Ms LI Fung-ying Chairman | <ul style="list-style-type: none"> - Admin's latest proposal on the qualifying period for senior workers after further consultation with major stakeholders of the construction industry - Stance of the workers' unions that the qualifying period should not be more stringent than the exemption requirement under the registration of electrical workers previously as there was more safety implication in electrical operations than construction works - Concern about the changing attitudes of some trade associations which insisted that ten years should be adopted under the present registration of construction workers while they had previously supported the 6-year exemption requirement under the registration of electrical workers - Different considerations by the Administration in determining the qualifying period under the present proposal and the previous registration of electrical workers, taking into account the level of supply of skilled workers in the electrical and construction industries who had already passed the relevant trade tests | |
| 001116 – 003439 | Mr LEE Cheuk-yan Admin Chairman | - Implication of adopting an exemption requirement of eight years under the registration of construction workers on the | |

| Time marker | Speaker | Subject(s) | Action required |
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| | | <p>proposed qualifications framework to be developed in Hong Kong</p> <ul style="list-style-type: none"> - Admin's stance that exemption requirement should be determined on a case-by-case basis taking into account actual circumstances - Concern about the impact of a more stringent exemption requirement on the salary level of incumbent senior workers, as well as the difficulty felt by workers in passing trade tests - Measures to facilitate workers to take and prepare for the trade tests - Admin's stance that the proposed 8-year exemption requirement was a reasonable compromise between ensuring the skill level of the exempted workers and protecting the interest of trade-tested workers while addressing the concerns of senior workers - Alternative proposals from members on the exemption requirement: <ul style="list-style-type: none"> (a) exemption be granted to workers who possessed six years of experience and had completed relevant training courses for "skilled workers"; or (b) different exemption requirements for different designated trades to reflect the different level of skills required - Administration's stance that the alternative proposals were not feasible. On (a), training alone could not make up for the experience acquired by construction workers in day-to-day work. On (b), it would be impossible to draw up different exemption requirements for different designated trades - Continuous lobbying efforts to narrow down the difference between trade associations and workers unions on the exemption requirement | |
| 003440 – 004307 | Chairman Admin | - Positive vetting procedure be adopted for the rate of levy under | Admin to consider |

| Time marker | Speaker | Subject(s) | Action required |
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| | ALA Mr LEE Cheuk-yan Ir Dr Raymond HO | clause 20 of the Bill so as to bring it in line with section 22 of Cap. 317 | |
| 004308 – 004718 | Chairman Admin Ir Dr Raymond HO ALA | - Members of the Construction Workers Registration Authority be appointed by the Chief Executive so as to bring it in line with the arrangement adopted for similar organizations | Admin to consider |
| 004719 – 005311 | Chairman Admin ALA | - "6-year rule" to apply to the appointment of membership of the Authority | |
| <i>Agenda Item III – Any other business</i> | | | |
| 004945 – 005312 | Chairman | - Next meeting to be held on 11 February 2004, at 8:30 am | |