

**立法會**  
**Legislative Council**

LC Paper No. CB(1)1100/03-04  
(These minutes have been seen  
by the Administration)

Ref: CB1/BC/6/02

**Bills Committee on  
Construction Workers Registration Bill**

**Fifth meeting on  
Wednesday, 11 February 2004, at 8:30 am  
in Conference Room B 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 CHAN Yuen-han, JP  
Hon Andrew CHENG Kar-foo  
Hon Abraham SHEK Lai-him, JP  
Hon LI Fung-ying, JP  
Hon LEUNG Fu-wah, MH, JP

**Members absent** : Hon Cyd HO Sau-lan  
Hon LEUNG Yiu-chung  
Hon LAU Ping-cheung

**Public Officers  
attending** : Mr W S CHAN  
Deputy Secretary for the Environment, Transport and  
Works (Works)

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

Mr Lawrence S Y PENG  
Deputy Principal Government Counsel  
Department of Justice

Ms Selina LAU  
Government Counsel  
Department of Justice

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

**Staff in attendance** : Miss Monna LAI  
Assistant Legal Adviser 7

Ms Alice AU  
Senior Council Secretary (1)5

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Action

**I Confirmation of minutes of meeting and matters arising**

(LC Paper No. CB(1)903/03-04 - Minutes of meeting held on 5 January 2004)

1. The minutes of meeting held on 5 January 2004 were confirmed.

**II Meeting with the Administration**

(LC Paper No. CB(1)904/03-04(01) - The Administration's response to matters raised by the Bills Committee at the fourth meeting on 5 January 2004;

LC Paper No. CB(3)464/02-03 - The Bill;

LC Paper No. CB(1)1805/02-03(01) - Letter dated 21 May 2003 from Assistant Legal Adviser to the Administration; and

LC Paper No. CB(1)1805/02-03(02) - The Administration's reply dated 27 May 2003 to the Assistant Legal Adviser)

2. The Bills Committee deliberated and proceeded to clause-by-clause examination of the Bill (index of proceedings attached at **Annex A**).

3. The Chairman recapped that at the last Bills Committee meeting held on 5 January 2004, members were informed that further consultation had been held with the major stakeholders of the construction industry on the qualifying period for senior workers. While there were still divergent views between trade associations and workers unions, the Administration's present proposal was to adopt a qualifying period of eight years for senior workers to be registered as "skilled workers (transitional)". The Bills Committee noted the Administration's intention to provide the relevant

Action

Committee Stage amendments for members' consideration.

**III Any other business**

4. Members agreed that the next meeting would be held on 1 March 2004, at 8:30 am, to continue clause-by-clause examination of the Bill.

5. There being no other business, the meeting ended at 10:25 am.

Council Business Division 1  
Legislative Council Secretariat  
25 February 2004

**Proceedings of the fifth meeting of the Bills Committee on  
Construction Workers Registration Bill  
Wednesday, 11 February 2004, at 8:30 am  
in Conference Room B of the Legislative Council Building**

<b>Time Marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action required</b>
<i>Agenda Item I – Confirmation of minutes of meeting and matters arising</i>			
000000 – 000208	Chairman	- Confirmation of minutes of the meeting held on 5 January 2004 [LC Paper No. CB(1)903/03-04]	
<i>Agenda Item II – Meeting with the Administration</i>			
000209-002107	Chairman Administration ALA7 Mr LEUNG Fu-wah Mr Abraham SHEK	<ul style="list-style-type: none"> <li>- Recap of the development of the issue on qualifying period of senior workers to be registered as "skilled workers (transitional)" at the last Bills Committee meeting and Administration's intention to provide the relevant Committee Stage amendments (CSAs) for members' consideration</li> <li>- Administration's response to matters raised by members at the last Bills Committee meeting in respect of:               <ul style="list-style-type: none"> <li>(a) appointment of members to the Construction Workers Registration Authority; and</li> <li>(b) procedure for amending the rate of levy</li> </ul>               [LC Paper No. CB(1)904/03-04(01)]             </li> <li>- General principles and guidelines for determining whether members of statutory boards and committees should be appointed by the Chief Executive or the responsible Director of Bureau</li> </ul>	Administration to provide CSAs
002108-002228	Chairman Administration ALA7	<p>Clause-by-clause examination of the Bill for both the Chinese and English versions of the text [LC Paper Nos. CB(3)464/02-03; CB(1)1805/02-03(01) and (02)]</p> <p><u>Long title</u></p> <p><u>Clause 1 - Commencement</u> Administration's intention to bring different parts of the Bill, if enacted, into operation upon gazettal of relevant commencement notices by the Secretary for the Environment, Transport and Works</p>	

Time Marker	Speaker	Subject(s)	Action required
002229-004051	Administration ALA7 Chairman Mr LEUNG Fu-wah Ir Dr Raymond HO	<p><u>Clause 2 - Proposed definition of "construction work" and "construction site"</u></p> <p>(a) Scope of "construction work" intended to be regulated under the Bill. Broadly speaking, decorative and minor maintenance works involving no structural changes and/or services would not be covered, except for those maintenance works carried out under a term contract in relation to a public body or a specified body.</p> <p>(b) Ir Dr Raymond HO's view that taking into account the increasing public expectation on construction safety, the scope of the proposed registration system might need to be expanded to align with Administration's other on-going initiatives (e.g. the registration system for subcontractors and the proposal to strengthen the control over window installation works) so as to improve the standards of the construction industry</p> <p>(c) Administration's plan was to consider expanding the registration to cover other construction personnel including decorative and minor maintenance workers, after reviewing the experience from the operation of the proposed registration system and conducting further consultation in the community</p> <p>(d) Different meanings of "construction work" (as defined in clause 2 for the general purpose of the Bill) and "construction works" (in relation to levy under Part 4 of the Bill which made reference to various provisions of the Industrial Training (Construction Industry) Ordinance (Cap. 317))</p> <p>(e) Administration to keep in view the need to amend the definition of "construction works" under Part 4 of the Bill taking into account the forthcoming Construction Industry Council Bill which sought to, <i>inter alia</i>, repeal Cap. 317</p>	Administration to keep in view

Time Marker	Speaker	Subject(s)	Action required
004052-004324	Administration Chairman ALA7 Mr LEUNG Fu-wah	<u>Clause 2 - Proposed definition of "subcontractors"</u> Administration to move CSAs to amend the definition of "subcontractors" so that all layers of subcontractors would be covered	Administration to provide CSAs
004325-010945	Administration Chairman ALA7 Mr LEUNG Fu-wah Mr LEE Cheuk-yan	<u>Clause 3 - Prohibitions against unregistered workers</u> (a) Administration's intention to bring this Part of the Bill into operation at least one year after its enactment (b) Different categories of registered skilled workers (to be further considered in relation to Part 5 of the Bill) (c) Requirements and offences relating to registration cards, as well as safeguards against abusive use of registration cards (to be further considered in relation to clauses 45 and 46) (d) Administration's proposal to accept and process, within eight months' after the enactment of clause 3, applications of construction workers for registration under the exemption arrangement as "registered skilled workers (transitional)". According to agreement reached with workers' unions, applications for registration will be accepted by four stages according to the month of birth of qualified persons. A further period of two to three months would be allowed for registration after the lapse of the initial registration period. (e) Members' concerns about the ways to facilitate the registration of workers in respect of the phasing of registration, the launching of publicity and the process for handling late applications (f) Administration's assurance that if the registration requirement was to be extended to cover other construction personnel (such as workers engaging in decorative works) at a later stage, a separate exercise with new registration arrangements would be conducted	

Time Marker	Speaker	Subject(s)	Action required
		after full consultation with major stakeholders of the construction industry	
010946-012419	Ms LI Fung-ying Administration Chairman Mr LEUNG Fu-wah ALA7	<p><u>Clause 3 - Scope of registration</u></p> <p>(a) Members' concern that by adopting a piece-meal approach to regulate only those workers on construction sites, the Bill would fail to achieve the desired objective of improving the standards of the construction industry. They opined that the proposed registration system should be considered in the context of Administration's other on-going and planned legislation initiatives to improve the standards of the construction industry.</p> <p>(b) Administration's explanation that as the first step, the proposed registration system sought to formalize the existing licensing requirements for various trades of the construction industry. As the next step, Administration's plan was to consider expanding the registration to cover other construction personnel including decorative and minor maintenance workers.</p> <p>(c) Administration's explanation that for lift workers whose names were found in the list of competent workers endorsed by the Regulating Authority, they would be qualified for registration in the trade. Such workers would be required to be registered in their personal capacity if they were to carry out construction work on construction site.</p>	
012420-013248	Mr LEE Cheuk-yan Administration Chairman ALA7	<p><u>Clause 3 - Implementation of prohibitions</u></p> <p>(a) Specific cut-off date in the calculation of years of experience for senior workers to be registered as "skilled workers (transitional)"</p> <p>(b) Launching of and funding for publicity campaigns</p> <p>(c) Mr LEE Cheuk-yan's concern that a separate provision might be required to expressly provide that</p>	

Time Marker	Speaker	Subject(s)	Action required
		<p>Part 2 of the Bill would be effected at a different date from other parts of the Bill</p> <p>(d) Administration's explanation that according to section 20 of the Interpretation and General Clauses Ordinance (Cap. 1), the drafting of clause 1(2) already allowed for separate commencement of different provisions of the Bill upon gazettal of relevant commencement notices</p>	
013249-013512	Miss CHAN Yuen-han Administration	<p><u>Clause 3 - Registration of "skilled workers (transitional)"</u></p> <p>Recognition of working experience of senior workers to be registered as "skilled workers (transitional)"</p>	
013513-015030	Administration ALA7 Chairman Mr LEE Cheuk-yan	<p><u>Clause 4 - Exemptions from prohibitions</u></p> <p>Restriction on the number of registered construction workers that a registered skilled/semi-skilled worker could supervise on a construction site</p> <p><u>Clause 5 - Prohibition against employment of unregistered workers</u></p> <p><u>Clause 6 - Offences</u></p> <p>(a) Defence under clause 6(3) (to be further considered in relation to clauses 46 and 59)</p> <p>(b) Use of smart identity card, registration card and green card</p>	
<i>Agenda Item III – Any other business</i>			
015031-015500	Chairman Clerk Miss CHAN Yuen-han	- Next meeting to be held on 1 March 2004, at 8:30 am to continue clause-by-clause examination	