

**立法會**  
**Legislative Council**

LC Paper No. CB(1)1436/03-04  
(These minutes have been seen  
by the Administration)

Ref: CB1/BC/6/02

**Bills Committee on  
Construction Workers Registration Bill**

**Seventh meeting on  
Monday, 22 March 2004, at 2:30 pm  
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 LEUNG Yiu-chung  
Hon Abraham SHEK Lai-him, JP  
Hon LEUNG Fu-wah, MH, JP  
Hon LAU Ping-cheung
- Members absent** : Hon Cyd HO Sau-lan  
Hon Andrew CHENG Kar-foo  
Hon LI Fung-ying, JP
- Public Officers attending** : 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)
- Mr Lawrence S Y PENG  
Deputy Principal Government Counsel  
Department of Justice

Ms Selina LAU  
Government Counsel  
Department of Justice

**Clerk in attendance** : Ms Alice AU  
Senior Council Secretary (1)5

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

Mr Anthony CHU  
Council Secretary (1)2

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Action

**I Confirmation of minutes of meeting and matters arising**  
(LC Paper No. CB(1)1269/03-04 - Minutes of meeting held on 1 March 2004)

The minutes of meeting held on 1 March 2004 were confirmed.

**II Meeting with the Administration**  
(LC Paper No. CB(1)1287/03-04(01) - The Administration's response to matters raised by the Bills Committee at the sixth meeting on 1 March 2004;  
LC Paper No. CB(1)1287/03-04(02) - Draft Committee Stage amendments proposed by the Administration;  
Updated version of LC Paper No. CB(1)1171/03-04(01) - Marked-up copy of the Bill prepared by the Administration;  
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 (Index of proceedings attached at **Annex A**).

3. The Bills Committee took note of the Administration's response to the comments made by members at the last meeting on 1 March 2004 (LC Paper No. CB(1)1287/03-04(01)), and agreed to the Administration's proposals in relation to the following matters:

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- (a) Representatives of the Construction Workers Registration Authority (the Authority) from trade unions (item 1.1);
- (b) Representative of the Authority from developers association (item 1.2);
- (c) Representatives of the Authority from professional bodies (item 1.3);
- (d) Complaints Committee (item 2);
- (e) Ascertaining the registration of a person (item 3.1); and
- (f) Application for registration (item 3.2).

Admin

The Administration was requested to prepare the relevant draft Committee Stage amendments for members' timely consideration.

4. Regarding the composition of the Authority, Ir Dr Raymond HO relayed the general concern of professional bodies that for clarity's sake, the names of relevant professional bodies should be specified for such appointments connected with professional bodies of the construction and building industry. But in view of some members' comments about the need to avoid making specific references in the Bill and considering the purpose of the Bill, he would not object to the Administration's present proposal. Nonetheless, he stressed that the Administration must not use this as a precedent to refuse specifying the names of relevant professional bodies in future Bills, specifically the Construction Industry Council Bill which had been introduced to the Council. The Administration would bring back Ir Dr HO's view for further consideration.

Admin

5. Referring to the Administration's response in relation to the time for payment of prescribed registration fee (item 3.3), the Chairman maintained that it was a matter of fairness to those workers who were required to pay the registration fee earlier than others due to the proposed phased submission of applications. The Administration should consider either extending the expiry date of the first registration of "early birds" or waiving part of their first registration fee. The Administration agreed to give further consideration and revert to the Bills Committee on this matter.

6. The Bills Committee noted the following papers which were tabled at the meeting (and subsequently issued to members vide LC Paper No. CB(1)1365/03-04):

- (a) letter dated 20 March 2004 from Ms LI Fung-ying who was unavailable to attend the meeting; and
- (b) letter dated 20 March 2004 from the Assistant Legal Adviser to the Administration setting out her comments on the draft Committee Stage amendments proposed by the Administration.

7. The Chairman relayed Ms LI Fung-ying's enquiry about the registration of persons who were holders of single entry permits under clause 37. The

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Administration confirmed that such persons were eligible for registration under the proposed system.

8. Mr LEUNG Fu-wah relayed Ms LI Fung-ying's stance that six years, instead of eight years as proposed by the Administration, should be adopted as the qualifying period for senior workers to be registered as "skilled workers (transitional)" under the Bill. If the Bills Committee had no consensus view on this matter, she would consider moving her own Committee Stage amendments when the Bill resumed second reading debate.

Admin 9. Both the Chairman and Ms CHAN Yuen-han were strongly of the view that six years should be adopted as the qualifying period. Mr Abraham SHEK said that the view of the trade associations should also be considered. After deliberation, the Administration was requested to give further consideration on this matter and to ascertain the stance of trade associations on the six-year proposal from some members.

**III Any other business**

10. Members agreed that the next meeting would be held on 7 April 2004, at 10:45 am, to continue clause-by-clause examination of the Bill.

11. There being no other business, the meeting ended at 4:00 pm.

Council Business Division 1  
Legislative Council Secretariat  
2 April 2004

**Proceedings of the seventh meeting of the Bills Committee on  
Construction Workers Registration Bill  
Monday, 22 March 2004, at 2:30 pm  
in Conference Room B 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 – 000137	Chairman	Confirmation of minutes of the meeting held on 1 March 2004 [LC Paper No. CB(1)1269/03-04]	
<i>Agenda Item II – Meeting with the Administration</i>			
000138 – 002447	Administration Chairman Mr LEUNG Fu-wah Mr Abraham SHEK Ir Dr Raymond HO	The Administration's response to matters raised by members at the last meeting [LC Paper No. CB(1)1287/03-04(01)]  <u>Item 1 - Composition of the Construction Workers Registration Authority (the Authority)</u> - Reference to representatives from "trade unions" in clauses 7(3)(b)(v), 12(b)(v), 16(2)(f) - Reference to the representative from developers association in clause 7(3)(b)(vi) - Specifying the number of representatives from professional bodies in a new clause and corresponding amendments to clause 7(3)(b)(viii) and other provisions of the Bill	The Administration to provide draft Committee Stage amendments (CSAs) to the relevant provisions as agreed with the Bills Committee
002448 – 003740	Administration Mr LEUNG Fu-wah Chairman	<u>Item 2 - Proposed complaints mechanism</u> - The Administration to withdraw the relevant provisions on complaints against the level of competence of registered construction workers	The Administration to provide draft CSAs to the relevant provisions as agreed with the Bills Committee
003741 – 005822	Administration Chairman Mr LEUNG Fu-wah	<u>Item 3 - Register of Construction workers</u> - Ascertaining the registration of a person - Application for registration - Time for payment of prescribed registration fee - The Chairman's strong view that it is unfair for those workers who are required to pay the registration fee earlier than other workers due to the proposed phased submission of applications.	The Administration to further consider how best to ensure fair treatment to the "early birds"

Time marker	Speaker	Subject(s)	Action required
005823 – 012134	Chairman Mr LEUNG Fu-wah Administration Mr Abraham SHEK Ms CHAN Yuen-han	<p><u>Letter from Ms LI Fung-ying</u> [LC Paper No. CB(1)1365/03-04(01)]</p> <ul style="list-style-type: none"> <li>- Registration of persons who are holders of single entry permits</li> <li>- Qualifying period of senior workers to be registered as "skilled workers (transitional)"</li> <li>- Ms LI Fung-ying's intention to move CSAs to adopt six years as the qualifying period</li> <li>- The Administration's explanation on its proposal to adopt eight years, instead of 10 years as proposed in the Bill, as the qualifying period</li> <li>- The Chairman's strong view that the present Bill should adopt the same exemption requirement of six years as the registration of electrical workers. He was gravely dissatisfied that the Hong Kong Special Administrative Region Government had sought to impose a more stringent exemption requirement on the construction workers, especially under the present economic conditions as it was not conducive to social harmony.</li> <li>- Ms CHAN Yuen-han's strong opposition to the Administration's proposal of adopting eight years as the qualifying period. She considered that notwithstanding the support of some worker unions for a 10-year qualifying period previously, the situation had changed. The Administration's move to adopt a more stringent grandfathering requirement than the registration of electrical workers would add to the grievances and hardship felt by the workers under the prevailing economic conditions.</li> </ul>	The Administration to ascertain the view of the trade associations, in particular the real estate developers, on adopting six years as the qualifying period and to further consider the members' view
<i>Agenda Item III – Any other business</i>			
012135 – 012409	Chairman	- Next meeting to be held on 7 April 2004, at 10:45 am to continue clause-by-clause examination of the Bill	