

立法會
Legislative Council

LC Paper No. CB(1)1619/03-04
(These minutes have been seen
by the Administration)

Ref: CB1/BC/6/02

**Bills Committee on
Construction Workers Registration Bill**

**Eighth meeting on
Wednesday, 7 April 2004, at 10:45 am
in Conference Room B of the Legislative Council Building**

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

Action

I Confirmation of minutes of meeting and matters arising

(LC Paper No. CB(1)1436/03-04 - Minutes of meeting held on 22 March 2004)

The minutes of meeting held on 22 March 2004 were confirmed.

II Meeting with the Administration

(LC Paper No. CB(1)1437/03-04(01) - The Administration's response to matters raised by the Bills Committee at the seventh meeting on 22 March 2004;

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

LC Paper No. CB(1)1437/03-04(02) - Draft Committee Stage amendments proposed by the Administration;

LC Paper No. CB(1)1437/03-04(03) - Marked-up copy of the Bill prepared by the Administration;

LC Paper No. CB(1)1126/03-04(01) - The Administration's report on proposed Committee Stage amendments to the Bill;

LC Paper No. CB(1)1469/03-04(01) - Letter dated 2 April 2004 from the Assistant Legal Adviser to the Administration setting out her comments on the draft Committee Stage amendments proposed by the Administration;

LC Paper No. CB(1)1365/03-04(02) - 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;

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

Action

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 held on 22 March 2004 (LC Paper No. CB(1)1437/03-04(01)).

4. At the invitation of the Chairman, the Assistant Legal Adviser confirmed that the draft Committee Stage amendments (CSAs) proposed by the Administration vide LC Paper No. CB(1)1437/03-04(02) had addressed the comments raised in her letter dated 20 March 2004 to the Administration (LC Paper No. CB(1)1365/03-04(02)). As regards the point raised in her letter dated 2 April 2004 (LC Paper No. CB(1)1469/03-04(01)) on the scrutiny period of subsidiary legislation under clause 19(5)(a), the Administration still needed time to resolve the matter and provide the relevant draft CSAs for members' consideration.

Admin

5. The Bills Committee continued clause-by-clause examination of the Bill from clause 37 onwards. Members requested the Administration to consider and provide further information on the following issues to facilitate their consideration of the Bill:

- (a) revert on the requirement of "not more than 42 months" under clause 42(2)(b) in relation to the renewal of registration of a person who was not a Hong Kong permanent resident;
- (b) clarify the meaning of the expression "在該日期前" in the Chinese text of clause 42(6)(c);
- (c) provide further information on the following issues in relation to the renewal of registration under clause 42:
 - (i) how did the requirement specified under clause 42(7), i.e. workers must attend and complete the applicable development courses during the period of 1 year immediately before the date of application for renewal of registration, compare with the existing requirement under the Green card system specified in section 6BA(2) of the Factories and Industrial Undertakings Ordinance (Cap. 59);
 - (ii) the arrangements for handling applications for renewal of registration by workers who had yet to attend and complete the required development courses; and
 - (iii) the existing arrangements under various registration systems for handling an application for renewal of registration after the

Action

prescribed period from a person who obtained his first registration through grandfathering arrangement;

- (d) written information on the kinds of documentary proof to be accepted by the Registrar for the purpose of ascertaining the years of experience of a worker applying for registration, as agreed between the trade associations and workers unions during previous discussions at a special meeting of the "Preparatory Working Group on the Implementation of a Registration System for Construction Workers"; and
- (e) report on its further consultation with trade associations on the qualifying period for senior workers to be registered as "skilled workers (transitional)".

III Any other business

- 6. Members agreed that the next meeting would be held on 29 April 2004, at 4:30 pm, to continue clause-by-clause examination of the Bill.
- 7. There being no other business, the meeting ended at 12:35 pm.

Council Business Division 1
Legislative Council Secretariat
26 April 2004

**Proceedings of the eighth meeting of the Bills Committee on
Construction Workers Registration Bill
Wednesday, 7 April 2004, at 10:45 am
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 – 000109	Chairman	- Confirmation of minutes of the meeting held on 22 March 2004 [LC Paper No. CB(1)1436/03-04]	
<i>Agenda Item II – Meeting with the Administration</i>			
000110 – 000422	Administration	The Administration's response to matters raised by members at the last meeting [LC Paper No. CB(1)1437/03-04(01)] - The Administration's explanation that the arrangements to waive a proportional amount of the first registration fee of workers depending on the time of registration would be specified under the subsidiary legislation to be made in relation to the Construction Workers Registration Authority (the Authority)	The Administration to follow up
000423 – 000550	Chairman ALA7	ALA's comments on the draft Committee Stage amendments (CSAs) provided by the Administration [LC Paper Nos. CB(1)1437/03-04(02), CB(1)1365/03-04(02) and CB(1)1469/03-04(01)]	The Administration to revert on the scrutiny period of subsidiary legislation under clause 19(5)(a) and provide relevant CSAs
000551 – 001759	Administration Chairman Ms LI Fung-ying ALA7	<u>Clause 37 - Qualifications for registration</u> <u>Clause 38 - Acceptance and rejection of registration</u> <u>Clause 39 - Registration as registered skilled worker (transitional)</u> - The Administration's report that it was still consulting the view of trade associations on the qualifying period and would revert to the Bills Committee in due course <u>Clause 40 - Special provision on registration for certain trades</u>	The Administration to revert

Time Marker	Speaker	Subject(s)	Action required
001800 – 001949	Administration	<p><u>Clause 41 - Assessment interview and trade test for registered skilled workers (transitional)</u></p> <p>- To be further considered in relation to clause 39 on the qualifying period of registered skilled workers (transitional)</p>	
001950 – 012130	<p>Administration Chairman Mr LEUNG Fu-wah Ms LI Fung-ying Mr LAU Ping-cheung ALA7 Ms CHAN Yuen-han</p>	<p><u>Clause 42 - Expiry and renewal of registration</u></p> <p><i>Clause 42(2)(b)</i></p> <p>- The Administration to consider Ms LI Fung-ying's view on the requirement of "not more than 42 months" in relation to the renewal of registration of a person who was not a Hong Kong permanent resident</p> <p><i>Clause 42(6)(c)</i></p> <p>- Suggestion from Ms LI Fung-ying to clarify the meaning of the expression "在該日期前" in the Chinese text</p> <p><i>Clause 42(7)</i></p> <p>- Concerns raised by members on the need to ensure fairness in the registration renewal requirements, flexibility in handling renewal applications from workers who had yet to complete the required development courses, as well as consistency with other existing registration systems in the handling of an application for renewal of registration after the prescribed period from an exempted person</p>	<p>The Administration to consider and revert</p> <p>The Administration to consider and revert</p> <p>The Administration to revert and provide information as requested</p>
012131 – 013839	<p>Administration Chairman Mr LEUNG Yiu-chung ALA7 Ms LI Fung-ying</p>	<p><u>Clause 43 - Expiry of registration as registered skilled worker (provisional), etc.</u></p> <p>- The Administration's explanation that the experience claimed by workers could be certified either by the employers concerned or the relevant workers' unions or trade associations. Statutory declaration from the worker concerned could also be accepted.</p> <p>- The Administration to confirm the agreement reached previously by trade associations and workers'</p>	<p>The Administration to provide information as requested</p>

Time Marker	Speaker	Subject(s)	Action required
		unions on the kinds of documentary proof to be accepted by the Registrar for the purpose of ascertaining the years of experience of a worker applying for registration	
<i>Agenda Item III – Any other business</i>			
013840 – 014356	Chairman	Next meeting to be held on 29 April 2004, at 4:30 pm to continue clause-by-clause examination of the Bill	

Council Business Division 1
Legislative Council Secretariat
26 April 2004