

立法會
Legislative Council

LC Paper No. CB(1)1768/03-04
(These minutes have been seen
by the Administration)

Ref: CB1/BC/6/02

**Bills Committee on
Construction Workers Registration Bill**

**Ninth meeting on
Thursday, 29 April 2004, at 4:30 pm
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 Andrew CHENG Kar-foo
Hon Abraham SHEK Lai-him, JP
Hon LI Fung-ying,JP
- Members absent** : Hon CHAN Yuen-han, JP
Hon LEUNG Yiu-chung
Hon LEUNG Fu-wah, MH, JP
Hon LAU Ping-cheung
- 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
- 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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I Confirmation of minutes of meeting and matters arising

(LC Paper No. CB(1)1619/03-04 - Minutes of meeting held on 7 April 2004)

1. The minutes of meeting held on 7 April 2004 were confirmed.

II Meeting with the Administration

(LC Paper No. CB(1)1620/03-04(01) - The Administration's response to matters raised by the Bills Committee at the eighth meeting on 7 April 2004;

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

LC Paper No. CB(1)1620/03-04(02) - Draft Committee Stage amendments proposed by the Administration;

LC Paper No. CB(1)1620/03-04(03) - Marked-up copy of newly-proposed Committee Stage amendments prepared by the Administration; and

LC Paper No. CB(1)1437/03-04(03) - Marked-up copy of the Bill prepared by the Administration for the eighth meeting on 7 April 2004)

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 7 April 2004 (LC Paper No. CB(1)1620/03-04(01)).

4. The Bills Committee requested the Administration to consider and provide further information on the following issues to facilitate their consideration of the Bill:

Admin

- (a) The Administration to consider amending clause 42(6A) to the effect that a person could apply to the Registrar for the renewal of his registration before the expiry of the period of 14 days referred to in clause 47(2)(b).

- (b) Given that a person who obtained his registration through trade test could apply for re-registration upon the expiry of his registration so long as the relevant trade test certificate or qualification he held was set out in Schedule 1, the Administration should consider allowing a

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person who relied on the grandfathering arrangement to apply for re-registration upon expiry of his registration.

- (c) The Administration to consider allowing a person to retain his registration as a registered skilled worker (transitional) for three years, pending assessment and trade test for registration as a registered skilled worker under clause 41.
- (d) The Administration should state clearly at the Second Reading debate of the Bill that a statutory declaration made by a worker in respect of certain part of his experience, say two years, would be accepted by the Authority as documentary proof for ascertaining the experience of the worker for registration purpose.
- (e) The Administration to report on the outcome of the qualifying period for senior workers, having considered members' views and other interested parties.

5. The Bills Committee continued clause-by-clause examination of the Bill from clause 43 onwards.

III Any other business

6. Members agreed to schedule the next three meetings of the Bills Committee as follows:

- (a) Tenth meeting to be held on Thursday, 13 May 2004, at 10: 45 am, to continue clause-by-clause examination of the Bill;
- (b) Eleventh meeting to be held on Monday, 24 May 2004, at 2:30 pm; and
- (c) Twelfth meeting to be held on Monday, 31 May 2004, at 4:30 pm.

(Post-meeting note: At the request of the Administration and with the concurrence of the Chairman, the eleventh meeting had subsequently been re-scheduled to be held on Friday, 21 May 2004, at 8:30 am.)

7. There being no other business, the meeting ended at 6:40 pm.

**Proceedings of the ninth meeting of the Bills Committee on
Construction Workers Registration Bill
Thursday, 29 April 2004, at 4:30 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 – 000019	Chairman	- Confirmation of minutes of the meeting held on 7 April 2004 [LC Paper No. CB(1)1619/03-04]	
<i>Agenda Item II – Meeting with the Administration</i>			
000020 – 005534	Administration Chairman Ms LI Fung-ying ALA7 Mr Abraham SHEK	<p>The Administration's response to matters raised by members at the last meeting [LC Paper No. CB(1)1620/03-04(01)]</p> <p><u>Expiry and renewal of registration</u></p> <ul style="list-style-type: none"> - Members' concern about the need to specify clearly the right of a person to apply for re-registration before the expiry of the period of 14 days referred to in clause 47(2)(b) even if the Registrar did not issue a notice of intention to cancel the relevant registration - The Administration's explanation that as the policy intent of the newly-proposed Committee Stage amendments (CSAs) for clause 42(6A)(b) was to facilitate workers' re-registration, it would consider amending clause 42(6A) to the effect that a person could apply for re-registration at any time until expiration of the said 14 days as prescribed in the notice issued by the Registrar under clause 47(2)(b) - Members' view that as a person who obtained his registration through trade test could apply for re-registration upon the expiry of his registration so long as the relevant trade test certificate or qualification he held was set out in Schedule 1, the Administration should consider allowing a person who relied on the grandfathering arrangement to apply for re-registration upon expiry of his registration 	<p>The Administration to consider and provide relevant CSAs</p> <p>The Administration to consider and revert</p>

Time Marker	Speaker	Subject(s)	Action required
005535 – 011056	Mr LEE Cheuk-yan Administration Chairman ALA7 Ms LI Fung-ying	<u>Documentary proof for ascertaining the experience of workers</u> - Members' request that the Administration should made it clear that statutory declaration made by a worker would be accepted by the Authority as documentary proof for certain part of his experience, say two years, for ascertaining the experience of the worker for registration purpose. Such an arrangement should also be specified in the relevant guidelines to be made in relation to the registration of construction workers.	The Administration to made a clear statement to such effect during the Second Reading debate of the Bill
011057 – 013354	Chairman Administration Ms LI Fung-ying Mr LEE Cheuk-yan	<u>Qualifying period for senior workers</u> - Members' request that the Administration should further consider the views they expressed at the meeting on various modes of assessment for ascertaining the level of competence of senior workers including assessment interview, written/oral test of multiple choice questions and successful completion of a compulsory training course - The Administration to report on the outcome of the qualifying period for senior workers, having considered the views of various stakeholders of the construction industry	The Administration to revert
013355 – 013939	Administration	<u>Newly-proposed CSAs as set out in LC Paper No. CB(1)1620/03-04(03)</u> - Members' agreement with the newly-proposed CSAs for the long title and clauses 6(6), 7(3)(iiia), 19(4) 19(5)(a), 42(2)(a) and (b), 42(6) and 42(9). Proposed CSAs in relation to clauses 29, 42(6A) and 57 would be dealt with in due course.	
013940 – 020127	Administration Chairman ALA7 Mr LEE Cheuk-yan	<u>Clause 43 - Expiry of registration as registered skilled worker (provisional), etc.</u> - Members' request for the Administration to consider allowing a person to retain his	The Administration to consider and revert

Time Marker	Speaker	Subject(s)	Action required
		registration as a registered skilled worker (transitional) for three years, pending assessment and trade test for registration as a registered skilled worker under clause 41	
020128 – 020502	Administration	<u>Clause 44 - Issue of registration card</u>	
<i>Agenda Item III – Any other business</i>			
020503 – 020733	Chairman	Next meeting to be held on 13 May 2004, at 10:45 am to continue clause-by-clause examination of the Bill. Two more meetings scheduled for 21 May 2004, at 8:30 am, and 31 May 2004, at 4:30 pm	

Council Business Division 1
Legislative Council Secretariat
11 May 2004