

立法會
Legislative Council

LC Paper No. CB(1)2225/03-04
(These minutes have been seen
by the Administration)

Ref: CB1/BC/6/02

**Bills Committee on
Construction Workers Registration Bill**

**Eleventh meeting on
Friday, 21 May 2004, at 8:30 am
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 Andrew CHENG Kar-foo
Hon Abraham SHEK Lai-him, JP
Hon LI Fung-ying, JP
Hon LEUNG Fu-wah, MH, JP
Hon LAU Ping-cheung
- Members absent** : Hon Cyd HO Sau-lan
Hon LEE Cheuk-yan
Hon CHAN Yuen-han, JP
Hon LEUNG Yiu-chung
- 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 : 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

Action

I Confirmation of minutes of meeting and matters arising

(LC Paper No. CB(1)1872/03-04 - Minutes of meeting held on 13 May 2004)

1. The minutes of meeting held on 13 May 2004 were confirmed.

II Meeting with the Administration

(LC Paper No. CB(1)1879/03-04(01) - The Administration's response to matters raised by the Bills Committee at the tenth meeting on 13 May 2004;

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

LC Paper No. CB(1)1879/03-04(02) - Draft Committee Stage amendments proposed by the Administration;

LC Paper No. CB(1)1879/03-04(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 13 May 2004 (LC Paper No. CB(1)1879/03-04(01)), as well as the letter dated 20 May 2004 from the Assistant Legal Adviser to the Administration (tabled at the meeting and subsequently issued to members vide LC Paper No. CB(1)1908/03-04(01)) setting out her comments on the draft Committee Stage amendments proposed by the Administration vide LC Paper No. CB(1)1879/03-04(02).

Action

4. The Bills Committee noted the Administration's "Special report on issues to be reverted to the Bills Committee" in relation to the qualifying period of senior workers tabled at the meeting (and subsequently issued to members vide LC Paper No. CB(1)1908/03-04(02)). Under the Administration's present proposal, a person who had no less than six years' relevant experience in a designated trade could apply for registration as skilled worker (transitional) for the trade. He could then choose to attend a specified training course or pass a trade test to obtain registration as a registered skilled worker for the trade. The validity of registration as a skilled worker (transitional) would be changed to three years to allow time for the worker to complete the specified training course or to sit for the trade tests. Features of the one-off transitional registration arrangement were as follows:

- (a) The prescribed fee of the specified training course shall be paid by the worker.
- (b) A person who had successfully completed the course including the course end assessment which formed part of the course, and met the requisite attendance rate could obtain registration as a registered skilled worker.
- (c) A person who had successfully completed the specified training course would receive a certificate of completion which could be relied on as his qualification to apply for re-registration as necessary.

Admin

5. The Bills Committee requested the Administration to consider and provide further information on the following issues:

- (a) to provide a written paper setting out details of its new proposal on the qualifying period of senior workers to be registered as skilled workers (transitional) as well as the relevant transitional arrangements;
- (b) to further consider some members' view that the Appeal Board should have the flexibility of requiring an appellant to undergo training courses as an option to ascertain his level of competence;
- (c) to revert on the point raised by the Assistant Legal Adviser in relation to the newly-proposed Committee Stage amendments for clause 17C(1)(f); and
- (d) to clarify the time allowed for an appellant to submit a notice of appeal under clause 53.

6. The Bills Committee completed clause-by-clause examination of the Bill. Members agreed that the next meeting would be held on Monday, 31 May 2004, at 4:30 pm, to examine the Committee Stage amendments to be moved by the Administration.

Action

(Post-meeting note: At the request of a member and with the concurrence of the Chairman, the meeting was subsequently advanced to be held on Friday, 28 May 2004, at 8:30 am to 9:30 am.)

III Any other business

7. There being no other business, the meeting ended at 9:50 am.

Council Business Division 1
Legislative Council Secretariat
23 June 2004

**Proceedings of the eleventh meeting of the Bills Committee on
Construction Workers Registration Bill
Friday, 21 May 2004, at 8:30 am
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 – 000028	Chairman	<ul style="list-style-type: none"> - Confirmation of minutes of the meeting held on 13 May 2004 [LC Paper No. CB(1)1872/03-04] 	
<i>Agenda Item II – Meeting with the Administration</i>			
000029-000729	Chairman Administration Ms LI Fung-ying	<p>The Administration's response to matters raised by members at the last meeting [LC Paper No. CB(1)1879/03-04(01)]</p> <ul style="list-style-type: none"> - Ms LI Fung-ying's request that the Administration should further consider her view that the Appeal Board should have the flexibility of requiring an appellant to undergo training courses as an option to ascertain his level of competence 	The Administration to consider and revert
000730-002155	Administration Chairman Ms LI Fung-ying	<p>The Administration's "Special report on issues to be reverted to the Bills Committee" in relation to the qualifying period of senior workers [LC Paper No. CB(1)1908/03-04(02)]</p> <ul style="list-style-type: none"> - Ms LI Fung-ying's agreement in principle to adopt six years' as the qualifying period. However, she opined that an assessment interview for workers with six years' experience was preferred to the Administration's latest proposal requiring such workers to attend a training course with a course end assessment, for which there were no details. - Members' request for the Administration to provide a written paper setting out details of its new proposal on the qualifying period of senior workers to be registered as skilled workers (transitional) as well as the relevant transitional arrangements 	The Administration to provide information as requested

Time Marker	Speaker	Subject(s)	Action required
002156-002658	Mr LEUNG Fu-wah Chairman	Mr LEUNG Fu-wah's comment that no matter what the proposal was, it might not have the support of all Members. Some construction workers might be reluctant to attend the training courses proposed under the Administration's latest proposal.	
002659-004838	Chairman ALA7 Administration Mr Abraham SHEK Ms LI Fung-ying Mr LEUNG Fu-wah	Letter dated 20 May 2004 from the Assistant Legal Adviser to the Administration setting out her comments on the draft Committee Stage amendments (CSAs) proposed by the Administration vide LC Paper No. CB(1)1879/03-04(02) [LC Paper No. CB(1)1908/03-04(01)] - Members' concern that too onerous an obligation was placed on a person under the newly-proposed Clause 17C(1)(f), taking into account the criminal liability incurred - Mr LEUNG Fu-wah's view that additional powers of authorized officers could help addressing malpractice at construction work sites - Members' request to clarify the time allowed for an appellant to submit a notice of appeal under clause 53	The Administration to consider and revert
004839-010634	Chairman Administration Mr LEUNG Fu-wah	Clause-by-clause examination of the Bill [LC Paper Nos. CB(1)1879/03-04(02) and (03)] <u>Clause 62 - Service, etc. of notices</u> <u>Clause 63 - Power of Authority to specify forms</u> <u>Clause 64 - Regulations</u> <u>Clause 65 - Rules</u> <u>Clause 66 - Amendment of Schedules</u> <u>Part 9 - Consequential amendments</u> <u>Schedule 1 - Designated trades</u>	

Time Marker	Speaker	Subject(s)	Action required
		<p><u>Schedule 2 - Specified body</u></p> <p><u>Schedule 3 - Structures and works</u></p> <p><u>Schedule 4 - Authority, Standing Committees and other Committees</u></p> <p><u>Part 4 - Levy</u></p> <p>The Bills Committee completed clause-by-clause examination of the Bill.</p>	
010635-011002	Chairman Administration Mr Abraham SHEK	<p>The Chairman relayed the views of Ms CHAN Yuen-han who was unavailable to attend the meeting on the Administration's presently proposed one-off transitional registration arrangement as follows:</p> <ul style="list-style-type: none"> - six-years' qualifying period plus a simple assessment test should suffice - subsidy on course fees should be granted 	
011003-011051	Clerk Chairman	Date of reporting to the House Committee and resumption of second reading debate to be determined after the next meeting	
<i>Agenda Item III – Any other business</i>			
	Chairman	<p>Next meeting to be held on 31 May 2004, at 4:30 pm to consider the CSAs to be moved by the Administration</p> <p><i>(Post-meeting note: The meeting was subsequently advanced to be held on 28 May 2004, at 8:30 am.)</i></p>	