

立法會
Legislative Council

LC Paper No. CB(1)2437/03-04
(These minutes have been seen
by the Administration)

Ref: CB1/BC/6/02

**Bills Committee on
Construction Workers Registration Bill**

**Twelfth meeting on
Friday, 28 May 2004, at 8:30 am
in the Chamber 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 LEUNG Fu-wah, MH, JP
Hon LAU Ping-cheung
- Members absent** : Hon Cyd HO Sau-lan
Hon LEUNG Yiu-chung
Hon Abraham SHEK Lai-him, JP
Hon LI Fung-ying, JP
- Public Officers attending** : Mr C S WAI
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
- 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 Meeting with the Administration

- (LC Paper No. CB(1)1961/03-04(01) - The Administration's response to matters raised by the Bills Committee at the Eleventh meeting on 21 May 2004;
- LC Paper No. CB(3)464/02-03 - The Bill;
- LC Paper No. CB(1)1961/03-04(02) - Draft Committee Stage amendments proposed by the Administration;
- LC Paper No. CB(1)1961/03-04(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.)

The Bills Committee deliberated (index of proceedings attached at **Annex A**).

2. The Bills Committee took note of the Administration's response to the comments made by members at the last meeting held on 21 May 2004 (LC Paper No. CB(1)1961/03-04(01)), as well as the proposed Committee Stage amendments (CSAs) (LC Paper Nos. CB(1)1961/03-04(02) and (03)) in relation to the following:

- (a) Clause 58(1)(b) which provided for the Appeal Board's power to require an appellant to undergo such tests as the Board considered appropriate to assess whether the appellant was of a level of competence reasonably expected of a registered skilled worker, or a registered semi-skilled worker, for the designated trade would be repealed as it was unlikely that the Appeal Board would exercise such power.
- (b) Clause 17C(1)(f) in relation to the powers of authorized officers to require a person found on a construction site to provide certain information would be amended to remove the requirement for such person to provide information to identify other persons carrying out construction work on a site. However, the requirement for such person to provide information to identify the principal contractor or an employer would be retained as this power was important for an

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authorized officer to exercise his function in enforcing the requirements under the Bill. The Administration also considered that sufficient safeguards had been provided.

- (c) Clause 53 on "Notice of appeal" would be amended to clearly state that the time allowed for an appellant to submit a notice of appeal should be calculated after the Registrar had made his decision in relation to the recommendations of the Review Committee on the said issue.
- (d) Clause 61(3)(d) on "Offences of making false or misleading statements and of failure to attend inquiries of hearings as witness, etc." would be amended to improve its clarity.
- (e) Other technical amendments would be moved to clauses 17C(1)(e)(i) and 19(5).
- (f) Clause 65 on "Rules" would need to be amended taking into account the Judiciary Administrator's view that it would be more appropriate to vest any new rule-making power in a Rules Committee instead of the Chief Justice. The Administration would provide the relevant CSAs to the Assistant Legal Adviser for consideration when ready.

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3. The Assistant Legal Adviser informed members that as the draft CSAs were submitted by the Administration shortly before the meeting, she would need time to consider them in detail. Members agreed that the Assistant Legal Adviser would liaise with the Administration on the draft CSAs, and revert to the Bills Committee if necessary.

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4. Taking members through the salient points of the newly-proposed registration arrangement for senior workers as set out in the Appendix to LC Paper No. CB(1)1961/03-04(01), the Deputy Secretary for the Environment, Transport and Works (Works) advised that for the purpose of the new proposal, the term "provisional" was preferred and would be used in place of "transitional". He emphasized that the new proposal was aimed at striking a balance between the demands and expectations of the trade unions and the trade associations, major employers and training institutes. It should give a reasonable degree of assurance on the skill level of the workers who obtained their registration under this new proposal. To be fair to the about 110 000 workers who had spent their effort and time to pass the trade tests or operator tests, the new proposal should require the applicants to go through some form of assessment for quality assurance. Subject to members' general acceptance of the new proposal, the Administration would move the relevant CSAs.

5. Relaying the concern of some trade unions she had contacted, Miss CHAN Yuen-han said that the workers were generally in support of adopting six years as the qualifying experience. However, they neither agreed to the need for an extended training course nor an assessment test as part of the training course under the new proposal as the senior workers were already well-versed in the relevant trades. There

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was also concern that the training fee should be kept to a minimum taking into account the employment difficulties facing the construction workers. As such, she called on the Administration to further consider such views and her primary concern that the employment situation of senior workers should not be adversely affected by the implementation of the registration system.

6. Ir Dr Raymond HO acknowledged the importance of training to ensure construction quality and safety, and expressed support for the Administration's new proposal.

7. Summing up the discussion, the Chairman said that the Bills Committee had taken note of the Administration's new proposal to adopt six years as the qualifying period for senior workers as well as other related arrangements. Individual members had also stated their views and concerns on the matter. While the Bills Committee did not intend to move any CSAs to the Bill, individual members were at liberty to consider whether they would move CSAs in their own name. In this respect, the Bills Committee noted and had no objection to the Administration's proposal to resume Second Reading debate on the Bill at the Council meeting on 30 June 2004. The deadline for giving notice to move CSAs at the said Council meeting was 19 June 2004.

8. The Chairman concluded that the Bills Committee had completed scrutiny of the Bill, and would report to the House Committee on 11 June 2004.

II Any other business

9. There being no other business, the meeting ended at 9:10 am.

Council Business Division 1
Legislative Council Secretariat
21 July 2004

**Proceedings of the twelfth meeting of the Bills Committee on
Construction Workers Registration Bill
Friday, 28 May 2004, at 8:30 am
in the Chamber of the Legislative Council Building**

Time Marker	Speaker	Subject(s)	Action required
<i>Agenda Item I – Meeting with the Administration</i>			
000000 – 000710	Chairman Administration Chairman ALA7	The Administration's response to matters raised by members at the last meeting and draft Committee Stage amendments (CSAs) [LC Paper Nos. CB(1)1961/03-04(01) to (03)]	<ul style="list-style-type: none"> - ALA7 to liaise with the Administration on the draft CSAs and revert to the Bills Committee if necessary - The Administration to provide draft CSAs in relation to clause 65 on "Rules"
000711 – 001318	Administration	Details of the Administration's new proposal on registration arrangement for senior workers [Appendix to LC Paper No. CB(1)1961/03-04(01)]	
001319 – 003057	Miss CHAN Yuen-han Administration Ir Dr Raymond HO Chairman Clerk	<ul style="list-style-type: none"> - Members' view and deliberation on details of the new proposal including course duration, course fee and the need for an assessment test as part of the training course - The Bills Committee had completed scrutiny of the Bill and would report to the House Committee on 11 June 2004. - The Administration intended to resume Second Reading debate on the Bill at the Council meeting on 30 June 2004. The deadline for giving notice to move CSAs was 19 June 2004. 	
<i>Agenda Item II – Any other business</i>			
003058 – 003205	Chairman	Concluding remarks	