

## **Construction Workers Registration Bill**

### **2<sup>nd</sup> Report to the Bills Committee on the Qualifying Period for Senior Workers**

#### **1. Introduction**

A Preparatory Working Group<sup>#</sup> meeting was conducted with parties concerned on 15.12.2003 to further discuss the qualifying period for the senior workers. This report serves to inform members of the Bills Committee of the outcome of the discussion and the recommendation of the Administration on the qualifying period for the Bills Committee to decide on the way forward.

#### **2. The Discussion and its Outcome**

2.1 At the above meeting, members unanimously supported the implementation of the proposed registration. ETWB appealed to all present to give further thoughts to the three proposals on the qualification period for the senior workers, i.e. 6 years, 8 years and 10 years.

2.2 Representatives of the 3 workers unions i.e. HKCIEGU, FHKEMITU and CSWGU maintained their view on a qualifying period of 6 years and opined that:

- (a) The qualifying period should make reference to and should not be more stringent than the previous exemption requirement under the registration of electrical workers; and

---

<sup>#</sup> The Working Group comprises Electrical and Mechanical Services Department (EMSD), Fire Services Department (FSD), Housing Department (HD), Labour Department (LD), ICAC, Construction Industry Training Authority (CITA), Vocational Training Council (VTC), Hong Kong Construction Association, Ltd (HKCA), Hong Kong E&M Contractors' Association Ltd (HKEMCA), Hong Kong Electrical Contractors' Association Ltd (HKECA), Lift and Escalator Contractors Association (LECA), Real Estate Developers Association of Hong Kong (REDA), Hong Kong Construction Industry Employees General Union (HKCIEGU), Federation of Hong Kong Electrical & Mechanical Industries Trade Unions (FHKEMITU), Construction Site Workers General Union (CSWGU), Kowloon-Canton Railway Corporation (KCRC) and MTR Corporation Ltd (MTRC).

- (b) A shorter qualifying period could help alleviate the concerns of the workers arising from the poor economic climate.

2.3 Some members including the trade associations and training institutes maintained their views that a longer experience was required to give a reasonable degree of assurance that the skill level of exempted workers could be regarded as equivalent to those trade-tested skilled workers. They gave the following comments:

- (a) Construction workers registration was a new initiative. It was not appropriate to follow the transitional arrangements adopted in the registration of electrical workers introduced more than 10 years ago, as the situations and the considerations were different;
- (b) More than 70,000 construction workers have already possessed a trade test certificate (over 35,000 of them are skilled workers);
- (c) The proposed exemption provision would help protect the interest of trade-tested workers;
- (d) The original proposal for the qualifying period was 15 years and the trade associations had given way to a shorter experience of 10 years.

2.4 Representatives of the Government departments and the two railway corporations considered that a longer experience was required for granting exemption to the senior workers and 8 years should be the bottom line.

2.5 After some discussion, it was agreed that members should each express their opinions on the proposed qualifying periods for senior workers by voting. The result of the vote is tabulated below:

<b>Proposed Qualifying Period for Senior Workers</b>		
<b>10 years</b>	<b>8 years</b>	<b>6 years</b>
HKCA, HKEMCA HKECA LECA REDA CITA VTC (total 8 votes as there were 2 representatives from HKEMCA)	EMSD FSD HD LD MTRC KCRC (total 6 votes)	HKCIEGU FHKEMITU CSWGU (total 4 votes as there were 2 representatives from FHKEMITU)

- 2.6 It can be observed from the above table that the proposal for a qualifying period of 10 years for senior workers receives the highest number of votes, but it does not represent the majority view.

### **3. Views of the Administration**

- 3.1 Having examined in details the views expressed by all parties concerned, ETWB recommends a qualifying period of 8 years for the senior workers to be exempted from trade tests and obtain registration as skilled workers. An experience of 8 years can give a reasonable degree of assurance on the skill level of the exempted workers and help address the concerns of the construction workers. Contrary to the proposal of 6-year which meets with objection from the trade associations and training institutes, a period of 8 years appears to be a reasonable compromise and would serve to satisfy both sides.
- 3.2 Members of the Bills Committee are kindly requested to give due considerations to the recommendation of ETWB by supporting a qualifying period of 8 years for the senior workers. If members support the proposal, a CSA will be drafted to amend the relevant provisions on the transitional arrangements in the Bill.

ETWB

23 December 2003