

## **Construction Workers Registration Bill**

### **Responses to the two issues raised by Members at the 4<sup>th</sup> Bills Committee Meeting held on 5 January 2004**

#### **1. Appointment of members to the Construction Workers Registration Authority**

Members of the Bills Committee viewed that in line with the arrangement adopted for similar organizations, members of the Construction Workers Registration Authority should be appointed by the Chief Executive (CE) instead of by the Secretary for the Environment, Transport and Works. Having reviewed the proposed arrangement, ETWB considers that the present appointment arrangement should be maintained in view of the following reasons:

- (a) The Administration has recently completed an internal review of the statutory powers and functions vested in the offices of the CS and FS (some of these may be delegated by the CE) with a view to determining whether some should be transferred to the responsible Directors of Bureaux under the accountability system. According to the paper submitted to the LegCo Panel on Constitutional Affairs on 17 November 2003, the general principles and guidelines are that, except for the important powers held by the CE, all those statutory powers and functions that clearly fall within the policy portfolio of a Director of Bureau should be considered for transfer to the latter to better reflect its policy portfolios and responsibilities. As the appointment of members to the statutory Construction Workers Registration Authority falls within the policy portfolios of SETW, the appointment arrangement stipulated in clause 7 of the Bill is in line with the above guidelines.
- (b) It is not uncommon for members of statutory boards and committees be appointed by the Secretary of the responsible Bureau, for example, members of the Land Surveyors Registration Committee (Land Survey Ordinance, s.6, Cap.473) are appointed by the Secretary for Housing, Planning and Lands; and members of the Personal Data (Privacy) Advisory Committee (Personal Data (Privacy) Ordinance, s.11, Cap.486) are appointed by the Secretary for Home Affairs.

- (c) While some existing Ordinances confers powers or imposes duties upon the CE to the appointment of members to the specified statutory boards or committees, the CE may delegate any person to exercise such powers or perform such duties on his behalf according to s.63 of Cap.1. It is common that the CE may delegate such routine appointments to the Directors of Bureaux or other government officials.

## **2. Procedure for amending the rate of levy**

Members of the Bills Committee commented that in line with section 22 of the Industrial Training (Construction Industry) Ordinance (Cap.317), clause 20 of the Bill should be amended so that the rate of levy would be prescribed by a resolution of the LegCo (i.e. subject to positive resolution procedure) instead of a notice made by the Secretary (i.e. subject to negative vetting procedure). Members may like to give further consideration to the following points:

- (a) The levy stipulated in the Bill is to meet the running costs of the proposed registration system and to alleviate the burden of construction workers in paying the registration/renewal fees. The rate of levy proposed is only at 0.03% of the value of construction works (this is about \$18 million per annum assuming the annual gross value of construction works is \$60 billion). The amount of levy so collected is less than one-tenth of that of the Industrial Training (Construction Industry) Ordinance (Cap. 317) currently at a rate of 0.4%.
- (b) If there is a need to change the rate of levy in future, the Administration will widely consult the major trade associations and other relevant parties to ensure that the revised rate has their support.
- (c) Though it is proposed that the Secretary may by notice prescribe the rate of levy, any amendment to the rate of levy has to be laid on the table of the LegCo at the next meeting after it is gazetted. Given the amount of levy is small, this administratively effective arrangement is considered adequate and appropriate.

ETWB

30 January 2004