

Construction Workers Registration Bill

Responses to comments made by Members at the 6th Bills Committee meeting

At the 6th Bills Committee meeting held on 1 March 2004, Members continued to examine the Bill clause-by-clause and made some comments and suggestions on the clauses under Part 3, Part 5 and related areas of the Bill. The following are the Administration's responses to the comments and suggestions for Members' consideration:

1. Members of the Construction Workers Registration Authority

1.1 Representatives from trade unions

Members commented that the 3 members stipulated in clause 7(3)(b)(v) should be "from a trade union" instead of "from a trade association representing workers" as the former is more appropriate and preferred. The Administration agreed to amend this clause accordingly. Amendments to clause 12(b)(iv) for members of the Qualifications Committee, clause 16(2)(f) for members of the Review Committee and clause 54(1)(e) for members of the Appeal Board Panel will also be made for the same reason.

1.2 Representative from developers association

Member commented that the representative stipulated under clause 7(3)(b)(vi) should make reference to the Real Estate Developers Association of Hong Kong. In view of Members' previous comments to avoid making specific reference to the name of an organization and for consistency, the Administration proposes to change it from "a person from a real estate developer in Hong Kong" to "a person from a real estate developers association in Hong Kong".

1.3 Representatives from professional bodies

Members suggested that a specific number of members should be from the professional bodies related to the construction industry. After consideration, the Administration agrees to expressly specify that there will be 3 members from the professional bodies connected with the construction industry by adding a new clause. As a result of this proposed change, the number of members connected with the construction industry as stipulated in clause 7(3)(b)(vii) will be reduced from 6 to 3. Corresponding amendments to the Bill will be made.

2. Complaints Committee

In view of the concerns expressed by Members on the possible abuse of the complaint mechanism by employers and that the provisions were considered inconsistent with the purpose of the registration system, we have carefully examined the relevant provisions in consultation with the Drafter. After deliberation, we decide to withdraw the relevant provisions on complaints against the level of competence of registered construction workers. Clauses 14 and 15, Part 6 and provisions relevant to or making reference to these complaints are proposed to be removed.

3. Register of Construction Workers

3.1 Ascertaining the registration of a person

Based on comments made by Members, clause 35(2)(a) will be amended by replacing “the person with whom he is dealing” with “a person”.

3.2 Application for registration

The proposed registration fee at \$100 for 3 years (the fee is reduced by half if workers have recognized registration/certificate/license) is already set at a very low level to alleviate the burden of workers. If the fee for the first registration is waived as suggested by Members, the Authority, being a self-financing statutory body, may not have sufficient income to run the system. More importantly, the registration system may be subject to abuse as some persons, even without the need to carry out construction work on construction sites, may try to apply for registration and thus, adversely affect the objective of obtaining more reliable manpower data.

3.3 Time for payment of prescribed registration fee

As regards Member’s comments that it would be unfair to some workers who would pay the registration fee earlier than other workers due to the proposed phased submission of applications, it should be noted that there is a practical need for a phased submission programme in order to spread the applications evenly over a period of eight months. Moreover, those who obtain the registration card earlier may enjoy the benefits of using the smart registration card if the contractors concerned have installed a card reading system. Such benefits may include the availability of site attendance records, convenient access to site and facilitate workers in applying for a new job, etc.

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