

**CONSTRUCTION WORKERS REGISTRATION BILL**

《建造業工人註冊條例草案》

**Committee Stage Amendments**

**Mark up for the newly proposed amendments in the  
English CSAs - 3<sup>rd</sup> (revised) Draft**

(compared to English CSAs – 2<sup>nd</sup> (2<sup>nd</sup> revised) draft)

[ Note: amendments made to Long Title and clauses 2(1),  
19(4), 19(5)(a), 29(3), 42(2), 42(6A), 42(9) and 57(3)]

## A BILL

To

Provide for the registration of construction workers; the establishment of a Construction Workers Registration Authority; a levy to be paid by contractors in respect of ~~certain kinds of construction work~~construction operations; the regulation of construction workers personally carrying out construction work; and for related matters.

Enacted by the Legislative Council.

## PART 1

## PRELIMINARY

**1. Short title and commencement**

(1) This Ordinance may be cited as the Construction Workers Registration Ordinance.

(2) This Ordinance shall come into operation on a day to be appointed by the Secretary for the Environment, Transport and Works by notice published in the Gazette.

**2. Interpretation**

- (1) In this Ordinance, unless the context otherwise requires –
- “Appeal Board” (上訴委員會) means a Construction Workers Appeal Board appointed under section 55(1);
- “Appeal Board panel” (上訴委員團) means the Appeal Board panel appointed under section 54(1);
- “Authority” (管理局) means the Construction Workers Registration Authority established by section 7(1);
- “authorized officer” (獲授權人員) means a person who is appointed under section 60(1);

**Clause 2(1)**

“construction work” (建造工程、建造工作), ~~except in relation to Part 4 –~~

- (a) means –
- (i) the construction, erection, installation or reconstruction of any specified structure;
  - (ii) the addition, renewal, alteration, repair, dismantling or demolition of any specified structure that involves the structure of the specified structure or any other specified structure;
  - (iii) any building operation involved in preparing for any operation referred to in subparagraph (i) or (ii), including laying of foundations, excavation of earth and rock prior to laying of foundations, site clearance, site investigation, site restoration, earthmoving, tunneling, boring, scaffolding and provision of access; or
  - (iv) any building operation, or building services work, forming an integral part of, or rendering complete, any operation referred to in subparagraph (i) or (ii), but excludes building works in respect of which a certificate of exemption is issued under the Buildings Ordinance (Application to the New Territories) Ordinance (Cap. 121);
- (b) means any building services work that involves the structure of any specified structure; or

**Clause 19**

(2) Notwithstanding subsection (1), construction operations the total value of which does not exceed the prescribed amount shall not be liable to the levy.

(3) Subject to section 24(8A), the levy shall be payable in accordance with this Part by every contractor who carries out the construction operations.

(4) The Secretary may by notice **published in the Gazette** -

(a) prescribe the rate for the purposes of subsection (1); and

(b) prescribe the amount for the purposes of subsection (2).

(5) Any rate prescribed under subsection (4)(a) -

(a) shall not come into effect before the expiration of **28 days after the last day of the period within which a resolution providing for the amendment of the notice may be passed in accordance with section 34 of the Interpretation and General Clauses Ordinance (Cap. 1)**; and

(b) shall not apply to any construction operations if, before the expiration of the period referred to in paragraph (a) -

**Clause 29**

(3) Subsection (2) shall not apply –

**(aa) to the supply of a copy of personal data in compliance with a data access request under section 18 of the Personal Data (Privacy) Ordinance (Cap. 486);**

(a) to the provision of information under –

(i) section 31 of the Industrial Training (Construction Industry) Ordinance (Cap. 317); or

(ii) regulation 14 of the Pneumoconiosis (Compensation) (Assessment of Levy) Regulations (Cap. 360 sub. leg.);

(b) to the disclosure of information in the form of a summary of similar information provided by or obtained from a number of employers, contractors or authorized persons if the summary is so framed as not to enable particulars relating to any particular contractor's business to be ascertained from it;

(c) to the disclosure of information by the Authority to any person authorized or employed by it for the purpose of checking or ascertaining the value of construction operationsworks;

(d) to the disclosure of information by the Authority to CITA, or to the Pneumoconiosis Compensation Fund Board established under the Pneumoconiosis (Compensation) Ordinance (Cap. 360); or

(e) to any disclosure of information made for the purpose of any legal proceedings brought under this Ordinance, or for the purpose of any report of any such proceedings.

(4) Any person who, without reasonable excuse, fails to comply with a requirement under subsection (1) when it is within his power to do so commits an offence and is liable on conviction to a fine at level 1.

## 42. Expiry and renewal of registration

(1) Subject to subsection (5), the registration of a person shall expire on a day that is specified by the Registrar in accordance with subsection (2).

(2) The date so specified shall –

(a) if the person is a Hong Kong permanent resident, subject to subsection (3), be not less than 12 months, and not more than 48 months, after the ~~date of registration or renewal of registration~~ **relevant date**;

(b) if the person is not a Hong Kong permanent resident, subject to subsections (3) and (4), be not more than ~~42 months after the date of registration or renewal of registration~~ **48 months after the relevant date**.

(3) If, on the date of registration or renewal of registration, the person holds another registration that is in effect, the date so specified shall be the day on which that other registration expires.

(4) If, on the date of registration or renewal of registration, the person is subject to a condition of stay in Hong Kong limiting the period during which the person may remain in Hong Kong, the date so specified shall be a day within that period.

(5) A person may apply to the Registrar for the renewal of his registration.

(6) An application under subsection (5) shall be –

(a) in the specified form;

(b) accompanied by the prescribed fee; and

(c) made not earlier than 3 months before and not later than 7 business days before the date of expiry of the applicant's registration.

(6A) Where a person fails to apply for the renewal of his registration in accordance with subsection (6)(c), he may -

(a) if so allowed by the Registrar, make such an application before his registration has expired; or

(b) if being given notice by the Registrar under section 47(2), make such an application before the expiry of the period of 14 days referred to in section 47(2)(b).

(7) The Registrar shall not renew the registration of a person unless the Registrar is satisfied that -

(a) the person complies with the applicable requirements for registration set out in sections 37 and 40(4) and (5); and

(b) if the registration will, on the date of its expiry, have been in effect for not less than 2 years, the person has attended and completed, during the period of 1 year immediately before the date of application for renewal of the registration, such development courses applicable to his registration as the Authority may specify.

(8) The Authority shall give notice in the Gazette of the development courses that it specifies for the purposes of subsection (7)(b).

~~(9) In this section, “registration” ( 註冊 ) means registration under this Ordinance as—~~

~~(a) a registered skilled worker for a designated trade;~~

~~(b) a registered semi-skilled worker for a designated trade;~~

~~or~~

~~(c) a registered general worker,~~

(9) In this section -

"registration" (註冊) means registration under this Ordinance as -

- (a) a registered skilled worker for a designated trade;
- (b) a registered semi-skilled worker for a designated trade; or
- (c) a registered general worker,

and "registered" (註冊) shall be construed accordingly;

"relevant date" (有關日期) means -

- (a) the date of registration;
- (b) in the case of an application for renewal of registration made in accordance with subsection (6)(c), the date on which the registration would have expired but for the renewal;
- (c) in the case of an application for renewal of registration made in accordance with subsection (6A)(a) -
  - (i) the date on which the registration would have expired but for the renewal; or
  - (ii) the date of renewal of registration, whichever is the later; or
- (d) in the case of an application for renewal of registration made in accordance with subsection (6A)(b), the date of renewal of registration.



### 57. Legal adviser

(1) The Secretary may appoint a legal practitioner to advise an Appeal Board on any points of law and procedure that arise before, during or after a hearing of an appeal.

(2) A legal practitioner appointed under subsection (1) shall be remunerated for his services out of the funds of the Authority at a rate determined by the Secretary.

(3) In this section, "legal practitioner" (法律執業者) means a legal practitioner who -

(a) is admitted under section 3, 4 or 27 of the Legal Practitioners Ordinance (Cap. 159); and

(b) holds a valid current practising certificate.

### 58. Powers of Appeal Board

(1) An Appeal Board may, by notice under the signature of its chairman –

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(3) An Appeal Board may –

(a) in an appeal against a decision ~~or order~~ of the Authority –

(i) confirm or revoke the decision ~~or order~~; or

(ii) make any decision ~~or order~~ that the Authority could have made;

(b) in an appeal against a decision of the Registrar –

(i) confirm or revoke the decision; or

(ii) make any decision that the Registrar could have made.