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CONSTRUCTION WORKERS REGISTRATION BILL

CONSTRUCTION WORKERS REGISTRATION BILL

COMMITTEE STAGE

Amendments to be moved by the Secretary for the Environment,
Transport and Works

<u>Clause</u>	<u>Amendment Proposed</u>
Long title	By deleting "certain kinds of construction work" and substituting "construction operations".
2(1)	(a) In the definition of "authorized officer", by deleting "60(1)" and substituting " <u>17A(1)</u> ". (b) By deleting the definition of "Complaints Committee". (c) In the definition of "construction site" - (i) by deleting "49 and 60(2)(a) and (d)" and substituting " <u>17B and 17C</u> "; (ii) in the Chinese text - (A) by deleting "建造工程或" wherever it appears; (B) in paragraph (a), by deleting " "建造工程"、". (d) In the definition of "construction work" - (i) by deleting "建造工程、";

- (ii) by deleting ", except in relation to Part 4";
 - (iii) in the Chinese text, in paragraph (a)(ii), by deleting "解" and substituting "除".
- (e) By deleting the definition of "levy inspector".
- (f) In the definitions of "registered general worker", "registered semi-skilled worker", "registered semi-skilled worker (provisional)", "registered skilled worker", "registered skilled worker (provisional)" and "registered skilled worker (transitional)", by deleting "currently".
- (g) By deleting the definition of "sub-contractor" and substituting -
- "sub-contractor" (分包商), in relation to a principal contractor, means any person who enters into a contract with another person (whether or not the principal contractor) to undertake all or any part of the construction work that the principal contractor has undertaken;".

(h) By adding -

"domestic premises" (住用處所) means premises used or intended to be used solely or principally for residential purposes and constituting a separate household unit;".

(i) In the definition of "總承建商", by deleting "造工程" and substituting "造工作".

6

(a) In subclause (3), by deleting "set out in subsection (8) is true" and substituting "exists".

(b) In subclause (4), by deleting "次承建" where it twice appears and substituting "分包".

(c) In subclauses (5), by deleting "set out in subsection (8)" and substituting "exists".

(d) In subclause (6) -

(i) in paragraph (a), by deleting "set out in subsection (8)" and substituting "exists".

(ii) by deleting "影響" and substituting "損害";

(e) In subclause (7), by deleting "has" where it twice appears and substituting "had".

- (f) In subclause (8) -
 - (i) by deleting "The relevant matter referred to in subsections (3), (5) and (6)(a) is" and substituting "For the purposes of subsections (3), (5) and (6)(a), the relevant matter exists if";
 - (ii) in paragraph (a) -
 - (A) by adding "an offence in relation to" before "a contravention";
 - (B) by deleting "that";
 - (iii) in paragraphs (b), (c) and (d) -
 - (A) by adding "an offence in relation to" before "a contravention";
 - (B) by deleting "that" where it first appears;
 - (C) by deleting "involves" and substituting "involved".

- 7(3)(b)
 - (a) By deleting "17" and substituting "18".
 - (b) By adding -
 - "(iiia) 3 persons, each of whom is, in the opinion of the Secretary, a person from a professional body connected

with the construction industry in
Hong Kong;".

- (c) In subparagraph (v) -
 - (i) by deleting "2" and substituting "3";
 - (ii) by deleting "association representing" and substituting "union, registered under the Trade Unions Ordinance (Cap. 332), that represents".
- (d) In subparagraph (vi), by deleting "developer" and substituting "developers association".
- (e) In subparagraph (vii), by deleting "6" and substituting "3".

- 8 (a) By deleting subclause (1)(c).
- (b) In subclause (2) -
 - (i) in paragraph (e), by adding "and" at the end;
 - (ii) by deleting paragraph (f).

9(2) By deleting "or (c) or (2)(a), 11(5), 49, 50" and substituting "or (2)(a), 11(5)".

- 12 (a) In subclause (2)(b) -

(i) by deleting "12" and substituting "13";

(ii) by deleting subparagraphs (ii), (iii), (iv), (v), (vi), (vii) and (viii) and substituting -

"(ii) 2 persons, each of whom is, in the opinion of the Authority, a person from a training institute in the construction industry in Hong Kong;

(iii) 1 person who is, in the opinion of the Authority, a person from a professional body connected with the construction industry in Hong Kong;

(iv) 2 persons, each of whom is, in the opinion of the Authority, a person from a contractor in the construction industry in Hong Kong;

(v) 2 persons, each of whom is, in the opinion of the Authority, a person from a trade union, registered under the Trade Unions Ordinance (Cap. 332), that represents workers in the construction industry in Hong Kong; and

(vi) 1 person who is, in the opinion of the Authority, a person from the major employers in the construction industry in Hong Kong."

(b) By deleting subclause (3)(a).

14 By deleting the clause.

15 By deleting the clause.

16 (a) By deleting subclause (2)(e), (f), (g) and (h) and substituting -

"(e) 2 persons, each of whom is, in the opinion of the Authority, a person from a contractor in the construction industry in Hong Kong; and

(f) 2 persons, each of whom is, in the opinion of the Authority, a person from a trade union, registered under the Trade Unions Ordinance (Cap. 332), that represents workers in the construction industry in Hong Kong."

(b) By deleting subclause (3)(b).

New

By adding -

"PART 3A

AUTHORIZED OFFICERS

17A. Appointment of authorized officers

(1) The Authority may, subject to the approval of the Secretary, appoint in writing a person to be an authorized officer for the purposes of this Ordinance (other than Part 4).

(2) The Authority shall issue to each authorized officer a certificate of appointment that -

(a) gives the name of the authorized officer to whom it is issued; and

(b) states that it is issued by or on behalf of the Authority under this Ordinance.

(3) When performing or exercising a function or power under this Ordinance, an authorized officer shall, if requested to do so, produce for inspection his certificate of appointment.

(4) An authorized officer may perform or exercise any of his functions or powers under this Ordinance with the assistance of such police officers or other persons, or both, as the authorized officer thinks fit.

17B. Powers of authorized officers to enter construction site

(1) Where a warrant has been issued under subsection (2) in respect of a construction site, or where subsection (4)

applies in respect of a construction site,
an authorized officer may -

- (a) at any time, using such force
as may be necessary, enter
and search the site;
- (b) remove anything that
obstructs the entry and
search;
- (c) detain any person found on
the site, during such period
as is reasonably required to
permit the search to be
carried out, where that
person might prejudice the
purpose of the search if he
were not so detained; and
- (d) inspect, seize, detain and
remove from the site anything
that is or contains, or
appears to the officer to be
or to contain, evidence of
the commission of an offence
under this Ordinance.

(2) A magistrate may issue a warrant
authorizing an authorized officer to enter
and search a construction site if the

magistrate is satisfied by information on oath that there are reasonable grounds to suspect that -

(a) an offence under this Ordinance is being or has been committed on the site; or

(b) there is on the site anything that is or contains evidence of the commission of an offence under this Ordinance.

(3) A warrant issued under subsection (2) continues in force until -

(a) the expiration of 1 month after the date of its issue; or

(b) the purpose for which entry is required has been fulfilled,

whichever first occurs.

(4) An authorized officer may, without a warrant issued under subsection (2), exercise any of the powers referred to in subsection (1) in respect of a construction site (other than domestic premises) if -

(a) he reasonably suspects that -

(i) an offence under this Ordinance is being or has been committed on the site; or

(ii) there is on the site anything that is or contains evidence of the commission of an offence under this Ordinance; and

(b) it is not practicable to obtain such a warrant in respect of the site before exercising those powers.

(5) For the purposes of ascertaining whether the provisions of this Ordinance have been or are being complied with, an authorized officer may enter a construction site at all reasonable times.

(6) This section does not prejudice any power of entry and search conferred on police officers under any other law.

17C. Other powers of authorized officers

(1) An authorized officer who has entered a construction site under section 17B(1) or (5) may -

- (a) inspect and examine the site;
- (b) inspect and examine any plant, equipment or substance found on the site;
- (c) take photographs of the site or of any plant, equipment or substance found on the site;
- (d) require any person found on the site -

- (i) to state whether he is a registered construction worker; and

- (ii) if the person states that he is a registered construction worker, to produce his registration card;

(e) in relation to any person found on the site whom the officer reasonably suspects of committing, or having committed, an offence under this Ordinance -

(i) on informing the person of the person's act or omission that constitutes the offence, require the person -

(A) to give to the officer the person's name, address and telephone number and such other personal particulars as the officer may reasonably require; and

(B) to produce to the officer for inspection the person's identity card issued under the Registration of Persons Ordinance (Cap. 177) or the person's other documentary evidence of identity; and

(ii) detain the person for a reasonable period while the officer inquires about the suspected commission of the offence;

(f) subject to subsection (2), require any person found on the site to provide

information that may enable
the officer to identify -

(i) the principal
contractor for the
site; or

(ii) any person who
personally carries
out on the site
construction work
or the employer of
such person;

(g) examine the records referred
to in section 59(7)(a) and
make copies of all or any
part of those records; and

(h) require the principal
contractor for the site, or
any person who is apparently
an employee or agent of that
contractor, to provide the
officer with such assistance
and facilities as are
reasonably necessary to
enable the officer to perform
or exercise his functions or
powers.

(2) An authorized officer shall not exercise the power under subsection (1)(f) unless he reasonably believes that the person has the information.

(3) An authorized officer may, in relation to anything that the officer seizes, detains or removes from a construction site under section 17B(1)(d) -

(a) retain the thing for such period as may be reasonably necessary; and

(b) if he reasonably believes that the thing is evidence of the commission of an offence under this Ordinance, retain the thing until proceedings for the offence have been heard and finally determined.

(4) An authorized officer may -

(a) in order to make copies of records referred to in section 59(7)(a), remove the records from the construction site and retain them for such period as may be reasonably necessary; and

(b) if he reasonably believes that the records are evidence of the commission of an offence under this Ordinance, remove the records from the construction site and retain them until proceedings for the offence have been heard and finally determined."

18

(a) In the heading, by deleting "**and application**".

(b) In subclause (1) -

(i) by deleting the definition of "construction works" and substituting -

"construction operations" (建造工程), subject to section 18C, has the meaning assigned to it in Schedule 1 to the Industrial Training (Construction Industry) Ordinance (Cap. 317);";

(ii) by deleting the definition of "value" and substituting -

"value" (價值), in relation to construction operations, has the meaning assigned to it in section 18A;

(iii) by adding -

"construction contract" (建造合約) has the meaning assigned to it in section 2(1) of the Industrial Training (Construction Industry) Ordinance (Cap. 317);

"contract of employment" (僱傭合約) has the meaning assigned to it in section 2(1) of the Employment Ordinance (Cap. 57);

"levy inspector" (徵款督察) means a person who is appointed under section 30A;

"term contract" (固定期合約) has the meaning assigned to it in section 2(1) of

the Industrial Training
(Construction Industry)
Ordinance (Cap. 317);

"total value" (總價值), in
relation to construction
operations, has the
meaning assigned to it
in section 18B;

"works order" (施工通知) has
the meaning assigned to
it in section 2(1) of
the Industrial Training
(Construction Industry)
Ordinance (Cap. 317).".

(c) By deleting subclause (2).

(d) In subclause (3), by deleting "construction
works" and substituting "construction
operations".

(e) By adding -

"(4) For the purposes of this

Part -

(a) where a person carries
out any construction
operations for any other
person under a contract
of employment, the

construction operations
shall be regarded as
carried out by -

(i) subject to
subparagraph
(ii), that
other person;
or

(ii) where the
first-
mentioned
person is a
contractor by
virtue of
paragraph
(a)(i) of the
definition of
"contractor"
in section 2(1)
of the
Industrial
Training
(Construction
Industry)
Ordinance (Cap.
317), the

first-
mentioned
person;

(b) where a person carries out any construction operations for himself without arrangement (except under a contract of employment) for the carrying out of such operations by any other person, the first-mentioned person shall, apart from being the person who carries out the construction operations, also be regarded as the person for whom such operations are carried out,

and the definitions of "contractor" and "employer" and the other provisions of this Part shall be construed accordingly.

(5) For the purposes of this Part, a person shall be regarded as

undertaking or carrying out
construction operations if -

(a) he manages, or arranges
for, the carrying out of
the construction
operations by any other
person for the employer
concerned, whether by
way of sub-contracting
or otherwise; or

(b) he provides his own
labour or that of any
other person for the
carrying out of the
construction
operations."

New

By adding -

"18A. Value of construction operations

(1) For the purposes of this Part,
"value" (價值), in relation to construction
operations, means -

(a) where the construction
operations are carried out
under a construction
contract, the consideration

attributable to such operations, as stated in, or ascertainable by reference to, the contract; or

- (b) where the construction operations are not carried out under a construction contract, the reasonable consideration to be expected on the open market in respect of the carrying out of such operations.

(2) Notwithstanding subsection (1)(a), if in a particular case the consideration attributable to the construction operations concerned as determined in accordance with that subsection is below the reasonable consideration to be expected on the open market in respect of the carrying out of such operations, that subsection shall be deemed to contain a reference to the reasonable consideration described in this subsection instead of the consideration described in that subsection.

(3) For the purposes of subsections (1)(b) and (2), the Authority may, when

ascertaining the reasonable consideration as referred to in those subsections in respect of the carrying out of any construction operations, have regard to all or any of the following matters -

- (a) the cost or value of materials used in the construction operations;
- (b) the cost or value of time, work and labour involved in the construction operations;
- (c) the equipment used in the construction operations;
- (d) such overhead costs incurred in relation to the construction operations as the Authority considers reasonable;
- (e) the reasonable profit to be expected on the open market in respect of the carrying out of the construction operations;
- (f) any other factors that the Authority considers appropriate.

18B. Total value of construction operations

For the purposes of this Part, "total value" (總價值), in relation to construction operations, means -

(a) where the construction operations are carried out under a construction contract -

(i) in the case the construction contract is a term contract, the aggregate of the respective values of all construction operations carried out as required by works orders issued under the contract;

(ii) in the case the construction operations are or form part of any construction

operations that are
carried out in
stages, the
aggregate of the
respective values
of all stages of
the operations so
carried out; or

(iii) in any other case,
the value of the
construction
operations; or

(b) where the construction
operations are not carried
out under a construction
contract -

(i) in the case the
construction
operations are or
form part of any
construction
operations that are
carried out in
stages, the
aggregate of the
respective values

- of all stages of
the operations so
carried out; or
- (ii) in any other case,
the value of the
construction
operations.

**18C. Application to construction
operations**

(1) This Part shall not apply to any
construction operations -

- (a) the tender for which was
submitted before the
commencement of this Part; or
- (b) that began before that
commencement.

(2) This Part shall not apply to any
construction operations -

- (a) which are carried out for a
person who occupies any
domestic premises or part of
any domestic premises; and
- (b) the sole or principal purpose
of which is to decorate,
alter, repair, maintain or

renovate the premises or such part of such premises.

(3) This Part shall not apply to any construction operations, or any type or description of construction operations, which are or is excluded from the application of this Part by the Chief Executive in Council by order published in the Gazette.

(4) Without limiting the generality of subsection (3), an order made under that subsection may specify the circumstances under which or the purposes for which any construction operations, or any type or description of construction operations, referred to in the order are or is to be excluded from the application of this Part.

(5) In this section, a person shall be regarded as a person who occupies a domestic premises if he intends to occupy the premises."

19

By deleting the clause and substituting -

"19. Imposition of levy

(1) A levy at the prescribed rate shall be imposed on the value of all

construction operations undertaken or carried out in Hong Kong.

(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) -

(i) the tender for the
construction
operations has been
submitted to the
employer concerned;

(ii) no tender for the
construction
operations has been
submitted to the
employer concerned,
but a construction
contract in respect
of the construction
operations has been
entered into; or

(iii) no tender for the
construction

operations has been submitted to the employer concerned and no construction contract in respect of the construction operations has been entered into, but the construction operations have begun.".

20 By deleting the clause.

21 By deleting the clause.

22 (a) In the heading, by deleting "**works**" and substituting "**operations**".

(b) In subclause (1) -

(i) by deleting "any construction works" and substituting "any construction operations";

(ii) in paragraph (a), by deleting "undertaking the construction works" and substituting "in

respect of the construction
operations";

(iii) in paragraph (b), by deleting
"works" and substituting
"operations";

(iv) by deleting "such a contractor
undertaking the construction works
or such an" and substituting "the
contractor in respect of the
construction operations or the";

(v) by deleting "works, as" and
substituting "operations, as".

(c) By deleting subclause (2) and substituting -
"(2) Except in the case of a term
contract, subsection (1) shall not
apply in respect of any construction
operations if it is reasonably
estimated that the total value of such
operations does not exceed the amount
prescribed under section 19(4)(b)".

(d) In subclause (3), by deleting "value of the
construction works" and substituting "total
value of the construction operations".

(e) By deleting subclause (4) and substituting -

"(4) A contractor or authorized person complies with subsection (1) if he -

(a) had given a notice to CITA under section 24 of the Industrial Training (Construction Industry) Ordinance (Cap. 317) in respect of the construction operations; and

(b) sent a copy of that notice to the Authority within the period of 14 days, or such further time as the Authority may have allowed, within which he shall give notice under that subsection."

23

- (a) In the heading, by deleting "**works, etc.**" and substituting "**construction operations**".
- (b) In subclause (1) -

- (i) by deleting "Where" and substituting "Subject to subsection (1A), where";
- (ii) by deleting "works" wherever it appears and substituting "operations";
- (iii) by deleting "being".

(c) By adding -

"(1A) Where any payment or interim payment is made in any calendar month to a contractor or for his benefit in respect of any construction operations that are carried out under a term contract, the contractor shall, within 14 days after the last day of that month or such further time as the Authority may in any case allow, give notice of it to the Authority in the specified form."

(d) In subclause (2) -

- (i) by deleting "works" wherever it appears and substituting "operations";
- (ii) by deleting "being".

(e) By deleting subclause (3) and substituting -

"(3) Except in the case of a term contract, subsections (1) and (2) shall not apply in respect of any construction operations if it is reasonably estimated that the total value of such operations does not exceed the amount prescribed under section 19(4)(b)."

(f) In subclause (4) -

(i) by adding ", (1A)" before "or (2)";

(ii) by deleting "works" where it twice appears and substituting "operations".

(g) By deleting subclause (5) and substituting -

"(5) A contractor or authorized person complies with subsection (1), (1A) or (2) if he -

(a) had given a notice to CITA under section 25 of the Industrial Training (Construction Industry) Ordinance (Cap. 317) in respect of the relevant payment or completion; and

(b) sent a copy of that notice to the Authority within the period of 14 days, or such further time as the Authority may have allowed, within which he shall give notice under that subsection."

(h) In subclause (6), by adding ", (1A)" before "or (2)".

24

(a) In subclause (1) -

- (i) by adding "or (1A)" after "23(1)";
- (ii) by deleting "from the contractor";
- (iii) by deleting "works" where it twice appears and substituting "operations".

(b) In subclause (2) -

- (i) by deleting "to the contractor";
- (ii) by deleting "works" wherever it appears and substituting "operations".

(c) In subclause (3) -

- (i) by deleting "works" wherever it appears and substituting "operations";
 - (ii) by deleting "from the contractor".
- (d) In subclause (4), by deleting "works" wherever it appears and substituting "operations".
- (e) By adding -
 - "(4A) Notwithstanding subsections (1), (2) and (3), where construction operations are carried out under a term contract, the Authority may defer the making of any assessment under subsection (1), (2) or (3) until such time as the Authority considers appropriate."
- (f) In subclauses (5) and (6) -
 - (i) by deleting "from the contractor";
 - (ii) by deleting "works" wherever it appears and substituting "operations".
- (g) In subclause (7), by deleting "subsection (5)" and substituting "this section and payable by the contractor".
- (h) By deleting subclause (8) and substituting -

"(8) Any assessment of levy or imposition of surcharge under this section shall be notified in writing by the Authority.

(8A) A levy or surcharge shall not be payable by a contractor -

(a) if he has not been notified by the Authority of an assessment of such levy or imposition of such surcharge, as the case may be, under subsection (8); or

(b) to the extent that the levy or surcharge, as the case may be, has been paid by any other contractor unless the levy or surcharge, as the case may be, may be required or ordered to be repaid to that other contractor under section 25(4), 27(4) or 28(4).".

(i) In subclause (9) -

- (i) by deleting "An" and substituting
"Subject to subsection (10), an";
- (ii) in paragraph (a), by deleting
"works" and substituting
"operations";
- (iii) in paragraph (b), by adding a
comma after "surcharge".

(j) By adding -

"(10) If construction operations
are carried out under a term contract,
an assessment or surcharge under this
section shall be made or imposed
within -

(a) 2 years after the
completion of all
construction operations
to which the contract
relates;

(b) 2 years after the
expiration of the period
within which all
construction operations
to which the contract
relates have to be
completed as provided
for by the contract; or

(c) 1 year after evidence of facts, sufficient in the opinion of the Authority to justify the making of the assessment or the imposition of the surcharge, comes to its knowledge,

whichever is the last to occur.

(11) For the purposes of this section, where the amount of levy due in respect of a stage of any construction operations is assessed under this section, the amount of levy shall be assessed as if such stage of the construction operations separately constitutes construction operations subject to payment of levy under this Ordinance."

- 25(4) (a) By adding "any levy or surcharge payable under subsection (1), or" after "part of".
- (b) By adding a comma after "(3)".

- 29 (a) In subclause (1) -

- (i) by deleting "any construction works" and substituting "any construction operations";
 - (ii) in paragraph (a) -
 - (A) by deleting "works" wherever it appears and substituting "operations";
 - (B) by deleting "being";
 - (iii) in paragraph (b), by deleting "works" where it twice appears and substituting "operations".
- (b) In subclause (3) -
- (i) by adding -
 - "(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);";
 - (ii) in paragraph (c), by deleting "works" and substituting "operations".

New

By adding -

"30A. Levy inspector

The Authority may, subject to the approval of the Secretary, appoint in writing a person to be a levy inspector for the purposes of this Part."

- 35 (a) In subclause (1) -
- (i) in paragraph (d), by deleting "屆滿" and substituting "期滿的";
 - (ii) in paragraph (f), by adding "and" at the end;
 - (iii) in paragraph (g) -
 - (A) by deleting "or (6)";
 - (B) by deleting "; and" and substituting a full stop;
 - (iv) by deleting paragraph (h).
- (b) In subclause (2)(a), by deleting "the person with whom he is dealing" and substituting "a person".
- 37 (a) In subclause (4) -
- (i) by adding ", as at the commencement of this subsection," after "satisfied that";
 - (ii) by deleting "but less than 10 years".

(b) In subclause (7), by adding ", as at the commencement of this subsection," after "satisfied that".

39(2) (a) By adding ", as at the commencement of this subsection," after "satisfied that".

(b) By deleting "10 years" and substituting "8 years".

42 (a) In subclause (2) -

(i) in paragraph (a), by deleting "date of registration or renewal of registration" and substituting "relevant date";

(ii) in paragraph (b), by deleting "42 months after the date of registration or renewal of registration" and substituting "48 months after the relevant date".

(b) In subclause (6) -

(i) in paragraph (a), by adding "and" at the end;

(ii) in paragraph (b), by deleting "; and" and substituting a full stop;

(iii) by deleting paragraph (c).

(c) By adding -

"(6A) An application under subsection (5) shall be made -

- (a) not earlier than 3 months before and not later than 7 business days before the date of expiry of the person's registration;
- (b) after the expiry of the period referred to in paragraph (a) but before the date on which the Registrar gives notice to the person that the Registrar intends to cancel the person's registration under section 47(1)(b); or
- (c) in the case where the Registrar has given notice to the person that the Registrar intends to cancel the person's registration under section 47(1)(b), before the expiry of the

period of 14 days
referred to in section
47(2)(b).".

(d) By deleting subclause (9) and substituting -

"(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" () means -

(a) the date of
registration;

(b) in the case of an
application for renewal
of registration made in
accordance with
subsection (6A)(a), 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)(b) -

(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)(c), the

date of renewal of
registration.".

46 (a) In subclause (3)(a), by deleting "次承建" and substituting "分包".

(b) In subclause (8), by deleting "subsection (3)" and substituting "subsection (5)".

47 (a) By deleting subclauses (4) and (6).

(b) In subclause (7) -

(i) by deleting "or suspends";

(ii) by deleting "or suspension".

(c) By deleting subclause (10).

(d) In subclause (11), by deleting ", (9) or (10)" and substituting "or (9)".

Part 6 By deleting the Part.

52 (a) In subclause (1), by adding "on" after "serving".

(b) In subclause (6), by adding "of" after "review".

53 (a) By deleting subclause (1) and substituting -
"(1) Subject to subsection (2), a
person who is the subject of a decision

under section 38(1), 39(1), 41(1)(a), 42(1) or 47(1) may appeal against the decision by serving on the Authority a notice of appeal stating the substance of the matter and reasons for the appeal."

- (b) In subclause (2), by deleting "of the Registrar under subsection (1)(b)" and substituting "under subsection (1)".
- (c) In subclause (3), by deleting "the Authority, within 3 business days after the decision," and substituting "on the Authority".
- (d) In subclause (4) -
 - (i) in paragraph (a), by deleting "and";
 - (ii) in paragraph (b), by deleting the full stop and substituting "; and";
 - (iii) by adding -
 - "(c) served on the Authority -
 - (i) in the case of an appeal against a decision under subsection (1),

within 2 weeks
after the
Review
Committee
notifies the
person under
section 52(6)
of its
recommendation,
and the reasons
for the
recommendation,
in respect of
his request for
review of the
decision; or
(ii) in the case of
an appeal
against a
decision under
subsection
(3), within 3
business days
after the
decision."

54

(a) In subclause (1) -

(i) by deleting "The Secretary" and substituting "Subject to subsection (2), the Secretary";

(ii) by deleting paragraphs (d), (e), (f) and (g) and substituting -

"(d) not less than 10 are persons, each of whom is, in the opinion of the Secretary, a person from a contractor in the construction industry in Hong Kong; and

(e) not less than 10 are persons, each of whom is, in the opinion of the Secretary, a person from a trade union, registered under the Trade Unions Ordinance (Cap. 332), that represents workers in the construction industry in Hong Kong."

(b) By deleting subclause (2)(d).

(c) By deleting subclause (3) and substituting -

"(3) An appointment under subsection (1) shall be notified in the Gazette.

(3A) A member of the Appeal Board panel shall be appointed for a term of not more than 3 years."

(d) In subclause (5)(a), by deleting ", a member of the Complaints Committee".

55(2) By deleting everything after "of 5" and substituting -

"members, of whom -

- (a) not more than 2 are selected in rotation from the members of the Appeal Board panel specified in section 54(1)(a), (b) and (c);
- (b) not more than 2 are selected in rotation from the members of the Appeal Board panel specified in section 54(1)(d); and
- (c) not more than 2 are selected in rotation from the members of the Appeal Board panel

specified in section
54(1)(e).".

56(1)(b)(i) By deleting "or order".

57 By adding -

"(3) In this section, "legal practitioner" (法律執業者) means counsel, or a solicitor, who holds a current practising certificate.".

58(3)(a) By deleting "or order" wherever it appears.

59 (a) In subclauses (1), (3)(b) and (4)(a), by deleting "程" wherever it appears and substituting "作".

(b) In subclause (7)(a)(ii)(A), by deleting "次承建" and substituting "分包".

(c) In subcaluse (9)(b), by deleting "造工程" and substituting "造工作".

60 By deleting the clause.

61 (a) In the heading, by deleting "**and of failure to attend inquiries or hearing as witness,**

etc." and substituting **", of failure to attend as witness and of obstructing authorized officers, etc."**.

(b) In subclause (1) -

(i) by adding before paragraph (a) -

"(aa) a requirement made to the person under section 17C(1)(d)(i), (e)(i)(A) or (f);"

(ii) by deleting paragraph (b).

(c) In subclause (2) -

(i) in paragraph (a), by deleting "by the Complaints Committee to attend an inquiry or";

(ii) in paragraph (b) -

(A) by deleting "an inquiry before the Complaints Committee, or";

(B) by deleting ", as" and substituting "as";

(C) by deleting "Committee or".

(d) By adding -

"(3) A person who -

(a) without reasonable excuse, resists, obstructs or delays an

authorized officer who
is performing or
exercising, or
attempting to perform or
exercise, a function or
power under this
Ordinance;

- (b) without reasonable
excuse, fails to comply
with a requirement made
to the person under
section 17C(1)(d)(i),
(e)(i) or (f);
- (c) without reasonable
excuse, prevents, or
attempts to prevent,
another person from
assisting an authorized
officer in the
performance or exercise
of the officer's
functions or powers
under this Ordinance; or
- (d) directly or indirectly,
intimidates or threatens
an authorized officer in

the performance or
exercise of the
officer's functions or
powers under this
Ordinance, or a person
assisting such an
officer,

commits an offence and is liable on
conviction to a fine at level 3.".

New

By adding -

**"61A. Prosecution may be brought
in Authority's name**

Without prejudice to any Ordinance
relating to the prosecution of criminal
offences or to the powers of the Secretary
for Justice in relation to the prosecution
of criminal offences, a prosecution for an
offence under this Ordinance may be -

- (a) brought in the name of the
Authority; and
- (b) commenced and conducted by a
member or employee of the
Authority authorized in that
behalf in writing by the
Authority."

63(5)(a) By deleting "complaint,".

64(1) By deleting paragraph (b).

66 By deleting "Schedules" and substituting "Schedule".

Schedule 1 (a) By deleting ", 49 & 66]" and substituting "& 66]".

(b) In Part 1 -

(i) in item 8 -

(A) in column 1, by deleting "清拆" and substituting "拆卸";

(B) in column 2, by deleting "清拆、拆卸" and substituting "拆卸、拆除";

(C) in column 3, by deleting "清拆" and substituting "拆卸";

(ii) in item 9 -

(A) in column 1, by deleting "清拆工(違例建築物)" and substituting "拆卸工(違例建築工程)";

(B) in column 2 -

- (I) by deleting "building works carried out" and substituting "buildings erected, or building works carried out,";
- (II) by deleting "清拆、拆卸" and substituting "拆卸、拆除";
- (C) in column 3, by deleting "清拆工(違例建築物)" and substituting "拆卸工(違例建築工程)";
- (iii) in item 10, in column 2, in paragraph (a), by deleting "清拆" and substituting "拆卸";
- (iv) in item 11, in column 4, by adding "for Grade A, B, C or H electrical work" after "worker";
- (v) in item 12, in column 1, by deleting "機械";
- (vi) in item 15, in column 2, by deleting "supply systems" and substituting "fittings";
- (vii) in item 17, in column 1, by deleting "機械";

(viii) in item 30 -

(A) in column 1, by deleting

"(Demolition)" and

substituting "(Demolition) -

Excavator";

(B) in column 2, by deleting

everything after "operate" and

substituting "excavators to

demolish, dismantle and remove

buildings or structures, or

any part thereof";

(C) by deleting column 3 and

substituting -

"Not applicable";

(D) by deleting column 4 and

substituting -

"Both of the following -

(a) trade test

certificate for

Plant and Equipment

Operator

(Demolition) -

Excavator issued by

CITA; and

(b) certificate as

defined in section
2(1) of the
Factories and
Industrial
Undertakings
(Loadshifting
Machinery)
Regulation (Cap. 59
sub. leg.) and
applicable to
excavators";

(ix) in item 45, in columns 1, 2 and 4,
by adding "起重機" after "吊臂";

(x) in item 53, in column 2, by
deleting everything after "貨車"
and substituting "在建造工地範圍內運送
建造物料、建築碎料或挖掘出來的沙石，或將
該等物料、碎料或沙石運入或運出建造工地";

(xi) by adding -

"53A. Truck Driver (Medium goods vehicles)	To drive medium goods vehicles within the meaning of section 2 of the Road Traffic Ordinance (Cap. 374)	Not applicable	Full driving licence within the meaning of the Road Traffic (Driving
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to transport	Licences)
"	
construction	Regulations
materials, building	(Cap. 374 sub.
debris or excavated	leg.) to drive
materials within,	a medium goods
into or out of	vehicle";
construction sites	

(xii) in item 54, in column 2, by deleting everything after "車輛" and substituting "在建造工地範圍內運送建造物料、建築碎料或挖掘出來的沙石，或將該等物料、碎料或沙石運入或運出建造工地"；

(xiii) in item 55, in column 2, by deleting "程" and substituting "作".

(c) In Part 2 -

(i) in item 1, in column 2, by deleting ", and" and substituting "and in";

(ii) in item 4, in column 2 -

(A) by adding ", maintain and repair" after "install";

(B) by deleting "and access control systems" and

substituting ", access
control systems, and building
control and monitoring
systems";

- (iii) in item 7, in column 2, by deleting everything after "wiring systems," and substituting "private automatic branch exchange systems, intercom systems, in-building coaxial cable distribution systems, and other wired or wireless signal transmission and reception systems";
- (iv) in item 13, in columns 1, 3 and 5, by deleting "器" and substituting "氣";
- (v) in item 21, in column 2, by deleting "building foundations" and substituting "underground caissons";
- (vi) in item 27, in column 2, by deleting "拆卸" and substituting "拆除";

- (vii) in item 31, in column 1, paragraph (a) of column 3 and column 5, by deleting "匠" and substituting "工";
- (viii) in item 33 -
 - (A) in column 2 -
 - (I) by adding "用於" after "修理";
 - (II) in paragraph (a), by deleting "用於";
 - (B) by deleting column 3 and substituting -
 - "Either one of the following -
 - (a) trade certificate for Refrigeration/Air-conditioning/Ventilation Mechanic (Electrical Control) issued by VTC; or
 - (b) certificate of registration as an electrical worker

issued under
section 30 of the
Electricity
Ordinance (Cap.
406) on which the
Director of
Electrical and
Mechanical Services
specifies that the
holder is entitled
to do electrical
work on an air-
conditioning
installation";

(ix) in item 36 -

(A) in column 1, by deleting "and
Refrigerant";

(B) in column 2, by deleting
everything after "water" and
substituting "systems for
air-conditioning systems
(including air-handling and
water condensing equipment)";

(C) in columns 3 and 5, by
deleting "and Refrigerant".

(d) In Part 3 -

- (i) in item 1, in columns 1 and 3, by deleting "髹" and substituting "油";
- (ii) in item 2, in column 2, by adding "(工人軚)" after "機".

- Schedule 4
- (a) By deleting "14, 16 & 66]" and substituting "16 & 66]".
 - (b) In section 2(2), by deleting "9" and substituting "10".
 - (c) In section 8(4)(a), by deleting "a member of the Complaints Committee,".
 - (d) By deleting Part 4.
 - (e) In section 14(4)(a), by deleting ", a member of the Complaints Committee".