

Responses to issues raised by members of the Bills Committee at the first meeting

- (a) to provide information on various means to facilitate the workers in having their past experience certified.

Under clause 39(2), the Registrar shall not register a person as a registered skilled worker (transitional) for a designated trade unless the Registrar is satisfied that the person has, for a period, or an aggregate period, of not less than 10 years, personally carried out construction work that involves any work relevant to the trade. The experience claimed by the workers can be certified either by the employers concerned or the relevant trade unions or trade associations. We have considered other means to facilitate workers in obtaining verification of their past experience. Under clauses 63(1)(a) and (2), an application for registration will have to be in a form to be specified by the Authority and that form may include a statutory declaration to be made by the applicant on a certain part of his experience.

- (b) to provide information on the development of trade unions in the past ten years, including a breakdown of the number of trade unions and their membership numbers.

Based on information provided by the Registry of Trade Unions, Labour Department, a table showing the membership development of the major trade unions in the construction industry in the past ten years is given at the Appendix. Please see also our response to point (e), we will refine the way in stipulating the composition of the Qualifications Committee, Review Committee and Appeal Board panel without making reference to specific trade unions.

- (c) to provide information on the scope of “construction work” for the purpose of the Construction Workers Registration System and whether non-structural works such as alteration of drainage systems or decoration works in existing buildings fell within the scope of “construction work”.

According to clause 2 – Interpretation of the Bill, “construction work” (建造工作、建造工程), 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
- C. means any maintenance work, carried out under a term contract for maintenance, of any specified structure owned by, or otherwise belonging to, a public body or a specified body;

Based on the above definition, alteration of drainage systems or decoration works in existing buildings not involving the structure of any “specified structure” (details under schedule 3 of the Bill) do not fall within the scope of “construction work”.

The Construction Workers Registration Bill is not intended to cover workers on decorative and minor maintenance works. It is the Administration’s plan to conduct further studies and with experience gained from operation of the proposed Construction Workers Registration System to consider expanding the registration to cover other construction personnel including decorative and minor maintenance workers, and supervisory staff, etc.

- (d) to provide information on cost estimate of an appeal lodged under the Bill with reference to the costs of other similar appeals lodged under other ordinances.

Costs related to an appeal are stipulated under clauses 53(4). To cover part of the administrative cost and avoid possible abuse of the appeal mechanism, clause 53(4) provides that each notice of appeal shall be accompanied by a small prescribed fee. We propose to set the fee at around \$30.

- (e) to consider refining the composition of the Qualifications Committee, Review Committee and Appeal Board panel without making specific reference to the names of the trade associations or trade unions.

We will make reference to the composition of the Authority in refining the way in stipulating the composition of the Qualifications Committee, Review Committee and Appeal Board panel and will issue a CSA.

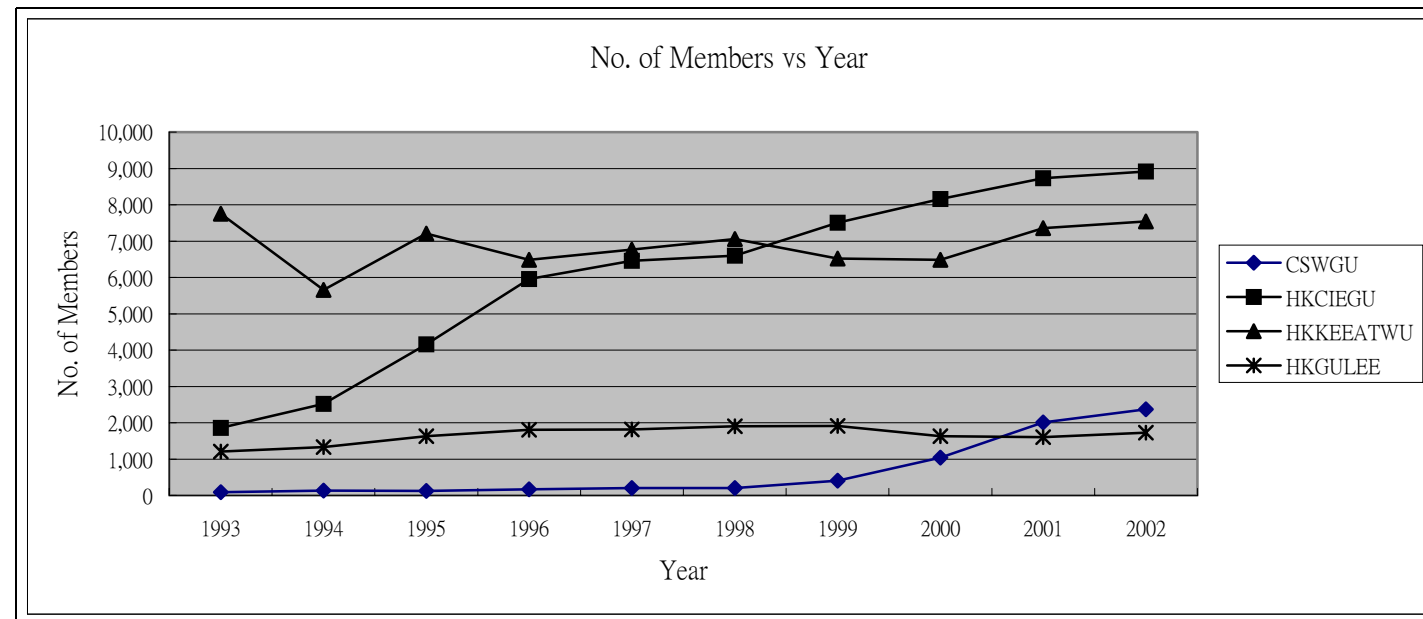
- (f) to consider expanding the composition of the Authority and Qualifications Committee to include professional bodies with a view to balancing the interest of trade associations and trade unions.

Apart from the listed representatives, the composition of the Authority includes 6 persons, each of whom is, in the opinion of the Secretary, a person connected with the construction industry in Hong Kong. One or more of these persons may be from the professional bodies. Concerning the composition of the Qualifications Committee, we will consider including a representative from the professional bodies and will issue a CSA.

Summary of the membership development of the trade unions in the construction industry over the past 10 years (1993 to 2002)

(Trade unions with less than 500 members or are affiliated to the unions below are not listed)

	Year of Registration	No. of Declared Members									
		1993	1994	1995	1996	1997	1998	1999	2000	2001	2002
Construction Site Workers General Union (CSWGU)	1992	85	132	127	165	201	201	407	1,037	2,005	2,373
Hong Kong Construction Industry Employees General Union (HKCIEGU) ¹	1986	1,856	2,523	4,159	5,957	6,462	6,601	7,505	8,161	8,728	8,915
Hong Kong & Kowloon Electrical Engineering & Appliances Trade Workers Union (HKKEEATWU) ²	1958	7,757	5,660	7,211	6,481	6,768	7,061	6,524	6,484	7,360	7,545
Hong Kong General Union of Lift & Escalator Employees (HKGULEE)	1986	1,204	1,329	1,633	1,802	1,815	1,905	1,916	1,628	1,600	1,729



Note 1 – The Hong Kong Construction Industry Employees General Union has the following affiliated trade unions (those grouped under the construction industry section in the annual report of the Registry of Trade Unions):

- (a) Hong Kong & Kowloon Brick-laying & Construction Trade Workers' Union
- (b) Hong Kong & Kowloon Carpenters General Union
- (c) Hong Kong & Kowloon Painters General Union
- (d) Hong Kong Plumbing General Union
- (e) Hong Kong and Kowloon Bamboo Scaffolding Workers Union (Tung-King)
- (f) Hong Kong Construction Industry Formwork Workers Union
- (g) Hong Kong Construction Industry Surveying, Levelling and Project Supervision Staff Association
- (h) Hong Kong Construction Industry Bar-Bending Workers Union
- (i) Hong Kong Construction Industry Professional Plant-Operators and Mechanics' Association
- (j) Hong Kong & Kowloon Masonry & Building Workers Union
- (k) Hong Kong and Kowloon Cement and Concrete Construction Trade Workers Union

Note 2 – The Hong Kong & Kowloon Electrical Engineering & Appliances Trade Workers Union is affiliated to the Federation of Hong Kong Electrical & Mechanical Industries Trade Unions.