

## **Responses from the Administration to points raised by CLP Power Hong Kong Limited**

(in the same order as the comments raised in their letter dated 17.6.2003)

1. (In response to the comments raised in the first page of CLP Power's letter)

As far as we know, there are no trade tests offered by Construction Industry Training Authority (CITA) or Vocational Training Council (VTC) for the "Cable Jointer (Power)" and "Overhead Linesman" trades. As such, trade test certificates for these two trades are not included in Schedule 1 of the Bill as a qualification. However, provisions are included in clauses 37(2)(b), (3)(b) and (6)(b) for the Registrar to accept, in consultation with the Qualifications Committee, qualifications which are considered equivalent.

If CLP Power, HEC and other relevant organizations wish to have their training and qualification for workers of these 2 trades recognized for the purpose of registration under this Bill, this could be pursued.

2. This Bill is dealing with a different scope of "construction work" from that of the Factories and Industrial Undertakings Ordinance (Cap.59) or the Industrial Training (Construction Industry) Ordinance (Cap.317). Thus, the formulation of the definition is different. Paragraphs (a)(i), (ii) and (iii) of the definition of "construction work" in this Bill is modelled, with some variations, on paragraphs (a) and (b) of the definition of "construction work" in Cap. 59. Since decorative and minor maintenance works are outside the scope of this Bill, one of the variations is to exclude construction work which does not involve the structure of the "specified structure" (details under Schedule 3) or any other "specified structure". In addition, clauses are added to cover building services work and maintenance work under term contract for maintenance.

Cap. 59 and Cap. 317 do not have a definition on "construction site". The definition of "construction site" in this Bill applies to place where construction work is, or is to be carried out but with some exclusions. It is intended that workers carrying out construction work, decorative and

minor works after the issue of completion certificate are not subject to the prohibition against unregistered construction workers carrying out on construction sites construction work. As such, construction sites where completion certificates have been issued do not fall within the definition of “construction site”.

3. Construction workers are normally required to have not less than 4-year experience in the respective trade to be eligible for applying to the respective training institutes to take the trade test. The “4-year experience in the respective trade” is not a requirement for registered skilled worker in the Bill.
4. One major objective of this Bill is to obtain more reliable manpower data on construction workers working on construction sites. Registered electrical workers and workers registered/licensed under other relevant ordinances are required to obtain registration under the Construction Workers Registration System. If such workers are exempted from the Bill, the manpower data so collected will be incomplete and will not serve to achieving the intended objective. It should be noted that only a small portion of the registered electrical workers and competent lift/escalator workers, etc. are working on construction sites and there are no other reliable means for obtaining the requisite data. Moreover, we have considered the need to alleviate the burden of the workers in paying various fees pertinent to working on sites. Workers who possess recognized registration/certificate/license are only required to pay a small registration/renewal fee at \$50 for 3 years.
5. As the Bill provides for the regulation of construction workers personally carrying out construction work, I assume you are referring to persons from overseas working on site in Hong Kong. If the work involved is not construction work as defined in this Bill, the persons, whether local or overseas, may personally carry out the work on a construction site even though he is not a registered construction worker.

Under clause 37(1)(b), the Registrar shall not register a person, who is not a Hong Kong permanent resident, as a registered construction worker unless he is not subject to any conditions of stay in Hong Kong that restricts him from taking up employment in Hong Kong.

For the purpose of collecting manpower data on all construction workers

working on construction sites and to be fair to all workers, workers recruited from overseas shall not personally carry out on a construction site construction work unless they are registered.

6. As explained in item 1, there are currently no trade tests for “Cable Jointer (Power)” or “Overhead Linesman”. Workers providing assistance to the skilled workers or under training can be registered as general workers. If there is a genuine need to register the semi-skilled workers for these 2 trades, provision of trade tests for the semi-skilled workers is an essential prerequisite and further deliberations among relevant parties will be necessary. As regards “Electrical Fitter”, registered skilled/semi-skilled workers are included for 2 sub-categories of “Electrical Fitter” namely, “Electrical Wireman” and “Control Panel Assembler”. Registered skilled workers under the trade of “Electrical Fitter” are equivalent to Registered Electrical Workers and can carry out fixed electrical installation work independently. Thus, there is no registered semi-skilled worker for this trade.
7. We have consulted the Privacy Commissioner for Personal Data on the draft Bill and will observe the relevant provisions in the Personal Data (Privacy) Ordinance. It is intended that the “Register” will only record the date of the reprimand.