

Our Ref: P/023/0603

17 June 2003

BY FAX (2121 0420) & MAIL

Your ref.: CBI/BC/6/02

Clerk to Bills Committee
Legislative Council Secretariat
3/F., Citibank Tower
3 Garden Road
Central
Hong Kong

Attention: Ms Alice AU

Dear Ms AU

**Bills Committee on
Construction Workers Registration Bill**

Thank you for your letter dated 3 June 2003 informing the Hong Kong Institute of Surveyors that the Bills Committee on Construction Workers Registration Bill will have a meeting on Tuesday, 24 June 2003. We have the following comments for the Bills Committee's consideration:

- According to section 6, a worker will be fined for not registering. At the same time, the contractor will be fined for employing an unregistered worker. There should be a provision preventing the contractor from passing the fine down to the worker.
- The Authority will need to deal with conflicting views that will bound to arise from the contractors (representing employers' interests) and the workers, professional input and impartiality will be essential for the proper functioning of the Authority. We would propose that the "6 persons connected with the construction industry" to be appointed under section 7(3)(b)(vii) be elaborated to mean "6 persons from professional institutions connected with the construction industry".
- Section 12 (Qualification Committee) – We strongly demand that the Qualification Committee should also include professionals nominated by the Hong Kong Institute of Surveyors same as the composition of Review Committee. Professionals are responsible for the periodic supervision of works and the workmanship quality of the workers are their concern to ensure work quality.

- In section 20 and 21, the levy is based on value of construction works. The definition of construction works needs to be expanded to cover "design and build" and "fix only" works. It should also provide for whether design cost is to be excluded in the former case and whether value of material/ plant supplied by the client is to be excluded in the latter case.
- To ensure a single source of responsibility, a "controller" is defined in section 59(9). However, if there is no principal contractor for a site, as mentioned in 59(9)(a)(ii), who exactly is the person that "has control over, or is in charge of, the site" - the client, the project manager, or the authorized person? This needs to be carefully thought out and worded.

Our institute will not be sending representatives to attend the Bills Committee on 24 June 2003. Should you require further information, please contact our Secretary-General Mr Gordon NG at 2526 3679.

Yours sincerely

Kenneth CHAN
President