

C009-e1

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; 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);

"Building Authority" (建築事務監督) has the meaning assigned to it in section 2(1) of the Buildings Ordinance (Cap. 123);

"building services work" (建築物裝備工程) means---

(a) any heating, lighting, air-conditioning, ventilation, power supply, drainage, sanitation, refuse collection, water supply, fire protection, security, communications, lift or escalator installation or works; or

(b) any other extra low voltage installation or works;

"building works" (建築工程) has the meaning assigned to it in section 2(1) of the Buildings Ordinance (Cap. 123);

"business day" (工作日) means a day that is not---

(a) a general holiday; or

(b) a black rainstorm warning day, or a gale warning day, within the meaning of section 71(2) of the Interpretation and General Clauses Ordinance (Cap. 1);

"CITA" (建訓局) means the Construction Industry Training Authority established by section 4 of the Industrial Training (Construction Industry) Ordinance (Cap. 317);

"committee" (委員會) means a committee established under section 8(2)(a);

"Complaints Committee" (投訴委員會) means the Construction Workers Complaints Committee established by section 14(1);

"construction site" (建造工地) means a place where construction work is, or is to be, carried out but, except in relation to sections 49 and 60(2)(a) and (d), excludes such a place where---

(a) in the case of construction work falling within paragraph (a) or (b) of the definition of "construction work" in this section---

(i) in respect of which the Buildings Ordinance (Cap. 123) applies; and

(ii) which may not, by virtue of section 41(3) or (3A) of that Ordinance, be carried out without application to or approval from the Building Authority,

a certificate, referred to in paragraph (2) or (3) of regulation 25, or in paragraph (2) of regulation 26, of the Building (Administration) Regulations (Cap. 123 sub. leg.), in respect of the construction work has been sent to the Building Authority in accordance with that paragraph, or a certificate, referred to in paragraph (4) of regulation 25 of those Regulations, in respect of the construction work has been made in accordance with that paragraph;

(b) in the case of any other construction work falling within paragraph (a) or (b) of that definition, a certificate of substantial completion of contract has been issued in accordance with the terms of the contract under which the construction work is carried out;

"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

(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;

"designated trade" (指定工種) means a trade or an occupation set out in column 1 of Part 1, 2 or 3 of Schedule 1;

"extra low voltage" (特低壓) means voltage normally not exceeding---

(a) 50V root mean square alternating current; or

(b) 120V direct current,

between conductors or between a conductor and earth;

"further penalty" (附加罰款) means the further penalty payable under section 25(3);

"levy" (徵款) means the levy imposed under section 19;

"levy inspector" (徵款督察) means a person who is appointed under section 60(3);

"low voltage" (低壓) means voltage normally exceeding extra low voltage but normally not exceeding---

(a) between conductors, 1 000V root mean square alternating current or 1 500V direct current; or

(b) between a conductor and earth, 600V root mean square alternating current or 900V direct current;

"officer" (高級人員), in relation to a body corporate, includes a director, manager or secretary;

"penalty" (罰款) means the penalty payable under section 25(2);

"practicable" (切實可行) means reasonably practicable;

"principal contractor" (總承建商), in relation to a construction site, means the person who undertakes on the site construction work under a contract, or term contract for maintenance, that is entered into by the person directly with---

(a) an owner, occupier or developer of the property within the site; or

(b) an agent or architect, surveyor or engineer of such an owner, occupier or developer;

"Qualifications Committee" (資格評審委員會) means the Construction Workers Qualifications Committee established by section 12(1);

"Register" (名冊) means the Register of Construction Workers established under section 34(1)(a);

"registered construction worker" (註冊建造業工人) means---

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

- (b) a registered skilled worker (provisional) for a designated trade;
- (c) a registered skilled worker (transitional) for a designated trade;
- (d) a registered semi-skilled worker for a designated trade;
- (e) a registered semi-skilled worker (provisional) for a designated trade; or
- (f) a registered general worker;

"registered general worker" (註冊普通工人) means a person whose name is currently entered in the Register as a registered general worker;

"registered semi-skilled worker" (註冊半熟練技工), in relation to a designated trade, means a person whose name is currently entered in the Register as a registered semi-skilled worker for the trade;

"registered semi-skilled worker (provisional)" (註冊半熟練技工 (臨時)), in relation to a designated trade, means a person whose name is currently entered in the Register as a registered semi-skilled worker (provisional) for the trade;

"registered skilled worker" (註冊熟練技工), in relation to a designated trade, means a person whose name is currently entered in the Register as a registered skilled worker for the trade;

"registered skilled worker (provisional)" (註冊熟練技工 (臨時)), in relation to a designated trade, means a person whose name is currently entered in the Register as a registered skilled worker (provisional) for the trade;

"registered skilled worker (transitional)" (註冊熟練技工 (過渡)), in relation to a designated trade, means a person whose name is currently entered in the Register as a registered skilled worker (transitional) for the trade;

"Registrar" (註冊主任) means the Registrar of Construction Workers appointed under section 33(1);

"registration" (註冊) means registration under this Ordinance as a registered construction worker, and "registered" (註冊) shall be construed accordingly;

"registration card" (註冊證) means a registration card issued under section 44(1);

"Review Committee" (覆核委員會) means the Construction Workers Review Committee established by section 16(1);

"Secretary" (局長) means the Secretary for the Environment, Transport and Works;

"specified" (指明), in relation to a form, means specified under section 63;

"specified body" (指明機構) means a body set out in Schedule 2;

"specified structure" (指明構築物) means any structure or works set out in Schedule 3;

"street works" (街道工程) has the meaning assigned to it in section 2(1) of the Buildings Ordinance (Cap. 123);

"sub-contractor" (次承建商), in relation to a principal contractor, means---

- (a) a person who enters into a contract with the principal contractor to undertake

all or any part of the construction work that the principal contractor has undertaken;  
or

(b) any other person who enters into a contract with a sub-contractor within the meaning of paragraph (a) to undertake all or any part of the construction work that such a sub-contractor has undertaken;

"surcharge" (附加費) means the surcharge imposed under section 24(7);

"term contract for maintenance" (固定期保養合約) means a contract for a fixed term---

(a) which is made between a person and a public body or specified body; and

(b) under which the person shall, during the term, undertake maintenance work in respect of a specified structure owned by, or otherwise belonging to, the body, as required by the body in writing from time to time;

"VTC" (職訓局) means the Vocational Training Council established by section 4 of the Vocational Training Council Ordinance (Cap. 1130).

(2) For the avoidance of doubt, it is declared that the provisions of this Ordinance applicable to or in relation to a designated trade, or any part of a designated trade, are additional to the provisions of any other Ordinances applicable to or in relation to the trade, or any part of the trade.

## PART 2

### Prohibitions

#### 3. Prohibition against unregistered construction workers carrying out on construction sites construction work

(1) A person shall not personally carry out on a construction site construction work unless the person is a registered construction worker.

(2) Subject to section 4(1), a person shall not personally carry out on a construction site construction work that involves any work described in column 2 of Part 1 of Schedule 1 opposite a designated trade set out in that Part unless the person is---

(a) a registered skilled worker for the trade;

(b) a registered skilled worker (provisional) for the trade; or

(c) a registered skilled worker (transitional) for the trade.

(3) Subject to section 4(2), a person shall not personally carry out on a construction site construction work that involves any work described in column 2 of Part 2 of Schedule 1 opposite a designated trade set out in that Part unless the person is---

(a) a registered skilled worker for the trade;

(b) a registered skilled worker (provisional) for the trade;

(c) a registered skilled worker (transitional) for the trade;

- (d) a registered semi-skilled worker for the trade; or
- (e) a registered semi-skilled worker (provisional) for the trade.

(4) Subject to section 4(3), a person shall not personally carry out on a construction site construction work that involves any work described in column 2 of Part 3 of Schedule 1 opposite a designated trade set out in that Part unless the person is---

- (a) a registered semi-skilled worker for the trade; or
- (b) a registered semi-skilled worker (provisional) for the trade.

#### 4. Exemptions from prohibitions under section 3

(1) A person who is a registered construction worker may personally carry out on a construction site construction work that involves any work described in column 2 of Part 1 of Schedule 1 opposite a designated trade set out in that Part if, in relation to the work so described, the person is under the instruction and supervision of a registered skilled worker for the trade.

(2) A person who is a registered construction worker may personally carry out on a construction site construction work that involves any work described in column 2 of Part 2 of Schedule 1 opposite a designated trade set out in that Part if, in relation to the work so described, the person is under the instruction and supervision of a registered skilled worker, or a registered semi-skilled worker, for the trade.

(3) A person who is a registered construction worker may personally carry out on a construction site construction work that involves any work described in column 2 of Part 3 of Schedule 1 opposite a designated trade set out in that Part if, in relation to the work so described, the person is under the instruction and supervision of a registered semi-skilled worker for the trade.

#### 5. Prohibition against employing unregistered construction workers to carry out on construction sites construction work

No person shall employ another person to personally carry out on a construction site construction work in contravention of section 3(1), (2), (3) or (4).

#### 6. Offences in relation to prohibitions under sections 3 and 5

(1) A person who contravenes section 3(1), (2), (3) or (4) commits an offence and is liable on conviction to a fine at level 3.

(2) A person who contravenes section 5 commits an offence and is liable on conviction to a fine at level 5.

(3) If a person is charged for an offence under subsection (2) for employing another person to personally carry out on a construction site construction work in contravention of section 3(1), (2), (3) or (4), it shall be a defence for the defendant

to prove that he believed, and that it was reasonable for him to believe, the relevant matter set out in subsection (8) is true.

(4) If---

(a) there is a contravention of section 3(1), (2), (3) or (4), and the person who commits the contravention is employed by a principal contractor for the construction site concerned, or a sub-contractor of such a principal contractor; or

(b) there is a contravention of section 5, and the person who commits the contravention is a sub-contractor of a principal contractor for the construction site concerned,

that principal contractor also commits an offence and is liable on conviction to a fine at level 5.

(5) If a person is charged for an offence under subsection (4), it shall be a defence for the defendant to prove that he took reasonable steps, and exercised due diligence, to ensure the relevant matter set out in subsection (8).

(6) Without prejudice to the generality of subsection (5), a principal contractor establishes a defence under that subsection if he proves that he had---

(a) established a proper system to ensure the relevant matter set out in subsection (8); and

(b) ensured the effective operation of the system.

(7) For the purposes of subsection (6)(a), a principal contractor has not established a proper system unless at the material time he has complied with---

(a) section 46(6)(a); and

(b) if applicable, section 59(1).

(8) The relevant matter referred to in subsections (3), (5) and (6)(a) is---

(a) in the case of a contravention of section 3(1), that the person who personally carried out construction work was a registered construction worker;

(b) in the case of a contravention of section 3(2), that the person who personally carried out construction work that involves any work described in column 2 of Part 1 of Schedule 1 opposite a designated trade set out in that Part---

(i) was a registered skilled worker for the trade;

(ii) was a registered skilled worker (provisional) for the trade;

(iii) was a registered skilled worker (transitional) for the trade; or

(iv) was a registered construction worker who might do so under section 4(1);

(c) in the case of a contravention of section 3(3), that the person who personally carried out construction work that involves any work described in column 2 of Part 2 of Schedule 1 opposite a designated trade set out in that Part---

(i) was a registered skilled worker for the trade;

(ii) was a registered skilled worker (provisional) for the trade;

- (iii) was a registered skilled worker (transitional) for the trade;
  - (iv) was a registered semi-skilled worker for the trade;
  - (v) was a registered semi-skilled worker (provisional) for the trade; or
  - (vi) was a registered construction worker who might do so under section 4(2);
- (d) in the case of a contravention of section 3(4), that the person who personally carried out construction work that involves any work described in column 2 of Part 3 of Schedule 1 opposite a designated trade set out in that Part---
- (i) was a registered semi-skilled worker for the trade;
  - (ii) was a registered semi-skilled worker (provisional) for the trade; or
  - (iii) was a registered construction worker who might do so under section 4(3).

### PART 3

#### Construction Workers Registration Authority and Standing Committees

##### 7. Authority

(1) There is established by this section a body corporate called in English the "Construction Workers Registration Authority" and in Chinese "建造業工人註冊管理局".

(2) The Authority shall have perpetual succession and a common seal and shall be capable of suing and being sued.

(3) The Authority shall consist of---

(a) the Secretary or his representative; and

(b) 17 other members appointed by the Secretary as follows---

(i) a chairman;

(ii) 3 public officers;

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

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

(v) 2 persons, each of whom is, in the opinion of the Secretary, a person from a trade association representing workers in the construction industry in Hong Kong;

(vi) 1 person who is, in the opinion of the Secretary, a person from a real estate developer in Hong Kong; and

(vii) 6 persons, each of whom is, in the opinion of the Secretary, a person connected with the construction industry in Hong Kong.

(4) An appointment under subsection (3)(b) shall be notified in the Gazette.

(5) If, for any period, the chairman of the Authority is absent from Hong Kong or is, for any other reason, unable to perform the functions of his office, the other members of the Authority may elect from among themselves a person to act as chairman



of the Authority during that period.

(6) Part 1 of Schedule 4 shall have effect with respect to the Authority and its members.

## 8. Functions and powers of Authority

(1) The Authority shall---

- (a) be responsible for the administration of this Ordinance and the supervision of the registration of persons;
- (b) set the qualification requirements for registration or renewal of registration;
- (c) deal with complaints made under section 49;
- (d) make recommendations with respect to the rate of levy; and
- (e) perform such other functions as are imposed on it under this Ordinance or any other enactment.

(2) The Authority may do all such things as are necessary for, or incidental or conducive to, the performance of its functions and, in particular but without prejudice to the generality of the foregoing, may---

- (a) establish committees for the performance of its functions and the exercise of its powers;
- (b) employ persons to assist the Authority with the performance of its functions and the exercise of its powers;
- (c) acquire, hold or dispose of property of any description;
- (d) enter into, carry out, assign or accept the assignment of, vary or rescind, any contract, agreement or other obligation;
- (e) borrow money on such security as may be necessary and for that purpose, charge all or any of the property of the Authority;
- (f) bring to the notice of the appropriate authority or person, with or without comments, any complaints made under section 49; and
- (g) exercise such other powers as are conferred on the Authority under this Ordinance or any other enactment.

(3) Part 2 of Schedule 4 shall have effect with respect to a committee and its members.

## 9. Delegations

(1) The Authority may delegate in writing---

- (a) any of its functions and powers under Part 4, except those under section 27, to the Registrar; or
- (b) subject to subsection (2), any of its other functions and powers under this Ordinance to any committee, subject to such terms and conditions, if any, as the Authority thinks fit and set out in the delegation.

(2) The Authority shall not delegate any of its functions or powers under subsection (1) or section 8(1)(a) or (c) or (2)(a), 11(5), 49, 50, 53(5) or 64, or section 6 of Schedule 4.

(3) A delegate of the Authority---

(a) shall perform the delegated functions and may exercise the delegated powers as if the delegate were the Authority; and

(b) shall be presumed to be acting in accordance with the relevant delegation in the absence of evidence to the contrary.

#### 10. Funds and property of Authority

The funds and property of the Authority shall consist of---

(a) all moneys recovered by way of levy, surcharge, penalty and further penalty;  
(b) any moneys received by the Authority by way of grants, loans, donations, fees, rent or interest;

(c) all moneys derived from the sale of any property held by or on behalf of the Authority; and

(d) all other moneys and property lawfully received by the Authority for its purposes.

#### 11. Statements of accounts of Authority

and auditor's report on them

(1) The Authority may from time to time fix a period of 12 months to be the financial year of the Authority.

(2) The Authority shall submit to the Secretary---

(a) as soon as practicable after the commencement of this section, a programme of its proposed activities and estimates of its income and expenditure for the first financial year; and

(b) in each financial year, before a date to be appointed by the Secretary, a programme of its proposed activities and estimates of its income and expenditure for the next financial year.

(3) The Authority shall cause proper accounts to be kept of all its financial transactions.

(4) As soon as practicable after the end of a financial year, the Authority shall cause to be prepared a statement of accounts of the Authority, which statement shall include an income and expenditure account and a balance sheet.

(5) The Authority shall appoint an auditor, who shall be entitled at any time to have access to all books of account, vouchers and other financial records of the Authority and to require such information and explanations thereof as the auditor thinks fit.

(6) The auditor shall audit the accounts required under subsection (3) and the statement of accounts required under subsection (4) and shall submit a report on the

statement to the Authority.

(7) Within 6 months after the end of a financial year, the Authority shall submit---

(a) a report on the activities of the Authority during that year including a general survey of developments during that year, in respect of matters falling within the scope of the Authority's functions;

(b) a copy of the statement of accounts required under subsection (4); and

(c) the auditor's report on the statement,

to the Secretary who shall cause the same to be tabled in the Legislative Council.

## 12. Qualifications Committee

(1) There is established by this section a committee called in English the "Construction Workers Qualifications Committee" and in Chinese "建造業工人資格評審委員會".

(2) Subject to subsection (3), the Qualifications Committee shall consist of---

(a) a chairman who is---

(i) a member of the Authority; and

(ii) appointed by the Authority; and

(b) 12 other members appointed by the Authority as follows---

(i) 5 public officers;

(ii) 1 person nominated by CITA;

(iii) 1 person nominated by the Executive Director of VTC;

(iv) 1 person nominated by The Hong Kong Construction Association, Limited;

(v) 1 person nominated by The Hong Kong E&M Contractors' Association Limited;

(vi) 1 person nominated by Hong Kong Construction Industry Employees General

Union;

(vii) 1 person nominated by The Federation of Hong Kong Electrical & Mechanical Industries Trade Unions; and

(viii) 1 person from those who are, in the opinion of the Secretary, major employers in the construction industry.

(3) A person is not eligible for appointment under subsection (2) if he is--

-

(a) a member of the Complaints Committee;

(b) a member of the Review Committee; or

(c) a member of the Appeal Board panel.

(4) An appointment under subsection (2) shall be notified in the Gazette.

(5) If, for any period, the chairman of the Qualifications Committee is absent from Hong Kong or is, for any other reason, unable to perform the functions of his office, the other members of the Committee may elect from among themselves a person

to act as chairman of the Committee during that period.

(6) Part 3 of Schedule 4 shall have effect with respect to the Qualifications Committee and its members.

### 13. Functions and powers of Qualifications Committee

(1) The Qualifications Committee shall---

- (a) review the qualification requirements for registration or renewal of registration;
- (b) assess qualifications referred to it by the Authority to ascertain whether they should become qualification requirements for registration or renewal of registration;
- (c) prepare guidelines to be followed by the Registrar to examine, assess and verify the qualifications of applicants for registration or renewal of registration;
- (d) make recommendations to the Authority as to the matters referred to in paragraphs (a), (b) and (c);
- (e) when consulted by the Registrar, assess whether the qualification held by a person is an equivalent qualification for the purposes of section 37(2)(b), (3)(b), (5)(b) or (6)(b);
- (f) make recommendations to the Registrar as to the matters referred to in paragraph (e); and
- (g) perform such other functions as are imposed on it under this Ordinance or any other enactment.

(2) The Qualifications Committee may do all such things as are necessary for, or incidental or conducive to, the performance of its functions and may exercise such powers as are conferred on it under this Ordinance or any other enactment.

### 14. Complaints Committee

(1) There is established by this section a committee called in English the "Construction Workers Complaints Committee" and in Chinese "建造業工人投訴委員會".

(2) Subject to subsection (3), the Authority shall appoint not less than 7 members of the Authority to be members of the Complaints Committee.

(3) A person is not eligible for appointment under subsection (2) if he is--

- 
- (a) a member of the Qualifications Committee;
- (b) a member of the Review Committee; or
- (c) a member of the Appeal Board panel.

(4) The members of the Complaints Committee shall elect a chairman from amongst themselves.

(5) An appointment under subsection (2) shall be notified in the Gazette.

(6) If, for any period, the chairman of the Complaints Committee is absent from Hong Kong or is, for any other reason, unable to perform the functions of his office, the other members of the Committee may elect from among themselves a person to act as chairman of the Committee during that period.

(7) Part 4 of Schedule 4 shall have effect with respect to the Complaints Committee and its members.

#### 15. Functions and powers of Complaints Committee

(1) The Complaints Committee shall---

- (a) inquire into any complaint referred to it under section 50(2);
- (b) make recommendations to the Authority as to the complaint; and
- (c) perform such other functions as are imposed on it under this Ordinance or any other enactment.

(2) The Complaints Committee may do all such things as are necessary for, or incidental or conducive to, the performance of its functions and, in particular but without prejudice to the generality of the foregoing, may---

- (a) conduct an inquiry into any complaint referred to it under section 50(2);
- (b) by notice under the signature of its chairman, summon any person to attend the inquiry---

(i) as the person the subject of a complaint; or

(ii) to give evidence or produce any document or other thing in his possession;

- (c) examine a person summoned under paragraph (b) as a witness or require him to produce any document or other thing in his possession;
- (d) hear and consider representations made by or on behalf of the complainant and the person the subject of the complaint;
- (e) hear, receive and examine evidence on oath;
- (f) in the case of a complaint under section 49(1) or (2) require the person the subject of the complaint to undergo such tests as the Committee considers appropriate to assess whether that person is of a level of competence reasonably expected of a registered skilled worker, or a registered semi-skilled worker, for the designated trade; and
- (g) exercise such other powers as are conferred on it under this Ordinance or any other enactment.

#### 16. Review Committee

(1) There is established by this section a committee called in English the "Construction Workers Review Committee" and in Chinese "建造業工人覆核委員會".

(2) Subject to subsection (3), the Review Committee shall consist of 8 members appointed by the Authority as follows---

- (a) 1 public officer;

- (b) 1 person nominated by The Hong Kong Institution of Engineers;
  - (c) 1 person nominated by The Hong Kong Institute of Architects;
  - (d) 1 person nominated by The Hong Kong Institute of Surveyors;
  - (e) 1 person nominated by The Hong Kong Construction Association, Limited;
  - (f) 1 person nominated by The Hong Kong E&M Contractors' Association Limited;
  - (g) 1 person nominated by Hong Kong Construction Industry Employees General Union;
- and
- (h) 1 person nominated by The Federation of Hong Kong Electrical & Mechanical Industries Trade Unions.

(3) A person is not eligible for appointment under subsection (2) if he is--

-

- (a) a member of the Qualifications Committee;
- (b) a member of the Complaints Committee;
- (c) a member of the Appeal Board panel; or
- (d) the Registrar, or, where the Registrar is a body corporate, a member, officer or employee of the Registrar.

(4) The members of the Review Committee shall elect a chairman from amongst themselves.

(5) An appointment under subsection (2) shall be notified in the Gazette.

(6) If, for any period, the chairman of the Review Committee is absent from Hong Kong or is, for any other reason, unable to perform the functions of his office, the other members of the Committee may elect from among themselves a person to act as chairman of the Committee during that period.

(7) Part 5 of Schedule 4 shall have effect with respect to the Review Committee and its members.

#### 17. Functions and powers of Review Committee

(1) The Review Committee shall---

- (a) conduct a review of any decision of the Registrar the subject of a request for review under section 52(1);
- (b) make recommendations to the Registrar as to the decision; and
- (c) perform such other functions as are imposed on it under this Ordinance or any other enactment.

(2) The Review Committee may do all such things as are necessary for, or incidental or conducive to, the performance of its functions and may exercise such powers as are conferred on it under this Ordinance or any other enactment.

#### PART 4

#### Levy

#### 18. Interpretation and application

(1) In this Part, unless the context otherwise requires---  
"authorized person" (獲授權人) has the meaning assigned to it in section 2(1) of the Industrial Training (Construction Industry) Ordinance (Cap. 317);  
"construction works" (建造工程) means the construction works within the meaning of section 2(2), (3) and (4) of the Industrial Training (Construction Industry) Ordinance (Cap. 317);  
"contractor" (承建商) has the meaning assigned to it in section 2(1) of the Industrial Training (Construction Industry) Ordinance (Cap. 317);  
"employer" (僱主) has the meaning assigned to it in section 2(1) of the Industrial Training (Construction Industry) Ordinance (Cap. 317);  
"value" (價值), in relation to any construction works, means the value of the construction works assessed under this Part.

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

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

(3) For the purposes of this Part, any construction works that are building works, or street works, not carried out by or on behalf of the Government is deemed to begin on the date of the Building Authority's consent in writing for the commencement of the works under section 14(1)(b) of the Buildings Ordinance (Cap. 123).

#### 19. Imposition of levy

(1) Subject to subsection (2), a levy shall be imposed in accordance with this Part on the value of all the construction works undertaken in Hong Kong and shall be payable by every contractor who undertakes the construction works.

(2) The Secretary may by notice provide that any construction works the value of which does not exceed the amount specified in the notice shall not be liable to the levy.

#### 20. Rate of levy

(1) The Secretary may by notice prescribe the rate of levy.

(2) The rate of levy prescribed under subsection (1) shall be based on the value of the construction works.

(3) The rate of levy prescribed under subsection (1)---

(a) shall come into effect 30 days after the publication of the notice in the Gazette; and

(b) shall not apply to any construction works---

(i) the tender for which was submitted before the effective date of the notice; or

(ii) that began before that effective date.

#### 21. Value of construction works

(1) In ascertaining the value of any construction works for the purposes of this Part, regard shall be given to---

(a) if the construction works are performed pursuant to a contract---

(i) the consideration, or such part of the consideration as is attributable to the construction works, payable to the contractor under the contract; and

(ii) the fact that the consideration, or such part of the consideration as is attributable to the construction works, so payable shall be evidence, but not conclusive evidence, of the value of the construction works;

(b) the cost or value of materials used in the construction works;

(c) the cost or value of time, work and labour involved in the construction works;

(d) the equipment used in the construction works;

(e) such overhead costs as may be considered reasonable;

(f) the reasonable profit to be expected on the open market in respect of the performance of the construction works;

(g) any other factors that may be prescribed.

(2) In the case of any construction works to be undertaken or carried out in stages, the total value of all stages of the construction works shall be the value of the construction works for the purposes of subsection (1).

22. Contractor and authorized person to notify Authority when undertaking construction works

(1) Within 14 days after any construction works have begun or such further time as the Authority may in any case allow---

(a) the contractor undertaking the construction works; and

(b) the authorized person appointed in respect of the construction works, shall each give notice to the Authority in the specified form that he is such a contractor undertaking the construction works or such an authorized person appointed in respect of the construction works, as the case may be.

(2) Subsection (1) shall not apply to any construction works the estimated value of which would render the construction works not liable to the levy as a result of a notice under section 19(2).

(3) Every notice under subsection (1) shall state the estimated value of the construction works.

(4) This section is complied with if the Authority is sent a copy of a notice given to CITA under section 24 of the Industrial Training (Construction Industry) Ordinance (Cap. 317).

(5) Every contractor or authorized person who, without reasonable excuse, fails to give a notice when required to do so by subsection (1) commits an offence and is liable on conviction to a fine at level 1.



23. Notice by contractor and authorized person  
of payments made in respect of works,  
etc. and of completion

(1) Where a payment or an interim payment is made to a contractor or for his benefit in respect of any construction works or a stage of any construction works (if the construction works are being undertaken or carried out in stages), the contractor shall, within 14 days after the payment is made or such further time as the Authority may in any case allow, give notice of it to the Authority in the specified form.

(2) Not later than 14 days, or such further time as the Authority may in any case allow, after the completion of any construction works, or of a stage of any construction works (if the construction works are being undertaken or carried out in stages), the contractor undertaking the construction works, and the authorized person appointed in respect of the construction works, shall each give notice of such completion to the Authority in the specified form.

(3) Subsections (1) and (2) shall not apply to any construction works which are not liable to the levy as a result of a notice under section 19(2).

(4) Every notice under subsection (1) or (2) shall state the value of the construction works or the stage of the construction works---

(a) in respect of which payment was made; or

(b) which have or has been completed,

as the case may be.

(5) This section is complied with if the Authority is sent a copy of a notice given to CITA under section 25 of the Industrial Training (Construction Industry) Ordinance (Cap. 317).

(6) Every contractor or authorized person who, without reasonable excuse, fails to give a notice when required to do so by subsection (1) or (2) commits an offence and is liable on conviction to a fine at level 3.

24. Assessment

(1) On receipt of a notice of payment under section 23(1), the Authority shall assess the amount of levy due from the contractor in respect of the construction works or the stage of the construction works to which the payment relate or relates.

(2) Where more than one payment is made or to be made to the contractor in respect of any construction works or a stage of any construction works, the assessment under subsection (1) shall be a provisional assessment and a final assessment shall be made on the final payment in respect of the construction works, each stage of the construction works or all stages of the construction works, as is appropriate.

(3) On receipt of a notice of completion of any construction works, or a stage

of any construction works, under section 23(2), the Authority shall, if no assessment under subsection (1) or (2) has been made, assess the amount of levy due from the contractor in respect of the construction works or the stage of the construction works.

(4) Where any construction works are undertaken or carried out in stages, the Authority may make a provisional assessment under subsection (3) on the completion of each stage of the construction works and make a final assessment on the completion of all stages of the construction works.

(5) The Authority may assess the amount of levy due from the contractor in respect of the construction works, or the stage of the construction works, which have or has been completed notwithstanding that no notice has been given to the Authority under section 23.

(6) Where it appears to the Authority that an assessment of levy has been made at less than the proper amount, then, subject to subsection (9), the Authority may at any time make an additional assessment of levy due from the contractor in respect of the construction works or the stage of the construction works.

(7) If a contractor fails to give any notice required to be given by him under section 23 and does not give a reasonable excuse for the failure within such period as the Authority may allow in any case, the Authority may, in addition to the levy assessed under subsection (5), impose a surcharge on the contractor not exceeding twice the amount of levy so assessed.

(8) The Authority shall notify in writing the contractor of any assessment of levy or imposition of surcharge.

(9) An assessment or surcharge under this section shall be made or imposed within---

(a) 2 years after the completion of the construction works; or

(b) 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 later.

## 25. Payment of levy

(1) The amount of levy or surcharge specified in a notice given to a contractor under section 24(8) shall be paid by the contractor to the Authority within 28 days after the receipt by him of the notice.

(2) If the amount of levy or surcharge is not paid within the period specified in subsection (1), the contractor shall be liable to pay, in addition, a penalty of 5% of the amount unpaid.

(3) If the amount of levy or surcharge including any penalty payable under

subsection (2) is not paid within 3 months after the expiry of the period specified in subsection (1), the contractor shall be liable to pay, in addition, a further penalty of 5% of the amount unpaid.

(4) The Authority may remit all or part of any penalty or further penalty payable under subsection (2) or (3) if, in the special circumstances of any case, it thinks it fair and reasonable to do so, and if the amount so remitted has been paid, it shall be repaid.

(5) Payment shall be made in accordance with subsections (1), (2) and (3) notwithstanding that the contractor may wish to object to the levy assessed or surcharge imposed under section 24.

C009-e2

## 26. Recovery of levy

(1) Any amount of levy or surcharge, including the amount of any penalty or further penalty, due and payable under this Ordinance shall be recoverable as a debt due to the Authority.

(2) An action under subsection (1) may be brought in the District Court notwithstanding that the amount due exceeds the civil jurisdiction of the Court as may from time to time be determined under the District Court Ordinance (Cap. 336).

(3) Where an amount due under subsection (1) is within the jurisdiction of the Small Claims Tribunal established under the Small Claims Tribunal Ordinance (Cap. 338), an action may be brought in that Tribunal to recover that amount.

## 27. Objection

(1) Any person who is notified under section 24(8) of an assessment of levy, or imposition of surcharge, may, by notice in writing served on the Authority within 21 days after the receipt by him of the notice, object to the levy or surcharge.

(2) A notice of objection under subsection (1) shall state precisely the grounds of objection and shall be accompanied by all written statements and other documentary evidence relied upon by the objector in support of the objection.

(3) An objection under subsection (1) shall be considered by the Authority, which may confirm, cancel or reduce the levy or surcharge.

(4) The Authority shall notify in writing the objector of its decision under subsection (3) within 28 days after the receipt by the Authority of the notice of objection under subsection (1) and, if a levy or surcharge is cancelled or reduced, any amount which has been paid by the objector in excess of that found to be due, excluding the amount of any penalty or further penalty which has been paid, shall forthwith be repaid by the Authority to the objector.

## 28. Appeals

(1) An objector who is aggrieved with a decision notified to him under section 27(4) may appeal to the District Court against that decision.

(2) An appeal under subsection (1) shall be lodged within 30 days after the receipt by the objector of the notification.

(3) An appeal under this section shall not be heard unless the amount of levy or surcharge that is the subject-matter of the appeal, including the amount of any penalty or further penalty, has been paid.

(4) On hearing any appeal under this section the District Court may---

(a) confirm, cancel or reduce the levy or surcharge;

(b) if it cancels or reduces a levy or surcharge, order the repayment of the amount of levy or surcharge cancelled or reduced, excluding the amount of any penalty or further penalty which has been paid, with interest from the date of payment to the Authority at such rate as the Court may determine or without interest; and

(c) make such order as it thinks fit as to the payment of the costs of the hearing.

## 29. Provision of information and production of documents

(1) An employer, contractor or authorized person concerned in any construction works shall---

(a) provide the Authority or a levy inspector, within such time and in such form as the Authority or the inspector may specify, with such information relating to the construction works (including any amount paid or payable in respect of the construction works or any work connected therewith), or the name and address of the person for or by whom the construction works are being undertaken, as the Authority or the inspector may require for the purpose of performing its or his functions under this Ordinance;

(b) on being so required by the Authority or a levy inspector, produce or cause to be produced any documents or records in his possession relating to the construction works (including any amount paid or payable in respect of the construction works or any work connected therewith) for inspection by the Authority or the inspector and permit the Authority or the inspector to take copies or make extracts from them or to remove them for a reasonable period.

(2) Subject to subsection (3), no person shall disclose otherwise than to the Authority, or to an employee of the Authority in his official capacity, any information provided or obtained under subsection (1) (including information obtained from documents or records) without the consent of the person who provided it or from whom it was obtained.

(3) Subsection (2) shall not apply---

(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 works;

(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.

(5) Any person who intentionally discloses any information in contravention of subsection (2) commits an offence and is liable on conviction to a fine at level 3.

#### 30. Offences: Part 4

(1) A person who is knowingly concerned in, or in the taking of steps with a view to, the fraudulent evasion of the payment of a levy, whether due from him or from any other person, commits an offence and is liable on conviction to a fine at level 3 or 3 times the amount of levy that was or was intended to be evaded by his conduct, whichever is the greater.

(2) A person who---

(a) with intent to deceive, produces, supplies, sends or otherwise uses, for the purposes of this Part, any document or record that is false in a material particular; or

(b) in providing any information for the purposes of this Part, makes any statement which he knows to be false in a material particular or recklessly makes a statement that is false in a material particular, commits an offence and is liable on conviction to a fine at level 3 or 3 times the amount of levy that was or was intended to be evaded by his conduct, whichever is the greater.

31. Evidence by certificate, etc.

A certificate purporting to be signed by a levy inspector---

(a) that any notice required by or under this Part has or has not been given or has or has not been given on any date; or

(b) that any amount of levy, surcharge, penalty or further penalty due under this Part has not been paid,

shall be sufficient evidence of that fact until the contrary is proved.

32. Authentication, and production in evidence of documents

(1) A notice or document given or issued by the Authority for the purposes of this Part may be signed by a levy inspector.

(2) A document purporting to be a notice or document given or issued by the Authority for the purposes of this Part and purporting to be signed by a levy inspector shall be received in evidence and shall until the contrary is proved be deemed to be such a notice or document.

PART 5

Registration of Construction Workers

33. Appointment of Registrar

(1) The Authority shall, subject to the approval of the Secretary, appoint a person to be the Registrar of Construction Workers on such terms as the Authority thinks fit.

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

34. Functions and powers of Registrar

(1) The Registrar shall---

(a) establish and maintain a Register of Construction Workers;

(b) examine, assess and verify the qualifications of applicants for registration or renewal of registration;

(c) receive and examine applications for registration or renewal of registration, and accept or reject those applications;

(d) collect from applicants for registration or renewal of registration, or for replacement registration cards, the prescribed fees in relation to the application and hand over to the Authority the fees so collected;

(e) maintain a database of information relating to registered construction workers;

(f) collect the copy of record furnished to the Registrar under section 59(7)(b) and if directed to do so by the Authority, either generally or in a particular case, provide to a public body the information contained in those records; and

(g) perform such other functions as are imposed on the Registrar under this Ordinance or any other enactment.

(2) The Authority shall not direct the Registrar to provide to a public body any

of the information referred to in subsection (1)(f) unless the information is---

- (a) to be used in relation to the enforcement of any law; or
- (b) in the form of a summary that is so framed as not to enable particulars relating to any particular registered construction worker to be ascertained from it.

(3) The Registrar may do all such things as are necessary for, or incidental or conducive to, the performance of the Registrar's functions and may exercise such powers as are conferred on the Registrar under this Ordinance or any other enactment.

### 35. Register of Construction Workers

(1) An entry in the Register of a person as a registered construction worker shall show---

- (a) the name of the person;
- (b) the registration number of the person;
- (c) the date of registration;
- (d) the date on which the registration expires;
- (e) whether the person is registered as---
  - (i) a registered skilled worker for a designated trade;
  - (ii) a registered skilled worker (provisional) for a designated trade;
  - (iii) a registered skilled worker (transitional) for a designated trade;
  - (iv) a registered semi-skilled worker for a designated trade;
  - (v) a registered semi-skilled worker (provisional) for a designated trade; or
  - (vi) a registered general worker;
- (f) unless the person is registered as a registered general worker, the designated trade for which the person is registered;
- (g) a remark to be entered under section 47(5)(b) or (6) in relation to the person; and
- (h) a reprimand to be recorded under section 50(6)(a)(iii) in relation to the person.

(2) For the purpose of enabling a member of the public---

- (a) to ascertain whether the person with whom he is dealing is a registered construction worker; and
  - (b) if that person is a registered construction worker, to ascertain the particulars of the registration of that person,
- the Register shall be available to any person for inspection free of charge at the office of the Registrar at such reasonable times as the Registrar may specify.

(3) A person whose name is entered in the Register shall notify in writing the Registrar of any change in his name or address within one month of the change.

(4) A person who, without reasonable excuse, contravenes subsection (3) commits an offence and is liable on conviction to a fine at level 1.

(5) A person who, without lawful authority---

- (a) obliterates, defaces or otherwise alters an existing entry in the Register; or
  - (b) adds a new entry in the Register,
- commits an offence and is liable to a fine at level 3.

### 36. Application for registration

(1) A person may apply to the Registrar for registration as---

- (a) a registered skilled worker for one or more designated trades set out in Part 1 or 2 of Schedule 1;
- (b) a registered skilled worker (provisional) for one or more designated trades set out in Part 1 or 2 of Schedule 1;
- (c) a registered semi-skilled worker for one or more designated trades set out in Part 2 or 3 of Schedule 1;
- (d) a registered semi-skilled worker (provisional) for one or more designated trades set out in Part 2 or 3 of Schedule 1; or
- (e) a registered general worker.

(2) An application under subsection (1) shall be---

- (a) in the specified form; and
- (b) accompanied by the prescribed fee.

(3) If a person applies for registration as a registered skilled worker for a designated trade set out in Part 1 or 2 of Schedule 1, the prescribed fee for the application may include the cost of an assessment interview referred to in section 41 unless the Registrar is satisfied that the person holds a certificate set out in column 3, or a qualification set out in column 4, of that Part opposite the trade.

(4) Paragraphs (b) and (d) of subsection (1), and subsection (3), each expires on a day or days to be appointed by the Secretary by notice published in the Gazette.

### 37. Qualifications for registration

(1) The Registrar shall not register a person as a registered construction worker unless the Registrar is satisfied that---

- (a) the person holds a certificate referred to in section 6BA(2) of the Factories and Industrial Undertakings Ordinance (Cap. 59) in respect of that person's attendance at a safety training course that relates to construction work within the meaning of that Ordinance; and
- (b) the person---

(i) is a Hong Kong permanent resident; or

(ii) is not subject to any conditions of stay in Hong Kong that he shall not take up any paid or unpaid employment in Hong Kong.

(2) Subject to section 40(4), the Registrar shall not register a person as a registered skilled worker for a designated trade set out in Part 1 of Schedule 1 unless the Registrar is satisfied that the person---



(a) holds a certificate set out in column 3, or a qualification set out in column 4, of that Part opposite the trade; or

(b) holds a qualification that the Registrar, in consultation with the Qualifications Committee, considers as an equivalent qualification.

(3) Subject to section 40(5), the Registrar shall not register a person as a registered skilled worker for a designated trade set out in Part 2 of Schedule 1 unless the Registrar is satisfied that the person---

(a) holds a certificate set out in column 3, or a qualification set out in column 4, of that Part opposite the trade; or

(b) holds a qualification that the Registrar, in consultation with the Qualifications Committee, considers as an equivalent qualification.

(4) Subject to section 40(1), (2) and (5), the Registrar shall not register a person as a registered skilled worker (provisional) for a designated trade set out in Part 1 or 2 of Schedule 1 unless the Registrar is satisfied that the person has, for a period, or an aggregate period, of not less than 6 years but less than 10 years, personally carried out construction work that involves any work described in column 2 of that Part opposite the trade.

(5) Subject to section 40(5), the Registrar shall not register a person as a registered semi-skilled worker for a designated trade set out in Part 2 of Schedule 1 unless the Registrar is satisfied that the person---

(a) holds an intermediate trade test certificate set out in column 5 of that Part opposite the trade; or

(b) holds a qualification that the Registrar, in consultation with the Qualifications Committee, considers as an equivalent qualification.

(6) The Registrar shall not register a person as a registered semi-skilled worker for a designated trade set out in Part 3 of Schedule 1 unless the Registrar is satisfied that the person---

(a) holds an intermediate trade test certificate set out in column 3, or a qualification set out in column 4, of that Part opposite the trade; or

(b) holds a qualification that the Registrar, in consultation with the Qualifications Committee, considers as an equivalent qualification.

(7) Subject to section 40(2), (3) and (5), the Registrar shall not register a person as a registered semi-skilled worker (provisional) for a designated trade set out in Part 2 or 3 of Schedule 1 unless the Registrar is satisfied that the person has, for a period, or an aggregate period, of not less than 2 years, personally carried out construction work that involves any work described in column 2 of that Part opposite the trade.

38. Acceptance and rejection of registration

(1) The Registrar shall accept or reject an application for registration or renewal of registration in accordance with this Ordinance.

(2) Where the Registrar rejects an application for registration or renewal of registration, the Registrar shall notify in writing the applicant of the rejection and the reasons for the rejection.

#### 39. Registration as registered skilled worker (transitional)

(1) The Registrar shall, in relation to a person applying for registration as a registered skilled worker for a designated trade who---

(a) may not be registered as a registered skilled worker for the trade under section 37(2) or (3); but

(b) may be registered as a registered construction worker under section 37(1), decide whether the person may be registered as a registered skilled worker (transitional) for the trade.

(2) Subject to section 40(1), (2) and (5), the Registrar shall not register a person as a registered skilled worker (transitional) for a designated trade set out in Part 1 or 2 of Schedule 1 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 described in column 2 of that Part opposite the trade.

(3) If the Registrar decides not to register a person as a registered skilled worker (transitional) for a designated trade in accordance with this section, the Registrar shall notify in writing the person of the decision and the reasons for the decision.

(4) This section expires on a day to be appointed by the Secretary by notice published in the Gazette.

#### 40. Special provision on registration for certain trades

(1) The Registrar shall not register a person as a registered skilled worker (provisional), or a registered skilled worker (transitional), for a designated trade set out in Part 1 of Schedule 1 if a qualification is set out in column 4 of that Part opposite the trade.

(2) The Registrar shall not register a person as a registered skilled worker (provisional), a registered skilled worker (transitional), or a registered semi-skilled worker (provisional), for a designated trade set out in Part 2 of Schedule 1 if a qualification is set out in column 4 of that Part opposite the trade.

(3) The Registrar shall not register a person as a registered semi-skilled worker (provisional) for a designated trade set out in Part 3 of Schedule 1 if a qualification is set out in column 4 of that Part opposite the trade.

(4) The Registrar shall not register a person as a registered skilled worker for

the designated trade of diver unless the Registrar is satisfied that the person is certified by a registered medical practitioner that the person is medically fit to dive.

(5) The Registrar shall not register a person as a registered skilled worker, a registered skilled worker (provisional), a registered skilled worker (transitional), a registered semi-skilled worker, or a registered semi-skilled worker (provisional), for the designated trade of Building Security System Mechanic unless the Registrar is satisfied that the person holds a permit in relation to the activities within paragraph (c) or (d) of the definition of "security work" in section 2 of the Security and Guarding Services Ordinance (Cap. 460).

41. Assessment interview and trade test for registered skilled workers (transitional)

(1) As soon as practicable after registering a person as a registered skilled worker (transitional) for a designated trade, the Registrar---

(a) shall decide, after an assessment interview with the person arranged by the Registrar, whether the person is of such a level of competence that the person may, notwithstanding section 37(2) or (3), be registered as a registered skilled worker for the trade; and

(b) if satisfied that the person is of such a level of competence that the person may be so registered, shall, notwithstanding section 37(2) or (3), register the person as a registered skilled worker for the trade.

(2) If the Registrar decides that the person is not of such a level of competence that the person may be so registered, the Registrar shall notify in writing the person of the decision and the reasons for the decision.

(3) If---

(a) the Registrar arranges an assessment interview with a person to assess whether the person may be registered as a registered skilled worker for a designated trade; and

(b) in the opinion of the Registrar, the person fails, without reasonable excuse, to attend the assessment interview, the Registrar is no longer required to assess whether the person may be registered as a registered skilled worker for the trade.

(4) The Registrar shall arrange a date for a person who---

(a) in the opinion of the Registrar, fails, without reasonable excuse, to attend an assessment interview that is arranged to assess whether the person may be registered as a registered skilled worker for a designated trade; or

(b) fails to satisfy the Registrar at an assessment interview that the person may be registered as a registered skilled worker for a designated trade,

to sit for a test for the relevant certificate, if any, set out in column 3 of Part 1 or 2 of Schedule 1 opposite the trade.

(5) If the person passes the test, the Registrar shall register the person as a registered skilled worker for the designated trade in accordance with section 37.

(6) If---

(a) the Registrar arranges a date for a person to sit for a test for a trade test certificate; and

(b) in the opinion of the Registrar, the person fails, without reasonable excuse, to sit for the test,

the Registrar is no longer required to arrange another date for the person to sit for the test.

(7) In this section, "relevant certificate" (有關證書) means a trade test certificate, or a trade certificate, for a designated trade that is issued by CITA or VTC.

#### 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;

(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.

(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.

(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,

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

43. Expiry of registration as registered skilled worker (provisional), etc.

(1) The registration of a person as a registered skilled worker (provisional) for a designated trade shall expire---

(a) on the third anniversary of the date of registration; or

(b) on the date on which the person is registered as a registered skilled worker for the trade,

whichever is the earlier.

(2) The registration of a person as a registered skilled worker (transitional) for a designated trade shall expire---

(a) if the person is registered as a registered skilled worker for the trade under section 41(1)(b) or (5), on the date on which the person is so registered;

(b) if the person fails to sit for the test referred to in section 41(4), on the date on which the test is held; or

(c) if the person fails in the test referred to in section 41(4), on the date on which the results of the test is published.

(3) The registration of a person as a registered semi-skilled worker (provisional) for a designated trade shall expire---

(a) on the third anniversary of the date of registration; or

(b) on the date on which the person is registered as a registered skilled worker, or a registered semi-skilled worker, for the trade,

whichever is the earlier.

(4) The registration of a person as a registered skilled worker (provisional),

a registered skilled worker (transitional), or a registered semi-skilled worker (provisional), for a designated trade is not renewable.

#### 44. Issue of registration card

(1) Subject to subsections (2), (3) and (4), the Registrar shall, on registering a person as a registered construction worker ("current registration"), issue to the person a registration card in respect of the current registration.

(2) If the person was issued a registration card in respect of a registration that is in effect ("previous registration"), the Registrar shall---

(a) revise the data recorded on the card to the effect that the card is in respect of the current registration and the previous registration; and

(b) issue to the person the card with the revised data recorded on it.

(3) If---

(a) the person was issued a registration card in respect of a previous registration;

(b) the person has applied to the Registrar for a replacement registration card under subsection (8); and

(c) the Registrar is satisfied that the registration card concerned has in fact been lost or destroyed,

the Registrar shall issue to the person a replacement registration card in respect of the current registration and the previous registration.

(4) If---

(a) the person was issued a registration card in respect of a previous registration;

(b) the person has applied to the Registrar for a replacement registration card under subsection (9); and

(c) the Registrar is satisfied that the registration card concerned has in fact been damaged and surrendered to the Registrar,

the Registrar shall issue to the person a replacement registration card in respect of the current registration and the previous registration.

(5) Subject to subsections (6) and (7), if the Registrar renews the registration of a person, the Registrar shall---

(a) revise the data recorded on the registration card issued to the person to the effect that the registration has been renewed; and

(b) issue to the person the card with the revised data recorded on it.

(6) If---

(a) the person has applied to the Registrar for a replacement registration card under subsection (8); and

(b) the Registrar is satisfied that the registration card concerned has in fact been lost or destroyed,

the Registrar shall issue to the person a replacement registration card with the data

revised to the effect that the registration has been renewed.

(7) If---

(a) the person has applied to the Registrar for a replacement registration card under subsection (9); and

(b) the Registrar is satisfied that the registration card concerned has in fact been damaged and surrendered to the Registrar,  
the Registrar shall issue to the person a replacement registration card with the data revised to the effect that the registration has been renewed.

(8) If a registration card has been lost or destroyed, the registered construction worker to whom it was issued shall as soon as practicable apply to the Registrar for a replacement registration card.

(9) If a registration card has been damaged, the registered construction worker to whom it was issued shall as soon as practicable---

(a) surrender the card to the Registrar; and

(b) apply to the Registrar for a replacement registration card.

(10) An application under subsection (8) or (9) shall be---

(a) in the specified form; and

(b) accompanied by the prescribed fee.

(11) Subject to subsections (3) and (6), the Registrar shall issue a replacement registration card pursuant to an application under subsection (8) on being satisfied that the registration card that it will replace has in fact been lost or destroyed.

(12) Subject to subsections (4) and (7), the Registrar shall issue a replacement registration card pursuant to an application under subsection (9) on being satisfied that the registration card that it will replace has in fact been damaged and surrendered to the Registrar.

(13) A person who notifies the Registrar of a change in his name under section 35(3) shall as soon as practicable apply to the Registrar for a replacement registration card.

(14) An application under subsection (13) shall be in the specified form.

(15) On receiving an application under subsection (13), the Registrar, if satisfied that the change in name has been notified under section 35(3) shall pursuant to the application issue a replacement registration card.

(16) For the purposes of this Ordinance, a replacement registration card issued under subsection (3), (4), (6), (7), (11), (12) or (15) has the same effect as, and is an equivalent to, the registration card that it replaces.

45. Registration card

(1) Subject to subsection (2), a registration card shall be in the specified form.

(2) A registration card shall be a card---

- (a) on the surface of which data may be printed or otherwise recorded; and
- (b) in which data may be stored in electronic form.

(3) The Authority may, in relation to a registration card, specify---

- (a) what data shall be printed or otherwise recorded on the surface of the card; and
- (b) what data shall be stored in the card in electronic form.

(4) The Registrar shall---

- (a) provide such device that enables the data stored in a registration card in electronic form to be retrieved; and
- (b) make the device available for use free of charge, at the office, and during the ordinary business hours, of the Registrar.

(5) A person who, without lawful authority or reasonable excuse, sells or offers for sale, lends, gives, hands over or parts with possession to another person a registration card commits an offence and is liable on conviction to a fine at level 3.

(6) A person who---

- (a) without lawful authority, alters any data printed or otherwise recorded on the surface of a registration card;
- (b) without lawful authority, alters any data stored in a registration card in electronic form; or
- (c) without lawful authority or reasonable excuse, otherwise defaces or damages a registration card, commits an offence and is liable on conviction to a fine at level 3.

(7) In subsection (6), "alter" (改動), in relation to data, includes erase, cancel and add to.

46. Registered construction worker to carry registration card

(1) A registered construction worker shall comply with subsections (2), (3), (4) and (5) if he---

- (a) personally carries out on a construction site construction work;
- (b) personally carries out on a construction site construction work that involves any work described in column 2 of Part 1 of Schedule 1 opposite a designated trade set out in that Part as---
  - (i) a registered skilled worker for the trade;
  - (ii) a registered skilled worker (provisional) for the trade; or
  - (iii) a registered skilled worker (transitional) for the trade;
- (c) personally carries out on a construction site construction work that involves any work described in column 2 of Part 2 of Schedule 1 opposite a designated trade



set out in that Part as---

- (i) a registered skilled worker for the trade;
- (ii) a registered skilled worker (provisional) for the trade;
- (iii) a registered skilled worker (transitional) for the trade;
- (iv) a registered semi-skilled worker for the trade; or
- (v) a registered semi-skilled worker (provisional) for the trade; or

(d) personally carries out on a construction site construction work that involves any work described in column 2 of Part 3 of Schedule 1 opposite a designated trade set out in that Part as---

- (i) a registered semi-skilled worker for the trade; or
- (ii) a registered semi-skilled worker (provisional) for the trade.

(2) A registered construction worker shall carry with him the registration card issued to him in respect of the registration concerned while on the construction site.

(3) A registered construction worker---

(a) if employed by a principal contractor for the construction site, or a sub-contractor of such a principal contractor, shall, subject to subsection (4), produce the registration card issued to the worker on demand by that principal contractor or an agent of that principal contractor authorized for the purpose; and

(b) shall, subject to subsection (5), produce that registration card on demand by an authorized officer.

(4) If a registered construction worker is unable to comply with a demand by a principal contractor, or an agent of a principal contractor, under subsection (3)(a), he shall make a statement, in a register maintained under subsection (6), that he has been issued a registration card in respect of the registration concerned and that registration is in effect, unless---

(a) he has made a like statement in that register on the day immediately preceding the day on which that demand is made; or

(b) he has made 2 like statements in that register during the 30 days immediately preceding the day on which that demand is made.

(5) If a registered construction worker is unable to comply with a demand by an authorized officer under subsection (3)(b), he shall produce the registration card at a place and within a period that are---

(a) specified by the authorized officer who made the demand; and

(b) reasonable in all the circumstances.

(6) A principal contractor for a construction site---

(a) shall establish and maintain a register for the purposes of subsection (4) in the specified form; and

(b) shall not cause or permit any statement referred to in subsection (4) made in

the register to be removed from it at any time before the expiration of 24 months after the date on which the statement was made in the register.

(7) A person who---

(a) makes a statement referred to in subsection (4); and

(b) is not a person who has been issued a registration card in respect of the registration concerned, which is in effect,

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

(8) A person who, without reasonable excuse, contravenes subsection (3) commits an offence and is liable on conviction to a fine at level 3.

(9) A person who contravenes subsection (6)(a) or (b) commits an offence and is liable on conviction to a fine at level 3.

#### 47. Cancellation of registration

(1) The Registrar may cancel the registration of a person if the Registrar is satisfied that---

(a) the person has died;

(b) the registration has expired and is not renewed;

(c) the person no longer complies with the applicable requirements for registration set out in sections 37 and 40(4) and (5); or

(d) the person was not at the time of his registration entitled to be registered.

(2) If the Registrar intends to cancel the registration of a person under subsection (1), the Registrar---

(a) shall give notice of the intention and the reasons for the cancellation by prepaid registered post to the person's last known postal address; and

(b) shall not cancel the registration of the person under that subsection until the expiry of a period of 14 days after the date of posting the notice.

(3) If the Registrar gives notice to a person that the Registrar intends to cancel the registration of the person, and before the expiry of the period of 14 days referred to in subsection (2)(b)---

(a) in the case of a cancellation under subsection (1)(a), the person satisfies the Registrar that he is not dead;

(b) in the case of a cancellation under subsection (1)(b), the person properly applies to renew his registration;

(c) in the case of a cancellation under subsection (1)(c), the person satisfies the Registrar that he complies with the applicable requirements for registration set out in sections 37 and 40(4) and (5); or

(d) in the case of a cancellation under subsection (1)(d), the person satisfies the Registrar that he was entitled to be registered,

the Registrar shall not cancel the registration for the reasons set out in the notice.

(4) Subject to section 51(2), the Registrar shall cancel or suspend the registration of a person if the Authority orders the Registrar to do so under section 50(6)(a)(i) or (ii).

(5) The Registrar shall effect a cancellation of the registration of a person by---

(a) removing from the Register the entry in it of the person; or

(b) if the person is still a registered construction worker after the cancellation, entering a remark against the entry in the Register of the person that reflects the cancellation.

(6) The Registrar shall effect a suspension of the registration of a person by entering a remark against the entry in the Register of the person that reflects the suspension.

(7) If the Registrar cancels or suspends the registration of a person, the Registrar shall notify the person in writing of the cancellation or suspension.

(8) Subject to subsection (9), a person whose registration is cancelled under this Ordinance shall, not later than 14 days after being notified by the Registrar in writing of the cancellation, surrender to the Registrar the registration card issued to him.

(9) If the person is still a registered construction worker after the cancellation, the person shall, not later than 14 days after being notified by the Registrar in writing of the cancellation, hand over to the Registrar the registration card issued to him for revising the data recorded on the card to reflect the cancellation.

(10) A person whose registration is suspended under this Ordinance shall, not later than 14 days after being notified by the Registrar in writing of the suspension, hand over to the Registrar the registration card issued to him for revising the data recorded on the card to reflect the suspension.

(11) A person who, without reasonable excuse, contravenes subsection (8), (9) or (10) commits an offence and is liable on conviction to a fine at level 1.

#### 48. Correction of errors on Register

The Registrar may correct any error apparent on the face of the Register, including any omission from the Register.

### PART 6

#### Complaints Against Registered Construction Workers

#### 49. Complaints

(1) If---

(a) a person employs---

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

(ii) a registered skilled worker (provisional) for a designated trade; or  
(iii) a registered skilled worker (transitional) for a designated trade,  
to personally carry out on a construction site construction work that involves any work described in column 2 of Part 1 or 2 of Schedule 1 opposite the trade; and  
(b) during the employment, the worker fails to display the level of competence reasonably expected of a registered skilled worker for the trade,  
the person, or, where the person is a sub-contractor of a principal contractor for the construction site, that principal contractor, may make a complaint in writing to the Authority about the failure.

(2) If---

(a) a person employs---

(i) a registered semi-skilled worker for a designated trade; or

(ii) a registered semi-skilled worker (provisional) for a designated trade,  
to personally carry out on a construction site construction work that involves any work described in column 2 of Part 2 or 3 of Schedule 1 opposite the trade; and  
(b) during the employment, the worker fails to display the level of competence reasonably expected of a registered semi-skilled worker for the trade,  
the person, or, where the person is a sub-contractor of a principal contractor for the construction site, that principal contractor, may make a complaint in writing to the Authority about the failure.

(3) A complaint under this section shall be in the specified form.

#### 50. Disposal of complaints by Authority

(1) On receiving a complaint made under section 49, the Authority shall appoint 2 members of the Complaints Committee to examine the complaint.

(2) The members who are appointed to examine a complaint shall refer the complaint to the Complaints Committee for recommendation to the Authority unless they are satisfied that---

(a) the complaint is made anonymously;

(b) the complainant cannot be identified or traced;

(c) the matter complained of is trivial; or

(d) the complaint is frivolous or vexatious or is not made in good faith.

(3) The Authority shall, in relation to a complaint that has not been referred to the Complaints Committee for recommendation---

(a) dismiss the complaint; and

(b) if the complainant concerned can be identified or traced, notify in writing the complainant of the dismissal and the reasons for the dismissal.

(4) Subject to subsection (7), the Authority shall, in relation to a complaint that has been referred to the Complaints Committee for recommendation, decide whether

the matter complained of has been substantiated.

(5) If the Authority decides, in relation to a complaint, that the matter complained of has not been substantiated, the Authority shall---

(a) dismiss the complaint; and

(b) notify in writing the complainant concerned of the dismissal and the reasons for the dismissal.

(6) If the Authority decides, in relation to a complaint, that the matter complained of has been substantiated, the Authority---

(a) may, subject to subsection (7), order the Registrar to---

(i) cancel the registration of the registered construction worker concerned;

(ii) suspend the registration of the registered construction worker concerned for such period as the Authority thinks fit; or

(iii) reprimand the registered construction worker concerned in writing in terms specified by the Authority and to record the reprimand on the Register; and

(b) shall notify in writing the complainant concerned of the decision, the reasons for the decision and the order, if any.

(7) The Authority shall not make a decision under subsection (4) or make an order under subsection (6) unless it has considered---

(a) the recommendation of the Complaints Committee;

(b) the reasons in support of the recommendation;

(c) any evidence and findings in respect of the recommendation; and

(d) all relevant circumstances relating to the recommendation.

51. Service and implementation of Authority's orders on complaints

(1) As soon as practicable after the Authority has disposed of a complaint under section 50, the Registrar shall serve on the registered construction worker concerned, either personally or by prepaid registered post to his last known postal address---

(a) a copy of the decision of the Authority on the disposal;

(b) a copy of the reasons for the decision; and

(c) a copy of the order, if any, made under section 50(6)(a).

(2) An order made under section 50(6)(a) shall not be carried out---

(a) until the expiry of the period for serving a notice of appeal under section 53; or

(b) in the event of an appeal under section 53, until the order is affirmed by the Appeal Board or the appeal is withdrawn or abandoned.

## PART 7

### Reviews and Appeals

52. Review of decisions

(1) A person who is the subject of a decision of the Registrar under section 38(1), 39(1), 41(1)(a), 42(1) or 47(1) may request the Review Committee to review the decision by serving the Committee, within 2 weeks after the decision, a notice of request for review stating the substance of the matter and reasons for the request.

(2) A notice of request for review shall be in the specified form.

(3) A request under this section for review of a decision does not suspend the decision unless the Authority decides otherwise.

(4) As soon as practicable after receiving a notice of request for review, the Review Committee shall consider the request.

(5) On consideration of a request for review, the Review Committee may recommend the Registrar---

(a) to confirm, vary or reverse the decision; or

(b) to substitute the decision with such other decision as the Review Committee thinks fit.

(6) On making a recommendation, the Review Committee shall notify in writing the person who requests for the review its recommendation and the reasons for the recommendation.

### 53. Notice of appeal

(1) Subject to subsection (2), a person who is---

(a) the complainant of a complaint in relation to which the Authority decides under section 50(4) that the matter complained of has not been substantiated; or

(b) the subject of an order under section 50(6)(a) or a decision under section 38(1), 39(1), 41(1)(a), 42(1), 47(1) or 50(4),

may appeal against the decision or order by serving the Authority, within 4 weeks after the decision or order, a notice of appeal stating the substance of the matter and reasons for the appeal.

(2) A person shall not appeal against a decision of the Registrar under subsection (1)(b) unless---

(a) the person has requested the Review Committee to review the decision under section 52; and

(b) the Review Committee has notified the person of its recommendation in respect of the request.

(3) A person who is the subject of a decision under section 59(4)(b) may appeal against the decision by serving the Authority, within 3 business days after the decision, a notice of appeal stating the substance of the matter and reasons for the appeal.

(4) A notice of appeal shall be---

(a) in the specified form; and

(b) accompanied by the prescribed fee.

(5) An appeal under subsection (1) against a decision does not suspend the decision unless the Authority decides otherwise.

(6) As soon as practicable after receiving a notice of appeal, the Authority shall forward a copy of the notice to the Secretary.

#### 54. Appeal Board panel

(1) The Secretary shall appoint an Appeal Board panel of not less than 49 members, of whom---

(a) not less than 16 are members of The Hong Kong Institution of Engineers nominated by the Institution;

(b) not less than 8 are members of The Hong Kong Institute of Architects nominated by the Institute;

(c) not less than 5 are members of The Hong Kong Institute of Surveyors nominated by the Institute;

(d) not less than 5 are nominated by The Hong Kong Construction Association, Limited;

(e) not less than 5 are nominated by The Hong Kong E&M Contractors' Association Limited;

(f) not less than 5 are nominated by Hong Kong Construction Industry Employees General Union; and

(g) not less than 5 are nominated by The Federation of Hong Kong Electrical & Mechanical Industries Trade Unions.

(2) A person is not eligible for appointment under subsection (1) if he is--

-

(a) a public officer;

(b) a member of the Authority;

(c) a member of the Qualifications Committee;

(d) a member of the Complaints Committee;

(e) a member of the Review Committee; or

(f) the Registrar, or, where the Registrar is a body corporate, a member, officer or employee of the Registrar.

(3) An appointment under subsection (1) shall be---

(a) notified in the Gazette; and

(b) for a term of not more than 3 years.

(4) A person appointed under subsection (1) may be reappointed, and may resign by notice in writing to the Secretary.

(5) If the Secretary is satisfied that a member of the Appeal Board panel---

(a) has become a public officer, a member of the Authority, a member of the Qualifications Committee, a member of the Complaints Committee or a member of the

Review Committee;

(b) has become the Registrar, or, where the Registrar is a body corporate, a member, officer or employee of the Registrar;

(c) has become bankrupt or made an arrangement with his creditors;

(d) is incapacitated by physical or mental illness;

(e) has ceased to be of the capacity by virtue of which he was appointed; or

(f) is otherwise unable or unfit to perform the functions of a member,

the Secretary may declare his office as a member of the Appeal Board panel to be vacant, and shall notify the fact in such manner as the Secretary thinks fit; and upon such declaration the office shall become vacant.

#### 55. Appeal Board

(1) The Secretary shall within---

(a) 30 days after receipt of a notice of appeal under section 53(1); or

(b) 7 business days after receipt of a notice of appeal under section 53(3),  
appoint a Construction Workers Appeal Board to hear the appeal.

(2) An Appeal Board shall consist of 5 members selected in rotation from the Appeal Board panel.

(3) The members of an Appeal Board shall elect a chairman from amongst themselves.

(4) The quorum of an Appeal Board is 4 members.

#### 56. Proceedings before Appeal Board

(1) The parties to an appeal are---

(a) the appellants; and

(b) in the case of---

(i) an appeal against a decision or order of the Authority, the Authority;

(ii) an appeal against a decision of the Registrar, the Registrar.

(2) The chairman of an Appeal Board shall---

(a) appoint the time and place of the hearing of the appeal; and

(b) notify the parties to the appeal of the time and place.

(3) A party to an appeal may be present at the hearing of the appeal and may---

(a) make representation in person; or

(b) be represented by counsel or a solicitor or any other person authorized by the party in writing.

(4) The hearing of an appeal shall be held in public unless the Appeal Board, on its own motion or on the application of a party to the appeal, orders that all or part of the hearing shall be held in camera.

(5) An Appeal Board shall not make an order under subsection (4) unless the Appeal Board---

(a) has consulted the parties to the appeal; and



(b) is satisfied that the order is necessary in the interests of justice.

(6) The decision of an Appeal Board on an appeal shall be that of the majority of the members hearing the appeal, and if there is an equality of votes, the chairman of the Appeal Board shall have a casting vote in addition to his original vote.

(7) The decision of an Appeal Board on an appeal shall be binding on the parties to the appeal and shall be final.

(8) Subject to subsection (9), an Appeal Board shall notify in writing the parties to the appeal of its decision and the reasons for the decision.

(9) If the appeal is made under section 53(3), the Appeal Board shall, within 14 business days after the date of its appointment by the Secretary, notify in writing the parties to the appeal of its decision and the reasons for the decision.

#### 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.

#### 58. Powers of Appeal Board

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

(a) summon any person to attend the hearing to give evidence or produce any document or other thing in his possession;

(b) require the appellant to undergo such tests as the Board considers appropriate to assess whether the appellant is of a level of competence reasonably expected of a registered skilled worker, or a registered semi-skilled worker, for the designated trade; and

(c) authorize a person to inspect the construction work, if any, to which the appeal relates.

(2) An Appeal Board may---

(a) examine a person summoned under subsection (1)(a) as a witness or require him to produce any document or other thing in his possession;

(b) hear and consider representations made by or on behalf of the parties to the appeal; and

(c) hear, receive and examine evidence on oath.

(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.

(4) An Appeal Board may make any order as it thinks fit with regard to the payment of the costs of the parties to an appeal in the appeal.

(5) Costs awarded or imposed under this section are recoverable as a civil debt.

## PART 8

### Miscellaneous

59. Principal contractors and controllers to retrieve and record data of registered construction workers on construction site

(1) Subject to subsections (5) and (6), a principal contractor for a construction site shall provide on the site such device that enables the data stored in a registration card in electronic form to be retrieved unless the construction work that the principal contractor undertakes on the site---

(a) falls within paragraph (c) of the definition of "construction work" in section 2; or

(b) has not begun.

(2) A principal contractor for a construction site may apply to the Authority to be exempted from subsection (1) in relation to the site.

(3) An application under subsection (2) shall be---

(a) in the specified form; and

(b) made within 7 days after any construction work begins on the construction site, or within such further time as the Authority may in any case allow.

(4) As soon as practicable after receiving an application under subsection (2) by a principal contractor for a construction site, the Authority shall---

(a) consider the application with regard to the physical condition and location of the site and the value of construction work carried out, or to be carried out, on the site; and

(b) by notice in writing served on the principal contractor---

(i) grant the exemption subject to such conditions, if any, as the Authority thinks fit; or

(ii) refuse to grant the exemption.

(5) Subject to subsection (6), if the Authority refuses, under paragraph (b) of subsection (4), to grant the exemption to a principal contractor for a construction site, the principal contractor is only required to comply with subsection (1) in relation to the site for the period after the date of the notice referred to in that paragraph.

(6) If an Appeal Board, in an appeal under section 53(3), decides that a principal

contractor for a construction site shall not be exempted from subsection (1), the principal contractor is only required to comply with that subsection in relation to the site for the period after the date of notice of the decision of the Appeal Board.

(7) A controller of a construction site shall---

(a) establish and maintain a daily record that---

(i) is in the specified form; and

(ii) contains information of the registered construction workers who---

(A) are employed by the controller and, in the case of a controller within the meaning of subsection (9)(a)(i), by a sub-contractor of the controller; and

(B) personally carry out on the site construction work; and

(b) furnish the Registrar in such manner as directed by the Registrar with a copy of the record---

(i) for the period of 7 days after any construction work begins on the site; and

(ii) for each successive periods of 7 days,

within 2 business days after the last day of the period concerned, or within such further time as the Registrar may in any case allow.

(8) A person who, without reasonable excuse, contravenes subsection (1) or (7)(a) or (b)(i) or (ii) commits an offence and is liable on conviction to a fine at level 3.

(9) In subsection (7)---

(a) "controller" (主管), in relation to a construction site, means---

(i) a principal contractor for the site; or

(ii) if there is no principal contractor for the site, any person who has control over, or is in charge of, the site; and

(b) any construction work that is building works, or street works, not carried out by or on behalf of the Government is deemed to begin on the date of the Building Authority's consent in writing for the commencement of the works under section 14(1)(b) of the Buildings Ordinance (Cap. 123).

60. Authorized officers and levy inspectors

(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 (except Part 4).

(2) An authorized officer may---

(a) enter and inspect a construction site at all reasonable times;

(b) require any person found on the construction site to state whether or not he is a registered construction worker;

(c) require any person who states that he is a registered construction worker to produce his registration card; and

(d) examine the record referred to in section 59(7)(a).

(3) The Authority may, subject to the approval of the Secretary, appoint in writing a person to be a levy inspector for the purposes of Part 4.

61. Offences of making false or misleading statements and of failure to attend inquiries or hearings as witness, etc.

(1) A person who, without reasonable excuse, makes any statement or furnishes any information, which is false or misleading in a material particular, in connection with---

(a) an application for registration or renewal of registration;

(b) a complaint under Part 6;

(c) a request for review under Part 7;

(d) an appeal under Part 7; or

(e) an application under section 59(2),

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

(2) If a person who---

(a) having been summoned by the Complaints Committee to attend an inquiry or by an Appeal Board to attend a hearing, without reasonable excuse, refuses or fails to do so;

(b) attends an inquiry before the Complaints Committee, or a hearing before an Appeal Board, as a witness and, without reasonable excuse, refuses or fails to answer any question put to him by the Committee or Board; or

(c) having been required to produce any document or other thing in his possession, without reasonable excuse, refuses or fails to do so, commits an offence and is liable on conviction to a fine at level 3.

62. Service, etc. of notices

(1) Subject to subsection (4), a notice that is required to be, or may be, served on or given to the Authority, or the Review Committee, under this Ordinance shall, in the absence of evidence to the contrary, be deemed to be so served or given if it is---

(a) left at the Authority's last known address for service in Hong Kong; or

(b) sent by post to the Authority at its last known address for service, or at its last known postal address, in Hong Kong.

(2) Subject to subsection (4), a notice that is required to be, or may be, served on or given to the Registrar under this Ordinance shall, in the absence of evidence to the contrary, be deemed to be so served or given if it is---

(a) left at the Registrar's last known address for service in Hong Kong; or

(b) sent by post to the Registrar at its last known address for service, or at its

last known postal address, in Hong Kong.

(3) Subject to subsections (1), (2) and (4), a notice that is required to be, or may be, served on or given to a person (howsoever described) under this Ordinance shall, in the absence of evidence to the contrary, be deemed to be so served or given if---

(a) in the case of an individual, it is---

(i) delivered to him;

(ii) left at his last known address for service, or at his last known place of residence or business, in Hong Kong; or

(iii) sent by post to him at his last known address for service, or at his last known postal address, in Hong Kong;

(b) in the case of a company, it is---

(i) served on or given to an officer of the company;

(ii) left at the company's last known address for service, or at its last known address of business, in Hong Kong; or

(iii) sent by post to the company at its last known address for service, or at its last known postal address, in Hong Kong;

(c) in the case of a partnership, it is---

(i) delivered, left or sent in accordance with paragraph (a) in respect of any partner who is an individual; or

(ii) served, given, left or sent in accordance with paragraph (b) in respect of any partner which is a company;

(d) in the case of a person ("attorney") holding a power of attorney under which the attorney is authorized to accept service in respect of another person, it is---

(i) delivered, left or sent in accordance with paragraph (a) where the attorney is an individual;

(ii) served, given, left or sent in accordance with paragraph (b) where the attorney is a company;

(iii) delivered, left or sent in accordance with paragraph (a) in respect of any partner who is an individual where the attorney is a partnership; or

(iv) served, given, left or sent in accordance with paragraph (b) in respect of any partner which is a company where the attorney is a partnership.

(4) Subsections (1), (2) and (3) do not apply---

(a) to Part 4; or

(b) where otherwise expressly provided.

63. Power of Authority to specify forms

(1) Subject to subsection (2), the Authority may specify---

(a) registration cards;

(b) any document required under this Ordinance to be in the specified form; or  
(c) such other documents required for the purposes of this Ordinance as the Authority thinks fit.

(2) The Authority's power under subsection (1) shall be subject to any express requirement under this Ordinance for a form, whether specified or otherwise, to comply with that requirement, but that requirement shall not restrict the exercise of that power in respect of that form to the extent that, in the opinion of the Authority, its exercise of that power in respect of that form does not contravene that requirement.

(3) For the avoidance of doubt, it is declared that the Authority's power under subsection (1) may be exercised in such a way as to---

(a) include (whether by way of attachment or otherwise) in the specified form of any document referred to in that subsection a statutory declaration---

(i) to be made by the person completing the form; and

(ii) as to whether the particulars contained in the form are true and correct to the best of that person's knowledge and belief; or

(b) specify more than one form of registration cards or of any document referred to in that subsection, whether as alternatives, or to provide for particular circumstances or particular cases, as the Authority thinks fit.

(4) A form specified under this section shall be---

(a) completed in accordance with such directions and instructions as are specified in the form;

(b) accompanied by such registration cards or documents, or both, as are specified in the form; and

(c) if the completed form is required to be provided to the Authority or any other person, so provided in the manner, if any, specified in the form.

(5) In this section, "document" (文件)---

(a) includes any application, complaint, notice, record and register; and

(b) does not include a registration card.

#### 64. Regulations

(1) The Authority may, subject to the approval of the Secretary, by regulation---

(a) provide further for the making of applications for registration and renewal of registration and for the consideration and processing of, and the making of decision in relation to, such applications;

(b) provide further for the making of complaints under Part 6 and for the consideration, processing and disposal of, and the making of decision in relation to, such complaints;

(c) provide further for the making of requests for review under Part 7 and for the

consideration and processing of, and the making of recommendation in relation to, such requests;

(d) provide further for the making of appeals under Part 7 and for the processing and hearing of, and the making of decision in relation to, such appeals;

(e) provide further for the making of applications under section 59(2) and for the consideration and processing of, and the making of decision in relation to, such applications;

(f) prescribe the fees and any other matter required to be prescribed;

(g) provide, for the purposes of Part 4, for the records to be kept, and information to be supplied, by employers, contractors and authorized persons within the meaning of that Part; and

(h) generally provide for the better carrying out of the purposes of this Ordinance.

(2) Any regulation made under this section may---

(a) make different provisions for different circumstances and provide for a particular case or class of cases;

(b) be made so as to apply only in specified circumstances; and

(c) contain such incidental, supplementary, consequential, transitional or saving provision as may be necessary or expedient in consequence of the regulation.

#### 65. Rules

The Chief Justice may make rules of court for the purposes of section 28.

#### 66. Amendment of Schedules

The Secretary may, by notice published in the Gazette, amend Schedules 1, 2, 3 or 4.

C009-e3

### PART 9

#### Consequential Amendments

#### Prevention of Bribery Ordinance

#### 67. Public bodies

Schedule 1 to the Prevention of Bribery Ordinance (Cap. 201) is amended by adding---

"100. Construction Workers Registration Authority."

#### Industrial Training (Construction Industry) Ordinance

#### 68. Section added

The Industrial Training (Construction Industry) Ordinance (Cap. 317) is amended by adding---

"6A. Additional functions and powers of the Authority

Notwithstanding anything in this Ordinance, the Authority may---

(a) if appointed under section 33(1) of the Construction Workers Registration Ordinance ( of 2003), act as the Registrar of Construction Workers under that Ordinance; and

(b) as such, perform the functions as are imposed on, and exercise the powers as are conferred on, the Registrar under that Ordinance or any other enactment."

69. Furnishing of information and production of documents

Section 31(3)(ab) is amended by repealing everything after "Authority" and substituting---

"to---

(i) the Pneumoconiosis Compensation Fund Board established under the Pneumoconiosis (Compensation) Ordinance (Cap. 360); or

(ii) the Construction Workers Registration Authority established under the Construction Workers Registration Ordinance ( of 2003); or"

Electronic Transactions Ordinance

70. Proceedings in relation to which sections 5, 6,

7 and 8 of this Ordinance do not apply

under section 13(1) of this Ordinance

Schedule 2 to the Electronic Transactions Ordinance (Cap. 553) is amended---

(a) in paragraph (zm), by repealing the full stop and substituting a semicolon;

(b) by adding---

"(zn) the Construction Workers Appeal Board appointed under the Construction Workers Registration Ordinance ( of 2003)."

Schedule 1 [ss. 2, 3, 4, 6, 36, 37,

39, 40, 41, 46,

49 & 66]

Designated Trades

PART 1

Designated Trades for which a Person may be Registered only as a Registered Skilled Worker, Registered Skilled Worker (Provisional) or Registered Skilled Worker (Transitional), as the case may be

Column 1 Column 2 Column 3 Column 4

Name of trade or

occupation Description of work Certificate Other qualifications

1. Asbestos To carry out asbestos Trade test certificate Not applicable

Abatement abatement works for Asbestos

Worker Abatement Worker



issued by CITA

2. Asphalter (Road Construction) (a) To mix, place and compact bituminous materials using vibrating machines Trade test certificate Not applicable

for Asphalter (Road Construction) issued by CITA

(b) To level and smoothen bituminous materials according to specified level marks

3. Asphalter (Waterproofing) (a) To lay sheathing felt or paint with primer (Waterproofing) Trade test certificate Not applicable

for Asphalter (Waterproofing) issued by CITA

(b) To pour hot asphalt or proprietary waterproofing materials on prepared surfaces

(c) To spread and level hot asphalt or proprietary waterproofing materials to fit corners, skirtings, flashings and outlets

4. Cable Jointer (Power) (a) To join low voltage cables completion of an either with the apprenticeship in the circuits dead or trade of cable jointer with one or both (power) given under cables energized section 28 of the Certificate of Not applicable

(b) To join dead Apprenticeship  
cables of all Ordinance (Cap. 47)  
voltages

5. Carpenter To remove, cut, and Trade test certificate Not applicable  
(Fender) erect timber fenders for Carpenter (Fender)  
for protection of piers, issued by CITA  
seawalls, dolphins and  
landing steps

6. Concrete To repair substandard Trade test certificate Not applicable  
Repairer (Spalling or spalled concrete or for Concrete Repairer  
Concrete) reinforcement bars (Spalling Concrete)  
using concrete or issued by CITA  
other approved  
materials

7. Curtain Wall To install metal Trade test certificate Not applicable  
Installer frames, and fix for Curtain Wall  
glasses or other Installer issued by  
material panels, for CITA  
curtain walls

8. Demolition To demolish, Trade test certificate Not applicable  
Worker dismantle and for Demolition  
(Building) remove buildings and Worker (Building)  
structures, or any issued by CITA  
part thereof

9. Demolition To demolish, dismantle Trade test certificate Not applicable  
Worker and remove building for Demolition Worker  
(Unauthorized works carried out in (Unauthorized  
Building Works) contravention of the Building Works) issued  
Buildings Ordinance by CITA  
(Cap. 123) within the  
meaning of that  
Ordinance

10. Diver (a) To perform Not applicable A diving certificate  
underwater issued by---  
operations related (a) the National  
to inspection, Association of  
construction and Underwater  
repair of Instructors of the

structures and demolition	United States of America;	
(b) To prepare reports on all the foregoing operations	(b) the Health and Safety Executive of the United Kingdom;	
(c) the Department of Employment, Vocational Education, Training and Industrial Relations of Australia; or		
(d) the Ministry of Communication of the People's Republic of China		
11. Electrical Fitter	(a) To install, test, commission and repair electrical installations and wiring	(a) To install, test, Not applicable Certificate of registration as an electrical worker issued under section 30 of the Electricity Ordinance (Cap. 406)
(b) To fit, assemble, install, test, commission and repair electrical systems and equipment		
12. Escalator Mechanic	To install, adjust, maintain and repair escalators	Not applicable Competent escalator worker within the meaning of section 29A(4) of the Lifts and Escalators (Safety) Ordinance (Cap. 327)
13. Fire Service Mechanic	(a) To install, test, inspect, maintain and repair fire services piping systems, automatic fire alarm systems, manual fire alarm systems, mechanical or electrical or electronic parts of fire services systems	(a) To install, test, Not applicable Both of the fire service installation contractor class 3 registered under the Fire Service (Installation Contractors) Regulations (Cap. 95 sub. leg.); and (b) trade certificate for Fire Service Mechanic issued by
(b) To maintain,		

inspect and repair	VTC		
portable fire			
services equipment			
14. Fire Service	To maintain, inspect	Not applicable	Fire service
installation			
Portable	and repair portable	contractor class 3	
Equipment Fitter	fire services equipment	registered under the Fire	
Service (Installation Contractors)	Regulations (Cap. 95 sub. leg.)		
15. Gas Installer	To install, commission,	Not applicable	Gas installer
registered			
maintain and repair	to carry out gas		
domestic and	installation work under		
non-domestic gas	regulation 7(1)(a) of the		
appliances, gas supply	Gas Safety		
systems, and gas flow	(Registration of Gas		
control and meters	Installers and Gas		
connected to gas	Contractors)		
cylinders or gas	Regulations		
supply points	(Cap. 51 sub. leg.)		
16. Grouting Worker	To mix cement or	Trade test certificate	Not applicable
other materials to	for Grouting Worker		
carry out underground	issued by CITA		
grouting work			
17. Lift Mechanic	To install, adjust,	Not applicable	Competent lift worker
maintain and repair	within the meaning of		
lifts	section 29A(4) of the		
Lifts and Escalators			
(Safety) Ordinance			
(Cap. 327)			
18. Marine	To operate boom-grab	Trade test certificate	Not applicable
Construction	buckets for	for Marine	
Plant Operator	construction work	Construction Plant	
(Boom-grab at sea	Operator		
Bucket)	(Boom-grab Bucket)		
	issued by CITA		
19. Marine	To operate	Trade test certificate	Not applicable
Construction	boom-hooks for	for Marine	
Plant Operator	construction work	Construction Plant	

(Boom-hook) at sea Operator (Boom-hook)

issued by CITA

20. Marine To operate derricks Trade test certificate Not applicable

Construction for construction work for Marine

Plant Operator at sea Construction Plant

(Derrick) Operator (Derrick)

issued by CITA

21. Overhead To construct, maintain Certificate of Not applicable

Linesman and repair overhead completion of an

line systems of all apprenticeship in the

voltages on tubular trade of overhead

steel, concrete, lattice linesman given under

girder or wood section 28 of the

supports Apprenticeship

Ordinance (Cap. 47)

22. Paving Block (a) To lay paving Trade test certificate Not applicable

Layer blocks on floor for Paving Block Layer

(b) To compact the issued by CITA

base layer with

vibrating machines

(c) To cut paving

blocks to fit floor

layout

23. Piling Operative To set up piling rigs Both of the following--- Not applicable

for driven or bored (a) trade test

piles works certificate for

Piling Operative

(Bored Pile) issued

by CITA; and

(b) trade test

certificate for

Piling Operative

(Percussive Pile)

issued by CITA

24. Piling Operative To set up piling rigs Trade test certificate Not applicable

(Bored Pile) for bored piles works for Piling Operative

(Bored Pile) issued

by CITA

25. Piling Operative To set up piling rigs Trade test certificate Not applicable

(Percussive Pile) for driven piles works for Piling Operative

(Percussive Pile) issued

by CITA

26. Pipelayer To lay water mains, Trade test certificate Not applicable  
make pressurized for Pipelayer issued

joints by mechanical by CITA

means, install pipes

and fittings, construct

beds and haunches,

and surround pipes

with concrete

27. Plant and To operate piling Trade test certificate Not applicable

Equipment machines for bored for Plant and

Operator piles works Equipment Operator

(Bored Pile) (Bored Pile) issued

by CITA

28. Plant and To operate bulldozers Not applicable Certificate as defined in  
Equipment for load shifting section 2(1) of the

Operator purposes Factories and Industrial

(Bulldozer) Undertakings (Loadshifting Machinery) Regulation (Cap.  
59 sub. leg.) and applicable to bulldozers

29. Plant and To operate Not applicable Certificate referred to

Equipment crawler-mounted in regulation 15A(1)(b)

Operator mobile cranes for of the Factories and

(Crawler-mounted material handling Industrial Undertakings

Mobile Crane) purposes (Lifting Appliances and Lifting Gear)

Regulations (Cap. 59 sub. leg.) and applicable to Crawler-mounted Mobile Cranes

30. Plant and To operate powered Trade test certificate Not applicable

Equipment mechanical plants or for Plant and

Operator equipment in Equipment Operator

(Demolition) demolition works, (Demolition) issued

including cranes, by CITA

pneumatic breakers

and hammers

mounted on  
backactors

31. Plant and To operate excavators Not applicable Certificate as defined  
Equipment for load shifting in section 2(1) of the  
Operator ` purposes Factories and Industrial  
(Excavator) Undertakings (Loadshifting Machinery) Regulation (Cap.  
59 sub. leg.) and applicable to excavators

32. Plant and To operate gantry Not applicable Certificate referred to  
Equipment cranes for material in regulation 15A(1)(b)  
Operator handling purposes of the Factories and  
(Gantry Crane) Industrial Undertakings (Lifting Appliances and  
Lifting Gear) Regulations (Cap. 59 sub. leg.) and applicable to Gantry Cranes

33. Plant and To operate loaders Not applicable Certificate as defined in  
Equipment for load shifting section 2(1) of the  
Operator purposes Factories and Industrial  
(Loader) Undertakings (Loadshifting Machinery) Regulation (Cap.  
59 sub. leg.) and applicable to loaders

34. Plant and To operate Not applicable Certificate as defined in  
Equipment mini-loaders for load section 2(1) of the  
Operator shifting purposes Factories and Industrial  
(Mini-loader) Undertakings (Loadshifting Machinery) Regulation  
(Cap. 59 sub. leg.) and applicable to mini-loaders

35. Plant and To operate Not applicable Certificate as defined in  
Equipment mini-loaders with section 2(1) of the  
Operator attachments for load Factories and Industrial  
(Mini-loader shifting purposes Undertakings  
(with (Loadshifting  
Attachments)) Machinery) Regulation (Cap. 59 sub. leg.) and  
applicable to mini-loaders (with attachments)

36. Plant and To operate piling Trade test certificate Not applicable  
Equipment machines for driven for Plant and  
Operator piles works Equipment Operator  
(Percussive Pile) (Percussive Pile)  
issued by CITA

37. Plant and To operate piling Both of the following--- Not applicable  
Equipment machines for driven (a) trade test  
Operator (Piling) or bored piles works certificate for  
Plant and

Equipment  
Operator  
(Bored Pile)  
issued by CITA;  
and  
(b) trade test  
certificate for

Plant and  
Equipment  
Operator  
(Percussive Pile)  
issued by CITA

38. Plant and Equipment Operator (Suspended Working Platform) To operate suspended working platforms for carrying persons Industrial Undertakings (Suspended Working Platforms) Regulation (Cap. 59 sub. leg.) Not applicable Certificate referred to in section 17(1)(b) of the Factories and

39. Plant and Equipment Operator (Tower Crane) To operate tower cranes for material handling purposes Industrial Undertakings (Lifting Appliances and Lifting Gear) Regulations (Cap. 59 sub. leg.) and applicable to Tower Cranes Not applicable Certificate referred to in regulation 15A(1)(b) of the Factories and

40. Plant and Equipment Operator (Truck-mounted Crane) To operate truck-mounted cranes for material handling purposes Industrial Undertakings (Lifting Appliances and Lifting Gear) Regulations (Cap. 59 sub. leg.) and applicable to Truck-mounted Cranes Trade test certificate Not applicable Certificate referred to in regulation 15A(1)(b) of the Factories and

41. Plant and Equipment Operator (Tunneling)--- Jumbo Drilling by CITA To operate jumbo drilling machines for Plant and inside tunnels Equipment Operator (Tunneling)--- Jumbo Drilling issued Not applicable

42. Plant and Equipment To operate locomotives inside for Plant and Trade test certificate Not applicable



Operator tunnels Equipment Operator  
 (Tunneling)--- (Tunneling)---  
 Locomotive Locomotive Operation  
 Operation issued by CITA  
 43. Plant and To operate segment Trade test certificate Not applicable  
 Equipment erection machines for Plant and  
 Operator inside tunnels Equipment Operator  
 (Tunneling)--- (Tunneling)---  
 Segment Erection Segment Erection  
 issued by CITA  
 44. Plant and To operate tunnel Certificate for Not applicable  
 Equipment boring machines Plant and  
 Operator inside tunnels Equipment Operator  
 (Tunneling)--- (Tunneling)--- Tunnel  
 Tunnel Boring Boring Machine  
 Machine issued by CITA  
 45. Plant and To operate wheeled Not applicable Certificate referred to  
 Equipment telescopic mobile in regulation 15A(1)(b)  
 Operator cranes for material of the Factories and  
 (Wheeled handling purposes Industrial Undertakings  
 Telescopic (Lifting Appliances and  
 Mobile Crane) Lifting Gear) Regulations (Cap. 59 sub. leg.) and  
 applicable to Wheeled Telescopic Mobile Cranes  
 46. Prestressing (a) To lay and fix Trade test certificate Not applicable  
 Operative prestressing for Prestressing  
 tendons and Operative issued by  
 ducts CITA  
 (b) To assemble  
 prestressing  
 couplings and  
 anchorages and  
 perform  
 prestressing  
 operations and  
 grouting of ducts  
 47. Refrigeration/ To fit, assemble, erect, Either one of the Not  
 applicable  
 Air-conditioning/ install, commission, following---

Ventilation maintain and repair--- (a) trade certificate  
Mechanic (a) air-conditioning for Refrigeration/  
systems including Air-conditioning/  
refrigerating, Ventilation  
air-handling and Mechanic issued  
ventilation by VTC; or  
equipment and (b) certificate of  
the associated completion of an  
electrical controls; apprenticeship in  
(b) cold stores, the trade of  
ice-making and refrigeration/  
other refrigerating air-conditioning  
equipment; mechanic given  
(c) air-conditioning under section 28  
and ventilation of the  
equipment Apprenticeship  
forming part of Ordinance  
fire services (Cap. 47)  
systems

48. Rock Breaking To operate pneumatic Trade test certificate Not  
applicable  
Driller or hydraulic drills to for Rock Breaking  
make holes and Driller issued by  
openings or break CITA  
up concrete, rocks or  
other hard materials

49. Shotcretor To operate spraying Trade test certificate Not applicable  
machines to apply for Shotcretor issued  
shotcrete or gunitite by CITA

50. Shotfirer To calculate, prepare, Not applicable Mine blasting certificate  
load and detonate issued under the Mines  
explosive charges in (Safety) Regulations  
mines, quarries, civil (Cap. 285 sub. leg.)  
engineering and  
building sites

51. Structural Steel To cut or join Not applicable Not applicable  
Welder structural steel  
sections, steel water

mains and steel gas  
mains by electric arc,  
oxy-acetylene flame or  
other welding  
processes

52. Trackworker To lay and maintain Track test certificate Not applicable  
trackworks for for Trackworker  
railways or other issued by CITA  
vehicles

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

54. Truck Driver To drive special Not applicable Full driving licence  
(Special purpose purpose vehicles within the meaning  
vehicles) within the meaning of of the Road Traffic  
section 2 of the Road (Driving Licences)  
Traffic Ordinance Regulations (Cap.  
(Cap. 374) to 374 sub. leg.) to drive  
transport construction a special purpose  
materials, building vehicle  
debris or excavated  
materials within, into  
or out of construction  
sites

55. Tunnel Worker To carry out general Trade test certificate Not  
applicable  
construction work for Tunnel Worker  
inside tunnels, issued by CITA  
including installing of  
temporary supports

and working platforms,  
 ventilation ducts,  
 packers and protective  
 fencings

PART 2

Designated Trades for which a Person may be Registered  
 as a Registered Skilled Workers, Registered Skilled  
 Worker (Provisional), Registered Skilled Worker  
 (Transitional), Registered Semi-Skilled Worker  
 or Registered Semi-Skilled Worker  
 (Provisional), as the case may be

Column 1	Column 2	Column 3	Column 4	Column 5
Name of trade or occupation	Description of work	Intermediate Certificate qualifications	Other trade test	certificate
1. Bamboo Scaffolder	To erect and dismantle bamboo scaffolding required in construction, repair or decoration work, and other forms of structures (b) certificate of completion of an apprentice- ship in the trade of bamboo scaffolder given under section 28 of the Apprentice- ship Ordinance (Cap. 47)	Either one of the following--- Bamboo Scaffolder issued by CITA; or	Not applicable	Intermediate test certificate for Bamboo Scaffolder issued by CITA
2. Bar Bender	To cut, bend and	Trade test	Not applicable	Intermediate trade

and Fixer    fix reinforcement    certificate for Bar    test certificate  
for

steel bars    Bender and Fixer    Bar Bender and

issued by CITA    Fixer issued by

CITA

3. Bricklayer    To lay bricks and    Either one of the    Not applicable  
Intermediate trade

other building    following---    test certificate for

blocks, except    (a) trade test    Bricklayer issued by

stones and marble,    certificate for    CITA

for construction    Bricklayer

and repair of walls,    issued by

partitions, arches,    CITA; or

openings and other    (b) certificate of

structures    completion of

an apprentice-

ship in the

trade of

bricklayer

given under

section 28 of

the Apprentice-

ship Ordinance

(Cap. 47)

4. Building    To install building    Trade certificate    Not applicable  
Intermediate trade

Security    security systems,    for Building    test certificate for

System    including building    Security System    Building Security

Mechanic    doorphone systems,    Mechanic issued    System Mechanic

closed circuit    by VTC    issued by VTC

television systems,

public address

systems, security

alarm systems and

access control

systems

5. Carpenter    To erect and strike    Either one of the    Not applicable  
Either one of the

(Formwork- Building Con- struction) (Formwork- Building Construction) issued by CITA; or (b) trade test certificate for Carpenter (Formwork) issued by CITA	timber formwork for building works certificate for Carpenter Carpenter (Formwork- Building Construction) issued by CITA; or (b) intermediate trade test certificate for Carpenter (Formwork) issued by CITA	following--- (a) trade test certificate for Carpenter (Formwork- Building Construction) issued by CITA; or (b) intermediate trade test certificate for Carpenter (Formwork) issued by CITA	following--- (a) intermediate trade test certificate for Carpenter (Formwork- Building Construction) issued by CITA; or (b) intermediate trade test certificate for Carpenter (Formwork) issued by CITA	6. Carpenter (Formwork- Civil Con- struction) Civil Construction) issued by CITA; or (b) trade test certificate for Carpenter (Formwork) issued by CITA	To erect and strike timber formwork for construction work related to civil engineering (Formwork- Civil Construction) issued by CITA; or (b) trade test certificate for Carpenter (Formwork) issued by CITA	Either one of the following--- (a) trade test certificate for Carpenter (Formwork- Civil Construction) issued by CITA; or (b) intermediate trade test certificate for Carpenter (Formwork) issued by CITA	Not applicable (a) intermediate trade test certificate for Carpenter (Formwork- Civil Construction) issued by CITA; or (b) intermediate trade test certificate for Carpenter (Formwork) issued by CITA	Either one of the following--- (a) intermediate trade test certificate for Carpenter (Formwork- Civil Construction) issued by CITA; or (b) intermediate trade test certificate for Carpenter (Formwork) issued by CITA
7. Com- munication	To fit, assemble, install, maintain	Trade certificate for Communication	Not applicable	Intermediate test certificate for				

System and repair Mechanic communication equipment and systems, including block wiring systems, TV or satellite broadcast reception systems, nurse call systems, radio paging systems, building automation systems or other extra low voltage systems	System Mechanic issued by VTC issued by VTC		Communication System Mechanic
8. Concretor and compact concrete using vibrating machines (b) To carry out curing, levelling and smoothing of concrete	(a) To mix, place certificate for Concretor issued by CITA CITA	Trade test test certificate for Concretor issued by	Not applicable Intermediate
9. Con- Plant Mechanic by Plant Mechanic issued by CITA; or (b) certificate of completion of an apprentice-	To maintain and repair building and civil engineering plants and machinery Construction	Either one of the following--- (a) trade test certificate for Construction CITA	Not applicable Intermediate test certificate for Construction Plant Mechanic issued

ship in the  
trade of  
construction  
plant mechanic  
given under  
section 28 of  
the Apprentice-  
ship Ordinance  
(Cap. 47)

10. Control Panel  
Intermediate trade To fit, assemble,  
Trade certificate Not applicable

Panel install and repair for Control Panel test certificate for  
Assembler low voltage Assembler issued Control Panel  
switchboards, by VTC Assembler issued by  
and control panels, VTC  
for electrical plants  
and equipment

11. Drainlayer To lay and join Trade test Not applicable Intermediate  
trade

underground certificate for test certificate for  
drains, construct Drainlayer issued Drainlayer issued  
manholes, install by CITA by CITA  
pipes and fittings,  
construct beds and  
haunches, and  
surround pipes  
with concrete

12. Electrical To install and lay Trade certificate Not applicable  
Intermediate trade

Wireman wiring for electrical for Electrical test certificate for  
systems and Wireman issued Electrical Wireman  
equipment by VTC issued by VTC

13. Fire To install, test, Trade certificate Not applicable Intermediate  
trade

Service maintain, inspect for Fire Service test certificate for  
Electrical and repair Electrical Fitter Fire Service  
Fitter automatic fire issued by VTC Electrical Fitter  
alarm systems, issued by VTC



manual fire alarm systems, and electrical or electronic parts of fire services systems

14. Fire trade	To install, test, maintain, inspect and repair fire services piping systems and mechanical parts of fire services systems	Trade certificate for Fire Service Mechanical Fitter issued by VTC issued by VTC	Not applicable	Intermediate test certificate for Fire Service Mechanical Fitter
----------------	---	--	----------------	--

15. Floor Layer	To lay timber, PVC, linoleum and similar flooring materials to floors, stair threads and skirtings	Both of the following--- (a) trade test certificate for Floor Layer (PVC Flooring) issued by CITA; and (b) trade test certificate for Floor Layer (Timber Flooring) issued by CITA	Both of the following--- (a) intermediate trade test certificate for Floor Layer (PVC Flooring) issued by CITA; and (b) intermediate trade test certificate for Floor Layer (Timber Flooring) issued by CITA	Not applicable	Both of the following--- trade test certificate for Floor Layer (PVC Flooring) issued by CITA; and trade test certificate for Floor Layer (Timber Flooring) issued by CITA
-----------------	--	--	--	----------------	--

16. Floor Layer	To lay PVC, linoleum and similar flooring materials to floors, stair threads and skirtings	Trade test certificate for Floor Layer (PVC Flooring) issued by CITA	Not applicable	Intermediate trade test certificate for Floor Layer (PVC Flooring) issued by CITA
-----------------	--	--	----------------	---

17. Floor Layer	To lay timber and	Trade test	Not applicable	Intermediate trade
-----------------	-------------------	------------	----------------	--------------------

Layer similar flooring certificate for	test certificate for
(Timber materials to floors, Floor Layer	Floor Layer (Timber
Flooring) stair threads and (Timber Flooring)	Flooring) issued by
skirtings issued by CITA	CITA
18. General To carry out Trade test Not applicable Intermediate trade	
Welder general welding certificate for	test certificate for
and cutting work General Welder	General Welder
by electric arc, issued by CITA	issued by CITA
oxy-acetylene	
flame or other	
welding processes	
19. Glazier (a) To measure, Trade test Not applicable Intermediate trade	
cut and fix certificate for	test certificate for
glass panes Glazier issued	Glazier issued by
with silicone by CITA	CITA
plastic or	
beads	
(b) To grind or	
round edges	
of glass panes	
20. Ground (a) To set up and Trade test Not applicable Intermediate trade	
Investigation operate certificate for	test certificate for
Operator/ drilling plants Ground Investigation	Ground
Investigation	
Driller/ for ground Operator issued	Operator issued by
Borer investigation by CITA	CITA
purposes	
(b) To take and	
store soil, and	
rock samples	
or specimens,	
for inspection	
and logging	
by engineers	
or technicians	
or logging	
geologists	
(c) To work with	

geotechnical  
field  
technicians to  
perform in  
situ field tests

21. Hand-dug Caisson Worker  
To construct building foundations by hand-dug caisson method by CITA  
Trade test certificate for Hand-dug Caisson Worker issued by CITA  
Not applicable test certificate for Hand-dug Caisson Worker issued by  
Intermediate trade test certificate for Hand-dug Caisson Worker issued by

22. Joiner  
To carry out all internal and external  
trade

following---  
(a) trade test certificate for  
woodwork (except formwork and fender) using both hand tools and woodworking machinery  
test certificate for  
Joiner issued by  
CITA

Joiner issued  
by CITA; or  
(b) certificate of  
completion of  
an apprentice-

ship in the  
trade of  
carpenter/  
joiner given  
under section  
28 of the  
Apprenticeship  
Ordinance

(Cap. 47)

23. Leveller  
trade

(a) To read and interpret drawings  
certificate for Leveller issued by  
Trade test certificate for Leveller issued by  
Not applicable test certificate for Leveller issued by  
Intermediate trade test certificate for Leveller issued by

(b) To set up job lines and levels and prepare templates  
CITA  
CITA

24. Marble Worker (a) To set out, measure, cut and set marble slabs, granite slabs or similar stones on walls, floors, or other surfaces

Trade test certificate for	Not applicable	Intermediate trade test certificate for
Marble Worker issued by CITA		Marble Worker issued by CITA

(b) To grind and polish marble, granite or similar stones

25. Mason To split and shape stones, and build and lay stone works

Trade test certificate for	Not applicable	Intermediate trade test certificate for
Mason issued by CITA		Mason issued by CITA

26. Mechanical Fitter To fit, assemble, erect, install, maintain and repair mechanical plants and equipment, including emergency generators

Either one of the following---	Not applicable
Intermediate trade test certificate for	Intermediate trade test certificate for
Mechanical Fitter issued by VTC	Mechanical Fitter issued by VTC

(a) trade certificate for completion of an apprenticeship in the trade of fitter given under section 28 of the Apprenticeship Ordinance (Cap. 47)

27. Metal Scaffolder To erect, dismantle and repair metal scaffolding

Trade test certificate for	Not applicable	Intermediate trade test certificate for
Metal Scaffolder issued by CITA		Metal Scaffolder issued by CITA

required in construction work issued by CITA issued by CITA

28. Metal Worker and forge metal parts (a) To fit, assemble, weld Metal Worker issued by CITA Trade test certificate for Metal Worker issued by CITA Not applicable Intermediate trade test certificate for

(b) To install non-structural metalwork

(c) To operate metal-working machines

(d) To make templates

(e) To repair metal formwork

29. Painter and Decorator (a) To prepare surfaces, fittings and fixtures of buildings and other structures for painting and decorating (b) To apply paints or protective and decorative materials (b) To lay out and write letters, characters and other signs

and Decorator (a) trade test certificate for Painter and Decorator issued by CITA Either one of the test certificate for Painter and Decorator issued by CITA Not applicable Intermediate trade

(a) trade test certificate for Painter and Decorator issued by CITA; or (b) certificate of completion of an apprentice-similar trade of painter/sign writer given under section 28 of the Apprenticeship Ordinance

(b) To apply completion of an apprentice-similar trade of painter/sign writer given under section 28 of the Apprenticeship Ordinance

(c) To lay out and write letters, characters and other signs

30. Plasterer (a) To apply Either one of the Not applicable Intermediate trade coats of plaster to, and to render walls and ceilings, to produce finished surfaces (b) To screed floors, staircases and roofs under section 28 of the Apprenticeship Ordinance (Cap. 47)

following--- (a) trade test certificate for Plasterer issued by CITA; or (b) certificate of completion of an apprenticeship in the trade of plasterer given

test certificate for Plasterer issued by CITA

31. Plumber To assemble, install and repair pipes, fittings, sanitary fixtures, cold, hot and flush water systems, and soil, waste and rain water drainage systems in buildings in the trade of plumber given under section 28 of the Apprenticeship Ordinance (Cap. 47); or (c) plumber's

Either one of the Not applicable Intermediate trade following--- (a) trade test certificate for Plumber issued by CITA; or (b) certificate of completion of an apprenticeship in the trade of plumber given

test certificate for Plumber issued by CITA

licence issued  
 under  
 regulation 34  
 of the  
 Waterworks  
 Regulations  
 (Cap. 102  
 sub. leg.)

32. Re- To fabricate, Trade certificate Not applicable Intermediate trade  
 frigeration/ install and repair for Refrigeration/ test certificate  
 for  
 Air- sheet metal Air-conditioning/ Refrigeration/Air-  
 conditioning/ assemblies and Ventilation conditioning/  
 Ventilation products Mechanic (Air Ventilation  
 Mechanic (including System) issued by Mechanic (Air  
 (Air ventilation VTC System) issued by  
 System) ducting, dampers, VTC  
 fire resistant board  
 and fittings)

33. Re- To fit, assemble, Trade certificate Not applicable Intermediate  
 trade  
 frigeration/ install, for Refrigeration/ test certificate for  
 Air- commission, Air-conditioning Refrigeration/Air-  
 conditioning/ maintain and Ventilation conditioning/  
 Ventilation repair electrical Mechanic Ventilation  
 Mechanic control for--- (Electrical Mechanic (Electrical  
 (Electrical (a) air- Control) issued Control) issued by  
 Control) conditioning by VTC VTC  
 systems  
 including  
 refrigerating,  
 air-handling  
 and ventilation  
 equipment;  
 (b) cold stores,  
 ice-making  
 and other  
 refrigerating

equipment;  
 (c) air-  
 conditioning  
 and ventilation  
 equipment  
 forming part  
 of fire services  
 systems

34. Re- To prepare, fit, Trade certificate Not applicable Intermediate  
 trade  
 frigeration/ fix and repair for Refrigeration/ test certificate for  
 Air- thermal insulations Air-conditioning/ Refrigeration/Air-  
 conditioning/ of air-conditioning Ventilation conditioning/  
 Ventilation and refrigeration Mechanic Ventilation  
 Mechanic plants (Thermal Mechanic (Thermal  
 (Thermal Insulation) Insulation) issued by  
 Insulation) issued by VTC VTC

35. Re- To fit, assemble, Trade certificate Not applicable Intermediate  
 trade  
 frigeration/ install, commission, for Refrigeration/ test  
 certificate for  
 Air- maintain and Air-conditioning/ Refrigeration/Air-  
 conditioning/ repair--- Ventilation conditioning/  
 Ventilation (a) unitary air- Mechanic Ventilation  
 Mechanic conditioning (Unitary System) Mechanic (Unitary  
 (Unitary systems issued by VTC System) issued by  
 System) including VTC

refrigerating,  
 air-handling  
 and ventilation  
 equipment;  
 (b) unitary cold  
 stores, ice-  
 making and  
 other  
 refrigerating  
 equipment

36. Re- To fit, assemble, Trade certificate Not applicable Intermediate



trade  
frigeration/ install, commission, for Refrigeration/ test  
certificate for

Air- maintain and Air-conditioning/ Refrigeration/  
conditioning/ repair water and Ventilation Air-conditioning/  
Ventilation refrigerant Mechanic Ventilation  
Mechanic systems of--- (Water and Mechanic (Water  
(Water and (a) air- Refrigerant System) and Refrigerant  
Refrigerant conditioning issued by VTC System) issued by  
System) systems VTC

including  
refrigerating,  
air-handling  
and ventilation  
equipment;  
(b) cold stores,  
ice-making  
and other  
refrigerating  
equipment

37. Rigger/ (a) To set up Trade test Not applicable Intermediate trade  
Metal lifting certificate for test certificate for  
Formwork apparatus and Rigger/Metal Rigger/Metal  
Erector equipment for Formwork Erector Formwork Erector  
lifting and issued by CITA issued by CITA  
lowering of  
materials  
(b) To fix and  
dismantle  
large panel  
metal  
formwork

38. Structural (a) To drill, cut Trade test Not applicable Intermediate  
trade  
Steel and shape steel certificate for test certificate for  
Erector sections Structural Steel Structural Steel  
(b) To assemble Erector issued by Erector issued by  
structural CITA CITA

members and erect steel structures by riveting or bolting  
 (c) To operate power shears, flame cutting equipment and other tools

39. Tiler	To cut, shape and set tiles on walls, ceilings and floors certificate for Tiler issued by CITA; or (b) certificate of completion of an apprenticeship in the trade of tiler given under section 28 of the Apprenticeship Ordinance (Cap. 47)	Trade test following--- (a) trade test CITA	Not applicable	Intermediate trade test certificate for Tiler issued by
-----------	--	---	----------------	---

40. Window Frame Installer	To install window frames and sash (including associated water proofing works) for buildings or other structures	Trade test certificate for Window Frame Installer issued by CITA	Not applicable	Intermediate trade test certificate for Window Frame Installer issued by
----------------------------	---	--	----------------	--

PART 3

Designated Trades for which a Person may be Registered

only as a Registered Semi-Skilled Worker or Registered Semi-Skilled Worker (Provisional), as the case may be

Column 1	Column 2	Column 3	Column 4
Name of trade or occupation	Description of work	Intermediate trade test certificate	Other qualifications
1. Painter (Texture-spray) and fixtures of buildings and other structures by texture-spray method	To perform painting for surfaces, fittings and fixtures of buildings and other structures by texture-spray method	Intermediate trade test certificate issued by CITA	Not applicable
2. Builder's Lift Operator on construction sites	To operate builders' lifts (passenger hoist) on construction sites	Not applicable	Competent operator builder's lift within the meaning of the Builders' Lifts and Tower Working Platforms (Safety) Ordinance (Cap. 470)

-----  
 SCHEDULE 2 [ss. 2 & 66]

Specified Body

1. Airport Authority
2. CLP Power Hong Kong Limited
3. The Hong Kong and China Gas Company Limited
4. The Hongkong Electric Company, Limited
5. Hong Kong Housing Authority
6. The Hong Kong Housing Society
7. Hong Kong Tramways Limited
8. Kowloon-Canton Railway Corporation
9. MTR Corporation Limited

-----  
 SCHEDULE 3 [ss. 2 & 66]

Structures and Works

1. Any building, edifice, wall, fence, or chimney, whether constructed wholly or partly above or below ground level.
2. Any site formation, street works, road, motorway, railway, tramway, cableway, aerial ropeway, or canal.
3. Any harbour works, dock, pier, sea defence work, or lighthouse.
4. Any aqueduct, viaduct, bridge, or tunnel.
5. Any sewer, sewage disposal works, or filter bed.

6. Any airport or works connected with air navigation.
7. Any dam, reservoir, well, pipeline, culvert, shaft, or reclamation.
8. Any drainage, irrigation or river control works.
9. Any structure designed for the support of machinery, plant or power transmission lines.
10. Any slope works or earth-retaining structure.

-----  
 SCHEDULE 4 [ss. 7, 8, 9, 12,  
 14, 16 & 66]

Authority, Standing Committees and other Committees

PART 1

Authority and its Members

1. Tenure of office

(1) An appointed member of the Authority shall hold office for such periods, and on such terms, as the Secretary may specify in the document by which the member is appointed.

(2) An appointed member of the Authority, not being a public officer, shall be appointed for a term not more than 3 years.

(3) An appointed member of the Authority shall---

- (a) hold and vacate his office in accordance with the terms of his appointment; and
- (b) be eligible for reappointment on ceasing to be a member.

(4) If the Secretary is satisfied that an appointed member of the Authority-

--

(a) has become bankrupt or made an arrangement with his creditors;

(b) is incapacitated by physical or mental illness;

(c) has ceased to be of the capacity by virtue of which he was appointed; or

(d) is otherwise unable or unfit to perform the functions of a member,

the Secretary may declare his office as a member of the Authority to be vacant, and shall notify the fact in such manner as the Secretary thinks fit; and upon such declaration the office shall become vacant.

(5) An appointed member of the Authority, not being a public officer, may at any time resign his office by notice in writing to the Secretary.

2. Proceedings of Authority

(1) The chairman of the Authority may appoint the time and place for the Authority to meet.

(2) The Authority shall not transact business at a meeting other than to adjourn unless there is a quorum of 9 members of the Authority present.

(3) At a meeting of the Authority, the following shall preside---

- (a) the chairman of the Authority;
- (b) if a person acts as chairman of the Authority under section 7(5) of this Ordinance, that person; or
- (c) if neither the chairman of the Authority nor the person acting as chairman of the Authority under section 7(5) of this Ordinance (if any) is present, such other member of the Authority as the members present elect.

(4) All matters for determination at a meeting of the Authority shall be decided by a majority of votes of the members present and voting, and if there is an equality of votes, the chairman of the Authority or any other member presiding shall have a casting vote in addition to his original vote.

(5) The validity of any proceedings of the Authority shall not be affected by any defect in the appointment of any person purporting to be a member of the Authority or by any vacancy in the membership of the Authority.

(6) Subject to the provisions of this Ordinance, the Authority may regulate its own procedure including the manner in which decisions of the Authority may be made by a quorum of its members otherwise than at a meeting of the Authority.

### 3. Members of Authority to disclose interests

(1) A member of the Authority who is in any way directly or indirectly interested in a matter being considered made by the Authority shall disclose the nature of his interest at a meeting of the Authority.

(2) The Authority shall record the disclosure in the minutes of the meeting of the Authority.

(3) A member of the Authority who has an interest in a matter referred to in subsection (1)---

(a) shall not, without the permission of the chairman of the Authority or any other member of the Authority presiding, take any part in any deliberation of the Authority with respect to that matter; and

(b) shall not in any event vote on that matter.

(4) A member of the Authority need not attend in person at a meeting of the Authority to make a disclosure which he is required to make under this section if he takes reasonable steps to secure that the disclosure is made by a notice in writing which is brought up and read at the meeting.

### 4. Common seal of Authority

The common seal of the Authority shall not be fixed unless---

(a) authorized by the Authority; and

(b) authenticated by the signatures of---

(i) the chairman of the Authority; or

(ii) any other member of the Authority authorized by the Authority, either

generally or specifically, to act for that purpose.

#### 5. Documents of Authority

(1) The Authority may make and execute any document in the performance of its functions or the exercise of its powers or in connection with any matter reasonably incidental to or consequential upon the performance of its functions or the exercise of its powers.

(2) Any document purporting to be executed under the seal of the Authority shall be admitted in evidence and shall, in the absence of evidence to the contrary, be deemed to have been duly executed.

(3) Any contract or instrument which, if entered into or executed by a person not being a body corporate, would not be required to be under seal may be entered into or executed on behalf of the Authority by any member of the Authority authorized by the Authority, either generally or specifically, to act for that purpose.

### PART 2

#### Committees Established by Authority and Members of Committees

#### 6. Members of committees

The Authority---

(a) may appoint members of the Authority, and persons who are not such members, to be members of a committee; and

(b) shall appoint the chairman of a committee and determine the number of members of a committee.

#### 7. Functions and powers of committees

A committee---

(a) shall perform such functions and may exercise such powers as are delegated to it by the Authority under section 9(1)(b) of this Ordinance; and

(b) may, subject to any directions of the Authority, regulate its own procedure.

### PART 3

#### Qualifications Committee and its Members

#### 8. Tenure of office

(1) A member of the Qualifications Committee shall hold office for such periods, and on such terms, as the Authority may specify in the document by which the member is appointed.

(2) A member of the Qualifications Committee, not being a public officer, shall be appointed for a term not more than 3 years.

(3) A member of the Qualifications Committee shall---

(a) hold and vacate his office in accordance with the terms of his appointment; and

(b) be eligible for reappointment on ceasing to be a member.

(4) If the Authority is satisfied that a member of the Qualifications Committee---

(a) has become a member of the Complaints Committee, a member of the Review Committee or a member of the Appeal Board panel;

(b) has become bankrupt or made an arrangement with his creditors;

(c) is incapacitated by physical or mental illness;

(d) has ceased to be of the capacity by virtue of which he was appointed; or

(e) is otherwise unable or unfit to perform the functions of a member, the Authority may declare his office as a member of the Qualifications Committee to be vacant, and shall notify the fact in such manner as the Authority thinks fit; and upon such declaration the office shall become vacant.

(5) A member of the Qualifications Committee, not being a public officer, may at any time resign his office by notice in writing to the Authority.

#### 9. Proceedings of Qualifications Committee

(1) The chairman of the Qualifications Committee may appoint the time and place for the Committee to meet.

(2) The Qualifications Committee shall not transact business at a meeting other than to adjourn unless there is a quorum of 7 members of the Committee present.

(3) At a meeting of the Qualifications Committee, the following shall preside---

(a) the chairman of the Committee;

(b) if a person acts as chairman of the Committee under section 12(5) of this Ordinance, that person; or

(c) if neither the chairman of the Committee nor the person acting as chairman of the Committee under section 12(5) of this Ordinance (if any) is present, such other member of the Committee as the members present elect.

(4) All matters for determination at a meeting of the Qualifications Committee shall be decided by a majority of votes of the members present and voting, and if there is an equality of votes, the chairman of the Committee or any other member presiding shall have a casting vote in addition to his original vote.

(5) The validity of any proceedings of the Qualifications Committee shall not be affected by any defect in the appointment of any person purporting to be a member of the Committee or by any vacancy in the membership of the Committee.

(6) Subject to the provisions of this Ordinance, the Qualifications Committee may regulate its own procedure including the manner in which decisions of the Committee may be made by a quorum of its members otherwise than at a meeting of the Committee.

#### 10. Members of Qualification Committee to disclose interests

(1) A member of the Qualification Committee who is in any way directly or indirectly interested in a matter being considered made by the Committee shall disclose the nature of his interest at a meeting of the Committee.

(2) The Qualification Committee shall record the disclosure in the minutes of the meeting of the Committee.

(3) A member of the Qualification Committee who has an interest in a matter referred to in subsection (1)---

(a) shall not, without the permission of the chairman of the Qualification Committee or any other member of the Committee presiding, take any part in any deliberation of the Committee with respect to that matter; and

(b) shall not in any event vote on that matter.

(4) A member of the Qualification Committee need not attend in person at a meeting of the Committee to make a disclosure which he is required to make under this section if he takes reasonable steps to secure that the disclosure is made by a notice in writing which is brought up and read at the meeting.

#### PART 4

#### Complaints Committee and its Members

##### 11. Tenure of office

(1) A member of the Complaints Committee shall hold office for such periods, and on such terms, as the Authority may specify in the document by which the member is appointed.

(2) A member of the Complaints Committee, not being a public officer, shall be appointed for a term not more than 3 years.

(3) A member of the Complaints Committee shall---

(a) hold and vacate his office in accordance with the terms of his appointment; and

(b) subject to subsection (4), be eligible for reappointment on ceasing to be a member.

(4) No person shall be appointed as a member of the Complaints Committee for 3 consecutive terms.

(5) The office of a member of the Complaints Committee is not affected if during the term of the office, the member ceases to be a member of the Authority.

(6) If the Authority is satisfied that a member of the Complaints Committee-

--

(a) has become a member of the Qualifications Committee, a member of the Review Committee or a member of the Appeal Board panel;

(b) has become bankrupt or made an arrangement with his creditors;

(c) is incapacitated by physical or mental illness;

(d) is no longer a member of the Authority; or



(e) is otherwise unable or unfit to perform the functions of a member, the Authority may declare his office as a member of the Complaints Committee to be vacant, and shall notify the fact in such manner as the Authority thinks fit; and upon such declaration the office shall become vacant.

(7) A member of the Complaints Committee, not being a public officer, may at any time resign his office by notice in writing to the Authority.

## 12. Proceedings of Complaints Committee

(1) The chairman of the Complaints Committee may appoint the time and place for the Committee to meet.

(2) The Complaints Committee shall not transact business at a meeting other than to adjourn unless there is a quorum of 4 members of the Committee present.

(3) At a meeting of the Complaints Committee, the following shall preside---

(a) the chairman of the Committee;

(b) if a person acts as chairman of the Committee under section 14(6) of this Ordinance, that person; or

(c) if neither the chairman of the Committee nor the person acting as chairman of the Committee under section 14(6) of this Ordinance (if any) is present, such other member of the Committee as the members present elect.

(4) All matters for determination at a meeting of the Complaints Committee shall be decided by a majority of votes of the members present and voting, and if there is an equality of votes, the chairman of the Committee or any other member presiding shall have a casting vote in addition to his original vote.

(5) The validity of any proceedings of the Complaints Committee shall not be affected by any defect in the appointment of any person purporting to be a member of the Committee or by any vacancy in the membership of the Committee.

(6) Subject to the provisions of this Ordinance, the Complaints Committee may regulate its own procedure including the manner in which decisions of the Committee may be made by a quorum of its members otherwise than at a meeting of the Committee.

## 13. Members of Complaints Committee to disclose interests

(1) A member of the Complaints Committee who is in any way directly or indirectly interested in a matter being considered made by the Committee shall disclose the nature of his interest at a meeting of the Committee.

(2) The Complaints Committee shall record the disclosure in the minutes of the meeting of the Committee.

(3) A member of the Complaints Committee who has an interest in a matter referred to in subsection (1)---

(a) shall not, without the permission of the chairman of the Complaints Committee or any other member of the Committee presiding, take any part in any deliberation

of the Committee with respect to that matter; and

(b) shall not in any event vote on that matter.

(4) A member of the Complaints Committee need not attend in person at a meeting of the Committee to make a disclosure which he is required to make under this section if he takes reasonable steps to secure that the disclosure is made by a notice in writing which is brought up and read at the meeting.

## PART 5

### Review Committee and its Members

#### 14. Tenure of office

(1) A member of the Review Committee shall hold office for such periods, and on such terms, as the Authority may specify in the document by which the member is appointed.

(2) A member of the Review Committee, not being a public officer, shall be appointed for a term not more than 3 years.

(3) A member of the Review Committee shall---

(a) hold and vacate his office in accordance with the terms of his appointment; and  
(b) be eligible for reappointment on ceasing to be a member.

(4) If the Authority is satisfied that a member of the Review Committee---

(a) has become a member of the Qualifications Committee, a member of the Complaints Committee or a member of the Appeal Board panel;

(b) has become the Registrar, or, where the Registrar is a body corporate, a member, officer or employee of the Registrar;

(c) has become bankrupt or made an arrangement with his creditors;

(d) is incapacitated by physical or mental illness;

(e) has ceased to be of the capacity by virtue of which he was appointed; or

(f) is otherwise unable or unfit to perform the functions of a member,

the Authority may declare his office as a member of the Review Committee to be vacant, and shall notify the fact in such manner as the Authority thinks fit; and upon such declaration the office shall become vacant.

(5) A member of the Review Committee, not being a public officer, may at any time resign his office by notice in writing to the Authority.

#### 15. Proceedings of Review Committee

(1) The chairman of the Review Committee may appoint the time and place for the Committee to meet.

(2) The Review Committee shall not transact business at a meeting other than to adjourn unless there is a quorum of 4 members of the Committee present.

(3) At a meeting of the Review Committee, the following shall preside---

(a) the chairman of the Committee;

(b) if a person acts as chairman of the Committee under section 16(6) of this Ordinance, that person; or

(c) if neither the chairman of the Committee nor the person acting as chairman of the Committee under section 16(6) of this Ordinance (if any) is present, such other member of the Committee as the members present elect.

(4) All matters for determination at a meeting of the Review Committee shall be decided by a majority of votes of the members present and voting, and if there is an equality of votes, the chairman of the Committee or any other member presiding shall have a casting vote in addition to his original vote.

(5) The validity of any proceedings of the Review Committee shall not be affected by any defect in the appointment of any person purporting to be a member of the Committee or by any vacancy in the membership of the Committee.

(6) Subject to the provisions of this Ordinance, the Review Committee may regulate its own procedure including the manner in which decisions of the Committee may be made by a quorum of its members otherwise than at a meeting of the Committee.

#### 16. Members of Review Committee to disclose interests

(1) A member of the Review Committee who is in any way directly or indirectly interested in a matter being considered made by the Committee shall disclose the nature of his interest at a meeting of the Committee.

(2) The Review Committee shall record the disclosure in the minutes of the meeting of the Committee.

(3) A member of the Review Committee who has an interest in a matter referred to in subsection (1)---

(a) shall not, without the permission of the chairman of the Review Committee or any other member of the Committee presiding, take any part in any deliberation of the Committee with respect to that matter; and

(b) shall not in any event vote on that matter.

(4) A member of the Review Committee need not attend in person at a meeting of the Committee to make a disclosure which he is required to make under this section if he takes reasonable steps to secure that the disclosure is made by a notice in writing which is brought up and read at the meeting.

#### Explanatory Memorandum

The principal object of this Bill is to---

(a) establish a system for the registration of construction workers; and

(b) regulate construction workers who personally carry out construction work.

2. Part 1 contains preliminary provisions. Clause 2 defines the terms used in the Bill. In particular, the terms "designated trade", "specified body" and "specified structure" are defined by reference to Schedules 1, 2 and 3 respectively.

3. Part 2 provides for the prohibitions against---

(a) a person who is not a registered construction worker from personally carrying out on a construction site construction work (clause 3(1));

(b) a person who is not a registered skilled worker, registered skilled worker (provisional), registered skilled worker (transitional), registered semi-skilled worker or a registered semi-skilled worker (provisional) for a designated trade from personally carrying out on a construction site construction work that involves any work of that trade (clause 3(2) to (4)); and

(c) a person from employing another person who is not a registered construction worker from personally carrying out on a construction site construction work in contravention of clause 3 (clause 5).

Clause 4 provides for the exemption from the prohibitions provided in clause 3(2) to (4). Clause 6 provides for the offences in relation to the prohibitions.

4. Part 3 deals with the establishment of the Construction Workers Registration Authority ("Authority") and certain standing committees. In particular---

(a) clause 7 establishes the Authority and sets out its constitution and membership;

(b) clause 8 sets out the functions and powers of the Authority;

(c) clause 9 deals with the delegation of functions and powers of the Authority;

(d) clauses 10 and 11 deal with the financial provisions of the Authority;

(e) clause 12 establishes the Construction Workers Qualifications Committee and sets out its constitution and membership;

(f) clause 13 sets out the functions and powers of the Construction Workers Qualifications Committee;

(g) clause 14 establishes the Construction Workers Complaints Committee and sets out its constitution and membership;

(h) clause 15 sets out the functions and powers of the Construction Workers Complaints Committee;

(i) clause 16 establishes the Construction Workers Review Committee and sets out its constitution and membership; and

(j) clause 17 sets out the functions and powers of the Construction Workers Review Committee.

5. Part 4 deals with the imposition of a levy on the construction works (as defined for the purposes of this Part) undertaken in Hong Kong. The levy collected will become the funds of the Authority. The basis on which the levy is imposed is similar to that on which the construction industry levy is imposed under the Industrial Training (Construction Industry) Ordinance (Cap. 317) and on which the levy is imposed under the Pneumoconiosis (Compensation) Ordinance (Cap. 360). The provisions in this Part are modelled on the relevant provisions in those Ordinances. In particular---

- (a) clause 18 defines the terms used in Part 4;
- (b) clause 19 imposes a levy on the value of the construction works undertaken in Hong Kong;
- (c) clause 20 empowers the Secretary for the Environment, Transport and Works ("Secretary") to prescribe the rate of levy;
- (d) clause 21 provides for the criteria for ascertaining the value of the construction works;
- (e) clauses 22 and 23 require notice to be given to the Authority after the construction works have begun and completed and after payment is made to the contractor for the benefit of the construction works;
- (f) clauses 24 to 26 provide for the assessment, payment and recovery of the levy;
- (g) clauses 27 and 28 provide for the objection to levy assessed, or surcharge imposed, and the appeal against a decision on such objections;
- (h) clause 29 requires an employer, contractor or authorized person to provide relevant information to the Authority or a levy inspector when required; and
- (i) clause 30 provides for the offences under Part 4.

6. Part 5 deals with the registration of construction workers. In particular---

- (a) clause 33 provides for the appointment of the Registrar of Construction Workers ("Registrar");
- (b) clause 34 sets out the functions and powers of the Registrar;
- (c) clause 35 provides for the form, and other related matters, of a Register of Construction Workers;
- (d) clause 36 provides for the application for registration as a registered skilled worker for a designated trade, a registered skilled worker (provisional) for a designated trade, a registered semi-skilled worker for a designated trade, a registered semi-skilled worker (provisional) for a designated trade, or a registered general worker;
- (e) clauses 37 and 39 to 41 provide for the qualifications for registration;
- (f) clause 38 provides for the acceptance or rejection of the application for registration or renewal of registration;
- (g) clauses 42 and 43 provide for the expiry and renewal of registration;
- (h) clauses 44 to 46 provide for the issue of registration cards and requirements relating to registration cards;
- (i) clause 47 provides for the cancellation of registration; and
- (j) clause 48 provides for the correction of errors on a Register of Construction Workers.

7. Part 6 deals with complaints that may be made against registered construction workers. In particular---

(a) clause 49 specifies the grounds on which complaints may be made against registered construction workers; and

(b) clauses 50 and 51 provide for---

(i) the procedures for processing such complaints by the Authority and the Construction Workers Complaints Committee; and

(ii) the sanctions that may be imposed by the Authority.

8. Part 7 deals with reviews of certain decisions of the Registrar and appeals against certain decisions of the Authority or the Registrar. In particular---

(a) clause 52 provides for the procedures for---

(i) requesting the Construction Workers Review Committee to review certain decisions of the Registrar; and

(ii) processing such requests by the Construction Workers Review Committee;

(b) clause 53 provides for the making of appeals against---

(i) certain decisions of the Authority or the Registrar; or

(ii) orders of the Authority in relation to complaints against a registered construction worker;

(c) clause 54 provides for the appointment, constitution and membership of the Appeal Board panel;

(d) clause 55 provides for the appointment of a Construction Workers Appeal Board to hear an appeal; and

(e) clauses 56 to 58 provide for the matters relating to proceedings before such an Appeal Board.

9. Part 8 deals with miscellaneous matters. In particular---

(a) clause 59 requires---

(i) principal contractors to provide on construction sites devices that retrieve electronic data in registration cards; and

(ii) controllers of construction sites to record data of registered construction workers on the sites and to furnish the data with the Registrar;

(b) clause 60 provides for the appointment of authorized officers and levy inspectors;

(c) clause 61 provides for the offences of making a false or misleading statement in connection with this Bill and of failure to attend an inquiry or hearing as witness;

(d) clause 62 provides for the service of notices required to be served or given under the Bill;

(e) clause 63 empowers the Authority to specify forms;

(f) clause 64 empowers the Authority to make regulation with the approval of the Secretary;

(g) clause 65 empowers the Chief Justice to make rules of court for the purposes of

appeals against decisions on objections to levy or surcharge; and

(h) clause 66 empowers the Secretary to amend Schedule 1, 2, 3 or 4.

10. Part 9 contains consequential amendments to several Ordinances.

11. Schedule 1 contains the designated trades for which a person may be registered under this Bill. In particular---

(a) Part 1 contains the designated trades for which a person may be registered as a registered skilled worker, registered skilled worker (provisional) or registered skilled worker (transitional), as the case may be;

(b) Part 2 contains the designated trades for which a person may be registered as a registered skilled worker, registered skilled worker (provisional), registered skilled worker (transitional), registered semi-skilled worker or registered semi-skilled worker (provisional), as the case may be; and

(c) Part 3 contains the designated trades for which a person may be registered as a registered semi-skilled worker or registered semi-skilled worker (provisional), as the case may be.

12. Schedule 4 contains the provisions relating to the Authority and the other committees. These provisions deal with the tenure of office of the members, procedures of proceedings and other related matters.