

立法會
Legislative Council

LC Paper No. LS67/02-03

**Paper for the House Committee Meeting
on 21 March 2003**

**Legal Service Division Report on
Construction Workers Registration Bill**

I. SUMMARY

1. **Object of the Bill** To make provisions for the registration and regulation of construction workers personally carrying out construction work on a construction site and the establishment of a Construction Workers Registration Authority ("the Authority").
2. **Comments**
 - (a) Construction workers are to be registered for individual designated trades at different skill levels;
 - (b) The Authority is to be established to supervise the registration of construction workers, make recommendations with respect to the rate of levy to be imposed under the Bill and deal with complaints; and
 - (c) A levy is to be imposed on the value of all the construction works undertaken in Hong Kong.
3. **Public Consultation** According to the LegCo Brief, representatives from the relevant Government bureaux/departments and trade associations are members of the Working Group on Registration of Construction Workers (Working Group) and have been fully consulted through the Working Group and Sub-group on the proposal since July 1999. The Construction Industry Review Committee also recommended in its Report issued in January 2001 that a mandatory registration system for construction workers should be implemented as soon as possible.
4. **Consultation with LegCo Panel** The Panel of Planning, Lands and Works and the Panel on Manpower were consulted on 3 October 2002 and 23 January 2003 respectively. While Panel members generally supported the proposed registration system, concerns were raised on the proposed registration requirements, the implementation date and other related issues.
5. **Conclusion** In view of members' concerns raised at the two Panel meetings, members may wish to consider whether a Bills Committee should be formed to study the Bill.

II. REPORT

Object of the Bill

To make provisions for the registration and regulation of construction workers personally carrying out construction work on a construction site and the establishment of a Construction Workers Registration Authority ("the Authority").

LegCo Brief Reference

2. Members may refer to the LegCo Brief issued by the Environment, Transport and Works Bureau on 4 March 2003 (File Ref.: ETWB(CR)(W)150/101) for background information.

Date of First Reading

3. 19 March 2003.

Comments

4. The Bill provides for the following:

(a) Registration and regulation of construction workers personally carrying out construction work on a construction site

(i) Under the Bill, construction workers are required to be registered for individual designated trades and at the following skill levels:

Category	Qualification Requirement	Working Experience	Expiry of Registration	Renewal
Registered skilled worker	as set out in Schedule 1 to the Bill or an equivalent qualification	---	as specified by the Registrar	renewable
Registered skilled worker (provisional)	---	not less than 6 years but less than 10 years relevant working experience	on the third anniversary of the date of registration	not renewable

Registered skilled worker (transitional)	---	not less than 10 years relevant working experience	on passing or failing an assessment interview or a test for relevant certificate	not renewable
Registered semi-skilled worker	holds an intermediate trade test certificate as set out in Schedule 1 to the Bill or an equivalent qualification	---	as specified by the Registrar	renewable
Registered semi-skilled worker (provisional)	---	not less than 2 years relevant working experience	on the third anniversary of the date of registration	not renewable
Registered general worker	---	---	as specified by the Registrar	renewable

(ii) A person may apply for registration as a registered construction worker if he:

- possesses the relevant qualification or working experience; and
- holds a certificate in respect of his attendance at a relevant safety training course under section 6BA(2) of the Factories and Industrial Undertakings Ordinance (Cap. 59).

(iii) Only registered construction workers can personally carry out construction work for a designated trade as specified in Schedule 1 to the Bill on a construction site.

(b) Establishment of a Construction Workers Registration Authority ("the Authority")

5. The Authority is established to supervise the registration of construction workers, set the qualification requirements for registration or renewal of registration, make recommendations with respect to the rate of levy imposed under the Bill and deal with complaints.

(c) Imposition of levy

- (i) A levy is to be imposed on the value of all the construction works undertaken in Hong Kong at the rate as may be prescribed by the Secretary for the Environment, Transport and Works ("the Secretary") by notice published in the Gazette and payable by every contractor who undertakes the construction works.
- (ii) The levy is the fund of the Authority.

6. The Bill shall come into operation on a day to be appointed by the Secretary by notice published in the Gazette.

Public consultation

7. According to the LegCo Brief, representatives from the relevant Government bureaux/departments, trade associations, training institutes, the Independent Commission Against Corruption, major employers of the construction industry as well as the two major trade unions of the construction industry, i.e. the Hong Kong Construction Industry Employees General Union and the Hong Kong and Kowloon Electrical Engineering and Appliances Trade Workers Union are members of the Working Group on Registration of Construction Workers (Working Group) and have been fully consulted through the Working Group and Sub-group on the proposal since July 1999. The Construction Industry Review Committee also recommended in its Report issued in January 2001 that a mandatory registration system for construction workers ("the system") should be implemented as soon as possible.

Consultation with LegCo Panel

8. The system proposed under the Bill was discussed at the meeting of the Panel on Planning, Lands and Works (PLW Panel) on 3 October 2002 and the meeting of the Panel on Manpower on 23 January 2003.

9. At the PLW Panel meeting on 3 October 2002, members were briefed on the background and main features of the proposed system. While members supported the introduction of the system to enhance the quality of construction works, some members, being concerned that the proposed system would aggravate the unemployment situation in the construction industry, considered it not the opportune time to implement the system. Members also expressed concern over the following points:

- (a) Impact of the system on the job security, salary levels and employment-related benefits of construction workers;

- (b) Timetable for registration of the substantial number of construction workers;
- (c) Registration fees and other fees;
- (d) Registration requirements and the trade tests involved;
- (e) Criteria for determining the qualifying period (ten years or more experience) for exemption from registration as "skilled worker", and how the construction workers concerned could prove their years of experience;
- (f) Requirement for construction workers to complete prescribed short continuous development courses before applying for renewal of registration; and
- (g) Appeal mechanism.

10. In response to members' request, the Administration had provided an impact assessment, including the impact on the job security, salary levels and employment-related benefits of construction workers and the measures to safeguard their interest (LC Paper No. CB(1)238/02-03 dated 6 November 2002).

11. Members may wish to refer to the minutes of the PLW Panel meeting on 3 October 2002 (LC Paper No. CB(1)580/02-03) for details.

12. The Panel on Manpower discussed the registration requirements under the proposed system and listened to the views of employers' associations and labour unions in the construction industry on the registration requirements under the proposed system at its meeting on 23 January 2003. Although members in general supported the objective of the proposed system, some members and labour unions expressed concern about the proposed registration requirements, in particular the proposal to grant exemption for "senior workers" with 10 years' or more relevant experience in the specific trade but without the requisite qualifications to be registered as skilled workers. The labour unions considered that the minimum number years of experience for granting such exemption should be reduced to five.

Conclusion

13. In view of members' concerns raised at the two Panel meetings, members may wish to consider whether a Bills Committee should be formed to study the Bill.

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18 March 2003