

**Apprenticeship (Designation of Trades) Order 2003
Apprenticeship (Periods of Apprenticeship) Notice 2003**

**The Administration's response to issues raised by Members at
the House Committee meeting held on 13 June 2003**

At the House Committee meeting held on 13 June 2003, Members raised some queries in relation to the designation of trades under the Apprenticeship (Designation of Trades) Order 2003 (the Order) and the Apprenticeship (Periods of Apprenticeship) Notice 2003 (the Notice). They are particularly concerned about the transitional arrangements for existing apprentices and the impact of these two pieces of subsidiary legislation on the trades. This paper sets out the Administration's response to these queries.

Transitional Arrangements for Existing Apprentices

2. Upon commencement of the Order and the Notice, young persons aged between 14 and 18 who have been employed in these two trades, i.e. Audio-Visual and Radio-Frequency Mechanics (AV/RF Mechanics) and Building Services Mechanics (BS Mechanics), will be affected in one of the following three ways -

- (i) If they are already employed as apprentices under voluntary registration of the Apprenticeship Ordinance (Cap. 47), the employers may continue to employ them under section 7(1) of the Ordinance. In other words, the designation will have no impact on both the apprentices and their employers in this category.
- (ii) If they are employed under a contract of apprenticeship but not registered voluntarily under the Ordinance, the contracts shall be registered under section 7(2) within 60 days after the commencement of the two legal instruments. Exemption from registration may be granted if the Director of Apprenticeship (the Director) is satisfied that the young persons concerned have undergone the major part of their apprenticeship training.
- (iii) If they are employed but not under a contract of apprenticeship, the employers shall enter into a contract of apprenticeship with those

young persons within 60 days after commencement of the two legal instruments under section 7(3) of the Ordinance unless an exemption is granted by the Director.

Impact of the Designation on the apprentices

3. According to the Office of the Director of Apprenticeship (the Office), there is no voluntary registration of apprenticeship contract in the AV/RF Mechanics though there are 71 contracts in the case of the BS Mechanics as at 31 May 2003. However, as explained above, the designation will have no impact on these 71 contracts which have already been voluntarily registered under the Ordinance.

4. Regarding those existing young employees in the trades whose contracts were not voluntarily registered, their employers will be required to register the apprenticeship contracts under the Ordinance as described in paragraph 2 (ii) and (iii) above. We do not have accurate statistics on the number of young people who are currently employed in the trades but not under a contract of apprenticeship. According to two surveys conducted by the Vocational Training Council (VTC) in 2001 and 2002, it was estimated that there were about 25 AV/RF Mechanics and 50 BS Mechanics apprentices working in the two trades. However, some of these BS Mechanics apprentices may have already voluntarily registered under the Ordinance as stated in para. 3. Furthermore, the ages of these 75 apprentices are not known and some of them may fall outside the range of 14 and 18. To deal with this, the Office will soon compile an exhaustive list of firms in the trades and conduct visits to each of them to ascertain the number of young people.

5. Under the Apprenticeship Scheme, these young employees, once after registration, will receive proper and systematic training for employment which embraces theoretical and on-the-job training in the trades. As the training programmes are well designed and integrated with a view to specifically catering for the need of the employers and promoting industrial safety, the practical skill of the apprentices will be standardised and their productivity and work safety will be enhanced. As regards the employers, they will benefit from the designation as the systematic training organised under the Scheme will help provide a stable supply of competent skilled labour for the industry.

6. On the other hand, to ensure that the designation will not jeopardise the employment prospect of those young people who are already in the trade, we have to secure the support of the employers in the trades. On this, the designation has received the support from the respective training boards of the VTC and the Committee on Apprenticeship and Trade Testings in which employers' representatives are present.

7. To solicit the continued support of the employers for the Scheme, the Office will through various channels (including talks, factory visits and face-to-face interviews) explain to employers and trade associations the benefits and impact of the designation on them. The Office will inform the employers regarding the application of the statutory requirements and play an active role in facilitating the compliance with the new legislation. This will include active persuasion of employers to join or remain in the Scheme and playing mediator role to help both parties in reaching a consensus over the terms of contract. In cases where registration may not be appropriate, the Director would exercise his discretion under law to grant exemption on basis of individual merit. Placement services will also be provided to those apprentices who are in need of them. In view of the small number of apprentices in the trades, support from the employers and the efforts to be taken by the Office, we do not envisage any significant transitional problems arising from the designation.

Education and Manpower Bureau
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