

LEGISLATIVE COUNCIL BRIEF

Apprenticeship Ordinance

(Chapter 47)

APPRENTICESHIP (DESIGNATION OF TRADES) ORDER 2003 APPRENTICESHIP (PERIODS OF APPRENTICESHIP) NOTICE 2003

INTRODUCTION

At the meeting of the Executive Council on 27 May 2003, the Council ADVISED and the Chief Executive ORDERED that –

A

- (a) the Apprenticeship (Designation of Trades) Order 2003 (the Order) at **Annex A** should be made by the Chief Executive (CE) in accordance with section 45 of the Apprenticeship Ordinance to specify “Audio-Visual and Radio-Frequency Mechanic” and “Building Services Mechanic” as designated trades; and
- (b) the Apprenticeship (Periods of Apprenticeship) Notice 2003 (the Notice) at **Annex A** be made by the Director of Apprenticeship in accordance with section 46(1)(c) of the Apprenticeship Ordinance to specify the period of apprenticeship for the “Audio-Visual and Radio-Frequency Mechanic” trade to be three years and the period for the “Building Services Mechanic” trade to be four years.

JUSTIFICATION

2. Section 6(1)(f) of the Vocational Training Council Ordinance (Cap. 1130) provides that the Vocational Training Council (VTC) shall consider and recommend which trades should be specified by the CE to be designated trades under section 45 of the Apprenticeship Ordinance. The CE may exercise his power under section 45 to designate any trade or occupation to be a designated trade by order. The Director of Apprenticeship may specify the period of apprenticeship required by each designated trade by notice in the Gazette in accordance with section 46(1)(c) of the Apprenticeship Ordinance.

3. The designation of trades under the Apprenticeship Ordinance will help young apprentices in the trades 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. In addition, employers in the trade will also benefit from the designation as the systematic training organised under the Apprenticeship Scheme will help provide a stable supply of competent skilled labour for the industry.

4. The VTC regularly reviews the list of designated trades to bring it up-to-date. In the process, the VTC takes into account various considerations before recommending trades that are suitable for CE's designation. These considerations include the benefits of designation measured in terms of enhancing job safety, developing proper training and skill standards and establishing a steady pool of skilled labour to meet the need of the industry. In particular, the VTC will consider the following two factors in determining the appropriateness of a designation –

- (a) the degree of skill, risk and public safety involved in the trade;
and
- (b) the size of the trade and its importance to the industry.

5. Audio-Visual and Radio-Frequency Mechanics carry out installations, servicing and repairs of radios, television receivers, consumer audio-video equipment and communal antenna systems. The popularity and affordability of audio-visual equipment in recent years have made them part of essential household items in most of our families. Notwithstanding the economic slowdown, the demand for them remains. Given the austerity drive under the present economic climate, we anticipate that there shall be steady and continued demand for repair and maintenance services for the audio-visual equipment. According to a VTC manpower survey, there are now about 1 400 workers engaged in the Audio-Visual and Radio-Frequency Mechanics trade. As such works involve exposure to potential hazard of high voltage and radiation, there is a need to provide proper training for those who are in this trade on industrial and public safety ground. Training is particularly important to young workers who may only have limited knowledge of the skill and awareness of the potential hazard they are facing. Having regard to the need for training and building up a pool of competent skilled labour to meet the service need of the market, the VTC recommends that Audio-Visual and Radio-Frequency Mechanics be designated as a designated trade with an apprenticeship period of three years.

6. Building Services Mechanics carry out general maintenance, repairs and modifications of building services facilities such as lighting and electrical distribution system, water supply, and drainage system, air-conditioning system, fire services system, etc. With the growing awareness of the importance of building management, the need for quality building services is rising steadily and this has resulted in an increasing demand for skilled workers in the trade. As this trade also has exposure to various hazards such as fixing electrical and wiring systems inside a building and the workers are required to master a wide

range of skills to discharge their duties, there is a need to provide them with systematic training. According to the VTC, there are now about 1 300 workers engaged in the Building Services Mechanics trade. After considering the growing demand for the service and the need for proper and systematic training for the trade, the VTC recommends to designate Building Services Mechanics as a designated trade with an apprenticeship period of four years.

OTHER OPTIONS

7. An alternative option is simply not to so designate the two trades. However, in view of the benefits to be brought about by the designation, the proposal should be implemented.

THE ORDER AND THE NOTICE

A 8. The main features of the Order and the Notice at **Annex A** are-

(a) The Apprenticeship (Designation of Trades) Order 2003 shall amend the Apprenticeship (Designation of Trades) (Consolidation) Order by adding “Audio-Visual and Radio-Frequency Mechanic” and “Building Services Mechanic” as designated trades.

(b) The Apprenticeship (Periods of Apprenticeship) Notice 2003 shall specify the following periods of apprenticeship required by the above designated trades-

| | |
|---|---------|
| Audio-Visual and Radio-Frequency Mechanic | 3 years |
|---|---------|

| | |
|----------------------------|---------|
| Building Services Mechanic | 4 years |
|----------------------------|---------|

B The existing provisions being amended are at **Annex B**.

LEGISLATIVE TIMETABLE

9. The legislative timetable is-

| | |
|---|-----------------|
| Publication in the Gazette | 6 June 2003 |
| Submission Date to the LegCo for Negative Vetting | 11 June 2003 |
| Commencement Date | 17 October 2003 |

IMPLICATIONS OF THE PROPOSAL

C 10. The proposal has economic implications as set out at **Annex C**. The proposal has no financial and civil service implications for the Government. It is in conformity with the Basic Law, including the provisions concerning human rights. It will not affect the current binding effect of the Apprenticeship Ordinance. It has no productivity, environmental or sustainability implications.

PUBLIC CONSULTATION

11. The VTC has consulted the two trades on the proposed designation which is well received. In fact, the designation was originally proposed by the Electronics and Telecommunications Training Board and the Electrical and Mechanical Services Training Board of the VTC which are composed of the industry representatives. The proposed designation was then supported by the Committee on Apprenticeship and Trade Testing and the full Council of the VTC, both of which comprise representatives from different sectors of the society.

PUBLICITY

12. We will issue a press release. A spokesman will be available

to answer media and public enquiries.

BACKGROUND

13. The Apprenticeship Ordinance was enacted in 1976 to promote and regulate the employment of apprentices in certain trades and occupations. It governs the training and employment of registered apprentices. Anyone aged between 14 and 18 who is employed in a designated trade and who has not completed an apprenticeship must enter into an apprenticeship contract with the employer. This contract must be registered with the Director of Apprenticeship who is currently the Executive Director of the VTC. Voluntary registration is also open to apprentices over 18 years of age in designated trades or apprentices in non-designated trades.

14. At present, a total of 43 trades have been specified as designated trades under the Apprenticeship Ordinance. As at 28 February 2003, 4 001 apprentices were registered under the apprenticeship scheme. These covered 3 003 craft apprentices, 986 technician apprentices and 12 trainees.

ENQUIRIES

15. Enquiries on the brief should be made to Mr. Byron Lam, Principal Assistant Secretary (Manpower Planning and Training), on telephone number 2810 3036.

Education and Manpower Bureau

28 May 2003

**APPRENTICESHIP (DESIGNATION OF TRADES) ORDER
2003**

(Made under section 45 of the Apprenticeship Ordinance (Cap. 47)
after consultation with the Executive Council)

1. Commencement

This Order shall come into operation on 17 October 2003.

2. Designation of trades

The trades in the Schedule are specified as designated trades for the purposes of the Apprenticeship Ordinance (Cap. 47).

3. Schedule amended

The Schedule to the Apprenticeship (Designation of Trades) (Consolidation) Order (Cap. 47 sub. leg. B) is amended by adding at the end of it the trades set out in the Schedule to this Order.

SCHEDULE

[ss. 2 & 3]

Audio-Visual and Radio-Frequency Mechanic
Building Services Mechanic

Chief Executive

Explanatory Note

This Order specifies the trades of audio-visual and radio-frequency mechanic, and building services mechanic to be designated trades referred to in the Apprenticeship Ordinance (Cap. 47).

**APPRENTICESHIP (PERIODS OF APPRENTICESHIP) NOTICE
2003**

(Made under section 46 of the Apprenticeship Ordinance (Cap. 47))

1. Commencement

This Notice shall come into operation on 17 October 2003.

2. Specification of periods of apprenticeship

For the purposes of the Apprenticeship Ordinance (Cap. 47), the periods of apprenticeship to be served by apprentices in the designated trades appearing in the first column of the Schedule are specified respectively in the second column of that Schedule.

3. Schedule amended

The Schedule to the Apprenticeship (Periods of Apprenticeship) Notice (Cap. 47 sub. leg. C) is amended by adding -

| | |
|--|-----|
| “Audio-Visual and Radio-Frequency Mechanic | 3 |
| Building Services Mechanic | 4”. |

SCHEDULE [s. 2]

| Trade | Period of Apprenticeship (Years) |
|---|-------------------------------------|
| Audio-Visual and Radio-Frequency Mechanic | 3 |
| Building Services Mechanic | 4 |

Director of Apprenticeship

2003

Explanatory Note

This Notice specifies the periods of apprenticeship to be served by apprentices in the designated trades of audio-visual and radio-frequency mechanic, and building services mechanic.

----- Forwarded by Carmen KM WONG/DOJ/HKSARG on 03/03/2003 11:01 AM -----

| | | | | | |
|-----------|-----|----------|--|--------------------|------------|
| Chapter: | 47B | Title: | APPRENTICESHIP (DESIGNATION OF TRADES) (CONSOLIDATION) ORDER | Gazette Number: | |
| Schedule: | | Heading: | SCHEDULE | Version Date: | 30/06/1997 |

Expanded Cross Reference:

Remarks:

| | | |
|--|---|--------------------|
| Vehicle Mechanic | } | |
| Vehicle Electrician | | |
| Vehicle Panel Beater/Body Builder | | |
| Vehicle Painter | | |
| Construction Plant Mechanic | | |
| Clothing Machine Mechanic | | |
| Knitting Machine Mechanic | } | |
| Electrical Fitter | | |
| Electrical Appliances Service Mechanic | | |
| Cable Jointer (Power) | | |
| Overhead Linesman | } | (L.N. 165 of 1976) |
| Lift Electrician | | |
| Lift Mechanic | } | |
| Refrigeration/Air-Conditioning Mechanic | | |
| Radio/Television Mechanic | | |
| Mould and Die Maker and Repairer | | |
| Printing Machine Operator (Letterpress) | | |
| Compositor | } | |
| Process Camera Operator | | |
| Offset Litho Plate-Maker | | |
| Printing Machine Operator (Offset Litho) | | |
| Bookbinder | | |
| Textile Mechanic | } | |
| Electrician | | |
| Machinist | | |
| Fitter | | |
| Tool and Die Maker | | |
| Instrument Mechanic | | |
| | } | (L.N. 15 of 1978) |
| Bricklayer/Plasterer/Tiler | | |
| Bamboo Scaffolder | | |
| Plumber | | (L.N. 139 of 1978) |
| Carpenter/Joiner | } | |
| Painter/Decorator/Sign Writer | | |
| Wood Furniture Maker | | |
| Metal Furniture Maker | | |
| Painter/Decorator (Furniture) | | |
| | | (L.N. 140 of 1979) |
| Hotel Cook (Western Style) | | (L.N. 156 of 1980) |
| Repairman (Electronics Manufacturing) | | (L.N. 220 of 1981) |
| Vehicle Body Repairer/Builder | | (L.N. 275 of 1981) |
| Gas Utilization Fitter | } | |
| Goldsmith (K-gold) | | |
| Goldsmith (Fine-gold) | | |
| Precious Stone Setter | | |
| | | (L.N. 349 of 1984) |

Details of Implications of the Proposal

Economic Implications

After the proposed legislation is enacted, employers will be bound by the Apprenticeship Ordinance if they employ young workers aged between 14 and 18 in the two new designated trades who have not completed apprenticeship. For those employers who have already been providing training programmes to the young workers, their business operation should not be affected by enactment of the legislation. For those who have not, the extra cost arising from the training programmes may be partly offset by the cost saved due to non-application of the provisions of the Employment Ordinance regarding maternity protection, severance payment and long service payment to registered apprentices. Part of the cost may also be absorbed through the possibility of paying relatively lower wages to the apprentices. Thus the additional cost impact on employers will probably be small.

2. On the other hand, by designating the two trades under the Apprenticeship Ordinance, the quality and productivity of the workers engaged in these two trades after completing apprenticeship will be enhanced. Also, industrial safety and public safety with these two trades will be improved. Thus the benefits will be felt not only by the trades concerned but also by the customers involved and the community at large.