

CONSTRUCTION WORKERS REGISTRATION ORDINANCE

CONTENTS

Section		Page
PART 1		
PRELIMINARY		
1.	Short title and commencement	A669
2.	Interpretation	A669
PART 2		
PROHIBITIONS		
3.	Prohibition against unregistered construction workers carrying out on construction sites construction work	A677
4.	Exemptions from prohibitions under section 3	A679
5.	Prohibition against employing unregistered construction workers to carry out on construction sites construction work	A681
6.	Offences in relation to prohibitions under sections 3 and 5	A681
PART 3		
CONSTRUCTION WORKERS REGISTRATION AUTHORITY AND STANDING COMMITTEES		
7.	Authority	A685
8.	Functions and powers of Authority	A687
9.	Delegations	A687
10.	Funds and property of Authority	A689
11.	Statements of accounts of Authority and auditor's report on them	A689
12.	Qualifications Committee	A691
13.	Functions and powers of Qualifications Committee	A693
14.	Review Committee	A693
15.	Functions and powers of Review Committee	A695
PART 4		
AUTHORIZED OFFICERS		
16.	Appointment of authorized officers	A695
17.	Powers of authorized officers to enter construction site	A697
18.	Other powers of authorized officers	A699

Section		Page
PART 5		
LEVY		
19.	Interpretation	A701
20.	Value of construction operations	A705
21.	Total value of construction operations	A707
22.	Application to construction operations	A707
23.	Imposition of levy	A709
24.	Contractor and authorized person to notify Authority when undertaking construction operations	A711
25.	Notice by contractor and authorized person of payments made in respect of construction operations and of completion	A711
26.	Assessment	A713
27.	Payment of levy	A717
28.	Recovery of levy	A719
29.	Objection	A719
30.	Appeals	A719
31.	Provision of information and production of documents	A721
32.	Offences: Part 5	A723
33.	Levy inspector	A725
34.	Evidence by certificate, etc.	A725
35.	Authentication, and production in evidence of documents	A725

PART 6

REGISTRATION OF CONSTRUCTION WORKERS

36.	Appointment of Registrar	A725
37.	Functions and powers of Registrar	A725
38.	Register of Construction Workers	A727
39.	Application for registration	A729
40.	Qualifications for registration	A729
41.	Training course for registered skilled worker (provisional)	A733
42.	Special provision on registration for certain trades	A735
43.	Acceptance and rejection of registration	A735
44.	Expiry and renewal of registration	A735
45.	Expiry of registration as registered skilled worker (provisional), etc.	A739
46.	Issue of registration card	A739
47.	Registration card	A743
48.	Registered construction worker to carry registration card	A745
49.	Cancellation of registration	A749
50.	Correction of errors on Register	A751

Section	Page
PART 7	
REVIEWS AND APPEALS	
51. Review of decisions	A751
52. Notice of appeal	A753
53. Appeal Board panel	A755
54. Appeal Board	A757
55. Proceedings before Appeal Board	A757
56. Legal adviser	A759
57. Powers of Appeal Board	A759
PART 8	
MISCELLANEOUS	
58. Principal contractors and controllers to retrieve and record data of registered construction workers on construction site	A761
59. Offences of making false or misleading statements, of failure to attend as witness and of obstructing authorized officers, etc.	A765
60. Prosecution may be brought in Authority's name	A767
61. Service, etc. of notices	A767
62. Power of Authority to specify forms	A769
63. Regulations	A771
64. Rules	A773
65. Amendment of Schedules	A773
PART 9	
CONSEQUENTIAL AMENDMENTS	
Prevention of Bribery Ordinance	
66. Public bodies	A773
Industrial Training (Construction Industry) Ordinance	
67. Section added	
6A. Additional functions and powers of the Authority	A775
68. Furnishing of information and production of documents	A775
Electronic Transactions Ordinance	
69. Proceedings in relation to which sections 5, 6, 7 and 8 of this Ordinance do not apply under section 13(1) of this Ordinance	A775

CONSTRUCTION WORKERS REGISTRATION
ORDINANCE

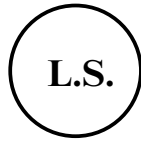
Ord. No. 18 of 2004

A667

Section	Page
Schedule 1 Designated trades	A777
Schedule 2 Specified body	A821
Schedule 3 Structures and works	A821
Schedule 4 Authority, standing committees and other committees	A823

HONG KONG SPECIAL ADMINISTRATIVE REGION

ORDINANCE NO. 18 OF 2004



TUNG Chee-hwa
Chief Executive
8 July 2004

An Ordinance 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 construction operations; 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 54(1);

“Appeal Board panel” (上訴委員團) means the Appeal Board panel appointed under section 53(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 16(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);
- “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 17 and 18, 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” (建造工作)—

(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;

“domestic premises” (住用處所) means premises used or intended to be used solely or principally for residential purposes and constituting a separate household unit;

“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 27(3);

“levy” (徵款) means the levy imposed under section 23;

“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 27(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 37(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 semi-skilled worker for a designated trade;
 - (d) a registered semi-skilled worker (provisional) for a designated trade; or
 - (e) a registered general worker;
- “registered general worker” (註冊普通工人) means a person whose name is 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 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 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 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 entered in the Register as a registered skilled worker (provisional) for the trade;
- “Registrar” (註冊主任) means the Registrar of Construction Workers appointed under section 36(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 46(1);
- “Review Committee” (覆核委員會) means the Construction Workers Review Committee established by section 14(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 62;
- “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” (分包商), in relation to a principal contractor, means any person who enters into a contract with another person (whether or not the principal contractor) to undertake all or any part of the construction work that the principal contractor has undertaken;
- “surcharge” (附加費) means the surcharge imposed under section 26(8);
- “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; or
- (b) a registered skilled worker (provisional) 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 semi-skilled worker for the trade; or
- (d) 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 exists.

(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 exists.

(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 exists; and

(b) ensured the effective operation of the system.

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

(a) section 48(6)(a); and

(b) if applicable, section 58(1).

(8) For the purposes of subsections (3), (5) and (6)(a), the relevant matter exists if—

- (a) in the case of an offence in relation to a contravention of section 3(1), the person who personally carried out construction work was a registered construction worker;
- (b) in the case of an offence in relation to a contravention of section 3(2), the person who personally carried out construction work that involved 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;or
 - (iii) was a registered construction worker who might do so under section 4(1);
- (c) in the case of an offence in relation to a contravention of section 3(3), the person who personally carried out construction work that involved 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 semi-skilled worker for the trade;
 - (iv) was a registered semi-skilled worker (provisional) for the trade; or
 - (v) was a registered construction worker who might do so under section 4(2);
- (d) in the case of an offence in relation to a contravention of section 3(4), the person who personally carried out construction work that involved 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) 18 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) 3 persons, each of whom is, in the opinion of the Secretary, a person from a professional body connected with the construction industry in Hong Kong;

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

(vi) 3 persons, each of whom is, in the opinion of the Secretary, a person from a trade union, registered under the Trade Unions Ordinance (Cap. 332), that represents workers in the construction industry in Hong Kong;

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

(viii) 3 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) make recommendations with respect to the rate of levy; and
 - (d) 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; and
 - (f) 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 5, except those under section 29, 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 (2)(a), 11(5), 52(5) or 63, 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) 13 other members appointed by the Authority as follows—
 - (i) 5 public officers;
 - (ii) 2 persons, each of whom is, in the opinion of the Authority, a person from a training institute in the construction industry in Hong Kong;
 - (iii) 1 person who is, in the opinion of the Authority, a person from a professional body connected with the construction industry in Hong Kong;
 - (iv) 2 persons, each of whom is, in the opinion of the Authority, a person from a contractor in the construction industry in Hong Kong;
 - (v) 2 persons, each of whom is, in the opinion of the Authority, a person from a trade union, registered under the Trade Unions Ordinance (Cap. 332), that represents workers in the construction industry in Hong Kong; and
 - (vi) 1 person who is, in the opinion of the Authority, a person from the major employers in the construction industry in Hong Kong.

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

- (a) a member of the Review Committee; or
- (b) 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 40(2)(c), (3)(c), (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. 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) 2 persons, each of whom is, in the opinion of the Authority, a person from a contractor in the construction industry in Hong Kong; and

(f) 2 persons, each of whom is, in the opinion of the Authority, a person from a trade union, registered under the Trade Unions Ordinance (Cap. 332), that represents workers in the construction industry in Hong Kong.

(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 Appeal Board panel; or

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

15. 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 51(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

AUTHORIZED OFFICERS

16. Appointment of authorized officers

(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 (other than Part 5).

(2) The Authority shall issue to each authorized officer a certificate of appointment that—

- (a) gives the name of the authorized officer to whom it is issued; and
- (b) states that it is issued by or on behalf of the Authority under this Ordinance.

(3) When performing or exercising a function or power under this Ordinance, an authorized officer shall, if requested to do so, produce for inspection his certificate of appointment.

(4) An authorized officer may perform or exercise any of his functions or powers under this Ordinance with the assistance of such police officers or other persons, or both, as the authorized officer thinks fit.

17. Powers of authorized officers to enter construction site

(1) Where a warrant has been issued under subsection (2) in respect of a construction site, or where subsection (4) applies in respect of a construction site, an authorized officer may—

- (a) at any time, using such force as may be necessary, enter and search the site;
- (b) remove anything that obstructs the entry and search;
- (c) detain any person found on the site, during such period as is reasonably required to permit the search to be carried out, where that person might prejudice the purpose of the search if he were not so detained; and
- (d) inspect, seize, detain and remove from the site anything that is or contains, or appears to the officer to be or to contain, evidence of the commission of an offence under this Ordinance.

(2) A magistrate may issue a warrant authorizing an authorized officer to enter and search a construction site if the magistrate is satisfied by information on oath that there are reasonable grounds to suspect that—

- (a) an offence under this Ordinance is being or has been committed on the site; or
- (b) there is on the site anything that is or contains evidence of the commission of an offence under this Ordinance.

(3) A warrant issued under subsection (2) continues in force until—

- (a) the expiration of 1 month after the date of its issue; or
- (b) the purpose for which entry is required has been fulfilled,

whichever first occurs.

(4) An authorized officer may, without a warrant issued under subsection (2), exercise any of the powers referred to in subsection (1) in respect of a construction site (other than domestic premises) if—

- (a) he reasonably suspects that—
 - (i) an offence under this Ordinance is being or has been committed on the site; or
 - (ii) there is on the site anything that is or contains evidence of the commission of an offence under this Ordinance; and
- (b) it is not practicable to obtain such a warrant in respect of the site before exercising those powers.

(5) For the purposes of ascertaining whether the provisions of this Ordinance have been or are being complied with, an authorized officer may enter a construction site at all reasonable times.

(6) This section does not prejudice any power of entry and search conferred on police officers under any other law.

18. Other powers of authorized officers

(1) An authorized officer who has entered a construction site under section 17(1) or (5) may—

- (a) inspect and examine the site;
- (b) inspect and examine any plant, equipment or substance found on the site;
- (c) take photographs of the site or of any plant, equipment or substance found on the site;
- (d) require any person found on the site—
 - (i) to state whether he is a registered construction worker; and
 - (ii) if the person states that he is a registered construction worker, to produce his registration card;
- (e) in relation to any person found on the site whom the officer reasonably suspects of committing, or having committed, an offence under this Ordinance—
 - (i) on informing the person of the person's act or omission that may constitute the offence, require the person—
 - (A) to give to the officer the person's name, address and telephone number and such other personal particulars as the officer may reasonably require; and
 - (B) to produce to the officer for inspection the person's identity card issued under the Registration of Persons Ordinance (Cap. 177) or the person's other documentary evidence of identity; and
 - (ii) detain the person for a reasonable period while the officer inquires about the suspected commission of the offence;
- (f) subject to subsection (2), require any person found on the site to provide information that may enable the officer to identify—
 - (i) the principal contractor for the site; or

- (ii) the employer of any person who personally carries out on the site construction work;
 - (g) examine the records referred to in section 58(7)(a) and make copies of all or any part of those records; and
 - (h) require the principal contractor for the site, or any person who is apparently an employee or agent of that contractor, to provide the officer with such assistance and facilities as are reasonably necessary to enable the officer to perform or exercise his functions or powers.
- (2) An authorized officer shall not exercise the power under subsection (1)(f) unless he reasonably believes that the person has the information.
- (3) An authorized officer may, in relation to anything that the officer seizes, detains or removes from a construction site under section 17(1)(d)—
- (a) retain the thing for such period as may be reasonably necessary; and
 - (b) if he reasonably believes that the thing is evidence of the commission of an offence under this Ordinance, retain the thing until proceedings for the offence have been heard and finally determined.
- (4) An authorized officer may—
- (a) in order to make copies of records referred to in section 58(7)(a), remove the records from the construction site and retain them for such period as may be reasonably necessary; and
 - (b) if he reasonably believes that the records are evidence of the commission of an offence under this Ordinance, remove the records from the construction site and retain them until proceedings for the offence have been heard and finally determined.

PART 5

LEVY

19. Interpretation

- (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 contract” (建造合約) has the meaning assigned to it in section 2(1) of the Industrial Training (Construction Industry) Ordinance (Cap. 317);

- “construction operations” (建造工程), subject to section 22, has the meaning assigned to it in Schedule 1 to the Industrial Training (Construction Industry) Ordinance (Cap. 317);
- “contract of employment” (僱傭合約) has the meaning assigned to it in section 2(1) of the Employment Ordinance (Cap. 57);
- “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);
- “levy inspector” (徵款督察) means a person who is appointed under section 33;
- “term contract” (固定期合約) has the meaning assigned to it in section 2(1) of the Industrial Training (Construction Industry) Ordinance (Cap. 317);
- “total value” (總價值), in relation to construction operations, has the meaning assigned to it in section 21;
- “value” (價值), in relation to construction operations, has the meaning assigned to it in section 20;
- “works order” (施工通知) has the meaning assigned to it in section 2(1) of the Industrial Training (Construction Industry) Ordinance (Cap. 317).

(2) For the purposes of this Part, any construction operations that are building works, or street works, not carried out by or on behalf of the Government are 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).

(3) For the purposes of this Part—

- (a) where a person carries out any construction operations for any other person under a contract of employment, the construction operations shall be regarded as carried out by—
- (i) subject to subparagraph (ii), that other person; or
 - (ii) where the first-mentioned person is a contractor by virtue of paragraph (a)(i) of the definition of “contractor” in section 2(1) of the Industrial Training (Construction Industry) Ordinance (Cap. 317), the first-mentioned person;
- (b) where a person carries out any construction operations for himself without arrangement (except under a contract of employment) for the carrying out of such operations by any other person, the first-mentioned person shall, apart from being the person who carries out the construction operations, also be regarded as the person for whom such operations are carried out,

and the definitions of “contractor” and “employer” and the other provisions of this Part shall be construed accordingly.

(4) For the purposes of this Part, a person shall be regarded as undertaking or carrying out construction operations if—

- (a) he manages, or arranges for, the carrying out of the construction operations by any other person for the employer concerned, whether by way of sub-contracting or otherwise; or
- (b) he provides his own labour or that of any other person for the carrying out of the construction operations.

20. Value of construction operations

(1) For the purposes of this Part, “value” (價值), in relation to construction operations, means—

- (a) where the construction operations are carried out under a construction contract, the consideration attributable to such operations, as stated in, or ascertainable by reference to, the contract; or
- (b) where the construction operations are not carried out under a construction contract, the reasonable consideration to be expected on the open market in respect of the carrying out of such operations.

(2) Notwithstanding subsection (1)(a), if in a particular case the consideration attributable to the construction operations concerned as determined in accordance with that subsection is below the reasonable consideration to be expected on the open market in respect of the carrying out of such operations, that subsection shall be deemed to contain a reference to the reasonable consideration described in this subsection instead of the consideration described in that subsection.

(3) For the purposes of subsections (1)(b) and (2), the Authority may, when ascertaining the reasonable consideration as referred to in those subsections in respect of the carrying out of any construction operations, have regard to all or any of the following matters—

- (a) the cost or value of materials used in the construction operations;
- (b) the cost or value of time, work and labour involved in the construction operations;
- (c) the equipment used in the construction operations;
- (d) such overhead costs incurred in relation to the construction operations as the Authority considers reasonable;
- (e) the reasonable profit to be expected on the open market in respect of the carrying out of the construction operations;
- (f) any other factors that the Authority considers appropriate.

21. Total value of construction operations

For the purposes of this Part, “total value” (總價值), in relation to construction operations, means—

- (a) where the construction operations are carried out under a construction contract—
 - (i) in the case the construction contract is a term contract, the aggregate of the respective values of all construction operations carried out as required by works orders issued under the contract;
 - (ii) in the case the construction operations are or form part of any construction operations that are carried out in stages, the aggregate of the respective values of all stages of the operations so carried out; or
 - (iii) in any other case, the value of the construction operations; or
- (b) where the construction operations are not carried out under a construction contract—
 - (i) in the case the construction operations are or form part of any construction operations that are carried out in stages, the aggregate of the respective values of all stages of the operations so carried out; or
 - (ii) in any other case, the value of the construction operations.

22. Application to construction operations

- (1) This Part shall not apply to any construction operations—
 - (a) the tender for which was submitted before the commencement of this Part; or
 - (b) that began before that commencement.
- (2) This Part shall not apply to any construction operations—
 - (a) which are carried out for a person who occupies any domestic premises or part of any domestic premises; and
 - (b) the sole or principal purpose of which is to decorate, alter, repair, maintain or renovate the premises or such part of such premises.
- (3) This Part shall not apply to any construction operations, or any type or description of construction operations, which are or is excluded from the application of this Part by the Chief Executive in Council by order published in the Gazette.

(4) Without limiting the generality of subsection (3), an order made under that subsection may specify the circumstances under which or the purposes for which any construction operations, or any type or description of construction operations, referred to in the order are or is to be excluded from the application of this Part.

(5) In this section, a person shall be regarded as a person who occupies a domestic premises if he intends to occupy the premises.

23. Imposition of levy

(1) A levy at the prescribed rate shall be imposed on the value of all construction operations undertaken or carried out in Hong Kong.

(2) Notwithstanding subsection (1), construction operations the total value of which does not exceed the prescribed amount shall not be liable to the levy.

(3) Subject to section 26(10), the levy shall be payable in accordance with this Part by every contractor who carries out the construction operations.

(4) The Secretary may by notice published in the Gazette—

(a) prescribe the rate for the purposes of subsection (1); and

(b) prescribe the amount for the purposes of subsection (2).

(5) Any rate prescribed under subsection (4)(a)—

(a) shall not come into effect before the expiration of 28 days after the last day of the period within which a resolution providing for the amendment of the notice may be passed in accordance with section 34 of the Interpretation and General Clauses Ordinance (Cap. 1); and

(b) shall not apply to any construction operations if, before the date on which the rate comes into effect under paragraph (a)—

(i) the tender for the construction operations has been submitted to the employer concerned;

(ii) no tender for the construction operations has been submitted to the employer concerned, but a construction contract in respect of the construction operations has been entered into; or

(iii) no tender for the construction operations has been submitted to the employer concerned and no construction contract in respect of the construction operations has been entered into, but the construction operations have begun.

24. Contractor and authorized person to notify Authority when undertaking construction operations

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

- (a) the contractor in respect of the construction operations; and
- (b) the authorized person appointed in respect of the construction operations,

shall each give notice to the Authority in the specified form that he is the contractor in respect of the construction operations or the authorized person appointed in respect of the construction operations, as the case may be.

(2) Except in the case of a term contract, subsection (1) shall not apply in respect of any construction operations if it is reasonably estimated that the total value of such operations does not exceed the amount prescribed under section 23(4)(b).

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

(4) A contractor or authorized person complies with subsection (1) if he—

- (a) had given a notice to CITA under section 24 of the Industrial Training (Construction Industry) Ordinance (Cap. 317) in respect of the construction operations; and
- (b) sent a copy of that notice to the Authority within the period of 14 days, or such further time as the Authority may have allowed, within which he shall give notice under that subsection.

(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.

25. Notice by contractor and authorized person of payments made in respect of construction operations and of completion

(1) Subject to subsection (2), where a payment or an interim payment is made to a contractor or for his benefit in respect of any construction operations or a stage of any construction operations (if the construction operations are 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) Where any payment or interim payment is made in any calendar month to a contractor or for his benefit in respect of any construction operations that are carried out under a term contract, the contractor shall, within 14 days after the last day of that month or such further time as the Authority may in any case allow, give notice of it to the Authority in the specified form.

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

(4) Except in the case of a term contract, subsections (1) and (3) shall not apply in respect of any construction operations if it is reasonably estimated that the total value of such operations does not exceed the amount prescribed under section 23(4)(b).

(5) Every notice under subsection (1), (2) or (3) shall state the value of the construction operations or the stage of the construction operations—

- (a) in respect of which payment was made; or
- (b) which have or has been completed,

as the case may be.

(6) A contractor or authorized person complies with subsection (1), (2) or (3) if he—

- (a) had given a notice to CITA under section 25 of the Industrial Training (Construction Industry) Ordinance (Cap. 317) in respect of the relevant payment or completion; and
- (b) sent a copy of that notice to the Authority within the period of 14 days, or such further time as the Authority may have allowed, within which he shall give notice under that subsection.

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

26. Assessment

(1) On receipt of a notice of payment under section 25(1) or (2), the Authority shall assess the amount of levy due in respect of the construction operations or the stage of the construction operations to which the payment relate or relates.

(2) Where more than one payment is made or to be made in respect of any construction operations or a stage of any construction operations, 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 operations, each stage of the construction operations or all stages of the construction operations, as is appropriate.

(3) On receipt of a notice of completion of any construction operations, or a stage of any construction operations, under section 25(3), the Authority shall, if no assessment under subsection (1) or (2) has been made, assess the amount of levy due in respect of the construction operations or the stage of the construction operations.

(4) Where any construction operations 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 operations and make a final assessment on the completion of all stages of the construction operations.

(5) Notwithstanding subsections (1), (2) and (3), where construction operations are carried out under a term contract, the Authority may defer the making of any assessment under subsection (1), (2) or (3) until such time as the Authority considers appropriate.

(6) The Authority may assess the amount of levy due in respect of the construction operations, or the stage of the construction operations, which have or has been completed notwithstanding that no notice has been given to the Authority under section 25.

(7) Where it appears to the Authority that an assessment of levy has been made at less than the proper amount, then, subject to subsection (11), the Authority may at any time make an additional assessment of levy due in respect of the construction operations or the stage of the construction operations.

(8) If a contractor fails to give any notice required to be given by him under section 25 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 this section and payable by the contractor, impose a surcharge on the contractor not exceeding twice the amount of levy so assessed.

(9) Any assessment of levy or imposition of surcharge under this section shall be notified in writing by the Authority.

(10) A levy or surcharge shall not be payable by a contractor—

(a) if he has not been notified by the Authority of an assessment of such levy or imposition of such surcharge, as the case may be, under subsection (9); or

(b) to the extent that the levy or surcharge, as the case may be, has been paid by any other contractor unless the levy or surcharge, as the case may be, may be required or ordered to be repaid to that other contractor under section 27(4), 29(4) or 30(4).

(11) Subject to subsection (12), an assessment or surcharge under this section shall be made or imposed within—

(a) 2 years after the completion of the construction operations; 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.

(12) If construction operations are carried out under a term contract, an assessment or surcharge under this section shall be made or imposed within—

(a) 2 years after the completion of all construction operations to which the contract relates;

(b) 2 years after the expiration of the period within which all construction operations to which the contract relates have to be completed as provided for by the contract; or

(c) 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 last to occur.

(13) For the purposes of this section, where the amount of levy due in respect of a stage of any construction operations is assessed under this section, the amount of levy shall be assessed as if such stage of the construction operations separately constitutes construction operations subject to payment of levy under this Ordinance.

27. Payment of levy

(1) The amount of levy or surcharge specified in a notice given to a contractor under section 26(9) 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 levy or surcharge payable under subsection (1), or 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 26.

28. 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.

29. Objection

(1) Any person who is notified under section 26(9) 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.

30. Appeals

(1) An objector who is aggrieved with a decision notified to him under section 29(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.

31. Provision of information and production of documents

(1) An employer, contractor or authorized person concerned in any construction operations 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 operations (including any amount paid or payable in respect of the construction operations or any work connected therewith), or the name and address of the person for or by whom the construction operations are 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 operations (including any amount paid or payable in respect of the construction operations 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 supply of a copy of personal data in compliance with a data access request under section 18 of the Personal Data (Privacy) Ordinance (Cap. 486);
- (c) 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;
- (d) 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 operations;
- (e) 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
- (f) 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.

32. Offences: Part 5

(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.

33 Levy inspector

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

34. 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.

35. 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 6

REGISTRATION OF CONSTRUCTION WORKERS

36. 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.

37. 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 58(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.

38. 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 semi-skilled worker for a designated trade;
 - (iv) a registered semi-skilled worker (provisional) for a designated trade; or
 - (v) a registered general worker;
- (f) unless the person is registered as a registered general worker, the designated trade for which the person is registered; and

(g) a remark to be entered under section 49(4)(b) in relation to the person.

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

(a) to ascertain whether a person 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.

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

40. 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 42(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;
- (b) holds a certificate referred to in section 41(1)(b)—
 - (i) in respect of a training course that the Authority specifies under section 41(1) in relation to the registered skilled workers (provisional) for the trade; and
 - (ii) issued to the person while a registered skilled worker (provisional) for the trade; or
- (c) holds a qualification that the Registrar, in consultation with the Qualifications Committee, considers as an equivalent qualification.

(3) Subject to section 42(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;
- (b) holds a certificate referred to in section 41(1)(b)—
 - (i) in respect of a training course that the Authority specifies under section 41(1) in relation to the registered skilled workers (provisional) for the trade; and
 - (ii) issued to the person while a registered skilled worker (provisional) for the trade; or
- (c) holds a qualification that the Registrar, in consultation with the Qualifications Committee, considers as an equivalent qualification.

(4) Subject to section 42(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, as at the commencement of this subsection, the person has, for a period, or an aggregate period, of not less than 6 years, personally carried out construction work that involves any work described in column 2 of that Part opposite the trade.

(5) Subject to section 42(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 42(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, as at the commencement of this subsection, 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.

41. Training course for registered skilled worker (provisional)

(1) The Authority may, in relation to the registered skilled workers (provisional) for a designated trade, specify a training course—

- (a) which is, in the opinion of the Authority, a course of training for those workers on carrying out on a construction site construction work that involves any work described in column 2 of Part 1, 2 or 3 of Schedule 1 opposite the trade; and
- (b) in respect of which a certificate is issued to a person who—
 - (i) attends and completes the course;
 - (ii) attends and completes the assessment, conducted during or at the end of the course, of the person's competence in the area covered by the course; and
 - (iii) satisfies the assessor that the person is so competent.

(2) The Authority shall give notice in the Gazette of any training course that it specifies under subsection (1).

(3) A registered skilled worker (provisional) for a designated trade may, at his own cost, attend a training course that the Authority specifies under subsection (1) in relation to the registered skilled workers (provisional) for the trade.

42. Special provision on registration for certain trades

(1) The Registrar shall not register a person as a registered skilled worker (provisional) 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), 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 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).

43. 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.

44. 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 relevant date;
- (b) if the person is not a Hong Kong permanent resident, subject to subsections (3) and (4), be not more than 48 months after the relevant date.

(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; and
- (b) accompanied by the prescribed fee.

(7) An application under subsection (5) shall be made—

- (a) not earlier than 3 months before and not later than 7 business days before the date of expiry of the person's registration;
- (b) after the expiry of the period referred to in paragraph (a) but before the date on which the Registrar gives notice to the person that the Registrar intends to cancel the person's registration under section 49(1)(b); or
- (c) in the case where the Registrar has given notice to the person that the Registrar intends to cancel the person's registration under section 49(1)(b), before the expiry of the period of 14 days referred to in section 49(2)(b).

(8) 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 40 and 42(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.

(9) The Authority shall give notice in the Gazette of the development courses that it specifies for the purposes of subsection (8)(b).

(10) 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;
- “relevant date” (有關日期) means—
- (a) the date of registration;
 - (b) in the case of an application for renewal of registration made in accordance with subsection (7)(a), the date on which the registration would have expired but for the renewal;
 - (c) in the case of an application for renewal of registration made in accordance with subsection (7)(b)—
 - (i) the date on which the registration would have expired but for the renewal; or
 - (ii) the date of renewal of registration, whichever is the later; or
 - (d) in the case of an application for renewal of registration made in accordance with subsection (7)(c), the date of renewal of registration.

45. 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 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.

(3) The registration of a person as a registered skilled worker (provisional), or a registered semi-skilled worker (provisional), for a designated trade is not renewable.

46. 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 38(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 38(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.

47. 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.

48. 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; or

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

(iv) 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 (5) 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.

49. 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 40 and 42(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 40 and 42(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) 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.

(5) If the Registrar cancels the registration of a person, the Registrar shall notify the person in writing of the cancellation.

(6) Subject to subsection (7), 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.

(7) 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.

(8) A person who, without reasonable excuse, contravenes subsection (6) or (7) commits an offence and is liable on conviction to a fine at level 1.

50. 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 7

REVIEWS AND APPEALS

51. Review of decisions

(1) A person who is the subject of a decision of the Registrar under section 43(1), 44(1) or 49(1) may request the Review Committee to review the decision by serving on 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 of a decision, 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 of its recommendation and the reasons for the recommendation.

(7) As soon as practicable after receiving the recommendation of the Review Committee in respect of a person's request for review of a decision, the Registrar shall—

- (a) having regard to the recommendation—
 - (i) confirm, vary or reverse the decision; or
 - (ii) substitute the decision with such other decision as the Registrar thinks fit; and
- (b) notify in writing the person of—
 - (i) if the Registrar confirms the decision, the confirmation;
 - (ii) if the Registrar varies the decision, the decision as varied;
 - (iii) if the Registrar reverses the decision, the reversal; or
 - (iv) if the Registrar substitutes the decision with another decision, that other decision, and the reasons for doing so.

52. Notice of appeal

(1) A person who is the subject of a decision under section 43(1), 44(1) or 49(1) may, after being notified under section 51(7)(b) of the confirmation, variation or substitution of the decision, appeal against—

- (a) if the Registrar confirms the decision, the decision;
- (b) if the Registrar varies the decision, the decision as varied; or
- (c) if the Registrar substitutes the decision with another decision, that other decision,

by serving on the Authority a notice of appeal stating the substance of the matter and reasons for the appeal.

(2) For the purpose of an appeal under this Part, a reference to a decision of the Registrar includes—

- (a) a decision of the Registrar as varied under section 51(7)(a)(i); and
- (b) the other decision with which the Registrar substitutes, under section 51(7)(a)(ii), the Registrar's decision.

(3) A person who is the subject of a decision under section 58(4)(b) may appeal against the decision by serving on the Authority 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;
- (b) accompanied by the prescribed fee; and
- (c) served on the Authority—
 - (i) in the case of an appeal against a decision under subsection (1), within 2 weeks after the Registrar notifies the person under section 51(7)(b); or

(ii) in the case of an appeal against a decision under subsection (3), within 3 business days after the decision.

(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.

53. Appeal Board panel

(1) Subject to subsection (2), 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 10 are persons, each of whom is, in the opinion of the Secretary, a person from a contractor in the construction industry in Hong Kong; and
- (e) not less than 10 are persons, each of whom is, in the opinion of the Secretary, a person from a trade union, registered under the Trade Unions Ordinance (Cap. 332), that represents workers in the construction industry in Hong Kong.

(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 Review Committee; or
- (e) 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 notified in the Gazette.

(4) A member of the Appeal Board panel shall be appointed for a term of not more than 3 years.

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

(6) 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 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.

54. Appeal Board

- (1) The Secretary shall within—
 - (a) 30 days after receipt of a notice of appeal under section 52(1); or
 - (b) 7 business days after receipt of a notice of appeal under section 52(3),

appoint a Construction Workers Appeal Board to hear the appeal.

- (2) An Appeal Board shall consist of 5 members, of whom—
 - (a) not more than 2 are selected in rotation from the members of the Appeal Board panel specified in section 53(1)(a), (b) and (c);
 - (b) not more than 2 are selected in rotation from the members of the Appeal Board panel specified in section 53(1)(d); and
 - (c) not more than 2 are selected in rotation from the members of the Appeal Board panel specified in section 53(1)(e).
- (3) The members of an Appeal Board shall elect a chairman from amongst themselves.
- (4) The quorum of an Appeal Board is 4 members.

55. Proceedings before Appeal Board

- (1) The parties to an appeal are—
 - (a) the appellant; and
 - (b) in the case of—
 - (i) an appeal against a decision 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 52(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.

56. 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.

(3) In this section, “legal practitioner” (法律執業者) means counsel, or a solicitor, who holds a current practising certificate.

57. 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; and

- (b) 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 of the Authority—
 - (i) confirm or revoke the decision; or
 - (ii) make any decision 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

58. 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 52(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).

59. Offences of making false or misleading statements, of failure to attend as witness and of obstructing authorized officers, 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) a requirement made to the person under section 18(1)(d)(i), (e)(i)(A) or (f);
- (b) an application for registration or renewal of registration;
- (c) a request for review under Part 7;
- (d) an appeal under Part 7; or
- (e) an application under section 58(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 an Appeal Board to attend a hearing, without reasonable excuse, refuses or fails to do so;
- (b) attends 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 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.

(3) A person who—

- (a) without reasonable excuse, resists, obstructs or delays an authorized officer who is performing or exercising, or attempting to perform or exercise, a function or power under this Ordinance;
- (b) without reasonable excuse, fails to comply with a requirement made to the person under section 18(1)(d)(i), (e)(i) or (f);

- (c) without reasonable excuse, prevents, or attempts to prevent, another person from assisting an authorized officer in the performance or exercise of the officer's functions or powers under this Ordinance; or
- (d) directly or indirectly, intimidates or threatens—
 - (i) an authorized officer in the performance or exercise of the officer's functions or powers under this Ordinance; or
 - (ii) a person assisting such an officer in the performance or exercise of those functions or powers,

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

60. Prosecution may be brought in Authority's name

Without prejudice to any Ordinance relating to the prosecution of criminal offences or to the powers of the Secretary for Justice in relation to the prosecution of criminal offences, a prosecution for an offence under this Ordinance may be—

- (a) brought in the name of the Authority; and
- (b) commenced and conducted by a member or employee of the Authority authorized in that behalf in writing by the Authority.

61. 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 5; or
 - (b) where otherwise expressly provided.

62. 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, notice, record and register; and
 - (b) does not include a registration card.

63. 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 requests for review under Part 7 and for the consideration and processing of, and the making of recommendation in relation to, such requests;

- (c) 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;
 - (d) provide further for the making of applications under section 58(2) and for the consideration and processing of, and the making of decision in relation to, such applications;
 - (e) prescribe the fees and any other matter required to be prescribed;
 - (f) provide, for the purposes of Part 5, for the records to be kept, and information to be supplied, by employers, contractors and authorized persons within the meaning of that Part; and
 - (g) 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.

64. Rules

The District Court Rules Committee established under section 17 of the District Court Ordinance (Cap. 336) may make rules of court for the purposes of section 30.

65. Amendment of Schedules

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

PART 9

CONSEQUENTIAL AMENDMENTS

Prevention of Bribery Ordinance

66. 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

67. 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 36(1) of the Construction Workers Registration Ordinance (18 of 2004), 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.”.

68. 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 (18 of 2004); or”.

Electronic Transactions Ordinance

69. 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 (zn), by repealing the full stop and substituting a semicolon;
- (b) by adding—
 - “(zo) the Construction Workers Appeal Board appointed under the Construction Workers Registration Ordinance (18 of 2004).”.

SCHEDULE 1

[ss. 2, 3, 4, 6, 39,
40, 41, 42,
48 & 65]

DESIGNATED TRADES

PART 1

DESIGNATED TRADES FOR WHICH A PERSON MAY BE REGISTERED
ONLY AS A REGISTERED SKILLED WORKER OR REGISTERED
SKILLED WORKER (PROVISIONAL), AS THE CASE MAY BE

Column 1 Name of trade or occupation	Column 2 Description of work	Column 3 Certificate	Column 4 Other qualifications
1. Asbestos Abatement Worker	To carry out asbestos abatement works	Trade test certificate for Asbestos Abatement Worker issued by CITA	Not applicable
2. Asphalter (Road Construction)	(a) To mix, place and compact bituminous materials using vibrating machines (b) To level and smoothen bituminous materials according to specified level marks	Trade test certificate for Asphalter (Road Construction) issued by CITA	Not applicable
3. Asphalter (Waterproofing)	(a) To lay sheathing felt or paint with primer (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	Trade test certificate for Asphalter (Waterproofing) issued by CITA	Not applicable

CONSTRUCTION WORKERS REGISTRATION
ORDINANCE

Ord. No. 18 of 2004

A779

Column 1 Name of trade or occupation	Column 2 Description of work	Column 3 Certificate	Column 4 Other qualifications
4. Cable Jointer (Power)	(a) To join low voltage cables either with the circuits dead or with one or both cables energized (b) To join dead cables of all voltages	Certificate of completion of an apprenticeship in the trade of cable jointer (power) given under section 28 of the Apprenticeship Ordinance (Cap. 47)	Not applicable
5. Carpenter (Fender)	To remove, cut, and erect timber fenders for protection of piers, seawalls, dolphins and landing steps	Trade test certificate for Carpenter (Fender) issued by CITA	Not applicable
6. Concrete Repairer (Spalling Concrete)	To repair substandard or spalled concrete or reinforcement bars using concrete or other approved materials	Trade test certificate for Concrete Repairer (Spalling Concrete) issued by CITA	Not applicable
7. Curtain Wall Installer	To install metal frames, and fix glasses or other material panels, for curtain walls	Trade test certificate for Curtain Wall Installer issued by CITA	Not applicable
8. Demolition Worker (Building)	To demolish, dismantle and remove buildings and structures, or any part thereof	Trade test certificate for Demolition Worker (Building) issued by CITA	Not applicable
9. Demolition Worker (Unauthorized Building Works)	To demolish, dismantle and remove buildings erected, or building works carried out, in contravention of the Buildings Ordinance (Cap. 123) within the meaning of that Ordinance	Trade test certificate for Demolition Worker (Unauthorized Building Works) issued by CITA	Not applicable
10. Diver	(a) To perform underwater operations related to inspection, construction and repair of structures and demolition (b) To prepare reports on all the foregoing operations	Not applicable	A diving certificate issued by— (a) the National Association of Underwater Instructors of the United States of America; (b) the Health and Safety Executive of the United Kingdom;

CONSTRUCTION WORKERS REGISTRATION
ORDINANCE

Ord. No. 18 of 2004 A781

Column 1 Name of trade or occupation	Column 2 Description of work	Column 3 Certificate	Column 4 Other qualifications
			(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 (b) To fit, assemble, install, test, commission and repair electrical systems and equipment	Not applicable	Certificate of registration as an electrical worker for Grade A, B, C or H electrical work issued under section 30 of the Electricity Ordinance (Cap. 406)
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 (b) To maintain, inspect and repair portable fire services equipment	Not applicable	Both of the following— (a) 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 VTC

CONSTRUCTION WORKERS REGISTRATION
ORDINANCE

Ord. No. 18 of 2004

A783

Column 1 Name of trade or occupation	Column 2 Description of work	Column 3 Certificate	Column 4 Other qualifications
14. Fire Service Portable Equipment Fitter	To maintain, inspect and repair portable fire services equipment	Not applicable	Fire service installation contractor class 3 registered under the Fire Service (Installation Contractors) Regulations (Cap. 95 sub. leg.)
15. Gas Installer	To install, commission, maintain and repair domestic and non-domestic gas appliances, gas fittings, and gas flow control and meters connected to gas cylinders or gas supply points	Not applicable	Gas installer registered to carry out gas installation work under regulation 7(1)(a) of the Gas Safety (Registration of Gas Installers and Gas Contractors) Regulations (Cap. 51 sub. leg.)
16. Grouting Worker	To mix cement or other materials to carry out underground grouting work	Trade test certificate for Grouting Worker issued by CITA	Not applicable
17. Lift Mechanic	To install, adjust, maintain and repair lifts	Not applicable	Competent lift worker within the meaning of section 29A(4) of the Lifts and Escalators (Safety) Ordinance (Cap. 327)
18. Marine Construction Plant Operator (Boom-grab Bucket)	To operate boom-grab buckets for construction work at sea	Trade test certificate for Marine Construction Plant Operator (Boom-grab Bucket) issued by CITA	Not applicable
19. Marine Construction Plant Operator (Boom-hook)	To operate boom-hooks for construction work at sea	Trade test certificate for Marine Construction Plant Operator (Boom-hook) issued by CITA	Not applicable
20. Marine Construction Plant Operator (Derrick)	To operate derricks for construction work at sea	Trade test certificate for Marine Construction Plant Operator (Derrick) issued by CITA	Not applicable
21. Overhead Linesman	To construct, maintain and repair overhead line systems of all voltages on tubular steel, concrete, lattice girder or wood supports	Certificate of completion of an apprenticeship in the trade of overhead linesman given under section 28 of the Apprenticeship Ordinance (Cap. 47)	Not applicable
22. Paving Block Layer	(a) To lay paving blocks on floor	Trade test certificate for Paving Block Layer	Not applicable

CONSTRUCTION WORKERS REGISTRATION
ORDINANCE

Ord. No. 18 of 2004

A785

Column 1 Name of trade or occupation	Column 2 Description of work	Column 3 Certificate	Column 4 Other qualifications
	(b) To compact the base layer with vibrating machines (c) To cut paving blocks to fit floor layout	issued by CITA	
23. Piling Operative	To set up piling rigs for driven or bored piles works	Both of the following— (a) trade test certificate for Piling Operative (Bored Pile) issued by CITA; and (b) trade test certificate for Piling Operative (Percussive Pile) issued by CITA	Not applicable
24. Piling Operative (Bored Pile)	To set up piling rigs for bored piles works	Trade test certificate for Piling Operative (Bored Pile) issued by CITA	Not applicable
25. Piling Operative (Percussive Pile)	To set up piling rigs for driven piles works	Trade test certificate for Piling Operative (Percussive Pile) issued by CITA	Not applicable
26. Pipelayer	To lay water mains, make pressurized joints by mechanical means, install pipes and fittings, construct beds and haunches, and surround pipes with concrete	Trade test certificate for Pipelayer issued by CITA	Not applicable
27. Plant and Equipment Operator (Bored Pile)	To operate piling machines for bored piles works	Trade test certificate for Plant and Equipment Operator (Bored Pile) issued by CITA	Not applicable
28. Plant and Equipment Operator (Bulldozer)	To operate bulldozers for load shifting purposes	Not applicable	Certificate as defined in section 2(1) of the Factories and Industrial Undertakings (Loadshifting Machinery) Regulation (Cap. 59 sub. leg.) and applicable to bulldozers

CONSTRUCTION WORKERS REGISTRATION
ORDINANCE

Ord. No. 18 of 2004

A787

Column 1 Name of trade or occupation	Column 2 Description of work	Column 3 Certificate	Column 4 Other qualifications
29. Plant and Equipment Operator (Crawler-mounted Mobile Crane)	To operate crawler-mounted mobile cranes for material handling purposes	Not applicable	Certificate referred to in regulation 15A(1)(b) of the Factories and Industrial Undertakings (Lifting Appliances and Lifting Gear) Regulations (Cap. 59 sub. leg.) and applicable to Crawler-mounted Mobile Cranes
30. Plant and Equipment Operator (Demolition)—Excavator	To operate excavators to demolish, dismantle and remove buildings or structures, or any part thereof	Not applicable	Both of the following— (a) trade test certificate for Plant and Equipment Operator (Demolition)—Excavator issued by CITA; and (b) certificate as defined in section 2(1) of the Factories and Industrial Undertakings (Loadshifting Machinery) Regulation (Cap. 59 sub. leg.) and applicable to excavators
31. Plant and Equipment Operator (Excavator)	To operate excavators for load shifting purposes	Not applicable	Certificate as defined in section 2(1) of the Factories and Industrial Undertakings (Loadshifting Machinery) Regulation (Cap. 59 sub. leg.) and applicable to excavators
32. Plant and Equipment Operator (Gantry Crane)	To operate gantry cranes for material handling purposes	Not applicable	Certificate referred to in regulation 15A(1)(b) of the Factories and Industrial Undertakings (Lifting Appliances and Lifting Gear) Regulations (Cap. 59 sub. leg.) and applicable to Gantry Cranes

CONSTRUCTION WORKERS REGISTRATION
ORDINANCE

Ord. No. 18 of 2004

A789

Column 1 Name of trade or occupation	Column 2 Description of work	Column 3 Certificate	Column 4 Other qualifications
33. Plant and Equipment Operator (Loader)	To operate loaders for load shifting purposes	Not applicable	Certificate as defined in section 2(1) of the Factories and Industrial Undertakings (Loadshifting Machinery) Regulation (Cap. 59 sub. leg.) and applicable to loaders
34. Plant and Equipment Operator (Mini-loader)	To operate mini-loaders for load shifting purposes	Not applicable	Certificate as defined in section 2(1) of the Factories and Industrial Undertakings (Loadshifting Machinery) Regulation (Cap. 59 sub. leg.) and applicable to mini- loaders
35. Plant and Equipment Operator (Mini-loader (with Attachments))	To operate mini-loaders with attachments for load shifting purposes	Not applicable	Certificate as defined in section 2(1) of the Factories and Industrial Undertakings (Loadshifting Machinery) Regulation (Cap. 59 sub. leg.) and applicable to mini- loaders (with attachments)
36. Plant and Equipment Operator (Percussive Pile)	To operate piling machines for driven piles works	Trade test certificate for Plant and Equipment Operator (Percussive Pile) issued by CITA	Not applicable
37. Plant and Equipment Operator (Piling)	To operate piling machines for driven or bored piles works	Both of the following— (a) trade test 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	Not applicable

CONSTRUCTION WORKERS REGISTRATION
ORDINANCE

Ord. No. 18 of 2004

A791

Column 1 Name of trade or occupation	Column 2 Description of work	Column 3 Certificate	Column 4 Other qualifications
38. Plant and Equipment Operator (Suspended Working Platform)	To operate suspended working platforms for carrying persons	Not applicable	Certificate referred to in section 17(1)(b) of the Factories and Industrial Undertakings (Suspended Working Platforms) Regulation (Cap. 59 sub. leg.)
39. Plant and Equipment Operator (Tower Crane)	To operate tower cranes for material handling purposes	Not applicable	Certificate referred to in regulation 15A(1)(b) of the Factories and Industrial Undertakings (Lifting Appliances and Lifting Gear) Regulations (Cap. 59 sub. leg.) and applicable to Tower Cranes
40. Plant and Equipment Operator (Truck-mounted Crane)	To operate truck-mounted cranes for material handling purposes	Not applicable	Certificate referred to in regulation 15A(1)(b) of the Factories and Industrial Undertakings (Lifting Appliances and Lifting Gear) Regulations (Cap. 59 sub. leg.) and applicable to Truck-mounted Cranes
41. Plant and Equipment Operator (Tunneling)— Jumbo Drilling	To operate jumbo drilling machines inside tunnels	Trade test certificate for Plant and Equipment Operator (Tunneling)— Jumbo Drilling issued by CITA	Not applicable
42. Plant and Equipment Operator (Tunneling)— Locomotive Operation	To operate locomotives inside tunnels	Trade test certificate for Plant and Equipment Operator (Tunneling)— Locomotive Operation issued by CITA	Not applicable
43. Plant and Equipment Operator (Tunneling)— Segment Erection	To operate segment erection machines inside tunnels	Trade test certificate for Plant and Equipment Operator (Tunneling)— Segment Erection issued by CITA	Not applicable
44. Plant and Equipment Operator (Tunneling)— Tunnel Boring Machine	To operate tunnel boring machines inside tunnels	Certificate for Plant and Equipment Operator (Tunneling)— Tunnel Boring Machine issued by CITA	Not applicable

CONSTRUCTION WORKERS REGISTRATION
ORDINANCE

Ord. No. 18 of 2004

A793

Column 1 Name of trade or occupation	Column 2 Description of work	Column 3 Certificate	Column 4 Other qualifications
45. Plant and Equipment Operator (Wheeled Telescopic Mobile Crane)	To operate wheeled telescopic mobile cranes for material handling purposes	Not applicable	Certificate referred to in regulation 15A(1)(b) of the Factories and Industrial Undertakings (Lifting Appliances and Lifting Gear) Regulations (Cap. 59 sub. leg.) and applicable to Wheeled Telescopic Mobile Cranes
46. Prestressing Operative	(a) To lay and fix prestressing tendons and ducts (b) To assemble prestressing couplings and anchorage and perform prestressing operations and grouting of ducts	Trade test certificate for Prestressing Operative issued by CITA	Not applicable
47. Refrigeration/ Air-conditioning/ Ventilation Mechanic	To fit, assemble, erect, install, commission, maintain and repair— (a) air-conditioning systems including refrigerating, air-handling and ventilation equipment and the associated electrical controls; (b) cold stores, ice-making and other refrigerating equipment; (c) air-conditioning and ventilation equipment forming part of fire services systems	Either one of the following— (a) trade certificate for Refrigeration/ Air-conditioning/ Ventilation Mechanic issued by VTC; or (b) certificate of completion of an apprenticeship in the trade of refrigeration/ air-conditioning mechanic given under section 28 of the Apprenticeship Ordinance (Cap. 47)	Not applicable
48. Rock Breaking Driller	To operate pneumatic or hydraulic drills to make holes and openings or break up concrete, rocks or other hard materials	Trade test certificate for Rock Breaking Driller issued by CITA	Not applicable
49. Shotcretor	To operate spraying machines to apply shotcrete or gunite	Trade test certificate for Shotcretor issued by CITA	Not applicable

CONSTRUCTION WORKERS REGISTRATION
ORDINANCE

Ord. No. 18 of 2004

A795

Column 1 Name of trade or occupation	Column 2 Description of work	Column 3 Certificate	Column 4 Other qualifications
50. Shotfirer	To calculate, prepare, load and detonate explosive charges in mines, quarries, civil engineering and building sites	Not applicable	Mine blasting certificate issued under the Mines (Safety) Regulations (Cap. 285 sub. leg.)
51. Structural Steel Welder	To cut or join structural steel sections, steel water mains and steel gas mains by electric arc, oxy-acetylene flame or other welding processes	Not applicable	Not applicable
52. Trackworker	To lay and maintain trackworks for railways or other vehicles	Trade test certificate for Trackworker issued by CITA	Not applicable
53. Truck Driver (Heavy goods vehicles)	To drive heavy goods vehicles within the meaning of section 2 of the Road Traffic Ordinance (Cap. 374) to transport construction materials, building debris or excavated materials within, into or out of construction sites	Not applicable	Full driving licence within the meaning of the Road Traffic (Driving Licences) Regulations (Cap. 374 sub. leg.) to drive a heavy goods vehicle
54. Truck Driver (Medium goods vehicles)	To drive medium goods vehicles within the meaning of section 2 of the Road Traffic Ordinance (Cap. 374) to transport construction materials, building debris or excavated materials within, into or out of construction sites	Not applicable	Full driving licence within the meaning of the Road Traffic (Driving Licences) Regulations (Cap. 374 sub. leg.) to drive a medium goods vehicle
55. Truck Driver (Special purpose vehicles)	To drive special purpose vehicles within the meaning of section 2 of the Road Traffic Ordinance (Cap. 374) to transport construction materials, building debris or excavated materials within, into or out of construction sites	Not applicable	Full driving licence within the meaning of the Road Traffic (Driving Licences) Regulations (Cap. 374 sub. leg.) to drive a special purpose vehicle

Column 1 Name of trade or occupation	Column 2 Description of work	Column 3 Certificate	Column 4 Other qualifications
56. Tunnel Worker	To carry out general construction work inside tunnels, including installing of temporary supports and working platforms, ventilation ducts, packers and protective fencings	Trade test certificate for Tunnel Worker issued by CITA	Not applicable

PART 2

DESIGNATED TRADES FOR WHICH A PERSON MAY BE REGISTERED AS A REGISTERED SKILLED WORKERS, REGISTERED SKILLED WORKER (PROVISIONAL), REGISTERED SEMI-SKILLED WORKER OR REGISTERED SEMI-SKILLED WORKER (PROVISIONAL), AS THE CASE MAY BE

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

CONSTRUCTION WORKERS REGISTRATION
ORDINANCE

Ord. No. 18 of 2004

A799

Column 1 Name of trade or occupation	Column 2 Description of work	Column 3 Certificate	Column 4 Other qualifications	Column 5 Intermediate trade test certificate
3. Bricklayer	To lay bricks and other building blocks, except stones and marble, for construction and repair of walls, partitions, arches, openings and other structures	Either one of the following— (a) trade test certificate for Bricklayer issued by CITA; or (b) certificate of completion of an apprenticeship in the trade of bricklayer given under section 28 of the Apprenticeship Ordinance (Cap. 47)	Not applicable	Intermediate trade test certificate for Bricklayer issued by CITA
4. Building Security System Mechanic	To install, maintain and repair building security systems, including building doorphone systems, closed circuit television systems, public address systems, security alarm systems, access control systems, and building control and monitoring systems	Trade certificate for Building Security System Mechanic issued by VTC	Not applicable	Intermediate trade test certificate for Building Security System Mechanic issued by VTC
5. Carpenter (Formwork-Building Construction)	To erect and strike timber formwork for building works	Either one of the following— (a) trade test certificate for Carpenter (Formwork-Building Construction) issued by CITA; or (b) trade test certificate for Carpenter (Formwork) issued by CITA	Not applicable	Either one of the 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

CONSTRUCTION WORKERS REGISTRATION
ORDINANCE

Ord. No. 18 of 2004

A801

Column 1 Name of trade or occupation	Column 2 Description of work	Column 3 Certificate	Column 4 Other qualifications	Column 5 Intermediate trade test certificate
6. Carpenter (Formwork-Civil Construction)	To erect and strike timber formwork for construction work related to civil engineering	Either one of the following— (a) trade test certificate for Carpenter (Formwork-Civil Construction) issued by CITA; or (b) trade test certificate for Carpenter (Formwork) issued by CITA	Not applicable	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. Communication System Mechanic	To fit, assemble, install, maintain and repair communication equipment and systems, including block wiring systems, private automatic branch exchange systems, intercom systems, in-building coaxial cable distribution systems, and other wired or wireless signal transmission and reception systems	Trade certificate for Communication System Mechanic issued by VTC	Not applicable	Intermediate trade test certificate for Communication System Mechanic issued by VTC
8. Concretor	(a) To mix, place and compact concrete using vibrating machines (b) To carry out curing, levelling and smoothening of concrete	Trade test certificate for Concretor issued by CITA	Not applicable	Intermediate trade test certificate for Concretor issued by CITA

CONSTRUCTION WORKERS REGISTRATION
ORDINANCE

Ord. No. 18 of 2004

A803

Column 1 Name of trade or occupation	Column 2 Description of work	Column 3 Certificate	Column 4 Other qualifications	Column 5 Intermediate trade test certificate
9. Con- struction Plant Mechanic	To maintain and repair building and civil engineering plants and machinery	Either one of the following— (a) trade test certificate for Construction Plant Mechanic issued by CITA; or (b) certificate of completion of an apprentice- ship in the trade of construction plant mechanic given under section 28 of the Apprentice- ship Ordinance (Cap. 47)	Not applicable	Intermediate trade test certificate for Construction Plant Mechanic issued by CITA
10. Control Panel Assembler	To fit, assemble, install and repair low voltage switchboards, and control panels, for electrical plants and equipment	Trade certificate for Control Panel Assembler issued by VTC	Not applicable	Intermediate trade test certificate for Control Panel Assembler issued by VTC
11. Drainlayer	To lay and join underground drains, construct manholes, install pipes and fittings, construct beds and haunches, and surround pipes with concrete	Trade test certificate for Drainlayer issued by CITA	Not applicable	Intermediate trade test certificate for Drainlayer issued by CITA
12. Electrical Wireman	To install and lay wiring for electrical systems and equipment	Trade certificate for Electrical Wireman issued by VTC	Not applicable	Intermediate trade test certificate for Electrical Wireman issued by VTC
13. Fire Service Electrical Fitter	To install, test, maintain, inspect and repair automatic fire alarm systems, manual fire alarm systems, and electrical or electronic parts of fire services systems	Trade certificate for Fire Service Electrical Fitter issued by VTC	Not applicable	Intermediate trade test certificate for Fire Service Electrical Fitter issued by VTC

CONSTRUCTION WORKERS REGISTRATION
ORDINANCE

Ord. No. 18 of 2004

A805

Column 1 Name of trade or occupation	Column 2 Description of work	Column 3 Certificate	Column 4 Other qualifications	Column 5 Intermediate trade test certificate
14. Fire Service Mechanical Fitter	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	Not applicable	Intermediate trade test certificate for Fire Service Mechanical Fitter issued by VTC
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	Not applicable	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
16. Floor Layer (PVC Flooring)	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 (Timber Flooring)	To lay timber and similar flooring materials to floors, stair threads and skirtings	Trade test certificate for Floor Layer (Timber Flooring) issued by CITA	Not applicable	Intermediate trade test certificate for Floor Layer (Timber Flooring) issued by CITA
18. General Welder	To carry out general welding and cutting work by electric arc, oxy-acetylene flame or other welding processes	Trade test certificate for General Welder issued by CITA	Not applicable	Intermediate trade test certificate for General Welder issued by CITA
19. Glazier	(a) To measure, cut and fix glass panes with silicone plastic or beads (b) To grind or round edges of glass panes	Trade test certificate for Glazier issued by CITA	Not applicable	Intermediate trade test certificate for Glazier issued by CITA

CONSTRUCTION WORKERS REGISTRATION
ORDINANCE

Ord. No. 18 of 2004

A807

Column 1 Name of trade or occupation	Column 2 Description of work	Column 3 Certificate	Column 4 Other qualifications	Column 5 Intermediate trade test certificate
20. Ground Investigation Operator/ Driller/ Borer	(a) To set up and operate drilling plants for ground investigation 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	Trade test certificate for Ground Investigation Operator issued by CITA	Not applicable	Intermediate trade test certificate for Ground Investigation Operator issued by CITA
21. Hand-dug Caisson Worker	To construct underground caissons by hand-dug caisson method	Trade test certificate for Hand-dug Caisson Worker issued by CITA	Not applicable	Intermediate trade test certificate for Hand-dug Caisson Worker issued by CITA
22. Joiner	To carry out all internal and external woodwork (except formwork and fender) using both hand tools and woodworking machinery	Either one of the following— (a) trade test certificate for Joiner issued by CITA; or (b) certificate of completion of an apprenticeship in the trade of carpenter/ joiner given under section 28 of the Apprenticeship Ordinance (Cap. 47)	Not applicable	Intermediate trade test certificate for Joiner issued by CITA
23. Leveller	(a) To read and interpret drawings (b) To set up job lines and levels and prepare templates	Trade test certificate for Leveller issued by CITA	Not applicable	Intermediate trade test certificate for Leveller issued by CITA

CONSTRUCTION WORKERS REGISTRATION
ORDINANCE

Ord. No. 18 of 2004

A809

Column 1 Name of trade or occupation	Column 2 Description of work	Column 3 Certificate	Column 4 Other qualifications	Column 5 Intermediate trade test certificate
24. Marble Worker	(a) To set out, measure, cut and set marble slabs, granite slabs or similar stones on walls, floors, or other surfaces (b) To grind and polish marble, granite or similar stones	Trade test certificate for Marble Worker issued by CITA	Not applicable	Intermediate trade test certificate for Marble Worker issued by CITA
25. Mason	To split and shape stones, and build and lay stone works	Trade test certificate for Mason issued by CITA	Not applicable	Intermediate trade test certificate for 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— (a) trade certificate for Mechanical Fitter issued by VTC; or (b) certificate of completion of an apprentice- ship in the trade of fitter given under section 28 of the Apprentice- ship Ordinance (Cap. 47)	Not applicable	Intermediate trade test certificate for Mechanical Fitter issued by VTC
27. Metal Scaffolder	To erect, dismantle and repair metal scaffolding required in construction work	Trade test certificate for Metal Scaffolder issued by CITA	Not applicable	Intermediate trade test certificate for Metal Scaffolder issued by CITA
28. Metal Worker	(a) To fit, assemble, weld and forge metal parts (b) To install non-structural metalwork (c) To operate metal-working machines (d) To make templates (e) To repair metal formwork	Trade test certificate for Metal Worker issued by CITA	Not applicable	Intermediate trade test certificate for Metal Worker issued by CITA

CONSTRUCTION WORKERS REGISTRATION
ORDINANCE

Ord. No. 18 of 2004

A811

Column 1 Name of trade or occupation	Column 2 Description of work	Column 3 Certificate	Column 4 Other qualifications	Column 5 Intermediate trade test certificate
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 similar protective and decorative materials (c) To lay out and write letters, characters and other signs	Either one of the following— (a) trade test certificate for Painter and Decorator issued by CITA; or (b) certificate of completion of an apprenticeship in the trade of painter/ decorator/sign writer given under section 28 of the Apprenticeship Ordinance (Cap. 47)	Not applicable	Intermediate trade test certificate for Painter and Decorator issued by CITA
30. Plasterer	(a) To apply coats of plaster to, and to render walls and ceilings, to produce finished surfaces (b) To screed floors, staircases and roofs	Either one of the following— (a) trade test certificate for Plasterer issued by CITA; or (b) certificate of completion of an apprenticeship in the trade of plasterer given under section 28 of the Apprenticeship Ordinance (Cap. 47)	Not applicable	Intermediate trade test certificate for Plasterer issued by CITA

CONSTRUCTION WORKERS REGISTRATION
ORDINANCE

Ord. No. 18 of 2004

A813

Column 1 Name of trade or occupation	Column 2 Description of work	Column 3 Certificate	Column 4 Other qualifications	Column 5 Intermediate trade test certificate
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	Either one of the following— (a) trade test certificate for Plumber issued by CITA; (b) certificate of completion of an apprenticeship in the trade of plumber given under section 28 of the Apprenticeship Ordinance (Cap. 47); or (c) plumber's licence issued under regulation 34 of the Waterworks Regulations (Cap. 102 sub. leg.)	Not applicable	Intermediate trade test certificate for Plumber issued by CITA
32. Re- frigeration/ Air- conditioning/ Ventilation Mechanic (Air System)	To fabricate, install and repair sheet metal assemblies and products (including ventilation ducting, dampers, fire resistant board and fittings)	Trade certificate for Refrigeration/Air-conditioning/Ventilation Mechanic (Air System) issued by VTC	Not applicable	Intermediate trade test certificate for Refrigeration/Air-conditioning/Ventilation Mechanic (Air System) issued by VTC
33. Re- frigeration/ Air- conditioning/ Ventilation Mechanic (Electrical Control)	To fit, assemble, install, commission, maintain and repair electrical control for— (a) air-conditioning systems including refrigerating, air-handling and ventilation equipment;	Either one of the following— (a) trade certificate for Refrigeration/Air-conditioning/Ventilation Mechanic (Electrical Control) issued by VTC; or (b) certificate of	Not applicable	Intermediate trade test certificate for Refrigeration/Air-conditioning/Ventilation Mechanic (Electrical Control) issued by VTC

CONSTRUCTION WORKERS REGISTRATION
ORDINANCE

Ord. No. 18 of 2004

A815

Column 1 Name of trade or occupation	Column 2 Description of work	Column 3 Certificate	Column 4 Other qualifications	Column 5 Intermediate trade test certificate
	(b) cold stores, ice-making and other refrigerating equipment;	registration as an electrical worker issued under section 30 of the Electricity Ordinance (Cap. 406) on which the Director of Electrical and Mechanical Services specifies that the holder is entitled to do electrical work on an air- conditioning installation		
	(c) air- conditioning and ventilation equipment forming part of fire services systems			
34. Re- frigeration/ Air- conditioning/ Ventilation Mechanic (Thermal Insulation)	To prepare, fit, fix and repair thermal insulations of air-conditioning and refrigeration plants	Trade certificate for Refrigeration/ Air-conditioning/ Ventilation Mechanic (Thermal Insulation) issued by VTC	Not applicable	Intermediate trade test certificate for Refrigeration/Air- conditioning/ Ventilation Mechanic (Thermal Insulation) issued by VTC
35. Re- frigeration/ Air- conditioning/ Ventilation Mechanic (Unitary System)	To fit, assemble, install, commission, maintain and repair— (a) unitary air- conditioning systems including refrigerating, air-handling and ventilation equipment; (b) unitary cold stores, ice- making and other refrigerating equipment	Trade certificate for Refrigeration/ Air-conditioning/ Ventilation Mechanic (Unitary System) issued by VTC	Not applicable	Intermediate trade test certificate for Refrigeration/Air- conditioning/ Ventilation Mechanic (Unitary System) issued by VTC

CONSTRUCTION WORKERS REGISTRATION
ORDINANCE

Ord. No. 18 of 2004

A817

Column 1 Name of trade or occupation	Column 2 Description of work	Column 3 Certificate	Column 4 Other qualifications	Column 5 Intermediate trade test certificate
36. Re- frigeration/ Air- conditioning/ Ventilation Mechanic (Water System)	To fit, assemble, install, commission, maintain and repair water systems for air- conditioning systems (including air-handling and water condensing equipment)	Trade certificate for Refrigeration/ Air-conditioning/ Ventilation Mechanic (Water System) issued by VTC	Not applicable	Intermediate trade test certificate for Refrigeration/ Air-conditioning/ Ventilation Mechanic (Water System) issued by VTC
37. Rigger/ Metal Formwork Erector	(a) To set up lifting apparatus and equipment for lifting and lowering of materials (b) To fix and dismantle large panel metal formwork	Trade test certificate for Rigger/Metal Formwork Erector issued by CITA	Not applicable	Intermediate trade test certificate for Rigger/Metal Formwork Erector issued by CITA
38. Structural Steel Erector	(a) To drill, cut and shape steel sections (b) To assemble structural members and erect steel structures by riveting or bolting (c) To operate power shears, flame cutting equipment and other tools	Trade test certificate for Structural Steel Erector issued by CITA	Not applicable	Intermediate trade test certificate for Structural Steel Erector issued by CITA
39. Tiler	To cut, shape and set tiles on walls, ceilings and floors	Either one of the following— (a) trade test certificate for Tiler issued by CITA; or	Not applicable	Intermediate trade test certificate for Tiler issued by CITA

**CONSTRUCTION WORKERS REGISTRATION
ORDINANCE**

Ord. No. 18 of 2004

A819

Column 1 Name of trade or occupation	Column 2 Description of work	Column 3 Certificate	Column 4 Other qualifications	Column 5 Intermediate trade test certificate
		(b) certificate of completion of an apprenticeship in the trade of tiler given under section 28 of the Apprenticeship Ordinance (Cap. 47)		
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 CITA

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

SCHEDULE 2

[ss. 2 & 65]

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 & 65]

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 & 65]

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 10 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 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

REVIEW COMMITTEE AND ITS MEMBERS

11. 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 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.

12. 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 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 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.

13. 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.