

**立法會**  
**Legislative Council**

LC Paper No. LS28/06-07

**Paper for the House Committee Meeting  
on 12 January 2007**

**Legal Service Division Report on  
Subsidiary Legislation Gazetted on 5 January 2007**

**Date of tabling in LegCo** : 10 January 2007

**Amendment to be made by** : 7 February 2007 (or 28 February 2007 if extended by resolution)

**PART I QUARANTINE AND PREVENTION OF DISEASE**

**Quarantine and Prevention of Disease Ordinance (Cap. 141)**  
**Quarantine and Prevention of Disease Ordinance (Amendment of First Schedule)**  
**Order 2007 (L.N. 1)**  
**Prevention of the Spread of Infectious Diseases Regulations (Amendment of Form) Order 2007 (L.N. 2)**

The Quarantine and Prevention of Disease Ordinance (Cap. 141) (the Ordinance) and its subsidiary legislation provide a statutory framework for the prevention of infectious diseases of public health importance. Under regulation 4 of the Prevention of the Spread of Infectious Diseases Regulations (Cap. 141, sub. leg. B) (the Regulations), medical practitioners are required to notify the Director of Health if they have reason to suspect the existence of any case of the infectious diseases specified in the First Schedule to the Ordinance in accordance with a form as prescribed in the Schedule to the Regulations.

2. L.N. 1 amends the First Schedule to the Ordinance by adding Community-associated methicillin-resistant *Staphylococcus aureus* infection (the disease) to the list of infectious diseases specified in that Schedule. The effect of this is that the provisions of the Ordinance and the Regulations will apply to the disease.

3. L.N. 2 adds the disease to Form 2 of the Schedule to the Regulations. The effect of this is that medical practitioners are required to report suspected cases of the disease to the Director of Health in accordance with that Form.

4. Members may refer to the LegCo Brief (File Ref.: HWF CR 4/3231/96) issued by the Health, Welfare and Food Bureau in January 2007 for background information.

## **PART II CONSTRUCTION WORKERS REGISTRATION**

### **Construction Workers Registration Ordinance (Cap. 583)**

#### **Construction Workers Registration Ordinance (Amendment of Schedule 1) Notice 2007 (L.N. 3)**

#### **Construction Workers Registration Ordinance (Commencement) Notice 2007 (L.N. 4)**

5. The Construction Workers Registration Ordinance (Cap. 583) (the Ordinance) establishes a system for the registration of construction workers. Under the system, construction workers are registered for individual designated trades and at different skill levels. Schedule 1 to the Ordinance sets out the designated trades for which a person may be registered as a registered skilled worker or registered semi-skilled worker. Under the Ordinance, it is an offence for an unregistered construction worker to personally carry out construction work on a construction site. It is also an offence to employ unregistered construction workers to carry out construction work on construction sites.

#### *Construction Workers Registration Ordinance (Amendment of Schedule 1) Notice 2007 (L.N. 3)*

6. L.N. 3 amends Part 1 of Schedule 1 to the Ordinance to-

- (a) add a new designated trade “Truck Driver (Articulated vehicles)” (item 52A);
- (b) specify the qualification requirement for the trade “Structural Steel Welder” (item 51) in order to commence registration of this trade;
- (c) amend the qualification requirement for the trade “Diver” (item 10); and
- (d) amend the description of work for five trades, namely, “Cable Jointer (Power)” (item 4), “Overhead Linesman” (item 21), “Truck Driver (Heavy goods vehicles)” (item 53), “Truck Driver (Medium goods vehicles)” (item 54), and “Truck Driver (Special purpose vehicles)” (item 55).

7. The details of the above amendments are set out in paragraph 4 of the LegCo Brief (File Ref.: ETWB(CR)(W)1 - 10/8 Pt. 19) issued by the Environment, Transport and Works Bureau on 4 January 2007.

8. L.N. 3 will come into operation on 28 February 2007.

*Construction Workers Registration Ordinance (Commencement) Notice 2007 (L.N. 4)*

9. By L.N. 4, the Secretary for the Environment, Transport and Works appoints 28 February 2007 as the day on which item 51 of Part 1 of Schedule 1 to the Ordinance will come into operation. The said item relates to the trade “Structural Steel Welder” for which a person may be registered as a registered skilled worker under the Ordinance.

10. The remaining provisions of the Ordinance that have not been brought into operation relate to the following matters: prohibition against unregistered construction workers carrying out on construction sites construction work, prohibition against employing unregistered construction workers to carry out construction work on construction sites, requirement for registered construction workers to carry registration cards on construction sites and requirement for principal contractors and controllers to retrieve and record data of registered construction workers on construction sites.

11. The relevant LegCo Panels have not been consulted on the above items of subsidiary legislation.

12. No difficulties relating to the legal and drafting aspects of L.N. 1, L.N. 2 and L.N. 4 have been identified. As for L.N. 3, the Legal Service Division has asked the Administration to clarify the reason for not specifying in the description of work the types of construction work carried out by the four truck driver trades set out in Part 1 of Schedule 1 to the relevant Ordinance. In response to our enquiry, the Administration has indicated that for the avoidance of doubt, it is prepared to make the necessary amendments to make it clear in the description of work for these trades that the driving of the goods vehicles concerned is for the purpose of carrying out construction work on construction sites. We will make a further report after receiving the Administration’s amendments.

Prepared by

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