

立法會
Legislative Council

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**Subcommittee on
Construction Workers Registration Ordinance
(Amendment of Schedule 1) Notice 2007 and
Construction Workers Registration Ordinance (Commencement) Notice 2007**

**Minutes of the first meeting on
Friday, 19 January 2007, at 8:30 am
in Conference Room B of the Legislative Council Building**

- Members present** : Hon KWONG Chi-kin (Chairman)
Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP
Hon LEE Cheuk-yan
Hon TAM Yiu-chung, GBS, JP
Hon WONG Kwok-hing, MH
- Members absent** : Hon Abraham SHEK Lai-him, JP
Hon LI Fung-ying, BBS, JP
Prof Hon Patrick LAU Sau-shing, SBS, JP
- Public officers attending** : Mr David S P TONG
Principal Assistant Secretary for the Environment,
Transport and Works (Works)
- Mr Ambrose S Y CHEONG
Chief Assistant Secretary for the Environment, Transport
and Works (Works)
- Mr S Y LAM
Assistant Secretary for the Environment, Transport and
Works (Education & Training)
- Ms Emma WONG
Government Counsel
Department of Justice

Clerk in attendance : Ms Anita SIT
Chief Council Secretary (1)4

Staff in attendance : Ms Connie FUNG
Assistant Legal Adviser 3

Mr WONG Siu-yee
Senior Council Secretary (1)7

Action

I Election of Chairman

Ir Dr Raymond HO, the member who had the highest precedence among members of the Subcommittee, presided over the election of Chairman of the Subcommittee. He invited nominations for the chairmanship of the Subcommittee.

2. Mr WONG Kwok-hing nominated Mr KWONG Chi-kin. Mr TAM Yiu-chung seconded the nomination and Mr KWONG Chi-kin accepted the nomination. There being no other nominations, Ir Dr Raymond HO declared that Mr KWONG Chi-kin was elected Chairman of the Subcommittee. Mr KWONG Chi-kin then took over the chair.

II Meeting with the Administration

3. The Subcommittee deliberated (index of proceedings attached at **Annex**).

4. The Administration was requested to provide photographs of all the vehicle body types covered by the Construction Workers Registration Ordinance (Amendment of Schedule 1) Notice 2007 (the Amendment Notice).

III Any other business

5. Members would contact relevant trade unions to see if they would be interested in attending the next meeting of the Subcommittee to give views on the Amendment Notice and the Construction Workers Registration Ordinance (Commencement) Notice 2007 (the Commencement Notice).

6. Members noted that the next meeting would be held on Thursday, 25 January 2007, at 10:45 am.

7. There being no other business, the meeting ended at 9:30 am.

**Subcommittee on
Construction Workers Registration Ordinance
(Amendment of Schedule 1) Notice 2007 and
Construction Workers Registration Ordinance (Commencement) Notice 2007**

**Proceedings of the first meeting
on Friday, 19 January 2007, at 8:30 am
in Conference Room B of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action required
000000 - 000205	Ir Dr Raymond HO Mr WONG Kwok-hing Mr TAM Yiu-chung Mr KWONG Chi-kin	Election of Chairman	
000206 - 000314	Chairman	Opening remarks	
000315 - 000704	Administration	Briefing on the two Notices	
000705 - 002034	Mr WONG Kwok-hing Administration Chairman	<p>Enquiry on whether individual trade unions had been consulted</p> <p>The Administration's response that the relevant trade unions had been consulted. For instance, some unions commented that the original "Description of work" for truck driver trades might be interpreted to include truck drivers who were not carrying out construction work on construction sites while truck drivers of some vehicle body types that were directly involved in construction work on construction sites were not included. Views had also been solicited from relevant trade unions through committees under the Construction Workers Registration Authority. The Amendment Notice was made after taking into consideration the feedback obtained</p> <p>View that photographs of all vehicle body types covered by the Amendment Notice should be provided</p>	

Time marker	Speaker	Subject(s)	Action required
		<p>The Administration's response that the photographs on hand did not cover all relevant vehicle body types</p> <p>Enquiry on whether past experience in a trade would be acceptable for the purpose of registration for those workers</p> <p>The Administration's response that experience would not be a factor for truck driver trades if they possessed a valid driving licence. For the trades "Cable Jointer (Power)" and "Overhead Linesman", workers could apply for provisional registrations as long as they possessed the necessary experience</p> <p>Enquiry on the number of truck drivers that would be affected and whether the registration procedure was simple</p> <p>The Administration's response that the registration system would enable the Administration to obtain human resources data in the relevant trades. Although the total number of truck drivers was available at present, there was difficulty in obtaining the number of truck drivers directly involved in construction work on construction sites. The number of truck drivers registered had reached some 4 000 and the estimate was that the total number would be less than 10 000. The registration procedure for truck drivers was simple and the registration fee was only \$50 for a validity period of 3 years. Approval would be granted normally in two weeks and a computer smart card would be issued, and the same card could be used for storing registration information of multiple trades for a single construction worker</p>	

Time marker	Speaker	Subject(s)	Action required
		View that trade unions should be invited to give views on the Amendment Notice and Commencement Notice	
002035 - 002719	Mr LEE Cheuk-yan Administration Chairman	<p>View that there should be more flexibility with regard to the required qualifications for registration; currently some qualifications other than those granted by the Construction Industry Training Authority might not be recognized, and the Authority did not provide any training courses on some specialized trades to allow workers in those trades to register, such as workers responsible for maintenance of generators for electricity companies</p> <p>The Administration's response that flexibility had already been provided in the legislation. The Construction Workers Qualifications Committee would consider other qualifications to see whether they could be considered as equivalent qualifications for the purpose of registration. The Administration clarified that upon the implementation of the amendment to the "Description of work" for the trades "Cable Jointer (Power)" and "Overhead Linesman", workers responsible for extra high voltage work exceeding 11kV would not be regulated under the Construction Workers Registration Ordinance. Moreover, maintenance work for electricity generators not involving structure of specified structure was outside the scope of registration</p>	

Time marker	Speaker	Subject(s)	Action required
002720 - 003214	Mr TAM Yiu-chung Administration	<p>Reference to the view of some truck drivers unions that registration was unnecessary and extra cost and time would be incurred in making applications for registration, and enquiry on the rationale behind the legislation</p> <p>The Administration's response that the registration system could ensure the quality of construction work, provide human resources data for planning and training, enhance the status of the workers and provide a career path, promote a quality construction culture, provide attendance records to help reduce wage disputes, and combat employment of illegal workers</p> <p>Seeking clarification on whether only drivers of special vehicle body types would be regulated</p> <p>The Administration responded that after the proposed amendments came into effect, only drivers of the vehicle body types specified in the Construction Workers Registration Ordinance would be regulated</p>	
003215 - 003527	Chairman Administration	<p>Enquiry on articulated vehicles</p> <p>The Administration's explanation and clarification that drivers of ordinary trucks used for transporting types of goods which might vary from day to day would not be regulated</p>	
003528 - 003740	Mr WONG Kwok-hing Administration	<p>View that photographs of vehicle body types would facilitate understanding of the Amendment Notice because jargons used in the relevant trades might be different from the descriptions used in the Amendment Notice</p> <p>The Administration's response that it</p>	

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		<p>would try to collect photographs as far as possible and the descriptions were standard descriptions adopted by the Transport Department and used in other legislation. Discussions had been held with the Transport Department and relevant trade unions on the descriptions</p> <p>Request for the Administration to provide photographs of all the vehicle body types covered by the Amendment Notice</p>	<p>The Administration to provide photographs</p>
003741 - 004335	Chairman Administration	<p>Enquiry on the trade "Structural Steel Welder"</p> <p>The Administration's response that the Amendment Notice specified the qualification for the trade in order to commence registration of this trade. The Administration had exercised flexibility in that an expired certificate would also be acceptable for registration taking into consideration that workers of this trade would not normally renew their certificates until they had been given an employment offer. The Administration further clarified that this trade was a specialized trade as compared with general welders, some 4 000 of whom had already registered under the trade "General Welder"</p>	
004336 - 004925	Mr WONG Kwok-hing Administration	<p>Enquiry on whether evidence provided by trade unions on working experience/competence of workers would be acceptable for the purpose of registration</p> <p>The Administration responded that although the legislation used skill level standards widely accepted by the construction industry in Hong Kong, workers holding other qualifications not specified in the Construction</p>	

Time marker	Speaker	Subject(s)	Action required
		<p>Workers Registration Ordinance could request the Registrar of the Construction Workers Registration Authority to refer their cases to the Construction Workers Qualifications Committee for consideration of their qualifications as equivalent qualifications on a case by case basis. For workers not holding the qualifications for registration but possessing the necessary experience in specific trades, they might apply for provisional registrations as skilled or semi-skilled workers for the trades. For the trade "Structural Steel Welder", the established practice in the industry was that employers would require these skilled workers to pass the specified welding tests before they were given an employment offer and therefore the competent workers should have a certificate, even if it had expired</p>	
004926 - 005137	Chairman	<p>Members would contact the relevant trade unions to see whether they would be interested in attending the next meeting of the Subcommittee to give views on the two Notices</p>	
005138 - 005330	<p>Clerk Chairman Mr WONG Kwok-hing Administration</p>	<p>Date of next meeting</p> <p>View that trade unions should be provided with photographs of all the vehicle body types covered by the Amendment Notice to facilitate discussion</p> <p>The Administration's response that it would prepare the photographs for the next meeting of the Subcommittee</p>	

Time marker	Speaker	Subject(s)	Action required
005331 - 005540	Mr TAM Yiu-chung Administration	<p>Enquiry on why the Department of Employment, Vocational Education, Training and Industrial Relations of Australia was removed as one of the certifying bodies for the trade "Diver"</p> <p>The Administration's explanation that the organization was removed from the legislation because it no longer existed after reorganization of the Australian Government. No registered divers had used qualifications granted by the organization for the purpose of registration</p>	
005541 - 005754	Chairman Clerk Mr WONG Kwok-hing	Clause-by-clause examination at the next meeting	
005755 - 005826	Clerk Chairman	<p>The need or otherwise for extending the scrutiny period would be decided at the next meeting</p> <p>The Subcommittee unanimously accepted Prof Patrick LAU's application for late membership</p>	