

LEGISLATIVE COUNCIL BRIEF

CONSTRUCTION WORKERS REGISTRATION ORDINANCE (CAP. 583)

Construction Workers Registration Ordinance (Amendment of Schedule 1) Notice 2007

INTRODUCTION

This brief explains the main provisions in the Construction Workers Registration Ordinance (Amendment of Schedule 1) Notice 2007 (the Notice). The Notice serves to make amendments to Schedule 1 - Designated Trades to the Construction Workers Registration Ordinance (Cap. 583) (CWRO) by amending the “Description of work” or “Other qualifications” for seven existing designated trades and adding a new designated trade. A copy of the Notice is attached at Annex A for Members’ information.

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BACKGROUND

2. The CWRO, enacted in July 2004, provides the legal framework for the implementation of a mandatory registration system for construction workers.

3. The Construction Workers Registration Authority (CWRA) established under the CWRO recommended making amendments to Part 1 of Schedule 1 to the CWRO to specify the qualification requirement for the trade “Structural Steel Welder” for commencing registration of this trade (a separate commencement notice has been issued for this purpose), to amend the “Description of work” or “Other qualifications” for six other trades for the purpose of updating or refining its content, and to add a new designated trade “Truck Driver (Articulated vehicles)”.

THE NOTICE

4. The Notice amends Part 1 of Schedule 1 to the CWRO with the main provisions and rationales summarized below —

- (a) Amend “Description of work” for the trades “Cable Jointer (Power)” and “Overhead Linesman”

The “Description of work” for these trades is amended to include an upper voltage limit of 11kV for the jointing of dead cables in the former trade and for handling the overhead line systems specified in the latter trade. This amendment is necessary as the skills and training required in carrying out such work above 11kV are beyond those required for a skilled worker. This amendment is also in line with the voltage limits set in the relevant apprenticeship training programmes, the completion certificates of which are the qualifications for registration of these trades.

- (b) Amend “Other qualifications” for the trade “Diver”

The “Other qualifications” for this trade is amended to specify that diving certificates issued by National Association of Underwater Instructors of the United States of America shall be at the class of Advanced SCUBA Diver or above. This amendment is necessary as local divers may be required to carry out diving work at greater depth.

The Department of Employment, Vocational Education, Training and Industrial Relations of Australia is removed from the “Other qualifications” of this trade as one of the certifying bodies. This amendment is necessary as the Department no longer exists after re-organization of the Australian Government.

- (c) Amend “Other qualifications” for the trade “Structural Steel Welder”

The “Other qualifications” is amended to specify a certificate of passing of a welder test which is in conformity with BS EN 287-1:1992 standard including its amendments issued by a welding inspection body accredited by the Hong Kong Accreditation Service under Hong Kong Laboratory Accreditation Scheme as the qualification requirement for this trade. This amendment is necessary as the registration of this trade has not commenced yet in the absence of a specified qualification.

In specifying this qualification, CWRA has deliberated on the situation that workers of this trade would not normally renew their certificates until they have been given an employment offer. It is considered that a worker who has been issued such a certificate should be competent to perform the requisite work and acceptable for registration even if his/her certificate may have expired at the time of application.

- (d) Amend “Description of work” for the trades “Truck Driver (Heavy goods vehicles)”, “Truck Driver (Medium goods vehicles)” and “Truck Driver (Special purpose vehicles)”

The “Description of work” for these trades is amended by making reference to specified types of vehicle body. This amendment is necessary as the existing “Description of work” for these trades may be interpreted to include truck drivers who are not directly involved in construction work on construction sites.

- (e) Add a new designated trade “Truck Driver (Articulated vehicles)”

A new designated trade for this type of truck driver is added as drivers of the specified types of vehicle body are usually involved in construction work carried out on construction sites.

LEGISLATIVE TIMETABLE

5. The Notice will be published in the Gazette on 5 January 2007 and tabled in the Legislative Council on 10 January 2007. The commencement date of the Notice is 28 February 2007.

IMPLICATIONS OF THE PROPOSAL

6. As the proposed amendments to Schedule 1 to the CWRO include the addition of a new designated trade “Truck Driver (Articulated vehicles)”, the truck drivers concerned are required to obtain registration. They will, however, only need to pay a small amount of registration fee at \$50 for 3 years. The proposal has no financial and civil service implications to the Government. The proposal is in conformity with the Basic Law, including the provisions of the human rights, and will not affect the binding effect of the CWRO.

PUBLIC CONSULTATION

7. The CWRA, comprising members from the key stakeholders of the construction industry, has considered and agreed to the Notice.

PUBLICITY

8. The CWRA will arrange to issue press release and letters to the trade unions and trade associations concerned when the Notice comes into operation.

ENQUIRIES

9. For enquiries, please contact Mr. Ambrose S Y CHEONG, Chief Assistant Secretary for the Environment, Transport and Works (Works) at 2848 2060.

Environment, Transport and Works Bureau

4 January 2007

**CONSTRUCTION WORKERS REGISTRATION
ORDINANCE (AMENDMENT OF
SCHEDULE 1) NOTICE 2007**

(Made by the Secretary for the Environment, Transport and Works under section 65 of the Construction Workers Registration Ordinance (Cap. 583))

1. Commencement

This Notice shall come into operation on 28 February 2007.

2. Designated trades

(1) Item 4 of Part 1 of Schedule 1 to the Construction Workers Registration Ordinance (Cap. 583) is amended in paragraph *(b)* of column 2 by repealing “all voltages” and substituting “voltages not exceeding 11 kV”.

(2) Item 10 of Part 1 of Schedule 1 is amended by repealing everything in column 4 and substituting –

“Any one of the following –

- (a) diving certificate for the class of Advanced SCUBA Diver or above issued by the National Association of Underwater Instructors of the United States of America;
- (b) diving certificate approved by the Health and Safety Executive of the United Kingdom; or
- (c) diving certificate issued by the Ministry of Communications of the People’s Republic of China”.

(3) Item 21 of Part 1 of Schedule 1 is amended in column 2 by repealing “all voltages” and substituting “voltages not exceeding 11 kV”.

(4) Item 51 of Part 1 of Schedule 1 is amended by repealing everything in column 4 and substituting –

“Certificate (whether subsisting or expired) of passing of a welder test which is in conformity with BS EN 287-1:1992 standard including its amendments issued by a welding inspection body

accredited by the Hong Kong Accreditation Service under Hong Kong Laboratory Accreditation Scheme”.

(5) Part 1 of Schedule 1 is amended by adding –

“52A.	Truck Driver (Articulated vehicles)	To drive, within, into or out of construction sites, articulated vehicles which – (a) are within the meaning of regulation 2 of the Road Traffic (Construction and Maintenance of Vehicles) Regulations (Cap. 374 sub. leg. A); and (b) belong to either one of the following types of body – (i) pressure tanker; (ii) tipper	Not applicable	Full driving licence within the meaning of the Road Traffic Licences) (Driving Regulations (Cap. 374 sub. leg. B) to drive an articulated vehicle”.
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(6) Item 53 of Part 1 of Schedule 1 is amended by repealing everything in column 2 and substituting –

“To drive, within, into or out of construction sites, heavy goods vehicles which –

(a) are within the meaning of section 2 of the Road Traffic Ordinance (Cap. 374); and

- (b) belong to one of the following types of body –
 - (i) skip carrier;
 - (ii) tanker;
 - (iii) pressure tanker;
 - (iv) lorry crane;
 - (v) gully emptier;
 - (vi) demountable;
 - (vii) tipper;
 - (viii) concrete mixer”.

(7) Item 54 of Part 1 of Schedule 1 is amended by repealing everything in column 2 and substituting –

“To drive, within, into or out of construction sites, medium goods vehicles which –

- (a) are within the meaning of section 2 of the Road Traffic Ordinance (Cap. 374); and
- (b) belong to one of the following types of body –
 - (i) skip carrier;
 - (ii) tanker;
 - (iii) pressure tanker;
 - (iv) lorry crane;
 - (v) gully emptier;
 - (vi) demountable;
 - (vii) tipper;
 - (viii) concrete mixer”.

(8) Item 55 of Part 1 of Schedule 1 is amended by repealing everything in column 2 and substituting –

“To drive, within, into or out of construction sites, special purpose vehicles which –

- (a) are within the meaning of section 2 of the Road Traffic Ordinance (Cap. 374); and

- (b) belong to one of the following types of body –
- (i) mobile crane;
 - (ii) aerial platform;
 - (iii) works tug;
 - (iv) mobile workshop;
 - (v) mobile concrete pump;
 - (vi) traffic warning sign”.

Secretary for the Environment,
Transport and Works

2006

Explanatory Note

This Notice amends Part 1 of Schedule 1 to the Construction Workers Registration Ordinance (Cap. 583) to –

- (a) amend the column concerning “Description of work” for “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);
- (b) amend the column concerning “Other qualifications” for “Diver” (item 10) and “Structural Steel Welder” (item 51);
and
- (c) add a new designated trade “Truck Driver (Articulated vehicles)”.