

Construction Workers Registration (Amendment) Bill 2014

《2014年建造業工人註冊(修訂)條例草案》

2014 年 5 月



香港特別行政區政府
發展局

Construction Workers Registration (Amendment) Bill 2014

《2014年建造業工人註冊(修訂)條例草案》

Part 1 第1部	Preliminary 導言
Part 2 第2部	Amendments to CWRO (Cap 583) 修訂《建造業工人註冊條例》(第583章)
Part 3 第3部	Amendments to Other Enactments 修訂其他成文法則

Purpose of construction workers registration system

建造業工人註冊制度的目的

1. Ensure quality of construction work
確保建造工程的施工質素
2. Raise status of construction workers
提高工人的職業地位
3. Foster a quality culture in construction industry
培養優質建造文化
4. Make available more reliable data for
manpower planning and training
取得更為可靠的人力數據以便進行人力策劃和培訓工作
5. Help combat hiring of illegal workers
有助打擊僱用非法勞工
6. Assist in resolving wage disputes
有助減少承建商和工人之間的工資爭議

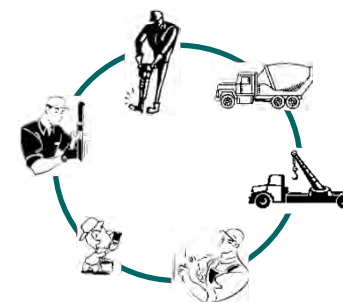
Basic principles

基本考慮

- Maintain livelihood
保飯碗



- Multi-skills development
多技能發展



- Priority in major construction work
先大後小



Type of registration

註冊類別

1. Registered Skilled Worker
註冊熟練技工

2. Registered Semi-skilled Worker
註冊半熟練技工

3. Registered General Worker
註冊普通工人

Possess trade test /
intermediate trade test
certificates or satisfy other
registration requirements
(e.g. registration under
other ordinances)

持有技能/中級工藝
測試證書 或 滿足其
他註冊要求(例如其
他條例的註冊)

Possess Green Card
持有平安咭


Issues of Concern 關注事項

- (1) Workers' difficulties in registration
工人註冊的困難
 - Single-skilled workers
單項技術工人
 - Small scale construction works
小規模建造工作
 - Exemption under other ordinances
在其他法例獲豁免
- (2) Limitation of working across skills
跨工種工作的限制
- (3) Registration arrangement for senior workers
資深工人的註冊安排
- (4) Impacts on the following works –
對以下工程的影響 –
 - Emergency construction works
緊急建造工作
 - Minor construction works
小型建造工程


e.g. 例如

Carpenter 木模板工

Erect formwork
釘板



Strike formwork
拆板



Proposal
建議

1) Trades under existing CWRO 《條例》現有的工種 → Proposed skill (Trade division) 擬議「技能」(工種分項)

e.g. Carpenter (Formwork – Building Construction) 木模板工(樓宇工程) →

- Carpenter (Formwork – Building Construction) 木模板工(樓宇工程)
- Carpenter (Formwork – Building Construction)(Striking) 木模板工(樓宇工程)(拆板)

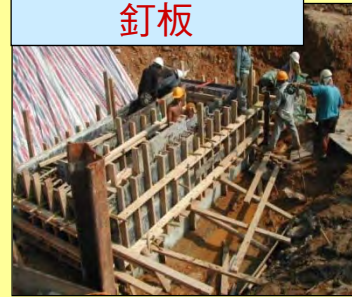
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Proposal
建議

1) Trades under existing CWRO
《條例》現有的工種 → Proposed skill (Trade division)
擬議「技能」(工種分項)

2) Create "master skills"
增設全科技能

Proposed new trade 擬議新工種	Proposed skill 擬議「技能」(工種分項)
Drain and Pipe Layer (地渠及喉管工)	Drain and Pipe Layer (Master) (地渠及喉管工(全科))
	Plumber (水喉工)
	Drainlayer (地渠工)
	Pipelayer (敷喉管工)

Issues of Concern

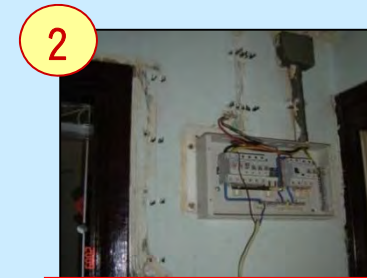
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E.g.
例如



Small scale
construction work
新建小型項目



Maintenance work
維修保養工作

Proposal
建議

Exemption of “small scale construction works”
豁免「小規模建造工作」

- (1) Designated small scale construction works
指定小規模建造工作
- (2) Exemption thresholds
指明豁免量
- (3) Construction value ≤ \$50,000
工程價值 ≤ \$50,000

Some trade divisions are not exempted due to safety concern or regulated under other legislations.

部分工種分項基於安全考慮、受其他法例規管等因素，不獲豁免。

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E.g
例如



Emergency construction works
緊急建造工作

Proposal

建議

Exemption of “emergency construction works”
豁免「緊急建造工作」

Remaining phase of Prohibition applies to emergency construction works only after **48 hours** upon contractor becomes aware of the incident
承建商知悉後**48小時**緊急建造工作才受「專工專責」條文規管

Some trade divisions are not exempted due to safety concern or regulated under other legislations.

部分工種分項基於安全考慮、受其他法例規管等因素，不獲豁免。

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小型建造工程

- (1) Exemption of “small scale construction works”
豁免「小規模建造工作」
- (2) Exemption of “emergency construction works”
豁免「緊急建造工作」
- (3) **Exemption of “exemption under other ordinances”**
豁免「在其他法例獲豁免」

Empower SDEV to make a **subsidiary legislation**
授權發展局局長制定附屬法例

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E.g.
例如



Marble(wet-fixing)
雲石(濕裝)



Laying tile
鋪瓷瓦

Proposal 建議

Allow to work across similar “skills”
容許進行 相類「技能」工作

Criteria 考慮因素

- Similar basic skills
相類基本技術
- Similar work process
相類工序
- No safety concern
沒有安全顧慮

Conditions 條件

- Only applicable to *Skilled worker*
只適用於「大工」
- *Not to give “instruction and supervision” to others*
不可“指示及督導”他人工作

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Proposal 建議

Senior workers registration arrangement 資深工人註冊安排

- (1) ≥ 10 years relevant experience
≥ 10年相關經驗
- (2) Before 29 Dec 2005
2005年12月29日前
 - ≥ 6 years relevant experience
≥ 6年相關經驗 ➡ Group 1 第1類
Direct apply
直接申請
 - < 6 years relevant experience
< 6年相關經驗 ➡ Group 2 第2類
Pass assessment
通過評核
- (3) Submit application within 18 months after commencement of amendment Bill
修訂條例生效18個月內提出申請
- (4) Implementation of remaining phase of Prohibition 2 years after commencement of amendment Bill
修訂條例生效2年後實施「專工專責」條文

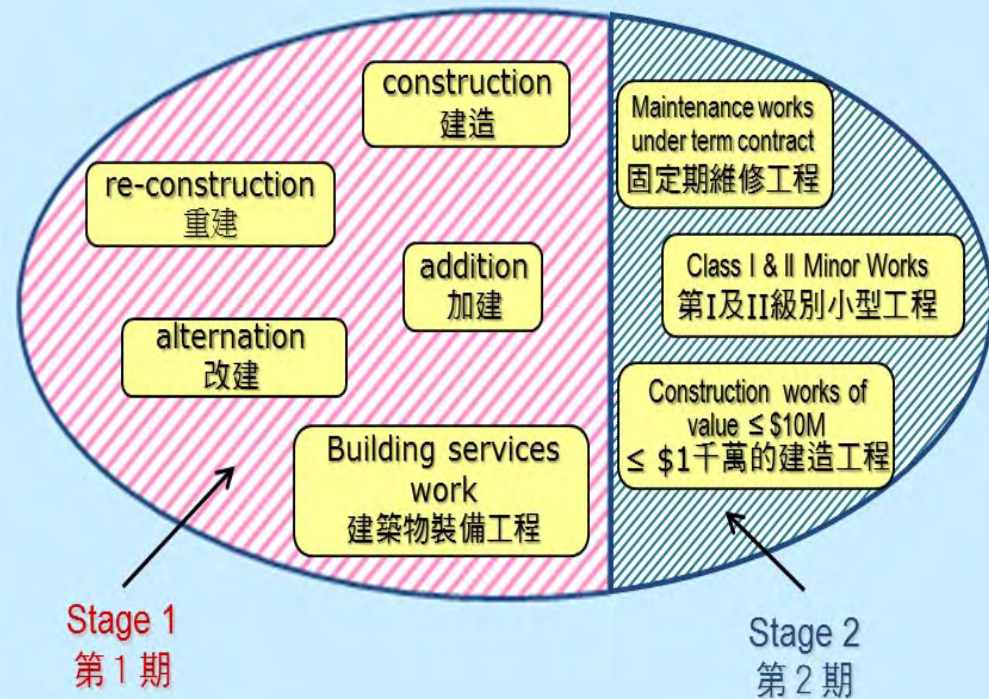
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Proposal 建議

Staging implementation of remaining phase of Prohibition
分期實施「專工專責」條文



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Proposal

建議

Staging implementation of remaining phase of Prohibition
分期實施「專工專責」條文

Stage 1 第 1 期

Implement **2 years** after commencement of the Amendment Bill to tally with the senior worker registration arrangement
配合擬議資深工人註冊安排，建議在《條例》修訂生效兩年後實施。

Stage 2 第 2 期

After implementation of Stage 1, closely monitor the adaptation of the industry in order to determine an appropriate time for implementation of Stage 2
在(第1期)實施後，將密切監察業界的適應情況，以為(第2期)設定一個合適的實施時間。

Other amendments

其他修訂

- Extend validity period of registration from 3 years to 5 years
工人註冊有效期由3年延長至5年
- The registration card can be recognized as a valid proof of possession of other construction-related cards
工人註冊證可用以證明已持有其他與建造業相關的證件

Other amendments 其他修訂

- To impose obligations on both principal contractor and subcontractor to implement reasonable measures to show the “instruction and supervision” and exemption arrangements and to inform workers.
總承建商及工人的僱主均須採取合理的措施，確保工人清楚了解「指示及督導」和豁免安排
- To empower CIC to issue code of practice to provide guidance on reasonable measures
由議會制定「實務守則」建議可行的合理措施

Other amendments

其他修訂

- To introduce a defence for workers
為工人引入抗辯條文

- To enhance evidence collection

*person found on site => person concerned in the construction work
(either on or off site)*

加強搜證

工地發現的人 => 參與該建造工作的人士(不論身在工地內或工地外)

- Exclude Class III Minor Work and Designated Exempted Works under B(MW)R

剔除《建築物(小型工程)規例》的第III級別小型工程 和指定豁免工程

Other amendments 其他修訂

- To require contractors to submit accurate workers' daily attendance records
要求承建商提交準確的工人每日出勤記錄
- To make it clear that CIC can make use of the levies at its discretion
建造業議會可自主運用徵款

Thank you!
謝謝！