

**立法會**  
**Legislative Council**

LC Paper No. CB(1)164/14-15  
(These minutes have been seen  
by the Administration)

Ref : CB1/BC/7/13/2

**Bills Committee on  
Construction Workers Registration (Amendment) Bill 2014**

**Minutes of the third meeting held on  
Monday, 20 October 2014, at 4:30 pm  
in Conference Room 2B of the Legislative Council Complex**

**Members present** : Ir Dr Hon LO Wai-kwok, BBS, MH, JP (Chairman)  
Hon Abraham SHEK Lai-him, GBS, JP  
Hon Cyd HO Sau-lan, JP  
Hon IP Kwok-him, GBS, JP  
Hon Alan LEONG Kah-kit, SC  
Hon LEUNG Kwok-hung  
Hon KWOK Wai-keung  
Hon SIN Chung-kai, SBS, JP  
Hon POON Siu-ping, BBS, MH  
Hon CHUNG Kwok-pan  
Hon Tony TSE Wai-chuen, BBS

**Members absent** : Hon LEE Cheuk-yan  
Hon CHAN Hak-kan, JP  
Hon CHAN Yuen-han, SBS, JP  
Hon TANG Ka-piu, JP

**Public Officers attending** : **Agenda item II**  
Mr CHAN Chi-ming, JP  
Deputy Secretary for Development (Works)2

Mr Dominic CHOW Wing-hang  
Principal Assistant Secretary (Works)1  
Development Bureau

Mr Ricky LAU Chun-kit  
Chief Assistant Secretary (Works)6  
Development Bureau

Mr George LAW Tak-chi  
Assistant Secretary (Works Policies)8  
Development Bureau

Mr Sunny CHAN Yuen-sun  
Senior Assistant Law Draftsman  
Department of Justice

Miss Queenie WU Chung-yi  
Government Counsel  
Department of Justice

**Clerk in attendance** : Ms Sharon CHUNG  
Chief Council Secretary (1)6

**Staff in attendance** : Ms Clara TAM  
Assistant Legal Adviser 9

Raymond CHOW  
Council Secretary (1)6

Ms Christina CHIU  
Legislative Assistant (1)6

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Action

**I Confirmation of minutes**

- |                               |   |
|-------------------------------|---|
| (LC Paper No. CB(1)1807/13-14 | -- Minutes of the first meeting on 20 May 2014    |
| LC Paper No. CB(1)1974/13-14  | -- Minutes of the second meeting on 27 June 2014) |

The minutes of the first meeting held on 20 May 2014 and the second meeting on 27 June 2014 were confirmed.

## II Meeting with the Administration

### Matters arising from the meeting on 27 June 2014

(LC Paper No. CB(1)2036/13-14(01) -- Administration's response to views submitted by deputations on the Bill)

### Clause-by-clause examination of the Bill

(LC Paper No. CB(3)562/13-14 -- The Bill  
 LC Paper No. CB(1)1446/13-14(01) -- Marked-up copy of the Bill prepared by the Legal Service Division)

### Draft Committee stage amendments

(LC Paper No. CB(1)2036/13-14(02) -- Draft Committee stage amendments proposed by the Administration  
 LC Paper No. CB(1)45/14-15(01) -- Marked-up copy of the Administration's proposed draft Committee stage amendments prepared by the Legal Service Division)

### Other relevant papers

(File Ref.: DEVB(CR)(W)1-10/31 -- Legislative Council Brief  
 LC Paper No. LS46/13-14 -- Legal Service Division Report  
 LC Paper No. CB(1)1446/13-14(02) -- Paper on Construction Workers Registration (Amendment) Bill 2014 prepared by the Legislative Council Secretariat (Background brief))

2. The Bills Committee deliberated and examined the Bill clause by clause (index of proceedings attached in the **Appendix**).

### Follow-up actions to be taken by the Administration

3. In connection with Clause 14 and Clause 50 of the Bill, the Administration was requested to provide the following information regarding the Construction Industry Council ("CIC") --

- (a) the operational arrangement of CIC on collection of the registration fees under the construction workers registration system and the use of such fees;
- (b) the criteria taken into account by CIC when determining the level of the registration fees;
- (c) the current constraints faced by CIC in relation to the use of the registration fees collected and the benefits brought to CIC after the proposed new Section 28A (Clause 14) was added to the Construction Workers Registration Ordinance (Cap. 583);
- (d) the major sources of CIC's income and if there would be a change in these sources;
- (e) the expenditure breakdown of CIC; and
- (f) the measures put in place by CIC to ensure its effective use of the registration fees, in particular the use of such fees for training construction workers.

*(Post-meeting note: The Administration's supplementary information was circulated to members vide LC Paper No. CB(1)160/14-15(02) on 31 October 2014.)*

Date for next meeting

4. The Chairman advised that the next meeting would be held at 9:00 am on 5 November 2014. Members also noted that an additional meeting would be held at 10:45 am on 14 November 2014, if necessary.

**III Any other business**

5. There being no other business, the meeting ended at 6:32 pm.

Council Business Division 1  
Legislative Council Secretariat  
3 November 2014

**Proceedings of the third meeting of the  
Bills Committee on  
Construction Workers Registration (Amendment) Bill 2014  
on Monday, 20 October 2014, at 4:30 pm  
in Conference Room 2B of the Legislative Council Complex**

Time marker	Speaker	Subject(s)	Action required
<b>Agenda Item I -- Confirmation of minutes</b>			
000138 – 000357	Chairman	Confirmation of minutes of meetings on 20 May 2014 [LC Paper No. CB(1)1807/13-14] and 27 June 2014 [LC Paper No. CB(1)1974/13-14]	
<b>Agenda Item II -- Meeting with the Administration</b>			
000358 – 000712	Chairman Administration	Opening remarks by the Chairman  The Administration's briefing on its response to the views submitted by deputations on the Bill [LC Paper No. CB(1)2036/13-14(01)]	
<u>Clause-by-clause examination of the Bill</u>			
000713 – 001048	Administration	<u>Clause 17 -- Section 40 amended (qualifications for registration)</u>  The Administration's briefing on the above clause	
001049 – 003530	Mr KWOK Wai-keung Mr SIN Chung-kai Mr Tony TSE Ms Cyd HO Mr Alan LEONG Administration	<u>Clause 18 -- Section 40A added</u>  In response to Mr KWOK Wai-keung's enquiry on the assessment under the senior workers registration arrangement, the Administration advised that senior workers were allowed to choose either written or oral test. Those workers who failed the assessment could retake it before the senior workers registration arrangement expired, i.e. at a target of 24 months after commencement of the Bill.  Regarding Mr SIN Chung-kai's enquiry about the prescribed fee for the assessment of senior workers referred to in the new Section 40A(8), the Administration advised that the relevant subsidiary legislation -- the Construction Workers Registration (Fees) Regulation (Cap. 583 sub. leg. B) -- would be amended to provide for the prescribed fee of the assessment, and the amendment would be subject to negative vetting of the Legislative Council ("LegCo").  As regards Mr Tony TSE's enquiry about the senior workers registration arrangement, the	

Time marker	Speaker	Subject(s)	Action required
		<p>Administration confirmed that CIC had collaborated with labour unions and trade associations to set out procedures for verifying the working experience of senior workers of various "trade divisions".</p> <p>Mr SIN Chung-kai and Ms Cyd HO asked whether it would be difficult for construction workers to be registered in a specific "trade division" through the senior workers registration arrangement if they had been engaged in construction works involving different skills over the years. The Administration replied that the "trade divisions" in the new Schedule 1 under the Bill had been worked out in full consultation with the construction industry to reflect the industry practice.</p> <p>Mr SIN Chung-kai enquired about the timetable for implementing the senior workers registration arrangement. In response, the Administration said that --</p> <p>(a) The Bill specified that construction workers would be required to submit applications within 18 months after the commencement of Clause 18 of the Bill, allowing another six months for CIC to complete the registration process before implementation of the remaining phase of Prohibition scheduled for two years after commencement of the Bill.</p> <p>(b) Nevertheless, the new Section 40A(5) provided for an extension of the application period beyond 18 months if necessary, and the extension notice published under the new Section 40A(5) would be subject to negative vetting of LegCo.</p> <p>(c) Further, under the new Section 40A(6), the extension notice under the new Section 40A(5) should only be published before the expiry of the period which the notice sought to extend.</p> <p>Noting that both Sections 40A(5) and 40A(7) had the effect of allowing the making of an application beyond the 18-month period, Mr Alan LEONG asked the Administration to clarify the difference between the two subsections.</p>	

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		<p>The Administration advised that Section 40A(5) intended to cater for unforeseen situations that might affect the whole construction industry, while Section 40A(7) empowered the Registrar to process late applications from individual construction workers with fair and reasonable reasons.</p>	
003531 – 003614	Administration	<p><u>Clause 19 -- Section 41 amended (training course for registered skilled worker (provisional))</u></p> <p>The Administration's briefing on the above clause</p>	
003615 – 004238	Assistant Legal Adviser 9 ("ALA9") Mr Alan LEONG Administration	<p><u>Clause 20 -- Section 42 amended (special provision on registration for certain trades)</u></p> <p>In response to ALA9's suggestion of replacing the word "shall" with "must" in the whole Section 42, the Administration explained that it had adopted a minimalist approach in the legislative amendment exercise to keep the number of amendments not relating to the main objectives of the Bill to the minimum, given that the proposed restructuring of the existing Schedule 1 to the principal ordinance would require amendments to a substantial number of provisions of the ordinance.</p> <p>Responding to Mr Alan LEONG's enquiry, the Administration expressed the view that the co-existence of both "must" and "shall" in the provisions concerned would not lead to problems in interpretation.</p>	
004239 – 005417	Administration	<p><u>Clause 21 -- Section 44 amended (expiry and renewal of registration)</u></p> <p><u>Clause 22 -- Section 45 amended (expiry of registration as registered skilled worker (provisional), etc.)</u></p> <p><u>Clause 23 -- Section 45A amended (application to extend registration as registered skilled worker (provisional), etc.)</u></p> <p><u>Clause 24 -- Section 46 amended (issue of registration card)</u></p> <p><u>Clause 25 -- Section 46A amended (additional information in registration card)</u></p>	

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		<p><u>Clause 26 -- Section 48 amended (registered construction worker to carry registration card)</u></p> <p><u>Clause 27 -- Section 49 amended (cancellation of registration)</u></p> <p><u>Clause 28 -- Section 50A added</u></p> <p><u>Clause 29 -- Section 51 amended (review of decisions)</u></p> <p><u>Clause 30 -- Section 52 amended (notice of appeal)</u></p> <p><u>Clause 31 -- Section 58 amended (principal contractors and controllers to retrieve and record data of registered construction workers on construction site)</u></p> <p><u>Clause 32 -- Section 59 amended (offences of making false or misleading statements, of failure to attend as witness and of obstructing authorized officers, etc.)</u></p> <p>The Administration's briefing on the above clauses</p>	
005418 – 010444	Ms Cyd HO ALA9 Administration	<p><u>Clause 33 -- Section 63A, 63B and 63C added</u></p> <p>In response to Ms Cyd HO's enquiry about the scope of construction works to be exempted from the Bill, the Administration advised that the scope of construction works to be exempted would be specified under the Exemption Regulation, which would be drafted after commencement of the Bill. The regulation would be subject to negative vetting of LegCo.</p> <p>ALA9 enquired if the Administration should exempt a person or a class of persons from the Bill by a notice or an order, instead of by a regulation. The Administration explained that, to simplify the regulatory framework, the exemption details of the specific persons/class of persons and the relevant construction works would be specified under the same Exemption Regulation.</p>	

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010445 – 010504	Administration	<p><u>Clause 34 -- Section 65 amended (amendment of Schedules)</u></p> <p>The Administration's briefing on the above clause</p>	
010505 – 011924	<p>Chairman Mr SIN Chung-kai ALA9 Mr IP Kwok-him Ms Cyd HO Administration</p>	<p><u>Clause 35 -- Schedule 1 substituted</u></p> <p>Mr SIN Chung-kai asked whether the deputations had expressed views on the designated "trade divisions" under the new Schedule 1.</p> <p>ALA9 drew members' attention that the Administration had set out each of the designated "trades" under the existing Schedule 1 with its equivalent designated "trade divisions" under the new Schedule 1, as well as the change in the respective requisite certificate, qualification or requirement (if any), in its response [LC Paper No. CB(1)1684/13-14(03)] to her letter dated 12 June 2014.</p> <p>The Administration's briefing on a comparison between the existing and new Schedule 1.</p> <p>Further enquiries and discussion by Mr IP Kwok-him and Mr SIN Chung-kai on whether the deputations had any views on the designated "trade divisions" under the new Schedule 1.</p> <p>The Chairman said that the deputations attending the meeting of 27 June 2014 and the submissions received made no objection to the proposed "trade divisions". Regarding the suggestion to add a separate "trade division" for drivers of dump trucks, he considered that the list of designated "trade divisions" under the new Schedule 1 could be reviewed by negative vetting as and when necessary after enactment of the Bill.</p> <p>Ms Cyd HO suggested that the Administration should conduct a review on the demarcation and designation of the "trade divisions" in the new Schedule 1 about 2 to 3 years after it was in operation.</p> <p>The Administration advised that the Construction Workers Registration Board ("CWRB") under CIC had established a mechanism for adding or changing "trade divisions" in the new Schedule 1,</p>	

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		including the scrutiny of the skill descriptions and registration qualifications of any proposed "trade divisions", in consultation with the industry stakeholders.	
011925 – 013030	Chairman Administration	<p><u>Clause 36 -- Schedule 1A added</u></p> <p><u>Clause 37 -- Schedule 5 added</u></p> <p><u>Clause 38 -- Schedule 6 added</u></p> <p>The Administration's briefing on the above clauses</p> <p>In response to the Chairman's enquiry, the Administration confirmed that the renaming of "Diver" to "Diver (Construction Work)" under Clause 38 was to better reflect its work nature.</p>	
013031 – 013534	Administration	<p><u>Clause 39 -- Regulation 10 substituted</u></p> <p><u>Clause 40 -- Regulation 35 amended (offences)</u></p> <p><u>Clause 41 -- Section 6BA amended (proprietor of relevant industrial undertaking not to employ, etc. relevant person who does not have relevant certificate)</u></p> <p><u>Clause 42 -- Section 2 amended (interpretation)</u></p> <p><u>Clause 43 -- Section 11 amended (determination of application made under section 10(1)(a))</u></p> <p><u>Clause 44 -- Section 22 amended (determination of application made under section 21(1))</u></p> <p><u>Clause 45 -- Section 50 amended (operators of cranes and other lifting appliances, etc.)</u></p> <p><u>Clause 46 -- Section 53 amended (persons carrying out cargo handling are to hold certificates)</u></p> <p><u>Clause 47 -- Section 30 amended (electrical worker registration)</u></p> <p><u>Clause 48 -- Section 51 amended (operators of cranes and other lifting appliances, etc.)</u></p> <p><u>Clause 49 -- Section 54 amended (persons</u></p>	

Time marker	Speaker	Subject(s)	Action required
		<p><u>carrying out cargo handling are to hold certificates)</u></p> <p>The Administration's briefing on the above clauses, which were proposed consequential amendments to other construction-related ordinances</p>	
013535 – 020127	<p>Chairman Mr SIN Chung-kai Mr KWOK Wai-keung Administration</p>	<p><u>Clause 50 -- Section 21 amended (funds and property of Council)</u></p> <p>In response to the Chairman's enquiry, the Administration explained that the proposed amendment made by Clause 50 was to expressly state that CIC could make use of the moneys received (including registration fees collected under the construction workers registration system) at its discretion, so as to avoid any doubt on the use of CIC's income. The Administration further advised that this amendment was to make Section 21 of the Construction Industry Council Ordinance (Cap. 587) in line with Clause 14 of the Bill, which added the new Section 28A to the Construction Workers Registration Ordinance (Cap. 583).</p> <p>Mr SIN Chung-kai considered it undesirable to pool the registration fees collected together with CIC's income. He held the view that CIC could use the moneys collected from sources other than the registration fees to subsidize the operation of the registration system. Nevertheless, registration fees collected by CIC should be exclusively used for the registration purpose to safeguard the interests of construction workers. Mr SIN enquired about the current constraints faced by CIC in relation to the use of the registration fees and the benefits brought to CIC if the new Section 28A was added.</p> <p>The Administration replied that the "dedicated-fund-for-dedicated-use" approach was inflexible, complicated in operation and would render CIC under pressure to increase the registration fees if such fees were unable to cover the operating expenses of workers registration. According to the Administration, CIC had undertaken measures to ensure an effective allocation of funds. Under the current practice of CIC, a certain amount of funds was designated</p>	<p>The Administration to take follow-up actions as per paragraph 3(c) of the minutes</p>

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		<p>for CWRB's work subject to the approval of its members (comprising representatives of the relevant labour unions and trade associations, etc.). The registration fees would also be subject to review to maintain at an appropriate level.</p> <p>Mr KWOK Wai-keung requested the following information --</p> <p>(a) the major sources of CIC's income and if there would be a change in these sources;</p> <p>(b) the expenditure breakdown of CIC; and</p> <p>(c) the measures put in place by CIC to ensure its effective use of the registration fees, in particular the use of such fees for training construction workers.</p> <p>In concluding the discussion, the Chairman urged the Administration to provide the following information to facilitate members' understanding on the construction workers registration system --</p> <p>(a) the operational arrangement of CIC on collection of the registration fees and the use of such fees; and</p> <p>(b) the criteria taken into account by CIC when determining the level of the registration fees.</p>	<p>The Administration to take follow-up actions as per paragraphs 3(d) -- 3(f) of the minutes</p> <p>The Administration to take follow-up actions as per paragraphs 3(a) and 3(b) of the minutes</p>
020128 – 020230	Chairman	Date for next meeting	