

香港特別行政區政府

The Government of the Hong Kong Special Administrative Region

政府總部
發展局
工務科
香港添馬添美道二號
政府總部西翼 15 樓



Works Branch
Development Bureau
Government Secretariat
15/F, West Wing, Central Government Offices,
2 Tim Mei Avenue, Tamar, Hong Kong

本署檔號 Our reference : DEVB(CR)(W) 1-10/31 Pt.15
來函檔號 Your reference :
電話號碼 Tel No.: : 3509 8275
傳真號碼 Fax No.: : 2810 8502

By Fax: 2869 6794

25 September 2014

Ms Sharon CHUNG
Clerk to Bills Committee
Legislative Council Secretariat
Legislative Council Complex
1 Legislative Council Road
Central
Hong Kong

Dear Ms CHUNG,

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


Administration's Response to issues raised by Deputations

In response to issues raised by deputations at the second meeting of the Bills Committee on Construction Workers Registration (Amendment) Bill 2014 held on 27 June 2014, we provide the Administration's response in the Appendices listed below –

— Appendix I – List of organizations which have presented their views; and

— Appendix II – Administration's response to the issues raised by deputations.

Yours sincerely,


(Dominic CHOW)

for Secretary for Development

Appendix I

Construction Workers Registration (Amendment) Bill 2014 List of Deputations for Bills Committee Meeting on 27 June 2014

No.	Organization	Title in Appendix II	Written submission (LC Paper No.)
1	Hong Kong Construction Industry Employees General Union	HKCIEGU	CB(1)1583/13-14(01)
2	Hong Kong Construction Sub-contractors Association Ltd.	HKCSA	-
3	Hong Kong Construction Association Ltd.	HKCA	CB(1)1684/13-14(01)
4	Construction Site Workers General Union	CSWGU	CB(1)1583/13-14(03)
5	The Federation of Hong Kong Electrical and Mechanical Industries Trade Union	FHKEMITU	CB(1)1715/13-14(02)
6	Contractor's Authorised Signatory Association Ltd.	CASA	-
7	Labour Party	Labour Party	-
8	Construction Industry Council	CIC	CB(1)1684/13-14(02)
9	The Real Estate Developers Association of Hong Kong *	REDA	CB(1)1583/13-14(02)
10	Mr YEUNG Wai-sing, Eastern District Council member *	Mr YEUNG Wai-sing, Eastern District Council member	CB(1)1622/13-14(01)

* The relevant organizations have provided written submissions but not attended the above deputation session.

**Construction Workers Registration (Amendment) Bill 2014
Views of Deputations and Response of the Administration**

No.	Organisation	Summary of views	Administration's Response
1	HKCIEGU	<p>(a) The Construction Workers Registration (Amendment) Bill 2014 (the Bill) fully reflected the consensus of the industry.</p> <p>(b) The senior workers registration arrangement could allow a smooth transition of the industry, such that the implementation of the legislation could be in line with the industry's actual situation.</p> <p>(c) To register the trades by the respective skill sets will provide favourable conditions and legal basis for enhancing the skill level of the industry.</p> <p>(d) The Construction Workers Registration Ordinance (CWRO) should be implemented in a pragmatic manner according to legislative intent.</p>	<p>(a) to (c) Views noted.</p> <p>(d) CIC has set up a number of task forces (with members from relevant labour unions and trade associations) to study and deliberate on the preparation works in detail, with a view to meeting the needs of the industry.</p>

No.	Organisation	Summary of views	Administration's Response
2	HKCSA	Content with the Bill. Considered that the Bill has struck a balance in meeting the demands of various stakeholders in the industry and was in line with the industry's practice.	Views noted.
3	HKCA	<p>(a) Welcomed the Bill.</p> <p>(b) Resources should be allocated for publicity to help workers understand the details of CWRO and the registration procedures.</p> <p>(c) Some flexibility should be allowed in handling the registration of senior workers so as to provide adequate time for their registration.</p>	<p>(a) Views noted.</p> <p>(b) CIC has set up a task force to formulate publicity measures to publicize to relevant stakeholders (including construction workers) the implementation of the remaining phase of Prohibition.</p> <p>(c) Having consulted the industry, we set a deadline for applying the senior workers registration within 18 months following the commencement of the Bill, and allow another 6 months thereafter for CIC to complete all the registrations prior to formal implementation of the remaining phase of Prohibition. Besides, CIC would accept a late application insofar as the applicant can provide reasons which are fair and</p>

No.	Organisation	Summary of views	Administration's Response
		(d) The figures relating to registered workers should be analysed properly and disseminated to the industry and the public in a timely and accurate manner.	reasonable. (d) The Bill requires principal contractors to submit accurate workers' daily attendance records to facilitate effective manpower planning and training. Besides, CIC has formed a task force for analyzing the data of registered workers collected under CWRO for better understanding of the work patterns of registered construction workers. CIC will upload the relevant information onto its website on a regular basis for reference by the industry and the public.
4	CSWGU	(a) Agreed in principle with the Bill. (b) Registered semi-skilled workers should not be allowed to give "instruction and supervision" to other workers who are not registered under the relevant trade to carry out the trade works.	(a) Views noted. (b) Under the existing CWRO, registered semi-skilled workers are allowed to give "instruction and supervision" to other workers who are not registered under the relevant trade to carry out the trade works. Having conducted consultations, the stakeholders generally considered that there was no need to change the current

No.	Organisation	Summary of views	Administration's Response
		<p>(c) A ratio of trade-registered workers to non-trade-registered workers should be established for the “instruction and supervision” arrangement, and non-trade-registered worker should carry out trade works within the sight of the trade-registered worker.</p> <p>(d) The verification of experience of senior workers should be stringent.</p>	<p>arrangement.</p> <p>(c) CIC has discussed with the relevant trades in the industry on whether a ratio of trade-registered workers and non-trade-registered workers should be established for the “instruction and supervision” arrangement. The relevant trades were of the view that such a ratio should not be established as individual trades would have their own construction practices and operation modes at different construction sites under different projects. Nevertheless, CIC would issue guidelines on the “instruction and supervision” arrangement for reference and compliance by the industry.</p> <p>(d) The relevant task force under CIC is now deliberating in detail the experience verification and assessment of senior workers, and has come close to reaching a consensus on the matter.</p>

No.	Organisation	Summary of views	Administration's Response
		<p>(e) New trade divisions should be set up for operation of the associated mechanical equipment on various construction vehicles.</p>	<p>(e) According to the existing Schedule 1 of CWRO, truck drivers of specified body types¹ who carry out construction work at construction sites are required to register as “Truck Driver (Heavy goods vehicles)”, “Truck Driver (Medium goods vehicles)”, “Truck Driver (Special purpose vehicles)” or “Truck Driver (Articulated vehicles)”, the registration qualifications being the possession of relevant driving licenses.</p> <p>At present, CIC has set up a mechanism for adding new trades (or trade divisions after the Bill is enacted) under Schedule 1 for workers to register. The industry may raise a request to CIC for adding new trades (or trade divisions) when there is such a need.</p> <p>As regards the operation of associated mechanical equipment on construction vehicles, upon discussion, CIC initially considered that new trade divisions for</p>

¹ Please refer to the description of work of “Truck Driver (Heavy goods vehicles), “Truck Driver (Medium goods vehicles)”, “Truck Driver (Special purpose vehicles)” or “Truck Driver (Articulated vehicles)” in Schedule 1 of CWRO for the specified body types.

No.	Organisation	Summary of views	Administration's Response
		(f) Worker's wage should be pegged with one's qualifications.	<p>operating the associated mechanical equipment of "concrete mixer" and "mobile concrete pump" might be considered, and would consult the stakeholders and study the relevant trade testing arrangements in accordance with prevailing mechanism.</p> <p>(f) Worker's wage is market-driven. The Bill does not deal with this matter.</p>
5	FHKEMITU	<p>(a) Supported the Bill.</p> <p>(b) The Bill reflected the consensus reached among labour unions, trade associations and professional bodies after extensive deliberations and consultations.</p> <p>(c) The proposed senior workers registration arrangement has taken into account views and suggestions of the labour unions and industry stakeholders.</p> <p>(d) Publicity should be enhanced to enable construction workers to better understand</p>	<p>(a) to (c) Views noted.</p> <p>(d) CIC has set up a task force to formulate publicity measures for introducing the</p>

No.	Organisation	Summary of views	Administration's Response
		the registration arrangement and regulation under CWRO.	implementation of the remaining phase of Prohibition to the relevant stakeholders (including construction workers).
6	CASA	<p>(a) Supported the Bill.</p> <p>(b) To facilitate adaption by stakeholders (particularly the small and medium-sized contractors), the Administration has considered CASA's suggestion and made clear in the Bill that works under a construction contract with a total value of all construction operations not exceeding \$10 million would be regulated at a later stage.</p>	(a) and (b) Views noted.
7	Labour Party	(a) Registered semi-skilled workers should not be allowed to give "instruction and supervision" to other workers who are not registered under the relevant trade to carry out the trade works.	(a) Under the existing CWRO, registered semi-skilled workers are allowed to give "instruction and supervision" to other workers who are not registered under the relevant trade to carry out the trade works. Having conducted consultations, the stakeholders generally considered that there was no need to change the current

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		<p>(b) A ratio of trade-registered workers to non-trade-registered workers should be set for the “instruction and supervision” arrangement, and non-trade-registered worker should carry out trade works within the sight of the trade-registered worker.</p> <p>(c) The verification of experience of senior workers should be stringent.</p>	<p>arrangement.</p> <p>(b) CIC has discussed with the relevant trades in the industry on whether a ratio of trade-registered workers and non-trade-registered workers should be established for the “instruction and supervision” arrangement. The relevant trades were of the view that such a ratio should not be established as individual trades would have their own construction practices and operation modes at different construction sites under different projects. Nevertheless, CIC would issue guidelines on the “instruction and supervision” arrangement for reference and compliance by the industry.</p> <p>(c) The relevant task force under CIC is now deliberating in detail the experience verification and assessment of senior workers, and has come close to reaching a consensus on the matter.</p>

No.	Organisation	Summary of views	Administration's Response
		<p>(d) New trade divisions should be set up for operation of the associated mechanical equipment on various construction vehicles.</p>	<p>(d) According to the existing Schedule 1 of CWRO, truck drivers of specified body types² who carry out construction work at construction sites are required to register as “Truck Driver (Heavy goods vehicles)”, “Truck Driver (Medium goods vehicles)”, “Truck Driver (Special purpose vehicles)” or “Truck Driver (Articulated vehicles)”, the registration qualifications being the possession of relevant driving licenses.</p> <p>At present, CIC has set up a mechanism for adding new trades (or trade divisions after the Bill is enacted) under Schedule 1 for workers to register. The industry may raise a request to CIC for adding new trades (or trade divisions) when there is such a need.</p> <p>As regards the operation of associated mechanical equipment on construction vehicles, upon discussion, CIC initially</p>

² Please refer to the description of work of “Truck Driver (Heavy goods vehicles), “Truck Driver (Medium goods vehicles)”, “Truck Driver (Special purpose vehicles)” or “Truck Driver (Articulated vehicles)” in Schedule 1 of CWRO for the specified body types.

No.	Organisation	Summary of views	Administration's Response
		(e) Worker's wage should be pegged with one's qualifications.	<p>considered that new trade divisions for operating the associated mechanical equipment of "concrete mixer" and "mobile concrete pump" might be considered, and would consult the stakeholders and study the relevant trade testing arrangements in accordance with prevailing mechanism.</p> <p>(e) Worker's wage is market-driven. The Bill does not deal with this matter.</p>
8	CIC	<p>(a) The industry generally supported the Bill.</p> <p>(b) CIC has set up a number of task forces to deliberate and study in detail the preparation works for implementing the remaining phase of Prohibition under CWRO, with a view to meeting the needs of the industry and helping stakeholders to understand the requirements of CWRO, thus facilitating compliance of the industry and enforcement by CIC.</p>	(a) and (b) Views noted.

No.	Organisation	Summary of views	Administration's Response
9	REDA	<p>(a) Welcomed the Bill.</p> <p>(b) Should ensure that labour mobility would not be hampered by the Bill.</p>	<p>(a) Views noted.</p> <p>(b) The industry practice has been thoroughly considered when formulating the Bill, including –</p> <ul style="list-style-type: none"> • changing the basis of registration from “trade” to “trade division” to facilitate workers to register in accordance with their respective modular skills; and creating trade division (master) to encourage workers to become multi-skilled so as to enhance their competitiveness and employability; and nurturing a multi-skilled construction labour force in the long run; • allowing registered skilled workers of selected trade divisions to independently carry out works of other similar trade divisions to enhance labour mobility and overall productivity of the industry; • exempting emergency construction works and small-scale construction works from the remaining phase of Prohibition. This would allow

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			<p>contractors to deal with emergency works as soon as possible and to allow sufficient time to arrange relevant workers with relevant skill to conduct emergency works, and allow contractors to adopt the current construction practice of allowing the deployment of general workers to undertake various trade works under small-scale construction works.</p> <p>As such, the remaining phase of Prohibition should not hamper labour mobility</p>
10	Mr YEUNG Wai-sing, Eastern District Council member	Supported the Bill.	Views noted.