

**Construction Workers Registration (Amendment) Bill 2014**  
**Draft CSAs to Clauses 5(1), 7, 33 and 37**  
**to be proposed by the Administration**

This paper sets out the Administration's proposed draft Committee Stage Amendments (CSAs) to the Construction Workers Registration (Amendment) Bill 2014 (*the Bill*). The amendments proposed are at Annex.

**Amendments to Clauses 5(1) and 7 of the Bill**

2. These are technical amendments to refine the drafting of the Chinese text, without changing the original intent of the provisions (i.e. there are no changes to the English text).

**Amendments to Clause 33 of the Bill**

3. There are two amendments to Clause 33 of the Bill –
- (1) A technical amendment to add the word “的” before “價值” in the Chinese text of the proposed section 63A(2)(b) of the Construction Workers Registration Ordinance (*CWRO*) (i.e. there are no changes to the English text).
  - (2) Under the exemption regulation to be made under the proposed section 63A (*Exemption Regulation*), we will stipulate the obligations to be discharged by persons concerned in exempted construction works (e.g. it is required to display at the construction site to indicate that the concerned construction work has been exempted and the type of exemption involved). According to the proposed section 63A(4)(c), the Exemption Regulation may contain any incidental, supplementary, consequential, transitional or saving provisions that are necessary or expedient. Nonetheless, to avoid any doubt, we propose to add provisions to make it clear that under the Exemption Regulation, obligations may be imposed on persons concerned in the construction works exempted and a maximum fine at level 3 (i.e. \$10,000) may be prescribed if those persons fail to discharge the obligations.

### **Amendments to Clause 37 of the Bill**

4. The Legal Service Division (*LSD*) at its letter of 12 June 2014 (letter reference: LS/B/17/13-14) suggested to consider stipulating in the new Schedule 5 (Transitional and Saving Provisions Relating to Registration of Construction Workers) the relevant transitional arrangements for decisions pending review or appeal respectively under the existing sections 51 and 52 of CWRO. Having considered the above view, we propose to amend the afore-mentioned Schedule 5 to stipulate the relevant transitional arrangements. The existing sections 6 and 7 of that Schedule is now proposed to be replaced by a new section 6.

### **Views sought**

5. Members' views are invited on the above four draft CSAs (still subject to fine-tuning and format-checking).

**Development Bureau  
September 2014**

## Construction Workers Registration (Amendment) Bill 2014

**Committee Stage**Amendments to be moved by the Secretary for Development

<u>Clause</u>	<u>Amendments Proposed</u>
5(1)	<p>In the Chinese text, by deleting the proposed subsection (2) and substituting—</p> <p>“(2) 除第 3A 及 4 條另有規定外，凡某建造工作涉及的技能，是附表 1 第 3 欄中與某工種分項相對之處所描述的技能，則除非某人是該工種分項的—”。</p> <p>(a) 註冊熟練技工；</p> <p>(b) 註冊熟練技工(臨時)；</p> <p>(c) 註冊半熟練技工；或</p> <p>(d) 註冊半熟練技工(臨時)，</p> <p>否則該人不得親自在建造工地，進行該建造工作。”。</p>
7	<p>In the Chinese text, by deleting the proposed section 4(1) and substituting—</p> <p>“(1) 凡某建造工作涉及的技能，是附表 1 第 3 欄中與某工種分項相對之處所描述的技能，則在符合第 (2)款的規定下，任何屬註冊建造業工人的人，即使並非該工種分項的註冊熟練技工、註冊熟練技工(臨時)、註冊半熟練技工或註冊半熟練技工(臨時)，該人仍可親自在建造工地，進行該建造工作。”。</p>

- 33 In the Chinese text, in the proposed section 63A(2)(b), by adding “的” before “價值”.
- 33 In the proposed section 63A(4)(b), by deleting “and”.
- 33 In the proposed section 63A(4), by adding—
- “(ba) may impose obligations on any person concerned in any construction work exempted under the regulation;
  - (bb) may prescribe an offence for contravening the regulation which is punishable by a fine not exceeding level 3; and”.
- 37 In the proposed Schedule 5, by deleting sections 6 and 7 and substituting—
- “6. Application, request for review and appeal under pre-amended Ordinance**
- (1) If an application under section 39, 44 or 45A of the pre-amended Ordinance remained pending immediately before the commencement date, the application is to be regarded as an application under section 39, 44 or 45A, as the case requires.
  - (2) If a request for review under section 51 of the pre-amended Ordinance remained pending immediately before the commencement date, the request is to be regarded as a request under section 51.
  - (3) If an appeal under section 52 of the pre-amended Ordinance remained pending immediately before the commencement date, the appeal is to be regarded as an appeal under section 52.
  - (4) For the purposes of subsections (1), (2) and (3), section 2 or 3 of this Schedule applies to the registration to which the application, request or appeal relates—
    - (a) as if the registration were a pre-existing registration; and

- (b) subject to the modification that each reference to “has effect” in that section is replaced by “is to be regarded”.
- (5) Subsection (6) applies to an application which, under subsection (1), is regarded as an application under section 45A.
- (6) If the Registrar is satisfied that a specified ground within the meaning of section 45A(8) or (9) of the pre-amended Ordinance existed before the commencement date in relation to an application to which this subsection applies, a specified ground within the meaning of section 45A(8) or (9) is to be regarded as existing in relation to the application.”.