

Construction Workers Registration (Amendment) Bill 2014

Draft CSAs to be proposed by the Administration (2nd Batch)

Further to our Paper No. CB(1)2036/13-14(02) regarding the draft Committee Stage Amendments (*CSAs*) to the Construction Workers Registration (Amendment) Bill 2014 (*the Bill*), this paper sets out the Administration's additional draft CSAs to the Bill. We would also like to propose technical amendments to refine the drafting of the draft CSAs previously submitted under the afore-mentioned paper.

Additional draft CSAs

Amendments to Clauses 6, 8 and 26(2) of the Bill

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

Amendments to Clause 23(2) of the Bill

3. This is a technical amendment. Since the word "trade" appears twice in the English text of Section 45A(8) of the Construction Workers Registration Ordinance (*CWRO*), we would like to make it clear that the word "division" is to be added after the phrase "designated trade" but not in between the phrase "trade test".

Amendments to Clause 36 of the Bill

4. This is a technical amendment to change the heading of column 1 of the new Schedule 1A from "Major division" to "Major trade division" to align with the term "major trade division" defined under the new Section 3A(1) of *CWRO*.

Technical amendments to the previously submitted draft CSAs

5. We would like to propose some technical amendments to the draft CSAs to Clauses 5(1), 7, 33 and 37 submitted under Paper No. CB(1)2036/13-14(2), in order to refine the drafting of these draft CSAs without changing the original intent.

6. A full set of all draft CSAs to be proposed by the Administration is at **Annex**. For easy reference, the additional draft CSAs and the changes to the draft CSAs previously submitted are shown and marked-up in revision mode respectively.

Views sought

7. Members' views are invited on the draft CSAs (still subject to fine-tuning and format-checking) set out at Annex.

**Development Bureau
October 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<u>指定</u>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>
<u>6</u>	<p><u>In the Chinese text, by deleting the proposed section 3A(1) and substituting—</u></p> <p><u>“(1) 凡某建造工作涉及的技能，是附表 1A 第 2 欄所指定的某指定工種分項的規定技能，則任何人如屬該附表第 1 欄中與該工種分項相對之處所指定的指定工種分項(主要工種分項)的註冊熟練技工，即可親自在建造工地，進行該建造工作。”。</u></p>
7	<p>In the Chinese text, by deleting the proposed section 4(1) and substituting—</p>

“(1) 凡某建造工作涉及的技能，是附表 1 第 3 欄中與某指定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。”。

8 In the Chinese text, in the proposed section 4A(1)(a), by deleting “，進行涉及以下技能的建造工作：” and substituting—

“進行建造工作，而有關建造工作所涉及的技能，是”。

23(2) In the English text, by adding “designated” before “trade”.

26(2) In the Chinese text, in the proposed section 48(1)(b), by deleting “而親自在建造工地，進行涉及以下技能的建造工作：” and substituting—

“並親自在建造工地進行建造工作，而該建造工作所涉及的技能，是”。

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”.

36 In the heading of column 1 of the proposed Schedule 1A, by adding “trade” after “Major”.

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~~ respectively.
- (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, as if—
 - (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~~ were a reference to ~~replaced by~~ “is to be regarded”.
- (5) If—
 - (a) ~~Subsection (6) applies to~~ an application ~~is~~ is which, under subsection (1), ~~is to be~~ regarded as an application under section 45A; and
 - ~~(6)~~ (b) ~~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~~the
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.”.