

立法會
Legislative Council

LC Paper No. CB(1)343/13-14(07)

Ref: CB1/PL/DEV

Panel on Development

Meeting on 26 November 2013

Background brief on construction workers registration

Purpose

This paper outlines the regulatory control on construction workers registration and provides a brief account of the views and concerns raised by Members on the subject during the scrutiny of the amendments to the Construction Workers Registration Ordinance (Cap. 583) ("CWRO") in the 2011-2012 legislative session.

Background

2. A review completed by the Construction Industry Review Committee in January 2001 supported the implementation of a construction workers registration scheme through legislative means. CWRO was enacted in July 2004 to provide for, among others, the registration of construction workers and the regulation of construction workers who personally carry out construction works. In September 2004, the Construction Workers Registration Authority ("CWRA") was established under CWRO.

Construction workers registration and Phase One Prohibition

3. CWRA commenced the registration of construction workers in December 2005. Under CWRO, a registered construction worker means a registered general worker, a registered skilled/semi-skilled worker for a designated trade, or a registered skilled/semi-skilled worker (provisional) for a designated trade¹. On 1 September 2007, the Phase One Prohibition

¹ Section 2 of CWRO

under CWRO came into effect. Starting from that date, unregistered construction workers are prohibited from carrying out construction works at construction sites. Employers are also prohibited from employing unregistered construction workers.

Amendments made to the Construction Workers Registration Ordinance in 2012

4. According to the Administration, the Construction Industry Council ("CIC") established under the Construction Industry Council Ordinance (Cap. 587) ("CICO") in February 2007 has been extensively collaborating with CWRA on the registration of construction workers such as setting trade qualification standards for registration of construction workforce, etc. Having regard to the close collaboration between the two bodies over the years, the Administration introduced the Construction Industry Legislation (Miscellaneous Amendments) Bill 2012 ("the Bill")² seeking to, among others, amend CWRO and CICO to amalgamate CWRA with CIC and improve the construction workers registration system.

Amalgamation of the Construction Industry Council and the Construction Workers Registration Authority

5. According to the Administration, the organizational streamlining proposed under the Bill would improve the operational efficiency of CIC and the construction workers registration system with the establishment of a single statutory body for the construction industry, consistent policy and priority setting for the industry, elimination of ambiguity in demarcation of responsibilities, and more effective deployment of resources and sharing of information. Upon the amalgamation of CIC and CWRA, CWRA would be dissolved with all its powers and functions transferred to CIC³. The Bill provided for the establishment of a Construction Workers Registration Board under CIC to administer workers' registration.

Consolidation of construction-related cards

6. It was proposed under the Bill that a construction worker registration card be issued under CWRO to store and display information of other construction-related cards/certificates issued by other authorities than the

² The Bill was gazetted on 24 February 2012. A Bills Committee was formed to scrutinize the Bill. The Bills Committee concluded its work in May 2012. The Bill was passed in June 2012.

³ After the passage of the Bill, CIC and CWRA were amalgamated, and the Construction Workers Registration Board was set up on 1 January 2013.

then CWRA so as to reduce the number of cards that a worker would need to carry. While the Bills Committee in general supported this arrangement, some members stressed the importance to protect the data privacy of the workers and to monitor the card issuing process by CIC.

Protection of the worker's personal data

7. The Administration has explained that when a worker applies for registration as a registered construction worker, he has to complete an application form for submission to the then CWRA for processing. During the registration process, CWRA only collects essential personal information (e.g. Hong Kong Identity Card number, address and contact phone number) and documents on registration qualifications. The data so collected has been handled by CWRA in accordance with the provisions under the Personal Data (Privacy) Ordinance (Cap. 486). The Administration has advised that upon amalgamation, CIC would also strictly comply with the relevant provisions. On the worker registration card, only the worker's name, photo, registered designated trades, skill level and expiry date of the registration will be imprinted. Since 1 September 2007, construction workers have to show their worker registration cards for data verification via a card-reading device upon entering the construction sites for carrying out construction work. Under section 58 of CWRO, the principal contractor of the construction site has to install card-reading devices on site to facilitate retrieval of the data stored electronically in the card. To protect personal data privacy and ensure that the contractors have sufficient information to complete the verification process, contractors using a card-reading device can have access only to part of a worker's personal data, including his/her name, the English prefix and the first three digits of his/her Hong Kong Identity Card, information on the Construction Industry Safety Training Certification (also known as Green Card) possessed by him/her, the worker registration number, designated trades registered, skill levels and the expiry date of the registration.

Extension of the validity of provisional registration

8. Provisional registration is allowed under CWRO for experienced workers who do not possess the registration qualifications of skilled/semi-skilled construction workers. A worker can apply for registration as a skilled worker (provisional) or semi-skilled worker (provisional), if, as at December 2005, the worker has not less than six years' and two years' working experience respectively in the relevant trade. The provisional registration is valid for three years and not renewable. The worker is required to pass a test/an assessment within the provisional

registration period if he/she wishes to register as a skilled or semi-skilled worker for the specific trade. Before the Bill was introduced, there had been no provision for extension of the period upon expiry even when illness or injury had prevented the worker from attending the test/assessment for registration. To allow for circumstances beyond the control of the workers concerned such as illness or injury, it was proposed under the Bill a new provision to allow extension of this period. Members of the Bills Committee are supportive of the new provision.

Implementation of the remaining phase of Prohibition

9. As mentioned in paragraph 3 above, the former CWRA has implemented the Phase One Prohibition whereby a construction worker needs only to be registered as a registered construction worker⁴ in order to carry out construction works on construction sites, including works of the designated trade. During the scrutiny of the Bill, the Bills Committee was informed that the Administration would introduce further legislative amendments to CWRO around the fourth quarter of 2013 to implement the remaining phase of Prohibition, which would forbid people from undertaking trade works unless they had met the registration qualification and registered as skilled or semi-skilled workers of that particular trade ("trade-registered workers"), or under the instruction and supervision of the relevant trade-registered workers. Members of the Bills Committee have expressed concern on whether the implementation of the remaining phase of Prohibition would affect the job opportunities of construction workers.

10. The Administration admitted that some construction workers undertaking only a limited scope of work under a specific trade or minor-scale construction works might have difficulties in passing the trade tests for the trade registration. Those who had a provisional registration but had not yet passed any trade tests/assessments might also face a similar problem. The Administration advised that consideration was being given to addressing the anticipated difficulties faced by these groups of workers. A Task Force had been established under the Development Bureau comprising representatives from relevant stakeholders to prepare for the introduction of the remaining phase of Prohibition.

⁴ The registration qualification of a general construction worker is possession of a valid Green Card, i.e. the Construction Industry Safety Training Certification.

Latest development

11. The Administration will brief the Panel on the proposed legislative amendments to CWRO to facilitate the implementation of the remaining phase of Prohibition.

Relevant papers

12. A list of relevant papers is in the **Appendix**.

Council Business Division 1
Legislative Council Secretariat
19 November 2013

Appendix

Construction workers registration

List of relevant papers

Date	Meeting	References
March to June 2012	Bills Committee on Construction Industry Legislation (Miscellaneous Amendments) Bill 2012	<p>Legislative Council Brief (File Ref.: DEVB(CR)W1-10/31) http://legco.gov.hk/yr11-12/english/bills/brief/b29_brf.pdf</p> <p>The Bill http://legco.gov.hk/yr11-12/english/bills/b201202241.pdf</p> <p>Legal Service Division Report (LC Paper No. LS39/11-12) http://legco.gov.hk/yr11-12/english/hc/papers/hc0302ls-39-e.pdf</p> <p>Background brief (LC Paper No. CB(1)1556/11-12(02)) http://legco.gov.hk/yr11-12/english/bc/bc03/papers/bc030413cb1-1556-2-e.pdf</p> <p>Report tabled at the Legislative Council on 6 June 2012 (LC Paper No. CB(1)2030/11-12) http://legco.gov.hk/yr11-12/english/bc/bc03/reports/bc030606cb1-2030-e.pdf</p> <p>Papers http://legco.gov.hk/yr11-12/english/bc/bc03/papers/bc03_ppr.htm</p>