

**For discussion
on 20 December 2013**

**LEGISLATIVE COUNCIL
PANEL ON DEVELOPMENT**

**Proposed Amendments to the Construction Workers
Registration Ordinance (Chapter 583)**

Purpose

This paper seeks Members' views on the proposed legislative amendments to facilitate implementation of the remaining phase of Prohibition¹ (not yet implemented) under the Construction Workers Registration Ordinance (CWRO).

Background

2. CWRO was enacted in July 2004. The principal objective of CWRO is to establish a system for registration and regulation of construction workers so as to –

- (a) ensure the quality of construction works through assessment and certification of the skill levels of all construction workers;
- (b) ensure the availability of more reliable data on labour supply to facilitate manpower planning and training;
- (c) raise the status of construction workers by statutorily recognizing their skill levels;
- (d) foster a quality culture in the construction industry by providing the workers with a clear career path, motivating them to aim for

¹ i.e. forbidding people from undertaking construction works of designated trades unless they are relevant trade-registered workers or under instruction and supervision of the relevant trade-registered workers.

higher skill levels, thus higher status and more income;

- (e) help the combating of hiring of illegal workers working on construction sites; and
- (f) ensure the availability of site entry and exit records that may assist in resolving some of the wage disputes between the contractors and the workers.

3. As stipulated under CWRO, a construction worker shall register according to his trade and skill level as skilled, semi-skilled or general workers, while a contractor shall employ registered construction workers to carry out construction work, install card reading device at construction site that enables the data stored in a registration card to be retrieved, maintain a register for workers without carrying registration cards to fill in their registration information, and submit workers' attendance record to the Registrar at regular intervals.

4. The Construction Workers Registration Authority² (CWRA) was established in September 2004 to administer the ordinance and it started the registration of construction workers on 29 December 2005. With a view to facilitating gradual adaption of stakeholders to the requirements and to early realising the benefits of obtaining workers' site attendance records to help reduce wage dispute and combat hiring of illegal workers while allowing time for detailed deliberation to deal with the issues of concern about implementation of the remaining phase of Prohibition, Members, on 24 April 2007, supported our proposed phase implementation of the prohibition provisions. Subsequently, on 1 September 2007, Phase One Prohibition was implemented, i.e. to forbid unregistered construction workers from carrying out construction work on construction sites. As workers, irrespective of whether carrying out trade work or not, are only required to register as registered general worker³ to satisfy the law, the relevant stakeholders can in general meet the requirements.

² Upon amalgamation of the Construction Industry Council (CIC) and CWRA on 1 January 2013, a new Construction Workers Registration Board (CWRB) was formed under CIC to perform the registration function under CWRO.

³ The registration qualification of a registered general worker is a valid certificate of safety training (commonly known as "Green Card") issued in accordance with the Factories and Industrial Undertakings Ordinance (Cap. 59).

5. In anticipation that some stakeholders would encounter difficulties upon implementation of the remaining phase of Prohibition, CWRA decided in end 2009 to embark on a comprehensive study on the issues of concern prior to its implementation. In January 2010, we and CWRA jointly established a working group to study the issues of concern. We discussed with relevant stakeholders and also conducted an industry-wide brainstorming session in September 2010 to collect stakeholders' views. After thorough study, it was concluded that prior to implementation of the remaining phase of Prohibition, it would be necessary to amend CWRO to address the issues of concern. CWRA then established a "Committee on Review of CWRO"⁴ in January 2011 to study and discuss in detail with the relevant stakeholders to formulate the proposed amendments.

6. In the meantime, we in parallel took forward the proposed amalgamation of the Construction Industry Council (CIC) and CWRA by means of legislative amendments to the Construction Industry Council Ordinance (CICO) and CWRO in order to achieve synergy to improve the overall operational efficiency.

7. Considering the difficulties encountered in taking forward the implementation of the remaining phase of Prohibition under CWRO (See paragraph 12 below for details) and the time required for consultation with relevant industry stakeholders on the measures and associated legislative amendments, Members, on 28 June 2011, supported our proposed 2-stage approach for the legislative amendments. While Stage 1 amendments are to provide for the amalgamation of CIC and CWRA and other streamlining measures, Stage 2 will deal with amendments to CWRO to facilitate implementation of the remaining phase of Prohibition.

8. In regard to Stage 1 amendments, we introduced the Construction Industry Legislation (Miscellaneous Amendments) Bill

⁴ Members of the Committee include representatives of CWRA, Development Bureau, Construction Industry Council, The Hong Kong Construction Association, The Hong Kong Federation of Electrical and Mechanical Contractors Limited, Hong Kong Construction Sub-Contractors Association, Hong Kong General Building Contractors Association, Hong Kong Construction Industry Employees General Union, The Federation of Hong Kong Electrical and Mechanical Industries Trade Unions, and Engineering and Architectural Professionals.

2012 into the Legislative Council in February 2012 and it was passed in June 2012. Subsequently, amalgamation of CIC and CWRA took effect on 1 January 2013.

9. Separately for Stage 2 amendments, after extensive discussions with relevant stakeholders, the Committee on Review of CWRO formulated an initial proposal in January 2012. From February to June 2012, we consulted the relevant stakeholders⁵ on the proposed amendments. Besides, we conducted industry-wide consultation forums in June 2012 to widely collect views from the industry.

10. Subsequently in August 2012, we formed a Task Force⁶ to review and finalize the proposed amendments taking into account stakeholders' views collected during the consultation. Upon finalising the proposed amendments, we conducted industry-wide briefing forums as well as briefings to construction workers during morning exercises on construction sites in September and October 2013 to widely inform stakeholders of the proposed amendments. We also conducted separate briefings to members of individual industry's organizations as per their request.

11. During the above process of formulating the proposed amendments, we conducted extensive discussions and consultations with relevant stakeholders amounting to a total of 98 meetings. Relevant stakeholders include the CIC and its committees, the Real Estate Developers Association of Hong Kong, labour unions, contractor associations, public bodies, specified bodies, contractor's frontline supervisory personnel and workers. A summary of meetings is given at **Annex A**.

⁵ Including trade associations, labour unions, developers, public bodies, specified bodies and works departments, etc.

⁶ Members of the Task Force include representatives of Development Bureau, Construction Industry Council, The Real Estate Developers Association of Hong Kong, The Hong Kong Construction Association, The Hong Kong Federation of Electrical and Mechanical Contractors Limited, Hong Kong Construction Sub-Contractors Association, Hong Kong General Building Contractors Association, Hong Kong Construction Industry Employees General Union, The Federation of Hong Kong Electrical and Mechanical Industries Trade Unions and Construction Site Workers General Union.

Issues of Concern

12. The relevant industry stakeholders expressed the following major issues of concern about implementation of the remaining phase of Prohibition under CWRO and reached a consensus on the need to amend CWRO to facilitate its implementation –

- (a) Workers' difficulties in registration –
 - (i) Due to fine division of labour long adopted in construction industry to meet evolving market needs and to increase efficiency, some workers only concentrate on one or two of the skill sets of a trade. While their skill levels are well proven and recognized by the industry, these workers often cannot satisfy the registration requirements of the respective trade; and
 - (ii) Some workers currently carry out trade works of minor scale and nature which in practice require only a lower skill level of respective trades. Although those workers can well perform the small scale construction works independently, they may not possess the full skill set or attain the required skill level to satisfy the registration requirements of the respective trades involved in their daily works. In practice, these works are normally carried out by general workers with relevant experience;
- (b) Limitation of working across trades – The construction industry's prevailing practice of deploying workers of a trade to carry out other similar trade works would be impeded;
- (c) Senior workers registration arrangement – Most stakeholders have expressed strong wishes on various occasions for a one-off grandfathering arrangement for senior workers; and
- (d) Implications to emergency work and small scale construction work –
 - (i) Owing to the need to immediately carry out emergency works during emergency circumstances, it may not be practical to strictly follow the requirements of deploying skilled workers to carry out trade works;

- (ii) Stakeholders for minor works have expressed that the construction industry was still in the process of adapting to the new requirements of the minor works control system under the Building (Minor Works) Regulation (B(MW)R) launched in December 2010. Besides, they would need a longer time for gradual adaptation to the new requirements for relatively minor works other than those falling within B(MW)R. They hence requested that the remaining phase of Prohibition should be implemented at a later stage for minor works including Class I and II Minor Works. In addition, the workers for Class III Minor Works and Designated Exempted Works under B(MW)R would face the same difficulties in registration as described in paragraph 12(a)(ii) above as those works are of very minor in nature and require only a lower skill level of respective trades;
- (iii) The large amount of small scale maintenance works under term contracts for maintenance would generate vast demand in resources for relevant stakeholders to comply with the new requirements and also for CIC taking enforcement upon implementation of the remaining phase of Prohibition.

Proposal

13. The key proposed amendments to CWRO are at **Annex B**. Details of major items are highlighted and elaborated in the ensuing paragraphs.

(i) Change regulation basis from “trade” to “skill” and create new “skills”

14. To cope with the modular skills developed under the current practice of division of labour adopted in the industry, we propose to create new “skills”, as necessary, with introduction of respective skill tests to regulate the skill standards. This arrangement can facilitate workers to register under their respective modular skills so that they can continue their daily work upon implementation of the remaining phase of

Prohibition. It also helps maintain the manpower supply of skilled/semi-skilled workers upon implementation of the remaining phase of Prohibition. The regulation basis of CWRO will be changed from “trade” to “skill” accordingly. For this purpose, all existing trades will collectively be referred to as “skills” with their work descriptions, registration requirements and skill level for registration remain unchanged unless stated otherwise.

15. In addition, we propose to group “skills” of similar nature in presentation for easier comprehension. We also propose to create a master “skill” for each group of “skills” as appropriate, to allow workers possessing a group of “skills” to register as “master skilled-worker” of that particular group. This arrangement recognizes and promotes multi-skill development of workers, and set out the ladder for skill enhancement. It may also create a peer-group effect which encourages single-skilled workers to become multi-skilled through acquisition of other “skills” of the same group. This will not only enhance their competitiveness and employability in the construction industry, but also help nurture a multi-skilled construction labour force in the long run.

16. We also propose to allow registered skilled workers of selected “skills” to carry out other similar “skill” works independently, but not giving instruction and supervision⁷ to other workers for such works, in order to enhance labour mobility and overall productivity of the industry.

(ii) Proposed exemption of “emergency construction work” and “small scale construction work”

17. We propose to exempt the following works from the remaining phase of Prohibition under CWRO—

- (1) ***emergency construction work***: the emergency works carried out within the initial 48 hours upon the contractors being aware of the emergency incident. This can allow contractors to as soon as possible deal with the emergency and have sufficient

⁷ Pursuant to section 4 of CWRO, upon implementation of the remaining phase of Prohibition, a non-relevant-trade-registered worker may carry out work of that trade under the instruction and supervision of the relevant trade-registered worker.

time to deploy relevant skill-registered workers to take up the emergency works; and

- (2) ***small scale construction work***: in order to address the construction practice that such works comprise various “skills” that require only lower level skills and the respective workers usually cannot satisfy the registration requirements of the respective “skills”.

18. Nevertheless, some “skills” will not be exempted due to safety concern, regulated by other legislations or other considerations. We propose that details of the exemption are to be provided in the form of a subsidiary legislation to be made by the Secretary for Development (SDEV).

(iii) Proposed senior workers registration arrangement

19. To recognize senior workers’ working experience, we propose to introduce a one-off grandfathering arrangement for senior workers who will have possessed an aggregate of not less than 10 years’⁸ relevant working experience on an individual “skill” upon commencement of the relevant provisions of the proposed amendments. There are two groups of them. Those satisfying the requirement of possessing an aggregate of not less than six years’ relevant working experience on a “skill” before 29 December 2005⁹ are classified as Group 1 senior workers who may directly apply for registration as registered skilled workers. Group 2 senior workers not satisfying the above requirement may take an assessment¹⁰ for registration as registered skilled workers. Nevertheless, the proposed senior workers registration arrangement is not applicable to “skills” with special registration requirements such as those requiring possession of relevant qualifications under other ordinances (e.g. Electrical Fitter shall possess certificate of registration under the Electricity Ordinance).

⁸ Construction industry stakeholders generally share the views that a construction worker with not less than 10 years’ experience working in a “skill” should be recognized as a competent skilled worker of that “skill”.

⁹ i.e. those are eligible for registration as registered skilled workers (provisional) under CWRO, who can be registered as skilled workers after attending specified training course and passing its assessment.

¹⁰ The assessment will be devised by the CIC in consultation with industry stakeholders.

(iv) Proposed staging implementation of remaining phase of Prohibition

20. To facilitate gradual adaption by stakeholders and smooth implementation of the Prohibition, we propose to adopt a pragmatic approach whereby major works will be regulated first, leaving maintenance works under term contract for maintenance¹¹ and minor works including Class I and II Minor Works under B(MW)R to be regulated under the remaining phase of Prohibition at a later stage.

21. We propose to implement the remaining phase of Prohibition for major works two years after commencement of the proposed amendments. After its implementation, we will closely monitor the adaptation of the industry and assess the implications to the maintenance works and minor works described in paragraph 20 above in order to determine an appropriate time for implementation of the remaining phase of Prohibition for them.

Way Forward

22. We aim to introduce the Amendment Bill into LegCo in the second quarter of 2014.

Advice sought

23. Members are invited to give views, if any, on the proposed legislative amendments.

**Works Branch
Development Bureau
December 2013**

¹¹ Referring to the work falling within paragraph (c) of the definition of construction work, i.e. any maintenance work, carried out under a term contract for maintenance, of any specified structure owned by, or otherwise belonging to, a public body or a specified body. Specified body is defined in Schedule 2 of CWRO.

Summary of meetings with relevant stakeholders

Date	Bodies / Organizations / Meetings	
<p>(1) Study on issues of concern We met the following bodies/ persons to understand the relevant industry practices and the expected difficulties. We also conducted an industry-wide brainstorming session to collect views from relevant stakeholders.</p>		
1.	25 June 2010	Hong Kong Construction Miscellaneous Contractors Association
2.	25 August 2010	Workers of minor, maintenance and miscellaneous works of building construction
3.	30 August 2010	Housing Department
4.	1 September 2010	Workers of minor, maintenance and miscellaneous works of civil construction
5.	2 September 2010	Buildings Department
6.	18 September 2010	Industry-wide brainstorming session
<p>(2) Formulation of proposed amendments “Committee on Review of CWRO” and its working group held a number of meetings with the following bodies to discuss industry’s concerns and formulate proposed amendments.</p>		
7.	3 March 2011	1 st meeting of “Committee on Review of CWRO”
8.	7 April 2011	2 nd meeting of “Committee on Review of CWRO”
9.	26 April 2011	Relevant trade associations and labour unions of E&M trades
10.	28 April 2011	Relevant trade associations and labour unions of Painter and Decorator
11.	5 May 2011	3 rd meeting of “Committee on Review of CWRO”
12.	1 June 2011	Hong Kong Construction Industry Employees General Union
13.	22 June 2011	Hong Kong Construction Industry Employees General Union
14.	30 June 2011	4 th meeting of “Committee on Review of CWRO”
15.	15 July 2011	Relevant trade associations and labour unions of Cement-sand Mortar trade
16.	19 July 2011	Relevant trade associations and labour unions of Concretor
17.	21 July 2011	Relevant trade associations and labour unions of Plumber
18.	22 July 2011	Relevant trade associations and labour unions of woodwork trade
19.	26 July 2011	Relevant trade associations and labour unions of Refrigeration/Air-conditioning/Ventilation Mechanic trade

Date		Bodies / Organizations / Meetings
20.	28 July 2011	Relevant trade associations and labour unions of Painter and Decorator
21.	4 August 2011	5 th meeting of “Committee on Review of CWRO”
22.	13 October 2011	6 th meeting of “Committee on Review of CWRO”
23.	2 November 2011	Meeting between working group under “Committee on Review of CWRO” and works departments
24.	15 November 2011	Meeting of working group under “Committee on Review of CWRO”
25.	18 November 2011	Meeting of working group under “Committee on Review of CWRO”
26.	28 November 2011	Meeting between working group under “Committee on Review of CWRO” and works departments
27.	7 December 2011	Meeting of working group under “Committee on Review of CWRO”
28.	7 December 2011	Relevant trade associations and labour unions of Cement-sand Mortar trade
29.	9 December 2011	Relevant trade associations and labour unions of Carpenter (Formwork), Floor Layer and Joiner
30.	12 December 2011	Relevant trade associations and labour unions of Pipelayer, Plumber and Drainlayer, Housing Department, Water Supplies Department and Drainage Services Department
31.	23 December 2011	Meeting of working group of “Committee on Review of CWRO”
32.	3 January 2012	Relevant trade associations and labour unions of Painter and Decorator, and Housing Department
33.	10 January 2012	Meeting of working group of “Committee on Review of CWRO”
34.	13 January 2012	Relevant trade associations and labour unions of Cement-sand Mortar trade
35.	19 January 2012	7 th meeting of “Committee on Review of CWRO”
36.	7 February 2012	Relevant trade associations and labour unions of Cement-sand Mortar and Painter and Decorator, and Housing Department
37.	1 March 2012	The Hong Kong Federation of Electrical & Mechanical Contractors
38.	12 March 2012	Relevant trade associations and labour unions of E&M trade, and Electrical and Mechanical Services Department
39.	20 March 2012	Relevant trade associations and labour unions of Bar Bender and Fixer, and Housing Department
40.	8 June 2012	Relevant trade associations and labour unions of Carpenter (Formwork), Floor Layer and Joiner, and Housing Department
41.	12 June 2012	Relevant trade associations and labour unions of Pipelayer, Plumber and Drainlayer, Housing Department, Water Supplies Department and Drainage Services Department
42.	13 June 2012	Relevant trade associations and labour unions of Painter and Decorator, and Housing Department
43.	14 June 2012	Relevant trade associations and labour unions of E&M trades

Date		Bodies / Organizations / Meetings
44.	28 June 2012	8 th meeting of “Committee on Review of CWRO”
<p>(3) Consultation We consulted the following organizations and organized three construction industry-wide consultation sessions.</p>		
45.	21 February 2012	Construction Industry Training Board
46.	22 March 2012	The Federation of Hong Kong Electrical & Mechanical Industries Trade Unions
47.	27 March 2012	The Hong Kong Federation of Electrical & Mechanical Contractors
48.	11 April 2012	Hong Kong Construction Industry Employees General Union
49.	20 April 2012	Construction Site Workers General Union
50.	4 May 2012	Hong Kong Construction Sub-contractors Association
51.	8 May 2012	The Hong Kong Construction Association
52.	10 May 2012	Hong Kong General Building Contractors Association
53.	25 May 2012	Public bodies and specified bodies
54.	29 May 2012 am	New Territories’ contractors and Home Affairs Department
55.	29 May 2012 evening	Other trade associations and labour unions not belonging to the above organizations
56.	31 May 2012	Works departments
57.	6 June 2012	The Real Estate Developers Association of Hong Kong
58.	16 June 2012 am	Construction industry-wide consultation session – 1 st session
59.	16 June 2012 pm	Construction industry-wide consultation session – 2 nd session
60.	19 June 2012	Construction industry-wide consultation session – 3 rd session
61.	24 August 2012	Minor Works Contractor Association
62.	16 September 2012	Nepalese Construction Workers Union
63.	25 October 2012	Hong Kong Building Contractors
<p>(4) Finalizing the proposed amendments “Task Force on Amendments to CWRO” and its working group held a number of meetings and conduct further discussions with the following bodies.</p>		
64.	29 August 2012	1 st meeting of “Task Force on Amendments to CWRO”
65.	21 September 2012	1 st meeting of working group under “Task Force on Amendments to CWRO”
66.	5 October 2012	2 nd meeting of “Task Force on Amendments to CWRO”

Date		Bodies / Organizations / Meetings
67.	26 October 2012	2 nd meeting of working group under “Task Force on Amendments to CWRO”
68.	2 November 2012	3 rd meeting of “Task Force on Amendments to CWRO”
69.	28 November 2012	3 rd meeting of working group under “Task Force on Amendments to CWRO”
70.	7 December 2012	4 th meeting of “Task Force on Amendments to CWRO”
71.	29 January 2013	5 th meeting of “Task Force on Amendments to CWRO”
72.	28 February 2013	6 th meeting of “Task Force on Amendments to CWRO” (<i>Note : Representatives from trade associations and labour unions of Cement-sand Mortar and Marble trades, Architectural Services Department, Housing Department and Highways Department attended the meeting.</i>)
73.	6 March 2013	Representatives of Diver trade
74.	11 March 2013	4 th meeting of working group under “Task Force on Amendments to CWRO” (<i>Note: Representatives of contractors carrying out tunnelling work attended the meeting.</i>)
75.	20 March 2013	7 th meeting of “Task Force on Amendments to CWRO” (<i>Note: Representatives from trade associations and labour unions of Carpenter (Formwork), Floor Layer, Joiner and Painter and Decorator, Architectural Services Department and Housing Department attended the meeting.</i>)
76.	5 April 2013	5 th meeting of working group under “Task Force on Amendments to CWRO”
77.	24 April 2013	8 th meeting of “Task Force on Amendments to CWRO” (<i>Note: Representatives from trade associations and labour unions of Plumber, Architectural Services Department, Housing Department, Drainage Services Department and Water Supplies Department attended the meeting.</i>)
78.	30 April 2013	Representatives of Diver trade, and Civil Engineering and Development Department
79.	7 May 2013	Frontline supervisory staff of contractors
80.	8 May 2013	Relevant trade associations and labour unions of Fire Service Mechanic and Water Supplies Department
81.	9 May 2013	Representatives of Diver trade
82.	22 May 2013	6 th meeting of working group under “Task Force on Amendments to CWRO”
83.	28 May 2013	Relevant trade associations and labour unions of Plumber and Fire Service Mechanic, Architectural Services Department, Housing Department, Drainage Services Department and Water Supplies Department
84.	30 May 2013	9 th meeting of “Task Force on Amendments to CWRO”
85.	12 July 2013	Representatives of Diver trade

Date		Bodies / Organizations / Meetings
86.	6 September 2013	Registered Minor Works Contractor Signatory Association
87.	9 September 2013	Briefing to Contractors and Site Supervisors of public works contracts – 1 st session
88.	10 September 2013	Briefing to Contractors and Site Supervisors of public works contracts– 2 nd session
89.	18 September 2013	Contractor’s Authorized Signatory Association and Registered Minor Works Contractor Signatory Association
90.	22 September 2013	Construction industry-wide briefing session – 1 st session
91.	24 September 2013	Contractor’s Authorized Signatory Association and Registered Minor Works Contractor Signatory Association
92.	29 September 2013 pm	Construction industry-wide briefing session – 2 nd session
93.	29 September 2013 evening	Construction industry-wide briefing session – 3 rd session
94.	3 October 2013	Construction industry-wide briefing session – 4 th session
95.	8 October 2013	Construction industry-wide briefing session – 5 th session
96.	17 October 2013	Contractor’s Authorized Signatory Association and Registered Minor Works Contractor Signatory Association
97.	22 October 2013	Hong Kong Construction Sub-contractors Association
98.	28 November 2013	The Federation of Hong Kong Electrical & Mechanical Industries Trade Unions

Summary of key proposed legislative amendments to CWRO

1. to pre-set the commencement date for the implementation of the remaining phase of Prohibition at two years following the commencement of the proposed amendments in order to set a clear goal for the construction industry to prepare for it;
2. to incorporate provisions so that SDEV may amend the pre-set commencement date by notice published in the Gazette in order to cater for any unforeseen circumstances, e.g. having much higher than expected number of workers applying for registration rendering all registrations not able to be completed by the pre-set date;
3. to change the regulation basis from “trade” to “skill”, create new “skills” as necessary, allow registered skilled workers to work across similar “skills”, and to create master “skills” for registration to encourage development of multiple skills;
4. to introduce exemption under CWRO to exempt emergency construction works and small scale construction works from the remaining phase of Prohibition. Details are to be provided in a subsidiary legislation to be made by SDEV;
5. to introduce a one-off senior workers registration arrangement for workers who will have possessed an aggregate of not less than 10 years’ relevant working experience on an individual “skill” upon commencement of the relevant provisions of the proposed amendments. The existing review and appeal mechanism for workers registration are applicable to this proposed senior workers registration arrangement;
6. to introduce staging implementation of the remaining phase of Prohibition to facilitate gradual adaptation by stakeholders;
7. to exclude Class III Minor Work and Designated Exempted Works under B(MW)R from prohibition provisions of CWRO as they are very minor in nature and small in scale;

8. to impose obligations on both principal contractor and subcontractor to implement reasonable measures showing the arrangement of (i) the proposed exempted small scale construction works and (ii) instruction and supervision pursuant to section 4 of CWRO, and to inform the relevant workers accordingly so that workers would be well aware of such arrangement. This will help protect the workers from misunderstanding and committing offence inadvertently;
9. to empower CIC to issue code of practice to provide guidance on the reasonable measures mentioned in Item 8 above for reference of the construction industry. Such a code of practice shall have a legal status where a failure to observe a provision in the code is not itself an offence. However, the contravention or compliance with a relevant provision of the code may be taken into account by a court in legal proceedings. This will allow contractors to formulate such reasonable measures to best suit their particular works/ sites;
10. to introduce a defence for workers, e.g. it should be a reasonable defence for a non-trade-registered worker committing an offence of carrying out trade work if he was led to believe that the required instruction and supervision pursuant to section 4 of CWRO had been arranged by contractor, or that he was carrying out exempted works;
11. to enhance evidence collection to facilitate more effective investigation of offence;
12. to explicitly require accurate workers' daily attendance records to be provided by principal contractor. This will facilitate more effective manpower planning and training; and
13. to extend the validity period of workers registration from three to five years to reduce workers' burden for card renewal; and
14. to explicitly provide that CIC can make use of levies collected under the CICO and CWRO at its discretion in allocating funds to its activities. This will facilitate more effective use of resources to meet the needs of the industry.