

立法會
Legislative Council

LC Paper No. LS24/16-17

**Paper for the House Committee Meeting
on 20 January 2017**

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 13 January 2017**

Tabling in LegCo : Council meeting of 18 January 2017

Amendment to be made by : Council meeting of 15 February 2017 (or that of 22 March 2017 if extended by resolution)

PART I SCHEDULES OF PUBLIC BUS ROUTES

Schedule of Routes (Citybus Limited) Order 2017 (L.N. 1)

Schedule of Routes (Citybus Limited) (North Lantau and Chek Lap Kok Airport) Order 2017 (L.N. 2)

Schedule of Routes (Kowloon Motor Bus Company (1933) Limited) Order 2017 (L.N. 3)

Schedule of Routes (Long Win Bus Company Limited) Order 2017 (L.N. 4)

Schedule of Routes (New Lantao Bus Company (1973) Limited) Order 2017 (L.N. 5)

Schedule of Routes (New World First Bus Services Limited) Order 2017 (L.N. 6)

L.N. 1 to L.N. 6 are made by the Chief Executive ("CE") in Council under section 5(1) of the Public Bus Services Ordinance (Cap. 230) to update the schedules of bus routes operated by five franchised bus companies.

2. Under section 5(1) of Cap. 230, the CE in Council may grant to the existing franchised public bus companies the right to operate public bus service on such routes as specified by order. Section 15(1) of Cap. 230 provides that the Commissioner for Transport may, after consultation with the bus companies, require

them to introduce new routes and make alterations to specified routes on a temporary basis. Such route changes may take effect for a period up to 24 months unless they are specified in orders made by the CE in Council under section 5(1) before expiry of that period. According to the LegCo Brief (File Ref: THB(T)L 2/4/115) issued by the Transport and Housing Bureau on 11 January 2017, L.N. 1 to L.N. 6 were made to formalise the route changes introduced under section 15(1) between 1 April 2015 and 31 July 2016 so that the changes can continue to take effect.

3. L.N. 1 to L.N. 6 respectively repeal the existing Schedule of Routes Orders made in 2015, i.e. L.N. 202 to L.N. 207 of 2015, and update the schedule of bus routes of the five franchised bus companies. According to paragraph 4 the LegCo Brief, the changes are as follows -

- (a) Citybus Limited (which operates two bus franchises) cancelled four routes and made alterations to 24 routes under its franchise for Hong Kong Island and cross-harbour bus services (L.N. 1); and introduced two new routes and made alterations to nine routes under its franchise for North Lantau and Chek Lap Kok Airport bus network (L.N. 2);
- (b) The Kowloon Motor Bus Company (1933) Limited introduced nine new routes, cancelled two routes and made alterations to 54 routes (L.N. 3);
- (c) Long Win Bus Company Limited introduced three new routes and made alterations to eight routes (L.N. 4);
- (d) New Lantao Bus Company (1973) Limited made alterations to 11 routes (L.N. 5); and
- (e) New World First Bus Services Limited introduced two new routes, cancelled four routes and made alterations to 28 routes (L.N. 6).

4. For details of the routes concerned under the above changes and the justifications, Members may refer to Annexes A to E to the LegCo Brief.

5. As stated in paragraph 7 of the LegCo Brief, the District Councils ("DCs") concerned had been consulted on the major service changes before such changes were introduced. Comments and suggestions in relation to those changes were received from DC members. According to the Administration, DCs' suggestions had been taken on board where justified.

6. As advised by the Clerk to the Panel on Transport, the Panel has not been consulted by the Administration regarding L.N. 1 to L.N. 6.

7. L.N. 1 to L.N. 6 come into operation on 31 March 2017.

PART II COMMENCEMENT NOTICE

Construction Workers Registration Ordinance (Commencement) Notice 2017

(L.N. 7)

8. L.N. 7 appoints 1 April 2017 as the day on which the uncommenced provisions of the Construction Workers Registration Ordinance (Cap. 583) come into operation.

9. Cap. 583 was amended by the Construction Workers Registration (Amendment) Ordinance (Ord. 22 of 2014) ("the Amendment Ordinance") which modified the construction worker registration scheme by changing the basis of registration from "trade" to "trade division". Under the modified registration scheme, a registered construction worker is prohibited from carrying out skilled work unless the worker is a registered skilled/semi-skilled worker of relevant trade division or under instruction and supervision of another person who is a registered skilled/semi-skilled worker of the relevant trade division. The provisions relating to the modified registration scheme in the Amendment Ordinance will come into operation on 1 April 2017.

10. The uncommenced provisions of Cap. 583 concerning the modified registration scheme, which will be brought into operation by L.N. 7, relate to amendments made by the Amendment Ordinance to the existing provisions of Cap. 583. L.N. 7 is made to tie in with the implementation of modified registration scheme on 1 April 2017.

11. As advised by the Clerk to the Panel on Development, the Panel has not been consulted by the Administration regarding L.N. 7.

12. There is no LegCo Brief on L.N. 7. We have made enquiries about, among others, public consultation on the proposed commencement of the uncommenced provisions. According to the Administration, the Construction Industry Council supports the implementation of the modified registration scheme on 1 April 2017. For more background information, Members may refer to the Administration's letter dated 16 January 2017 at Annex.

Concluding Observations

13. No difficulties have been identified in the legal and drafting aspects of the above items of subsidiary legislation.

Encl.

Prepared by

Clara TAM
Assistant Legal Adviser
Legislative Council Secretariat
18 January 2017

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16 January 2017

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Hong Kong

Dear Ms TAM,

**Construction Workers Registration Ordinance
(Commencement) Notice 2017
(L.N. 7 of 2017)**

In response to your letter of 13 January 2017 concerning the above Notice, we
provide the Administration's response in Appendix.

Yours sincerely,

(Jacky WU)
for Secretary for Development

c.c. DoJ (Attn: Miss Emma WONG, SGC & Miss Queenie WU, GC (Fax No: 3918 4613))

**Construction Workers Registration
Ordinance (Commencement) Notice 2017 (L.N. 7 of 2017)**

As requested by the Assistant Legal Adviser via the letter of 13 January 2017, the Administration provides the following information.

(a) The purposes and effects of the uncommenced provisions of the Construction Workers Registration Ordinance (Cap. 583) to be brought into operation under the Notice and the reason(s) for bringing those provisions into operation on 1 April 2017

2. The purposes and effects of the uncommenced provisions of the Construction Workers Registration Ordinance (Cap. 583) (CWRO) are to forbid any registered construction worker from carrying out skill work unless the worker is a registered skilled/semi-skilled worker of the relevant trade division or under instruction and supervision of another person who is a registered skilled/semi-skilled worker of the relevant trade division. Details are at **Annex A**. Such prohibition is commonly called “designated workers for designated skills” requirement (DWDS requirement).

3. As stated in paragraph 14 of the LegCo Brief for Construction Workers Registration (Amendment) Bill 2014 dated April 2014 and paragraph 6 of the LegCo Paper No. CB(1)51/16-17(04) for Enactment of Exemption Regulation and Addition of Three New Trade Divisions under CWRO dated October 2016, the Construction Workers Registration (Amendment) Ordinance 2014 (CWR(A)O) has pre-set the commencement date for the DWDS requirement at two years following the commencement of the main provisions of CWR(A)O in order to set a clear goal for the construction industry to prepare for it. With the main provisions of CWR(A)O commenced on 1 April 2015, the DWDS requirement will come into operation on 1 April 2017. In association with the implementation of the DWDS requirement on that date, the Secretary for Development (SDEV) made the subject Commencement Notice on 3 January 2017 to bring the uncommenced provisions of CWRO into operation on 1 April 2017.

(b) Provisions of Cap. 583 which have already come into operation; the time when they come into operation and the purposes and effects of the relevant provisions

4. The commencement arrangement of the provisions of CWRO is briefly set out below. Details of the commenced provisions are at **Annex B**.

Commencement dates	Purposes and effects
18 September 2004	To commence provisions for establishment of the then Construction Workers Registration Authority (CWRA) ¹ to administer CWRO, and appointments and powers of the Registrar and authorised officers
24 February 2005	To commence provisions for imposition of levy under CWRO
29 December 2005	To commence provisions for registration of construction workers; and To commence provisions under the Construction Workers Registration (Fees) Regulation
1 September 2007	To commence provisions for prohibition of unregistered workers from carrying out construction work ² on construction site
1 January 2013	To commence provisions for application of CWRO to the Government, establishment of Construction Workers Registration Board, allowing recording of information of other construction-related cards on worker registration cards, and dissolution of CWRA

¹ Upon amalgamation of the Construction Industry Council and CWRA in January 2013, a new Construction Workers Registration Board was formed under the Construction Industry Council to perform the registration function under CWRO.

² Minor household works not involving the structural element of a building or structure are not covered under the scope of CWRO.

Commencement dates	Purposes and effects
1 April 2015	To commence provisions for one-off senior workers registration arrangement, empowering SDEV to make the Exemption Regulation and empowering CIC to issue Code of Practice
1 April 2017	To commence provisions for any registered construction worker from carrying out skill work unless the worker is a registered skilled/semi-skilled worker of the relevant trade division or under instruction and supervision of another person who is a registered skilled/semi-skilled worker of the relevant trade division; and To commence the provisions under the Construction Workers Registration (Exemption) Regulation

(c) Whether any public consultation has been conducted on the proposed commencement of the uncommenced provisions

5. As stated in paragraph 22 of the LegCo Brief for Construction Workers Registration (Amendment) Bill 2014 dated April 2014 and paragraph 5 of the LegCo Paper No. CB(1)51/16-17(04) dated October 2016, for the implementation of the DWDS requirement and formulating CWR(A)O (including the commencement arrangement), the Administration conducted extensive discussions and consultation with relevant industry stakeholders amounting to more than 100 meetings (including 5 sessions of construction industry-wide consultation forums which are opened to the general public) from 2010 to 2013.

6. Since March 2014, the Construction Industry Council (CIC) established a steering group with members from relevant trade associations and worker unions³ to oversee the preparation for the implementation of DWDS requirement on 1 April 2017. Based on the report of the steering

³ The steering group is co-chaired by Chairpersons of Construction Workers Registration Board and Construction Industry Training Board, with members from Hong Kong Construction Industry Employees General Union, Federation of Hong Kong Electrical and Mechanical Industries Trade Unions, Hong Kong Construction Association and Hong Kong Construction Sub-contractors Association.

group, CIC supported the implementation of the DWDS requirement on 1 April 2017 at its meeting held on 9 December 2016.

7. When briefing the LegCo Panel on Development on the enactment of the Construction Workers Registration (Exemption) Regulation on 8 November 2016, we mentioned the implementation arrangement of the DWDS requirement at the relevant LegCo Paper No. CB(1)51/16-17(04). No objection was raised to the implementation arrangement.

**Works Branch
Development Bureau
January 2017**

Purposes and Effects of Uncommenced Provisions of CWRO

Sections (Note A1)	Purposes and Effects
3(2)	To forbid any registered construction worker from carrying out skill work unless the worker is a registered skilled/semi-skilled worker of the relevant trade division or under instruction and supervision of another person who is a registered skilled/semi-skilled worker of the relevant trade division
4	To provide for the instruction and supervision arrangement
5 (uncommenced part) (Note A2)	To prohibit against employing a person to personally carry out on a construction site construction work in contravention of section 3(2)
6 (uncommenced part) (Note A2)	To provide for the offences related to section 3(2)
48(1)(b)	To require a registered construction worker to comply with sections 48(2) to (5) regarding carrying registration card if the worker personally carries out on a construction site construction work that involves any of the skill works described in column 3 of Schedule 1 as a registered skilled/semi-skilled worker (Note A3)

Note:

- A1. Please refer to sections 5, 7, 9, 10 and 26 of CWR(A)O for the amendments to sections 3, 4, 5, 6 and 48 of CWRO respectively. Pursuant to section 1(3) of CWR(A)O and L.N. 14 of 2015, the amendments will come into operation on 1 April 2017. The amendments include repealing sections 3(3) and (4) as well as 48(1)(c) and (d).
- A2. Please refer to Note B1 of Annex B for the commenced part of section 5 and section 6.

- A3. Each registered construction worker has a registration card with the registration particulars of the worker printed on the surface. Since section 48(1)(a) comes into operation on 1 September 2007, a registered construction worker has already required to comply with sections 48(2) to (5) regarding carrying registration card if the worker personally carries out on a construction site construction work.

Commenced Provisions of CWRO

Sections	Time when they come into operation	Purposes and effects
1, 2, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 23(4) and (5), 36, 37, 60, 61, 62, 63, 64, 65, 66, 67, and Schedules 1 (except item 51 of Part 1), 2, 3 and 4	18 September 2004 (L.N. 147 of 2004)	To commence provisions for establishment of the then CWRA to administer CWRO, and appointments and powers of the Registrar and authorised officers
22, 23(1), (2) and (3), 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 68	24 February 2005 (L.N. 196 of 2004)	To commence provisions for imposition of levy under CWRO
Construction Workers Registration (Levy) Notice	24 February 2005 (L.N. 195 of 2004)	
38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 49, 50, 51, 52, 53, 54, 55, 56, 57, 59 and 69	29 December 2005 (L.N. 167 of 2005)	To commence provisions for registration of construction workers
Construction Workers Registration (Fees) Regulation	29 December 2005 (L.N. 166 of 2005)	To prescribe the fees relating to the applications for registration and renewal of construction workers and to provide for other arrangements such as waiver of fees and refunds
Item 51 of Part 1 of Schedule 1	28 February 2007 (L.N. 4 of 2007)	To commence item 51 of Part 1 of Schedule 1 regarding “Structural Steel Welder”

Sections	Time when they come into operation	Purposes and effects
(see Note B1)	1 September 2007 (L.N. 93 of 2007)	To commence provisions for prohibition of unregistered workers from carrying out construction work on construction site
2A, 11A, 45A, 46A, 64A, Part 10	1 January 2013 (L.N. 149 of 2012)	To commence provisions for application of CWRO to the Government, establishment of Construction Workers Registration Board, allowing recording of information of other construction-related cards on worker registration cards, and dissolution of CWRA
18A, 28A, 40A, 50A, 63A, 63B, 63C, Schedules 5 and 6	1 April 2015 (L.N. 14 of 2015)	To commence provisions for one-off senior workers registration arrangement, empowering SDEV to make the Exemption Regulation, empowering CIC to issue Code of Practice, and relevant transitional and saving provisions

Note:

B1. The sections of CWRO commenced on 1 September 2007 are -

- (a) 3(1);
- (b) 5 (in so far as it relates to employing a person to personally carry out on a construction site construction work in contravention of section 3(1));
- (c) 6(1) (in so far as it relates to the contravention of section 3(1));
- (d) 6(2) (in so far as it relates to the contravention of section 5(to the extent that it is in operation under paragraph (b)));

- (e) 6(3);
- (f) 6(4) (in so far as it relates to the contravention of section 3(1) or the contravention of section 5 (to the extent that it is in operation under paragraph (b)));
- (g) 6(5), (6), (7) and (8)(a);
- (h) 48 (except paragraphs (b), (c) and (d) of subsection(1)); and
- (i) 58.