

立法會
Legislative Council

LC Paper No. CB(1)471/16-17
(These minutes have been seen
by the Administration)

Ref : CB1/SS/4/16

**Subcommittee on Construction Workers Registration (Exemption) Regulation
and Construction Workers Registration Ordinance
(Amendment of Schedules 1 and 1A) Notice 2016**

**Minutes of first meeting held on
Thursday, 22 December 2016, at 2:30 pm
in Conference Room 2A of the Legislative Council Complex**

Members present : Ir Dr Hon LO Wai-kwok, SBS, MH, JP (Chairman)
Hon HO Kai-ming
Dr Hon YIU Chung-yim

Member absent : Hon Abraham SHEK Lai-him, GBS, JP

**Public Officers
attending** : Agenda item II

Mr Vincent MAK
Deputy Secretary for Development (Works) 2
Development Bureau

Mr Dominic CHOW
Principal Assistant Secretary (Works) 1
Development Bureau

Mr Jacky WU
Chief Assistant Secretary (Works) 6
Development Bureau

Mr George LAW
Assistant Secretary (Works Policies) 8
Development Bureau

Miss Emma WONG
Senior Government Counsel
Department of Justice

Mr Gary LI
Government Counsel
Department of Justice

Clerk in attendance : Mr Derek LO
Chief Council Secretary (1)5

Staff in attendance : Miss Winnie LO
Assistant Legal Adviser 7

Mr Fred PANG
Senior Council Secretary (1)5

Ms Michelle NIEN
Legislative Assistant (1)5

Action

I Election of Chairman

Ir Dr LO Wai-kwok, the member who had the highest precedence in the Council among members of the Subcommittee present at the meeting, presided over the election of Chairman of the Subcommittee. He invited nominations for the chairmanship

2. Mr HO Kai-ming nominated Ir Dr LO Wai-kwok and the nomination was seconded by Dr YIU Chung-yim. Ir Dr LO accepted the nomination. Mr HO Kai-ming, member of the highest precedence among those present not nominated for the office, presided over the election of Chairman and called for other nominations. As there was no other nomination, Mr HO declared that Ir Dr LO Wai-kwok was elected Chairman of the Subcommittee. Ir Dr LO then took over the chair. Members agreed that there was no need to elect a Deputy Chairman.

II Meeting with the Administration

(L.N. 188 of 2016	— Construction	Workers
	Registration	(Exemption)
	Regulation	
L.N. 189 of 2016	— Construction	Workers
	Registration	Ordinance
	(Amendment of Schedules 1 and	
	1A) Notice 2016	
File Ref: DEVB(CR)(W)1-10/31	— Legislative Council Brief	
LC Paper No. LS18/16-17	— Legal Service Division Report	
LC Paper No. CB(1)345/16-17(01)	— Marked-up copy of relevant	
	provisions to be amended by the	
	subsidiary legislation prepared	
	by the Legal Service Division	
	(Restricted to members)	
LC Paper No. CB(1)345/16-17(02)	— Background brief prepared by	
	the Legislative Council	
	Secretariat)	

3. The Subcommittee deliberated (index of proceedings in the **Appendix**).
4. The Subcommittee completed section-by-section examination of the two pieces of subsidiary legislation. Members agreed that there was no need for the Subcommittee to hold a further meeting.

Legislative timetable and extension of scrutiny period

5. The Subcommittee noted that the scrutiny period of the two pieces of subsidiary legislation would expire at the Council meeting of 11 January 2017 and that there was no House Committee ("HC") meeting before the deadline for giving notice of amendment to the subsidiary legislation ("the deadline"), i.e. 4 January 2017. To enable the Subcommittee to report its deliberations to HC before the deadline, members agreed that the Chairman would move a motion at the Council meeting of 11 January 2017 to extend the scrutiny period to the Council meeting of 8 February 2017. Members noted that, upon extension of the scrutiny period, the deadline for giving notice of motion to amend the two pieces of subsidiary legislation would be 1 February 2017. The Chairman would report the deliberations of the Subcommittee to HC at its meeting on 20 January 2017.

(Post-meeting note: At its meeting of 11 January 2017, the Council passed a motion to extend the scrutiny period to 8 February 2017.)

III Any other business

6. There being no other business, the meeting ended at 3:20 pm.

Council Business Division 1
Legislative Council Secretariat
20 January 2017

**Proceedings of first meeting of the
Subcommittee on Construction Workers Registration (Exemption) Regulation and Construction Workers
Registration Ordinance(Amendment of Schedules 1 and 1A) Notice 2016
on Thursday, 22 December 2016, at 2:30 pm
in Conference Room 2A of the Legislative Council Complex**

Time marker	Speaker	Subject(s)	Action required
Election of Chairman			
000334 – 000540	Ir Dr LO Wai-kwok Mr HO Kai-ming Dr YIU Chung-yim	Election of Chairman	
Meeting with the Administration			
000541 – 001259	Chairman Administration	Briefing by the Administration	
001300 – 001940	Chairman Dr YIU Chung-yim Administration	<p>Dr YIU Chung-yim suggested that the Administration should stipulate in the relevant legislation a timetable for conducting a review on the implementation of the new legislative requirements after commencement of the Construction Workers Registration (Exemption) Regulation (L.N. 188 of 2016) ("the Exemption Regulation") and the Construction Workers Registration Ordinance (Amendment of Schedules 1 and 1A) Notice 2016 (L.N. 189 of 2016) ("the Amendment Notice") in order to examine the progress of adaptation to the requirements by the industry and to explore room for further improvement.</p> <p>The Administration replied that –</p> <p>(a) the Administration had adopted a phase-by-phase approach to implementing the prohibition requirements, including "designated workers for designated skills" ("DWDS") requirement, to facilitate a gradual adaptation to the changes by the industry;</p> <p>(b) after commencement of the proposed items of subsidiary legislation, the Administration, in collaboration with the Construction Industry Council ("CIC"), would from time to time review the implementation of the new requirements, and obtain feedback from relevant industry stakeholders with a view to planning the way forward; and</p>	

Time marker	Speaker	Subject(s)	Action required
		<p>(c) as such, the Administration did not consider it necessary to specify a review timetable in the subsidiary legislation.</p> <p>As a general remark, Dr YIU stated that the Administration might give further consideration to his suggestion.</p> <p>Dr YIU enquired –</p> <p>(a) why CIC, but not other organizations such as the Vocational Training Council ("VTC") and the Construction Industry Training Authority, took up the responsibilities for developing the trade tests for the three new trade divisions; and</p> <p>(b) whether there was a definition of the skills of the trade division of "False Ceiling Installer" in the legislation.</p> <p>The Administration replied that –</p> <p>(a) since its establishment, CIC had taken over from the former Construction Industry Training Authority its responsibilities in relation to construction training and trade testing;</p> <p>(b) the construction-related training courses and trade tests provided by VTC were mainly on electrical and mechanical works;</p> <p>(c) a description of the skills of "False Ceiling Installer", i.e. installing false ceilings, was set out under the proposed item 13A of Schedule 1 to L.N. 189; and the Administration considered the description appropriate after due discussion and consultation with industry stakeholders; and</p> <p>(d) CIC might, where appropriate, issue guidelines to facilitate the understanding of the skills of the new trade divisions by the industry.</p>	
<p><u>Section-by-section examination of Construction Workers Registration (Exemption) Regulation (L.N 188 of 2016)</u></p>			
<p>001941 – 002224</p>	<p>Chairman Administration</p>	<p><u>Part 1 – Preliminary</u></p> <p><i>Section 1 – Commencement</i></p>	

Time marker	Speaker	Subject(s)	Action required
		<p><i>Section 2 – Interpretation</i></p> <p>Members raised no queries.</p>	
002225 – 002705	Chairman Dr YIU Chung-yim Administration	<p><u>Part 2 – Exemption for Emergency Construction Work</u></p> <p><i>Section 3 – Interpretation of Part 2</i></p> <p>Dr YIU Chung-yim enquired and the Administration confirmed that in formulating the definition of "emergency work" under the proposed section 3, it had made reference to a similar definition under the Land (Miscellaneous Provisions) Ordinance (Cap. 28).</p> <p><i>Section 4 – Exemption for emergency work</i></p> <p><i>Section 5 – Duty to notify and submit record</i></p> <p>In response to the Chairman's enquiry on whether the expression "the Council" under the various subsections of the proposed section 5 had been defined in the principle legislation under which the proposed subsidiary legislation was made, the Administration advised in the affirmative.</p> <p>The Chairman referred to the proposed section 5(5), and enquired about the amount of fine for level 3. The Administration replied that the amount was \$10,000.</p>	
002706 – 003419	Chairman Mr HO Kai-ming Administration	<p><u>Part 3 – Exemption for Small Scale Construction Work</u></p> <p><i>Section 6 – Exemption for specified small scale construction work</i></p> <p><i>Section 7 – Exemption for small scale construction work involving certain designated trade divisions</i></p> <p><i>Section 8 – Exemption for small value construction work</i></p> <p>Mr HO Kai-ming enquired whether the proposed cost threshold of \$100,000 for exempting small value construction work from DWDS requirement would be subject to review.</p>	

Time marker	Speaker	Subject(s)	Action required
		<p>The Administration replied that it would from time to time review the implementation of the two items of subsidiary legislation after their commencement, and where appropriate, propose amendments to them, including the exemption threshold.</p> <p>In response to the Chairman's enquiry on whether, as far as the exemption threshold was concerned, CIC would be the main platform for consulting the industry stakeholders, the Administration advised in the affirmative.</p>	
003420 – 003541	Chairman Administration	<p><u>Part 4 – Exemption Based on Other Enactments</u></p> <p><i>Section 9 – Exemption for person exempted under other enactments</i></p> <p>Members raised no queries.</p>	
003542 – 004020	Chairman Administration	<p><u>Schedule 1 – Designated Trade Divisions Specified for Purposes of Sections 4, 6 and 8</u></p> <p><u>Schedule 2 – Small Scale Construction Work under Section 6</u></p> <p><u>Schedule 3 – Small Scale Construction Work under Section 7</u></p> <p><u>Schedule 4 – Exemption Based on Other Enactments</u></p> <p>Members raised no queries.</p>	
<p><u>Section-by-section examination of Construction Workers Registration Ordinance (Amendment of Schedules 1 and 1A) Notice 2016 (L.N. 189 of 2016)</u></p>			
004021 – 004906	Chairman Administration	<p><u>Part 1 – Preliminary</u></p> <p><i>Section 1 – Commencement</i></p> <p><u>Part 2 – Amendments to Construction Workers Registration Ordinance</u></p> <p><i>Section 2 – Construction Workers Registration Ordinance amended</i></p> <p><i>Section 3 – Schedule 1 amended (designated trade divisions)</i></p>	

Time marker	Speaker	Subject(s)	Action required
		<p><i>Section 4 – Schedule 1A amended (working across designated trade divisions)</i></p> <p><u>Part 3 – Transitional Provisions</u></p> <p><u>Division 1 – Prohibition and Regulation</u></p> <p><i>Section 5 – Application of sections 3(2), 4, 4A and 48(1)(b) of Ordinance – construction work involving required skills of newly added trade division</i></p> <p><u>Division 2 – Registration, Review and Appeal</u></p> <p><i>Section 6 – Registration of senior construction worker as registered skilled worker for newly designated trade division</i></p> <p><i>Section 7 – Renewal of registration made under section 6(1)</i></p> <p><i>Section 8 – Review of decision made under section 6(1) or (4) and related appeal</i></p> <p>Members raised no queries.</p>	
004907 – 005146	Chairman	Legislative timetable and extension of scrutiny period	