

L.N. 188 of 2016

Construction Workers Registration (Exemption) Regulation

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Construction Workers Registration (Exemption) Regulation

(Made by the Secretary for Development under section 63A of the
Construction Workers Registration Ordinance (Cap. 583))

Part 1

Preliminary

1. Commencement

- (1) Subject to subsection (2), this Regulation comes into operation on the day on which section 3(2) of the Construction Workers Registration Ordinance (Cap. 583) comes into operation.
- (2) Items 25 and 31 of Schedule 1 and items 14 and 18 of Schedule 3 come into operation on the expiry of 24 months beginning on the day on which section 3(2) of the Construction Workers Registration Ordinance (Cap. 583) comes into operation.

2. Interpretation

In this Regulation—

required skills (規定技能), in relation to a designated trade division, means the skills described in column 3 of Schedule 1 to the Ordinance opposite the trade division.

Part 2

Exemption for Emergency Construction Work

3. Interpretation of Part 2

In this Part—

controller (主管), in relation to a construction site, means—

- (a) the principal contractor for the site; or
- (b) if there is no principal contractor for the site, a person who has control over, or is in charge of, the site;

emergency work (緊急工作) means any construction work reasonably required to be carried out immediately on a construction site due to an emergency, for one or more of the following purposes—

- (a) saving human life;
- (b) preventing personal injury;
- (c) preventing damage to property;
- (d) preventing serious interruption or disruption to a public transport system or utility service;

material time (關鍵時間), in relation to any emergency work on a construction site, means the earliest time at which a controller of the construction site becomes aware of the emergency due to which the work is required.

4. Exemption for emergency work

- (1) This section applies to any emergency work that—
 - (a) involves any required skills of a designated trade division specified in column 2 of Schedule 1 (***Schedule 1 required skills***); and

- (b) is carried out on a construction site within 72 hours immediately after the material time.
- (2) To the extent of the involvement of the Schedule 1 required skills in carrying out the emergency work—
 - (a) the emergency work is exempted from sections 3(2), 3A, 4 and 48(1)(b) of the Ordinance; and
 - (b) the following persons are exempted from section 4A of the Ordinance—
 - (i) the employer of a person personally carrying out the emergency work;
 - (ii) the principal contractor for the construction site.

5. Duty to notify and submit record

- (1) If any emergency work specified in section 4(1)(a) is carried out on a construction site within 48 hours immediately after the material time, a controller of the construction site must, within that period, notify the Council of the time at which the emergency work commences.
 - (2) The notification must be made in a specified form.
 - (3) A controller of a construction site on which any emergency work specified in section 4(1) is carried out must, within 96 hours immediately after the material time, submit to the Council a record of the emergency work.
 - (4) The record must be submitted in a specified form.
 - (5) A person who, without reasonable excuse, contravenes subsection (1) or (3) commits an offence and is liable on conviction to a fine at level 3.
-

Part 3

Exemption for Small Scale Construction Work

6. Exemption for specified small scale construction work

- (1) Subsection (2) applies to any construction work described in column 2 of Schedule 2 that—
 - (a) is carried out on a construction site;
 - (b) involves any required skills of a designated trade division specified in column 2 of Schedule 1 (*Schedule 1 required skills*); and
 - (c) meets all the requirements set out in column 3 of Schedule 2 opposite the description (*applicable requirements*) when the construction work commences.
- (2) Throughout the period during which the construction work meets all the applicable requirements and to the extent of the involvement of the Schedule 1 required skills in carrying out the construction work—
 - (a) the construction work is exempted from sections 3(2), 3A, 4 and 48(1)(b) of the Ordinance; and
 - (b) the following persons are exempted from section 4A of the Ordinance—
 - (i) the employer of a person personally carrying out the construction work;
 - (ii) the principal contractor for the construction site.
- (3) Subsection (4) applies to any construction work described in column 2 of Schedule 2 that—
 - (a) is carried out on a construction site;

- (b) involves any Schedule 1 required skills; and
 - (c) does not meet all the applicable requirements when the construction work commences.
- (4) Throughout the period during which any uncompleted part of the construction work meets all the applicable requirements and to the extent of the involvement of the Schedule 1 required skills in carrying out that part of the construction work—
 - (a) that part of the construction work is exempted from sections 3(2), 3A, 4 and 48(1)(b) of the Ordinance; and
 - (b) the following persons are exempted from section 4A of the Ordinance—
 - (i) the employer of a person personally carrying out that part of the construction work;
 - (ii) the principal contractor for the construction site.

7. Exemption for small scale construction work involving certain designated trade divisions

- (1) Subsection (2) applies to any construction work that—
 - (a) is carried out on a construction site;
 - (b) involves any required skills of a designated trade division specified in column 2 of Schedule 3 (*Schedule 3 required skills*); and
 - (c) meets all the requirements set out in column 3 of Schedule 3 opposite the trade division (*applicable requirements*) when the construction work commences.

- (2) Throughout the period during which the construction work meets all the applicable requirements and to the extent of the involvement of the Schedule 3 required skills in carrying out the construction work—
 - (a) the construction work is exempted from sections 3(2), 3A, 4 and 48(1)(b) of the Ordinance; and
 - (b) the following persons are exempted from section 4A of the Ordinance—
 - (i) the employer of a person personally carrying out the construction work;
 - (ii) the principal contractor for the construction site.
- (3) Subsection (4) applies to any construction work that—
 - (a) is carried out on a construction site;
 - (b) involves any Schedule 3 required skills; and
 - (c) does not meet all the applicable requirements when the construction work commences.
- (4) Throughout the period during which any uncompleted part of the construction work meets all the applicable requirements and to the extent of the involvement of the Schedule 3 required skills in carrying out that part of the construction work—
 - (a) that part of the construction work is exempted from sections 3(2), 3A, 4 and 48(1)(b) of the Ordinance; and
 - (b) the following persons are exempted from section 4A of the Ordinance—
 - (i) the employer of a person personally carrying out that part of the construction work;

- (ii) the principal contractor for the construction site.

8. Exemption for small value construction work

- (1) This section applies to any construction work carried out on a construction site—
 - (a) that involves any required skills of a designated trade division specified in column 2 of Schedule 1 (***Schedule 1 required skills***); and
 - (b) the value of which does not exceed \$100,000.
- (2) To the extent of the involvement of the Schedule 1 required skills in carrying out the construction work—
 - (a) the construction work is exempted from sections 3(2), 3A, 4 and 48(1)(b) of the Ordinance; and
 - (b) the following persons are exempted from section 4A of the Ordinance—
 - (i) the employer of a person personally carrying out the construction work;
 - (ii) the principal contractor for the construction site.
- (3) However, subsection (2) does not apply if—
 - (a) contiguous to the construction work there is any other construction work; and
 - (b) the total value of the construction work and that other construction work exceeds \$100,000.

- (4) In this section—

construction contract (建造合約) has the meaning given by section 2(1) of the Construction Industry Council Ordinance (Cap. 587);

value (價值)—

- (a) for any construction work that is carried out under a construction contract—
 - (i) subject to subparagraph (ii), means the consideration attributable to the construction work as stated in, or ascertainable by reference to, the contract; or
 - (ii) if the consideration referred to in subparagraph (i) is below the reasonable consideration to be expected on the open market for the carrying out of the construction work, means that reasonable consideration; or
 - (b) for any construction work that is not carried out under a construction contract, means the reasonable consideration to be expected on the open market for the carrying out of the construction work.
- (5) For the purposes of paragraphs (a)(ii) and (b) of the definition of **value** in subsection (4), the Council may, when ascertaining the reasonable consideration to be expected on the open market for the carrying out of any construction work, have regard to all or any of the following matters—
- (a) the cost or value of materials used in the construction work;
 - (b) the cost or value of time, work and labour involved in the construction work;
 - (c) the equipment used in the construction work;
 - (d) such overhead costs incurred in relation to the construction work as the Council considers reasonable;
 - (e) the reasonable profit to be expected on the open market for the carrying out of the construction work;

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- (f) any other matters that the Council considers appropriate.

Part 4

Exemption Based on Other Enactments

9. Exemption for person exempted under other enactments

- (1) This section applies if—
 - (a) a person who is a registered construction worker personally carries out on a construction site construction work that involves any required skills of a designated trade division specified in column 2 of Schedule 4 (*Schedule 4 required skills*);
 - (b) an exemption specified in column 3 of Schedule 4 opposite the trade division is granted to the person, or to a class of persons to which the person belongs; and
 - (c) the exemption is in force at the time when the person carries out the construction work.
- (2) In carrying out the construction work, the person is exempted from sections 3(2), 3A, 4 and 48(1)(b) of the Ordinance to the extent of the involvement of the Schedule 4 required skills—
 - (a) covered by the exemption mentioned in subsection (1)(b); and
 - (b) applied by the person in carrying out the construction work.

- (3) In relation to the person's carrying out of the construction work, the person's employer and the principal contractor for the construction site are exempted from section 4A of the Ordinance to the extent of the involvement of the Schedule 4 required skills as described in subsection (2)(a) and (b).
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Schedule 1

[ss. 4, 6 & 8]

Designated Trade Divisions Specified for Purposes of Sections 4, 6 and 8

Column 1	Column 2
Item	Designated trade divisions
1.	Carpenter (Fender)
2.	Carpenter (Formwork—Civil Construction)
3.	Carpenter (Formwork—Civil Construction) (Striking)
4.	Carpenter (Formwork—Building Construction)
5.	Carpenter (Formwork—Building Construction) (Striking)
6.	Joiner
7.	Joiner (Assembling)
8.	Leveller
9.	Waterproofing Worker (Liquid Membrane)
10.	Waterproofing Worker (Burn-type Felt)
11.	Waterproofing Worker (Adhesive-type Felt)
12.	Plumber
13.	Drainlayer
14.	Paving Block Layer
15.	Plasterer
16.	Plasterer (Floor)
17.	Mason
18.	Bricklayer

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Column 1	Column 2
Item	Designated trade divisions
19.	Tiler
20.	Tiler (Mosaic)
21.	Tiler (Tile)
22.	Demolition Worker (Building)
23.	Metal Worker
24.	Structural Steel Erector
25.	False Ceiling Installer
26.	Concretor
27.	Concrete Repairer (Spalling Concrete)
28.	Marble Worker (Polishing)
29.	Marble Worker (Dry Fixing)
30.	Marble Worker (Wet Fixing)
31.	Partition (Metal Frame) Installer
32.	Glazier
33.	Floor Layer (Timber Flooring)
34.	Floor Layer (PVC Flooring)
35.	Bar Bender and Fixer
36.	Painter and Decorator (Roller Painting)
37.	Painter and Decorator (Surface Filling)
38.	Painter and Decorator (Emulsion Painting)
39.	Painter and Decorator (Brushing Lacquering)
40.	Painter and Decorator (Synthetic Painting)
41.	Painter and Decorator (Clear Lacquering)
42.	Painter and Decorator (Texture-spray)

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Schedule 1

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Column 1	Column 2
Item	Designated trade divisions
43.	Painter and Decorator (Metal Paint Spray)
44.	Painter and Decorator (Paperhanging)
45.	Painter and Decorator (Sign Writing)
46.	Asphalter (Road Construction)
47.	Electrical Wireman

Schedule 2

[s. 6]

Small Scale Construction Work under Section 6

Column 1	Column 2	Column 3
Item	Description of construction work	Requirements
1.	Construction or alteration of U-channel, dish-channel or similar surface channel, underground gravity drain, pipe, duct, culvert or other underground non-pressurized pipe or duct	(a) Depth of excavation $\leq$ 1.2 m (b) Distance between any point of excavation and any retaining structure or slope toe $\geq$ depth of excavation (c) If carried out beside the crest of a slope— (i) gradient of slope $\leq$ 15 degrees; (ii) height of slope $\leq$ 3 m; and (iii) distance between any point of excavation and outer edge of crest is at least 1.5 times the height of slope

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Schedule 2

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Column 1	Column 2	Column 3
Item	Description of construction work	Requirements
2.	Construction or alteration of aboveground gravity drain, pipe, duct or other aboveground non-pressurized pipe or duct	(a) Internal diameter ≤ 300 mm (b) Not embedded in structure other than passing through a wall or slab
3.	Construction or alteration of catchpit, manhole, gully, sandtrap, cable draw pit, valve pit or other similar service pit	(a) Peripheral plan area $\leq 2 \text{ m}^2$ (b) Depth ≤ 1.3 m
4.	Construction or alteration of concrete wall or brick wall (other than load bearing wall)	(a) No alteration of structural element involved (b) For external reinforced concrete wall—wall height from ground level ≤ 0.9 m (c) For external reinforced concrete wall serving only as planter wall but not parapet—wall height from ground level ≤ 1.2 m (d) For external brick wall—wall height from ground level ≤ 1.1 m

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Schedule 2

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Column 1	Column 2	Column 3
Item	Description of construction work	Requirements
		(e) For internal reinforced concrete or brick wall— (i) wall height from adjoining floor level ≤ 2.6 m (ii) thickness ≤ 150 mm (including wall finishes)
5.	Repair or maintenance of concrete wall or brick wall (other than load bearing wall)	(a) No alteration of structural element involved (b) For reinforced concrete wall—wall height from adjoining ground level or adjoining floor level ≤ 2.6 m (c) For brick wall—wall height from adjoining ground level or adjoining floor level ≤ 3 m
6.	Construction of bituminous road or pavement	(a) Road or pavement area ≤ 50 m² (b) For trench work—reinstatement width ≤ 500 mm

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Schedule 2

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Column 1	Column 2	Column 3
Item	Description of construction work	Requirements
7.	Construction of plain or reinforced concrete road (including run-in on pavement or track)	Road area $\leq 30 \text{ m}^2$
8.	Construction of pavement or track (excluding run-in) with plain or reinforced concrete	Nil
9.	Construction of reinforced concrete, steel or wooden boardwalk	(a) For reinforced concrete or steel boardwalk structure—span $\leq 4.5 \text{ m}$ (b) For wooden boardwalk structure—span $\leq 3 \text{ m}$ (c) Height of boardwalk structure from adjoining ground level (when construction work is finished) to its finished level where people walk on it $\leq 1.5 \text{ m}$

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Column 1	Column 2	Column 3
Item	Description of construction work	Requirements
10.	Construction, replacement or repair of metal handrail, barrier fence, or other protective barrier provided to restrict or control the movement of persons or vehicles	Difference in height between level on which metal railing is located and its adjoining ground level ≤ 2 m
11.	Replacement or repair of metal cat-ladder	Height of cat-ladder ≤ 1.5 m
12.	Erection or alteration of external mesh fence	(a) Fence is erected on-grade (b) Height of fence from ground level ≤ 2.2 m
13.	Construction or repair of traffic sign plate, street name plate or visitor sign plate, or its associated post	Area of plate ≤ 1 m ²

Schedule 3

[s. 7]

Small Scale Construction Work under Section 7

Column 1	Column 2	Column 3
Item	Designated trade divisions	Requirements
1.	Carpenter (Fender)	Volume of timber to be replaced or repaired $\leq 3 \text{ m}^3$
2.	(a) Carpenter (Formwork—Civil Construction)	Formwork area $\leq 15 \text{ m}^2$
	(b) Carpenter (Formwork—Civil Construction) (Striking)	
	(c) Carpenter (Formwork—Building Construction)	
	(d) Carpenter (Formwork—Building Construction) (Striking)	

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Schedule 3

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B3611

Column 1 Item	Column 2 Designated trade divisions	Column 3 Requirements
3.	(a) Joiner (b) Joiner (Assembling)	(a) For repairing woodwork—woodwork area $\leq 25 \text{ m}^2$ (b) For constructing new woodwork—woodwork area $\leq 2 \text{ m}^2$
4.	Leveller	Setting up job lines and levels only for any construction work exempted under section 7
5.	(a) Waterproofing Worker (Liquid Membrane) (b) Waterproofing Worker (Burn-type Felt) (c) Waterproofing Worker (Adhesive-type Felt)	(a) For replacing or repairing waterproofing area—waterproofing area $\leq 50 \text{ m}^2$ (b) For constructing new waterproofing area—waterproofing area $\leq 25 \text{ m}^2$
6.	Plumber	(a) Size of pipe or fitting to be repaired— (i) diameter $\leq 20 \text{ mm}$ (ii) length $\leq 3 \text{ m}$ (b) No copper pipe with solder joint involved

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Schedule 3

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B3613

Column 1	Column 2	Column 3
Item	Designated trade divisions	Requirements
7.	Paving Block Layer	(a) For replacing or repairing paving block—paving area $\leq 50 \text{ m}^2$ (b) For constructing new paving block—paving area $\leq 25 \text{ m}^2$
8.	(a) Plasterer (b) Plasterer (Floor)	Distance between the highest point of plastering area and adjoining ground or adjoining floor $\leq 3 \text{ m}$, and— (a) for replacing or repairing plastering—plastering area $\leq 50 \text{ m}^2$ (b) for constructing new plastering—plastering area $\leq 25 \text{ m}^2$
9.	Mason	(a) For replacing or repairing mason— (i) mason area $\leq 50 \text{ m}^2$ (ii) height of mason work $\leq 1.1 \text{ m}$

Construction Workers Registration (Exemption) Regulation

Schedule 3

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B3615

Column 1	Column 2	Column 3
Item	Designated trade divisions	Requirements
		(b) For constructing new mason— (i) mason area $\leq 25 \text{ m}^2$ (ii) height of mason work $\leq 1.1 \text{ m}$
10.	(a) Tiler (b) Tiler (Mosaic) (c) Tiler (Tile)	Distance between the highest point of tile work and adjoining ground or adjoining floor $\leq 3 \text{ m}$, and— (a) for replacing or repairing tile work—tiled area $\leq 50 \text{ m}^2$ (b) for constructing new tile work—tiled area $\leq 25 \text{ m}^2$
11.	Demolition Worker (Building)	(a) For demolishing brick wall— (i) wall height $\leq 2.6 \text{ m}$ (ii) thickness $\leq 150 \text{ mm}$ (including wall finishes) (b) For demolishing concrete structure—height of concrete structure $\leq 1.5 \text{ m}$

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Schedule 3

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B3617

Column 1	Column 2	Column 3
Item	Designated trade divisions	Requirements
12.	Metal Worker	Weight of metal to be handled ≤ 0.2 tonne
13.	Structural Steel Erector	Weight of structural steel to be handled ≤ 0.2 tonne
14.	False Ceiling Installer	(a) For replacing or repairing false ceiling—false ceiling area $\leq 50 \text{ m}^2$ (b) For constructing new false ceiling—false ceiling area $\leq 25 \text{ m}^2$
15.	Concretor	Volume of concrete to be handled $\leq 7 \text{ m}^3$
16.	Concrete Repairer (Spalling Concrete)	(a) No alteration of structural element involved (b) Distance between the highest point of area to be repaired and adjoining ground or adjoining floor $\leq 3 \text{ m}$ (c) Area to be repaired $\leq 30 \text{ m}^2$

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Schedule 3

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B3619

Column 1	Column 2	Column 3
Item	Designated trade divisions	Requirements
17.	(a) Marble Worker (Polishing) (b) Marble Worker (Dry Fixing) (c) Marble Worker (Wet Fixing)	(a) For replacing or repairing marble— (i) marble area $\leq 50 \text{ m}^2$ (ii) height of marble work $\leq 1.1 \text{ m}$ (b) For constructing new marble— (i) marble area $\leq 25 \text{ m}^2$ (ii) height of marble work $\leq 1.1 \text{ m}$
18.	Partition (Metal Frame) Installer	(a) For replacing or repairing partition (metal frame)—partition (metal frame) area $\leq 50 \text{ m}^2$ (b) For constructing new partition (metal frame)—partition (metal frame) area $\leq 25 \text{ m}^2$
19.	Glazier	Area of glass to be handled $\leq 0.7 \text{ m}^2$
20.	(a) Floor Layer (Timber Flooring) (b) Floor Layer (PVC Flooring)	(a) For replacing or repairing floor—floor area $\leq 50 \text{ m}^2$ (b) For constructing new floor—floor area $\leq 25 \text{ m}^2$

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Column 1 Item	Column 2 Designated trade divisions	Column 3 Requirements
21.	Bar Bender and Fixer	Steel reinforcement to be fixed (cutting or bending not included) ≤ 0.15 tonne
22.	(a) Painter and Decorator (Roller Painting)	(a) For protective coating of concrete structure—area $\leq 5 \text{ m}^2$
	(b) Painter and Decorator (Surface Filling)	(b) For protective coating of structural steelwork against corrosion—area $\leq 0.5 \text{ m}^2$
	(c) Painter and Decorator (Emulsion Painting)	(c) For painting of non-structural steelwork—area $\leq 5 \text{ m}^2$
	(d) Painter and Decorator (Brushing Lacquering)	(d) For replacing or repairing painting of an area other than one mentioned in paragraphs (a), (b) and (c)—area $\leq 50 \text{ m}^2$
	(e) Painter and Decorator (Synthetic Painting)	(e) For new painting of an area other than one mentioned in paragraphs (a), (b) and (c)—area $\leq 2 \text{ m}^2$
	(f) Painter and Decorator (Clear Lacquering)	
	(g) Painter and Decorator (Texture-spray)	
	(h) Painter and Decorator (Metal Paint Spray)	

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Schedule 3

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Column 1	Column 2	Column 3
Item	Designated trade divisions	Requirements
	(i) Painter and Decorator (Paperhanging)	
	(j) Painter and Decorator (Sign Writing)	
23.	Electrical Wireman	Length of wire to be handled ≤ 50 m

Schedule 4

[s. 9]

Exemption Based on Other Enactments

Column 1	Column 2	Column 3
Item	Designated trade divisions	Exemptions
1.	Lift Mechanic	Exemption under section 148 of the Lifts and Escalators Ordinance (Cap. 618)
2.	Escalator Mechanic	Exemption under section 148 of the Lifts and Escalators Ordinance (Cap. 618)
3.	Gas Installer	Exemption under regulation 34 of the Gas Safety (Registration of Gas Installers and Gas Contractors) Regulations (Cap. 51 sub. leg. D)
4.	Electrical Fitter	Exemption under section 9 of the Electricity Ordinance (Cap. 406)

Paul CHAN Mo-po
Secretary for Development

6 December 2016

Explanatory Note

Under the Construction Workers Registration Ordinance (Cap. 583) (*principal Ordinance*), a person is prohibited from carrying out, without proper registration, construction work that involves any skills described in column 3 of Schedule 1 to the principal Ordinance (*required skills*) opposite a trade division set out in column 2 of that Schedule (*designated trade division*).

2. The main purpose of this Regulation is to exempt the following construction work from the application of certain prohibition provisions of the principal Ordinance (including the one specified in paragraph 1) (*prohibition provisions*)—
- (a) any emergency construction work that—
 - (i) involves any required skills of a designated trade division specified in column 2 of Schedule 1 to this Regulation (*specified trade division*); and
 - (ii) is carried out on a construction site within 72 hours immediately after a controller of the construction site concerned becomes aware of the emergency;
 - (b) any small scale construction work that—
 - (i) is described in column 2 of Schedule 2 to this Regulation;
 - (ii) is carried out on a construction site;
 - (iii) involves any required skills of a specified trade division; and
 - (iv) meets all the requirements set out in column 3 of that Schedule opposite the description;
 - (c) any small scale construction work that—

- (i) is carried out on a construction site;
 - (ii) involves any required skills of a designated trade division specified in column 2 of Schedule 3 to this Regulation; and
 - (iii) meets all the requirements set out in column 3 of that Schedule opposite the trade division;
 - (d) any small value construction work—
 - (i) that is carried out on a construction site;
 - (ii) that involves any required skills of a specified trade division; and
 - (iii) the value of which does not exceed \$100,000.
3. This Regulation also exempts from the application of the prohibition provisions a registered construction worker who—
- (a) has been granted an exemption specified in column 3 of Schedule 4 to this Regulation (*specified exemption*); and
 - (b) personally carries out construction work that involves any required skills of a designated trade division specified in column 2 of that Schedule, which are covered by the specified exemption.
4. Section 4A of the principal Ordinance imposes certain duty on the employer of certain registered construction workers and the principal contractor. Non-compliance of the duty is an offence. This Regulation further exempts the following persons from the application of that section—
- (a) the employer of a person personally carrying out the construction work specified in paragraph 2 or 3;
 - (b) the principal contractor for the relevant construction site.

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Explanatory Note
Paragraph 5

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5. The exemptions under this Regulation are limited to the extent of the involvement of the relevant required skills in carrying out the construction work.