

立法會
Legislative Council

LC Paper No. CB(1)975/17-18(01)

Ref: CB1/SS/10/17

**Subcommittee on Construction Workers Registration Ordinance
(Expiry of Section 39(1)(b) and (d)) Notice**

Background brief

Purpose

This paper provides background information on the Construction Workers Registration Ordinance (Expiry of Section 39(1)(b) and (d)) Notice ("the Notice"). It also summarizes the major views and concerns expressed by members of the Panel on Development ("the DEV Panel") on matters related to the Notice.

Background

2. Enacted in 2004, the Construction Workers Registration Ordinance (Cap. 583) ("CWRO"), provides for, among other things, the registration of construction workers. Upon the commencement of the registration system in 2005, a transitional arrangement has been provided for experienced construction workers who were carrying out skill works. Under the transitional arrangement, a person who has not less than six years of specified skill works experience as at 29 December 2005 may apply under section 39(1)(b) of CWRO for registration as a registered skilled worker (provisional) of the relevant trade division, and a person who has not less than two years of specified skill experience may apply under section 39(1)(d) of CWRO for registration as a registered semi-skilled worker (provisional) of the relevant trade division. Section 39(3) of CWRO provides that section 39(1)(b) and (d) each expires on a day or days to be appointed by the Secretary for Development by notice published in the Gazette.¹

¹ Section 39 of CWRO is extracted at **Appendix I**.

3. According to the Administration,² the total number of registered semi-skilled/skilled workers (provisional) has been declining from about 18 000 in December 2007 to about 1 200 in December 2017, showing that most of the experienced workers in active service should have already been registered as semi-skilled/skilled workers. Therefore, the Administration considers that the transitional arrangement is no longer necessary. After the cessation of provisional registration, construction workers can register as semi-skilled/skilled workers if they pass the relevant trade tests or hold other qualifications specified by CWRO.

Construction Workers Registration Ordinance (Expiry of Section 39(1)(b) and (d)) Notice

4. Against the above background, the Secretary for Development has made the Notice to appoint 1 July 2019 as the day on which section 39(1)(b) and (d) of CWRO expires in order to terminate the arrangement for provisional registration.

5. The Notice was gazetted on 4 May 2018 and tabled before the Legislative Council at its meeting of 9 May 2018 for negative vetting. It will come into operation on 1 July 2019.

Major views and concerns expressed by members

6. The Administration briefed the DEV Panel on 27 March 2018 on the proposed cessation of provisional registration under CWRO. While Panel members did not object to the proposed cessation, a member opined that the Administration should consider further extending the expiry date beyond 1 July 2019 if necessary to ensure that those workers who had yet to be registered under CWRO could maintain their livelihood.

7. The Administration advised that as the number of semi-skilled/skilled workers requiring provisional registration had substantially declined and a grace period of slightly more than 12 months would be provided, the proposed cessation would have little impact on the construction industry and workers in active service.

² Source: Legislative Council Brief on the Notice ([File Ref: DEVB\(CR\)\(W\)1-10/31](#))

8. At the request of a member, the Administration has provided supplementary information on the experience, age and trades of provisionally registered semi-skilled/skilled workers. The supplementary information was circulated to members vide [LC Paper No. CB\(1\)835/17-18\(01\)](#).

Latest development

9. At the House Committee meeting held on 11 May 2018, Members agreed that a subcommittee should be formed to examine the Notice.

Relevant papers

10. A list of relevant papers with their hyperlinks is in **Appendix II**.

Council Business Division 1
Legislative Council Secretariat
18 May 2018

Cap. 583

Construction Workers Registration
Ordinance

01/04/2015

39. Application for registration

- (1) A person may apply to the Registrar for registration as—
 - (a) a registered skilled worker for one or more designated trade divisions; (*Replaced 22 of 2014 s. 16*)
 - (b) a registered skilled worker (provisional) for one or more designated trade divisions; (*Replaced 22 of 2014 s. 16*)
 - (c) a registered semi-skilled worker for one or more designated trade divisions; (*Replaced 22 of 2014 s. 16*)
 - (d) a registered semi-skilled worker (provisional) for one or more designated trade divisions; or (*Replaced 22 of 2014 s. 16*)
 - (e) a registered general worker.
- (2) An application under subsection (1) shall be—
 - (a) in the specified form; and
 - (b) accompanied by the prescribed fee.
- (3) Paragraphs (b) and (d) of subsection (1) each expires on a day or days to be appointed by the Secretary by notice published in the Gazette.

Appendix II

Construction Workers Registration Ordinance (Expiry of Section 39(1)(b) and (d)) Notice

List of relevant papers

Council/Committee	Date of meeting	Paper
Panel on Development	27 March 2018	Administration's paper on "Cessation of Provisional Registration under Construction Workers Registration Ordinance" [LC Paper No. CB(1)721/17-18(07)]
Council meeting	9 May 2018	Legislative Council Brief on "Construction Workers Registration Ordinance (Cap. 583): Construction Workers Registration Ordinance (Expiry of Section 39(1)(b) and (d)) Notice" [File Ref: DEVB(CR)(W)1-10/31]
House Committee	11 May 2018	Legal Service Division Report on Subsidiary Legislation Gazetted on 4 May 2018 [LC Paper No. LS57/17-18]