

LEGISLATIVE COUNCIL BRIEF

Construction Workers Registration Ordinance (Cap. 583)

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

INTRODUCTION

A Under section 39(1)(b) or (d) of the Construction Workers Registration Ordinance (Chapter 583) (“CWRO”), a person may apply for registration as a registered skilled worker (provisional) or registered semi-skilled worker (provisional). Pursuant to section 39(3) of CWRO, the Secretary for Development (“SDEV”) has made the Construction Workers Registration Ordinance (Expiry of Section 39(1)(b) and (d)) Notice (**Annex A**) (“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.

JUSTIFICATIONS

2. Enacted in 2004, CWRO aims at establishing a system for the registration and regulation of construction workers so as to enhance the quality of construction work through certification of construction workers’ skill levels. At present, construction workers can seek registration as general workers, semi-skilled workers and skilled workers under CWRO.

3. Upon the commencement of the registration system on 29 December 2005, a transitional arrangement has been provided for experienced workers who were carrying out skill works. These workers may register as skilled workers (provisional) if they possess six years of relevant skill works experience before 29 December 2005, or as semi-skilled workers (provisional) if they have two years’ relevant skill works experience.

4. Provisional registrations are valid for three years only. During this period, Registered Skilled Workers (Provisional) are required to obtain certification for their respective skills to become Registered Skilled Workers, while Registered Semi-Skilled Workers

(Provisional) are required to obtain intermediate trade test certificates to become Registered Semi-skilled Workers. Generally, provisional registration is not renewable. However, with justifiable grounds such as injuries or illnesses, a worker may seek extension of the validity period for up to 12 months.

5. As at December 2017, the total number of Registered Semi-Skilled/Skilled Workers is about 230 000, constituting about 50% of the total number of registered construction workers. As for provisional registration, 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. The remaining workers who are eligible for provisional registration include those involved in small-scale construction works such as home decorations, minor refurbishments, etc. outside the ambit of CWRO. The provisional registration arrangement, which is intended to be an interim measure, is no longer necessary.

6. After the cessation of provisional registration, construction workers can continue to register as skilled workers/semi-skilled workers if they pass the relevant trade tests or hold other qualifications (e.g. certificate of registration as an electrical worker issued under the Electricity Ordinance) specified by the CWRO.

THE NOTICE

7. SDEV has made the CWRO (Expiry of Section 39(1)(b) and (d)) Notice to appoint 1 July 2019 as the day on which section 39(1)(b) and (d) of CWRO expires.

LEGISLATIVE TIMETABLE

8. The legislative timetable is as follows –

Publication of the Notice in the Gazette	4 May 2018
Tabling the Notice at Legislative Council	9 May 2018
Commencement Date	1 July 2019

IMPLICATIONS OF THE PROPOSAL

9. The proposal is in conformity with the Basic Law, including

the provisions concerning human rights. It has no financial and civil service, economic, competition, productivity, environmental, sustainability, family and gender implications. The Notice does not affect the current binding effect of CWRO or its subsidiary legislation.

PUBLIC CONSULTATION

10. The Construction Industry Council (“CIC”), a statutory body responsible for driving the development of the construction industry including training and registration of construction workers, has conducted meetings and reached consensus among various stakeholders of the construction industry, including workers’ unions and trade associations on the proposal to cease provisional registration.

11. On 27 March 2018, we consulted the Legislative Council Panel on Development on the proposal. Members supported the proposal.

PUBLICITY

12. The CIC will widely publicise the cessation of provisional registration and the application deadline among workers through leaflets, posters, advertisements and electronic messages. Contractors, subcontractors, trade associations and labour unions will also be informed in time so that they can help remind eligible workers who wish to seek provisional registration.

ENQUIRIES

13. For enquiries, please contact Mr. Dominic CHOW, Principal Assistant Secretary (Works)¹ at 3509 8275.

**Development Bureau
May 2018**

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

Under section 39(3) of the Construction Workers Registration Ordinance (Cap. 583), I appoint 1 July 2019 as the day on which section 39(1)(b) and (d) of the Ordinance expires.



Secretary for Development

26 April 2018

Explanatory Note

Under section 39(1)(b) or (d) of the Construction Workers Registration Ordinance (Cap. 583) (*Ordinance*), a person may apply for registration as a registered skilled worker (provisional) or registered semi-skilled worker (provisional) for one or more trade divisions set out in column 2 of Schedule 1 to the Ordinance.

2. This Notice appoints 1 July 2019 as the day on which section 39(1)(b) and (d) of the Ordinance expires.