

LEGISLATIVE COUNCIL BRIEF

CONSTRUCTION INDUSTRY LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL 2012

INTRODUCTION

A At the meeting of the Executive Council on 22 November 2011, the Council ADVISED and the Chief Executive ORDERED that the Construction Industry Legislation (Miscellaneous Amendments) Bill 2012 (**Annex A**), which amends the Construction Industry Council Ordinance and the Construction Workers Registration Ordinance, should be introduced into the Legislative Council (LegCo).

JUSTIFICATIONS

2. The Construction Industry Review Committee¹ (CIRC) completed in January 2001 a comprehensive review of the state of the local construction industry and recommended, among others, the setting up of a statutory industry co-ordinating body to spearhead reforms and sustain momentum to achieve continuous improvements across the construction industry. The CIRC also supported in principle the implementation of a worker registration scheme through legislative means. Construction Workers Registration Ordinance (CWRO) and Construction Industry Council Ordinance (CICO) were subsequently enacted in July 2004 and May 2006 respectively, followed by the establishment of the Construction Workers Registration Authority (CWRA) and the Construction Industry Council (CIC) in September 2004 and February 2007.

3. When the CIC Bill was introduced into LegCo in February 2004, the Administration made clear its legislative intent, as expressly stipulated in the Bill, for the construction co-ordinating body to take up

¹ CIRC was an independent committee appointed by the Chief Executive in April 2000 to examine the operation of the construction industry and to recommend measures to improve the industry practices. It was chaired by the Honourable Henry Tang Ying-yen, a Non-official Member of the Executive Council at that time and comprised other members with good standing and knowledge in the construction and related fields as well as those from other professions.

training of construction personnel, workers registration and other self-regulatory regimes. On training for construction personnel, in January 2008, CIC amalgamated with the then Construction Industry Training Authority (CITA) and established the Construction Industry Training Board (CITB), which is expressly provided for under CICO to take up the training functions and powers previously discharged by CITA. On construction workers registration, the amalgamation with CWRA was not made at the same time in 2008 as CWRA was at an early stage of implementing the registration system. Nevertheless, CIC has in line with the legislative intent, been extensively collaborating with CWRA on the registration of construction workers such as performing the role of the Registrar of Construction Workers, setting trade qualification standards for registration of construction workforce and offering specified training courses for provisionally registered construction workers to facilitate registration.

4. CWRA commenced the registration of construction workers in December 2005 and implemented the Phase One Prohibition barring unregistered workers from carrying out construction works in September 2007. By now, CWRA has matured in operation. Given the very close collaboration of CIC and CWRA and that both share the common objectives of nurturing a high-quality construction workforce and ensuring the quality of construction works, we believe that synergy could be achieved to enhance efficiency and effectiveness by amalgamating CWRA with CIC at this stage. The proposed organizational streamlining can improve the operational efficiency of CIC and the construction workers registration system in the following aspects (Details are provided at **Annex B**) –

B

- (a) single statutory body for the construction industry
- (b) consistent policy and priority setting for the industry
- (c) enhancement of administrative and operational efficiency
- (d) elimination of ambiguity in demarcation of responsibilities
- (e) more effective deployment of resources and sharing of information

5. Government is currently pressing ahead in full steam with a massive infrastructure programme to support Hong Kong's economic development and strengthen our linkage with the Mainland. We need to nurture and retain a workforce capable of, and committed to, delivering high quality construction outputs. The amalgamation can enhance worker training and registration, which is conducive to ensuring the smooth and effective delivery of the massive programme

and in the long term, the healthy and sustainable development of the construction industry at large. Further, the LegCo Panel on Development is supportive of the proposal to amalgamate CIC and CWRA early by introducing the Bill into LegCo as soon as possible. We plan to effect the amalgamation at the earliest opportunity to meet the industry demand as well as the aspiration of LegCo and the industry stakeholders. This will also meet CWRA staff's expectation for early implementation of the amalgamation to clear their concern about employment prospects.

6. Instead of combining both Ordinances into one single ordinance, we propose to adopt a simplified approach under which necessary amendments will be made to both CICO and CWRO to effect the proposed amalgamation. This can minimize changes to the existing legislation and will provide clear references to stakeholders of the construction industry who are already familiar with the two ordinances. This approach can also fast track the legislative amendment process with a view to expediting the amalgamation. We also take this opportunity of amending both ordinances to streamline procedures, improve operational efficiency and provide more convenience to workers in the registration process.

Key Features of the Bill

Organizational change upon amalgamation of CIC and CWRA

7. Following the proposed amalgamation, CIC will administer CWRO in addition to CICO. Concurrently, CWRA will be dissolved with its functions stipulated in section 8 of CWRO to be conferred on CIC as the latter's additional functions pursuant to section 5 of the amended CICO. Upon the dissolution of CWRA, we propose to establish a new body, to be known as the "Construction Workers Registration Board" (CWRB²) under CIC. The new body will be expressly provided for under the amended CWRO to preserve its distinct identity. This will be similar to the arrangement adopted when CIC and the ex-CITA were amalgamated (as referred to in paragraph 3 above).

Enhancement of operational efficiency and convenience to workers

8. Previous experience reveals that the administrative procedures laid down in CICO and CWRO are too restrictive and are hampering the efficient operation of the existing mechanism. For

² CWRB shall take over largely the functions and powers of CWRA except for the administration of CWRO and supervision of registration of persons; making recommendations with respect to the rate of levy; matters related to levy; appointment of Registrar; prosecution under CWRO; and making of regulations under s.63 of CWRO.

example, under the existing CICO, CIC is not allowed to delegate its power to its members and employees in respect of entering into contracts regardless of their values. As such, even contracts of a minor and routine nature require approval of CIC at a board meeting. We therefore propose to amend CICO to allow CIC to delegate its power in this aspect to facilitate its operation.

9. Under section 44 of the existing CWRO, a worker may apply for renewal of the worker's registration not earlier than three months before and not later than seven business days before the date of expiry of the registration. To facilitate workers in the registration process, an amendment is proposed to extend the three-month period to six months. Separately, section 45 of the existing CWRO provides for the registration of an experienced worker as a skilled worker (provisional) or semi-skilled worker (provisional) if, as at December 2005, the worker has six years' and two years' experience respectively in the relevant trade. Such a provisional registration will expire after three years and therefore, the worker still has to pass a test/an assessment for registration as skilled worker or semi-skilled worker for the specific trade. There is no provision for extension of the period upon expiry even when illness or injury has prevented the workers from attending the test/assessment for registration. To allow for circumstances beyond the control of the workers concerned, we propose to include a new provision to allow extension of this period.

10. Furthermore, construction workers often need to carry with them different types of construction-related cards/ certificates to meet statutory and/or administrative requirements. A new provision is proposed to be included in CWRO to enable a construction worker registration card issued under CWRO to store and display information of other construction-related cards/ certificates issued by other authorities. This measure paves the way for the registration card to serve as a valid proof of possession of the other cards when the interfacing arrangements are sorted out. This will reduce the number of cards a worker has to carry.

Application of CICO and CWRO to the Government

11. At present, CICO is binding on the Government while CWRO is not. As the Government is one of the major clients of construction projects, we propose that the amended CWRO should also apply to the Government to make it consistent with CICO. With established procedures and proper arrangements, we do not anticipate problems for the Government (including its departments and public officers) in complying with the stipulated requirements under the amended CWRO.

Other amendments

Increase of workers' representation in statutory boards

12. At present, the composition of CIC and CWRA each includes three workers unions' representatives. Upon amalgamation of CIC and CWRA, we propose to increase the number of workers unions' representatives in the statutory boards under the amended CICO and CWRO, namely CITB, Construction Workers Qualifications Board (QB)³ and Construction Workers Review Board (RB)⁴, from two persons to three persons to align the workers unions' representation in all statutory boards under the amended CICO and CWRO (except the Objections Board which deals with contractors' objection to levy assessment and is not concerned with workers).

Transitional staff arrangements for CWRA

13. In response to the concern raised by the staff of CWRA Secretariat which was also echoed by the LegCo Panel on Development at its meeting on 23 November 2010, CIC has specifically agreed to honour their respective employment contracts until their natural expiry on terms and conditions not less favourable than their prevailing contracts. Following the arrangement adopted for the amalgamation of CIC with the then CITA as mentioned in paragraph 3 above, provisions will be included in the Bill to ensure the continuance of existing employments following amalgamation until their natural expiry.

OTHER OPTIONS

14. Legislative amendment is the only effective means to effect the amalgamation of CIC and CWRA to improve efficiency and effectiveness of the industry as both bodies are statutory bodies.

THE BILL

15. The main provisions of the Bill are as follows -

- (a) **Part 1** contains provisions for the short title and commencement of the Bill.
- (b) **Part 2** contains amendments to CWRO. The amendments provide for the application of CWRO to the Government,

³ Upon amalgamation of CIC and CWRA, QB is to be appointed by CWRB to advise on the qualification requirements for registration.

⁴ Upon amalgamation of CIC and CWRA, RB is to be appointed by CWRB to review and make recommendation as to the decision on registration if requested by the concerned worker.

transfer of CWRA's functions and powers under CWRO to CIC, establishment of CWRB, measures relating to the enhancement of operational efficiency, recording of information of other construction-related cards on worker registration cards, and increase in workers' representation in statutory boards. It also adds a new part 10 to CWRO to deal with the dissolution of CWRA and make transitional and saving provisions.

- (c) **Part 3** contains amendments to CICO. It deals with measures enhancing the operational efficiency of CIC, an increase in workers' representation in CITB and amendments consequential upon the transfer of CWRA's functions.
- (d) **Part 4** provides for consequential and related amendments to two other ordinances.

C

The existing provisions being amended are at **Annex C**.

LEGISLATIVE TIMETABLE

16. The legislative timetable will be –

Publication in the Gazette	24 February 2012
First Reading and commencement of Second Reading debate	29 February 2012
Resumption of Second Reading debate, Committee Stage and Third Reading	To be notified

IMPLICATIONS OF THE PROPOSAL

17. The proposal has financial, civil service and economic implications as set out at **Annex D**. The proposal is in conformity with the Basic Law, including the provisions concerning human rights. The proposal will improve efficiency of the workers registration system and operation of CIC. The unified organizational structure will ensure consistent policy and priorities for the construction industry and hence will benefit workers and other industry stakeholders. The proposal has no productivity, environmental or sustainability implications.

D

PUBLIC CONSULTATION

18. We conducted a consultation on the legislative proposal and obtained general support from the public. At the LegCo Panel on

Development on 23 November 2010 and 28 June 2011, we briefed Members on the proposed legislative amendments to CWRO and CICO and the plan to introduce the Bill into LegCo as soon as possible for early implementation of the amalgamation. Members supported the proposals.

19. We have sought views from CIC and CWRA which were very supportive of the proposed amendments. Trade associations and workers unions have been consulted, which also supported the proposed amendments. Views collected have been taken into account in formulating the legislative proposal. Staff of CWRA Secretariat has also been consulted, and they supported the amalgamation and have been expecting early amalgamation of CWRA with CIC to clear the uncertainty on their employment.

PUBLICITY

20. A press release will be issued when the Bill is gazetted. A spokesman will be available to handle the media and public enquiries.

ENQUIRIES

21. For enquiries, please contact Mr Ricky LAU, Chief Assistant Secretary for Development (Works)6 at 3509 8336.

**Development Bureau
February 2012**

Construction Industry Legislation (Miscellaneous Amendments) Bill 2012

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A BILL To

Amend the Construction Workers Registration Ordinance and the Construction Industry Council Ordinance to dissolve the Construction Workers Registration Authority and transfer its functions to the Construction Industry Council; to provide for miscellaneous matters; and to make incidental, consequential and related amendments.

Enacted by the Legislative Council.

Part 1 Preliminary

1. Short title and commencement

- (1) This Ordinance may be cited as the Construction Industry Legislation (Miscellaneous Amendments) Ordinance 2012.
- (2) This Ordinance comes into operation on a day to be appointed by the Secretary for Development by notice published in the Gazette.

2. Enactments amended

The enactments specified in Parts 2, 3 and 4 are amended as set out in those Parts.

Part 2

Amendments to Construction Workers Registration Ordinance (Cap. 583)

3. Long title amended

Long title—

Repeal

“the establishment of a Construction Workers Registration Authority;”.

4. Section 2 amended (interpretation)

- (1) Section 2(1)—

Repeal the definitions of *Authority*, *CIC*, *committee*, *Qualifications Committee* and *Review Committee*.

- (2) Section 2(1)—

Add in alphabetical order

“***Council*** (議會) means the Construction Industry Council established by section 4 of the Construction Industry Council Ordinance (Cap. 587);

Qualifications Board (資格評審委員會) means the Construction Workers Qualifications Board established by section 12(1);

Registration Board (註冊委員會) means the Construction Workers Registration Board established under section 11A(1);

Review Board (覆核委員會) means the Construction Workers Review Board established by section 14(1);”.

5. Section 2A added

Part 1, after section 2—

Add**“2A. Ordinance applies to Government**

This Ordinance applies to the Government.”.

6. Part 3 heading amended

Part 3, heading—

Repeal

“CONSTRUCTION WORKERS REGISTRATION AUTHORITY AND
STANDING COMMITTEES”

Substitute

**“Council’s Functions under Ordinance and
Registration Board, etc.”.**

7. Section 7 repealed (Authority)

Section 7—

Repeal the section.

8. Section 8 amended (functions and powers of Authority)

(1) Section 8, heading—

Repeal

“Authority”

Substitute

“Council under this Ordinance”.

(2) Section 8(1)—

Repeal

“Authority shall”

Substitute

“Council has the following functions under this Ordinance”.

(3) Section 8(1)(a), English text, before “be”—

Add

“to”.

(4) Section 8(1)(b), English text, before “set”—

Add

“to”.

(5) Section 8(1)(c), English text, before “make”—

Add

“to”.

(6) Section 8(1)—

Repeal paragraph (d)**Substitute**

“(d) to perform any other functions imposed on the Council
under this Ordinance.”.

(7) Section 8—

Repeal subsections (2) and (3).

9. Section 9 substituted

Section 9—

Repeal the section**Substitute****“9. Limitation on delegations**

(1) The Council must not delegate under section 16 of the
Construction Industry Council Ordinance (Cap. 587) any
of its functions or powers under section 8(1)(a) or (c),
36, 60 or 63.

(2) The Council may delegate a registration function to the
Registration Board only.

(3) In this section—

registration function (註冊職能) means any of the Council's functions and powers under section 8(1)(b) and Parts 4, 6 (except section 36), 7 and 8 (except sections 60 and 63).”.

10. Sections 10 and 11 repealed

Sections 10 and 11—

Repeal the sections.

11. Section 11A added

Before section 12—

Add

“11A. Registration Board

- (1) The Council is to establish a board to perform or exercise—
 - (a) any registration function or other functions or powers delegated to the board under section 16 of the Construction Industry Council Ordinance (Cap. 587);
 - (b) (if the board is appointed under section 36(1) as the Registrar) the functions and powers conferred on the Registrar under this Ordinance or the Construction Industry Council Ordinance (Cap. 587); and
 - (c) other functions and powers conferred on the board under this Ordinance or the Construction Industry Council Ordinance (Cap. 587).
- (2) The board established under subsection (1) is to be called in English the “Construction Workers Registration Board” and in Chinese “建造業工人註冊委員會”.
- (3) The Registration Board may do all things that are necessary for, or incidental or conducive to, the

performance of its functions under this Ordinance or the Construction Industry Council Ordinance (Cap. 587).

- (4) Part 1 of Schedule 4 has effect with respect to the Registration Board.

- (5) In this section—

registration function (註冊職能) means any of the Council's functions and powers under section 8(1)(b) and Parts 4, 6 (except section 36), 7 and 8 (except sections 60 and 63).”.

12. Section 12 amended (Qualifications Committee)

- (1) Section 12, English text, heading—

Repeal

“Committee”

Substitute

“Board”.

- (2) Section 12(1)—

Repeal

“committee called in English the “Construction Workers Qualifications Committee””

Substitute

“board called in English the “Construction Workers Qualifications Board””.

- (3) Section 12(2), English text—

Repeal

“Committee”

Substitute

“Board”.

- (4) Section 12(2)(a), English text—

Repeal

“chairman”

Substitute

“chairperson”.

- (5) Section 12(2)(a), Chinese text—

Repeal

“他”

Substitute

“該人”.

- (6) Section 12(2)—

Repeal

“Authority” (wherever appearing)

Substitute

“Registration Board”.

- (7) Section 12(2)(b)—

Repeal

“13”

Substitute

“14”.

- (8) Section 12(2)(b)(v)—

Repeal

“2”

Substitute

“3”.

- (9) Section 12(3)(a), English text—

Repeal

“Committee”

Substitute

“Board”.

- (10) Section 12(5), English text—

Repeal

“chairman” (wherever appearing)

Substitute

“chairperson”.

- (11) Section 12(5), English text—

Repeal

“Committee” (wherever appearing)

Substitute

“Board”.

- (12) Section 12(5)—

Repeal

“his”

Substitute

“the”.

- (13) Section 12(6), English text—

Repeal

“Committee”

Substitute

“Board”.

13. Section 13 amended (functions and powers of Qualifications Committee)

- (1) Section 13, English text, heading—

Repeal

“Committee”

Substitute

“Board”.

- (2) Section 13(1), English text—

Repeal

“Committee”

Substitute

“Board”.

- (3) Section 13(1)(b) and (d)—

Repeal

“Authority”

Substitute

“Registration Board”.

- (4) Section 13(2), English text—

Repeal

“Committee”

Substitute

“Board”.

14. Section 14 amended (Review Committee)

- (1) Section 14, English text, heading—

Repeal

“Committee”

Substitute

“Board”.

- (2) Section 14(1)—

Repeal

“committee called in English the “Construction Workers Review Committee””

Substitute

“board called in English the “Construction Workers Review Board””.

- (3) Section 14(2), English text—

Repeal

“Committee”

Substitute

“Board”.

- (4) Section 14(2)—

Repeal

“8”

Substitute

“9”.

- (5) Section 14(2)—

Repeal

“Authority” (wherever appearing)

Substitute

“Registration Board”.

- (6) Section 14(2)(f)—

Repeal

“2”

Substitute

“3”.

- (7) Section 14(3)(a), English text—

Repeal

“Committee”

Substitute

“Board”.

- (8) Section 14(3)(b)—

Repeal

“or”.

- (9) Section 14(3)—

Repeal paragraph (c)**Substitute**

“(c) the Registrar;

(d) (if the Registrar is a body corporate) a member, officer or employee of the Registrar; or

(e) (if the Registrar is a body unincorporate) a member of the Registrar.”.

- (10) Section 14(4), English text—

Repeal

“Committee shall elect a chairman”

Substitute

“Board are to elect a chairperson”.

- (11) Section 14(6), English text—

Repeal

“chairman” (wherever appearing)

Substitute

“chairperson”.

- (12) Section 14(6), English text—

Repeal

“Committee” (wherever appearing)

Substitute

“Board”.

- (13) Section 14(6)—

Repeal

“his”

Substitute

“the”.

- (14) Section 14(7), English text—

Repeal

“Committee”

Substitute

“Board”.

15. Section 15 amended (functions and powers of Review Committee)

- (1) Section 15, English text, heading—

Repeal

“Committee”

Substitute

“Board”.

- (2) Section 15(1) and (2), English text—

Repeal

“Committee”

Substitute

“Board”.

16. Section 24 amended (contractor and authorized person to notify Authority when undertaking construction operations)

- (1) Section 24, heading—

Repeal

“Authority”

Substitute

“Council”.

- (2) Section 24(1)—

Repeal

“Authority” (wherever appearing)

Substitute

“Council”.

- (3) Section 24—

Repeal subsection (4)

Substitute

“(4) A contractor or authorized person complies with subsection (1) if the contractor or authorized person has given a notice to the Council under section 34 of the Construction Industry Council Ordinance (Cap. 587) in respect of the construction operations.”.

17. Section 25 amended (notice by contractor and authorized person of payments made in respect of construction operations and of completion)

- (1) Section 25(1), (2) and (3)—

Repeal

“Authority” (wherever appearing)

Substitute

“Council”.

- (2) Section 25—

Repeal subsection (6)

Substitute

“(6) A contractor or authorized person complies with subsection (1), (2) or (3) if the contractor or authorized person has given a notice to the Council under section 35 or 36 of the Construction Industry Council Ordinance (Cap. 587) in respect of the relevant payment or completion.”.

18. Section 26 amended (assessment)

- (1) Section 26(1), (3), (4), (5), (6), (7), (8) and (9)—

Repeal

“Authority” (wherever appearing)

Substitute

“Council”.

- (2) Section 26(10)(a)—

Repeal

“Authority”

Substitute

“Council”.

- (3) Section 26(10)(b)—

Repeal

“to that other contractor under section 27(4), 29(4) or 30(4)”

Substitute

“, or may be refunded, to that other contractor under section 27(4), or section 56(4) or 57(5) of the Construction Industry Council Ordinance (Cap. 587)”.

- (4) Section 26(11)(b) and (12)(c)—

Repeal

“Authority”

Substitute

“Council”.

19. Section 29 amended (objection)

- (1) Section 29(1)—

Repeal

“Authority”

Substitute

“Council”.

- (2) Section 29—

Repeal subsection (3)

Substitute

“(3) The Council is to deal with the objection in accordance with section 56 of the Construction Industry Council Ordinance (Cap. 587).”.

(3) Section 29—

Repeal subsection (4).

20. Section 30 repealed (appeals)

Section 30—

Repeal the section.

21. Section 31 amended (provision of information and production of documents)

(1) Section 31(1)—

Repeal

“Authority” (wherever appearing)

Substitute

“Council”.

(2) Section 31(2)—

Repeal

“Authority” (wherever appearing)

Substitute

“Council”.

(3) Section 31(2), Chinese text—

Repeal

“該局”

Substitute

“議會”.

(4) Section 31(3)(d)—

Repeal

“Authority”

Substitute

“Council”.

(5) Section 31(3)(d), Chinese text—

Repeal

“該局”

Substitute

“議會”.

(6) Section 31(3)(e)—

Repeal

“Authority to CIC, or”

Substitute

“Council”.

22. Section 37 amended (functions and powers of Registrar)

(1) Section 37(1)(d) and (f) and (2)—

Repeal

“Authority”

Substitute

“Council”.

(2) Section 37(3), English text—

Repeal

“conductive”

Substitute

“conducive”.

23. Section 40 amended (qualifications for registration)

- (1) Section 40(2)(b)(i)—

Repeal

“Authority”

Substitute

“Council”.

- (2) Section 40(2)(c), English text—

Repeal

“Committee”

Substitute

“Board”.

- (3) Section 40(3)(b)(i)—

Repeal

“Authority”

Substitute

“Council”.

- (4) Section 40(3)(c), English text—

Repeal

“Committee”

Substitute

“Board”.

- (5) Section 40(5)(b) and (6)(b), English text—

Repeal

“Committee”

Substitute

“Board”.

24. Section 44 amended (expiry and renewal of registration)

- (1) Section 44(7)(a)—

Repeal

“3”

Substitute

“6”.

- (2) Section 44(8)(b)—

Repeal

“Authority”

Substitute

“Council”.

- (3) Section 44(9)—

Repeal

“Authority”

Substitute

“Council”.

- (4) Section 44(9), Chinese text—

Repeal

“該局”

Substitute

“議會”.

25. Section 45 substituted

Section 45—

Repeal the section**Substitute**

“45. Expiry of registration as registered skilled worker (provisional), etc.

- (1) The registration of a person as a registered skilled worker (provisional) for a designated trade expires—
 - (a) on the third anniversary of the date of registration;
 - (b) if the registration is extended under section 45A, on the new expiry date notified under section 45A(6) or, if the registration has been so extended more than once, on the new expiry date so notified in accordance with the latest extension; or
 - (c) on the date on which the person is registered as a registered skilled worker for the trade (if the date falls before the time of expiry mentioned in paragraph (a) or (b)).
- (2) The registration of a person as a registered semi-skilled worker (provisional) for a designated trade expires—
 - (a) on the third anniversary of the date of registration;
 - (b) if the registration is extended under section 45A, on the new expiry date notified under section 45A(6) or, if the registration has been so extended more than once, on the new expiry date so notified in accordance with the latest extension; or
 - (c) on the date on which the person is registered as a registered skilled worker, or a registered semi-skilled worker, for the trade (if the date falls before the time of expiry mentioned in paragraph (a) or (b)).
- (3) Subject to section 45A, the registration of a person as a registered skilled worker (provisional), or a registered semi-skilled worker (provisional), for a designated trade is not renewable.”.

26. Section 45A added

After section 45—

Add**“45A. Application to extend registration as registered skilled worker (provisional), etc.**

- (1) A person may apply to the Registrar to extend his or her registration as a registered skilled worker (provisional), or a registered semi-skilled worker (provisional), for a designated trade (*provisional registration*).
- (2) An application under subsection (1) must be in the specified form.
- (3) The application must be made not earlier than 28 days before and not later than 28 days after the expiry of the provisional registration, or within any other period the Registrar may allow in any particular case.
- (4) The Registrar may accept the application only if the Registrar is satisfied that a specified ground exists or the Registrar thinks it fair and reasonable to accept the application.
- (5) If the application is accepted, the Registrar may extend the provisional registration for a period not exceeding 12 months as determined by the Registrar.
- (6) If the application is accepted, the Registrar must as soon as practicable notify the applicant in writing of the extension of the provisional registration and the new expiry date of that registration.
- (7) If the application is rejected, the Registrar must as soon as practicable notify the applicant of the rejection in writing.
- (8) A specified ground exists in relation to an application for extension of the registration as a registered skilled

worker (provisional) for a designated trade if, due to illness or injury, the applicant—

- (a) could not attend or complete the last relevant training course available before the expiry of the registration;
 - (b) could not attend or complete the assessment of the applicant's competence in the area covered by the course; or
 - (c) could not attend or complete the last relevant trade test available before the expiry of the registration.
- (9) A specified ground exists in relation to an application for extension of the registration as a registered semi-skilled worker (provisional) for a designated trade if, due to illness or injury, the applicant could not attend or complete the last relevant intermediate trade test available before the expiry of the registration.
- (10) In this section—

relevant intermediate trade test (相關中級工藝測試) means a trade test conducted by the Council or a training institute in the construction industry in Hong Kong in respect of a designated trade, and for which test an intermediate trade test certificate set out in column 5 of Part 2 or column 3 of Part 3 of Schedule 1 opposite the designated trade may be issued;

relevant trade test (相關技能測試) means a trade test conducted by the Council or a training institute in the construction industry in Hong Kong in respect of a designated trade, and for which test a trade test certificate set out in column 3 of Part 1 or 2 of Schedule 1 opposite the designated trade may be issued;

relevant training course (相關訓練課程), in relation to a person registered as a registered skilled worker (provisional) for a designated trade, means a training

course specified under section 41(1) in relation to the registered skilled workers (provisional) for the trade.”.

27. Section 46 amended (issue of registration card)

After section 46(5)—

Add

“(5A) If the Registrar accepts under section 45A(4) an application to extend the registration of a person as a registered skilled worker (provisional), or a registered semi-skilled worker (provisional), for a designated trade, the Registrar must—

- (a) amend the Register to reflect the extension;
- (b) record the new expiry date of the registration on the registration card issued to the person; and
- (c) return the card to the person with that new expiry date recorded on it.”.

28. Section 46A added

After section 46—

Add

“46A. Additional information in registration card

(1) On application by a person to whom a registration card has been or is to be issued, the Registrar may record on that registration card any information that is contained in a document—

- (a) issued to the person under or for the purposes of—
 - (i) any other enactment relevant to the construction industry; or
 - (ii) any system, scheme or programme relating to the safety, training or registration of, or qualification assessment for, construction workers in Hong Kong; and

- (b) specified by the Council for the purposes of this section by notice published on the Council website.
- (2) The Council must obtain the Secretary's approval before making a specification under subsection (1)(b).
- (3) An application under subsection (1) must be in the specified form.
- (4) If the Registrar is satisfied that any information recorded on a registration card under this section is no longer accurate or applicable, the Registrar may by notice in writing require the person to whom the card has been issued to return the card to the Registrar for the purpose of revising or deleting that information.
- (5) A person to whom a notice is given under subsection (4) must, not later than 14 days after the date on which the notice is given, return the registration card to the Registrar.
- (6) A person who, without reasonable excuse, contravenes subsection (5) commits an offence and is liable on conviction to a fine at level 1.
- (7) In this section—
Council website (議會網站) means a website (or section of a website) of the Council specifically intended to be accessible by the general public in Hong Kong.”

29. Section 49 amended (cancellation of registration)

Section 49(7)—

Repeal

“hand over”

Substitute

“return”.

30. Section 51 amended (review of decisions)

- (1) Section 51(1), after “44(1)”—

Add

“, 45A(4) or (5)”.

- (2) Section 51(1), English text—

Repeal

“Committee” (wherever appearing)

Substitute

“Board”.

- (3) Section 51(3)—

Repeal

“Authority”

Substitute

“Council”.

- (4) Section 51(4), (5), (6) and (7), English text—

Repeal

“Committee” (wherever appearing)

Substitute

“Board”.

31. Section 52 amended (notice of appeal)

- (1) Section 52(1), after “44(1)”—

Add

“, 45A(4) or (5)”.

- (2) Section 52(1)—

Repeal

“Authority”

Substitute

“Council”.

- (3) Section 52(3), (4)(c), (5) and (6)—

Repeal

“Authority”

Substitute

“Council”.

32. Section 53 amended (Appeal Board panel)

- (1) Section 53(2)(b)—

Repeal

“Authority”

Substitute

“Council”.

- (2) Section 53(2)(c), English text—

Repeal

“Committee”

Substitute

“Board”.

- (3) Section 53(2)(d)—

Repeal

“Committee; or”

Substitute

“Board;”.

- (4) Section 53(2)—

Repeal paragraph (e)

Substitute

“(e) the Registrar;

- (f) (if the Registrar is a body corporate) a member, officer or employee of the Registrar;

- (g) (if the Registrar is a body unincorporate) a member of the Registrar; or

- (h) a member of the Registration Board.”.

- (5) Section 53(6)(a)—

Repeal

everything after “officer,”

Substitute

“a member of the Council, a member of the Registration Board, a member of the Qualifications Board or a member of the Review Board;”.

- (6) Section 53(6)—

Repeal paragraph (b)

Substitute

“(b) has become the Registrar;

- (ba) (if the Registrar is a body corporate) has become a member, officer or employee of the Registrar;

- (bb) (if the Registrar is a body unincorporate) has become a member of the Registrar;”.

33. Section 54 amended (Appeal Board)

- (1) Section 54(1)(b)—

Repeal

“7”

Substitute

“21”.

- (2) Section 54(3), English text—

Repeal

“shall elect a chairman”

Substitute

“are to elect a chairperson”.

- (3) After section 54(4)—

Add

“(5) The amendment made by section 33(1) of the Construction Industry Legislation (Miscellaneous Amendments) Ordinance 2012 (of 2012) (*amending section*) to subsection (1)(b) does not apply to a notice of appeal served under section 52(3) before the commencement date of the amending section, and that subsection as in force immediately before that commencement date applies to that notice as if that amendment had not been made.”.

34. Section 55 amended (proceedings before Appeal Board)

- (1) Section 55(1)(b)(i)—

Repeal

“Authority” (wherever appearing)

Substitute

“Council”.

- (2) Section 55(2), English text—

Repeal

“chairman”

Substitute

“chairperson”.

- (3) Section 55(6), English text—

Repeal

“chairman”

Substitute

“chairperson”.

- (4) Section 55(6), English text, after “his”—

Add

“or her”.

- (5) After section 55(9)—

Add

“(10) If, during the hearing of an appeal by an Appeal Board, the term of appointment of a member of the Appeal Board panel who has been selected to be a member of the Appeal Board expires, the member may continue to hear the appeal until the appeal is determined, as if the term of appointment had not expired.”.

35. Section 57 amended (powers of Appeal Board)

- (1) Section 57(1), English text—

Repeal

“chairman”

Substitute

“chairperson”.

- (2) Section 57(3)(a)—

Repeal

“Authority” (wherever appearing)

Substitute

“Council”.

36. Section 61 amended (service, etc. of notices)

- (1) Section 61(1)—

Repeal

“Authority” (wherever appearing)

Substitute

“Council”.

- (2) Section 61(1), English text—

Repeal

“Committee”

Substitute

“Board”.

- (3) Section 61(1)(a), English text—

Repeal

“Authority’s”

Substitute

“Council’s”.

37. Section 63 amended (regulations)

- (1) Section 63(1)—

Repeal

“Authority”

Substitute

“Council”.

- (2) Section 63(1)(d)—

Repeal

“section”

Substitute

“sections 45A, 46A and”.

38. Section 64 repealed (rules)

Section 64—

Repeal the section.

39. Section 64A added

Before section 65—

Add

“64A. Privileges and immunities of members of Appeal Board, etc.

- (1) A member of an Appeal Board has, in the performance of the member’s functions or exercise of the member’s powers under this Ordinance, the same privileges and immunities as a judge of the Court of First Instance in civil proceedings in that Court.
- (2) Any person who appears before an Appeal Board, including a party to a hearing and any representative of the party, is entitled to the same privileges and immunities as the person would have in civil proceedings in the Court of First Instance.”.

40. Part 10 added

Before Schedule 1—

Add

“Part 10

Dissolution of Construction Workers Registration Authority

70. Interpretation of this Part

In this Part—

Amendment Ordinance 2012 (《2012 年修訂條例》) means the Construction Industry Legislation (Miscellaneous Amendments) Ordinance 2012 (of 2012);

Authority (管理局) means the Construction Workers Registration Authority established by section 7(1) of the pre-amended Ordinance;

commencement date (生效日期) means the date appointed for the commencement of section 40 of the Amendment Ordinance 2012 under section 1 of that Ordinance;

pre-amended Ordinance (修訂前的本條例) means the Construction Workers Registration Ordinance (Cap. 583) as in force immediately before the commencement date.

71. Dissolution of Authority

The Authority is dissolved by this section.

72. Vesting of rights, etc. of Authority in Council and saving of validity of Authority's acts

- (1) All rights, assets, liabilities and obligations of the Authority are to be vested in the Council as from the commencement date.
- (2) Nothing in this Part affects the validity of anything done by or in relation to the Authority before the commencement date.
- (3) The Stamp Duty Ordinance (Cap. 117) does not apply to any vesting effected by this section.

73. Completion of acts started before commencement date

- (1) Anything which immediately before the commencement date is in the process of being done by or in relation to the Authority may be carried on or completed by, or in relation to, the Council in accordance with this Ordinance.
- (2) Without limiting subsection (1), if a notice of objection was served on the Authority under section 29(1) of the pre-amended Ordinance and the Authority had not made a decision in respect of the objection under section 29(3) of that Ordinance before the commencement date, the

Council is to deal with the objection in accordance with section 29 of this Ordinance.

- (3) Without limiting subsection (1), if a notice of appeal was served on the Authority under section 52(1) or (3) of the pre-amended Ordinance and the Authority had not forwarded a copy of the notice to the Secretary under section 52(6) of that Ordinance before the commencement date, the Council is to deal with the notice in accordance with section 52 of this Ordinance.
- (4) Anything which immediately before the commencement date is in the process of being done by or in relation to the Qualifications Committee established by section 12 of the pre-amended Ordinance may be carried on or completed by, or in relation to, the Qualifications Board in accordance with this Ordinance.
- (5) Anything which immediately before the commencement date is in the process of being done by or in relation to the Review Committee established by section 14 of the pre-amended Ordinance may be carried on or completed by, or in relation to, the Review Board in accordance with this Ordinance.

74. Rights of action

- (1) The Council may be sued for the liabilities or obligations to which it is subject under section 72 and they may be recovered from the Council.
- (2) The Council may sue on, recover or enforce a chose in action vested in it under section 72 without having to give notice of the vesting to a person bound by the chose in action.

75. Legal claims and pending legal proceedings, etc.

- (1) Legal claims (whether present or future, actual or contingent) by or against the Authority (including any judicial or administrative proceedings instituted by or

against the Authority and any accrued right of appeal that existed immediately before the commencement date do not abate by reason of the dissolution under section 71 and may be continued or enforced by or against the Council.

- (2) If immediately before the commencement date, any legal proceedings to which the Authority is a party are pending, the Council is to, as from that date, be substituted as a party to those proceedings in place of the Authority.

76. Effect of existing agreement, etc.

- (1) Any agreement, arrangement or contract made or entered into or other transaction effected or other thing done by, to or in relation to the Authority that was in force or effective immediately before the commencement date, or that is to take effect on or after that date, has effect as if made, entered into, effected or done by, to or in relation to the Council.
- (2) Without limiting subsection (1), any lease, tenancy, permit or licence granted to the Authority that was in force or effective immediately before the commencement date, or that is to take effect on or after that date, has effect as if granted to the Council.
- (3) Without limiting subsection (1), any appointment made under section 12(2) of the pre-amended Ordinance that was in force immediately before the commencement date, or that takes effect on or after that date, has effect as if made by the Registration Board under section 12(2) of this Ordinance.
- (4) Without limiting subsection (1), any appointment made under section 14(2) of the pre-amended Ordinance that was in force immediately before the commencement date, or that takes effect on or after that date, has effect

as if made by the Registration Board under section 14(2) of this Ordinance.

- (5) Without limiting subsection (1), any appointment made under section 16 of the pre-amended Ordinance that was in force immediately before the commencement date, or that takes effect on or after that date, has effect as if made by the Council under section 16 of this Ordinance.
- (6) Any training course specified under section 41(1) of the pre-amended Ordinance is deemed to have been specified by the Council under section 41(1) of this Ordinance.
- (7) Any development course specified under section 44(8) of the pre-amended Ordinance is deemed to have been specified by the Council under section 44(8) of this Ordinance.
- (8) Nothing in this section makes valid any act or document which is otherwise invalid.

77. References to Authority

As from the commencement date, the references to the Authority in the following are to be taken as references to the Council—

- (a) any agreement or contract;
- (b) any process or other document issued, prepared or employed for the purposes of any proceedings before a court, tribunal or similar body; and
- (c) any other document (other than an enactment) relating to or affecting any property, right, liability or obligation of the Authority vested in the Council under section 72.

78. Delivery of books, etc.

All books, accounts, minutes and other documents and equipment belonging to the Authority and under its control

immediately before the commencement date are to be delivered to the Council on that date by the person who had the care and custody of those documents or equipment immediately before that date.

79. Record of property

Any property of the Authority which, immediately before the commencement date, was standing in the books of a bank, company or other corporation is to be transferred in those books to the Council at the request of the Council, by the bank, company or other corporation.

80. Continuance of employment

- (1) The employment of an employee of the Authority is not to be terminated by reason of the dissolution of the Authority.
- (2) As from the commencement date, a person who, immediately before that date, was an employee of the Authority under a valid contract of employment and who, if not for the dissolution, would have been its employee under the contract on that date, becomes an employee of the Council on terms and conditions no less favourable than those that applied immediately before that date to the employment of the person with the Authority.
- (3) There is no break or interruption in the employment of a person referred to in subsection (2) by reason of the commencement of this Part.
- (4) This section applies despite sections 17 and 18 of the Construction Industry Council Ordinance (Cap. 587).

81. Submission of reports on activities of Authority

- (1) Within 6 months after the commencement date, the Council must submit to the Secretary—

- (a) a report on the activities of the Authority during the specified period;
 - (b) a copy of the statement of accounts of the Authority in respect of the specified period; and
 - (c) the auditor's report on the statement of accounts.
- (2) The Secretary must cause the documents received under subsection (1) to be laid on the table of the Legislative Council.
 - (3) The Secretary may extend the period for submitting the documents under subsection (1).
 - (4) In this section—

specified period (指明期間) means the period beginning on the day next following the end of the last financial year of the Authority in respect of which reports and statements had been submitted under section 11 of the pre-amended Ordinance and ending on the day immediately before the commencement date;

statement of accounts (帳目表) includes an income and expenditure account and a balance sheet.

82. Council to appoint auditor for purposes of section 81

- (1) The Council must appoint an auditor for the purposes of section 81.
- (2) The auditor appointed under subsection (1) must—
 - (a) audit the statement of accounts referred to in section 81; and
 - (b) submit a report on it to the Council.
- (3) The auditor is entitled to—
 - (a) have access to all books of account, vouchers and other financial records of the Authority that are under the Council's control; and

- (b) require any information and explanations of those books, vouchers and records that the auditor thinks fit.

83. Change of Registrar

- (1) Anything which immediately before the commencement date is in the process of being done by or in relation to the Registrar appointed under section 36(1) of the pre-amended Ordinance may be carried on or completed by, or in relation to, the Registrar appointed under section 36(1) of this Ordinance in accordance with this Ordinance.
- (2) The Register of Construction Workers established and maintained under section 37(1)(a) of the pre-amended Ordinance is deemed to have been established and maintained under section 37(1)(a) of this Ordinance by the Registrar appointed under section 36(1) of this Ordinance.
- (3) Any registration card issued under section 46 of the pre-amended Ordinance that was in force immediately before the commencement date has effect as if issued under section 46 of this Ordinance by the Registrar appointed under section 36(1) of this Ordinance.”.

41. Schedule 1 amended (designated trades)

- (1) Schedule 1, before “48 & 65]”—

Add

“45A.”.

- (2) Schedule 1, English text—

Repeal

“CIC” (wherever appearing)

Substitute

“Council”.

- (3) Schedule 1, Part 1, item 51, column 4—

Repeal

“Hong Kong Laboratory Accreditation Scheme”

Substitute

“Hong Kong Inspection Body Accreditation Scheme”.

42. Schedule 4 amended (Authority, standing committees and other committees)

- (1) Schedule 4, heading—

Repeal

“AUTHORITY, STANDING COMMITTEES AND OTHER COMMITTEES”

Substitute

“**Registration Board, its Subcommittees and Other Boards**”.

- (2) Schedule 4—

Repeal

“[ss. 7, 8, 9”

Substitute

“[ss. 11A”.

- (3) Schedule 4, Part 1, heading—

Repeal

“AUTHORITY AND ITS MEMBERS”

Substitute

“**Registration Board**”.

- (4) Schedule 4, section 1—

Renumber the section as section 1A.

- (5) Schedule 4, before section 1A—

Add

“1. Composition of Registration Board

- (1) The Registration Board is to consist of 19 members appointed by the Council as follows—
 - (a) a chairperson;
 - (b) 4 public officers;
 - (c) 2 persons, each of whom is, in the opinion of the Council, a person from a training institute in the construction industry in Hong Kong;
 - (d) 3 persons, each of whom is, in the opinion of the Council, a person from a professional body connected with the construction industry in Hong Kong;
 - (e) 2 persons, each of whom is, in the opinion of the Council, a person from a contractor in the construction industry in Hong Kong;
 - (f) 3 persons, each of whom is, in the opinion of the Council, a person from a trade union, registered under the Trade Unions Ordinance (Cap. 332), that represents workers in the construction industry in Hong Kong;
 - (g) 1 person who is, in the opinion of the Council, a person from a real estate developers association in Hong Kong; and
 - (h) 3 persons, each of whom is, in the opinion of the Council, a person connected with the construction industry in Hong Kong.
- (2) An appointment under subsection (1) must be notified in the Gazette.
- (3) If, for any period, the chairperson of the Registration Board is absent from Hong Kong or is, for any other reason, unable to perform the functions of the office, the other members of the Registration Board may elect from

among themselves a person to act as chairperson of the Registration Board during that period.”.

- (6) Schedule 4, section 1A—

Repeal

“Authority” (wherever appearing)

Substitute

“Registration Board”.

- (7) Schedule 4, section 1A—

Repeal

“Secretary” (wherever appearing)

Substitute

“Council”.

- (8) Schedule 4, section 2, heading—

Repeal

“Authority”

Substitute

“Registration Board”.

- (9) Schedule 4, English text, section 2—

Repeal

“chairman” (wherever appearing)

Substitute

“chairperson”.

- (10) Schedule 4, section 2—

Repeal

“Authority” (wherever appearing)

Substitute

“Registration Board”.

- (11) Schedule 4, section 2(3)(b) and (c)—

Repeal

“section 7(5) of this Ordinance”

Substitute

“section 1(3)”.

- (12) Schedule 4, English text, section 2(4), after “his”—

Add

“or her”.

- (13) Schedule 4, section 3, heading—

Repeal

“Authority”

Substitute

“Registration Board”.

- (14) Schedule 4, section 3—

Repeal

“Authority” (wherever appearing)

Substitute

“Registration Board”.

- (15) Schedule 4, English text, section 3(3)(a)—

Repeal

“chairman”

Substitute

“chairperson”.

- (16) Schedule 4, after section 3—

Add**“3A. Estimates of Registration Board**

- (1) In every financial year, the Registration Board must submit to the Council, before a date determined by the Council, a programme of its proposed activities and

estimates of its income and expenditure for the next financial year.

- (2) The Registration Board must, as soon as practicable after the commencement date of this section, submit the programme and estimates for the first financial year.

3B. Accounts of Registration Board and submission of reports, etc. to Council

- (1) The Registration Board must maintain proper accounts and records of all its income and expenditure.
- (2) The Registration Board must, as soon as practicable after the end of a financial year, cause to be prepared a statement of accounts of the Registration Board in respect of the financial year.
- (3) The statement of accounts is to include an income and expenditure account and a balance sheet.
- (4) The Registration Board must submit to the Council, before a date determined by the Council, a report on the activities of the Registration Board during the financial year and a copy of the statement of accounts.

3C. Delegation of Registration Board’s functions and powers

- (1) The Registration Board may appoint any subcommittee that it considers appropriate.
- (2) The Registration Board may delegate in writing any of its functions or powers (including any functions or powers delegated to it under section 16 of the Construction Industry Council Ordinance (Cap. 587)) to a subcommittee appointed under subsection (1).
- (3) The Registration Board may not delegate under this section any of the following—
- (a) the power to appoint a subcommittee under subsection (1);

- (b) the power to delegate under subsection (2);
 - (c) the Council's function under section 52(5) of this Ordinance;
 - (d) the power to approve programmes of its proposed activities, estimates of its income and expenditure, its statement of accounts or report on its activities;
 - (e) the power to authorize the preparation of its accounts or other financial records.”.
- (17) Schedule 4—
Repeal sections 4 and 5.
- (18) Schedule 4, Part 2, heading—
Repeal
“COMMITTEES ESTABLISHED BY AUTHORITY AND MEMBERS OF COMMITTEES”
Substitute
“**Subcommittees Appointed by Registration Board and Members of Subcommittees**”.
- (19) Schedule 4, section 6, heading—
Repeal
“committees”
Substitute
“subcommittees”.
- (20) Schedule 4, section 6—
Repeal
“Authority” (wherever appearing)
Substitute
“Registration Board”.
- (21) Schedule 4, section 6—
Repeal

- “committee” (wherever appearing)
Substitute
“subcommittee”.
- (22) Schedule 4, English text, section 6(b)—
Repeal
“chairman”
Substitute
“chairperson”.
- (23) Schedule 4, section 7, heading—
Repeal
“committees”
Substitute
“subcommittees”.
- (24) Schedule 4, section 7—
Repeal
“committee”
Substitute
“subcommittee”.
- (25) Schedule 4, section 7—
Repeal
“Authority” (wherever appearing)
Substitute
“Registration Board”.
- (26) Schedule 4, section 7(a)—
Repeal
“section 9(1)(b) of this Ordinance”
Substitute
“section 3C(2)”.

- (27) Schedule 4, Chinese text, section 7(a)—

Repeal

“該局”

Substitute

“註冊委員會”.

- (28) Schedule 4, English text, Part 3, heading—

Repeal

“QUALIFICATIONS COMMITTEE AND ITS MEMBERS”

Substitute

“Qualifications Board and its Members”.

- (29) Schedule 4, English text, section 8—

Repeal

“Committee” (wherever appearing)

Substitute

“Board”.

- (30) Schedule 4, section 8—

Repeal

“Authority” (wherever appearing)

Substitute

“Registration Board”.

- (31) Schedule 4, English text, section 9, heading—

Repeal

“Committee”

Substitute

“Board”.

- (32) Schedule 4, English text, section 9—

Repeal

“chairman” (wherever appearing)

Substitute

“chairperson”.

- (33) Schedule 4, English text, section 9—

Repeal

“Committee” (wherever appearing)

Substitute

“Board”.

- (34) Schedule 4, English text, section 9(4), after “his”—

Add

“or her”.

- (35) Schedule 4, English text, section 10, heading—

Repeal

“Qualification Committee”

Substitute

“Qualifications Board”.

- (36) Schedule 4, English text, section 10—

Repeal

“Qualification Committee” (wherever appearing)

Substitute

“Qualifications Board”.

- (37) Schedule 4, English text, section 10—

Repeal

“the Committee” (wherever appearing)

Substitute

“the Board”.

- (38) Schedule 4, English text, section 10(3)(a)—

Repeal

“chairman”

Substitute

“chairperson”.

- (39) Schedule 4, English text, Part 4, heading—

Repeal

“REVIEW COMMITTEE AND ITS MEMBERS”

Substitute

“Review Board and its Members”.

- (40) Schedule 4, English text, section 11—

Repeal

“Committee” (wherever appearing)

Substitute

“Board”.

- (41) Schedule 4, section 11—

Repeal

“Authority” (wherever appearing)

Substitute

“Registration Board”.

- (42) Schedule 4, section 11(4)—

Repeal paragraph (b)**Substitute**

“(b) has become the Registrar;

(ba) (if the Registrar is a body corporate) has become a member, officer or employee of the Registrar;

(bb) (if the Registrar is a body unincorporate) has become a member of the Registrar;”.

- (43) Schedule 4, English text, section 12, heading—

Repeal

“Committee”

Substitute

“Board”.

- (44) Schedule 4, English text, section 12—

Repeal

“chairman” (wherever appearing)

Substitute

“chairperson”.

- (45) Schedule 4, English text, section 12—

Repeal

“Committee” (wherever appearing)

Substitute

“Board”.

- (46) Schedule 4, English text, section 12(4), after “his”—

Add

“or her”.

- (47) Schedule 4, English text, section 13, heading—

Repeal

“Committee”

Substitute

“Board”.

- (48) Schedule 4, English text, section 13—

Repeal

“Committee” (wherever appearing)

Substitute

“Board”.

- (49) Schedule 4, English text, section 13(3)(a)—

Repeal

“chairman”

Substitute

“chairperson”.

43. “Council” substituted for “Authority”

(1) The following provisions—

- (a) section 16;
- (b) section 20;
- (c) section 27;
- (d) section 28;
- (e) section 33;
- (f) section 35;
- (g) section 36;
- (h) section 41;
- (i) section 47;
- (j) section 56;
- (k) section 58(2), (3), (4) and (5);
- (l) section 60;
- (m) section 62—

Repeal

“Authority” (wherever appearing)

Substitute

“Council”.

(2) Section 60, heading—

Repeal

“Authority’s”

Substitute

“Council’s”.

(3) Section 62, heading—

Repeal

“Authority”

Substitute

“Council”.

(4) Section 62, English text—

Repeal

“Authority’s” (wherever appearing)

Substitute

“Council’s”.

Part 3

Amendments to Construction Industry Council Ordinance (Cap. 587)

44. Section 2 amended (interpretation)

- (1) Section 2(1)—

Repeal the definitions of *Board* and *Objections Committee*.

- (2) Section 2(1)—

Add in alphabetical order

“Objections Board (處理反對事宜委員會) means the board established under section 54(1);

Registrar (註冊主任) means the Registrar of Construction Workers appointed under section 36(1) of the Construction Workers Registration Ordinance (Cap. 583);

Registration Board (註冊委員會) means the Construction Workers Registration Board established under section 11A(1) of the Construction Workers Registration Ordinance (Cap. 583);

Training Board (訓練委員會) means the Construction Industry Training Board established under section 29(1);”.

45. Section 5 amended (functions of Council)

- (1) Section 5(l)—

Repeal

“and”.

- (2) After section 5(l)—

Add

“(la) to conduct or finance educational, publicity, research or other programmes relating to occupational safety and health, environmental protection or sustainable development in the construction industry; and”.

- (3) Section 5(m), after “Ordinance”—

Add

“, the Construction Workers Registration Ordinance (Cap. 583)”.

46. Section 6 amended (supplementary functions of Council)

- (1) Section 6(d)—

Repeal the semicolon

Substitute a full stop.

- (2) Section 6—

Repeal paragraph (e).

47. Section 7 amended (powers of Council)

Section 7(1), after “functions”—

Add

“under this Ordinance, the Construction Workers Registration Ordinance (Cap. 583) or any other enactment”.

48. Section 9 amended (composition of Council)

Section 9(1)(a), English text—

Repeal

“chairman”

Substitute

“chairperson”.

49. Section 15 amended (Council may establish committees)

- (1) Section 15, Chinese text, heading—

Repeal

“委員會”

Substitute

“專責委員會”.

- (2) Section 15(1) and (2), Chinese text—

Repeal

“委員會”

Substitute

“專責委員會”.

50. Section 16 amended (delegation of Council's functions and appointment of subcommittee)

- (1) Section 16—

Repeal subsection (1)**Substitute**

“(1) Subject to section 9 of the Construction Workers Registration Ordinance (Cap. 583), the Council may delegate any of its functions to—

- (a) the chairperson of the Council;
- (b) any other member of the Council;
- (c) the Executive Director;
- (d) a committee established under section 15;
- (e) any employee of the Council;
- (f) the Training Board;
- (g) the Registration Board; or
- (h) the Registrar.”.

- (2) Section 16(2)(a)—

Repeal

“, (c)”.

- (3) Section 16(2)(c), Chinese text—

Repeal

“委員會”

Substitute

“專責委員會”.

- (4) Section 16(2)(g), English text—

Repeal

“Board or the Objections Committee”

Substitute

“Training Board or the Objections Board”.

- (5) Section 16(6), Chinese text—

Repeal

“的委員會”

Substitute

“的專責委員會”.

- (6) Section 16(6), Chinese text—

Repeal

“該委員會”

Substitute

“該專責委員會”.

51. Section 19 amended (protection of members of Council, etc.)

- (1) Section 19(1), after “Ordinance”—

Add

“or the Construction Workers Registration Ordinance (Cap. 583)”.

- (2) Section 19(3)(b), Chinese text—

Repeal

“委員會”

Substitute

“專責委員會”.

- (3) Section 19(3)(c), English text—

Repeal

“Board or the Objections Committee”

Substitute

“Training Board or the Objections Board”.

52. Section 24 amended (investment of funds)

Section 24—

Repeal

everything after “functions”

Substitute

“may be—

- (a) deposited on fixed term or call deposit or in a savings account in any bank nominated by the Financial Secretary either generally or in any particular case, for that purpose; or
- (b) subject to the prior approval of the Financial Secretary, invested in any investments the Council thinks fit.”.

53. Section 29 amended (establishment of Construction Industry Training Board)

- (1) Section 29—

Repeal subsection (1)

Substitute

“(1) The Council is to establish a board to perform the Council’s supplementary functions under section 6 and

any function delegated to the board under section 16(1).”.

- (2) Section 29(2), English text—

Repeal

“committee”

Substitute

“board”.

- (3) Section 29(3), English text—

Repeal

“Board”

Substitute

“Training Board”.

54. Section 30 amended (composition, meetings and proceedings of Board, etc.)

- (1) Section 30, English text, heading—

Repeal

“**Board**”

Substitute

“**Training Board**”.

- (2) Section 30, English text—

Repeal

“Board”

Substitute

“Training Board”.

55. Section 35 amended (notice of payment made in respect of construction operations)

Section 35(6)—

Repeal

“level 1”

Substitute

“level 3”.

56. Section 36 amended (notice of completion of construction operations)

Section 36(6)—

Repeal

“level 1”

Substitute

“level 3”.

57. Section 54 amended (establishment of Objections Committee)

(1) Section 54, English text, heading—

Repeal

“Committee”

Substitute

“Board”.

(2) Section 54—

Repeal subsection (1)

Substitute

“(1) The Council is to establish a board consisting of 3 members of the Council for the purpose of determining objections made under section 29 of the Construction Workers Registration Ordinance (Cap. 583) or section 55.”.

(3) Section 54(2), English text—

Repeal

“Committee”

Substitute

“Board”.

(4) Section 54(3), English text—

Repeal

“Committee”

Substitute

“Board”.

(5) Section 54(3), English text—

Repeal

“Committee’s”

Substitute

“Board’s”.

(6) Section 54(4), English text—

Repeal

“Committee”

Substitute

“Board”.

58. Section 56 amended (decision of Objections Committee)

(1) Section 56, English text, heading—

Repeal

“Committee”

Substitute

“Board”.

(2) Section 56(1)—

Repeal

“section 55 to the Objections Committee”

Substitute

“section 29 of the Construction Workers Registration Ordinance (Cap. 583) or section 55 to the Objections Board”.

- (3) Section 56(2) and (3), English text—

Repeal

“Committee”

Substitute

“Board”.

59. Section 57 amended (appeals against decision of Objections Committee)

- (1) Section 57, English text, heading—

Repeal

“Committee”

Substitute

“Board”.

- (2) Section 57(1), English text—

Repeal

“Committee”

Substitute

“Board”.

60. Section 61 amended (protection of information given under sections 59 and 60)

- (1) Section 61(2)—

Repeal paragraph (f).

- (2) Section 61(3)—

Repeal

“level 1”

Substitute

“level 3”.

61. Section 67 amended (offences of fraudulent evasion of levy and giving false documents or information)

Section 67(4)—

Repeal

“level 2”

Substitute

“level 3”.

62. Schedule 3 amended (meetings and proceedings of Council)

- (1) Schedule 3, section 1—

Repeal the definition of *chairman*.

- (2) Schedule 3, section 1—

Add in alphabetical order

“*chairperson* (主席) means the chairperson of the Council referred to in section 9(1)(a) of this Ordinance;”.

- (3) Schedule 3, English text, sections 2 and 3—

Repeal

“chairman”

Substitute

“chairperson”.

- (4) Schedule 3, English text, section 5—

Repeal

“chairman” (wherever appearing)

Substitute

“chairperson”.

- (5) Schedule 3, section 5(3), after “his”—

Add

“or her”.

- (6) Schedule 3, English text, section 11—

Repeal

“chairman” (wherever appearing)

Substitute

“chairperson”.

63. Schedule 4 amended (composition, meetings and proceedings of Board, etc.)

- (1) Schedule 4, English text, heading—

Repeal

“COMPOSITION, MEETINGS AND PROCEEDINGS OF BOARD, ETC.”

Substitute

“Composition, Meetings and Proceedings of Training Board, etc.”.

- (2) Schedule 4, English text, section 1, definition of *Board member*—

Repeal

“the Board”

Substitute

“the Training Board”.

- (3) Schedule 4, section 1—

Repeal the definition of *chairman*.

- (4) Schedule 4, section 1—

Add in alphabetical order

“*chairperson* (主席) means the chairperson of the Training Board appointed under section 2(4).”.

- (5) Schedule 4, English text, section 2, heading—

Repeal

“Board”

Substitute

“Training Board”.

- (6) Schedule 4, English text, section 2(1)—

Repeal

“Board”

Substitute

“Training Board”.

- (7) Schedule 4, section 2(1)—

Repeal

“13”

Substitute

“14”.

- (8) Schedule 4, section 2(2)(d)—

Repeal

“2”

Substitute

“3”.

- (9) Schedule 4, English text, section 2(2)(e)—

Repeal

“Board”

Substitute

“Training Board”.

- (10) Schedule 4, English text, section 2(4)—

Repeal

“chairman of the Board”

Substitute

- “chairperson of the Training Board”.
- (11) Schedule 4, English text, section 5—
Repeal
 “Board”
Substitute
 “Training Board”.
- (12) Schedule 4, English text, section 5—
Repeal
 “chairman”
Substitute
 “chairperson”.
- (13) Schedule 4, English text, section 6(1)—
Repeal
 “the Board”
Substitute
 “the Training Board”.
- (14) Schedule 4, English text, section 7, heading—
Repeal
 “Board”
Substitute
 “Training Board”.
- (15) Schedule 4, English text, section 7(1)—
Repeal
 “chairman is to preside at a meeting of the Board”
Substitute
 “chairperson is to preside at a meeting of the Training Board”.
- (16) Schedule 4, English text, section 7(2)—
Repeal

- “chairman is not able to preside at a meeting of the Board”
Substitute
 “chairperson is not able to preside at a meeting of the Training Board”.
- (17) Schedule 4, section 7(4), after “his”—
Add
 “or her”.
- (18) Schedule 4, English text, section 8—
Repeal
 “the Board” (wherever appearing)
Substitute
 “the Training Board”.
- (19) Schedule 4, English text, section 9—
Repeal
 “the Board” (wherever appearing)
Substitute
 “the Training Board”.
- (20) Schedule 4, English text, section 10, heading—
Repeal
 “Board”
Substitute
 “Training Board”.
- (21) Schedule 4, English text, section 10—
Repeal
 “Board”
Substitute
 “Training Board”.
- (22) Schedule 4, English text, section 11, heading—

Repeal

“Board’s”

Substitute

“Training Board’s”.

- (23) Schedule 4, English text, section 11—

Repeal

“Board” (wherever appearing)

Substitute

“Training Board”.

- (24) Schedule 4, English text, section 12, heading—

Repeal

“Board”

Substitute

“Training Board”.

- (25) Schedule 4, English text, section 12—

Repeal

“Board” (wherever appearing)

Substitute

“Training Board”.

- (26) Schedule 4, English text, section 13, heading—

Repeal

“Board”

Substitute

“Training Board”.

- (27) Schedule 4, English text, section 13—

Repeal

“Board” (wherever appearing)

Substitute

“Training Board”.

Part 4

Consequential and Related Amendments

Division 1—Amendments to Prevention of Bribery Ordinance (Cap. 201)

64. **Schedule 1 amended (public bodies)**

- (1) Schedule 1—

Repeal item 100.

- (2) At the end of Schedule 1—

Add

“122. Construction Workers Registration Board.”.

Division 2—Amendments to Pneumoconiosis and Mesothelioma (Compensation) (Assessment of Levy) Regulations (Cap. 360 sub. leg. A)

65. **Regulation 15 amended (protection of information given under regulation 14)**

- (1) Regulation 15(2)(a)(iv), after “(Cap. 587);”—

Add

“or”.

- (2) Regulation 15(2)(a)—

Repeal subparagraph (v).

Explanatory Memorandum

The objects of this Bill are to dissolve the Construction Workers Registration Authority (*Authority*) established under the Construction Workers Registration Ordinance (*Cap. 583*), to transfer the Authority’s functions to the Construction Industry Council (*Council*) established under the Construction Industry Council Ordinance (*Cap. 587*), to extend the application of Cap. 583 to the Government, to change the names of certain bodies established under Cap. 583 and Cap. 587, and to make certain minor modifications to the operation of the construction workers registration system and to the powers of the Council.

Part 1 of the Bill

2. Clause 1 sets out the short title and provides for commencement.

Part 2 of the Bill

3. Part 2 amends Cap. 583.
4. Clause 3 removes the reference to the Construction Workers Registration Authority from the long title to Cap. 583 as a consequence of the dissolution of the Authority.
5. Clause 5 adds a new section 2A to provide that Cap. 583 applies to the Government.
6. Clause 7 repeals section 7 as a consequence of the dissolution of the Authority.
7. Clause 8 amends section 8 to provide for the functions and powers of the Council under Cap. 583.
8. Clause 9 substitutes section 9 to provide for certain limitations on the Council’s power to delegate its functions and powers under Cap. 583.
9. Clause 10 repeals sections 10 and 11 as a consequence of the dissolution of the Authority.

10. Clause 11 adds a new section 11A to provide for the establishment of the Construction Workers Registration Board (**Registration Board**).
11. Clause 12 amends section 12 to replace the Construction Workers Qualifications Committee by the Construction Workers Qualifications Board, whose members are to be appointed by the Registration Board under that section. While only 2 trade union representatives were appointed as members of the Committee to be replaced, 3 trade union representatives are to be appointed as members of the new board.
12. Clause 14 amends section 14 to replace the Construction Workers Review Committee by the Construction Workers Review Board, whose members are to be appointed by the Registration Board under that section. While only 2 trade union representatives were appointed as members of the Committee to be replaced, 3 trade union representatives are to be appointed as members of the new board.
13. Clause 19 amends section 29 so that an objection made under that section to a levy or surcharge imposed under Cap. 583 is to be dealt with by the Council under section 56 of Cap. 587.
14. Clause 24 amends section 44 to extend the period within which applications for the renewal of certain classes of registration of construction workers may be made.
15. Clause 25 substitutes section 45 to provide for the expiry of a registration as a registered skilled worker (provisional), or a registered semi-skilled worker (provisional), for a designated trade, following the addition of a new section 45A which provides for the extension of that registration.
16. Clause 26 adds a new section 45A to provide for the extension of a registration as a registered skilled worker (provisional), or a registered semi-skilled worker (provisional), for a designated trade, and to provide for matters relating to an application for the extension.

17. Clause 28 adds a new section 46A to enable the Registrar of Construction Workers (**Registrar**) to record on a registration card issued under Cap. 583 certain information contained in another document relevant to the construction industry.
18. Clause 30 amends section 51 to enable a person to ask the Construction Workers Review Board to review the Registrar's decision in respect of the person's application to extend the person's registration as a registered skilled worker (provisional), or a registered semi-skilled worker (provisional), for a designated trade.
19. Clause 31 amends section 52 to enable a person to appeal to a Construction Workers Appeal Board (**Appeal Board**) in respect of the Registrar's decision in respect of the person's application to extend the person's registration as a registered skilled worker (provisional), or a registered semi-skilled worker (provisional), for a designated trade.
20. Clause 32 amends section 53 to set out the membership of the Appeal Board panel formed under Cap. 583.
21. Clause 33 amends section 54 to extend the period within which an Appeal Board must be appointed after the Secretary for Development has received a notice of appeal under section 52(3).
22. Clause 34 amends section 55 to enable a member of an Appeal Board to continue to hear an appeal until the appeal is determined even if the term of appointment of the member expires before that determination.
23. Clause 37 amends section 63(1)(d) to enable the Council to make regulations to provide for applications made under the new sections 45A and 46A.
24. Clause 39 adds a new section 64A to confer privileges and immunities on members of an Appeal Board appointed under Cap. 583.
25. Clause 40 adds a new Part 10 which contains transitional and saving provisions concerning the dissolution of the Authority.

26. Clause 41 amends Schedule 1 to substitute a correct reference for a wrong reference.
27. Clause 42(3) to (17) amends Part 1 of Schedule 4 to provide for the composition, tenure of office of members, and proceedings, of the Registration Board, and certain other miscellaneous matters concerning the Registration Board.
28. Clause 42(18) to (27) amends Part 2 of Schedule 4 to provide for matters relating to the members, functions and powers of the subcommittees formed under the Registration Board.
29. Clause 42(28) to (38) amends Part 3 of Schedule 4 to substitute references to the Construction Workers Qualifications Board for references to the Construction Workers Qualifications Committee.
30. Clause 42(39) to (49) amends Part 4 of Schedule 4 to substitute references to the Construction Workers Review Board for references to the Construction Workers Review Committee.
31. Clause 43 substitutes a reference to the Council for a reference to the Authority in various sections as a consequence of the dissolution of the Authority and the transfer of its functions to the Council.

Part 3 of the Bill

32. Part 3 amends Cap. 587.
33. Clause 44 replaces the definition of *Objections Committee* by a definition of *Objections Board* as a consequence of the change in name made by clause 57. Clause 44 also adds the definitions of *Registrar*, *Registration Board* and *Training Board*.
34. Clause 45 amends section 5 to add a new item to the list of the Council's functions.
35. Clause 46 repeals section 6(e) as the Registrar is to be appointed by the Council under Cap. 583.
36. Clause 50 amends section 16 to provide for the persons to whom the Council may delegate its functions and powers under Cap. 583

- and Cap. 587. That clause also removes the restriction on the Council's power to delegate its functions and powers relating to contracts.
37. Clause 52 amends section 24 to provide that the Council may deposit in banks nominated by the Financial Secretary any of its funds not immediately required to be used, or invest those funds in certain investment if the prior approval of the Financial Secretary is obtained.
38. Clause 53 amends section 29 to further provide that the Construction Industry Training Board may perform any function delegated to it under section 16(1).
39. Clause 57 amends section 54 to change the name of the body established under that section to "Objections Board". That section is also amended to enable the Objections Board to determine an objection made under section 29 of Cap. 583 to any levy or surcharge imposed under Cap. 583.
40. Clause 60 repeals section 61(2)(f) as a consequence of the dissolution of the Authority.
41. Clause 63 amends section 2 of Schedule 4 to enable the Council to appoint one more person from relevant trade unions to be a member of the Construction Industry Training Board.
42. Clauses 55, 56, 60(2) and 61 amend sections 35, 36, 61 and 67 to amend the levels of fine under those sections to align them with the levels of fine provided for similar offences under Cap. 583.

Part 4 of the Bill

43. Part 4 amends the Prevention of Bribery Ordinance (Cap. 201) and the Pneumoconiosis and Mesothelioma (Compensation) (Assessment of Levy) Regulations (Cap. 360 sub. leg. A).
44. Clause 64 amends Schedule 1 to the Prevention of Bribery Ordinance (Cap. 201) to substitute a reference to the Registration Board for a reference to the Authority as a consequence of the

dissolution of the Authority and the transfer of its functions to the Council.

45. Clause 65 repeals regulation 15(2)(a)(v) of the Pneumoconiosis and Mesothelioma (Compensation) (Assessment of Levy) Regulations (Cap. 360 sub. leg. A) as a consequence of the dissolution of the Authority.

**Improvement of CIC's Operational Efficiency
to be brought about by the Amalgamation with CWRA**

- (a) single statutory body for the construction industry – the simplified and unified organizational structure will benefit workers and stakeholders;
- (b) consistent policy and priority setting for the industry – it will result in better coherence in delivering the construction workers registration policy and other construction-related policies;
- (c) enhancement of administrative and operational efficiency – registration/training/trade testing matters will be addressed by one single system;
- (d) elimination of ambiguity in demarcation of responsibilities – CWRA is currently responsible for the setting of qualification requirements for registration under CWRO while CIC sets the qualification standards for trade tests. This demarcation of responsibilities is not conducive to ensuring clarity and certainty in workers registration; and
- (e) more effective deployment of resources and sharing of information – resources and information of the two statutory bodies can be more effectively deployed/shared after they are brought under one management structure.

Chapter 583	CONSTRUCTION WORKERS REGISTRATION ORDINANCE	Gazette Number	Version Date
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	Long title		
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An Ordinance to provide for the registration of construction workers; the establishment of a Construction Workers Registration Authority; a levy to be paid by contractors in respect of construction operations; the regulation of construction workers personally carrying out construction work; and for related matters.

[Sections 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	<i>L.N. 147 of 2004</i>
Sections 22, 23(1), (2) and (3), 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 68	}	24 February 2005	<i>L.N. 196 of 2004</i>
Sections 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	<i>L.N. 167 of 2005</i>
Item 51 of Part 1 of Schedule 1	}	28 February 2007	<i>L.N. 4 of 2007</i>
Section 3(1)	}		
Section 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))	}		
Section 6(1) (in so far as it relates to the contravention of section 3(1))	}		
Section 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)))	}		
Section 6(3)	}		
Section 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)))	}	1 September 2007	<i>L.N. 93 of 2007]</i>
Section 6(5), (6), (7) and (8)(a)	}		
Section 48 (except paragraphs (b), (c) and (d) of subsection (1))	}		
Section 58	}		

(Originally 18 of 2004)

Chapter 583	CONSTRUCTION WORKERS REGISTRATION ORDINANCE	Gazette Number	Version Date
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Section 2	Interpretation	L.N. 118 of 2010	31/12/2010
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- (1) In this Ordinance, unless the context otherwise requires—
- "Appeal Board" (上訴委員會) means a Construction Workers Appeal Board appointed under section 54(1);
- "Appeal Board panel" (上訴委員團) means the Appeal Board panel appointed under section 53(1);
- "Authority" (管理局) means the Construction Workers Registration Authority established by section 7(1);
- "authorized officer" (獲授權人員) means a person who is appointed under section 16(1);
- "Building Authority" (建築事務監督) has the meaning assigned to it in section 2(1) of the Buildings Ordinance (Cap 123);
- "building services work" (建築物裝備工程) means—
- any heating, lighting, air-conditioning, ventilation, power supply, drainage, sanitation, refuse collection, water supply, fire protection, security, communications, lift or escalator installation or works; or
 - any other extra low voltage installation or works;
- "building works" (建築工程) has the meaning assigned to it in section 2(1) of the Buildings Ordinance (Cap 123);
- "business day" (工作日) means a day that is not—
- a general holiday; or
 - a black rainstorm warning day, or a gale warning day, within the meaning of section 71(2) of the Interpretation and General Clauses Ordinance (Cap 1);
- "CIC" (議會) means the Construction Industry Council established by section 4 of the Construction Industry Council Ordinance (Cap 587); (Added 12 of 2006 s. 84)
- "CITA" (建訓局) means the Construction Industry Training Authority established by section 4 of the Industrial Training (Construction Industry) Ordinance (Cap 317) and in existence before the commencement* of section 71 of the Construction Industry Council Ordinance (Cap 587); (Amended 12 of 2006 s. 84)
- "committee" (委員會) means a committee established under section 8(2)(a);
- "construction site" (建造工地) means a place where construction work is, or is to be, carried out but, except in relation to sections 17 and 18, excludes such a place where—
- in the case of construction work falling within paragraph (a) or (b) of the definition of "construction work" in this section—
 - in respect of which the Buildings Ordinance (Cap 123) applies; and
 - which may not, by virtue of section 14AA or 41(3), (3B) or (3C) of that Ordinance, be commenced or carried out without complying with section 14(1) of that Ordinance, (Amended 20 of 2008 s. 48)

a certificate, referred to in paragraph (2) or (3) of regulation 25, or in paragraph (2) of regulation 26, of the Building (Administration) Regulations (Cap 123 sub. leg. A), in respect of the construction work has been sent to the Building Authority in accordance with that paragraph, or a certificate, referred to in paragraph (4) of regulation 25 of those Regulations, in respect of the construction work has been made in accordance with that paragraph;
 - in the case of any other construction work falling within paragraph (a) or (b) of that definition, a certificate of substantial completion of contract has been issued in accordance with the terms of the contract under which the construction work is carried out;
- "construction work" (建造工作)—
- means—
 - the construction, erection, installation or reconstruction of any specified structure;
 - the addition, renewal, alteration, repair, dismantling or demolition of any specified structure that involves the structure of the specified structure or any other specified structure;

- (iii) any building operation involved in preparing for any operation referred to in subparagraph (i) or (ii), including laying of foundations, excavation of earth and rock prior to laying of foundations, site clearance, site investigation, site restoration, earthmoving, tunneling, boring, scaffolding and provision of access; or
 - (iv) any building operation, or building services work, forming an integral part of, or rendering complete, any operation referred to in subparagraph (i) or (ii), but excludes building works in respect of which a certificate of exemption is issued under the Buildings Ordinance (Application to the New Territories) Ordinance (Cap 121);
 - (b) means any building services work that involves the structure of any specified structure; or
 - (c) means any maintenance work, carried out under a term contract for maintenance, of any specified structure owned by, or otherwise belonging to, a public body or a specified body;
- "designated trade" (指定工種) means a trade or an occupation set out in column 1 of Part 1, 2 or 3 of Schedule 1;
- "domestic premises" (住用處所) means premises used or intended to be used solely or principally for residential purposes and constituting a separate household unit;
- "extra low voltage" (特低壓) means voltage normally not exceeding—
- (a) 50V root mean square alternating current; or
 - (b) 120V direct current,
- between conductors or between a conductor and earth;
- "further penalty" (附加罰款) means the further penalty payable under section 27(3);
- "levy" (徵款) means the levy imposed under section 23;
- "low voltage" (低壓) means voltage normally exceeding extra low voltage but normally not exceeding—
- (a) between conductors, 1000V root mean square alternating current or 1500V direct current; or
 - (b) between a conductor and earth, 600V root mean square alternating current or 900V direct current;
- "officer" (高級人員), in relation to a body corporate, includes a director, manager or secretary;
- "penalty" (罰款) means the penalty payable under section 27(2);
- "practicable" (切實可行) means reasonably practicable;
- "principal contractor" (總承建商), in relation to a construction site, means the person who undertakes on the site construction work under a contract, or term contract for maintenance, that is entered into by the person directly with—
- (a) an owner, occupier or developer of the property within the site; or
 - (b) an agent or architect, surveyor or engineer of such an owner, occupier or developer;
- "Qualifications Committee" (資格評審委員會) means the Construction Workers Qualifications Committee established by section 12(1);
- "Register" (名冊) means the Register of Construction Workers established under section 37(1)(a);
- "registered construction worker" (註冊建造業工人) means—
- (a) a registered skilled worker for a designated trade;
 - (b) a registered skilled worker (provisional) for a designated trade;
 - (c) a registered semi-skilled worker for a designated trade;
 - (d) a registered semi-skilled worker (provisional) for a designated trade; or
 - (e) a registered general worker;
- "registered general worker" (註冊普通工人) means a person whose name is entered in the Register as a registered general worker;
- "registered semi-skilled worker" (註冊半熟練技工), in relation to a designated trade, means a person whose name is entered in the Register as a registered semi-skilled worker for the trade;

- "registered semi-skilled worker (provisional)" (註冊半熟練技工(臨時)), in relation to a designated trade, means a person whose name is entered in the Register as a registered semi-skilled worker (provisional) for the trade;
- "registered skilled worker" (註冊熟練技工), in relation to a designated trade, means a person whose name is entered in the Register as a registered skilled worker for the trade;
- "registered skilled worker (provisional)" (註冊熟練技工(臨時)), in relation to a designated trade, means a person whose name is entered in the Register as a registered skilled worker (provisional) for the trade;
- "Registrar" (註冊主任) means the Registrar of Construction Workers appointed under section 36(1);
- "registration" (註冊) means registration under this Ordinance as a registered construction worker, and "registered" (註冊) shall be construed accordingly;
- "registration card" (註冊證) means a registration card issued under section 46(1);
- "Review Committee" (覆核委員會) means the Construction Workers Review Committee established by section 14(1);
- "Secretary" (局長) means the Secretary for Development; (Amended L.N. 130 of 2007)
- "specified" (指明), in relation to a form, means specified under section 62;
- "specified body" (指明機構) means a body set out in Schedule 2;
- "specified structure" (指明構築物) means any structure or works set out in Schedule 3;
- "street works" (街道工程) has the meaning assigned to it in section 2(1) of the Buildings Ordinance (Cap 123);
- "sub-contractor" (分包商), in relation to a principal contractor, means any person who enters into a contract with another person (whether or not the principal contractor) to undertake all or any part of the construction work that the principal contractor has undertaken;
- "surcharge" (附加費) means the surcharge imposed under section 26(8);
- "term contract for maintenance" (固定期保養合約) means a contract for a fixed term—
- which is made between a person and a public body or specified body; and
 - under which the person shall, during the term, undertake maintenance work in respect of a specified structure owned by, or otherwise belonging to, the body, as required by the body in writing from time to time;
- "VTC" (職訓局) means the Vocational Training Council established by section 4 of the Vocational Training Council Ordinance (Cap 1130).
- (2) For the avoidance of doubt, it is declared that the provisions of this Ordinance applicable to or in relation to a designated trade, or any part of a designated trade, are additional to the provisions of any other Ordinances applicable to or in relation to the trade, or any part of the trade.

* **Commencement date: 1 January 2008.**

Chapter 583	CONSTRUCTION WORKERS REGISTRATION ORDINANCE	Gazette Number	Version Date
Section 7	Authority	L.N. 147 of 2004	18/09/2004

PART 3

CONSTRUCTION WORKERS REGISTRATION AUTHORITY AND STANDING COMMITTEES

- (1) There is established by this section a body corporate called in English the "Construction Workers Registration Authority" and in Chinese “建造業工人註冊管理局”.
- (2) The Authority shall have perpetual succession and a common seal and shall be capable of suing and being sued.
- (3) The Authority shall consist of—

- (a) the Secretary or his representative; and
- (b) 18 other members appointed by the Secretary as follows—
 - (i) a chairman;
 - (ii) 3 public officers;
 - (iii) 2 persons, each of whom is, in the opinion of the Secretary, a person from a training institute in the construction industry in Hong Kong;
 - (iv) 3 persons, each of whom is, in the opinion of the Secretary, a person from a professional body connected with the construction industry in Hong Kong;
 - (v) 2 persons, each of whom is, in the opinion of the Secretary, a person from a contractor in the construction industry in Hong Kong;
 - (vi) 3 persons, each of whom is, in the opinion of the Secretary, a person from a trade union, registered under the Trade Unions Ordinance (Cap 332), that represents workers in the construction industry in Hong Kong;
 - (vii) 1 person who is, in the opinion of the Secretary, a person from a real estate developers association in Hong Kong; and
 - (viii) 3 persons, each of whom is, in the opinion of the Secretary, a person connected with the construction industry in Hong Kong.
- (4) An appointment under subsection (3)(b) shall be notified in the Gazette.
- (5) If, for any period, the chairman of the Authority is absent from Hong Kong or is, for any other reason, unable to perform the functions of his office, the other members of the Authority may elect from among themselves a person to act as chairman of the Authority during that period.
- (6) Part 1 of Schedule 4 shall have effect with respect to the Authority and its members.

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Section 8	Functions and powers of Authority	L.N. 147 of 2004	18/09/2004
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- (1) The Authority shall—
 - (a) be responsible for the administration of this Ordinance and the supervision of the registration of persons;
 - (b) set the qualification requirements for registration or renewal of registration;
 - (c) make recommendations with respect to the rate of levy; and
 - (d) perform such other functions as are imposed on it under this Ordinance or any other enactment.
- (2) The Authority may do all such things as are necessary for, or incidental or conducive to, the performance of its functions and, in particular but without prejudice to the generality of the foregoing, may—
 - (a) establish committees for the performance of its functions and the exercise of its powers;
 - (b) employ persons to assist the Authority with the performance of its functions and the exercise of its powers;
 - (c) acquire, hold or dispose of property of any description;
 - (d) enter into, carry out, assign or accept the assignment of, vary or rescind, any contract, agreement or other obligation;
 - (e) borrow money on such security as may be necessary and for that purpose, charge all or any of the property of the Authority; and
 - (f) exercise such other powers as are conferred on the Authority under this Ordinance or any other enactment.
- (3) Part 2 of Schedule 4 shall have effect with respect to a committee and its members.

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Section 9	Delegations	L.N. 147 of 2004	18/09/2004
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- (1) The Authority may delegate in writing—
- any of its functions and powers under Part 5, except those under section 29, to the Registrar; or
 - subject to subsection (2), any of its other functions and powers under this Ordinance to any committee,
- subject to such terms and conditions, if any, as the Authority thinks fit and set out in the delegation.
- (2) The Authority shall not delegate any of its functions or powers under subsection (1) or section 8(1)(a) or (2)(a), 11(5), 52(5) or 63, or section 6 of Schedule 4.
- (3) A delegate of the Authority—
- shall perform the delegated functions and may exercise the delegated powers as if the delegate were the Authority; and
 - shall be presumed to be acting in accordance with the relevant delegation in the absence of evidence to the contrary.

Chapter 583	CONSTRUCTION WORKERS REGISTRATION ORDINANCE	Gazette Number	Version Date
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Section 10	Funds and property of Authority	L.N. 147 of 2004	18/09/2004
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The funds and property of the Authority shall consist of—

- all moneys recovered by way of levy, surcharge, penalty and further penalty;
- any moneys received by the Authority by way of grants, loans, donations, fees, rent or interest;
- all moneys derived from the sale of any property held by or on behalf of the Authority; and
- all other moneys and property lawfully received by the Authority for its purposes.

Chapter 583	CONSTRUCTION WORKERS REGISTRATION ORDINANCE	Gazette Number	Version Date
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Section 11	Statements of accounts of Authority and auditor's report on them	L.N. 147 of 2004	18/09/2004
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- (1) The Authority may from time to time fix a period of 12 months to be the financial year of the Authority.
- (2) The Authority shall submit to the Secretary—
- as soon as practicable after the commencement of this section, a programme of its proposed activities and estimates of its income and expenditure for the first financial year; and
 - in each financial year, before a date to be appointed by the Secretary, a programme of its proposed activities and estimates of its income and expenditure for the next financial year.
- (3) The Authority shall cause proper accounts to be kept of all its financial transactions.
- (4) As soon as practicable after the end of a financial year, the Authority shall cause to be prepared a statement of accounts of the Authority, which statement shall include an income and expenditure account and a balance sheet.
- (5) The Authority shall appoint an auditor, who shall be entitled at any time to have access to all books of account, vouchers and other financial records of the Authority and to require such information and explanations thereof as the auditor thinks fit.
- (6) The auditor shall audit the accounts required under subsection (3) and the statement of accounts required under subsection (4) and shall submit a report on the statement to the Authority.
- (7) Within 6 months after the end of a financial year, the Authority shall submit—
- a report on the activities of the Authority during that year including a general survey of

developments during that year, in respect of matters falling within the scope of the Authority's functions;

- (b) a copy of the statement of accounts required under subsection (4); and
- (c) the auditor's report on the statement,

to the Secretary who shall cause the same to be tabled in the Legislative Council.

Chapter 583	CONSTRUCTION WORKERS REGISTRATION ORDINANCE	Gazette Number	Version Date
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Section 12	Qualifications Committee	L.N. 147 of 2004	18/09/2004
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(1) There is established by this section a committee called in English the "Construction Workers Qualifications Committee" and in Chinese “建造業工人資格評審委員會”.

(2) Subject to subsection (3), the Qualifications Committee shall consist of—

(a) a chairman who is—

- (i) a member of the Authority; and
- (ii) appointed by the Authority; and

(b) 13 other members appointed by the Authority as follows—

- (i) 5 public officers;
- (ii) 2 persons, each of whom is, in the opinion of the Authority, a person from a training institute in the construction industry in Hong Kong;
- (iii) 1 person who is, in the opinion of the Authority, a person from a professional body connected with the construction industry in Hong Kong;
- (iv) 2 persons, each of whom is, in the opinion of the Authority, a person from a contractor in the construction industry in Hong Kong;
- (v) 2 persons, each of whom is, in the opinion of the Authority, a person from a trade union, registered under the Trade Unions Ordinance (Cap 332), that represents workers in the construction industry in Hong Kong; and
- (vi) 1 person who is, in the opinion of the Authority, a person from the major employers in the construction industry in Hong Kong.

(3) A person is not eligible for appointment under subsection (2) if he is—

- (a) a member of the Review Committee; or
- (b) a member of the Appeal Board panel.

(4) An appointment under subsection (2) shall be notified in the Gazette.

(5) If, for any period, the chairman of the Qualifications Committee is absent from Hong Kong or is, for any other reason, unable to perform the functions of his office, the other members of the Committee may elect from among themselves a person to act as chairman of the Committee during that period.

(6) Part 3 of Schedule 4 shall have effect with respect to the Qualifications Committee and its members.

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Section 13	Functions and powers of Qualifications Committee	L.N. 147 of 2004	18/09/2004
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(1) The Qualifications Committee shall—

- (a) review the qualification requirements for registration or renewal of registration;
- (b) assess qualifications referred to it by the Authority to ascertain whether they should become qualification requirements for registration or renewal of registration;
- (c) prepare guidelines to be followed by the Registrar to examine, assess and verify the qualifications of applicants for registration or renewal of registration;
- (d) make recommendations to the Authority as to the matters referred to in paragraphs (a), (b) and (c);
- (e) when consulted by the Registrar, assess whether the qualification held by a person is an

- equivalent qualification for the purposes of section 40(2)(c), (3)(c), (5)(b) or (6)(b);
- (f) make recommendations to the Registrar as to the matters referred to in paragraph (e); and
 - (g) perform such other functions as are imposed on it under this Ordinance or any other enactment.

(2) The Qualifications Committee may do all such things as are necessary for, or incidental or conducive to, the performance of its functions and may exercise such powers as are conferred on it under this Ordinance or any other enactment.

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Section 14	Review Committee	L.N. 147 of 2004	18/09/2004
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(1) There is established by this section a committee called in English the "Construction Workers Review Committee" and in Chinese “建造業工人覆核委員會”.

(2) Subject to subsection (3), the Review Committee shall consist of 8 members appointed by the Authority as follows—

- (a) 1 public officer;
- (b) 1 person nominated by The Hong Kong Institution of Engineers;
- (c) 1 person nominated by The Hong Kong Institute of Architects;
- (d) 1 person nominated by The Hong Kong Institute of Surveyors;
- (e) 2 persons, each of whom is, in the opinion of the Authority, a person from a contractor in the construction industry in Hong Kong; and
- (f) 2 persons, each of whom is, in the opinion of the Authority, a person from a trade union, registered under the Trade Unions Ordinance (Cap 332), that represents workers in the construction industry in Hong Kong.

(3) A person is not eligible for appointment under subsection (2) if he is—

- (a) a member of the Qualifications Committee;
- (b) a member of the Appeal Board panel; or
- (c) the Registrar, or, where the Registrar is a body corporate, a member, officer or employee of the Registrar.

(4) The members of the Review Committee shall elect a chairman from amongst themselves.

(5) An appointment under subsection (2) shall be notified in the Gazette.

(6) If, for any period, the chairman of the Review Committee is absent from Hong Kong or is, for any other reason, unable to perform the functions of his office, the other members of the Committee may elect from among themselves a person to act as chairman of the Committee during that period.

(7) Part 4 of Schedule 4 shall have effect with respect to the Review Committee and its members.

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Section 15	Functions and powers of Review Committee	L.N. 147 of 2004	18/09/2004
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(1) The Review Committee shall—

- (a) conduct a review of any decision of the Registrar the subject of a request for review under section 51(1);
- (b) make recommendations to the Registrar as to the decision; and
- (c) perform such other functions as are imposed on it under this Ordinance or any other enactment.

(2) The Review Committee may do all such things as are necessary for, or incidental or conducive to, the performance of its functions and may exercise such powers as are conferred on it under this Ordinance or any other enactment.

Chapter 583	CONSTRUCTION WORKERS REGISTRATION ORDINANCE	Gazette Number	Version Date
Section 24	Contractor and authorized person to notify Authority when undertaking construction operations	L.N. 183 of 2007	01/01/2008

(1) Within 14 days after any construction operations have begun or such further time as the Authority may in any case allow—

(a) the contractor in respect of the construction operations; and
 (b) the authorized person appointed in respect of the construction operations,
 shall each give notice to the Authority in the specified form that he is the contractor in respect of the construction operations or the authorized person appointed in respect of the construction operations, as the case may be.

(2) Except in the case of a term contract, subsection (1) shall not apply in respect of any construction operations if it is reasonably estimated that the total value of such operations does not exceed the amount prescribed under section 23(4)(b).

(3) Every notice under subsection (1) shall state the estimated total value of the construction operations.

(4) A contractor or authorized person complies with subsection (1) if he—

- (a) had given a notice to CIC under section 34 of the Construction Industry Council Ordinance (Cap 587) in respect of the construction operations; and (Amended 12 of 2006 s. 84)
 (b) sent a copy of that notice to the Authority within the period of 14 days, or such further time as the Authority may have allowed, within which he shall give notice under that subsection.

(5) Every contractor or authorized person who, without reasonable excuse, fails to give a notice when required to do so by subsection (1) commits an offence and is liable on conviction to a fine at level 1.

Chapter 583	CONSTRUCTION WORKERS REGISTRATION ORDINANCE	Gazette Number	Version Date
Section 25	Notice by contractor and authorized person of payments made in respect of construction operations and of completion	L.N. 183 of 2007	01/01/2008

(1) Subject to subsection (2), where a payment or an interim payment is made to a contractor or for his benefit in respect of any construction operations or a stage of any construction operations (if the construction operations are undertaken or carried out in stages), the contractor shall, within 14 days after the payment is made or such further time as the Authority may in any case allow, give notice of it to the Authority in the specified form.

(2) Where any payment or interim payment is made in any calendar month to a contractor or for his benefit in respect of any construction operations that are carried out under a term contract, the contractor shall, within 14 days after the last day of that month or such further time as the Authority may in any case allow, give notice of it to the Authority in the specified form.

(3) Not later than 14 days, or such further time as the Authority may in any case allow, after the completion of any construction operations, or of a stage of any construction operations (if the construction operations are undertaken or carried out in stages), the contractor undertaking the construction operations, and the authorized person appointed in respect of the construction operations, shall each give notice of such completion to the Authority in the specified form.

(4) Except in the case of a term contract, subsections (1) and (3) shall not apply in respect of any construction operations if it is reasonably estimated that the total value of such operations does not exceed the amount prescribed under section 23(4)(b).

(5) Every notice under subsection (1), (2) or (3) shall state the value of the construction

operations or the stage of the construction operations—

- (a) in respect of which payment was made; or
- (b) which have or has been completed,

as the case may be.

(6) A contractor or authorized person complies with subsection (1), (2) or (3) if he—

- (a) had given a notice to CIC under section 35 or 36 of the Construction Industry Council Ordinance (Cap 587) in respect of the relevant payment or completion; and (Amended 12 of 2006 s. 84)
- (b) sent a copy of that notice to the Authority within the period of 14 days, or such further time as the Authority may have allowed, within which he shall give notice under that subsection.

(7) Every contractor or authorized person who, without reasonable excuse, fails to give a notice when required to do so by subsection (1), (2) or (3) commits an offence and is liable on conviction to a fine at level 3.

Chapter 583	CONSTRUCTION WORKERS REGISTRATION ORDINANCE	Gazette Number	Version Date
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Section 26	Assessment	L.N. 196 of 2004	24/02/2005
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(1) On receipt of a notice of payment under section 25(1) or (2), the Authority shall assess the amount of levy due in respect of the construction operations or the stage of the construction operations to which the payment relate or relates.

(2) Where more than one payment is made or to be made in respect of any construction operations or a stage of any construction operations, the assessment under subsection (1) shall be a provisional assessment and a final assessment shall be made on the final payment in respect of the construction operations, each stage of the construction operations or all stages of the construction operations, as is appropriate.

(3) On receipt of a notice of completion of any construction operations, or a stage of any construction operations, under section 25(3), the Authority shall, if no assessment under subsection (1) or (2) has been made, assess the amount of levy due in respect of the construction operations or the stage of the construction operations.

(4) Where any construction operations are undertaken or carried out in stages, the Authority may make a provisional assessment under subsection (3) on the completion of each stage of the construction operations and make a final assessment on the completion of all stages of the construction operations.

(5) Notwithstanding subsections (1), (2) and (3), where construction operations are carried out under a term contract, the Authority may defer the making of any assessment under subsection (1), (2) or (3) until such time as the Authority considers appropriate.

(6) The Authority may assess the amount of levy due in respect of the construction operations, or the stage of the construction operations, which have or has been completed notwithstanding that no notice has been given to the Authority under section 25.

(7) Where it appears to the Authority that an assessment of levy has been made at less than the proper amount, then, subject to subsection (11), the Authority may at any time make an additional assessment of levy due in respect of the construction operations or the stage of the construction operations.

(8) If a contractor fails to give any notice required to be given by him under section 25 and does not give a reasonable excuse for the failure within such period as the Authority may allow in any case, the Authority may, in addition to the levy assessed under this section and payable by the contractor, impose a surcharge on the contractor not exceeding twice the amount of levy so assessed.

(9) Any assessment of levy or imposition of surcharge under this section shall be notified in writing by the Authority.

(10) A levy or surcharge shall not be payable by a contractor—

- (a) if he has not been notified by the Authority of an assessment of such levy or imposition of such surcharge, as the case may be, under subsection (9); or
- (b) to the extent that the levy or surcharge, as the case may be, has been paid by any other

contractor unless the levy or surcharge, as the case may be, may be required or ordered to be repaid to that other contractor under section 27(4), 29(4) or 30(4).

(11) Subject to subsection (12), an assessment or surcharge under this section shall be made or imposed within—

- (a) 2 years after the completion of the construction operations; or
- (b) 1 year after evidence of facts, sufficient in the opinion of the Authority to justify the making of the assessment or the imposition of the surcharge, comes to its knowledge,

whichever is the later.

(12) If construction operations are carried out under a term contract, an assessment or surcharge under this section shall be made or imposed within—

- (a) 2 years after the completion of all construction operations to which the contract relates;
- (b) 2 years after the expiration of the period within which all construction operations to which the contract relates have to be completed as provided for by the contract; or
- (c) 1 year after evidence of facts, sufficient in the opinion of the Authority to justify the making of the assessment or the imposition of the surcharge, comes to its knowledge,

whichever is the last to occur.

(13) For the purposes of this section, where the amount of levy due in respect of a stage of any construction operations is assessed under this section, the amount of levy shall be assessed as if such stage of the construction operations separately constitutes construction operations subject to payment of levy under this Ordinance.

Chapter 583	CONSTRUCTION WORKERS REGISTRATION ORDINANCE	Gazette Number	Version Date
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Section 29	Objection	L.N. 196 of 2004	24/02/2005
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(1) Any person who is notified under section 26(9) of an assessment of levy, or imposition of surcharge, may, by notice in writing served on the Authority within 21 days after the receipt by him of the notice, object to the levy or surcharge.

(2) A notice of objection under subsection (1) shall state precisely the grounds of objection and shall be accompanied by all written statements and other documentary evidence relied upon by the objector in support of the objection.

(3) An objection under subsection (1) shall be considered by the Authority, which may confirm, cancel or reduce the levy or surcharge.

(4) The Authority shall notify in writing the objector of its decision under subsection (3) within 28 days after the receipt by the Authority of the notice of objection under subsection (1) and, if a levy or surcharge is cancelled or reduced, any amount which has been paid by the objector in excess of that found to be due, excluding the amount of any penalty or further penalty which has been paid, shall forthwith be repaid by the Authority to the objector.

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Section 30	Appeals	L.N. 196 of 2004	24/02/2005
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(1) An objector who is aggrieved with a decision notified to him under section 29(4) may appeal to the District Court against that decision.

(2) An appeal under subsection (1) shall be lodged within 30 days after the receipt by the objector of the notification.

(3) An appeal under this section shall not be heard unless the amount of levy or surcharge that is the subject-matter of the appeal, including the amount of any penalty or further penalty, has been paid.

(4) On hearing any appeal under this section the District Court may—

- (a) confirm, cancel or reduce the levy or surcharge;
- (b) if it cancels or reduces a levy or surcharge, order the repayment of the amount of levy

or surcharge cancelled or reduced, excluding the amount of any penalty or further penalty which has been paid, with interest from the date of payment to the Authority at such rate as the Court may determine or without interest; and

- (c) make such order as it thinks fit as to the payment of the costs of the hearing.

Chapter 583	CONSTRUCTION WORKERS REGISTRATION ORDINANCE	Gazette Number	Version Date
Section 31	Provision of information and production of documents	6 of 2008	18/04/2008

(1) An employer, contractor or authorized person concerned in any construction operations shall—

- (a) provide the Authority or a levy inspector, within such time and in such form as the Authority or the inspector may specify, with such information relating to the construction operations (including any amount paid or payable in respect of the construction operations or any work connected therewith), or the name and address of the person for or by whom the construction operations are undertaken, as the Authority or the inspector may require for the purpose of performing its or his functions under this Ordinance;
- (b) on being so required by the Authority or a levy inspector, produce or cause to be produced any documents or records in his possession relating to the construction operations (including any amount paid or payable in respect of the construction operations or any work connected therewith) for inspection by the Authority or the inspector and permit the Authority or the inspector to take copies or make extracts from them or to remove them for a reasonable period.

(2) Subject to subsection (3), no person shall disclose otherwise than to the Authority, or to an employee of the Authority in his official capacity, any information provided or obtained under subsection (1) (including information obtained from documents or records) without the consent of the person who provided it or from whom it was obtained.

(3) Subsection (2) shall not apply—

- (a) to the provision of information under—
 - (i) section 59 or 60 of the Construction Industry Council Ordinance (Cap 587); or (Replaced 12 of 2006 s. 84)
 - (ii) regulation 14 of the Pneumoconiosis and Mesothelioma (Compensation) (Assessment of Levy) Regulations (Cap 360 sub. leg. A); (Amended 6 of 2008 s. 50)
- (b) to the supply of a copy of personal data in compliance with a data access request under section 18 of the Personal Data (Privacy) Ordinance (Cap 486);
- (c) to the disclosure of information in the form of a summary of similar information provided by or obtained from a number of employers, contractors or authorized persons if the summary is so framed as not to enable particulars relating to any particular contractor's business to be ascertained from it;
- (d) to the disclosure of information by the Authority to any person authorized or employed by it for the purpose of checking or ascertaining the value of construction operations;
- (e) to the disclosure of information by the Authority to CIC, or to the Pneumoconiosis Compensation Fund Board established under the Pneumoconiosis and Mesothelioma (Compensation) Ordinance (Cap 360); or (Amended 12 of 2006 s. 84; 6 of 2008 s. 50)
- (f) to any disclosure of information made for the purpose of any legal proceedings brought under this Ordinance, or for the purpose of any report of any such proceedings.

(4) Any person who, without reasonable excuse, fails to comply with a requirement under subsection (1) when it is within his power to do so commits an offence and is liable on conviction to a fine at level 1.

(5) Any person who intentionally discloses any information in contravention of subsection (2) commits an offence and is liable on conviction to a fine at level 3.

Chapter 583	CONSTRUCTION WORKERS REGISTRATION ORDINANCE	Gazette Number	Version Date
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Section 37	Functions and powers of Registrar	L.N. 147 of 2004	18/09/2004
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- (1) The Registrar shall—
- (a) establish and maintain a Register of Construction Workers;
 - (b) examine, assess and verify the qualifications of applicants for registration or renewal of registration;
 - (c) receive and examine applications for registration or renewal of registration, and accept or reject those applications;
 - (d) collect from applicants for registration or renewal of registration, or for replacement registration cards, the prescribed fees in relation to the application and hand over to the Authority the fees so collected;
 - (e) maintain a database of information relating to registered construction workers;
 - (f) collect the copy of record furnished to the Registrar under section 58(7)(b) and if directed to do so by the Authority, either generally or in a particular case, provide to a public body the information contained in those records; and
 - (g) perform such other functions as are imposed on the Registrar under this Ordinance or any other enactment.
- (2) The Authority shall not direct the Registrar to provide to a public body any of the information referred to in subsection (1)(f) unless the information is—
- (a) to be used in relation to the enforcement of any law; or
 - (b) in the form of a summary that is so framed as not to enable particulars relating to any particular registered construction worker to be ascertained from it.
- (3) The Registrar may do all such things as are necessary for, or incidental or conducive to, the performance of the Registrar's functions and may exercise such powers as are conferred on the Registrar under this Ordinance or any other enactment.

Chapter 583	CONSTRUCTION WORKERS REGISTRATION ORDINANCE	Gazette Number	Version Date
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Section 40	Qualifications for registration	L.N. 167 of 2005	29/12/2005
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- (1) The Registrar shall not register a person as a registered construction worker unless the Registrar is satisfied that—
- (a) the person holds a certificate referred to in section 6BA(2) of the Factories and Industrial Undertakings Ordinance (Cap 59) in respect of that person's attendance at a safety training course that relates to construction work within the meaning of that Ordinance; and
 - (b) the person—
 - (i) is a Hong Kong permanent resident; or
 - (ii) is not subject to any conditions of stay in Hong Kong that he shall not take up any paid or unpaid employment in Hong Kong.
- (2) Subject to section 42(4), the Registrar shall not register a person as a registered skilled worker for a designated trade set out in Part 1 of Schedule 1 unless the Registrar is satisfied that the person—
- (a) holds a certificate set out in column 3, or a qualification set out in column 4, of that Part opposite the trade;
 - (b) holds a certificate referred to in section 41(1)(b)—
 - (i) in respect of a training course that the Authority specifies under section 41(1) in relation to the registered skilled workers (provisional) for the trade; and
 - (ii) issued to the person while a registered skilled worker (provisional) for the trade; or

- (c) holds a qualification that the Registrar, in consultation with the Qualifications Committee, considers as an equivalent qualification.
- (3) Subject to section 42(5), the Registrar shall not register a person as a registered skilled worker for a designated trade set out in Part 2 of Schedule 1 unless the Registrar is satisfied that the person—
- (a) holds a certificate set out in column 3, or a qualification set out in column 4, of that Part opposite the trade;
 - (b) holds a certificate referred to in section 41(1)(b)—
 - (i) in respect of a training course that the Authority specifies under section 41(1) in relation to the registered skilled workers (provisional) for the trade; and
 - (ii) issued to the person while a registered skilled worker (provisional) for the trade;
 or
 - (c) holds a qualification that the Registrar, in consultation with the Qualifications Committee, considers as an equivalent qualification.
- (4) Subject to section 42(1), (2) and (5), the Registrar shall not register a person as a registered skilled worker (provisional) for a designated trade set out in Part 1 or 2 of Schedule 1 unless the Registrar is satisfied that, as at the commencement of this subsection, the person has, for a period, or an aggregate period, of not less than 6 years, personally carried out construction work that involves any work described in column 2 of that Part opposite the trade.
- (5) Subject to section 42(5), the Registrar shall not register a person as a registered semi-skilled worker for a designated trade set out in Part 2 of Schedule 1 unless the Registrar is satisfied that the person—
- (a) holds an intermediate trade test certificate set out in column 5 of that Part opposite the trade; or
 - (b) holds a qualification that the Registrar, in consultation with the Qualifications Committee, considers as an equivalent qualification.
- (6) The Registrar shall not register a person as a registered semi-skilled worker for a designated trade set out in Part 3 of Schedule 1 unless the Registrar is satisfied that the person—
- (a) holds an intermediate trade test certificate set out in column 3, or a qualification set out in column 4, of that Part opposite the trade; or
 - (b) holds a qualification that the Registrar, in consultation with the Qualifications Committee, considers as an equivalent qualification.
- (7) Subject to section 42(2), (3) and (5), the Registrar shall not register a person as a registered semi-skilled worker (provisional) for a designated trade set out in Part 2 or 3 of Schedule 1 unless the Registrar is satisfied that, as at the commencement of this subsection, the person has, for a period, or an aggregate period, of not less than 2 years, personally carried out construction work that involves any work described in column 2 of that Part opposite the trade.

Chapter 583	CONSTRUCTION WORKERS REGISTRATION ORDINANCE	Gazette Number	Version Date
Section 44	Expiry and renewal of registration	L.N. 167 of 2005	29/12/2005

- (1) Subject to subsection (5), the registration of a person shall expire on a day that is specified by the Registrar in accordance with subsection (2).
- (2) The date so specified shall—
- (a) if the person is a Hong Kong permanent resident, subject to subsection (3), be not less than 12 months, and not more than 48 months, after the relevant date;
 - (b) if the person is not a Hong Kong permanent resident, subject to subsections (3) and (4), be not more than 48 months after the relevant date.
- (3) If, on the date of registration or renewal of registration, the person holds another registration that is in effect, the date so specified shall be the day on which that other registration expires.
- (4) If, on the date of registration or renewal of registration, the person is subject to a condition of stay in Hong Kong limiting the period during which the person may remain in Hong Kong, the date so specified shall be a day within that period.

- (5) A person may apply to the Registrar for the renewal of his registration.
- (6) An application under subsection (5) shall be—
 - (a) in the specified form; and
 - (b) accompanied by the prescribed fee.
- (7) An application under subsection (5) shall be made—
 - (a) not earlier than 3 months before and not later than 7 business days before the date of expiry of the person's registration;
 - (b) after the expiry of the period referred to in paragraph (a) but before the date on which the Registrar gives notice to the person that the Registrar intends to cancel the person's registration under section 49(1)(b); or
 - (c) in the case where the Registrar has given notice to the person that the Registrar intends to cancel the person's registration under section 49(1)(b), before the expiry of the period of 14 days referred to in section 49(2)(b).
- (8) The Registrar shall not renew the registration of a person unless the Registrar is satisfied that—
 - (a) the person complies with the applicable requirements for registration set out in sections 40 and 42(4) and (5); and
 - (b) if the registration will, on the date of its expiry, have been in effect for not less than 2 years, the person has attended and completed, during the period of 1 year immediately before the date of application for renewal of the registration, such development courses applicable to his registration as the Authority may specify.
- (9) The Authority shall give notice in the Gazette of the development courses that it specifies for the purposes of subsection (8)(b).
- (10) In this section—

"registration" (註冊) means registration under this Ordinance as—
 - (a) a registered skilled worker for a designated trade;
 - (b) a registered semi-skilled worker for a designated trade; or
 - (c) a registered general worker,and "registered" (註冊) shall be construed accordingly;

"relevant date" (有關日期) means—
 - (a) the date of registration;
 - (b) in the case of an application for renewal of registration made in accordance with subsection (7)(a), the date on which the registration would have expired but for the renewal;
 - (c) in the case of an application for renewal of registration made in accordance with subsection (7)(b)—
 - (i) the date on which the registration would have expired but for the renewal; or
 - (ii) the date of renewal of registration,whichever is the later; or
 - (d) in the case of an application for renewal of registration made in accordance with subsection (7)(c), the date of renewal of registration.

Chapter 583	CONSTRUCTION WORKERS REGISTRATION ORDINANCE	Gazette Number	Version Date
Section 45	Expiry of registration as registered skilled worker (provisional), etc.	L.N. 167 of 2005	29/12/2005

- (1) The registration of a person as a registered skilled worker (provisional) for a designated trade shall expire—
 - (a) on the third anniversary of the date of registration; or
 - (b) on the date on which the person is registered as a registered skilled worker for the trade, whichever is the earlier.
- (2) The registration of a person as a registered semi-skilled worker (provisional) for a

designated trade shall expire—

- (a) on the third anniversary of the date of registration; or
- (b) on the date on which the person is registered as a registered skilled worker, or a registered semi-skilled worker, for the trade,

whichever is the earlier.

(3) The registration of a person as a registered skilled worker (provisional), or a registered semi-skilled worker (provisional), for a designated trade is not renewable.

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Section 46	Issue of registration card	L.N. 167 of 2005	29/12/2005
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(1) Subject to subsections (2), (3) and (4), the Registrar shall, on registering a person as a registered construction worker ("current registration"), issue to the person a registration card in respect of the current registration.

(2) If the person was issued a registration card in respect of a registration that is in effect ("previous registration"), the Registrar shall—

- (a) revise the data recorded on the card to the effect that the card is in respect of the current registration and the previous registration; and
- (b) issue to the person the card with the revised data recorded on it.

(3) If—

- (a) the person was issued a registration card in respect of a previous registration;
- (b) the person has applied to the Registrar for a replacement registration card under subsection (8); and
- (c) the Registrar is satisfied that the registration card concerned has in fact been lost or destroyed,

the Registrar shall issue to the person a replacement registration card in respect of the current registration and the previous registration.

(4) If—

- (a) the person was issued a registration card in respect of a previous registration;
- (b) the person has applied to the Registrar for a replacement registration card under subsection (9); and
- (c) the Registrar is satisfied that the registration card concerned has in fact been damaged and surrendered to the Registrar,

the Registrar shall issue to the person a replacement registration card in respect of the current registration and the previous registration.

(5) Subject to subsections (6) and (7), if the Registrar renews the registration of a person, the Registrar shall—

- (a) revise the data recorded on the registration card issued to the person to the effect that the registration has been renewed; and
- (b) issue to the person the card with the revised data recorded on it.

(6) If—

- (a) the person has applied to the Registrar for a replacement registration card under subsection (8); and
- (b) the Registrar is satisfied that the registration card concerned has in fact been lost or destroyed,

the Registrar shall issue to the person a replacement registration card with the data revised to the effect that the registration has been renewed.

(7) If—

- (a) the person has applied to the Registrar for a replacement registration card under subsection (9); and
- (b) the Registrar is satisfied that the registration card concerned has in fact been damaged and surrendered to the Registrar,

the Registrar shall issue to the person a replacement registration card with the data revised to the effect

that the registration has been renewed.

(8) If a registration card has been lost or destroyed, the registered construction worker to whom it was issued shall as soon as practicable apply to the Registrar for a replacement registration card.

(9) If a registration card has been damaged, the registered construction worker to whom it was issued shall as soon as practicable—

- (a) surrender the card to the Registrar; and
- (b) apply to the Registrar for a replacement registration card.

(10) An application under subsection (8) or (9) shall be—

- (a) in the specified form; and
- (b) accompanied by the prescribed fee.

(11) Subject to subsections (3) and (6), the Registrar shall issue a replacement registration card pursuant to an application under subsection (8) on being satisfied that the registration card that it will replace has in fact been lost or destroyed.

(12) Subject to subsections (4) and (7), the Registrar shall issue a replacement registration card pursuant to an application under subsection (9) on being satisfied that the registration card that it will replace has in fact been damaged and surrendered to the Registrar.

(13) A person who notifies the Registrar of a change in his name under section 38(3) shall as soon as practicable apply to the Registrar for a replacement registration card.

(14) An application under subsection (13) shall be in the specified form.

(15) On receiving an application under subsection (13), the Registrar, if satisfied that the change in name has been notified under section 38(3) shall pursuant to the application issue a replacement registration card.

(16) For the purposes of this Ordinance, a replacement registration card issued under subsection (3), (4), (6), (7), (11), (12) or (15) has the same effect as, and is an equivalent to, the registration card that it replaces.

Chapter 583	CONSTRUCTION WORKERS REGISTRATION ORDINANCE	Gazette Number	Version Date
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Section 49	Cancellation of registration	L.N. 167 of 2005	29/12/2005
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(1) The Registrar may cancel the registration of a person if the Registrar is satisfied that—

- (a) the person has died;
- (b) the registration has expired and is not renewed;
- (c) the person no longer complies with the applicable requirements for registration set out in sections 40 and 42(4) and (5); or
- (d) the person was not at the time of his registration entitled to be registered.

(2) If the Registrar intends to cancel the registration of a person under subsection (1), the Registrar—

- (a) shall give notice of the intention and the reasons for the cancellation by prepaid registered post to the person's last known postal address; and
- (b) shall not cancel the registration of the person under that subsection until the expiry of a period of 14 days after the date of posting the notice.

(3) If the Registrar gives notice to a person that the Registrar intends to cancel the registration of the person, and before the expiry of the period of 14 days referred to in subsection (2)(b)—

- (a) in the case of a cancellation under subsection (1)(a), the person satisfies the Registrar that he is not dead;
- (b) in the case of a cancellation under subsection (1)(b), the person properly applies to renew his registration;
- (c) in the case of a cancellation under subsection (1)(c), the person satisfies the Registrar that he complies with the applicable requirements for registration set out in sections 40 and 42(4) and (5); or
- (d) in the case of a cancellation under subsection (1)(d), the person satisfies the Registrar that he was entitled to be registered,

the Registrar shall not cancel the registration for the reasons set out in the notice.

(4) The Registrar shall effect a cancellation of the registration of a person by—

- (a) removing from the Register the entry in it of the person; or
- (b) if the person is still a registered construction worker after the cancellation, entering a remark against the entry in the Register of the person that reflects the cancellation.

(5) If the Registrar cancels the registration of a person, the Registrar shall notify the person in writing of the cancellation.

(6) Subject to subsection (7), a person whose registration is cancelled under this Ordinance shall, not later than 14 days after being notified by the Registrar in writing of the cancellation, surrender to the Registrar the registration card issued to him.

(7) If the person is still a registered construction worker after the cancellation, the person shall, not later than 14 days after being notified by the Registrar in writing of the cancellation, hand over to the Registrar the registration card issued to him for revising the data recorded on the card to reflect the cancellation.

(8) A person who, without reasonable excuse, contravenes subsection (6) or (7) commits an offence and is liable on conviction to a fine at level 1.

Chapter 583	CONSTRUCTION WORKERS REGISTRATION ORDINANCE	Gazette Number	Version Date
Section 51	Review of decisions	L.N. 167 of 2005	29/12/2005

PART 7

REVIEWS AND APPEALS

(1) A person who is the subject of a decision of the Registrar under section 43(1), 44(1) or 49(1) may request the Review Committee to review the decision by serving on the Committee, within 2 weeks after the decision, a notice of request for review stating the substance of the matter and reasons for the request.

(2) A notice of request for review shall be in the specified form.

(3) A request under this section for review of a decision does not suspend the decision unless the Authority decides otherwise.

(4) As soon as practicable after receiving a notice of request for review, the Review Committee shall consider the request.

(5) On consideration of a request for review of a decision, the Review Committee may recommend the Registrar—

- (a) to confirm, vary or reverse the decision; or
- (b) to substitute the decision with such other decision as the Review Committee thinks fit.

(6) On making a recommendation, the Review Committee shall notify in writing the person who requests for the review of its recommendation and the reasons for the recommendation.

(7) As soon as practicable after receiving the recommendation of the Review Committee in respect of a person's request for review of a decision, the Registrar shall—

- (a) having regard to the recommendation—
 - (i) confirm, vary or reverse the decision; or
 - (ii) substitute the decision with such other decision as the Registrar thinks fit; and
- (b) notify in writing the person of—
 - (i) if the Registrar confirms the decision, the confirmation;
 - (ii) if the Registrar varies the decision, the decision as varied;
 - (iii) if the Registrar reverses the decision, the reversal; or
 - (iv) if the Registrar substitutes the decision with another decision, that other decision, and the reasons for doing so.

Chapter 583	CONSTRUCTION WORKERS REGISTRATION ORDINANCE	Gazette Number	Version Date
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Section 52	Notice of appeal	L.N. 167 of 2005	29/12/2005
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(1) A person who is the subject of a decision under section 43(1), 44(1) or 49(1) may, after being notified under section 51(7)(b) of the confirmation, variation or substitution of the decision, appeal against—

- (a) if the Registrar confirms the decision, the decision;
- (b) if the Registrar varies the decision, the decision as varied; or
- (c) if the Registrar substitutes the decision with another decision, that other decision,

by serving on the Authority a notice of appeal stating the substance of the matter and reasons for the appeal.

(2) For the purpose of an appeal under this Part, a reference to a decision of the Registrar includes—

- (a) a decision of the Registrar as varied under section 51(7)(a)(i); and
- (b) the other decision with which the Registrar substitutes, under section 51(7)(a)(ii), the Registrar's decision.

(3) A person who is the subject of a decision under section 58(4)(b) may appeal against the decision by serving on the Authority a notice of appeal stating the substance of the matter and reasons for the appeal.

(4) A notice of appeal shall be—

- (a) in the specified form;
- (b) accompanied by the prescribed fee; and
- (c) served on the Authority—
 - (i) in the case of an appeal against a decision under subsection(1), within 2 weeks after the Registrar notifies the person under section 51(7)(b); or
 - (ii) in the case of an appeal against a decision under subsection (3), within 3 business days after the decision.

(5) An appeal under subsection (1) against a decision does not suspend the decision unless the Authority decides otherwise.

(6) As soon as practicable after receiving a notice of appeal, the Authority shall forward a copy of the notice to the Secretary.

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Section 53	Appeal Board panel	L.N. 167 of 2005	29/12/2005
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(1) Subject to subsection (2), the Secretary shall appoint an Appeal Board panel of not less than 49 members, of whom—

- (a) not less than 16 are members of The Hong Kong Institution of Engineers nominated by the Institution;
- (b) not less than 8 are members of The Hong Kong Institute of Architects nominated by the Institute;
- (c) not less than 5 are members of The Hong Kong Institute of Surveyors nominated by the Institute;
- (d) not less than 10 are persons, each of whom is, in the opinion of the Secretary, a person from a contractor in the construction industry in Hong Kong; and
- (e) not less than 10 are persons, each of whom is, in the opinion of the Secretary, a person from a trade union, registered under the Trade Unions Ordinance (Cap 332), that represents workers in the construction industry in Hong Kong.

(2) A person is not eligible for appointment under subsection (1) if he is—

- (a) a public officer;
- (b) a member of the Authority;

- (c) a member of the Qualifications Committee;
- (d) a member of the Review Committee; or
- (e) the Registrar, or, where the Registrar is a body corporate, a member, officer or employee of the Registrar.
- (3) An appointment under subsection (1) shall be notified in the Gazette.
- (4) A member of the Appeal Board panel shall be appointed for a term of not more than 3 years.
- (5) A person appointed under subsection (1) may be reappointed, and may resign by notice in writing to the Secretary.
- (6) If the Secretary is satisfied that a member of the Appeal Board panel—
 - (a) has become a public officer, a member of the Authority, a member of the Qualifications Committee or a member of the Review Committee;
 - (b) has become the Registrar, or, where the Registrar is a body corporate, a member, officer or employee of the Registrar;
 - (c) has become bankrupt or made an arrangement with his creditors;
 - (d) is incapacitated by physical or mental illness;
 - (e) has ceased to be of the capacity by virtue of which he was appointed; or
 - (f) is otherwise unable or unfit to perform the functions of a member,
 the Secretary may declare his office as a member of the Appeal Board panel to be vacant, and shall notify the fact in such manner as the Secretary thinks fit; and upon such declaration the office shall become vacant.

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Section 54	Appeal Board	L.N. 167 of 2005	29/12/2005
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- (1) The Secretary shall within—
 - (a) 30 days after receipt of a notice of appeal under section 52(1); or
 - (b) 7 business days after receipt of a notice of appeal under section 52(3),
 appoint a Construction Workers Appeal Board to hear the appeal.
- (2) An Appeal Board shall consist of 5 members, of whom—
 - (a) not more than 2 are selected in rotation from the members of the Appeal Board panel specified in section 53(1)(a), (b) and (c);
 - (b) not more than 2 are selected in rotation from the members of the Appeal Board panel specified in section 53(1)(d); and
 - (c) not more than 2 are selected in rotation from the members of the Appeal Board panel specified in section 53(1)(e).
- (3) The members of an Appeal Board shall elect a chairman from amongst themselves.
- (4) The quorum of an Appeal Board is 4 members.

Chapter 583	CONSTRUCTION WORKERS REGISTRATION ORDINANCE	Gazette Number	Version Date
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Section 55	Proceedings before Appeal Board	L.N. 167 of 2005	29/12/2005
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- (1) The parties to an appeal are—
 - (a) the appellant; and
 - (b) in the case of—
 - (i) an appeal against a decision of the Authority, the Authority;
 - (ii) an appeal against a decision of the Registrar, the Registrar.
- (2) The chairman of an Appeal Board shall—
 - (a) appoint the time and place of the hearing of the appeal; and
 - (b) notify the parties to the appeal of the time and place.
- (3) A party to an appeal may be present at the hearing of the appeal and may—
 - (a) make representation in person; or

- (b) be represented by counsel or a solicitor or any other person authorized by the party in writing.
- (4) The hearing of an appeal shall be held in public unless the Appeal Board, on its own motion or on the application of a party to the appeal, orders that all or part of the hearing shall be held in camera.
- (5) An Appeal Board shall not make an order under subsection (4) unless the Appeal Board—
 - (a) has consulted the parties to the appeal; and
 - (b) is satisfied that the order is necessary in the interests of justice.
- (6) The decision of an Appeal Board on an appeal shall be that of the majority of the members hearing the appeal, and if there is an equality of votes, the chairman of the Appeal Board shall have a casting vote in addition to his original vote.
- (7) The decision of an Appeal Board on an appeal shall be binding on the parties to the appeal and shall be final.
- (8) Subject to subsection (9), an Appeal Board shall notify in writing the parties to the appeal of its decision and the reasons for the decision.
- (9) If the appeal is made under section 52(3), the Appeal Board shall, within 14 business days after the date of its appointment by the Secretary, notify in writing the parties to the appeal of its decision and the reasons for the decision.

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Section 57	Powers of Appeal Board	L.N. 167 of 2005	29/12/2005
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- (1) An Appeal Board may, by notice under the signature of its chairman—
 - (a) summon any person to attend the hearing to give evidence or produce any document or other thing in his possession; and
 - (b) authorize a person to inspect the construction work, if any, to which the appeal relates.
- (2) An Appeal Board may—
 - (a) examine a person summoned under subsection (1)(a) as a witness or require him to produce any document or other thing in his possession;
 - (b) hear and consider representations made by or on behalf of the parties to the appeal; and
 - (c) hear, receive and examine evidence on oath.
- (3) An Appeal Board may—
 - (a) in an appeal against a decision of the Authority—
 - (i) confirm or revoke the decision; or
 - (ii) make any decision that the Authority could have made;
 - (b) in an appeal against a decision of the Registrar—
 - (i) confirm or revoke the decision; or
 - (ii) make any decision that the Registrar could have made.
- (4) An Appeal Board may make any order as it thinks fit with regard to the payment of the costs of the parties to an appeal in the appeal.
- (5) Costs awarded or imposed under this section are recoverable as a civil debt.

Chapter 583	CONSTRUCTION WORKERS REGISTRATION ORDINANCE	Gazette Number	Version Date
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Section 61	Service, etc. of notices	L.N. 147 of 2004	18/09/2004
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- (1) Subject to subsection (4), a notice that is required to be, or may be, served on or given to the Authority, or the Review Committee, under this Ordinance shall, in the absence of evidence to the contrary, be deemed to be so served or given if it is—
 - (a) left at the Authority's last known address for service in Hong Kong; or
 - (b) sent by post to the Authority at its last known address for service, or at its last known postal address, in Hong Kong.

(2) Subject to subsection (4), a notice that is required to be, or may be, served on or given to the Registrar under this Ordinance shall, in the absence of evidence to the contrary, be deemed to be so served or given if it is—

- (a) left at the Registrar's last known address for service in Hong Kong; or
- (b) sent by post to the Registrar at its last known address for service, or at its last known postal address, in Hong Kong.

(3) Subject to subsections (1), (2) and (4), a notice that is required to be, or may be, served on or given to a person (howsoever described) under this Ordinance shall, in the absence of evidence to the contrary, be deemed to be so served or given if—

- (a) in the case of an individual, it is—
 - (i) delivered to him;
 - (ii) left at his last known address for service, or at his last known place of residence or business, in Hong Kong; or
 - (iii) sent by post to him at his last known address for service, or at his last known postal address, in Hong Kong;
 - (b) in the case of a company, it is—
 - (i) served on or given to an officer of the company;
 - (ii) left at the company's last known address for service, or at its last known address of business, in Hong Kong; or
 - (iii) sent by post to the company at its last known address for service, or at its last known postal address, in Hong Kong;
 - (c) in the case of a partnership, it is—
 - (i) delivered, left or sent in accordance with paragraph (a) in respect of any partner who is an individual; or
 - (ii) served, given, left or sent in accordance with paragraph (b) in respect of any partner which is a company;
 - (d) in the case of a person ("attorney") holding a power of attorney under which the attorney is authorized to accept service in respect of another person, it is—
 - (i) delivered, left or sent in accordance with paragraph (a) where the attorney is an individual;
 - (ii) served, given, left or sent in accordance with paragraph (b) where the attorney is a company;
 - (iii) delivered, left or sent in accordance with paragraph (a) in respect of any partner who is an individual where the attorney is a partnership; or
 - (iv) served, given, left or sent in accordance with paragraph (b) in respect of any partner which is a company where the attorney is a partnership.
- (4) Subsections (1), (2) and (3) do not apply—
- (a) to Part 5; or
 - (b) where otherwise expressly provided.

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Section 63	Regulations	L.N. 147 of 2004	18/09/2004

- (1) The Authority may, subject to the approval of the Secretary, by regulation—
- (a) provide further for the making of applications for registration and renewal of registration and for the consideration and processing of, and the making of decision in relation to, such applications;
 - (b) provide further for the making of requests for review under Part 7 and for the consideration and processing of, and the making of recommendation in relation to, such requests;
 - (c) provide further for the making of appeals under Part 7 and for the processing and hearing of, and the making of decision in relation to, such appeals;
 - (d) provide further for the making of applications under section 58(2) and for the

- consideration and processing of, and the making of decision in relation to, such applications;
- (e) prescribe the fees and any other matter required to be prescribed;
 - (f) provide, for the purposes of Part 5, for the records to be kept, and information to be supplied, by employers, contractors and authorized persons within the meaning of that Part; and
 - (g) generally provide for the better carrying out of the purposes of this Ordinance.
- (2) Any regulation made under this section may—
- (a) make different provisions for different circumstances and provide for a particular case or class of cases;
 - (b) be made so as to apply only in specified circumstances; and
 - (c) contain such incidental, supplementary, consequential, transitional or saving provision as may be necessary or expedient in consequence of the regulation.

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Section 64	Rules	L.N. 147 of 2004	18/09/2004
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The District Court Rules Committee established under section 17 of the District Court Ordinance (Cap 336) may make rules of court for the purposes of section 30.

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Schedule 1	DESIGNATED TRADES	L.N. 183 of 2007	01/01/2008
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[sections 2, 3, 4, 6, 39,
40, 41, 42,
48 & 65]

PART 1

DESIGNATED TRADES FOR WHICH A PERSON MAY BE REGISTERED ONLY AS A REGISTERED SKILLED WORKER OR REGISTERED SKILLED WORKER (PROVISIONAL), AS THE CASE MAY BE

	Column 1	Column 2	Column 3	Column 4
	Name of trade or occupation	Description of work	Certificate	Other qualifications
1.	Asbestos Abatement Worker	To carry out asbestos abatement works	Trade test certificate for Asbestos Abatement Worker issued by CITA or CIC	Not applicable
2.	Asphalter (Road Construction)	(a) To mix, place and compact bituminous materials using vibrating machines (b) To level and smoothen bituminous materials according to specified level marks	Trade test certificate for Asphalter (Road Construction) issued by CITA or CIC	Not applicable
3.	Asphalter	(a) To lay sheathing	Trade test certificate for	Not applicable

	(Waterproofing)	felt or paint with primer (b)To pour hot asphalt or proprietary waterproofing materials on prepared surfaces (c)To spread and level hot asphalt or proprietary waterproofing materials to fit corners, skirtings, flashings and outlets	Asphalter (Waterproofing) issued by CITA or CIC	
4.	Cable Jointer (Power)	(a)To join low voltage cables either with the circuits dead or with one or both cables energized (b)To join dead cables of voltages not exceeding 11 kV (Amended L.N. 3 of 2007)	Certificate of completion of an apprenticeship in the trade of cable jointer (power) given under section 28 of the Apprenticeship Ordinance (Cap 47)	Not applicable
5.	Carpenter (Fender)	To remove, cut, and erect timber fenders for protection of piers, seawalls, dolphins and landing steps	Trade test certificate for Carpenter (Fender) issued by CITA or CIC	Not applicable
6.	Concrete Repairer (Spalling Concrete)	To repair substandard or spalled concrete or reinforcement bars using concrete or other approved materials	Trade test certificate for Concrete Repairer (Spalling Concrete) issued by CITA or CIC	Not applicable
7.	Curtain Wall Installer	To install metal frames, and fix glasses or other material panels, for curtain walls	Trade test certificate for Curtain Wall Installer issued by CITA or CIC	Not applicable
8.	Demolition Worker (Building)	To demolish, dismantle and remove buildings and structures, or any part thereof	Trade test certificate for Demolition Worker (Building) issued by CITA or CIC	Not applicable
9.	Demolition Worker (Unauthorized Building Works)	To demolish, dismantle and remove buildings erected, or building works carried out, in contravention of the Buildings Ordinance (Cap 123) within the meaning of that Ordinance	Trade test certificate for Demolition Worker (Unauthorized Building Works) issued by CITA or CIC	Not applicable
10.	Diver	(a)To perform underwater operations related to inspection, construction and repair of structures and demolition (b)To prepare reports	Not applicable	Any one of the following— (a) diving certificate for the class of Advanced SCUBA Diver or above issued by the National

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	on all the foregoing operations		Association of Underwater Instructors of the United States of America; (b) diving certificate approved by the Health and Safety Executive of the United Kingdom; or (c) diving certificate issued by the Ministry of Communications of the People's Republic of China (Amended L.N. 3 of 2007)
11. Electrical Fitter	(a) To install, test, commission and repair electrical installations and wiring (b) To fit, assemble, install, test, commission and repair electrical systems and equipment	Not applicable	Certificate of registration as an electrical worker for Grade A, B, C or H electrical work issued under section 30 of the Electricity Ordinance (Cap 406)
12. Escalator Mechanic	To install, adjust, maintain and repair escalators	Not applicable	Competent escalator worker within the meaning of section 29A(4) of the Lifts and Escalators (Safety) Ordinance (Cap 327)
13. Fire Service Mechanic	(a) To install, test, inspect, maintain and repair fire services piping systems, automatic fire alarm systems, manual fire alarm systems, mechanical or electrical or electronic parts of fire services systems (b) To maintain, inspect and repair portable fire services equipment	Not applicable	Both of the following— (a) fire service installation contractor class 3 registered under the Fire Service (Installation Contractors) Regulations (Cap 95 sub. leg. A); and (b) trade certificate for Fire Service Mechanic issued by VTC
14. Fire Service Portable Equipment Fitter	To maintain, inspect and repair portable fire services equipment	Not applicable	Fire service installation contractor class 3 registered under the Fire Service (Installation Contractors) Regulations (Cap 95

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15.	Gas Installer	To install, commission, maintain and repair domestic and non-domestic gas appliances, gas fittings, and gas flow control and meters connected to gas cylinders or gas supply points	Not applicable	sub. leg. A) Gas installer registered to carry out gas installation work under regulation 7(1)(a) of the Gas Safety (Registration of Gas Installers and Gas Contractors) Regulations (Cap 51 sub. leg. D) Not applicable
16.	Grouting Worker	To mix cement or other materials to carry out underground grouting work	Trade test certificate for Grouting Worker issued by CITA or CIC	
17.	Lift Mechanic	To install, adjust, maintain and repair lifts	Not applicable	Competent lift worker within the meaning of section 29A(4) of the Lifts and Escalators (Safety) Ordinance (Cap 327) Not applicable
18.	Marine Construction Plant Operator (Boom-grab Bucket)	To operate boom-grab buckets for construction work at sea	Trade test certificate for Marine Construction Plant Operator (Boom-grab Bucket) issued by CITA or CIC	
19.	Marine Construction Plant Operator (Boom-hook)	To operate boom-hooks for construction work at sea	Trade test certificate for Marine Construction Plant Operator (Boom-hook) issued by CITA or CIC	Not applicable
20.	Marine construction Plant Operator (Derrick)	To operate derricks for construction work at sea	Trade test certificate for Marine Construction Plant Operator (Derrick) issued by CITA or CIC	Not applicable
21.	Overhead Linesman	To construct, maintain and repair overhead line systems of voltages not exceeding 11 kV on tubular steel, concrete, lattice girder or wood supports (Amended L.N. 3 of 2007)	Certificate of completion of an apprenticeship in the trade of overhead linesman given under section 28 of the Apprenticeship Ordinance (Cap 47)	Not applicable
22.	Paving Block Layer	(a) To lay paving blocks on floor (b) To compact the base layer with vibrating machines (c) To cut paving blocks to fit floor layout	Trade test certificate for Paving Block Layer issued by CITA or CIC	Not applicable
23.	Piling Operative	To set up piling rigs for driven or bored piles works	Both of the following— (a) trade test certificate for Piling Operative (Bored Pile) issued by CITA or CIC; and (b) trade test certificate for Piling Operative (Percussive Pile) issued by CITA or CIC	Not applicable

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24.	Piling Operative (Bored Pile)	To set up piling rigs for bored piles works	Trade test certificate for Piling Operative (Bored Pile) issued by CITA or CIC	Not applicable
25.	Piling Operative (Percussive Pile)	To set up piling rigs for driven piles works	Trade test certificate for Piling Operative (Percussive Pile) issued by CITA or CIC	Not applicable
26.	Pipelayer	To lay water mains, make pressurized joints by mechanical means, install pipes and fittings, construct beds and haunches, and surround pipes with concrete	Trade test certificate for Pipelayer issued by CITA or CIC	Not applicable
27.	Plant and Equipment Operator (Bored Pile)	To operate piling machines for bored piles works	Trade test certificate for Plant and Equipment Operator (Bored Pile) issued by CITA or CIC	Not applicable
28.	Plant and Equipment Operator (Bulldozer)	To operate bulldozers for load shifting purposes	Not applicable	Certificate as defined in section 2(1) of the Factories and Industrial Undertakings (Loadshifting Machinery) Regulation (Cap 59 sub. leg. AG) and applicable to bulldozers
29.	Plant and Equipment Operator (Crawler-mounted Mobile Crane)	To operate crawler-mounted mobile cranes for material handling purposes	Not applicable	Certificate referred to in regulation 15A(1)(b) of the Factories and Industrial Undertakings (Lifting Appliances and Lifting Gear) Regulations (Cap 59 sub. leg. J) and applicable to Crawler-mounted Mobile Cranes
30.	Plant and Equipment Operator (Demolition)—Excavator	To operate excavators to demolish, dismantle and remove buildings or structures, or any part thereof	Not applicable	Both of the following— (a) trade test certificate for Plant and Equipment Operator (Demolition)—Excavator issued by CITA or CIC; and (b) certificate as defined in section 2(1) of the Factories and Industrial Undertakings (Loadshifting

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				Machinery) Regulation (Cap 59 sub. leg. AG) and applicable to excavators
31.	Plant and Equipment Operator (Excavator)	To operate excavators for load shifting purposes	Not applicable	Certificate as defined in section 2(1) of the Factories and Industrial Undertakings (Loadshifting Machinery) Regulation (Cap 59 sub. leg. AG) and applicable to excavators
32.	Plant and Equipment Operator (Gantry Crane)	To operate gantry cranes for material handling purposes	Not applicable	Certificate referred to in regulation 15A(1)(b) of the Factories and Industrial Undertakings (Lifting Appliances and Lifting Gear) Regulations (Cap 59 sub. leg. J) and applicable to Gantry Cranes
33.	Plant and Equipment Operator (Loader)	To operate loaders for load shifting purposes	Not applicable	Certificate as defined in section 2(1) of the Factories and Industrial Undertakings (Loadshifting Machinery) Regulation (Cap 59 sub. leg. AG) and applicable to loaders
34.	Plant and Equipment Operator (Mini-loader)	To operate mini-loaders for load shifting purposes	Not applicable	Certificate as defined in section 2(1) of the Factories and Industrial Undertakings (Loadshifting Machinery) Regulation (Cap 59 sub. leg. AG) and applicable to mini-loaders
35.	Plant and Equipment Operator (Mini-loader (with Attachments))	To operate mini-loaders with attachments for load shifting purposes	Not applicable	Certificate as defined in section 2(1) of the Factories and Industrial Undertakings (Loadshifting Machinery) Regulation (Cap 59 sub. leg. AG) and applicable to mini-loaders (with attachments)
36.	Plant and Equipment	To operate piling	Trade test certificate for	Not applicable

	Operator (Percussive Pile)	machines for driven piles works	Plant and Equipment Operator (Percussive Pile) issued by CITA or CIC	
37.	Plant and Equipment Operator (Piling)	To operate piling machines for driven or bored piles works	Both of the following— (a) trade test certificate for Plant and Equipment Operator (Bored Pile) issued by CITA or CIC; and (b) trade test certificate for Plant and Equipment Operator (Percussive Pile) issued by CITA or CIC	Not applicable
38.	Plant and Equipment Operator (Suspended Working Platform)	To operate suspended working platforms for carrying persons	Not applicable	Certificate referred to in section 17(1)(b) of the Factories and Industrial Undertakings (Suspended Working Platforms) Regulation (Cap 59 sub. leg. AC)
39.	Plant and Equipment Operator (Tower Crane)	To operate tower cranes for material handling purposes	Not applicable	Certificate referred to in regulation 15A(1)(b) of the Factories and Industrial Undertakings (Lifting Appliances and Lifting Gear) Regulations (Cap 59 sub. leg. J) and applicable to Tower Cranes
40.	Plant and Equipment Operator (Truck-mounted Crane)	To operate truck-mounted cranes for material handling purposes	Not applicable	Certificate referred to in regulation 15A(1)(b) of the Factories and Industrial Undertakings (Lifting Appliances and Lifting Gear) Regulations (Cap 59 sub. leg. J) and applicable to Truck-mounted Cranes
41.	Plant and Equipment Operator (Tunneling)—Jumbo Drilling	To operate jumbo drilling machines inside tunnels	Trade test certificate for Plant and Equipment Operator (Tunneling)—Jumbo Drilling issued by CITA or CIC	Not applicable
42.	Plant and Equipment Operator (Tunneling)—Locomotive Operation	To operate locomotives inside tunnels	Trade test certificate for Plant and Equipment Operator (Tunneling)—Locomotive Operation issued by CITA or CIC	Not applicable
43.	Plant and Equipment Operator (Tunneling)—Segment Erection	To operate segment erection machines inside tunnels	Trade test certificate for Plant and Equipment Operator (Tunneling)—Segment Erection issued	Not applicable

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44.	Plant and Equipment Operator (Tunneling)—Tunnel Boring Machine	To operate tunnel boring machines inside tunnels	by CITA or CIC Certificate for Plant and Equipment Operator (Tunneling)—Tunnel Boring Machine issued by CITA or CIC	Not applicable
45.	Plant and Equipment Operator (Wheeled Telescopic Mobile Crane)	To operate wheeled telescopic mobile cranes for material handling purposes	Not applicable	Certificate referred to in regulation 15A(1)(b) of the Factories and Industrial Undertakings (Lifting Appliances and Lifting Gear) Regulations (Cap 59 sub. leg. J) and applicable to Wheeled Telescopic Mobile Cranes
46.	Prestressing Operative	(a) To lay and fix prestressing tendons and ducts (b) To assemble prestressing couplings and anchorages and perform prestressing operations and grouting of ducts	Trade test certificate for Prestressing Operative issued by CITA or CIC	Not applicable
47.	Refrigeration/Air-conditioning/Ventilation Mechanic	To fit, assemble, erect, install, commission, maintain and repair— (a) air-conditioning systems including refrigerating, air-handling and ventilation equipment and the associated electrical controls; (b) cold stores, ice-making and other refrigerating equipment; (c) air-conditioning and ventilation equipment forming part of fire services systems	Either one of the following— (a) trade certificate for Refrigeration/Air-conditioning/Ventilation Mechanic issued by VTC; or (b) certificate of completion of an apprenticeship in the trade of refrigeration/air-conditioning mechanic given under section 28 of the Apprenticeship Ordinance (Cap 47)	Not applicable
48.	Rock Breaking Driller	To operate pneumatic or hydraulic drills to make holes and openings or break up concrete, rocks or other hard materials	Trade test certificate for Rock Breaking Driller issued by CITA or CIC	Not applicable
49.	Shotcretor	To operate spraying machines to apply shotcrete or gunite	Trade test certificate for Shotcretor issued by CITA or CIC	Not applicable
50.	Shotfirer	To calculate, prepare, load and detonate explosive charges in	Not applicable	Mine blasting certificate issued under the Mines

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	mines, quarries, civil engineering and building sites		(Safety) Regulations (Cap 285 sub. leg. B)
51. Structural Steel Welder	To cut or join structural steel sections, steel water mains and steel gas mains by electric arc, oxy-acetylene flame or other welding processes	Not applicable	Certificate (whether subsisting or expired) of passing of a welder test which is in conformity with BS EN 287-1:1992 standard including its amendments issued by a welding inspection body accredited by the Hong Kong Accreditation Service under Hong Kong Laboratory Accreditation Scheme (Amended L.N. 3 of 2007)
52. Trackworker	To lay and maintain trackworks for railways or other vehicles	Trade test certificate for Trackworker issued by CITA or CIC	Not applicable
52A. Truck Driver (Articulated vehicles)	To drive, within, into or out of construction sites, for the purpose of carrying out construction work, articulated vehicles which— (Amended L.N. 23 of 2007) (a) are within the meaning of regulation 2 of the Road Traffic (Construction and Maintenance of Vehicles) Regulations (Cap 374 sub. leg. A); and (b) belong to either one of the following types of body— (i) pressure tanker; (ii) tipper	Not applicable	Full driving licence within the meaning of the Road Traffic (Driving Licences) Regulations (Cap 374 sub. leg. B) to drive an articulated vehicle (Added L.N. 3 of 2007)

53. Truck Driver (Heavy goods vehicles)	To drive, within, into or out of construction sites, for the purpose of carrying out construction work, heavy goods vehicles which— (Amended L.N. 23 of 2007) (a) are within the meaning of section 2 of the Road Traffic Ordinance (Cap 374); and (b) belong to one of the following types of body— (i) skip carrier; (ii) tanker; (iii) pressure tanker; (iv) lorry crane; (v) gully emptier; (vi) demountable; (vii) tipper; (viii) concrete mixer (Amended L.N. 3 of 2007)	Not applicable	Full driving licence within the meaning of the Road Traffic (Driving Licences) Regulations (Cap 374 sub. leg. B) to drive a heavy goods vehicle
54. Truck Driver (Medium goods vehicles)	To drive, within, into or out of construction sites, for the purpose of carrying out construction work, medium goods vehicles which— (Amended L.N. 23 of 2007) (a) are within the meaning of section 2 of the Road Traffic Ordinance (Cap 374); and (b) belong to one of the following types of body— (i) skip carrier; (ii) tanker; (iii) pressure tanker; (iv) lorry crane; (v) gully emptier; (vi) demountable; (vii) tipper; (viii) concrete mixer (Amended L.N. 3 of 2007)	Not applicable	Full driving licence within the meaning of the Road Traffic (Driving Licences) Regulations (Cap 374 sub. leg. B) to drive a medium goods vehicle
55. Truck Driver (Special purpose vehicles)	To drive, within, into or out of construction sites, for the purpose of carrying out	Not applicable	Full driving licence within the meaning of the Road Traffic (Driving Licences)

	<p>construction work, special purpose vehicles which— (Amended L.N. 23 of 2007)</p> <p>(a) are within the meaning of section 2 of the Road Traffic Ordinance (Cap 374); and</p> <p>(b) belong to one of the following types of body—</p> <p>(i) mobile crane; (ii) aerial platform; (iii) works tug; (iv) mobile workshop; (v) mobile concrete pump; (vi) traffic warning sign (Amended L.N. 3 of 2007)</p>		Regulations (Cap 374 sub. leg. B) to drive a special purpose vehicle
56. Tunnel Worker	To carry out general construction work inside tunnels, including installing of temporary supports and working platforms, ventilation ducts, packers and protective fencings	Trade test certificate for Tunnel Worker issued by CITA or CIC	Not applicable

PART 2

**DESIGNATED TRADES FOR WHICH A PERSON MAY BE REGISTERED
AS A REGISTERED SKILLED WORKERS, REGISTERED SKILLED
WORKER (PROVISIONAL), REGISTERED SEMI-SKILLED
WORKER OR REGISTERED SEMI-SKILLED WORKER
(PROVISIONAL), AS THE CASE MAY BE**

Column 1	Column 2	Column 3	Column 4	Column 5
Name of trade or occupation	Description of work	Certificate	Other qualifications	Intermediate trade test certificate
1. Bamboo Scaffolder	To erect and dismantle bamboo scaffolding required in construction, repair or decoration work and in other forms of structures	<p>Either one of the following—</p> <p>(a) trade test certificate for Bamboo Scaffolder issued by CITA or CIC; or</p> <p>(b) certificate of completion of an apprenticeship in the trade of</p>	Not applicable	Intermediate trade test certificate for Bamboo Scaffolder issued by CITA or CIC

			bamboo scaffolder given under section 28 of the Apprenticeship Ordinance (Cap 47)		
2.	Bar Bender and Fixer	To cut, bend and fix reinforcement steel bars	Trade test certificate for Bar Bender and Fixer issued by CITA or CIC	Not applicable	Intermediate trade test certificate for Bar Bender and Fixer issued by CITA or CIC
3.	Bricklayer	To lay bricks and other building blocks, except stones and marble, for construction and repair of walls, partitions, arches, openings and other structures	Either one of the following— (a) trade test certificate for Bricklayer issued by CITA or CIC; or (b) certificate of completion of an apprenticeship in the trade of bricklayer given under section 28 of the Apprenticeship Ordinance (Cap 47)	Not applicable	Intermediate trade test certificate for Bricklayer issued by CITA or CIC
4.	Building Security System Mechanic	To install, maintain and repair building security systems, including building doorphone systems, closed circuit television systems, public address systems, security alarm systems, access control systems, and building control and monitoring systems	Trade certificate or Building Security System Mechanic issued by VTC	Not applicable	Intermediate trade test certificate for Building Security System Mechanic issued by VTC
5.	Carpenter (Formwork-Building Construction)	To erect and strike timber formwork for building works	Either one of the following— (a) trade test certificate for Carpenter (Formwork-Building Construction) issued by CITA or CIC; or (b) trade test certificate for Carpenter (Formwork) issued by CITA or CIC	Not applicable	Either one of the following— (a) intermediate trade test certificate for Carpenter (Formwork-Building Construction) issued by CITA or CIC; or (b) intermediate trade test certificate for Carpenter (Formwork) issued by CITA or CIC
6.	Carpenter (Formwork-Civil	To erect and strike timber formwork for construction	Either one of the following—	Not applicable	Either one of the following—

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	Construction)	work related to civil engineering	(a) trade test certificate for Carpenter (Formwork-Civil Construction) issued by CITA or CIC; or (b) trade test certificate for Carpenter (Formwork) issued by CITA or CIC		(a) intermediate trade test certificate for Carpenter (Formwork-Civil Construction) issued by CITA or CIC; or (b) intermediate trade test certificate for Carpenter (Formwork) issued by CITA or CIC
7.	Com-munication System Mechanic	To fit, assemble, install, maintain and repair communication equipment and systems, including block wiring systems, private automatic branch exchange systems, intercom systems, in-building coaxial cable distribution systems, and other wired or wireless signal transmission and reception systems	Trade certificate for Communication System Mechanic issued by VTC	Not applicable	Intermediate trade test certificate for Communication System Mechanic issued by VTC
8.	Concretor	(a) To mix, place and compact concrete using vibrating machines (b) To carry out curing, levelling and smoothening of concrete	Trade test certificate for Concretor issued by CITA or CIC	Not applicable	Intermediate trade test certificate for Concretor issued by CITA or CIC
9.	Construction Plant Mechanic	To maintain and repair building and civil engineering plants and machinery	Either one of the following— (a) trade test certificate for Construction Plant Mechanic issued by CITA or CIC; or (b) certificate of completion of an apprenticeship in the trade of construction plant mechanic given under section 28 of the Apprenticeship Ordinance (Cap 47)	Not applicable	Intermediate trade test certificate for Construction Plant Mechanic issued by CITA or CIC
10.	Control Panel	To fit, assemble, install and repair	Trade certificate for Control Panel	Not applicable	Intermediate trade test certificate for

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	Assembler	low voltage switchboards, and control panels, for electrical plants and equipment	Assembler issued by VTC		Control Panel Assembler issued by VTC
11.	Drainlayer	To lay and join underground drains, construct manholes, install pipes and fittings, construct beds and haunches, and surround pipes with concrete	Trade test certificate for Drainlayer issued by CITA or CIC	Not applicable	Intermediate trade test certificate for Drainlayer issued by CITA or CIC
12.	Electrical Wireman	To install and lay wiring for electrical systems and equipment	Trade certificate for Electrical Wireman issued by VTC	Not applicable	Intermediate trade test certificate for Electrical Wireman issued by VTC
13.	Fire Service Electrical Fitter	To install, test, maintain, inspect and repair automatic fire alarm systems, manual fire alarm systems, and electrical or electronic parts of fire services systems	Trade certificate for Fire Service Electrical Fitter issued by VTC	Not applicable	Intermediate trade test certificate for Fire Service Electrical Fitter issued by VTC
14.	Fire Service Mechanical Fitter	To install, test, maintain, inspect and repair fire services piping systems and mechanical parts of fire services systems	Trade certificate for Fire Service Mechanical Fitter issued by VTC	Not applicable	Intermediate trade test certificate for Fire Service Mechanical Fitter issued by VTC
15.	Floor Layer	To lay timber, PVC, linoleum and similar flooring materials to floors, stair threads and skirtings	Both of the following— (a) trade test certificate for Floor Layer (PVC Flooring) issued by CITA or CIC; and (b) trade test certificate for Floor Layer (Timber Flooring) issued by CITA or CIC	Not applicable	Both of the following— (a) intermediate trade test certificate for Floor Layer (PVC Flooring) issued by CITA or CIC; and (b) intermediate trade test certificate for Floor Layer (Timber Flooring) issued by CITA or CIC
16.	Floor Layer (PVC Flooring)	To lay PVC, linoleum and similar flooring materials to floors, stair threads and skirtings	Trade test certificate for Floor Layer (PVC Flooring) issued by CITA or CIC	Not applicable	Intermediate trade test certificate for Floor Layer (PVC Flooring) issued by CITA or CIC
17.	Floor Layer (Timber Flooring)	To lay timber and similar flooring materials to floors, stair threads and skirtings	Trade test certificate for Floor Layer (Timber Flooring) issued by CITA or CIC	Not applicable	Intermediate trade test certificate for Floor Layer (Timber Flooring) issued by CITA or CIC

18.	General Welder	To carry out general welding and cutting work by electric arc, oxy-acetylene flame or other welding processes	Trade test certificate for General Welder issued by CITA or CIC	Not applicable	Intermediate trade test certificate for General Welder issued by CITA or CIC
19.	Glazier	(a) To measure, cut and fix glass panes with silicone plastic or beads (b) To grind or round edges of glass panes	Trade test certificate for Glazier issued by CITA or CIC	Not applicable	Intermediate trade test certificate for Glazier issued by CITA or CIC
20.	Ground Investigation Operator/ Driller/Borer	(a) To set up and operate drilling plants for ground investigation purposes (b) To take and store soil, and rock samples or specimens, for inspection and logging by engineers or technicians or logging geologists (c) To work with geotechnical field technicians to perform in situ field tests	Trade test certificate for Ground Investigation Operator issued by CITA or CIC	Not applicable	Intermediate trade test certificate for Ground Investigation Operator issued by CITA or CIC
21.	Hand-dug Caisson Worker	To construct underground caissons by hand-dug caisson method	Trade test certificate for Hand-dug Caisson Worker issued by CITA or CIC	Not applicable	Intermediate trade test certificate for Hand-dug Caisson Worker issued by CITA or CIC
22.	Joiner	To carry out all internal and external woodwork (except formwork and fender) using both hand tools and woodworking machinery	Either one of the following— (a) trade test certificate for Joiner issued by CITA or CIC; or (b) certificate of completion of an apprenticeship in the trade of carpenter/ joiner given under section 28 of the Apprenticeship Ordinance (Cap 47)	Not applicable	Intermediate trade test certificate for Joiner issued by CITA or CIC
23.	Leveller	(a) To read and interpret drawings (b) To set up job lines and levels and prepare templates	Trade test certificate for Leveller issued by CITA or CIC	Not applicable	Intermediate trade test certificate for Leveller issued by CITA or CIC

24.	Marble Worker	(a) To set out, measure, cut and set marble slabs, granite slabs or similar stones on walls, floors, or other surfaces (b) To grind and polish marble, granite or similar stones	Trade test certificate for Marble Worker issued by CITA or CIC	Not applicable	Intermediate trade test certificate for Marble Worker issued by CITA or CIC
25.	Mason	To split and shape stones, and build and lay stone works	Trade test certificate for Mason issued by CITA or CIC	Not applicable	Intermediate trade test certificate for Mason issued by CITA or CIC
26.	Mechanical Fitter	To fit, assemble, erect, install, maintain and repair mechanical plants and equipment, including emergency generators	Either one of the following— (a) trade certificate for Mechanical Fitter issued by VTC; or (b) certificate of completion of an apprenticeship in the trade of fitter given under section 28 of the Apprenticeship Ordinance (Cap 47)	Not applicable	Intermediate trade test certificate for Mechanical Fitter issued by VTC
27.	Metal Scaffolder	To erect, dismantle and repair metal scaffolding required in construction work	Trade test certificate for Metal Scaffolder issued by CITA or CIC	Not applicable	Intermediate trade test certificate for Metal Scaffolder issued by CITA or CIC
28.	Metal Worker	(a) To fit, assemble, weld and forge metal parts (b) To install non-structural metalwork (c) To operate metal-working machines (d) To make templates (e) To repair metal formwork	Trade test certificate for Metal Worker issued by CITA or CIC	Not applicable	Intermediate trade test certificate for Metal Worker issued by CITA or CIC
29.	Painter and Decorator	(a) To prepare surfaces, fittings and fixtures of buildings and other structures for painting and decorating (b) To apply paints or similar protective and decorative materials (c) To lay out and write letters,	Either one of the following— (a) trade test certificate for Painter and Decorator issued by CITA or CIC; or (b) certificate of completion of an apprenticeship in the trade of painter/decorator/sign	Not applicable	Intermediate trade test certificate for Painter and Decorator issued by CITA or CIC

	characters and other signs	writer given under section 28 of the Apprenticeship Ordinance (Cap 47)		
30. Plasterer	(a) To apply coats of plaster to, and to render walls and ceilings, to produce finished surfaces (b) To screed floors, staircases and roofs	Either one of the following— (a) trade test certificate for Plasterer issued by CITA or CIC; or (b) certificate of completion of an apprenticeship in the trade of plasterer given under section 28 of the Apprenticeship Ordinance (Cap 47)	Not applicable	Intermediate trade test certificate for Plasterer issued by CITA or CIC
31. Plumber	To assemble, install and repair pipes, fittings, sanitary fixtures, cold, hot and flush water systems, and soil, waste and rain water drainage systems in buildings	Either one of the following— (a) trade test certificate for Plumber issued by CITA or CIC; (b) certificate of completion of an apprenticeship in the trade of plumber given under section 28 of the Apprenticeship Ordinance (Cap 47); or (c) plumber's licence issued under regulation 34 of the Waterworks Regulations (Cap 102 sub. leg. A)	Not applicable	Intermediate trade test certificate for Plumber issued by CITA or CIC
32. Re-frigeration/ Air-conditioning/ Ventilation Mechanic (Air System)	To fabricate, install and repair sheet metal assemblies and products (including ventilation ducting, dampers, fire resistant board and fittings)	Trade certificate for Refrigeration/ Air-conditioning/ Ventilation Mechanic (Air System) issued by VTC	Not applicable	Intermediate trade test certificate for Refrigeration/ Air-conditioning/ Ventilation Mechanic (Air System) issued by VTC
33. Re-frigeration/ Air-conditioning/ Ventilation Mechanic (Electrical Control)	To fit, assemble, install, commission, maintain and repair electrical control for— (a) air-conditioning systems including refrigerating, air-handling and ventilation	Either one of the following— (a) trade certificate for Refrigeration/ Air-conditioning/ Ventilation Mechanic (Electrical Control) issued by VTC; or (b) certificate of	Not applicable	Intermediate trade test certificate for Refrigeration/ Air-conditioning/ Ventilation Mechanic (Electrical Control) issued by VTC

		equipment; (b) cold stores, ice-making and other refrigerating equipment; (c) air-conditioning and ventilation equipment forming part of fire services systems	registration as an electrical worker issued under section 30 of the Electricity Ordinance (Cap 406) on which the Director of Electrical and Mechanical Services specifies that the holder is entitled to do electrical work on an air-conditioning installation		
34.	Re-frigeration/ Air-conditioning/ Ventilation Mechanic (Thermal Insulation)	To prepare, fit, fix and repair thermal insulations of air-conditioning and refrigeration plants	Trade certificate for Refrigeration/ Air-conditioning/ Ventilation Mechanic (Thermal Insulation) issued by VTC	Not applicable	Intermediate trade test certificate for Refrigeration/ Air-conditioning/ Ventilation Mechanic (Thermal Insulation) issued by VTC
35.	Re-frigeration/ Air-conditioning/ Ventilation Mechanic (Unitary System)	To fit, assemble, install, commission, maintain and repair— (a) unitary air-conditioning/ systems including refrigerating, air-handling and ventilation equipment; (b) unitary cold stores, ice-making and other refrigerating equipment	Trade certificate for Refrigeration/ Air-conditioning/ Ventilation Mechanic (Unitary System) issued by VTC	Not applicable	Intermediate trade test certificate for Refrigeration/ Air-conditioning/ Ventilation Mechanic (Unitary System) issued by VTC
36.	Re-frigeration/ Air-conditioning/ Ventilation Mechanic (Water System)	To fit, assemble, install, commission, maintain and repair water systems for air-conditioning systems (including air-handling and water condensing equipment)	Trade certificate for Refrigeration/ Air-conditioning/ Ventilation Mechanic (Water System) issued by VTC	Not applicable	Intermediate trade test certificate for Refrigeration/ Air-conditioning/ Ventilation Mechanic (Water System) issued by VTC
37.	Rigger/Metal Formwork Erector	(a) To set up lifting apparatus and equipment for lifting and lowering of materials (b) To fix and dismantle large panel metal formwork	Trade test certificate for Rigger/Metal Formwork Erector issued by CITA or CIC	Not applicable	Intermediate trade test certificate for Rigger/Metal Formwork Erector issued by CITA or CIC
38.	Structural Steel Erector	(a) To drill, cut and shape steel	Trade test certificate for Structural Steel	Not applicable	Intermediate trade test certificate for

		sections (b) To assemble structural members and erect steel structures by riveting or bolting (c) To operate power shears, flame cutting equipment and other tools	Erector issued by CITA or CIC		Structural Steel Erector issued by CITA or CIC
39.	Tiler	To cut, shape and set tiles on walls, ceilings and floors	Either one of the following— (a) trade test certificate for Tiler issued by CITA or CIC; or (b) certificate of completion of an apprenticeship in the trade of tiler given under section 28 of the Apprenticeship Ordinance (Cap 47)	Not applicable	Intermediate trade test certificate for Tiler issued by CITA or CIC
40.	Window Frame Installer	To install window frames and sash (including associated water proofing works) for buildings or other structures	Trade test certificate for Window Frame Installer issued by CITA or CIC	Not applicable	Intermediate trade test certificate for Window Frame Installer issued by CITA or CIC

PART 3

DESIGNATED TRADES FOR WHICH A PERSON MAY BE REGISTERED ONLY AS A REGISTERED SEMI-SKILLED WORKER OR REGISTERED SEMI-SKILLED WORKER (PROVISIONAL), AS THE CASE MAY BE

	Column 1	Column 2	Column 3	Column 4
	Name of trade or occupation	Description of work	Intermediate trade test certificate	Other qualifications
1.	Painter (Texture-spray)	To perform painting for surfaces, fittings and fixtures of buildings and other structures by texture-spray method	Intermediate trade test certificate for Painter (Texture-spray) issued by CITA or CIC	Not applicable
2.	Builder's Lift Operator	To operate builders' lifts (passenger hoist) on construction sites	Not applicable	Competent operator for builder's lift within the meaning of the Builders' Lifts and Tower Working Platforms (Safety) Ordinance (Cap 470) (Amended 12 of 2006 s. 84)

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Schedule 4	AUTHORITY, STANDING COMMITTEES AND OTHER COMMITTEES	L.N. 147 of 2004	18/09/2004

[sections 7, 8, 9, 12,
14 & 65]

PART 1

AUTHORITY AND ITS MEMBERS

1. Tenure of office

(1) An appointed member of the Authority shall hold office for such periods, and on such terms, as the Secretary may specify in the document by which the member is appointed.

(2) An appointed member of the Authority, not being a public officer, shall be appointed for a term not more than 3 years.

(3) An appointed member of the Authority shall—

- (a) hold and vacate his office in accordance with the terms of his appointment; and
- (b) be eligible for reappointment on ceasing to be a member.

(4) If the Secretary is satisfied that an appointed member of the Authority—

- (a) has become bankrupt or made an arrangement with his creditors;
- (b) is incapacitated by physical or mental illness;
- (c) has ceased to be of the capacity by virtue of which he was appointed; or
- (d) is otherwise unable or unfit to perform the functions of a member,

the Secretary may declare his office as a member of the Authority to be vacant, and shall notify the fact in such manner as the Secretary thinks fit; and upon such declaration the office shall become vacant.

(5) An appointed member of the Authority, not being a public officer, may at any time resign his office by notice in writing to the Secretary.

2. Proceedings of Authority

(1) The chairman of the Authority may appoint the time and place for the Authority to meet.

(2) The Authority shall not transact business at a meeting other than to adjourn unless there is a quorum of 10 members of the Authority present.

(3) At a meeting of the Authority, the following shall preside—

- (a) the chairman of the Authority;
- (b) if a person acts as chairman of the Authority under section 7(5) of this Ordinance, that person; or
- (c) if neither the chairman of the Authority nor the person acting as chairman of the Authority under section 7(5) of this Ordinance (if any) is present, such other member of the Authority as the members present elect.

(4) All matters for determination at a meeting of the Authority shall be decided by a majority of votes of the members present and voting, and if there is an equality of votes, the chairman of the Authority or any other member presiding shall have a casting vote in addition to his original vote.

(5) The validity of any proceedings of the Authority shall not be affected by any defect in the appointment of any person purporting to be a member of the Authority or by any vacancy in the membership of the Authority.

(6) Subject to the provisions of this Ordinance, the Authority may regulate its own procedure including the manner in which decisions of the Authority may be made by a quorum of its members otherwise than at a meeting of the Authority.

3. Members of Authority to disclose interests

(1) A member of the Authority who is in any way directly or indirectly interested in a matter being considered made by the Authority shall disclose the nature of his interest at a meeting of the Authority.

(2) The Authority shall record the disclosure in the minutes of the meeting of the Authority.

(3) A member of the Authority who has an interest in a matter referred to in subsection (1)—

(a) shall not, without the permission of the chairman of the Authority or any other member of the Authority presiding, take any part in any deliberation of the Authority with respect to that matter; and

(b) shall not in any event vote on that matter.

(4) A member of the Authority need not attend in person at a meeting of the Authority to make a disclosure which he is required to make under this section if he takes reasonable steps to secure that the disclosure is made by a notice in writing which is brought up and read at the meeting.

4. Common seal of Authority

The common seal of the Authority shall not be fixed unless—

(a) authorized by the Authority; and

(b) authenticated by the signatures of—

(i) the chairman of the Authority; or

(ii) any other member of the Authority authorized by the Authority, either generally or specifically, to act for that purpose.

5. Documents of Authority

(1) The Authority may make and execute any document in the performance of its functions or the exercise of its powers or in connection with any matter reasonably incidental to or consequential upon the performance of its functions or the exercise of its powers.

(2) Any document purporting to be executed under the seal of the Authority shall be admitted in evidence and shall, in the absence of evidence to the contrary, be deemed to have been duly executed.

(3) Any contract or instrument which, if entered into or executed by a person not being a body corporate, would not be required to be under seal may be entered into or executed on behalf of the Authority by any member of the Authority authorized by the Authority, either generally or specifically, to act for that purpose.

PART 2

COMMITTEES ESTABLISHED BY AUTHORITY AND MEMBERS OF COMMITTEES

6. Members of committees

The Authority—

(a) may appoint members of the Authority, and persons who are not such members, to be members of a committee; and

(b) shall appoint the chairman of a committee and determine the number of members of a committee.

7. Functions and powers of committees

A committee—

(a) shall perform such functions and may exercise such powers as are delegated to it by the Authority under section 9(1)(b) of this Ordinance; and

(b) may, subject to any directions of the Authority, regulate its own procedure.

PART 3

**QUALIFICATIONS COMMITTEE
AND ITS MEMBERS**

8. Tenure of office

(1) A member of the Qualifications Committee shall hold office for such periods, and on such terms, as the Authority may specify in the document by which the member is appointed.

(2) A member of the Qualifications Committee, not being a public officer, shall be appointed for a term not more than 3 years.

(3) A member of the Qualifications Committee shall—

- (a) hold and vacate his office in accordance with the terms of his appointment; and
- (b) be eligible for reappointment on ceasing to be a member.

(4) If the Authority is satisfied that a member of the Qualifications Committee—

- (a) has become a member of the Review Committee or a member of the Appeal Board panel;
- (b) has become bankrupt or made an arrangement with his creditors;
- (c) is incapacitated by physical or mental illness;
- (d) has ceased to be of the capacity by virtue of which he was appointed; or
- (e) is otherwise unable or unfit to perform the functions of a member,

the Authority may declare his office as a member of the Qualifications Committee to be vacant, and shall notify the fact in such manner as the Authority thinks fit; and upon such declaration the office shall become vacant.

(5) A member of the Qualifications Committee, not being a public officer, may at any time resign his office by notice in writing to the Authority.

9. Proceedings of Qualifications Committee

(1) The chairman of the Qualifications Committee may appoint the time and place for the Committee to meet.

(2) The Qualifications Committee shall not transact business at a meeting other than to adjourn unless there is a quorum of 7 members of the Committee present.

(3) At a meeting of the Qualifications Committee, the following shall preside—

- (a) the chairman of the Committee;
- (b) if a person acts as chairman of the Committee under section 12(5) of this Ordinance, that person; or
- (c) if neither the chairman of the Committee nor the person acting as chairman of the Committee under section 12(5) of this Ordinance (if any) is present, such other member of the Committee as the members present elect.

(4) All matters for determination at a meeting of the Qualifications Committee shall be decided by a majority of votes of the members present and voting, and if there is an equality of votes, the chairman of the Committee or any other member presiding shall have a casting vote in addition to his original vote.

(5) The validity of any proceedings of the Qualifications Committee shall not be affected by any defect in the appointment of any person purporting to be a member of the Committee or by any vacancy in the membership of the Committee.

(6) Subject to the provisions of this Ordinance, the Qualifications Committee may regulate its own procedure including the manner in which decisions of the Committee may be made by a quorum of its members otherwise than at a meeting of the Committee.

10. Members of Qualification Committee to disclose interests

(1) A member of the Qualification Committee who is in any way directly or indirectly interested in a matter being considered made by the Committee shall disclose the nature of his interest at a meeting of the Committee.

(2) The Qualification Committee shall record the disclosure in the minutes of the meeting of the Committee.

(3) A member of the Qualification Committee who has an interest in a matter referred to in subsection (1)—

(a) shall not, without the permission of the chairman of the Qualification Committee or any other member of the Committee presiding, take any part in any deliberation of the Committee with respect to that matter; and

(b) shall not in any event vote on that matter.

(4) A member of the Qualification Committee need not attend in person at a meeting of the Committee to make a disclosure which he is required to make under this section if he takes reasonable steps to secure that the disclosure is made by a notice in writing which is brought up and read at the meeting.

PART 4

REVIEW COMMITTEE AND ITS MEMBERS

11. Tenure of office

(1) A member of the Review Committee shall hold office for such periods, and on such terms, as the Authority may specify in the document by which the member is appointed.

(2) A member of the Review Committee, not being a public officer, shall be appointed for a term not more than 3 years.

(3) A member of the Review Committee shall—

(a) hold and vacate his office in accordance with the terms of his appointment; and

(b) be eligible for reappointment on ceasing to be a member.

(4) If the Authority is satisfied that a member of the Review Committee—

(a) has become a member of the Qualifications Committee or a member of the Appeal Board panel;

(b) has become the Registrar, or, where the Registrar is a body corporate, a member, officer or employee of the Registrar;

(c) has become bankrupt or made an arrangement with his creditors;

(d) is incapacitated by physical or mental illness;

(e) has ceased to be of the capacity by virtue of which he was appointed; or

(f) is otherwise unable or unfit to perform the functions of a member,

the Authority may declare his office as a member of the Review Committee to be vacant, and shall notify the fact in such manner as the Authority thinks fit; and upon such declaration the office shall become vacant.

(5) A member of the Review Committee, not being a public officer, may at any time resign his office by notice in writing to the Authority.

12. Proceedings of Review Committee

(1) The chairman of the Review Committee may appoint the time and place for the Committee to meet.

(2) The Review Committee shall not transact business at a meeting other than to adjourn unless there is a quorum of 4 members of the Committee present.

(3) At a meeting of the Review Committee, the following shall preside—

(a) the chairman of the Committee;

(b) if a person acts as chairman of the Committee under section 14(6) of this Ordinance, that person; or

(c) if neither the chairman of the Committee nor the person acting as chairman of the Committee under section 14(6) of this Ordinance (if any) is present, such other member of the Committee as the members present elect.

(4) All matters for determination at a meeting of the Review Committee shall be decided by a majority of votes of the members present and voting, and if there is an equality of votes, the chairman

of the Committee or any other member presiding shall have a casting vote in addition to his original vote.

(5) The validity of any proceedings of the Review Committee shall not be affected by any defect in the appointment of any person purporting to be a member of the Committee or by any vacancy in the membership of the Committee.

(6) Subject to the provisions of this Ordinance, the Review Committee may regulate its own procedure including the manner in which decisions of the Committee may be made by a quorum of its members otherwise than at a meeting of the Committee.

13. Members of Review Committee to disclose interests

(1) A member of the Review Committee who is in any way directly or indirectly interested in a matter being considered made by the Committee shall disclose the nature of his interest at a meeting of the Committee.

(2) The Review Committee shall record the disclosure in the minutes of the meeting of the Committee.

(3) A member of the Review Committee who has an interest in a matter referred to in subsection (1)—

(a) shall not, without the permission of the chairman of the Review Committee or any other member of the Committee presiding, take any part in any deliberation of the Committee with respect to that matter; and

(b) shall not in any event vote on that matter.

(4) A member of the Review Committee need not attend in person at a meeting of the Committee to make a disclosure which he is required to make under this section if he takes reasonable steps to secure that the disclosure is made by a notice in writing which is brought up and read at the meeting.

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Section 16	Appointment of authorized officers	L.N. 147 of 2004	18/09/2004
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PART 4

AUTHORIZED OFFICERS

(1) The Authority may, subject to the approval of the Secretary, appoint in writing a person to be an authorized officer for the purposes of this Ordinance (other than Part 5).

(2) The Authority shall issue to each authorized officer a certificate of appointment that—

(a) gives the name of the authorized officer to whom it is issued; and

(b) states that it is issued by or on behalf of the Authority under this Ordinance.

(3) When performing or exercising a function or power under this Ordinance, an authorized officer shall, if requested to do so, produce for inspection his certificate of appointment.

(4) An authorized officer may perform or exercise any of his functions or powers under this Ordinance with the assistance of such police officers or other persons, or both, as the authorized officer thinks fit.

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Section 20	Value of construction operations	L.N. 147 of 2004	18/09/2004
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(1) For the purposes of this Part, "value" (價值), in relation to construction operations, means—

- (a) where the construction operations are carried out under a construction contract, the consideration attributable to such operations, as stated in, or ascertainable by reference to, the contract; or
- (b) where the construction operations are not carried out under a construction contract, the reasonable consideration to be expected on the open market in respect of the carrying out of such operations.

(2) Notwithstanding subsection (1)(a), if in a particular case the consideration attributable to the construction operations concerned as determined in accordance with that subsection is below the reasonable consideration to be expected on the open market in respect of the carrying out of such operations, that subsection shall be deemed to contain a reference to the reasonable consideration described in this subsection instead of the consideration described in that subsection.

(3) For the purposes of subsections (1)(b) and (2), the Authority may, when ascertaining the reasonable consideration as referred to in those subsections in respect of the carrying out of any construction operations, have regard to all or any of the following matters—

- (a) the cost or value of materials used in the construction operations;
- (b) the cost or value of time, work and labour involved in the construction operations;
- (c) the equipment used in the construction operations;
- (d) such overhead costs incurred in relation to the construction operations as the Authority considers reasonable;
- (e) the reasonable profit to be expected on the open market in respect of the carrying out of the construction operations;
- (f) any other factors that the Authority considers appropriate.

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Section 27	Payment of levy	L.N. 196 of 2004	24/02/2005
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(1) The amount of levy or surcharge specified in a notice given to a contractor under section 26(9) shall be paid by the contractor to the Authority within 28 days after the receipt by him of the notice.

(2) If the amount of levy or surcharge is not paid within the period specified in subsection (1), the contractor shall be liable to pay, in addition, a penalty of 5% of the amount unpaid.

(3) If the amount of levy or surcharge including any penalty payable under subsection (2) is not paid within 3 months after the expiry of the period specified in subsection (1), the contractor shall be liable to pay, in addition, a further penalty of 5% of the amount unpaid.

(4) The Authority may remit all or part of any levy or surcharge payable under subsection (1), or any penalty or further penalty payable under subsection (2) or (3), if, in the special circumstances of any case, it thinks it fair and reasonable to do so, and if the amount so remitted has been paid, it shall be repaid.

(5) Payment shall be made in accordance with subsections (1), (2) and (3) notwithstanding that the contractor may wish to object to the levy assessed or surcharge imposed under section 26.

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Section 28	Recovery of levy	L.N. 196 of 2004	24/02/2005
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(1) Any amount of levy or surcharge, including the amount of any penalty or further penalty, due and payable under this Ordinance shall be recoverable as a debt due to the Authority.

(2) An action under subsection (1) may be brought in the District Court notwithstanding that the amount due exceeds the civil jurisdiction of the Court as may from time to time be determined under the District Court Ordinance (Cap 336).

(3) Where an amount due under subsection (1) is within the jurisdiction of the Small Claims Tribunal established under the Small Claims Tribunal Ordinance (Cap 338), an action may be brought

in that Tribunal to recover that amount.

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Section 33	Levy inspector	L.N. 196 of 2004	24/02/2005
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The Authority may, subject to the approval of the Secretary, appoint in writing a person to be a levy inspector for the purposes of this Part.

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Section 35	Authentication, and production in evidence of documents	L.N. 196 of 2004	24/02/2005
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(1) A notice or document given or issued by the Authority for the purposes of this Part may be signed by a levy inspector.

(2) A document purporting to be a notice or document given or issued by the Authority for the purposes of this Part and purporting to be signed by a levy inspector shall be received in evidence and shall until the contrary is proved be deemed to be such a notice or document.

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Section 36	Appointment of Registrar	L.N. 147 of 2004	18/09/2004
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PART 6

REGISTRATION OF CONSTRUCTION WORKERS

(1) The Authority shall, subject to the approval of the Secretary, appoint a person to be the Registrar of Construction Workers on such terms as the Authority thinks fit.

(2) An appointment under subsection (1) shall be notified in the Gazette.

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Section 41	Training course for registered skilled worker (provisional)	L.N. 167 of 2005	29/12/2005
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(1) The Authority may, in relation to the registered skilled workers (provisional) for a designated trade, specify a training course—

- (a) which is, in the opinion of the Authority, a course of training for those workers on carrying out on a construction site construction work that involves any work described in column 2 of Part 1, 2 or 3 of Schedule 1 opposite the trade; and
- (b) in respect of which a certificate is issued to a person who—
 - (i) attends and completes the course;
 - (ii) attends and completes the assessment, conducted during or at the end of the course, of the person's competence in the area covered by the course; and
 - (iii) satisfies the assessor that the person is so competent.

(2) The Authority shall give notice in the Gazette of any training course that it specifies under subsection (1).

(3) A registered skilled worker (provisional) for a designated trade may, at his own cost, attend a training course that the Authority specifies under subsection (1) in relation to the registered skilled

workers (provisional) for the trade.

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Section 47	Registration card	L.N. 167 of 2005	29/12/2005
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- (1) Subject to subsection (2), a registration card shall be in the specified form.
- (2) A registration card shall be a card—
 - (a) on the surface of which data may be printed or otherwise recorded; and
 - (b) in which data may be stored in electronic form.
- (3) The Authority may, in relation to a registration card, specify—
 - (a) what data shall be printed or otherwise recorded on the surface of the card; and
 - (b) what data shall be stored in the card in electronic form.
- (4) The Registrar shall—
 - (a) provide such device that enables the data stored in a registration card in electronic form to be retrieved; and
 - (b) make the device available for use free of charge,
 at the office, and during the ordinary business hours, of the Registrar.
- (5) A person who, without lawful authority or reasonable excuse, sells or offers for sale, lends, gives, hands over or parts with possession to another person a registration card commits an offence and is liable on conviction to a fine at level 3.
- (6) A person who—
 - (a) without lawful authority, alters any data printed or otherwise recorded on the surface of a registration card;
 - (b) without lawful authority, alters any data stored in a registration card in electronic form; or
 - (c) without lawful authority or reasonable excuse, otherwise defaces or damages a registration card,
 commits an offence and is liable on conviction to a fine at level 3.
- (7) In subsection (6), "alter" (改動), in relation to data, includes erase, cancel and add to.

Chapter 583	CONSTRUCTION WORKERS REGISTRATION ORDINANCE	Gazette Number	Version Date
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Section 56	Legal adviser	L.N. 167 of 2005	29/12/2005
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- (1) The Secretary may appoint a legal practitioner to advise an Appeal Board on any points of law and procedure that arise before, during or after a hearing of an appeal.
- (2) A legal practitioner appointed under subsection (1) shall be remunerated for his services out of the funds of the Authority at a rate determined by the Secretary.
- (3) In this section, "legal practitioner" (法律執業者) means counsel, or a solicitor, who holds a current practising certificate.

Chapter 583	CONSTRUCTION WORKERS REGISTRATION ORDINANCE	Gazette Number	Version Date
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Section 58	Principal contractors and controllers to retrieve and record data of registered construction workers on construction site	L.N. 118 of 2010	31/12/2010
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PART 8

MISCELLANEOUS

(1) Subject to subsections (5) and (6), a principal contractor for a construction site shall provide on the site such device that enables the data stored in a registration card in electronic form to be retrieved unless the construction work that the principal contractor undertakes on the site—

- (a) falls within paragraph (c) of the definition of "construction work" in section 2; or
- (b) has not begun.

(2) A principal contractor for a construction site may apply to the Authority to be exempted from subsection (1) in relation to the site.

(3) An application under subsection (2) shall be—

- (a) in the specified form; and
- (b) made within 7 days after any construction work begins on the construction site, or within such further time as the Authority may in any case allow.

(4) As soon as practicable after receiving an application under subsection (2) by a principal contractor for a construction site, the Authority shall—

- (a) consider the application with regard to the physical condition and location of the site and the value of construction work carried out, or to be carried out, on the site; and
- (b) by notice in writing served on the principal contractor—
 - (i) grant the exemption subject to such conditions, if any, as the Authority thinks fit; or
 - (ii) refuse to grant the exemption.

(5) Subject to subsection (6), if the Authority refuses, under paragraph (b) of subsection (4), to grant the exemption to a principal contractor for a construction site, the principal contractor is only required to comply with subsection (1) in relation to the site for the period after the date of the notice referred to in that paragraph.

(6) If an Appeal Board, in an appeal under section 52(3), decides that a principal contractor for a construction site shall not be exempted from subsection (1), the principal contractor is only required to comply with that subsection in relation to the site for the period after the date of notice of the decision of the Appeal Board.

(7) A controller of a construction site shall—

- (a) establish and maintain a daily record that—
 - (i) is in the specified form; and
 - (ii) contains information of the registered construction workers who—
 - (A) are employed by the controller and, in the case of a controller within the meaning of subsection (9)(a)(i), by a sub-contractor of the controller; and
 - (B) personally carry out on the site construction work; and
- (b) furnish the Registrar in such manner as directed by the Registrar with a copy of the record—
 - (i) for the period of 7 days after any construction work begins on the site; and
 - (ii) for each successive periods of 7 days, within 2 business days after the last day of the period concerned, or within such further time as the Registrar may in any case allow.

(8) A person who, without reasonable excuse, contravenes subsection (1) or (7)(a) or (b)(i) or (ii) commits an offence and is liable on conviction to a fine at level 3.

(9) In subsection (7)—

- (a) "controller" (主管), in relation to a construction site, means—
 - (i) a principal contractor for the site; or
 - (ii) if there is no principal contractor for the site, any person who has control over, or is in charge of, the site; and
- (b) any construction work that is building works, or street works, that are not carried out by or on behalf of the Government is deemed to begin—
 - (i) on the date of the Building Authority's consent in writing for the commencement of the works under section 14(1)(b) of the Buildings Ordinance (Cap 123); or
 - (ii) where the building works are the works to which section 14AA of the Buildings Ordinance (Cap 123) applies, on the date of the commencement of the works as

indicated in any document submitted to the Building Authority under the regulations made under the Buildings Ordinance (Cap 123). (Replaced 20 of 2008 s. 50)

Chapter 583	CONSTRUCTION WORKERS REGISTRATION ORDINANCE	Gazette Number	Version Date
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Section 60	Prosecution may be brought in Authority's name	L.N. 147 of 2004	18/09/2004
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Without prejudice to any Ordinance relating to the prosecution of criminal offences or to the powers of the Secretary for Justice in relation to the prosecution of criminal offences, a prosecution for an offence under this Ordinance may be—

- (a) brought in the name of the Authority; and
- (b) commenced and conducted by a member or employee of the Authority authorized in that behalf in writing by the Authority.

Chapter 583	CONSTRUCTION WORKERS REGISTRATION ORDINANCE	Gazette Number	Version Date
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Section 62	Power of Authority to specify forms	L.N. 147 of 2004	18/09/2004
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- (1) Subject to subsection (2), the Authority may specify—
 - (a) registration cards;
 - (b) any document required under this Ordinance to be in the specified form; or
 - (c) such other documents required for the purposes of this Ordinance as the Authority thinks fit.

(2) The Authority's power under subsection (1) shall be subject to any express requirement under this Ordinance for a form, whether specified or otherwise, to comply with that requirement, but that requirement shall not restrict the exercise of that power in respect of that form to the extent that, in the opinion of the Authority, its exercise of that power in respect of that form does not contravene that requirement.

(3) For the avoidance of doubt, it is declared that the Authority's power under subsection (1) may be exercised in such a way as to—

- (a) include (whether by way of attachment or otherwise) in the specified form of any document referred to in that subsection a statutory declaration—
 - (i) to be made by the person completing the form; and
 - (ii) as to whether the particulars contained in the form are true and correct to the best of that person's knowledge and belief; or
- (b) specify more than one form of registration cards or of any document referred to in that subsection, whether as alternatives, or to provide for particular circumstances or particular cases, as the Authority thinks fit.
- (4) A form specified under this section shall be—
 - (a) completed in accordance with such directions and instructions as are specified in the form;
 - (b) accompanied by such registration cards or documents, or both, as are specified in the form; and
 - (c) if the completed form is required to be provided to the Authority or any other person, so provided in the manner, if any, specified in the form.
- (5) In this section, "document" (文件)—
 - (a) includes any application, notice, record and register; and
 - (b) does not include a registration card.

Chapter 587	CONSTRUCTION INDUSTRY COUNCIL ORDINANCE	Gazette Number	Version Date
Section 2	Interpretation	L.N. 130 of 2007	01/07/2007

Remarks:

For the saving and transitional provisions relating to the amendments made by the Resolution of the Legislative Council (L.N. 130 of 2007), see paragraph (12) of that Resolution.

- (1) In this Ordinance, unless the context otherwise requires—
- “appointed day” (指定日期) means the day on which Part 9 comes into operation;
- “appointed member” (委任成員) means a member of the Council appointed under section 9(1)(a) or (c);
- “authorized person” (獲授權人), in relation to construction operations, means—
- the authorized person appointed or nominated under section 4 of the Buildings Ordinance (Cap 123) in respect of the construction operations; or
 - if no authorized person is appointed under that section, the person appointed in accordance with section 66 in respect of the construction operations;
- “Board” (訓練委員會) means the Construction Industry Training Board established under section 29;
- “building” (建築物) has the meaning assigned to it in section 2(1) of the Buildings Ordinance (Cap 123);
- “carry out” (進行), in relation to any construction operations, includes—
- to manage, or to arrange for, the carrying out of the construction operations;
 - to provide one’s own labour or that of any other person for the carrying out of the construction operations; and
 - otherwise to undertake the construction operations;
- “CITA” (訓練局) means the Construction Industry Training Authority established by section 4 of the Industrial Training (Construction Industry) Ordinance (Cap 317) and in existence before the commencement of section 71;
- “construction contract” (建造合約) means a contract between an employer and a contractor under which the contractor carries out construction operations but does not include a contract of employment;
- “construction industry” (建造業) means the industry in which construction operations are carried out;
- “construction operations” (建造工程) has the meaning assigned to it in Schedule 1;
- “contract of employment” (僱傭合約) has the meaning assigned to it in section 2(1) of the Employment Ordinance (Cap 57);
- “contractor” (承建商), in relation to any construction operations (whether the construction operations are carried out under a contract or otherwise), means—
- the person appointed as contractor under section 9 of the Buildings Ordinance (Cap 123) in respect of the construction operations; or
 - if no such person is appointed, the person who carries out the construction operations;
- “Council” (議會) means the Construction Industry Council established by section 4;
- “employer” (聘用人) means a person for whom a contractor carries out construction operations, whether under a contract or otherwise;
- “Executive Director” (執行總監) means the Executive Director appointed under section 13;
- “financial year” (財政年度) means the period fixed as the financial year of the Council under section 22(1);
- “function” (職能) includes a power, authority or duty;
- “further penalty” (另加罰款) means any further penalty payable under section 46(3);

“levy” (徵款) means the Construction Industry Levy referred to in section 32(2);

“notice of assessment” (評估通知) means a notice of assessment described in section 33(3);

“notice of surcharge” (附加費通知) means a notice of the surcharge referred to in section 41(3);

“Objections Committee” (處理反對事宜委員會) means the committee established under section 54;

“objector” (反對者) means a person who makes an objection under section 55;

“penalty” (罰款) means any penalty payable under section 46(2);

“Secretary” (局長) means the Secretary for Development; (Amended L.N. 130 of 2007)

“surcharge” (附加費) means any surcharge imposed under section 41;

“term contract” (固定期合約) means a construction contract—

- (a) that provides for completion of all construction operations to which the contract relates within a specified period (whether or not such period may be varied by agreement); and
- (b) under which a contractor carries out construction operations as required by the employer by any notice issued from time to time within the specified period by or on behalf of the employer to the contractor;

“total value” (總價值), in relation to any construction operations, means the total value of the construction operations as defined in section 53;

“value” (價值), in relation to any construction operations, means the value of the construction operations as determined under section 52;

“works order” (施工通知) means a notice issued by or on behalf of an employer to a contractor under a term contract, by which the employer requires construction operations to be carried out.

(2) Without affecting the generality of the definitions of “contractor” and “employer” under subsection (1), the following applies for the purposes of construing those terms—

- (a) where a person carries out construction operations for any other person under a contract of employment—
 - (i) if the first-mentioned person is appointed as contractor under section 9 of the Buildings Ordinance (Cap 123) in respect of the construction operations, he (and not that other person) is the contractor in respect of the construction operations; and
 - (ii) if the first-mentioned person is not appointed as contractor under section 9 of the Buildings Ordinance (Cap 123) in respect of the construction operations, the first-mentioned person is not the contractor in respect of the construction operations;
- (b) where a person carries out construction operations for himself without any arrangement for the carrying out of the construction operations by any other person, the first-mentioned person is both the contractor and the employer in respect of the construction operations;
- (c) where a person carries out construction operations for himself with the assistance, under a contract of employment, of one or more other persons none of whom is appointed as contractor under section 9 of the Buildings Ordinance (Cap 123) in respect of the construction operations, the first-mentioned person is both the contractor and the employer in respect of the construction operations.

Chapter 587	CONSTRUCTION INDUSTRY COUNCIL ORDINANCE	Gazette Number	Version Date
Section 5	Functions of Council	L.N. 264 of 2006	01/02/2007

The functions of the Council are—

- (a) to advise and make recommendations to the Government on strategic matters, major policies and legislative proposals, that may affect or are connected with the construction industry, and on matters of concern to the construction industry;

- (b) to reflect to the Government the construction industry's needs and aspirations;
- (c) to elevate the quality and competitiveness of the construction industry by promoting the ongoing development and improvement of the industry;
- (d) to uphold professionalism and integrity within the construction industry by promoting self-regulation, formulating codes of conduct and enforcing such codes;
- (e) to improve the performance of persons connected with the construction industry through establishing or administering registration schemes or rating schemes;
- (f) to advance the skills of personnel in the construction industry through planning, promotion, supervision, provision or coordination of training courses or programmes;
- (g) to encourage research activities and the use of innovative techniques and to establish or promote the establishment of standards for the construction industry;
- (h) to promote good practices in the construction industry in relation to dispute resolution, environmental protection, multi-layer subcontracting, occupational safety and health, procurement methods, project management and supervision, sustainable construction and other areas conducive to improving construction quality;
- (i) to enhance the cohesiveness of the construction industry by promoting harmonious labour relations and the observance of statutory requirements relating to employment, and by facilitating communication among various sectors of the industry;
- (j) to serve as a resource centre for the sharing of knowledge and experience within the construction industry;
- (k) to assess improvements made by the construction industry through the compilation of performance indicators;
- (l) to make recommendations with respect to the rate of the levy imposed under this Ordinance; and
- (m) to perform any other functions relevant to the construction industry, including those functions conferred or imposed on it by or under this Ordinance or any other enactment.

Chapter 587	CONSTRUCTION INDUSTRY COUNCIL ORDINANCE	Gazette Number	Version Date
Section 6	Supplementary functions of Council	L.N. 264 of 2006	01/02/2007

Without limiting section 5, the Council also has the following functions—

- (a) to provide training courses for the construction industry;
- (b) to establish and maintain industrial training centres for the construction industry;
- (c) to assist, including by the provision of financial assistance, in the placement of persons who have completed training courses provided for the construction industry;
- (d) to assess the standards of skills achieved by any person in any kind of work involving or in connection with the construction industry, to conduct examinations and tests, to issue or award certificates of attendance or competence, and to establish the standards to be achieved in respect of any such work;
- (e) where it is appointed under the Construction Workers Registration Ordinance (Cap 583) as the Registrar of Construction Workers under that Ordinance, to perform the functions conferred or imposed on the Registrar by or under that Ordinance or any other enactment.

Chapter 587	CONSTRUCTION INDUSTRY COUNCIL ORDINANCE	Gazette Number	Version Date
Section 7	Powers of Council	L.N. 264 of 2006	01/02/2007

(1) The Council may do all such things as are necessary for, or incidental or conducive to, the performance of its functions.

(2) Without limiting subsection (1), the Council may—

- (a) hold, acquire or lease any kind of property, whether movable or immovable;

- (b) subject to section 8(1), sell or otherwise dispose of any kind of property, whether movable or immovable;
- (c) enter into, assign or accept the assignment of, and vary or rescind, any contract or obligation;
- (d) subject to section 8(2) and (3), meet the expenditure on any item shown in the estimates of expenditure of the Council, borrow or otherwise raise money on such security as may be necessary, and charge all or any of the property of the Council for the purposes of meeting its expenditure;
- (e) charge fees for the use of any facility or service provided by the Council or in respect of any registration scheme or rating scheme established or administered by the Council;
- (f) engage any technical, professional or other person to provide any such facility or service, and determine any matter relating to such engagement;
- (g) devise, establish, operate and maintain registration schemes or rating schemes in respect of persons connected with the construction industry;
- (h) conduct research into any matter relating to its functions;
- (i) determine standards for application in the construction industry, in particular the standards for designs, processes, construction techniques, products, materials and methods of procurement and recommend the adoption of such standards;
- (j) collect, analyse, compile, publish and disseminate information relating to the construction industry or such other subject as may be necessary for the performance of its functions;
- (k) formulate, issue and promulgate codes of conduct for personnel and good practices in the construction industry;
- (l) investigate or otherwise dispose of complaints concerning any code of conduct, registration scheme or rating scheme;
- (m) conduct reviews in respect of codes of conduct, registration schemes and rating schemes;
- (n) set training requirements, provide and approve training courses and conduct examinations and tests, in respect of construction operations;
- (o) issue and award certificates of attendance or competence in respect of such training courses, examinations and tests and oversee and administer apprenticeship schemes for the construction industry;
- (p) organize and arrange seminars, exhibitions, workshops, conferences or training courses or programmes for the construction industry;
- (q) engage in publicity activities in any form that the Council considers appropriate;
- (r) form or manage or participate in the formation or management of any company or engage the services of any other body;
- (s) acquire or dispose of shares in any company; and
- (t) receive any funds, donations or gifts lawfully given for a purpose consistent with its functions.

Chapter 587	CONSTRUCTION INDUSTRY COUNCIL ORDINANCE	Gazette Number	Version Date
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Section 9	Composition of Council	L.N. 264 of 2006	01/02/2007
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- (1) The Council is to consist of—
 - (a) a chairman appointed by the Secretary;
 - (b) not more than 3 public officers appointed by the Secretary; and
 - (c) not more than 21 other members appointed by the Secretary.
- (2) The Secretary may not appoint a public officer under subsection (1)(a) or (c).
- (3) Of the members referred to in subsection (1)(c)—
 - (a) not more than 4 are to be persons who represent employers;
 - (b) not more than 4 are to be persons who represent professionals or consultants connected with the construction industry;
 - (c) not more than 5 are to be persons who represent contractors, subcontractors, materials

- suppliers or equipment suppliers in the construction industry;
 - (d) not more than 2 are to be persons who represent training institutes or academic or research institutions connected with the construction industry;
 - (e) not more than 3 are to be persons who are from trade unions representing workers employed in the construction industry that are registered under the Trade Unions Ordinance (Cap 332); and
 - (f) not more than 3 are to be such other persons as the Secretary thinks fit to be members of the Council.
- (4) The Secretary shall give notice in the Gazette of an appointment under subsection (1)(a), (b) or (c).
- (5) When appointing a member referred to in subsection (3)(a), (b), (c) or (e), the Secretary shall have regard to any nomination made for the purposes of such appointment by any one or more of the specified bodies.
- (6) In subsection (5), “specified bodies” (指明團體) means—
- (a) in relation to subsection (3)(a), the bodies set out in Part 1 of Schedule 2;
 - (b) in relation to subsection (3)(b), the bodies set out in Part 2 of Schedule 2;
 - (c) in relation to subsection (3)(c), the bodies set out in Part 3 of Schedule 2; and
 - (d) in relation to subsection (3)(e), the bodies set out in Part 4 of Schedule 2.

Chapter 587	CONSTRUCTION INDUSTRY COUNCIL ORDINANCE	Gazette Number	Version Date
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Section 15	Council may establish committees	L.N. 264 of 2006	01/02/2007
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- (1) The Council may establish any committees as it considers appropriate for the better performance of its functions.
- (2) The Council may determine the composition, functions and procedures of a committee established under subsection (1).

Chapter 587	CONSTRUCTION INDUSTRY COUNCIL ORDINANCE	Gazette Number	Version Date
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Section 16	Delegation of Council’s functions and appointment of subcommittee	L.N. 264 of 2006	01/02/2007
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- (1) The Council may delegate in writing any of its functions to a committee established under section 15.
- (2) The Council may not delegate under subsection (1) any of the following powers or functions—
- (a) the powers referred to in section 7(2)(a), (b), (c) and (d);
 - (b) the power to appoint an auditor;
 - (c) the power to establish a committee and determine its composition and functions;
 - (d) the power to delegate under subsection (1);
 - (e) the power to approve programmes of its proposed activities, estimates of its income and expenditure or other statements or reports required to be submitted to the Secretary under Part 3;
 - (f) the power to authorize the preparation of its accounts or other financial records;
 - (g) the functions of the Board or the Objections Committee.
- (3) A delegation may be subject to such terms and conditions as the Council considers fit.
- (4) A delegation does not prevent the concurrent performance by the Council of the functions delegated.
- (5) The Council may amend or revoke a delegation.
- (6) The Council may authorize a committee established under section 15 to appoint a subcommittee for the better performance of the committee’s functions.

Chapter 587	CONSTRUCTION INDUSTRY COUNCIL ORDINANCE	Gazette Number	Version Date
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Section 19	Protection of members of Council, etc.	L.N. 264 of 2006	01/02/2007
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(1) A person to whom this section applies, acting in good faith, is not personally liable for anything done or omitted to be done by that person in the performance or purported performance of any function conferred or imposed on the Council by or under this Ordinance.

(2) The protection conferred on a person by subsection (1) in respect of an act or omission does not in any way affect any liability of the Council for that act or omission.

(3) This section applies to—

- (a) any member of the Council;
- (b) any member of a committee established under section 15;
- (c) any member of the Board or the Objections Committee;
- (d) any member of a subcommittee appointed under section 16(6);
- (e) any member of a subcommittee appointed under section 54(3);
- (f) any member of a subcommittee appointed under section 11 of Schedule 4; and
- (g) any employee of the Council.

Chapter 587	CONSTRUCTION INDUSTRY COUNCIL ORDINANCE	Gazette Number	Version Date
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Section 24	Investment of funds	L.N. 264 of 2006	01/02/2007
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Any funds of the Council that are not immediately required by the Council for the performance of its functions may, with the approval of the Financial Secretary—

- (a) be deposited on fixed deposit in a bank; or
- (b) be invested in such investments as the Council thinks fit.

Chapter 587	CONSTRUCTION INDUSTRY COUNCIL ORDINANCE	Gazette Number	Version Date
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Section 29	Establishment of Construction Industry Training Board	L.N. 183 of 2007	01/01/2008
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PART 4

CONSTRUCTION INDUSTRY TRAINING BOARD

(1) The Council shall establish a committee to perform its supplementary functions under section 6.

(2) The committee established under subsection (1) is to be known in the English language as the “Construction Industry Training Board” and in the Chinese language as “建造業訓練委員會”.

(3) The Board may do all such things as are necessary for, or incidental or conducive to, the performance of those functions.

Chapter 587	CONSTRUCTION INDUSTRY COUNCIL ORDINANCE	Gazette Number	Version Date
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Section 30	Composition, meetings and proceedings of Board, etc.	L.N. 183 of 2007	01/01/2008
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Schedule 4 has effect with respect to the Board.

Chapter 587	CONSTRUCTION INDUSTRY COUNCIL ORDINANCE	Gazette Number	Version Date
Section 35	Notice of payment made in respect of construction operations	L.N. 183 of 2007	01/01/2008

(1) If a payment is made to or for the benefit of a contractor in respect of any construction operations or any stage or part of any construction operations, other than construction operations carried out under a term contract, the contractor shall, within 14 days after the payment is made, give notice of the payment to the Council.

(2) If a payment is made to or for the benefit of a contractor in respect of any construction operations carried out under a term contract, the contractor shall, within 14 days after the last day of the month in which the payment was made, give notice of the payment to the Council.

(3) A notice of payment shall be in a form specified by the Council and shall state the value of the construction operations or the value of the stage or part of the construction operations in respect of which the payment was made.

(4) A notice is required to be given under this section only if—

(a) the construction operations are carried out under a term contract; or

(b) it is reasonably estimated that the total value of the construction operations exceeds the amount specified in Part 1 of Schedule 5.

(5) The Council may in a particular case extend the period for giving a notice under this section.

(6) A person who, without reasonable excuse, fails to give a notice as required by this section commits an offence and is liable on conviction to a fine at level 1.

Chapter 587	CONSTRUCTION INDUSTRY COUNCIL ORDINANCE	Gazette Number	Version Date
Section 36	Notice of completion of construction operations	L.N. 183 of 2007	01/01/2008

(1) After the completion of any construction operations, the contractor and the authorized person shall each give notice of the completion to the Council.

(2) If any construction operations (other than those carried out under works orders) are carried out in stages, after the completion of each stage, the contractor and the authorized person shall each give notice of the completion to the Council.

(3) A notice of completion shall be given within 14 days after the completion of the construction operations or the stage of the construction operations (as the case may be) but the Council may in a particular case extend the period for giving the notice.

(4) The notice shall be in a form specified by the Council and shall state the value of the completed construction operations or the value of the completed stage.

(5) A notice is required to be given under this section only if—

(a) the construction operations are carried out under a term contract; or

(b) it is reasonably estimated that the total value of the construction operations exceeds the amount specified in Part 1 of Schedule 5.

(6) A person who, without reasonable excuse, fails to give a notice as required by this section commits an offence and is liable on conviction to a fine at level 1.

Chapter 587	CONSTRUCTION INDUSTRY COUNCIL ORDINANCE	Gazette Number	Version Date
Section 54	Establishment of Objections Committee	L.N. 183 of 2007	01/01/2008

PART 7

OBJECTIONS AND APPEALS

(1) The Council shall establish a committee consisting of 3 members of the Council for the purposes of determining objections made under section 55.

(2) The Objections Committee may do all such things as are necessary for, or incidental or conducive to, the performance of the function mentioned in subsection (1).

(3) The Council may authorize the Objections Committee to appoint a subcommittee for the better performance of the Objections Committee's function.

(4) The Objections Committee may determine its own procedures.

Chapter 587	CONSTRUCTION INDUSTRY COUNCIL ORDINANCE	Gazette Number	Version Date
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Section 56	Decision of Objections Committee	L.N. 183 of 2007	01/01/2008
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(1) The Council shall refer every objection made under section 55 to the Objections Committee for consideration.

(2) The Objections Committee may confirm, cancel or reduce the levy or surcharge and shall inform the Council of its decision.

(3) The Council shall notify the objector in writing of the decision of the Objections Committee within 28 days after the Council receives the notice of objection or, where that is not practicable, within a reasonable period.

(4) If a levy or surcharge is cancelled or reduced under this section, the Council shall forthwith refund to the objector the amount of the levy or any amount, including any amount of the penalty or further penalty, that has been paid in excess (as the case may be).

Chapter 587	CONSTRUCTION INDUSTRY COUNCIL ORDINANCE	Gazette Number	Version Date
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Section 57	Appeals against decision of Objections Committee	L.N. 183 of 2007	01/01/2008
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(1) An objector who is aggrieved by a decision of the Objections Committee may appeal to the District Court against that decision.

(2) An appeal shall be lodged within 30 days after the objector receives the notification of the decision.

(3) An appeal may not be heard unless the amount of the levy or surcharge which is the subject of the appeal, including the amount of any penalty or further penalty, has been paid.

(4) On hearing an appeal, the District Court may confirm, cancel or reduce the levy or surcharge and make any order as to costs as it thinks fit.

(5) If the District Court cancels or reduces a levy or surcharge, it may order the repayment of the cancelled or reduced amount, and any amount of the penalty or further penalty that has been paid.

(6) The District Court may order repayment with interest, at a rate determined by the Court, calculated from the date of payment to the Council, or without interest.

Chapter 587	CONSTRUCTION INDUSTRY COUNCIL ORDINANCE	Gazette Number	Version Date
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Section 61	Protection of information given under sections 59 and 60	6 of 2008	18/04/2008
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(1) Subject to subsection (2), a person shall not disclose other than to the Council, or to an employee of the Council acting in his official capacity, any information given or obtained under section 59 or any information obtained from any document or record under section 60 without the consent of the person who gave it or from whom it was obtained.

(2) Subsection (1) does not apply—

(a) to the provision of information under regulation 14 of the Pneumoconiosis and

Mesothelioma (Compensation) (Assessment of Levy) Regulations (Cap 360 sub. leg. A); (Amended 6 of 2008 s. 51)

- (b) to the provision of information under section 31(1) of the Construction Workers Registration Ordinance (Cap 583);
- (c) to the disclosure of information in the form of a summary of similar information given by or obtained from a number of employers, contractors or authorized persons if the summary is so framed as not to enable particulars relating to any particular contractor's business to be ascertained from it;
- (d) to the disclosure of information by the Council to any person authorized or employed by it for the purposes of checking or ascertaining the value of construction operations;
- (e) to the disclosure of information by the Council to the Pneumoconiosis Compensation Fund Board established under the Pneumoconiosis and Mesothelioma (Compensation) Ordinance (Cap 360); (Amended 6 of 2008 s. 51)
- (f) to the disclosure of information by the Council to the Construction Workers Registration Authority established under the Construction Workers Registration Ordinance (Cap 583);
- (g) to any disclosure of information made for the purposes of any legal proceedings brought under this Ordinance, or for the purposes of any report of any such proceedings; or
- (h) to the supply of a copy of personal data in compliance with a data access request under section 18 of the Personal Data (Privacy) Ordinance (Cap 486).

(3) A person who intentionally discloses any information in contravention of subsection (1) commits an offence and is liable on conviction to a fine at level 1.

Chapter 587	CONSTRUCTION INDUSTRY COUNCIL ORDINANCE	Gazette Number	Version Date
Section 67	Offences of fraudulent evasion of levy and giving false documents or information	L.N. 183 of 2007	01/01/2008

- (1) A person commits an offence if he—
 - (a) is knowingly concerned in the fraudulent evasion of the payment of a levy due from him or from any other person; or
 - (b) is knowingly concerned in taking steps with a view to the fraudulent evasion of the payment of a levy due from him or from any other person.
- (2) A person commits an offence if he—
 - (a) with intent to deceive, produces, supplies or sends for the purposes of this Ordinance, or otherwise makes use of for those purposes, a document or record that is false in a material particular; or
 - (b) in providing any information for the purposes of this Ordinance, makes a statement that he knows to be false in a material particular or recklessly makes a statement that is false in a material particular.

(3) A person who commits an offence under subsection (1)(a) or (b) is liable on conviction to a fine at level 3 or 3 times the amount of the levy that was evaded or intended to be evaded by his conduct, whichever is the greater.

(4) A person who commits an offence under subsection (2)(a) or (b) is liable on conviction to a fine at level 2 or 3 times the amount of the levy that was evaded or intended to be evaded by his conduct, whichever is the greater.

Chapter 587	CONSTRUCTION INDUSTRY COUNCIL ORDINANCE	Gazette Number	Version Date
Schedule 3	MEETINGS AND PROCEEDINGS OF COUNCIL	L.N. 264 of 2006	01/02/2007

[sections 14 & 69]

1. Interpretation

In this Schedule—

“chairman” (主席) means the chairman of the Council referred to in section 9(1)(a) of this Ordinance;

“member” (成員) means a member of the Council referred to in section 9(1) of this Ordinance.

2. Holding of meetings

(1) Subject to subsection (2), a meeting of the Council shall be held at such time and place as the chairman may appoint.

(2) The Council shall meet if there is a notice in writing, signed by not less than half of its members, requesting that a meeting be held.

3. Notice of meetings

Unless otherwise determined by the chairman, a notice of meeting shall be served on each member at least 14 days before the day on which the meeting is to be held.

4. Quorum

(1) At a meeting of the Council, a quorum is not less than half of its members.

(2) If a member is disqualified from taking part in a decision or deliberation in respect of a matter under section 6, he shall be disregarded for the purposes of constituting the quorum for deciding or deliberating on that matter.

5. Proceedings of Council

(1) Subject to subsection (2), the chairman is to preside at a meeting of the Council.

(2) If, for any reason, the chairman is not able to preside at a meeting of the Council, the members present at the meeting are to elect a member from among themselves to preside.

(3) All questions for determination are to be decided by a majority of votes of the members present and voting, and if there is an equality of votes, the member presiding has a casting vote in addition to his original vote.

6. Disclosure of interests of members

If a member has a pecuniary interest, whether direct or indirect, in any matter under consideration at a meeting of the Council, the member—

- (a) shall, as soon as practicable after the commencement of the meeting, disclose to the Council the fact and nature of his interest;
- (b) shall withdraw from the meeting while the Council is considering the matter, if so required by the meeting; and
- (c) shall not in any case vote on the matter.

7. Keeping of register by Council

(1) The Council is to establish and maintain a register for the purpose of keeping a record of any disclosure made by a member.

(2) The Council may determine the form of the register, including the manner of making entries in it.

(3) After a disclosure is made by a member, the Council is to cause the name of that member and the particulars of the disclosure to be recorded in the register; if a further disclosure is made, the Council is to cause those particulars to be recorded in the register after such disclosure is made.

(4) For the purpose of enabling any member of the public to ascertain the particulars of the disclosure made by a member, the Council is to make available the register for inspection by the public at any reasonable time.

(5) In this section, “disclosure” (披露) means a disclosure of pecuniary interest required to be made under section 6.

8. Validity of proceedings

The validity of any proceedings of the Council shall not be affected by—

- (a) any defect in the appointment of a member; or
- (b) any vacancy in the membership of the Council.

9. Meetings of Council to be held in public

(1) Subject to subsection (2), a meeting of the Council shall be open to the public.

(2) Subsection (1) does not apply to a meeting of the Council or a part of a meeting of the Council in the following circumstances—

- (a) if, in the opinion of the Council, it is likely that the application of subsection (1) would result—
 - (i) in premature release of information concerning any financial matter or investment of the Council; or
 - (ii) in a disclosure of information in breach of any law, order or direction of a court or tribunal, duty of confidentiality, or other legal obligation or duty;
- (b) if, in the opinion of the Council, it is likely that any matter to be discussed or considered at the meeting or part of the meeting—
 - (i) concerns personnel matters; or
 - (ii) concerns a particular case that involves the carrying out of any provision of this Ordinance relating to the levy, surcharge, penalty or further penalty; or
- (c) if the Council, having regard to all the circumstances of a particular case, reasonably considers that subsection (1) should not apply to the meeting or part of the meeting.

10. Council to determine procedures

Subject to the provisions of this Ordinance, the Council may determine its own procedures.

11. Resolutions without meetings

(1) Subject to section 2(2) and this section, any business that may be transacted by a resolution of the Council in a meeting may be validly transacted, without a meeting, by a resolution in writing if—

- (a) the resolution is signed and endorsed by more than half of the eligible members; and
- (b) it is so signed and endorsed within the specified period.

(2) If a resolution is in the form of more than one document, the requirements of subsection (1)(a) are to be regarded as satisfied if each document is in the like form and the documents together bear the signatures of, and have been endorsed by, more than half of the eligible members.

(3) A telex, cable or facsimile, or an electronically transmitted document, that bears the signature of an eligible member is to be regarded as signed by that member.

(4) A resolution in the form of more than one document is to be regarded as made on the date on which the resolution is signed by the last member to sign and endorse it within the specified period.

(5) A member may, within the specified period, give notice in writing to the chairman requiring that the business to which the resolution relates be transacted at a meeting of the Council.

(6) Where a notice is given under subsection (5), the following applies—

- (a) the business to which the resolution relates may not be transacted in the manner described in subsection (1);
- (b) a resolution for the purposes of subsection (1) may not be made or regarded as having

been made.

(7) For the purposes of this section—

“eligible member” (合資格成員) means a member who, on the date on which the resolution is made, is entitled to attend and vote at a meeting of the Council in respect of the business;

“endorse” (同意), in relation to a resolution, includes to endorse the transaction of the business by a resolution without a meeting of the Council;

“specified period” (指明期間), in relation to any business referred to in subsection (1), means a period—

- (a) that is determined by the chairman and specified in the documents circulated for the purposes of transacting the business; and
- (b) within which a member may indicate to the Council as to whether he endorses the resolution.

Chapter 587	CONSTRUCTION INDUSTRY COUNCIL ORDINANCE	Gazette Number	Version Date
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Schedule 4	COMPOSITION, MEETINGS AND PROCEEDINGS OF BOARD, ETC.	L.N. 183 of 2007	01/01/2008
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[sections 19, 30 & 69]

1. Interpretation

In this Schedule—

“Board member” (訓練委員會成員) means a member of the Board referred to in section 2;

“chairman” (主席) means the chairman of the Board appointed under section 2(4).

2. Composition of Board

- (1) The Board is to consist of 13 members appointed by the Council.
- (2) Of those members—
 - (a) 4 are to be persons who, in the opinion of the Council, represent professionals or consultants connected with the construction industry;
 - (b) 3 are to be persons who, in the opinion of the Council, represent contractors in the construction industry;
 - (c) one is to be a person who, in the opinion of the Council, represents a training institute or tertiary educational institution connected with the construction industry;
 - (d) 2 are to be persons who, in the opinion of the Council, are from trade unions representing workers employed in the construction industry that are registered under the Trade Unions Ordinance (Cap 332);
 - (e) one is to be such other person as the Council thinks fit to be a member of the Board; and
 - (f) 2 are to be public officers.
- (3) The Council may not appoint a public officer under subsection (2)(a), (b), (c), (d) or (e).
- (4) The Council is to appoint a Board member to be the chairman of the Board.

3. Term of office of Board member who is not public officer

- (1) Subject to subsection (2), a Board member who is not a public officer—
 - (a) holds office for a period determined by the Council; and
 - (b) is eligible for reappointment on the expiry of his term of office.
- (2) A Board member who is not a public officer may not serve as such a member continuously for more than 6 years.

4. Resignation of Board member who is not public officer

(1) A Board member who is not a public officer may resign at any time by giving notice in writing to the Council.

(2) A resignation takes effect on the date specified in the notice of resignation or, if a date is not specified, on the date the Council receives the notice.

5. Holding of meetings

A meeting of the Board shall be held at such time and place as the chairman may appoint.

6. Quorum

(1) At a meeting of the Board, a quorum is not less than 6 Board members.

(2) If a Board member is disqualified from taking part in a decision or deliberation in respect of a matter under section 8, he shall be disregarded for the purposes of constituting the quorum for deciding or deliberating on that matter.

7. Proceedings of Board

(1) Subject to subsection (2), the chairman is to preside at a meeting of the Board.

(2) If, for any reason, the chairman is not able to preside at a meeting of the Board, the Board members present at the meeting are to elect a member from among themselves to preside.

(3) All questions for determination are to be decided by a majority of votes of the Board members present and voting.

(4) If there is an equality of votes, the member presiding has a casting vote in addition to his original vote.

8. Disclosure of interests of Board members

If a Board member has a pecuniary interest, whether direct or indirect, in any matter under consideration at a meeting of the Board, the member—

- (a) shall, as soon as practicable after the commencement of the meeting, disclose to the Board the fact and nature of his interest;
- (b) shall withdraw from the meeting while the Board is considering the matter, if so required by the meeting; and
- (c) shall not in any case vote on the matter.

9. Validity of proceedings

The validity of any proceedings of the Board shall not be affected by—

- (a) any defect in the appointment of a Board member; or
- (b) any vacancy in the membership of the Board.

10. Board to determine procedures

Subject to the provisions of this Ordinance, the Board may determine its own procedures.

11. Delegation of Board' s functions and appointment of subcommittee

(1) The Board may appoint any subcommittee as it considers appropriate.

(2) The Board may delegate in writing any of its functions to a subcommittee appointed under subsection (1).

- (3) The Board may not delegate under subsection (2) any of the following powers—
 - (a) the power to appoint a subcommittee under subsection (1);
 - (b) the power to delegate under subsection (2);
 - (c) the power to approve programmes of its proposed activities, estimates of its income and expenditure or other statements or reports required to be submitted to the Council;
 - (d) the power to authorize the preparation of its accounts or other financial records.
- (4) A delegation may be subject to such terms and conditions as the Board considers fit.
- (5) A delegation does not prevent the concurrent performance by the Board of the functions delegated.
- (6) The Board may amend or revoke a delegation.

12. Estimates of the Board

(1) In every financial year, the Board shall submit to the Council, before a date determined by the Council, a programme of its proposed activities and estimates of its income and expenditure for the next financial year.

(2) The Board shall submit the programme and estimates for the first financial year as soon as practicable after the commencement of this section.

13. Accounts of the Board and submission of reports, etc. to Council

(1) The Board shall maintain proper accounts and records of all its income and expenditure.

(2) The Board shall, as soon as practicable after the end of a financial year, cause to be prepared a statement of accounts of the Board in respect of the financial year.

(3) The statement of accounts is to include an income and expenditure account and a balance sheet.

(4) The Board shall submit to the Council, before a date determined by the Council, a report on the activities of the Board during the financial year and a copy of the statement of accounts referred to in subsection (2).

Chapter 201	PREVENTION OF BRIBERY ORDINANCE	Gazette Number	Version Date
Schedule 1	PUBLIC BODIES	L.N. 50 of 2011	27/05/2011

[sections 2(1) & 35]
(Amended 20 of 1999 s. 6)

1. Hong Kong Telecom International Limited. (Replaced 20 of 1999 s. 6)
2. China Light and Power Company Limited.
3. (Repealed 20 of 1999 s. 6)
4. The Chinese University of Hong Kong. (Replaced 20 of 1999 s. 6)
5. Hong Kong Arts Development Council. (Replaced 26 of 1995 s. 19)
6. (Repealed L.N. 198 of 1999)
7. Fish Marketing Organization.
8. Hong Kong and China Gas Company Limited.
9. Hong Kong and Yaumati Ferry Company Limited.
10. Hong Kong Air Cargo Terminals Limited.
11. Hong Kong Building and Loan Agency.
12. Hong Kong Commercial Broadcasting Company Limited.
13. Hong Kong Electric Company Limited.
14. Hong Kong Export Credit Insurance Corporation.
15. Hong Kong Housing Authority.
16. Hong Kong Housing Society.
17. (Repealed 50 of 1987 s. 13)

18. The Hong Kong Polytechnic University. (Replaced 94 of 1994 s. 23)
19. Hong Kong Productivity Council.
20. Hong Kong Settlers Housing Corporation Limited.
21. Hong Kong Telephone Company Limited.
22. Hong Kong Tourism Board. (Replaced 3 of 2001 s. 45)
23. Hong Kong Trade Development Council.
24. Hong Kong Tramways Limited.
25. Kowloon Motor Bus Company (1933) Limited.
26. (Repealed L.N. 249 of 1990)
27. Ocean Park Corporation. (Amended 35 of 1987 s. 40)
28. Peak Tramways Company Limited.
29. Asia Television Limited. (Replaced L.N. 31 of 1983)
30. Hong Kong Jockey Club. (Amended 20 of 1999 s. 6)
31. The Hong Kong Jockey Club (Charities) Limited. (Replaced L.N. 512 of 1994)
32. "Star" Ferry Company Limited.
33. Television Broadcasts Limited.
34. The Community Chest of Hong Kong.
35. University of Hong Kong.
36. Vegetable Marketing Organization.
37. MTR Corporation Limited. (Added 36 of 1975 s. 31. Amended 13 of 2000 s. 65)
38. (Repealed 5 of 2001 s. 40)
39. The Hong Kong Examinations and Assessment Authority. (Added 23 of 1977 s. 17. Amended 23 of 2002 s. 26)
40. Consumer Council. (Added 56 of 1977 s. 22)
41. (Repealed 20 of 1999 s. 6)
42. The Vocational Training Council. (Added 6 of 1982 s. 25)
43. The Kowloon-Canton Railway Corporation. (Added 73 of 1982 s. 39)
44. New Lantau Bus Company (1973) Limited. (Added L.N. 160 of 1983)
45. Hong Kong Baptist University. (Added 50 of 1983 s. 34. Amended 93 of 1994 s. 39)
46. City University of Hong Kong. (Added 65 of 1983 s. 25. Amended 92 of 1994 s. 32)
47. The Hong Kong Academy for Performing Arts. (Added 38 of 1984 s. 28)
48. The Hong Kong University of Science and Technology. (Added 47 of 1987 s. 25)
49. Broadcasting Authority. (Added 49 of 1987 s. 17)
50. Hong Kong Council on Smoking and Health. (Added 56 of 1987 s. 21)
51. Urban Renewal Authority. (Replaced 63 of 2000 s. 38)
52. Securities and Futures Commission. (Added 10 of 1989 Schedule 2)
53. The Open University of Hong Kong. (Replaced 50 of 1997 s. 29)
54. (Repealed 11 of 2004 s. 17)
55. Travel Industry Council of Hong Kong. (Added L.N. 62 of 1990)
56. (Repealed 20 of 1999 s. 6)
57. Hong Kong Council for Accreditation of Academic and Vocational Qualifications. (Replaced 6 of 2007 s. 50)
58. The Hospital Authority (including any committee established by the Hospital Authority). (Added 68 of 1990 s. 24)
59. The Airport Authority. (Replaced 71 of 1995 s. 49)
60. Metro Broadcast Corporation Limited. (Added L.N. 184 of 1991)
61. Hong Kong Academy of Medicine. (Added 55 of 1992 s. 16)
62. Lingnan University. (Added 72 of 1992 s. 29. Replaced 54 of 1999 s. 29)
63. Citybus Limited. (Added L.N. 330 of 1992)
64. New Hong Kong Tunnel Company Limited. (Added L.N. 382 of 1992)
65. Tate's Cairn Tunnel Company Limited. (Added L.N. 382 of 1992)
66. (Repealed 5 of 2001 s. 40)
67. (Repealed 134 of 1997 s. 85)
68. Tradelink Electronic Commerce Limited. (Replaced L.N. 125 of 1998)
69. Travel Industry Compensation Fund Management Board. (Added 51 of 1993 s. 8)
70. Western Harbour Tunnel Company Limited. (Added 72 of 1993 s. 71)

71. Wharf Cable Limited. (Added L.N. 384 of 1993)
72. The Legislative Council Commission. (Added 14 of 1994 s. 24)
73. The Hong Kong Institute of Education. (Added 16 of 1994 s. 25)
74. Hong Kong Quality Assurance Agency. (Added L.N. 409 of 1994)
75. Equal Opportunities Commission. (Added 67 of 1995 s. 91)
76. The Security and Guarding Services Industry Authority. (Added 97 of 1994 s. 34)
77. Legal Aid Services Council. (Added 17 of 1996 s. 14)
78. Route 3 (CPS) Company Limited. (Added 33 of 1995 s. 65)
79. Privacy Commissioner for Personal Data. (Added 81 of 1995 s. 72)
80. Authorized Persons Registration Committee. (Added 54 of 1996 s. 27)
81. Structural Engineers Registration Committee. (Added 54 of 1996 s. 27)
82. Contractors Registration Committee. (Added 54 of 1996 s. 27)
83. The Estate Agents Authority. (Added 48 of 1997 s. 57)
84. Long Win Bus Company Limited. (Replaced 20 of 1999 s. 6)
- 84A. Long-term Prison Sentences Review Board. (Added 86 of 1997 s. 44. Amended 20 of 1999 s. 6)
85. Electoral Affairs Commission. (Added 129 of 1997 s. 24)
86. Mandatory Provident Fund Schemes Authority. (Added 4 of 1998 s. 8)
87. New World First Bus Services Limited. (Added L.N. 239 of 1998)
88. The Hong Kong Mortgage Corporation Limited. (Added L.N. 313 of 1998)
89. Hong Kong Note Printing Limited. (Added L.N. 313 of 1998)
90. Exchange Fund Investment Limited. (Added L.N. 16 of 1999)
91. The Stock Exchange of Hong Kong Limited. (Added 20 of 1999 s. 6)
92. Hong Kong Futures Exchange Limited. (Added 20 of 1999 s. 6)
93. Hong Kong Securities Clearing Company Limited. (Added 20 of 1999 s. 6)
94. The SEHK Options Clearing House Limited. (Added 20 of 1999 s. 6)
95. HKFE Clearing Corporation Limited. (Added 20 of 1999 s. 6)
96. Hong Kong Exchanges and Clearing Limited. (Added 12 of 2000 s. 23)
97. Hong Kong Science and Technology Parks Corporation. (Added 5 of 2001 s. 40)
98. The Ombudsman. (Added 30 of 2001 s. 24)
- *99. A company recognized as an investor compensation company under section 79(1) of the Securities and Futures Ordinance (Cap 571). (Added L.N. 226 of 2002 and 5 of 2002 s. 407)
100. Construction Workers Registration Authority. (Added 18 of 2004 s. 66)
101. Hong Kong Deposit Protection Board. (Added 7 of 2004 s. 55)
102. Geotechnical Engineers Registration Committee. (Added 15 of 2004 s. 61)
103. Hong Kong Sports Institute Limited. (Added L.N. 4 of 2005)
104. Construction Industry Council. (Added 12 of 2006 s. 84)
105. Construction Industry Training Board. (Added 12 of 2006 s. 84)
106. Financial Reporting Council. (Added 18 of 2006 s. 79)
107. Commissioner on Interception of Communications and Surveillance. (Added 20 of 2006 s. 68)
108. Hong Kong IEC Limited. (Added L.N. 233 of 2006)
109. Independent Police Complaints Council. (Added 33 of 2008 s. 47)
110. West Kowloon Cultural District Authority (including any committees established under the West Kowloon Cultural District Authority Ordinance (Cap 601)). (Added 27 of 2008 s. 42)
111. Any entity established under section 5(2)(h) of the West Kowloon Cultural District Authority Ordinance (Cap 601). (Added 27 of 2008 s. 42)
112. Digital Broadcasting Corporation Hong Kong Limited. (Amended L.N. 50 of 2011)
113. Minor Works Contractors Registration Committee. (Added L.N. 179 of 2009)
115. Phoenix U Radio Limited. (Added L.N. 50 of 2011)

(Replaced L.N. 272 of 1974)

Note:

* The Investor Compensation Company Limited has been recognised as an investor compensation company (please see G.N. 1220 of 2003).

Chapter 360A	PNEUMOCONIOSIS AND MESOTHELIOMA (COMPENSATION) (ASSESSMENT OF LEVY) REGULATIONS	Gazette Number	Version Date
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Regulation 15	Protection of information given under regulation 14	6 of 2008	18/04/2008
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(1) Subject to paragraph (2), no person shall disclose otherwise than to the Board, or to an employee of the Board in his official capacity, any information provided or obtained under regulation 14 (including information provided or obtained from documents or records) without the consent of the person who provided it or from whom it was obtained.

(2) Paragraph (1) does not apply-

- (a) in the case of construction operations- (3 of 2004 s. 35)
 - (i) to the provision of information under section 59 or 60 of the Construction Industry Council Ordinance (Cap 587); (12 of 2006 s. 84)
 - (ia) to the provision of information under section 31(1) of the Construction Workers Registration Ordinance (Cap 583); (12 of 2006 s. 84)
 - (ii) to the disclosure of information in the form of a summary of similar information provided by or obtained from a number of construction employers, contractors or authorized persons if the summary is so framed as not to enable particulars relating to any particular contractor's business to be ascertained from it; (3 of 2004 s. 35)
 - (iii) to the disclosure of information by the Board to any person authorized or employed by it for the purpose of checking or ascertaining the value of construction operations; (L.N. 32 of 1983; 3 of 2004 s. 35; 12 of 2006 s. 84)
 - (iv) to the disclosure of information by the Board to the Construction Industry Council established under the Construction Industry Council Ordinance (Cap 587); (L.N. 32 of 1983; 12 of 2006 s. 84)
 - (v) to the disclosure of information by the Board to the Construction Workers Registration Authority established under the Construction Workers Registration Ordinance (Cap 583); or (12 of 2006 s. 84)
 - (vi) to the supply of a copy of personal data in compliance with a data access request under section 18 of the Personal Data (Privacy) Ordinance (Cap 486); (12 of 2006 s. 84)
- (b) in the case of quarry industry, to the disclosure of information in the form of a summary of similar information provided by or obtained from a number of quarry operators if the summary is so framed as not to enable particulars relating to any particular quarry operator's business to be ascertained from it;
- (c) to any disclosure of information made for the purpose of any legal proceedings brought under the Ordinance or these regulations, or for the purposes of any report of any such proceedings.

(3) Any person who intentionally discloses any information in contravention of this regulation commits an offence and is liable to a fine of \$2000.

Implications of the Proposal

FINANCIAL IMPLICATIONS

Upon enactment of the Bill, CWRO will apply to Government. Government when working as contractor will need to pay, like individual contractors, a levy of 0.03% under CWRO on the value of its construction operations when exceeding \$1 million. The amount of levy to be paid by Government is estimated to be about \$1,500 per year and will be absorbed within the existing resources.

2. The cost for Government in providing training courses and trade test fees to enable public officers to comply with the registration requirements under the amended CWRO is estimated to be about \$1.5 million with a recurrent cost of about \$200,000 per year for renewal of registration. Such costs will be absorbed within existing resources.

CIVIL SERVICE IMPLICATIONS

3. Public officers appointed as authorized persons to make statutory notifications of construction operations to CIC, or personally carrying out construction work within the ambit of amended CWRO, could be held criminally liable for their contravention of the statutory provisions. However, with well established procedures and proper arrangements, we consider that there would not be any problem for them to comply with the requirements of amended CWRO.

ECONOMIC IMPLICATIONS

4. The proposal would improve the operational efficiency of the amalgamated statutory body and facilitate formulation of consistent policy and priority for registration, manpower planning and training for the construction industry. This would be conducive to the long-term development of the trade.