



發展局
DEVELOPMENT BUREAU



CONSTRUCTION INDUSTRY COUNCIL
建造業議會

Amendments to Construction Workers Registration Ordinance

Registration by Skill Designated workers for designated skills



Proposed Amendments to Construction Workers Registration Ordinance

Briefing document

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Executive summary

The proposed amendments to Construction Workers Registration Ordinance mainly include -

- (1) Revamp of Schedule 1
- (2) Exemption arrangement
 - “instruction and supervision” *
 - “emergency construction work” and “small scale construction work”
- (3) Amendments related to enforcement issues
- (4) Senior workers registration arrangement
- (5) Extension of validity period of registration
- (6) Staging implementation of remaining phase of Prohibition

* Existing exemption arrangement under the Construction Workers Registration Ordinance



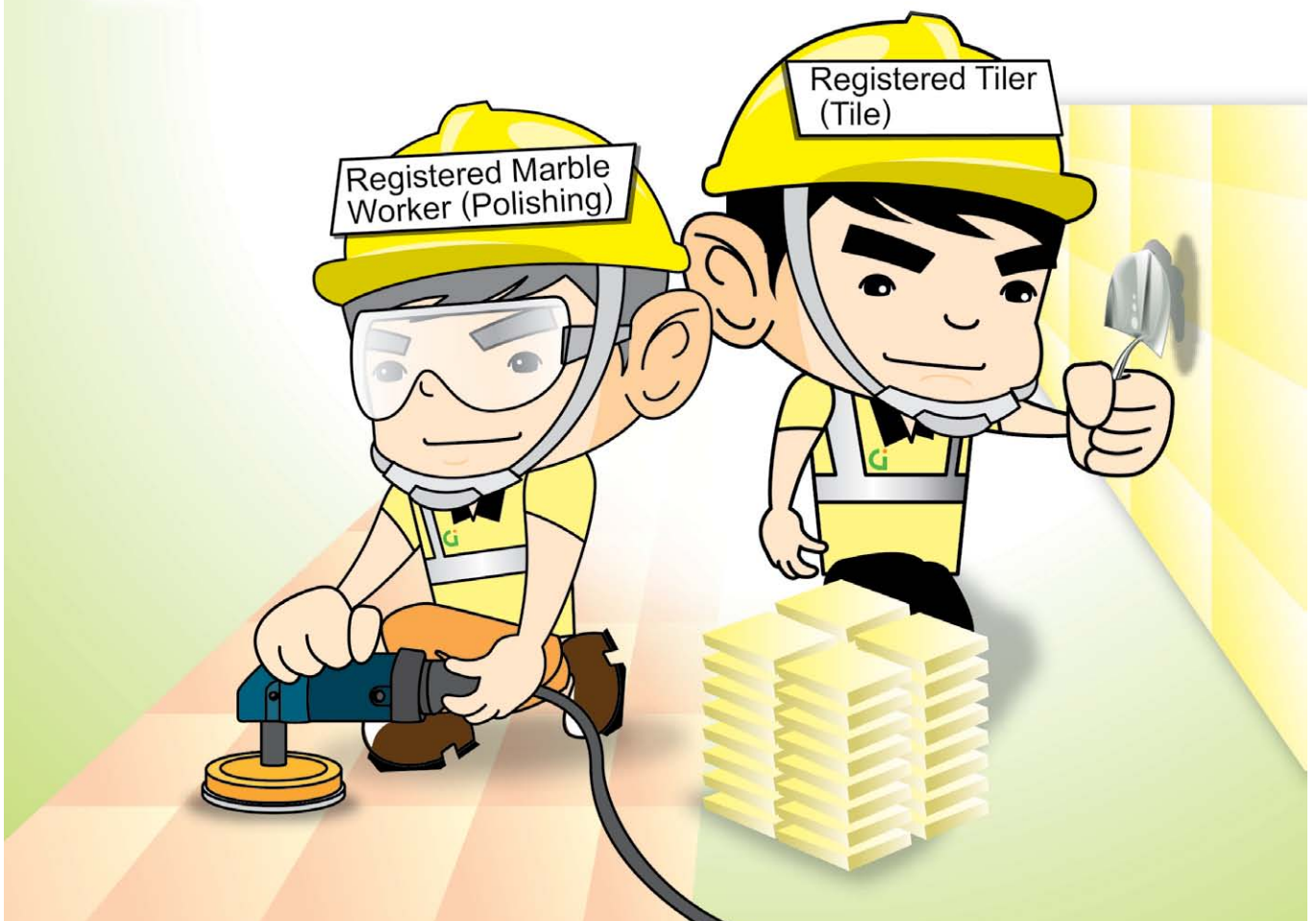
Registration by skill – Designated workers for designated skills

Designated workers for designated skills

- Only registered skilled workers are allowed to carry out designated skill works.
(Except exemption arrangement)

Registration by skill

- Create new skills as necessary to facilitate registration of workers to recognize their skills and raise their status.



(1) Revamp of Schedule 1

**Multiple skills,
Higher employability**



(1) Revamp of Schedule 1

According to industry's practice, Work across similar skills

Carry out concrete repairing work



Work across skills

- A registered skilled worker of designated skill is allowed to work across similar skills.

Carry out plastering work



Carry out tiling work



(2) Exemption arrangement - “instruction and supervision”



(2) Exemption arrangement - “emergency construction work” and

Exempted works – General workers can take part

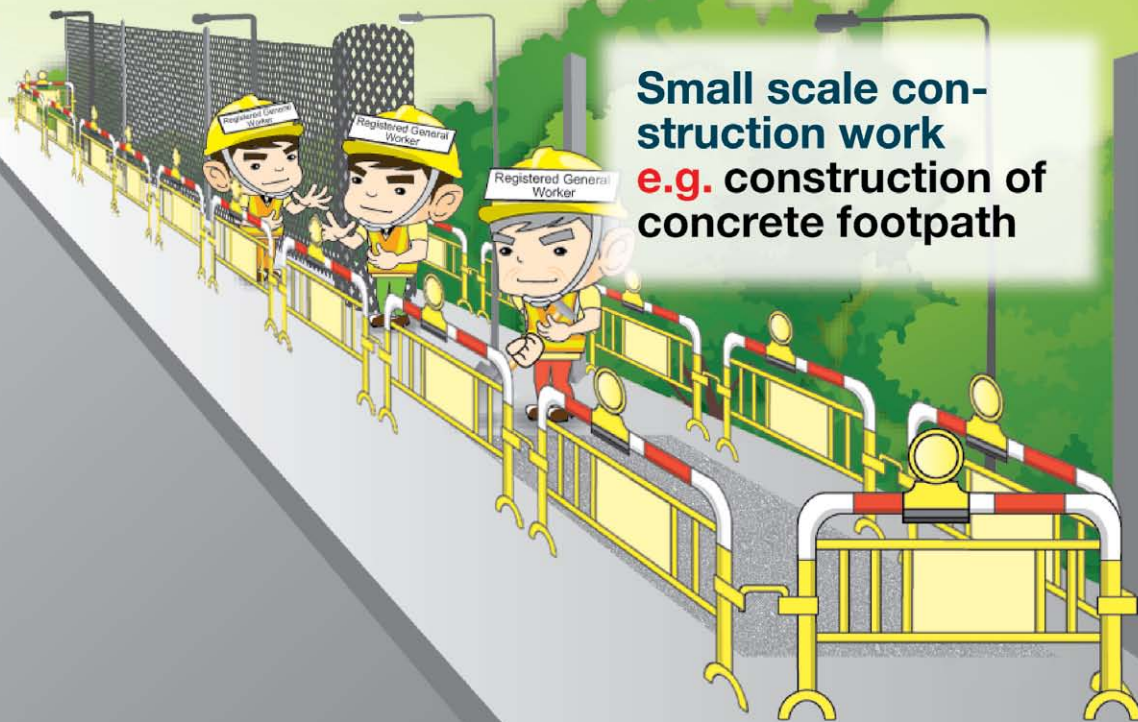
Emergency construction work
e.g. emergency road repair



“small scale construction work”

Small scale construction work
e.g. on-grade erection of mesh fence (height $\leq 2.2\text{m}$)

Small scale construction work
e.g. construction of concrete footpath

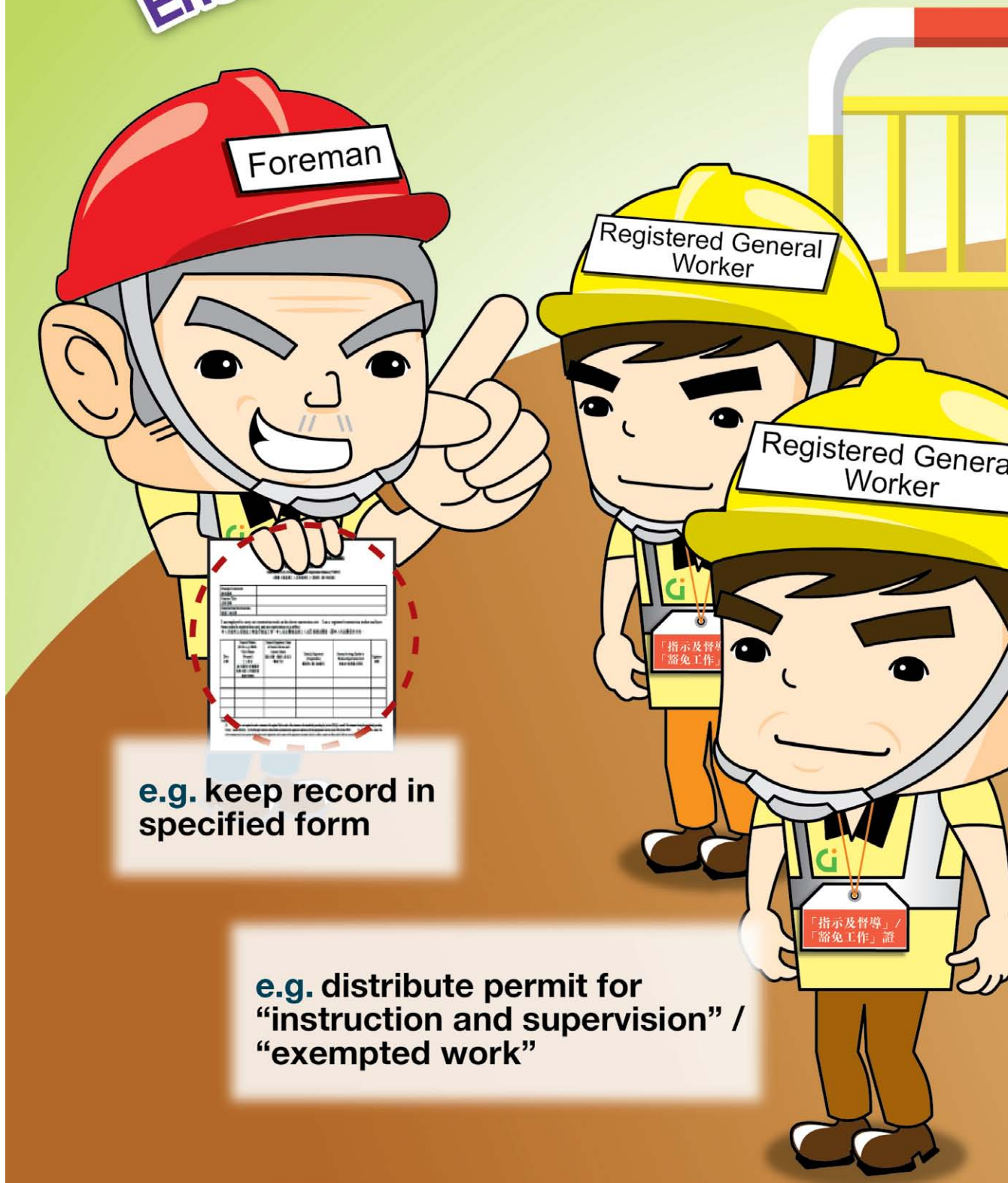


Exempted works

- Contractors may arrange registered general workers to carry out designated skill work of -
 - (i) emergency construction work in the first 48 hours upon becoming aware of it, or
 - (ii) designated small scale construction work.

(2) Exemption arrangement

Publicise exemption arrangements –
Ensure workers' understanding



e.g. display relevant information in a conspicuous place near the work site



Registered General Worker

Reasonable measures

- Contractor and sub-contractor shall implement reasonable measures to ensure that workers fully understand the “instruction and supervision” and “exempted work” arrangements.

Code of practice

- The Construction Industry Council will issue code of practice to provide guidance on the reasonable measures for reference of the industry.

(3) Amendments related to enforcement issues

Introduce defence for workers

Introduce a defence for workers

- It should be a reasonable defence for a non-skill-registered worker committing an offence of carrying out skill work if he was led to believe that he worked under “exemption” arrangement.



(4) Senior workers registration arrangement

One-off registration arrangement for senior workers



Senior workers registration

- Introduce a one-off grandfathering arrangement for senior workers who possess not less than 10 years' relevant working experience to register as registered skilled workers.

(5) Extension of validity period of registration

Extend registration
validity period

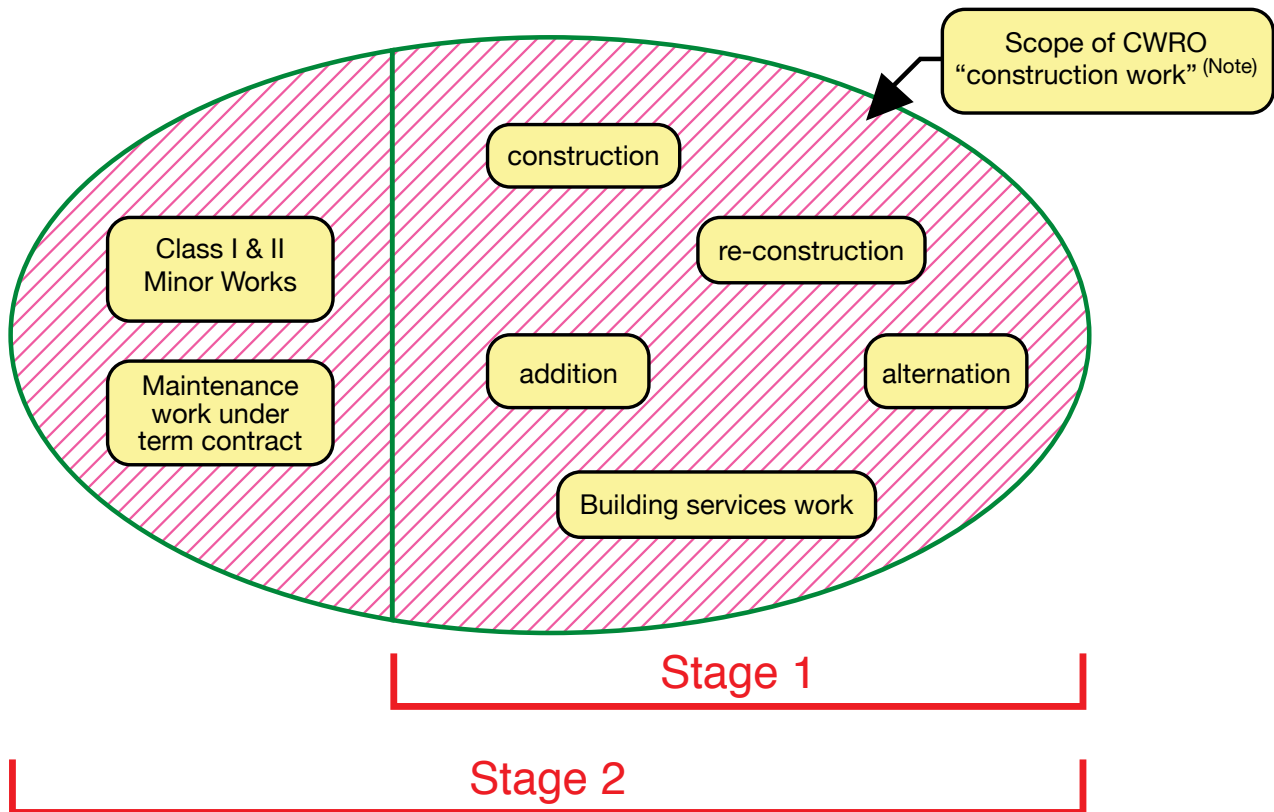
5
years



More convenient to workers

- Extend validity period of registration from 3 years to 5 years.

(6) Staging implementation of remaining phase of Prohibition



Note: Please refer to section 2 of CWRO for definition of "construction work" .

Proposed implementation time

- To implement Stage 1 of the remaining phase of Prohibition 2 years after commencement of the Amendment Bill to tally with the senior worker registration arrangement.
- Development Bureau and the Construction Industry Council would, after implementation of Stage 1 of the remaining phase of Prohibition, closely monitor the adaptation of the industry in order to determine an appropriate time for implementation of Stage 2.

Introduction

The Construction Workers Registration Ordinance (CWRO) was enacted in July 2004. Its principal objective is to establish a construction workers registration system through assessment and certification of the skill levels of all construction workers so as to ensure quality of construction works and to raise the status of construction workers. It also facilitates collection of more reliable data on labour supply for manpower planning and training.

On 29 December 2005, the Construction Workers Registration Authority¹ (CWRA) started the registration of construction workers and on 1 September 2007, implemented the Phase One Prohibition². Please refer to Annex 1 regarding the scope of prohibition. As some stakeholders would encounter difficulties upon implementation of the remaining phase of Prohibition³, it has yet to be in operation.

To facilitate implementation of the remaining phase of Prohibition, we have conducted extensive discussions with the industry stakeholders since 2010 on the proposed amendments to CWRO to address the issues of concern. After an industry-wide consultation from February to June 2012, a “Task Force on Amendments to CWRO” (Task Force)⁴ was established to consider and review the stakeholders’ views collected during the consultation and finalize the proposed amendments. The process of joint efforts to formulate proposed amendments is summarized in Annex 2.

We are very grateful to the Task Force members and the relevant stakeholders for their joint efforts and contributions in discussing and solving problems, with a view to facilitating the implementation of the remaining phase of Prohibition.

Note:

1. Upon amalgamation of CWRA and Construction Industry Council on 1 January 2013, the Construction Workers Registration Board was formed under the Council to perform the registration function under CWRO.
2. Phase One Prohibition of CWRO, i.e. prohibiting workers without registration to carry out construction work at construction site.
3. Forbidding people from undertaking construction work of designated trades unless they are relevant trade-registered workers or under “instruction and supervision” of the relevant trade-registered workers.
4. Members of the Task Force include Development Bureau, Construction Industry Council, The Real Estate Developers Association of Hong Kong, The Hong Kong Construction Association, The Hong Kong Federation of Electrical and Mechanical Contractors Limited, Hong Kong Construction Sub-Contractors Association, Hong Kong General Building Contractors Association, Hong Kong Construction Industry Employees General Union, The Federation of Hong Kong Electrical and Mechanical Industries Trade Unions and Construction Site Workers General Union.

Background

2 July 2004	CWRO was enacted
18 September 2004	CWRA was established
29 December 2005	Registration of construction workers commenced
1 September 2007	Phase One Prohibition came into operation
January 2010	A working group was formed to study the issues of concern
18 September 2010	An industry-wide brainstorming session was conducted to collect stakeholders' views
January 2011	"Committee on Review of CWRO" was established to facilitate detailed discussion with relevant stakeholders and formulate proposed amendments
February to June 2012	Consultation with industry stakeholders
August 2012	"Task Force on Amendments to CWRO" was established to review stakeholders' views collected during the consultation and finalize the proposed amendments
September to October 2013	To conduct an industry-wide briefing

Plan

In 2014	To introduce an Amendment Bill into LegCo
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(1) Revamp of Schedule 1

Due to fine division of labour long adopted in construction industry to meet evolving market needs, some workers only concentrate on one or two of the skill sets of a trade. While their skill levels are well proven and recognized in the industry, these workers often do not satisfy the registration requirement of the respective trade. Given that Construction Workers Registration Ordinance (CWRO) currently regulates on a “trade” basis, they would be forbidden to independently carry out their day-to-day work upon implementation of the remaining phase of Prohibition. However, according to the prevailing trade practice, the industry stakeholders have a consensus view that single-skilled workers are not required to possess the full skill set of the trade.

Change regulation basis from “trade” to “skill”

2. To cope with the modular skills developed under the current practice of division of labour adopted in the industry, we propose to categorize “trades” described in Schedule 1 of CWRO as relevant “skills”, with introduction of modular skill tests to regulate the skill standards. This arrangement can facilitate workers to register under their respective modular skills so that they can continue their daily work upon implementation of the remaining phase of Prohibition. It also helps maintain the manpower supply of skilled/ semi-skilled workers upon implementation of the remaining phase of Prohibition. The regulation basis of CWRO will be changed from “trade” to “skill” accordingly. Other existing trades without the need to categorize as modular skills will also collectively be referred to as “skills” with their work descriptions, registration requirements and skill level for registration remain unchanged unless stated otherwise.

3. The proposed categorization by “skills” involves the following 8 existing trades and 21 new skills–

Proposed new “skills”

Existing trade		Proposed division of trades <i>(Note 1)</i>	
1.	Carpenter (Formwork — Civil Construction)		Carpenter (Formwork – Civil Construction)
		(1)	Carpenter (Formwork – Civil Construction) (Striking)
2.	Carpenter (Formwork — Building Construction)		Carpenter (Formwork – Building Construction)
		(2)	Carpenter (Formwork – Building Construction) (Striking)
3.	Joiner		Joiner
		(3)	Joiner (Assembling)
4.	Asphalter (Waterproofing)		Waterproofing Worker <i>(Note 2)</i>
		(4)	Waterproofing Worker(Liquid Membrane)
		(5)	Waterproofing Worker(Burn-type Felt)
		(6)	Waterproofing Worker (Adhesive-type Felt)
5.	Plasterer		Plasterer
		(7)	Plasterer(Floor)
6.	Tiler		Tiler
		(8)	Tiler(Tile)
		(9)	Tiler(Mosaic)
7.	Marble Worker		Marble Worker
		(10)	Marble Worker(Polishing)
		(11)	Marble Worker(Dry Fixing)
		(12)	Marble Worker(Wet Fixing)
8.	Painter and Decorator		Painter and Decorator
		(13)	Painter and Decorator(Surface Filing)
		(14)	Painter and Decorator(Emulsion Painting)
		(15)	Painter and Decorator(Synthetic Painting)
		(16)	Painter and Decorator(Clear Lacquering)
		(17)	Painter and Decorator(Brushing Lacquering)
		(18)	Painter and Decorator(Paperhanging)
		(19)	Painter and Decorator(Sign writing)
		(20)	Painter and Decorator(Metal Paint Spray)
		(21)	Painter and Decorator(Roller Painting)
			Painter and Decorator(Texture-spray) <i>(Note 3)</i>

Note:

1. In order to retain the names of skilled workers already widely adopted in the construction industry and clearly set out the prohibition provisions with regulation basis as skill under CWRO, we propose to adopt “Division of trades” as the heading to name the skills and change the heading of work description to “Skill” to describe the details of work of various skills.
2. “Asphalter (Waterproofing)” renamed as “Waterproofing Worker” to better reflect its work.
3. “Painter (Texture-spray)” renamed as “Painter and Decorator (Texture-spray)” and categorized as a “skill” under “Painter and Decorator”.

Re-grouping “skills” of similar nature to form new trades

4. The existing trades in Schedule 1 of CWRO are listed according to alphabetical order of their English names. As such, trades of similar nature are not listed contiguously. For example, Carpenter (Formwork – Civil Construction) and Joiner possessing skills of woodwork are listed apart, in between with other “skills” including Communication System Mechanic, Concretor, Drainlayer, Electrical Wireman, General Welder, Glaizer, etc. Furthermore, as majority of stakeholders go for the Chinese version, it is difficult for them to look for information from Schedule 1 of CWRO.
5. We therefore propose to re-group the “skills” of similar nature to form new trades, i.e. only a change in presentation, to make Schedule 1 easier to comprehend. After revamping, the number of trades will be reduced from 99 to 37. The proposed new trades and “skills” will be listed according to the number of strokes of the Chinese name characters (按名稱筆劃排序).

Master “skills” under the same trade to be created

6. We propose to create a master “skill” for each of the new trades as appropriate, to allow workers possessing a group of “skills” to register as “master skilled-worker” of that particular group of skills. This arrangement recognizes and promotes the multi-skill development of workers for a trade, and set out the ladder for skill enhancement. It may also create a peer-group effect which encourages single-skilled workers to become multi-skilled through acquisition of other “skills” of the same group. This will not only enhance their competitiveness and employability⁵ in the industry, but also help nurture a multi-skilled construction labour force for the construction industry in the long run.

Note:

5. Construction workers may not be engaged to work every day due to the work cycle of their “skills”. For instance, a “plumber” may be idle when a building construction project is not ready for fitting-out work. If a “plumber” also possesses registration of other skills such as registered “pipelayer”, he may carry out pipelaying works during the idle period of plumber. Workers will more obviously have higher edge for possessing multiple skills during the period when the productivity of construction industry is relatively low.

7. We propose to adopt the following principles to consider if master “skill” is to be created for each group of “skills” –
- (1). According to the practice of construction industry, if one of the “skills” is already recognized as the master “skill”, the name of the master “skill” will be the same as that of the trade, with “(Master)” to be added at the end.
 - (2). If a master “skill” of the trade does not exist –
 - (a) according to the practice of construction industry, a worker can, in practice, obtain registrations for all “skills” of the trade, we propose to create a master skill for the trade. The names of the proposed trade and its master “skill” are the same, with “(master)” added to the end of the master “skill”;
 - (b) according to the practice of construction industry, a worker can, in practice, obtain registrations for a group of “skills” but not all of the trade, we propose to create a master skill for those groups of “skills”.
 - (3). If the work description of a “skill” already covers those work descriptions of all other “skills” belonging to the same trade, there is no need to create a master “skill” for the trade.
 - (4). If according to the practice of construction industry, there would virtually be no worker being able to obtain registrations for all “skills” (or a group of “skills”) of the trade, there is no need to create a master “skill” for the trade.
 - (5). No master “skill” will be created for those trades of single skill only.

Skill levels for registration for “skills”

8. We propose to adopt the following principles to determine the skill level for registration of the proposed new skills and master skills -

(i) New “skills” that are modular skills of trades

Skill levels for registration for modular skills of “skills” should follow those of the respective “skills”. If a “skill” is of single-skill, i.e. it is not practical to set different skill levels, only registration as skilled worker would be allowed.

(ii) Proposed master “skills”

Skill level for registration for a new master “skill” should follow those of the “skills” belonging to its group. If all “skills” of the group allow registration as both skilled and semi-skilled workers, the proposed master “skill” should allow registration as both skilled and semi-skilled workers. If one or more “skills” in the group allow registration as skilled worker only, the proposed master “skill” should also allow registration as skilled worker only.

According to Part 3 of Schedule 1 of CWRO, only registration as semi-skilled worker is allowed for both Builder’s Lift Operator and Painter (Texture-spray)⁶. According to the above principles, we propose to change the skill level for their 9 registrations to skilled-worker due to their single-skill nature.

Note:

6. “Painter (Texture-spray)” will be renamed as “Painter and decorator (Texture-spray)”.

Amendments to work description of “skills”

Grouting Worker

9. Regarding the proposal to create “Grouting Worker (Non-pressurized grouting)”, according to the existing industry practice, non-pressurized underground grouting is carried out by general workers. We therefore propose to amend the work description of “Grouting Worker” as “*To mix cement or other materials to carry out pressurized underground grouting work*”, so that non-pressurized underground grouting will not be regulated under CWRO.

Plumber

10. During the industry-wide consultation in 2012, relevant stakeholders pointed out that “Plumber” (including both registered skilled worker and registered semi-skilled worker) would carry out pipelaying and drainlaying work. They considered that the proposed work across arrangement could not cope with the industry practice as it is not applicable to semi-skilled worker and, in addition, a registered skilled worker for “plumber” is not allowed to give “instruction and supervision” to other workers for carrying out pipelaying or drainlaying work.

11. According to the practice of construction industry, “Plumber” is employed by the Licensed Plumber under Waterworks Ordinance (Cap.102) to carry out in premises and between premises⁷ and a connection to the main, piping works including water mains, drainage works with excavation not exceeding 1.2m, and pipes and fittings inside buildings.

Note:

7. Please refer to Waterworks Ordinance (Cap. 102) for the definition of “premises”.

12. The current work description of “Plumber” under CWRO reads “*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*”, which does not fully reflect the current industry practice. As such, upon discussion with the relevant stakeholders, we propose to amend the work description of “Plumber” as -

To assemble, install and repair -

(a) pipes and pipe-fittings, sanitary fixtures, cold, hot and flush water systems, and soil, waste and rain water drainage systems in buildings

(b) pipes and fittings in premises, and any pipes and fittings between premises and a connection to the main, (including the pipes and pipe-fittings⁸ forming part of a fire service) which are used for the purposes of a supply within the meaning of the Waterworks Ordinance (Cap 102)

13. Since drainage works with excavation not exceeding 1.2m will be exempted under CWRO, the relevant stakeholders considered that there is no need to amend the work description or propose work across arrangement in this respect.

Tunnel Worker

14. The current work description of “Tunnel Worker” has a relatively wide coverage and reads –

To carry out general construction work inside tunnels, including installing of temporary supports and working platforms, ventilation ducts, packers and protective fencings

Note:

8. Relevant stakeholders expressed that the industry clearly understands the meanings and differences of “fittings” (裝置) and “pipe-fittings” (配件) of a fire service, and stated that “plumber” will only carry out “pipe-fittings” works of a fire service. They also stated that automatic sprinklers and valves are not “pipe-fittings”.

15. We have consulted relevant stakeholders about the works carried out by the Tunnel Worker. According to the practice of construction industry, Tunnel Worker will carry out the following works inside tunnel –

- (1) To install and dismantle temporary working platforms
- (2) To install and dismantle temporary ventilation ducts
- (3) To install and dismantle temporary packers
- (4) To install and dismantle temporary protective fencings inside tunnel

We therefore propose to amend the work description of Tunnel Worker to –

To install and dismantle temporary working platforms, ventilation ducts, packers and protective fencings inside tunnel

Amendments to registration requirements of “skills”

Diver

16. According to CWRO, the registration requirement for “Diver” is to hold a relevant diving certificate and be certified by a registered medical practitioner that he is medically fit to dive, without the need to have relevant working experience in construction works. Having discussed with stakeholders, we propose to include an additional registration requirement “trade test” for Diver. Making reference to the trade test of “Plant and Equipment Operator (Tunnelling) – Tunnel Boring Machine”⁹, the “trade test” for Diver may be through recognition of the workers’ relevant training records signed by the employer and verified by relevant organizations (such as unions or trade associations, etc.). This proposal matches with the current trade practice that a new entrant of Diver will be assigned to receive training under supervision of an experienced diver for a period of time before allowed to work independently.

Note:

9. The trade test of “Plant and Equipment Operator (Tunnelling) – Tunnel Boring Machine” is through recognition of the workers’ relevant training records signed by the employer.

Allow to work across “skills”

17. In order to optimize the use of limited resources, it is a common practice in construction industry for a trade worker to be deployed to carry out other trade works of similar basic skills. However, upon implementation of the remaining phase of Prohibition under the existing provisions of CWRO, those workers would be forbidden to work across trades unless also registered in the other trades or under the necessary “instruction and supervision” stipulated under section 4 of CWRO. This would not only hamper labour mobility, but would also reduce overall productivity of the entire industry.
18. As such, we propose to allow registered skilled workers of selected “skills” to carry out other “skill” works independently, but not giving “instruction and supervision” (pursuant to section 4 of CWRO) to other workers for such works, subject to the following two criteria –
- Condition 1:** the concerned “skills” are of similar basic skills and of similar work process. “Skills” are considered to be of similar basic skills and of similar work process if, with reference to the actual trade practices, the works use similar materials, deploy similar mechanical/ electrical plants, or use tools of similar functions; and
 - Condition 2:** the concerned “skills” are of similar working condition in terms of construction safety e.g. using similar plants and tools, working at similar height etc, i.e. the skilled workers should be competent to carry out the other “skills” in a safe manner.

19. The proposed work across arrangement is tabulated below-

Group	Skills involved in the proposed work across arrangement (Please refer to Annex 3 for details)
(1)	Cement Sand Mortar Worker (including Bricklayer, Mason, Plasterer, Plasterer (Floor), Tiler, Tiler (Mosaic), Tiler(Tile)), Concrete Repairer (Spalling Concrete), Mable Worker (Dry Fixing), Marble Worker (Wet Fixing) and Paving Block Layer
(2)	Mable Worker (Dry Fixing), Marble Worker (Wet Fixing), Marble Worker (Polishing)
(3)	Joiner, Floor Layer (Timber Flooring) and Floor Layer (PVC Flooring)
(4)	Carpenter (Fender) and Joiner
(5)	Carpenter (Formwork – Civil Construction), Carpenter (Formwork – Building Construction), Carpenter (Formwork – Civil Construction)(Striking) and Carpenter (Formwork – Building Construction) (Striking)
(6)	Painter and Decorator (including Surface Filling, Emulsion Painting, Synthetic Painting, Clear Lacquering, Brushing Lacquering, Paperhanging, Metal Paint Spray (not for protection of structural steel work), Texture-spray and Roller Painting)
(7)	Fire Service Mechanic, Fire Service Mechanical Fitter and Plumber

20. Please refer to Annex 3 for details of the Revamp of Schedule 1.

(2) Exemption of “emergency construction work and “small scale construction work”

21. Rescue of life and protection to property are priority issues to tackle in emergency. Under such circumstances, it is not practical to strictly follow the requirements of deploying registered skilled/ semi-skilled workers under the remaining phase of Prohibition of CWRO. For example, it may be necessary for a contractor to deploy workers who are immediately available to reinstate the damaged road pavement at emergency incident in order to re-open the road to traffic as soon as possible. The industry therefore generally agrees that exemption should be introduced for emergency construction work.
22. On the other hand, there are small scale works (including patch up works) which involve different skills, for example filling an opening at concrete wall involving small quantities of formwork erection, steel bar fixing and concreting works. Due to the relatively simple work procedures, these works are normally carried out by general workers with relevant experience who however may not possess the required skill set to satisfy the registration requirements as skilled/ semi-skilled workers of the respective skills. Upon implementation of the remaining phase of Prohibition, these workers might not be allowed to independently carry out their day-to-day work and their livelihood would therefore be affected.

23. After several rounds of consultation, the industry stakeholders generally consider that workers for small scale construction work are not required to attain the semi-skilled/ skilled levels of specific trades to perform their works satisfactorily in terms of quality. It is agreed to exempt small scale construction work from the remaining phase of Prohibition such that those workers possessing relevant experience but not the required skill set to satisfy the registration requirements can continue to independently carry out their day-to-day work upon implementation of the remaining phase of Prohibition. Having regard to the scale and nature of works, it is not practical and also not the prevailing industry practice to require the works to be carried out by registered workers of different skills.

Subsidiary Legislation for exemption of “emergency construction work” and “small scale construction work”

24. Making reference to Building (Minor Works) Regulation, General Specification for Civil Engineering Works, technical guidelines of works departments and the practice of the industry, we worked jointly with relevant trade associations, labour unions¹⁰ and government departments¹¹ to develop details of the proposed exemption. We have also obtained the industry’s general support of the proposed exemption during consultation in early to mid-2012. We propose to introduce a subsidiary legislation to set out the details of exemption.

Note:

10. Relevant trade associations and labour unions include Hong Kong Construction Association, Hong Kong Construction Industry Employees General Union, Federation of Hong Kong Electrical & Mechanical Industries Trade Unions, Hong Kong Federation of Electrical and Mechanical Contractors Limited, Construction Industry Council, Hong Kong General Building Contractors Association, Hong Kong Construction Sub-contractors Association and Hong Kong Construction Miscellaneous Contractors Association.

11. Relevant government departments include Civil Engineering and Development Department, Drainage Services Department, Electrical & Mechanical Services Department, Architectural Services Department, Highways Department, Water Supplies Department, Agriculture, Fisheries and Conservation Department, Home Affairs Department, Housing Department and Buildings Department.

Items not to be exempted

25. We propose not to exempt some of the skills taking into consideration the following factors –
- (1) safety concerns, including safety to workers themselves, the public and other workers during construction, such as Rock Breaking Driller who are required to complete training course on the safe use of pneumatic or hydraulic drills;
 - (2) skills controlled by other legislations such as Electrical Fitters who are required to possess certificate of registration under the Electricity Ordinance (Cap. 406);
 - (3) skills having special registration requirements such as Divers who are required to possess certificate issued by authorized diving organizations; and
 - (4) skills the work of which cannot be quantified and may affect the functioning of the whole system / equipment / machinery, such as Communication System Mechanics who install and repair the whole communication system.
26. Excluding those not exempted due to the above reasons, a total of 45 out of 133 proposed skills will be exempted. Please refer to Annex 4 for details.

Exemption arrangement

27. In order to meet the operational needs under emergency circumstances and to address the lower skill level required by the construction practice for small scale works, we propose to exempt workers of the following works from the remaining phase of Prohibition of CWRO, i.e. these work are not required to be carried out by registered skilled/semi-skilled workers -

- (1) emergency construction work in its first 48 hours; or
- (2) small scale construction work, including:
 - (a) Designated small scale construction work;
 - (b) Works with quantities not exceeding the exempted threshold of designated “skills”, or
 - (c) Construction contract¹² with value not exceeding \$50,000.

(1) Emergency works in its first 48 hours

28. We propose that the remaining phase of Prohibition applies to the emergency construction work only after 48 hours upon the principal contractor being aware of the emergency incident. Based on the principle of according priority to rescue of life and protection to public property, we believe that this proposal should help strike a balance between the immediate need for dealing with emergency and for ensuring quality of construction works.

Note:

12. A works order (or a quotation, etc.) instructed under term contract for maintenance is treated as a construction contract.

Definition of “Emergency incident” and “Emergency construction work”

29. Making reference to –

- (a) the definition of “Emergency incident” under Land (Miscellaneous Provisions) Ordinance (Cap. 28); and
- (b) Hospital Authority’s advice that there had been bursting of hot water pipe in hospital, which requires emergency repair in order not to affect the clinical services such as sterilization of medical items and preparation of meal for patients,

we propose to define “Emergency incident” (緊急事故) as –

An incident the occurrence of which reasonably requires an immediate carrying out of construction work for the purpose of –

- (a) the saving of life of any person;
- (b) the prevention of injury to any person;
- (c) the prevention of damage to any public property; or
- (d) the prevention of serious interruption or disruption to any public transport system, utility services or medical services;

and “Emergency construction work” (緊急建造工作) as –

a construction work that is made or maintained consequential upon the occurrence of an emergency incident.

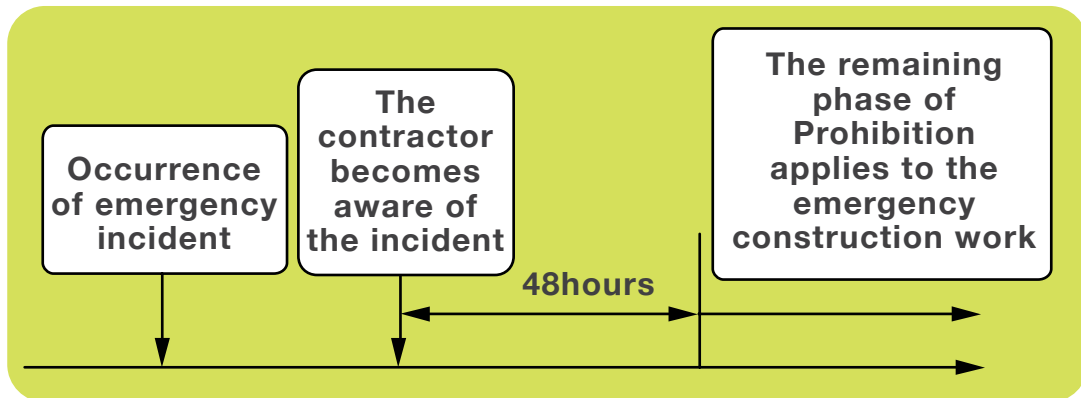
Exemption period of “emergency construction work”

30. In this respect, we have made reference to –

- (a) section 19 of Buildings Ordinance (Cap. 123), where any emergency renders it necessary to make safe any existing building or to carry out street works immediately, such work may commence without consent of the Building Authority and the building owner provided that, within 48 hours after its commencement, the building owner shall notify the Building Authority of such work; and
- (b) discussions and consultations in which stakeholders advised that contractors would deploy immediately available workers to deal with the emergency and at the same time arrange to deploy skilled workers to undertake skill work. In addition, stakeholders generally agree that 48 hours are reasonably required for contractor to deploy registered skilled/ semi-skilled workers during emergency situations.

31. Stakeholders in general agree that 48 hours would be sufficient for contractor to arrange on-site inspection to ascertain the scope of emergency construction work and to deploy registered skilled/ semi-skilled workers to carry out the necessary skill work.

32. Besides, contractors will normally be informed of the emergency incident and instructed to carry out make-good works by his employer. This arrangement would allow the time that the contractor becomes aware of the emergency incident to be clearly defined, as it could be verified by a third party. We therefore propose that the remaining phase of Prohibition applies to the emergency construction work only after 48 hours upon the principal contractor being aware of the emergency incident, as illustrated below –



33. Taking into account unforeseen circumstances (e.g. widespread landslips in the territory rendering deployment of relevant skill-registered workers not feasible within the first 48 hours upon the principal contractor becomes aware of the emergency incident (the skilled-worker-deployment period)), we propose to allow extension of the skilled-worker-deployment period by 24 hours. The principal contractor is required to submit a notification within the skilled-worker-deployment period to Construction Industry Council (CIC) with fair and reasonable reason(s) for the extension under unforeseen circumstances, for CIC to consider if the reason(s) are fair and reasonable. The skilled-worker-deployment period would be extended by 24 hours once notification is submitted, and prior approval by CIC is not required. If CIC considers the reason not justified, the principal contractor shall be so notified, and the skilled-worker-deployment period shall not be extended and the remaining phase of Prohibition shall apply to the emergency works at a reasonable time after the skilled-worker-deployment period as determined by CIC.

Records keeping and submission

34. For enforcement purpose, we propose to require both the principal contractor and the employer of workers to keep records of exempted emergency construction work in specified form e.g. to record the time the principal contractor becomes aware of the emergency incident, the commencement time of the emergency construction work, and description of construction work carried out by workers without relevant skill registrations. The specified form will be determined by CIC.
35. In addition, we propose to require the principal contractor to submit relevant records to CIC (e.g. by fax or email). The contractor can submit the record within 24 hours after the 48 hours skilled-worker-deployment period, i.e. within 72 hours after the contractor has been aware of the emergency incident. This allows the contractor to firstly focus on handling the emergency situation and have sufficient time to prepare relevant records for submission after the deployment of registered skilled/ semi-skilled workers.

2(a) Exemption of designated small scale construction work

36. We propose to exempt “designated small scale construction work” that are minor in nature and small in scale, and are normally carried out by general workers, from the remaining phase of Prohibition. Please refer to Annex 5 for details.

2(b) Exemption of works involving designated skills with quantities not exceeding the exempted threshold

37. As there are small scale works (including patch up works) that cannot be described by designated work item, for example filling an opening at concrete wall involving small quantities of formwork erection, steel bar fixing and concreting works, that are usually carried out by general workers, we propose to set a designated threshold of exempted quantities of “skills” to cover such works.

38. According to the Method of Measurement in paragraph 46, each of the designated “skill” works involved in such a discrete work item, which is isolated for construction due to operational need¹³ other than staging of construction, will be considered separately and exempted if its quantity does not exceed the respective proposed exempted threshold. However, if any of the designated “skill” of a work item exceeds the respective proposed exempted threshold, that skill should be carried out by a skill-registered worker or under “instruction and supervision” of a skill-registered worker.

39. Please refer to Annex 6 for details.

Note:

13. A work isolated for construction due to operational need (other than staging of construction) during construction, such as the example quoted in para.37, should be treated as an individual item for measurement.

2(c) Exemption of construction contract with value not exceeding \$50,000

40. The number and value of term contract for maintenance of works departments and specified bodies during the following period are summarized as follows -

	Period	Total No. of Works Orders	No. of Works Orders			
			Value ≤ \$50,000	%	Value > \$50,000	%
Works departments	September 2010 to September 2011	875,079	859,440	98%	15,639	2%
Specified bodies	January 2010 to December 2011	40,888	37,394	92%	3,494	8%
	Total	915,967	896,834	98%	19,133	2%

41. During the period from September 2010 to September 2011, about 875,000 works orders/ quotations were instructed under term contract for maintenance of Works Departments, of which 98% belonged to the proposed exempted small scale construction work under Items 2(a) and 2(b) above. For instance, construction of U-channel of 12m long and 300mm wide with excavation not exceeding 1.2m; installation of traffic sign with an area of 0.5m²; repair concrete road surface with an area of 25m²; and repair bituminous road surface of 45m², etc. The costs of all such works orders / quotations did not exceed \$50,000.

42. Besides, during the period from January to December 2011, about 40,000 works orders/ quotations were instructed under term contract for maintenance of specified bodies, of which 92% belonged to the proposed exempted small scale construction work under Items 2(a) and 2(b) above, such as trench excavation, repair of spalling concrete and installation of railings, etc. The costs of all such works orders / quotations did not exceed \$50,000.
43. The above small scale construction work are normally carried out by general workers. As such, we propose to exempt contracts with value not exceeding \$50,000 to set a clear demarcation by cost for easy reference and compliance with by the industry. As long as its contract value does not exceed the threshold, all works under the construction contract are exempted from the remaining phase of Prohibition. However, should there be a variation to the original contract during the course of construction, e.g. variation order (VO) issued under the contract making its original contract value exceed the threshold, such contract would become not exempted after issue of the VO.
44. In the process of preparing the Amendment Bill, we will review and finalize the exemption threshold for contract value with reference to the latest construction cost fluctuation.

Exemption coverage

45. Except those skills not to be exempted, i.e. skills not specified in Annex 4, we propose, with reference to Building (Minor Works) Regulation (Cap. 123N), that the exemption of construction work shall be construed as including all skills involved in the work and make-good work that are reasonably required for the purpose of carrying out the work.

Method of Measurement

46. The method of measurement of exempted small scale construction work is as follows -

“The exempted quantity of a designated “skill” shall refer to the total amount of the concerned work that are contiguous irrespective of whether the concerned work is constructed in stages.”

As such, authorized officers will consider construction works that are contiguous as one single work item during enforcement.

Reasonable measures on implementation of “exempted small scale construction work”

47. We propose that both the principal contractor and the employer of worker shall implement reasonable measures to clearly show the arrangement of exempted small scale construction work, and shall inform the relevant workers of the reasonable measures implemented on the site. If there is no reasonable measures implemented on the site or the relevant workers are not informed of the reasonable measures implemented, both the principal contractor and the employer of worker commit an offence. As long as such reasonable measures are implemented (either by the principal contractor or the employer of workers), both the principal contractor and the employer of workers should have discharged the relevant obligations. Similarly, as long as the concerned workers are informed of the reasonable measures (either by the principal contractor or the employer of workers), both the principal contractor and the employer of workers should have discharged the relevant obligations.

Code of Practice

48. We propose to empower CIC under CWRO to issue code of practice to provide guidance on the reasonable measures which, for example, may include –

- (1) keep record in specified form;
- (2) display notice in conspicuous place in vicinity of the concerned works; or
- (3) stick label on helmet of workers or issue a permit to workers who are deployed to carry out the exempted works.

49. Such code of practice should have a legal status where a failure to observe a provision in the code does not of itself make a person liable to any civil or criminal proceedings. However, the contravention or compliance with a relevant provision of the code may be taken into account by a court in legal proceedings.



(3) Amendments related to enforcement issues

50. According to the current provisions of CWRO regulating construction work¹⁴ carried out in construction site¹⁵, a “principal contractor” has the following legal liabilities -

- (1) employ registered workers;
- (2) ensure that his sub-contractor employs registered workers;
- (3) install card reading device at construction site;
- (4) maintain a register of statements for workers; and
- (5) maintain and submit workers’ daily attendance record.

A “sub-contractor” shall employ registered workers; and a “worker” shall register under CWRO before carrying out on construction sites construction work¹⁶.

51. According to section 6 of CWRO, defence is available for employer of worker and principal contractor in section 6(3) and 6(5) of CWRO respectively. However, it is a strict offence for a worker to carry out work of relevant trade without trade-specific registration and not under the required “instruction and supervision” of a skilled/ semi-skilled worker as required under section 4¹⁷ of CWRO. There is currently no defence for worker under CWRO. The industry stakeholders have expressed serious concerns about this strict offence provision upon implementation of the remaining phase of Prohibition. For example, it would still be a strict offence even if a non-skill-registered worker carried out work of that skill without the required “instruction and supervision” arrangement was led to believe that such “instruction and supervision” had been arranged by contractor.

Note:

14. Please refer to section 2 of CWRO for definition of “construction work”.

15. Please refer to section 2 of CWRO for definition of “construction site”.

16. This paragraph just briefly describes the legal liabilities of the relevant persons. For details, please refer to sections 3, 5, 38, 47, 48, 49 and 58 of CWRO.

17. According to Section 4 of CWRO, a worker without registration of a designated trade may carry out work of that trade under the “instruction and supervision” of a registered skilled/ semi-skilled worker for that trade.

52. Separately, according to section 18(1)(f) of CWRO, “any person found on site” must provide information that may enable the authorized officer¹⁸ to identify the principal contractor for the site or the employer of the worker who personally carries out on construction site construction work. However, it is not rare that the persons possessing such information are not found on site during the limited time of site inspection by the authorized officer who may therefore have difficulties in collecting evidence under the existing provisions.

Introduce a defence for workers under offence of prohibition provisions

53. We propose to introduce a defence for workers under CWRO. For example, it should be a reasonable defence for a worker who commits an offence of carrying out work to which he is not registered if he was led to believe that –

- (a) the required “instruction and supervision” under section 4 of CWRO would be arranged by contractor, or
- (b) he is carrying out “exempted works”.

The worker must prove that -

For “instruction and supervision”

He believes, and that it is reasonable for him to believe, that he carried out work to which he was not registered, under the “instruction and supervision” of the relevant registered skilled/ semi-skilled workers.

For “Exempted construction work”

He believes, and that it is reasonable for him to believe, that he was carrying out “exempted works”.

Note:

18. Authorized officer means a person who is appointed under section 16(1) of CWRO.

Enhance evidence collection

54. Persons possessing information that could identify the principal contractor or the employer of worker may usually not be found on site during the limited time of site inspection by the authorized officer who may therefore have difficulties in collecting evidence under the existing provisions. We therefore propose to amend the relevant provisions so that the authorized officer may request any person (on or off site) concerned with the carrying out of any construction work within the site to provide information relating to the investigation of an offence or a suspected contravention of the requirements of the Ordinance. The proposed power of the authorized officer shall be exercisable on or off site and is subject to section 18(2)¹⁹ of CWRO, i.e. the authorized officer shall not exercise the power unless he reasonably believes that the person has the information.

Note:

19. Section 18(2) of CWRO reads “An authorized officer shall not exercise the power under subsection (1)(f) unless he reasonably believes that the person has the information”.

(4) Senior workers registration arrangement

55. Under CWRO, counting up to 29 December 2005, a worker having an aggregate of not less than six years' working experience in a trade can apply for registration as a registered skilled worker (provisional) (RSW(P)) for the trade. The provisional registration is valid for three years and not renewable, unless under special circumstances²⁰ (Note: According to section 42 of CWRO, provisional registration is not applicable to trades with special registration requirements (including those requiring the possession of relevant qualifications under other ordinances)). According to section 39(3) of CWRO, the registration of RSW(P) will expire on a day to be appointed by the Secretary of Development by notice published in the Gazette.

56. An RSW(P) may register as skilled worker through either one of the following means –

- (a) complete a relevant Specified Training Course (STC)²¹ and pass the assessment conducted during or at the end of the course; or
- (b) fulfill the registration requirement under CWRO (e.g. pass a relevant trade test).

Upon expiry of his provisional registration, the concerned worker would have to take relevant trade test to register as a registered skilled worker.

57. The enrolment rate of RSW(P) for STC is however consistently low. This indicates that the arrangement intended to resolve senior workers registration (via provisional registration and STC) has not achieved a satisfactory result.

Note:

20. Please refer to sections 40(4), 40(7), 45 and 45A of CWRO regarding the provisional registration arrangement. According to section 45A of CWRO, a worker can apply for extension of his registration. The Registrar may accept the application only if the Registrar is satisfied that a specified ground (e.g. cannot attend or complete the trade test/ assessment required for registration due to illness or injury) exists or the Registrar thinks it fair and reasonable to accept the application. If the application is accepted, the Registrar may extend the provisional registration for a period not exceeding 12 months.

21. The training course is specified under section 41 of CWRO.

58. Up to the moment, this group of senior workers has already acquired more than 10 years' working experience. Having acquired well-recognized experience and skills, these senior workers are well respected and earn a living as senior skilled workers. Besides, some of them have been taking up supervisory positions mainly giving instruction and supervision to other workers. However, upon implementation of the remaining phase of Prohibition, they would be forbidden to independently carry out their trade work or give instruction and supervision unless they register as trade workers.
59. On the other hand, there is another group of senior workers joining the construction industry between end 1999 and end 2004 who, though not entitled to register as RSW(P), would also have at least 10 years' experience up to the time when the Amendment Bill is scheduled for enactment²².
60. Industry stakeholders generally share the views that a construction worker with not less than 10 years' experience working in a skill should possess full-fledged craft and should be recognized as a competent skilled worker of that skill. As such, on various occasions, most stakeholders have expressed strong wishes for a grandfathering arrangement under CWRO for those senior workers. In addition, the first group currently entitled to a senior worker registration route (i.e. via provisional registration and STC) should have a comparatively more favourable arrangement than that for the second group.

Note:

22. Assuming that the Amendment Bill would be passed in end 2014 and that those senior workers have been continuously working in the construction industry.

Senior Worker Registration Arrangement

Existing “skills”

61. We noted that there are similar one-off senior worker registration arrangements under other relevant ordinances to recognize senior workers’ experience and retain them in the industry. We therefore propose to introduce a one-off grandfathering arrangement for the following two groups of senior workers who will have possessed an aggregate of not less than 10 years’ relevant working experience on an individual “skill” upon enactment of the Amendment Bill (Note: Senior worker registration arrangement is not applicable to skills with special registration requirements (including those requiring the possession of relevant qualifications under other ordinances)) –

*Group 1*²³ –

Senior workers satisfying *Condition (A)* may directly apply for registration as RSW.

*Group 2*²⁴ –

Senior workers not satisfying *Condition (A)* may take an assessment²⁵ for registration as RSW.

Condition (A)

Possessing an aggregate of not less than 6 years’ relevant working experience on an individual “skill” as at 29 December 2005²⁶, (i.e. satisfying requirement for registration as RSW(P) under CWRO, no matter whether holding valid provisional registration, provisional registration expired or not yet registered)

Note:

23. Group 1 senior worker shall have not less than 6 years relevant working experience before 29 December 2005, and shall have an aggregate of 10 years relevant working experience before enactment of the Amendment Bill. These workers are defined as senior workers under CWRO, and are proposed to accept their additional work experience to replace STC for recognition of their skill level.

24. Group 2 senior worker is not eligible to register as an RSW(P) under CWRO, but these workers shall have accumulated similar work experience as those senior workers in Group 1 at the time when the Amendment Bill is enacted, i.e. at least 10 years’ experience of relevant trade. They should have attained the required skill of the relevant trade, but are not currently defined as senior workers under CWRO. It is therefore suggested that they should pass an assessment for registration as skilled workers.

25. The assessment will be devised by the CIC in consultation with industry stakeholders.

26. 29 December 2005 was the day on which workers registration under CWRO commenced.

New “skills” to be added to CWRO after enactment of Amendment Bill

62. We propose that the one-off grandfathering arrangement is also applicable to new “skills” that may be added to CWRO after enactment of the Amendment Bill. Senior workers of new “skill” may directly apply for registration as RSW if satisfying the following condition (Note: Senior worker registration arrangement is not applicable to skills with special registration requirements (including those requiring the possession of relevant qualifications under other ordinances)) –

*Condition*²⁷ -

Possessing an aggregate of not less than 10 years relevant working experience on the new “skill” upon publication of notice in the Gazette²⁸ to add new “skill” to CWRO.

Deadline for application for senior workers registration

63. At present, senior workers may register as registered workers through two channels. The first one is to attain the registration requirements (e.g. pass a trade test) as listed in Schedule 1 of CWRO. The second is to first apply for registration as registered skilled worker (provisional) and then complete the STC and pass its assessment of the relevant trade. Senior workers registration arrangement, which is a one-off arrangement, provides senior workers with an additional channel for registration as registered workers before implementation of the remaining phase of Prohibition. This arrangement allows senior workers to continue carrying out their work or giving “instruction and supervision” of the relevant skills. It is expected that the senior workers registration would take about 2 years to complete.

Note:

27. For new trades to be added to CWRO after enactment of the Amendment Bill, the requirements of possessing 6 years relevant working experience before 29 December 2005 and 10 years relevant working experience before enactment of the Amendment Bill are not applicable.

28. According to s.65 of CWRO, the Secretary may, by notice published in the Gazette, amend Schedule 1.

In this respect, we propose to set the deadline for application of senior workers registration at 18 months counting from commencement of the Amendment Bill to allow 6 months for CIC to complete the registration procedures (including approval, assessment and issue of registration cards). A worker may still apply for taking the trade test in case he fails to register through the senior workers.

Commencement date of remaining phase of Prohibition

64. To set a clear target for construction industry to prepare for implementation of the remaining phase of Prohibition, we propose to pre-set its commencement date, i.e. a day on which all remaining provisions of CWRO that are yet to be in force will come into operation. Having gauged the number of workers who would apply for registration for specific trades prior to implementation of remaining phase of Prohibition, we propose to set the commencement date to be two years after enactment of the Amendment Bill. In this connection, we also propose to incorporate provisions so that SDEV may amend the pre-set commencement date by notice published in the Gazette to cope with the situation that the number of senior workers turns out to be higher than expected.
65. The time required for processing application and experience certification of new “skill” senior workers would depend on the number of such workers and could only be determined when the need for adding a new “skill” arises. Therefore, we propose that the remaining phase of Prohibition comes into operation for new “skill” on a day to be appointed by SDEV by notice published in the Gazette.

Provisional registration under CWRO

66. We propose not to accept further application for provisional registration under CWRO upon enactment of the Amendment Bill. Nevertheless, workers holding valid RSW(P) registrations are allowed to take and complete relevant STCs to obtain registration as RSW until expiry of their provisional registrations.

(5) Extension of validity period of registration

67. Section 44 of CWRO stipulates that the Registrar can specify the registration of a worker to expire within 1 to 4 years after the registration or renewal date. According to section 40 of CWRO, a worker must hold a safety training course certificate, with validity period of 3 years, issued under the Factories and Industrial Undertakings Ordinance (Cap. 59) before registering as a registered construction worker. Before expiry, the worker must complete the new safety training course for a new Green Card. Therefore, at present, construction workers registration cards are generally valid for 3 years.

68. Currently, construction workers are allowed to record the information of other construction-related cards on the registration card under CWRO. We propose to extend the validity period of the registration card from 3 years to 5 years to tally with those of most other construction-related cards²⁹, and to reduce workers' burden for card renewal.

Note:

29. The validity period of construction-related cards are normally 3 years (about 35%) or 5 years (31%).

(6) Staging implementation of remaining phase of Prohibition

69. Upon implementation of the remaining phase of Prohibition, industry stakeholders would need to deploy relevant registered skilled/ semi-skilled workers to carry out relevant skill work, or to arrange relevant “instruction and supervision” for general workers. As contractors, employers of workers and workers would all need to have a thorough understanding of the new provisions, the stakeholders have expressed that they would need a period of gradual adaptation in order to comply with the new requirements.
70. Most Class I and II Minor Works under Building (Minor Works) Regulation (B(MW)R) comprise relatively larger scale minor works involving structure of specified structure, which fall within the scope of CWRO. During the consultation in early to mid-2012, stakeholders expressed that the construction industry was still in the process of adapting to the new requirements under the minor works control system which was launched on 31 December 2010 and requested that Class I and II Minor Works under B(MW)R be regulated under the remaining phase of Prohibition at a later stage.



71. In addition, according to our research, about 98% and 92% works orders/ quotations instructed in a year under term contract for maintenance of specified structure of works departments and specified bodies respectively are small scale construction work that do not need to be carried out by skilled/ semi-skilled workers of the respective trades. Nevertheless, even though we exclude those works of minor nature and small scale, the remaining amount (about 20,000 no. per year) of relatively larger scale works instructed under works orders/ quotations of term contracts would generate vast demand in resources for relevant stakeholders to comply with the new requirements and also for enforcement upon implementation of the remaining phase of Prohibition under CWRO. During the consultation from early to mid 2012, stakeholders have expressed that it would be necessary to implement the remaining phase of Prohibition in stages based on the principle of regulating major works first. They consider that term contract for maintenance should be regulated under the remaining phase of Prohibition at a later stage so as to facilitate a smooth implementation.

72. With reference to the views from the industry, we propose to introduce further staging implementation of the remaining phase of Prohibition as follows -

Stage 1 – to cover new construction and major addition, alteration and improvement works³⁰

Stage 2 – to extend to the maintenance work carried out under a term contract for maintenance of any specified structure of a public body or a specified body³¹, and Class I and II Minor Works under B(MW)R

Note:

30. i.e. the works described under items (a) and (b) of the definition of “construction work” in Section 2(1) of the CWRO, except Class I and II Minor Works under B(MW)R.

31. i.e. the works described under item (c) of the definition of “construction work” in Section 2(1) of the CWRO.

Proposed implementation time

73. We propose to implement Stage 1 of the remaining phase of Prohibition 2 years after commencement of the Amendment Bill to tally with the senior worker registration arrangement³².

74. We propose that the Development Bureau and the Construction Industry Council should, after implementation of Stage 1 of the remaining phase of Prohibition, closely monitor the adaptation of the industry and assess the implications of implementation of Stage 2 of the remaining phase of Prohibition in order to determine an appropriate time for implementation. As such, we propose that the implementation of Stage 2 should be announced by the Secretary for Development by means of gazette.

Note:

32. Please refer to “Senior Workers Registration Arrangement”.

(7) Other Amendments

Exclude Class III Minor Works and Designated Exempted Works under Building (Minor Works) Regulation (B(MW)R) from scope of prohibition provision under CWRO

75. Some Class III Minor Works and Designated Exempted Works under B(MW)R involve structure of specified structure, which fall within the scope of CWRO. However, Class III Minor Works under B(MW)R are mostly minor household works and involve only one or two workers such as erection of metal supporting frame for an air-conditioning unit. These works which are minor in nature and small in scale are not the targets of regulation under CWRO. Also, those workers may not possess a skill level sufficient for fulfilling the registration requirements of those trades, and some works even involve a number of trades. On the other hand, an individual self-employed worker may be registered as a Registered Minor Works Contractor (Individual) (RMWC(Ind)) for carrying out Class III Minor Works. Stakeholders have expressed that they only possess skills for the minor works and they would unlikely have the knowledge to understand and comply with the requirements on a principal contractor or employer of the worker stipulated in CWRO and that it would not be realistic to expect them to acquire such knowledge. Besides, while it is required under B(MW)R to submit certificate of completion of Class III Minor Works to the Building Authority within 14 days after completion of work, notification prior to its commencement is not required. If commencement of Class III Minor Works is not known, enforcement under CWRO would be a problem. On the other hand, should Class III Minor Works be regulated under CWRO, a mechanism to make known the commencement of work would need to be introduced, which might impose additional requirements on Class III minor works contractors, specifically (RMWC(Ind)), who have been adopting the regulations under simplified procedures of B(MW)R.

76. In addition, the scale of Designated Exempted Works under B(MW)R is even smaller than that of Class III Minor Works. Enforcement under CWRO for this kind of works would face the same enforcement problem as that for Class III Minor Works as described above.

77. Therefore, we propose to exclude Class III Minor Works and Designated Exempted Works under B(MW)R from scope of prohibition provisions under CWRO.

Section 4 of CWRO

Reasonable measures on “instruction and supervision” arrangement

(Note: Please refer to “Exemption of emergency construction work and small scale construction work” regarding the reasonable measures on the “proposed exemption”.)

78. We propose that both the principal contractor and the employer of worker shall implement reasonable measures to clearly show the “instruction and supervision” arrangement, and shall inform the relevant workers of the reasonable measures implemented on the site. If there is no reasonable measures implemented on the site or the workers are not informed of the reasonable measures implemented, both the principal contractor and the employer of worker, without reasonable excuse, commit an offence. As long as such reasonable measures are implemented (either by the principal contractor or the employer of workers), both the principal contractor and the employer of workers should have discharged the relevant obligations. Similarly, as long as the concerned workers are informed of the reasonable measures (either by the principal contractor or the employer of workers), both the principal contractor and the employer of workers should have discharged the relevant obligations.

Code of Practice

79. We propose to empower CIC under CWRO, to issue code of practice to provide guidance on the reasonable measures which, for example, may include –

- (1) keep record in specified form;
- (2) display notice in conspicuous place in vicinity of the concerned works; or
- (3) issue a permit to workers who are working under the “instruction and supervision” of a skill-registered worker.

80. Such code of practice should have a legal status where a failure to observe a provision in the code does not of itself make a person liable to any civil or criminal proceedings. However, the contravention or compliance with a relevant provision of the code may be taken into account by a court in legal proceedings.

Workers’ daily attendance record

81. According to Section 58 of the CWRO, principal contractors shall provide card reading device to retrieve the data stored in workers’ registration card, and to submit daily attendance records of registered construction workers (including workers employed by the sub-contractors) carry out construction works at the construction sites. However, it is not specified under CWRO that the daily attendance record shall be generated directly from the card reading device. It is noted that some of the daily attendance records are generated by contractors manually.

82. We consider that the daily attendance records shall be generated without tampering from the card reading device provided by the principal contractor under section 58, unless the construction work are those described in section 58(1)(a) or (b), or exemption is applied/ granted under section 58, to ensure accuracy of the data for manpower planning and training. We will amend CWRO accordingly.

Levy

83. Currently, CIC collects levies from relevant contractors under Section 23 of CWRO and Section 32 of the Construction Industry Council Ordinance respectively. Our intention is to allow CIC to make use of the levies collected with a free hand in allocating funds for the performance of its functions under both ordinances. Nevertheless, as both ordinances do not have provisions to clearly state the above intention, we propose to incorporate amendments to make it clear in the legislation.



Construction Workers Registration Ordinance Scope of prohibition

The scope of prohibition under CWRO is defined by the definitions of “construction work” and “construction site” under its Section 2. The definitions with illustrative examples are listed below -

(1) Definitions of “construction work” and “construction site” under section 2 of CWRO

“construction work”(建造工作)–

(a) means –

- (i) the construction, erection, installation or reconstruction of any specified structure;
- (ii) 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;

“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 —

(a) in the case of construction work falling within paragraph (a) or (b) of the definition of “construction work” in this section —

- (i) in respect of which the Buildings Ordinance (Cap 123) applies; and
- (ii) 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,

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;

(b) 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;

(2) Illustrative examples

“construction work”-

(a)(i) Construction and reconstruction works of specified structure

For example



Note: The above is only a brief description of “construction work”. Please refer to Section 2 of CWRO for its definition.

(a)(ii) Building operation involving addition, alteration, repair and dismantle works of structure of specified structure

For example

Alteration of floor slab



Addition of staircase



(a)(iii) Building operation involved in preparing for construction, re-construction, addition, alteration works, etc.

For example

Site Investigation



Excavation of earth



Note: The above is only a brief description of “construction work”. Please refer to Section 2 of CWRO for its definition.

(a)(iv) Building operation or building services work forming integral part of, or rendering complete, any construction, re-construction, addition, alteration works, etc.

For example



Note: The above is only a brief description of “construction work”. Please refer to Section 2 of CWRO for its definition.

(b) Building services work involving structure of specified structure

For example



Making opening for installation of building services

Note: The above is only a brief description of “construction work”. Please refer to Section 2 of CWRO for its definition.

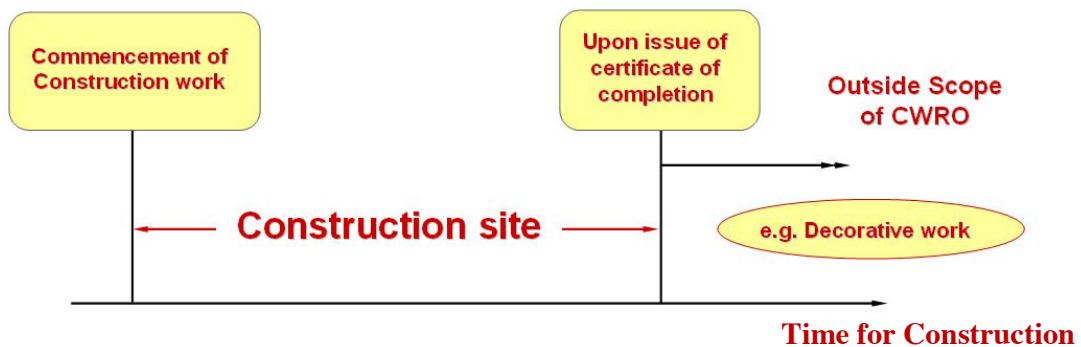
(c) Maintenance work, carried out under a term contract for maintenance, of specified structure owned by a public body or a specified body

For example



Note: The above is only a brief description of “construction work”. Please refer to Section 2 of CWRO for its definition.

“construction site”-



Note: The above is only a brief description of “construction site”. Please refer to Section 2 of CWRO for its definition.

Process of joint efforts to formulate proposed amendments

To facilitate implementation of the remaining phase of prohibition, we have conducted extensive discussions with the industry stakeholders since 2010 on the proposed amendments to CWRO to address the issues of concern. The process could be broadly divided into the following four stages –

(1) Study on issues

In January 2010, the Development Bureau (DEVB) and CWRA jointly established a working group to study the problems. An industry wide-brainstorming session was conducted in September 2010 to collect stakeholder's views. It was concluded that prior to the implementation of the remaining phase of Prohibition, it would be necessary to amend CWRO to address the issues of concern.

(2) Formulation of proposed amendments

CWRA established a "Committee on Review of CWRO" in January 2011 to study and discuss in detail with the relevant stakeholders to formulate the proposed amendments. An initial proposal was completed in January 2012.

(3) Consultation

From February to June 2012, we consulted the relevant stakeholders on the proposed amendments. Besides, we conducted an industry - wide consultation forum in June 2012 to widely collect views from the industry.

(4) Finalizing the proposed amendments

Subsequently in August 2012, DEVB established a "Task Force on Amendments to CWRO" to review and finalize the proposed amendments taking into account stakeholders' views collected during the consultation.

During the above process, we have conducted a total of 85 no. meetings with the relevant stakeholders with details at the Appendix .

Appendix: Summary of meetings with relevant stakeholders

Date	Bodies / Organizations / Meetings	
<p>(1) Study on issues We met the following bodies/persons to understand the relevant industry practices and the expected difficulties. We also conducted an industry - wide brainstorming session to collect views from relevant stakeholders.</p>		
1.	25 June 2010	Hong Kong Construction Miscellaneous Contractors Association
2.	25 August 2010	Workers of minor, maintenance and miscellaneous works of building construction
3.	30 August 2010	Housing Department
4.	1 September 2010	Workers of minor, maintenance and miscellaneous works of civil construction
5.	2 September 2010	Buildings Department
6.	18 September 2010	Industry-wide brainstorming session
<p>(2) Formulation of proposed amendments “Committee on Review of CWRO” and its working group held a number of meetings with the following bodies to discuss industry’s concerns and formulate proposed amendments.</p>		
7.	3 March 2011	1 st meeting of “Committee on Review of CWRO”
8.	7 April 2011	2 nd meeting of “Committee on Review of CWRO”
9.	26 April 2011	Relevant trade associations and labour unions of E&M trades
10.	28 April 2011	Relevant trade associations and labour unions of Painter and Decorator
11.	5 May 2011	3 rd meeting of “Committee on Review of CWRO”
12.	1 June 2011	Hong Kong Construction Industry Employees General Union
13.	22 June 2011	Hong Kong Construction Industry Employees General Union
14.	30 June 2011	4 th meeting of “Committee on Review of CWRO”
15.	15 July 2011	Relevant trade associations and labour unions of Cement-sand Mortar trade
16.	19 July 2011	Relevant trade associations and labour unions of Concretor
17.	21 July 2011	Relevant trade associations and labour unions of Plumber
18.	22 July 2011	Relevant trade associations and labour unions of wood work trade
19.	26 July 2011	Relevant trade associations and labour unions of Refrigeration/Airconditioning/Ventilation Mechanic trade
20.	28 July 2011	Relevant trade associations and labour unions of Painter and Decorator
21.	4 August 2011	5 th meeting of “Committee on Review of CWRO”

Date		Bodies/ Organizations / Meetings
22.	13 October 2011	6 th meeting of “Committee on Review of CWRO”
23.	2 November 2011	Meeting between working group under “Committee on Review of CWRO” and works departments
24.	15 November 2011	Meeting of working group under “Committee on Review of CWRO”
25.	18 November 2011	Meeting of working group under “Committee on Review of CWRO”
26.	28 November 2011	Meeting between working group under “Committee on Review of CWRO” and works departments
27.	7 December 2011	Meeting of working group under “Committee on Review of CWRO”
28.	7 December 2011	Relevant trade associations and labour unions of Cement-sand Mortar trade
29.	9 December 2011	Relevant trade associations and labour unions of Carpenter (Formwork), Floor Layer and Joiner
30.	12 December 2011	Relevant trade associations and labour unions of Pipelayer, Plumber and Drainlayer, Housing Department, Water Supplies Department and Drainage Services Department
31.	23 December 2011	Meeting of working group of “Committee on Review of CWRO”
32.	3 January 2012	Relevant trade associations and labour unions of Painter and Decorator, and Housing Department
33.	10 January 2012	Meeting of working group of “Committee on Review of CWRO”
34.	13 January 2012	Relevant trade associations and labour unions of Cement-sand Mortar trade
35.	19 January 2012	7 th meeting of “Committee on Review of CWRO”
36.	7 February 2012	Relevant trade associations and labour unions of Cement-sand Mortar and Painter and Decorator, and Housing Department
37.	1 March 2012	The Hong Kong Federation of Electrical & Mechanical Contractors
38.	12 March 2012	Relevant trade associations and labour unions of E&M trade, and Electrical and Mechanical Services Department
39.	20 March 2012	Relevant trade associations and labour unions of Bar Bender and Fixer, and Housing Department
40.	8 June 2012	Relevant trade associations and labour unions of Carpenter (Formwork), Floor Layer and Joiner, and Housing Department
41.	12 June 2012	Relevant trade associations and labour unions of Pipelayer, Plumber and Drainlayer, Housing Department, Water Supplies Department and Drainage Services Department
42.	13 June 2012	Relevant trade associations and labour unions of Painter and Decorator, and Housing Department
43.	14 June 2012	Relevant trade associations and labour unions of E&M trades
44.	28 June 2012	8 th meeting of “Committee on Review of CWRO”

Date	Bodies/ Organizations/ Meetings
(3) Consultation We consulted the following organizations and organized three construction industry-wide consultation sessions.	
45.	21 February 2012 Construction Industry Training Board
46.	22 March 2012 The Federation of Hong Kong Electrical & Mechanical Industries Trade Unions
47.	27 March 2012 The Hong Kong Federation of Electrical & Mechanical Contractors
48.	11 April 2012 Hong Kong Construction Industry Employees General Union
49.	20 April 2012 Construction Site Workers General Union
50.	4 May 2012 Hong Kong Construction Sub-contractors Association
51.	8 May 2012 The Hong Kong Construction Association
52.	10 May 2012 Hong Kong General Building Contractors Association
53.	25 May 2012 Public bodies and specified bodies
54.	29 May 2012 am New Territories' contractors and Home Affairs Department
55.	29 May 2012 evening Other trade associations and labour unions not belonging to the above organizations
56.	31 May 2012 Works departments
57.	6 June 2012 The Real Estate Developers Association of Hong Kong
58.	16 June 2012 am Construction industry-wide consultation session – 1 st session
59.	16 June 2012 pm Construction industry-wide consultation session – 2 nd session
60.	19 June 2012 Construction industry-wide consultation session – 3 rd session
61.	24 August 2012 Minor Works Contractor Association
62.	16 September 2012 Nepalese Construction Workers Union
63.	25 October 2012 Hong Kong Building Contractors
(4) Finalizing the proposed amendments “Task Force on Amendments to CWRO” and its working group held a number of meetings and a conduct further discussions with the following bodies.	
64.	29 August 2012 1 st meeting of “Task Force on Amendments to CWRO”
65.	21 September 2012 1 st meeting of working group under “Task Force on Amendments to CWRO”
66.	5 October 2012 2 nd meeting of “Task Force on Amendments to CWRO”
67.	26 October 2012 2 nd meeting of working group under “Task Force on Amendments to CWRO”
68.	2 November 2012 3 rd meeting of “Task Force on Amendments to CWRO”
69.	28 November 2012 3 rd meeting of working group under “Task Force on Amendments to CWRO”

Date		Bodies/ Organizations/ Meetings
70.	7 December 2012	4 th meeting of “Task Force on Amendments to CWRO”
71.	29 January 2013	5 th meeting of “Task Force on Amendments to CWRO”
72.	28 February 2013	6 th meeting of “Task Force on Amendments to CWRO”(Note: Representatives from trade associations and labour unions of Cement-sand Mortar and Marble trades, Architectural Services Department, Housing Department and Highways Department attended the meeting.)
73.	6 March 2013	Representatives of Diver trade
74.	11 March 2013	4 th meeting of working group under “Task Force on Amendments to CWRO” (Note: Representatives of contractors carrying out tunneling work attended the meeting.)
75.	20 March 2013	7 th meeting of “Task Force on Amendments to CWRO” (Note: Representatives from trade associations and labour unions of Carpenter(Formwork), Floor Layer, Joiner and Painter and Decorator, Architectural Services Department and Housing Department attended the meeting.)
76.	5 April 2013	5 th meeting of working group under “Task Force on Amendments to CWRO”
77.	24 April 2013	8 th meeting of “Task Force on Amendments to CWRO” (Note: Representatives from trade associations and labour unions of Plumber, Architectural Services Department, Housing Department, Drainage Services Department and Water Supplies Department attended the meeting.)
78.	30 April 2013	Representatives of Diver trade, and Civil Engineering and Development Department
79.	7 May 2013	Frontline supervisory staff of contractors
80.	8 May 2013	Relevant trade associations and labour unions of Fire Service Mechanic and Water Supplies Department
81.	9 May 2013	Representatives of Diver trade
82.	22 May 2013	6 th meeting of working group under “Task Force on Amendments to CWRO”
83.	28 May 2013	Relevant trade associations and labour unions of Plumber and Fire Service Mechanic, Architectural Services Department, Housing Department, Drainage Services Department and Water Supplies Department
84.	30 May 2013	9 th meeting of “Task Force on Amendments to CWRO”
85.	12 July 2013	Representatives of Diver trade

Proposed revamp of Schedule 1

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- Create division of trade
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Note: Each skill is named by the division of trade recognized by the industry.

Column 1 Existing trades	Column 2 Proposed trades	Column 3 Proposed division of trades	Column 4 May be registered as (Y = Yes)		Column 5 A "registered skilled worker" of Column 3 is allowed to independently carry out works of the corresponding division of trades below, but not to give "instruction and supervision" for other workers to carry out those works
			Skilled worker	Semi-skilled worker	
	Civil and Building				
1. Carpenter (Fender)	1. Woodworker	1. Carpenter (Fender)	Y	-	Joiner Floor Layer (Timber Flooring) Floor Layer (PVC Flooring)
-		2. Carpenter (Formwork) (Master)	Y	Y	
2. Carpenter (Formwork – Civil Construction)		3. Carpenter (Formwork – Civil Construction)	Y	Y	Carpenter (Formwork – Building Construction)
-		4. Carpenter (Formwork – Building Construction) (Striking)	Y	-	Carpenter (Formwork – Building Construction) (Striking)
3. Carpenter (Formwork – Building Construction)		5. Carpenter (Formwork – Building Construction)	Y	Y	Carpenter (Formwork – Civil Construction)
-		6. Carpenter (Formwork – Building Construction) (Striking)	Y	-	Carpenter (Formwork – Civil Construction) (Striking)
4. Joiner		7. Joiner	Y	Y	Floor Layer (PVC Flooring)
-		8. Joiner (Assembling)	Y	-	
5. Hand-dug Caisson Worker	2. Hand-dug Caisson Worker	9. Hand-dug Caisson Worker	Y	Y	
6. Leveller	3. Leveller	10. Leveller	Y	Y	
7. Piling Operative	4. Piling Operative	11. Piling Operative (Master)	Y	-	
8. Piling Operative (Bored Pile)		12. Piling Operative (Percussive Pile)	Y	-	
9. Piling Operative (Percussive Pile)		13. Piling Operative (Bored Pile)	Y	-	
10. Asphalter (Waterproofing)	5. Waterproofing Worker	14. Waterproofing Worker (Master)	Y	-	
-		15. Waterproofing Worker (Liquid Membrane)	Y	-	
-		16. Waterproofing Worker (Burn-type Felt)	Y	-	
-		17. Waterproofing Worker (Adhesive-type Felt)	Y	-	
-		18. Drain and Pipe Layer (Master)	Y	-	
11. Plumber	6. Drain and Pipe Layer	19. Plumber	Y	Y	
12. Drainlayer		20. Drainlayer	Y	Y	
13. Pipelayer		21. Pipelayer	Y	-	
14. Paving block Layer	7. Paving block Layer	22. Paving block Layer	Y	-	
-	8. Cement Sand Mortar Worker	23. Cement Sand Mortar Worker (Master)	Y	Y	Concrete Repairer (Spalling Concrete) Paving Block Layer Marble Worker (Wet Fixing) under the condition that the work shall not involve tie fastening
15. Plasterer		24. Plasterer	Y	Y	Concrete Repairer (Spalling Concrete) Paving Block Layer Marble Worker (Wet Fixing) under the condition that the work shall not involve tie fastening Bricklayer Mason Tiler

Proposed revamp of Schedule 1

Annex 3

Legend:

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- Add "(Master)" after the existing "trade"
- Create division of trade
- Only skilled worker registration is provided due to single-skill nature

Note: Each skill is named by the division of trade recognized by the industry.

Existing trades	Column 1	Proposed trades	Column 2	Proposed division of trades	Column 4		Column 5
					May be registered as (Y = Yes)	Semi-skilled worker	
-		8. Cement Sand Mortar Worker (Cont'd)		25. Plasterer (Floor)	Y	Y	A "registered skilled worker" of Column 3 is allowed to independently carry out works of the corresponding division of trades below, but not to give "instruction and supervision" for other workers to carry out those works
16. Mason				26. Mason	Y	Y	Concrete Repairer (Spalling Concrete) Paving Block Layer Marble Worker (Wet Fixing) under the condition that the work shall not involve tie fastening Bricklayer Mason Plasterer Tiler
17. Bricklayer				27. Bricklayer	Y	Y	Concrete Repairer (Spalling Concrete) Paving Block Layer Marble Worker (Wet Fixing) under the condition that the work shall not involve tie fastening Mason Plasterer Tiler
18. Tiler				28. Tiler	Y	Y	Concrete Repairer (Spalling Concrete) Paving Block Layer Marble Worker (Wet Fixing) under the condition that the work shall not involve tie fastening Bricklayer Mason Plasterer
-				29. Tiler (Mosaic)	Y	Y	Concrete Repairer (Spalling Concrete) Paving Block Layer Marble Worker (Wet Fixing) under the condition that the work shall not involve tie fastening Bricklayer Mason Plasterer Tiler

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Note: Each skill is named by the division of trade recognized by the industry.

Column 1		Column 2	Column 3	Column 4		Column 5
Existing trades		Proposed trades	Proposed division of trades	May be registered as (Y = Yes)		A "registered skilled worker" of Column 3 is allowed to independently carry out works of the corresponding division of trades below, but not to give "instruction and supervision" for other workers to carry out those works
				Skilled worker	Semi-skilled worker	
34.	Concretor	16. Concrete and Grouting Worker (Cont'd)	51. Concretor	Y	Y	
35.	Concrete Repairer(Spalling Concrete)		52. Concrete Repairer(Spalling Concrete)	Y	-	Paving Block Layer Marble Worker (Wet Fixing) under the condition that the work shall not involve tie fastening
36.	Shotcretor		53. Shotcretor	Y	-	Bricklayer Mason Plasterer Tiler
37.	Grouting Worker		54. Grouting Worker	Y	-	
38.	Marble Worker	17. Marble Worker	55. Marble Worker (Master)	Y	Y	Concrete Repairer (Spalling Concrete) Paving Block Layer Bricklayer Mason Plasterer Tiler
-	-		56. Marble Worker (Polishing)	Y	Y	
-	-		57. Marble Worker (Dry Fixing)	Y	Y	Concrete Repairer (Spalling Concrete) Paving Block Layer Bricklayer Mason Plasterer Tiler
-	-		58. Marble Worker (Wet Fixing)	Y	Y	Concrete Repairer (Spalling Concrete) Paving Block Layer Bricklayer Mason Plasterer Tiler Marble Worker (Wet Fixing) Marble Worker (Polishing)
39.	Window Frame installer	18. Window Frame installer	59. Window Frame installer	Y	Y	
-	-	19. Scaffolder	60. Scaffolder (Master)	Y	Y	
40.	Bamboo Scaffolder		61. Bamboo Scaffolder	Y	Y	
41.	Metal Scaffolder		62. Metal Scaffolder	Y	Y	
42.	Prestressing Operative	20. Prestressing Operative	63. Prestressing Operative	Y	-	Marble Worker (Polishing)

Proposed revamp of Schedule 1

Annex 3

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Note: Each skill is named by the division of trade recognized by the industry.

Existing trades	Column 2 Proposed trades	Column 3 Proposed division of trades	Column 4 May be registered as (Y = Yes)		Column 5
			Skilled worker	Semi-skilled worker	
-			Y	-	A "registered skilled worker" of Column 3 is allowed to independently carry out works of the corresponding division of trades below, but not to give "instruction and supervision" for other workers to carry out those works
43. Glazier	21. Curtain Wall and Glass Panes Installer	64. Curtain Wall and Glass Panes Installer (Master)	Y	-	
44. Curtain Wall installer		65. Glazier	Y	Y	
45. Diver	22. Diver (Construction Work)	66. Curtain Wall installer	Y	-	
46. Floor Layer	23. Floor Layer	67. Diver (Construction Work)	Y	-	
47. Floor Layer (Timber Flooring)		68. Floor Layer (Master)	Y	Y	
48. Floor Layer (PVC Flooring)		69. Floor Layer (Timber Flooring)	Y	Y	Floor Layer (PVC Flooring)
49. Trackworker	24. Trackworker	70. Floor Layer (PVC Flooring)	Y	Y	
50. Tunnel Worker	25. Tunnel Worker	71. Trackworker	Y	-	
51. Ground Investigation Operator/ Driller/ Borer	26. Plant and Equipment	72. Tunnel Worker	Y	-	
52. Plant and Equipment Operator (Mini-loader)		73. Ground Investigation Operator/ Driller/ Borer	Y	Y	
53. Plant and Equipment Operator (Mini-loader (with Attachments))		74. Plant and Equipment Operator (Mini-loader)	Y	-	
54. Plant and Equipment Operator (Piling)		75. Plant and Equipment Operator (Mini-loader (with Attachments))	Y	-	
55. Plant and Equipment Operator (Percussive Pile)		76. Plant and Equipment Operator (Piling) (Master)	Y	-	
56. Plant and Equipment Operator (Bored Pile)		77. Plant and Equipment Operator (Percussive Pile)	Y	-	
57. Plant and Equipment Operator (Suspended Working Platform)		78. Plant and Equipment Operator (Bored Pile)	Y	-	
58. Plant and Equipment Operator (Demolition) —		79. Plant and Equipment Operator (Suspended Working Platform)	Y	-	
59. Plant and Equipment Operator (Excavator)		80. Plant and Equipment Operator (Demolition) —	Y	-	
60. Builder's Lift Operator		81. Plant and Equipment Operator (Excavator)	Y	-	
61. Plant and Equipment Operator (Bulldozer)		82. Builder's Lift Operator	Y	-	
62. Plant and Equipment Operator (Truck-mounted Loader)		83. Plant and Equipment Operator (Bulldozer)	Y	-	
63. Plant and Equipment Operator (Tower Crane)		84. Plant and Equipment Operator (Truck-mounted Loader)	Y	-	
64. Plant and Equipment Operator (Crawler-mounted Mobile Crane)		85. Plant and Equipment Operator (Loader)	Y	-	
65. Plant and Equipment Operator (Wheeled Telescopic Mobile Crane)		86. Plant and Equipment Operator (Tower Crane)	Y	-	
66. Plant and Equipment Operator (Gantry Crane)		87. Plant and Equipment Operator (Crawler-mounted Mobile Crane)	Y	-	
67. Plant and Equipment Operator (Tunneling) — Jumbo Drilling		88. Plant and Equipment Operator (Wheeled Telescopic Mobile Crane)	Y	-	
68. Locomotive Operation		89. Plant and Equipment Operator (Gantry Crane)	Y	-	
69. Plant and Equipment Operator (Tunneling) — Segment Erection		90. Plant and Equipment Operator (Tunneling) — Jumbo Drilling	Y	-	
70. Plant and Equipment Operator (Tunneling) — Tunnel Boring Machine		91. Plant and Equipment Operator (Tunneling) — Locomotive Operation	Y	-	
		92. Plant and Equipment Operator (Tunneling) — Segment Erection	Y	-	
		93. Plant and Equipment Operator (Tunneling) — Tunnel Boring Machine	Y	-	

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Column 1 Existing trades	Column 2 Proposed trades	Column 3 Proposed division of trades	Column 4 May be registered as (Y = Yes)		Column 5 A "registered skilled worker" of Column 3 is allowed to independently carry out works of the corresponding division of trades below, but not to give "instruction and supervision" for other workers to carry out those works
			Skilled worker	Semi-skilled worker	
72. Bar Bender and Fixer	27. Bar Bender and Fixer	94. Bar Bender and Fixer	Y	Y	
73. Painter and Decorator	28. Painter and Decorator	95. Painter and Decorator (Master)	Y	Y	
-		96. Painter and Decorator (Roller Painting)	Y	-	Painter and Decorator (Surface Filling) Painter and Decorator (Emulsion Painting) Painter and Decorator (Synthetic Painting) Painter and Decorator (Clear Lacquering) Painter and Decorator (Brushing Lacquering)
-		97. Painter and Decorator (Surface Filling)	Y	-	Painter and Decorator (Emulsion Painting) Painter and Decorator (Synthetic Painting) Painter and Decorator (Clear Lacquering) Painter and Decorator (Brushing Lacquering)
-		98. Painter and Decorator (Emulsion Painting)	Y	-	Painter and Decorator (Surface Filling) Painter and Decorator (Synthetic Painting) Painter and Decorator (Clear Lacquering) Painter and Decorator (Brushing Lacquering)
-		99. Painter and Decorator (Brushing Lacquering)	Y	-	Painter and Decorator (Roller Painting) Painter and Decorator (Surface Filling) Painter and Decorator (Emulsion Painting) Painter and Decorator (Synthetic Painting) Painter and Decorator (Clear Lacquering) Painter and Decorator (Roller Painting)
-		100. Painter and Decorator (Synthetic Painting)	Y	-	Painter and Decorator (Surface Filling) Painter and Decorator (Emulsion Painting) Painter and Decorator (Synthetic Painting) Painter and Decorator (Clear Lacquering) Painter and Decorator (Roller Painting)
-		101. Painter and Decorator (Clear Lacquering)	Y	-	Painter and Decorator (Surface Filling) Painter and Decorator (Emulsion Painting) Painter and Decorator (Clear Lacquering) Painter and Decorator (Brushing Lacquering) Painter and Decorator (Roller Painting)
74. Painter (Texture-spray)		102. Painter and Decorator (Texture-spray)	Y	-	Painter and Decorator (Surface Filling) Painter and Decorator (Emulsion Painting) Painter and Decorator (Synthetic Painting) Painter and Decorator (Brushing Lacquering) Painter and Decorator (Roller Painting)
-		103. Painter and Decorator (Metal Paint Spray)	Y	-	Painter and Decorator (Surface Filling) Painter and Decorator (Emulsion Painting) Painter and Decorator (Synthetic Painting) Painter and Decorator (Brushing Lacquering)
-		104. Painter and Decorator (Paperhanging)	Y	-	Painter and Decorator (Roller Painting) Painter and Decorator (Metal Paint Spray) under the condition that the metal paint is not for protection of structural steel work Painter and Decorator (Texture-spray)
-		105. Painter and Decorator (Sign writing)	Y	-	Painter and Decorator (Emulsion Painting) Painter and Decorator (Clear Lacquering) Painter and Decorator (Brushing Lacquering) Painter and Decorator (Roller Painting)

Proposed revamp of Schedule 1

Annex 3

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Column 1	Column 2	Column 3	Column 4		Column 5
Existing trades	Proposed trades	Proposed division of trades	May be registered as (Y = Yes)		A "registered skilled worker" of Column 3 is allowed to independently carry out works of the corresponding division of trades below, but not to give "instruction and supervision" for other workers to carry out those works
			Skilled worker	Semi-skilled worker	
75. Asphalter (Road Construction)	29. Asphalter (Road Construction)	106. Asphalter (Road Construction)	Y	-	
76. Shoffirer	30. Blasting Worker	107. Shoffirer	Y	-	
77. Rock Breaking Driller		108. Rock Breaking Driller	Y	-	
		E&M Works			
-	31. Lift and Escalator Mechanic	109. Lift and Escalator Mechanic (Master)	Y	-	
78. Escalator Mechanic		110. Lift Mechanic	Y	-	
79. Lift Mechanic		111. Escalator Mechanic	Y	-	
80. Refrigeration/ Air-conditioning/ Ventilation Mechanic	32. Refrigeration/ Air-conditioning/ Ventilation	112. Refrigeration/ Air-conditioning/ Ventilation Mechanic (Master)	Y	-	
81. Refrigeration/ Air-conditioning/ Ventilation Mechanic (Water system)		113. Refrigeration/ Air-conditioning/ Ventilation Mechanic (Water system)	Y	Y	
82. Refrigeration/ Air-conditioning/ Ventilation Mechanic (Air System)		114. Refrigeration/ Air-conditioning/ Ventilation Mechanic (Air System)	Y	Y	
83. Refrigeration/ Air-conditioning/ Ventilation Mechanic (Thermal Insulation)		115. Refrigeration/ Air-conditioning/ Ventilation Mechanic (Thermal Insulation)	Y	Y	
84. Refrigeration/ Air-conditioning/ Ventilation Mechanic (Electrical Control)		116. Refrigeration/ Air-conditioning/ Ventilation Mechanic (Electrical Control)	Y	Y	
85. Refrigeration/ Air-conditioning/ Ventilation Mechanic (Unitary System)		117. Refrigeration/ Air-conditioning/ Ventilation Mechanic (Unitary System)	Y	Y	
86. Fire Service Mechanic	33. Fire Service Mechanic	118. Fire Service Mechanic (Master)	Y	-	Plumber- metal pipe work only
87. Fire service Portable Equipment Fitter		119. Fire service Portable Equipment Fitter	Y	-	
88. Fire Service Electrical Fitter		120. Fire Service Electrical Fitter	Y	Y	
89. Fire Service Mechanical Fitter		121. Fire Service Mechanical Fitter	Y	Y	Plumber- metal pipe work only
90. Gas Installer	34. Gas Installer	122. Gas Installer	Y	-	
91. Overhead Linesman	35. Electrician	123. Overhead Linesman	Y	-	
92. Control Panel Assembler		124. Control Panel Assembler	Y	Y	
93. Cable Joints (Power)		125. Cable Joints (Power)	Y	-	
94. Electrical Wireman		126. Electrical Wireman	Y	Y	
95. Electrical Fitter		127. Electrical Fitter	Y	-	
-	36. Electronic Equipment Mechanic (Construction Work)	128. Electronic Equipment Mechanic (Construction Work) (Master)	Y	Y	
96. Building Security System Mechanic		129. Building Security System Mechanic	Y	Y	
97. Communication System Mechanic		130. Communication System Mechanic	Y	Y	
-	37. Plant and Equipment Mechanic (Construction Work)	131. Plant and Equipment Mechanic (Construction Work) (Master)	Y	Y	
98. Construction Plant Mechanic		132. Construction Plant Mechanic	Y	Y	
99. Mechanical Fitter		133. Mechanical Fitter	Y	Y	

Proposed items to be exempted

The “skill” work of the following division of trades are to be exempted if the conditions of “exempted emergency construction works ” and “exempted small scale construction works” are satisfied.

	Proposed division of trades		Proposed division of trades
1.	Carpenter (Fender)	25.	Concretor
2.	Carpenter (Formwork – Civil Construction)	26.	Concrete Repairer (Spalling Concrete)
3.	Carpenter (Formwork – Civil Construction) (Striking)	27.	Marble Worker (Dry Fixing)
4.	Carpenter (Formwork – Building Construction)	28.	Marble Worker (Wet Fixing)
5.	Carpenter (Formwork – Building Construction) (Striking)	29.	Marble Worker (Polishing)
6.	Joiner	30.	Glazier
7.	Joiner (Assembling)	31.	Floor Layer (PVC Flooring)
8.	Leveller	32.	Floor Layer (Timber Flooring)
9.	Waterproofing Worker (Liquid Membrane)	33.	Bar Bender and Fixer
10.	Waterproofing Worker (Burn-type Felt)	34.	Painter and Decorator (Surface Filling)
11.	Waterproofing Worker (Adhesive-type Felt)	35.	Painter and Decorator (Emulsion Painting)
12.	Plumber	36.	Painter and Decorator (Brushing Lacquering)
13.	Drainlayer	37.	Painter and Decorator (Synthetic Painting)
14.	Paving block Layer	38.	Painter and Decorator (Clear Lacquering)
15.	Plasterer	39.	Painter and Decorator (Roller Painting)
16.	Plasterer (Floor)	40.	Painter and Decorator (Texture-spray)
17.	Mason	41.	Painter and Decorator (Metal Paint Spray)
18.	Bricklayer	42.	Painter and Decorator (Paperhanging)
19.	Tiler	43.	Painter and Decorator (Sign writing)
20.	Tiler (Mosaic)	44.	Asphalter (Road Construction)
21.	Tiler (Tile)	45.	Electrical Wireman
22.	Demolition Worker (Building)		
23.	Metal Worker		
24.	Structural Steel Erector		

(A total of 45 items)

Proposed designated small scale construction work

Item	Proposed exemption and condition
1.	Construction or alteration of concrete U-Channel, dish-channel or similar surface channel, underground gravity drain, pipe/duct, culvert or other underground non-pressurized pipe/duct, provided that – <ul style="list-style-type: none"> (a) Excavation $\leq 1.2\text{m}$ (deep); (b) the distance between any point of the excavation and any retaining structure or slope toe is at least equal to the depth of the excavation; and (c) if the works are carried out beside the crest of a slope – <ul style="list-style-type: none"> (i) the gradient of the slope is not more than 15 degrees; (ii) the height of the slope is not more than 3 m; and (iii) the distance between any point of the excavation and the outer edge of the crest is at least 1.5 times the height of the slope.
2.	Construction or alteration of aboveground gravity drain, pipe/duct or other aboveground non-pressurized pipe/duct, provided that – <ul style="list-style-type: none"> (a) Aboveground drainpipe of internal diameter $\leq 300\text{mm}$ and not embedded in structure other than passing through a wall or slab.
3.	Construction or alteration of catchpit, manhole, gullies, sandtrap, cable draw pit, value pit or other similar service pit, provided that – <ul style="list-style-type: none"> (a) Peripheral horizontal projected plan area of catchpit/ manhole/ etc. $\leq 2\text{m}^2$; and (b) Depth of catchpit/ manhole/ etc. $\leq 1.3\text{m}$.
4.	Construction or alteration of concrete or brick wall (other than a load bearing wall), provided that – <ul style="list-style-type: none"> (a) For external reinforced concrete wall, wall height from ground level $\leq 0.9\text{m}$; if such external reinforced concrete wall serves as only a planter wall and does not function as parapet, wall height from ground level $\leq 1.2\text{m}$; (b) For external brickwall, wall height from ground level $\leq 1.1\text{m}$, (c) For internal wall, wall height from adjoining floor level $\leq 2.6\text{m}$ and thickness $\leq 150\text{mm}$ including wall finishes, and (d) The works do not involve alteration of any other structural elements.
5.	Repair or maintenance of concrete wall or brickwall (other than a load bearing wall), provided that – <ul style="list-style-type: none"> (a) The works do not involve alteration of any other structural elements; (b) For RC wall, wall height from adjacent ground level or adjacent floor level $\leq 2.6\text{m}$; and (c) For brickwall, wall height from adjacent ground level or adjacent floor level $\leq 3\text{m}$.
6.	Construction of bituminous road pavement, provided that – <ul style="list-style-type: none"> (a) Pavement area $\leq 50\text{m}^2$; or (b) Reinstatement width not exceeding 500mm for trench work.

Item	Proposed exemption and condition
7.	Construction of plain or reinforced concrete road including run in on footpath or track, provided that – (a) Road area $\leq 30\text{m}^2$
8.	Construction of footpath or tracks excluding-run in, with plain or reinforced concrete.
9.	Construction of reinforced concrete, steel or wooden boardwalk, provided that– (a) Reinforced concrete or steel boardwalk structure with span $\leq 4.5\text{m}$; (b) Wooden boardwalk structure with span $\leq 3\text{m}$; and (c) Height of boardwalk structure from adjoining ground level to its finished level where people walk on it $\leq 1.5\text{m}$.
10.	Construct, replace or repair metal handrail , barrier fence, or other protective barrier, provided that – (a) The difference in height between the level on which the metal railing is located and its adjacent level is not more than 2m.
11.	Replace or repair metal cat-ladder, provided that– (a) Height of cat-ladder $\leq 1.5\text{m}$
12.	Erection or alteration of any external mesh fence, provided that – (a) the fence is erected on grade; and (b) the height of the fence from ground level is not more than 2.2 m.
13.	Construction or repair of traffic signs and posts, street name plates and posts, and visitors' signs and posts, provided that – (a) Area of plate not exceeding 1m^2

Proposed exempted threshold of division of trades

Item	Exempted threshold and condition of the division of trades
1.	Carpenter (Fender) Replace or repair timber volume not exceeding 3m ³ .
2. 3. 4. 5.	Carpenter (Formwork - Civil Construction) Carpenter (Formwork - Civil Construction) (Striking) Carpenter (Formwork - Building Construction) Carpenter (Formwork - Building Construction) (Striking) Area of formwork not exceeding 15m ² .
6. 7.	Joiner Joiner (Assembling) Repair of woodwork of area not exceeding 25m ² or construction of new woodwork of area not exceeding 2m ² .
8.	Leveller To set up job lines and levels for exempted construction work
9. 10. 11.	Waterproofing Worker (Liquid Membrane) Waterproofing Worker (Burn -type Felt) Waterproofing Worker (Adhesive-type Felt) Replace or repair waterproofing of area not exceeding 50m ² or construction of new waterproofing of area not exceeding 25m ² .
12.	Plumber Repair of pipe or fitting of size not exceeding 20mm diameter and length not exceeding 3m.
13.	Drainlayer Please refer to Items 1 and 3 of “proposed designated small scale construction work”.
14.	Paving Block Layer Replace or repair paving area not exceeding 50m ² or new construct paving area not exceeding 25m ² .
15. 16.	Plasterer Plasterer (Floor) Replace or repair plastering area not exceeding 50m ² or new plastering area not exceeding 25m ² ; and the distance between the highest point of the area in respect

Item	Exempted threshold and condition of the division of trades
	of which the plastering is to be carried out and the adjoining ground or adjoining floor is not more than 3m.
17.	<p>Mason</p> <p>Replace or repair mason area not exceeding 50m² or new construct mason area not exceeding 25m²; and mason work with height not exceeding 1.1m.</p>
18.	<p>Bricklayer</p> <p>Please refer to Items 4 and 5 of “propose designated small scale construction work”.</p>
19. 20. 21.	<p>Tiler Tiler (Mosaic) Tiler (Tile)</p> <p>Replace or repair tile work of area not exceeding 50m² or new tile work of area not exceeding 25m²; and the distance between the highest point of the area in respect of which the tile work is to be carried out and the adjoining ground or adjoining floor is not more than 3m .</p>
22.	<p>Demolition Worker (Building)</p> <p>(a) For demolition of brick wall, wall height not exceeding 2.6m and total wall thickness including finishes ≤ 150mm ; (b) For demolition of concrete structure, height of structure not exceeding 1.5m.</p>
23.	<p>Metal Worker</p> <p>Weight of metal not exceeding 0.2 tonne.</p>
24.	<p>Structural Steel Erector</p> <p>Weight of structural steel not exceeding 0.2 tonne.</p>
25.	<p>Concretor</p> <p>Volume of concrete not exceeding 7m³.</p>
26.	<p>Concrete Repairer (Spalling Concrete)</p> <p>(a) The works do not involve the alteration of any other structural elements; (b) The distance between the highest point of the area in respect of which the repair is to be carried out and the adjoining ground or adjoining floor is not more than 3m; and (c) Spalling concrete repairing area not exceeding 30m².</p>

Item	Exempted threshold and condition of the division of trades
27. 28. 29.	Marble Worker (Dry Fixing) Marble Worker (Wet Fixing) Marble Worker (Polishing) Replace or repair marble area not exceeding 50m ² or new construct marble area not exceeding 25m ² ; and marble work with height not exceeding 1.1m.
30.	Glazier Area of glass not exceeding 0.7m ² .
31. 32.	Floor Layer (PVC Flooring) Floor Layer (Timber Flooring) Replace or repair floor area not exceeding 50m ² or new construct floor area not exceeding 25m ² .
33.	Bar Bender and Fixer Fix steel reinforcement of not exceeding 0.15 ton (Note: This exemption is only applicable to fixing and not for cutting or bending.)
34. 35. 36. 37. 38. 39. 40. 41. 42. 43.	Painter and Decorator (Surface Filling) Painter and Decorator (Emulsion Painting) Painter and Decorator (Brushing Lacquering) Painter and Decorator (Synthetic Painting) Painter and Decorator (Clear Lacquering) Painter and Decorator (Roller Painting) Painter and Decorator (Texture-spray) Painter and Decorator (Metal Paint Spray) Painter and Decorator (Paperhanging) Painter and Decorator (Sign writing) (a) Replace or repair painting for an area (other than those specified in (b), (c) and (d) below) not more than 50m ² or new painting for an area not exceeding 2m ² ; (b) Protective coatings for concrete structure of area not more than 5m ² ; (c) Protective coating for structural steel work against corrosion of area not more than 0.5m ² ; (d) Painting for non-structural steelwork of area not more than 5m ² .
44.	Asphalter (Road Construction) Please refer to Item 6 of “proposed designated small scale construction work” .
45.	Electrical Wireman Length of wire not exceeding 50m .



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