

Construction Industry Council

Construction Workers Registration Board

Meeting No. 001/17 of the Construction Workers Registration Board was held on Wednesday, 18 January 2017 at 3:30pm at Board Room, 38/F, COS Centre, 56 Tsun Yip Street, Kwun Tong, Kowloon, Hong Kong

Summary notes of the Construction Workers Registration Board Meeting No. 001/17.

Agenda Item	Paper	Major Resolutions/ Progress Highlights
1.1		<p><u>New CWRB Member List and Welcome New Members</u></p> <p>Chairman introduced five newly appointed members of CWRB. In addition, Ms. Pauline Pang, holding the office of Chief Officer/Technical Services of the Buildings Department had succeeded Ms Clarice Yu to be the member of the board. Mr Chan Pat-kan representing trade union was appointed from 9 December 2016 to 31 December 2018 to succeed Mr. Fan Cheung Fun who resigned as CWRB member in September 2016.</p>
1.2	CIC/CRB/M/004/16	<p><u>Confirmation of the Minutes of the Last Meeting</u></p> <p>The minutes of the 4th meeting of CWRB for 2016 were confirmed.</p>
1.4.1	CIC/CRB/P/002/17 (Progress Report)	<p><u>2017 Work Programme</u></p> <p>Members took note of the 2017 yearly work plan and the work scope of relevant sub-committees and task forces of the CWRB. A Member suggested making a recommendation to the Council to set up a workers welfare task force aiming at improving the welfare of registered workers and enhancing the image of CIC.</p>
1.5	CIC/CRB/P/005/17 (for Resolution)	<p><u>Appointment of the Chairperson and Members of Construction Workers Qualifications Board</u></p> <p>The nominations of Mr Rex Wong, member of CWRB as the chairperson and ten persons/public officers nominated by respective organisations/bodies as members of the Qualifications Board for the term from 18 January 2017 to 31 December 2018 were approved.</p>
1.6	CIC/CRB/P/006/17 (for Resolution)	<p><u>Registration Related Matters</u></p> <ul style="list-style-type: none"> • Agreed by the CWRB in principle, the Secretariat would reply to the Hong Kong Formwork

Agenda Item	Paper	Major Resolutions/ Progress Highlights
		<p>Contractors Association based on the analysis conducted by the Secretariat in relation to the impact of the Designated Workers for Designated Skills (DWDS) implementation on formwork. Any requests from the industry to add new trade division to the Construction Workers Registration Ordinance shall follow the framework promulgated by the CWRB.</p> <ul style="list-style-type: none"> • The proposed trade division codes for the three new trade divisions - “False Ceiling Installer”, “Partition (Metal Frame) Installer” and “Cable Jointer (Dead Cable)” were approved. • The Guidelines on Arrangement of “Instruction and Supervision” and Code of Practice for Reasonable Measures of “Instruction and Supervision” (appended in Annex 1) were submitted to Council in the meeting held in July 2016 to publish the Code for the industry to get prepared for the “Instruction and Supervision” arrangement. The Code of Practice will take effect on 1 April 2017. According to the CWRO, the Council shall issue a notice in relation to the matter. The notice is appended in Annex 2 for Council’s approval.
1.7.1	CIC/CRB/P/007/17 (Progress Report)	<p><u>Sub-committee on Senior Workers Assessment</u></p> <ul style="list-style-type: none"> • As of 31 December 2016, 71% of the total number applications (i.e. 111,072) had completed the approval process, 14% had completed the approval process but requiring workers to submit further information to substantiate their applications. The remaining 15% would target to be substantially processed by trade unions and the CIC in February 2017. • Workers Registration Office will issue letters to workers who are required to take follow up actions by February 2017 urging them to submit the required information soonest.
1.7.2	CIC/CRB/P/008/17 (Progress Report)	<p><u>Task Force on Construction Workers Registration System</u></p> <ul style="list-style-type: none"> • The Task Force was requested to submit a roadmap and a timetable to the CWRB in April with an aim to the full adoption of CWRS before the end of 2017. • Promotion of the CWRS would continue which include organising briefing sessions on a monthly basis, distributing tip cards with information about the installation of CIC device, sending electronic direct mailing to promote the Early Bird Experience Programme, broadcasting the CWRS video through various channels including CIC premises, CIC events as well as CIC YouTube channel.
1.7.3	CIC/CRB/P/009/17	<u>Promotion of the Remaining Phase of Prohibition of CWRO</u>

Agenda Item	Paper	Major Resolutions/ Progress Highlights
	(Progress Report)	<ul style="list-style-type: none"> • Members took note of the design and content of the DWDS app. The DWDS app will be launched in the press conference of 31 March 2017. • From October to December 2016, nine DWDS seminars were held with attendance of 720 participants, including tailor made seminars for contractors upon their request. • DWDS talks on construction sites and contractor premises will be further increased in the coming months to help the industry to get prepared for the DWDS implementation.
1.7.4	CIC/CRB/P/010/17 (Progress Report)	<p><u>Workers Registration Office</u></p> <p>As of 31 December 2016, there were 173,081 registered skilled workers, 23,930 registered semi-skilled workers and 228,245 registered general workers. The numbers of registered skilled and semi-skilled workers accounted for 46% of the total number of registrations, increased by 11% compared with the figure as of 30 March 2015 before the launch of the senior workers registration arrangement.</p>
1.7.5	CIC/CRB/P/011/17 (Progress Report)	<p><u>Inspection and Enforcement</u></p> <ul style="list-style-type: none"> • The numbers of construction site and registration card inspection in 2016 had met the targets set for 2016. • There was a slight drop in the number of site violations during the year and no prosecution summons was issued. • The construction site trial inspection (i.e. carried out inspection under the assumption of DWDS implementation) for 2016 was concluded with 60 trials conducted and 1,346 workers checked on site. Among 1,346 workers, 923 workers were engaged in designated trades. Out of those, 572 were registered skilled/semi-skilled workers of designated trades (including provisional registration). Approximately 47% of the 351 registered general workers indicated that they were carrying out skill works under instruction and supervision. The instructors were able to appear at the sites within 5 minutes. The maximum ratio of instructor and workers under instruction and supervision was 1:5.

Remarks: The mentioned papers discussed by the Construction Workers Registration Board can be made available to Council Members from the Workers Registration Secretariat upon request.



CONSTRUCTION
INDUSTRY COUNCIL
建造業議會



GUIDELINES ON ARRANGEMENT OF “INSTRUCTION AND SUPERVISION” AND **CODE OF PRACTICE** FOR REASONABLE MEASURES OF “INSTRUCTION AND SUPERVISION”

Enquiries

Enquiries on this publication may be made to the CIC Secretariat at:

Tel.: (852) 2100 9000

Fax: (852) 2100 9090

Email: enquiry@cic.hk

Website: www.cic.hk

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Part 1

Preface

- 1.1 The “designated workers for designated skills” requirement under the Construction Workers Registration Ordinance (Cap.583) (hereinafter called “the CWRO”) stipulates that a worker must register as a registered skilled/semi-skilled worker or a registered skilled/semi-skilled worker(provisional), for a designated trade division, or work under the “instruction and supervision” of a registered skilled/semi-skilled worker for that designated trade division in order to carry out works of that trade division (except the “exempted works”).
- 1.2 This publication provides guidelines on the arrangement of “instruction and supervision” under section 4 of the CWRO. It also provides a code of practice for the reasonable measures of “instruction and supervision” under section 4A of the CWRO as practical guidance for principal contractors, employers of workers and workers.
- 1.3 This publication consists of four parts: Part 1: Preface and Disclaimer; Part 2: Interpretation; Part 3: Guidelines on Arrangement of “Instruction and Supervision”; and Part 4: Code of Practice for Reasonable Measures of “Instruction and Supervision”.
- 1.4 The Code of Practice for Reasonable Measures of “Instruction and Supervision” in Part 4 is issued by the Construction Industry Council (“CIC”) in accordance with section 63B of the CWRO. According to Section 63C of the CWRO, any person shall not be liable to civil or criminal proceedings due to the failure of observing any provision in the Code of Practice. However, the Code of Practice may be admissible in evidence by the court in the legal proceedings.

Disclaimer

Whilst reasonable efforts have been made to ensure the accuracy of the information contained in this publication, the CIC nevertheless would encourage readers to seek appropriate independent advice from their professional advisers where possible and readers should not treat or rely on this publication as a substitute for such professional advice for taking any relevant actions.

The contents of this publication should not be treated as inclusive of all matters and requirements in relation to the CWRO.

Part 2

Interpretation

In this document, unless the context otherwise requires, the terminologies below shall have the following meanings:-

2.1 Registered Skilled / Semi-Skilled Worker

In relation to a designated trade division, means a registered skilled worker or a registered semi-skilled worker for that trade division.

2.2 Registered Skilled / Semi-skilled Worker (Provisional)

In relation to a designated trade division, means a registered skilled worker (provisional) or a registered semi-skilled worker (provisional) for that trade division.

2.3 Instructor

In relation to a designated trade division, means a registered skilled/ semi-skilled worker for that trade division, who provides “instruction and supervision” to the other registered construction workers to carry out the construction work that involves any skills of that trade division (i.e. the “relevant skilled worker” as referred to in section 4A of the CWRO).

2.4 Worker under Instruction

In relation to a designated trade division, means a registered construction worker (i.e. the “registered worker” as referred to in section 4A of the CWRO), who is under “instruction and supervision” to carry out the construction work that involves any skills of that trade division.

Part 3

Guidelines on Arrangement of “Instruction and Supervision”

- 3.1 In accordance with the statutory requirements of the CWRO, any person carrying out on a construction site construction work in relation to a designated trade division must register as a registered skilled/semi-skilled worker or registered skilled/semi-skilled worker (provisional) of that trade division, unless the registered construction worker:
 - (a) is carrying out the relevant work under the “instruction and supervision” of a registered skilled/semi-skilled worker for that trade division (section 4 of the CWRO);
 - (b) is carrying out the relevant work under the work-across trade divisions arrangement (section 3A of the CWRO); or
 - (c) is carrying out the exempted works under the CWRO or is a person exempted under the CWRO (section 63A of the CWRO).
- 3.2 To comply with the relevant requirement of “instruction and supervision” in paragraph 3.1(a) above, the principal contractor/employer of the worker shall arrange qualified Instructor to provide “instruction and supervision” to the Worker under Instruction based on the actual situation of the construction site and the construction works, and should determine the appropriate number and ratio of Instructors and Workers under Instruction to ensure that the Instructor can effectively instruct and supervise the Worker under Instruction.
- 3.3 The Instructor should provide guidance to the Worker under Instruction regarding the work content and technical requirements before carrying out the relevant skilled work. The Instructor and the Worker under Instruction should be on duty on the same construction site and be able to identify each other (for instance, knowing each other’s nickname and contact method) so that effective communication can be maintained between the Instructor and the Worker under Instruction. Moreover, the Worker under Instruction should be able to consult and seek timely advice from the Instructor during the work.

Part 4

Code of Practice for Reasonable Measures of “Instruction and Supervision”

- 4.1 In accordance with section 4A of the CWRO, if the principal contractor/ employer of the worker assigns a registered construction worker that has not been registered for the relevant designated trade division (Worker under Instruction) to carry out work of that trade division under the “instruction and supervision” of a registered skilled/semi-skilled worker (Instructor) for that trade division, the principal contractor/ employer of the worker must implement reasonable measures to ensure that the Worker under Instruction can identify his/her Instructor as a registered skilled/semi-skilled worker of the relevant trade division. The Workers under Instruction must be informed of the related measures.
- 4.2 The principal contractor/employer of the worker should develop a set of appropriate reasonable measures in relation to the construction work, and must properly implement those measures when the construction works are being carried out. Under normal circumstances, reasonable measures may include but not limited to any one or a combination of the following recommended options as well as other reasonable measures as deemed appropriate.

(a) Recommended Option 1 – Appoint Designated Person

- (i) Where a Worker under Instruction is assigned to carry out work of the designated trade division under “instruction and supervision”, the principal contractor / employer of the worker should appoint a designated person (e.g. foreman, controller of the subcontractor etc.) for the daily work to:
 - arrange a registered skilled/semi-skilled worker of the relevant trade division to act as the Instructor for the Worker under Instruction; and
 - inform the Worker under Instruction orally or in writing to enable him/her to identify the relevant Instructor.
- (ii) Before assigning the Worker under Instruction to carry out on a construction site construction work of the designated trade division(s) (e.g. the first day of work on the construction site), the principal contractor/employer of the worker should explain clearly in writing the arrangement of “instruction and supervision” to the Worker under Instruction (a sample of which is attached at Annex A) and inform the Worker under Instruction about the designated person as appointed.
- (iii) The principal contractor/employer of the worker should ensure that the relevant designated person is aware of his/her delegated duty, and supervise the designated person to earnestly execute the relevant work. The principal contractor/employer of the worker should also ensure that the Worker under Instruction can contact the above designated person for enquiry at all times if necessary.

(b) Recommended Option 2 – Form

- (i) When the Worker under Instruction is carrying out on a construction site construction work of the designated trade division, the principal contractor/employer of the worker should set out the arrangement of “instruction and supervision” in a form (a sample of which is attached at Annex B), including the identity of the relevant Instructor and his/her registered trade division, so that the Worker under Instruction can identify the relevant Instructor as a registered skilled/semi-skilled worker of the corresponding trade division.
- (ii) The principal contractor/employer of the worker should ensure the form is adequately updated and relevant workers must be notified in a timely manner.

(c) Recommended Option 3 - Label

- (i) The principal contractor/employer of the worker should stick label(s) on the safety helmets of the Instructor and the Worker under Instruction for identification (a sample of which is attached at Annex C).
- (ii) The principal contractor/employer of the worker should —
 - ensure that labels are properly adhered to safety helmets;
 - ensure that the relevant worker (especially the Instructor) will not mistakenly put on the safety helmet of other worker;
 - check the helmets regularly to ensure the label does not cover any damaged parts.

Annex A Sample of Appoint Designated Person

Construction Workers Registration Ordinance (Cap.583)

Name and Registration Number
of Worker under Instruction: _____

Name of principal contractor/employer
of the Worker under Instruction*: _____

Name of construction site/
Title of contract: _____

Contract Number: _____

Arrangement of “Instruction and Supervision”

We (the principal contractor/employer of the Worker under Instruction*), if arrange the Worker under Instruction that has not been registered for the relevant designated trade division to carry out work of that trade division under “instruction and supervision”, should implement the following measures to ensure that the Worker under Instruction can identify his/her Instructor as a registered skilled/semi-skilled worker for the relevant designated trade division.

- For the daily work, we have appointed a designated person (foreman/controller of the subcontractor, Mr./Ms. _____ and his/her telephone number is _____), who will arrange a registered skilled/semi-skilled worker for the relevant designated trade division as the Instructor for the Worker under Instruction and will inform the Worker under Instruction orally or in writing to enable him/her to identify the relevant Instructor.
- The Worker under Instruction can contact the above designated person for enquiry at all times if necessary.

* Please delete where appropriate.

**Chop/Signature of representative of the
principal contractor/employer of the
Worker under Instruction*:**

Date:

I understand the above arrangement of
“Instruction and Supervision”.

Signature of Worker under Instruction:

Date:

Annex B Sample of Form

Construction Workers Registration Ordinance (Cap.583)

Name of principal contractor/employer
of the Worker under Instruction*: _____

Name of construction site/
Title of contract: _____

Contract Number: _____

Arrangement of “Instruction and Supervision”

Name, Registration No. and Registered Trade Division of the Instructor (please refer to Schedule 1 of the CWRO)	Name, Registration No. and Signature of the Worker under Instruction

* Please delete where appropriate.

**Chop/Signature of representative of the
principal contractor/employer of the Worker under Instruction*:**

Date: _____

Annex C Sample Labels

Sample Label for Instructor



Sample Label for Worker under Instruction



Construction Workers Registration Ordinance (Chapter 583)

CODE OF PRACTICE FOR REASONABLE MEASURES OF “INSTRUCTION AND SUPERVISION”

Construction Industry Council (CIC), having issued a code of practice under section 63B(1) of the Construction Workers Registration Ordinance (Cap. 583), hereby, as required under section 63B(2) of that Ordinance:-

- (a) publish the code: -
 - (i) entitled:-
 - (A) in English:-

Code of Practice for Reasonable Measures of
“Instruction and Supervision”
 - (B) in Chinese:-

「指示及督導」安排的合理措施的《實務守則》
 - (ii) a copy of which can be downloaded from the website of Construction Industry Council (www.cic.hk)(Remark 1);
- (b) specify 1 April 2017 as the date on which this code is to take effect; and
- (c) specify the provision of a Code of Practice for the Reasonable Measures of “Instruction and Supervision” under section 4A of the Construction Workers Registration Ordinance as the purpose for which the code is issued.

20 February 2017

Construction Industry Council

Remark:

1. The code is set out in Part 4 of Guidelines on Arrangement of “Instruction and Supervision” and Code of Practice for Reasonable Measures of “Instruction and Supervision” published by the CIC.