

L.N. 189 of 2016

**Construction Workers Registration Ordinance
(Amendment of Schedules 1 and 1A) Notice 2016**

(Made by the Secretary for Development under section 65 of the
Construction Workers Registration Ordinance (Cap. 583))

Part 1

Preliminary

1. Commencement

- (1) Subject to subsection (2), this Notice comes into operation on 1 April 2017.
 - (2) Section 4 comes into operation on the expiry of 24 months beginning on the day on which section 3(2) of the Construction Workers Registration Ordinance (Cap. 583) comes into operation.
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Part 2

Amendments to Construction Workers Registration Ordinance

2. Construction Workers Registration Ordinance amended

The Construction Workers Registration Ordinance (Cap. 583) is amended as set out in sections 3 and 4.

3. Schedule 1 amended (designated trade divisions)

(1) Schedule 1, after item 13—

Add

“13A.	False Ceiling Installer	(46A) False Ceiling Installer	Installing false ceilings	Trade test certificate for False Ceiling Installer issued by Council	Intermediate trade test certificate for False Ceiling Installer issued by Council	Not applicable	”.
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(2) Schedule 1, after item 19—

Add

“19A.	Partition (Metal Frame) Installer	(62A) Partition (Metal Frame) Installer	Installing metal frames and panels of partitions	Trade test certificate for Partition (Metal Frame) Installer issued by Council	Not applicable	Not applicable	”.
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(3) Schedule 1, item 35—

Add

“(131A)	Cable Joints (Dead Cable)	Joining dead cables of voltages not exceeding 11 kV	Trade test certificate for Cable Joints (Dead Cable) issued by Council	Not applicable	Not applicable	”.
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4. Schedule 1A amended (working across designated trade divisions)

(1) Schedule 1A, item 29—

Repeal

“Floor Layer (PVC Flooring)”

Substitute

- “(a) False Ceiling Installer
- (b) Partition (Metal Frame) Installer
- (c) Floor Layer (PVC Flooring)”.

(2) Schedule 1A, after item 31—

Add

“

32. Metal Worker	(a) False Ceiling Installer (b) Partition (Metal Frame) Installer	
33. False Ceiling Installer	Partition (Metal Frame) Installer	

”.

Part 3

Transitional Provisions

Division 1—Prohibition and Regulation

5. **Application of sections 3(2), 4, 4A and 48(1)(b) of Ordinance—
construction work involving required skills of newly added trade
division**

(1) Sections 3(2), 4, 4A and 48(1)(b) of the Ordinance do not apply in relation to any construction work carried out within the specified period, to the extent that the work involves any required skills of a newly added trade division.

(2) In this section—

newly added trade division (新增工種分項) means any of the following designated trade divisions—

- (a) False Ceiling Installer;
- (b) Partition (Metal Frame) Installer;

required skills (規定技能), in relation to a designated trade division, means the skills described in column 3 of Schedule 1 to the Ordinance opposite the trade division;

specified period (指明期間) means the period of 24 months beginning on the day on which section 3(2) of the Ordinance comes into operation.

Division 2—Registration, Review and Appeal

6. Registration of senior construction worker as registered skilled worker for newly designated trade division

- (1) Despite section 40(2) of the Ordinance, the Registrar may register a person as a registered skilled worker for a newly designated trade division if the Registrar is satisfied that, as at 1 April 2017, the person has a period, or an aggregate period, of not less than 10 years of relevant experience in the trade division.
- (2) For the purposes of subsection (1), a person has relevant experience in a newly designated trade division if the person has personally carried out on a construction site construction work that involves any skills described in column 3 of Schedule 1 to the Ordinance opposite the trade division.
- (3) A person who wishes to be registered under subsection (1) must make an application under section 39(1)(a) of the Ordinance before 1 October 2018.
- (4) If an application referred to in subsection (3) is made on or after 1 October 2018, the Registrar may not process the application unless the Registrar thinks it fair and reasonable to do so.
- (5) In this section—

newly designated trade division (新指定工種分項) means any of the following designated trade divisions—

- (a) False Ceiling Installer;
- (b) Partition (Metal Frame) Installer;
- (c) Cable Joints (Dead Cable).

7. Renewal of registration made under section 6(1)

- (1) Subject to subsection (2), the Registrar may renew under section 44 of the Ordinance a registration made under section 6(1).
- (2) For a renewal of registration under subsection (1)—
 - (a) section 44(8)(a) of the Ordinance does not apply; and
 - (b) the Registrar must comply with subsection (3).
- (3) The Registrar must not renew the registration of a person made under section 6(1) unless the Registrar is satisfied that the person complies with the requirements for registration set out in section 40(1) of the Ordinance.

8. Review of decision made under section 6(1) or (4) and related appeal

- (1) This section applies to a person who is the subject of a decision of the Registrar under section 6(1) or (4) (*relevant person*).
- (2) The relevant person may request the Review Board under section 51(1) of the Ordinance to review the decision mentioned in subsection (1) (*original decision*), as if that decision were a decision mentioned in that section.
- (3) In addition, the relevant person may, after being notified under section 51(7)(b) of the Ordinance of the confirmation, variation or substitution of the original decision, appeal under section 52(1) of the Ordinance against the Registrar's final decision.
- (4) In subsection (3)—
Registrar's final decision (註冊主任的最終決定), in relation to a relevant person—

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- (a) if the person is being notified of the Registrar's confirmation of the original decision, means the original decision;
- (b) if the person is being notified of the Registrar's variation of the original decision, means the decision as varied; and
- (c) if the person is being notified of the Registrar's substitution of the original decision with another decision, means that other decision.

Paul CHAN Mo-po
Secretary for Development

6 December 2016

Explanatory Note

Under the Construction Workers Registration Ordinance (Cap. 583) (*principal Ordinance*), construction workers are to be registered by reference to a trade division set out in column 2 of Schedule 1 to the principal Ordinance (*designated trade division*). At present, there are 139 designated trade divisions.

2. This Notice amends Schedule 1 to the principal Ordinance (*Schedule 1*) to increase the number of designated trade divisions to 142. Three trade divisions are added to column 2 of Schedule 1—they are “False Ceiling Installer”, “Partition (Metal Frame) Installer” and “Cable Jointer (Dead Cable)” (see section 3).
3. The amendments to Schedule 1 are to come into operation on 1 April 2017.
4. Transitional arrangements are required due to the amendments made to Schedule 1. These arrangements are provided for in Part 3 (see sections 5 to 8).
5. This Notice also amends the new Schedule 1A (*Schedule 1A*) added by section 36 of the Construction Workers Registration (Amendment) Ordinance 2014 (22 of 2014) to the principal Ordinance (see section 4).

Note—

Section 36 of the Construction Workers Registration (Amendment) Ordinance 2014 (22 of 2014) is to come into operation on 1 April 2017.

6. The amendments to Schedule 1A are to come into operation on the expiry of 24 months beginning on the day on which section 3(2) of the principal Ordinance comes into operation. Once the amendments come into force—
- (a) a registered skilled worker for the designated trade division “Joiner” may carry out construction work involving skills required for the designated trade division “False Ceiling Installer” or “Partition (Metal Frame) Installer”;
 - (b) a registered skilled worker for the designated trade division “Metal Worker” may carry out construction work involving skills required for the designated trade division “False Ceiling Installer” or “Partition (Metal Frame) Installer”; and
 - (c) a registered skilled worker for the designated trade division “False Ceiling Installer” may carry out construction work involving skills required for the designated trade division “Partition (Metal Frame) Installer”.