

政府總部  
發展局  
工務科  
香港添馬添美道 2 號  
政府總部西翼 18 樓



Works Branch  
Development Bureau  
Government Secretariat  
18/F., West Wing, Central Government Offices,  
2 Tim Mei Avenue, Tamar, Hong Kong

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**Development Bureau**  
**Technical Circular (Works) No. 4/2017**

**Employment of Skilled Workers in Public Works Contracts**

**Scope**

This Circular sets out the policy on the employment of registered skilled workers and registered semi-skilled workers in public works contracts.

**Effective Date**

2. This Circular shall take immediate effect.

**Effect on Existing Circular**

3. This Circular supersedes Works Bureau Technical Circular No. 13/2002 (WBTC No. 13/2002) and the circular memorandum ref. (01M97-01-4) in DEVB(PS)105/61/1 dated 17 December 2007 issued by the Secretary for Development.

## **Background**

4. To enhance the quality and safety of construction works, we issued WBTC No. 13/2002 in April 2002 and the above-mentioned circular memorandum in December 2007 to introduce the requirements of employing minimum number of qualified tradesmen and intermediate tradesmen for specified trades in public works contracts.

5. The Phase One Prohibition under the Construction Workers Registration Ordinance (Cap. 583) (CWRO) was implemented in September 2007, allowing only registered construction workers (including registered general workers) to carry out construction works on construction sites. Since 1 April 2017, CWRO further requires contractors, construction workers and their employers to follow the “designated workers for designated skills” (DWDS) requirement that except under specified conditions, skill works on construction sites must be carried out by registered skilled workers or registered semi-skilled workers (including provisional registrations) of the designated trade divisions.

6. To meet the DWDS requirement, all qualified tradesmen and intermediate tradesmen should have become registered skilled workers and registered semi-skilled workers respectively. To cater for such change and to streamline administrative requirements, we have revised the policy on employment of skilled workers in public works contracts. The policy was endorsed by the Works Policies Coordination Committee at its meeting held on 27 April 2017.

7. Comparing with the policy stated in WBTC No. 13/2002 and the above-mentioned circular memorandum, the key revisions are as follows -

- (a) To change the terms “qualified tradesmen” and “intermediate tradesmen” to “registered skilled workers” and “registered semi-skilled workers” respectively with a view to enhancing the status of workers registered under CWRO;
- (b) To simplify the administrative procedures by omitting the monthly documentary checks on workers’ qualifications;
- (c) To provide adequate allowance to address the latest provisions,

including the exemption arrangement, under CWRO; and

- (d) To modify the minimum requirements on certain trades to better reflect the prevailing registration arrangement under CWRO (e.g. some trade divisions have been changed from having only skilled registration to having both semi-skilled and skilled registrations, etc.).

## **Policy**

8. All public works contracts, including design and build contracts and term contracts, the tender invitations of which are issued **on or after 15 July 2017** shall employ the minimum number of registered skilled workers and registered semi-skilled workers through incorporation of the Special Conditions of Contract and Particular Specification at **Appendices A and B** respectively into the tender documents.

9. For public works contracts the tender invitations of which are **before 15 July 2017**, the contract provisions at the Appendices may also be incorporated into the tender documents subject to agreement of the subject D2 or above officer.

10. For public works contracts adopting the contract provisions under WBTC No. 13/2002 and the above-mentioned circular memorandum, works departments are no longer required to verify contractors' monthly submissions on the qualification of their workers with a view to simplifying administrative requirement. In this regard, there is no need to send contractors' monthly submissions to the Construction Industry Council, the Vocational Training Council, and the Electrical and Mechanical Services Department for verification. Site supervisory staff should continue carrying out random compliance checks by site inspections or checking contractors' records.

## **Enquiry**

11. Enquiries on this Circular should be addressed to Assistant Secretary (Works Policies) 10.

**( C K HON )**

**Permanent Secretary for Development (Works)**

**Special Conditions of Contract for Employment of Skilled Workers**

**SCC [R1] - Employment of Skilled Workers**

- (1) Further to General Conditions of Contract Clauses [18(1) and 39(1)/19(1) and 41(1)]\*, the Contractor shall ensure the employment and provision of registered skilled workers, registered skilled workers (provisional), registered semi-skilled workers, registered semi-skilled worker (provisional) (as defined in section 2(1) of the Construction Workers Registration Ordinance (Cap 583)) for each of the relevant specified trade division at the Site at all times in accordance with the minimum percentage requirement specified in Particular Specification Clause [R1].

*\* For contracts adopting GCC for Term Contracts, please use “19(1) and 41(1)”. Otherwise, please use “18(1) and 39(1)”.*

**Particular Specification for Employment of Skilled Workers**

**PS [R1] - Employment of Skilled Workers**

- (1) For the purpose of this PS, except the context requires otherwise, words and expressions used shall have the same meaning given to them under the Construction Workers Registration Ordinance (Cap. 583)(“CWRO”).
- (2) In accordance with SCC Clause [R1], the Contractor shall ensure the employment and provision of registered skilled workers, registered skilled workers (provisional), registered semi-skilled workers and registered semi-skilled workers (provisional) for each of the specified trade division in Column (1) of Table [1] on the Site at all times in accordance with the minimum percentage requirement specified in Columns (2) and (3) of Table [1].
- (3) In relation to Column (2) of Table [1], the percentage of registered skilled workers and registered skilled workers (provisional) in a specified trade division shall be calculated in accordance with the following formula:

$$\frac{\text{Number of Relevant Skilled Worker in the specified trade division on the Site}}{\text{Total workforce in the specified trade division on the Site}} \times 100\%$$

- (4) In relation to Column (3) of Table [1], the percentage of registered skilled workers, registered skilled workers (provisional), registered semi-skilled workers and registered semi-skilled workers (provisional) in a specified trade division shall be calculated in accordance with the following formula:

$$\frac{\text{Number of Relevant Skilled Worker and Relevant Semi – skilled Worker in the specified trade division on the Site}}{\text{Total workforce in the specified trade division on the Site}} \times 100\%$$

(5) For the purpose of calculating the percentage in Clauses (3) and (4) above:

(i) Relevant Skilled Worker in the specified trade division includes registered skilled worker and registered skilled worker (provisional) who is permitted, under CWRO, to carry out the work of a specified trade division in Column (1) of Table [1] and is carrying out the work of that specified trade division on the Site. For the avoidance of doubt, a registered skilled worker who is permitted to carry out the work of a specified trade division in Column (1) of Table [1] on the Site pursuant to the working across designated trade divisions involving similar skills arrangement provided for in section 3A of CWRO shall be counted as a Relevant Skilled Worker.

(ii) Relevant Semi-skilled Worker in the specified trade division includes registered semi-skilled worker and registered semi-skilled worker (provisional) who is permitted, under CWRO, to carry out the work of a specified trade division in Column (1) of Table [1] and is carrying out the work of that specified trade division on the Site.

(iii) For work of any specified trade division that is not required to be carried out by Relevant Skilled Workers or Relevant Semi-skilled Workers on construction sites pursuant to CWRO, the worker(s) carrying out such works will not be counted towards the total workforce in the specified trade division on the Site.

(iv) The trainees of the Contractor Cooperative Training Scheme, the Construction Tradesman Collaborative Training Scheme and the Advanced Construction Manpower Training Scheme administered by the Construction Industry Council, who are employed by the Contractor or the subcontractor of the Contractor to execute the Works on the Site shall not be counted towards the total workforce in the specified trade division on the Site.

- (6) The Contractor shall keep daily records of the names and trade divisions of the registered skilled workers, registered skilled workers (provisional), registered semi-skilled workers and registered semi-skilled workers (provisional) at the Site and shall make such records available for inspection by the Engineer/Architect/Supervising Officer\* upon request.
- (7) Random site checks will be carried out by the site supervisory staff. The Contractor shall ensure that registered skilled workers, registered skilled workers (provisional), registered semi-skilled workers and registered semi-skilled workers (provisional) working on the Site shall carry his/her CWRO registration card at all times and produce their CWRO registration cards upon request for verifying the workers' registration status.

\* *Delete or modify as appropriate.*



Table [1]

<b>Column (1)</b>	<b>Column (2)</b>	<b>Column (3)</b>
<b>Specified trade divisions under CWRO</b>	<b>Minimum percentage of registered skilled workers and registered skilled workers (provisional)</b>	<b>Minimum percentage of registered skilled workers, registered skilled workers (provisional), registered semi-skilled workers and registered semi-skilled workers (provisional)</b>
<b>Civil and Building Works</b>		
(1) Waterproofing Worker (Adhesive-type Felt) [C301a]	20%	20%
(2) Waterproofing Worker (Burn-type Felt) [C301b / C401b]	10%	20%
(3) Waterproofing Worker (Liquid Membrane) [C301c]	20%	20%
(4) Asphalter (Road Construction) [C302 / C402]	2%	5%
(5) Bamboo Scaffolder [C303 / C403]	60%	80%
(6) Bar Bender and Fixer [C304 / C404]	35%	55%
(7) Bricklayer [C305 / C405]	60%	75%
(8) Carpenter (Fender) [C306]	5%	5%
(9) Carpenter (Formwork - Building Construction) [C307a / C407a]	40%	60%
(10) Carpenter (Formwork - Building Construction) (Striking) [C307c]	40%	40%
(11) Carpenter (Formwork - Civil Construction) [C307b / C407b]	40%	60%
(12) Carpenter (Formwork - Civil Construction) (Striking) [C307d]	40%	40%
(13) Concretor [C309 / C409]	30%	60%
(14) Construction Plant Mechanic [C310 / C410]	10%	20%
(15) Drainlayer [C314 / C414]	10%	20%
(16) General Welder [C318 / C418]	60%	70%
(17) Ground Investigation Operator/Driller/Borer [C320 / C420]	40%	80%
(18) Joiner [C322 / C422]	40%	60%
(19) Joiner (Assembling) [C322a]	40%	40%
(20) Leveller [C323 / C423]	60%	70%

<b>Column (1)</b>	<b>Column (2)</b>	<b>Column (3)</b>
<b>Specified trade divisions under CWRO</b>	<b>Minimum percentage of registered skilled workers and registered skilled workers (provisional)</b>	<b>Minimum percentage of registered skilled workers, registered skilled workers (provisional), registered semi-skilled workers and registered semi-skilled workers (provisional)</b>
(21) Marble Worker (Dry Fixing) [C324a / C424a]	60%	70%
(22) Marble Worker (Wet Fixing) [C324b / C424b]	60%	70%
(23) Marble Worker (Polishing) [C324c / C424c]	60%	70%
(24) Marine Construction Plant Operator (Boom-grab Bucket) [C325a / C425a]	2%	5%
(25) Marine Construction Plant Operator (Boom-hook) [C325b / C425b]	2%	5%
(26) Marine Construction Plant Operator (Derrick) [C325c / C425c]	2%	5%
(27) Metal Scaffolder [C327 / C427]	15%	30%
(28) Metal Worker [C328 / C428]	30%	50%
(29) Painter and Decorator (Roller Painting) [C329a]	55%	55%
(30) Painter and Decorator (Surface Filling) [C329b]	55%	55%
(31) Painter and Decorator (Emulsion Painting) [C329c]	55%	55%
(32) Painter and Decorator (Brushing Lacquering) [C329d]	55%	55%
(33) Painter and Decorator (Synthetic Painting) [C329e]	55%	55%
(34) Painter and Decorator (Clear Lacquering) [C329f]	55%	55%
(35) Painter and Decorator (Texture-spray) [C329g]	55%	55%
(36) Painter and Decorator (Metal Paint Spray) [C329h]	55%	55%
(37) Painter and Decorator (Paperhanging) [C329i]	55%	55%
(38) Painter and Decorator (Sign Writing) [C329j]	55%	55%

<b>Column (1)</b>	<b>Column (2)</b>	<b>Column (3)</b>
<b>Specified trade divisions under CWRO</b>	<b>Minimum percentage of registered skilled workers and registered skilled workers (provisional)</b>	<b>Minimum percentage of registered skilled workers, registered skilled workers (provisional), registered semi-skilled workers and registered semi-skilled workers (provisional)</b>
(39) Piling Operative (Bored Pile) [C330a / C430a]	20%	40%
(40) Piling Operative (Percussive Pile) [C330b / C430b]	20%	40%
(41) Pipelayer [C331]	20%	20%
(42) Plant and Equipment Operator (Bored Pile) [C335a / C435a]	20%	40%
(43) Plant and Equipment Operator (Percussive Pile) [C335b / C435b]	20%	40%
(44) Plasterer [C337 /C437]	45%	70%
(45) Plasterer (Floor) [C337a / C437a]	45%	70%
(46) Plumber [C338 / C438]	55%	70%
(47) Shotcretor [C342]	10%	10%
(48) Tiler [C347 /C447]	55%	70%
(49) Tiler (Mosaic) [C347a / C447a]	55%	70%
(50) Tiler (Tile) [C347b / C447b]	55%	70%
(51) Window Frame Installer [C350 / C450]	20%	40%
<b>Electrical and Mechanical Works</b>		
(52) Electrical Fitter [E305]	30%	30%
(53) Control Panel Assembler [E305a / E405a]	30%	40%
(54) Electrical Wireman [E305b / E405b]	30%	40%
(55) Fire Service Electrical Fitter [E306a / E406a]	10%	20%
(56) Fire Service Mechanical Fitter [E306b / E406b]	10%	20%
(57) Fire Service Portable Equipment Fitter [E306c]	20%	20%
(58) Lift Mechanic [E309a]	10%	10%
(59) Mechanical Fitter [E310 / E410]	10%	20%
(60) Refrigeration/AC/Ventilation Mechanic (Air System) [E314a / E414a]	10%	20%
(61) Refrigeration/AC/Ventilation Mechanic (Electrical Control) [E314b / E414b]	10%	20%

<b>Column (1)</b>	<b>Column (2)</b>	<b>Column (3)</b>
<b>Specified trade divisions under CWRO</b>	<b>Minimum percentage of registered skilled workers and registered skilled workers (provisional)</b>	<b>Minimum percentage of registered skilled workers, registered skilled workers (provisional), registered semi-skilled workers and registered semi-skilled workers (provisional)</b>
(62) Refrigeration/AC/Ventilation Mechanic (Thermal Insulation) [E314c / E414c]	10%	20%
(63) Refrigeration/AC/Ventilation Mechanic (Unitary System) [E314d / E414d]	10%	20%
(64) Refrigeration/AC/Ventilation Mechanic (Water System) [E314e / E414e]	10%	20%