

立法會
Legislative Council

LC Paper No. CB(2) 2668/01-02
(These minutes have been seen
by the Administration)

Ref : CB2/PL/MP/1

LegCo Panel on Manpower

**Minutes of special meeting
held on Tuesday, 4 June 2002 at 1:00 pm
in the Chamber of the Legislative Council Building**

Members present : Hon LAU Chin-shek, JP (Chairman)
Hon CHAN Kwok-keung (Deputy Chairman)
Hon Kenneth TING Woo-shou, JP
Hon Cyd HO Sau-lan
Hon LEE Cheuk-yan
Dr Hon LUI Ming-wah, JP
Hon CHAN Yuen-han, JP
Hon LEUNG Yiu-chung
Hon YEUNG Yiu-chung, BBS
Hon Ambrose LAU Hon-chuen, GBS, JP
Hon Andrew CHENG Kar-foo
Hon LI Fung-ying, JP
Hon Frederick FUNG Kin-kee

Members attending : Hon Emily LAU Wai-hing, JP
Hon Audrey EU Yuet-mee, SC, JP

Members absent : Hon James TIEN Pei-chun, GBS, JP
Hon SZETO Wah
Hon Tommy CHEUNG Yu-yan, JP
Hon Michael MAK Kwok-fung
Hon Albert CHAN Wai-yip
Hon LEUNG Fu-wah, MH, JP

Public Officers attending : Item I
Mrs Fanny LAW, JP
Secretary for Education and Manpower

Mr Philip K F CHOK, JP
Deputy Secretary for Education and Manpower

Attendance by : Item I
Invitation

Hong Kong Confederation of Trade Unions

Mr TAM Wai-to
Vice Chairperson
Labour Affairs Committee

Mr MAK Tak-ching
General Secretary
Labour Affairs Committee

Clerk in : Mrs Sharon TONG
attendance : Chief Assistant Secretary (2) 1

Staff in : Ms Dora WAI
attendance : Senior Assistant Secretary (2) 4

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I. Proposed amalgamation of the Labour portfolio with the Economic Development portfolio and the Manpower portfolio with the Education portfolio under the proposed accountability system for principal officials

(Press release on the speech made by the Chief Secretary for Administration at the motion debate on the accountability system for principal officials at the Council meeting on 29 May 2002 issued vide LC Paper No. CB(2)2127/01-02 on 30 May 2002)

Meeting with deputation

Mr TAM Wai-to and Mr MAK Tak-ching presented the views of the Hong Kong Confederation of Trade Unions as set out in its submission tabled at the meeting.

Other submission tabled at the meeting

2. Members noted the submission from the Federation of Hong Kong Industries tabled at the meeting.

(*Post-meeting note* : The two submissions tabled at the meeting were circulated to members vide LC Paper No. CB(2)2186/01-02 on 5 June 2002.)

Meeting with the Administration

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3. Secretary for Education and Manpower (SEM) said that in view of the heavy workload of the Education and Manpower Bureau (EMB), especially when the education reform was underway and the unemployment rate was high as a result of economic restructuring, she considered it appropriate that the Labour portfolio currently overseen by EMB be removed from its scope while the Manpower portfolio would remain in EMB. This arrangement would enable EMB to focus its work on education and manpower development, which included training and retraining. The proposals to transfer the Labour portfolio to the proposed Economic Development and Labour Bureau (EDLB) and to create a Permanent Secretary post to take charge of labour matters under EDLB reflected that the Administration attached great importance to labour matters. She believed that the Permanent Secretary responsible for labour matters would be able to devote more time to coordinate with related policy bureaux to work out measures to tackle the problem of high unemployment and further improve the relationship between employers and employees.

4. The Chairman said that he was in support that the Labour portfolio be taken out from the scope of EMB, given the wide scope of responsibilities under the Labour and Education portfolios. However, he queried why the Labour portfolio was proposed to be amalgamated with the Economic Development portfolio. He considered that the proposal would equally create conflicts as in the case of the original proposal of placing the Manpower portfolio and the Commerce and Industry portfolio under one Director of Bureau. Moreover, it might also create the same problem of heavy workload in EDLB as in the case of EMB at present if the former were to oversee the Labour portfolio in addition to the Economic Development portfolio. In his view, there should be a dedicated Director of Bureau to be responsible for the Labour and Manpower portfolios, given the economic restructuring and the problem of high unemployment. Mr LEE Cheuk-yan shared the view of the Chairman.

5. SEM considered that it was not unreasonable to merge the Labour portfolio with the Economic Development portfolio, as the policies under these two areas could be made to complement each other. She believed that the Director of Bureau responsible for Economic Development and Labour would have due regards to the impact on employment when formulating policy on economic development.

6. SEM pointed out that the Labour Advisory Board (LAB), which comprised employer and employee representatives of equal number, provided a forum for the Administration to collect the views of employers and employees on proposals relating to labour matters. After a proposal was endorsed by LAB, the Administration would consult the respective committee of the Legislative Council. Such mechanism had been working well and playing a vital role in developing a harmonious relationship between employers and employees. As such mechanism would still exist after the proposed accountability system was in place, she believed that the conflicts mentioned by members would not occur as there would be adequate checks and balances provided by the aforesaid mechanism. She added that the International Labour Organisation was very appreciative of the spirit of LAB and the way the Administration handled labour matters in Hong Kong.

7. Miss Emily LAU commented that the Administration seemed to be frivolous in putting forward the revised proposals relating to the splitting, merging and retention of policy

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bureaux. It gave an impression that the Labour portfolio could be grouped with any policy portfolio. She expressed worry that given the Government's emphasis on promoting economic development, the interests of workers might be sacrificed as labour policy might be made to merely cope with the needs of economic development. In her view, retaining the Labour portfolio in EMB would create less conflicts. She also queried why there would be 16 Permanent Secretaries having regard to the fact that there would only be 11 Directors of Bureau. In addition, she expressed doubt as to whether it was necessary for the Permanent Secretary overseeing labour matters to be pitched at D8 level as manpower development would no longer be under his purview.

8. Given that enhancing the overall competitiveness of Hong Kong would be one of the policy objectives of EDLB, Ms Cyd HO expressed worry that there would likely be pressure for lower labour cost in order to enable enterprises to stay competitive. Hence, in considering any proposals relating to rights and benefits of employees, EDLB might only have regard to the costs to employers. She also expressed concern that after the re-organisation of the Executive Council (ExCo), some proposals regarding improvement to the rights and benefits or occupational safety of workers might not be able to secure ExCo's endorsement.

9. SEM said that for the reasons explained in paragraph 6 above, the interests of workers would not be compromised by the proposed amalgamation of the Labour portfolio with the Economic Development portfolio. As regards the workload of the Permanent Secretary overseeing labour matters, she said that his scope of duties would have to be decided by the respective Director of Bureau.

10. Mr Andrew CHENG noted that the Chief Secretary for Administration had stated in his speech made at the motion debate on the proposed accountability system that the large number of employment opportunities to be created under the tourism industry and the logistics industry was one of the two major advantages of merging the Labour portfolio with the Economic Development portfolio. He enquired about the detailed figures of the employment opportunities to be provided by these two industries.

11. SEM said that she did not have the details of the future development of the tourism and logistics industries as this was within the purview of the Economic Services Bureau (ESB). However, she learnt that ESB was carrying out a detailed study on this.

12. Mr Frederick FUNG asked whether the Administration had considered merging the Labour portfolio with the Welfare Services portfolio as the spirit and the service direction of these two areas were similar. SEM said that she was not in a position to answer the question.

13. Miss CHAN Yuen-han said that The Hong Kong Federation of Trade Unions considered that in order to tackle the problem of high unemployment, protection of local employment should be the prime consideration in formulating economic development strategies. She considered that if the proposed EDLB were to oversee the Labour portfolio, it should be given the appropriate scope of authority to devise and implement economic development policy which could complement local employment. She was also of the view that policy issues in relation to employment, unemployment and manpower development should all come under the Labour and Manpower portfolios. For example, issues relating to

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admission of talents/Mainland professionals and importation of labour should be dealt with by the bureau/bureaux overseeing Labour and Manpower portfolios rather than by the Security Bureau as presently arranged.

14. SEM believed that most of the issues raised by Miss CHAN Yuen-han were being examined by the Administration. Nevertheless, she undertook to convey Miss CHAN's views to the Administration for consideration. She supplemented that as the Chief Executive (CE) had already announced the initiative to give priority consideration to employment when formulating Government policies, she believed that all Directors of Bureau would follow suit when devising their policy initiatives. On the question of re-distribution of work among policy bureaux, she said that this would be one of the major issues to be considered by the Administration after the proposed accountability system was implemented.

15. In response to Mr LEUNG Yiu-chung's enquiry about the possibility to further improve the revised proposals, SEM said that these proposals had been drawn up after thorough deliberations by the Administration. The views expressed by Members and the public on the original proposals had also been carefully considered before finalising the revised proposals.

16. Mr LEE Cheuk-yan expressed doubt about the appropriateness of the name of the proposed EDLB as he considered that the scope of economic development should be much broader than the scope of the proposed EDLB.

17. Ms Cyd HO considered that the Secretary for Constitutional Affairs (SCA) and the Secretary for Economic Services should also attend the meeting to answer questions from members concerning the proposed amalgamation under the revised proposals. She suggested that the Chairman should reflect to the House Committee the dissatisfaction of the Panel about the absence of the relevant bureau secretaries at the meeting.

18. The Chairman said that while members appreciated the efforts made by SEM to try to answer members' questions at the meeting, it seemed that SEM did not have the information or was not in a position to give an answer to most of members' questions. Although members considered that SCA should have attended the meeting as the proposed accountability system was within his purview, they also considered that even SCA might not be able to answer the queries raised by members. In view of this, members agreed that the Panel should suggest to the House Committee that CE should be invited to explain to Members the revised proposals and to answer questions from Members.

II. Any other business

19. Members agreed that the next regular meeting originally scheduled for 20 June 2002 at 2:30 pm be re-scheduled to 27 June 2002 at 10:45 am in order to give way to the Council meeting.

20. There being no other business, the meeting ended at 2:00 pm.

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Council Business Division 2
Legislative Council Secretariat
6 August 2002