

Panel on Manpower

List of outstanding items for discussion

(position as at 17 October 2003)

**Proposed timing
for discussion**

1. Occupational safety measures for workers engaged in meal delivery and home care services

In a case conference with the Administration on 30 March 2001 regarding a complaint in relation to meal delivery service, DRMs present at the meeting considered that the risk of occupational injuries of meal delivery and home care services is high. These Members suggested that this issue be followed up by the Panel on Manpower and the Panel on Welfare Services.

To be confirmed

At the meeting on 17 July 2003, members agreed that the Administration should provide further information before deciding on whether to delete the issue from the list of outstanding items. The Administration's paper was issued to members vide LC Paper No. CB(2)3049/02-03 on 10 September 2003.

2. Report of the Hong Kong Special Administrative Region of the People's Republic of China in the light of the International Covenant on Economic, Social and Cultural Rights

The United Nations Committee on Economic, Social and Cultural Rights issued its Concluding Observations on 11 May 2001 after its hearing on the above Report. The United Nations Committee has raised a wide range of issues in its Concluding Observations. At its meeting on 12 June 2001, the LegCo Panel on Home Affairs suggested that the relevant Panels should discuss issues raised in the Concluding Observations under their purview. The Chairman of the Panel on Manpower has agreed that the Panel should discuss issues raised in the Concluding Observations which are under the purview of the Panel.

To be confirmed

**Proposed timing
for discussion**

In its letter to the Chairman on 23 June 2003 (LC Paper No. CB(2)2744/02-03(01)), the Administration advised that the Second Report had been submitted to the Central Government.

3. Problem of unemployment of the youth

Proposed by Hon CHAN Yuen-han in her letter to the Panel Chairman dated 30 October 2001. She suggested that the problem of youth unemployment should be discussed by the Panel, and youth organisations should be invited to give views on the subject.

To be confirmed

At the meeting on 18 April 2002, the Administration briefed members on the proposed Youth Work Experience and Training Scheme which aims at addressing the rising unemployment rate of young people aged between 15 and 24.

At the meeting on 31 October 2002, the Administration briefed members on a series of measures to promote employment opportunities for people at all levels.

At the meeting on 20 February 2003, the Administration briefed members on a special project entitled "Action S4" which aims to provide intensive training and counselling services to vulnerable trainees of the Youth Work Experience and Training Scheme.

At the meeting on 17 July 2003, the Administration briefed members on the progress of the Youth Work Experience and Training Scheme and a special project co-organised with the Professional Validation Council of Hong Kong under the Scheme entitled "Youth Work Experience and Skills Enhancement Programme for the Manufacturing Industry" which aims at providing employment and training opportunities for young people and supply a pool of well trained personnel to meet the needs of the manufacturing industry.

**Proposed timing
for discussion**

4. Proposals to extend the applicability of the Employment Ordinance to government employees on non-civil service contract terms, and employees who are not employed under a continuous contract

At the meeting on 2 November 2001, Hon LEUNG Fu-wah indicated that he and two other members in the Labour Constituency would jointly introduce a Member's Bill to extend the applicability of the Employment Ordinance to those who are employed by the Government on non-civil service contract terms. They will make another proposal to extend the same to those who are not employed under a continuous contract (i.e. persons who are employed for less than four weeks and whose working hours are less than 18 in each week).

To be confirmed

At the meeting on 15 November 2001, Hon LEUNG Fu-wah informed members that the said Member's Bill jointly proposed by Hon CHAN Kwok-keung, Hon LI Fung-ying and himself had been submitted to the President of LegCo for consideration. Members agreed that the proposals should be discussed by the Panel when ready. On 14 March 2002, the President ruled that the Bill relates to public expenditure and Government policy and therefore may not be introduced by the members.

As suggested by Hon LI Fung-ying at the meeting on 16 May 2002, members agreed that the report by LD concerning protection for workers who are not employed under a continuous contract be discussed by the Panel once it is ready.

5. Creation of job opportunities for workers of low educational attainment and low skills

At the meeting between Members and Kwai Tsing District Council (K&TDC) members on 29 November 2001, K&TDC members expressed concern about the Government's assistance in the placement of workers with low educational attainment for jobs in a knowledge-based society. They requested that consideration should be given to developing labour intensive industries, such as catering and food packing industries to complement the promotion of Hong Kong as an attractive tourist

To be confirmed

**Proposed timing
for discussion**

destination, as a long-term measure for provision of job opportunities to workers of low educational attainment. As the matter relates to policy issues, Members present at the meeting agreed that it should be referred to the Panel on Manpower for follow-up.

At the meeting on 31 October 2002, the Administration briefed members on a series of measures to promote employment opportunities for people at all levels.

The second progress report on job creation as at 30 September 2002 provided by the Administration was circulated vide LC Paper No. CB(2)456/02-03 on 25 November 2002.

At the meeting on 28 March 2003, the Administration briefed members on measures to strengthen assistance to the middle-aged unemployed to seek employment.

6. Employees' claims for periodical payment for temporary incapacity and other compensation as a result of work-related injury

On 30 April 2002, some DRMs met with a deputation comprising a group of injured workers who requested for an improvement in the services provided by LD in assisting injured workers to claim for outstanding periodical payment for temporary incapacity and/or other compensation as a result of work-related injury.

To be confirmed

In a case conference with the Administration on 21 May 2002, DRMs present at the meeting opined that instead of employers making periodical payment and other compensation to injured workers and seeking reimbursement of the amount paid to injured workers from insurers thereafter, insurers should be required to settle the periodical payment and other compensation direct with injured workers. These Members suggested that the matter be followed up by the Panel on Manpower.

**Proposed timing
for discussion**

At the meeting on 17 July 2003, members agreed that the Administration should provide further information before deciding on whether to delete the issue from the list of outstanding items.

7. Recognition of Chinese medicine for entitlement to employee benefits under related labour ordinances

As suggested by Hon LI Fung-ying at the meeting on 31 October 2002, the Administration undertook to brief the Panel on the specific proposal when the necessary draft legislative amendments are ready.

To be confirmed

8. Feasibility of provision of one-stop service by the Labour Department in handling cases of arrears of wages

Item raised by Hon LEUNG Yiu-chung at the meeting on 21 November 2002. At the meeting, he pointed out that employees who are owed wages by their insolvent employers are normally required to go through a number of processes with LD, the Labour Tribunal and the Legal Aid Department before they could apply for financial assistance from the Protection of Wages on Insolvency Fund. To streamline the administrative procedures involved and to expedite the process, he suggested that the feasibility of LD providing one-stop service for handling cases of arrears of wages be explored.

To be confirmed

Members agreed that the issue be discussed at the meeting in January 2003 if the relevant information from the Administration will not be ready for discussion at the meeting in December 2002. Subsequent to the meeting, the Administration has advised that the relevant information will not be ready for discussion at the December meeting.

**Proposed timing
for discussion**

At the joint meeting of the Panel on Administration of Justice and Legal Services and Panel on Manpower on 6 May 2003, members again requested the Administration to consider the provision of one-stop service by the Labour Department. At the Panel meeting on Manpower on 19 June 2003, Mr LEE Cheuk-yan suggested that the item be discussed at a future meeting.

9. Proposed new importation of labour scheme

Item proposed by members on 20 February 2003 and scheduled for discussion at the meeting on 20 March 2003. The Administration has subsequently advised that as the idea of allowing local employers to import workers from outside Hong Kong on the basis of a fixed ratio to new jobs created locally is still very much in its infancy, the Administration considers it premature to deal with the subject at the March meeting. At the request of the Administration and with the concurrence of the Panel Chairman, the discussion on the item has been deferred to a future meeting.

To be confirmed

10. Financial position of the Protection of Wages on Insolvency Fund

When the Finance Committee considered the proposal of extending a bridging loan to the Protection of Wages on Insolvency Fund (PWIF) at its meeting on 8 November 2002, the Administration made the following undertakings in the light of the views expressed by Members -

To be confirmed

- (a) to report to the Panel on Financial Affairs and Panel on Manpower the outcome of the review of sections 273 and 275 of the Companies Ordinance (Cap. 32), with a view to ascertaining the need to introduce amendments to these two sections to enhance deterrence against unscrupulous employers or company directors for abusing the PWIF; and

**Proposed timing
for discussion**

- (b) to keep the Panel on Manpower posted of developments in relation to adjustment to the level of Business Registration Certificate levy where circumstances warrant.

Regarding item (a), the Administration has advised that sections 273 and 275 of the Companies Ordinance are related to insolvent trading, and are being reviewed in the context of the insolvent trading provisions under the Companies (Corporate Rescue) Bill (the Bill). The scrutiny of the Bill has been held in abeyance since December 2001 to allow time for the Administration to conduct consultation on the trust account arrangement under the Bill. The Administration issued the consultation paper in early September 2003 and intends to revert to the Bills Committee after the expiry of the consultation period in early November 2003.

11. Review of the mode of operation of Project Yi Jin

At the meeting on 28 March 2003, Hon Cyd HO expressed the view that the Administration should conduct a comprehensive review of the provision of continuing education for adult learners. She suggested that the mode of operation of Project Yi Jin and ways to reduce the level of its tuition fee should be looked into when the subject of continuing education for adult learners is discussed.

To be confirmed

12. Review of Self-Employment Business Startup Assistance Scheme

Item proposed by EMB. Brief information on this item provided by EMB was circulated vide LC Paper No. CB(2)381/02-03 on 15 November 2002.

To be confirmed

**Proposed timing
for discussion**

13. Protection against anti-union discrimination

At the meeting on 6 May 2003, Mr LEE Cheuk-yan requested the Administration to respond to the recommendations of the International Labour Organisation (ILO) to address the complaints lodged by the trade union of Cathay Pacific Airways concerning discrimination against trade union. The Administration undertook to respond when official documents were received from ILO.

To be confirmed

14. Legislation on reinstatement right for unreasonable and unlawful dismissal

At the meeting on 6 May 2003, Mr LEE Cheuk-yan requested the Administration to report on the progress of introducing a bill on reinstatement right for unreasonable and unlawful dismissal. The Administration responded that it needed more time to finalize the draft bill.

To be confirmed

15. Factories and Industrial Undertakings (Medical Examinations) Regulation and the related Industrial Training (Construction Industry) (Amendment) Bill

The above Regulation and Amendment Bill were held in abeyance due to economic reasons. At the meeting on 6 May 2003, the Administration said that it would review the situation at the end of this year and consult the relevant parties on the way forward. It also undertook to revert to the Panel once a decision on the way forward was made.

To be confirmed

16. Continuing Education Fund

At the meeting on 17 July 2003, the Administration undertook to report on the findings of the consultation to be conducted at the end of 2003 when available.

To be confirmed