

立法會
Legislative Council

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LC Paper No. CB(2) 829/04-05
(These minutes have been seen
by the Administration)

Panel on Manpower

Minutes of meeting
held on Thursday, 16 December 2004 at 2:30 pm
in Conference Room A of the Legislative Council Building

Members present : Hon LAU Chin-shek, JP (Chairman)
Hon KWONG Chi-kin (Deputy Chairman)
Hon LEE Cheuk-yan
Hon CHAN Yuen-han, JP
Hon LEUNG Yiu-chung
Hon Jasper TSANG Yok-sing, GBS, JP
Hon Andrew CHENG Kar-foo
Hon LI Fung-ying, BBS, JP
Hon Tommy CHEUNG Yu-yan, JP
Hon Frederick FUNG Kin-kee, JP
Hon WONG Kwok-hing, MH
Hon Andrew LEUNG Kwan-yuen, SBS, JP

Members absent : Hon Albert HO Chun-yan
Hon Abraham SHEK Lai-him, JP
Hon Vincent FANG Kang, JP
Hon LEUNG Kwok-hung

Public Officers attending : Item IV
Mr Matthew CHEUNG Kin-chung
Permanent Secretary for Economic Development and
Labour (Labour)

Mrs Jenny CHAN
Assistant Commissioner for Labour (Employees' Rights
and Benefits)
Labour Department

Mr Charles HUI Pak-kwan
Senior Labour Officer (Compensation)
Labour Department

Item V

Mr Matthew CHEUNG Kin-chung
Permanent Secretary for Economic Development and
Labour (Labour)

Mr Fred TING, JP
Deputy Commissioner for Labour (Occupational Safety
and Health)

Mr TSO Sing-hin
Assistant Commissioner for Labour (Occupational Safety)

Item VI

Ms Rebecca PUN
Principal Assistant Secretary for Education and Manpower
(Manpower Infrastructure)

Dr Edwin WONG
Chairperson – Project Yi Jin
Programme Management Committee

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

Staff in attendance : Mr Raymond LAM
Senior Council Secretary (2) 5

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I. Confirmation of minutes of previous meeting

(LC Paper No. CB(2)398/04-05)

The minutes of meeting held on 18 November 2004 were confirmed.

II. Information papers issued since the last meeting

(LC Paper No. CB(2)255/04-05(01))

2. Members noted that a letter from Shatin District Council member Mr LAI Hing-cheung on issues relating to foreign domestic helpers had been issued since the last meeting.

3. The Chairman informed members that a background brief on Project Yi Jin had been prepared by the Legislative Council Secretariat. Members agreed that, in line with the past practice of the Panel, background briefs should only be prepared upon the request and agreement of members. They also agreed that the holding of special meetings would be kept to a minimum.

III. Date of next meeting and items for discussion

(LC Paper Nos. CB(2)392/04-05(01) and (02))

4. Members agreed that the following items proposed by the Administration be discussed at the next meeting to be held on 17 February 2005 at 2:30 pm -

(a) Provision of additional compensation for non-compliance with compulsory order of reinstatement or re-engagement; and

(b) Employment services provided by the Labour Department (LD).

5. Members noted that briefings by the Secretary for Education and Manpower and Secretary for Economic Development and Labour on the Chief Executive's Policy Address 2005 had been scheduled for 20 January 2005 from 2:30 pm to 4:30 pm.

6. Members also agreed to delete the item "Recognition of Chinese medicine for entitlement to employee benefits under related labour ordinances" from the list of outstanding items for discussion.

7. Members noted a list of items proposed by Hon KWONG Chi-kin, Hon CHAN Yuen-han and Hon WONG Kwok-hing for inclusion into the Panel's list of outstanding items for discussion. The Chairman suggested that members could provide the Panel with the items they wish to propose for discussion.

(Post-meeting note : The list of items tabled at the meeting was circulated to members vide LC Paper No. CB(2)469/04-05 on 20 December 2004.)

IV. Voluntary rehabilitation programme for employees injured at work
(LC Paper No. CB(2)302/04-05(01))

8. Members noted a submission dated 15 December 2004 from the Association for the Rights of Industrial Accident Victims.

(Post-meeting note : The submission tabled at the meeting was circulated to members vide LC Paper No. CB(2)466/04-05 on 20 December 2004.)

9. At the invitation of the Chairman, Permanent Secretary for Economic Development and Labour (Labour) (PSL) briefed members on the progress of the Voluntary Rehabilitation Programme (VRP) for injured employees in the construction industry, and the extension of VRP to the catering, transport and manufacturing industries.

10. Referring to paragraph 6 of the Administration's paper, Mr WONG Kwok-hing asked why 34% of the 224 injured workers did not join VRP.

11. Assistant Commissioner for Labour (Employees' Rights and Benefits) (AC(RB)) responded that according to their survey, the reasons for not joining VRP included –

- (a) a lack of sufficient knowledge about VRP;
- (b) the preference for the rehabilitation services provided by the Hospital Authority;
- (c) the concern about the charges that might be levied by insurance companies; and
- (d) litigation relating to the case concerned.

12. Referring to paragraph 7 of the Administration's paper, Mr WONG Kwok-hing asked why only 24 out of 65 workers who returned to work during the year had been provided with work trials. He asked whether it was due to employers' reluctance to cooperate. He also asked about the success rate of employees in the work trials.

13. AC(RB) responded that the Administration would promote VRP and work trials among employers. She informed members that all the 24 workers who participated in work trials had not sustained any further work injuries during the work trial period.

14. Mr WONG Kwok-hing said that the participation rate of injured workers in VRP was low. He considered that the Administration should strengthen publicity

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on VRP. PSL responded that publicity on VRP had been launched by the Administration. Nevertheless, the Administration would consider stepping up publicity and education on VRP.

15. The Chairman said that there might be a conflict in the roles of participating insurers, as they were involved in providing views on the determination of compensation payments. He asked whether the Administration would consider providing subsidy for injured workers to choose their own rehabilitation service providers.

16. PSL responded that the statutory entitlements of injured employees would not be affected by their participation in VRP. AC(RB) added that participating insurers had to comply with the five principles set out in paragraph 4 of the Administration's paper. The rehabilitation programmes of insurers had to be approved by LD. VRP provided an additional choice for injured workers who might need to wait for a long period before they could receive rehabilitation service provided by public hospitals, and it was up to workers to decide whether to participate or not. Injured workers could terminate their participation in VRP at any stage.

17. Mr TSANG Yok-sing asked whether problems had been identified with the pilot programme and whether measures would be introduced to address the problems.

18. AC(RB) responded that the surveys conducted on insurers and injured employees indicated that many employers lacked sufficient knowledge about VRP and some injured workers lacked knowledge and confidence in VRP. In view of these, the Administration would step up its promotion of VRP and case follow-up. It would also enhance communication between public hospitals and private rehabilitation service providers to ensure that rehabilitation services were provided in time and without duplication.

19. The Chairman asked whether there were cases of dispute about the compensation amount for an injured worker after participation in VRP.

20. AC(RB) responded that although there had been some enquiries from injured workers, there had not been any complaint of such a nature.

21. Referring to paragraph 3 of the Administration's paper, Ms LI Fung-ying asked about the circumstances under which an injured worker would be considered suitable for joining VRP.

22. AC(RB) responded that in assessing whether an injured employee was suitable for joining VRP, a participating insurer would usually consider the type and extent of injury, the duration of sick leave, the waiting time required for receiving rehabilitation services provided by public hospitals and the adequacy of rehabilitation services provided by public hospitals.

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23. Ms LI Fung-ying said that under the Employees' Compensation Ordinance, employees who had been granted sick leave for work injuries were not allowed to return to work during the sick leave period. She asked whether the participating insurer, the employer and the employee concerned would be liable for any further work injuries sustained during work trial. The Chairman asked whether a medical practitioner would issue a sick leave certificate to an employee who was considered to be fit for work trial. He also asked whether a sick leave certificate would be issued to an employee in the event that a medical practitioner considered the employee to be fit for work trial, but the employee did not think so.

24. AC(RB) responded that whether a sick leave certificate should be issued was subject to the professional judgment of the medical practitioner concerned. To her knowledge, a medical practitioner would issue a sick leave certificate to an employee who was in need of rest. Where a medical practitioner considered that an employee was fit for early return to take up light work, he would issue a certificate to such effect. Work injury during work trial would be treated as a work injury case and compensation could be claimed from the employer concerned. She said that the Administration recognised the need to enhance the knowledge of employees, employers and medical practitioners about VRP. It had explained the framework of rehabilitation under VRP to the Department of Orthopaedics and Traumatology of 13 hospitals of the Hospital Authority (HA). It would also promote VRP among employers and employees. The Chairman requested the Administration to provide a written response.

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25. Mr LEUNG Yiu-chung said that the Administration should conduct surveys on the views of employees and employers on VRP and provide members with the results of such surveys. He expressed concern whether an employee's entitlement to compensation would be reduced if an injury occurred during work trial, given that participation in VRP was voluntary.

26. AC(RB) responded that LD had conducted a review on VRP. The review included a survey of the views of participating insurers and injured workers. Views of the participating employees were set out in paragraph 9 of the Administration's paper. She said that the compensation for injury during work trial was dependent upon the increase in the percentage of the loss of earning capacity resulting from this further injury.

27. PSL stressed that the Administration was concerned about the views of employees. It noted that eight injured workers who participated in VRP had withdrawn due to reasons like the remote location of the rehabilitation centres. In this connection, the participating insurers should strengthen its case follow-up work. To avoid injury during work trial, he considered it important to assign employees with lighter work during work trial. He said that HA also recognised the benefits of early return to work and it offered schemes for assisting its injured employees to return to work.

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28. Mr LEUNG Yiu-chung said that the Administration should provide members with more information about the surveys referred to in paragraph 9 of the Administration's paper, including the questionnaire on the inadequacies or weaknesses of VRP and the findings. The Chairman requested the Administration to provide a written response.

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V. Hong Kong's occupational safety performance in the first half of 2004
(LC Paper No. CB(2)375/04-05(01))

29. At the invitation of the Chairman, PSL briefed members on the occupational safety performance in Hong Kong for the first six months of 2004.

30. The Chairman asked whether there was information on the injuries of illegal workers. Assistant Commissioner for Labour (Occupational Safety) (AC(OS)) responded that there was one occupational accident involving death of an illegal worker. There was no information about occupational accidents involving non-fatal injuries of illegal workers, as such cases were not reported to LD, and they would not come to the Labour Department's notice unless the injury was a serious one.

31. Mr WONG Kwok-hing considered that the decrease in the number of accidents in the construction industry was due to the decrease in construction works. The Chairman said that the decrease in occupational injuries was also due to the construction sites being less busy than in the past.

32. Referring to Table 3 of the Administration's paper, PSL responded that the injury rate per 1 000 employees in the construction industry had decreased in comparison with the corresponding periods in 2002 and 2003. He stressed that the Administration would not be complacent and would continue to promote occupational safety in Hong Kong.

33. Mr WONG Kwok-hing said that the increase in the number of accidents in the catering industry was due to long working hours and increased number of temporary workers. PSL responded that the increase in the number of accidents in the catering industries was mainly due to the recovery of the local economy. However, the accidents involved were relatively less serious.

34. Mr WONG Kwok-hing considered that separate statistics should be provided for lift and escalator repair workers and employees working in manholes and confined spaces. PSL agreed to consider the suggestion.

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35. Mr WONG Kwok-hing said that the effect of work stress on civilian employees should also be reflected in the information provided by the Administration. PSL responded that it would be difficult to gather information on statistics relating to work stress on civilian employees. Nevertheless, LD was disseminating information on coping with work stress through its webpage and the

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production of pamphlets on the subject. The Administration hoped to enhance publicity and education in this respect.

36. Mr WONG Kwok-hing said that a labour union of the construction industry had received complaints that many contractors in the construction sector could not or did not take out employees' compensation insurance.

Adm 37. PSL responded that the Administration was conducting a review on the existing employees' compensation system. It would also examine the proposals to be submitted by the Hong Kong Federation of Insurers on a pooling system for employees compensation. The Administration would consult the Labour Advisory Board (LAB) and the Panel, if there were any proposals on the subject matter. Mr WONG Kwok-hing requested the Administration to provide a written response.

38. The Chairman considered that the Administration should obtain further information from the labour union and take prompt actions against employers in breach of the law.

39. Ms LI Fung-ying requested the Administration to provide information on the occupational injuries in other industries, such as the transportation industry. She asked whether the Administration had obtained information about the backgrounds, such as length of service, age and education of the injured workers so that publicity could be focussed on the groups of workers with a higher accident rate. She also asked whether there were information about the relationship between the working hours of drivers and accident rate.

Adm 40. PSL agreed to provide information on the occupational injuries in other industries and the age distribution of injured workers. He agreed with the view that publicity should be focused on the groups of workers with a higher accident rate. He said that there would be difficulties in obtaining information about the background of workers, as the form designated for reporting of industrial accidents was already complicated.

41. AC(OS) informed members that there were 1790 and 1979 occupational injuries in the transportation industry in the first half of 2003 and 2004 respectively. The major types of accidents involved were as follows –

<u>Type of accident</u>	<u>First half of 2003</u>	<u>First half of 2004</u>
Injured whilst lifting or carrying	347	431
slip, trip or fall on same level	418	497

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fall of persons from height	107	130
striking against or struck by moving object	289	311

42. Mr LEE Cheuk-yan asked whether the statistics provided in the Administration's paper covered industrial accidents of self-employed persons. He said that there were reports that some employers had asked their employees to avoid reporting occupational injuries in order to keep down the insurance premium. He considered that a healthy working environment should be created through the enactment of legislation on rest time and maximum working hours.

43. PSL responded that industrial accidents of self-employed persons were not covered in the Administration's paper. He said that an employer who did not report an industrial accident to LD would be in breach of the law and the Administration would take enforcement actions against such employers. He shared Mr LEE Cheuk-yan's view that a healthy working environment should be created. He said that the Administration had issued guidelines on rest break and the issue had been examined by LAB. Mr LEE suggested that the Administration should consider amending the requirement of reporting industrial accidents of employees to reporting any industrial accidents during work that resulted in injuries.

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44. Mr LEUNG Yiu-chung said that the requirement on the reporting of industrial accidents should be applicable to both employees and employers. He considered that a healthy working environment should be created and publicity on industrial safety should be strengthened. He added that industrial accidents should be analysed to identify the causes. He considered that training on occupational safety should be incorporated in retraining courses.

45. PSL noted the views of Mr LEUNG. He said that in-depth analyses were conducted on fatal industrial accidents. He added that training on occupational safety had been incorporated in retraining courses.

46. Mr Tommy CHEUNG said that the increase in the number of accidents in the catering industry might be due to the closure of many restaurants after the outbreak of the Severe Acute Respiratory Syndrome (SARS) and the opening of many new restaurants following the rebound of the local economy. He asked whether analyses could be conducted to identify whether the industrial accidents in the catering sector mainly occurred in new restaurants and whether any particular restaurants had a higher rate of industrial accidents. He considered that publicity and education on industrial safety should be directed towards such restaurants.

47. PSL responded that the number of industrial accidents in the catering industry had decreased in comparison with that in the corresponding period in 2002. The lower figures for 2003 might be due to the outbreak of SARS in the previous year. He said that LD did not maintain statistics on the number of years a restaurant

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had been in operation, as the form used for reporting industrial accidents did not require the provision of such information. He said that LD would target enforcement action against restaurants with poor accident records.

VI. Review of financial provision for Project Yi Jin

(LC Paper Nos. CB(2)392/04-05(03) and CB(2)449/04-05(01))

48. At the invitation of the Chairman, Principal Assistant Secretary for Education and Manpower (Manpower Infrastructure) PAS(EM)(MI) briefed members on Project Yi Jin (PYJ) and the Administration's proposal to continue the funding scheme for PYJ.

49. Mr LEE Cheuk-yan expressed concern about the position of PYJ in the hierarchy of education system in Hong Kong under the proposed academic structure for senior secondary education and higher education. He said that most companies did not specify in their job advertisements the minimum requirements on the attainments in PYJ. He asked whether the Administration had any plans about PYJ in the longer term.

50. PAS(EM)(MI) responded that the long term plan for PYJ would be considered in conjunction with the proposed reform of the academic structure for senior secondary education and higher education. She said that the building up of PYJ's image and reputation took time. To her knowledge, most PYJ graduates would further their studies after graduation. In fact, a number of graduates of the first PYJ cohort gained acceptance into undergraduate programmes in 2004-05 academic year by local and overseas universities.

51. Ms LI Fung-ying asked whether the course fee for PYJ would be reduced.

52. Chairperson – Programme Management Committee of Project Yi Jin (C/PYJ) responded that with the economy of scale resulting from the improved level of student enrolment, the Federation for Continuing Education in Tertiary Institutions (FCE), which ran the programme on a self-financing basis, had indicated that the course fee could be reduced from \$30,000 to \$28,000 in 2005-06 academic year. PAS(EM)(MI) said that the Administration hoped that the course fee for PYJ would be further reduced and would continue to explore with FCE to this end.

53. Ms LI Fung-ying asked about the salary levels of graduates from PYJ.

54. C/PYJ responded that according to the tracking survey, the monthly salaries of graduates of PYJ ranged from \$3,000 to more than \$10,000. About 50% of them were earning a monthly salary of \$5,000 to \$8,000. The first batch of graduates were earning a monthly salary of about \$6,000 to \$8,000, whereas the second and third batch of graduates were earning a monthly salary of about \$5,000 to \$7,000.

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55. Mr WONG Kwok-hing said that PYJ should be operated by education institutes. He asked whether PYJ would be linked to the proposed qualifications framework.

56. Mr Andrew CHENG expressed support for the funding proposal. He hoped that the elements of PYJ would be incorporated into the curriculum of secondary schools as soon as possible.

57. Mr Federick FUNG expressed support for the funding proposal. He considered that in addition to skill-based courses, more academic courses should be incorporated into the programmes of PYJ. He considered that PYJ should be operated by education institutes.

58. PAS(EM)(MI) responded that PYJ courses were operated by tertiary institutions of FCE. The PYJ Programme emphasised on biliteracy, trilingualism, information technology application and practical skills training. Having regard to the success of PYJ, the Administration introduced the Yi Jin/Secondary Schools Collaboration Project, as a pilot scheme, in ten secondary schools in 2004-05 academic year to provide an alternative pathway for those students who choose not to sit for the Hong Kong Certificate of Education Examination. She said that PYJ would be linked to the qualifications framework.

59. Members generally supported the funding proposal and agreed that the proposal could be submitted to the Finance Committee for consideration.

60. There being no other business, the meeting ended at 4:30 pm.

Council Business Division 2
Legislative Council Secretariat
4 February 2005