

立法會
Legislative Council

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LC Paper No. CB(2)3138/05-06

(These minutes have been seen by the
Administration)

**Panel on Manpower and
Panel on Welfare Services**

**Minutes of Joint Meeting
held on Thursday, 6 July 2006 at 10:45 am
in the Chamber of the Legislative Council Building**

**Members
present**

: Panel on Manpower

Hon KWONG Chi-kin (Deputy Chairman)

Hon LEE Cheuk-yan

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, SBS, JP

Hon WONG Kwok-hing, MH

Hon Andrew LEUNG Kwan-yuen, SBS, JP

Hon LEUNG Kwok-hung

Panel on Welfare Services

Dr Hon Fernando CHEUNG Chiu-hung (Chairman)

☆ Hon CHAN Yuen-han, JP (Deputy Chairman)

Hon Bernard CHAN, GBS, JP

Hon Mrs Sophie LEUNG LAU Yau-fun, SBS, JP

Dr Hon YEUNG Sum

Hon Albert CHAN Wai-yip

Hon Alan LEONG Kah-kit, SC

(# Also members of the Panel on Welfare Services)

(☆ Also member of the Panel on Manpower)

**Members
absent**

: Panel on Manpower

Hon LAU Chin-shek, JP (Chairman)

Members of the Panel on Welfare Services

Hon James TIEN Pei-chun, GBS, JP
Hon Albert HO Chun-yan
Hon TAM Yiu-chung, GBS, JP

**Public
Officers
attending**

: Item II

Mrs MA LO To-wan, Mary
Commissioner for Rehabilitation
Health, Welfare and Food Bureau

Mrs LI CHAN Chui-ngan, Agnes
Assistant Director of Social Welfare (Rehabilitation and
Medical Social Services) (Acting)

Mr TSANG Kin-woo, JP
Assistant Commissioner for Labour
(Employment Services)

Mr Patrick CHOW
Senior Labour Officer (Selective Placement)
Labour Department

**Deputations
by invitation**

: Alliance on Employment Quota System of Persons with
Disabilities

Mr CHEUNG Kin-fai
Convenor

Ms CHOW Ping-kuen
Member

Rehabilitation Alliance Hong Kong

Miss LAM Fong-ting
General Secretary

Joint Council for the Physically and Mentally Disabled
Hong Kong / The Hong Kong Council of Social Service

Mr Philip YUEN
Rehabilitation Chief Officer

Hong Kong Federation of Handicapped Youth

Mr CHAN Kam-yuen
Rehabilitation Policy Sub-committee Chairman

Ms LO Kam-fung
Member

Hong Kong Association of the Deaf

Ms NG Sai-wan
Vice Chairman

Miss WONG Chu-yin
Supported Employment Supervisor

Clerk in Attendance : Mrs Constance LI
Chief Council Secretary (2) 5

Staff in attendance : Miss Josephine SO
Council Secretary (2) 1

Ms Sandy HAU
Clerical Assistant (2) 1

Action

I. Election of Chairman

Dr Hon Fernando CHEUNG was elected Chairman of the joint meeting.

II. Measures to promote employment opportunities for people with disabilities
(LC Paper No. CB(2)2613/05-06(01))

2. The Chairman said that the Legislative Council (LegCo) had passed a motion on 15 May 2002 urging the Administration to formulate appropriate measures to increase the employment opportunities of people with disabilities who were able to work. The Chairman said that the social welfare sector considered that the Government, the public sector and private sector had made very slow progress in promoting the employment of people with disabilities in the past years. The social welfare sector considered that the Administration should put in place a quota system for the employment of people with disabilities.

The Administration's position

3. Commissioner for Rehabilitation (C for R) said that it was Government's policy to assist people with disabilities to develop their personal capabilities in order to secure jobs in the open market. With this policy objective in mind, the Administration had provided a full range of rehabilitation and vocational training services to equip people with disabilities for employment. The Administration also stepped up educational publicity to promote equal employment opportunities for the disabled, and encouraged employers to offer more employment to people with disabilities. C for R said that the Sub-committee on Employment under the Rehabilitation Advisory Committee (RAC Sub-committee on Employment) would continue to explore new employment avenues for people with disabilities and advise the Administration on such matters.

Views of deputations

4. The Chairman invited representatives of deputations to give views on the subject. Their views were summarised below.

Rehabilitation Alliance Hong Kong

5. Miss LAM Fong-ting said that despite the economic recovery, people with disabilities continued to encounter difficulties in finding employment. She hoped that the Administration could formulate a long-term policy and measures to assist people with disabilities in finding employment. Miss LAM expressed disappointment that Hong Kong did not put in place a compulsory employment quota system as in other cities, e.g. Taiwan and Guangzhou. She proposed that the Administration should enact legislation on the employment of people with disabilities, take the lead in employing more disabled persons, and encourage subvented organisations and public bodies to do the same.

Alliance on Employment Quota System of Persons with Disabilities [LC Paper No. CB(2)2660/05-06(01)]

6. Mr CHEUNG Kin-fai and Ms CHOW Ping-kuen presented the views of the Alliance as follows –

- (a) the Administration, subvented organisations and public bodies should take the lead in setting targets for the employment of people with disabilities. They should also formulate policies and procedures for employment of people with disabilities, and publicise the progress made;
- (b) the Administration should offer tax concessions to private organisations employing people with disabilities;
- (c) the Administration should publish the unemployment rate of the disabled on a regular basis, to facilitate the formulation of measures for promoting employment opportunities for people with disabilities;

- (d) a task force should be formed to study the feasibility and implementation of a quota system for the employment of people with disabilities. It should work out concrete measures to promote employment opportunities for the disabled;
- (e) the Administration should introduce legislation to implement the quota system for employing people with disabilities; and
- (f) the Administration should ensure that a certain percentage of newly-created jobs would be allocated to people with disabilities.

*Joint Council for the Physically and Mentally Disabled Hong Kong /
The Hong Kong Council of Social Service
[LC Paper Nos. CB(2)2660/05-06(02) & CB(2)2462/05-06(01)]*

7. Mr Philip YUEN presented the views and recommendations of the Joint Council and the Hong Kong Council of Social Service, as detailed in their submissions. Mr YUEN said that even though Hong Kong was slowly recovering from economic doldrums, disabled persons continued to face keen competition for work in the open market. According to the rehabilitation and medical social services sector, the unemployment rate for the disabled was as high as 30%. Mr YUEN noted that the Administration had granted seed money to many non-government organisations (NGOs) for setting up social firms and small enterprises/businesses under the Enhancing Employment of People with Disabilities through Small Enterprise” Project (3E’s Project) to create employment opportunities for people with disabilities. He urged the Administration to demonstrate its commitment and take a proactive approach in creating a favourable business environment for such social enterprises. He suggested the following measures be taken by the Administration to assist the disabled in finding employment –

- (a) requiring government departments and public bodies to employ a certain percentage of people with disabilities, and encouraging private organisations to follow suit;
- (b) putting in place a quota system for the employment of people with disabilities in a gradual manner;
- (c) conducting regular surveys on the employment status of people with disabilities and publishing the unemployment rate in respect of the disabled regularly;
- (d) addressing the problem of discrimination in employment against people with disabilities by enacting legislation; and
- (e) enhancing public understanding and acceptance of the abilities and employability of people with disabilities.

Hong Kong Federation of Handicapped Youth

8. Mr CHAN Kam-yuen said that many disabled persons had difficulties in finding employment due to the following reasons –

- (a) the economy had changed towards knowledge-based but the majority of the disabled had low education attainment and were low-skilled;
- (b) there was a lack of understanding, acceptance and willingness among employers to employ people with disabilities; and
- (c) many buildings and workplaces did not provide access and facilities for the disabled.

9. Referring to the proposal that the Administration should set a good example and put in place a quota system for employing people with disabilities, Mr CHAN urged the Administration to consider the following suggestions –

- (a) provide appropriate training to develop the personal capabilities of the disabled to enable them to find employment;
- (b) strengthen public education to enhance public understanding of the needs and capabilities of the disabled; and
- (c) set out implementation plans and timetable to require all commercial buildings and workplaces to comply with the requirements in the “Design Manual : Barrier Free Access” promulgated by the Government in 1997, and provide financial assistance to facilitate those buildings constructed before 1997 to carry out improvement works.

Hong Kong Association of the Deaf

10. With the assistance of the sign language interpreter, Ms NG Sai-wan expressed the view that employers’ misunderstanding of the working abilities of disabled people was a major reason that people with disabilities had difficulties to get employment. She said that the disabled could take up certain kinds of jobs, such as cleansing and store-keeping, and they cherished any employment opportunity. Ms NG added that although the deaf might have difficulties to communicate with ordinary people, they could communicate in writing and with body language. She urged the Administration to put in place a quota system for the employment of disabled people, which would be the most effective measure to assist the disabled to get employment.

Other submissions received

11. Members noted that Caritas Lok Mo Integrated Vocational Training Centre had provided a written submission [LC Paper No. CB(2)2649/05-06(01)] but did not send representative to the meeting.

12. Members also noted the following papers which were tabled at the meeting –

- (a) a letter dated 4 July 2006 from Mr Andy CHIU giving views on the subject; and
- (b) four press cuttings dated 5 July 2006 provided by the Chairman.

(Post-meeting note : Mr CHIU's letter and the press cuttings were issued to members vide LC Paper No. CB(2)2685/05-06 on 7 July 2006.)

Discussion

13. At the invitation of the Chairman, C for R gave the following response to the views and concerns expressed by representatives of deputations –

- (a) the suggestion of a quota system had been discussed for some time. The Administration did not consider it necessary or appropriate to impose a mandatory requirement for companies to employ a certain number of people with disabilities, having regard to overseas experience and Hong Kong's situation. The Administration noted that most of the companies in Hong Kong were small and medium enterprises (SMEs), and a quota system would pose problems to many SMEs;
- (b) according to the International Labour Organisation (ILO), legislation to put in place job quotas for the disabled was first introduced in Europe in the last century, but the United Kingdom had abolished such requirement because of low compliance and limited success in improving the employment situation of people with disabilities. Some other countries were also reviewing the quota system which was not reckoned as an effective measure to assist the disabled to get employment;
- (c) to enhance the employability of people with disabilities was more effective than to adopt a quota system. The Administration would continue to provide appropriate training for people with disabilities, and to educate the public on equal employment opportunities for the disabled; and
- (d) the survey conducted by the Census and Statistics Department (C&SD) in 2001 revealed that about 15% of those people with disabilities who wished to be employed could not get employment. C&SD would conduct the next survey in end 2006 and more up-dated statistics would be available afterwards.

14. Assistant Director of Social Welfare (Rehabilitation and Medical Social Services) (Acting) (ADSW(R&MSS)(Atg)) supplemented that –

- (a) the Social Welfare Department (SWD) had been working closely with NGOs in creating employment opportunities for people with disabilities. Assistance was provided to NGOs in setting up social enterprises under the 3E's Project;
- (b) the Marketing Consultancy Office (Rehabilitation) would support the NGOs in their operation of the small enterprises/businesses, for example, providing business consultation, enhancing business opportunities, organising marketing events and publicity activities, and strengthening NGOs' cooperation with the government and private sectors;
- (c) a number of NGOs had successfully bid for government service contracts through restricted tenders and set up small enterprises under the 3E's Project. Many of these enterprises operated as restaurants, retail shops or refreshment kiosks in premises managed by the Hospital Authority, Leisure and Cultural Services Department, Education and Manpower Bureau, Hong Kong Police Force and Home Affairs Department. A few others operated in club houses attached to the residential estates or commercial premises of the two railway companies at a lower rental; and
- (d) a conference would be held at the end of July 2006 for sharing views and experience with a specialist in vocational rehabilitation of the International Labour Organisation, the business sector and NGOs on promoting employment opportunities for people with disabilities.

15. Mr LEE Cheuk-yan expressed concern about the high unemployment rate of people with disabilities. He said that to his knowledge, those unemployed persons who had given up finding employment because of previous failures in getting employment would not be regarded as fulfilling the "job search" requirement and therefore excluded from the "unemployed" category in surveys conducted by C&SD. Mr LEE was of the view that this did not reflect the actual unemployment situation of the disabled. He suggested that in the planning of regular population and employment surveys and in conducting the coming thematic survey on the disabled, C&SD should review the current definition of "employment" so as to include those inactive disabled job-seekers in the unemployment category.

16. Mr LEE Cheuk-yan asked about the current number of disabled persons employed by public bodies and the proportion of such employees to the total number of employees in these bodies. Mr LEE pointed out that in the Administration's replies to his questions raised at Council meetings, the number of disabled persons being employed in the public sector remained low despite the Administration's efforts over the years. Mr LEE supported that a quota system should be put in place as soon as possible, which should start with the large enterprises. To help the small

businesses/enterprises operated under the 3E's Project, Mr LEE also suggested that the Administration should assist NGOs to bid for government service contracts through restricted tenders.

17. C for R responded that –

- (a) Mr LEE's suggestion on the definition of unemployment would be referred to C&SD for consideration;
- (b) regarding the employment situation of people with disabilities in public bodies, the Administration had, on the recommendation of RAC Sub-committee on Employment, issued a letter to 369 Government Subvented Organisations and Statutory Bodies in 2003 to encourage them to formulate a recruitment policy on and set employment indicators for people with disabilities. These organisations were also advised to publish the number of employees with disabilities in their annual reports. According to a tracking survey conducted by the Health, Welfare and Food Bureau (HWFB) in 2004, 85 Government Subvented Organisations and Statutory Bodies had formulated policies on recruitment of people with disabilities, 21 of them had set up employment indicators for people with disabilities, ranging from 0.1% to 33%, and the majority was between 1% and 2%. These organisations employed a total of 424 disabled persons, representing 1.9% of the total number of employees in these organisations. The RAC Sub-committee on Employment considered the tracking survey useful in promoting the employment of people with disabilities and had recommended the Administration to continue the practice. HWFB would conduct another tracking survey in 2006; and
- (c) the Administration was of the view that a fixed percentage or quota for employment of people with disabilities was not an appropriate or effective measure. The Administration believed that the prevailing policy and arrangements, which placed emphasis on vocational training, educational publicity and potential development were more effective.

18. ADSW(R&MSS)(Atg) also responded that regarding the suggestion to award more service contracts by restricted tenders, bureaux and departments had been encouraged to adopt this approach as far as practicable. A list of NGOs which had set up social firms and small enterprises/businesses under the 3E's Project had been issued to Directors of Bureaux and Heads of Departments for reference.

19. Mr LEE Cheuk-yan held the view that the Administration should review the employment situation of disabled persons in Hong Kong more regularly, by making reference to the Central Registry for Rehabilitation (CRR) of HWFB. He suggested that the findings and statistics should be published on a regular basis.

20. C for R responded that CRR compiled information on people with disabilities in

Hong Kong for planning rehabilitation services and research purposes. At present, about 110 000 had registered. As registration was on a voluntary basis and registrants were not required to update their personal data regularly, the CRR might not reflect the actual situation of the disabled population. C for R added that disclosure and use of data in CRR should be in compliance with the Personal Data (Privacy) Ordinance.

21. The Chairman said that there were other ways for estimating the number of people with disabilities and the unemployment rate of this group of people, for example, the number of people receiving Disability Allowance and Comprehensive Social Security Assistance, and the sampling survey findings of C&SD.

22. C for R said that subject to availability of resources, C&SD would conduct surveys on people with disabilities once every five years. The next general household survey on persons with disabilities would be conducted by the end of 2006.

23. Mr WONG Kwok-hing expressed disappointment about the lack of regular statistics on the disabled population and their employment situation. He said that the Labour Department (LD) and C&SD should collaborate in conducting regular surveys on the disabled to gather more information on their current situation, such as whether they were in school, attending training, looking for employment or already in employment. He suggested that these findings should be published on a regular basis, similar to the arrangement for other employment or population statistics.

24. C for R agreed to request C&SD to consider Mr WONG's suggestion. Alternatively, C&SD could conduct special surveys, which were smaller in scale and less complicated, in between the regular surveys.

25. Mr WONG Kwok-hing was of the view that the Government should set a good example in employing people with disabilities. He suggested that the Government should require service contractors to set a quota for employing the disabled.

26. C for R and ADSW(R&MSS)(Atg) responded that –

- (a) it was Government's policy that an appropriate degree of preference would be given to employing people with disabilities who were found suitable for appointment; and
- (b) all bureaux and departments were encouraged to create more job opportunities for people with disabilities, and some departments had, through restricted tenders, given preference to NGOs employing people with disabilities. For open tender exercises where a marking scheme was adopted, tenderers were given bonus scores if they employed people with disabilities.

27. The Chairman requested the Administration to provide information on the number and types of services contracts awarded by different departments through restricted tenders in the past few years, including the number of contracts, the total sum

Admin

awarded and its proportion to the total number and value of service contracts outsourced. C for R undertook to collect the relevant data from various government departments and provide members with the information.

28. Regarding the Work Orientation and Placement Scheme launched by the Selective Placement Division of LD, Mr WONG Kwok-hing asked whether the Administration had formulated measures to promote continued employment of the disabled after the three-month trial placement.

29. Assistant Commissioner for Labour (Employment Services) (AC for L (ES)) informed members that as at 30 June 2006, a total of 391 disabled participants had participated in the Work Orientation and Placement Scheme. Among these participants, 60 persons were still on trial placement, 176 of them had completed the three-month trial placement, and 170 of them continued to be employed. The others had left their trial placement either upon resignation of their own accord or termination due to unsatisfactory performance. The Selective Placement Division would liaise closely with all disabled participants and their employers during the work trial period not only to ensure the disabled participants' smooth settlement into their new jobs but also to encourage the employers to continue the employment of their disabled employees after the three-month trial placement.

30. Dr YEUNG Sum said that with globalisation, economic re-structuring and polarisation of the job market, the disabled persons, who were already in a more disadvantaged position due to various limitations arising from their disabilities, were faced with even more difficulties in getting employment. Dr YEUNG further said that the 30% unemployment rate of the disabled as cited by the deputations revealed that the measures currently adopted by the Administration still fell short of the needs of the people with disabilities. Dr YEUNG considered that given the extremely low percentage of disabled persons in employment, the Administration should introduce legislation to put in place a quota system for the employment of people with disabilities. The quota system could apply to large corporations in the beginning, together with tax incentives, to encourage them to employ people with disabilities. The objective was to provide equal opportunities for the disabled and assist them to integrate into the community. Dr YEUNG also expressed concern about the current definition of "employment" in C&SD's surveys. He considered that the inactive disabled job-seekers should be classified as "unemployed".

31. C for R said that she would convey members' concerns and suggestions to C&SD for consideration. She further said that the CRR was now being updated, and more accurate information would be available on completion of the updating exercise. As regards the quota system, C for R reiterated that the Administration did not consider this to be an effective measure. The Administration would strive to enhance the employment of people with disabilities through promotion and education.

32. Ms LI Fung-ying expressed disappointment that the Administration had used the unsuccessful overseas experience as an excuse to rule out the suggestion of putting in

place a quota system. She said that there were also successful experience in other countries. Ms LI pointed out that the Disability Discrimination Ordinance (Cap 487) only protected people with disabilities from being forced out of work without justifications, but there were no measures to provide equal employment opportunities for the disabled.

33. C for R said that the Administration had examined whether successful experience of other countries could apply in Hong Kong, before arriving at the conclusion that a quota system was not an appropriate and effective measure. She reiterated that it had all along been Government's policy to ensure equal opportunities for disabled persons, and the Equal Opportunities Commission was established to provide assistance and enforce the anti-discrimination legislation. In addition, the Administration also promoted equal opportunities through public education and publicity.

34. ADSW(R&MSS)(Atg) added that in addition to providing job training programmes for people with disabilities, SWD also granted seed money to NGOs for setting up social firms and small businesses under the 3E's Project.

35. Mr LEUNG Yiu-chung expressed disappointment that the Administration had made very little progress over the years to improve the employment situation of the disabled. Mr LEUNG supported that surveys on the disabled population should be conducted on a regular basis, and the findings should be published monthly or quarterly. He suggested that the two Panels could write to C&SD to convey the concerns expressed by members about the lack of regular statistics on the disabled population and their employment situation. The Chairman agreed.

LegCo
Secretariat

36. Mr LEUNG Yiu-chung further suggested that the Administration should work more closely with the Employees Retraining Board (ERB) in operating training programmes for the disabled. Mr LEUNG believed that ERB's existing resources and expertise in organising vocational training and retraining, as well as its extensive network with the employers, could help provide more effective training and employment services for the disabled.

37. AC for L (ES) responded that at present, ERB offered quite a number of training places for people with disabilities. Nevertheless, he agreed to further discuss with ERB the feasibility of providing appropriate training for the disabled. The Chairman requested the Administration to provide information on the existing training programmes and the total number of training places offered to disabled persons.

Admin

38. Miss CHAN Yuen-han said that despite a slight decrease in the overall unemployment rate, the unemployment rate of people with disabilities remained high. She considered that there should be a mechanism to evaluate the effectiveness of the Equal Opportunities Commission and relevant bureaux/departments in assisting the disabled to get employment. Miss CHAN also asked about the number of disabled persons placed under the Work Orientation and Placement Scheme so far, and those who were still in employment after the trial period.

39. AC for L (ES) responded that –

- (a) the Economic Development and Labour Bureau and LD were committed to promoting employment for people with disabilities. LD also provided a wide range of personalised employment services to disabled job-seekers registered with the Selective Placement Division; and
- (b) as at 30 June 2006, there were 391 disabled participants under the Work Orientation and Placement Scheme. 176 of them completed the three-month trial placement, of whom 170 were offered continued employment after the three-month placement period.

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40. The Chairman requested the Administration to provide a more detailed analysis of the statistics on the Work Orientation and Placement Scheme, such as the duration of the continued employment after the three-month trial placement.

41. Mr Albert CHAN expressed disappointment that despite the measures taken by the Administration to promote equal employment opportunities, the unemployment problem of people with disabilities remained serious and their wages were lower than that of ordinary people. Mr CHAN was of the view that the Administration should show more sincerity and determination in assisting the disabled, and C for R should play a coordinating role in the formulation of a viable and long-term plan. Mr CHAN suggested that a five-year work plan and performance indicators for annual growth of job opportunities for people with disabilities should be formulated.

42. C for R stressed that the Administration was fully aware of the difficulties faced by the disabled in getting employment. The Administration would continue to explore pragmatic measures to enhance the employment of people with disabilities.

43. Mr LEUNG Kwok-hung commented that there was a lack of coordination among government departments in pursuing measures to enhance the employment opportunities for the disabled. He said that C for R should provide an explanation on why the quota system could not be pursued. He also suggested that consideration should be given to introducing tax incentives for employing persons with disabilities.

44. Mr Philip YUEN of the Hong Kong Council of Social Service said that the percentage of disabled employees in Government had decreased from 2% to 1.7%, and only 30 mentally disabled were employed at present. He held the view that the Administration should take affirmative measures to assist the disabled persons in finding employment, for example, by organising open discussion forums on promoting employment opportunities for the disabled. Mr YUEN further suggested that the Commission on Poverty should consider measures to assist disabled persons and include this subject in its work plan.

45. Mr CHAN Kam-yuen of the Hong Kong Federation of Handicapped Youth requested that ERB should organise more knowledge-based vocational training, such as training on information technology, finance and tourism.

46. Ms CHOW Ping-kuen of the Alliance on Employment Quota System of Persons with Disabilities stressed that a task force should be formed to study the feasibility and implementation of a quota system for the employment of disabled persons.

47. C for R noted the concerns and suggestions of members and deputations. She said that these would be referred to RAC Sub-committee on Employment for further consideration. She further said that although there was no plan to impose a quota system for the employment of the disabled, training would continue to be provided to the disabled based on their abilities and the job requirements.

LegCo
Secretariat

48. The Chairman said that he would convey members' views and concerns to the Commission on Poverty and C&SD. He said that a further meeting might be required to follow up on the issues discussed.

49. There being no other business, the meeting ended at 12:45 pm.

Council Business Division 2
Legislative Council Secretariat
3 October 2006