

立法會
Legislative Council

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LC Paper No. CB(2)838/06-07
(These minutes have been seen by
the Administration)

Panel on Manpower

Minutes of meeting
held on Thursday, 21 December 2006, at 2:30 pm
in the 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, SBS, JP
Hon WONG Kwok-hing, MH
Hon Andrew LEUNG Kwan-yuen, SBS, JP
Hon LEUNG Kwok-hung
- Member absent** : Hon Alan LEONG Kah-kit, SC
- Public Officers attending** : Item II
Mr CHEUNG Kin-chung, Matthew, JP
Permanent Secretary for Economic Development and Labour (Labour)

Mrs DO PANG Wai-yee
Assistant Commissioner (Policy Support and Strategic Planning)
Labour Department

Miss CHANG Kar-wai, Carrie
Senior Administrative Officer (Policy Support)
Labour Department

Item IV

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

Mr NG Kwok-keung, Byron
Assistant Commissioner (Employment Services)
Labour Department

Mrs POON MEI Yen, Louisa
Senior Labour Officer (Careers and Employment Agencies
Division)
Labour Department

Item V

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

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

Mr TSO Sing-hin, JP
Assistant Commissioner (Occupational Safety)
Labour Department

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

Staff in attendance : Ms Katherine YUNG
Senior Council Secretary (2) 8

Miss Helen DIN
Legislative Assistant (2) 1

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I. Confirmation of minutes of previous meeting
(LC Paper No. CB(2)673/06-07)

The minutes of the meeting held on 16 November 2006 were confirmed.

II. The way forward in monitoring the Wage Protection Movement for employees in the cleansing and guarding services sectors

2. Permanent Secretary for Economic Development and Labour (Labour) (PSL) briefed members on the progress of the Wage Protection Movement (WPM). PSL said that the Labour Department (LD) had made every effort in soliciting the support of employers. So far, over 600 enterprises, including a number of large ones, had pledged their support for WPM. LD would continue to work closely with major chambers of commerce, employer groups representing small and medium-sized enterprises, as well as security services contractors and cleansing contractors groups. Owners' corporations which together employed a sizable number of cleaning workers and security guards would also be a focal point for promotion. PSL informed members that he had attended a seminar for a number of owners' corporations and Mutual Aid Committees of large housing estates in the Shatin District two weeks ago. Letters together with publicity leaflets and posters on WPM would be sent to more than 9 000 owners' corporations and residents' organisations. LD would liaise with the Home Affairs Department to attend similar events for owners' corporations and residents' organisations in other districts. A seminar for more than 400 cleansing services contractors to discuss WPM was also held a week ago.

3. PSL further said that to give recognition to employers who had joined and continued to comply with WPM, a specially-designed logo would be distributed for their use. LD would continue to promote WPM through a package of publicity measures, including screening radio and TV Announcements in the Public Interest (APIs) and distributing publicity materials on WPM. The TV API would also be shown on public buses and trains of East Rail.

4. PSL also informed members that as reported at the last meeting, since the implementation of the policy that free employment service for vacancies for cleaning workers and security guards would only be extended to those vacancies offering wages not lower than the average market rates as published in the Quarterly Report of Wage and Payroll Statistics (Quarterly Report) by the Census and Statistics Department (C&SD) on 27 October 2006, the wages of 150 vacancies had been raised after persuasion by LD. In November, the results were encouraging as the wages of almost 20% of the cleaning worker and security guard vacancies (344 out of 1 739 vacancies) posted had been raised to average market rates. As a consequence of the launching of WPM, employers and directors of large enterprises had become aware of the low wages offered to cleaners and security guards. PSL added that the list of participants in WPM, once consolidated, would be uploaded onto the website of LD before long.

5. Mr WONG Kwok-hing, expressed doubt about the effectiveness of WPM, as only 600 enterprises, out of 15 000 member enterprises of the major chambers of commerce and employer groups, participated in WPM. Mr WONG queried how workers could be protected from being dismissed when they sought assistance from

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LD that they were paid wages lower than the average market rates. He also expressed concern that employers would use the wage requirement in WPM as an excuse to lower wages offered to cleaning workers and security guards. He cited as an example that some cleaners engaged by the Tuen Mun Hospital and Pok Oi Hospital had been asked to sign written contracts offering monthly wages of \$5,042 with a decrease of \$158.

6. PSL responded that WPM, which had only been implemented for two months, would take time to bear fruits. Although the number of participating enterprises might not appear to be substantial at this stage, the number of employees covered might be considerable. In addition to enterprises, the support of owners' corporations and residents' organisations, which together employed a sizable number of cleaning workers and security guards, would be important. Each household might have to pay a little more to enable their owners' corporations to participate in WPM, but this would be well worthwhile.

7. Mr LEE Cheuk-yan enquired about the impact of wage requirement in WPM in the vacancies placed by employers.

8. PSL responded that LD had difficulty in assessing the number of vacancies not placed by employers because of the wage requirement in WPM. However, LD would consider keeping relevant statistics if possible in order to assess the response of employers.

9. Mr LEUNG Yiu-chung said that the number of participating enterprises was not important. It was of utmost importance whether the 80 000 cleaners and security guards who were receiving wages lower than the levels stipulated in C&SD's Quarterly Report could be uplifted to a reasonable level. He enquired about the number of workers whose wages had been increased after launching WPM. Mr LEUNG pointed out that there were many low-income workers in other industries. He queried how the Administration would address the problem of offering low wages to these workers.

10. PSL responded that the present focus of the Administration was to adopt an all-embracing approach to successfully implement WPM in the cleansing and guarding services sectors. The WPM would bring about a positive culture change in that the senior management of enterprises would become more aware of the wage level of cleaners and security guards. PSL further said that the number of workers benefited from WPM might be one of the indicators to assess the effectiveness of WPM. However, the Administration did not have such figures on hand at this stage.

11. In response to Mr LEUNG Yiu-chung, PSL clarified that Macau was not legislating for a minimum wage. Instead, it was adopting measures similar to the mandatory wage requirement for government outsourced service contracts introduced by the Hong Kong Special Administrative Region Government some two years ago.

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12. Miss CHAN Yuen-han requested the Administration to provide further details about the participating enterprises, e.g. the size of the enterprises, the number of cleaners and security guards employed, and the number of owner's corporations participating in WPM as well as their geographical distribution by district.

13. Miss CHAN Yuen-han pointed out that according to the latest average market rates published in C&SD's Quarterly Report, the monthly wages for toilet cleaners were \$4,700, which were lower than the monthly allowance under the Comprehensive Social Security Assistance Scheme (CSSA). She cautioned that if such rates were adopted under WPM, workers might be compelled to apply for CSSA. Pointing out the falling trend in the average market rates for these workers, Miss CHAN opined that the Administration should adopt measures to prevent the rates from falling below the CSSA level.

14. PSL responded that WPM was modelled on the mandatory wage arrangement for government outsourced services contracts and that the wages offered should not be lower than the relevant average market rates as stipulated in C&SD's Quarterly Report which were collected from quarterly market surveys. The fluctuation of these rates simply reflected the market situation.

15. Mr LEUNG Kwok-hung said that it was the responsibility of the Administration to monitor the progress of WPM and WPM had made no progress. He considered that putting in place legislation was the means to address the problem.

16. PSL responded that the Administration was adopting an all-embracing approach in promoting WPM. He further said that a mid-term review of WPM would be conducted in October 2007, and an overall review in October 2008. If the overall review found that WPM failed to yield satisfactory results, the Administration would arrange to introduce into the Legislative Council legislation for a minimum wage in the cleansing and guarding services sectors. It would be premature to consider putting in place legislation when WPM had been launched for only two months.

17. Mr LEE Cheuk-yan proposed that a subcommittee under the Panel be formed to monitor WPM, and to study the introduction of legislation on minimum wage and related issues.

18. Mr WONG Kwok-hing proposed that the progress of WPM and the proposal for the introduction of legislation for a minimum wage and related issues should be a standing item for discussion by the Panel.

19. The Chairman suggested that Mr WONG Kwok-hing's proposal be tried out for three months. If this mode of operation did not achieve satisfactory results, the Panel could consider Mr LEE Cheuk-yan's proposal of forming a subcommittee. Members agreed. Members also agreed that the regular meeting of the Panel in

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January 2007 would be extended to four hours, with two hours to be allocated to this standing item, and the regular meetings between February and July 2007 would be extended to three hours, allocating one hour for discussion of the item.

20. Mr LEE Cheuk-yan agreed to provide the Panel with research materials relating to legislation on minimum wage and a work-plan for studying the introduction of such legislation.

III. Date of next meeting and items for discussion

(LC Paper Nos. CB(2)672/06-07(01) and (02))

21. Members agreed that the following items would be discussed at the next meeting to be held on 18 January 2007 from 2:30 pm to 6:30p.m. -

- (a) Progress of Wage Protection Movement and the proposal for introduction of legislation for a minimum wage and related issues;
- (b) Latest position on the Administration's effort to tackle wage offences; and
- (c) Labour Department's overall performance in labour administration in 2006.

IV. Progress of the Labour Department's youth employment/training programmes and the setting up of Youth Employment Resource Centres

(LC Paper No. CB(2) 672/06-07(03))

22. PSL briefed members on the progress of the Youth Pre-employment Training Programmes (YPTP) and the Youth Work Experience and Training Scheme (YWETS) offered by LD and the setting up of the Youth Employment Resource Centres (Resource Centres).

23. Ms LI Fung-ying expressed reservations about setting up two Resource Centres, one in Kowloon and the other in the New Territories, to provide one-stop advisory and support services to youths aged between 15 and 29, as the some 13 300 non-engaged youths were located among different districts. She suggested that the service targets of the Resource Centres could be extended to cover other age groups so as to better utilise the resources.

24. PSL responded that the setting up of two Resource Centres in popular gathering places for young people was a pilot scheme. The location of these two Centres would be easily accessible. Apart from aptitude assessment and job-search facilities, in-depth counselling and employment-related services would also be

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provided to youths aged between 15 and 29. The Resource Centres would also put in place support services and a mentorship scheme for youth pursuing self-employment. LD would also collaborate with non-government organisations to provide skills upgrading training to youths. PSL added that the Administration would keep an open mind on Ms LI's suggestion, and would keep under review the operation of the Resource Centres.

25. While expressing support for the setting up of two Resource Centres, Miss CHAN Yuen-han expressed concern about the overall effectiveness of the various training schemes for youths, especially for non-engaged youths falling within the age bracket of 15 to 19. As a number of them were "hidden" youths, she suggested that the Administration should tackle the problem at source and consider ways to attract them to participate in the schemes and retain them. Noting the youth training programmes under the Task Force on Continuing Development and Employment-related Training for Youth (Task Force) and the training programmes operated by the Vocational Training Council (VTC) and similar programmes provided by other bureaux and departments, Miss CHAN considered that the Administration should co-ordinate the work in this regard in order to better utilise the resources. Regarding youth employment, Miss CHAN suggested that the Administration should consider designating a commissioner to oversee and monitor the various aspects of the work.

26. PSL said that the Administration would discuss with the various parties concerned, including the Task Force, VTC etc., to provide a platform to attract these non-engaged youths.

27. Mr LEE Cheuk-yan sought clarification on whether youths pursuing self-employment could use the Resource Centres as their offices and whether facilities would be available. Mr LEE opined that YPTP and YWETS were of a transitional nature and failed to provide youths with proper training for entering a trade. For instance, trainees under YPTP had reflected to him that there were at present no avenues for youths to enter the labour market as hairdressing masters, as there were no such training courses. He suggested that VTC should expand the training programmes and work in collaboration with the Resource Centres to provide youths with a progression ladder in respect of training for entering a trade. He also suggested that the Administration should vigorously promote the apprenticeship scheme or offering training contracts to youths

28. PSL responded that self-employed young people would have free access to the full range of office facilities and the Resource Centres could also serve as a contact point for them to conduct business. PSL further said that there had been important reforms of YPTP and YWETS in recent years. Under the two programmes, tailor-made employment projects were organised to provide a one-stop training and employment service to trainees. For instance, a project for Tradesman Trainees offering 500 training places was well received by many major employers such as the Hong Kong and China Gas Company Limited, and the YPTP

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also organised a tailor-made course on aircraft maintenance for the Hong Kong Aircraft Engineering Company Limited. Some other trainees worked as project assistants at club houses of residential complexes. At present, about 300 training courses under YPTP could link up with professional examinations. Hence, the way forward would be, among others, to upgrade the standards of training and to further strengthen cooperation with relevant trades.

V. Hong Kong's occupational safety performance in the first half of 2006
(LC Paper No. CB(2) 672/06-07(04))

29. Deputy Commissioner (Occupational Safety and Health) of the Labour Department (DC(OSH)/LD) briefed members on Hong Kong's occupational safety performance in the first half of 2006.

30. Ms LI Fung-ying cited an accident case which occurred early this month whereby 10 summonses had already been issued to the site, of which eight were convicted. Notwithstanding the above, the construction site continued to operate and finally five workers were injured. She considered that there were loopholes in the existing policies. To reduce industrial accidents, the Administration should take rigorous enforcement actions. Ms LI suggested that the Administration should analyse the causes and profiles of industrial accidents in Hong Kong, such as the injured workers' sex, age group, education qualifications, etc. She considered that such information could enable the Administration to plan and launch effective publicity and educational programmes on work safety directing at the identified target groups.

31. PSL responded that about one-third of the injured persons of occupational accidents were female workers, and those over 40 years old were more accident-prone. A substantial number of workers' injuries were attributed to their incorrect posture in manual lifting or carrying heavy objects. Hence, the Administration had stepped up its efforts in launching publicity and educational programmes in this area. PSL displayed, for members' information, a lifting demonstration model to show the correct posture for manual lifting/carrying heavy objects. He said that the model would be distributed to homes for the elderly, hospitals, etc. to raise workers' awareness in this respect.

32. Regarding the case cited by Ms LI Fung-ying, Assistant Commissioner (Occupational Safety) of the Labour Department (AC(OS)/LD) explained that inspections to the construction site in question had resulted in eight summonses issued in one inspection (four to the main contractor and four to the two subcontractors) and two other summonses issued in a separate inspection. In addition to the issuance of summonses, improvement notices had also been issued to require the contractors to take improvement measures immediately. Follow-up inspections revealed that remedial actions had been taken by the contractors. It was suspected that the accidents might be the result of failure to take out certain

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precautionary safety measures, and the causes of the accident were still under investigation. AC(OS)/LD assured members that the Administration was very concerned about occupational safety at construction sites and would take stringent enforcement actions to clamp down on the offenders.

33. Mr LEUNG Yiu-chung queried, in view of the repeated offences committed by contractors/subcontractors despite the issuance of summonses and improvement notices as demonstrated by the aforesaid case, how the Administration would crack down on these offenders. Mr LEUNG expressed concern about the adverse impact of long working hours on occupational safety, and enquired how the Administration would address the problem. He also considered that the Administration should conduct a detailed analysis of the causes of occupational injuries in order to obtain a comprehensive perspective of the issue.

34. PSL responded that the Administration would take rigorous enforcement actions against offenders. If improvement works had been made, continued operation would be allowed. He said that suspension notice could only be issued when a construction site had posed immediate danger to workers. PSL further said that the Administration was equally concerned about occupational safety and had conducted case studies to analyse severe injuries and fatalities for follow-up actions. To combat the rising trend of accidents, the Administration had taken a multi-pronged approach comprising the following activities -

- (a) to take strict enforcement actions against employers who failed to comply with the provision of a safe working environment to the workers;
- (b) to step up promotional efforts;
- (c) to raise the awareness of occupational safety (such as the use of safety belts) amongst workers through education and publicity campaigns, as occupational safety was a shared responsibility between both employers and employees;
- (d) to provide financial assistance to small and medium-sized building contractors engaged in high-risk activities, such as confined space work and work-at-height, to purchase safety equipment; and
- (e) to distribute the lifting demonstration model on correct posture of manual lifting and carrying, as displayed to members, to interested organisations.

35. Mr Fredrick FUNG expressed concern about the increase in some types of accidents for construction and catering industries, e.g. an increase of 21 cases and 83 case of "slip, trip or fall on same level" in the construction industry and catering industry respectively and an increase of 60 cases of "injured by hand tool" in the

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catering industry. He asked whether the Administration had stepped up publicity and educational efforts in this regard. Mr FUNG sought clarification on Table 3 of the Administration's paper on the figures of industrial accidents in the construction industry in the first half of 2006, whereby all the figures recorded a decreasing trend; however, the accident rate per 1 000 workers recorded a rise of 15.47%.

36. AC(OS)/LD explained that the rise in the accident rate per 1 000 workers for the construction industry in Table 3 was attributed to the decrease of about 10 000 workers employed in the construction industry in the first half of 2006 as compared with the same period of 2005, and hence the base (denominator) had become much smaller. Regarding the increase of accidents in the construction and catering industries, AC(OS)/LD said that LD had joined hands with the Occupational and Health Safety Council to launch publicity campaigns to promote good housekeeping in the workplace. He added that the number of occupational accidents for the construction and catering industries had fallen when compared with that of the previous two years.

37. Mr LEUNG Kwok-hung considered that long working hours which caused fatigue was the crux of the problem. Regarding management of the workplace, Mr LEUNG suggested putting in place legislation to allow enough time for workers at construction sites to fix the tools before leaving the sites after work, and require the employers to assign proper space for placing the tools in order to provide a safe working environment. Severe penalties should be imposed on employers who dismissed construction workers for following the safety measures whilst working at construction sites.

38. Miss CHAN Yuen-han expressed concern about the increase in accidents related to truss-out scaffolds and asked whether LD had enough manpower to conduct site inspections. She also expressed concern about the impact of long working hours and the adverse working environment of the catering industry on occupational safety. She suggested that the Administration should consider setting requirement for proprietor to set up a kitchen with adequate space in proportion to the size of the restaurant.

39. DC (OSH)/LD responded that the Administration attached great importance to each and every fatal case. The number of industrial fatalities as at 20 December 2006 had decreased when compared with the corresponding period in 2005, which was 26 and 29 respectively. With regard to the working conditions in the catering industry, he undertook to study the problem in consultation with the Food and Environmental Hygiene Department.

40. Miss CHAN Yuen-han expressed concern about the high incidence of occupational injuries of rehabilitation personnel employed by the Hospital Authority (HA). She asked whether such injuries or accidents had been included in the Administration's paper. DC(OSH)/LD replied in the affirmative. Miss CHAN requested the Administration to provide a breakdown of the occupational injuries or

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accidents of employees in HA, including the rehabilitation personnel.

41. Referring to Annex 1 of the Administration's paper, Mr Andrew CHENG noted with concern the increase in occupational injuries in the Financing, Insurance, Real Estate and Business Services (including Import and Export Trade). He enquired whether the Administration had examined the causes of accidents for employees in these sectors and the potential risks of accidents working in commercial settings.

42. AC(OS)/LD responded that the types of accidents occurred in these non-industrial services sectors included "injured whilst lifting or carrying", "injured by hand tool" and "struck by moving vehicle". The Administration had launched publicity efforts to arouse employees' safety awareness in these areas.

Admin 43. Mr Andrew CHENG expressed concern whether the penalties imposed on the offenders had deterrent effect, and asked the Administration to provide information in this regard. AC(OS)/LD agreed to provide the information.

44. In response to Mr Andrew CHENG's question on the provision of rehabilitation services to injured workers, AC(OS)/LD said that LD was working in collaboration with stakeholders to further strengthen the services.

45. Mr LEE Cheuk-yan considered that many of the injuries were caused by working long hours without sufficient rest. To tackle the problem at source, the Administration should consider legislating to provide for rest break for employees. He suggested that the provision of rest break for employees be discussed by the Panel in the next year.

46. Mr LEE Cheuk-yan said that the Provisional Construction Industry Co-ordination Board had suggested that the Administration should make reference to the Construction (Design and Management) Regulations (CDM Regulations) of the United Kingdom (UK) and explored the feasibility of putting in place such legislation in Hong Kong. Mr LEE suggested that the Administration should also make reference to the Manslaughter Bill of UK which rendered the developers accountable for severe industrial accidents. In his view, these two pieces of legislation would be long-term measures to tackle the problem of industrial accidents.

Admin 47. DC(OSH)/LD said that the issue of CDM Regulations was raised in a report by the Construction Industry Review Committee, chaired by Mr Henry TANG, in 2001, which recommended that the Administration should consider whether there would be a need for introducing legislation similar to UK's CDM Regulations in five years' time. The Administration had conducted an in-depth research on the issue and undertaken study visits to Europe, Ireland and the UK. The Administration had concluded not to take forward the proposal at this stage. At the request of Mr LEE, DC(OSH)/LD undertook to provide a written response on the issue.

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48. Regarding Mr LEE Cheuk-yan's question on Table 1 of the Administration's paper, DC(OSH)/LD explained that out of 93 fatal cases for the first half of 2006, there were 39 cases of natural death and one case of suicide, while the causes of nine cases were unknown. Therefore, a total of 49 cases were not related to work. He added that the number of industrial fatalities in the first half of 2006 was 11.

49. The meeting ended at 4:43 pm.

Council Business Division 2
Legislative Council Secretariat
17 January 2007