

立法會
Legislative Council

LC Paper No. CB(2)1354/07-08
(These minutes have been seen
by the Administration)

Ref : CB2/PL/MP/1

Panel on Manpower

Minutes of meeting
held on Thursday, 21 February 2008, at 2:30 pm
in Conference Room A of the Legislative Council Building

- Members present** : Hon LAU Chin-shek, JP (Chairman)
Hon CHAN Yuen-han, SBS, JP
Hon LEUNG Yiu-chung
Hon Jasper TSANG Yok-sing, GBS, JP
Hon Andrew CHENG Kar-foo
Hon Tommy CHEUNG Yu-yan, SBS, JP
Hon Frederick FUNG Kin-kee, SBS, JP
Hon WONG Kwok-hing, MH
Hon Andrew LEUNG Kwan-yuen, SBS, JP
Hon Alan LEONG Kah-kit, SC
Hon LEUNG Kwok-hung
- Member attending** : Hon CHEUNG Man-kwong
Hon Howard YOUNG, SBS, JP
- Members absent** : Hon KWONG Chi-kin (Deputy Chairman)
Hon LEE Cheuk-yan
Hon LI Fung-ying, BBS, JP
- Public Officers attending** : Item III
Mr TANG Kwok-wai, Paul, JP
Permanent Secretary for Labour and Welfare

Ms PUN Ting-ting, Rebecca, JP
Executive Director
Employees Retraining Board

Ms CHAN Ching-yuen, Karyn
Principal Assistant Secretary for Labour and Welfare
(Manpower)

Item IV

Mr CHEUNG Kin-chung, Matthew, GBS, JP
Secretary for Labour and Welfare

Mr TANG Kwok-wai, Paul, JP
Permanent Secretary for Labour and Welfare

Mrs TSE LING Kit-ching, Cherry, JP
Commissioner for Labour

Mr IP Yee-cheung, Ernest
Senior Labour Officer (Special Duties)
Labour Department

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

Staff in attendance : Ms Janet SHUM
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 Nos. CB(2)1073/07-08 and CB(2)1075/07-08)

The minutes of the meeting held on 15 November 2007 and 20 December 2007 were confirmed.

II. Date of the next meeting and items for discussion
(LC Paper Nos. CB(2)809/07-08(01) and CB(2)809/07-08(02))

2. Members agreed that the following items would be discussed at the next

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meeting to be held on 20 March 2008 at 2:30 pm -

- (a) research report on minimum wage systems in selected places;
- (b) outcome of the review of the Transport Support Scheme; and
- (c) a review of occupational diseases in Hong Kong in 2007

(Post-meeting note: As directed by the Chairman, the next meeting to be held on 20 March 2008 would be extended to end at 5:30 pm. Members have been informed of the arrangement on 25 February 2008 vide LC Paper No. CB(2)1186/07-08.)

Items for discussion at future meetings

3. Mr WONG Kwok-hing suggested that the issue of enforcement of awards made by the Labour Tribunal (LT) should be discussed by the Panel as early as possible. He suggested that the issue be discussed jointly with the Panel on Administration of Justice and Legal Services, if necessary.

4. The Chairman said that the issue was raised at the last meeting where the Administration had been urged to step up its efforts to solve the problem of defaulted payment of LT awards. He hoped to be able to exchange views with the Labour Advisory Board (LAB) and come up with some proposals.

III. Future directions of the Employees Retraining Board
(LC Paper No. CB(2)1072/07-08(03))

5. The Permanent Secretary for Labour and Welfare (PSLW) said that the Employees Retraining Board (ERB) had completed its strategic review and released a consultation document on its future directions. Pursuant to the consultation exercise which would last until the end of March 2008, ERB would submit a report on its final recommendations to the Government.

6. The Executive Director, Employees Retraining Board (ED/ERB) briefed members on the proposals of the future directions for ERB as mapped out in the consultative document entitled "Opportunities are for the Prepared." ED/ERB highlighted the key objectives and future plans of ERB which included the following -

- (a) fostering sustainable employment, greater competitiveness and upward mobility for the working population;
- (b) diversifying the scope of training courses to cater for new target groups and promotion on self-improvement and life-long learning;

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- (c) renaming the Employees Retraining Scheme (ERS) as "Manpower Development Scheme" to reflect ERB's new mission and scope of services in offering training services to meet the needs of the working population;
- (d) providing training for the unemployed, skill upgrading courses for the employed, and training courses on generic skills to enhance the overall quality of the workforce;
- (e) promoting skills assessment and professional certification to fortify recognition;
- (f) providing clear progression ladder, strengthening articulation of training courses, and enhancing quality assurance;
- (g) providing strengthened foundation skills training programmes with courses pitched at Level One to Level Four under the Qualifications Framework (QF);
- (h) identifying more job opportunities for graduates by introducing "One-stop Integrated Household Services" and establishing the brand of "Integrated Healthcare Massage Services", and incubating social enterprises; and
- (i) providing training to the disadvantaged groups including the introduction of -
 - (i) pilot "Community Harmony Course" for the new arrivals at Tin Shui Wai;
 - (ii) full-time placement-tied courses suiting the aspirations and interest of young people aged 21 to 29; and
 - (iii) pilot "Youth Training Programme" for young persons aged 15 to 20 emphasising on vocational and foundation skills, and training of personal attributes.

7. Referring to the submission from the Federation of Trade Unions in Vocational Training Council (VTC), Mr WONG Kwok-hing pointed out that the Federation was concerned that there had not been any consultation with the stakeholders prior to the strategic review of ERB and the relaxation of the eligibility criteria of ERS. The Federation was also concerned that there would be an overlap between courses provided by ERB and the on-going training programmes offered by VTC. Mr WONG asked whether ERB would meet

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with the Federation and relevant trade unions to seek their views on ERB's future directions.

8. PSLW responded that pursuant to the Chief Executive's (CE) announcement in his 2007-2008 Policy Address that ERS operated by ERB would be expanded to cover young people aged 15 to 29 and people with education level at sub-degree or below, ERB had conducted a strategic review with a view to upgrading its services and operation. Statistics had shown that there was a relatively high unemployment rate among young people aged below 30. There was also a need to assist those relatively less educated in adjusting to the changing needs of the manpower market.

9. PSLW said that ERB would continue to discuss with VTC the interface and co-operation between the two organisations in the provision of youth training to ensure that there would be no duplication of resources. He stressed that ERB would not run training programmes but continue to fund such programmes through a network of training bodies, including VTC.

10. In the light of the Government policy to provide free education to senior secondary education and full subvention for full-time courses of VTC for Secondary three leavers, and implement the "334" academic structure (i.e. the new academic structure for senior secondary education and higher education) next year to enable a diversified learning opportunities in secondary education, Mr CHEUNG Man-kwong expressed doubt on the policy to relax the eligibility criteria of ERS to cover people as young as aged 15. He pointed out that these young persons should be either continuing their mainstream senior secondary education or receiving vocational training as an alternative path under the Government's education framework. He queried that the expansion of ERS to include young persons aged 15 would upset the current system operated by various stakeholders including secondary schools and VTC.

11. ED/ERB responded that the new strategic role of ERB was to offer more comprehensive and diversified training and retraining services for the local workforce. Under the pilot Youth Training Programmes targeting non-engaged young persons aged from 15 to 20, ERB would, in collaboration with experienced training institutions particularly VTC, provide vocational skills training and foundation skills training emphasising on training of personal attributes. The pilot Youth Training Programmes, which would be different from courses provided under the mainstream education framework, aimed to provide a safety net for young persons who slipped through the mainstream education system. The pilot scheme would be geared towards nurturing positive attitudes towards life, confidence, discipline, and pursuit of excellence. It would also include articulation to accredited and QF-recognised full-time programmes as an alternative to job placement for young persons.

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12. Miss CHAN Yuen-han declared that she was a member of VTC. She said that ERB should avoid an overlap with the current programmes operated by other stakeholders, such as the apprenticeship scheme which was an employment-related training programme for youth and the Skills Upgrading Scheme which provided focused skills training for in-service workers with lower education attainment. She added that ERS should focus on the provision of training for the disadvantaged groups such as non-skilled workers with difficulty in seeking jobs. She urged ERB to discuss with the stakeholders about its future directions.

13. ED/ERB explained that the ERB's strategic review on its future directions was launched in the light of globalisation, the advent of a knowledge-based economy, the rapid economic and social development in the Mainland, and the changes in demand of the Hong Kong manpower market. ERB would collaborate with all sectors in the community including employers and employees, training providers and professional bodies to promote career-oriented and market-driven training programmes in order to better equip the local workforce, and help them obtain recongnised qualifications. ERB would welcome comments and suggestions from the stakeholders on the consultation document.

14. Mr LEUNG Yiu-chung understood that most of the Secondary three leavers would take an alternative path to enter the full-time vocational training courses provided by VTC. He asked about the distribution of resources and priority accorded in respect of the provision of training for the unemployed and in-service workers.

15. ED/ERB said that as far as the provision of training and allocation of resources were concerned, priority would still be given to the unemployed especially those of low education attainment and the older age group. When resources were available, services would be provided for other unemployed groups, and then the provision of job enhancement training for in-service workers.

16. PSLW said that ERB's initial priority target group after the relaxation of age limit was those aged 25 to 29. He noted members' concern about possible overlaps of training services for young persons aged 15 to 20. He assured members that the Administration would oversee the situation to avoid any duplication.

17. Mr LEUNG Yiu-chung asked how ERB would assist training bodies to enhance the quality of courses provided for the unemployed and in-service workers.

18. ED/ERB responded that ERB would work with the training bodies to enhance the quality of courses so as to meet the requirements of the Hong

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Kong Council for Accreditation of Academic and Vocational Qualifications and be listed on the Qualifications Register and recognised under QF. ERB would endeavour to enhance the vocational skills, foundation skills and personal attributes of the trainees through provision of courses ranging from QF Level One to Level Four.

19. Mr LEUNG Kwok-hung said that the problem of the ERB's review was that it was conducted according to the directive of CE, rather than the needs of employers and employees. He added that the consultation document did not mention the trade categories to which priority would be given in the training provision.

20. Mr Howard YOUNG said he was a member of VTC. He expressed reservations as to whether individuals aged below 30 taking QF Level One and Level Two full-time placement-tied courses should all be eligible for the retraining allowance (i.e. about \$150 per day). He was concerned that young persons might be attracted to the course merely because of the retraining allowance. He asked how ERB would work with VTC to enhance the quality of the training-cum-placement programmes tailored for various industries, and whether it would consider allocating funds direct to VTC and other stakeholders for programme enhancement so as to avoid duplication of effort.

21. ED/ERB responded that ERB's training programmes were market-driven and employment-oriented to meet the needs of employers and the economy. For placement-tied programmes, training bodies were required to achieve a placement rate of at least 70%. ERB would develop new courses in conjunction with training bodies, including VTC, to meet the changing needs of the economy. She emphasised that VTC would become ERB's important and strategic partner in serving the younger target group. As regards the proposed retraining allowance for young trainees, ERB would like to gather more views from the public during the consultation period.

22. Mr Andrew LEUNG declared that he was the Chairman of VTC. While agreeing with the principal goals of ERB to expand its retraining/training programmes to help enhance the quality and competitiveness of the manpower market, he considered that ERB needed to consolidate its long term strategies with detailed planning. In particular, ERB should -

- (a) give careful consideration in identifying its role and those of the stakeholders in view of the expansion of its scope to cover people at age 15 or above and with education level of sub-degree level or below;
- (b) consider carefully whether individuals aged below 30 taking QF Level One and Level Two full-time placement-tied courses should all be eligible for the retraining allowance;

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- (c) avoid competing with the stakeholders in organising similar courses, such as the development of courses for young persons aged 15 and above and people with education attainment of sub-degree and below, and the provision of QF Level One and Level Two full-time placement-tied courses which were also provided by VTC; and
- (d) give attention to enhancement in quality rather than quantity in ERB's training provision.

23. Mr Andrew LEUNG appreciated the concern of the Federation of Trade Unions in VTC on the matter and urged the Administration to have dialogue with the parties concerned. He said that it was essential that ERB should work closely with employers and employees in developing its placement-tied training courses. As ERB did not have actual experience in providing training courses, it should work in collaboration with stakeholders who were highly experienced in the area. Mr LEUNG added that the Administration should undertake to oversee training programmes offered by various training institutions to avoid duplication of efforts.

24. Mr WONG Kwok-hing said that, to avoid conflict of interest, it would be more appropriate for the Labour and Welfare Bureau to conduct public consultation on the future directions of ERB. He urged the Administration to consult the views of the concerned sectors such as the trade unions, otherwise, the Panel should follow up on the matter. Miss CHAN Yuen-han shared the same view and urged ERB to consult all stakeholders before making a decision on its future directions.

25. The Chairman requested the Administration and ERB to meet with the Federation of Trade Unions in VTC and other stakeholders to address their concerns. The Chairman said that he would follow up the issue with the Administration and consider inviting deputations to give views at a meeting, if needed.

26. The Chairman further said that ERB needed to work out the details in the execution of its future manpower development plans and ascertain that it should be the recipients who would benefit the most from the new initiatives of ERB. He added that with substantial accumulation in the Employees Retraining Fund arising from the levy collected from employers of foreign domestic helpers, ERB should use the fund prudently with detailed planning.

27. PSLW said that ERB would work in close partnership with VTC in its future development. He agreed that ERB should give careful consideration to its future plans and draw up concrete proposals in respect of the development of training/retraining programmes for people with education level at sub-degree

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and below and young persons aged 15 to 20. ERB would discuss with the relevant stakeholders, including VTC, before introducing new training programmes to avoid any duplication of services.

28. ED/ERB assured members that ERB would move forward in collaboration with all sectors in the community including employers' associations, labour unions, professional bodies, training institutions and the relevant stakeholders. ED/ERB said that it was hoped that the quality of local workforce could be enhanced so that it could rise to the challenges ahead. Through the provision of skills upgrading courses and articulation pathways, ERB hoped to foster sustainable employment and continuous development of the workforce. ERB would give priority to training for the unemployed and ensure an effective use of the available resources. ED/ERB also said that she had embarked on extensive consultation with all the stakeholders on the future directions of ERB, and would be prepared to meet the Federation of Trade Unions in VTC to hear their concerns.

IV. Preparatory work for introducing a statutory minimum wage for cleaning workers and security guards if the Wage Protection Movement fails to yield satisfactory results
(LC Paper No. CB(2)1072/07-08(04))

29. The Secretary for Labour and Welfare (SLW) said that the Chief Executive had set out clearly in his 2007-2008 Policy Address the road map to introduce a minimum wage legislation for cleaning workers and security guards should the overall review find that the Wage Protection Movement for cleaning workers and security guards (WPM) had failed. Pursuant to the mid-term review of WPM, the Administration had proceeded with the preparatory legislative work for introducing a statutory minimum wage (SMW) for the two specified occupations while stepping up the promotion of WPM.

30. SLW briefed members on the progress of the preparatory work undertaken by the Labour Department (LD) for introducing a SMW as detailed in the Administration's paper. He added that LD would continue to consult LAB on the issues related to the introduction of a SMW.

31. Miss CHAN Yuen-han queried whether the Administration could follow the road map set out by CE and introduce a bill on a SMW for the two specified occupations as early as possible in the 2008-2009 legislative session. She said that, to meet CE's pledge, the Administration should revert to the Panel with a detailed legislative proposal on SMW in June 2008. The Administration should also issue instruction to the Department of Justice for drafting the bill on a SMW in June/July 2008.

32. SLW reiterated that the Administration had closely followed CE's road

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map. Pursuant to the mid-term review of WPM, the Administration had proceeded with the preparatory work for introducing minimum wage legislation for the two specified occupations while continuing to step up promotion of WPM. As regards the progress of the preparatory work for introducing a SMW, he said that LD had identified five key issues to be tackled as outlined in paragraph 4 of the Administration's paper and would continue to study the issues in detail. Also, LAB would continue to discuss the key issues identified.

33. SLW added that the Administration would, as stated in CE's Policy Address, introduce the bill on a SMW within the 2008-2009 legislative session should the overall review to be conducted in October this year find that WPM had failed. He said that the Administration would submit a detailed paper to the Panel on the issues related to the introduction of SMW for the two specified occupations before the end of this session. The Chairman asked the Administration to revert to the Panel in June 2008.

34. Pointing out that SMW regimes of other places mostly covered all sectors while providing exemptions for particular groups, Mr Andrew CHENG queried the relevance of LD's overseas visits. Mr CHENG said that implementing SMW exclusively for cleaning workers and security guards would give rise to problems such as the provision of a definition of cleaning workers and security guards in the legislation, as employers might give their employees other job titles but in practice required them to carry out cleaning work and guarding services. He queried how the Administration could plug the possible loophole. He held the view that SMW should be extended or implemented in phases to cover low-paid workers of all sectors.

35. SLW said that the road map set out in CE's policy agenda had clearly indicated that the preparatory legislative work for introducing SMW would be focused on the two specified occupations. While SMW regimes of other places covered all sectors at large, it was essential that LD should draw on relevant experiences in other places, such as making reference to the best practices of overseas jurisdictions in the provision of special measures for vulnerable groups.

36. Mr LEUNG Kwok-hung shared Mr CHENG's view that SMW should be introduced to cover low-paid workers of all sectors. As regards the mechanism for setting and adjusting the minimum wage level, he asked whether the Administration would consider introducing a statutory mechanism for compulsory collective bargaining and the timetable for introducing the bill on a SMW.

37. SLW responded that collective agreements between employers and employees in Hong Kong had all along been worked out through voluntary and direct negotiations. As regards the mechanism for setting and adjusting the

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minimum wage level, he said that the preliminary discussion of LAB suggested that adjustment of the minimum wage level should not be made too frequently to avoid unnecessary complications. SLW reiterated that, should the overall review to be conducted in October this year find that WPM had failed, the Administration would introduce the bill on a SMW within the 2008-2009 legislative session.

38. Mr LEUNG Yiu-chung said that the Administration should make all efforts to ensure that the legislation for a minimum wage could effectively protect low-paid workers from exploitation by unscrupulous employers. He asked when the Administration would revert to the Panel on the benchmarks and performance indicators to be adopted for evaluating the overall review of WPM.

39. Mr LEUNG Kwok-hung said that the Administration should, prior to its overall review on WPM in October 2008, provide members with a preliminary assessment on the overall effectiveness of WPM by the end of this legislative session.

40. SLW said that the Administration had made strenuous efforts to study the issues related to the introduction of a SMW. He considered that problems arising from the relevant issues could be solved with the collaboration of all parties concerned. He added that LAB would discuss the benchmarks and performance indicators for evaluating the overall effectiveness of the WPM. The Administration would revert to the Panel on the matter in the second quarter of 2008.

41. Mr WONG Kwok-hing welcomed the Administration's paper which had provided a framework for further discussions on the introduction of SMW. To ensure that in-depth discussions could be made on each of the five issues listed in the Administration paper, he suggested that the subject of the preparatory work for the introduction of SMW for the two specified occupations should be a standing item for discussion by the Panel. He also suggested that the time for the future regular meetings within this session be extended and a special meeting be arranged if necessary. Miss CHAN Yuen-han concurred with the suggestion to extend the time of the future regular meetings. She added that relevant concerned groups might be invited to give views if necessary.

42. The Chairman suggested that, before deciding on how the Panel should proceed further on the matter, he would discuss with the Administration the modus operandi to be employed with a view to ensuring effective discussion. Members agreed.

(Post-meeting note: After discussing with the Administration, the Chairman has directed that the regular meetings of the Panel from April to June 2008 would be extended for one hour, i.e. from 2:30 pm to 5:30 pm on the scheduled

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meeting dates. The issue "Preparatory work for introducing a statutory minimum wage for cleaning workers and security guards if the Wage Protection Movement fails to yield satisfactory results" will be a standing item for discussion at these meetings. Members have been informed of the arrangement on 25 February 2008 vide LC Paper No. CB(2)1186/07-08)

43. The meeting ended at 4: 20 pm.

Council Business Division 2
Legislative Council Secretariat
19 March 2008