

# 立法會

## *Legislative Council*

LC Paper No. CB(2)2043/08-09

Ref: CB2/PL/MP

### **Report of the Panel on Manpower for submission to the Legislative Council**

#### **Purpose**

This report gives an account of the work of the Panel on Manpower during the 2008-2009 session of the Legislative Council (LegCo). It will be tabled at the meeting of the Council on 8 July 2009 in accordance with Rule 77(14) of the Rules of Procedure of the Council.

#### **The Panel**

2. The Panel was formed by a resolution passed by the Council on 8 July 1998 and as amended on 20 December 2000, 9 October 2002, 11 July 2007 and 2 July 2008 for the purpose of monitoring and examining Government policies and issues of public concern relating to labour and manpower planning matters. The terms of reference of the Panel are in **Appendix I**.

3. The Panel comprises 16 members in the 2008-2009 session. Hon LI Fung-ying and Hon WONG Kwok-kin were elected Chairman and Deputy Chairman of the Panel respectively. The membership list of the Panel is in **Appendix II**.

#### **Major Work**

##### Introduction of an across-the-board statutory minimum wage (SMW)

4. The Panel continued to monitor closely the establishment of a SMW in Hong Kong. Following the review of the Wage Protection Movement for cleaning workers and security guards conducted in 2008 which revealed the limitations in promoting wage protection through voluntary participation, the Chief Executive (CE) announced in his Policy Address 2008-2009 that an across-the-board SMW would be introduced. The Administration consulted

the Panel on the key issues relevant to the preparatory work for the introduction of a draft bill on SMW.

*SMW level*

5. Members noted that the Administration would set up a Minimum Wage Commission (MWC) to advise the Administration on the SMW level and its review mechanism. Members enquired about the legal status of MWC, its composition and the criteria for appointing members to MWC. They considered that MWC, being an independent body, should be impartial and transparent.

6. The Administration advised that the status of MWC as a statutory body would be recognized upon enactment of the bill on SMW. MWC would comprise members from the labour sector, business community, academia and government departments to ensure a balanced representation of all interests in the community.

7. Members were informed that a Provisional MWC, which comprised a chairman and 12 members from various sectors of the community, was established on 27 February 2009. The Provisional MWC was tasked to advise CE on the initial SMW rate to be adopted on the basis of an evidence-based approach, with a view to striking a balance between forestalling excessively low wages and minimizing the loss of low-paid jobs while sustaining the economic growth and competitiveness of Hong Kong.

8. Some members held the view that the SMW rate should not be set at too low a level as this might discourage people from self-reliance and turn them into relying on the Comprehensive Social Security Assistance (CSSA) allowance. They considered that in setting the SMW level, the Administration should ensure that a safety net was provided to enable the low-income groups sustain a living. Some members held the view that SMW should be set at a level that could support the living of a two-person family.

9. The Administration responded that low-income workers who could not sustain the livelihood of their families could apply for financial subsidy under the CSSA Scheme. In setting and reviewing the SMW level, a number of indicators should be adopted to take account of all pertinent social, economic and employment factors that could reflect the situation of the concerned workers and the holistic needs of the local economy. The Administration would leave the matter to MWC to consider.

10. As the current statistical method for compilation of wages and business costs was not designed to support SMW, the Administration found it necessary to enhance the current survey and introduce a new survey for the collection of

additional and more precise information for implementing a SMW. It consulted members on the design of the new and enhanced surveys. Members in general supported the new approach.

*Special arrangement for persons with disabilities (PWDs)*

11. The Administration informed the Panel that after consulting the rehabilitation sector and other stakeholders, it had come to the view that while PWDs taking up employment should be protected by SMW, some PWDs whose productivity was impaired by their disabilities could be exempted from SMW so as to minimize any adverse impact of SMW on their employment opportunities. A special arrangement to exempt PWDs from SMW, including a mechanism for assessing a PWD's productivity which would form the basis of determining his wage level under the SMW regime, was being contemplated.

12. Regarding the mechanism for assessing the productivity of PWDs, the Administration explained that the assessment would be conducted on a voluntary basis and would be initiated by PWDs. Given the diverse nature and demands of different job duties, there was a general consensus that a pragmatic job-specific assessment, which should be conducted in the actual workplace concerned, should be adopted. The special arrangement would allow employers to offer PWDs wages below the SMW rate.

13. Members in general supported the direction of the proposed special arrangement. One member however considered that PWDs should receive wages at the SMW rate.

*Coverage of employees*

14. The Panel was consulted on whether exemption should be provided for under the SMW legislation with respect to certain groups of employees, namely, students undertaking internship programmes and domestic workers, apart from PWDs. Members did not raise objection to the exclusion from the SMW legislation of students undertaking internship programmes for meeting academic or programme requirements which were either credit-bearing or compulsory for obtaining the concerned academic qualifications.

15. Some members enquired about the possibility of including live-in foreign domestic helpers (FDHs) under the SMW legislation. The Administration explained that there were practical difficulties for SMW to cover live-in domestic workers because the multifarious domestic duties and possible tasks varying from day to day and from time to time would render it quite impossible to ascertain the actual hours worked in order to determine the hourly wages due. Thus, the Administration proposed that live-in domestic workers should be exempted from SMW.

16. While expressing support for exempting live-in FDHs from the SMW legislation, some members were concerned about the threat of a judicial review by FDHs and the socio-economic implications of the judicial review, if successful, on Hong Kong. The Administration responded that it was aware of such implications. It would ensure that the draft bill would take into account the different viewpoints and legal viability before introduction into LegCo.

17. A member suggested that the Government should consider prescribing standard working hours to replace the minimum allowable wage applied to FDHs in the standard employment contract for FDHs. The Administration responded that the round-the-clock attendance of live-in domestic workers had rendered the computation of SMW denominated by the hour infeasible. The current policy regarding the importation of FDHs required that FDHs be live-in and be paid a monthly wage. A change in the existing policy on FDHs had never been the policy intent of introducing SMW.

18. Regarding the legislative timetable, the Administration reaffirmed that the SMW bill would be introduced within the 2008-2009 legislative session as planned.

#### Enforcement of Labour Tribunal (LT) awards

19. The Panel continued to monitor closely the improvement measures to assist employees in enforcing LT awards. Members were informed that three enhancement measures, namely, making non-payment of LT awards a criminal offence, empowering LT to order defaulting employers to pay additional sums to employees and empowering LT to order disclosure of the financial details of defaulting employers, were proposed by the Administration. The Administration had been working on the legal and implementation details for introducing legislative amendments to make non-payment of LT awards a criminal offence. As regards the two other proposed enhancement measures, more time was needed to study in detail the legal and implementation issues with the Department of Justice (DoJ) and the Judiciary.

20. Members noted that the Administration planned to introduce a bill into LegCo by July 2009 to make non-payment of LT awards a criminal offence. Before the bill was enacted, the Labour Department (LD) would continue to take vigorous enforcement actions to deter employers from committing wage offences, thereby reducing the incidence of defaulted LT awards. LD had put in place since July 2008 one-stop service whereby an officer in each of its Labour Relations Division branch offices would, in addition to his existing duties, assume the role of "Award Enforcement Support Officer" to provide necessary information and appropriate assistance to employees with defaulted LT awards. The officer would provide relevant information on various modes

of executing LT awards, assist in the procedures of application for ex gratia payment and make appropriate referrals to other government departments, including the Legal Aid Department and the Social Welfare Department, for assistance.

21. Members in general supported the Administration's proposals. Some members questioned the need to introduce a new law to make non-payment of LT awards a criminal offence, given that the Employment Ordinance (Cap. 57) (EO) already required employers to pay wages to employees within seven days from the day on which they became due, failing which employers would be subject to criminal sanction.

22. The Administration explained that civil and criminal proceedings were governed by different legal procedures and principles. LT, which was set up in 1973, was dedicated to adjudicating employment-related civil claims. Being civil in nature, the litigating parties bore the responsibility of enforcing the LT judgment, if it was not complied with. Under EO, however, default of wages and other statutory entitlements carried criminal liability. The mere existence of guilty act by failure to observe statutory obligations was a necessary but not sufficient condition for finding an employer criminally liable. The proof of *mens rea* was in general a cardinal requirement for a criminal offence.

23. Some members expressed concern about the long time taken for investigation and prosecution against non-payment of LT awards. They requested the Administration to simplify the procedures for adducing evidence. They also urged the Administration to shorten the process for instituting criminal proceedings against non-payment of LT awards.

24. The Administration advised that if an employer did not pay the award, the employee could lodge a complaint with LD. Upon receipt of such a complaint, LD would invoke its investigation mechanism. If investigation revealed that the company had committed an offence, LD would further see if any responsible person of the company should be made culpable. Prosecution would be instituted against directors and responsible persons of the body corporate concerned, if there was sufficient evidence.

25. The Administration stressed that it was important to differentiate the criminalization of non-payment of LT awards from the enforcement of other civil judgments firmly and solely on the basis of the uniqueness of criminalization of certain employment-related debts as currently provided for in EO. The Administration was wary of the possible read-across implications for the execution of other civil remedies and actions to be taken to follow up defaults of other civil debts. As a corollary, prudence was needed to ensure that the criminal offence should only apply to the non-payment of LT awards comprising wages and entitlements underpinned by criminal elements under

EO. As legal provisions, the efficacy of section 64B of EO in convicting irresponsible persons of body corporate had not been cast in doubt. Rather, the crux were the problems frequently encountered in criminal investigation.

26. Some members took the view that all three enhancement measures proposed by the Administration, namely, making non-payment of LT awards a criminal offence, empowering LT to order defaulting employers to pay additional sums to employees and empowering LT to order disclosure of the financial details of defaulting employers, should be implemented together.

27. The Administration responded that it considered the three measures all important. However, the measure of making non-payment of LT awards a criminal offence was crucial to improving the enforcement of LT awards, while the other two were supporting measures. While the Administration had accorded priority to making non-payment of LT awards a criminal offence in order that employees could benefit from the new measure as soon as possible, the Labour and Welfare Bureau (LWB) and LD were also working closely with DoJ and the Judiciary on the details of the other two measures.

#### Financial position of the Protection of Wages on Insolvency Fund (PWIF)

28. When briefed by the Administration on the financial position of PWIF, the Panel noted that the reserve of PWIF stood at \$1.4608 billion by the end of November 2008. Due to the financial tsunami, the number of applications for PWIF had increased during the first eight months of the 2008-2009 financial year. Between April and November 2008, 4 461 applications were received, representing an increase of 42% over the corresponding period in 2007-2008.

29. Noting that 1 000 companies had signed a charter pledging not to lay off employees for a year, some members asked about the measures taken by the Administration to prevent companies from going bankrupt so as to preserve employment.

30. The Administration advised that PWIF provided a safety net to protect the interest of employees of insolvent employers. In the first eight months of the 2008-2009 financial year, PWIF incurred expenditure of \$86.4 million, against a reserve of \$1.4608 billion. The Administration had introduced a scheme that would provide \$100 billion in loan guarantees to companies, aiming to save struggling firms and protect jobs. The Administration stressed that it had all along paid attention to the situation at the front-line and would offer assistance to employees of insolvent employers in the first instance.

31. Some members asked about the preventive measures to deter abuses of PWIF and whether a mechanism was in place to trigger off reviews of the levy rate to ensure that there was sufficient reserve in PWIF.

32. The Administration advised that front-line officers of LD had stepped up inspection and investigation to prevent abuses of PWIF. Apart from hiring experienced retired police officers to assist in investigation, LD also collected intelligence from trade unions. As a result of these measures, some unscrupulous employers were convicted with imprisonment terms imposed.

33. Some members were concerned whether LD could meet the performance pledge for granting ex gratia payment to employees, in view of the increasing number of applications. They were also concerned whether LD would work with liquidators to shorten the liquidation process. As liquidators sometimes took a long time to calculate the amount of wages in arrears and severance payment, ex gratia payment to employees had been unduly delayed.

34. The Administration informed the Panel that LD had a performance pledge of effecting ex gratia payment to successful applicants within 10 weeks upon receipt of all relevant information and documents required for processing the applications. LD was currently able to effect payment in 2.5 weeks on average after receipt of all relevant information. It had all along maintained close liaison with liquidators. There was further improvement in major liquidation cases in which preparation work had been made beforehand so that upon a company declaring its closure, application forms for PWIF were distributed to the affected employees in the first instance. Some applications involving complications, however, might take longer time to process. LD had maintained effective liaison with employers, employees and liquidators to resolve disputes in insolvent cases and would study each case and ascertain whether an employer-employee relationship could be established to prevent abuse of PWIF.

35. The Administration explained that the financial position of PWIF was subject to the amount of its levy income and ex gratia payment. LD, together with PWIF Board, would monitor the financial position of PWIF closely to ensure that there was sufficient reserve. An objective mechanism was put in place to decide whether it was necessary to review the rate of levy. Under the mechanism, where the accumulated fund fell below \$800 million by 20% or more for four consecutive quarters, PWIF Board would consider reviewing the rate of levy.

36. Some members pointed out that in March 2008, the levy was reduced from \$600 to \$450 because of the improved financial position of PWIF. At that time, the Administration had undertaken to consider expanding the scope of ex gratia payment. They asked whether the Administration would honour its undertaking in view of the financial tsunami.

37. The Administration responded that the PWIF Board had given support to the proposal to expand the scope of ex gratia payment to cover accumulated annual leave pay subject to the ceiling of \$10,500 and the limit of one service year of 7 to 14 annual leave days. The proposal would be presented to LAB for consideration.

#### Creation of job opportunities and employment-related support services

38. On 8 December 2008, CE announced that over 60 000 jobs would be provided through expediting infrastructure projects, advancing recruitment of civil servants and creating temporary positions. The Panel was briefed on the measures put in place by different policy bureaux and government departments for the creation of job opportunities and provision of employment-related support services in the face of the economic downturn.

39. While expressing support for the Administration's policy of preserving employment and supporting enterprises to reduce layoffs and closures, members were concerned that the jobs to be created were mainly for the construction sector, and those affected most by the financial tsunami, such as the financial and real estate sectors, were not covered.

40. The Administration responded that in the face of economic restructuring and uncertain economic conditions, skills upgrading was conducive to facilitating employment. People who had become unemployed and had obtained qualifications of sub-degree level or below could consider taking retraining courses offered by the Employees Retraining Board (ERB), with a view to equipping themselves with other skills for working in a different sector. For instance, people who used to work in the real estate sector could consider taking up employment in the insurance sector where more jobs were available. To assist job seekers of different background to enter or re-enter the labour market, LD had adopted a variety of measures to ensure efficient dissemination of job vacancy information.

41. Some members asked whether the Administration would consider organizing district-based economic activities, in the form of thematic fairs or bazaars, to stimulate the economy. They also asked whether sites would be offered at an affordable rental for holding these activities.

42. The Administration advised that the Financial Secretary (FS) had stated in his 2008-2009 Budget Speech that the Administration would adopt a more proactive and flexible approach in the use of land resources. For example, land that had not been earmarked for long-term use could be made available for short-term use for economic activities or community purposes in the district. The Lands Department had identified some 1 000 sites of such nature in 18 districts for short-term use and such information had already been disseminated



to District Officers and Social Welfare Officers of the relevant districts. So far, 10 sites covering different projects had been identified for such use. The Financial Services and the Treasury Bureau had agreed that concessionary rental could be offered for these sites, if they were let to non-profit organizations.

43. Some members considered that the promotion of tourism would indirectly create more job opportunities in various sectors, such as the retail, catering and hotel sectors. They urged the Administration to explore with the Mainland authorities the possibility of increasing the number of cities where the residents were allowed to visit Hong Kong under the Individual Visit Scheme (IVS).

44. The Administration responded that IVS was a scheme of the Mainland. Nevertheless, the Administration had been actively liaising with the Mainland authorities on the possibility of extending the coverage of IVS to facilitate more Mainland visitors to come to Hong Kong. The Government would announce any new initiatives in this regard.

45. Some members considered that the jobs created by the Government should not be too temporary or else the job holders would face difficulty again two to three years later. The Administration should consider creating the post of service ambassador on a long-term basis for front-line departments with a view to improving government services.

46. The Administration advised that temporary jobs were created to meet short-term needs only. Creating temporary jobs that were not absolutely necessary would not be meaningful and would be a waste of resources. The Administration also advised that the concept of service ambassador had been adopted in the job placement centres of LD. Young people were hired to help job seekers use computers and access the Internet. If service ambassadors were to be implemented in all the front-line departments, the suggestion would need to be discussed with the various heads of department.

47. Some members were concerned that while individual policy bureaux and government departments were making effort to create jobs under their respective policy portfolios, there was no co-ordination among them. These members proposed the setting up of a committee on employment to oversee and coordinate unemployment issues. They considered that if the Administration did not support the setting up of such a committee, it should at least set up an internal working group to co-ordinate the efforts of all relevant policy bureaux and government departments.

48. The Administration assured members that different policy bureaux and government departments were working closely in implementing the measures to boost the economy and employment. FS would take account of all the views received during consultation in formulating the budget.

#### Employment services and training programmes for young people

49. The Panel was very concerned about job opportunities for young people who found it increasingly difficult to secure jobs in the face of the financial tsunami. It was briefed by the Administration on its employment services and training programmes for young people.

50. The Administration informed the Panel that it would enhance and integrate the Youth Pre-employment Training Programme (YPTP) and Youth Work Experience and Training Scheme (YWETS) into a "through-train" programme providing seamless and comprehensive training as well as employment services to young people. Commencing September 2009, the revamped programme would provide 35 000 training places in the ensuing two years. In anticipation of a marked reduction of job opportunities for university graduates, LD would launch an Internship Programme for University Graduates (IPUG) in August 2009 to provide about 4 000 places for interested graduates to work as interns and receive training in local or Mainland enterprises for a period of six to 12 months. The wages offered by employers should in no case be less than \$4,000 per month. LD had also collaborated with the Community Investment and Inclusion Fund (CIIF) to fund social capital development projects to promote youth employment with a view to enriching the existing training and employment programmes for young people, and enhancing the relationship among community organizations and employers. LD's Youth Employment Start also provided one-stop advisory and support service to enhance the employability of young people, facilitate their access to the latest labour market information, and help them secure firm footing in the labour market for sustainable development.

51. Some members expressed concern that university graduates under IPUG might be offered wages as low as \$4,000 per month. Some other members queried the need to provide further training to university graduates, given that they had received the requisite training in universities. The Administration explained that offering wages of \$4,000 per month for hiring a university graduate was a misconception of the community. Employers who participated in IPUG must offer wages commensurate with the duties, responsibilities and training contents of the posts. IPUG was introduced as a temporary measure to help university graduates establish a foothold in the job market.

52. A member expressed concern about the small number of successful applications and the stringent assessment criteria adopted by LD and CIIF in approving social capital development project applications. Another member queried the cost-effectiveness of the joint programme of LD and CIIF. The Administration responded that the major consideration in approving an application was the content of the proposal, such as whether the proposal would meet the needs of young people and the employment market, and the experience and qualifications of the service providers. CIIF had carefully examined the applications and had provided feedback to applicants so that they could modify their proposals for re-submission. The programme sought to change the mindset of young people and enhance their self-esteem which was conducive to their personal development and their long-term employability.

#### Future directions of ERB

53. The Panel noted that ERB had since 1 December 2007 relaxed the eligibility criteria for its Employees Retraining Scheme (ERS) to cover people aged 15 or above and with education at sub-degree level or below. In January 2008, ERB released a public consultation document which recommended, inter alia, that ERB should provide more comprehensive and diversified training and retraining services for the local labour force. The Panel was briefed on the future directions of ERB.

54. Some members pointed out that in the face of the financial tsunami, many unemployed low-skilled workers found it difficult to afford travelling to attend courses provided by ERB. They were concerned that by offering some ERB courses on a full-day and half-day mixed mode basis, trainees would not be able to receive the training allowance which subsidized trainees' expenses for transport and meals during the half-day sessions. The prolonged duration of training also meant that they were left with little time to find a job.

55. The Administration explained that ERB was mainly funded by the Employees Retraining Levy (the Levy) payable by employers of imported workers including FDHs. Following the passage of the Employees Retaining Ordinance (Amendment of Schedule 3) (No. 2) Notice 2008, the Levy was suspended for a period of five years up to 31 July 2013. ERB had to make optimum use of its limited resources and provide training allowance only to those most in need.

56. The Administration advised that the responsibility of ERB was to provide training courses and related placement services for the purpose of helping local employees adjust to changes in the employment market arising from Hong Kong's economic restructuring by acquiring new or enhanced vocational skills, and to promote skills assessment and professional certification to fortify recognition. Training allowance should not be a major

element of employees retraining. In order to offer more training places and to optimize the use of resources, some placement-tied courses had been operated on full-day and half-day mixed mode basis since 2002. ERB had improved the mixed mode arrangement and standardized the practice whereby a five-day course would consist of three full-day and two half-day sessions to allow time for consolidation of learning.

57. Some members pointed out that the Government used to provide funding in the amount of about \$400 million a year to ERB. They considered that if ERB did not have adequate resources, the Government should continue to provide financial assistance. ERB should not reduce its expenditure by depriving unemployed low-skilled workers of the training allowance for which they were eligible under full-day placement-tied courses.

58. Members were concerned that some trainees had pointed out that the taking of ERB courses might not necessarily lead to employment related to the courses taken. They asked about the type of courses offered and whether the skills concerned were in demand in the job market.

59. The Administration advised that ERB attached great importance to course quality. Graduates of ERB full-time placement-tied courses were subject to end-of-course assessment. While some skills tests were assessed by ERB's Practical Skills Training and Assessment Centre, some were inspected by industry practitioners to ensure appropriate measurement and benchmarking of learning outcome for quality assurance purpose. ERB attached importance to quality assurance and had begun to develop professional and para-professional certification schemes to enhance the employability of trainees and set them on their paths to professional careers. ERB also monitored the performance of training bodies to ensure their cost-effectiveness in administering the courses by paying class visits, conducting site audits and surprise visits.

60. Some members were concerned whether the expansion of ERS to cover people aged 15 or above had resulted in overlapping between ERS and other youth training programmes offered by LD, such as YPTP and YWETS. As more young people would be unemployed under the current economic situation, they enquired whether ERB would introduce measures to cater for the special needs of young people.

61. The Administration explained that to avoid duplication in youth training, the pre-existing youth programmes offered by the Vocational Training Council (VTC) targeting non-engaged youths had been adopted as ERB's Youth Training Programme. According to non-government organizations, young people who enrolled into YPTP and YWETS were often more proactive as compared to non-engaged youths for whom outreach services might be

required. ERB's Youth Training Programme and LD's YPTP sought to assist non-engaged youths to seek employment or other engagement with different approaches. To avoid duplication of services, ERB had, under the coordination of LWB, adopted the proposal of VTC to offer its Teens' Programme, Modern Apprenticeship Scheme and Ethnic Minority Project under ERB's Youth Training Programme on a pilot basis.

62. Some members considered that in the short term, ERB should provide training to the unemployed who wished to start up their own businesses but did not have the knowledge and experience to do so. In the long term, ERB should develop training courses which could tie in with the development and needs of different industries. For instance, ERB should develop courses to meet the needs of six economic areas, namely, testing and certification, medical services, innovation and technology, cultural and creative industries, environmental industry and education services, identified by the Task Force on Economic Challenges to have the potential to strengthen Hong Kong's economic growth in the long term.

63. The Administration responded that the direction of the Government on the long-term opportunities for Hong Kong's economic growth was conducive to ERB's planning of its courses. ERB would liaise with the relevant government departments and industries to understand the needs of the six economic areas in terms of manpower and skills required for people with education at sub-degree level or below and develop suitable training courses in due course. The imminent task of ERB was to offer placement-tied training courses to the unemployed who, with the assistance of training providers, could secure jobs immediately after training. ERB also offered training courses to assist self-employed people to start and run businesses.

#### Transport Support Scheme (TSS)

64. The Panel continued to follow up the provision of subsidy under TSS. Some members envisaged that in the face of the financial tsunami, transport fares were anticipated to rise and the salary of workers would be reduced. They expressed concern that some applicants admitted under the pilot TSS would have exhausted their 12 months' entitlement of allowances by December 2008. They considered that the Administration should further relax TSS to operate on a long-term basis and to extend it to workers of other districts.

65. The Administration stressed that the objective of TSS was to provide time-limited transport subsidy so as to encourage needy job seekers and low-income employees in the four designated districts to seek jobs and remain in employment. In response to members' requests, the Administration had advanced and completed the review of TSS in February 2008, following which a number of relaxation measures were introduced in July 2008. The

Administration considered that the relaxation of TSS to cover all low-income workers in the territory and to operate on a long-term basis was a major policy change and would have significant policy and financial implications. The Administration did not consider it appropriate to provide the subsidy on a permanent basis, which was tantamount to providing an income supplement to employees on a long-term basis.

66. Noting that the Administration would conduct a review of the relaxed TSS after its implementation for at least one year, a member asked whether the Administration would assure TSS recipients that they would continue to receive the subsidy until the completion of the review. The member considered that the Administration should advance the review with a view to recommending to FS, who was preparing the budget for the following year, to continue implementation of the scheme.

67. The Administration explained that as the effectiveness of TSS had yet to be reviewed, it was not in a position to give an undertaking that the scheme would continue. It was aware that members were in support of the continuation of the scheme. The Administration informed members that the majority of TSS applicants were admitted under the relaxed scheme and therefore it would take quite some time for them to receive the subsidy in full. The Administration stressed that time was needed to gauge public views and analyze the data collected on TSS before a review was to be conducted.

68. The Panel passed a motion urging the Government to actively support the travelling expenses of low-income workers and implement immediately supportive measures, including cancelling immediately the one-year subsidy duration of TSS for the remote districts, extending TSS immediately to all districts and relaxing its coverage to include part-time workers and reinstating the allowance for local domestic helpers working across districts under the Integrated Scheme for Local Domestic Helpers.

#### Other issues

69. The Panel had discussed other issues with the Administration. These included Hong Kong's occupational safety performance, renovation works safety, review of occupational diseases in Hong Kong, collaboration between LD and CIIF on the promotion of youth employment, promotional efforts of LD on labour-related matters and prevention of heat stroke at work.

70. The Panel was consulted on a number of legislative and financial proposals, including the proposal to expand the scope of PWIF to cover untaken annual leave pay under EO and the proposed injection of further funding into the Continuing Education Fund. The Panel was also consulted on a staffing proposal for the creation of a Chief Labour Officer post for the introduction of SMW legislation.

Meetings held

71. Between October 2008 and June 2009, the Panel held a total of 10 meetings.

Council Business Division 2  
Legislative Council Secretariat  
3 July 2009

**Legislative Council  
Panel on Manpower**

**Terms of Reference**

1. To monitor and examine Government policies and issues of public concern relating to labour, manpower planning, vocational training and education, and qualifications framework.
2. To provide a forum for the exchange and dissemination of views on the above policy matters.
3. To receive briefings and to formulate views on any major legislative or financial proposals in respect of the above policy areas prior to their formal introduction to the Council or Finance Committee.
4. To monitor and examine, to the extent it considers necessary, the above policy matters referred to it by a member of the Panel or by the House Committee.
5. To make reports to the Council or to the House Committee as required by the Rules of Procedure.



**Legislative Council  
Panel on Manpower**

**Membership list for 2008-2009 session**

<b>Chairman</b>	Hon LI Fung-ying, BBS, JP
<b>Deputy Chairman</b>	Hon WONG Kwok-kin, BBS
<b>Members</b>	Hon LEE Cheuk-yan Hon LEUNG Yiu-chung Hon Andrew CHENG Kar-foo Hon Frederick FUNG Kin-kee, SBS, JP Hon WONG Kwok-hing, MH Hon Alan LEONG Kah-kit, SC Hon LEUNG Kwok-hung Dr Hon LAM Tai-fai, BBS, JP Hon CHAN Kin-por, JP Dr Hon LEUNG Ka-lau Hon WONG Sing-chi Hon IP Wai-ming, MH Hon IP Kwok-him, GBS, JP Dr Hon PAN Pey-chyou

(Total : 16 Members)

**Clerk** Mr Raymond LAM

**Legal adviser** Ms Clara TAM

**Date** 14 October 2008