

立法會
Legislative Council

LC Paper No. CB(2)2003/09-10
(These minutes have been seen by
the Administration)

Ref : CB2/PL/MP

Panel on Manpower

Minutes of meeting
held on Thursday, 20 May 2010, at 2:30 pm
in Conference Room A of the Legislative Council Building

Members present : Hon LI Fung-ying, BBS, JP (Chairman)
Hon IP Wai-ming, MH (Deputy Chairman)
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 CHAN Kin-por, JP
Hon WONG Sing-chi
Hon WONG Kwok-kin, BBS
Hon IP Kwok-him, GBS, JP
Hon ALAN LEONG Kah-kit, SC

Members absent : Dr Hon LAM Tai-fai, BBS, JP
Dr Hon PAN Pey-chyou
Hon LEUNG Kwok-hung

Public Officers attending : Item III

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

Mr Alan WONG Kwok-lun, JP
Deputy Commissioner for Labour (Labour Administration)

Mr Charles HUI Pak-kwan
Assistant Commissioner for Labour (Employment Services)

Mr Raymond HO Kam-biu
Senior Labour Officer (Internship Programme
for University Graduates)
Labour Department

Item IV

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

Mrs Erika HUI LAM Yin-ming, JP
Deputy Commissioner for Labour (Occupational Safety and
Health)

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

Dr Raymond LEUNG Lai-man, JP
Occupational Health Consultant (1)
Labour Department

**Clerk in
attendance** : Mr Raymond LAM
Chief Council Secretary (2) 1

**Staff in
attendance** : Ms Clara TAM
Assistant Legal Adviser 9

Mrs Eleanor CHOW
Senior Council Secretary (2) 4

Mr Ian CHOW
Council Secretary (2) 1

Ms Camy YOONG
Clerical Assistant (2) 1

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I. Confirmation of minutes of previous meeting
(LC Paper No. CB(2)1539/09-10)

The minutes of the meeting held on 23 March 2010 were confirmed.

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II. Date of next meeting and items for discussion
(LC Paper Nos. CB(2)1547/09-10(01) and (02))

2. Members agreed to discuss the following items proposed by the Administration at the next regular meeting to be held on 17 June 2010 at 2:30 pm -

- (a) An overview of the recent labour relations scene in Hong Kong; and
- (b) Progress report on the development and implementation of the Qualifications Framework.

3. Referring to Dr PAN Pay-chyou's letter dated 10 May 2010 (LC Paper No. CB(2)1589/09-10(01)) requesting the Panel to discuss the subject of mental impairment arising from occupational injury, the Chairman said that since two motions relating to occupational health and safety had just been debated at the past two Council meetings and the Administration was unlikely to furnish members with any new information in the near future, she suggested and members agreed to include the subject in the list of outstanding items.

III. Progress of employment support initiatives in response to the financial tsunami
(LC Paper Nos. CB(2)1547/09-10(03) and (04))

4. Secretary for Labour and Welfare ("SLW") briefed members on the progress of employment support initiatives undertaken by the Labour Department ("LD") in response to the financial tsunami as set out in the Administration's paper. He added that LD would further improve its employment services by launching the following initiatives -

- (a) setting up a recruitment centre tailor-made for the retail industry in Wan Chai on 22 June 2010;
- (b) setting up a pioneer one-stop employment and training centre in Tin Shui Wai in early 2011, which sought to streamline, integrate and enhance the existing employment and training/retraining services of LD, the Social Welfare Department ("SWD") and the Employees Retraining Board; and
- (c) disseminating information on recruitment activities to job-seekers through modern messaging technology progressively by mid-2010.

5. SLW further said that although the present unemployment rate had reduced by one percentage point to 4.4% from the worst time of the financial

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tsunami, there were uncertainties in the economic outlook of Hong Kong because of the Eurozone debt crisis and its contagion. University graduates and secondary school leavers entering the labour market in the summer would add pressure on the unemployment rate. LD would continue to adopt multi-pronged and proactive measures to promote labour market efficiency and help job-seekers find employment.

Programmes for young people

6. Noting that the Internship Programme for University Graduates ("IPUG") had ceased accepting applications from university graduates from the end of March 2010, the Chairman enquired whether the Administration would introduce other initiatives to help fresh graduates. Mr WONG Kwok-hing enquired whether the Administration would consider continuing IPUG for another year.

7. SLW advised that in the face of a deteriorating employment market amidst the widespread repercussions of the financial tsunami, LD had launched IPUG as a special, one-off and time-limited initiative to encourage enterprises to offer internship and employment opportunities to university graduates of 2008 and 2009, with a view to broadening their horizons and helping them gain experience so that they would be better equipped for the employment market when the economy revived. At the onset of the financial tsunami, the number of job positions for university graduates had dropped substantially. As the economy gradually recovered, employment conditions had improved since mid-2009. The number of job positions received by the Joint Institution Job Information System between December 2009 and February 2010 was over 1 800, representing a 63.6% increase over the corresponding period in the preceding year. Under IPUG, 1 674 graduates had secured employment in Hong Kong and 239 graduates had taken up internships in different Mainland cities. The Administration considered that IPUG as a time-limited and special initiative, IPUG had fulfilled its functions and objectives.

8. The Chairman expressed concern about the difficulties of young people between the age of 15 and 24 with low educational attainment in securing employment in the coming summer. SLW responded that the revamped Youth Pre-employment Training Programme and Youth Work Experience and Training Scheme enrolled trainees on a year-round basis and provided a full range of co-ordinated and customized training and employment support services, as well as case management services rendered by registered social workers. As regards youths with acute employment difficulties, the Financial Secretary had announced in his 2010-2011 Budget Speech to launch a special employment project to provide on-the-job training opportunities to 500 vulnerable youths.

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Assistance to low-income workers and job-seekers residing in remote areas

9. Mr WONG Kwok-hing expressed concern about the provision of employment services and the limited employment opportunities for job-seekers residing in remote areas and areas with high unemployment rate, in particular Tung Chung. He suggested the following measures for the Administration's consideration -

- (a) to organize bazaars for job-seekers in Tung Chung to sell a variety of goods, food and drinks; and
- (b) to identify venues for job-seekers to run small business on a licence-free basis, draw up the eligibility criteria for application and manage the venue.

10. SLW responded that LD would provide selected non-government organizations ("NGOs") in Tung Chung, on a pilot basis, with more vacancy search terminals connected to the extensive job vacancy database of LD. Job-seekers living in Tung Chung could also seek assistance from LD's Telephone Employment Service Centre whereby job referrals could be made through the telephone. SLW said that the measures proposed by Mr WONG could be rather complicated as they involved the use of public places. He considered that enhancing the existing programmes of NGOs through the Community Investment and Inclusion Fund ("CIIF") and encouraging major local employers in Tung Chung such as the Disneyland, Ngong Ping 360 and Cathay Pacific Airways to provide employment for local residents would be more effective. In addition to providing employment support, these projects could also help promote social capital building and cross-sector collaboration, thereby also enhancing participants' social and economic integration with the community. In addition, consideration would be given to extending the pilot practice adopted in Tin Shui Wai whereby the Housing Department had required management companies to hire a percentage of local security guards and cleaning workers in the management of public housing estates.

11. Mr WONG Kwok-hing expressed concern about the burden of travelling expenses borne by the in-work poverty in Tung Chung. He suggested that the Administration should consider continuing the operation of the Transport Support Scheme ("TSS"), providing fare concession in the form of monthly ticket through collaboration with the public transport companies, or providing free transportation services to encourage job-seekers to work across districts. Mr LEUNG Yiu-chung urged the Administration to complete the review of TSS as soon as possible, in view of the financial hardship faced by the in-work poverty due to the recent fare increases announced by various transport operators.

12. SLW recalled that a catering company had once arranged free transportation services between Tin Shui Wai and Tuen Mun, Tsuen Wan and

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Kowloon to some 20 employees recruited during a large-scale job fair organized by LD. However, only one person remained in employment after a week. As regards fare concession, SLW undertook to relay the suggestion to the Secretary for Transport and Housing. SLW further said that as explained by the Financial Secretary in his 2010-2011 Budget Speech, the Labour and Welfare Bureau would study ways to reduce the burden of travelling expenses borne by the in-work poverty in the territory. The study would be completed by the end of 2010.

Employment assistance to employees made redundant during the financial tsunami

13. Mr IP Kwok-him enquired about the assistance provided to employees made redundant during the financial tsunami. SLW responded that LD adopted a proactive approach in providing employment assistance to those made redundant during the financial crisis. In major closure or redundancy cases, hotline for enquiries and special counters at Job Centres were set up to provide priority job referral and job matching services. There were also intensive and customized placement support services and the employees concerned were referred to the Employees Retraining Board for retraining where appropriate. A total of 2 091 employees affected by redundancy or business closure were offered priority placement services at LD's special counters and other employment support services.

14. Mr IP Kwok-him and Mr Alan LEONG enquired about the number of job-seekers who had secured employment as a result of the employment services offered by LD as set out in paragraphs 11 to 14 of the Administration's paper.

15. SLW and Assistant Commissioner for Labour (Employment Services) ("ACL/ES") responded that the Administration did not have such data. They explained that LD provided a platform for dissemination of job vacancy information so as to address employers' recruitment needs and job-seekers employment needs. An employer who had successfully recruited an employee or a job-seeker who had successfully secured a job after using LD's employment services might not inform LD, not to mention that the job concerned might be secured through other channels even though the job vacancy had also been posted through LD. Unless an employer made an immediate offer to a job-seeker on the spot in a job fair, it would be difficult to ascertain whether the job secured subsequently was a result of the employment services offered by LD. The Administration would provide the Panel with such relevant information collected in large-scale job fairs.

(Post-meeting note: The Administration's response was issued to members vide LC Paper No. CB(2)2009/09-10 on 6 July 2010.)

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Latest employment situation

16. Noting that the number of job vacancies posted by LD for the private sector had increased by 20.2% in the first four months of 2010 over the corresponding period in 2009, Mr IP Kwok-him enquired about the types of job posted and whether the problem of manpower mismatch was serious.

17. SLW explained that while some private sector vacancies posted by LD were at managerial/executive levels, they were mainly pitched at the mid-to-elementary levels. The problem of manpower mismatch was found in certain industries only. As announced by the Financial Secretary in his 2010-2011 Budget Speech, LD would launch a two-year Pilot Employment Navigator Programme under which a cash incentive of \$5,000 would be payable to each eligible participant who had worked for a continuous period of three months after receiving LD's intensive employment counselling services. The Programme which would provide 11 000 places a year was designed to address the problem of manpower mismatch, and to fully utilize the labour productivity and encourage employment.

18. Referring to media reports that some of the job vacancies posted in LD were offering extremely low wages, Mr WONG Kwok-hing enquired how LD would prevent recurrence of similar incident.

19. SLW and ACL/ES explained that LD would vet the job vacancies submitted by employers to ensure that the wages offered would not deviate significantly from the market rate. In addition, LD would ensure the job requirements were in compliance with labour and anti-discrimination laws. In the event that the wages offered were too low, employers would be requested to adjust their offers. SLW added that the problem would be resolved with the introduction of a statutory minimum wage.

20. Mr LEUNG Yiu-chung expressed concern that those who were out of job for a long time would find it increasingly difficult to secure employment. He enquired about the number of people who were unemployed for a long time and how the Administration would assist them to re-enter the job market.

21. SLW said that according to the definition adopted by the Census and Statistics Department, a person who had been unemployed for six months or more would be regarded as long-term unemployed. There were about 53 900 long-term unemployed persons between February and April 2010 out of a total of 164 800 unemployed. The long-term unemployed figure peaked at 61 600 between July and September 2009. As the economy gradually recovered, both the number of unemployed and the number of applications for able-bodied unemployed Comprehensive Social Security Assistance ("CSSA") had reduced. At present, counselling and retraining services were provided to this type of CSSA recipients under the Integrated Employment Assistance Scheme. LD would set up a pioneer one-stop employment and training centre in Tin Shui

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Wai to provide integrated employment support to these CSSA recipients. If the pioneer project was successful, similar centres would be set up in other districts.

IV. Hong Kong's occupational safety performance in 2009

(LC Paper Nos. CB(2)1547/09-10(05) and (06))

22. SLW briefed members on Hong Kong's occupational safety performance in 2009 as set out in the Administration's paper. In gist, through the collective efforts of all parties concerned, the number and the rate of occupational injuries declined in 2009 as compared to 2008.

Occupational safety in the construction industry

Safety in building repair, maintenance, alteration and addition ("RMAA") works and work-at-height works

23. Noting that fatalities caused by falling of workers from height had increased from eight cases in 2008 to 15 cases in 2009, Mr LEE Cheuk-yan enquired about the reasons for the increase. He also requested the Administration to provide the latest figures on fatalities, if available. Mr LEUNG Yiu-chung enquired whether the Administration had analyzed the cause for such fatalities with a view to introducing preventive measures to deter recurrence.

24. SLW and Assistant Commissioner for Labour (Occupational Safety) ("AC/OS") explained that out of the 15 fatalities caused by falling of workers from height, 10 were caused by falling from working platforms in construction sites including the industrial accident at the International Commerce Centre in September 2009 which claimed the lives of six workers. The remaining five cases were caused by falling from scaffolding, unfenced floor edge and ladder. AC/OS said that in most cases, the construction of the working platforms which caused the lives of workers were found to be sub-standard, and falling of workers from ladders was mainly a result of workers losing balance. SLW added that three out of the 15 fatalities were related to RMAA works. With the introduction by the Administration of various building maintenance schemes for aged buildings, such as the "Operation Building Bright", and the special operation to remove abandoned signboards, the volume of RMAA works had increased and would continue to increase. Accidents in RMAA works had become a source of growing concern. In 2009, 217 out of the 397 accidents caused by falling of workers from height were related to RMAA works.

25. Mr LEE Cheuk-yan said that in light of the expected increase in new works owing to the commencement of major infrastructure projects and an upsurge of RMAA works owing to the ageing of buildings, there was a need for the Administration to introduce new and targetted measures to step up occupational safety and health. He suggested that the Administration should

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consider imposing a statutory requirement on the private sector to reserve 2% of the construction budget for occupational safety purposes. Mr LEUNG Yiu-chung enquired about the measures to prevent fatalities caused by falling of workers from height and to step up RMAA works safety.

26. SLW, AC/OS and Deputy Commissioner for Labour (Occupational Safety and Health) said that unlike works in construction sites, RMAA works might be dispersed in living quarters in high-rise buildings, very small in scale and might last for a short time. These presented challenges to enforcement since LD might not even have information on the existence of some of the projects. To address the problems, LD had launched a series of intensive promotion and publicity campaigns, targeting at work-at-height and RMAA works to enhance the safety awareness of all parties involved. Apart from continuing with the promotion activities, LD would also step up enforcement to ensure occupational safety in RMAA and construction works in the coming year. Major initiatives of LD would include -

- (a) targeting promotion and publicity campaigns on work-at-height and RMAA works safety to heighten safety awareness among contractors and construction workers and cultivate a positive safety culture among them;
- (b) organizing promotional activities in collaboration with the Occupational Safety and Health Council ("OSHC"), the Hong Kong Association of Property Management Companies ("HKAPMC"), the Hong Kong Housing Society, and District Councils/District Offices to enhance awareness of contractors, employers, employees, property management personnel and property owners on RMAA safety;
- (c) targeting small contractors, who took up the bulk of RMAA works in LD's promotion efforts, including capitalising on the Buildings Department's mandatory registration scheme for small contractors;
- (d) establishing a referral mechanism with HKAPMC, the Housing Department and the Hong Kong Housing Society to enable the collection of intelligence on RMAA works, and facilitate prompt and targeted enforcement actions on such high-risk activities;
- (e) collaborating with the Construction Industry Council to develop relevant practical safety guidelines for the construction industry;
- (f) continuing the sponsorship schemes in collaboration with OSHC to provide financial assistance to assist small and medium sized contractors to purchase fall-arresting equipment and provide relevant free training to their employees; and

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- (g) conducting inspections in evenings and during holidays, apart from paying regular surprise inspections. LD would take out prosecutions and serve improvement notices/suspension notices to secure compliance with relevant safety legislation and remove imminent risks of death or serious bodily injury.

27. The Deputy Chairman enquired whether the Administration would consider introducing legislation to regulate work-at-height safety. SLW responded that the Factories and Industrial Undertaking Ordinance (Cap. 59) and the Occupational Safety and Health Ordinance (Cap. 509) already provided for the general duties of an employer to ensure the safety and health at work of all persons employed by him. SLW considered the present system governing work-at-height safety adequate and introducing new legislation for that purpose was unnecessary.

Safety officer in construction site

28. Mr WONG Kwok-hing noted that paragraphs 26 to 30 of the Administration's paper had responded to his proposal that a safety officer should be appointed by and answerable to the Government with wages paid by the employer, a contractor, so that the safety officer could effectively monitor compliance with safety measures at the construction site. As the Administration had pointed out that the proposal would put the safety officer in an awkward position in the company, Mr WONG asked the Administration to consider the possibility of having the safety officer employed by a third party such as surveyors, consultancy firms, or insurance companies which were engaged in the construction project to provide professional support and services, so as to keep the safety officer independent of the contractor. Mr WONG also asked whether the Administration would consider collecting statistics of industrial accidents happened at construction sites so as to ascertain the effectiveness of safety officers in discharging their duties.

29. SLW and AC/OS explained that the primary role of a safety officer was to advise the principal contractor of safety and health practices, requirements and standards. A safety officer served as an in-house consultant assisting the management in instituting a safety management system and formulating control measures to enhance site safety, but did not have any regulatory role. Front-line managers of construction sites, including site foremen, site agents and site managers, who had close working contact with workers daily, were in a position of authority to control the work and acts of individuals on site so as to prevent accidents. SLW further said that, in the absence of a controlled environment, the many variables affecting the different aspects of safety management systems would make it difficult, if not scientifically impossible, to ascertain the effectiveness of safety officers to help prevent site accidents by a simplistic comparison of accident rates in construction sites with and without a safety officer. It would be more effective to enhance communication with

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front-line management to make them understand the role of safety officers and to increase awareness of construction safety.

Occupational safety in other industries

30. Mr WONG Kwok-hing noted that in light of the death of a teenage girl who was dragged into a heavy-duty press in a laundry factory, the Coroner's Court had ordered the Administration to enhance enforcement actions to ensure compliance with safety measures. Mr WONG enquired about the enforcement actions taken by the Administration to ensure occupational safety in laundry factories.

31. SLW responded that the Administration was very concerned about the incident, and LD had conducted inspections to all the 60 laundry factories in Hong Kong immediately after the incident. LD had subsequently issued over 60 warnings and 13 improvement notices, and initiated 9 prosecutions against those factories which had failed to comply with the safety standards and measures. At present, there were 125 flatwork ironers in Hong Kong, of which 106 had complied with safety standards and were operational while the remaining 19 were laid idle. LD would continue to undertake enforcement actions to ensure the industry's compliance with safety standards. SLW added that LD would study the judgment delivered by the Coroner's Court and would take necessary follow-up actions.

32. Mr WONG Kwok-kin expressed concern about workers of the catering industry, especially those working as waiters and bus boys who had developed musculoskeletal disorders, such as back pain, tennis elbow and wrist pain, because of prolonged and repetitive serving of heavy dishes by one hand. Mr WONG asked that apart from publicity and education, what other safety measures had been implemented to safeguard occupational safety and health of employees of the catering industry. For instance, whether the Administration would consider requiring waiters to receive compulsory training and employers to provide trolleys to help waiters carry heavy utensils.

33. Occupational Health Consultant (1) ("OHC(1)") responded that the Administration was very concerned about the occupational safety and health of employees in the catering industry. To this end, LD had carried out promotional activities aiming at enhancing the safety awareness of employers and employees in the catering industry, including publishing specific guidelines on prevention of musculoskeletal disorders. LD had also collaborated with the relevant stakeholders in organizing health talks on occupational safety and health for employees in the industry. OHC(1) stressed that occupational safety and health could be safeguarded only with the concerted effort of employers and employees. For instance, employers should provide training on proper working postures to workers, and trolleys to help them carry heavy utensils so as to prevent work-related musculoskeletal disorders. Apart from promotion, LD had also conducted inspections to restaurants to ensure compliance with the safety and health laws. If an employer failed to implement the necessary

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preventive measures to protect the health of employees, LD would take appropriate enforcement actions, such as issuing improvement notices or even taking out prosecution.

Occupational diseases

34. Mr WONG Kwok-hing asked the Administration whether it had started collecting statistics on work-related musculoskeletal disorders and whether it would consider prescribing musculoskeletal disorders as occupational diseases. The Deputy Chairman said that given that musculoskeletal disorders were very common among luggage-handling labourers working in the airport, there was reason to believe that a causal relationship could be established between the disorder and the luggage-handling work. He queried why the Administration had not carried out an in-depth study on the causal relationship between the disease and the occupation with a view to prescribing musculoskeletal disorders as occupational diseases.

35. OHC(1) responded that the Administration had all along collected statistics of workers suffering from musculoskeletal disorders through its two Occupational Health Clinics ("OHCs"). In 2009, 1 916 of the 2 118 new patients attending the two OHCs who were diagnosed with diseases related to or caused by work had musculoskeletal disorders. OHC(1) said that once a disease was prescribed as an occupational disease, workers suffering from the disease could claim compensation under the Employees' Compensation Ordinance (Cap. 282) if they were engaged in the designated occupations. LD followed the classification adopted by the International Labour Organization regarding occupational diseases, work-related diseases and diseases affecting the general population. In this regard, occupational diseases were diseases having specific or strong relationship with occupations, generally with one causal agent, and recognized as such. Musculoskeletal disorders, however, were diseases with multiple causal agents. OHC(1) added that although musculoskeletal disorders might be common among workers engaged in certain type of work, it did not necessarily mean that a causal link could be established between the disease and the occupation. At present, six musculoskeletal diseases had been prescribed as occupational diseases, among which was tenosynovitis of the hand or forearm which was common among general labourers.

Statistics on occupational injuries

36. Referring to Annex 1 to the Administration's paper concerning occupational injuries in all workplaces, Mr CHAN Kin-por enquired about the cause of high fatalities in the two sectors, namely the Financing, Insurance, Real Estate and Business Services (including Import & Export Trade) sector and the Community, Social & Personal Services sector in which 39 deaths were recorded in each of the sector, and enquired whether employees' compensation was awarded to families of the deceased.

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37. SLW and AC/OS explained that the total number of occupational injuries resulting in fatalities in all workplace was 165 in 2009. The figures represented those cases reported to LD in a prescribed form by an employer. The injury figures and employees' compensation were two different issues. Whether an injury or a fatality occurred at work would result in compensation would depend on facts of each case and sometimes ruling had to be sought from the court. In 2009, 100 out of 165 fatalities were natural deaths covering all sectors listed in Annex 1, including the Financing, Insurance, Real Estate and Business Services (including Import & Export Trade) sector and the Community, Social & Personal Services sector. The deceased in these cases had suffered from illnesses such as cardio-vascular diseases, cerebro-vascular diseases and respiratory diseases. There were also 18 fatalities involving employees working abroad, including those caused by traffic accidents.

38. Referring to Annex 2 to the Administration's paper concerning industrial accidents in the construction industry, the Chairman enquired about the reasons for the drastic increase of "injured by hand tool" accidents by some 40% in 2009. The Chairman also enquired whether the number of accidents caused by heat stroke was included in the table, and if so, the type of accident it was categorized under.

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39. AC/OS responded that "injured by hand tool" accidents could be caused by hand saw, chisel, etc. As he did not have the breakdown on hand, he undertook to provide the relevant information to the Panel after the meeting. AC/OS further said that the number of accidents caused by heat stroke was currently grouped under the "others" category. The Administration would consider whether the number of accidents caused by heat stroke could be reflected in its paper in future.

40. The meeting ended at 4:28 pm.

Council Business Division 2
Legislative Council Secretariat
9 July 2010