

立法會 *Legislative Council*

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Panel on Manpower

Background brief prepared by the Legislative Council Secretariat for the meeting on 21 January 2010

Overview of Labour Department's efforts in labour administration in 2009

Purpose

This paper summarizes past discussions by the Panel on Manpower (the Panel) on the overall performance of the Labour Department (LD) in labour administration.

Deliberations of the Panel on Manpower

2. According to information provided by the Administration, LD's work in labour administration covered the areas of employment service, employment assistance to young people, labour relations, and employees' rights and benefits. The Panel discussed LD's overall performance in the labour administration area at its meetings on 24 February 2005, 16 February 2006, 18 January 2007 and 19 February 2009. The discussions are summarized in the following paragraphs.

3. Some members expressed concern about the low percentage of participants of the Support for Self-Reliance Scheme of the Social Welfare Department (SWD) who had secured employment. The Administration responded that updated information on the job vacancies received by LD was made available at the Vacancy Search Terminals installed in all Social Security Field Units of SWD and the Public Enquiry Service Centres of the Home Affairs Department. Most of the Job Centres of LD and the Social Security Field Units of SWD were either adjacent to each other or located in the same building.

4. Regarding the reasons for the increase in the number of employers arrested for employing illegal workers and the industries where such illegal

employment was found, the Administration advised that the number of employers arrested for employing illegal workers had increased after LD stepped up its effort to combat the problem at source. Such employers were mainly engaged in catering, sales of dried food or operation of market stalls.

5. Some members considered that legislation should be enacted to strengthen employees' right to collective bargaining. They asked whether the Administration would introduce legislative amendments to strengthen its role in settling labour disputes. The Administration responded that although it supported voluntary collective bargaining, it had reservations about making collective bargaining statutory. LD had been advocating voluntary conciliation to resolve labour disputes. LD had closely monitored the labour relations scene and rendered timely assistance to employers and employees. In many cases, LD's early intervention had helped defusing potential labour disputes. The Administration considered that the existing practices in resolving labour disputes were appropriate.

6. The Panel noted that the unemployment rate of young people aged between 15 and 19 was 19.5% as at February 2008. Some members asked whether the Administration had analyzed the situation and how the Administration would tackle the problem.

7. The Administration responded that the problem of youth unemployment was not uncommon in other economies, especially in the 15 to 19 age group. It was tackling the problem through the following -

- (a) the Community Investment and Inclusion Fund (CIIF) under the Labour and Welfare Bureau promoted the development of social capital through encouraging mutual support in the neighbourhood, community participation and cross-sectoral partnership. A number of CIIF funded projects run by non-governmental organizations (NGOs) had helped the participants enhance their social and economic participation and secure employment, achieving outcomes similar to those of some social enterprise projects. Examples included a project that mobilised non-engaged young people to form a dance troupe to perform and teach hip hop dance, another one which helped young people learn how to operate a café in Shek Pai Wan, and one that enhanced the capacity and business skills of photographers so that they could set up their own studio in Aberdeen to take bridal photos;
- (b) the Youth Employment Start (YES) provided one-stop advisory and support service on employment and self-employment to young people aged 15 to 29. It assisted young people to explore their career interest through career assessment and provided them with guidance to facilitate their job search in the open market.

The two YESs, located at Langham Place in Mongkok and Metroplaza in Kwai Fong, provided a full range of office facilities and services at no charge. These included well-equipped business workstations, meeting room and design corner with professional design software/hardware. By the end of 2008, the two YESs had together provided services to 63 636 young people. Locating YES at popular gathering places of young people was an initiative of LD to attract youths who might be reluctant to visit government offices where employment services were provided; and

- (c) YES operated in tandem with the Youth Pre-employment Training Programme, and the Youth Work Experience and Training Scheme to provide a full range of pre-employment and on-the-job training to young people, including training to become self-employed. Some young people had become self-employed magicians, specialists on pet care, etc. after training.

8. Some members asked whether complaints had been received by LD since amendments were made to the relevant labour legislation to recognize certification given by, and medical examination and treatment conducted by, registered Chinese medicine practitioners (CMP) for the purposes of employees' entitlement to certain benefits under the law, and if problems were identified, what remedial measures would be taken by the Administration. They also asked whether the Administration had considered extending the scope of employees' protection by recognizing the certification given by registered chiropractors.

9. The Administration responded that since the new policy came into effect on 1 December 2006, there were mainly some enquiries on whether a person was a registered CMP. To facilitate the public in identifying whether a practising CMP was a registered CMP, a list of all registered CMPs had been published and uploaded onto the homepage of the Chinese Medicine Council. The Administration informed the Panel that a working group, comprising officers from different departments and bureaux, had been set up to study issues pertinent to the recognition of medical treatment, examination and certification given by registered chiropractors for entitlement of employee benefits under the relevant labour legislation. The Administration would revert to the Panel on its findings and recommendations when the working group completed the study.

Relevant papers

10. Members may wish to refer to the following minutes and papers for further details -

Minutes

- (a) minutes of meeting of the Panel on Manpower on 24 February 2005 [LC Paper No. CB(2)1115/04-05];
- (b) minutes of meeting of the Panel on Manpower on 16 February 2006 [LC Paper No. CB(2)1412/05-06];
- (c) minutes of meeting of the Panel on Manpower on 18 January 2007 [LC Paper No. CB(2)1274/06-07];
- (d) minutes of meeting of the Panel on Manpower on 19 February 2009 [LC Paper No. CB(2)1273/08-09];

Papers

- (e) Administration's paper entitled "Labour Department's overall performance in labour administration in 2004" for the meeting of the Panel on Manpower on 24 February 2005 [LC Paper No. CB(2)888/04-05(04)];
- (f) Administration's paper entitled "Labour Department's overall performance in labour administration in 2005" for the meeting of the Panel on Manpower on 16 February 2006 [LC Paper No. CB(2)1086/05-06(05)];
- (g) Administration's paper entitled "Labour Department's overall performance in labour administration in 2006" for the meeting of the Panel on Manpower on 18 January 2007 [LC Paper No. CB(2)840/06-07(04)]; and
- (h) Administration's paper entitled "Overview of Labour Department's efforts in labour administration in 2008" for the meeting of the Panel on Manpower on 19 February 2009 [LC Paper No. CB(2)864/08-09(03)].

11. The above minutes and papers are also available on the website of the Legislative Council (<http://www.legco.gov.hk>).