



COMMISSIONER FOR LABOUR

勞工處處長 箋札

Your reference 來函編號 :

Our reference 本處檔案編號 : DD/CF 3/602/2011

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11 February 2011

The Hon. Lee Cheuk Yan
Chairman
Panel on Manpower
Legislative Council
(c/o Secretary, Panel on Manpower
Legislative Council)
8 Jackson Road
Hong Kong

Dear Chairman,

Decisions taken by the Labour Advisory Board

I attach for information a summary of the decisions taken by the Labour Advisory Board at its meeting held on 24 January 2011.

Yours sincerely,

(Cheuk Wing Hing)
Commissioner for Labour /
Chairman, Labour Advisory Board

Decisions taken by the Labour Advisory Board at its meeting on 24 January 2011

Arrangement for replacement holiday in the event of a Lunar New Year holiday falling on a Sunday

According to the Employment Ordinance (EO), all employees, irrespective of their length of service, are entitled to days off on statutory holidays designated by the Ordinance. Prior to 1983, when a statutory holiday fell on an employee's rest day, the day following the holiday was designated as a replacement holiday across the board. Amendments were subsequently made to EO such that starting from 1983 should any of the first three days of Lunar New Year fall on a Sunday, the day immediately preceding the Lunar New Year's Day is designated as a replacement holiday; and in the event that the day following the Chinese Mid-Autumn Festival falls on a Sunday, the day of the Chinese Mid-Autumn Festival is designated as a replacement holiday.

Having regard to the recent development in the work patterns of local employees and the views of the public, the Administration proposes to amend the existing replacement holiday arrangement pertaining to the Lunar New Year and the Chinese Mid-Autumn Festival holidays, such that the designated replacement holiday would be on a day after the holiday concerned. According to this proposal, the replacement holiday arrangement regarding the Lunar New Year holidays and the day following the Chinese Mid-Autumn Festival which happen to fall on a Sunday will be aligned with that of other statutory holidays.

The Labour Advisory Board endorsed the proposal. In addition, some Board members suggested that employees should also be granted a replacement holiday should a statutory holiday or general holiday fall on a Saturday. On the other hand, there were also views that as many establishments remained open on Saturdays and many employees were still required to work on Saturdays, the impact of such arrangement on business operation and costs should not be underestimated and that the suggestion should not be considered before its full implications were carefully assessed.

Review of the existing mandatory safety training system and the proposed improvement measures

The Factories and Industrial Undertakings Ordinance and its subsidiary regulations provide for six types of mandatory safety training (MST) for workers engaged in high-risk sectors / activities / machineries, including (i) Training for Crane Operators; (ii) Training for Persons Working on Suspended Working Platforms; (iii) Confined Spaces Safety Training (for Certified Workers and Competent Persons); (iv) Mandatory Basic Safety Training (for Construction Work and Container Handling); (v) Safety Training for Various Types of Loadshifting Machinery); and (vi) Gas Welding Safety Training.

LD undertook a review of the existing MST system between 2009 and 2010. To address the deficiencies in the system, LD proposes a two-phased approach to implementing improvement measures.

The following improvement measures will be implemented in Phase 1:

- Issuing Examination Papers Centrally – LD to prepare examination papers centrally and issue them to individual training course providers (TCPs) shortly before examinations to minimise the chance of leakage of examination contents.
- Standardising MST Course Contents – to maintain consistency and hence the quality of the courses delivered by different TCPs.
- Consolidating Guidance Notes – LD to consolidate the Guidance Notes issued for the six types of MST courses and all approval conditions to facilitate reference and compliance by TCPs.

As regards other initiatives, e.g. evaluating / accrediting TCP's governance and quality assurance capability, introducing a validity period for recognised courses, developing a demerit point system and enhancing disciplinary actions against poor performers, they would involve more complicated issues and are likely to impact on existing TCPs. LD proposes to undertake a more in-depth study on these options and consult interested parties before determining the measures to be implemented in Phase 2.

The Labour Advisory Board agreed to the proposed improvement measures at the meeting.