

立法會
Legislative Council

LC Paper No. CB(2)546/11-12
(These minutes have been seen
by the Administration)

Ref : CB2/PL/MP

Panel on Manpower

Minutes of meeting
held on Thursday, 20 October 2011, at 2:30 pm
in Conference Room 1 of the Legislative Council Complex

Members present : Hon LEE Cheuk-yan (Chairman)
Hon LI Fung-ying, SBS, JP (Deputy Chairman)
Hon CHEUNG Man-kwong
Hon LEUNG Yiu-chung
Hon Andrew CHENG Kar-foo
Hon WONG Kwok-hing, MH
Hon Andrew LEUNG Kwan-yuen, GBS, JP
Hon CHAN Kin-por, JP
Hon CHEUNG Kwok-che
Hon WONG Sing-chi
Hon WONG Kwok-kin, BBS
Hon IP Wai-ming, MH
Hon IP Kwok-him, GBS, JP
Dr Hon PAN Pey-chyou
Hon LEUNG Kwok-hung

Members absent : Hon Tommy CHEUNG Yu-yan, SBS, JP
Hon Frederick FUNG Kin-kee, SBS, JP
Hon Alan LEONG Kah-kit, SC

Public Officers attending : Item I

Mr Michael M Y SUEN, GBS, JP
Secretary for Education

Mrs Cherry TSE, JP
Permanent Secretary for Education

Ms Michelle LI, JP
Deputy Secretary for Education

Miss Linda SO
Principal Assistant Secretary
(Further Education)

Item II

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

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

Mr CHEUK Wing-hing, JP
Commissioner for Labour

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

Mr David LEUNG, JP
Deputy Commissioner for Labour
(Occupational Safety and Health)

Mr Edward MAK Chun-yu
Principal Assistant Secretary for Labour and Welfare
(Manpower)

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

Staff in attendance : Mr Ian CHOW
Council Secretary (2) 1

Miss Lulu YEUNG
Clerical Assistant (2) 1

Action

I. Briefing by the Secretary for Education on relevant policy initiatives in the Chief Executive's 2011-2012 Policy Address
(LC Paper No. CB(2)17/11-12(01))

Secretary for Education ("SED") briefed members on the latest progress of the development and implementation of the Hong Kong Qualifications Framework ("QF"), one of the on-going initiatives of the Education Bureau in the 2011-2012 Policy Agenda, as detailed in the Administration's paper.

(Post-meeting note: The speaking note of SED was issued to members vide LC Paper No. CB(2)133/11-12 on 21 October 2011.)

2. Noting from paragraph 3 of the Administration's paper that 17 Industry Training Advisory Committees ("ITACs") had been formed, Mr WONG Kwok-hing asked how the Administration would encourage more industries to set up ITACs.

3. Deputy Secretary for Education ("DS (Ed)") advised that ITACs had been set up in a wide range of industries, with particular emphasis on the four economic pillars and the six priority industries identified. As the development of QF was industry-led, ITACs were set up in industries where a consensus could be reached among the stakeholders. The Administration would maintain close contact with different industries and encourage them to set up ITACs.

4. Mr WONG Kwok-hing asked whether different construction-related cards and certificates would be merged or digitalized so that a worker could carry one card containing all the necessary data.

5. Permanent Secretary for Education ("PS(Ed)") responded that there were legal and administrative constraints, such as prevention against forgery, updating interval, the different validity period and renewal arrangements, that hampered the merging of these cards or certificates. The feasibility of merging of these cards or certificates would need to be further investigated by relevant bureaux concerned.

6. Mr WONG Kwok-hing suggested that the merging of construction-related cards be followed up at a future meeting.

Action

(Post-meeting note: Noting that the subject had been discussed by the Panel on Development, members agreed at the meeting on 17 November 2011 that the subject of merging of construction-related cards be referred to the Panel on Development for follow-up.)

7. Mr Andrew LEUNG enquired how the Administration would promote continued learning.

8. SED advised that the Recognition of Prior Learning ("RPL") mechanism was set up to enable our workforce to pursue continuous learning without starting from scratch. Under the mechanism, employees could obtain a qualification at QF Levels 1 to 3 through verification of documentary evidence of the practitioners' experience and competencies. Employees could also obtain a qualification at QF Level 4 through practical assessment of practitioners' experience and competencies.

9. Noting that RPL had only been implemented in four industries, the Deputy Chairman asked whether there were plans to implement RPL in other industries. DS(Ed) responded that RPL would soon be implemented in the jewellery and automotive industries.

10. The Deputy Chairman said that the scope of Qualifications Framework Support Scheme ("QFSS") was too restrictive in that it was confined to non-profit-making organizations and first-time accreditation. Subsequent accreditation or review exercises were excluded. She asked whether the eligibility for accreditation grants would be relaxed for QF course providers.

11. DS(Ed) responded that the scope of QFSS had been broadened and more accreditation grants were available for QF course providers. Organizations other than those of non-profit or charitable nature would also be eligible to apply for QFSS. 75% of RPL assessment fee incurred by an employee would be reimbursed to the employee upon passing RPL assessment. The Administration had received encouraging responses and feedback since QFSS were improved in August 2011.

12. Mr IP Wai-ming enquired about the details of the Administration's promotion and publicity work for QF. PS(Ed) advised that the Administration had organized two workshops in August 2011 with participation of more than 500 course providers and industry stakeholders to promote the improvements to QFSS and the development of Specifications of Competency Standards-based courses.

Action

13. Noting from paragraph 5 and Annex A of the Administration's paper that some practitioners of the printing & publishing and hairdressing sectors failed in the RPL assessment tests for QF Level 4 qualifications, Mr IP Wai-ming enquired about the support services provided to these practitioners.

14. PS(Ed) responded that RPL Level 4 involved practical assessment and oral or written examinations. The assessment agencies would provide counseling service to practitioners who had failed in the assessment tests and inform them of the areas which warranted improvement.

15. Mr IP Wai-ming requested the Administration to provide information about the passing rate of practitioners who had received such counseling service. Principal Assistant Secretary (Further Education) advised that practitioners who took RPL assessment tests for QF Level 4 qualifications were junior management personnel. Their failure in the tests was usually related to poor communication skills rather than their operational skills or professional knowledge.

(Post-meeting note: The Administration subsequently advised that as at November 2011, five applications were received for re-assessment and three passed the assessment tests.)

II. Briefing by the Secretary for Labour and Welfare on relevant policy initiatives in the Chief Executive's 2011-2012 Policy Address

(LC Paper No. CB(2)17/11-12(02))

16. Secretary for Labour and Welfare ("SLW") briefed members on the new and on-going key initiatives pertaining to the labour and manpower portfolio under the Labour and Welfare Bureau in the 2011-2012 Policy Address and Policy Agenda, as set out in the Administration's paper.

Paternity leave and family-friendly employment practices

17. Noting that the Administration was considering the introduction of paternity leave among government departments, Mr WONG Kwok-hing enquired whether the Administration would consider the same for public bodies and government-subsidized organizations. The Deputy Chairman queried whether the Administration was determined to implement

Action

paternity leave and family-friendly employment practices ("FFEP"). Mr CHEUNG Kwok-che asked whether the Administration had any concrete plan to promote FFEP.

18. SLW responded that the Administration would promote FFEP and the introduction of paternity leave among public bodies and government-subsidized organizations. Promotion of FFEP, including the provision of paternity leave, had been one of Labour Department ("LD")'s major initiatives in recent years. To enlist more employers' support in implementing FFEP and paternity leave and to enhance public understanding of these measures, the Administration would continue to publicize the message through the network of industry-based Tripartite Committees and Human Resources Managers Clubs formed in various trades and industries. The findings of questionnaire surveys conducted among member establishments of Human Resources Managers Clubs in 2006 and 2008 revealed the effectiveness of the existing promotional measures as the percentage of responding organizations that offered paternity leave increased from 16% in the first survey to 21% in the second. The Administration would carefully consider the circumstances in Hong Kong and assess the possible impact of legislating for paternity leave on employers, especially small-and-medium-sized enterprises, and on the economy as a whole. In deliberating the matter, the Administration would first and foremost consider whether there was a wide consensus in the community in this regard. After completing its study on the subject, the Administration would report the findings to the Labour Advisory Board ("LAB") by March 2012 before consulting the Panel on Manpower ("the Panel").

Legislative proposal on compulsory reinstatement and re-engagement

19. Mr WONG Kwok-hing and the Chairman asked whether the Administration would introduce a bill into the Legislative Council ("LegCo") to implement the proposal on compulsory reinstatement and re-engagement in respect of cases of unreasonable and unlawful dismissal.

20. Commissioner for Labour ("C for L") responded that LD and LAB had been holding a series of meetings to discuss the subject. SLW advised that the Administration would try its best and strive to, where possible, introduce the bill into LegCo within the current legislative session.

Action

Standard working hours

21. Mr Andrew CHENG expressed dissatisfaction that the subject of standard working hours had been discussed in LegCo for years without much progress. He enquired whether the Administration's study on the subject would be completed by the first quarter of 2012 instead of mid-2012.

22. SLW advised that the issue of standard working hours was a highly complex and controversial one. The Administration had to be prudent in handling the matter which had far-reaching implications on society and the economy. The Administration had embarked on the policy study on standard working hours, and the Census and Statistics Department ("C&SD") would also assist in collecting statistics on the current working hours situation of the labour force and various sectors of Hong Kong, including data on contractual working hours and overtime work, so as to facilitate in-depth and objective analysis. The Administration aimed to complete the study by mid-2012 as C&SD's statistics would not be available for analysis until after the first quarter of 2012.

23. The Chairman enquired about the objective of the Administration's study. The Chairman and the Deputy Chairman asked whether the Administration was determined to implement standard working hours in Hong Kong. SLW responded that the Administration was conducting a policy study and its findings would provide a solid foundation for future discussion in the community, deepen society's understanding of this topic and facilitate exchange of opinions. Consensus among various sectors of the community had to be reached before considering any legislation.

24. Mr IP Wai-ming asked whether the Government would establish a tripartite committee to examine the findings of the study. SLW advised that the established tripartite communication mechanism such as LAB and the nine industry-based Tripartite Committees would provide a good basis for deliberations on the subject.

Admin

25. Dr PAN Pey-chyou requested the Administration to release the findings of the study to members of the Panel by stages once available. Mr CHAN Kin-por suggested that data on work-life balance and practices of flexible working hours adopted in the private sector should be collected in the study.

Action

Work Incentive Transport Subsidy Scheme

26. In response to the Deputy Chairman's enquiry on the number of applications received under the Work Incentive Transport Subsidy ("WITS") Scheme, SLW said that the Administration had received over 10 000 applications since the WITS Scheme started receiving applications on 3 October 2011. The number of applicants should exceed this figure as each application form could involve more than one applicant.

27. The Chairman and the Deputy Chairman enquired whether the timing of the mid-term review of the WITS Scheme would be advanced in case the number of applicants was far smaller than the Administration's estimation, and whether the asset limit of the applicant's household would be abolished.

28. SLW responded that the mid-term review would be conducted one year after the implementation of the WITS Scheme. Consideration could be given to advancing the review if circumstances warranted.

29. Mr CHEUNG Kwok-che asked whether the Administration would facilitate the submission of applications by applicants living in remote areas such as out-lying islands by dispatching staff to collect their applications. SLW responded that applications could be sent by mail. Moreover, the WITS office in Tsim Sha Tsui extended its counter service hours to 7:30 pm for the first two weeks of October 2011 and on every Monday from 17 October 2011 to 19 December 2011. There was also a 24-hour hotline for answering enquiries on the WITS Scheme.

Establishment of a pioneer one-stop employment and training centre in Tin Shui Wai

30. Mr CHAN Kin-por sought information about the pioneer one-stop employment and training centre in Tin Shui Wai ("the centre"), in particular the manpower deployment at the centre and whether local residents would be hired to man the centre.

31. SLW and C for L advised that 26 staff would be deployed from LD to provide employment services and 11 non-government organization staff, including registered social workers, would undertake case management services. LD would consider giving priority to residents of the district in filling vacant posts of the centre.

Action

32. Mr CHAN Kin-por, Mr CHEUNG Kwok-che and Mr LEUNG Kwok-hung asked whether the Administration would consider setting up one-stop employment and training centres in other areas, such as Tung Chung, Fanling or Sheung Shui.

33. SLW responded that Tin Shui Wai was densely populated with needy job seekers, including unemployed Comprehensive Social Security Assistance recipients and new immigrants. Should the centre be proven helpful in rendering employment support to these disadvantaged groups, consideration could be given to setting up one-stop employment and training centres in other districts. The Administration would review the situation in two years.

Youth employment project

34. Noting from paragraphs 13 and 14 of the Administration's paper that 109 trainees had enrolled in Phase One of the "Action S5" project ("the project") targeting young people aged 15 to 24 with special employment difficulties, Mr CHEUNG Kwok-che sought information on the number of training vacancies offered under the project.

35. SLW responded that up to 500 trainees could be enrolled in the project, which was targeted at young people who had behavioural and learning problems. Under the project, non-government organizations were commissioned to provide on-the-job training and internship opportunities of one year duration to vulnerable youths.

Admin

36. Mr LEUNG Kwok-hung requested the Administration to provide information on the employment situation of the trainees and asked whether the project would be extended when it was completed in future. SLW responded that the Administration would extend the project, if the circumstances warranted.

Issues related to the Employment Ordinance

37. Mr IP Wai-ming enquired whether the Administration would consider amending the Employment Ordinance (Cap. 57) ("EO") to bring in line the length of notice required for termination of an employment contract by employer and employee.

38. SLW responded that employees should not sign any employment contracts if they did not understand the terms contained therein. Where necessary, they could seek advice from LD. C for L explained that the issue was a complex one that required careful consideration.

Action

39. Dr PAN Pey-chyou enquired whether the Administration would consider aligning the number of statutory holidays with that of general holidays. SLW advised that general holidays were holidays kept by all relevant institutions whereas statutory holidays were holidays granted by employers to employees as required under EO. General holidays and statutory holidays were of different nature and established under different backgrounds. In contemplating whether to introduce improvements to employment benefits, including an increase in the number of statutory holidays, the Administration had to strike a reasonable balance between the interests of employers and employees. The Administration would review the situation when necessary.

False self-employment

40. Noting from paragraphs 21 to 23 of the Administration's paper that the Administration would continue to adopt a three-pronged approach to tackle the problem of false self-employment, Mr LEUNG Yiu-chung asked whether the Administration would take concrete actions such as introducing legislative amendments to tackle the problem.

41. SLW explained that there was a need to maintain the flexibility of economic activities such that individuals might provide service as a self-employed person according to their own choices and needs. Attempts to set out categorically in the law what constituted self-employment might be counterproductive, as those who intended to exploit their employees might conveniently take it as guidance in circumventing the law. As noted from the court cases in the past, employers who tried to evade their responsibilities intentionally under the guise of false self-employment would still have to shoulder their responsibilities under labour laws when employees filed employment claims against them. They might even be liable for prosecution if there was evidence to prove that they had breached the law for failing to provide statutory benefits to their de-facto employees. The Administration would continue to adopt the three-pronged approach to combat false self-employment.

Statutory minimum wage

42. The Chairman enquired about the timetable for review of the level of the statutory minimum wage ("SMW"). SLW and Permanent Secretary for Labour and Welfare advised that according to the Minimum Wage Ordinance, the Minimum Wage Commission ("MWC") would report to the Chief Executive in Council its recommendation about the

Action

SMW rate no later than mid-November 2012. MWC had to make reference to, among other surveys, the 2011 Report on Annual Earnings and Hours Survey, which was expected to be available in March 2012. MWC had to take into account a basket of social and economic indicators and opinions of stakeholders when reviewing the SMW rate.

Outlook of the labour market

43. Noting that the economic outlook for the following months might be poor, Dr PAN Pey-chyou enquired whether the Administration had assessed the outlook of the labour market and taken initiatives to tackle possible problems.

44. SLW responded that the current unemployment rate of 3.2% was the lowest among the past 13 years. With the commissioning of a number of major infrastructural projects, manpower demand in the construction sector was expected to be strong. After the implementation of SMW, the retail sector had employed some 7 500 additional lower-skilled female workers. However, the global economy was slowing down. Laid-off was seen in the banking and finance sectors. The Administration would continue to launch employment support programmes to assist the youth and the middle-aged, especially at times of economic downturn.

45. There being no other business, the meeting ended at 4:28 pm.