

Panel on Manpower

List of follow-up actions
(position as at 11 May 2012)

Subject	Date of meeting	Follow-up action required	Administration's response
1. Progress of the implementation of the Mandatory Provident Fund ("MPF") System	18.1.2001	The Administration was requested to provide monthly progress reports on the implementation of the MPF System.	The progress reports for the months of February and March 2012 were circulated vide LC Paper Nos. CB(2)1684/11-12 and CB(2)1847/11-12 on 12 and 27 April 2012 respectively.
2. Admission Scheme for Mainland Talents and Professionals	4.4.2003 (Joint meeting with the Panel on Security)	The Administration agreed to provide members with progress reports on the Scheme on a regular basis.	Progress report on the Scheme for the period from 1 October 2011 to 31 March 2012 circulated vide LC Paper No. CB(2)1749/11-12 on 18 April 2011.

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3. Implementation of Qualifications Framework ("QF")	Meeting of the Bills Committee on Accreditation of Academic and Vocational Qualifications Bill	<p>The Administration undertook to report to the Panel -</p> <p>(a) the progress of implementation of QF in individual industries on a half-yearly basis; and</p> <p>(b) the results of the review of the pilot scheme on Recognition of Prior Learning ("RPL") for the Printing and Publishing, Watch and Clock, and Hairdressing industries.</p>	<p>Progress of implementation of QF discussed at meetings of the Panel between October 2008 and October 2011.</p> <p>The pilot scheme on the RPL mechanism was completed in mid 2010. Reports on the pilot scheme submitted to the Panel vide LC Paper Nos. CB(2)1785/09-10(05) and CB(2)39/10-11(01) for the meetings respectively held on 17 June 2010 and 21 October 2010.</p>

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4. Arrears of wages in the construction industry	5.7.2007	The Administration was requested to map out a policy to require principal contractors to make wage payments direct to their subcontractors' workers, and revert to the Panel in the new legislative session.	Response awaited.
5. Policy and arrangements relating to admission of trainees to Hong Kong	23.3.2010	<p>The Administration was requested to -</p> <ul style="list-style-type: none"> (a) provide a breakdown of the number of trainees admitted to Hong Kong by sector, position and training duration; (b) consider the need to establish a formal vetting mechanism under which relevant departments such as the Labour Department ("LD"), Immigration Department and Civil Aviation Department would be involved in processing the applications for visa/entry permit of persons to attend training in their sponsoring companies; and (c) report on the outcome of the investigation conducted on Cathay Pacific which had sponsored trainees who were allegedly working in Hong Kong to fill local staff positions. 	Response awaited.

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6. Report of the Provisional Minimum Wage Commission ("PMWC") - the initial statutory minimum wage rate	18.11.2010	<p>The Administration was requested to provide the following information -</p> <p>(a) the financial position of the Exchange Fund, including the total amount of surplus accumulated to date; and</p> <p>(b) a response on whether and how the Administration would take forward the recommendations of PMWC as contained in Chapter 7 of its report.</p>	Response awaited.
7. Provision of employment-related transport subsidy	23.11.2010	The Administration undertook to provide supplementary information on training allowance provided for youths who attended pre-employment training courses and workplace attachment organized by LD.	Response awaited.
8. Wage arrangement for non-skilled workers engaged in government service contracts	11.4.2011	<p>The Administration was requested to -</p> <p>(a) explain the factors which the Administration had considered in deciding to mandate government service contractors to provide their employees with paid rest days, with</p>	Response circulated vide LC Paper No. CB(2)2071/10-11 on 15 June 2011.

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		<p>specific emphasis on the legal basis for this proposed arrangement;</p> <p>(b) advise whether there was any precedent judgment by the court that the practice adopted by LD and the Labour Tribunal when calculating employees' entitlements under the Employment Ordinance in an attempt to settle labour disputes and claims against employers, such as calculating untaken annual leave/holiday pay on the basis of 30 days per month, would constitute an implied obligation on employers; and</p> <p>(c) provide the Panel with a copy of the revised standard employment contract for use by contractors of government service in their employment of non-skilled workers to carry out the service contracts.</p>	<p>Response awaited.</p> <p>Response awaited.</p>
9. Creation of employment	28.6.2011	The Administration was requested to provide a	According to the Food and

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<p>opportunities under the hawker policy</p>	<p>(Joint meeting with the Panel on Food Safety and Environmental Hygiene)</p>	<p>response on its study of the vitalization of the existing open-air bazaars in Aberdeen, Sai Kung, Tin Shui Wai and Tung Chung.</p> <p>Having considered the Administration's response, members requested the Administration's further response on whether and how it would study the vitalization of open-air bazaars in Aberdeen, Sai Kung, Tin Shui Wai and Tung Chung, etc.</p>	<p>Health Bureau ("FHB"), there has not been a study of the vitalization of the existing open-air bazaars as such undertaken by the Administration. FHB would keep the hawker licensing policy under review and the Administration welcomes proposals from local or community organizations on initiatives to revitalize the local economy, promote district characteristics or create local employment.</p> <p>Further response from FHB awaited.</p>

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10. A review of occupational diseases in Hong Kong in 2010	12.7.2011	The Administration was requested to provide further information on the six suspected cases of heat stroke at work reported to LD in the first half of 2011, including the results of the relevant medical assessments and, irrespective of whether the cases were confirmed as work-induced, the causes for the heat stroke in each of the cases.	Response awaited.
11. Standard working hours	20.10.2011	When the Secretary for Labour and Welfare briefed members on relevant policy initiatives in the Chief Executive's 2011-2012 Policy Address at the meeting on 20 October 2011, members requested the Administration to provide the findings of its policy study on standard working hours once available.	Response awaited.
12. Youth employment project	20.10.2011	When the Secretary for Labour and Welfare briefed members on relevant policy initiatives in the Chief Executive's 2011-2012 Policy Address at the meeting on 20 October 2011, the Administration was requested to provide information on the employment situation of the trainees who had enrolled in the "Action S5" project.	Response awaited.

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13. Construction Safety - regulatory framework in Hong Kong and performance in the first half of 2011	17.11.2011	The Administration undertook to provide the Panel with - (a) more comprehensive data on cases respectively involving workers suffering from heat stroke at work and undertaking lift works; and (b) more detailed information on the average and highest fine imposed by the Court under work-at-height safety regulations.	Response awaited.
14. Proposed amendments to the reinstatement and re-engagement provisions under the Employment Ordinance	20.1.2012	The Administration was requested to supplement information on - (a) the relevant provisions under which prosecution would be taken out against employers who circumvented their obligation to pay the proposed further sum, by first re-engaging the staff in respect of whom a compulsory order for reinstatement/ re-engagement was made and then dismissing them after a certain period of time; and	Response awaited.

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		(b) the amount of payment made to the employee in each of those 12 cases in which the employers and employees reached mutual agreement to settle the case by payment.	Response awaited.
15. Implementation of the Employment (Amendment) Ordinance 2010	15.3.2012	<p>The Administration was requested to -</p> <p>(a) in respect of default cases handled during the 15-month period after the implementation of the Amendment Ordinance, provide the number of cases where LD had not instituted prosecution with breakdown of the reasons for not initiating prosecution;</p> <p>(b) in view of the high proportion of cases (over 20%) where employers could not be located and absconded from prosecution for non-payment of awards made by the Labour Tribunal or the Minor Employment Claims Adjudication Board, find out the reasons attributed to the phenomenon and examine whether there was any loophole in the Amendment Ordinance; and</p>	Response awaited.

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		(c) provide more detailed statistics with a breakdown by number of cases involved and time taken (including the shortest, longest and average time) for completing investigation of suspected offence cases and initiating prosecution against law-defying employers.	Response awaited.
16. Implementation of the Pilot Employment Navigator Programme ('the Pilot ENP')	15.3.2012	The Administration was requested to provide a detailed breakdown of the reason(s) why ENP participants did not apply for cash incentive.	Response awaited.
17. A review of occupational diseases in Hong Kong in 2011	12.4.2012	<p>The Administration was requested to provide the following information -</p> <p>(a) the number of industrial accidents caused by improper use of chemicals occurred in the past three years and the number of employees involved in such accidents;</p> <p>(b) information about the 342 inspections conducted by LD to offices, catering workplaces as well as work sites for loading/</p>	<p>Response awaited.</p> <p>- ditto -</p>

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		<p>unloading operations in the airport, with a breakdown by types of work involved;</p> <p>(c) regarding the 75 warnings and two improvement notices issued in relation to irregularities in musculoskeletal disorder prevention, the details of the irregularities identified;</p> <p>(d) in respect of the pilot scheme implemented at construction sites which allowed workers to work at flexi hours, the latest developments of the scheme; and</p> <p>(e) statistics on warnings made, improvement notices issued and prosecutions instituted in 2011 due to employers' failure to ensure their employees' safety and health at work, with breakdowns of those statistics by industry, the nature of offences involved as well as the level of penalty imposed (if any).</p>	<p>Response awaited.</p> <p>- ditto -</p> <p>- ditto -</p>

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