

Panel on Manpower

List of outstanding items for discussion

(position as at 11 May 2012)

**Proposed timing
for discussion**

Items proposed by members

1. Review of the Employment Ordinance - the requirement of "continuous contract"

At the meeting on 17 November 2011, the Administration briefed the Panel on the major findings of a survey conducted by the Census and Statistics Department ("C&SD") on employees engaged under employment contracts with short duration or working hours instead of a continuous contract ("SDWH employees"), as revealed in C&SD's Special Topics Report No. 55 released in July 2011.

To be confirmed

Members were informed that with the developments of the labour market and calls for relaxing the continuous contract requirement (the so-called "4-18" requirement) under the Employment Ordinance (Cap. 57) ("EO"), the Administration was undertaking a review of the subject with reference to the findings of the survey on SDWH employees. According to the Administration, the Labour Advisory Board ("LAB") would be consulted on the review in mid-2012. After deliberation by LAB, the Panel would be consulted. The Administration was requested to revert to the Panel on the subject within the 2011-2012 legislative session.

2. Establishment of a central compensation insurance fund

Following the "911" terrorist attack in 2001 and the outbreak of SARS in 2003, there were concerns over the potential non-availability of employees' compensation insurance ("ECI") cover for certain risks e.g. infectious diseases.

To be confirmed

On 19 May 2005, the Panel was briefed on the proposed measures to improve the ECI system in Hong Kong. The Administration presented its research findings on the operation of the ECI schemes in some overseas countries and the views received from the insurance industry. As replacing a private market by a central ECI scheme would have significant impact on insurers, LAB agreed to test run a "residual scheme" proposed by the Hong Kong Federation of Insurers. The scheme sought to act as a market of last resort to assist employers who had difficulties finding ECI cover. At the meeting, the Panel urged the Administration that, while introducing the residual scheme, it should also consider pursuing a central ECI scheme in the long run.

At the meeting on 15 March 2007, the Panel was briefed on the structure and mode of operation of the Employees' Compensation Insurance Residual Scheme ("the Scheme") scheduled to be launched by the insurance industry on 1 May 2007. The Panel was advised that a mid-term review of the progress of the Scheme would be conducted one year after implementation and an overall review after operating the Scheme for two years.

The outcome of the review of the Scheme was circulated to members vide LC Paper No. CB(2)2509/08-09 on 22 September 2009.

At the Panel meeting on 19 February 2009, Hon LEE Cheuk-yan proposed that the employee compensation for injury/death caused by accidents en route to work be discussed by the Panel.

3. Progress of establishment of a Qualifications Framework

Hon CHAN Yuen-han, Hon WONG Kwok-hing and Hon KWONG Chi-kin suggested in their letter dated 16 December 2004 that the progress of the establishment of the Qualifications Framework ("QF") proposed by the Administration should be discussed by the Panel.

To be confirmed

The Accreditation of Academic and Vocational Qualifications ("AAVQ") Bill was introduced into the Legislative Council on 6 July 2005. At the House Committee meeting on 8 July 2005, a Bills Committee was formed to scrutinize the Bill. The Bills Committee completed its scrutiny of the Bill on 27 March 2007. The Bill, with amendments, was enacted on 2 May 2007. The AAVQ Ordinance commenced full operation on 5 May 2008.

The Administration reported to the Panel the development of QF at the meetings on 23 October 2008, 16 July 2009, 22 October 2009, 17 June 2010, 21 October 2010, 17 June 2011 and 20 October 2011.

[Note : The Administration has advised that the Education Bureau will continue to brief members on the latest progress of QF implementation in the Chief Executive's Policy Address in October each year.]

4. Working group's findings on the study on recognition of sick leave certificates issued by registered chiropractors as valid sick leave certificates

The item was proposed by Hon CHAN Yuen-han, Hon WONG Kwok-hing and Hon KWONG Chi-kin on 8 April 2005. They considered that EO should be amended to recognize sick leave certificates issued by registered chiropractors as valid sick leave certificates.

To be confirmed

Hon WONG Kwok-hing raised the subject again at the meeting on 18 January 2007. According to the Administration, an Inter-bureaux/departmental Working Group ("the Working Group") 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.

In their letter dated 14 October 2008, Hon WONG Kwok-kin, Hon WONG Kwok-hing, Hon IP Wai-ming and Dr Hon PAN Pey-chyou requested that the issue be

discussed by the Panel.

At the Panel meeting on 17 June 2011, the Administration briefed members on the findings of the Working Group on its study of recognition of medical certificates issued by registered chiropractors as valid sick leave certificates under labour-related legislation. While agreeing with the recommendation made by the Working Group not to recognize medical certificates issued by chiropractors under labour-related legislation at this juncture, the Administration informed members that the Labour Department ("LD") would commission C&SD to conduct a comprehensive survey to gain a more updated and thorough understanding of the community's knowledge and utilization of chiropractic treatment and to gauge the prevalence of chiropractic treatment in Hong Kong. While the survey was tentatively scheduled to be conducted in the latter half of 2012, the Administration would continue to communicate with the relevant stakeholders and closely monitor the latest development of chiropractic in Hong Kong and other regions.

5. Paternity leave

On 21 June 2006, Hon WONG Kwok-hing raised a question on paternity leave at the Council meeting. In response to his request, the Administration sought the advice of the Equal Opportunities Commission and the Department of Justice and responded on 11 October 2006 that it was unlikely that any lack of legislation for paternity leave would constitute family status discrimination under the Family Status Discrimination Ordinance (Cap. 527).

Second quarter
of 2012

In their letter dated 14 October 2008, Hon WONG Kwok-kin, Hon WONG Kwok-hing, Hon IP Wai-ming and Dr Hon PAN Pey-chyou requested that the provision of paternity leave be discussed by the Panel. Noting that the Administration was studying the feasibility of legislating for paid paternity leave, Hon LEUNG Yiu-chung requested that a progress report should be submitted to the Panel.

6. Implementation of the Minimum Wage Ordinance

The Administration briefed members on the preparatory work undertaken by LD for the implementation of statutory minimum wage ("SMW") at four Panel meetings held between December 2010 and April 2011. The progress of the implementation of SMW since 1 May 2011 was reported to the Panel at the meeting on 17 May 2011.

To be confirmed

During the deliberations of the Subcommittee on Minimum Wage (Criteria for Approved Assessors) Notice and Minimum Wage (Assessment Methods) Notice, the Administration undertook to provide the Panel its administrative guidelines for approved assessors and the relevant forms contained therein including the certificate of assessment. The Administration also undertook to review the special arrangement for persons with disabilities, including whether there was a need for an appeal mechanism and the impact of SMW on the employment opportunities of persons with disabilities, in the light of operational experience within two years after the implementation of SMW and report the results to the Panel.

7. Mental impairment arising from occupational injury

In his letter dated 10 May 2010 (LC Paper No. CB(2)1589/09-10(01)), Dr Hon PAN Pey-chyou expressed concern about the definition of occupational injury under the Employees Compensation Ordinance (Cap. 282), and whether the Ordinance would cover mental impairment arising from occupational injury. He proposed that mental impairment arising from occupational injury should be discussed by the Panel.

To be confirmed

8. Standard working hours

At the Panel meeting on 14 October 2010, Hon WONG Kwok-hing suggested that the subject should be discussed by the Panel.

To be confirmed

**Proposed timing
for discussion**

9. Coverage of the Occupational Safety and Health Ordinance

At the Panel meeting on 17 June 2011, Hon WONG Kwok-hing expressed concern about the risk of heat stroke to professional drivers. He proposed that the Panel should discuss the coverage of the Occupational Safety and Health Ordinance (Cap. 509) ("OSHO") and the feasibility of extending the scope of OSHO to cover the driving work of professional drivers.

To be confirmed

10. Length of notice agreed by employers and employees for termination of employment contracts

Item proposed by Hon IP Wai-ming, who is concerned about the possible differences in the length of notice agreed between some employers and employees for termination of their employment contracts.

To be confirmed

11. Policy on the admission of persons from other places to work in Hong Kong

Item jointly proposed by Hon LI Fung-ying, Hon IP Wai-ming and Dr Hon PAN Pey-chyou at the meeting on 13 October 2011, who are concerned about possible abuse of the different schemes for admission of persons from other places to work in Hong Kong.

To be confirmed

12. Review of statutory minimum wage rate

At the meeting on 12 April 2012, members discussed the major findings of the 2011 Annual Earnings and Hours Survey ("the 2011 Survey") and noted that the Minimum Wage Commission ("MWC") had just commenced a public consultation exercise on the SMW rate. As the findings of the 2011 Survey were essential inputs for analyses and reviews related to SMW, members agreed that the Panel should arrange a special meeting to receive deputations' views on the review of SMW rate. The special meeting has been scheduled for Saturday, 12 May 2012.

12 May 2012

13. Government policy relating to the outsourcing of service contracts

The Panel received a joint submission from the Federation of Hong Kong & Kowloon Labour Unions and H.K. Hospitals Employees Association expressing views and concerns relating to the Government policy on the outsourcing of service contracts and the monitoring of outsourced service contracts of government and public service agencies (the joint submission was circulated to members vide LC Paper No. CB(2)1385/11-12(01) on 14 March 2012). At the Panel meeting on 15 March 2012, members agreed that the issues on the Government's outsourcing policy raised in the joint submission, as well as the review of Standard Employment Contract for non-skilled workers for use by contractors of government outsourced service contracts, should be discussed at the meeting scheduled for May 2012.

17 May 2012

14. Review on the coverage of the Protection of Wages Insolvency Fund

During the deliberations of the Bills Committee on Protection of Wages on Insolvency (Amendment) Bill 2011, the Administration informed the Bills Committee that the Protection of Wages on Insolvency Fund ("PWIF") Board had undertaken to conduct a review one year after the implementation of the Bill on the coverage of PWIF in respect of pay for untaken annual leave, pay for untaken statutory holidays and the payment ceiling of \$10,500. The Administration also undertook to convey to the PWIF Board Hon LI Fung-ying's suggestion of including in the review the other items covered by PWIF and reporting the outcome of the review to the Panel on Manpower at an appropriate time.

To be confirmed

Item proposed by the Administration

15. Occupational safety performance in Hong Kong in 2011

The Administration intends to brief members on its measures to improve the occupational safety and health performance of the construction industry and professional drivers at the regular Panel meeting in June 2012.

June 2012

The Administration intends to brief members on the occupational safety situation in Hong Kong in 2011.

July 2012