



Labour Department (Headquarters)

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22 April 2016

Miss Betty Ma
Clerk to Subcommittee to Study Issues
Relating to Standard Working Hours
Panel on Manpower
Legislative Council
Legislative Council Complex
1 Legislative Council Road
Central, Hong Kong

Dear Miss Ma,

**Panel on Manpower
Subcommittee to Study Issues Relating
to Standard Working Hours**

Letter from Dr Hon LEUNG Ka-lau

I refer to your letter of 31 March 2016 to the Secretary for Labour and Welfare regarding Dr Hon LEUNG Ka-lau's proposed Member's Bill entitled "Standard Working Hours Bill" and am authorised to give you a reply.

In view of community concerns on the subject of working hours, the Government set up the Standard Working Hours Committee (SWHC) in April 2013 to, inter alia, follow up on the Government's policy study on standard working hours (SWH) and advise the Government on the working hours situation in Hong Kong, including whether a statutory SWH regime or any other alternatives should be considered.

As reported by the Government at the meetings of the Panel on Manpower held on 31 July 2013, 20 May 2014, 17 March and 15 December 2015, and meetings of this Subcommittee held on 1 February and 15 March 2016, SWHC has since its establishment proactively taken forward substantive work, namely, enhancing public understanding; collecting working hours statistics and information relevant to a working hours regime; launching public engagement; and adopting an evidence-based approach for discussion on the basis of a range of factors with a view to promoting informed and in-depth discussion in the community on working hours issues, and jointly exploring and identifying working hours policy directions applicable to Hong Kong.

With reference to the findings of the working hours survey and the first-stage consultation (details can be seen in Legislative Council papers of: CB(2)1044/14-15(05), CB(2)446/15-16(03) and CB(2)770/15-16(01)), SWHC has in principle suggested exploring a legislative approach to mandatorily require employers and employees to enter into written employment contracts, which shall include the specified working hours terms, such as overtime compensation arrangement (i.e. the “big frame” as referred to by SWHC); and on the premise of the “big frame”, exploring whether there is a need for other suitable measures (such as setting a working hours standard and an overtime pay rate) to further protect grassroots employees with lower income, lower skills and less bargaining power (i.e. the “small frame” as referred to by SWHC).

As announced by the SWHC Chairperson after the SWHC meeting held on 29 March 2016, SWHC plans to launch the second-stage consultation before the end of April this year. In addition to the relevant working hours issues, SWHC plans to consult the general public on the following four working hours policy directions:

- (i) only implementing the “big frame”;
- (ii) only implementing the “small frame”;
- (iii) on the premise of implementing the “big frame”, to implement the “small frame” as well; and

- (iv) not to implement the “big frame” nor “small frame” but recommend implementing other policies/ measures pertaining to working hours (e.g. formulating voluntary guidelines according to the needs of individual sectors).

SWHC considers that the above four directions should be able to address the aspirations and concerns of all stakeholders (including employees, employers, labour unions, trade associations and the public). It will consider the views collected during the second-stage consultation in preparing the report to be submitted to the Government.

Upon receipt of the report, the Government will consider the recommendations and views of SWHC in considering and formulating the appropriate and feasible working hours policy directions for Hong Kong. The Government considers that it is currently not in a position to offer detailed responses on Dr Hon LEUNG Ka-lau’s proposed Member’s Bill but will provide detailed comments at an opportune time.

Yours sincerely,



(Ms Queenie Wong)
for Commissioner for Labour

c.c. Permanent Secretary for Labour and Welfare
Administrative Assistant to Secretary for Labour and Welfare