

Panel on Manpower

List of outstanding items for discussion

(position as at 14 November 2016)

**Proposed timing
for discussion**

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

At the Panel meeting on 31 July 2013, the Administration briefed members on five possible approaches to deal with the continuous contract requirement (the so-called "4-18 requirement") under the Employment Ordinance (Cap. 57) ("EO"). The Panel passed a motion proposing the Administration to abolish the 4-18 requirement.

To be confirmed

Hon CHAN Yuen-han and Hon TANG Ka-piu proposed vide their joint letter dated 17 October 2014 (LC Paper No. CB(2)152/14-15(01)) that the Panel should follow up on the subject. The Administration advised vide LC Paper No. CB(2)383/14-15(01) on 3 December 2014 that it would revert to the Panel once it was in a position to do so.

At the meeting between the Chairman, the Deputy Chairman and the Secretary for Labour and Welfare to discuss the work plan of the Panel for the 2016-2017 session ("the work plan meeting") held on 4 November 2016, the Administration was requested to update members on the latest progress of the deliberation of the Labour Advisory Board ("LAB") on the subject.

2. Implementation of Qualifications Framework

Since the establishment of the Qualifications Framework ("QF") in 2008, at the request of members, the Administration reported to the Panel the development of QF at the meetings on 23 October 2008, 16 July 2009,

January 2017 (at the policy briefing cum meeting)

**Proposed timing
for discussion**

22 October 2009, 17 June 2010, 21 October 2010, 17 June 2011, 20 October 2011. The Administration subsequently advised that the Education Bureau would continue to make a report to the Panel, on a yearly basis, on the latest progress of QF implementation in the policy briefing by the Secretary for Education on the Chief Executive's Policy Address.

3. Review of whether medical certificates issued by chiropractors should be recognised under labour legislation

The subject was last discussed on 18 February 2014. Members were advised that no consensus was reached by LAB on whether medical certificates issued by chiropractors should be recognized under labour legislation. Noting that the Chiropractors Council of Hong Kong ("CCHK") had set up a "Committee on Issue of Sick Leave Certificates" and a "Committee on Review of the Code of Practice" to study the formulation and drafting of guidelines for the issuance of sick leave certificates and to consider including provisions on handling medical records in their Code of Practice respectively, members agreed that pending the work progress of the two committees concerned, the Panel would revisit the issue and receive views from deputations including CCHK at a future meeting.

To be confirmed

At the work plan meeting on 4 November 2016, the Administration was requested to provide an update on the progress of the subject.

4. Coverage of Employees' Compensation Ordinance

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.

To be confirmed

**Proposed timing
for discussion**

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) ("ECO"), and whether the Ordinance would cover mental impairment arising from occupational injury.

At the Panel meeting on 10 October 2013, Dr Hon KWOK Ka-ki suggested that the Panel should also discuss the assessment criteria for the compensation payable under ECO to employees who were injured arising out of and in the course of their employment.

At the work plan meeting on 4 November 2016, the Chairman suggested discussing whether and how LD should be empowered in handling disputes between employees and employers over work injury compensation claims. The Administration advised that it would need to examine the extent of the problem before it could revert to the Panel. The Chairman also proposed that the types of injuries as specified in Schedule 1 to ECO and the assessment criteria for determining the compensation payable to employees concerned be discussed by the Panel.

5. Implementation of the Protection of Wages on Insolvency (Amendment) Ordinance 2012

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 agreed 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. In response to members' suggestions at the Panel meeting on 19 February 2013, the PWIF Board

Second half of
2017

**Proposed timing
for discussion**

undertook to review other existing items, viz wages, wages in lieu of notice and severance payment, in the same review which commenced in the second half of 2013. The outcome of the review would be reported to the Panel at an appropriate time.

The Administration advised that it would report to the Panel on the outcome of the review on the coverage of existing ex gratia payment items under PWIF after the Fund Board and LAB had completed deliberation on the subject.

At the work plan meeting on 4 November 2016, the Administration was requested to provide an information paper on the latest progress of the review, including the financial position of PWIF.

6. Rehabilitation services for injured employees

Hon LEE Cheuk-yan suggested that the Panel should discuss rehabilitation services for injured employees in future having regard to a past proposal that insurers should consider providing financial assistance to the Hospital Authority for strengthening its rehabilitation services for injured employees to avoid any possible conflict of interest of the rehabilitation service providers appointed by insurers.

To be confirmed

At the Panel meeting on 10 October 2013, Dr Hon KWOK Ka-ki suggested that the scope of the discussion should be extended to cover making the provision of rehabilitation services mandatory.

At the work plan meeting on 4 November 2016, the Administration agreed to address the concerns when reporting to the Panel on the occupational disease and occupational health situation (item 22 below).

**Proposed timing
for discussion**

7. Government policy relating to the outsourcing of service contracts

When discussing the subject of the Government policy relating to the outsourcing of service contracts at the Panel meeting on 21 April 2015, it was suggested that the Administration should conduct a comprehensive review of the policy and revert to the Panel on the outcome in due course.

At the Panel meeting on 19 January 2016, Hon LEE Cheuk-yan suggested that the subject should be discussed as soon as practicable and that in addition to the Labour and Welfare Bureau and the Financial Services and the Treasury Bureau ("FSTB"), representatives of the four major procuring departments in the Government, including the Leisure and Cultural Services Department, the Food and Environmental Hygiene Department, the Housing Department and the Government Property Agency, be invited to join the discussion.

At the Panel meeting on 28 October 2016, Dr Hon Fernando CHEUNG suggested that the Panel should revisit the subject.

The Administration advised that FSTB was responsible for the policy on outsourcing of government service contracts, members might wish to follow up the subject matter at other relevant Panel.

8. Scope of application of Section 43C of Employment Ordinance

In their joint letter dated 18 October 2012, Hon TANG Ka-piu and Hon KWOK Wai-keung proposed that the issue on expanding the scope of application of Section 43C of EO concerning the liability of a principal contractor and superior sub-contractor(s) to pay wages of employees of sub-contractors be discussed by the Panel.

To be confirmed

**Proposed timing
for discussion**

At the Panel meeting on 19 January 2016, Mr TANG proposed that the Panel should follow up with the Administration on the issue at a Panel meeting.

9. Importing live-in domestic workers from the Mainland

At the Panel meeting on 18 June 2013, Hon SIN Chung-kai suggested that the Administration's policy on the restriction on importing live-in domestic workers from the Mainland should be discussed by the Panel.

The Administration advised that the policy of importation of live-in domestic workers from the Mainland was under the purview of the Security Bureau, members might wish to follow up the subject matter at other relevant Panel.

10. Manpower requirement projection

At the Panel meetings on 17 November 2015 and 19 January 2016, Dr Hon CHIANG Lai-wan suggested that the Panel should discuss manpower requirement projection in respect of specific trades and industries in light of the potential business and job opportunities stemming from the implementation of the Belt and Road Initiative, so as to facilitate the younger generation in career planning.

To be confirmed

11. Review of the implementation of statutory paternity leave

At the Panel meeting on 17 May 2016, the Administration advised that upon completion of the review of statutory paternity leave ("PL"), it would report the outcome and recommendations on the future direction of statutory PL to LAB and then the Panel.

First half of 2017

**Proposed timing
for discussion**

Hon HO Kai-ming, Hon KWOK Wai-keung and Hon LUK Chung-hung had written in vide a joint letter dated 20 October 2016 (LC Paper No. CB(2)68/16-17(01)) suggesting the Panel to discuss the implementation of PL.

At the Panel meeting on 28 October 2016, Dr Hon Helena WONG called on the Administration to expedite the relevant work and took the view that the Panel should discuss the subject as soon as practicable.

12. Review of statutory maternity leave

At the Panel meeting on 28 October 2016, Dr Hon Helena WONG suggested that the Administration should conduct a review on statutory maternity leave ("ML"), having regard to the fact that the provision of 10-week statutory ML had not been reviewed for several decades.

To be confirmed

13. Provision of retraining allowance for attending courses of Employees Retraining Board

At the Panel meeting on 28 October 2016, Hon Michael TIEN raised concern about the non-provision of retraining allowance for attendees of half-day courses of Employees Retraining Board ("ERB") and suggested that the Panel should discuss the subject.

To be confirmed

At the work plan meeting 4 November 2016, the Administration agreed to relay members' concerns to ERB and would revert to the Panel in due course.

14. Unleashing labour force

At the Panel meeting on 28 October 2016, Dr Hon Helena WONG suggested that the Panel should discuss the measures taken by the Administration to unleash female labour force, in particular the provision of child care

To be confirmed

**Proposed timing
for discussion**

services. Hon SHIU Ka-chun suggested discussing the effectiveness of the Youth Employment and Training Programme. Dr Hon Fernando CHEUNG also proposed the Panel to follow up on the effectiveness of relevant measures taken by the Administration to promote the employment of persons with disabilities.

At the work plan meeting on 4 November 2016, it was agreed that the above issues could be considered in the context of population policy to tackle the demographic challenges. The Administration advised that it would commission a consultancy study on strategies for the long-term development of child care services, and would revert to the Panel and/or the Panel on Welfare Services as appropriate.

15. Review of the Work Incentive Transport Subsidy Scheme

The Panel discussed the findings of the review of the Work Incentive Transport Subsidy ("WITS") Scheme and received views from deputations at its meeting on 21 June 2016.

To be confirmed

At the Panel meeting on 28 October 2016, Hon Michael TIEN expressed concern about the effectiveness of the WITS Scheme and suggested that the Panel should discuss the review findings of the Scheme.

At the work plan meeting on 4 November 2016, the Administration advised that it would conduct an overall policy review of the Low-income Working Family Allowance ("LIFA") Scheme one year after its implementation (i.e. in mid-2017) and critically examine interface issues between the LIFA and WITS Schemes, and any major changes to the WITS Scheme would be carefully considered in the context of the above review.

**Proposed timing
for discussion**

16. Manpower shortage for elderly care services

At the Panel meeting on 28 October 2016, Hon Michael TIEN suggested that the Panel should discuss the problem of manpower shortage for elderly care services.

To be confirmed

Hon SHIU Ka-chun also proposed to discuss the effectiveness of the Youth Career Navigation Scheme in Elderly Services pilot scheme launched by the Social Welfare Department.

At the work plan meeting on 4 November 2016, the Administration advised that the manpower provision for elderly care services had been taken into account in the formulation of the Elderly Services Programme Plan.

17. Major findings of the 2016 Annual Earnings and Hours Survey

The Administration intends to brief the Panel on the major findings of the 2016 Annual Earnings and Hours Survey.

First half of 2017

18. Adjustment of the Levels of Compensation under ECO, the Pneumoconiosis and Mesothelioma (Compensation) Ordinance and the Occupational Deafness (Compensation) Ordinance

The Administration intends to brief the Panel on the adjustment of the levels of compensation under ECO (Cap. 282), the Pneumoconiosis and Mesothelioma (Compensation) Ordinance (Cap. 360) and the Occupational Deafness (Compensation) Ordinance (Cap. 469).

December 2016

**Proposed timing
for discussion**

19. Progress of the lapsed Employment (Amendment) Bill 2016

The Administration intends to brief the Panel on the progress of the lapsed Employment (Amendment) Bill 2016.

December 2016

20. Enforcement of labour legislation by the Labour Administration Branch of the Labour Department

The Administration intends to brief the Panel on the enforcement of labour legislation by the Labour Administration Branch of the Labour Department.

First half of 2017

21. Hong Kong's occupational safety performance in 2016

The Administration intends to brief the Panel on Hong Kong's occupational safety performance in 2016.

First half of 2017

22. Occupational disease and occupational health situation in 2016

The Administration intends to brief the Panel on the occupational disease and occupational health situation in Hong Kong in 2016.

First half of 2017

23. Standard working hours

At the work plan meeting on 4 November 2016, the Chairman suggested that the Panel should discuss the subject of standard working hours. The Administration advised that upon receipt of the report from the Standard Working Hours Committee, the Government would carefully consider the recommendations therein and undertake the follow-up work as appropriate.

To be confirmed

**Proposed timing
for discussion**

24. Arrangement of offsetting severance payments and long service payments against Mandatory Provident Fund accrued benefits

At the work plan meeting on 4 November 2016, the Chairman suggested that the Panel should discuss the arrangement of offsetting severance payments and long service payments against Mandatory Provident Fund accrued benefits.

To be confirmed

25. Establishment of a central compensation insurance fund

At the work plan meeting on 4 November 2016, the Chairman suggested discussing establishment of a central compensation insurance fund, having regard to the high premium rates under the Employees' Compensation Insurance Residual Scheme.

To be confirmed