

立法會
Legislative Council

Ref : CB2/PL/MP/1

LC Paper No. CB(2)1814/05-06
(These minutes have seen by the
Administration)

Panel on Manpower

Minutes of meeting
held on Tuesday, 21 March 2006 at 4:30 pm
in Conference Room A of the Legislative Council Building

Members present : Hon LAU Chin-shek, JP (Chairman)
Hon KWONG Chi-kin (Deputy Chairman)
Hon LEE Cheuk-yan
Hon CHAN Yuen-han, JP
Hon LEUNG Yiu-chung
Hon Jasper TSANG Yok-sing, GBS, JP
Hon Andrew CHENG Kar-foo
Hon LI Fung-ying, BBS, JP
Hon Tommy CHEUNG Yu-yan, JP
Hon Frederick FUNG Kin-kee, JP
Hon WONG Kwok-hing, MH
Hon Andrew LEUNG Kwan-yuen, SBS, JP
Hon LEUNG Kwok-hung

Public Officers attending : Item III

Mr Matthew CHEUNG Kin-chung, JP
Permanent Secretary for Economic Development and
Labour (Labour)

Mr Fred TING, JP
Deputy Commissioner for Labour (Occupational Safety and
Health)

Dr Raymond LEUNG Lai-man, JP
Occupational Health Consultant (1)
Labour Department

Dr Mandy HO Mang-yee
Occupational Health Consultant (2)
Labour Department

Item IV

Mr Matthew CHEUNG Kin-chung, JP
Permanent Secretary for Economic Development and Labour
(Labour)

Mr TSANG Kin-woo, JP
Assistant Commissioner for Labour (Employment Services)

Miss Bertha CHENG
Senior Labour Officer
Labour Department

Professor Howard CHENG Chi-ho
Associate Head
Department of Applied Social Sciences
Hong Kong Polytechnic University

Dr Jimmy C T WONG
Member of Consultancy Team
Department of Applied Social Sciences
Hong Kong Polytechnic University

Clerk in attendance : Mrs Sharon TONG
Chief Council Secretary (2) 1

Staff in attendance : Miss Josephine SO
Council Secretary (2) 1

Ms Alice CHEUNG
Legislative Assistant (2)1

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I. Confirmation of minutes of previous meeting
(LC Paper No. CB(2)1412/05-06)

The minutes of the meeting held on 16 February 2006 were confirmed.

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II. Date of next meeting and items for discussion

(LC Paper Nos. CB(2)1408/05-06(01) and (02))

2. Members agreed that the following items be discussed at the next meeting to be held on 28 April 2006 at 8:30 am –

- (a) Measures to tackle the problem of arrears of wages of workers employed under public housing construction works and public works projects; and
- (b) Proposed amendment to the Employment Ordinance to ensure that commission is included in the calculation of Holiday Pay and Annual Leave Pay.

3. Mr LEE Cheuk-yan said that to his knowledge, many workers engaged in services contracts outsourced by the Food and Environmental Hygiene Department were exploited as they were required to work long hours on very low wages. He urged the Administration to address this issue. The Chairman said that he would discuss the matter with the Administration.

4. Ms CHAN Yuen-han suggested that consideration should be given for the Panel to undertake an overseas duty visit to the Mainland and Taiwan during the summer recess to study their policies on protecting labour rights and measures to resolve the problem of unemployment. Mr WONG Kwok-hing expressed support for the proposal and suggested visiting New Zealand in addition to the aforementioned places. The Chairman would give some thoughts to the proposal.

III. Labour Department's Occupational Health Clinic in Fanling

(LC Paper Nos. CB(2)1408/05-06(03))

5. PSL briefed members on the Labour Department (LD)'s plan to set up a new occupational health clinic in Fanling, as set out in the Administration's paper.

6. Mr LEE Cheuk-yan welcomed the establishment of the health clinic. However, he queried about the definitions of occupational diseases and whether the list prescribing the compensable occupational diseases was outdated, leading to the small number of cases diagnosed and confirmed as occupational diseases over the years. He suggested that the Administration should review the list as well as the legislation relating to occupational safety and health, with a view to enhancing the protection for workers against work hazards. He said that the scope of some occupational diseases, for example musculoskeletal disorders, should be expanded, with reference to the list of occupational diseases drawn up by the International Labour Organisation (ILO).

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7. PSL responded that according to the definition of occupational disease adopted by ILO, the criteria for determining whether a disease would be an occupational disease were –

- (a) whether the disease would impose significant and established risks to workers in a certain occupation; and
- (b) whether it could be reasonably presumed or established that the disease was due to the nature of the employment in which the employee was employed.

He added that the Administration would constantly update the list of compensable occupational diseases, taking account of the position of the ILO, if the latter had revised its list. The Chairman suggested that Mr LEE Cheuk-yan could provide LD with the list which ILO currently used so that LD could compare the two lists. The Chairman also asked the Administration to provide a written response on the comparison.

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8. Mr WONG Kwok-hing said that he supported the Administration's proposal of setting up a new occupational health clinic in Fanling. However, the location of the new clinic would only be convenient for patients living along the railway in the eastern part of the New Territories. He asked whether the Administration would consider making use of clinical services and facilities readily available in public hospitals in different districts of Hong Kong. He considered that networking with the Hospital Authority (HA) was the most cost effective way to strengthen the existing services in respect of clinical consultation and medical treatment.

9. Miss CHAN Yuen-han echoed Mr WONG Kwok-hing's view. She added that the Economic Development and Labour Bureau should liaise with the relevant bureaux and government departments on the feasibility study regarding LD's collaboration with HA in providing clinical services for patients with occupational diseases.

10. PSL responded that LD would monitor closely the demand for services following the commissioning of the new clinic in the second half of 2006, and review whether the strengthened clinical services provided by the two occupational health clinics could meet the overall demand. LD would not rule out the possibility of further expanding the service if the demand for consultations so justified. Regarding Mr WONG Kwok-hing's suggestion to partner up with HA, PSL agreed to explore the idea.

11. Miss CHAN Yuen-han considered that the Administration was not responsive enough in promoting occupational safety and health since not much was done after the establishment of the first occupational health clinic, the Kwun Tong Occupational Health Clinic (KTOHC), in 1993. She questioned that the small number of patients diagnosed and confirmed as suffering from work-aggravated, work-related or occupational diseases was due to the unawareness of the public about occupational

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health. Miss CHAN urged the Administration to step up publicity and promotion to raise public awareness and, if necessary, conduct a comprehensive review of the current set-up and policies pertinent to occupational health and safety.

12. PSL responded that LD attached great importance to occupational safety and health. He pointed out that the Fanling Occupational Health Clinic (FLOHC) would be set up without additional manpower resources. The consultations to be provided there would be taken on by LD's team of occupational health officers in the clinical stream through internal redeployment. This underlined LD's commitment to improving its occupational health service.

13. PSL also informed members that as recent statistics showed that the catering industry recorded a slight increase in the number of occupational diseases, specifically with cases of tenosynovitis of hand or forearm, LD would continue, in the second half of 2006, with its efforts to raise the awareness of employers and employees in the catering industry on the importance of maintaining safety and health at work. In parallel, LD would seek to enhance occupational safety and health through law enforcement.

14. Ms LI Fung-ying expressed appreciation for LD's undertaking the new services, although no additional resources were allocated for the setting up of the new occupational health clinic. She asked about the promotional efforts undertaken by the Administration in the prevention of occupational diseases.

15. PSL said that LD had launched large-scale publicity and education programmes jointly with employers and the Occupational Safety and Health Council. All programmes conducted, such as open seminars, were designed with the aim of raising the awareness of both the public, employers and workers.

16. Ms LI Fung-ying shared the view of Mr LEE Cheuk-yan that the list of compensable occupational diseases should be constantly reviewed and updated in the light of new developments.

17. PSL responded that the Administration reviewed the list of compensable occupational diseases from time to time. Indeed, as a result of such reviews, Severe Acute Respiratory Syndrome and avian influenza A were added to the list of compensable occupational diseases in 2005. He assured members that the Administration would continue with such reviews.

18. Ms LI Fung-ying held the view that the Administration should recommend some concrete measures to employers for the prevention of further occurrence of occupational diseases. For example, the Administration could propose to employers that they should consider scheduling recess periods during the working day, when quite a number of occupational diseases were due to prolonged work.

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19. Occupational Health Consultant (1), Labour Department (OHC(1)/LD) said that the Administration had been suggesting to employers that as a preventive measure, five to 10 minutes' rest should be allowed for employees working with display screen equipment after every one to two hours of work.

20. Mr LEE Cheuk-yan expressed concern that many employees in the catering or the wholesale and retail industries had suffered from muscle strain but were not diagnosed as having job-related or occupational diseases. He questioned whether the Administration had worked out any measures to assist these workers. Mr LEE said that to better protect the working population, the Administration should consider setting standard working hours and stipulating the requirement of rest periods during the working day.

21. PSL responded that LD offered through-train clinical services by operating KTOHC and FLOHC to help the general public. The services included –

- (a) clinical consultations and medical treatment;
- (b) occupational health counselling service for workers;
- (c) workplace inspections for assessment of health hazards at work; and
- (d) recommendations on preventive measures to be taken by employers to safeguard the health of workers.

22. OHC(1)/LD supplemented that LD's occupational health officers and occupational hygienists would ensure that risks to people's safety and health at work were properly managed when they carried out workplace inspections. LD's officers would remind employers to observe adequate safety precautions and practices at their workplace, apart from providing occupational health counselling service to workers. For example, they would advise both employers and employees on the right ways to place computer equipment, carry or lift heavy objects, and reach for objects placed at a high level.

23. Regarding the list of occupational diseases, OHC(1)/LD said that there were 48 occupational diseases in Hong Kong prescribed for compensation purpose under the Employees' Compensation Ordinance (Cap. 282). Six types of musculoskeletal disorders were on the list, including beat hand, beat knee, beat elbow, tenosynovitis of hand or forearm, and carpal tunnel syndrome. Some of these types of disorders included a number of diseases, for example, tenosynovitis of hand or forearm included trigger finger, tennis elbow and golfer's elbow, etc.

24. Mr LEE Cheuk-yan enquired on the number of workplace inspections that LD had undertaken in the previous year and what action had been taken against those

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employers who failed to observe the regulations in relation to occupational safety and health.

25. Deputy Commissioner for Labour (Occupational Safety and Health) (DC for L/OSH) replied that a total of 409 inspections to offices had been conducted in 2005. Altogether, 24 improvement notices and 144 warnings had been issued to employers found not to have paid sufficient attention to occupational safety and health. Of the 409 inspections in 2005, 275 were related to display screen equipment. As a result, a total of 75 warnings and 18 improvement notices were issued. Two cases in which the employers failed to comply with the pertinent regulations to ensure safety and health at work had resulted in prosecution.

26. Mr LEE Cheuk-yan said that although the Administration had encouraged employers to provide their employees with rest breaks during the day, it was simply a guideline which had no binding effect. He considered that the Administration should enact legislation to make it mandatory for employers to provide rest breaks during the working day for their employees.

27. DC for L/OSH responded that the subject of rest breaks had been thoroughly deliberated by the Committee on Occupational Safety and Health of the Labour Advisory Board (LAB). LAB had decided that a Guide on Rest Breaks should be prepared. The Guide had been issued to employers. He informed members that two cases of complaints in relation to rest breaks had been received by LD.

28. PSL added that the Administration would consider Mr LEE's suggestion. However, it was vitally important to secure consensus in LAB in the first place.

IV. Training and employment programmes for youths offered by the Labour Department

(LC Paper No. CB(2)1408/05-06(04))

29. PSL and Associate Head, Department of Applied Social Sciences / Hong Kong Polytechnic University (AH(ASS)/HKPU) took turns to brief members on the progress of the Youth Pre-employment Training Programme (YPTP) and the Youth Work Experience and Training Scheme (YWETS) offered by LD, as well as the findings of the Hong Kong Polytechnic University (HKPU)'s consultancy studies on the two programmes, as set out in the Administration's paper.

30. Mr WONG Kwok-hing commended LD for the efforts it put on enhancing the employability of the young people by launching the two programmes. He said that while the comprehensive review conducted by HKPU justified the continued operation of YPTP and YWETS, the Administration should explore whether it could work closer with the Vocational Training Council (VTC) in operating the programmes so that LD could re-direct its resources from administering the two programmes to other work

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areas, such as reviewing and improving the Employment Ordinance or tackling the problems of wage arrears.

31. PSL responded that LD had been maintaining a close cooperation with VTC. As a matter of fact, VTC was one of the training organisations engaged by LD in offering pre-employment training courses under YPTP and YWETS. The department had also joined hands with VTC in 2005 to launch a “Tradesman Trainee” project. In the light of the changes which might be brought about by the reform of the academic structure for senior secondary education and higher education, LD would commence a review in 2007 to see whether any adjustment or improvement to YPTP would be required. As for YWETS, as it was run on capital account with sufficient funding up to 2008-09, there was no pressing need at this juncture to decide whether it should be run on an ongoing basis. The Administration would prioritise to ensure resources earmarked for different schemes for young people were used effectively.

32. Miss CHAN Yuen-han said that although the Administration had made great efforts to address the problem of youth unemployment by introducing YPTP and YWETS, a large number of secondary school leavers would still have to compete for employment with other age groups each year and some would remain unemployed. She held the view that effective measures should be worked out to assist the “hidden” youths. She further said that there was a need for overall planning to reduce youth unemployment, and hoped that better coordination between the Government and different training bodies could be made to avoid overlap and wastage of resources.

33. Assistant Commissioner for Labour (Employment Services) said that the Administration had set up the Task Force on Continuing Development and Employment-related Training for Youth to co-ordinate the work of relevant government bureaux and departments in this area. Under the Task Force, there was a Youth Sustainable Development and Engagement Fund for new initiatives and pilot projects for non-engaged youths. Among others, the Fund had financed a pilot project for “hidden” youths. It was believed that the Fund would help foster the development of trial schemes and promote the employment opportunities for youth.

34. Ms LI Fung-ying enquired about the areas where improvements were required on YPTP and YWETS. AH(ASS)/HKPU replied that the consultancy studies had, among other things, the following observations –

- (a) the two programmes served the more motivated youths best. They, however, might not be able to reach those young people who were not eager to seek jobs or enroll on any training courses, but chose to stay idle at home instead;
- (b) the two programmes could only work well with social partnership amongst the Government, employers and the social services sector;

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- (c) it was more difficult in recent years to get experienced social workers as case managers to provide counselling and guidance services to trainees; and
- (d) it was difficult to canvass workplace attachment and training vacancies for the trainees because of the poor performance of the overall economy at the time when YWETS was launched.

35. Mr LEUNG Yiu-chung noted that YWETS was more well received by the public than YPTP because of the on-the-job training component built into the former programme. He questioned whether the Administration would consider strengthening the workplace attachment training for YPTP for the benefit of trainees enrolled under this programme.

36. PSL responded that LD had introduced the following improvement measures to YPTP –

- (a) starting from 2005-06, the Workplace Attachment Allowance had been increased from \$1,000 to \$2,000 to encourage participation. Trainees might also take more training courses from a mix of options to further enhance their employability;
- (b) more special tailor-made programmes for various industries and occupations, for example, the “IT Seeds” and the “Airport Ambassadors”, would be organised jointly with employers; and
- (c) trainees would be allowed to navigate between YPTP and YWETS at different stages during the programme year through the “revolving door” mechanism to get the best training results.

37. Mr LEE Cheuk-yan considered that the two programmes currently undertaken by LD for young people aged between 15 and 24 were not effective enough to help the youngster, as the training and skills they once received and possessed might become outdated in future due to economic development or restructuring. When the youngster grew older and reached middle age, they might become unemployed again because of skills mismatch. Mr LEE was of the view that the two programmes should target at “value-added”. Besides, the Administration should be more forward looking and draw up long-term manpower training plans for the youths towards the objective of shaping their career path.

38. Senior Labour Officer (SLO) responded that the Administration was as concerned as members about drawing up long-term manpower training plans that could meet the dynamic demands of the economy. The existing tender system of YPTP ensured that new courses proposed by non-government organisations (NGOs) and training bodies from the private sector would be introduced to reflect market demands

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each year. The YPTP now offered a wide-range of job skill training courses and most of them could lead to professional qualifications in areas such as computer application, beauty and styling. In addition, the Administration had set up the Continuing Education Fund to encourage life-long learning. In view of the proposed establishment of the cross-sectoral Qualifications Framework (QF), it was the goal of the LD to ensure that there would be an interface between the two youth programmes and QF.

39. Mr LEUNG kwok-hung expressed reservations about the ongoing operation of YPTP and YWETS. Mr LEUNG held the view that the operation of the two programmes was only stop-gap measures to tackle the problem of youth unemployment. He said that a sound education system was fundamental to tackling the problem. He further suggested that if the Administration was expected to succeed in developing the potential of the youngster to the full and preparing them for the challenges in life, it should initiate a comprehensive review of the existing education system.

40. AH(ASS)/HKPU said that it would require the concerted efforts of all parties to tackle the problem of youth unemployment. In his view, continuing with YPTP and YWETS was as important as formulating education policies geared towards the children's needs and abilities. The studies on YPTP and YWETS had already concluded that the two programmes were useful and of value to society.

41. Mr Federick FUNG said that he was in support of the Administration's proposal to continue with YPTP and YWETS. However, he considered it necessary that the content of the two programmes should be updated and modified regularly with regard to the changing environment and economic development. As regards the training plan for young people, he said that a plan of vision should be in place to facilitate life-long learning and continuous development.

42. On HKPU's recommendations to the Government and other partners under YWETS as set out in paragraph 20 of the Administration's paper, Mr Federick FUNG commented that NGOs should be flexible in coordinating their service units in different districts so as to alleviate the regional difference in demand and supply of services. Besides, LD should keep on promoting YWETS to employers and strengthening its role as the intermediary between employers and NGOs.

43. Dr Jimmy WONG of HKPU responded that the study on YWETS had covered the areas of concern raised by Mr FUNG, and had made recommendations to the Government accordingly. The following were examples of the recommendations –

- (a) in relation to deployment of resources, as some servicing units of the NGOs, especially those located in the western part of the New Territories, had difficulty in meeting the pressure of work due to regional difference in demand and supply of services, NGOs should be more flexible in coordinating their service units in different districts;

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- (b) in relation to employers participating in the programmes, the Government should step up its effort in securing more training vacancies and employment opportunities from private enterprises;
- (c) to ensure the trainees could maximise the benefit, improvement should be considered in respect of job assignment and appointment of mentors for trainees during the period they attended the job-training; and
- (d) in relation to trainees' continued application of skills and knowledge acquired through the programmes, LD should properly administer, review and modify the two programmes to make sure that they could interface with QF in the long run.

44. As for LD's effort to promote the two programmes, SLO said that the department had made use of different channels, such as TV announcements, to increase public awareness. Indeed, more than 80% of the training places came from the private sector currently. To cater for employers' special requirements on skill, LD would continue to promote special tailor-made employment projects for industries and individual establishments. Trainees participating in these projects might be able to secure sustainable employment in the companies where tailor-made job skills training was provided. In addition, NGOs currently involved in the programmes might make use of their network of employers to canvass more employment training opportunities for the youth.

45. PSL assured members that LD would take into account HKPU's recommendations and adopt necessary measures to improve the two programmes.

46. In conclusion, the Chairman said that to reduce youth unemployment, continued operation of the two programmes should go hand in hand with appropriate policies for manpower development.

47. There being no other business, the meeting ended at 6:30 pm.