

**立法會**  
**Legislative Council**

LC Paper No. CB(2)189/13-14  
(These minutes have been cleared  
with the Deputy Chairman)

Ref : CB2/PL/MP

**Panel on Manpower**

**Minutes of meeting**  
**held on Thursday 10 October 2013, at 9:40 am**  
**in Conference Room 1 of the Legislative Council Complex**

**Members present** : Hon WONG Kwok-kin, BBS (Deputy Chairman)  
Hon Albert HO Chun-yan  
Hon LEUNG Yiu-chung  
Hon Tommy CHEUNG Yu-yan, SBS, JP  
Hon CHAN Kin-por, BBS, JP  
Dr Hon LEUNG Ka-lau  
Hon CHEUNG Kwok-che  
Hon IP Kwok-him, GBS, JP  
Hon CHAN Yuen-han, SBS, JP  
Hon LEUNG Che-cheung, BBS, MH, JP  
Dr Hon KWOK Ka-ki  
Hon KWOK Wai-keung  
Hon SIN Chung-kai, SBS, JP  
Hon POON Siu-ping, BBS, MH  
Hon TANG Ka-piu  
Dr Hon CHIANG Lai-wan, JP  
Hon CHUNG Kwok-pan

**Members absent** : Hon LEE Cheuk-yan (Chairman)  
Hon LEUNG Kwok-hung

**Clerk in attendance** : Miss Betty MA  
Chief Council Secretary (2) 1

**Staff in attendance** : Miss Flora TAI  
Assistant Secretary General 2

Ms Rita LAI  
Senior Council Secretary (2) 1

Mr Raymond LAM  
Senior Council Secretary (2) 7

Ms Kiwi NG  
Legislative Assistant (2) 1

Miss Lulu YEUNG  
Clerical Assistant (2) 1

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**I. Election of Chairman and Deputy Chairman for the 2013-2014 session**

(Appendices III and IV to LC Paper No. CB(2)6/13-14)

Election of Chairman

In the absence of Mr LEE Cheuk-yan, Chairman of the Panel for the 2012-2013 session, Mr WONG Kwok-kin, Deputy Chairman of the Panel for the 2012-2013 session, presided over the election. Mr WONG called for nominations for the chairmanship of the Panel. Mr LEE Cheuk-yan was nominated by Mr LEUNG Yiu-chung and the nomination was seconded by Miss CHAN Yuen-han and Dr KWOK Ka-ki. Mr LEUNG Yiu-chung stated that Mr LEE Cheuk-yan's acceptance of the nomination had been secured.

2. As there was no other nomination, Mr WONG Kwok-kin declared Mr LEE Cheuk-yan elected as the Chairman of the Panel for the 2013-2014 session.

Election of Deputy Chairman

3. As the elected Chairman was not present at the meeting, Mr WONG Kwok-kin presided over the election of the Deputy Chairman. Mr WONG called for nominations for the deputy chairmanship of the Panel. Mr WONG Kwok-kin was nominated by Mr IP Kwok-him and the nomination was seconded by Mr TANG Ka-piu, Mr CHEUNG

Action

Kwok-che and Miss CHAN Yuen-han. Mr WONG Kwok-kin accepted the nomination. Mr Albert HO, Member of the highest precedence in the Panel, took over from Mr WONG Kwok-kin to preside over the election.

4. As there was no other nomination, Mr Albert HO declared Mr WONG Kwok-kin elected as the Deputy Chairman of the Panel for the 2013-2014 session. Mr WONG then took the chair during the absence of the Chairman.

## **II. Schedule of meetings for the 2013-2014 session**

5. Members agreed that future regular meetings of the Panel would be held on the third Tuesday of each month at 4:30 pm.

*(Post-meeting note: The meeting schedule was issued to members vide LC Paper No. CB(2)31/13-14 on 10 October 2013.)*

## **III. Items for discussion at the next meeting**

(Appendices V and VI to LC Paper No. CB(2)6/13-14)

### Items for discussion at the next meeting

6. Members agreed that the following items proposed by the Administration be discussed at the next regular meeting on 19 November 2013 at 4:30 pm -

- (a) Injection into the Employees Retraining Board; and
- (b) Hong Kong's Occupational Safety Performance in the first half of 2013.

### Items proposed for discussion at future meetings

7. Mr TANG Ka-piu expressed concern about the delay in introducing the Employment (Amendment) Bill which sought to empower the Labour Tribunal to make a compulsory order for reinstatement or re-engagement of an employee who had been dismissed unreasonably and unlawfully. He noted with concern that although the Administration had previously indicated its intention to introduce the amendment bill in the last legislative session, the legislative proposal was not included in the Administration's Legislative Programme

Action

2013-2014. He took the view that the Panel should follow up the matter with the Administration. The Deputy Chairman shared a similar concern and advised that he would raise the matter with the Administration during the meeting of the Panel Chairman and Deputy Chairman to discuss the work plan of the Panel for the 2013-2014 session.

8. Expressing concern about the work progress of the Standard Working Hours Committee, Mr TANG Ka-piu and Miss CHAN Yuen-han suggested that the Administration should be requested to revert to the Panel on the subject.

9. Mr LEUNG Yiu-chung suggested that the Panel should follow up on the review of the continuous contract requirement under the Employment Ordinance (Cap. 57) ("EO").

10. Mr POON Siu-ping was concerned about the existing arrangement of allowing employers to use the Mandatory Provident Fund ("MPF") accrued benefits from their contributions to offset the severance payments under EO. Although the operation of the MPF Scheme was under the purview of the Panel on Financial Affairs, the offsetting arrangement had significant impact on a vast number of employees. Mr POON suggested that the Panel should hold a joint meeting with the Panel on Financial Affairs to discuss the offsetting arrangement.

11. Dr KWOK Ka-ki expressed concern that the amount of compensation payable under the Employees' Compensation Ordinance (Cap. 282) was determined broadly according to the percentage of loss of earning capacity resulted from types of injuries as specified in the Ordinance, instead of the actual loss of earning capacity of individual injured employees. He suggested that the Panel should discuss the assessment criteria for the compensation payable to employees who were injured in the course of their employment. Dr KWOK then referred to the item on "rehabilitation services for injured employees" in the list of outstanding items for discussion by the Panel and said that the Panel should follow up the matter in this session. He added that the provision of rehabilitation services should be made mandatory.

12. Pointing out that some employers of foreign domestic helpers ("FDH") had expressed grave concern about the performance of newly employed FDHs, Dr CHIANG Lai-wan suggested that the Panel should discuss the review of the employment conditions and terms of FDHs, including the viability of stipulating a probation period in the standard employment contract.

Action

13. The Deputy Chairman advised that members' views and suggestions would be incorporated in the Panel's list of outstanding items for discussion as appropriate.

14. There being no other business, the meeting ended at 9:53 am.

Council Business Division 2  
Legislative Council Secretariat  
30 October 2013