

**立法會**  
**Legislative Council**

LC Paper No. CB(2)489/13-14  
(These minutes have been seen  
by the Administration)

Ref : CB2/PL/MP

**Panel on Manpower**

**Minutes of meeting**  
**held on Tuesday, 19 November 2013, at 4:30 pm**  
**in Conference Room 3 of the Legislative Council Complex**

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

**Member attending** : Hon WONG Kwok-hing, BBS, MH

**Member absent** : Hon IP Kwok-him, GBS, JP

**Public Officers attending** : Item IV

Mr Matthew CHEUNG Kin-chung, GBS, JP  
Secretary for Labour and Welfare

Miss Annie TAM Kam-lan, JP  
Permanent Secretary for Labour and Welfare

Ms Lydia LAM Sui-ping  
Principal Assistant Secretary for Labour and Welfare  
(Manpower)

Mr Stanley NG Ka-kwong, BBS  
Executive Director  
Employees Retraining Board

Item V

Mr David LEUNG, JP  
Deputy Commissioner for Labour  
(Occupational Safety and Health)

Mr LI Chi-leung  
Assistant Commissioner for Labour  
(Occupational Safety)

Mr LEUNG Chun-ho  
Chief Occupational Safety Officer  
(Support Services)  
Labour Department

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

**Staff in attendance** : Ms Rita LAI  
Senior Council Secretary (2) 1

Miss Lulu YEUNG  
Clerical Assistant (2) 1

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**I. Confirmation of minutes of previous meeting**  
(LC Paper No. CB(2)189/13-14)

The minutes of the meeting held on 10 October 2013 were confirmed.

**II. Information paper(s) issued since the last meeting**

2. Members noted that no information paper had been issued since the last meeting.

**III. Date of next meeting and items for discussion**

(LC Paper Nos. CB(2)279/13-14(01) to (02) and CB(2)297/13-14(01) to (03))

Items for discussion at future meetings

3. The Chairman informed members that he and the Deputy Chairman had discussed the work plan of the Panel for the 2013-2014 session with the Secretary for Labour and Welfare ("SLW") on 5 November 2013. The list of outstanding items for discussion by the Panel had been updated accordingly.

4. The Chairman referred members to the letters from Mr POON Siu-ping, Mr TANG Ka-piu and Mr LEUNG Yiu-chung [LC Paper Nos. CB(2)297/13-14(01) to (03)] proposing the Panel to discuss various outstanding issues and invited members' views on individual proposals.

*Offsetting arrangement for severance payment and long service payment under the Employment Ordinance ("EO")*

5. Mr POON Siu-ping suggested and members agreed that the Panel should hold a joint meeting with the Panel on Financial Affairs to follow up the progress of the review of the existing arrangement of allowing employers to use the Mandatory Provident Fund accrued benefits from their contributions to offset the severance payments and the long service payments under EO. The Chairman said that a joint meeting of the two Panels would be arranged to be held in around January/February 2014. Expressing concern about whether the Labour and Welfare Bureau ("LWB") or the Financial Services and the Treasury Bureau would spearhead the review, the Deputy Chairman and Miss CHAN Yuen-han

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Clerk said that the Panel should request the Administration to advise on the delineation of responsibilities on the issue within the Administration. The Chairman instructed the Clerk to write on behalf of the Panel to the Chief Secretary for Administration on the matter.

*Legislative proposal on compulsory reinstatement and re-engagement*

Clerk 6. In respect of Mr TANG Ka-piu's letter dated 25 October 2013 regarding the progress of the introduction of the legislative proposal on compulsory reinstatement or re-engagement, at the invitation of the Chairman, SLW advised that LWB was working closely with the Department of Justice and the Judiciary to resolve certain legal issues so raised by the latter on the relevant amendment bill. The Administration would endeavour to introduce the amendment bill as early as practicable. The Chairman suggested and members agreed that the Panel should write to the Administration urging it to expedite the introduction of the legislative proposal and to provide members with the concrete legislative timetable. The Chairman instructed the Clerk to write on behalf of the Panel to LWB, the Department of Justice and the Judiciary separately on the issue.

*Review on the implementation of the Work Incentive Transport Subsidy ("WITS") Scheme*

7. Mr LEUNG Yiu-chung considered that the Panel should follow up on the implementation of the WITS Scheme as soon as practicable. At the invitation of the Chairman, SLW advised that the Administration undertook to conduct a comprehensive review of the WITS Scheme three years after its operation in 2011. The Administration would commence the review in the second half of 2014 after collating the latest statistics on the travelling expenses of the beneficiaries of the WITS Scheme for commuting to and from work. To facilitate the Administration to kick start the review of the Scheme, the Chairman suggested and members agreed that the Panel would gauge views from deputations on the subject in the next regular meeting in December 2013.

*Youth employment*

8. Mr LEUNG Kwok-hung expressed concern about the youth unemployment problem and considered that the Panel should follow up the subject and receive deputations' views when the item was discussed. The Chairman said that the Panel would consider discussing and receiving deputations' views on youth employment in the first quarter of 2014.

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Regular meeting in December 2013

9. Members agreed that the following items proposed by the Administration be discussed at the next regular meeting on 17 December 2013 -

- (a) Extending retirement age and encouraging employment for the middle-aged; and
- (b) Report on occupational diseases in Hong Kong in the first half of 2013.

Members further agreed that deputations would be invited to give views on item (a) above. The Chairman added that the Administration should provide information relating to extending the retirement age in the welfare organisations in its paper for the Panel's discussion.

10. The Chairman said that as members agreed earlier to also discuss the WITS Scheme at the December meeting, to allow sufficient time for discussion, the meeting would be advanced to start at 3:30 pm.

Joint meeting on 9 December 2013

11. The Chairman said that the Panel might wish to follow up the proposal to increase the quantity of labour force by encouraging female homemakers to work as set out in the population policy consultation document ("the consultation document") released in October 2013. As the subject straddled between the purview of the Panel and the Panel on Welfare Services, the Chairman suggested and members agreed that a joint meeting of the two Panels would be held on 9 December 2013 at 2:30 pm to discuss the subject of women employment. Members further agreed that deputations would be invited to give views on the subject.

**IV. Injection into the Employees Retraining Board**

(LC Paper Nos. CB(2)279/13-14(03) and (04))

12. At the invitation of the Chairman, SLW briefed members on the Administration's proposal to inject \$15 billion into the Employees Retraining Board ("ERB").

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13. Members noted the background brief entitled "Employees Retraining Board" prepared by the Legislative Council ("LegCo") Secretariat.

Monitoring of the use of Employees Retraining Fund ("ERF")

14. Mr CHEUNG Kwok-che and Miss CHAN Yuen-han said that they were in support of the proposed injection of \$15 billion into ERB, as proposed by the Financial Secretary in the 2013-2014 Budget, to sustain its current level of service and operation. However, they expressed concern about whether a stable investment income around \$750 million per year as estimated by the Administration could be generated from ERF following the injection and whether the current balance of ERF would be sufficient to meet the annual expenditure of ERB in the forthcoming years.

15. SLW responded that as at 31 August 2013, the balance of ERF was \$1.74 billion. It was estimated that the remaining fund should be able to sustain ERB's service until around the second quarter of 2015. If the proposed injection of \$15 billion was to be placed with the Hong Kong Monetary Authority ("HKMA") and the rate of return was 5% per annum, the funding available would be around \$750 million per year. ERB would carefully monitor its financial condition to ensure that the investment return and other incomes together with ERF's balance would be sufficient to cover ERB's cash flow requirements over the long-term period. Nevertheless, there might be years in which the investment income generated might not be able to fully meet the training needs and, in such circumstances, part of the principal might need to be used as appropriate to ensure a stable provision of training courses and services.

16. Permanent Secretary for Labour and Welfare ("PSLW") added that if the proposed injection of \$15 billion was approved by the Finance Committee, the Administration would proceed to discuss with HKMA the investment arrangement for the injection, involving the placement of a substantial portion of ERF with HKMA. The placement would enable ERB to earn an investment return that was linked to the performance of the Exchange Fund which had been proven to be stable in the past years. The actual return rate, however, would depend on the actual investment performance. PSLW stressed that a prudent approach would be adopted in monitoring the use of ERF which was intended to improve the employability of local workers by providing a variety of market-driven and employment-related training courses and services.

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17. To ascertain a stable investment income for ERB, Dr CHIANG Lai-wan suggested that the Administration should liaise with HKMA on the investment arrangement with respect of a guaranteed annual interest rate of 5% of ERF. SLW said that Dr CHIANG's suggestion would be taken into consideration. The Administration would strive for making the investment arrangement with HKMA in ERB's best interest.

18. Mr TANG Ka-piu said that the Hong Kong Federation of Trade Unions ("HKFTU") was one of ERB's training bodies. Noting that ERB's annual expenditure had increased drastically from some \$400 million in 2007-2008 to some \$900 million in 2008-2009 in face of the financial tsunami and its adverse impact on local employment, Mr TANG asked whether the annual expenditure could be duly reduced in the light of the prevailing low unemployment rate in the past few years.

19. SLW explained that the increase in ERB's annual expenditure was attributed to the extension of its service targets from eligible employees aged 30 or above with education attainment of Secondary Three or below to those aged 15 or above with education level of sub-degree or below since December 2007. In spite of the prevailing low unemployment rate in the past few years, it was noteworthy that there were training needs of the new arrivals, ethnic minorities and rehabilitated persons. Around 55% of ERB courses were full-time placement-tied training courses for persons who were unemployed or non-engaged.

20. Mr KWOK Wai-keung said that the rationale behind the imposition of the Employees Retraining Levy ("the Levy") on the employers of imported labour under the Supplementary Labour Scheme ("SLS") was to fund the cost of training or retraining local workers who became vulnerable because of economic restructuring. Given the impact of the abolition of the Levy from the employers of the foreign domestic helpers on the income of ERF, Mr KWOK asked whether the Administration would consider collecting the Levy under the three talent admission schemes, namely General Employment Policy, Admission Scheme for Mainland Talents and Professionals, and Quality Migrant Admission Scheme, so as to secure the revenue for ERF to cover ERB's annual expenditure.

21. SLW explained that it was the Government's established policy that employers who were permitted to import low-skilled labour should contribute towards the training and retraining of the local workforce. The applicants under the talent admission schemes administered by the Immigration Department were different from those under SLS.

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ERB's future directions and focus of work

22. Expressing concern about ERB's future directions in the provision of training and retraining courses, Mr CHEUNG Kwok-che enquired how ERB would address the development needs of the society in the next five years.

23. Executive Director/ERB ("ED/ERB") responded that ERB had since 2012-2013 formulated a Three-year Strategic Plan on an annual basis, which set out its directions and focus of work in the next three years after taking into account the utilisation of training places in the previous years, changes in the employment market as well as the government policies. ERB would make reference to the policy strategies to strengthen the employment support for special needs groups to enhance their employability as set out in the consultation document and formulate the Three-year Strategic Plan for 2014-2015 to 2016-2017 ("the Strategic Plan").

24. Noting that a number of ERB training courses were run by trade unions, Mr SIN Chung-kai expressed concern about how the training needs of some emerging industries could be catered for as the trade unions of these industries were yet to be formed.

25. ED/ERB responded that ERB would widely consult employer associations, professional bodies and major market players of the relevant industries as well as the relevant Industry Consultative Network in the course development. Should there be training needs for specific industries with development potential, including emerging industries, ERB would approach relevant training bodies for delivery of training courses to provide the professional support for the industries concerned.

26. In face of the demographic challenges and the imminent need to release the potential labour force as highlighted in the consultation document, Miss CHAN Yuen-han expressed concern about the corresponding initiatives to be taken by the Administration to address the need for manpower training and development. In her view, the Administration should make reference to the proposal put forward by HKFTU in 2008 to earmark specific funding for developing targeted training courses to meet the latest developments and needs in specific industries, such as personal care and elderly care services.

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27. SLW shared Miss CHAN Yuen-han's view that it was imperative to equip the potential labour force to join the labour market in the light of the population policy and manpower situation. SLW cited that the setting up of the Elderly Care Service Industry Training Advisory Committee for implementing the Qualifications Framework ("QF") would render advice on the development of training courses which most met the latest developments and manpower requirements in the industry.

28. Echoing a similar concern, the Chairman called on ERB to plan carefully for the effective use of resources to address the needs of manpower development in formulating the Strategic Plan.

29. Mr WONG Kwok-hing said that HKFTU considered it inappropriate to respond to the call from the business sector for importation of labour under SLS to relieve the labour shortage problem in certain industries. Instead of urging for importation of labour, Mr WONG considered that the business sector and employers should make good use of ERB's training and employment services to increase the supply of local workforce. Mr WONG enquired whether ERB would take into account the manpower requirements in specific industries, such as the elderly care services and the catering industry, in formulating the next three-year Strategic Plan.

30. SLW stressed that as highlighted in the consultation document, priority would be given to releasing the potential local workforce with support from ERB and its training bodies including the Vocational Training Council. To meet the specific needs of individual industries and to encourage employers to provide training for their elementary employees, ERB had since 2011-2012 organised Skills Upgrading Plus Scheme courses exclusively for groups of at least 15 employees from the same company or employer association upon the request of the respective employers. ED/ERB further informed members that ERB had in collaboration with industry stakeholders and employers launched market-driven training programmes, which had received positive response. For instance, the high-end property management and security services training programme targeting young people aged 25 or below was proven effective to attract new blood into the industry. ERB would continue to work in such direction.

31. Mr LEUNG Kwok-hung held the view that labour shortage should not be addressed merely by importation of labour. In his view, it was incumbent upon the employers to provide appropriate training for the low-skilled employees and meet the training cost so incurred.

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32. Mr KWOK Wai-keung held a similar view that it was employers' responsibilities to train up their employees rather than making use of the public money for the purpose.

33. Responding to members' concerns, SLW said that the organisation of training courses exclusively for specific trainees would be a win-win situation for both employers and employees. In most cases the latter were job seekers with employment difficulties.

*Employment support for the youth*

34. Dr CHIANG Lai-wan and Mr KWOK Wai-keung expressed concern about the pre-employment support for the youth to help them start career planning at an early stage. SLW advised that ERB had been providing full-time placement-tied courses for young people to enable them to better understand the real working environment. Vocational skills training and foundation skills training were also provided under the Youth Training Programmes targeting non-engaged young persons aged 15 to 20 who had not completed secondary education.

35. ED/ERB supplemented that ERB had launched the awareness programme entitled "Learn and Leap-Teen's Action" in 2012 and 2013 for secondary school graduates and provided them with employment-related information. With enhanced self-understanding, participants would be able to unleash their potential for career development or further studies.

36. Dr CHIANG Lai-wan suggested that retirees with professional knowledge and expertise in different trades and industries be invited to share their experience and knowledge with the youth so as to facilitate the latter's career planning. SLW welcomed Dr CHIANG's suggestion. SLW added that it was noteworthy that the Labour Department ("LD") had since December 2007 launched the Youth Employment Start Programme to provide one-stop employment support service for the young people, which included sharing sessions of experienced and successful personnel in various professions, including the retirees.

37. Given that some young offenders were required to perform community service under the Community Service Orders Ordinance (Cap. 378), Mr Albert HO held the view that consideration should also be given to requiring these young persons to receive ERB's training.

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38. SLW said that Mr Albert HO's view would be taken into consideration. He further advised that a young offender receiving probation service would be put under statutory supervision of a probation officer who was a registered social worker. To assist the young offender to re-integrate into the society, the probation officer would draw up a welfare plan for him/her, including retraining as appropriate.

*Employment support for ethnic minorities*

39. Expressing concern about the integration of the ethnic minorities into the community, Mr Albert HO queried whether the provision of a total of 6 650 planned training places in 2013-2014 for special service targets covering ethnic minorities was adequate. Given the language barrier faced by the ethnic minorities, Mr HO was also concerned about the medium of instruction of these training courses.

40. SLW explained that while 6 650 planned training places were specifically allocated to courses for special service targets, they could also make applications for all the courses for the general public. Training courses for the ethnic minorities was conducted in English with translation provided in various ethnic languages. ED/ERB added that training bodies of ERB could apply for more resources to provide additional places for meeting the demand from special service targets if necessary. That said, the utilisation of the training places for special service targets was not very satisfactory in the previous years. With a view to improving the situation, ERB had recently collaborated with the Special Needs Groups Task Force under the Commission on Poverty to enhance the awareness of the ethnic minorities of ERB's training and employment services.

Training bodies and courses of ERB

41. Mr SIN Chung-kai noted with concern that certain organisations, including trade unions, with political background and affiliations had been appointed as training bodies for delivery of ERB courses. He enquired whether a monitoring mechanism was put in place to prevent abuse of ERF.

42. SLW stressed that stringent and objective criteria were adopted for the appointment of training bodies of ERB. In the selection process, ERB took into account a basket of factors including corporate governance of the organisations, experience in the provision of vocational training and

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placement service, as well as the location of training centres. The political background of the prospective training bodies was not a consideration. Among some 110 training bodies of ERB, most of them were non-governmental organisations and only a small number of them were trade unions.

43. ED/ERB said that training places would be allocated to training bodies of ERB through a competitive bidding system under which the weightings accorded to course quality and the price quotation were 60% and 40% respectively. Qualifications of trainers and training facilities of prospective training bodies as well as their past performance and effectiveness in running training courses would also be taken into consideration. In addition, training bodies of ERB were subject to a set of key performance indicators and an array of quality assurance measures including surprise class inspections.

44. In response to Mr TANG Ka-piu's enquiry about the effectiveness of ERB courses, SLW advised that ERB evaluated the effectiveness of its training courses with reference to a set of key performance indicators including the attendance rate and placement rate. In 2012-2013, the attendance rate and placement rate reached 93% and 82% respectively with the former far exceeded the 80% requirement. Placement follow-up services were rendered by ERB training bodies to trainees who completed full-time placement-tied courses. Notably, around 60% of the graduates stayed in their job after six months of employment. ED/ERB added that ERB did not set the performance indicator for full-time placement rate as it was a personal choice of individual graduates whether to take up full-time employment. Nonetheless, the performance indicator for the placement rate was 70%.

45. With a view to better evaluating the effectiveness of ERB courses, Mr TANG Ka-piu said that ERB should also make reference to the proportion of trainees who had taken up their first full-time employment upon completion of ERB courses and the proportion of part-time workers took up full-time employment upon completion of ERB courses. In his view, ERB should consider including these factors in its key performance indicators for assessing the effectiveness of individual courses. SLW agreed to relay Mr TANG's view to ERB for consideration.

46. Mr LEUNG Yiu-chung said that to his understanding, some trainees requested for strengthening the practicum component of the ERB courses, which could better prepare them for taking up employment upon completion of the courses.

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47. ED/ERB responded that the notional learning time for courses recognised under QF, including attendance in classes, practical learning at workshop and independent study of the learner, had been specified and there would be little room for adjustment. However, consideration would be given to arranging practical learning on top of the notional learning time.

Provision of retraining allowance

48. Mr POON Siu-ping said that the Federation of Hong Kong and Kowloon Labour Unions was one of ERB's training bodies. Mr POON expressed concern that many unemployed low-skilled workers who attended full-day and half-day mixed mode ERB courses were not entitled to receiving retraining allowance for the half-day sessions. He asked whether ERB would consider restructuring the mixed mode courses to full-time mode, which had been adopted previously, such that more trainees would be eligible for the retraining allowance.

49. Mr LEUNG Yiu-chung was concerned about the relatively long duration of mixed mode training courses which would delay the trainees in joining the labour market. The Chairman shared a similar concern.

50. SLW advised that the restructuring of the mixed mode ERB courses into full-time mode would have resources implication on ERB's annual expenditure for retraining allowance. Nevertheless, members' views would be relayed to ERB for consideration. ED/ERB supplemented that ERB's expenditure on retraining allowance was around \$73 million in 2012-2013. It was estimated that the proposal would incur an additional annual expenditure of some \$22 million on retraining allowance, which was equivalent to an allowance for 2 500 training places of placement-tied full-time courses or 15 000 training places of half-day courses, if the mixed mode courses were converted into full-time mode. ED/ERB said that ERB would take into account members' views and resources implications when conducting a review.

51. Given that the proposed injection arrangements would be able to sustain ERB's operation and services for a number of years, the Chairman called on the Administration to seriously consider converting the mixed mode placement-tied courses to full-time mode so as to shorten the course duration and facilitate the trainees to start job searching at an earlier stage.

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52. Pointing out that many trainees of ERB courses were unemployed persons, Mr POON Siu-ping considered it imperative to provide them with retraining allowance. Given that the provision of retraining allowance of \$153.8 per day for trainees aged 30 or above and with education attainment of Secondary Three or below when attending courses of QF Levels 1 and 2 had not been adjusted for many years, Mr POON enquired whether the Administration would consider conducting a review on the level of retraining allowance.

53. SLW said that having regard to ERB's pivotal role in enhancing the employability of local employees by raising their skills through offering a great variety of training and retraining courses and related placement services, retraining allowance should not be a major element of employees retraining.

Scope of service

54. As the academic qualifications required by certain industries such as accounting and insurance were generally higher than the education attainment of ERB's target service groups, Mr POON Siu-ping asked whether consideration would be given to extending the service scope of ERB and relaxing the eligibility criteria for ERB courses to include those with higher education background.

55. SLW and ED/ERB reiterated that ERB's service targets were people aged 15 or above with education level of sub-degree or below. However, ERB would flexibly consider applicants with higher academic qualifications on a case-by-case basis, in particular the new arrivals and persons with disabilities.

56. Mr LEUNG Yiu-chung said that the Neighbourhood and Worker's Service Centre ("NWSC") was one of ERB's training bodies. Mr LEUNG said that to his knowledge, many female homemakers wished to attend retraining courses if appropriate child care services could be provided. Citing the experience of NWSC in providing child care services for some female trainees when attending training courses, Mr LEUNG enquired whether the Administration would consider making similar arrangements to enable more female homemakers to attend ERB courses with a view to equipping themselves for joining the labour force at a later stage.

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57. SLW shared the view that child care support was crucial to releasing the females to join the labour force. SLW cited that ERB took active steps to support female homemakers to attend ERB courses. For instance, child care centres and services of the Neighbourhood Support Child Care Project were available in the vicinity of training centres of the Employment Set Sail Scheme, which targeted the newly arrived women in Tin Shui Wai. Consideration was given to extending the scheme to other districts.

58. In concluding the discussion, the Chairman said that members had raised no objection in principle to the proposed injection of \$15 billion into ERF. However, the Administration and ERB were requested to take heed of various issues of concern raised by members during the discussion. Notably, the rate of investment return for ERF; provision of training for the youth and special service targets; the development of training courses to meet the latest labour requirements in specific industries instead of addressing the labour shortage problem by means of importation of labour, and the placement rate of such specific training courses; as well as provision of retraining allowance for trainees who attended half-day sessions of mixed mode ERB courses.

**V. Hong Kong's Occupational Safety Performance in the first half of 2013**

(LC Paper Nos. CB(2)279/13-14(05) and (06))

59. At the invitation of the Chairman, Deputy Commissioner for Labour (Occupational Safety and Health) ("DC for L (OSH)") briefed members on Hong Kong's occupational safety performance in the first half of 2013 as detailed in the Administration's paper. He added that as at 19 November 2013, the number of fatal accidents in the construction sector was 18 as compared with 21 in the same period of 2012. Of these accidents, more than half were related to work-at-height and around 30% involved tunnelling or underground facilities works.

60. Members noted the background brief entitled "Occupational safety performance in Hong Kong" prepared by the LegCo Secretariat.

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Occupational injuries statistics

61. Mr TANG Ka-piu was concerned that the statistics on occupational injuries, which referred to injury cases in workplaces reported under the Employees' Compensation Ordinance (Cap. 282) ("ECO"), were not broken down into death or incapacity for work cases. To his knowledge, there were about 196 fatalities reported under ECO in 2012 which far exceeded the 29 fatalities recorded among industrial accidents in all sectors as defined under the Factories and Industrial Undertaking Ordinance ("FIUO"). In respect of the construction sector, 44 and 24 fatalities were reported under ECO and FIUO in 2012 respectively. Mr TANG sought explanation for the discrepancies.

62. DC for L (OSH) advised that the number of industrial accidents was subsumed under the statistics on occupational injuries. Taking the statistics on occupational injuries in 2012 as an illustration, DC for L (OSH) said that of some 200 fatalities, natural deaths accounted for around 90 cases, and a number of cases did not fall within the purview of the Occupational Safety and Health Ordinance (Cap. 509) ("OSHO"), including 33 cases that happened outside Hong Kong, five cases that happened at sea and some non-work-related cases. At the request of Mr TANG Ka-piu, DC for L (OSH) agreed to consider providing breakdown on the statistics on occupational injuries in future.

Admin

OSH of professional drivers

63. Expressing concern about the occupational safety and health ("OSH") of professional drivers, Mr TANG Ka-piu informed members that the Motor Transport Workers General Union had repeatedly requested that the coverage of OSHO be extended to professional drivers to enhance their occupational safety. Noting that the Administration had undertaken to revisit the coverage of OSHO, Mr TANG enquired about the progress of the review.

64. DC for L (OSH) said that the Administration advised members at a Panel meeting last year on the protection of professional drivers, and the respective scopes of the Road Traffic Ordinance ("RTO") and OSHO. While RTO covered road safety issues concerning drivers, OSH of employed drivers was safeguarded under OSHO when they were carrying out non-driving work. At the advice of the Chairman, members agreed that the subject be further deliberated at the next meeting in December 2013 in the context of occupational diseases and that the Administration be requested to provide members with the relevant information.

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65. Mr SIN Chung-kai was concerned about the number of accidents involving professional drivers of passenger service vehicles, having regard to the risk posed to the general public's safety. To facilitate monitoring of the occupational safety performance of these professional drivers, Mr SIN took the view that LD should keep separate statistics on the occupational injuries and fatal accidents involving professional drivers while performing driving duties.

66. DC for L (OSH) said that employers were required under ECO to report occupational injuries to the Commissioner for Labour in a prescribed form which provided the raw data for the statistics on occupational injuries. He would relay Mr SIN Chung-kai's suggestion to LD's Employees' Compensation Division to study the viability of including information relating to professional drivers in the prescribed form.

Provision of training

67. With the commencement of a number of mega infrastructure projects in recent years and in anticipation of the continued growth in the construction industry in the coming years, Mr CHAN Kin-por was concerned about the measures to be taken to safeguard the occupational safety of the new entrants to the construction sector.

68. DC for L (OSH) said that LD in collaboration with the Occupational Safety and Health Council launched a programme for caring of new construction workers in July 2012. Under the programme, those who newly joined the industry were identified with the label "P" (i.e. Probationer) and those who were new to a construction site were identified with the label "N" (i.e. Newcomer). Contractors who participated in the programme would assign mentors to take care of workers who newly joined the industry for a period of not less than three months and would also provide basic induction safety training to these workers.

Support to ethnic minorities

69. Expressing concern about the occupational safety of the ethnic minorities and the non-local workers, Mr TANG Ka-piu sought information on the number of cases and proportion of the occupational injuries and industrial accidents involving these two groups of workers in the past two years. DC for L (OSH) said that there were two fatal cases involving ethnic minorities in 2012. He would check if the requisite information on non-fatal cases was available.

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70. Noting that a significant number of new entrants to the construction industry were ethnic minorities who might encounter communication problem while at work, Mr CHAN Kin-por asked about the specific measures in place to raise their OSH awareness.

71. DC for L (OSH) said that noting the language barrier faced by some construction workers who were ethnic minorities, LD prepared promotional leaflets and posters with simple and easy-to-understand pictorial aids which were printed in different ethnic languages. In addition, LD in collaboration with the labour unions in the construction industry organised outreaching seminars at construction sites to deliver OSH message to ethnic minorities.

72. In response to Mr CHAN Kin-por's enquiry about the number of ethnic minorities among some 80 000 construction site workers and the relevant accident rate, DC for L (OSH) said that the Administration did not have such information. However, it was understood that a significant number of them were engaged in tunnelling works, in particular the Nepalese. LD had recently launched an initiative to conduct briefings on the safety of compressed air works inside tunnels to raise their OSH awareness.

73. In response to the Chairman's enquiry, DC for L (OSH) said that it was noticed that there was an increase in the number of industrial accidents involving tunnelling and underground facilities works, the surveillance of which was one of LD's work priorities in 2013.

Application of safety measures

74. Notwithstanding a drop of the accident rate for industrial accidents in 2013 over 2012, Mr POON Siu-ping called on the Administration to continue its efforts in enhancing the occupational safety performance, having regard to the 18 fatal accidents in the construction sector as at 19 November 2013. Mr LEUNG Yiu-chung shared a similar view. Noting that a lower accident rate was recorded in the public housing projects managed by the Housing Authority ("HA"), Mr POON enquired whether the Administration would consider applying the safety measures of HA to the construction industry at large.

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75. DC for L (OSH) responded that a merit and demerit system was put in place to control the safety performance of the HA projects contractors through the current tender assessment system. It was also noted that the construction method of HA projects, which were mostly housing estates, was comparatively homogenous when compared with private projects or mega works projects. Another key initiative was the introduction of "Pay for Safety Scheme" by HA and the Government to separate the safety provisions from the competitive bidding through the inclusion of a set of independent and pre-priced safety items in the tender documents. DC for L (OSH) added that LD had proactively collaborated with the Construction Industry Council in promoting the Scheme to the private construction sector.

76. Given that the Highways Department had required the contractor to use shackle in place of lifting hook in the lifting operation to avoid accidental detachment after the construction incident of the Central-Wan Chai Bypass Project in May 2013, Mr POON Siu-ping asked whether LD would consider adopting such measure on all construction sites to safeguard the occupational safety of workers.

77. Assistant Commissioner for Labour (Occupational Safety) responded that the construction accident of the Central-Wan Chai Bypass Project was an isolated incident. Nevertheless, LD staff would remind contractors to give due regard to the lifting device safety, including installation, usage, maintenance and replacement, during their inspections to the construction sites.

*(Members agreed to extend the meeting by 15 minutes.)*

Work injuries cases

78. Pointing out that some crane operators at container terminals had been suffering from repetitive strain injuries of the neck and shoulder because of prolonged work, Mr POON Siu-ping asked how the Administration could address the issue and whether such work injuries should be recognisable as occupational disease.

79. DC for L (OSH) said that LD would meet with a deputation concerned in respect of measures to be taken to address the problem. At the advice of the Chairman, members agreed that the subject be further deliberated under the item on occupational diseases at the next regular meeting in December 2013.

Action

Employees' compensation insurance policies

80. Consequent upon the high premiums and difficulties in taking out employees' insurance encountered by some employers, Mr LEUNG Yiu-chung was concerned that injured workers would need to undergo a time-consuming process before receiving employees' compensation. Moreover, there were cases in which employers did not acknowledge the occupational injuries, LD had to refer such cases to the Legal Aid Department for further processing. As a result, the injured workers received no compensation or income to support their livelihood during the time-consuming legal proceedings. He asked how the Administration would address such problems.

81. DC for L (OSH) said that the Administration was aware of the difficulty faced by some industries in procuring employees' compensation insurance, particularly the bamboo scaffolding sector and he would relay members' concerns to the subject officers of the Administration. He said that LD had made joint efforts with the insurance sector to address the issue. For instance, with the support of the insurance sector, LD launched a safety accreditation scheme for the RMAA (Repair, Maintenance, Alteration and Addition) sector in June 2012. Under the scheme, accredited contractors could enjoy premium discount up to 40% when procuring employees' compensation insurance from the Employees' Compensation Insurance Residual Scheme. The scheme received positive response from the industry.

82. The Chairman said that the Panel might consider following up the establishment of a central employees' compensation fund at a future meeting.

83. There being no other business, the meeting ended at 6:39 pm.