

立法會
Legislative Council

LC Paper No. CB(2)1324/13-14
(These minutes have been seen
by the Administration)

Ref : CB2/PL/MP

Panel on Manpower

Minutes of meeting
held on Tuesday, 18 March 2014, at 6:20 pm
in Conference Room 2 of the Legislative Council Complex

Members present : Hon LEE Cheuk-yan (Chairman)
Hon WONG Kwok-kin, BBS (Deputy Chairman)
Hon Tommy CHEUNG Yu-yan, SBS, JP
Hon CHAN Kin-por, BBS, JP
Hon CHEUNG Kwok-che
Hon IP Kwok-him, GBS, JP
Hon CHAN Yuen-han, SBS, JP
Dr Hon KWOK Ka-ki
Hon KWOK Wai-keung
Hon SIN Chung-kai, SBS, JP
Hon POON Siu-ping, BBS, MH
Dr Hon CHIANG Lai-wan, JP
Hon CHUNG Kwok-pan

Members absent : Hon Albert HO Chun-yan
Hon LEUNG Yiu-chung
Dr Hon LEUNG Ka-lau
Hon LEUNG Kwok-hung
Hon LEUNG Che-cheung, BBS, MH, JP
Hon TANG Ka-piu

Public Officers attending : Item IV

Mr Byron NG Kwok-keung, JP
Deputy Commissioner for Labour
(Labour Administration)

Mr Nicholas CHAN Chun-tak
Assistant Commissioner for Labour
(Policy Support)

Miss Christina WONG Lai-heung
Senior Administrative Officer (Policy Support)
Labour Department

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

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

Ms Kiwi NG
Legislative Assistant (2) 1

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I. Confirmation of minutes of previous meeting
(LC Paper No. CB(2)1039/13-14)

The minutes of the meeting held on 27 January 2014 were confirmed.

II. Information paper(s) issued since the last meeting
(LC Paper No. CB(2)1033/13-14(01))

2. Members noted that an email from a member of the public on issues relating to the alignment of statutory holidays with general holidays had been issued since the last meeting.

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III. Date of next meeting and items for discussion
(LC Paper Nos. CB(2)1041/13-14(01) and (02))

Regular meeting in April 2014

3. Members agreed that the following items proposed by the Administration be discussed at the next regular meeting at 4:30 pm on 15 April 2014 -

- (a) Occupational safety performance in the construction industry; and
- (b) Major findings of the 2013 Annual Earnings and Hours Survey.

4. In response to Dr CHIANG Lai-wan's concern about the implementation of the Qualifications Framework ("QF"), the Chairman advised that the Panel had been updated on the latest progress of the QF implementation at the policy briefing by the Secretary for Education on the Chief Executive's 2014 Policy Address in January 2014. Members might revisit the subject at a future meeting if considered necessary.

5. Miss CHAN Yuen-han said that the Administration should be requested to provide the Panel with an interim report on the work progress of the Standard Working Hours Committee ("SWHC"). The Chairman said that the Administration had earlier advised that it would revert to the Panel on the work progress of SWHC in the second/third quarter of 2014. Miss CHAN Yuen-han took the view that the Administration should revert to the Panel on the subject by the end of the 2013-2014 session.

[The Chairman suggested and members agreed that the meeting would be extended to 7:00 pm to allow sufficient time for discussion.]

IV. Working Holiday Scheme
(LC Paper Nos. CB(2)1041/13-14(03) and FS06/13-14)

6. At the invitation of the Chairman, Deputy Commissioner for Labour (Labour Administration) ("DC for L (LA)") briefed members on the latest development of the Working Holiday Scheme ("WHS"), as detailed in the Administration's paper.

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7. Members noted the fact sheet entitled "Working Holiday Scheme" prepared by the Research Office of the Legislative Council Secretariat.

Development and participation of WHS

8. Noting that WHS had been popular among young people since it was launched in 2001 and enhanced bilateral social and cultural ties between Hong Kong and other economies, Dr KWOK Ka-ki enquired about the Administration's plan for signing of bilateral arrangements for WHS with more economies.

9. DC for L (LA) advised that starting from 1 January 2014, the United Kingdom ("UK") had become the ninth partner economy under WHS. The Administration had been discussing with Chile on the establishment of a WHS arrangement. The discussion was in final stage and it was hoped that an agreement could be reached shortly. The Administration would continue to actively explore the signing of such arrangements with more economies.

10. Mr IP Kwok-him acknowledged the satisfactory progress in developing WHS and the benefits so brought about to the participating youths. Noting that more than 34 000 Hong Kong youths had participated in WHS as at the end of 2013, Mr IP was concerned about the number of Hong Kong young people who had applied for the Scheme.

11. Noting that no quota restriction for WHS participants from Hong Kong had been set by the Australian Government, Dr KWOK Ka-ki asked about the number of Hong Kong youths who had gone to Australia under WHS. DC for L (LA) advised that a total of 10 047 and 4 495 youths had applied for the scheme to Australia in year 2012-2013 and the second half of 2013 respectively.

12. Mr KWOK Wai-keung said that he was in support of WHS which could help broaden the horizon and exposure of the young people and provide an opportunity for them to live and work in other economies. Given that each partner economy normally provided a fixed annual quota for eligible applicants in accordance with the relevant bilateral arrangements, Mr KWOK asked about the number of Hong Kong youths who had participated in WHS and whether the quotas were sufficient to meet the demand.

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13. DC for L (LA) advised that the Administration maintained close liaison with the partner economies and would discuss with them about increasing the quota where necessary. For instance, the annual quota of 1 000 for Hong Kong youths to participate in WHS with Australia had been lifted since July 2010 having regard to the overwhelming response. The quota under the scheme with Germany was increased at the same time from 100 to 150. More recently, in view of the growing demand for the scheme with Korea, the annual quota was increased from 200 to 500 from 1 January 2014 onwards.

14. As for the number of Hong Kong youths who had applied for WHS, DC for L (LA) said that the Administration would rely on the respective Consulates-General ("CGs") to provide the statistics on the visa applications made by the youths in Hong Kong under their respective WHS. Participants could make their own travel plan after obtaining the visa from the respective CGs and they were not required to notify the Immigration Department ("ImmD") when they departed for the host economies or report to the respective Chinese Embassy upon arrival.

15. Dr KWOK Ka-ki asked whether the Administration would consider collecting feedback from Hong Kong youths who had participated in WHS. DC for L (LA) said that the Labour Department ("LD") had a website on WHS where Hong Kong youths who had participated in WHS and prospective participants could offer their views. LD had also maintained close contact with Working Holiday Association ("WHA") which was established by the WHS alumni.

16. Mr KWOK Wai-keung expressed concern about the assistance provided by the Administration to WHA to promote WHS. DC for L (LA) advised that LD had collaborated with WHA and would invite members of WHA to join the briefings organised at tertiary institutes to share their experiences so as to facilitate the prospective participants to make preparation for WHS.

Eligibility requirements

17. Mr POON Siu-ping asked whether consideration would be given to extending the age limit of WHS participants i.e. between 18 and 30 to young people aged up to 35. DC for L (LA) explained that most countries had set an age limit of 18 to 30 for their WHS. Under the principle of reciprocity, it would be difficult for the Administration to vary the eligibility requirement under WHS unilaterally.

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18. Referring to the requirement of producing financial proof of available funds to meet the WHS participants' living costs while staying in the host economies and the transportation costs for the return journey, Dr CHIANG Lai-wan asked about the number of rejected cases because of not meeting such requirement. Assistant Commissioner for Labour (Policy Support) ("AC for L (PS)") responded that while the Administration would maintain close liaison with the respective CGs and obtained from them the statistics regarding visa applications and approvals, the Administration had not been provided with reasons for rejecting the applications, though the lack of financial proof could be one of the considerations amongst others such as criminal records.

19. Noting that Hong Kong youths participating in WHS might also study short-term courses during their allowed period of stay in the host economies except Ireland, Dr CHIANG Lai-wan suggested that the Administration should raise with the Irish Government to relax such restriction. AC for L(PS) said that the Irish Government applied the same restriction of not allowing holders of working holiday visas to enrol in training or study courses to all of its WHS partners. Under such circumstances, it would be difficult for the Administration to convince the Irish Government to make an exceptional arrangement for Hong Kong.

20. Noting that Hong Kong participants under WHS were not allowed to work for the same employer for a specified period in most of the partner economies, Mr KWOK Wai-keung enquired about the arrangement in Hong Kong.

21. DC for L (LA) advised that the same restriction on how long a participant could work for the same employer would reciprocally be applied to youths from partner economies. For instance, under the WHS arrangement with UK, youths from UK would be allowed to take up short-term employment without restriction during their stay in Hong Kong, which was similar to UK's treatment to youths from Hong Kong.

Support and assistance for Hong Kong participants

22. Dr KWOK Ka-ki was concerned about the provision of support and assistance to Hong Kong youths participating in WHS, both prior to their departure for and during their stay in the host economies while participating in WHS. Mr CHEUNG Kwok-che shared a similar concern. Both members were of the view that LD should provide the participants with relevant information on the host economies to facilitate their

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adaptation to the new environment and raise their safety awareness. More importantly, these young people should be provided with relevant information on the channels for seeking assistance where necessary.

23. Dr KWOK Ka-ki further asked whether the Administration had established a database on WHS participants to facilitate contacts with the youths concerned and to raise their awareness of the Administration's support for WHS participants. Dr CHIANG Lai-wan and Mr SIN Chung-kai expressed similar concerns. The Chairman echoed the view and said that the Administration should keep separate statistics on the WHS participants coming to Hong Kong.

24. Expressing concern about some media reports on accidents encountered by Hong Kong youths participating in WHS, Dr KWOK Ka-ki sought information on the number of requests for assistance from Hong Kong youths while participating in WHS in the past few years. Mr KWOK Wai-keung shared a similar concern and sought further information on a breakdown of the contents of such requests.

25. Responding to members' concerns, DC for L (LA) said that -

- (a) the Administration had been publicising and promoting WHS through various channels, including conducting seminars and briefing sessions regularly at tertiary institutions. WHS applicants would be reminded to take out suitable medical insurance to cover possible costs that might be incurred in the host economies;
- (b) in case of accidents, WHS participants might approach the relevant Chinese Embassy or Consulates for assistance, or call the 24-hour hotline of the Assistance to Hong Kong Residents Unit ("AHU") of ImmD at (852)1868. The Chinese Embassy/Consulate concerned and AHU would provide assistance as appropriate according to the circumstances of the cases. Given that the 24-hotline of AHU received calls from all overseas Hong Kong residents, including working holidaymakers, the Administration did not keep separate statistics on the requests for assistance from Hong Kong youths participating in WHS; and

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- (c) WHS participants could access to the LD's webpage on WHS for updated information. The WHS webpage contained hyperlinks to information on host economies including job information. The participants could also visit the WHA's website which contained experience sharing of previous participants or other similar publications.

26. Mr IP Kwok-him enquired whether specific support would be provided for WHS participants throughout their entire period of stay in the host economies. DC for L (LA) said that WHS was to provide an opportunity for young people to broaden their horizon in a foreign culture. WHS participants might take up short-term employment as an incidental aspect of their stay in the host economies to enable them to acquire better understanding of the cultural and social developments of these places. It was expected that these young people would lead an independent life and make their own plan during their stay in the host economies. As mentioned earlier, WHS participants had been reminded of taking out suitable medical insurance to cover possible costs that might be incurred while they were abroad and seeking assistance where necessary. Moreover, they could have quick and easy access to the updated and necessary information through the relevant websites on WHS.

Overseas participants of WHS

27. Mr POON Siu-ping noted that some 3 200 youths from partner economies had come to Hong Kong through WHS and sought information on the respective numbers of such applications submitted via respective Chinese Embassies or CGs and ImmD. He further enquired about the types of jobs undertaken by these overseas participants while staying in Hong Kong under WHS.

28. DC for L (LA) advised that LD did not maintain such statistics as foreign participants holding working holiday visa were not required to report their employment details to the Administration. AC for L (PS) added that through the Administration's regular contacts with the relevant CGs in Hong Kong, it was understood that some of these young people had taken up temporary or casual jobs during their stay in Hong Kong, such as language tutors, waiters or salespersons.

29. Mr CHEUNG Kwok-che expressed concern about the protection of employees' rights and benefits for the overseas participants of WHS when they took up employment in the local labour market.

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30. DC for L (LA) said that the entitlements of employees, regardless of whether they were local or foreign employees, were duly safeguarded under the Employment Ordinance and related labour legislation as long as they were legally employed in Hong Kong. He reiterated that the Administration maintained close liaison with the respective CGs and would follow up issues of concern so raised in respect of the bilateral WHS arrangements.

31. Mr IP Kwok-him enquired about how and when the overseas participants of WHS would be informed of their employees' rights and benefits if they took up in employment in Hong Kong. DC for L (LA) said that the relevant information was provided to the overseas participants through the respective authorities of the participating economies. Moreover, such information was also available on the relevant websites including LD's WHS webpage.

32. Mr SIN Chung-kai expressed concern about the significant difference in the number of Hong Kong youths who had participated in WHS and those who had come to Hong Kong through relevant reciprocal arrangements. In his view, it would defeat the purpose of enhancing bilateral social and cultural ties between Hong Kong and the partner economies.

33. DC for L (LA) said the difference could be attributed to the large number of Hong Kong participants for the Australia WHS, which had over 20 000 outgoing youths in the past two years. In addition, efforts had been made by the Administration and WHA in publicising WHS through various channels, including organising talks, providing relevant websites to facilitate access to information and producing publicity materials. That said, AC for L (PS) noted that there were more participants coming from Korea and France than the outgoing participants to these two places in the first few years.

34. Noting that Hong Kong participants were required to take out medical insurance for their entire period of stay in the host economies, except Australia, the Chairman enquired whether reciprocal arrangements had been made for WHS participants coming to Hong Kong. DC for L (LA) replied in the affirmative that participants from partner economies would also be required to take out medical insurance throughout their stay in Hong Kong.

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35. There being no other business, the meeting ended at 6:57 pm.

Council Business Division 2
Legislative Council Secretariat
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