

立法會
Legislative Council

LC Paper No. CB(2)1681/14-15
(These minutes have been seen
by the Administration)

Ref : CB2/PL/MP

Panel on Manpower

Minutes of meeting
held on Tuesday, 19 May 2015, at 4:30 pm
in Conference Room 3 of the Legislative Council Complex

Members present : Hon WONG Kwok-kin, SBS (Chairman)
Dr Hon CHIANG Lai-wan, JP (Deputy Chairman)
Hon LEE Cheuk-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 LEUNG Kwok-hung
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
Hon TANG Ka-piu, JP
Hon CHUNG Kwok-pan

Member absent : Hon LEUNG Che-cheung, BBS, MH, JP

Public Officers attending : Item IV

Mr Donald TONG Chi-keung, JP
Commissioner for Labour

Mr Charles HUI Pak-kwan, JP
Assistant Commissioner for Labour
(Employment Services)

Ms Corrina CHENG Yau-mei
Senior Labour Officer (Youth Employment)
Labour Department

Item V

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

Mr Donald TONG Chi-keung, JP
Commissioner for Labour

Ms Melody LUK Wai-ling
Assistant Commissioner for Labour
(Labour Relations)

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

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

Ms Mina CHAN
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)1480/14-15)

The minutes of the meeting held on 21 April 2015 were confirmed.

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II. Information paper issued since the last meeting
(LC Paper No. CB(2)1483/14-15(01))

2. Members noted that a letter dated 13 May 2015 from Mr TANG Ka-piu suggesting the Panel to discuss issues relating to the impact of pollutants caused by emissions from vessels on the occupational health of workers at the terminals had been issued since the last meeting. Noting that the Administration intended to brief the Panel at the regular meeting in July 2015 on the occupational diseases and occupational health performance in Hong Kong in 2014, the Chairman suggested and members agreed that the relevant issues be included for discussion at that meeting and that the Administration be requested to provide relevant information in the discussion paper. Mr LEE Cheuk-yan further suggested that occupational health of workers at container terminals, in particular crane operators, should also be discussed at the July meeting.

3. Pointing out that the subcommittee formed under the Panel to follow up on the subject of standard working hours was currently put on the waiting list pending activation, Miss CHAN Yuen-han and Mr LEE Cheuk-yan suggested that the subject be followed up by the Panel at each subsequent regular meeting in the meantime. Mr IP Kwok-him expressed reservations about the suggestion. The Chairman advised that he would liaise with the Administration regarding the suggestion.

III. Date of next meeting and items for discussion
(LC Paper Nos. CB(2)1482/14-15(01) and (02))

Regular meeting in June 2015

4. Members agreed that the following items proposed by the Administration be discussed at the next regular meeting at 4:30 pm on 16 June 2015 -

- (a) Hong Kong's occupational safety performance in 2014; and
- (b) Enhanced protection for foreign domestic helpers.

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IV. Latest development in the employment services of the Labour Department

(LC Paper Nos. CB(2)1464/14-15(01), CB(2)1482/14-15(03) and CB(2)1516/14-15(01))

5. At the invitation of the Chairman, Commissioner for Labour ("C for L") briefed members on the latest development in the employment services of the Labour Department ("LD"), details of which were set out in the Administration's paper.

6. Members noted the background brief entitled "Employment services of the Labour Department" prepared by the Legislative Council ("LegCo") Secretariat.

7. Members noted that Catholic Diocese of Hong Kong - Diocesan Pastoral Centre for Workers (Kowloon) ("CDHK-DPCW(KLN)") had provided the Panel with a written submission.

Organising job fairs

8. With respect to the organisation of 959 job fairs at the job centres located in various districts in 2014, which had attracted 35 083 job seekers, Mr KWOK Wai-keung raised queries about the effectiveness in assisting job seekers in securing employment as the attendance of each job fair was on average about 40 job seekers only. C for L advised that the scale of district-based job fairs held at LD's job centres varied in the light of respective site constraints. Apart from the abovementioned 35 083 job seekers, some other job seekers who did not attend on-the-spot interviews during the job fairs might also be placed into employment through direct application to the employers concerned. As offers for employment were usually made afterwards and job seekers who had found employment were not required to report their placement positions to LD, information on such placements was not captured.

9. In light of the prevailing low unemployment rate of 3.3% and the tight manpower situation, Mr CHUNG Kwok-pan considered it understandable that job seekers might not necessarily attend job fairs for seeking employment. Mr CHUNG further expressed the view that while organising job fairs was useful in assisting job seekers such as females and the middle-aged in finding non-skilled jobs, it could hardly attract young entrants to certain industries or work types requiring specific skills yet unappealing to them, such as working at market meat stalls or construction sites.

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10. C for L acknowledged that job fairs might be more effective in recruiting employees in some industries like retail and catering than other industries such as those requiring specialised technical skills. For the latter type of industries, consideration could be given to organising relevant retraining courses by the Employees Retraining Board or Vocational Training Council as necessary. As regards labour shortage in the construction industry, employers who encountered genuine difficulties in recruiting suitable employees locally, after having launched a four-week open recruitment exercise, might consider applying to import workers to fill vacancies under the established mechanism of the Supplementary Labour Scheme ("SLS"). In addition, the Development Bureau, which was responsible for manpower development in the construction industry, was working on some enhancement measures under SLS for importation of skilled workers to the construction industry under the premise of according priority to hiring local skilled workers to fill the vacancies.

11. In view of the tight local labour situation in various trades and industries, Mr POON Siu-ping cast doubt as to whether it was an opportune time for LD to organise a large-scale job fair featuring employment and vacancy information on the Mainland later in 2015. Mr POON was concerned about the prospective competition for professionals and talents between Hong Kong and the Mainland.

12. C for L said that the organisation of the job fair about employment on the Mainland would help enhance the understanding of local job seekers and young people on the job opportunities, employment conditions as well as career development across the boundary. Such understanding might help reinforce the economic ties between Hong Kong and the Mainland and could create more business opportunities, instead of bringing about manpower competition between the two places.

Employment support services to groups with special needs

Employment support for mature persons

13. Noting that the number of private sector vacancies recorded by LD reaching a historic high of 1 220 405 in 2014, the Deputy Chairman sought information on the industries concerned and asked how the Administration could make use of the potential workforce, including early retirees, females, and ethnic minorities ("EMs") to replenish the workforce so as to mitigate the labour shortage problem.

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14. In reply, C for L said that according to the statistics for January to April 2015, private sector vacancies were mainly observed in the industries of community, social and personal services, retail trade, restaurants and business services, which added up to more than 50% of the total number of vacancies. C for L further said that LD would extend the Employment Programme for the Middle-aged to part-time jobs in the second half of 2015 to provide more suitable part-time employment opportunities to persons aged 40 or above, including female homemakers and early retirees. In addition, the Administration had introduced various measures to facilitate females in entering or re-joining the labour market. LD would continue to work closely with employers and the 18 Human Resources Managers Clubs in this respect.

15. Mr KWOK Wai-keung expressed concern about age discrimination in employment in different trades and industries and sought information on the Administration's efforts in addressing the issue. Mr KWOK further enquired whether the Administration would consider legislating for age discrimination at workplace.

16. C for L responded that while LD provided free recruitment services to local employers for posting up vacancies at LD's job centres, it would only accept and display job vacancies that did not carry discriminatory terms (including age, gender and race) and unjustified requirements. As regards legislating for age discrimination in employment, the Administration considered that it could be effectively tackled by administrative measures as far as its employment services were concerned.

Employment support for young people

17. Mr POON Siu-ping sought information on the two pilot projects, namely the "Hotel Operation Trainee Training Project" and "Reading Culture", to be launched by LD in 2015, including the relevant training periods and the employment prospect of the trainees upon completion of the training.

18. C for L advised that there were 30 and 60 on-the-job training opportunities under the "Hotel Operation Trainee Training Project" and "Reading Culture" respectively, both of which lasted for six months. Similar to other employment projects, trainees with satisfactory performance would have good prospect of finding jobs with the participating employers and other employers of the industries.

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Employment support for persons with disabilities

19. Mr KWOK Wai-keung was concerned about the Administration's efforts in promoting the employment of persons with disabilities and asked whether it would consider requiring large enterprises to employ a specified percentage or a specific number of employees with disabilities. Expressing concern that a considerable number of persons with disabilities remained unemployed after having repeatedly sought employment, Mr LEE Cheuk-yan asked whether the Government, as the largest employer in Hong Kong, would consider giving priority in engaging job seekers with disabilities who had registered at LD to fill vacancies in the civil service.

20. C for L responded that the Administration had all along been committed to promoting the employment of persons with disabilities through various publicity channels. The Administration had also been approaching employers in various trades and industries and working with the Human Resources Managers Clubs to enhance the employment prospect of job seekers with disabilities and would continue to work in such direction. In respect of helping job seekers with disabilities registered with LD apply for government posts, LD had been keeping watch for government vacancies advertised at the website of the Civil Service Bureau and would disseminate such information to both able-bodied job seekers and those with disabilities.

Employment support for EMs

21. In response to Mr CHUNG Kwok-pan's concern about the unemployment rate of young EM job seekers, C for L advised that LD had proactively reached out to EM job seekers and enhanced the provision of employment services to them. Job centres maintained close contact with non-governmental organisations providing services for EMs so as to attain a better understanding of their employment needs and provide appropriate employment support services. To help EMs better understand the latest labour market situation and improve job search skills, the Interactive Employment Service website and vacancy search terminals of LD were equipped with both Chinese and English interfaces to facilitate access to job vacancy information by EMs. In addition, leaflets on LD's employment services for EMs were printed in various ethnic languages and interpretation service for EM job seekers at LD's job centres would be arranged as necessary.

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22. Mr CHEUNG Kwok-che expressed concern about employment support services for EMs. Referring to a complaint case previously handled by the Public Complaints Office of LegCo, Mr CHEUNG highlighted the difficulties encountered by EMs when they sought for employment support services at LD's job centres because of language barrier and cultural difference. In his view, LD's staff should enhance their understanding and sensitivity of the specific needs of EMs in this respect. Referring to the submission from CDHK-DPCW(KLN), Mr CHEUNG called on the Administration to address its concerns over the insufficient employment support for EMs and consider the improvement measures as set out in the submission.

23. Mr LEE Cheuk-yan was of the view that in the light of the deficiency of the interpretation service for EM job seekers, the Administration should consider recruiting EMs as placement officers at LD's job centres.

24. C for L said that a pilot "Employment Services Ambassador Programme for Ethnic Minorities" was launched, under which EM trainees of the Youth Employment and Training Programme were employed as employment services ambassadors to serve at job centres and job fairs while undergoing on-the-job training. The programme had enabled LD to provide better service to meet the employment needs of EMs. A review of the programme would be conducted after completion of the on-the-job training of the second batch of employment services ambassadors. LD would consider the way forward of the programme in light of the actual experience and review findings. C for L further said that although the Job Matching Programme, whereby LD staff provided intensive job-matching service to unemployed job seekers, had been discontinued, placement officers at LD's job centres would continue to provide needy job seekers with labour market information and job search advice including matching them to suitable jobs with reference to their individual need and preferences. C for L added that LD would arrange a non-governmental organization to provide interpretation service for EM job seekers who did not speak English or Chinese.

Industry-based employment support

The catering industry

25. Given the severe labour shortage in the catering industry, Mr Tommy CHEUNG raised queries about the effectiveness of the Recruitment Centre for the Catering Industry ("the Recruitment Centre")

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in recruiting staff for the industry. In the light of high turnover rate in the industry, Mr CHEUNG suggested that LD should consider conducting random exit interviews for those whose placements were referred by the Recruitment Centre so as to understand the reasons for quitting the jobs.

26. C for L said that the Recruitment Centre organised some 200 job fairs every year and the responses were satisfactory. Some of the users of the Recruitment Centre were not unemployed, but might only wish to change jobs. The Administration did not conduct job retention surveys for users of the Recruitment Centre but would take note of Mr Tommy CHEUNG's suggestion.

The construction industry

27. Having regard to LD's target of commissioning the Construction Industry Recruitment Centre around early 2016, Mr POON Siu-ping enquired whether the Administration would consider suspending the importation of labour to the construction industry under SLS for the time being as it would affect the employment opportunities of local workers.

28. C for L clarified that the establishment of the Construction Industry Recruitment Centre was to provide concerted employment support to local construction workers to find jobs and employers of the industry to recruit local workers for the industry, which was different from the importation of skilled labour under SLS.

V. Designating on a one-off basis 3 September 2015 as a Special Holiday

(LC Paper No. CB(2)1482/14-15(04))

29. At the invitation of the Chairman, Secretary for Labour and Welfare ("SLW") briefed members on the Government's proposal to designate 3 September 2015 (Thursday) on a one-off basis as both a Statutory Holiday ("SH") and General Holiday ("GH") so as to facilitate community participation in various commemorative activities to mark the 70th anniversary day of the victory of the Chinese people's war of resistance against Japanese aggression (hereinafter referred to as "the victory"), details of which were set out in the Administration's paper.

30. Members noted that Hong Kong & Kowloon Trades Union Council had provided the Panel with a written submission.

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Legislative proposal for a special holiday

31. Mr Tommy CHEUNG said that to his understanding, the catering sector did not oppose to the proposed one-off special holiday on 3 September 2015 but had grave reservations if it was made as a holiday every year. Expressing particular concern about the cost impact of the proposed special holiday on businesses operation of the small and medium-sized enterprises ("SMEs"), Mr CHEUNG enquired about the financial implications of the proposal. He further asked whether, in the light of considerable fiscal reserve, the Administration would consider providing subsidy to employers to meet the additional compliance cost arising from the need to hire substitute workers or the loss of manpower on the day of special holiday. Noting that there would be three consecutive days of holidays on the Mainland from 3 to 5 September 2015, Mr CHEUNG asked whether similar arrangement would be adopted in Hong Kong.

32. Mr KWOK Wai-keung, Mr POON Siu-ping and Mr CHAN Kin-por were in support of the proposal. Mr KWOK called on the Administration to step up the publicity efforts so as to clearly disseminate the message about the extra day of holiday for employees in Hong Kong. Pointing out the importance of the victory for the historical development of Hong Kong, Mr KWOK said that consideration should be given to making the Victory Day as a GH every year. Miss CHAN Yuen-han shared a similar view.

33. Mr SIN Chung-kai held the view that the designation of the proposed special holiday to commemorate the victory deserved support and would be welcomed by employees. In addition, it would benefit the retail and catering sectors as more people would be engaged in various holiday activities and dine out. Yet, Mr SIN expressed dissatisfaction about the introduction of the legislative proposal into LegCo at such a late stage. He was concerned that organisations/enterprises would not have sufficient time for planning their operations, such as manpower deployment.

34. Mr LEUNG Yiu-chung raised no objection to the legislative proposal. However, Mr LEUNG recalled that during the scrutiny of the Holidays (Amendment) Bill 1998, he had proposed a Committee stage amendment ("CSA") to the Bill which sought to re-instate the Sino-Japanese War Victory Day in the Schedule to GHO. Pointing out that his proposed CSA had not been supported by the Administration and was negated, Mr LEUNG raised queries why the Administration had

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changed its stance on the matter and asked about the rationale of designating the special holiday on a one-off basis only. Mr LEUNG was of the view that the Victory Day should be made as a GH every year. Mr SIN Chung-kai said that consideration could be given to making it a GH in the landmark year, say, every 10th anniversary.

35. The Deputy Chairman and Mr IP Kwok-him said that the Democratic Alliance for the Betterment and Progress of Hong Kong was in support of the legislative proposal. Envisaging that the additional SH cum GH would be welcomed by the public, the Deputy Chairman was concerned whether the relevant legislative process could be completed as early as practicable such that the community at large could have more time to plan ahead for the extra day of holiday. Mr IP held the view that it would need thorough discussion and should be based on community consensus if the special holiday was to be made as a GH every year.

36. In response to members' views and concerns, SLW made the following points -

- (a) the Standing Committee of the National People's Congress designated 3 September as the Victory Day of the Chinese people's war of resistance against Japanese aggression. The Hong Kong Special Administrative Region ("HKSAR") Government announced in 2014 that official ceremony would be held in Hong Kong every year on 3 September to commemorate the victory. An official event was held accordingly on the day in 2014. The year of 2015 marked the 70th anniversary of the victory. The Central People's Government would organise a range of large scale commemorative activities throughout the country and had designated 3 September 2015 as a National Holiday. HKSAR Government would host a number of activities to commemorate the important occasion. To facilitate community participation in these activities in remembrance of history, the Government proposed to designate 3 September 2015 on a one-off basis as both an SH under the Employment Ordinance (Cap. 57) ("EO") and a GH under the General Holidays Ordinance (Cap. 149) ("GHO") by way of a Bill. Having regard to the local circumstances, the Administration had no plan to model on the arrangement on the Mainland of having three consecutive days of holiday to commemorate the Victory Day;

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- (b) as regards the economic implications, the proposal would affect the operation of one business day for most private-sector employers and establishments. Depending on the operating needs of the affected establishments, additional labour and related administrative costs might be incurred in case they had to pay extra to rearrange the duties of existing staff or to engage temporary workers to continue their business operations on 3 September 2015. The Administration did not have a detailed economic assessment in connection with the introduction of the proposed holiday. In a paper on the findings of a survey on the taking of SHs and GHs by employees to the Panel in February 2015, it was estimated that the overall increase in compliance cost would be \$0.37 billion for an additional SH based on the 2011 wage level. As it was proposed to designate 3 September 2015 as both an SH and GH, the estimated compliance cost should be higher than the estimation. However, given that business establishments would have some time to plan ahead for adapting to the extra day of GH cum SH, the potential financial implications arising from the one-off proposal for the economy as a whole should be largely manageable; and
- (c) the Administration would publish the Special Holiday (3 September 2015) Bill ("the Bill") in the Gazette on 22 May 2015 and introduce the Bill into LegCo on 27 May 2015. It intended to give notice to resume the Second Reading debate on the Bill not later than the last Council meeting in the current 2014-2015 legislative session.

37. In response to Miss CHAN Yuen-han's enquiry about whether the legislative proposal was supported by members of the Labour Advisory Board ("LAB") when it was considered at its meeting on 15 May 2015, SLW and C for L replied in the affirmative.

38. Pointing out that under EO, an employee was entitled to holiday pay if he/she had been employed under a continuous contract for three months or more before an SH, Mr LEE Cheuk-yan called on the Administration to give special consideration to allowing those employees not meeting such a requirement to enjoy a paid special holiday in the light of its one-off nature. The Chairman echoed a similar view. SLW pointed out that the issue would involve some fundamental changes to the eligibility criteria for entitlements under EO.

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39. Mr LEE Cheuk-yan and Mr LEUNG Kwok-hung considered that the legislative proposal sought to implement the decision of the Central People's Government in making 3 September 2015 as a special holiday. Mr LEUNG Yiu-chung expressed disappointment about the arrangement and stressed that Hong Kong should exercise a high degree of self autonomy under the principle of "one country, two system".

40. Mr IP Kwok-him, however, disagreed with Mr LEUNG Yiu-chung's view and pointed out that the designation of 3 September 2015 as a special holiday was to be effected by way of local legislation. SLW said that he did not subscribe to Mr LEUNG's view. He drew members' attention to the fact that Hong Kong was a part of the eight-year Chinese people's war of resistance against Japanese aggression and the Pacific War. The proposed special holiday had its local context and the Bill would be subject to the scrutiny of and approval by LegCo. Moreover, legislating for special holiday on a one-off basis was not unprecedented. The Government had in the past legislated specific dates on a one-off basis as GHs cum SHs in respect of the Prince of Wales' wedding in 1981, the visit of the Queen of the United Kingdom in 1986 and the establishment day of HKSAR and the following day in 1997.

Disparity in the number of holidays for employees

41. Mr KWOK Wai-keung expressed concern about the Administration's plan for the alignment of the number of SHs with that of GHs. Echoing a similar concern, Miss CHAN Yuen-han was of the view that the Administration should progressively increase the SH entitlements of employees.

42. Pointing out that close to 1 000 000 employees were not taking GHs, Mr LEE Cheuk-yan held the view that the Administration should squarely address the strong call from the labour sector for increasing the number of SHs to 17 in a year to align with that of GHs.

43. Mr CHAN Kin-por expressed concern about work-life balance of employees in Hong Kong and acknowledged that the Administration had to address the issue of increasing the number of SHs. In anticipation of the difficulty in obtaining consent from the employer representatives of LAB over the issue, Mr CHAN was of the view that the Administration should make reference to overseas practices, such as forming a dedicated cross-departmental task force and setting up a work-life balance fund, and formulate policy on progressively enhancing employees' SH entitlements with appropriate financial incentive to employers.

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44. Whilst noting that an increase in the number of SHs would also be applicable to foreign domestic helpers ("FDHs") working in Hong Kong, Mr LEUNG Kwok-hung envisaged that employers of FDHs would not object to the proposal as they could also have more time with their families during holidays. Moreover, the financial implications for business operations arising from five additional SHs should be manageable because more people would engage in various holiday activities and thereby boosting up the consumption as a whole.

45. Responding to members' views and concerns, SLW made the following points -

- (a) the Administration was aware of the concern of labour sector over an increase in the number of SHs to align with GHs, which was a highly controversial issue. GH was different from SH which was a statutory entitlement of all employees under EO. GHO specified 17 days of GHs, in addition to Sundays, in each year on which banks, educational establishments, public offices and government departments needed not open. GHO did not oblige employers to grant their employees day-offs during GHs nor to offer pay to employees on GHs. Whether an employee had day-offs on GHs that were not SHs and whether these day-offs were with pay or not were matters agreed between the employer and the employee concerned, and was not stipulated in the law. It was noteworthy that the proposed special holiday on 3 September 2015 was merely a one-off arrangement, while the proposal of increasing the number of SHs to align with GHs would have long term implications and should take into consideration amongst other things whether there was consensus reached between employers and employees; and
- (b) LD had commissioned the Census and Statistics Department to collect statistics on the proportions and characteristics of employees taking SHs and GHs in Hong Kong in the second quarter of 2011. At the Panel meeting in February 2015, the Administration briefed members on the survey findings. LD would collect more information as requested by LAB to facilitate its further discussion of the subject in the coming months. Since any increase in the number of SHs would be applied across the board to all employers, careful consideration would need to be given to the potential impact

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that such a legislative change might have on employers (e.g. SMEs as well as employers of FDHs) who might be less resilient in coping with the rise in operating cost and/or reduction in manpower. The Administration reviewed from time to time the labour legislation in the light of the changing socio-economic situation to ensure that a reasonable balance between employees' interests and employers' affordability was struck, and that the statutory rights and benefits accorded to employees would be progressively improved according to the consensus reached by employer and employee representatives at LAB.

46. Mr POON Siu-ping, however, considered that the aforesaid survey findings were incomprehensive as the assessment had omitted the positive impacts of an increase in the number of SHs. To facilitate LAB's further discussion of the subject, Mr POON was of the view that the Administration should put forth some recommendations, say, progressively increasing the number of SHs to align with GHs. Mr POON further enquired about the concrete timeframe for the Administration to revert to LAB on the issue.

47. In response, SLW advised that LAB members had been heavily engaged in the discussion of a number of labour issues, including the alignment of the number of SHs with GHs, and strived to reach consensus on the issues as far as practicable. C for L added that at its meeting on 15 May 2015, LAB deliberated on the issue of increasing the number of SHs to align with GHs. There were divergent views between employer and employee representatives on the matter. The employee representatives had put forth some specific proposals for the consideration of the employer representatives. LD would also collect more information as requested by LAB to facilitate its further deliberation on the subject.

48. The Deputy Chairman pointed out that some FDH employers would have concerns about an increase in SHs as their household support would be affected. As FDHs were exempt from the application of the Statutory Minimum Wage rate under the Minimum Wage Ordinance (Cap. 608) ("MWO"), she asked whether similar arrangement could be adopted to exempt FDHs from the SH entitlement.

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49. SLW advised that under EO, an employee was entitled to 12 days of SHs a year. FDHs enjoyed the same protection and rights under the labour laws as local employees. In addition, the International Labour Convention No. 97, which applied to HKSAR, required the ratifying members to provide no less favourable treatment to migrant workers as to nationals in respect of employment benefits. As regards the exemption under MWO, SLW explained that the exemption was applicable to all live-in domestic workers whose job nature were distinctively different from and remuneration package included in-kind benefits which were not available to non-live-in domestic workers. These included free accommodation, free meals and savings in travelling costs between home and workplace. As such, live-in domestic workers in effect received higher disposable income than their nominal wage.

50. In concluding the discussion, the Chairman said that members raised no objection to the legislative proposal. SLW appealed to Members to support the early enactment of the Bill after its introduction into LegCo. Most members expressed support.

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

Council Business Division 2
Legislative Council Secretariat
12 June 2015