

立法會
Legislative Council

LC Paper No. CB(2)444/15-16
(These minutes have been seen
by the Administration)

Ref : CB2/PL/MP

Panel on Manpower

Minutes of meeting
held on Tuesday, 17 November 2015, at 4:30 pm
in Conference Room 3 of the Legislative Council Complex

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

Members absent : Hon LEUNG Yiu-chung
Dr Hon LEUNG Ka-lau
Hon LEUNG Che-cheung, BBS, MH, JP

Public Officers attending : Item IV
Mr Jeff LEUNG Wing-yan
Deputy Commissioner for Labour
(Occupational Safety and Health)

Mr WU Wai-hung
Assistant Commissioner for Labour
(Occupational Safety)

Mr LEUNG Yuk-Keung
Chief Occupational Safety Officer
(System and Support)
Labour Department

Item V

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

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

Mr MA Kwok-kuen
Senior Labour Officer
(Workplace Consultation Promotion)
Labour Department

Ms Caroline LEE
Senior Manager (Course Development)
Employees Retraining Board

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)113/15-16)

The minutes of the meeting held on 15 October 2015 were confirmed.

II. Information paper issued since the last meeting
(LC Paper No. CB(2)60/15-16(01))

2. Members noted that a letter dated 15 October 2015 from Miss CHAN Yuen-han suggesting the Panel to follow up the work progress of the Standard Working Hours Committee ("SWHC") had been issued since the last meeting. In response to the concern expressed by Miss CHAN and Mr LEE Cheuk-yan about the timing for discussing the work progress of SWHC, the Chairman advised that as SWHC would hold a meeting around end of November 2015, he had acceded to the Administration's request to defer the discussion on the subject from the regular meeting in November to December so that the Panel would be provided with the latest update on the SWHC's discussion. The Chairman further advised that pursuant to the decision of the House Committee at its meeting on 9 October 2015, the subcommittee appointed under the Panel to study issues relating to standard working hours would commence work in January 2016.

Legislative proposal on compulsory reinstatement and re-engagement

3. In response to the enquiry of Mr TANG Ka-piu and Mr LEE Cheuk-yan about the legislative timetable of the proposal to empower the Labour Tribunal to make a compulsory order for reinstatement and re-engagement of an employee who had been dismissed unreasonably and unlawfully, the Chairman advised that he had raised the matter with the Secretary for Labour and Welfare during the meeting of the Panel Chairman and Deputy Chairman with the Administration to discuss the work plan of the Panel for the 2015-2016 session. He would liaise with the Administration on the timing for reverting to the Panel.

Manpower requirement projection

4. Expressing concern about employment and career development of the younger generation and the problem of mismatch in manpower

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requirement and supply, the Deputy Chairman was of the view that the Administration should conduct projection for manpower supply and requirements in respect of specific trades and industries in the coming five years, so as to facilitate the younger generation's career planning. The Chairman suggested and members agreed that the subject be included in the Panel's list of outstanding items for discussion.

Review of the implementation of statutory paternity leave ("PL")

5. Pointing out that the Administration undertook to review the provision of three-day statutory PL one year after its implementation from February 2015, Miss CHAN Yuen-han took the view that it was about time for the Administration to revert to the Panel on the review findings. The Administration should also address the disparity in entitlement of paid PL between male employees in the private sector and those in the civil service who were currently entitled to five days' paid PL. The Chairman suggested and members agreed that the subject be included in the Panel's list of outstanding items for discussion.

III. Date of next meeting and items for discussion
(LC Paper Nos. CB(2)250/15-16(01) and (02))

6. The Chairman informed members that he and the Deputy Chairman had discussed the work plan of the Panel for the 2015-2016 session with the Administration on 26 October 2015. The Panel's list of outstanding items for discussion had been updated accordingly.

Regular meeting in December 2015

7. Members agreed that the following items proposed by the Administration be discussed at the next regular meeting at 4:30 pm on 15 December 2015 -

- (a) Enforcement of labour legislation by the Labour Administration Branch of the Labour Department; and
- (b) Progress of the work of the Standard Working Hours Committee.

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IV. Hong Kong's occupational safety performance in the first half of 2015

(LC Paper Nos. CB(2)250/15-16(03) and (04))

8. 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 2015 as detailed in the Administration's paper. DC for L (OSH) added that as at 17 November 2015, there were 18 industrial fatalities in the construction industry in the year. The Labour Department ("LD") attached great importance to and conducted investigation for each fatal case and took appropriate follow-up actions, including reminding the industry to take safety precautionary measures so as to prevent occurrence of similar accidents.

9. Members noted the background brief entitled "Occupational safety performance in Hong Kong" prepared by the Legislative Council ("LegCo") Secretariat.

10. Members further noted that Hong Kong & Kowloon Trades Union Council ("HKTUC") had provided the Panel with a written submission.

Occupational injuries statistics

11. Mr TANG Ka-piu was concerned that the Administration's statistics on occupational injuries did not cover those injury cases in trades and industries which were not within the meaning of industrial undertakings as defined under the Factories and Industrial Undertaking Ordinance (Cap. 59). Mr LEE Cheuk-yan held the view that the categorisation of occupational injuries into industrial and non-industrial ones was outdated. The Administration should provide a breakdown of occupational injuries cases by industries.

12. In response to Mr TANG Ka-piu's enquiry about information on the number of fatalities reported under the Employees' Compensation Ordinance (Cap. 282) ("ECO") in recent years, DC for L (OSH) advised that there were nine cases of industrial fatalities and eight cases of non-industrial fatalities, which were work-related, as defined under the Occupational Safety and Health Ordinance (Cap. 509) ("OSHO") in the first half of 2015.

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13. In light of the significant increase of the construction workforce from over 55 000 in 2010 to over 92 000 in the first half of 2015, the Chairman considered that it posed great challenge to the safety at workplaces. Raising query about the correlation between construction fatalities and years of relevant experience of individual workers concerned in the sector, the Chairman enquired whether the Administration had conducted analysis in this respect.

14. DC for L (OSH) responded that the Administration did not maintain statistics on the working experience of construction workers involved in accidents. It was, however, noted that in many cases the construction workers concerned were aged between 40 and 60. Noting that the safety awareness of the experienced construction workers was generally speaking laxer than the younger workers, LD had stepped up the training efforts. For instance, LD in collaboration with labour unions in the construction industry organised outreaching seminars at construction sites to deliver occupational safety messages to construction workers. Besides, LD supported the Occupational Safety and Health Council ("OSHC") and trade associations of the construction industry to launch a programme for caring of new construction workers in July 2012. Under the programme, those who newly joined the industry were identified with the "P" label (i.e. Probationer). 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. If the workers new to a site had already possessed experience in construction work, they would be required to carry the "N" label (i.e. Newcomer) for two weeks and to receive special briefing on hazards to be avoided.

15. The Chairman was of the view that consideration should be given to maintaining a breakdown of statistics on occupational injuries and fatalities in the construction industry by respective workers carrying the "P" label and "N" label.

16. Responding to Mr TANG Ka-piu's enquiry, DC for L (OSH) advised that among the fatal accidents in the construction sector in 2014, five cases occurred at public works project sites. There were seven fatal cases in the construction sector in the first half of 2015, of which three occurred at public works project sites.

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17. Referring to Annex I to the Administration's paper, Mr SIN Chung-kai sought explanation for an increase in the number of industrial accidents (i.e. from three cases in the first half of 2014 to 18 cases in the first half of 2015) in the workplaces of information and communications industry.

18. In response, Assistant Commissioner for Labour (Occupational Safety) said that the causes of the 18 cases of industrial accidents concerned in the first half of 2015 were of minor nature, such as striking against fixed or stationary object, striking against or struck by moving object, slip or fall on the same level, or struck by falling object at workplaces.

Construction industry

Use of truss-out scaffolds ("TOS")

19. Mr LEE Cheuk-yan was gravely concerned that there were six construction industrial fatalities in the month of October 2015, of which two involved truss-out bamboo scaffolding works. To prevent the recurrence of similar accidents, Mr LEE held a strong view that the Administration should consider prohibiting the use of TOS, which in his view could be replaced by suspended working platforms, as in the case of hand-dug caisson operation.

20. Miss CHAN Yuen-han and Mr LEUNG Kwok-hung echoed similar concerns and views. Miss CHAN expressed disappointment that there was no notable improvement in the use of TOS as well as effective measures to prevent the occurrence of accidents over the years. She called on the Administration to identify alternative mode of operation to safeguard the occupational safety of work-at-height. Mr LEUNG was of the view that the fall arresting devices for work-at-height should be improved and it was technically viable to replace TOS with other safety devices, which was a matter of cost. In his view, it was the responsibility of the contractors to take adequate steps to prevent workers engaged in external wall works from falling from height and provide the workers with appropriate and adequate safety devices and equipment. Moreover, heavy penalty should be imposed on contractors contravening the relevant OSH legislation.

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21. Mr TANG Ka-piu said that to his understanding, TOS was mostly used by middle-aged construction workers undertaking maintenance work of external walls. To address the potential risks involved, Mr TANG considered that the Development Bureau should proactively liaise with the relevant construction sector to replace the use of TOS with alternative safety devices.

22. Responding to members' views and concerns, DC for L (OSH) said that the Administration was highly concerned about the recent spate of industrial fatalities. He pointed out that LD commenced immediate investigation as soon as it was notified of the accidents and issued suspension notices ("SNs") to suspend the associated work processes. LD would also contact the employers concerned to follow up on the cases and remind them of their liability for employees' compensation under ECO. LD would spare no efforts to follow up on the cases and assist the family members to claim employees' compensation. In addition, Work Safety Alerts were issued to the industry stakeholders to remind them of the importance of adhering to safety precautionary measures to prevent recurrence of similar accidents. DC for L (OSH) advised that LD had been working closely with OSHC to urge and assist the industry to step up measures to ensure compliance with the work safety legislation regarding truss-out bamboo scaffolding works and to address the risk of working at height. Contractors and workers engaged in TOS works were reminded of the need to ensure that metal brackets were securely fixed and of good construction, and that workers wore suitable safety harnesses securely attached to anchorage such as fixed anchors, independent lifelines or fall arresting systems, in order to avoid accidents.

23. As regards replacing the use of TOS with suspended working platform or other alternative safety devices, DC for L (OSH) explained that it might not be technically feasible to use suspended working platform for maintenance work of external walls in many buildings due to their physical constraints. Nevertheless, LD and OSHC were actively exploring ways to address the safety concern for workers engaged in works at the external walls so as to prevent occurrence of accidents, such as use of prefabricated TOS. Besides, LD was liaising with the Buildings Department in respect of requiring provision of anchoring points in new buildings for installation of suspended working platform and other design safety initiatives. In addition, LD would further promote a sponsorship scheme to encourage contractors to purchase transportable temporary anchor devices for use in erection and dismantling of TOS, which could also help mitigate the risks associated with TOS works.

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24. Miss CHAN Yuen-han requested the Administration to provide further information on the concrete measures in place to reduce the potential risks associated with undertaking external wall works at existing buildings. The Chairman expressed the view that the requirement of providing anchoring points in new buildings should be enforced as soon as practicable to safeguard the occupational safety of workers undertaking external wall works.

Sea-based construction works

25. Noting a series of construction fatalities in connection with the Hongkong-Zhuhai-Macao Bridge Project, Mr POON Siu-ping was concerned about the occupational safety of workers undertaking sea-based construction works and enquired about the effectiveness of LD's seminars on work-over-water safety for the industry.

26. In response, DC for L (OSH) said that LD, Marine Department ("MD") and OSHC from time to time co-organised conferences, seminars and briefings on work-over-water safety for the industry. LD had been organising monthly joint enforcement operations with MD to detect work practices contravening safety requirements for sea-based construction works. It was noteworthy that there was a decline in the number of industrial accidents involving sea-based construction works. LD would keep up with its enforcement and publicity efforts in this regard.

Catering sector

27. Mr SIN Chung-kai raised queries about the effectiveness of the Administration's publicity and educational efforts in addressing industrial accidents in the catering sector which had all along topped those of all industries over the years. Mr SIN was of the view that the Administration should consider adopting innovative practices in tackling the situation. For instance, installation of closed circuit television system in kitchens of catering establishments could facilitate investigation of industrial accidents.

28. DC for L (OSH) advised that LD formulated targeted measures and publicity strategies to enhance OSH in the catering sector. In addition, LD had conducted two extensive special enforcement operations in 2015 in which occupational safety officers conducted more than 3 300 inspections to catering establishments. To further improve the work safety of the catering industry practitioners, and encourage the industry to

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raise tidiness and cleanliness standards at workplaces, LD and OSHC would provide outreaching training courses at catering establishment with a view to enhancing the OSH awareness of their employees. Besides, OSHC had established a "Catering Safety and Health Steering Committee" to further promote and enhance the work safety standards of the industry.

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29. With reference to over 3 300 inspections of catering establishments in 2015, Mr LEUNG Kwok-hung sought information on the proportion of catering establishments inspected by LD as well as the number of improvement notices/SNs issued. The Chairman requested the Administration to provide the requisite information after the meeting.

Transportation services sector

30. Mr POON Siu-ping expressed concern about work safety concerning tail lift operation in the transportation services sector. Given the revised Guidance Notes on "Prevention of Trapping Hazard of Tail Lifts" had no binding effect on employers concerned, Mr POON asked whether the Administration would consider giving legal effect to the Guidance Notes. DC for L (OSH) advised members that while the revised Guidance Notes was not a code of practice, duty-holders concerned were liable to prosecution for non-compliance with OSH legislation under the general duties provisions in OSHO as LD would make reference to the Guidance Notes in enforcement of the relevant legal provisions.

Level of penalty for offences

31. Mr POON Siu-ping noted with concern the great number of fatalities in the construction industry in the first 10 months of 2015 and HKTUC's request for raising the level of penalty for non-compliance with the OSH legislation involving industrial accidents so as to increase the deterrent effect. Referring to paragraph 14 of the Administration's paper, Mr POON sought information on the imposition of heavier penalty on convicted cases related to fatal industrial accidents in the construction industry.

32. DC for L (OSH) advised that LD had since 2013 been working very closely with the Department of Justice ("DoJ") in a bid to raise the level of penalty for non-compliance with safety requirements. Following the advice of DoJ, LD would submit relevant information to the court for considering the appropriate level of penalty to be imposed upon

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conviction. It was noted that the fines and the maximum penalty imposed by the court on convicted cases had increased notably in recent years. LD would continue to work in such direction.

Employees' compensation insurance ("ECI") and related issues

Admin 33. Referring to Report No. 64 of the Director of Audit released in April 2015, Mr TANG Ka-piu noted with concern about the comments on the workplace inspections conducted by LD's Labour Inspection Division in respect of ECI taken out by employers to cover their liabilities both under ECO and common law and that many workplaces had not been inspected for over three years. Mr TANG enquired about the follow-up actions taken by LD in this regard. DC for L (OSH) responded that he would relay the enquiry to the Labour Administration Branch which was responsible for LD's work in this respect.

Admin 34. Mr TANG Ka-piu was further concerned that there were cases of work-related injuries in which employers concerned did not report such cases to LD within the specified period and as a result, the injured workers could not receive compensation under ECO. In response to Mr TANG's enquiry about the enforcement action taken by LD in this regard, DC for L (OSH) said that he would relay it to the Labour Administration Branch for provision of a written response.

Admin 35. The Deputy Chairman sought information on the amount of compensation under ECO that could be obtained by bereaved family members of workers who died in industrial accidents. DC for L (OSH) undertook to relay the enquiry to LD's Employees' Compensation Division for a response.

36. Referring members to the Employees' Compensation Insurance Residual Scheme ("ECIRS") which had been set up to address the concerns and problems faced by individual industries in taking out ECI from the open insurance market, the Chairman informed members that the ECIRS Bureau ("ECIRSB") Advisory Committee had concerns about the high premium rates under ECIRS due to the insurance coverage of the high-risk industries, including the scaffolding industry. ECIRSB had decided to set up a working group to study the issue and the Administration was requested to take note of it.

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V. Measures to promote the employment of mature persons
(LC Paper Nos. CB(2)250/15-16(05) and (06))

37. At the invitation of the Chairman, Deputy Commissioner for Labour (Labour Administration) ("DC for L (LA)") briefed members on the support measures taken by the Government to help promote the employment of mature persons, details of which were set out in the Administration's paper.

38. Members noted the background brief entitled "Employment of the middle-aged and mature persons" prepared by the LegCo Secretariat.

39. In response to Mr POON Siu-ping's enquiry, DC for L (LA) advised that there was no statutory definition of "elderly" under the Hong Kong laws and the elderly population was generally broken down by age group for the purpose of providing them with dedicated services. For instance, LD's job centres provided priority registration and job referral services for job seekers aged 50 or above. The Employment Programme for the Middle-aged ("EPM") had been extended to cover part-time jobs so as to give employers financial incentive to engage persons aged 40 or above, including homemakers and early retirees who might prefer part-time jobs.

Employment support for the middle-aged and mature persons

40. Referring to the organisation of three district-based thematic job fairs since May 2015 on part-time jobs and the large-scale thematic job fair targeting middle-aged and mature job seekers in September 2015 which had attracted about 700 and 2 850 job seekers respectively, Mr POON Siu-ping sought information on the employment status of the attending job seekers.

41. Assistant Commissioner for Labour (Employment Services) advised that the service targets of the three district-based thematic job fairs on part-time jobs were those who preferred to take up part-time jobs, regardless of their age and background. A total of 809 interviews were arranged for the attending job seekers and 101 of them successfully secured employment. As regards the large-scale thematic job fair targeting middle-aged and mature job seekers in September 2015, a total of 1 030 applications were received on the spot and, according to the information provided by the participating employers one month after the job fair, job offers were made to 269 job seekers. It was noted that 95% of them (i.e. 255 job seekers) were middle-aged and mature persons.

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42. Mr POON Siu-ping and the Chairman were concerned about the effectiveness of the employment services for job seekers under EPM. Noting that there were 55 782 middle-aged job seekers placed into employment under EPM during the period between May 2003 and up to 31 December 2012 (i.e. an average of more than 5 500 job seekers per year), the Chairman sought explanation for a record of 2 033 placements only in the first 10 months of 2013.

43. DC for L (LA) explained that as a result of the vibrant economy in the past few years, the overall unemployment rate remained low. As such, there were fewer job seekers with employment difficulties seeking employment assistance from LD under EPM.

Further measures to promote employment of mature persons

44. Mr LEUNG Kwok-hung raised queries about the effectiveness of the Administration's efforts in encouraging employment of mature persons through various promotional and educational activities. Expressing concern that a considerable number of female elderly was living in poverty, Mr LEUNG enquired about the Administration's policy in bringing these females into the labour force. In his view, consideration could be given to engaging them in child care services.

45. Noting from paragraph 2 of the Administration's paper, the Deputy Chairman said that among the 1 058 200 persons aged 50 to 64 in the labour force in 2014, the labour force participation rate ("LFPR") for the 50 to 54 age group and those aged 55 to 59 was 76.8% and 64.6% respectively. However, LFPR of those aged 60 to 64 further declined to 40.9%. The Deputy Chairman was of the view that the support measures taken by the Administration to help promote employment of mature persons should focus on the retirees. Specifically, the Administration should collect relevant information and conduct data analysis in respect of the number of mature persons with intention to work if being offered suitable employment as well as their difficulties encountered so as to draw up concrete measures to help them overcome the barriers to work. To facilitate an in-depth understanding of the situation, the Deputy Chairman sought breakdowns of LFPR of those aged 60 to 64 by gender.

46. In response, DC for L (LA) advised that in the second quarter of 2015, after excluding foreign domestic helpers, the overall LFPR of those aged 50 to 54 was 76.8% whereas LFPR of males was 91.4% and that of females was 63.6%. For those aged 55 to 59, the overall LFPR was

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65.4% and those for males and females were 82.1% and 48.9% respectively. With regard to the barriers deterring mature persons from staying longer in employment or re-joining the labour market, DC for L (LA) advised that some of them were reluctant to re-join the labour market simply because of long working hours and some of them would prefer part-time jobs.

47. The Chairman sought information on the Administration's efforts in encouraging employers to provide more part-time posts to mature job seekers. DC for L (LA) advised that LD had been encouraging employers to provide the mature employees with a family-friendly working environment with flexible and various work arrangements and support. It also regularly organised employment briefings for mature persons and experience sharing sessions for employers on the benefits of employing mature persons. The Chairman requested the Administration to provide information on the provision of part-time jobs to mature persons when the Panel revisited the subject in future.

48. DC for L (LA) further advised that the Employees Retraining Board ("ERB") had commissioned a market research on the training needs of mature persons to gauge their demand for ERB courses and services as well as gather the opinions of employers on recruitment of mature persons ("the market research"). In response to Mr POON Siu-ping's follow-up enquiry, Senior Manager (Course Development) of ERB said that ERB would take into account the market research findings, which would be ready in early 2016, in developing training and support services that matched the needs of mature persons. DC for L (LA) added that the report would also provide a useful reference for the Labour and Welfare Bureau ("LWB") and LD to provide employment support and training services for mature persons.

49. Miss CHAN Yuen-han was gravely concerned about the demographic challenges arising from the ageing population and the projected lowering of LFPR. Pointing out that there remained a considerable number of economically inactive persons, including early retirees and more than 500 000 female homemakers, Miss CHAN considered it imperative for the Administration to take proactive measures to unleash the potential of such labour force and make good use of their experience and skills. In her view, the Administration should consider setting up a dedicated inter-departmental task force to take charge of the relevant work, including conducting analysis on extending the retirement age, matching the expertise/skills possessed by such potential labour force and the manpower demands in different trades and

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industries as well as drawing up specific measures to promote employment of these mature persons. Mr CHEUNG Kwok-che shared a similar concern.

50. DC for L (LA) responded that the Steering Committee on Population Policy as a high-level policy group comprising representatives from different policy bureaux and departments had published a report on population policy to recommend, among others, ways to unleash the potential of the inactive labour force. LWB and LD had followed-up with the recommendations and implemented various measures to help draw the inactive persons into the labour market. Furthermore, various manpower studies to assess the demographic characteristics (such as age and education profiles) as well as expertise/skills of manpower supply had been conducted in the past years. In case of skills mismatch between manpower supply and job offerings, ERB and the Vocational Training Council would develop and offer training programmes/courses in response to the training needs as appropriate.

Admin 51. At the request of Miss CHAN Yuen-han and the Chairman, the Administration was requested to provide the report to the Panel on the market research commissioned by ERB on the training needs of mature persons as well as opinions of employers on recruitment of mature persons.

Extending retirement age

52. Noting that the relaxation of the age limit of Category B security personnel from 65 to 70 under the Security and Guarding Services Ordinance (Cap. 460) was approved by LegCo at the meeting of 10 June 2015, Mr TANG Ka-piu enquired about the exact implementation date. DC for L (LA) said that it was understood from the Security Bureau that the target implementation date would be around end of 2015.

53. Pointing out that a flexible retirement age was adopted by the small and medium-sized enterprises, Mr CHEUNG Kwok-che expressed concern that some large enterprises, however, set the retirement age at 60. Mr CHEUNG called on the Administration to liaise with these enterprises to extend the retirement age flexibly. Referring to the early retirement age of the disciplined service grades, Mr CHEUNG was of the view that the Administration should explore effective measures to fully engage such considerable supply of manpower.

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54. DC for L (LA) responded that effective from 1 June 2015, the retirement age of new recruits appointed to the civil service had been raised to 65 in respect of the civilian grades and 60 in respect of the disciplined services grades, regardless of their ranks. Other public or subvented organisations and the private sector might follow the Government's practice of extending the retirement age of their employees.

55. The Chairman expressed the view that instead of making efforts to attract mature persons and the elderly to rejoin the labour market, the Administration should consider setting a statutory retirement age so that they could stay longer in employment.

56. DC for L (LA) responded that there were diverse views in the community about setting a statutory retirement age across the board. Currently, there was no statutory retirement age in Hong Kong. Same as other terms and conditions of employment, employees and employers were free to negotiate for a mutually acceptable retirement age when they entered into an employment contract. Employers were also free to recruit or continue to employ mature people. The present arrangements allowed flexibility and met the needs of different employers and employees, having regard to the market situation.

Tackling age discrimination in employment

57. In light of the prevailing low unemployment rate of 3.3%, Mr TANG Ka-piu considered that it was an opportune time to legislate for age discrimination against job seekers. Miss CHAN Yuen-han shared a similar view. Mr TANG enquired about the Administration's plan in this regard.

58. DC for L (LA) responded that LD had all along been tackling the issue of age discrimination in employment through public education and publicity. DC for L (LA) assured members that the Administration would closely monitor the situation and adopt appropriate strategies if such needs arose.

59. Notwithstanding that the Equal Opportunities Commission was tasked to implement the anti-discrimination legislation, Mr CHEUNG Kwok-che was of the view that different Government bureaux and departments should work collaboratively to tackle age discrimination in employment. The Chairman called on LD to follow up on members' views and concerns with the relevant Government bureaux and departments in this respect.

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60. While acknowledging the need to promote employment of mature persons because of shrinkage in labour force in the forthcoming years, Mr CHEUNG Kwok-che was concerned about how the rights and benefits of mature employees could be properly safeguarded. Citing the adoption of retirement age for flight attendants at 45 and 55 by the Hong Kong Dragon Airlines Limited and the Cathay Pacific Airways Limited respectively as an example, Mr CHEUNG drew the attention of members to the less favourable employment terms of the retired staff concerned when they were re-employed after retirement.

61. DC for L (LA) said that to his understanding, certain airlines would re-employ some staff members after the retirement age. As a matter of fact, LD had been encouraging enterprises to extend the retirement age of their employees through liaison, experience sharing sessions and seminars, and meetings with Human Resources Managers' Clubs in respect of the benefits of good people management practices and the importance of retaining the talents. LD would continue to follow up the above work with the two airlines concerned.

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

Council Business Division 2
Legislative Council Secretariat
14 December 2015