

**立法會**  
**Legislative Council**

LC Paper No. CB(2)1194/16-17  
(These minutes have been seen  
by the Administration)

Ref : CB2/PL/MP

**Panel on Manpower**

**Minutes of meeting**  
**held on Tuesday, 21 February 2017, at 4:30 pm**  
**in Conference Room 1 of the Legislative Council Complex**

**Members present** : Hon LEUNG Yiu-chung (Chairman)  
Hon Tommy CHEUNG Yu-yan, GBS, JP  
Hon CHAN Kin-por, BBS, JP  
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP  
Hon Paul TSE Wai-chun, JP  
Hon LEUNG Kwok-hung  
Hon Michael TIEN Puk-sun, BBS, JP  
Hon YIU Si-wing, BBS  
Hon CHAN Chi-chuen  
Dr Hon KWOK Ka-ki  
Dr Hon Fernando CHEUNG Chiu-hung  
Hon Martin LIAO Cheung-kong, SBS, JP  
Hon POON Siu-ping, BBS, MH  
Dr Hon CHIANG Lai-wan, JP  
Hon Andrew WAN Siu-kin  
Hon CHU Hoi-dick  
Hon Jimmy NG Wing-ka, JP  
Hon SHIU Ka-fai  
Dr Hon Pierre CHAN  
Hon LUK Chung-hung  
Hon Jeremy TAM Man-ho  
Hon Nathan LAW Kwun-chung  
Dr Hon LAU Siu-lai

**Member attending** : Hon Dennis KWOK Wing-hang

**Members absent** : Hon HO Kai-ming (Deputy Chairman)  
Hon WONG Kwok-kin, SBS, JP  
Hon Alice MAK Mei-kuen, BBS, JP  
Hon KWOK Wai-keung  
Hon Christopher CHEUNG Wah-fung, SBS, JP  
Hon SHIU Ka-chun  
Hon YUNG Hoi-yan

**Public Officers attending** : Item IV

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

Mr Carlson CHAN Ka-shun, JP  
Commissioner for Labour

Ms Queenie WONG Ting-chi  
Assistant Commissioner for Labour  
(Policy Support)

Ms Fronde LUI Wai-fong  
Senior Labour Officer  
(Employment Agencies Administration)  
Labour Department

Item V

Miss Mabel LI Po-yi, JP  
Deputy Commissioner for Labour  
(Labour Administration)

Mr William MAK Chi-tung  
Assistant Commissioner for Labour  
(Employees' Rights & Benefits)

Mr KOO Chiu-shing  
Senior Labour Officer  
(Employment Claims Investigation)  
Labour Department

Mr Sam SUM Kai-wah  
Senior Labour Officer (Labour Inspection)  
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)776/16-17)

The minutes of the meeting held on 20 December 2016 were confirmed.

**II. Information paper issued since the last meeting**  
(LC Paper No. CB(2)775/16-17(01))

2. Members noted that a referral from the Public Complaints Office regarding employment support for grassroots women had been issued since the last meeting.

**III. Date of next meeting and items for discussion**  
(LC Paper Nos. CB(2)827/16-17(01) and (02))

Regular meeting in March 2017

3. Members agreed that the following items proposed by the Administration be discussed at the next regular meeting on 21 March 2017 at 4:30 pm:

- (a) Handling of disputes in work injury compensation claims under the Employees' Compensation Ordinance; and
- (b) Cultivating good people management and family friendly culture in employment.

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4. Dr KWOK Ka-ki suggested that the Panel should consider inviting deputations to give views on the above items at the next meeting. The Chairman said that members would be informed of the arrangements after the meeting.

*(Post-meeting note: Members were informed of the meeting arrangement for the Panel meeting on 21 March 2017 vide LC Paper No. CB(2)891/16-17.)*

5. Pointing out that some practitioners in the beauty industry had obtained internationally recognized professional qualifications or qualifications recognized under the Qualifications Framework ("QF"), Dr CHIANG Lai-wan was concerned whether such qualifications would be duly recognized under the proposed new regulatory framework on use of medical devices in certain beauty treatment. Dr CHIANG suggested that the Panel should discuss the matter at a future meeting. The Chairman advised that the Panel had just been updated on the latest progress of the QF implementation at the policy briefing by the Secretary for Education on the Chief Executive's 2017 Policy Address at the last meeting. Members were advised that the Food and Health Bureau had put forward a proposal on the regulatory framework for medical devices, and would listen to the views of stakeholders.

6. Dr CHIANG Lai-wan further suggested that the Panel should follow up the Labour Advisory Board's deliberations on the alignment of number of statutory holidays with that of general holidays. The Chairman advised that he would liaise with the Administration when it would revert to the Panel on the matter.

Information note on the paid maternity leave in selected places

7. The Chairman advised that an information note on the paid maternity leave in selected places prepared by the Research Office of the Legislative Council ("LegCo") Secretariat [IN05/16-17] was issued to members on 20 February 2017. He suggested and members agreed that the Research Office be invited to brief members on the salient points of the information note at the Panel's April meeting.

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**IV. Strengthening the regulation of employment agencies**

(LC Paper Nos. CB(2)827/16-17(03) to (04) and CB(2)851/16-17(01))

8. Permanent Secretary for Labour and Welfare ("PSLW") briefed members on the initiatives taken by the Labour Department ("LD") and the proposal to take out legislative amendments to strengthen the regulation of employment agencies ("EAs"), as set out in the Administration's paper.

9. Members noted a background brief entitled "Regulation of employment agencies placing foreign domestic helpers" prepared by the LegCo Secretariat.

Regulation of employment agencies and implementation of the Code

10. Referring to a recent court case of *ZN v Secretary for Justice and Others*, Mr Dennis KWOK said that the court held that the applicant was a forced labour victim who was a foreign national and received no income during the employment contract period in Hong Kong. The court also criticized the lack of a proper legislative framework and measures in Hong Kong to protect human trafficking and forced labour victims. Mr KWOK expressed grave concern about whether the rights and benefits of a considerable number of foreign domestic helpers ("FDHs") in Hong Kong had been infringed by the malpractices of EAs providing placement services of FDHs (hereinafter referred to as "FDH EAs"), such as overcharging them with huge amounts of intermediary fees and withholding their travel documents for debt repayment. Mr KWOK enquired whether the Administration would study the magnitude of FDH EAs' malpractices from the perspective of human trafficking and take appropriate combating measures.

11. Dr Fernando CHEUNG declared that he was employer of an FDH. Sharing a similar view of Mr Dennis KWOK and expressing support for implementation of the Code of Practice for EAs ("the Code"), Dr CHEUNG enquired whether the Administration would consider introducing legislation regarding bonded labour and human trafficking in the light of the court judgment so as to safeguard FDHs' rights and entitlements.

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12. Dr KWOK Ka-ki expressed grave concern about EAs' overcharging commission and various fees and charges from FDHs. Noting that there were only 17 labour officers responsible for an annual inspections of 1 800 EAs and only nine FDH EAs were convicted of overcharging FDHs in 2015, Dr KWOK cast doubt about the effectiveness of the Administration's regulatory work of EAs. Dr LAU Siu-lai shared a similar concern.

13. Mr Jeremy TAM said that to his understanding, most newly-arrived FDHs were arranged to borrow money from financial institutions in order to meet the huge amount of intermediary and training fees which amounted to some \$18,000 and they had to make subsequent monthly loan repayment to EAs. He considered the enforcement figures against EAs too small and not proportionate to the number of FDHs in Hong Kong. He therefore enquired about the Administration's enforcement action taken to tackle the situation and details of the inspections to EAs. He also sought clarification about the permitted service fees that could be charged by FDH EAs for successful job placement service. The Chairman enquired whether it was lawful for EAs to ask FDHs employers to deposit their FDHs' wages into designated bank accounts other than those of the FDHs concerned.

14. Responding to members' concerns, PSLW said that as the Administration was considering the court judgment and there was a possibility that such issues might become the subject of further court proceedings, it was not appropriate for her to comment on the case. Nonetheless, the Administration attached great importance to the regulation of the operation of EAs, in particular FDH EAs. The Code highlighted the salient legislative requirements EA operators must comply with. For instance, an EA or any other person withholding the personal property of FDHs, such as their passports, without their explicit consent might constitute an offence under the Theft Ordinance (Cap. 210) ("TO"). In relation to service fees, EAs must strictly observe the requirements under section 57 of the Employment Ordinance (Cap. 57) ("EO") that EAs should not, directly or indirectly, receive from job-seekers, including FDHs, reward of any kind, or any payment or advantages in respect of expenses or otherwise, except the prescribed commission which was no more than 10% of the job-seekers' first month's wages for successful job placement service. Contravention of the relevant law was an offence and would be liable on conviction to a maximum penalty of a fine of \$50,000. To afford better protection to job-seekers including FDHs, the Administration proposed to impose

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heavier penalty on EAs charging job-seekers excessive fees, from a maximum fine of \$50,000 at present to a maximum fine of \$350,000 and an imprisonment of three years.

15. PSLW further advised that the Code also set out the standards expected from EA operators. For instance, EAs should avoid involving in financial affairs of job-seekers, including helping any other persons, organizations or companies (including recruiting agents or intermediaries located in or outside Hong Kong) to collect fees for arranging FDHs concerned to come to Hong Kong, or training fees for any local or overseas recruiters, agents or training centres, etc. As for FDH employers, it was illegal for them to deduct FDHs' wages and pay the deducted part to EAs or another party as settling FDHs' placement fees or loans. Moreover, underpayment of wages was a criminal offence under EO. As regards payment method of wages, it was subject to the mutual agreement between FDH employers and FDHs. FDH employers were reminded of keeping the relevant wage receipts.

16. On the enforcement front, Commissioner for Labour ("C for L") said that having regard to the sizeable workforce of some 350 000 FDHs currently in Hong Kong, LD's Employment Agencies Administration ("EAA") had stepped up the inspections of EAs since 2014 by increasing the annual inspection target from 1 300 to 1 800 inspections i.e. an increase of 38%, amongst which about 70% were targeted at FDH EAs. EAA would conduct regular and surprise inspections of EAs as well as initiate investigations immediately upon receipt of complaints. During the inspections, LD officers would check the records showing particulars of job applicants, fees and commission received and placement details maintained by EAs, which were requirements under the law. LD officers would randomly check with the newly-recruited FDHs to ensure that EAs operated in compliance with the law. Prosecution would be initiated accordingly when there was sufficient evidence. C for L added that LD would review the manpower requirements for the regulation of EAs from time to time and would bid additional resources as necessary.

17. Assistant Commissioner for Labour (Policy Support) ("AC for L(PS)") said that the Administration had stepped up the publicity and educational efforts in relation to the employment of FDHs. For instance, LD had published in April 2016 a "Do's and Don'ts" leaflet for FDHs, employers and EAs ("the Leaflet") on their respective rights and obligations under EO and the Standard Employment Contract. It was also set out in Chapter 3 of the Code that EAs should not make unlawful

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deduction of wages of FDHs. AC for L(PS) added that FDHs who considered that their rights and entitlements under EO had been infringed were encouraged to report such cases to LD and come forward as prosecution witnesses. The Government would continue to strengthen the publicity and educational efforts to raise FDHs' awareness of their rights and entitlements and would initiate investigation immediately upon receipt of complaints from the FDHs concerned. LD would also continue to publish press releases on conviction of EAs and revocation of EA licences.

18. Dr Fernando CHEUNG and the Chairman were of the view that FDHs were not local workforce and it was necessary to introduce specific legislation to safeguard their rights and benefits as practised in many other countries.

19. Dr CHIANG Lai-wan expressed concern about the enforcement action taken by LD in monitoring EAs' operation and the effectiveness of generating greater deterrence by raising the fine level. She sought information on the level of penalty imposed on the convicted EAs in 2015 and 2016, in particular the number of convicted EAs that had been imposed with the maximum fine of \$50,000.

20. C for L responded that LD had received 529 complaints against EAs overcharging commission from FDHs in 2016. Of these, some 420 complaints were against two EAs. Another 15 complaints were related to EAs operating without licences. A total of 16 summonses were issued and eight EAs were successfully prosecuted with five EAs' licences revoked. The highest fine imposed on one convicted case was \$45,000 in the past three years. C for L pointed out that it was sometimes difficult to follow up on some complaints which were anonymous or without provision of contact details. Moreover, some complaint cases were withdrawn by the complainants or could not proceed further as the complainants were unwilling to assist in the investigation or act as prosecution witness. PSLW added that it was envisaged that the maximum penalty imposed by the courts on EAs charging job-seekers excessive fees would be raised after the legislative amendment to impose heavier penalty on EAs coming into effect.

21. Mr Paul TSE declared that he was in the process of recruiting an FDH. Mr TSE sought information on the requirements for operating FDH EAs and sanctions for contravention of the Code. Expressing concern that some FDHs might have inadvertently given the consent to EAs or other persons to keep their passports which would not constitute



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an offence under TO, Mr TSE enquired whether the Administration would consider formulating further measures to safeguard FDHs in this regard.

22. Mr Andrew WAN enquired about the circumstances under which EA's licence would be revoked. He further enquired whether the Administration would consider conducting a review of the Code after its implementation for a period of time, say one year or 18 months, and consulting the FDH unions and employer groups as appropriate.

23. PSLW responded that any person who operated a business which aimed at obtaining employment for another person, or supplying personnel to an employer had to apply for an EA licence and comply with the relevant provisions under EO and the Employment Agency Regulations (Cap. 57A). Chapter 3 of the Code also set out the salient legislative requirements that EA licensees had to follow. C for L might exercise his power under section 53(1)(c)(v) of EO to revoke an EA licence if he had reasonable grounds to be satisfied that the licensee was not a fit and proper person to operate an EA. PSLW said that the Administration would closely monitor the implementation of the Code and consider conducting a review, say 18 months after its implementation. Furthermore, the publication of the Leaflet facilitated FDHs and FDH employers' understanding of their respective rights and obligations under EO.

24. Mr Michael TIEN expressed concern that the problem of job-hopping of FDHs was not addressed in the Code. To his understanding, some unscrupulous EAs had abetted FDHs, in particular the newly-recruited to deliberately displayed bad working attitude so as to provoke their employers to terminate the employment contracts prematurely. As such, the FDHs concerned could obtain one month's wages in lieu of notice and free passage back to their places of domicile, and EAs could collect service fees from employers concerned for referral of other FDHs and charge FDHs commission for providing another placement service. Mr TIEN enquired how the Administration would address such situation and sought information on the number of newly recruited FDHs who had changed employers during the first three months of their employment in 2016.

25. Sharing a similar concern, Mr SHIU Ka-fai sought clarification as to whether it was necessary for the FDHs concerned to return to their home countries if they could find an employment within two weeks after termination of the employment contract.

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26. C for L responded that FDHs were in principle not allowed to change employers in the course of their two-year employment contract save for exceptional circumstances, for example if the FDH's contract was terminated on grounds of the transfer, migration, death or financial reasons of the ex-employer, or where there was evidence suggesting that the FDH had been abused or exploited. The Immigration Department ("ImmD") might approve his/her application to change employers in Hong Kong without first returning to their places of origin. According to the existing policy, FDHs had to return to their places of origin under normal circumstances before they could apply to return to work for another employer. C for L said that to curb "job-hopping", since June 2013, ImmD had already strengthened the assessment of employment visa applications of FDHs who changed employers frequently. As at December 31, 2016, ImmD vetted some 9 000 suspected "job-hopping" cases and refused around 1 300 of them upon close scrutiny.

27. AC for L(PS) added that under the existing immigration policy, FDHs were required to leave Hong Kong upon completion or within two weeks from termination of their employment contracts. Only under exceptional circumstances as C for L explained earlier that ImmD might exercise discretion to allow FDHs to change their employers in Hong Kong without having to return to their places of origin.

28. Mr Michael TIEN said that to his understanding, most FDHs had not returned to their places of domicile after having their employment contracts terminated prematurely but merely departed for neighbouring places and took up another employment in Hong Kong within a very short period of time. To prevent job-hopping of FDHs, Mr TIEN suggested that a probation period of, say one month, should be stipulated in the Standard Employment Contract such that employers could pay service fees to EAs upon expiry of the probation period of the newly-recruited FDHs, with a view to strengthening the regulation of EAs and better protecting the interest of employers. The Chairman asked whether the Administration would consider studying the viability of introducing a probation period for employment of FDHs.

29. PSLW and C for L responded that the Administration would need to examine the suggestion carefully to safeguard against adverse unintended consequences. In effect, the Administration would take into account whether EAs were involved in cases of FDHs' premature termination of contracts when considering their applications for licence renewal.

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30. The Chairman requested the Administration to provide the information requested by Mr Michael TIEN in paragraph 24 above after the meeting. He further called on LD to check whether EAs were involved in cases of FDHs' early termination of employment contracts during its inspections to EAs.

31. Mr YIU Si-wing declared that he was an FDH employer. Mr YIU was concerned about how to safeguard employers' rights against EAs' provision of false or misleading information on FDHs' profile, as prospective employers of FDHs relied heavily on the information provided by EAs in deciding whether to employ the overseas job-seeker concerned. Mr YIU also enquired about the avenue for employers to lodge complaints about FDH employment matter and whether the legislative proposal would address the problem.

32. PSLW responded that in their commercial practices, EAs must not deploy against consumers unfair trade practices prohibited by the Trade Descriptions Ordinance (Cap. 362) ("TDO"), including false trade descriptions of services or misleading omissions. FDH employers could lodge complaints with LD about malpractices of EAs. LD would consider taking follow up action, in consultation with the Department of Justice, if deemed appropriate. In addition, it was set out in the Code that the licensee and staff of EA should provide accurate information and sound advice to employers when dealing with employers.

33. In response to the Chairman's enquiry about the number of complaint cases concerning provision of inaccurate information on FDHs' profile, C for L advised that the Customs and Excise Department ("C&ED") was the principal enforcement agent of TDO. To his knowledge, C&ED had received 200 complaints against EAs' provision of false trade descriptions of services during the period from July 2013 to 2016.

34. The Chairman called on the Administration to step up its publicity efforts in relation to the applicability of TDO to EA's provision of false trade descriptions of services and the avenue for lodging such complaints. C for L replied in the affirmative.

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Protection of employees' rights and benefits of foreign domestic helpers

35. In the light of small number of successful prosecution against FDH EAs for malpractices, Dr LAU Siu-lai expressed concern about whether FDHs were fully aware of their rights and entitlements and ways to seek redress while working in Hong Kong.

36. PSLW advised that the Administration had all along been running a series of publicity and educational efforts in promoting awareness of job-seekers (including FDHs) and employers about their rights and obligations, and points to note when engaging the service of EAs. Apart from the publication of the Leaflet, LD had launched in April 2016 a dedicated website for employment of FDHs ([www.fdh.labour.gov.hk](http://www.fdh.labour.gov.hk)) ("FDH Portal"), which contained information and useful links related to the employment of FDHs. Publications and publicity videos related to the employment rights of FDHs were also uploaded to the website to help FDHs, FDH employers and the public access to the relevant policies and labour laws.

37. C for L added that LD had since 2016 intensified collaboration with Consulates-General ("CG") of major FDH-sending countries in Hong Kong by participating in briefings for newly-arrived FDHs and cultural events organized by these CGs from time to time to promote among FDHs the important information on employment rights and ways to seek redress from various channels. In 2016, LD had participated in 47 such briefings which had attracted about 3 200 newly-recruited FDHs from the Philippines and Indonesia.

38. While acknowledging the Administration's efforts in enhancing the awareness of employees' rights and entitlements of FDHs from the Philippines and Indonesia through participating in the briefings organized by relevant CGs, Dr LAU Siu-lai called on the Administration to conduct similar briefings on their own and extend to FDHs from other places of origin as well, such as Nepal and Sri Lanka. The Chairman shared a similar view.

39. PSLW responded that the Administration would duly consider the suggestion. C for L added that the Leaflet was available in different languages and FDHs could have access to employment-related information in their major mother languages on the FDH Portal before they arrived in Hong Kong.

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Proposed legislative amendments

40. Mr Andrew WAN and Dr LAU Siu-lai welcomed the legislative proposals to further strengthen the regulation of EAs. Mr WAN considered that the proposed increase in the penalty on EAs charging job-seekers excessive fees was appropriate. Dr KWOK Ka-ki said that he would not object to the proposal.

41. Dr CHIANG Lai-wan pointed out that the fees charged by EAs on employers for FDH referral services varied significantly ranging from some \$7,000 to over \$10,000. Dr CHIANG called on the Administration to consider including a standard fee scale in respect of EAs' placement services in the legislative proposal to better protect the rights of FDH employers. PSLW took note of Dr CHIANG's suggestion. PSLW clarified that the main purpose of the legislative proposal was to impose more potent deterrent to the illegal activity of overcharging job-seekers and to provide a legal basis for the Code.

42. Mr Andrew WAN welcomed the implementation of the Code, but expressed concern about the difficulty in requiring EAs to observe the Code if it was not legally binding. He therefore suggested that Chapter 4 of the Code i.e. standards which C for L expected from EAs should be included in the legislative proposal.

43. PSLW explained that the Code was an administrative measure. EA were expected to comply with the Code during their operations, and as a result EAs' professional level and service quality should be enhanced. C for L might exercise his power under the relevant provisions of EO, if he was satisfied on reasonable grounds that the licensee concerned was not a fit and proper person to operate an EA, to refuse to issue or to renew, or even to revoke the EA's licence. The Code set out C for L's expectation over EAs. C for L would duly take into account EA's compliance with the Code in considering, among others, whether a particular EA was a fit and proper person to operate EA business. The Administration had proposed in this legislative amendment exercise to specify C for L's power to promulgate the Code so as to provide a legal basis for the Code.

44. In conclusion, the Chairman requested the Administration to take heed of members' concern about EAs' malpractices and problems that needed to be addressed when taking forward the legislative proposal. PSLW said that the Administration took note of members' concerns and

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views and would continue to introduce measures to suitably regulate the operation of EAs.

**V. Enforcement of labour legislation by the Labour Administration Branch of the Labour Department**  
(LC Paper Nos. CB(2)827/16-17(05) and (06))

45. Deputy Commissioner for Labour (Labour Administration) ("DC for L(LA)") briefed members on the enforcement actions taken by the Labour Administration Branch of LD to protect the statutory rights and benefits of employees under relevant labour legislation and the latest position up to 2016.

46. Members noted a background brief entitled "Enforcement of labour legislation" prepared by the LegCo Secretariat.

47. Mr Jeremy TAM sought information on the number of labour inspectors responsible for conducting workplace inspections to enforce the Minimum Wage Ordinance (Cap. 608) ("MWO").

48. DC for L(LA) advised that labour inspectors in LD's Labour Inspection Division ("LID") were responsible for the enforcement of various labour legislation, including relevant provisions under MWO, EO and the Employees' Compensation Ordinance (Cap. 282) ("ECO"). Apart from checking employers' compliance with MWO, the labour inspectors would also check employers' compliance with the compulsory employees' compensation insurance ("ECI") requirements under ECO and relevant provisions under EO for providing their employees with statutory rights and benefits, including right to timely payment of wages and statutory benefits of rest days and holidays, etc. As at 1 February 2017, there were 239 labour inspectors in LD, of whom some 190 Labour Inspectors I/II were responsible for conducting inspections.

49. Mr Jeremy TAM noted that as at end of 2016, 232 212 workplace inspections were conducted to check compliance with MWO whereas 86 063 inspections were conducted in 2016 to check compliance with the compulsory ECI requirement. He enquired about the reasons for the difference in number of the two types of inspections conducted and whether the frequency of workplace inspections could be further increased. The Chairman also sought information on the average daily inspections to workplaces conducted by a labour inspector.

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50. DC for L(LA) clarified that the 232 212 workplace inspections regarding compliance with MWO was the total number of inspections conducted from May 2011 till end of 2016 whereas the 86 063 inspections were conducted in the year of 2016 to check employers' compliance with taking out ECI. In 2016, labour inspectors carried out a total of 148 968 workplace inspections to establishments in different trades to enforce various labour laws, including, among others, investigation inspections initiated upon receipt of complaints. The annual inspection target per field labour inspector was 780. Most of the inspections to workplaces for checking EO and MWO compliance were conducted by labour inspectors in pairs so that one would check the relevant information with the employer such as wage and employment records while the other would collect information from employees. Depending on the size of individual enterprises, manpower requirement for inspections to workplaces would also be adjusted as appropriate.

51. Noting that labour inspectors had already carried out a total of 148 968 workplace inspections to establishments in different trades to enforce labour laws in 2016, the Chairman asked whether checking employers' compliance with the compulsory ECI requirement could be carried out during these inspections as well so as to optimize the manpower deployment. Mr Jeremy TAM shared a similar view.

52. Senior Labour Officer (Labour Inspection) of LD said that inspections to workplaces were conducted by Labour Inspectors I/II in two different categories of enforcement teams of LID. During the inspections to workplaces to check employers' compliance with provisions under EO and MWO, labour inspectors of the Special Enforcement Teams would have to verify wage and employment records to ensure timely payment of wages and granting of statutory benefits of rest days, statutory holidays and annual leave with pay, etc. Such inspections would need to be conducted by more experienced labour inspectors, i.e. officers of the Labour Inspector I rank. As the inspections to workplaces to check employers' compliance with the compulsory ECI requirement were less complex in nature, they would be conducted by the District Office teams comprising mainly Labour Inspectors II. Enforcement teams would also conduct inspections upon receipt of complaints and carry out further investigation into suspected offences detected during inspections.

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53. Mr Jeremy TAM said that the Administration should consider reviewing the existing manpower deployment for conducting inspections to workplaces so as to optimize the manpower resources and better protect the statutory rights and benefits of employees under relevant labour legislation. DC for L(LA) said that LD would assess from time to time the enforcement efforts for various labour legislation, including manpower resources.

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

Council Business Division 2  
Legislative Council Secretariat  
13 April 2017