

Panel on Manpower

List of issues suggested to be considered

(position as at 28 October 2016)

**Proposed timing
for discussion**

1. Review of the Employment Ordinance - the requirement of "continuous contract"

At the Panel meeting on 31 July 2013, the Administration briefed members on five possible approaches to deal with the continuous contract requirement (the so-called "4-18 requirement") under the Employment Ordinance (Cap. 57) ("EO"). The Panel passed a motion proposing the Administration to abolish the 4-18 requirement.

To be confirmed

Hon CHAN Yuen-han and Hon TANG Ka-piu proposed vide their joint letter dated 17 October 2014 (LC Paper No. CB(2)152/14-15(01)) that the Panel should follow up on the subject. The Administration advised vide LC Paper No. CB(2)383/14-15(01) on 3 December 2014 that it would revert to the Panel once it was in a position to do so.

2. Implementation of Qualifications Framework

Since the establishment of the Qualifications Framework ("QF") in 2008, at the request of members, the Administration reported to the Panel the development of QF at the meetings on 23 October 2008, 16 July 2009, 22 October 2009, 17 June 2010, 21 October 2010, 17 June 2011, 20 October 2011. The Administration subsequently advised that the Education Bureau would continue to make a report to the Panel, on a yearly basis, on the latest progress of QF implementation in the policy briefing by the Secretary for Education on the Chief Executive's Policy Address.

January 2017 (at
the policy briefing
cum meeting)

3. Review of whether medical certificates issued by chiropractors should be recognised under labour legislation

The subject was last discussed on 18 February 2014. Members were advised that no consensus was reached by the Labour Advisory Board ("LAB") on whether medical certificates issued by chiropractors should be recognized under labour legislation. Noting that the Chiropractors Council of Hong Kong ("CCHK") had set up a "Committee on Issue of Sick Leave Certificates" and a "Committee on Review of the Code of Practice" to study the formulation and drafting of guidelines for the issuance of sick leave certificates and to consider including provisions on handling medical records in their Code of Practice respectively, members agreed that pending the work progress of the two committees concerned, the Panel would revisit the issue and receive views from deputations including CCHK at a future meeting.

To be confirmed

4. Coverage of Employees' Compensation Ordinance

At the Panel meeting on 19 February 2009, Hon LEE Cheuk-yan proposed that the employee compensation for injury/death caused by accidents en route to work be discussed by the Panel.

To be confirmed

In his letter dated 10 May 2010 (LC Paper No. CB(2)1589/09-10(01)), Dr Hon PAN Pey-chyou expressed concern about the definition of occupational injury under the Employees' Compensation Ordinance (Cap. 282) ("ECO"), and whether the Ordinance would cover mental impairment arising from occupational injury.

At the Panel meeting on 10 October 2013, Dr Hon KWOK Ka-ki suggested that the Panel should also discuss the assessment criteria for the compensation payable under ECO to employees who were injured arising out of and in the course of their employment.

5. Implementation of the Protection of Wages on Insolvency (Amendment) Ordinance 2012

During the deliberations of the Bills Committee on Protection of Wages on Insolvency (Amendment) Bill 2011, the Administration informed the Bills Committee that the Protection of Wages on Insolvency Fund ("PWIF") Board had agreed to conduct a review one year after the implementation of the Bill on the coverage of PWIF in respect of pay for untaken annual leave, pay for untaken statutory holidays and the payment ceiling of \$10,500. In response to members' suggestions at the Panel meeting on 19 February 2013, the PWIF Board undertook to review other existing items, viz wages, wages in lieu of notice and severance payment, in the same review which commenced in the second half of 2013. The outcome of the review would be reported to the Panel at an appropriate time.

To be confirmed

The Administration advised that it would report to the Panel on the outcome of the review on the coverage of existing ex gratia payment items under PWIF after the Fund Board and LAB had completed deliberation on the subject.

6. Rehabilitation services for injured employees

Hon LEE Cheuk-yan suggested that the Panel should discuss rehabilitation services for injured employees in future having regard to a past proposal that insurers should consider providing financial assistance to the Hospital Authority for strengthening its rehabilitation services for injured employees to avoid any possible conflict of interest of the rehabilitation service providers appointed by insurers.

To be confirmed

At the Panel meeting on 10 October 2013, Dr Hon KWOK Ka-ki suggested that the scope of the discussion should be extended to cover making the provision of rehabilitation services mandatory.

**Proposed timing
for discussion**

7. Government policy relating to the outsourcing of service contracts

When discussing the subject of the Government policy relating to the outsourcing of service contracts at the Panel meeting on 21 April 2015, it was suggested that the Administration should conduct a comprehensive review of the policy and revert to the Panel on the outcome in due course.

To be confirmed

At the Panel meeting on 19 January 2016, Hon LEE Cheuk-yan suggested that the subject should be discussed as soon as practicable and that in addition to the Labour and Welfare Bureau and the Financial Services and the Treasury Bureau, representatives of the four major procuring departments in the Government, including the Leisure and Cultural Services Department, the Food and Environmental Hygiene Department, the Housing Department and the Government Property Agency, be invited to join the discussion.

8. Scope of application of Section 43C of Employment Ordinance

In their joint letter dated 18 October 2012, Hon TANG Ka-piu and Hon KWOK Wai-keung proposed that the issue on expanding the scope of application of Section 43C of EO concerning the liability of a principal contractor and superior sub-contractor(s) to pay wages of employees of sub-contractors be discussed by the Panel.

To be confirmed

At the Panel meeting on 19 January 2016, Mr TANG proposed that the Panel should follow up with the Administration on the issue at a Panel meeting.

9. Importing live-in domestic workers from the Mainland

At the Panel meeting on 18 June 2013, Hon SIN Chung-kai suggested that the Administration's policy on the restriction on importing live-in domestic workers from the Mainland should be discussed by the Panel.

To be confirmed

**Proposed timing
for discussion**

10. Manpower requirement projection

At the Panel meetings on 17 November 2015 and 19 January 2016, Dr Hon CHIANG Lai-wan suggested that the Panel should discuss manpower requirement projection in respect of specific trades and industries in light of the potential business and job opportunities stemming from the implementation of the Belt and Road Initiative, so as to facilitate the younger generation in career planning.

To be confirmed

11. Review of statutory paternity leave

At the Panel meeting on 17 May 2016, the Administration advised that upon completion of the review of statutory paternity leave ("PL"), it would report the outcome and recommendations on the future direction of statutory PL to LAB and then the Panel.

First half of 2017