

Panel on Manpower

List of outstanding items for discussion
(position as at 17 February 2017)

**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.

At the meeting between the Chairman, the Deputy Chairman and the Secretary for Labour and Welfare to discuss the work plan of the Panel for the 2016-2017 session ("the work plan meeting") held on 4 November 2016, the Administration was requested to update members on the latest progress of the deliberation of the Labour Advisory Board ("LAB") on the subject.

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

To be confirmed

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for discussion**

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.

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 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

At the work plan meeting on 4 November 2016, the Administration was requested to provide an update on the progress of the subject.

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.

At the work plan meeting on 4 November 2016, the Chairman suggested discussing whether and how the Labour Department ("LD") should be empowered in handling disputes between employees and employers over work injury compensation claims. The Administration advised that it would need to examine the extent of the problem before it could revert to the Panel. The Chairman also proposed that the types of injuries as specified in Schedule 1 to ECO and the assessment criteria for determining the compensation payable to employees concerned be discussed by the Panel.

In his letter dated 2 December 2016 (LC Paper No. CB(2)316/16-17(01)), Mr LUK Chung-hung suggested the Panel to discuss, among others, issues relating to the coverage of ECO.

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

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2017

at an appropriate time.

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.

At the work plan meeting on 4 November 2016, the Administration was requested to provide an information paper on the latest progress of the review, including the financial position of PWIF.

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.

At the work plan meeting on 4 November 2016, the Administration agreed to address the concerns when reporting to the Panel on the occupational disease and occupational health situation (item 18 below).

7. 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

To be confirmed

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contractor and superior sub-contractor(s) to pay wages of employees of sub-contractors be discussed by the Panel.

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.

8. 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

9. Review of the implementation 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.

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Hon HO Kai-ming, Hon KWOK Wai-keung and Hon LUK Chung-hung had written in vide a joint letter dated 20 October 2016 (LC Paper No. CB(2)68/16-17(01)) suggesting the Panel to discuss the implementation of PL.

At the Panel meeting on 28 October 2016, Dr Hon Helena WONG called on the Administration to expedite the relevant work and took the view that the Panel should discuss the subject as soon as practicable.

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10. Review of statutory maternity leave

At the Panel meeting on 28 October 2016, Dr Hon Helena WONG suggested that the Administration should conduct a review on statutory maternity leave ("ML"), having regard to the fact that the provision of 10-week statutory ML had not been reviewed for several decades.

To be confirmed

11. Provision of retraining allowance for attending courses of Employees Retraining Board

At the Panel meeting on 28 October 2016, Hon Michael TIEN raised concern about the non-provision of retraining allowance for attendees of half-day courses of Employees Retraining Board and suggested that the Panel should discuss the subject.

To be confirmed

At the work plan meeting 4 November 2016, the Administration agreed to relay members' concerns to ERB and would revert to the Panel in due course.

12. Unleashing labour force

At the Panel meeting on 28 October 2016, Dr Hon Helena WONG suggested that the Panel should discuss the measures taken by the Administration to unleash female labour force, in particular the provision of child care services. Hon SHIU Ka-chun suggested discussing the effectiveness of the Youth Employment and Training Programme. Dr Hon Fernando CHEUNG also proposed the Panel to follow up on the effectiveness of relevant measures taken by the Administration to promote the employment of persons with disabilities.

To be confirmed

At the work plan meeting on 4 November 2016, it was agreed that the above issues could be considered in the context of population policy to tackle the demographic challenges. The Administration advised that it would commission a consultancy study on strategies for the long-term development of child care services, and would revert to the Panel and/or the Panel on Welfare Services as

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appropriate.

13. Review of the Work Incentive Transport Subsidy Scheme

The Panel discussed the findings of the review of the Work Incentive Transport Subsidy ("WITS") Scheme and received views from deputations at its meeting on 21 June 2016.

To be confirmed

At the Panel meeting on 28 October 2016, Hon Michael TIEN expressed concern about the effectiveness of the WITS Scheme and suggested that the Panel should discuss the review findings of the Scheme.

At the work plan meeting on 4 November 2016, the Administration advised that it would conduct an overall policy review of the Low-income Working Family Allowance ("LIFA") Scheme one year after its implementation (i.e. in mid-2017) and critically examine interface issues between the LIFA and WITS Schemes, and any major changes to the WITS Scheme would be carefully considered in the context of the above review.

14. Manpower shortage for elderly care services

At the Panel meeting on 28 October 2016, Hon Michael TIEN suggested that the Panel should discuss the problem of manpower shortage for elderly care services.

To be confirmed

Hon SHIU Ka-chun also proposed to discuss the effectiveness of the Youth Career Navigation Scheme in Elderly Services pilot scheme launched by the Social Welfare Department.

At the work plan meeting on 4 November 2016, the Administration advised that the manpower provision for elderly care services had been taken into account in the formulation of the Elderly Services Programme Plan.

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15. Major findings of the 2016 Annual Earnings and Hours Survey

The Administration intends to brief the Panel on the major findings of the 2016 Annual Earnings and Hours Survey.

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16. Hong Kong's occupational safety performance in 2016

The Administration intends to brief the Panel on Hong Kong's occupational safety performance in 2016.

First half of 2017

17. Occupational disease and occupational health situation in 2016

The Administration intends to brief the Panel on the occupational disease and occupational health situation in Hong Kong in 2016.

First half of 2017

18. Standard working hours

At the work plan meeting on 4 November 2016, the Chairman suggested that the Panel should discuss the subject of standard working hours. The Administration advised that upon receipt of the report from the Standard Working Hours Committee, the Government would carefully consider the recommendations therein and undertake the follow-up work as appropriate.

To be confirmed

19. Arrangement of offsetting severance payments and long service payments against Mandatory Provident Fund accrued benefits

At the work plan meeting on 4 November 2016, the Chairman suggested that the Panel should discuss the arrangement of offsetting severance payments and long service payments against Mandatory Provident Fund (MPF) accrued benefits.

To be confirmed

At the Panel meeting on 23 January 2017, members were

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provided information on the Government's proposal of progressively abolishing the "offsetting" arrangement as announced in the Chief Executive's Policy Address 2017. Members were advised that the Government would engage the business and labour sectors, MPF trustees and relevant advisory boards in thorough discussions on the proposal in the following three months with the aim of reverting to the Executive Council for decision on the finalized proposal before end June 2017.

20. Establishment of a central compensation insurance fund

At the work plan meeting on 4 November 2016, the Chairman suggested discussing establishment of a central compensation insurance fund, having regard to the high premium rates under the Employees' Compensation Insurance Residual Scheme.

To be confirmed

In his letter dated 2 December 2016 (LC Paper No. CB(2)316/16-17(01)), Mr LUK Chung-hung suggested the Panel to discuss, among others, issues relating to the establishment of a central compensation insurance fund.