

Panel on Manpower

List of outstanding items for discussion
(position as at 10 January 2018)

**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.

Second quarter of
2018

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 ("the work plan meeting") for the 2017-2018 session held on 6 November 2017, the Administration undertook to update members on the latest progress of the deliberation of the Labour Advisory Board ("LAB") on the subject.

2. Implementation of Hong Kong Qualifications Framework

Since the establishment of the Hong Kong Qualifications Framework ("HKQF") 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

To be confirmed

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subsequently advised that the Education Bureau would continue to make a report to the Panel, on a yearly basis, on the latest progress of HKQF implementation in the policy briefing by the Secretary for Education on the Chief Executive ("CE")'s Policy Address.

3. Review of whether medical certificates issued by chiropractors should be recognized 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 for the 2016-2017 session 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.

In his letter dated 2 December 2016 (LC Paper No. CB(2)316/16-17(01)), Hon 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 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.

At the work plan meeting for the 2016-2017 session on 4 November 2016, the Administration was requested to provide an information paper on the latest progress of the

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review, including the financial position of PWIF. The requisite information provided by the Administration was circulated vide LC Paper No. CB(2)1980/16-17(01) on 31 July 2017.

6. 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.

7. 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

At the Panel meeting on 12 October 2017, Hon HO Kai-ming suggested that the Panel should follow up the subject in the 2017-2018 session. Dr CHIANG Lai-wan suggested that the Panel should also discuss the need for importation of labour under the Supplementary Labour Scheme for specific trades and industries in the context of manpower requirement projection.

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8. 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 ("ERB") and suggested that the Panel should discuss the subject.

To be confirmed

At the work plan meeting for the 2016-2017 session on 4 November 2016, the Administration agreed to relay members' concerns to ERB and would revert to the Panel in due course.

9. 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.

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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 appropriate.

At the Panel meeting on 18 July 2017, members noted a referral from the Public Complaints Office on issues relating to support measures for elderly employment [LC Paper No. CB(2)1890/16-17(01)] and agreed that the subject be included in the Panel's "List of outstanding items for discussion".

At the Panel meeting on 12 October 2017, Hon HO Kai-ming suggested that the Panel should follow up the subject. Mr SHIU Ka-chun suggested at the same meeting that the Panel should discuss the specific measures to be taken by the Administration to unleash female working potential as stated in the CE's 2017 Policy Address.

The Administration will brief the Panel on the latest development in the employment services of the Labour Department ("LD") at the meeting on 16 January 2018.

10. 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.

At the Panel meeting on 12 October 2017, Hon Michael TIEN proposed that the Panel should discuss the implementation of the WITS Scheme, in particular the modes of subsidy.

The Panel on Welfare Services discussed the enhancements to the LIFA Scheme (to be renamed as the

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Working Family Allowance Scheme) and the relevant arrangements for the WITS Scheme at its meeting on 13 November 2017. Members of the Panel on Manpower were invited to join the discussion.

11. 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 meetings on 28 October 2016 and 12 October 2017.

At the work plan meeting for the 2016-2017 session 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. The Plan was endorsed by the Elderly Commission on 23 June 2017 and has been submitted to the Government.

At the Panel meeting on 12 October 2017, members expressed various concerns about the Administration's proposal to consider the possibility of allowing subsidized units of elderly and rehabilitation services greater flexibility in importing care workers as stated in the CE's 2017 Policy Address. Members agreed that the subject should be followed up by the Panel.

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

At the work plan meeting for the 2016-2017 session on 4 November 2016, the Chairman suggested that the Panel should discuss the arrangement of offsetting severance payments and long service payments against Mandatory

To be confirmed

Provident Fund ("MPF") accrued benefits.

At the Panel meeting on 23 January 2017, members were provided information on the Administration's proposal of progressively abolishing the "offsetting" arrangement as announced in the CE's Policy Address 2017 ("the Administration's proposal").

At the Panel meeting on 16 May 2017, members were advised that the subject would be followed up by the Subcommittee on Retirement Protection formed under the House Committee. The Subcommittee discussed and received views from deputations on the Administration's proposal at its meeting on 24 June 2017. No consensus was however reached between the labour and the business sectors on the Administration's proposal before the end of the last-term Government.

In her Policy Address announced on 11 October 2017, CE of the current-term Government said that the Administration hoped to come up with a proposal that takes into account the interests of both the labour and business sector in the coming months.

At the Panel meeting on 21 November 2017, members noted and had no in-principle objection to LD's proposal to create a Chief Labour Officer post to assist in the various duties in relation to the abolition of the MPF "offsetting" arrangement.

At the Panel meeting on 19 December 2017, members were advised that there were some complicated technical issues involved in the proposal that needed to be resolved. The Administration would revert to the Panel on a finalized proposal as soon as practicable.

13. Alignment of statutory holidays with general holidays

Item proposed by Dr Hon CHIANG Lai-wan at the Panel meeting on 20 June 2017.

To be confirmed

At the Panel meeting on 12 October 2017, Hon HO

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Kai-ming suggested that the Panel should follow up the subject as soon as practicable.

14. Standard working hours

At the Panel meeting on 12 October 2017, Dr Hon KWOK Ka-ki suggested that the Panel should follow up with the new term Government on the subject of standard working hours.

To be confirmed

15. Review on the level of penalty under the occupational safety and health legislation

Item proposed by Hon HO Kai-ming at the Panel meeting on 12 October 2017.

To be confirmed

At the Panel meeting on 19 December 2017, the Administration reverted to the Panel on the subject in the context of the item on Hong Kong's occupational safety performance in the first half of 2017. Members were advised that LD was reviewing the penalty levels of occupational safety and health legislation in full swing. LD considered that it was necessary to look into some new approaches, such as considering whether it was appropriate to increase the maximum fines by pegging them with the financial means of the convicted, and aimed to complete the review as soon as possible. LD would consult the Legislative Council in due course.

16. Employment of foreign domestic helpers

Hon Michael TIEN proposed at the Panel meeting on 12 October 2017 that the subject on employment of foreign domestic helpers ("FDHs"), including the introduction of a probation period for newly-recruited FDHs and charging of employment agency fees, should be discussed by the Panel.

To be confirmed

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17. Protection of employees of outsourced service contractors

In his letter dated 7 June 2017 (LC Paper No. CB(2)1611/16-17(01)), Hon LUK Chung-hung proposed the Panel to discuss issues relating to outsourcing government services and the rights and benefits of workers engaged by government service contractors. Separately, on 17 October 2017 the Panel received a referral from the Public Complaints Office on the subject matter (LC Paper No. CB(2)90/17-18(01)). The Panel Chairman instructed that the subject be included in the Panel's list of outstanding item for discussion.

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2018

At the work plan meeting for the 2017-2018 session on 6 November 2017, the Labour and Welfare Bureau was requested to liaise with the Financial Services and the Treasury Bureau, and 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, in respect of strengthening the protection of non-skilled workers in outsourced service contracts under EO and the standard employment contract for non-skilled workers and revert to the Panel on the subject in due course.

The Administration's response to a joint letter dated 1 November 2017 (LC Paper No. CB(2)312/17-18(01)) from Dr Hon KWOK Ka-ki and Hon Jeremy TAM concerning the employment entitlements of workers engaged by government service contractors was circulated to members vide LC Paper No. CB(2)509/17-18 on 12 December 2017.

18. Occupational disease and occupational health situation in 2017

The Administration intends to brief the Panel on the occupational disease and occupational health situation in 2017.

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19. Major findings of the 2017 Annual Earnings and Hours Survey

The Administration intends to brief the Panel on the major findings of the 2017 Annual Earnings and Hours Survey.

April 2018

20. Drawing up a talent list

The Administration intends to brief the Panel on drawing up a talent list to attract high-quality talent to support Hong Kong's development as a high value-added and diversified economy in connection with the population policy initiatives announced in the 2015 Policy Address.

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2018

21. Enforcement of labour legislation by the Labour Administration Branch of the Labour Department

The Administration intends to brief the Panel on the enforcement of labour legislation by the Labour Administration Branch of LD in 2017.

First half of 2018

22. Rehabilitation services for injured employees

At the Panel meeting on 21 November 2017, Dr Hon KWOK Ka-ki proposed that the Panel should discuss rehabilitation services for employees who sustained work injuries in the 2017-2018 session.

To be confirmed

In their joint letter dated 1 December 2017 (LC Paper No. CB(2)457/17-18(01)), Hon LEUNG Yiu-chung, Dr Hon KWOK Ka-ki, Dr Hon Fernando CHEUNG and Hon Jeremy TAM suggesting the Panel to discuss the arrangement and support for rehabilitation services for employees who sustained work injuries.