



Labour Department (Headquarters)

勞工處 (總處)

Your reference 來函編號 : CB2/PL/MP

Our reference 本處檔案編號 :

Tel. number 電話號碼 : 2852 3633

Fax number 傳真機號碼 : 3101 1018

17 April 2018

Miss Betty Ma
Clerk to Panel on Manpower
Legislative Council
Legislative Council Complex
1 Legislative Council Road
Central
Hong Kong

Dear Miss Ma,

Panel on Manpower

Letters from members

Referring to the two letters from Members enclosed in your letter to the Secretary for Labour and Welfare dated 21 March 2018, I am authorised to reply as follows:

Letter of 7 March 2018 from Dr Hon Kwok Ka-ki concerning employees exercising trade union rights

The Labour Department (LD) has been closely monitoring the employment issue of the four bus drivers of the Kowloon Motor Bus Co. (1933) Ltd. (KMB). LD maintains contact with the KMB management and the bus drivers concerned from time to time, and would offer conciliation service where necessary. We are aware of the fact that the KMB management has already decided to resume the duties of the bus drivers concerned. LD will continue to keep in view the development of the case and maintain contact with the employees and the management.

The rights of employees to trade union membership and to take part in the activities of trade unions are duly protected under the Employment Ordinance (EO). It is a criminal act if an employer or any person acting on his/her behalf deters an employee from exercising such rights, or dismisses, penalises or otherwise discriminates against an employee by reason of his/her exercising such rights. An employee can make a claim for remedies against his/her employer under EO if he/she is unreasonably and unlawfully dismissed (including being dismissed for joining a trade union and taking part in its activities) by the employer.

Regarding the Employment (Amendment) Bill 2017, the Government consulted the Labour Advisory Board (LAB) on 14 March 2018 on the Committee Stage amendments proposed by Dr Hon Fernando Cheung Chiu-hung and will consider the views of LAB in deciding the next step.

Joint letter of 13 March 2018 from Hon Jeremy Tam Man-ho, Dr Hon Kwok Ka-ki, Hon Tanya Chan and Hon Alvin Yeung regarding regulation of working hours of professional drivers

The Transport Department has drawn up the Guidelines on Bus Captain Working Hours, Rest Times and Meal Breaks and the Guidelines on Working Hours of Green Minibus Drivers respectively for franchised buses and green minibuses to regulate the working hours, rest times and meal breaks of these professional drivers.

Besides, LD has all along been very concerned about the working hours and occupational safety and health of employees. We have been proactively encouraging employers (including various operating companies of public transport) to adopt employee-oriented and good human resource management practices and to offer employment terms that are commensurate with the prevailing market level. We will continue to promote employers' adoption of appropriate employment practices including working hours arrangements for their employees.

Yours sincerely,



(Ms Queenie Wong)
for Commissioner for Labour

c.c. Secretary for Labour and Welfare (Attn: Mr Nicholas Chan)
Commissioner for Transport (Attn: Mr Keke Leung)