



LABOUR DEPARTMENT (Headquarters)

勞工處（總處）

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Chairperson
Establishment Subcommittee
Legislative Council
Legislative Council Complex
1 Legislative Council Road
Central, Hong Kong
(Attn: Ms Connie SZETO
Clerk to the Establishment Subcommittee)

24 December 2018

Dear Ms SZETO,

**Follow-up issues of the meeting of
the Establishment Subcommittee held on 5 December 2018**

On 5 December 2018, the Establishment Subcommittee of the Legislative Council (LegCo) continued its discussion on the creation of one permanent post of Chief Labour Officer in the Labour Department (LD) for the purpose of taking up the various new tasks in relation to the abolition of the “offsetting” of severance payment and long service payment with employers’ mandatory contributions under the Mandatory Provident Fund System. At the meeting, Members requested the Government to provide supplementary information. Our reply is as follows -

- (a) Details of the time-limited posts currently created in the Labour Officer Grade in LD and their distribution, including the correlation between these time-limited posts and the Assistant Labour Officer II posts being left unfilled for a long period of time**

Under the existing establishment, there are a total of around 530 posts in the Labour Officer Grade in LD, of which about 30 are time-limited posts. The distribution of these time-limited posts by rank is as follows: one Chief Labour Officer, one Senior Labour Officer, 10 Labour Officers, 11 Assistant Labour Officers I, seven Assistant Labour Officers II, including two Assistant Labour Officer II posts yet to be created. Creation of these posts needs to take into account the current and expected natural wastage of the grade (such as the known number of retirees and outgoing staff).

The majority of the above-mentioned time-limited posts are created for undertaking work related to the standard working hours policy and the importation of workers in the construction sector. There are also some posts created for coping with tasks requiring immediate attention, such as specified employment services, handling of complaints of alleged exploitation of foreign domestic helpers, etc.

As explained in our written supplementary information submitted to the Establishment Subcommittee on 30 November 2018, since these time-limited posts would need to be deleted after completion of the tasks, they could only be filled through internal deployment of existing staff, hence restricting the room for filling the vacancies.

(b) As suggested by the information provided by the Government, the number of vacancies at the rank of the Assistant Labour Officer II accounts for about 15% of the total number of posts of the rank, how the vacancy situation of the relevant posts could be improved after the creation of the proposed permanent post, including the anticipated reduction in the vacancy rate

The permanent post of Chief Labour Officer proposed to be created is dedicated to the handling of the various new tasks related to the abolition of the "offsetting". The concerned tasks are long-term in nature and we therefore propose that the post be created as a permanent post. Before proposing to create a permanent post to meet operational needs, we generally only need to consider whether the concerned work is permanent in nature. We need not consider the wastage situation of the concerned Grade in the relevant year for the purpose of tying in with the recruitment of staff as in the creation of time-limited posts.

(c) Given Members' concerns, whether the Government would consider creating a supernumerary post for the proposed post

In creating a post, the Government considers mainly the operational needs of the department when deciding whether the post should be a permanent or a time-limited one. If the work to be undertaken is permanent and sustaining in nature, a permanent post is generally created; while time-limited posts are mainly for handling work of short duration or with a completion date, such as public works projects.

Regarding the current proposal, as the Government explained in its submission to the Establishment Subcommittee vide EC(2018-19)16 and in the meetings of 21 November 2018 and 5 December 2018, the abolition of the "offsetting" is a new and long-term task. At the early preparatory stage, we need to handle the highly complicated and controversial legislative amendments and to thrash out the implementation framework and execution details. At the implementation stage thereafter, extensive and long-term monitoring work would be involved. We have to point out that the designated saving account under the arrangements for abolishing the "offsetting" is a long-term measure. Its operational arrangements would need to be reviewed from time to time and be suitably adjusted in the light of the implementation experience in future. The Government subsidy will run for 25 years and will also be reviewed five years after operation. Besides, handling of the labour relations issues which may arise after the abolition of the "offsetting" is a long-term and on-going strategic task.

In view of the above, the post-abolition implementation work has to be woven into the preparatory work at the early stage to ensure that the execution details agreed with various stakeholders can be fully implemented and smoothly operated. Having regard to the long-term nature of these new tasks, the Chief Labour Officer post must be created as a permanent post. The creation of a supernumerary post is not appropriate.

Yours sincerely,



(Ms Melody LUK)

for Commissioner for Labour