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### Replies to initial written questions raised by Finance Committee Members in examining the Estimates of Expenditure 2019-20

Director of Bureau : Secretary for Labour and Welfare

Session No. : 21

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**CONTROLLING OFFICER'S REPLY**

**S-LWB(L)01**

**(Question Serial No. SV022)**

Head: (90) Labour Department

Subhead (No. & title): ( )

Programme: (3) Safety and Health at Work

Controlling Officer: Commissioner for Labour (Carlson CHAN)

Director of Bureau: Secretary for Labour and Welfare

Question:

This is a follow-up question on Question Serial No. LWB(L)017:

The number of occupational injuries related to real estate industry in the first 3 quarters of 2018 was 1 780. Please provide the case details, including type of accidents and cause of accidents.

Asked by: Hon TSE Wai-chuen, Tony (LegCo internal reference no.:)

Reply:

A breakdown of the number of occupational injuries in the real estate industry in the first 3 quarters of 2018 by type of accidents is provided at Annex. The Labour Department does not keep a breakdown of the relevant cases by cause of accidents.

**Occupational injuries in the real estate industry  
in the first 3 quarters of 2018 by type of accidents**

<b>Type of accidents</b>	<b>First 3 quarters of 2018</b>
Slip, trip or fall on same level	902
Injured whilst lifting or carrying	182
Striking against fixed or stationary object	132
Striking against or struck by moving object	93
Trapped in or between objects	64
Injured in workplace violence	54
Struck by moving vehicle	54
Fall of person from height	38
Injured by animal	33
Injured by hand tool	28
Struck by falling object	24
Contact with hot surface or substance	19
Stepping on object	9
Exposure to or contact with harmful substance	7
Contact with moving machinery or object being machined	5
Trapped by collapsing or overturning object	5
Contact with electricity or electric discharge	2
Others	129
<b>Total</b>	<b>1 780</b>

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**CONTROLLING OFFICER'S REPLY**

**S-LWB(L)02**

**(Question Serial No. S0114)**

Head: (90) Labour Department  
Subhead (No. & title): Not Specified  
Programme: (2) Employment Services  
Controlling Officer: Commissioner for Labour (Carlson CHAN)  
Director of Bureau: Secretary for Labour and Welfare

Question:

Further to Reply Serial No. LWB(L)001:

- (a) Under the Employment Programme for the Elderly and Middle-aged (EPEM) (known as the Employment Programme for the Middle-aged before September 2018), the Government provides on-the-job training allowance to employers who engage elderly and middle-aged employees on a full-time or part-time basis. In this regard, what were the total amount of allowance granted by the Government in the past 3 years and the expenditure involved?
- (b) Has the Government compiled statistics on the employment period of employees under EPEM to prevent employers from hiring middle-aged and elderly persons as casual workers in order to get the allowance, leading to worsening labour conditions?

Asked by: Hon AU Nok-hin (LegCo internal reference no.: )

Reply:

The information sought is provided as follows:

- (a) The amount of on-the-job training allowance granted under EPEM and the expenditure for the Programme from 2016-17 to 2018-19 are provided at Annex 1 and Annex 2 respectively. The Labour Department (LD) actively invites employers of each placement case eligible for joining EPEM to apply for on-the-job training allowance. However, some employers did not apply for the allowance probably due to various reasons, such as they chose to absorb the training costs by their own resources.
- (b) LD conducts surveys regularly to find out the retention status of those placed into employment under EPEM. According to the surveys conducted up to October 2018, among the employees who have received on-the-job training under the Programme, about 79% of the cases recorded a retention period of 4 months or above and 65%

stayed in employment for 6 months or more. For those cases with short retention periods, a considerable number of them involved job seekers leaving employment early due to finding other jobs or for personal reasons such as health or family reasons. Under the requirements of EPEM, employers have to undertake not to displace existing staff of the same position with the newly placed employee. In case the employment ends before completion of the on-the-job training period, no on-the-job training allowance will be granted if the training period undergone by the employee is less than 1 month. LD will examine each on-the-job training allowance application received, and regularly contact employers and employees to ensure that the employers comply with the requirements under EPEM and other relevant legislation. If the employers fail to comply with the requirements under EPEM and other relevant legislation, LD may reject their applications for training allowance.

**Amount of on-the-job training allowance granted under EPEM  
from 2016-17 to 2018-19**

Year	Amount (\$million)
2016-17	2.9
2017-18	3.1
2018-19 (up to February 2019)	2.8
Total	8.8

**Expenditure for EPEM from 2016-17 to 2018-19**

Year	Amount (\$million)
2016-17	3.1
2017-18	3.3
2018-19 (up to February 2019)	3.6
Total	10.0

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**CONTROLLING OFFICER'S REPLY****S-LWB(L)03****(Question Serial No. S0130)**Head: (90) Labour DepartmentSubhead (No. & title): ( )Programme: (2) Employment ServicesControlling Officer: Commissioner for Labour (Carlson CHAN)Director of Bureau: Secretary for Labour and WelfareQuestion:

To further strengthen the regulation of employment agencies (EAs) to combat exploitation of job seekers, in particular foreign domestic helpers, the Employment (Amendment) Ordinance 2018 (the Ordinance) has imposed more stringent requirements for EAs. There are, however, views that the resources and manpower of the Employment Agencies Administration (EAA) of the Labour Department (LD) responsible for the enforcement of the Ordinance are inadequate for effective law enforcement. In this connection, please provide the following information:

- (a) the current number of EAs subject to regulation in Hong Kong;
- (b) the numbers of proactive inspections of EAs and enforcement actions taken by LD, and the numbers of inspections and enforcement actions undertaken on receipt of complaints or information in each of the past 5 years;

	2014-2015		2015-2016		2016-2017		2017-2018		2018-2019	
	No. of EAs inspected	No. of enforcement actions taken	No. of EAs inspected	No. of enforcement actions taken	No. of EAs inspected	No. of enforcement actions taken	No. of EAs inspected	No. of enforcement actions taken	No. of EAs inspected	No. of enforcement actions taken
Proactive inspections by LD										
Inspections undertaken on receipt of complaints or information										
Total										



- (c) the complaint handling procedures and the performance pledges or indicators of LD on receipt of complaints about non-compliance with or breach of laws by EAs; if there are no prescribed procedures, performance pledges or indicators, what are the reasons;
- (d) the annual financial provision and staff establishment of EAA for enforcing the Employment Ordinance (EO), the Employment Agency Regulations (EAR) and the Code of Practice for Employment Agencies (the Code) since 2016-17;
- (e) whether the relevant department has reviewed the adequacy of manpower and resources of EAA for the effective enforcement of all relevant ordinances; if not, will reviews be conducted to ensure adequate manpower and resources for law enforcement; if yes, when were the reviews conducted and what were the results; and
- (f) the reasons for a 23.5% decrease in financial provision for “Employment Services” as compared with last year’s estimate.

Asked by: Hon KWOK Wing-hang, Dennis (LegCo internal reference no.: )

Reply:

The information sought is provided as follows:

- (a) Up to the end of February 2019, there were 3 107 EAs in Hong Kong.
- (b) The figures on inspections of EAs and successful prosecutions taken out against EAs by EAA of LD for law enforcement from 2014 to 2018 are set out at Annex 1.
- (c) On receipt of complaints against EAs, EAA will initiate investigation promptly in accordance with the established guidelines and procedures and having regard to the circumstances of each case. This includes conducting interviews with complainants to take statements, obtaining case information from persons or organisations concerned, and making inquiries to EA licensees and their associates and seizing records. LD will take out prosecution if there is sufficient evidence to prove that an EA has breached the law. If an EA has not complied with the Code, LD may revoke or refuse to issue or renew its licence, or issue warnings for rectification of the irregularities detected.
- (d) The expenditure (excluding staff cost) and staff establishment of EAA for enforcing Part XII of EO, EAR and the Code as well as other related work from 2016-17 to 2019-20 are set out at Annex 2.
- (e) To deal with the work on regulation of EAs, LD conducts timely reviews on the manpower and resource arrangements of EAA, makes adjustments according to operational needs, and bids for additional resources in accordance with the established procedures when necessary.
- (f) The estimate under the Employment Services Programme for 2019-20 is \$221.8 million (23.5%) lower than the original estimate for 2018-19. This is mainly due to decreased non-recurrent cash flow requirement for the Work Incentive Transport

Subsidy (WITS) Scheme following the takeover of the administration of the individual-based WITS by the Working Family and Student Financial Assistance Agency from 1 April 2019, and decreased expenditure on personal emoluments arising from the deletion of the related posts.

**Figures on inspections of EAs and successful prosecutions taken out  
against EAs by EAA of LD from 2014 to 2018**

	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
<b>No. of inspections of EAs*</b>	1 806	1 803	1 816	1 846	2 019
<b>No. of EAs against which successful prosecutions were taken out*</b>	4	12	8	11	10

\* LD does not keep breakdowns of proactive inspections and prosecutions and those undertaken on receipt of complaints or information.

**Expenditure and staff establishment of EAA of LD from 2016-17 to 2019-20**

	<b>2016-17</b>	<b>2017-18</b>	<b>2018-19</b>	<b>2019-20</b>
Expenditure (\$'000) (excluding staff cost)	3,310	2,720	4,200 (Revised estimate)	5,440 (Estimate)
No. of Labour Officer Grade staff	15*	15	21#	25
No. of Clerical Grade staff	6	6	8	8

\* Including 1 post on loan temporarily from another division. The post was replaced by a permanent post in 2017-18.

# Including 1 permanent Assistant Labour Officer I post created in April 2018, which was offset by the deletion of 2 permanent Assistant Labour Officer II posts.

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