

# **立法會**

## ***Legislative Council***

LC Paper No. CB(2)786/18-19

(These minutes have been seen  
by the Administration)

Ref : CB2/PL/MP

### **Panel on Manpower**

#### **Minutes of meeting**

**held on Tuesday, 18 December 2018, at 2:30 pm  
in Conference Room 2 of the Legislative Council Complex**

**Members present** : Dr Hon Fernando CHEUNG Chiu-hung (Chairman)  
Hon HO Kai-ming (Deputy Chairman)

Hon Starry LEE Wai-king, SBS, JP

Hon WONG Kwok-kin, SBS, JP

Hon Frankie YICK Chi-ming, SBS, JP

Hon YIU Si-wing, BBS

Dr Hon KWOK Ka-ki

Hon KWOK Wai-keung, JP

Hon POON Siu-ping, BBS, MH

Dr Hon CHIANG Lai-wan, SBS, JP

Hon CHUNG Kwok-pan

Hon CHU Hoi-dick

Hon SHIU Ka-fai

Hon SHIU Ka-chun

Hon LUK Chung-hung, JP

Hon Jeremy TAM Man-ho

Hon AU Nok-hin

**Members attending** : Hon Tommy CHEUNG Yu-yan, GBS, JP  
Hon Alice MAK Mei-kuen, BBS, JP

Dr Hon Helena WONG Pik-wan

Dr Hon Elizabeth QUAT, BBS, JP

Hon HUI Chi-fung

**Members  
absent** : Hon LEUNG Yiu-chung  
Hon Andrew WAN Siu-kin  
Hon Jimmy NG Wing-ka, JP  
Dr Hon Pierre CHAN  
Hon Vincent CHENG Wing-shun, MH

**Public Officers  
attending** : Item IV

Dr LAW Chi-kwong, GBS, JP  
Secretary for Labour and Welfare

Mr Carlson CHAN Ka-shun, JP  
Commissioner for Labour

Ms Melody LUK Wai-ling, JP  
Assistant Commissioner for Labour (Labour Relations)

Item V

Miss Mabel LI Po-yi, JP  
Deputy Commissioner for Labour (Labour Administration)

Mr Simon LI Chi-chung  
Assistant Commissioner for Labour  
(Employees' Rights & Benefits)

Ms Kate TAM Wing-tsz  
Senior Labour Officer (Employees' Compensation Division)  
(Central Services Section 1)  
Labour Department

Miss Christine BUT Wing-tung  
Senior Labour Officer (Employees' Compensation Division)  
(Central Services Section 2)  
Labour Department

**Attendance  
by invitation** : Item IV

Individual

Mr LAM Siu-pan

The Democratic Party

Miss LAI Po-kwai  
Community officer

Hong Kong Catering Industry Association

Mr Jonathan LEUNG  
Spokesman

Association of Restaurant Managers

Mr Tony TAM  
Vice Chairman

Institution of Dining Art

Mr Edwin KAM  
Vice Chairman

Government Frontline Employee Union

Miss LAU Fung-ching  
Committee Member

Individual

Mr LEUNG Kwok-hung

Liberal Party

Ms 曾卓兒

The Federation of Hong Kong & Kowloon Labour Union

Ms LEE Sau-king  
Woman Affairs Committee Officer

政府前線僱員總會第一標準薪級員工分會

Ms CHAU Ling-wah

The Civic Party

Miss Leticia WONG Man-huen  
District Developer of the New Territories East

The Hong Kong Federation of Trade Unions

Mr FUNG Pui-yin

Labour Party

Mr KWOK Wing-kin  
Chairman

Women Affairs Committee, Hong Kong Federation of  
Trade Unions

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Ms Juan LEUNG  
Chair

Hong Kong Confederation of Trade Unions

Ms YU Mei-wan  
Chairperson of Women's Affairs Committee

The Lion Rock Institute

Mr NG Kin-wah  
Event Officer

Democratic Alliance for the Betterment and Progress of  
Hong Kong

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Ms WU Wan-qiu  
Community Officer

PathFinders Limited

Miss Kay McArdle  
Chief Executive Officer

Individual

Miss Rachel TAM

**Clerk in attendance** : Miss Betty MA  
Chief Council Secretary (2) 1

**Staff in attendance** : Ms Rita LAI  
Senior Council Secretary (2) 1

Ms Kiwi NG  
Legislative Assistant (2) 1

Miss Lulu YEUNG  
Clerical Assistant (2) 1

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**I. Confirmation of minutes of previous meeting**  
(LC Paper No. CB(2)440/18-19)

The minutes of the meeting held on 20 November 2018 were confirmed.

**II. Information papers issued since the last meeting**  
(LC Paper Nos. CB(2)304/18-19(01) to (02), CB(2)381/18-19(01) and CB(2)405/18-19(01))

2. Members noted that the following papers had been issued since the last meeting:

- (a) two letters dated 21 November 2018 from Mr LEUNG Yiu-chung suggesting the Panel to discuss employment support for ethnic minorities and persons with disabilities respectively; and
- (b) two joint letters dated 30 November and 5 December 2018 from Dr KWOK Ka-ki and Mr Jeremy TAM as well as Dr CHIANG Lai-wan and Mr Vincent CHENG respectively suggesting the Panel to discuss issues relating to working hours of non-franchised bus drivers.

3. In respect of paragraph 2(a) above, members noted that the Panel would discuss the issues of concern raised in the letters in the context of discussion on the latest development in the employment services of the Labour Department ("LD").

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4. With respect to paragraph 2(b) above, the Chairman advised that he had exchanged views with the Chairman of the Panel on Transport. Pending the Administration's written response to the issues raised in the two joint letters, a joint meeting with the Panel on Transport or a meeting of the Panel would be held to discuss the matter as appropriate.

*(Post-meeting note: The Administration's response was issued to members vide LC Paper No. CB(2)516/18-19 on 28 December 2018.)*

**III. Date of next meeting and items for discussion**  
(LC Paper Nos. CB(2)442/18-19(01) and (02))

Regular meeting in January 2019

5. Members agreed that the following items proposed by the Administration be discussed at the next regular meeting on 15 January 2019 at 4:30 pm:

- (a) Hong Kong's occupational safety performance in the first half of 2018; and
- (b) Enhancing the protection of non-skilled employees engaged by government service contractors.

**IV. Review of statutory maternity leave**  
(LC Paper Nos. CB(2)442/18-19(03) and (04))

6. At the invitation of the Chairman, the Secretary for Labour and Welfare ("SLW") briefed members on the outcome of the review of statutory maternity leave ("ML") under the Employment Ordinance (Cap. 57) ("EO") and sought members' views on the proposed changes in respect of ML provisions in EO ("the proposed changes") as detailed in the Administration's paper.

7. Members noted a background brief entitled "Review of statutory maternity leave" prepared by the Legislative Council ("LegCo") Secretariat.

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Presentation of views by deputations/individuals

8. At the invitation of the Chairman, a total of 19 deputations/individuals presented their views on the proposed changes. A summary of views of these deputations/individuals is in the **Appendix**.

Discussion

*Administration's overall response to the views expressed by deputations*

9. SLW made the following consolidated response to the major views of the attending deputations/individuals:

- (a) the Chief Executive ("CE") announced in the 2018 Policy Address that the Government had completed the review of the statutory ML. It was proposed to extend the statutory ML under EO from the current 10 weeks to 14 weeks. The review also recommended technical amendments be made to certain ML provisions in EO. Details of the recommendations and the justifications were set out in paragraphs 3 to 18 of the Administration's paper;
- (b) the Government considered it appropriate to assume the responsibility of financing the cost of the extra four-week statutory ML pay ("MLP"). To take forward the proposal which was a major change to the existing ML regime, the Government needed to make legislative amendments to EO and develop a new mechanism supported by a dedicated office in LD for making reimbursement to employers. Acknowledging concerns over the mechanism to be developed, the Administration would strive to make it simple and easy to operate. He took the opportunity to appeal to members' support for the related staffing proposal to take up the various preparatory and implementation work in relation to the proposed changes;
- (c) the Administration was fully aware of the labour shortage and recruitment difficulties in individual trades and industries. It was exploring ways with relevant stakeholders to address the problems, including the viability of importing more labour; and

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- (d) while attaching importance to the concern about pregnant foreign domestic helpers ("FDHs") and their babies born in Hong Kong, the Government would also have to safeguard the interest of a considerable number of local employers of FDHs, which was a great challenge. The Administration welcomed suggestions on the issue.

10. In response to the Chairman's enquiry, SLW said that the Administration noted the concern over maternity protection for employees on contract terms. He pointed out that under the prevailing labour legislation, employers could consider non-renewal of fixed-term employment contract with employees upon its expiry having regard to their operational needs. The Administration had currently no plan to amend the provisions on maternity protection in this regard.

*Extension of statutory maternity leave and related issues*

11. Ms Alice MAK and Dr Elizabeth QUAT welcomed the proposal to extend the statutory ML under EO from the current 10 weeks to 14 weeks and urged for early implementation. Mr KWOK Wai-keung and Mr LUK Chung-hung said that the labour sector in principle was supportive of the recommendations. Mr KWOK was pleased to note that the Government had responded to the Hong Kong Federation of Trade Unions' call and made reference to the Singaporean Government in providing subsidy to employers so as to resolve the disputes between the business sector and the labour sector over the extension of ML duration.

12. Dr Helena WONG and Mr HUI Chi-fung said that the Democratic Party welcomed the proposal to extend the statutory ML under EO from the current 10 weeks to 14 weeks.

13. Ms Alice MAK held the view that eligible employees should receive full pay during the statutory ML period. Ms MAK, Mr POON Siu-ping and Dr Elizabeth QUAT noted with concern that the Government funding support for the extended four-week statutory ML would be subject to a cap of \$36,822 which was equivalent to four-fifths of the wages of an employee with a monthly wage of \$50,000 in four weeks ("the cap"). They considered that the proposed arrangement was unreasonable and expressed concern whether it would constitute discrimination against higher-paid female employees. Ms MAK sought clarification as to whether employers would be required under the legislative proposal to top up the difference between the four weeks' MLP



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which was calculated according to four-fifths of the employees' actual wages and the Government subsidy.

14. In response to members' concerns and views, SLW advised that in line with the existing labour legislation, the Administration proposed that the rate of MLP in relation to the additional four weeks of ML should be maintained at four-fifths of the employees' average daily wages. The Government had no intention to require employers to assume extra responsibility for the cost of additional four weeks' MLP. Nonetheless, employers were encouraged to offer employment terms, such as holiday entitlements and maternity benefits, that were more favourable than those stipulated under EO. According to overseas experience, there was adverse impact on women's employment opportunities if the cost of MLP was to be fully borne by individual employers. It was also noted that ML was unpaid in some economies and the statutory minimum wage rate might apply in some other economies. Taking into consideration all relevant factors, it was proposed that there would be a cap for the additional four weeks' MLP which was considered reasonable. It was also noteworthy that employees with a monthly wage of \$50,000 or below accounted for about 95% of female employees in Hong Kong. In the light of this, it was recommended that the amount of funding support for the additional four weeks' MLP (i.e. MLP for the 11th to 14th weeks) to be provided by the Government for each confinement of an eligible female employee be subject to a cap of \$36,822, the amount of which might be adjusted from time to time.

15. The Deputy Chairman expressed concern about the complexities involved in drafting the legislative amendments if the additional four weeks' MLP was subject to a cap. SLW advised that provision of Government subsidy which was subject to a cap was not unprecedented. The Department of Justice would take into account the drafting instructions from LD and make reference to existing legislation in taking forward the drafting of the bill to amend EO.

16. Ms Alice MAK and Mr POON Siu-ping expressed concern that no consensus had been reached by the Labour Advisory Board ("LAB") on imposing a cap on MLP for the extra four weeks. Mr POON further asked whether the Administration would withdraw the legislative proposal should there be no consensus over the proposed changes.

17. SLW advised that if the Government had taken on board a specific LAB proposal, it was the Government's policy stance on the matter.

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Should Members propose further amendments to the proposal, the Administration would not rule out the possibility of adopting Members' views if they were agreeable to the Government and proposing amendments to a bill after its introduction into LegCo.

18. Expressing grave concern that the MLP rate of some higher-paid employees in the additional four weeks' ML would be lower than that in the first 10 weeks' ML because of the cap, Mr LUK Chung-hung asked whether the Administration had conducted any cost impact assessment of the proposed extension of statutory ML under different scenarios, say the cost of the extra four-week MLP by different wage levels of eligible employees as well as the extra cost to be borne by employers if they were required to top up the difference between the four weeks' MLP which was calculated according to four-fifths of the employees' actual wages and the Government subsidy.

19. SLW responded that the Administration did not have the requisite information. Given the wide spectrum of female employees' wages and the need to ensure the prudent use of public money, Government's funding support should only aim at covering the great majority of the cases but not those with exceedingly high pay. To this end, it was recommended that Government funding support for the additional four weeks' MLP would be subject to a cap of \$36,822 per employee as elaborated earlier. It was estimated that the extra cost to be borne by the Government would be around \$25.5 million (estimated at 2016 prices) if there was no upper limit for MLP of the additional four weeks. SLW stressed that the Government funding support arrangement for the additional four weeks' MLP was proposed merely from policy considerations rather than the financial commitment of the Government.

20. Dr Elizabeth QUAT expressed strong dissatisfaction at the disparity of ML benefits between government female employees and non-government employees, given that the former were entitled to 14 weeks' ML with full pay. Mr LUK Chung-hung urged the Administration to critically consider lifting the cap for the additional four weeks' MLP.

21. Dr Helena WONG said that the Democratic Party had been urging for extending the duration of statutory ML and paternity leave ("PL") with full pay. To encourage employers to do so, she suggested that the Administration should consider providing employers with financial incentive, such as tax exemption for expenditure on employees' maternity

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benefits. As the prevailing statutory MLP rate had remained unchanged since its last revision in 1995, it was an opportune time to review the rate of statutory MLP. Mr HUI Chi-fung shared a similar view. Dr WONG sought information on the additional financial commitment if the additional four weeks' MLP be funded by the Government on the basis of full pay.

22. SLW responded that while the Administration would encourage employers to provide their employees with employment entitlements that were more favourable than those stipulated under EO, there was concern about providing financial incentive to employers by means of tax exemption, bearing in mind its impact on other policy considerations.

23. Mr HUI Chi-fung pointed out that some large enterprises had already offered their employees with 14-week ML with full pay. Having regard to the huge fiscal reserve, Mr HUI was of the view that the Government should shoulder the extra cost arising from extending the duration of ML to 14 weeks on full pay basis. He considered that the Government was inclined to the interest of the business sector regarding the MLP rate. SLW explained that the statutory MLP rate was pitched at the same level as the PL pay and sickness allowance in view of their comparable nature. The statutory MLP rate was just the statutory minimum level. Notably, some employers had been offering ML benefits to their employees above the statutory requirements. SLW stressed that when making policy change to employment rights and benefits, the Government had to strike a reasonable balance between employees' interest and employers' affordability.

*Technical amendments relating to maternity leave provisions*

24. Mr Jeremy TAM welcomed the Administration's proposal to amend the definition of miscarriage in EO so that an employee who suffered a miscarriage at or after 24 weeks of pregnancy could be entitled to ML. In light of the proposed amendment to the definition of miscarriage, Mr TAM sought clarification as to whether a male employee would correspondingly be entitled to statutory PL if his spouse/partner gave birth to a stillbirth at or after 24 weeks of pregnancy.

25. Assistant Commissioner for Labour (Labour Relations) replied in the affirmative. She advised that in accordance with the proposed revised definition of miscarriage, male employees would be entitled to statutory PL if their child was born without sign of life at or after 24

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weeks of pregnancy and where the father produced a medical certificate or any other document, where appropriate, certifying the delivery or death of the child and fulfilled other stipulated requirements.

26. Ms Alice MAK welcomed the Administration's proposal to make two technical amendments to EO, including entitling an employee who had attended pre-natal medical examination in relation to her pregnancy to sickness allowance by producing, other than a medical certificate, relevant documentary proof of having attended such medical examination.

*Implementation timetable*

27. Mr POON Siu-ping was concerned that the existing maternity benefits in Hong Kong far lagged behind other economies, having regard to the fact that the International Labour Organization had since 2000 recommended ML duration of at least 14 weeks. Pointing out that government female employees were entitled to 14 weeks of ML and employees of some large enterprises had been provided with 16-week ML from 2018, Mr POON was concerned about the implementation timetable for extending the duration of statutory ML to non-government employees.

28. Sharing a similar view and concern, Mr SHIU Ka-chun drew members' attention to the extension of ML from 10 weeks to 14 weeks to eligible female employees in the education sector as recently announced. Mr SHIU asked about the measures to be taken by the Administration to encourage adopting such practice in subvented organizations in the social welfare sector.

29. Dr KWOK Ka-ki welcomed the extension of the statutory ML duration. Given that it was affordable for the Government to bear the annual recurrent expenditure for the extended four-week MLP, he urged that the relevant legislative timetable should be further expedited.

30. Responding to members' concerns and views, SLW said that the implementation of the proposed changes, including extending the ML period, technical amendments to EO and detailed arrangements for the reimbursement of the additional statutory MLP to employers, would necessitate complex legislative amendments. The Government would proceed with the drafting of the enabling legal instrument and aimed at introducing a bill to amend EO into LegCo in late 2019 and would strive for completing the relevant legislative process as early as practicable. It

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would be at the discretion of individual subvented organizations to extend ML to 14 weeks and make related arrangements for eligible female employees prior to the coming into force of the legislative amendments, having regard to their own actual circumstances. The Chairman appealed to the Administration to encourage subvented organizations to make reference to the education sector and extend the ML duration to eligible employees with immediate effect.

31. While welcoming that government female employees were entitled to 14 weeks of ML, Mr KWOK Wai-keung was concerned whether similar arrangement would be extended to employees engaged by government service contractors.

32. SLW explained that following the announcement in the CE's 2018 Policy Address, the extension of the ML period to 14 weeks for female government employees did not entail legislative amendments, but making administrative arrangements. However, it would be much complicated and involve changes of service contracts if the extension applied to employees engaged by government service contractors. The Administration considered it imperative to focus on the necessary legislative work for extending the statutory ML duration which would benefit all employees across the board.

*Other concerns*

33. Mr SHIU Ka-chun enquired about the operation of the reimbursement mechanism for MLP for the additional four weeks of ML. In his view, it should not be complicated and the procedures should be simple.

34. SLW and Commissioner for Labour responded that as explained earlier, a new reimbursement mechanism would be developed for making MLP for the additional four weeks of ML to employers. To ensure timely payment, easy administration and prudent use of public money, it was proposed that the employer would be required to first pay the additional four weeks' MLP to the employee on the normal pay day like the first 10 weeks' MLP. Government funding support for the additional four weeks' MLP would be provided by way of reimbursement to the employer, subject to proof of payment, etc. The Administration would strive to streamline and simplify the reimbursement procedures as far as practicable.

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35. Citing a dismissal case of a higher-paid employee by a large enterprise upon expiry of ML, the Deputy Chairman expressed concern about employment protection for employees in this regard. SLW responded that the existing labour law had conferred protection for pregnant employees against unlawful dismissal. The Deputy Chairman, however, remained of the view that the Government should critically consider legislating for protecting female employees after giving birth.

36. In concluding the discussion, the Chairman said that members were in general supportive of the proposed changes and urged for early implementation. He appealed to the Administration to take heed of members' concerns when drafting the relevant bill.

**V. Adjustment of the levels of compensation under the Employees' Compensation Ordinance, the Pneumoconiosis and Mesothelioma (Compensation) Ordinance and the Occupational Deafness (Compensation) Ordinance, and expansion of the list of medical appliances under the Pneumoconiosis and Mesothelioma (Compensation) Ordinance (LC Paper Nos. CB(2)442/18-19(07) and (08))**

37. Deputy Commissioner for Labour (Labour Administration) ("DC for L (LA)") briefed members on the Administration's proposal to increase the amounts of a total of 18 compensation items under the Employees' Compensation Ordinance (Cap. 282), the Pneumoconiosis and Mesothelioma (Compensation) Ordinance (Cap. 360) ("PMCO") and the Occupational Deafness (Compensation) Ordinance (Cap. 469), and to expand the list of medical appliances under PMCO ("the Administration's proposal"), details of which were set out in the Administration's paper.

38. Members noted a background brief entitled "Adjustment of the levels of compensation under the Employees' Compensation Ordinance, the Pneumoconiosis and Mesothelioma (Compensation) Ordinance and the Occupational Deafness (Compensation) Ordinance" prepared by the LegCo Secretariat.

Adjustment cycle

39. The Chairman welcomed the Administration's proposal, in particular the expansion of the list of medical appliances under PMCO.

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40. While echoing support for the Administration's proposal, Mr POON Siu-ping was concerned that the biennial adjustment of the levels of compensation under the abovementioned three Ordinances lagged behind the actual economic situation and hence brought about adverse impact on the eligible claimants. Mr POON asked whether it would be feasible to make annual adjustment to the compensation levels.

41. DC for L (LA) said that under the established mechanism, the levels of compensation under the three Ordinances were adjusted every two years where appropriate. The necessary procedures in conducting an adjustment exercise in respect of the levels of compensation involved collation of latest statistics in relation to the wage and price movements in the relevant period, including Nominal Wage Index ("NWI"), Consumer Price Index (A) ("CPI(A)"), and other relevant factors, consultation with the Occupational Deafness Compensation Board ("ODCB"), the Pneumoconiosis Compensation Fund Board and the Hong Kong Federation of Insurers on the impact of the proposed adjustments in the levels of compensation. LAB would then be consulted before submission of the proposal to the Panel for deliberation. After having secured support from various stakeholders, the Administration would introduce the relevant amendment proposal into LegCo for approval. In view of the time required for the preparation, consultation and legislative work, the biennial adjustment cycle was considered appropriate.

42. DC for L (LA) added that apart from making upward adjustments to the amounts of most compensation items with reference to the established indicators like NWI and CPI(A), special adjustments had also been proposed to the amounts of certain compensation items having regard to the actual needs of the eligible claimants and the latest figures available in the present exercise. For instance, following the passage of the Government's resolution to increase the sum of damages for bereavement under the Fatal Accidents Ordinance (Cap. 22) ("FAO") from \$150,000 to \$220,000 at the Council meeting of 11 July 2018, which took effect from 13 July 2018, it was proposed to adjust the level of bereavement compensation under PMCO with reference to the latest sum of damages for bereavement under FAO. Furthermore, in September 2018, the monthly cost for hiring an FDH was adjusted upwards to \$5,595 (i.e. minimum allowable monthly wage at \$4,520 and food allowance at \$1,075 per month). It was proposed to accordingly adjust upwards the amount of compensation for care and attention under PMCO from \$5,210 to \$5,600 per month.

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Coverage and compensation under the Pneumoconiosis and Mesothelioma (Compensation) Ordinance

43. The Chairman was concerned that expensive drug such as immunotherapy for mesothelioma treatment was currently not covered under PMCO. In view of the sound financial position of the Pneumoconiosis Compensation Fund ("PCF") and the ambit of PMCO, the Chairman asked whether consideration would be given to expanding the scope of coverage of PCF to include expenses on immunotherapy drug arising from receiving mesothelioma treatment in the private healthcare system.

44. DC for L (LA) said that while medical expenses payable under PMCO were subject to the maximum rates, patients concerned might seek assistance from other charity funds as necessary. For example, mesothelioma sufferers who required the treatment of mesothelioma with self-financed drugs and had paid the expenses on the drugs could apply for the relevant grant of the Brewin Trust Fund for reimbursement of such medical expenses.

45. The Chairman expressed further concern that entitlement to monthly compensation for care and attention under PMCO, which was set with reference to the minimum allowable monthly wage and food allowance for an FDH, was subject to medical assessment of total (i.e. 100%) incapacity of the applicant. Having regard to the fact that there were only a few such cases of total incapacity, the Chairman urged the Administration to consider providing the monthly compensation for care and attention to eligible claimants on a pro rata basis with reference to their degree of incapacity resulting from pneumoconiosis or mesothelioma (or both).

46. DC for L (LA) pointed out that under section 11 of PMCO, compensation for care and attention was payable to a person suffering from pneumoconiosis and/or mesothelioma if he/she was unable to perform the essential actions of life without the care and attention of another person. The monthly compensation was currently determined by whether a patient had the ability to perform the essential actions of life by himself/herself and was not pegged to the degree of incapacity. It would not be appropriate to provide the compensation on a pro rata basis with reference to the degree of incapacity resulting from pneumoconiosis or mesothelioma (or both) under the relevant section of PMCO.



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Financing limits for hearing assistive devices

47. Expressing support for the Administration's proposal to raise the aggregate financing limit for hearing assistive devices ("HAD") from \$57,110 to \$79,000, Mr POON Siu-ping sought details of calculation in this regard.

48. Assistant Commissioner for Labour (Employees' Rights & Benefits) responded that based on the experience of ODCB in administering the HAD financing scheme since its inception in 2003 and up to 31 December 2017, 55 persons had been approved an aggregate amount ranging from \$40,001 to \$57,109 and these 55 persons were likely to exhaust the aggregate financing limit in the near future. In addition, taking into account the estimated average annual HAD expenses of a person who suffered from noise-induced deafness by reason of his/her employment in specified noisy occupations ("OD person") at \$7,200 as well as the biennial adjustment where appropriate, the Administration proposed raising the aggregate financing limit from \$57,110 to \$79,000 by 38.33%, such that those OD persons who had exhausted the aggregate financing limit could have their entitlement to the financial assistance revived, whereas those approaching the limit could continue their entitlement to the financial assistance.

49. In concluding the discussion, the Chairman said that members supported in principle the Administration's proposal and urged for early implementation of the proposal.

50. There being no other business, the meeting ended at 5:10 pm.

Council Business Division 2  
Legislative Council Secretariat  
13 February 2019

## Panel on Manpower

**Meeting on Tuesday, 18 December 2018, at 2:30 pm**  
**Meeting to receive views on "Review of statutory maternity leave"**

## Summary of views and concerns expressed by deputations/individuals

No.	Name of deputation/individual	Submission / Major views and concerns
1.	Mr LAM Siu-pan	<ul style="list-style-type: none"> <li>While raising no objection to the Administration's proposal to extend the statutory maternity leave ("ML") under the Employment Ordinance (Cap. 57) ("EO") from the current 10 weeks to 14 weeks, it was overdue having regard to the fact that the International Labour Organization ("ILO") had since 2000 recommended ML duration of at least 14 weeks.</li> <li>The Government should conduct regular review of ML duration.</li> <li>The Administration should also consider extending the duration of paternity leave which lagged far behind the neighbouring countries/places.</li> </ul>
2.	The Democratic Party	<ul style="list-style-type: none"> <li>LC Paper No. CB(2)476/18-19(01)</li> </ul>
3.	Hong Kong Catering Industry Association	<ul style="list-style-type: none"> <li>LC Paper No. CB(2)468/18-19(01)</li> </ul>
4.	Association of Restaurant Managers	<ul style="list-style-type: none"> <li>LC Paper No. CB(2)468/18-19(01)</li> </ul>
5.	Institution of Dining Art	<ul style="list-style-type: none"> <li>LC Paper No. CB(2)442/18-19(05)</li> </ul>
6.	Government Frontline Employee Union	<ul style="list-style-type: none"> <li>Given the insufficient support from the Government, working females in Hong Kong had all along been under great pressure. The Administration's proposed extension of the statutory ML under EO from the current 10 weeks to 14 weeks would only meet the basic level of the international standard. It should be implemented as early as practicable.</li> <li>Eligible employees should receive full pay when taking ML. Disappointment was expressed at the rate of ML pay which was maintained at four-fifths of the employee's daily wages since 1995. The Government should review the rate of ML pay and the need for imposing a cap for Government subsidy for the extended statutory ML, which would be subject to a cap of \$36,822 i.e. equivalent to four-fifths of the wages of an employee with a monthly wage of \$50,000 in four weeks ("the cap").</li> </ul>

No.	Name of deputation/individual	Submission / Major views and concerns
7.	Mr LEUNG Kwok-hung	<ul style="list-style-type: none"> <li>● Boosting child birth was of vital importance to raising the productivity of Hong Kong.</li> <li>● Expressed strong dissatisfaction at the existing maternity benefits, including the rate of the ML pay and the 10-week ML.</li> <li>● Having regard to the huge fiscal reserve, the Administration should have improved the maternity benefits long time ago.</li> </ul>
8.	Liberal Party	<ul style="list-style-type: none"> <li>● Supported in principle the Administration's proposed extension of the statutory ML under EO from the current 10 weeks to 14 weeks. However, the Administration should seriously consider importing labour to resolve problem of manpower shortage in various industries so as to address the difficulties faced by employers.</li> <li>● Appealed to the current-term Government to create an environment conducive to assist working females to balance work and life. For instance, the Government should increase provision of subsidized child care services.</li> </ul>
9.	The Federation of Hong Kong & Kowloon Labour Union	<ul style="list-style-type: none"> <li>● LC Paper No. CB(2)476/18-19(02)</li> </ul>
10.	政府前線僱員總會第一標準薪級員工分會	<ul style="list-style-type: none"> <li>● The Administration should strengthen protection for female employees, in particular grassroots employees, against pregnancy discrimination as well as unreasonable and unlawfully dismissal upon expiry of ML. It was pointed out that some pregnant employees had been forced to change their employment terms to contract terms or self-employed persons. Consequently, they would be placed in a more vulnerable position and be subject to dismissal easily.</li> </ul>
11.	The Civic Party	<ul style="list-style-type: none"> <li>● LC Paper No. CB(2)485/18-19(01)</li> </ul>
12.	The Hong Kong Federation of Trade Unions	<ul style="list-style-type: none"> <li>● Given that the existing maternity benefits in Hong Kong lagged behind many economies, the Administration should implement the proposal of extending the statutory ML under EO from the current 10 weeks to 14 weeks as soon as practicable and consider raising the rate of ML pay to full pay.</li> <li>● The Administration should also consider setting up a maternity fund to provide subsidy to the small- and medium-sized enterprises as necessary following legislating for full pay ML and extension of the ML duration to 14 weeks.</li> </ul>

No.	Name of deputation/individual	Submission / Major views and concerns
13.	Labour Party	<ul style="list-style-type: none"> <li>● Having regard to ILO's recommendation on ML duration of at least 14 weeks since 2000, the existing 10-week ML in Hong Kong was outdated and lagged far behind the international standards. Concern was expressed about the implementation timetable for the Administration's proposed extension of the statutory ML duration under EO from the current 10 weeks to 14 weeks.</li> <li>● The Government should conduct a review on the rate of the ML pay which had remained at four-fifths of the employee's daily wages since 1995.</li> <li>● Given that government female employees were entitled to 14 weeks of ML with full pay with immediate effect, it was unreasonable that the ML pay for non-government employees would be subject to the cap in respect of the additional four weeks.</li> </ul>
14.	Women Affairs Committee, Hong Kong Federation of Trade Unions	<ul style="list-style-type: none"> <li>● LC Paper No. CB(2)442/18-19(06)</li> </ul>
15.	Hong Kong Confederation of Trade Unions	<ul style="list-style-type: none"> <li>● The Administration's proposed extension of the statutory ML under EO from the current 10 weeks to 14 weeks would only meet the basic level of the international standards but it still lagged behind that of the Mainland and some European economies.</li> <li>● It was unreasonable that the rate of the ML pay had been maintained at four-fifths of the employee's daily wages for years. Employees should be entitled to ML with full pay so as to encourage child birth.</li> <li>● The Administration should strengthen protection for female employees against pregnancy discrimination as well as unreasonable dismissal upon expiry of ML.</li> </ul>
16.	The Lion Rock Institute	<ul style="list-style-type: none"> <li>● Raising no objection to the proposed extension of the statutory ML under EO from the current 10 weeks to 14 weeks, having regard to the fact that the additional cost would be borne by the Government and it was considered affordable to the Government.</li> </ul>
17.	Democratic Alliance for the Betterment and Progress of Hong Kong	<ul style="list-style-type: none"> <li>● Expressed support for the proposed extension of the statutory ML under EO from the current 10 weeks to 14 weeks which would align with the international standard.</li> <li>● Appealed to the Administration to consider raising the rate of ML pay to full pay.</li> <li>● Appealed to the Administration to strengthen employment protection for female employees after giving birth.</li> </ul>

No.	Name of deputation/individual	Submission / Major views and concerns
18.	PathFinders Limited	<ul style="list-style-type: none"><li>● It was recommended that legislative amendments be made to the effect that migrant female employees would be allowed to take ML earlier than the stipulated period under EO so that they would be fit enough to travel back to their homeland to give birth.</li><li>● It was also recommended that termination of migrant female employees' employment during their pregnancy should be regarded as unlawful and the employees concerned would be duly compensated, including wages during statutory ML and wages in lieu of notice.</li></ul>
19.	Miss Rachel TAM	<ul style="list-style-type: none"><li>● Expressed concern that a number of migrant female employees were unlawfully dismissed or forced to resign once their pregnancy was announced or discovered.</li><li>● It was unacceptable that there was a lack of supportive policy and guidance for the increasing population of foreign domestic helpers and their employers in respect of the former's pregnancy and the newborn babies. Clear guidelines should be developed in this regard, such as the ML entitlements and how the migrant female employees could establish their own families while looking after their employers' families.</li></ul>