

Panel on Manpower

List of outstanding items for discussion
(position as at 14 November 2018)

**Proposed timing
for discussion**

1. Review of the Employment Ordinance - the requirement of "continuous contract"

At the 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.

March 2019

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.

Hon LUK Chung-hung suggested vide his letter dated 16 July 2018 (LC Paper No. CB(2)1841/17-18) that the Panel should discuss review of the continuous contract requirement under EO.

At the meeting on 11 October 2018, Hon Vincent CHENG proposed that the Panel should discuss review of the continuous contract requirement under EO.

At the work plan meeting for the 2018-2019 session held

**Proposed timing
for discussion**

on 16 October 2018, the Administration was requested to provide an update on the progress of the subject upon the release of the major findings of the 2018 Annual Earnings and Hours Survey ("AEHS").

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 has subsequently made 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 from 2013 to 2018. The Administration will continue to update the Panel on HKQF on a yearly basis.

To be confirmed

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

**Proposed timing
for discussion**

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 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 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

To be confirmed

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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.

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 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 meeting on 19 January 2016, Mr TANG proposed that the Panel should follow up with the Administration on the issue at a meeting.

7. Manpower requirement projection

At the meetings on 17 November 2015, 19 January 2016 and 16 October 2018, Dr Hon CHIANG Lai-wan suggested that the Panel should discuss manpower requirement projection in respect of specific trades and

To be confirmed

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industries, for instance, 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.

At the 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.

At the meeting on 15 May 2018, the Administration advised that it was conducting a new round of manpower projection on the basis of the latest available manpower statistics, which was expected to be completed by June 2019, and would revert to the Panel in due course.

8. Provision of retraining allowance for attending courses of Employees Retraining Board

At the 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 and latest development in the employment services of the Labour Department

At the 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. The Administration advised that it would

February 2019

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for discussion**

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 ("WS Panel") as appropriate.

At the meeting on 12 October 2017, Hon HO Kai-ming suggested that the Panel should follow up the subject of unleashing labour force. Hon 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.

At the meeting on 11 October 2018, Hon SHIU Ka-chun proposed that the Panel should discuss the employment support for elderly job seekers aged between 60 and 64.

At the work plan meeting on 16 October 2018, it was suggested that the Administration should also brief the Panel on various measures to unleash labour force in the context of discussion on the latest development in the employment services of the Labour Department ("LD").

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 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,

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for discussion**

and any major changes to the WITS Scheme would be carefully considered in the context of the above review.

At the 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 WS Panel discussed the enhancements to the LIFA Scheme (renamed as the Working Family Allowance Scheme since April 2018) and the relevant arrangements for the WITS Scheme at its meeting on 13 November 2017. The WS Panel further discussed the LIFA Scheme on 9 February 2018. Members of the Panel on Manpower were invited to join the aforesaid discussions of the WS Panel.

11. Manpower shortage for elderly care services

At the 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 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 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.

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for discussion**

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

The Administration briefed the Panel on its preliminary idea on abolishing the "offsetting" arrangement on 15 May 2018. The Panel on Commerce and Industry discussed "Preliminary idea on abolishing the 'offsetting' arrangement under the Mandatory Provident Fund System and the possible impact of the abolition on various industries" on 19 June 2018.

November 2018

The Panel will discuss and receive public views on the arrangements for the abolition of using employers' mandatory contributions under the Mandatory Provident Fund System to offset severance payment and long service payment announced in the CE's 2018 Policy Address at the meeting on 20 November 2018.

13. Alignment of statutory holidays with general holidays

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

To be confirmed

At the meeting on 12 October 2017, Hon HO Kai-ming suggested that the Panel should follow up the subject as soon as practicable.

14. Employment of foreign domestic helpers

Hon Michael TIEN proposed at the 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

**Proposed timing
for discussion**

15. Review of statutory compensation under Pneumoconiosis and Mesothelioma (Compensation) Ordinance

Item referred by the Subcommittee on Proposed Resolutions under Construction Industry Council Ordinance and Pneumoconiosis and Mesothelioma (Compensation) Ordinance (LC Paper No. CB(2)1739/17-18). The Panel was requested to follow up on the policy issues relating to the use of the Pneumoconiosis Compensation Fund and the review of statutory compensation under the Pneumoconiosis and Mesothelioma (Compensation) Ordinance ("PMCO") (Cap. 360).

To be confirmed

16. Work arrangements in times of and after typhoons and rainstorms

Item proposed by Hon HO Kai-ming and Hon LUK Chung-hung vide their joint letter dated 21 September 2018 (LC Paper No. CB(2)2023/17-18(01)). Hon LUK Chung-hung further suggested at the meeting on 11 October 2018 that his draft Member's Bill on working arrangements after natural disasters should be discussed by the Panel.

To be confirmed

At the meeting on 11 October 2018, Hon Vincent CHENG suggested the Panel to discuss issues relating to work arrangements after inclement weather as set out in his letter dated 27 September 2018 (LC Paper No. CB(2)2034/17-18(01)).

17. Extension of statutory maternity leave

At the meeting on 11 October 2018, Hon Vincent CHENG suggested that the Administration's proposal of extending the statutory maternity leave ("ML") from the current 10 weeks to 14 weeks be discussed by the Panel.

December 2018

The Administration intends to brief the Panel on the review of statutory ML and a related staffing proposal in

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December 2018.

18. Protection for non-skilled employees of government service contractors

Item proposed by Hon LEUNG Yiu-chung and Hon CHU Hoi-dick at the meeting on 11 October 2018. Hon AU Nok-hin further suggested that the subject be discussed at a joint meeting with the Panel on Public Service.

January 2019

At the work plan meeting on 16 October 2018, it was suggested that the Administration should brief the Panel on the proposed improvement measures to enhance the protection of non-skilled employees engaged by government service contractors before applying these measures to service contracts tendered from 1 April 2019 onwards.

19. Strengthening rehabilitation services for injured employees

Item proposed by Dr Hon KWOK Ka-ki at the meeting on 11 October 2018. Dr KWOK further suggested that the Panel should receive public views when the subject was discussed.

June/July 2019

At the work plan meeting on 16 October 2018, the Administration was requested to provide an update on the progress of the subject in the current session.

20. Adjustment of the levels of compensation under ECO, PMCO and the Occupational Deafness (Compensation) Ordinance, and expansion of the list of medical appliances under PMCO

The Administration intends to brief the Panel on the proposal regarding the adjustment of the levels of compensation under ECO, PMCO and the Occupational Deafness (Compensation) Ordinance (Cap. 469) and expansion of the list of medical appliances under PMCO.

December 2018

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

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

February 2019

22. Major findings of the 2018 Annual Earnings and Hours Survey

The Administration intends to brief the Panel on the major findings of the 2018 AEHS.

March 2019

23. Cultivating good human resource management and family-friendly culture in employment

The Administration intends to brief the Panel on cultivating good human resource management and family-friendly culture in employment.

April 2019

24. Occupational disease and occupational health situation in 2018

At the meeting on 11 October 2018, Dr Hon CHIANG Lai-wan proposed to discuss occupational safety and health of employees performing outdoor duties under hot weather.

June 2019

The Administration intends to brief the Panel on the occupational disease and occupational health situation in 2018.

25. Hong Kong's occupational safety performance

The Administration intends to brief the Panel on Hong Kong's occupational safety performance in the first half of 2018.

January 2019

The Administration intends to brief the Panel on Hong

July 2019

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Kong's occupational safety performance in 2018.

Council Business Division 2
Legislative Council Secretariat
14 November 2018