



Labour Department (Headquarters)

勞工處 (總處)

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Ms Betty MA
Clerk to Panel on Manpower
Legislative Council
Legislative Council Complex
1 Legislative Council Road
Central, Hong Kong

16 September 2019

Dear Ms MA,

Panel on Manpower
List of follow-up actions

I refer to the “List of follow-up actions” (LC Paper No. CB(2)1674/18-19(02)) of the Panel on Manpower. The Government’s responses to the following items in the list are provided in the Annexes as set out –

Item 3	Employment services of the Labour Department (LD)	Annex A
Item 4	Raising penalties of occupational safety and health legislation	Annex B
Item 5	Creating a Chief Labour Officer post in LD to take forward various measures to enhance statutory maternity leave	Annex C
Item 6	Foreign domestic helpers’ access to healthcare services	Annex D
Item 7	Promoting good human resource management culture and family-friendly employment practices	Annex E

- Item 8 Preparatory work for the implementation of the revised Annex F
statutory minimum wage rate
- Item 10 Major findings of the 2018 Annual Earnings and Hours Annex G
Survey

Yours sincerely,



(Ms CHEUNG Hoi-shan)
for Commissioner for Labour

- c.c. Secretary for Food and Health (Attn: Ms Clarissa WAN)
(w/Annex D only)
- Secretary for Home Affairs (Attn: Ms Adia LAM)
(w/Annex E only)
- Secretary for Financial Services and the Treasury (Attn: Ms Deborah TSE)
(w/Annex F only)
- Government Economist (Attn: Mr Frank LEE)
(w/Annex F only)
- Commissioner for Census and Statistics (Attn: Mr Noel TSANG)
(w/Annex G only)

Panel on Manpower
List of follow-up actions

Item 3: Employment services of the Labour Department

- (a) The respective numbers of placements secured under the Employment Programme for the Middle-aged/Employment Programme for the Elderly and Middle-aged (EPEM) in two age groups (i.e. 40 to 59 and 60 or above) and the Work Orientation and Placement Scheme (WOPS) in the past five years, together with breakdowns by their education attainment, industry and occupation as well as the retention rate upon completion of the relevant allowance period

In 2014, 2015, 2016, 2017 and 2018, there were respectively 2 564, 2 541, 2 978, 2 642 and 2 574 placements eligible for joining EPEM (known as Employment Programme for the Middle-aged before September 2018). Breakdowns of these placements in the 40 to 59 and 60 or above age groups by educational attainment, industry and occupation are at **Appendix 1**.

2. The Labour Department (LD) conducts surveys regularly to find out the retention status of those placed into employment under EPEM¹. According to the surveys conducted up to April 2019, among the employees who had received on-the-job training under the Programme, about 79% of the cases recorded a retention period of four months or above, and 65% stayed in employment for six 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.

3. In 2014, 2015, 2016, 2017 and 2018, there were respectively 805, 811, 816, 802 and 796 placements for persons with disabilities under WOPS. Breakdowns of these placements by educational attainment, industry and occupation, as well as the retention rate upon the completion of the relevant allowance period are at **Appendix 2**.

¹ Before September 2018, the on-the-job training period was three to six months regardless of age.

- (b) Breakdown of the 168 job seekers aged 60 or above who had secured employment under EPEM from September to December 2018 by their education attainment, industry and occupation

4. During the period from 1 September to 31 December 2018, there were 168 placements with job seekers aged 60 or above eligible for joining EPEM, with breakdowns by educational attainment, industry and occupation provided at **Appendix 3**.

- (c) Tender specifications for engaging non-governmental organisations to provide employment services for ethnic minorities job seekers through a case management approach, when available

5. LD will furnish the Panel on Manpower separately with the tender specifications for engaging non-governmental organisations to provide employment services for ethnic minorities job seekers through a case management approach upon its issuance.

Appendix 1

Breakdowns of placements eligible for joining EPEM from 2014 to 2018 in the 40 to 59 and 60 or above age groups by educational attainment, industry and occupation

(i) By educational attainment

Educational attainment	No. of placements (Aged 40 to 59 / Aged 60 or above)				
	2014	2015	2016	2017	2018
Primary 6 or below	281 (226 / 55)	209 (173 / 36)	236 (190 / 46)	199 (151 / 48)	182 (119 / 63)
Secondary 1-3	832 (780 / 52)	784 (720 / 64)	840 (764 / 76)	697 (622 / 75)	686 (596 / 90)
Secondary 4-5	1 025 (987 / 38)	1 066 (1 023 / 43)	1 355 (1 277 / 78)	1 201 (1 122 / 79)	1 139 (1 010 / 129)
Secondary 6-7	188 (176 / 12)	202 (193 / 9)	214 (200 / 14)	180 (167 / 13)	207 (196 / 11)
Post-secondary	238 (232 / 6)	280 (265 / 15)	333 (318 / 15)	365 (330 / 35)	360 (317 / 43)
Total	2 564 (2 401 / 163)	2 541 (2 374 / 167)	2 978 (2 749 / 229)	2 642 (2 392 / 250)	2 574 (2 238 / 336)

(ii) By industry

Industry	No. of placements (Aged 40 to 59 / Aged 60 or above)				
	2014	2015	2016	2017	2018
Real estate and business services	684 (608 / 76)	572 (510 / 62)	648 (549 / 99)	489 (397 / 92)	480 (384 / 96)
Community, social and personal services	385 (348 / 37)	337 (305 / 32)	488 (455 / 33)	448 (415 / 33)	516 (460 / 56)
Manufacturing	288 (276 / 12)	238 (228 / 10)	288 (274 / 14)	229 (218 / 11)	231 (205 / 26)
Wholesale and retail trades	460 (453 / 7)	559 (542 / 17)	605 (593 / 12)	552 (534 / 18)	467 (436 / 31)
Import and export trade	105 (96 / 9)	118 (110 / 8)	127 (109 / 18)	180 (159 / 21)	127 (112 / 15)
Restaurants and hotels	320 (311 / 9)	351 (331 / 20)	437 (416 / 21)	397 (360 / 37)	406 (360 / 46)
Construction	76 (69 / 7)	85 (78 / 7)	133 (123 / 10)	118 (106 / 12)	80 (68 / 12)
Transport, storage and communications	84 (83 / 1)	111 (106 / 5)	158 (147 / 11)	141 (128 / 13)	173 (145 / 28)
Others	162 (157 / 5)	170 (164 / 6)	94 (83 / 11)	88 (75 / 13)	94 (68 / 26)
Total	2 564 (2 401 / 163)	2 541 (2 374 / 167)	2 978 (2 749 / 229)	2 642 (2 392 / 250)	2 574 (2 238 / 336)

(iii) By occupation

Occupation	No. of placements (Aged 40 to 59 / Aged 60 or above)				
	2014	2015	2016	2017	2018
Managers and administrators, professionals and associate professionals	162 (147 / 15)	135 (128 / 7)	149 (137 / 12)	145 (135 / 10)	161 (132 / 29)
Clerical support workers	388 (372 / 16)	411 (398 / 13)	533 (517 / 16)	472 (447 / 25)	493 (445 / 48)
Service workers and sales workers	693 (677 / 16)	794 (766 / 28)	898 (873 / 25)	798 (767 / 31)	844 (789 / 55)
Agricultural and fishery workers and craft and related workers	94 (83 / 11)	77 (70 / 7)	105 (96 / 9)	98 (83 / 15)	91 (70 / 21)
Plant and machine operators and assemblers	94 (88 / 6)	116 (109 / 7)	95 (82 / 13)	67 (57 / 10)	89 (69 / 20)
Elementary occupations	1 133 (1 034 / 99)	1 008 (903 / 105)	1 198 (1 044 / 154)	1 062 (903 / 159)	896 (733 / 163)
Total	2 564 (2 401 / 163)	2 541 (2 374 / 167)	2 978 (2 749 / 229)	2 642 (2 392 / 250)	2 574 (2 238 / 336)

Appendix 2

Breakdowns of placements recorded under WOPS from 2014 to 2018 by educational attainment, industry and occupation and retention rate upon completion of the relevant allowance period

(i) By educational attainment

Educational attainment	No. of placements				
	2014	2015	2016	2017	2018
Primary 6 or below	64	64	62	61	56
Secondary 1-3	217	223	188	189	182
Secondary 4-5	354	309	313	290	285
Secondary 6-7	66	110	107	128	137
Post-secondary	104	105	146	134	136
Total	805	811	816	802	796

(ii) By industry

Industry	No. of placements				
	2014	2015	2016	2017	2018
Manufacturing	72	63	44	79	55
Construction	10	12	4	12	9
Wholesale, retail and import/export trades	170	143	139	118	127
Restaurants and hotels	133	182	186	183	139
Transport, storage and communications	24	23	37	52	69
Financing, insurance, real estate and business services	187	177	204	133	165
Community, social and personal services	203	202	193	223	225
Others (including government sector)	6	9	9	2	7
Total	805	811	816	802	796

(iii) By occupation

Occupation	No. of placements				
	2014	2015	2016	2017	2018
Managers and administrators	8	8	9	19	25
Professionals and associate professionals	33	29	37	41	41
Clerical support workers	199	206	264	199	225
Service workers	140	162	186	203	161
Shop sales workers	188	142	134	98	104
Agricultural and fishery workers	2	5	0	0	0
Craft and related workers	5	16	7	6	5
Plant and machine operators and assemblers	11	4	9	9	7
Elementary occupations	219	239	170	227	228
Total	805	811	816	802	796

(iv) Retention rate upon completion of the relevant allowance period

	No. of placements		
	2015	2016	2017
Percentage of employees staying in employment upon completion of the relevant allowance period	39%	38%	38%

Note: LD does not keep the relevant figure in 2014. Besides, the maximum allowance period under WOPS is nine months. Hence, the allowance period of some cases joining WOPS in 2018 has not been completed and the relevant statistics for 2018 are not yet available.

Appendix 3

Breakdowns of placements concerning job seekers aged 60 or above and eligible for joining EPEM from 1 September to 31 December 2018 by educational attainment, industry and occupation

(i) By educational attainment

Educational attainment	No. of placements
Primary 6 or below	31
Secondary 1-3	42
Secondary 4-5	64
Secondary 6-7	6
Post-secondary	25
Total	168

(ii) By industry

Industry	No. of placements
Real estate and business services	43
Community, social and personal services	32
Manufacturing	14
Wholesale and retail trades	12
Import and export trade	9
Restaurants and hotels	22
Construction	6
Transport, storage and communications	19
Others	11
Total	168

(iii) By occupation

Occupation	No. of placements
Managers and administrators, professionals and associate professionals	20
Clerical support workers	23
Service workers and sales workers	35
Agricultural and fishery workers and craft and related workers	8
Plant and machine operators and assemblers	11
Elementary occupations	71
Total	168

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**Item 4: Raising penalties of occupational safety and health
legislation**

Number of prosecutions taken out against employees for non-compliance with section 8 of the Occupational Safety and Health Ordinance and section 6B of the Factories and Industrial Undertakings Ordinance in the past years

During the period from 2014 to 2018, the court heard a total of 55 summonses under the aforesaid provisions.

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**Item 5: Creating a Chief Labour Officer post in the
Labour Department to take forward various measures to enhance
statutory maternity leave**

(a) Any statistics on pregnancy discrimination against female employees
who were engaged under fixed-term contracts

The Labour Department (LD) does not maintain statistics on pregnancy discrimination against female employees who were engaged under fixed-term contracts. Based on LD's daily operational experience, it is uncommon for employers to engage employees by way of fixed-term contracts for the purpose of evading the liabilities of providing maternity protection to their female employees.

2. Regarding the proposed extension of statutory maternity leave (ML) from the current 10 weeks to 14 weeks, the extra cost of statutory ML pay arising from the additional four weeks' ML will be funded by the Government, hence it will not create additional financial burden to employers. Moreover, subjecting a woman to unfair treatment at workplace due to pregnancy is a breach of the Sex Discrimination Ordinance. We believe that the proposal to enhance statutory ML would unlikely affect the contract renewal of pregnant employees engaged under fixed-term contracts.

(b) The gender and family implications of the statutory ML proposal

3. The proposed extension of statutory ML will have a positive impact on working women by providing a longer leave with pay at around the birth of their child. The proposal is also conducive to a more family-friendly environment.

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Item 6: Foreign domestic helpers' access to healthcare services

- (a) The respective numbers of approval and rejected cases in the past years in respect of applications of foreign domestic helpers (FDHs) for medical fee waiver at public clinics or hospitals, together with a breakdown by their resident status i.e. eligible persons (EPs) and non-eligible persons (NEPs)

The Hospital Authority (HA) does not maintain the numbers of approval and rejected cases in respect of applications of FDHs, irrespective of whether they are EPs or NEPs, for medical fee waiver at public clinics or hospitals. The table below sets out the number of inpatient cases and outpatient attendances granted with medical fee waiver for EPs and NEPs in the past three years.

Year	EPs ¹			NEPs ²		
	2016-17	2017-18	2018-19	2016-17	2017-18	2018-19
Number of inpatient cases granted with medical fee waiver	325 286	453 722	522 572	3 167	3 261	2 990
Number of outpatient attendances granted with medical fee waiver	3 311 393	4 228 632	4 854 321	23 256	22 963	21 623

¹ Persons meeting the following criteria are eligible for the rates of charges applicable to EPs as stipulated in the Gazette –

- (i) holders of Hong Kong Identity Card issued under the Registration of Persons Ordinance, except those who obtained their Hong Kong Identity Card by virtue of a previous permission to land or remain in Hong Kong granted to them and such permission has expired or ceased to be valid;
- (ii) children who are Hong Kong residents and under 11 years of age; or
- (iii) other persons approved by the Chief Executive of HA.

² Persons who are not EPs are classified as NEPs.

(b) The number of successful prosecutions taken out against FDH employers for unreasonable and unlawful dismissal of their FDHs in the past years

2. Under the Employment Ordinance, an employer contravenes the law and is liable to prosecution if he/she dismisses an employee in the following circumstances: whilst the employee is confirmed pregnant; whilst the employee is on paid sick leave; by reason of the employee giving evidence or information in connection with the enforcement of relevant labour legislation; by reason of the employee exercising trade union rights; or before entering into an agreement for compensation with an employee injured on duty or before the issue of a certificate of assessment.

3. During 2016 to 2018, an employer was convicted by the court for dismissing a FDH who was injured on duty before having entered into an agreement for compensation with the FDH or before the issue of a certificate of assessment. Another employer was convicted for dismissing a FDH who had been confirmed pregnant.

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Item 7: Promoting good human resource management culture and family-friendly employment practices

(a) Assessment criteria and requirements of participating organisations to be employer signatories of the Good Employer Charter (the Charter)

The first Charter was organised by the Labour Department (LD) in 2017. All private organisations, public bodies (excluding government bureaux and departments), employers' associations, trade unions, professional bodies, non-government organisations, social enterprises and educational institutions in Hong Kong are eligible to enrol for participation. Organisations enrolling for participation are required to make a pledge to be employee-oriented employers and implement the good human resource management practices of four major areas, namely –

- caring for employees;
- promoting work-family/work-life balance;
- providing employee benefits more favourable than statutory requirements; and
- maintaining good communication with employees or their organisations.

2. Preliminary assessment on the applications of the organisations was conducted by LD, followed by the assessment on the eligibility of the organisations to participate in the Charter by a panel of judges comprising employer and employee representatives, an academic, a veteran human resource management practitioner and a government representative. Organisations accredited by the panel were recognised as signatories of the Charter and authorised to use the Charter logo for two years.

(b) Assessment criteria and requirements of participating organisations to be awardees under the Family-Friendly Employers Award (Award

Scheme); and information in respect of the fourth Award Scheme held in 2017-2018

3. The Home Affairs Bureau (HAB) and the Family Council have launched the biennial Award Scheme since 2011 to give recognition to and encourage more employers to implement diversified family-friendly employment practices. The number of entrants for the 2017/18 Award Scheme reached a record high of more than 3 500 participating companies, organisations and government bureaux and departments. Relevant information as requested by the Panel on Manpower is provided by HAB as follows –

(i) Assessment criteria and requirements of the Award Scheme

4. The 2017/18 Award Scheme adopted a marking scheme for assessing awardees in the private sector on aspects including family-friendly employment policies and practices, best practice sharing, benefits to the company/organisation and employees, and rationale behind the implementation of family-friendly employment policies and practices and management commitment. The details of assessment criteria can be found on the website of the 2017/18 Award Scheme at <https://www.ffeas.hk/english/criteria.html>.

(ii) Information in respect of the fourth Award Scheme held in 2017-2018

- *breakdown of participating companies, which were not commended after assessment, by industries*

5. The required information is not available. Some participating companies were not commended after assessment in the 2017/18 Award Scheme as they either failed to meet the assessment criteria or failed to submit completed application form and/or Business Registration Certificate as supporting document. Their background was not analysed.

- *the family-friendly workplace practices adopted by the 37 commended government bureaux/departments and the reasons for these practices not adopted by other government bureaux and departments*

6. The family-friendly workplace practices adopted by the 37 commended government bureaux/departments include measures to

support breastfeeding, e.g. allowing lactation breaks, providing suitable environment and facilities to facilitate employees to express breastmilk; to provide personal counselling and consultation services to employees and their family members in need; to provide financial support by means of welfare fund to employees and their family members in need, etc. All government bureaux/departments are adopting generally the same sets of employment policies for civil servants. Some of them may not be able to implement additional family-friendly workplace practices as there are restraints beyond the control of individual bureaux/departments, for example the need to deliver public services during typical office hours, etc.

- *the government bureaux/departments which received the “Outstanding Family-Friendly Employment Practices 2017-2018” award*

7. One government department, i.e. Hong Kong Police Force, received the “Outstanding Family-Friendly Employment Practices 2017/18”.

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**Item 8: Preparatory work for the implementation of the revised
Statutory Minimum Wage rate**

- (a) The wage level of non-skilled employees engaged under government service contracts following the implementation of the Government's improvement measures from April 2019

The new measures, including increasing the weighting of wage level as an assessment criterion in tender evaluation, have taken effect from 1 April 2019 to enhance the protection of non-skilled employees engaged under government service contracts that rely heavily on the deployment of non-skilled employees. As regards the request of the Panel on Manpower for information on the wage level of non-skilled employees engaged under government service contracts following the implementation of the new measures, as advised by the Financial Services and the Treasury Bureau, since the new measures have been implemented for only a short period, the requested information will be provided to the Panel in due course after the procurement of a good number of service contracts is completed.

- (b) Inflation rates of the few years before implementation of the statutory minimum wage (SMW) in 2011

2. As advised by the Office of the Government Economist of the Financial Secretary's Office, the underlying composite consumer price inflation rates¹ were 2.8%, 5.6%, 1.0% and 1.7% in 2007, 2008, 2009 and 2010 respectively². Inflation is affected by many economic factors, including macroeconomic cycles, international commodity prices, exchange rates and various local cost factors, with the implementation and upratings of SMW being only one of the factors. As such, the change in inflation before and after the implementation of SMW did not only reflect the impact of SMW on inflation.

¹ Starting from 2007, the Census and Statistics Department has released the underlying composite consumer price inflation rates which have netted out the effects of all Government's one-off relief measures. These inflation rates can reflect the inflation trend more clearly.

² Source: Annual Report on the Consumer Price Index, Census and Statistics Department.

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**Item 10: Major findings of the 2018 Annual Earnings and
Hours Survey**

The maximum and minimum numbers of weekly working hours for employees covered under the 2018 Annual Earnings and Hours Survey (AEHS)

As advised by the Census and Statistics Department, since the maximum and minimum numbers of weekly working hours will reveal the information of individual respondents which is prohibited under the Census and Statistics Ordinance, the distribution of weekly working hours¹ of all employees² covered under the 2018 AEHS is provided below for reference –

Percentile ³	Weekly working hours
1 st	7.5
25 th	40.6
50 th	44.3
75 th	49.9
99 th	74.9

¹ Working hours refer to contractual/agreed working hours and overtime hours worked at the direction of employers. Meal break is included in the working hours if it is regarded as working hours according to the employment contract or agreement with the employer, or if an employee has to be in attendance at a place of employment during his/her meal breaks in accordance with the employment contract or with the agreement or at the direction of the employer, irrespective of whether he/she is provided with work or not during the meal break period.

² Excluding government employees, as well as student interns, work experience students and live-in domestic workers as exempted by the Minimum Wage Ordinance.

³ The pth percentile weekly working hours is the weekly working hour value which delineates the lowest p% of all the employees concerned, where p can be any integer value from 1 to 99. For instance, the 1st percentile denotes the lowest 1% value.