

Panel on Manpower

List of outstanding items for discussion

(position as at 17 May 2019)

**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.

May 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").

The Administration intends to brief the Panel on a survey to be conducted on the latest characteristics and employment patterns of employees together with the major findings of the 2018 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

At the meeting on 19 February 2019, Dr Hon CHIANG Lai-wan suggested that the Panel should discuss the attainment of QF-recognized qualifications in career development and advancement in various trades and industries. The Administration will provide such information in their next report to the Panel.

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

To be confirmed

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.

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 letters dated 2 December 2016 (LC Paper No. CB(2)316/16-17(01)) and 10 January 2019 (LC Paper No. CB(2)586/18-19(01)), Hon LUK Chung-hung suggested the Panel to discuss, among others, issues relating to the coverage of ECO.

**Proposed timing
for discussion**

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 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.

To be confirmed

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 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.

May 2019

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.

At the meeting on 19 February 2019, Dr Hon CHIANG Lai-wan suggested the Panel should discuss manpower requirement projection for elderly care services (item 10 below refers) in 2018-2019 legislative session.

The Administration advised that the new round of manpower projection would be covered by "Progress of manpower projection to 2027" to be discussed at the May 2019 meeting.

**Proposed timing
for discussion**

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

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 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 as appropriate.

To be confirmed

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.

10. 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

**Proposed timing
for discussion**

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.

11. 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.

12. 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**

13. 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 and vide his letter dated 3 April 2019 that his draft Member's Bill on working arrangements after natural disasters should be discussed by the Panel.

June 2019

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)).

At the meeting on 16 April 2019, members agreed that the Panel would discuss the subject and Mr LUK Chung-hung's draft Member's Bill at the June 2019 meeting.

14. 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.

November/
December 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.

15. Enforcement of labour legislation by the Labour Administration Branch of the Labour Department

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

To be confirmed

**Proposed timing
for discussion**

16. 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.

May 2019

17. 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.

18. Hong Kong's occupational safety performance

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

July 2019