



Labour Department (Headquarters)

勞工處(總處)

Your reference 來函編號 :

Our reference 本處檔案編號 : LD CR/1/814

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

29 October 2019

Dear Ms MA,

Panel on Manpower
List of follow-up actions

I refer to the “List of follow-up actions” (Appendix VI to LC Paper No. CB(2)9/19-20) of the Panel on Manpower. The Government’s responses to Item 11 and Item 12 are provided in the Annex.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Melody LUK'.

(Ms Melody LUK)
for Commissioner for Labour

c.c. Judiciary Administrator
(Attn: Mr. CHAN Chor Koon, Jackson, Labour Tribunal)

**Panel on Manpower
Follow-up actions**

**Item 11 : Review of the jurisdictional limit of the Minor Employment
Claims Adjudication Board**

(a) Number of claims filed with the Minor Employment Claims Adjudication Board ("MECAB") per year from 1997 to date

The number of claims filed with MECAB per year from 1997 to 2018 is at **Appendix I**.

(b) Respective time taken for making a judgment on a claim in the Labour Tribunal ("LT") and MECAB, if available

2. The Judiciary and MECAB do not maintain the requested statistics.

(c) Flow charts illustrating the respective procedures for handling employment claims in LT and MECAB, together with the average time of each procedure

3. According to the information provided by the Judiciary, the procedures in LT for settling monetary disputes between employees and employers are uploaded onto the Judiciary's website (https://www.judiciary.hk/en/court_services_facilities/labour.html#28), and relevant information and the average waiting times for cases handled by LT in 2018 are at **Appendix II**. The flow chart illustrating the procedures for handling claims in MECAB and the average time of key procedures in 2018 are at **Appendix III**.

Item 12: Proposed Member's Bill entitled "Arrangements for Suspension of Work During Natural Disasters and Emergency Situation Bill"

Protection of employees working under adverse weather conditions and insurance coverage for injury or death caused by accidents when travelling to their workplaces

4. Given the diversity in nature and requirements of different jobs in various trades and industries, and the different districts where employees commute and resume work, employers and employees should adopt a flexible approach in drawing up the work arrangements for adverse weather conditions instead of across-the-board arrangement. Employers should be sympathetic to the circumstances faced by individual employees and give due consideration to their actual difficulties and needs.

5. The "Code of Practice in Times of Typhoons and Rainstorms" ("COP") published by the Labour Department ("LD") provides advice and reference guidelines on matters pertaining to employees commuting to work, releasing from work, resumption of work and work arrangements in times of typhoons and rainstorm warnings. Employers are reminded to draw up in advance reasonable and practical work arrangements with their employees. Employers should consult and engage employees in formulating relevant work arrangements and contingency measures. Moreover, employers and employees should take note of and comply with the relevant safety guidelines before an adverse weather warning is issued, when it is in force and after it is cancelled. Employers should regularly remind employees of the relevant safety guidelines and work arrangements. For details of COP, please refer to LD's homepage (www.labour.gov.hk/eng/public/wcp/Rainstorm.pdf).

6. According to the Employees' Compensation Ordinance ("ECO"), if an employee sustains an injury or dies as a result of an accident when Typhoon Warning Signal No. 8 or above or a Red/ Black Rainstorm Warning is in force, while travelling from his place of residence to his place of work by a direct route within a period of four hours before the time of commencement of his working hours for that day, or from his place of work to his place of residence within a period of four hours after the time of cessation of his working hours for that day, the accident is deemed to arise out of and in the course of employment and his employer is liable to pay compensation under ECO. ECO also stipulates that no employer shall employ any employee in any

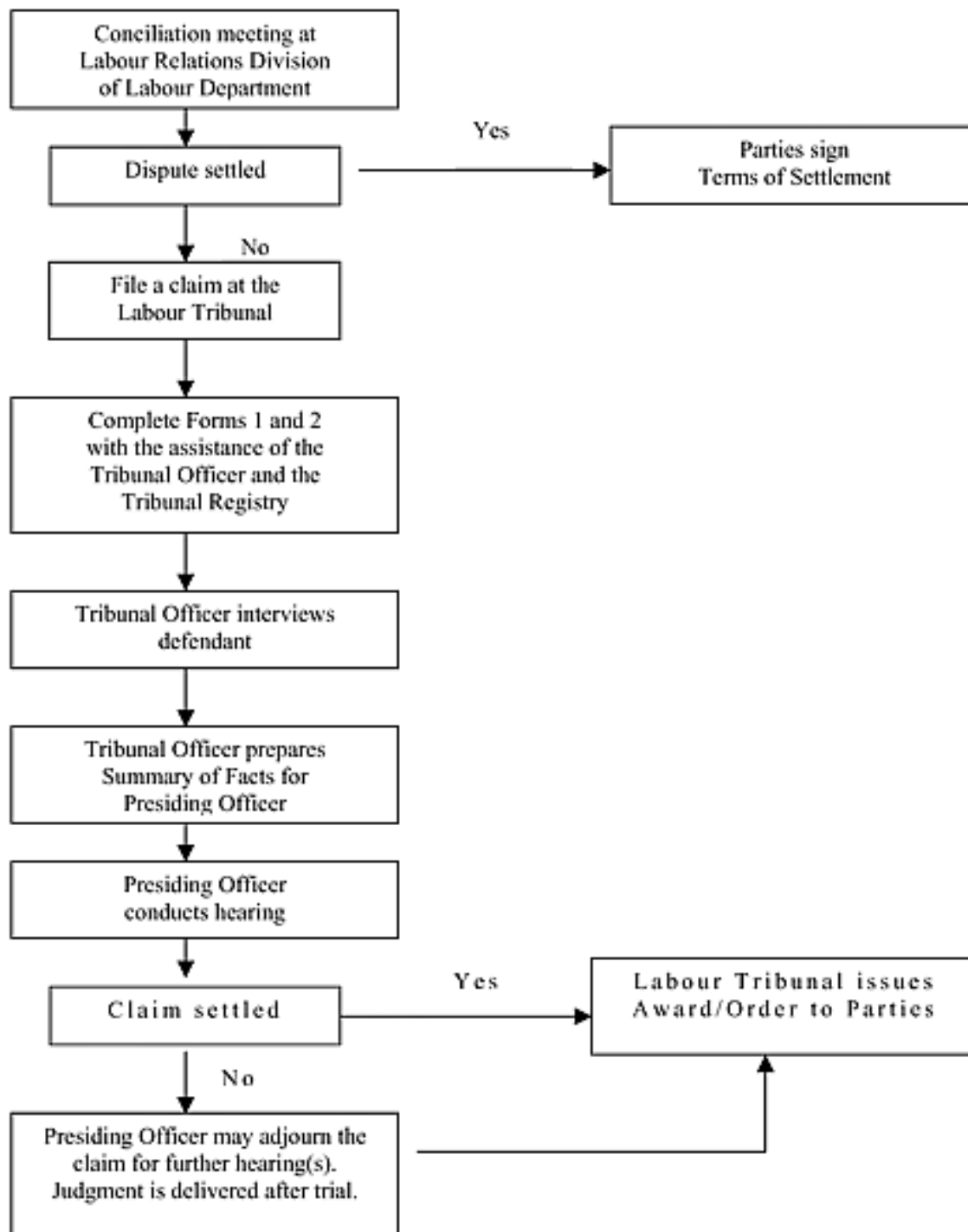
employment unless there is in force a policy of insurance to cover their liabilities both under the Ordinance and at common law for injuries at work in respect of their employees.

**Number of claims filed with the
Minor Employment Claims Adjudication Board**

(from 1997 to 2018)

Year	Number of claims filed
1997	1 548
1998	2 874
1999	2 821
2000	2 422
2001	2 616
2002	2 768
2003	2 818
2004	2 507
2005	2 522
2006	2 510
2007	2 142
2008	2 022
2009	2 200
2010	2 067
2011	1 878
2012	1 556
2013	1 407
2014	1 162
2015	1 041
2016	900
2017	812
2018	607

**Procedures for Settling Monetary Disputes between
Employees and Employers**



The average waiting times for cases handled by LT in 2018

	Average waiting time (days)	
	Target	2018
From appointment to filing of a case	30	25
From filing of a case to first hearing	30	25

Procedures for handling claims in the Minor Employment Claims Adjudication Board (“MECAB”)

