

ITEM FOR FINANCE COMMITTEE

RECOMMENDATION OF THE ESTABLISHMENT SUBCOMMITTEE

Encl. 1 At Enclosure 1 is a summary of the recommendation of the Establishment Subcommittee (ESC) made at its meeting on 28 May 2019 to the Finance Committee (FC) for approval. An ESC Member has requested that the recommendation on EC(2019-20)2 should be submitted to FC separately to facilitate voting on the subject.

Encl. 2 2. The relevant paper considered by the ESC has previously been forwarded to all Members and is therefore not enclosed. The Labour and Welfare Bureau has provided updated information which is set out in Enclosure 2.

3. Members are invited to approve the recommendation above.

4. The up-to-date position of the establishment of directorate posts in the civil service is as follows –

	Permanent	Supernumerary	Total
Position including posts approved by Members as at 2 July 2020	1 672	50	1 722 ^(Note)
Item EC(2019-20)2	1	-	1
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Total	1 673	50	1 723

Note – Exclusive of 17 permanent posts in Independent Commission Against Corruption.

**Summary of the Recommendation of the Establishment Subcommittee
made at its meeting on 28 May 2019**

EC Item No.	Head of Expenditure	Recommendation
EC(2019-20)2	HEAD 90 – LABOUR DEPARTMENT	To recommend to Finance Committee the creation of the following permanent post in the Labour Department with immediate effect upon approval by the Finance Committee to take forward various new measures to enhance statutory maternity leave – 1 Chief Labour Officer (D1) (\$150,950 - \$165,200)

**Responsibilities of one Chief Labour Officer post
to be created in the Labour Department**

As stipulated in paragraph 7 of the Finance Committee paper FCR(2020-21)21 “Implementation of the Reimbursement of Maternity Leave Pay Scheme”, a Reimbursement of Maternity Leave Pay (RMLP) Division headed by a Chief Labour Officer (CLO) will be established in the Labour Department to, among other functions, oversee the policy and implementation of the RMLP Scheme, monitor and review the cap on the additional four weeks’ maternity leave pay (MLP) under the Employment Ordinance, formulate and review scheme parameters and guidelines, monitor and check the performance of the processing agent, plan and steer public engagement activities, handle enquiries and complaints outside the service scope of the processing agent (e.g. on the policy and implementation of the scheme from media, Legislative Council and Ombudsman, etc.), and conduct tendering exercises for the appointment of the processing agent.

2. The proposal for the creation of the CLO post has been explained in detail in the Establishment Committee (ESC) paper EC(2019-20)2. Notwithstanding the Government’s decision to outsource the administration of the RMLP Scheme to a private sector processing agent, the proposed CLO post will continue to be in charge of taking forward various new measures to enhance statutory maternity leave (ML). According to the main tasks set out in paragraph 5 of the ESC paper EC(2019-20)2, suitable adjustments to certain responsibilities of the post relating to outsourcing of service will be made. Based on the original paragraph 5 of the ESC discussion paper, the relevant adjustments are indicated in shade below –

- (a) spearheading the legislative amendments with the assistance of the Department of Justice to give legal effect to the new ML regime;
- (b) setting up a dedicated office for effective implementation of the new ML regime and the reimbursement mechanism;
- (c) developing the reimbursement mechanism, which includes conducting a tendering exercise for appointing a processing agent and overseeing the processing agent’s development of an information technology system which connects to the dedicated office, and mapping out the implementation arrangements by working with concerned government bureaux and departments;

/(d)

- (d) working with the Treasury, Audit Commission and Independent Commission Against Corruption and DoJ, etc. on formulating guidelines on case processing to facilitate the development of a user-friendly and flexible reimbursement mechanism while ensuring prudent and proper use of public funds;
- (e) overseeing and checking the performance of the processing agent as well as ensuring the effective implementation of the reimbursement mechanism including handling enquiries and complaints outside the service scope of the processing agent, and reviewing the operational arrangements from time to time;
- (f) liaising with the Food and Health Bureau/Department of Health and organisations in the medical profession, where appropriate, on issues concerning miscarriage as well as appropriate documentary proof of having attended pre-natal medical examination;
- (g) steering the processing agent to launch territory-wide publicity campaigns as well as reaching out activities to promulgate legislative requirements and operational arrangements of the new ML regime to employer and employee groups as well as the general public;
- (h) monitoring the evolvement of the labour relations scene after the implementation of the new ML regime, and reviewing the level of the cap on the additional four weeks' MLP^{Note} where necessary; and
- (i) engaging major stakeholders, including the LegCo Panel on Manpower, Labour Advisory Board, major employer and employee groups, and women's groups, etc. in the process of delivering the above-mentioned tasks.

3. The above adjustments of the tasks do not affect the need for the proposed CLO post and the expenditure involved.

^{Note} The cost for the additional four weeks' MLP (i.e. MLP for the 11th to 14th weeks) would be funded by Government. The Second Reading debate of the Employment (Amendment) Bill 2019 was resumed on 24 June 2020. If the Committee Stage Amendment moved by the Government is passed, the cap of reimbursement for the additional four weeks' MLP will be raised from \$36,822 to \$80,000.