

# 立法會

## *Legislative Council*

LC Paper No. CB(2)369/19-20  
(These minutes have been seen  
by the Administration)

Ref : CB2/PL/MP

### **Panel on Manpower**

**Minutes of policy briefing  
held on Friday, 8 November 2019, at 8:30 am  
in Conference Room 1 of the Legislative Council Complex**

**Members present** : Hon HO Kai-ming (Chairman)  
Hon CHU Hoi-dick (Deputy Chairman)  
Hon LEUNG Yiu-chung  
Hon WONG Ting-kwong, GBS, JP  
Hon Starry LEE Wai-king, SBS, JP  
Hon CHAN Kin-por, GBS, JP  
Hon Steven HO Chun-yin, BBS  
Hon Frankie YICK Chi-ming, SBS, JP  
Hon YIU Si-wing, BBS  
Hon KWOK Wai-keung, JP  
Hon POON Siu-ping, BBS, MH  
Dr Hon CHIANG Lai-wan, SBS, JP  
Hon Andrew WAN Siu-kin  
Hon Jimmy NG Wing-ka, BBS, JP  
Hon Holden CHOW Ho-ding  
Hon SHIU Ka-fai, JP  
Hon SHIU Ka-chun  
Hon Wilson OR Chong-shing, MH  
Hon YUNG Hoi-yan, JP  
Dr Hon Pierre CHAN  
Hon LUK Chung-hung, JP  
Hon Vincent CHENG Wing-shun, MH, JP  
Hon CHAN Hoi-yan

- Members absent** : Hon WONG Kwok-kin, SBS, JP  
Dr Hon KWOK Ka-ki  
Hon Christopher CHEUNG Wah-fung, SBS, JP  
Dr Hon Fernando CHEUNG Chiu-hung  
Hon CHUNG Kwok-pan  
Hon Kenneth LAU Ip-keung, BBS, MH, JP
- Public Officers attending** : Item I
- Dr LAW Chi-kwong, GBS, JP  
Secretary for Labour and Welfare
- Ms CHANG King-yiu, JP  
Permanent Secretary for Labour and Welfare
- Mr Carlson CHAN Ka-shun, JP  
Commissioner for Labour
- Miss Mabel LI Po-yi, JP  
Deputy Commissioner for Labour (Labour Administration)
- Mr WU Wai-hung, JP  
Acting Deputy Commissioner for Labour (Occupational Safety and Health) / Assistant Commissioner for Labour (Occupational Safety)
- Dr WAN Yuen-kong  
Acting Deputy Commissioner for Labour (Occupational Safety and Health) / Occupational Health Consultant (1)
- Clerk in attendance** : Miss Betty MA  
Chief Council Secretary (2) 1
- Staff in attendance** : Ms Rita LAI  
Senior Council Secretary (2) 1
- Miss Lulu YEUNG  
Clerical Assistant (2) 1
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**I. Briefing by the Secretary for Labour and Welfare on the Chief Executive's 2019 Policy Address**

(LC Paper No. CB(2)128/19-20(01), The Chief Executive's 2019 Policy Address and The Chief Executive's 2019 Policy Address Supplement)

At the invitation of the Chairman, the Secretary for Labour and Welfare ("SLW") briefed members on the major new and on-going initiatives pertaining to the labour and manpower portfolio undertaken by the Labour and Welfare Bureau ("LWB") and the Labour Department ("LD"), as set out in the Chief Executive's 2019 Policy Address and Policy Address Supplement.

*(Post-meeting note: The speaking note of SLW tabled at the meeting was issued to members vide LC Paper No. CB(2)181/19-20 on 11 November 2019.)*

Supporting measures for employees

2. In the light of the worsening economic situation, the Chairman, Mr POON Siu-ping, Mr YIU Si-wing, Mr Wilson OR and Mr Vincent CHENG expressed concern about the adverse impacts on the business environment and employment market, in particular employees engaged in the catering and retail sectors. Mr YIU and Mr CHENG envisaged that in the event that the recent social incidents could not be properly addressed, the situation would aggravate and result in large-scale business closure and significant increase in the unemployment rate. Ms Starry LEE asked whether the Administration would consider implementing counter-measures if the unemployment rate reached a specific level. Mr KWOK Wai-keung held the view that the Administration should proactively implement measures to address the situation as appropriate.

3. With respect to the "Love Upgrading Special Scheme" ("the Scheme") of the Employees Retraining Board ("ERB") launched in October 2019, Mr YIU Si-wing, Mr KWOK Wai-keung, Mr POON Siu-ping, Mr Vicent CHENG and Ms CHAN Hoi-yan held the view that the ceiling of \$4,000 special allowance per month for each eligible trainee was too low for the trainees to meet the expenses of basic livelihood. Mr YIU and Mr LUK Chung-hung criticized that the ceiling of retraining allowance had not been reviewed for more than twenty years. Mr SHIU Ka-chun and Ms CHAN were concerned about the timing for disbursement of the special allowance to the Scheme participants.

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Mr YIU expressed concern that the duration of the Scheme was relatively short for trainees to undergo integrated skills enhancement training.

4. In response to members' views and concerns, SLW drew members' attention to the fact that the unemployment rate was only 2.8% when the Financial Secretary announced on 15 August 2019 a package of measures to support enterprises, safeguard jobs and relieve people's financial burden, which amounted to a total of about \$19.1 billion to counter the challenging external and local economic environment. The Administration was contemplating to roll out a new round of measures to provide further support to enterprises and Hong Kong people to ease the pressure brought about by the economic downturn. As regards the Scheme, SLW advised that ERB was entrusted by the Government to have swiftly launched it in early October 2019 to assist those recently unemployed, being required to take no pay leave or under-employed to upgrade their skills for self-enhancement, with a view to re-entering the employment market as early as possible. The preliminary thinking was to launch the Scheme for a period of six months, subject to extension if necessary. On the amount of the special allowance under the Scheme, SLW said that the maximum amount per month aligned with that stipulated in the law and it would need time to undergo the necessary legislative amendment procedures to adjust the maximum amount. It was also noteworthy that the Comprehensive Social Security Assistance ("CSSA") for a singleton recipient together with the rent allowance was around \$4,300 per month. SLW further advised that the Scheme imposed no restriction on the industries or educational attainment of the trainees and that trainees enrolling in part-time courses under the Scheme were also eligible for receiving the special allowance. According to past experience, the disbursement of allowance could be completed within around one and a half months. Some trainees took longer time to receive the retraining allowance probably because incomplete information was provided.

5. Mr YIU Si-wing suggested that more support be provided for the Scheme participants, such as transport subsidy. Mr SHIU Ka-chun shared a similar view. SLW responded that Scheme participants meeting the relevant eligibility criteria could make application under the individual-based Work Incentive Transport Subsidy Scheme ("the WITS Scheme") for full rate or half rate transport subsidy. The Administration would liaise with ERB to disseminate the above information to the training bodies concerned for the trainees.

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6. The Chairman asked whether consideration would be given to relaxing the working hours requirements under the Working Family Allowance ("WFA") Scheme, so as to encourage more female homemakers to take up part-time employment. SLW responded that the minimum requirement of the total monthly working hours for the WFA Scheme was 144 only for non-single-parent households. Those under-employed might consider enrolling in the Scheme.

7. Drawing reference to the Administration's introduction of a package of enhanced employment measures, including creation of some short-term employment and training openings, after the outbreak of the Severe Acute Respiratory Syndrome in 2003, Mr Vincent CHENG asked whether the Administration would implement similar supporting measures to assist employees to tide over the financial difficulties brought about by recent social incidents.

8. Expressing grave concern that Hong Kong was experiencing an unprecedented political and economic crisis, Mr LUK Chung-hung considered it imperative for the Government to restore public confidence. In the light of huge fiscal reserve, Mr LUK said that the Hong Kong Federation of Trade Unions had suggested the setting up of an emergency relief fund for the unemployed people. This would also remove the labelling effect of the CSSA Scheme which had deterred many unemployed people from seeking appropriate financial assistance.

9. Dr CHIANG Lai-wan expressed concern that due to the economic downturn, some operators faced financial difficulties in running business and that some unemployed people might not be eligible for CSSA. As such, Mr POON Siu-ping and Dr CHIANG called on the Administration to seriously consider setting up an emergency loan fund to provide low-interest loans to the unemployed or those in need so as to assist them in tide over the imminent financial difficulties.

10. Responding to members' concerns and suggestions, SLW said that the Administration considered it more effective to provide timely financial support to people in need under the existing mechanism, for instance, the launch of the Scheme by ERB. The Administration had no plan to set up non-contributory and non-means-tested relief funds. That said, the Administration was open-minded and would welcome suggestions for supporting measures for employees under the existing mechanisms.

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Promoting employment

*Providing retention allowance to the elderly, young people and persons with disabilities*

11. In the light of the heavy blow to various trades arising from the social disturbances and in anticipation of an increasing unemployment rate, Mr Wilson OR was concerned about the timing for disbursement of the retention allowance under the Employment Programme for the Elderly and Middle-aged, the Youth Employment and Training Programme and the Work Orientation and Placement Scheme ("the Three Programmes") to the respective participants. He considered it imperative that the participants could receive the retention allowance of \$3,000 as early as possible if they had stayed in the on-the-job training ("OJT") posts for three months and an additional allowance of \$1,000 for each ensuing month when he/she stayed in the same job until his/her completion of the six to 12-month OJT. To this end, Mr OR called on the Administration to streamline the application procedures. Mr OR further enquired whether there was any quota for each programme and whether there was any overlapping between the Scheme and the Three Programmes.

12. SLW responded that LD had been encouraging employers, through the provision of an OJT allowance to employers under the Three Programmes, to engage job seekers with employment difficulties, i.e. the elderly, young people and persons with disabilities, and provide them with OJT at the initial stage of employment. As regards the provision of retention allowance for employees under the Three Programmes, it aimed at encouraging them to undergo and complete OJT, thereby stabilizing employment. The application procedures for retention allowance would be simplified as far as possible. In the light of different groups of employees to be served, there was no overlapping between the Scheme run by ERB and the provision of retention allowance under the Three Programmes.

*Employment support for elderly job seekers*

13. Mr Wilson OR expressed concern about the effectiveness of the provision of employment support services for elderly job seekers aged 60 to 64. Given that the recent social incidents had hit the economy hard and a considerable number of employees in various trades such as retail trade, restaurants and tourism were already suffering amid the economic

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downturn, Mr OR asked how the Administration would strengthen the employment support for elderly job seekers aged 60 to 64.

14. SLW said that LD had been implementing various measures to strengthen employment support for elderly job seekers. According to the labour force statistics, the number of employed persons aged 60 to 64 had been increasing in recent years.

15. The Chairman and Ms CHAN Hoi-yan called on the Administration to consider lowering the age limit for the elderly under the Public Transport Fare Concession Scheme for the Elderly and Eligible Persons with Disabilities from 65 to 60 with a view to promoting elderly employment. SLW responded that the Concession Scheme was not meant for addressing unemployment. Employees in need could apply for transport subsidy under the WITS Scheme as appropriate.

Pilot rehabilitation programme for employees injured at work

16. Mr LEUNG Yiu-chung and Mr POON Siu-ping said that the labour sector had called for improving the rehabilitation services for injured employees at work over the years. Mr LEUNG expressed concern that there were many work injury compensation claims in which employers did not acknowledge the injuries of the employees were work related and thus the employees concerned did not have income during the time-consuming legal proceedings which might last for several years. More importantly, some of the injured employees might have missed the golden recovery period because of the long waiting time for seeking rehabilitation services in public hospitals and clinics. Noting that the Administration would introduce a three-year pilot rehabilitation programme for employees injured at work ("Pilot Programme") targeting at injured employees from the construction industry, Mr LEUNG considered it useful to provide dedicated rehabilitation services to injured employees to facilitate their early recovery and return to work. Mr LEUNG, however, strongly called on the Administration to shorten the three-year trial period of the Pilot Programme so as to extend it to injured employees of other industries as soon as practicable. Pointing out that the catering sector had all along topped all industries in terms of the number of industrial accidents over the years, the Chairman appealed to the Administration to seriously consider shortening the duration of the Pilot Programme.

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17. Acknowledging that timely and well-coordinated rehabilitation services were critical to early recovery and return to work for employees injured at work, SLW said that the Pilot Programme would adopt a case management approach to provide private rehabilitation treatment services for eligible injured construction employees. It was noteworthy that the Pilot Programme would involve a range of stakeholders and service providers. Given the general shortage of occupational therapists and physiotherapists in the short to medium term and the inadequate supply of the rehabilitation treatment services in the private sector, the Administration considered it pragmatic to introduce a work injury rehabilitation programme for injured construction employees on a three-year pilot basis. It would allow sufficient time for private market development as well as enable the Administration to gain experience for gradually refining the programme details.

18. The Deputy Chairman pointed out that as the rehabilitation treatment services under the Pilot Programme would be provided by the private sector, some labour unions had expressed concern that the service providers would incline to the interests of the employers in respect of work injury assessment and return-to-work plan for the employees concerned. SLW advised that case managers to be appointed by the Occupational Safety and Health Council in administering the Pilot Programme would play an intermediary role in liaising with employers and the medical and rehabilitation professionals, which could help allay the concern about the independence of rehabilitation service providers.

19. While expressing support for the Pilot Programme, Mr Frankie YICK were concerned whether the Administration would assist employers to authenticate whether employees' injury cases were work related. SLW advised that for doubtful work injury cases, LD would gather information and provide views on the work-relatedness of the injury.

Setting up a dedicated foreign domestic helpers division

20. Ms Starry LEE declared that she was the employer of a foreign domestic helper ("FDH") and was appreciative of FDHs' support to families in Hong Kong. While agreeing to strengthening support for FDHs and protection of their labour rights through LD's establishment of a dedicated FDH division, Ms LEE considered it equally important to provide support to FDH employers in relation to employment of FDHs and regulation of employment agencies ("EAs") placing FDHs. Ms LEE



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sought clarification as to whether the FDH division would also provide support to FDH employers over FDH issues.

21. SLW advised that the major responsibilities of the dedicated FDH division included enhancing promotion and education for FDHs and employers as well as providing support services for FDHs and employers. Through the work of the FDH division and the promulgation of the Code of Practice for EAs, the Administration would, among other things, strengthen the regulation of EAs placing FDHs and the protection for FDHs and support for employers, so as to promote more cordial employment relationships and maintain Hong Kong as an attractive place for FDHs to work.

Formulation of sector-specific working hours guidelines

22. Mr POON Siu-ping was of the view that formulation of sector-specific working hours guidelines ("the guidelines") was a retrograde step in tackling the issue of long working hours. Instead, the Administration should seriously consider legislating for standard working hours. Mr POON also raised query about the effectiveness of the guidelines to be formulated in view of the diverse views of the employers and employees on the matter.

23. Mr YIU Si-wing said that it would be difficult for the tourism industry to adopt the guidelines across the board because of its unique work nature and flexible working hours arrangements. Mr YIU asked about the progress of formulation of the guidelines.

24. SLW responded that LD was engaging its 11 industry-based tripartite committees in formulating the guidelines. Given the different operational characteristics, the variety of job types and complex working hours arrangements among and within individual sectors, LD was making its best effort in seeking to narrow down differences and strive for consensus on the content of the guidelines. Upon discussion with the Chairman and the Deputy Chairman at the work plan meeting, the Administration aimed to brief the Panel on the progress of formulation of the guidelines in the first half of 2020.

Raising penalties of occupational safety and health legislation

25. Mr POON Siu-ping was concerned that although the legislative amendment exercise to raise the deterrent effect of penalties for occupational safety and health ("OSH") offences was announced in 2017

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Policy Address, the proposed legislation was expected to be brought into full operation only until mid-2022. Mr POON urged the Administration to expedite the relevant work.

26. SLW responded that with a view to raising the deterrent effect of penalties for OSH offences, LD consulted key stakeholders on the preliminary legislative amendment proposal earlier this year, including the Panel as well as many key employer and employee organizations from the construction industry, etc. The Administration was analyzing and considering the views received for refining the legislative amendment proposal. Given that the penalties of relevant ordinances had not been revised for over 20 years, it was expected that the legislative amendments would be complicated. Subject to the stakeholders' views and progress of law drafting, the Administration aimed to revert to the Panel on the consultation outcomes and the finalized proposed legislative amendments before introduction of the relevant bill in the 2020-2021 legislative session.

Enhancement measures of the Continuing Education Fund

27. Mr SHIU Ka-chun sought information on the increase in numbers of newly registered courses and claims for the subsidy under the Continuing Education Fund following the additional funding injection of \$10 billion in May 2018 and the implementation of the enhancement measures since April 2019. SLW advised that it was expected that more detailed information would be made available in a few months' time.

Problem of manpower shortage

28. Mr Frankie YICK expressed grave concern about the acute manpower shortage and ageing problems of professional drivers in the public transport industry. He strongly called on the Administration to squarely address the situation without delay. SLW said that the member's concern was noted. To his understanding, the Transport and Housing Bureau was proactively considering relevant measures.

Enhancing the protection of non-skilled employees engaged by government service contractors

29. The Deputy Chairman expressed concern about the wage discrepancy of comparable supervisory positions engaged by government service contractors and those of the Food and Environmental Hygiene

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Department ("FEHD"). SLW said that the concern was noted. The Administration would monitor the effectiveness of the improvement measures implemented from April 2019 for enhancing the protection and labour benefits of non-skilled employees engaged by government service contractors.

30. Mr SHIU Ka-chun expressed concern about OSH of non-skilled employees engaged under FEHD's service contractors when performing cleansing duties at areas contaminated by tear gas rounds in recent months. Mr SHIU sought information on the relevant work arrangements, provision of safety training and equipment as well as guidelines for these non-skilled workers. SLW responded that the guidelines were issued by FEHD, and LWB did not have the relevant information at hand.

Other issues

31. Mr POON Siu-ping expressed disappointment at lack of progress in respect of the alignment of the number of statutory holidays with general holidays regardless of the strong call from the labour sector over the years.

32. The Deputy Chairman was concerned that in the past few months, there were dismissal cases of employees by some private enterprises, including the Cathay Pacific Airways Limited, consequent upon expression of political opinions by the employees concerned at the social media. SLW advised that employees who suspected that their employment rights and benefits were infringed could approach LD for assistance.

Motions proposed by members

33. The Chairman said that Mr Vincent CHENG and Dr CHIANG Lai-wan had indicated their respective intention to propose motions under this agenda item. He ruled that the two motions were directly related to the agenda item, and the motions would be voted in the order they were presented. Members agreed that the motions should be proceeded with.

*Motion moved by Mr Vincent CHENG*

34. Mr Vincent CHENG moved the following motion, which was seconded by Mr Wilson OR:

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"受近期大型社會運動及環球經濟因素影響，本港經濟呈現下行壓力，多個行業尤其是從事旅遊、餐飲及零售等公司更備受衝擊，部分僱員被迫放無薪假，甚或遭受解僱，基層市民生活勢將蒙受極大影響，為協助失業人士解決經濟燃眉之困，本事務委員會促請政府：

- (a) 擴大「特別愛增值」計劃範圍，包括靈活增加受惠名額、調高每月最高 4000 元津貼額，及簡化申請程序及發放津貼額行政程序，以盡快紓解學員的經濟困境；及
- (b) 研究於政府各政策局及部門開設短期的臨時職位，以創造更多就業機會，紓緩失業情況。"

(Translation)

"Under the impacts of the recent large-scale social movements and global economic factors, the Hong Kong economy is facing downward pressure. This has dealt a blow to a number of industries, particularly companies engaged in tourism, catering, retail business, etc. Some employees have been forced to take unpaid leave or even dismissed, which will definitely deal a severe blow to the livelihood of the grassroots. To assist the unemployed in tiding over their imminent financial difficulties, this Panel urges the Government to:

- (a) expand the scope of the "Love Upgrading Special Scheme" by increasing the number of beneficiaries in a flexible manner, increasing the maximum amount of allowance which is currently set at \$4,000 per month, and streamlining the application procedures and administrative procedures for disbursement of allowance, with a view to alleviating the financial hardship of the trainees as soon as possible; and
- (b) conduct a feasibility study on creating short-term and temporary posts in government bureaux and departments to generate more job opportunities and ease unemployment."

35. The Chairman put Mr Vincent CHENG's motion to vote. The Chairman said that all members present unanimously voted for the motion and declared that the motion was carried.

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*Motion moved by Dr CHIANG Lai-wan*

36. Dr CHIANG Lai-wan moved the following motion, which was seconded by Mr Vincent CHENG:

"本事務委員會要求政府考慮成立一個緊急貸款基金，以低息貸款協助香港失業或經營週轉出現問題的市民解燃眉之急。"

(Translation)

"This Panel requests the Government to consider setting up an emergency loan fund to provide low-interest loans to the unemployed or those who have financial problems in running business in Hong Kong, so as to assist them in solving their imminent problems."

37. The Chairman put Dr CHIANG Lai-wan's motion to vote. The Chairman said that eight members voted for the motion and two members abstained from voting. The Chairman declared that Dr CHIANG's motion was carried.

38. There being no other business, the meeting ended at 10:07 am.

Council Business Division 2  
Legislative Council Secretariat  
12 December 2019