

Panel on Manpower

List of outstanding items for discussion

(position as at 18 January 2021)

**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.

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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.

**Proposed timing
for discussion**

At the meeting on 21 May 2019, the Administration briefed 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 Annual Earnings and Hours Survey ("AEHS"). According to the Administration, the survey findings are expected to be made available in the first quarter of 2021.

In his letter dated 13 November 2020 (LC Paper No. CB(2)284/20-21(01)), Hon KWOK Wai-keung suggested the Panel to discuss the subject.

At the work plan meeting for the 2020-2021 session on 4 December 2020, the Administration advised that it would brief the Panel on the major findings of the Thematic Household Survey on employees engaged under employment contracts with short duration or working hours in 2019.

2. 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 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.

To be confirmed

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.

**Proposed timing
for discussion**

3. 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.

At the meeting on 7 January 2021, the Administration briefed members on its proposal to amend ECO to extend its coverage to employees commuting to or from work under "extreme conditions". Members raised no objection to the proposal.

4. 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

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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.

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.

At the work plan meeting for the 2020-2021 session on 4 December 2020, the Administration advised that the discussion on the review of PWIF was subject to the proposal for abolition of the Mandatory Provident Fund ("MPF") "offsetting" arrangement.

5. 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.

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for discussion**

6. 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.

7. 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 Chief Executive's ("CE") 2017 Policy Address.

In her letter dated 5 November 2020 (LC Paper No. CB(2)182/20-21(01), Hon Elizabeth QUAT suggested the Panel to discuss measures to unleash female labour force.

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8. 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 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.

The subject was originally scheduled for discussion at the meeting on 25 June 2019, but was subsequently deferred to a future meeting owing to insufficient time for discussion at that meeting. The Administration's paper for the discussion item was issued to members vide LC Paper No. CB(2)1674/18-19(06).

Hon Elizabeth QUAT and Hon KWOK Wai-keung suggested the Panel to discuss the subject vide the letters dated 5 November and 13 November 2020 respectively (LC Paper Nos. CB(2)182/20-21(01) and CB(2)284/20-21(01)).

At the work plan meeting on 4 December 2020, Panel Chairman, Hon LUK Chung-hung, suggested to discuss the importation of carers for subsidized elderly care

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services in the 2020-2021 session. The Administration advised that the issues on manpower shortage for elderly care services should be discussed at the Panel on Welfare Services.

9. Alignment of statutory holidays with general holidays

Item proposed by Dr Hon CHIANG Lai-wan at the meeting on 20 June 2017.

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At the meeting on 12 October 2017, Hon HO Kai-ming suggested that the Panel should follow up the subject as soon as practicable.

The new initiatives announced by CE on 14 January 2020 include increasing progressively the number of statutory holidays so that it is eventually on par with the number of public holidays. To take forward this initiative, the Government has worked out a proposal. Following deliberations by LAB, the Government will consult the Panel.

At the Panel meeting on 17 November 2020, members agreed that the Administration should provide monthly update on the progress of the above proposal at subsequent regular meetings as proposed by Hon KWOK Wai-keung vide his letter dated 13 November 2020 (LC Paper No. CB(2)283/20-21(01)).

At the work plan meeting for the 2020-2021 session on 4 December 2020, the Administration advised that it would brief the Panel on its proposal of increasing progressively the number of statutory holidays under EO at the Panel meeting on 19 January 2021.

At the meeting on 7 January 2021, the Administration provided members with an update on the proposal.

10. Employment of foreign domestic helpers

Hon Michael TIEN proposed at the meeting on 12 October

To be confirmed

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for discussion**

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.

In her letters dated 5 November and 11 November 2020 (LC Paper No. CB(2)182/20-21(01) and CB(2)377/20-21(01)), Hon Elizabeth QUAT suggested the Panel to discuss issues relating to employment of FDHs.

11. Review of the jurisdictional limit of the Minor Employment Claims Adjudication Board

The Administration intends to brief the Panel on a revised proposal after reviewing the jurisdictional limit of the Minor Employment Claims Adjudication Board.

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12. Relief measures for unemployed people

In his letter dated 30 December 2019 (LC Paper No. CB(2)454/19-20(01)), Hon LUK Chung-hung suggested the Panel to discuss relief measures for unemployed people. The subject was one of the 10 new initiatives to benefit grassroots and underprivileged people as announced by the Government on 14 January 2020.

To be confirmed

In their joint letter dated 2 September 2020 (LC Paper No. CB(2)1475/19-20(01)), Hon KWOK Wai-keung and Hon LUK Chung-hung suggested that a subcommittee should be appointed under the Panel to study issues relating to the setting up of an unemployment assistance system in Hong Kong. At the meeting on 17 November 2020, members agreed to appoint the subcommittee under the Panel.

In her letter dated 5 November 2020 (LC Paper No. CB(2)182/20-21(01)), Hon Elizabeth QUAT suggested the Panel to discuss relief measures for unemployed people.

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13. Making contribution to the Mandatory Provident Fund Schemes

In his letter dated 30 December 2019 (LC Paper No. CB(2)454/19-20(02), Hon LUK Chung-hung suggested the Panel to discuss the proposal of making contribution on behalf of the low-income employees to the MPF Schemes by the Government ("the proposal"), which was one of the 10 new initiatives to benefit grassroots and underprivileged people as announced by the Government on 14 January 2020.

To be confirmed

In his letter dated 13 November 2020 (LC Paper No. CB(2)284/20-21(01)), Hon KWOK Wai-keung suggested the Panel to discuss the proposal.

At the work plan meeting for the 2020-2021 session on 4 December 2020, the Administration advised that the proposal would be implemented following the full operation of the eMPF Platform in 2025 at the earliest. The Administration replied to a question in relation to the proposal which was raised at the Council meeting of 4 November 2020.

14. Employees' right, benefits and welfare of digital platform workers and casual workers

In his letter dated 13 November 2020 (LC Paper No. CB(2)284/20-21(01)), Hon KWOK Wai-keung suggested the Panel to discuss employees' rights, benefits and welfare of digital platform workers and casual workers.

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15. Proposed Member's Bill to amend the Minimum Wage Ordinance

At the meeting on 17 November 2020, Hon LUK Chung-hung indicated his intention to brief the Panel on his Member's Bill to amend the Minimum Wage Ordinance (Cap. 608) to the effect that the Statutory Minimum Wage rate should be reviewed annually.

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for discussion**

16. Latest development in the employment services of the Labour Department

The Administration intends to brief the Panel on the latest development in the employment services of the Labour Department ("LD").

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2021

17. 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 LD.

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2021

18. Major findings of the 2020 Annual Earnings and Hours Survey

The Administration intends to brief the Panel on the major findings of the 2020 AEHS.

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2021

19. Implementation of the Reimbursement of Maternity Leave Pay Scheme

The Administration intends to brief the Panel on the implementation of the Reimbursement of Maternity Leave Pay Scheme.

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2021

20. Occupational disease and occupational health situation in 2020

The Administration intends to brief the Panel on the occupational disease and occupational health situation in 2020.

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21. Report on the Consultancy Study on Relationship between Notified Workplace Deaths and Work Condition

The Administration intends to brief the Panel on the report on the consultancy study on relationship between notified workplace deaths and work condition.

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22. Hong Kong's occupational safety performance in 2020

The Administration intends to brief the Panel on Hong Kong's occupational safety performance in 2020.

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2021

23. Proposal to abolish the offsetting arrangement under the Mandatory Provident Fund System

The Administration intends to brief the Panel on the proposal to abolish the offsetting arrangement under the MPF System.

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At the meeting on 7 January 2021, the Administration provided members with an update on the proposal. The Administration will brief members at the meeting on 19 January 2021 the funding proposal for building the employers' Designated Savings Account ("DSA") Scheme functionalities on the eMPF Platform of the Mandatory Provident Fund Schemes Authority, and the development and management of the DSA Information Technology System in LD.