立法會
Legislative Council

LC Paper No. CB(2)412/2022

Ref : CB2/BC/2/22

Report of the Bills Committee on Employment (Amendment) Bill 2022

Purpose

This paper reports on the deliberations of the Bills Committee on Employment (Amendment) Bill 2022 ("the Bills Committee").

Background

2. The Employment Ordinance (Cap. 57) provides for the protection of the wages of employees, regulates general conditions of employment and employment agencies, and provides for matters connected therewith. Under section 33(1) of Cap. 57, an employee who has been employed under a continuous contract[1] for a period of one month or more immediately preceding a sickness day is entitled to sickness allowance subject to fulfilling certain criteria.[2] At present, "sickness day" is defined in section 2(1) of Cap. 57 to mean a day on which an employee is absent from his work by reason of his being unfit therefor on account of injury or sickness.

3. Cap. 57 further provides that an employee may claim against the employer for unreasonable dismissal or variation of the terms of the contract of employment without the employee's consent, if certain conditions are met. An employee may also bring a claim against the employer if the employee is dismissed by the employer other than for a valid reason and in contravention of certain statutory provisions (e.g. termination of a contract of employment by the employer other than by way of summary dismissal on a sickness day where the employee is entitled to sickness allowance). Once such a claim is made, the

---

[1] An employee who has been employed continuously by the same employer for four weeks or more, with at least 18 hours worked in each week is regarded as being employed under a continuous contract.

[2] Such criteria include: (a) the sickness days taken are not less than four consecutive days; (b) the sickness day is supported by an appropriate medical certificate; and (c) the employee has accumulated sufficient number of paid sickness days.

employer is required to show a valid reason within the meaning of section 32K of Cap. 57 for the dismissal or variation.

The Bill

4. The Employment (Amendment) Bill 2022 ("the Bill") was published in the Gazette on 25 February 2022 and received its First Reading at the Council meeting of 16 March 2022. According to paragraph 2 of the Legislative Council ("LegCo") Brief (File Ref.: LD LRD/12-1/1-30/2 (C)) issued by the Labour and Welfare Bureau and the Labour Department ("LD") on 2 March 2022, against the backdrop of the severe impact of the coronavirus disease 2019 ("COVID-19") epidemic on the society with regulations made under the Prevention and Control of Disease Ordinance (Cap. 599) for epidemic control which restrict people's movement, the Administration introduces the Bill into LegCo to propose amendments to Cap. 57 with a view to better safeguarding the employment rights and benefits of employees and encouraging employees to receive vaccination.

5. The Bill seeks to amend Cap. 57 to (a) regard a day on which an employee ("affected employee") is subject to any restriction on movement imposed under Cap. 599 as a sickness day, and to provide for sickness allowance to be paid to the affected employee under certain circumstances; (b) provide that it is not a valid reason to dismiss an employee or vary the terms of the employee's contract of employment on the ground of the employee being an affected employee; (c) provide that it is a valid reason to dismiss an employee (other than an employee that falls within a specified category) or vary the terms of the employee's contract of employment if the employee refuses to produce proof of vaccination after a request is made by the employer; and (d) provide for related matters. The key features of the Bill as explained by the Administration are set out in paragraphs 3 to 8 of the LegCo Brief.

The Bills Committee

6. At the House Committee meeting on 18 March 2022, Members agreed to form a bills committee to study the Bill. Hon YUNG Hoi-yan has been elected Chairman of the Bills Committee. The membership list of the Bills Committee is in **Appendix 1**.

7. The Bills Committee has held three meetings with the Administration. It has also received 82 written submissions. A list of organizations and individuals which/who have given views to the Bills Committee is in **Appendix 2**.

Deliberations of the Bills Committee

Absence from work of an employee for compliance with a restriction on movement imposed under Cap. 599 be deemed as sickness day

Proposed amendments to the definition of "sickness day"

8. Clause 3 of the Bill proposes to amend the definition of "sickness day" under section 2(1) of Cap. 57 to include a day on which an employee is absent from the employee's work by reason of the employee's compliance with a Cap. 599 requirement. "Cap. 599 requirement" is proposed to mean a requirement set out in Part 1 of the proposed new Schedule 11 to Cap. 57 that imposes a restriction on movement. These requirements as set out in items 1 to 3 of the aforesaid Part are: (a) the requirements under section 29(1) and (2) of the Prevention and Control of Disease Regulation (Cap. 599A) where the employee is placed under quarantine or isolation, or is within a place that is placed under isolation, under Cap. 599A;[3] (b) the requirement not to contravene sections 13(1) and 16(1) of the Prevention and Control of Disease (Compulsory Testing for Certain Persons) Regulation (Cap. 599J) in relation to compulsory testing;[4] and (c) the requirement not to contravene section 19C(1) of Cap. 599J.[5]

9. The Administration has informed the Bills Committee that it is its policy intent that the restriction on movement imposed on employees for the purposes of the proposed new definition of "Cap. 599 requirement" would not include the restrictions on movement imposed on persons arriving at Hong Kong. In its view, persons arriving at Hong Kong from a place in China other than Hong Kong and from a place outside China should be well aware of the respective compulsory quarantine requirements under the Compulsory Quarantine of Certain Persons Arriving at Hong Kong Regulation (Cap. 599C) and the Compulsory Quarantine of Persons Arriving at Hong Kong from Foreign Places Regulation (Cap. 599E) before they head to Hong Kong. Different from those persons who are subject to the requirements set out in Part 1 of the proposed new Schedule 11 to Cap. 57 (each of which would constitute a Cap. 599 requirement) in that their absence from work is by reason beyond their control,

---

[3] At the time the Bill was published in the Gazette, section 29(1) of Cap. 599A provided that a person must not leave a place in which that person was placed under quarantine or isolation, whereas section 29(2) of Cap. 599A provided that a person other than a health officer must not enter a place in which another person was placed under quarantine or isolation, or enter or leave a place that was placed under isolation, without a written permission given under section 31 of Cap. 599A.

[4] Sections 13(1) and 16(1) of Cap. 599J relate to a non-compliance with a requirement under a compulsory testing notice and a non-compliance with a requirement under a compulsory testing order respectively.

[5] Section 19C(1) of Cap. 599J relates to exit restriction imposed by a restriction-testing declaration made in relation to certain premises.

these persons are free to choose whether to submit themselves to be placed under quarantine as required by Cap. 599C and Cap. 599E.

10. The Legal Adviser to the Bills Committee has sought clarification from the Administration on the reason for not including the requirement not to contravene section 8(1) of Cap. 599J in the proposed new definition of "Cap. 599 requirement" (which relates to a compulsory testing direction ("CTD") issued by a specified medical practitioner that may also impose a restriction on movement). The Administration has explained that CTD under section 4(4)(c)(ii) of Cap. 599J may require the person concerned not to leave or enter a particular place without the permission of a prescribed officer until the result of the specified test is ascertained. In practice, however, CTD does not restrict the movement of the person concerned. In fact, none of the CTDs issued thus far required the persons concerned not to leave or enter a particular place without the permission of a prescribed officer. As a result, the Administration does not propose to include section 8(1) of Cap. 599J in Part 1 of the new Schedule 11 to Cap. 57.

11. The Prevention and Control of Disease (Amendment) Regulation 2022 (L.N. 35 of 2022) was gazetted on 29 March 2022 and came into operation on 31 March 2022. L.N. 35 of 2022 amends or repeals various provisions of Cap. 599A, including sections 22, 23, 25 and 29 under which restrictions on movement could be imposed. In view of the amendments made to Cap. 599A by L.N. 35 of 2022, the Legal Adviser to the Bills Committee has sought clarification from the Administration on whether amendment(s) would be made to Part 1 of the proposed new Schedule 11 to Cap. 57 for the purposes of the proposed new definition of "Cap. 599 requirement".

12. The Administration has advised that it will move a corresponding amendment to amend item 1 of Part 1 of the proposed new Schedule 11 to Cap. 57 by deleting "section 29(1) and (2)" and substituting "sections 22(4),[6] 23(3)[7] and 29(2)(b)[8]". The Administration has explained that sections 25(4) and 29(2)(a) of Cap. 599A will not be included as the former requires a person to leave a place that is to be placed under isolation, whereas the restriction on movement imposed by the latter is on a person that is not placed under

---

[6] Section 22(4) of Cap. 599A provides that a person in respect of whom an order is made by a health officer under section 22(1) of Cap. 599A must not leave the place in which the person is placed under quarantine except in compliance with the terms of quarantine specified in the order.

[7] Section 23(3) of Cap. 599A provides that a person in respect of whom an order is made by a health officer under section 23(1) of Cap. 599A must not leave the place in which the person is placed under isolation except in compliance with the terms of isolation specified in the order.

[8] Section 29(2)(b) of Cap. 599A provides that a person other than a health officer shall not enter or leave a place that is placed under isolation without a written permission given under section 31 of Cap. 599A.

quarantine or isolation. Ms Doreen KONG has suggested that the Administration should list out the respective requirements under sections 22(4), 23(3) and 29(2)(b) of Cap. 599A in the Bill directly for easy comprehension by the general public. The Administration has advised that to do so may result in putting too much detail in the provisions, with references being made to other provisions of Cap. 599A. However, the Administration has undertaken that subject to the passage of the Bill and the above amendment, it shall use a plain and easily understandable language (such as the restriction imposed by isolation order or quarantine order, etc.) to promote the amendment so as to clearly explain the coverage of relevant requirements to members of the public.

13. Mr LAI Tung-kwok and Ms Carman KAN have queried why item 2 of Part 1 of the proposed new Schedule 11 to Cap. 57 does not refer directly to the relevant provisions on the restrictions on movement in relation to compulsory testing notice ("CTN") and compulsory testing order ("CTO") but the relevant offence provisions of Cap. 599J. The above apart, they have expressed concern that the current drafting of items 2 and 3 of the aforesaid Part, which use double negative, makes the provisions difficult for ordinary members of the public to comprehend.

14. After consideration of the above views, the Administration has agreed to move a set of amendments to amend items 2 and 3 of Part 1 of the proposed new Schedule 11 to Cap. 57 by referring directly to the requirement not to leave a particular place under a CTN published under section 10(1) of Cap. 599J; the requirement not to leave a particular place under CTO made under section 14(2) of Cap. 599J; and the requirement not to leave any restricted premises (as defined by section 19A of Cap. 599J) imposed under section 19C(1) of Cap. 599J.

Means to show that an employee is subject to a Cap. 599 requirement

15. Clause 7 of the Bill proposes to amend section 33 of Cap. 57 to the effect that an employee who is absent from work due to the employee's compliance with a Cap. 599 requirement would be entitled to sickness allowance in respect of the sickness day if such day is shown to be a day on which the employee is subject to the Cap. 599 requirement by any of the means specified in Part 2 of the proposed new Schedule 11 to Cap. 57. The means so specified are a document (in hard copy form or electronic form) issued by a public officer or any person on behalf of the Government, or electronic data access to which can be obtained, by telecommunications, in a manner specified by a public officer, and that shows the prescribed information relating to the employee. "Prescribed information" is proposed to mean the name of the employee who is subject to the Cap. 599 requirement (or information that could identify the identity of the employee); the type of the restriction imposed by that requirement; and the commencement date and the expiry date of the period for the restriction imposed by that requirement.

16. Members note that under the dire situation of the fifth wave of the epidemic, the Administration has announced that, from 26 February 2022, any person who has been tested positive using COVID-19 rapid antigen test ("RAT") should be regarded as positive cases. The "Declaration System for individuals tested positive for COVID-19 using Rapid Antigen Test" ("the Declaration System") was launched on 7 March 2022 for persons who have been tested positive by RAT to register direct their results. After submitting the preliminary declaration, individuals who have successfully uploaded the supporting documents through the link provided in an SMS sent by the Centre for Health Protection ("CHP") of the Department of Health will be able to download the isolation orders issued by CHP in accordance with the law. Based on the information reported, CHP will send SMS to their household contacts. The household contacts will be able to download their quarantine order issued by CHP in accordance with the law after uploading the required documents such as their identification document via the link provided in the SMS. Some members including Mr SHIU Ka-fai, Ir LEE Chun-keung and Mr Sunny TAN have expressed concern that there may be fraudulent declarations by employees. While CHP would request some of the registered cases to conduct nucleic acid confirmatory tests on a random basis, the test results would not be made known to the employers.

17. The Administration has advised that persons with negative confirmatory test results would be sent to the Penny's Bay Community Isolation Facility for observation and testing. Cases of suspected provision of false or misleading information deliberately would be referred to the Police for follow-up. Under the Prevention and Control of Disease (Disclosure of Information) Regulation (Cap. 599D), a person, in purported compliance with a requirement to give information to a health officer or authorized officer, knowingly gives to an aforementioned officer any information that is false or misleading in a material particular (including provision of false or misleading RAT result through the Declaration System) is liable on conviction, to a maximum fine at level 3 (currently $10,000) and to imprisonment for six months.

18. Some of these members have pointed out that while the period specified in the isolation order or quarantine order is for 14 days, the health authorities have decided under the fifth wave of the epidemic that, in view of the latest epidemic development and risk assessment, infected persons who have been sent to community isolation facilities or are pending admission to hospitals or isolation facilities may conduct RATs on Day 6 and Day 7 after tested positive if they have received at least two doses of COVID-19 vaccines. Similarly, close contacts who have received at least two doses of COVID-19 vaccines may conduct RATs on Day 6 and Day 7 of the home quarantine period. If they obtain negative test results during RATs on these two successive days, they may leave community isolation facilities or home premises earlier on Day 7 for their

daily activities. According to the Administration, the isolation order or the quarantine order concerned can be deemed to be expired in these circumstances. The sickness day(s) would also be ended with the expiry of the isolation order or the quarantine order. These members have enquired whether it is justifiable and reasonable under the Personal Data (Privacy) Ordinance (Cap. 486) for an employer to require an employee, who is subject to isolation or quarantine and has received at least two doses of COVID-19 vaccine, to provide the visit records stored in his or her "LeaveHomeSafe" mobile application ("visit records") as a proof of not having resumed daily activities earlier because of meeting the above criteria for early discharge from isolation and home quarantine.

19. The Administration, in consultation with the Office of the Privacy Commissioner for Personal Data, Hong Kong ("PCPD"), has advised that collection of employees' visit records will constitute a collection of personal data as defined in Cap. 486. Employers, as data users, will have to comply with, among others, the Data Protection Principles ("DPPs") set out in Schedule 1 to Cap. 486. While it would generally be justifiable and reasonable for an employer to collect information to ascertain whether an employee is considered safe to return to the workplace or to verify the period of an employee's isolation or quarantine, the Office of PCPD has reservations as to whether the collection of visit records of an employee by the employer could satisfy the necessity, not excessive and fairness requirements under DPP 1.[9] One reason is that the visit records would reveal information about the whereabouts and location history of an employee and the collection of which would apparently be excessive for the intended collection purpose. It is also questionable if the collection of the entire visit records is necessary for or directly related to the purpose of collection in this context. The above apart, the collection of visit records may reveal a breach of isolation or quarantine order by the employee if he or she did not stay at the same place throughout the entire isolation or quarantine period and may thus incriminate the employee in criminal proceedings. In such circumstances, it is considered that the collection of the visit records by an employer may not fulfil the requirement under DPP 1.

---

[9] Under DPP 1(1), personal data shall not be collected unless:
(a) the data is collected for a lawful purpose directly related to a function or activity of the data user who is to use the data;
(b) subject to paragraph (c), the collection of the data is necessary for or directly related to that purpose; and
(c) the data is adequate but not excessive in relation to that purpose.

Under DPP 1(2), personal data shall be collected by means which are:
(a) lawful; and
(b) fair in the circumstances of the case.

20. The Administration has however advised that in line with the "Guidance for Employers on Collection and Use of Personal Data of Employees during COVID-19 Pandemic" issued by the Office of PCPD in March 2022, it would generally be justifiable and reasonable for employers to collect an employee's COVID-19 test results on Day 6 and Day 7 of the isolation or quarantine period. That said, employers who collect such and other health data from employees should observe the above requirements concerning the purpose and manner of collection of personal data as well as other DPPs under Cap. 486 in relation to, for example, retention period, data accuracy and data security.

Exemption to produce medical certificate for entitlement to sickness allowance

21. Under section 33(2) of Cap. 57, an entitlement to sickness allowance shall accrue at the rate of two paid sickness days for each completed month of the employee's employment under the continuous contract with the employer during the first 12 months of such employment; and four paid sickness days for each such month thereafter, and may be accumulated up to a maximum of 120 paid sickness days, subject to section 33(2A) of Cap. 57. Pursuant to section 37 of Cap. 57, paid sickness days are divided into two categories. Paid sickness days are accumulated up to 36 days in category 1 and then up to 84 days in category 2.

22. Section 33(5A) of Cap. 57 proposed to be amended by clause 7(3) of the Bill provides that if an employee takes paid sickness days due to compliance with a Cap. 599 requirement falling within the employee's bank of paid sickness days in category 2 of the accumulated sickness days, the employee would not be required to produce to the employer in respect of each such sickness day a medical certificate issued by a registered medical practitioner, registered Chinese medicine practitioner or registered dentist attending the employee as an out-patient or in-patient in a hospital. In response to the enquiry of the Legal Adviser to the Bills Committee on the reason for providing the above exemption, the Administration has advised that the exemption is necessary having regard to the features and practical circumstances of a Cap. 599 requirement that an employee who is absent from work due to compliance with a Cap. 599 requirement may not attend any medical consultation in hospital.

Circumstances under which the entitlement to sickness allowance would apply

23. Under the proposed new section 33(8) of Cap. 57, the entitlement to sickness allowance would only apply if the period of the employee's absence from work lasts for four or more consecutive days and that the sickness day falls on or after the day on which the Bill, if passed, is published in the Gazette as an Ordinance ("the specified date"). The proposed new section 33(9) of Cap. 57 provides that, for the purposes of section 33(8) of Cap. 57, it would not matter (a) whether the period of the employee's absence from work begins before the

specified date; (b) whether the period relates to more than one Cap. 599 requirement; and (c) whether the period relates to more than one order, notice, declaration, direction or other instruction or request (however described) made, issued, published or given under Cap. 599. It is further provided under the proposed new section 33(5)(ac) of Cap. 57 that an employee would not be entitled to sickness allowance if the employee is subject to a Cap. 599 requirement due to the employee's serious and wilful misconduct.

24. Members note that since the outbreak of COVID-19 in early 2020, the Administration has from time to time made under the Prevention and Control of Disease (Requirements and Directions) (Business and Premises) Regulation (Cap. 599F) specifications and directions in relation to the operation of catering business and scheduled premises for the purpose of ensuring social distancing in respect of the public health emergency concerning COVID-19. Some members have enquired that in cases where certain scheduled premises are required to suspend operation, whether those employees working in such premises who have been absent from work due to compliance with a Cap. 599 requirement would be entitled to sickness allowance under the Bill.

25. The Administration has advised that the Bill does not propose any fundamental changes to the statutory sick leave regime. Under the existing section 35(2) of Cap. 57, no sickness allowance is payable in respect of a day on which the employee would not have worked had the employee not been sick and for which no wages would normally be payable by the employer. Should an employer request an employee to take no pay leave due to special circumstances (such as the suspension of business operation due to the directions and specification made by the Government under Cap. 599F), the employer should communicate with the employee concerned on work and pay arrangements as soon as possible.

26. Ms Carmen KAN has urged the Administration to issue a simple guide with examples to illustrate the counting of paid sickness days of an employee who are subject to an isolation order or a quarantine order if the employee's sickness days commence before but in the course fall on the specified date. For the avoidance of doubt, she has sought clarification from the Administration as to whether, subjecting to fulfilment of the existing criteria under Cap. 57 for sickness allowance (such as having an appropriate medical certificate issued by a registered medical practitioner), an employee who has contracted COVID-19 shall be paid by the employer sickness allowance irrespective of when the date on which the specified date falls on. The Administration has replied in the affirmative.

27. Members have requested the Administration to elaborate on what may constitute a serious and wilful misconduct that would render the employee not be entitled to sickness allowance. The Administration has advised that this

would have to be determined by the court having regard to the facts and circumstances of individual cases. Subject to the actual circumstances of the case, an example may concern a scenario where an employee is subject to a Cap. 599 requirement due to one's wilful contraction of COVID-19.

28. Given that Cap. 599J provides that CTO will only be served on a person for non-compliance with, among others, CTN, there is a question as to whether an employee's failure to comply with CTN would be regarded as a serious and wilful misconduct and, if so, the reason why the restriction of leaving a particular place under CTO would be one of the requirements which constitute a Cap. 599 requirement. The Administration has explained that the reasons for non-compliance with CTNs may vary from one person to another. Hence, not all CTO cases necessarily involve serious and willful misconduct. If there is evidence indicating that the absence from work of an employee being issued with a CTO by the relevant authority which restricts the employee's movement is due to the employee's serious and wilful misconduct, according to the proposed new section 33(5)(ac) of Cap. 57, the employer would not be liable to pay sickness allowance to the employee for the employee's absence.

29. While not objecting to the Bill in principle, some members including Mr SIU Ka-fai, Ir LEE Chun-keung, Mr CHAN Siu-hung, Dr Kennedy WONG and Mr NGAN Man-yu have expressed concern that the legislative proposal in question would have a far-reaching effect of enabling an eligible employees being only a close contact (but not an infected person) to become entitled to sickness allowance by reason of his or her compliance with a quarantine order. These members have sought information from the Administration on the prevailing criteria for classifying a person as a close contact who have to be subject to quarantine; the number of quarantine orders issued by the health authority and the number of cases of labour dispute handled by LD concerning sickness allowance of employees who have been absent from work by reason of being placed under isolation or quarantine since the onset of the fifth wave of the epidemic in January 2022; as well as the practices of other places in respect of paid sick leave for eligible employees subject to mandatory isolation or quarantine for the purpose of prevention and control of COVID-19. Mr SIU Ka-fai, Dr Kennedy WONG, Mr LAI Tung-kwok and Mr NGAN Man-yu are of the view that the Administration should provide subsidies to micro, small and medium enterprises and labour-intensive industries (such as those property management services companies for which the payment of services under the outsourced property services contracts was in the form of "all-in-one pay package") to alleviate their financial pressure arising from paying sickness allowance to a large number of employees being subject to isolation or quarantine under the fifth wave of the epidemic. Mr CHAN Pui-leung has expressed concern about the burden of employers if compulsory universal testing is to be implemented at some time in future.

30. According to the Administration, while the classification of close contacts takes into consideration relevant details of the situation, close contacts in general refer to persons who live with the confirmed case in the same household; and persons who have had face-to-face close contacts with the confirmed case (especially when the confirmed case did not wear a mask, such as when having meals together). Under the fifth wave of the epidemic, a total of about 637 700 persons (excluding travellers) have been subject to quarantine at home or government's quarantine facilities as at 18 April 2022. The Administration has appealed to employers to be considerate and show understanding to the employees who are absent from work for compliance with anti-epidemic requirements and to adopt a more lenient and flexible approach in dealing with the employment matters arisen during the period where an employee is quarantined, having regard to their own business operations and affordability. In case of disputes, LD would provide free consultation and conciliation services to employers and employees.

31. On the practices of other places, the Administration has advised that in accordance with the Employment Act in Singapore, employees subjecting to quarantine under any written law will be entitled to paid hospitalization leave (including carriers and suspected carriers of an infectious disease and close contacts) upon fulfilment of relevant criteria. During the period where an employee is quarantined at home or in a government quarantine facility, the employer is required to grant the employee paid hospitalization leave at the employee's average daily gross rate of pay (excluding overtime payments, bonus payments, food and housing allowances, etc.).[10] In the United Kingdom, during the time when mandatory isolation measures were in place, an eligible employee who had to undergo self-isolation and was unable to work due to the infection of COVID-19, living with or being notified by the health authority that he or she was a contact of a confirmed patient, etc. would be entitled to statutory sick pay paid by his or her employer.[11] In the Mainland, enterprises are required to pay wages to employees under quarantine (including COVID-19 patients, suspected cases and close contacts) as if they have performed work as normal. The Administration has stressed that the legislative proposal concerned does not propose any fundamental change to the statutory sick leave regime and sickness allowance. In view that small and medium enterprises are severely

---

[10] During the period where the Singapore Government had been issuing quarantine orders to confirmed cases and relevant persons (i.e. from January 2020 to October 2021), the Singapore Government would issue quarantine order allowance at a daily rate of SGD 100 to employers who had effected sick leave pay to their employees upon completion of the quarantine.

[11] The current rate of statutory sick pay is GBP 99.35 a week. Separately, the Government of the United Kingdom had launched the Statutory Sick Pay Rebate Scheme between March 2020 and March 2022. Employers employing fewer than 250 employees may apply for a repay of the statutory sick pay effected to employees who had to undergo isolation, up to two weeks per employee per claim.

impacted by the epidemic, a series of relief measures including the Anti-Epidemic Fund and the 2022 Employment Support Scheme have been rolled out to provide financial support to help enterprises (including small and medium enterprises) weather the storm.

Future amendments to the proposed new Schedule 11 to Cap. 57

32. Pursuant to the proposed new section 68A of Cap. 57, the Commissioner for Labour, a Deputy Commissioner for Labour or an Assistant Commissioner for Labour (collectively referred to as "Commissioner") may, by notice published in the Gazette, amend the proposed new Schedule 11. Such notice would be subsidiary legislation subject to scrutiny by LegCo pursuant to the negative vetting procedure. In response to Mr LAI Tung-kwok's enquiry, the Administration has affirmed that it would consult LegCo before making any amendments in this regard.

Compliance with Cap. 599 requirement not valid reason for dismissal or variation of employment terms

33. Clause 5 of the Bill proposes to add a new section 32KA to Cap. 57 to the effect that in determining whether an employer has a valid reason for the dismissal of an employee or the variation of the terms of the employee's contract of employment within the meaning of section 32K of Cap. 57, the employee's absence from work due to the employee's compliance with a Cap. 599 requirement would not constitute a valid reason for the dismissal or variation.

34. Members have sought information from the Administration on the number of cases of labour dispute handled by LD involving dismissal of employees due to their absence from work by reason of being placed under isolation or quarantine since the onset of the fifth wave of the epidemic, and the number of settled cases after conciliation. According to the Administration, in the first quarter of 2022, the Labour Relations Division of LD handled 9 457 consultations and 6 143 written enquiries and provided conciliation service to seven employment claims (concerning termination, wage dispute and variation of employment terms) that were known to be related to the epidemic. Of these cases, six were resolved upon conciliation and the remaining claim was referred to the Labour Tribunal for adjudication.

35. Mr LAM Chun-sing has relayed the concern of some labour unions that under the legislative proposal, an employee (subject to the condition that the employee has been employed under a continuous contract for a period of not less than 24 months) being dismissed by reason of the employee's absence from work for compliance with a Cap. 599 requirement could only claim for remedies against the employer for unreasonable dismissal as the dismissal is not in

contravention of the law ("unlawful dismissal"). Under such circumstances, the Labour Tribunal, in considering the case, may only order reinstatement or re-engagement of the dismissed employee, or an award of terminal payments against the employer.[12]

36. The Administration has drawn to the attention of the Bills Committee that Cap. 57 provides, among others, that it is unlawful for an employer to dismiss an employee on paid sickness day, except in cases of summary dismissal due to the employees' serious misconduct. Separately, one of the proposals of the Bill is to regard a day on which an employee is subject to a Cap. 599 requirement as a sickness day,[13] and to provide for sickness allowance to be paid to the employee concerned under certain circumstances.[14] If the Bill is passed, a dismissal of an employee, who is absent from work due to the compliance with a Cap. 599 requirement and has fulfilled the relevant criteria for the entitlement to sickness allowance, on the employee's paid sickness day will be an unlawful dismissal. The employer concerned is liable to prosecution and, upon conviction, to a fine at level 6 (currently $100,000). For a dismissal that meets both the conditions of an unlawful dismissal and that the employee is dismissed other than for a valid reason as specified in Cap. 57, the employee concerned may claim for remedies for the unlawful and unreasonable dismissal. If the Labour Tribunal adjudicates that a case of unreasonable and unlawful dismissal is established after taking into account the circumstances of the claim, it may order reinstatement or re-engagement of the dismissed employee, or an award of terminal payments against the employer and/or an award of compensation not exceeding $150,000 to the employee in appropriate cases.

Failure to comply with legitimate vaccination request regarded as incapable of performing work

Proposal under the Bill

37. Under the proposed new section 32KB of Cap. 57, an employee who fails to comply with a legitimate vaccination request made to the employee by his or her employer would be regarded as being incapable of performing work of the kind that the employee was employed by the employer to do. The effect is that this would be a valid reason for an employer to dismiss an employee (other than an employee that falls within an exempted category under section 3 of Part 1 of the proposed new Schedule 12 to Cap. 57) or vary the terms of the

[12] Terminal payments means: (a) the statutory entitlements under Cap. 57 which the employee is entitled to but has not yet been paid upon dismissal; (b) the entitlements the employee might reasonably be expected to be entitled to under Cap. 57 had the employee been allowed to continue his or her employment; and (c) any other payments due to the employee under his or her contract of employment.

[13] See paragraphs 9-14 above.

[14] See paragraphs 15-32 above.

employee's contract of employment. A legitimate vaccination request would be taken as made by the employer if a written request meeting all the conditions set out in Part 1 of the proposed new Schedule 12 to Cap. 57 is made to the employee and that a written request meeting all those conditions is made to every other employee performing the same or similar work. One of those conditions would be that the request is one requesting the employee to produce, within 56 days from the requesting date, to the employer a COVID-19 vaccination record of the employee. Other conditions include the employee concerned not being an employee that falls within an exempted category of persons, such as where the employee holds a specified medical exemption certificate showing the employee's unsuitability to get vaccinated.

Lawfulness of the proposal

38. According to the Administration, the legislative proposal is aimed at dealing with issues in relation to employees' refusal to comply with a vaccine pass direction issued under section 3(1) of the Prevention and Control of Disease (Vaccine Pass) Regulation (Cap. 599L) ("vaccine pass direction"), and encouraging employees to receive vaccination pursuant to a vaccination request made by an employer in the interest of protecting public health. By specifying the conditions to be met in terms of the manner an employer makes such request, the compliance period and the exempted categories of person, and making it clear under what circumstances a dismissal due to related matters is a valid reason for dismissal under Cap. 57, the proposal helps to clarify the rights and obligations between employers and employees and is conducive to avoid labour disputes. However, Ms Doreen KONG has expressed grave concern that the proposed new section 32KB of Cap. 57 would contravene the Disability Discrimination Ordinance (Cap. 487). She is also concerned about how the proposed new 32KB of Cap. 57 is in conformity with the Basic Law, including the provisions concerning human rights.

39. The Administration has advised that Cap. 487 prohibits "direct" and "indirect" discrimination.[15] The proposed new section 32KB of Cap. 57 provides that, for a legitimate vaccination request to be taken as having been made by the employer, the written request must meet all the conditions set out in Part 1 of the proposed new Schedule 12 of Cap. 57 and has to be made to all those employees under the employer's employment who perform the same or similar work. This seeks to ensure that the employer has made the

[15] According to the Administration, direct discrimination means treating a person less favourably than another person in the same or not materially different circumstances on the ground of that person's disability (see section 6(a) of Cap. 487). Indirect discrimination, on the other hand, means imposing the same requirement on everyone, but the requirement has a detrimental effect on persons with a disability and the aggrieved person cannot comply with it (see section 6(b) of Cap. 487).

vaccination request equitably but not targeting individual employees (including employees with disability). Against the above, the provision would not constitute direct discrimination under Cap. 487. In the Administration's view, the provision would neither constitute indirect discrimination as the proposed new section 32KB of and the proposed new Schedule 12 to Cap. 57 have provided that an employee who is medically unsuitable to get vaccinated could be exempted from complying with a vaccination request made by the employer if the employee holds a specified medical exemption certificate within the meaning of section 17 of Cap. 599L. Hence, a vaccination request would not be applicable to those employees who could not get vaccinated on the ground of their disability. Moreover, this would not constitute indirect discrimination so long as the employer can show that the request is justifiable having regard to the nature of the employee's work and the related operational requirements.

40. The Administration has further advised that if the relevant human resources management measure (e.g. requesting employees to produce proof of vaccination) is reasonably necessary for the purpose of protecting public health, there is a case for the employer to rely on the exception under section 61 of Cap. 487.[16] It is provided under section 2 of Part 1 of the proposed new Schedule 12 to Cap. 57 that the employer, when making the vaccination request, must reasonably believe, having regard to the nature of the employee's work and the related operational requirements, that if the employee contracts COVID-19, the persons with whom the employee may come into face-to-face contact when the employee performs the employee's work will be exposed to the risk of infection.

41. The Administration takes the view that the legislative proposal provides for clear requirements and relevant safeguards that are consistent with the human rights guarantees under the Basic Law and has struck a reasonable balance between the interests of both employers and employees. The proposed new section 32KB of Cap. 57 neither provides that unvaccinated persons are prohibited from taking up employment, nor requires an employer to dismiss those employees who fail to present proof of vaccination. Even if (for the sake of discussion) it is assumed that the provision may have restricted certain fundamental rights of residents, there is no breach of the rights if the restrictions are prescribed by law, reasonable and justifiable. In its view, the restrictions, if any, imposed under the provision could satisfy the proportionality test laid

---

[16] Section 61 of Cap. 487 provides that the Disability Discrimination Ordinance does not apply if a person's disability is an infectious disease (including any scheduled infectious disease within the meaning of Cap. 599, such as COVID-19) and the discriminatory act is "reasonably necessary to protect public health".

down in the case of *Hysan Development Co Ltd v Town Planning Board* (2016) 19 HKCFAR 372.[17]

42. Ms Doreen KONG has maintained having reservation about the legislative proposal. She has pointed out that for the workforce vaccination measure of Singapore,[18] which is cited by the Administration in response to her enquiry about legislations of other common law jurisdictions which are of a similar nature and relevant case law, employers are advised to redeploy the unvaccinated employees to suitable jobs which can be done from home (with remuneration adjusted in a commensurate manner) and place such employees on no-pay leave on mutually agreeable terms before resorting to termination of the employment contracts of the employees concerned. The Administration has stressed that the legislative proposal does not require or encourage an employer to dismiss an employee who has failed to produce proof of vaccination. The proposal only serves to discharge the employer from the liability for alleged unreasonable dismissal if a dismissal does take place by reason of non-vaccination of an employee.

Exempted categories of persons

43. Section 3(a) of Part 1 of the proposed new Schedule 12 to Cap. 57 provides that if the place of work is situated in any premises, or if the place of

---

[17] The reasons explained by the Administration are as follows:

(a) it is reasonable for employers to request their employees to get vaccinated in the interest of protecting public health, which is a legitimate aim;

(b) the proposed new section 32KB of Cap. 57 is rationally connected to that legitimate aim, and is no more than is necessary to accomplish that aim given the current public health emergency situation. Given that the court would consider the formulation and implementation of anti-epidemic and labour policies to fall within the powers and functions and the professional expertise of the executive authorities, the court, in exercising its supervisory jurisdiction, would give a wide margin of discretion to the decision-maker by adopting the "manifestly without reasonable foundation" threshold, such that the Court will not intervene unless the impugned measure is "manifestly without reasonable foundation"; and

(c) a reasonable balance has been struck between the societal benefits of the restrictions and the inroads made into a person's rights (if any) as the employer, when making the vaccination request, must reasonably believe, having regard to the nature of the employee's work and the related operational requirements, that if the employee contracts COVID-19, the persons with whom the employee may come into face-to-face contact when the employee performs the employee's work will be exposed to the risk of infection. Further, the vaccination request would not result in an unacceptably harsh burden on the persons concerned as the proposed new section 32KB of Cap. 57 has not prohibited unvaccinated persons from taking up employment and has provided exemptions for certain employees. The provisions relating to legitimate vaccination request would be repealed when the pandemic is under control and vaccination is no longer a matter of public health concern.

[18] According to the Administration, Singapore has required all employees to be vaccinated from 15 January 2022 onwards before they can return to the workplaces. Please refer to paragraph 8 of LC Paper No. CB(2)227/2022(03) for details.

work is a public transport carrier, in respect of which a vaccine pass direction is in force; or the work performed by the employee falls within the kind of work where the Government imposes a requirement or makes a recommendation to receive vaccination, an employee who is a person referred to in section 5(2) of Cap. 599L would be exempted from producing to his or her employer, who makes a COVID-19 vaccination request, a vaccination record. Ms Doreen KONG has sought clarification from the Administration as to whether an employee who enters the place of work only for performing necessary repairs on the premises would fall within the above exempted category of person for being a person referred to in section 5(2)(c)(iii) of Cap. 599L.

44. The Administration has explained that section 5(2)(c)(iii) of Cap. 599L specifies that the relevant requirements of a vaccine pass direction do not apply to a person who enters the specified premises only for performing necessary repairs on the premises. However, in addition to performing repairing work at the specific places or locations, employees engaged in repairing work (including employees being employed by the specified premises under a vaccine pass direction to perform repairing work, e.g. work in shopping malls), are generally required to take up other duties such as receiving repairing orders, maintaining tools or completing maintenance records, etc., at the premises of the organizations they are being employed. In other words, so long as the scope of work of an employee is not limited to performing necessary repairs in the specified premises, the exemption under section 3(a) of Part 1 of the proposed new Schedule 12 of the Bill would not be applicable to such employee, and it would not affect the employer making a vaccination request to that employee.

45. Members note that section 3(b) of Part 1 of the proposed new Schedule 12 to Cap. 57 provides that if no vaccine pass direction or a requirement or recommendation by the Government to receive vaccination applies in relation to an employee, an employee (a) who is pregnant; (b) who is breastfeeding; (c) who is issued with a specified medical exemption certificate issued in compliance with section 17 of Cap. 599L showing that it is unsuitable for the employee to get vaccinated during the compliance period; or (d) who holds a proof of discharge or recovery issued by a person specified by the Director of Health ("the Director") certifying that the employee was diagnosed on a particular date as having contracted COVID-19 and that date falls within six months before the date on which the vaccination request is proposed to be made would be exempted from producing to his or her employer, who makes a COVID-19 vaccination request, a vaccination record.

46. Given that scientific evidence has pointed to the fact that COVID-19 vaccination can effectively protect pregnant and lactating women and their babies, Dr David LAM has expressed concern that the granting of exemption to pregnant or lactating employees may lead to misunderstandings amongst the general public that they are not encouraged to get vaccinated against COVID-19

and the vaccine is hazardous to pregnancy and lactation. The Administration has explained that while the Bill seeks to encourage employees to receive vaccination, for situations where a vaccine pass direction is not applicable, it is the consensus of the Labour Advisory Board that the Bill should provide more exemption arrangements, so that it would be conducive to striking a balance between the employees and employers on their rights and interests, minimizing possible disputes with a view to maintaining harmonious labour relations.

47. On members' enquiry as to whether there is no change in respect of the prohibition against dismissal of a pregnant employee, except for specified circumstances,[19] as provided under section 15 of Cap. 57, the Administration has replied in the affirmative. Given that the proposed new Schedule 12 to Cap. 57 seeks to impose different vaccination requirements on employees who are pregnant or breastfeeding, depending on whether their place of work is situated in any premises or is a public transport carrier in respect of which a vaccine pass direction is in force and whether the work performed by them falls within the kind of work where the Government imposes a requirement or makes a recommendation to receive vaccination,[20] members have called on the Administration to step up publicity in this regard if the Bill is passed. The Administration has assured members that upon the passage of the Bill, it would step up publicity to enhance employers' and employees' understanding of the COVID-19 vaccination requirements, exemption arrangements and the employment protection for employees who are pregnant or breastfeeding under different circumstances.

48. Some members have expressed concern that if the proof of discharge or recovery held by an employee who is diagnosed as having contracted COVID-19 outside Hong Kong is not issued by a person specified by the Director, the employee would become ineligible for the exemption. There may also be cases whereby an employee who has recovered from COVID-19 had not attended any medical consultation in hospital and only holds a sick leave certificate. They have enquired whether the holding of a proof of discharge or recovery record

---

[19] An employer is not prohibited from dismissing a pregnant employee under the following circumstances: (a) the employee is summarily dismissed due to her serious misconduct; or (b) where it has been expressly agreed that the employment is on probation, the employee is dismissed for reasons other than pregnancy during the probation period of not more than 12 weeks or during the first 12 weeks of probation if the period of probation exceeds 12 weeks.

[20] For premises where a vaccine pass direction is in force, the employees who are pregnant or breastfeeding have to follow the vaccination requirements of the vaccine pass direction and produce to the employer a vaccination record. If the work performed by the employees falls within the kind of work where the Government imposes a requirement or makes a recommendation to receive vaccination, the employees concerned should follow the vaccination requirement or recommendation so specified. For any other premises, employees who are pregnant or breastfeeding are exempted from the requirement to produce to the employer a vaccination record.

accepted by the Director and a sick leave certificate could serve as a proof for certifying that an employee is diagnosed as having contracted COVID-19. The Administration has advised that it will make appropriate arrangements for implementing the relevant provision of the Bill.

Means of serving the written request

49. Noting that the proposed new section 32KB(2)(b) of Cap. 57 only requires an employer to make the COVID-19 vaccination request in writing but does not specify the means for serving the notice, Mr LAI Tung-kwok and Ms Carmen KAN have suggested that apart from giving written notice to individual employees, the posting of a notice in a conspicuous place at the place of employment should also be accepted as a means for serving the notice by the employer to employees. After consideration, the Administration agrees to amend the proposed new section 32KB of Cap. 57 by adding a new subsection to provide that without limiting the ways in which a written request is made for the purposes of the proposed new section 32KB(2) of Cap. 57, a written request would be so made to an employee if there is posted in a conspicuous place at the place of employment a notice that contains the request and is addressed to all the employees, or a group of employees to which the employee belongs, of the employer.

Legal liability of an employer for adverse event

50. There is a concern as to whether an employer making a legitimate vaccination request would be subject to any legal liability if any adverse event occurred to his or her employees associated with the administration of the COVID-19 vaccine. The Administration has advised that given that an employer is not the manufacturer or supplier of the COVID-19 vaccines, nor is he or she responsible for administering the vaccination for his or her employees, and that a legitimate vaccination request must meet all the conditions set out in Part 1 of the proposed new Schedule 12 to Cap. 57, it would be unlikely for an employer to be held liable for any adverse event on an employee that is associated with the administration of vaccine.

Future amendments to and expiry of the provisions relating to legitimate vaccination request

51. Members note that pursuant to the proposed new section 68B of Cap. 57, the Commissioner may, by notice published in the Gazette, amend the proposed new Schedule 12 to Cap. 57. Such notice would be subsidiary legislation subject to scrutiny by LegCo pursuant to the negative vetting procedure. Separately, clause 1(3) of the Bill proposes to provide for the future expiry of the proposed new sections 32KB (and a related amendment proposed to be made to section 32K(b) of Cap. 57 in view of the proposed addition of the new section 32KB) and 68B, and the proposed new Schedule 12. The repeal of these

provisions would take effect on a day to be appointed by the Commissioner for Labour by notice published in the Gazette. According to the Administration, these provisions would be repealed when the pandemic is under control and vaccination is no longer a matter of public health concern.

52. Mr LAI Tung-kwok has requested the Secretary for Labour and Welfare to include an undertaking in the speech to be delivered when the Second Reading debate on the Bill is resumed that the Administration would allow the full negative vetting period under section 34 of the Interpretation and General Clauses Ordinance (Cap. 1) to run its course before bringing clauses 4(2), 6, 11 and 14 of the Bill into operation, which provide for the future repeal of the proposed new sections 32KB (and a related amendment proposed to be made to section 32K(b)) and 68B and the proposed new Schedule 12. The Administration has assured members that the relevant amendments will come into operation only after the full negative vetting period. When making relevant amendments, the Administration will explain the considerations for doing so and LegCo will also have time for the scrutiny. The Secretary for Labour and Welfare will make it clear in this regard when giving his speech on the resumption of Second Reading debate.

Commencement of the Bill

53. Except for clauses 4(2), 6, 11 and 14 of the Bill (i.e. provisions providing for the repeal of the provisions referred to in paragraph 51 above), the Bill, if passed, would come into operation on the day on which it is published in the Gazette as an Ordinance.

54. Members have enquired the reason for not providing for retrospective effect under the Bill, in particular for the provisions relating to the definition of sickness day and entitlement of sickness allowance. The Administration has explained that it is not appropriate to do so which will involve complicated legal principles and technical problems, thereby easily giving rise to disputes. The Administration has further advised that under the COVID-19 epidemic, it has appealed to employers to be considerate and show understanding to the employees who are absent from work for compliance with anti-epidemic requirements and to adopt a more lenient and flexible approach in dealing with employment matters arisen during the period when an employee is quarantined, having regard to their own business operations and affordability.

55. At the request of members, the Administration has undertaken that upon the passage of the Bill, it will prepare a concise guide in Chinese, English and ethnic minority languages with examples and frequently asked questions and answers to introduce the new requirements. It will also make use of various channels to promote the new requirements and will also disseminate relevant messages through networks of major employers' associations, trade union

federations, human resource professional bodies, etc., so as to enhance employers' and employees' understanding of the new requirements.

Amendments to the Bill

56. Apart from the amendments proposed to be made by the Administration as elaborated in paragraphs 12, 14 and 49 above, the Administration will make some consequential and technical amendments to the Bill. The Bills Committee raises no objection to these amendments.

57. The Bills Committee will not propose any amendments to the Bill.

Resumption of Second Reading debate on the Bill

58. The Bills Committee has completed scrutiny of the Bill and raises no objection to the resumption of the Second Reading debate on the Bill, subject to the moving of the amendments by the Administration. The Administration will resume the Second Reading debate on the Bill at the Council meeting of 15 June 2022.

Consultation with the House Committee

59. The Bills Committee reported its deliberations to the House Committee on 27 May 2022.

Council Business Division 2
Legislative Council Secretariat
6 June 2022

Appendix 1

Bills Committee on Employment (Amendment) Bill 2022

Membership list

Chairman	Hon YUNG Hoi-yan, JP
Members	Hon SHIU Ka-fai, JP Hon Doreen KONG Yuk-foon Ir Hon LEE Chun-keung Dr Hon David LAM Tzit-yuen Hon LAM Chun-sing Hon CHAN Pui-leung Hon Sunny TAN Ir Hon CHAN Siu-hung, JP Dr Hon Stephen WONG Yuen-shan Dr Hon Kennedy WONG Ying-ho, BBS, JP Hon YANG Wing-kit Hon LAI Tung-kwok, GBS, IDSM, JP Hon NGAN Man-yu Hon Carmen KAN Wai-mun (Total: 15 members)
Clerk	Ms Maisie LAM
Legal Adviser	Ms Wendy KAN

Appendix 2

Bills Committee on Employment (Amendment) Bill 2022

Organizations/individuals which/who have provided written views to the Bills Committee

1. Yasashii Beauty
2. Kare Professional Beauty Salon Limited
3. Ting House Beauty Clinic
4. Barely Beauty International Limited
5. Mr Edwin CHEUNG Chin-pang, Sai Kung District Council Member
6. Mu-lan Spa
7. Union Profit
8. Toys Gifts and Games Employees Union
9. Asia Pacific Beauty Group
10. Excellent Quality Maid Agency Limited
11. Government Employees Association
12. 星悅美容集團
13. Crystal de Beauté
14. Shine Creation International Trading Ltd
15. Me Beauty Group Ltd
16. Mr Kent TSANG, a community officer of the Hong Kong Federation of Trade Unions
17. Mr Halley FANG, a community organizer of the Hong Kong Federation of Trade Unions
18. Mr Ivan KO, a community organizer of the Hong Kong Federation of Trade Unions
19. Mr HO Wai chun, a community organizer of the Hong Kong Federation of Trade Unions

20. Mr NG Wei-hang, a community organizer of the Hong Kong Federation of Trade Unions

21. Mr WONG Yuen-hong, a community organizer of the Hong Kong Federation of Trade Unions

22. Hong Kong Metal and Electronics Industries General Union

23. The Cosmetic & Perfumery Association of Hong Kong Ltd.

24. Hong Kong Catholic Commission for Labour Affairs

25. Hong Kong Federation of Women

26. The Federation of Hong Kong Property Management Industry

27. Hong Kong Beauty & Wellness Association

28. Hong Kong Beauty Industry Union

29. Federation of Beauty Industry (H.K.)

30. Bonlass Tera Plus Limited

31. The Hong Kong College of Obstetricians and Gynaecologists

32. Hong Kong Silk and Fibre Trade Union

33. The Federation of Hong Kong Food & Beverage Industries Trade Unions

34. Hong Kong Manufacturing Industry Employees General Union

35. HK Rubber & Plastic Industry Employees Union

36. Environmental Services Contractors Alliance (Hong Kong)

37. Hong Kong Medical and Health Care Staff General Union

38. Hoi Yan Beauty Centre

39. 海麗實業有限公司

40. Able Power Creation Limited

41. Unique Beauty Group Ltd

42. Cleaner Concern Group

43. 御麵之坊

44. Cleaning Workers Union

45. Cleaning Service Industry Workers Union

46. Modern Beauty Salon

47. Hoi Pak Cosmetics

48. Step Hill International Co. Ltd

49. The Association of Innovative Technologies & Manufacturing Industries Employees

50. Gold River (Far East) Ltd.

51. Karisma Institute Limited

52. 葆齡集團有限公司

53. SBG Holdings Limited

54. Ka Man Beauty Group Limited

55. Venus Concept (HK) Ltd

56. 薈峯有限公司

57. LX Biotech International Co. Limited

58. Artemis Beauty Supplies Limited

59. Be Beauty shop

60. Be One Beauty

61. Joy Unions Holding Co. Ltd

62. Me Paincare Ltd

63. Princess House

64. Veribel Aesthetic Clinic

65. WeCare Wellness

* 17 written submissions have been received from individual organizations/member of the public which are not disclosed upon request.