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Report of the Panel on Manpower
for submission to the Legislative Council

Purpose

This report gives an account of the work of the Panel on Manpower ("the Panel") during the 2025 session of the Legislative Council ("LegCo"). It will be tabled at the Council meeting of 22 October 2025 in accordance with Rule 77(14) of the Rules of Procedure.

The Panel

2. The Panel was formed by a resolution passed by LegCo on 8 July 1998, as amended on 20 December 2000, 9 October 2002, 11 July 2007, 2 July 2008 and 26 October 2022, for the purpose of monitoring and examining Government policies and issues of public concern relating to labour, manpower planning, vocational training and education, and qualifications framework. The terms of reference of the Panel are in **Appendix 1**.

3. The Panel comprises 15 members, with Hon LAM Chun-sing and Dr Hon NGAN Man-yu elected as Chairman and Deputy Chairman of the Panel respectively. The membership list of the Panel is in **Appendix 2**.

Major work

Implementation of the Statutory Minimum Wage

4. After the Statutory Minimum Wage ("SMW") rate was raised to $42.1 per hour on 1 May 2025, the Administration briefed the Panel on the implementation of SMW and the arrangements for implementing the new annual review mechanism of SMW.

Effectiveness of the SMW regime

5. Some members relayed that the ratio of the SMW rate to median wage had been declining in recent years. They suspected that the current SMW rate was on the low side and even fell below the amounts of assistance payable under the Comprehensive Social Security Assistance Scheme, making it difficult for grass-roots employees to receive adequate protection and contributing little to encouraging employment. Other members were concerned about the impact of the new SMW rate on businesses, particularly small, medium and micro enterprises. Pointing out that the wages of grass-roots employees had seen a significant increase in recent years, some members urged the Administration to take into account affordability for employers and the socio-economic situation when formulating labour policies.

6. The Administration advised that SMW aimed to provide a wage floor to protect grass-roots employees against excessively low wages while minimizing the loss of low-paid jobs, without unduly jeopardising Hong Kong's labour market flexibility, economic growth and competitiveness. Since its implementation, SMW had effectively served as a "safety net", providing wage protection for grass-roots employees and achieving the policy objective of "forestalling excessively low wages". As the actual wage rates of employees were subject to a number of factors, including the economic situation and labour market conditions, it was inappropriate to make a direct comparison with the SMW rate.

7. The Administration further advised that following extensive consultations, as well as thorough and in-depth discussions, the Minimum Wage Commission ("MWC") recommended adopting a formula for implementing the annual review, and the recommendation was accepted by the Chief Executive in Council in April 2024. The formula consisted of two indicators, namely the headline Consumer Price Index (A) inflation (subject to a lower bound of zero) and the economic growth factor (subject to an upper bound of one percentage point and a lower bound of zero). The formula ensured that grass-roots employees' purchasing power was maintained, while enabling employees to benefit as well when the economic performance of Hong Kong was favourable. The economic growth factor was subject to an upper bound, which would help businesses adapt to the corresponding increases in salary expenditure in a positive operating environment and minimize the loss of low-paid jobs as far as possible. In putting forward the recommendations, MWC had given due regard to the policy objectives of SMW and endeavoured to strike a proper balance between the interests of the labour and business sectors.

Formula for adjusting the Statutory Minimum Wage rate

8. Some members considered that the calculation of the economic growth factor in the formula (i.e. [(the growth rate of the real Gross Domestic Product ("GDP") in the latest year) – (the trend growth rate of the real GDP in the latest decade)] x 20%, subject to an upper bound of one percentage point) would make it difficult for grass-roots employees to share the fruits of economic development. In this regard, members enquired whether the Administration would examine the formula for adjustment of the SMW rate, as well as the relevant reference data and survey methodology, to ensure that the existing mechanism would achieve its policy objective of "forestalling excessively low wages". Members also suggested that employees' quality of life should be included as an indicator for reviewing the SMW rate.

9. The Administration advised that as the annual review with a formula-based approach was a brand-new mechanism, a review of it would be conducted five to ten years after its implementation, so as to consider whether any adjustment to the review mechanism would be needed based on the actual experience and data gained during the period.

Inspection and enforcement work

10. Some members noted that in 2023 and 2024, the Labour Department ("LD") detected only six and seven cases of suspected violation of the Minimum Wage Ordinance (Cap. 608) ("MWO") respectively. Members were concerned that exploited employees might refrain from lodging complaints for fear of losing their jobs, resulting in an under-estimation of the extent to which employers violated MWO. They considered that offending employers should be directly prosecuted instead of merely being required to make payment of wages falling short of SMW to employees.

11. The Administration responded that the higher number of non-compliance cases during the initial implementation of MWO was primarily due to employers not fully grasping its requirements. As a result of enhanced publicity, promotion and enforcement efforts, non-compliance cases remained at a low level. The Administration added that non-compliance cases in 2023 and 2024 were all uncovered through routine inspections and received complaints. The Labour Inspection Division under LD would conduct targeted inspections and enforcement campaigns annually for low-paying sectors, such as residential care homes for the elderly, security services, wholesale trade, and other personal services, to ensure employers' compliance with MWO. Should irregularities be detected, labour inspectors would require employers to take appropriate measures to ensure their compliance with MWO, including immediate payment of any wages falling short of SMW to employees. As regards whether prosecutions could be instituted against non-compliance cases, it depended on multiple factors,

including whether the employees had provided suitable information and were willing to act as witnesses.

Employment support services

General employment and recruitment services

12. The Panel received a briefing from the Administration on the latest developments in LD's employment services. Some members pointed out that the employment terms for some job vacancies posted on LD's Interactive Employment Service ("iES") website were unreasonable, making it difficult to attract suitable candidates. Members asked whether the Administration would communicate with employers on the reasonableness of employment terms and whether it would consider requiring all applicant companies to display their name when publishing job vacancies on the iES website.

13. The Administration advised that LD would examine whether the employment terms for vacancies on the iES website complied with relevant legislation, such as MWO and anti-discrimination ordinances. Should a jobseeker relay an excessively low pay level of a certain vacancy, LD would contact the employer concerned to ascertain the reasons. Currently, the majority of vacancy advertisements published on the iES website had already displayed the employer's name and contact details, enabling jobseekers to apply directly to the employer. The Administration would examine the feasibility of displaying all employer names on the iES website.

14. Considering the low utilization rate of job centres, some members suggested that LD should transform and upgrade some job centres into one-stop employment support centres specifically targeting the elderly, ethnic minorities, or women, with a view to enhancing the effectiveness of such centres. The Administration responded that LD's job centres offered integrated employment services to job seekers, including employment programmes and personalized employment advisory services. LD would also organize district-based job fairs at job centres. The Administration held that the current modus operandi of the job centres had been proven to be effective in meeting the needs of jobseekers from different backgrounds and groups, including women, older persons and ethnic minorities. It would persistently upgrade and enhance the services provided by job centres and currently had no plan to set up new employment support centres for specific groups of job seekers.

Employment support for young people

15. Members noted that enhancement measures would be introduced from 2025 onwards for the Greater Bay Area Youth Employment Scheme, including the launch of the Arrangements for Mainland Youth to Work in Hong Kong under the Scheme to enable enterprises which had employed Hong Kong young people

to work in the Greater Bay Area Mainland cities to apply for the same number of Mainland young people to work in Hong Kong. In response to members' enquiry about the implementation of the Arrangements for Mainland Youth to Work in Hong Kong, the Administration advised that as of May 2025, only one application had been received. Given that the enhancement measures had only been implemented for a short period of time, the Administration would continue to monitor the implementation and report to the Panel in due course.

16. Members also enquired about the implementation of the Greater Bay Area Work Experience Attachment Programme ("WEP") under the Youth Employment and Training Programme. The Administration advised that the first class of 22 WEP trainees commenced one-month workplace attachment in Foshan and Zhongshan, Guangdong Province, on 14 June 2025, primarily as platform project assistants, customer service assistants, club activity assistants and so on. Arrangements would be made every weekend to engage trainees in various activities, including exchanges with local youth and visits, with a view to allowing trainees to understand the youth employment situation in the Mainland and gain a full picture of the development opportunities, life, and culture in the Greater Bay Area.

Employment support for the elderly and middle-aged

17. In response to members' enquiry about measures taken during the implementation of the Employment Programme for the Elderly and Middle-aged ("EPEM") to prevent employers from dismissing participating employees after receiving on-the-job training allowance, the Administration advised that under the requirements of EPEM, employers had to undertake not to displace existing staff of the same position with the newly placed employee. LD also regularly contacted employers and employees to ensure employers' compliance with the requirements under EPEM. A tracking survey conducted by LD up to March 2025 revealed that among the employees who had received on-the-job training under EPEM, more than 80% of the cases recorded a retention period of four months or above and more than 60% of the cases stayed in employment for six months or more. Should an employer be found to have breached the programme's requirements or other relevant legislation, that employer's application for on-the-job training allowance would be rejected.

Regulatory regime for trade unions

18. The Panel supported the Administration's proposal to amend the Trade Unions Ordinance (Cap. 332) ("TUO") to enhance its work on safeguarding national security and improve the regulatory regime for trade unions. Members considered that the proposed amendments were effective in preventing trade unions from being exploited for political purposes and used as tools to endanger national security, while facilitating the healthy development of trade unions. They also acknowledged that the proposed amendments had taken into account

the rights and freedoms of Hong Kong residents to form and join trade unions under the laws of Hong Kong and international covenants. The Panel supported the Administration's introduction of the Bill into LegCo.[1]

Regulating the affiliation of trade unions with organizations in external places

19. Members noted that in order to forestall trade unions from engaging in acts or activities endangering national security through affiliation with organizations in external places, the Administration had proposed to extend the existing regulation on the affiliation of registered trade unions with organizations in foreign countries to organizations in external places by, inter alia, continuing to allow a trade union to be or become a member of an organization of workers or employers, or a relevant professional organization ("related organization") established in a foreign country if it was so authorized by ballot of its members; prohibiting a trade union from being or becoming a member of any political organization or body in an external place, and providing that a trade union should not be or become a member of any other organization in an external place, unless the consent of the Chief Executive had been obtained and it was so authorized by ballot of its members. Members were concerned about the impact of the amendments proposed by the Administration to regulate the affiliation of trade unions with organizations in external places on exchanges between local trade unions and labour organizations in other regions. Members considered that it would be difficult for local trade unions to determine, when participating in meetings or exchanges with international labour organizations, whether a labour organization in an external place was political in nature or had links with other political organizations. Besides, noting that some trade unions had already become members of related organizations in a foreign country, some members were concerned whether a mechanism would be put in place to notify the relevant local trade unions if such related organizations in the foreign country were classified by the SAR Government as political organizations due to a change in the nature of their operation, so that the trade unions could take timely follow-up action to avoid contravening the law inadvertently.

20. The Administration indicated that the proposed amendments would not affect exchanges between trade unions and international labour organizations. The original TUO already provided clear provisions regulating the affiliation of registered trade unions with related organizations in foreign countries, and hence meetings and exchanges between the staff of trade unions and those of such organizations would not constitute "affiliation". If trade unions were in doubt about the nature of the related organizations in foreign countries, they might consult the Registrar of Trade Unions ("the Registrar") before establishing affiliation with them. In addition, the Registry of Trade Unions kept information

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1 The Trade Unions (Amendment) Bill 2025 was passed at the Legislative Council meeting on 25 June 2025, and the amended Trade Unions Ordinance will come into operation on 5 January 2026.

of those related organizations in foreign countries with which trade unions were currently affiliated. Should a related organization in a foreign country be classified as a political organization by the SAR Government, the Administration would notify the trade unions concerned, so that they could take appropriate follow-up action, such as terminating their affiliation with such a related organization.

Regulating trade union officers being office-bearers of organizations in external places

21. Regarding the Administration's proposal to regulate trade union officers being office-bearers of organizations in external places, members expressed concern that some trade union officers were currently office-bearers of related organizations in foreign countries, and enquired how the Administration would deal with such situations.

22. The Administration advised that the drafted Bill would include relevant transitional arrangements. The initial idea was that if a trade union was or became a member of a related organization in a foreign country or other organization in an external place in accordance with the law ("affiliated organization"), its trade union officer would be allowed to be an office-bearer of the affiliated organization. The trade union officer was required to notify the Registrar in writing within one month after the commencement of the amended TUO. If a trade union officer was currently an office-bearer of a non-affiliated organization that was a related organization in a foreign country, the trade union might, within a specified period, first establish affiliation with such an organization and then notify the Registrar of the officer's assumption of office as an office-bearer of the organization.

Allowing trade unions to consider whether to admit persons who are not ordinarily resident in Hong Kong as their members

23. Members noted the Administration's proposal to allow trade unions to consider whether it was necessary to admit persons who were not ordinarily resident in Hong Kong as members in accordance with their rules, which had to be registered by the Registrar. Members expressed concern about the definition of "ordinarily resident in Hong Kong" and urged the Administration to clarify the definition in the Bill.

24. In response, the Administration pointed out that under the original TUO, one of the prerequisites for trade union membership was to be ordinarily resident in Hong Kong. To protect the occupational interests of imported workers and relevant employees who were permitted to work in Hong Kong through different admission schemes but resided outside Hong Kong, the Administration had conducted detailed discussions with the Department of Justice ("DoJ") on the

proposed amendments. The amendments would be explained to Members in detail when the Bill was introduced into LegCo.

Occupational safety and health

25. The Panel continued to follow up with the Administration on Hong Kong's occupational safety and health ("OSH") performance. In light of the recommendations made in the Office of The Ombudsman ("the Ombudsman")'s direct investigation report entitled "Government's Regulation of Occupational Safety and Health in the Construction Industry", the Panel was also briefed on the Administration's response and follow-up actions on such recommendations. Members were pleased to note that both the number of occupational injuries (including the injury rate per 1 000 employees) and the number of work fatalities in 2024 had decreased compared to 2023. They acknowledged the Administration's efforts in enhancing OSH in Hong Kong in recent years.

Enhancing site safety with the use of technology

26. Regarding members' concerns about the safety and privacy issues involved in LD's use of unmanned aircraft to aid in inspections and evidence collection, the Administration advised that LD had consulted the Civil Aviation Department ("CAD") on the use of small unmanned aircraft ("SUA") and had been granted permission to use SUA in urban areas to assist in OSH inspection, accident investigation, evidence collection, etc. LD had also formulated relevant operating manuals in accordance with CAD's requirements. The manuals included precautions for the use of unmanned aircraft in urban environments to ensure compliance of operations with flight safety and privacy protection requirements.

27. Members urged the Administration to follow up on the recommendations made by the Ombudsman in its direct investigation report by procuring suitable electronic products to further digitize inspection and evidence collection work for higher enforcement effectiveness. The Administration should also make good use of artificial intelligence to conduct risk assessments for construction sites and classify them according to the assessment results for reference by inspectors. Some members were also concerned whether the installation of technological equipment to monitor construction works at sites would impose additional cost burdens on the construction industry.

28. The Administration responded that in addition to starting a trial of using SUA to assist in law enforcement work in the second half of 2025, LD was exploring the adoption of speech-to-text technology to aid in statement-taking, thereby improving the efficiency of frontline officers in enforcement and evidence collection. Moreover, LD appointed an independent professional contractor in 2023 to conduct a study on how to optimize the existing intranet system to assist frontline officers in mastering information. The Administration also pointed out

that the adoption of the Smart Site Safety System ("4S") in public works accounted for only approximately 1% of the overall project cost. To encourage the adoption of 4S in private development projects, the Administration subsidized private development projects through the Construction Innovation and Technology Fund ("CITF"), with a funding ceiling of $7.5 million. The scope of support of CITF had also been extended to cover the relevant additional expenses in various aspects of adopting 4S and support local rental companies of mobile plant and tower cranes in installing 4S alert systems on their machinery.

Enhancing occupational safety and health in renovation, maintenance, alteration and addition works

29. Members were concerned about the referral mechanism for renovation, maintenance, alteration and addition ("RMAA") works and relevant monitoring work, and enquired whether the Administration would implement the Ombudsman's recommendation to continue to pursue legislative amendment work to include construction works with short duration or engaging fewer workers under the statutory notification mechanism.

30. The Administration advised that LD had adopted multi-faceted measures in recent years to enhance OSH in RMAA works. Such measures included updating the Code of Practice for Bamboo Scaffolding Safety, strengthening the regulation against scaffolding and establishing a reporting mechanism with the Hong Kong Association of Property Management Companies. Under the mechanism, should truss-out bamboo scaffolding works be involved in a construction site of a property managed by a member of the Association, that member had to notify LD at least five days before commencement of the works. The Administration further advised that LD was formulating proposals to study the refinement of statutory notification mechanism for construction work and assess the feasibility of implementation with existing resources.

Penalties under occupational safety and health legislation

31. The Ombudsman's investigation revealed a number of cases where the "competent persons" signed a prescribed form without properly inspecting the high-risk plant or machinery, or even signed the form in advance. Some members expressed grave concern over this and requested the Administration to amend the legislation to increase penalties for contraventions, including increasing imprisonment terms and revoking the professional qualifications of the "competent persons" concerned. Meanwhile, other members pointed out that since the commencement of the Occupational Safety and Occupational Health Legislation (Miscellaneous Amendments) Ordinance 2023 ("the Amendment Ordinance"), the number of cases prosecuted as indictable offences had been very low. Coupled with overly lenient sentences imposed by the courts for contraventions of OSH legislation, they failed to achieve a deterrent effect and thus affected the effectiveness of the Amendment Ordinance.

32. The Administration advised that according to the Amendment Ordinance, with regard to extremely serious cases, LD might take out prosecutions by invoking the "employer general duty" provisions as "indictable offence", and the maximum fines and imprisonment terms had been pitched at $10 million and two years respectively. The maximum fines for other summary offences had also been adjusted according to their seriousness so as to raise the penalties for OSH offences in general. LD was keeping close tabs on whether the court sentences could achieve the expected deterrent effect, and had been working closely with DoJ. LD would, as always, continue to seek advice from DoJ, proactively applying for sentence reviews on or lodging appeals against individual cases involving overly lenient sentences or acquittals.

Enhancing the management of public works contractors

33. Regarding the fact that contractors with unsatisfactory safety performance could still win the bids for public works contracts, members held that the Administration should review the existing tendering mechanism to ensure that only contractors with performance meeting the safety standards would be awarded contracts, and adjust the group/class rankings of contractors with relatively poor safety performance on the "approved list" so that they would not be able to bid for higher-value public works projects.

34. The Administration explained that the successful tenderers who were given a rather low score regarding site safety performance as mentioned in the Ombudsman's direct investigation report involved earlier public works projects. In recent years, the Development Bureau ("DB") had taken measures to strengthen the regulating regime of contractors on the "approved lists" with poor safety performance and enhance the tender evaluation mechanism for public works. Such measures included tightening the guidelines for handling tenders submitted for public works contracts by contractors being regulated; immediately suspending contractors on the "approved lists" involved in serious site safety incidents from tendering; giving additional technical score to contractors with good safety records; and lowering the accident rate limit for public works contracts.

Guidance Notes on Prevention of Heat Stroke at Work and Heat Stress at Work Warning

35. Members expressed concern about the implementation of the Guidance Notes on Prevention of Heat Stroke at Work and the optimized Heat Stress at Work Warning. The Administration advised that LD continued to conduct inspection and take enforcement actions, especially in summer by stepping up inspection of workplaces with higher risks of heat stress to ensure that employers had taken appropriate measures to prevent heat stroke at work. In 2024, LD conducted a total of 23 620 inspections and issued 1 031 warnings to the duty

holders with deficiencies in heat stroke preventive measures. LD also collaborated with the Occupational Safety and Health Council ("OSHC") to carry out extensive publicity in order to enhance the public's awareness of preventing heat stroke at work. Furthermore, LD continued to collaborate with OSHC to promote the Cooling Products Sponsorship Scheme, thereby giving employers and employees more options in preventive measures against heat stress.

Safeguarding employees' rights and benefits

Protection for digital platform workers

36. The Panel followed up with the Administration on the work progress of LD in protecting local digital platform workers. Members generally expressed disappointment with the results of the Thematic Household Survey ("THS") and the opinion survey on platform workers. They considered that the data and opinions collected in these surveys were not comprehensive enough to clarify the employment relationship between platform workers and platform companies, making it difficult to formulate policies based on the relevant data to protect platform workers.

37. The Administration responded that THS aimed to collect information on the characteristics and working conditions of local platform workers. As determination of whether an employment relationship existed between platform workers and platform companies required consideration of a basket of factors, it was difficult to define respondents as self-employed or employed individuals through the simple questions and relatively unilateral questioning approach adopted in the survey.

38. Members pointed out that other jurisdictions, such as Singapore, had enacted legislation to protect platform workers, and the Mainland had also introduced multiple policies safeguarding platform workers' rights and benefits. By contrast, the Administration had yet to formulate specific policy directions in this regard. This would not only affect the rights and benefits of local platform workers but also hinder the development of Hong Kong's platform economy. Members suggested that the Administration should refer to the case law of the Supreme People's Court in the Mainland to determine an employment relationship based on facts surrounding the employment and address related labour disputes.

39. The Administration advised that LD would continue to maintain close communication with members of the Liaison Group and relevant stakeholders to explore possible options to protect platform workers, with a view to mapping out the way forward within 2025. The Administration would carefully explore how to enhance protection for platform workers while maintaining their work flexibility. It further advised that the principles adopted by the Supreme People's Court in determining the existence of an employment relationship

between platform workers and platform companies were similar to those adopted by Hong Kong courts (including the Labour Tribunal), which also considered factors such as the employer's control over the employee or the provision of tools.

40. Some members expressed reservations about the proposal to enhance protection for platform workers through legislation, believing that such measure might hinder the trade's sustainable development. Some members suggested that before putting forward a concrete proposal to protect platform workers, the Administration should more actively address the priority issues raised by platform workers in the opinion survey, including preventing illegal workers from engaging in platform work, increasing income stability and enhancing compensation for work-related accidents.

41. The Administration advised that the relevant departments had been sparing no efforts in combatting illegal employment. The Immigration Department ("ImmD") conducted a total of 13 306 inspections in 2024, and arrested 444 non-ethnic Chinese illegal workers. LD had also conducted multiple joint operations with ImmD and the Hong Kong Police Force to combat illegal employment related crimes, and successfully arrested illegal workers including those engaged in delivery platform work. LD would request platform companies, during Liaison Group meetings, to strengthen measures for verifying the identity of platform workers to ensure legal employment of all platform workers.

Adjustment to the maximum rates of medical expenses under the Employees' Compensation Ordinance and the Pneumoconiosis and Mesothelioma (Compensation) Ordinance

42. According to the established mechanism, the maximum rates of medical expenses under the Employees' Compensation Ordinance (Cap. 282) ("ECO") and the Pneumoconiosis and Mesothelioma (Compensation) Ordinance (Cap. 360) ("PMCO") are linked to public healthcare service fees and charges. Having regard to the adjustment to fees and charges for public healthcare services scheduled for January 2026, the Administration consulted the Panel on the proposal to increase the maximum daily rates of medical expenses reimbursable under these two Ordinances. Members generally supported the Administration's proposal.[2]

43. As the Administration planned to enhance price transparency of private healthcare services by legislative means and Hong Kong's first Chinese medicine hospital would commence operation in 2025, some members considered that the Administration should adjust the maximum daily rates of medical expenses reimbursable under ECO and PMCO with reference to the fee levels of private

[2] The two proposed resolutions to increase the maximum daily rates of medical expenses reimbursable under ECO and PMCO were passed at the Council meeting of 24 September 2025 (changed to 25 September 2025) and will take effect from 1 January 2026.

medical institutions and the Chinese medicine hospital in the future, thereby providing injured employees and prescribed occupational disease sufferers with more options of medical treatments. Members were also concerned that should injured employees and prescribed occupational disease sufferers collect more than four weeks' worth of medication in a single day, or receive both out-patient consultation and physiotherapy/occupational therapy on the same day, the proposed daily maximum rates might be insufficient to cover the necessary expenses. Some members pointed out that drugs for mesothelioma treatment were relatively expensive, so they suggested that the Administration should examine and increase the maximum daily rates of medication expenses.

44. The Administration responded that, considering that the maximum rate that might be incurred by injured employees and prescribed occupational disease sufferers for out-patient services at a public hospital on a day was $350 (including a $250 charge for specialist out-patient consultation and charges for five drug items), it believed the proposed increase in the maximum daily rate from $300 to $500 for out-patient treatment already provided certain flexibility for such patients to cover additional medication or other potential scenarios when necessary. Public hospitals generally would not arrange for patients to receive both out-patient consultation and physiotherapy/occupational therapy on the same day. Moreover, the Administration substantially increased compensation for pain, suffering and loss of amenities under PMCO in early 2025, with a view to providing more comprehensive and appropriate support to persons suffering from pneumoconiosis and/or mesothelioma. Through the Brewin Trust Fund, the Administration also subsidized mesothelioma sufferers in financial need for the purchase of self-financed drugs, thereby assisting the sufferers in reducing their medication expenses.

Protection of the employment rights of imported workers

45. The Administration briefed the Panel on the key measures to protect the employment rights of imported workers. Members were concerned that although employers intending to recruit Mainland workers were required to do so through the 14 labour service co-operation enterprises authorized to operate business on arranging workers to work in Hong Kong under the Regulations on Management of Foreign Labor Service Cooperation of the Mainland ("labour service enterprises"), a large number of intermediaries emerged to assist these labour service enterprises in recruiting workers as the latter might not have sufficient workers to meet demand, and some intermediaries even imposed various fees on Mainland workers coming to work in Hong Kong under various pretexts, or colluded with employers to withhold wages, thereby undermining the employment rights of Mainland workers imported to Hong Kong. Members suggested that the Administration should strengthen collaboration with relevant Mainland authorities to combat the exploitation of imported labour by intermediaries. There were views that the Administration should step up

publicity to remind employers wishing to hire Mainland workers to contact the 14 labour service enterprises directly, rather than relying on intermediaries.

46. The Administration responded that under Mainland legislation, intermediaries might only charge workers 12.5% of the total contractual wages as agency fees. Should any intermediary be found charging excessive fees, the authorities would relay the matter to the Ministry of Commerce of the People's Republic of China and request it to hold those responsible to account so as to safeguard the lawful rights and interests of Mainland workers in Hong Kong. Among the 14 currently approved labour service enterprises, 12 enterprises or their affiliated companies had established licensed employment agencies in Hong Kong. LD had uploaded a list of Hong Kong licensed employment agencies connected with Mainland labour service enterprises onto the dedicated webpage for the Enhanced Supplementary Labour Scheme for reference by employers intending to hire Mainland workers. The Administration encouraged Hong Kong employers and Mainland workers to liaise directly with these 14 labour service enterprises or their associated licensed employment agencies in Hong Kong to reduce the risk of exploitation of imported workers.

47. Members were very concerned about the measures taken by the Administration to protect exploited imported workers who had lodged reports, such as assisting them in recovering agency fees or finding new jobs where necessary. The Administration advised that some employers had already started identifying suitable Mainland workers when applying for labour importation quota, and other had even arranged relevant job training for them in advance, so it was difficult for the Administration to find alternative employment within a short period of time for imported workers who had lodged reports. In light of the increase in the number of imported workers in Hong Kong, the Administration would explore improvement measures.

48. Members welcomed the new requirements introduced by the Administration under the Labour Importation Scheme for the Construction Sector, which clearly stipulated that "agencies" engaged by principal contractor-applicants or subcontractor-employers should comply with the labour protection requirements of the Scheme and specified clearly the respective responsibilities of applicants and employers. However, some members pointed out that even after relevant deeds of undertaking were signed in compliance with the Administration's new requirements, "agencies" could still demand unreasonable fees from imported workers without violating labour legislation or the requirements of relevant sector-specific labour importation schemes, because they were not employers of imported workers. In this regard, members enquired about the legal basis for taking legal action against "agencies" suspected of exploiting imported workers.

49. The Administration advised that the principal contractor-applicants or subcontractor-employers had the responsibility to ensure that all the arrangements

made by “agencies” they engaged fulfilled labour protection requirements, and these “agencies” should also sign the relevant undertakings. The requirement to sign a deed of undertaking was supplementary in nature and facilitated clarification of whether any exploitation or improper fee charging was involved between the “agencies” and imported workers, thereby providing a clearer basis to assist law enforcement agencies in initiating investigations under other legislation (such as regarding under-payment of wages). The Administration would continue to collaborate with relevant law enforcement agencies and, having regard to operational experience and actual circumstances of cases, consider how to further enhance the measures to protect imported workers as necessary.

50. Members considered that the Administration’s practice of imposing administrative sanctions solely on principal contractors and subcontractors for breaches of the new requirements by “agencies” lacked sufficient deterrent effect. They therefore suggested that the Administration should consider amending the relevant legislation to criminalize the exploitation of imported workers. The Administration explained that, as far as the Labour Importation Scheme for the Construction Sector was concerned, given that DB had introduced the above-mentioned additional requirements to clarify the powers and responsibilities of various stakeholders, should principal contractors and subcontractors violate the above-mentioned new requirements, DB would not only impose administrative sanctions on them but also reflect their breaches in the performance evaluation of the projects concerned, which would affect their opportunity of successfully bidding future works tenders.

<u>Measures to trawl for talents</u>

Updating the Talent List

51. The Panel noted that the Administration had completed the latest round of the Talent List update. Following the update, the Talent List included newly added professions related to the development of industries in Hong Kong (including financial professionals with Islamic market experience and experienced professionals in commodities trading). Some members welcomed it, believing that outside talents would not only help businesses explore overseas markets but also bring more investment and employment opportunities to Hong Kong, thereby having a positive impact on economic development. Noting that certain professions/occupations in the Talent List (such as Chinese medicine practitioners, midwives, and chiropractors) did not face manpower shortages, some members suggested that the Administration should regularly examine the manpower supply and demand situation of each profession/occupation on the List and introduce a mechanism which would allow both additions to and deletions from the List according to the actual situation of the industries, so as to ensure that the talents admitted under the List would be genuinely needed and in short supply in Hong Kong.

52. The Administration advised that the updated Talent List included top talents and professionals required for the development of industries related to the "eight centres" with a view to generating new impetus for their growth. The update Talent List took effect from 1 March 2025 and covered 60 professions/occupations. During the last review in 2023, the Government expanded the List's coverage from 13 professions to 51. Regarding these 51 professions/occupations, the Administration considered that sufficient time should be allowed for the relevant industries and employment market to realize the benefits. The Administration would also review and update the Talent List in a timely manner with regard to the local manpower situation.

53. Some members were worried that businesses might rely on hiring outside professionals while reducing investment in training local talent, thus affecting promotion opportunities for local young people and even leading to succession problems in relevant industries. They suggested that the Administration should conduct a study on the long-term impact of outside talents on the development of different industries.

54. The Administration responded that the primary objective of its manpower policy was to nurture local talents, complemented by admission of outside talents. However, the findings of the 2023 Manpower Projection revealed that shortages were seen across all occupation groups. While opportunities abounded in some industries, such as shipping and shipbuilding, local young people had relatively low willingness to join them. In order to support Hong Kong's economic and social development, the Administration introduced a number of talent attraction measures, including drawing up the Talent List to facilitate the admission of quality talents that were in shortage in Hong Kong and difficult to be nurtured locally in a short time. The Administration expected the experienced talents admitted under the Talent List to pass on their skills and lead local young people to progress together.

55. Members were concerned whether outside talents would cause downward pressure on local employees' wages. They suggested that the Administration should conduct market pay level surveys for professions/occupations in the Talent List. The Administration responded that the Talent List was drawn up with a view to attracting high quality talents in an effective and focused manner to support Hong Kong's development into a high value-added and diversified economy. Since the promulgation of the first Talent List in 2018, about 1 700 applications fulfilling the qualifications as required under the List had been approved under relevant talent admission schemes. Given the limited total number of incoming talents and their distribution across more than 50 professions/occupations, the Administration considered that outside talents would not affect the pay levels of local workers.

56. The Administration further advised that given the varying pay structures and characteristics across different industries, it would be difficult to conduct a

pay level survey for each profession, but the Administration would gauge market conditions by reference to employers' pay data available upon recruitment of local employees. Under the General Employment Policy ("GEP") and the Admission Scheme for Mainland Talents and Professionals ("ASMTP"), the remuneration package of the vacancies that employers sought to fill should be broadly commensurate with the prevailing market level for the concerned jobs. Employers would be eligible for exemption from the market availability test for vacancies falling under the professions/occupations in the Talent List and with a monthly salary of not less than HK$30,000.

Admission of technical professionals

57. The Administration has introduced the Technical Professional Stream under GEP and ASMTP since 30 June 2025 to allow young and experienced outside individuals to apply for entry into Hong Kong to join eight skilled trades facing acute manpower shortage, namely new industrialization technicians, nurses, aircraft maintenance technicians, marine services technicians (local vessels), information technology technicians, lift/escalator technicians, Building Information Modelling ("BIM") coordinators, and electrical technicians. The Administration briefed the Panel on the implementation arrangements of the new measure.

58. Members noted that an application quota of 10 000 for the first three years would be imposed under the arrangement for admission of technical professionals, the quota for each skilled trade would be limited to 3 000. Some members pointed out that for certain skilled trades with a relatively small industry scale, such as marine services technicians (local vessels) and lift/escalator technicians, the actual manpower shortage was far below 3 000 persons. Amid worries that limiting the quota for each skilled trade to 3 000 might affect the employment opportunities and bargaining power of local technical professionals, they suggested that the Administration should determine quotas based on the number of practitioners in each skilled trade and the actual manpower shortage situation, and consider vetting and approving applications in phases, so as to ensure employment priority for local worker. Some other members who were concerned whether the quota was sufficient suggested that the Administration should flexibly adjust the quota ceiling for individual skilled trades in response to market demand for technology talent, so as to promote the development of relevant industries.

59. The Administration responded that the 2023 Manpower Projection had identified skilled trades with manpower shortages. Following careful examination by relevant bureaux and departments, and consultation with stakeholders across various industries and sectors, eight skilled trades with particularly pressing manpower shortage had been included in the Technical Professionals List ("TP List"). To minimize the impact on the employment of local technical professionals, an application quota of 10 000 for the first three

years would be imposed under the arrangement for admission of technical professionals. To prevent individual skilled trades (such as those related to artificial intelligence or with higher manpower demand) from depleting the vast majority of the quota quickly, the quota for each skilled trade was limited to 3 000. The Administration stressed that the application quota did not represent the target number of technical professionals to be admitted. To go in line with the manpower policy of ensuring employment priority for locals, relevant professionals had to meet the qualification requirements of the skilled trades specified in TP List, including academic qualifications, work experience, professional skills (such as registration or licence to practise) and secure employment with local enterprises before application. The Administration would also review the arrangement for admission of technical professionals after the first year of its implementation.

60. Members were very concerned that the Administration used the median income of local people with non-degree qualifications in post-secondary education ($18,500) as a reference for the salary level of admitted technical professionals. In members' view, given that the industry median wages of a number of skilled trades on TP List already exceeded $18,500, using this figure as a reference might lead to downward pressure on the salary levels of local technical professionals.

61. The Administration explained that the requirement that salary levels for professionals in the selected skilled trades should be no less than the median income of local people with non-degree qualifications in post-secondary education ($18,500), as mentioned in the meeting paper, was merely one of the principles adopted in considering whether to include individual skilled trades into TP List, and not a pay indicator for admitted technical professionals. The remuneration packages for such professionals should be broadly commensurate with the local market level for similar jobs in order to meet the application requirements. The relevant policy bureaux and ImmD were discussing to publish on an annual basis the market salary levels of various skilled trades for reference by employers and applicants.

62. Some members were concerned that currently some providers of vocational and professional education and training (including the Vocational Training Council) did not offer training programmes targeting skilled trades with manpower shortages (e.g. new industrialization technicians in the biomedical engineering field). They therefore suggested that relevant educational institutions should offer such programmes to step up efforts in nurturing local technical professionals. At the same time, the Administration should adopt measures to improve the remuneration packages and promotion pathways for local technical professionals, thereby attracting local new entrants to enrol in such training programmes and join the trades.

63. The Administration advised that it had been committed to nurturing local technical professionals, including providing subsidies to trainees enrolled in enrolled nurse training programmes and BIM coordinator training programmes. DB and the Electrical and Mechanical Services Department were also discussing with relevant trade associations and labour unions to understand and explore ways to improve the training, remuneration packages and promotion pathways for escalator technicians. However, as the supply of technical professional manpower still fell short to fill vacancies in such skilled trades, it was necessary to admit outside talents at an appropriate scale to address the challenge of manpower shortages.

64. Some members urged the Administration to collect statistics on the age and employment status of dependants approved for admission to Hong Kong under the various talent admission schemes and assess the impact of incoming talents' spouses on the local labour market. The Administration responded that approved applicants under the various talent admission schemes might apply to bring in their spouses and their unmarried dependent children under the age of 18 to Hong Kong under the prevailing dependant policy. The dependants might take up employment and study in Hong Kong without restrictions. The fact that the various talent admission schemes enabled outside talents to bring their families to Hong Kong for development not only helped them settle down and take root in Hong Kong but also had a positive impact on Hong Kong's demographic structure. The Labour and Welfare Bureau conducted a survey on talents who had arrived in Hong Kong for more than six months under the Top Talent Pass Scheme. The results showed that nearly 20% of the incoming talents' spouses had taken up employment, while nearly 60% wished to enter the job market, reflecting their high willingness to work. Nevertheless, the development of talents' spouses after arrival in Hong Kong also depended on their individual circumstances and other factors. In future surveys concerning incoming talents, the Administration would seek to understand the employment status of their spouses.

<u>Other issues</u>

65. The Panel received a briefing on the 2025 Policy Address and discussed the following establishment proposals put forward by the Administration:

(a) Retention of one time-limited supernumerary post of Chief Labour Officer in the Labour Department;[3] and

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[3] The establishment proposal (EC(2025-26)4) was endorsed by the Establishment Subcommittee ("ESC") on 14 May 2025 and approved by the Finance Committee ("FC") on 6 June 2025.

(b) Retention of three time-limited supernumerary directorate post/time-limited non-civil service positions in the Labour and Welfare Bureau.[4]

Subcommittee formed under the Panel

66 The Panel appointed the Subcommittee on Issues Relating to Human Resources Training and Planning ("the Subcommittee") to conduct in-depth study and analysis on human resources training and planning in Hong Kong, and to explore and give timely advice for reference on the areas of manpower supply and demand, education and training, talent admission, job market development, etc. Since commencing its work in June 2024, the Subcommittee has held a total of six meetings, including a joint meeting with the Subcommittee to Study Population Policy and Initiatives. Upon completion of its work in May 2025, the Subcommittee submitted a report to the Panel.

Meetings held

67. During the period between January and September 2025, the Panel held a total of eight meetings. The Panel has scheduled another meeting for 14 October 2025 to discuss "Measures to foster harmonious labour relations by the Labour Department" and "Regulation of employment agencies" with the Administration.

Council Business Divisions
Legislative Council Secretariat
13 October 2025

[4] The establishment proposal (EC(2025-26)10) was endorsed by ESC on 9 July 2025 and approved by FC on 25 July 2025.

Appendix 1

Legislative Council

Panel on Manpower

Terms of Reference

1. To monitor and examine Government policies and issues of public concern relating to labour, manpower planning, vocational training and education, and qualifications framework.

2. To provide a forum for the exchange and dissemination of views on the above policy matters.

3. To receive briefings and to formulate views on any major legislative or financial proposals in respect of the above policy areas prior to their formal introduction to the Council or Finance Committee.

4. To monitor and examine, to the extent it considers necessary, the above policy matters referred to it by a member of the Panel or by the House Committee.

5. To make reports to the Council or to the House Committee as required by the Rules of Procedure.

Appendix 2

Panel on Manpower

Membership list for the 2025 session

Chairman	Hon LAM Chun-sing
Deputy Chairman	Dr Hon NGAN Man-yu
Members	Hon KWOK Wai-keung, BBS, JP Hon SHIU Ka-fai, BBS, JP Hon LUK Chung-hung, JP Ir Hon LEE Chun-keung, BBS, JP Hon CHAU Siu-chung Hon Kenneth LEUNG Yuk-wai, MH, JP Hon Lillian KWOK Ling-lai Hon Kingsley WONG Kwok, BBS, JP Hon TANG Fei, MH Hon LAI Tung-kwok, GBS, IDSM, JP Prof Hon LAU Chi-pang, BBS, JP Hon SHANG Hailong Prof Hon CHAN Wing-kwong (Total: 15 members)
Clerk	Ms Jessica CHAN
Legal adviser	Mr Alvin CHUI