



勞工顧問委員會報告
Labour Advisory Board Report

2005-2006

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CHAPTER 1 Membership

From 1 January 2005 to 31 December 2006



Chairman : Mr Matthew CHEUNG Kin-chung, JP
(Front Row: Middle) Permanent Secretary for Economic Development and Labour (Labour) (*Ex-officio*)

Members : **Employer Representatives**

Mr HO Sai-chu, SBS, JP (Front Row: 2nd from Right)	representing the Chinese General Chamber of Commerce
Dr Kim MAK Kin-wah, JP (Front Row: 1st from Right)	representing the Employers' Federation of Hong Kong
Mr Anthony YEUNG Kwok-ki, JP (Back Row: 5th from Right)	representing the Hong Kong General Chamber of Commerce
Mr Paul YIN Tek-shing, BBS (Back Row: 3rd from Right)	representing the Chinese Manufacturers' Association of Hong Kong
Mr Stanley LAU Chin-ho, MH, JP (Back Row: 2nd from Right)	representing the Federation of Hong Kong Industries
Mr Clement CHEN Cheng-jen, JP (Back Row: 4th from Right)	appointed <i>ad personam</i>

Employee Representatives

Mr Felix CHEUNG Kwok-bui (Front Row: 2nd from Left)	elected by registered employee unions
Mr POON Siu-ping, MH (Front Row: 1st from Left)	ditto
Mr LEUNG Chau-ting (Back Row: 4th from Left)	ditto
Ms WONG Siu-han (Back Row: 2nd from Left)	ditto
Mr IP Wai-ming (Back Row: 1st from Left)	ditto
Mr CHEUNG Pak-chi, MH (Back Row: 3rd from Left)	appointed <i>ad personam</i>

Secretary : Mr FUNG Ying-lun, MH
(Back Row: 1st from Right) Senior Labour Officer (Development)



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CHAPTER 2 About the Board

Introduction

- 2.1** The Labour Advisory Board (LAB) is a non-statutory body appointed by the Chief Executive to advise the Permanent Secretary for Economic Development and Labour (Labour) on labour matters including legislation and the application of international labour Conventions. The Permanent Secretary for Economic Development and Labour (Labour) is the ex-officio chairman of the LAB. The LAB has 12 members, six representing employers and six representing employees.
- 2.2** The LAB plays an important part in the formulation of labour policies and gives advice on labour legislation.

History

<p>2.3</p> <p>● 1927 The LAB was first appointed.</p>	<p>In its early years, the LAB was composed of representatives of large companies, government departments as well as the armed services. There were no employee representatives.</p>
<p>● 1946 The LAB became a tripartite body, with the Labour Officer as the ex-officio chairman.</p>	<p>There were three members representing European employers, three representing Chinese employers and three representing employees of major companies.</p> <p>The Labour Officer was the head of the Labour Office which was originally part of the Secretariat for Chinese Affairs. It became an independent office (the present Labour Department) in 1946.</p>
<p>● 1947 The Commissioner of Labour became the ex-officio chairman of the LAB.</p>	<p>The head of the Labour Department was retitled from the Labour Officer to the Commissioner of Labour.</p>

● 1950

The LAB was reconstituted and election was introduced for the first time.

Of the four members representing employers, one was nominated by the Employers' Federation of Hong Kong, one by the Chinese Manufacturers' Union (renamed the Chinese Manufacturers' Association of Hong Kong in 1957), and two were appointed by the Government, one each from European and Chinese employers.

Of the four members representing employees, two were elected by trade unions by secret ballot, and the other two were appointed by the Government.

● 1977

The membership of the LAB was increased by four to 12.

It was composed of six employer representatives with four nominated by employer organisations and two appointed by the Government.

There were six employee representatives with three elected by trade unions and three appointed by the Government.

● 1985

The term of office of the LAB was extended from one to two years.

The number of elected employee representatives was increased from three to four, and this was offset by a reduction of appointed employee representatives from three to two.

● 1989

The number of nominated employer representatives and elected employee representatives was increased from four to five.

This was offset by a reduction in the number of appointed members on both sides to one.

● 1993

Non-official members of the LAB were eligible for an allowance for each term of office and they could initiate agenda items to be discussed in LAB meetings.

● 2003

The Permanent Secretary for Economic Development and Labour (Labour) became the ex-officio chairman of the LAB.

In July 2003, the Labour Branch of the Economic Development and Labour Bureau merged with the Labour Department. The new organisation retained the corporate title of Labour Department and was headed by the Permanent Secretary for Economic Development and Labour (Labour), who also assumed the role of the Commissioner for Labour.

Terms of Reference

- 2.4** The LAB advises the Permanent Secretary for Economic Development and Labour (Labour) on matters affecting labour, including legislation and Conventions and Recommendations of the International Labour Organisation. It may appoint such committees as it considers necessary and include any person not being a member of the LAB to serve on such committees.

Composition

- 2.5 Chairman:** Permanent Secretary for Economic Development and Labour (Labour) (*Ex-officio*)

Members: *Employer representatives*

Five members nominated by major employer associations:

- one representing the Chinese General Chamber of Commerce
- one representing the Employers' Federation of Hong Kong
- one representing the Hong Kong General Chamber of Commerce
- one representing the Chinese Manufacturers' Association of Hong Kong
- one representing the Federation of Hong Kong Industries

One member appointed *ad personam*

Employee representatives

Five members elected by registered employee unions

One member appointed *ad personam*

Secretary: A Senior Labour Officer of the Labour Department

LAB Election of Employee Representatives 2004

- 2.6** An election, by secret ballot, was held on 13 November 2004 for the registered employee unions to elect employee representatives for the term 2005-2006. In this election, nine candidates vied for five seats as employee representatives on the LAB. Out of a total of 378 employee unions registered as electors, 334 took part in the election.

- 2.7** On the employer side, the five major employer associations were invited in late 2004 to nominate representatives to sit on the LAB. The remaining two members, one representing employers and the other representing employees, were appointed by the Government *ad personam*.

- 2.8** The appointment of the 12 members was published in the Government Gazette.



The Permanent Secretary for Economic Development and Labour (Labour) and the Chairman of LAB, Mr Matthew CHEUNG Kin-chung (3rd from left), pictures with the elected employee representatives.

Committees of LAB

2.9 To enable the LAB to cope with the increasing range and complexity of matters requiring its attention, and to encourage greater participation by members and persons outside the LAB, five committees on special subject areas have been set up under the auspices of the LAB. They are:

- Committee on Employees' Compensation
- Committee on Employment Services
- Committee on the Implementation of International Labour Standards
- Committee on Labour Relations
- Committee on Occupational Safety and Health

2.10 LAB members and over 30 persons including employer and employee representatives from outside the LAB, academics, professionals, as well as representatives from government departments, public bodies and concern groups, served on the five committees. Details of the terms of reference, composition and work of these committees are given in their relevant chapters. Membership lists of the committees are at [Appendices I to V](#).



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CHAPTER 3 Major Activities

Introduction

3.1 The Labour Advisory Board (LAB) met 13 times during the period from 1 January 2005 to 31 December 2006. The Chairman of the LAB consulted members on labour legislation, administrative and enforcement measures on labour matters as well as other issues.

Consultation on Labour Legislation

3.2 The LAB discussed four items of labour legislation relating to the welfare of Hong Kong workers and endorsed four proposals. Details of the endorsed items and their position as at 31 December 2006 are listed below:

- To raise the maximum penalty under section 63C of the Employment Ordinance (EO) from a fine of \$200,000 and imprisonment for one year to a fine of \$350,000 and imprisonment for three years.
 - Proposal was endorsed by the LAB on 6 October 2005.
 - The Employment (Increase in Penalty for Offences under Section 63C) Bill 2005 was passed by the Legislative Council (LegCo) on 11 January 2006. The Commencement Notice of the ordinance was gazetted on 27 January 2006. The ordinance came into operation on 30 March 2006.
- To recognise Chinese medicine under labour legislation.
 - The LAB endorsed some proposed technical amendments on 10 January 2005.
 - The Certification for Employee Benefits (Chinese Medicine) (Miscellaneous Amendments) Bill 2005 was passed by the LegCo on 28 June 2006. The provisions in relation to the EO came into operation on 1 December 2006.
- To amend the EO to avoid the interpretation that wages do not include commission of a contractual nature in the calculation of statutory entitlements under the ordinance; and to improve the existing mode of calculation of these statutory entitlements.
 - Proposal was endorsed by the LAB on 22 August 2006.
 - The Employment (Amendment) Bill 2006 was gazetted on 8 December 2006. The LegCo has formed a Bills Committee to scrutinise the bill.
- To maintain the amounts for various compensation items under the Employees' Compensation Ordinance and the Pneumoconiosis (Compensation) Ordinance at their existing levels.
 - Proposal was endorsed by the LAB on 6 October 2005.

Consultation on Administrative / Enforcement Measures on Labour Matters

3.3 The LAB was consulted on the following administrative / enforcement measures on labour matters:

- The LAB continued to study and discuss the issues relating to the establishment of a minimum wage and standard working hours in the Hong Kong Special Administrative Region (HKSAR).
- The LAB discussed the Government's strategy adopted for the Wage Protection Movement for cleaning workers and security guards, which included promoting the movement through various media channels and securing support from the business sector and owners' corporations. Employers were encouraged to undertake to pay their cleaning workers and security guards wages not lower than the relevant average market rates as published in the Census and Statistics Department's "Quarterly Report of Wage and Payroll Statistics", and to enter into written employment contracts with these workers.
- The LAB agreed to the proposal of the Hong Kong Federation of Insurers to test run the residual scheme with a view to improving the employees' compensation insurance system in the HKSAR.
- The LAB agreed that the Labour Department (LD) could further study the feasibility of excluding persons who are not lawfully employable from the coverage of the Employees Compensation Assistance Ordinance.
- The LAB supported the strategy and actions adopted by the Administration to prevent abuse of the Protection of Wages on Insolvency Fund, which included tightening the law, targeting investigations, stepping up prosecution, and strengthening intelligence gathering, publicity and promotion.
- The LAB agreed to give priority to the review of the following three items: possible measures to assist employees to recover their entitlements in defaulted Labour Tribunal awards; the provisions on "continuous contract" under the EO; and Section 64B of the EO to enhance the deterrent effect against wage offences.
- The LAB agreed to test run the Manpower Development Plan for Textiles and Clothing Industry. The plan aimed at addressing the manpower needs for skilled workers by manufacturers of textiles and clothing industry in the HKSAR and easing their immediate manpower shortage.
- The LAB noted LD's employment services provided for young people and the department's plan of setting up two Youth Employment Resource Centres to provide one-stop advisory and support services for the employment and self-employment of young people.

Consultation on Other Legislation / Measures

3.4 The LAB was briefed or consulted on other legislation or measures of relevance to labour matters, as given below:

- The LAB was briefed on the arrangements of the Working Holiday Scheme, a bilateral agreement signed by the Government of the HKSAR separately with the Governments of New Zealand, Australia and Ireland. The scheme aimed at enabling young people aged between 18 and 30 to gain valuable experience while holidaying and working abroad, which should strengthen their self-confidence, resilience and inter-personal skills.

- The LAB gave its views on the proposed amendments to the Mandatory Provident Fund Schemes (General) Regulation to improve the existing investment regulations in respect of Mandatory Provident Fund funds.
- The LAB gave its views on whether a smoking ban should be imposed on communal accommodation provided by employers for employees.

Monitoring the Supplementary Labour Scheme

- 3.5** The LAB is responsible for monitoring the Supplementary Labour Scheme (SLS) and vetting applications for importation of labour submitted thereunder. Operating on the principle of according priority of employment to local workers, the SLS allows the entry of imported workers to take up jobs which cannot be filled locally. During the 2005-2006 term, the LAB vetted some 800 applications.
- 3.6** Since August 1996, a working group on the SLS has been formed under the LAB to consider vetting guidelines for the processing of applications under the SLS and to discuss application cases for which members have differing views during vetting.
- 3.7** To ensure the effective attainment of the policy objective of the SLS, the Government, in consultation with the LAB, regularly reviews the operation of the SLS.
- 3.8** The terms of reference, composition and membership of the working group are at [Appendix VI](#).

Participating in International Labour Conference

- 3.9** Apart from advising the Permanent Secretary for Economic Development and Labour (Labour) on labour matters, LAB members also attended the annual International Labour Conference as part of the delegation of the People's Republic of China (PRC).
- 3.10** The conference provides a valuable forum for LAB members to meet with delegates from different member States of the International Labour Organisation (ILO) so as to exchange views, share experience and establish contacts, thereby enhancing their exposure to and understanding of international labour issues.

The 93rd Session of the International Labour Conference

- 3.11** The 93rd Session of the International Labour Conference was held in Geneva, Switzerland from 31 May to 16 June 2005. The HKSAR sent a tripartite team to the conference as part of the PRC delegation. Members of the team were:

Government Representatives	Employer Representatives	Employee Representatives
Mr Matthew CHEUNG Kin-chung, JP Permanent Secretary for Economic Development and Labour (Labour)	Mr HO Sai-chu, SBS, JP	Mr POON Siu-ping, MH
Mr FUNG Ying-lun, MH Senior Labour Officer	Mr Anthony YEUNG Kwok-ki, JP	Ms WONG Siu-han
Mr Stephen LEUNG Mak-kwan Senior Labour Officer	Mr Clement CHEN Cheng-jen, JP	Mr IP Wai-ming
Miss Carrie CHANG Kar-wai Senior Administrative Officer		
Ms Teresa FONG Yuk-sim Labour Officer		
Mrs Mary CHENG CHAN Oi-lin Labour Officer		



The Permanent Secretary for Economic Development and Labour (Labour), Mr Matthew CHEUNG Kin-chung (middle), and LAB members attend the 93rd Session of the International Labour Conference.



Government representatives of the HKSAR meet the Director-General of the International Labour Office, Mr Juan Somavia (3rd from left).



The Vice Minister of the Ministry of Labour and Social Security of the PRC, Mr WANG Dong-jin (left), the Vice Chairman of the All-China Federation of Trade Unions, Mr XU Zhen-huan (middle), and the Permanent Secretary for Economic Development and Labour (Labour), Mr Matthew CHEUNG Kin-chung, attend the 93rd Session of the International Labour Conference.

3.12 The conference was attended by more than 3 000 government, employer and employee delegates and advisers from 178 member States of the ILO. The HKSAR representatives attended the plenary sessions of the conference and meetings of the Committee on the Application of Standards, Committee on the Fishing Sector, Committee on Youth Employment and Committee on Safety and Health.

The 95th Session of the International Labour Conference

3.13 The 95th Session of the International Labour Conference was held in Geneva from 31 May to 16 June 2006. The HKSAR also sent a tripartite team to the conference as part of the PRC delegation. Members of the team were:

Government Representatives	Employer Representatives	Employee Representatives
Mr Matthew CHEUNG Kin-chung, JP Permanent Secretary for Economic Development and Labour (Labour)	Mr HO Sai-chu, SBS, JP	Mr Felix CHEUNG Kwok-bui
Mr Alan WONG Kwok-lun, JP Assistant Commissioner for Labour	Mr Paul YIN Tek-shing, BBS	Mr LEUNG Chau-ting
Mr FUNG Ying-lun, MH Senior Labour Officer	Mr Stanley LAU Chin-ho, MH, JP	Mr CHEUNG Pak-chi, MH
Mrs Tonia LEUNG SO Suk-ching Senior Labour Officer		
Miss Carrie CHANG Kar-wai Senior Administrative Officer		
Ms Femia LAU Pik-yiu Labour Officer		
Ms Catherine LAW Sui-fong Labour Officer		



Representatives of the HKSAR attend the 95th Session of the International Labour Conference.



Representatives of the HKSAR attending the 95th Session of the International Labour Conference meet the Minister of the Ministry of Labour and Social Security of the PRC, Mr TIAN Cheng-ping (5th from left), the Ambassador, Permanent Representative of the PRC to the United Nations Office at Geneva, Mr SHA Zu-kang (4th from right), and the Vice Minister of the Ministry of Labour and Social Security of the PRC, Ms HUA Fu-zhou (2nd from right).



The Permanent Secretary for Economic Development and Labour (Labour), Mr Matthew CHEUNG Kin-chung, meets the Director-General of the International Labour Office, Mr Juan Somavia (left).

3.14 The conference was attended by some 4 000 government, employer and employee delegates and advisers from 178 member States of the ILO. The HKSAR representatives attended the plenary sessions of the conference and meetings of the Committee on the Application of Standards, Committee on Safety and Health, Committee on Employment Relationship and Committee on Technical Cooperation.

Participating in the 14th Asian Regional Meeting of the ILO

3.15 Apart from participating in the annual International Labour Conference, LAB members also attended the 14th Asian Regional Meeting (ARM) of the ILO in 2006.

3.16 At four-year intervals, the ARM brings together the political, economic and social actors from countries in Asia and the Pacific as well as the Arab States in West Asia. LAB members participated in this regional platform for sharing experience, understanding the developments of international labour standards and networking.

3.17 The 14th ARM was held in Busan, Korea from 29 August to 1 September. A tripartite team from the HKSAR attended the meeting in the name of "Hong Kong, China". Members of the team were:

Government Representatives	Employer Representatives	Employee Representatives
Mrs Jenny CHAN MAK Kit-ling, JP Assistant Commissioner for Labour	Mr Paul YIN Tek-shing, BBS	Mr Felix CHEUNG Kwok-bui
Miss Cindy YIM Lai-kwan Senior Labour Officer	Mr Stanley LAU Chin-ho, MH, JP	Ms WONG Siu-han
Miss Grace CHAN Wing-han Labour Officer		
Miss Christina WONG Lai-heung Labour Officer		



The HKSAR representatives outside the meeting.



The Assistant Commissioner for Labour, Mrs Jenny CHAN MAK Kit-ling, delivers a speech at the plenary session.



The Assistant Commissioner for Labour, Mrs Jenny CHAN MAK Kit-ling, meets the Vice Minister of the Ministry of Labour and Social Security of the PRC, Mr HU Xiao-yi (right).

Contacts with ILO and Other Labour Administrations

3.18 The LAB also maintained close liaison and interflow with ILO officials and other labour administrations.

March 2005



The Vice-Minister of the Ministry of Labour and Social Security of the PRC, Mr WANG Dongjin (middle in the front row), leads a delegation to visit the HKSAR and meet LAB members.

April 2005



The Director of the ILO Office for China and Mongolia, Ms Constance Thomas (left in upper photo), visits the HKSAR and discusses with LAB members on "The Future Outlook of the ILO Office for China and Mongolia with Special Emphasis on Promoting Tripartism".





April 2006



The Regional Director for Asia and the Pacific of the ILO, Dr NG Gek-boo (left), visits the HKSAR and discusses with LAB members on "Realising Decent Work in Asia".





The former Chairman of the Low Pay Commission and the Pensions Commission in the United Kingdom, Adair Lord Turner of Ecchinswell (left), visits the HKSAR and meets LAB members.

Seminar on Good People Management Practices

3.19 In June 2005, the LAB and the LD jointly organised the Seminar on Good People Management Practices to promote good people management practices and corporate social responsibility. The seminar was successfully held with 350 participants. The event conveyed the message that a good employer must also be a good corporate citizen willing to shoulder corporate social responsibility.



The Permanent Secretary for Economic Development and Labour (Labour), Mr Matthew CHEUNG Kin-chung (middle), and LAB members co-officiate at the Seminar on Good People Management Practices.



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CHAPTER 4 Committee on Employees' Compensation

Introduction

4.1 The Committee on Employees' Compensation (CEC) has been in place since August 1986 to give advice on the effectiveness of the employees' compensation system and related legislation.

Terms of Reference

4.2 The committee is established to:

- review the employees' compensation system in Hong Kong;
- advise on legislative proposals on employees' compensation and review existing legislation; and
- advise on measures to be adopted by the Labour Department to improve the administrative machinery related to employees' compensation.

Composition

4.3 Members of the CEC are appointed by the Permanent Secretary for Economic Development and Labour (Labour). The composition of the committee for the term 2005-2006 is as follows:

Chairman :	Deputy Commissioner for Labour (Labour Administration)
Members :	Three employer representatives from the Labour Advisory Board
	Three employee representatives from the Labour Advisory Board
	An employer representative from outside the Labour Advisory Board
	An employee representative from outside the Labour Advisory Board
	A representative nominated by the insurance industry
	A representative from a concern group on employees' compensation
	A representative nominated by the Hospital Authority
	A representative nominated by the Director of Legal Aid
	Assistant Commissioner for Labour (Employees' Rights and Benefits)
	Occupational Health Consultant (1)
Secretary :	A Labour Officer of the Labour Department

The membership list of the CEC for the term 2005-2006 is at [Appendix I](#).

Activities During the 2005-2006 Term

4.4 During the 2005-2006 term, the CEC discussed the following matters:

Proposed additions to the list of occupational diseases under the Employees' Compensation Ordinance (ECO)

The CEC noted that the proposal of including Severe Acute Respiratory Syndrome and Avian Influenza A to the list of prescribed occupational diseases under the Second Schedule of the ECO was enacted and came into operation on 8 February 2005.

Review of the levels of compensation under the ECO and the Pneumoconiosis (Compensation) Ordinance (PCO)

The CEC endorsed a proposal to maintain the amounts of various compensation items under the ECO and the PCO at their existing levels. The proposal was subsequently submitted to the Labour Advisory Board for consideration.

Promoting public understanding of the major provisions of the ECO and the services of the Employees' Compensation Division (ECD) of the Labour Department

The CEC noted the measures taken by the Labour Department in promoting public understanding of the major provisions of the ECO and the services of the ECD.



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CHAPTER 5 Committee on Employment Services

Introduction

5.1 In May 1976, a sub-committee of the Labour Advisory Board was appointed to advise the Commissioner for Labour on matters concerning the operation of the Employment Services Division of the Labour Department (LD). The sub-committee was renamed the Committee on Employment Services (CES) in 1978 and its terms of reference were extended to cover the work of all divisions under the Employment Services Programme of the LD.

Terms of Reference

5.2 The committee is established to:

- advise on the employment services provided by the Labour Department, including those for the able-bodied and people with disabilities, and the careers advisory service for young people;
- advise on legislative provisions relating to the operation of employment agencies; and
- advise on legislative provisions relating to the employment of local workers outside Hong Kong.

Composition

5.3 Members of the CES are appointed by the Permanent Secretary for Economic Development and Labour (Labour). The composition of the committee for the term 2005-2006 is as follows:

Chairman :	To be appointed from the non-government sector
Members :	Two# employer representatives from the Labour Advisory Board
	Two# employee representatives from the Labour Advisory Board
	Two employer representatives from outside the Labour Advisory Board
	Two employee representatives from outside the Labour Advisory Board
	A representative nominated by a major employer user of the employment services of the Labour Department
	A representative of people with disabilities who make use of the employment services of the Labour Department
	Two representatives nominated by two employment agency associations
	A representative nominated by the Hong Kong Association of Careers Masters and Guidance Masters
	A representative nominated by the Employees Retraining Board
	A representative nominated by the Hong Kong Institute of Human Resource Management
	A representative from one of the social partners of the Labour Department
	A representative from a tertiary educational institution

Secretary : A Labour Officer of the Labour Department

#Only one representative shall be appointed if the chairman has been appointed from this group.

The membership list of the CES for the term 2005-2006 is at [Appendix II](#).

Activities During the 2005-2006 Term

5.4 During the 2005-2006 term, the CES offered advice on the following employment services and programmes:

Employment Services

The Employment Services Division provides free employment services to able-bodied job-seekers. The Employment Information and Promotion Division aims at strengthening the promotion of the LD's employment services and the collection of job vacancy information through organising publicity and promotional activities. The Selective Placement Division offers specialised placement service to people with disabilities seeking open employment. The CES gave valuable suggestions on new programmes and improvement measures, including the Work Trial Scheme, Employment Programme for the Middle-aged, Work Orientation and Placement Scheme, the establishment of new job centres and organisation of job fairs, etc.

Youth Pre-employment Training Programme, Youth Work Experience and Training Scheme and Youth Self-employment Support Scheme

The Youth Pre-employment Training Programme was launched in September 1999 to enhance the competitiveness and employability of young school leavers aged 15-19 through pre-employment training. The Youth Work Experience and Training Scheme was launched in July 2002 to provide on-the-job training to young people aged 15-24 with education attainment below degree level. The Youth Self-employment Support Scheme was a pilot scheme launched from May 2004 to September 2005 to train and assist young people aged 18-24 who had motivation, entrepreneurship and innovation to become self-employed. The CES noted the progress of the employment programmes and provided valuable suggestions on their implementation.

Career guidance service

The Careers Advisory Service provides careers information and guidance to secondary school students and young people to facilitate their careers planning through a variety of activities. These activities include a series of special activities for Form Five students upon the release of the HKCEE results, Education & Careers Expo and Careers Quiz. The CES gave valuable suggestions on the activities mentioned above.

Regulation of employment agencies

The Employment Agencies Administration monitors the operation of employment agencies under Part XII of the Employment Ordinance and the Employment Agency Regulations made thereunder. The CES also provided valuable suggestions on measures to protect the interests of job-seekers including foreign domestic helpers making use of the service of employment agencies.

Visits

In November 2005, the CES visited the Chinese Cuisine Training Institute to understand the vocational training offered by the institute. In 2006, the CES visited the Cathay Pacific City, the Science Park and the newly established Job Centre in Yuen Long to gain better understanding of the employment practices and services of various organisations. Committee members were pleased to note the latest services and facilities provided to job-seekers by the Job Centres.



Members visit the Cathay Pacific City.



Members picture with representatives of the Science Park after the visit.



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CHAPTER 6

Committee on the Implementation of International Labour Standards

Introduction

6.1 In 1976, the International Labour Conference adopted the Tripartite Consultation (International Labour Standards) Convention (No.144) which aims to promote tripartite consultations among governments, employers and workers on matters related to the formulation, review and implementation of international labour standards. This Convention was applied to Hong Kong with modification in 1978. In relation to the application of this Convention, the Committee on the Implementation of International Labour Standards (CIILS) was set up in the same year on the advice of the Labour Advisory Board.

Terms of Reference

6.2 The committee is established to:

- advise on appropriate declarations to be made in respect of the application of international labour Conventions in the Hong Kong Special Administrative Region;
- advise on appropriate measures to be taken to promote the implementation of, or where appropriate, to improve the declarations in respect of, international labour Conventions with the declaration of "applied with modification";
- advise on questions arising out of the reports to be made to the International Labour Office; and
- advise on government replies to questionnaires concerning items on the agenda of the International Labour Conference and government comments on proposed texts to be discussed by the conference.

Composition

6.3 Members of the CIILS are appointed by the Permanent Secretary for Economic Development and Labour (Labour). The composition of the committee for the term 2005-2006 is as follows:

Chairman :	Deputy Commissioner for Labour (Labour Administration)
Members :	Three employer representatives from the Labour Advisory Board
	Three employee representatives from the Labour Advisory Board
	Assistant Commissioner for Labour (Employees' Rights and Benefits)
Secretary :	A Labour Officer of the Labour Department

The membership list of the CIILS for the term 2005-2006 is at [Appendix III](#).

Activities During the 2005-2006 Term

6.4 During the 2005-2006 term, the CIILS undertook the following activities:

Reports on International Labour Conventions (ILCs)

In accordance with Article 22 of the Constitution of the International Labour Organisation (ILO), the Hong Kong Special Administrative Region (HKSAR) is required to submit reports on the application of ILCs as requested by the International Labour Office. Reports on seven and nine ILCs were submitted respectively in 2005 and 2006. The reports were communicated to committee members for comment before they were forwarded to the International Labour Office.

A list of reports on ILCs which were considered by the CIILS during the 2005-2006 term is at [Appendix VII](#).

Discussion on Latest Developments of International Labour Standards

During the 2005-2006 term, the CIILS held a discussion on the trends in the latest development of international labour standards. These trends included promotion of fundamental Conventions, an integrated approach to the ILO's standards-related activities, consensus building, keeping standards up to date, consolidation and grouping of standards, and change of reporting mechanisms. The committee gained a deeper understanding of the developments of international labour standards and gave advice on how application of ILCs in the HKSAR could be steered towards the same direction.

Application of International Labour Conventions in the HKSAR

As at 31 December 2006, a total of 41 Conventions were applied to the HKSAR. Among them, 28 were applied without modification (i.e. all provisions of a Convention were fully implemented) and 13 were applied with modification (i.e. a Convention was implemented with modifications in some provisions to suit local conditions).



CHAPTER 7 Committee on Labour Relations

Introduction

7.1 The Committee on Labour Relations (CLR) has been in place since May 1985 to advise on the promotion of harmonious labour relations and legislation on employment conditions and labour relations matters.

Terms of Reference

7.2 The committee is established to:

- advise on means to promote amicable relations and mutual understanding between employers and employees, and between their respective organisations;
- advise on legislative proposals on employment conditions and labour relations and review existing legislation; and
- advise on measures to be adopted by the Labour Department with a view to improving its conciliation service.

Composition

7.3 Members of the CLR are appointed by the Permanent Secretary for Economic Development and Labour (Labour). The composition of the committee for the term 2005-2006 is as follows:

Chairman :	Deputy Commissioner for Labour (Labour Administration)
Members :	Three employer representatives from the Labour Advisory Board
	Three employee representatives from the Labour Advisory Board
	Two employer representatives from outside the Labour Advisory Board
	Two employee representatives from outside the Labour Advisory Board
	A representative of Human Resources Practitioners
	Assistant Commissioner for Labour (Labour Relations)
Secretary :	A Labour Officer of the Labour Department

The membership list of the CLR for the term 2005-2006 is at [Appendix IV](#).

Activities During the 2005-2006 Term

7.4 During the 2005-2006 term, the CLR provided valuable advice to the Labour Department on a range of labour relations matters, including strategies in promoting good people management practices and ways to tackle the problem of wage defaults.



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CHAPTER 8

Committee on Occupational Safety and Health

Introduction

8.1 The Committee on Occupational Safety and Health (COSH) was set up in January 1997 to advise on occupational safety and health legislation and related matters. It was formerly known as the Committee on Industrial Safety and Health which was formed in April 1989.

Terms of Reference

8.2 The committee is established to:

- review the standards of occupational safety and health in Hong Kong;
- advise on legislative proposals on occupational safety and health and review existing legislation; and
- advise on the measures to be adopted by the Labour Department with a view to improving the existing system which enforces occupational safety and health legislation.

Composition

8.3 Members of the COSH are appointed by the Permanent Secretary for Economic Development and Labour (Labour). The composition of the committee for the term 2005-2006 is as follows:

Chairman :	Deputy Commissioner for Labour (Occupational Safety and Health)
Members :	Three employer representatives from the Labour Advisory Board
	Three employee representatives from the Labour Advisory Board
	Three employer representatives from outside the Labour Advisory Board
	Three employee representatives from outside the Labour Advisory Board
	A representative nominated by the Occupational Safety and Health Council
	Three representatives from occupational safety and health organisations
	Assistant Commissioner for Labour (Occupational Safety)
	Occupational Health Consultant (1)
	Chief Occupational Safety Officer (Support Services)
Secretary :	A Labour Officer of the Labour Department

The membership list of the COSH for the term 2005-2006 is at [Appendix V](#).

Activities During the 2005-2006 Term

8.4 During the 2005-2006 term, the COSH advised on the following matters:

Major Publicity Programmes of the Labour Department for Promoting Occupational Safety and Health

The COSH discussed the major publicity programmes of the Labour Department (LD) for promoting occupational safety and health. It gave suggestions on the programmes and proposed to invite renowned local athletes to boost the publicity efforts.

Subsequently, with the assistance of the Hong Kong Elite Athletes Association, the LD invited local elite athletes to take part in the production of the following short films:

- A short film on occupational safety featuring the renowned fencing player, Ms HO Ka-lai;
- A short film on occupational safety in the catering industry featuring the table tennis duo, Messrs KO Lai-chak and LI Ching; and
- A short film on safety of working at height featuring the renowned snooker player, Mr Marco FU.

A Study on Work-related Accidents Involving Back Injuries

The COSH discussed a detailed study conducted by the LD on work-related accidents involving back injuries in Hong Kong for the years 1999-2003.

Study Visits

The COSH organised two study visits to the Hong Kong Disneyland and the Ngong Ping 360 Project in July 2005 and June 2006 respectively. Committee members were able to gain better understanding of the role of the LD in monitoring the occupational safety and health performance of these two major construction projects.



Members visit the Hong Kong Disneyland.



Representatives of the Ngong Ping 360 Project brief members on the occupational safety and health performance of the project.



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Appendix I Membership of LAB Committee on Employees' Compensation

From 1 January 2005 to 31 December 2006

Chairman :	Mrs Jennie CHOR CHAN Chui-yuk, BBS, JP [1.1.2005-21.9.2006]	Deputy Commissioner for Labour (Labour Administration)
	Mrs Jenny CHAN MAK Kit-ling, JP [22.9.2006-31.12.2006]	
Members :	Mr Clement CHEN Cheng-jen, JP	Employer representative from the Labour Advisory Board
	Mr Stanley LAU Chin-ho, MH, JP	ditto
	Mr Anthony YEUNG Kwok-ki, JP	ditto
	Mr IP Wai-ming	Employee representative from the Labour Advisory Board
	Mr LEUNG Chau-ting	ditto
	Ms WONG Siu-han	ditto
	Mr Allan CHAN Sau-kit	Employer representative from outside the Labour Advisory Board
	Mr FUNG Kin-cho	Employee representative from outside the Labour Advisory Board
	Mr CHENG Kwok-ping	Representative nominated by the insurance industry
	Mr LIU Tak-yan [1.1.2005-31.7.2005]	Representative from a concern group on employees' compensation
	Ms Karen HUI Yu-ling [1.8.2005-31.12.2006]	
	Dr CHENG Man-yung	Representative nominated by the Hospital Authority
	Miss Jenie WONG Sin-ying	Representative nominated by the Director of Legal Aid
	Mrs Jenny CHAN MAK Kit-ling, JP [1.1.2005-21.9.2006]	Assistant Commissioner for Labour (Employees' Rights and Benefits)
	Mr Stanley NG Ka-kwong [22.9.2006-31.12.2006]	
	Dr LO Wai-kee, JP [1.1.2005-9.1.2006]	Occupational Health Consultant (1)
	Dr Raymond LEUNG Lai-man, JP [10.1.2006- 31.12.2006]	
Secretary :	Miss Angel TAM Tsz-lai [1.1.2005-23.10.2005]	Labour Officer (Compensation) (Central Services)1
	Mr CHUNG Chow-yuen [24.10.2005-31.12.2006]	



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Appendix II Membership of LAB Committee on Employment Services

From 1 January 2005 to 31 December 2006

Chairman :	Mr Felix CHEUNG Kwok-bui	Employee representative from the Labour Advisory Board
Members :	Mr HO Sai-chu, SBS, JP	Employer representative from the Labour Advisory Board
	Dr Kim MAK Kin-wah, JP	ditto
	Mr CHEUNG Pak-chi, MH	Employee representative from the Labour Advisory Board
	Mr Albert WONG Shun-ye	Employer representative from outside the Labour Advisory Board
	Mr Peter YEUNG Kong-hing, BBS, JP	ditto
	Ms NG Wai-ye	Employee representative from outside the Labour Advisory Board
	Ms Elizabeth TANG Yin-ngor	ditto
	Ms Anders CHEUNG [1.1.2005-31.8.2005]	Representative nominated by a major employer user of the employment services of the Labour Department
	Mrs Beatrice WONG [5.12.2005-31.12.2006]	
	Mr CHAN Wai-hung	Representative of people with disabilities who make use of the employment services of the Labour Department
	Mr CHEUNG Kit-man	Representative nominated by two employment agency associations
	Ms Alexa CHOW Yee-ping	ditto
	Ms HO Yuk-fan	Representative nominated by the Hong Kong Association of Careers Masters and Guidance Masters
	Dr KWONG Sing-sze [1.1.2005-31.3.2006]	Representative nominated by the Employees Retraining Board
	Ms Rebecca PUN Ting-ting [1.4.2006-31.12.2006]	
	Mr David LI Chi-ming	Representative nominated by the Hong Kong Institute of Human Resource Management
	Mr Eric WONG Wai-lun	Representative from one of the social partners of the Labour Department
	Mr FONG Wing-ho	Representative from a tertiary educational institution
	Mr TSANG Kin-woo, JP [1.1.2005-22.11.2006]	Assistant Commissioner for Labour (Employment Services)
	Mr Byron NG Kwok-keung [23.11.2006-31.12.2006]	
Secretary :	Mr Raymond HO Kam-biu	Labour Officer (Employment Services) (Headquarters) ³



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Appendix III Membership of LAB Committee on the Implementation of International Labour Standards

From 1 January 2005 to 31 December 2006

Chairman :	Mrs Jennie CHOR CHAN Chui-yuk, BBS, JP [1.1.2005-21.9.2006]	Deputy Commissioner for Labour (Labour Administration)
	Mrs Jenny CHAN MAK Kit-ling, JP [22.9.2006-31.12.2006]	
Members :	Mr HO Sai-chu, SBS, JP	Employer representative from the Labour Advisory Board
	Mr Anthony YEUNG Kwok-ki, JP	ditto
	Mr Paul YIN Tek-shing, BBS	ditto
	Mr CHEUNG Pak-chi, MH	Employee representative from the Labour Advisory Board
	Mr LEUNG Chau-ting	ditto
	Mr POON Siu-ping, MH	ditto
	Mrs Jenny CHAN MAK Kit-ling, JP [1.1.2005-21.9.2006]	Assistant Commissioner for Labour (Employees' Rights and Benefits)
	Mr Stanley NG Ka-kwong [22.9.2006-31.12.2006]	
Secretary :	Ms Catherine LAW Sui-fong [1.1.2005-31.12.2005]	Labour Officer (Development)4
	Mr Bill LEUNG Wai-chun [1.1.2006-15.10.2006]	Labour Officer (Development)1
	Ms Femia LAU Pik-yiu [16.10.2006-13.12.2006]	
	Miss Gloria KAM Wing-yin [14.12.2006-31.12.2006]	



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Appendix IV Membership of LAB Committee on Labour Relations

From 1 January 2005 to 31 December 2006

Chairman :	Mrs Jennie CHOR CHAN Chui-yuk, BBS, JP [1.1.2005-21.9.2006]	Deputy Commissioner for Labour (Labour Administration)
	Mrs Jenny CHAN MAK Kit-ling, JP [22.9.2006-31.12.2006]	
Members :	Mr Stanley LAU Chin-ho, MH, JP	Employer representative from the Labour Advisory Board
	Dr Kim MAK Kin-wah, JP	ditto
	Mr Paul YIN Tek-shing, BBS	ditto
	Mr CHEUNG Pak-chi, MH	Employee representative from the Labour Advisory Board
	Mr IP Wai-ming	ditto
	Ms WONG Siu-han	ditto
	Mr William CHAN Fu-keung	Employer representative from outside the Labour Advisory Board
	Mr Steve LO Wong-fung, JP	ditto
	Mr LI Wing-sang	Employee representative from outside the Labour Advisory Board
	Mr SIN Kai-ming	ditto
	Ms Virginia CHOI Wai-kam	Representative of Human Resources Practitioners
	Mr Alan WONG Kwok-lun, JP	Assistant Commissioner for Labour (Labour Relations)
Secretary :	Mr LAW Tak-yan	Labour Officer (Labour Relations) (Headquarters)1



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Membership of LAB Committee on Occupational Safety and Health

From 1 January 2005 to 31 December 2006

Chairman :	Mr Fred TING Fook-cheung, JP	Deputy Commissioner for Labour (Occupational Safety and Health)
Members :	Mr Clement CHEN Cheng-jen, JP	Employer representative from the Labour Advisory Board
	Mr HO Sai-chu, SBS, JP	ditto
	Mr Anthony YEUNG Kwok-ki, JP	ditto
	Mr Felix CHEUNG Kwok-bui	Employee representative from the Labour Advisory Board
	Mr POON Siu-ping, MH	ditto
	Ms WONG Siu-han	ditto
	Mr Thomas HO On-sing	Employer representative from outside the Labour Advisory Board
	Mr LEE Jark-pui, SBS, JP	ditto
	Mr Henry WU King-cheong, BBS, JP	ditto
	Mr CHAN Wai-lun, MH	Employee representative from outside the Labour Advisory Board
	Mr LEUNG Chi-kong	ditto
	Mr TAM Wai-to	ditto
	Mr TANG Wah-shing	Representative from the Occupational Safety and Health Council
	Mrs Frances CHENG YAM Fung-king	Representative from occupational safety and health organisations
	Dr Joseph KWAN Kai-cho	ditto
	Mr Alkin KWONG Ching-wai	ditto
	Mr TSO Sing-hin, JP	Assistant Commissioner for Labour (Occupational Safety)
	Dr LO Wai-kee, JP [1.1.2005-9.1.2006]	Occupational Health Consultant (1)
	Dr Raymond LEUNG Lai-man, JP [10.1.2006-31.12.2006]	
	Mr HO Tit-ying	Chief Occupational Safety Officer (Support Services)
Secretary :	Mr YIM Chun-kwok [1.1.2005-29.6.2005]	Labour Officer (Occupational Safety and Health)
	Ms TSANG Katherine [30.6.2005-31.12.2006]	



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Appendix VI

Terms of Reference, Composition and Membership of LAB Working Group on the Supplementary Labour Scheme

Terms of Reference

The working group is established to:

- advise on vetting guidelines for processing applications for importation of labour under the Supplementary Labour Scheme; and
- discuss application cases for which Members' views cannot reach a consensus level as agreed by the Labour Advisory Board, and draw up recommendations for endorsement by the Board.

Composition

Members of the working group are appointed by the Permanent Secretary for Economic Development and Labour (Labour). The composition of the working group for the term 2005-2006 is as follows:

Chairman : Assistant Commissioner for Labour (Policy Support and Strategic Planning)

Members : Two employer representatives from the Labour Advisory Board
Two employee representatives from the Labour Advisory Board
A Senior Labour Officer of the Labour Department

Secretary : A Labour Officer of the Labour Department

Membership

The membership of the working group for the term 2005-2006 is as follows:

Chairman :	Mrs DO PANG Wai-yee	Assistant Commissioner for Labour (Policy Support and Strategic Planning)
Members :	Mr Stanley LAU Chin-ho, MH, JP	Employer representative from the Labour Advisory Board
	Mr Paul YIN Tek-shing, BBS	ditto
	Mr IP Wai-ming	Employee representative from the Labour Advisory Board
	Mr POON Siu-ping, MH	ditto
	Miss Florence IP Chai-mi	Senior Labour Officer (Job Matching Centre)
Secretary :	Ms Cecilia CHAN Pui-ching	Labour Officer (Job Matching) ⁴



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Appendix VII

Reports of International Labour Conventions communicated to the LAB Committee on the Implementation of International Labour Standards during 2005-2006

Reports submitted in 2005 under Article 22 of the ILO Constitution

Convention Number	Title
(1) 2	Unemployment Convention, 1919
(2) 87	Freedom of Association and Protection of the Right to Organise Convention, 1948
(3) 98	Right to Organise and Collective Bargaining Convention, 1949
(4) 115	Radiation Protection Convention, 1960
(5) 122	Employment Policy Convention, 1964
(6) 144	Tripartite Consultation (International Labour Standards) Convention, 1976
(7) 148	Working Environment (Air Pollution, Noise and Vibration) Convention, 1977

Reports submitted in 2006 under Article 22 of the ILO Constitution

Convention Number	Title
(1) 11	Right of Association (Agriculture) Convention, 1921
(2) 29	Forced Labour Convention, 1930
(3) 81	Labour Inspection Convention, 1947
(4) 90	Night Work of Young Persons (Industry) Convention (Revised), 1948
(5) 105	Abolition of Forced Labour Convention, 1957
(6) 124	Medical Examination of Young Persons (Underground Work) Convention, 1965
(7) 138	Minimum Age Convention, 1973
(8) 141	Rural Workers' Organisations Convention, 1975
(9) 182	Worst Forms of Child Labour Convention, 1999