



勞工顧問委員會報告

Labour Advisory Board Report

2007-2008

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CHAPTER 1

Membership

Membership of Labour Advisory Board

From 1 January 2007 to 31 December 2008



Chairman :	Mr Matthew CHEUNG Kin-chung, GBS, JP [1.1.2007-31.3.2007]	Permanent Secretary for Economic Development and Labour (Labour) / Commissioner for Labour (<i>ex-officio</i>)
	Mr Paul TANG Kwok-wai, JP [1.4.2007-30.6.2007]	ditto
	Mrs Cherry TSE LING Kit-ching, JP [1.7.2007-31.12.2008] (Front Row: Middle)	Commissioner for Labour (<i>ex-officio</i>)
Members :	Employer Representatives	
	Mr HO Sai-chu, GBS, JP (Front Row: 2nd from Right)	representing the Chinese General Chamber of Commerce
	Dr Kim MAK Kin-wah, BBS, JP (Front Row: 1st from Right)	representing the Employers' Federation of Hong Kong
	Mr Paul YIN Tek-shing, BBS, JP (Back Row: 5th from Right)	representing the Chinese Manufacturers' Association of Hong Kong
	Mr Stanley LAU Chin-ho, MH, JP (Back Row: 4th from Right)	representing the Federation of Hong Kong Industries
	Mr Stanley HUI Hon-chung, JP (Back Row: 3rd from Right)	representing the Hong Kong General Chamber of Commerce
	Mr CHEUNG Sing-hung, BBS (Back Row: 2nd from Right)	appointed <i>ad personam</i>
	Employee Representatives	
	Mr LEUNG Chau-ting (Front Row: 2nd from Left)	elected by registered employee unions
	Hon IP Wai-ming, MH (Front Row: 1st from Left)	ditto
	Ms NG Wai-yee (Back Row: 4th from Left)	ditto
	Mr CHUNG Kwok-sing (Back Row: 3rd from Left)	ditto
	Mr LEE Tak-ming (Back Row: 2nd from Left)	ditto
	Mr CHENG Kai-ming (Back Row: 1st from Left)	appointed <i>ad personam</i>
Secretary :	Mr Charles HUI Pak-kwan (Back Row: 1st from Right)	Senior Labour Officer (Development)



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CHAPTER 2

About the Board

2.1 Introduction

The Labour Advisory Board (LAB) is a non-statutory body appointed by the Chief Executive to advise the Commissioner for Labour on labour matters including legislation and the application of international labour Conventions. The Commissioner for Labour is the ex-officio chairman of the LAB. The LAB has 12 members, six representing employers and six representing employees.

The LAB plays an important part in the formulation of labour policies and gives advice on labour legislation.

2.2 History

1927

The LAB was first appointed.

- ◆ 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.

1946

The LAB became a tripartite body, with the Labour Officer as the ex-officio chairman.

- ◆ There were three members representing European employers, three representing Chinese employers and three representing employees of major companies.
- ◆ 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 (LD)) in 1946.

1947

The Commissioner of Labour became the ex-officio chairman of the LAB.

- ◆ The head of the LD was retitled from the Labour Officer to the Commissioner of Labour.

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

LAB members were entitled to honorarium and could initiate agenda items.

- ◆ 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 LD. The new organisation retained the corporate title of the LD and was headed by the Permanent Secretary for Economic Development and Labour (Labour), who also assumed the role of the Commissioner for Labour.

2007

The Commissioner for Labour became the ex-officio chairman of the LAB.

- ◆ In July 2007, the post of the Commissioner for Labour was reinstated upon the re-organisation of the Government Secretariat. The Commissioner for Labour became the ex-officio chairman of the LAB.

2.3 Terms of Reference

The LAB advises the Commissioner for 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.

2.4 Composition

Chairman: Commissioner for 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 Chinese Manufacturers' Association of Hong Kong
- ◆ one representing the Federation of Hong Kong Industries
- ◆ one representing the Hong Kong General Chamber of Commerce

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

2.5 LAB Election of Employee Representatives 2006

An election, by secret ballot, was held on 4 November 2006 for the registered employee unions to elect employee representatives for the 2007-2008 term. In this election, 10 candidates vied for five seats as employee representatives on the LAB. Out of a total of 378 employee unions registered as electors, 345 took part in the election.

On the employer side, the five major employer associations were invited in late 2006 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*.

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



The Chairman of the LAB, Mr Matthew CHEUNG Kin-chung (3rd from right), and the elected employee representatives.

2.6 Committees of the LAB

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

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

3.1 Introduction

The Labour Advisory Board (LAB) met 12 times during the period from 1 January 2007 to 31 December 2008. The Chairman of the LAB consulted members on labour legislation, administrative and enforcement measures on labour matters as well as other issues.

3.2 Consultation on Labour Legislation

The LAB discussed seven items of labour legislation relating to the welfare of Hong Kong workers and endorsed six proposals. Details of the items and their position as at 31 December 2008 are listed below:

Business Registration Ordinance

- ◆ To reduce the Business Registration Certificate levy for the Protection of Wages on Insolvency Fund from \$600 per annum to \$450 per annum.
 - ◆ Proposal was endorsed by the LAB on 10 October 2007.
 - ◆ The Business Registration Ordinance (Amendment: Levy Reduction) Order 2008, which sought to reduce the levy, was gazetted on 18 January 2008 and has come into operation with effect from 14 March 2008.

Employment Ordinance

- ◆ To make technical modification to the proposed reinstatement / re-engagement provisions of the Employment Ordinance (EO).
 - ◆ The LAB endorsed on 10 December 2007 that the additional compensation for non-compliance with the proposed compulsory order of reinstatement / re-engagement should be in the form of a further sum set at three times the monthly wages of the concerned employee, subject to a maximum of \$50,000.

Employment Ordinance

- ◆ To enhance the enforcement of Labour Tribunal (LT) awards.
 - ◆ The LAB was earlier consulted on feasible measures to enhance the enforcement of LT awards. The proposal on making non-payment of LT awards a criminal offence was endorsed by the LAB on 10 December 2008.

Employees' Compensation Ordinance & Pneumoconiosis (Compensation) Ordinance

- ◆ To maintain the amounts for various compensation items under the Employees' Compensation Ordinance and the Pneumoconiosis (Compensation) Ordinance (PCO) at their existing levels.
 - ◆ Proposal was endorsed by the LAB on 10 October 2007.

Occupational Deafness (Compensation) Ordinance & Employees' Compensation Insurance Levies Ordinance

- ◆ To improve the Occupational Deafness Compensation Scheme to enhance its benefits for persons with occupational deafness, and to adjust the rate and proportion of distribution of Employees' Compensation Insurance Levy payable under the Employees' Compensation Insurance Levies Ordinance.
 - ◆ Proposal was endorsed by the LAB on 16 April 2008.

Pneumoconiosis (Compensation) Ordinance

- ◆ To amend the PCO with a view to making cancerous mesothelioma a compensable disease under the ordinance.
 - ◆ Proposal was endorsed by the LAB on 10 October 2007.
 - ◆ The Pneumoconiosis (Compensation) (Amendment) Bill 2008 was passed by the Legislative Council on 9 April 2008 and the amended provisions have come into operation with effect from 18 April 2008. The PCO has also been re-titled as the Pneumoconiosis and Mesothelioma (Compensation) Ordinance.

Statutory Minimum Wage

- ◆ To introduce legislation on a statutory minimum wage.
 - ◆ Following an agreement on 30 October 2007, the LAB has discussed on a series of practical issues relevant to the preparatory work for the possible introduction of a statutory minimum wage. It supported the introduction of a new wage survey and enhancement of a current business costs survey for such purpose.

3.3 Consultation on Administrative / Enforcement Measures on Labour Matters

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

- ◆ The LAB noted the progress of the Employees' Compensation Insurance Residual Scheme. The Hong Kong Federation of Insurers agreed to the LAB's suggestion to conduct a mid-term review of the Scheme one year after its implementation and a comprehensive review after operating it for two years. A report on the mid-term review was issued by the Employees' Compensation Insurance Residual Scheme Bureau Limited in June 2008.
- ◆ The LAB supported the proposal of a funding injection into the Pneumoconiosis Ex Gratia Fund to ensure the financial viability of the Pneumoconiosis Ex Gratia Scheme.
- ◆ The LAB continued to gauge the progress of the Wage Protection Movement for Cleaning Workers and Security Guards (WPM). It noted the mid-term review of the WPM in October 2007 and visited buildings in Central & Western District and Sham Shui Po District in early 2008 to better understand the employment conditions of cleaning workers and security guards. The LAB agreed on the assessment criteria for the overall review proposed by the Administration, and subsequently conducted the overall review in October 2008.



The Chairman of the LAB, Mrs Cherry TSE LING Kit-ching (2nd from left), and the LAB members visit a building in Central & Western District.

- ◆ The LAB noted the Labour Department's (LD) strengthened efforts in enforcing section 64B of the EO on the criminal liability of the responsible persons of a body corporate with regard to wage offences. It supported the findings of a review that there was no need to amend section 64B of the EO for the purpose of stepping up prosecution against the responsible persons of a body corporate for wage offences.
- ◆ The LAB noted the results of a survey on "Benefits of employees under the Employment Ordinance" conducted by the Census and Statistics Department.
- ◆ The LAB noted the "SME Sponsorship Scheme for Fall Arresting Equipment for Renovation and Maintenance Work" and the "Cut Resistant Gloves and Slip Resistant Shoes Sponsorship Scheme for SMEs in the Catering Industry" jointly launched by the LD and the Occupational Safety and Health Council.
- ◆ The LAB noted the latest financial position of the Protection of Wages on Insolvency Fund which provides ex gratia payment to employees of insolvent employers.
- ◆ The LAB noted the occupational safety performance of Hong Kong in 2007 and the first half of 2008.

3.4 Consultation on Other Legislation / Measures

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

- ◆ The LAB gave its views on the healthcare reform consultation document on the future development of and financial arrangements for Hong Kong's healthcare system issued by the Food and Health Bureau.
- ◆ The LAB gave its views on the Companies Ordinance consultation paper, launched by the Financial Services and the Treasury Bureau, in respect of measures to improve provisions on company names, directors' duties, corporate directorship and registration of charges.
- ◆ The LAB gave its views on the public consultation document for Code of Practice on Employment under the Race Discrimination Ordinance published by the Equal Opportunities Commission.

3.5 Monitoring the Supplementary Labour Scheme

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 at technician level or below to take up jobs which cannot be filled locally. During the 2007-2008 term, the LAB vetted some 1 100 applications.

Since August 1996, a working group on the SLS has been formed under the LAB to consider the vetting guidelines for processing applications under the SLS and to discuss the applications for which members have differing views during vetting.

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.

The terms of reference, composition and membership of the working group are at [Appendix VI](#).

3.6 Participating in the International Labour Conference

Apart from advising the Commissioner for Labour on labour matters, LAB members also attend the annual International Labour Conference as part of the delegation of the People's Republic of China (PRC).

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 96th Session of the International Labour Conference

The 96th Session of the International Labour Conference was held in Geneva, Switzerland from 30 May to 15 June 2007. The Hong Kong Special Administrative Region (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 Stanley NG Ka-kwong, JP Assistant Commissioner for Labour (Employees' Rights and Benefits)	Mr HO Sai-chu, GBS, JP	Hon IP Wai-ming, MH
Mr Charles HUI Pak-kwan Senior Labour Officer	Mr Paul YIN Tek-shing, BBS, JP	Ms NG Wai-yee
Ms Jenny WU Ching-han Labour Officer	Mr Stanley LAU Chin-ho, MH, JP	Mr CHENG Kai-ming
Miss Gloria KAM Wing-yin Labour Officer		



Representatives of the HKSAR attend the 96th Session of the International Labour Conference.



Assistant Commissioner for Labour (Employees' Rights and Benefits), Mr Stanley NG Ka-kwong, meets the Executive Director of the Standards and Fundamental Principles and Rights at Work Sector of the International Labour Office, Mr Kari TAPIOLA (left).



The Vice Minister of the former Ministry of Labour and Social Security¹ of the PRC, Mr HU Xiao-yi, addresses at the International Labour Conference.

¹ The Ministry of Labour and Social Security integrated with the Ministry of Personnel to become the Ministry of Human Resources and Social Security in early 2008.

The conference was attended by more than 3 000 government, employer and employee delegates and advisers from 180 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 Strengthening the ILO's Capacity and Committee on Sustainable Enterprises.

The 97th Session of the International Labour Conference

The 97th Session of the International Labour Conference was held in Geneva from 28 May to 13 June 2008. 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
Mrs Jenny CHAN MAK Kit-ling, JP Deputy Commissioner for Labour (Labour Administration)	Mr HO Sai-chu, GBS, JP	Mr LEUNG Chau-ting
Mr Charles HUI Pak-kwan Senior Labour Officer	Mr Stanley LAU Chin-ho, MH, JP	Mr CHUNG Kwok-sing
Miss Bonny WONG Wai-man Senior Labour Officer	Mr CHEUNG Sing-hung, BBS	Mr LEE Tak-ming
Miss Gloria KAM Wing-yin Labour Officer		



Representatives of the HKSAR attend the 97th Session of the International Labour Conference.

Representatives of the HKSAR attend the plenary session of the International Labour Conference together with other members of the PRC delegation, including the Director-General of the Department of International Cooperation of the Ministry of Human Resources and Social Security, Ms ZHANG Ya-li (1st from right in front row) and Deputy Director-General of the Department, Mr JIANG Mo-hui (1st from right in back row), Vice President of China Enterprise Confederation, Mr CHEN Lan-tong (2nd from left in front row) and Director-General of the Department of International Liaison of All China Federation of Trade Unions, Mr JIANG Guang-ping (1st from left in front row).



Deputy Commissioner for Labour (Labour Administration), Mrs Jenny CHAN MAK Kit-ling, introduces the youth employment initiatives of the LD to the Director-General of the International Labour Office, Mr Juan SOMAVIA (left).

The conference was attended by more than 4 000 government, employer and employee delegates and advisers from 182 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 Strengthening the ILO's Capacity, Committee on Rural Employment for Poverty Reduction and Committee on Skills Development.

3.7 Contacts with other Labour Administrations

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

January 2007

Visit by a PRC delegation

The Vice-Minister of the former Ministry of Labour and Social Security of the PRC, Ms HUA Fu-zhou, led a delegation to visit the HKSAR where she met LAB members to share each others' perspectives on some key labour issues.

June 2008

Study mission to the United Kingdom on statutory National Minimum Wage

In 2008, the LAB undertook to study the practical issues relevant to the preparatory work for possible introduction of a statutory minimum wage. With a view to collecting firsthand information on the implementation of minimum wage in the United Kingdom (UK), the LAB organised a study mission to the UK from 16 to 19 June 2008 to study its experience in implementing the statutory National Minimum Wage introduced since April 1999. Members of the study mission were:

Government Officers	Employer Members of the LAB	Employee Members of the LAB
Mrs Jenny CHAN MAK Kit-ling, JP Deputy Commissioner for Labour (Labour Administration)	Mr HO Sai-chu, GBS, JP	Mr LEUNG Chau-ting
Mr FONG Ngai Assistant Commissioner for Labour (Policy Support and Strategic Planning)	Mr Paul YIN Tek-shing, BBS, JP	Hon IP Wai-ming, MH
Ms Reddy NG Wai-lan Principal Economist Financial Secretary's Office	Mr CHEUNG Sing-hung, BBS	Ms NG Wai-yee
Mr Alvin LI Wing-kong, JP Assistant Commissioner for Census and Statistics		Mr CHUNG Kwok-sing
Mr Ernest IP Yee-cheung Senior Labour Officer		Mr LEE Tak-ming
Mr Andrew WAN Kin-wah Labour Officer		Mr CHENG Kai-ming
Miss Gloria KAM Wing-yin Labour Officer		



Members of the study mission to the UK on statutory National Minimum Wage

October 2008

Experience sharing session on the minimum wage system in Australia

The Chairman of the Australian Fair Pay Commission, Professor Ian HARPER, visited the HKSAR and held an experience sharing session on the minimum wage system in Australia with LAB members on 24 October 2008.



The Chairman of the Australian Fair Pay Commission, Professor Ian HARPER (left), and the Chairman of the LAB, Mrs Cherry TSE LING Kit-ching.



Professor Ian HARPER (1st from left) and LAB members at the experience sharing session.

3.8 Other Activities

March 2008

Wage Protection Movement Commendation Ceremony cum Exhibition on Employment Ordinance

The Government launched the Wage Protection Movement for Cleaning Workers and Security Guards (WPM) in October 2006. As owners' corporation and owners' committees hired a sizeable number of cleaning workers and security guards, the LD stepped up efforts for promotion targeting at them. Moreover, to give due recognition for their support for the WPM, a commendation ceremony was held on 29 March 2008. LAB members were invited to participate in the event and present souvenir plaques at the commendation ceremony.



LAB members attend the Wage Protection Movement Commendation Ceremony cum Exhibition on Employment Ordinance.



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CHAPTER 4

Committee on Employees' Compensation

4.1 Introduction

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.

4.2 Terms of Reference

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.

4.3 Composition

Members of the CEC are appointed by the Commissioner for Labour. The composition of the committee for the term 2007-2008 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 2007-2008 is at [Appendix I](#).

4.4 Activities during the 2007-2008 Term

During the 2007-2008 term, the CEC discussed the following matters:

Review of the levels of compensation under the Employees' Compensation Ordinance (ECO) and the Pneumoconiosis (Compensation) Ordinance² (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 (LAB) for consideration.

Proposal to adjust the rate and proportions of distribution of the Employees' Compensation Insurance (ECI) Levy

The CEC supported the proposal to reduce the overall ECI Levy rate, to adjust the proportions of allocation of the ECI Levy to the Occupational Deafness Compensation Board and the Employees Compensation Assistance Fund Board, and to improve three benefit items under the Occupational Deafness Compensation Scheme. The proposal was subsequently submitted to the Occupational Deafness Compensation Board, the Employees' Compensation Insurance Levies Management Board and the LAB for consideration.

² With effect from 18 April 2008, the Pneumoconiosis (Compensation) Ordinance has been re-titled as the Pneumoconiosis and Mesothelioma (Compensation) Ordinance to reflect the extension of its scope to cover mesothelioma.



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CHAPTER 5

Committee on Employment Services

5.1 Introduction

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 (ESD) 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.

5.2 Terms of Reference

The committee is established to:

- ◆ advise on the employment services provided by the LD, 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.

5.3 Composition

Members of the CES are appointed by the Commissioner for Labour. The composition of the committee for the term 2007-2008 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
- ◊ Assistant Commissioner for Labour (Employment Services)

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 2007-2008 is at [Appendix II](#).

5.4 Activities during the 2007-2008 Term

During the 2007-2008 term, the CES offered advice on the following employment services and programmes:

Employment services

The ESD 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 dissemination 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 programmes and improvement measures, including the Work Trial Scheme, the Transport Support Scheme and the employment services for employees affected by the economic downturn, etc.

Youth Pre-employment Training Programme and Youth Work Experience and Training 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 CES noted the progress of the youth programmes and provided valuable suggestions on their way forward.

Careers Advisory Service

The Careers Advisory Service provides careers education through the provision of careers information to facilitate young people in choosing a career best suited to their talent, interests and abilities. It operates two youth employment resource centres, in the name of Youth Employment Start (Y.E.S.), to provide one-stop advisory and support services on employment and self-employment to young people aged 15-29. The CES gave constructive advice on the services and training programmes offered by the Y.E.S.

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 noted the work pertaining to the regulation of employment agencies.

Visit

In December 2008, the CES visited the Y.E.S. situated in Langham Place, Mong Kok to gain a better understanding of the services and facilities provided to young people by the centre. The CES noted the employment assistance rendered to young people by the Y.E.S. and the enthusiastic participation of various activities by young people in the centre.



Committee members visit the Y.E.S.





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CHAPTER 6

Committee on the Implementation of International Labour Standards

6.1 Introduction

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.

6.2 Terms of Reference

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 (HKSAR);
- ◆ 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.

6.3 Composition

Members of the CIILS are appointed by the Commissioner for Labour. The composition of the committee for the term 2007-2008 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
 - ◆ Senior Labour Officer (Development)
- Secretary:** A Labour Officer of the Labour Department

The membership list of the CIILS for the term 2007-2008 is at [Appendix III](#).

6.4 Activities during the 2007-2008 Term

During the 2007-2008 term, the CIILS undertook the following activities:

Reports on the International Labour Conventions (ILCs)

In accordance with Article 22 of the Constitution of the International Labour Organisation, the HKSAR is required to submit reports on the application of the ILCs as requested by the International Labour Office. Reports on 10 and nine ILCs were submitted respectively in 2007 and 2008. The reports were communicated to committee members for comment before they were forwarded to the International Labour Office.

A list of reports on the ILCs which were considered by the CIILS during the 2007-2008 term is at [Appendix VII](#).

Consultations on the application of the ILCs in the HKSAR

During the 2007-2008 term, the CIILS advised on the feasibility of applying the Equal Remuneration Convention, 1951 (No.100) and Discrimination (Employment and Occupation) Convention, 1958 (No.111). Given that the existing legislation and administrative arrangements may not be able to satisfy all the provisions of these two Conventions, the committee agreed that Convention Nos.100 and 111 should not be applied to the HKSAR at this stage.

Application of the ILCs in the HKSAR

As at 31 December 2008, 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).



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CHAPTER 7

Committee on Labour Relations

7.1 Introduction

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.

7.2 Terms of Reference

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 (LD) with a view to improving its conciliation service.

7.3 Composition

Members of the CLR are appointed by the Commissioner for Labour. The composition of the committee for the term 2007-2008 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 2007-2008 is at [Appendix IV](#).

7.4 Activities during the 2007-2008 Term

During the 2007-2008 term, the CLR provided valuable advice to the LD on a range of labour relations matters, including strategies in promoting the Employment Ordinance (EO) and good people management practices. The CLR noted and supported the findings of a review of section 64B of the EO on the criminal liability of the responsible persons of a body corporate with regard to wage offences.



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CHAPTER 8

Committee on Occupational Safety and Health

8.1 Introduction

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.

8.2 Terms of Reference

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 (LD) with a view to improving the existing system which enforces occupational safety and health legislation.

8.3 Composition

Members of the COSH are appointed by the Commissioner for Labour. The composition of the committee for the term 2007-2008 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 2007-2008 is at [Appendix V](#).

8.4 Activities during the 2007-2008 Term

During the 2007-2008 term, the COSH advised on the following matters:

Consultancy study on the feasibility of introducing a smart card to replace the various industrial safety training certificates

The COSH noted the report of a consultancy study and agreed with the recommendation of the consultant that it was not feasible to implement a smart card system due to the substantial financial and administrative costs involved. The COSH endorsed the LD's proposal to produce multi-compartment holders for workers to carry safety cards in a more convenient manner.

Guide on Shift Work

The COSH considered and commented on the draft of the proposed "Guide on Shift Work", which aimed at helping employers and employees to have a better understanding of the impact of shift work on health and the related protective measures. The COSH supported the publication of the Guide with suggested amendments.

A study on work-related accidents involving back injuries

The committee discussed the findings of a study on work-related accidents involving back injuries for the period of 1999-2005 and advised on LD's promotional strategy in reducing such accidents.

Study visits

To enable members of the COSH to better understand the clinical and health counselling services provided by the LD, the COSH paid a study visit to the two Occupational Health Clinics of the LD in Kwun Tong and Fanling on 4 July 2008. Members also visited the Fanling Chinese Medicine Training and Research Centre of the Hong Kong Federation of Trade Unions on the same day.



Occupational Health Consultant (middle) briefs members on the services provided by the Kwun Tong Occupational Health Clinic of the LD.



Members visit the Fanling Occupational Health Clinic of the LD.



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Appendix I: Membership of LAB Committee on Employees' Compensation

From 1 January 2007 to 31 December 2008

Chairman :	Mrs Jenny CHAN MAK Kit-ling, JP	Deputy Commissioner for Labour (Labour Administration)
Members :	Mr CHEUNG Sing-hung, BBS	Employer representative from the Labour Advisory Board
	Dr Kim MAK Kin-wah, BBS, JP	ditto
	Mr Paul YIN Tek-shing, BBS, JP	ditto
	Mr CHENG Kai-ming	Employee representative from the Labour Advisory Board
	Hon IP Wai-ming, MH	ditto
	Ms NG Wai-yee	ditto
	Mr Allan CHAN Sau-kit	Employer representative from outside the Labour Advisory Board
	Mr FUNG Kin-cho, MH	Employee representative from outside the Labour Advisory Board
	Mr CHENG Kwok-ping	Representative nominated by the insurance industry
	Ms Karen HUI Yu-ling	Representative from a concern group on employees' compensation
	Mr David ROSSITER	Representative nominated by the Hospital Authority
	Miss Jenie WONG Sin-ying	Representative nominated by the Director of Legal Aid
	Mr Stanley NG Ka-kwong, JP [1. 1. 2007-1. 5. 2008]	Assistant Commissioner for Labour (Employees' Rights and Benefits)
	Mr Alan WONG Kwok-lun, JP [2. 5. 2008-31. 12. 2008]	
	Dr Raymond LEUNG Lai-man, JP	Occupational Health Consultant (1)

Secretary : Mr CHUNG Chow-yuen
[1. 1. 2007-2. 10. 2007]

Labour Officer (Compensation)
(Central Services)1

Mr CHONG Heung-yu
[3. 10. 2007-31. 12. 2008]



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Appendix II: Membership of LAB Committee on Employment Services

From 1 January 2007 to 31 December 2008

Chairman :	Mr HO Sai-chu, GBS, JP	Employer representative from the Labour Advisory Board
Members :	Mr Stanley LAU Chin-ho, MH, JP	ditto
	Mr LEE Tak-ming	Employee representative from the Labour Advisory Board
	Mr LEUNG Chau-ting	ditto
	Ms Miranda AU YEUNG Pik-sim	Employer representative from outside the Labour Advisory Board
	Mr Albert WONG Shun-yee	ditto
	Mr FAN Pak-tim	Employee representative from outside the Labour Advisory Board
	Ms Elizabeth TANG Yin-ngor	ditto
	Ms Jenny NG Mei-fung	Representative nominated by a major employer user of the employment services of the Labour Department
	Mr KWOK Yi-lai	Representative of people with disabilities who make use of the employment services of the Labour Department
	Mr CHEUNG Kit-man	Representatives nominated by two employment agency associations ³
	Mr Remy WONG Kwan-bo	Representative nominated by the Hong Kong Association of Careers Masters and Guidance Masters
	Ms Rebecca PUN Ting-ting, JP	Representative nominated by the Employees Retraining Board

³ One seat from this category was left vacant as one employment agency association did not submit nomination.

Mr David LI Chi-ming	Representative nominated by the Hong Kong Institute of Human Resource Management
Ms Eliza FAN	Representative from one of the social partners of the Labour Department
Mr Tom FONG Wing-ho	Representative from a tertiary educational institution
Mr Byron NG Kwok-keung, JP <i>[1. 1. 2007–1. 5. 2008]</i>	Assistant Commissioner for Labour (Employment Services)
Mr Stanley NG Ka-kwong, JP <i>[2. 5. 2008–31. 12. 2008]</i>	
Secretary : Miss Doris NG Sin-han	Labour Officer (Employment Services) (Central Services)



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

From 1 January 2007 to 31 December 2008

Chairman	Mrs Jenny CHAN MAK Kit-ling, JP	Deputy Commissioner for Labour (Labour Administration)
Members	Mr HO Sai-chu, GBS, JP	Employer representative from the Labour Advisory Board
	Mr Stanley HUI Hon-chung, JP	ditto
	Mr Paul YIN Tek-shing, BBS, JP	ditto
	Mr CHENG Kai-ming	Employee representative from the Labour Advisory Board
	Mr CHUNG Kwok-sing	ditto
	Mr LEUNG Chau-ting	ditto
	Mr Charles HUI Pak-kwan	Senior Labour Officer (Development)
	Secretary	Ms Catherine LAW Sui-fong [1.1.2007-31.12.2007]
Miss Gloria KAM Wing-yin [1.1.2008-31.12.2008]		Labour Officer (Development)1



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Appendix IV: Membership of LAB Committee on Labour Relations

From 1 January 2007 to 31 December 2008

Chairman :	Mrs Jenny CHAN MAK Kit-ling, JP	Deputy Commissioner for Labour (Labour Administration)
Members :	Mr CHEUNG Sing-hung, BBS	Employer representative from the Labour Advisory Board
	Mr Stanley LAU Chin-ho, MH, JP	ditto
	Dr Kim MAK Kin-wah, BBS, JP	ditto
	Mr CHUNG Kwok-sing	Employee representative from the Labour Advisory Board
	Hon IP Wai-ming, MH	ditto
	Ms NG Wai-yee	ditto
	Mr Steve LO Wong-fung, JP	Employer representative from outside the Labour Advisory Board
	Mr Kenneth MO Kon-fei	ditto
	Mr NG Chau-pei	Employee representative from outside the Labour Advisory Board
	Mr SIN Kai-ming, MH	ditto
	Mr LAI Kam-tong	Representative of Human Resources Practitioners
	Mr Alan WONG Kwok-lun, JP [1.1.2007 - 1.5.2008]	Assistant Commissioner for Labour (Labour Relations)
	Mr Byron NG Kwok-keung, JP [2.5.2008 - 31.12.2008]	
Secretary :	Mr Roy LAW Tak-yan [1.1.2007 - 24.6.2007]	Labour Officer (Labour Relations) (Headquarters) ¹
	Miss Christine BUT Wing-tung [25.6.2007 - 31.12.2008]	



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Appendix V: Membership of LAB Committee on Occupational Safety and Health

From 1 January 2007 to 31 December 2008

Chairman :	Mr Fred TING Fook-cheung, JP [1. 1. 2007–4. 11. 2007]	Deputy Commissioner for Labour (Occupational Safety and Health)
	Mrs Erika HUI LAM Yin-ming, JP [5. 11. 2007–31. 12. 2008]	
Members :	Mr CHEUNG Sing-hung, BBS	Employer representative from the Labour Advisory Board
	Mr HO Sai-chu, GBS, JP	ditto
	Mr Paul YIN Tek-shing, BBS, JP	ditto
	Hon IP Wai-ming, MH	Employee representative from the Labour Advisory Board
	Mr LEE Tak-ming	ditto
	Mr LEUNG Chau-ting	ditto
	Mr Thomas HO On-sing	Employer representative from outside the Labour Advisory Board
	Mr Alkin KWONG Ching-wai	ditto
	Mr Henry WU King-cheong, BBS, JP	ditto
	Mr CHAN Wai-lun, MH	Employee representative from outside the Labour Advisory Board
	Mr CHOI Kam-wah	ditto
	Mr TAM Wai-to	ditto
	Mr TANG Wah-shing	Representative nominated by the Occupational Safety and Health Council
	Mrs Frances CHENG YAM Fung-khing	Representative from occupational safety and health organisations
	Dr Joseph KWAN Kai-cho	ditto

	Mr Ivan LAM Kai-wing	ditto
	Mr TSO Sing-hin, JP	Assistant Commissioner for Labour (Occupational Safety)
	Dr Raymond LEUNG Lai-man, JP	Occupational Health Consultant (1)
	Mr HO Tit-ying	Chief Occupational Safety Officer (Support Services)
Secretary :	Ms Katherine TSANG	Labour Officer (Occupational Safety and Health)



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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 applications for which views of members of the Labour Advisory Board (LAB) cannot reach a consensus level as agreed by the LAB, and draw up recommendations for endorsement by the LAB.

Composition

Members of the working group are appointed by the Commissioner for Labour. The composition of the working group for the term 2007-2008 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 2007-2008 is as follows:

Chairman : Mrs DO PANG Wai-ye, JP [1. 1. 2007–19. 4. 2007]	Assistant Commissioner for Labour (Policy Support and Strategic Planning)
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	Mr FONG Ngai <i>[20.4.2007–31.12.2008]</i>	
Members	Mr Stanley HUI Hon-chung, JP	Employer representative from the Labour Advisory Board
	Mr Stanley LAU Chin-ho, MH, JP	ditto
	Mr CHUNG Kwok-sing	Employee representative from the Labour Advisory Board
	Ms NG Wai-yee	ditto
	Miss Florence IP Chai-mi <i>[1.1.2007–31.7.2007]</i>	Senior Labour Officer (Job Matching Centre)
	Mr MAN Tak-wah <i>[1.8.2007–31.12.2008]</i>	
Secretary	Ms Cecilia CHAN Pui-ching <i>[1.1.2007–24.6.2007]</i>	Labour Officer (Job Matching) ⁴
	Mr Roy LAW Tak-yan <i>[25.6.2007–31.12.2008]</i>	



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Appendix VII: Reports of International Labour Conventions communicated to the LAB Committee on the Implementation of International Labour Standards during 2007-2008

Reports submitted in 2007 under Article 22 of the ILO Constitution

	Convention Number	Title
(1)	12	Workmen's Compensation (Agriculture) Convention, 1921
(2)	17	Workmen's Compensation (Accidents) Convention, 1925
(3)	19	Equality of Treatment (Accident Compensation) Convention, 1925
(4)	32	Protection against Accidents (Dockers) Convention (Revised), 1932
(5)	42	Workmen's Compensation (Occupational Diseases) Convention (Revised), 1934
(6)	87	Freedom of Association and Protection of the Right to Organise Convention, 1948
(7)	97	Migration for Employment Convention (Revised), 1949
(8)	98	Right to Organise and Collective Bargaining Convention, 1949
(9)	122	Employment Policy Convention, 1964
(10)	144	Tripartite Consultation (International Labour Standards) Convention, 1976

Reports submitted in 2008 under Article 22 of the ILO Constitution

	Convention Number	Title
(1)	3	Maternity Protection Convention, 1919
(2)	14	Weekly Rest (Industry) Convention, 1921
(3)	29	Forced Labour Convention, 1930
(4)	81	Labour Inspection Convention, 1947
(5)	101	Holidays with Pay (Agriculture) Convention, 1952

(6)	105	Abolition of Forced Labour Convention, 1957
(7)	138	Minimum Age Convention, 1973
(8)	142	Human Resources Development Convention, 1975
(9)	182	Worst Forms of Child Labour Convention, 1999