



勞工顧問委員會報告

Labour Advisory Board Report

2011-2012

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Labour Advisory Board Report

2011-2012



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Chapter 1

Membership of Labour Advisory Board

From 1 January 2011 to 31 December 2012



Members of Labour Advisory Board for the 2011-2012 term

Chairman	Mr Cheuk Wing Hing, JP (front row: middle)	Commissioner for Labour (<i>ex-officio</i>)
Members : Employer Representatives		
	Mr Ho Sai Chu, GBS, JP (front row: 2 nd from left)	representing the Chinese General Chamber of Commerce
	Dr Kim Mak Kin Wah, BBS, JP (front row: 1 st from left)	representing the Employers' Federation of Hong Kong
	Mr Stanley Lau Chin Ho, BBS, MH, JP (back row: 3 rd from left)	representing the Federation of Hong Kong Industries
	Mr Stanley Hui Hon Chung, JP (back row: 2 nd from left)	representing the Hong Kong General Chamber of Commerce
	Mr Irons Sze, JP (back row: 4 th from left)	representing the Chinese Manufacturers' Association of Hong Kong
	Mr Cheung Sing Hung, BBS (back row: 1 st from left)	appointed <i>ad personam</i>
Employee Representatives		
	Mr Leung Chau Ting (front row: 2 nd from right)	elected by registered employee unions
	Ms Ng Wai Yee, MH (front row: 1 st from right)	- ditto -
	Mr Chung Kwok Sing (back row: 3 rd from right)	- ditto -
	Mr Lee Tak Ming (back row: 4 th from right)	- ditto -
	Mr Ng Chau Pei (back row: 5 th from right)	- ditto -
	Mr Cheng Kai Ming (back row: 2 nd from right)	appointed <i>ad personam</i>
Secretary	Mr Raymond Leung Kwok Kee (back row: 1 st from right)	Senior Labour Officer (International Liaison)



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Chapter 2

Labour Advisory 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 LAB. LAB has 12 members, six representing employers and six representing employees.

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

2.2 History

1927

LAB was first appointed.

- In its early years, LAB was composed of representatives of large companies, government departments as well as the armed services. There were no employee representatives.

1946

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 LAB.

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

1950

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 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 LAB was extended from one to two years.

- The number of elected employee representatives was also 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 LAB were eligible for an allowance for each term of office and could initiate agenda items to be discussed at LAB meetings.

2003

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

- In July 2003, the Labour Branch of the Economic Development and Labour Bureau merged with LD. The new organisation retained the corporate title of LD. It 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 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 served as the ex-officio chairman of LAB.

2.3 Terms of Reference

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 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, representing separately:

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

An election, by secret ballot, was held on 27 November 2010 for the registered employee unions to elect employee representatives for the 2011-2012 term. In this election, 11 candidates vied for five seats as employee representatives on LAB. Out of a total of 416 employee unions registered as electors, 368 took part in the election.

On the employer side, the five major employer associations were invited in late 2010 to nominate representatives to sit on 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 on 24 December 2010.



Labour Advisory Board meetings

2.6 Committees of LAB

To enable LAB to cope with the enormity of matters requiring its attention, and to encourage greater participation by members and non-members, five committees on special subject areas have been set up under LAB. The five committees 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

In addition to LAB members, the committees comprised over 30 persons including employer and employee representatives from outside LAB, academics, professionals as well as representatives from government departments, public bodies and concern groups, etc.

Details of the terms of reference, composition and work of these committees are given in their relevant chapters below. Membership lists of the committees are at [Appendices I to V](#).

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Chapter 3

Activities in the 2011-2012 Term

3.1 Introduction

The Labour Advisory Board (LAB) met eight times during the period from 1 January 2011 to 31 December 2012. Members advised the Chairman of LAB on labour legislation, administrative and enforcement measures on labour matters as well as other issues.

3.2 Consultation on Labour Legislation

LAB discussed seven items of labour legislation. Details of the items and their position as at 31 December 2012 are listed below:

General Holidays Ordinance (GHO) and Employment Ordinance (EO)

- To amend the GHO and the EO to the effect that should any of the first three days of Lunar New Year or the day following the Chinese Mid-Autumn Festival fall on a Sunday, the day immediately after instead of before the said holiday will be designated as a holiday in substitution.
 - The relevant bill was passed by the Legislative Council (LegCo) on 14 December 2011 to become the General Holidays and Employment Legislation (Substitution of Holidays) (Amendment) Ordinance 2011, which has come into operation on 24 February 2012. Since the Lunar New Year's Day in 2013 (10 February) fell on a Sunday, the fourth day of Lunar New Year (13 February) was designated as statutory holiday in substitution accordingly.

Employment Ordinance

- To make further amendments to the proposed reinstatement and re-engagement provisions of the EO.
 - The additional financial relief for non-compliance with the proposed compulsory order for reinstatement / re-engagement 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) was previously endorsed by LAB. After the enactment of the Employment (Amendment) Ordinance 2010 (E(A)O 2010), handling of non-payment of the "further sum" was discussed by LAB. It was agreed that non-payment of the proposed "further sum" should be criminalised just as criminal sanction imposed for non-payment of the awards made by the Labour Tribunal under the E(A)O 2010.
- To legislate for paternity leave (PL).
 - After three rounds of discussion, the mainstream opinion of LAB was to legislate for three days of PL with pay at four-fifths of the employee's average daily wages.

Protection of Wages on Insolvency Ordinance

- To expand the scope of the Protection of Wages on Insolvency Fund (PWIF) to cover pay for untaken annual leave and untaken statutory holidays under the EO.
 - The relevant bill was passed by LegCo on 18 April 2012 to become the Protection of Wages on Insolvency (Amendment) Ordinance 2012. It has come into operation on 29 June 2012.
- To revise the rate of business registration certificate levy for the PWIF.
 - LAB endorsed a proposal of the Protection of Wages on Insolvency Fund Board to reduce the levy rate from \$450 to \$250.

Employees' Compensation Ordinance, Pneumoconiosis and Mesothelioma (Compensation) Ordinance and Occupational Deafness (Compensation) Ordinance

- To increase the amount of 15 compensation items under the three Ordinances in line with the review findings for 2009 to 2011.
 - The compensation levels are normally adjusted every two years in line with the wage and price movements. A three-year review for 2009 to 2011 was conducted as against the very special circumstances of the substantive wage growth brought by the implementation of Statutory Minimum Wage (SMW) since May 2011, and also the rising trend in price level and funeral expenses in the period.
 - Relevant resolutions were passed by LegCo on 17 July 2012. The new levels of compensation have come into operation on 21 July 2012.

Pneumoconiosis and Mesothelioma (Compensation) Ordinance and Construction Industry Council Ordinance

- To lower the levy rate from 0.25% to 0.15% under the Pneumoconiosis and Mesothelioma (Compensation) Ordinance and increase the levy rate from 0.4% to 0.5% under the Construction Industry Council Ordinance, with the overall levy rate remaining unchanged, such that the Construction Industry Council could have additional resources to implement new initiatives for supporting the development of the construction industry.
 - Relevant resolutions were passed by LegCo on 17 July 2012. The new levy rates have come into operation on 20 August 2012.

3.3 Consultation on Administrative and Enforcement Measures on Labour Matters

LAB was briefed or consulted on the following administrative and enforcement measures on labour matters:

- the review by the Labour Department (LD) on the existing mandatory safety training system and the proposed improvement measures.
- measures adopted by LD in tackling false self-employment, the protection and services provided to employees involved in disputes of false self-employment, and the analysis carried out in respect of such cases.
- findings of the inter-bureaux / departmental working group on the study to recognise or not medical certificates issued by chiropractors under labour legislation.
- results of the Special Topic Enquiry on employees engaged under employment contracts with short duration or working hours conducted by the Census and Statistics Department (C&SD). The enquiry provided information on the distribution and proportion of the employees concerned in the labour market, the industry and occupation they were engaged in, etc.
- major findings of the 2011 Report on Annual Earnings and Hours Survey conducted by C&SD. The survey supported the implementation of SMW and provided detailed statistical data on the level and distribution of wages, employment and demographic characteristics of employees in Hong Kong.
- progress of the implementation of SMW and the LegCo Brief on sub-legislation under the Minimum Wage Ordinance.
- major findings of LD's *Report of the Policy Study on Standard Working Hours*.
- statistics and review on the enhanced mechanism on admission of professionals for employment under the General Employment Policy. The enhanced mechanism was implemented to strengthen communication between the Immigration Department and LD in administering different labour importation schemes.

3.4 Consultation on Other Legislation and Measures

LAB noted the proposed amendments to the Mandatory Provident Fund (MPF) legislation to enhance the enforcement measures of the Mandatory Provident Fund Schemes Authority for better protecting the interests of employees and scheme members under the MPF system.

3.5 Monitoring the Supplementary Labour Scheme

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 in employment to local workers, SLS allows the entry of imported workers at technician level or below to take up jobs which cannot be filled locally. During the 2011-2012 term, LAB vetted 1 460 applications.

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

To ensure the effective attainment of the policy objective of SLS, the Government, in consultation with LAB, would review the operation of SLS when necessary.

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

3.6 Participating in the International Labour Conference

LAB members also attend the annual International Labour Conference in Geneva, Switzerland as part of the delegation of the People's Republic of China.

The Conference provides a valuable forum for LAB members to exchange views, share experience and establish contacts with delegates from different member States of the International Labour Organisation (ILO).

The 100th Session of the International Labour Conference

The 100th Session of the International Labour Conference was held from 1 to 17 June 2011. The Hong Kong Special Administrative Region (HKSAR) sent a tripartite team to the Conference as part of the delegation of the People's Republic of China. Members of the team were:

Government Representatives	Employer Representatives	Employee Representatives
Mr Cheuk Wing Hing, JP Commissioner for Labour	Mr Ho Sai Chu, GBS, JP	Ms Ng Wai Yee, MH
Mr Byron Ng Kwok Keung, JP Assistant Commissioner for Labour	Mr Stanley Lau Chin Ho, BBS, MH, JP	Mr Ng Chau Pei
Mr Raymond Leung Kwok Kee Senior Labour Officer	Mr Cheung Sing Hung, BBS	Mr Cheng Kai Ming
Ms Samantha Lam Yick Wah Labour Officer		
Ms Janny Lau Sau Ki Labour Officer		



Representatives of the HKSAR attending the 100th Session of the International Labour Conference

The Conference was attended by more than 4,000 government, employer and employee delegates and advisers from 183 member States of ILO. The HKSAR representatives attended the plenary sessions of the Conference and meetings of the Committee on the Application of Standards, Committee on Domestic Workers, Committee on Labour Administration and Committee for the Recurrent Discussion on Social Protection.

The 101st Session of the International Labour Conference

The 101st Session of the International Labour Conference was held from 30 May to 14 June 2012. The HKSAR also sent a tripartite team to the Conference as part of the delegation of the People's Republic of China. Members of the team were:

Government Representatives	Employer Representatives	Employee Representatives
Mr Byron Ng Kwok Keung, JP Deputy Commissioner for Labour	Mr Ho Sai Chu, GBS, JP	Mr Leung Chau Ting
Ms Melody Luk Wai Ling Chief Labour Officer	Mr Stanley Hui Hon Chung, JP	Mr Lee Tak Ming
Ms Crystal Lam Chin Kiu Senior Administrative Officer	Mr Irons Sze, JP	Mr Cheng Kai Ming
Mr Raymond Leung Kwok Kee Senior Labour Officer		
Ms Samantha Lam Yick Wah Labour Officer		
Ms Jenny Wu Ching Han Labour Officer		



Representatives of the HKSAR attending the 101th Session of the International Labour Conference

Over 5 000 government, employer and employee delegates and advisers from 185 member States of ILO participated in the Conference. The HKSAR representatives attended the plenary sessions of the Conference and meetings of the Committee on the Application of Standards, Committee on the Social Protection Floor, Committee on Youth Employment and Committee for the Recurrent Discussion on Fundamental Principles and Rights.

3.7 Participating in the 15th Asia and the Pacific Regional Meeting

LAB Members also attended the 15th Asia and the Pacific Regional Meeting (APRM) of ILO held in Kyoto, Japan from 4 to 7 December 2011. APRM was held periodically to discuss matters and problems specific to the Asian region.

A tripartite team from the HKSAR attended the meeting in the name of "Hong Kong, China". Members of the team were:

Government Representatives	Employer Representative	Employee Representative
Mrs Tonia Leung So Suk Ching, JP Assistant Commissioner for Labour	Mr Irons Sze, JP	Mr Cheng Kai Ming
Mr Gary Wong Kwok Lok Labour Officer		



Representatives of the HKSAR attending the 15th Asia and the Pacific Regional Meeting

3.8 Contacts with other Labour Administrations

LAB also maintains liaison and interflow with other labour administrations.

With a view to collecting firsthand information on the implementation of regulation of working hours, a delegation of LAB visited the United Kingdom (UK) from 24 to 28 May 2012 to study the experience in statutory regulation of working hours in the UK since 1998. The delegation comprised 15 members, including:

Government Representatives	Employer Representatives	Employee Representatives
Mr Cheuk Wing Hing, JP Commissioner for Labour	Mr Ho Sai Chu, GBS, JP	Mr Leung Chau Ting
Mr Nicholas Chan Chun Tak Assistant Commissioner for Labour	Dr Kim Mak Kin Wah, BBS, JP	Ms Ng Wai Yee, MH
Ms Reddy Ng Wai Lan, JP Principal Economist, Financial Secretary's Office	Mr Stanley Lau Chin Ho, BBS, MH, JP	Mr Lee Tak Ming
Ms Samantha Lam Yick Wah Labour Officer	Mr Irons Sze, JP	Mr Ng Chau Pei
Mr Tony Chiu Man Yiu Assistant Labour Officer I	Mr Cheung Sing Hung, BBS	Mr Cheng Kai Ming



Members of the study mission to the UK on working hours regulation



Mr Cheuk Wing Hing, Commissioner for Labour (second from left), Mr Ho Sai Chu, employer representative (first from right) and Mr Leung Chau Ting, employee representative (first from left), presenting a souvenir to the representative of the Department for Business, Innovation and Skills of the UK

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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 (LD) to improve the administrative machinery related to employees' compensation.

4.3 Composition

Members of CEC are appointed by the Commissioner for Labour. The composition of the committee for the term 2011-2012 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 CEC for the term 2011-2012 is at [Appendix I](#).

4.4 Activities during the 2011-2012 Term

During the 2011-2012 term, CEC discussed the following matters:

Amendments to employees' compensation legislation and work of LD in the area of employees' compensation

- CEC noted the improvements made to the employees' compensation legislation in 2010 and 2011, as given below:
 - The Occupational Deafness (Compensation) (Amendment) Bill 2009 was passed by the Legislative Council on 3 February 2010 and the amended provisions have been implemented by phases to improve the compensation for persons with occupational deafness and adjust the overall rate and proportions of distribution of the Employees' Compensation Insurance Levy payable under the Employees' Compensation Insurance Levies Ordinance.

- To tie in with the implementation of the registration of proprietary Chinese medicines (pCm) to strengthen monitoring on pCm, the provisions on the reimbursement of the cost of registered pCm under the Employees' Compensation Ordinance (ECO) and the Pneumoconiosis and Mesothelioma (Compensation) Ordinance (PMCO) have taken effect from 14 January 2011.
- CEC noted the work of LD in handling employees' compensation claims in 2010 and 2011, its publicity and public education campaigns to enhance public understanding of the rights and responsibilities of employees and employers under the ECO as well as its inspection and enforcement efforts relating to the Ordinance.

Review of the levels of compensation under ECO, PMCO and Occupational Deafness (Compensation) Ordinance (ODCO)

CEC agreed on a proposal to raise the amounts of ten compensation items under the ECO, the PMCO and the ODCO in line with the positive changes of the relevant adjustment indicators in the review period of 2009-2010 while maintaining the amounts of compensation under the ECO and the PMCO at their existing levels in respect of those items which, according to the review findings, would have to be adjusted downward. The proposal was subsequently submitted to the Labour Advisory Board for consideration (see paragraph 3.2).



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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 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 LD.

5.2 Terms of Reference

The committee is established to:

- advise on the employment services provided by 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 CES are appointed by the Commissioner for Labour. The composition of the committee for the term 2011-2012 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 of employers who make use of the employment services of LD
 - A representative of persons with disabilities who make use of the employment services of LD
 - Not more than two representatives nominated by 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 LD
 - A representative from a tertiary educational institution
 - Assistant Commissioner for Labour (Employment Services)

Secretary: A Labour Officer of LD

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

The membership list of CES for the term 2011-2012 is at [Appendix II](#).

5.4 Activities during the 2011-2012 Term

During the 2011-2012 term, CES offered advice on the following employment services and programmes:

Employment services

CES offered advice on LD's employment services to able-bodied job seekers, young people and persons with disabilities and recruitment services to employers. CES also discussed and gave constructive views on the operation of various specialised employment programmes, including the Work Trial Scheme, the Pilot Employment Navigator Programme, and the Youth Pre-employment Training Programme and Youth Work Experience and Training Scheme, etc administered by LD for job seekers with employment difficulty.

One-stop employment and training centre

In December 2011, LD set up a pioneer one-stop employment and training centre named as Employment in One-stop (EOS) in Tin Shui Wai to streamline, integrate and enhance employment and training/retraining services of LD, the Social Welfare Department and the Employees Retraining Board. CES noted that EOS had started operating smoothly and made suggestions on its operation.

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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 CIILS are appointed by the Commissioner for Labour. The composition of the committee for the term 2011-2012 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 (Development)

Secretary: A Labour Officer of the Labour Department

The membership list of CIILS for the term 2011-2012 is at [Appendix III](#).

6.4 Activities during the 2011-2012 Term

During the 2011-2012 term, 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 ILCs as requested by the International Labour Office. Reports on eight and seven ILCs were submitted respectively in 2011 and 2012. All the reports were forwarded to committee members for comment before they were communicated to the International Labour Office.

A list of reports on ILCs which were considered by CIILS during the 2011-2012 term is at [Appendix VII](#).

Consultations on the application of ILCs in the HKSAR

During the 2011-2012 term, CIILS provided advice on the application of ILCs in the HKSAR. It also discussed the legislative proposals for the implementation of the Maritime Labour Convention, 2006 in the HKSAR and supported the legislative amendment exercise.

Application of ILCs in the HKSAR

As at 31 December 2012, 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 enlightened human resources management measures and family-friendly employment practices for the purpose of fostering harmonious labour-management relations;
- 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 CLR are appointed by the Commissioner for Labour. The composition of the committee for the term 2011-2012 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
 - Three employer representatives from outside the Labour Advisory Board
 - Three 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 LD

The membership list of CLR for the term 2011-2012 is at [Appendix IV](#).

7.4 Activities during the 2011-2012 Term

During the 2011-2012 term, CLR discussed an array of issues relating to labour relations. Among others, it held frank and constructive discussions on whether statutory paternity leave should be implemented in Hong Kong and provided advice to LD. Moreover, it noted the latest labour relations scene since the implementation of Statutory Minimum Wage in May 2011 and the expansion in scope of the Protection of Wages on Insolvency Fund to cover pay for untaken annual leave and untaken statutory holidays under the Employment Ordinance (EO). It was also informed of the legislative proposal to be put forward by the Administration on amending the reinstatement and re-engagement provisions under the EO to improve the protection of employees.

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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.

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 COSH are appointed by the Commissioner for Labour. The composition of the committee for the term 2011-2012 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 LD

The membership list of COSH for the term 2011-2012 is at [Appendix V](#).

8.4 Activities during the 2011-2012 Term

During the 2011-2012 term, COSH advised on the following matters:

Measures to improve occupational safety in the construction industry

Owing to the commencement of mega infrastructure projects and substantial number of maintenance works projects for old buildings, the number of workers entering the construction sector continued to grow which posed challenges to construction safety. LD introduced an initiative of "Work Safety Alert" disseminating accident information promptly to industry stakeholders. COSH concurred that the initiative could help the industry take suitable preventive measures against similar accidents and advised LD to expand the distribution channels of the Alert so that relevant information could reach the public widely. Besides, COSH noted the new measures agreed among industry stakeholders to enhance construction safety at a Construction Safety Forum in March 2012. These included measures to strengthen site management and supervision, to enhance workers' safety awareness and responsibility and to improve the safety management system.

In the light of a COSH member's comment on the risk of the effectiveness of occupational safety and health messages being eroded over time, LD adjusted its publicity strategy through partnering with the Occupational Safety and Health Council (OSHC) in organising thematic promotional activities. LD also strengthened its cooperation with trade unions and arranged bereaved family members to speak at the outreach visits to impress construction workers of the importance of work safety. As new workers were more accident prone, COSH held in-depth discussion on the implementation details of a programme for caring of new construction workers with a view to enhancing its effectiveness.

In light of a number of serious accidents involving electrical works in 2012, COSH noted LD's prompt measures to step up the enforcement and promotion work. COSH provided practical advice on further improving safety management of electrical installations, enhancing workers' safety awareness and strengthening training for electricians.

Measures to prevent heat stroke at work

COSH gave suggestions on LD's measures on prevention of heat stroke at work targeting the construction, transportation and cleansing sectors during summer, including OSHC's research on the effectiveness of cooling vests for workers. COSH members shared their experience on various preventive measures against heat stroke at work and were supportive of the pilot scheme implemented by the construction industry on the arrangement of additional rest breaks for bar-benders.



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Appendix I: Membership of LAB Committee on Employees' Compensation

From 1 January 2011 to 31 December 2012

Chairman :	Mr Alan Wong Kwok Lun, BBS [1.1.2011-14.3.2012]	Deputy Commissioner for Labour (Labour Administration)
	Mr Byron Ng Kwok Keung, JP [15.3.2012-31.12.2012]	
Members :	Mr Cheung Sing Hung, BBS	Employer representative from the Labour Advisory Board
	Dr Kim Mak Kin Wah, BBS, JP	- ditto -
	Mr Irons Sze, JP	- ditto -
	Mr Cheng Kai Ming	Employee representative from the Labour Advisory Board
	Mr Lee Tak Ming	- ditto -
	Mr Ng Chau Pei	- ditto -
	Mr Stephen Lee Wing Kee	Employer representative from outside the Labour Advisory Board
	Mr Chow Luen Kiu	Employee representative from outside the Labour Advisory Board
	Mr Cheng Kwok Ping	Representative nominated by the insurance industry
	Ms Yu Sau Chun	Representative from a concern group on employees' compensation
	Mr Derrick Au Kit Sing	Representative nominated by the Hospital Authority
	Mr Allan Chan Wing Cho	Representative nominated by the Director of Legal Aid

	Mr Ernest Ip Yee Cheung	Assistant Commissioner for Labour (Employees' Rights and Benefits)
	Dr Raymond Leung Lai Man, JP	Occupational Health Consultant (1)
Secretary :	Mr John Chong Heung Yu	Labour Officer (Compensation) (Central Services)1

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Appendix II: Membership of LAB Committee on Employment Services

From 1 January 2011 to 31 December 2012

Chairman :	Mr Stanley Lau Chin Ho, BBS, MH, JP	Employer representative from the Labour Advisory Board
Members :	Mr Ho Sai Chu, GBS, JP	- ditto -
	Mr Leung Chau Ting	Employee representative from the Labour Advisory Board
	Mr Ng Chau Pei	- ditto -
	Mrs Janice Choi Kwan Wing Kum, MH	Employer representative from outside the Labour Advisory Board
	Mr Francis Mok	- ditto -
	Mr Mark Ng Ka Ip	Employee representative from outside the Labour Advisory Board
	Ms Marilyn Tang Yin Lee	- ditto -
	Ms Jenny Ng Mei Fung	A representative of employers who make use of the employment services of the Labour Department
	Mr Kwok Yi Lai	A representative of persons with disabilities who make use of the employment services of the Labour Department
	Mr Cheung Kit Man	Not more than two representatives nominated by employment agency associations

	Mr Remy Wong Kwan Bo	A representative nominated by the Hong Kong Association of Careers Masters and Guidance Masters
	Mr Stanley Ng Ka Kwong, BBS	A representative nominated by the Employees Retraining Board
	Mr David Li Chi Ming	A representative nominated by the Hong Kong Institute of Human Resource Management
	Ms Eliza Fan	A representative from one of the social partners of the Labour Department
	Mr Herman Chan	A representative from a tertiary educational institution
	Mrs Tonia Leung So Suk Ching, JP	Assistant Commissioner for Labour (Employment Services)
Secretary :	Ms Jessie Lam Choi Ping	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 2011 to 31 December 2012

Chairman :	Mr Alan Wong Kwok Lun, BBS [1.1.2011-14.3.2012]	Deputy Commissioner for Labour (Labour Administration)
	Mr Byron Ng Kwok Keung, JP [15.3.2012-31.12.2012]	
Members :	Mr Ho Sai Chu, GBS, JP	Employer representative from the Labour Advisory Board
	Mr Stanley Hui Hon Chung, JP	- ditto -
	Mr Irons Sze, JP	- ditto -
	Mr Cheng Kai Ming	Employee representative from the Labour Advisory Board
	Mr Chung Kwok Sing	- ditto -
	Ms Ng Wai Yee, MH	- ditto -
	Miss Mabel Li Po Yi	Assistant Commissioner for Labour (Development)
Secretary :	Mr David Tam Siu Mun [1.1.2011-31.12.2011]	Labour Officer (International Liaison)
	Ms Samantha Lam Yick Wah [1.1.2012-31.12.2012]	



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Appendix IV: Membership of LAB Committee on Labour Relations

From 1 January 2011 to 31 December 2012

Chairman :	Mr Alan Wong Kwok Lun, BBS [1.1.2011-14.3.2012]	Deputy Commissioner for Labour (Labour Administration)
	Mr Byron Ng Kwok Keung, JP [15.3.2012-31.12.2012]	
Members :	Mr Cheung Sing Hung, BBS	Employer representative from the Labour Advisory Board
	Mr Stanley Lau Chin Ho, BBS, MH, JP	- ditto -
	Dr Kim Mak Kin Wah, BBS, JP	- ditto -
	Mr Chung Kwok Sing	Employee representative from the Labour Advisory Board
	Mr Lee Tak Ming	- ditto -
	Ms Ng Wai Yee, MH	- ditto -
	Ms Anders Cheung Yuk Lin	Employer representative from outside the Labour Advisory Board
	Mr Kenneth Mo Kon Fei	- ditto -
	Mr Alan Wong Hoi Ming	- ditto -
	Ms Rose Chan So Hing	Employee representative from outside the Labour Advisory Board
	Miss Lam Kam Yi	- ditto -
	Ms Lee Sau King	- ditto -

	Mr Lai Kam Tong	Representative of Human Resources Practitioners
	Mr Byron Ng Kwok Keung, JP <i>[1.1.2011-14.3.2012]</i>	Assistant Commissioner for Labour (Labour Relations)
	Mr Charles Hui Pak Kwan <i>[15.3.2012-31.12.2012]</i>	
Secretary :	Ms Esther Chan Lai Heung	Labour Officer (Labour Relations) (Headquarters) ¹

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

From 1 January 2011 to 31 December 2012

Chairman :	Mrs Erika Hui Lam Yin Ming, JP [1.1.2011-26.6.2011]	Deputy Commissioner for Labour (Occupational Safety and Health)
	Mr David Leung, JP [27.6.2011-31.12.2012]	
Members :	Mr Cheung Sing Hung, BBS	Employer representative from the Labour Advisory Board
	Mr Ho Sai Chu, GBS, JP	- ditto -
	Mr Stanley Lau Chin Ho, BBS, MH, JP	- ditto -
	Mr Chung Kwok Sing	Employee representative from the Labour Advisory Board
	Mr Lee Tak Ming	- ditto -
	Mr Leung Chau Ting	- ditto -
	Dr Edmond Cheng Kam Wah	Employer representative from outside the Labour Advisory Board
	Mr Thomas Ho On Sing, JP	- ditto -
	Mr Lee Luen Fai	- ditto -
	Mr Choi Kam Wah, MH	Employee representative from outside the Labour Advisory Board
	Ms Lee Sau King	- ditto -
	Mr Pang Long	- ditto -
	Mr Tang Wah Shing	Representative nominated by the Occupational Safety and Health Council

	Dr Edmund Hau Ka Man	Representative from occupational safety and health organisations
	Mr Ivan Lam Kai Wing	- ditto -
	Mrs Virginia Ma Lo Kam Wah	- ditto -
	Mr Tso Sing Hin, JP [1.1.2011-18.9.2012]	Assistant Commissioner for Labour (Occupational Safety)
	Mr Li Chi Leung [19.9.2012-31.12.2012]	
	Dr Raymond Leung Lai Man, JP	Occupational Health Consultant (1)
	Mr Leung Chun Ho	Chief Occupational Safety Officer (Support Services)
Secretary :	Miss Maria Wang Wai Han	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 the vetting guidelines for processing applications for importation of labour under the Supplementary Labour Scheme; and
- discuss applications for which members of the Labour Advisory Board (LAB) cannot reach a consensus level as agreed by LAB, and draw up recommendations for endorsement by LAB.

Composition

Members of the working group are appointed by the Commissioner for Labour. The composition of the working group for the term 2011-2012 is as follows:

Chairman :	Assistant Commissioner for Labour (Policy Support)
Members :	<ul style="list-style-type: none">• Two employer representatives from LAB• Two employee representatives from LAB• 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 2011-2012 is as follows:

Chairman :	Mr Fong Ngai [1.1.2011-31.5.2011]	Assistant Commissioner for Labour (Policy Support)
	Mr Nicholas Chan Chun Tak [1.6.2011-31.12.2012]	
Members :	Mr Stanley Hui Hon Chung, JP	Employer representative from the LAB
	Mr Irons Sze, JP	- ditto -
	Mr Ng Chau Pei	Employee representative from the LAB
	Ms Ng Wai Yee, MH	- ditto -
	Mr Man Tak Wah [1.1.2011-23.10.2011]	Senior Labour Officer (Supplementary Labour)
	Mr Law Tak Yan [24.10.2011-31.12.2012]	
Secretary :	Mr Law Tak Yan [1.1.2011-23.10.2011]	Labour Officer (Supplementary Labour) ⁴
	Ms Charlotte Sit Ting [24.10.2011-31.12.2012]	

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Appendix VII: Reports on International Labour Conventions considered by the LAB Committee on the Implementation of International Labour Standards during 2011-2012

Reports submitted in 2011 under Article 22 of the ILO Constitution

	<u>Convention Number</u>	<u>Title</u>
(1)	11	Right of Association (Agriculture) Convention, 1921
(2)	87	Freedom of Association and Protection of the Right to Organise Convention, 1948
(3)	90	Night Work of Young Persons (Industry) Convention (Revised), 1948
(4)	98	Right to Organise and Collective Bargaining Convention, 1949
(5)	122	Employment Policy Convention, 1964
(6)	124	Medical Examination of Young Persons (Underground Work) Convention, 1965
(7)	141	Rural Workers' Organisations Convention, 1975
(8)	144	Tripartite Consultation (International Labour Standards) Convention, 1976

Reports submitted in 2012 under Article 22 of the ILO Constitution

	<u>Convention Number</u>	<u>Title</u>
(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)	81	Labour Inspection Convention, 1947
(7)	97	Migration for Employment Convention (Revised), 1949