



Labour Advisory Board Report 勞工顧問委員會報告 2015-2016



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Chapter 1 Membership of Labour Advisory Board

From 1 January 2015 to 31 December 2016



Labour Advisory Board for the 2015-2016 term

Chairman:	Mr Donald Tong Chi Keung, JP [up to 18.9.2016]	Commissioner for Labour (<i>ex-officio</i>)
	Mr Carlson Chan Ka Shun, JP (front row: middle) [from 6.10.2016 onwards]	
Members:	Employer representatives	
	The Honourable Ho Sai Chu, GBM, 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 Irons Sze, BBS, JP (back row: 5 th from left)	representing the Chinese Manufacturers' Association of Hong Kong
	Mr Emil Yu Chen On (back row: 4 th from left)	representing the Hong Kong General Chamber of Commerce
	The late Mr Stanley Lau Chin Ho, SBS, MH, JP [up to 12.6.2016]	representing the Federation of Hong Kong Industries
	Mr Jimmy Kwok Chun Wah, BBS, MH, JP (back row: 3 rd from left) [from 8.7.2016 onwards]	- ditto -
	Mr Cheung Sing Hung, BBS (back row: 2 nd from left)	appointed <i>ad personam</i>
	Employee representatives	
	Mr Leung Chau Ting (front row: 2 nd from right)	elected by registered employee unions

Mr Stanley Ng Chau Pei
(front row: 1st from right) - ditto -

Mr Chau Siu Chung
(back row: 4th from right) - ditto -

Ms Wong Siu Han
(back row: 3rd from right) - ditto -

Mr Charles Chan Yiu Kwong
(back row: 2nd from right)
[from 16.3.2015 onwards] - ditto -

Ms Rose Chan So Hing
(back row: 1st from right) appointed *ad personam*

Secretary: Ms Samantha Lam Yick Wah
(back row: 1st from left)
[up to 20.12.2016] Senior Labour Officer
(International Liaison) of
Labour Department

Ms Esther Chan Lai Heung
[from 21.12.2016 onwards]



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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 Secretary for Labour and Welfare (in exercise of the authority delegated by the Chief Executive) to advise the Commissioner for Labour on labour matters including legislation and Conventions and Recommendations of the International Labour Organisation. The Commissioner for Labour is the ex-officio chairman of LAB. LAB comprises 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 foreign 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 Labour¹.

1950 LAB was reconstituted and election of employee representatives was introduced for the first time.

- Of the four members representing employers, two were nominated by employer organisations and two were appointed by the Government, one each from foreign 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.

- Of the six employer representatives, four were nominated by employer organisations and two were appointed by the Government.
- Of the six employee representatives, three were elected by trade unions and three were appointed by the Government.

- 1985** The term of office of LAB was extended from one to two years and more employee representatives were elected.
- 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 numbers of nominated employer representatives and elected employee representatives were respectively increased from four to five.
- This was offset by a reduction in the respective numbers 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 honorarium 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.
- 2013** LAB members served on the Standard Working Hours Committee as ex-officio members by virtue of their LAB membership.
- In April 2013, the Government set up the Standard Working Hours Committee (SWHC). SWHC comprised a chairperson and 23 members drawn from the labour and business sectors, academia, the community and the Government. Amongst them, serving LAB members sat on SWHC as ex-officio members by virtue of their LAB membership².

¹ renamed as the Commissioner for Labour in 1974

² LAB employee members declined to attend the meetings of SWHC since the end of 2015 and on 24 November 2016 reiterated their decision of quitting SWHC in writing. The term of SWHC ended on 31 January 2017.

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. Where considered necessary, it may appoint committees and include any person not being a member of LAB to serve on the 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 LD

2.5 Appointment for the 2015-2016 Term

An election by secret ballot was held on 29 November 2014 for the registered employee unions to elect employee representatives for the 2015-2016 term of LAB. In this election, 11 candidates vied for five seats as employee representatives on LAB. Of the 412 employee unions registered as electors, 372 took part in the voting. As one of the elected employee representatives passed away afterwards, a by-election was convened on 14 March 2015 to fill the vacant seat which was contested by three candidates. A total of 395 employee unions registered as electors in the by-election, with 323 of them turning up to vote.

On the employer side, the five major employer associations were invited in late 2014 to nominate representatives to sit on LAB. As the representative of the Federation of Hong Kong Industries passed away in June 2016, the Federation subsequently nominated another representative to serve as an employer member of LAB.

The remaining two members, one representing employers and the other representing employees, were appointed by the Government *ad personam*.

In the light of the above circumstances, the appointments of LAB members were published in the Government Gazette on 19 December 2014, 20 March 2015 and 15 July 2016 respectively.



Labour Advisory Board meeting

2.6 Committees of LAB

To enable LAB to better cope with the enormity of matters requiring its attention, and to allow opportunities for important stakeholders outside LAB to offer advice on individual labour issues, five committees on special subject areas have been set up under 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

In addition to LAB members, 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. served on the committees.

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 2015-2016 Term

3.1 Introduction

The Labour Advisory Board (LAB) met nine times during the period from 1 January 2015 to 31 December 2016 to advise on labour legislation, administrative measures on labour matters as well as other issues.

3.2 Consultation on Labour Legislation

LAB discussed five items of labour legislation. Details of the items and their progress are listed below:

Special Holiday (3 September 2015) Ordinance

- To designate 3 September 2015 as a one-off holiday
 - * After consulting LAB and the Legislative Council (LegCo) Panel on Manpower (Panel), the Government introduced the Special Holiday (3 September 2015) Bill into LegCo on 27 May 2015 to designate 3 September 2015 (i.e. the 70th anniversary day of the victory of the Chinese people's war of resistance against Japanese aggression) as a one-off statutory holiday (SH) and general holiday (GH).
 - * The Bill was passed by LegCo on 9 July 2015.

Employment Ordinance

- To study SHs and GHs taken by employees
 - * In response to the call of the labour sector for aligning the number of days of SHs with that of GHs, the Labour Department (LD) commissioned the Census and Statistics Department to conduct a survey on employees taking SHs and GHs in Hong Kong. LD reported the findings of the survey to LAB and the Panel in 2015. LD also brought up the issue of increasing the number of SHs for discussion at several LAB meetings and listened to the views of members.

- To review the implementation of statutory paternity leave (PL)
 - * Based on the consensus of LAB and upon the passage of the relevant bill by LegCo, statutory PL commenced operation from 27 February 2015. An eligible male employee is entitled to three days' paid PL for each incident of birth of his child.
 - * LD briefed LAB and the Panel on the implementation of statutory PL and consulted them on the planned review in May 2016. LD has started the review and will report to LAB and the Panel the outcome when the review is completed.

- To amend the reinstatement and re-engagement provisions
 - * Based on the consensus of LAB, the Government introduced the Employment (Amendment) Bill 2016 into LegCo on 2 March 2016. The Bill sought to amend the reinstatement and re-engagement provisions so as to enhance protection for employees in circumstances of unreasonable and unlawful dismissal. LegCo formed a Bills Committee to scrutinise the Bill. As members of the Bills Committee expressed various views on the Bill, the Government, in accordance with the standing practice, passed these views to LAB for consideration.
 - * After detailed discussions, LAB proposed that the ceiling for the further sum to be paid to the employee by the employer in the event of failing to comply with an order for reinstatement or re-engagement should be raised from \$50,000 under the original proposal to \$72,500. The Government introduced the revised Bill into LegCo on 17 May 2017.

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

- To increase the amounts of a total of 18 compensation items under the three Ordinances based on the relevant information for 2014 to 2015
 - * The compensation levels are adjusted every two years where appropriate according to the established mechanism. Adjustments, if required, are generally made by reference to the changes in the wage and price levels and other relevant factors in the relevant period.
 - * LAB endorsed the proposal to adjust upwards the amounts of 18 compensation items by 5.68% to 10.84%.
 - * The relevant resolutions were passed by LegCo on 1 March 2017. The new levels of compensation took effect on 1 April 2017.

3.3 Consultation on Administrative Measures on Labour Matters

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

- items pertaining to labour in the 2015 Policy Address and the 2016 Policy Address;

- new measures under the Supplementary Labour Scheme (SLS) to enhance flexibility in deployment of imported skilled workers for public sector works contracts;
- services provided by the Construction Industry Recruitment Centre set up by LD in January 2016; and
- the public consultation of “Retirement Protection Forging Ahead” by the Commission on Poverty, including the offsetting arrangement of severance payment and long service payment with the mandatory provident fund (MPF) contributions.

3.4 Consultation on Other Legislation and Measures

- LAB noted and gave its views on the proposal of introducing an automatic mechanism for adjustment of the minimum and maximum levels of relevant income under MPF schemes by the Mandatory Provident Fund Schemes Authority.
- LAB noted and gave its views on the Financial Institutions (Resolution) Bill as consulted by the Financial Services and the Treasury Bureau (FSTB), the Hong Kong Monetary Authority, the Department of Justice, the Securities and Futures Commission and the Office of the Commissioner of Insurance.
- LAB noted and gave its views on the Companies (Winding Up and Miscellaneous Provisions) (Amendment) Bill 2015 as consulted by FSTB.

3.5 Supplementary Labour Scheme

Operating on the principle of according employment priority to local workers, the Government approves the importation of workers at technician level or below under SLS only if employers cannot recruit local workers to fill the relevant job vacancies. LD invites LAB members’ views on applications under SLS, before the Commissioner for Labour approves or refuses the relevant applications. During the 2015-2016 term, LAB provided views on 1 834 applications for labour importation.

To ensure effective attainment of the policy objective of SLS, a working group on SLS has been formed under LAB. 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 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 Members of the International Labour Organisation (ILO).

The 104th Session of the International Labour Conference

The 104th Session of the International Labour Conference was held from 1 to 13 June 2015. 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 tripartite team were:

Government Representatives	Employer Representatives	Employee Representatives
Mr Donald Tong Chi Keung, JP Commissioner for Labour	The Honourable Ho Sai Chu, GBM, GBS, JP	Mr Stanley Ng Chau Pei
Ms Mabel Li Po Yi, JP Assistant Commissioner for Labour	The late Mr Stanley Lau Chin Ho, SBS, MH, JP	Mr Chau Siu Chung
Ms Samantha Lam Yick Wah Senior Labour Officer	Mr Irons Sze, BBS, JP	Ms Wong Siu Han
Ms Sharon Lo Suet Ching Labour Officer		
Mr Jimmy Wong Lik Sang Assistant Labour Officer I		



Representatives of HKSAR attending the 104th
Session of the International Labour Conference

More than 4 500 government, employer and employee delegates representing 169 Members of ILO participated in the Conference. HKSAR representatives attended the plenary sessions of the Conference and meetings of the Committee on the Application of Standards, Committee on the Transition from the Informal Economy, Committee on Small and Medium-sized Enterprises and Employment Creation, Committee for the Recurrent Discussion on Social Protection (Labour Protection) and the World of Work Summit.

The 105th Session of the International Labour Conference

The 105th Session of the International Labour Conference was held from 30 May to 10 June 2016. HKSAR also sent a tripartite team to the Conference as part of the delegation of the People's Republic of China. Members of the tripartite team were:

Government Representatives	Employer Representatives	Employee Representatives
Mr Byron Ng Kwok Keung, JP Deputy Commissioner for Labour	The Honourable Ho Sai Chu, GBM, GBS, JP	Mr Leung Chau Ting
Mr Charles Hui Pak Kwan, JP Assistant Commissioner for Labour	Mr Emil Yu Chen On	Mr Charles Chan Yiu Kwong
Ms Samantha Lam Yick Wah Senior Labour Officer	Mr Cheung Sing Hung, BBS	Ms Rose Chan So Hing
Ms Nancy Tang Mei Lan Labour Officer		
Ms Sharon Lo Suet Ching Labour Officer		



Representatives of HKSAR attending the 105th Session of the International Labour Conference

The Conference was attended by some 6 000 government, employer and employee delegates representing 187 Members of ILO. HKSAR representatives attended the plenary sessions of the Conference and meetings of the Committee on the Application of Standards, Committee on Decent Work in Global Supply Chains, Committee on Employment and Decent Work for the Transition to Peace, Committee for the Social Justice Declaration and the World of Work Summit.

[3.7 Participating in the 16th Asia and the Pacific Regional Meeting of ILO](#)

The 16th Asia and the Pacific Regional Meeting (APRM) of ILO was held in Bali, Indonesia from 6 to 9 December 2016. APRM was held periodically to discuss matters and problems specific to the region. HKSAR sent a tripartite team to attend the Meeting in the name of “Hong Kong, China”. Members of the tripartite team were:

Government Representatives	Employer Representatives	Employee Representatives
Ms Mabel Li Po Yi, JP Assistant Commissioner for Labour	Mr Jimmy Kwok Chun Wah, BBS, MH, JP	Ms Wong Siu Han
Ms Eva Chan Kit Ying Labour Officer		



Representatives of HKSAR attending the 16th Asia and the Pacific Regional Meeting of ILO

Some 350 delegates representing governments, employers and employees from 37 countries / regions attended the Meeting. HKSAR representatives attended the plenary sittings, high-level dialogue, information session and special plenary debates of the Meeting.



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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

CEC 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 2015-2016 term is as follows:

Chairman:	Deputy Commissioner for Labour (Labour Administration)
Members:	Three employer representatives from the Labour Advisory Board (LAB)
	Three employee representatives from LAB
	An employer representative from outside LAB
	An employee representative from outside LAB
	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) of LD
Secretary:	A Labour Officer of LD

The membership list of CEC for the 2015-2016 term is at Appendix I.

4.4 Activities during the 2015-2016 Term

During the 2015-2016 term, CEC discussed the following matters:

Amendments to Employees' Compensation Legislation and Work of LD in the Area of Employees' Compensation

- CEC noted three resolutions were passed by the Legislative Council on 4 February 2015 to increase the amounts of a total of 18 compensation items under the Employees' Compensation Ordinance (ECO), the Pneumoconiosis and Mesothelioma (Compensation) Ordinance (PMCO) and the Occupational Deafness (Compensation) Ordinance (ODCO) in line with the changes in the wage and price levels and other relevant factors in the 2012-2013 period. The revised levels of compensation took effect from 5 March 2015.
- CEC noted the work of LD in handling employees' compensation claims in 2014 and 2015, its publicity and public education campaigns to enhance public understanding of the rights and responsibilities of employees and employers under ECO as well as its inspection and enforcement efforts to ensure employers' compliance.
- CEC noted the work progress of the Task Force on Improving Work Injury Protection for Employees in High-risk Industries coordinated by LD.

Adjustment of the Levels of Compensation under ECO, PMCO and ODCO

CEC agreed on a proposal to raise the amounts of a total of 18 compensation items under ECO, PMCO and ODCO in line with the positive changes of the relevant adjustment indicators in the period of 2014-2015. The proposal was subsequently submitted to LAB 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 (LAB) 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 as 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

CES 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 2015-2016 term is as follows:

Chairman:	To be appointed from the non-government sector
Members:	Two [#] employer representatives from LAB
	Two [#] employee representatives from LAB
	Two employer representatives from outside LAB
	Two employee representatives from outside LAB
	A representative of employers who make use of the employment services of LD
	A representative of people 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 2015-2016 term is at Appendix II.

5.4 Activities during the 2015-2016 Term

During the 2015-2016 term, CES offered advice on the following employment services and measures:

Employment Services

CES offered advice on LD's employment services to able-bodied job seekers, people with disabilities, mature persons, young people, new arrivals and ethnic minorities as well as recruitment services to employers. CES also discussed and gave views on the operation of various specialised employment programmes, including the Employment Programme for the Middle-aged, the Youth Employment and Training Programme, the Employment Services Ambassador Programme for Ethnic Minorities and the Work Trial Scheme, etc. administered by LD for job seekers with employment difficulty.

Construction Industry Recruitment Centre

To facilitate local construction workers to find jobs and employers of the industry to recruit workers, LD set up the third industry-based recruitment centre, the Construction Industry Recruitment Centre (CIRC), in January 2016. CIRC provides a venue for employers, contractors and sub-contractors of the construction industry to organise job fairs and conduct on-the-spot job interviews with job seekers, enhancing the efficiency in job search and recruitment. CES noted that CIRC had been launched smoothly.

Draft Code of Practice for Employment Agencies

To promote professionalism and service quality of employment agencies (EAs), LD sought to promulgate a Code of Practice for EAs (Code) for the industry to follow and conducted public consultation during April to June 2016 on the draft Code, including consultation with CES. At its meeting on 11 May 2016, CES offered advice on the content and implementation of the Code, as well as on improvements of the operations of the industry. Having carefully considered all the views collected upon the close of the consultation for refining the Code, LD formally promulgated the Code on 13 January 2017.



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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 (LAB).

6.2 Terms of Reference

CIILS is established to:

- advise on appropriate declarations to be made in respect of the application of International Labour Conventions (ILCs) 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, ILCs 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 2015-2016 term is as follows:

Chairman:	Deputy Commissioner for Labour (Labour Administration)
Members:	Three employer representatives from LAB
	Three employee representatives from LAB
	Assistant Commissioner for Labour (Development)
Secretary:	A Labour Officer of the Labour Department

The membership list of CIILS for the 2015-2016 term is at Appendix III.

6.4 Activities during the 2015-2016 Term

During the 2015-2016 term, CIILS undertook the following activities:

Reports on ILCs

In accordance with Article 22 of the Constitution of the International Labour Organisation, HKSAR is required to submit reports on the application of ILCs as requested by the International Labour Office. Reports on five and seven ILCs were submitted respectively in 2015 and 2016. All the reports were forwarded to CIILS members for comments before they were communicated to the International Labour Office.

A list of reports on ILCs which were considered by CIILS during the 2015-2016 term is at Appendix VII.

Consultations on the Application of ILCs in HKSAR

CIILS provided advice on the application of ILCs in HKSAR. As at 31 December 2016, a total of 41 ILCs were applied to HKSAR. Among them, 28 were applied without modification (i.e. all provisions of a Convention were fully implemented in HKSAR) and 13 were applied with modifications (i.e. a Convention was implemented in HKSAR with modification(s) 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

CLR 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 reviews or proposals in relation to employment conditions or labour relations; and

- advise on measures to better the conciliation service provided by the Labour Department (LD) to employers and employees.

7.3 Composition

Members of CLR are appointed by the Commissioner for Labour. The composition of the committee for the 2015-2016 term is as follows:

Chairman:	Deputy Commissioner for Labour (Labour Administration)
Members:	Three employer representatives from the Labour Advisory Board (LAB)
	Three employee representatives from LAB
	Two employer representatives from outside LAB
	Two employee representatives from outside LAB
	A representative of human resources practitioners
	A representative from a tertiary educational institution from the field of social science or business / human resources management
	Assistant Commissioner for Labour (Labour Relations)
Secretary:	A Labour Officer of LD

The membership list of CLR for the 2015-2016 term is at Appendix IV.

7.4 Activities during the 2015-2016 Term

During the 2015-2016 term, CLR discussed various issues relating to labour relations. In the light of the review of statutory paternity leave, CLR provided views on its number of days, payment, implementation and scope of review. It noted the latest labour relations scene and provided advice on the impact of economic situation on the employment market and labour relations. It also noted LD's promotional work on family-friendly as well as elderly-friendly employment practices and discussed the examples, key features and benefits of these practices.



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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

COSH 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 2015-2016 term is as follows:

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

The membership list of COSH for the 2015-2016 term is at Appendix V.

8.4 Activities during the 2015-2016 Term

During the 2015-2016 term, COSH advised on the following matters:

The construction industry has continued to thrive in recent years, with a significant increase in the size of construction workforce. This poses challenges to the occupational safety performance of the construction industry. COSH recognised LD's efforts in enhancing the work safety awareness and performance of the industry, and offered valuable advice on how to refine and implement various initiatives.

Strengthen Work-above-ground Safety

Fall from height is the most common cause of industrial fatal accidents. Following the “Mobile Working Platform Sponsorship Scheme for the Small and Medium Enterprises (SMEs)” introduced in 2013, LD collaborated with OSHC to launch the “Light-Duty Working Platform Sponsorship Scheme for SMEs” in 2015 which encouraged the industry to use safe platforms instead of improper ladders for above-ground works. To further protect workers’ work-above-ground safety and promote a culture of using the straps of safety helmets, LD proposed financing SMEs engaged in repair, maintenance, alteration and addition works to purchase safety helmets with chin straps. COSH supported the proposal and provided valuable advice on its implementation details, the selection of safety helmets and chin straps, etc.

Enhance Safety Training Courses

In order to further strengthen the safety awareness of construction workers, and to refine the safety training for site supervisory staff, LD planned to enhance the Mandatory Basic Safety Training Courses (“Green Card” Courses) and the Safety Supervisors Training Courses. A task group was formed under COSH which provided valuable advice for the revamp of the courses.



Labour Advisory Board Report 勞工顧問委員會報告 2015-2016

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Appendix I: Membership of Committee on Employees' Compensation

From 1 January 2015 to 31 December 2016

Chairman:	Mr Byron Ng Kwok Keung, JP	Deputy Commissioner for Labour (Labour Administration)
Members:	Mr Cheung Sing Hung, BBS	Employer representative from LAB
	Dr Kim Mak Kin Wah, BBS, JP	- ditto -
	Mr Emil Yu Chen On	- ditto -
	Mr Chau Siu Chung	Employee representative from LAB
	Mr Stanley Ng Chau Pei	- ditto -
	Ms Wong Siu Han	- ditto -
	Dr Philco Wong Nai Keung	Employer representative from outside LAB
	Mr Wong Ping	Employee representative from outside LAB
	Mr Jimmy Poon Wing Fai	Representative nominated by the insurance industry
	Ms Yu Sau Chun	Representative from a concern group on employees' compensation
	Mrs Ivy Chen	Representative nominated by the Hospital Authority
	Ms Juliana Chan Oi Yung	Representative nominated by the Director of Legal Aid
	Mr Ernest Ip Yee Cheung, JP <i>[up to 4.10.2015]</i> Mr William Mak Chi Tung <i>[from 5.10.2015 onwards]</i>	Assistant Commissioner for Labour (Employees' Rights and Benefits)
Dr Raymond Leung Lai Man, JP	Occupational Health Consultant (1) of LD	
Secretary:	Ms Lina Cheung Wan Kwan	Labour Officer (Compensation) (Central Services)1 of LD

Appendix II: Membership of Committee on Employment Services

From 1 January 2015 to 31 December 2016

<p>Chairman:</p>	<p>The late Mr Stanley Lau Chin Ho, SBS, MH, JP <i>[up to 12.6.2016]</i></p> <p>The Honourable Ho Sai Chu, GBM, GBS, JP <i>[from 8.7.2016 onwards]</i></p>	<p>Employer representative from LAB</p>
<p>Members:</p>	<p>The Honourable Ho Sai Chu, GBM, GBS, JP <i>[up to 7.7.2016]</i></p> <p>Mr Jimmy Kwok Chun Wah, BBS, MH, JP <i>[from 8.7.2016 onwards]</i></p> <p>Mr Leung Chau Ting</p> <p>Mr Stanley Ng Chau Pei</p> <p>Mrs Janice Choi Kwan Wing Kum, MH</p> <p>Mr Jeffrey Lai</p> <p>Mr Mark Ng Ka Ip</p> <p>Mr Li Hoi</p> <p>Mr Carson Chan</p> <p>Ms Anna Cheung Wai Kwan</p> <p>Mr Cheung Kit Man</p>	<p>- ditto -</p> <p>Employee representative from LAB</p> <p>- ditto -</p> <p>Employer representative from outside LAB</p> <p>- ditto -</p> <p>Employee representative from outside LAB</p> <p>- ditto -</p> <p>A representative of employers who make use of the employment services of LD</p> <p>A representative of people with disabilities who make use of the employment services of LD</p> <p>A representative nominated by employment agency associations</p>

Members:	Mr Joseph Tsang Chi To	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
	Mr Chan Yee Fei	A representative from one of the social partners of LD
	Dr Carol Ma Hok Ka	A representative from a tertiary educational institution
	Mrs Tonia Leung So Suk Ching, JP <i>[up to 2.3.2015]</i> Mr Charles Hui Pak Kwan, JP <i>[from 3.3.2015 onwards]</i>	Assistant Commissioner for Labour (Employment Services)
Secretary:	Ms Jessie Lam Choi Ping <i>[up to 2.5.2016]</i> Ms Amy Lee Sze Ping <i>[from 3.5.2016 onwards]</i>	Labour Officer (Employment Services) (Central Support) of LD

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

From 1 January 2015 to 31 December 2016

Chairman:	Mr Byron Ng Kwok Keung, JP	Deputy Commissioner for Labour (Labour Administration)
Members:	Mr Cheung Sing Hung, BBS	Employer representative from LAB
	The Honourable Ho Sai Chu, GBM, GBS, JP	- ditto -
	Mr Irons Sze, BBS, JP	- ditto -
	Ms Rose Chan So Hing	Employee representative from LAB
	Mr Charles Chan Yiu Kwong <i>[from 16.3.2015 onwards]</i>	- ditto -
	Mr Leung Chau Ting	- ditto -
	Ms Mabel Li Po Yi, JP	Assistant Commissioner for Labour (Development)
Secretary:	Ms Cannis Yau Yuk Kam <i>[up to 31.12.2015]</i>	Labour Officer (International Liaison) 4 of LD
	Ms Sharon Lo Suet Ching <i>[from 1.1.2016 onwards]</i>	Labour Officer (International Liaison) 1 of LD

Appendix IV: Membership of Committee on Labour Relations

From 1 January 2015 to 31 December 2016

Chairman:	Mr Byron Ng Kwok Keung, JP	Deputy Commissioner for Labour (Labour Administration)
Members:	Mr Cheung Sing Hung, BBS	Employer representative from LAB
	The late Mr Stanley Lau Chin Ho, SBS, MH, JP <i>[up to 12.6.2016]</i>	- ditto -
	Mr Jimmy Kwok Chun Wah, BBS, MH, JP <i>[from 8.7.2016 onwards]</i>	- ditto -
	Dr Kim Mak Kin Wah, BBS, JP	- ditto -
	Ms Rose Chan So Hing	Employee representative from LAB
	Mr Chau Siu Chung	- ditto -
	Ms Wong Siu Han	- ditto -
	Ms Anders Cheung Yuk Lin	Employer representative from outside LAB
	Mr Clarence Chung Chi Wai	- ditto -
	Ms Lam Kam Yi	Employee representative from outside LAB
	Ms Lee Sau King	- ditto -
	Mr David Li Chi Ming	Representative of human resources practitioners
	Dr Lee Shu Kam	Representative from a tertiary educational institution from the field of social science or business / human resources management

Members:	Mr Charles Hui Pak Kwan, JP <i>[up to 2.3.2015]</i> Ms Melody Luk Wai Ling <i>[from 3.3.2015 onwards]</i>	Assistant Commissioner for Labour (Labour Relations)
Secretary:	Ms Judy Chow Siu Ling	Labour Officer (Labour Relations) (Headquarters) 1 of LD

Appendix V: Membership of Committee on Occupational Safety and Health

From 1 January 2015 to 31 December 2016

Chairman:	Mr David Leung, JP <i>[up to 12.4.2015]</i> Mr Jeff Leung <i>[from 4.5.2015 onwards]</i>	Deputy Commissioner for Labour (Occupational Safety and Health)
Members:	The Honourable Ho Sai Chu, GBM, GBS, JP	Employer representative from LAB
	Mr Irons Sze, BBS, JP	- ditto -
	Mr Emil Yu Chen On	- ditto -
	Mr Charles Chan Yiu Kwong <i>[from 16.3.2015 onwards]</i>	Employee representative from LAB
	Mr Leung Chau Ting	- ditto -
	Ms Wong Siu Han	- ditto -
	Mr Thomas Ho On Sing, JP	Employer representative from outside LAB
	Mr Lee Luen Fai	- ditto -
	Mr Lawrence Ng San Wa, MH	- ditto -
	Mr Chow Luen Kiu, MH	Employee representative from outside LAB
	Ms Lee Sau King	- ditto -
	Mr Pang Long	- ditto -
	Ms Bonnie Yau Man	Representative nominated by the Occupational Safety and Health Council
	Mr Victor Kwong Chiu Ling	Representative from occupational safety and health organisations
	Ir Alex Leung Wai Hung	- ditto -
Dr Tung Sau Ying, MH	- ditto -	

Members:	Mr Li Chi Leung <i>[up to 8.7.2015]</i>	Assistant Commissioner for Labour (Occupational Safety)
	Mr Wu Wai Hung <i>[from 9.7.2015 onwards]</i>	
	Dr Raymond Leung Lai Man, JP	Occupational Health Consultant (1) of LD
	Mr Leung Yuk Keung	Chief Occupational Safety Officer (System and Support) of LD
Secretary:	Ms Helen Chau Man Kuen	Labour Officer (Occupational Safety and Health) of LD

Appendix VI: Terms of Reference, Composition and Membership of 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 LAB members 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 2015-2016 term is as follows:

Chairman:	Assistant Commissioner for Labour (Policy Support) <i>[up to 8.10.2015]</i> Assistant Commissioner for Labour (Development) <i>[from 9.10.2015 onwards]</i>
Members:	Two employer representatives from LAB
	Two employee representatives from LAB
	A Senior Labour Officer of LD
Secretary:	A Labour Officer of LD

Membership

The membership of the working group for the 2015-2016 term is as follows:

Chairman:	Mr Nicholas Chan Chun Tak <i>[up to 8.10.2015]</i> Ms Mabel Li Po Yi, JP <i>[from 9.10.2015 onwards]</i>	Assistant Commissioner for Labour (Policy Support) Assistant Commissioner for Labour (Development)
Members:	The late Mr Stanley Lau Chin Ho, SBS, MH, JP <i>[up to 12.6.2016]</i> Mr Jimmy Kwok Chun Wah, BBS, MH, JP <i>[from 8.7.2016 onwards]</i>	Employer representative from LAB
	Mr Irons Sze, BBS, JP	- ditto -
	Mr Chau Siu Chung	Employee representative from LAB
	Mr Stanley Ng Chau Pei	- ditto -
	Mr Law Tak Yan	Senior Labour Officer (Supplementary Labour) of LD
Secretary:	Ms Charlotte Sit Ting	Labour Officer (Supplementary Labour) 4 of LD

Appendix VII: Reports on International Labour Conventions considered by Committee on the Implementation of International Labour Standards during the 2015-2016 term

Reports considered in 2015

	Convention Number	Convention Title
(1)	2	Unemployment Convention, 1919
(2)	81	Labour Inspection Convention, 1947
(3)	115	Radiation Protection Convention, 1960
(4)	144	Tripartite Consultation (International Labour Standards) Convention, 1976
(5)	148	Working Environment (Air Pollution, Noise and Vibration) Convention, 1977

Reports considered in 2016

	Convention Number	Convention Title
(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)	124	Medical Examination of Young Persons (Underground Work) Convention, 1965

(6)	141	Rural Workers' Organisations Convention, 1975
(7)	144	Tripartite Consultation (International Labour Standards) Convention, 1976