



# Labour Department Annual Report 2010



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- 1.1** The labour market conditions witnessed widespread and noticeable improvements in 2010, amid the strong pick-up in economic activities and job creation. The unemployment rate came down gradually from 4.4 per cent in the first quarter of 2010 to 4 per cent in the fourth quarter, the lowest level since September-November 2008. We will continue to closely monitor the labour market situation and enhance our employment services on all fronts, especially in netting suitable vacancies from the market and rendering assistance to job-seekers. In the year, we launched a series of new and enhanced measures to provide employment support for job-seekers and to better help the less competitive find work.

### Employment Services

#### Enhanced Employment Services

- 1.2** To help the unemployed re-enter the labour market and respond speedily to the recruitment needs of employers, the Labour Department has put in extra efforts in organising more employment promotion activities at various locations across the territory. A total of 20 large-scale job fairs, 327 mini-job fairs and 30 district-based employment promotion activities were organised in the year. Furthermore, to facilitate the job-seekers in obtaining job vacancy information, the Labour Department has piloted the sharing of vacancy search terminals with non-governmental organisations which provide placement services to the public, in four remote districts in which job centres are not in the vicinity, including Tung Chung, Kwai Tsing, Tseung Kwan O and Island South.
- 1.3** The Labour Department set up a Recruitment Centre for the Retail Industry in June 2010 to provide tailor-made job-matching service and on-the-spot interview arrangements for retail establishments and job-seekers. This is the second industry-based recruitment centre after the Recruitment Centre for the Catering Industry. In 2010, employers of the retail industry offered around 18 960 job vacancies for the centre, and around 13 500 job-seekers attended on-the-spot interviews there.



The Recruitment Centre for the Retail Industry, set up in June 2010, provides one-stop recruitment and employment services for retail establishments and job-seekers

- 1.4** The Labour Department adopts a proactive approach to providing employment assistance. In major business closure or redundancy cases, we set up enquiry hotlines and special counters at our job centres to provide priority job referral

and job matching services to the affected employees. In 2010, the Labour Department secured 755 017 vacancies from the private and public sectors and achieved 149 609 placements.

### **Pilot Employment Navigator Programme**

**1.5** The Labour Department launched a two-year Pilot Employment Navigator Programme in December 2010 to provide in-depth and personalised employment consultation for the unemployed. To encourage the unemployed to land on and sustain employment, a cash incentive will be paid to each unemployed who secures and stays in employment after receiving the employment consultation service under the programme.

### **Strengthening Employment and Training Support for the Youth**

**1.6** The Labour Department is determined to promote youth employment. Apart from administering youth employment programme to enhance the employability of young people, we also launched in July 2010 a two-year employment project, "Action S5", to render assistance to vulnerable young people aged 15 to 24 with acute employment difficulties.

## **Labour Relations**

### **Promoting harmonious Labour Relations**

**1.7** In 2010, the Labour Department continued to adopt a proactive and pragmatic approach in helping employers and employees resolve their conflicts through communication, mutual understanding and flexible adjustments. In the year, we handled a total of 68 labour disputes and 20 434 claims. The success rate of conciliation was at a high level of 72.9 per cent. The average waiting time for conciliation meetings was shortened to 2.5 weeks in the year. Besides, the number of working days lost as a result of labour disputes in Hong Kong remained to be among the lowest in the world.

### **Stepping Up Enforcement Against Wage Offences**

**1.8** In 2010, the Labour Department sustained its all-out efforts to combat wage offences. Territory-wide inspection campaigns targeted at offence-prone trades were launched. To help step up enforcement against wage offences, we collected intelligence on non-payment of wages in various industries through an early warning system in collaboration with trade unions. The department conducted prompt investigation into suspected wage offences and employed veteran ex-police officers to strengthen the investigative work and collection of intelligence to facilitate speedy prosecution.

**1.9** We continued to step up prosecution against employers and responsible persons of companies for wage offences. We also strengthened our educational and promotional efforts to remind employers of their statutory obligation to pay wages on time and to encourage employees to lodge claims promptly and come forward as prosecution witnesses.

**1.10** With rigorous enforcement, a total of 1 481 convicted summonses on wage offences were secured in 2010. This represented an increase of 12.7 per cent compared with the 1 314 convictions in 2009. Three company responsible persons and one employer were jailed or given suspended sentences for wage defaults. In addition, five company responsible persons and nine employers

were imposed community service orders due to wage offences. An employer was fined \$320,000 for committing wage offences.

## Enhancing Good People Management Practices and Harmonious Labour Relations

**1.11** To encourage wider adoption of good people management practices, we organised various promotional activities including seminars, talks and roving exhibitions. In the year, DVDs introducing different types and forms of family-friendly employment practices (FFEP), with exemplary examples to dispel common misconceptions held by employers and the general public, were produced for public distribution. To further promote FFEP to the community, another short video was also produced for broadcasting in public transport.



Video on Family-friendly Employment Practices

## Employees' Rights and Benefits

### Statutory Minimum Wage

**1.12** The Government introduced the Minimum Wage Bill into the Legislative Council (LegCo) on July 8, 2009. The Bills Committee of the LegCo held a total of 30 meetings to scrutinise the Bill, and the Minimum Wage Ordinance (MWO) was passed on July 17, 2010. The MWO establishes a statutory minimum wage (SMW) regime which provides a wage floor to forestall excessively low wages, but without unduly jeopardising our labour market flexibility, economic growth and competitiveness as well as the employment opportunities for vulnerable workers. A whole range of publicity and promotional activities were launched to familiarise the community with the SMW legislation.

**1.13** The Provisional Minimum Wage Commission (PMWC), an independent advisory body established in February 2009, was tasked to recommend to the Chief Executive the initial SMW rate on the basis of an evidence-based approach with a view to ensuring a sensible balance between forestalling excessively low wages and minimising the loss of low-paid jobs while sustaining Hong Kong's economic growth and competitiveness. The PMWC comprised a Chairperson and 12 Members drawn from the labour sector, business community, academia and Government. The Chairperson and all the non-official Members were appointed on an ad personam basis. The Labour Department was responsible for providing secretariat support to the PMWC.

**1.14** The PMWC dutifully accomplished its mission in coming up with the recommendation for the initial SMW rate. The Government adopted the PMWC's recommendation to set the initial SMW rate at \$28 an hour. The relevant subsidiary legislation was tabled at the LegCo on November 17, 2010. With the approval of the LegCo, the SMW would come into force on May 1, 2011 i.e. the next Labour Day.

### **Safeguarding the Rights of Employees of Government Service Contractors**

**1.15** We conducted vigorous inspections to workplaces of non-skilled workers employed by government service contractors in order to protect their statutory rights and benefits under labour laws. In the year, 685 inspections were conducted. We took out prosecution against contractors whenever there was sufficient evidence of breach of the labour laws. With the concerted efforts of the Labour Department and procuring departments in stepping up monitoring and enforcement, the situation of contractors contravening the labour laws has greatly improved.

### **Applications for Protection of Wages on Insolvency Fund**

**1.16** The Labour Department continued its all-out efforts in clamping down at source on employers evading their wage liabilities, thus preventing wage defaults from developing into claims on the Protection of Wages on Insolvency Fund. Coupled with the continued improvement of the local economy after the financial tsunami, the number of applications for the fund decreased from 7 260 in 2009 to 4 453 in 2010. In 2010, the fund registered a surplus of \$404 million, up from \$259 million in 2009.

### **Vigorous Enforcement against Illegal Employment**

**1.17** The Labour Department collaborated with the Police and the Immigration Department to clamp down on illegal employment activities. A total of 217 joint operations were mounted in the year. We also widely publicised the complaint hotline (2815 2200) to encourage the public to report illegal employment activities.

## **Safety and Health at Work**

### **Safety of Repair, Maintenance, Alteration and Addition (RMAA) Works**

**1.18** There has been a rising trend in industrial accidents related to RMAA works in recent years. With the introduction of the Mandatory Building Inspection Scheme, the Mandatory Window Inspection Scheme, the special operation to remove abandoned signboards and various sponsorship schemes for maintenance of dilapidated buildings by the Administration, the volume of RMAA works is expected to increase.

**1.19** To enhance the safety performance of RMAA works, the Labour Department continued to intensify enforcement actions to deter unsafe acts by further stepping up inspections of work sites on normal working days, at night and during holidays. Territory-wide blitz campaigns on RMAA works with emphasis on work-at-height and use of electricity were also launched. In these special exercises, 45 suspension/improvement notices were issued and 45 prosecutions were taken out.

**1.20** On the educational and promotional front, we organised in 2010 a series of intensive promotion and publicity campaigns, targeting work-at-height and RMAA works to arouse the safety awareness of all parties involved. These included launching a two-year publicity campaign in collaboration with the Occupational Safety and Health Council (OSHC) with new initiatives seeking to reach more directly contractors and workers engaged in RMAA works and impress upon them the importance of safety in RMAA works and work-at-height.



Launching Ceremony of the two-year RMAA publicity campaign



Launching Ceremony of the two-year RMAA publicity campaign

**1.21** We also partnered with the OSHC, District Councils/District Offices, Safe and Healthy Communities in various districts and the property management sector to organise publicity and promotional activities to promulgate work-at-height and RMAA works safety at the district level.

**1.22** The Labour Department continued to cooperate with the OSHC to operate the Sponsorship Scheme for Work-at-height Fall Arresting Equipment for Renovation and Maintenance Work for small and medium-sized enterprises (SMEs) to assist contractors and employers in need to purchase suitable fall protection equipment to improve the safety standard of work-at-height.

## Safety Award Schemes

**1.23** Two safety award schemes were organised for the catering and construction industries in the year to inculcate a safety culture and to enhance the safety awareness of employers, employees and their families. The schemes featured a variety of activities which included organising safety performance competitions, roving exhibitions, safety quizzes and award presentation ceremonies cum fun days, conducting site visits, producing radio programmes and CD-ROMs as well as broadcasting Announcements in the Public Interest and promotional films on television/radio and "RoadShow".



Catering Industry Safety Award Scheme Presentation Ceremony 2009/2010



Construction Industry Safety Award Scheme Award Presentation Ceremony 2009/2010

## Prevention of Human Swine Influenza A/H1N1

**1.24** In the light of the outbreak of human swine influenza A/H1N1 in May 2009, we activated our departmental mobilisation plan to step up inspections of workplaces at a higher risk of infection, including hospitals, clinics, elderly homes, pig farms, slaughterhouses, workplaces of cleansing contractors, boundary control points, restaurants, and schools suspended because of outbreak of the infection, to ensure adequate infection control measures to safeguard the health of employees. The special inspection exercise lasted till the lowering of the response level under the Framework of Government's Preparedness Plan for Influenza Pandemic to "Alert" in May 2010.

## Prevention of Heat Stroke at Work

**1.25** In order to ensure adequate protection of workers from heat stroke at work in summer, we stepped up our enforcement and publicity efforts from April to September. Apart from promoting the awareness of employers and employees of heat stroke prevention, we also developed two specific checklists, one for construction sites and the other for outdoor cleansing workplaces, to provide further guidance for employers and employees in these two industries. Besides, we stepped up our inspections of workplaces with a higher risk of heat stroke. The inspections covered matters such as the provision of adequate drinking water; the provision of sheltered work and rest areas, ventilation facilities; and the provision of appropriate information, instruction and training to workers.



An Occupational Hygienist assessing the risk of heat stress at a construction site

## Strengthening Local and International Partnerships

### Labour Day Reception

**1.26** On April 29, 2010, Secretary for Labour and Welfare Mr. Matthew Cheung Kin-chung hosted a cocktail reception at the Hong Kong Exhibition Centre of the China Resources Building to celebrate Labour Day and to pay tribute to the workforce. Acting Chief Executive Mr. John Tsang officiated at the reception, with guests from trade unions, employer associations and other organisations.



Toasting by Acting Chief Executive Mr. John Tsang and senior government officials during Labour Day Reception



## Contacts with Other Labour Administrations

**1.27** We maintain active liaison and interflows with other labour administrations through visits and participation in various activities.

**1.28** In June, a tripartite team comprising government, employer and employee representatives attended the 99th Session of the International Labour Conference in Geneva, Switzerland as part of the Chinese delegation.



Members of the tripartite team at the 99th Session of the International Labour Conference in Geneva, Switzerland

**1.29** In August/September, Commissioner for Labour Mrs Cherry Tse Ling Kit-ching led a delegation to participate in the 5th China International Forum on Work Safety in Beijing. The event was co-organised by the State Administration of Work Safety and the International Labour Organisation (ILO). The delegation also visited and exchanged views on matters related to labour administration and work safety with the Ministry of Human Resources and Social Security, All China Federation of Trade Unions and China Enterprise Confederation.



Commissioner for Labour Mrs. Cherry Tse Ling Kit-ching led a delegation attending the 5th China International Forum on Work Safety



Commissioner for Labour Mrs. Cherry Tse ling Kit-ching spoke at the 5th China International Forum on Work Safety

**1.30** In September, Mr Assane Diop, Executive Director of Social Protection Sector, ILO visited the Hong Kong Special Administrative Region (HKSAR). Mr Diop met with Commissioner for Labour Mrs Cherry Tse Ling Kit-ching and exchanged views with officers of the Labour Department on labour protection and occupational safety and health issues.



Mr Assane Diop, Executive Director of Social Protection Sector, International Labour Organisation visited a construction site



Mr Assane Diop, Executive Director of Social Protection Sector, International Labour Organisation visited and met Commissioner for Labour Mrs. Cherry Tse Ling Kit-ching and members of the Labour Advisory Board

**1.31** In December, Ms. Zhang Yali, Director-General, Department of International Cooperation, Ministry of Human Resources and Social Security of the State Council, led a delegation to visit the HKSAR under the Reciprocal Visit Programme. The delegation met with the Commissioner for Labour Mr. Cheuk Wing Hing and exchanged views with officers of the Labour Department on various labour issues.



Commissioner for Labour Mr. Cheuk Wing Hing (left) welcomes Director General Ms. Zhang Yali, Department of International Cooperation, Ministry of Human Resources and Social Security (right)

- 2.1** The Labour Department is the principal agency in the Hong Kong Special Administrative Region (HKSAR) Government responsible for the execution and co-ordination of major labour administration functions. For details of our structure and services, please visit our website: [www.labour.gov.hk](http://www.labour.gov.hk).

### Vision, Mission and Values

#### 2.2 Our Vision

We aspire to be a leading labour administrator in the region. Our aim is to enhance the well-being of our workforce progressively and to promote the safety and health of those at work at a pace commensurate with the socio-economic development of Hong Kong.

#### 2.3 Our Mission

- To improve the utilisation of human resources by providing a range of employment services to meet changes and needs in the labour market;
- To ensure that risks to people's safety and health at work are properly managed by legislation, education and promotion;
- To foster harmonious labour relations through promotion of good employment practices and resolution of labour disputes; and
- To improve and safeguard employees' rights and benefits in an equitable manner.

#### 2.4 Our Values

We believe in:

- Professional excellence
- Pro-activeness
- Premier customer service
- Partnership
- Participation

### Key Programme Areas

- 2.5** The department has four key areas of work, namely, Labour Relations, Safety and Health at Work, Employment Services, and Employees' Rights and Benefits. The objectives of these areas are set out below:

#### Labour Relations

- To foster and maintain harmonious employer and employee relations in the non-governmental sector.

#### Safety and Health at Work

- To help employers and employees control their risks at work through legislation and enforcement, education and training, as well as publicity and promotion.

#### Employment Services

- To provide free employment assistance and counselling services to help job-seekers find suitable jobs and employers fill their vacancies.

#### Employees' Rights and Benefits

- To improve and safeguard the rights and benefits of employees.

**2.6** Detailed functions and major activities of these programme areas are contained in the following chapters.

## Central Support Services

**2.7** The Administration Division assumes the primary responsibility for financial, personnel and general resources management.

**2.8** The Information and Public Relations Division is responsible for the department's overall strategy on publicity and public relations. It mounts extensive publicity and explains the policy and work of the department to the public through the media, and co-ordinates the production of major departmental publications.

**2.9** The Development Division mainly oversees matters relating to the application of International Labour Conventions in HKSAR, participation in International Labour Organisation activities, and liaison with labour administration authorities in the Mainland and other places. Besides, the division manages the departmental reference library, collects information pertaining to labour administration and provides secretariat support to the Labour Advisory Board (LAB).

**2.10** The Prosecutions Division and the Legal Services Division help enforce relevant legislation by instituting prosecutions against suspected offenders. Major statistics on prosecution work are at [Figure 2.1](#).

**2.11** The Occupational Safety and Health Training Centre organises and co-ordinates training and development activities for staff of the Occupational Safety and Health Branch.

**2.12** The Information Technology Management Unit offers support and advice to the development and management of information technology services.

**2.13** The Staff Training and Development Division is responsible for implementing the staff training and development policies and coordinating training activities for staff of the Labour Administration Branch.

**2.14** An organisation chart of the department is set out at [Figure 2.2](#).

## Customer-oriented Services

**2.15** Performance standards and targets are laid down for a wide range of services. A Customer Liaison Group has been formed to collect feedback from users of the department's pledged services. For details of our performance pledges, please visit the webpage: [www.labour.gov.hk/eng/perform/content.htm](http://www.labour.gov.hk/eng/perform/content.htm)



A Customer Liaison Group meets

## Advisory Boards and Committees

**2.16** The department consults various advisory boards and committees on labour matters. The most important one is the LAB. It is a high-level and representative tripartite advisory body with members from the employee and employer sectors as well as the Government. It advises the Commissioner for Labour on matters affecting labour, including legislation as well as Conventions and Recommendations of the International Labour Organisation. The terms of reference and composition of LAB and its membership for the year 2010 are in [Figure 2.3](#).

**2.17** The term of LAB expired at the end of 2010. An election to return the employee representatives for the new term of LAB was held on November 27, 2010. 11 candidates vied for five seats. Altogether, 368 registered employee unions took part in the voting. The five newly-elected employee representatives will serve LAB for the next two-year term.



The newly-elected employee representatives of Labour Advisory Board (LAB) picture with Commissioner for Labour and Chairman of LAB

### The Programme of Labour Relations

[www.labour.gov.hk/eng/labour/content.htm](http://www.labour.gov.hk/eng/labour/content.htm)

**3.1** In Hong Kong, employer and employee relations are largely premised on the freely negotiated terms and conditions of employment entered into between the two parties. Employers and employees in Hong Kong are free to form trade unions and participate in union activities. The objective of the Labour Relations Programme is to maintain and promote harmonious labour relations in the non-governmental sector. We achieve this by:

- giving advice on matters relating to conditions of employment, provisions of the Employment Ordinance (EO) and good people management practices;
- providing voluntary conciliation service to help employers and employees resolve their employment claims and disputes;
- promoting understanding of labour laws and encouraging good people management practices;
- adjudicating minor employment claims speedily through the Minor Employment Claims Adjudication Board (MECAB); and
- registering and regulating trade unions to bring about sound and responsible trade union administration.

**3.2** The principal legislation administered by this programme area includes the EO, the Labour Relations Ordinance (LRO), the Minor Employment Claims Adjudication Board Ordinance (MECABO) and the Trade Unions Ordinance (TUO).

**3.3** With the provision of a comprehensive set of employment standards, the EO is the main piece of legislation governing conditions of employment in the non-governmental sector. The procedures for settling labour disputes in the non-governmental sector are provided for in the LRO. The MECABO establishes the machinery known as the MECAB to adjudicate minor employment claims when settlement cannot be achieved by conciliation. For the regulation of trade unions, the TUO provides a statutory framework for trade union registration and administration.

### Our Work and Achievements in 2010

#### Key indicators of Work

**3.4** Some key indicators of work of the Labour Relations Programme Area are contained in [Figure 3.1](#).

#### Amendments to the Employment Ordinance

**3.5** In 2010, the EO was amended to introduce a new criminal offence, whereby an employer commits an offence if he wilfully and without reasonable excuse fails to pay any sum awarded by the Labour Tribunal or the MECAB that comprises wages and entitlements underpinned by criminal sanctions under the EO.

## Conciliation and Consultation Services

**3.6** Our consultation and conciliation services have contributed to the maintenance of industrial peace. In 2010, we handled 68 795 in-person consultations, 68 labour disputes and 20 434 claims. Along with the recovery of the local economy, the number of labour disputes and claims handled in 2010 decreased by 16.1 per cent compared with the figure of 24 448 cases in 2009. In 2010, we attained a high level of settlement rate at 72.9 per cent. Three strikes were recorded in the year. The number of working days lost per thousand salaried employees and wage earners was 0.11, among the lowest in the world. ([Figures 3.2 - 3.7](#))

## Strengthening Tripartite Co-operation

**3.7** To promote tripartite collaboration at the industry level with a view to fostering harmonious labour relations, nine industry-based tripartite committees have been set up in the catering, construction, theatre, logistics, property management, printing, hotel and tourism, cement and concrete as well as retail industries. These tripartite committees provide useful forums for representatives of employers, employees and the Government to discuss issues of common concern in the industries. Matters of concern to the industries such as statutory minimum wage, the Employment (Amendment) Ordinance 2010, Mandatory Provident Fund Schemes and other employment related issues were deliberated in the year.



Members of tripartite committee visited Hong Kong RFID Centre in Hong Kong Science Park

## Promotion of Good Employer-Employee Relations

**3.8** To promote better public understanding of the EO and good people management practices, we organised various promotional activities such as seminars, talks and roving exhibitions for employers, employees, human resources professionals and members of the public. A wide range of publications covering different themes were produced for free distribution to the public. Relevant information is also disseminated through the department's website and the media. To tie in with the implementation of the Employment (Amendment) Ordinance 2010, we carried out a series of promotional activities including producing relevant publications and organising large-scale briefings. Besides, to raise the public awareness on the differences in the rights and benefits under EO between an employee and a self-employed person, a new TV Announcement in the Public Interest was launched in October 2010.





Large-scale briefings were organised to enhance public understanding on the Employment Ordinance

- 3.9** We organised a number of experience-sharing sessions and briefings for human resources practitioners through our network of 18 Human Resources Managers Clubs. In the year, five roving exhibitions on the EO and good people management measures were also organised over the territory attracting some 14 600 visitors.

#### **Adjudication of Minor Employment Claims**

- 3.10** The MECAB provides a speedy, informal and inexpensive adjudication service to members of the public. It is empowered to determine employment claims involving not more than 10 claimants for a sum not exceeding \$8,000 per claimant.

- 3.11** In 2010, the board recorded 2 067 claims amounting to \$8,807,004 and concluded 2 112 claims with a total award of \$4,874,822.

#### **Regulation of Trade Unions**

- 3.12** The Registry of Trade Unions is responsible for the promotion of sound and responsible trade union administration, and is entrusted with the statutory duty to register trade unions, process and register their rules, examine their annual audited statements of account, and conduct inspection visits to trade unions to ensure that they comply with the TUO.

- 3.13** In 2010, three new trade union federations and 18 new trade unions were registered, making up a cumulative total of seven registered trade union federations and 824 registered trade unions (comprising 780 employee unions, 18 employers' associations and 26 mixed organisations of employees and employers). Please refer to the following webpage for the key trade union statistics: [www.labour.gov.hk/eng/labour/content3.htm](http://www.labour.gov.hk/eng/labour/content3.htm)

- 3.14** In the year, the Registry of Trade Unions examined 767 statements of account and conducted 379 inspection visits to trade unions to ensure that their administration and financial management were in compliance with the TUO. To facilitate trade union officers in acquiring knowledge of union law and management, the Registry organised three courses on trade union bookkeeping, auditing and provisions of the TUO.

### The Programme of Safety and Health at Work

[www.labour.gov.hk/eng/osh/content.htm](http://www.labour.gov.hk/eng/osh/content.htm)

**4.1** The Occupational Safety and Health Branch is responsible for the promotion and regulation of safety and health at work. The objective of the Programme of Safety and Health at Work is to ensure that risks to people's safety and health at work are properly managed and reduced to the minimum through the three-pronged strategy of legislation and enforcement, education and training, as well as publicity and promotion. More specifically, we achieve the objective by:

- providing a legislative framework to safeguard safety and health at work;
- ensuring compliance with the Occupational Safety and Health Ordinance (OSHO), the Factories and Industrial Undertakings Ordinance (FIUO), the Boilers and Pressure Vessels Ordinance (BPVO) and their subsidiary regulations by conducting inspections and taking out regulatory actions;
- investigating accidents and occupational health problems at workplaces;
- providing to employers, employees and the general public appropriate information and advice to promote knowledge and understanding of occupational safety and health; and
- organising promotional programmes and training courses to improve safety awareness of the workforce.

**4.2** The Labour Department establishes the legislative framework to safeguard safety and health at work. The principal legislation for safety and health at work includes the OSHO, the FIUO, and the BPVO.

**4.3** With few exceptions, the OSHO protects employees' safety and health at work in practically all branches of economic activities. It is a piece of enabling legislation that empowers the Commissioner for Labour to make regulations prescribing standards for general working environment as well as specific safety and health aspects at work.

**4.4** The FIUO regulates safety and health at work in industrial undertakings, which include factories, construction sites, cargo and container handling areas, as well as catering establishments.

**4.5** The BPVO aims at regulating the standards and operation of equipment such as boilers, pressure vessels, including thermal oil heaters, steam receivers, steam containers, air receivers and pressurised cement tanks mounted on trucks or trailers.

### Our Work and Achievements in 2010

#### Work Safety Performance

**4.6** Through the concerted efforts of all parties concerned, including employers, employees, contractors, safety practitioners, and the Government and public sector organisations, Hong Kong's work safety performance has been improving since 1998. The improvement in the construction industry was especially remarkable.

**4.7** The number of occupational injuries in all workplaces in 2010 stood at 41 907, representing a drop of 22 per cent from 53 719 in 2001, while the injury rate per thousand employees decreased to 15.5, down by 28.1 per cent when compared to 21.6 in 2001. The number of industrial accidents for all sectors went down to 14 015, representing 50.9 per cent drop when compared to 28 518 in 2001. The accident rate per thousand workers for all sectors in 2001 and 2010 were 44.6 and 24.9\* respectively.

\*The compilation of the accident rate per 1 000 workers of all industrial sectors in 2010 is based on the employment size classified under Hong Kong Standard Industrial Classification Version 2.0 (HSIC V2.0) which is different from those under HSIC V1.1 in previous years. Therefore, this accident rate cannot be strictly comparable to those published in previous years.

**4.8** The number of industrial accidents in the construction industry decreased significantly by 68.7 per cent, from 9 206 in 2001 to 2 884 in 2010, while the accident rate per thousand workers also decreased from 114.6 to 52.1, down by 54.5 per cent.

### **Occupational Diseases**

**4.9** In 2010, there were 229 cases of confirmed occupational disease. Compared with 430 cases in 2001, this represented a substantial drop in the number of occupational disease cases in the past 10 years. Occupational deafness, silicosis and tenosynovitis of the hand or forearm were the most common occupational diseases in the year.

**4.10** For more statistics on occupational safety and health, please visit the webpage: [www.labour.gov.hk/eng/osh/content10.htm](http://www.labour.gov.hk/eng/osh/content10.htm)

### **Key Indicators of Work**

**4.11** Some key indicators of work of this programme area are shown in [Figure 4.1](#).

### **Enforcement**

**4.12** To ensure safety and health at work, we inspect workplaces, monitor health hazards, investigate work accidents and occupational diseases, register and inspect boilers and pressure equipment and advise on measures to control hazards or prevent accidents.

**4.13** A key element in enforcement is to give advice on the prevention of accidents. We conduct promotional visits to encourage employers to proactively adopt a self-regulatory approach in managing risks at the workplace. We also conducted regular enforcement inspections to various workplaces to ensure that duty-holders had observed all related statutory requirements stipulated in safety legislation. In 2010, we conducted 13 special blitz operations targeting various high-risk work activities, including construction safety, safety of renovation and maintenance works, scaffolding safety, fork-lift truck safety in waste recycling industry, catering safety, cargo and container-handling safety as well as fire and chemical safety. Some of these blitz operations were conducted not only on normal working days but also at night and during holidays to detect and clamp down on unsafe acts. In these 13 operations, a total of 24 050 workplaces were inspected, with 457 improvement notices and 16 suspension notices issued, and 507 prosecutions initiated.

- 4.14** We continued to place establishments with poor safety performance under close surveillance. Improvement notices or suspension notices were issued when necessary to secure a speedy rectification of irregularities, or to remove imminent risks to lives and limbs. To handle workers' complaints on work safety more effectively, our Central Inspection Team conducts independent investigation into complaints lodged by workers and encouraged workers to report unsafe conditions or malpractices in workplaces. In 2010, the team handled 151 complaints and initiated four prosecutions arising from investigation of these cases. We also enhanced the intelligence reporting system on unsafe RMAA works with the Hong Kong Association of Property Management Companies. In 2010, a total of 490 enquiry/complaint/referral cases were received through the system and other channels. As a result of the follow-up inspections on these cases, we issued 64 suspension/improvement notices and took out 51 prosecutions. We had also established a similar referral mechanism with the Housing Department. In 2010, we received through the mechanism a total of 3 360 notifications of high risk RMAA works in public housing estates and followed up on these referrals.
- 4.15** The first case of human swine influenza A/H1N1 was confirmed in May 2009 in Hong Kong. Upon elevation of the response level under the Framework of Government's Preparedness Plan for Influenza Pandemic to "Emergency Response", we activated our departmental mobilisation plan immediately to step up inspections of workplaces at a higher risk of infection to ensure adequate infection control measures to safeguard the health of employees. During that period, we inspected all 53 public and private hospitals, two slaughterhouses, 11 boundary control points, 83 General Outpatient Clinics under the Hospital Authority and Tuberculosis and Chest Clinics under the Department of Health, 506 elderly homes, 13 pig farms, 100 workplaces of cleansing contractors, 96 schools suspended due to outbreak of the infection, and 3 900 restaurants. A total of 424 warnings and 17 improvement notices were issued. With the lowering of the response level to "Alert" in May 2010, we resumed normal inspections of those workplaces accordingly.
- 4.16** From April to September, the department stepped up its enforcement, while enhancing publicity on prevention of heat stroke at work during the hot weather, targeting outdoor workplaces with a higher risk of heat stroke, such as construction sites, outdoor cleansing workplaces and container yards, to ensure adequate protection of workers from heat stroke at work. In this special enforcement campaign, we conducted a total of 24 500 surprise inspections and issued 57 warnings.
- 4.17** The Commissioner for Labour, as the Boilers and Pressure Vessels Authority, recognises competent inspection bodies to assess and inspect new pressure equipment during manufacturing. As at the end of 2010, there were 29 appointed examiners and seven recognised inspection bodies. In addition, we conduct examinations, monitor courses for training of competent persons and issue certificates of competency to qualified candidates as competent persons for various types of boilers and steam receivers. In 2010, 314 applications for certificates of competency were processed, with 295 certificates issued/endorsed. At the same time, we advise the Fire Services Department on approval and preliminary inspections of pressurised cylinders and storage installations for compressed gas.

**4.18** As at the end of 2010, there were a total of 186 547 workplaces, including 21 310 construction sites, in Hong Kong. In the year, 124 010 inspections were conducted under the OSHO and the FIUO, while 4 608 inspections were made under the BPVO. As a result, 30 826 warnings were issued by Occupational Safety Officers while 3 320 warnings were given under the BPVO. Altogether, 1 473 suspension or improvement notices were issued. We also carried out 11 582 and 2 768 investigations on accidents and suspected occupational diseases respectively in the year.

### **Education and Training**

**4.19** We provide training-related services to employers, employees and relevant parties to foster a culture of respect for occupational safety and health among the working population. There are three categories of such services, namely provision of training courses, recognition of mandatory safety training (MST) courses and registration of safety officers and safety auditors.

**4.20** In 2010, we conducted 499 safety and health training courses for 3 948 employees related to relevant legislation and 326 tailor-made talks for another 9 780. We also recognised five mandatory basic safety training courses (commonly known as "green card" courses) for the construction and container-handling industries, six MST courses for confined space operations, six for crane operators and six for loadshifting machinery. The Labour Department has in place a system to monitor these MST courses to ensure their standard. This includes surprise inspections to ensure that courses are conducted in line with the terms of approval. In June, the Commissioner for Labour withdrew the recognition of two safety training courses granted to a course provider for having violated the conditions imposed for running the two courses concerned.

**4.21** In 2010, we registered 89 persons as safety officers and 22 as safety auditors. As at the end of the year, there were 2 083 safety officers with valid registration and 1 003 registered safety auditors. Furthermore, a total of 1 297 applications for renewal and revalidation of registration as safety officers had been approved in 2010.

**4.22** Occupational health education raises employers' and employees' awareness of the prevention of occupational health hazards and occupational diseases. In 2010, a total of 1 341 health talks on various occupational health issues was organised for over 42 000 participants. Apart from organising public health talks, we also provided outreaching health talks at the workplaces of individual organisations. These health talks covered more than 30 different topics e.g. "Manual Handling Operation and Prevention of Back Injuries", "Health Hazards of Working in Confined Space", "Prevention of Silicosis", and "Occupational Health for Elderly Home Workers".



Educational kit for the prevention of occupational diseases

### Publicity and Promotion

- 4.23** We organised a series of promotion campaigns in 2010 aiming at heightening safety awareness among employers and employees and cultivating a positive safety culture at the workplaces, some jointly with relevant stakeholders such as the Occupational Safety and Health Council (OSHC), trade associations, workers' unions and other government departments.
- 4.24** The Catering Industry Safety Award Scheme and the Construction Industry Safety Award Scheme were organised again in the year. The two Schemes were well received by the industries.
- 4.25** Accidents in RMAA works have become a source of growing concern in recent years and the volume of RMAA works continued to increase. In 2010, the Labour Department, in collaboration with the OSHC, launched a new two year publicity campaign to remind contractors and workers that safety comes first while carrying out RMAA works and working at height. Other major publicity activities included broadcasting Announcements in the Public Interest on television/radio/mobile media, staging roving exhibitions, publishing feature articles in newspapers and on the Labour Department website, publishing leaflets and disseminating safety messages to contractors, employers and employees through various means.
- 4.26** We also partnered with the OSHC, District Councils, District Offices, Safe and Healthy Communities in various districts and the property management sector to organise publicity and promotional activities to promulgate work-at-height and RMAA works safety at district level, including organising safety seminars to promote awareness in the property management sector and property owners. Such publicity and promotional activities have already been launched in 16 districts and will continue to be extended to all districts.



RMAA safety promotional activity in collaboration with Sham Shui Po District Council

**4.27** The Labour Department continued to operate jointly with the OSHC various sponsorship schemes to encourage SMEs to use proper safety equipment. These included the Sponsorship Scheme for Work-at-height Fall Arresting Equipment for Renovation and Maintenance Work for SMEs, the Cut Resistant Gloves and Slip Resistant Shoes Sponsorship Scheme for Catering SMEs and the Reversing Video Device Sponsorship Scheme for Heavy Vehicles on Construction Sites.

**4.28** The Occupational Safety Charter, launched jointly with the OSHC since 1996 to promote the spirit of "shared responsibility" in workplace safety and health, sets out a safety management framework for employers and employees to work together to create a safe and healthy working environment. By the end of 2010, 1 137 organisations, including public utilities companies, industrial and non-industrial establishments, banks, construction companies, unions, associations and community organisations, had subscribed to the Occupational Safety Charter.



Occupational Safety Charter Signing Ceremony

**4.29** We also collaborated with relevant organisations including the OSHC, Pneumoconiosis Compensation Fund Board, Occupational Deafness Compensation Board, employers' associations, trade unions and community groups in promoting occupational health through a variety of activities such as carnivals, occupational health award presentations, workplace hygiene charter and promotional visits. With a view to further safeguarding the health of workers, apart from publicising the prevention of occupational diseases, we also promoted the prevention of common work-related diseases, such as musculoskeletal disorders which are common among service and clerical personnel and manual workers.

**4.30** Moreover, we also stepped up publicity on the prevention of heat stroke at work through a multitude of activities such as organising public and outreaching health talks, distributing publications, broadcasting educational videos on mobile advertising media, and issuing press releases to remind employers and employees of the need for due care when working in the hot weather. In the year, apart from distributing the pamphlet "Prevention of Heat Stroke at Work in a Hot Environment" and promoting a general checklist on "Risk Assessment for the Prevention of Heat Stroke at Work", we also developed and publicised two specific checklists, one for construction sites and the other for outdoor cleansing workplaces, to provide further guidance for employers and employees in these two industries.



An Occupational Hygienist explaining heat stroke prevention to workers in a construction site promotional visit

**4.31** Under the Customer Service Teams Project, volunteers visited 18 855 catering establishments and SMEs of the wholesale and retail trade, business services and sanitary and similar services to disseminate safety messages to employers and employees in the year.





Customer Service Teams Project 2010

**4.32** In 2010, we published 15 new occupational safety and health publications, including "A Guide to the Provisions for Excavations and Miscellaneous Safety under the Construction Sites (Safety) Regulations", "Safety Guide for Bamboo Scaffolding Work", "Occupational Safety and Health Statistics Bulletin Issue No. 10 (September 2010)", and booklets and leaflets for promoting health at work, e.g. "Hints on Occupational Health for Couriers - Manual Delivery Operations" and "Checklist for Risk Assessment of Outdoor Work under High Air Pollution Levels". Moreover, we also published publications in the languages of ethnic minorities for promoting to them work safety and health.



Latest publications on occupational safety and health



Occupational safety and health publications for ethnic minorities

**4.33** To promote the safety awareness of the industry in operating boilers and pressure vessels, we reviewed, revised and edited a number of publications, including the "Code of Practice for Owners of Boilers and Pressure Vessels", "Electrically Heated Boilers and their Operation", "Guide to Operation of Steam Receivers", "Brief Accident Cases of Boilers and Pressure Vessels in Hong Kong" and "A Guide for Fire-Tube Boiler Operation".

**4.34** In 2010, the Occupational Safety and Health Branch handled 13 989 enquiries, advising on various safety and health matters. Furthermore, the Occupational Safety and Health Centre provides information and advisory services to workers and employers.

#### **Clinical Occupational Health Services**

**4.35** The Labour Department runs occupational health clinics in Kwun Tong and Fanling, providing clinical consultations, medical treatment as well as occupational health education and counselling services for workers suffering from work-related and occupational diseases. The workplaces of the patients are inspected if necessary to identify and evaluate occupational health hazards in the work environment.

**4.36** In 2010, 13 073 clinical consultations were rendered. Moreover, five patient support groups were organised to promote patients' compliance with treatment and sustainability in good work practices through health talks, experience sharing and peer support.

### The Programme of Employment Services

[www.labour.gov.hk/eng/service/content.htm](http://www.labour.gov.hk/eng/service/content.htm)

- 5.1** The objective of the Employment Services Programme is to provide a comprehensive range of free and efficient employment assistance and counselling services to help job-seekers find suitable jobs and employers fill their vacancies. We achieve this by:
- providing user-friendly employment services to employers and job-seekers;
  - offering intensive employment-related assistance and personal service to vulnerable groups of unemployed people;
  - assisting young people to enhance their employability and advising them on careers choice;
  - regulating local employment agencies;
  - safeguarding the interests of local employees employed by employers outside Hong Kong to work in other territories; and
  - ensuring that employment opportunities for local workers are not adversely affected by abuse of the labour importation scheme.
- 5.2** The two principal legislation administered by this programme area are the Employment Agency Regulations made under the Employment Ordinance (EO) and the Contracts for Employment Outside Hong Kong Ordinance.
- 5.3** The Employment Agency Regulations, together with Part XII of the EO, regulate the operation of employment agencies in Hong Kong through a licensing system, inspection, investigation and prosecution.
- 5.4** The Contracts for Employment Outside Hong Kong Ordinance safeguards the interests of local manual workers and those non-manual employees with monthly wages not exceeding \$20,000 who are recruited by employers outside Hong Kong to work in other territories through the attestation of employment contracts for these jobs.

### Our Work and Achievements in 2010

#### Employment Situation in Hong Kong

- 5.5** The department posted a total of 752 323 vacancies from the private sector in 2010, an increase of about 27.6 per cent when compared with 589 564 in 2009. For updated statistics on the labour force, unemployment rate and underemployment rate, please visit the webpage:  
[www.censtatd.gov.hk/hong\\_kong\\_statistics/statistical\\_tables/index.jsp?charsetID=1&subjectID=2&tableID=006](http://www.censtatd.gov.hk/hong_kong_statistics/statistical_tables/index.jsp?charsetID=1&subjectID=2&tableID=006)
- 5.6** With an improving economy and labour market in 2010, the number of placements achieved increased to 149 609, up 23.8 per cent as compared to the corresponding figure in 2009. ([Figures 5.1 and 5.2](#))

## A Wider Service Choice

### Services offered at Job Centres

**5.7** Job-seekers can select suitable vacancies and seek referral service at all job centres. Modern facilities such as digital display system, self-service touch-screen vacancy search terminals, fax machines, toll-free telephones, computers connected to the Internet and a resource corner are available.

### Telephone Employment Service

**5.8** Job-seekers registered at the Labour Department may call our Telephone Employment Service Centre on 2969 0888 for job referral service. Through conference calls, staff of the Centre can make arrangement for job-seekers to talk to employers direct.

### On-line Employment Service

**5.9** Our Interactive Employment Service (iES) website ([www.jobs.gov.hk](http://www.jobs.gov.hk)) provides round-the-clock on-line employment service and comprehensive employment information. The iES is one of the most popular government websites, recording over 861.95 million page views in 2010. It hosts a number of dedicated webpages for specific clientele. To strengthen the services of the website, we have revamped its design and strengthened its functionalities in October 2010.

### Recruitment Centre for the Retail Industry

**5.10** In June 2010, a Recruitment Centre for the Retail Industry was set up to provide tailor-made job-matching service and on-the-spot interview arrangements for retail establishments and job-seekers. This is the second industry-based recruitment centre after the Recruitment Centre for the Catering Industry.



Job-seekers attending on-the-spot job interviews with employers at the Recruitment Centre for the Retail Industry

### Central Processing of Job Vacancies

**5.11** Employers who need to recruit staff can send their vacancy information to our Job Vacancy Processing Centre by fax (2566 3331) or through the Internet ([www.jobs.gov.hk](http://www.jobs.gov.hk)). The vacancy information will be uploaded onto the iES website and posted at our job centres after vetting.

## Vacancy Search Terminals

**5.12** To facilitate the job-seekers in obtaining job vacancy information, we have piloted the sharing of vacancy search terminals, linked to our vacancy database, with non-governmental organisations which provide placement services to the public, in four remote districts in which job centres are not in the vicinity, including Tung Chung, Kwai Tsing, Tseung Kwan O and Island South.

## Special Recruitment and Promotional Activities

**5.13** We organise a variety of activities to promote our employment services and appeal for vacancies from employers. Job fairs are held to facilitate job-seekers and employers to meet and communicate direct. To assist job-seekers living in remote areas in securing employment, we held large-scale job fairs in Tin Shui Wai, Tuen Mun, Tung Chung and Sheung Shui in 2010. Moreover, to respond more promptly to the recruitment needs of employers and provide a more user-friendly service to job-seekers of different districts, we held mini-job fairs at job centres to assist employers to recruit local staff and to enable job-seekers to participate in job interviews without having to travel long distance. In the year, 20 large-scale job fairs and 327 mini-job fairs were held, attracting some 53 000 job-seekers.



Job-seekers picking recruitment talks at the Hong Kong International Airport Job Fair co-organised by Labour Department and Airport Authority Hong Kong in Tung Chung

**5.14** To further strengthen the dissemination of local vacancy information and to promote Labour Department's employment services, we have since 2009 organised "Job Info Days" and other district-based employment promotional activities at various districts. In the year, we organised 30 such events which attracted about 21 600 visitors.



A Job Info Day

## Intensified Services for the Needy

### Middle-aged Job-seekers

**5.15** The Employment Programme for the middle-aged was launched in May 2003 to assist the unemployed aged 40 or above to secure employment. Since its enhancement from June 29, 2009, employers who engage an eligible middle-aged job-seeker in a full-time permanent job and offer him/her on-the-job training will receive a training allowance of \$2,000 per month, for three to a maximum of six months. As at the end of 2010, a total of 50 448 placements were secured through the programme.

### Work Trial Scheme (WTS)

**5.16** We launched the Work Trial Scheme in June 2005 to enhance the employability of job-seekers who have special difficulties in finding jobs. There is no age limit for applicants. During the one-month work-trial without employer-employee relationship, participants take up jobs offered by participating organisations. On satisfactory completion of the one-month work trial, the Labour Department will pay each participant an allowance of \$5,000, while the participating organisation will contribute an additional allowance of \$500. As at year end, a total of 3 354 job-seekers were placed into work trials.

### Pilot Employment Navigator Programme

**5.17** To encourage the unemployed to land on and sustain employment, we launched a two-year Pilot Employment Navigator programme (ENP) in December 2010 to provide the unemployed with in-depth and personalised employment consultation. A cash incentive of up to \$5,000 will be paid to each unemployed who successfully secures and stays in employment after receiving the employment consultation service under the programme. As at the end of 2010, 416 job-seekers have enrolled in ENP.

### Transport Support Scheme

**5.18** Commencing in June 2007 and with eligibility criteria relaxed in July 2008, the Transport Support Scheme is designed to provide time-limited allowances as an incentive for needy job-seekers and low-income employees in the four designated remote districts of Yuen Long, Tuen Mun, the North and Islands with a view to encouraging them to "go out" to seek jobs and work across districts. Under the relaxed scheme, time-limited transport allowances, viz. Job Search

Allowance of up to \$600 and On-the-job Transport Allowance of \$600 per month for up to 12 months are made available to eligible applicants. As at the end of 2010, a total of 41 772 applicants have been admitted to the scheme.

### **New Arrivals and Ethnic Minorities**

**5.19** We provide through our job centres a comprehensive range of employment services to new arrivals and ethnic minority job-seekers. These include employment counselling, job referral, tailor-made employment briefing and employment information.

### **Workers affected by Large-scale Retrenchment**

**5.20** In major business closure or redundancy cases, the Labour Department sets up hotlines for enquiry and special counters at job centres to provide priority job referral and job matching services to affected employees. We appeal to employers to provide suitable vacancies and inform the affected employees of such vacancies to facilitate their job search. In addition, under the Department's iES website, we set up a dedicated webpage to display vacancies offered by employers interested in recruiting job-seekers who lost their jobs in recent closure or redundancy exercises. In 2010, we offered priority placement services to 1 201 affected employees.

### **Job-seekers with Disabilities**

**5.21** The Selective Placement Division (SPD) offers employment assistance to job-seekers with disabilities looking for open employment. Placement officers will provide personalised employment services, job matching services and, where appropriate, make referrals to tailor-made retraining programmes. In 2010, the SPD registered 3 051 job-seekers with disabilities and helped place 2 405 of them into employment. ([Figure 5.3](#))

### **Work Orientation and Placement Scheme**

**5.22** The Labour Department has launched the Work Orientation and Placement Scheme (WOPS) since April 2005 to enhance the employability of persons with disabilities. The scheme features pre-employment training to job-seekers with disabilities on job-search/interviewing techniques and communication/interpersonal skills, etc, as well as a financial incentive to the participating employers. To further improve the employment opportunities of persons with disabilities, the financial incentive to employers has been increased and the payment period for employers providing appropriate training, support and assistance to people with disabilities has been extended as from June 29, 2009. Since then, employers participating in the scheme receive financial incentive from the Labour Department, equal to two-thirds of the actual wages paid to the employee with disabilities (subject to a ceiling of \$4,000 per month) for up to a maximum of six months. As at the end of 2010, the scheme achieved 2 249 work placements.

### **Self Help Integrated Placement Service**

**5.23** The Self Help Integrated Placement Service (SHIPS) aims at improving the job-searching skills of job-seekers with disabilities and encouraging them to be more proactive in the search for jobs, thereby enhancing their employment opportunities. In 2010, 562 job-seekers with disabilities participated in the programme.

## **Interactive Selective Placement Service (iSPS) Website**

**5.24** The Interactive Selective Placement Service (iSPS) Website ([www.jobs.gov.hk/isps](http://www.jobs.gov.hk/isps)) provides employment services for job-seekers with disabilities and employers through the Internet. The website enables persons with disabilities to register with the SPD, browse job vacancy information and perform preliminary job-matching. It also enables employers to place vacancy orders, identify suitable job-seekers with disabilities to fill their vacancies and request the SPD to refer candidates to them for selection interview. The website facilitates employers to browse information on the work capacity of persons with disabilities more readily. At the same time, it helps persons with disabilities to access to various on-line employment services and other related support services.

## **Promotional Activities**

**5.25** To enhance public understanding of the working abilities of persons with disabilities as well as to publicise the services of SPD and WOPS, the division conducted a series of promotional activities, such as exhibitions, production of publications, promotional advertisements, newspaper supplements, radio programmes, and a television and radio Announcement in the Public Interest on employment of persons with disabilities during the year. In addition, two large-scale seminars were held for employers and human resources practitioners. Special promotional campaigns on targeted trades were also conducted to canvass job vacancies for persons with disabilities.

## **Services for Young People**

### **Youth Pre-employment Training Programme and Youth Work Experience and Training Scheme**

**5.26** In September 2009, the Labour Department integrated the Youth Pre-employment Training Programme (YPTP) and the Youth Work Experience and Training Scheme (YWETS) into a "through-train" programme - "YPTP&YWETS" - to provide seamless and comprehensive youth training and employment support to young school leavers aged 15 to 24 with educational attainment at sub-degree level or below.

**5.27** Under the revamped programme, trainees can enrol on a year-round basis and are entitled to a full range of coordinated and customised training and employment support services, including pre-employment training, one-month workplace attachment training, on-the-job training of six to 12 months, reimbursement of off-the-job course and examination fees up to \$4,000 per trainee, as well as case management services rendered by registered social workers. Participating employers are entitled to a monthly training subsidy of \$2,000 per trainee during the period of on-the-job training.

**5.28** In the first programme year running from September 2009 to August 2010, some 6 900 young people attended pre-employment training and around 4 600 trainees were placed into training vacancies under the YPTP&YWETS. In addition, some 1 100 trainees found employment in the open market with the assistance of case managers.

**5.29** The YPTP&YWETS also closely collaborated with training bodies to launch well-received special employment projects for industries and individual establishments. These projects included "tailor-made employment projects" and



"tailor-made training-cum-employment projects". The former refers to projects co-organised with establishments offering large number of on-the-job training vacancies while the latter provides pre-employment job skills training custom-made for a particular establishment which is immediately followed by on-the-job training. In the 2009/10 Programme, 36 special employment projects were run for employers in the retail, catering, tourism, education, business services, construction and engineering, transport, and property management industries.

**5.30** In August, we organised the Award Ceremony of Most Improved Trainees of YPTP&YWETS to showcase the benefits brought to the trainees through the programme and commend the caring efforts of training bodies and employers. Trainees' recollection of their experience in striving for improvement constituted the best encouragement to their peers. It was also a sterling testimony to the achievements of trainees, training bodies, employers and the Government in nurturing the development of the younger generation.



Award Ceremony of Most Improved Trainees of YPTP&YWETS 2010

### **Special Programme for Youths with Acute Employment Difficulties**

**5.31** To strengthen the employment support for vulnerable youths, the Labour Department in July 2010 launched a special employment project targeting young people aged between 15 and 24 with acute employment difficulties due to low educational attainment, emotional/behavioural problems or learning difficulties. Under this project, non-governmental organisations are commissioned to nominate vulnerable youths and provide on-the-job training opportunities to them for a period of 12 months. Through intensive and customised training and employment support, the project aims at nurturing the work knowledge and skills of participants for their personal and career development.

### **Youth Employment Support**

**5.32** The Labour Department operates two youth employment resource centres named Youth Employment Start (Y.E.S.). The two centres provide one-stop service on employment and self-employment to young people aged between 15 and 29 to facilitate them to map out their career path, enhance their employability and support young people to pursue self-employment. Services provided include career assessment, career guidance, professional counselling, value-adding training, support services on employment and self-employment as well as up-to-date labour market information. In 2010, the two centres provided services to 72 606 young people.



Young people attending an employment-focus training course organised by Y.E.S.

### **Internship Programme for University Graduates**

- 5.33** As a special and time-limited initiative launched against the backdrop of the financial tsunami, the Internship Programme for University Graduates (GIP) encourages enterprises to offer internship and employment opportunities for university graduates of 2008 and 2009, with a view to broadening their horizons, enriching their experience and fostering their career development. Taking into account the notable improvement in the labour market situation and the increase in job openings for university graduates, GIP ceased accepting internship positions and applications from graduates after March 31, 2010.
- 5.34** For local internships, graduates receive training in their capacity as employees, and are paid wages commensurate with the duties, responsibilities and training contents of the posts. During the period of internship, an employer receives a training subsidy of \$2,000 per intern per month from the Government.
- 5.35** GIP also provided for the first time internship opportunities on the Mainland under the auspices of the Government, giving university graduates valuable chances to acquire first-hand knowledge of the operation of Mainland enterprises and the development of Mainland economy. Mainland internships are not premised on an employment relationship. An intern on the Mainland is entitled to receive a living allowance of \$3,000 and, depending on circumstances, an accommodation allowance of \$1,500 each month from the Government.
- 5.36** Since commencement of enrolment to GIP on August 1, 2009 and up to the end of 2010, 1 692 graduates have secured employment in Hong Kong through the Programme. Their average monthly salary was \$8,800, with the highest offer being \$22,000. For Mainland internships, 236 graduates had taken up internships in different Mainland cities including Beijing, Shanghai, Guangzhou and Shenzhen.

### **Regulating Local Employment Agencies and Employment Outside Hong Kong**

- 5.37** We monitor the operation of employment agencies through licensing, inspection and investigation of complaints. In 2010, we issued 2 168 employment agency licences and refused to renew one. As at year-end, there were 2 158 licensed

employment agencies in Hong Kong. A total of 1 329 inspections were made to employment agencies in the year.

- 5.38** We regulate employment outside the territory to safeguard the interests of local employees engaged by employers outside Hong Kong to work in other territories by attesting all employment contracts entered into in Hong Kong involving manual employees and non-manual employees with monthly wages not exceeding \$20,000.

## Regulating Labour Importation

### Supplementary Labour Scheme

- 5.39** To cater for the genuine needs of employers, the department administers the Supplementary Labour Scheme that allows the entry of imported workers to take up jobs at technician level or below which cannot be filled locally. The scheme operates on the principles of ensuring the priority of local workers in employment while allowing employers with proven local recruitment difficulties to import labour to fill the necessary job vacancies.

- 5.40** We provide active job matching and referral services to local job-seekers to ensure their employment priority. Vacancies under the scheme are widely publicised locally. To facilitate local workers in filling the vacancies, they can attend tailor-made retraining courses, if appropriate. Applications from employers who have set restrictive or unreasonable requirements in terms of age, education, sex, skill or experience for the vacancies or who have no genuine intention to employ local workers will be rejected.

- 5.41** As at the end of 2010, there were 1 837 imported workers working in Hong Kong under the Supplementary Labour Scheme.

### Policy on Foreign Domestic Helpers (FDHs)

- 5.42** FDHs have been admitted to work in Hong Kong since the early 1970's. Apart from enjoying the same statutory rights and benefits as all employees in Hong Kong, FDHs are further protected by a written Standard Employment Contract. The Standard Employment Contract prescribed that, *inter alia*, the employer had to provide to the FDH free accommodation with reasonable privacy, free food (or food allowance in lieu), free passage to and from the FDH's place of origin and free medical treatment, etc. Furthermore, the Government had since the 1970s prescribed a Minimum Allowable Wage for FDHs as an additional safeguard against exploitation. The Government attached great importance to safeguarding their statutory and contractual rights. Claims of breach of statutory rights were promptly investigated and prosecution action would be taken out if there was sufficient evidence. In the year, the Department also widely publicised the rights and benefits of FDHs by, for instance, staging four information kiosks for FDHs at places they frequently gather on their rest days in February, March, September and October. The event attracted over 23 000 visitors. The Department also maintained close liaison with consulates of the FDH-exporting countries, non-governmental organisations serving FDHs and FDH employer groups to better address issues relating to importation of FDHs.

**5.43** As at the end of 2010, there were 285 681 FDHs in Hong Kong, an increase of 6.7 per cent compared with 267 778 in 2009. About 49 per cent of the FDHs in Hong Kong were from Indonesia and 48 per cent from the Philippines.

### The Programme of Employees' Rights and Benefits

[www.labour.gov.hk/eng/erb/content.htm](http://www.labour.gov.hk/eng/erb/content.htm)

**6.1** The objective of the Employees' Rights and Benefits Programme is to improve and safeguard employees' rights and benefits in an equitable manner. Our aim is to progressively enhance employment standards in a way which is commensurate with the pace of Hong Kong's economic and social developments and which strikes a reasonable balance between the interests of employers and employees. We achieve this by:

- Setting and refining employment standards in consultation with the Labour Advisory Board;
- Ensuring compliance with statutory and contractual terms and conditions of employment through inspection to workplaces, investigation into suspected breaches of the statutory provisions and prosecution of offenders;
- Processing employees' compensation claims;
- Maintaining close partnership with statutory bodies set up for protecting the rights and benefits of employees; and
- Providing customer-oriented information to ensure that employees and employers know their rights and obligations.

**6.2** The principal legislation administered by this programme area includes the Employees' Compensation Ordinance (ECO), the Pneumoconiosis and Mesothelioma (Compensation) Ordinance (PMCO), the Employment Ordinance (EO) and its subsidiary Employment of Children Regulations and Employment of Young Persons (Industry) Regulations, as well as Part IVB of the Immigration Ordinance.

**6.3** The ECO establishes a non-fault, non-contributory employee compensation system under which individual employers are liable to pay compensation for work-related injuries or fatalities. The Ordinance requires all employers to possess valid insurance policies to cover their liabilities under the Ordinance and at common law.

**6.4** The PMCO provides compensation to persons who suffer from pneumoconiosis and/or mesothelioma. Compensation is paid from the Pneumoconiosis Compensation Fund, which is administered by the Pneumoconiosis Compensation Fund Board.

**6.5** The EO is the main piece of legislation governing conditions of employment in the non-governmental sector. The Employment of Children Regulations made under the EO prohibit the employment of children below the age of 15 in industrial undertakings and regulate the employment of children who have attained the age of 13 but under 15 in non-industrial establishments. The Employment of Young Persons (Industry) Regulations set out requirements on the working time arrangements for young persons employed in the industrial sector and prohibit their employment in dangerous trades.

**6.6** The Labour Department also administers Part IVB of the Immigration Ordinance to combat illegal employment in order to protect the employment opportunities of local workers.

## Our Work and Achievements in 2010

### Key Indicators of Work

**6.7** We stepped up our efforts to safeguard the rights and benefits of employees through various activities in 2010. Some key indicators of work of this programme area are shown in [Figure 6.1](#).

### Improving the Occupational Deafness Compensation Scheme and adjusting the employees' compensation insurance levies rate

**6.8** The Occupational Deafness Compensation Scheme compensates employees who have worked in specified noisy occupations and are suffering from noise-induced deafness. To improve the protection of the Scheme, the Occupational Deafness (Compensation) (Amendment) Ordinance 2010 came into operation on April 16, 2010. The Amendment Ordinance made monaural hearing loss compensable, provided further compensation for claimants whose hearing loss deteriorates as a result of their continued employment in noisy occupations and increased the maximum and first time reimbursable amounts for the expenses incurred relating to hearing assistive devices. At the same time, the rate of levy charged on the premium of the employees' compensation insurance policy taken out by employers was decreased by 0.5 percentage point, taking into consideration the functions and financial position of the Employees Compensation Assistance Fund Board, Occupational Deafness Compensation Board and Occupational Safety and Health Council. The decrease became effective on July 1, 2010.

### Amendments to the Employees' Compensation Ordinance

**6.9** In 2010, the ECO was amended to raise the amounts of five compensation items in respect of cases mainly involving death or permanent incapacity. The revised levels of compensation are applicable to work accidents which happen on or after August 1, 2010.

### Proactive Efforts to Combat Wage Defaults

**6.10** In 2010, the Labour Department continued to adopt a proactive strategy to tackle the problem of non-payment of wages at source through enhancing publicity and promotion, stepping up enforcement and prosecution, and making use of the early warning system set up in collaboration with trade unions to gather intelligence on non-payment of wages. We also proactively monitored selected sectors and establishments with a view to forestalling and detecting at an early stage cases of wages default and intervening early to tackle the problem.

**6.11** In 2010, the department continued to step up prosecution against employers and responsible persons of companies for wage offences. We conducted territory-wide blitz operations and inspections to workplaces to detect wage offences. Labour inspectors actively interviewed employees during territory-wide routine inspections to combat wage offences and conducted investigation speedily into the suspected offences. The Employment Claims Investigation Division continued to vigorously conduct prompt investigation into suspected wage offences under the EO. Prosecutions were taken out against employers and company responsible persons whenever sufficient evidence was available.

**6.12** With the department continuing in stepping up enforcement action, 1 854 summonses were heard in respect of wage offences in 2010. As for summonses convicted, the number was 1 481, representing an increase of 12.7 per cent compared with the 1 314 convictions in 2009. Three company responsible persons and one employer were jailed or given suspended sentences for wage defaults. In addition, community service orders were imposed on five company responsible persons and nine employers for committing wage offences. An employer was fined \$320,000 in one prosecution case. These sentences sent a strong message to employers on the seriousness of wage defaults.

### **Vigorous Enforcement to Protect Employees' Rights and Benefits**

**6.13** We continued our vigorous enforcement efforts to ensure that the statutory rights of employees under labour legislation are well protected.

**6.14** In 2010, labour inspectors carried out 140 267 workplace inspections to establishments in different trades to enforce labour laws ([Figure 6.2](#)). To deter illegal employment, we organised 217 operations with the Police and the Immigration Department.

**6.15** We conducted routine inspections and trade-targeted operations to enforce the compulsory requirement of taking out employees' compensation insurance policy under the ECO. In the year, a total of 80 667 inspections were conducted to enforce the statutory requirement. Employers failing to comply with the requirement were prosecuted.

**6.16** In the year, we continued to work closely with government departments in monitoring their service contractors to ensure that non-skilled employees of the contractors enjoyed their statutory rights and benefits. A total of 685 inspections were conducted to the workplaces of such workers and 2 181 workers were interviewed to check contractors' compliance with labour laws.

**6.17** To ensure compliance with the required conditions under the Supplementary Labour Scheme, we investigated 49 complaints and cases on suspected irregularities involving imported workers such as allegations of improper deployment, long working hours and late payment of wages.

### **Processing Employees' Compensation Cases**

**6.18** Under the current no-fault employees' compensation system, compensation is payable to injured employees or family members of deceased employees for any work-related injuries or deaths. Claims for compensation involving fatality are determined by the courts or the Commissioner for Labour under the improved settlement mechanism introduced in August 2000.

**6.19** In 2010, 58 791 employees' compensation cases, including 16 165 minor cases involving sick leave of not exceeding three days, were received. At year-end, among the 42 626 fatal cases or non-fatal cases involving sick leave exceeding three days, 27 063 cases were processed or settled. Compensation amounting to \$198 million was payable to the injured employees in these cases. The remaining cases are in the process of recovery and are being followed up. ([Figures 6.3 and 6.4](#))

**6.20** In 2009, 55 799 employees' compensation cases, including 15 503 minor cases which involved sick leave of not exceeding three days, were received. As at the end of 2010, among the 40 296 fatal cases or non-fatal cases with sick leave exceeding three days, 37 299 cases were settled. A sum of \$563 million was payable as compensation to the injured employees in these cases. The number of working days lost was 1 076 813. The remaining cases are in the process of recovery and are being followed up. ([Figure 6.5](#))

**6.21** The Loan Scheme for Employees Injured at Work and Dependents of Deceased Employees provides temporary relief to victims of work accidents. Under the scheme, an interest-free loan up to \$15,000 in each case will be made to eligible applicants.

### Briefings and Promotional Campaigns

**6.22** In 2010, we arranged five briefings for government departments and 38 briefings for imported workers, to publicise the rights and obligations of the parties concerned.

**6.23** Extensive publicity campaigns were launched to publicise our complaint telephone hotline (2815 2200) through press releases, posters, and advertisements on tram body, at MTR stations and on newspapers, as well as distribution of souvenirs etc. to encourage employees to report suspected breaches of employment rights.

**6.24** We strengthened promotion on timely reporting of work accidents by employers and publicity on employers' statutory obligation to take out insurance policies to cover their liabilities for injuries at work sustained by their employees through TV and radio announcements, leaflets, posters, newspapers, departmental homepage and seminars on the ECO. In the year, we held seven talks on ECO, and made announcements on employers' statutory obligation to take out insurance policies via TV and via outdoor electronic media.



Snapshot of a Seminar on the Employees' Compensation Ordinance



## Partnership with Statutory Bodies

**6.25** We maintain close partnership with various statutory bodies that are set up for implementing the different schemes for the protection of the rights and benefits of employees.

## Protection of Wages on Insolvency Fund Board

**6.26** The Protection of Wages on Insolvency Ordinance (PWIO) provides for the establishment of the Protection of Wages on Insolvency Fund and its administration by a board. Employees who are owed wages, wages in lieu of notice and severance payment by their insolvent employers may apply to the fund for ex gratia payment in accordance with the PWIO.

**6.27** We provide administrative support to the Protection of Wages on Insolvency Fund Board, verify applications and approve payment from the fund. With the continual improvements of the local economy, we received 4 453 applications in 2010, a drop of 38.7 per cent as compared with 7 260 in 2009. A breakdown of applicants by economic sector is shown in [Figure 6.6](#). During the year, we processed 5 046 applications, leading to payment of \$99 million and the fund recorded a surplus of \$404 million.

**6.28** By providing a safety net for employees affected by business closures, the fund plays an important role in maintaining harmonious labour relations and social stability. Both the department and the fund board attach great importance to protecting the fund from abuse. To this end, stringent vetting procedures are in place to process all applications. An inter-departmental task force has been formed by representatives of the Labour Department, Commercial Crime Bureau of the Police Force, Official Receiver's Office and Legal Aid Department to take concerted actions against suspected fraudulent cases.

## Pneumoconiosis Compensation Fund Board

**6.29** The Pneumoconiosis Compensation Fund Board (PCFB) is established under the PMCO to provide compensation to persons suffering from pneumoconiosis and/or mesothelioma. The board is financed by a levy collected from the construction and quarrying industries. Under the PMCO, the Labour Department is responsible for determining whether an applicant is entitled to compensation. As at the end of 2010, 1 794 eligible persons were receiving compensation in the form of monthly payments from the PCFB. In the year, the board made a total compensation payment of \$146 million.

## Employees Compensation Assistance Fund Board

**6.30** The Employees Compensation Assistance Fund Board (ECAFB) is set up under the Employees Compensation Assistance Ordinance (ECAO). The ECAFB is responsible for running the Employees Compensation Assistance Scheme which provides payment to injured employees who are unable to receive their entitlements for employment-related injuries from their employers or insurers. In 2010, the board approved 66 applications, leading to payment of \$45.3 million. With effect from April 1, 2004, the Employees Compensation Insurer Insolvency Bureau established by the insurance industry has taken over from the ECAFB the responsibility of meeting the liabilities arising from employees' compensation insurance policies in the event of the insolvency of the relevant insurers.

## **Occupational Deafness Compensation Board**

**6.31** The Occupational Deafness Compensation Board is established under the Occupational Deafness (Compensation) Ordinance to provide compensation and reimbursement of expenses incurred in purchasing, repairing and replacing hearing assistive devices to those persons who suffered from noise-induced deafness due to employment in specified noisy occupations. The board also has an important role in providing educational and publicity programmes for the prevention of occupational deafness, and providing rehabilitation programmes for those suffering from noise-induced deafness by reason of employment. With the commencement of the Occupational Deafness (Compensation) (Amendment) Ordinance 2010 on April 16, 2010, additional benefits have been introduced to improve the Occupational Deafness Compensation Scheme. During the year, the board approved 591 applications for compensation with a total compensation payout at \$17.34 million and 541 applications for payment of expenses on hearing assistive devices with a total payout at \$2.23 million. The board also provided 455 activities under its rehabilitation programmes for people having occupational deafness.

### International Instruments Setting Out Labour Standards

- 7.1** International Labour Conventions set by the International Labour Organisation (ILO) prescribe relevant labour standards for member states. As at year-end, 41 International Labour Conventions were applied to Hong Kong Special Administrative Region (HKSAR), with or without modification ([Figure 7.1](#)), notwithstanding that Hong Kong is neither a sovereign entity nor an ILO member. Other international instruments, including the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, also touch on labour standards, albeit to a much smaller extent.
- 7.2** A comprehensive set of labour legislation and administrative measures are in place in the HKSAR to enable the Government to implement internationally accepted labour standards. Through continuous improvements to labour legislation and administrative measures, HKSAR maintains a level of labour standards broadly equivalent to those of neighbouring places with similar economic development as well as social and cultural background.

### Participation in the Activities of ILO

- 7.3** HKSAR may participate in the activities of ILO, either as part of the delegation of the People's Republic of China or, for activities which are not limited to states, on its own using the name "Hong Kong, China".
- 7.4** In 2010, the Labour Department continued to participate actively in activities organised by ILO to keep abreast of the latest development of international labour matters. In the year, representatives from HKSAR participated in the 99th Session of the International Labour Conference held in Geneva, Switzerland. ([Figure 7.2](#))

### Contacts with Other Labour Administrations

- 7.5** Delegations of labour administrators from the Mainland and other places visited the Labour Department in the year. The department also sent study missions to different provinces in the Mainland and overseas countries such as Australia and Ireland. Apart from strengthening mutual cooperation, these visits provided opportunities for representatives of the department to exchange views and experience with its counterparts on various labour issues.

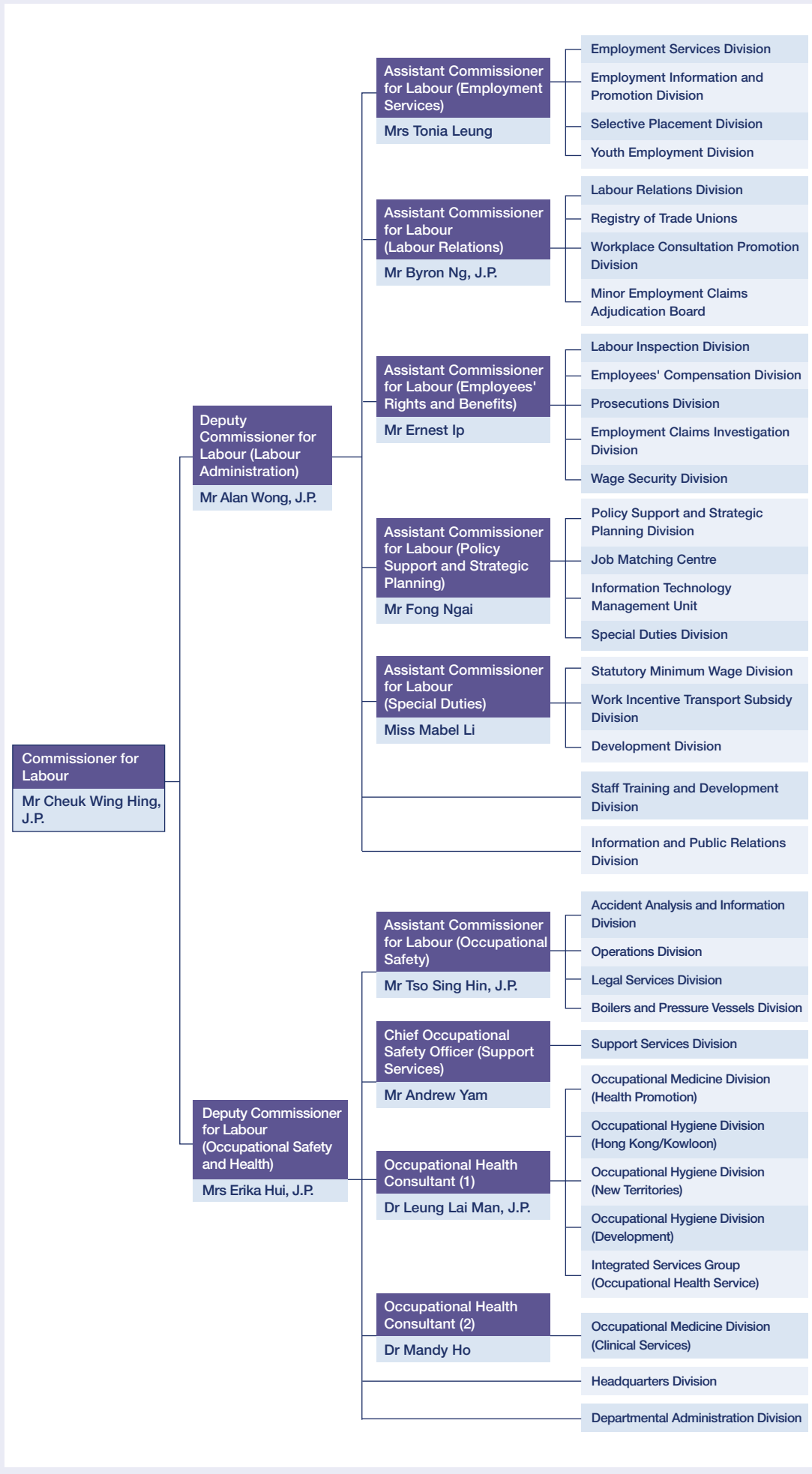
- Figure 2.1** [Number of summonses convicted and total fines in 2010](#)
- Figure 2.2** [Organisation Chart of the Labour Department \(as at 31 December 2010\)](#)
- Figure 2.3** [Terms of Reference and Composition of the Labour Advisory Board and Membership for the year 2010](#)
- Figure 3.1** [Key Indicators of Work of the Labour Relations Programme Area in 2010](#)
- Figure 3.2** [Number of Labour Disputes Handled by the Labour Relations Division from 2006 to 2010](#)
- Figure 3.3** [Number of Claims Handled by the Labour Relations Division from 2006 to 2010](#)
- Figure 3.4** [Number of Labour Disputes Handled by the Labour Relations Division in 2010 by Cause](#)
- Figure 3.5** [Number of Claims Handled by the Labour Relations Division in 2010 by Cause](#)
- Figure 3.6** [Number of Strikes and Number of Employees Involved from 2006 to 2010](#)
- Figure 3.7** [Number of Working Days Lost per 1 000 Salaried Employees and Wage Earners from 2006 to 2010](#)
- Figure 4.1** [Key Indicators of Work of the Programme of Safety and Health at Work in 2010](#)
- Figure 5.1** [Key Indicators of Work of the Employment Services Programme Area in 2010](#)
- Figure 5.2** [Key Indicators of Work on Employment Assistance Rendered to Able-bodied Job-seekers from 2006 to 2010](#)
- Figure 5.3** [Key Indicators of Work on Employment Assistance Rendered to Job-seekers with Disabilities from 2006 to 2010](#)
- Figure 6.1** [Key Indicators of Work of the Employees' Rights and Benefits Programme Area in 2010](#)
- Figure 6.2** [Number of Inspections Made in 2010 by Major Economic Sector](#)
- Figure 6.3** [Number of Cases Reported under the Employees' Compensation Ordinance in 2010 by Sex and Age](#)
- Figure 6.4** [Number of Cases Reported under the Employees' Compensation Ordinance from 2006 to 2010](#)
- Figure 6.5** [Number of Employees' Compensation Cases by Working Days Lost for Cases Reported in 2009 and Result Known as at 31 December 2010](#)
- Figure 6.6** [Number of Applicants of the Protection of Wages on Insolvency Fund in 2010 by Economic Sector](#)
- Figure 7.1** [List of the 41 International Labour Conventions Applied to the Hong Kong Special Administrative Region](#)
- Figure 7.2** [Participation in Major ILO Activities and Contacts with Other Labour Administrations in 2010](#)

**Figure 2.1****Number of summonses convicted and total fines in 2010**

<b>Ordinance</b>	<b>Summonses convicted</b>	<b>Fines (\$)</b>
<b>Boilers and Pressure Vessels Ordinance</b>		
<b>Sub-total</b>	<b>24</b>	<b>95,300</b>
<b>Employees' Compensation Ordinance</b>		
<b>Sub-total</b>	<b>1 371</b>	<b>2,849,400</b>
<b>Employment Ordinance and subsidiary regulations</b>		
Statutory benefits cases	2 562	5,899,350
Young persons cases	39	15,300
Others	6	9,000
<b>Sub-total</b>	<b>2 607</b>	<b>5,923,650</b>
<b>Factories and Industrial Undertakings Ordinance and subsidiary regulations</b>		
Factory cases	389	2,172,530
Building and engineering construction cases	924	8,976,500
<b>Sub-total</b>	<b>1 313</b>	<b>11,149,030</b>
<b>Occupational Safety and Health Ordinance and subsidiary regulations</b>		
<b>Sub-total</b>	<b>249</b>	<b>1,773,100</b>
<b>Others</b>		
<b>Sub-total</b>	<b>131</b>	<b>139,050</b>
<b>Total</b>	<b>5 695</b>	<b>21,929,530</b>

**Figure 2.2**

**Organisation Chart of the Labour Department  
(as at 31 December 2010)**



## Figure 2.3

# Terms of Reference and Composition of the Labour Advisory Board and Membership for the year 2010

### Terms of Reference

The Labour Advisory Board advises the Commissioner for Labour on matters affecting labour, including legislation and Conventions and Recommendations of the International Labour Organisation. It may appoint such committees as it considers necessary and include any person not being a member of the Labour Advisory Board to serve on such committees.

### Composition

The composition of the Labour Advisory Board is as follows:

Chairman	Commissioner for Labour (ex-officio)
Members	Five employee members elected by registered employee unions Five employer members nominated by major employer associations One employee member and one employer member appointed ad personam
Secretary	A Senior Labour Officer

### Membership

#### Chairman

Mrs. Cherry Tse Ling Kit Ching, JP (up to 28.11.2010)	Commissioner for Labour
Mr. Cheuk Wing Hing, JP (w.e.f. 29.11.2010)	Commissioner for Labour

#### Members

##### Employee Representatives

Mr. Leung Chau Ting Ms. Ng Wai Yee, MH Mr. Chung Kwok Sing Mr. Lee Tak Ming Mr. Tsui Sai Cheung Mr. Cheng Kai Ming	} elected by registered employee unions  appointed ad personam
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##### Employer Representatives

Mr. Ho Sai Chu, GBS, JP Dr. Kim Mak Kin Wah, BBS, JP Mr. Stanley Lau Chin Ho, BBS, MH, JP Mr. Stanley Hui Hon Chung, JP	representing the Chinese General Chamber of Commerce representing the Employers' Federation of Hong Kong representing the Federation of Hong Kong Industries representing the Hong Kong General Chamber of Commerce
Mr. Irons Sze	representing the Chinese Manufacturers' Association of Hong Kong
Mr. Cheung Sing Hung, BBS	appointed ad personam

#### Secretary

Mr. Raymond Leung Kwok Kee	Senior Labour Officer
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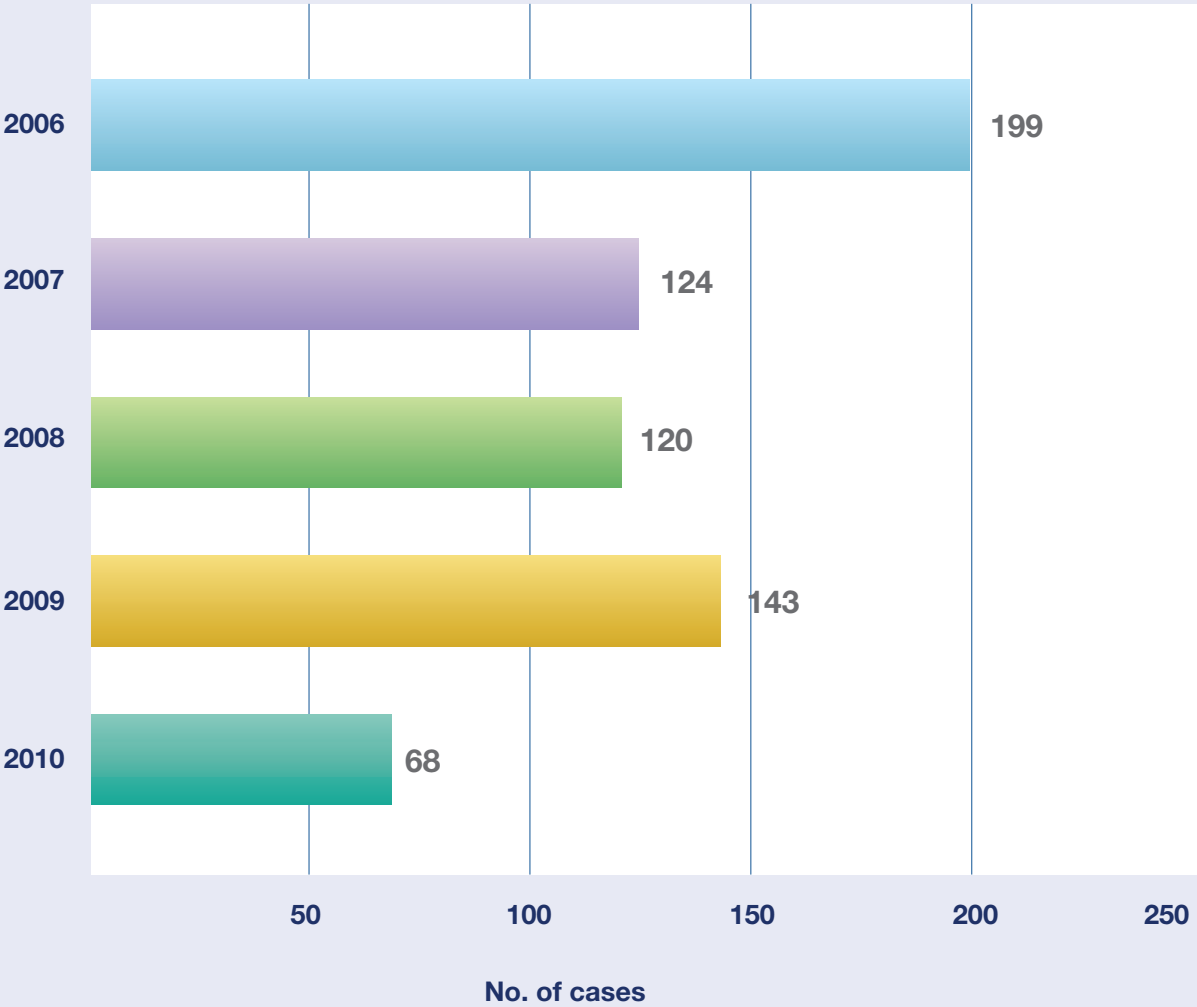
**Figure 3.1****Key Indicators of Work of the Labour Relations Programme Area in 2010**

<b>Key Indicators of Work</b>		<b>Number</b>
<b>I.</b>	<b>Conciliation and Consultation Services</b>	
	Labour disputes and claims handled	<b>20 502</b>
	In-person consultations handled	<b>68 795</b>
	Percentage of labour disputes and claims resolved through conciliation	<b>72.9%</b>
<b>II.</b>	<b>Adjudication of Minor Employment Claims</b>	
	Claims adjudicated by Minor Employment Claims Adjudication Board	<b>2 112</b>
<b>III.</b>	<b>Regulation of Trade Unions</b>	
	Registration of new trade unions and changes of union names/rules	<b>119</b>
	Inspection visits to trade unions	<b>379</b>
	Account statements of trade unions examined	<b>767</b>
	Training courses and seminars organised for trade unions	<b>3</b>



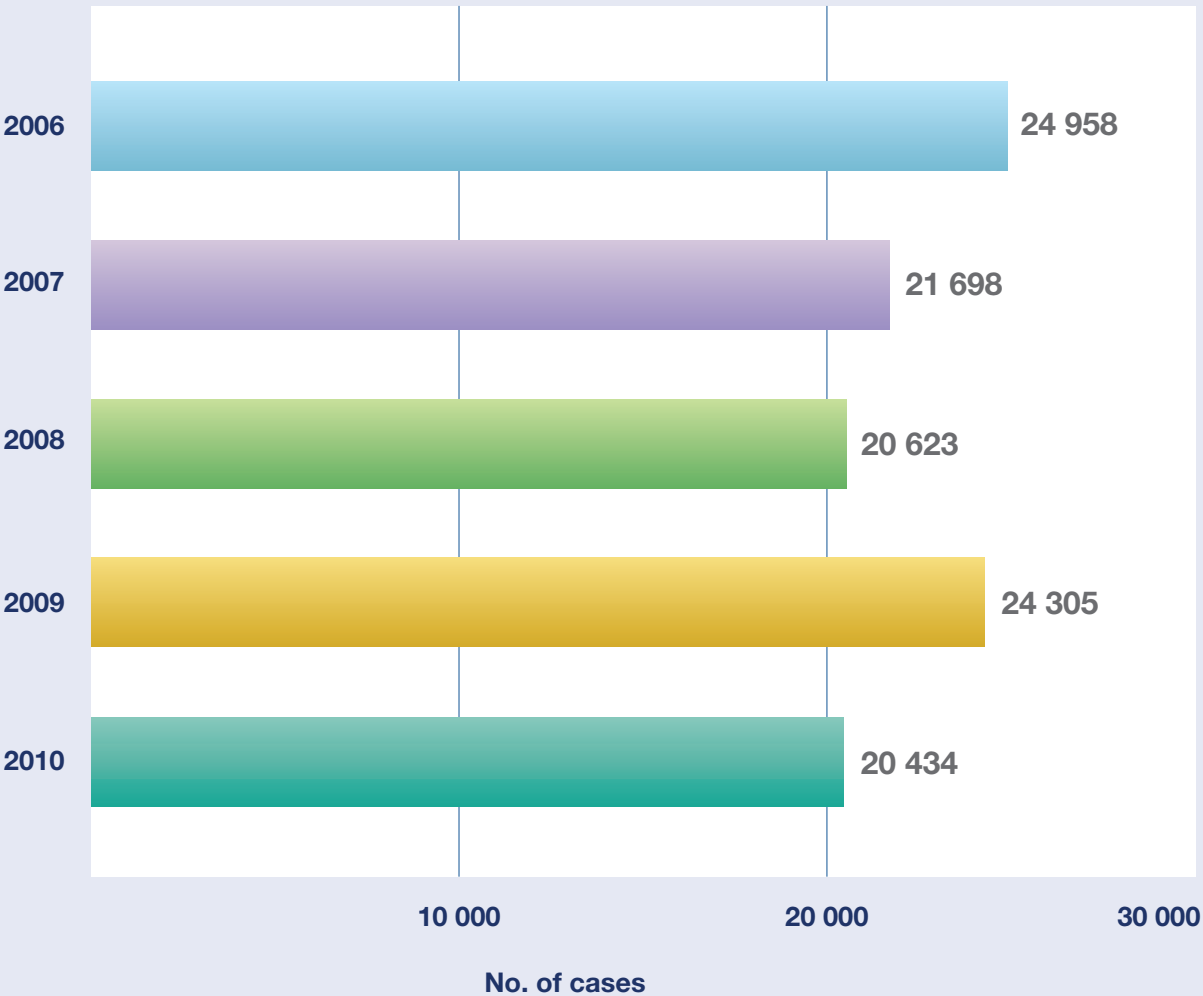
**Figure 3.2**

**Number of Labour Disputes Handled by the Labour Relations Division from 2006 to 2010**



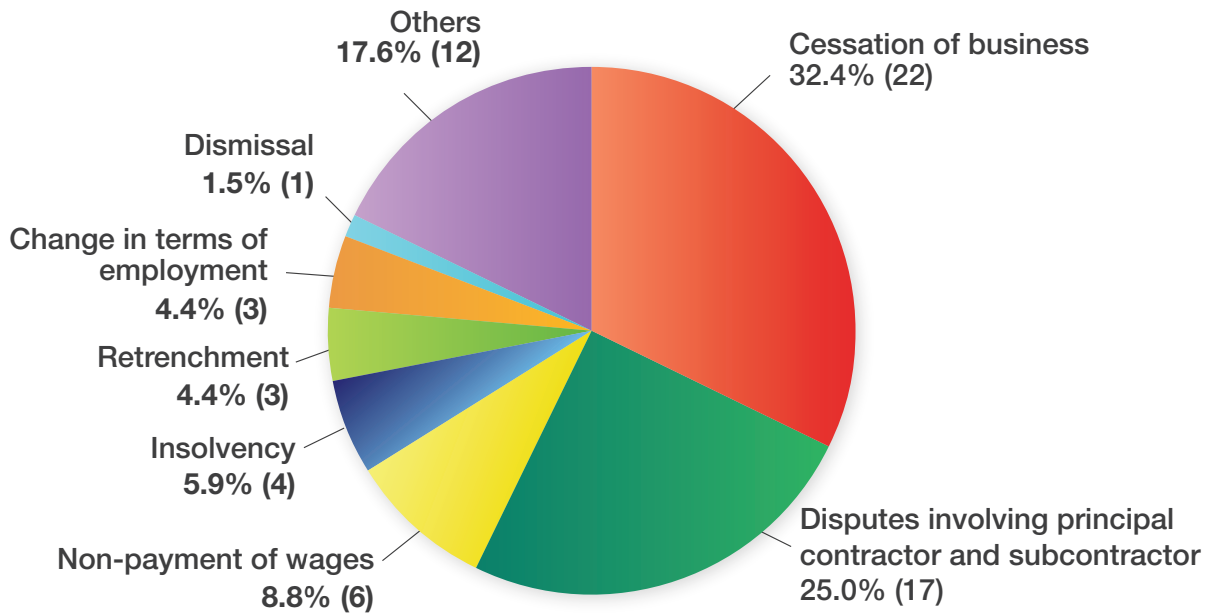
**Figure 3.3**

**Number of Claims Handled by the Labour Relations Division from 2006 to 2010**



**Figure 3.4**

**Number of Labour Disputes Handled by the Labour Relations Division in 2010 by Cause**

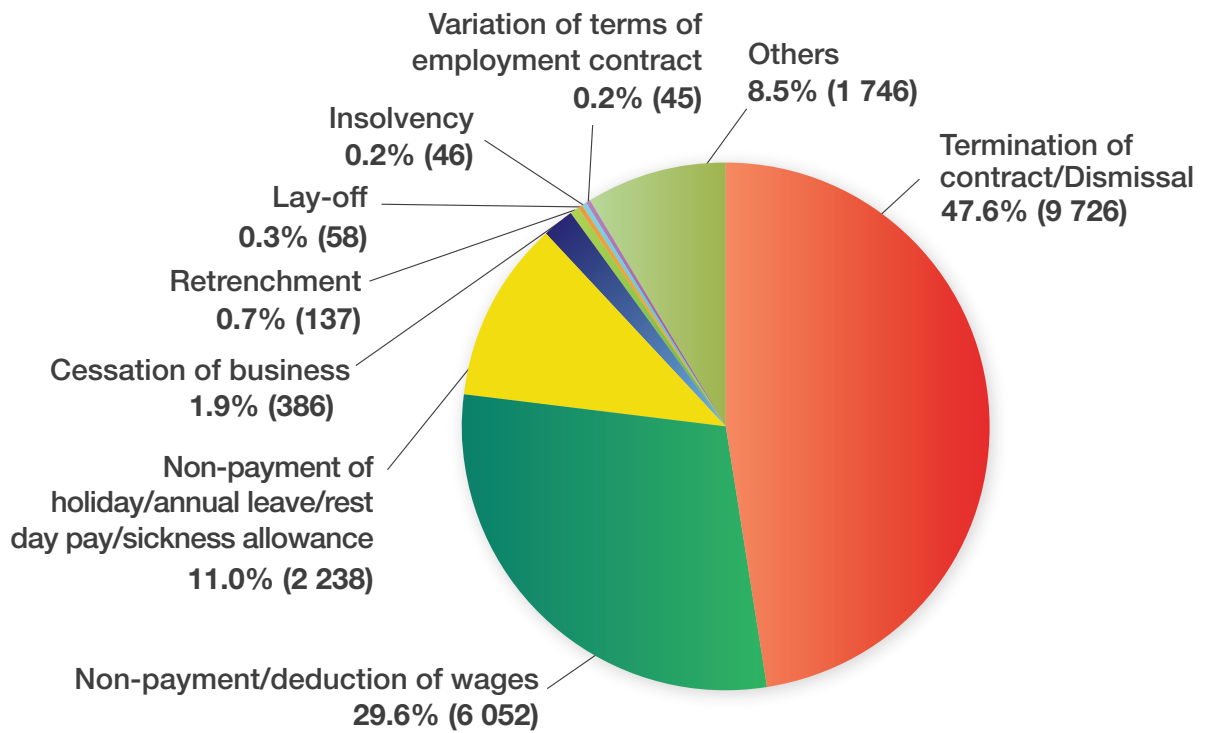


**Total number of cases: 68**

\* Figures in bracket indicate the number of related cases

**Figure 3.5**

**Number of Claims Handled by the Labour Relations Division in 2010 by Cause**

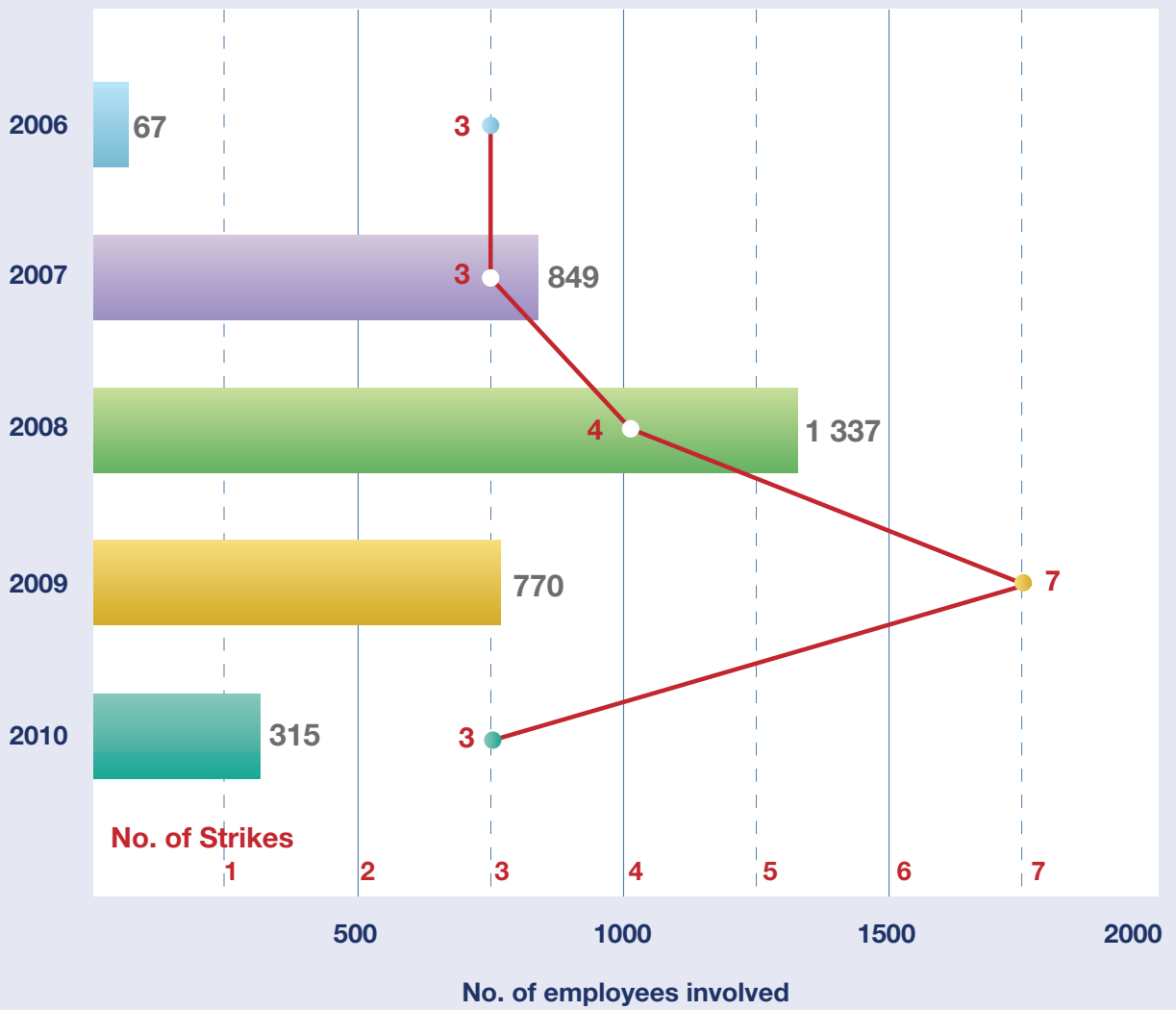


**Total number of cases: 20 434**

\* Figures in bracket indicate the number of related cases

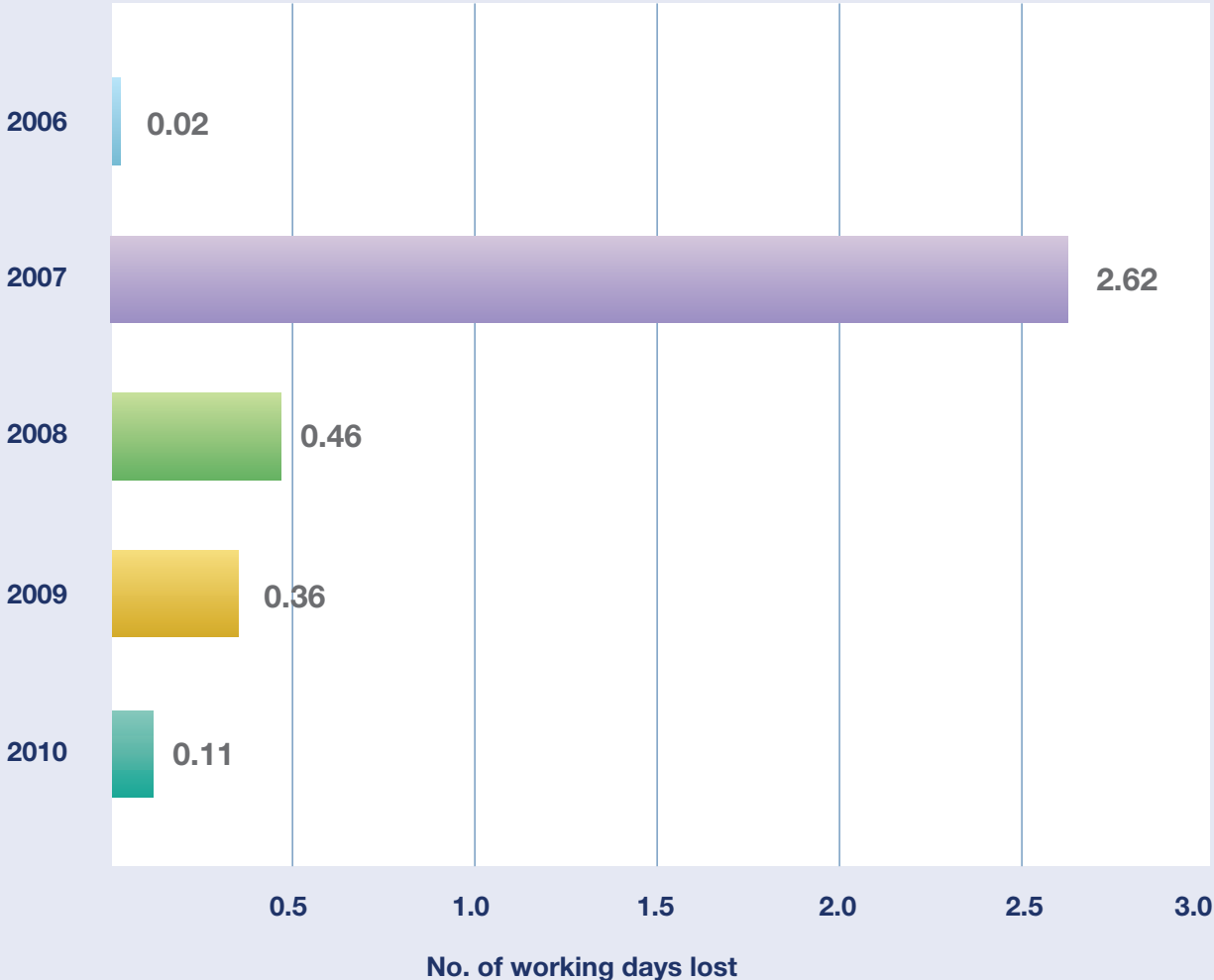
**Figure 3.6**

**Number of Strikes and Number of Employees Involved from 2006 to 2010**



**Figure 3.7**

**Number of Working Days Lost per 1 000 Salaried Employees and Wage Earners\* from 2006 to 2010**



\* Salaried employees and wage earners include employees and unemployed persons having previous jobs.

**Figure 4.1****Key Indicators of Work of the Programme of Safety and Health at Work in 2010**

<b>Indicator</b>		<b>Number</b>
<b>I.</b>	<b>Inspections</b>	
	Inspections under the FIUO <sup>1</sup> and the OSHO <sup>2</sup>	<b>124 010</b>
	Inspections under the BPVO <sup>3</sup>	<b>4 608</b>
<b>II.</b>	<b>Investigations</b>	
	Investigations of accidents at workplaces	<b>11 582</b>
	Investigations of suspected cases of occupational diseases	<b>2 768</b>
<b>III.</b>	<b>Promotion and Education</b>	
	Promotional visits to workplaces under the FIUO <sup>1</sup> and the OSHO <sup>2</sup>	<b>6 041</b>
	Talks, lectures and seminars organised	<b>2 214</b>
<b>IV.</b>	<b>Pressure Equipment Registration</b>	
	Pressure equipment registered	<b>1 579</b>
	Examinations conducted and exemptions granted, for the issue or endorsement of certificates of competency	<b>314</b>
<b>V.</b>	<b>Clinical Services</b>	
	Clinical consultations conducted	<b>13 073</b>

Notes: 1. Factories and Industrial Undertakings Ordinance  
2. Occupational Safety and Health Ordinance  
3. Boilers and Pressure Vessels Ordinance

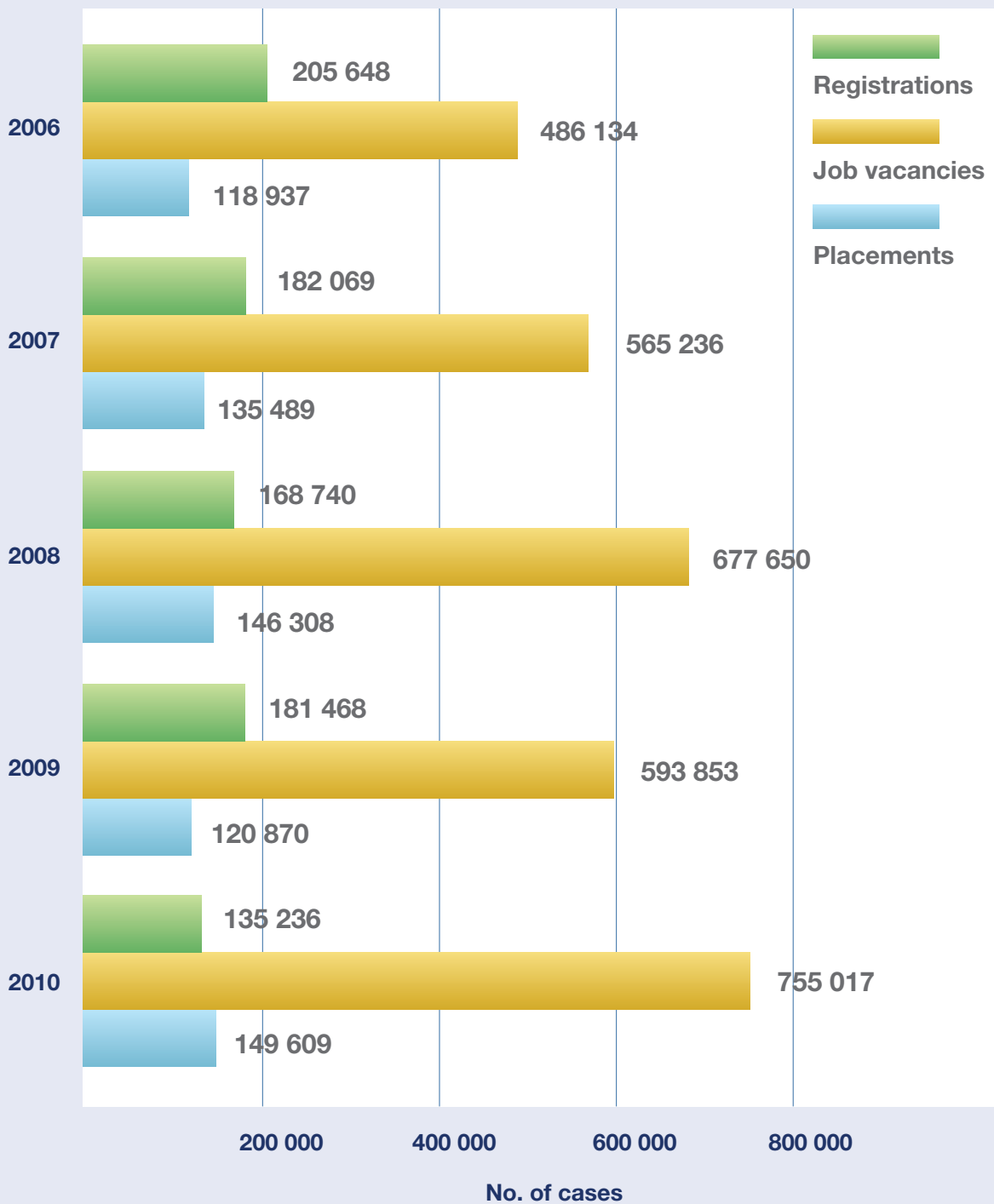
**Figure 5.1****Key Indicators of Work of the Employment Services Programme Area in 2010**

<b>Key Indicators of Work</b>		<b>Number</b>
<b>I.</b>	<b>Able-bodied Job-seekers :</b>	
	Persons registered	<b>135 236</b>
	Placements	<b>149 609</b>
<b>II.</b>	<b>Job-seekers with disabilities</b>	
	Persons registered	<b>3 051</b>
	Placements	<b>2 405</b>
<b>III.</b>	<b>Regulating Employment Agency</b>	
	Licences issued	<b>2 168</b>
	Inspections	<b>1 329</b>
<b>IV.</b>	<b>Applications under Supplementary Labour Scheme Processed</b>	<b>855</b>



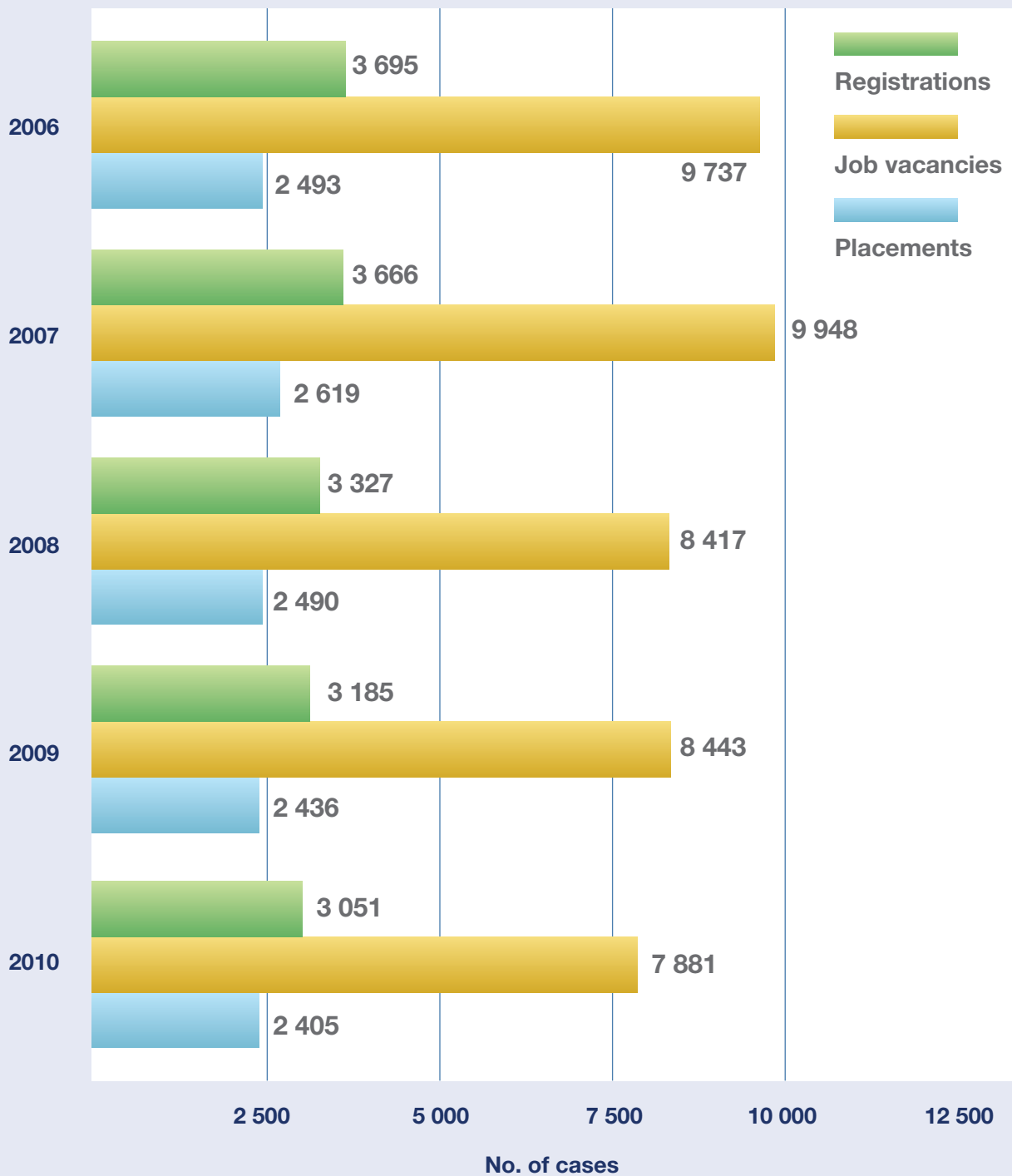
**Figure 5.2**

**Key Indicators of Work on Employment Assistance Rendered to Able-bodied Job-seekers from 2006 to 2010**



**Figure 5.3**

**Key Indicators of Work on Employment Assistance Rendered to Job-seekers with Disabilities from 2006 to 2010**

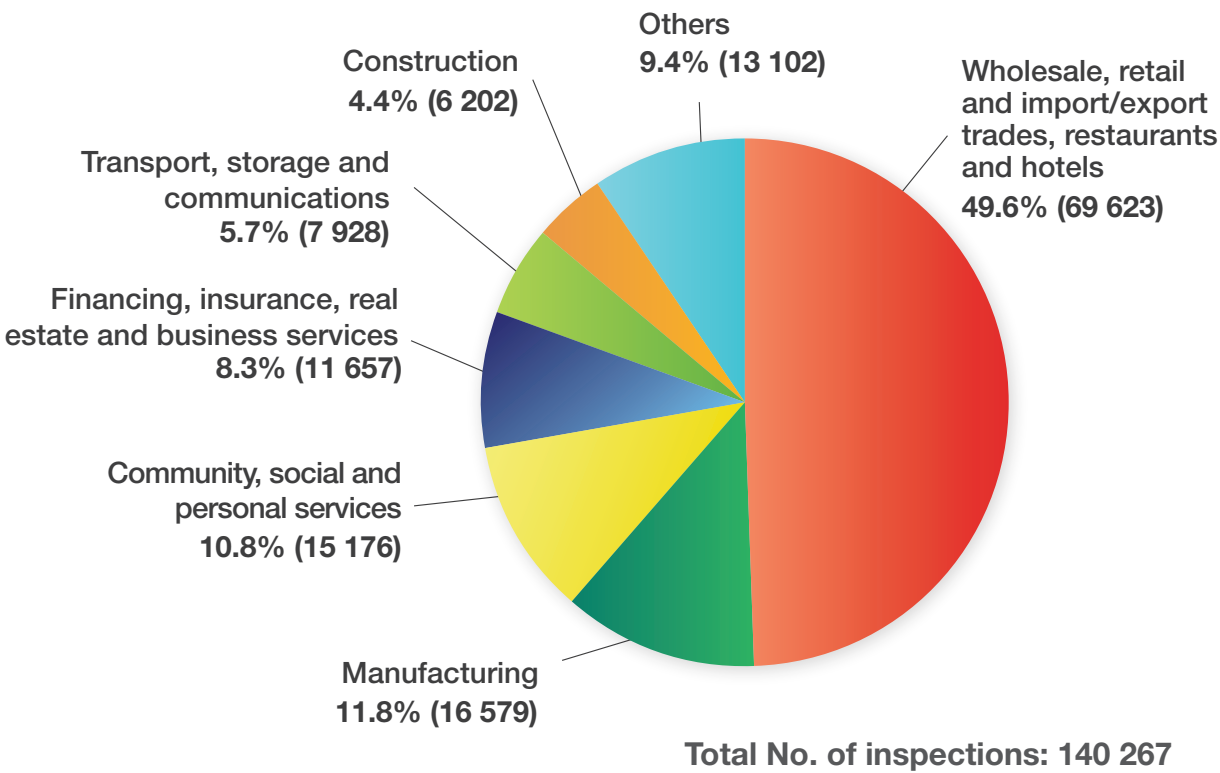


**Figure 6.1****Key Indicators of Work of the Employees' Rights and Benefits Programme Area in 2010**

<b>Key Indicators of Work</b>		<b>Number</b>
<b>I.</b>	<b>Inspections to workplaces</b>	<b>140 267</b>
<b>II.</b>	<b>Employees' compensation claims received</b>	<b>58 791</b>
<b>III.</b>	<b>Sick leave clearance interviews for injured employees conducted</b>	<b>42 730</b>
<b>IV.</b>	<b>Assessment of loss of earning capacity of injured employees</b>	
	Ordinary assessment	17 474
	Special assessment	0
	Review assessment	2 928
<b>V.</b>	<b>Applications for payment under the Protection of Wages on Insolvency Fund processed</b>	<b>5 046</b>
<b>VI.</b>	<b>Cases related to imported workers investigated</b>	<b>49</b>
<b>VII.</b>	<b>Convicted summonses on wage offences</b>	<b>1 481</b>

**Figure 6.2**

**Number of Inspections Made in 2010 by Major Economic Sector**



\* Figures in bracket indicate the number of related inspections

**Figure 6.3**

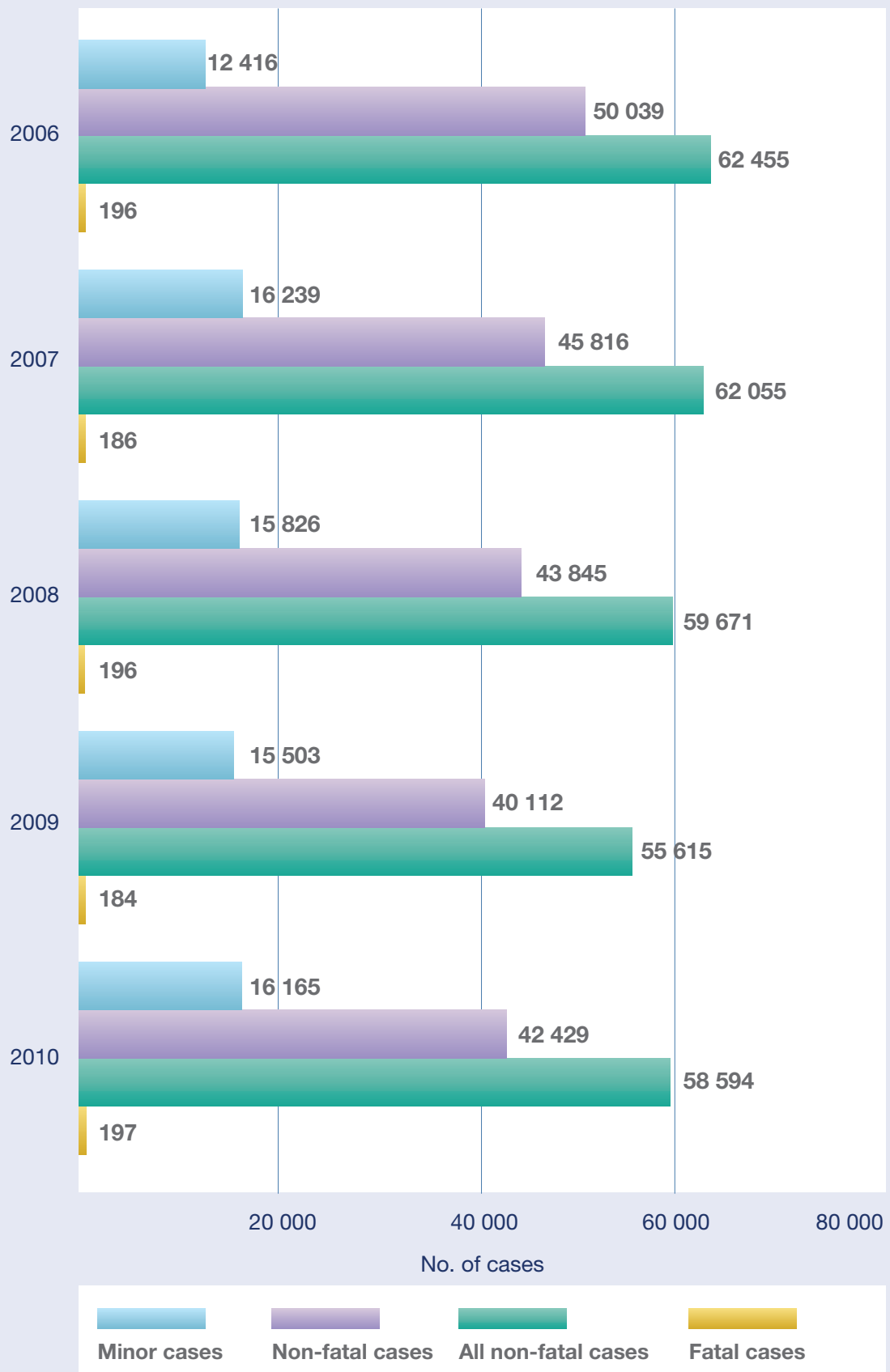
**Number of Cases Reported under the Employees' Compensation Ordinance in 2010 by Sex and Age\***



\* The figures have not included 16 165 cases involving sick leave of not exceeding three days.

**Figure 6.4**

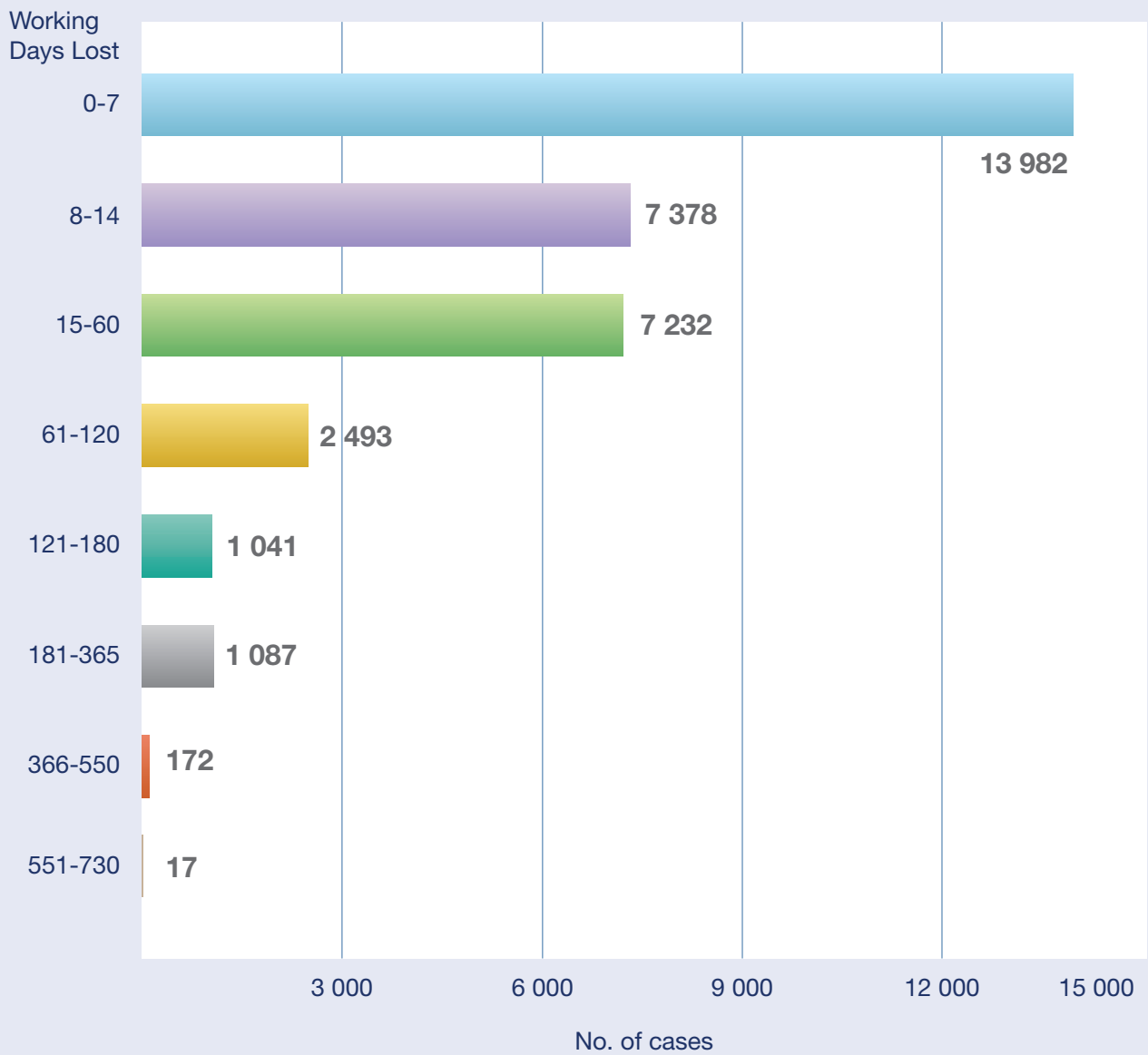
**Number of Cases Reported under the Employees' Compensation Ordinance from 2006 to 2010**



\*(1) The figures for 2006, 2007, 2008, 2009 and 2010 include 22, 17, 25, 27 and 35 cases respectively in which the death of the employee was found to be due to natural cause.  
(2) Minor cases refer to cases involving sick leave of not exceeding three days.

**Figure 6.5**

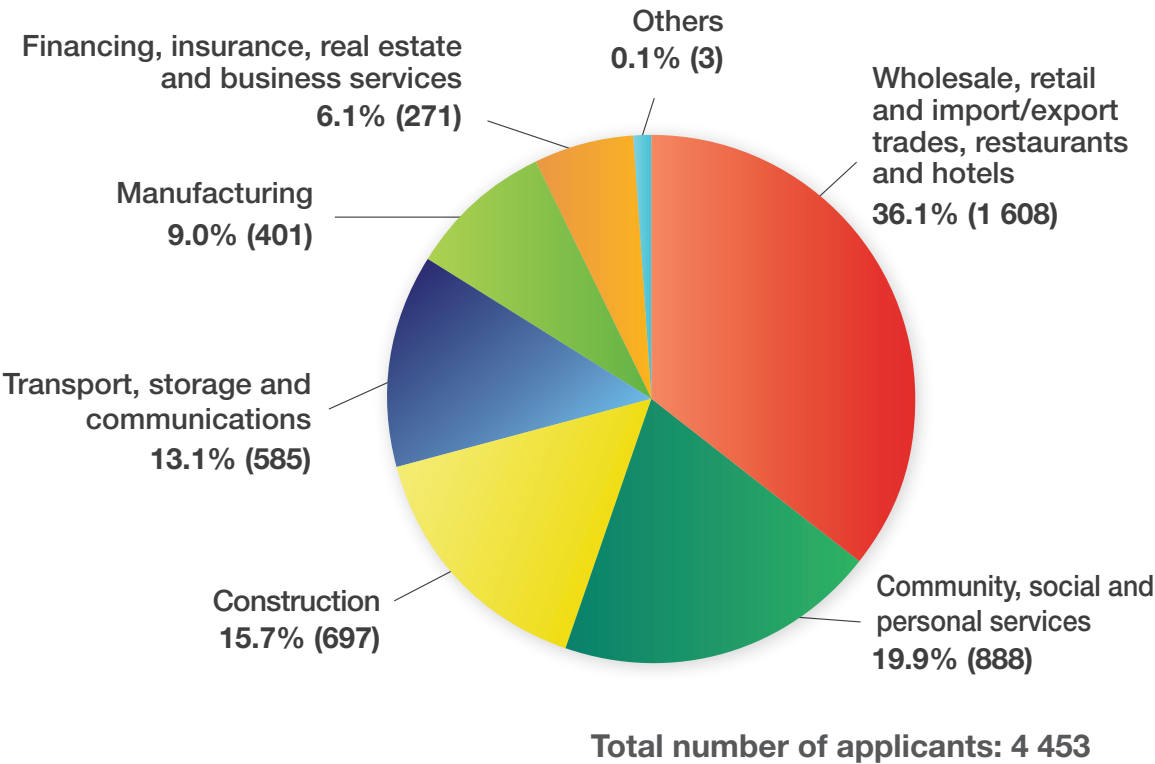
**Number of Employees' Compensation Cases by Working Days Lost for Cases Reported in 2009 and Result Known as at 31 December 2010\***



\*Excludes cases involving sick leave of not exceeding three days.

**Figure 6.6**

**Number of Applicants of the Protection of Wages on Insolvency Fund in 2010 by Economic Sector**



\* Figures in bracket indicate the number of related cases



**Figure 7.1****List of the 41 International Labour Conventions Applied to the Hong Kong Special Administrative Region**

<b>Convention No.</b>	<b>Title</b>
2	Unemployment Convention, 1919
3	Maternity Protection Convention, 1919
8	Unemployment Indemnity (Shipwreck) Convention, 1920
11	Right of Association (Agriculture) Convention, 1921
12	Workmen's Compensation (Agriculture) Convention, 1921
14	Weekly Rest (Industry) Convention, 1921
16	Medical Examination of Young Persons (Sea) Convention, 1921
17	Workmen's Compensation (Accidents) Convention, 1925
19	Equality of Treatment (Accident Compensation) Convention, 1925
22	Seamen's Articles of Agreement Convention, 1926
23	Repatriation of Seamen Convention, 1926
29	Forced Labour Convention, 1930
32	Protection against Accidents (Dockers) Convention (Revised), 1932
42	Workmen's Compensation (Occupational Diseases) Convention (Revised), 1934
50	Recruiting of Indigenous Workers Convention, 1936
64	Contracts of Employment (Indigenous Workers) Convention, 1939
65	Penal Sanctions (Indigenous Workers) Convention, 1939
74	Certification of Able Seamen Convention, 1946
81	Labour Inspection Convention, 1947
87	Freedom of Association and Protection of the Right to Organise Convention, 1948
90	Night Work of Young Persons (Industry) Convention (Revised), 1948
92	Accommodation of Crews Convention (Revised), 1949
97	Migration for Employment Convention (Revised), 1949
98	Right to Organise and Collective Bargaining Convention, 1949
101	Holidays with Pay (Agriculture) Convention, 1952
105	Abolition of Forced Labour Convention, 1957
108	Seafarers' Identity Documents Convention, 1958
115	Radiation Protection Convention, 1960
122	Employment Policy Convention, 1964
124	Medical Examination of Young Persons (Underground Work) Convention, 1965
133	Accommodation of Crews (Supplementary Provisions) Convention, 1970
138	Minimum Age Convention, 1973
141	Rural Workers' Organisations Convention, 1975
142	Human Resources Development Convention, 1975
144	Tripartite Consultation (International Labour Standards) Convention, 1976
147	Merchant Shipping (Minimum Standards) Convention, 1976
148	Working Environment (Air Pollution, Noise and Vibration) Convention, 1977
150	Labour Administration Convention, 1978
151	Labour Relations (Public Service) Convention, 1978
160	Labour Statistics Convention, 1985
182	Worst Forms of Child Labour Convention, 1999

## Figure 7.2

### Participation in Major ILO Activities and Contacts with Other Labour Administrations in 2010

1. The Commissioner for Labour led a tripartite team comprising government, employer and employee representatives to attend the 99th Session of the International Labour Conference in Geneva, Switzerland as part of the Chinese delegation.
2. Dr. Sachiko Yamamoto, Regional Director of the International Labour Organisation (ILO) Regional Office for Asia and the Pacific, and Ms. Ann Herbert, Director of the ILO Country Office for China and Mongolia, visited Hong Kong Special Administrative Region (HKSAR) and shared with officers of the Labour Department the latest development of international labour matters.
3. The Labour Department sent two delegations to Guangdong Province and one delegation to Shanghai to exchange views with companies and interns in the Mainland joining the Internship Programme for University Graduates.
4. The Labour Department sent a delegation to visit Australia to study the one-stop shop service.
5. The Labour Department sent an officer to join the study trip of the Rehabilitation Advisory Committee of HKSAR to Singapore to exchange views and experience with the government departments, agencies and National Council of Social Service on integration of persons with disabilities into society, with particular regard to promotion of their employment.
6. The Labour Department sent a delegation to attend the “Pan-Pearl River Delta Regional Labour Services Cooperation Joint Conference” in Fuzhou.
7. The Permanent Secretary for Labour and Welfare led a delegation to attend the first exchange meeting in Guangzhou with the Department of Human Resources and Social Security of Guangdong Province on labour protection under the Framework Agreement on Hong Kong/Guangdong Co-operation.
8. A workshop on conciliation and negotiation was held for officers of the Labour Department under the ILO Technical Cooperation Programme 2010.
9. The Labour Department sent a delegation to Ireland to study its experience in enforcing minimum wage law and handling the related labour disputes.
10. The Labour Department sent two officers to attend the International Symposium on Work Injury Prevention and Rehabilitation 2010 in Guangzhou.
11. Ms. Zhang Yali, Director-General, Department of International Cooperation, Ministry of Human Resources and Social Security of the State Council, led a delegation to visit HKSAR under the Reciprocal Visit Programme. The delegation met with the Commissioner for Labour and exchanged views with officers of the Labour Department on various labour issues.
12. The Commissioner for Labour led a delegation to participate in the 5th China International Forum on Work Safety in Beijing. The event was co-organised by the State Administration of Work Safety and the ILO. The delegation also visited and exchanged views on matters related to labour administration and work safety with the Ministry of Human Resources and Social Security, All China Federation of Trade Unions and China Enterprise Confederation.
13. Mr Assane Diop, Executive Director of Social Protection Sector, ILO visited the HKSAR. Mr Diop met with the Commissioner for Labour and exchanged views with officers of the Labour Department on labour protection and occupational safety and health issues.
14. The Deputy Commissioner for Labour (Occupational Safety and Health) led a delegation to attend the Singapore Workplace Safety and Health Conference.
15. The Labour Department sent a delegation to Jiangxi to attend the fourth Pan-Pearl River Delta Regional Work Safety Co-operation Joint Conference and Work Safety Co-operation and Development Forum.