



勞工處年報 2022

Labour Department Annual Report





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Chapter 1

Highlights of Year 2022

1.1 The labour market was under notable pressure in the early months of 2022 amid the fifth wave of the local epidemic, but improved subsequently in the rest of the year as domestic economic activities gradually revived alongside the generally stable local epidemic situation. After rising to a high of 5.4% in February – April 2022, the seasonally adjusted unemployment rate fell successively to 3.5% in the fourth quarter of 2022. Over the same period, the underemployment rate also fell from 3.8% to 1.5%. For 2022 as a whole, the unemployment rate averaged 4.3%, 0.9 percentage point lower than that in 2021, and the underemployment rate also fell by 0.3 percentage point to 2.3%. We will continue to closely monitor the labour market situation and enhance our employment services on all fronts, especially in canvassing job vacancies and rendering assistance to job seekers.

Employment Services

Employment and Recruitment Services

1.2 To help job seekers enter the labour market and respond speedily to the recruitment needs of employers, the Labour Department (LD) organises employment promotion activities at various locations across the territory. A total of ten large-scale job fairs, three online job fairs and 614 district-based job fairs were organised in the year.



Large-scale job fairs of the Labour Department well received by job seekers

1.3 The LD adopts a proactive approach in providing employment assistance. For example, in major business closure or redundancy cases, we set up enquiry hotlines and special counters at our job centres to provide special employment services to affected employees. In the year, the free recruitment service provided for employers by the LD recorded 1 089 199 job vacancies from the private and public sectors; and 164 713 placements were secured.

Greater Bay Area Youth Employment Scheme

1.4 The LD launched the pilot Greater Bay Area Youth Employment Scheme (GBA YES) in January 2021 and encouraged enterprises to employ university graduates from Hong Kong and station them to work in the Mainland cities of GBA, so as to support university graduates from Hong Kong to grasp the career development opportunities in the area. The pilot scheme received favourable feedback from the participating enterprises and young people. The LD will launch the regularised GBA YES in the first half of 2023.

Labour Relations

Promoting Harmonious Labour Relations

1.5 To foster harmonious labour relations, the LD adopts a proactive and pragmatic approach in helping employers and employees resolve their disagreements through communication and mutual understanding. In 2022, we handled a total of 70 labour disputes and 10 615 claims. Over 70% of cases with conciliation service rendered were resolved. The average waiting time for conciliation meetings was 2.5 weeks in the year.

Enhancing Good Human Resource Management Practices and Harmonious Labour Relations

1.6 The LD organised a wide range of promotional activities including exhibitions, seminars and talks to promote public understanding of labour laws and publicise employee-oriented and good human resource management measures. In 2022, we continued the promotion of labour-management collaboration to encourage both sides to exchange views and enhance mutual understanding on labour issues of common concern.



The Labour Department organised a wide range of promotional activities including exhibitions to promote public understanding of labour laws and publicise “employee-oriented” good human resource management measures

Abolition of the Offsetting Arrangement

1.7 In June 2022, the Employment and Retirement Schemes Legislation (Offsetting Arrangement) (Amendment) Bill 2022 was passed by the Legislative Council to abolish the arrangement of employers using the accrued benefits of their mandatory contributions under the Mandatory Provident Fund System to offset their employees’ severance payment (SP) and long service payment (LSP). The abolition of the offsetting arrangement will be implemented no later than 2025. The LD took forward extensive publicity work, including distributing flyers and conducting briefings to trade associations, labour unions and human resources practitioners, publishing posts on social media, placing feature articles and advertorials in major newspapers and launching a thematic website to help employers and employees understand the abolition arrangements and to calculate employees’ SP/LSP expenses.

Employees’ Rights and Benefits

Statutory Minimum Wage (SMW)

1.8 The Minimum Wage Commission (MWC), established under the Minimum Wage Ordinance (MWO), is tasked with the main function of reporting to the Chief Executive (CE) in Council its recommendation about the SMW rate at least once in every two years. The MWC comprises a chairperson and 12 members drawn from the labour sector, business community, academia and the Government. In October 2022, the MWC completed a new round of review of the SMW rate and submitted a report recommending raising the current SMW rate from \$37.5 per hour to \$40 per hour.

1.9 The CE announced in his 2022 Policy Address that the MWC would be invited to study how to enhance the review mechanism of the SMW, including the review cycle, how to improve efficiency, and balancing a host of factors such as the minimum wage level and sustained economic development, and make proposals to the Government.

Protection of Wages on Insolvency Fund (PWIF)

1.10 The Protection of Wages on Insolvency Fund provides assistance in the form of ex gratia payment to eligible employees affected by insolvency of their employers. The maximum amounts of ex gratia payment items under the PWIF were substantially increased in June 2022 to offer better protection to affected employees. The LD continued its efforts in clamping down at source on employers evading their wage liabilities, thus preventing wage defaults from developing into applications to the PWIF.

Sustaining Vigorous Enforcement against Wage Offences

1.11 In 2022, the LD sustained its all-out efforts to combat wage offences. Territory-wide inspection campaigns targeted at offence-prone trades were launched by labour inspectors. Apart from proactive inspections to check compliance, we widely publicised our complaint hotline (2815 2200) and collected intelligence on non-payment of wages in various industries through an early warning system in collaboration with trade unions. We conducted prompt investigation into suspected wage offences so as to facilitate speedy prosecution.

1.12 We continued to take out prosecution against employers and responsible individuals 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.

Vigorous Enforcement against Illegal Employment

1.13 The LD collaborated with the Police and the Immigration Department to combat illegal employment activities. A total of 36 joint operations were mounted in the year.

Working Hours Policy

1.14 The LD continued to engage its industry-based tripartite committees to formulate working hours guidelines, with suggested sector-specific working hours arrangements, overtime compensation arrangements and good working hours management measures for reference and adoption by employers and employees.

Safety and Health at Work

Safety of Major Public Works Projects (PWPs)

1.15 In light of the commencement of major PWPs (including major infrastructure projects), the LD continued to urge contractors to enhance construction site safety through stepping up inspection and enforcement, as well as promotion and education. These included conducting comprehensive and in-depth surprise inspections of major PWP sites with high risk processes or poor safety performance to scrutinise the safe system of work and safety management system of duty holders. We continued to participate actively in site safety management committee meetings of major PWPs to keep close tabs on the projects' occupational safety and health (OSH) conditions and risks, with a view to devising more focused inspection strategies. During the meetings, we gave advice on work processes of higher risk and urged the contractors and relevant duty holders to conduct risk assessments, devise safe working method statements and implement safety measures as early as possible. We also strengthened the coordination with the Development Bureau, works departments and other public works project clients to enhance the site safety measures of major PWPs, with a view to ensuring more effective control of risks by contractors. We also launched enforcement operations with the Marine Department on sea-based construction works to deter work practices from contravening safety requirements.

Safety of Renovation, Maintenance, Alteration and Addition (RMAA) Works

1.16 The volume of RMAA works is expected to grow further with the continuous ageing of buildings in Hong Kong and the erection of many new buildings.

1.17 The LD continued to step up inspection and enforcement efforts to monitor RMAA works and deter contractors from adopting unsafe work practices, so as to enhance the occupational safety condition of RMAA works. Territory-wide special enforcement operations (SEO) on RMAA works with emphasis on high risk processes, such as work-at-height, truss-out scaffolding works, lifting operations and electrical work were also launched. During the special operations, 306 suspension/improvement notices were issued and 232 prosecutions were taken out. The LD has also stepped up area patrols to inspect RMAA works sites in a timely manner to combat high-risk work processes, including unsafe work-above-ground activities and improper erection, dismantling or use of truss-out scaffolds.

1.18 On the fronts of education and promotion, we organised a series of intensive promotion and publicity campaigns, targeting RMAA works, as well as the related work-at-height and truss-out scaffolding works to strengthen 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 a wide range of initiatives to impress upon different stakeholders, such as contractors and workers engaged in RMAA works as well as property owners, the importance of work safety more effectively. We also partnered with the Home Affairs Department to organise publicity and promotional activities to promulgate work safety at the district level.

1.19 In 2022, the LD organised in collaboration with the OSHC, Construction Industry Council and the Housing Department a series of safety webinars concerning RMAA works to engage industry stakeholders in exploring means to further enhance construction safety. Given the occurrence of work-above-ground accidents involving small-scale renovation and repair works from time to time, the LD collaborated with the OSHC as well as the property management and construction industries to launch the "Promoting the Use of Light-duty Working Platforms Scheme Phase II". Through property management companies, step platforms and hop-up platforms (light-duty working platforms) would be lent to the contractors and workers for conducting above-ground RMAA works in the estates or residential buildings free of charge, so that ladders would not be used for such work.

Follow-up Investigations of Serious and Fatal Work Accidents

1.20 The LD is highly concerned about the serious and fatal work accidents that happened in 2022, including the collapse of a tower crane in Sau Mau Ping, the collapse of a suspended working platform in the Mid-levels, and the fall of a giant screen at the Hong Kong Coliseum. We commenced immediate on-site investigations as soon as we were notified of the accidents to identify the causes and recommend improvement measures. We also issued suspension notices to the relevant duty holders, suspending the work processes concerned until we were satisfied that measures to abate the relevant risks had been taken. We would ascertain the liability of the duty holders concerned and take actions pursuant to the law if there was any violation of the OSH legislation, including initiating prosecutions against relevant duty holders.

1.21 In addition, having considered the nature of the accidents, the LD launched a series of follow-up actions, for example, conducting targeted SEO and stepping up our enforcement efforts. When it was reasonable to believe that carrying out certain work process or operating certain machinery may pose a considerable OSH risk, we would suspend relevant work activities immediately and issue advisory letters to duty holders/stakeholders concerned, urging them to take appropriate safety measures with a view to preventing recurrence of similar accidents. On the fronts of publicity and promotion as well as education and training, the LD in collaboration with the Construction Industry Council, OSHC and relevant organisations organised safety seminars after the occurrence of individual serious or fatal accidents to explain the accident related statutory requirements and preventive measures to the industry.

Safety Promotional Campaigns

1.22 With regard to the construction industry, to continue to improve its safety performance, the LD, in collaboration with the OSHC and related organisations, organised the “Construction Industry Safety Award Scheme” again to inculcate a work safety culture in the industry and to enhance the safety awareness of employers, employees and their families. The scheme featured a variety of activities which included safety performance competitions, roving exhibitions, safety quizzes and an award presentation ceremony. We also produced radio programmes and the making-of the Award Scheme, as well as broadcast Announcements in the Public Interest (APIs) and promotional films on television/radio and public transport.

1.23 Due to the COVID-19 pandemic, the LD again suspended the “Catering Industry Safety Award Scheme” in 2022 to prevent the risk of spreading the virus as a result of group gatherings. However, with a view to maintaining the momentum of the industry on OSH improvement, the LD launched “Catering Industry Safety Promotional Campaign 2022/2023” to enhance the work safety and health awareness of employers and employees.

Strengthening Publicity of OSH Complaint Channels

1.24 Through an online OSH complaint platform, the LD facilitates employees and members of the public to report unsafe working conditions with mobile electronic devices, so that the LD can conduct inspections in a more targeted manner and carry out prompt follow-up actions pursuant to the risk-based principle. The LD is promoting complaint channels through different publicity measures, including broadcasting relevant TV API/Radio API on TV/Radio stations; placing advertisements on newspapers, displaying advertisements at prominent locations and public transport; disseminating handy card holders printed with details of the complaint channels at the Service Centers of Workers Registration; and promulgating the information of complaint channels in Mandatory Safety Training Courses and the LD’s OSH publications.

Work Safety Alert Animation

1.25 The LD continued to produce Work Safety Alert in the form of animation videos to enable the industry to better comprehend how some accidents happened and the necessary safety measures to be taken to prevent such accidents. Two animation videos were produced, and uploaded to the LD's website and disseminated through various channels in 2022. The LD continued to give sub-titles to the animation videos in different languages of diverse races in order to enhance the publicity and promotion targeting workers of diverse races.

Continuous Refinement of Mandatory Safety Training (MST) Courses

1.26 In 2022, the LD continued to refine the MST courses, including commencing the review of mandatory basic safety training course (construction work) and MST courses of confined spaces operation to raise the workers' awareness of the causes and risks of accidents and their ability to eliminate these risks in order to prevent accidents. We also continued to conduct different modes of inspections to enhance the monitoring of course quality.

Managing cardiovascular and cerebrovascular diseases risk in the work environment

1.27 The LD, in collaboration with the OSHC, launched the "Heart Caring Campaign" in May 2022. Through health risk assessment, dissemination of healthy lifestyle information and various promotional activities, the Campaign encourages employees in the property management and construction industries to develop habits of healthy living with a view to preventing cardiovascular and cerebrovascular diseases (CCVDs). Under the campaign, as at end-2022, 1 164 organisations from the two industries have signed the "Heart Caring Charter" and implemented health-friendly measures at the workplace, such as regular dissemination of health information to employees, provision of healthier drinks and snacks to employees, organisation of physical activities, etc.

Pilot Rehabilitation Programme for Employees Injured at Work

1.28 The LD has commissioned a service provider and rolled out the three-year Pilot Rehabilitation Programme for Employees Injured at Work in September 2022. The programme adopts a case management approach to provide timely private out-patient rehabilitation treatment services for injured construction employees to facilitate their early recovery and return to work. As at end-2022, 131 injured construction employees have participated in the programme.

建造業 CONSTRUCTION INDUSTRY

工傷僱員復康先導計劃 Pilot Rehabilitation Programme for Employees Injured at Work



-  **快捷私家門診復康治療**
Speedy private out-patient rehabilitation treatment
-  **只需公立醫院/公立診所收費 (可按《僱員補償條例》向僱主索償)**
Same fees as public hospitals/ public clinics (Reimbursement can be sought from employer under the Employees' Compensation Ordinance)
-  **無需輪候公立醫院/公立診所服務**
Need not wait for services of public hospitals/ public clinics
-  **由專人跟進治療及復工**
Designated person to follow up treatment and return-to-work
-  **把握黃金康復期，避免工傷變成長期傷患**
Grasp the golden recovery period to prevent work injuries from turning into chronic conditions
-  **早日康復、重投工作及回復正常生活**
Recover, return to work and resume normal life early

想了解更多先導計劃 More details about Pilot Programme
 先導計劃服務熱線 Pilot Programme Service Hotline 2293 7000
 先導計劃網站 Pilot Programme Website www.prp-wiro.gov.hk
希望參加先導計劃 Interested in Pilot Programme
 勞工處查詢電話 Labour Department Enquiry Line 2417 6594


先導計劃網站
Pilot Programme Website


勞工處
 Labour Department


工傷僱員復康先導計劃
 PILOT REHABILITATION PROGRAMME
for Employees Injured at Work

中文標題	英文	葡文	粵文	國語	台語	客語	閩南語	粵文	國語
先導計劃單張	Pilot Programme Leaflet								
中文標題	英文	葡文	粵文	國語	台語	客語	閩南語	粵文	國語

The Labour Department rolled out the 3-year Pilot Rehabilitation Programme for Employees Injured at Work in September 2022



The service provider engaged by the Labour Department set up a Work Injury Rehabilitation Office in Jordan

Contacts with Other Labour Administrations

- 1.29** The LD maintained liaison and interflows with other labour administrations through participation in various activities in 2022.
- 1.30** In May to June 2022, a tripartite team comprising representatives from the Government, employers and employees, led by the then Commissioner for Labour, Chris Sun, participated in the 110th Session of the International Labour Conference via video conferencing, as part of the delegation of the People's Republic of China.
- 1.31** In December 2022, a tripartite team comprising representatives from the Government, employers and employees, led by the Assistant Commissioner for Labour (Employment Services), Jade Wong, attended the 17th Asia and the Pacific Regional Meeting of the International Labour Organisation in Singapore, as part of the delegation of the People's Republic of China.



Assistant Commissioner for Labour (Employment Services) and members of the tripartite team attended the 17th Asia and the Pacific Regional Meeting in Singapore

Chapter 2

Labour Department

2.1 The Labour Department (LD) is the principal agency in the Hong Kong Special Administrative Region Government responsible for the execution and coordination of major labour administration functions. For details of our structure and services, please visit our website: 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 enforcement, 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
- Proactiveness
- Premier customer service
- Partnership
- Participation

Key Programme Areas

2.5 The LD has four 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 establishments outside the government sector.

Safety and Health at Work

- To help employers and employees ensure that occupational safety and health risks at workplaces are properly controlled and minimised through inspection 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 Departmental 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 LD's overall strategy on publicity and public relations. It mounts extensive publicity and explains the policy and work of the LD to the public through the media, and coordinates the production of publications.

- 2.9** The International Liaison Division oversees matters relating to the application of International Labour Conventions in Hong Kong, the LD's participation in the activities of the International Labour Organisation, and liaison with labour administration authorities in the Mainland and other places. It also 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 in Appendix 2.1.
- 2.11** The Staff Training and Development Division is responsible for staff training and development of the Labour Administration Branch as well as coordinating training activities. The Registration and Staff Training Division organises and coordinates training and development activities for staff of the Occupational Safety and Health Branch.
- 2.12** The Information Technology Management Division offers support to the development and management of information technology services.
- 2.13** An organisation chart of the LD is set out in Appendix 2.2.

Customer-oriented Services

- 2.14** 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 LD's pledged services. For the LD's updated performance pledges, please visit the webpage: www.labour.gov.hk/eng/perform/pledge.htm.

Advisory Boards and Committees

- 2.15** The LD consults various advisory boards and committees on labour matters. The most important one is the LAB. It is a high-level and representative tripartite consultative body which gives advice on matters affecting labour, including legislation and Conventions and Recommendations of the International Labour Organisation. Chaired by the Commissioner for Labour, the LAB comprises members representing employees and employers. Its terms of reference, composition and membership for 2021-2022 are in Appendix 2.3. An election of employee representatives for the 2023-2024 term of the LAB was held on 12 November 2022.



Labour Advisory Board meeting

Chapter 3

Labour Relations

The Programme of Labour Relations

www.labour.gov.hk/eng/labour/content.htm

- 3.1** In Hong Kong, employer and employee relations are largely premised on the stipulations of labour laws, and the terms and conditions of employment agreed and entered into between the two parties. Employers and employees 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 establishments outside the government sector. We achieve this by:
- giving advice on matters relating to conditions of employment, requirements of relevant labour legislation, and good human resource management practices;
 - providing voluntary conciliation service to help employers and employees resolve their employment claims and labour disputes;
 - promoting understanding of labour laws and encouraging good human resource management practices;
 - adjudicating minor employment claims speedily through the Minor Employment Claims Adjudication Board (MECAB); and
 - registering trade unions and their rules, organising courses and conducting visits to trade unions to bring about sound and responsible trade union administration.
- 3.2** The principal legislation administered by this programme area includes the Employment Ordinance (EO), the Minimum Wage Ordinance (MWO), the Labour Relations Ordinance (LRO), the Minor Employment Claims Adjudication Board Ordinance (MECABO) and the Trade Unions Ordinance (TUO).
- 3.3** The EO sets the basic standard on the conditions of employment that establishments outside the government sector have to meet. The MWO establishes a Statutory Minimum Wage regime. The procedures for settling labour disputes in establishments outside the government 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 2022

Key Indicators of Work

3.4 Some key indicators of work of the Labour Relations Programme Area are contained in Appendix 3.1.

Improvement to Employees' Benefits

3.5 By virtue of the Employment (Amendment) Ordinance 2021, the number of statutory holidays increased to 13 days starting from 2022, with the Birthday of the Buddha being newly-added as a statutory holiday. Besides, the Employment (Amendment) Ordinance 2022 was implemented on 17 June 2022 to strengthen the protection of the employment rights and benefits of employees when they are absent from work due to their compliance with a specific anti-epidemic requirement and encourage employees to get vaccination for COVID-19.

Conciliation and Consultation Services

3.6 Our conciliation and consultation services are conducive to maintaining harmonious industrial relations in Hong Kong. In 2022, we held 45 993 consultation meetings, and handled 10 615 claims and 70 labour disputes. Over 70% of cases with conciliation service rendered were settled in the year. (Appendices 3.2, 3.3, 3.4, 3.5, 3.6 and 3.7)

Strengthening Tripartite Cooperation

3.7 The Labour Department (LD) runs nine industry-based tripartite committees, covering catering, cement and concrete, construction, hotel and tourism, logistics, printing, property management, retail and theatre industries, to promote tripartite dialogue and collaboration at the industry level with a view to fostering harmonious labour relations among employers, employees and the Government. These tripartite committees provide effective forums for members to discuss issues of common concern to their industries. Employment-related matters such as good human resource management, labour relations and employment situation of the industries, sickness allowance and employment protection under anti-epidemic measures as well as abolition of MPF offsetting arrangement were deliberated in the year.



Members of an industry-based tripartite committee discussed issues of common concern to their industry at a meeting

3.8 To celebrate the 25th anniversary of the establishment of the Hong Kong Special Administrative Region (HKSAR), the LD produced a TV programme “Tripartite Collaboration for a Brighter Future” to showcase the commitment of the Government, employees and employers in fostering harmonious labour relations and improving employees’ rights and benefits through tripartite collaboration since the establishment of the HKSAR. Contents were also extracted from the TV programme to produce a highlight video, a commemorative booklet and e-book for distribution through different channels.



The Labour Department produced a TV programme “Tripartite Collaboration for a Brighter Future”, complemented with a commemorative booklet and e-book, to showcase the commitment of the Government, employees and employers in fostering harmonious labour relations and improving employees’ rights and benefits through tripartite collaboration

Promotion of Good Employer-Employee Relations

3.9 To enhance public understanding of the EO and to promote good human resource management culture, the LD organised various promotional activities and published free publications covering different themes for employers, employees, human resources professionals and the public. Relevant information was also disseminated through the LD's homepage and the media. We also widely publicised messages about good human resource management as well as statutory employment rights and protection, including the progressive increase in the number of statutory holidays under the Employment (Amendment) Ordinance 2021 and the sickness allowance and employment protection under anti-epidemic measures by virtue of the Employment (Amendment) Ordinance 2022, through the extensive network of employers' associations and trade unions. Furthermore, to promote employee-oriented and progressive good human resource management practices, we continued the Good Employer Charter initiative to encourage employers to suitably adopt family-friendly employment practices.



The Labour Department published free publications covering different themes to enhance public understanding of the Employment Ordinance and to promote good human resource management culture

3.10 The LD organised experience-sharing sessions and briefings and published newsletters for members of 18 human resources managers' clubs established in different trades. We also published newspaper articles and comic strips, and placed advertisements in public transport network and periodic journals of major employers' associations and labour organisations to promote good human resource management. In the year, we produced a new series of radio promotion soundtracks to broadcast messages on the EO and good human resource management and uploaded the soundtracks to the LD's website. Besides, to enhance the knowledge of ethnic minorities (EM) on the EO, promotional messages related to the EO were broadcast through four radio programmes in EM languages, while "Employment Ordinance at a Glance" and other relevant publications in EM languages were distributed through the service centres of non-government organisations.



The Labour Department organised experience-sharing sessions and briefings for members of human resources managers' clubs established in different trades

Adjudication of Minor Employment Claims

3.11 The MECAB provides a speedy, informal and less costly adjudication service for members of the public. The MECAB has jurisdiction to determine employment claims involving not more than 10 claimants for a sum not exceeding \$15,000 per claimant.

3.12 In 2022, the MECAB recorded 838 claims amounting to \$6,213,365 and concluded 806 claims with a total award of \$2,807,647.

Regulation of Trade Unions

- 3.13** The Registry of Trade Unions (RTU) is responsible for administering the TUO and the Trade Union Registration Regulations, with a view to fostering sound trade union management and responsible trade unionism, ensuring trade unions' compliance with the law and their respective rules. Its major areas of work include registering trade unions and their rules, examining trade unions' annual statements of account and any other returns required by the law to be furnished to the RTU, conducting visits to trade unions and organising educational and promotional activities to enhance the understanding of trade union officials and staff on national security and trade union administration.
- 3.14** In 2022, the RTU completed 41 registrations of new trade unions (comprising 40 trade unions and one trade union federation). As at end-2022, trade unions registered under the TUO totalled 1 469 (comprising 1 398 employee unions, 12 employer associations, 44 mixed organisations of employees and employers and 15 trade union federations). Please refer to the following webpage for the key trade union statistics: www.labour.gov.hk/eng/labour/content3.htm.
- 3.15** In the year, the RTU examined 1 478 annual statements of account and conducted 271 visits to trade unions. The RTU organised courses and seminar to enhance the understanding of trade union officers and staff on national security, union management and trade union bookkeeping.

Chapter 4

Safety and Health at Work

The Programme of Safety and Health at Work

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 inspection 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;
- enforcing 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 through inspection of workplaces to ensure that the requirements are complied with;
- investigating accidents and occupational health problems at workplaces and giving advice to employers and employees on how to reduce existing workplace hazards;
- offering advice to owners in the design and layout of workplaces, and in the implementation of safety programmes in workplaces;
- providing to employers, employees and the general public appropriate information and advice to promote knowledge and understanding of occupational safety and health (OSH); and
- organising promotional programmes and training courses to enhance safety awareness of the workforce.

4.2 The OSHO protects employees' safety and health at work generally in 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.

- 4.3** 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.
- 4.4** The BPVO aims at regulating the standards and operation of boilers and pressure vessels, including steam boilers, steam receivers and air receivers.

Our Work and Achievements in 2022

Work Safety Performance

- 4.5** 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.
- 4.6** The number of occupational injuries in all workplaces in 2022 stood at 32 026, whereas the number in 2013 was 38 027. The injury rate per thousand employees was 11.2 in 2022, and the rate in 2013 was 13.2. The number of industrial accidents for all sectors was 7 762, and the number in 2013 was 11 820. The accident rate per thousand workers for all sectors was 13.5, and the rate in 2013 was 19.6.
- 4.7** In 2022, there were 3 046 industrial accidents in the construction industry, and the number in 2013 was 3 232. The accident rate per thousand workers in 2022 was 29.1, and the rate in 2013 was 40.8.

Occupational Diseases

- 4.8** In 2022, there were 464 confirmed occupational disease and gas poisoning cases. The most common occupational diseases were occupational deafness, silicosis and tenosynovitis of the hand or forearm.
- 4.9** For more statistics on the OSH, please visit the webpage: www.labour.gov.hk/eng/osh/content10.htm.

Key Indicators of Work

4.10 Some key indicators of work of this programme area are shown in Appendix 4.1.

Inspection and Enforcement

4.11 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 and prevent accidents.

4.12 We conduct promotional visits to give advice to employers on the prevention of accidents and encourage them to proactively adopt a self-regulatory approach in managing risks at the workplace. We also conduct enforcement inspections to various workplaces to ensure that duty holders have observed relevant statutory requirements stipulated in safety legislation. We adopt a risk-based approach to adjust the intensity of inspection and enforcement efforts from time to time to effectively combat violations.

4.13 In 2022, we continued to place workplaces with poor safety performance under close surveillance. Improvement notices or suspension notices were issued when necessary to secure speedy rectification of irregularities, or to remove imminent risks to lives. In 2022, we also conducted 14 special enforcement operations targeting specific workplace hazards or workplaces with higher risk work processes, including new works; repair, maintenance, alteration and addition (RMAA) works; electrical works; bamboo scaffolding; sea-based construction works; tower cranes; catering; waste management works; logistic, cargo and container-handling industries as well as fire and chemical safety. In these 14 operations, a total of 15 150 workplaces were inspected, with 1 355 improvement notices and 63 suspension notices issued to duty holders, and 937 prosecutions initiated. Besides, we launched 30 in-depth surprise inspections to work sites with higher risk processes or poor safety performance. A total of 915 suspension/improvement notices were issued and 319 prosecutions were initiated. In order to enhance safety performance of public work projects, representatives of the LD participated in 343 site safety management committee meetings of public work projects and provided safety advice, particularly on work processes with relatively high risk, to the contractors and relevant duty holders.

- 4.14** We conduct investigations into complaints concerning unsafe conditions or malpractices in workplaces. In 2022, we handled 200 complaints lodged by workers and initiated 11 prosecutions arising from investigation of these cases. Through the intelligence reporting system on unsafe RMAA works developed with various strategic partners, a total of 5 959 complaint/referral cases were received. As a result of the follow-up inspections on these referral cases, we issued 183 suspension/improvement notices and took out 93 prosecutions.
- 4.15** To enable the conduct of inspections in a more targeted manner, the LD established an online OSH complaint platform to facilitate employees and members of the public to report unsafe working conditions using mobile electronic devices, so that the LD can conduct prompt follow-up actions. In 2022, the LD received a total of 1 066 OSH complaints through the platform. A total of 20 suspension notices and 198 improvement notices were issued and 117 prosecutions were/will be taken out by the LD upon discovery of breaches of OSH legislation from the above complaints.
- 4.16** In 2022, the LD continued to collaborate with the property management sector to implement the referral mechanism for RMAA works carried out in individual units of estates. Responsible property management personnel would notify the LD prior to the commencement of some high risk works (e.g. truss-out scaffolding works at external wall), thus enabling the LD to conduct targeted safety inspections in a timely manner.
- 4.17** In 2022, the LD continued to carry out enforcement operations and publicity campaigns targeting outdoor workplaces with a higher risk of heat stroke. These workplaces include construction sites, outdoor cleansing workplaces, horticulture workplaces and container yards. In the special enforcement operation from April to September, we conducted a total of 26 094 surprise inspections and issued 97 warnings.
- 4.18** Targeting health risks of standing at work, the LD conducted inspections at workplaces of various industries in 2022, including those of the catering, retail, property management and hotel industries. The LD conducted 219 surprise inspections in these workplaces and issued one warning.
- 4.19** The Commissioner for Labour, as the Boilers and Pressure Vessels Authority, recognises competent inspection bodies to assess and inspect new pressure equipment during manufacturing. In addition, the LD conducts examinations,

monitors courses for training of competent persons and issues certificates of competency to qualified candidates as competent persons for various types of boilers and steam receivers. In 2022, 488 applications for certificates of competency were processed, with 484 certificates issued/endorsed. We also advised the Fire Services Department on matters related to the approval and preliminary inspections of pressurised cylinders and storage installations for compressed gas.

4.20 As at end-2022, the LD recorded a total of 238 501 workplaces, including 32 082 construction sites. In the year, 121 448 inspections were conducted under the OSHO, the FIUO and their subsidiary regulations. As a result, 25 921 warnings and 4 812 suspension or improvement notices were issued. Besides, 4 669 inspections were made under the BPVO. 2 426 warnings were given and 14 prohibition orders on the use and operation of boilers and pressure vessels were issued. We also carried out 16 673 and 2 541 investigations on work accidents and suspected occupational diseases/occupational health problems respectively. We also conducted 5 598 occupational hygiene surveys on workplace health hazards.

Education and Training

4.21 We provide training-related services to employers, employees and relevant parties to foster an OSH culture among the working population. They include provision of training courses, recognition of Mandatory Safety Training (MST) courses and registration of safety officers and safety auditors.

4.22 In 2022, we organised 645 safety and health training courses related to relevant legislation for 8 943 employees and 225 tailor-made talks to individual industries or organisations for another 39 765 persons. We also recognised ten mandatory basic safety training courses (commonly known as “green card” courses) for construction and container-handling work, one MST course for confined space operation and one MST course for operators of loadshifting machine. We also continued to refine the MST courses, and commenced review regarding the mandatory basic safety training course (construction work) and MST courses of confined spaces operation, with a view to raising workers’ awareness of the causes and risks of accidents and their ability to eliminate these risks in order to prevent accidents. We have a system in place to monitor these MST courses. We conducted different modes of monitoring inspections, including surprise inspections and covert inspections which involved inspecting officers in the guise of a course participant, to ensure that the courses were delivered in accordance with the course contents.

- 4.23** In 2022, we registered 142 persons as safety officers and 85 as safety auditors. As at the end of the year, there were 4 110 safety officers with valid registration and 1 579 registered safety auditors. Furthermore, a total of 1 146 applications for renewal or revalidation of registration as safety officers were approved in 2022.
- 4.24** Occupational health education raises employers' and employees' awareness of the prevention of occupational health hazards and occupational diseases. In 2022, we organised a total of 858 health talks on various occupational health issues for over 47 970 participants. Apart from open health talks, we also conducted outreaching health talks at the workplaces of individual organisations. These health talks covered various occupations with more than 40 different topics such as Occupational Health for Office Workers, Manual Handling Operations and Prevention of Back Injuries, Occupational Health for Cleansing Workers, Prevention of Lower Limb Disorders and Occupational Health in Catering Industry. Owing to the COVID-19 pandemic, some of the health talks were conducted online in 2022 so that employers and employees could continue to participate in them.
- 4.25** The LD uploaded Work Safety Alerts and Systemic Safety Alerts on the LD's website respectively to help raise the safety awareness of employers, contractors and workers and to urge Registered Safety Officers and Registered Safety Auditors to apply safety management principles in exercising their statutory functions to advise their employers/clients to fulfill their safety responsibilities and render the necessary assistance. Work Safety Alerts summarised recent fatal and serious work accidents, and highlighted general safety precautionary measures whereas Systemic Safety Alerts provided accident prevention measures arising from the major systemic problems. In 2022, the LD produced Systemic Safety Alerts including "fall through floor openings", "power-operated elevating working platforms safety", "demolition work safety" and "machinery safety of waste recycling industry". In 2022, we continued to produce Work Safety Alerts in the form of animation videos to enable the industry to better comprehend how accidents happened and the necessary precautionary measures to be taken for preventing recurrence of similar accidents. Two animation videos on various topics, including machinery safety and work on building balcony safety, were uploaded to the LD's website and widely disseminated through different channels. Furthermore, the LD continued to translate sub-titles of the Work Safety Alerts animation videos into different languages (including Hindi, Nepali, Tagalog and Urdu) to facilitate construction workers of diverse races to comprehend the OSH information.



Animation videos on Work Safety Alerts

Publicity and Promotion

4.26 We held a series of promotional campaigns in 2022 to heighten safety awareness among employers and employees and to cultivate a positive safety culture at the workplaces, with some jointly organised with relevant stakeholders such as the Occupational Safety and Health Council (OSHC), trade associations, workers' unions and other government departments.

4.27 In view of the COVID-19 pandemic, we suspended the "Catering Industry Safety Award Scheme" in 2022. In order to continue to urge the catering industry to take practical safety measures and improve working environment to reduce accident risks, we launched the "Catering Industry Safety Promotional Campaign 2022/2023". The Campaign comprised the "Safety Quiz Competition" and the "Catering Industry Safety Video Competition", and focal promotion of the five catering safety animations. The five animations, themed safe use of machinery, manual handling operations, burn prevention, slip prevention and cut prevention were uploaded to the LD's website and disseminated through different channels including mobile media, TV panels of catering establishments and outdoor LED display panels. With regard to the construction industry, the LD in collaboration with the OSHC and related organisations in the construction industry organised the "Construction Industry Safety Award Scheme 2022/2023" to raise the safety and health awareness of contractors, personnel and workers of construction sites, foster a positive

safety culture; and encourage the adoption of safe work practices. The LD also organised an open competition to recognise contractors, site personnel, frontline foremen and workers for their good OSH performances, with a view to enhancing public understanding on construction safety.



Catering Industry Safety Promotional Campaign 2022/2023



Construction Industry Safety Award Scheme 2022/2023

- 4.28** The LD, in collaboration with the OSHC, launched a two-year publicity campaign in 2022 for heightening the publicity and promotion targeting new works and RMAA works. Through a wide range of initiatives, for examples, lunchtime on-site safety talks, seminars, sponsorship schemes, roving exhibitions, etc., we seek to reach different stakeholders of new works and RMAA works, including contractors and workers, in particular the new comers, workers of diverse races and property owners, etc., to raise their work safety and health awareness.
- 4.29** Accidents in RMAA works have become a source of concern in recent years. With a view to reminding contractors and workers to pay extra attention to safety while carrying out truss-out scaffolding work and working at height, the LD in collaboration with the OSHC launched three safety webinars on truss-out scaffolding and floor opening protection, suspended working platform and housekeeping at workplaces for safety in July and December 2022 respectively. Other major publicity activities included broadcasting APIs on television/radio/mobile media, staging roving exhibitions, publishing feature articles in newspapers and on the LD's website, publishing leaflets and disseminating safety messages to contractors, employers and employees through various means.
- 4.30** The LD continued to step up targeted promotion work in relation to work-at-height and work-above-ground safety in 2022. These included broadcasting Work Safety Alerts on publicity platforms of public transportation and through websites and mobile applications frequently visited and used by workers, producing and distributing safety banners to construction sites, displaying safety messages on post boxes, at roadsides, on footbridges, on external walls of government buildings, at tunnels' entrances, in Home Affairs Enquiry Centres of the Home Affairs Department, on external LED display panels of shopping malls. The LD also broadcast radio advertisements by celebrities on race days and displayed occupational safety and health messages at the LD's homepage and via the social media of the OSHC such as its Facebook.



The Labour Department disseminated OSH messages through an LED display panel mounted on the external wall of a commercial complex

4.31 In light of several accidents that happened in 2021 which workers had fallen to death from residential buildings while they were carrying out work-above-ground near permanent railings, the LD launched a new set of TV and radio APIs in January 2022 focusing on work-above-ground safety which is seemingly simple but easily ignored by employers and workers. Moreover, in collaboration with OSHC, we engaged media partners to produce a total of 11 promotional videos related to truss-out scaffold safety, targeting not only contractors and workers but also property owners and tenants. The promotional videos introduced in a comprehensible manner the basic safety measures for bamboo scaffolding works and possible issues facing the property owner after an accident.

- 4.32** In the aspect of occupational health, the LD also collaborated with OSHC and other relevant organisations, including the Occupational Deafness Compensation Board, the Pneumoconiosis Compensation Fund Board, employers' associations, trade unions and community groups, in promoting occupational health as well as prevention of occupational diseases (e.g. occupational deafness and pneumoconiosis) and work-related diseases (e.g. musculoskeletal disorders which are common among workers of service industry, clerical personnel and manual workers). This was achieved through a variety of activities such as organising occupational health award, holding health talks and distributing promotional materials, etc. We also continued to co-organise the "Joyful@Healthy Workplace" programme and the "Mental Health Workplace Charter" with the Department of Health and the OSHC, and encouraged employers to participate in the programmes, in order to promote a health-friendly working environment and foster physical and mental well-being of employees.
- 4.33** In view of the increasingly hot weather in recent years, the LD 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 and promotional posters, showing educational videos and displaying advertisements on mobile advertising media, and issuing press releases. In addition, from April to September 2022, we collaborated with the OSHC again to launch a large-scale promotion campaign on heat stroke prevention. Through distribution of heat stroke prevention items and extensive publicity, the campaign reminded employers and employees to prevent heat stroke at work. The Portable Waist Fan Sponsorship Scheme for SMEs was also relaunched to sponsor SMEs of the targeted industries to purchase portable and safety compliant waist fans for employees' use at work as necessary.
- 4.34** Moreover, in order to reduce the risk of gas poisoning in sewer maintenance works, the LD published the "Guidance Notes on Safety and Health for Prevention of Gas Poisoning in Drainage Works" in October 2022 to provide practical guidance to proprietors, contractors and workers engaged in drainage works to prevent the occurrence of gas poisoning accidents when workers are carrying out such works. In addition, the LD and OSHC jointly organised the "Confined Space Work Safety and Health Forum" and launched the Occupational Safety and Health Star Enterprise (Confined Spaces) Accreditation Scheme in June 2022. Through providing free safety training courses on confined space works to workers of participating enterprises; subsidising enterprises to buy safety equipment; as well as providing free consultancy services and audits on the safety management system, the Scheme aims to improve the OSH standard of the participating enterprises in confined space works.

- 4.35** In 2022, the LD published 36 revised/new OSH publications, including “A Guide to the Factories & Industrial Undertakings (Woodworking Machinery) Regulations”, “Code of Practice on Mechanical Handling Safety in Container Yards”, “Guidance Notes on Safety and Health for Prevention of Gas Poisoning in Drainage Works”, “Work and Common Disease Series – Do You Know about Cardiovascular and Cerebrovascular Diseases?”, “Work-related disease series – Lower Limb Varicose Vein”, “Work-related disease series – Plantar Fasciitis”, “Occupational Health in Catering Industry”, “Guidance Notes on Medical Examinations for Workers engaged in Hazardous Occupations in Industrial Undertakings”, “Occupational Disease Casebook – Tenosynovitis of the hand or forearm”, “Work-related Disease Series – Osteoarthritis of Knee”, “Work and Common Gastrointestinal Diseases”, “Electric Shock” notice, “Good Ventilation Eliminates Toxic Fumes” poster, “Dangerous Parts of Machinery or Plant” poster and “Prevent Heat Stroke When Working in a Hot Weather (Transportation Workers)” poster for promoting work safety and health.
- 4.36** In respect of lifting safety, the LD published a brand-new “Accident Casebook on Lifting Operation” in 2022 which analyses the cause of common lifting accident cases at construction sites and suggests feasible safety measures. A new module and e-Quiz on safe lifting operation were added to the Occupational Safety and Health e-Quiz platform of the LD’s website to facilitate interactive teaching by contractors during their morning briefings or safety training. The LD also published a brand-new “Guide on Construction and Work Safety of Truss-out Bamboo Scaffolds” to explain the basic requirements for the structure and work safety of “common truss-out bamboo scaffolds” and “special truss-out bamboo scaffolds” in the same year.
- 4.37** Besides, we published four OSH publications in six languages (Indonesian, Hindi, Nepali, Tagalog, Thai and Urdu), namely “Guidance Notes on Prevention of Trapping Hazard of Tail Lifts”, “Demarcate lifting zones and display enclosure notices properly” poster, “Always check the loading Don’t overload cranes” poster and “Prevent Heat Stroke When Working in a Hot Weather (construction worker)” poster, with a view to enhancing the safety awareness of workers of diverse race.



Occupational safety and health publications for workers of diverse race

4.38 In 2022, the Occupational Safety and Health Branch handled 8 441 enquiries, advising on various safety and health matters. Furthermore, the Occupational Safety and Health Centre provides information and advisory services to employers and workers.

4.39 The LD collaborated with the property management sector to promote RMAA work safety and to step up the promotion of work-at-height safety to stakeholders, including contractors and workers, on the use of suitable working platforms instead of ladders for working above ground and the use of safety helmets with chin straps. We collaborated with the OSHC as well as the property management and construction industries to launch the “Promoting the Use of Light-duty Working Platforms Scheme Phase II”. Through the property management companies, step platforms and hop-up platforms (light-duty working platforms) would be lent to the contractors and workers conducting RMAA works in the estates or residential buildings free of charge to encourage them to use light-duty working platforms for above-ground works instead of ladders. More than 600 eligible applications were received with about 1 600 light-duty working platforms provided.

- 4.40** Using straight ladders or A-ladders for work-at-height carries a lot of risk. In the past, there were several fatal accidents which involved workers falling from these ladders. In order to enhance the safety awareness of employers and workers in work-at-height, the LD collaborated with the OSHC to continue with the Enhanced Light-duty Working Platform Sponsorship Scheme for SMEs by subsidising small and medium enterprises (SMEs) to purchase enhanced step platforms and hop-up platforms for above-ground work. As at December 2022, 1 512 applications were received with 1 315 approved, benefiting over 20 920 workers.
- 4.41** The LD collaborated with the OSHC to ride on the Home Affairs Department's community platforms to promote RMAA work safety particularly work-at-height safety, to owners' corporations, property owners and tenants, etc.
- 4.42** To promote safety awareness of the industry in operating boilers and pressure vessels, we distributed around 1 925 publications and leaflets regarding registration and safe operation of pressure equipment

Clinical Occupational Health Services

- 4.43** The LD 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. Workplaces of the patients are inspected if necessary to identify and evaluate occupational health hazards in the work environment.
- 4.44** In 2022, 9 177 clinical consultations were rendered. Moreover, patient support groups were organised to help patients achieve more desirable rehabilitation progress through health talks, experience sharing and peer support.

Chapter 5

Employment Services

The Programme of Employment Services

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 employment assistance and recruitment services to help job seekers find suitable jobs and employers fill their vacancies. We achieve this by:
- providing user-friendly employment and recruitment services to job seekers and employers;
 - offering dedicated employment-related assistance and personalised services 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
 - processing applications under the Supplementary Labour Scheme and ensuring employment priority for local workers in filling vacancies under the scheme.
- 5.2** The principal legislation administered by this programme area includes Part XII of the Employment Ordinance (EO), the Employment Agency Regulations made under the EO and the Contracts for Employment Outside Hong Kong Ordinance (CEOHKO).
- 5.3** Part XII of the EO, together with the Employment Agency Regulations, regulates the operation of employment agencies in Hong Kong through licensing, inspection, investigation and prosecution.
- 5.4** The CEOHKO 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 of these persons.

Our Work and Achievements in 2022

Employment Situation in Hong Kong

5.5 The labour market was under notable pressure in the early months of 2022 but improved subsequently in the rest of the year. After rising to a high of 5.4% in February – April 2022, the seasonally adjusted unemployment rate fell successively to 4.7% in the second quarter, 3.9% in the third quarter and 3.5% in the fourth quarter. The underemployment rate also fell successively from 3.8% in February – April 2022 to 1.5% in the fourth quarter. For updated statistics on the labour force, unemployment rate and underemployment rate, please visit the webpage:

www.censtatd.gov.hk/en/web_table.html?id=6.

5.6 The Labour Department (LD) recorded 1 086 335 vacancies offered by employers of the private sector for free recruitment service in 2022. In the year, a total of 164 713 placements were secured. (Appendices 5.1 and 5.2)

A Wider Service Choice

Job Centres

5.7 Job seekers can browse vacancies at 13 job centres of the LD and seek referral service provided by the staff or apply to the employers direct. Job seekers can meet with employment officers to obtain personalised employment advisory services. Employment officers will also assist job seekers to join the employment programmes of the LD. Various facilities such as digital display system, touchscreen vacancy search terminals, fax machines, toll-free telephones, computers connected to the Internet and resource corners are available for the use by job seekers.

Industry-based Recruitment Centres

5.8 The three industry-based recruitment centres of the LD, namely the Recruitment Centre for the Catering Industry, the Recruitment Centre for the Retail Industry and the Construction Industry Recruitment Centre, provide free as well as one-stop and on-the-spot recruitment services for employers and job seekers, enhancing the efficiency of recruitment and job search.

Telephone Employment Service

5.9 Job seekers registered at the LD 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.

Online Employment Services

5.10 The LD's Interactive Employment Service (iES) website (www.jobs.gov.hk) provides round-the-clock online employment services and comprehensive employment information. The iES website is the most popular government job board in Hong Kong, recording around 339 million page views in 2022. It hosts a number of thematic webpages to provide dedicated employment information for specific clientele. Job seekers can also use the iES mobile application anytime and anywhere to look for suitable vacancies in the job vacancy database of the LD and receive notifications on newly posted vacancies matched by the system according to their pre-set search criteria. The mobile application recorded around 251 million hit counts in 2022.

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). The vacancy information is then disseminated through a network of 13 job centres, three recruitment centres for the catering, retail and construction industries, the iES website and mobile application as well as vacancy search terminals located in various sites throughout the territory after vetting.

Recruitment and Promotional Activities

5.12 The LD organises 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. Apart from large-scale job fairs, district-based job fairs are held at job centres to assist employers to recruit residents in the locality and to enable job seekers to participate in job interviews without having to travel long distance.

5.13 To reduce the risk of viral infection posed by the congregation of people during the COVID-19 outbreak, the LD organised online job fairs in place of some physical job fairs. The LD resumed the organisation of job fairs after the epidemic had stabilised. In the year, ten large-scale job fairs and three online job fairs were held, attracting over 6 500 job seekers to attend large-scale job fairs and receiving more than 1 300 job applications during online job fairs. At the same time, 614 district-based job fairs were organised, with over 11 000 on-the-spot interviews arranged.

Services provided for targeted groups

Middle-aged and Elderly Job Seekers

5.14 The LD provides dedicated employment services for the elderly and middle-aged persons and promote their employment through various means such as setting up special counters at job centres to provide priority registration and job referral service for the elderly and middle-aged job seekers, conducting employers' experience-sharing sessions, and organising employment briefings and job fairs targeted at the elderly and middle-aged persons.

5.15 In addition, the LD implements the Employment Programme for the Elderly and Middle-aged (EPEM) to encourage employers to hire the elderly and middle-aged and provide them with on-the-job training (OJT) through the provision of OJT allowance. Employers engaging job seekers aged 60 or above who are unemployed or have left the workforce are offered a monthly training allowance of up to \$5,000 per employee for six to 12 months. Those who engage unemployed job-seekers aged 40 to 59 are offered an allowance of up to \$4,000 per month per employee for three to six months. The EPEM covers both full-time and part-time jobs. There were 2 707 placements eligible for joining the programme in 2022.

New Arrival and Ethnic Minority Job Seekers

5.16 The LD's job centres provide comprehensive employment services to new arrival and ethnic minority job seekers. These include employment advisory services, job referral, employment briefing and information resources. The job seekers in need are encouraged to participate in various employment programmes to enhance their employment opportunities.

- 5.17** Since September 2014, the LD has implemented the “Employment Services Ambassador Programme for Ethnic Minorities” to employ trainees of the Youth Employment and Training Programme who can communicate in ethnic minority languages to work as Employment Services Ambassadors at job centres, industry-based recruitment centres and job fairs. Moreover, since May 2017, we have engaged two employment assistants proficient in ethnic minority languages at two selected job centres to strengthen employment support for ethnic minority job seekers, especially those of South Asian origins. The LD planned to recruit more ethnic minorities for the appointment as employment assistants and general assistants starting from the first half of 2023 to enhance their employment opportunities. Furthermore, inclusive job fairs are organised to enhance the employment opportunities of the ethnic minorities.
- 5.18** The LD also commissioned two non-governmental organisations (NGOs) to implement the Racial Diversity Employment Programme on a three-year pilot basis since November 2020 to provide one-stop employment services for ethnic minority job seekers in a case management approach. In 2022, the programme served 344 ethnic minority job seekers and recorded 122 placements, including 32 placements by referral. After review, the LD will regularise the implementation of this programme.

Work Trial Scheme (WTS)

- 5.19** The WTS seeks to enhance the employment opportunities of job seekers who have difficulties in finding jobs. There is no age limit for applicants. Participants take up jobs offered by participating organisations during the one-month work-trial with no employer-employee relationship. On completion of the one-month full-time work trial, the maximum allowance payable to each participant is \$8,300, while the allowance for part-time work trial is calculated at an hourly rate of \$49. Of this allowance, \$500 are contributed by the participating organisation. In 2022, a total of 201 job seekers were placed into work trials.

Workers Affected by Large-scale Retrenchment

5.20 In major business closure or redundancy cases, the LD sets up hotlines for enquiry and special counters at job centres to provide special employment services to affected employees. We canvass suitable vacancies from employers to facilitate job search of the affected employees. In addition, under our iES website, a dedicated webpage displays vacancies offered by employers interested in recruiting job seekers who have lost their jobs in recent closure or redundancy exercises. This helps the affected employees find suitable jobs more effectively. In the year, we offered such special employment services to some 5 500 affected employees.

Job Seekers with Disabilities

5.21 The Selective Placement Division (SPD) offers employment assistance to job seekers with disabilities who are fit for open employment. Employment consultants provide personalised employment services, including employment counselling, job matching and referral as well as post-placement follow-up services. In 2022, the SPD registered 2 570 job seekers with disabilities and secured 2 412 placements. (Appendix 5.3)

Work Orientation and Placement Scheme (WOPS)

5.22 The WOPS facilitates open employment of persons with disabilities by encouraging employers to engage persons with disabilities and render them with coaching and support through the provision of an allowance. The maximum allowance payable under WOPS to an eligible employer for engaging each person with disabilities having employment difficulties during the nine-month allowance period totalled \$60,000. In 2022, WOPS recorded 1 228 placements.

Self Help Integrated Placement Service (SHIPS)

5.23 The SHIPS aims at improving the job searching skills of job seekers with disabilities and encouraging them to be more proactive in job hunt, thereby enhancing their employment opportunities. In 2022, 251 job seekers with disabilities participated in the programme.

Interactive Selective Placement Service (iSPS) Website

5.24 The iSPS website (www.jobs.gov.hk/isps) provides employment services for job seekers with disabilities and employers. 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.

Promotional Activities

5.25 To enhance public understanding of the work abilities of persons with disabilities as well as to publicise the services of the SPD and the WOPS, the SPD conducted a series of promotional activities, such as producing publications and advertisements, broadcasting promotional videos, and publicising promotional messages through newspapers, publications of employers' associations, radio and television channels, public transport network, wall banners and mobile application advertisements during the year. In addition, promotional visits were paid to employers of different trades and publicity materials were sent to them to canvass more job vacancies for persons with disabilities.



The Labour Department displayed external wall banner at Queensway Government Offices to promote the Work Orientation and Placement Scheme

Services for Young People

Greater Bay Area Youth Employment Scheme

5.26 The LD launched the pilot Greater Bay Area Youth Employment Scheme (GBA YES) in January 2021 to encourage enterprises with business in both Hong Kong and the Greater Bay Area (GBA) Mainland cities to employ Hong Kong residents who were awarded a bachelor’s degree or above in 2019 to 2021 and deploy them to work in the GBA Mainland cities. Enterprises should employ the graduates according to Hong Kong laws with a monthly salary of not less than HK\$18,000. The LD granted a monthly allowance of HK\$10,000 to the enterprises for each graduate employed for a maximum period of 18 months.

5.27 GBA YES recorded a total of 3 494 job vacancies from 417 enterprises and 1 091 youngsters had reported for duty. The pilot scheme received favourable feedback from the participating enterprises and young people. The LD will launch the regularised GBA YES in the first half of 2023.



The Chief Executive, John Lee, spoke at the “Appreciation Ceremony cum Experience Sharing Session of the Greater Bay Area Youth Employment Scheme” on 9 November

Youth Employment and Training Programme (YETP)

5.28 To enhance the employability of young people, the LD administers the YETP, a “through-train” programme providing seamless and comprehensive training and employment support to young school leavers aged 15 to 24 with educational attainment at sub-degree level or below.

- 5.29** 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, OJT 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. Employers who engage trainees under the YETP and provide them with OJT are entitled to a maximum training allowance of \$5,000 per month per employee for six to 12 months.
- 5.30** In the 2021/22 programme year running from September 2021 to August 2022, 1 665 young people attended pre-employment training and 1 384 OJT placements were secured under the YETP.
- 5.31** The YETP collaborates with training bodies and individual employers or employers of specific sectors to launch special employment projects, providing tailor-made pre-employment training and OJT for young people. In the 2021/22 programme year, 15 special employment projects and 35 thematic job fairs were organised, involving employers in the banking, retail, catering, aviation as well as construction and engineering industries, etc.
- 5.32** In August, the LD co-organised the Award Ceremony of YETP Most Improved Trainees 2022 with Radio Television Hong Kong. The event, themed “Seize the Future”, showcased the improvements of trainees after joining the YETP and commended the caring efforts of training bodies and employers. Trainees’ successful experience 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 young generation. In the year, we also held truck promotion activities to attract young people to join the YETP.



The awardees of the Most Improved Trainees of the Youth Employment and Training Programme 2022

5.33 The YETP continued to operate the “Career Kick Start” project in 2022 to offer OJT of 12 months’ duration to young people with employment needs through placements in NGOs with a view to enhancing their employability. Participating NGOs are encouraged to assist trainees in securing full-time jobs in the open employment market by the provision of Placement Incentive.

Youth Employment Support

5.34 The LD operates two youth employment resource centres named Youth Employment Start. The centres provide personalised advisory and support services on employment and self-employment to young people aged between 15 and 29 to facilitate them to map out their career path, enhance their employment opportunities and support them to pursue self-employment. Services provided include career assessment, career guidance, professional counselling, value-adding training, self-employment support as well as up-to-date labour market information. In 2022, the number of services provided to young people by the two centres totalled 54 052.

Working Holiday Scheme (WHS)

- 5.35** Since 2001, Hong Kong has established bilateral WHS with 14 economies, namely New Zealand, Australia, Ireland, Germany, Japan, Canada, Korea, France, the United Kingdom, Austria, Hungary, Sweden, the Netherlands and Italy (commencement date to be confirmed). The scheme provided an opportunity for Hong Kong youths aged between 18 and 30 to broaden their horizons, allowing them to experience foreign culture through living and working temporarily while holidaymaking overseas. At the same time, youths of our partner economies may also learn more about Hong Kong through the scheme.
- 5.36** A majority of partner economies allow Hong Kong youths to stay in their economies for up to 12 months and take up short-term employment to subsidise their expenses, and/or study short-term courses (except for Ireland) while holidaying.
- 5.37** The WHS has been well received among young people. As at end-2022, more than 100 000 Hong Kong youths participated in the scheme, while more than 15 400 youths from the partner economies came to Hong Kong under the scheme. The LD will continue to enhance the publicity of this scheme, and explore with more economies to establish new WHS or expand existing bilateral arrangements in order to provide more choices and opportunities for Hong Kong youths to participate in the scheme.

Regulating Local Employment Agencies and Employment outside Hong Kong

- 5.38** The LD regulates employment agencies in Hong Kong through licensing, inspection, complaint investigation and prosecution. In 2022, we issued 3 550 employment agency licences and revoked one licence. As at end-2022, there were 3 478 licensed employment agencies in Hong Kong. A total of 1 714 inspections were made by the LD officers to employment agencies in the year.

5.39 We promulgate the Code of Practice for Employment Agencies (the Code) for compliance by the industry with a view to promoting professionalism and service quality in the industry. At the same time, the dedicated Employment Agencies Portal (www.eaa.labour.gov.hk) provides employment agency operators and staff, job seekers, employers and other members of the public with updated information related to the regulation of employment agencies. The portal also publishes the records of conviction of the offences of overcharging and unlicensed operation, revocation or refusal of renewal of licence and written warnings issued for non-compliance with the Code, so as to assist members of the public in making informed decisions when engaging the services of employment agencies. The enhanced transparency also helps foster the adoption of good practices by the industry.

5.40 The LD also safeguards the interests of local employees engaged by employers outside Hong Kong to work in other territories by attesting all employment contracts entered into Hong Kong involving manual employees and non-manual employees with monthly wages not exceeding \$20,000.

Regulating Labour Importation

Supplementary Labour Scheme (SLS)

5.41 The LD administers the SLS which operates on the principles of ensuring employment priority for local workers while allowing employers with proven recruitment difficulties to apply for importation of workers at technician level or below.

5.42 We provide active job matching and referral services for local job seekers, and widely publicise vacancies under the SLS to ensure their employment priority. Local workers can attend tailor-made retraining courses, if appropriate, to better equip themselves to fill the vacancies. Applications from employers who have set restrictive and unreasonable job requirements or who have no sincerity in employing local workers will be rejected.

5.43 As at end-2022, there were 6 657 imported workers working in Hong Kong under the SLS.

Policy on Foreign Domestic Helpers (FDHs)

- 5.44** FDHs have been admitted to work in Hong Kong since the 1970s. Apart from enjoying the same statutory rights and benefits as all employees in Hong Kong, FDHs are further protected by a Government-prescribed Standard Employment Contract, which stipulates that the employer has 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, free medical treatment, etc. FDHs also enjoy wage protection through the Government-prescribed Minimum Allowable Wage (MAW), under which employers have to pay FDHs a salary no less than the prevailing MAW when the contracts are signed. The Government attaches great importance to safeguarding FDHs' statutory and contractual rights. The LD spares no efforts in investigating suspected offence cases and prosecution action will be taken out if there is sufficient evidence.
- 5.45** To strengthen the protection of FDHs and enhance the awareness of both employers and FDHs of their rights, benefits and responsibilities, the LD continued to maintain close liaison with and disseminate information on employment matters through the governments of the FDH-sending countries and their consulates-general in Hong Kong, NGOs serving FDHs, FDH employer groups and employment agency associations.
- 5.46** In view of the COVID-19 pandemic, the LD conducted mobile broadcasts in Chinese, English and major languages of the FDHs at their popular gathering places on Saturdays and Sundays to call upon them to comply with the regulations on mask-wearing and prohibition of group gatherings in public places.
- 5.47** As at end-2022, there were 338 189 FDHs in Hong Kong, with 56.2% coming from the Philippines and 41.4% from Indonesia.

Chapter 6

Employees' Rights and Benefits

The Programme of Employees' Rights and Benefits

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 takes into account 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 of workplaces, investigation into suspected breaches of the statutory provisions and prosecution of offenders;
- processing employees' compensation claims;
- processing applications for ex gratia payment from the Protection of Wages on Insolvency Fund (PWIF);
- administering the Reimbursement of Maternity Leave Pay (RMLP) Scheme;
- 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 Occupational Deafness (Compensation) Ordinance (ODCO), the Employees Compensation Assistance Ordinance (ECAO), the Employment Ordinance (EO) and its subsidiary Employment of Children Regulations and Employment of Young Persons (Industry) Regulations, the Minimum Wage Ordinance (MWO), the Protection of Wages on Insolvency Ordinance (PWIO) as well as Part IVB of the Immigration Ordinance.

- 6.3** The ECO establishes a no-fault, non-contributory employees' compensation system so that individual employers are liable to pay compensation for work-related injuries and fatalities. It requires all employers to possess valid insurance policies to cover their liabilities under the laws (including the common law).
- 6.4** The PMCO provides for compensation payable to persons who suffer from pneumoconiosis and/or mesothelioma and family members of persons who die of these diseases. Compensation is paid from the Pneumoconiosis Compensation Fund, which is administered by the Pneumoconiosis Compensation Fund Board.
- 6.5** The ODCO provides for compensation payable to persons who suffer from noise-induced deafness by reason of employment in specified noisy occupations. Compensation is paid from the Occupational Deafness Compensation Fund, which is administered by the Occupational Deafness Compensation Board.
- 6.6** The ECAO establishes the Employees Compensation Assistance Fund to provide assistance payment to injured employees and family members of deceased employees who are unable to receive their entitlements for work-related injuries and fatalities from employers and insurers. The fund is administered by the Employees Compensation Assistance Fund Board.
- 6.7** The EO is the main piece of legislation governing conditions of employment. 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.
- 6.8** The MWO establishes a Statutory Minimum Wage (SMW) system which provides a wage floor with a view to forestalling excessively low wages, but without unduly jeopardising Hong Kong's labour market flexibility, economic growth and competitiveness or leading to significant adverse impact on the employment opportunities of vulnerable workers. Failure to pay the SMW amounts to a breach of the wage provisions under the EO.
- 6.9** The PWIO establishes the PWIF to provide timely relief in the form of ex gratia payment to employees affected by their insolvent employers.

6.10 The LD 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 2022

Key Indicators of Work

6.11 We sustained our efforts to safeguard the rights and benefits of employees through various activities in 2022. Some key indicators of work of this programme area are shown in Appendix 6.1.

Improvement to Employees' Benefits

6.12 With effect from 17 June 2022, the PWIO was amended to increase the maximum amounts of a number of ex gratia payment items under the PWIF, including arrears of wages, wages in lieu of notice, severance payment, and pay for untaken annual leave and/or pay for untaken statutory holidays, so as to strengthen the protection for employees.

Proactive Efforts to Combat Wage Defaults

6.13 In 2022, the LD continued to adopt a proactive strategy to tackle the problem of non-payment of wages at source through enhancing publicity and promotion, taking enforcement and prosecution actions, and making use of the early warning system set up in collaboration with trade unions to gather relevant intelligence. We also proactively monitored selected sectors and establishments with a view to forestalling and detecting cases of wage default at an early stage and intervening early to tackle the problem.

6.14 We continued to take enforcement and prosecution actions against employers and responsible individuals of companies for wage offences. We conducted territory-wide inspections of workplaces to detect wage offences. Labour inspectors actively interviewed employees during inspections and conducted investigation speedily into the suspected offences. Prosecutions were taken out whenever sufficient evidence was available.

6.15 During the year, the LD secured 454 convicted summonses for wage offences and 201 convicted summonses for defaults of awards made by the Labour Tribunal (LT) or the Minor Employment Claims Adjudication Board (MECAB). Two company directors were ordered to perform community service. These sentences disseminated a strong message to employers and company responsible individuals on the seriousness of defaults of wages and awards made by the LT or the MECAB.

Vigorous Enforcement to Protect Employees' Rights and Benefits

6.16 The LD continued vigorous enforcement efforts to ensure that the statutory rights of employees under labour legislation were well protected.

6.17 In 2022, labour inspectors carried out 136 802 workplace inspections of establishments in various trades to enforce labour laws (Appendix 6.2).

6.18 To safeguard employees' entitlement to the SMW, we also conducted proactive workplace inspections of various establishments and mounted targeted enforcement campaigns for low-paying sectors. In the year, 58 225 inspections were conducted to check compliance with the MWO.

6.19 We conducted inspections and trade-targeted operations to enforce the ECO's compulsory requirement of taking out employees' compensation insurance policy. In the year, a total of 105 004 inspections were conducted to enforce the statutory requirement.

6.20 We continued to work closely with government departments in monitoring their service contractors to ensure that non-skilled employees of the contractors enjoyed their rights and benefits. A total of 937 inspections were conducted to the workplaces of such workers and 3 492 workers were interviewed to check contractors' compliance with labour laws.

6.21 To ensure compliance with the conditions under the Supplementary Labour Scheme, we investigated 82 complaints and cases on suspected irregularities involving imported workers. Items investigated included wages and working hours arrangement.

Processing Employees' Compensation Cases and Improving Work Injury Protection for Employees

- 6.22** 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 fatalities. Claims for compensation involving fatality are determined by the courts or by the Commissioner for Labour under the improved settlement mechanism introduced in August 2000.
- 6.23** In 2022, 42 358 employees' compensation cases, including 9 412 minor cases which involved sick leave of not exceeding three days, were received. At year-end, among the 32 946 fatal cases or non-fatal cases involving sick leave exceeding three days, 20 379 cases were settled. The amount of employees' compensation involved was \$214 million. The remaining cases were pending expiry of employees' sick leave, assessment of permanent incapacity or court judgment. (Appendices 6.3 and 6.4)
- 6.24** The LD enhanced the Claims Support Services through dedicated follow-up, early intervention and proactive contact to facilitate timely resolution of differences between employers and employees in employees' compensation cases.
- 6.25** The Task Force on Improving Work Injury Protection for Employees in High-risk Industries (Task Force) coordinated by the LD continued to implement improvement measures including stepping up the publicity and promotion of taking out adequate employees' compensation insurance coverage by employers, enhancing the case processing of employees' compensation claims, shortening the waiting time of injured employees for work injury assessments and strengthening training on occupational medicine. The Task Force will continue to discuss and implement other improvement measures.

Briefings and Promotional Campaigns

- 6.26** In 2022, the LD arranged two briefings for government departments and 117 briefings for imported workers to publicise the rights and obligations of the parties concerned.
- 6.27** Extensive publicity campaigns were launched to publicise our complaint telephone hotline (2815 2200) through public transportation network, advertisements inside MTR stations and compartments, newspaper articles, etc. to encourage employees to report suspected breaches of employment rights.

6.28 We organised a wide range of publicity activities to enhance public awareness of the SMW rate and the MWO during the year. These activities included distributing and displaying leaflets and posters, holding seminars and exhibitions, publishing feature articles in newspapers, providing online interactive games on the LD's website, and placing advertisements through various channels such as newspapers, mobile applications, Internet platforms and public transport.



Seminar on the Minimum Wage Ordinance



A poster was displayed at bus shelter to promote the Statutory Minimum Wage

6.29 We continued to promote employers' statutory obligations on timely reporting of work accidents and taking out employees' compensation insurance policies through broadcasting APIs, placing advertisements through various channels (such as newspapers, journals of workers' unions and trade associations, mobile applications and public transport), distributing and displaying leaflets and posters, as well as holding seminars on the ECO.



Seminar on the Employees' Compensation Ordinance

RMLP Scheme

6.30 In tandem with the extension of the statutory maternity leave from 10 weeks to 14 weeks since end-2020, the LD rolled out the RMLP Scheme to fully reimburse employers for the additional statutory maternity leave pay, subject to a cap of \$80,000 per employee.

6.31 The RMLP Scheme runs a one-stop online portal "Reimbursement Easy Portal" (www.rmlps.gov.hk). Employers, after completing account registration, will gain access to a wide range of services, including online submission of applications, checking application progress, making enquiries and receiving latest information on the RMLP Scheme. In 2022, the RMLP Scheme received 7 963 applications and approved 7 480 applications with reimbursement of \$173 million.

Partnership with Statutory Bodies

6.32 We maintain close partnership with various statutory bodies that have been set up for implementing the different schemes for the protection of the rights and benefits of employees.

Protection of Wages on Insolvency Fund Board (PWIFB)

6.33 The PWIFB established under the PWIO is responsible for administering the PWIF. Employees who are owed wages, wages in lieu of notice, severance payment, pay for untaken annual leave and pay for untaken statutory holidays by their insolvent employers may apply for ex gratia payment from the PWIF in accordance with the PWIO. The PWIF is mainly financed by a levy on business registration.

6.34 The LD provides administrative support to the PWIFB, verifies applications and approves ex gratia payment from the PWIF. In 2022, we received 3 286 applications and processed 2 447 applications from employees who were owed wages and other statutory entitlements due to business cessation and sought relief from the PWIF, with ex gratia payment of \$74.7 million made. A breakdown of applications received by economic sector is shown in Appendix 6.5.

6.35 By providing a safety net for employees affected by business closures, the PWIF plays an important role in maintaining good labour relations and social stability. Both the LD and the PWIFB attach great importance to protecting the PWIF from possible 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 LD, the Commercial Crime Bureau of the Hong Kong Police Force, the Official Receiver's Office and the Legal Aid Department to take concerted actions against suspected fraudulent cases.

Pneumoconiosis Compensation Fund Board (PCFB)

6.36 The PCFB is established under the PMCO to provide compensation to persons suffering from pneumoconiosis and/or mesothelioma and family members of persons who die of these diseases. The PCFB is financed by a levy collected from the construction and quarrying industries. Under the PMCO, the LD is responsible for determining whether an applicant is entitled to compensation. As at end-2022, 1 395 eligible persons were receiving compensation in the form of monthly payments from the PCFB. In the year, the PCFB made a total compensation payment of \$221 million.

Occupational Deafness Compensation Board (ODCB)

6.37 Established under the ODCO, the ODCB provides compensation for persons who suffer from noise-induced deafness by reason of employment in specified noisy occupations and financial assistance for their purchase, fitting, repair or maintenance of hearing assistive devices. The ODCB also launches educational and publicity programmes for the prevention of occupational deafness, and provides rehabilitation programmes for those suffering from occupational deafness. In 2022, the ODCB approved 381 applications for compensation with a total compensation payout at \$45.66 million and 751 applications for payment of expenses on hearing assistive devices with a total payout at \$5.59 million. The ODCB also provided 599 rehabilitation programmes for people with hearing impairment caused by their employment in specified noisy occupations.

Employees Compensation Assistance Fund Board (ECAFB)

6.38 Set up under the ECAO, the ECAFB is responsible for administering the Employees Compensation Assistance Fund which provides assistance payment to eligible injured employees and family members of deceased employees who are unable to receive their entitlements for work-related injuries and fatalities from employers and insurers after exhausting all legal and financially viable means of recovery. In 2022, the ECAFB approved 51 applications, leading to payment of \$39.21 million.

Chapter 7

International Labour Affairs

International Instruments Setting out Labour Standards

- 7.1** International Labour Conventions set by the International Labour Organisation (ILO) prescribe relevant labour standards. As at end-2022, 31 International Labour Conventions were applied to Hong Kong with or without modification (Appendix 7.1). Other international instruments, which also touch on labour standards, include the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights.
- 7.2** Comprehensive legislative and administrative measures are in place in Hong Kong to enable the Government to implement internationally accepted labour standards. Through continuous improvements to labour legislation and administrative measures, Hong Kong maintains labour standards that are comparable with those of neighbouring places with similar economic development as well as social and cultural background.

Participation in the Activities of the ILO

- 7.3** Hong Kong participates in the activities of the 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 2022, the LD continued to participate in activities organised by the ILO to keep abreast of the latest development of international labour matters. In the year, representatives from Hong Kong participated in the 110th Session of the International Labour Conference via video conferencing and attended the 17th Asia and the Pacific Regional Meeting, as part of the delegation of the People's Republic of China (Appendix 7.2).

Contacts with Other Labour Administrations

- 7.5** In the year, the LD mainly exchanged views on labour issues with its counterparts such as the Ministry of Human Resources and Social Security of the State Council through electronic means owing to the COVID-19 pandemic.

Figures and Charts

Appendices

- 2.1** Number of Summonses Convicted and Total Fines in 2022
- 2.2** Organisation Chart of Labour Department (as at 31 December 2022)
- 2.3** Terms of Reference and Composition of the Labour Advisory Board and Membership for the 2021-2022 term
- 3.1** Key Indicators of Work of the Labour Relations Programme Area in 2022
- 3.2** Number of Labour Disputes Handled by the Labour Relations Division from 2018 to 2022
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- 3.4** Number of Labour Disputes Handled by the Labour Relations Division in 2022 by Cause
- 3.5** Number of Claims Handled by the Labour Relations Division in 2022 by Cause
- 3.6** Number of Strikes and Number of Employees Involved from 2018 to 2022
- 3.7** Number of Working Days Lost due to Strike per Thousand Salaried Employees and Wage Earners from 2018 to 2022
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- 5.2** Key Indicators of Employment Services Rendered to Able-bodied Job Seekers from 2018 to 2022
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- 6.1** Key Indicators of Work of the Employees' Rights and Benefits Programme Area in 2022
- 6.2** Number of Inspections Made in 2022 by Major Economic Sector
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- 6.5** Number of Applications of the Protection of Wages on Insolvency Fund received in 2022 by Economic Sector
- 7.1** List of the 31 International Labour Conventions Applied to Hong Kong
- 7.2** Participation in Major International Labour Organisation Activities and Contacts with Other Labour Administrations in 2022

Appendix 2.1

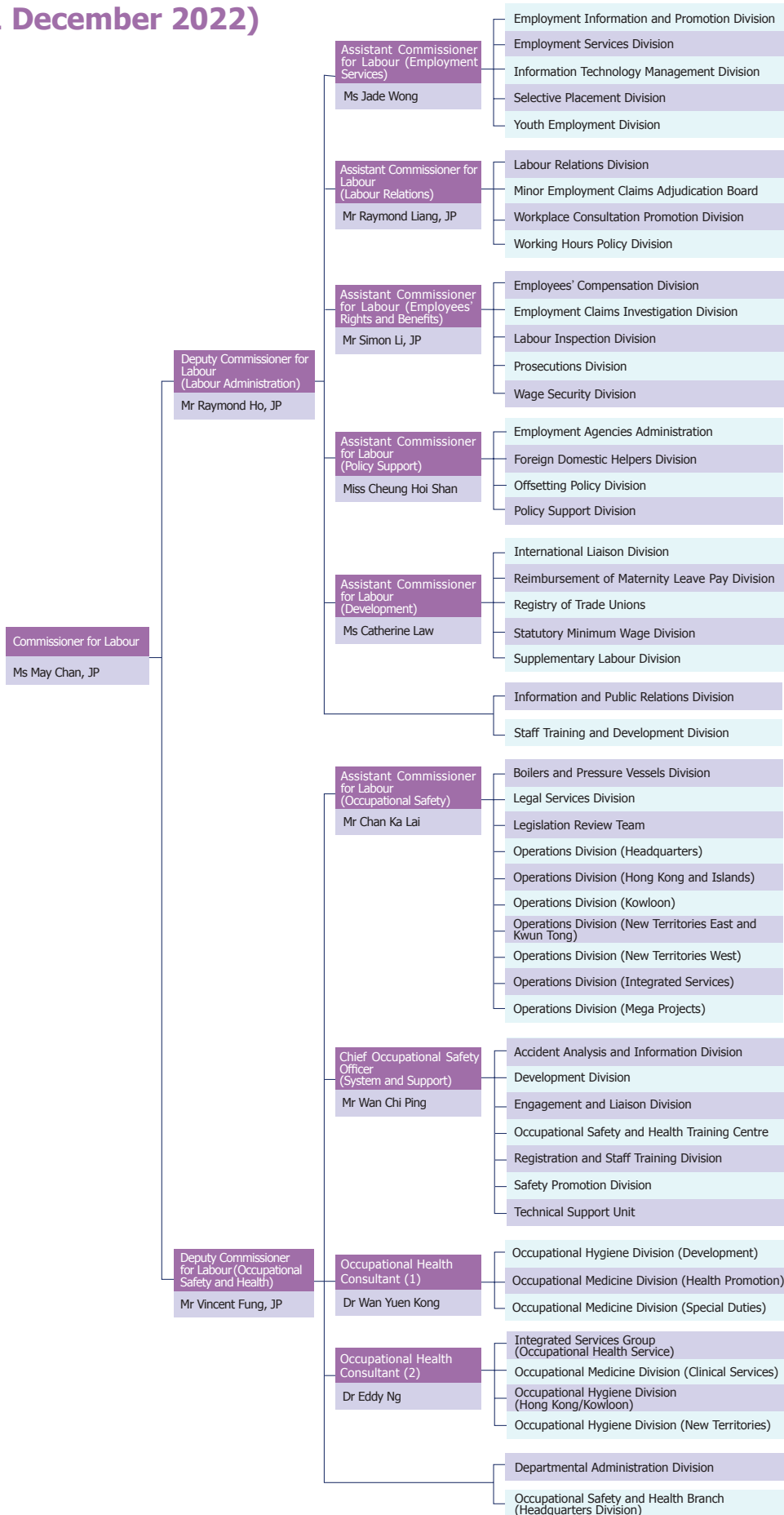
Number of Summonses Convicted and Total Fines in 2022

Ordinance	Summonses convicted	Fines (\$)
Boilers and Pressure Vessels Ordinance		
Sub-total	2	7,200
Employees' Compensation Ordinance		
Sub-total	1 143	2,675,300
Employment Ordinance and subsidiary regulations		
Statutory benefits cases	1 042	3,366,200
Young persons and children cases ¹	-	-
Employment agencies cases ²	3	4,000
Sub-total	1 045	3,370,200
Factories and Industrial Undertakings Ordinance and subsidiary regulations		
Building and engineering construction cases	1 181	10,218,500
Other cases	497	3,107,300
Sub-total	1 678	13,325,800
Occupational Safety and Health Ordinance and subsidiary regulations		
Sub-total	135	1,297,100
Immigration Ordinance		
Sub-total	23	37,800
Total	4 026	20,713,400

Notes: 1. Cases involving the Employment of Young Persons (Industry) Regulations and the Employment of Children Regulations

2. Cases involving offences by employment agencies under the Employment Ordinance and the Employment Agency Regulations

Appendix 2.2 Organisation Chart of Labour Department (as at 31 December 2022)



Appendix 2.3

Terms of Reference and Composition of the Labour Advisory Board and Membership for the 2021-2022 term

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

Mr Chris Sun Yuk Han, JP
(up to 30 June 2022) Commissioner for Labour

Ms May Chan Wing Shiu, JP
(from 26 September 2022 onwards)

Members

Employee Representatives	}	elected by registered employee unions
Mr Charles Chan Yiu Kwong		
Hon Tang Ka Piu, BBS, JP		
Mr Leung Chau Ting		
Ms Tam Kam Lin		
Mr Lo Tai Chi		
Ms Molly Shea Wai Man		appointed ad personam

Employer Representatives	
Hon Ho Sai Chu, GBM, GBS, JP	representing the Chinese General Chamber of Commerce
Dr Kim Mak Kin Wah, BBS, JP	representing the Employers' Federation of Hong Kong
Mr Irons Sze, BBS, JP	representing the Chinese Manufacturers' Association of Hong Kong
Mr Emil Yu Chen On, BBS, JP	representing the Hong Kong General Chamber of Commerce
Mr Jimmy Kwok Chun Wah, SBS, MH, JP	representing the Federation of Hong Kong Industries
Dr Bankee Kwan Pak Hoo, JP	appointed ad personam

Secretary

Ms Esther Chan Lai Heung
(up to 5 April 2022) Senior Labour Officer

Ms Rosanna Chan Pui Sze
(from 6 April 2022 onwards)

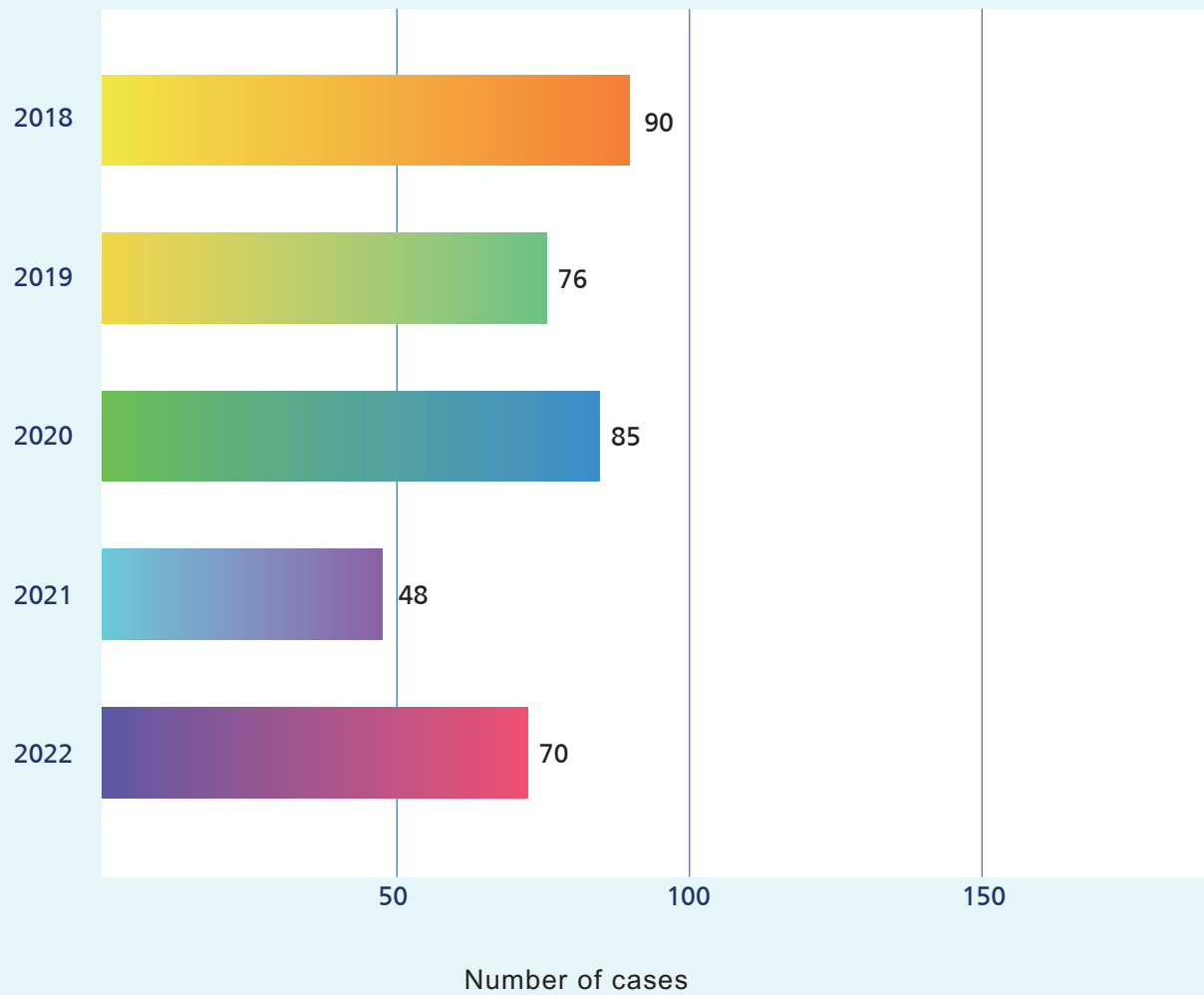
Appendix 3.1

Key Indicators of Work of the Labour Relations Programme Area in 2022

Key Indicators of Work		Number
I.	Conciliation and Consultation Services	
	Labour disputes and claims handled	10 685
	Consultation meetings held	45 993
	Percentage of labour disputes and claims resolved through conciliation	75.9%
II.	Adjudication of Minor Employment Claims	
	Claims adjudicated by Minor Employment Claims Adjudication Board	806
III.	Regulation of Trade Unions	
	Registration of new trade unions and changes of union names/rules	124
	Visits to trade unions	271
	Account statements of trade unions examined	1 478
	Seminars and training courses organised for trade unions	4

Appendix 3.2

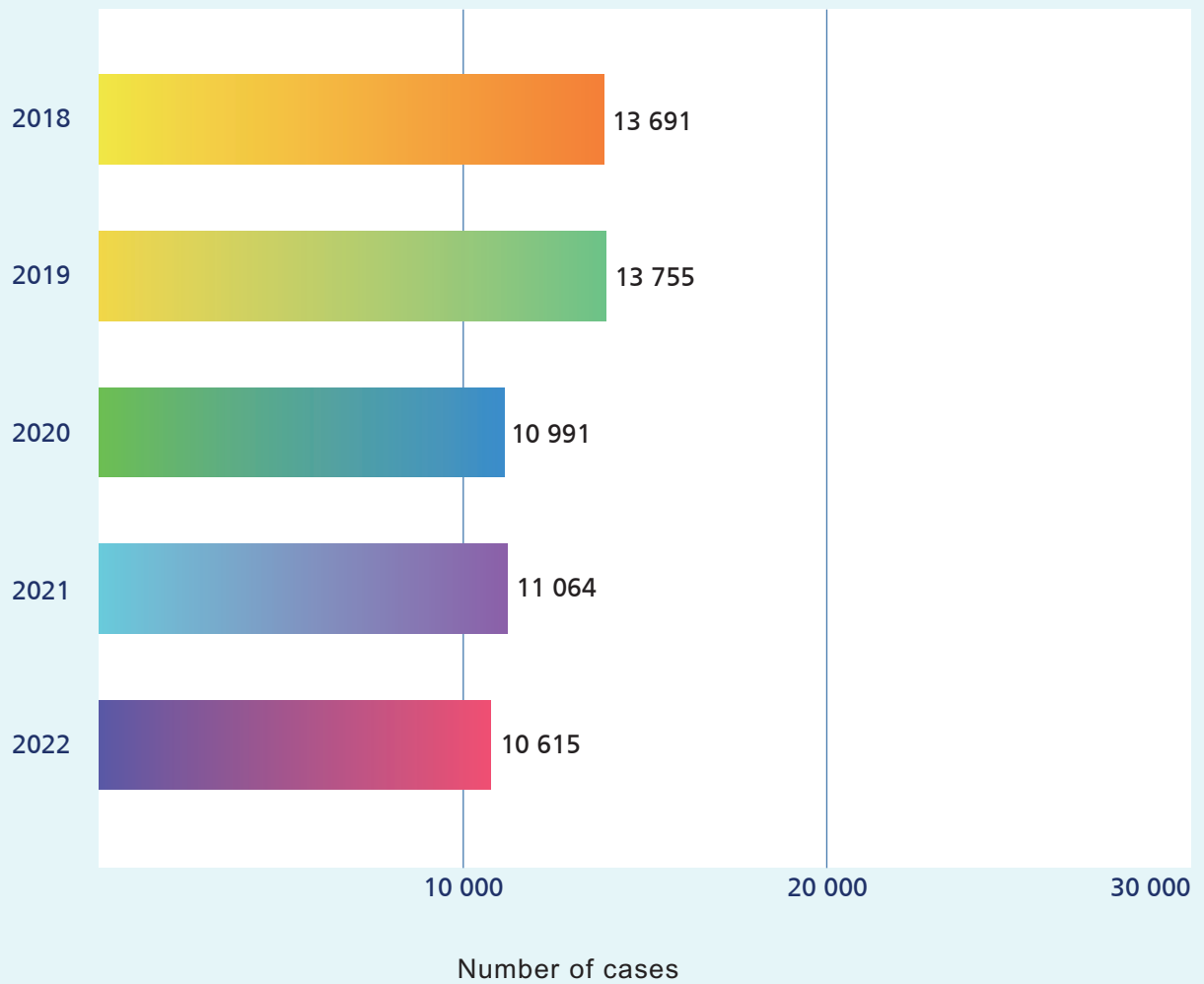
Number of Labour Disputes Handled by the Labour Relations Division from 2018 to 2022



Year	Number of cases
2018	90
2019	76
2020	85
2021	48
2022	70

Appendix 3.3

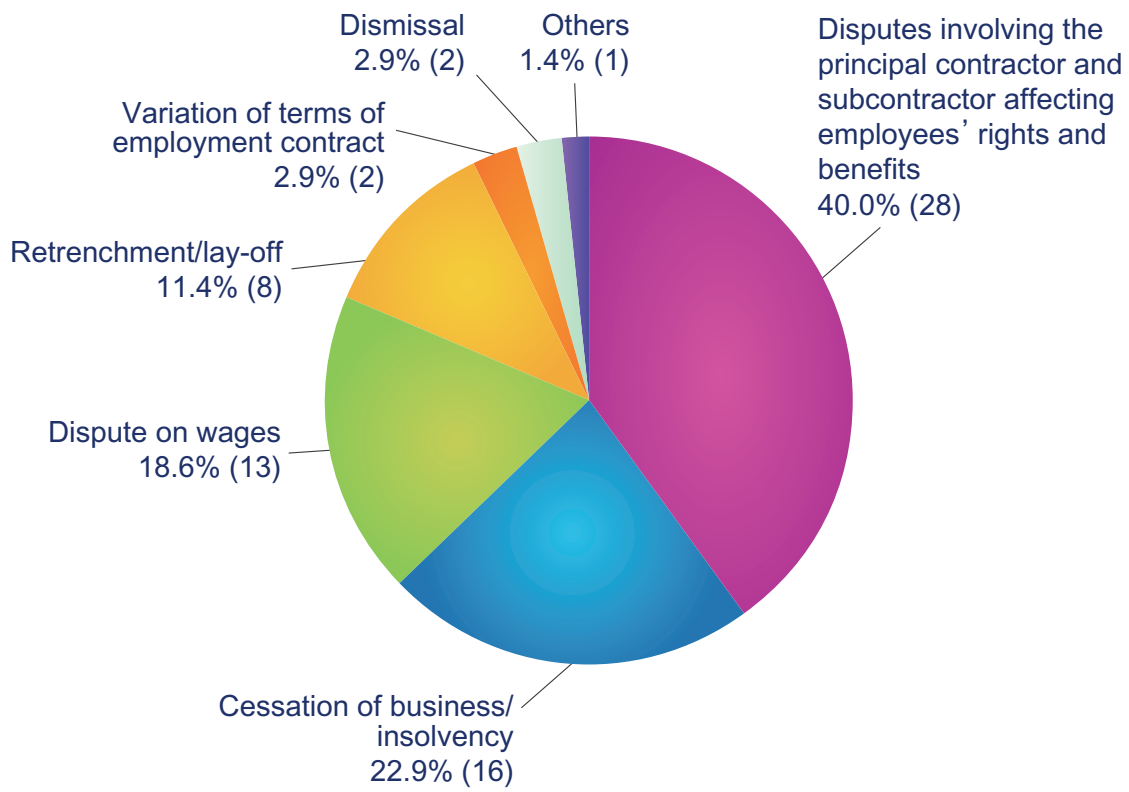
Number of Claims Handled by the Labour Relations Division from 2018 to 2022



Year	Number of cases
2018	13 691
2019	13 755
2020	10 991
2021	11 064
2022	10 615

Appendix 3.4

Number of Labour Disputes Handled by the Labour Relations Division in 2022 by Cause



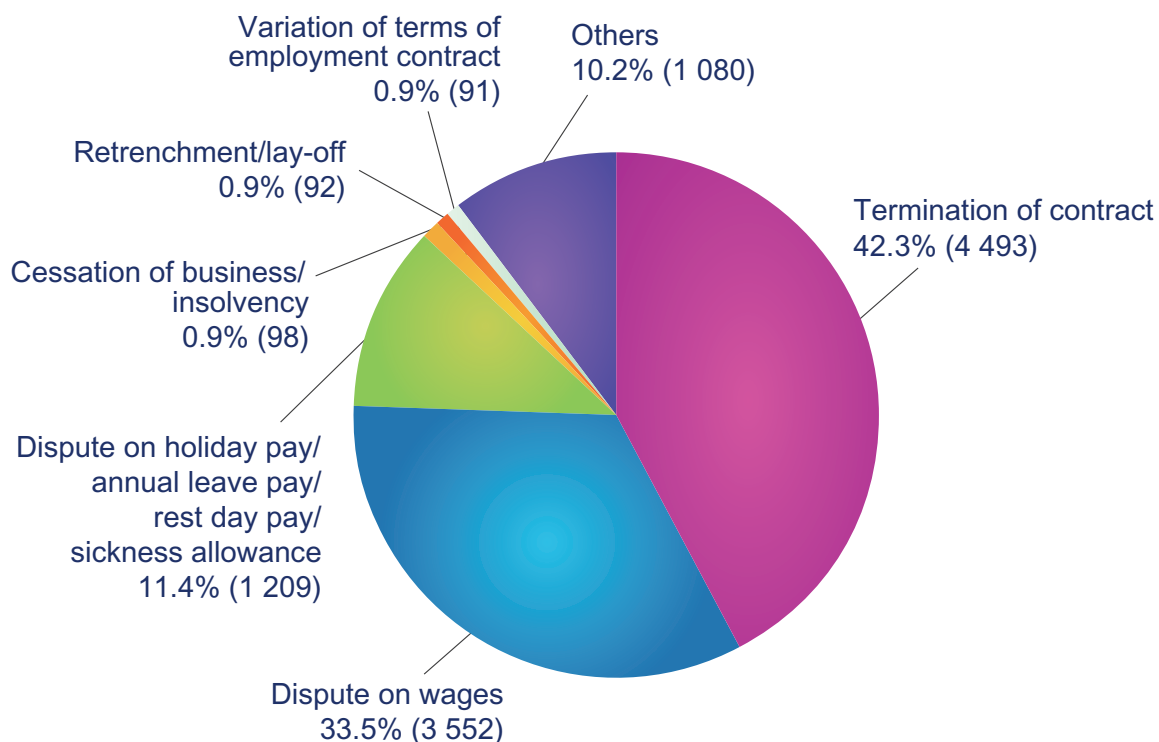
Total number of cases : 70

Figures in brackets indicate the number of related cases

Cause	Number of cases	Percentage
Disputes involving the principal contractor and subcontractor affecting employees' rights and benefits	28	40.0%
Cessation of business/insolvency	16	22.9%
Dispute on wages	13	18.6%
Retrenchment/lay-off	8	11.4%
Variation of terms of employment contract	2	2.9%
Dismissal	2	2.9%
Others	1	1.4%
Total number of cases	70	

Appendix 3.5

Number of Claims Handled by the Labour Relations Division in 2022 by Cause



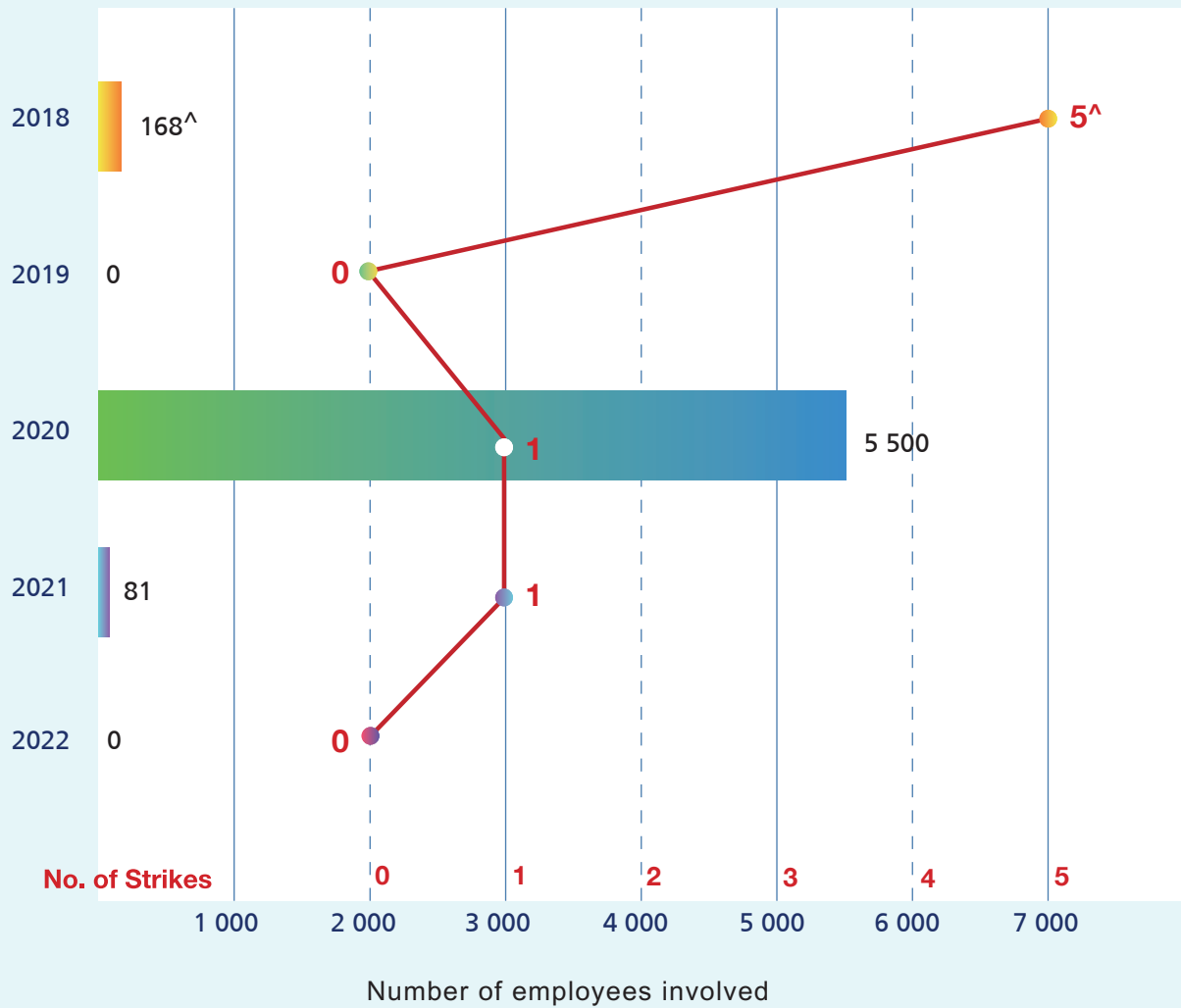
Total number of cases : 10 615

Figures in brackets indicate the number of related cases

Cause	Number of cases	Percentage
Termination of contract	4 493	42.3%
Dispute on wages	3 552	33.5%
Dispute on holiday pay/annual leave pay/rest day pay/sickness allowance	1 209	11.4%
Cessation of business/insolvency	98	0.9%
Retrenchment/lay-off	92	0.9%
Variation of terms of employment contract	91	0.9%
Others	1 080	10.2%
Total number of cases	10 615	

Appendix 3.6

Number of Strikes and Number of Employees Involved from 2018 to 2022

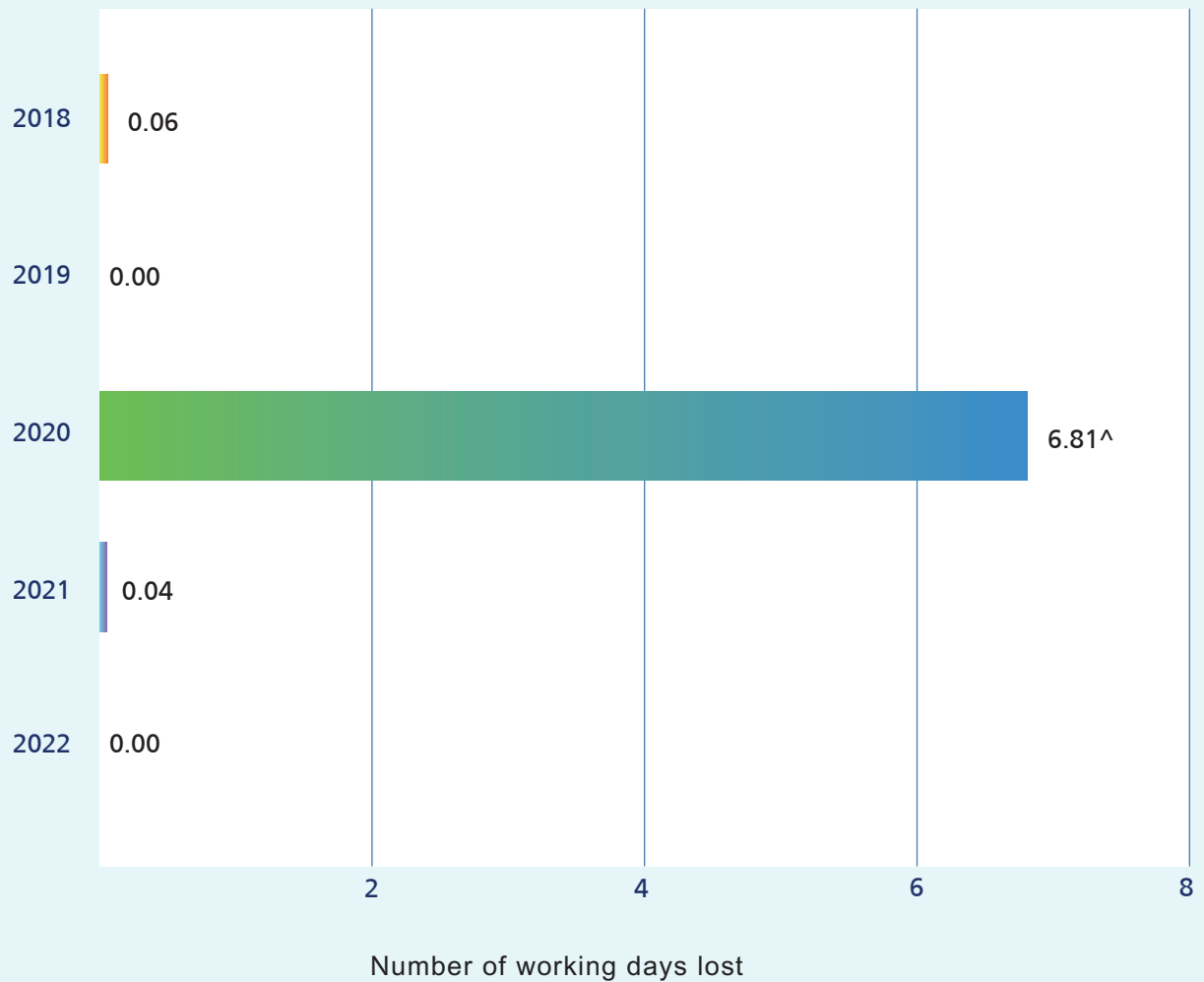


Year	Number of strikes	Number of employees involved
2018	5 [^]	168 [^]
2019	0	0
2020	1	5 500
2021	1	81
2022	0	0

[^] Including one strike which started in late 2017 and ended in early 2018.

Appendix 3.7

Number of Working Days Lost due to Strike per Thousand Salaried Employees and Wage Earners* from 2018 to 2022



Year	Number of working days lost
2018	0.06
2019	0.00
2020	6.81 [^]
2021	0.04
2022	0.00

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

[^] The increase was attributed to an industrial action involving a large number of employees.

Appendix 4.1

Key Indicators of Work of the Programme of Safety and Health at Work in 2022

Key Indicators of Work		Number
I.	Inspections	
	Inspections under FIUO ¹ and OSHO ²	121 448
	Inspections under BPVO ³	4 669
II.	Investigations	
	Investigations of accidents at workplaces	16 673
	Investigations of suspected cases of occupational diseases/ occupational health problems	2 541
III.	Promotion and Education	
	Promotional visits to workplaces under FIUO ¹ and OSHO ²	5 110
	Talks, lectures and seminars organised	1 768
IV.	Pressure Equipment Registration	
	Pressure equipment registered	1 941
	Examinations conducted and exemptions granted, for the issue or endorsement of certificates of competency	484
V.	Clinical Services	
	Clinical consultations conducted	9 177

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

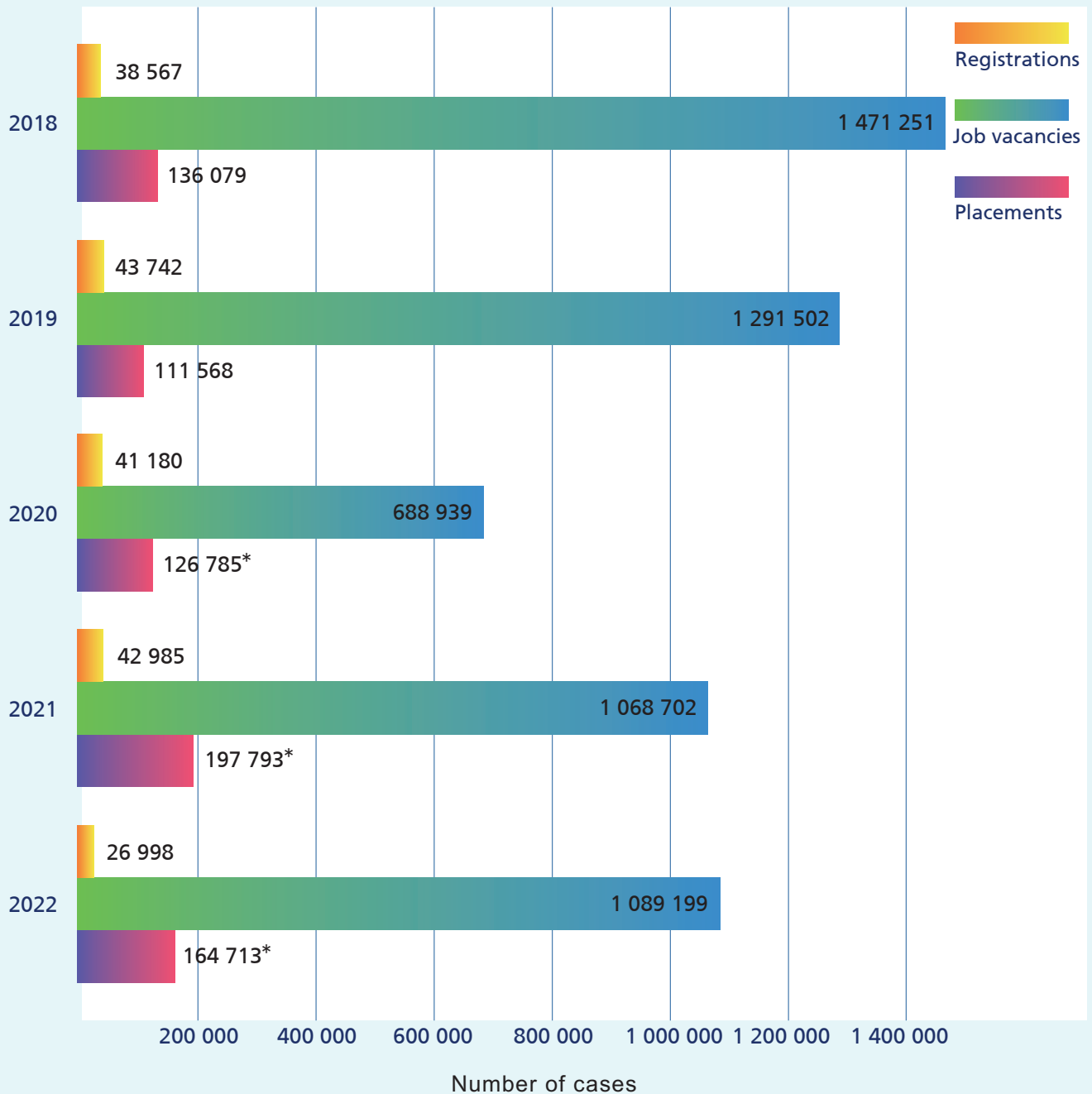
Appendix 5.1

Key Indicators of Work of the Employment Services Programme Area in 2022

Key Indicators of Work		Number
I.	Able-bodied Job Seekers	
	Persons registered	26 998
	Placements	164 713
II.	Job Seekers with Disabilities	
	Persons registered	2 570
	Placements	2 412
III.	Regulating Employment Agencies	
	Licences issued	3 550
	Inspections	1 714
IV.	Applications under the Supplementary Labour Scheme processed	1 549

Appendix 5.2

Key Indicators of Employment Services Rendered to Able-bodied Job Seekers from 2018 to 2022

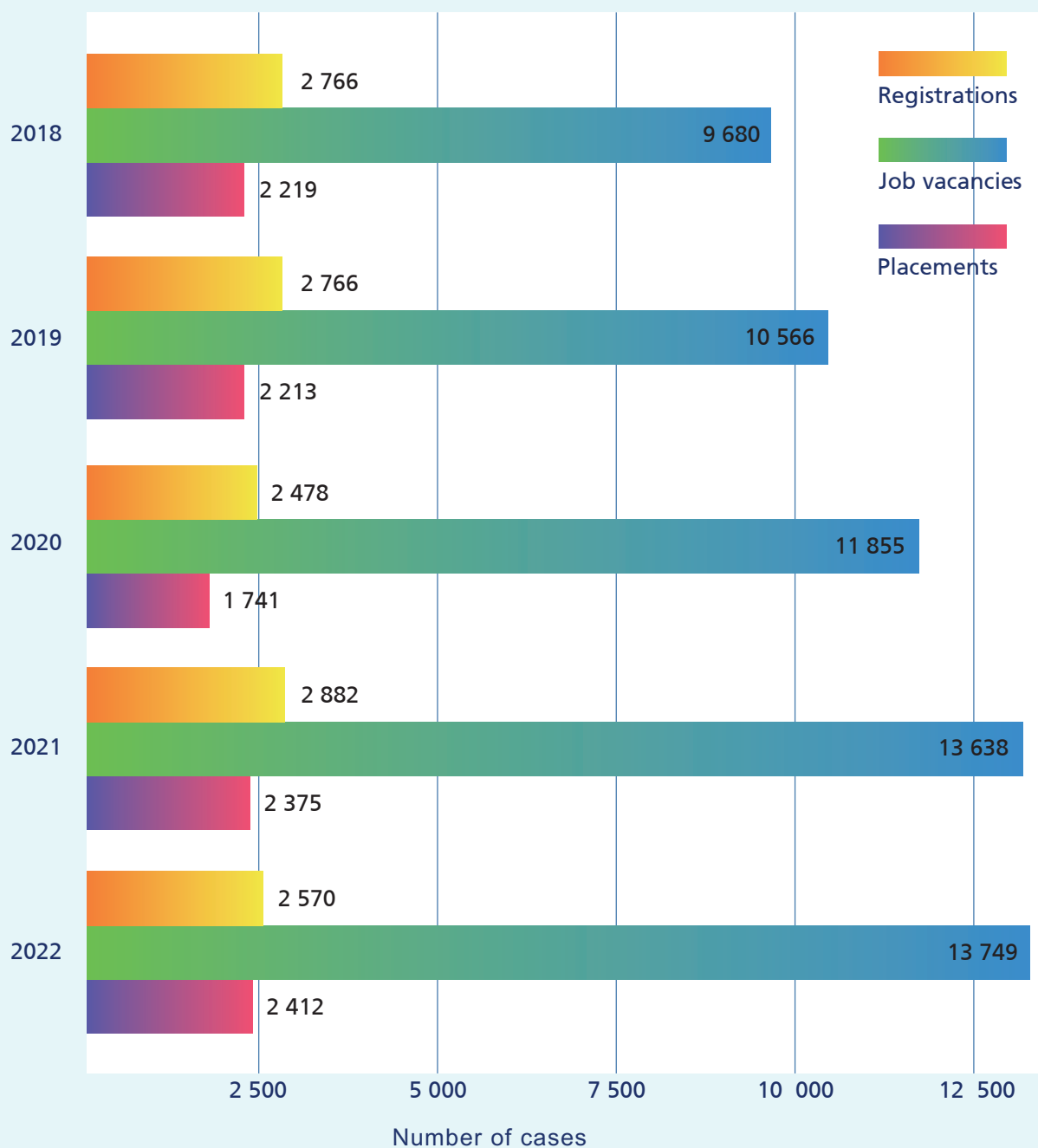


Year	Registrations	Job vacancies	Placements
2018	38 567	1 471 251	136 079
2019	43 742	1 291 502	111 568
2020	41 180	688 939	126 785*
2021	42 985	1 068 702	197 793*
2022	26 998	1 089 199	164 713*

* Care should be taken in comparing the placement figures for 2020 and thereafter with those in previous years owing to changes in parameters of the placement survey.

Appendix 5.3

Key Indicators of Employment Services Rendered to Job Seekers with Disabilities from 2018 to 2022



Year	Registrations	Job vacancies	Placements
2018	2 766	9 680	2 219
2019	2 766	10 566	2 213
2020	2 478	11 855	1 741
2021	2 882	13 638	2 375
2022	2 570	13 749	2 412

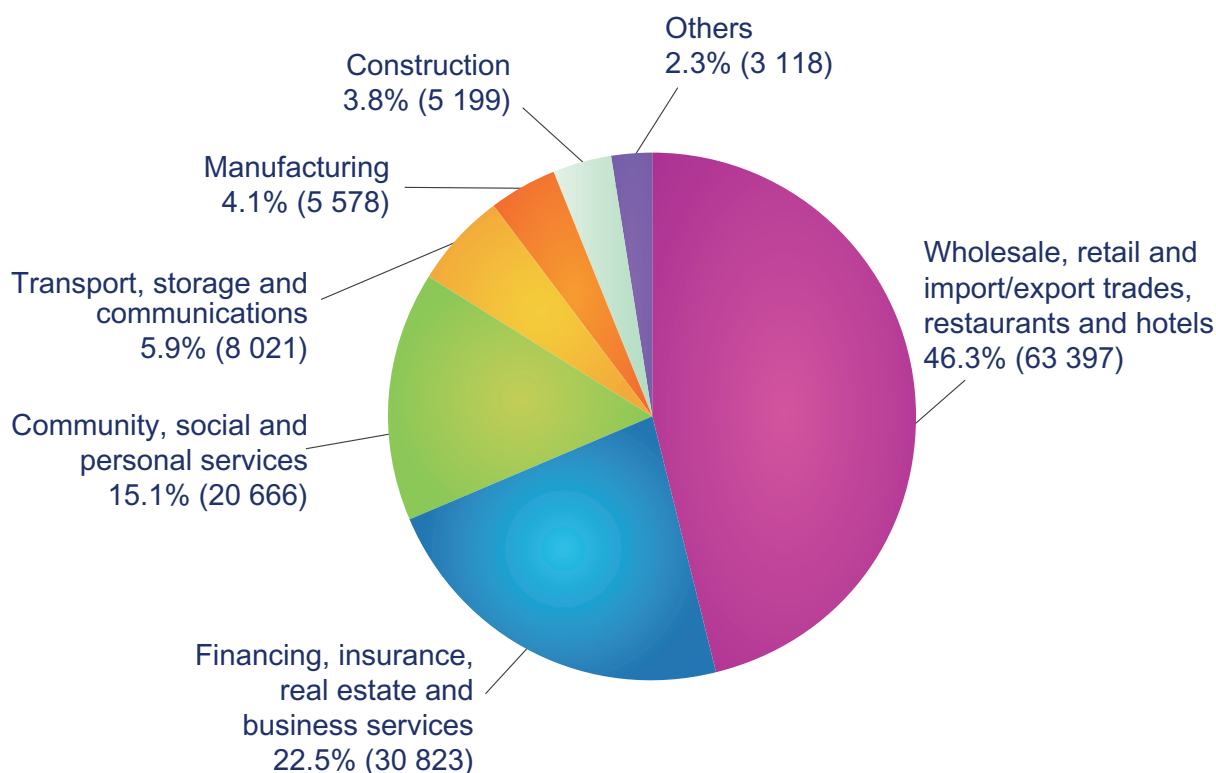
Appendix 6.1

Key Indicators of Work of the Employees' Rights and Benefits Programme Area in 2022

Key Indicators of Work		Number
I.	Inspections to workplaces	136 802
II.	Employees' compensation claims received	42 358
III.	Sick leave clearance interviews for injured employees conducted	33 758
IV.	Assessment of loss of earning capacity of injured employees	
	Ordinary assessment	14 982
	Special assessment	0
	Review assessment	3 760
V.	Applications for payment under the Protection of Wages on Insolvency Fund processed	2 447
VI.	Cases related to imported workers under the Supplementary Labour Scheme investigated	82
VII.	Applications for reimbursement of maternity leave pay processed	7 723
VIII.	Convicted summonses on wage offences	454

Appendix 6.2

Number of Inspections Made in 2022 by Major Economic Sector



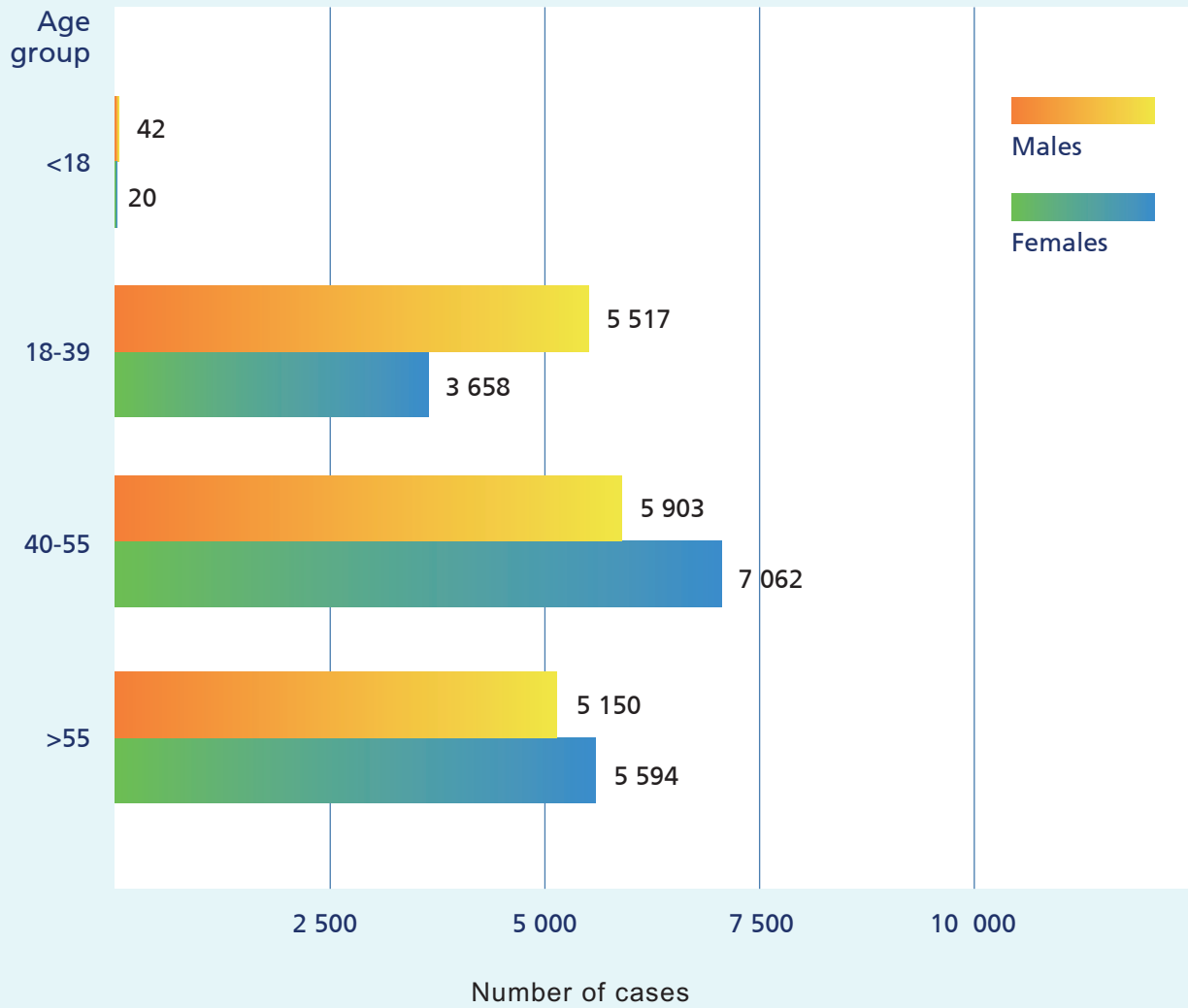
Total number of inspections : 136 802

Figures in brackets indicate the number of related inspections

Economic sector	Number of inspections	Percentage
Wholesale, retail and import/export trades, restaurants and hotels	63 397	46.3%
Financing, insurance, real estate and business services	30 823	22.5%
Community, social and personal services	20 666	15.1%
Transport, storage and communications	8 021	5.9%
Manufacturing	5 578	4.1%
Construction	5 199	3.8%
Others	3 118	2.3%
Total number of inspections	136 802	

Appendix 6.3

Number of Cases Reported under the Employees' Compensation Ordinance in 2022 by Sex and Age*

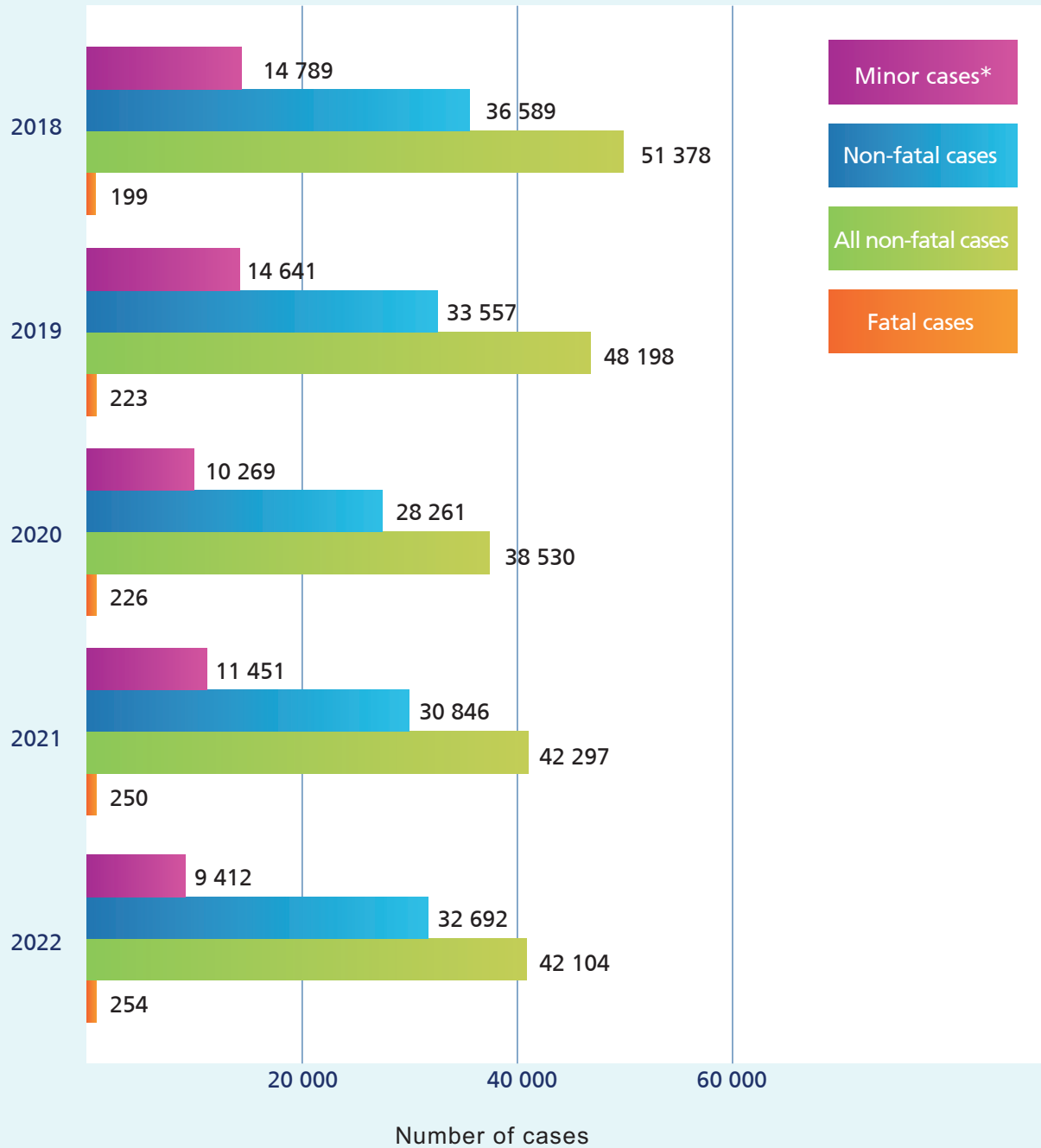


Age group	Males	Females
<18	42	20
18-39	5 517	3 658
40-55	5 903	7 062
>55	5 150	5 594

* The figures have not included 9 412 cases involving sick leave of not exceeding three days.

Appendix 6.4

Number of Cases Reported under the Employees' Compensation Ordinance from 2018 to 2022

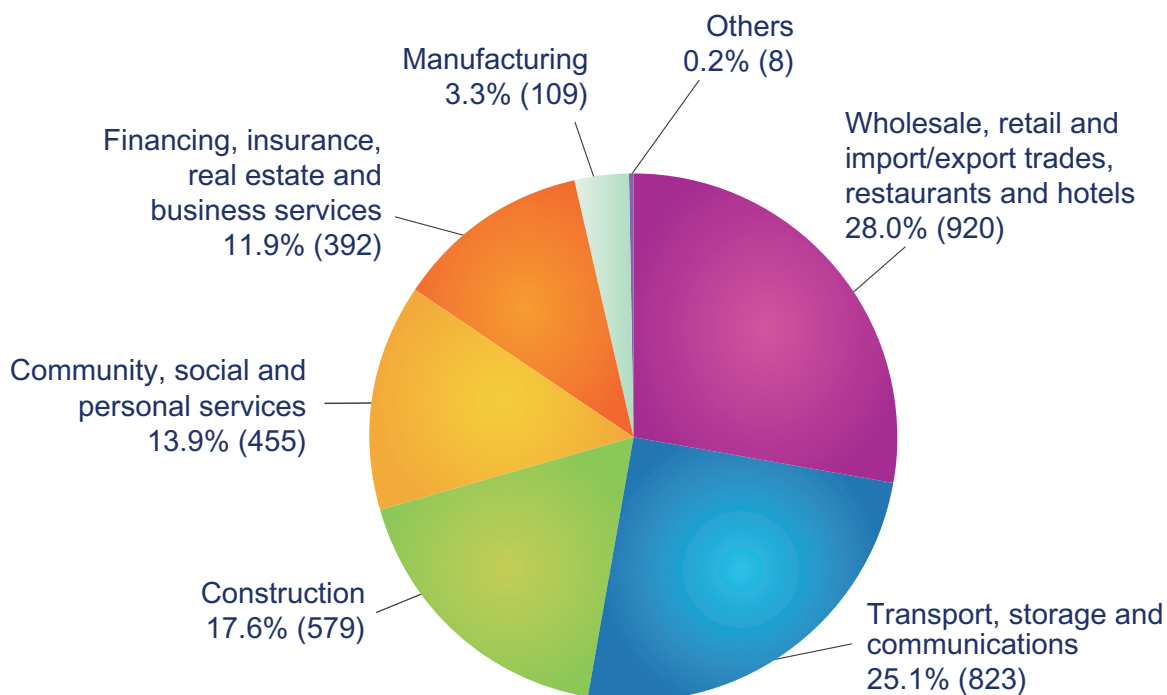


Year	Minor cases*	Non-fatal cases	All non-fatal cases	Fatal cases
2018	14 789	36 589	51 378	199
2019	14 641	33 557	48 198	223
2020	10 269	28 261	38 530	226
2021	11 451	30 846	42 297	250
2022	9 412	32 692	42 104	254

* Minor cases refer to cases involving sick leave of not exceeding three days.

Appendix 6.5

Number of Applications of the Protection of Wages on Insolvency Fund received in 2022 by Economic Sector



Total number of applications: 3 286

Figures in brackets indicate the number of related applications

Economic Sector	Number of applications	Percentage
Wholesale, retail and import/export trades, restaurants and hotels	920	28.0%
Transport, storage and communications	823	25.1%
Construction	579	17.6%
Community, social and personal services	455	13.9%
Financing, insurance, real estate and business services	392	11.9%
Manufacturing	109	3.3%
Others	8	0.2%
Total number of applications	3 286	

Appendix 7.1

List of the 31 International Labour Conventions Applied to Hong Kong

Convention No.	Title
2.	Unemployment Convention, 1919
3.	Maternity Protection Convention, 1919
11.	Right of Association (Agriculture) Convention, 1921
12.	Workmen's Compensation (Agriculture) Convention, 1921
14.	Weekly Rest (Industry) Convention, 1921
17.	Workmen's Compensation (Accidents) Convention, 1925
19.	Equality of Treatment (Accident Compensation) Convention, 1925
29.	Forced Labour Convention, 1930
32.	Protection against Accidents (Dockers) Convention (Revised), 1932
42.	Workmen's Compensation (Occupational Diseases) Convention (Revised), 1934
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
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
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
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
MLC	Maritime Labour Convention, 2006

Appendix 7.2

Participation in Major International Labour Organisation Activities and Contacts with Other Labour Administrations in 2022

Month	Activities
May to June	The Commissioner for Labour led a tripartite team comprising the Government, employer and employee representatives to participate in the 110th Session of the International Labour Conference via video conferencing, as part of the delegation of the People's Republic of China.
December	The Assistant Commissioner for Labour (Employment Services) led a tripartite team comprising the Government, employer and employee representatives to attend the 17th Asia and the Pacific Regional Meeting of the International Labour Organisation in Singapore, as part of the delegation of the People's Republic of China.



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