

4 實施國際勞工標準委員會

Committee on the Implementation of International Labour Standards

4.1 引言

Introduction

國際勞工大會於 1976 年通過國際勞工公約《三方協商（國際勞工標準）公約》（第 144 號）。這條公約旨在推廣政府、僱主和僱員之間的三方協商，以制定、檢討和實施國際勞工標準。這條公約於 1978 年經修改而適用於香港。基於這條公約適用於香港，當局根據勞工顧問委員會的建議，在同年成立了實施國際勞工標準委員會。

In 1976, the International Labour Conference adopted the Tripartite Consultation (International Labour Standards) Convention (No.144) which aims to promote tripartite consultations among governments, employers and workers on matters related to the formulation, review and implementation of international labour standards. This convention was applied to Hong Kong with modification in 1978. In relation to the application of this convention, a Committee on the Implementation of International Labour Standards (CIILS) was set up in the same year on the advice of the Labour Advisory Board.

4.2 職權範圍

Terms of Reference

實施國際勞工標準委員會成立的目的如下：

The CIILS is established to:

- 就國際勞工公約在香港特別行政區的適用情況而需作出的適當聲明提供意見；
advise on appropriate declarations to be made in respect of the application of international labour conventions in the Hong Kong Special Administrative Region;
- 就採取何種適當的措施，以促進實施附有「經修改而適用」聲明的國際勞工公約，或在適當情況下作出改善適用情況的聲明，提供意見；
advise on appropriate measures to be taken to promote the implementation of, or where appropriate, to improve the declarations in respect of international labour conventions with the declaration of “applied with modification”;

實施國際勞工標準委員會的職權範圍 (續)**The terms of reference of the CIILS (cont'd)**

- 就向國際勞工局呈交的報告所引起的問題提供意見；以及
advise on questions arising out of the reports to be made to the International Labour Office; and
- 就政府對國際勞工大會議程中有關事項的問卷所作的答覆，以及就政府對將在大會上討論的擬文所作的評論提供意見。
advise on government replies to questionnaires concerning items on the agenda of the International Labour Conference and government comments on proposed texts to be discussed by the conference.

4.3 成員組織

Composition

實施國際勞工標準委員會的委員由勞工處處長委任。委員會在 2001 至 2002 年度內的成員組織如下：

Members of the CIILS are appointed by the Commissioner for Labour. The composition of the committee for the term 2001-2002 is as follows :

主席

Chairman : 勞工處副處長 (勞工事務行政)
Deputy Commissioner for Labour (Labour Administration)

委員

Members : 勞工顧問委員會僱主代表三名
Three employer representatives from the Labour Advisory Board

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Three employee representatives from the Labour Advisory Board

勞工處助理處長一名
An Assistant Commissioner for Labour

秘書

Secretary : 由一名勞工事務主任擔任
A Labour Officer

實施國際勞工標準委員會的成員名單載於附錄 III。

The membership list of the CIILS for the term 2001-2002 is at Appendix III.

4.4 2001 至 2002 年度的活動

Activities during the 2001-2002 term

在 2001 至 2002 年度內，實施國際勞工標準委員會的工作項目如下：

During the 2001 - 2002 term, the CIILS undertook the following activities :

國際勞工公約的報告

Reports on International Labour Conventions (ILCs)

根據《國際勞工組織章程》第 22 條的規定，香港特別行政區（香港特區）須應國際勞工局的要求，就國際勞工公約的適用情況提交報告。香港特區在 2001 及 2002 年分別就 22 條和 16 條公約提交報告。有關報告在提交國際勞工局前，已送交各委員徵詢他們的意見。

實施國際勞工標準委員會在 2001 至 2002 年度審議的國際勞工公約報告一覽表載於附錄 VIII。

In accordance with Article 22 of the Constitution of the International Labour Organization, the Hong Kong Special Administrative Region (HKSAR) is required to submit reports on the application of ILCs as requested by the International Labour Office. Reports on 22 and 16 ILCs were submitted respectively in 2001 and 2002. The reports were communicated to committee members for comment before they were forwarded to the International Labour Office.

A list of reports on ILCs which were considered by the CIILS during the 2001 - 2002 term is at Appendix VIII.

國際勞工公約適用情況的聲明

Declaration of Application of International Labour Conventions

在 2001 至 2002 年度，實施國際勞工標準委員會審議了 1999 年《最有害的童工形式公約》（第 182 號），並就公約在香港特區適用情況所作的聲明提供意見。公約要求批准的成員國採取立即和有效的措施，將禁止和消除最有害的童工形式作為一項緊迫事務。根據委員會的建議，公約第 182 號於 2002 年 8 月 8 日不經修改而適用於香港特區，並將於 2003 年 8 月 8 日生效。

截至 2002 年 12 月 31 日，適用於香港特區的公約共有 41 條，其中有 26 條不經修改而適用（即公約的全部條文可在香港特區實施），而有 15 條則經修改而適用（即公約是經修改其若干條文以適應本地情況才在香港特區實施）。

During the 2001-2002 term, the CIILS examined the Worst Forms of Child Labour Convention, 1999 (No. 182) and advised on the declaration to be made in respect of the application of the convention in the HKSAR. The convention requires ratifying States to take immediate and effective measures to prohibit and eliminate the worst forms of child labour as a matter of urgency. On the advice of the committee, the HKSAR applied Convention No. 182 without modification on 8 August 2002. The Convention will come into force on 8 August 2003.

As at 31 December 2002, the HKSAR applied a total of 41 conventions. Among them, 26 were applied without modification (i.e. all provisions of a convention were fully implemented) and 15 were applied with modification (i.e. a convention was implemented with modifications in some provisions to suit local conditions).