

实施国际劳工标准委员会

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Committee on the Implementation of International Labour Standards

引言

INTRODUCTION

国际劳工大会于一九七六年通过国际劳工公约《三方协商（国际劳工标准）公约》（第144号），以促进政府、雇主和雇员就制定、检讨和实施国际劳工标准的事宜进行三方协商。该公约于一九七八年经修改而适用于香港。为使这条公约能适用于香港，当局同年按劳工顾问委员会的建议，成立了实施国际劳工标准委员会。

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

职权范围

TERMS OF REFERENCE

实施国际劳工标准委员会成立的目的如下：

- 就国际劳工公约在香港特别行政区（香港特区）的适用情况而需作出的适当声明提供意见；
- 就采取何种适当的措施，以促进实施附有「经修改而适用」声明的国际劳工公约，或在适当情况下作出改善适用情况的声明，提供意见；
- 就向国际劳工局呈交的报告所引起的问题提供意见；以及

The CIILS is established to:

- advise on appropriate declarations to be made in respect of the application of international labour Conventions in the Hong Kong Special Administrative Region (HKSAR);
- advise on appropriate measures to be taken to promote the implementation of, or where appropriate, to improve the declarations in respect of international labour Conventions with the declaration of “applied with modification”;
- advise on questions arising out of the reports to be made to the International Labour Office; and

- 就政府对国际劳工大会议程中有关事项的问卷所作的答复，以及就政府对将在大会上讨论的拟文所作的评论提供意见。
- 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.

成员组织

COMPOSITION

实施国际劳工标准委员会的委员由经济发展及劳工局常任秘书长（劳工）委任。委员会在二零零三至二零零四年度的成员组织如下：

Members of the CIILS are appointed by the Permanent Secretary for Economic Development and Labour (Labour). The composition of the Committee for the term 2003-2004 is as follows:

主席 Chairman	:	劳工处副处长（劳工事务行政） Deputy Commissioner for Labour (Labour Administration)
委员 Members	:	劳工顾问委员会雇主代表三名 Three employer representatives from the Labour Advisory Board
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		劳工处助理处长（雇员权益） Assistant Commissioner for Labour (Employees' Rights and Benefits)
秘书 Secretary	:	由一名劳工事务主任担任 A Labour Officer

实施国际劳工标准委员会在二零零三至二零零四年度的成员名单载于附录 III。

The membership list of the CIILS for the term 2003-2004 is at Appendix III.

二零零三至二零零四年度的活动

ACTIVITIES DURING THE 2003-2004 TERM

在二零零三至二零零四年度，实施国际劳工标准委员会的工作项目如下：

During the 2003-2004 term, the CIILS undertook the following activities:

国际劳工公约的报告

根据《国际劳工组织章程》第 22 条的规定,香港特区须应国际劳工局的要求,就国际劳工公约的适用情况提交报告。香港特区在二零零三及二零零四年分别就七条和 18 条公约提交报告。有关报告在提交国际劳工局前,已送交各委员征询他们的意见。

实施国际劳工标准委员会在二零零三至二零零四年度审议的国际劳工公约报告一览表载于附录 VIII。

就国际劳工公约在香港特区适用情况的咨询

在二零零三至二零零四年度,实施国际劳工标准委员会就一九八一年《职业安全和卫生公约》(第 155 号)在香港特区实施的可行性提供意见。鉴于第 155 号公约的涵盖范围甚广,委员会同意香港特区政府仍未就实施该公约作好准备。尽管如此,香港特区政府会根据社会及经济发展的情况,并合理平衡雇主与雇员利益的情况下,继续改善对职业安全及健康方面的保障。

委员会亦就一九七三年《最低年龄公约》(第 138 号)、一九七五年《人力资源开发公约》(第 142 号)及一九八五年《劳工统计公约》(第 160 号)在香港特区适用情况所作的通知提供意见。委员会通过剔除第 138 号及第 142 号公约的修改,使这两条公约不经修改而适用于香港特区。此外,委员会亦同意修订第 160 号公约的现有通知,以反映个别由香港特区政府所编制及公布的统计数字已完全符合国际指引的规定。香港特区政府已透过中央政府正式要求国际劳工组织就这三条公约的适用情况的最新通知进行登记,而有关通知已于二零零四年四月八日生效。

Reports on International Labour Conventions (ILCs)

In accordance with Article 22 of the Constitution of the International Labour Organization, the HKSAR is required to submit reports on the application of ILCs as requested by the International Labour Office. Reports on seven and 18 ILCs were submitted respectively in 2003 and 2004. 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 2003-2004 term is at Appendix VIII.

Consultations on the Application of International Labour Conventions in the HKSAR

During the 2003-2004 term, the CIILS advised on the possibility of applying the Occupational Safety and Health Convention, 1981 (No. 155) in the HKSAR. Given the very wide scope of the Convention, the Committee agreed that the HKSAR Government was not yet ready to apply the Convention. Nevertheless, the HKSAR Government would continue to improve the protection of occupational safety and health in tandem with socio-economic development whilst striking a reasonable balance between the interests of employers and employees.

The Committee also advised on the notifications that have been made in respect of the application of Minimum Age Convention, 1973 (No. 138), Human Resources Development Convention, 1975 (No. 142) and Labour Statistics Convention, 1985 (No. 160) in the HKSAR. The Committee agreed to remove the existing modifications made in respect of Convention Nos. 138 and 142 so that these two Conventions can be applied in the HKSAR without modification. The Committee also agreed to amend the existing notification in respect of Convention No. 160 to reflect that certain statistics compiled and published by the HKSAR Government have fully conformed to the international guidelines. The HKSAR Government formally requested the International Labour Organization, through the Central People's Government, to register the improved notifications in respect of the application of the three Conventions and these notifications became effective on 8 April 2004.

截至二零零四年十二月三十一日,适用于香港特区的公约共有 41 条,其中有 28 条不经修改而适用(即公约的全部条文可在香港特区实施),而有 13 条则经修改而适用(即公约是经修改其若干条文以适应本地情况才在香港特区实施)。

As at 31 December 2004, a total of 41 Conventions were applied to the HKSAR. Among them, 28 were applied without modification (i.e. all provisions of a Convention were fully implemented) and 13 were applied with modification (i.e. a Convention was implemented with modifications in some provisions to suit local conditions).