

# 4 實施國際勞工標準委員會

## Committee on the Implementation of International Labour Standards

### 引言

#### INTRODUCTION

國際勞工大會於一九七六年通過國際勞工公約《三方協商（國際勞工標準）公約》（第144號），以促進政府、僱主和僱員就制定、檢討和實施國際勞工標準的事宜進行三方協商。該公約於一九七八年經修改而適用於香港。為使這條公約能適用於香港，當局同年按勞工顧問委員會的建議，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, 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.

### 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：

- 就國際勞工公約在香港特別行政區（香港特區）的適用情況而需作出的適當聲明提供意見；
- 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；
- 就向國際勞工局呈交的報告所引起的問題提供意見；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.

## 成員組織

### COMPOSITION

實施國際勞工標準委員會的委員由經濟發展及勞工局常任秘書長（勞工）委任。委員會在二零零三至二零零四年度的成員組織如下：

**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:

<b>主席</b> <b>Chairman</b>	:	勞工處副處長（勞工事務行政） Deputy Commissioner for Labour (Labour Administration)
<b>委員</b> <b>Members</b>	:	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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		勞工處助理處長（僱員權益） Assistant Commissioner for Labour (Employees' Rights and Benefits)
<b>秘書</b> <b>Secretary</b>	:	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在二零零三至二零零四年度的成員名單載於附錄 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動

### ACTIVITIES DURING THE 2003-2004 TERM

在二零零三至二零零四年度，實施國際勞工標準委員會的工作項目如下：

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

## 國際勞工公約的報告

根據《國際勞工組織章程》第 22 條的規定，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。香港特區在二零零三及二零零四年分別就七條和 18 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二零零三至二零零四年度審議的國際勞工公約報告一覽表載於附錄 VIII。

## 就國際勞工公約在香港特區適用情況的諮詢

在二零零三至二零零四年度，實施國際勞工標準委員會就一九八一年《職業安全和衛生公約》（第 155 號）在香港特區實施的可行性提供意見。鑑於第 155 號公約的涵蓋範圍甚廣，委員會同意香港特區政府仍未就實施該公約作好準備。儘管如此，香港特區政府會根據社會及經濟發展，並合理平衡僱主與僱員利益的情況下，繼續改善對職業安全及健康方面的保障。

委員會亦就一九七三年《最低年齡公約》（第 138 號）、一九七五年《人力資源開發公約》（第 142 號）及一九八五年《勞工統計公約》（第 160 號）在香港特區適用情況所作的通知提供意見。委員會通過剔除第 138 號及第 142 號公約的修改，使這兩條公約不經修改而適用於香港特區。此外，委員會亦同意修訂第 160 號公約的現有通知，以反映個別由香港特區政府所編製及公布的統計數字已完全符合國際指引的規定。香港特區政府已透過中央政府正式要求國際勞工組織就這三條公約的適用情況的最新通知進行登記，而有關通知已於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，適用於香港特區的公約共有 41 條，其中有 28 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 13 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）。

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).