



勞工顧問委員會報告

Labour Advisory Board Report

2013-2014



- 1 Membership
 - 2 Labour Advisory Board
 - 3 Activities in the 2013-2014 Term
 - 4 Committee on Employees' Compensation
 - 5 Committee on Employment Services
 - 6 Committee on the Implementation of International Labour Standards
 - 7 Committee on Labour Relations
 - 8 Committee on Occupational Safety and Health
- Appendices



勞工顧問委員會報告 Labour Advisory Board Report 2013-2014

- Membership
- Labour Advisory Board
- Activities in the 2013-2014 Term
- Committee on Employees' Compensation
- Committee on Employment Services
- Committee on the Implementation of International Labour Standards
- Committee on Labour Relations
- Committee on Occupational Safety and Health
- Appendices

Chapter 1

Membership of Labour Advisory Board

From 1 January 2013 to 31 December 2014



Labour Advisory Board for the 2013-2014 term

Chairman:	Mr Cheuk Wing Hing, JP [up to 2.3.2014]	Commissioner for Labour (<i>ex-officio</i>)
	Mr Donald Tong Chi Keung, JP [from 3.3.2014 onwards] (front row: middle)	
Members:	Employer representatives	
	Mr Ho Sai Chu, GBS, JP (front row: 2 nd from left)	representing the Chinese General Chamber of Commerce
	Dr Kim Mak Kin Wah, BBS, JP (front row: 1 st from left)	representing the Employers' Federation of Hong Kong
	Mr Stanley Lau Chin Ho, SBS, MH, JP (back row: 4 th from left)	representing the Federation of Hong Kong Industries
	Mr Irons Sze, JP (back row: 3 rd from left)	representing the Chinese Manufacturers' Association of Hong Kong
	Mr Emil Yu Chen On (back row: 2 nd from left)	representing the Hong Kong General Chamber of Commerce
	Mr Thomas Ho On Sing, JP (back row: 1 st from left)	appointed <i>ad personam</i>
	Employee representatives	
	Mr Leung Chau Ting (front row: 2 nd from right)	elected by registered employee unions
	Mr Chung Kwok Sing, MH* (back row: 5 th from right)	- ditto -
	Mr Lee Tak Ming (back row: 4 th from right)	- ditto -
	Mr Stanley Ng Chau Pei (back row: 3 rd from right)	- ditto -
	Mr Chau Siu Chung (back row: 2 nd from right)	- ditto -
	Ms Rose Chan So Hing (front row: 1 st from right)	appointed <i>ad personam</i>
Secretary:	Mr Raymond Leung Kwok Kee [up to 13.1.2013]	Senior Labour Officer (International Liaison)
	Ms Samantha Lam Yick Wah [from 14.1.2013 onwards] (back row: 1 st from right)	

* The member passed away in December 2014.



1 Membership

2 Labour Advisory Board

3 Activities in the 2013-2014 Term

4 Committee on Employees' Compensation

5 Committee on Employment Services

6 Committee on the Implementation of International Labour Standards

7 Committee on Labour Relations

8 Committee on Occupational Safety and Health

Appendices

Chapter 2

Labour Advisory Board

2.1 Introduction

The Labour Advisory Board (LAB) is a non-statutory body appointed by the Chief Executive to advise the Commissioner for Labour on labour matters including legislation and Conventions and Recommendations of the International Labour Organisation. The Commissioner for Labour is the ex-officio chairman of LAB. LAB has 12 members, six representing employers and six representing employees.

LAB plays an important part in the formulation of labour policies and gives advice on labour legislation.

2.2 History

1927 LAB was first appointed.

- In its early years, LAB was composed of representatives of large companies, government departments as well as the armed services. There were no employee representatives.

1946 LAB became a tripartite body, with the Labour Officer as the ex-officio chairman.

- There were three members representing European employers, three representing Chinese employers and three representing employees of major companies.
- The Labour Officer was the head of the Labour Office which was originally part of the Secretariat for Chinese Affairs. It became an independent office (the present Labour Department (LD)) in 1946.

1947 The Commissioner of Labour became the ex-officio chairman of LAB.

- The head of LD was retitled from the Labour Officer to the Commissioner of Labour¹.

¹ renamed as the Commissioner for Labour in 1974

1950

LAB was reconstituted and election was introduced for the first time.

- Of the four members representing employers, two were nominated by employer organisations and two were appointed by the Government, one each from European and Chinese employers.
- Of the four members representing employees, two were elected by trade unions by secret ballot, and the other two were appointed by the Government.

1977

The membership of LAB was increased by four to 12.

- It was composed of six employer representatives with four nominated by employer organisations and two appointed by the Government.
- There were six employee representatives with three elected by trade unions and three appointed by the Government.

1985

The term of office of LAB was extended from one to two years.

- The number of elected employee representatives was also increased from three to four, and this was offset by a reduction of appointed employee representatives from three to two.

1989

The number of nominated employer representatives and elected employee representatives was increased from four to five.

- This was offset by a reduction in the number of appointed members on both sides to one.

1993

LAB members were entitled to honorarium and could initiate agenda items.

- Non-official members of LAB were eligible for honorarium and could initiate agenda items to be discussed at LAB meetings.

2003

The Permanent Secretary for Economic Development and Labour (Labour) became the ex-officio chairman of LAB.

- In July 2003, the Labour Branch of the Economic Development and Labour Bureau merged with LD. The new organisation retained the corporate title of LD. It was headed by the Permanent Secretary for Economic Development and Labour (Labour), who also assumed the role of the Commissioner for Labour.

2007

The Commissioner for Labour became the ex-officio chairman of LAB.

- In July 2007, the post of the Commissioner for Labour was reinstated upon the re-organisation of the Government Secretariat. The Commissioner for Labour served as the ex-officio chairman of LAB.

2013 LAB members served on the Standard Working Hours Committee as ex-officio members by virtue of their LAB membership.

- In April 2013, the Government set up the Standard Working Hours Committee (SWHC). With a three-year term, SWHC comprised a Chairperson and 23 members who came from the labour and business sectors, academia, the community and the Government. Amongst them, all serving LAB members sat on SWHC as ex-officio members by virtue of their LAB membership.

2.3 Terms of Reference

LAB advises the Commissioner for Labour on matters affecting labour, including legislation and Conventions and Recommendations of the International Labour Organisation. Where considered necessary, it may appoint committees and include any person not being a member of LAB to serve on the committees.

2.4 Composition

Chairman: Commissioner for Labour (*ex-officio*)

Members: **Employer representatives**

Five members nominated by major employer associations, representing separately:

- the Chinese General Chamber of Commerce
- the Chinese Manufacturers' Association of Hong Kong
- the Employers' Federation of Hong Kong
- the Federation of Hong Kong Industries
- the Hong Kong General Chamber of Commerce

One member appointed *ad personam*

Employee representatives

Five members elected by registered employee unions

One member appointed *ad personam*

Secretary: A Senior Labour Officer of LD

2.5 LAB Election of Employee Representatives

An election by secret ballot was held on 8 December 2012 for the registered employee unions to elect employee representatives for the 2013-2014 term of LAB. In this election, 12 candidates vied for five seats as employee representatives on LAB. Out of a total of 404 employee unions registered as electors, 362 took part in the voting.

On the employer side, the five major employer associations were invited in late 2012 to nominate representatives to sit on LAB.

The remaining two members, one representing employers and the other representing employees, were appointed by the Government *ad personam*.

The appointment of the 12 members was published in the Government Gazette on 28 December 2012.



Labour Advisory Board meeting

2.6 Committees of LAB

To enable LAB to better cope with the enormity of matters requiring its attention, and to allow opportunities for important stakeholders outside LAB to offer advice on individual labour issues, five committees on special subject areas have been set up under LAB. They are:

- Committee on Employees' Compensation
- Committee on Employment Services
- Committee on the Implementation of International Labour Standards
- Committee on Labour Relations
- Committee on Occupational Safety and Health

In addition to LAB members, the above committees comprised over 30 persons including employer and employee representatives from outside LAB, academics, professionals as well as representatives from government departments, public bodies and concern groups, etc.

Details of the terms of reference, composition and work of these committees are given in their relevant chapters below. Membership lists of the committees are at Appendices I to V.



1 Membership

2 Labour Advisory Board

3 Activities in the 2013-2014 Term

4 Committee on Employees' Compensation

5 Committee on Employment Services

6 Committee on the Implementation of International Labour Standards

7 Committee on Labour Relations

8 Committee on Occupational Safety and Health

Appendices

Chapter 3

Activities in the 2013-2014 Term

3.1 Introduction

The Labour Advisory Board (LAB) met nine times during the period from 1 January 2013 to 31 December 2014. Members advised the Chairman of LAB on labour legislation, administrative measures on labour matters as well as other issues.

3.2 Consultation on Labour Legislation

LAB discussed three items of labour legislation. Details of the items and their progress are listed below:

Employment Ordinance

- To legislate for paternity leave (PL).
 - ◎ Based on the consensus of LAB, the Government introduced the Employment (Amendment) Bill 2014 (the Bill) into the Legislative Council (LegCo) on 26 March 2014 to legislate for three days of PL for eligible male employees with pay at four-fifths of their average daily wages. During the scrutiny of the Bill by LegCo, the Government reported to LAB the relevant progress and the amendments proposed by LegCo Members. After discussion, LAB reaffirmed its support to the consensus previously reached regarding the statutory PL proposal and adopted some minor adjustments to the Bill proposed by the Government.
 - ◎ The Bill was passed by LegCo on 18 December 2014. Statutory PL has taken effect since 27 February 2015.

- To review the continuous contract requirement under the Employment Ordinance (EO).
 - ◎ Having regard to the concerns of the labour sector on the continuous contract requirement (i.e. to constitute a continuous contract, an employee has to be employed by the same employer for four weeks or more and worked for at least 18 hours each week), the Labour Department (LD) has conducted a review of the continuous contract requirement under EO and put forward possible approaches for the consideration of LAB.
 - ◎ After rounds of in-depth deliberations, the Employer and Employee members maintained their different concerns over the subject and had yet to reach a consensus.

Employees' Compensation Ordinance, Pneumoconiosis and Mesothelioma (Compensation) Ordinance and Occupational Deafness (Compensation) Ordinance

- To increase the amounts of a total of 18 compensation items under the three Ordinances in line with the review findings for the 2012-2013 period.
 - ◎ The compensation levels are subject to review every two years according to the established mechanism. Adjustments, if necessary, are generally made by reference to the changes in the wage and price levels and other relevant factors over the review period.
 - ◎ LAB endorsed the proposal to adjust upwards the amounts of 18 compensation items from 5.73% to 44.44%.
 - ◎ The relevant resolutions were passed by LegCo on 4 February 2015. The new levels of compensation have taken effect since 5 March 2015.

3.3 Consultation on Administrative Measures on Labour Matters

LAB was briefed or consulted on the following administrative measures on labour matters:

- findings of a survey on chiropractor consultation by the public published by the Census and Statistics Department, the latest development of chiropractic in Hong Kong and other places and the review on whether the medical certificates issued by chiropractors should be recognised under labour legislation.
- offsetting arrangement for long service payment and severance payment under the Mandatory Provident Fund (MPF) Schemes.
- measure worked out by the Development Bureau to expedite the preparatory work for applications under the Supplementary Labour Scheme (SLS) as submitted by public works contractors.
- results of a review of the productivity assessment mechanism for employees with disabilities under the Statutory Minimum Wage regime and enhancement measures to be adopted by LD.

3.4 Consultation on Other Legislation and Measures

- LAB noted and gave its views on the review on the adjustment of the minimum and maximum relevant income levels under MPF schemes by the Mandatory Provident Fund Schemes Authority.
- LAB noted and gave its views on the consultation paper for the Administration of Justice (Miscellaneous Provisions) Bill by the Judiciary Administration regarding the proposed amendments by the Judiciary to the Labour Tribunal Ordinance to improve the operation of the Labour Tribunal.
- LAB noted the public consultation document for Improvement of Corporate Insolvency Proposals by the Financial Services and the Treasury Bureau.
- LAB noted the Social Welfare Department's measure to lift the restriction on elderly care homes under their Enhanced Bought Place Scheme to use SLS, whereby the non-subsidised portion of these homes can apply for imported care workers under SLS.
- LAB noted and gave its views on the public consultation paper for Public Engagement Exercise on Population Policy by the Steering Committee on Population Policy.

3.5 Supplementary Labour Scheme

Operating on the principle of according priority in employment to local workers, the Government will approve imported workers at technician level or below under SLS only if employers cannot recruit local workers to fill the relevant job vacancies. LD will invite LAB members' views on applications under SLS, before the Commissioner for Labour approves or refuses the relevant applications. During the 2013-2014 term, LAB provided views on 1 671 applications for labour importation.

To ensure effective attainment of the policy objective of SLS, a working group on SLS has been formed under LAB. The terms of reference, composition and membership of the working group are at Appendix VI.

3.6 Participating in the International Labour Conference

LAB members attend the annual International Labour Conference in Geneva, Switzerland as part of the delegation of the People's Republic of China. The Conference provides a valuable forum for LAB members to exchange views, share experience and establish contacts with delegates from different Members of the International Labour Organisation (ILO).

The 102nd Session of the International Labour Conference

The 102nd Session of the International Labour Conference was held from 5 to 20 June 2013. The Hong Kong Special Administrative Region (HKSAR) sent a tripartite team to the Conference as part of the delegation of the People's Republic of China. Members of the tripartite team were:

Government Representatives	Employer Representatives	Employee Representatives
Mr Byron Ng Kwok Keung, JP Deputy Commissioner for Labour	Mr Ho Sai Chu, GBS, JP	Mr Stanley Ng Chau Pei
Mr Nicholas Chan Chun Tak Assistant Commissioner for Labour	Mr Stanley Lau Chin Ho, SBS, MH, JP	Mr Chau Siu Chung
Ms Samantha Lam Yick Wah Senior Labour Officer	Mr Irons Sze, JP	Ms Rose Chan So Hing
Miss Sharon Lo Suet Ching Labour Officer		
Ms Cannis Yau Yuk Kam Labour Officer		



Representatives of HKSAR attending the 102nd Session of the International Labour Conference

More than 4 700 government, employer and employee delegates, including 156 Ministers from Members of ILO, participated in the Conference. HKSAR representatives attended the plenary sessions of the Conference and meetings of the Committee on the Application of Standards, Committee on Employment and Social Protection in the New Demographic Context, Committee on Sustainable Development, Decent Work and Green Jobs, Committee on the Recurrent Discussion on Social Dialogue and the World of Work Summit.

The 103rd Session of the International Labour Conference

The 103rd Session of the International Labour Conference was held from 28 May to 12 June 2014. HKSAR also sent a tripartite team to the Conference as part of the delegation of the People's Republic of China. Members of the tripartite team were:

Government Representatives	Employer Representatives	Employee Representatives
Mr Byron Ng Kwok Keung, JP Deputy Commissioner for Labour	Mr Ho Sai Chu, GBS, JP	Mr Leung Chau Ting
Miss Mabel Li Po Yi, JP Assistant Commissioner for Labour	Mr Emil Yu Chen On	Mr Lee Tak Ming
Ms Samantha Lam Yick Wah Senior Labour Officer	Mr Thomas Ho On Sing, JP	Mr Chau Siu Chung
Ms Esther Chan Lai Heung Senior Labour Officer		
Ms Rebecca Leung Sze Man Labour Officer		
Ms Cannis Yau Yuk Kam Labour Officer		



Representatives of HKSAR attending the 103rd Session of the International Labour Conference

The Conference was attended by over 4 400 government, employer and employee delegates representing 165 Members of ILO. HKSAR representatives attended the plenary sessions of the Conference and meetings of the Committee on the Application of Standards, Committee on Forced Labour, Committee on Transitioning from the Informal Economy, Committee on the Recurrent Discussion on Employment and the World of Work Summit.

3.7 Contacts with ILO

LAB also maintained liaison and interflow with ILO officials. Mr Yoshiteru Uramoto, Regional Director of ILO Regional Office for Asia and the Pacific, and Mr Tim De Meyer, Director of the ILO Country Office for China and Mongolia visited Hong Kong and met with LAB members in November 2014 to exchange views on the latest development of international labour affairs.



1 Membership

2 Labour Advisory Board

3 Activities in the 2013-2014 Term

4 Committee on Employees' Compensation

5 Committee on Employment Services

6 Committee on the Implementation of
International Labour Standards

7 Committee on Labour Relations

8 Committee on Occupational Safety and Health

Appendices

Chapter 4

Committee on Employees' Compensation

4.1 Introduction

The Committee on Employees' Compensation (CEC) has been in place since August 1986 to give advice on the effectiveness of the employees' compensation system and related legislation.

4.2 Terms of Reference

The committee is established to:

- review the employees' compensation system in Hong Kong;
- advise on legislative proposals on employees' compensation and review existing legislation; and
- advise on measures to be adopted by the Labour Department (LD) to improve the administrative machinery related to employees' compensation.

4.3 Composition

Members of CEC are appointed by the Commissioner for Labour. The composition of the committee for the 2013-2014 term is as follows:

Chairman:	Deputy Commissioner for Labour (Labour Administration)
Members:	Three employer representatives from the Labour Advisory Board (LAB)
	Three employee representatives from LAB
	An employer representative from outside LAB
	An employee representative from outside LAB
	A representative nominated by the insurance industry
	A representative from a concern group on employees' compensation
	A representative nominated by the Hospital Authority
	A representative nominated by the Director of Legal Aid
	Assistant Commissioner for Labour (Employees' Rights and Benefits)
	Occupational Health Consultant (1) of LD
Secretary:	A Labour Officer of LD

The membership list of CEC for the 2013-2014 term is at Appendix I.

4.4 Activities during the 2013-2014 Term

During the 2013-2014 term, CEC discussed the following matters:

Amendments to employees' compensation legislation and work of LD in the area of employees' compensation

- CEC noted the improvements made to the employees' compensation legislation in 2012 below:
 - ◎ Three resolutions were passed by the Legislative Council (LegCo) on 17 July 2012 to increase the amounts of a total of 15 compensation items under the Employees' Compensation Ordinance (ECO), the Pneumoconiosis and Mesothelioma (Compensation) Ordinance (PMCO) and the Occupational Deafness Compensation Ordinance (ODCO) in line with the changes in the wage and price levels and other relevant factors in the 2009-2011 period. The revised levels of compensation took effect from 21 July 2012. A three-year review was conducted as against the very special circumstances of the substantive impacts of the implementation of Statutory Minimum Wage on wage and price levels since May 2011. The established practice of conducting a review every two years was resumed henceforth.

- ◎ Two resolutions were passed by LegCo on 17 July 2012 to respectively lower the levy rate from 0.25% to 0.15% under PMCO and increase the levy rate from 0.4% to 0.5% under the Construction Industry Council Ordinance, with the overall levy rate remaining unchanged, such that the Construction Industry Council could have additional resources to implement new initiatives for supporting the development of the construction industry. The new levy rates took effect from 20 August 2012.
- CEC noted the work of LD in handling employees' compensation claims in 2012 and 2013, its publicity and public education campaigns to enhance public understanding of the rights and responsibilities of employees and employers under ECO as well as its inspection and enforcement efforts relating to the Ordinance.

Review of the levels of compensation under ECO, PMCO and ODCO

CEC agreed on a proposal to raise the amounts of a total of 18 compensation items under ECO, PMCO and ODCO in line with the positive changes of the relevant adjustment indicators in the review period of 2012-2013. The proposal was subsequently submitted to LAB for consideration (see paragraph 3.2).



1 Membership

2 Labour Advisory Board

3 Activities in the 2013-2014 Term

4 Committee on Employees' Compensation

5 Committee on Employment Services

6 Committee on the Implementation of International Labour Standards

7 Committee on Labour Relations

8 Committee on Occupational Safety and Health

Appendices

Chapter 5

Committee on Employment Services

5.1 Introduction

In May 1976, a sub-committee of the Labour Advisory Board (LAB) was appointed to advise the Commissioner for Labour on matters concerning the operation of the Employment Services Division of the Labour Department (LD). The sub-committee was renamed as the Committee on Employment Services (CES) in 1978 and its terms of reference were extended to cover the work of all divisions under the Employment Services Programme of LD.

5.2 Terms of Reference

The committee is established to:

- advise on the employment services provided by LD, including those for the able-bodied and people with disabilities, and the careers advisory service for young people;
- advise on legislative provisions relating to the operation of employment agencies; and
- advise on legislative provisions relating to the employment of local workers outside Hong Kong.

5.3 Composition

Members of CES are appointed by the Commissioner for Labour. The composition of the committee for the 2013-2014 term is as follows:

Chairman:	To be appointed from the non-government sector
Members:	Two [#] employer representatives from LAB
	Two [#] employee representatives from LAB
	Two employer representatives from outside LAB
	Two employee representatives from outside LAB
	A representative of employers who make use of the employment services of LD
	A representative of persons with disabilities who make use of the employment services of LD
	Not more than two representatives nominated by employment agency associations
	A representative nominated by the Hong Kong Association of Careers Masters and Guidance Masters
	A representative nominated by the Employees Retraining Board
	A representative nominated by the Hong Kong Institute of Human Resource Management
	A representative from one of the social partners of LD
	A representative from a tertiary educational institution
	Assistant Commissioner for Labour (Employment Services)
Secretary:	A Labour Officer of LD

[#] Only one representative shall be appointed if the chairman has been appointed from this group.

The membership list of CES for the 2013-2014 term is at Appendix II.

5.4 Activities during the 2013-2014 Term

During the 2013-2014 term, CES offered advice on the following employment services and programmes:

Employment services

CES offered advice on LD's employment services to able-bodied job seekers, ethnic minorities, new arrivals, young people and persons with disabilities as well as recruitment services to employers. CES also discussed and gave constructive views on the operation of various specialised employment programmes, including the Work Trial Scheme, the Employment Programme for the Middle-aged, the pilot Employment Services Ambassador Programme for Ethnic Minorities, and the Youth Employment and Training Programme, etc administered by LD for job seekers with employment difficulty.

Tung Chung Job Centre

To strengthen employment support to residents living in remote districts, LD set up a new job centre in Tung Chung in October 2014. The new Tung Chung Job Centre (TCJC) is located in the Yat Tung Shopping Centre, Tung Chung. Job seekers living on Lantau Island and nearby districts may seek employment support in TCJC, thus reducing their time and travelling expenses for obtaining employment services. CES noted that TCJC had been launched smoothly.



1 Membership

2 Labour Advisory Board

3 Activities in the 2013-2014 Term

4 Committee on Employees' Compensation

5 Committee on Employment Services

6 Committee on the Implementation of International Labour Standards

7 Committee on Labour Relations

8 Committee on Occupational Safety and Health

Appendices

Chapter 6

Committee on the Implementation of International Labour Standards

6.1 Introduction

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 (LAB).

6.2 Terms of Reference

The committee is established to:

- advise on appropriate declarations to be made in respect of the application of International Labour Conventions (ILCs) 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, ILCs with the declaration of “applied with modification”;
- advise on questions arising out of the reports to be made to the International Labour Office; and
- 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.

6.3 Composition

Members of CIILS are appointed by the Commissioner for Labour. The composition of the committee for the 2013-2014 term is as follows:

Chairman:	Deputy Commissioner for Labour (Labour Administration)
Members:	Three employer representatives from LAB
	Three employee representatives from LAB
	Assistant Commissioner for Labour (Development)
Secretary:	A Labour Officer of the Labour Department

The membership list of CIILS for the 2013-2014 term is at Appendix III.

6.4 Activities during the 2013-2014 Term

During the 2013-2014 term, CIILS undertook the following activities:

Reports on ILCs

In accordance with Article 22 of the Constitution of the International Labour Organisation, HKSAR is required to submit reports on the application of ILCs as requested by the International Labour Office. Reports on seven and 19 ILCs were submitted respectively in 2013 and 2014. All the reports were forwarded to committee members for comment before they were communicated to the International Labour Office.

A list of reports on ILCs which were considered by CIILS during the 2013-2014 term is at Appendix VII.

Consultations on the application of ILCs in HKSAR

CIILS provided advice on the application of ILCs in HKSAR. As at 31 December 2014, a total of 41 ILCs were applied to HKSAR. Among them, 28 were applied without modification (i.e. all provisions of a Convention were fully implemented) and 13 were applied with modifications (i.e. a Convention was implemented in HKSAR with modification(s) in some provisions to suit local conditions).



1 Membership

2 Labour Advisory Board

3 Activities in the 2013-2014 Term

4 Committee on Employees' Compensation

5 Committee on Employment Services

6 Committee on the Implementation of
International Labour Standards

7 Committee on Labour Relations

8 Committee on Occupational Safety and Health

Appendices

Chapter 7

Committee on Labour Relations

7.1 Introduction

The Committee on Labour Relations (CLR) has been in place since May 1985 to advise on the promotion of harmonious labour relations and legislation on employment conditions and labour relations matters.

7.2 Terms of Reference

The committee is established to:

- advise on means to promote amicable relations and mutual understanding between employers and employees, and between their respective organisations;
- advise on enlightened human resources management measures and family-friendly employment practices for the purpose of fostering harmonious labour-management relations;
- advise on legislative reviews or proposals in relation to employment conditions or labour relations; and
- advise on measures to better the conciliation service provided by the Labour Department (LD) to employers and employees.

7.3 Composition

Members of CLR are appointed by the Commissioner for Labour. The composition of the committee for the 2013-2014 term is as follows:

Chairman:	Deputy Commissioner for Labour (Labour Administration)
Members:	Three employer representatives from the Labour Advisory Board (LAB)
	Three employee representatives from LAB
	Two employer representatives from outside LAB
	Two employee representatives from outside LAB
	A representative of human resources practitioners
	Assistant Commissioner for Labour (Labour Relations)
Secretary:	A Labour Officer of LD

The membership list of CLR for the 2013-2014 term is at Appendix IV.

7.4 Activities during the 2013-2014 Term

During the 2013-2014 term, CLR discussed various issues relating to labour relations. Having regard to the review of the continuous contract requirement under the Employment Ordinance, it held frank and constructive deliberations on the merits, demerits as well as viability of the various approaches. It also noted the latest labour relations scene and provided advice on the impact of economic and political environment on labour relations. Moreover, it noted the legislative proposal on paternity leave and its progress. It also discussed the key features and benefits of family-friendly employment practices, and suggested measures to further promote relevant practices.



- 1 Membership
- 2 Labour Advisory Board
- 3 Activities in the 2013-2014 Term
- 4 Committee on Employees' Compensation
- 5 Committee on Employment Services
- 6 Committee on the Implementation of International Labour Standards
- 7 Committee on Labour Relations
- 8 Committee on Occupational Safety and Health
- Appendices

Chapter 8

Committee on Occupational Safety and Health

8.1 Introduction

The Committee on Occupational Safety and Health (COSH) was set up in January 1997 to advise on occupational safety and health legislation and related matters.

8.2 Terms of Reference

The committee is established to:

- review the standards of occupational safety and health in Hong Kong;
- advise on legislative proposals on occupational safety and health and review existing legislation; and
- advise on the measures to be adopted by the Labour Department (LD) with a view to improving the existing system which enforces occupational safety and health legislation.

8.3 Composition

Members of COSH are appointed by the Commissioner for Labour. The composition of the committee for the 2013-2014 term is as follows:

Chairman:	Deputy Commissioner for Labour (Occupational Safety and Health)
Members:	Three employer representatives from the Labour Advisory Board (LAB)
	Three employee representatives from LAB
	Three employer representatives from outside LAB
	Three employee representatives from outside LAB
	A representative nominated by the Occupational Safety and Health Council (OSHC)
	Three representatives from occupational safety and health organisations
	Assistant Commissioner for Labour (Occupational Safety)
	Occupational Health Consultant (1) of LD
	Chief Occupational Safety Officer (System and Support) of LD
Secretary:	A Labour Officer of LD

The membership list of COSH for the 2013-2014 term is at Appendix V.

8.4 Activities during the 2013-2014 Term

During the 2013-2014 term, COSH advised on the following matters:

Owing to the commencement of mega infrastructure projects and substantial number of maintenance works projects for old buildings, the number of workers entering the construction sector continued to grow, posing challenges to construction safety. COSH supported LD's efforts to enhance work safety in the construction industry and provided valuable advice on how to refine and implement the measures.

Mobile Working Platform for Work Safety Just Above Ground

As fall-from-height was the most common cause of fatal accidents, LD collaborated with OSHC to organise a Work-at-Height Safety Forum in April 2013 to gauge views on how to prevent similar accidents and to launch the Mobile Working Platform Sponsorship Scheme for small-and-medium-sized enterprises to encourage the industry to use safe equipment to replace improper ladders when working at height. COSH supported the measures and gave views on the promotional strategy on work-at-height safety, including how to encourage employers and workers to make use of mobile working platforms conforming to safety standards.

Formulation of the Competent Persons Scheme

In response to the difficulties of the industry to meet the requirement of checking and testing the anchor device for safety harness, LD initiated a scheme in early 2014 to provide an alternative for the industry to employ Competent Persons to conduct the checking and testing of such device under the same safety standard. In the course of formulation of the scheme, COSH provided concrete suggestions on the implementation arrangements and details, including the safety training and the monitoring mechanism of the Competent Persons concerned.

Work Safety on Bamboo Scaffolding and Delineation of Responsibilities

COSH was concerned about the risk of fall from height during the bamboo scaffolding works and the unclear division of responsibilities between principal contractors and sub-contractors on the planking arrangements of working platforms on scaffolds. To enhance the safety of employees working on bamboo scaffolds, LD updated its Code of Practice for Bamboo Scaffolding Safety in June 2014 with a view to setting out the relevant safety requirements and urging the industry to comply with the Guidelines on Planking Arrangement for Providing Working Platforms on Bamboo Scaffolds issued by the Construction Industry Council in May 2014.



1 Membership

2 Labour Advisory Board

3 Activities in the 2013-2014 Term

4 Committee on Employees' Compensation

5 Committee on Employment Services

6 Committee on the Implementation of
International Labour Standards

7 Committee on Labour Relations

8 Committee on Occupational Safety and Health

Appendices

Appendices

Appendix I	Membership of Committee on Employees' Compensation
Appendix II	Membership of Committee on Employment Services
Appendix III	Membership of Committee on the Implementation of International Labour Standards
Appendix IV	Membership of Committee on Labour Relations
Appendix V	Membership of Committee on Occupational Safety and Health
Appendix VI	Terms of Reference, Composition and Membership of Working Group on the Supplementary Labour Scheme
Appendix VII	Reports on International Labour Conventions considered by Committee on the Implementation of International Labour Standards during the 2013-2014 term

Appendix I: Membership of Committee on Employees' Compensation

From 1 January 2013 to 31 December 2014

Chairman:	Mr Byron Ng Kwok Keung, JP	Deputy Commissioner for Labour (Labour Administration)
Members:	Mr Stanley Lau Chin Ho, SBS, MH, JP	Employer representative from LAB
	Dr Kim Mak Kin Wah, BBS, JP	- ditto -
	Mr Emil Yu Chen On	- ditto -
	Mr Chau Siu Chung	Employee representative from LAB
	Mr Lee Tak Ming	- ditto -
	Mr Stanley Ng Chau Pei	- ditto -
	Mr Stephen Lee Wing Kee	Employer representative from outside LAB
	Mr Chow Luen Kiu, MH	Employee representative from outside LAB
	Mr Jimmy Poon Wing Fai	Representative nominated by the insurance industry
	Ms Yu Sau Chun	Representative from a concern group on employees' compensation
	Ms Cecilia Chu	Representative nominated by the Hospital Authority
	Mr Allan Chan Wing Cho <i>[up to 28.9.2014]</i>	Representative nominated by the Director of Legal Aid
	Ms Juliana Chan Oi Yung <i>[from 29.9.2014 onwards]</i>	
	Mr Ernest Ip Yee Cheung, JP	Assistant Commissioner for Labour (Employees' Rights and Benefits)
Dr Raymond Leung Lai Man, JP	Occupational Health Consultant (1) of LD	
Secretary:	Miss Lina Cheung Wan Kwan	Labour Officer (Compensation) (Central Services) ¹ of LD

Appendix II: Membership of Committee on Employment Services

From 1 January 2013 to 31 December 2014

Chairman:	Mr Leung Chau Ting	Employee representative from LAB
Members:	Mr Stanley Ng Chau Pei	- ditto -
	Mr Ho Sai Chu, GBS, JP	Employer representative from LAB
	Mr Stanley Lau Chin Ho, SBS, MH, JP	- ditto -
	Mrs Janice Choi Kwan Wing Kum, MH	Employer representative from outside LAB
	Mr Jeffrey Lai	- ditto -
	Mr Mark Ng Ka Ip	Employee representative from outside LAB
	Ms Marilyn Tang Yin Lee	- ditto -
	Mr Carson Chan	A representative of employers who make use of the employment services of LD
	Mrs Eliza Lo Chan Woon Ching	A representative of persons with disabilities who make use of the employment services of LD
	Mr Cheung Kit Man	Not more than two representatives nominated by employment agency associations
	Mr Remy Wong Kwan Bo	A representative nominated by the Hong Kong Association of Careers Masters and Guidance Masters
	Mr Stanley Ng Ka Kwong, BBS	A representative nominated by the Employees Retraining Board
	Mr David Li Chi Ming	A representative nominated by the Hong Kong Institute of Human Resource Management
	Dr Carol Ma Hok Ka	A representative from one of the social partners of LD
Mr Herman Chan	A representative from a tertiary educational institution	
Mrs Tonia Leung So Suk Ching, JP	Assistant Commissioner for Labour (Employment Services)	
Secretary:	Ms Jessie Lam Choi Ping	Labour Officer (Employment Services) (Central Services) of LD

Appendix III: Membership of Committee on the Implementation of International Labour Standards

From 1 January 2013 to 31 December 2014

Chairman:	Mr Byron Ng Kwok Keung, JP	Deputy Commissioner for Labour (Labour Administration)
Members:	Mr Thomas Ho On Sing, JP	Employer representative from LAB
	Mr Ho Sai Chu, GBS, JP	- ditto -
	Dr Kim Mak Kin Wah, BBS, JP	- ditto -
	Ms Rose Chan So Hing	Employee representative from LAB
	Mr Chung Kwok Sing, MH*	- ditto -
	Mr Leung Chau Ting	- ditto -
	Miss Mabel Li Po Yi, JP	Assistant Commissioner for Labour (Development)
Secretary:	Ms Cannis Yau Yuk Kam <i>[up to 31.12.2013]</i> Miss Sharon Lo Suet Ching <i>[from 1.1.2014 onwards]</i>	Labour Officer (International Liaison) of LD

* The member passed away in December 2014.

Appendix IV: Membership of Committee on Labour Relations

From 1 January 2013 to 31 December 2014

Chairman:	Mr Byron Ng Kwok Keung, JP	Deputy Commissioner for Labour (Labour Administration)
Members:	Mr Stanley Lau Chin Ho, SBS, MH, JP	Employer representative from LAB
	Dr Kim Mak Kin Wah, BBS, JP	- ditto -
	Mr Irons Sze, JP	- ditto -
	Ms Rose Chan So Hing	Employee representative from LAB
	Mr Chau Siu Chung	- ditto -
	Mr Lee Tak Ming	- ditto -
	Ms Anders Cheung Yuk Lin	Employer representative from outside LAB
	Mr Alan Wong Hoi Ming	- ditto -
	Miss Lam Kam Yi	Employee representative from outside LAB
	Ms Lee Sau King	- ditto -
	Mr David Li Chi Ming	Representative of human resources practitioners
	Mr Charles Hui Pak Kwan, JP	Assistant Commissioner for Labour (Labour Relations)
Secretary:	Ms Esther Chan Lai Heung <i>[up to 31.3.2013]</i>	Labour Officer (Labour Relations) (Headquarters) ¹ of LD
	Miss Elizabeth Lee Wai Ying <i>[from 1.4.2013 to 1.7.2013]</i>	
	Ms Judy Chow Siu Ling <i>[from 2.7.2013 onwards]</i>	

Appendix V: Membership of Committee on Occupational Safety and Health

From 1 January 2013 to 31 December 2014

Chairman:	Mr David Leung, JP	Deputy Commissioner for Labour (Occupational Safety and Health)
Members:	Mr Thomas Ho On Sing, JP	Employer representative from LAB
	Mr Ho Sai Chu, GBS, JP	- ditto -
	Mr Emil Yu Chen On	- ditto -
	Mr Chung Kwok Sing, MH*	Employee representative from LAB
	Mr Lee Tak Ming	- ditto -
	Mr Leung Chau Ting	- ditto -
	Dr Edmond Cheng Kam Wah	Employer representative from outside LAB
	Mr Lee Luen Fai	- ditto -
	Mr Lawrence Ng San Wa	- ditto -
	Mr Chow Luen Kiu, MH	Employee representative from outside LAB
	Ms Lee Sau King	- ditto -
	Mr Pang Long	- ditto -
	Mr Tang Wah Shing <i>[up to 30.6.2014]</i>	Representative nominated by the Occupational Safety and Health Council
	Ms Bonnie Yau Man <i>[from 1.7.2014 onwards]</i>	
	Dr Edmund Hau Ka Man	Representative from occupational safety and health organisations
	Mr Victor Kwong Chiu Ling	- ditto -
	Mrs Virginia Ma Lo Kam Wah	- ditto -
	Mr Li Chi Leung	Assistant Commissioner for Labour (Occupational Safety)
	Dr Raymond Leung Lai Man, JP	Occupational Health Consultant (1) of LD
Mr Leung Chun Ho <i>[up to 25.11.2014]</i>	Chief Occupational Safety Officer (System and Support) of LD	
Mr Leung Yuk Keung <i>[from 26.11.2014 onwards]</i>		
Secretary:	Miss Maria Wang Wai Han <i>[up to 5.1.2014]</i>	Labour Officer (Occupational Safety and Health) of LD
	Miss Helen Chau Man Kuen <i>[from 6.1.2014 onwards]</i>	

* The member passed away in December 2014.

Appendix VI: Terms of Reference, Composition and Membership of Working Group on the Supplementary Labour Scheme

Terms of Reference

The working group is established to:

- advise on the vetting guidelines for processing applications for importation of labour under the Supplementary Labour Scheme; and
- discuss applications for which LAB members cannot reach a consensus level as agreed by LAB, and draw up recommendations for endorsement by LAB.

Composition

Members of the working group are appointed by the Commissioner for Labour. The composition of the working group for the 2013-2014 term is as follows:

Chairman:	Assistant Commissioner for Labour (Policy Support)
Members:	Two employer representatives from LAB
	Two employee representatives from LAB
	A Senior Labour Officer of LD
Secretary:	A Labour Officer of LD

Membership

The membership of the working group for the 2013-2014 term is as follows:

Chairman:	Mr Nicholas Chan Chun Tak	Assistant Commissioner for Labour (Policy Support)
Members:	Mr Irons Sze, JP	Employer representative from LAB
	Mr Emil Yu Chen On	- ditto -
	Mr Chau Siu Chung	Employee representative from LAB
	Mr Stanley Ng Chau Pei	- ditto -
	Mr Law Tak Yan	Senior Labour Officer (Supplementary Labour) of LD
Secretary:	Ms Charlotte Sit Ting	Labour Officer (Supplementary Labour) ⁴ of LD

**Appendix VII: Reports on International Labour Conventions considered by
Committee on the Implementation of International Labour
Standards during the 2013-2014 term**

Reports considered in 2013

	Convention Number	Convention Title
(1)	3	Maternity Protection Convention, 1919
(2)	14	Weekly Rest (Industry) Convention, 1921
(3)	87	Freedom of Association and Protection of the Right to Organise Convention, 1948
(4)	98	Right to Organise and Collective Bargaining Convention, 1949
(5)	101	Holidays with Pay (Agriculture) Convention, 1952
(6)	142	Human Resources Development Convention, 1975
(7)	144	Tripartite Consultation (International Labour Standards) Convention, 1976

Reports considered in 2014

	Convention Number	Convention Title
(1)	8	Unemployment Indemnity (Shipwreck) Convention, 1920
(2)	16	Medical Examination of Young Persons (Sea) Convention, 1921
(3)	22	Seamen's Articles of Agreement Convention, 1926
(4)	23	Repatriation of Seamen Convention, 1926
(5)	29	Forced Labour Convention, 1930
(6)	74	Certification of Able Seamen Convention, 1946
(7)	92	Accommodation of Crews Convention (Revised), 1949
(8)	97	Migration for Employment Convention (Revised), 1949
(9)	105	Abolition of Forced Labour Convention, 1957
(10)	108	Seafarers' Identity Documents Convention, 1958
(11)	122	Employment Policy Convention, 1964
(12)	133	Accommodation of Crews (Supplementary Provisions) Convention, 1970
(13)	138	Minimum Age Convention, 1973
(14)	144	Tripartite Consultation (International Labour Standards) Convention, 1976
(15)	147	Merchant Shipping (Minimum Standards) Convention, 1976
(16)	150	Labour Administration Convention, 1978

	Convention Number	Convention Title
(17)	151	Labour Relations (Public Service) Convention, 1978
(18)	160	Labour Statistics Convention, 1985
(19)	182	Worst Forms of Child Labour Convention, 1999