



Labour Advisory Board Report 勞工顧問委員會報告 2017 - 2018



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Chapter 1

Membership of Labour Advisory Board

From 1 January 2017 to 31 December 2018



Labour Advisory Board for the 2017-2018 term

Chairman :	Mr Carlson Chan Ka Shun, JP (front row: centre)	Commissioner for Labour (<i>ex-officio</i>)
Members :	<u>Employer representatives</u>	
	The Honourable Ho Sai Chu, GBM, 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 Irons Sze, BBS, JP (back row: 5 th from left)	representing the Chinese Manufacturers' Association of Hong Kong
	Mr Emil Yu Chen On, JP (back row: 4 th from left)	representing the Hong Kong General Chamber of Commerce
	Mr Jimmy Kwok Chun Wah, SBS, MH, JP (back row: 3 rd from left)	representing the Federation of Hong Kong Industries
	Mr Cheung Sing Hung, BBS (back row: 2 nd from left)	appointed <i>ad personam</i>
	<u>Employee representatives</u>	
	Mr Chau Siu Chung (front row: 2 nd from right)	elected by registered employee unions
	Ms Wong Siu Han (front row: 1 st from right)	- ditto -
	Mr Charles Chan Yiu Kwong (back row: 4 th from right)	- ditto -
	Mr Tang Ka Piu, JP (back row: 3 rd from right)	- ditto -
	Mr Daniel Lau Yuk Fai (back row: 2 nd from right)	- ditto -
	Ms Rose Chan So Hing (back row: 1 st from right)	appointed <i>ad personam</i>
Secretary :	Ms Esther Chan Lai Heung (back row: 1 st from left)	Senior Labour Officer (International Liaison) of Labour Department



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Chapter 2 Labour Advisory Board

2.1 Introduction

The Labour Advisory Board (LAB) is a non-statutory body appointed by the Secretary for Labour and Welfare (in exercise of the authority delegated 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 comprises 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 foreign 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.

1950 LAB was reconstituted and election of employee representatives 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 foreign 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.

- Of the six employer representatives, four were nominated by employer organisations and two were appointed by the Government.
- Of the six employee representatives, three were elected by trade unions and three were appointed by the Government.

1985 The term of office of LAB was extended from one year to two years and more employee representatives were elected.

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

- 1989** **The numbers of nominated employer representatives and elected employee representatives were respectively increased from four to five.**
- This was offset by a reduction in the respective numbers 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). SWHC comprised a chairperson and 23 members drawn from the labour and business sectors, academia, the community and the Government. Amongst them, LAB members sat on SWHC as ex-officio members by virtue of their LAB membership².

¹ renamed as the Commissioner for Labour in 1974.

² LAB employee members declined to attend the meetings of SWHC since the end of 2015 and on 24 November 2016 reiterated their decision of quitting SWHC in writing. The term of SWHC ended on 31 January 2017.

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 Appointment for the 2017-2018 Term

An election by secret ballot was held on 12 November 2016 for the registered employee unions to elect employee representatives for the 2017-2018 term of LAB. In this election, 8 candidates vied for five seats as employee representatives on LAB. Of the 416 employee unions registered as electors, 388 took part in the voting.

On the employer side, the five major employer associations were invited in late 2016 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 appointments of 12 LAB members were published in the Government Gazette on 16 December 2016.



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 major 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, 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. served on the committees.

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.



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Chapter 3

Activities in the 2017-2018 Term

3.1 Introduction

The Labour Advisory Board (LAB) held 11 meetings during the period from 1 January 2017 to 31 December 2018 to advise on labour legislation, administrative measures on labour matters as well as other issues.

3.2 Consultation on Labour Legislation

LAB discussed eight items of labour legislation. The items and their progress are listed below:

Employment Ordinance

- To amend the reinstatement and re-engagement provisions

※ Based on the consensus of LAB, the Government introduced the Employment (Amendment) Bill 2017 into the Legislative Council (LegCo) on 17 May 2017. The Bill sought to amend the reinstatement and re-engagement provisions so as to enhance protection for employees in circumstances of unreasonable and unlawful dismissal.

- ※ During the scrutiny of the Bill by LegCo, a LegCo Member proposed Committee Stage Amendments (CSAs) which would make substantial changes to the Bill, and the issues touched upon in CSAs had never been discussed by the Bills Committee and represented a major departure from the consensus of LAB. The Labour Department (LD) reported the matter to LAB at its meeting in March 2018. LAB considered that the Government could resume the Second Reading debate of the Bill on the basis of its original version. The Second Reading debate of the Bill was resumed on 16 May 2018.
 - ※ The Bill was passed by LegCo on 17 May 2018 and came into operation on 19 October 2018.
- To amend provisions on regulating employment agencies (EAs)
 - ※ To strengthen the regulation of EAs, the Government, after consultation with LAB in April 2017, introduced the Employment (Amendment) (No. 2) Bill 2017 into LegCo on 28 June 2017 to impose a heavier penalty on EAs for the offences of overcharging job seekers commission and operating without licence from a maximum fine of \$50,000 to a maximum fine of \$350,000 and imprisonment for three years; to extend the criminal liability of the offence of overcharging job seekers to associates of the EA concerned in addition to its licensee; to provide new grounds for the Commissioner for Labour (C for L) to consider refusing to issue or renew or revoking an EA licence; and to provide that C for L may issue from time to time Code of Practice for EAs and render legal basis for the Code.
 - ※ The Government subsequently proposed a CSA to extend the statutory time limit for prosecution of offences concerning overcharging job seekers and unlicensed operation of EAs from six months to 12 months after the commission of the offence.
 - ※ The Bill was passed by LegCo on 1 February 2018 and came into operation on 9 February 2018.
- To increase statutory paternity leave (PL) days
 - ※ LD reported the outcome of the review of the implementation of statutory PL to LAB and sought its views on the proposed improvement in November 2017. Based on the consensus of LAB, the Government introduced the Employment (Amendment) Bill 2018 into LegCo on 20 June 2018 to increase statutory PL from three days to five days.
 - ※ The Bill was passed by LegCo on 25 October 2018 and came into operation on 18 January 2019.
- To review statutory maternity leave (ML)
 - ※ LD briefed LAB on the outcome of the review of statutory ML and consulted it on the proposed amendments in November 2018. LAB supported the proposal for increasing statutory ML from 10 weeks to 14 weeks and the two proposed technical amendments related to the definition of “miscarriage” and entitlement to sickness allowance for attending pre-natal medical examination. It also deliberated on the proposed cap of \$36,822 for maternity leave pay in respect of the newly added four weeks’ ML.
 - ※ The Government consulted the LegCo Panel on Manpower on the proposal in December 2018 and commenced the work on drafting the enabling legislation.

- To abolish the use of employers' mandatory contributions under the Mandatory Provident Fund (MPF) System to offset severance payment (SP) and long service payment (LSP) (Abolition of the MPF "offsetting")
 - ※ LAB discussed several times the previous-term Government's proposal of progressive abolition of the MPF "offsetting" in 2017 and the preliminary idea of the current-term Government in 2018.
 - ※ Having carefully considered the views of LAB and other stakeholders, the Chief Executive announced in the 2018 Policy Address and the Government briefed LAB on the enhanced arrangements for abolition of the MPF "offsetting" in October 2018. The enhanced arrangements included significantly extending the period of the second-tier subsidy under the Government's two-tier subsidy scheme for employers from 12 years to 25 years, with the estimated total financial commitment of the Government increased to \$29.3 billion. Other abolition arrangements involved assisting employers to set up designated saving accounts under their own names to save up in advance to meet the potential SP / LSP expenses in future, and maintaining the current calculation rate and ceiling for SP / LSP, etc.
 - ※ The Government briefed the LegCo Panel on Manpower in November 2018 and would prepare the enabling legislation to implement the arrangements for the abolition of the "offsetting".

Employees' Compensation Ordinance and Pneumoconiosis and Mesothelioma (Compensation) Ordinance

- To increase the maximum daily rates of reimbursable medical expenses
 - ※ LAB endorsed in June 2017 the proposal for increasing the maximum daily rates of reimbursable medical expenses, namely, the maximum daily rate for in-patient or out-patient treatment to be increased from \$200 to \$300, and the maximum daily rate for in-patient and out-patient treatment received on the same day to be raised from \$280 to \$370.
 - ※ The relevant resolutions were passed by LegCo on 1 February 2018. The revised maximum daily rates of reimbursable medical expenses came into operation on 9 February 2018.

Pneumoconiosis and Mesothelioma (Compensation) Ordinance

- To raise the levy threshold
 - ※ LAB discussed in March 2018 the proposal for raising the levy threshold from \$1 million to \$3 million as recommended by the Construction Industry Council. LAB had no objection to the proposal.
 - ※ The relevant resolution was passed by LegCo on 27 June 2018. The revised levy threshold came into operation on 30 July 2018.

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

- To increase the amounts of compensation items and expand the list of medical appliances
 - ※ LAB endorsed in November 2018 the proposal for adjusting upwards the amounts of 18 compensation items under the three Ordinances by 4.34% to 81.47% and expanding the list of medical appliances under the Pneumoconiosis and Mesothelioma (Compensation) Ordinance to include two new items.
 - ※ The relevant resolutions were passed by LegCo on 3 April 2019. The new levels of compensation and the expanded list of medical appliances came into operation on 26 April 2019.

3.3 Consultation on Administrative Measures on Labour Matters

LAB was briefed or consulted on the following labour matters:

- items pertaining to labour in the 2017 Policy Address and the 2018 Policy Address; and
- way forward of the working hours policy.

3.4 Consultation on Other Legislation and Measures

- LAB noted and gave its views on the Discrimination Legislation (Miscellaneous Amendment) Bill as consulted by the Constitutional and Mainland Affairs Bureau.
- LAB noted and gave its views on the progress and proposal of drawing up a Talent List as consulted by the Labour and Welfare Bureau and other relevant Bureaux / Departments.
- LAB noted and gave its views on the legislative proposals for introducing a statutory corporate rescue procedure and insolvent trading provisions as consulted by the Financial Services and the Treasury Bureau.

3.5 Supplementary Labour Scheme

Operating on the principle of according employment priority to local workers, the Government approves the importation of workers at technician level or below under the Supplementary Labour Scheme (SLS) only if employers cannot recruit local workers to fill the relevant job vacancies. LD invites LAB members' views on applications under SLS, before C for L approves or refuses the relevant applications. During the 2017-2018 term, LAB provided views on 1 953 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 106th Session of the International Labour Conference

The 106th Session of the International Labour Conference was held from 5 to 16 June 2017. Members of the tripartite team from the Hong Kong Special Administrative Region (HKSAR) were:

Government Representatives	Employer Representatives	Employee Representatives
Ms Mabel Li Po Yi, JP, Deputy Commissioner for Labour	The Honourable Ho Sai Chu, GBM, GBS, JP	Mr Chau Siu Chung
Mr Raymond Ho Kam Biu, Assistant Commissioner for Labour	Mr Irons Sze, BBS, JP	Ms Wong Siu Han
Ms Esther Chan Lai Heung, Senior Labour Officer	Mr Jimmy Kwok Chun Wah, SBS, MH, JP	Mr Charles Chan Yiu Kwong
Ms Nancy Tang Mei Lan, Labour Officer		
Ms Eva Chan Kit Ying, Labour Officer		



Representatives of the HKSAR
attending the 106th Session of the International Labour Conference

The Conference was attended by some 6 000 government, employer and employee delegates representing 187 Members of ILO. The HKSAR representatives attended the plenary sessions of the Conference and meetings of the Committee on the Application of Standards, Committee for Labour Migration, Committee on Employment and Decent Work for the Transition to Peace, Committee for Fundamental Principles and Rights at Work and the World of Work Summit.

The 107th Session of the International Labour Conference

The 107th Session of the International Labour Conference was held from 28 May to 8 June 2018. Members of the tripartite team from the HKSAR were:

Government Representatives	Employer Representatives	Employee Representatives
Mr Carlson Chan Ka Shun, JP, Commissioner for Labour	The Honourable Ho Sai Chu, GBM, GBS, JP	Mr Tang Ka Piu, JP
Mr Raymond Ho Kam Biu, Assistant Commissioner for Labour	Mr Emil Yu Chen On, JP	Mr Daniel Lau Yuk Fai
Ms Nancy Tang Mei Lan, Labour Officer	Mr Cheung Sing Hung, BBS	Ms Rose Chan So Hing
Ms Rosanna Chan Pui Sze, Labour Officer		
Mr Calvin Cheng Yu Ting, Assistant Labour Officer I		



Representatives of the HKSAR
attending the 107th Session of the International Labour Conference

More than 5 000 government, employer and employee delegates representing 187 Members of ILO participated in the Conference. The HKSAR representatives attended the plenary sessions of the Conference and meetings of the Committee on the Application of Standards, Committee on Effective ILO Development Cooperation, Committee on Violence and Harassment in the World of Work, Committee on Social Dialogue and Tripartism and the World of Work Summit.

3.7 Liaison with ILO

Ms Tomoko Nishimoto, Regional Director of the ILO Regional Office for Asia and the Pacific visited Hong Kong and met with LAB members in March 2017 to exchange views on the latest development of international labour affairs.



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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

CEC 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 2017-2018 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 2017-2018 term is at Appendix I.

4.4 Activities during the 2017-2018 Term

During the 2017-2018 term, CEC discussed the following matters:

Amendments to Employees' Compensation Legislation and Work of LD in the Area of Employees' Compensation

- CEC noted the three resolutions passed by the Legislative Council on 1 March 2017 to increase the amounts of a total of 18 compensation items under the Employees' Compensation Ordinance (ECO), the Pneumoconiosis and Mesothelioma (Compensation) Ordinance (PMCO) and the Occupational Deafness (Compensation) Ordinance (ODCO) having regard to the changes in the wage and price levels and other relevant factors in the 2014-2015 period. The revised levels of compensation took effect from 1 April 2017.
- CEC noted the work of LD in handling employees' compensation claims in 2016 and 2017, its publicity and public education campaigns to enhance public understanding of the respective rights and responsibilities of employees and employers under ECO as well as its inspection and enforcement efforts to ensure employers' compliance.

Adjustment of the Amounts of Compensation Items under ECO, PMCO and ODCO and Expansion of the List of Medical Appliances under PMCO

CEC agreed on the proposal for raising the amounts of a total of 18 compensation items under ECO, PMCO and ODCO in line with the review findings on wage and price movements in 2016 and 2017 as well as other relevant factors, and expanding the list of medical appliances under PMCO. The proposal was subsequently submitted to LAB for consideration (see paragraph 3.2).



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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

CES 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 2017-2018 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 people with disabilities who make use of the employment services of LD
	A representative nominated by an employment agency association
	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 2017-2018 term is at Appendix II .

5.4 Activities during the 2017-2018 Term

During the 2017-2018 term, CES offered advice on the following employment services and measures:

Employment Services

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

Higher Education Employment Information e-Platform

LD launched the Higher Education Employment Information e-Platform in December 2016 to provide employment support for job seekers with higher education, including Hong Kong students who are educated in tertiary institutions outside Hong Kong as well as persons from overseas with higher academic / professional qualifications. This e-platform seeks to enhance their understanding of the Hong Kong employment market and facilitate them to search and apply for suitable job openings.



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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

CIILS 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 (ILO 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 2017-2018 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 2017-2018 term is at Appendix III.

6.4 Activities during the 2017-2018 Term

During the 2017-2018 term, CIILS undertook the following activities:

Reports on ILCs

In accordance with Article 22 of the Constitution of the International Labour Organisation, the HKSAR is required to submit reports on the application of ILCs as requested by ILO Office. Reports on 12 and two ILCs were submitted respectively in 2017 and 2018. All the reports were forwarded to CIILS members for comments before they were communicated to ILO Office.

A list of reports on ILCs which were considered by CIILS during the 2017-2018 term is at Appendix VII.

Consultations on the Application of ILCs in the HKSAR

CIILS provided advice on the application of ILCs in the HKSAR. As at 31 December 2018, a total of 31 ILCs were applied to the HKSAR. Among them, 21 were applied without modification (i.e. all provisions of a Convention were fully implemented in the HKSAR) and 10 were applied with modifications (i.e. a Convention was implemented in the HKSAR with modification(s) in some provisions to suit local conditions).



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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

CLR 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 2017-2018 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
	A representative from a tertiary educational institution from the field of social science or business / human resources management
	Assistant Commissioner for Labour (Labour Relations)
Secretary:	A Labour Officer of LD

The membership list of CLR for the 2017-2018 term is at Appendix IV.

7.4 Activities during the 2017-2018 Term

During the 2017-2018 term, CLR discussed various issues relating to labour relations. CLR noted the proposal and legislative progress pertaining to the extension of statutory paternity leave; the latest labour relations scene; and LD's promotional work on good human resources management culture. CLR provided advice on publicising to employers and employees the amendments to the reinstatement and re-engagement provisions under the Employment Ordinance. It also suggested ways to improve communication between employers and employees and to prevent outbreak of labour disputes, and to enrich the content and widen the publicity channels of the Code of Practice in times of Typhoons and Rainstorms published by LD.



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Chapter 8

Committee on Occupational Safety and Health

8.1 Introduction

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

8.2 Terms of Reference

COSH 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 2017-2018 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 2017-2018 term is at Appendix V.

8.4 Activities during the 2017-2018 Term

During the 2017-2018 term, COSH advised on the following matters:

The construction industry has been blooming in recent years. With the commencement of a number of major infrastructure projects and the rising number of major refurbishment works for aged buildings, there has been a significant increase in the size of construction workforce. This poses challenges to the occupational safety and health performance of the construction industry. COSH recognised LD's efforts in enhancing the occupational safety and health awareness and performance of the industry, and offered advice on how to refine and implement various initiatives.

Industrial Fatal Accidents

In light of the occurrence of a number of fatal accidents in the construction industry in 2017, LD continued to strive to reduce industrial accidents to the minimum through the three-pronged approach of strengthening inspection and enforcement, publicity and promotion, and education and training; as well as launching a series of specific improvement measures targeted at the occupational safety and health of the construction industry. COSH offered advice on various follow up initiatives taken by LD in response to the fatal industrial accidents.

Strengthen Work-above-ground Safety

Fall from height is the most common cause of industrial fatal accidents. To further protect workers' work-above-ground safety and promote a culture of using chin straps of safety helmets, LD sponsored small and medium-sized enterprises engaged in repair, maintenance, alteration and addition work to purchase safety helmets with chin straps. LD also conducted publicity and promotion as well as education and training through different means and revised the "Guidance Notes on the Selection, Use and Maintenance of Safety Helmets" with a view to urging workers to properly wear safety helmets with chin straps while working on the site. COSH supported the measures and provided advice on the implementation, the effective date, etc. of the requirements on wearing safety helmets with chin straps in the construction industry.

Enhance Safety Training Courses

In order to further strengthen the safety awareness of construction workers, and to refine the safety training for site supervisory staff, LD enhanced the Mandatory Basic Safety Training Courses ("Green Card" Courses) and the Safety Supervisors Training Courses and reported the relevant progress. COSH provided advice on consultation and follow-up actions for enhancement of the courses as well as promotion of workers' enrolment on the courses.

Strengthening Promotion of the Complaint Channel

In order to encourage more construction workers to lodge complaints about unsafe working conditions, LD stepped up the promotion of the OSH complaint hotline including the distribution of a newly produced poster which contained six ethnic minority (EM) languages (Indonesian, Hindi, Nepali, Tagalog, Thai and Urdu) in addition to Chinese and English to facilitate EM workers to lodge complaints. At the same time, LD also distributed plastic card holders printed with the complaint hotline to encourage employees and members of the public to lodge complaints about unsafe working environment. Besides, LD also launched the production of a new set of TV and Radio Announcements in the Public Interest in 2018 with a view to further strengthening the promulgation of the OSH complaint hotline. COSH provided advice on LD's promotion activities.



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2 Labour Advisory Board

3 Activities in the 2017-2018 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

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Appendix I

Membership of Committee on Employees' Compensation

From 1 January 2017 to 31 December 2018		
Chairman:	Mr Byron Ng Kwok Keung, JP <i>[up to 2.1.2017]</i> Ms Mabel Li Po Yi, JP <i>[from 3.1.2017 onwards]</i>	Deputy Commissioner for Labour (Labour Administration)
Members:	Dr Kim Mak Kin Wah, BBS, JP	Employer representative from LAB
	Mr Irons Sze, BBS, JP	- ditto -
	Mr Emil Yu Chen On, JP	- ditto -
	Mr Charles Chan Yiu Kwong	Employee representative from LAB
	Mr Chau Siu Chung	- ditto -
	Mr Tang Ka Piu, JP	- ditto -
	Dr Philco Wong Nai Keung	Employer representative from outside LAB
	Mr Wong Ping	Employee representative from outside LAB
	Mr Jimmy Poon Wing Fai, MH	Representative nominated by the insurance industry
	Ms Elsie Fung	Representative from a concern group on employees' compensation
	Ms Katherine Shiu	Representative nominated by the Hospital Authority
	Ms Juliana Chan Oi Yung, JP	Representative nominated by the Director of Legal Aid
	Mr William Mak Chi Tung <i>[up to 8.10.2017]</i> Mr Simon Li Chi Chung <i>[from 16.10.2017 onwards]</i>	Assistant Commissioner for Labour (Employees' Rights and Benefits)
	Dr Raymond Leung Lai Man, JP <i>[up to 17.12.2017]</i> Dr Mandy Ho Mang Yee, JP <i>[from 18.12.2017 onwards]</i>	Occupational Health Consultant (1) of LD
Secretary:	Ms Lina Cheung Wan Kwan <i>[up to 10.12.2017]</i> Ms Stephanie Ho Sau Fun <i>[from 11.12.2017 onwards]</i>	Labour Officer (Compensation) (Central Services) ¹ of LD

Appendix II

Membership of Committee on Employment Services

From 1 January 2017 to 31 December 2018		
Chairman:	Mr Chau Siu Chung	Employee representative from LAB
Members:	The Honourable Ho Sai Chu, GBM, GBS, JP	Employer representative from LAB
	Mr Jimmy Kwok Chun Wah, SBS, MH, JP	- ditto -
	Ms Wong Siu Han	Employee representative from LAB
	Mr Jeffrey Lai Kwok Hung	Employer representative from outside LAB
	Ms Caroline Li Hiu Ming	- ditto -
	Mr Li Hoi	Employee representative from outside LAB
	Mr Wong Pit Man	- ditto -
	Ms Banda Tang	A representative of employers who make use of the employment services of LD
	Ms Anna Cheung Wai Kwan	A representative of people with disabilities who make use of the employment services of LD
	Mr Cheung Kit Man	A representative nominated by an employment agency association
	Dr Irene Choi Oi Ling	A representative nominated by the Hong Kong Association of Careers Masters and Guidance Masters
	Ms Fanny Pang Ka Yi	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
	Mr Chan Yee Fei	A representative from one of the social partners of LD
	Dr Carol Ma Hok Ka	A representative from a tertiary educational institution
	Mr Charles Hui Pak Kwan, JP	Assistant Commissioner for Labour (Employment Services)
Secretary:	Ms Amy Lee Sze Ping	Labour Officer (Employment Services) (Central Support) of LD

Appendix III

Membership of Committee on the Implementation of International Labour Standards

From 1 January 2017 to 31 December 2018		
Chairman:	Mr Byron Ng Kwok Keung, JP <i>[up to 2.1.2017]</i> Ms Mabel Li Po Yi, JP <i>[from 3.1.2017 onwards]</i>	Deputy Commissioner for Labour (Labour Administration)
Members:	Mr Cheung Sing Hung, BBS	Employer representative from LAB
	The Honourable Ho Sai Chu, GBM, GBS, JP	- ditto -
	Mr Jimmy Kwok Chun Wah, SBS, MH, JP	- ditto -
	Ms Rose Chan So Hing	Employee representative from LAB
	Mr Charles Chan Yiu Kwong	- ditto -
	Mr Daniel Lau Yuk Fai	- ditto -
	Ms Mabel Li Po Yi, JP <i>[up to 2.1.2017]</i> Mr Raymond Ho Kam Biu <i>[from 1.2.2017 onwards]</i>	Assistant Commissioner for Labour (Development)
Secretary:	Ms Nancy Tang Mei Lan <i>[up to 31.12.2017]</i> Ms Rosanna Chan Pui Sze <i>[from 1.1.2018 onwards]</i>	Labour Officer (International Liaison) 4 of LD Labour Officer (International Liaison) 1 of LD

Appendix IV

Membership of Committee on Labour Relations

From 1 January 2017 to 31 December 2018		
Chairman:	Mr Byron Ng Kwok Keung, JP <i>[up to 2.1.2017]</i> Ms Mabel Li Po Yi, JP <i>[from 3.1.2017 onwards]</i>	Deputy Commissioner for Labour (Labour Administration)
Members:	Mr Jimmy Kwok Chun Wah, SBS, MH, JP	Employer representative from LAB
	Dr Kim Mak Kin Wah, BBS, JP	- ditto -
	Mr Irons Sze, BBS, JP	- ditto -
	Ms Rose Chan So Hing	Employee representative from LAB
	Mr Chau Siu Chung	- ditto -
	Ms Wong Siu Han	- ditto -
	Ms Janna Cheng On Ki	Employer representative from outside LAB
	Mr Clarence Chung Chi Wai	- ditto -
	Mr Kwok Wang Hing	Employee representative from outside LAB
	Ms Molly Shea Wai Man	- ditto -
	Mr David Li Chi Ming	Representative of human resources practitioners
	Dr Lee Shu Kam	Representative from a tertiary educational institution from the field of social science or business / human resources management
	Ms Melody Luk Wai Ling, JP	Assistant Commissioner for Labour (Labour Relations)
Secretary:	Ms Judy Chow Siu Ling <i>[up to 10.12.2017]</i> Ms Sandy Chan Yuen Han <i>[from 11.12.2017 onwards]</i>	Labour Officer (Labour Relations) (Headquarters) 1 of LD

Appendix V

Membership of Committee on Occupational Safety and Health

From 1 January 2017 to 31 December 2018		
Chairman:	Mr Jeff Leung Wing Yan, JP	Deputy Commissioner for Labour (Occupational Safety and Health)
Members:	Mr Cheung Sing Hung, BBS	Employer representative from LAB
	The Honourable Ho Sai Chu, GBM, GBS, JP	- ditto -
	Mr Emil Yu Chen On, JP	- ditto -
	Mr Daniel Lau Yuk Fai	Employee representative from LAB
	Mr Tang Ka Piu, JP	- ditto -
	Ms Wong Siu Han	- ditto -
	Mr Thomas Ho On Sing, JP	Employer representative from outside LAB
	Mr Lawrence Ng San Wa, MH	- ditto -
	Ms Eliza Wong Yeuk Lan	- ditto -
	Mr Steven Cheng Hok Chung	Employee representative from outside LAB
	Mr Chow Luen Kiu, MH, JP	- ditto -
	Mr Lai Chi Wah	- ditto -
	Ms Bonnie Yau	Representative nominated by the Occupational Safety and Health Council
	Mr Victor Kwong Chiu Ling	Representative from occupational safety and health organisations
	Ir Dr Sammy Wan Kin Man	- ditto -
	Ir Alex Leung Wai Hung <i>[up to 18.4.2018]</i> Ir Dr Francis Wong Kwan Wah <i>[from 19.4.2018 onwards]</i>	- ditto -
	Mr Wu Wai Hung, JP	Assistant Commissioner for Labour (Occupational Safety)
	Dr Raymond Leung Lai Man, JP <i>[up to 17.12.2017]</i> Dr Mandy Ho Mang Yee, JP <i>[from 18.12.2017 onwards]</i>	Occupational Health Consultant (1) of LD
	Mr Mak Ping Sang	Chief Occupational Safety Officer (System and Support) of LD
Secretary:	Ms Helen Chau Man Kuen <i>[up to 9.12.2018]</i> Ms Bicky Lee Woon Sheung <i>[from 10.12.2018 onwards]</i>	Labour Officer (Occupational Safety and Health) of LD

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 2017-2018 term is as follows:

Chairman:	Assistant Commissioner for Labour (Development)
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 2017-2018 term is as follows:

Chairman:	Ms Mabel Li Po Yi, JP <i>[up to 2.1.2017]</i> Mr Raymond Ho Kam Biu <i>[from 1.2.2017 onwards]</i>	Assistant Commissioner for Labour (Development)
Members:	Mr Irons Sze, BBS, JP	Employer representative from LAB
	Mr Emil Yu Chen On, JP	- ditto -
	Mr Chau Siu Chung	Employee representative from LAB
	Mr Tang Ka Piu, JP	- ditto -
	Mr Law Tak Yan <i>[up to 30.1.2018]</i> Mr Raymond Fong Siu Leung <i>[from 31.1.2018 onwards]</i>	Senior Labour Officer (Supplementary Labour) of LD
Secretary:	Ms Charlotte Sit Ting <i>[up to 22.1.2017]</i> Mr Tony Chiu Man Yiu <i>[from 23.1.2017 onwards]</i>	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 2017-2018 term

Reports Considered in 2017		
	<u>Convention Number</u>	<u>Convention Title</u>
(1)	12	Workmen's Compensation (Agriculture) Convention, 1921
(2)	17	Workmen's Compensation (Accidents) Convention, 1925
(3)	19	Equality of Treatment (Accident Compensation) Convention, 1925
(4)	29	Forced Labour Convention, 1930
(5)	32	Protection against Accidents (Dockers) Convention (Revised), 1932
(6)	42	Workmen's Compensation (Occupational Diseases) Convention (Revised), 1934
(7)	97	Migration for Employment Convention (Revised), 1949
(8)	105	Abolition of Forced Labour Convention, 1957
(9)	122	Employment Policy Convention, 1964
(10)	138	Minimum Age Convention, 1973
(11)	144	Tripartite Consultation (International Labour Standards) Convention, 1976
(12)	182	Worst Forms of Child Labour Convention, 1999

Reports Considered in 2018		
	<u>Convention Number</u>	<u>Convention Title</u>
(1)	81	Labour Inspection Convention, 1947
(2)	142	Human Resources Development Convention, 1975