



Labour Advisory Board Report 勞工顧問委員會報告 2019-2020



1

Membership

2

Labour Advisory Board

3

Activities in the 2019-2020 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



Labour Advisory Board Report 勞工顧問委員會報告 2019-2020

- 1 Membership
- 2 Labour Advisory Board
- 3 Activities in the 2019-2020 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 1 Membership of Labour Advisory Board

From 1 January 2019 to 31 December 2020



Labour Advisory Board for the 2019-2020 term

Chairman:	<p>Mr Carlson Chan Ka Shun, JP (front row: centre) [up to 13.12.2020]</p> <p>Mr Chris Sun Yuk Han, JP [from 21.12.2020 onwards]</p>	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, BBS, 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
	Mr Charles Chan Yiu Kwong (front row: 1 st from right)	- ditto -
	Mr Tang Ka Piu, BBS, JP (back row: 4 th from right)	- ditto -
	Mr Lee Kwok Keung (back row: 3 rd from right)	- ditto -
	Mr Leung Chau Ting (back row: 2 nd from right)	- ditto -
	Ms Molly Shea Wai Man (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



Labour Advisory Board Report 勞工顧問委員會報告 2019-2020

- 1 Membership
- 2 Labour Advisory Board
- 3 Activities in the 2019-2020 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 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 (<i>ex-officio</i>)
Members:	<p><i>Employer representatives</i></p> <p>Five members nominated by major employer associations, representing separately:</p> <ul style="list-style-type: none">• 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 <p>One member appointed <i>ad personam</i></p> <p><i>Employee representatives</i></p> <p>Five members elected by registered employee unions</p> <p>One member appointed <i>ad personam</i></p>
Secretary:	A Senior Labour Officer of LD

2.5 Appointment for the 2019-2020 Term

An election by secret ballot was held on 10 November 2018 for the registered employee unions to elect employee representatives for the 2019-2020 term of LAB. In this election, 12 candidates vied for five seats as employee representatives on LAB. Of the 425 employee unions registered as electors, 390 took part in the voting.

On the employer side, the five major employer associations were invited in late 2018 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 14 December 2018.



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.



Labour Advisory Board Report 勞工顧問委員會報告 2019-2020

- 1 Membership
- 2 Labour Advisory Board
- 3 Activities in the 2019-2020 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 2019-2020 Term

3.1 Introduction

The Labour Advisory Board (LAB) held eight meetings during the period from 1 January 2019 to 31 December 2020 to advise on labour legislation, administrative measures on labour matters as well as other issues.

3.2 Consultation on Labour Legislation

Labour legislation items discussed by LAB are listed below:

Employment Ordinance

- To increase progressively the number of statutory holidays (SHs)
 - ※ In view of the request of employee members of LAB to include the alignment of SHs in the agenda of an LAB meeting, the Labour Department (LD) briefed LAB on information on SHs and general holidays (GHs) in Hong Kong in December 2019.

- ※ In early 2020, the Chief Executive put forward a series of initiatives to further improve people's livelihood, one of which was to increase progressively the number of SHs under the Employment Ordinance (EO), from existing 12 days to 17 days, so that it would be on a par with the number of GHs. To take forward this initiative, LD worked out a proposal and consulted LAB twice in October and November 2020 on the proposal.

Minor Employment Claims Adjudication Board Ordinance

- To review the jurisdictional limit of the Minor Employment Claims Adjudication Board (MECAB)
 - ※ LD consulted LAB in May 2019 and November 2020 on a proposal to increase the jurisdictional limit of MECAB in respect of the claim amount per claimant. At the meeting in November 2020, LAB supported the increase of this limit from \$8,000 to \$15,000.

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

- To review the amounts of compensation / payment items and extend employees' compensation (EC) protection
 - ※ LAB discussed and supported at its meeting in November 2020 the proposals to adjust upwards the amounts of a total of 18 compensation items under the Employees' Compensation Ordinance, the Pneumoconiosis and Mesothelioma (Compensation) Ordinance and the Occupational Deafness (Compensation) Ordinance and the prescribed relief payment, prescribed monthly amount and prescribed monthly amount (extra) under the Employees Compensation Assistance Ordinance, and to extend EC protection to employees commuting to or from work under "extreme conditions".

Factories and Industrial Undertakings Ordinance and Occupational Safety and Health Ordinance

- To raise the penalties of the Occupational Safety and Health (OSH) Legislation
 - ※ Although the overall OSH performance in Hong Kong has greatly improved over the years, the improvement trend has clearly tapered off recently. The number of fatal industrial accidents sees no sign of decreasing in recent years. The community at large considers that the sentences handed down by the courts have failed to reflect the seriousness of the contraventions and are unable to pose sufficient deterrent effect on duty holders violating the law. LD therefore put forward a preliminary proposal to raise the maximum penalties of OSH legislation, including introducing indictable offences for extremely serious cases involving extremely high culpability or serious negligence and leading to serious consequences. LD has also, subject to the circumstances of individual cases, requested the Department of Justice to seek review of or to appeal against the penalties.

- ※ LAB discussed at its meeting in February 2019 the preliminary proposal. LD then conducted an extensive consultation on the preliminary proposal, including consulting the Legislative Council Panel on Manpower in March 2019. After careful consideration of the comments received, the Government has adjusted the amendment proposal as appropriate. The adjustments mainly involved modifying the maximum fine for the indictable offences and fine-tuning the re-alignment of the seriousness categories of OSH legislation.
- ※ LD consulted LAB at the meeting in November 2020 on the revised proposal.

3.3 Consultation on Administrative Measures on Labour Matters

- Pilot Rehabilitation Programme for Employees Injured at Work
 - ※ The Government recognises that timely and well-coordinated rehabilitation treatment services are critical to early recovery and return to work for injured employees. At present, injured employees using public rehabilitation services are facing relatively long waiting time. As a result, some of them may miss the optimal period for rehabilitation interventions.
 - ※ In the 2019 Policy Address, the Government proposed to introduce a three-year Pilot Rehabilitation Programme for Employees Injured at Work (Pilot Programme) targeting injured employees from the construction industry. A case management approach will be adopted to provide private out-patient rehabilitation treatment services for the participating injured employees in a timely and well-coordinated manner to facilitate their early recovery and return to work.
 - ※ LAB discussed in October 2019 the proposal for introducing the Pilot Programme. LAB supported the design and proposed mechanics of the Programme.
- LAB was also briefed or consulted on the following labour matters:
 - ※ Items pertaining to labour in the 2019 Policy Address and the 2020 Policy Address, including the progress of work on abolition of using the accrued benefits of employers' mandatory contributions under the Mandatory Provident Fund System to offset severance payment and long service payment, the establishment of a dedicated Foreign Domestic Helpers Division, the launch of the Greater Bay Area Youth Employment Scheme, etc.;
 - ※ Services provided by LD for employers and employees and relevant measures introduced by other government departments / organisations amidst the outbreak of the Coronavirus Disease 2019 (COVID-19), including employees' compensation for contracting COVID-19 at work; and

- ※ Implementation arrangements of the extension of four weeks' statutory maternity leave under EO, including the formulation of a new Reimbursement of Maternity Leave Pay Scheme to reimburse employers' payment of the additional four weeks' maternity leave pay.

3.4 Consultation on Other Measures

- LAB noted and gave its views on the work arrangements following announcement of “extreme conditions” by the Government after super typhoons.

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 the Commissioner for Labour approves or refuses the relevant applications. During the 2019-2020 term, LAB provided views on 2 120 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 108th Session of the International Labour Conference

The 108th Session of the International Labour Conference was held from 10 to 21 June 2019. It is also named as the Centenary Conference as 2019 marks the 100th anniversary of the ILO. Members of the tripartite team from the Hong Kong Special Administrative Region (HKSAR) were:

Government Representatives	Employer Representatives	Employee Representatives
Dr Law Chi Kwong, GBS, JP Secretary for Labour and Welfare	The Honourable Ho Sai Chu, GBM, GBS, JP	Mr Chau Siu Chung
Mr Dominic Chow Wing Hang Administrative Assistant to Secretary for Labour and Welfare	Mr Irons Sze, BBS, JP	Mr Lee Kwok Keung
Ms Angela Yip Wai Kuen Press Secretary to Secretary for Labour and Welfare	Mr Jimmy Kwok Chun Wah, SBS, MH, JP	Mr Leung Chau Ting
Mr Raymond Ho Kam Biu, JP Assistant Commissioner for Labour		
Ms Esther Chan Lai Heung Senior Labour Officer		
Ms Nancy Tang Mei Lan Labour Officer		
Ms Rosanna Chan Pui Sze Labour Officer		
Mr Calvin Cheng Yu Ting Assistant Labour Officer I		



Representatives of the HKSAR attending
the 108th Session of the International Labour Conference

The Conference was attended by some 6 000 government, employer and employee delegates representing 187 Members of ILO. To mark the celebration of the Centenary of ILO, the Conference held a high-level section of the plenary to receive the visits of some 30 heads of State and Government. The HKSAR representatives attended the plenary sessions of the Conference, meetings of the Committee on the Application of Standards, Committee of the Whole to consider an ILO Centenary Declaration for the Future of Work, and Standard Setting Committee on Violence and Harassment in the World of Work, as well as thematic debates and forums connected to the Future of Work on the occasion of ILO's Centenary.

The 109th Session of the International Labour Conference

The 109th Session of the International Labour Conference, originally scheduled to be held from 25 May to 5 June 2020, was deferred to June 2021 in light of COVID-19.



Labour Advisory Board Report 勞工顧問委員會報告 2019-2020

1 Membership

2 Labour Advisory Board

3 Activities in the 2019-2020 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

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 2019-2020 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 2019-2020 term is at Appendix I.

4.4 Activities during the 2019-2020 Term

During the 2019-2020 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 3 April 2019 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 2016-2017 period, as well as expanding the list of medical appliances under PMCO. The revised levels of compensation and expanded list of medical appliances took effect from 26 April 2019.

- CEC noted the work of LD in handling employees' compensation claims in 2018 and 2019, 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.

Review of the Levels of Compensation / Payment under Employees' Compensation-related Ordinances and Extension of Employees' Compensation Protection to Employees Commuting to or from Work under "Extreme Conditions"

CEC discussed the proposals 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 2018 and 2019 as well as other relevant factors, adjusting upwards the levels of prescribed relief payment, prescribed monthly amount and prescribed monthly amount (extra) under the Employees Compensation Assistance Ordinance, and extending employees' compensation protection under ECO to employees commuting to or from work under "extreme conditions". Other than views on the proposed adjustment of the ceiling of monthly earnings under ECO, members present expressed support in general to the proposals. The proposals were subsequently submitted to LAB for consideration (see paragraph 3.2).



Labour Advisory Board Report 勞工顧問委員會報告 2019-2020

1 Membership

2 Labour Advisory Board

3 Activities in the 2019-2020 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

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 2019-2020 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 2019-2020 term is at Appendix II.

5.4 Activities during the 2019-2020 Term

During the 2019-2020 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 (EPEM), the Youth Employment and Training Programme (YETP), the Employment Services Ambassador Programme for Ethnic Minorities, the Racial Diversity Employment Programme, the Work Trial Scheme and the Work Orientation and Placement Scheme (WOPS), etc. administered by LD for job seekers with employment difficulty.

Enhanced Employment Support

In light of the deteriorating employment situation, LD raised the ceiling of on-the-job training (OJT) allowance payable to employers under EPEM, YETP, and WOPS in September 2020, with a view to further encouraging employers to hire the elderly and middle-aged, young people and persons with disabilities and provide them with OJT.

At the same time, LD launched a pilot scheme to encourage eligible elderly people, young people and persons with disabilities to undergo and complete OJT under the above employment programmes through the provision of a retention allowance, thereby stabilising employment.



Labour Advisory Board Report 勞工顧問委員會報告 2019-2020

- 1 Membership
- 2 Labour Advisory Board
- 3 Activities in the 2019-2020 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

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 2019-2020 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 2019-2020 term is at Appendix III.

6.4 Activities during the 2019-2020 Term

During the 2019-2020 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. The HKSAR submitted six reports on the application of ILCs in 2019 and supplementary information on three of these reports in 2020. All the reports and supplementary information were forwarded to CIILS for views before they were communicated to the ILO Office.

A list of reports and supplementary information on ILCs which were considered by CIILS during the 2019-2020 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 2020, 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).



Labour Advisory Board Report 勞工顧問委員會報告 2019-2020

1 Membership

2 Labour Advisory Board

3 Activities in the 2019-2020 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

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 2019-2020 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 2019-2020 term is at Appendix IV.

7.4 Activities during the 2019-2020 Term

During the 2019-2020 term, CLR discussed various issues relating to labour relations. CLR noted the labour relations scene amidst the Coronavirus Disease 2019; provisions and implementation arrangements of the Employment (Amendment) Ordinance 2020 for improving statutory maternity leave; and LD's promotional work on good human resources management and family-friendly employment practices. CLR provided views and gave pragmatic suggestions on the above matters.



Labour Advisory Board Report 勞工顧問委員會報告 2019-2020

- 1 Membership
 - 2 Labour Advisory Board
 - 3 Activities in the 2019-2020 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 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 2019-2020 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
	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 2019-2020 term is at Appendix V.

8.4 Activities during the 2019-2020 Term

During the 2019-2020 term, COSH advised on the following matters:

Raising Penalties of Occupational Safety and Health (OSH) Legislation

LD put forward a preliminary proposal to raise the maximum penalties of OSH legislation, with a view to enhancing the deterrent effect of the penalties on duty holders violating the law. The preliminary proposal included the introduction of indictable offences for extremely serious cases involving extremely high culpability or serious negligence and leading to serious consequences. COSH offered advice on the preliminary proposal at its meeting in March 2019.

Pilot Rehabilitation Programme for Employees Injured at Work

The Government recognises that timely and well-coordinated rehabilitation treatment services are critical to early recovery and return to work for injured employees. At present, injured employees using public rehabilitation services are facing relatively long waiting time. As a result, some of them may miss the optimal period for rehabilitation interventions.

In the 2019 Policy Address, the Government proposed to introduce a three-year Pilot Rehabilitation Programme for Employees Injured at Work (Pilot Programme) targeting injured employees from the construction industry. A case management approach will be adopted to provide private out-patient rehabilitation treatment services for the participating injured employees in a timely and well-coordinated manner to facilitate their early recovery and return to work.

COSH discussed in November 2019 the proposal for introducing the Pilot Programme. COSH supported the design and proposed mechanics of the Programme.

Refining the Continuing Professional Development Programmes for Registered Safety Officers

Registered Safety Officers play an important role in enhancing OSH of workers. In keeping with the development and needs of the industries concerned as well as to meet the expectation of the community of the professional standards of Registered Safety Officers, LD proposed to refine the requirements of the Continuing Professional Development Programmes for Registered Safety Officers. COSH offered advice on the proposed refinement.



Labour Advisory Board Report 勞工顧問委員會報告 2019-2020

- 1 Membership
- 2 Labour Advisory Board
- 3 Activities in the 2019-2020 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 and Supplementary Information on International Labour Conventions Considered by Committee on the Implementation of International Labour Standards during the 2019-2020 term

Appendix I: Membership of Committee on Employees' Compensation

From 1 January 2019 to 31 December 2020

Chairman:	Ms Mabel Li Po Yi, JP	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, BBS, JP	- ditto -
	Mr Chau Siu Chung	Employee representative from LAB
	Mr Tang Ka Piu, BBS, JP	- ditto -
	Mr Leung Chau Ting	- ditto -
	Ms Ada Wong Yin Man	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 Siu Sin Man	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 Simon Li Chi Chung, JP	Assistant Commissioner for Labour (Employees' Rights and Benefits)
	Dr Mandy Ho Mang Yee, JP <i>[up to 29.9.2019]</i> Dr Wan Yuen Kong <i>[from 30.9.2019 onwards]</i>	Occupational Health Consultant (1) of LD
Secretary:	Ms Stephanie Ho Sau Fun	Labour Officer (Compensation) (Central Services) ¹ of LD

Appendix II: Membership of Committee on Employment Services

From 1 January 2019 to 31 December 2020

Chairman:	Mr Jimmy Kwok Chun Wah, SBS, MH, JP	Employer representative from LAB
Members:	The Honourable Ho Sai Chu, GBM, GBS, JP	Employer representative from LAB
	Mr Tang Ka Piu, BBS, JP	Employee representative from LAB
	Ms Molly Shea Wai Man	- ditto -
	Ms Caroline Li Hiu Ming	Employer representative from outside LAB
	Mr Benny Chan	- ditto -
	Mr Li Hoi	Employee representative from outside LAB
	Mr Wong Pit Man	- ditto -
	Ms Banda Tang <i>[up to 19.1.2020]</i> Ms Karen Lee Lai Ping <i>[from 20.1.2020 onwards]</i>	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
	Mr Ho Chun Yan	A representative nominated by the Hong Kong Association of Careers Masters and Guidance Masters
	Mr Patrick Pang	A representative nominated by the Employees Retraining Board
	Ms Margaret Chen Wai Ching	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
Ms Jamie Fung	A representative from a tertiary educational institution	

Members:	Mr Charles Hui Pak Kwan, JP	Assistant Commissioner for Labour (Employment Services)
Secretary:	Ms Amy Lee Sze Ping <i>[up to 10.5.2020]</i> Ms Cecilia Yu Sze Yee <i>[from 11.5.2020 onwards]</i>	Labour Officer (Employment Services) (Central Support) of LD

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

From 1 January 2019 to 31 December 2020

Chairman:	Ms Mabel Li Po Yi, JP	Deputy Commissioner for Labour (Labour Administration)
Members:	The Honourable Ho Sai Chu, GBM, GBS, JP	Employer representative from LAB
	Mr Jimmy Kwok Chun Wah, SBS, MH, JP	- ditto -
	Mr Cheung Sing Hung, BBS	- ditto -
	Mr Charles Chan Yiu Kwong	Employee representative from LAB
	Mr Lee Kwok Keung	- ditto -
	Ms Molly Shea Wai Man	- ditto -
	Mr Raymond Ho Kam Biu, JP	Assistant Commissioner for Labour (Development)
Secretary:	Ms Nancy Tang Mei Lan <i>[up to 13.8.2019]</i>	Labour Officer (International Liaison) 4 of LD
	Mr Ivan Chan Kam Wah <i>[from 14.8.2019 to 31.12.2019]</i>	
	Ms Rosanna Chan Pui Sze <i>[from 1.1.2020 onwards]</i>	Labour Officer (International Liaison) 1 of LD

Appendix IV: Membership of Committee on Labour Relations

From 1 January 2019 to 31 December 2020

Chairman:	Ms Mabel Li Po Yi, JP	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 Jimmy Kwok Chun Wah, SBS, MH, JP	- ditto -
	Mr Chau Siu Chung	Employee representative from LAB
	Mr Lee Kwok Keung	- ditto -
	Mr Leung Chau Ting	- ditto -
	Ms Janna Cheng On Ki	Employer representative from outside LAB
	Mr Stan Tang Yiu Sing	- ditto -
	Mr Kwok Wang Hing	Employee representative from outside LAB
	Ms Tam Kam Lin	- ditto -
	Ms Alice Wong Nga Lai	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, BBS, JP <i>[up to 24.11.2019]</i> Mr Raymond Liang Lok Man <i>[from 25.11.2019 onwards]</i>	Assistant Commissioner for Labour (Labour Relations)
Secretary:	Ms Sandy Chan Yuen Han <i>[up to 7.6.2020]</i> Ms Meena Sae Shiu <i>[from 8.6.2020 onwards]</i>	Labour Officer (Labour Relations) (Headquarters) 1 of LD

Appendix V: Membership of Committee on Occupational Safety and Health

From 1 January 2019 to 31 December 2020

Chairman:	Mr Jeff Leung Wing Yan, JP	Deputy Commissioner for Labour (Occupational Safety and Health)
Members:	The Honourable Ho Sai Chu, GBM, GBS, JP	Employer representative from LAB
	Mr Emil Yu Chen On, BBS, JP	- ditto -
	Mr Cheung Sing Hung, BBS	- ditto -
	Mr Chau Siu Chung	Employee representative from LAB
	Mr Charles Chan Yiu Kwong	- ditto -
	Mr Tang Ka Piu, BBS, JP	- ditto -
	Mr Chan Kim Kwong	Employer representative from outside LAB
	Dr Ho Chi Wai	- ditto -
	Ms Eliza Wong Yeuk-lan	- ditto -
	Mr Steven Cheng Hok Chung	Employee representative from outside LAB
	Mr Lai Chi Wah	- ditto -
	Mr Wong Ping	- ditto -
	Ms Bonnie Yau	Representative nominated by the Occupational Safety and Health Council
	Mr Leung Chiu Ming	Representative from occupational safety and health organisations
	Ir Dr Sammy Wan Kin Man	- ditto -
	Ir Dr Francis Wong Kwan Wah	- ditto -
	Mr Wu Wai Hung, JP	Assistant Commissioner for Labour (Occupational Safety)
	Dr Mandy Ho Mang Yee, JP <i>[up to 29.9.2019]</i>	Occupational Health Consultant (1) of LD
	Dr Wan Yuen Kong <i>[from 30.9.2019 onwards]</i>	

Members:	<p>Mr Mak Ping Sang <i>[up to 13.2.2019]</i></p> <p>Mr Wan Chi Ping <i>[from 14.2.2019 onwards]</i></p>	<p>Chief Occupational Safety Officer (System and Support) of LD</p>
Secretary:	<p>Ms Bicky Lee Woon Sheung <i>[up to 11.3.2019]</i></p> <p>Ms Sharon Chan Miu Ling <i>[from 12.3.2019 to 28.4.2019]</i></p> <p>Ms Eva Leung Yan Ki <i>[from 29.4.2019 onwards]</i></p>	<p>Labour Officer (Occupational Safety and Health) of LD</p>

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 2019-2020 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 2019-2020 term is as follows:

Chairman:	Mr Raymond Ho Kam Biu, JP	Assistant Commissioner for Labour (Development)
Members:	Mr Irons Sze, BBS, JP	Employer representative from LAB
	Mr Emil Yu Chen On, BBS, JP	- ditto -
	Mr Chau Siu Chung	Employee representative from LAB
	Mr Tang Ka Piu, BBS, JP	- ditto -
	Mr Raymond Fong Siu Leung	Senior Labour Officer (Supplementary Labour) ¹ of LD
Secretary:	Mr Tony Chiu Man Yiu	Labour Officer (Supplementary Labour) ¹ of LD

Appendix VII: Reports and Supplementary Information on International Labour Conventions Considered by Committee on the Implementation of International Labour Standards during the 2019-2020 term

Reports Considered in 2019

	<u>Convention Number</u>	<u>Convention Title</u>
(1)	32	Protection against Accidents (Dockers) Convention (Revised), 1932
(2)	87	Freedom of Association and Protection of the Right to Organise Convention, 1948
(3)	98	Right to Organise and Collective Bargaining Convention, 1949
(4)	108	Seafarers' Identity Documents Convention, 1958
(5)	144	Tripartite Consultation (International Labour Standards) Convention, 1976
(6)	MLC	Maritime Labour Convention, 2006, as amended

Supplementary Information on Reports Considered in 2020

	<u>Convention Number</u>	<u>Convention Title</u>
(1)	87	Freedom of Association and Protection of the Right to Organise Convention, 1948
(2)	98	Right to Organise and Collective Bargaining Convention, 1949
(3)	144	Tripartite Consultation (International Labour Standards) Convention, 1976