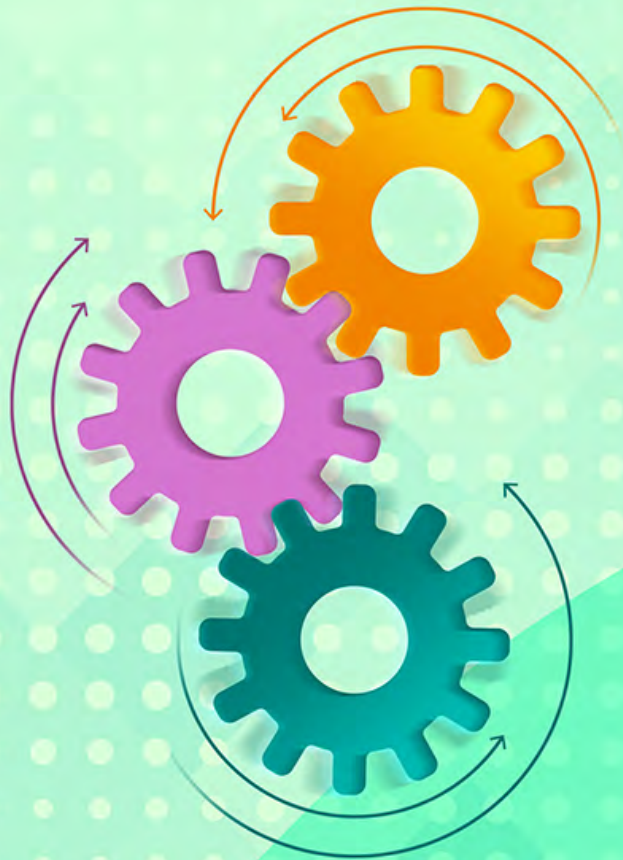
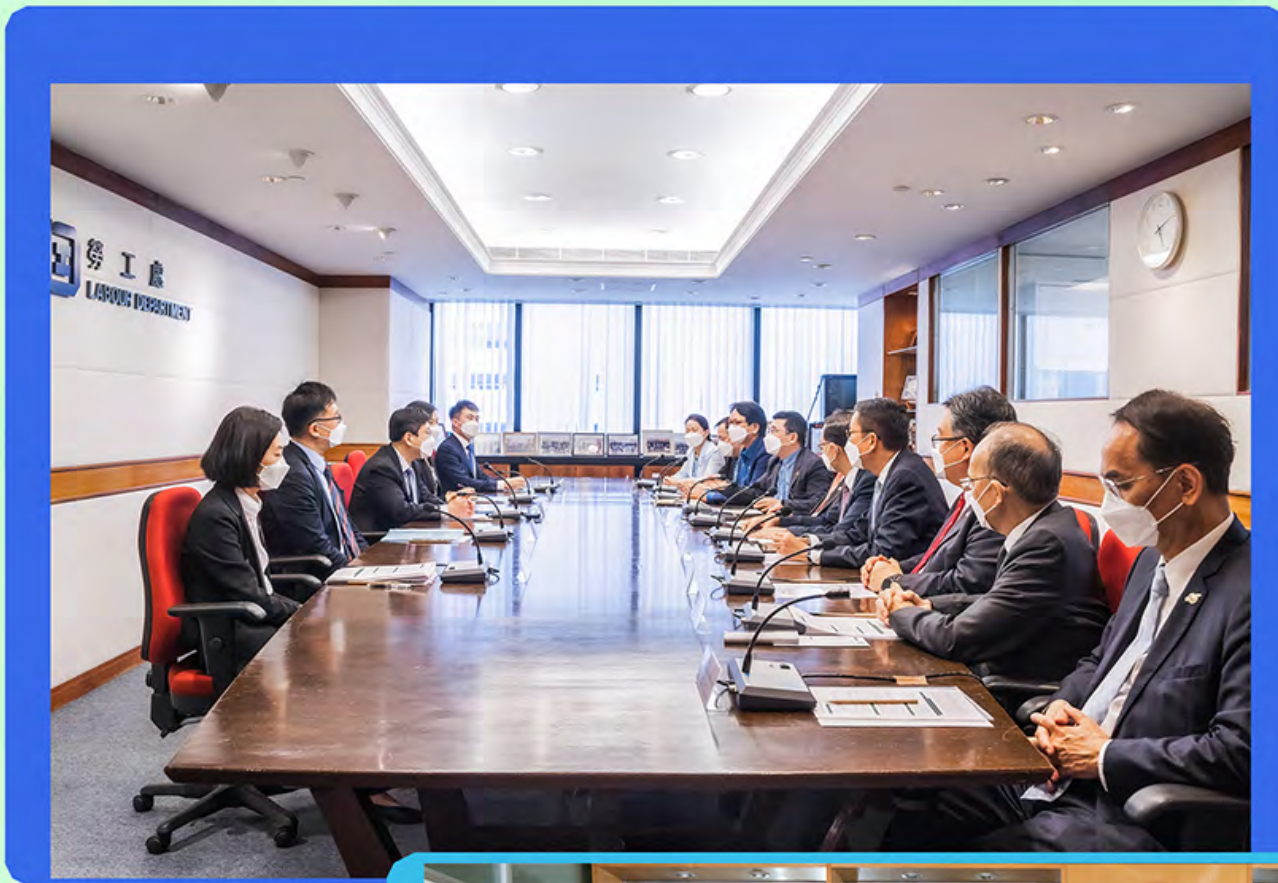
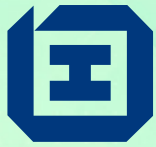


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Chapter 1 Membership of Labour Advisory Board

From 1 January 2021 to 31 December 2022



Labour Advisory Board for the 2021-2022 term

Chairman:	<p>Mr Chris Sun Yuk Han, JP (front row: centre) <i>[up to 30 June 2022]</i></p> <p>Mr Jeff Leung Wing Yan, JP* <i>[from 1 July 2022 to 25 September 2022]</i></p> <p>Ms May Chan Wing Shiu, JP <i>[from 26 September 2022 onwards]</i></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
	Dr Bankee Kwan Pak Hoo, JP (back row: 2 nd from left)	appointed <i>ad personam</i>
	<u>Employee representatives</u>	
	Mr Charles Chan Yiu Kwong (front row: 2 nd from right)	elected by registered employee unions
	The Honourable Tang Ka Piu, BBS, JP (front row: 1 st from right)	- ditto -
	Mr Leung Chau Ting (back row: 4 th from right)	- ditto -
	Ms Tam Kam Lin (back row: 3 rd from right)	- ditto -
	Mr Lo Tai Chi (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 <i>[up to 5 April 2022]</i> Ms Rosanna Chan Pui Sze (back row: 1 st from left) <i>[from 6 April 2022 onwards]</i>	Senior Labour Officer (International Liaison) of Labour Department
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** The Deputy Commissioner (Occupational Safety and Health) undertook the full duties of the Commissioner for Labour in addition to that of his own.*



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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.

¹ renamed as the Commissioner for Labour in 1974.

- 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.

² LAB employee members declined to attend the meetings of SWHC since end-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 2021-2022 Term

An election by secret ballot was held on 21 November 2020 for the registered employee unions to elect employee representatives for the 2021-2022 term of LAB. In this election, 27 candidates vied for five seats as employee representatives on LAB. Of the 869 employee unions registered as electors, 847 took part in the voting.

On the employer side, the five major employer associations were invited in late 2020 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 24 December 2020.



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 provide 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 2021-2022 Term

3.1 Introduction

The Labour Advisory Board (“LAB”) held seven meetings during the period from 1 January 2021 to 31 December 2022 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 and Retirement Schemes Legislation (Offsetting Arrangement) (Amendment) Ordinance 2022

- To abolish the use of the accrued benefits of employers’ mandatory contributions under the Mandatory Provident Fund System to offset severance payment and long service payment (“offsetting arrangement”)
 - ※ LAB discussed several times the abolition of the offsetting arrangement. LAB and the Legislative Council Panel on Manpower were briefed at their meetings respectively in April 2021 on the progress of the preparatory work for abolishing the offsetting arrangement and the various requirements to be set out in the draft bill.

- ※ As announced in the 2021 Policy Address Supplement, while maintaining roughly the same amount of financial commitment as well as the 25-year subsidy period, the Government Subsidy Scheme was refined to provide more targeted assistance to employers, especially micro, small and medium-sized enterprises. LAB was briefed at its meeting in October 2021 on the refined Government subsidy scheme.
- ※ The Legislative Council passed the Employment and Retirement Schemes Legislation (Offsetting Arrangement) (Amendment) Bill 2022 in June 2022. The Government will implement the abolition of the offsetting arrangement no later than 2025 in tandem with the full operation of the eMPF Platform of the Mandatory Provident Fund Schemes Authority.

Employment Ordinance

- To strengthen employees' rights and benefits under specific anti-epidemic measures
 - ※ LD consulted LAB in February 2022 on the proposals to amend certain provisions of the Employment Ordinance ("EO") in respect of sickness allowance and employment protection, so as to strengthen the protection of employees' rights and benefits when they are absent from work due to their compliance with a specific anti-epidemic requirement, and to clarify the respective obligations and rights of employers and employees under relevant anti-epidemic measures.
- To review the "continuous contract" requirement
 - ※ The Chief Executive announced in the 2022 Policy Address Policy Measures booklet that the Government would review the "continuous contract" requirement under EO. LAB initiated the discussion on the subject in November 2022.

Protection of Wages on Insolvency Ordinance

- To increase the maximum amounts of ex gratia payment items payable under the Protection of Wages on Insolvency Fund ("the Fund")
 - ※ LAB discussed and agreed at its meeting in February 2022 the proposed increase of the maximum amounts of various ex gratia payment items payable under the Fund, including arrears of wages, wages in lieu of notice, severance payment and pay for untaken annual leave and/or pay for untaken statutory holiday.

Business Registration Ordinance

- To reduce the rate of business registration levy which finances the Fund
 - ※ LAB discussed and agreed at its meeting in February 2022 the proposed reduction of the rate of the business registration levy from \$250 per year to \$150 per year.

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

- To adjust the amounts of compensation items
 - ※ LAB discussed and agreed at its meeting in November 2022 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.

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 proposed to raise the maximum penalties of OSH legislation, including taking out prosecutions as indictable offences for extremely serious cases involving extremely high culpability or serious negligence and leading to serious consequences. Following extensive consultations, LD finalised the legislative penalty amendment proposal, including pitching the maximum fines and imprisonment terms for indictable offences at \$10 million and two years respectively. Members of LAB were consulted in February 2022. The relevant Occupational Safety and Occupational Health Legislation (Miscellaneous Amendments) Bill 2022 was introduced into the LegCo for scrutiny in May 2022.

3.3 Consultation on Administrative Measures on Labour Matters

- LAB was briefed or consulted on the following labour matters:
 - ✘ items pertaining to the labour portfolio in the Chief Executive’s 2021 Policy Address and 2022 Policy Address;
 - ✘ the major findings of the “Thematic Household Survey Report No. 72” of the Census and Statistics Department on employees engaged under employment contracts with short duration or working hours;
 - ✘ the Greater Bay Area Youth Employment Scheme;
 - ✘ preparation and production of a TV programme “Tripartite Collaboration for a Brighter Future” to showcase the commitment of the Government, employees and employers in fostering harmonious labour relations and improving employees’ rights and benefits through tripartite collaboration since the establishment of the Hong Kong Special Administrative Region (“HKSAR”);
 - ✘ the work of LD undertaken in 2021 and planned for 2022; and
 - ✘ the guidelines on prevention of heat stroke at work.

3.4 Consultation on Other Measures

- LAB noted and gave its views on the preliminary findings of the review of the Talent List undertaken by the Labour and Welfare Bureau and other relevant Bureaux / Departments.

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 have genuine difficulties in recruiting local workers to fill the job vacancies. LD invites LAB members’ views on applications under SLS, before the Commissioner for Labour approves or refuses the relevant applications. During the 2021-2022 term, LAB provided views on 1 675 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 Conferences

LAB members attend the annual International Labour Conferences as part of the delegation of the People’s Republic of China. The Conferences provide 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 109th Session of the International Labour Conference

The 109th Session of the International Labour Conference, originally scheduled for 25 May to 5 June 2020 in Geneva, Switzerland, was deferred to be held in a virtual manner from 20 May to 19 June and from 25 November to 11 December 2021 due to the COVID-19 pandemic. Members of the tripartite team from the HKSAR were:

Government Representatives	Employer Representative	Employee Representative
Mr Chris Sun Yuk Han, JP Commissioner for Labour	Mr Jimmy Kwok Chun Wah, SBS, MH, JP	The Honourable Tang Ka Piu, BBS, JP
Mr Raymond Ho Kam Biu, JP Assistant Commissioner for Labour		



Representatives of the HKSAR attending the 109th Session of the International Labour Conference in a virtual manner

The Conference was joined virtually by some 4 500 government, employer and employee delegates representing 181 member States of ILO. The HKSAR representatives participated in the plenary sessions of the Conference and meetings of relevant Committees, including the Committee on the Application of Standards, the Recurrent Discussion Committee on “Social Protection (Social Security)”, the World of Work Summit, and the General Discussion Committees on “Inequalities and the World of Work” as well as “Skills and Lifelong Learning”.

The 110th Session of the International Labour Conference

The 110th Session of the International Labour Conference was held from 27 May to 11 June 2022 in Geneva, Switzerland in a hybrid format combining in-person attendance and remote participation owing to the COVID-19 pandemic and the limitations of the ILO meeting venues. Tripartite representatives from the HKSAR participated in the meeting via video conferencing. Members of the tripartite team from the HKSAR were:

Government Representatives	Employer Representative	Employee Representative
Mr Chris Sun Yuk Han, JP Commissioner for Labour	Mr Jimmy Kwok Chun Wah, SBS, MH, JP	Ms Tam Kam Lin
Ms Jade Wong Sin Yee Assistant Commissioner for Labour		

More than 4 000 government, employer and employee delegates representing 178 member States of ILO participated in the Conference. The HKSAR representatives took part in the plenary sessions of the Conference, and meetings of the Committee on the Application of Standards, the Standard-Setting Committee on Apprenticeships, the Recurrent Discussion Committee on “Employment” and the General Discussion Committee on “Decent Work and the Social and Solidarity Economy”.

3.7 Participating in the 17th Asia and the Pacific Regional Meeting of ILO

The 17th Asia and the Pacific Regional Meeting (“APRM”) of ILO was held from 6 to 9 December 2022 in Singapore. APRM was held periodically to discuss matters and problems specific to the regions. The HKSAR sent a tripartite team to APRM as part of the delegation of the People’s Republic of China. Members of the tripartite team were:

Government Representatives	Employer Representative	Employee Representatives
Ms Jade Wong Sin Yee Assistant Commissioner for Labour	Mr Emil Yu Chen On, BBS, JP	Mr Charles Chan Yiu Kwong
Ms Mandy Cheung Kit Yan Labour Officer		The Honourable Tang Ka Piu, BBS, JP



Representatives of the HKSAR attending the 17th Asia and the Pacific Regional Meeting of ILO

Some 380 government, employer and employee delegates representing 35 member States attended APRM. The HKSAR representatives attended the plenary sittings, the thematic plenary sessions and the special sessions of APRM.



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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 2021-2022 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 2021-2022 term is at Appendix I.

4.4 Activities during the 2021-2022 Term

During the 2021-2022 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 (“LegCo”) on 15 March 2021 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”), as well as the revisions to the levels of prescribed relief payment, prescribed monthly amount and prescribed monthly amount (extra) under the Employees Compensation Assistance Ordinance upon completion of the negative vetting procedures of LegCo. The revised levels of compensation and the new payment levels took effect on 15 April 2021 and 14 May 2021 respectively. CEC also noted the amendment to ECO on extending the employees’ compensation protection to employees commuting to or from work under “extreme conditions” effective from 2 July 2021.
- CEC noted the work of LD in handling employees’ compensation claims in 2020 and 2021, its publicity and public education campaigns to enhance the 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.

Adjustments of the Levels of Compensation under Employees' Compensation-related Ordinances

CEC discussed and supported 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 2020 and 2021 as well as other relevant factors. The proposals were 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 2021-2022 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 2021-2022 term is at Appendix II.

5.4 Activities during the 2021-2022 Term

During the 2021-2022 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 various 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.

Enhanced Employment Support

LD raised the ceiling of the on-the-job ("OJT") training 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.

In tandem, 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.

Greater Bay Area Youth Employment Scheme

The Government launched the pilot Greater Bay Area ("GBA") Youth Employment Scheme in 2021 to encourage enterprises with business in both Hong Kong and the Mainland cities of GBA to employ university graduates from Hong Kong and station them to work in the Mainland cities of GBA so as to develop their career. CES discussed and gave advice on the Scheme.



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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 (“IL 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 2021-2022 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 2021-2022 term is at Appendix III.

6.4 Activities during the 2021-2022 Term

During the 2021-2022 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 IL Office. Reports on eight and 12 ILCs were submitted respectively in 2021 and 2022. All the reports were forwarded to CIILS for consultation before they were communicated to IL Office.

A list of reports on ILCs which were considered by CIILS during the 2021-2022 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 2022, a total of 31 ILCs were applied to the HKSAR. Among them, 21 were applied without modification (i.e. all provisions of an ILC were fully implemented in the HKSAR) and 10 were applied with modifications (i.e. an ILC 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 2021-2022 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 2021-2022 term is at Appendix IV.

7.4 Activities during the 2021-2022 Term

During the 2021-2022 term, CLR discussed various issues relating to labour relations. CLR noted the labour relations scene amidst the Coronavirus Disease 2019; the key features and implementation of the legislative amendments in respect of sickness allowance and employment protection; and LD’s promotional work on tripartite collaboration and good human resources management practices. CLR provided views and gave suggestions on the above matters.



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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 (“OSH”) 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 OSH legislation.

8.3 Composition

Members of COSH are appointed by the Commissioner for Labour. The composition of the committee for the 2021-2022 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 2021-2022 term is at Appendix V.

8.4 Activities during the 2021-2022 Term

During the 2021-2022 term, COSH advised on the following matters:

Raising Penalties of OSH Legislation

LD put forward a preliminary proposal in 2019 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, and conducted consultation. 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. Based on the comments received, LD drew up a revised proposal in November 2020. The refinement mainly involved modifying the maximum fine for the indictable offences and fine-turning the re-alignment of the seriousness categories of OSH legislation. COSH offered advice on the revised proposal at its meeting in February 2021.

Progress of Pilot Rehabilitation Programme for Employees Injured at Work

LD planned to engage a service contractor in the private market through open tendering to provide rehabilitation treatment and case management services required under the Pilot Programme for Employees Injured at Work, and envisaged launching the Programme in 2022. COSH offered advice on the further development 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 at its meeting in February 2021 offered further advice on the proposed refinement.

Refining Statutory Notification Mechanism for Construction Works

LD has noticed that some fatal accidents involved construction works in short durations or engaging less workers but carrying higher potential risks. Contractors of such construction works are not required to notify LD pursuant to the existing legislation. LD thus put forward a preliminary proposal to refine statutory notification mechanism for construction works, with a view to expanding its scope to cover such construction works. LD also proposed to tighten the notification deadline to facilitate the conduct of prompt and targeted safety inspections of these construction works based on a risk-based approach. COSH offered advice on the preliminary proposal at its meeting in February 2021.



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Appendix I: Membership of Committee on Employees' Compensation

From 1 January 2021 to 31 December 2022

Chairman:	Ms Mabel Li Po Yi, JP <i>[up to 3 March 2022]</i>	Deputy Commissioner for Labour (Labour Administration)
	Mr Raymond Ho Kam Biu, JP <i>[from 4 March 2022 onwards]</i>	
Members:	Mr Irons Sze, BBS, JP	Employer representative from LAB
	Mr Emil Yu Chen On, BBS, JP	- ditto -
	Mr Jimmy Kwok Chun Wah, SBS, MH, JP	- ditto -
	Mr Charles Chan Yiu Kwong	Employee representative from LAB
	Mr Leung Chau Ting	- ditto -
	Ms Tam Kam Lin	- ditto -
	Mr Rayman Chui Man Wai	Employer representative from outside LAB
	Ms Lam Hoi Yee	Employee representative from outside LAB
	Mr Ivan Tam Kwok Wing, MH	Representative nominated by the insurance industry
	Ms Siu Sin Man	Representative from a concern group on employees' compensation
	Ms Katherine Shiu <i>[up to 30 November 2021]</i>	Representative nominated by the Hospital Authority
	Mr Ambrose Lau Chap Hing <i>[from 29 August 2022 onwards]</i>	
	Ms Mo Yuk Wah, JP	Representative nominated by the Director of Legal Aid
	Mr Simon Li Chi Chung, JP	Assistant Commissioner for Labour (Employees' Rights and Benefits)
Dr Wan Yuen Kong	Occupational Health Consultant (1) of LD	

Secretary:	Ms Stephanie Ho Sau Fun <i>[up to 25 March 2021]</i> Ms Vivian Siu Ting Sum <i>[from 1 April 2021 onwards]</i>	Labour Officer (Compensation) (Central Services 1) 1 of LD
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Appendix II: Membership of Committee on Employment Services

From 1 January 2021 to 31 December 2022

Chairman:	The Honourable Tang Ka Piu, BBS, JP	Employee representative from LAB
Members:	The Honourable Ho Sai Chu, GBM, GBS, JP	Employer representative from LAB
	Mr Irons Sze, BBS, JP	- ditto -
	Mr Leung Chau Ting	Employee representative from LAB
	Ms Caroline Li Hiu Ming	Employer representative from outside LAB
	Mr Benny Chan	- ditto -
	Mr Wong Pit Man	Employee representative from outside LAB
	Ms Vanessa Cheung Lai Chun <i>[up to 22 October 2021]</i>	- ditto -
	Mr Eric Wong Sze Hon <i>[from 1 January 2022 onwards]</i>	
	Ms Karen Lee Lai Ping	A representative of employers who make use of the employment services of LD
	Mr Wong Hiu Ming	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, JP <i>[up to 6 September 2022]</i>	A representative nominated by the Hong Kong Institute of Human Resource Management
Mr Lawrence Hung Yu Yun <i>[from 7 September 2022 onwards]</i>		

Members:	Ms Karen Yiu Kit Ling	A representative from one of the social partners of LD
	Ms Jamie Fung	A representative from a tertiary educational institution
	Mr Charles Hui Pak Kwan, JP <i>[up to 29 September 2022]</i> Ms Jade Wong Sin Yee <i>[from 30 September 2022 onwards]</i>	Assistant Commissioner for Labour (Employment Services)
Secretary:	Ms Cecilia Yu Sze Yee <i>[up to 5 August 2021]</i> Ms Stephanie Chow Ka Yee <i>[from 6 August 2021 to 27 September 2021]</i> Ms Daisy Chuck Wai Lam <i>[from 28 September 2021 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 2021 to 31 December 2022

Chairman:	Ms Mabel Li Po Yi, JP <i>[up to 3 March 2022]</i> Mr Raymond Ho Kam Biu, JP <i>[from 4 March 2022 onwards]</i>	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 -
	Dr Bankee Kwan Pak Hoo, JP	- ditto -
	The Honourable Tang Ka Piu, BBS, JP	Employee representative from LAB
	Mr Leung Chau Ting	- ditto -
	Mr Lo Tai Chi	- ditto -
	Mr Raymond Ho Kam Biu, JP <i>[up to 3 March 2022]</i> Ms Jade Wong Sin Yee <i>[from 4 March 2022 to 29 September 2022]</i> Ms Betty Ng Shuk Fong <i>[from 30 September 2022 to 6 November 2022]</i> Ms Catherine Law Sui Fong <i>[from 7 November 2022 onwards]</i>	Assistant Commissioner for Labour (Development)

Secretary:	<p>Ms Maria Wang Wai Han <i>[up to 11 April 2021]</i></p> <p>Ms Rosanna Chan Pui Sze <i>[from 12 April 2021 to 1 August 2021]</i></p> <p>Ms Veronica Chan Kar Wing <i>[from 2 August 2021 to 31 December 2021]</i></p>	Labour Officer (International Liaison) 4 of LD
	<p>Ms Rosanna Chan Pui Sze <i>[from 1 January 2022 to 5 April 2022]</i></p> <p>Ms Edith Chan Sin Ying <i>[from 6 April 2022 to 4 September 2022]</i></p> <p>Ms Mandy Cheung Kit Yan <i>[from 5 September 2022 onwards]</i></p>	Labour Officer (International Liaison) 1 of LD

Appendix IV: Membership of Committee on Labour Relations

From 1 January 2021 to 31 December 2022

Chairman:	Ms Mabel Li Po Yi, JP <i>[up to 3 March 2022]</i>	Deputy Commissioner for Labour (Labour Administration)
	Mr Raymond Ho Kam Biu, JP <i>[from 4 March 2022 onwards]</i>	
Members:	Dr Kim Mak Kin Wah, BBS, JP	Employer representative from LAB
	Mr Emil Yu Chen On, BBS, JP	- ditto -
	Dr Bankee Kwan Pak Hoo, JP	- ditto -
	Ms Tam Kam Lin	Employee representative from LAB
	Mr Lo Tai Chi	- ditto -
	Ms Molly Shea Wai Man	- 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
	Mr Chu Hon Chung	- ditto -
	Ms Alice Wong Nga Lai	Representative of human resources practitioners
	Prof. Carlos Lo Wing Hung	Representative from a tertiary educational institution from the field of social science or business / human resources management
	Mr Raymond Liang Lok Man, JP	Assistant Commissioner for Labour (Labour Relations)
Secretary:	Ms Meena Sae Shiu	Labour Officer (Labour Relations) (Headquarters) 1 of LD

Appendix V: Membership of Committee on Occupational Safety and Health

From 1 January 2021 to 31 December 2022

Chairman:	Mr Jeff Leung Wing Yan, JP <i>[up to 10 October 2022]</i> Mr Vincent Fung Hao Yin, JP <i>[from 24 October 2022 onwards]</i>	Deputy Commissioner for Labour (Occupational Safety and Health)
Members:	The Honourable Ho Sai Chu, GBM, GBS, JP	Employer representative from LAB
	Dr Kim Mak Kin Wah, BBS, JP	- ditto -
	Mr Jimmy Kwok Chun Wah, SBS, MH, JP	- ditto -
	Mr Charles Chan Yiu Kwong	Employee representative from LAB
	Mr Lo Tai Chi	- ditto -
	Ms Molly Shea Wai Man	- ditto -
	Mr Chan Kim Kwong	Employer representative from outside LAB
	Dr Ho Chi Wai	- ditto -
	Ms Wong Yeuk-lan	- ditto -
	Mr Steven Cheng Hok Chung	Employee representative from outside LAB
	Mr Lai Chi Wah	- ditto -
	Mr Wong Ping, MH	- 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 -	

Members:	Mr Wu Wai Hung, JP <i>[up to 15 May 2022]</i>	Assistant Commissioner for Labour (Occupational Safety)
	Mr Chan Ka Lai <i>[from 16 May 2022 onwards]</i>	
	Dr Wan Yuen Kong	Occupational Health Consultant (1) of LD
	Mr Wan Chi Ping	Chief Occupational Safety Officer (System and Support) of LD
Secretary:	Ms Eva Leung Yan Ki <i>[up to 17 August 2021]</i>	Labour Officer (Occupational Safety and Health) of LD
	Ms Karleen Poon Kar Lam <i>[from 18 August 2021 to 27 September 2021]</i>	
	Mr Clifford Chan Chun Yiu <i>[from 28 September 2021 onwards]</i>	

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 2021-2022 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 2021-2022 term is as follows:

Chairman:	Mr Raymond Ho Kam Biu, JP <i>[up to 3 March 2022]</i>	Assistant Commissioner for Labour (Development)
	Ms Jade Wong Sin Yee <i>[from 4 March 2022 to 29 September 2022]</i>	
	Ms Betty Ng Shuk Fong <i>[from 30 September 2022 to 6 November 2022]</i>	
	Ms Catherine Law Sui Fong <i>[from 7 November 2022 onwards]</i>	

Members:	Mr Irons Sze, BBS, JP	Employer representative from LAB
	Mr Emil Yu Chen On, BBS, JP	- ditto -
	The Honourable Tang Ka Piu, BBS, JP	Employee representative from LAB
	Ms Tam Kam Lin	- ditto -
	Mr Raymond Fong Siu Leung <i>[up to 24 January 2022]</i> Mr Jeffery Wan Chi Kin <i>[from 25 January 2022 to 5 April 2022]</i> Ms Bicky Lee Woon Sheung <i>[from 6 April 2022 onwards]</i>	Senior Labour Officer (Supplementary Labour) 1 of LD
Secretary:	Mr Tony Chiu Man Yiu <i>[up to 9 September 2021]</i> Ms Michelle Li Suet Yee <i>[from 10 September 2021 to 27 September 2021]</i> Mr Chandler Chan Chor Lung <i>[from 28 September 2021 onwards]</i>	Labour Officer (Supplementary Labour) 1 of LD

Appendix VII: Reports on International Labour Conventions Considered by Committee on the Implementation of International Labour Standards during the 2021-2022 term

Reports Considered in 2021

	<u>Convention Number</u>	<u>Convention Title</u>
(1)	2	Unemployment Convention, 1919
(2)	29	Forced Labour Convention, 1930
(3)	87	Freedom of Association and Protection of the Right to Organise Convention, 1948
(4)	105	Abolition of Forced Labour Convention, 1957
(5)	122	Employment Policy Convention, 1964
(6)	138	Minimum Age Convention, 1973
(7)	142	Human Resources Development Convention, 1975
(8)	182	Worst Forms of Child Labour Convention, 1999

Reports Considered in 2022

	<u>Convention Number</u>	<u>Convention Title</u>
(1)	3	Maternity Protection Convention, 1919
(2)	12	Workmen's Compensation (Agriculture) Convention, 1921
(3)	14	Weekly Rest (Industry) Convention, 1921
(4)	17	Workmen's Compensation (Accidents) Convention, 1925
(5)	19	Equality of Treatment (Accident Compensation) Convention, 1925
(6)	42	Workmen's Compensation (Occupational Diseases) Convention (Revised), 1934
(7)	81	Labour Inspection Convention, 1947
(8)	101	Holidays with Pay (Agriculture) Convention, 1952
(9)	115	Radiation Protection Convention, 1960
(10)	148	Working Environment (Air Pollution, Noise and Vibration) Convention, 1977
(11)	150	Labour Administration Convention, 1978
(12)	160	Labour Statistics Convention, 1985