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Chapter 1

Highlights of Year 2012

1.1 In 2012, Hong Kong's labour market enjoyed broad-based improvements for the third consecutive year. Overall labour demand remained robust, with total employment surged by 2.4 per cent following a respectable increase of 2.9 per cent in 2011. Against such solid labour demand growth, yearly average unemployment rate fell further to a 15-year low of 3.3 per cent in 2012, signifying another year of full employment. We will continue to closely monitor the employment market situation and enhance our employment services on all fronts, especially in netting suitable vacancies from the market and rendering assistance to job seekers.

Employment Services

Enhanced Employment Services

1.2 To help job seekers enter the labour market and respond speedily to the recruitment needs of employers, the Labour Department organises employment promotion activities at various locations across the territory. A total of 17 large-scale job fairs, 455 district-based job fairs and 13 district-based employment promotion activities were organised in the year.



Large-scale job fairs organised by the Labour Department were well-received by job seekers

- 1.3** The Labour Department adopts a proactive approach in providing employment assistance. For example, in major business closure or redundancy cases, we set up enquiry hotlines and special counters at our job centres to provide special employment services to affected employees. In 2012, the free recruitment service provided for employers by the Labour Department recorded 1 148 316 vacancies from the private and public sectors and 145 017 placements were secured.

Strengthening Employment and Training Support for the Youth

- 1.4** The Labour Department spared no effort in enhancing the employability of young people through the provision of comprehensive youth employment and training support services. Apart from administering the Youth Pre-employment Training Programme and Youth Work Experience and Training Scheme and operating two Youth Employment Resource Centres, the third phase of "Action S5", a special employment project which rendered assistance to vulnerable young people aged 15 to 24 with acute employment difficulties, was launched in 2012.

Work Incentive Transport Subsidy (WITS) Scheme

- 1.5** The WITS Scheme started receiving applications from October 2011 with the aim of reducing low-income earners' financial burden of travelling to and from work and encouraging them to secure or stay in employment. As at the end of 2012, the Labour Department granted subsidy payment to 37 585 applicants. A mid-term review of the scheme was completed during the year. Enhancement measures will be implemented in 2013 to make the scheme more flexible, accessible and user-friendly.



Labour Relations

Promoting Harmonious Labour Relations

- 1.6** In 2012, the Labour Department continued to adopt a proactive and pragmatic approach in helping employers and employees resolve their conflicts through communication, mutual understanding and flexible adjustments. In the year, we handled a total of 79 labour disputes and 18 920 claims. The success rate of conciliation was 73.2 per cent. The average waiting time for conciliation meetings was 2.5 weeks in the year. Besides, the number of working days lost in Hong Kong as a result of strike continued to be among the lowest in the world.

Stepping Up Enforcement Against Wage Offences

- 1.7** In 2012, the Labour Department sustained its all-out efforts to combat wage offences, including breaches of the statutory minimum wage provisions. Territory-wide inspection campaigns targeted at offence-prone trades were launched. Apart from proactive inspections to check compliance, we widely publicised our complaint hotline (2815 2200) and collected intelligence on non-payment of wages in various industries through an early warning system in collaboration with trade unions. The department conducted prompt investigation into suspected wage offences and employed veteran ex-police officers to strengthen the investigative work and collection of intelligence so as to facilitate speedy prosecution.
- 1.8** We continued to step up the prosecution against employers and responsible persons of companies for wage offences. We also strengthened our educational and promotional efforts to remind employers of their statutory obligation to pay wages on time and to encourage employees to lodge claims promptly and come forward as prosecution witnesses.
- 1.9** Following the implementation of the Employment (Amendment) Ordinance 2010 since October 29, 2010, employers who wilfully and without reasonable excuse defaulted awards for wages or some other entitlements made by the Labour Tribunal or Minor Employment Claims Adjudication Board are liable to criminal prosecution. This has further strengthened the deterrent against law-defying employers.

Enhancing Good People Management Practices and Harmonious Labour Relations

- 1.10** To promote the Employment Ordinance (EO), and to foster labour management communication and good people management practices, the Labour Department organised large-scale public educational activities including seminars, talks and exhibitions. Four large-scale seminars on the EO were staged in different districts in the year to introduce the major provisions with a view to enhancing public understanding of the EO. New television and radio Announcements in the Public Interest and a new poster were introduced to encourage the wider use of written employment contract as well as the adoption of fair and reasonable employment terms.



Employees' Rights and Benefits

Statutory Minimum Wage (SMW)

- 1.11** The implementation of SMW since its introduction in May 2011 has been smooth and the overall labour market has remained stable. The income of grassroots employees has improved noticeably in real terms. The Labour Department adopts a multi-pronged strategy to safeguard employees' entitlement to SMW through conducting proactive workplace inspections to establishments of various trades and mounting targeted enforcement campaigns in low-paying sectors.
- 1.12** The Minimum Wage Commission (MWC) is an independent statutory body established under the Minimum Wage Ordinance with the main function of reporting to the Chief Executive in Council its recommendation about the SMW rate at least once in every two years. The Chief Executive has appointed its Chairperson and 12 Members drawn from the labour sector, business community, academia and Government. The Labour Department and the Economic Analysis and Business Facilitation Unit of the Financial Secretary's Office are responsible for providing secretariat support to the MWC. After conducting detailed analyses and assessment on relevant statistical data and information and prudently considering the views of members of the public and stakeholders, the MWC submitted in October 2012 its recommendation to increase the SMW rate from \$28 to \$30 per hour. The Government accepted the MWC's recommendation. Relevant subsidiary legislation was tabled at the Legislative Council on December 19, 2012 with a view to bringing the new SMW rate into force on the Labour Day (May 1) of 2013.

Safeguarding the Rights of Employees of Government Service Contractors

1.13 To protect the statutory rights and benefits of non-skilled workers employed by government service contractors, we conduct inspections to their workplaces to check employers' compliance with legal and contractual requirements. With the concerted efforts of the Labour Department and procuring departments in stepping up monitoring and enforcement, the situation of contractors abiding by the labour laws has greatly improved.

Protection of Wages on Insolvency Fund

1.14 The Protection of Wages on Insolvency Fund provides assistance in the form of ex gratia payment to eligible employees affected by insolvency of their employer. The Labour Department continued its efforts in clamping down at source on employers evading their wage liabilities, thus preventing wage defaults from developing into claims on the Fund.

Vigorous Enforcement against Illegal Employment

1.15 The Labour Department collaborated with the Police and the Immigration Department to clamp down on illegal employment activities. A total of 241 joint operations were mounted in the year.

Policy Study on Standard Working Hours (SWH)

1.16 The Labour Department released the Report of the Policy Study on SWH in November 2012. The Government will set up the SWH Committee as stated by the Chief Executive in his election manifesto to follow up on the study, so as to facilitate an informed public discussion with a view to building consensus and formulating the way forward.



Safety and Health at Work

Safety of Mega Infrastructure Projects (MIPs)

1.17 In the light of the commencement of MIPs, the Labour Department has established a dedicated team to urge contractors to implement safety management systems on construction sites for the prevention of accidents through stepping up inspection and enforcement, publicity and promotion, as well as participating in the project preparatory meetings and site safety management meetings.

Safety of Repair, Maintenance, Alteration and Addition (RMAA) Works

- 1.18** There has been a rising trend in industrial accidents related to RMAA works in recent years and the volume of such works are expected to grow further with the ageing of our buildings.
- 1.19** To enhance the safety condition of RMAA works, the Labour Department continued to intensify enforcement actions by stepping up area patrols and inspections of RMAA works during office and non-office hours to deter contractors from adopting unsafe work practices. Territory-wide special enforcement operations on RMAA works with emphasis on work-at-height and use of electricity were also launched. In the special operations, 478 suspension/improvement notices were issued and 363 prosecutions were taken out.
- 1.20** On the educational and promotional front, we organised in 2012 a series of intensive promotion and publicity campaigns, targeting work-at-height and RMAA works to arouse the safety awareness of all parties involved. These included continuing the two-year publicity campaign launched in 2010 in collaboration with the Occupational Safety and Health Council (OSHC) with new initiatives seeking to reach contractors and workers engaged in RMAA works more directly and impress upon them the importance of safety in RMAA works and work-at-height. We also partnered with District Councils/District Offices, Safe and Healthy Communities in various districts and the property management sector to organise publicity and promotional activities to promulgate work-at-height and RMAA works safety at the district level.



Roving exhibitions at shopping malls at various districts to promote RMAA safety

1.21 We organised in collaboration with OSHC a Construction Safety Forum in March 2012 to engage industry stakeholders in exploring means to further enhance the construction safety standard. The Forum attracted over 700 participants, and the eight initiatives reached at the Forum have been implemented in phases.



1.22 The Labour Department and OSHC also jointly launched a pilot scheme on RMAA safety accreditation in June 2012. The scheme enhances the OSH standard of the industry through the auditing of safety management system, training and subsidising purchase of fall arresting equipment and related facilities.

Safety Award Schemes

1.23 Two safety award schemes were organised for the catering and construction industries in the year to inculcate a safety culture and to enhance the safety awareness of employers, employees and their families. The schemes featured a variety of activities which included organising safety performance competitions, roving exhibitions, safety quizzes and award presentation ceremonies cum fun days; conducting site visits; producing radio programmes and DVD-ROMs; as well as broadcasting Announcements in the Public Interest and promotional films on television/radio and buses.

Review of the System of Recognition and Monitoring of Mandatory Safety Training Courses

1.24 The Labour Department continued the improvement measures to enhance the system of recognition and monitoring of mandatory safety training courses. We accomplished the revision of course contents for the Mandatory Basic Safety Training Revalidation Course (Construction Work). The revised course contents, enriched with case analysis of serious construction accidents, together with interactive teaching of course tutors, were rolled out in October 2012.

Prevention of Heat Stroke at Work

1.25 To ensure adequate protection of workers from heat stroke at work in summer, we stepped up enforcement and publicity from April to September. Apart from promoting the awareness of employers and employees of heat stroke prevention, we also distributed a guide on "Prevention of Heat Stroke at Work in a Hot Environment" and a general checklist on "Risk Assessment for the Prevention of Heat Stroke at Work". In the year, we also collaborated with the OSHC and relevant workers' unions to promote prevention of heat stroke at work among professional drivers. Besides, we stepped up our inspections of workplaces with a higher risk of heat stroke. The inspections covered matters such as the provision of adequate drinking water by employers; the provision of sheltered work and rest areas; ventilation facilities; and the provision of appropriate information, instruction and training to workers.



An occupational hygienist measuring the heat stress level in a construction site



Strengthening Local and International Partnerships

Labour Day Reception

- 1.26** On April 27, 2012, Secretary for Labour and Welfare, Mr Matthew Cheung Kin Chung hosted a reception at the Hong Kong Convention and Exhibition Centre to pay tribute to the workforce. Chief Executive Mr Donald Tsang officiated at the reception, with guests from trade unions, employer associations and other organisations attending.



Contacts with Other Labour Administrations

- 1.27** We maintain active liaison and interflows with other labour administrations through visits and participation in various activities.
- 1.28** In June, a tripartite team comprising government, employer and employee representatives, led by the Deputy Commissioner for Labour (Labour Administration), Mr Byron Ng Kwok Keung, attended the 101st Session of the International Labour Conference in Geneva, Switzerland as part of the delegation of the People's Republic of China.



Deputy Commissioner for Labour (Labour Administration), Mr Byron Ng Kwok Keung (5th from left), and members of the tripartite team attending the 101st Session of the International Labour Conference in Geneva, Switzerland

1.29 In November, Mr Hu Xiaoyi, Vice-Minister of the Ministry of Human Resources and Social Security of the State Council (MoHRSS), was invited by the Government to visit the Hong Kong Special Administrative Region (HKSAR). He met with the Commissioner for Labour, Mr Cheuk Wing Hing, and officers of the Labour Department to exchange views on labour issues.



Commissioner for Labour, Mr Cheuk Wing Hing (left), meeting Vice-Minister Hu Xiaoyi, Ministry of Human Resources and Social Security (right)

1.30 Mr Yang Fu, the Director of the Administration of Work Safety of Guangdong Province, led a delegation to visit the HKSAR in November. The delegation exchanged views on enforcement and training in respect of occupational safety with the Commissioner for Labour, Mr Cheuk Wing Hing, and officers of the Labour Department.

1.31 In December, Mr Hao Bin, Deputy Director-General, Department of International Cooperation of the MoHRSS, led a delegation to visit the HKSAR under the Reciprocal Visit Programme. The delegation exchanged views on handling international labour affairs with the Commissioner for Labour, Mr Cheuk Wing Hing, and officers of the Labour Department.



1.32 In December, Commissioner for Labour, Mr Cheuk Wing Hing, led a delegation to attend the Guangdong-Hong Kong-Macao Exchange Meeting on Labour Inspection and Law Enforcement in Macao.

Chapter 2

The Labour Department

2.1 The Labour Department is the principal agency in the Hong Kong Special Administrative Region (HKSAR) Government responsible for the execution and co-ordination of major labour administration functions. For details of our structure and services, please visit our website: www.labour.gov.hk



Vision, Mission and Values

2.2 Our Vision

We aspire to be a leading labour administrator in the region. Our aim is to enhance the well-being of our workforce progressively and to promote the safety and health of those at work at a pace commensurate with the socioeconomic development of Hong Kong.

2.3 Our Mission

- To improve the utilisation of human resources by providing a range of employment services to meet changes and needs in the labour market;
- To ensure that risks to people's safety and health at work are properly managed by enforcement, education and promotion;
- To foster harmonious labour relations through promotion of good employment practices and resolution of labour disputes; and
- To improve and safeguard employees' rights and benefits in an equitable manner.

2.4 Our Values

We believe in:

- Professional excellence
- Pro-activeness
- Premier customer service
- Partnership
- Participation



Key Programme Areas

2.5 The department has four areas of work, namely, Labour Relations, Safety and Health at Work, Employment Services, and Employees' Rights and Benefits. The objectives of these areas are set out below:

Labour Relations

- To foster and maintain harmonious employer and employee relations in establishments outside the government sector.

Safety and Health at Work

- To help employers and employees control their risks at work through inspection and enforcement, education and training, as well as publicity and promotion.

Employment Services

- To provide free employment assistance and counselling services to help job seekers find suitable jobs and employers fill their vacancies.

Employees' Rights and Benefits

- To improve and safeguard the rights and benefits of employees.

2.6 Detailed functions and major activities of these programme areas are contained in the following chapters.



Central Support Services

2.7 The Administration Division assumes the primary responsibility for financial, personnel and general resources management.

2.8 The Information and Public Relations Division is responsible for the department's overall strategy on publicity and public relations. It mounts extensive publicity and explains the policy and work of the department to the public through the media, and co-ordinates the production of publications.

2.9 The International Liaison Division oversees matters relating to the application of International Labour Conventions in the HKSAR, participation in International Labour Organisation activities, and liaison with labour administration authorities in the Mainland and other places. Besides, the division manages the departmental reference library, collects information pertaining to labour administration and provides secretariat support to the Labour Advisory Board (LAB).

- 2.10** The Prosecutions Division and the Legal Services Division help enforce relevant legislation by instituting prosecutions against suspected offenders. Major statistics on prosecution work are at [Figure 2.1](#).
- 2.11** The Occupational Safety and Health Training Centre organises and coordinates training and development activities for staff of the Occupational Safety and Health Branch.
- 2.12** The Information Technology Management Division offers support to the development and management of information technology services.
- 2.13** The Staff Training and Development Division is responsible for staff training and development of the Labour Administration Branch as well as coordinating training activities.
- 2.14** An organisation chart of the department is set out at [Figure 2.2](#).



Customer-oriented Services

- 2.15** Performance standards and targets are laid down for a wide range of services. A Customer Liaison Group has been formed to collect feedback from users of the department's pledged services. For details of our performance pledges, please visit the webpage: www.labour.gov.hk/eng/perform/content.htm



Advisory Boards and Committees

- 2.16** The department consults various advisory boards and committees on labour matters. The most important one is the LAB. It is a high-level and representative tripartite consultative body comprising representatives of employees, employers and the Government. It advises the Commissioner for Labour on matters affecting labour, including legislation and Conventions and Recommendations of the International Labour Organisation. The terms of reference and composition of the LAB and its membership for the term 2011-2012 are in [Figure 2.3](#).



2.17 The term of the LAB expired at the end of 2012. At the election of employee representatives for the new term held on December 8, 2012, twelve candidates vied. A total of 362 employee unions voted, and five employee representatives were elected to the LAB for its next two-year tenure.

Chapter 3

Labour Relations



The Programme of Labour Relations

www.labour.gov.hk/eng/labour/content.htm

3.1 In Hong Kong, employer and employee relations are largely premised on the terms and conditions of employment agreed and entered into between the two parties. Employers and employees are free to form trade unions and participate in union activities. The objective of the Labour Relations Programme is to maintain and promote harmonious labour relations in establishments outside the government sector. We achieve this by:

- giving advice on matters relating to conditions of employment, requirements of relevant labour legislation, and good people management practices;
- providing voluntary conciliation service to help employers and employees resolve their employment claims and disputes;
- promoting understanding of labour laws and encouraging good people management practices;
- adjudicating minor employment claims speedily through the Minor Employment Claims Adjudication Board (MECAB); and
- registering and regulating trade unions to bring about sound and responsible trade union administration.

3.2 The principal legislation administered by this programme area includes the Employment Ordinance (EO), the Minimum Wage Ordinance (MWO), the Labour Relations Ordinance (LRO), the Minor Employment Claims Adjudication Board Ordinance (MECABO) and the Trade Unions Ordinance (TUO).

3.3 The EO provides a comprehensive set of employment standards and is the main piece of legislation governing conditions of employment in establishments outside the government sector. The MWO establishes a statutory minimum wage regime. The procedures for settling labour disputes in establishments outside the government sector are provided for in the LRO. The MECABO establishes the machinery known as the MECAB to adjudicate minor employment claims when settlement cannot be achieved by conciliation. For the regulation of trade unions, the TUO provides a statutory framework for trade union registration and administration.



Our Work and Achievements in 2012

Key indicators of Work

3.4 Some key indicators of work of the Labour Relations Programme Area are contained in [Figure 3.1](#).

Conciliation and Consultation Services

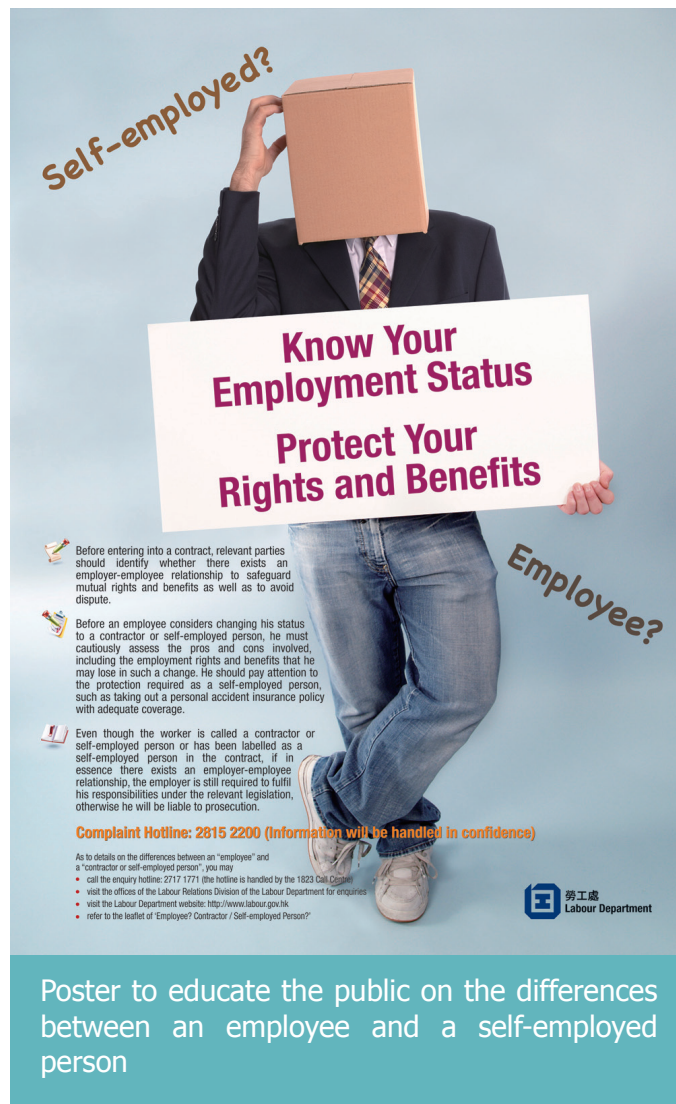
3.5 Our consultation and conciliation services have contributed to the maintenance of industrial peace. In 2012, the labour relations scene was generally stable. We held 68 594 consultations meetings, handled 18 920 claims and 79 labour disputes in the year. The number of labour disputes and claims handled in 2012 slightly increased by 4.6 per cent compared with the figure of 18 172 cases in 2011. In 2012, we attained a settlement rate of 73.2 per cent. One strike was recorded in the year. The number of working days lost per thousand salaried employees and wage earners was 0.12, among the lowest in the world. ([Figures 3.2 - 3.7](#))

Strengthening Tripartite Co-operation

3.6 To promote tripartite collaboration at the industry level with a view to fostering harmonious labour relations, nine industry-based tripartite committees have been set up in the catering, construction, theatre, logistics, property management, printing, hotel and tourism, cement and concrete as well as retail industries. The tripartite committees provide effective forums for representatives of employers, employees and the Government to discuss issues of common concern in the industries. Matters such as statutory minimum wage, latest legislative amendments to the EO, paternity leave and other employment related issues were deliberated in the year. Industry-based publications were also produced to promote good people management and effective labour management communication.

Promotion of Good Employer-Employee Relations

3.7 To promote better public understanding of the EO and good people management, we organised various promotional activities such as seminars, talks and exhibitions for employers, employees, human resources professionals and the public. Free publications covering different themes were produced and relevant information was disseminated through the department’s website and the media. To strengthen public understanding on the differences in the rights and benefits between an employee and a self-employed person, we embarked on activities such as television and radio Announcements in the Public Interest, advertisements in public transport, posters and leaflets to alert the public of the trap of false self-employment. We have published a thematic leaflet on paternity leave, newspaper advertisements and feature articles on family-friendly employment practices in the year to encourage more employers to provide their employees with a family-friendly working environment.





Publications and promotional material on family-friendly employment practices

3.8 We organised a number of experience-sharing sessions and briefings for human resources practitioners through our network of 18 Human Resources Managers Clubs. In the year, six exhibitions on the EO and good people management measures were also organised over the territory attracting some 16 500 visitors.

Adjudication of Minor Employment Claims

3.9 The MECAB provides a speedy, informal and inexpensive adjudication service to members of the public. It is empowered to determine employment claims involving not more than 10 claimants for a sum not exceeding \$8,000 per claimant.

3.10 In 2012, the board recorded 1 556 claims amounting to \$6,722,592 and concluded 1 561 claims with a total award of \$3,075,806.

Regulation of Trade Unions

3.11 The Registry of Trade Unions is responsible for the promotion of sound and responsible trade union administration, and is entrusted with the statutory duty to register trade unions, process and register their rules, examine their annual audited statements of account, and conduct inspection visits to trade unions to ensure that they comply with the TUO.

3.12 In 2012, 15 new trade unions were registered, making up a cumulative total of eight registered trade union federations and 849 registered trade unions (comprising 800 employee unions, 18 employers' associations and 31 mixed organisations of employees and employers). Please refer to the following webpage for the key trade union statistics: www.labour.gov.hk/eng/labour/content3.htm

3.13 In the year, the Registry of Trade Unions examined 620 statements of account and conducted 377 inspection visits to trade unions to ensure that their administration and financial management were in compliance with the TUO. To facilitate trade union officers in acquiring knowledge of union law and management, the Registry organised four courses on trade union bookkeeping, auditing and provisions of the TUO.

Chapter 4

Safety and Health at Work



The Programme of Safety and Health at Work

www.labour.gov.hk/eng/osh/content.htm

- 4.1** The Occupational Safety and Health Branch is responsible for the promotion and regulation of safety and health at work. The objective of the Programme of Safety and Health at Work is to ensure that risks to people's safety and health at work are properly managed and reduced to the minimum through the three-pronged strategy of inspection and enforcement, education and training, as well as publicity and promotion. More specifically, we achieve the objective by:
- providing a legislative framework to safeguard safety and health at work;
 - ensuring compliance with the Occupational Safety and Health Ordinance (OSHO), the Factories and Industrial Undertakings Ordinance (FIUO), the Boilers and Pressure Vessels Ordinance (BPVO) and their subsidiary regulations by conducting inspections and taking out regulatory actions;
 - investigating accidents and occupational health problems at workplaces;
 - providing to employers, employees and the general public appropriate information and advice to promote knowledge and understanding of occupational safety and health; and
 - organising promotional programmes and training courses to enhance safety awareness of the workforce.
- 4.2** The OSHO protects employees' safety and health at work generally in all branches of economic activities. It is a piece of enabling legislation that empowers the Commissioner for Labour to make regulations prescribing standards for general working environment as well as specific safety and health aspects at work.
- 4.3** The FIUO regulates safety and health at work in industrial undertakings, which include factories, construction sites, cargo and container handling areas, as well as catering establishments.
- 4.4** The BPVO aims at regulating the standards and operation of equipment such as boilers, pressure vessels, including thermal oil heaters, steam receivers, steam containers, air receivers and pressurised cement tanks mounted on trucks or trailers.



Our Work and Achievements in 2012

Work Safety Performance

4.5 Through the concerted efforts of all parties concerned, including employers, employees, contractors, safety practitioners, and the Government and public sector organisations, Hong Kong's work safety performance has been improving since 1998.

4.6 The number of occupational injuries in all workplaces in 2012 stood at 39 907, representing a drop of 5 per cent from 42 022 in 2003, while the injury rate per thousand employees decreased to 14.1, down by 20.2 per cent when compared to 17.7 in 2003. The number of industrial accidents for all sectors went down to 12 547, representing 27.3 per cent drop when compared to 17 249 in 2003. The accident rate per thousand workers for all sectors in 2003 and 2012 were 31.3 and 21.3* respectively.

**The compilation of the accident rate per 1 000 workers of all industrial sectors in 2012 is based on the employment size classified under Hong Kong Standard Industrial Classification Version 2.0 (HSIC V2.0) which is different from those under HSIC V1.1 before 2009. Therefore, this accident rate cannot be strictly comparable to those published before 2009.*

4.7 The number of industrial accidents in the construction industry decreased by 27.6 per cent, from 4 367 in 2003 to 3 160 in 2012, while the accident rate per thousand workers also decreased from 68.1 to 44.3, down by 34.9 per cent.

Occupational Diseases

4.8 In 2012, there were 280 cases of confirmed occupational disease, among which, occupational deafness, silicosis and tenosynovitis of the hand or forearm were the most common.

4.9 For more statistics on occupational safety and health, please visit the webpage: www.labour.gov.hk/eng/osh/content10.htm

Key Indicators of Work

4.10 Some key indicators of work of this programme area are shown in [Figure 4.1](#).

Inspection and Enforcement

- 4.11** To ensure safety and health at work, we inspect workplaces, monitor health hazards, investigate work accidents and occupational diseases, register and inspect boilers and pressure equipment and advise on measures to control hazards or prevent accidents.
- 4.12** A key element in enforcement is to give advice on the prevention of accidents. We conduct promotional visits to encourage employers to proactively adopt a self-regulatory approach in managing risks at the workplace. We also conducted regular enforcement inspections to various workplaces to ensure that duty-holders had observed relevant statutory requirements stipulated in safety legislation. In 2012, we conducted 12 special enforcement operations targeting high-risk work safety, including construction safety, safety of Repair, Maintenance, Alteration and Addition (RMAA) works, electrical safety, safety of waste treatment work, catering safety, logistic, cargo and container-handling safety as well as fire and chemical safety. Some of these special enforcement operations were conducted not only on normal working days but also at night and during holidays to clamp down on unsafe acts. In these 12 operations, a total of 22 059 workplaces were inspected, with 676 improvement notices and 300 suspension notices issued, and 836 prosecutions initiated.
- 4.13** We continued to place establishments with poor safety performance under close surveillance. Improvement notices or suspension notices were issued when necessary to secure a speedy rectification of irregularities, or to remove imminent risks to lives and limbs. Our Central Inspection Team conducts independent investigation into complaints lodged by workers and encouraged workers to report unsafe conditions or malpractices in workplaces. In 2012, the team handled 235 complaints and initiated 16 prosecutions arising from investigation of these cases. We also enhanced the intelligence reporting system on unsafe RMAA works with the Hong Kong Association of Property Management Companies. In 2012, a total of 384 enquiry/complaint/referral cases were received through the system and other channels. As a result of the follow-up inspections on these cases, we issued 85 suspension/improvement notices and took out 57 prosecutions. We had also established a similar referral mechanism with the Housing Department. In 2012, we received through the mechanism a total of 5 078 notifications of high risk RMAA works in public housing estates and followed up on these referrals.

4.14 From April to September, the department stepped up its enforcement, while enhancing publicity on prevention of heat stroke at work during the hot weather, targeting outdoor workplaces with a higher risk of heat stroke, such as construction sites, outdoor cleansing workplaces and container yards. In this special enforcement campaign, we conducted a total of 30 200 surprise inspections, in which 365 warnings and three improvement notices were issued. To prevent carbon monoxide poisoning accidents to kitchen workers, we also launched a special enforcement campaign targeting catering establishments, elderly homes and food factories, in which a total of 428 inspections were conducted, with 43 warnings, 15 improvement notices and one suspension notice issued, and five prosecutions taken out.

4.15 The Commissioner for Labour, as the Boilers and Pressure Vessels Authority, recognises competent inspection bodies to assess and inspect new pressure equipment during manufacturing. In addition, we conduct examinations, monitor courses for training of competent persons and issue certificates of competency to qualified candidates as competent persons for various types of boilers and steam receivers. In 2012, 380 applications for certificates of competency were processed, with 373 certificates issued/endorsed. We also advise the Fire Services Department on matters related to the approval and preliminary inspections of pressurised cylinders and storage installations for compressed gas.



An occupational hygienist using a smoke tube to test the ventilation system at a car park

4.16 As at the end of 2012, there were a total of 198 237 workplaces, including 27 958 construction sites, in Hong Kong. In the year, 128 821 inspections were conducted under the OSHO and the FIUO, while 4 769 inspections were made under the BPVO. As a result, 31 498 warnings were issued by Occupational Safety Officers while 3 237 warnings were given under the BPVO. Altogether, 2 403 suspension or improvement notices were issued. We also carried out 13 442 and 2 979 investigations on accidents and suspected occupational diseases respectively in the year.

Education and Training

4.17 We provide training-related services to employers, employees and relevant parties to foster a culture of respect for occupational safety and health among the working population. There are three categories of such services, namely provision of training courses, recognition of mandatory safety training (MST) courses and registration of safety officers and safety auditors.

4.18 In 2012, we conducted 450 safety and health training courses related to relevant legislation for 5 305 employees and 326 tailor-made talks for another 10 115. We also recognised four mandatory basic safety training courses (commonly known as “green card” courses) for construction work, one MST course for confined space operation and eight for loadshifting machinery operators. The Labour Department has in place a system to monitor these MST courses. This includes surprise inspections to ensure that courses are conducted in line with the approval conditions.

4.19 We continued to implement the three major improvement measures as concluded in the comprehensive review of the MST system in 2011, viz. consolidation of the guidance notes on running MST courses, standardisation of the essential course contents and centralised issuance of examination papers. Standardisation of course contents and enhancement of examination arrangement had been in place in the “green card” courses and would progressively be extended to other MST courses.

4.20 In 2012, we registered 231 persons as safety officers and 36 as safety auditors. As at the end of the year, there were 2 546 safety officers with valid registration and 1 094 registered safety auditors. Furthermore, a total of 227 applications for renewal or revalidation of registration as safety officers had been approved in 2012.

4.21 Occupational health education raises employers' and employees' awareness of the prevention of occupational health hazards and occupational diseases. In 2012, a total of 1 206 health talks on various occupational health issues was organised for over 39 000 participants. Apart from organising public health talks, we also provided outreaching health talks at the workplaces of individual organisations. These health talks covered more than 30 different topics including "Strategies for the Prevention of Occupational Diseases", "Manual Handling Operations and Prevention of Back Injuries", "Occupational Health for Cleansing Workers", "Prevention of Lower Limb Disorders" and "Occupational Health in Catering Industry".

4.22 The Labour Department has uploaded a "Work Safety Alert" on its website to help raise the safety awareness of employers, contractors and workers. The Alert summarises recent fatal and serious work accidents, and highlights general safety precautionary measures.



Occupational health talks delivered to bus captains

Publicity and Promotion

4.23 We organised a series of promotion campaigns in 2012 aiming at heightening safety awareness among employers and employees and cultivating a positive safety culture at the workplaces, some jointly with relevant stakeholders such as the Occupational Safety and Health Council (OSHC), trade associations, workers' unions and other government departments.

4.24 The Catering Industry Safety Award Scheme and the Construction Industry Safety Award Scheme were organised again in the year. The two schemes were well received by the industries.

4.25 Accidents in RMAA works have become a source of growing concern in recent years and the volume of RMAA works continued to increase. In 2012, the Labour Department, in collaboration with the OSHC, continued to implement the two year publicity campaign launched in 2010 to remind contractors and workers that safety comes first while carrying out RMAA works and working at height. Other major publicity activities included broadcasting Announcements in the Public Interest on television/radio/mobile media, staging roving exhibitions, publishing feature articles in newspapers and on the Labour Department website, publishing leaflets and disseminating safety messages to contractors, employers and employees through various means.



Catering Industry Safety Award Scheme - award presentation ceremony



Construction Industry Safety Award Scheme - award presentation ceremony

4.26 To improve the safety performance of construction industry, we organised a Construction Safety Forum in March 2012 in which representatives of trade associations, workers' unions and professional bodies as well as other participants shared their valuable views on how to enhance construction safety at different thematic workshops including "strengthening site management and supervision", "enhancing safety awareness and responsibilities of workers and supervisors", and "improving the safety management system". The Forum attracted over 700 participants, and the eight initiatives reached at the Forum are being implemented in phases.

4.27 The Labour Department continued to operate jointly with the OSHC various sponsorship schemes to encourage small and medium-sized enterprises (SMEs) to use proper safety equipment. These included the Sponsorship Scheme for Work-at-height Fall Arresting Equipment for Renovation and Maintenance Work for SMEs, the Cut Resistant Gloves and Slip Resistant Shoes Sponsorship Scheme for Catering SMEs and the Reversing Video Device Sponsorship Scheme for Heavy Vehicles on Construction Sites.



Kick-off ceremony of "Project on Caring of Work Safety of Construction Workers"

4.28 The Labour Department and OSHC jointly launched a pilot scheme on RMAA safety accreditation in June 2012. The scheme enhances the OSH standard of the industry through the auditing of safety management system, training and subsidising SMEs to purchase fall arresting equipment and related facilities. The Employees' Compensation Insurance Residual Scheme Bureau undertook to offer insurance premium discount to accredited contractors, and thus provides financial incentives for enterprises to continuously improve their occupational safety performance.

- 4.29** The Occupational Safety Charter, launched jointly with the OSHC since 1996 to promote the spirit of “shared responsibility” in workplace safety and health, sets out a safety management framework for employers and employees to work together to create a safe and healthy working environment. By the end of 2012, 1 211 organisations, including public utilities companies, industrial and non-industrial establishments, banks, construction companies, unions, associations and community organisations, had subscribed to the Occupational Safety Charter.
- 4.30** We also collaborated with relevant organisations including the OSHC, Pneumoconiosis Compensation Fund Board, Occupational Deafness Compensation Board, employers’ associations, trade unions and community groups in promoting occupational health through a variety of activities such as carnivals, occupational health award ceremony, workplace hygiene charter and promotional visits. Moreover, we promoted the prevention of common work-related diseases, such as musculoskeletal disorders which are common among service and clerical personnel and manual workers. In 2012, we collaborated with the OSHC, Department of Health and trade unions to promote healthy living among professional drivers. The publicity activities included paying promotional visits to transport termini, distributing educational pamphlets and promotional souvenirs, and organising diet and exercise counselling services by professional dietitian and physical fitness instructor respectively.
- 4.31** We also stepped up publicity on the prevention of heat stroke at work through a multitude of activities such as organising public and outreaching health talks, distributing publications, printing promotional posters, broadcasting educational videos on mobile advertising media, and issuing press releases. In the year, apart from distributing the pamphlet “Prevention of Heat Stroke at Work in a Hot Environment” and promoting a general checklist on “Risk Assessment for the Prevention of Heat Stroke at Work”, we also collaborated with the OSHC and relevant workers’ unions to promote prevention of heat stroke at work among professional drivers.
- 4.32** Under the Customer Service Teams Project, volunteers visited 15 763 SMEs of food and beverage services, RMAA works, the retail trade and real estate maintenance management services to disseminate safety messages to employers and employees in the year.
- 4.33** In 2012, we published 25 new occupational safety and health publications, including safety of using truss-out bamboo scaffold, safety of using cleansing agents, electrical work safety, safety measures for using chemicals, safety measures for wearing and maintenance of respiratory protective equipment, and occupational safety and health statistics. We also produced publicity materials to promote the prevention of carbon monoxide poisoning accidents to kitchen workers. Moreover, we published publications in languages of ethnic minorities for promoting to them work safety and health.



Training course for Customer Service Teams Project

4.34 To promote safety awareness of the industry in operating boilers and pressure vessels, we distributed a total of 3 449 publications and leaflets regarding the safe operation of boilers and pressure vessels in 2012, reviewed and revised a number of publications, including "A Guide to the Construction, Installation, Operation and Maintenance of Air Receivers", "Code of Practice for Boiler and Pressure Vessels Owners", "Guide to Operation of Steam Receivers" and "Brief Accident Cases of Boilers and Pressure Vessels in Hong Kong". The "Operation Guide for Air Receivers" was also published in ethnic minority languages.



Latest publications on occupational safety and health



Occupational safety and health publications for ethnic minorities

4.35 In 2012, the Occupational Safety and Health Branch handled 14 003 enquiries, advising on various safety and health matters. Furthermore, the Occupational Safety and Health Centre provides information and advisory services to workers and employers.

Clinical Occupational Health Services

4.36 The Labour Department runs occupational health clinics in Kwun Tong and Fanling, providing clinical consultations, medical treatment as well as occupational health education and counselling services for workers suffering from work-related and occupational diseases. Workplaces of the patients are inspected if necessary to identify and evaluate occupational health hazards in the work environment.

4.37 In 2012, 13 007 clinical consultations were rendered. Moreover, five patient support groups were organised to help patients achieve more desirable rehabilitation progress through health talks, experience sharing and peer support.

Chapter 5

Employment Services



The Programme of Employment Services

www.labour.gov.hk/eng/service/content.htm

- 5.1** The objective of the Employment Services Programme is to provide a comprehensive range of free and efficient employment assistance and counselling services to help job seekers find suitable jobs and employers fill their vacancies. We achieve this by:
- providing user-friendly employment services to employers and job seekers;
 - offering intensive employment-related assistance and personalised service to vulnerable groups of unemployed people;
 - assisting young people to enhance their employability and advising them on careers choice;
 - regulating local employment agencies;
 - safeguarding the interests of local employees employed by employers outside Hong Kong to work in other territories; and
 - ensuring that employment opportunities for local workers are not adversely affected by abuse of the labour importation scheme.
- 5.2** The principal legislation administered by this programme area includes the Employment Agency Regulations made under the Employment Ordinance (EO) and the Contracts for Employment Outside Hong Kong Ordinance.
- 5.3** The Employment Agency Regulations, together with Part XII of the EO, regulate the operation of employment agencies in Hong Kong through a licensing system, inspection, investigation and prosecution.
- 5.4** The Contracts for Employment Outside Hong Kong Ordinance safeguards the interests of local manual workers and those non-manual employees with monthly wages not exceeding \$20,000 who are recruited by employers outside Hong Kong to work in other territories through the attestation of employment contracts for these jobs.



Our Work and Achievements in 2012

Employment Situation in Hong Kong

- 5.5** The department recorded a total of 1 144 424 vacancies offered by employers of the private sector for free recruitment service in 2012, an increase of 27.1 per cent when compared with 900 564 in 2011. For updated statistics on the labour force, unemployment rate and underemployment rate, please visit the webpage: www.censtatd.gov.hk/hong_kong_statistics/statistical_tables/index.jsp?charsetID=1&subjectID=2&tableID=006
- 5.6** The economy of Hong Kong remained stable and the local employment market was buoyant in 2012 with the unemployment rate staying at the low level of 3.3%. In the year, a total of 145 017 placements were secured. ([Figures 5.1](#) and [5.2](#))



A Wider Service Choice

Services offered at Job Centres

- 5.7** Job seekers can select suitable vacancies and seek referral service at all job centres, including the "Employment in One-stop (EOS)". Modern facilities such as digital display system, touchscreen vacancy search terminals, fax machines, toll-free telephones, computers connected to the Internet and a resource corner are available.

Telephone Employment Service

- 5.8** Job seekers registered at the Labour Department may call our Telephone Employment Service Centre on 2969 0888 for job referral service. Through conference calls, staff of the Centre can make arrangement for job seekers to talk to employers direct.

On-line Employment Service

- 5.9** Our Interactive Employment Service (iES) website (www.jobs.gov.hk) provides round-the-clock on-line employment service and comprehensive employment information. The iES is one of the most popular government websites, recording over 0.37 billion page views in 2012. It hosts a number of dedicated webpages for specific clientele.

5.10 In the year, we launched the iES smartphone application. Job seekers can use this application with their mobile devices to look for suitable vacancies in the job vacancy database of the Labour Department anytime and anywhere.

Central Processing of Job Vacancies

5.11 Employers who need to recruit staff can send their vacancy information to our Job Vacancy Processing Centre by fax (2566 3331) or through the Internet (www.jobs.gov.hk). The vacancy information will be disseminated through a network of 12 job centres (including EOS), two recruitment centres for the catering and retail industries, the Telephone Employment Service Centre, the Interactive Employment Service (iES) website and vacancy search terminals located in various sites throughout the territory after vetting.

Special Recruitment and Promotional Activities

5.12 We organise a variety of activities to promote our employment services and appeal for vacancies from employers. Job fairs are held to facilitate job seekers and employers to meet and communicate direct. To assist job seekers living in remote areas in securing employment, we held large-scale job fairs in Tuen Mun, Tung Chung and Sheung Shui in 2012. Moreover, to respond more promptly to the recruitment needs of employers and provide a more user-friendly service to job seekers of different districts, we held district-based job fairs at job centres to assist employers to recruit local staff and to enable job seekers to participate in job interviews without having to travel long distance. In the year, 17 large-scale job fairs and 455 district-based job fairs were held, attracting over 60 000 job seekers.



The Hong Kong International Airport Job Expo 2012 co-hosted with the Airport Authority Hong Kong in August

5.13 To further strengthen the dissemination of local vacancy information and to promote Labour Department's employment services, we organise "Job Info Days" and other district-based employment promotional activities at various districts. In the year, we organised 13 such events which attracted about 9 500 visitors.



Job Info Day held at Choi Ming Shopping Centre, Tseung Kwan O in June 2012



Intensified Services for the Needy

Middle-aged Job Seekers

5.14 The Employment Programme for the Middle-aged was launched to assist the unemployed aged 40 or above to secure employment. Employers who engage an eligible middle-aged job seeker in a full-time permanent job and offer him/her on-the-job training will receive a training allowance of \$2,000 per month, for three to a maximum of six months. In 2012, a total of 2 500 placements were secured through the programme.

Work Trial Scheme

5.15 The Work Trial Scheme was launched to enhance the employability of job seekers who have special difficulties in finding jobs. There is no age limit for applicants. During the one-month work-trial without employer-employee relationship, participants take up jobs offered by participating organisations. On satisfactory completion of the one-month work trial, the Labour Department will pay each participant an allowance of \$5,500, while the participating organisation will contribute an additional allowance of \$500. In 2012, a total of 461 job seekers were placed into work trials.

Pilot Employment Navigator Programme (ENP)

5.16 To encourage the unemployed to land on and sustain employment, we launched a two-year Pilot ENP in December 2010 to provide the unemployed with in-depth and personalised employment consultation. A cash incentive of up to \$5,000 will be paid to each unemployed who successfully secures and stays in employment after receiving the employment consultation service under the programme. In 2012, 3 672 job seekers have enrolled in ENP.

Work Incentive Transport Subsidy (WITS) Scheme

5.17 Since October 2011, the territory-wide WITS Scheme has been open for application with a view to relieving the burden of work-related travelling expenses on low-income earners so as to promote sustained employment. Applicants may apply for WITS for the previous six to 12 months in each application, with the monthly subsidy of \$600 (or \$300 at half-rate). The income and asset limits of the scheme were raised from the claim month of March 2012. As at year end, a total of 37 585 applicants received subsidies totalling \$232 million. A mid-term review of the scheme was also completed during the year. Enhancement measures will be implemented from the claim months of 2013, including the option of individual-based applications as an alternative to household-based applications as well as further increases in the income and asset limits. We will continue to promote the scheme through a variety of publicity activities.

New Arrivals and Ethnic Minorities

5.18 We provide through our job centres a comprehensive range of employment services to new arrivals and ethnic minority job seekers. These include employment counselling, job referral, tailor-made employment briefing and employment information.

Workers affected by Large-scale Retrenchment

5.19 In major business closure or redundancy cases, the Labour Department sets up hotlines for enquiry and special counters at job centres to provide special employment services to affected employees. We canvass suitable vacancies from employers to facilitate job search of the affected employees. In addition, under the department's iES website, we set up a dedicated webpage to display vacancies offered by employers interested in recruiting job seekers who lost their jobs in recent closure or redundancy exercises. In 2012, we offered special employment services to 1 403 affected employees.

Job Seekers with Disabilities

5.20 The Selective Placement Division (SPD) offers employment assistance to job seekers with disabilities looking for open employment. Placement officers will provide personalised employment services, including employment counseling, job matching and referral and post placement follow-up services. In 2012, the SPD registered 2 686 job seekers with disabilities and secured 2 512 placements. ([Figure 5.3](#))

Work Orientation and Placement Scheme (WOPS)

5.21 The WOPS was launched to facilitate open employment of persons with disabilities by encouraging employers to offer job vacancies to persons with disabilities through the provision of an allowance. Eligible employers participating in the scheme receive an allowance from the Labour Department, equal to two-thirds of the actual salary paid to the employee with disabilities (subject to a ceiling of \$4,000 per month) for up to a maximum of six months. The scheme also provides pre-employment training to persons with disabilities with a view to enhancing their employability. In 2012, 551 placements were secured through the scheme.

Self Help Integrated Placement Service (SHIPS)

5.22 The SHIPS aims at improving the job-searching skills of job seekers with disabilities and encouraging them to be more proactive in search for jobs, thereby enhancing their employment opportunities. In 2012, 397 job seekers with disabilities participated in the programme.

Interactive Selective Placement Service (iSPS) Website

5.23 The iSPS Website (www.jobs.gov.hk/isps) provides employment services for job seekers with disabilities and employers through the Internet. The website enables persons with disabilities to register with the SPD, browse job vacancy information and perform preliminary job-matching. It also enables employers to place vacancy orders, identify suitable job seekers with disabilities to fill their vacancies and request the SPD to refer candidates to them for selection interview. The website facilitates employers to browse information on the work capacity of persons with disabilities more readily. At the same time, it helps persons with disabilities to access to various on-line employment services and other related support services.

Promotional Activities

5.24 To enhance public understanding of the working abilities of persons with disabilities as well as to publicise the services of SPD and WOPS, the division conducted a series of promotional activities, such as exhibitions, production of publications and advertisements, broadcast of promotional videos, etc during the year. In addition, a large-scale seminar was held for employers and human resources practitioners. Visits were paid and publicity materials were sent to employers of different trades with a view to canvassing job vacancies for persons with disabilities.



Services for Young People

Youth Pre-employment Training Programme and Youth Work Experience and Training Scheme (YPTP&YWETS)

5.25 To enhance the employability of young people, the Labour Department administers the YPTP&YWETS, a “through-train” programme providing seamless and comprehensive youth training and employment support to young school leavers aged 15 to 24 with educational attainment at sub-degree level or below.

5.26 Trainees can enrol on a year-round basis and are entitled to a full range of coordinated and customised training and employment support services, including pre-employment training, one-month workplace attachment training, on-the-job training of six to 12 months, reimbursement of off-the-job course and examination fees up to \$4,000 per trainee, as well as case management services rendered by registered social workers. Participating employers are entitled to a monthly training subsidy of \$2,000 per trainee during the period of on-the-job training.

5.27 In the 2011/12 programme year running from September 2011 to August 2012, some 4 700 young people attended pre-employment training and around 3 300 trainees were placed into training vacancies under YPTP&YWETS. In addition, some 500 trainees found employment in the open market with the assistance of case managers.

5.28 YPTP&YWETS also closely collaborates with training bodies to launch well-received special employment projects for industries and individual establishments. These projects include “tailor-made employment projects” and “tailor-made training-cum-employment projects”. The former refers to projects co-organised with establishments offering large number of on-the-job training vacancies while the latter provides pre-employment job skills training custom-made for a particular establishment which is immediately followed by on-the-job training. In the 2011/12 programme year, 54 special employment projects were run for employers in the retail, catering, tourism, education, construction and engineering, business services and transport industries.

5.29 In August, we co-organised the Award Ceremony of Most Improved Trainees of YPTP&YWETS cum Concert with Radio 2 of Radio Television Hong Kong. The event named “Solar Project 2012 – Dream Journey with YPTP&YWETS” showcased the creditable improvements of trainees after joining the programme and commended the caring efforts of training bodies and employers. Trainees’ striving experience for improvement constituted the best encouragement to their peers. It was also a sterling testimony to the achievements of trainees, training bodies, employers and the Government in nurturing the development of the younger generation.



A “LIKE” given by the Secretary for Labour and Welfare, Mr Matthew Cheung Kin Chung (4th from left, back row), and Commissioner for Labour, Mr Cheuk Wing Hing (5th from left, back row), together with the 10 Most Improved Trainees of YPTP&YWETS 2012

Programme for Youths with Acute Employment Difficulties

5.30 To strengthen the employment support for vulnerable youths, the Labour Department in July 2010 launched a special employment project, "Action S5", targeting young people aged 15 to 24 with acute employment difficulties. Under this project, non-governmental organisations are commissioned to nominate vulnerable youths and provide on-the-job training opportunities to them for 12 months. Through intensive and customised training and employment support, the project aims at nurturing the work knowledge and skills of participants for their personal and career development. There were 109 and 144 trainees enrolled in the first and second phases of the project respectively. The Labour Department launched the third phase in August 2012. A total of 83 enrolled trainees started on-the-job training in November.

Youth Employment Support

5.31 The Labour Department operates two youth employment resource centres named Youth Employment Start (Y.E.S.). The two centres provide personalised advisory and support services on employment and self-employment to young people aged between 15 and 29 to facilitate them to map out their career path, enhance their employability and support them to pursue self-employment. Services provided include career assessment, career guidance, professional counselling, value-adding training, self-employment support as well as up-to-date labour market information. In 2012, the two centres provided services to 73 758 young people.

Regulating Local Employment Agencies and Employment Outside Hong Kong

5.32 We monitor the operation of employment agencies through licensing, inspection and investigation of complaints. In 2012, we issued 2 346 employment agency licences and revoked two. As at year-end, there were 2 388 licensed employment agencies in Hong Kong. A total of 1 328 inspections were made to employment agencies in the year.

5.33 We regulate employment outside the territory to safeguard the interests of local employees engaged by employers outside Hong Kong to work in other territories by attesting all employment contracts entered into in Hong Kong involving manual employees and non-manual employees with monthly wages not exceeding \$20,000.



Regulating Labour Importation

Supplementary Labour Scheme

- 5.34** To cater for the genuine needs of employers, the department administers the Supplementary Labour Scheme that allows the entry of imported workers to take up jobs at technician level or below which cannot be filled locally. The scheme operates on the principles of ensuring the priority of local workers in employment while allowing employers with proven local recruitment difficulties to import labour.
- 5.35** We provide active job matching and referral services for local job seekers to ensure their employment priority. Vacancies under the scheme are widely publicised. Local workers can attend tailor-made retraining courses, if appropriate, to better equip themselves to fill the vacancies. Applications from employers who have set restrictive and unreasonable job requirements or who have no sincerity in employing local workers will be rejected.
- 5.36** As at the end of 2012, there were 2 415 imported workers working in Hong Kong under the Supplementary Labour Scheme.

Policy on Foreign Domestic Helpers (FDHs)

- 5.37** FDHs have been admitted to work in Hong Kong since the 1970's. Apart from enjoying the same statutory rights and benefits as all employees in Hong Kong, FDHs are further protected by a written Standard Employment Contract. The Standard Employment Contract prescribes that the employer has to provide to the FDH free accommodation with reasonable privacy, free food (or food allowance in lieu), free passage to and from the FDH's place of origin and free medical treatment, etc. Furthermore, the Government has since the 1970s prescribed a Minimum Allowable Wage for FDHs as an additional safeguard against exploitation. The Government attaches great importance to safeguarding their statutory and contractual rights. Claims of breach of statutory rights are promptly investigated and prosecution action will be taken out if there is sufficient evidence. In the year, the department widely publicised the rights and benefits of FDHs by, for instance, staging four information kiosks for FDHs at places they frequently gather in different months. The event attracted over 24 000 visitors. The department also maintains close liaison with consulates of the FDH-exporting countries, non-governmental organisations serving FDHs and FDH employer groups to suitably address issues relating to importation of FDHs.
- 5.38** As at the end of 2012, there were 312 395 FDHs in Hong Kong, an increase of 4.1 per cent compared with 299 961 in 2011. About 50 per cent of the FDHs in Hong Kong were from the Philippines and 48 per cent from Indonesia.

Chapter 6

Employees' Rights and Benefits



The Programme of Employees' Rights and Benefits

www.labour.gov.hk/eng/erb/content.htm

- 6.1** The objective of the Employees' Rights and Benefits Programme is to improve and safeguard employees' rights and benefits in an equitable manner. Our aim is to progressively enhance employment standards in a way which is commensurate with the pace of Hong Kong's economic and social developments and which strikes a reasonable balance between the interests of employers and employees. We achieve this by:
- Setting and refining employment standards in consultation with the Labour Advisory Board;
 - Ensuring compliance with statutory and contractual terms and conditions of employment through inspection to workplaces, investigation into suspected breaches of the statutory provisions and prosecution of offenders;
 - Processing employees' compensation claims;
 - Processing applications for the Protection of Wages on Insolvency Fund (PWIF);
 - Maintaining close partnership with statutory bodies set up for protecting the rights and benefits of employees; and
 - Providing customer-oriented information to ensure that employees and employers know their rights and obligations.
- 6.2** The principal legislation administered by this programme area includes the Employees' Compensation Ordinance (ECO), the Pneumoconiosis and Mesothelioma (Compensation) Ordinance (PMCO), the Employment Ordinance (EO) and its subsidiary Employment of Children Regulations and Employment of Young Persons (Industry) Regulations, the Minimum Wage Ordinance (MWO), the Protection of Wages on Insolvency Ordinance (PWIO) as well as Part IVB of the Immigration Ordinance.

- 6.3** The ECO establishes a no-fault, non-contributory employees' compensation system so that individual employers are liable to pay compensation for work-related injuries or fatalities. The Ordinance requires all employers to possess valid insurance policies to cover their liabilities under the Ordinance and at common law.
- 6.4** The PMCO provides compensation to persons who suffer from pneumoconiosis and/or mesothelioma. Compensation is paid from the Pneumoconiosis Compensation Fund, which is administered by the Pneumoconiosis Compensation Fund Board.
- 6.5** The EO is the main piece of legislation governing conditions of employment. The Employment of Children Regulations made under the EO prohibit the employment of children below the age of 15 in industrial undertakings and regulate the employment of children who have attained the age of 13 but under 15 in non-industrial establishments. The Employment of Young Persons (Industry) Regulations set out requirements on the working time arrangements for young persons employed in the industrial sector and prohibit their employment in dangerous trades.
- 6.6** The MWO establishes a statutory minimum wage (SMW) system which provides a wage floor with a view to ensuring an appropriate balance between forestalling excessively low wages and minimising the loss of low-paid jobs, while sustaining Hong Kong's economic growth and competitiveness. Failure to pay SMW amounts to a breach of the wage provisions under the EO.
- 6.7** The PWIO establishes the PWIF to provide timely relief in the form of ex gratia payment to employees affected by their insolvent employers.
- 6.8** The Labour Department administers Part IVB of the Immigration Ordinance to combat illegal employment in order to protect the employment opportunities of local workers.



Our Work and Achievements in 2012

Key Indicators of Work

- 6.9** We stepped up our efforts to safeguard the rights and benefits of employees through various activities in 2012. Some key indicators of work of this programme area are shown in [Figure 6.1](#).

Amendments to the ECO, PMCO and the Occupational Deafness (Compensation) Ordinance (ODCO)

- 6.10** In 2012, the ECO, PMCO and ODCO were amended to raise the amount of a total of 15 compensation items payable in cases involving death, permanent incapacity or occupational deafness. The revised levels of compensation have taken effect from 21 July 2012.
- 6.11** In addition, the levy rate under the PMCO imposed on construction operations and quarry products was lowered with effect from 20 August 2012.

Amendments to the PWIO

- 6.12** In 2012, the PWIO was amended to expand the scope of the PWIF to cover pay for untaken annual leave and untaken statutory holidays under the EO, so as to enhance the protection for employees affected by insolvency of their employers. The amendments have taken effect from 29 June 2012.

Proactive Efforts to Combat Wage Defaults

- 6.13** In 2012, the Labour Department continued to adopt a proactive strategy to tackle the problem of non-payment of wages at source through enhancing publicity and promotion, stepping up enforcement and prosecution, and making use of the early warning system set up in collaboration with trade unions to gather relevant intelligence. We also proactively monitored selected sectors and establishments with a view to forestalling and detecting cases of wages default at an early stage and intervening early to tackle the problem.
- 6.14** In 2012, the department continued to step up prosecution against employers and responsible persons of companies for wage offences. We conducted territory-wide blitz inspections to workplaces to detect wage offences. Labour inspectors actively interviewed employees during inspections and conducted investigation speedily into the suspected offences. The Employment Claims Investigation Division continued to vigorously conduct prompt investigation into suspected wage offences under the EO. Prosecutions were taken out against employers and company responsible persons whenever sufficient evidence was available.

6.15 In 2012, 713 summonses were heard in respect of wage offences. The number of convicted summonses was 525. During the year, one employer was given suspended sentence for wage default. In addition, community service orders were imposed on two employers for committing wage offences. A company and its responsible person were fined a total of \$320,000 in one prosecution case. In the year, the Labour Department secured convictions for 75 summonses relating to default of awards made by the Labour Tribunal or Minor Employment Claims Adjudication Board. One employer was ordered to perform community service. These sentences sent a strong message to employers on the seriousness of wage defaults.

Vigorous Enforcement to Protect Employees' Rights and Benefits

6.16 We continue our vigorous enforcement efforts to ensure that the statutory rights of employees under labour legislation are well protected.

6.17 In 2012, labour inspectors carried out 143 680 workplace inspections to establishments in different trades to enforce labour laws ([Figure 6.2](#)), of which 36 807 inspections were conducted to check compliance with the MWO.

6.18 We conducted inspections and trade-targeted operations to enforce the ECO's compulsory requirement of taking out employees' compensation insurance policy. In the year, a total of 69 900 inspections were conducted to enforce the statutory requirement. Employers failing to comply with the requirement were prosecuted.

6.19 In the year, we continued to work closely with government departments in monitoring their service contractors to ensure that non-skilled employees of the contractors enjoyed their statutory rights and benefits. A total of 698 inspections were conducted to the workplaces of such workers and 2 401 workers were interviewed to check contractors' compliance with labour laws.

6.20 To ensure compliance with the conditions under the Supplementary Labour Scheme, we investigated 48 complaints and cases on suspected irregularities involving imported workers, such as allegations of long working hours and late payment of wages.

Processing Employees' Compensation Cases

6.21 Under the current no-fault employees' compensation system, compensation is payable to injured employees or family members of deceased employees for any work-related injuries or deaths. Claims for compensation involving fatality are determined by the courts or the Commissioner for Labour under the improved settlement mechanism introduced in August 2000.

- 6.22** In 2012, 56 763 employees' compensation cases, including 16 266 minor cases which involved sick leave of not exceeding three days, were received. At year-end, among the 40 497 fatal cases or non-fatal cases involving sick leave exceeding three days, 24 909 cases were settled. The amount of employees' compensation involved was \$214 million. The remaining cases are awaiting expiry of sick leave, assessment of permanent incapacity or court judgment. ([Figures 6.3](#) and [6.4](#))
- 6.23** In 2011, 56 996 employees' compensation cases, including 15 944 minor cases which involved sick leave of not exceeding three days were received. As at the end of 2012, among the 41 052 fatal cases or non-fatal cases with sick leave exceeding three days, 37 559 cases were settled. The amount of employees' compensation involved was \$665 million. The number of working days lost was 1 173 163. The remaining cases are awaiting expiry of sick leave, assessment of permanent incapacity or court judgment. ([Figure 6.5](#))
- 6.24** The Loan Scheme for Employees Injured at Work and Dependents of Deceased Employees provides temporary relief to victims of work accidents. Under the scheme, an interest-free loan up to \$15,000 in each case will be made to eligible applicants.

Briefings and Promotional Campaigns

- 6.25** In 2012, we arranged three briefings for government departments and 41 briefings for imported workers to publicise the rights and obligations of the parties concerned.
- 6.26** Extensive publicity campaigns were launched to publicise our complaint telephone hotline (2815 2200) through press releases, posters, and advertisements on tram body, inside MTR stations and compartments etc. to encourage employees to report suspected breaches of employment rights.
- 6.27** During the year, we organised various publicity activities to familiarise employers and employees with the SMW legislation. These activities included: conducting seminars on the MWO for employers, employees, stakeholder groups and the public; publishing new posters for wide distribution and display; inserting promotional message in water bills; promoting through different channels such as public transports, publications of target organisations, newspapers and internet platforms; and holding roving exhibitions, etc.



A seminar on the Minimum Wage Ordinance

6.28 We continue to promote employers' statutory obligation on timely reporting of work accidents and to take out employees' compensation insurance policies through electronic media, leaflets, departmental homepage and seminars on the ECO. In the year, we held seven talks on the ECO.



A seminar on the Employees' Compensation Ordinance

Partnership with Statutory Bodies

6.29 We maintain close partnership with various statutory bodies that are set up for implementing the different schemes for the protection of the rights and benefits of employees.

Protection of Wages on Insolvency Fund Board (PWIFB)

6.30 The PWIFB is established under the PWIO and is responsible for administering the PWIF. Employees who are owed wages, wages in lieu of notice, severance payment, pay for untaken annual leave and untaken statutory holidays by their insolvent employers may apply to the PWIF for ex gratia payment in accordance with the PWIO. It is financed by a levy on the business registration certificates.

6.31 We provide administrative support to the PWIFB, verify applications and approve payment from the fund. We received 2 976 applications in 2012. A breakdown of applicants by economic sector is shown in [Figure 6.6](#). During the year, we processed 3 374 applications, leading to payment of \$64 million and the PWIF recorded a surplus of \$528 million.

6.32 By providing a safety net for employees affected by business closures, the PWIF plays an important role in maintaining harmonious labour relations and social stability. Both the department and the PWIFB attach great importance to protecting the fund from possible abuse. To this end, stringent vetting procedures are in place to process all applications. An inter-departmental task force has been formed by representatives of the Labour Department, Commercial Crime Bureau of the Police Force, Official Receiver's Office and Legal Aid Department to take concerted actions against suspected fraudulent cases.

Pneumoconiosis Compensation Fund Board

6.33 The Pneumoconiosis Compensation Fund Board (PCFB) is established under the PMCO to provide compensation to persons suffering from pneumoconiosis and/or mesothelioma. The PCFB is financed by a levy collected from the construction and quarrying industries. Under the PMCO, the Labour Department is responsible for determining whether an applicant is entitled to compensation. As at the end of 2012, 1 702 eligible persons were receiving compensation in the form of monthly payments from the PCFB. In the year, the PCFB made a total compensation payment of \$145 million.

Employees Compensation Assistance Fund Board

6.34 The Employees Compensation Assistance Fund Board (ECAFB) is set up under the Employees Compensation Assistance Ordinance (ECAO). The ECAFB is responsible for running the Employees Compensation Assistance Scheme which provides payment to injured employees who are unable to receive their entitlements for employment-related injuries from their employers or insurers. In 2012, the ECAFB approved 70 applications, leading to payment of \$40.67 million. With effect from April 1, 2004, the Employees Compensation Insurer Insolvency Bureau established by the insurance industry has taken over from the ECAFB the responsibility of meeting the liabilities arising from employees' compensation insurance policies in the event of the insolvency of the relevant insurers.

Occupational Deafness Compensation Board

6.35 Established under the ODCO, the Occupational Deafness Compensation Board (ODCB) provides compensation and reimbursement of expenses incurred in purchasing, repairing and replacing hearing assistive devices to those persons who suffer from noise-induced deafness due to employment in specified noisy occupations. The ODCB also has an important role in launching educational and publicity programmes for the prevention of occupational deafness, and providing rehabilitation programmes for those suffering from occupational deafness. In 2012, the ODCB approved 173 applications for compensation with a total compensation payout at \$9.23 million and 524 applications for payment of expenses on hearing assistive devices with a total payout at \$1.82 million. The ODCB also provided 290 rehabilitation programmes for people with hearing impairment caused by their employment in specified noisy occupations.



An educational and publicity activity organised by the Occupational Deafness Compensation Board to promote the message of prevention of occupational deafness

Chapter 7

International Labour Affairs

International Instruments Setting Out Labour Standards

- 7.1** International Labour Conventions set by the International Labour Organisation (ILO) prescribe relevant labour standards for member states. As at year-end, 41 International Labour Conventions were applied to the Hong Kong Special Administrative Region (HKSAR), with or without modification ([Figure 7.1](#)), notwithstanding that Hong Kong is neither a sovereign entity nor an ILO member. Other international instruments, including the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, also touch on labour standards, albeit to a much smaller extent.
- 7.2** A comprehensive set of labour legislation and administrative measures are in place in the HKSAR to enable the Government to implement internationally accepted labour standards. Through continuous improvements to labour legislation and administrative measures, the HKSAR maintains a level of labour standards as good as those of neighbouring places with similar economic development as well as social and cultural background.

Participation in the Activities of the ILO

- 7.3** The HKSAR participates in the activities of the ILO, either as part of the delegation of the People's Republic of China or, for activities which are not limited to states, on its own using the name "Hong Kong, China".
- 7.4** In 2012, the Labour Department continued to participate actively in activities organised by the ILO to keep abreast of the latest development of international labour matters. In the year, representatives from the HKSAR participated in the 101st Session of the International Labour Conference held in Geneva, Switzerland. ([Figure 7.2](#))

Contacts with Other Labour Administrations

- 7.5** Delegations of labour administrators from the Mainland and other places visited the Labour Department in the year. The department also sent study missions to the Mainland and foreign countries such as Singapore and UK. Apart from strengthening mutual cooperation, these visits provided opportunities for representatives of the department to exchange views and experience with its counterparts on various labour issues.

7.6 The Agreement on Labour between Hong Kong, China and the Member States of the European Free Trade Association (including Iceland, Liechtenstein, Norway and Switzerland) entered into force on October 1 (with Iceland, Liechtenstein and Switzerland) and November 1 (with Norway) respectively. The Agreement establishes a set of shared labour principles and provides a sound basis for communication on labour matters of common interest.

Chapter 8: Figures and Charts

- Figure 2.1** Number of summonses convicted and total fines in 2012
- Figure 2.2** Organisation Chart of the Labour Department (as at 31 December 2012)
- Figure 2.3** Terms of Reference and Composition of the Labour Advisory Board and Membership for the term 2011-2012
- Figure 3.1** Key Indicators of Work of the Labour Relations Programme Area in 2012
- Figure 3.2** Number of Labour Disputes Handled by the Labour Relations Division from 2008 to 2012
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- Figure 7.1** List of the 41 International Labour Conventions Applied to the Hong Kong Special Administrative Region
- Figure 7.2** Participation in Major ILO Activities and Contacts with Other Labour Administrations in 2012

Figure 2.1**Number of summonses convicted and total fines in 2012**

Ordinance	Summonses convicted	Fines (\$)
Boilers and Pressure Vessels Ordinance		
Sub-total	16	51,000
Employees' Compensation Ordinance		
Sub-total	809	1,748,000
Employment Ordinance and subsidiary regulations		
Statutory benefits cases	1 526	3,668,200
Young persons cases	0	-
Others	1	1,000
Sub-total	1 527	3,669,200
Factories and Industrial Undertakings Ordinance and subsidiary regulations		
Factory cases	389	2,523,500
Building and engineering construction cases	1 202	10,018,900
Sub-total	1 591	12,542,400
Occupational Safety and Health Ordinance and subsidiary regulations		
Sub-total	244	1,629,900
Immigration Ordinance		
Sub-total	35	38,100
Total	4 222	19,678,600

Figure 2.2
Organisation Chart of the Labour Department
 (as at 31 December 2012)

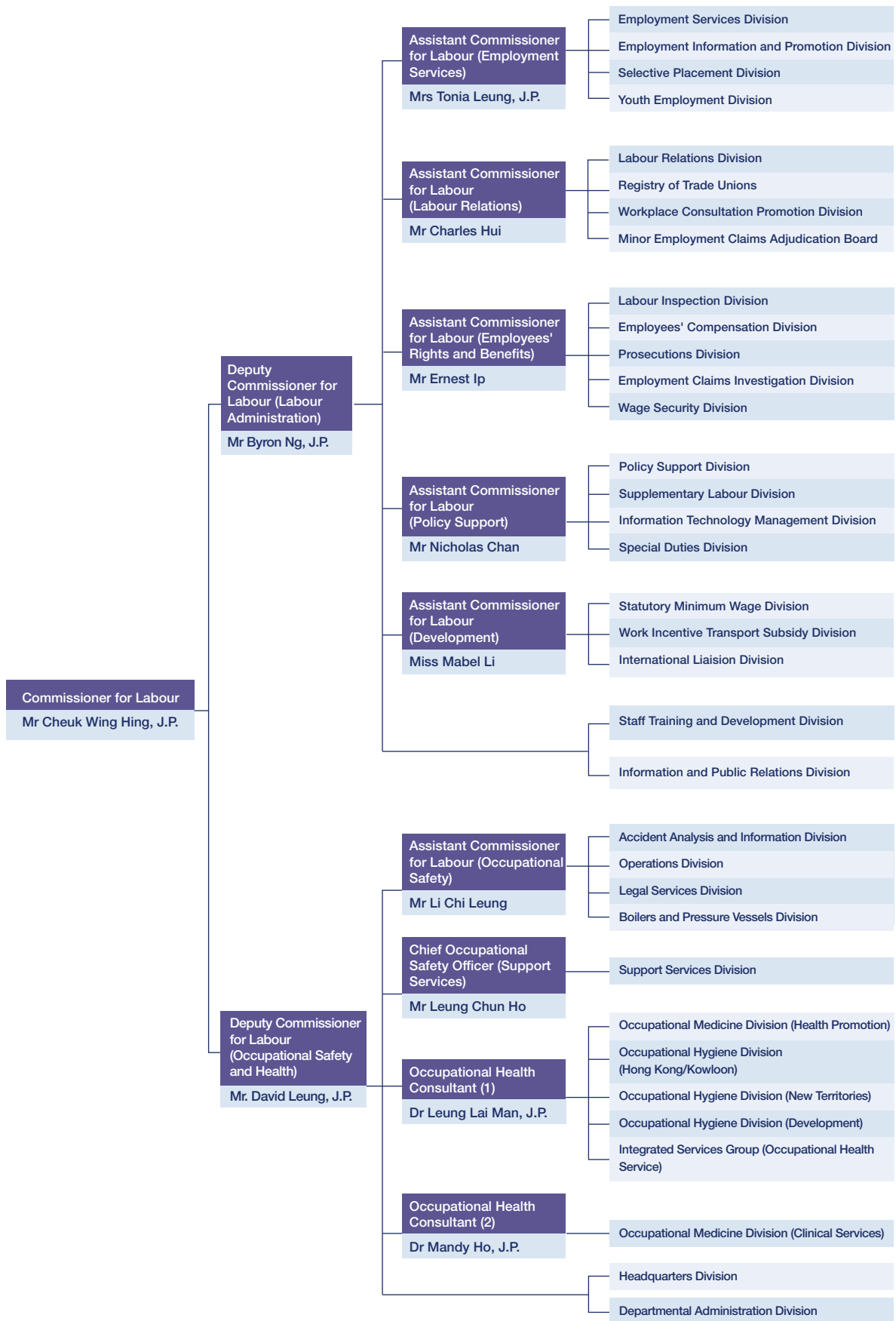


Figure 2.3

Terms of Reference and Composition of the Labour Advisory Board and Membership for the term 2011-2012

Terms of Reference

The Labour Advisory Board advises the Commissioner for Labour on matters affecting labour, including legislation and Conventions and Recommendations of the International Labour Organisation. It may appoint such committees as it considers necessary and include any person not being a member of the Labour Advisory Board to serve on such committees.

Composition

The composition of the Labour Advisory Board is as follows:

Chairman	Commissioner for Labour (ex-officio)
Members	Five employee members elected by registered employee unions Five employer members nominated by major employer associations One employee member and one employer member appointed ad personam
Secretary	A Senior Labour Officer

Membership (as at 31.12.2012)

Chairman	
Mr Cheuk Wing Hing, JP	Commissioner for Labour

Members

Employee Representatives

Mr Leung Chau Ting	}	elected by registered employee unions
Ms Ng Wai Yee, MH		
Mr Chung Kwok Sing		
Mr Lee Tak Ming		
Mr Ng Chau Pei		
Mr Cheng Kai Ming		appointed ad personam

Employer Representatives

Mr Ho Sai Chu, GBS, JP	representing the Chinese General Chamber of Commerce
Dr Kim Mak Kin Wah, BBS, JP	representing the Employers' Federation of Hong Kong
Mr Stanley Lau Chin Ho, BBS, MH, JP	representing the Federation of Hong Kong Industries
Mr Stanley Hui Hon Chung, JP	representing the Hong Kong General Chamber of Commerce
Mr Irons Sze, JP	representing the Chinese Manufacturers' Association of Hong Kong
Mr Cheung Sing Hung, BBS	appointed ad personam

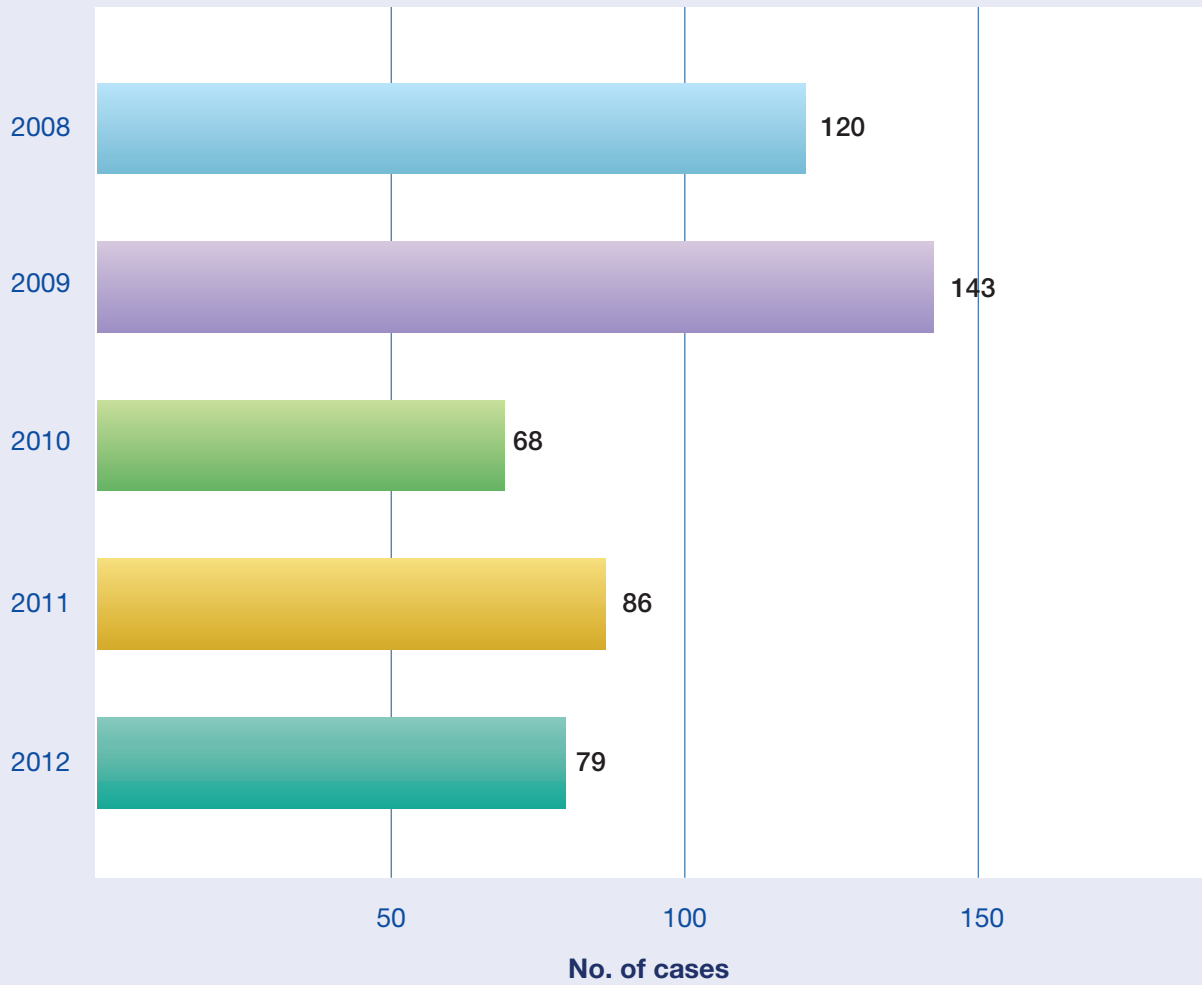
Secretary	
Mr Raymond Leung Kwok Kee	Senior Labour Officer

Figure 3.1**Key Indicators of Work of the Labour Relations Programme Area in 2012**

Key Indicators of Work		Number
I.	Conciliation and Consultation Services	
	Labour disputes and claims handled	18 999
	Consultation meetings held	68 594
	Percentage of labour disputes and claims resolved through conciliation	73.2%
II.	Adjudication of Minor Employment Claims	
	Claims adjudicated by Minor Employment Claims Adjudication Board	1 561
III.	Regulation of Trade Unions	
	Registration of new trade unions and changes of union names/rules	150
	Inspection visits to trade unions	377
	Account statements of trade unions examined	620
	Training courses organised for trade unions	4

Figure 3.2

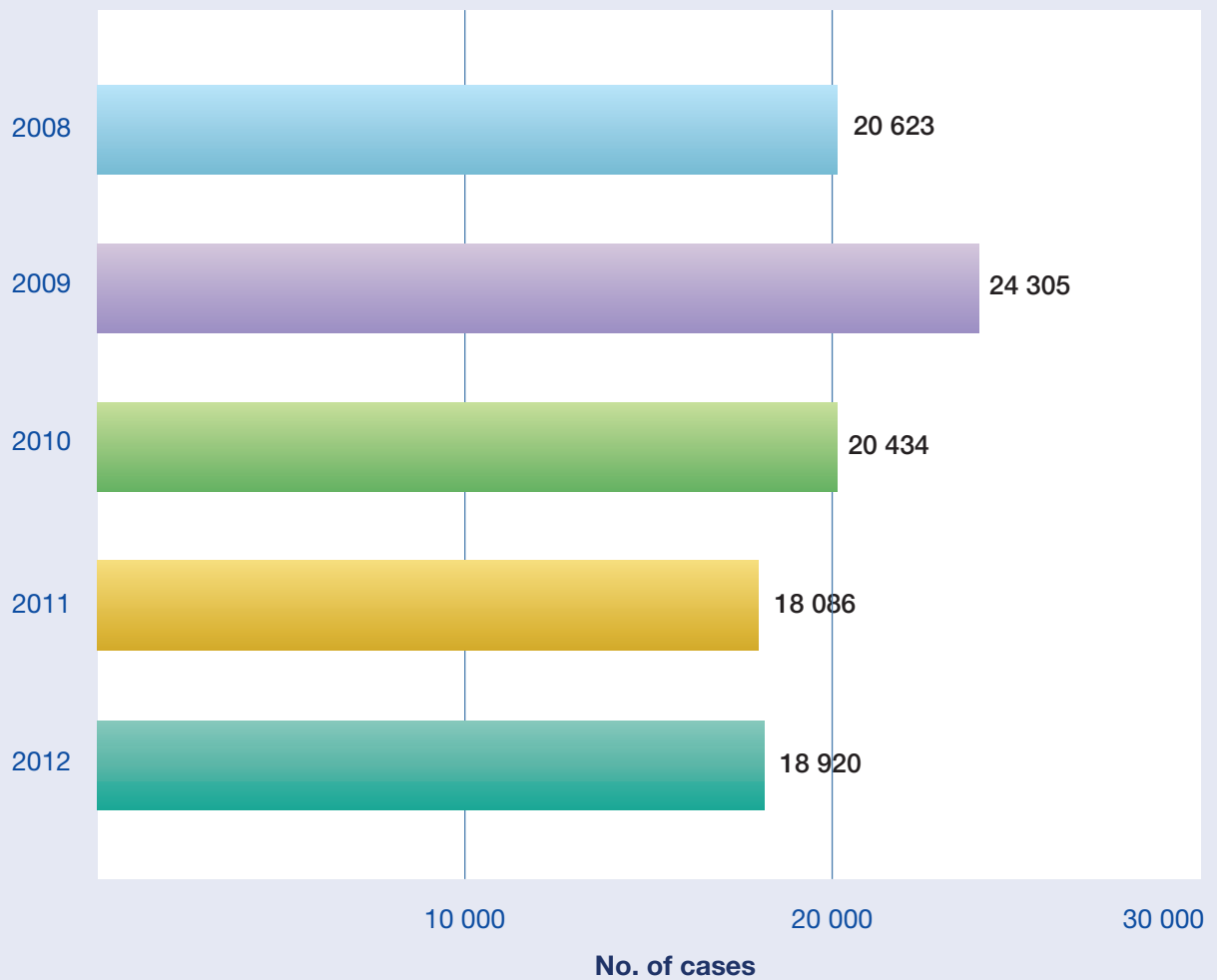
Number of Labour Disputes Handled by the Labour Relations Division from 2008 to 2012



Year	No. of cases
2008	120
2009	143
2010	68
2011	86
2012	79

Figure 3.3

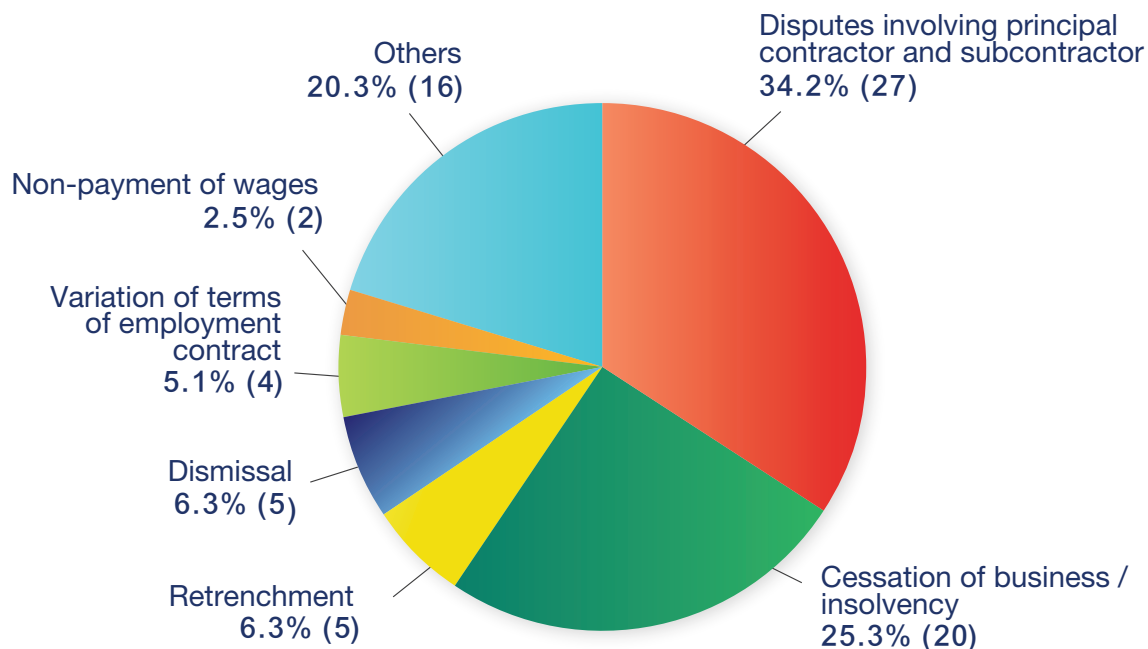
Number of Claims Handled by the Labour Relations Division from 2008 to 2012



Year	No. of cases
2008	20 623
2009	24 305
2010	20 434
2011	18 086
2012	18 920

Figure 3.4

Number of Labour Disputes Handled by the Labour Relations Division in 2012 by Cause



Total number of cases: 79

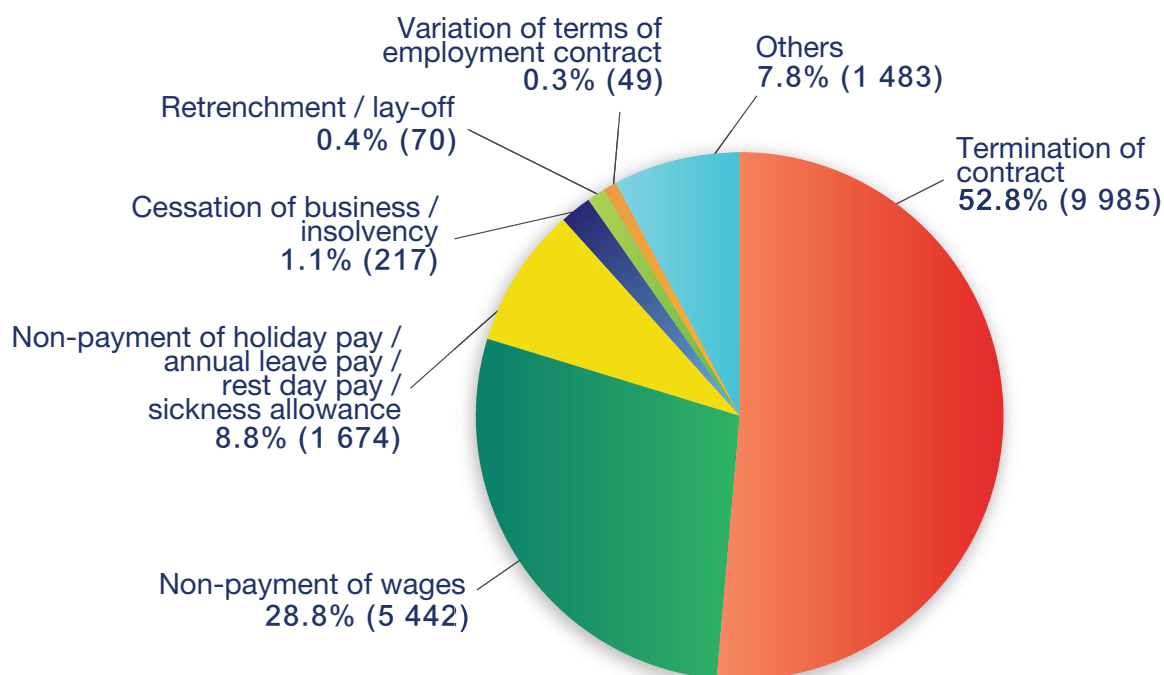
* Figures in bracket indicate the number of related cases

Cause	Number of cases	Percentage
Disputes involving principal contractor and subcontractor	27	34.2%
Cessation of business / insolvency	20	25.3%
Retrenchment	5	6.3%
Dismissal	5	6.3%
Variation of terms of employment contract	4	5.1%
Non-payment of wages	2	2.5%
Others	16	20.3%

Total number of cases **79**

Figure 3.5

Number of Claims Handled by the Labour Relations Division in 2012 by Cause



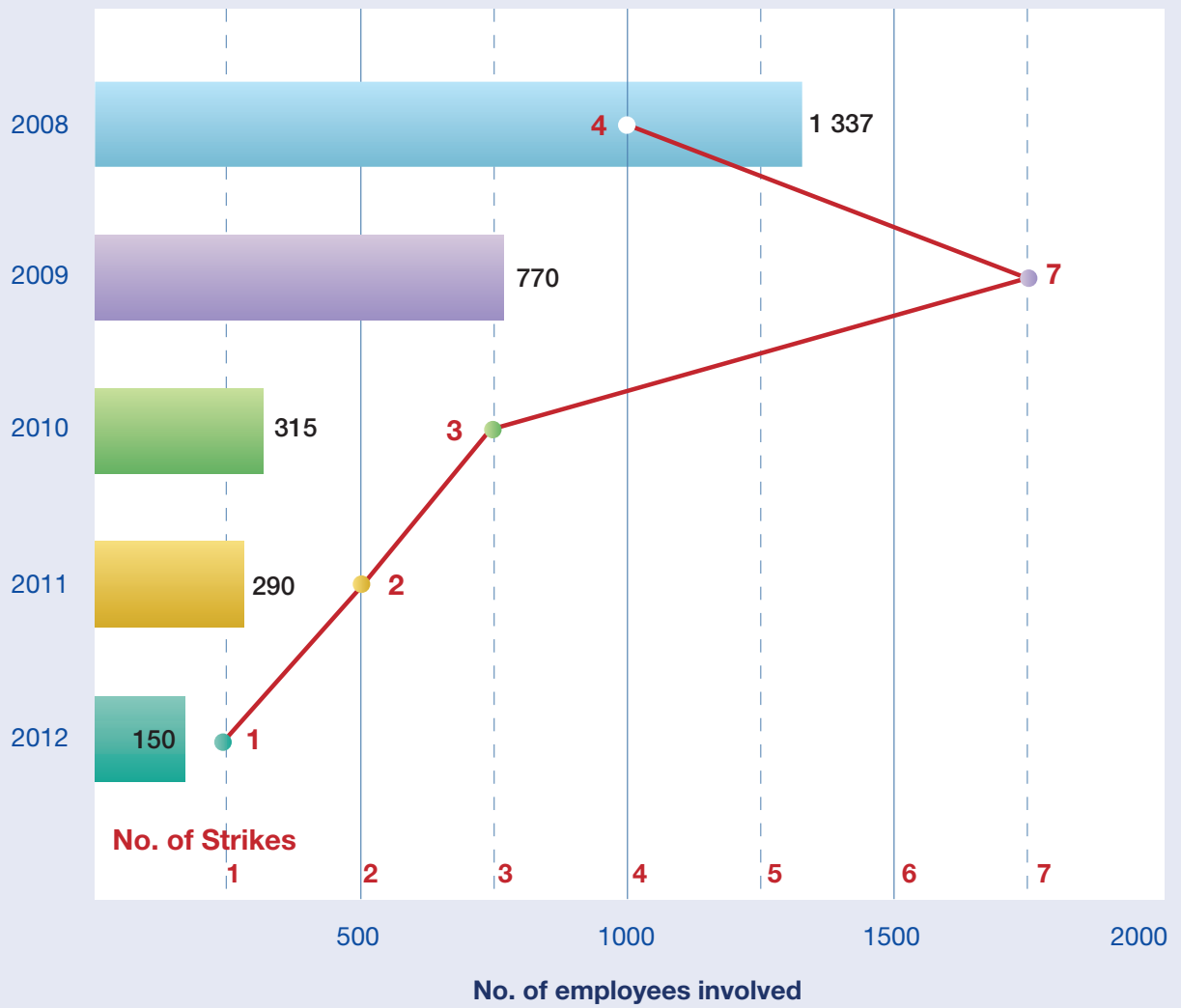
Total number of cases: 18 920

* Figures in bracket indicate the number of related cases

Cause	Number of cases	Percentage
Termination of contract	9 985	52.8%
Non-payment of wages	5 442	28.8%
Non-payment of holiday pay / annual leave pay / rest day pay / sickness allowance	1 674	8.8%
Cessation of business / insolvency	217	1.1%
Retrenchment / lay-off	70	0.4%
Variation of terms of employment contract	49	0.3%
Others	1 483	7.8%
Total number of cases	18 920	

Figure 3.6

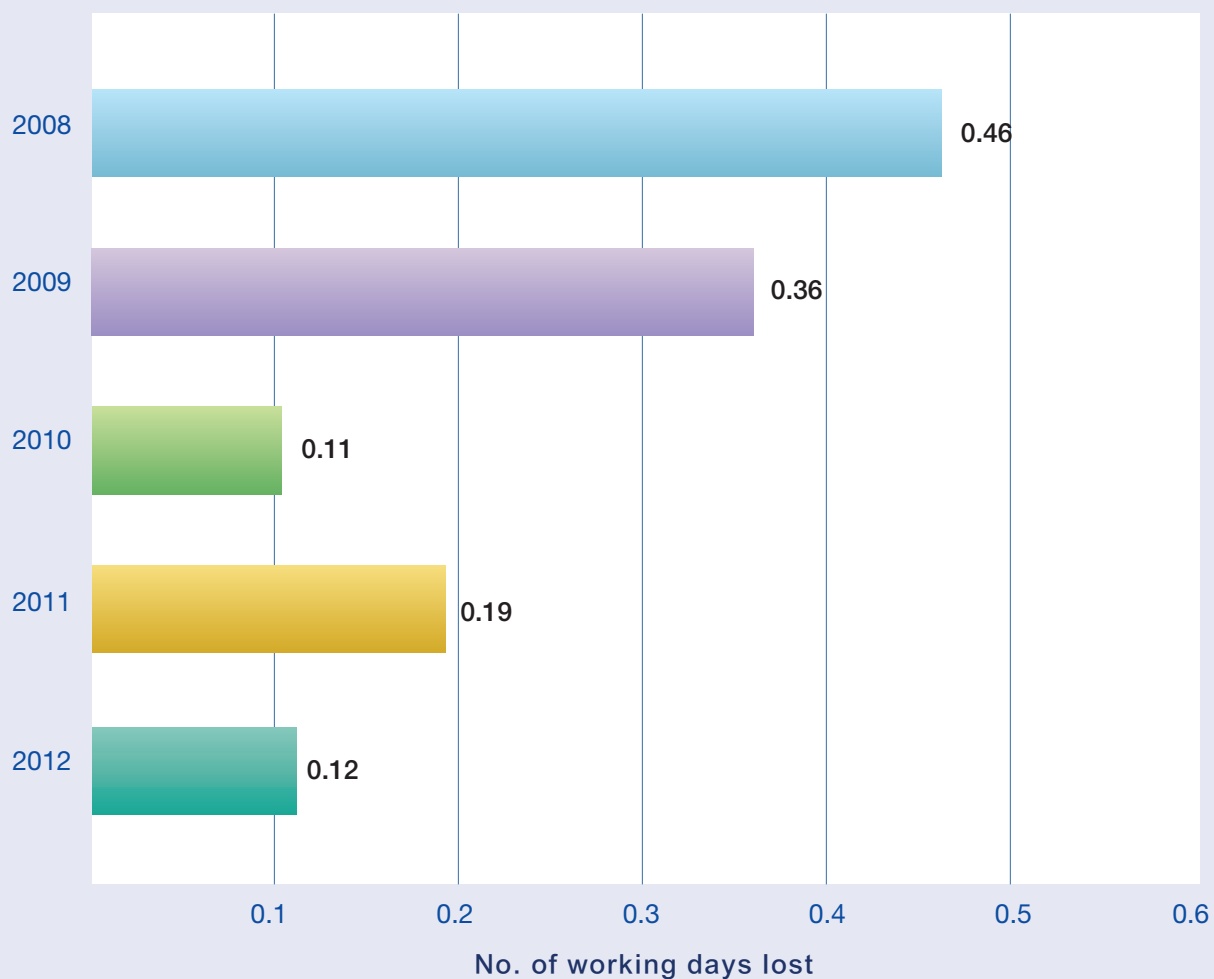
Number of Strikes and Number of Employees Involved from 2008 to 2012



Year	No. of Strikes	No. of employees involved
2008	4	1 337
2009	7	770
2010	3	315
2011	2	290
2012	1	150

Figure 3.7

Number of Working Days Lost due to Strike per Thousand Salaried Employees and Wage Earners* from 2008 to 2012



Year	No. of working days lost
2008	0.46
2009	0.36
2010	0.11
2011	0.19
2012	0.12

* Salaried employees and wage earners include employees and unemployed persons having previous jobs.

Figure 4.1**Key Indicators of Work of the Programme of Safety and Health at Work in 2012**

Indicator		Number
I.	Inspections	
	Inspections under the FIUO ¹ and the OSHO ²	128 821
	Inspections under the BPVO ³	4 769
II.	Investigations	
	Investigations of accidents at workplaces	13 442
	Investigations of suspected cases of occupational diseases	2 979
III.	Promotion and Education	
	Promotional visits to workplaces under the FIUO ¹ and the OSHO ²	5 373
	Talks, lectures and seminars organised	2 023
IV.	Pressure Equipment Registration	
	Pressure equipment registered	1 815
	Examinations conducted and exemptions granted, for the issue or endorsement of certificates of competency	380
V.	Clinical Services	
	Clinical consultations conducted	13 007

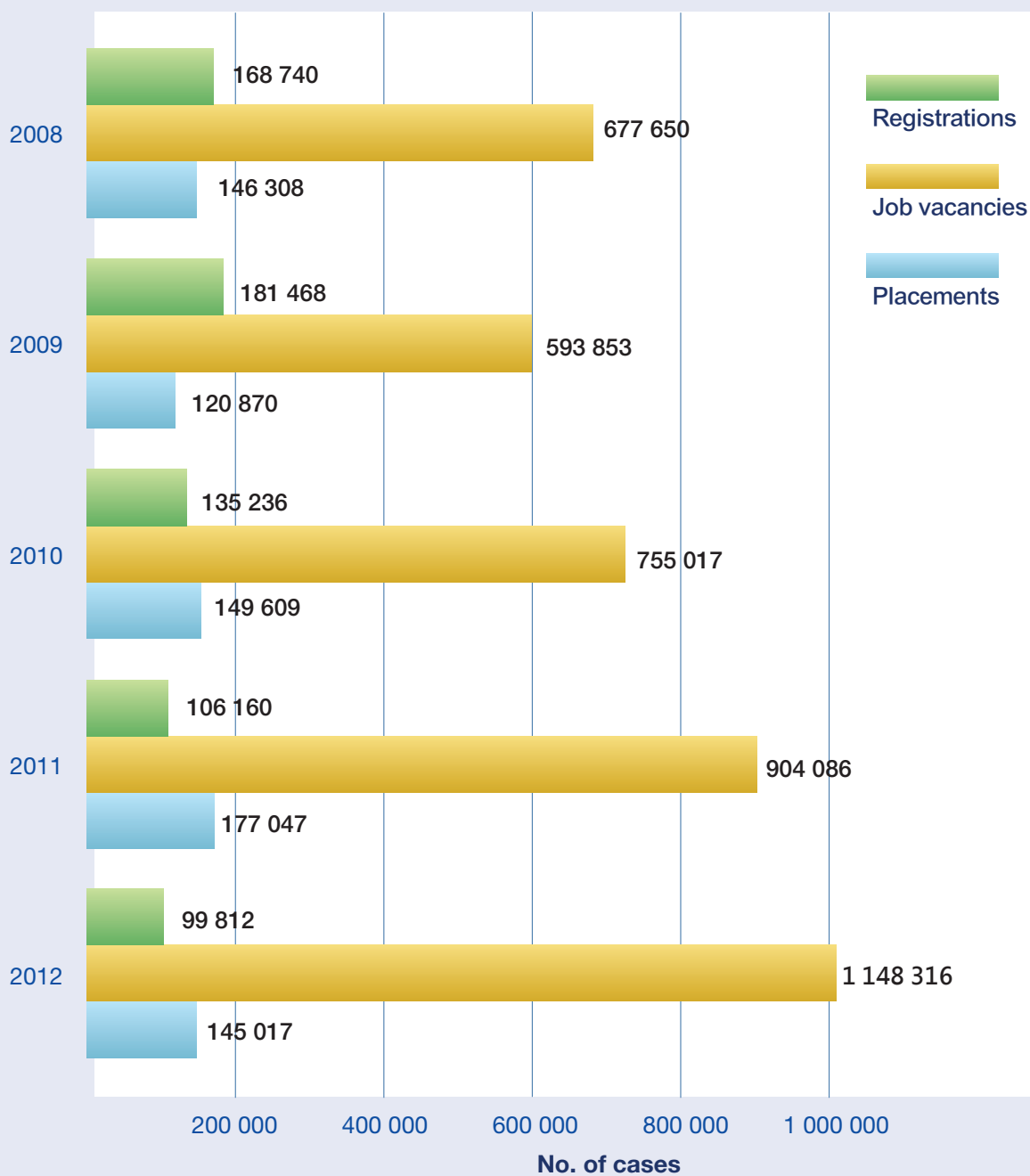
Notes: 1. Factories and Industrial Undertakings Ordinance
2. Occupational Safety and Health Ordinance
3. Boilers and Pressure Vessels Ordinance

Figure 5.1**Key Indicators of Work of the Employment Services Programme Area in 2012**

Key Indicators of Work		Number
I.	Able-bodied Job Seekers	
	Persons registered	99 812
	Placements	145 017
II.	Job Seekers with Disabilities	
	Persons registered	2 686
	Placements	2 512
III.	Regulating Employment Agency	
	Licences issued	2 388
	Inspections	1 328
IV.	Applications under the Supplementary Labour Scheme processed	1 009

Figure 5.2

Key Indicators of Work on Employment Assistance Rendered to Able-bodied Job Seekers from 2008 to 2012



Year	Registrations	Job vacancies	Placements
2008	168 740	677 650	146 308
2009	181 468	593 853	120 870
2010	135 236	755 017	149 609
2011	106 160	904 086	177 047
2012	99 812	1 148 316	145 017

Figure 5.3

Key Indicators of Work on Employment Assistance Rendered to Job Seekers with Disabilities from 2008 to 2012



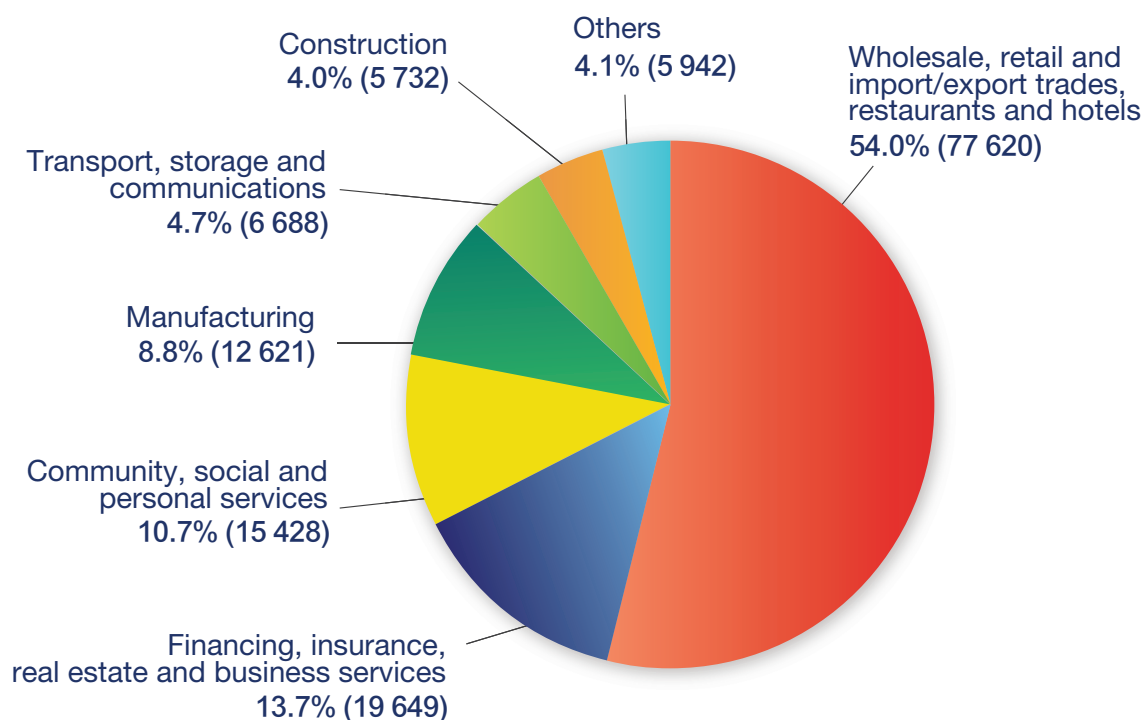
Year	Registrations	Job vacancies	Placements
2008	3 327	8 417	2 490
2009	3 185	8 443	2 436
2010	3 051	7 881	2 405
2011	2 672	7 436	2 403
2012	2 686	9 369	2 512

Figure 6.1**Key Indicators of Work of the Employee Rights and Benefits Programme Area in 2012**

Key Indicators of Work		Number
I.	Inspections to workplaces	143 680
II.	Employees' compensation claims received	56 763
III.	Sick leave clearance interviews for injured employees conducted	43 680
IV.	Assessment of loss of earning capacity of injured employees	
	Ordinary assessment	18 736
	Special assessment	0
	Review assessment	3 493
V.	Applications for payment under the Protection of Wages on Insolvency Fund processed	3 374
VI.	Cases related to imported workers investigated	48
VII.	Convicted summonses on wage offences	525

Figure 6.2

Number of Inspections Made in 2012 by Major Economic Sector



Total no. of inspections: 143 680

* Figures in bracket indicate the number of related inspections

Economic Sector	No. of inspections	Percentage
Wholesale, retail and import / export trades, restaurants and hotels	77 620	54.0%
Financing, insurance, real estate and business services	19 649	13.7%
Community, social and personal services	15 428	10.7%
Manufacturing	12 621	8.8%
Transport, storage and communications	6 688	4.7%
Construction	5 732	4.0%
Others	5 942	4.1%

Total no. of inspections

143 680

Figure 6.3

Number of Cases Reported under the Employees' Compensation Ordinance in 2012 by Sex and Age*

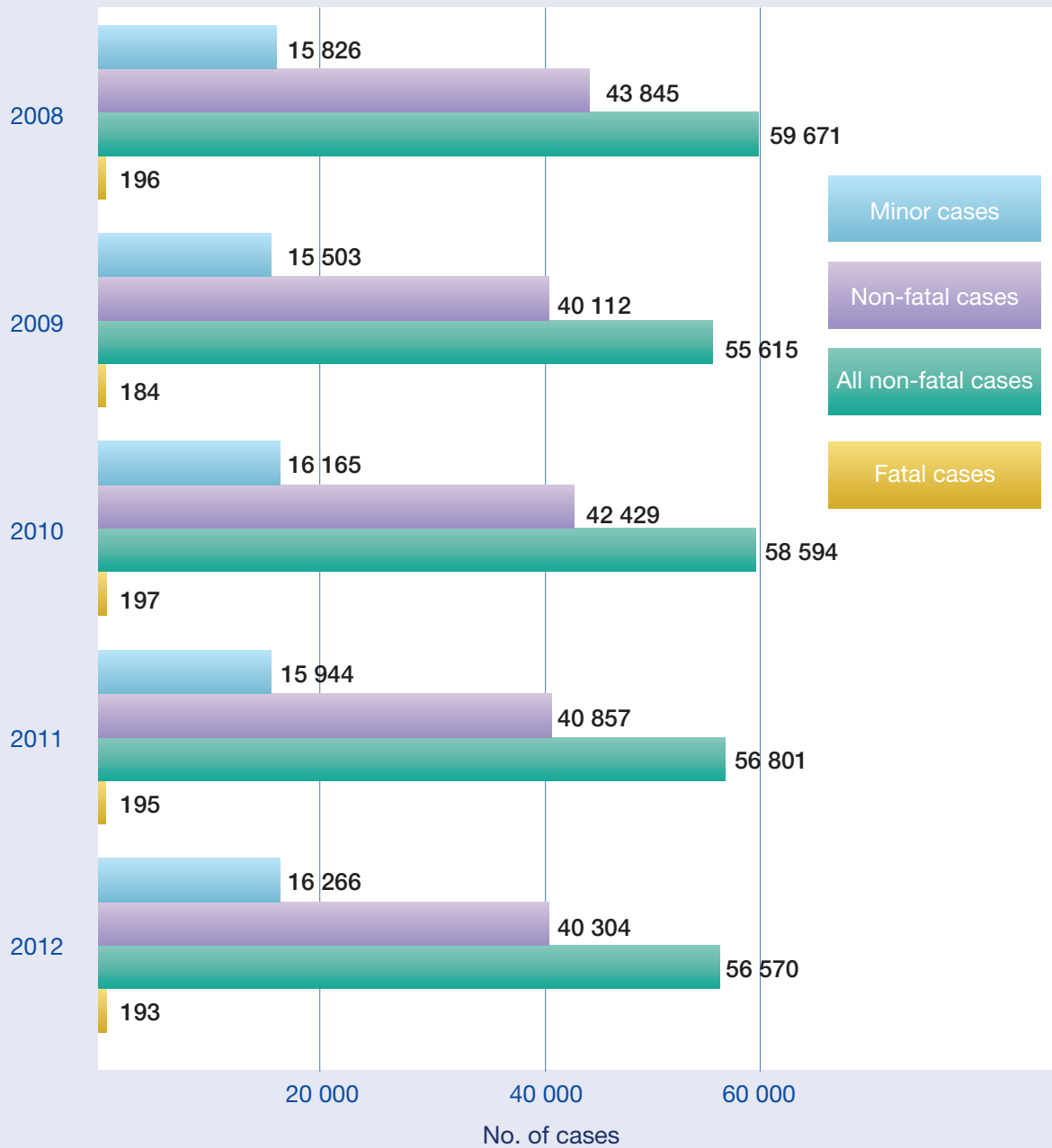


Age group	Males	Females
<18	164	46
18-39	9 957	5 253
40-55	9 697	8 609
>55	3 792	2 979

* The figures have not included 16 266 cases involving sick leave of not exceeding three days.

Figure 6.4

Number of Cases Reported under the Employees' Compensation Ordinance from 2008 to 2012

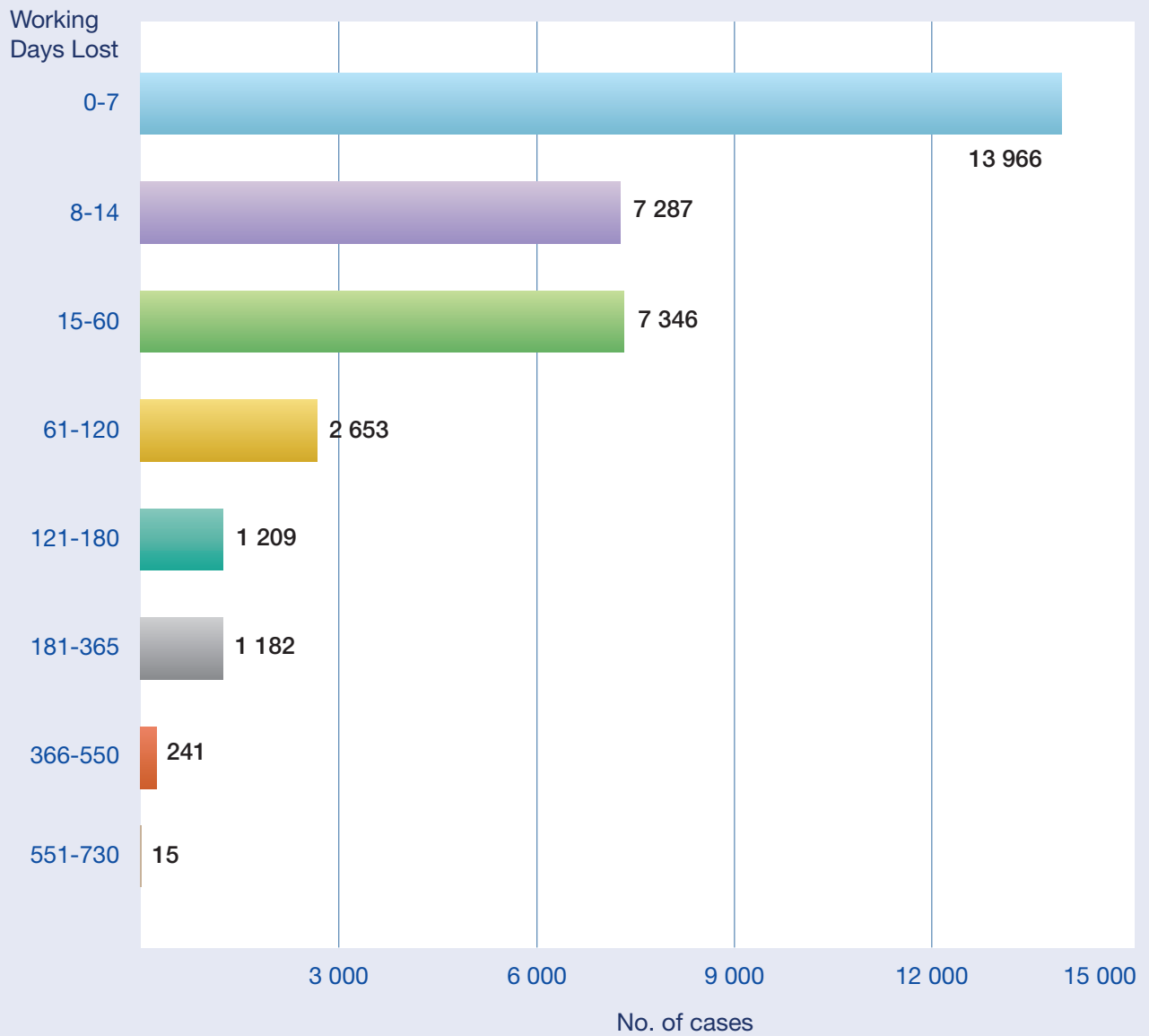


Year	Minor cases	Non-fatal cases	All non-fatal cases	Fatal cases
2008	15 826	43 845	59 671	196
2009	15 503	40 112	55 615	184
2010	16 165	42 429	58 594	197
2011	15 944	40 857	56 801	195
2012	16 266	40 304	56 570	193

* Minor cases refer to cases involving sick leave of not exceeding three days.

Figure 6.5

Number of Employees' Compensation Cases by Working Days Lost for Cases Reported in 2011 and Result Known as at 31 December 2012*

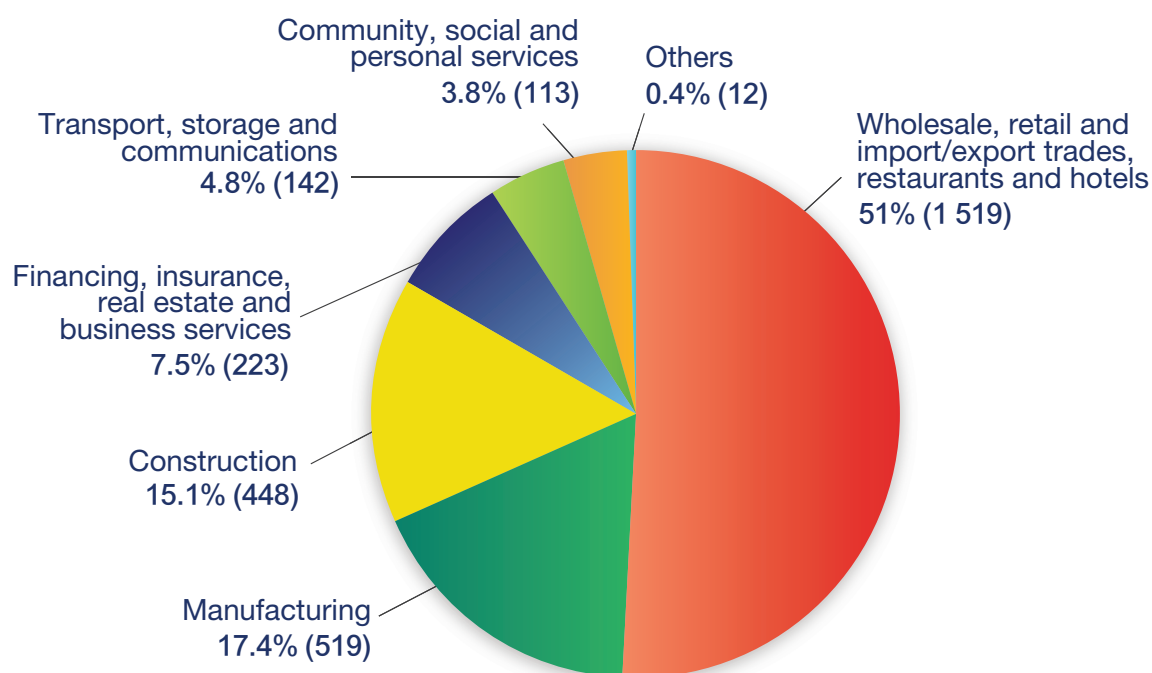


Working Days Lost	No. of Cases
0-7	13 966
8-14	7 287
15-60	7 346
61-120	2 653
121-180	1 209
181-365	1 182
366-550	241
551-730	15

*Excludes cases involving sick leave of not exceeding three days.

Figure 6.6

Number of Applicants of the Protection of Wages on Insolvency Fund in 2012 by Economic Sector



Total number of applicants: 2 976

* Figures in bracket indicate the number of related cases

Economic Sector	No. of applicants	Percentage
Wholesale, retail and import / export trades, restaurants and hotels	1 519	51.0%
Manufacturing	519	17.4%
Construction	448	15.1%
Financing, insurance, real estate and business services	223	7.5%
Transport, storage and communications	142	4.8%
Community, social and personal services	113	3.8%
Others	12	0.4%

Total number of applicants:

2 976

Figure 7.1**List of the 41 International Labour Conventions Applied to the Hong Kong Special Administrative Region**

Convention No.	Title
2.	Unemployment Convention, 1919
3.	Maternity Protection Convention, 1919
8.	Unemployment Indemnity (Shipwreck) Convention, 1920
11.	Right of Association (Agriculture) Convention, 1921
12.	Workmen's Compensation (Agriculture) Convention, 1921
14.	Weekly Rest (Industry) Convention, 1921
16.	Medical Examination of Young Persons (Sea) Convention, 1921
17.	Workmen's Compensation (Accidents) Convention, 1925
19.	Equality of Treatment (Accident Compensation) Convention, 1925
22.	Seamen's Articles of Agreement Convention, 1926
23.	Repatriation of Seamen Convention, 1926
29.	Forced Labour Convention, 1930
32.	Protection against Accidents (Dockers) Convention (Revised), 1932
42.	Workmen's Compensation (Occupational Diseases) Convention (Revised), 1934
50.	Recruiting of Indigenous Workers Convention, 1936
64.	Contracts of Employment (Indigenous Workers) Convention, 1939
65.	Penal Sanctions (Indigenous Workers) Convention, 1939
74.	Certification of Able Seamen Convention, 1946
81.	Labour Inspection Convention, 1947
87.	Freedom of Association and Protection of the Right to Organise Convention, 1948
90.	Night Work of Young Persons (Industry) Convention (Revised), 1948
92.	Accommodation of Crews Convention (Revised), 1949
97.	Migration for Employment Convention (Revised), 1949
98.	Right to Organise and Collective Bargaining Convention, 1949
101.	Holidays with Pay (Agriculture) Convention, 1952
105.	Abolition of Forced Labour Convention, 1957
108.	Seafarers' Identity Documents Convention, 1958
115.	Radiation Protection Convention, 1960
122.	Employment Policy Convention, 1964
124.	Medical Examination of Young Persons (Underground Work) Convention, 1965
133.	Accommodation of Crews (Supplementary Provisions) Convention, 1970
138.	Minimum Age Convention, 1973
141.	Rural Workers' Organisations Convention, 1975
142.	Human Resources Development Convention, 1975
144.	Tripartite Consultation (International Labour Standards) Convention, 1976
147.	Merchant Shipping (Minimum Standards) Convention, 1976
148.	Working Environment (Air Pollution, Noise and Vibration) Convention, 1977
150.	Labour Administration Convention, 1978
151.	Labour Relations (Public Service) Convention, 1978
160.	Labour Statistics Convention, 1985
182.	Worst Forms of Child Labour Convention, 1999

Figure 7.2
Participation in Major ILO Activities and Contacts
with Other Labour Administrations in 2012

Month	Activities
Mar	Mr Hawazi Daipi, Senior Parliamentary Secretary (Manpower) of Singapore led a delegation to visit the Hong Kong Special Administrative Region (HKSAR). The delegation met with the Deputy Commissioner for Labour (Occupational Safety and Health) and exchanged views with officers of the Labour Department on the occupational safety and health framework in Hong Kong as well as safety strategies and measures on working-at-height.
Mar	Mr Li Yikang, Deputy Secretary of People's Government of Shenzhen Municipality, led a delegation to visit the HKSAR. The delegation met with the Deputy Commissioner for Labour (Occupational Safety and Health) and exchanged views with officers of the Labour Department on the regulatory framework on occupational safety of Hong Kong and relevant work related to enforcement, promotion and education.
May	Commissioner for Labour led a tripartite team comprising government, employer and employee representatives to visit the United Kingdom to study their experience in regulating working hours.
May	Deputy Commissioner for Labour (Occupational Safety and Health) led a delegation to attend a forum in Guangzhou and exchanged views on work related to occupational safety and health of Hong Kong, Guangdong and Macao.
June	Deputy Commissioner for Labour (Labour Administration) led a tripartite team comprising government, employer and employee representatives to attend the 101st Session of the International Labour Conference in Geneva, Switzerland as part of the delegation of the People's Republic of China.
Aug	The Labour Department sent a delegation to attend the "Pan-Pearl River Delta Regional Labour Services Cooperation Joint Conference" in Haikou.
Sept	Deputy Commissioner for Labour (Occupational Safety and Health) led a delegation to attend the 6th China International Forum on Work Safety in Beijing and delivered a talk on construction safety in Hong Kong.
Oct	The Labour Department sent a delegation to Singapore to study its employment policy and measures.
Oct	The Labour Department sent an officer to attend the International Symposium on Work Injury Prevention and Rehabilitation 2012 in Shanghai.
Nov	Mr Hu Xiaoyi, Vice-Minister of the Ministry of Human Resources and Social Security of the State Council (MoHRSS), was invited to visit the HKSAR. He met with the Commissioner for Labour to exchange views on various labour issues.
Nov	Mr. Yang Fu, the Director of the Administration of Work Safety of Guangdong Province, led a delegation to visit the HKSAR, and met with the Commissioner for Labour to exchange views with officers of the Labour Department on enforcement and training issues in respect of occupational safety.
Dec	Commissioner for Labour led a delegation to attend the Guangdong-Hong Kong-Macao Exchange Meeting on Labour Inspection and Law Enforcement in Macao.
Dec	Mr Hao Bin, Deputy Director-General, Department of International Cooperation of the MoHRSS, led a delegation to visit the HKSAR under the Reciprocal Visit Programme. The delegation met with the Commissioner for Labour and shared the experience of handling international labour affairs with officers of the Labour Department.
Dec	The Labour Department sent a delegation to attend the "Guangdong-Hong Kong-Macao Training Programme on Labour Inspection and Law Enforcement" in Guangzhou.