



勞工處年報 2018

Labour Department Annual Report

IMPORT/EXPORT, WHOLESALE AND RETAIL TRADES

FINANCING AND INSURANCE

MANUFACTURING



REAL ESTATE

INFORMATION AND COMMUNICATIONS



PROFESSIONAL AND BUSINESS SERVICES

FOOD SERVICES

ACCOMMODATION AND



SOCIAL AND PERSONAL SERVICES

TRANSPORTATION, STORAGE, POSTAL AND COURIER SERVICES



目錄

Contents

Chapter 1	Highlights of Year 2018	1
Chapter 2	Labour Department	13
Chapter 3	Labour Relations	17
Chapter 4	Safety and Health at Work	24
Chapter 5	Employment Services	35
Chapter 6	Employees' Rights and Benefits	49
Chapter 7	International Labour Affairs	59
Chapter 8	Figures and Charts	60

Chapter 1

Highlights of Year 2018

1.1 In 2018, the labour market tightened further on the back of above-trend economic growth. The unemployment and underemployment rates averaged at 2.8% and 1.1% respectively for the year as a whole, both being the lowest in more than 20 years. The labour force and total employment expanded further in the year, with the latter reaching 3 867 000. We will continue to closely monitor the labour 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

Employment and Recruitment Services

1.2 To help job seekers enter the labour market and respond speedily to the recruitment needs of employers, the Labour Department (LD) organises employment promotion activities at various locations across the territory. A total of 19 large-scale job fairs and 958 district-based job fairs were organised in the year.



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

1.3 The LD 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 the year, the free recruitment service provided for employers by the LD recorded a historic high of 1 471 251 vacancies from the private and public sectors; and 136 079 placements were secured.

Strengthening Employment Programmes for Job Seekers with Special Needs

1.4 To encourage employers to hire job seekers with special employment needs, the LD enhanced its employment programmes in September 2018 by:

- providing an on-the-job training allowance of up to \$4,000 per month for a period of six to 12 months for employers engaging people aged 60 or above who are unemployed or have left the workforce;
- raising the monthly on-the-job training allowance ceiling under the Youth Employment and Training Programme by \$1,000 to \$4,000 per month for a period of six to 12 months; and
- extending the work adaptation period under the Work Orientation and Placement Scheme from two months to three months and increasing the maximum amount of allowance payable to employers engaging people with disabilities by \$16,000 to \$51,000.

Broadening Horizons of our Youths

1.5 The LD continued to expand the Working Holiday Scheme (WHS) network. In April 2018, a new WHS was established between Hong Kong and the Netherlands for commencement in January 2019. Besides, the WHS with Hungary commenced in September 2018.

Labour Relations

Promoting Harmonious Labour Relations

1.6 To foster harmonious labour relations, the LD continued to adopt a proactive and pragmatic approach in helping employers and employees resolve their disagreements through communication, mutual understanding and flexible adjustments. In 2018, we handled a total of 90 labour disputes and 13 691 claims. Over 70% of cases with conciliation service rendered were resolved. The average waiting time for conciliation meetings was 2.4 weeks in the year. Besides, the number of working days lost in Hong Kong as a result of strike remained among the lowest in the world.

Stepping up Enforcement against Wage Offences

- 1.7** In 2018, the LD 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 by labour inspectors. 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. We conducted prompt investigation into suspected wage offences and employed veteran ex-police officers to strengthen the investigative work and collection of evidence so as to facilitate speedy prosecution.
- 1.8** We continued to step up the prosecution against employers and responsible individuals 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** Since the implementation of the Employment (Amendment) Ordinance 2010 from October 2010, employers who wilfully and without reasonable excuse defaulted awards for wages or some other entitlements made by the Labour Tribunal or the Minor Employment Claims Adjudication Board have become liable to criminal prosecution. This has further strengthened the deterrent against law-defying employers.

Enhancing Good Human Resource Management Practices and Harmonious Labour Relations

- 1.10** The LD organised a wide range of promotional activities including exhibitions, seminars and talks to promote public understanding of labour laws and publicise “employee-oriented” good human resource management measures. In 2018, a series of seminars were conducted for human resources managers and corporate executives, including the promotion of effective workplace communication. We also staged the Good Employer Charter Ceremony in September to further encourage more employers in different industries to adopt good human resource management, including the implementation of family-friendly employment practices in the workplace.



Good Employer Charter Ceremony

Abolition of the “Offsetting” under the Mandatory Provident Fund (MPF) System

1.11 The Chief Executive announced in the 2018 Policy Address the enhanced arrangements for abolishing the “offsetting” of the severance payment (SP) and the long service payment (LSP) with the accrued benefits of employers’ mandatory contributions under the MPF System. The enhanced arrangements included, for example, assisting employers in setting up their designated saving accounts to save up in advance to prepare for their potential SP/LSP liabilities, significantly increasing the Government’s financial commitment to \$29.3 billion and extending the period of the second-tier government subsidy to 25 years. The LD had embarked on the preparatory work for the abolition of the “offsetting”, working on the implementation details in collaboration with relevant bureaux and departments as well as other stakeholders. The Government planned to introduce the enabling bill into the Legislative Council by 2020.

Employees’ Rights and Benefits

Statutory Minimum Wage (SMW)

1.12 In 2018, the LD organised various publicity activities to promote the Minimum Wage Ordinance (MWO). To safeguard employees’ entitlement to the SMW, we also conducted proactive workplace inspections of establishments in various trades and mounted targeted enforcement campaigns in low-paying sectors. Overall, the implementation of the SMW was smooth and the employment market remained stable. The earnings of low-income employees continued to improve.

1.13 The Minimum Wage Commission (MWC) is an independent statutory body established under the MWO 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 MWC comprises a Chairperson and 12 Members drawn from the labour sector, business community, academia and Government. In October 2018, the MWC submitted its report after completing a new round of review of the SMW rate and recommended raising the SMW rate from \$34.5 per hour to \$37.5 per hour.

Safeguarding the Rights of Employees of Government Service Contractors

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

Protection of Wages on Insolvency Fund

1.15 The Protection of Wages on Insolvency Fund provides assistance in the form of ex gratia payment to eligible employees affected by insolvency of their employers. The LD 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

1.16 The LD collaborated with the Police and the Immigration Department to combat illegal employment activities. A total of 164 joint operations were mounted in the year.

Working Hours Policy

1.17 In the absence of broad-based support, the Government decided not to pursue for the time being the legislative proposals on "contractual working hours" and "mandatory overtime compensation" as recommended by the Standard Working Hours Committee in 2017, and to focus on formulating working hours guidelines for 11 specified industries through the industry-based tripartite committees of the LD. The guidelines will consist of suggested working hours arrangements, overtime compensation arrangements and good working hours management measures for employers' reference and adoption.

Safety and Health at Work

Safety of Major Works Projects (MWP) and Mega Infrastructure Projects (MIP)

1.18 In light of the commencement of the MWPs and the MIPs, the LD established dedicated teams to monitor the safety performance of their workplaces. Besides, we continued to urge contractors to enhance construction site safety through stepping up inspection and enforcement, as well as promotion and education. These included conducting in-depth surprise inspections of the MWP/MIP sites with poor safety performance to scrutinise the safe system of work and safety management system of duty holders. We also stepped up participation in site safety management committee meetings of public work projects to get appraised of the projects' occupational safety and health (OSH) conditions and risks, with a view to devising more focused inspection strategies accordingly. During the meetings, we gave advice on work processes of higher risk and urged the contractors and relevant duty holders to conduct risk assessments, devise safe working procedures and adopt adequate safety measures with respect to the high-risk processes as early as possible. We also strengthened the coordination with the Development Bureau, works departments and other public works project clients to enhance the MWP site safety measures, with a view to ensuring more effective control of risks by contractors. We also launched enforcement operations with the Marine Department on sea-based construction works to deter work practices contravening safety requirements.

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

1.19 The volume of the RMAA works is expected to grow further with the continuous ageing of buildings in Hong Kong and the implementation of mandatory requirements for inspection of buildings and windows by the Government.

1.20 In light of serious accidents that happened from time to time in the RMAA works in recent years, the LD continued to step up inspection and enforcement efforts to deter contractors from adopting unsafe work practices, so as to enhance the occupational safety condition of the RMAA works. Territory-wide special enforcement operations on the RMAA works with emphasis on high risk processes, such as work-at-height; truss-out scaffolding works; lifting operations; lift installation, repair and maintenance works; electrical work, etc. were also launched. During the special operations, 329 suspension/improvement notices were issued and 189 prosecutions were taken out.

- 1.21** On the fronts of education and promotion, we organised a series of intensive promotion and publicity campaigns, targeting the RMAA works, as well as the related work-at-height and electrical work to arouse the safety awareness of all parties involved. These included launching a two-year publicity campaign in 2018 in collaboration with the Occupational Safety and Health Council (OSHC) with a wide range of initiatives seeking to reach contractors and workers engaged in the RMAA works more effectively and to impress upon them the importance of work safety. We also partnered with the Home Affairs Department and the property management sector to organise publicity and promotional activities to promulgate work safety at the district level.
- 1.22** In 2018, the LD organised in collaboration with the OSHC a series of safety seminars concerning the RMAA works and work-at-height to engage industry stakeholders in exploring means to further enhance construction safety.
- 1.23** To encourage the contractors of the RMAA industry to use suitable working platforms for work-above-ground, the LD in collaboration with the OSHC and the Hong Kong Association of Property Management Companies launched the “Pilot Partnership Scheme on Promotion of Light-duty Working Platforms by Property Management Companies” in January 2018. Suitable step platforms and hop-up platforms (light-duty working platforms) were provided free of charge to property management companies that successfully applied for the scheme for lending to contractors/workers in properties under their management.

Safety Award Schemes

- 1.24** Two safety award schemes were organised for the catering and construction industries to inculcate a work 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 (APIs) and promotional films on television/radio and public transport.

Encouraging and Facilitating the OSH Complaints

- 1.25** In order to facilitate employees and members of public to lodge complaints against OSH malpractice more expeditiously and conveniently, the LD developed an on-line platform in 2018 to facilitate complainants to lodge complaints through mobile electronic devices. We will, having regard to their nature and content, arrange inspections of the workplaces concerned as soon as practicable for targeted investigations and follow-up actions with a view to preventing occurrence of accidents. We also commenced the production of a set of new TV and Radio APIs for publicising the new platform.
- 1.26** Besides, the LD distributed a newly produced poster and plastic card holders printed with the complaint hotline to encourage employees and members of the public to lodge complaints in 2018. Apart from Chinese and English, six ethnic minority languages (Indonesian, Hindi, Nepali, Tagalog, Thai and Urdu) were also included on the poster and plastic card holders to get across to ethnic minority workers.

Work-at-Height Safety

- 1.27** The LD launched a new TV and Radio APIs on work-at-height safety in March 2018 to continue to enhance the safety awareness of employers and employees.
- 1.28** The LD issued an “Overview of Work-at-Height Safety” in March 2018. The Overview consolidated safety information on work-at-height/work-above-ground safety. It assisted duty holders to better comprehend the risks and safety measures to be taken to prevent employees falling from height while at work.

“Work Safety Alert” Animation

- 1.29** The LD continued to produce “Work Safety Alert” in the form of animation videos to enable the industry to better comprehend how some accidents happened and the necessary preventive measures to be taken to prevent recurrence of such accidents. Four animation videos were produced, and uploaded to the LD website and disseminated through various channels in 2018.

Continuous Refinement of Mandatory Safety Training Courses (MST)

1.30 The LD continued to refine the recognition and monitoring of the MST courses. In 2018, we launched the revamped “Construction Green Card Course” to better meet the actual needs of construction workers and continued with our effort to standardise and refine the course contents of other MST courses. We continued to conduct different modes of monitoring inspections to enhance the monitoring of training course providers.

Reducing Health Risks Associated with Standing at Work

1.31 In December 2018, the LD issued a new guideline providing practical preventive measures on reducing health risks associated with standing at work and recommendations on service counter design in light of the fact that many employees in the retail, catering, security and other service industries often stand at work.

Strengthening the Rehabilitation Services for Employees Injured at Work

1.32 The LD recognises the importance of rehabilitation services in facilitating the recovery and early return to work of employees injured at work. In 2018, the LD has started to look into a feasible way forward, with a view to providing timely and coordinated treatment and rehabilitation services to injured employees in need as well as speeding up and enhancing the effectiveness of rehabilitation, thus facilitating their early recovery and return to work.

Strengthening Local and International Partnerships

Labour Day Reception

1.33 On 27 April 2018, the Secretary for Labour and Welfare, Law Chi Kwong, hosted a reception at the Hong Kong Convention and Exhibition Centre to pay tribute to the workforce. The Chief Executive, Carrie Lam Cheng Yuet Ngor, officiated at the reception, with guests from trade unions, employers’ associations and other organisations attending.



Chief Executive, Carrie Lam Cheng Yuet Ngor (centre), officiating at the Labour Day Reception

Contacts with Other Labour Administrations

- 1.34** The LD maintained active liaison and interflows with other labour administrations through visits and participation in various activities in 2018.
- 1.35** For example, a delegation led by the Commissioner for Labour, Carlson Chan Ka Shun, visited the Ministry of Human Resources and Social Security (MoHRSS) of the State Council and met with Vice Minister Tang Tao in Beijing in January under the Reciprocal Visit Programme. The delegation also met with senior representatives of the State Administration of Work Safety, the All-China Federation of Trade Unions, the China Enterprise Confederation and the International Labour Organisation Country Office for China and Mongolia to exchange views on labour and work safety issues.



Commissioner for Labour, Carlson Chan Ka Shun (centre), leading a delegation to Beijing under the Reciprocal Visit Programme

1.36 In May, Deputy Director General Yin Jiankun, Department of Employment Promotion, the MoHRSS, led a delegation to visit Hong Kong under the Reciprocal Visit Programme. The delegation exchanged views on labour issues with the Commissioner for Labour, Carlson Chan Ka Shun, and the LD officers.



Commissioner for Labour, Carlson Chan Ka Shun (centre), meeting Deputy Director-General Yin Jiankun, Department of Employment Promotion, Ministry of Human Resources and Social Security (3rd from left) and the delegation

1.37 In June, a tripartite team comprising the Government, employer and employee representatives, led by the Commissioner for Labour, Carlson Chan Ka Shun, attended the 107th Session of the International Labour Conference in Geneva, Switzerland as part of the delegation of the People's Republic of China. Moreover, Director of the International Labour Organisation Country Office for China and Mongolia, Ms Claire Courteille-Mulder, visited Hong Kong and met with the senior officials of the LD, sharing with us the latest development of international labour affairs.



Commissioner for Labour, Carlson Chan Ka Shun (5th from right), and members of the tripartite team attending the 107th Session of the International Labour Conference in Geneva, Switzerland

Chapter 2

Labour Department

2.1 The Labour Department (LD) is the principal agency in the Hong Kong Special Administrative Region Government responsible for the execution and coordination 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
- Proactiveness
- Premier customer service
- Partnership
- Participation

Key Programme Areas

2.5 The LD 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 ensure that occupational safety and health risks at workplaces are properly controlled and minimised 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 Departmental 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 LD's overall strategy on publicity and public relations. It mounts extensive publicity and explains the policy and work of the LD to the public through the media, and coordinates the production of publications.

- 2.9** The International Liaison Division oversees matters relating to the application of International Labour Conventions in Hong Kong, the LD's participation in the activities of the International Labour Organisation, and liaison with labour administration authorities in the Mainland and other places. It also 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 in Figure 2.1.
- 2.11** The Staff Training and Development Division is responsible for staff training and development of the Labour Administration Branch as well as coordinating training activities.
- 2.12** The Registration and Staff Training Division organises and coordinates training and development activities for staff of the Occupational Safety and Health Branch.
- 2.13** The Information Technology Management Division offers support to the development and management of information technology services.
- 2.14** An organisation chart of the LD is set out in 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 LD's pledged services. For the LD's updated performance pledges, please visit the webpage: www.labour.gov.hk/eng/perform/pledge.htm.

Advisory Boards and Committees

2.16 The LD 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 which gives advice on matters affecting labour, including legislation and Conventions and Recommendations of the International Labour Organisation. Chaired by the Commissioner for Labour, the LAB comprises members representing employees and employers. Its terms of reference, composition and membership for 2017-2018 are in [Figure 2.3](#). An election of employee representatives for the 2019-2020 term of the LAB was held on 10 November 2018.



Labour Advisory Board meeting

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 stipulations of various pieces of labour laws, and 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 human resource 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 human resource management practices;
- adjudicating minor employment claims speedily through the Minor Employment Claims Adjudication Board (MECAB); and
- registering trade unions and their rules, organising courses and conducting visits to 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 sets the basic standard on the conditions of employment that establishments outside the government sector have to meet. 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 2018

Key Indicators of Work

3.4 Some key indicators of work of the Labour Relations Programme Area are contained in Figure 3.1.

Improvement to Employees' Benefits

3.5 The Employment (Amendment) Bill 2017 was passed by the Legislative Council (LegCo) on 17 May 2018 and came into operation on 19 October 2018. Under the Amendment Ordinance, the Labour Tribunal can make an order for reinstatement or re-engagement as requested by an employee in a case of unreasonable and unlawful dismissal without the need to first secure the employer's agreement if the Tribunal considers that the making of such an order is appropriate and practicable.

3.6 In June, we introduced the Employment (Amendment) Bill 2018 into the LegCo proposing to increase the statutory paternity leave from three days to five days. The bill was passed by the LegCo on 25 October 2018 and came into effect on 18 January 2019.

3.7 During the year, we also completed a review of statutory maternity leave (ML) and proposed to extend statutory ML under the EO from the current 10 weeks to 14 weeks. Under the proposal, employers could apply to the Government for reimbursement of the additional four weeks' statutory ML pay (subject to a cap of \$36,822 per employee). Both the Labour Advisory Board and the Panel on Manpower of the LegCo were in general supportive of the proposal. The Labour Department (LD) had commenced the preparation of the enabling legal instrument.

Conciliation and Consultation Services

3.8 Our consultation and conciliation services are conducive to the sound record of industrial relations in Hong Kong. In 2018, the labour relations scene remained generally stable. We held 65 094 consultation meetings, and handled 13 691 claims and 90 labour disputes in the year. Over 70% of cases with conciliation service rendered were settled in the year. In 2018, the LD handled five strikes (including one strike which started in late 2017 and ended in early 2018). The average number of working days lost due to strike per thousand salaried employees and wage earners was 0.06, which was among the lowest in the world. (Figures 3.2 - 3.7)

Strengthening Tripartite Cooperation

3.9 The LD runs nine industry-based tripartite committees, covering catering, cement and concrete, construction, hotel and tourism, logistics, printing, property management, retail and theatre industries, to promote tripartite dialogue and collaboration at the industry level with a view to fostering harmonious labour relations among employers, employees and the Government. These tripartite committees provide effective forums for members to discuss issues of common concern to their industries. Employment-related matters such as good human resource management, labour relations and employment situation of the industries, application of automation technology at the workplace as well as taking out employees' compensation insurance were deliberated in the year.



Meeting of an industry-based tripartite committee

Promotion of Good Employer-Employee Relations

3.10 To enhance public understanding of the EO and to promote good human resource management culture, the LD organised various promotional activities and published free publications covering different themes for employers, employees, human resources professionals and the public. Relevant information was also disseminated through the LD's homepage and the media. In the year, six roving exhibitions were organised over the territory. The Good Employer Charter Ceremony was also staged to encourage employers of various trades and scales to adopt employee-oriented and progressive good human resource management practices. Furthermore, we widely publicised messages on good human resource management as well as statutory employees' rights and protection through extensive network of employers' associations and trade unions.



Roving exhibitions on the Employment Ordinance and good human resource management measures



Publications and publicity materials promoting the Employment Ordinance and good human resource management measures

3.11 We organised a number of experience-sharing sessions and briefings and published newsletters regularly for members of 18 human resources managers' clubs established in different trades. We also published newspaper articles and comic strips, and placed advertisements in public transport network and periodic journals of major employers' associations and trade union federations, etc. to promote a culture on good human resource management and encourage employers to jointly cultivate a family-friendly working environment. In the year, we published a casebook on effective workplace communication to encourage employers and human resources personnel in all sectors to set up appropriate communication modes and mechanism having regard to the needs and circumstances of individual organisations. This will help foster cooperative and harmonious labour relations.



Seminar on good human resource management measures

Adjudication of Minor Employment Claims

3.12 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.

3.13 In 2018, the MECAB recorded 607 claims amounting to \$2,640,746 and concluded 622 claims with a total award of \$1,611,001.

Administration of Trade Unions

3.14 The Registry of Trade Unions (RTU) is responsible for administering the TUO and the Trade Union Registration Regulations. Its major areas of work include registering trade unions and their rules, examining trade unions' annual statements of account and any other returns required by the law to be furnished to the RTU, organising courses on trade union legislation and fundamental trade union account management for trade unions and conducting visits to trade unions to facilitate trade unions to manage union affairs in accordance with the law and their respective rules.

3.15 In 2018, 13 new trade unions were registered, making up a cumulative total of 908 trade unions (comprising 846 employee unions, 13 employers' associations, 38 mixed organisations of employees and employers and 11 trade union federations) registered under the TUO. Please refer to the following webpage for the key trade union statistics:
www.labour.gov.hk/eng/labour/content3.htm.

3.16 In the year, the RTU examined 806 annual statements of account and conducted 362 visits to trade unions with a view to promoting sound and responsible trade union administration. To facilitate trade union officers in acquiring knowledge of union legislation and management, the RTU organised four courses on trade union bookkeeping and trade union management and legislation.

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;
 - enforcing 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 through inspection of workplaces to ensure that the requirements are complied with;
 - investigating accidents and occupational health problems at workplaces and giving advice to employers and employees on how to reduce existing workplace hazards;
 - offering advice to owners in the design and layout of workplaces, and in the implementation of safety programmes in workplaces;
 - providing to employers, employees and the general public appropriate information and advice to promote knowledge and understanding of occupational safety and health (OSH); 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 boilers and pressure vessels, including steam boilers, steam receivers and air receivers.

Our Work and Achievements in 2018

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.
- 4.6** The number of occupational injuries in all workplaces in 2018 stood at 35 964, representing a drop of 9.1% from 39 579 in 2009, while the injury rate per thousand employees decreased to 11.8, down by 21.6% when compared to 15.0 in 2009. The number of industrial accidents for all sectors went down to 10 602, representing 22.0% drop when compared to 13 600 in 2009. The accident rate per thousand workers for all sectors decreased to 16.5, down by 33.0% when compared to 24.6 in 2009.
- 4.7** In 2018, there were 3 541 industrial accidents in the construction industry, representing an increase of 28.5% when compared to 2 755 in 2009. The accident rate per thousand workers, however, decreased from 54.6 to 31.7, down by 42.0%.

Occupational Diseases

- 4.8** In 2018, there were 400 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 the OSH, 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 We conduct promotional visits to give advice to employers on the prevention of accidents and encourage them to proactively adopt a self-regulatory approach in managing risks at the workplace. We also conduct enforcement inspections to various workplaces to ensure that duty-holders have observed relevant statutory requirements stipulated in safety legislation. We adopt a risk-based approach to adjust the intensity of inspection and enforcement efforts from time to time to effectively combat unsafe acts.

4.13 In 2018, we continued to place workplaces with poor safety performance under close surveillance. Improvement notices or suspension notices were issued when necessary to secure speedy rectification of irregularities, or to remove imminent risks to lives. In 2018, we also conducted 15 special enforcement operations targeting specific workplace hazards or workplaces with higher risk work processes, including new works; repair, maintenance, alteration and addition (RMAA) works; lift installation, repair and maintenance works; electrical works; bamboo scaffolding; sea-based construction works; waste management works; catering; logistic, cargo and container-handling industries as well as fire and chemical safety. In these 15 operations, a total of 15 897 workplaces were inspected, with 1 199 improvement notices and 184 suspension notices issued, and 1 026 prosecutions initiated. Besides, we launched 19 in-depth surprise inspections to work sites with higher risk processes or poor safety performance. A total of 350 suspension/improvement notices were issued and 218 prosecutions initiated. In order to enhance safety performance of public work projects, representatives of the Labour Department (LD) participated in 383 site safety management committee meetings of public work projects and safety advice, in particular concerning work processes of higher risk, were provided to the contractors and relevant duty holders.

- 4.14** We conduct investigations into complaints concerning unsafe conditions or malpractices in workplaces. In 2018, we handled 81 complaints lodged by workers and initiated 17 prosecutions arising from investigation of these cases. Through the intelligence reporting system on unsafe RMAA works developed with various strategic partners in 2018, a total of 984 complaint/referral cases were received. As a result of the follow-up inspections on these referral cases, we issued 246 suspension/improvement notices and took out 95 prosecutions.
- 4.15** In order to step up the promotion of the OSH complaint hotline, in early 2018, the LD produced and distributed widely a new poster and plastic card holders printed with the complaint hotline in six ethnic minority languages (Indonesian, Hindi, Nepali, Tagalog, Thai and Urdu) in addition to Chinese and English to encourage ethnic minority workers to lodge complaints against unsafe working environment. Plastic card holders bearing the hotline number were also widely distributed to employees and members of the public. Furthermore, in order to facilitate complainants to use mobile electronic devices such as mobile phones, tablets or laptops to lodge a complaint, we started to develop an on-line platform with electronic forms for reporting unsafe working environment in 2018 and commenced the production of a set of new TV and Radio Announcements in the Public Interest (APIs) for publicising the new platform. The new platform was launched in early 2019.
- 4.16** In 2018, the LD continued enforcement campaign and publicity targeting outdoor workplaces with a higher risk of heat stroke. These workplaces include construction sites, outdoor cleansing workplaces, horticulture workplaces and container yards. In this special enforcement campaign from April to September, we conducted a total of 28 996 surprise inspections and issued 90 warnings.
- 4.17** 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, the LD 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 2018, 600 applications for certificates of competency were processed, with 598 certificates issued/endorsed. We also advised the Fire Services Department on matters related to the approval and preliminary inspections of pressurised cylinders and storage installations for compressed gas.

4.18 As at the end of 2018, the LD recorded a total of 229 076 workplaces, including 36 324 construction sites. In the year, 136 552 inspections were conducted under the OSHO and the FIUO and their subsidiary regulations. As a result, 30 708 warnings and 3 463 suspension or improvement notices were issued. Besides, 4 692 inspections were made under the BPVO. 3 119 warnings were given and 14 prohibition orders on the use and operation of boilers and pressure vessels were issued. We also carried out 16 959 and 2 488 investigations on work accidents and suspected occupational diseases/ occupational health problems respectively in the year. We also conducted 6 038 occupational hygiene surveys on workplace health hazards.

Education and Training

4.19 We provide training-related services to employers, employees and relevant parties to foster an OSH culture among the working population. The services are provision of training courses, recognition of mandatory safety training (MST) courses and registration of safety officers and safety auditors.

4.20 In 2018, we organised 524 safety and health training courses related to relevant legislation for 4 633 employees and 267 tailor-made talks for another 13 298. We also recognised nine mandatory basic safety training courses (commonly known as “green card” courses) for construction work, two MST courses for operators of cranes, one MST course for confined spaces operation and one MST course for operators of loadshifting machine. We also continued to implement improvement measures of the MST system. We launched the revamped green card course in 2018 to better meet the actual needs of construction workers, so as to enhance their knowledge of common risks, particularly the risk of fall from height, and their ability to eliminate these risks. We have a system in place to monitor these MST courses. We conducted different modes of monitoring inspections, including surprise inspections and covert inspections which involved inspecting officers in the guise of a course participant, to ensure that the courses were delivered in accordance with the course contents.



Enhancing employees' awareness on occupational health by health talks

4.21 In 2018, we registered 136 persons as safety officers and 37 as safety auditors. As at the end of the year, there were 3 718 safety officers with valid registration and 1 329 registered safety auditors. Furthermore, a total of 1 183 applications for renewal or revalidation of registration as safety officers were approved in 2018.

4.22 Occupational health education raises employers' and employees' awareness of the prevention of occupational health hazards and occupational diseases. In 2018, a total of 1 261 health talks on various occupational health issues were organised for over 40 000 participants. Apart from organising public health talks, we also provided outreaching health talks at the workplaces of individual organisations. These health talks covered various occupations with more than 40 different topics such as "Occupational Health for Office Workers", "Manual Handling Operations and Prevention of Back Injuries", "Occupational Health for Cleansing Workers", "Prevention of Lower Limb Disorders" and "Occupational Health in Catering Industry".

4.23 The LD had uploaded the “Work Safety Alert” and “Systemic Safety Alert” on its website respectively to help raise the safety awareness of employers, contractors and workers and to remind the Registered Safety Officers and Registered Safety Auditors in exercising their statutory functions to advise their employers/clients to fulfill their safety responsibilities and render the necessary assistance. The Work Safety Alert summarised recent fatal and serious work accidents, and highlighted general safety precautionary measures whereas the Systemic Safety Alert provided accident prevention measures arising from the major systemic problems. In 2018, we commenced producing “Work Safety Alert” in the form of animation videos to enable the industry to better comprehend how accidents happened and the necessary preventive measures to be taken for preventing recurrence of similar accidents. The first four animation videos on various topics, such as work-at-height safety and electrical work safety, were uploaded to the LD website and widely disseminated through different channels.

Publicity and Promotion

4.24 We organised a series of promotion campaigns in 2018 to heighten safety awareness among employers and employees and to cultivate 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.

4.25 The Catering Industry Safety Award Scheme and the Construction Industry Safety Award Scheme were organised again in 2018. The two schemes were well received by the industries.



Catering Industry Safety Award Scheme – Award Presentation Ceremony



Construction Industry Safety Award Scheme – Award Presentation Ceremony

4.26 Accidents in the RMAA works have become a source of growing concern in recent years and the volume of the RMAA works continued to increase. In 2018, the LD, in collaboration with the OSHC, launched a two-year publicity campaign to remind contractors and workers to pay special attention to safety while carrying out the RMAA works, electrical work and working at height. Other major publicity activities included broadcasting APIs on television/radio/mobile media, staging roving exhibitions, publishing feature articles in newspapers and on the LD website, publishing leaflets and disseminating safety messages to contractors, employers and employees through various means.

4.27 We also collaborated with relevant organisations including the OSHC, the Pneumoconiosis Compensation Fund Board, the 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 2018, we collaborated with the Department of Health and the OSHC to jointly organise the "Joyful@Healthy Workplace" programme to promote physical and mental health among employers and employees at workplaces.

- 4.28** The LD 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 and promotional posters, broadcasting APIs on television and radio, publishing feature articles in newspapers, showing educational videos and displaying advertisements on mobile advertising media, and issuing press releases. During the year, we collaborated with the OSHC and relevant workers' unions to promote prevention of heat stroke at work among construction site workers, outdoor cleansing workers, etc.
- 4.29** To further reduce health risks associated with standing at work, the LD issued a new guideline in December 2018. Apart from stating the health hazards and preventive measures about standing at work, the guideline also emphasises that employers must, so far as reasonably practicable, provide suitable work chairs or chairs for occasional resting at the working locations to the employees who are engaged in standing work with restricted movement (e.g. cashier work at retail shops or fast food restaurants). The guideline also provides recommendations on service counter design.
- 4.30** In 2018, the LD published eight new/revised OSH publications for promoting work safety and health. Besides, we published 42 OSH publications in six ethnic minority languages (Indonesian, Hindi, Nepali, Tagalog, Thai and Urdu), such as "Do you know Tenosynovitis?", "Prevention of Heat Stroke at Work in a Hot Environment", "Noise and You", "Guidance Notes on Prevention of Trapping Hazard of Tail Lifts" and "Don't Rush when Operating Tail Lifts" poster, with a view to enhancing the safety awareness of ethnic minority workers.



Latest publications on occupational safety and health



Occupational safety and health publications for ethnic minorities

4.31 In 2018, the Occupational Safety and Health Branch handled 15 698 enquiries, advising on various safety and health matters. Furthermore, the Occupational Safety and Health Centre provides information and advisory services to workers and employers.

4.32 The LD collaborated with property management sector to promote the RMAA work safety. A Task Force was formed to step up the promotion of work-at-height safety to stakeholders including contractors and workers on the use of suitable working platforms instead of ladders for working above ground and the use of safety helmets with chin straps. In January 2018, we in collaboration with the OSHC launched the “Pilot Partnership Scheme on Promotion of Light-duty Working Platforms by Property Management Companies”. Around 300 light-duty working platforms were provided free of charge to property management companies, for lending to contractors and workers working in properties under their management. We also in collaboration with the OSHC continued the “Safety Helmets with Y-type Chin Straps Sponsorship Scheme for SMEs” to subsidise the Small and Medium Enterprises (SMEs) of the construction industry to purchase safety helmets which conform to safety standards with a view to reducing head injury during a fall. As at end of 2018, 767 applications were received with 704 approved, benefiting over 10 800 workers.

- 4.33** Using straight ladder or A-ladder for work-at-height carries a lot of risk. In the past, there were several fatal accidents which involved workers falling from these ladders. In order to enhance the safety awareness of employers and workers in work-at-height, the LD in collaboration with the OSHC continued the “Enhanced Light-duty Working Platform Sponsorship Scheme with the SMEs” to subsidise the SMEs to purchase enhanced step platforms and hop-up platforms for work-above-ground. As at end of 2018, 363 applications were received with 320 approved, benefiting over 5 600 workers.
- 4.34** The LD collaborated with the OSHC to ride on the Home Affairs Department’s community platforms to promote the RMAA works safety particularly work-at-height safety, to owners’ corporations, property owners and tenants, etc.
- 4.35** To promote safety awareness of the industry in operating boilers and pressure vessels, we distributed around 1 100 publications and leaflets regarding registration and safe operation of pressure equipment.

Clinical Occupational Health Services

- 4.36** The LD 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 2018, 10 890 clinical consultations were rendered. Moreover, 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 employment assistance and recruitment services to help job seekers find suitable jobs and employers fill their vacancies. We achieve this by:
- providing user-friendly employment and recruitment services to job seekers and employers;
 - offering dedicated employment-related assistance and personalised services 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
 - processing applications under the Supplementary Labour Scheme and ensuring employment priority for local workers in filling vacancies under the Scheme.
- 5.2** The principal legislation administered by this programme area includes Part XII of the Employment Ordinance (EO), the Employment Agency Regulations made under the EO and the Contracts for Employment Outside Hong Kong Ordinance (CEOHKO).
- 5.3** Part XII of the EO, together with the Employment Agency Regulations, regulates the operation of employment agencies in Hong Kong through licensing, inspection, investigation and prosecution.
- 5.4** The CEOHKO 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 2018

Employment Situation in Hong Kong

- 5.5** The labour market tightened further in 2018 on the back of above-trend economic growth, with the annual unemployment rate declining to 2.8%, the lowest level in more than 20 years. For updated statistics on the labour force, unemployment rate and underemployment rate, please visit the webpage: www.censtatd.gov.hk/hkstat/sub/sp200.jsp?tableID=006&ID=0&productType=8.
- 5.6** The Labour Department (LD) recorded a historic high of 1 468 394 vacancies offered by employers of the private sector for free recruitment service in 2018. In the year, a total of 136 079 placements were secured. (Figures 5.1 and 5.2)

A Wider Service Choice

Services offered at Job Centres

- 5.7** Job seekers can browse vacancies at 13 job centres of the LD and seek referral service provided by the staff or apply to the employers direct. Job seekers may also meet with employment officers who will provide job search advice as well as assist them in matching and finding suitable jobs in accordance with their individual needs and preferences. Various facilities such as digital display system, touchscreen vacancy search terminals, fax machines, toll-free telephones, computers connected to the Internet and resource corners are available for the use by job seekers.

Industry-based Recruitment Centres

- 5.8** The three industry-based recruitment centres of the LD, namely, the Recruitment Centre for the Catering Industry, the Recruitment Centre for the Retail Industry and the Construction Industry Recruitment Centre, provide free as well as one-stop and on-the-spot recruitment services for employers and job seekers, enhancing the efficiency of recruitment and job search.

Telephone Employment Service

5.9 Job seekers registered at the LD 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 Services

5.10 The LD's Interactive Employment Service (iES) website (www.jobs.gov.hk) provides round-the-clock on-line employment services and comprehensive employment information. The iES website is one of the most popular government websites, recording around 202 million page views in 2018. It hosts a number of thematic webpages to provide dedicated employment information for specific clientele. Job seekers can also use the iES mobile application to look for suitable vacancies in the job vacancy database of the LD anytime and anywhere. The mobile application recorded around 145 million hit counts in 2018.

5.11 The Higher Education Employment Information e-Platform (www.hee.gov.hk) provides employment support for job seekers with higher education so as to enhance their understanding of the Hong Kong employment market and facilitate them to search and apply for suitable job openings. The e-Platform recorded around 2.28 million page views in 2018.

Central Processing of Job Vacancies

5.12 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 is then disseminated through a network of 13 job centres, three recruitment centres for the catering, retail and construction industries, the iES website and mobile application as well as vacancy search terminals located in various sites throughout the territory after vetting.

Special Recruitment and Promotional Activities

5.13 The LD organises 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. In 2018, we held different kinds of large-scale job fairs to cater for various needs of job seekers and employers from different sectors, including large-scale job fairs in Tuen Mun and Sheung Shui to assist job seekers living in remote areas in securing employment, as well as thematic job fairs assisting ethnic minority and elderly job seekers to find suitable jobs. We also staged job fairs that provided employment and vacancy information on the Mainland to deepen job seekers' understanding of the employment opportunities on the Mainland and broaden their choices in job search. Moreover, to enhance efficiency of the recruitment process and facilitate placements of job seekers in the vicinity of their residence, district-based job fairs were held at job centres to assist employers to recruit residents in the locality and to enable job seekers to participate in job interviews without having to travel long distance. In the year, 19 large-scale job fairs and 958 district-based job fairs were held, attracting over 53 000 job seekers.



Job Fair for Middle-aged and Elderly Employment

Intensified Services for the Needy

Middle-aged and Elderly Job Seekers

5.14 The LD provides dedicated employment services for elderly persons and promote their employment through various means such as setting up special counters at job centres to provide priority registration and job referral service for elderly job seekers, conducting employers' experience-sharing sessions, and organising employment briefings and job fairs targeted at elderly persons.

5.15 In order to further encourage employers to hire job seekers aged 60 or above and provide them with on-the-job training at the initial stage of employment, the LD has enhanced the original Employment Programme for the Middle-aged and renamed it as the Employment Programme for the Elderly and Middle-aged (EPEM) with effect from September 2018. Employers engaging job seekers aged 60 or above who are unemployed or have left the workforce are offered a monthly on-the-job training allowance up to \$4,000 per employee for a period of six to 12 months under the EPEM. As for employers engaging each unemployed job seeker aged 40 to 59, the maximum amount of on-the-job training allowance remains at \$3,000 per month for a period of three to six months. The EPEM covers both full-time and part-time jobs. In 2018, 2 574 placements eligible for joining the programme were recorded.

New Arrival and Ethnic Minority Job Seekers

5.16 The LD provides a comprehensive range of employment services to new arrival and ethnic minority job seekers through job centres. These include employment advisory service, job referral, tailor-made employment briefing and information resources. Those who have difficulties finding jobs are encouraged to participate in various employment programmes to enhance their employability. We also proactively promote our recruitment activities to them so as to speed up their job search.

5.17 Since September 2014, the LD has implemented the “Employment Services Ambassador Programme for Ethnic Minorities” to employ trainees of the Youth Employment and Training Programme who can communicate in ethnic minority languages to work as Employment Services Ambassadors at job centres, industry-based recruitment centres and job fairs. Moreover, since May 2017, we have engaged two Employment Assistants proficient in ethnic minority languages at two selected job centres on a pilot basis to strengthen employment support for ethnic minority job seekers, especially those of South Asian origins. Furthermore, large-scale and district-based inclusive job fairs are organised to enhance the employment opportunities of the ethnic minorities.

Work Trial Scheme (WTS)

5.18 The WTS seeks to enhance the employability of job seekers who have 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 completion of the one-month work trial, each participant will receive an allowance of \$7,600, of which \$500 are contributed by the participating organisation. In 2018, a total of 152 job seekers were placed into work trials.

Workers Affected by Large-scale Retrenchment

5.19 In major business closure or redundancy cases, the LD 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 our iES website, a dedicated webpage displays vacancies offered by employers interested in recruiting job seekers who have lost their jobs in recent closure or redundancy exercises. This would help the affected employees find suitable jobs more effectively. In the year, we offered such special employment services to some 300 affected employees.

Job Seekers with Disabilities

5.20 Our Selective Placement Division (SPD) offers employment assistance to job seekers with disabilities looking for open employment. Employment consultants provide personalised employment services, including employment counselling, job matching and referral and post-placement follow-up services. In 2018, the SPD registered 2 766 job seekers with disabilities and secured 2 219 placements. ([Figure 5.3](#))

5.21 To strengthen the employment support for job seekers with disabilities, the SPD launched a two-year pilot scheme in September 2016 to engage a non-governmental welfare organisation to provide professional psychological and emotional counselling service to job seekers with disabilities in need of this service. In view of the positive response, upon the completion of the two-year pilot, the counselling service has been regularised and named "Counselling Scheme for People with Disabilities" with effect from September 2018.

Work Orientation and Placement Scheme (WOPS)

5.22 The WOPS facilitates open employment of persons with disabilities by encouraging employers to engage persons with disabilities and render them with coaching and support through the provision of an allowance. To further promote the employment of persons with disabilities who have employment difficulties and assist them in settling in new posts, the WOPS has been enhanced since September 2018 by extending the work adaptation period (WAP) from two months to three months. The ceiling of monthly allowance has also been raised from \$5,500 to \$7,000 during the three-month WAP and from \$4,000 to \$5,000 for the ensuing six months. With this enhancement, the maximum period within which allowance is payable has been extended from eight to nine months, with maximum allowance payable to employers increased by \$16,000 to a total of \$51,000 for engaging each person with disabilities having employment difficulties. In 2018, 796 placements were secured through the scheme.



Leaflet on the Work Orientation and Placement Scheme

Self Help Integrated Placement Service (SHIPS)

5.23 The SHIPS aims at improving the job searching skills of job seekers with disabilities and encouraging them to be more proactive in job hunt, thereby enhancing their employment opportunities. In 2018, 307 job seekers with disabilities participated in the programme.

Interactive Selective Placement Service (iSPS) Website

5.24 The iSPS website (www.jobs.gov.hk/isps) provides employment services for job seekers with disabilities and employers. 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 access various on-line employment services and other related support services.

Promotional Activities

5.25 To enhance public understanding of the work abilities of persons with disabilities as well as to publicise the services of the SPD and the WOPS, the SPD conducted a series of promotional activities, such as staging of exhibitions, production of publications and advertisements, broadcast of promotional videos, publicising promotional messages through newspapers, publications of employers' associations, radio and television channels, public transport network, wall banners and mobile application advertisements, etc. during the year. In addition, a large-scale seminar was held for employers and human resources practitioners. Promotional visits were paid to employers of different trades and publicity materials were sent to them to canvass job vacancies for persons with disabilities.

Work Incentive Transport Subsidy (WITS) Scheme

5.26 The territory-wide WITS Scheme helps low-income earners reduce their cost of travelling to and from work to encourage them to secure or stay in employment. Qualified applicants may receive monthly subsidy of \$600 (or \$300 at half-rate). Up to the end of 2018, a total of 125 718 applicants received subsidies totalling \$1,935 million. The household-based application arrangement of the scheme was abolished in April 2018 upon the implementation of the Working Family Allowance Scheme.

Services for Young People

Youth Employment and Training Programme (YETP)

- 5.27** To enhance the employability of young people, the LD administers the YETP, a “through-train” programme providing seamless and comprehensive training and employment support to young school leavers aged 15 to 24 with educational attainment at sub-degree level or below.
- 5.28** 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.
- 5.29** To encourage employers to hire young people and provide them with quality on-the-job training, the LD expanded the scope of the YETP to cover part-time posts and increased the maximum amount of monthly training allowance with effect from September 2018. The maximum monthly training allowance payable to employers who engage each trainee to undertake on-the-job training has been increased from \$3,000 to \$4,000 for a period of six to 12 months.
- 5.30** In the 2017/18 programme year running from September 2017 to August 2018, 2 100 young people attended pre-employment training and 2 264 trainees were placed into on-the-job training vacancies under the YETP.
- 5.31** The YETP closely collaborates with training bodies and individual employers or employers of specific sectors to launch special employment projects, providing tailor-made pre-employment training and on-the-job training for young people. In the 2017/18 programme year, 63 special employment projects were launched, involving employers in the aviation, healthcare, logistics, personal and business services as well as property management industries, etc.

5.32 In August, the LD co-organised the Award Ceremony of the YETP Most Improved Trainees cum “Solar Project 2018 – Dream Journey with YETP” concert with Radio 2 of Radio Television Hong Kong. The event showcased the creditable improvements of trainees after joining the YETP and commended the caring efforts of training bodies and employers. Trainees’ successful experience 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. In the year, we also introduced new posters and animated videos to publicise the enhancements to on-the-job training under the YETP.



Awardees of the Most Improved Trainees of the Youth Employment and Training Programme 2018 encouraging young people to strive hard for self-enhancement in pursuit of dreams

勞工處
Labour Department

展翅青見
YETP

展翅青見計劃

Youth Employment and Training Programme

「展翅青見計劃」為15至24歲、學歷在副學位或以下的離校青年人，提供一站式和多元化的職前和在職培訓，並提供就業支援。

The Programme provides one-stop and diversified pre-employment and on-the-job training as well as employment support to young school leavers aged 15 to 24 with educational attainment at sub-degree level or below.

全年招生·費用全免
Year round enrolment · Free of Charge

為青年人提供更多優質的在職培訓機會
Provide young people with more quality on-the-job training opportunities

加強版在職培訓
由2018年9月1日起
Enhanced on-the-job training
(since 1 September 2018)

新增兼職在職培訓，提供青年人各行各業的全職及兼職工作機會
Introducing part-time on-the-job training so as to provide young people with both full-time and part-time job opportunities in various industries

調升雇主聘用在職培訓學員的最高津貼金額至每月4,000元
Raising the ceiling of the monthly allowance payable to employers who engage trainees in on-the-job training to a maximum amount of \$4,000

詳情 For details

New poster to publicise enhanced on-the-job training under the Youth Employment and Training Programme

Programme for Youths with Acute Employment Difficulties

5.33 To strengthen the employment support for vulnerable youths, the YETP continued to operate the “Career Kick Start” project in 2018 to offer on-the-job training of 12 months’ duration to young people with special needs through placements in non-governmental organisations (NGOs), so as to enhance their employability. Participating NGOs are encouraged to assist trainees in securing full-time jobs in the open employment market through the provision of “Placement Incentive”.

Youth Employment Support

5.34 The LD 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 2018, the number of services provided to young people by the two centres totalled 72 899.

Working Holiday Scheme (WHS)

5.35 Since 2001, Hong Kong has established bilateral WHS arrangements with a total of 13 economies, including New Zealand, Australia, Ireland, Germany, Japan, Canada, Korea, France, the United Kingdom (UK), Austria, Hungary, Sweden and the Netherlands. The WHS aims to provide an opportunity for our youths aged between 18 and 30 to enrich their global exposure and broaden their horizons, by experiencing foreign culture through living and working temporarily overseas while holidaymaking. At the same time, the WHS allows youths of our partner economies to learn more about Hong Kong.

5.36 Save for the UK which allows our youths to stay for up to 24 months, the remaining 12 partners issue working holiday visas to eligible Hong Kong youths to stay in their economies for up to 12 months for holidaying and taking up short-term employment to subsidise their expenses, and/or studying short-term courses (except for Ireland).

5.37 These WHSs have been well received. As of end-2018, about 90 000 Hong Kong youths participated in the WHS. The LD will continue to enhance the publicity of the WHS and explore with more economies to establish new WHS arrangements or seek to expand our existing bilateral arrangements in order to provide more choices and opportunities for our youths to participate in the WHS.

Regulating Local Employment Agencies and Employment outside Hong Kong

5.38 The LD regulates employment agencies in Hong Kong through licensing, inspections and complaint investigation. In 2018, we issued 3 079 employment agency licences and revoked or refused to issue/renew 11 licences. As at the end of 2018, there were 3 079 licensed employment agencies in Hong Kong. A total of 2 019 inspections were made to employment agencies in the year.

5.39 In 2018, we amended the legislation to strengthen the regulation of employment agencies. The Employment (Amendment) Ordinance 2018, which came into effect on 9 February, has substantially raised the penalties for employment agencies overcharging job seekers commission and operating without a licence from a maximum fine of \$50,000 to a maximum fine of \$350,000 and imprisonment for three years and extended the statutory time limit for prosecution of these two offences from six to 12 months; widened the scope of the overcharging offence to include (in addition to the licensee) the management as well as persons employed by employment agencies; provided new grounds for the Commissioner for Labour to consider refusing to issue/renew or revoking an employment agency licence; and given the Code of Practice for Employment Agencies (the Code) a legal status.

5.40 In April, we launched an on-line form on the Employment Agencies Portal (www.eaa.labour.gov.hk) to facilitate employers and job seekers to lodge complaints and provide information on suspected contravention of law or non-compliance with the Code. To enhance transparency of information about employment agencies, since October, we have been publishing on the Employment Agencies Portal in a systematic manner the records of conviction of the offences of overcharging and unlicensed operation, revocation or refusal of renewal of licence and written warnings issued for non-compliance with the Code, so as to assist members of the public in making informed decisions when engaging employment agencies. The enhanced transparency would also help foster the adoption of good practices by the industry.

5.41 The LD also safeguards 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 (SLS)

5.42 The LD administers the SLS which operates on the principles of ensuring the employment priority for local workers while allowing employers with proven local recruitment difficulties to import workers at technician level or below.

5.43 We provide active job matching and referral services for local job seekers to ensure their employment priority. Vacancies under the SLS 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.

5.44 As at the end of 2018, there were 5 298 imported workers working in Hong Kong under the SLS.

Policy on Foreign Domestic Helpers (FDHs)

5.45 The FDHs have been admitted to work in Hong Kong since the 1970s. Apart from enjoying the same statutory rights and benefits as all employees in Hong Kong, the FDHs are further protected by a Government-prescribed Standard Employment Contract, which stipulates 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. The FDHs also enjoy wage protection through the Government-prescribed Minimum Allowable Wage (MAW), under which employers have to pay the FDHs a salary no less than the prevailing MAW when the contracts are signed. The Government attaches great importance to safeguarding the FDHs' statutory and contractual rights. The LD spares no efforts in investigating suspected offence cases and prosecution action will be taken out if there is sufficient evidence.

- 5.46** In order to strengthen the protection of the FDHs and enhance their awareness of their rights and benefits, the LD continued to organise a host of publicity and educational activities and maintained close liaison with the governments of the FDH source countries and their consulates-general in Hong Kong, NGOs serving the FDHs and the FDH employer groups to discuss matters related to furthering the protection of the FDHs.
- 5.47** Apart from the ongoing publicity and educational activities, we published in 2018 a new guide to employers of the FDHs to provide information on their rights and obligations, and a newsletter to introduce the LD's services and support channels. We also organised briefings for newly-arrived FDHs and first-time employers to raise the awareness of their respective rights and obligations.
- 5.48** The FDH Portal (www.fdh.labour.gov.hk) of the LD is available in 10 FDH native languages in addition to English and Chinese, making 12 languages in total. This one-stop on-line platform facilitates the FDHs to understand their rights and benefits before coming to work in Hong Kong. Since April 2018, a new on-line form and a dedicated email account (fdh-enquiry@labour.gov.hk) have been made available on the FDH Portal to facilitate the FDHs and employers to make enquiries and complaints. Furthermore, we launched on 19 December a dedicated 24-hour hotline to provide one-stop support for the FDHs in making enquiries and seeking advice on their employment rights and obligations. In addition to Cantonese, English and Putonghua, interpretation service in seven FDH native languages (namely Tagalog, Bahasa Indonesia, Thai, Nepali, Hindi, Punjabi and Urdu) was provided.
- 5.49** As at the end of 2018, there were 386 075 FDHs in Hong Kong, with 54.6% coming from the Philippines and 43.0% 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 takes into account 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 of workplaces, investigation into suspected breaches of the statutory provisions and prosecution of offenders;
- processing employees' compensation claims;
- processing applications for ex gratia payment from 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 Occupational Deafness (Compensation) Ordinance (ODCO), the Employees Compensation Assistance Ordinance (ECAO), 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 and fatalities. It requires all employers to possess valid insurance policies to cover their liabilities under the laws (including the common law).
- 6.4** The PMCO provides for compensation payable to persons who suffer from pneumoconiosis and/or mesothelioma and family members of persons who die of these diseases. Compensation is paid from the Pneumoconiosis Compensation Fund, which is administered by the Pneumoconiosis Compensation Fund Board.
- 6.5** The ODCO provides for compensation payable to persons who suffer from noise-induced deafness by reason of employment in specified noisy occupations. Compensation is paid from the Occupational Deafness Compensation Fund, which is administered by the Occupational Deafness Compensation Board.
- 6.6** The ECAO establishes the Employees Compensation Assistance Fund to provide assistance payment to injured employees and family members of deceased employees who are unable to receive their entitlements for work-related injuries and fatalities from employers and insurers. The Fund is administered by the Employees Compensation Assistance Fund Board.
- 6.7** 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.
- 6.8** The MWO establishes a Statutory Minimum Wage (SMW) system which provides a wage floor with a view to forestalling excessively low wages, but without unduly jeopardising Hong Kong's labour market flexibility, economic growth and competitiveness or leading to significant adverse impact on the employment opportunities of vulnerable workers. Failure to pay the SMW amounts to a breach of the wage provisions under the EO.

- 6.9** The PWIO establishes the PWIF to provide timely relief in the form of ex gratia payment to employees affected by their insolvent employers.
- 6.10** The Labour Department (LD) also 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 2018

Key Indicators of Work

- 6.11** We stepped up our efforts to safeguard the rights and benefits of employees through various activities in 2018. Some key indicators of work of this programme area are shown in Figure 6.1.

Improvement to Employees' Benefits

- 6.12** In 2018, the ECO and the PMCO were amended with effect from 9 February to increase the maximum daily rate of reimbursable medical expenses for employees injured at work and prescribed occupational disease sufferers. The maximum daily rate was raised from \$200 to \$300 for in-patient or out-patient treatment, and from \$280 to \$370 for in-patient and out-patient treatment received on the same day.

Proactive Efforts to Combat Wage Defaults

- 6.13** In 2018, the LD 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 wage default at an early stage and intervening early to tackle the problem.
- 6.14** We continued to step up enforcement and prosecution against employers and responsible individuals of companies for wage offences. We conducted territory-wide inspections of workplaces to detect wage offences. Labour inspectors actively interviewed employees during inspections and conducted investigation speedily into the suspected offences. Prosecutions were taken out whenever sufficient evidence was available.

6.15 During the year, the LD secured 513 convicted summonses for wage offences and 161 convicted summonses for defaults of awards made by the Labour Tribunal (LT) or the Minor Employment Claims Adjudication Board (MECAB). Four company directors were sentenced to imprisonment for these offences, and another four company directors/responsible officers were ordered to perform community service. These sentences disseminated a strong message to employers and company responsible individuals on the seriousness of defaults of wages and awards made by the LT or the MECAB.

Vigorous Enforcement to Protect Employees' Rights and Benefits

6.16 The LD continued vigorous enforcement efforts to ensure that the statutory rights of employees under labour legislation were well protected.

6.17 In 2018, labour inspectors carried out 151 132 workplace inspections of establishments in various trades to enforce labour laws (Figure 6.2), of which 44 833 inspections were conducted to check compliance with the MWO.

6.18 We conducted inspections and trade-targeted operations to enforce ECO's compulsory requirement of taking out employees' compensation insurance policy. In the year, a total of 95 258 inspections were conducted to enforce the statutory requirement.

6.19 We continued to work closely with government departments in monitoring their service contractors to ensure that non-skilled employees of the contractors enjoyed their rights and benefits. A total of 662 inspections were conducted to the workplaces of such workers and 2 160 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 74 complaints and cases on suspected irregularities involving imported workers. Items investigated included wages and working hours arrangement, etc.

Processing Employees' Compensation Cases and Improving Work Injury Protection for Employees

- 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 fatalities. Claims for compensation involving fatality are determined by the courts or, under the improved settlement mechanism introduced in August 2000, by the Commissioner for Labour.
- 6.22** In 2018, 51 577 employees' compensation cases, including 14 789 minor cases which involved sick leave of not exceeding three days, were received. At year-end, among the 36 788 fatal cases or non-fatal cases involving sick leave exceeding three days, 21 111 cases were settled. The amount of employees' compensation involved was \$278 million. The remaining cases were pending expiry of employees' sick leave, assessment of permanent incapacity or court judgment. (Figures 6.3 and 6.4)
- 6.23** 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 is made to eligible applicants.
- 6.24** In 2018, the improvement measures implemented by the Task Force on Improving Work Injury Protection for Employees in High-risk Industries (Task Force) coordinated by the LD included stepping up the publicity and promotion of taking out adequate employees' compensation insurance coverage by employers, promoting the use of mediation to settle the disputes of employees' compensation claims through seminars and publicity materials, strengthening training on occupational medicine and shortening the waiting time of injured employees for work injury assessments, etc. The Task Force will continue to discuss and implement other improvement measures.

Briefings and Promotional Campaigns

- 6.25** In 2018, the LD arranged two briefings for government departments and 57 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 mobile applications and webs, public transportation, inside MTR stations and compartments, etc. to encourage employees to report suspected breaches of employment rights.

6.27 We organised various publicity activities to promote the MWO during the year. These activities included: broadcasting television and radio Announcements in the Public Interest through different media; distributing and displaying leaflets and posters; holding seminars and roving exhibitions; and placing advertisements in newspapers, on Internet platforms as well as public transport, etc.



Talk on the Minimum Wage Ordinance



Interactive game at roving exhibitions to promote the Statutory Minimum Wage

6.28 We continued to promote employers' statutory obligation on timely reporting of work accidents and to take out employees' compensation insurance policies through broadcasting television announcements in different media as well as radio announcements; distributing leaflets and putting up posters; disseminating promotional messages on public transport and in journals of labour unions and employers' associations; publicity at departmental homepage; and outlining the key points of legislative requirements and consequences of non-compliance during seminars on the ECO. In the year, we held and participated in 20 seminars/talks on the ECO.



Publicity poster to promote employers' statutory obligation to take out employees' compensation insurance



Seminar on the Employees' Compensation Ordinance

Partnership with Statutory Bodies

6.29 We maintain close partnership with various statutory bodies that have been 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 established under the PWIO is responsible for administering the PWIF. Employees who are owed wages, wages in lieu of notice, severance payment, pay for untaken annual leave and pay for untaken statutory holidays by their insolvent employers may apply for ex gratia payment from the PWIF in accordance with the PWIO. The PWIF is mainly financed by a levy on business registration certificates.

6.31 The LD provides administrative support to the PWIFB, verifies applications and approves ex gratia payment from the PWIF. In 2018, we received 2 276 applications and processed 1 901 applications from employees who were owed wages and other statutory entitlements due to business cessation and sought relief from the PWIF, with ex gratia payment of \$51.0 million made. A breakdown of applications received by economic sector was shown in Figure 6.5.

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 LD and the PWIFB attach great importance to protecting the PWIF 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 LD, 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 (PCFB)

6.33 The PCFB is established under the PMCO to provide compensation to persons suffering from pneumoconiosis and/or mesothelioma and family members of persons who die of these diseases. The PCFB is financed by a levy collected from the construction and quarrying industries. Under the PMCO, the LD is responsible for determining whether an applicant is entitled to compensation. As at the end of 2018, 1 456 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 \$213 million.

Occupational Deafness Compensation Board (ODCB)

6.34 Established under the ODCO, the ODCB provides compensation for persons who suffer from noise-induced deafness by reason of employment in specified noisy occupations and financial assistance for their purchase, fitting, repair or maintenance of hearing assistive devices. 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 2018, the ODCB approved 325 applications for compensation with a total compensation payout at \$36.17 million and 708 applications for payment of expenses on hearing assistive devices with a total payout at \$4.32 million. The ODCB also provided 560 rehabilitation programmes for people with hearing impairment caused by their employment in specified noisy occupations.

Employees Compensation Assistance Fund Board (ECAFB)

6.35 The ECAFB is set up under the ECAO. It is responsible for administering the Employees Compensation Assistance Fund which provides assistance payment to eligible injured employees and family members of deceased employees who are unable to receive their entitlements for work-related injuries and fatalities from employers and insurers after exhausting all legal and financially viable means of recovery. In 2018, the ECAFB approved 38 applications, leading to payment of \$33.64 million.

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 its Members. As at the end of 2018, 31 International Labour Conventions were applied to Hong Kong, 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** Comprehensive legislative and administrative measures are in place in Hong Kong to enable the Government to implement internationally accepted labour standards. Through continuous improvements to labour legislation and administrative measures, Hong Kong maintains labour standards that are comparable with those of neighbouring places with similar economic development as well as social and cultural background.

Participation in the Activities of ILO

- 7.3** Hong Kong 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 2018, the Labour Department (LD) 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 Hong Kong participated as members of the delegation of the People's Republic of China in the 107th Session of the International Labour Conference held in Geneva, Switzerland.

Contacts with Other Labour Administrations

- 7.5** In the year, the LD received delegations of labour administrators from other places and sent representatives to participate in labour-related activities in other places so as to exchange views and experience with its counterparts on various labour issues. (Figure 7.2)

Chapter 8

Figures and Charts

- Figure 2.1** Number of summonses convicted and total fines in 2018
- Figure 2.2** Organisation Chart of Labour Department (as at 31 December 2018)
- Figure 2.3** Terms of Reference and Composition of the Labour Advisory Board and Membership for the 2017-2018 term
- Figure 3.1** Key Indicators of Work of the Labour Relations Programme Area in 2018
- Figure 3.2** Number of Labour Disputes Handled by the Labour Relations Division from 2014 to 2018
- Figure 3.3** Number of Claims Handled by the Labour Relations Division from 2014 to 2018
- Figure 3.4** Number of Labour Disputes Handled by the Labour Relations Division in 2018 by Cause
- Figure 3.5** Number of Claims Handled by the Labour Relations Division in 2018 by Cause
- Figure 3.6** Number of Strikes and Number of Employees Involved from 2014 to 2018
- Figure 3.7** Number of Working Days Lost due to Strike per Thousand Salaried Employees and Wage Earners from 2014 to 2018
- Figure 4.1** Key Indicators of Work of the Programme of Safety and Health at Work in 2018
- Figure 5.1** Key Indicators of Work of the Employment Services Programme Area in 2018
- Figure 5.2** Key Indicators of Employment Services Rendered to Able-bodied Job Seekers from 2014 to 2018
- Figure 5.3** Key Indicators of Employment Services Rendered to Job Seekers with Disabilities from 2014 to 2018
- Figure 6.1** Key Indicators of Work of the Employees' Rights and Benefits Programme Area in 2018
- Figure 6.2** Number of Inspections Made in 2018 by Major Economic Sector
- Figure 6.3** Number of Cases Reported under the Employees' Compensation Ordinance in 2018 by Sex and Age
- Figure 6.4** Number of Cases Reported under the Employees' Compensation Ordinance from 2014 to 2018
- Figure 6.5** Number of Applications of the Protection of Wages on Insolvency Fund received in 2018 by Economic Sector
- Figure 7.1** List of the 31 International Labour Conventions Applied to Hong Kong
- Figure 7.2** Participation in Major International Labour Organisation Activities and Contacts with Other Labour Administrations in 2018

Figure 2.1
Number of summonses convicted and total fines in 2018

Ordinance	Summonses convicted	Fines (\$)
Boilers and Pressure Vessels Ordinance		
Sub-total	3	8,000
Employees' Compensation Ordinance		
Sub-total	1,053	2,898,860
Employment Ordinance and subsidiary regulations		
Statutory benefits cases	877	5,490,400
Young persons cases ¹	-	-
Others ²	7	8,900
Sub-total	884	5,499,300
Factories and Industrial Undertakings Ordinance and subsidiary regulations		
Factory cases	370	3,933,275
Building and engineering construction cases	1,857	19,548,300
Sub-total	2,227	23,481,575
Occupational Safety and Health Ordinance and subsidiary regulations		
Sub-total	201	2,144,100
Immigration Ordinance		
Sub-total	9	15,900
Total	4,377	34,047,735

Notes: 1. Cases involving the Employment of Young Persons (Industry) Regulations
2. Cases involving the Employment Agency Regulations and the Employment of Children Regulations

Figure 2.2
Organisation Chart of Labour Department
(as at 31 December 2018)

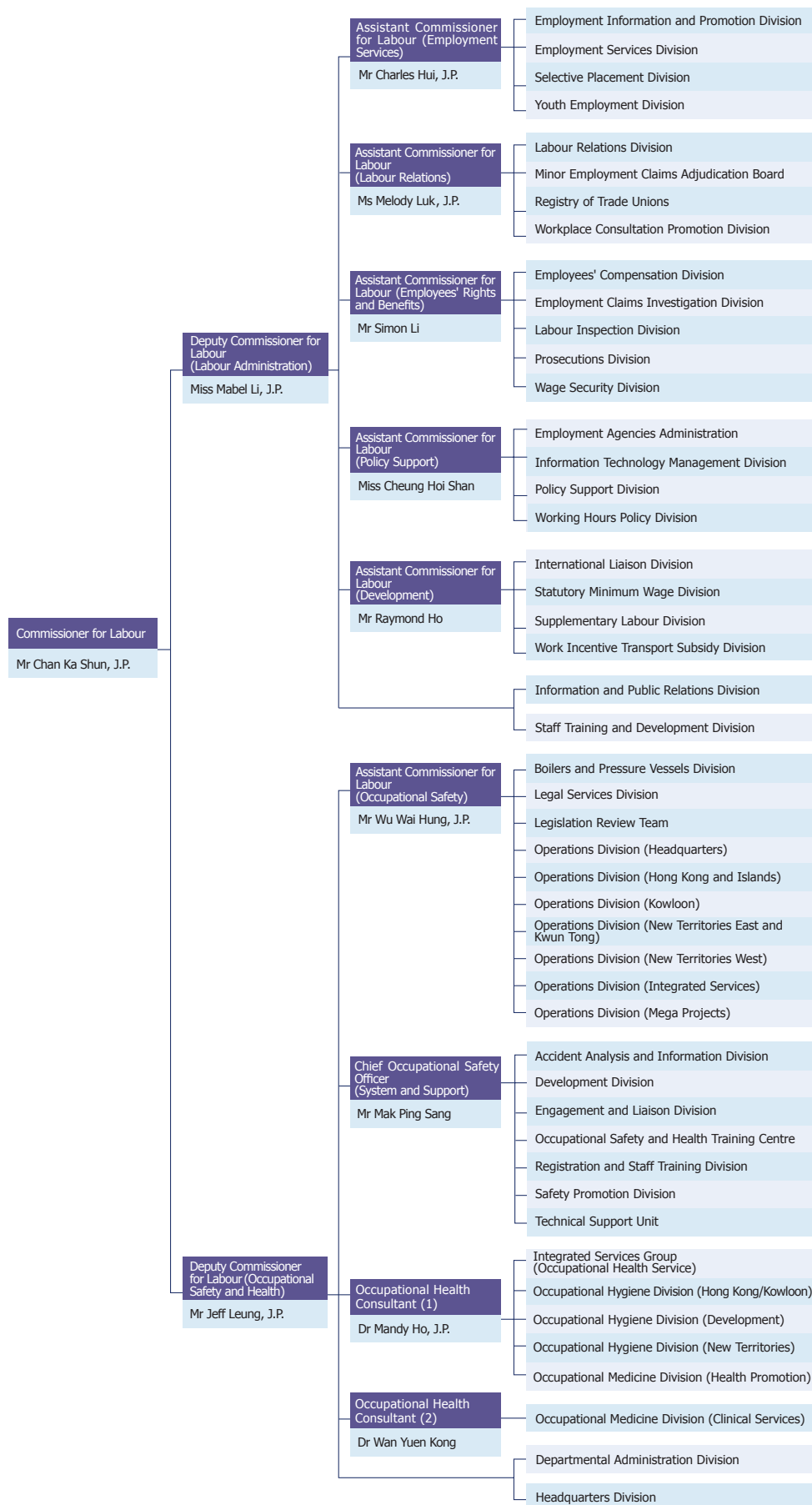


Figure 2.3

Terms of Reference and Composition of the Labour Advisory Board and Membership for the 2017-2018 term

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

Chairman

Mr Carlson Chan Ka Shun, JP	Commissioner for Labour
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Members

Employee Representatives

Mr Chau Siu Chung

Ms Wong Siu Han

Mr Charles Chan Yiu Kwong

Mr Tang Ka Piu, JP

Mr Daniel Lau Yuk Fai

Ms Rose Chan So Hing

elected by registered employee unions

appointed ad personam

Employer Representatives

Hon Ho Sai Chu, GBM, GBS, JP

Dr Kim Mak Kin Wah, BBS, JP

Mr Irons Sze, BBS, JP

Mr Emil Yu Chen On, JP

Mr Jimmy Kwok Chun Wah, SBS, MH, JP

Mr Cheung Sing Hung, BBS

representing the Chinese General Chamber of Commerce

representing the Employers' Federation of Hong Kong

representing the Chinese Manufacturers' Association of Hong Kong

representing the Hong Kong General Chamber of Commerce

representing the Federation of Hong Kong Industries

appointed ad personam

Secretary

Ms Esther Chan Lai Heung

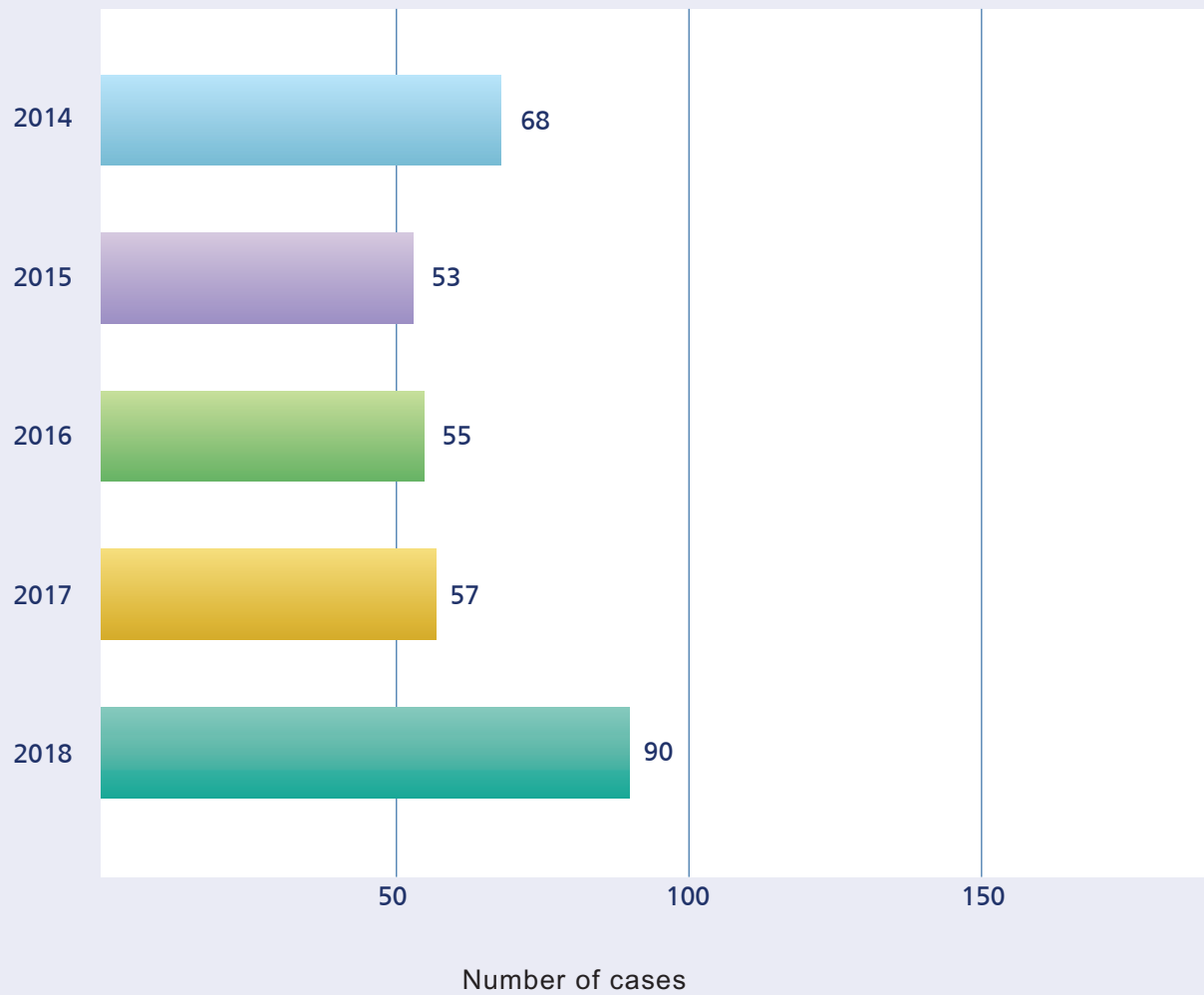
Senior Labour Officer

Figure 3.1**Key Indicators of Work of the Labour Relations Programme Area in 2018**

Key Indicators of Work		Number
I.	Conciliation and Consultation Services	
	Labour disputes and claims handled	13 781
	Consultation meetings held	65 094
	Percentage of labour disputes and claims resolved through conciliation	74.1%
II.	Adjudication of Minor Employment Claims	
	Claims adjudicated by Minor Employment Claims Adjudication Board	622
III.	Administration of Trade Unions	
	Registration of new trade unions and changes of union names/rules	114
	Visits to trade unions	362
	Account statements of trade unions examined	806
	Training courses organised for trade unions	4

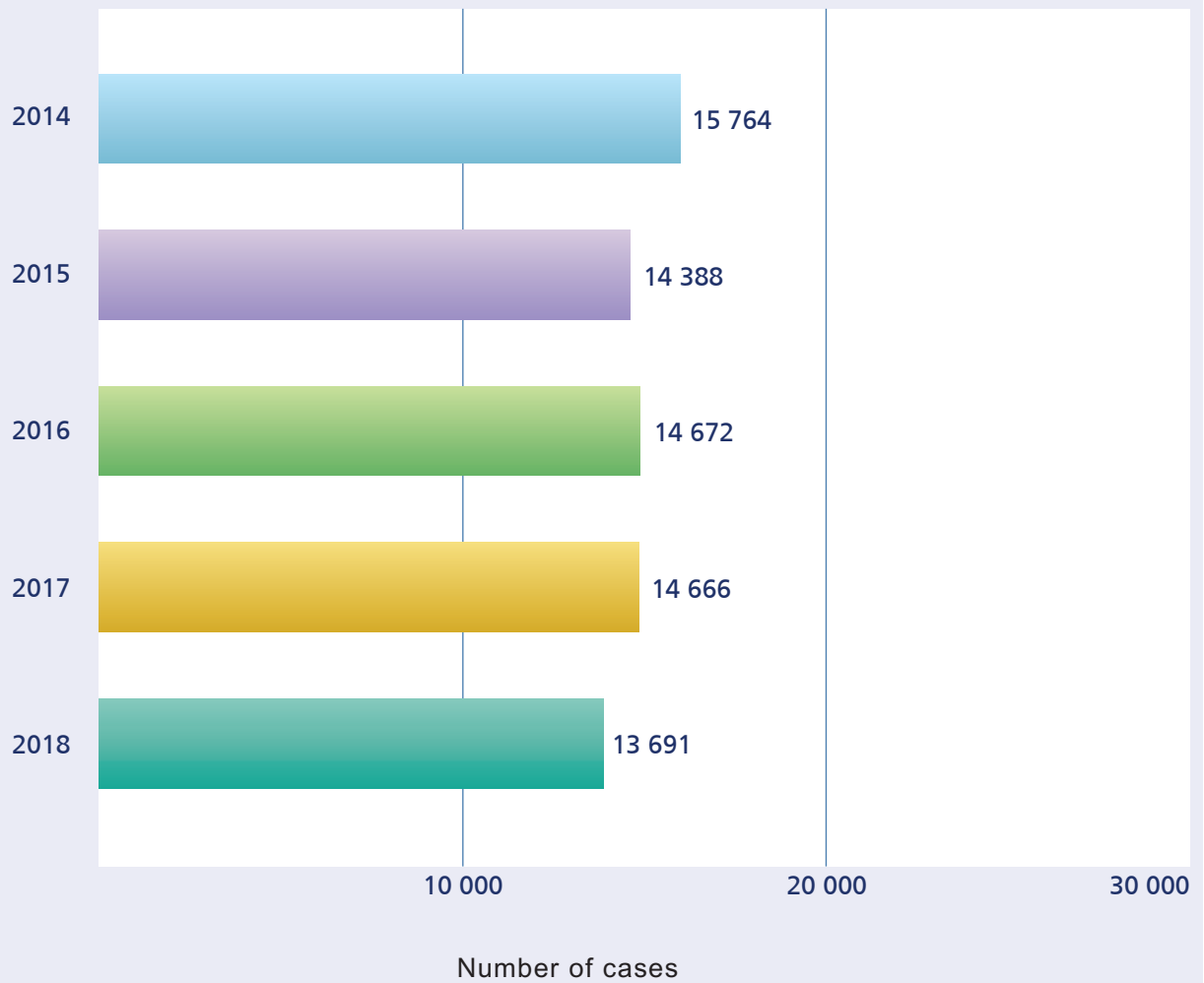
Figure 3.2

Number of Labour Disputes Handled by the Labour Relations Division from 2014 to 2018



Year	Number of cases
2014	68
2015	53
2016	55
2017	57
2018	90

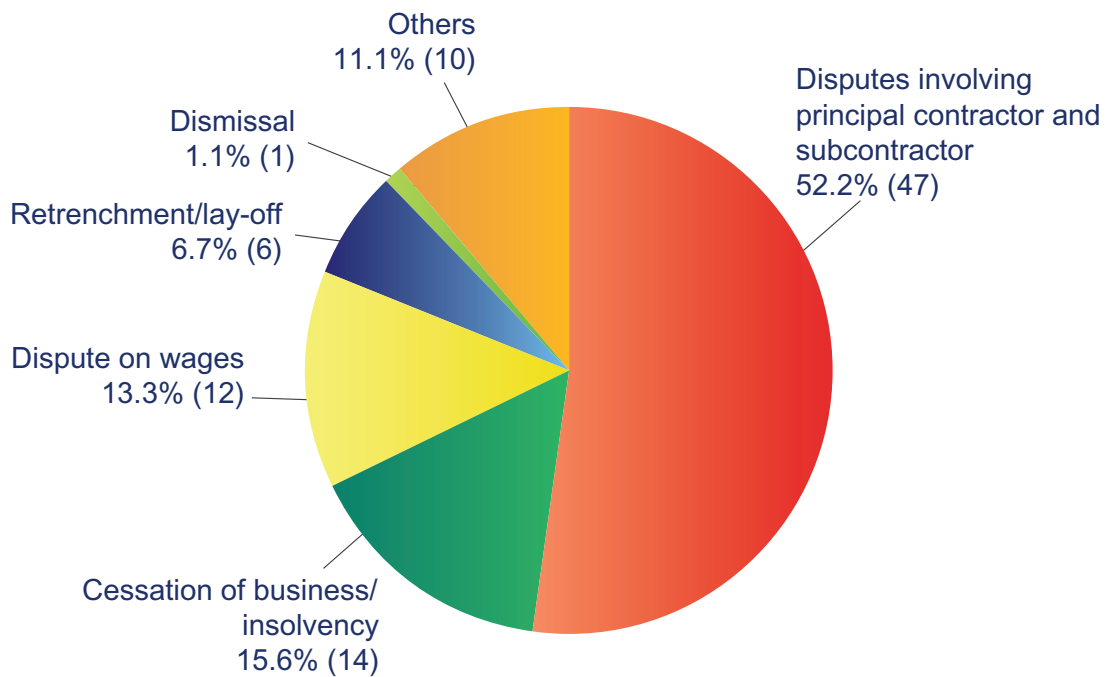
Figure 3.3
Number of Claims Handled by the Labour Relations Division
from 2014 to 2018



Year	Number of cases
2014	15 764
2015	14 388
2016	14 672
2017	14 666
2018	13 691

Figure 3.4

Number of Labour Disputes Handled by the Labour Relations Division in 2018 by Cause

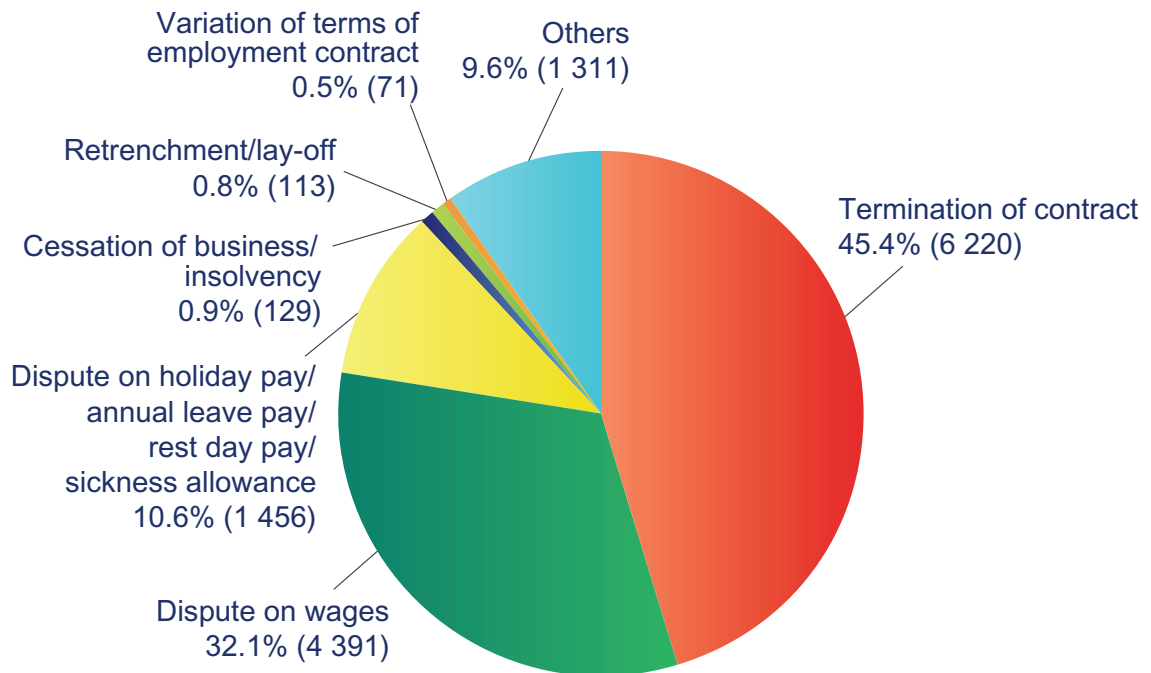


Total number of cases : 90

* Figures in brackets indicate the number of related cases

Cause	Number of cases	Percentage
Disputes involving principal contractor and subcontractor	47	52.2%
Cessation of business/insolvency	14	15.6%
Dispute on wages	12	13.3%
Retrenchment/lay-off	6	6.7%
Dismissal	1	1.1%
Others	10	11.1%
Total number of cases	90	

Figure 3.5
Number of Claims Handled by the Labour Relations Division
in 2018 by Cause



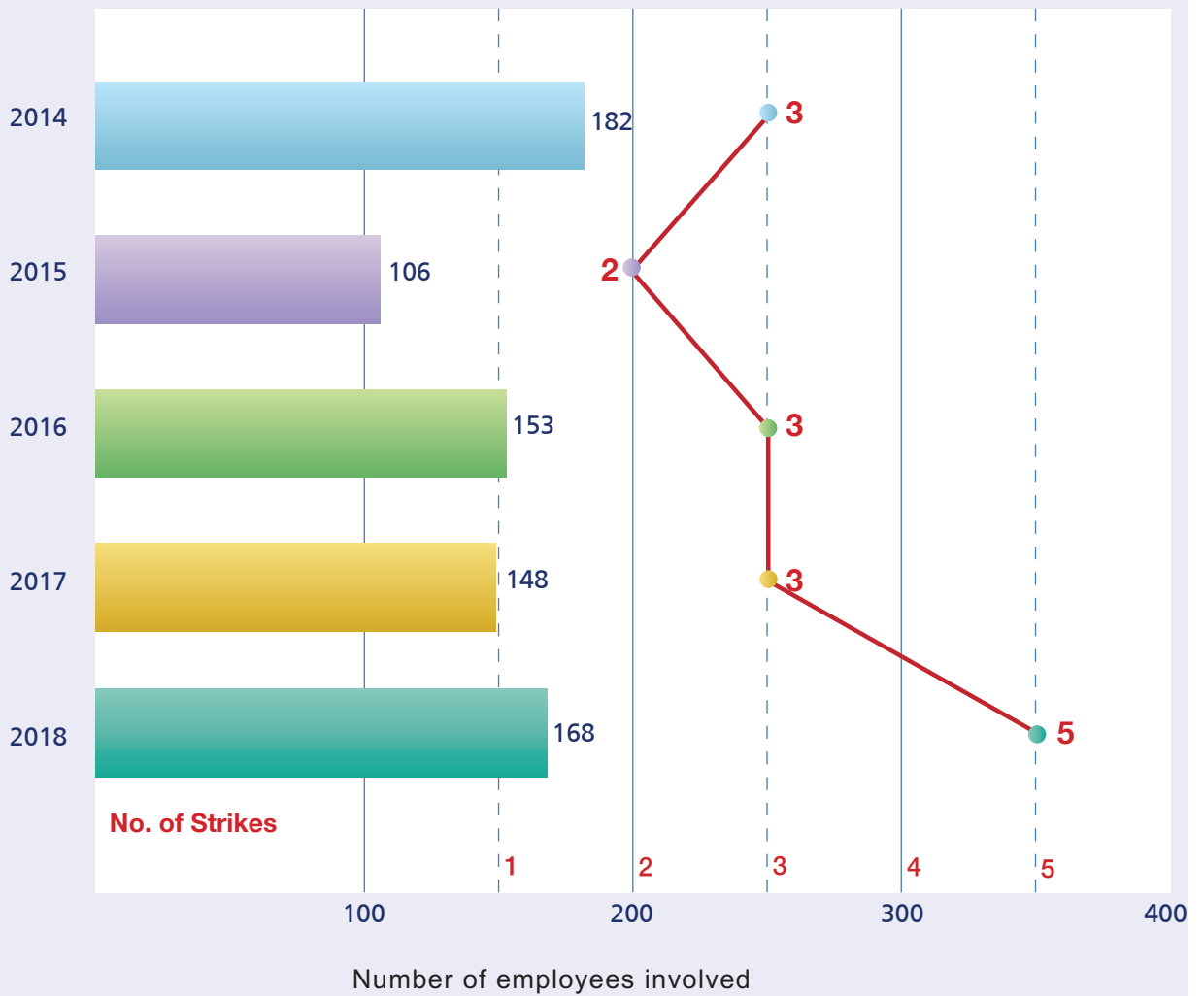
Total number of cases : 13 691

* Figures in brackets indicate the number of related cases

Cause	Number of cases	Percentage
Termination of contract	6 220	45.4%
Dispute on wages	4 391	32.1%
Dispute on holiday pay/annual leave pay/rest day pay/ sickness allowance	1 456	10.6%
Cessation of business/insolvency	129	0.9%
Retrenchment/lay-off	113	0.8%
Variation of terms of employment contract	71	0.5%
Others	1 311	9.6%
Total number of cases	13 691	

There may be a slight discrepancy between the sum of individual items and the total as shown in the table due to rounding

Figure 3.6
Number of Strikes and Number of Employees Involved
from 2014 to 2018

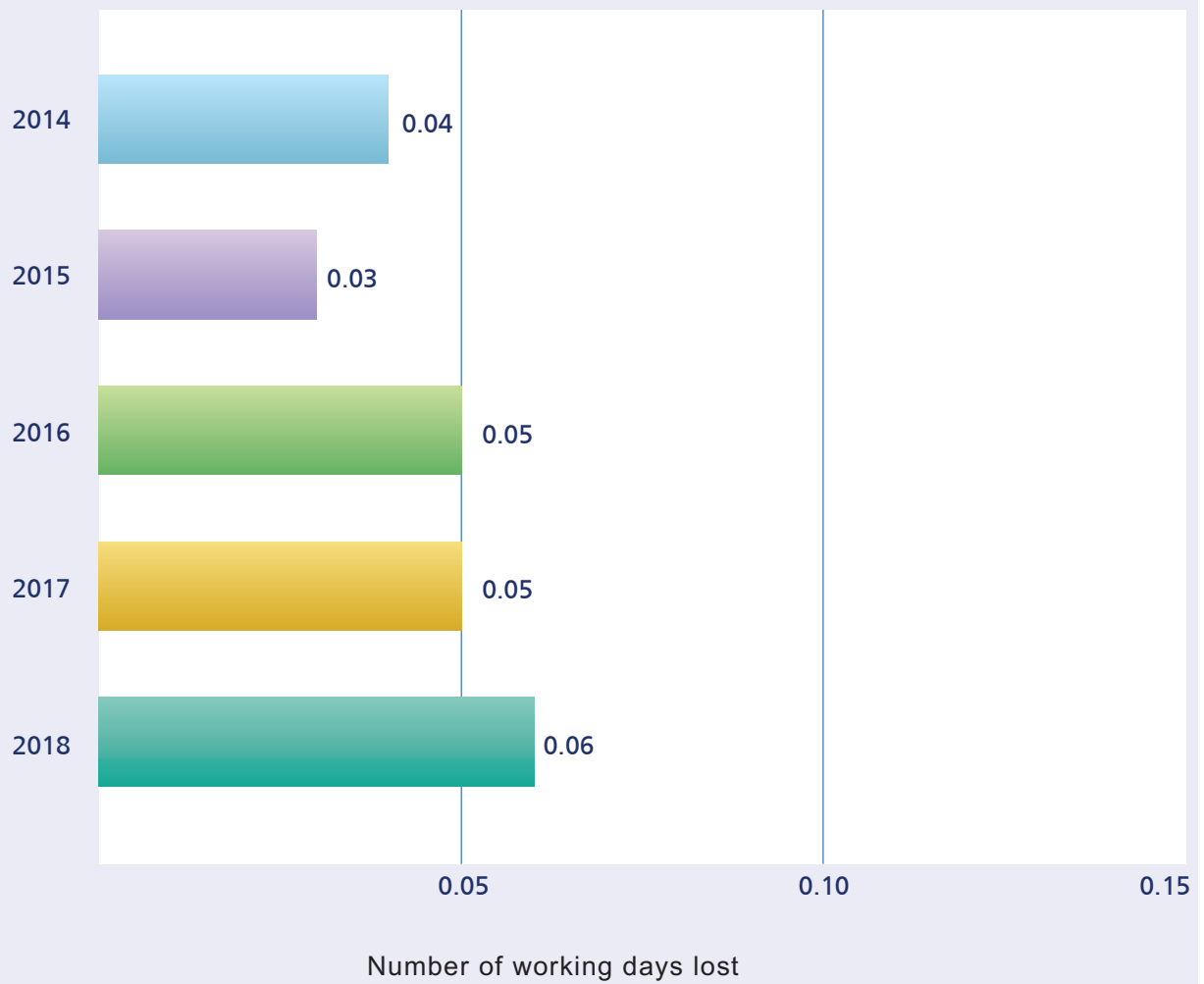


Year	Number of Strikes	Number of employees involved
2014	3	182
2015	2	106
2016	3	153
2017	3	148
2018	5 [^]	168 [^]

[^] Including one strike which started in late 2017 and ended in early 2018

Figure 3.7

Number of Working Days Lost due to Strike per Thousand Salaried Employees and Wage Earners* from 2014 to 2018



Year	Number of working days lost
2014	0.04
2015	0.03
2016	0.05
2017	0.05
2018	0.06

* 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 2018**

Key Indicators of Work		Number
I.	Inspections	
	Inspections under the FIUO ¹ and the OSHO ²	136 552
	Inspections under the BPVO ³	4 692
II.	Investigations	
	Investigations of accidents at workplaces	16 959
	Investigations of suspected cases of occupational diseases/ occupational health problems	2 488
III.	Promotion and Education	
	Promotional visits to workplaces under the FIUO ¹ and the OSHO ²	5 773
	Talks, lectures and seminars organised	2 132
IV.	Pressure Equipment Registration	
	Pressure equipment registered	2 116
	Examinations conducted and exemptions granted, for the issue or endorsement of certificates of competency	598
V.	Clinical Services	
	Clinical consultations conducted	10 890

Notes: 1. Factories and Industrial Undertakings Ordinance

2. Occupational Safety and Health Ordinance

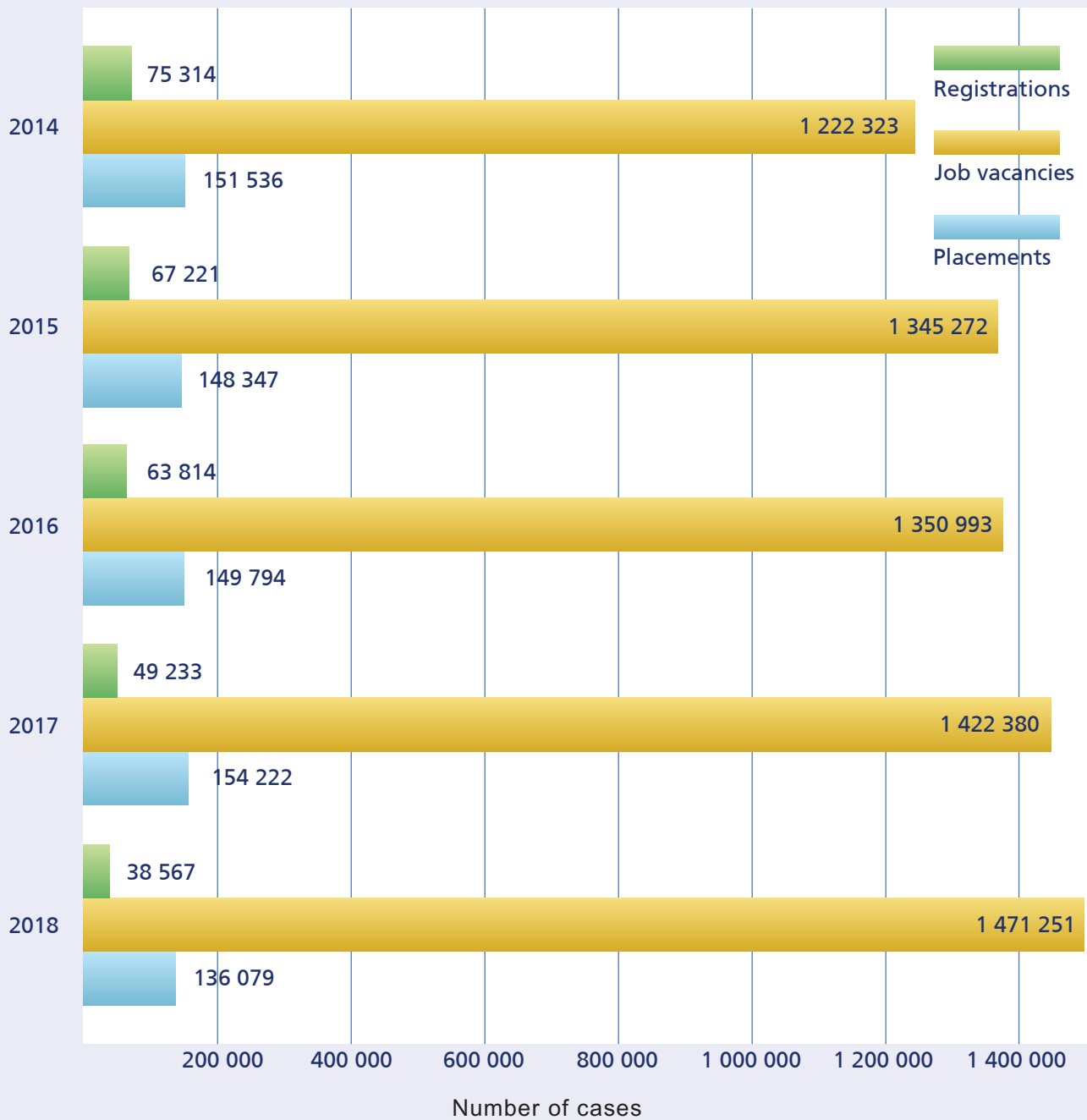
3. Boilers and Pressure Vessels Ordinance

Figure 5.1**Key Indicators of Work of the Employment Services Programme Area in 2018**

Key Indicators of Work		Number
I.	Able-bodied Job Seekers	
	Persons registered	38 567
	Placements	136 079
II.	Job Seekers with Disabilities	
	Persons registered	2 766
	Placements	2 219
III.	Regulating Employment Agency	
	Licences issued	3 079
	Inspections	2 019
IV.	Applications under the Supplementary Labour Scheme processed	1 251

Figure 5.2

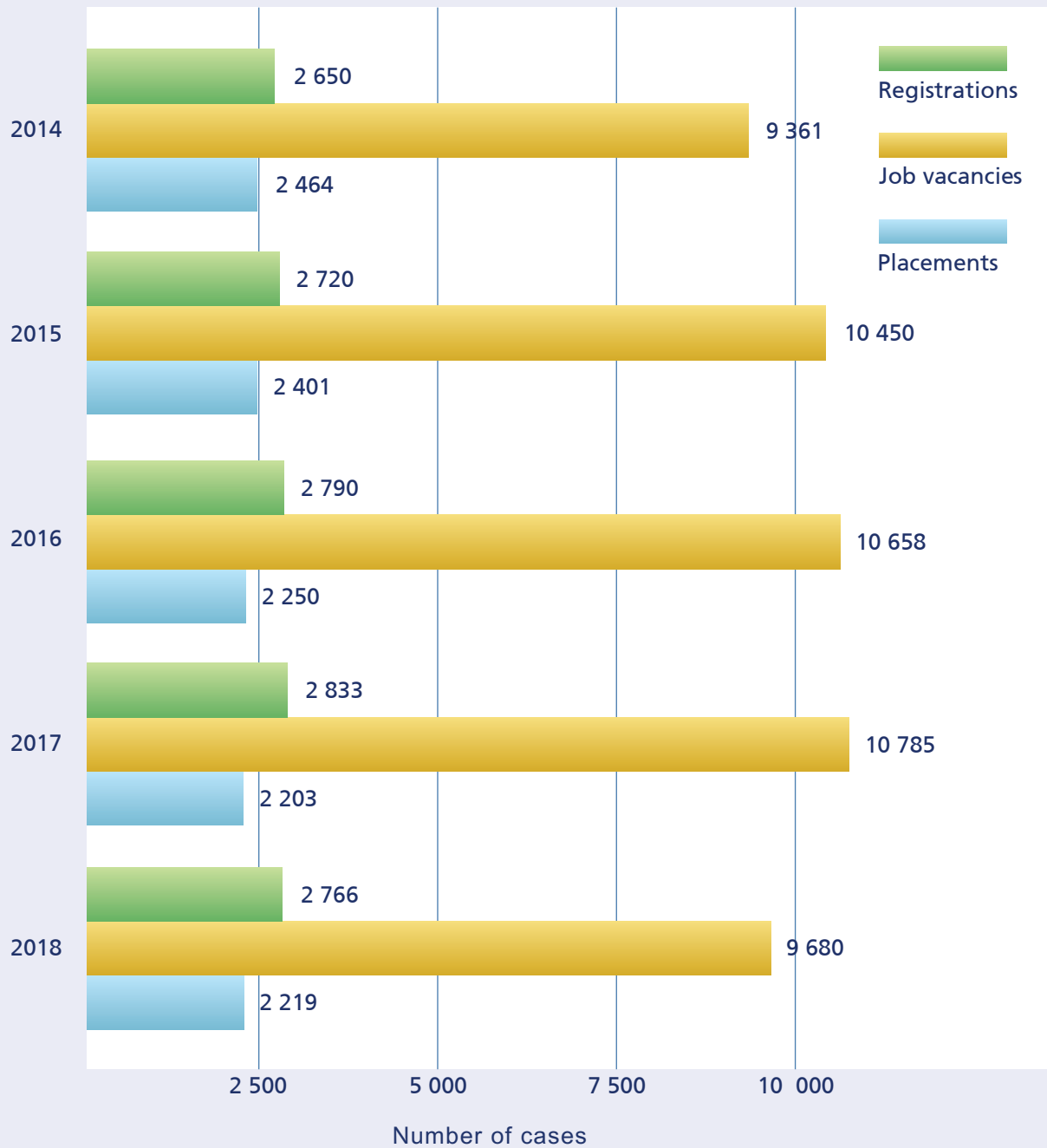
Key Indicators of Employment Services Rendered to Able-bodied Job Seekers from 2014 to 2018



Year	Registrations	Job vacancies	Placements
2014	75 314	1 222 323	151 536
2015	67 221	1 345 272	148 347
2016	63 814	1 350 993	149 794
2017	49 233	1 422 380	154 222
2018	38 567	1 471 251	136 079

Figure 5.3

Key Indicators of Employment Services Rendered to Job Seekers with Disabilities from 2014 to 2018

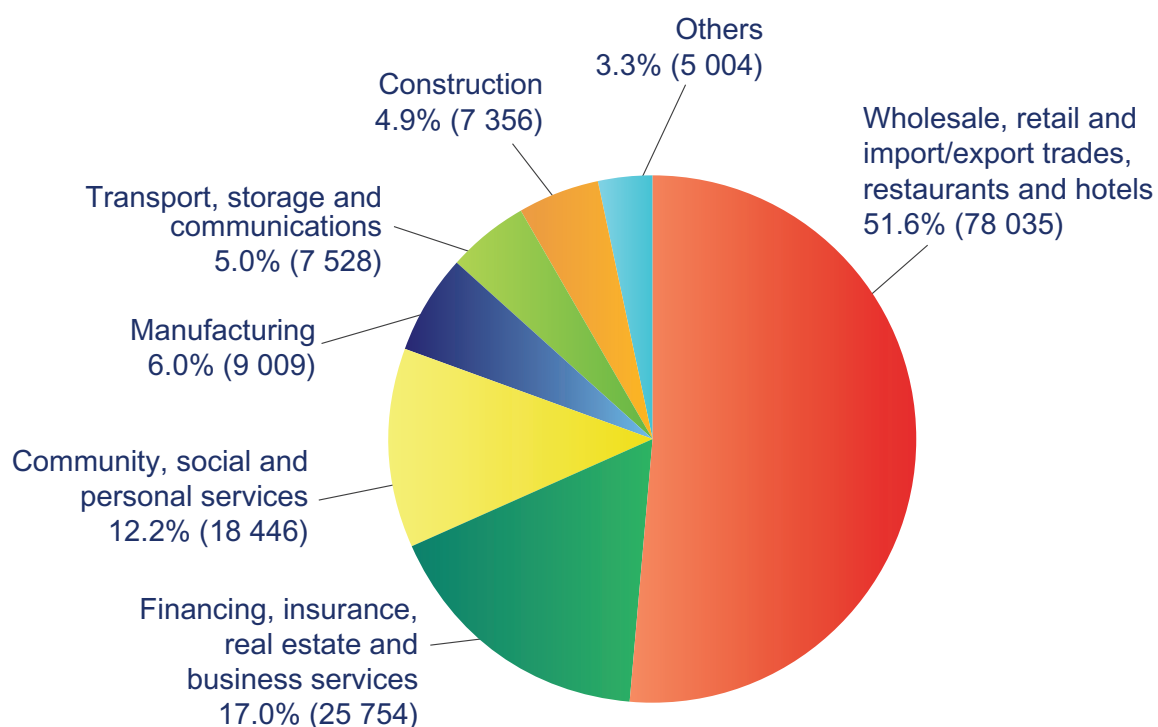


Year	Registrations	Job vacancies	Placements
2014	2 650	9 361	2 464
2015	2 720	10 450	2 401
2016	2 790	10 658	2 250
2017	2 833	10 785	2 203
2018	2 766	9 680	2 219

Figure 6.1**Key Indicators of Work of the Employees' Rights and Benefits Programme Area in 2018**

Key Indicators of Work		Number
I.	Inspections to workplaces	151 132
II.	Employees' compensation claims received	51 577
III.	Sick leave clearance interviews for injured employees conducted	43 428
IV.	Assessment of loss of earning capacity of injured employees	
	Ordinary assessment	18 704
	Special assessment	2
	Review assessment	4 095
V.	Applications for payment under the Protection of Wages on Insolvency Fund processed	1 901
VI.	Cases related to imported workers under the Supplementary Labour Scheme investigated	74
VII.	Convicted summonses on wage offences	513

Figure 6.2
Number of Inspections Made in 2018 by Major Economic Sector



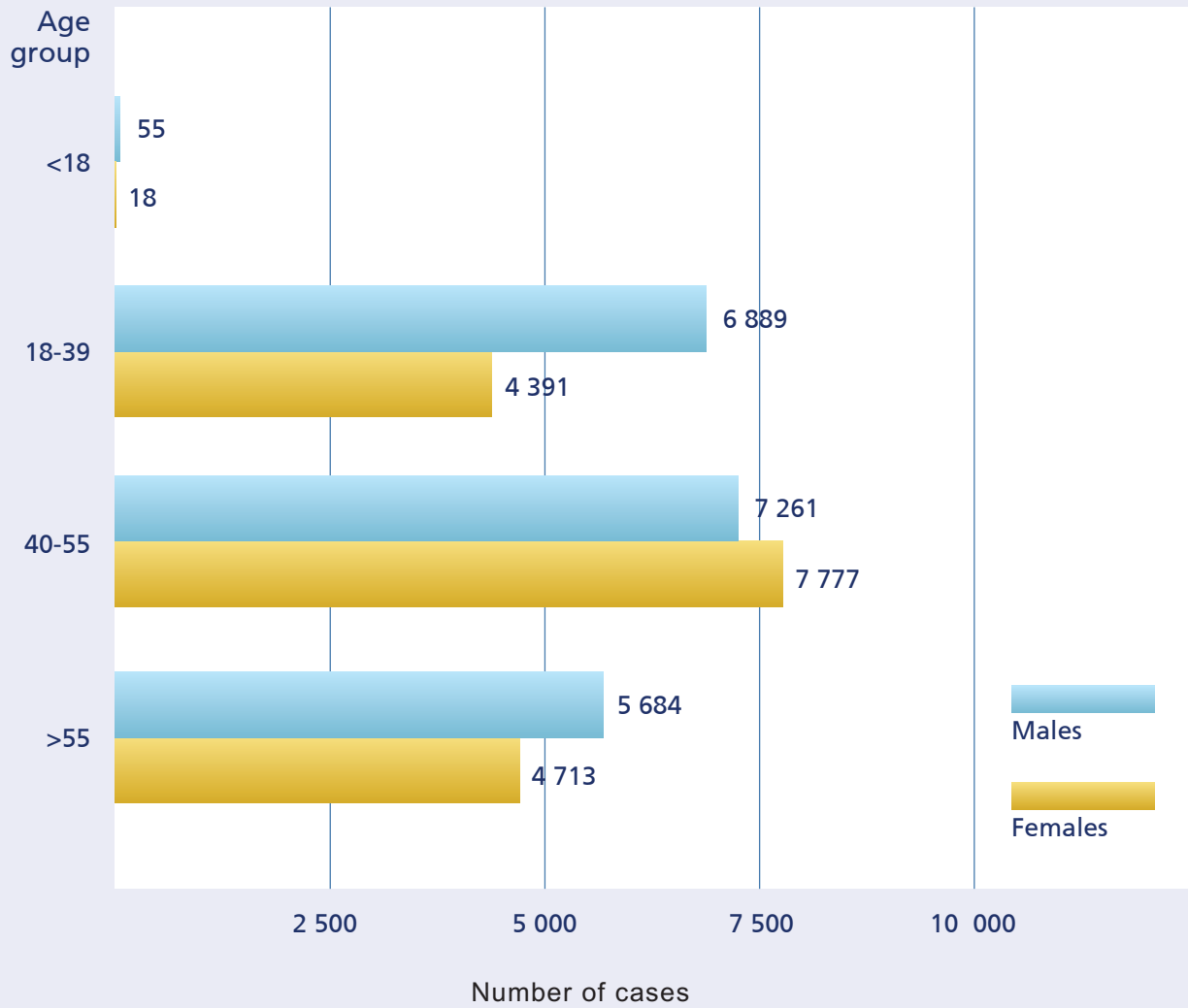
Total number of inspections : 151 132

* Figures in brackets indicate the number of related inspections

Economic sector	Number of inspections	Percentage
Wholesale, retail and import/export trades, restaurants and hotels	78 035	51.6%
Financing, insurance, real estate and business services	25 754	17.0%
Community, social and personal services	18 446	12.2%
Manufacturing	9 009	6.0%
Transport, storage and communications	7 528	5.0%
Construction	7 356	4.9%
Others	5 004	3.3%
Total number of inspections	151 132	

Figure 6.3

Number of Cases Reported under the Employees' Compensation Ordinance in 2018 by Sex and Age*

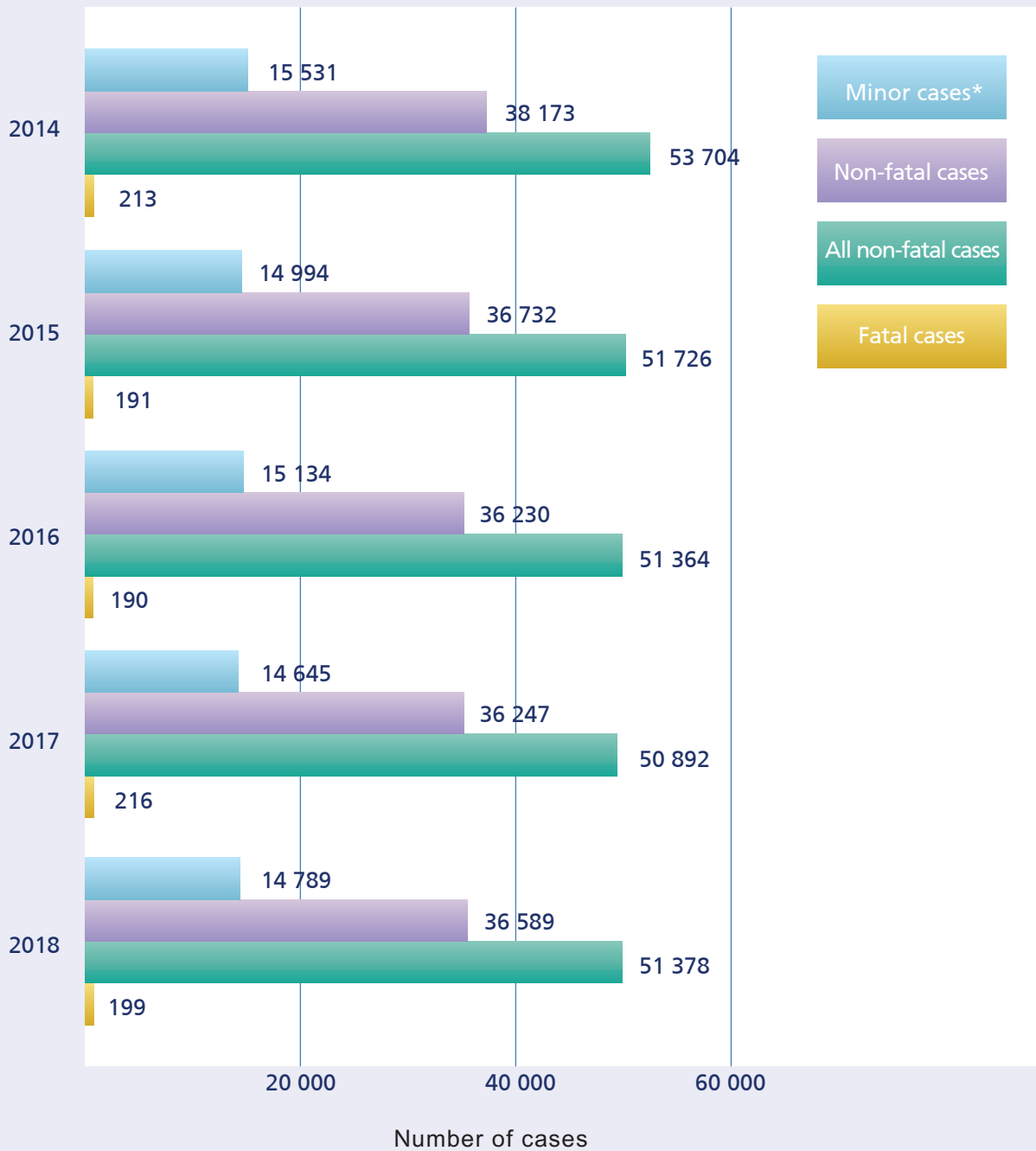


Age group	Males	Females
<18	55	18
18-39	6 889	4 391
40-55	7 261	7 777
>55	5 684	4 713

* The figures have not included 14 789 cases involving sick leave of not exceeding three days

Figure 6.4

Number of Cases Reported under the Employees' Compensation Ordinance from 2014 to 2018

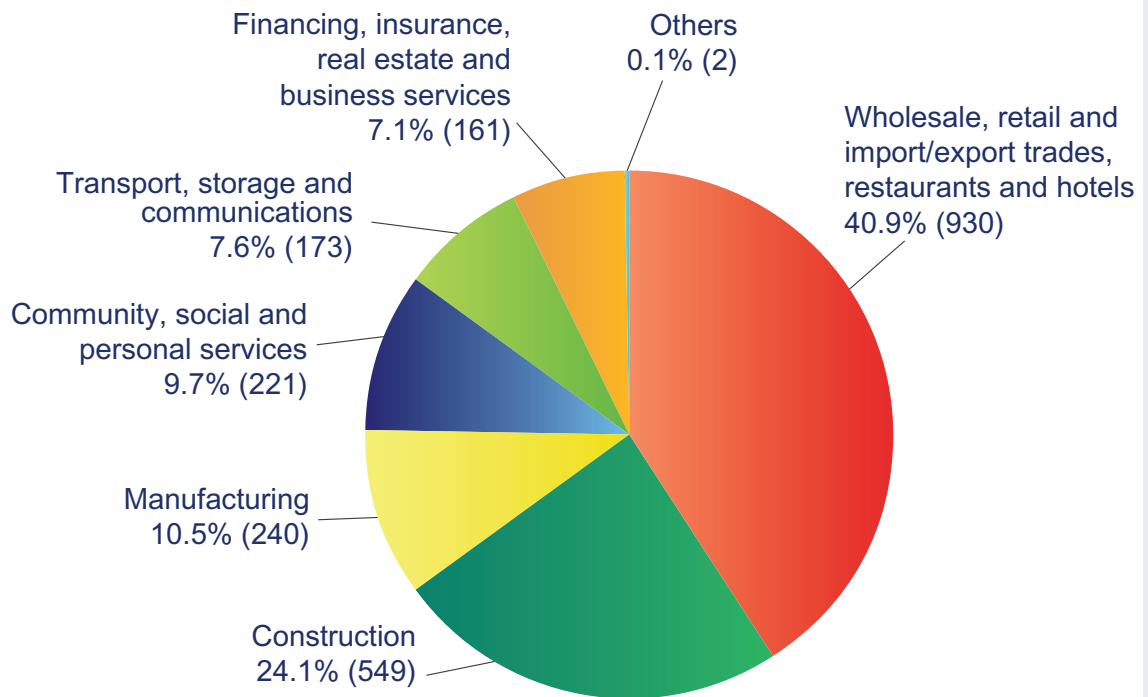


Year	Minor cases*	Non-fatal cases	All non-fatal cases	Fatal cases
2014	15 531	38 173	53 704	213
2015	14 994	36 732	51 726	191
2016	15 134	36 230	51 364	190
2017	14 645	36 247	50 892	216
2018	14 789	36 589	51 378	199

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

Figure 6.5

Number of Applications of the Protection of Wages on Insolvency Fund received in 2018 by Economic Sector



Total number of applicants: 2 276

* Figures in brackets indicate the number of related applicants

Economic Sector	Number of applications	Percentage
Wholesale, retail and import/export trades, restaurants and hotels	930	40.9%
Construction	549	24.1%
Manufacturing	240	10.5%
Community, social and personal services	221	9.7%
Transport, storage and communications	173	7.6%
Financing, insurance, real estate and business services	161	7.1%
Others	2	0.1%
Total number of applications	2 276	

Figure 7.1**List of the 31 International Labour Conventions Applied to Hong Kong**

Convention No.	Title
2.	Unemployment Convention, 1919
3.	Maternity Protection Convention, 1919
11.	Right of Association (Agriculture) Convention, 1921
12.	Workmen's Compensation (Agriculture) Convention, 1921
14.	Weekly Rest (Industry) Convention, 1921
17.	Workmen's Compensation (Accidents) Convention, 1925
19.	Equality of Treatment (Accident Compensation) Convention, 1925
29.	Forced Labour Convention, 1930
32.	Protection against Accidents (Dockers) Convention (Revised), 1932
42.	Workmen's Compensation (Occupational Diseases) Convention (Revised), 1934
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
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
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
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
MLC	Maritime Labour Convention, 2006

Figure 7.2**Participation in Major International Labour Organisation Activities and Contacts with Other Labour Administrations in 2018**

Month	Activities
Jan	The Commissioner for Labour led a delegation under the Reciprocal Visit Programme to visit the Ministry of Human Resources and Social Security (MoHRSS) of the State Council and met with Vice Minister Tang Tao in Beijing. The delegation also met with senior representatives of the State Administration of Work Safety, the All-China Federation of Trade Unions, the China Enterprise Confederation and the International Labour Organisation Country Office for China and Mongolia to exchange views on labour issues and work safety.
Feb	The Commissioner for Labour led a delegation to attend the 2017 Guangdong-Hong Kong-Macao Exchange Meeting on Labour Inspection and Law Enforcement at Huizhou, Guangdong.
May	Deputy Director-General Yin Jiankun, Department of Employment Promotion, the MoHRSS, led a delegation to visit Hong Kong under the Reciprocal Visit Programme. The delegation exchanged views on labour issues with the Commissioner for Labour and officers of the Labour Department.
Jun	The Commissioner for Labour led a tripartite team comprising the Government, employer and employee representatives to attend the 107th Session of the International Labour Conference in Geneva, Switzerland as part of the delegation of the People's Republic of China.
Jun	Ms Claire Courteille-Mulder, Director of the International Labour Organisation Country Office for China and Mongolia, visited Hong Kong and met with senior officials of the Labour Department, sharing with us the latest development of international labour affairs.
Dec	The Commissioner for Labour led a delegation to attend the 2018 Guangdong-Hong Kong-Macao Exchange Meeting on Labour Inspection and Law Enforcement in Macao.



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