



勞工處年報 2021

Labour Department Annual Report





Chapter 1	Highlights of Year 2021	1
Chapter 2	Labour Department	10
Chapter 3	Labour Relations	14
Chapter 4	Safety and Health at Work	20
Chapter 5	Employment Services	34
Chapter 6	Employees' Rights and Benefits ...	47
Chapter 7	International Labour Affairs	56
Figures and Charts	57



Chapter 1

Highlights of Year 2021

- 1.1** The labour market was under notable pressure in early 2021, but improved continuously from the second quarter of the year amid the sustained economic recovery and stabilised local epidemic situation. After reaching a 17-year high of 7.2% in December 2020 – February 2021, the seasonally adjusted unemployment rate fell successively to 4.0% in the fourth quarter of 2021. Over the same period, the underemployment rate also fell from 3.9% to 1.7%. For 2021 as a whole, the unemployment rate averaged 5.2%, 0.6 percentage point lower than that in 2020, and the underemployment rate averaged 2.6%, also decreased by 0.7 percentage point. We will continue to closely monitor the labour market situation and enhance our employment services on all fronts, especially in canvassing job vacancies 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 13 large-scale job fairs, four online job fairs and 821 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 1 068 702 job vacancies from the private and public sectors; and 197 793 placements were secured.

Greater Bay Area Youth Employment Scheme

- 1.4** The LD launched the Greater Bay Area Youth Employment Scheme in January 2021 to encourage and support university graduates from Hong Kong to work in the Mainland cities of the Greater Bay Area and to grasp the career development opportunities in the area.

Labour Relations

Promoting Harmonious Labour Relations

- 1.5** To foster harmonious labour relations, the LD adopts a proactive and pragmatic approach in helping employers and employees resolve their disagreements through communication and mutual understanding. In 2021, we handled a total of 48 labour disputes and 11 064 claims. Over 70% of cases with conciliation service rendered were resolved. The average waiting time for conciliation meetings was 2.3 weeks in the year.

Sustaining Vigorous Enforcement against Wage Offences

- 1.6** In 2021, 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 so as to facilitate speedy prosecution.
- 1.7** We continued to take out 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.

Enhancing Good Human Resource Management Practices and Harmonious Labour Relations

- 1.8** 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 and good human resource management measures. In 2021, seminars were conducted for human resources managers and corporate executives, including the promotion of effective workplace communication. We continued the Good Employer Charter initiative in the year 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.



The Labour Department organised a wide range of promotional activities including exhibitions to promote public understanding of labour laws and publicise “employee-oriented” good human resource management measures

Employees’ Rights and Benefits

Statutory Minimum Wage (SMW)

- 1.9** The Minimum Wage Commission (MWC), established under the Minimum Wage Ordinance (MWO), is tasked with the function of reporting to the Chief Executive (CE) 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 the Government. In February 2021, the CE in Council adopted the recommendation of the MWC to maintain the SMW rate at \$37.5 per hour.
- 1.10** The current two-year term of the MWC commenced on 1 March 2021, and had started the preparatory work of a new round of review on the SMW rate with a view to submitting the next recommendation report to the CE in Council by 31 October 2022.

Safeguarding the Rights of Employees of Government Service Contractors

1.11 The Government introduced improvement measures since April 2019 to enhance the protection of non-skilled employees engaged by government service contractors, such as increasing the technical weighting (including the marks assigned to wage level) in the marking schemes for tender evaluation, and requiring contractors to pay contractual gratuity to employees. The review completed in January 2021 showed that the improvement measures were effective in enhancing the labour protection of employees, and the median hourly wage of them had increased by 23.8% after the implementation of these measures. The LD continued to step up inspections of workplaces to check government service contractors' compliance with statutory requirements and the relevant improvement measures.

Protection of Wages on Insolvency Fund

1.12 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 applications to the fund.

Vigorous Enforcement against Illegal Employment

1.13 The LD collaborated with the Police and the Immigration Department to combat illegal employment activities. A total of 61 joint operations were mounted in the year.

Working Hours Policy

1.14 The LD continued to engage its industry-based tripartite committees to formulate working hours guidelines, with suggested sector-specific working hours arrangements, overtime compensation arrangements and good working hours management measures for reference and adoption by employers and their employees. The LD also launched the Working Hours Situation Household Survey in 2021 to collect information on the working hours situation of the local workforce.

Reimbursement of Maternity Leave Pay (RMLP) Scheme

1.15 In tandem with the extension of the statutory maternity leave from 10 weeks to 14 weeks in late 2020, the LD rolled out the RMLP Scheme on 1 April 2021 to fully reimburse employers for the additional statutory maternity leave pay, subject to a cap of \$80,000 per employee. In 2021, the RMLP Scheme received 6 127 applications and approved 5 405 applications with reimbursement of \$118 million.

Safety and Health at Work

Safety of Major Public Works Projects (PWPs)

1.16 In light of the commencement of major PWPs (including major infrastructure projects), the LD 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 major PWP sites with high risk processes or poor safety performance to scrutinise the safe system of work and safety management system of duty holders. We continued to participate actively in site safety management committee meetings of major PWPs to keep close tabs on 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 method statements and implement safety measures as early as possible. We also strengthened the coordination with the Development Bureau, works departments and other public works project clients to enhance the site safety measures of major PWPs, 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 from contravening safety requirements.

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

1.17 The volume of RMAA works is expected to grow further with the continuous ageing of buildings in Hong Kong and the erection of many new buildings.

1.18 The LD continued to step up inspection and enforcement efforts to monitor the OSH of RMAA works and deter contractors from adopting unsafe work practices, so as to enhance the occupational safety condition of RMAA works. Territory-wide special enforcement operations on RMAA works with emphasis on high risk processes, such as work-at-height, truss-out scaffolding works, lifting operations and electrical work were also launched. During the special operations, 242 suspension/improvement notices were issued and 76 prosecutions were taken out. The LD has also stepped up area patrols to inspect RMAA works sites in a timely manner to curb high risk activities including unsafe work-above-ground.

1.19 On the fronts of education and promotion, we organised a series of intensive promotion and publicity campaigns, targeting RMAA works, as well as the related work-at-height and electrical work to strengthen the safety awareness of all parties involved. These included continuing with the two-year publicity campaign which was launched in 2020 in collaboration with the Occupational Safety and Health Council (OSHC) with a wide range of initiatives seeking to target contractors and workers engaged in 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.

1.20 In 2021, the LD organised in collaboration with the OSHC a series of safety webinars concerning RMAA works to engage industry stakeholders in exploring means to further enhance construction safety. To encourage contractors appointed by property management companies or households of residential buildings and their workers to use suitable working platforms for work-above-ground, the LD collaborated with the OSHC as well as the property management and construction industries to launch the "Promoting the Use of Light-duty Working Platforms Scheme Phase II". Through property management companies, step platforms and hop-up platforms (light-duty working platforms) would be lent to the contractors and workers for conducting above-ground RMAA works in the estates or residential buildings free of charge, so that ladders would not be used for such work.

Safety Promotional Campaigns

1.21 With regard to the construction industry, to continue to improve its safety performance, the LD, in collaboration with the OSHC and related organisations, organised the "Construction Industry Safety Award Scheme" again to inculcate a work safety culture in the industry and to enhance the safety awareness of employers, employees and their families. The scheme featured a variety of activities which included organising safety performance competitions, roving exhibitions, safety quizzes, award presentation ceremony and producing radio programmes and the making-of the Award Scheme, as well as broadcasting Announcements in the Public Interest (APIs) and promotional films on television/radio and public transport.

1.22 Due to the COVID-19 pandemic, the LD suspended the "Catering Industry Safety Award Scheme" in 2021 to prevent the risk of spreading the virus as a result of group gatherings. However, with a view to maintaining the momentum of the industry on OSH improvement, the LD launched the "Catering Industry Safety Promotional Campaign" again to enhance the work safety and health awareness of employers and employees.

Strengthening Publicity of OSH Complaint Channels

1.23 In order to facilitate employees and members of the public to lodge complaints against OSH malpractices more conveniently, the LD launched the online OSH complaint platform to facilitate complainants to lodge complaints by using online forms on unsafe working conditions and environments at workplaces. Such online forms are accessible on mobile electronic devices such as smart phones, tablets and laptops. Upon receiving the complaints, the LD will, having regard to their nature and content, conduct investigations and follow-up actions as soon as possible with a view to preventing occurrence of accidents. We will continue to make use of various channels to publicise the online complaint platform to employees of different industries, including broadcast of TV and Radio Announcements in the Public Interest, distribution of posters, and through the platforms of OSH training course providers and workers registration service centres.

Work Safety Alert Animation

1.24 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 safety measures to be taken to prevent such accidents. Two animation videos were produced, and uploaded to the LD's website and disseminated through various channels in 2021.

1.25 In addition, the LD continued to give sub-titles to the animation videos in different languages of diverse races in order to enhance the publicity and promotion targeting workers of diverse races.

Continuous Refinement of Mandatory Safety Training (MST) Courses

1.26 In 2021, the LD launched the revamped Safety Training Courses for Operators of Crane and Safety Training Courses for Operators of Loadshifting Machine. The revisions included strengthening the introduction of the relevant OSH legislation and on the use of personal protective equipment, so as to further enhance the quality of the courses. In addition, to enhance the quality of MST courses, the LD revised the operation code and guidance notes of the "Approval Conditions for Operating Mandatory Safety Training Courses" to strengthen the sanctions against training course providers and their trainers violating the approval conditions. We also continued to conduct different modes of inspections to enhance the monitoring of course quality.

Prevention of Heat Stroke at work

1.27 In addition to inspection and enforcement, the LD continued to enhance employers' and workers' awareness of heat stroke prevention through promotion and education, such as launching a large-scale promotion campaign, organising health talks, publicising through the media and organising outreach promotional activities in collaboration with different stakeholders in 2021. Besides, the LD and the OSHC launched the Portable Waist Fan Sponsorship Scheme for small and medium-sized enterprises (SMEs) to sponsor SMEs in nine targeted industries to purchase portable waist fans for employees' use at work to reduce heat stress.



The portable waist fan is small in size. Mounted on the waist, the fan blows air under the clothing and helps to dissipate heat. The fan also allows the worker to work freely with both hands

Managing cardiovascular and cerebrovascular diseases risk in the work environment

1.28 The LD, in collaboration with the OSHC, the Department of Health as well as employers' and employees' organisations of the property management and construction industries, established a steering committee in September 2021 to promote the implementation of health-friendly measures at workplace and encourage employees of the industries concerned to properly manage their health and risks of contracting cardiovascular and cerebrovascular diseases.

Pilot Rehabilitation Programme for Employees Injured at Work

1.29 In 2021, the LD conducted open tendering to engage a service provider to implement the three-year Pilot Rehabilitation Programme for Employees Injured at Work targeting injured employees from the construction industry. The programme will provide injured employees with rehabilitation treatment, case management and return-to-work facilitation services. The LD aims to launch the pilot programme in 2022.

Contacts with Other Labour Administrations

1.30 Owing to the COVID-19 pandemic, the LD mainly maintained liaison and interflows with other labour administrations through electronic means in 2021.

1.31 In May to June and November to December 2021, a tripartite team comprising representatives from the Government, employers and employees, led by the Commissioner for Labour, Chris Sun, JP, attended the 109th Session of the International Labour Conference via video conferencing, as part of the delegation of the People's Republic of China.



Commissioner for Labour and members of the tripartite team
attending the 109th Session of the International Labour
Conference held in a virtual manner

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 Appendix 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. The Registration and Staff Training Division organises and coordinates training and development activities for staff of the Occupational Safety and Health Branch.
- 2.12** The Information Technology Management Division offers support to the development and management of information technology services.
- 2.13** An organisation chart of the LD is set out in Appendix 2.2.

Customer-oriented Services

- 2.14** 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

- 2.15** 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 2021-2022 are in Appendix 2.3.



Labour Advisory Board for the 2021-2022 term

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 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 labour 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 2021

Key Indicators of Work

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

Improvement to Employees' Benefits

- 3.5** The Government introduced the Employment (Amendment) Bill 2021 into the Legislative Council on 17 March 2021 to increase progressively the number of statutory holidays from 12 days to 17 days so that it would be on a par with the number of general holidays other than Sundays. The Bill was passed on 7 July 2021 to become the Employment (Amendment) Ordinance 2021. The first newly-added statutory holiday is the Birthday of the Buddha in May 2022.
- 3.6** The Labour Department (LD) continued working at full steam on drafting legislation and formulating operational arrangements to abolish the practice of employers using their mandatory contributions under the Mandatory Provident Fund System and other retirement fund contributions to offset their employees' severance payment and long service payment. The government subsidy scheme assisting the business sector to adapt to the policy change was refined to provide more targeted support for employers (especially micro, small and medium-sized enterprises).

Conciliation and Consultation Services

- 3.7** Our conciliation and consultation services are conducive to maintaining harmonious industrial relations in Hong Kong. In 2021, we held 44 178 consultation meetings, and handled 11 064 claims and 48 labour disputes. Over 70% of cases with conciliation service rendered were settled in the year. (Appendices 3.2, 3.3, 3.4, 3.5, 3.6 and 3.7)

Strengthening Tripartite Cooperation

3.8 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 as well as workplace consultation were deliberated in the year.



The industry-based tripartite committees run by the Labour Department provide effective forums for members to discuss issues of common concern to their industries

Promotion of Good Employer-Employee Relations

3.9 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. We also widely publicised messages about good human resource management as well as statutory employment rights and protection, including the progressive increase in the number of statutory holidays under the Employment (Amendment) Ordinance 2021, through the extensive network of employers' associations and trade unions. Furthermore, to promote employee-oriented and progressive good human resource management practices, we continued the Good Employer Charter initiative, featuring the theme of "Family-friendly Good Employer", to encourage employers to empathically consider the family role of their employees and suitably adopt family-friendly employment practices.



The Labour Department published free publications covering different themes to enhance public understanding of the Employment Ordinance and to promote good human resource management culture



The Labour Department continued implementing the Good Employer Charter. Selected cases of family-friendly employment practices adopted by signatory organisations were featured in the booklet/ e-book titled “Tips on Good Human Resource Management and Family-friendly Employment Practices”

3.10 The LD organised experience-sharing sessions and briefings and published newsletters 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 labour organisations to promote good human resource management. In the year, we produced a new series of radio promotion soundtracks to broadcast messages on the EO and good human resource management. Besides, the new booklets / e-books "Tips on Good Human Resource Management and Family-friendly Employment Practices" and the revised leaflets "Family-friendly Workplace" were distributed through various channels with a view to encouraging employers to adopt good human resource management and family-friendly employment practices.



The Labour Department organised experience-sharing sessions and briefings for members of human resources managers' clubs established in different trades

Adjudication of Minor Employment Claims

3.11 The MECAB provides a speedy, informal and less costly adjudication service for members of the public. With effect from 17 September 2021, the jurisdiction of the MECAB in terms of the claim ceiling of each claimant was increased from \$8,000 to \$15,000, while retaining the maximum number of claimants per claim at 10.

3.12 In 2021, the MECAB recorded 506 claims amounting to \$2,484,969 and concluded 508 claims with a total award of \$1,153,366.

Administration of Trade Unions

- 3.13** 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 accounts and any other returns required by the law to be furnished to the RTU, organising courses on trade union legislation and fundamental 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.
- 3.14** In 2021, the RTU completed 183 registrations of new trade unions (comprising 180 trade unions and three trade union federations). As at end-2021, trade unions registered under the TUO totalled 1 542 (comprising 1 472 employee unions, 12 employers' associations, 43 mixed organisations of employees and employers and 15 trade union federations). Please refer to the following webpage for the key trade union statistics:
www.labour.gov.hk/eng/labour/content3.htm.
- 3.15** In the year, the RTU examined 1 294 annual statements of accounts and conducted 353 visits to trade unions with a view to promoting sound and responsible trade union administration. The RTU organised three courses to enhance trade union officers' understanding of union management and trade union bookkeeping.

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 2021

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 2021 stood at 30 448, whereas the number in 2012 was 39 907. The injury rate per thousand employees was 10.5 in 2021, and the rate in 2012 was 14.1. The number of industrial accidents for all sectors was 8 865, and the number in 2012 was 12 547. The accident rate per thousand workers for all sectors was 15.2, and the rate in 2012 was 21.3.
- 4.7** In 2021, there were 3 109 industrial accidents in the construction industry, and the number in 2012 was 3 160. The accident rate per thousand workers in 2021 was 29.5, and the rate in 2012 was 44.3.

Occupational Diseases

- 4.8** In 2021, there were 534 confirmed occupational disease and gas poisoning cases. The most common occupational diseases were occupational deafness, silicosis and tenosynovitis of the hand or forearm.
- 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 [Appendix 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 and 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 violations.

4.13 In 2021, 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 2021, we also conducted 18 special enforcement operations targeting specific workplace hazards or workplaces with higher risk work processes, including new works; repair, maintenance, alteration and addition (RMAA) works; electrical works; bamboo scaffolding; sea-based construction works; use of elevating work platforms; catering; waste management works; logistic, cargo and container-handling industries as well as fire and chemical safety. In these 18 operations, a total of 17 767 workplaces were inspected, with 1 600 improvement notices and 501 suspension notices issued to duty holders, and 720 prosecutions initiated. Besides, we launched 40 in-depth surprise inspections to work sites with higher risk processes or poor safety performance. A total of 1 049 suspension/improvement notices were issued and 354 prosecutions were initiated. In order to enhance safety performance of public work projects, representatives of the LD participated in 358 site safety management committee meetings of public work projects and provided safety advice, particularly on work processes with relatively high risk, to the contractors and relevant duty holders.

- 4.14** We conduct investigations into complaints concerning unsafe conditions or malpractices in workplaces. In 2021, we handled 234 complaints lodged by workers and initiated 21 prosecutions arising from investigation of these cases. Through the intelligence reporting system on unsafe RMAA works developed with various strategic partners, a total of 6 066 complaint/referral cases were received. As a result of the follow-up inspections on these referral cases, we issued 170 suspension/improvement notices and took out 49 prosecutions.
- 4.15** To enable the conduct of inspections in a more targeted manner, the LD established an online OSH complaint platform to facilitate employees and members of the public to report unsafe working conditions using mobile electronic devices, so that the LD can conduct prompt follow-up actions. In 2021, the LD received a total of 883 OSH complaints through the platform. A total of 35 suspension notices and 119 improvement notices were issued and 56 prosecutions were/will be taken out by the LD upon discovery of breaches of OSH legislation from the above complaints.
- 4.16** In 2021, the LD continued to collaborate with the property management sector to implement the referral mechanism for RMAA works carried out in individual units of estates. Responsible property management personnel would notify the LD prior to the commencement of some high risk works (e.g. truss-out scaffolding works at external wall), thus enabling the LD to conduct targeted safety inspections in a timely manner.
- 4.17** In 2021, the LD continued to carry out enforcement operations and publicity campaigns targeting outdoor workplaces with a higher risk of heat stroke. These workplaces include construction sites, outdoor cleansing workplaces, horticulture workplaces and container yards. In the special enforcement operation from April to September, we conducted a total of 26 561 surprise inspections, issued four warnings and two improvement notices, and initiated two prosecutions.
- 4.18** Targeting health risks of standing at work, the LD conducted inspections at workplaces of various industries in 2021, including those of the catering, retail, property management and hotel industries. The LD conducted 256 surprise inspections in these workplaces and issued two warnings.

- 4.19** 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 conducts examinations, monitors courses for training of competent persons and issues certificates of competency to qualified candidates as competent persons for various types of boilers and steam receivers. In 2021, 453 applications for certificates of competency were processed, with 453 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.
- 4.20** As at the end of 2021, the LD recorded a total of 232 147 workplaces, including 30 126 construction sites. In the year, 130 676 inspections were conducted under the OSHO, the FIUO and their subsidiary regulations. As a result, 26 489 warnings and 5 066 suspension or improvement notices were issued. Besides, 4 680 inspections were made under the BPVO. 2 845 warnings were given and 14 prohibition orders on the use and operation of boilers and pressure vessels were issued. We also carried out 16 978 and 2 614 investigations on work accidents and suspected occupational diseases/occupational health problems respectively. We also conducted 6 510 occupational hygiene surveys on workplace health hazards.

Education and Training

- 4.21** We provide training-related services to employers, employees and relevant parties to foster an OSH culture among the working population. They include provision of training courses, recognition of Mandatory Safety Training (MST) courses and registration of safety officers and safety auditors.

- 4.22** In 2021, we organised 692 safety and health training courses related to relevant legislation for 10 182 employees and 224 tailor-made talks to individual industries or organisations for another 34 552 persons. We also recognised nine mandatory basic safety training courses (commonly known as “green card” courses) for construction and container-handling work, one MST course for confined space operation and one MST course for operators of loadshifting machine. We also continued to refine the MST courses, and launched the revamped Safety Training Courses for Operators of Crane and Safety Training Courses for Operators of Loadshifting Machine. The revisions included strengthening the introduction of the relevant OSH legislation and on the use of personal protective equipment, so as to further enhance the quality of the courses. In addition, to enhance the quality of MST courses, the LD revised the operation code and guidance notes of the “Approval Conditions for Operating Mandatory Safety Training Courses” to strengthen the sanctions against training course providers and their trainers violating the approval conditions. 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.
- 4.23** In 2021, we registered 247 persons as safety officers and 67 as safety auditors. As at the end of the year, there were 4 203 safety officers with valid registration and 1 494 registered safety auditors. Furthermore, a total of 820 applications for renewal or revalidation of registration as safety officers were approved in 2021.
- 4.24** Occupational health education raises employers’ and employees’ awareness of the prevention of occupational health hazards and occupational diseases. In 2021, we organised a total of 934 health talks on various occupational health issues for over 44 500 participants. Apart from open health talks, we also conducted 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. Owing to the COVID-19 pandemic, some of the health talks were conducted online in 2021 so that employers and employees could continue to participate in them.

4.25 The LD uploaded Work Safety Alerts and Systemic Safety Alerts on the LD's website respectively to help raise the safety awareness of employers, contractors and workers and to urge Registered Safety Officers and Registered Safety Auditors to apply safety management principles in exercising their statutory functions to advise their employers/clients to fulfill their safety responsibilities and render the necessary assistance. Work Safety Alerts summarised recent fatal and serious work accidents, and highlighted general safety precautionary measures whereas Systemic Safety Alerts provided accident prevention measures arising from the major systemic problems. In 2021, the LD produced and revised Systemic Safety Alerts including "lifting operation", "work-at-height/work-above-ground" and "circular saw safety". In 2021, we continued to produce Work Safety Alerts in the form of animation videos to enable the industry to better comprehend how accidents happened and the necessary precautionary measures to be taken for preventing recurrence of similar accidents. Two animation videos on various topics, including vehicle reversing safety and welding work safety, were uploaded to the LD's website and widely disseminated through different channels. Furthermore, the LD continued to translate sub-titles of the Work Safety Alerts animation videos into different languages (including Hindi, Nepali, Tagalog and Urdu) to facilitate construction workers of diverse races to comprehend the OSH information.

Publicity and Promotion

4.26 We held a series of promotional campaigns in 2021 to heighten safety awareness among employers and employees and to cultivate a positive safety culture at the workplaces, with some jointly organised with relevant stakeholders such as the Occupational Safety and Health Council (OSHC), trade associations, workers' unions and other government departments.

4.27 In view of the COVID-19 pandemic, we suspended the “Catering Industry Safety Award Scheme” in 2021. In order to continue to urge the catering industry to take practical safety measures and improve working environment to reduce accident risks, we launched the “Catering Industry Safety Promotional Campaign” again. The Campaign comprised the “Catering Industry Safety Inspiration Programme”, two catering safety animation videos and the new “Catering Industry Safety Slogan Competition”. Employers and employees in the catering industry who participated in the programme were required to make commitments on OSH enhancement. For the animation videos, they were uploaded to the LD’s website and widely broadcast through various channels to promote catering safety. The slogan competition aimed to enhance the OSH awareness of the catering industry and the public so as to reduce accidents and injuries in the catering industry. With regard to the construction industry, the LD in collaboration with the OSHC and related organisations in the construction industry organised the “Construction Industry Safety Award Scheme” again to raise the safety and health awareness of contractors, personnel and workers of construction sites, foster a positive safety culture; and encourage the adoption of safe work practices. The LD also organised an open competition to recognise contractors, site personnel and workers for their good OSH performances, with a view to enhancing public understanding on construction safety.



Construction Industry Safety Award Scheme



Catering Industry Safety Inspiration Programme

4.28 Accidents in RMAA works have become a source of concern in recent years. In 2021, the LD, in collaboration with the OSHC, continued to implement the two-year publicity campaign launched in 2020 to remind contractors and workers to pay special attention to safety while carrying out RMAA works, the related electrical work, and working at height. Three safety webinars on electrical work accident case analysis and safety management, truss-out bamboo scaffolding work safety and RMAA and external wall repairing safety were held in March, May and November 2021 respectively. Other major publicity activities included broadcasting APIs on television/radio/mobile media, staging roving exhibitions, publishing feature articles in newspapers and on the LD's website, publishing leaflets and disseminating safety messages to contractors, employers and employees through various means.

4.29 Since 2021, the LD further stepped up targeted promotion work in relation to work-at-height and work-above-ground safety. These included broadcasting Work Safety Alerts on publicity platforms of mass transportation and through websites and mobile applications frequently visited and used by workers, producing and distributing safety banners to construction sites, displaying safety messages at post boxes, on roadsides, on external walls of government buildings, at tunnels' entrances, in Home Affairs Enquiry Centres of the Home Affairs Department, broadcasting radio announcements by celebrities on race days, displaying occupational safety and health messages via the social media of the OSHC such as its Facebook and the LD's homepage.

4.30 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 organising occupational health award, holding health talks and distributing promotional materials. Moreover, we promoted the prevention of common work-related diseases, such as musculoskeletal disorders which are common among workers of service industry, clerical personnel and manual workers. We also continued to co-organise the "Joyful@Healthy Workplace" programme and the "Mental Health Workplace Charter" with the Department of Health and the OSHC, and encouraged employers to participate in the programmes, in order to promote a health-friendly working environment and foster physical and mental well-being of employees.

4.31 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, showing educational videos and displaying advertisements on mobile advertising media, and issuing press releases. From April to September 2021, we continued to collaborate with the OSHC in launching a large-scale promotion campaign on heat stroke prevention. Through distributing protective equipment (e.g. cooling towels, arm covers, water bottles and newly added portable waist fans) and conducting extensive publicity, the campaign reminded employers and employees to prevent heat stroke at work. The main targets of the campaign included construction workers, outdoor cleansing workers, horticulture workers, security guards, container terminal workers, airport apron workers, recycling workers, electrical and mechanical service workers as well as postal and courier service workers.



The LD organised large-scale promotional campaigns on heat stroke prevention with OSHC to raise the awareness of employers and employees on heat stroke prevention

- 4.32** In addition, the LD and the OSHC launched the Portable Waist Fan Sponsorship Scheme for SMEs from April to June 2021 to sponsor SMEs in the nine targeted industries of the above large-scale promotion campaign to purchase portable and safety compliant waist fans for employees' use at work as necessary to reduce heat stress.
- 4.33** To better assist large corporations in enhancing their occupational health performance, the Occupational Health Service of the LD set up a Central Promotion Team in August 2020. The team aimed to promote good work practice to the management of these corporations to ensure the occupational health of employees. The team set out the theme for promotion with regard to the work situation and occupational health risks of specific industries. The team visits targeted large corporations to explain to them the relevant requirements under the legislation and guidelines relating to the theme and urge them to implement relevant measures through a top-down, holistic and unified approach for strengthening the protection of workers' health at work. Since its set-up to the end of 2021, the Central Promotion Team conducted promotional visits to a total of 50 large corporations of the retail industry, catering industry, property management industry and hotel industry to advise the employers to follow the requirements of the "Guidance Notes on Standing at Work and Service Counter Design" issued by the LD to further reduce health risks associated with standing at work. In addition, the team conducted promotional visits to the five street cleaning contractors of the Food and Environmental Hygiene Department and advised them to adopt precautionary measures to prevent heat stroke of cleaning workers during work. Besides, the team also visited 30 large construction corporations to promote measures for controlling noise and dust hazards at work.

4.34 In 2021, the LD published 33 new/revised OSH publications and one DVD, including “Guidance Notes on Prevention of Trapping Hazard of Tail Lifts”, “Guidance Notes on Continuing Professional Development Programmes under the Factories and Industrial Undertakings (Safety Officers and Safety Supervisors) Regulations”, “Guidance Notes on Fire Safety at Workplaces”, “飲食業意外個案簡析系列(餐館)(Chinese Only)”, “Occupational Safety for Repair, Maintenance, Alteration and Addition Works — Safety Hints for Contractors and Workers”, “Occupational Safety for Repair, Maintenance, Alteration and Addition Works — Safety Hints for Owners and Tenants of Commercial and Residential Units”, “Occupational Safety for Repair, Maintenance, Alteration and Addition Works — Safety Hints for Owners’ Corporations”, “Occupational Safety for Repair, Maintenance, Alteration and Addition Works — Safety Hints for Property Management Companies”, “Double Row Scaffolding with Platform Ensure Safety Prevent Accident” poster and “Be a Considerate Employee Comply with Occupational Safety Laws to Avoid Criminal Liability” poster for promoting work safety and health. Besides, we published 18 OSH publications in six languages (Indonesian, Hindi, Nepali, Tagalog, Thai and Urdu), such as “Safety Measures for Use of Truss-out Bamboo Scaffold”, “Basic Electrical Safety Measures in the Workplace” and “Be on Guard” poster, with a view to enhancing the safety awareness of workers of diverse race. In respect of lifting safety, the LD, in collaboration with the Development Bureau, the Housing Department, the Construction Industry Council, the Hong Kong Professional Hoisting Engineering Association Limited and the Hong Kong Tower Crane Association Limited, was preparing “An Accident Casebook on Lifting Operation”. The Casebook would analyse common accident cases involving lifting operation, identify their causes and suggest feasible safety measures, with a view to inculcating safety messages into the stakeholders and preventing recurrence of similar accidents.



Latest publications on occupational safety and health



Occupational safety and health publications for workers of diverse race

- 4.35** In 2021, the Occupational Safety and Health Branch handled 12 384 enquiries, advising on various safety and health matters. Furthermore, the Occupational Safety and Health Centre provides information and advisory services to employers and workers.
- 4.36** The LD collaborated with the property management sector to promote RMAA work safety and 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. We collaborated with the OSHC as well as the property management and construction industries to launch the “Promoting the Use of Light-duty Working Platforms Scheme Phase II”. Through the property management companies, more step platforms and hop-up platforms (light-duty working platforms) would be lent to the contractors and workers conducting RMAA works in the estates or residential buildings free of charge to encourage them to use light-duty working platforms for above-ground works instead of ladders.
- 4.37** Using straight ladders or A-ladders 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 collaborated with the OSHC to continue with the Enhanced Light-duty Working Platform Sponsorship Scheme for SMEs by subsidising small and medium enterprises (SMEs) to purchase enhanced step platforms and hop-up platforms for above-ground work. As at December 2021, 1 153 applications were received with 1 042 approved, benefiting over 16 800 workers.

- 4.38** In order to remind employers and workers not to take simple work above ground lightly, the LD started the production of a new set of TV API and Radio API in 2021. We started to broadcast the APIs in January 2022.
- 4.39** The LD collaborated with the OSHC to ride on the Home Affairs Department's community platforms to promote RMAA work safety particularly work-at-height safety, to owners' corporations, property owners and tenants, etc.
- 4.40** To promote safety awareness of the industry in operating boilers and pressure vessels, we distributed around 1 900 publications and leaflets regarding registration and safe operation of pressure equipment.

Clinical Occupational Health Services

- 4.41** 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.
- 4.42** In 2021, 10 040 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 of these persons.

Our Work and Achievements in 2021

Employment Situation in Hong Kong

- 5.5** The labour market was under notable pressure in early 2021, but improved continuously during the year. After reaching a 17-year high of 7.2% in December 2020 – February 2021, the seasonally adjusted unemployment rate fell successively to 5.4% in the second quarter, 4.4% in the third quarter and 4.0% in the fourth quarter. The underemployment rate also fell successively from 3.9% in December 2020 – February 2021 to 1.7% in the fourth quarter. For updated statistics on the labour force, unemployment rate and underemployment rate, please visit the webpage: www.censtatd.gov.hk/en/web_table.html?id=6 .
- 5.6** The Labour Department (LD) recorded 1 061 856 vacancies offered by employers of the private sector for free recruitment service in 2021. In the year, a total of 197 793 placements were secured. (Appendices 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. Employment officers assist job seekers in matching and finding suitable jobs in accordance with their 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.

Online Employment Services

- 5.10** The LD's Interactive Employment Service (iES) website (www.jobs.gov.hk) provides round-the-clock online employment services and comprehensive employment information. The iES website is the most popular government job board in Hong Kong, recording around 253 million page views in 2021. 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 197 million hit counts in 2021.
- 5.11** To achieve synergy, the LD integrated the Higher Education Employment Information e-Platform into the iES website in August 2021. Job vacancies and employment information for job seekers with higher education are displayed on the newly-launched Dedicated Webpage on Higher Education Employment (www.jobs.gov.hk/0/en/jobseeker/hee).

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. Apart from large-scale job fairs, district-based job fairs are 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.

5.14 To reduce the risk of viral infection posed by the congregation of people during the COVID-19 outbreak, the LD organised online job fairs in place of some physical job fairs. The LD resumed the organisation of smaller-scale district-based recruitment activities in job centres and recruitment centres as well as large-scale job fairs when each wave of the pandemic became stabilised. In the year, 13 large-scale job fairs and four online job fairs were held, attracting over 9 400 job seekers to attend large-scale job fairs and receiving more than 3 800 job applications during online job fairs. At the same time, 821 district-based job fairs were organised, with over 19 000 on-the-spot interviews arranged.

Intensified Services for the Needy

Middle-aged and Elderly Job Seekers

5.15 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.



The “Job Fair for Middle-aged and Elderly Employment” organised in November

5.16 In addition, the LD implements the Employment Programme for the Elderly and Middle-aged (EPEM) to encourage employers to hire the elderly and middle-aged and provide them with on-the-job training (OJT) through the provision of OJT allowance. Employers engaging job seekers aged 60 or above who are unemployed or have left the workforce are offered a monthly training allowance of up to \$5,000 per employee for six to 12 months. Those who engage unemployed job-seekers aged 40 to 59 are offered an allowance of up to \$4,000 per month per employee for three to six months. The EPEM covers both full-time and part-time jobs. There were 3 340 placements eligible for joining the programme in 2021.

5.17 The LD also launched a pilot scheme in September 2020 to encourage the elderly aged 60 or above to undergo and complete OJT under the EPEM through the provision of a retention allowance, thereby stabilising employment. These employees will be offered a retention allowance of \$3,000 if they stay in the OJT posts for three months. Thereafter, they will receive an additional allowance of \$1,000 for each ensuing month when they stay in their same jobs until their completion of the six to 12-month OJT. Subject to the length of the OJT period, the maximum amount of retention allowance that a full-time employee may receive is \$12,000.

New Arrival and Ethnic Minority Job Seekers

5.18 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 in 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.

5.19 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 to strengthen employment support for ethnic minority job seekers, especially those of South Asian origins. Furthermore, inclusive job fairs are organised to enhance the employment opportunities of the ethnic minorities.

5.20 To further strengthen the employment support for ethnic minority job seekers, the LD has commissioned two non-governmental organisations (NGOs) to implement the Racial Diversity Employment Programme since November 2020. The programme provides, on a pilot basis, one-stop employment services for ethnic minority job seekers in a case management approach through the NGOs so as to utilise the latter's community network, expertise in case management and experiences in serving the ethnic minorities. In 2021, the programme served 536 ethnic minority job seekers and recorded 259 placements, including 55 placements by referral.

Work Trial Scheme (WTS)

5.21 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 full-time work trial, the maximum allowance payable to each participant is \$8,300, while the allowance for part-time work trial is calculated at an hourly rate of \$49. Of this allowance, \$500 are contributed by the participating organisation. In 2021, a total of 336 job seekers were placed into work trials.

Workers Affected by Large-scale Retrenchment

5.22 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 helps the affected employees find suitable jobs more effectively. In the year, we offered such special employment services to some 2 000 affected employees.

Job Seekers with Disabilities

5.23 The 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 as well as post-placement follow-up services. In 2021, the SPD registered 2 882 job seekers with disabilities and secured 2 375 placements. (Appendix 5.3)

Work Orientation and Placement Scheme (WOPS)

5.24 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. The maximum allowance payable under the scheme to an eligible employer for engaging each person with disabilities having employment difficulties during the nine-month allowance period totalled \$60,000. In 2021, 1 137 placements were secured through the scheme.

5.25 The LD has provided since September 2020 a retention allowance on a pilot basis to employees with disabilities who are employed through the SPD's referral services, so as to encourage them to receive and complete OJT, thereby stabilising employment.

Self Help Integrated Placement Service (SHIPS)

5.26 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 2021, 244 job seekers with disabilities participated in the programme.

Interactive Selective Placement Service (iSPS) Website

5.27 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.



Second pouch box advertisement promoting services of the Selective Placement Division and the “Work Orientation and Placement Scheme”

Promotional Activities

5.28 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 producing publications and advertisements, broadcasting promotional videos, and publicising promotional messages through newspapers, publications of employers’ associations, radio and television channels, public transport network, wall banners and mobile application advertisements during the year. In addition, promotional visits were paid to employers of different trades and publicity materials were sent to them to canvass more job vacancies for persons with disabilities.

Services for Young People

Greater Bay Area Youth Employment Scheme

5.29 The LD launched the Greater Bay Area Youth Employment Scheme (GBAYES) in January 2021 to encourage enterprises with business in both Hong Kong and the Greater Bay Area (GBA) to employ university graduates in Hong Kong and station them to work in GBA Mainland cities. Graduates who are legally employable in Hong Kong and holding bachelor's degrees or above awarded in 2019 to 2021 may participate in the scheme. Participating enterprises shall employ the target graduates according to Hong Kong laws with a monthly salary of not less than HK\$18,000. The LD will pay a monthly allowance of HK\$10,000 to the enterprises for each qualified graduate employed for a maximum period of 18 months.



The Labour Department organised the “Greater Bay Area Youth Employment Scheme Job Expo” in March to assist Hong Kong young people to find jobs in the Greater Bay Area

5.30 GBAYES received 3 494 job vacancies, about half of which are innovation and technology posts. The LD received a total 1 091 notifications of employment.

Youth Employment and Training Programme (YETP)

5.31 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.

5.32 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, OJT 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. Employers who engage trainees under the YETP and provide them with OJT are entitled to a maximum training allowance of \$5,000 per month per employee for six to 12 months. Besides, the LD launched a pilot scheme with effect from September 2020 to encourage YETP trainees to undergo and complete OJT through the provision of a retention allowance, thereby stabilising employment.

5.33 In the 2020/21 programme year running from September 2020 to August 2021, 2 071 young people attended pre-employment training and 1 735 OJT placements were secured under the YETP.

5.34 The YETP collaborates with training bodies and individual employers or employers of specific sectors to launch special employment projects, providing tailor-made pre-employment training and OJT for young people. In the 2020/21 programme year, 17 special employment projects and 26 thematic job fairs were organised, involving employers in the construction and engineering, catering as well as retail industries, etc.

5.35 To showcase the improvements of trainees after joining the YETP and commend the caring efforts of training bodies and employers, the LD organised the Most Improved Trainees (MITs) award, and broadcast the TV programme “MIT Self-enhancement Project” and the radio interviews “YETP Most Improved Trainees”. Besides, we also collaborated with RTHK to produce a new series of radio drama “A Moment to Fly II”, which was adapted from the real-life experiences of YETP trainees, to encourage young people to stay resilient and remain committed to achieving their goals in life.

Programme for Youths with Acute Employment Difficulties

5.36 To strengthen the employment support for vulnerable youths, the YETP continued to operate the “Career Kick Start” project in 2021 to offer OJT of 12 months’ duration to young people with special needs through placements in NGOs with a view to enhancing 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

5.37 The LD operates two youth employment resource centres named Youth Employment Start. 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 2021, the number of services provided to young people by the two centres totalled 46 602.

Working Holiday Scheme (WHS)

5.38 Since 2001, Hong Kong has established bilateral WHS with 14 economies, namely New Zealand, Australia, Ireland, Germany, Japan, Canada, Korea, France, the United Kingdom, Austria, Hungary, Sweden, the Netherlands and Italy (commencement date to be confirmed). The scheme aims to provide an opportunity for Hong Kong youths aged between 18 and 30 to broaden their horizon, allowing them to experience foreign culture through living and working temporarily while holidaymaking overseas. At the same time, youths of our partner economies may also learn more about Hong Kong through the scheme.

5.39 A majority of partner economies allow Hong Kong youths to stay in their economies for up to 12 months and take up short-term employment to subsidise their expenses, and/or study short-term courses (except for Ireland) while holidaying.

5.40 The WHS has been well received among young people. As at end-2021, more than 98 000 Hong Kong youths participated in the scheme, while about 15 000 youths from the partner economies came to Hong Kong under the scheme. The LD will continue to enhance the publicity of this scheme, and explore with more economies to establish new WHS or expand existing bilateral arrangements in order to provide more choices and opportunities for Hong Kong youths to participate in the scheme.

Regulating Local Employment Agencies and Employment outside Hong Kong

- 5.41** The LD regulates employment agencies in Hong Kong through licensing, inspection, complaint investigation and prosecution. In 2021, we issued 3 466 employment agency licences and revoked or refused to issue seven licences. As at end-2021, there were 3 309 licensed employment agencies in Hong Kong. A total of 2 048 inspections were made by the LD officers to employment agencies in the year.
- 5.42** We promulgate the Code of Practice for Employment Agencies (the Code) for compliance by the industry with a view to promoting professionalism and service quality in the industry. At the same time, the dedicated Employment Agencies Portal (www.eaa.labour.gov.hk) provides employment agency operators and staff, job seekers, employers and other members of the public with updated information related to the regulation of employment agencies. The portal also publishes 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 the services of employment agencies. The enhanced transparency also helps foster the adoption of good practices by the industry.
- 5.43** 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 Hong Kong involving manual employees and non-manual employees with monthly wages not exceeding \$20,000.

Regulating Labour Importation

Supplementary Labour Scheme (SLS)

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

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

5.46 As at end-2021, there were 5 188 imported workers working in Hong Kong under the SLS.

Policy on Foreign Domestic Helpers (FDHs)

5.47 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, 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, free medical treatment, etc. FDHs also enjoy wage protection through the Government-prescribed Minimum Allowable Wage (MAW), under which employers have to pay FDHs a salary no less than the prevailing MAW when the contracts are signed. The Government attaches great importance to safeguarding 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.

5.48 To strengthen the protection of FDHs and enhance the awareness of both employers and FDHs of their rights, benefits and responsibilities, the LD continued to maintain close liaison with and disseminate information on employment matters through the governments of the FDH-sending countries and their consulates-general in Hong Kong, NGOs serving FDHs, FDH employer groups and employment agency associations.

5.49 During the COVID-19 pandemic, the LD provided several rounds of free testing service for the FDHs. Mobile broadcasts were conducted in Chinese, English and major languages of the FDHs in their popular gathering places on Saturdays and Sundays to call upon them to comply with the regulations on mask-wearing and prohibition of group gatherings in public places.

5.50 As at end-2021, there were 339 451 FDHs in Hong Kong, with 56.5% coming from the Philippines and 41.3% 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);
- administering the Reimbursement of Maternity Leave Pay Scheme;
- 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 2021

Key Indicators of Work

6.11 We sustained our efforts to safeguard the rights and benefits of employees through various activities in 2021. Some key indicators of work of this programme area are shown in Appendix 6.1.

Improvement to Employees' Benefits

6.12 In 2021, the ECO, the PMCO and the ODCO were amended with effect from 15 April 2021 to increase the amounts of a total of 18 compensation items payable in cases involving work accidents or prescribed occupational diseases. We also adjusted upwards the levels of prescribed relief payment, prescribed monthly amount and prescribed monthly amount (extra) under the ECAO effective from 14 May.

6.13 In July 2021, the ECO was further amended to extend its coverage to the situation where an employee sustains an injury or dies as a result of an accident when commuting to or from work during the period of extreme conditions arising from a super typhoon or other natural disaster of a substantial scale. Relevant employees are provided with the same employees' compensation protection on a par with that within the duration of a gale warning or rainstorm warning.

Proactive Efforts to Combat Wage Defaults

6.14 In 2021, the LD continued to adopt a proactive strategy to tackle the problem of non-payment of wages at source through enhancing publicity and promotion, taking enforcement and prosecution actions, 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.

- 6.15** We continued to take enforcement and prosecution actions 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.
- 6.16** During the year, the LD secured 807 convicted summonses for wage offences and 199 convicted summonses for defaults of awards made by the Labour Tribunal (LT) or the Minor Employment Claims Adjudication Board (MECAB). One company director, one manager and one employer were sentenced to imprisonment for these offences, and another three company directors and one employer 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

- 6.17** The LD continued vigorous enforcement efforts to ensure that the statutory rights of employees under labour legislation were well protected.
- 6.18** In 2021, labour inspectors carried out 135 370 workplace inspections of establishments in various trades to enforce labour laws ([Appendix 6.2](#)).
- 6.19** To safeguard employees' entitlement to the SMW, we also conducted proactive workplace inspections of various establishments and mounted targeted enforcement campaigns for low-paying sectors. In the year, 56 200 inspections were conducted to check compliance with the MWO.
- 6.20** We conducted inspections and trade-targeted operations to enforce the ECO's compulsory requirement of taking out employees' compensation insurance policy. In the year, a total of 101 948 inspections were conducted to enforce the statutory requirement.
- 6.21** 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 862 inspections were conducted to the workplaces of such workers and 2 843 workers were interviewed to check contractors' compliance with labour laws.

6.22 To ensure compliance with the conditions under the Supplementary Labour Scheme, we investigated 73 complaints and cases on suspected irregularities involving imported workers. Items investigated included wages and working hours arrangement.

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

6.23 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 by the Commissioner for Labour under the improved settlement mechanism introduced in August 2000.

6.24 In 2021, 42 547 employees' compensation cases, including 11 451 minor cases which involved sick leave of not exceeding three days, were received. At year-end, among the 31 096 fatal cases or non-fatal cases involving sick leave exceeding three days, 17 000 cases were settled. The amount of employees' compensation involved was \$235 million. The remaining cases were pending expiry of employees' sick leave, assessment of permanent incapacity or court judgment. (Appendices 6.3 and 6.4)

6.25 The LD enhanced the Claims Support Services through dedicated follow-up, early intervention and proactive contact to facilitate timely resolution of differences between employers and employees in employees' compensation cases.

6.26 The Task Force on Improving Work Injury Protection for Employees in High-risk Industries (Task Force) coordinated by the LD continued to implement improvement measures including stepping up the publicity and promotion of taking out adequate employees' compensation insurance coverage by employers, enhancing the case processing of employees' compensation claims, shortening the waiting time of injured employees for work injury assessments and strengthening training on occupational medicine. The Task Force will continue to discuss and implement other improvement measures.

Briefings and Promotional Campaigns

6.27 In 2021, the LD arranged two briefings for government departments and 117 briefings for imported workers to publicise the rights and obligations of the parties concerned.

6.28 Extensive publicity campaigns were launched to publicise our complaint telephone hotline (2815 2200) through public transportation network, advertisements inside MTR stations and compartments, newspaper articles, etc. to encourage employees to report suspected breaches of employment rights.



Seminar on the Minimum Wage Ordinance



Placing advertisements on Second pouch boxes to publicise the Minimum Wage Ordinance

6.29 We organised a wide range of publicity activities to enhance public awareness of the SMW rate and the MWO during the year. These activities included distributing and displaying leaflets and posters, holding seminars and roving exhibitions, publishing feature articles in newspapers, providing online interactive games on the LD's website, and placing advertisements through various channels such as newspapers, mobile applications, Internet platforms and public transport.

6.30 We continued to promote employers' statutory obligations on timely reporting of work accidents and taking out employees' compensation insurance policies through broadcasting APIs, placing advertisements through various channels (such as newspapers, journals of workers' unions and trade associations, mobile applications and public transport), distributing and displaying leaflets and posters, as well as holding seminars on the ECO.



Seminar on the Employees' Compensation Ordinance

Reimbursement of Maternity Leave Pay (RMLP) Scheme

6.31 The RMLP Scheme started receiving applications from employers on 1 April 2021. After paying 14 weeks' maternity leave pay under the EO to employees, employers can apply for reimbursement of the statutory maternity leave pay in respect of the 11th to 14th weeks paid, subject to a cap of \$80,000 per employee.

6.32 The RMLP Scheme runs a one-stop online portal “Reimbursement Easy Portal” (www.rmlps.gov.hk). Employers, after completing account registration, will gain access to a wide range of services, including online submission of applications, checking application progress, making enquiries and receiving latest information on the RMLP Scheme. In 2021, the RMLP Scheme received 6 127 applications and approved 5 405 applications with reimbursement of \$118 million.

Partnership with Statutory Bodies

6.33 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)

6.34 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.

6.35 The LD provides administrative support to the PWIFB, verifies applications and approves ex gratia payment from the PWIF. In 2021, we received 2 889 applications and processed 3 738 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 \$113 million made. A breakdown of applications received by economic sector is shown in Appendix 6.5.

6.36 By providing a safety net for employees affected by business closures, the PWIF plays an important role in maintaining good 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, the Commercial Crime Bureau of the Hong Kong Police Force, the Official Receiver’s Office and the Legal Aid Department to take concerted actions against suspected fraudulent cases.

Pneumoconiosis Compensation Fund Board (PCFB)

6.37 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 end-2021, 1 412 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 \$226 million.

Occupational Deafness Compensation Board (ODCB)

6.38 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 launches educational and publicity programmes for the prevention of occupational deafness, and provides rehabilitation programmes for those suffering from occupational deafness. In 2021, the ODCB approved 482 applications for compensation with a total compensation payout at \$52.79 million and 844 applications for payment of expenses on hearing assistive devices with a total payout at \$6.22 million. The ODCB also provided 701 rehabilitation programmes for people with hearing impairment caused by their employment in specified noisy occupations.

Employees Compensation Assistance Fund Board (ECAFB)

6.39 Set up under the ECAO, the ECAFB 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 2021, the ECAFB approved 45 applications, leading to payment of \$53.40 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. As at end-2021, 31 International Labour Conventions were applied to Hong Kong with or without modification (Appendix 7.1). 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 the 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 2021, the Labour Department (LD) continued to participate 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 in the 109th Session of the International Labour Conference via video conferencing, as part of the delegation of the People's Republic of China (Appendix 7.2).

Contacts with Other Labour Administrations

- 7.5** In the year, the LD mainly exchanged views on labour issues with its counterparts such as the Ministry of Human Resources and Social Security of the State Council through electronic means owing to the COVID-19 pandemic.

Figures and Charts

Appendices

- 2.1** Number of summonses convicted and total fines in 2021
- 2.2** Organisation Chart of Labour Department (as at 31 December 2021)
- 2.3** Terms of Reference and Composition of the Labour Advisory Board and Membership for the 2021-2022 term
- 3.1** Key Indicators of Work of the Labour Relations Programme Area in 2021
- 3.2** Number of Labour Disputes Handled by the Labour Relations Division from 2017 to 2021
- 3.3** Number of Claims Handled by the Labour Relations Division from 2017 to 2021
- 3.4** Number of Labour Disputes Handled by the Labour Relations Division in 2021 by Cause
- 3.5** Number of Claims Handled by the Labour Relations Division in 2021 by Cause
- 3.6** Number of Strikes and Number of Employees Involved from 2017 to 2021
- 3.7** Number of Working Days Lost due to Strike per Thousand Salaried Employees and Wage Earners from 2017 to 2021
- 4.1** Key Indicators of Work of the Programme of Safety and Health at Work in 2021
- 5.1** Key Indicators of Work of the Employment Services Programme Area in 2021
- 5.2** Key Indicators of Employment Services Rendered to Able-bodied Job Seekers from 2017 to 2021
- 5.3** Key Indicators of Employment Services Rendered to Job Seekers with Disabilities from 2017 to 2021
- 6.1** Key Indicators of Work of the Employees' Rights and Benefits Programme Area in 2021
- 6.2** Number of Inspections Made in 2021 by Major Economic Sector
- 6.3** Number of Cases Reported under the Employees' Compensation Ordinance in 2021 by Sex and Age
- 6.4** Number of Cases Reported under the Employees' Compensation Ordinance from 2017 to 2021
- 6.5** Number of Applications of the Protection of Wages on Insolvency Fund received in 2021 by Economic Sector
- 7.1** List of the 31 International Labour Conventions Applied to Hong Kong
- 7.2** Participation in Major International Labour Organisation Activities and Contacts with Other Labour Administrations in 2021

Appendix 2.1

Number of summonses convicted and total fines in 2021

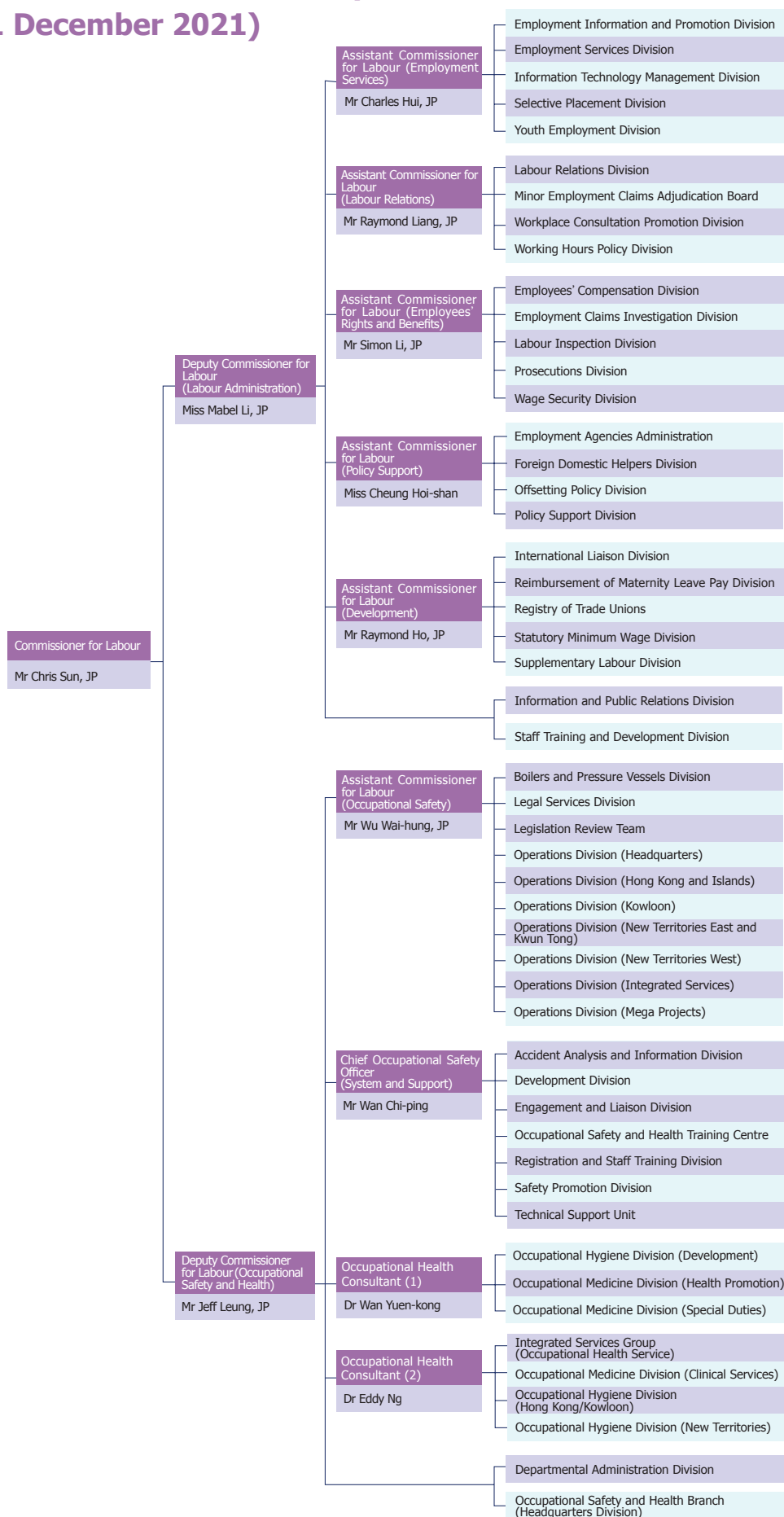
Ordinance	Summonses convicted	Fines (\$)
Boilers and Pressure Vessels Ordinance		
Sub-total	5	19,500
Employees' Compensation Ordinance		
Sub-total	1 119	2,650,820
Employment Ordinance and subsidiary regulations		
Statutory benefits cases	1 300	4,708,800
Young persons and children cases ¹	-	-
Employment agencies cases ²	5	21,050
Sub-total	1 305	4,729,850
Factories and Industrial Undertakings Ordinance and subsidiary regulations		
Building and engineering construction cases	1 333	10,819,198
Other cases	437	3,283,700
Sub-total	1 770	14,102,898
Occupational Safety and Health Ordinance and subsidiary regulations		
Sub-total	112	1,178,500
Immigration Ordinance		
Sub-total	16	26,200
Total	4 327	22,707,768

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

2. Cases involving offences by employment agencies under the Employment Ordinance and the Employment Agency Regulations

Appendix 2.2

Organisation Chart of Labour Department (as at 31 December 2021)



Appendix 2.3

Terms of Reference and Composition of the Labour Advisory Board and Membership for the 2021-2022 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 Chris Sun, JP	Commissioner for Labour
------------------	-------------------------

Members

Employee Representatives		
Mr Charles Chan Yiu-kwong	}	elected by registered employee unions
Mr Tang Ka-piu, BBS, JP		
Mr Leung Chau-ting		
Ms Tam Kam-lin		
Mr Lo Tai-chi		
Ms Molly Shea Wai-man		appointed ad personam
Employer Representatives		
Hon Ho Sai-chu, GBM, GBS, JP		representing the Chinese General Chamber of Commerce
Dr Kim Mak Kin-wah, BBS, JP		representing the Employers' Federation of Hong Kong
Mr Irons Sze, BBS, JP		representing the Chinese Manufacturers' Association of Hong Kong
Mr Emil Yu Chen-on, BBS, JP		representing the Hong Kong General Chamber of Commerce
Mr Jimmy Kwok Chun-wah, SBS, MH, JP		representing the Federation of Hong Kong Industries
Dr Bankee Kwan Pak-hoo, JP		appointed ad personam

Secretary

Ms Esther Chan Lai-heung	Senior Labour Officer
--------------------------	-----------------------

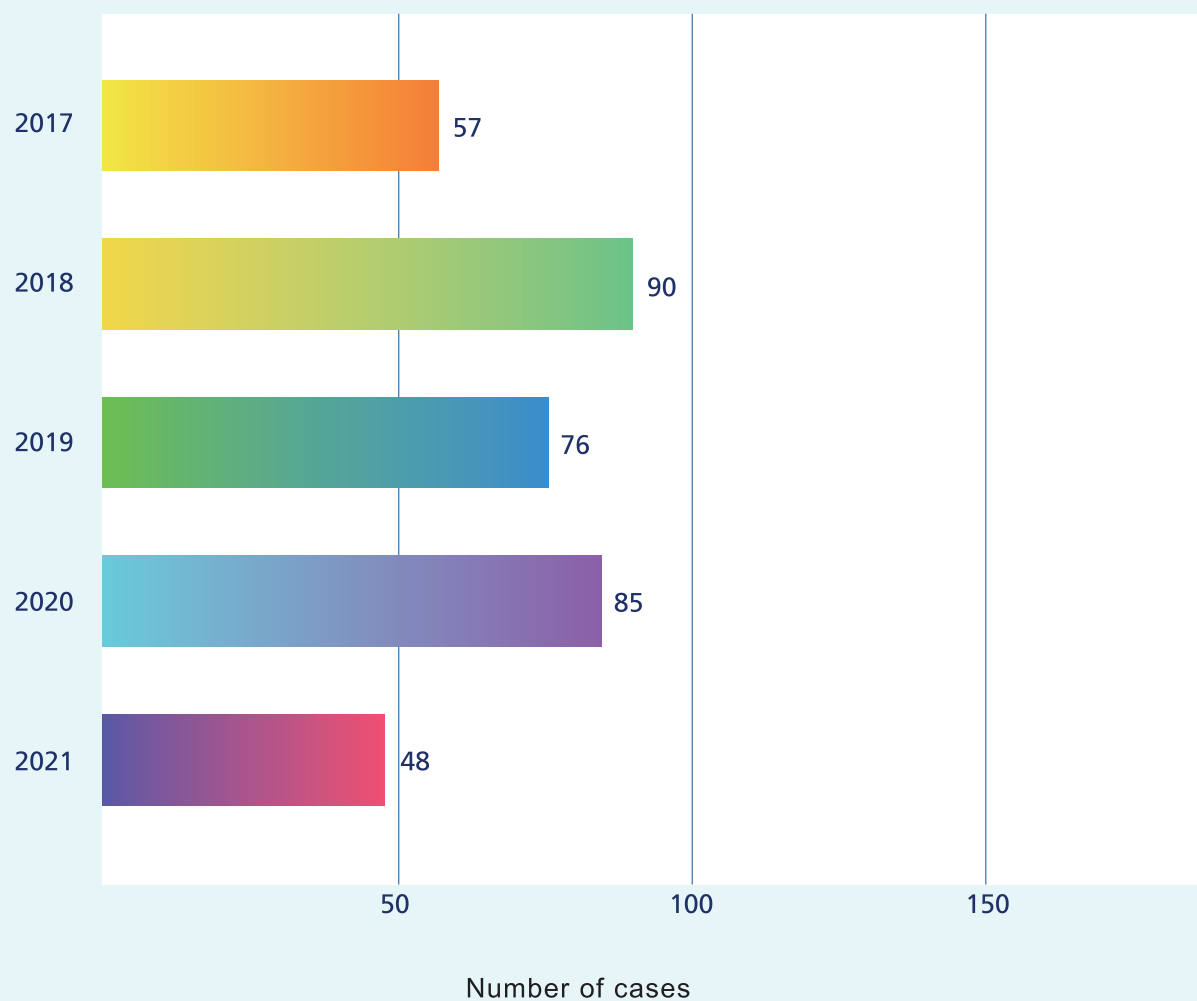
Appendix 3.1

Key Indicators of Work of the Labour Relations Programme Area in 2021

Key Indicators of Work		Number
I.	Conciliation and Consultation Services	
	Labour disputes and claims handled	11 112
	Consultation meetings held	44 178
	Percentage of labour disputes and claims resolved through conciliation	74.6%
II.	Adjudication of Minor Employment Claims	
	Claims adjudicated by Minor Employment Claims Adjudication Board	508
III.	Administration of Trade Unions	
	Registration of new trade unions and changes of union names/rules	296
	Visits to trade unions	353
	Account statements of trade unions examined	1 294
	Training courses organised for trade unions	3

Appendix 3.2

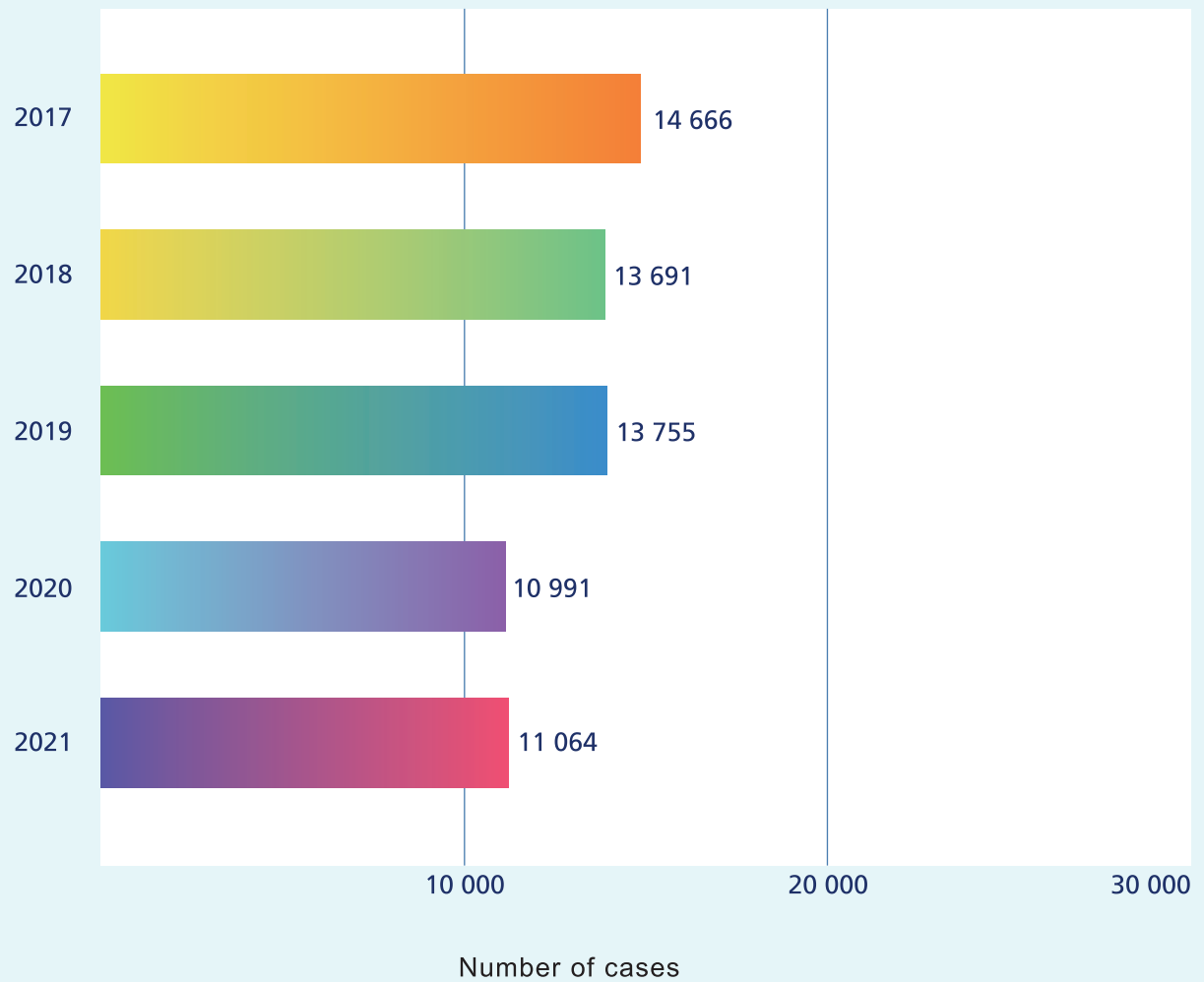
Number of Labour Disputes Handled by the Labour Relations Division from 2017 to 2021



Year	Number of cases
2017	57
2018	90
2019	76
2020	85
2021	48

Appendix 3.3

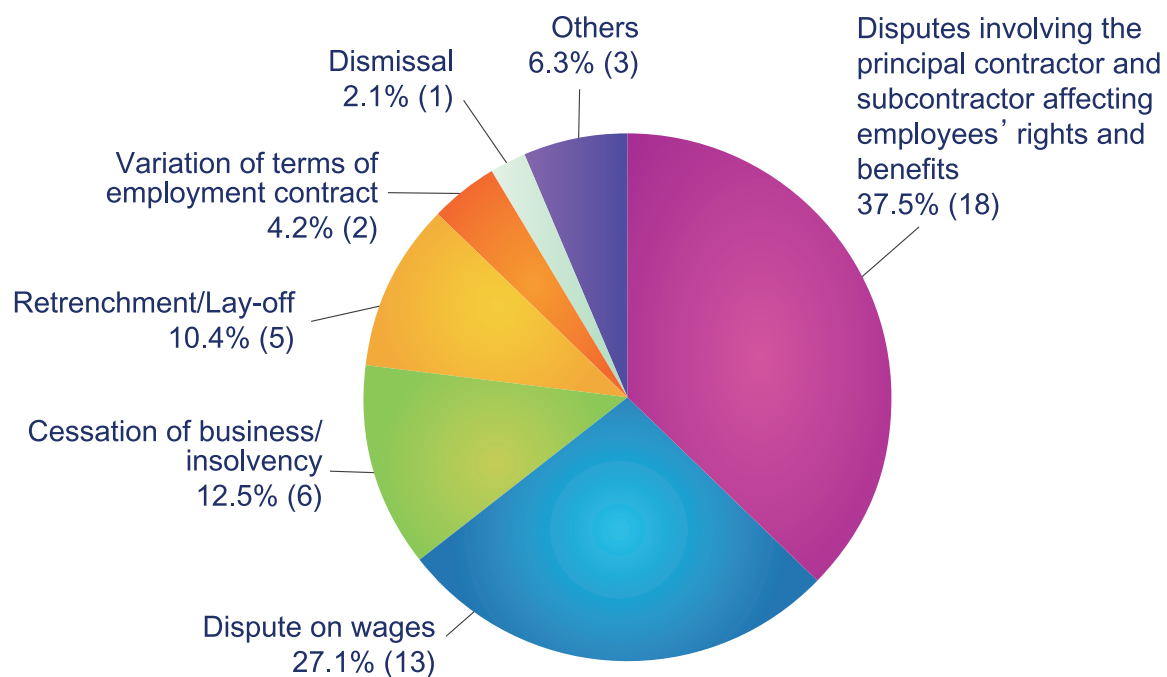
Number of Claims Handled by the Labour Relations Division from 2017 to 2021



Year	Number of cases
2017	14 666
2018	13 691
2019	13 755
2020	10 991
2021	11 064

Appendix 3.4

Number of Labour Disputes Handled by the Labour Relations Division in 2021 by Cause



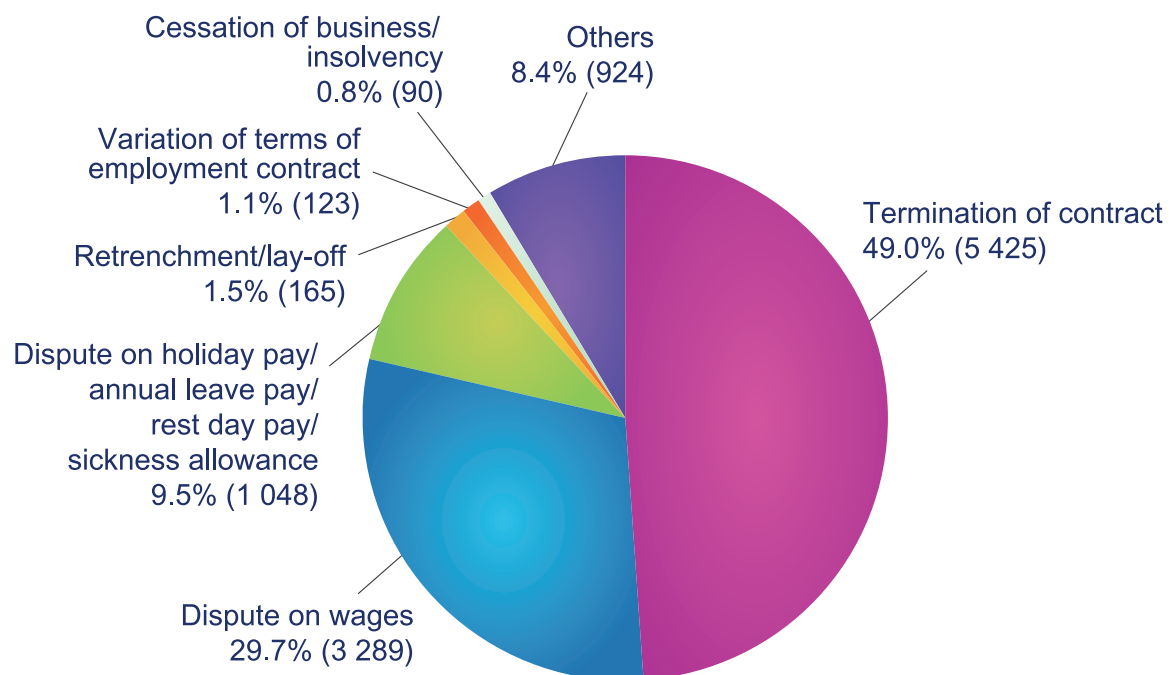
Total number of cases : 48

Figures in brackets indicate the number of related cases

Cause	Number of cases	Percentage
Disputes involving the principal contractor and subcontractor affecting employees' rights and benefits	18	37.5%
Dispute on wages	13	27.1%
Cessation of business/insolvency	6	12.5%
Retrenchment/Lay-off	5	10.4%
Variation of terms of employment contract	2	4.2%
Dismissal	1	2.1%
Others	3	6.3%
Total number of cases	48	

Appendix 3.5

Number of Claims Handled by the Labour Relations Division in 2021 by Cause



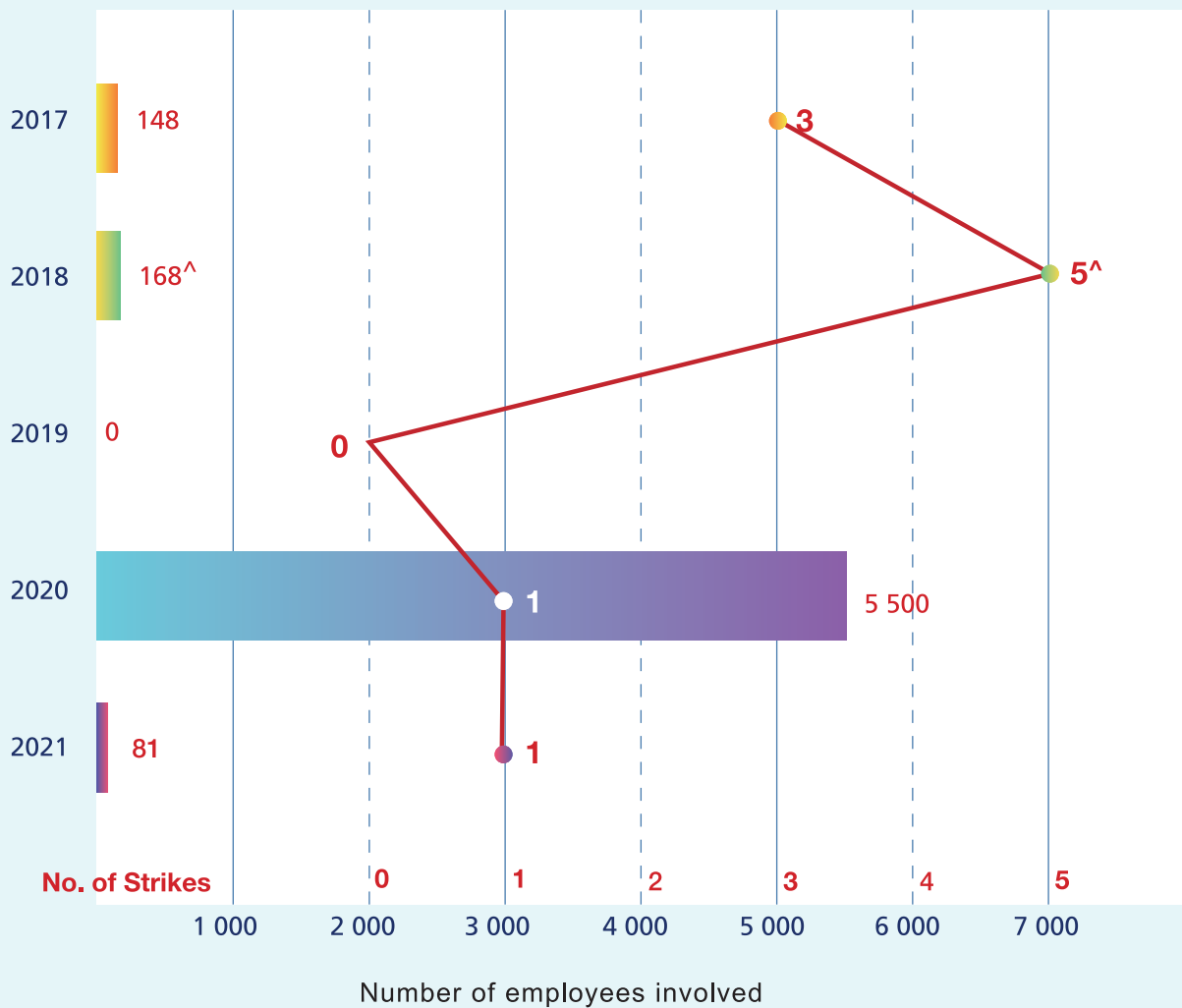
Total number of cases : 11 064

Figures in brackets indicate the number of related cases

Cause	Number of cases	Percentage
Termination of contract	5 425	49.0%
Dispute on wages	3 289	29.7%
Dispute on holiday pay/annual leave pay/rest day pay/sickness allowance	1 048	9.5%
Retrenchment/lay-off	165	1.5%
Variation of terms of employment contract	123	1.1%
Cessation of business/insolvency	90	0.8%
Others	924	8.4%
Total number of cases	11 064	

Appendix 3.6

Number of Strikes and Number of Employees Involved from 2017 to 2021

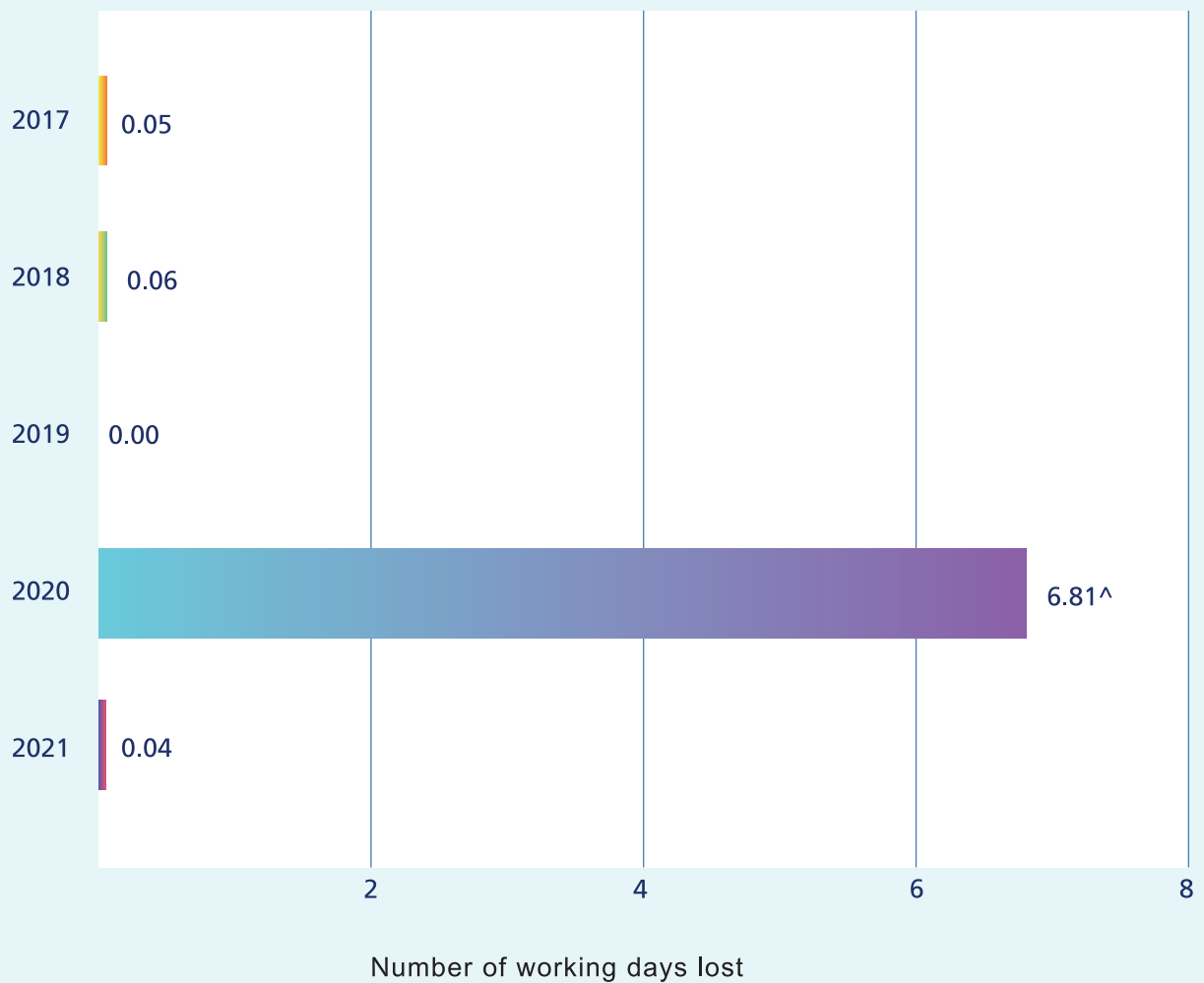


Year	Number of strikes	Number of employees involved
2017	3	148
2018	5 [^]	168 [^]
2019	0	0
2020	1	5 500
2021	1	81

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

Appendix 3.7

Number of Working Days Lost due to Strike per Thousand Salaried Employees and Wage Earners* from 2017 to 2021



Year	Number of working days lost
2017	0.05
2018	0.06
2019	0.00
2020	6.81^
2021	0.04

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

^ The increase was attributed to an industrial action involving a large number of employees.

Appendix 4.1

Key Indicators of Work of the Programme of Safety and Health at Work in 2021

Key Indicators of Work		Number
I.	Inspections	
	Inspections under FIUO ¹ and OSHO ²	130 676
	Inspections under BPVO ³	4 680
II.	Investigations	
	Investigations of accidents at workplaces	16 978
	Investigations of suspected cases of occupational diseases/ occupational health problems	2 614
III.	Promotion and Education	
	Promotional visits to workplaces under FIUO ¹ and OSHO ²	4 922
	Talks, lectures and seminars organised	1 881
IV.	Pressure Equipment Registration	
	Pressure equipment registered	2 137
	Examinations conducted and exemptions granted, for the issue or endorsement of certificates of competency	453
V.	Clinical Services	
	Clinical consultations conducted	10 040

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

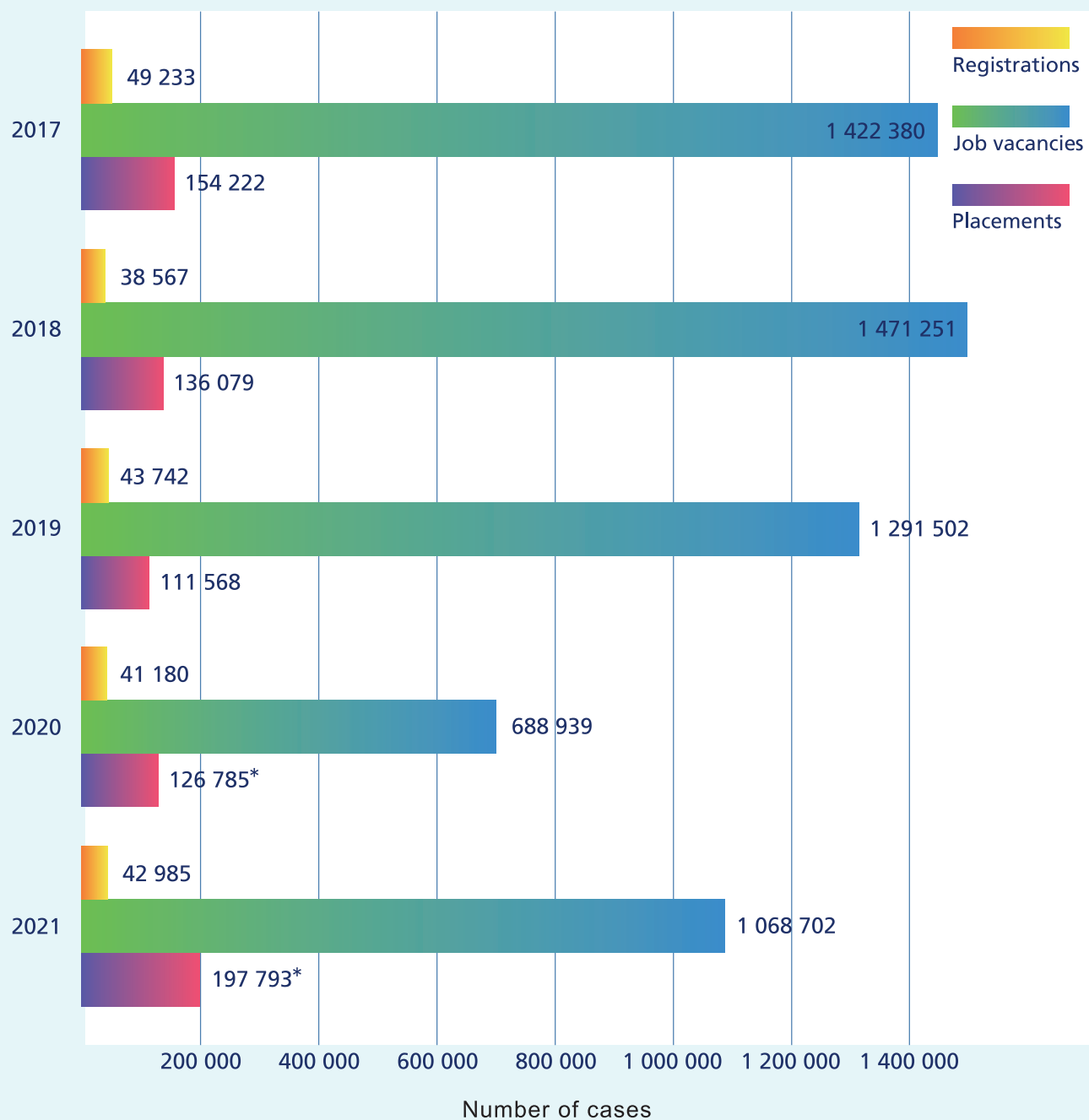
Appendix 5.1

Key Indicators of Work of the Employment Services Programme Area in 2021

Key Indicators of Work		Number
I.	Able-bodied Job Seekers	
	Persons registered	42 985
	Placements	197 793
II.	Job Seekers with Disabilities	
	Persons registered	2 882
	Placements	2 375
III.	Regulating Employment Agencies	
	Licences issued	3 466
	Inspections	2 048
IV.	Applications under the Supplementary Labour Scheme processed	1 178

Appendix 5.2

Key Indicators of Employment Services Rendered to Able-bodied Job Seekers from 2017 to 2021

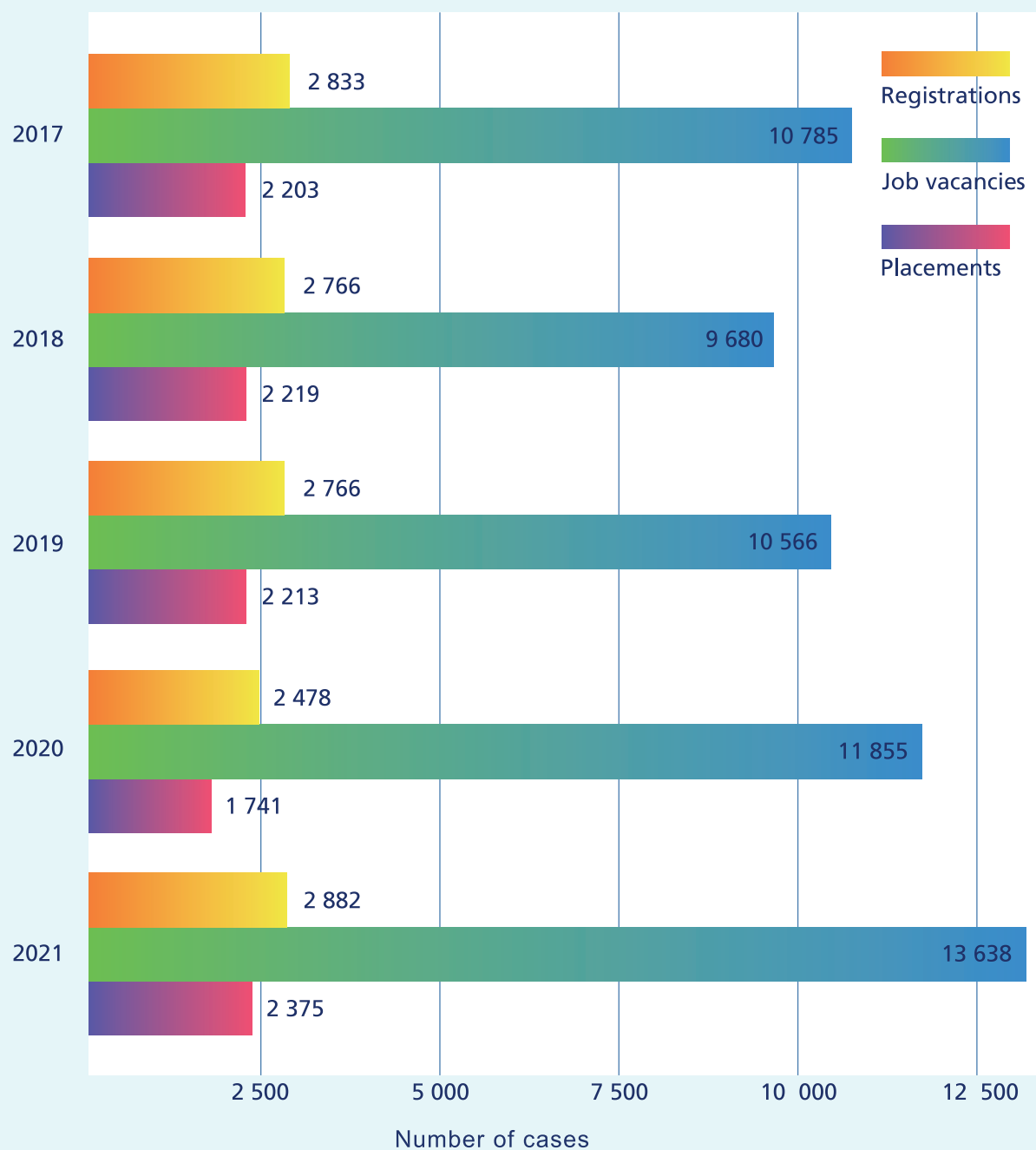


Year	Registrations	Job vacancies	Placements
2017	49 233	1 422 380	154 222
2018	38 567	1 471 251	136 079
2019	43 742	1 291 502	111 568
2020	41 180	688 939	126 785*
2021	42 985	1 068 702	197 793*

* Care should be taken in comparing the placement figures for 2020 and thereafter with those in previous years owing to changes in parameters of the placement survey.

Appendix 5.3

Key Indicators of Employment Services Rendered to Job Seekers with Disabilities from 2017 to 2021



Year	Registrations	Job vacancies	Placements
2017	2 833	10 785	2 203
2018	2 766	9 680	2 219
2019	2 766	10 566	2 213
2020	2 478	11 855	1 741
2021	2 882	13 638	2 375

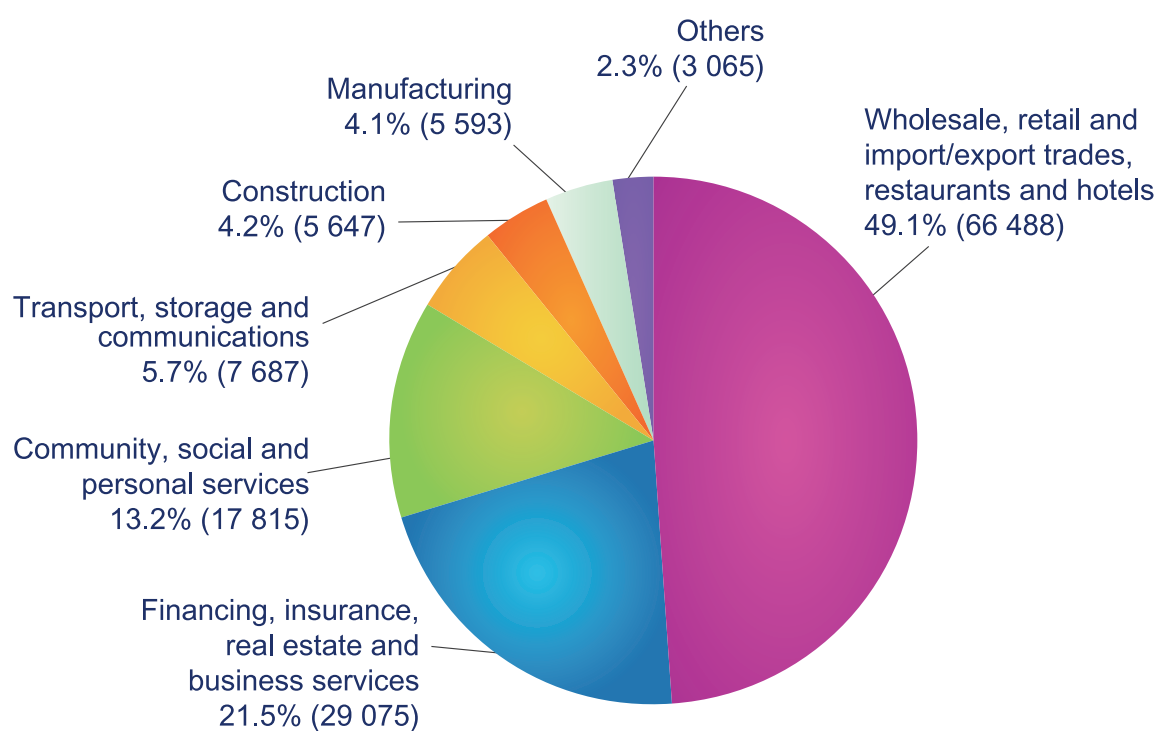
Appendix 6.1

Key Indicators of Work of the Employees' Rights and Benefits Programme Area in 2021

Key Indicators of Work		Number
I.	Inspections to workplaces	135 370
II.	Employees' compensation claims received	42 547
III.	Sick leave clearance interviews for injured employees conducted	38 636
IV.	Assessment of loss of earning capacity of injured employees	
	Ordinary assessment	16 859
	Special assessment	0
	Review assessment	4 823
V.	Applications for payment under the Protection of Wages on Insolvency Fund processed	3 738
VI.	Cases related to imported workers under the Supplementary Labour Scheme investigated	73
VII.	Convicted summonses on wage offences	807

Appendix 6.2

Number of Inspections Made in 2021 by Major Economic Sector



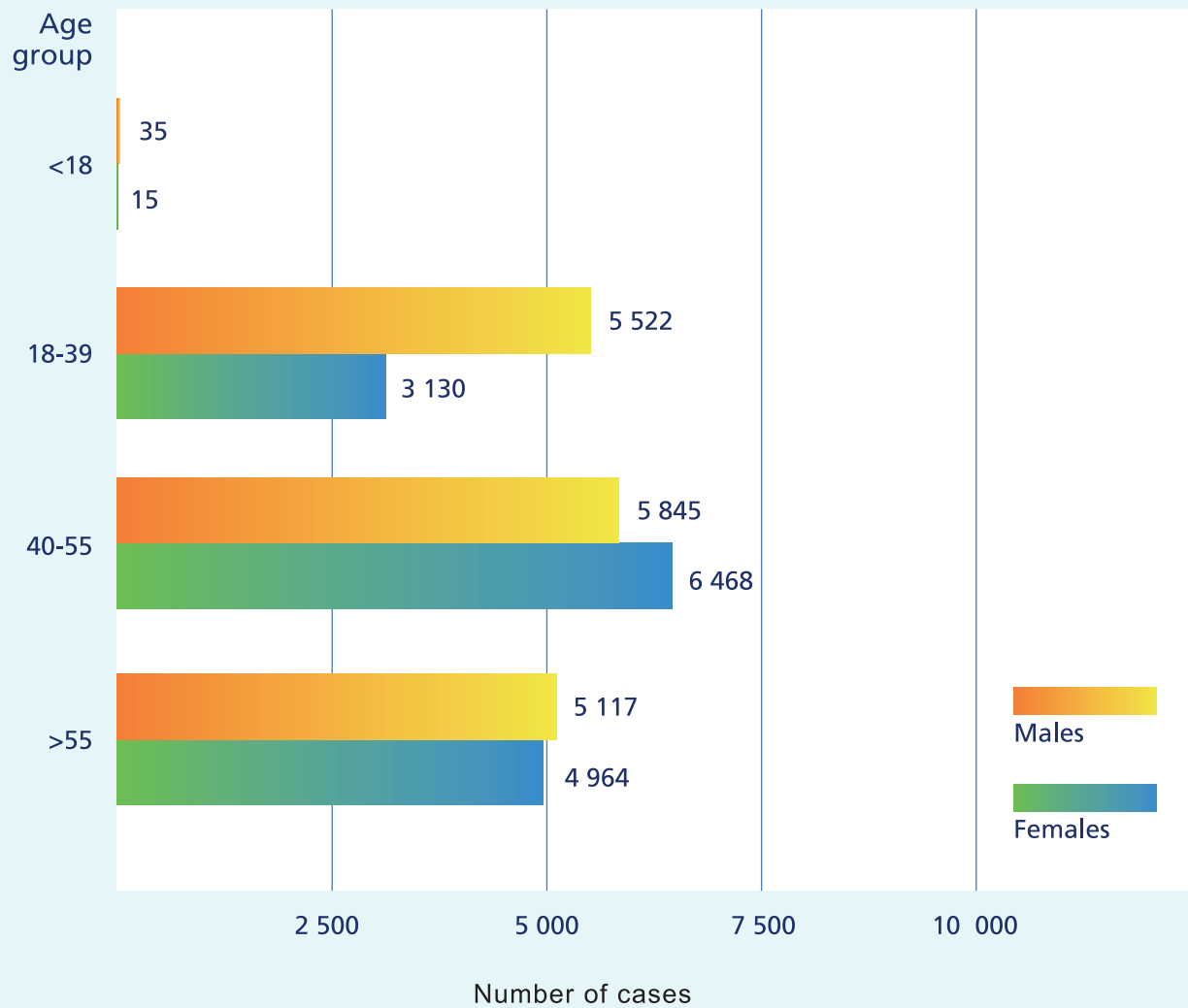
Total number of inspections : 135 370

Figures in brackets indicate the number of related inspections

Economic sector	Number of inspections	Percentage
Wholesale, retail and import/export trades, restaurants and hotels	66 488	49.1%
Financing, insurance, real estate and business services	29 075	21.5%
Community, social and personal services	17 815	13.2%
Transport, storage and communications	7 687	5.7%
Construction	5 647	4.2%
Manufacturing	5 593	4.1%
Others	3 065	2.3%
Total number of inspections	135 370	

Appendix 6.3

Number of Cases Reported under the Employees' Compensation Ordinance in 2021 by Sex and Age*

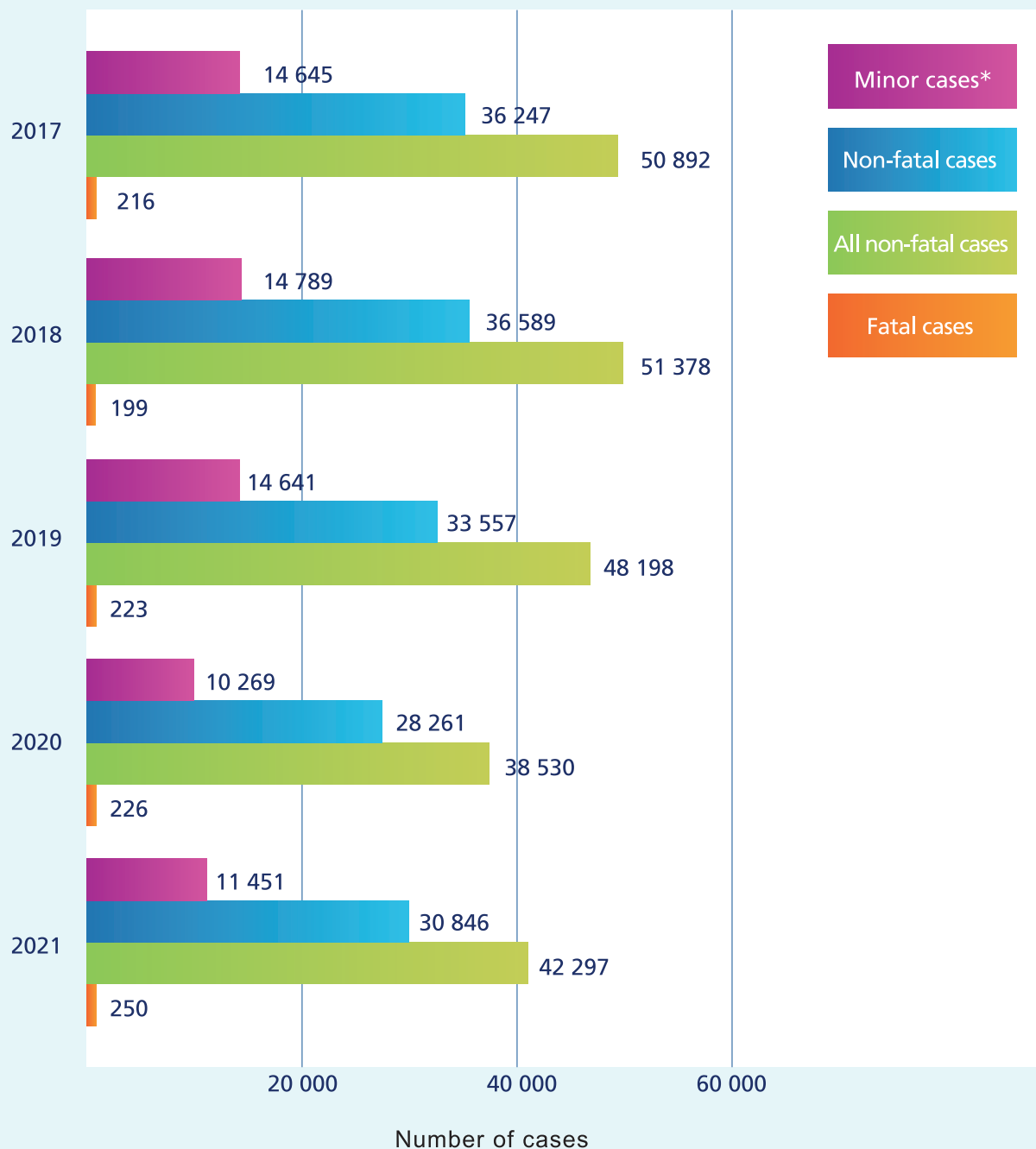


Age group	Males	Females
<18	35	15
18-39	5 522	3 130
40-55	5 845	6 468
>55	5 117	4 964

* The figures have not included 11 451 cases involving sick leave of not exceeding three days.

Appendix 6.4

Number of Cases Reported under the Employees' Compensation Ordinance from 2017 to 2021

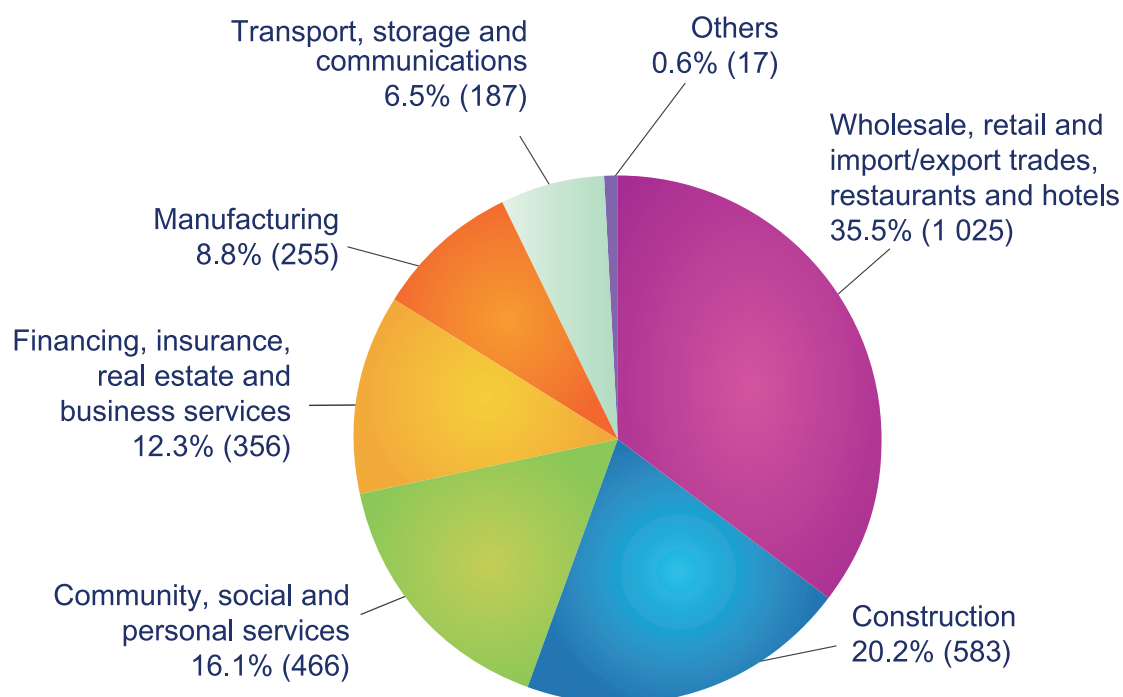


Year	Minor cases*	Non-fatal cases	All non-fatal cases	Fatal cases
2017	14 645	36 247	50 892	216
2018	14 789	36 589	51 378	199
2019	14 641	33 557	48 198	223
2020	10 269	28 261	38 530	226
2021	11 451	30 846	42 297	250

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

Appendix 6.5

Number of Applications of the Protection of Wages on Insolvency Fund received in 2021 by Economic Sector



Total number of applications: 2 889

Figures in brackets indicate the number of related applications

Economic Sector	Number of applications	Percentage
Wholesale, retail and import/export trades, restaurants and hotels	1 025	35.5%
Construction	583	20.2%
Community, social and personal services	466	16.1%
Financing, insurance, real estate and business services	356	12.3%
Manufacturing	255	8.8%
Transport, storage and communications	187	6.5%
Others	17	0.6%
Total number of applications	2 889	

Appendix 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

Appendix 7.2

Participation in Major International Labour Organisation Activities and Contacts with Other Labour Administrations in 2021

Month	Activities
May to Jun and Nov to Dec	The Commissioner for Labour led a tripartite team comprising the Government, employer and employee representatives to attend the 109th Session of the International Labour Conference held in a virtual manner, as part of the delegation of the People's Republic of China.



Every effort has been made to ensure accuracy. The Labour Department is not responsible for any loss, action or inaction arising from the use of, or for advice based on, any information therein.

Except for non-profit education purpose, permission to reproduce any part of this annual report should be obtained through the Commissioner for Labour. The title and the publisher of this annual report must be quoted for any reproduction in full or in part of the annual report.

© Labour Department HKSAR 2022. All rights reserved.

