

1999-2000

勞工顧問委員會報告

REPORT OF THE LABOUR ADVISORY BOARD

**Part One**

**Labour Advisory Board**

## **Membership of the Labour Advisory Board**

(1 January 1999 – 31 December 2000)

### **Chairman**

|   |   |                         |
|---|---|-------------------------|
| Mr Matthew CHEUNG Kin-chung, JP<br>( 1.1.1999 – 18.6.2000 ) | } | Commissioner for Labour |
| Mrs Pamela TAN KAM Mi-wah, JP<br>( 26.6.2000 – 31.12.2000 ) |   |                         |

### **Members**

#### ***Employer Representatives***

|   |   |  |
|---|---|--|
| Mr HO Sai-chu, SBS, JP                                  |   | Representing the Chinese General Chamber of Commerce             |
| Mr Joseph LAU Man-wai, JP                               |   | Representing the Chinese Manufacturers' Association of Hong Kong |
| Mr Andrew LEUNG Kwan-yuen, JP                           |   | Representing the Federation of Hong Kong Industries              |
| Dr Kim MAK Kin-wah                                      |   | Representing the Employers' Federation of Hong Kong              |
| Mr Stephen LAU Kwong-chuen<br>( 1.1.1999 – 1.11.1999 )  | } | Representing the Hong Kong General Chamber of Commerce           |
| Mr Anthony YEUNG Kwok-ki<br>( 12.11.1999 – 31.12.2000 ) |   |  |
| Dr Harry LEE Nai-shee, JP                               |   | Appointed <i>ad personam</i>                                     |

#### ***Employee Representatives***

|   |   |                                       |
|---|---|---------------------------------------|
| Mr Felix CHEUNG Kwok-bui  | } | Elected by registered employee unions |
| Mr LEUNG Chau-ting  |   |                                       |
| The Hon LEUNG Fu-wah, MH, JP  |   |                                       |
| Ms LEUNG Suet-fong  |   |                                       |
| Mr POON Siu-ping  |   |                                       |
| Mr CHEUNG Wood-lun, MH<br>(alias CHEUNG Lun)<br>( 1.1.1999 – 31.12.1999 ) | } | Appointed <i>ad personam</i>          |
| Mr CHEUNG Pak-chi<br>( 1.1.2000 – 31.12.2000 )                            |   |                                       |

### **Secretary**

|  |   |                       |
|--|---|-----------------------|
| Mr Stanley NG Ka-kwong<br>( 1.1.1999 – 28.6.1999 ) | } | Senior Labour Officer |
| Mr FUNG Ying-lun<br>( 19.7.1999 – 31.12.2000 )     |   |                       |

勞工顧問委員會  
Labour Advisory Board  
1999 - 2000



Front row (from left) : Dr Harry LEE Nai-shee, JP ; Mr Andrew LEUNG Kwan-yuen, JP ; Mr HO Sai-chu, SBS, JP ; Mrs Pamela TAN KAM Mi-wah, JP [Chairman] ; The Hon LEUNG Fu-wah, MH, JP ; Mr Felix CHEUNG Kwok-bui ; Mr POON Siu-ping

Back row (from left) : Mr Alfred CHAN Wing-kit, BBS, JP [Deputy Commissioner for Labour (Labour Administration)] ; Mr Anthony YEUNG Kwok-ki ; Dr Kim MAK Kin-wah ; Mr Joseph LAU Man-wai, JP ; Ms LEUNG Suet-fong ; Mr LEUNG Chau-ting ; Mr CHEUNG Pak-chi ; Mr Fred TING Fook-cheung, JP [Deputy Commissioner for Labour (Occupational Safety and Health)] ; Mr FUNG Ying-lun [Secretary]



A Labour Advisory Board (LAB) Election was held on 28 November 1998 to return five employee representatives for the term 1999 - 2000.



LAB Members and the officials from the Labour Department attended the 87<sup>th</sup> Session of the International Labour Conference in Geneva, Switzerland in June 1999.



The Labour Department and the LAB hosted a Spring Reception in February 2000.



LAB Members and the officials from the Labour Department attended the 88<sup>th</sup> Session of the International Labour Conference in Geneva, Switzerland in June 2000.



LAB Members met Mr Andre Zenger, Director of the International Labour Standards Department of the International Labour Organisation (ILO) in September 2000.



LAB Members met Ms Mitsuko Horiuchi, Regional Director for Asia and the Pacific of the ILO in December 2000.

# Labour Advisory Board

## INTRODUCTION

The Labour Advisory Board (LAB) is a non-statutory body appointed by the Chief Executive to advise the Commissioner for Labour on labour matters including legislation and the application of international labour Conventions. The Commissioner for Labour or the Deputy Commissioner for Labour is the ex-officio chairman of the LAB. The LAB has 12 members, six representing employers and six representing employees.

2. The LAB plays an important part in the formulation of labour policies and gives advice on labour legislation.

## HISTORY

3. The LAB was first appointed in 1927. In its early years, the LAB was composed of representatives of large companies, government departments as well as the armed services. There were no employee representatives.

4. In 1946, the LAB became a tripartite body, with the Labour Officer as the ex-officio chairman, three members representing European employers, three representing Chinese employers and three representing employees of major companies. The Labour Officer was the head of the Labour Office which was then part of the Secretariat for Chinese Affairs.

5. In 1950, the LAB was reconstituted and election was introduced for the first time. Of the four members representing employees, two were elected by trade unions by secret ballot, and the other two were appointed by the Government. Of the four members representing employers, one was nominated by the Employers' Federation of Hong Kong, one by the Chinese Manufacturers' Union (renamed the Chinese Manufacturers' Association of Hong Kong in 1957), and two were appointed by the Government, one each from European and Chinese employers.

6. In 1977, the membership of the LAB was increased by four to twelve. It was composed of six employer representatives with four nominated by employer organisations and two appointed by the Government, and six employee representatives with three elected by trade unions and three appointed by the Government.

7. In January 1985, the term of office of the LAB was extended from one to two years. The number of elected employee representatives was increased from three to four, and this was offset by a reduction of appointed employee Members from three to two.

8. With effect from 1 January 1989, the number of nominated employer representatives and elected employee representatives was increased from four to five, and this was again offset by a reduction in the number of appointed Members on both sides to one.

9. Starting from 1 January 1993, non-official Members of the LAB were eligible for an allowance for each term of office and they could initiate agenda items to be discussed in LAB meetings.

## **TERMS OF REFERENCE**

10. The terms of reference of the LAB are:

*‘To advise the Commissioner for Labour on such 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**

11. The composition of the LAB in the 1999 - 2000 term is given below:

### **Chairman**

Commissioner for Labour or  
Deputy Commissioner for Labour (ex-officio)

### **Members**

#### Employer Representatives

Five Members nominated by major employer associations:

- ☞ one representing the Chinese General Chamber of Commerce
- ☞ one representing the Hong Kong General Chamber of Commerce
- ☞ one representing the Chinese Manufacturers' Association of Hong Kong
- ☞ one representing the Federation of Hong Kong Industries
- ☞ one representing the Employers' Federation of Hong Kong

One Member appointed *ad personam*

Employee Representatives

Five Members elected by registered employee unions

One Member appointed *ad personam*

**Secretary**

A Senior Labour Officer

12. An election, by secret ballot, was held on 28 November 1998 for the registered employee unions to elect employee representatives for the term 1999 - 2000. Nine candidates vied for five seats as employee representatives on the LAB. Out of a total of 331 employee unions registered as electors, 298 took part in the election. On the employer side, the five major employer associations were invited in late 1998 to nominate representatives to sit on the LAB.

13. The remaining two Members, one representing employers and the other representing employees, were appointed by the government *ad personam*. The appointment of the 12 Members was published in the Government Gazette. The LAB met 9 times during the period from 1 January 1999 to 31 December 2000. The membership of the LAB for the term 1999 - 2000 is on page 2.

## COMMITTEES OF THE LABOUR ADVISORY BOARD

14. To cope with the complex nature of labour matters which require the LAB's attention and to encourage greater participation by employers and employees, five committees on special subject areas have been set up under the auspices of the LAB. The five committees are:

- § *Committee on Employees' Compensation*
- § *Committee on Employment Services*
- § *Committee on the Implementation of International Labour Standards*
- § *Committee on Labour Relations*
- § *Committee on Occupational Safety and Health*

15. The LAB Members and over 20 persons including employer and employee representatives from outside the LAB, academics, professionals, representatives from government departments, public bodies and concern groups, served on the five committees. Details on the terms of reference, composition and work of these committees are given in Part Two.

## ACTIVITIES DURING THE 1999 - 2000 TERM

### Consultation on Labour Legislation

16. The LAB endorsed 17 items of proposed labour legislation relating to the welfare, safety and health of workers in Hong Kong. Details on the legislative items and their position as at the end of the 2000 - 2001 Legislative Council Session are given in Appendix 8. Major items include the following:

#### LABOUR RELATIONS

##### **Employment Ordinance (EO)**

The LAB endorsed the following proposals to improve the provisions of the EO:

- to clarify that an employer might not summarily dismiss an employee without notice or payment in lieu of notice on the ground that the employee took part in a strike;
- to extend the application of the EO to cover river trade seafarers;
- to empower the Labour Tribunal to make reinstatement/re-engagement orders without employers' consent in cases of unreasonable and unlawful dismissal if the Tribunal considered it appropriate and reasonably practicable.

##### **Employment of Young Persons (Industry) Regulations**

*(formerly known as "Women and Young Persons (Industry) Regulations" before 12 April 2001)*

The LAB endorsed a proposal to stipulate that no person should employ any young person under 18 years of age in any dangerous trade as defined under the Factories and Industrial Undertakings Ordinance.

##### **Protection of Wages on Insolvency Ordinance (PWIO)**

The LAB endorsed a proposal to amend the provisions of the PWIO to the effect that the amount of ex gratia severance payment from the Protection of Wages on Insolvency Fund would be calculated on the basis of an employee's wage level before wage reduction if his employer had undertaken to do so before the wage reduction.

### **Trade Unions Ordinance (TUO)**

The LAB endorsed a proposal to allow registered trade unions to make charitable donations to lawful organisations outside Hong Kong in accordance with their registered rules without the need to seek approval from the Chief Executive.

## **EMPLOYEES' COMPENSATION**

### **Employees' Compensation Ordinance (ECO)**

The LAB endorsed the following proposals to improve the provisions of the ECO:

- to revise the penalty clauses under the ECO;
- to add two new diseases and expand the coverage of two existing diseases in the list of occupational diseases prescribed under the ECO;
- to restore the protection accorded to employees under the Red rainstorm warnings under the ECO;
- to increase the maximum amount of funeral and medical attendance expenses payable under the ECO.

### **Pneumoconiosis (Compensation) Ordinance (PCO)**

The LAB endorsed a proposal to lower the rate of levy from 0.3% to 0.25% and to increase the maximum amount of funeral expenses payable under the PCO.

## **OCCUPATIONAL SAFETY AND HEALTH**

### **Factories and Industrial Undertakings Ordinance (FIUO)**

The LAB endorsed a proposal to allow the Commissioner for Labour to take out prosecution against proprietors and contractors for failure to meet the notification requirement within 6 months after concerned establishment was discovered or had come to the notice of the Commissioner for Labour.

***Factories and Industrial Undertakings (Gas Welding and Flame Cutting) Regulation***

The LAB endorsed a proposal to enact a new regulation to require workers engaged in gas welding and flame cutting work to receive safety training and to possess a certificate.

***Factories and Industrial Undertakings (Woodworking Machinery) Regulations***

The LAB endorsed a proposal to prohibit the employment of young persons under 16 years of age on any woodworking machinery.

**Occupational Safety and Health Ordinance (OSHO)**

The LAB endorsed a proposal to revise the list of occupational diseases to be reported by the medical practitioners to the Commissioner for Labour under the OSHO.

**Consultation on Administrative / Enforcement Measures on Labour Matters**

17. The LAB was consulted on the following matters:
- The LAB endorsed the proposed compliance standards for the proposed Occupational Safety and Health (Display Screen Equipment) Regulation which aimed to protect the safety and health of habitual display screen equipment users.
  - The LAB noted the proposed compliance standards for manual handling operations under the Occupational Safety and Health Regulation.
  - The LAB noted the new initiatives launched by the Labour Department for enhancing the employment services for job seekers. These new initiatives included the setting up of the Job Vacancy Processing Centre, the Telephone Employment Service Centre and the Second Employment and Guidance Centre for New Arrivals; introduction of the Easy Registration Procedure, the Interactive Employment Services on the Web and one-stop district-based service for domestic helpers; and the publication of reference materials on job search skills.
  - The LAB fully supported the Youth Pre-employment Training Programme launched in September 1999 to address the problem of high unemployment among school leavers aged between 15 to 19.

- The LAB noted the enforcement and promotion strategies and programme of activities for occupational safety and health.
- The LAB noted the result of a review of the lay-off and wage provisions and of sickness allowance under the Employment Ordinance.
- The LAB discussed the review of the applicability of the Employment Ordinance to live-in domestic helpers. Members were informed that the Administration would adopt the proposal that the Employment Ordinance would remain fully applicable to all live-in domestic helpers.
- The LAB noted the progress of the proposed Factories and Industrial Undertakings (Medical Examinations) Regulation.

### **Consultation on other Legislation/Measures**

18. The LAB was also consulted on other legislative and administrative measures of relevance to labour matters, as given below:

- The LAB supported the proposed amendments to the Family Status Discrimination Ordinance. The amendments aimed at clarifying that it was not unlawful for a person to afford benefits only to one or more categories of immediate family members of his employees without affording the same to all immediate family members.
- The LAB discussed various proposals made by the consultant in the review of the Employees Compensation Assistance Scheme. These proposals aimed at restoring the long-term financial viability of the Scheme.
- The LAB discussed a proposal put forward by the Equal Opportunities Commission to extend application of section 14 of the Sex Discrimination Ordinance and the Disability Discrimination Ordinance outside Hong Kong.
- The LAB discussed the employee Members' request for Government's clarification on relaxation of the admission of talents/professionals scheme and review on the division of responsibilities among government bureaux and departments responsible for monitoring manpower resources.
- The LAB commented on a proposal to introduce legislative amendments to relax the circumstances in which Attachment of Income Orders could be issued by the court.

- The LAB considered the proposals set out in the Consultation Paper on Corporate Rescue and the Protection of Wages on Insolvency Fund relating to treatment of employees in 'provisional supervision'. Whilst supporting in principle the spirit and concept of a corporate rescue scheme and any other measures that helped save jobs, the LAB had strong reservations on making use of the Protection of Wages on Insolvency Fund to finance provisional supervision.
- The LAB also considered whether the original proposal on the treatment of employees' wages in the draft corporate rescue legislation should be maintained. The LAB held that the original proposal in the Companies (Amendment) Bill 2000 should be maintained, i.e., the companies concerned should clear or set aside funds for clearing all outstanding wage entitlements before the corporate rescue procedures commenced.

### **Monitoring the Supplementary Labour Scheme**

19. The LAB is responsible for monitoring the Supplementary Labour Scheme (SLS) and vetting applications for importation of labour submitted thereunder. Operating on the principle of according priority of employment to local workers, the SLS allows the entry of imported workers to take up jobs which cannot be filled locally. During the 1999 - 2000 term, the LAB vetted some 1 600 applications.

20. Since August 1996, a Working Group on the SLS has been formed under the LAB to consider vetting guidelines for the processing of applications under the SLS and to discuss application cases for which Members have differing views during vetting. The Working Group had met four times during the 1999 - 2000 term. The terms of reference, composition and membership of the Working Group are at Appendices 6 and 7.

21. To ensure the effective attainment of the policy objective of the SLS, the government has, in consultation with the LAB, reviewed the operation of the SLS. During the term 1999 - 2000, the LAB endorsed the implementation of a series of measures to further safeguard the employment opportunities of local workers while streamlining the application procedures under the SLS.

### **Participation in International Labour Conferences**

22. Apart from advising the Commissioner for Labour on labour matters, Members of the LAB also represent employers and employees at international labour conferences. Members attended the 87<sup>th</sup> and 88<sup>th</sup> Sessions of the International Labour Conferences in Geneva in June 1999 and 2000 respectively.

### **The 87<sup>th</sup> Session of the International Labour Conference**

The 87<sup>th</sup> Session of the International Labour Conference was held in Geneva from 1 to 17 June 1999. The Hong Kong Special Administrative Region (HKSAR) sent a tripartite team to the Conference as advisers to the Chinese delegation. Members of the team were:

#### ***Government Delegates***

Mr Matthew CHEUNG, JP  
Commissioner for Labour

Mrs Jennie CHOR, JP  
Assistant Commissioner for Labour

Mrs Jenny CHAN  
Chief Labour Officer

Mr Stanley NG  
Senior Labour Officer

#### ***Employer Delegates***

The Hon HO Sai-chu, SBS, JP  
Mr Joseph LAU Man-wai, JP

#### ***Employee Delegates***

Mr Felix CHEUNG Kwok-bui  
Mr POON Siu-ping

The Conference was attended by some 2000 government, employer and employee delegates and advisers from 154 member States of the ILO.

The HKSAR representatives attended the plenary sessions of the Conference and meetings of the Committee on Application of Standards, Committee on Child Labour, Committee on Maternity Protection and Committee on Technical Cooperation.

### **The 88<sup>th</sup> Session of the International Labour Conference**

The 88<sup>th</sup> Session of the International Labour Conference was held in Geneva from 30 May to 15 June 2000. A tripartite team from the HKSAR participated in the Conference as advisers to the Chinese delegation. Composition of the team was as follows:

***Government Delegates***

Mrs Pamela TAN, JP  
Commissioner for Labour (Designate)

Mr William SIU, JP  
Assistant Commissioner for Labour

Mr FUNG Ying-lun  
Senior Labour Officer

Miss Mabel LI  
Senior Labour Officer

***Employer Delegates***

The Hon HO Sai-chu, SBS, JP  
Mr Joseph LAU Man-wai, JP

***Employee Delegates***

Mr LEUNG Chau-ting  
Ms LEUNG Suet-fong

The Conference was attended by over 2000 delegates and advisers from 158 member States.

The HKSAR delegation attended the plenary sittings of the Conference and meetings of the Committee on Application of Standards, Committee on Maternity Protection, Committee on Safety and Health in Agriculture and Committee on Human Resources Training and Development.

The annual Conference provided a valuable forum for representatives of the HKSAR to meet with delegates from different member States so as to exchange views, share experience and establish contacts with them. The tripartite participation enhanced the LAB Members' exposure to and understanding of international labour issues.

**Meeting with International Labour Organisation (ILO) Officials**

23. The Director of the International Labour Standards Department and the Regional Director for Asia and the Pacific of the ILO visited Hong Kong in September and December 2000 respectively under the Sponsored Visitors' Programme. Members of LAB held meetings with them to discuss the latest development of various labour issues at international level.

## **Part Two**

# **Committees of the Labour Advisory Board**

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# Committee on Employees' Compensation

## INTRODUCTION

The Committee on Employees' Compensation has been set up since August 1986 to give advice on the effectiveness of the employees' compensation system and related legislation.

## TERMS OF REFERENCE

2. The Committee is established to :
  - review the employees' compensation system in Hong Kong;
  - advise on legislative proposals on employees' compensation and review existing legislation; and
  - advise on measures to be adopted by the Labour Department with a view to improving the administrative machinery related to employees' compensation.

## COMPOSITION

3. Members of the Committee are appointed by the Commissioner for Labour. The composition of the Committee is as follows:

***Chairman***

Deputy Commissioner for Labour (Labour Administration)

***Members***

Three employer representatives from the Labour Advisory Board

Three employee representatives from the Labour Advisory Board

An employer representative from outside the Labour Advisory Board

An employee representative from outside the Labour Advisory Board

A representative from the insurance industry

A representative from a concern group for occupational accident victims

A representative of the Hospital Authority

A representative of the Director of Legal Aid

An Assistant Commissioner for Labour

An Occupational Health Consultant

**Secretary**

A Labour Officer

4. The membership of the Committee on Employees' Compensation for the term 1999 - 2000 is at Appendix 1.

## **ACTIVITIES DURING THE 1999 2000 TERM**

5. During the 1999 - 2000 term, the Committee discussed the following matters:

➤ ***Review of the Employees Compensation Assistance Scheme***

In the light of the financial position of the Employees Compensation Assistance Scheme, the Education and Manpower Bureau commissioned a consultant to review the Scheme. The consultant identified various options for making the Scheme financially viable in the long run. The Committee was consulted on the options.

➤ ***Review of the Levels of Compensation under the Employees' Compensation Ordinance and the Pneumoconiosis (Compensation) Ordinance***

The Committee endorsed a proposal to maintain the levels of compensation under the Employees' Compensation Ordinance and the Pneumoconiosis (Compensation) Ordinance (PCO) despite the deflation experienced in 1999 and 2000 and to amend the PCO with a view to increasing the amount of funeral expenses payable under the Ordinance.

➤ ***Recognition of Chinese medicine under the Employees' Compensation Ordinance and the Pneumoconiosis (Compensation) Ordinance***

The Committee considered a proposal to recognise Chinese medicine for the purpose of compensation under the Employees' Compensation Ordinance and the Pneumoconiosis (Compensation)

Ordinance. It agreed that the proposal should be put to the Labour Advisory Board for consultation.

➤ ***Improvement to the Employees' Compensation Ordinance***

The Committee discussed a set of proposals to amend the Employees' Compensation Ordinance for improving the processing of employees' compensation claims. It agreed that the proposal should be put to the Labour Advisory Board for consultation.

6. The first two items were subsequently forwarded to the Labour Advisory Board for further consideration in the term 1999 - 2000.

# **Committee on Employment Services**

## **INTRODUCTION**

In May 1976, a Sub-committee of the Labour Advisory Board was appointed to advise the Commissioner for Labour on matters concerning the operation of the Employment Services Division of the Labour Department. This enabled Hong Kong to apply international labour Convention No. 2 (Unemployment Convention, 1919) which provides for the establishment of a system of free public employment agencies under the control of a central authority and the appointment of committees which include representatives of employers and employees to advise on the operation of these agencies. The Sub-committee was renamed the Committee on Employment Services in 1978. With the expansion of the employment services of the Labour Department, the terms of reference of the Committee were extended to cover the work of the Careers and Employment Agencies Division and the Selective Placement Division.

## **TERMS OF REFERENCE**

2. The Committee is established to :
  - advise on the employment services provided by the Labour Department, including those for the able-bodied, the disabled and the careers advisory service for young people;
  - advise on legislative provisions relating to the operation of employment agencies in the private sector; and
  - advise on legislative provisions relating to the employment of local workers outside Hong Kong.

## **COMPOSITION**

3. Members of the Committee are appointed by the Commissioner for Labour. The composition of the Committee is as follows :

**Chairman**

To be appointed from the non-government sector

**Members**

Two<sup>#</sup> employer representatives from the Labour Advisory Board

Two<sup>#</sup> employee representatives from the Labour Advisory Board

Two employer representatives from outside the Labour Advisory Board

Two employee representatives from outside the Labour Advisory Board

A representative of major users of the employment services of the Labour Department

Two representatives of two employment agency associations

A representative of the Hong Kong Association of Careers Masters and Guidance Masters

A representative of the Employees Retraining Board

A representative of the Employment Service of the Hong Kong Council of Social Service

A representative of the Hong Kong Institute of Human Resource Management

An Assistant Commissioner for Labour

**Secretary**

A Labour Officer

<sup>#</sup> *Only one representative shall be appointed if the chairman has been appointed from this group.*

4. The membership of the Committee on Employment Services for the 1999 - 2000 term is at Appendix 2.

**ACTIVITIES DURING THE 1999 - 2000 TERM**

5. During the 1999 - 2000 term, the Committee undertook regular review to improve the work of the following services :

➤ ***Employment Services***

The Committee advised on the operation of the Employment Services Division (ESD) and the Selective Placement Division (SPD) of the Labour Department. The ESD provides free employment service to able-bodied job-seekers whereas the SPD offers specialised placement service to people with a disability seeking open employment. The Committee gave valuable suggestions on new measures, including the Interactive Employment Service on the Web, the Local Domestic Helpers Employment Services Programme, the Employment Portal and the partnership with private employment agencies. In November 1999, the Committee visited one of the job centres of the Employment Services Division.

The Committee also advised on the implementation of the Employment Information and Promotion Programme. The Programme aims at strengthening the promotion of the Labour Department's employment services and the collection of job vacancy information.

➤ ***Youth Pre-employment Training Programme***

The Committee advised on the implementation of the Youth Pre-employment Training Programme which was first launched in September 1999. The objective of the Programme is to provide young school leavers aged between 15 and 19 with a wide range of employment-related training, thereby improving their employability and competitiveness.

In February 2000, the Committee visited trainees during their training under the Programme.

➤ ***Career guidance service, external employment service and regulation of employment agencies***

The Committee advised on the activities of the Careers Advisory Service (CAS). The CAS provides career guidance to young people, in particular Form Three to Form Five students, through various career-oriented activities, as well as written and audio-visual resource materials. The Committee also advised on the activities of the External Employment Service and the Employment Agencies Administration.

# Committee on the Implementation of International Labour Standards

## INTRODUCTION

In 1976, the International Labour Conference adopted the Tripartite Consultation (International Labour Standards) Convention (No. 144) which aims to promote tripartite consultations among governments, employers and workers on matters related to the formulation, review and implementation of international labour standards. This Convention was applied to Hong Kong with modification in 1978. In relation to the application of this Convention, a Committee on the Implementation of International Labour Standards was set up in the same year on the advice of the Labour Advisory Board.

## TERMS OF REFERENCE

2. The Committee is established to :
  - advise on appropriate declarations to be made by Hong Kong;
  - re-examine at appropriate intervals Conventions with the declaration of “decision reserved” or “applied with modification”, and to consider appropriate measures to be taken to promote their implementation or, where appropriate, to improve their declarations;
  - advise on questions arising out of the reports to be made to the International Labour Office; and
  - advise on government replies to questionnaires concerning items on the agenda of the International Labour Conference and government comments on proposed texts to be discussed by the Conference.

## COMPOSITION

3. Members of the Committee are appointed by the Commissioner for Labour. The composition of the Committee is as follows :

**Chairman**

Deputy Commissioner for Labour (Labour Administration)

**Members**

Three employer representatives from the Labour Advisory Board

Three employee representatives from the Labour Advisory Board

An Assistant Commissioner for Labour

**Secretary**

A Labour Officer

4. The membership of the Committee on the Implementation of International Labour Standards for the term 1999 - 2000 is at Appendix 3.

## ACTIVITIES DURING THE 1999 - 2000 TERM

5. During the 1999 - 2000 term, the Committee undertook the following activities :

➤ **Reports on International Labour Conventions (ILCs)**

In accordance with Article 22 of the Constitution of the International Labour Organisation (ILO), the Hong Kong Special Administrative Region (HKSAR) is required to submit reports on the application of ILCs as requested by the ILO. Reports on 12 and 11 ILCs were submitted respectively in 1999 and 2000. The reports were communicated to the Committee members for advice before they were forwarded to the ILO.

A list of the reports on ILCs which were considered by the Committee in the 1999 - 2000 term is at Appendix 9.

➤ ***Declaration of application of International Labour Conventions***

The Minimum Age Convention, 1973 (No. 138) was applied to the HKSAR with modification on 28 April 1999 and came into force on 28 April 2000. As required by Convention No. 138, six earlier Conventions on minimum age ceased to apply in the HKSAR with effect from 28 April 2000. The six Conventions which ceased to apply in the HKSAR are the Minimum Age (Industry) Convention, 1919 (No. 5), the Minimum Age (Sea) Convention, 1920 (No. 7), the Minimum Age (Agriculture) Convention, 1921 (No. 10), the Minimum Age (Trimmers and Stokers) Convention, 1921 (No. 15), the Minimum Age (Sea) Convention (Revised), 1936 (No. 58) and the Minimum Age (Industry) Convention (Revised), 1937 (No. 59).

During the 1999 - 2000 term, the Committee examined a proposal of not applying the Safety and Health in Construction Convention, 1988 (No. 167) in the HKSAR. Given the wide scope and stringent requirements of the Convention, the Committee endorsed the proposal that the HKSAR government was not yet ready to apply the Convention. Nevertheless, the HKSAR government would continue to improve protection of workers' safety and health in tandem with the social and economic development whilst striking a reasonable balance between the interests of employers and employees.

As at 31 December 2000, a total of 40 Conventions were applied in the HKSAR. Among them, 25 were applied without modification (i.e. all provisions of a Convention were fully implemented) and 15 were applied with modification (i.e. a Convention was implemented with modifications in some provisions to suit local conditions).

# Committee on Labour Relations

## INTRODUCTION

The Committee on Labour Relations has been set up since May 1985 to advise on the promotion of harmonious labour relations and legislation on employment conditions and labour relations matters.

## TERMS OF REFERENCE

2. The Committee is established to :
  - advise on means to promote amicable relations and mutual understanding between employers and employees, and between their respective organisations;
  - advise on legislative proposals on employment conditions and labour relations and review existing legislation; and
  - advise on measures to be adopted by the Labour Department with a view to improving its conciliation service.

## COMPOSITION

3. Members of the Committee are appointed by the Commissioner for Labour. The composition of the Committee is as follows :

***Chairman***

Deputy Commissioner for Labour (Labour Administration)

***Members***

Three employer representatives from the Labour Advisory Board

Three employee representatives from the Labour Advisory Board

Two employer representatives from outside the Labour Advisory Board

Two employee representatives from outside the Labour Advisory Board

An Assistant Commissioner for Labour

**Secretary**  
A Labour Officer

4. The membership of the Committee on Labour Relations for the term 1999 - 2000 is at Appendix 4.

### ACTIVITIES DURING THE 1999 - 2000 TERM

5. During the 1999 - 2000 term, the Committee discussed the following matters:

➤ ***Extension of the Employment Ordinance to cover river trade seafarers***

The Committee discussed and endorsed the proposal to extend the Employment Ordinance to cover river trade seafarers. It also agreed that the Labour Department should discuss transitional arrangements with river trade vessel operators.

➤ ***Review of the applicability of the Employment Ordinance to Live-in Domestic Helpers***

The Committee discussed the review of the applicability of the Employment Ordinance to live-in domestic helpers. While one member had reservation on the proposal to allow more flexibility in termination of employment contracts involving live-in domestic helpers, majority members supported the proposals of the review.

➤ ***Amendments to the Trade Unions Ordinance***

The Committee discussed the proposed amendments to the Trade Unions Ordinance following a review by the Labour Department of issues raised by the Committee on Freedom of Association of the International Labour Organisation. It agreed that the proposed amendments should be put to the Labour Advisory Board for consultation.

➤ ***Review on reinstatement under employment protection provisions of the Employment Ordinance***

The Committee discussed the proposed amendments to the reinstatement provision under the Employment Ordinance and agreed that the proposal should be submitted to the Labour Advisory

Board for consideration.

➤ ***Amendment to the Employment Ordinance***

The Committee discussed the proposed amendments to sections 9, 31H, 31X and 32H of the Employment Ordinance in the light of Article 27 of the Basic Law which guaranteed employees' right to strike. The Committee agreed that the proposal should be put to the Labour Advisory Board for consultation.

➤ ***Recognition of Chinese Medicine Practitioners under the Employment Ordinance***

The Committee discussed a proposal to recognise Chinese Medicine Practitioners under the Employment Ordinance and agreed that Chinese Medicine Practitioners should in future be conferred the same status as those of registered medical practitioners under the Employment Ordinance.

6. The first five items were subsequently forwarded to the Labour Advisory Board for further consideration in the term 1999 - 2000.

# Committee on Occupational Safety and Health

## INTRODUCTION

The Committee on Occupational Safety and Health was set up in January 1997 to advise on occupational safety and health legislation and related matters. It was formerly known as the Committee on Industrial Safety and Health which was formed in April 1989.

## TERMS OF REFERENCE

2. The Committee is established to :
  - review the standards of occupational safety and health in Hong Kong;
  - advise on legislative proposals on occupational safety and health and review existing legislation; and
  - advise on the measures to be adopted by the Labour Department with a view to improving the existing system which enforces occupational safety and health legislation.

## COMPOSITION

3. Members of the Committee are appointed by the Commissioner for Labour. The composition of the Committee is as follows:

***Chairman***

Deputy Commissioner for Labour (Occupational Safety and Health)

***Members***

Three employer representatives from the Labour Advisory Board

Three employee representatives from the Labour Advisory Board

Three employer representatives from outside the Labour Advisory Board

Three employee representatives from outside the Labour Advisory Board

One representative from the Occupational Safety and Health Council

Three representatives from occupational safety and health organisations

An Assistant Commissioner for Labour

An Occupational Health Consultant

**Secretary**

A Labour Officer

4. The membership of the Committee on Occupational Safety and Health for the term 1999 - 2000 is at Appendix 5.

#### **ACTIVITIES DURING THE 1999 - 2000 TERM**

5. During the 1999 - 2000 term, the Committee noted or advised on the following matters :

➤ ***Proposal to amend the Factories and Industrial Undertakings (Woodworking Machinery) Regulations***

The Committee endorsed a proposal to amend the Factories and Industrial Undertakings (Woodworking Machinery) Regulations to prohibit persons under 16 years of age from working on woodworking machines.

➤ ***Proposed enforcement strategy on occupational safety and health for 1999 - 2000***

The Committee supported the proposed enforcement strategy on occupational safety and health for 1999 - 2000.

➤ ***Proposed strategy and programme of activities for the promotion of occupational safety and health for 1999 - 2000***

The Committee supported the proposed strategy and programme of activities for the promotion of occupational safety and health for 1999 - 2000.

➤ ***Progress report on the proposed Factories and Industrial Undertakings (Medical Examinations) Regulation***

The Committee noted the progress of the proposed Factories and Industrial Undertakings (Medical Examinations) Regulation. While supporting the proposed improvements to the proposed medical examination scheme in principle, the Committee agreed that the provision on leave with pay for workers to undergo medical examinations should be retained.

➤ ***Proposed amendments to the Factories and Industrial Undertakings Ordinance and some regulations relating to the time bar for taking out prosecution***

The Committee endorsed a proposal to amend the Factories and Industrial Undertakings Ordinance and some of its subsidiary regulations to allow the Commissioner for Labour to take out prosecution against proprietors and contractors for failure to meet the notification requirement within 6 months after concerned establishment was discovered or had come to the notice of the Commissioner for Labour.

➤ ***Proposed compliance guide for manual handling operations under the Occupational Safety and Health Regulation***

The Committee considered and endorsed the proposed compliance guide for manual handling operations under the Occupational Safety and Health Regulation.

➤ ***Proposed mandatory safety training for workers undertaking gas welding and flame cutting work***

The Committee supported in principle a proposal to introduce legislation on mandatory safety training for workers undertaking gas welding and flame cutting work.

➤ ***Work of the Working Group on Hearing Conservation Publicity Programme***

The Committee noted the work undertaken by the Working Group on Hearing Conservation Publicity Programme and supported the dissolution of the working group upon completion of the programme.

➤ ***Proposal to introduce rest breaks under the Occupational Safety and Health Ordinance***

The Committee agreed that the Labour Department would explore the issue further taking into consideration the views expressed by Members.

6. All of the above except the last two items were subsequently forwarded to the Labour Advisory Board for further consideration in the term 1999 - 2000.

# Appendices

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**Labour Advisory Board  
Committee on Employees' Compensation**

**Membership  
(1 January 1999 - 31 December 2000)**

**Chairman**

|                             |   |
|-----------------------------|---|
| Mr Alfred W K CHAN, BBS, JP | Deputy Commissioner for Labour<br>(Labour Administration)<br>(1.1.1999 – 31.10.2000)  |
| Mr William SIU, JP          | Deputy Commissioner for Labour<br>(Labour Administration)<br>(1.11.2000 – 31.12.2000) |

**Members**

|   |   |
|---|---|
| Mr Joseph LAU Man-wai, JP                             | } Employer representatives from the<br>Labour Advisory Board              |
| Mr Andrew LEUNG Kwan-yuen, JP                         |   |
| Mr Stephen LAU Kwong-chuen<br>(1.1.1999 – 1.11.1999)  |   |
| Mr Anthony YEUNG Kwok-ki<br>(12.11.1999 – 31.12.2000) |   |
| Mr Felix CHEUNG Kwok-bui                              | } Employee representatives from the<br>Labour Advisory Board              |
| Mr LEUNG Chau-ting                                    |   |
| The Hon LEUNG Fu-wah, MH, JP                          |   |
| Mr George CHU Kwong-nin                               | Representative of the employers from<br>outside the Labour Advisory Board |
| Mr CHOI Chun-wa                                       | Representative of the employees from<br>outside the Labour Advisory Board |
| Mr Leo MA   | Representative from the insurance<br>industry                             |
| Mr CHAN Kam-hong                                      | Representative from a concern group for<br>occupational accident victims  |

|                          |   |
|--------------------------|---|
| Dr CHEUNG Wai-lun        | Representative of the Hospital Authority  |
| Miss Jennie HUI Lai-yung | Representative of the Director of Legal Aid   |
| Dr LO Wai-kee, JP        | Occupational Health Consultant (1)  |
| Mrs Jenny CHAN           | Assistant Commissioner for Labour<br>(Rights and Benefits)<br>(1.1.1999 – 1.2.1999)<br>(1.11.2000 – 31.12.2000) |
| Mrs Jennie CHOR, JP      | Assistant Commissioner for Labour<br>(Rights and Benefits)<br>(2.2.1999 – 16.4.2000)                            |
| Mr William SIU, JP       | Assistant Commissioner for Labour<br>(Rights and Benefits)<br>(17.4.2000 – 31.10.2000)                          |

**Secretary**

|                      |                |
|----------------------|----------------|
| Ms Femia LAU Pik-yiu | Labour Officer |
|----------------------|----------------|

**Labour Advisory Board  
Committee on Employment Services**

**Membership  
(1 January 1999 - 31 December 2000)**

**Chairman**

Mr Joseph LAU Man-wai, JP

Employer representative from the  
Labour Advisory Board

**Members**

Dr Harry LEE Nai-shee, JP

Employer representative from the  
Labour Advisory Board

Mr CHEUNG Lun, MH  
(1.1.1999 – 31.12.1999)

Mr CHEUNG Pak-chi  
(1.1.2000 – 31.12.2000)

Ms LEUNG Suet-fong

Employee representatives from the  
Labour Advisory Board

Ms Louisa LI

Mr K C KOO

Employer representatives from  
outside the Labour Advisory Board

Mr LAU Chi-wah

Mr CHEUNG Pak-chi  
(1.1.1999 – 31.12.1999)

Mr WAN Koon-sun  
(1.1.2000 – 31.12.2000)

Employee representatives from  
outside the Labour Advisory Board

Mrs Mimi CUNNINGHAM

A representative of major users of the  
employment services of the Labour  
Department

Mr CHEUNG Kit-man

Ms Christine GREYBE  
(1.1.1999 – 26.3.1999)

Ms Alexa CHOW  
(27.3.1999 – 31.12.2000)

Two representatives of two  
employment agency associations

|  |   |
|--|---|
| Mr Peter CHIU Wing-tak                           | A representative of the Hong Kong Association of Careers Masters and Guidance Masters |
| Mr Peter YEUNG, JP                               | A representative of the Employment Service of the Hong Kong Council of Social Service |
| Mr P O MAK                                       | A representative of the Hong Kong Institute of Human Resource Management              |
| Mr WONG Kam-kwok<br>(1.1.1999 – 10.9.1999)       | A representative of the Employees Retraining Board                                    |
| Mr CHOY Ping-yin, JP<br>(11.9.1999 – 31.12.2000) |   |
| Mr CHOW Tung-shan, JP                            | Assistant Commissioner for Labour (Employment Services)                               |
| <b>Secretary</b>                                 |   |
| Miss Queenie TANG                                | Labour Officer  |

**Labour Advisory Board  
Committee on the Implementation of International Labour Standards**

**Membership  
(1 January 1999 - 31 December 2000)**

**Chairman**

|                             |   |
|-----------------------------|---|
| Mr Alfred W K CHAN, BBS, JP | Deputy Commissioner for Labour<br>(Labour Administration)<br>(1.1.1999 – 31.10.2000)  |
| Mr William SIU, JP          | Deputy Commissioner for Labour<br>(Labour Administration)<br>(1.11.2000 – 31.12.2000) |

**Members**

|                              |   |   |
|------------------------------|---|---|
| Mr HO Sai-chu, SBS, JP       | } | Employer representatives from<br>the Labour Advisory Board  |
| Mr Joseph LAU Man-wai, JP    |   |   |
| Dr Kim MAK Kin-wah           |   |   |
| The Hon LEUNG Fu-wah, MH, JP | } | Employee representatives from<br>the Labour Advisory Board  |
| Mr LEUNG Chau-ting           |   |   |
| Ms LEUNG Suet-fong           |   |   |
| Mrs Jenny CHAN               |   | Assistant Commissioner for Labour<br>(Rights and Benefits)<br>(1.1.1999 – 1.2.1999)<br>(1.11.2000 – 31.12.2000) |
| Mrs Jennie CHOR, JP          |   | Assistant Commissioner for Labour<br>(Rights and Benefits)<br>(2.2.1999 – 16.4.2000)                            |
| Mr William SIU, JP           |   | Assistant Commissioner for Labour<br>(Rights and Benefits)<br>(17.4.2000 – 31.10.2000)                          |

**Secretary**

|                |  |
|----------------|--|
| Ms Rita MA     | Labour Officer<br>(1.1.1999 – 14.7.2000)   |
| Ms Esther CHAN | Labour Officer<br>(15.7.2000 – 31.12.2000) |

## Labour Advisory Board Committee on Labour Relations

### Membership (1 January 1999 – 31 December 2000)

#### Chairman

|                             |   |
|-----------------------------|---|
| Mr Alfred W K CHAN, BBS, JP | Deputy Commissioner for Labour<br>(Labour Administration)<br>(1.1.1999 – 31.10.2000)  |
| Mr William SIU, JP          | Deputy Commissioner for Labour<br>(Labour Administration)<br>(1.11.2000 – 31.12.2000) |

#### Members

|   |  |
|---|--|
| Mr Andrew LEUNG Kwan-yuen, JP                         | } Employer representatives from the<br>Labour Advisory Board         |
| Dr Kim MAK Kin-wah                                    |  |
| Mr Stephen LAU Kwong-chuen<br>(1.1.1999 – 1.11.1999)  |  |
| Mr Anthony YEUNG Kwok-ki<br>(12.11.1999 – 31.12.2000) |  |
| Mr Felix CHEUNG Kwok-bui                              | } Employee representatives from the<br>Labour Advisory Board         |
| The Hon LEUNG Fu-wah, MH, JP                          |  |
| Mr POON Siu-ping                                      |  |
| Mr Michael LI Hon-shing                               | } Employer representatives from<br>outside the Labour Advisory Board |
| Mr YEUNG Ka-sing, JP                                  |  |
| Mr CHAN Wai-lun                                       | } Employee representatives from<br>outside the Labour Advisory Board |
| Mr FUNG Man-yu  |  |

Mr TSANG Kin-woo, JP  
Assistant Commissioner for Labour  
(Labour Relations)  
(1.1.1999 – 16.4.2000)

Mrs Jennie CHOR, JP  
Assistant Commissioner for Labour  
(Labour Relations)  
(17.4.2000 – 31.12.2000)

**Secretary**

Mrs Catherine CHU LUK Chun-yu  
Labour Officer  
(1.1.1999 – 26.11.2000)

Mr Simon LI Chi-chung  
Labour Officer  
(27.11.2000 – 10.12.2000)

Mr Johnny NG Yuk-man  
Labour Officer  
(11.12.2000 – 31.12.2000)

## Labour Advisory Board Committee on Occupational Safety and Health

### Membership (1 January 1999-31 December 2000)

#### Chairman

|                    |   |
|--------------------|---|
| Mr LEE Kai-fat, JP | Deputy Commissioner for Labour<br>(Occupational Safety and Health)<br>(1.1.1999 – 31.10.1999) |
| Mr William SIU, JP | Deputy Commissioner for Labour<br>(Occupational Safety and Health)<br>(1.11.1999 – 2.1.2000)  |
| Mr Fred TING, JP   | Deputy Commissioner for Labour<br>(Occupational Safety and Health)<br>(3.1.2000 – 31.12.2000) |

#### Members

|   |  |
|---|--|
| Mr HO Sai-chu, SBS, JP                                | } Employer representatives from the<br>Labour Advisory Board |
| Mr Stephen LAU Kwong-chuen<br>(1.1.1999 – 1.11.1999)  |  |
| Mr Anthony YEUNG Kwok-ki<br>(12.11.1999 – 31.12.2000) |  |
| Dr Harry LEE Nai-shee, JP                             |  |
| Mr CHEUNG Lun, MH<br>(1.1.1999 – 31.12.1999)          | } Employee representatives from the<br>Labour Advisory Board |
| Mr CHEUNG Pak-chi<br>(1.1.2000 – 31.12.2000)          |  |
| Mr LEUNG Chau-ting                                    |  |
| Mr POON Siu-ping                                      |  |

|   |   |   |
|---|---|---|
| Mr TSO Kai-sum<br>(1.1.1999 – 11.6.1999)        | } | Employer representatives from<br>outside the Labour Advisory Board                                  |
| Mr LEE Jark-pui, JP<br>(30.7.1999 – 31.12.2000) |   |   |
| Mr YAO Xian-cheng                               |   |   |
| Mr YEUNG Koon-yat                               |   |   |
| Miss Penny FUNG                                 | } | Employee representatives from<br>outside the Labour Advisory Board                                  |
| The Hon LEE Cheuk-yan                           |   |   |
| Mr KWONG Siu-tim                                |   |   |
| Mr TANG Wah-shing                               |   | A representative of the Occupational<br>Safety and Health Council                                   |
| Mr KAM Yiu-kuen                                 | } | Representatives from occupational safety<br>and health organisations                                |
| Mrs Vivien H LOWE                               |   |   |
| Dr WONG Tze-wai                                 |   |   |
| Mr William SIU, JP                              |   | Assistant Commissioner for Labour<br>(Occupational Safety) <sup>1</sup><br>(1.1.1999 – 16.4.2000)   |
| Mr TSANG Kin-woo, JP                            |   | Assistant Commissioner for Labour<br>(Occupational Safety) <sup>1</sup><br>(17.4.2000 – 31.12.2000) |
| Dr LO Wai-kee, JP                               |   | Occupational Health Consultant (1)  |
| <b>Secretary</b>                                |   |   |
| Miss Queenie CHAN                               |   | Labour Officer<br>(1.1.1999 – 24.4.2000)  |
| Mr YIM Chun-kwok                                |   | Labour Officer<br>(25.4.2000 – 31.12.2000)  |

**Labour Advisory Board  
Working Group on the Supplementary Labour Scheme****Terms of Reference and Composition****Terms of Reference**

1. To advise on vetting guidelines for the processing of applications for importation of labour under the Supplementary Labour Scheme.
2. To discuss application cases for which Members' views cannot reach a consensus level as agreed by the Labour Advisory Board, and draw up recommendations for endorsement by the Board.

**Composition**

**Chairman :** An Assistant Commissioner for Labour

**Members :** Two employer representatives of the Labour Advisory Board  
Two employee representatives of the Labour Advisory Board  
A Senior Labour Officer

**Secretary :** A Labour Officer

**Labour Advisory Board  
Working Group on the Supplementary Labour Scheme**

**Membership  
(1 January 1999 - 31 December 2000)**

**Chairman**

|                     |   |
|---------------------|---|
| Mrs Jenny CHAN      | Assistant Commissioner for Labour<br>(Rights and Benefits)<br>(1.1.1999 – 1.2.1999)<br>(1.11.2000 – 31.12.2000) |
| Mrs Jennie CHOR, JP | Assistant Commissioner for Labour<br>(Rights and Benefits)<br>(2.2.1999 – 16.4.2000)                            |
| Mr William SIU, JP  | Assistant Commissioner for Labour<br>(Rights and Benefits)<br>(17.4.2000 – 31.10.2000)                          |

**Members**

|                               |   |  |
|-------------------------------|---|--|
| Mr Joseph LAU Man-wai, JP     | } | Employer representatives of the<br>Labour Advisory Board |
| Mr Andrew LEUNG Kwan-yuen, JP |   |  |
| The Hon LEUNG Fu-wah, MH, JP  | } | Employee representatives of the<br>Labour Advisory Board |
| Mr POON Siu-ping              |   |  |
| Mrs Bernadette LAI            |   | Senior Labour Officer                                    |

**Secretary**

|                 |                |
|-----------------|----------------|
| Miss Grace CHAN | Labour Officer |
|-----------------|----------------|

**Progress Report on Proposed Items  
of Labour Legislation endorsed by  
the Labour Advisory Board during 1999 and 2000**

(as at the end of the 2000 - 2001 Legislative Council Session)

ItemsPosition**LABOUR RELATIONS****Employment Ordinance (EO)**

- |  |   |
|--|---|
| 1. To clarify that an employer may not summarily dismiss an employee without notice or payment in lieu under section 9 on the ground that the employee takes part in a strike.   | The Employment (Amendment) Ordinance 2000 was passed by the Legislative Council (LegCo) on 26.6.2000 and came into effect on 7.7.2000.  |
| 2. To extend the application of the EO to cover river trade seafarers.   | The Labour Advisory Board (LAB) supported the proposal in principle. The Labour Department is consulting river trade vessel operators and relevant trade unions on transitional arrangements. |
| 3. To empower the Labour Tribunal to make reinstatement / re-engagement orders without employers' consent in cases of unreasonable and unlawful dismissal if the Tribunal considers it appropriate and reasonably practicable. | Legislative process in progress.  |

***Employment of Young Persons (Industry) Regulations****(formerly known as "Women and Young Persons (Industry) Regulations" before 12 April 2001)*

- |   |                                  |
|---|----------------------------------|
| 4. To stipulate that no person shall employ any young person under 18 years of age in any dangerous trade as defined under the Factories and Industrial Undertakings Ordinance. | Legislative process in progress. |
|---|----------------------------------|

**Items**

**Position**

**Protection of Wages on Insolvency Ordinance (PWIO)**

- 5 To amend the provision to the effect that the amount of ex-gratia severance payment from the Protection of Wages on Insolvency Fund (PWIF) will be calculated on the basis of an employee's wage level before wage reduction if his employer has undertaken to do so before the wage reduction.

The Protection of Wages on Insolvency (Amendment) Ordinance 1999 was passed by the LegCo on 1.12.1999 and became effective on 10.12.1999.

*(Note : In December 1998, the LAB endorsed a proposal to take account of employer's written undertakings in wage reduction cases in calculating ex-gratia severance payment. In September 1999, the LAB endorsed a revised proposal under which verbal undertakings would also be accepted.)*

**Trade Unions Ordinance (TUO)**

6. To allow registered trade unions to make charitable donations to lawful organisations outside Hong Kong in accordance with registered rules without the need to seek approval from the Chief Executive.

Legislative process in progress.

**EMPLOYEES' COMPENSATION**

**Employees' Compensation Ordinance (ECO)**

7. To add two new diseases and expand the coverage of two existing diseases in the list of occupational diseases prescribed under the ECO.

The Employees' Compensation Ordinance (Amendment of Second Schedule) Order 1999 was gazetted on 11.6.1999 and became effective on the same day.

| <u>Items</u>   | <u>Position</u>   |
|--|---|
| 8. To restore the protection accorded to employees during the Red rainstorm warnings under the ECO.  | The Employees' Compensation (Amendment) Ordinance 2000 was passed by the LegCo on 5.4.2000 and deemed to have taken effect on 5.7.1999.   |
| 9. To revise a number of penalty clauses under the ECO.  | The amendments have been incorporated in the Employees' Compensation (Amendment) (No.2) Ordinance 2000 which was passed by the LegCo on 26.6.2000 and came into effect on 1.8.2000. |
| 10. To improve the system of settling compensation cases for death under the ECO.  | The Employees Compensation (Amendment) (No.2) Ordinance 2000 was passed by the LegCo on 26.6.2000 and came into effect on 1.8.2000.   |
| <i>(Note: The LAB had endorsed a number of proposed improvement measures in December 1996 and January 1997. In March 1999, the LAB endorsed the modifications made to the earlier proposals so as to provide better protection to the family members of the deceased employees.)</i> |   |
| 11. To increase the maximum amount of funeral and medical attendance expenses payable under the ECO from \$16,000 to \$35,000.   | The amendments have been incorporated in the Employees' Compensation (Amendment) (No.2) Ordinance 2000 which was passed by the LegCo on 26.6.2000 and came into effect on 1.8.2000. |

### **Pneumoconiosis (Compensation) Ordinance (PCO)**

|   |   |
|---|---|
| 12. To lower the rate of levy from 0.3% to 0.25%.   | Resolution under section 36 of the PCO was made and passed by the LegCo on 17.5.2000 and came into effect on 18.6.2000. |
| 13. To increase the maximum amount of funeral expenses payable under the PCO from \$16,000 to \$35,000. | Resolution under section 40 of the PCO was made and passed by the LegCo on 20.12.2000 and came into effect on 1.1.2001. |

Items

Position

**OCCUPATIONAL SAFETY AND HEALTH**

**Factories and Industrial Undertakings Ordinance (FIUO)**

- |  |  |
|--|--|
| 14. To amend the FIUO and relevant regulations to allow the Commissioner for Labour to take out prosecution against proprietors and contractors for failure to meet the notification requirement within 6 months after the concerned establishment is discovered or has come to the notice of the Commissioner for Labour. | The Factories and Industrial Undertakings (Amendment) Ordinance 2000 was passed by the LegCo on 16.2.2000 and became effective on 25.2.2000. |
|--|--|

*Factories and Industrial Undertakings (Gas Welding and Flame Cutting) Regulation*

- |   |                                  |
|---|----------------------------------|
| 15. To enact a new regulation to require workers engaged in gas welding and flame cutting work to receive safety training and to possess a certificate. | Legislative process in progress. |
|---|----------------------------------|

*Factories and Industrial Undertakings (Woodworking) Regulations*

- |   |                                  |
|---|----------------------------------|
| 16. To prohibit the employment of young persons under 16 years of age on any woodworking machinery. | Legislative process in progress. |
|---|----------------------------------|

**Occupational Safety and Health Ordinance (OSHO)**

- |  |   |
|--|---|
| 17. To revise the list of occupational diseases to be reported by the medical practitioners to the Commissioner for Labour under the OSHO. | The Occupational Safety and Health Ordinance (Amendment of Schedule 2) Order 1999 was gazetted on 11.6.1999 and became effective on the same day. |
|--|---|

**Reports on International Labour Conventions (ILC)  
Communicated to the Labour Advisory Board  
Committee on the Implementation of  
International Labour Standards during 1999 and 2000**

***Reports submitted in 1999 under Article 22 of the ILO Constitution***

| <u>Convention No.</u> | <u>Title</u>  |
|-----------------------|---|
| 11                    | Right of Association (Agriculture) Convention, 1921                           |
| 12                    | Workmen' s Compensation (Agriculture) Convention, 1921                        |
| 17                    | Workmen' s Compensation (Accidents) Convention, 1925                          |
| 42                    | Workmen' s Compensation (Occupational Diseases)<br>Convention (Revised), 1934 |
| 81                    | Labour Inspection Convention, 1947  |
| 98                    | Right to Organise and Collective Bargaining Convention,<br>1949               |
| 105                   | Abolition of Forced Labour Convention, 1957                                   |
| 144                   | Tripartite Consultation (International Labour Standards)<br>Convention, 1976  |
| 148                   | Working Environment (Air Pollution, Noise and Vibration)<br>Convention, 1977  |
| 150                   | Labour Administration Convention, 1978  |
| 151                   | Labour Relations (Public Service) Convention, 1978                            |
| 160                   | Labour Statistics Convention, 1985  |

***Reports submitted in 2000 under Article 22 of the ILO Constitution***

| <u>Convention No.</u> | <u>Title</u>  |
|-----------------------|---|
| 5                     | Minimum Age (Industry) Convention, 1919   |
| 14                    | Weekly Rest (Industry) Convention, 1921   |
| 22                    | Seamen' s Articles of Agreement Convention, 1926                                |
| 23                    | Repatriation of Seamen Convention, 1926   |
| 29                    | Forced Labour Convention, 1930  |
| 87                    | Freedom of Association and Protection of the Right to Organise Convention, 1948 |
| 97                    | Migration for Employment Convention (Revised) , 1949                            |
| 101                   | Holidays with Pay (Agriculture) Convention, 1952                                |
| 115                   | Radiation Protection Convention, 1960   |
| 122                   | Employment Policy Convention, 1964  |
| 124                   | Medical Examination of Young Persons (Underground Work) Convention, 1965        |