

**Replies to supplementary questions raised by Finance Committee Members in
examining the Estimates of Expenditure 2011-12**

**Director of Bureau : Secretary for Labour and Welfare
Session No. : 17**

Reply Serial No.	Question Serial No.	Name of Member	Head	Programme
S-LWB(L)01	S106	WONG Kwok-hing	90	Employee Rights and Benefits
S-LWB(L)02	SV017	WONG Kwok-hing	90	Employee Rights and Benefits
S-LWB(L)03	SV033	WONG Kwok-hing	90	Employee Rights and Benefits
S-LWB(L)04	SV031	LI Fung-ying	90	000 Operational expenses
S-LWB(L)05	SV032	IP Kwok-him	90	Employee Rights and Benefits

Examination of Estimates of Expenditure 2011-12
**CONTROLLING OFFICER'S REPLY TO
SUPPLEMENTARY QUESTION**

Reply Serial No.

S-LWB(L)01

Question Serial No.

S106

Head : 90 – Labour Department

Subhead (No. & title) :

Programme : (4) Employee Rights and Benefits

Controlling Officer : Commissioner for Labour

Director of Bureau : Secretary for Labour and Welfare

Question :

Referring to the Special Finance Committee reply (serial no. LWB(L)054) to question serial no. 1179, please provide the following information:

- (a) The Administration stated in the reply that it had conducted surveys among local establishments and another round of in-depth questionnaire survey with human resources managers on the legislation for paternity leave. What are the outcomes of these surveys? What is the latest number of enterprises or organisations that have implemented paternity leave on a voluntary basis, and the number of employees benefitted?
- (b) Could the Administration provide a specific timetable for the completion of the study on legislating for paternity leave? What would be the next step of work upon the completion of the study?

Asked by: Hon. WONG Kwok-hing

Reply:

The information sought is provided as follows:

- (a) The Labour Department has conducted questionnaire surveys on the provision of paternity leave among member establishments of its Human Resources Managers Clubs. The survey findings reveal that the percentage of organisations surveyed that offer paternity leave increased from 16% to 21% during the two years from 2006 to 2008. To better understand the latest position regarding the provision of paternity leave in private enterprises, we recently conducted another round of in-depth questionnaire survey with the relevant human resources managers. The data collected are being studied and analysed.
- (b) We hope to complete the study on paternity leave in the next few months. We will then consult the Labour Advisory Board and the Panel on Manpower of the Legislative Council.

Signature

Name in block letters

Post Title

Date

CHEUK WING HING

Commissioner for Labour

31.3.2011

Examination of Estimates of Expenditure 2011-12
**CONTROLLING OFFICER'S REPLY TO
SUPPLEMENTARY QUESTION**

Reply Serial No.

S-LWB(L)02

Question Serial No.

SV017

Head : 90 – Labour Department

Subhead (No. & title) :

Programme : (4) Employee Rights and Benefits

Controlling Officer : Commissioner for Labour

Director of Bureau : Secretary for Labour and Welfare

Question :

In relation to the concern raised by Hon. WONG Kwok-hing about the need to protect the welfare of low-paying workers to tie in with the implementation of the Statutory Minimum Wage (SMW), the Chairman requested the Administration to provide the sample employment contract for the Government's outsourcing of work containing clauses to afford protection to employees in the transition to the implementation of SMW.

Asked by: Hon. WONG Kwok-hing

Reply:

To tie in with the implementation of the Minimum Wage Ordinance, the Labour Department is revising the Standard Employment Contract (SEC), which sets out the monthly wages, working hours, method of wage payment and other employment terms, in consultation with the relevant government departments and bureaux. We will brief the Legislative Council Panel on Manpower on the revised SEC when it is finalised.

Signature

Name in block letters

Post Title

Date

CHEUK WING HING

Commissioner for Labour

31.3.2011

Examination of Estimates of Expenditure 2011-12
**CONTROLLING OFFICER'S REPLY TO
SUPPLEMENTARY QUESTION**

Reply Serial No.

S-LWB(L)03

Question Serial No.

SV033

Head : 90 – Labour Department

Subhead (No. & title) :

Programme : (4) Employee Rights and Benefits

Controlling Officer : Commissioner for Labour

Director of Bureau : Secretary for Labour and Welfare

Question :

In relation to the concern of Hon. WONG Kwok-hing about the enforcement action against wage offences and defaults, the Administration was requested to provide information on the penalties imposed in the convicted cases, including but not limited to the maximum, average, and minimum fine levels and imprisonment terms.

Asked by: Hon. WONG Kwok-hing

Reply:

In 2010, the highest, average and lowest fines imposed in a convicted case involving wage offence were \$320,000, \$16,603 and \$1,000 respectively. In the year, the highest, average and lowest imprisonment terms for an employer/a director committing wage offences were 4 months, 2.5 months and 1.5 months respectively. The court also imposed community service orders on four directors, one manager and nine employers for committing wage offences.

Signature

Name in block letters

Post Title

Date

CHEUK WING HING

Commissioner for Labour

31.3.2011

Examination of Estimates of Expenditure 2011-12
**CONTROLLING OFFICER'S REPLY TO
 SUPPLEMENTARY QUESTION**

Reply Serial No.

S-LWB(L)04

Question Serial No.

SV031

Head : 90 – Labour Department

Subhead (No. & title) :

000 Operational expenses

Programme :

Controlling Officer : Commissioner for Labour

Director of Bureau : Secretary for Labour and Welfare

Question :

Noting that the recurrent spending on labour and manpower development in 2011-12 would be increased by \$250 million, Hon. LI Fung-ying requested the Administration to provide a breakdown (with details on funding and staffing) of the increased provision by the relevant areas of work/initiatives.

Asked by : Hon. LI Fung-ying

Reply :

The breakdown of the \$250 million increase in provision is provided as follows:

Item	Amount (\$m)
Enhancing employment services	71.8
Implementation of Minimum Wage Ordinance and Employment (Amendment) Ordinance 2010	64.6
Implementation of Work Incentive Transport Subsidy Scheme	52.2
One-stop employment and training centre at Tin Shui Wai	11.9
Enhancing occupational safety	5.6
Filling of existing vacancies, staff increments and staff related expenses	33.8
Others	8.0
Total:	247.9 (say 250)

The breakdown of the estimated increase in non-directorate posts is provided as follows:

Item	No. of posts
Implementation of Minimum Wage Ordinance and Employment (Amendment) Ordinance 2010	67
Enhancing employment services	22
Implementation of Work Incentive Transport Subsidy Scheme	214
One-stop employment and training centre at Tin Shui Wai	8
Enhancing occupational safety	15
Total	326

Signature	_____
Name in block letters	CHEUK WING HING
Post Title	Commissioner for Labour
Date	31.3.2011

Examination of Estimates of Expenditure 2011-12
**CONTROLLING OFFICER'S REPLY TO
SUPPLEMENTARY QUESTION**

Reply Serial No.

S-LWB(L)05

Question Serial No.

SV032

Head : 90 – Labour Department

Subhead (No. & title) :

Programme : (4) Employee Rights and Benefits

Controlling Officer : Commissioner for Labour

Director of Bureau : Secretary for Labour and Welfare

Question :

In relation to the concern raised by Hon. IP Kwok-him, the Chairman requested the Administration to provide supplementary information on the Administration's work plan and resource provision to address the concerns of local communities about the implementation of statutory minimum wage (SMW), such as hosting briefing sessions with the Owners' Corporations and District Councils to explain the SMW and related implementation issues.

Asked by: Hon. IP Kwok-him

Reply:

The Labour Department (LD) is working at full steam to prepare for the launching of SMW on 1 May 2011. We have been organising a wide range of publicity and promotional activities to enhance the understanding of employers, employees and the general public about the new legislation. As part of our publicity activities, up to 25 March 2011, some 11 000 participants attended 57 briefings on SMW conducted by LD officers. These briefings included large-scale seminars for employers, employees and the public, as well as talks targeted at different groups such as Incorporated Owners, Owners Committees, Mutual Aid Committees and property management companies. More than 10 000 Incorporated Owners, Owners Committees and Mutual Aid Committees were invited to attend the briefings. In addition, promotional messages on SMW are being sent to individual households together with electricity and water bills in March and April 2011.

LD will continue to organise promotional activities and stage briefings and roving exhibitions on the Minimum Wage Ordinance in different districts. We will send another round of publicity materials to the Incorporated Owners, Owners Committees and Mutual Aid Committees and invite them to attend SMW briefings in April 2011. As the publicity activities for local communities are part of LD's promotional efforts on SMW, the resource provision cannot be separately identified.

Signature

Name in block letters

Post Title

Date

CHEUK WING HING

Commissioner for Labour

31.3.2011