

## Minutes of the Twentieth Meeting of the Eastern District Council

Date: 17 September 2019 (Tuesday)

Time: 2:30 pm

Venue: Eastern District Council Conference Room

<u>Present</u>	<u>Time of Arrival</u> <u>(pm)</u>	<u>Time of Departure</u> <u>(pm)</u>
Mr TING Kong-ho, Eddie	2:30	end of meeting
Mr WONG Chi-chung, Dominic	2:30	end of meeting
Mr WONG Chun-sing, Patrick	2:30	end of meeting
Mr WONG Kwok-hing, BBS, MH	2:30	4:00
Mr KU Kwai-yiu	2:30	end of meeting
Mr HO Ngai-kam, Stanley	2:30	end of meeting
Ms LI Chun-chau	2:30	end of meeting
Mr LEE Chun-keung	2:30	end of meeting
Mr LAM Sum-lim	2:30	end of meeting
Mr LAM Kei-tung, George	2:40	3:40
Mr SHIU Ka-fai, JP	2:30	end of meeting
Mr HUNG Lin-cham, MH	3:15	end of meeting
Mr CHUI Chi-kin	3:00	end of meeting
Mr CHEUNG Kwok-cheong, Howard	4:10	end of meeting
Mr LEUNG Siu-sun, Patrick	2:35	end of meeting
Mr LEUNG Kwok-hung, David, MH	2:30	end of meeting
Mr HUI Lam-hing	2:30	end of meeting
Mr HUI Ching-on	2:30	end of meeting
Mr KWOK Wai-keung, JP	2:30	3:55
Mr MAK Tak-ching	2:40	end of meeting
Ms CHIK Kit-ling, Elaine	2:30	end of meeting
Mr WONG Kin-pan, BBS, MH, JP (Chairman)	2:30	end of meeting
Mr WONG Kin-hing	2:30	end of meeting
Mr YEUNG Sze-chun	2:30	end of meeting
Dr CHIU Ka-yin, Andrew	2:30	end of meeting
Mr CHIU Chi-keung, BBS (Vice-chairman)	2:30	end of meeting
Mr LAU Hing-yeung	2:30	end of meeting
Mr CHENG Chi-sing, MH	2:30	end of meeting
Mr CHENG Tat-hung	3:00	end of meeting
Mr LAI Chi-keong, Joseph	2:30	end of meeting
Mr NGAN Chun-lim, BBS, MH	2:30	end of meeting
Mr LO Wing-kwan, Frankie, MH	2:30	3:30
Mr KUNG Pak-cheung, BBS, MH	2:30	end of meeting

**Absent with Apologies**

Ms LEUNG Wing-man, Bonnie

Ms CHOY So-yuk, BBS, JP

**In Regular Attendance (Government Representatives)**

Mr CHAN Sheung-man, Simon, JP	District Officer (Eastern), Eastern District Office
Miss NGAI Lai-ying, Angora	Assistant District Officer (Eastern) 1, Eastern District Office
Mr LO Cheuk-lun, Rayson	Assistant District Officer (Eastern) 2, Eastern District Office
Ms YAU Sin-man	Deputy District Commander (Eastern District), Hong Kong Police Force
Ms WU Man-ye, Mandy	Police Community Relations Officer (Eastern District), Hong Kong Police Force
Miss LEE Sin-man	Senior Housing Manager/Kong Kong Island & Islands 2 and Management Control, Housing Department
Mr LI Yiu-man, Louis	Senior Transport Officer/Eastern, Transport Department
Mr KWOK Chun-sum	Acting District Environmental Hygiene Superintendent (Eastern), Food and Environmental Hygiene Department
Ms TAM Shiu-mei	District Leisure Manager (Eastern), Leisure and Cultural Services Department
Mr CHAO Ka-man, Stanley	Senior Liaison Officer (1), Eastern District Office
Ms WONG Sze-man, Queenie	Senior Liaison Officer (2), Eastern District Office
Mr KWAN Yu-keung	Senior Liaison Officer (3), Eastern District Office
Ms KONG Kei-kei, Hayley	Senior Executive Officer (District Management), Eastern District Office

**In Attendance by Invitation (Representatives from the Government and Organisations)**

Mr CHAN Ka-shun, Carlson, JP	Commissioner for Labour, Labour Department
Miss YIM Lai-kwan, Cindy	Senior Labour Officer (Employment Services)(Operation), Labour Department

## Secretary

Ms NG Yan-mei, Monie

Senior Executive Officer (District Council), Eastern  
District Office

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### Opening Remarks

The Chairman welcomed Members and government representatives to the meeting, particularly Mr Carlson CHAN, JP, Commissioner for Labour (C for L) and Miss Cindy YIM, Senior Labour Officer (Employment Services)(Operation) of the Labour Department (LD). He also extended his welcome to Ms YAU Sin-man, Deputy District Commander (Eastern District) of the Hong Kong Police Force (HKPF) who attended the meeting on behalf of Mr SIT Ka-ho, District Commander (Eastern District), and Ms Mandy WU, Police Community Relations Officer (Eastern District) who succeeded Ms Amy LAU; Miss LEE Sin-man, Senior Housing Manager/Hong Kong Island & Islands 2 and Management Control of the Housing Department (HD) who attended the meeting on behalf of Mrs Helen CHEUNG, Chief Manager/Management (Hong Kong Island and Islands); Mr Louis LI, Senior Transport Officer/Eastern of the Transport Department (TD) who attended the meeting on behalf of Mr Kenneth MOK, Chief Transport Officer/Hong Kong; Mr KWOK Chun-sum, Acting District Environmental Hygiene Superintendent (Eastern) of the Food and Environmental Hygiene Department (FEHD); and Ms TAM Shiu-mei, District Leisure Manager (Eastern) of the Leisure and Culture Services Department (LCSD) who attended the meeting on behalf of Mr LUK Chi-kwong, Chief Leisure Manager (Hong Kong East).

2. The Chairman reminded Members to declare interests where necessary in accordance with Section 48 of the Standing Orders of the Eastern District Council (EDC).

### I. Confirmation of the Draft Minutes of the Nineteenth Meeting of the Eastern District Council

3. The above draft minutes were confirmed without amendments.

**II. Commissioner for Labour to Meet with the Eastern District Council Members**

4. Mr Carlson CHAN, JP, C for L, briefed Members on the work of the LD.
  
5. 19 Members expressed their views and raised enquiries regarding the work of the LD as summarised below:
  - (a) Mr KWOK Wai-keung said that the Labour Advisory Board (LAB) had been discussing the issue of abolishing the “Offsetting” Arrangement under the Mandatory Provident Fund Scheme (MPF) at length. The Government also indicated last year that it would further enhance its support for employers and increase the financial commitment of the subsidy scheme to nearly \$30 billion, which was expected to be implemented after 2022. He hoped the Government could expedite the implementation of the arrangement to bring early benefits to employees. In addition, he pointed out that the statutory maternity leave (ML) would be extended from 10 weeks to 14 weeks and the additional 4 weeks’ ML pay would be funded by the Government as proposed in The Chief Executive’s 2018 Policy Address. He urged the Government to increase the paternity leave (PL) from 5 days to 7 days at the same time and asked whether the Government would provide financial subsidy to employers to cover the additional 2 days’ PL pay.
  
  - (b) Mr MAK Tak-ching indicated that recently the Chairperson of the Hong Kong Dragon Airlines Flight Attendants Association and several pilots employed by the Cathay Pacific Airways Limited were dismissed due to their online comments. He remarked that pursuant to the Employment Ordinance (EO), employers violating the provisions regarding protection against anti-union discrimination and unlawful dismissal were liable to prosecution and, upon conviction, a maximum fine of \$100,000 and \$150,000 respectively. However, he was of the view that the fines had little deterrent effect on large consortia. He further pointed out that in order to protect employees’ right to strike, apart from the right to form union, many countries also introduced legislation on the right to collective bargaining and strike. He asked whether it was reasonable for the employer to deprive its staff of freedom of speech and convict a person for speech, and whether the existing legislation failed to protect employees’ right to strike due to its loopholes and incomprehensiveness.

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In this regard, he hoped the Government would consider introducing legislation on the right to collective bargaining.

- (c) Mr Joseph LAI stated that the wage rate of many types of work on the market, such as dishwasher, had long raised above the prevailing Statutory Minimum Wage (SMW) rate of \$37.5 per hour, and criticised that the SMW rate was out of tune with the market rate. In addition, he pointed out that employers paying minimum wages tended to prefer young and strong employees. Hence, the SMW rate might contrarily cause the elderly and middle-aged to suffer from employment discrimination by employers. He opined that the Government should place emphasis on the provision of employment counselling for the elderly and middle-aged and provide subsidies to employers as incentives, with a view to improve the employment situation of the elderly and middle-aged. Lastly, he relayed the keen demand for employment support services by many Chai Wan residents and hoped that the LD would consider setting up a job centre in Chai Wan to serve local residents.
- (d) Mr Patrick LEUNG asked whether the LD had imposed any restrictions in respect of trade or types of work on the Employment Programme for the Elderly and Middle-aged (EPEM). He remarked that some trades, such as green minibus drivers, were experiencing recruitment difficulty and asked whether the LD would provide support to such trades through the implementation of EPEM to fill the vacancies. In addition, he enquired about the timetable for implementing the employment support services provided for ethnic minorities (EMs). He also expressed concern about the contractual rights of outsourced employees and urged the LD to step up inspections, so as to ensure that they were entitled to contract gratuities and the rights specified in their contracts.
- (e) Mr SHIU Ka-fai stated that the unemployment rate in Hong Kong had long remained at a low level of 2.8% to 2.9%, signifying a labour shortage in Hong Kong and the need for importing foreign labour. Nevertheless, the recent turmoil had led to signs of economic downturn in Hong Kong and there would be spates of layoff and pay cuts in the business sector. As such, he suggested the LD suspend the importation of foreign labour. In addition, he mentioned that the LD had previously suggested raising the maximum fines for breaching the Occupational Safety and Health

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Ordinance (OSHO) to 10% of the convicted companies' turnover. He opined that the suggestion would impose a heavy burden on the business sector and hoped the LD could strike a balance between safeguarding the occupational safety and health of employees and the affordability of the business sector when amending the OSHO. As regards the abolition of the MPF "Offsetting" Arrangement, he opined that the relevant authorities should first assess the current economic situation of Hong Kong and the affordability of the business sector before introducing the relevant measures to avoid further company closures.

- (f) Mr Eddie TING was of the view that the effectiveness of the employment services provided by the LD was unsatisfactory, in particular, the success rate of the employment services provided for persons aged 50 or above, new immigrants and EMs was on the low side. Taking district-based inclusive job fairs organised by the LD as an example, only 2 employment cases were recorded successful on average. He suggested the LD fully review the effectiveness of the existing employment services and make better use of resources by providing focused employment support services targeting the individual needs of the aforementioned three groups of persons, such as recruiting employment case managers dedicated to the provision of referral services for individual persons with needs. He opined that if the LD could raise the successful employment rate of the above persons, the pressure on the importation of foreign labour would be alleviated.
- (g) Mr Patrick WONG remarked that many families in Hong Kong had to employ foreign domestic helpers (FDHs) to do household chores and take care of family members. In recent years, complaints regarding FDH employment agencies (EAs) were on the rise. He also reflected that many residents were dissatisfied with the services provided by the EAs and intended to lodge a complaint but were unaware of the complaint channels and the responsible departments or organisations. Therefore, he hoped the LD could enhance publicity to raise employers' understanding about their entitled rights and complaint channels. In addition, he noted that previously the LD had published records of conviction, revocation/refusal of renewal of licence and written warnings of EAs. He hoped the LD could continue enhancing monitoring of EAs and request them to clearly inform clients of the complaint channels for unsatisfactory services.

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- (h) Mr WONG Kwok-hing was pleased to know that 5-day paid PL had come into force since January 2019 and hoped it would be increased to 7 days in future. Besides, he urged the authority to accept the labour sector's opinion of changing the frequency of SMW rate review from once every two years to once every year and make adjustments as appropriate to narrow the wealth gap. In addition, he also hoped the authority would consider aligning the labour holidays with general holidays, so that employees could enjoy more family life.
  
- (i) Mr KU Kwai-yiu was of the view that all employees should be entitled to the same number of holiday days. He hoped the LD could align the labour holidays with general holidays, so that employees could enjoy more family life. In addition, he opined that many labour laws were outdated and urged the LD to conduct review in order to protect employee rights. He also indicated that persons with disabilities (PWDs) were often discriminated against by employers when seeking employment, which made them lose confidence. In fact, despite their physical disabilities, PWDs were capable of work. Therefore, he hoped the LD could allocate more resources to assist PWDs in seeking employment. As regards EMs, many of them could only work as security guards as they might be discriminated against by employers due to communication problems. He hoped the LD could assist them in seeking other types of jobs. Finally, he hoped the LD could assume the role of a co-ordinator when handling employment disputes and better utilise the prevailing mediation and arbitration mechanism to avoid legal actions between employees and employers.
  
- (j) Mr CHUI Chi-kin cited the Global Competitiveness Report 2018 previously published by World Economic Forum and indicated that Hong Kong ranked seventh globally among 140 countries and regions, demonstrating a remarkable performance. However, Hong Kong scored "0" in "workers' rights" with the longest working hours in the world. The number of days of statutory holidays was also far lower than that of other countries, which reflected that Hong Kong failed to protect its employees' rights. He urged the LD to identify the solutions and expedite the alignment of labour holidays and general holidays. In addition, he also suggested the Government require 2% of the new recruits to the Civil Service to be PWDs as a lead to encourage the

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business sector to follow.

- (k) Ms LI Chun-chau said that the existing employees' compensation insurance (ECI) did not cover accidents occurred to employees during their commute. However, she opined that the purpose of commuting was to go to work, hence she urged the LWB to review the existing legislation, so that ECI could provide more comprehensive protection to employees' rights.
  
- (l) Mr LEE Chun-keung pointed out that although the LD had promulgated the Code of Practice for Employment Agencies (the Code), there were still many problems in monitoring EAs. He cited examples and said that EAs often described the FDHs to be very versatile, however most of the descriptions failed to reflect the truth. As such, the employers had to replace the FDH and the EA concerned could earn intermediary fees again. He proceeded to indicate that some employers intended to lodge a complaint about the services provided by EAs but were unaware of the complaint channels and their entitled rights. In light of this, he suggested the LD consider introducing a licensing regime for EA practitioners, under which housekeeping skill tests would be arranged for newly-arrived FDHs, and probation period would be provided for FDHs. The EA concerned would only receive the balance of the intermediary fees after the FDH passed the probation period.
  
- (m) Mr LAU Hing-yeung noticed that the existing number of job vacancies remained high but paradoxically, the unemployment rate started to increase slowly. In light of the situation, he asked about the practicable long-term solution to be adopted by the LD. He also urged the LD to review the effectiveness of the current employment counselling, referral and retraining services and discuss with relevant departments for providing more effective employment support services for enhancing the effectiveness of job referral service.
  
- (n) Mr Andrew CHIU first declared that he was an accredited mediator and arbitrator. He indicated that when signing the employment contracts, many practitioners of the financial or real estate sectors had little understanding of the relevant clause(s) in their contracts specifying that labour disputes would be settled by arbitration. As employees had limited knowledge of the relevant arbitration clauses in the contracts, the



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Labour Tribunal (LT) would lose jurisdiction over these cases. The employees had to bear huge arbitration fees and prepare voluminous documents before the case could be filed. Given the circumstances, employers usually enjoyed a more privileged position than employees. As such, he urged the LD to step up publicity on the arbitration mechanism to educate the practitioners in relevant sectors to enable them to have a clear understanding that the LT had no jurisdiction over arbitration cases and that arbitration would involve huge costs.

- (o) Mr HUI Lam-hing reflected that a resident had employed an Indonesian FDH through an EA. As the FDH had requested to return to Indonesia after 2 days of work, the employer called the EA to request for replacement, but was requested to pay for the return air ticket to Indonesia for the FDH. The employer thus sought help from the LD. However, the LD failed to provide an effective solution. He asked how the employer should handle the case.
- (p) Mr LAM Sum-lim criticised that the LD would only take out prosecution against FDH employers breaching the laws in order to protect FDHs' rights, but it neglected the entitled rights of employers in the course of employing FDHs and failed to provide appropriate support for employers. In addition, he indicated that the existing ECI did not cover accidents occurred to employees during their commute in times of Tropical Cyclone Warning Signal No. 8. He hoped the LD could review the relevant legislation to protect the entitled labour rights of employees during their commute in times of adverse weather conditions. Besides, in his capacity as a member of the tourism industry, he indicated that the terms and conditions of existing ECI did not cover accidents occurred during their off-duty time at night when tour escorts performed duties outside Hong Kong. He hoped the LD could take heed of the grey areas in the relevant legislation and take proactive actions to plug the loopholes.
- (q) Mr Dominic WONG expressed concerns that currently many employers would not consider employing mature persons as they were unable to take out ECI for them. He pointed out that due to the ageing population in Hong Kong, many people aged 70 or above were still in good shape and capable of work. He hoped the LD could assist mature persons in returning to the workforce.

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- (r) Mr CHIU Chi-keung urged the authorities to expedite the abolition of the MPF “Offsetting” Arrangement and alignment of the labour holidays with general holidays, so that all employees were entitled to the same number of holiday days. In addition, he also hoped the Government could introduce policies to facilitate employers in taking out ECI for healthy mature persons.
- (s) Mr WONG Kin-pan pointed out that Hong Kong people were in good health condition and the elderly population was increasing. On the other hand, 52.3% of the imported workers under the Supplementary Labour Scheme (SLS) were engaged as care workers in the elderly care sector, reflecting a keen demand for care services in Hong Kong. As regards the situation in the Eastern District, there were more than 98 000 elderly people among a population of 580 000, ranking second in Hong Kong in terms of elderly population. By 2024, the Eastern District would rank top in Hong Kong in terms of elderly population. He was worried that the demand for elderly care services would become increasingly serious, and suggested the LD flexibly relax its policy to expedite the importation of more care workers in the elderly care sector in order to cope with the demand for care services.

6. Mr Carlson CHAN, JP, C for L, thanked Members for their views. He responded to their views and enquiries as follows:

- (a) As regards employment of mature persons, currently the general public was in good health and had no urgent desire to retire at 60. Over the past decade, the number of working mature persons had significantly increased, reflecting that many employers would employ mature persons based on actual needs. To encourage employers to employ elderly and middle-aged job seekers aged 40 or above and provide them with on-the-job training at the initial stage of employment, the LD had introduced the EPEM. Employers engaging job seekers aged 40 or above who were unemployed or had left the workforce would be offered a monthly on-the-job training allowance up to \$4,000 per employee for a period of 3 to 12 months under the EPEM. In fact, many employers believed that mature persons were more experienced and their health conditions were on par with young people. Also, they were loyal to the company and seldom change jobs. Therefore, the employers were willing to employ mature persons even without the training allowance. Furthermore, there was no

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restriction on the trade under EPEM, employers engaging unemployed elderly and middle-aged job seekers, including public light bus (PLB) drivers, and offering on-the-job training were eligible for on-the-job training allowance. Nevertheless, based on information from the TD, the existing number of holders of PLB full driving licence was far more than the number of relevant vacancies. The key to alleviating manpower shortage in the PLB trade lay in the ways to attract more holders of PLB full driving licence to the trade.

- (b) Concerning that some employers were unable to take out ECI for mature employees, the LD had previously enquired with the insurance sector. The insurance sector indicated that the key factors generally considered by insurance companies when underwriting or determining ECI premium included business nature of employers, job responsibilities of employees, number of employees, earnings of employees, claim history of employers, as well as employers' risks and risk prevention measures taken by employers. The age of employees was not a major consideration. Employers who encountered problems when taking out ECI could seek assistance from the LD. In fact, the insurance sector had put in place the Employees' Compensation Insurance Residual Scheme as a last resort for employers who had difficulties in taking out ECI.
- (c) In respect of the importation of labour, under the SLS, more than half of the imported labour working in Hong Kong engaged in elderly care services. As mentioned in The Chief Executive's 2018 Policy Address, individual sectors, particularly the elderly care service sector had long been encountering human resources shortage and recruitment difficulties. The Government was carefully studying whether subsidised elderly service and rehabilitation service units should be allowed to import carers. It was the Government's established policy that employers must accord employment priority to local workers and only employers with genuine difficulties in local recruitment might be allowed to import workers.
- (d) Regarding the abolition of the MPF "Offsetting" Arrangement, the Government would assist 300 000 employers in setting up designated saving accounts (DSAs) under their own name and receive contributions from employers and disburse payment to employers through the eMPF Platform to be established by the Mandatory Provident Fund Schemes Authority. As the two-tier subsidy scheme involved careful formulation

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of operational details, it was expected that the preparation and scrutiny of the enabling legislation would take time. Nevertheless, the Government would press ahead the relevant works with a view to securing its passage by the Legislative Council (LegCo) by 2022.

- (e) Members' suggestion of increasing PL from 5 days to 7 days had been discussed by the LAB, in which members of both employer and employee sides agreed to re-visit the item and consider in due course whether further improvements were required. As PL had just been increased from 3 days to 5 days early this year, time was required for the authorities to observe the implementation, in particular the adaptability of employers and employees to the new arrangement. The Government would review the number of PL days in light of Hong Kong's changing social circumstances and economic development, with a view to improving employee benefits on the premise that the interests of employees and the affordability of employers were taken into account. Regarding whether the Government would provide financial subsidy to cover the additional PL pay if there was an increase in the duration of PL, the Government would carefully consider the issue. It was noteworthy that although the amount involved in the 2-day PL was less when compared with the 4-week ML, the administrative cost was at the same high level. The Government would take into account the impacts on various aspects when reviewing the PL issue.
- (f) A Member enquired whether the airline contradicted the laws for the recent dismissal of its employees due to their comments. The LD had maintained close communication with the airline concerned on the case and reminded the company of the relevant requirements under the EO to ensure that its handling was lawful, reasonable and fair. The LD would maintain communication with employers of all trades. Any employee who considers himself/herself being unreasonably dismissed or dismissed in contravention of the EO could report to the LD.
- (g) With respect to Members' concern about the impact of SMW on the employment of mature persons, the LD did not observe any impact based on the analysed historical data. On the contrary, as the entire market was in manpower shortage, employers were more willing to employ mature persons in recruitment exercises than before. Hence, the employment rate of mature persons showed a significant rising trend in recent years.

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- (h) A Member mentioned that the LD previously suggested taking reference from overseas practice and raising the maximum fines for extremely serious cases under OSHO to 10% of the companies' turnover, which worried the business sector. The LD had consulted stakeholders from both employers and employees on the preliminary legislative amendment proposals early this year and was carefully analysing and considering the views received and other relevant factors for refining the amendment proposals.
- (i) As regards the employment of EMs, the LD would launch a new pilot programme in conjunction with non-governmental organisations (NGOs) to provide employment services for EM job seekers through a case management approach. In addition to canvassing vacancies suitable for EMs and providing support in their job search, the NGOs engaged would also provide post-placement follow-up services for EMs. The LD was carefully considering stakeholders' views and would expeditiously conduct public tender exercise after the programme details had been worked out.
- (j) A Member remarked that there was a case where a FDH had requested to return to his/her home country after 2 days of work. In accordance with the relevant provisions of a standard employment contract for FDH, the employer was responsible for providing the FDH with free return passage to his/her place of origin upon completion or termination of the contract. For an FDH who changed employers for several times, an employer could report to the LD if he/she considered that the EA concerned had intentionally incited or abetted the FDH to engage in job-hopping with a view to earning intermediary fees again. The LD would conduct thorough investigation upon receiving complaints and issue written warning or revoke the licence of the EA concerned if suspected contravention of the Code was found after investigation. FDHs involved in collusive job-hopping might have their employment visa applications rejected by the Immigration Department and be denied entry to work in Hong Kong in future. The LD would continue to step up education for FDH groups in order to combat illegal activities. In addition, the LD had adopted new measures by publishing records of conviction, revocation/refusal of renewal of licence and written warnings of EAs online to prevent members of the public from falling prey to

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unscrupulous or unlicensed EAs.

- (k) The suggestion of aligning the labour holidays with general holidays had long been discussed by the LAB but the representatives from employer and employee sides failed to reach a consensus. Given the various measures implemented in the past 2 years to improve labour rights and interests, the Government had to take into account both the overall economic environment and the interests of employers and employees if employee welfare had to be further enhanced. The LAB would continue to discuss the issue with a view to reaching a consensus.
  
- (l) With respect to Members' concern about the applicable coverage of ECI, in accordance with the prevailing legislation, an employee who was injured or dead as a result of an accident arising out of and in the course of his/her employment would be covered by ECI, regardless of whether any typhoon or rainstorm warning signal was in force. In addition, the ECI also covered an employee's injury or death as a result of an accident while travelling from his/her place of residence to his/her workplace by a direct route within a period of 4 hours before the time of commencement of his/her working hours for that day, or from his/her workplace to his/her place of residence within a period of 4 hours after the time of cessation of his/her working hours for that day. As for other general cases of accidents occurred to employees during commute, as the accidents occurred outside the workplace or beyond the control of employers, it would cause grave concerns among employers if they were to be responsible for such accidents as well. In taking forward the suggestions to extend the ambit of the legislation, the LD must conduct extensive consultation and make reference to overseas experiences before making careful consideration.
  
- (m) In the event that there were disputes over the employment contract which had to be settled by arbitration, both the employer and the employee should honour the spirit of contract. Nevertheless, any terms of an employment contract failing to comply with the requirements of the EO would be void.

7. The Chairman thanked Mr Carlson CHAN, JP, C for L and his colleagues for attending the meeting. He also asked them to note Members' views.

**III. Information Items**

**Chairman's Report on the Discussion Items of the Regular Meeting**

8. The Chairman reported that the discussion items had been set out in the report of the Chairman/Vice-chairman for Members' reference. The regular meeting for September 2019 was scheduled on 19 September. Members might forward their enquiries or views to the Chairman or Vice-chairman for relaying at the regular meeting in September.

**IV. Financial Position of the Eastern District Council Funds**

(EDC Paper No. 51/19)

9. Mr Patrick WONG enquired about the reason for the negative value in column (f) under "Unfinished activities in 2018-19", item 8 in the Paper.

10. The Secretary responded that the negative value represented the amount payable to an organisation whom failed to encash the cheque issued by the Secretariat in the last financial year and the cheque became invalid. The Secretariat thus had to issue a fresh cheque to the organisation. The amount would be drawn from the central reserve of the year.

11. Members noted the financial position of the above funds.

**V. Report on the Tenth Meeting of the District Facilities Management Committee**

(EDC Paper No. 52/19)

12. Members noted the above report.

**VI. Report on the Tenth Meeting of Culture, Leisure, Community Building and Services Committee**

(EDC Paper No. 53/19)

13. Members noted the above report.

**VII. Report on the Tenth Meeting of Traffic and Transport Committee**

(EDC Paper No. 54/19)

14. Members noted the above report.

**VIII. Report on the Tenth Meeting of Food, Environment and Hygiene Committee**

(EDC Paper No. 55/19)

15. Members noted the above report.

**IX. Report on the Tenth Meeting of Planning, Works and Housing Committee**

(EDC Paper No. 56/19)

16. Members noted the above report.

**X. Report on the Tenth Meeting of Vetting Committee**

(EDC Paper No. 57/19)

17. Members noted the above report.

**XI. Report on the Twelfth Meeting of the Task Group on Festival Celebrations**

(EDC Paper No. 58/19)

18. Mr CHENG Tat-hung enquired whether there were any lighting decorations in Eastern District during the Mid-Autumn Festival.

19. The Chairman responded that all along Eastern District had no lighting decorations for Mid-Autumn Festival.

20. Members noted the report of the Task Group.



**XII. Report on the Tenth Meeting of the Task Group on Publicity about the Work of the Eastern District Council**

(EDC Paper No. 59/19)

21. 2 Members expressed their views and raised enquiries regarding the aforementioned report as summarised below:

- (a) Mr Patrick WONG enquired about the current production progress and the actual release date of the Annual Report (2016-2019) of Eastern District Council (Annual Report).
- (b) Mr Joseph LAI enquired that whether the relevant expenses incurred in the distribution of the Annual Report to residents in late September would be counted as election expenses since the year was election year.

22. The Secretary and the Chairman responded to Members' views and enquiries as follows:

- (a) The Secretary responded that the Annual Report was at press and would be distributed to Members in late September.
- (b) The Chairman responded that the Annual Report was a review of the EDC's work in the past 4 years and would be distributed to Members as a souvenir. The Secretariat would deliver the printed Annual Report to Members' mailbox and notify Members by email for their perusal.

23. Members noted the report of the Task Group.

**XIII. Report on the 232nd Meeting of the Eastern District Management Committee**

(EDC Paper No. 60/19)

24. 2 Members expressed their views and raised enquiries regarding the aforementioned report as summarised below:

- (a) Mr CHENG Tat-hung cited the 3rd line of paragraph 2 of item II of the Paper which stated that "... and would arrange to step up the cleansing of

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Tong Shui Road footbridge in North Point” and enquired whether the relevant cleansing work had completed or yet to commence, as well as the scope of cleansing.

- (b) Mr Patrick WONG mentioned about the progress of the planning work of the Joint User Complex at Lei King Wan in paragraph 3 of item III of the Paper and noted from the previous Planning, Works and Housing Committee meeting that the works completion might be deferred from 2022 to 2023. He remarked that the project was the only development project in Eastern District that was finalised and had obtained all Members’ approval and support. He earnestly asked the District Officer (Eastern) (DO(E)) to co-ordinate interdepartmental efforts, including LCSD, Social Welfare Department and Architectural Services Department, as far as possible and also hoped that the funding would be available as early as possible to avoid further delays in the project.

25. DO(E) responded that the problem at Tong Shui Road footbridge was of the great concern to various government departments. Despite the joint cleansing operations conducted at Tong Shui Road footbridge monthly, it was found that the number of street sleepers had increased in recent months, hence it was hoped that the cleansing operations could be stepped up. The Eastern District Office (EDO) would hold inter-departmental meeting to discuss the operation details. Specifically, in addition to keeping the area clean, it was hoped that items obstructing the access of the footbridge and the belongings of street sleepers could be reduced.

26. DO(E) noted Members’ views.

27. Members noted the aforementioned report.

## **XIV. Any Other Business**

28. The Chairman wished to take the opportunity of the last EDC meeting to thank colleagues of the current EDC term for their support and tolerance throughout the past 4 years. He also called for Members’ understanding of the dissatisfactions with the meeting proceedings in the past. He expressed his gratitude to all government departments, including the FEHD, LCSD, TD, Lands Department, Highways Department, HKPF and EDO for their strong support and complement of

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the EDC's work, which facilitated the smooth implementation of policies in aspects such as rodent and mosquito disinfection. He paid special thanks to the EDO and the EDC Secretariat. He indicated that the 6 area committees under EDO handled the daily affairs of 580 000 residents in Eastern District, whereas the EDC Secretariat often worked overtime to process large amount of paperwork. On behalf of the EDC, he thanked all colleagues for their commitment and hard work, as well as all Members for their efforts and contributions to the community affairs of Eastern District in the past 4 years.

29. Mr SHIU Ka-fai remarked that he had served the EDC for 12 years. Previously he had written to the residents of Braemar Hill Constituency to inform them that he would not stand for the re-election to the District Council (DC) and that he had fulfilled most of his promises to residents. Due to the heavy workload in respect of the Legislative Council, he had decided not to stand for re-election to the DC. He expressed his gratitude to all colleagues of the EDC and EDO and wished other Members every success in the election.

30. Mr Andrew CHIU, on behalf of the pan-democratic Members, queried the HKPF and take follow-up actions. He indicated that the HKPF was previously absent from the relevant committee and area committee meetings of EDC and failed to respond to the relevant agenda items. He remarked that although he was a member of the District Fight Crime Committee and understood that the Eastern Police District might be unable to make a response in respect of police operations, he still hoped that the Deputy District Commander (Eastern District) in attendance could respond to all Members, including Mr CHUI Chi-kin and Mr MAK Tak-ching, the 2 pan-democratic Members previously arrested indiscriminately by frontline police officers, regarding his friendly enquiry and the reasons for HKPF's absence from the relevant meetings and whether they were unavailable for giving response due to orders from the Bureau concerned.

31. Ms YAU Sin-man, Deputy District Commander (Eastern District) responded that the incidents taken place or operations launched in Eastern District were not planned by the Eastern Police District and police officers in Eastern District were not deployed. Hence, the Eastern Police District had to obtain instructions from the Security Bureau before responding to enquiries regarding the operations of Police Headquarters (PHQs). In addition, as recently many colleagues in the Eastern Police District had been seconded to PHQs, there was manpower shortage in Eastern Police District. As such, the Eastern Police District might be unable to attend every meeting due to operational needs. Nevertheless, the Eastern Police

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District had always been concerned about the affairs of Eastern District and would endeavour to attend all meetings.

32. Mr Andrew CHIU thanked the Chairman for his efforts in chairing the meetings for the past 4 years and thanked DO(E) and EDC Secretariat for their committed services.

## **XV. Date of the Next Meeting**

33. The meeting was adjourned at 4:20 pm. The meeting was the last EDC meeting of this term. The date of the next meeting would be confirmed by the next term of EDC.

Eastern District Council Secretariat  
November 2019