

(Translation)

Minutes of the 3rd Meeting of the Southern District Council (SDC)
(2024-2027)

Date : 9 May 2024
Time : 2:30 p.m.
Venue : SDC Conference Room

Present:

Mr CHENG Kong-chung, Francis, JP Chairman
District Officer (Southern)

Mr CHU Lap-wai, MH

Ms HO Yuen-wei

Ms LI Ka-ying

Ms LAM Yuk-chun, BBS, MH

Ms LAM Wing-yan

Ms LAM Wing-yee

Mr CHEUNG Chin-chung

Mr CHEUNG Wai-nam

Mr Jonathan LEUNG Chun

Mr CHAN Man-chun, JP

Professor CHAN Yuk-kit, MH, JP

Ms CHAN Wing-yan

Mr PANG Siu-kei

Mr WONG Choi-lap

Ms WONG Yu-ching, Nicole

Mr YEUNG Sheung-chun

Mr CHAO Howard

Mr LAU Ngai, Victor

Mr SIU Wai-chung

Mr LAI Ka-chi

Secretary:

Ms NG Yee-mei, Ivy Senior Executive Officer (District Council),
Southern District Office

In Attendance:

Mr LEUNG Ying-kit	Senior Executive Officer (District Management), Southern District Office	
Ms CHAN Grace	Senior Liaison Officer (1), Southern District Office	
Ms CHUNG Chui-yan, Chris	Senior Liaison Officer (2), Southern District Office	
Miss LEUNG Wai-kuen	District Environmental Hygiene Superintendent (Southern), Food and Environmental Hygiene Department	
Mr YU Chi-ying	District Leisure Manager (Southern), Leisure and Cultural Services Department	
Mr TO Chak-foo	Chief Manager / Management (Hong Kong Island & Islands Region), Housing Department	
Ms YEUNG Min-jing, Anna	Chief Transport Officer / Hong Kong Island, Transport Department	
Mr LEUNG Lincoln	District Commander (Western District), Hong Kong Police Force	
Mr WAN Fu-kwan, Nelson	Police Community Relations Officer (Western District), Hong Kong Police Force	
Ms YUNG Chi-wai, Esther	Chief Engineer / S4, Civil Engineering and Development Department	
Ms CHAN Wing-shiu, May, JP	Commissioner for Labour	} for agenda item 1
Miss FUNG Lai-hing, Karen	Senior Labour Officer (Employment Services) (Operation), Labour Department	
Ms CHOW Suk-ling, Vera	Senior Housing Manager / HKI2 / MC1, Housing Department	} for agenda item 3
Mr TAM Sze-wai, Vincent	Senior Engineer / Southern & Peak, Transport Department	

Agenda Item 1: Southern District Members' Meeting with Commissioner for Labour

The Chairman welcomed Ms CHAN Wing-shiu, May, JP, Commissioner for Labour, and Miss FUNG Lai-hing, Karen, Senior Labour Officer (Employment Services) (Operation), to the meeting.

2. The Chairman said that he had already briefly introduced the structure of SDC to the Commissioner for Labour before this meeting. The introduction was as follows: SDC was comprised of 20 members, including eight appointed members, eight District Committees constituency members and four District Council geographical constituency (DCGC) members. The Southern District was divided into two DCGCs, namely Southern District Southeast and Southern District Northwest, with two seats for each DCGC. What made SDC special was that its members were relatively young. With a median age of 37, SDC members were relatively younger than their counterparts in the other 17 Districts, and all of them were energetic and go-getting.

3. Speaking of this SDC meeting, Ms CHAN Wing-shiu, May, JP said that it was the first district council meeting she had ever attended by invitation since the establishment of the new-term district councils. She would like to take this opportunity to exchange ideas with SDC members. Afterwards, with the aid of a PowerPoint presentation, she briefly introduced the responsibilities of the Labour Department (LD) as follows:

- (i) LD was mainly responsible for promoting the employment of local workers, safeguarding employees' rights and benefits, and raising working people's awareness of occupational safety and health (OSH);
- (ii) The labour market and economic performance were interrelated. The rate of change in real Gross Domestic Product (GDP) remained relatively steady between 2012 and 2019 and thus the number of employed persons had also remained steady. However, Hong Kong's economy had slipped into a recession since the second half of 2019, and the unemployment rate had increased during the outbreak of the fifth wave of the COVID-19 epidemic in early 2022. Afterwards, with the economic upswing, the unemployment rate decreased, and the current unemployment rate was 3%;
- (iii) LD provided free recruitment services and posted vacancies in the private sector. In 2020, the number of vacancies in the private sector recorded by LD dropped

- substantially in light of the epidemic. As the epidemic faded, the number of vacancies recovered to over one million in 2023. According to past statistics, on average, each year LD helped more than 100 000 job seekers to successfully secure employment;
- (iv) Currently, there were 11 job centres in Hong Kong which provided a comprehensive range of free employment services to members of the public. In addition, for catering, retail and construction industries, LD also set up a recruitment centre for each of these industries. Southern District residents could visit the job centres in Admiralty and North Point to use the employment services, or search for suitable vacancies on the Interactive Employment Services website and its mobile application. Apart from displaying information about the vacancies in the job centres, LD also organised different types of job fairs, where employers were invited to conduct on-the-spot interviews with job seekers. Moreover, job centres in different districts would actively search for vacancies in the locality and facilitate placements of job seekers in the vicinity of their residence;
 - (v) Several employment programmes were launched for job seekers of different ages and backgrounds to promote employment through the provision of allowances. These employment programmes included the Employment Programme for the Elderly and Middle-aged (EPEM) (for job seekers aged 40 or above), the Youth Employment and Training Programme (for youths aged 15 to 24 with educational attainment at sub-degree level or below), the Work Orientation and Placement Scheme (for job seekers with disabilities), as well as the Racial Diversity Employment Programme (for ethnic minority job seekers). In addition, LD was committed to promoting the employment of ethnic minorities. Currently, 23 ethnic minority people were employed as employment assistants / general assistants in LD;
 - (vi) As mentioned in the Chief Executive's 2023 Policy Address, the Government would launch a three-year Re-employment Allowance Pilot Scheme in July 2024 to attract persons aged 40 or above who had not been in paid employment for three consecutive months or more to rejoin the workforce. Eligible persons who had worked for six consecutive months would be provided with a maximum allowance of \$10,000 while those who had worked for 12 consecutive months would be given an additional allowance of \$10,000. Meanwhile, the EPEM provided on-the-job training allowances to employers engaging job seekers aged 40 or above. The Re-employment Allowance Pilot Scheme and EPEM would operate in parallel, with the aim of more effectively encouraging employers to engage the elderly and middle-aged, as well as boosting the

- motivation of the elderly and middle-aged for continuing in employment;
- (vii) LD had launched the regularised Greater Bay Area (GBA) Youth Employment Scheme (the Scheme) since March 2023 to encourage Hong Kong young persons to develop their careers in the GBA Mainland cities. The Government would grant a monthly allowance of HK\$10,000 to the participating enterprises for each young person employed for up to 18 months. The Scheme recorded more than 2 000 vacancies from over 270 enterprises, with more than 700 young persons reported duty in 2023. The Scheme was now calling for applications. Besides having active operation in both Hong Kong and the GBA Mainland cities, the participating enterprises should employ Hong Kong young persons who were awarded a bachelor's degree or above in 2022 to 2024 with a minimum monthly wage of HK\$18,000. In addition, with reference to the comments from the enterprises which had previously participated in the Scheme, LD had optimised the Scheme by accepting applications all year round and allowing enterprises to employ young persons who had been engaged by its companies as interns for a period not exceeding six months within the past 12 months. Under the optimised Scheme, enterprises might also apply to deploy the young persons employed to Hong Kong and other provinces / cities in the Mainland outside GBA for up to nine months subject to operational needs. As at the end of March 2024, more than 900 vacancies were offered by a total of 98 enterprises and job offers were being issued to the participating young persons;
 - (viii) Fostering harmonious employer-employee relations was one of the key responsibilities of LD. LD had been closely monitoring the employer-employee relations of various industries by different means, and would intervene in a timely manner to resolve labour disputes. The 10 Offices of Labour Relations Division provided free counselling service and voluntary conciliation service for employers and employees. In 2023, LD handled approximately 12 000 cases of labour disputes and claims, and among the conciliated cases, 70% was resolved.;
 - (ix) To better safeguard employees' rights, LD had commenced the relevant procedures for the amendment to the Employment Ordinance (EO). Under the existing requirement, employees employed by the same employer for four weeks or more, and having worked for 18 hours or more per week, were regarded as being engaged under a "continuous contract" and therefore entitled to a range of employment benefits (commonly known as the "418" requirement). In the past, some individual employees were not entitled to employment benefits as they worked for less than 18 hours in one of the weeks and

could not fulfil the 418 requirement. Employers and employees had been urging for a review of such requirement for more than a decade to enhance employees' protection. After a number of discussions, the Labour Advisory Board reached a consensus in February 2024 on the amended requirement, which involved using the aggregate hours worked over four weeks as a counting unit and setting the four-week threshold at 68 hours worked (commonly known as the "468" requirement);

- (x) Statutory holidays had been increased to 14 days per year from this year onwards and would be increased progressively to 17 days in 2030;
- (xi) Statutory Minimum Wage (SMW) had come into force since 2011 and the prevailing SMW rate was \$40 per hour. Employers and employees had been urging that the review cycle should be shortened from biennial to annual and the SMW adjustment should catch up with inflation. The Chief Executive's 2022 Policy Address announced that the Government would invite the Minimum Wage Commission (the Commission) to study how to enhance the review mechanism of SMW, and the study report was submitted to the Chief Executive in October 2023. In April 2024, the Chief Executive in Council accepted the recommendations of the Commission, including reviewing the SMW rate once a year (Annual Review), adopting a formula¹ for implementing the Annual Review and reviewing the aforesaid new review mechanism five to 10 years after its implementation. Simply put, the formula comprised two indicators: the headline Consumer Price Index (A) inflation and the Economic Growth factor. The Economic Growth factor was calculated by multiplying the difference between the growth rate of the real GDP in the latest year and the trend growth rate of the real GDP in the latest decade by 20%. The annual rate of SMW adjustment was worked out by adding up the Economic Growth factor and the headline Consumer Price Index (A) inflation. The Commission, comprising members from the labour sector, business sector, academia and the Government, believed that the aforesaid formula could ensure that the rate of SMW adjustment was not lower than the Consumer Price Index (A) inflation so as to maintain the purchasing power of grassroots employees, while the Economic Growth factor enabled the rate of SMW adjustment to be suitably higher than the inflation rate when Hong Kong's economic performance was favourable;
- (xii) At present, there were more than 360 000 foreign domestic helpers (FDHs) working in

¹ Annual rate of SMW adjustment (%) = the headline Consumer Price Index (A) inflation (subject to a lower bound of zero) + [(the growth rate of the real GDP in the latest year – the trend growth rate of the real GDP in the latest decade) x 20%] (i.e. the Economic Growth factor)*

* The Economic Growth factor was subject to an upper bound of one percentage point and a lower bound of zero

Hong Kong and more than half of them came from the Philippines. LD publicised the rights and obligations of FDHs and their employers under the EO by different means, for example, by publishing explanations about employees' rights for FDHs in their major languages on the FDHs thematic website. Currently there were around 3 700 licenced employment agencies (EAs) in Hong Kong with around half of them provided FDHs placement service. Applications for EA licences and renewal of licences were vetted by LD pursuant to the EO, the Employment Agency Regulations and the Code of Practice for Employment Agencies (CoP). On the date of meeting (9 May 2024), LD promulgated the revised CoP, and the revisions mainly included requiring EAs:

- (a) to inform LD whether they were associated with any financial institution when making an application for a licence and renewal of a licence; it was also stipulated that EAs should not provide job seekers with information relating to personal loans;
 - (b) not to adopt business practices such as providing monetary or other incentives to FDHs in employ to induce them to prematurely terminate their employment contracts;
 - (c) to clearly brief FDHs on the relevant immigration regulations, including the general application procedures and arrangements for changing employers; and
 - (d) to clearly state the amount of fees for each service category as well as details of the service items included; and clearly explain to the employers whether a refund or arrangement for a replacement FDH would be provided where the employment contract had been prematurely terminated by the FDH.
- (xiii) Earlier on, LD had reviewed the application and vetting procedures relating to the Protection of Wages on Insolvency Fund. It was hoped that the new measures could shorten the time required for making ex gratia payments. The Protection of Wages on Insolvency Fund Board had engaged private law firms to assist applicants in filing winding-up or bankruptcy petitions against their employers, thereby saving the need for applicants to seek assistance from the Legal Aid Department. It was estimated that following the introduction of the new measures, the time required for the application and vetting procedures could be shortened by up to 12 weeks, with ex gratia payments being released within three months for simple and straightforward cases;
- (xiv) The statutory maternity leave for employees had been extended from 10 weeks to 14 weeks. Regarding the extra four weeks' maternity leave pay that had been paid to

the pregnant employees, from 2021 onwards, employers could apply for reimbursement under the Reimbursement of Maternity Leave Pay Scheme. Up till now, LD had approved more than 20 000 applications;

- (xv) The abolition of Mandatory Provident Fund offsetting arrangement (the abolition of MPF offsetting arrangement) would come into effect from 1 May 2025. LD would continue its extensive publicity to help employers and employees to understand the abolition of MPF offsetting arrangement. In the meantime, the Government would launch a 25-year subsidy scheme totalling \$33 billion to share out employers' expenses on post-transition portion of severance payment / long service payment. Preparation work by LD was now in full swing, including setting up an information technology system for the subsidy scheme and formulating the operation details of the subsidy scheme, with a view to ensuring the smooth implementation of the abolition of MPF offsetting arrangement and the subsidy scheme;
- (xvi) To alleviate the manpower shortage, the Government had enhanced the mechanism for labour importation on the premise of safeguarding the employment priority for local workers. In addition to the Labour Importation Schemes for the construction sector, the transport sector and residential care homes, LD also launched the Enhanced Supplementary Labour Scheme (ESLS) in September 2023 to enhance the coverage and operation of the Supplementary Labour Scheme, including suspending the general exclusion of the 26 job categories from labour importation for two years. Meanwhile, with a view to safeguarding the employment priority for local workers, employers applying for the ESLS were required to first undertake a four-week local recruitment exercise. Concurrently, LD would provide active job matching for the vacancies to identify suitable local job-seekers. The Labour Advisory Board would also be consulted on every application and applications would be approved in a rigorous manner. Since the implementation of the ESLS, LD had received over 4 000 applications involving more than 40 000 imported workers. Of these applications, around 1 200 applications were approved, involving more than 8 000 imported workers;
- (xvii) In respect of occupational safety, LD's record showed that the number of occupational injuries declined from 33 000 cases in 2019 to 29 000 cases in 2023. Fatal industrial accidents remained at around 20 cases each year, where the number of fatalities in the construction industry continued to be higher than that of other industries. For example, a total of 24 fatal industrial accidents were recorded in 2023 whereas the construction

industry accounted for 20 of them; up till now, there were nine fatal industrial accidents in 2024 and five of them were associated with the construction industry. LD had been inspecting different workplaces for law enforcement under a risk-based principle, with considerable effort made to raise employers and employees' awareness of OSH. The Occupational Safety and Occupational Health Legislation (Miscellaneous Amendments) Ordinance 2023, effective from April 2023, significantly increased the maximum penalties to \$10 million. LD had been publicising the amendment to stakeholders with the aim of enhancing the awareness of safety among employers, employees, contractors, site foremen and workmen;

(xviii) LD had revised / would revise a number of codes of practices, including:

- (a) Code of Practice for Bamboo Scaffolding Safety: Apart from stipulating some of the technical requirements as well as specifying the supervision duties of a competent person and the relevant requirements, it also required that a trained workman who performed erection of truss-out bamboo scaffolds should possess a prescribed certificate in relation to safety training; and
- (b) Code of Practice for Safety and Health at Work in Confined Spaces: LD had consulted the industry and was finalising the revisions with reference to the latest industrial accidents. It was anticipated that the revised version would be made available soon;

(xix) LD launched a three-year Pilot Rehabilitation Programme for Employees Injured at Work in 2022 to provide private out-patient rehabilitation treatment for injured employees working in the construction industry at the same charge level as public hospitals / clinics. Now the Pilot Rehabilitation Programme for Employees Injured at Work had been extended to include the catering and hotel industry as well as the transport and logistics industry;

(xx) The Guidance Notes on Prevention of Heat Stroke at Work promulgated in 2023 had been revised recently in response to the views and suggestions received. Under the new arrangement, the computer system would automatically issue the Heat Stress at Work Warning when the Hong Kong Observatory issued the "Extremely Hot" special weather tips. Besides, LD had also adjusted the cancellation mechanism of Heat Stress at Work Warning to minimise the possibility of the warning being reissued within a short period of time after it was cancelled; and

(xxi) LD adopted a multi-pronged approach in promoting OSH. The measures included sending representatives to attend meetings of construction site safety committees,

inspecting high-risk construction sites and discussing the improvement measures with the site officers. LD would continue to conduct blitz inspections of construction sites and, where necessary, deploy its Special Task Forces to conduct frequent inspections of construction sites involving high-risk work processes. Moreover, LD would continue to collaborate with relevant Bureaux and Departments to promote the concept of Construction Design and Management, so that duty holders could take into account the potential OSH risks associated with the construction and repair process during the design stage of construction.

4. The Chairman thanked the Commissioner for Labour for presenting LD's work in detail. All SDC members were well aware that LD had made great efforts in taking forward the various initiatives for the benefits of both employees and employers.

5. The Chairman invited SDC members to raise comments or enquiries.

6. Mr WONG Choi-lap thanked the Commissioner for Labour for visiting SDC and briefing SDC members on LD's services. He commended LD for the diversity of its work and remarked that its job centres and website alike were effective in offering job seekers assistance. He said that he would assist the grassroots in the district accordingly and help eligible persons claim allowances under the relevant employment programmes. Among the various labour issues, he showed concern for OSH in particular. He recognised that on law enforcement, LD had deployed Special Task Forces to conduct surprise inspections of construction sites. However, according to the information on the LD website, most of the OSH conviction records were related to common bad habits as exhibited in such irregularities as not wearing a safety helmet, obstruction of passage, lack of fall arresting devices to prevent workers from falling from heights. He stressed that every responsible organisation should observe the fundamental codes of practice on occupational safety. However, the said irregularities were common while some of the cases even occurred at the construction sites of Government buildings and higher education institutes. He expressed regret over this. On law enforcement by LD, he noted that LD was fair in dealing with all the cases irrespective of their locations. Still, it was hoped that LD could strengthen its outreach educational work. Moreover, he said that the Government signed the Occupational Safety Charter ("the Charter") on 23 September 1996 and had fulfilled its role in enhancing the occupational safety of employees. Given that there were

currently 1,231 subscribers to the Charter, he would like to know its effectiveness and whether the Government would step up promotion to boost subscription to the Charter.

7. Mr Jonathan LEUNG Chun thanked LD for its hard work but showed concern for the legislation relating to FDHs. He remarked that the CoP would be able to answer many questions of the public about EAs, including how to prevent abuse of premature termination of employment contracts by FDHs in Hong Kong to change employers (commonly known as job-hopping). However, the CoP failed to inform the public on how the Government regulated EAs, including the penalties for agencies in violation of the CoP and whether such penalties were sufficient as deterrents. Moreover, he pointed out that over the past two years, there were incidents of false misrepresentation in the medical examination reports of FDHs attempting to conceal their chronic illnesses or even the utter inability to work. The issue of false representation was getting more and more serious. He enquired whether there was some kind of mechanism under which employers could file an appeal against FDHs, who were protected by employment contracts. Regarding the misconduct of EAs and FDHs, he enquired about LD's measures to protect employers' rights and interests.

8. Ms CHAN Wing-shiu, May, JP gave a consolidated response as follows:

- (i) Like all members of the public and SDC, LD was saddened by every single industrial accident. LD opined that most accidents could have been prevented and their prevention was simple. As long as relevant parties faithfully fulfilled their roles and stayed safety-conscious, similar incidents could be prevented from recurring. As such, LD would not focus on amending the legislation or other codes of practice. Even if LD amended the codes over and over in respect of the different kinds of accidents, all such efforts would hardly be fruitful and accidents would still occur provided that employers and employees did not take any heed of the codes. After repeated reviews, LD opined that the stakeholders had not played their roles faithfully enough and this was the crux of the issue. LD therefore hoped to instil an awareness of safety in the employers and employees from different perspectives through various channels, such as by radio, television, newspaper and poster. LD had launched the new mobile application "OSH 2.0" and encouraged workers to download and install it on their mobile phones or devices to receive the latest OSH information, the code on safety, related animated videos, etc. so that they could gain a deeper understanding of OSH.

- LD also planned to adopt a new approach to publicity video production, including inviting key opinion leaders to show up in the videos to aid popularity;
- (ii) The Charter was not legally binding. The Government launched the Charter with the aim of attracting more organisations and related persons to subscribe to it and jointly pledge to promote OSH. The organisations subscribed to the Charter had all along been honouring their joint pledge. They showed their full support by disseminating the publicity message to their staff whenever LD launched a publicity campaign on OSH. So far, the operation of the Charter had remained unchanged and LD would continue to invite more suitable organisations to subscribe to it;
 - (iii) LD had strengthened the tie with the Development Bureau and its Work Divisions, and held meetings with them more frequently to examine the causes of industrial accidents at the construction sites of Government projects. All Government Departments took each and every accident seriously and recognised that the Government and public bodies alike should be responsible to take the lead in implementing any improvement measures;
 - (iv) During the epidemic, the Government faced substantial challenges in dealing with FDH-related matters, including quite a number of job-hopping cases of FDHs who failed to make it to Hong Kong for duty. The Government had kept the situation in view and had taken measures accordingly. Significant improvement had been achieved. In the year before, the Immigration Department (ImmD) rejected about 500 employment visa applications from FDHs suspected of job-hopping, representing a drastic reduction from over 2 000 cases in 2021. FDHs suspected of job-hopping could have their employment visa applications rejected by ImmD. Such records would also have a bearing on ImmD's considerations of the FDHs' future applications for employment visas to Hong Kong. In this connection, ImmD had exercised stringent gatekeeping. In vetting an employment visa application, ImmD would strictly scrutinise the applicant's past employment records for any pre-mature termination of employment contracts as well as the applicant's past service in Hong Kong. LD would continue to exchange information with ImmD;
 - (v) Although the CoP was not an ordinance, if any EA was found violating the CoP, LD could revoke its licence or refuse to grant it a licence / renew its licence; and
 - (vi) Regarding false representation in FDHs' medical reports, the specific circumstances of each case should be taken into consideration. The current standard Employment Contract contained a clause clearly stipulating that it was mandatory for FDHs to undergo medical examination. It was also mandatory for an EA to ensure that any

information provided in the medical examination reports to an employer was true to the best of the agency's knowledge. LD would thoroughly investigate any complaint. Whenever there was sufficient proof of an EA deliberately concealing information to cheat, the agency would be deemed to be in violation of the CoP, where LD could consider imposing punishment.

9. The Chairman invited other SDC members to raise comments or enquiries.

10. Mr SIU Wai-chung raised the following comments and enquiries:

- (i) He thanked LD for the in-depth presentation. On the FDH-related issues, since the Government relaxed entry restrictions to Hong Kong after the epidemic, his ward office had received fewer complaints about job-hopping by FDHs. He therefore agreed that the number of unjustified job-hopping cases had fallen as given in the LD's response. Yet, he enquired about LD's specific measures to address the issue of unjustified job-hopping by FDHs; whether terminating a contract with an FDH would be considered justified when the FDH was found suffering from a chronic illness; and whether there was a mechanism for requiring an FDH to leave Hong Kong within seven days or prohibiting the FDH from applying for an employment visa to Hong Kong again in the following two years if the FDH was found to have unjustifiably terminated the contract with her employer; and
- (ii) Some employers came to realise that their FDHs' abilities fell significantly short of those claimed by their EAs. Some FDHs were even found incapable of basic communication. In this connection, he would like to know whether LD would require FDHs to take a basic work ability test before allowing them entry to Hong Kong.

11. Ms LAM Wing-yan showed concern over "invisible overtime" in the workplace. She remarked that working from home or online had become a new norm in the workplace since the epidemic and the dividing line between life and work had become unclear, giving rise to the phenomenon of employees regularly working "invisible overtime". Under the prevailing labour legislation, there was no express provisions for protecting employees from "invisible overtime". Therefore, it was hoped that LD could conduct a study on the issue. Quoting the findings of a survey conducted by the Hong Kong Federation of Trade Unions in 2023, she pointed out that 65% of the respondents had to answer short messages from their superiors or

handle other business enquiries beyond their working hours, a clear illustration that “invisible overtime” had become a new norm in the workplace. She enquired of LD about whether the labour legislation could protect employees in this respect. She referred to an earlier court case in Beijing in which an ex-employee sought overtime compensation from the employer and won, showing that other places in the world were facing up to the issue of “invisible overtime”. She further said that according to the statistics of the Census and Statistics Department (C&SD), the Southern District had a working population of 148 400. Due to geographical reasons, most residents had to work in another district and spend considerable time on long-distance commuting. If they were still required to answer short messages from their superiors or attend to job duties beyond their working hours, they would inevitably be physically and mentally exhausted. This would also affect their private time. She hoped that LD could initiate a study on the issue of “invisible overtime” to look for ways, such as by setting timetables, giving compensation leave and making remuneration payment, to protect the rights and interests of employees under the new norm in the workplace.

12. Ms CHAN Wing-yan raised the following comments and enquiries:

- (i) Extreme weather had been frequent in recent years while employees of quite some occupations were obliged to carry out ad hoc work under adverse weather. Under the legislation, employers were strongly advised to offer support to employees performing ad hoc work. However, employees of a number of contractors of the Government Departments or private companies worked under extreme weather conditions without any support. In this connection, she would like to know whether LD could amend the relevant legislation to, for example, incorporate some labour protection clauses;
- (ii) The numbers of freelance workers and people working from home were on the rise in recent years. Given that freelance workers were self-employed, she would like to know whether LD would address the situation and introduce regulations or offer support to freelance workers, including food deliverers, online workers and concert backstage workers, so as to protect their rights and interests; and
- (iii) Although the Government had been striving to bring down the unemployment rate and increase job availability, she would still like to know how LD’s policies would free the female labour force and encourage women to join the job market, and whether the Government would provide child care service at the soon-to-be-completed Wong Chuk Hang Government Complex to encourage and assist the women in the District, who had

been forced to give up their jobs to take care of their children, to rejoin the job market and serve the society.

13. The Chairman invited Ms CHAN Wing-shiu, May, JP to respond.

14. Ms CHAN Wing-shiu, May, JP gave a consolidated response as follows:

- (i) To act against job-hopping by FDHs, LD had put in place a mechanism to exchange information with ImmD on specific cases of job-hopping by FDHs and, based on the information gathered, to inspect whether the EAs concerned were suspected of abetting FDHs to job-hop. If any malpractice in breach of the Immigration Ordinance was found during the inspection, LD would refer the case to ImmD for follow-up. LD had also drawn up internal guidelines to assist law enforcement officers in collecting specifically the evidence of EAs abetting FDHs to job-hop. Meanwhile, in briefing sessions organised for FDHs and EAs, LD would remind them of the respective serious consequences of job-hopping and abetting FDHs to job-hop. LD had also been disseminating the message on its website with an emphasis that FDHs suspected of job-hopping could have their future employment visa applications rejected. From 2020 to 2024, LD conducted more than 200 surprise inspections of 150 EAs in response to complaints about their alleged abetment to FDHs' job-hopping. LD had followed up in accordance with the relevant mechanism and repeatedly reminded EAs that they should comply with the requirements of the CoP in running their business, and that their licences could be revoked for serious non-compliance;
- (ii) If an employer found that the actual abilities of his / her FDH fell short of the claimed qualifications advised by the EA, the EA concerned might be in breach of the requirement of the CoP to ensure the accuracy of the information provided. If an EA was found giving misleading information or making deliberate omissions during its service for an employer, the employer might report the case to the relevant department or the Consumer Council for follow-up in accordance with the Trade Descriptions Ordinance. Employers were also welcome to seek assistance from LD, which would refer the case to the relevant department for follow-up as appropriate;
- (iii) LD noted SDC members' concern over "invisible overtime", but pointed out that it was never easy to legislate working hours. The policy on working hours was actually a complex one. Over the years, LD had discussed the issue with employers and employees at both formal and informal meetings, but no consensus had been reached yet. LD would continue to refer to the practices in other places and take on board the views of the local different sectors. Actually, legislation was not the silver bullet to the issue as employees had to serve very different working hours due to the varying

types, duties, positions and nature of jobs. LD encouraged employers and employees to communicate frankly and to work out a mutually acceptable mode of work through negotiation, in order to avoid unnecessary disputes or misunderstandings and to deal with the issue in a pragmatic manner. LD would also continue to address the related issues through industry-based tripartite committees comprising representatives of employers, employees and LD;

- (iv) LD recognised that there was an increasing trend of working as freelancers and self-employed persons or through digital platforms, and that these modes of working or partnership warranted careful study. At the time, LD had started to focus its resources on studying the digital platform working and had set up a liaison group to look with the major digital platform operators and relevant stakeholders into whether protection for digital platform workers should be provided by way of legislation. LD had solicited assistance of the C&SD in conducting a survey on the number of people currently engaged in digital platform work and their mode of working, and would map out the way forward for the protection of digital platform workers when more information became available. Moreover, the true status of a person as a self-employed person or an employee was not determined by his / her job title or the contract, but depended on the specific circumstances of his / her provision of services. Past court cases had laid down a set of criteria or considerations for differentiating between a self-employed person and an employee, including the claimed employer's control over the work of the claimed self-employed person, and whether the claimed self-employed person bore the financial risks, owned the equipment / tools necessary for the work, etc.;
- (v) Based on the experience gained from the Government making the first "extreme conditions" announcement in September the year before, LD had amended the Code of Practice in Times of Typhoons and Rainstorms into the Code of Practice in Times of Adverse Weather and "Extreme Conditions" in early May 2024 to provide employers and employees with more relevant guidelines. As regards the suggestion of exempting workers from performing duties in adverse weather, LD considered it difficult to prohibit workers across the board from working in adverse weather by way of legislation, particularly when the work involved the provision of emergency services. LD had already stressed in the Code of Practice in Times of Adverse Weather and "Extreme Conditions" that the prerequisite for allowing workers to perform any duty under any circumstances was safeguarding their safety, and employers therefore had the obligation to ensure that their employees worked in a safe environment. Although the Code of Practice in Times of Adverse Weather and "Extreme Conditions" was not an ordinance, there were repeated reminders to employers that they should fulfil their statutory obligations under the EO, the Employees' Compensation Ordinance and other relevant labour legislation, as well as to comply with the relevant requirements. LD

hoped that employers could reduce the number of staff on duty to a minimum under adverse weather and “extreme conditions”, and take a flexible approach to the work arrangements for reporting for duty and release from work. In this connection, LD suggested that, to avoid disputes, employers and employees should come to a prior agreement on the work arrangements during adverse weather and “extreme situations”, including safety measures and commuting and meal arrangements. In case of doubt, LD would be pleased to offer assistance to employers and employees; and

- (vi) LD’s policy on encouraging the employment of women was in line with its policy on encouraging the employment of the elderly and middle-aged. From analysis of the statistics from the C&SD, the elderly and middle-aged were found to be a potential source of labour and more could be done to encourage them to join the labour market. The EPEM implemented by LD aimed precisely to encourage people aged 40 or above (including women) to join the workforce. LD also organised job fairs for different industries to provide job seekers with diverse job opportunities. Interested SDC members might contact LD for details about the job fairs.

15. The Chairman asked SDC members whether they had further enquiries.

16. SDC members had no further enquiries.

17. The Chairman thanked the Commissioner for Labour, Ms CHAN Wing-shiu, May, JP and Miss FUNG Lai-hing, Karen, for attending the meeting to exchange views with SDC members.

Agenda Item 2: Confirmation of the draft minutes of the 2nd SDC meeting held on 19 March 2024

18. The Chairman said that the captioned minutes had been circulated to SDC members for comments prior to the meeting. The Secretariat had not received any amendment proposals so far.

19. The Chairman asked SDC members whether to confirm the captioned minutes.

20. The Chairman said that SDC confirmed the captioned minutes.

Agenda Item 3: District Action Plans 2024/25 by Relevant Departments
(SDC Papers No. 16/2024 and No. 17/2024)

21. The Chairman welcomed Ms CHOW Suk-ling, Vera, Senior Housing Manager / HKI2 / MC1 of the Housing Department (HD), and Mr TAM Sze-wai, Vincent, Senior Engineer / Southern & Peak of the Transport Department, to the meeting.
22. The Chairman invited the HD representative to briefly introduce its Action Plan 2024/25.
23. Ms CHOW Suk-ling, Vera briefly introduced HD's Action Plan 2024/25 as follows:
- (i) Providing quality homes to members of the public and maintaining a sustainable public rental housing (PRH) stock through proactive improvement work programmes and verification systems by the following measures:
 - (a) HD would continue to implement the Responsive In-flat Maintenance Services (RIMS) for PRH estates in the Southern District with the aim of providing enhanced and responsive in-flat maintenance services for the residents;
 - (b) The Drainage Enhancement Programme for PRH units was launched in phases since September 2022 and the related works were expected to be completed in 2025;
 - (c) HD would continue to adopt light-emitting diode (commonly known as LED) lighting in PRH estates in the Southern District by replacing the conventional emergency lighting in common areas with the LED ones in phases; and
 - (d) To enhance the safety and reliability of the lifts in PRH estates, HD would install the latest safety devices recommended by the Electrical and Mechanical Services Department in the lifts of PRH estates in phases through redeployment of resources;
 - (ii) Promoting sustainable living by the following measures:
 - (a) With the aim of keeping PRH estates clean, maintaining good environmental hygiene and raising public awareness of environmental protection, HD would, for example, continuously monitor the hygiene black spots in PRH estates and

- enhance the disinfection and cleansing of public places to control the breeding of pests and prevent the spread of diseases such as influenza;
- (b) Mobile Surveillance Systems with motion detectors would be installed at rodent black spots to strengthen the monitoring of rodent activities and enhance the effectiveness of anti-rodent work;
- (c) Joint cleaning operations with various stakeholders in PRH estates would be conducted on an ongoing basis;
- (d) Mobile Digital Closed Circuit Television Systems (CCTVs) would be installed at locations which were subject to more frequent records of objects falling from height; and
- (e) HD would enhance disinfection and cleansing of locations where flocks of feral pigeons congregate in PRH estates, and enforcement operations would be conducted on an irregular basis. Relevant Government Departments would also be invited to conduct publicity and educational activities in PRH estates for combatting feeding activities and minimising the congregation of feral pigeons;
- (iii) Stepping up environmental protection in PRH estates and raising public awareness of environmental protection by the following measures:
 - (a) HD would implement the Programme on Source Separation of Domestic Waste and assist the Environmental Protection Department in recycling regulated electrical equipment, as well as rechargeable batteries, glass bottles, compact fluorescent lamps, fluorescent tubes and others. Also, various recycling events would be organised in collaboration with environmental protection organisations;
 - (b) A multi-pronged approach would be adopted to promote environmental protection and reduce waste, such as posting videos on social media platforms and displaying publicity banners and posters in PRH estates; and
 - (c) Efforts would be made to promote residents' awareness of environmental protection, such as source separation of waste and clean recycling, through publishing articles in the Estate Newsletter and organising events, etc. with a view to laying the foundation for the implementation of municipal solid waste charging in the future;
- (iv) Collecting the residents' comments on estate management through e-questionnaires and suggestion boxes to enhance communication.

24. The Chairman invited SDC members to raise comments or enquiries.

25. Mr CHEUNG Wai-nam raised the following comments:

- (i) Regarding the RIMS, he hoped that HD could ensure that the repair materials and tools were properly stored without obstructing the means of escape and residents' access to the common areas;
- (ii) He recently received complaints about objects falling from height, which involved millet for feral pigeons and food waste. He strongly suggested that HD install CCTVs near the bus stop at Wah Tai House in Wah Fu Estate to monitor the situation of objects falling from height and the feeding of feral pigeons in Wah Tai House and Wah Sang House;
- (iii) There were frequent cases of feral pigeons intruding into flats in Tin Wan Estate and Wah Fu Estate. It was hoped that HD could provide relevant information and assist the residents in tackling the problem; and
- (iv) He complimented the law enforcement officers who took action in the early morning to combat the feeding of feral pigeons in Wah Fu (I) Estate. He suggested that other PRH estates could follow suit to improve the living environment.

26. Mr TO Chak-foo responded that HD would review the storage arrangement of repair materials with the contractors after the meeting to prevent any obstruction to the means of escape. In respect of objects falling from height in Wah Fu Estate, HD would ask the respective officers to follow up on the matter and reposition the CCTVs to the aforementioned location. By then, Mr CHEUNG Wai-nam would be invited to contact the estate managers. Besides, HD would display various notices appealing to the residents to stop feeding feral pigeons and urge law enforcement officers to step up enforcement actions.

27. Mr WONG Choi-lap made the following comments:

- (i) He appreciated the HD's yearly action plan which he thought was useful for SDC members' understanding of HD's major work priorities for the coming year;
- (ii) He strongly supported HD's initiative to carry out improvement works. Regarding the RIMS, he said that tenants of old estates had expressed dissatisfaction with the speed and quality of work as well as the service manners of the contractors, especially with

the maintenance works for Wah Fu Estate households where the actual works delivered were significantly different from what was displayed. After the dissolution of the Estate Management Advisory Committees (EMACs), HD had to assume the chief role to monitor the service quality of the contractors. He hoped HD would step up its monitoring efforts;

- (iii) He was concerned about the communication between HD and residents. As EMACs had been dissolved, he would like to know how residents had been doing with the e-questionnaires and how HD would follow up on or respond to the views so collected; and
- (iv) He suggested that HD set up a body similar to an EMACs or hold regular exchanges or consultation sessions to actively involve residents in the discussions to help monitor the work of contractors.

28. The Chairman invited the HD representatives to respond.

29. Mr TO Chak-foo responded that HD had noted the issues about the speed and quality of work as well as the service manners of the contractors of the RIMS. He added that in-flat maintenance works were influenced by a number of factors. For instance, fixtures such as doors, windows and sanitary fittings needed to have their measurements taken inside the flat and be ordered, and the work schedule needed to be worked out with the tenants, which was a time-consuming process. HD had demanded that the contractors complete their works as soon as possible. In addition, HD would conduct quality checks to assess the performance of the contractors before issuing certificates of completion. Their performance would be taken as a reference indicator when they bid for new works contracts later. On the communication with residents, the Hong Kong Housing Authority (HA) had implemented a series of measures to maintain and enhance estate management, including:

- (i) Funding for individual estates would be maintained to provide for the minor estate improvement works, estate activities organised and printing of Estate Newsletters, red packets, calendars, etc.;
- (ii) Residents could express their views through e-questionnaires or by dropping completed paper questionnaires into the suggestion boxes at the building lobbies. HA also collected residents' views on estate management matters directly through social media

platforms such as Facebook, Instagram and YouTube, and by expanding the use of the “iHousing” mobile application;

- (iii) Apart from monitoring and evaluating the performance of different contractors (maintenance, cleansing, security, etc.), HA had conducted the Survey on Performance of Services Contractor and Routine Maintenance Contractors more frequently to collect more feedback on their performance for enhancing the standard of estate management; and
- (iv) HA would maintain close liaison with residents and local stakeholders. Residents were also welcome to visit or call Estate Management Offices to communicate directly with the staff, or submit their views by email.

30. The Chairman invited SDC members to raise comments or enquiries.

31. No SDC members raised any comments or enquiries.

32. The Chairman invited the representatives of the Transport Department (TD) to briefly introduce TD’s Action Plan 2024/25.

33. Ms YEUNG Min-jing, Anna and Mr TAM Sze-wai, Vincent with the aid of a PowerPoint presentation, briefly introduced TD’s Action Plan 2024/25, covering the road and traffic engineering works, minor road improvement projects, road traffic management projects, temporary traffic arrangements for road works, studies on provision of car parking spaces, and public transport services and facilities.

34. The Chairman invited SDC members to raise comments or enquiries.

35. Mr LAU Ngai, Victor was happy to note that the pedestrian crossing on Heung Yip Road near Tai Wong Ye Temple had been improved and thanked TD for the effort. Moreover, he said that the loading / unloading bay next to Tai Wong Ye Temple was in heavy use and enquired whether the bay could be extended.

36. Mr CHU Lap-wai, MH supported the project to extend the bus bay on Aberdeen Praya Road. He remarked that TD had made reference to the said Aberdeen transport study report at the SDC meetings of the two previous terms. He had been communicating with the bus

companies and looking with them into the proposed improvements to Aberdeen Bus Terminus put forward in the report. He opined that it was the right time to rationalise the bus routes and improve the bus stop facilities.

37. The Chairman invited the TD representatives to give a response.

38. Mr TAM Sze-wai, Vincent responded as follows:

- (i) On the improvement works to the pedestrian crossing on Heung Yip Road near Tai Wong Ye Temple, it was explained that the crossing and the lay-by there had been designed with due consideration given to the proposed layout of the public space in front of Tai Wong Ye Temple under the Invigorating Island South initiative, including the provision of passive recreational facilities such as seating in the area. Currently, TD had no plan to widen the lay-by. TD would continue to monitor the traffic conditions there and consider taking appropriate traffic control measures in a timely manner where necessary; and
- (ii) The Invigorating Island South Office and TD were exploring the feasibility of widening part of the pavement or relocating / widening the pedestrian crossing at Aberdeen Bus Terminus, and extending the bus bay on Aberdeen Praya Road to improve the pedestrian environment and traffic conditions there. SDC would be consulted on the proposals in due course.

39. The Chairman invited SDC members to raise comments or enquiries.

40. No SDC members raised any comments or enquiries.

41. The Chairman thanked the representatives of HD and TD for attending the meeting.

Agenda Item 4: Any Other Business

42. The Chairman asked members whether they had any other items to raise.

43. No other business was raised at the meeting.

Agenda Item 5: Date of Next Meeting

44. The Chairman advised that the fourth SDC meeting would be held at 2:30 p.m. on 4 July 2024 (Thursday) and he thanked SDC members and the representatives of Government Departments for attending the meeting.

45. There being no other business, the meeting ended at 4:27 p.m.

Secretariat, Southern District Council

June 2024