

(Translation)

Minutes of the 20th Meeting of Sham Shui Po District Council (6th Term)  
under the Hong Kong Special Administrative Region

Date: 9 May 2023 (Tuesday)

Time: 9:30 a.m.

Venue: Conference Room, Sham Shui Po District Council

Present

Chairman

Mr CHUM Tak-shing

Members

Mr HO Kwan-chau, Leo (Left at 10:57 a.m.)

Ms LAU Pui-yuk, MH (Left at 10:57 a.m.)

Mr LI Ting-fung, Jay

Mr MAK Wai-ming

Ms NG Mei, Carman

Ms NG Yuet-lan, Janet

Mr YUEN Hoi-man, Ramon

In Attendance

Mr WONG Yan-yin, Paul, JP

District Officer (Sham Shui Po)

Miss TSE Yi-lam, Gloria

Assistant District Officer (Sham Shui Po) 1

Ms CHAN Siu-ping, Daphne

Senior Liaison Officer 2, Sham Shui Po District Office

Ms WONG Yu-hang, Anita

Senior Liaison Officer 3, Sham Shui Po District Office

Mr KWONG Ka-kuen

Senior Liaison Officer 4, Sham Shui Po District Office

Ms CHEUNG Yuk-ling, Doris

Senior Housing Manager/KWS2, Housing Department

Mr YU Wai-yip, Ricky

District Social Welfare Officer (Sham Shui Po), Social Welfare Department

Mr CHU Man-lung, Ernest

District Commander (Sham Shui Po District), Hong Kong Police Force

Mr WAN Chi-pui

Police Community Relations Officer (Sham Shui Po District), Hong Kong Police Force

Ms TAM Pui-wah, Alice

Chief Transport Officer/Kowloon 1, Transport Department

Mr WONG Man-wong

Chief Leisure Manager (HKE), Leisure and Cultural

Ms SHING Lai-kam, Goldie	Services Department District Leisure Manager (Sham Shui Po), Leisure and Cultural Services Department
Mr HUI Chi-ping, Edwin	District Environmental Hygiene Superintendent (Sham Shui Po), Food and Environmental Hygiene Department
Mr LUI Sai-tat	Chief Health Inspector (Sham Shui Po) 3, Food and Environmental Hygiene Department
Mr YEUNG Chong-tak, Clarence	Chief Engineer/S1, Civil Engineering and Development Department
Ms CHAN Wing-shiu, May, JP	Commissioner for Labour
Miss FUNG Lai-hing, Karen	Senior Labour Officer (Employment Services) (Operation), Labour Department
<u>Secretary</u>	
Ms HO Kam-ping, Jennifer	Senior Executive Officer (District Council), Sham Shui Po District Office

Opening Remarks

The Chairman welcomed Members and representatives from government departments to the twentieth meeting of the Sham Shui Po District Council (“SSPDC”). He said that Mr Ernest CHU, District Commander (Sham Shui Po District), Hong Kong Police Force, would attend the future meetings in place of Mr NG Lok-chun, Jim.

Agenda Item 1: Confirmation of minutes of the 19th meeting held on 7 March 2023

2. The minutes of the above meeting were confirmed without amendment.

Agenda Item 2: Commissioner for Labour meets with Members of Sham Shui Po District Council

3. The Chairman, on behalf of SSPDC, extended welcome to Ms May CHAN, JP, the Commissioner for Labour, and the representatives of the Labour Department (“LD”) accompanying her to the meeting.

4. Ms May CHAN said that she was glad to visit SSPDC to meet with Members for introducing LD’s work. She then introduced the work of LD on employment services, amendment to the Employment Ordinance, adjustment of the statutory minimum wage, safeguarding work safety and abolition of the “offsetting arrangement” under the Mandatory Provident Fund (“MPF”) System, etc.

5. Mr Ramon YUEN said that the statutory minimum wage and MPF would increase in accordance with inflation. However, long service payment and severance payment had not been adjusted for years. He hoped to know the reason.

6. Mr Leo HO said that residents were not familiar with the reporting procedures for injury on duty, given that various government departments were involved in processing compensation claims which took time, hence he hoped that LD would provide more assistance to the public. Besides, he suggested the Department step up promotion on “the Greater Bay Area Youth Employment Scheme”. Lastly, he enquired whether employers would be penalised for not allowing employees to take breaks under hot weather.

7. Ms Janet NG said that grassroots citizens might feel lost as they were not getting paid during the period of compensation claim for injury on duty. She enquired about the assistance rendered to the public by the Department. Besides, she said that there were cases of foreign domestic helpers (“FDHs”) made up excuses to quit jobs after reporting duty from time to time. She questioned that the existing ordinance could not fully protect employers and hoped that the Department would enact legislation to strengthen the

protection of employers' rights.

8. Ms May CHAN gave a consolidated response by saying that in the aspect of compensation claim for injury on duty, LD would try to assume the coordinating role and enhance its case support services so that employers and employees could resolve their disputes on injury on duty as early as practicable through dedicated follow-up, early intervention and proactive liaison. Where necessary, LD might request information (such as medical reports) from relevant government departments and organisations with the written consent of the employee. Depending on the case merits, Occupational Health Officers of LD would also provide expert advice from the medical perspective. If the disputes between employers and employees could not be resolved, LD would refer the case to the court for adjudication. She then said that in the aspect of FDHs, the Department had been working with the Immigration Department ("ImmD") to combat the problem of "job-hopping". When assessing FDHs' visa applications, ImmD would consider various factors, including the reasons for premature employment contracts' termination and would verify with their previous employers when necessary. She said that the number of "job-hopping" by FDHs had decreased after combating "job-hopping" with ImmD. Besides, the Department had put forward preliminary proposals for revising the Code of Practice for Employment Agencies ("EAs"), including the requirement of EAs to explain to FDHs about ImmD's prevailing policy. If the FDH wished to be employed by another employer, he/she had to leave Hong Kong and then submit another employment visa application. FDH was allowed to change employer without having to leave Hong Kong first only under exceptional circumstances (including the migration, transfer or death of the original employer, etc.), and that EAs should not incite FDHs to terminate contracts prematurely. The Department would also step up promotion and educate FDHs to pay attention to employees' responsibilities under the Employment Ordinance. She said that the pandemic dealt a wide-ranging blow to Hong Kong's economy. Therefore, it was not appropriate to review the amount of long service payment and severance payment under the Employment Ordinance at the moment. She then said that there was a dedicated website for "the Greater Bay Area Youth Employment Scheme", and Members were welcomed to assist the Department in promoting the Scheme to the youth in the district. Regarding the employers' penalty for not allowing employees to take breaks under hot weather, she said that the Guidance Notes on Prevention of Heat Stroke at Work ("the GN") was not an ordinance, and the Department would review the necessity of enacting legislation in the future. Employees could call LD's hotline if employers did not comply with the GN. The Department would follow up depending on the situation and consider whether the employers complied with the GN and whether a safe working environment was provided for their employees.

9. Ms LAU Pui-yuk said that the Department could continue to co-organise job fairs with different organisations and consider organising job fairs for the ethnic minorities in

the district. Besides, she enquired if the Department would consider organising job fairs with women organisations to help women who were unable to work full time to find suitable jobs with a view to resolving the problem of insufficient local manpower. Regarding the situation of FDHs' "job-hopping", she enquired if the Department would consider introducing FDHs from other countries to address the problem of insufficient manpower.

10. Mr Jay LI enquired if the Department would follow up on the sudden death of a star ferry captain, and whether a work pattern of five days off after working 25 consecutive days was contrary to the Employment Ordinance or Occupational Safety and Health Ordinance. He opined that the Department should follow up on the issue of excessively long working hours. He then said that some industries such as delivery platform workers being involved in accidents or employees died from "overexertion at work" might not be protected by law, and hence enquired about the measures taken by the Department to reduce industrial accidents. Besides, regarding the GN, he opined that it should be regulated by legislation. He also said that the GN mainly targeted at construction sites and did not protect other industries requiring outdoor work, let alone hot indoor working environment such as refuse collection points. He then said that there was a fatal traffic accident in his constituency and a cleaning staff died after being hit by a car while pushing a cart of rubbish to a refuse collection point. Therefore, he enquired if the Department had any measures to protect outdoor cleaners.

11. Mr MAK Wai-ming said that it was difficult for single private buildings in Sham Shui Po to hire security guards and cleaners. LD only invited large property management companies to participate in job fairs, making it difficult for medium and small management companies to hire staff. The cleaning work of tenement buildings was heavy and cleaners' turnover rate was high, resulting in accumulation of refuse on staircase landings without clearance. He then said that a management company of a large tenants purchase scheme estate in the district had to outsource work to a security company due to difficulties in hiring security guards, causing an increase of 20 to 30% in the management fees. Besides, numerous restaurants in the district were closed down due to labour shortage, a rise in salary and food prices, and he hoped that the Department would propose measures to handle the issues.

12. The Chairman said that it was very important to unleash local labour force as the population dropped and many professionals chose to leave Hong Kong. He said that working hours were long in Hong Kong, coupled with unstable weather, cases of deaths from "overexertion at work" were on the rise in recent years. He suggested the Department explore ways to improve long working hours and hoped that the Commissioner would carry out actual improvement work during her tenure.

13. Ms May CHAN thanked Members for their views. She gave a consolidated response by saying that the Department was still following up on the sudden death of a ferry captain and thus could not disclose the details. Regarding working hours, different sectors in the society still had divergent views on the issue of working hours after discussing for years. The Department was engaging its industry-based tripartite committees to formulate guidelines on working hours for designated industries. Although it was expected that consensus would not be easily reached between the employers and the employees shortly, the Department would still try its best to co-ordinate different views. There was controversy over the existence of employment relationship between delivery workers and platform companies. The Department was reviewing how to protect the rights of platform delivery workers and would make reference to the practice of other regions. LD would conduct a survey on local platform workers, including delivery workers, contact relevant organisations to examine the development of the industry and explore whether delivery workers injured at work would have more protection under accident insurance.

Regarding labour shortage, there were discussions about the situation of manpower shortage in various sectors in the society recently. Earlier, the Legislative Council also passed a motion debate on labour importation to solve labour shortage. Some organisations proposed importing labour to address labour shortage, while some said it needed to be carefully considered. The Government would consider different views. As pointed out by the Chief Executive in the 2022 Policy Address, the Development Bureau and the Transport and Logistics Bureau would review the labour shortage situation in the construction and transport sectors respectively. It was believed that relevant bureaux would announce solutions in due course. As regards unleashing female labour force, assisting the ethnic minorities in employment and assisting employers in recruitment, the Department had all along been providing specific assistance. For example, the Department would hold part-time job fairs as more women tended to work part-time, and would also work with district organisations. Besides, the Department organised district-based thematic job fairs and large-scale job fairs for the ethnic minorities, including a large-scale job fair held at Southorn Stadium earlier. LD was also pleased to invite small-and-medium-sized cleaning and security companies to participate in district-based job fairs and assist them in recruiting staff. At present, the FDHs working in Hong Kong were mainly from Indonesia and the Philippines, while those from other countries were a minority. The Government would continue to liaise with consulates of various countries on the possibility of exploring new source countries of FDHs.

Regarding the GN, she clarified that it covered both indoor and outdoor work, not just for construction sites. Since execution would not be easy, both the employers and employees would easily get used to the practice if the GN was implemented first, and the

content would be more elaborate than those in an ordinance. The Department would conduct a review after implementing the GN for some time.

14. The Chairman concluded that he thanked the Commissioner for Labour for answering Members' enquiries in detail. He hoped that the Commissioner would come to show support when district job fair was held in Sham Shui Po in the future and explain the labour ordinance to the public.

Agenda Item 3: Reports from Committees under the District Council

(a) Report from the District Facilities and Community Affairs Committee (SSPDC Paper 10/23)

(b) Report from the Environment, Hygiene and Housing Affairs Committee (SSPDC Paper 11/23)

(c) Report from the Planning Development and Transport Affairs Committee (SSPDC Paper 12/23)

15. The meeting noted and endorsed the content of the aforesaid reports.

Agenda Item 4: Any other business

(a) Hong Kong Council on Smoking and Health - the 14th "Quit to Win" Smoke-free Community Campaign (SSPDC 13/23)

16. The Chairman said that the Hong Kong Council on Smoking and Health (COSH) hoped that SSPDC would support the 14th "Quit to Win" Smoke-free Community Campaign and agree to use SSPDC's logo on promotional materials, hence becoming a district partner to promote the smoke-free message to the residents in the district. He continued to ask Members to consider the above suggestions.

17. Mr Ramon YUEN said that COSH indicated in the paper that if SSPDC could promote smoke-free message by using its local network and assist in reserving venue. He enquired whether SSPDC could facilitate.

18. The Chairman said that COSH had applied for using SSPDC's logo in the past and booked venue to organise activities by itself.

19. Mr Ramon YUEN said that SSPDC had the priority to book venue and enquired whether it should assist COSH in booking venue.

20. The Chairman said that the Secretariat would contact COSH after the meeting to discuss the issue of booking venue. He then announced that SSPDC unanimously agreed to the use of SSPDC's logo by COSH and supported participation in the above campaign.

(b) Sport for All Day 2023

21. The Chairman said that the "Sport for All Day" for this year would be held on 6 August. The Leisure and Cultural Services Department ("LCSD") hoped that SSPDC could be the supporting organisation of "Sport for All Day 2023" and would upload it onto the Department's website.

22. The Chairman announced that SSPDC unanimously agreed to be the supporting organisation of "Sport for All Day 2023" and asked the Secretariat to reply to LCSD.

23. Ms Janet NG said that she received residents' views after the Government's announcement of the proposals on improving governance at the district level. She hoped that she could relay their enquiries.

24. The District Officer said that since the above issue was territory-wide instead of district affair, the discussion on the subject did not comply with the functions of DC as stipulated in the District Councils Ordinance. Therefore, the representatives of government departments present at the meeting would leave the meeting and the Secretariat would not provide support.

Agenda Item 5: Date of next meeting

25. The next meeting would be held at 9:30 a.m. on 27 June 2023 (Tuesday).

26. There being no other business, the meeting ended at 11:12 a.m.

District Council Secretariat  
Sham Shui Po District Office  
June 2023