

**Minutes of the 5th Meeting of
the Sha Tin District Council in 2019**

Date : 26 September 2019 (Thursday)
Time : 2:30 pm
Venue : Sha Tin District Council Conference Room
 4/F, Sha Tin Government Offices

<u>Present</u>	<u>Time of joining the meeting</u>	<u>Time of leaving the meeting</u>
Chairman : Mr HO Hau-cheung, SBS, MH	2:30 pm	5:45 pm
Vice-Chairman : Mr PANG Cheung-wai, Thomas, SBS, JP	2:30 pm	5:45 pm
Members : Mr CHAN Billy Shiu-yeung	2:30 pm	5:45 pm
Mr CHAN Kwok-keung, James	2:47 pm	3:42 pm
Ms CHAN Man-kuen	2:30 pm	4:54 pm
Mr CHAN Nok-hang	2:30 pm	5:45 pm
Mr CHENG Tsuk-man	2:52 pm	5:45 pm
Mr CHING Cheung-ying, MH	2:30 pm	5:45 pm
Mr CHIU Chu-pong, Sunny	2:30 pm	5:45 pm
Mr CHIU Man-leong	2:30 pm	5:11 pm
Mr HUI Yui-yu, Rick	2:56 pm	5:45 pm
Mr LAI Tsz-yan	2:35 pm	5:45 pm
Ms LAM Chung-yan	2:30 pm	3:50 pm
Mr LEE Chi-wing, Alvin, MH	2:30 pm	3:50 pm
Mr LEUNG Ka-fai, Victor	2:30 pm	2:52 pm
Mr LI Sai-hung	2:30 pm	5:45 pm
Mr LI Sai-wing	2:37 pm	4:10 pm
Mr LI Wing-shing, Wilson	2:30 pm	5:45 pm
Mr MAK Yun-pui	2:30 pm	5:45 pm
Mr MOK Kam-kwai, BBS	2:37 pm	3:28 pm
Mr NG Kam-hung	2:30 pm	5:45 pm
Mr PUN Kwok-shan, MH, JP	2:30 pm	3:38 pm
Mr SIU Hin-hong	2:41 pm	4:54 pm
Mr TING Tsz-yuen	2:45 pm	5:45 pm
Mr TONG Hok-leung	2:30 pm	3:13 pm
Ms TSANG So-lai	2:58 pm	5:45 pm
Ms TUNG Kin-lei	2:30 pm	4:06 pm
Mr WAI Hing-cheung	2:30 pm	5:45 pm
Mr WONG Fu-sang, Tiger	2:30 pm	4:06 pm
Mr WONG Hok-lai	3:01 pm	3:29 pm
Mr WONG Ka-wing, MH	2:30 pm	3:31 pm
Ms WONG Ping-fan, Iris	2:30 pm	3:30 pm
Mr YAU Man-chun	2:52 pm	5:45 pm
Mr YIP Wing	2:30 pm	5:45 pm
Mr YIU Ka-chun, MH	2:30 pm	3:16 pm
Ms YUE Shin-man	2:30 pm	5:05 pm
Mr YUNG Ming-chau, Michael	2:46 pm	5:45 pm

Secretary : Mr YUEN Chun-kit, Derek

Senior Executive Officer (District Council) /
Sha Tin District Office

In Attendance

Ms CHAN Yuen-man, Amy, JP
Mr WONG Tin-pui, Simon
Mr WONG Shek-hay, Sebastian
Mr David Christian FREMAUX

Mr TAM Chun-hei, Terry

Mr WONG Kwok-wai, Wilson
Mr YUEN Sze-chun

Mr YUEN Tat-yung, Zorro

Ms CHU Ha-fan, Jessica

Mr CHIU Hak-pui, Christopher

Ms LO Lai-fong, Jackie

Ms CHAN Siu-kin, Ester

Mr LAI Wing-chi, Derek

Ms LEUNG Yee-lee, Maggie

Ms YIP Sau-mei, Joyce

Mr CHAN Kai-lam, Allan

Ms CHENG Siu-ling, Katy
Ms NG Suk-min
Ms LEUNG Wai-shan, Cecilia
Mr HO Kin-nam, David

In Attendance by Invitation

Mr CHAN Ka-shun, Carlson, JP
Ms YIM Lai-kwan, Cindy

Ms SO Wai-man, Sonia
Ms CHEUNG Sau-lai, Sandy
Ms Denise CHENG

Ms CHAN Ka-yi

Title

District Officer (Sha Tin)
Assistant District Officer (Sha Tin)1
Assistant District Officer (Sha Tin)2
Deputy District Commander (Shatin) /
Hong Kong Police Force
Police Community Relations Officer (Shatin District) /
Hong Kong Police Force
District Lands Officer / Sha Tin (Acting)
Administration Assistant / Lands
(District Lands Office / Sha Tin)
Chief Engineer / North (SD 2)
Civil Engineering and Development Department
District Planning Officer (Sha Tin, Tai Po and North) /
Planning Department
Principal Transportation Officer (New Territories) 1 /
Transport Department
District Leisure Manager (Sha Tin) /
Leisure and Cultural Services Department
Deputy District Leisure Manager (District Support) Sha Tin /
Leisure and Cultural Services Department
District Environmental Hygiene Superintendent (Sha Tin) /
Food and Environmental Hygiene Department
District Social Welfare Officer (Shatin) /
Social Welfare Department
Chief School Development Officer (Sha Tin) /
Education Bureau
Chief Manager / Management (Tai Po, North, Sha Tin)
Housing Department
Chief Liaison Officer / Sha Tin District Office
Senior Liaison Officer (East) / Sha Tin District Office
Senior Liaison Officer (West) / Sha Tin District Office
Executive Officer I (District Council)1 /
Sha Tin District Office

Title

Commissioner for Labour
Senior Labour Officer (Employment Services)(Operation) /
Labour Department
General Manager (Mail Distribution) / Post Office
Manager (Promotion and Marketing) / Post Office
Assistant Principal Immigration Officer (Information
Systems) Production / Immigration Department
Chief Immigration Officer (Identity Card) Operations
Support / Immigration Department

Absent

Ms PONG Scarlett Oi-lan, BBS, JP (Application for leave of absence received)
Mr WONG Yue-hon (")

Action

The Chairman welcomed Members and representatives from government departments and organisations to the fifth meeting of this year.

2. The Chairman informed all attendees that some members of the public, being present as observers, were taking photographs and making video and audio recordings.

3. The Chairman, on behalf of the Sha Tin District Council (STDC), welcomed the following representatives to the meeting: Mr Carlson CHAN, Commissioner for Labour, and Ms Cindy YIM, Senior Labour Officer (Employment Services) (Operation) of the Labour Department (LD); and Ms Maggie LEUNG, the newly appointed District Social Welfare Officer (Shatin) of the Social Welfare Department.

Application for Leave of Absence

4. The Chairman said that the Secretariat had received applications for leave of absence in writing from the following Members:

Ms Scarlett PONG	Official Commitment
Mr WONG Yue-hon	"

5. The Council approved the applications for leave of absence submitted by the Members above.

Confirmation of the Minutes of the Meeting Held on 23 May 2019 (STDC Minutes 3/2019)

6. The Council unanimously confirmed the minutes.

Visit of Commissioner for Labour (Paper No. STDC 68/2019)

7. The Chairman welcomed Mr Carlson CHAN to the STDC and invited him to briefly introduce the work of the LD.

8. Mr Carlson CHAN briefly introduced the work of the LD, with the following main points:

- (a) the labour market was closely related to the economic cycle. In recent years, the unemployment rate in the territory remained low and the number of vacancies advertised through the recruitment service of the LD remained high. However, affected by various external and local unfavourable factors recently, the unemployment rate saw a slight increase. Besides visiting the 13 Job Centres or the 3 Industry-based Recruitment Centres of the LD, members of the public could also obtain employment and vacancy information from the Interactive Employment Service website and its mobile application. The LD

had also set up the Higher Education Employment Information e-Platform for local and overseas job seekers with higher academic qualifications to learn more about the job market in the territory and to search and apply for suitable vacancies through the online platform. The LD had also held large-scale job fairs in different districts to assist job seekers in finding employment and employers in recruiting staff members. Also, in order to facilitate the employment of job seekers of all age groups and needs, the LD had implemented many employment programmes, including the Employment Programme for the Elderly and Middle-aged, the Youth Employment and Training Programme and the Employment Services Ambassadors for Ethnic Minorities;

- (b) the overall economic situation would affect the labour market as well as labour relations. Past data showed that many enterprises would initiate layoffs when economic conditions were adverse. The number of cases of labour disputes and claims would consequently increase, and vice versa. In recent years, over 70% of the cases were solved with the conciliation service provided by the LD. Cases that could not be satisfactorily resolved would, if the persons involved so wished, be referred to the Labour Tribunal or the Minor Employment Claims Adjudication Board for adjudication;
- (c) regarding the cancellation of the “offsetting” arrangement under the Mandatory Provident Fund (MPF) system, the Government would assist employers in setting up Designated Saving Accounts under their names, where employers were required to make contributions in the amount of 1% of their employees’ monthly salary, in preparation for the potential expenses of severance payments or long-service payments in the future. The Government would also provide a two-tier subsidy for employers to share their expenses of severance payments or long-service payments after the cancellation of the “offsetting” arrangement. The first-tier subsidy would be provided for 12 years and the second-tier 25 years. The Government’s financial commitment to providing the two-tier subsidy scheme would total \$29.3 billion. The Government was pressing ahead with the preparation work for the cancellation of the “offsetting” arrangement and would strive to submit the relevant bill of the enabling legislation to the Legislative Council (LegCo) in 2020, so that it would be passed in or before 2022;
- (d) starting from 18 January 2019, the statutory paternity leave had been increased to 5 days. The Government also recommended extending the statutory maternity leave from the current 10 weeks to 14 weeks. The additional 4 weeks’ maternity leave pay should be subject to a cap of \$36,822 per employee and be funded by the Government by way of reimbursement to the employer. Also, the Government recommended 2 technical amendments regarding the Employment Ordinance (EO), including the updated definition of “miscarriage” under the EO and the acceptance of “certificate of attendance” as documentary proof for eligible employees who had attended pre-natal medical examination as a sickness day to receive sickness allowance. The Government aimed at introducing the related bill to the LegCo in early 2020 for approval;

- (e) ever since the Statutory Minimum Wage (SMW) came into force in 2011, the unemployment rate had remained low. The seasonally adjusted unemployment rate from June to August 2019 was 2.9%, which was 0.7 percentage point lower than that of the quarter prior to the implementation of the SMW (February to April 2011). The total employment was 3.86 million after the implementation of the SMW, representing an increase of around 320 000, 80% of which were female. This showed that the SMW was helpful to attract people, especially women, to enter or re-enter the labour market. The SMW had been increased 4 times so far and was \$37.5 at present. From May to July 2019, the average monthly employment earnings of full-time employees of the decile group with the lowest income level after inflation increased by over 20% in real terms when compared with that prior to the implementation of the SMW. The overall situation of employers complying with the relevant legislation was satisfactory;
- (f) the Government's long-standing policy was that employers must accord priority to local workers when hiring, and employers would only be allowed to import labour when they genuinely could not hire the required manpower locally. Employers could apply to import workers at technician level or below through the "Supplementary Labour Scheme" of the LD. According to the statistics of the Immigration Department, over 5 000 imported workers were working in the territory through the "Supplementary Labour Scheme" at the end of 2018, accounting for around 0.1% of the total labour force in the territory. Over half of them were care workers (elderly services), followed by farm technicians, gardening workers, construction workers, etc.;
- (g) the biggest group of imported workers in the territory was domestic workers. Until the end of August this year, local families hired almost 400 000 foreign domestic helpers (FDHs). In the coming decade, given the ageing population, it was expected that the demand for FDHs in the territory would further increase to over 600 000. Most FDHs in the territory were from the Philippines and Indonesia. The LD was actively studying the option of importing FDHs from more Southeast Asian countries, such as Cambodia and Myanmar. In order to better protect the employment rights and benefits of FDHs and to attract more FDHs to work in the territory, besides imposing more stringent penalties on overcharging by employment agencies, the Government had also amended legislation so that the Commissioner for Labour could refuse to issue or extend, or could even revoke licenses if employment agencies did not comply with the relevant codes of practice promulgated by the LD;
- (h) the previous term of the Government set up the Standard Working Hours Committee (SWHC) in order to explore the matter of working hours policy. The SWHC recommended that the Government adopt a legislative approach to mandate employers to enter into written employment contracts specifying terms on working hours and overtime compensation arrangements with lower-income grassroots employees. It should also stipulate that such employees should be entitled to overtime compensation by way of overtime pay at a rate no less than the rate of the agreed wages or equivalent time-off in lieu. However, after years of discussion, various sectors of society had yet to reach a consensus on the legislative proposal for the regulation of working hours. In the absence of a

wide consensus, the Government had decided not to put forward the relevant legislative proposal at this stage and would instead focus on formulating working hours guidelines through the 11 industry-based tripartite committees under the LD (members included representatives of the LD, employers and employees) for employers' and their employees' reference and use; and

- (i) as a result of the Government's publicity efforts as well as the concern and hard work of employers, employees and all organisations, there had been significant improvement in the situation of occupational injuries in the past decade. According to statistics in recent years, around 20-odd workers died from industrial accidents each year. Regarding occupational safety and health (OSH), the LD would strengthen law enforcement and inspection of construction sites, participate in more safety management committee meetings of public works projects and advise contractors on OSH matters. The LD was also reviewing the penalties of the OSH legislation, so that the court could impose penalties with sufficient deterrent effect. Also, the LD would strengthen its publicity efforts and set up an online platform to encourage employees to report unsafe working conditions at workplace.

9. Ms LAM Chung-yan said that employees were required to return to their posts within 2 hours after extreme weather conditions had passed. However, traffic or road problems caused by severe weather conditions might have yet to be completely resolved. She asked whether it was ideal for the Government to only appeal to employers to take actual circumstances into account and be considerate of employees who might not be able to return to their posts within the specified timeframe. She also asked if the LD instilled in employers the relevant information. Also, she hoped that the LD could actively promote a friendly work culture, so that young people would obtain a greater sense of achievement at work.

10. The views of Mr CHING Cheung-ying were summarised below:

- (a) he opined that the LD had been discussing without making decisions regarding the handling of many labour welfare issues, including the cancellation of the "offsetting" mechanism of the MPF which had been discussed in society for over a decade. The clause, which was unfair to employees, was only addressed by the Policy Address last year; however, the relevant legislation would take at least 4 years. He asked that the process be expedited to respond to the public's demand;
- (b) the arrangement of 14-week maternity leave had long been in place for the welfare sector and the education sector; however, a cap on the salary of the additional 4 weeks' maternity leave did not meet the reasonable expectation of the employees. He asked if the LD could respond to that shortly; and
- (c) illegal workers were not only employed by the construction industry in the territory. He pointed out that many illegal South Asian workers also worked in other industries and asked how the LD would handle the problem of illegal labour.

11. The views of Mr NG Kam-hung were summarised below:

- (a) statistics showed that the public demand for domestic helpers would continue to rise in the future. The LD said that it would strengthen regulation on employment agencies. He opined that, due to different cultural backgrounds and communication problems, there were disagreements between employers and FDHs and some even resorted to legal action. He asked if the LD would consider assisting local members of the public aged 40 to 50 to join the domestic helper trade; and
- (b) members of the public relayed to him that they sought help from the LD but to no avail. Staff members of the LD spent around 5 minutes to suggest that they discuss on their own with their employers or seek help from Members. He pointed out that the LD was responsible for handling employment disputes, dealing with issues such as the wrongful deduction of wages, and providing referral services. Also, he hoped that the LD would protect the safety of employees regarding the issue of OSH and would not be partial to employers.

12. The views of Mr Alvin LEE were summarised below:

- (a) the unemployment rate might rise as a result of the recent social conditions, which was relatively impactful on the tourism, transport and retail industries. He hoped that the LD could discuss with other government departments and expeditiously implement measure to tide the industries and workers over difficult periods; and
- (b) he opined that the Government should offer incentives to elderly employment and job matching services in a bid to boost Hong Kong's labour force. Regarding youth employment, he asked the LD to provide the youth unemployment rate and related figures. He said that youth employment saw a bleak prospect with curbed pay rises. The LD should come up with plans to enhance young people's competitiveness, e.g. by helping them enter high-yield industries and collaborating with organisations to provide training for creative industries.

13. Mr PUN Kwok-shan asked if the LD could forecast how unemployment would fare in the future and get an idea of the employment trend. Besides, he asked if the LD knew what kind of households employed FDHs of ethnic minorities from India and other countries.

14. The views of Mr Billy CHAN were summarised below:

- (a) the SMW rate in the territory was reviewed every 2 years, whereas it was reviewed annually in a number of countries and the mainland's big cities. He asked why Hong Kong did not do the same;
- (b) he asked when the working hours guidelines mentioned by the LD would be rolled out, and when the legislation would be done; and
- (c) a number of airline employees had been unreasonably dismissed from employment due to the repercussions of recent social incidents. The EO

stipulated that employers were debarred from dismissing employees by reason of their participation in a trade union or trade union activities. He asked whether the LD would offer assistance to the many airline employees who had been unreasonably dismissed by reason of their expression of political stance or participation in protest activities. Also, the civil servant who initiated a civil servant rally had allegedly been posted out of the LD. He asked whether the LD could safeguard the rights of assembly of that civil servant and other civil servants as well.

15. The views of Mr Wilson LI were summarised below:

- (a) Hong Kong's unemployment rate might be on the rise because of social situations and the mainland's economic downturn. He asked whether the LD would roll out corresponding measures;
- (b) a number of companies used legal loopholes to lay off their employees. He asked how the LD would help them;
- (c) he said that a number of countries reviewed the SMW rate once a year. Paternity leave had been increased to 5 days since early this year and maternity leave 14 weeks. He hoped the lengths of both leaves would be further increased;
- (d) there were 17 public holidays a year, but there were only 12 statutory holidays. He urged the LD to standardise the number of statutory holidays at 17 days for the sake of fairness; and
- (e) Hong Kong was facing the problems of aging population and insufficient labour force. Yet, many of the elderly were still in good health. He suggested that the LD set up a recruitment station for them in order to boost labour force. Besides, regarding vocational safety, he asked the LD to work more on education instead of merely stepping up site inspections.

16. The views of Mr SIU Hin-hong were summarised below:

- (a) 20 odd cases of fatal industrial accidents took place every year. He wished to know which industries saw frequent accidents;
- (b) he asked how the LD could help small, medium and micro enterprises get through the upward trend in unemployment rate. He cited an example that some countries required big enterprises to be closed and small and medium enterprises open on Sundays to increase business opportunities for the latter; and
- (c) quite a number of imported workers were in employment with lowly-qualified jobs, such as delivery workers and taxi drivers. He suggested that the LD help them improve their Chinese so as to create more job opportunities for them.

17. Mr Tiger WONG said that in the wake of a fatal accident involving a worker using a rubbish chute in Kam Tai Court, Ma On Shan, the LD required that the mouth of every chute

shall not exceed 350×250 mm in accordance with the “Building (Refuse Storage and Material Recovery Chambers and Refuse Chutes) Regulations”. However, as buildings previously erected on government land were not subject to the relevant regulations, he asked how the LD could regulate whether contractors had carried out the works in compliance with the laws. Also, the accident in Kam Tai Court had nothing to do with the size of the chute’s mouth. Instead, it was caused by the worker who did not follow the established procedures to clear the blocked rubbish chute. He added that the LD proposed to tighten the regulations without considering the actual operation problems the owners’ corporations (OCs) would encounter when the measures were implemented.

18. Ms CHAN Man-kuen said the LD’s request that the OCs of Kwong Yuen Estate and other buildings have the chute’s mouth downsized to 350×250 mm in accordance with the relevant regulations would indeed encounter a number of difficulties. The size of average household rubbish was not small which would make it hard to pass through the downsized chute’s mouth. If the rubbish got too big, cleaning workers might have to unpack and repack the rubbish. She opined that requesting housing estates to re-size the chute’s mouth would incur unnecessary labour and expenses while it was not the only way to protect workers. The LD could require workers to wear safety belts and an accompanying worker to assist.

19. The views of Mr Michael YUNG were summarised below:

- (a) regarding the adjournment of the previous meeting, he opined that it resulted from the STDC Secretariat’s handling of the public observing the meeting which did not follow the prevailing practice;
- (b) he stated that the LD’s presentation showed yearly decreases in the number of labour dispute cases. He questioned whether the number really decreased or, as Mr NG Kam-hung said, the cases were customarily transferred by the LD staffers to district councillor offices or other offices. He asked the LD to find out after the meeting;
- (c) besides extending the maternity leave, the LD had also updated the definition of miscarriage—female employees in pregnancy of 24 weeks or more failing to give birth to a living baby were entitled to maternity leave. He asked if the labour legislation did not protect those in pregnancy of less than 23 weeks. He said that the Food and Health Bureau (FHB) had implemented apt measures in accordance with the Policy Address by providing spaces in Wo Hop Shek for abortuses of less than 24 weeks’ gestation. Hence, he suggested that the LD include those pregnant employees in the labour legislation so as to entitle them to maternity leave and encourage childbearing; and
- (d) he asked if the LD had any measure to protect those unfortunately having industrial accidents during the period when the conditions of stay was breached.

20. The views of Mr WAI Hing-cheung were summarised below:

- (a) cleaning and security services as well as elevator maintenance constituted the greatest expenses of housing estate management. Yet, the labour supply for these jobs, particularly night shift security guards, was insufficient. Even

though the Government had relaxed the age limit of the security personnel permit from 65 years old to 70, the problem of insufficient labour still saw no improvement. Also, short of young blood joining the industry, tendering exercises for elevator repairs and maintenance did not receive as many responses as before, thereby causing estate management expenses to surge. He asked how the LD would solve the problem of insufficient labour concerning these jobs; and

- (b) he continued to say that the catering business was also facing the same problem. Some restaurants told him they could hardly hire dishwashers. Furthermore, a number of workers were only willing to work part-time instead of full-time for these low-skilled jobs. It was probably because they were applying for public rental housing and trying to avoid a higher rent imposed on them due to wages above the limit. He asked how the LD would solve the problem of insufficient labour in certain industries.

21. The views of Mr MAK Yun-pui were summarised below:

- (a) a number of social workers had recently joined protest activities and strikes, but the Trade Unions Ordinance failed to safeguard them from the repercussions of taking part in social movements expressing their political stances. He asked what kind of protection the LD could provide for those in the social welfare sector voicing their political opinions;
- (b) a number of employees worked full-time in a part-timer capacity. They were not entitled to the holidays and severance payment under the labour legislation, which would make it difficult for them to recover wages in arrears. He asked if the LD could offer assistance to the part-timers in need regarding this drawback under the EO; and
- (c) “continuous shift” was common among a number of jobs requiring shifts where employers only allowed employees a very short break before they work the next shift. He asked if the LD would formulate a policy to restrict “continuous shift” and stipulate that employees would be given a reasonable length of recess between different work sessions.

22. The views of Mr CHIU Man-leong were summarised below:

- (a) he said that the LD required the rubbish chute of Kam Tai Court to be resized in compliance with the regulations; otherwise it could not be used. The refuse management of the housing estates would be gravely affected because cleaners would be forced to use elevators to move the refuse; and
- (b) given the relatively high youth unemployment rate, he suggested that the LD support young people to join the work force by promoting the importance of building a career, enhancing the support for young people to start a business, providing them with more training opportunities and prompting vocational education among them. The LD could also adopt a “first hire, then train” approach by subsidising employers to hire more young people. Besides, the LD could give incentives to some industries with a less favourable image,

such as shipping and construction industries, in order to enhance their image to solve the problems of labour insufficiency and mismatch.

23. The views of Mr CHAN Nok-hang were summarised below:

- (a) he opined that as society advanced, the Government should standardise public holidays and statutory holidays so that members of the public could enjoy more holidays for family life. Economic implications should not be overstressed; and
- (b) many women needed to be taken care of by their husbands for a certain period of time after giving birth. He thus opined that the paternity leave should be extended to 7 days, or even a month. The Government should provide people-oriented welfare measures instead of letting family relationships be overridden by monetary interests.

24. The views of Ms TUNG Kin-lei were summarised below:

- (a) though the Government had extended the maternity leave and the paternity leave, she considered it basic and opined that the maternity leave pay should be enhanced to full pay instead of four-fifths of the average salary rate. Besides, she said that quite a number of offices failed to provide sufficient spaces for breast-feeding employees and there were working women suffering discrimination consequently. She suggested that the LD include a policy to encourage breast feeding in the labour legislation; and
- (b) a number of women could not work because of the need to take care of their families. She hoped the LD would provide more support measures for women's employment, encourage social enterprises to train them, solve the problem of cross-district employment, increase activities concerning women's employment, and actively carry out family-friendly measures. She pointed out that many companies did not implement staggered hours, though they adopted a 5 working day policy. Apart from staggered hours, she hoped the LD would put forward 17 paid holidays per year for parents to take part in family activities and spend time with children.

25. The views of Mr YAU Man-chun were summarised below:

- (a) he supported extending the maternity leave because not every family of the Hong Kong's families with working parents could afford to hire a domestic helper and a post-natal care worker. Paternal care was vital to wives and children. He considered it reasonable to even extend the paternity leave to 10 days;
- (b) he said that Hong Kong, though an international city, failed to provide sufficient maternity leave, encourage childbearing, allow women to take enough rest and enhance a sense of family coherence; and
- (c) the Government could not submit to the LegCo until 2020 the proposal for cancelling the "offsetting" arrangement under the MPF system. He hoped the process would speed up.

26. The views of Mr LI Sai-hung were summarised below:

- (a) he said he had received enquiries from members of the public regarding the abolition of the MPF “offsetting” mechanism, and how to calculate the amount of long service payment being “offset”. Recently, many employers re-employed their employees after dismissing them to avoid the extra cost incurred from the abolition of the “offsetting” mechanism. He asked the LD how the loophole would be closed; and
- (b) he said a boy had been arrested by the police recently due to possession of 3 Octopus Cards. A staff member of the Trade and Industry Department, who was also a member of “Protect the Children”, was arrested for helping the boy. He would like to know whether that person was dismissed and whether the LD would provide assistance.

27. The views of Mr Rick HUI were summarised below:

- (a) he opined that the increase in salary of members of the public could not catch up with inflation. He pointed out that in Hong Kong, during the period from 2008 to 2017, the actual rate of increase in salary per year was only 0.1%, while there was at least an increase of 1% to 4% in Gross Domestic Product. This had shown that ordinary employees could not benefit from the improvement of economic environment; and
- (b) he said the LD did not mention the right to collective bargaining and asked whether it meant employers and employees did not negotiate under the mechanism.

28. The views of Mr YIP Wing were summarised below:

- (a) the working hours of Hong Kong employees were the longest among the whole world. Long working hours caused an adverse effect on the quality of family life and mental health of members of the public. He cited the police as an example, saying that police officers had been working overtime recently and thus affected law enforcement; and
- (b) he had enquired of the Civil Service Bureau (CSB) in 2013 about the employment of people with disabilities in the Government and he was informed that the Hong Kong Police Force (HKPF) was the largest employer of people with disabilities in the Government. He continued to ask whether the HKPF classified people injured at work and elderly people as people with disabilities, and the CSB did not deny his statement. He asked the LD whether the number of people with disabilities employed by the Government had decreased.

29. Mr Carlson CHAN gave a consolidation response as follows:

- (a) in the case of “extreme conditions” caused by super typhoon, for example, serious disruption of public transport services, the Government would review the

situation and consider issuing the “extreme conditions” announcement. Upon the announcement of “extreme conditions” by the Government, apart from essential staff who had an agreement with their employers to be on duty when “extreme conditions” was in force, employees were advised to stay at the place they were currently in or safe locations for 2 hours after cancellation of Typhoon Warning Signal No.8 (T8), instead of heading for work immediately. The Government would arrange clearance of roads and resumption of service as soon as possible and extend or cancel “extreme conditions” subject to the actual circumstances. Once “extreme conditions” was cancelled, employees should follow the work arrangements they had previously agreed with the employers and resume work as appropriate. Employers were advised to be sympathetic and make flexible arrangements in view of the actual situation and personal circumstances of employees when implementing the work arrangements. To promote the community’s understanding of the revised “Code of Practice in Times of Typhoons and Rainstorms”, including the work arrangements under “extreme conditions” after super typhoons, the LD had made efforts for wide publicity through different channels. The LD would be pleased to provide explanation and mediation services for employers and employees when necessary;

- (b) regarding Members’ concerns about the timetable for the abolition of the MPF “offsetting” arrangement, ancillary measures had to be adopted to tie in with the abolition and it took time to implement such measures. For example, the Government had to develop an information technology system to support the operation of Designated Saving Accounts when assisting the 300 000 employers to set up the said accounts, as well as the functions of collection of employers’ payment and disbursement of funds to them on the “eMPF” Platform which would be set up by the Mandatory Provident Fund Schemes Authority. Meanwhile, the Government also had to draw up the implementation details of the two-tier Government subsidy scheme. The Government was exerting its utmost effort to draft the enabling legislation and implement the related ancillary measures;
- (c) as before, the LD had carried out joint operation with the Immigration Department and the HKPF to combat the problem of illegal workers. From January to August 2019, 129 illegal workers were arrested in 75 joint operations, while 263 illegal workers were arrested in the 164 joint operations carried out in 2018;
- (d) he hoped that the related Member could provide more information to the LD, regarding the case that a staff member of the LD advised members of the public to seek help at ward offices of DC Members when handling requests for assistance, to facilitate the LD’s follow-up action. Besides, staff members of the LD had always received positive feedback from both employers and employees;
- (e) the current youth unemployment rate in Hong Kong was around 10%, which was higher than the overall unemployment rate. Such situation was common around the world. The Youth Employment and Training Programme of the LD provided

advice on life planning and training to young people before they started their career, as well as helping them find suitable jobs and receive on-the-job training. Employers who employed young people under the Youth Employment and Training Programme, or elderly and middle-aged people who aged 40 or above under the Employment Programme for the Elderly and Middle-aged, and offered on-the-job training, could receive on-the-job training allowance of up to \$4,000 per month for up to 12 months. Both programmes covered full-time and part-time posts;

- (f) regarding a Member's question on what type of employers employed FDHs from places such as India, he said some families of ethnic minorities might prefer employing FDHs who shared similar cultural background;
- (g) the Minimum Wage Commission (MWC), composed of members from labour sector, business sector, academia and the Government, was responsible for the review of the SMW. Adopting a data-based approach, the MWC conducted the related review by making reference to the statistics in "an Array of Indicators" and relevant information of other surveys, as well as conducting extensive and in-depth public consultations. Therefore, the workflow involved was already very tight. According to past experience, the current review mechanism had worked well so far and it was appropriate to maintain the approach of reviewing the SMW at least once every 2 years at this stage. As the SMW had been raised several times and the labour market stayed tight, most employees earned more than the SMW, and the growth rate in wages of low-income employees was particularly significant. After adjustment for inflation, the average monthly income from May to July 2019 of full-time employees of the "decile group" with the lowest employment income had an actual increase over 20%, as compared to the figure before the implementation of the SMW;
- (h) regarding recent reports saying that some employers had dismissed their employees due to recent social issues, employers should handle the employment issues in compliance with the EO in a reasonable and fair manner. In dealing with employees' involvement in social issues, employers should handle the matter in accordance with the policy of individual companies. If employees had doubts about their statutory rights of employment, or believed that their rights of employment were infringed, they could seek assistance from the Labour Relations Division of the LD;
- (i) on the premise of taking into account the interests of employees and affordability of employers, the Government reviewed rights of employment from time to time in view of the change in Hong Kong society and economy development. As for statutory maternity leave, although some places provided longer period of maternity leave than Hong Kong, their social systems and economy development were different from Hong Kong. Moreover, maternity leave pay in some regions was paid by the social security system, which was different from the situation in Hong Kong. Therefore, it was hard to draw direct comparison. Citing the United Kingdom as an example, he said employees could receive 90% of their original salary in the first 6 weeks of maternity leave, but only 90% of their original salary or the standard amount, whichever was lower, for the rest of

their maternity leave. While in Hong Kong, it was stipulated in the EO that employees should receive four-fifths of their average salary throughout the 10 weeks' maternity leave. Besides, the pay level of statutory maternity leave in Hong Kong was higher than the standard of at least two-thirds of the original salary of the employer stated in the International Labour Conventions. As for the proposed amendment of the definition of "miscarriage" under the EO, it was a technical refinement proposed upon consultation with the FHB to tie in with the current medical definition and practice;

- (j) the size of the opening for refuse chutes was stipulated in the "Building (Refuse Storage and Material Recovery Chambers and Refuse Chutes) Regulations" and private housing estates had all along adopted the same standard. It was believed that normal domestic waste should be able to pass through the opening. In view of the fatal industrial accident happened in Kam Tai Court, the LD had already requested all housing estates to strictly follow the safety regulation in respect of the opening of refuse chutes and to give primary consideration to the safety of cleaning workers. The suggestion of using safety belts proposed by individual Members might not be feasible in actual circumstances, since the safety belt had to be anchored to a secured anchorage, and extra manpower would be required to conduct regular safety inspections of such anchorages. At present, nearly 70% of the housing estates had their oversized refuse chute openings fixed to comply with the regulation. For the safety of cleaning workers, he appealed to the rest of the housing estates for an early completion of refuse chute opening improvement works;
- (k) regarding the manpower of cleaning workers and security guards of housing estates, the Employees Retraining Board had organised many courses of related industries to assist more job seekers, including the elderly and middle-aged, to join the related industries;
- (l) in Hong Kong, employers and employees in some industries had all along engaged in voluntary collective bargaining. For example, in the aviation industry and printing industry, employers and employees had formulated collective agreement on the terms and conditions of employment, and the terms of collective agreement were also included in the personal employment contract of employees. The LD had always encouraged employers and employees to engage in voluntary and direct bargaining to resolve differences through negotiation;
- (m) after years of discussion, various sectors of the community still had different views about the legislative proposals for the regulation of working hours. The Government had decided to, by engaging the 11 industry-based tripartite committees under the LD, first focus on formulating guidelines for these sectors, to improve the arrangement of working hours of employees. The LD was currently working on this; and
- (n) although the employment of people with disabilities in the civil service was outside the scope of work of the LD, the department was aware that the CSB would continue to cater to the needs of job seekers with disabilities and make special arrangement for them in the recruitment process.

30. The Chairman thanked Mr Carlson CHAN for attending the meeting.

Discussion Items

Revised Budget for the Sha Tin District Council (STDC)
(Paper No. STDC 69/2019)

31. The Chairman said that on 19 September 2019, the Finance and General Affairs Committee had endorsed that the revised budget for 2019-2020 would be recommended to the STDC for approval.
32. Mr Michael YUNG said he had no comment on the above revised budget. He would like to know how much the STDC had to pay to the Television Broadcasts Limited (TVB) after the cancellation of the 2019 Mid-Autumn Festival Variety Show in Sha Tin (Variety Show).
33. Mr Derek YUEN, Senior Executive Officer (District Council) of the Sha Tin District Office said that the STDC did not pay for any expenditure of the Variety Show since the STDC did not approve the related funding application.
34. Mr Michael YUNG would like to know whether it was the STDC that entered into the service contract of the Variety Show, and the details of the fees that had to be paid to TVB due to the cancellation, and how the issue was handled.
35. The Chairman said since the funding application of the Variety Show was not approved and the activity was cancelled, the expenditure borne by the STDC for the activity was zero.
36. The Council unanimously endorsed the above paper.

2019-2020 District Facilities and Improvement Works Proposals
(Paper No. STDC 70/2019)

37. The Chairman said that since the amount of funds applied for was over \$3 million, the District Facilities Management Committee recommended the above funding application to the STDC for consideration.
38. Mr CHING Cheung-ying would like to know the exact location of the improvement works for Chui Tin Street Sitting-out Area.
39. Ms Jackie LO, District Leisure Manager (Sha Tin) of the Leisure and Cultural Services Department said Members could refer to the figure in Appendix II for the location of the proposed works, and the exact location of the works was under the footbridge, namely the area indicated by the red circle. There were also 2 photos taken at the site in the appendix, showing that many residents sat and stayed on the walkway outside Chui Tin Street sitting-out area. There were also school children and parents waiting for school buses. Therefore, the provision of a passage and space for passive recreation purposes was proposed at the location originally occupied by flower bed for residents' convenience. The works would also provide a better recreational venue for public use.

40. The Council unanimously endorsed the above funding application.

Questions

Question to be Raised by Mr PANG Cheung-wai, Thomas on the Service of the Hongkong Post

(Paper No. STDC 54/2019)

41. The Chairman welcomed the following representatives to the meeting: Ms Sonia SO, General Manager (Mail Distribution) and Ms Sandy CHEUNG, Manager (Promotion and Marketing) of the Post Office.

42. The views of Mr Thomas PANG were summarised below:

- (a) he said the Hongkong Post Circular Service (Circular Service) facilitated the communication between different sectors. Even though some residents had indicated that they would like to opt out from receiving circulars on their mailboxes, circulars posted by DC Members could still be exempted. This helped DC Members to disseminate information about the district to residents effectively;
- (b) however, he opined that the Post Office did not handle circulars in a standardised manner. DC Members now had to seal up the 3 sides of the circulars when posting by circular service, while in the past, they only had to seal up 1 side, or it was not necessary to seal up any sides of the circulars at all before posting. He opined that with all 3 sides sealed up, recipients had to open the circular with sharp objects and they might just ignore the circular as it was inconvenient to open it. Then, the original purpose of facilitating the communication between DC Members and residents was therefore defeated;
- (c) regarding the Post Office's reply saying that "the requirement of sealing up the opening of circular was to avoid the tangling of mails or dropping of objects attached to the mail, which would require extra manpower and time for handling", he suggested that when postmen delivered mail at the same housing estate, say, which had 300 units, they could first deliver the circulars to residents' mailboxes before delivering other mails, with a view to avoiding chaos;
- (d) the Post Office said that the Hongkong Post had never received any complaints against staff of Bulk Acceptance Office for not complying with posting conditions. He said the work report of Mr Victor LEUNG was denied from using circular service because the 3 sides of the circular were not sealed up. Mr Victor LEUNG thus had to arrange additional manpower for sealing the circulars at the post office. He had made complaints against the related posting conditions to the Postmaster General; and
- (e) he said in 2012, a staff member of the Post Office went to his ward office and told him that he could use circular service by crossing out the "circular service" logo. However, he kept receiving warning letters from the Post Office recently. He said while the "circular service" logo could still be used even being crossed

out, stamps could not be used in such a case. He criticised the Post Office for having contradicting the rules and principles, and expressed his discontent with the inconsistent standards of the handling of circular service.

43. The views of Mr YAU Man-chun were summarised below:

- (a) he said residents generally believed that the Hongkong Post had a good reputation;
- (b) he said in 2015, since he did not follow the requirement of sealing up the 3 sides of the circular, nearly 10 000 work reports could not be sent out through circular service;
- (c) having learnt a lesson, he then followed the requirement of sealing up the 3 sides of the circular and the delivery was efficient every time. He mentioned that he had used the circular service at Kowloon East Post Office and Sha Tin Central Post Office, and opined that the service of the Hongkong Post was standardised; and
- (d) he said the frontline staff of the Post Office were always polite and assisted residents in paying bills and buying stamps in a professional manner, even when being treated rudely by residents. He suggested that the STDC should commend the Post Office if a motion was to be put forward.

44. The views of Mr Michael YUNG were summarised below:

- (a) he said he could not finish the work report before the last District Council Election, and therefore the work report become part of the publicity materials of the election. He said the requirement of the circular service was always the same. With no exception, all users of the service had to seal up the 3 sides of the circulars;
- (b) he said he would carefully print the leaflets in 2 batches, that is, one batch for putting into mailboxes (without the “circular” logo), while the other batch for posting by circular service. He suggested that if Members did not want to cross out the circular logo, it could be replaced by a smiley sticker; and
- (c) he said he did not post the leaflets until the last week of the last District Council Election, but the leaflets could still be delivered to the mailboxes of residents 3 days before the election. He opined that the Post Office was commendable for their respect for their job.

45. The Chairman would like to know whether the Post Office would check the content of circulars during the handling process.

46. Ms Sonia SO gave a consolidation response as follows:

- (a) she said circular service was a service provided by the Hongkong Post and the Post Office would handle it in accordance with the Posting Conditions and

General Information. She pointed out that Section 3.3 had explained how mails should be sealed up with adhesive tape. She would remind frontline staff that circular posting should be handled in accordance with the posting conditions;

- (b) she said stamps were equivalent to postage. Therefore, if a stamp was damaged, for example, being crossed out with a pen, it could not be used for posting;
- (c) according to Section 8 of the Posting Conditions and General Information, the Circular Service was an exclusive service provided by the Hongkong Post. Mail items with special logo must be delivered by the staff of the Hongkong Post. The Hongkong Post had received complaints that mail items with special logo were delivered by non-Hongkong Post staff or posted in public places. Such acts were forbidden under Section 8. If the special logo on such items were completely covered (for example, covered by a sticker), then the items were not regulated by Section 8; and
- (d) the Post Office had updated the website and the Posting Conditions and General Information was now available for public perusal.

47. The views of Mr Thomas PANG were summarised below:

- (a) he said mails with only 1 side sealed up could be posted by Circular Service in the past. He pointed out that Section 3.3 stated that if the mail item was in the form of a booklet, only the longest side had to be sealed up with adhesive tape in the middle. He asked whether the Post Office insisted that 3 sides had to be sealed up because a staff member of the Post Office had sent him warning letters before;
- (b) since the Circular Service was an exclusive service provided by the Hongkong Post, he would like to know whether an OC had violated the law if they delivered circulars to mailboxes by charging a fee; and
- (c) he would like to propose a provisional motion.

48. The views of Mr YAU Man-chun were summarised below:

- (a) he opined that the terms of posting circulars had already been clearly stated in Section 3.3;
- (b) in cases of suspected violation of the law or partiality in law enforcement, he opined that the STDC should not single out any particular government departments; and
- (c) he said he had put forward a provisional motion regarding law enforcement by the police, but it could not be handled due to the lack of a quorum. He asked whether the provisional motion proposed by Mr Thomas PANG would face the same situation due to the lack of a quorum.

49. Mr Michael YUNG said the text in Section 3.3 of the Posting Conditions and General Information might be rather difficult to understand. He suggested that the Post Office consider adding illustrations to facilitate public understanding and to avoid argument and misunderstanding.

50. Ms Sonia SO gave a consolidation response as follows:

- (a) regarding the collection of specimen of posting, staff members would follow up and handle the matter in accordance with the Posting Conditions and General Information. As for individual cases of misunderstanding, the Post Office had already provided additional illustrations and a filmlet to demonstrate how openings should be sealed up, so as to enhance the demonstration of the procedure for the use of Circular Service;
- (b) the delivery of circular of information by OCs was not regulated by the Post Office, and therefore she could not provide relevant information; and
- (c) Section 3.8 of the Posting Conditions and General Information stated that no person should post any illegal, obscene, immoral, or text, pictures or other items that the Hongkong Post deemed inappropriate. Staff members of the Post Office would vet and handle the specimen of posting in accordance with Section 3.8 and the established mechanism.

51. Mr Thomas PANG proposed the provisional motion below:

“The Sha Tin District Council expresses regret for the inconsistent standard of the Sha Tin Post Office in handling Circular Service. The Sha Tin District Council also urges the Hongkong Post to conduct a comprehensive review of the posting standard of Circular Service, so as to maintain the smooth communication between DC Members and residents.”

Mr HO Hau-cheung seconded the motion.

52. The Chairman said he agreed to handle the above provisional motion. He pointed out that as a quorum was not present in the meeting room, according to Section 12(2) of the Sha Tin District Council Standing Orders (Standing Orders), he announced that the meeting would be adjourned for 15 minutes. He asked the Secretariat to summon those Members who were not present to return to the meeting room.

(After the meeting was adjourned for 15 minutes)

53. The Chairman said staff members had tried hard to contact those Members who were not present in the meeting room just now, however, some Members replied that they could not return to the meeting room in time, while some other Members could not be reached. As the number of Members present was still less than a quorum, under the Standing Orders, he therefore announced the end of the meeting. He pointed out that for the remaining agenda items, including 3 questions, “Reports of Committees under the Sha Tin District Council”, “Financial Account of the STDC (as at 17 September 2019)” and “Report of the District Management Committee”, Members were invited to note those items by means of circulation.

54. The Chairman said this was the last meeting of the current term of the STDC. He expressed his wholehearted gratitude to all Members for their patience and understanding when he was taking the chair. He also thanked Members for working together over the past 3 years, giving invaluable advice and making contribution to district affairs.

55. The meeting ended at 5:45 pm.

Sha Tin District Council Secretariat
STDC 13/15/50

December 2019