Controlling officer: the Commissioner for Labour will account for expenditure under this Head.

Estimate 2020–21	\$2,192.4m
Establishment ceiling 2020–21 (notional annual mid-point salary value) representing an estimated 2 504 non-directorate posts as at 31 March 2020 rising by 69 posts to 2 573 posts as at 31 March 2021	\$1,519.9m
In addition, there will be an estimated 18 directorate posts as at 31 March 2020 rising by one post to 19 posts as at 31 March 2021.	

Controlling Officer's Report

Programmes

These programmes contribute to Policy Area 8: Employment **Programme (1) Labour Relations Programme (2) Employment Services** and Labour (Secretary for Labour and Welfare). Programme (3) Safety and Health at Work Programme (4) Employees' Rights and **Benefits** Detail **Programme (1): Labour Relations** 2018-19 2019 - 202019-20 2020-21 (Actual) (Original) (Revised) (Estimate) Financial provision (\$m) 184.8 213.8 215.3 249.2 (+0.7%)(+15.7%)(or +16.6% on 2019-20 Original)

Aim

2 The aim is to maintain and foster harmonious employer-employee relations in establishments outside the government sector.

Brief Description

3 The Department provides voluntary conciliation service to assist employers and employees to resolve labour disputes and claims. It promotes understanding of labour laws and encourages good human resource management (GHRM) practices.

4 In 2019–20, the Department organised a wide range of promotional activities including exhibitions, seminars and talks to enhance public understanding of the Employment Ordinance (Cap. 57) (EO) and publicise "employee-oriented" GHRM measures. In addition to staging a campaign to encourage employers of various industries and different scales to become signatories of a charter to adopt GHRM practices, publications of related themes were produced for human resources practitioners and the general public. The Department also revised and extensively promoted the "Code of Practice in Times of Typhoons and Rainstorms" for employers and employees pursuant to the Government's review of the handling of super typhoons. For abolishing the "offsetting" of severance payment and long service payment by the accrued benefits of employers' mandatory contributions under the Mandatory Provident Fund System (the "offsetting" arrangement), the Department commenced the preparatory work for thrashing out the implementation details and drafting the enabling legislation in collaboration with relevant bureaux and departments as well as other stakeholders.

5 The Department is responsible for the adjudication of minor employment claims and administration of trade unions.

6 The key performance measures in respect of labour relations are:

Targets

	Target	2018 (Actual)	2019 (Actual)	2020 (Plan)
waiting time for consultation meetings	within 30 mins.	within 30 mins.	within 30 mins.	within 30 mins.

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	Target	2018 (Actual)	2019 (Actual)	2020 (Plan)
waiting time for conciliation meetings for claims	within 5 weeks	within 5 weeks	within 5 weeks	within 5 weeks
waiting time for claims to be adjudicated after filing with the Minor Employment Claims Adjudication Board (MECAB)	within 5 weeks	within 5 weeks	within 5 weeks	within 5 marshr
processing registration of new trade unions	within 4 weeks	within 4 weeks	5 weeks within 4 weeks	5 weeks within 4 weeks
processing registration of changes of union names/rules	within 10 days	within 10 days	within 10 days	4 weeks within 10 days
visits to trade unions	360	362	360	360
Indicators				
		2018 (Actual)	2019 (Actual)	2020 (Estimate)
consultation meetings held labour disputes and claims handled labour disputes and claims with conciliation ser		65 094 13 781	65 343 13 831	65 300 13 800
rendered labour disputes and claims resolved through cor labour disputes and claims resolved through		13 404 9 938	13 219 10 028	13 200 10 000
conciliation (%)		74.1	75.9	75.8
working days lost from labour disputes known. claims adjudicated by MECAB cases of registration of new trade unions and ch		211 622	0 570	0 570
union names/rules		113	121	320

∧ Excluding labour disputes and claims for which conciliation service is not rendered because the employers concerned are insolvent or cannot be reached.

Matters Requiring Special Attention in 2020–21

- 7 Major new plans for 2020–21 include:
- pursuing the legislative proposal for abolishing the "offsetting" arrangement with a view to coming up with the enabling bill for introduction into the Legislative Council;
- amending the EO to improve statutory maternity leave; and
- working on a proposal to increase progressively the number of statutory holidays under the EO.

Programme (2): Employment Services

	2018–19 (Actual)	2019–20 (Original)	2019–20 (Revised)	2020–21 (Estimate)
Financial provision (\$m)	799.3	721.7	583.3 (-19.2%)	752.6 (+29.0%)
				(or +4.3% on 2019–20 Original)

Aim

8 The aim is to provide a comprehensive range of free employment assistance and recruitment services to help job seekers find suitable jobs and employers recruit workers.

Brief Description

9 The Department provides free employment service to all job seekers. It provides assistance and counselling services to the unemployed and persons with disabilities; career guidance, pre-employment and on-the-job training to young people; and labour market information to all job seekers, including new arrivals and ethnic minorities (EM). The Department also implements employment programmes with a view to promoting the employment of the elderly, young people and persons with disabilities.

10 The Department regulates employment agencies (EAs) in Hong Kong through licensing, inspection, complaint investigation and prosecution. It prosecutes EAs that breach Part XII of the EO and the Employment Agency Regulations (Cap. 57A), including overcharging job seekers commission or operating without a valid licence. The Department will continue to take enforcement and prosecution action against unscrupulous EAs.

11 The Department is also responsible for processing applications under the Supplementary Labour Scheme (SLS) and ensuring employment priority for local workers in filling SLS vacancies.

12 Moreover, the Department is responsible for discussion of new and expanded Working Holiday Schemes with overseas economies as well as the promotion of the Schemes so that more of our young people can broaden their horizons through temporarily living and working overseas.

13 The key performance measures in respect of employment services are:

Targets

	Target	2018 (Actual)	2019 (Actual)	2020 (Plan)
	Target	(Actual)	(Actual)	(1 1411)
displaying vacancy information upon			000/ 0	0.50/ 0
receipt of request from employers	90%_of	93% of	99% _. of	95%_of
	vacancies	vacancies	vacancies	vacancies
	displayed	displayed	displayed	displayed
	within	within	within	within
	5 working	5 working	5 working	5 working
	days	days	days	days
arranging job referral upon receipt of				
request from job seekers	within	within	within	within
	30 mins. of	30 mins. of	30 mins. of	30 mins. of
	appointment	appointment	appointment	appointment
isquing EA licenses	time within	time within	time within	time within
issuing EA licences	2 weeks	2 weeks	2 weeks	2 weeks
inspections to EAs	2 weeks 2 000	2 weeks 2 019	2 weeks 2 043	2 weeks 2 000
	2 000	2 017	2 045	2 000
Indicators				
		2018	2019	2020
		(Actual)	(Actual)	(Estimate)
		(Actual)	(Actual)	(Estimate)
able-bodied job seekers				
persons registered		38 567	43 742	44 000
placements§		136 079	111 568	110 000
job seekers with disabilities				
persons registered		2 766	2 766	2 800
placements0		2 219	2 213	2 200
young people enrolled in the Youth Employm	nent and			
Training Programme (YETP)Ω		4 694	4 572	4 500
employment and self-employment advisory as				
services provided by the Youth Employme		72 000	70.205	73 000
Centresø		72 899	70 305	72 000
EA licences issued		3 079	3 266	3 270
applications under the SLS processed		1 251	1 153	1 150

§ Of the 111 568 placements for able-bodied job seekers recorded by the Department in 2019, 8 101 placements were secured through the Department's referral service and 103 467 placements were made through job seekers' direct application to employers who advertised vacancies via the Department. The latter placement figure was derived from the Department's periodic sample surveys with employers.

♦ Of the 2 213 placements for job seekers with disabilities recorded by the Department in 2019, 1 449 placements were secured through the Department's referral service and 764 placements were made through job seekers' direct application to employers after receiving the Department's assistance.

 Ω The YETP operates on a programme year basis, running from September each year to August of the following year. The number of trainees enrolled in 2018 and 2019 refer to the number of trainees enrolled in the 2017/18 programme year and the 2018/19 programme year respectively.

φ Revised description of the previous indicator "young people receiving employment and self-employment advisory and support services provided by the Youth Employment Resource Centres" as from 2019.

Matters Requiring Special Attention in 2020–21

- 14 Major new plans for 2020–21 include:
- launching a pilot scheme to encourage the elderly, young people and persons with disabilities to undergo and complete on-the-job training under the employment programmes of the Department through provision of a retention allowance, thereby stabilising employment;
- raising the on-the-job training allowance payable to employers under the Department's employment programmes with a view to promoting the employment of the elderly, young people and persons with disabilities; and
- launching a pilot programme in conjunction with non-governmental organisations to provide employment services for EM job seekers through a case management approach.

Programme (3): Safety and Health at Work

	2018–19 (Actual)	2019–20 (Original)	2019–20 (Revised)	2020–21 (Estimate)
Financial provision (\$m)	580.2	644.0	639.0 (-0.8%)	662.6 (+3.7%)
				(or +2.9% on

(or +2.9% on 2019–20 Original)

Aim

15 The aim is to ensure that risks to the safety and health of people at work are properly managed by legislation, as well as enforcement, education and publicity efforts.

Brief Description

16 This programme covers the enforcement of the Occupational Safety and Health Ordinance (Cap. 509) (OSHO), the Factories and Industrial Undertakings Ordinance (Cap. 59) (FIUO) and the Boilers and Pressure Vessels Ordinance (Cap. 56) (BPVO). In addition to regular surprise inspections, special enforcement operations (SEOs) and in-depth inspections targeted at specific risks or accident-prone workplaces, including those industries or establishments with poor performance records, are launched. Enhanced participation in site safety management committee meetings of public works projects continues. In 2019, SEOs were conducted in several areas, including new construction works (with emphasis on work-at-height, lifting operations and electrical works); renovation, maintenance, alteration and addition (RMAA) works; lift works; catering industry; logistics, cargo and container handling works; and waste management works, etc. Statutory suspension notices are issued to remove imminent risks to the safety and health of those at work, and improvement notices are issued to secure prompt rectification of irregularities to prevent accidents. Prosecution is taken out to sanction those who have breached the above-mentioned legislation and to deter others from committing similar offences. In addition, promotional visits are conducted to encourage employers to take ownership in managing potential risks at workplaces.

17 The Department also provides training courses, organises seminars and advises stakeholders on the prevention of accidents and work hazards, and issues safety publications and publicity materials.

18 In 2019, two large-scale promotional programmes were launched to promote safety awareness in the construction and catering industries. Promotion and publicity campaigns were also organised to raise the safety awareness on work-at-height, electrical works and RMAA works, etc. To further promote work safety awareness and to enable the Department to conduct inspections in a more targeted manner, the Department launched an online occupational safety and health (OSH) complaint platform and enhanced the promotion of OSH complaint channels to facilitate the lodging of complaints against unsafe working environment.

19 In 2019, the Department launched a large-scale promotional campaign on heat stroke prevention in collaboration with the Occupational Safety and Health Council (OSHC). Through distributing protective equipment, broadcasting a new publicity video and conducting extensive publicity, the campaign sought to remind outdoor workers and their employers of the potential hazards of working under very hot weather and the need to take suitable preventive measures. Besides, a new Announcement in the Public Interest (API) was produced to enhance the awareness of employers and employees on reducing the health risks of standing at work.

20 The key performance measures in respect of safety and health at work are:

Targets

	Target	2018 (Actual)	2019 (Actual)	2020 (Plan)
inspections under the FIUO and the OSHOY inspections per field inspector under the	114 700	136 552	166 036	132 700
FIUO and the OSHO	450	533	543	450

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	Target	2018 (Actual)	2019 (Actual)	2020 (Plan)
investigation of occupational diseases	within 24 hours upon notification	within 24 hours upon notification	within 24 hours upon notification	within 24 hours upon notification
promotional visits to workplaces under the FIUO and the OSHO inspections under the BPVO inspections per field inspector under the	4 860 4 630	5 773 4 692	6 633 4 680	5 600 4 630
BPVO processing registration of pressure	1 030	1 043	1 040	1 030
equipment	within 3 weeks 2 040	within 3 weeks 2 132	within 3 weeks 2 046	within 3 weeks 2 040

 Ψ Depending on the complexity of the workplaces, inspections are sometimes conducted by more than one officer. A joint inspection undertaken by two officers is counted as two inspections. The total number of workplaces inspected was 72 366 in 2019. Inspections include those conducted at workplaces which are found to be locked, removed or not in operation during inspection; and the numbers of workplaces which were found locked, removed or not in operation during inspection in 2019 were 4 438, 1 720 and 1 953 respectively.

Indicators

	2018	2019	2020
	(Actual)	(Actual)	(Estimate)
fatal accidents in industrial undertakings	16	23δ	N.A.
non-fatal accidents in industrial undertakings	10 586	8 5608	N.A.
accident rate per 1 000 industrial employees	16.5	13.68	N.A.
fatal accidents in non-industrial undertakings∆	202	2028	N.A.
non-fatal accidents in non-industrial undertakings	25 160	21 7798	N.A.
accident rate per 1 000 employees in non-industrial			
undertakings	10.5	9.1δ	N.A.
investigation of accidents at workplaces	16 959	20 243	20 200
warnings issued by occupational safety officers	30 708	33 633	33 600
prosecutions taken	3 162	3 008	3 000
suspension/improvement notices issued	3 463	4 528	4 500
investigation of occupational diseases and occupational			
health problems	2 488	2 625	2 600
medical examinations	1 692	1 275	1 300
clinical consultations	10 890	10 718	10 700
occupational hygiene surveys:	6 038	6 024	6 300
pressure equipment newly registered	2 116	2 022	2 000
examinations conducted and exemptions granted for the			
issue or endorsement of certificates of competency	598	543	500
warnings issued under the BPVO	3 133	3 007	3 000

 δ These are provisional accident statistics as some of the accidents which occurred towards the end of the year have yet to be verified. The figures are subject to adjustments pending data analysis and accident investigations.

 Δ These include cases which are unrelated to work as suggested by medical and other evidence.

[‡] An occupational hygiene survey is an assessment on the general/specific health hazards that a workplace might have to the employees. Depending on its complexity, a survey may need to be undertaken by more than one officer. A joint survey undertaken by two officers is counted as two surveys.

Matters Requiring Special Attention in 2020–21

- **21** Major new plans for 2020–21 include:
- intensifying preventive and enforcement efforts to tackle fall-from-height hazards and other work hazards in workplaces through executing targeted inspection strategies, encouraging reports on unsafe working condition, etc., especially for the construction sector, and strengthening the referral mechanism for RMAA works, etc.;
- drawing up details and preparing for the launch of a pilot rehabilitation programme for construction industry employees injured at work, including empowering OSHC to administer the programme through legislative amendments;
- pursuing an increase of maximum penalties for OSH offences through legislative amendments;

- launching a Construction Safety Ambassador Pilot Scheme to encourage construction workers to report unsafe working conditions to the Department for follow-up;
- refining the statutory notification mechanism of construction works to cover those with shorter durations or engaging less workers but involving relatively high risks to facilitate early inspection by the Department; and
- launching safety promotion initiatives and large-scale promotional programmes to further enhance the awareness
 and performance of stakeholders in the construction and catering industries on OSH, including production of
 animation videos.

Programme (4): Employees' Rights and Benefits

	2018–19 (Actual)	2019–20 (Original)	2019–20 (Revised)	2020–21 (Estimate)
Financial provision (\$m)	413.8	483.2	468.8 (-3.0%)	528.0 (+12.6%)
				(or +9.3% on 2019–20 Original)

Aim

22 The aim is to safeguard the rights and benefits of employees under labour laws.

Brief Description

23 The Department safeguards the rights and benefits of all employees and combats illegal employment through inspections to workplaces and other premises, processing employees' compensation claims, administering the Protection of Wages on Insolvency Fund (PWIF) and investigating complaints relating to the employment of imported workers.

24 The Department takes rigorous enforcement action against wage offences, including breaches of the Statutory Minimum Wage (SMW) provisions and wilful defaults of Labour Tribunal or MECAB awards, through initiating speedy investigation into reported offences, conducting trade-targeted campaigns to detect offences, strengthening intelligence gathering and evidence collection, and taking out prompt prosecution.

25 The Department has organised territory-wide publicity activities to enhance public awareness of the revised SMW rate effective from May 2019 and assist employers and employees in understanding their respective obligations and entitlements under the SMW regime.

26 Targeted operations are mounted with the Police and the Immigration Department to combat illegal employment for protecting the job opportunities of local workers. The Department also launches publicity programmes to enhance public awareness of the serious consequences of employing illegal workers.

27 The Department has engaged its 11 industry-based tripartite committees to formulate sector-specific working hours guidelines with suggested working hours arrangements, overtime compensation arrangements and good working hours management measures for reference and adoption by employers and employees.

28 The Department has continued to provide support and assistance to foreign domestic helpers (FDHs) and employers, and enhance their understanding of their respective employment rights and obligations. Ongoing efforts include collaborating with respective Consulates-General and attending their briefings for new FDHs, producing pamphlets in FDHs' native languages and publications for employers, providing one-stop services to FDHs through the dedicated FDH hotline, staging information kiosks, screening publicity videos and APIs, distributing information packs and souvenirs to FDHs, and placing advertisements in local Filipino and Indonesian newspapers. The Department has also organised briefings for new FDHs and first-time employers to raise the awareness of their respective employment rights and obligations.

29 To promote equal employment opportunities, the Department keeps up its publicity efforts in enhancing public awareness of the importance of eliminating age discrimination in employment.

30 The key performance measures in respect of employees' rights and benefits are:

Targets

	Target	2018 (Actual)	2019 (Actual)	2020 (Plan)
inspections to workplaces inspections per field labour inspector starting investigation of complaints by labour inspector	140 000 780	151 132# 777	152 927# 777	150 000 780
	within 1 week upon receipt	within 1 week upon receipt	within 1 week upon receipt	within 1 week upon receipt

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	Target	2018 (Actual)	2019 (Actual)	2020 (Plan)
waiting time for sick leave clearance for injured employees	within	within	within	within
	30 mins. of	30 mins. of	30 mins. of	30 mins. of
	appointment	appointment	appointment	appointment
	time	time	time	time
issuing certificates of compensation	within	within	within	within
assessment	3 weeks	3 weeks	3 weeks	3 weeks
effecting payment in respect of applications to the PWIF	within	within	within	within
	10 weeks	10 weeks	10 weeks	10 weeks

Out of the total 151 132 workplace inspections in 2018, 15 633 (10.3%) workplaces were locked, 20 686 (13.7%) were removed and 97 (0.1%) were not in operation. Out of the total 152 927 workplace inspections in 2019, 17 144 (11.2%) workplaces were locked, 25 308 (16.5%) were removed and 94 (0.1%) were not in operation.

Indicators

	2018 (Actual)	2019 (Actual)	2020 (Estimate)
warnings issued	738	731	730
prosecutions taken	2 288	2 754	2 750
sick leave clearance interviews for injured employees			
conducted	43 428	41 159	41 200
employees' compensation claims processed	51 577	48 421	48 400
applications for payment under the PWIF processed cases related to imported workers under the SLS	1 901	2 865	3 800
cases related to imported workers under the SLS			
investigated	74	49	50

Matters Requiring Special Attention in 2020–21

31 Major new plans for 2020–21 include:

- supporting the Minimum Wage Commission in conducting a new round of review of the SMW rate;
- setting up a dedicated FDH division to ensure effective co-ordination and implementation of measures to enhance protection of FDHs and to provide better support to FDHs and their employers; and
- preparing for a new system for reimbursing the proposed additional four weeks' maternity leave pay under the EO to employers.

ANALYSIS OF FINANCIAL PROVISION

Pro	gramme	2018–19 (Actual) (\$m)	2019–20 (Original) (\$m)	2019–20 (Revised) (\$m)	2020–21 (Estimate) (\$m)
(1)	Labour Relations	184.8	213.8	215.3	249.2
(2)	Employment Services	799.3	721.7	583.3	752.6
(3)	Safety and Health at Work	580.2	644.0	639.0	662.6
(4)	Employees' Rights and Benefits	413.8	483.2	468.8	528.0
		1,978.1	2,062.7	1,906.4 (-7.6%)	2,192.4 (+15.0%)

(or +6.3% on 2019–20 Original)

Analysis of Financial and Staffing Provision

Programme (1)

Provision for 2020–21 is \$33.9 million (15.7%) higher than the revised estimate for 2019–20. This is mainly due to increased operating expenses, an increase of 17 posts, filling of vacancies and salary increments for staff.

Programme (2)

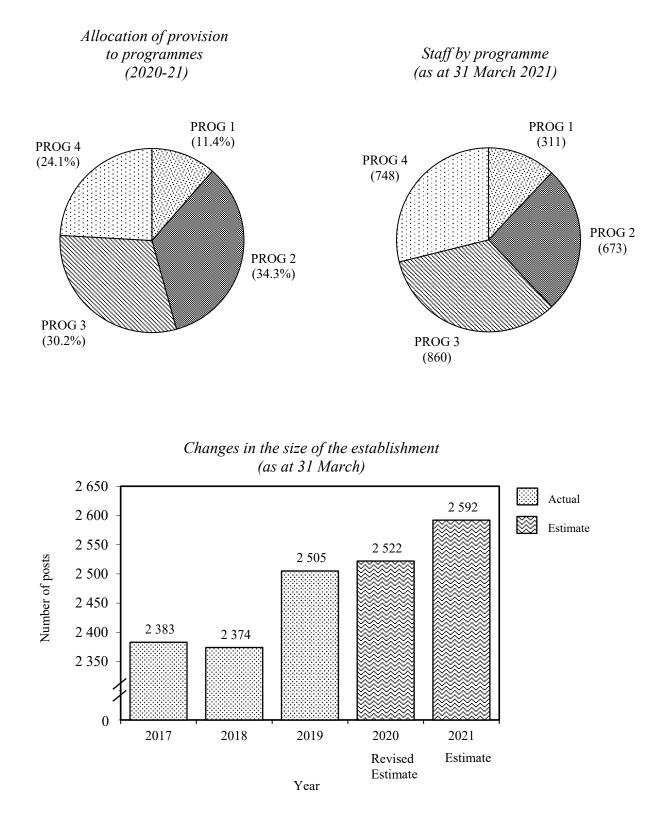
Provision for 2020–21 is \$169.3 million (29.0%) higher than the revised estimate for 2019–20. This is mainly due to increased expenditure on employment programmes, a net increase of two posts, filling of vacancies and salary increments for staff.

Programme (3)

Provision for 2020–21 is \$23.6 million (3.7%) higher than the revised estimate for 2019–20. This is mainly due to increased operating expenses, an increase of 18 posts, filling of vacancies and salary increments for staff.

Programme (4)

Provision for 2020–21 is \$59.2 million (12.6%) higher than the revised estimate for 2019–20. This is mainly due to increased operating expenses, an increase of 33 posts, filling of vacancies and salary increments for staff.



Sub- head (Code)		Actual expenditure 2018–19	Approved estimate 2019–20	Revised estimate 2019–20	Estimate 2020–21
		\$'000	\$'000	\$'000	\$'000
	Operating Account				
	Recurrent				
000	Operational expenses	1,715,492	1,978,916	1,855,177	2,181,851
280 295	Contribution to the Occupational Safety and Health Council Contribution to the Occupational Deafness	5,922	6,367	7,294	7,804
275	Compensation Board	2,073	2,228	2,553	2,731
	Total, Recurrent	1,723,487	1,987,511	1,865,024	2,192,386
	Non-Recurrent				
	General non-recurrent	254,631	75,200	41,414	_
	Total, Non-Recurrent	254,631	75,200	41,414	
	Total, Operating Account	1,978,118	2,062,711	1,906,438	2,192,386
	Total Expenditure	1,978,118	2,062,711	1,906,438	2,192,386

Details of Expenditure by Subhead

The estimate of the amount required in 2020–21 for the salaries and expenses of the Labour Department is \$2,192,386,000. This represents an increase of \$285,948,000 over the revised estimate for 2019–20 and \$214,268,000 over the actual expenditure in 2018–19.

Operating Account

Recurrent

2 Provision of \$2,181,851,000 under *Subhead 000 Operational expenses* is for the salaries, allowances and other operating expenses of the Labour Department. The increase of \$326,674,000 (17.6%) over the revised estimate for 2019–20 is mainly due to increased operating expenses.

3 The establishment as at 31 March 2020 will be 2 522 posts including one supernumerary post. It is expected that there will be a net increase of 70 posts in 2020–21. Subject to certain conditions, the controlling officer may under delegated power create or delete non-directorate posts during 2020–21, but the notional annual mid-point salary value of all such posts must not exceed \$1,519,904,000.

4 An analysis of the financial provision under *Subhead 000 Operational expenses* is as follows:

•	-	-		
	2018–19 (Actual) (\$'000)	2019–20 (Original) (\$'000)	2019–20 (Revised) (\$'000)	2020–21 (Estimate) (\$'000)
Personal Emoluments				
- Salaries - Allowances - Job-related allowances Personnel Related Expenses	1,302,041 27,819 —	1,398,321 12,394 3	1,360,743 40,013 3	1,479,134 39,966 3
 Mandatory Provident Fund contribution Civil Service Provident Fund 	4,758	8,578	6,426	8,939
contribution Departmental Expenses	57,934	69,862	65,733	76,462
- General departmental expenses Other Charges	274,010	433,421	324,851	524,659
- Campaigns, exhibitions and publicity	48,930	56,337	57,408	52,688
	1,715,492	1,978,916	1,855,177	2,181,851

5 Provision of \$7,804,000 under *Subhead 280 Contribution to the Occupational Safety and Health Council* is to meet the annual contribution to the Occupational Safety and Health Council (OSHC). The amount of contribution is currently based on a proportion of the amount of levy received by the OSHC, with the proportion equivalent to the ratio of the size of the civil service to the working population in Hong Kong.

6 Provision of \$2,731,000 under *Subhead 295 Contribution to the Occupational Deafness Compensation Board* is to meet the annual contribution to the Occupational Deafness Compensation Board under a similar arrangement as for the OSHC.