

## Chapter 6

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# Employment

*Hong Kong's workforce is intelligent, adaptable and hardworking — qualities the Government treasures and nurtures by promoting employment, safeguarding workers' rights and benefits, ensuring workplaces are safe and healthy, and by fostering a harmonious relationship between employers and employees.*

Hong Kong's hard working, adaptable workforce is one of its most treasured assets. The Government spares no effort in ensuring that Hong Kong workers stay motivated and skilful to contribute to the city's economic competitiveness. There are, however, challenges to be met. Notwithstanding the steady recovery of the economy and improvement in the unemployment situation, the buoyancy of the labour market hinges on the overall business performance and, in particular, the capacity and pace of job creation in the corporate sector. The Government adopts a multi-pronged strategy to meet these challenges. This includes upgrading workers' skills to make them more employable and competitive, improving the business environment, introducing measures to create jobs and enhancing labour market efficiency.

During the year, the Employees Retraining Board offered over 120 000 training places to help in-service workers to upgrade their skills, and those seeking job change and the unemployed to re-enter the labour market. The Government also continued to offer special help to the less competitive workers.

The Labour Department has introduced a series of market-oriented employment initiatives for job seekers. These include the Employment Programme for the Middle-aged, the Work Trial Scheme, the Youth Pre-employment Training Programme and the Youth Work Experience and Training Scheme, the Youth Employment Start, and the Work Orientation and Placement Scheme for job-seekers with disabilities. In addition, job fairs are held and job-matching services are provided to help job seekers to enter or re-enter the job market.

The Government promotes harmonious employer-employee relations, protects the rights and improves the benefits of employees in line with Hong Kong's

socio-economic development, as well as guards the safety, and protects the health of employees at work.

### **Labour Market Situation**

Hong Kong's labour force comprised 3.68 million people in 2009 — 53.4 per cent men and 46.6 per cent women, representing a rise of 0.8 per cent over 2008.

The majority, or 88 per cent, of people employed were in the service sectors: 32.8 per cent in the import/export trades, wholesale and retail trades, and accommodation and food services; 25.1 per cent in public administration and social and personal services; 18.2 per cent in financing and insurance, real estate, and professional and business services; and 11.8 per cent in transportation, storage, postal and courier services, and information and communications. Only 3.8 per cent worked in the manufacturing sector, of which about one-fifth were in the manufacture of food products and beverages.

### *Employment Situation*

The labour market was weak in the first half of 2009, due to the global economic downturn in the last quarter of 2008, but strengthened slightly in the second half. The overall unemployment rate rose from 3.6 per cent in 2008 to 5.4 per cent in 2009, while the underemployment rate climbed from 1.9 per cent in 2008 to 2.3 per cent in 2009. Total employment fell by about 39 000, from 3 518 800 in 2008 to 3 479 800 in 2009.

### *Employment Earnings*

In 2009, 14.4 per cent of people with jobs were earning less than \$5,000 a month, while the percentage of people earning \$30,000 and over was 12.6. The median monthly employment earnings was \$10,500 in both 2008 and 2009. In 2009, the median monthly employment earnings for higher-skilled workers such as managers and administrators, professionals and associate professionals was \$20,000, while those with lower skills was \$8,000.

### *Wages*

Wage rates are calculated on a time basis, either daily or monthly, or on an incentive basis according to the volume of work performed. The average wage rate for employees up to the supervisory level, including daily-rated and monthly-rated employees, increased by 0.8 per cent in money terms between December 2008 and December 2009. After discounting changes in consumer prices, the average wage rate dropped by 0.8 per cent in real terms. In December 2009, the average monthly wage rate for supervisory, technical, clerical and miscellaneous non-production workers in the import/export, wholesale and retail trades, was \$14,007. Based on the wage indices, the average wage rate for this group increased by 0.7 per cent in money terms, but dropped by 0.9 per cent in real terms, compared with December 2008.

Over the same period, the average wage rate in the manufacturing sector decreased by 2.9 per cent in money terms, and decreased by 4.4 per cent in real terms. The average daily wage in this sector was \$295 for craftsmen and operatives.

## **Labour Administration and Services**

The Labour Department is headed by the Commissioner for Labour. It formulates and implements labour policies; enforces labour legislation, provides free employment services to employers and job seekers; promotes harmonious labour relations and responsible trade unionism; safeguards employees' rights and benefits; and promotes the occupational safety, health and welfare of the workforce.

### *Labour Legislation*

The Labour Department administers Hong Kong's labour laws. Labour legislation, supplemented by administrative measures, provides the basis for the enforcement of the rights and obligations of employers and employees, and in so doing, also enables Hong Kong to meet internationally accepted labour standards.

Three bills were introduced into the Legislative Council during the year to further employee rights and improve their benefits. The bills are: the Occupational Deafness (Compensation) (Amendment) Bill 2009, the Minimum Wage Bill and the Employment (Amendment) Bill 2009.

There were 6 145 prosecutions for breaches of various ordinances and regulations administered by the Labour Department in 2009. These resulted in fines totalling \$18.9 million.

### *International Labour Affairs*

Hong Kong applies 41 international labour conventions of the International Labour Organisation (ILO). These conventions lay down standards that have a significant influence on the formulation of Hong Kong's labour laws.

Hong Kong continued to participate actively in ILO activities during the year, keeping itself abreast of international labour issues. In June, a team of Hong Kong government, employer and employee representatives took part in the 98th Session of the International Labour Conference as part of the China delegation. Representatives from Hong Kong also participated in other ILO seminars and workshops.

### *Labour Advisory Board*

The Labour Advisory Board is a high-level and representative tripartite consultative body. It advises the Commissioner for Labour on labour matters and ILO conventions and recommendations. The board comprises 12 members, six representing employers and six representing employees. The Commissioner for Labour is the ex officio chairman.

The board has five standing committees to deal with employees' compensation, employment services, occupational safety and health, labour relations and implementation of international labour standards respectively. There is, in addition, a

working group under the board to deal with applications for labour importation under the Supplementary Labour Scheme.

### **Employment Services**

The Labour Department provides a wide range of free employment and recruitment services to job seekers and employers through a network of 12 Job Centres, a Recruitment Centre for the Catering Industry, a Telephone Employment Service Centre, a Central Recruitment Unit and a Job Vacancy Processing Centre. Round-the-clock employment services are provided through the Interactive Employment Services (IES) website ([www.jobs.gov.hk](http://www.jobs.gov.hk)), which recorded over 1.2 billion page views in 2009, or an average page view of 3.32 million per day.

The department also organises large-scale and district-based job fairs to help job seekers find jobs and employers to recruit staff. For major closure or redundancy cases, the department runs a hotline for enquiries and special counters at Job Centres to provide priority referral and job matching services to retrenched employees.

In 2009, 181 468 job seekers registered with the Labour Department. There were 589 564 private sector vacancies displayed by the Labour Department in the year, or 12.2 per cent less when compared with 2008. A job placement figure of 120 870 was achieved in 2009, 17.4 per cent lower than in 2008.

#### *Employment Programme for the Middle-aged*

Under the programme, employers who engage eligible middle-aged people and provide them with on-the-job training are given a training allowance of \$2,000 per month per trainee for up to three months by the Government. The subsidy period may be extended to a maximum of six months for deserving cases. At year-end, 46 518 middle-aged job seekers were employed under the programme.

#### *Work Trial Scheme*

As at the end of 2009, a total of 2 905 job seekers with exceptional difficulties finding jobs took part in the Work Trial Scheme run by the Labour Department.

On completion of the one-month trial, each participant receives \$5,000 from the Labour Department plus \$500 from the organisation for which he or she worked.

#### *Transport Support Scheme*

The Transport Support Scheme provides time-limited transport subsidy to needy job seekers and low-income employees living in the four designated remote districts of Tuen Mun, Yuen Long, North and Islands to encourage them to venture beyond their districts to work or seek jobs.

Its eligibility criteria were relaxed in July 2008, and the subsidy period was extended from six to 12 months.

Two types of allowances are payable under the scheme: a Job Search Allowance of up to \$600 payable on a reimbursement basis to cover transport expenses

incurred during job searches, and an On-the-job Transport Allowance of \$600 per month for up to 12 months.

At year's end, the scheme received 38 165 applications for which \$290 million was earmarked for successful applicants and \$170 million was paid out.

### *Helping the Disabled Find Jobs*

The Labour Department's Selective Placement Division helps people with disabilities to integrate into the community through open employment. It provides free employment counselling and placement services to people with hearing or visual impairment, the physically handicapped, chronically ill, mentally handicapped, ex-mentally ill and people with specific learning difficulties and attention deficit or hyperactivity disorders. The division launched a series of employment programmes and promotional events in 2009 to help these people secure jobs. It registered 3 185 such job seekers and found work for 2 436 of them during the year.

The Labour Department has been running a Work Orientation and Placement Scheme since 2005 to improve the employment prospects of people with disabilities by giving them pre-employment training. Employers participating in the scheme receive a monthly allowance from the Labour Department. The financial incentive to employers was raised from 50 per cent to two-thirds of what they pay the disabled employee each month (subject to a maximum of \$4,000) from June 29, 2009. At the same time, the subsidy period was extended from three months to a maximum of six months. By the end of the year, 1 628 people had undergone pre-employment training and 1 623 had found work.

### *Employment Agencies*

The Labour Department's Employment Agencies Administration enforces Part XII of the Employment Ordinance and the Employment Agency Regulations which empower the department to inspect employment agencies to ensure they comply with the law, investigate complaints against the agencies and carry out other monitoring roles. It issued 1 998 employment agency licences, refused one application and revoked two licences during the year.

## **Preparing People for Work**

### *Youth Pre-employment Training Programme and Youth Work Experience and Training Scheme*

The Youth Pre-employment Training Programme (YPTP) and the Youth Work Experience and Training Scheme (YWETS) provide a full range of pre-employment and on-the-job training lasting between six and 12 months for young people aged between 15 and 24 with educational attainment at sub-degree level or below, to enhance their employability. By the time they ended in August, over 90 000 young people had been trained under the YPTP, while the YWETS helped 62 200 secure jobs.

To strengthen further this effort, the Labour Department merged the YPTP and the YWETS in September to create a 'through-train' programme which provides

year-round enrolment, and an extended personalised career counselling service lasting up to 24 months for trainees who have found jobs, but still needed counselling. The Labour Department will continue to formulate tailor-made and value-adding training-cum-employment programmes for young people in collaboration with employers and training bodies.

By the end of the year, about 10 700 applications to the revamped programme had been received.

#### *Internship Programme for University Graduates*

The Labour Department launched an Internship Programme for University Graduates in August for 2008 and 2009 university graduates to work as interns in Hong Kong or Mainland enterprises for six to 12 months to foster their career development.

By year-end, over 1 300 graduates had secured employment in Hong Kong under the programme and some 200 were serving internships in the Mainland.

#### *Youth Employment Support*

The Labour Department has two youth employment resource centres called 'Youth Employment Start' to offer career advice and support services to young people aged between 15 and 29. The centres provide career assessments and guidance, value-added training, support services for the self-employed, and labour market information to help young people plan their careers, enhance their job prospects, and carry out their own businesses.

By the end of 2009, the two centres had provided services to 71 680 young people.

#### *Employees Retraining Board*

The Employees Retraining Board (ERB) is a statutory body set up under the Employees Retraining Ordinance. Its members include employer and employee representatives, people in the vocational training, retraining and manpower planning fields, as well as government officials. It is a co-ordinating, quality assuring and funding body in relation to the provision of training and retraining services.

Following changes in July 2008, ERB now provides services under a 'Manpower Development Scheme'. During the year, it provided training via a network of more than 70 appointed training bodies at over 350 training centres across Hong Kong. Its courses are market-driven and employment-oriented. People aged 15 and above with a sub-degree level of education or below may enrol in its full-time placement-tied training and part-time training programmes.

About 450 courses are provided at Qualifications Framework Levels One to Four for 27 industries, which help trainees to gain skills and recognised professional qualifications.

In 2008-09, the ERB ran a market-driven and employment-oriented programme entitled the Youth Training Programme (YTP) that helps non-engaged youths aged

between 15 and 20 to regain an interest in learning to better recognise a career calling.

The ERB also runs a Training Resource Centre in Kowloon East and a pilot one-stop Training-cum-Employment Resource Centre in Kowloon West to provide different training and employment support services to the general public.

To increase the employment opportunities of its graduates, the ERB developed a 'Smart Living Scheme' in March to provide a platform for the free referral of its graduates in domestic help, post-natal care, infant and child care, elderly care, escort for out-patients, care for discharged and hospital patients, as well as healthcare massage.

The ERB places strong emphasis on teaching generic cross-industry skills to enhance their employability. These include basic workplace speak in English, Putonghua and Cantonese, in arithmetic and IT applications.

The ERB continued to strengthen its quality assurance mechanism to ensure its courses met the requirements of the Hong Kong Council for Accreditation of Academic and Vocational Qualifications for the purpose of recognition under the Qualifications Framework.

The Government stopped providing recurrent subvention to the ERB in 2008. Since then, its main income has come from the Employees Retraining Levy, collected from employers of imported workers who include foreign domestic helpers. The levy goes to the Employees Retraining Fund (ERF), which is administered by the ERB. The ERB would rely on the balance of the ERF to support its operation during the five-year suspension of the levy which started on August 1, 2008.

### *Skills Upgrading Scheme*

A \$400-million Skills Upgrading Scheme (SUS) provides training for in-service workers to help them adapt to changing economic needs. The scheme was providing training in 26 industries at the end of 2009. More than 12 000 classes were held and more than 260 000 training places were provided under the scheme since its inception in 2001. The ERB has begun taking over the administration of the SUS in phases and by industry categories by launching an improved scheme, Skills Upgrading Scheme Plus (SUS Plus), in 2009. SUS Plus provides in-service training as well as training for workers planning to change career.

A total of 13 000 training places were provided in 2009-10 under SUS Plus.

### *Continuing Education Fund*

A \$5 billion Continuing Education Fund (CEF) was launched in June 2002 to subsidise adults wishing to pursue continuing education courses in specific sectors, or those designed in accordance with the specifications of competency standards and registered under the Qualifications Register.

On successful completion of their courses under the CEF, eligible applicants are reimbursed 80 per cent of the fees they paid, which must not exceed \$10,000 per person. In July 2009, \$1.2 billion was injected into the fund as a special one-off

arrangement during the economic downturn. By the end of the year, over 504 000 applications had been approved under the CEF.

### **Labour Relations**

In 2009, the Labour Department's Labour Relations Division handled 143 trade disputes and 24 305 employment claims, or 19 and 18 per cent up on 2008. A total of 71.5 per cent were settled through conciliation. There were seven work stoppages during the year, resulting in a loss of 1 080 working days, or an average loss of 0.36 working days per 1 000 salaried employees and wage earners. The average loss of working days per 1 000 employees and wage earners in Hong Kong is among the lowest in the world.

The Labour Department organises a wide variety of activities such as talks, seminars and exhibitions to enhance public understanding of the Employment Ordinance. It also produces free publications for the public. Information is disseminated through the department's website and the media.

The department promotes tripartite dialogue at the industry level by setting up committees comprising employers, employees and labour officials. The department has set up nine tripartite committees to deal with employment matters concerning the catering, construction, theatre, logistics, property management, printing, hotel and tourism, cement and concrete, and retail industries.

At the enterprise level, the department promotes good labour management practices and effective communication between employers and employees. Eighteen human resources managers' clubs have been established. During the year, experience-sharing sessions and briefings were organised for members.

To assist employees in maintaining a balance between work and family responsibilities, the department promotes family-friendly employment practices (FFEP) through seminars, exhibitions and other activities. A booklet on good people management and FFEP was published during the year to encourage wider adoption of such practices at the workplace. The department also held a seminar on the subject which was attended by representatives of employer and employee organisations, business executives and human resources management practitioners.

### *Trade Unions*

The Registry of Trade Unions administers the Trade Unions Ordinance and promotes good and responsible trade union management. Once registered, a trade union becomes a body corporate and enjoys immunity from certain civil suits.

In 2009, 22 new unions were registered, bringing the number of registered trade unions to 812 (comprising 768 employee unions, 18 employers' associations and 26 organisations comprising employees and employers). There are also four registered trade union federations. Declared membership of employee unions over the past five years has remained at around 680 000. The trade union participation rate was around 21 per cent over the same period.



About half of the employee unions are affiliated to four major labour organisations registered under the Societies Ordinance. They are the Hong Kong Federation of Trade Unions (179 unions), the Hong Kong and Kowloon Trades Union Council (34 unions), the Hong Kong Confederation of Trade Unions (79 unions), and the Federation of Hong Kong and Kowloon Labour Unions (68 unions).

### *Protection of Wages on Insolvency Fund*

The Protection of Wages on Insolvency Fund provides ex gratia payment to employees who are owed wages and other termination benefits by insolvent employers. Its funds come mainly from an annual levy of \$450 imposed on business registration certificates. The fund covers arrears of wages not exceeding \$36,000 accrued during a period of four months preceding the applicant's last day of service; wages in lieu of notice of termination of employment of up to \$22,500 or one month's wages, whichever is less; and severance payment of up to \$50,000 plus 50 per cent of any entitlement in excess of \$50,000. The maximum amount of ex-gratia payment per eligible worker is \$278,000.

In 2009, the fund received 7 260 applications for ex gratia payment, 13 per cent up on last year's 6 448 applications. During the year, the fund paid out \$174 million to 6 717 applicants, and recorded a surplus of \$259 million.

## **Employee Rights and Benefits**

The Employment Ordinance provides for various employment-related benefits and entitlements to employees. Over and above the statutory requirements, employers and employees are free to negotiate the terms and conditions of employment.

Since December 2000, all employers have had to enrol their employees in Mandatory Provident Fund schemes, which are regulated by the Mandatory Provident Fund Schemes Authority. At the end of the 2009, 99.9 per cent of employers have joined the schemes.

### *Labour Conditions*

The employment of children under 15 is generally prohibited by law. Subject to stringent rules, children aged 13 and 14 may be employed in non-industrial establishments. Young people aged between 15 and 17 may work in industrial establishments, subject to regulations governing their employment conditions. Specific provisions under labour legislation protect workers' safety, health and welfare.

Labour inspectors conduct rigorous inspections of workplaces to make sure employers comply with the laws that safeguard the rights and benefits of workers, and that employers possess valid employees' compensation insurance policies. Labour inspectors also check employees' proof of identity during their visits and work with the Police and the Immigration Department to combat illegal employment. During the year, 217 interdepartmental operations were carried out.

Companies providing services to the Government under service contracts which rely heavily on the deployment of non-skilled workers are required to sign a standard employment contract with the workers. The contract helps safeguard the rights and benefits of non-skilled workers.

### *Enforcement Against Wage Offences*

The Labour Department takes strong enforcement action against employers who fail to pay wages due to their employees and take steps to prevent wage defaults. The department secured convictions for 1 314 summonses relating to wage offences during the year, 37 per cent up on 2008. Four company responsible persons and one employer were jailed or given suspended sentences for wage defaults.

### *Employees' Compensation*

Hong Kong's employees' compensation system adopts the 'no-fault' principle whereby compensation is payable irrespective of whether the injury, occupational disease or death is the employee's fault. The Employees' Compensation Ordinance covers injuries or death caused by accidents arising from, and in the course of, employment or by specified occupational diseases. An employer must be in possession of a valid insurance policy to cover his liabilities both under the ordinance and common law.

A Voluntary Rehabilitation Programme initially drawn up in 2003 to help construction workers injured at work to recover faster through better care, has been extended to all industries in phases.

The Labour Department assists injured employees and the families of deceased employees to obtain compensation from their employers under the Employees' Compensation Ordinance. It also administers a scheme that provides interest-free loans to workers injured in job-related accidents.

The Employees Compensation Assistance Scheme helps the injured employees, or family members of deceased employees to obtain compensation from defaulting employers. The scheme is financed by a levy imposed on all employees' compensation insurance policies taken out by employers.

During the year, the Labour Department held seminars, distributed leaflets, published articles in newspapers, and made announcements on TV and public transport to help employers and employees better understand their rights and obligations under the scheme.

Pneumoconiosis and, or mesothelioma sufferers are eligible for compensation under the Pneumoconiosis and Mesothelioma (Compensation) Ordinance administered by the Pneumoconiosis Compensation Fund Board. Those diagnosed before the ordinance went into effect in 1981 can apply for ex gratia benefits from the Government under the Pneumoconiosis Ex Gratia Scheme.

At year's end, 2 012 pneumoconiosis and, or mesothelioma sufferers were receiving payments under either the ordinance or the ex gratia scheme. Family

members of 101 pneumoconiosis and, or mesothelioma sufferers who had died as a result of the disease were also granted compensation during the year.

The Occupational Deafness Compensation Board administers the Occupational Deafness Compensation Scheme which compensates employees who have worked in specified noisy occupations and are suffering from noise-induced deafness. In 2009, the board approved 77 such applications and paid out \$7.8 million in compensation. It approved 294 applications for hearing aids, costing \$750,000. The board also runs rehabilitation programmes for people with impaired hearing caused by their jobs. In 2009, the board provided 568 such programmes.

### *Legislating for a Statutory Minimum Wage*

The Government introduced a Minimum Wage Bill into the Legislative Council in July 2009. The goal is to establish an optimal statutory minimum wage regime that provides a wage floor to forestall excessively low wages without unduly jeopardising labour market flexibility, economic freedom and competitiveness, and without undermining the employment opportunities of vulnerable workers. The bill was still being scrutinised by the Legislative Council at year's end.

A Provisional Minimum Wage Commission was established in 2009 to advise the Government – based on evidence – on an initial Statutory Minimum Wage level by carrying out data research and analysis of the subject and consulting widely stakeholders. The commission will become a statutory body following passage of the bill.

### *Minor Employment Claims Adjudication Board*

The Minor Employment Claims Adjudication Board determines claims under the Employment Ordinance and in accordance with individual employment contracts. The board hears and judges employment claims involving not more than 10 claimants for sums not exceeding \$8,000 per claimant. During the year, the board dealt with 2 355 claims and approved awards amounting to \$5.3 million.

### *Labour Tribunal*

The Labour Tribunal is part of the Judiciary. It provides a quick, inexpensive and informal method of adjudicating disputes between employees and employers, which are not within the exclusive jurisdiction of the Minor Employment Claims Adjudication Board.

In 2009, 7 758 cases were filed with the tribunal, of which 7 710 were initiated by employees and 48 by employers. Of these, 68.1 per cent were referred by the Labour Department's Labour Relations Division after unsuccessful conciliation attempts. During the year, the tribunal dealt with 5 859 cases and granted awards totalling more than \$347 million, or 992 cases and \$93 million more than in 2008.

## **Imported Workers**

### *Employment of Professionals*

Non-local people with special talents and professionals who possess special skills, knowledge or experience of value to Hong Kong may apply to take up

employment in Hong Kong, as long as they have secured a job that cannot be readily taken up by the local workforce and receive a remuneration package broadly commensurate with those in the market. Business people and entrepreneurs who can make substantial contribution to the economy are also welcome to bring capital and expertise to Hong Kong. During the year, 27 502 people with special talents and professionals from more than 100 countries or territories were admitted for employment.

### *Employment of Non-local Students*

Since May 19, 2008, non-local fresh graduates of full-time locally-accredited degree, or higher level, studies may apply to stay for one year in Hong Kong to take up employment. Those who have previously obtained a degree or higher qualification in a full-time locally-accredited programme in Hong Kong may also apply to return to Hong Kong for employment if the job they have secured is of the category normally taken up by degree-holders and pays market rates.

### *Supplementary Labour Scheme*

Under the Supplementary Labour Scheme, employers may apply to import workers to fill vacancies at technician level or below. The Government's policy on importation of labour is based on two cardinal principles:

- local workers must be given priority in filling job vacancies available in the market; and
- employers who are genuinely unable to recruit local workers to fill their vacancies should be allowed to import workers.

All applications made under the scheme are considered on a case-by-case basis. To ensure priority of employment for local workers, each application to import workers has to comply with three procedural requirements before it is submitted to the Labour Advisory Board for consideration and to the Government for a decision.

The requirements are: advertising in newspapers, job-matching by the Labour Department for four weeks, and organising retraining courses with the assistance of the Employees Retraining Board for local workers, if appropriate.

At the end of 2009, there were 1 595 imported workers working in Hong Kong.

### *Foreign Domestic Helpers*

Foreign domestic helpers may be admitted if they have relevant working experience and if their employers are Hong Kong residents who are prepared to offer terms of employment as stipulated in the standard employment contract prescribed by the Government, including free and suitable accommodation, free meals or meal allowance in lieu, wages not lower than the minimum allowable wage set by the Government, free passage from and to the helper's place of origin and free medical treatment. Employers must also meet the requirements on income and assets.

The demand for foreign domestic helpers has increased steadily over the past three decades. At the end of 2009, there were 267 778 such helpers in Hong Kong, an increase of 4.4 per cent over the 256 597 in 2008. About 48.7 per cent were from Indonesia and 48.5 per cent from the Philippines.

## **Occupational Safety and Health**

The Labour Department continually improves safety and health in the workplace through legislation and enforcement, publicity and promotion, as well as education and training. Safety and health at work in Hong Kong has improved significantly in the past decade as a result of the concerted effort of all parties concerned, including employers, employees, contractors, safety practitioners and the Government.

In 2009, the number of occupational injuries was 39 579, a drop of 31.9 per cent from the 58 092 cases in 2000. Over the same period, the number of industrial accidents also fell from 33 652 to 13 600, down by 59.6 per cent. In the construction industry, accidents recorded a substantial decrease of 76.9 per cent from 11 925 in 2000 to 2 755 in 2009. In 2009, 268 cases of occupational diseases were confirmed, representing a cumulative fall of 46.8 per cent from the 504 cases in 2000. The most common occupational diseases were silicosis, occupational deafness and tenosynovitis (inflammation of a tendon sheath) of the hand or forearm.

### *Enforcement*

The Labour Department inspects workplaces regularly to ensure compliance with occupational safety and health laws, particularly in the case of high-risk industries and organisations with poor safety records. Apart from routine inspections, the department conducts special enforcement campaigns targeting accident-prone industries and work situations.

Such campaigns were carried out during the year, focusing on building repair and maintenance, construction, catering, cargo and container handling, canopy cleaning and related activities, safe use of electricity, working in hot weather, site vehicles and mobile plants, tower cranes, laundries, as well as fire and chemical safety.

Following an accident in September in which six workmen fell to their death from a platform in a lift shaft, the department immediately launched an operation to inspect building worksites throughout the territory to ensure that people working at heights were protected properly. The department also joined a task force set up under the Construction Industry Council to explore ways of further improving work safety in lift shafts at construction sites.

The department stepped up its enforcement measures during the hot months between April and September to ensure that people working at workplaces with a higher risk of heat stroke such as construction sites, outdoor cleansing workplaces, restaurant kitchens, laundries and food factories are protected adequately from heat stroke. The department also stepped up publicity on heat stroke prevention. This

included publication of a checklist for assessing the risk of heat stroke at such workplaces.

Following the outbreak of Human Swine Influenza A/H1N1, or swine flu, the department stepped up inspection of workplaces with a higher risk of infection such as hospitals, clinics, and elderly homes to ensure that appropriate infection control measures are in place to safeguard the health of employees there.

During the year, 1 230 Improvement Notices were sent to companies and organisations ordering them to enhance safety conditions at workplaces promptly, while 147 Suspension Notices were sent to those where work activities or the use of plant or substances posed imminent risks of death or serious bodily injury to employees.

A total of 1 912 cases were heard in court which handed out fines totalling \$11 million to the defendants in almost 85 per cent of the cases.

#### *Promotion and Education*

In 2009, the Labour Department continued carrying out large-scale campaigns to promote safety at construction sites. These campaigns were first launched in 2008 following a rise in accidents involving people working at heights, on scaffoldings as well as people engaged in repair and maintenance works. The campaign message was disseminated through seminars, talks, exhibitions, publications and the media. The department also continued promoting the Occupational Safety Charter and Workplace Hygiene Charter which calls on employers and employees to create and maintain a safe and healthy working environment. It also launched safety award schemes for the construction and catering industries.

The Labour Department conducts courses and talks to help workers better understand the occupational safety and health laws, and gives health talks at workplaces. During the year, over 800 courses and talks on relevant legislation were held for some 13 700 employees. The department also held over 1 390 health talks which were attended by some 47 500 people. The department, in partnership with stakeholders, launched publicity programmes to promote a tailor-made educational kit on strategies for preventing occupational diseases.

#### *Occupational Health Clinics*

The Labour Department provides occupational health services to workers at its occupational health clinics in Kwun Tong and Fanling. Together they held 13 228 clinical consultations with workers during the year.

#### **Occupational Safety and Health Council**

The Occupational Safety and Health Council, established in 1988, fosters safe and healthy conditions at workplaces through the provision of training, promotion, consultancy, research and information services.

The council runs courses for management and frontline staff to give them a deeper understanding of safety at work. In 2009, a total of 40 170 people attended

1 562 such courses. The council also designed in-house courses for organisations and companies and introduced a 'Combined Card for Mandatory Safety Courses' that enables trainees to access with one card information on all the courses they had completed. It joined forces with the Agency for Volunteer Service to train volunteer workers for the Hong Kong East Asian Games.

To facilitate the development of occupational rehabilitation services in Hong Kong, the council worked with the National Institute of Disability Management and Research of Canada to train Hong Kong people to carry out occupational rehabilitation services and to attain internationally recognised qualifications to do the job.

During the year, the council organised a series of campaigns in collaboration with the Labour Department, district councils, stakeholders like owners' corporations and mutual aid committees to remind owners and small contractors about the importance of work safety in carrying out repairs and renovation work. The promotions culminated in the creation of a safety charter which bears the signatures of the industry's stakeholders.

Partnering with trade unions and related organisations, the council launched a campaign in May on 'Workplace Protection against Influenza' to help healthcare workers and cleaners who are more at risk of contracting diseases such as influenza to better protect themselves.

To mark the International Labour Organisation's World Safety Day on April 28, the council launched an Occupational Safety and Health Best Employees Award to honour employees who made valuable contributions to workplace safety.

The council organised safety training courses and produced publications in different languages for ethnic minority groups to give them more information about work safety. To promote safety culture at community level, the council launched in 1999 the Safe Community Programme promoted by the World Health Organisation. With Sai Kung accredited as an International Safe Community this year, seven out of the 18 districts in Hong Kong have been designated international safe communities.

The council continued running various sponsorship schemes to provide small and medium sized enterprises with technical advice and financial support to improve their safety practices.

#### *Websites*

Labour and Welfare Bureau: [www.lwb.gov.hk](http://www.lwb.gov.hk)

Education Bureau: [www.edb.gov.hk](http://www.edb.gov.hk)

Security Bureau: [www.sb.gov.hk](http://www.sb.gov.hk)

Labour Department: [www.labour.gov.hk](http://www.labour.gov.hk)

Occupational Safety and Health Council: [www.oshc.org.hk](http://www.oshc.org.hk)

Immigration Department: [www.immd.gov.hk](http://www.immd.gov.hk)

Employees Retraining Board: [www.erb.org](http://www.erb.org)