

WOMEN'S COMMISSION
Notes of the Meeting held on 14 February 2019

<u>Present:</u>	Ms CHAN Yuen-han	(Chairperson)
	Ms CHANG King-yiu	Permanent Secretary for Labour and Welfare (Vice-Chairperson)
	Professor Cecilia CHAN	
	Mrs Emily LAM HO	
	Ms Yolanda NG	
	Ms Scarlett PONG	
	Dr Loletta SO	
	Miss Sherry TSAI	
	Mr Walter TSUI	
	Ms Yvonne YEUNG	
	Ms Carol YIP	Director of Social Welfare
<u>Absent with Apologies:</u>	Ms Susanna CHIU	
	Ms Mary HUEN	
	Professor Shirley HUNG	
	Ms Angelina KWAN	
	Dr Kevin LAU	
	Ms Melaine LEE	
	Ms Elaine LO	
	Ms Melissa PANG	
	Ms Rigam RAI	
	Ms Michelle TANG	
	Ms WONG Siu-wah	
	Mrs Viola WONG HO	
	Ms Judy CHUNG	Principal Assistant Secretary (Constitutional & Mainland Affairs)5, Constitutional & Mainland Affairs Bureau
<u>In attendance</u>	Miss Leonia TAI	Deputy Secretary for Labour and Welfare (1)
	Miss Agnes CHEUNG	Principal Assistant Secretary (Welfare) 2

	Mr Huggin TANG	Assistant Secretary (Welfare) 2A (Secretary)
	Mr Edwin CHAU	Assistant Secretary (Welfare) 2C
	Mrs Annie CHAN	Chief Executive Officer (Welfare)2
For Agenda Item 1	Ms Melody LUK	Assistant Commissioner for Labour (Labour Relations), Labour Department
	Mr Raymond LIANG	Chief Labour Officer (Labour Relations), Labour Department
For Agenda Item 2	Mr David LEUNG	Commissioner for Rehabilitation
	Miss CHAN Lai-chu	Chief Social Work Officer (Rehabilitation and Medical Social Services)1, Social Welfare Department
	Dr Anna HUI	Associate Professor, Department of Social & Behavioural Sciences, City University of Hong Kong
	Mr LAM Hon-sang	Research Assistant, Department of Social & Behavioural Sciences, City University of Hong Kong

Welcoming Remarks

1.1 The Chairperson welcomed Mr Walter TSUI, a newly appointed Member from January 2019. The Chairperson and Members confirmed the draft notes of the 93rd meeting without any amendment.

Item 1: Extension of Statutory Paternity Leave and Proposed Enhancement of Statutory Maternity Leave (WoC 01/19)

1.2 With the aid of a powerpoint presentation, Ms Melody LUK, Assistant Commissioner for Labour (Labour Relations), Labour Department (AC(Labour Relations)), briefed Members on the extension of statutory paternity leave (PL) and the proposed enhancement of statutory maternity leave (ML).

1.3 AC(Labour Relations) informed the meeting that statutory PL was first introduced in February 2015 and eligible employees were entitled to three days' PL. With an amendment having come into effect in January 2019, male employees were now entitled to an increased PL of five days.

1.4 Under a proposed enhancement, the statutory ML would be extended from 10 weeks to 14 weeks. The statutory maternity leave pay (MLP) in relation to the additional four weeks of ML would be maintained at four-fifths of the employee's average daily wages subject to a cap of \$36,822 per employee. The Government would fund the cost for the additional statutory MLP. The cap of \$36,822 was equivalent to four-fifths of the wages of an employee with a monthly wage of \$50,000 in four weeks.

1.5 Several Members asked about details of the funding

mechanism. AC(Labour Relations) explained that under the proposal, the employer would be statutorily required to pay the additional MLP to the employee on the normal pay day. The employer might then seek reimbursement from the Government subject to proof of payment. A Member opined that the Government should reimburse the additional MLP to the employers, especially small and medium enterprises, in a timely manner as it might have impact on their cash flow. He further suggested Labour Department to provide an on-line platform to assist the employers in calculating the reimbursement amount and submitting documents.

1.6 Several Members enquired about the rationale of the proposed cap of \$36,822 per employee. AC(Labour Relations) explained that as the additional statutory MLP was to be borne by public money and there was no wage ceiling in private labour market, there had been views that a cap should be set to ensure that public money would be used prudently. According to statistics, the proposed cap would be able to fully cover around 95% employees for four-fifths of their average daily wages and the amount of the cap would be adjusted in accordance with various relevant factors. She supplemented that the amount of the statutory MLP was the minimum requirement to be paid by the employers under the law. There were many employers voluntarily paying MLP higher than the minimum requirement. A Member opined that the wages of many professions, even for

just entry levels, well exceeded the cap and the Government might consider raising the cap to garner their support for the proposal. She suggested that the cap should be set at the wage ceiling of comparable civil servant ranks. Another Member echoed and opined that the wording of the proposed legislation should be carefully drafted so as to avoid the perception that the cap was the maximum MLP.

1.7 In response to a Member's enquiry, AC(Labour Relations) clarified that the employer's contribution into the employee's mandatory provident fund during the additional ML would not be funded by the Government. She supplemented that the proposed extension of ML would cover all employment, irrespective of whether it is part-time or full-time, with a "continuous contract" as defined by the Employment Ordinance. According to the Ordinance, an employee is regarded as being employed under a continuous contract if he or she had worked continuously for the same employer for four weeks or more, with at least 18 hours each week.

1.8 The Chairperson generally welcomed the proposal. She acknowledged that the current proposal was the result of an intensive discussion with various stakeholders. Given the controversy of the issue, she urged the Government to pay attention to the details, such as the level of cap, in firming up the proposal. Permanent Secretary for Labour and Welfare (PSLW) explained that the proposal was a breakthrough as the

government would be fully responsible for the cost incurred by the additional four weeks of ML. Attaining optimal utilisation of public money was important. She emphasised that the details of the proposal was still in its preparatory stage and the Government would take into account the views of various stakeholders in the course of preparing the enabling legislation, and the bill would be subject to the scrutiny of the Legislative Council.

Item 2: Evaluation Study of the Pilot Scheme on On-site Pre-school Rehabilitation Services (WoC 02/19)

2.1 Mr David LEUNG, Commissioner for Rehabilitation (C for R), briefly introduced the background of the pilot scheme on on-site pre-school rehabilitation services (OPRS). The Government commissioned a consulting team led by the City University of Hong Kong to carry out an evaluative study on the pilot scheme with a view to formulating the modes and standards of services to be adopted upon service regularisation. With the aid of a powerpoint presentation, Dr Anna HUI, Associate Professor, Department of Social & Behavioural Sciences, City University of Hong Kong, briefed Members about the evaluation study of the pilot scheme on OPRS.

2.2 A member enquired if there were any differences in effectiveness for the training services provided in the mobile training centres, schools and centres. Dr HUI responded that

their findings showed that the different service modes complement each other as each of them had its own merits and constraints. For example, mobile training centres could serve as an extension of schools to overcome the lack of training space in schools and the inconvenience in bringing children to receive centre-based training. The key was that the intervention and training should be child-centred taking into account the developmental needs of individual child.

2.3 In response to a Member's enquiry about the coverage of OPRS, Miss CHAN Lai-chu, Chief Social Work Officer (Rehabilitation and Medical Social Services)¹, Social Welfare Department (SWD), supplemented that OPRS had been regularised since October 2018 with the number of services places increased from about 3,000 to about 5,000. About 710 kindergartens (or about 70% of some 1,030 kindergartens in the territory) had been covered. Of the 710 kindergartens that had joined OPRS, about 85% had joined the Free Quality Kindergarten Education Scheme under Education Bureau (EDB). The remaining kindergartens that had not joined OPRS were mainly privately-run kindergartens. The number of service places would be further increased to 7,000 in October 2019. She further explained that each of the OPRS-joining kindergarten would be matched with a services providing non-governmental organisation (NGO). The arrangement eliminated the need for the parents of children with special educational needs (SEN) in the kindergarten to look for a service provider.

2.4 In response to a Member's enquiry on the teachers' feedback on the pilot scheme, Dr HUI responded that the teachers were generally supportive to inclusive education and training and support for teachers should be strengthened. She quoted an example of an NGO which designated a teacher as SEN coordinator. The SEN coordinator could act as a bridge among the teachers and the inter-disciplinary service team.

2.5 The Chairperson emphasised the importance of continuous support to SEN, especially the transitional support for children from kindergartens to primary one. C for R briefed the meeting that in the 2018/19 school year, SWD and EDB had enhanced the mechanism for information transfer from pre-school rehabilitation service units to primary schools, so that children identified as having special needs would continue to receive special attention and appropriate services when they proceeded to primary education. The Government would also explore ways to provide more appropriate bridging and support services for SEN children when they proceeded to primary one. In this connection, a joint longitudinal study would be conducted on selected cases of different categories to track the developments of these children proceeding from kindergarten to primary one, with a view to ascertaining whether bridging and further support services needed to be provided for these children, and if so, the appropriate form of such services.

Item 3: Celebration of the 70th Anniversary of The Founding of the People's Republic of China and

International Women's Day 2019 and Other Major Events in the First-half of 2019 (WoC 03/19)

3.1 2019 would mark the 70th Anniversary of the founding of the People's Republic of China (70A). To celebrate the special occasion, opportunity would be taken to celebrate 70A in conjunction with International Women's Day 2019 in the reception to be organised by Women's Commission (WoC) on 8 March 2019. PSLW encouraged Members to join the reception. She also briefed Members the calendar of WoC major events in the first-half of 2019. Since 2004, Hong Kong Special Administrative Region (HKSAR) had been attending the first week meetings of the United Nations Commission on the Status of Women (UNCSW) as part of the Chinese delegation every year. With a few exceptions, the HKSAR delegation comprised the incumbent WoC Chairperson. Unfortunately, the Chairperson could not attend the meetings of UNCSW in 2018 and 2019 due to other commitments. As a result, the Secretary for Labour and Welfare (SLW) headed the HKSAR delegation in 2018 and we would invite the Under Secretary for Labour and Welfare to lead the HKSAR delegation to attend UNCSW this year. The Chairperson sent her apologies for being unable to attend UNCSW in 2018 and 2019. She further suggested that the HKSAR delegation should seek opportunities to speak in UNCSW.

Item 4: Secretary's Report (WoC 04/19)

4.1 The Secretary highlighted for Members' attention the WoC Reception and WoC Annual Lunch hosted by SLW to be held on 8 March 2019 and 15 March 2019 respectively and encouraged their participation.

Item 5: Any Other Business

5.1 The next meeting would be held on 14 May 2019. There being no other business, the meeting was adjourned at 12:30 p.m.

**Women's Commission Secretariat
May 2019**