

Labour Department withdraws recognition of safety training course

The Labour Department (LD) has today (October 19) withdrawn the recognition given to the Association of Electrical and Mechanical Engineering (Hong Kong) Limited (AEME) for running the Gas Welding Safety Training Course under the Factories and Industrial Undertakings (Gas Welding and Flame Cutting) Regulation (Cap. 59AI) for persons employed at an industrial undertaking performing gas welding and flame cutting work.

A spokesman for the LD said the AEME was found to have breached the approval conditions attached to the running of the course. A trainer of the AEME discussed a large number of questions selected from the examination paper and their respective answer choices with all the trainees right before the written examination. In addition, a trainee was found cheating during re-examination but the trainer concerned and the invigilator did not take any action. The AEME subsequently issued a certificate to that trainee. Having conducted thorough investigation and evidence gathering, and having considered the explanations and representations given by the AEME, the LD decided to withdraw the recognition in view of the serious nature of the breach.

"We conduct surprise checks from time to time to monitor training course providers' compliance with approval conditions of safety training courses, as part of our efforts to ensure the quality of these training courses. Failure to comply with the approval conditions may result in the withdrawal of the recognition of the courses," the spokesman stressed.

There are currently 21 approved course providers running the Gas Welding Safety Training Course. The course information is available on the LD's website (www.labour.gov.hk/eng/osh/content5.htm). People who need to take the course may enrol with these approved course providers.

"For enquiries, please call the LD's Occupational Safety and Health Training Centre hotline on 2940 7010 or the department's occupational safety and health advisory telephone service hotline on 2559 2297," the spokesman said.

Land resumption for urban renewal project in Sham Shui Po gazetted

The Lands Department today (October 19) announced the resumption of land at Tonkin Street and Fuk Wing Street in Sham Shui Po for the implementation

of an urban renewal development project.

The development project was included in the Urban Renewal Authority's Business Plan for 2012-13. The project site, with an area of about 1 268 square metres, will be redeveloped for residential use with retail/commercial facilities, a clubhouse, loading and unloading facilities and basement car park facilities. Its implementation will help improve the overall living environment of the area.

A total of 81 private property interests at the project site will be resumed under the Lands Resumption Ordinance. The affected interests will revert to the Government on the expiration of three months from the date on which the resumption notice is affixed on-site. Details of the private land affected were published by notice in the [Government Gazette](#) today.

Apart from statutory compensation, eligible owners of domestic properties will be offered an ex-gratia home purchase allowance or a supplementary allowance as appropriate. Eligible domestic tenants will be offered rehousing to public rental housing units provided by the Hong Kong Housing Authority or the Hong Kong Housing Society, or an ex-gratia cash allowance.

Eligible commercial property occupiers, including owners and tenants, may opt for an ex-gratia allowance in lieu of the right to claim statutory compensation for business and related losses.

If statutory claims made by the affected owners and tenants of both domestic and commercial properties under the Lands Resumption Ordinance cannot be settled by agreement, the owners and tenants may apply to the Lands Tribunal for adjudication. Professional fees reasonably incurred by the claimants in making such claims may be reimbursed by the Government.

Polling dates of 2019 Rural Ordinary Election gazetted

The 2019 Rural Ordinary Election will be held in January next year. The respective polling dates for each Village and Market Town (Cheung Chau and Peng Chau) were published in the Gazette today (October 19).

The Village Representative (including Indigenous Inhabitant Representative and Resident Representative) Election will be conducted on two consecutive Sundays on January 6 and 13, 2019, while the Kaifong Representative Election for Market Towns will be held on January 20, 2019 (Sunday).

The nomination period will be from November 9 to 22, 2018.

A polling notice, specifying the polling date, the address of the polling station and polling hours will be issued to each eligible elector at least 10 days before the polling day for the respective Village/Market Town.

A government spokesman appealed to all eligible persons to participate in the election.

The Rural Ordinary Election is arranged as stipulated in the Rural Representative Election Ordinance. At present, there are 709 villages with a total of 1 484 Village Representative seats, including 695 Resident Representative seats and 789 Indigenous Inhabitant Representative seats. In addition, there are 39 and 17 Kaifong Representative seats for the Market Towns of Cheung Chau and Peng Chau respectively.

For enquiries, please call 2152 1521 or contact the respective New Territories District Office. The public can also visit the Rural Representative Election website (www.had.gov.hk/rre) for more information.

Employment (Amendment) (No.2) **Ordinance 2018 comes into force today**

The Employment (Amendment) (No.2) Ordinance 2018, which amends the provisions on reinstatement or re-engagement order for unreasonable and unlawful dismissal, came into force today (October 19).

According to the amended provisions, where an employee has been unreasonably and unlawfully dismissed on or after October 19 and the employee makes a claim for reinstatement or re-engagement, and the Labour Tribunal (LT) considers that the order is appropriate and reinstatement or re-engagement of the employee by the employer is reasonably practicable, the LT can make such an order without the employer's agreement.

Should the employer fail to reinstate or re-engage the employee as required by the order, the employer shall pay to the employee a further sum set at three times the employee's average monthly wages, subject to a maximum of \$72,500. This amount is on top of the terminal payments and compensation payable to the employee as ordered by LT as currently provided in the Employment Ordinance (EO). The employer commits a criminal offence if he/she wilfully and without reasonable excuse fails to pay this further sum.

Unreasonable and unlawful dismissal under the EO refers to the situation where an employee is dismissed other than for a valid reason as specified under the EO and the dismissal is in contravention of labour legislation.

Valid reasons for dismissal include the conduct of the employee, his/her capability/qualification for performing the job, redundancy or other genuine operational requirements of the business, compliance with legal requirements, or other reasons of substance. Dismissals in contravention of labour legislation include dismissal during pregnancy and maternity leave, during paid sick leave, after work-related injury and before determination/settlement and/or payment of compensation under the Employees' Compensation Ordinance, or by reason of the employee exercising trade union rights or giving evidence for the enforcement of relevant labour legislation.

To assist employers, employees and members of the public in understanding the new law, the Labour Department has published a Brief Note of the amendments, which may be downloaded from the department's homepage: [www.labour.gov.hk/eng/news/EA\(2\)02018.htm](http://www.labour.gov.hk/eng/news/EA(2)02018.htm) and is available at the branch offices of the department's Labour Relations Division.

For further enquiries, employers and employees may call the Labour Department's 24-hour hotline at 2717 1771 (the hotline is handled by 1823) or approach the branch offices of the Labour Relations Division.

Music Office's School Care Subsidy Scheme opens for applications from schools

The 2019 School Care Subsidy Scheme is now accepting applications from schools. The deadline for applications is November 15.

Organised by the Music Office of the Leisure and Cultural Services Department, the scheme aims to encourage music groups from local kindergartens, primary, secondary and special schools and tertiary institutions to care for the community. It is hoped that students will extend their care and good wishes to the beneficiaries of local social welfare organisations through music performances, and thereby enhance social integration and harmony. In addition, students can gain performing experience and serve the community, as well as benefit by building up team spirit and organisational skills through the activities.

Each activity can receive a maximum subsidy of \$2,000 to cover costs including transportation, allowances for professionals and other miscellaneous items for each performance.

Successful applicants must complete their performances between January and May next year. Outstanding teams will be invited to perform and share their experiences at the Gala Concert, to be held on July 13. All

participating schools will be awarded certificates of commendation at a presentation ceremony during the Gala Concert.

Applications will be evaluated according to the proposed activity's feasibility, ingenuity and interactive elements, as well as the music group's prior experience in organising and performing at events for the community. Application forms are now available at all music centres of the Music Office or downloadable from the website:

www.lcsd.gov.hk/en/mo/activities/communityprogrammes/2019schoolcaresubsidyscheme.html. Completed forms must be faxed to the Music Office at 2824 1989.

Over 300 school music groups have participated in the School Care Subsidy Scheme since its launch in 2009. The scheme is sponsored by the Sino Group.

For enquiries, please call 2596 0898 or 2582 5264.