

# LCQ13: Development of Hong Kong athletes in Mainland

Following is a question by the Hon Stanley Ng and a written reply by the Secretary for Culture, Sports and Tourism, Miss Rosanna Law, in the Legislative Council today (April 2):

Question:

It has been reported that Hong Kong athletes have all along been unable to be certified for acquiring the technical grade titles awarded to Mainland athletes because of their status as Hong Kong citizens, even though they won championships in sports competitions held in the Mainland. In view of this, the Administrative Measures for Technical Grades of Athletes (the Administrative Measures) was promulgated by our country in March last year to point out clearly that athletes from Hong Kong, the Macao Special Administrative Region (Macao SAR) and Taiwan may be awarded technical grade titles when they participate in national competitions and provincial competitions. The Administrative Measures have been implemented since January 1 this year to ensure that Hong Kong athletes and Mainland athletes are entitled to the same treatment. In this connection, will the Government inform this Council:

(1) whether it has compiled statistics on the current number of Hong Kong athletes pursuing development in the Mainland, with a tabulated breakdown by province;

(2) whether it knows the specific process through which Hong Kong athletes pursuing development in the Mainland are certified for acquiring the technical grade titles awarded to Mainland athletes; whether the process is handled by the General Administration of Sport of China in a centralised manner, or there is a designated organisation in Hong Kong which is responsible for handling the relevant certification for them; if there is such a designated organisation, of the organisation;

(3) as the Administrative Measures point out that prior consent should be obtained from the relevant National Sports Associations (NSAs) in Hong Kong and Macao SAR for awarding technical grade titles to their registered athletes, whether it has compiled statistics on the current number of athletes registered with NSAs in Hong Kong who are awarded the Mainland athletes' technical grade titles upon obtaining consents from their relevant NSAs; whether there are cases in which NSAs did not give consents for their athletes to acquire the Mainland athletes' technical grade titles; if so, of the details;

(4) whether it knows the mechanism for Hong Kong athletes pursuing development in the Mainland without registration with the relevant NSAs in Hong Kong who are eligible to be certified under the standards for technical

grades of athletes to obtain certification for acquiring the technical grade titles awarded to Mainland athletes; and

(5) to facilitate the professional development of Hong Kong athletes in the Mainland, whether the Government will set a timetable for regular review of the existing process through which Hong Kong athletes are certified for acquiring the Mainland athletes' technical grade titles, and streamline the relevant procedures in a timely manner?

Reply:

President,

My consolidated reply to the question raised by the Hon Stanley Ng is as follows:

The General Administration of Sport of China (GASC) promulgated the "the Administrative Measures for Technical Grades of Athletes" (the Administrative Measures) in 2014 to award athletes with different technical grade titles after attaining specific results in competitions. In order of priority, the technical grade titles are namely International Elite Athlete, Elite Athlete, Grade One Athlete, Grade Two Athlete and Grade Three Athlete.

To promote the integration of Hong Kong into national development, the GASC promulgated the "Notice by the General Office of GASC on the Work of Awarding the Technical Grade Titles to Athletes from Hong Kong Special Administrative Region (SAR), Macao SAR and Taiwan" in 2021, which explicitly indicated that it accepts Hong Kong athletes' applications for award of the technical grade titles. For Hong Kong athletes who wish to be awarded the technical grade titles, they are required to submit written applications. In addition to submitting proof of results, the applications should be endorsed by the relevant National Sports Associations (NSAs) to which they belong.

Subsequently, having communicated with the Culture, Sports and Tourism Bureau (CSTB) and the sports sector to understand the situation, the GASC has revised the the Administrative Measures to simplify the application procedures. The GASC promulgated the amended Administrative Measures on March 14, 2024.

Article 15 of the amended Administrative Measures specifies that Hong Kong athletes can be awarded the technical grade titles directly according to their results in national and provincial competitions, without having to submit written applications. The awarding body (e.g. the relevant sports centres or associations) may publicise the proposed technical grade titles directly based on the competition results for a period of five working days. The athletes will be awarded the respective technical grade titles if there is no objection within the period.

The amended Administrative Measures also indicate that for Hong Kong athletes who are registered with specific NSAs, they should obtain endorsement from the relevant NSAs before participating in competitions (i.e.

providing a letter of consent from the relevant NSAs when participating in the competitions). In that way, the athletes can be awarded the technical grade titles based on their competition results after the public announcement period. Hong Kong athletes who are not registered with specific NSAs are not required to seek endorsement from relevant NSAs before they are awarded the technical grade titles. The amended Administrative Measures have come into effect from January 1, 2025.

The CSTB does not have the relevant information about the number of Hong Kong athletes currently developing in the Mainland, the number of NSA-registered Hong Kong athletes who have been awarded the technical grade titles with endorsement of the relevant NSAs, and the cases not being endorsed by the relevant NSAs.

The Hong Kong SAR Government encourages and supports Hong Kong athletes and NSAs to enhance exchange and co-operation with athletes and associations of various sports from different provinces and cities in the Mainland. The amended Administrative Measures, which came into effect on January 1, 2025, facilitate the award of the technical grade titles to Hong Kong athletes. The amended Administrative Measures also promote development opportunities of Hong Kong athletes in the Mainland, and enhance the integrated development of Hong Kong and the Mainland. The CSTB will continue to maintain communication with the GASC on the relevant arrangements.

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## LCQ16: Employees' compensation insurance

Following is a question by the Hon Chau Siu-chung and a written reply by the Secretary for Labour and Welfare, Mr Chris Sun, in the Legislative Council today (April 2):

Question:

Regarding employees' compensation insurance (commonly known as labour insurance), will the Government inform this Council:

(1) of the number of cases recorded by the Labour Department (LD) in which employees died as a result of accidents arising out of and in the course their employment in each of the past seven years and this year to date, together with a breakdown by industry;

(2) among the cases mentioned in (1), of the number of cases in which employers were prosecuted by the authorities for failing to take out labour insurance policies for their employees as required under the Employees' Compensation Ordinance (Cap. 282); among such prosecuted cases, of the



(II)	(a)									
	.....									
	(d)									

(7) whether it has compiled statistics on the percentage of the number of enterprises approved under the Accreditation Scheme in the total number of enterprises of the same business nature in Hong Kong at present, together with a tabulated breakdown by type of enterprise (i.e. (I) SMEs and (II) non-SMEs) and business nature of enterprise (i.e. (a) erection, dismantling and use of truss-out bamboo scaffolds, (b) repair to external walls or pipings, (c) air-conditioning works and (d) interior fitting-out works); of the measures in place to step up publicity and promotion of the Accreditation Scheme, so as to encourage more enterprises to participate in the Scheme; and

(8) as there are views that the existing penalties for not taking out labour insurance policies are too light, and some employers may be prompted to take the risk of not taking out labour insurance policies for their employees as required by the law, whether the authorities will consider amending Cap. 282 to raise the relevant penalties, so as to enhance the deterrent effect; if so, of the details; if not, the reasons for that?

Reply:

President,

My reply to the Hon Chau Siu-chung's question is as follows:

(1) From 2018 to February 2025, the numbers of fatal cases reported under the Employees' Compensation Ordinance (ECO) (Cap. 282) and received by the Labour Department (LD) each year, with a breakdown by industry, are at Annex 1.

(2) Among the cases mentioned in (1), 14 employers were prosecuted by the LD for failing to take out employees' compensation insurance (EC insurance) for their employees as required by the ECO. All the 14 cases were convicted. The details are at Annex 2.

(3) In accordance with the Prosecution Code of the Department of Justice (DoJ), the Secretary for Justice may apply to the court in exceptional cases for the review of a sentence on the basis that it has proceeded on an error of law or of principle or that it is manifestly inadequate or excessive. In general, apart from the factors such as the circumstances of a case, the maximum penalty of an offence and the level of sentence imposed on the offence in the past, the court will also consider a defendant's guilty plea and mitigations when sentencing. The LD will examine the sentence imposed by the court on each case. If the sentence of an individual case is manifestly inadequate or excessive, or has proceeded on an error of law or of principle, the LD will request the DoJ to consider applying for a review of the sentence. In line with the above principles, the LD has not applied for the review or appeal against the sentence of the convicted cases mentioned in

(2).

(4) Among the surcharges paid by the convicted employers mentioned in (2) under the Employees Compensation Assistance Ordinance (Cap. 365), the highest and lowest amounts of a case are \$57,347.4 and \$118.3 respectively. The average amount is \$13,426.2.

(5) The Employees' Compensation Insurance Residual Scheme (ECIRS) serves as a market of last resort to assist employers who cannot procure the EC insurance in the market, with a view to ensuring that employers can acquire the EC insurance. The applications received and approved by the Employees' Compensation Insurance Residual Scheme Bureau Limited (ECIRSB) from 2018 to February 2025, with a breakdown by the High Risk Groups, are at Annex 3. During the period, the ECIRSB did not reject any applications submitted by employers.

(6) The LD has collaborated with the Occupational Safety and Health Council (OSHC) to launch the OSH Star Enterprise – Repair, Maintenance, Alteration and Addition (RMAA) Safety Accreditation Scheme (Accreditation Scheme) to provide subsidies to small and medium-sized enterprises (SMEs) in the RMAA sector for purchasing fall prevention devices, assisting them in establishing a safety management system, and offering training on work-at-height safety as well as conducting safety audits. We adopt a multi-pronged approach to enhance the safety standard of relevant enterprises and assist users in identifying those RMAA enterprises with recognised safety standards. According to the OSHC, the number of applications for the Accreditation Scheme and the number of Star Enterprises accredited in the past seven years (up to March 20, 2025) are at Annex 4.

As OSHC has enhanced the OSH Star Enterprise List under the Accreditation Scheme since September 2024 and added the category of "nature of business" (including erection and dismantling of truss-out scaffolding works, repair of external wall and pipe works, air-conditioning works and interior renovation works) to the list, a breakdown by nature of business of the enterprises before the date of enhancement is not available.

The number of Star Enterprises accredited in 2024-2025 (as at March 20, 2025) is eight. A breakdown of their business nature (Note) is as follows:

Erection and dismantling of truss-out scaffolding works	Repair of external wall and pipe works	Air-conditioning works	Interior renovation works
2	6	1	4

At present, there are 66 SME Star Enterprises under the Accreditation Scheme and their business nature (Note) is categorised as follows:

Erection and dismantling of truss-out scaffolding works	Repair of external wall and pipe works	Air-conditioning works	Interior renovation works
40	24	8	25

Note: Accredited Star Enterprise may offer more than one type of business.

(7) The OSHC does not keep statistics on the percentage of the number of accredited Star Enterprises among the total number of enterprises of the same business nature in Hong Kong, and it does not have a breakdown of the figures by the nature of business of the enterprises.

To enhance the awareness of the RMAA industry and the community at large on the Accreditation Scheme, the LD and the OSHC have been publicising and promoting the Accreditation Scheme through various channels, including promotion on mass media such as television, radio and e-newspapers; dissemination of video clips, text and graphic information through social media; and collaboration with the Home Affairs Department and District Councils to promote the Accreditation Scheme to property owners, property management companies, etc, and to educate them on the key points and importance of choosing suitable scaffolding and the RMAA contractors. For newly completed public housing estates and buildings with more the RMAA works, the LD and the OSHC, in collaboration with trade unions, regularly set up information kiosks in the districts to publicise and promote the Accreditation Scheme to community members, owners' corporations and local organisations. In addition, more than 1 300 organisations have signed the Charter on Preferential Appointment of OSH Star Enterprise, pledging to give priority to Star Enterprises in carrying out RMAA works, so as to encourage more RMAA enterprises to upgrade their safety standards through market force.

(8) In accordance with section 40 of the ECO, no employer shall employ any employee in any employment unless there is in force a policy of insurance to cover his liabilities under the ECO and common law. Employers failing to comply with the ECO to secure an insurance cover are liable to prosecution and, upon conviction, to a maximum fine of \$100,000 and imprisonment for two years. Among the past prosecution cases, there have been cases where the convicted employers were sentenced to imprisonment or with higher levels of fines.

During the investigation and prosecution, the LD will gather relevant evidence to aid the court in considering the severity of each case and imposing an appropriate sentence. The LD will keep close tabs on the sentences imposed by the court, especially on cases involving work accidents where the employers have not taken out EC insurance. If the sentencing of individual cases is too lenient, the LD will seek the advice of the DoJ on applying for an appeal or a review of the sentence.

The LD will continue to monitor employers' compliance with the

requirement of taking out EC insurance and will consider whether to amend the relevant penalties under the ECO as and when required.

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## **Red flag hoisted at Stanley Main Beach**

Attention TV/radio announcers:

Please broadcast the following as soon as possible:

Here is an item of interest to swimmers.

The Leisure and Cultural Services Department announced today (April 2) that due to big waves, the red flag has been hoisted at Stanley Main Beach in Southern District, Hong Kong Island. Beachgoers are advised not to swim at the beach.

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