

## SITI to visit Beijing

The Secretary for Innovation, Technology and Industry, Professor Sun Dong, will depart for a visit to Beijing this afternoon (May 8).

During his stay in Beijing, Professor Sun will call on the Hong Kong and Macao Affairs Office of the State Council, the Ministry of Science and Technology, and the People's Government of Beijing Municipality.

Professor Sun will return to Hong Kong on May 10. During his absence, the Under Secretary for Innovation, Technology and Industry, Ms Lillian Cheong, will be the Acting Secretary for Innovation, Technology and Industry.

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## LCQ5: Compensating employees for online "invisible overtime"

Following is a question by the Hon Kingsley Wong and a written reply by the Secretary for Labour and Welfare, Mr Chris Sun, in the Legislative Council today (May 8):

Question:

It is learnt that online working is increasingly common as a new mode of working, and many employees have even been asked to work during non-office hours (e.g. attending meetings and replying to emails/messages) using communication tools. On the other hand, the Supreme People's Court, the Ministry of Human Resources and Social Security, and the All-China Federation of Trade Unions jointly published typical cases involving disputes over non-payment of wages early this year. It has been reported that the Court ruled that the online work performed by the employee concerned during non-office hours was overtime work on the grounds that the employee had "performed substantial work" and that the work in question was "obvious occupation of rest time", and exercised discretion in determining the overtime compensation for the employee's online "invisible overtime", taking into account factors such as the frequency and duration of the employee's overtime work, and the employee's wage standards and work contents. In this connection, will the Government inform this Council:

(1) whether it has conducted studies on (i) the adoption of online working as a new mode of working in various local trades and industries, and (ii) the form of compensation offered by employers to employees who perform online invisible overtime work; if so, of the details; if not, the reasons for that;

(2) whether it will consider improving the labour legislation to establish a definition for online invisible overtime and the criteria for calculating the relevant compensation; if so, of the details; if not, the reasons for that; and

(3) as many civil servants have relayed that they are often asked to perform online invisible overtime work during non-office hours without receiving any compensation, whether the Government will set an example as a good employer and take the lead in counting invisible overtime involving the performance of substantial work and obvious occupation of rest time as official overtime, and in granting time off in lieu or an overtime allowance to the civil servants concerned; if so, of the details; if not, the reasons for that?

Reply:

President,

All along, the Government has been reviewing the labour legislation from time to time to progressively improve employees' rights and benefits, taking into account the interests of employees and the affordability of employers. In consultation with the Civil Service Bureau (CSB), our consolidated reply to the Member's question is as follows:

(1) and (2) The Employment Ordinance (EO) stipulates that an employer must, before an employment begins, inform the employee of the conditions of employment including wages, wage period and length of notice required to terminate the contract, etc. Pursuant to the Minimum Wage Ordinance (MWO), the hours worked for computing the minimum wage include the time when the employee is in attendance at a place of employment in accordance with the contract of employment or with the agreement or at the direction of the employer, and a place of employment means any place at which the employee is in attendance for the purpose of doing work or receiving training in accordance with the contract of employment or with the agreement or at the direction of the employer.

On the premise of not contravening the EO and MWO, employers and employees may draw up the terms and conditions of employment including working hours and compensation arrangements for overtime work.

The modes of operation of various industries and enterprises, the job nature and responsibilities of employees as well as the terms set out in employment contracts and the like may bring about different requirements or agreements on employees' online work outside normal working hours. The Labour Department (LD) encourages employers to adopt good human resource management practices through different channels including the human resources managers' clubs and the industry-based tripartite committees. The good practices include advising employers to draw up reasonable and fair terms in employment contracts, and reminding them to fully consult and agree with their employees on working hours, compensation arrangements for overtime work, when working remotely using telecommunications equipment like internet and telephone.

The LD will continue to discuss relevant subjects at the human resources managers' clubs and the industry-based tripartite committees, and keep in view of the development and experience of other places in the handling of online work of employees outside normal working hours, and promote good employment practices to safeguard the rights and benefits of employees.

(3) The CSB expresses that according to the Civil Service Regulations, overtime work is work undertaken over and beyond a civil servant's conditioned hours. Under the prevailing policy, overtime work may be undertaken only when it is unavoidable and should be kept to the minimum. Overtime should normally be compensated by time off in lieu. Where this is, or is likely to be, impracticable within one month of the date on which overtime is worked, overtime allowance may be paid to eligible officers. The bureaux and departments will, within the confines of the prevailing policy, make appropriate arrangement and compensation for civil servants' overtime work.

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## Missing man in Hung Hom located

A man who went missing in Hung Hom has been located.

Wan Nang-yip, aged 79, went missing after he was last seen at an elderly home on Ha Heung Road on May 6 night. Staff of the elderly home made a report to Police on the same day.

The man was located at Pak Tai Street near its junction with San Shan Road, Kowloon City last night (May 7). He sustained no injuries and no suspicious circumstances were detected.

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## Red flags hoisted at Shek O Beach and Big Wave Bay 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 (May 8) that due to big waves, red flags have been hoisted at Shek O Beach and Big Wave Bay Beach in Southern District, Hong Kong Island. Beachgoers are advised

not to swim at these beaches.

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## Special traffic arrangements for race meeting in Happy Valley

Special traffic arrangements will be implemented in Happy Valley today (May 8). The arrangements will come into effect one and a half hours before the start of the first race and will last until the crowds have dispersed after the race meeting.

### A. Traffic arrangements before the commencement of the first race

#### 1. Road closure

Southbound Wong Nai Chung Road between Queen's Road East and the up-ramp outside the Hong Kong Jockey Club (HKJC) will be closed except for vehicles heading for Aberdeen Tunnel.

#### 2. Traffic diversions

- Southbound Wong Nai Chung Road between Village Road and the up-ramp outside HKJC will be re-routed one way northbound;
- Traffic along eastbound Queen's Road East heading for Wan Chai and Happy Valley will be diverted to turn left to Morrison Hill Road;
- Traffic along southbound Morrison Hill Road heading for Happy Valley will be diverted via Sports Road and Wong Nai Chung Road;
- Traffic along Queen's Road East cannot turn right to Wong Nai Chung Road except for vehicles heading for Aberdeen Tunnel;
- Traffic from Cross Harbour Tunnel heading for Queen's Road East will be diverted via the down-ramp leading from southbound Canal Road flyover to Morrison Hill Road to turn right at the junction of Wong Nai Chung Road and Queen's Road East; and
- Traffic from Cross Harbour Tunnel heading for Happy Valley or Racecourse will be diverted via the down-ramp leading from southbound Canal Road flyover to Canal Road East, southbound Morrison Hill Road, Sports Road and Wong Nai Chung Road.

### B. Traffic arrangements before the conclusion of race meeting

#### 1. Road closure

The following roads will be closed from about 35 minutes before the start of the last race:

- The up-ramp on Wong Nai Chung Road outside HKJC leading to Aberdeen Tunnel;
- Southbound Wong Nai Chung Road between Queen's Road East and the up-ramp

leading to Aberdeen Tunnel;

- Southbound Wong Nai Chung Road between Village Road and the Public Stands of HKJC;
- Westbound Leighton Road between Wong Nai Chung Road and Canal Road East; and
- Southbound Morrison Hill Road between Leighton Road and Queen's Road East.

In addition, southbound Wong Nai Chung Road between the up-ramp leading to Aberdeen Tunnel and the Public Stands of HKJC will be closed from about 10 minutes before the start of the last race.

## 2. Traffic diversions

The following traffic diversions will be implemented from about 35 minutes before the start of the last race:

- Eastbound Queen's Road East at its junction with Morrison Hill Road will be reduced to one-lane traffic heading for northbound Canal Road flyover;
- Traffic from Cross Harbour Tunnel heading for Wan Chai will be diverted via the down-ramp leading from southbound Canal Road flyover to Canal Road East, U-turn slip road beneath Canal Road flyover, Canal Road West and Hennessy Road;
- Traffic from Cross Harbour Tunnel heading for Happy Valley will be diverted via the down-ramp leading from southbound Canal Road flyover to Canal Road East, eastbound Leighton Road and Wong Nai Chung Road;
- Traffic along southbound Morrison Hill Road will be diverted to turn left to eastbound Leighton Road;
- Traffic along southbound Morrison Hill Road heading for Happy Valley will be diverted via eastbound Leighton Road and Wong Nai Chung Road; and
- Traffic along westbound Leighton Road will be diverted to Wong Nai Chung Road.

## C. Learner drivers prohibition

Learner drivers will be prohibited to turn left from Caroline Hill Road to Leighton Road between one and a half hours before the start of the first race and one hour after the last race. In addition, learner drivers will be prohibited from accessing the following roads within the above period of time:

- Shan Kwong Road between Yik Yam Street and Wong Nai Chung Road;
- Village Road between its upper and lower junctions with Shan Kwong Road;
- Percival Street between Hennessy Road and Leighton Road;
- Canal Road East; and
- The service road leading from Gloucester Road to Canal Road flyover.

## D. Suspension of parking spaces

Parking spaces on southbound Wong Nai Chung Road between Sports Road and Blue Pool Road will be suspended from 11am to 7pm during day racing, from 4.30pm to 11.59pm during evening racing, and from 5pm to 11.59pm during night racing.

Any vehicles found illegally parked within the precincts of the above affected areas will be towed away without prior notice.

Actual implementation of road closure and traffic diversion will be made by the Police at the time depending on traffic conditions in the areas. Motorists should exercise tolerance and patience, and follow the instructions of Police on site.