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July/August 2018



Workplace Wellness – Good Health Equals Good Business



HKIHRM HR Excellence Awards
2017/18: Simply the Best for
HR Profession

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HKIHRM



Hong Kong Institute of Human Resource
Management (HKIHRM) discussion group



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Building on the Successful Past, Looking Forward to a Better Future

Dear Members,

The 25th HKIHRM Annual General Meeting came to a successful end on 9 July, with a good turn-out of members.

Thanks to members' support, a new HKIHRM Executive Council of 14 members for the 2018/2019 term was formed. It is indeed my great honour to have been elected as President of the Institute to carry the torch of serving members and to advance the HR profession to respond to an increasingly volatile, and complex global environment.

The development of the Institute has gone from strength to strength over the past few years. Taking this opportunity, I would like to express my heartfelt gratitude to my predecessor, the immediate Past President, Mr David Li, who has led the Institute into a new era of development following the celebration of its 40th year of establishment in 2017.

During his tenure as President over the past four years, David further strengthened the Institute's leadership position and its professional influence on local and international fronts through a multitude of ground-breaking initiatives such as the professional membership reciprocal

arrangement with the Canada-based Chartered Professionals in Human Resources of British Columbia and Yukon, and the compilation of the cross-industry, cross-disciplinary Specification of Competency Standards for the HRM sector under the Hong Kong Government's Qualifications Framework, to name just two. I am truly grateful to David's unwavering commitment to the work of the Institute, as well as to his contributions in enhancing the profile of the HKIHRM.

Upholding professional standards and promoting best practice in HR management is one of HKIHRM's major work domains. We continue to strive for excellence in the HR profession and support members and fellow HR practitioners in meeting challenges from the ever-changing business landscape.

Having taken up the baton as the new President, I will continue to uphold the Institute's leadership position in the profession through bespoke membership services, professional training programmes, advocacy initiatives, and multilateral collaborations with key stakeholders in society, the Government and in the HR profession.

At a time of technological disruption and digital innovation, I would like to take an active role in further invigorating the Institute as a forward-looking professional organisation, progressing the HR profession, and most importantly, nurturing our young generation of HR practitioners.

May I also take this opportunity to thank members for their support towards the Institute. In the months ahead, I look forward to working closely with the Executive Council members, various committees and advisory boards, assisted by the Secretariat, to scale greater heights in our service offerings to meet the professional needs and aspirations of members.

Margaret Cheng
President of the HKIHRM



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Winners of the HKIHRM HR Excellence Awards 2017/18 celebrate the moment of victory.

HKIHRM HR Excellence Awards 2017/18: Simply the Best for HR Profession

Hailed as the Oscars of Hong Kong's HR profession, the HKIHRM HR Excellence Awards 2017/18 presentation ceremony on 25 May, organised by the Hong Kong Institute of Human Resource Management (HKIHRM) saw 12 awards presented to ten recipients who enjoyed their "red carpet moment" during a glittering awards ceremony.

The atmosphere was one of excitement and anticipation as more than 200 distinguished guests, government officials and HR practitioners gathered at the Hong Kong Convention and Exhibition Centre for the HR industry's most anticipated night of the year. Winners received huge rounds of applause and the audience were genuinely excited for them as they knew that each winner was making a real difference for the organisations they work with.

Delivering his welcoming remarks, HKIHRM President (2017-2018) David Li said the awards programme recognises the outstanding work of forward-thinking HR teams and individuals. "They help to drive the benchmark of HR professionalism to greater heights,"

noted Li, who added that the awards also serve as the gold standard of HR success. "The awards showcase how HR best practices and people management initiatives can deliver business value and sustain corporate growth," said Li who added the HKIHRM is proud to provide a platform where HR practitioners can draw on each other's experience and insights and become inspired with innovative ideas for professional and organisational gains.

Noting how the awards programme shines a spotlight on the value that HR delivers to organisations through exemplary people management projects and initiatives, guest of honour, Jasper Tsang Yok-sing, former president of the Legislative Council, said today's HR professionals should be fully aware of the trends influencing recruitment, training and retention. "Our HR professionals are tasked to spearhead change and innovate in a dynamic workplace where people always hold the key to corporate success," said Tsang who added that HR professionals should be recognised as a major driving force that help organisations rise to future challenges.


Since its launch in 2012, the HKIHRM HR Excellence Awards programme, which is aimed at raising professional HR management standards in Hong Kong, has gained continuous recognition and support from Hong Kong's HR practitioners and the business community. The awards are open to organisations of any size with operations in Hong Kong, Macau, mainland China and across the Asia-Pacific region, and were presented in four categories – Organisational, HR Service Provider, SME, and Individual. There is also the Grand Award of the Year, which is awarded to the most outstanding entry from the Organisational Category.

It was a night to remember for triple-awarded business technology solutions firm, JTH Group, which was the winner of the Grand Award of the Year. JTH Group impressed the judges with its "iOnePlace" gamification platform designed to connect employees from different countries, improve employee engagement and facilitate the exchange of information and ideas in addition to face-to-face interactions. JTH Group also won the Excellent Technology

Innovation Award and the Elite Employee Wellness Award. Expressing her delight at accepting the awards on the company's behalf, Jenny Pong, JTH Group director, human resources said, JTH Group's HR team focuses on putting the human back into human resources. "On a beer budget, we have created a champagne product," she

said which triggered an enthusiastic round of applause.

During his closing remarks, Lawrence Hung, Chairperson of the HKIHRM HR Excellence Awards 2017/18 Organising Committee said the Awards programme has become a professional benchmark in Hong Kong's HR

community. "Every award bestowed is not only a tribute to HR success, but also epitomises a real case study demonstrating the strategic role HR practitioners play in businesses and society in transforming and advancing human capital to ensure corporate success," said Hung. 



In his welcoming remarks, Mr David Li, President of HKIHRM (2017-2018), recognises the outstanding work of forward-thinking HR teams and individuals who help drive the benchmark of HR professionalism to greater heights.



Guest of Honour, the Honourable Jasper Tsang Yok-sing, GBM, GBS, JP commends the Institute for organising the Awards programme which gives visible recognition to the effort of the award winners who will continue to inspire the next generation of HR practitioners to excel in their work.



Mr Lawrence Hung, Chairperson of the HKIHRM HR Excellence Awards 2017/18 Organising Committee, remarks that every award bestowed is a tribute to HR success and epitomises a real case study.



Pictured are the panel judges of the HKIHRM HR Excellence Awards 2017/18 (from left: Dr Ritchie Bent, The Excellence HR Leader Awardee 2014; Mr David Li, HKIHRM's President (2017-2018); the Honourable Jasper Tsang Yok-sing, GBM, GBS, JP; and Mr Lawrence Hung, Chairperson of the HKIHRM HR Excellence Awards 2017/18 Organising Committee).



JTH Group garners three awards including the "Grand Award of the Year".



Ms Stephanie Wong from AXA Hong Kong receives the Rising Star Award.



Representatives from Manulife International Limited take home the Excellent Resourcing Award.



A representative from The Hong Kong Jockey Club receives a certificate of appreciation in recognition of being the Gold Sponsor of the Awards programme.



Representatives from Hong Kong Police Force receive the Elite Change Management Award.



Over 200 guests and HR practitioners attend the Awards presentation ceremony.



The HKIHRM HR Excellence Awards are hailed as the Oscars of the HR profession in Hong Kong.

HKIHRM HR Excellence Awards 2017/18 Winner List

Grand Award of the Year	Organisation	Project Name
Grand Award of the Year	JTH Group	Gamification x VR360
Organisational Category	Organisation	Project Name
Excellent Change Management Award	Hong Kong Correctional Services Department	"Outreaching to the Community for a Better Hong Kong" – Review of Departmental Vision, Mission and Values (VMV)
Excellent Diversity & Inclusion Award	AIG Insurance Hong Kong Limited	Excellence in Diversity & Inclusion
Excellent Employee Wellness Award	The Hong Kong Jockey Club	Happy-at-work@hkcj programme
Excellent Family-friendly Employment Practices Award	Airport Authority Hong Kong	Comprehensive Family-friendly Practices: Airport Preschool
Excellent Learning & Development Award	Sino Group	STAR Service
Excellent Resourcing Award	Manulife International Limited	Talent Acquisition Solutions to our "Customers"
Excellent Technology Innovation Award	JTH Group	Gamification x VR360
HR Service Provider Category	Organisation	Project Name
Excellent Technology Innovation Provider Award	Mercer (Hong Kong) Limited	NUS Benefits Portal
Individual Category	Name	Company Name
Rising Star Award	Ms Stephanie Wong	AXA Hong Kong
Elite Winner Organisational Category	Organisation	Project Name
Elite Change Management Award	Hong Kong Police Force	Change toward Diversity Policing
Elite Employee Wellness Award	JTH Group	JTH Group Wellness Programme – Evolving Journey

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Learning Technologies Transformation The Power of Learning Analytics



Seminar Website

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Session Topics:

- ♦ HKIHRM 2018 Training and Development Needs Survey Results Highlights
- ♦ Training Analytics – What is Learning Analytics exactly?
- ♦ Future Learning: Trends and Strategies – Driving Performance with Learning Technology
- ♦ Cultivating a Culture of Compliance with eLearning
- ♦ HR Transformation
- ♦ Forum: Emerging Training Technologies & Mindsets
- ♦ ATD Post Conference Sharing – Knowledge Sharing



Eliza Chan

Senior Vice President,
Human Resources
- Citibank Hong Kong



Eric Bruner

Director, Learning Technology
and Innovation
- GP Strategies



Barry Ip

Co-chairperson,
HKIHRM - L&D Committee



Chester Tsang

Co-chairperson,
HKIHRM - L&D Committee



Andy Yip

Superintendent,
Learning Technologies
- Hong Kong Police College



Jenny Pong

Group Director,
Human Resources
- JTH Group



Aalok Gupta

Senior Partner & Chief
Learning Officer
- LSF Global



Christopher Yang

Head of Learning
and Development – Mannings
HK & Macau - Dairy Farm



Nicole Tam

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Workplace Wellness – Good Health Equals Good Business

By Knattapisit Krutkrongchai, Chief Marketing Officer, AIA Hong Kong

- Workplace wellness programmes are widely understood to be a good way to improve the health of employees, and with it, the overall health of an organisation. But having good intentions to improve workplace wellness is one thing, designing and implementing effective workplace wellness programmes is another.
- Covering more than 10,000 employees representing more than 200 organisations of various sizes and across different sectors in Australia, Hong Kong, Malaysia and Singapore, the AIA Group's annual *Healthiest Workplace Survey 2017* by AIA Vitality reveals how unhealthy behaviours, such as physical inactivity, lack of sleep and workplace stress, contribute to lifestyle-related diseases, which can be particularly costly for employers.

The health and wellbeing of any organisation's workforce is fundamental to the achievement of the company's current goals and future ambitions. Investing in health and wellbeing not only helps employees

live healthier, longer, better lives, it can also improve business productivity and reduce employee-related medical costs. Some of the benefits to employees include improved physical fitness, greater stamina, lower stress levels,

increased well-being, self-image, and self-esteem. Even a modest investment in a workplace well-being programme can help to reduce the number of sick days and bring more energy to the workplace.

To provide employers with a greater understanding of the efficacy of their companies' health and wellness interventions in the workplace, the *Healthiest Workplace Survey 2017* by AIA Vitality surveyed a broad range of organisations and their workforces across different industries. It also aims to provide employers with useful insights and strategies to support healthy living and to improve employee productivity.

Wellbeing at work, Hong Kong findings

The AIA Vitality survey found there were some real concerns in Hong Kong around the issues of mental health, stress and sleep. This can be attributed in part to the culture of working long hours, which contributes to physical inactivity. A resulting key finding was that Hong Kong organisations show relatively high productivity loss with an average per employer of 70 days of productivity lost each year compared with the 59.8 days regional average. This sends a clear message that identifying and addressing risks to employee health and wellbeing is critical to business performance.

The cost of "presenteeism", a popular catchphrase of for being at work despite illness, injury, anxiety, often resulting in reduced productivity, based on the AIA Vitality research, is estimated at US\$2.95 million per year for organisations across all four markets surveyed.

And when it comes to sleep, 49% of employees in Hong Kong reported getting less than the seven to eight hours of sleep in a 24-hour period recommended by health experts as the optimal level of sleep from both a health and productivity perspective. This is slightly higher than the regional average of 47%. Poor sleep quality is associated with impairments at work, such as reduced concentration and difficulties with organising tasks. Sleep problems have also been shown to increase the probability of developing severe mental health conditions and, in addition, employees that report shorter amounts of sleep are more likely to avoid social interactions at work.

Mental health in the workplace

Mental health issues in the workplace are a concern globally with increasing reports of employees experiencing work-related anxiety, stress and depression. The World Health Organization (WHO) found that such disorders cost the global economy about US\$1 trillion in lost productivity each year. According to data compiled in 2017 by the government with non-government organisations, 32% of Hong Kong's working population was classified as having unsatisfactory mental health, up from 29% in the previous year. Across the four employment markets surveyed, Hong Kong had the highest percentage of employee respondents (64%) reporting at least one aspect of work-related mental health issues compared against the regional average of 53%. This is a significant finding as stress and mental wellbeing often carry a stigma in the workplace and society in general. The mental and physical ailments these workers silently bring into the office are often invisible to employers and often left untreated by employees who remain in denial about the problem. HR departments should focus on understanding the root causes of mental illness and then make it a priority to address them.

Physical activity

Although Hong Kong employees are broadly in line with others on self-reported health risks, the survey showed that 64% of Hong Kong employees are physically inactive, doing less than 150 minutes of activity a week. Due to the culture of working long hours in Hong Kong, it is not unusual for employees to spend a large amount of time in the workplace. Consequently, identifying and addressing risks to employee health is vital to ensure businesses perform and that staff are engaged and retained.

Most organisations indicated in the AIA Vitality survey that their employees are sedentary for a large

part of their working day. Sedentary time – defined as time spent sitting at desks or in meetings – also increases a person's risk for disease, beyond the negative impact of insufficient physical activity. Employers are advised to take steps to encourage employees to be as active as possible during their time at work. When it comes to promoting fitness on the job, there are plenty of simple exercises that can be performed while employees sit at their desks. If the space allows, yoga classes at lunchtimes or a gym can invigorate employees and help them feel good about themselves which can help them to focus on their jobs.

While the findings may not be a surprise to all employers, they do provide a degree of clarity on the magnitude of the issues. They are also a good starting point for HR practitioners to engage with senior management on the need to tackle issues surrounding the health and wellbeing of employees. Enlisting a dedicated and committed team of senior managers is a critical first step to helping employees improve their health and wellbeing. Furthermore, for any discussion on the topic to progress, it is critical for employers to set a current health baseline for their workforce. Similar to establishing a baseline to identify training programme needs, establishing a health baseline typically involves identifying modifiable risks, such as smoking behaviour, physical inactivity, diet, and stress levels with on-site (and confidential) employee surveys. Consider supplementing the findings by asking employees what they would look for from a wellness programme.

Lack of workplace wellbeing has a cost

Healthcare spending in Asia is rising three times faster than in the US with much of this paid for by consumers out of their own pockets and private cover is a fraction of the levels in more developed markets, according to McKinsey.

Employers in the region face challenges containing rising employee medical costs, leading to greater need for effective workplace health and wellness strategies. At the same time, existing employer health and wellness strategies are often fragmented and are not tailored to employee needs, leading to minimal or no return on investment. HR departments need to work hard within their respective organisations to promote the concept of wellbeing. As with any internal promotion or cultural initiative, organisations require a commitment from senior management to support and invest in the concept of wellbeing for employees. Visible endorsement from an organisation's senior leadership is essential. This can include the reinforcement of key messages, especially during the launch phase, participation in relevant activities, interventions, and the sharing of feedback and experience to motivate

others. High levels of employee wellbeing have been linked to several positive outcomes, such as lower absenteeism, improved performance, as well as proactive and innovative employee behaviour. It should be noted workplace wellness programmes are unlikely to succeed if they are not supported by executives who ought to view them as an investment similar to other employee benefits. From a HR perspective, return on investment (ROI) can be measured by absenteeism, presenteeism and productivity, and given healthier employees, there should be a noticeable improvement in levels of engagement. By using data analytics, HR can form a baseline by identifying key measurements and monitoring any changes over a period of two to three years. The results would then be compared with the baseline to justify the ROI and benchmarking within the industry.

Health and wellbeing awareness

Offering employees a wellness programme is one way to communicate that an organisation cares about the overall health of employees and acknowledges the contribution they make to the organisation. But even the best-designed health programmes are likely to encounter some employee resistance or at least hesitation to participate. Employees need to understand that the business is fully behind the effort before they "get with the programme". However, while employers can't force employees to participate in a wellness programme, they should choose a programme that suits their employee demographic and workplace lifestyle, and make sure the programme is available to everyone. One common misconception is that wellness programmes are only effective



with people who already practice healthy living habits. This is not the case, and reassuringly there are resources available to help structure a programme that best fits any company's particular needs. Wearable technology, for example, allows users to track their steps, physical activity, sleep patterns and even food consumption and even set alerts to remind them to stand up after long periods of sitting, or drink more water throughout the day. Apps for fitness trackers are just one of the many tools that allow employees to monitor their health.

Relevant to any successful, sustainable wellness initiative is communicating the benefits and rewards of taking part across all available platforms. Employees won't feel any special necessity about joining a wellness programme if they don't know anything about it. Highlighting individual success stories (with the employee's consent) and offering incentives from stress-management workshops and discounted gym memberships can let employees know their employers are serious about improving their wellbeing. Wellness-minded employers could also try peer coaching and encouraging friendly competition between departments to increase employee interest, which ultimately determines the success of a corporate wellness programme. Employers however should be aware that one-time events masquerading as a health promotion programme, are likely to fail unless activities are integrated into a comprehensive workplace wellness strategy.

Wellbeing initiatives reap rewards


Research by organisations including the WHO shows that in the long run a healthier workplace will help reduce costs on medical insurance claims, which in turn can lead to lower group medical premiums. Employers can also encourage greater participation in wellness programmes by offering



a more tailored and flexible benefits plan that can fulfil the varying requirements of employees. An attractive employee benefits plan that satisfies the diverse insurance needs of employees leads to a more engaged workforce which will make a company more competitive in the labour market.

Allowing employees to complement their group insurance plan and opt for additional protection based on their present and future personal needs at their own cost, allows more flexibility to employees without adding an extra cost and administrative burden to employers.

In the face of spiralling employee health costs, it is imperative that HR practitioners fix a firm focus on raising awareness around health and wellbeing in the workplace. Current technology and the high penetration rate of smartphones make it easier to collect relevant data. It is important for employers to equip themselves with the best insights

and strategies to help to improve wellbeing in the workplace. It is also critical that employers begin to incentivise employees to adopt positive behavioural changes so that they can lead healthier, longer, better lives and in turn, contribute to the improved productivity and success of their organisations. 



健康工作環境 — 推動職場健康有利企業成功

香港友邦首席市場總監 陳萬鑫

- 衆所周知，員工保健計劃既能夠改善僱員健康，亦可從而提高企業的整體生產力。不過，有些企業雖有心改善工作環境健康，但要制訂並推行有效的員工保健計劃，卻往往是另一回事。
- 友邦保險每年進行「AIA Vitality最健康工作環境調查2017」，涵蓋來自澳洲、香港、馬來西亞和新加坡的200多間各行各業的大小企業，涉及10,000多名僱員，探討缺乏運動、睡眠不足和工作壓力等妨礙健康的行為如何引發各種與生活習慣相關的疾病，以致增加僱主開支。



工的身心健康對企業實現目標和未來計劃至關重要。企業若為員工的健康和福利投放資源，不但能夠改善為員工健康、延長壽命、提高生活質素，亦能提高業務生產力、降低員

工的醫療成本，而員工則可改善體能、增加體力、減少壓力，以及提升身心健康、自我形象及自尊。企業即使投放少量資源於員工保健計劃，也有助減少員工病假日數，並為工作環境帶來更多活力。

為加強僱主了解職場健康措施的成效，「AIA Vitality最健康工作環境調查2017」訪問了一眾不同行業的企業及員工，為僱主提供實用的意見和策略，推廣健康生活，提升員工生產力。

香港的工作待遇

AIA Vitality調查顯示，香港社會非常關注職場精神健康、壓力及睡眠的問題，部分原因可能是長工時文化導致員工缺乏運動所致。調查結果指出，這點引致嚴重損害香港企業的生產力，平均每位員工每年損失70日的生產力，較區內平均數59.8日為高。由此可見，僱主必須找出影響僱員身心健康的因素，加以處理，企業方能有良好的業務表現。

是次調查的四個市場中，員工因帶病上班或在焦慮下堅持工作，往往會導致生產力下降，造成的企業成本估計為每年295萬美元。

在睡眠方面，健康專家認為，從健康及生產力角度而言，最理想的睡眠時間為每日7至8小時。而香港49%的僱員表示，他們每日的睡眠時間均不足7至8小時，略高於47%的區內平均數。睡眠質素不佳會導致專注力及組織能力下降，影響工作效率。睡眠問題亦會增加患上嚴重精神健康問題的機率，此外，睡眠時間較少的員工在工作時會避免與人接觸。

職場精神健康

隨著因為工作而面對焦慮、壓力及抑鬱的員工越來越多，職場精神健康成了全球關注的議題。世界衛生組織發現，這些精神問題對全球經濟每年造成約1萬億美元的生產力損失。政府與非政府組織在2017年整合所得的數據顯示，香港就業人口中有32%被歸類為精神健康欠佳，而2016年為29%。是次調查的四個就業市場中，香港有最多受訪僱員（64%）表示至少受一種職場精神健康問題困擾，而區內平均數為53%。這項調查結果不容忽視，因為無論是在職場還是社會上，壓力和精神健康問題往往受標籤。受精神健康困擾的員工在職場上卻往往被僱主忽視其問題，而僱員亦不願面對問題。人力資源部門應瞭解造成這些疾病的成因，並盡快解決。

運動

根據受訪者的回應，雖然香港僱員所承受的健康風險與其他地區的員工大致相同，但調查報告顯示，64%的香港僱員缺乏運動，每週的運動時間少於150分鐘。由於香港的長工時文化，許多僱員大部分的時間都花在工作上。因此，僱主必須找出並解

決可能危及僱員健康的問題，才能夠確保業務有良好表現、維持僱員對工作的投入感、鼓勵員工留任。

AIA Vitality調查結果指，多數企業的員工每天大部分的時間都是久坐不動。在工作桌或會議的長時間久坐，亦會增加患病的風險，比缺乏運動的影響更大。僱主可主動鼓勵員工在工作時盡量活動身體。要利用工作時間強身健體，員工可在工作桌前做各種簡單運動。假如有足夠空間，公司不妨為員工提供午間瑜珈課或健身房，為員工補充精力，有助員工專心工作。

雖然調查結果屬僱主意料之內，但卻反映出問題的嚴重程度。人力資源從業員可以此為起步點，與高級管理層合力解決影響員工身心健康的問題。首先，僱主需要物色一群盡心盡力的高級經理，參加協助改善員工的身心健康。此外，僱主要在任何關於健康問題的討論上取得進展，就必須為員工訂立一個健康基準。在訂立健康基準時，僱主通常需要以保密方式進行現場調查，以找出吸煙習慣、缺乏運動、飲食及壓力等可以控制的風險，過程類似於訂立一個基準，以釐定員工所需要的培訓課程。人力資源從業員可考慮詢問僱員對健康計劃的期望，以完善調查結果的不足之處。

欠乏職場健康增企業成本

麥肯錫調查指出，亞洲醫療開支增加的速度高出美國三倍，而在發展較為成熟的市場，大部分醫療開支由消費者自行支付。面對員工醫療成本上升，亞洲區內僱主必須制訂有效的職場健康措施。同時，企業現行的健康策略往往很零散，既不符合員工的需要，更導致開支與回報不成比例，甚至毫無回報。人力資源部門須在公司內努力推廣身心健康的重要性。正如任何的機構內部推廣和企業文化措施，企業高層需要承諾支持並投放資源改善員工的福利。企業高層身體力行的支持相當重要，包括在推行初期著力推廣重要訊息、參與相關活動、採取相關措施、分享意見、以自身經驗鼓勵他人。員工的身心越是健康，越能帶來多種工面成效，包括減少員工病假日數、改善其工作表現，激發員工創意等。要成功推行職場健康計劃，就必須有管理層的支持，在這些計劃上投放資源，視之為員工福利的一部分。在人力資源的角度而言，投資回報可用病假日數、帶病上班日數及生產力來衡量。員工愈是健康，對工作的投入程度也會顯著提升。人力資源部可透過數據分析，訂立各項關鍵指標，觀察兩至三年間的變化，以訂出一個基準，然後與計劃成果比較，從而證明這些計劃所帶來的投資回報，再與同業表現比較。



提升健康意識

企業為僱員提供健康計劃，可展現企業對員工整體健康的關注，並表揚他們對公司的貢獻。不過即使是再完美的健康計劃亦會受部分員工抗拒或不熱衷參與。僱主必須讓僱員明白到企業在背後全力支持計劃。然而，雖然僱主無法強迫員工參與健康計劃，但必須因應僱員的特質及工作模式的提供合適的計劃，確保所有員工都能獲益。不少企業誤以為健康計劃對生活習慣健康的員工才有效用，但其實企業可利用現有資源，因應本身的需要而訂立計劃。舉例而言，員工可以使用佩戴式設備記錄自己的步數、運動情況、睡眠習慣和食物攝取量，亦能夠設定警報，提醒自己久坐時要起身走動，日間要多喝水等。除了各類健康記錄手機應用程式外，員工還可以運用多種其他工具，監察自己的健康狀況。


要健康措施能持續推展，僱主需要向員工傳達參與各種活動的好處及效益。員工如對健康計劃一無所知，就會認為沒有必要參與其中。僱主可以重點介紹個別員工的成功故事（需要先獲得員工同意）、向參

加壓力管理工作坊的員工提供獎勵，以及向員工提供優惠健身會籍，展現對改善員工健康的重視。重視員工健康的僱主可嘗試鼓勵同事之間互相指導，鼓勵部門間進行比賽，以提升員工對健康計劃的參與興趣。不過，僱主如果把每次獨立的健康推廣活動都當成單一的健康推廣計劃，而沒有將這些活動結合完善的職場健康策略，就很容易失敗。

推動健康措施的成果

世界衛生組織等多個機構的研究顯示，長遠而言，健康的工作環境有助降低醫療保險索償的支出，從而降低團體醫療保費。僱主亦可提供更迎合員工需要、更有彈性的健康計劃，以鼓勵更多員工參與。員工福利計劃若能夠滿足員工的各類保險需要，可增強員工對工作的投入程度，提升公司在勞動市場中的競爭力。

健康計劃如能夠與員工的團體保險計劃雙管齊下，讓員工因應目前及未來的個人需要自費選擇額外保障，既能夠讓員工享有更大彈性，也不會額外增加僱主的成本及行政負擔。

面對員工醫療支出急遽上升，人力資源從業員務必提高員工的健康意識。現今科技先進，加上智能手機普及，令收集相關數據變得更加容易。僱主必須掌握明智之道，訂立完善策略，以改善員工福利。此外，僱主亦應該著力鼓勵員工培養良好習慣，注重健康生活、提升生活質素，從而提高公司的生產力，助公司邁向成功。 

註：此乃中文譯本，一切內容以英文版本為準。



Removing unconscious bias towards female assignees

Is unconscious bias impacting international assignment opportunities in your organization?

We all have unconscious biases in one form or another. They can show up in the workplace in many different ways; some of these are obvious: nationality, marital status, apparent sexuality or age. Others however can be far more subtle: social background, physical appearance or how a person dresses or communicates.

Whether obvious or not, unconscious bias can influence who gets hired, who gets listened to, and eventually who gets selected to go on international assignments. If you want to raise awareness around this bias that might be impacting the gender gap in your international assignment program, here are our tips to consider.

1. Selection criteria

Best practice companies require more than one candidate for international assignment opportunities and more than one decision-maker. In larger organizations with strong commitments to D&I goals, the criteria goes so far as to require diversity of candidates.

2. Use your data

Most companies can break down employee demographics for each gender to show what types of roles they fill and any gender gaps that exist at different levels or job functions. How many assignees are women? Are certain regions more successful at sending women on assignments than others? Are certain critical global career positions lacking gender diversity and does it impact the business?

Data gives you a point of focus to draw attention to: where gender gaps exist in the program and where to target specific strategies in order to achieve gender equality goals. Once you have the data, make sure your team is comfortable discussing it and bringing it to the business' attention.

3. Find male allies

One way to strengthen an initiative to support increasing female assignees and decrease unconscious bias is to identify male "allies" in your organization and get them actively involved.

Your Global Mobility program will benefit from high-level male "champions" who speak to the unconscious bias challenge, actively promote the effort to close the gender gap in the international assignee population and often serve as mentors for female professionals who make it into the program.

4. Promote current and previous female assignees

Giving visibility to women who are currently on international assignments, or have already completed their experience, will help raise awareness around the program – and help women and their managers see this as a viable and valuable opportunity.

Profile these women on your company's Intranet or invite them to speak at global leadership meetings. Visibility and promotion play a big role in changing attitudes, breaking down the unconscious bias barrier and opening possibilities for any employee population that is not always represented in an organization.

Conclusion

Don't be afraid to reach out to various stakeholders at your organization to get creative input on finding new ways to eliminate unconscious bias around female assignees and to promote closing the gender gap. We believe that unconscious bias is one of the most common barriers to overcome in order to increase international assignment opportunities for female professionals.

For more Crown insights

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Championing Gender Diversity – Fixing the Leaking Female Talent Pipeline

By Nick Marsh, Managing Director, Meraki Executive Search and Consulting

- Not only because it makes a creditable case for improving gender balance in organisational leadership, the evidence around the corporate benefits of gender diverse leadership offers compelling evidence it makes bottom-line business sense. And yet, around the world and across industries women currently represent around 12% of all board-level positions, even though they make up over 40% of the global workforce.
- Overcoming gender imbalance requires organisations and boards to make a commitment to change and take measurable actions, but it continues to challenge many organisations and progress to boost female representation in all senior leadership positions, including in the boardroom, remains slow.

Today, around the world, there is a strong movement to increase the number of women on boards, with some countries succeeding. For example, following a decade-long push by governments, female board

representation in Australia, France and the UK has reached 25%-plus, while other countries are improving, including India, up from 7% to 11%, between 2013 and 2017. At the same time, other business communities, including Hong Kong, Singapore and China, are only

improving slowly. The number of women on boards in Hong Kong currently stands at 13.8%, even though women make up approximately 54% the total labour force, according to the 2017/2018 “Women on Boards” Hong Kong report released by non-profit Community

Business. In Singapore, according to the Singapore Stock Exchange data, females currently hold a 10.3% share of board seats among all listed firms. Meanwhile, according to Deloitte's *Woman in the Boardroom: A Global Perspective* survey published in 2017, in China, women account for 10.7% of board seats; an improvement of 2.2% from 2015.

While some progress is being made at the board level, most Chairs of companies globally believe they face an even bigger gender diversity challenge at executive and senior management levels. At a time when large investors are demanding more diversity in the boardroom, internationally are making major efforts in this area, with executive teams reaching female representation of 30%-plus, but these are not the norm, even though evidence suggests that boardroom gender diversity can improve company performance. Findings from McKinsey and other global research firms indicate that a diverse board not only benefits a company's bottom line, but also helps to shape a positive corporate outlook that more accurately reflects the needs, backgrounds and perspectives of customers and employees.

The leaking pipeline, where it is happening and the scale

In spite of the majority of firms hiring approximately the same number of women as men straight out of university or college, among employees in their mid-thirties and above, the ratio of women to men drops to 30:70, a phenomenon known as the leaking talent pipeline. Mid-career stage (mid-level management) tends to be the stage where the leaking talent pipeline problem is most prominent, as women's life circumstances change with marriage and children. Another distinct stage is senior management level where women opt out of the workforce due to other family commitments such as caring for elderly parents. The expectations

on women as the main family carer still prevail and the majority of family duties still fall on women to shoulder. Many women also face continual barriers to career progress, mainly through unconscious bias. This involves being overlooked for promotional opportunities as they are not as visible or don't benefit from the same internal sponsors and champions as their male counterparts, or simply not being considered globally mobile therefore not considered for overseas assignments. This glass or bamboo ceiling presents another factor that causes women to opt out, either choosing to work for companies that offer more flexibility at the sacrifice of holding a more senior title, becoming entrepreneurs, freelancing, or stepping out of the workforce entirely. This results in a huge loss of talent, experience and future potential for corporates.

Despite initiatives, such as the introduction of the 30% Club in the UK in 2010 and Hong Kong in 2013, which aims to strengthen the gender diversity of boards, men dominate the top ranks of nearly every firm, and they continue to hire in their own image – more men. Boards are generally conservative and have a tendency to fear change and the unknown, which means they use their existing networks to access people they already know and are familiar with.

As talent ascends the ranks of most organisations, the proportion of women to men falls sharply. Despite initiatives, such as the introduction of the 30% Club in the UK in 2010 and Hong Kong in 2013, which aims to strengthen the gender diversity of boards, men dominate the top ranks of nearly every firm, and they continue to hire in their own image – more men. Boards are generally conservative and have a tendency to fear change and the unknown, which means they use their existing networks to access people they already know and are familiar with.

Research by almost every big name consultancy consistently demonstrates that female leaders are simply more hidden and less inclined to put themselves forward for senior positions. Meraki's own data and experiences indicate that women will only pursue a role if they fulfil at least 80% of the stated criteria, while for men that figure is 50% to 60%. Even for internal promotions, it requires more work to convince a woman to take on a new role or greater responsibilities, compared to a male with similar skills and experience levels. To address this issue, organisations should examine their talent pipeline – assessing at what stage women are dropping out of the workforce – and review the effectiveness of their current retention policies. Exit interviews, for example, can help to establish why women are leaving and whether culture, work-life balance or maternity leave arrangements need to be adjusted. Employers should also review why women are not returning to work after maternity leave or marriage and whether the company's culture, work-life balance, pay structure and promotion prospects are barriers to females returning to the workplace. Furthermore, board assessments and management team audits should be conducted on a regular basis to examine composition, and ensure effectiveness.

Identify all the possible solutions

From organisation and HR function perspectives there are many possible approaches to address and manage the leaking female talent pipeline. For a start, organisations could update their promotion and hiring processes. All hiring policies or promotion opportunities need to include balanced shortlists with 30% of women candidates as a minimum, which is a good start, although globally, some progressive firms insist on an equal 50-50% representation. For the interview process, include at least one senior female interviewer, and possibly even a diversity leader who can offer a balanced view. Consider the skills of each interviewer. Ascertain

if they need training to understand what unconscious bias means – the subconscious attitudes that can interfere with the analytical decision making processes.

Managing the diversity agenda

To manage the female talent pipeline, the diversity agenda needs to be led from the CEO/board with full buy-in from senior management. Engaging more male champions within every organisation is critical, as they currently hold the influence to make the necessary changes. The HR function also needs to assess the current state of play. This can be achieved through focus groups, one-on-one interviews or a simple survey, for instance, a survey to establish how the issue of diversity is perceived within the organisation. Is it deemed a business priority by some divisions or groups and not by others? What is the CEO and board's view on gender diversity? How can the organisation align around the issue of gender diversity?


Review the required skillset

Whether it's a part of nature or societal pressure, women have a tendency to under-sell their achievements and experience, whereas men may well over-sell theirs in order to get the job. The "softer" skills associated with women are often given less importance; therefore companies may need to change the measure of skills required for a role so female candidates are considered on a broader spread of merits. As women are less likely to have exposure to senior role opportunities, they are more likely to be overlooked for candidates that have proven experience. Consequently companies need to be more open to promoting and hiring female candidates who may lack experience at the role's level, but who have potential. To widen the circle of candidates, organisations may also consider using external firms to either support finding top female talent outside of the company's existing network, or provide a second expert opinion.

Don't underestimate the power of female role models

Ensuring that women have someone to look up to increases their aspirations and the likelihood they will grow with the company. If female employees can't see female leaders or a particular role they can aspire to, they are unlikely to stay with an organisation for the long-term or pursue higher ambitions with the company. Ensuring that existing female leaders are visible within the firm and encouraged to actively participate in the hiring process and internal development programmes can have a significant impact on motivating other capable females. Sponsorship and mentoring programmes or piggybacking on external support networks, for example, the Women's Foundation Hong Kong's mentoring programme, is another way to empower females with potential. Providing future female leaders with an internal sponsor and enlisting the support of senior male allies is another way of support up-and-coming female talent.

Evaluate the options and implement

Some of the solutions can be implemented overnight by the HR function; others will require a more concerted effort and buy-in from senior management. The key, however, is to nurture female talent during the early stages of their careers, developing and supporting them during the major transition points of mid-level management, to support their growth to the executive level. Companies such as the "big four" have had success by accelerating female employees' careers prior to childbirth. Once the intention of the company to fix the leaking pipeline has been established, the HR function should work with the senior management team to make commitments and document the plan. If goals and processes are not documented and measured, they are unlikely to be acted on. 





Life After Work – Hong Kong's Workforce is Willing to Pay More for Better Retirement Benefits

By Elaine Hwang, Director of Retirement, Willis Towers Watson, Hong Kong

- While it's no secret that a large number of Hong Kong employees are not saving enough for their retirement, a high percentage of workers report they are willing to pay more for better employer-provided retirement benefits, according to research by Willis Towers Watson.
- Survey findings indicate that employees would like more help from their employers to navigate the complex world of financial retirement planning and benefits, opening the door for more employer and employee engagement opportunities.

Financial well being during retirement years has become a hot topic for Hong Kong employees recently, with almost 60% of respondents reporting that financial security is a major concern according to the 2017/2018 Global Benefit Attitudes Survey (GBAS)

by Willis Towers Watson (WTW). Involving more 31,000 employees in 22 global markets including Hong Kong, the GBAS explores employee concerns and expectations across four key areas; financial well-being, health and well-being, benefits preferences, and retirement expectations.

When it comes to retirement financial confidence, there is certainly a good reason why employees are anxious. Hong Kong is ageing fast, with almost one in four people expected to be 65 or older by 2024, rising to almost one in three people by 2034, according to Hong Kong government statistics.

Employee concerns about whether they have sufficient funds to support their retirement should also trigger the “concern buttons” of employers since employees don’t leave their worries at home. Anxieties over having sufficient financial assets to fund a comfortable retirement can lead to stress, decreased job performance and satisfaction, increased absenteeism and reduced engagement. A survey commissioned by the Hong Kong Investment Funds Association 2017, based on a sample of 600 employees aged 25 to 65, found they would need HK\$3.1 million to maintain their standard of living when they retire. However, relying only on their MPF accounts, the same employees on average expect they can save only HK\$1.2 million by the time they plan to retire, creating a HK\$2 million shortfall.

Aside from debates about Hong Kong’s aging population, awareness surrounding retirement issues have been further boosted by recent media focus on the topic of a universal pension plan and amendments made to Hong Kong’s Mandatory Provident

Fund (MPF). Other factors turning the spotlight on the financial aspects of retirement include a high-performing stock market and rising balances in MPF members’ accounts. Meanwhile, amid an ageing population, the Hong Kong government is looking at new ways to encourage people to save for their retirement. The latest suggestion is to give Hongkongers a tax deduction of up to HK\$36,000 per year if they save more for retirement through pension funds or deferred annuities.

Retirement challenges for an aging population

Concerns about being financially secure in retirement have grown to the extent that almost half of the 1,000 Hong Kong employees surveyed by WTW stated that they would be willing to invest a larger portion of their monthly salary in return for better employer-provided retirement benefits. Interestingly, the desire for greater retirement benefits outweighed the desire for more healthcare benefits, where only 30% of respondents stated they are willing to invest more of their salary to increase their health benefits.

According to the GBAS, retirement security has become a growing concern for all employees across all age groups, with those in their forties expressing a greater desire to offset a higher amount of their salaries for retirement benefits to meet their retirement expectations. Unfortunately, WTW research shows that many employees that have reached the 40-plus age bracket have failed to prioritise saving for retirement until other financial needs have been met, such as education for children. Suddenly they are faced with the realisation that they are likely to struggle to maintain the lifestyle they have become accustomed to, or wish for in retirement.

Education the key to improve financial planning retirement awareness

The GBAS also showed that employees are looking to their employers to play a more active role in their retirement planning. To help employees prepare financially for retirement, more education is needed to inform and encourage employees to start saving for retirement at a younger age. To boost awareness of the benefits of

Employees Prepared to Pay More to Receive a More Generous Retirement Payment

SECURITY ➔ **48%**

When I retire I receive a regular monthly payment, which is guaranteed to last for the rest of my life.

29% ➔

When I retire I receive a fund of money but which could run out.

CERTAINTY ➔ **37%**

Having more certainty on my income in retirement, but where it is less likely to grow with inflation.

34% ➔

Having an income in retirement which is likely to rise with inflation in most years, but is likely to be reduced in extreme circumstances.

ACCESS ➔ **33%**

Access my retirement savings whilst working, but with less generous income in retirement.

39% ➔

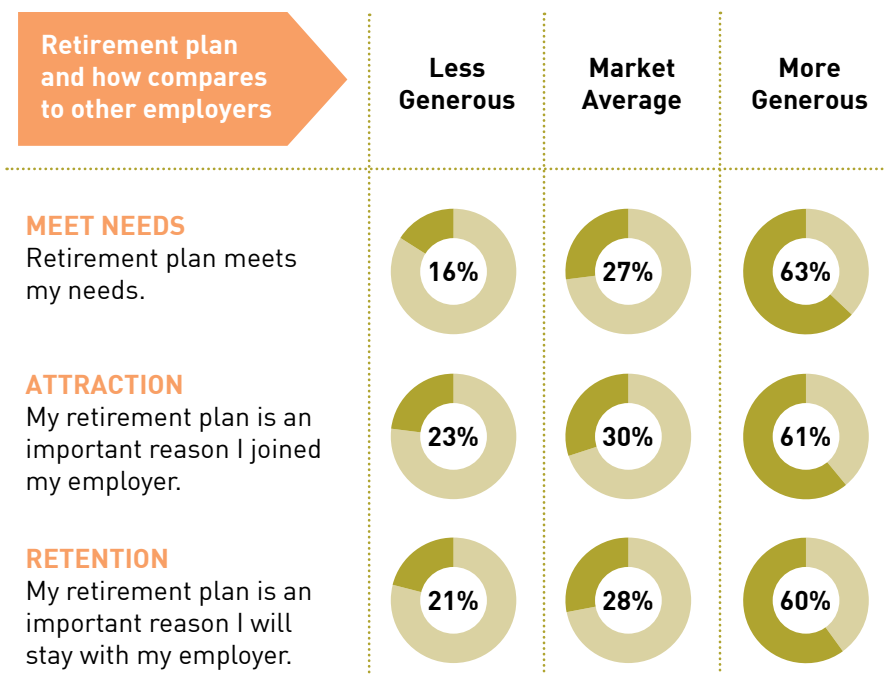
Not being able to access my retirement savings, but with a more generous income in retirement.

Source: Willis Towers Watson

saving from a younger age, employers could conduct regular reviews on the performance and service of MPF scheme products and any additional retirement schemes they offer to ensure their workforce is being provided with the optimal investment opportunities. The HR function could take the lead in boosting financial education for retirement by providing opportunities for employees to discuss risk appetite with MPF providers and financial planning professionals. Often, partnering with service partners who bring specialised knowledge to the table offers distinct value in addressing the financial needs of employees. Workshops, seminars, webinars and bite-sized online financial learning tools can cover a variety of topics such as investment fund selection based on different needs at different life stages.

Effective communication must always be at the forefront of any initiative. This includes adapting key messages and tools that resonate with workforce demographics, addressing the needs and preferences of the employee base. With financial security in retirement at the forefront of many Hong Kong employees' minds, employers are in a prime position to boost engagement and their employer-value-proposition by demonstrating they care about their employees' financial well-being. The GBAS supports the view that employers that are generous with their retirement plans more than double their attraction and retention rates. WTW also observed that employees are better engaged if employers can offer more than one MPF scheme in order to address retirement planning needs at different career and lifecycle stages. Stretching the concept further, the more education employees receive from their employers about planning and saving for retirement, the better the chances are of employees taking a bigger interest in retirement tools such as their MPF accounts and other annuity products, for example, the public life annuity introduced by the Hong Kong Mortgage Corporation.

Retirement Income Structure and Preferences




Source: Willis Towers Watson

Strong interest in phased retirement

Although many employers insist on employees retiring at age 60 or 65, there is no standard retirement age in Hong Kong. About 20% of employees surveyed by WTW expect to continue working into their 70s, through financial necessity, which raises the issue of employees not being able to enjoy their retirement years. However, the WTW survey also reveals interest from Hong Kong employees in the concept of phased retirement, a process that includes arrangements that allow an employee who is approaching retirement to continue working with a reduced workload and gradual reduction in hours. Phased retirement provides opportunities and benefits for both employers and employees. Employers that retain valuable employees longer can transition duties and knowledge in a smoother and more gradual way while employees can use the opportunity to adapt to retirement. And the beauty of this is that phased retirement is made easier in today's

digital age where remote working and virtual offices are increasingly becoming the norm.

Whether it is helping employees with flexible ways to adjust to their post-work "golden years" or to prepare their financial wellness, one thing is certain, employees are looking for their employers to guide them. In doing so, employers can benefit from increased engagement while reducing the financial worries of their "greatest asset". 



Voice Essentials – Mastering Your Own Voice for Professional Success

By Catherine Macer, Associate Director, All Voice Talent Ltd

- Communication is at the heart of every business. And much of what is communicated rests on the spoken word, be that in one-to-one meetings, videoconferences, presentations, pitches, or town hall meetings.
- The ability to communicate well rests not only on what we say, but the way in which we say it. But how well do our voices serve our message? And how often is our message lost in poor delivery?

Take a simple invitation, such as “please, come in!” It is not hard to imagine the many different ways these words could be said. With different stress, pausing, tone, pitch and even body language these three short words could be welcoming, persuasive, pleading, apologetic,

commanding or even ominous – depending on delivery.

If three words can have such a range of meaning, think how longer messages might be received! If we are not aware of how we sound, our message might get confused or misinterpreted, and will almost

certainly lose impact. For instance, if we think we are speaking with confidence and authority, but in fact others think we sound unsure and reserved, what might the implications be? In crucial situations, like facing an interview panel, or addressing your colleagues at the AGM, the results could be quite unfavourable.

There is a classic norm in communications theory called the 7%-38%-55% Rule. It is the work of Professor Albert Mehrabian, professor emeritus of Psychology at The University of California, Los Angeles (UCLA) and it describes how listeners derive meaning from a spoken communication. His research found that 7% of meaning is communicated in the actual words spoken, 38% of meaning is communicated in the way the words are said and 55% of meaning is communicated via facial expression and other non-verbal gestures.

This means that the content of speeches, the actual words, will not define the success of an event. Rather, it is the way the words are delivered—tone, pitch, pace, supported by eye contact and gestures that will get speakers heard and have the most impact.

Same words, different meaning

To demonstrate this further, let's take three work scenarios that HR executives are likely to meet in the course of their professional life.

1. Cautioning a member of staff
2. Urging regional team members to meet a deadline via videoconference
3. Giving a welcome address to a group of new employees

Each of these situations demands a different vocal and emotional response from the HR executive and requires their words, delivery and non-verbal communication to be congruent.

Let's imagine scenario one in which HR Vice President Susan is meeting Accounts Assistant Morris to give him a conduct warning. Susan stands up as Morris enters her office and then sighs, sits down heavily and fiddles nervously with some papers on her desk. She speaks fast and very quietly, without looking Morris in the eye. Her words are flat and lack any projection.

"Morris, this sort of behaviour is completely unacceptable and cannot be tolerated in the workplace..."

Voice coaches tell us that when we are nervous we speak too fast and raise the pitch of our voice so that the words lose their basal tone. Tone changes meaning and the way you emphasise certain words will give weight to one part of the sentence and not another. Said in this way Morris might understand that he needs to pay attention, but things are basically OK.

However, if Susan sat still, breathed calmly, looked Morris in the eye and spoke slowly, lowering the pitch of her delivery, Morris would understand that he has to improve his performance immediately, or face very serious consequences. Stressing the words "completely" and "cannot" would add emphasis to the clear boundary that this statement is meant to deliver.

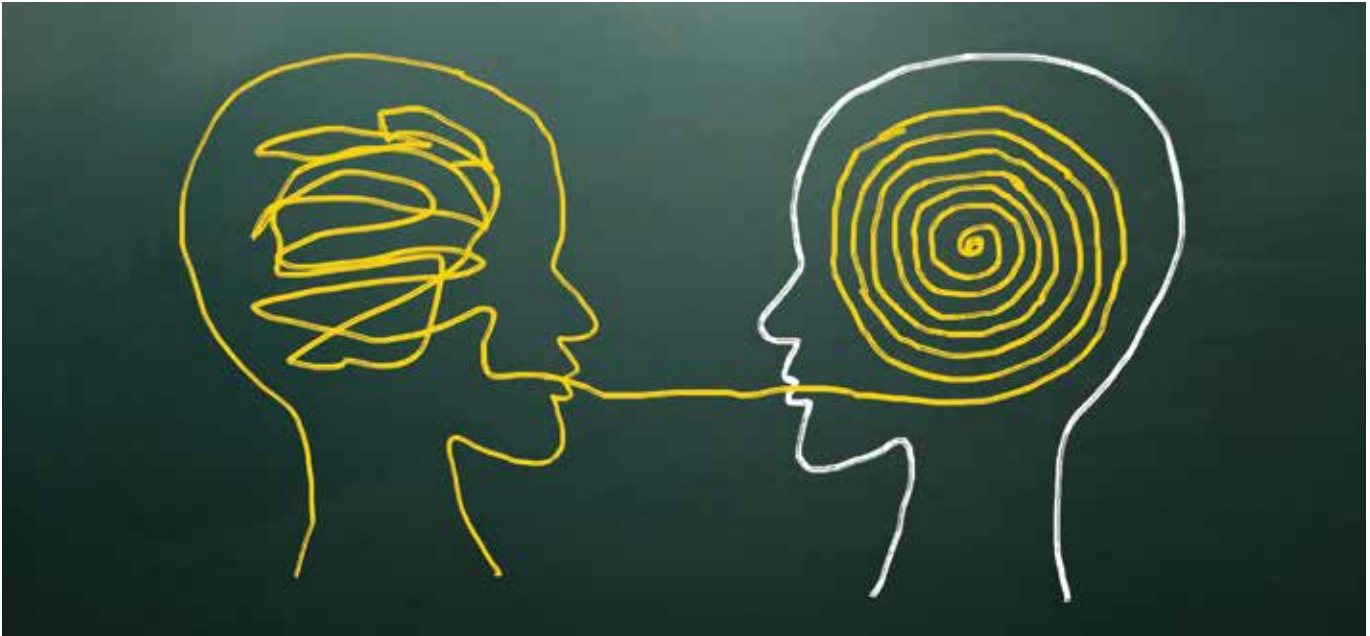
Persuasive power

In scenario two, HR Executive Marion is trying to complete the rollout of a new internal training scheme and is talking to regional heads via a videoconference (VC) about the project deadline. Her aim is to persuade her colleagues to ramp up efforts to meet the deadline. She asks:

"Look, what if we get a few more people on board, do you think then we can meet the deadline?"

A VC meeting, with its inherent challenges – glitches, time delays, and image distortions (which are often perceived as personal flaws of the speaker rather than technical faults) is a difficult situation for Marion to exert her leadership. She needs to be extra thoughtful about the pace, tone and intonation of her delivery. Without the ability to look people in the eye, pace conversations with ease, or have a more organic sense of turn taking, the technology could undermine her efforts to push this project through.





So Marion must ensure that she speaks in a way that produces the results she needs without alienating her colleagues or losing their attention. If she asks this question in a flat tone, without any vocal variety it will sound uninspiring and others are unlikely to feel bothered to answer or want to get onboard. Worse still, if her intonation goes down at the end of the sentence there will be a passive aggressive dynamic to her question. She will be subliminally ordering the team to get onboard and might as well have said; "I'm the boss. You must cooperate. We're all going to work on this until it is done." The exertion of her power might irritate her regional team heads, limit their willingness to collaborate, and potentially jeopardise a successful rollout.

Instead, Marion needs to pose the question in a clear, confident and optimistic voice. In particular, she must change her patterns of intonation, making sure that it rises at the end of the sentence to be persuasive with a sense of inclusion, team and 'pulling together'. By using rising tones Marion will be subliminally saying "I'm the boss. I value your input. We can make this happen together". If Marion's body language is congruent – projecting

calm, measured, strength – she is sure to get her colleagues onboard. Since distracting mannerisms and facial expressions will all be picked up on camera, naturally expressed nonverbal signals, if Marion leans forward slightly, smiling, and showing the palms of her hands when she gestures, signals empathy, likeability and warmth.

Leading inspiration

In the final scenario, HR Director Mike is giving a welcome address to a group of new employees. Like many people in this situation he feels nervous and so raises the pitch of his voice. He also speaks too fast, without many pauses. His body language appears awkward and defensive. Sadly, he sounds far from inspiring to his bright, enthusiastic new staff.

But, if Mike were to make a few changes to his vocal delivery and presence, he would captivate his audience immediately. If he lowered the pitch of his voice by changing the shape of his resonance chamber, his words would immediately have more impact. The resonance chamber is our whole head, it is where our words physically resonate. A lowered pitch, along with slower and more measured speech, a tall, upright stance, and simple, clear

hand gestures culminate in the much sought after quality of gravitas. Gravitas combines authority and passion to inspire confidence and project vision. If Mike were to deliver his speech in this way he would be assuring his new staff that they have come into a great organisation.

These three scenarios highlight the fact that vocal and non-verbal skills are crucial to the ability to communicate successfully and that the words said are actually far less important than the way they are said. The tone, pitch, pace and volume of speech, along with congruent hand gestures, eye contact and posture, are the building blocks of communication and convey the deepest level of meaning. It is therefore imperative that we appreciate how we actually sound and understand our vocal challenges and capabilities. We must ensure that we have the right skills in our executive toolkit to modify our vocal delivery to suit each situation, and so be sure that all our words are being heard the way we intend. [JHRM](#)



Opportunities and Challenges for Greater Bay Area Development

By Liu Zhibin, Visiting Research Fellow and Deputy Secretary-General, Guangdong Academy of Human Resources
Kay Yip, Member of the China and International HRM Committee, HKIHRM

- The construction of the Greater Bay Area (GBA) is an important and one of the major strategies for China to promote the “Belt and Road” initiative. With its strength on finance, professional services and international linkage, Hong Kong can attract talents of all kinds, and open up new opportunities for the future economy development through enhancing the co-operations with other cities in the region.
- Hong Kong HR practitioners should plan ahead and focus on the relevant job market dynamics in the GBA to seek for career development opportunities.

Among the key tasks of the 19th National People's Congress Standing Committee, the Guangdong-Hong Kong-Macao Bay Area, also known as the Greater Bay Area or GBA development has

a core objective to fully leverage the comparative advantages of the regions involved and deepen cooperation amongst them so that organic, in-depth integration as well as economic synergy can be achieved.

As an international financial centre with top-notch services and talents backed by a strong capital market, Hong Kong can play a part in the GBA development, while embracing a wide range of possibilities and opportunities.



Overview and characteristics

Encompassing “9+2” cities, namely, Guangzhou, Foshan, Zhaoqing, Shenzhen, Dongguan, Huizhou, Zhuhai, Zhongshan and Jiangmen, with the special administrative regions of Hong Kong and Macao, the GBA is one of the most robust areas in China in terms of overall strengths, such as economic openness and dynamism.

By leveraging on favourable conditions, the GBA area is poised to become a world-class city cluster. According to the *Annual Report of Guangdong, Hong Kong and Macao Bay Area Construction (2018)*, in 2017 the combined GDP of the 11 cities reached 10.22 trillion yuan (US\$1.51 trillion). By 2020, the GBA is expected to be the world’s largest economy of its kind. While the entire area takes up only 0.6% of China’s land mass, it contributes 12.57% of the country’s GDP. Furthermore, this economic pillar is a starting point of the 21st Century Maritime Silk Road, an integral part of the Belt and Road initiative.

The GBA initiative’s goal is ambitious – it is currently shifting from an industrial economy to a service-oriented economy, which is growing in size and prominence while low-end manufacturing is in decline. At the same time, the GBA has a pivotal role to play in global innovation. The major cities involved are transitioning from a manufacturing hub to innovation ecology and a service cluster. These cities serve as exemplary role models for their smaller counterparts in the Pearl River Delta region. Especially for those cities that experienced an early growth in manufacturing, a breakthrough shift from manufacturing to service industries is occurring.

Talent acquisition programmes

As the GBA initiative gathers momentum, manpower is definitely a crucial element for future success and development. To attract talent locally and from across the globe, the participating cities are launching various recruitment programmes. For example, the mainland cities in the area have unveiled a number

of sponsorship schemes aimed at graduate headhunting, including subsidies for housing and household registration. According to the Chinese Ministry of Education of China, the number of college graduates, is expected to reach a record high of 8.2 million in 2018.

Meanwhile, designed to target high-calibre candidates, a variety of preferential policies, including lucrative living allowances, target incentives, housing subsidies, child education enrolment measures, spouse employment, entrepreneurship and scientific research funding have been unveiled. As a result of these unusually vigorous policies, a multi-level talent acquisition system has been established. Adapting to these conditions, Hong Kong and Macao have introduced localised manpower policies designed to edge a win in the race for talent engagement. However, to successfully attract, hire, develop and retain the most outstanding people and allow them to contribute to local economic and social development remains a key challenge.

Implementation of talent policies of Greater Bay Area for Hong Kong

The development of the GBA requires a wide spectrum of talents, especially in the areas of innovation and technology, finance, professional services and logistics management. The four pillar industries supporting the Hong Kong economy are trading and logistics, finance, professional and producer services, and tourism. Nurtured locally, a large pool of talent in finance, law, accounting, construction and surveying, transportation and logistics is conducive to the GBA development.

On 8 May 2018, the Hong Kong SAR Government announced a three-year Technology Talent Admission Scheme (TechTAS) to admit overseas and mainland technology talent to undertake work for technology companies/institutes in Hong Kong

through fast-track immigration arrangements. Currently, the territory has the General Employment Policy and the Admission Scheme for Mainland Talents and Professionals in place. The application processing time for talent admission through TechTAS takes about two weeks, or roughly half the time it takes to complete the processing requirements using other schemes. This streamlined procedure will be of effective help for technology companies to recruit overseas and mainland talents with in-demand skills, consequently boosting the development of innovation and technology in Hong Kong.

However, compared to talent admission plan introduced by mainland cities in the GBA (such as Shenzhen's Peacock Plan, Guangzhou's Kapok Plan, Dongguan's Blue Fire Plan and the Zhuhai Talent Programme), Hong Kong's TechTAS, which has set a quota, seems inadequate. Given the higher living costs in Hong Kong, without financial support, the scheme may not look as appealing to highly capable professionals as alternative GBA talent attraction schemes.

It is worth noting however, that Hong Kong's HR practitioners have an international edge. Anticipating a trend of coordinated mobility of talent across the GBA, Hong Kong's HR professionals should plan ahead and stay abreast of relevant career development opportunities while ensuring they are familiar with the cultural differences in preparation for working in the area. The current policy allows Hong Kong and Macao residents working in the Guangdong-Hong Kong-Macao Talent Cooperation Demonstration Zone (including Nansha in Guangzhou, Qianhai in Shenzhen and Hengqin in Zhuhai) to be exempt from the requirement of Employment Permits for Persons from Taiwan, Hong Kong and Macao. But the nine mainland cities in the GBA are not covered. Professional qualifications, including those related to law, accounting and engineering, are also not mutually accredited between


Hong Kong and the mainland. Hong Kong citizens working in these fields are required to sit relevant professional qualification exams in the mainland.

Hong Kong residents wishing to work in the GBA may also be concerned about tax planning, social welfare coverage and retirement protection. At present, Hong Kong residents who have worked in the mainland for more than 183 days are required to pay individual income tax to the mainland government. To stipulate and standardise requirements for Hong Kong residents participating in social insurance in the mainland, the Chinese Ministry of Human Resources and Social Security is studying the formulation of interim measures on participation in social insurance by Taiwan, Hong Kong and Macao Residents. Such measures are undergoing several rounds of internal consultations and are subject to views from relevant authorities of the State Council as well as local governments. Upon the enhancement and completion of the legislative procedures, the State Council will announce the implementation in due course. In addition, social welfare and retirement protection systems vary significantly in Hong Kong and the mainland and accordingly are not inter-transferrable. Considered "foreigners", Hong Kong residents working and studying in the mainland are not entitled to the social welfare benefits that mainland residents are able to enjoy.

Hong Kong's youth optimistic about employment opportunities in the Greater Bay Area

A survey conducted by the Hong Kong Youth Power Association in early 2018 on the intentions of Hong Kong and mainland young people to work in the GBA, shows that about 75% of the respondents were optimistic about the employment prospects in the area, but only about 43% indicated a desire to work there. Over 61% said they would feel more inclined to take on a job in the GBA if the Hong Kong government steps up its housing support and allowances.

Planned under the framework of "one country, two systems", 2018 heralds a year of construction for the GBA. The economic structure and the development model are expected to be enhanced. The high-end service sector is also expected to continue to grow. Emerging industries like information technology, artificial intelligence and new energy will also continue to expand. The cities in the GBA should ride on their own advantages, complement one another, collaborate amid competition and create synergy in such a way that talents are attracted and retained to facilitate the growth and long-term prosperity of the area. Hong Kong's HR professionals should give due consideration, strengthen coordination, optimise talent policies and establish a high-level mechanism to stimulate innovation to take advantage of the opportunities the GBA initiative offers. Strategically, the GBA will help Hong Kong break through its limitation of land and human resources supply, while complementing the needs of the nine cities in the Pearl River Delta region, avoiding unnecessary competition and boosting Hong Kong's business momentum. With more manpower mobility available, as the architects of managing human capital, Hong Kong's HR function will have a vital role to play in capitalising on the opportunities the GBA offers.

As such, Hong Kong's HR practitioners may want to review their career development needs, take the time to better understand the job market dynamics and pursue development opportunities in the GBA, where the possibilities of high-end talent search, recruitment, training, assessment, transfer and management consulting, and other HR-related services can be explored. 

Note: This is a translation article based on the original Chinese version.



粵港澳大灣區發展計劃為企業帶來的機遇與挑戰

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葉燕 香港人力資源管理學會中國及國際人力資源管理委員會成員

- 粵港澳大灣區建設是中國重要的發展戰略及推動「一帶一路」的其中一大措施。香港可善用其金融、專業服務和國際聯繫的優勢，加強與區內城市的合作，招攬各類人才，為香港經濟未來發展拓展新機遇。
- 香港人力資源管理從業員應提前謀劃，積極關注粵港澳大灣區相關就業市場動態，尋求粵港澳大灣區職業發展機會。

粵

港澳大灣區發展計劃是中共第十九屆全國人大常委會的重點工作之一。這項重大發展戰略的核心部分在於最大程度發揮各地比較優勢，能進一步深化粵港澳合作，從而促成區域內的深度、有機融合，推動區域經濟協同發展。香港作為國際金融中心，擁有頂尖的金融服務、人才及強大的資本市場，可在粵港澳大灣區發展中發揮其功效，把握各種機遇及商機。

粵港澳大灣區概況與特徵

粵港澳大灣區由「9+2」城市組成，包括廣州、佛山、肇慶、深圳、東莞、惠州、珠海、中山、江門九個城市，以及香港和澳門兩個特別行政區。這個區域目前是中國綜合實力最強、開放度最高、經濟最具活力的地區之一，並已具備發展成為世界級城市群的條件。

根據《粵港澳大灣區建設報告（2018）》，

粵港澳大灣區11個城市在2017年的國內生產總值總和達10.22萬億元，折合美元達1.51萬億美元。粵港澳大灣區僅佔中國0.6%的土地面積，卻貢獻中國國內生產總值總量的12.57%。大灣區是支撐中國經濟的核心區域之一及廿一世紀海上絲綢之路的起點之一，也是「一帶一路」建設重要區域。預計到2020年，粵港澳大灣區有望成為全球第一大灣區經濟體。

目前，粵港澳大灣區第三大產業特徵明顯，已由傳統的工業經濟邁進服務經濟階段。服務業比重不斷上升並成為第一大產業，第二產業則呈現逐步下降趨勢。大灣區在全球創新網絡中佔據重要地位，粵港澳大灣區核心城市功能由製造產業集聚向創新生態、服務產業轉移，核心城市對周邊小城市具有顯著輻射帶動作用。珠三角核心城市製造業發展較早，但在製造業向服務業轉型過程中，也在嘗試各自突破。

粵港澳大灣區推出各類計劃招攬人才

粵港澳大灣區的建設發展，人才無疑是最關鍵的因素。為招攬各類人才，粵港澳大灣區各個城市紛紛推出各類招才引智計劃，吸引全球人才加盟。根據中國教育部統計，2018年全國普通高校畢業生預計820萬人，再創歷史新高。粵港澳大灣區內的內地城市在針對招攬大學生方面，推出各項補貼計劃，包括住房及落戶補貼等。

此外，在針對招攬高層次人才方面，各城市藉著提供優厚的生活補貼、目標獎勵金、購房補貼、子女入學措施、配偶就業、創業、科研專案資金補助等一系列優惠政策，吸引高端人才落地，構建多層次人才體系。各地政策力度之大前所未有；而香港、澳門則因地制宜，推出適合本地的人才政策。如何在這輪人才大戰中搶得先機，並讓引進的人才對當地的經濟社會發展發揮最大的作用，真正有效地引進、聘用、挽留、開發人才，應是各地都要思考和佈局的議題。

粵港澳大灣區各地人才政策給香港的啟發與思考

粵港澳大灣區各地發展需要各類人才，尤其創科、金融、專業服務及物流管理的專才。貿易及物流業、金融業、專業服務及其他工商業支援服務業和旅遊業作為香港經濟的四大支柱產業，香港在各個領域培育了大量金融、法律、會計、建築及測量、運輸物流等行業人才，正是對粵港澳大灣區發展的優勢。

香港特別行政區政府於2018年5月8日宣佈，將推出一項為期三年的「科技人才入境計劃」，旨在通過快速處理入境安排，為香港特區科技公司（機構）輸入海外和內地科技人才。此外，香港現有的「一般就業政策」和「輸入內地人才計劃」相比，

政府通過「科技人才入境計劃」引進人才申請的時間可縮短至兩星期，較比其他計劃處理時間將縮短至一半。這將大幅簡化申請科技人才入境的手續和時間，將有效幫助科技公司從海外和內地招聘本地缺乏的科技人才，對推動香港創科發展作用重大。

但相比深圳的「孔雀計劃」、廣州的「紅棉計劃」、東莞的「藍火計畫」、珠海的「珠海英才計劃」等粵港澳大灣區內地城市推出的人才政策，香港推出的「科技人才入境計劃」略顯單薄，且有人才配額有限，加上香港的居住生活成本較高，沒有資金扶持的情況下，恐怕對頂尖人才的吸引力力度不足。

香港本地的人力資源管理人才國際化程度較高，粵港澳大灣區人才共融協調流動是未來趨勢，人力資源專才應該提前謀劃，積極關注粵港澳大灣區相關發展機會，瞭解大灣區各城市文化差異，為在大灣區城市從業做好心理準備。根據目前政策，粵港澳人才合作示範區內（包括廣州南沙、深圳前海、珠海橫琴）工作的港澳居民，可免辦《台港澳人員就業證》，但這一政策還沒有惠及粵港澳大灣區的九個城市。在專業資格方面，部份專業資格例如法律、會計及工程等未有直接的專業資格互相認證，香港公民欲前往粵港澳大灣區工作，需要參加國內的專業資格考試。

另一方面，稅務安排、社會福利及退休保障亦是香港居民對前往粵港澳大灣區各地工作比較關注的考慮要點。現時，香港居民凡於內地工作多於183天，須向內地政府繳交個人利得稅。在大陸就業的香港居民，根據《臺灣香港澳門居民在內地就業管理規定》（勞動和社會保障部令第26號）第十一條，用人單位與聘雇的台、港、澳人員應當簽訂勞動合同，並按照《社會保險費徵繳暫行條例》的規定繳納社會保險費；在內地未就業、未就讀的香港居民尚不能繳納社會保險費，人力資源和社會保障部正在研究制定《臺灣香港澳門居民在內地參加社會保險暫行辦法》，該暫行辦法尚未發佈實施。此外，香港的社會福利及退休保障與內地城市的制度存在頗大差異，兩地的制度於目前是不能相互轉移的，而且香港居民在國內升學就業都被視為「境外人士」，不能以公民的身份享有國內的社會福利。

香港青少年對粵港澳大灣區就業發展機會感到樂觀

根據香港青年動力協會於2018年年初進行對香港及內地青年對粵港澳大灣區的就業意向的調查顯示，約75%受訪者表明對大灣區各城市就業前景感到樂觀，但只有約43%的受訪者表示希望前往粵港澳大灣區工作；逾61%受訪者認為，若香港政府能加強在居住配套的支援及津貼，可增加他們前往粵港澳大灣區工作的意欲。

2018年粵港澳大灣區將進入建設年，粵港澳大灣區在「一國兩制」框架內規劃，其經濟結構與發展模式將進一步提升，高端服務業比重將繼續上升，IT互聯網、人工智慧及新能源等戰略性新興產業規模和國際影響力持續擴大。粵港澳大灣區各城市應該發揮各自優勢，形成互補，更應在競爭中相互合作，發揮協同效應，方能真正吸引及挽留人才，並有助粵港澳大灣區發展和長期繁榮。香港政府人力資源主管部門既要審時奪度，加強統籌協調，優化人才政策，建立高層次協調機制，激發香港創新動力。大灣區將協助香港突破土地和人力資源瓶頸，與珠三角九個市優勢互補，避免同質化競爭，提升發展動能。同時，也將釋放出更多的人才流動勢能，人力資源業作為生產性服務業和現代服務業將大有作為，香港地區人力資源管理者也將迎來全新發展機遇。

香港人力資源從業者可審視自身職業生涯發展需求，瞭解粵港澳大灣區就業市場動態，尋求粵港澳大灣區職業發展機會；香港人力資源企業可深粵港澳大灣區各地，開展諸如高端人才獵頭、招聘、培訓、測評、轉職、管理諮詢等人力資源服務。



Key Provisions of the General Data Protection Regulation

By Pattie Walsh, Partner, Bird & Bird

Stephanie Wong, Associate, Bird & Bird

- The General Data Protection Regulation (GDPR), which regulates cross-border processing of European Union (EU) personal data, came into force on 25 May 2018. The GDPR can apply to organisations located outside of the EU if they offer goods or services to data subjects in the EU or process personal data of EU citizens.
- Hong Kong companies which fail to comply with their legal obligations under the GDPR could be exposed to potential sanctions including fines of up to €20 million or 4% of the company's worldwide turnover, whichever is higher.



Typical of global business models where it is common for Hong Kong businesses to have a connection with Europe, the GDPR may be applicable to businesses in Hong Kong. For instance, information relating to employees in the EU such as remuneration details and employment records could be shared with Hong Kong employers. Moreover, even if a Hong Kong entity is not directly subject to the GDPR, if a Hong Kong business unit is part of a multi-national organisation, a global personal data policy which adopts the higher standards imposed by the GDPR may also be applied to achieve consistency across different regions where the organisation operates its business.

Consequently, if data processing undertaken by a Hong Kong business is subject to the extraterritorial scope of the GDPR, the relevant regulations should be complied with. Under the GDPR, "processing" has a broad meaning and includes collection, recording, storage, adaptation, disclosure and erasure for the purposes of data processing. As there are some significant differences from the existing legal framework in Hong Kong prescribed by the *Personal Data Privacy Ordinance (PDPO)*, HR practitioners should ensure that any company policies and procedures are reviewed to ensure they meet GDPR requirements.

Sensitive personal data

Under the GDPR, there is a separate category relating to Sensitive Personal Data. This applies to personal data which is viewed as inherently sensitive given its nature, and if mishandled, could lead to discriminatory consequences for individuals. Examples of Sensitive Personal Data include data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, genetic data, biometric data processed to uniquely identify a person, data concerning health, and data concerning an individual's personal sex life or sexual orientation.

Such data cannot be processed unless certain conditions are fulfilled. Some of these grounds include: where the data subjects have given explicit consent; the processing is necessary for the purposes of carrying out the data controller's or the data subject's obligations and legal rights; and the processing is necessary for defending legal claims.

Enhanced obligation to provide information to data subjects

Under the GDPR, subject to certain exceptions, businesses need to provide individuals with prescribed information regarding the processing of their personal data. These generally include but are not limited to:

- the purpose and the grounds for the processing;
- the categories of recipients of the personal data;
- whether it is mandatory to provide the data and the consequences if such data is not provided; and
- information regarding cross-jurisdiction data transfers.

The prescribed information that needs to be provided to data subjects is more extensive than that which needs to be provided under the Hong Kong *PDPO*. There is also a requirement that the prescribed information be presented in a concise, transparent, intelligible and easily accessible manner.

Consent

The GDPR requires that processing of personal data must be based on a lawful basis, including necessity for the performance of a contract, consent, legitimate interests of the employer (ensuring health and safety of staff) and compliance with legal obligations. There are also specific requirements relating to consent being freely given, and should reflect a specific, informed, and unambiguous indication of a data subject signifying his/her agreement to the processing of personal data. An important feature of the GDPR allows consent to be withdrawn by data subjects at any time.

Complying with data access requests

Under the GDPR, there is a "right of access" for individual data subjects, which is similar to data access requests made under the *PDPO*. In terms of the timeline, however, data controllers need to provide such information without delay and within one month. This is a shorter time frame than that provided under the *PDPO*, which requires data users to comply with a data access request not later than 40 days after receiving the request.

Right to be forgotten

Under the GDPR, individuals have a right to require businesses to erase their personal data without undue delay if certain grounds apply, the most relevant being:

- the personal data are no longer necessary in relation to the purposes for which they were collected;
- the data subject withdraws consent which constitutes the basis for the data processing, and where there is no other legal ground for the processing; and
- the data subject objects to the processing and there are no overriding legitimate grounds for the processing.

Whether a Data Protection Officer should be appointed

Unless an organisation is an entity where the appointment of a Data Protection Officer (DPO) is mandatory to monitor compliance with the GDPR rules, for example, if the organisation is a public authority, or if the core activities of the organisation require regular and systematic monitoring of individuals on a large scale or large scale processing of sensitive personal data or criminal records, companies are free to decide whether or not to appoint a DPO.

Notification of breaches

If a data breach occurs, employers have an obligation to notify the

regulator of such breach without undue delay. Where possible, upon the employer becoming aware of such breach, notification should be made within 72 hours to the Lead Supervisory Authority (LSA) in the EU Member State where personal data has been compromised. If it is likely that the data breach results in a "high risk to the rights and freedom" of the individuals involved, then the employer is also required to notify the affected individuals unless certain exempted circumstances apply. This differs from rules under the Hong Kong *PDPO* which provides that notification of breaches is voluntary.


Consequences of non-compliance

If a business contravenes the GDPR, supervisory authorities have the power to impose administrative fines on data controllers and data processors. In relation to a failure to comply with the basic principles for processing, and to comply with data subjects' rights, a maximum administrative fine of up to €20 million or up to 4% of the total worldwide annual turnover of preceding financial year for an undertaking, whichever is higher, may be imposed. In addition to the ability to impose administrative fines, authorities also have the power to issue warnings, reprimands and orders. Ultimately, the specific sanction for non-compliance will depend on the nature, gravity and duration of the contravention.

Practical takeaways

In light of the broad reach of the GDPR, businesses in Hong Kong should assess which employee related business functions and operations are affected by the GDPR. For those businesses which are subject to the GDPR, HR practitioners and their organisations should:

- Review their personal information collection statement and privacy policies for compliance with individuals' enhanced rights.

- Given that data subjects can withdraw consent to process their personal data at any time, data processing based on individuals' consent is difficult to manage. Therefore, businesses are advised to rely on other lawful bases to justify the processing of personal data. In an employment context, the most common and relevant grounds for processing usually include necessity for the performance of a contract, legitimate interests such as ensuring the health and safety of staff, defending legal claims, or compliance with the employer's legal obligation.
- When engaging external organisations to process personal data regulated by the GDPR, businesses should ensure there are adequate contractual safeguards in any service agreements to guarantee that such third party organisations will comply with GDPR standards.
- It is important to note that while the GDPR is directly effective in EU Member States, it does allow Member States to legislate on data protection matters to maximise available flexibility under the GDPR to the extent it is allowed. For example, the processing of employee data is a significant area where Member States may take divergent approaches. Accordingly, businesses with multi-jurisdictional operations should always keep a watching brief for any special rules or deviations which can be inconsistent across different Member States.
- The GDPR and the current discussions regarding personal data are also likely to impact the local legislation in Hong Kong, the most likely areas being the introduction of a new category of sensitive personal data and moving to an accountability approach. Businesses should therefore be vigilant for any updates. 

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《通用數據保障條例》的主要條文

鴻鵠律師事務所合夥人 Pattie Walsh

鴻鵠律師事務所律師 王慧雅

- 《通用數據保障條例》已於2018年5月25日正式實施，旨在監管歐盟內個人資料的跨境處理程序。至於在歐盟境外的機構，凡有向歐盟公民提供貨品或服務，或有處理歐盟公民的個人資料，亦需要遵守《通用數據保障條例》。
- 本港公司若未能履行《通用數據保障條例》下的法律責任，可被罰款高達2,000萬歐元，或其全球營業額的4%（以較高者為準）。



本

港不少企業的業務模式遍及全球各地，與歐洲來往頻繁，可能因此受到《通用數據保障條例》的監管。舉例而言，香港員工可能會共用與歐盟員工有關的資料（如薪酬資料及僱傭紀錄）。此外，香港公司即使並非直接受《通用數據保障條例》監管，但如果是跨國機構旗下的香港辦事處，亦可能需要遵守所屬機構的環球個人資料政策中按照《通用數據保障條例》所訂立的嚴格標準，以維持機構在世界各地的一致營運方針。

因此，若香港企業的資料處理程序屬於《通用數據保障條例》在境外的法律效力範圍，企業亦須遵守相關規定。《通用數據保障條例》對「處理」的定義廣泛，包括為處理資料而作出的收集、記錄、儲存、改編、披露及刪除。由於該條例與《個人資料（私隱）條例》所訂立的香港現行法律框架之間有一

些顯著的差異，人力資源從業員務必檢討公司的各項政策及程序，以遵守《通用數據保障條例》的規定。

敏感個人資料

《通用數據保障條例》將敏感個人資料劃分為獨立類別，意指基於其性質被視為本質較為敏感的個人資料，以及基於不當的處理可能會為個人造成歧視性後果的個人資料。敏感個人資料可包括透露種族或民族本源、政治意見、宗教或哲學信仰、工會會籍的資料、為鑑別個人身份而處理的基因資料或生物辨識資料、有關健康狀況的資料，以及有關個人性生活或性取向的資料。

《通用數據保障條例》規定，這類資料只能在若干情況下方可處理，包括：資料當事人已經給予明確的同意；為了履行資料控制者或資料當事人的責任及法律權利而

有所必要時；以及為了維護法律申索而有所必要時。

向資料當事人提供資料的額外責任

除若干例外情況外，《通用數據保障條例》規定企業必須向個別人士提供有關處理其個人資料的指定資料，一般包括但不限於：

- 處理有關資料的目的及理據；
- 個人資料接收者的類別；
- 提供資料是否屬強制性及不提供該等資料的後果；及
- 司法管轄區之間作出資料轉移的資訊。

在《通用數據保障條例》的規定下，企業須向資料當事人提供的指定資訊，較香港《個人資料（私隱）條例》規定的為多。此外，指定資料亦必須以精確、具透明度、容易明白及讀取的方式展示。

同意

《通用數據保障條例》規定，在處理個人資料時必須有合法的根據，包括為履行合約、經當事人同意下、為維護僱主的合法利益（以確保員工的健康及安全），以及為遵守法律責任。此外，該條例亦規定，在處理個人資料前需要經資料當事人自願同意，並應反映其具體、知情及不含糊的指示，表明同意處理其個人資料。《通用數據保障條例》的重要特點在於資料當事人可隨時撤回其同意。

履行有關查閱資料的要求

根據《通用數據保障條例》，個別資料當事人可享有「查閱權」，類似於根據《個人資料（私隱）條例》所提出的查閱資料要求。而在時限方面，資料控制者須在一個月內從速提供個別資料當事人所查閱的資料，較《個人資料（私隱）條例》規定的時間為短。根據《個人資料（私隱）條例》，資料使用者須在收到查閱資料要求後的40日內履行有關要求。

被遺忘權

根據《通用數據保障條例》，當事人在個別特定情況下有權要求企業從速刪除其個人資料，主要包括：

- 企業已不再需要為有關目的收集該等個人資料；
- 資料當事人撤回其同意意願，而企業處理該等資料是建基於資料當事人的同意，沒有其他的法理根據可處理該等資料；以及
- 資料當事人反對企業處理該等資料，且沒有凌駕性的合法理由作為企業處理該等資料的依據。

是否委任保障資料主任

企業可自行決定是否需要委任資料保障主任。如果該機構必須委任資料保障主任，以負責監督該機構有否遵守《通用數據保障條例》，例如是公營機構，或如果該機構的主要活動涉及對個別人士作大規模的定期及系統性監察，或涉及處理大批敏感個人資料或刑事紀錄，則另作別論。

資料外洩通報

如果資料外洩，僱主有責任從速向監管機構通報外洩事故。如情況許可，僱主應在得悉事件後72小時內，向個人資料被洩露的所在歐盟成員國的主導監管機構通報。如果有關事故很可能對受影響人士的「權利及自由造成高度風險」，僱主亦須通知受影響人士，除非有關情況獲得豁免。而在香港《個人資料（私隱）條例》下，僱主可自行選擇是否通報資料外洩事故。

違反《通用數據保障條例》的後果

如企業違反《通用數據保障條例》，監管機構有權對資料控制者及資料處理者徵收行政罰款。企業如違反處理資料的基本原則及資料當事人的權利，最高可被處以二千萬歐元或相等於上一個財政年度全球年度總營業額4%的行政罰款，以較高者為準。監管機構除了有權徵收行政罰款外，亦有權向涉事企業發出警告、譴責及命令。企業違反《通用數據保障條例》的後果，終歸需視乎違規的性質、嚴重程度及持續時間而定。

注意事項

鑒於《通用數據保障條例》適用範圍廣泛，香港企業應評估哪些僱員的所負責的工作及業務會受影響。就會受《通用數據保障條例》影響的業務而言，人力資源從業員及其所屬機構應：

- 檢討《收集個人資料聲明》及私隱政策，以加強保障個別人士的權利。
- 由於資料當事人可隨時撤回同意企業處理其個人資料的意願，令企業往往難以基於個人同意而處理資料。因此，企業不妨以其他法律根據作為處理個人資料的理據。在僱傭關係中，最常見的主要理據通常包括為履行合約、確保員工健康及安全等合法利益、維護法律申索，或僱主的法律責任。
- 企業請外間機構處理受《通用數據保障條例》規管的個人資料時，應確保服務協議有足夠的合約保障，以保證第三方機構遵守《通用數據保障條例》所訂立的準則。
- 雖然《通用數據保障條例》在歐盟國內有直接效力，但歐盟所有成員國均可設立資料保護法例，以充分發揮《通用數據保障條例》所賦予的彈性。舉例而言，如何處理員工資料十分重要，成員國可各自訂立不同的做法。因此，業務遍及多個司法管轄區的企業應時刻密切關注不同歐盟成員國的個別規定或差別。
- 《通用數據保障條例》及目前有關個人資料的議題亦可能影響本港法例，尤其可能導致本港訂立「敏感個人資料」類別並採用問責制。因此，企業應隨時關注有關條例及議題的最新發展。

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Honest Mistake Made by Employee Did Not Warrant Summary Dismissal

By Hong Tran, Partner, Mayer Brown JSM

Natalie Pang, Trainee Solicitor, Mayer Brown JSM

Summary

The Court of First Instance (CFI) held it was necessary to ascertain the reason for an employee's misconduct in considering whether summary dismissal was justified. The CFI dismissed the employer's appeal and upheld the Labour Tribunal's finding that the employee's conduct as a result of an honest misunderstanding constituted a reasonable and sufficient ground of defence to the dismissal.

Cheung Chi Wah Patrick v Hong Kong Cement Company Limited
Hong Kong Court of First Instance
HCLA 18/2016

Hon Justice Louis Chan
 Date of hearing: 29 August 2017
 Date of judgment: 8 September 2017



Facts

Cheung Chi Wah Patrick was employed as the financial controller of Hong Kong Cement Company Limited (the Company), a wholly-owned subsidiary of TCC International Holdings Limited (TCCIH), the Listed Company. TCCIH had two major shareholders, TCC International Limited (TCCIL) and Chia Hsin Pacific Limited (CHPL). Cheung was shortly afterwards appointed as company secretary, authorised representative and financial controller of TCCIH. Cheung had 15 years of professional experience in corporate finance, financial management, accounting, and auditing.

The Listed Company, TCCIH proposed to raise funds by issuing rights shares. The Listing Rule of the Main Board of the Hong Kong Stock Exchange required at least 25% of TCCIH's shares to be held by the public. Therefore, the major shareholder of the TCCIH, TCC International Limited (TCCIL), provided an irrevocable undertaking to the underwriters of the rights issue and TCCIH would not exercise its right to apply for excess rights shares in a way that would cause the public holding of the TCCIH's issued capital to fall below the 25% requirement.

Cheung was asked to assist TCCIL in determining the quantity of excess rights shares to apply for. As requested by Cheung's immediate supervisor, Cheung sought legal advice from TCCIH's legal advisers on the number of shares for which the Company could apply. However, the lawyer giving the advice simply read out the undertaking and it was interpreted by Cheung incorrectly. TCCIL consequently oversubscribed for the rights shares and breached its undertaking. The Company summarily dismissed Cheung for gross negligence. Cheung filed a claim in the Labour Tribunal for wrongful termination.

The Labour Tribunal held that Cheung had committed an act of gross misconduct in the application for excess rights shares and put the TCCIH at risk of breaching the Listing Rules which would have very adverse consequences for the TCCIH. Cheung's mistake was serious. There was prima facie evidence to support Cheung's summary dismissal. However, despite this it was still necessary for the Labour Tribunal to consider whether Cheung's misconduct amounted to a repudiation of the contract of employment. Did he evince an intention no longer to be bound by the terms of the contract of employment? The Labour Tribunal found that Cheung had honestly misunderstood and erroneously believed the legal advice provided by the Company's legal advisers that TCCIL's application for the excess rights shares would not cause it to breach its undertaking. The Labour Tribunal found that the nature of this conduct did not evince an intention by Cheung that he no longer wanted to be bound by the terms of his contract of employment and the Company did not have grounds to summarily dismiss Cheung under section 9 of the Employment Ordinance (EO). The Company appealed to the CFI.

Legal principles

Under section 9 of the Employment Ordinance (EO), an employer may summarily dismiss an employee (i.e. terminate an employment contract without notice or payment in lieu of notice):

1. if the employee, in relation to his employment:
 - wilfully disobeys a lawful and reasonable order;
 - misconducts himself, such conduct being inconsistent with the due and faithful discharge of his duties;
 - is guilty of fraud or dishonesty;
 - is habitually neglectful in his duties; or
2. on any other ground on which the employer would be entitled to terminate the contract without notice at common law.


CFI decision

The appeal was dismissed. The CFI rejected the Company's argument that no reasonable person with Cheung's qualification and experience would have misunderstood the advice given by the Company's legal advisers. Having assessed the factual circumstances of the case, including that Cheung was 1) not a legally trained professional, 2) not provided with a copy of the undertaking to read beforehand given its length and elaborate meaning and 3) eager to subscribe for more shares of the TCCIH, the CFI held the Labour Tribunal's finding that Cheung misunderstood the legal advice was not perverse or irrational.

In addition, in considering whether it is justifiable to summarily dismiss an employee under section 9 of the EO on the ground of his misconduct, the CFI was of the view the employee's explanation of why he committed the misconduct is relevant to determine objectively whether the employee had demonstrated an intention not to be bound by the employment contract. Without such consideration, it is difficult, if not impossible, to ascertain objectively whether the employee has manifested an intention not to be bound by the employment contract. It is only when it is clear that the employee has by his conduct manifested such an intention that he can be dismissed summarily under section 9 of the EO. In the present case, not only did Cheung not manifest any intention not to be bound by the essential terms of his employment contract, he had in fact acted faithfully in the discharge of his duties. He sought legal advice as instructed (and so there was no disobedience) and then acted in accordance with the advice. Unfortunately, he misunderstood a poorly given legal advice and therefore conducted himself wrongly. The CFI did not consider the miscomprehension of a poorly given legal advice was a serious neglect of duty.

Take-away points for HR professionals

While the issue of summary dismissal may often come to the mind of employers when misconduct arises, it should not be taken lightly. For employees, being summarily dismissed will deprive them of many termination payments under the EO and leave them with the stigma of being a bad employee, which may make it difficult to find alternative employment. To employers, a wrongful summary dismissal can expose them to undesirable employment disputes and potential liability for damages and adverse publicity.

Before making the decision to summarily dismiss an employee, an employer should have cogent evidence that demonstrates the employee materially breached a term of the contract of employment such as to evince an intention no longer to be bound by that contract. As demonstrated by the above case, a serious mistake without further examination of the facts may not be enough to warrant summary dismissal. It is therefore important for the employer to ascertain the factual circumstances of the situation in question before taking any action. 

Note: The information contained herein is intended to be a general guide only and is not intended to provide legal advice. This journal, its publisher and the HKIHRM do not assume any legal responsibility in respect of any comments provided in this article, which do not constitute legal advice and should not be taken or construed as such. Independent professional legal advice should be sought as necessary in respect of legal matters and issues raised in this article.

僱員無心之失不足以構成即時解僱的理由

孖士打律師行合夥人 謝昭鴻

孖士打律師行見習律師 彭晴

摘要

原訟法庭裁定，僱主在考慮是否有充分理由即時解僱僱員時，有必要查明僱員行為失當的原因。法庭駁回僱主的上訴申請，並維持勞資審裁處的裁決，指僱員的行為是無意下的誤解所致，有合理充分的理由就解僱提出抗辯。

張志華 訴 香港水泥集團有限公司
香港高等法院原訟法庭
案件編號：HCLA 18/2016

陳江耀法官
聆訊日期：2017年8月29日
判決日期：2017年9月8日

案情

張志華先生受聘為香港水泥集團公司（「該公司」）的財務總監，該公司為台泥國際集團有限公司（TCCIH）（「該上市公司」）的全資附屬公司。而該上市公司的兩大股東分別是 TCC International Limited (TCCIL) 及 Chia Hsin Pacific Limited (CHPL)。其後不久，張先生獲委任為該上市公司的公司秘書、授權代表兼財務總監。他在企業融資、財務管理、會計及審計方面擁有15年的專業經驗。

TCCIH建議透過發行供股股份集資。根據香港交易所的主板《上市規則》規定，TCCIH的股份中至少25%須由公眾持有。故此，該上市公司的大股東TCCIL向是次供股的包銷商提供不可撤銷的承諾，而該上市公司亦承諾不會在行使其權利申請額外供股股份時，令公眾所持有的已發行股本數量低於25%。

該上市公司請張先生協助TCCIL決定申請額外供股股份的數量。在其直屬上司的要求下，他就該公司可申請的股份數量向法律顧問徵詢意見。然而，負責提供意見的律師只是照讀承諾書，而張先生亦誤解了當中的內容。TCCIL因而超額申請供股股份，違反承諾書的條款。該公司於是以此嚴重疏忽為由即時解僱張先生。張先生其後向勞資審裁處控告該公司不當解僱。

勞資審裁處裁定張先生在申請額外供股股份一事上嚴重失當，使該上市公司可能因違反上市規則而承擔極為沉重的後果。張先生固然犯了非常嚴重的過失，亦有表面證據支持該公司將他即時解僱的決定。不過，審裁處仍須考慮張先生的嚴重失當是否足以令該公司廢除其僱傭合約。他曾否表明任何不再遵

守僱傭合約條款的意圖？審裁處隨後裁定，張先生是無意下誤解及誤信法律顧問所提供的法律意見，以為TCCIL申請額外供股股份並不會違反承諾書的條款。審裁處又裁定，此舉並無反映張先生不想再遵守僱傭合約的條款，所以該公司並無理由根據《僱傭條例》第9條即時解僱張先生。該公司向原訟法庭提出上訴。

法律原則

根據《僱傭條例》第9條，如有以下情況，僱主可即時解僱員工，即無須給予通知或代通知金而終止僱傭合約：

1. 倘僱員在受僱期內：
 - 蓄意不服從合法且合理的命令；
 - 行為不當，與正當及忠誠履行職責的原則不相符；
 - 犯有欺詐或不忠實行為；
 - 慣常疏忽職責；或
2. 因任何其他理由，使僱主有權根據普通法無須給予通知而終止合約。

原訟法庭的判決


上訴遭駁回原訟法庭駁回該公司的論點，當中指以一個與張先生資歷相等且具有理智的人而言，理應不會誤解該公司的法律顧問所提供的意見。原訟法庭評估案件的實際情況後，鑑於1）張先生並非受過訓練的專業法律人士；2）承諾書篇幅長且內容複雜，但張先生事前並無收到承諾書的副本，未能事先細閱；3）張先生一心認購更多TCCIH股份，裁定勞資審裁處在判決中指張先生無意下誤解法律意見一事並非無理或不妥之處。

此外，原訟法庭認為，在根據《僱傭條例》第9條考慮僱主是否有理據就僱員的失當行

為將其即時解僱時，僱員對其失當行為的解釋，有助法庭客觀地判斷該名僱員有否表現出不遵守僱傭合約的意圖。如果不考慮這項因素，法庭就難以客觀地衡量僱員有否表現出上述意圖。僱主也只有在僱員的行為明確表現出上述意圖時，方可根據《僱傭條例》第9條即時解僱有關僱員。然而，在本案中，張先生既沒有表現出不遵守僱傭合約的主要條款的意圖，亦有克守職責。他在上司的要求下徵詢法律意見，沒有不服從上司的命令，並聽取法律意見行事。可惜的是，他因為誤解了顧問不當的法律意見，才因而行事失當。原訟法庭認為這並非疏忽職責的表現。

人力資源專才注意事項

僱主即使想即時解僱行為失當的僱員，也絕不可以輕率行事。對於僱員來說，即時解僱不但會剝奪他們根據僱傭合約應得的解僱補償金，更會令他們負上工作表現欠佳的污名，日後另找工作難上加難。對僱主而言，不當解僱亦可能帶來不利的勞資糾紛和賠償責任，更可能影響僱主的聲譽。

在即時解僱僱員前，僱主必須掌握強而有力的證據，證明僱員嚴重違反僱傭合約中的條款，例如表現出不遵守合約的意圖。從上述案件所見，僱員雖然行為失當，但在未進一步查明事實之前，可能不足以構成即時解僱的理由。因此，僱主在採取任何行動前，有必要確定事態的實際情況。 

註：本文所載資料僅供一般參考之用，並不構成任何法律意見。對於本文所載述的任何意見，本刊、其出版商及香港人力資源管理學會一概不承擔任何法律責任。該等意見並不構成法律意見，亦不應被視作或理解為法律意見。對於本文所提及的法律事宜及問題，讀者如有需要，應自行尋求專業法律意見。此乃中文譯本，一切內容以英文版本為準。

Leaders Eat Last

Author: Simon Sinek

Publisher: Portfolio


Simon Sinek, author of *Start with Why* and *Together is Better*, and presenter of one of the top TED Talks on how great leaders inspire action, explores here how leaders can inspire cooperation and change, and focuses on the millennial generation in the workplace.

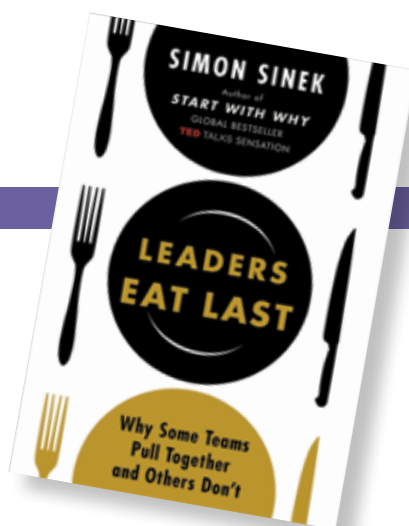
The key attributes of a successful, highly-functioning workforce are trust and loyalty. This is not ground-breaking in itself, but it is how Sinek illustrates the importance of these, using powerful examples from the worlds of banking, the military, and even government, that really brings the concepts to life and shows how measures can be put into practice to foster them.

The author presents a picture of a world where everyone wakes up inspired to go to work. This is not a crazy, idealised notion. In many successful organisations, great leaders are creating environments in which teams trust each other so deeply that they would put their lives on the line for each other. Yet other teams, no matter what incentives were offered, are doomed to infighting,

fragmentation and failure. The question that Sinek examines is – Why?

Today's workplaces tend to be full of cynicism, paranoia and self-interest. But the best organisations foster trust and cooperation because their leaders build what Sinek calls a Circle of Safety. It separates the security inside the team from the challenges outside. Everyone feels they belong and all energies are devoted to facing the common enemy and seizing big opportunities. If employees believe in the company, believe in their managers, and in each other, the Circle of Safety is created.

Through the stories presented, Sinek shows that leaders who are willing to eat last – metaphorically and literally – are rewarded with deeply loyal colleagues who will stop at nothing to advance their vision. 



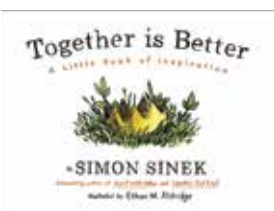
Five insights:

- When employees feel that they are inside a “circle of safety”, they can focus on productivity, rather than just trying to protect their own position.
- Empathy with employees is fundamental to cultivate an environment of trust and loyalty.
- Lack of autonomy creates stress and emotional strain, and is a key reason why employees consider leaving their jobs.
- An environment that fosters a thriving workforce is based on meeting the basic human needs of learning, and feeling valued.
- All of the insights presented are not just management theories, but grounded in biology – the perception of our environment and sense of safety produce hormones in our brains, which in turn influence thinking and actions.

HIGHLY RECOMMENDED:

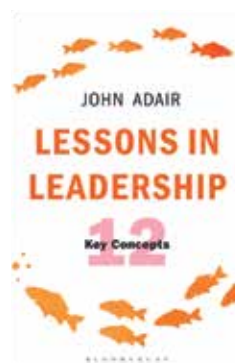
Together is Better

Author:
Simon Sinek
Publisher:
Portfolio



Lessons in Leadership

Author:
John Adair
Publisher:
Bloomsbury



Measure What Matters

Author:
John Doerr
Publisher:
Penguin



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New Executive Council Members Elected at the 25th HKIHRM Annual General Meeting

The 25th HKIHRM Annual General Meeting (AGM) was successfully held at the Hong Kong Convention and Exhibition Centre on 9 July 2018. During the AGM, Mr David Li, HKIHRM's President 2017-2018, reported on the Institute's major accomplishments and activities over the past year while Mr Dave Li, Honorary Treasurer of the Institute, highlighted the major aspects of the Institute's financial performance in 2017. Three members were re-elected to be members of the Executive Council for the 2018-2019 term. Ms Margaret Cheng was elected as the new President of the HKIHRM for the ensuing year.

On the same occasion, closing ceremonies were held for the Institute's Mentorship Programme 2017 and "From School To Work" Buddy Programme 2018 to mark the successful completion of the programmes. Certificates were presented to the mentors and mentees of both programmes as a token of appreciation for their contribution and participation.

As a tradition for the Institute, a Student Scholarship presentation ceremony takes place at the AGM. This year, five university students majoring in HR management received a scholarship from Mr David Li to recognise their outstanding academic performance in HR studies and career aspirations in HR management.



Members of the HKIHRM's newly elected Executive Council for the 2018-2019 term.

HKIHRM's Executive Council members for the 2018-2019 term:

President	Executive Council Members
Ms Margaret Cheng Wai-ching	Mr Chak Shui-hang
Vice Presidents	Ms Virginia Choi Wai-kam, JP
Mr Lawrence Hung Yu-yun	Mr Peter Leung Ka-chung
Mr Barry Ip Wah-shun	Mr Valent Ma Chi-keung
Ms Alice Wong Nga-lai	Ms Janet Man Sok-wai
Immediate Past President	Mr Francis Mok Gar-lon
Mr David Li Chi-ming	Mr Chester Tsang Wing-cheong
Honorary Treasurer	Mr Francis Wong Wai-wah
Mr Dave Li Tin-kei	



Mr David Li (left, HKIHRM President 2017-2018) and Mr Dave Li (right, HKIHRM Honorary Treasurer) report on the Institute's achievements and financial performance in 2017.



HKIHRM members attend the 25th HKIHRM Annual General Meeting.



Mr Chester Tsang (left), Ms Margaret Cheng (centre) and Ms Virginia Choi, JP (right) were re-elected to be members of the Executive Council for the 2018-2019 term.



Recipients of the HKIHRM Student Scholarship pose with Mr David Li.



Mr David Li, advisers (Ms Virginia Choi, JP, Mr Barry Ip and Mr Peter Leung), mentors and mentees of the "From School to Work" Buddy Programme 2018 pose for a group photo.



Mentors and mentees of the HKIHRM Mentorship Programme 2017.

MARK YOUR CALENDAR

September 2018

Seminars & Workshops

03^{MON}

Performance Without Rating?

12^{WED}

- 處理僱員離職時限制條款應用及常見的違約行為實務講座

13^{THU}

如何有效管理90後員工

14^{FRI}

From Traditional to Shared Work Space: Achieving Success from an HR Perspective

18^{TUE}

HR as an Auditor

21^{FRI}

- Developing E-learning & Mobile-learning Materials for HR Professionals
- Managing Employee Absence - Practical Tips and Key Traps to Avoid

26^{WED}

如何有效處理歧視條例下僱主需承擔的法律責任、投訴及訴訟，並制訂防止歧視的人力資源措施

28^{FRI}

Dashboard and Report for HR Professional

29^{SAT}

Providing Constructive Feedback in the Workplace

Global Accreditation Programmes

05^{WED}

GRP 2018 - T7: International Financial Reporting

10^{MON}

Think on Your Feet®

19^{WED}

GRP 2018 - GR1/T1: Total Rewards Management

Certificate Programmes

01^{SAT}

Certificate in Learning Management

10^{MON}

Certificate in Employment Law and Employee Engagement



For more programme details and latest update, please visit <https://goo.gl/QpZz8g>

Named a **Top 10** executive education provider
-*Financial Times*, 2018

Upcoming Programs - Hong Kong 2018

The Positive Leader:

Deep Change and Organizational Transformation

September 3 - 7, 2018

Emerging Leaders Program:

Becoming a Transformational Leader

October 8 - 12, 2018

Finance for the Nonfinancial Manager

October 8 - 11, 2018

Breaking Silos:

Collaboration and Innovation in a Matrix Organization

October 15 - 17, 2018

Developing the Manager in You

October 22 - 24, 2018

Management Skills Program

October 22 - 26, 2018

Leading High Performing Teams

October 25 - 26, 2018

Enterprise Executive Program

October 29 - Nov 2, 2018

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