

立法會
Legislative Council

LC Paper No. CB(2)75/03-04

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Panels on Administration of Justice and Legal Services and Manpower

**Minutes of joint meeting
held on Friday, 1 August 2003 at 2:30 pm
in Conference Room A of the Legislative Council Building**

Members present : Members of Panel on Administration of Justice and Legal Services

Hon Margaret NG (Chairman)
Hon Martin LEE Chu-ming, SC, JP
Hon Audrey EU Yuet-mee, SC, JP

Members of Panel on Manpower

Hon CHAN Kwok-keung (Deputy Chairman)
Hon Cyd HO Sau-lan
Hon LEE Cheuk-yan
Hon YEUNG Yiu-chung, BBS
Hon LI Fung-ying, JP
Hon LEUNG Fu-wah, MH, JP

Members absent : Members of Panel on Administration of Justice and Legal Services

Hon Jasper TSANG Yok-sing, GBS, JP (Deputy Chairman)
Hon Albert HO Chun-yan
Hon James TO Kun-sun
Hon CHAN Kam-lam, JP
Hon Miriam LAU Kin-yee, JP
* Hon Ambrose LAU Hon-chuen, GBS, JP
Hon Emily LAU Wai-hing, JP
Hon TAM Yiu-chung, GBS, JP

Action

Members of Panel on Manpower

Hon LAU Chin-shek, JP (Chairman)
Hon Kenneth TING Woo-shou, JP
Dr Hon LUI Ming-wah, JP
Hon CHEUNG Man-kwong
Hon CHAN Yuen-han, JP
Hon LEUNG Yiu-chung
Hon Andrew CHENG Kar-foo
Hon SZETO Wah
Hon Tommy CHEUNG Yu-yan, JP
Hon Michael MAK Kwok-fung
Hon Frederick FUNG Kin-kee

* Also a member of Panel on Manpower

Clerk in attendance : Mrs Percy MA
Chief Assistant Secretary (2)3

Staff in attendance : Mr Watson CHAN
Head of Research and Library Services Division

Miss Kitty LAM
Research Officer 8

Mr Paul WOO
Senior Assistant Secretary (2)3

Action

I. Election of Chairman

Miss Margaret NG was elected Chairman of the joint meeting.

II. Research outline on "The Operation of the Labour Tribunals and Other Mechanisms for Resolving Labour Disputes in Hong Kong and Selected Places"

(LC Paper No. CB(2)2917/02-03(01))

The Research Report

2. Head of Research and Library Services Division (H/RL) briefed members on the proposed research outline (LC Paper No. CB(2)2917/02-

Action

03(01)) prepared by the Research and Library Services Division (RLSD). He said that the research would study and compare the mechanisms for resolving labour disputes in Hong Kong and selected places. The scope of the research covered -

- (a) constitution and jurisdiction of labour tribunals and other forms of adjudication bodies;
- (b) procedures of handling labour disputes, including the mechanism for resolving disputes before filing of claims, the procedures after filing a claim and the hearing etc;
- (c) review and appeal;
- (d) enforcement of awards and orders; and
- (e) efficiency and effectiveness of the dispute resolution mechanisms.

3. H/RL further informed members that RLSD had conducted a preliminary research on the jurisdictions suggested by members to be included in the research study at the last meeting on 19 June 2003. It was noted that there would be difficulties in studying the system in Korea as information on Korea was mostly available in Korean. It was also found that the New Zealand's Employment Relations Act 2000 provided for a new dispute resolution mechanism which settled most of the labour disputes by way of mediation. The operation of the mechanism under the New Zealand Act would be useful reference for Hong Kong. RLSD therefore proposed to replace Korea with New Zealand for inclusion in the research. Members agreed that the places to be covered in the research study should include -

- (a) Hong Kong;
- (b) The United Kingdom;
- (c) New Zealand;
- (d) Singapore; and
- (e) Taiwan.

4. Mr LEUNG Fu-wah suggested that the system in the Macau Special Administrative Region (SAR) should also be looked into. H/RL undertook to conduct preliminary fact-finding on whether sufficient information could be collected. The Chairman suggested and members agreed that RLSD should be given the flexibility to decide on whether the Macau SAR should be covered in the study in the light of its fact-finding exercise.

Action

5. Ms Cyd HO pointed out that trade unions in some jurisdictions played a significant role in resolving labour disputes, such as through participation in a formal process of collective bargaining between employers and employees. She suggested and members agreed that the research should analyse and compare the operation of trade unions and their role and level of involvement in the dispute resolution process in the selected places.

RLSD

6. The Chairman also requested RLSD to collect information on cases of disputes handled by the dispute resolution mechanisms in the selected places, including, inter alia, the number of cases dealt with, the time taken for conclusion of the cases and the outcome of the dispute resolution.

RLSD

7. H/RL advised members that the Research Report was expected to be completed in October 2003. The Chairman said that the Panels would discuss the Research Report in detail upon its completion.

8. The Chairman informed members that subsequent to the last meeting of the Panels on 19 June 2003, the Chief Justice (CJ) had decided to appoint a Working Party to review the operation of the Labour Tribunal and to make improvements thereto. The Working Party aimed to submit a report to CJ by the end of 2003, and inform the Panels of the outcome of the review in early 2004. The Chairman said that it was expected that the Working Party would also make reference to the mechanisms for dispute resolution in other jurisdictions. She suggested and members agreed that the Research Report prepared by RLSD should be provided to the Working Party for its reference in due course.

9. The meeting ended at 2:45 pm.

Council Business Division 2
Legislative Council Secretariat
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