

立法會
Legislative Council

Ref : CB2/BC/3/06

LC Paper No. CB(2)1508/06-07
(These minutes have been seen
by the Administration)

**Bills Committee on
Employment (Amendment) Bill 2006**

**Minutes of 4th meeting
held on Friday, 16 March 2007, at 10:45 am
in the Chamber of the Legislative Council Building**

- Members present** : Hon KWONG Chi-kin (Chairman)
Hon LEE Cheuk-yan
Hon Margaret NG
Hon LEUNG Yiu-chung
Hon Andrew CHENG Kar-foo
Hon LI Fung-ying, BBS, JP
Hon Audrey EU Yuet-mee, SC, JP
Hon WONG Kwok-hing, MH
Hon Jeffrey LAM Kin-fung, SBS, JP
Hon Andrew LEUNG Kwan-yuen, SBS, JP
Hon LEUNG Kwok-hung
Hon WONG Ting-kwong, BBS
- Members absent** : Hon Martin LEE Chu-ming, SC, JP
Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP
Hon CHAN Yuen-han, JP
Hon Jasper TSANG Yok-sing, GBS, JP
Hon Vincent FANG Kang, JP
Hon Alan LEONG Kah-kit, SC
Dr Hon Fernando CHEUNG Chiu-hung
- Public Officers attending** : Mr Alan WONG Kwok-lun, JP
Assistant Commissioner for Labour
(Labour Relations)
- Ms Monica LAW Man-yuen
Senior Assistant Law Draftsman
Department of Justice

Ms Bertha CHENG Wai-yue
Chief Labour Officer (Labour Relations)
Labour Department

Ms Teresa FONG Yuk-sim
Senior Labour Officer (Labour Relations)
Labour Department

Ms Candice CHENG Lai-fan
Senior Labour Officer (Labour Relations)
Labour Department

Ms Christine BUT Wing-tung
Labour Officer (Labour Relations)
Labour Department

Clerk in attendance : Miss Mary SO
Chief Council Secretary (2) 5

Staff in attendance : Miss Kitty CHENG
Assistant Legal Adviser 5

Miss Josephine SO
Council Secretary (2) 1

Action

I. Meeting with the Administration

The Bills Committee deliberated (Index of proceedings at **Annex**).

Administration's response to issues raised at the last meeting
(LC Paper No. CB(2)1320/06-07(01))

2. The Bills Committee noted the Administration's intention to introduce amendments to -

- (a) provide a definition of "leave" in the Bill;
- (b) amend section 49A of the Employment Ordinance under the Bill to extend the record-keeping period by the employer from six to 12 months; and

Action

- (c) refine the proposed "disregarding" provision to simplify the calculation of the average wages.

Clause-by-clause examination of the Bill

(LC Paper Nos. CB(3)213/06-07 and CB(2)991/06-07(02))

3. The Bills Committee completed clause-by-clause examination of the Bill.
4. The Administration was requested to amend the proposed "comparable person" provision to require that reference be first made to the wages earned by another person employed by the same employer and at the same work during the same period in the calculation of the daily average or monthly average of wages earned by an employee during the period of 12 months or shorter immediately before the date of notification.

II. Date of next meeting

5. The next meeting would be held on 27 March 2007 at 2:30 pm to consider the Committee Stage amendments proposed by the Administration.
6. There being no other business, the meeting ended at 12:25 pm.

Council Business Division 2
Legislative Council Secretariat
4 April 2007

**Proceedings of meeting of the
Bills Committee on
Employment (Amendment) Bill 2006
held on Friday, 16 March 2007, at 10:45 am
in the Chamber of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action Required
000000 - 000420	Chairman	Opening remarks	
000421 - 001842	Admin Hon LEE Cheuk-yan Hon Jeffrey LAM Chairman Hon WONG Kwok-hing	Administration's response to issues raised at the meeting held on 8 March 2007 (LC Paper No. CB(2)1320/06-07(01)) Administration's intention to move Committee Stage amendments (CSAs) - (a) to provide a definition of "leave" in the Bill; (b) to amend section 49A of the Employment Ordinance (EO) under the Bill to extend the record-keeping period by the employer from six to 12 months; and (c) to refine the proposed "disregarding" provision to simplify the calculation of the average wages	Admin to provide the proposed CSAs before the next meeting
001843 - 002120	Admin Chairman	Clause-by-clause examination of the Bill <u>Clause 1 - Short title</u> <u>Clause 2 - Commencement</u>	
002121 - 005602	Admin Hon LEE Cheuk-yan Hon LEUNG Yiu-chung Chairman Hon LI Fung-ying Hon Andrew LEUNG	<u>Clause 3 - Termination of contract by payment in lieu of notice</u> The Administration undertook to step up publicity to raise employers' awareness of the importance of adopting an agreed number of days in a month for calculating payment in lieu of notice on lawful termination of contract, and to publish clear guidelines in this regard for employers to follow	

Time marker	Speaker	Subject(s)	Action Required
005603 - 010015	Chairman Admin	<u>Clause 4 - Damages for wrongful termination of contract</u>	
010016 - 010353	Chairman Admin	<u>Clause 5 - Interpretation</u>	
010354 - 010619	Chairman Admin	<u>Clause 6 - Payment for maternity leave</u>	
010620 - 010947	Chairman Admin	<u>Clause 7 - Prohibition against termination of employment</u>	
010948 - 011239	Chairman Admin	<u>Clause 8 - Prohibition of assignment of heavy, hazardous or harmful work</u>	
011240 - 011507	Chairman Admin	<u>Clause 9 - Sickness allowance</u>	
011508 - 011827	Chairman Admin	<u>Clause 10 - Rate of sickness allowance</u>	
011828 - 011935	Chairman Admin	<u>Clause 11 - Restriction on pay in lieu of holiday</u>	
011936 - 012151	Chairman Admin	<u>Clause 12 - Section 41 of EO (Rate of holiday pay) substituted</u>	
012152 - 012350	Chairman Admin	<u>Clause 13 - Definitions (Part VIIIA)</u>	
012351 - 012537	Chairman Admin	<u>Clause 14 - Section 41C of EO (Rate of annual leave pay) substituted</u>	
012538 - 012638	Chairman Admin	<u>Clause 15 - Section 42 of EO repealed</u>	
012639 - 012940	Admin Chairman	<u>Clause 16 - Section added (Application of this Ordinance as amended by the Employment (Amendment) Ordinance 2006)</u>	
012941 - 013719	Hon LEE Cheuk-yan Admin Chairman ALA5	The Administration was requested to amend the proposed "comparable person" provision to require that reference be first made to the wages earned by another person employed by the same employer and at the same work during the same period in the calculation of the daily average or	Admin to provide the proposed CSAs

Time marker	Speaker	Subject(s)	Action Required
		monthly average of wages earned by an employee during the period of 12 months or shorter immediately before the date of notification.	
013720 - 014046	Hon LI Fung-ying Chairman Admin Clerk	Target date for resumption of Second Reading debate on the Bill Date of next meeting	

Council Business Division 2
Legislative Council Secretariat
4 April 2007