

立法會
Legislative Council

Ref : CB2/BC/3/06

LC Paper No. CB(2)1647/06-07
(These minutes have been seen
by the Administration)

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

**Minutes of the 5th meeting
held on Tuesday, 27 March 2007, at 2:30 pm
in Conference Room A of the Legislative Council Building**

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

Proposed Committee Stage amendments by the Administration
(LC Paper Nos. CB(2)1430/06-07(01) and (02))

2. The Bills Committee completed examination of the draft Committee Stage amendments (CSAs) proposed by the Administration.

Admin

3. The Administration was requested to provide an explanatory note on the proposed CSAs as well as a response in writing to the following issues raised by members -

Action

- (a) to qualify the period referred to in the proposed new section 7(1A)(b) and in other CSAs with similar construction;
- (b) to provide examples illustrating the application of the proposed new section 7(1A);
- (c) to confirm that, where an employee was paid wages in respect of any period described in the proposed new section 7(5) or in other CSAs with similar construction, and the amount of the wages was equal to or exceeded the amount earned by that employee on a normal working day, the wages and the period should not be disregarded;
- (d) to ascertain whether the meaning of "wages" mentioned in the proposed CSAs was inconsistent with the statutory definition on "wages" already given in section 2(1) of the Employment Ordinance; and if so, to review the term "wages" in the proposed CSAs; and
- (e) to delete the word "female" from the proposed new section 14(3B) and the proposed new section 15(2B) to avoid gender differentiation.

II. Date of next meeting

- 4. Members agreed to hold the next meeting on 10 April 2007 at 8:30 am.
- 5. There being no other business, the meeting ended at 4:10 pm.

Council Business Division 2
Legislative Council Secretariat
20 April 2007

**Proceedings of meeting of the
Bills Committee on
Employment (Amendment) Bill 2006
held on Tuesday, 27 March 2007, at 2:30 pm
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action Required
000000 - 000236	Chairman	Opening remarks	
000237 - 000540	Admin	<p><i>Draft Committee Stage amendments (CSAs) proposed by the Administration (LC Paper No. CB(2)1430/06-07(02))</i></p> <p>The Administration was requested to provide an explanatory note on the proposed CSAs</p>	Admin to provide an explanatory note on the proposed CSAs
000541 - 010440	Admin Chairman Hon CHAN Yuen-han Hon Audrey EU Hon LEE Cheuk-yan Hon LI Fung-ying ALA5 Hon Vincent FANG	<p><i>Proposed CSAs to clause 3</i></p> <p>The Administration was requested -</p> <p>(a) to qualify the period referred to in the proposed new section 7(1A)(b) and in other CSAs with similar construction;</p> <p>(b) to provide examples illustrating the application of the proposed new section 7(1A);</p> <p>(c) to confirm that, where an employee was paid wages in respect of any period described in the proposed new section 7(5) or in other CSAs with similar construction, and the amount of the wages was equal to or exceeded the amount earned by that employee on a normal working day, the wages and the period should not be disregarded; and</p> <p>(d) to ascertain whether the meaning of "wages" mentioned in the proposed CSAs was inconsistent with the statutory definition on "wages" already given in section</p>	Admin to provide a written response

Time marker	Speaker	Subject(s)	Action Required
		2(1) of the Employment Ordinance; and if so, to review the term "wages" in the proposed CSAs; and	
010441 - 010615	Chairman Admin Hon LEE Cheuk-yan	<i>Proposed CSAs to clause 5</i>	
010616 - 012049	Chairman Admin Hon LEE Cheuk-yan Hon LI Fung-ying Hon LEUNG Yiu-chung	<i>Proposed CSAs to clause 6</i> The Administration was requested to delete the word "female" from the proposed new section 14(3B) to avoid gender differentiation	Admin to provide a written response
012050 - 012835	Chairman Admin Hon LEUNG Yiu-chung	<i>Proposed CSAs to clauses 7, 8, 9, 10, 12 and 14</i> The Administration was requested to delete the word "female" from the proposed new section 15(2B) to avoid gender differentiation	Admin to provide a written response
012836 - 012920	Chairman Admin	<i>New Clause 15A</i>	
012921 - 013214	Chairman Admin	<i>Proposed CSAs to clause 16</i>	
013215 - 014037	Chairman Hon LEE Cheuk-yan Admin Clerk	Target dates to report to the House Committee and resume Second Reading debate on the Bill Date of next meeting	