

立法會
Legislative Council

Ref : CB2/BC/3/06

LC Paper No. CB(2)1648/06-07
(These minutes have been seen
by the Administration)

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

**Minutes of the 6th meeting
held on Tuesday, 10 April 2007, at 8:30 am
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 CHAN Yuen-han, JP
Hon LEUNG Yiu-chung
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
- Members absent** : Hon Margaret NG
Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP
Hon Jasper TSANG Yok-sing, GBS, JP
Hon Andrew CHENG Kar-foo
Hon LI Fung-ying, BBS, JP
Hon Alan LEONG Kah-kit, SC
Hon LEUNG Kwok-hung
Dr Hon Fernando CHEUNG Chiu-hung
Hon WONG Ting-kwong, BBS
- 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 : Mr Stephen LAM
Assistant Legal Adviser 4

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)1511/06-07(01) to (04))

Admin

2. Members considered the revised Committee Stage amendments (CSAs) proposed by the Administration (LC Paper No. CB(2) 1511/06-07(01)). The Administration was requested to make clear in the relevant parts of the CSAs that any period of absence from work of the employee due to temporary incapacity for which compensation was payable under section 10 of the Employees' Compensation Ordinance (Cap. 282) should be disregarded for the calculation of employees' statutory entitlements under the Employment Ordinance (Cap. 57) (EO). The Administration agreed.

3. To address the concern expressed by Mr LEUNG Yiu-chung and Miss CHAN Yuen-han that allowances should not be limited to those items referred to in section 2(1) of EO, the Administration undertook to step up

Action

publicity and education to raise the awareness of employers that any allowance, however designated or calculated, and capable of being expressed in terms of money, payable to an employee in respect of work done or to be done under his contract of employment fell under the meaning of "wages" under section 2(1) of EO.

4. Mr LEE Cheuk-yan requested that the Secretary for Economic Development and Labour should include in his speech to be delivered during resumption of the Second Reading debate on the Bill the time frame for the Amendment Ordinance to come into operation. The Administration agreed to consider.

II. Any other business

Resumption of Second Reading debate

5. Subject to the agreement on the CSAs to be moved by the Administration mentioned in paragraph 2 above, members supported the resumption of the Second Reading debate on the Bill at the Council meeting on 2 May 2007. Members also agreed that the Bills Committee would report its deliberations to the House Committee on 13 April 2007. The Chairman reminded members that the deadline for submission of notice to move CSAs was 21 April 2007.

6. There being no other business, the meeting ended at 10:00 am.

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, 10 April 2007, at 8:30 am
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action Required
000000 - 000414	Chairman Admin	Opening remarks	
000415 - 005015	Admin Chairman Hon Andrew LEUNG Hon Audrey EU Hon Jeffrey LAM Hon WONG Kwok-hing Hon LEE Cheuk-yan Hon LEUNG Yiu-chung Hon CHAN Yuen-han	<p><i>Administration's response to issues raised at the meeting on 27 March 2007 (LC Paper No. CB(2)1511/06-07(04))</i></p> <p>Discussion on examples on the application of the "disregarding" provisions proposed under the Bill</p> <p>Expressed concern that allowances should not be limited to those items referred to in section 2(1) of the Employment Ordinance (EO)</p>	
005016 - 012619	Chairman Admin Hon LEE Cheuk-yan ALA4 Hon CHAN Yuen-han	<p><i>Draft Committee Stage amendments (CSAs) proposed by the Administration (version as at 4 April 2007) (LC Paper No. CB(2)1511/06-07(02))</i></p> <p>The Administration was requested to make clear in the relevant parts of the CSAs that any period of absence from work of the employee due to temporary incapacity for which compensation was payable under section 10 of the Employees' Compensation Ordinance (Cap. 282) should be disregarded for the calculation of employees' statutory entitlements under EO</p> <p>The revised CSAs from the Administration would be circulated to members for consideration</p>	Admin to provide the revised CSAs
012620 - 012859	Chairman Hon CHAN Yuen-han Admin	In the light of members' concern about the scope of allowances under the meaning of "wages" in section 2(1) of EO, the Administration	

Time marker	Speaker	Subject(s)	Action Required
		undertook to step up publicity and education to raise the awareness of employers that any allowance, however designated or calculated, and capable of being expressed in terms of money, payable to an employee in respect of work done or to be done under his contract of employment fell under the meaning of "wages" under section 2(1) of EO	
012900 - 013216	Chairman ALA4 Hon LEE Cheuk-yan Admin	<p>A report would be made to House Committee on 13 April 2007 recommending resumption of the Second Reading debate on the Bill on 2 May 2007</p> <p>Deadline for submission of notice to move CSAs to the Bill was 21 April 2007</p> <p>The Administration was requested that the Secretary for Economic Development and Labour should include in his speech to be delivered during resumption of the Second Reading debate on the Bill the time frame for the Amendment Ordinance to come into operation</p>	