

立法會

Legislative Council

LC Paper No. CB(2)397/09-10
(These minutes have been seen
by the Administration)

Ref : CB2/BC/11/08

Bills Committee on Minimum Wage Bill

Minutes of meeting held on Tuesday, 13 October 2009, at 8:30 am in the Chamber of the Legislative Council Building

Members present :

- Hon TAM Yiu-chung, GBS, JP (Chairman)
- Hon Paul CHAN Mo-po, MH, JP (Deputy Chairman)
- Hon Albert HO Chun-yan
- Hon LEE Cheuk-yan
- Hon LEUNG Yiu-chung
- Hon Miriam LAU Kin-ye, GBS, JP
- Hon Emily LAU Wai-hing, JP
- Hon Abraham SHEK Lai-him, SBS, JP
- Hon LI Fung-ying, BBS, JP
- Hon Tommy CHEUNG Yu-yan, SBS, JP
- Hon Frederick FUNG Kin-kee, SBS, 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 Alan LEONG Kah-kit, SC
- Hon WONG Ting-kwong, BBS, JP
- Hon Ronny TONG Ka-wah, SC
- Hon CHIM Pui-chung
- Hon Cyd HO Sau-lan
- Dr Hon LAM Tai-fai, BBS, JP
- Hon CHAN Kin-por, JP
- Hon Tanya CHAN
- Dr Hon Priscilla LEUNG Mei-fun
- Dr Hon LEUNG Ka-lau
- Hon CHEUNG Kwok-che
- Hon WONG Sing-chi
- Hon WONG Kwok-kin, BBS
- Hon IP Wai-ming, MH
- Hon IP Kwok-him, GBS, JP
- Hon Mrs Regina IP LAU Suk-ye, GBS, JP
- Hon Paul TSE Wai-chun
- Dr Hon Samson TAM Wai-ho, JP

- Members absent** : Hon Vincent FANG Kang, SBS, JP
Hon LEUNG Kwok-hung
Hon WONG Yuk-man
Dr Hon PAN Pey-chyou
- Public Officers attending** : Mr Alan WONG Kwok-lun, JP
Deputy Commissioner for Labour (Labour Administration)
- Mr FONG Ngai
Assistant Commissioner for Labour (Policy Support and Strategic Planning)
- Miss Bertha CHENG Wai-yue
Chief Labour Officer (Statutory Minimum Wage)
Labour Department
- Miss Mabel LI Po-yi
Senior Labour Officer (Statutory Minimum Wage)
Labour Department
- Ms Queenie TANG Yuen-shan
Labour Officer (Statutory Minimum Wage)
Labour Department
- Mr Eamonn MORAN, JP
Law Draftsman
Department of Justice
- Ms Amy CHAN Wing-yan
Senior Government Counsel
Department of Justice
- Clerk in attendance** : Mr Raymond LAM
Chief Council Secretary (2) 1
- Staff in attendance** : Mr Arthur CHEUNG
Senior Assistant Legal Adviser 2
- Mrs Eleanor CHOW
Senior Council Secretary (2) 4
- Ms Camy YOONG
Clerical Assistant (2) 1
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I. Meeting with the Administration

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

2. Members endorsed the proposed order and areas for study of the Bills Committee (issued vide LC Paper No. CB(2)2614/08-09 on 8 October 2009). The Bills Committee proceeded to discuss the policy objectives of the Bill.

3. The Bills Committee requested the Administration to -

- (a) provide a paper setting out clearly the policy objectives of the Bill and include in its paper information on the criteria for determining the statutory minimum wage rate in other jurisdictions;
- (b) provide an explanation on the conformity of the Bill with the principles enshrined in Article 7 of the International Covenant on Economic, Social and Cultural Rights and other international covenants and labour conventions referred to in Article 39 of the Basic Law in respect of ensuring that workers were remunerated with reasonable wages that enabled them to maintain a living with dignity;
- (c) provide a paper issued by the Organisation for Economic Co-operation and Development (OECD) on minimum wage and poverty alleviation;
- (d) provide information on the eligibility criteria for the low earnings category under the Comprehensive Social Security Assistance Scheme; and
- (e) advise whether there was any other legislation, apart from the Trade Boards Ordinance, which supported that the Bill was compatible with Article 5 of the Basic Law.

4. Ms Miriam LAU said that the Liberal Party would consider uploading the survey findings conducted on minimum wage onto its website.

5. The Chairman said that the Research and Library Services Division of the Legislative Council Secretariat had previously prepared a research report on minimum wage system in selected places and other relevant information. Members who wished to obtain a copy of the report could contact the Secretariat for further arrangements.

II. Date of next meeting

6. The Chairman said that at the meeting on 28 September 2009, members scheduled seven meetings between mid-October 2009 and January 2010 and agreed that the views of members be sought on the frequency of holding future meetings. A summary of members' views, which indicated that the majority of members preferred holding meetings twice a month, had been issued to members.

7. The Bills Committee noted that the next meeting had been scheduled for 5 November 2009 at 4:30 pm.

8. The meeting ended at 10:40 am.

Council Business Division 2
Legislative Council Secretariat
27 November 2009

**Proceedings of meeting of the
Bills Committee on Minimum Wage Bill
on Tuesday, 13 October 2009, at 8:30 am
in the Chamber of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action Required
000000 - 000307	Chairman	Opening remarks	
000308 - 001020	Admin Chairman Hon Andrew LEUNG Hon Jeffrey LAM	Administration's response on the compatibility of the Bill with Article 5 of the Basic Law (BL5) (LC Paper No. CB(2)2619/08-09(01))	
001021 - 001224	Hon Ronny TONG Chairman	Compatibility of the Bill with BL5 as provided in BL144, BL145 and BL147	
001225 - 001749	Hon WONG Kwok-hing Admin Chairman	Compatibility of the Bill with BL5; early implementation of the Bill	
001750 - 001924	Hon Paul TSE Chairman	Reasons for raising the question of whether the Bill was compatible with BL5	
001925 - 002133	SALA2 Chairman Admin Hon Emily LAU	The need to set out the conformity of the Bill with BL, international human rights covenants, etc., in the Legislative Council (LegCo) Brief; Administration's explanation as per paragraph 36 in the LegCo Brief	
002134 - 002233	Hon WONG Kwok-hing Chairman	Views of deputations expressed at the last meeting	The Administration was requested to provide a written response on the views of the deputations
002234 - 002543	Chairman Hon Emily LAU	Proposed order and areas for study (issued vide LC Paper No. CB(2)2614/08-09) Schedule of future meetings (LC Paper No. CB(2)2625/08-09(01))	

Time marker	Speaker	Subject(s)	Action Required
002544 - 002746	Hon LI Fung-ying Chairman Hon LEE Cheuk-yan	Proposed order and areas for study	
002747 - 003341	Hon Andrew LEUNG Chairman Admin	Policy objectives of the Bill; whether it sought to provide a wage floor and not to combat poverty; how the impact of the statutory minimum wage (SMW) could be assessed; factors to be considered by the Minimum Wage Commission (MWC) in recommending the prescribed minimum hourly wage rate	The Administration was requested to provide a paper setting out clearly the policy objectives of the Bill
003342 - 003942	Hon Jeffrey LAM Admin Chairman	Consultation with the middle-class on SMW; impact of SMW on fresh graduates and young interns	
003943 - 004635	Hon LEE Cheuk-yan Admin Chairman	Policy objectives of the Bill; whether it sought to ensure workers would be paid at a reasonable level so as to live with dignity and sustain the basic living standard of a two-member family; the need for the Bill to comply with the principles enshrined in Article 7 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) and international labour conventions as required of in BL39; measures such as tax credit to complement the SMW regime; functions of MWC; criteria for determining the SMW rate; findings of the survey conducted on small and medium enterprises (SMEs) by the Liberal Party (LP) on minimum wage (LP's survey)	
004636 - 005140	Hon Miriam LAU Admin Chairman	Policy objectives of the Bill; whether the Bill sought to provide a wage floor rather than a living wage; views of economist that SMW could not combat poverty; LP's survey findings	

Time marker	Speaker	Subject(s)	Action Required
005141 - 005403	Dr Hon Priscilla LEUNG Chairman Hon Miriam LAU	Compatibility of the Bill with BL5; whether it was necessary to state clearly in the Bill the policy objectives of SMW; exclusion of live-in domestic workers from the Bill	
005404 - 010011	Hon Audrey EU Chairman Admin	Policy objectives of the Bill; the need for the Bill to comply with the principles enshrined in Article 7 of ICESCR and international labour conventions as required of in BL39; criteria for determining the SMW rate in other jurisdictions; factors to be considered by MWC in recommending the prescribed minimum hourly wage rate	The Administration was requested to include in its paper information of other jurisdictions, such as the United Kingdom, the United States and the Mainland, in respect of the criteria for determining the SMW rate; and to provide an explanation on the conformity of the Bill with the principles enshrined in Article 7 of the ICESCR and other international covenants and labour conventions referred to in BL39 in respect of ensuring that workers were remunerated with reasonable wages that enabled them to maintain a living with dignity
010012 - 010716	Hon Emily LAU Admin Chairman	Policy objectives of the Bill; mechanism and criteria for determining the SMW rate in other countries; overseas visit made by members of the Provisional MWC	Clerk to provide on members' request information relating to the Research report on minimum wage system in selected places previously prepared by the Research and Library Services

Time marker	Speaker	Subject(s)	Action Required
			Division of the LegCo Secretariat
010717 - 011316	Hon Tommy CHEUNG Chairman Admin	Policy objectives of the Bill; whether the problem of poverty should be addressed by social policy and measures; impact of SMW on employment; reasons for the catering industry opposing the implementation of SMW; functions of MWC; public consultation to be conducted by MWC; criteria for determining the SMW rate	
011317 - 011727	Hon Ronny TONG Admin Chairman	Policy objectives of the Bill; the need for the Bill to comply with the principles enshrined in Article 7 of ICESCR and international labour conventions as required of in BL39; the need to set out these principles in the Bill for MWC to follow	The Administration was requested to provide an explanation on the conformity of the Bill with the principles enshrined in Article 7 of ICESCR and other international covenants and labour conventions referred to in BL39
011728 - 012448	Hon WONG Kwok-hing Hon Miriam LAU Chairman Admin	Why the Trade Boards Ordinance (TBO) was dormant since its enactment in 1940; the launch of the Wage Protection Movement in 2006; leading questions posed in LP's survey; LP's survey findings regarding SME's support for SMW and the loss of employment opportunities arising from different SMW levels	
012449 - 013044	Hon WONG Sing-chi Admin Chairman	Policy objectives of the Bill; whether it sought to maintain the basic living standard of workers; criteria adopted by France and the United Kingdom in implementing SMW; factors to be considered by MWC in recommending the minimum hourly wage rate	

Time marker	Speaker	Subject(s)	Action Required
013045 - 013553	Hon Albert HO Chairman Admin	Policy objectives of the Bill; whether it sought to sustain the basic living standard of a worker; the need to specify the methodology (e.g. formula-based or range-based) in computing the SMW rate in the Bill; formula and criteria adopted by other countries in determining the SMW rate	
013554 - 014159	Hon Cyd HO Chairman Admin Hon Miriam LAU	Policy objectives of the Bill; formula to compute the SMW rate; factors to be considered by MWC in recommending the minimum hourly wage rate; eligibility criteria for the low earnings category under the Comprehensive Social Security Assistance (CSSA) Scheme; LP's survey findings	The Administration was requested to provide information on the eligibility criteria for the low earnings category under the CSSA Scheme LP would consider uploading its survey findings onto its website.
014200 - 014921	Hon Paul TSE Chairman Admin	Compatibility of the Bill with BL5; risk of judicial review; why TBO, which had been dormant for over 60 years, was used to support that the Bill was compatible with BL5	The Administration was requested to advise whether there was any other legislation, apart from TBO, which supported the compatibility of the Bill with BL5
014922 - 015502	Hon IP Wai-ming Chairman Admin	Functions of MWC; whether MWC should comprise public officers; functions of equivalent bodies of MWC in other countries	
015503 - 020021	Hon Frederick FUNG Chairman Admin	Policy objectives of the Bill; the need to specify basic living standard in real terms; measures to complement the SMW regime; functions of MWC	
020022 - 020303 -	Chairman Hon Emily LAU Hon Audrey EU Hon Miriam LAU	Whether the issues relating to live-in domestic workers should be deferred to a later stage of the deliberation of the Bills Committee	

Time marker	Speaker	Subject(s)	Action Required
020304 - 020612	Hon LEE Cheuk-yan Chairman Admin	Policy objectives of the Bill; the SMW regime in the United Kingdom; criteria for determining the SMW rate	The Administration was requested to provide a paper issued by the Organization for Economic Co-operation and Development on minimum wage and poverty alleviation
020613 - 020737	Hon Miriam LAU Chairman	Divergent views of members on the policy objectives of the Bill	
020738 - 020842	Hon Audrey EU Chairman	Compatibility of the Bill with BL5; policy objectives of the minimum allowable wage (MAW) for foreign domestic helpers	The Administration was requested to consider whether the MAW requirement could support the compatibility of the Bill with BL5
020843 - 021004	Chairman Hon Emily LAU Hon LEE Cheuk-yan Admin	Closing remarks Date of next meeting	