

**立法會**  
**Legislative Council**

LC Paper No. CB(2)2143/09-10  
(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 April 2010, 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-yee, GBS, JP  
Hon Emily LAU Wai-hing, JP  
Hon LI Fung-ying, BBS, JP  
Hon Tommy CHEUNG Yu-yan, SBS, JP  
Hon Audrey EU Yuet-mee, SC, JP  
Hon Vincent FANG Kang, SBS, 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, 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  
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 Paul TSE Wai-chun  
Dr Hon Samson TAM Wai-ho, JP

- Members absent** : Hon Abraham SHEK Lai-him, SBS, JP  
Hon Frederick FUNG Kin-kee, SBS, JP  
Hon Mrs Regina IP LAU Suk-ye, GBS, JP  
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)
- Ms Queenie TANG Yuen-shan  
Senior Labour Officer (Statutory Minimum Wage) (Acting)  
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. The Bills Committee requested the Administration to provide a response on the following issues raised by members -

### Constitution of the Minimum Wage Commission ("MWC")

- (a) to consider appointing non-official members who were representatives elected or nominated by respective sectors to MWC instead of appointing them on an ad personam basis;
- (b) to consider reviewing the need to appoint public officers to MWC;
- (c) to advise whether the principle of gender mainstreaming had been taken into account in appointing members to the Provisional MWC ("PMWC");
- (d) to advise whether the provision on the removal of non-official members in section 2 of Schedule 4 was found in the legislation of other statutory bodies;
- (e) to consider reviewing the drafting of the Chinese version of section 1(2) of Schedule 4;
- (f) to consider reviewing the use of "not more than" in clause 10(2) to ensure equal number of members from the four sectors in MWC while maintaining flexibility to allow MWC to comprise less than 12 members if required;
- (g) to consider deleting the words "in the opinion of the Chief Executive" in clause 10(2)(b), and to consider adding "ample" before "knowledge" and "experience" in the clause;
- (h) to review the drafting of clause 10(2)(b)(iii) with a view to making it more specific;

### Transparency of MWC

- (i) to consider opening up MWC meetings to the public especially when major public issues were discussed and making public its report to the Chief Executive ("CE");
- (j) to consider making public the deliberations of MWC and the papers it considered after each meeting;
- (k) to consider requiring MWC to consult the public before arriving at the recommendations to be included in its report;

### Functions of MWC

- (l) to explain the purpose of clause 11(2) to require MWC to perform other function given to it by CE;

Frequency of review of the statutory minimum wage ("SMW")

- (m) to consider stipulating in the Bill that the SMW rate would be reviewed once a year;

Indicators to determine the SMW rate

- (n) to consider specifying in the Bill a basket of indicators currently adopted by PMWC in deliberating the initial SMW rate;
- (o) to advise whether the SMW rate should be set higher than the Comprehensive Social Security Assistance Scheme level;
- (p) to consider specifying in clause 11(3) compliance with the requirements of the International Covenant on Economic, Social and Cultural Rights;
- (q) to explain how the monthly income ceiling of \$6,500 under the Transport Support Scheme and Pilot Employment Navigation Programme was derived; and

Legislative procedure

- (r) to consider the need to provide members of the public and the Legislative Council with the justifications that the Administration had taken into account in making its decision on an appropriate SMW rate.

3. The Administration was also requested to provide a response to the submission of Hong Kong Confederation of Trade Unions on MWC.

4. Members agreed that PMWC should be invited to meet with the Bills Committee to discuss its work and related issues.

*(Post-meeting note: An invitation letter was sent to PMWC on 13 April 2010.)*

5. The Bills Committee passed the following motion moved by Hon LEE Cheuk-yan and seconded by Hon LI Fung-ying -

"本草案委員會要求政府當局就草案作出修訂，規定最低工資委員會須一年檢討最低工資水平一次，以確保最低工資水平能符合社會的變化。"

(Translation)

"That this Bills Committee calls for the Administration to amend the Bill to require that the Minimum Wage Commission review

the minimum wage rate once a year to ensure that the minimum wage rate ties in with the changes in the community."

6. The Administration was requested to provide a response to the motion passed by the Bills Committee.

## **II. Date of next meeting**

7. The Bills Committee noted that the next meeting would be held on 22 April 2010 at 10:45 am.

*(Post-meeting note: The next meeting was subsequently rescheduled to 27 April 2010 at 8:30 am with the concurrence of the Chairman.)*

8. The meeting ended at 10:35 am.

Council Business Division 2  
Legislative Council Secretariat  
2 August 2010

**Proceedings of meeting of the  
Bills Committee on Minimum Wage Bill  
on Tuesday, 13 April 2010, 8:30 am  
in the Chamber of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action Required
000000 - 000503	Chairman Hon Andrew LEUNG Hon LEE Cheuk-yan Hon Jeffrey LAM Hon WONG Kwok-hing Hon WONG Kwok-kin Hon LI Fung-ying	Opening remarks  The Bills Committee noted the Administration's response to issues raised at the Bills Committee held on 31 March 2010 (LC Paper CB(2)1261/09-10(01))	
000504 - 001014	Chairman Hon Andrew LEUNG Admin	<p>Issues raised by Hon Andrew LEUNG -</p> <p>(a) concern raised by the logistics industry about the counting of hours worked under the statutory minimum wage ("SMW") regime as their wages were usually paid on a job basis;</p> <p>(b) implementation of SMW might increase the operating costs of the logistics industry and make Hong Kong less competitive in this respect;</p> <p>(c) whether the Administration would issue guidelines on how hours worked would be counted for the purpose of SMW in different industries; and</p> <p>(d) whether the Administration would provide standard wordings to be written in a contract of employment for counting of hours worked for industries' reference</p> <p>Response of the Administration -</p> <p>(a) it was noted that employees of some industries were paid wages on a project or job basis. The minimum wage for an employee for a wage period</p>	

Time marker	Speaker	Subject(s)	Action Required
		<p>was the amount derived by multiplying the total number of hours worked by the employee in the wage period by the prescribed hourly SMW rate for the employee;</p> <p>(b) employers and employees were free to agree on how hours worked would be counted, subject to clause 3 of the Bill;</p> <p>(c) the Administration had provided examples in previous papers for the Bills Committee meetings to illustrate the application of the provisions on hours worked in different industries;</p> <p>(d) the Administration could meet with the relevant industries to explain the provisions of the Bill where necessary; and</p> <p>(e) the Bill did not seek to regulate existing arrangements under the Employment Ordinance ("EO") whereby employers and employees of different trades and industries were free to agree between themselves terms in the contract of employment</p>	
001015 - 001546	Chairman Hon LEE Cheuk-yan Admin	<p>Discussion on the Minimum Wage Commission ("MWC") and process for setting prescribed minimum hourly wage rate</p> <p>Issues raised by Hon LEE Cheuk-yan -</p> <p>(a) the Administration to consider stipulating in the Bill that the SMW rate would be reviewed by MWC once a year, if not, he would move Committee Stage amendments ("CSAs") to the Bill to that effect; and</p>	

Time marker	Speaker	Subject(s)	Action Required
		<p>(b) the operation of MWC could be more transparent</p> <p>Response of the Administration -</p> <p>(a) given that the SMW regime was entirely new to Hong Kong and the high degree of external orientation of our economy, it was important to maintain flexibility in the timing and frequency of reviews of the SMW rate so as to cater for the needs and prevailing and changing circumstances of Hong Kong at the time; and</p> <p>(b) the Provisional MWC ("PMWC") was mainly tasked to recommend the initial SMW rate. The frequency of SMW rate reviews was to be recommended by the future MWC</p>	
001547 - 002019	Chairman Hon Jeffrey LAM Admin	<p>Issues raised by Hon Jeffrey LAM -</p> <p>(a) concern raised by the logistics industry about the counting of hours worked under the SMW regime as their wages were usually paid on a job basis;</p> <p>(b) the implementation of SMW might increase the operating costs of the logistics industry and make Hong Kong less competitive in this respect; and</p> <p>(c) the Administration should issue guidelines on the application of the provisions on hours worked in different industries for the purpose of computing SMW</p> <p>Response of the Administration -</p> <p>(a) the Bill did not seek to give an exhaustive list of all the precise circumstances of hours worked</p>	



Time marker	Speaker	Subject(s)	Action Required
		<p>for the purpose of computing SMW in different industries; and</p> <p>(b) guidelines on the counting of hours worked for the purpose of computing SMW should best be worked out by employers and employees of the respective industries as they had a thorough understanding of their own operation; and the Labour Department ("LD") could facilitate where necessary and appropriate</p>	
002020 - 002643	Chairman Hon WONG Kwok-hing Admin	<p>Issues raised by Hon WONG Kwok-hing -</p> <p>(a) how the monthly income level of \$6,500 or less, which was the threshold and one of the eligibility criteria for an applicant to apply for the Transport Support Scheme ("TSS") and the Employment Navigation Programme ("ENP"), was derived;</p> <p>(b) if the Administration regarded the threshold of \$6,500 as the monthly income ceiling of an applicant, it should make PMWC aware of the threshold; and</p> <p>(c) many workers requested the initial SMW rate be set at \$33 per hour</p> <p>Response of the Administration -</p> <p>(a) the Administration did not have any stance on the level of the initial SMW rate which was to be recommended by PMWC; and</p> <p>(b) the policy objectives of TSS and ENP were different from</p>	Admin to follow up

Time marker	Speaker	Subject(s)	Action Required
		<p>SMW. The Administration would provide information on how the threshold of \$6,500 was arrived at after the meeting</p>	
<p>002644 - 003157</p>	<p>Chairman Hon WONG Kwok-kin Admin</p>	<p>Issues raised by Hon WONG Kwok-kin -</p> <ul style="list-style-type: none"> <li>(a) whether a basket of indicators to be considered by PMWC in deriving the initial SMW rate included the indicator of setting the SMW rate higher than the Comprehensive Social Security Assistance ("CSSA") Scheme level;</li> <li>(b) given that SMW was a completely new policy, there was all the more reason for the Bill to stipulate the frequency of the SMW rate reviews; and</li> <li>(c) with three public officers sitting on MWC, the Administration could have an influence on the decision of MWC in setting the SMW rate</li> </ul> <p>Response of the Administration -</p> <ul style="list-style-type: none"> <li>(a) a basket of social, economic and employment indicators that were relevant to, or affected by, the SMW level would be taken into account by PMWC in arriving at the recommendation of the initial SMW rate;</li> <li>(b) the CSSA Scheme provided assistance to needy persons on a household basis, while the SMW rate was based on an individual basis;</li> <li>(c) the Annual Earnings and Hours Survey would be conducted by the Census and Statistics Department every year to capture comprehensive data on</li> </ul>	<p>Admin to respond to issues raised by the member</p>

Time marker	Speaker	Subject(s)	Action Required
		<p>the level and distribution of wages, employment details and demographic profile of employees in Hong Kong. The availability of these updated survey findings would facilitate MWC to conduct reviews on the SMW rate as and when necessary; and</p> <p>(d) MWC was an independent statutory body to advise the Government on, among others, the recommended SMW rate</p>	
003158 - 003739	Chairman Hon LI Fung-ying Admin	<p>Issues raised by Hon LI Fung-ying -</p> <p>(a) the Administration's reply (LC Paper CB(2)1261/09-10(02)) could not fully address the questions she raised in her letter (LC Paper CB(2)1140/09-10(01)) relating to MWC and the process for setting the SMW rate;</p> <p>(b) whether the Legislative Council ("LegCo") would be issuing a blank cheque if it passed the Bill without knowing how MWC would operate and about the frequency of the SMW rate reviews; and</p> <p>(c) whether clause 11(1) empowered the Chief Executive ("CE") rather than MWC to invoke the mechanism for reviewing the SMW level and for determining the timing and frequency of the SMW rate reviews</p> <p>Response of the Administration -</p> <p>(a) clause 11(1) stipulated that MWC was, when required by CE to do so, to report to the CE in Council its</p>	

Time marker	Speaker	Subject(s)	Action Required
		<p>recommendations about the SMW level and the timing and frequency of rate reviews;</p> <p>(b) the adoption of an evidence-based approach could best facilitate MWC to arrive at an optimal SMW rate for the recommendation to the CE in Council; and</p> <p>(c) in the United Kingdom ("UK"), the SMW legislation did not specify the frequency of rate reviews either</p>	
003740 - 004329	Chairman Hon IP Wai-ming Admin	<p>Issues raised by Hon IP Wai-ming -</p> <p>(a) whether MWC could maintain independence when three of its members were public officers who could have influence on the decisions made by MWC;</p> <p>(b) the operation of MWC was not transparent enough; and</p> <p>(c) how to assess whether the SMW rate to be set would ensure social harmony</p> <p>Response of the Administration -</p> <p>(a) to help ensure a holistic and balanced deliberation by the MWC, it was appropriate to have the presence of members with labour, business, academia and government backgrounds;</p> <p>(b) section 4(4) of Schedule 4 set out the power of MWC to regulate its own procedures in fulfilling its functions including the procedure for enhancing transparency of its operation; and</p>	

Time marker	Speaker	Subject(s)	Action Required
		<p>(c) apart from a basket of quantifiable indicators which PMWC would take into account when deliberating the initial SMW rate, other relevant considerations including social harmony, enhancing quality of life etc. had been expressed by stakeholders and interested parties to be relevant to the setting of the SMW rate</p>	
<p>004330 - 004957</p>	<p>Chairman Hon Tommy CHEUNG Admin</p>	<p>Concern raised by Hon Tommy CHEUNG that clause 10(2) as presently drafted would not guarantee that there would be equal number of members from the four sectors concerned because the clause only required MWC to consist of "not more than" three members from each of the four sectors. If CE appointed three members each from three sectors and one member from the remaining sector, there would be unequal presence of members from the four sectors although the arrangement complied with clause 10(2)</p> <p>Response of the Administration -</p> <p>(a) the policy intention of clause 10(2) was to ensure equal presence of members with labour, business, academia and government backgrounds, meaning each sector would be represented by three members;</p> <p>(b) drafting of clause 10(2) followed the established drafting convention as was apparent from the relevant provisions in respect of some other statutory bodies; and</p> <p>(c) the composition of PMWC reflected that there was balanced participation from the</p>	<p>Admin to consider the drafting aspect of clause 10(2)</p>

Time marker	Speaker	Subject(s)	Action Required
		four sectors	
004958 - 005524	Chairman Hon Emily LAU Admin	<p>Issues raised by Hon Emily LAU -</p> <ul style="list-style-type: none"> <li>(a) if the Administration agreed that the SMW rate should be reviewed once a year, that requirement should be stipulated in the Bill;</li> <li>(b) non-official members of MWC should be elected or nominated by the respective sectors for appointment to MWC in order to ensure their representativeness and accountability, rather than appointed on an ad personam basis by CE;</li> <li>(c) the words "in the opinion of the Chief Executive" in clause 10(2)(b) should be deleted as the qualifications of MWC members were facts;</li> <li>(d) the Bills Committee would like to meet with PMWC and such meeting would not undermine the independence of PMWC;</li> <li>(e) MWC meetings should be opened up to the public in order to enhance transparency, especially when major public policies were discussed; and</li> <li>(f) clause 11(4) should make it a requirement for MWC to consult the public before arriving at the recommendations to be included of its report</li> </ul> <p>Response of the Administration -</p> <ul style="list-style-type: none"> <li>(a) the Administration had conveyed to PMWC about members' intention for a meeting;</li> </ul>	Admin to respond to issues raised by the member

Time marker	Speaker	Subject(s)	Action Required
		<p>(b) in its letter dated 24 March 2010, PMWC had given an account of its work, including its meeting with stakeholder organizations, summary of the views received, and a basket of indicators and other factors relevant to the SMW policy that should be taken into account in deliberating the initial SMW rate (LC Paper CB(2)1188/09-10(01)); and</p> <p>(c) it was considered necessary for non-official members to be appointed on an ad personam basis to facilitate objective and comprehensive analyses and deliberations in MWC</p>	
005525 - 005949	Chairman Hon Andrew LEUNG Admin	<p>Issues raised by Hon Andrew LEUNG -</p> <p>(a) the proposed basket of indicators considered by PMWC which included general economic conditions, labour market conditions, competitiveness and standard of living in deliberating the SMW rate was acceptable at present but would be subject to changes in future. Was there a mechanism to review these indicators and whether LegCo would be kept informed of the changes; and</p> <p>(b) how to ensure equal presence of members of the four sectors in MWC</p> <p>Response of the Administration -</p> <p>(a) the principles for the recommendation of the SMW rate were stipulated in clause 11(3) of the Bill. Any changes to the indicators should be consistent with the principles</p>	

Time marker	Speaker	Subject(s)	Action Required
		<p>set out in clause 11(3);</p> <p>(b) section 4(4) of Schedule 4 conferred the authority on MWC to regulate its own procedures in fulfillment of its functions including making changes to the basket of indicators as and when necessary; and</p> <p>(c) while PMWC was responsible for recommending the initial SMW rate, the future MWC had to make recommendation on the timing and the frequency of the SMW rate reviews</p>	
005950 - 010525	Chairman Hon Audrey EU Admin	<p>Issues raised by Hon Audrey EU -</p> <p>(a) the words "in the opinion of the Chief Executive" in clause 10(2)(b) should be deleted as the knowledge and experience of MWC members in matters relating to certain sectors were facts. Consideration should be given to include adjectives such as "ample" before the words "knowledge" and "experience" in the clause;</p> <p>(b) "a relevant academic field" in clause 10(2)(b)(iii) should be couched in more specific terms;</p> <p>(c) consideration should be given to require the Bill to comply with the requirements of the International Covenant on Economic, Social and Cultural Rights; and</p> <p>(d) MWC should be required to make public its report and open up its meetings to the public to enhance transparency</p> <p>Response of the Administration -</p>	Admin to respond to issues raised by the member



Time marker	Speaker	Subject(s)	Action Required
		<p>(a) section 4(4) of Schedule 4 provided MWC the flexibility to regulate its own procedure including the procedure for arranging meetings; and</p> <p>(b) as for PMWC, it had uploaded information about its work onto its webpage for public information</p>	
010526 - 011148	Chairman Hon Miriam LAU Admin	<p>Issues raised by Hon Miriam LAU -</p> <p>(a) whether illustrative examples given by the Administration would be included in guidelines for industries' reference;</p> <p>(b) whether the Administration would set up an SMW resource centre to enable employers and employees to access information relating to SMW after commencement of the Minimum Wage Ordinance;</p> <p>(c) the need to specify the field in which an academic was involved in clause 10(2)(b)(iii); and</p> <p>(d) whether there were any objective indicators to assess whether an appropriate balance had been achieved between the objectives of forestalling excessively low wages and minimizing the loss of low-paid jobs</p> <p>Response of the Administration -</p> <p>(a) guidelines on the counting of hours worked for the purpose of computing SMW should best be worked out by employers and employees of the respective industries as they had a thorough</p>	

Time marker	Speaker	Subject(s)	Action Required
		<p>understanding of their own operation, and LD could facilitate where necessary and appropriate; and</p> <p>(b) the Administration had given illustrative examples to explain application of the Bill, but it was not feasible to give an exhaustive list of examples</p>	
011149 - 011424	Chairman Hon CHAN Kin-por Admin	<p>Issues raised by Hon CHAN Kin-por -</p> <p>(a) whether the basket of indicators considered by PMWC in deliberating the initial SMW rate was given any weighting;</p> <p>(b) whether a basket of indicators adopted by overseas jurisdictions in setting their SMW rates was given any weighting; and</p> <p>(c) although applying weighting to a basket of indicators might lack flexibility, it would ensure a consistent approach was adopted</p> <p>Response of the Administration that to its understanding, neither PMWC nor overseas jurisdictions implementing SMW had applied weighting to a basket of indicators in setting the SMW rate</p>	
011425 - 011958	Chairman Hon LEE Cheuk-yan Admin	<p>Issues raised by Hon LEE Cheuk-yan -</p> <p>(a) his intention to move a motion later at the meeting urging the Administration to amend the Bill to require the SMW rate be reviewed once a year;</p> <p>(b) MWC to consider making public its deliberations and the papers it considered after each</p>	Admin to respond to items (b)-(d) as raised by the member

Time marker	Speaker	Subject(s)	Action Required
		<p>meeting so as to enhance transparency;</p> <p>(c) consideration should be given for CE to appoint labour representatives who were recommended by the labour sector; and</p> <p>(d) in UK, public officers provided secretarial services to rather than sitting on the SMW statutory body. The Administration should consider excluding the three public officers from MWC</p> <p>Response of the Administration -</p> <p>(a) section 4(4) of Schedule 4 conferred the authority on MWC to regulate its own procedures in fulfilling its functions. As for PMWC, it had made appropriate arrangements to enhance transparency by uploading information regarding its work onto the website and had explained its work to LegCo in its letter dated 24 March 2010;</p> <p>(b) the three public officers were appointed to serve on PMWC in their respective official capacity. There were other statutory boards with public officers as official members; and</p> <p>(c) it was considered necessary for non-official members to be appointed on an ad personam basis to facilitate objective and comprehensive analyses and deliberations in MWC and to deliberate on the SMW rate collectively and in the overall interest of Hong Kong after considering the perspectives of</p>	

Time marker	Speaker	Subject(s)	Action Required
		various sectors	
011959 - 012554	Chairman Hon LI Fung-ying Admin	<p>Issues raised by Hon LI Fung-ying -</p> <p>(a) whether clause 11(1) provided CE rather than MWC the power to invoke the mechanism for reviewing the SMW level and for determining the timing and frequency of the SMW rate reviews; and</p> <p>(b) whether the Administration would consider specifying in the Bill a basket of indicators currently adopted by PMWC, as they were essential indicators which could be applied to future reviews, apart from the requirements set out in clause 11(3)</p> <p>Response of the Administration -</p> <p>(a) while clause 11(1) set out the function of MWC to recommend to CE the amount of SMW and the timing and frequency of rate reviews, it also provided the flexibility for CE to request such work to be done as and when necessary; and</p> <p>(b) the Administration considered it appropriate for clause 11(3) to set out the principles for MWC to perform its function while providing the flexibility for it to consider a basket of indicators, which might vary from time to time depending on the prevailing circumstances of Hong Kong. In UK, the SMW legislation did not specify the indicators to be adopted in determining the SMW rate either</p>	Admin to respond to (b) raised by the member

Time marker	Speaker	Subject(s)	Action Required
012555 - 013112	Chairman Hon Tommy CHEUNG SALA2	<p>Concern raised by Hon Tommy CHEUNG that clause 10(2) as presently drafted did not guarantee that there would be equal number of members from the four sectors concerned because of the words "not more than"</p> <p>Advice of SALA2 on the concern raised -</p> <p>(a) clause 10(2) provided the flexibility for MWC to comprise less than a total of 12 members, i.e. less than three members from each of the four sectors; and</p> <p>(b) different drafting approaches were adopted to describe the composition of advisory and statutory bodies in different ordinances, including the one used in the Bill</p> <p>The Administration was requested to consider the drafting of clause 10(2) so as to incorporate the spirit of balanced participation while maintaining flexibility to allow MWC to be comprised less than 12 members if required</p>	Admin to follow up
013113 - 013629	Chairman Hon Emily LAU Admin	<p>Issues raised by Hon Emily LAU -</p> <p>(a) whether the composition of PMWC had taken into account the principle of gender mainstreaming;</p> <p>(b) the requirement for MWC to ensure transparency of its operation should be stipulated in the Bill; and</p> <p>(c) clause 11(4) should make it a requirement for MWC to consult the public before arriving at the recommendations of its report</p>	Admin to respond to issues raised by the member

Time marker	Speaker	Subject(s)	Action Required
		<p>Response of the Administration -</p> <p>(a) section 4(4) of Schedule 4 conferred the authority on MWC to regulate its own procedures in fulfilling its functions. Due respect should be given to maintain MWC's independence in deciding appropriate arrangements to enhance transparency and deciding on the suitability of any organizations to be consulted before arriving at the recommendations to be submitted to the CE in Council; and</p> <p>(b) PMWC had consulted over 80 stakeholder organizations and would conduct another round of consultations</p>	
013630 - 014333	Chairman Hon IP Wai-ming Admin	<p>Issues raised by Hon IP Wai-ming -</p> <p>(a) there were potential grey areas with too much power vested in MWC;</p> <p>(b) MWC should meet with the Bills Committee;</p> <p>(c) the SMW rate should be reviewed once a year, although there might not be any adjustment to the rate; and</p> <p>(d) whether MWC could maintain independence when three public officers were sitting on it. The three officers could not influence the decision of MWC only if they did not have the voting right</p> <p>Response of the Administration -</p> <p>(a) given the high degree of external orientation of Hong Kong's economy and SMW was</p>	Clerk to follow up

Time marker	Speaker	Subject(s)	Action Required
		<p>a completely new policy for Hong Kong, it was prudent to allow flexibility for MWC to determine the timing and frequency of reviews of the SMW rate so as to cater for the needs and circumstances of Hong Kong prevailing and changing at the time;</p> <p>(b) MWC was responsible for recommending the appropriate frequency of the rate reviews for the consideration by the CE in Council;</p> <p>(c) there were other statutory boards with both official and unofficial members; and</p> <p>(d) the composition of MWC had taken into account the circumstances peculiar to Hong Kong</p>	
014334 - 015006	Chairman Hon Paul TSE Admin	<p>Issues raised by Hon Paul TSE -</p> <p>(a) the Bill might vest too much power and flexibility with the Administration, including the power to remove a non-official member from MWC in section 2 of Schedule 4;</p> <p>(b) whether similar provision was found in the legislation of other statutory bodies on the removal of non-official members; and</p> <p>(c) the purpose of clause 11(2) to require MWC to perform other function given to it by CE</p> <p>Response of the Administration -</p> <p>(a) section 2 of Schedule 4 provided that CE could remove a non-official member from office only if he was satisfied that the member was unable or</p>	Admin to respond to issues raised by the member

Time marker	Speaker	Subject(s)	Action Required
		<p>unfit to carry out the duties of the office due to permanent incapacity or other sufficient cause. Similar provision was found in the legislation of other statutory bodies; and</p> <p>(b) clause 11(2) should be read in conjunction with clause 11(1). Given that the introduction of SMW was entirely new to Hong Kong, there might be a need for MWC to perform functions other than those specified in clause 11(1) in future</p>	
015007 - 015812	Chairman Hon Miriam LAU Admin	<p>Issues raised by Hon Miriam LAU -</p> <p>(a) the English and Chinese texts of section 1(2) of Schedule 4 appeared not tally;</p> <p>(b) whether the Administration would set up an SMW resource centre to enable employers and employees to access information and provide them with assistance after commencement of the Minimum Wage Ordinance;</p> <p>(c) some academics had a strong view for or against SMW. How to ensure a fair play of the academics concerned under clause 10(2)(b)(iii); and</p> <p>(d) whether there were any objective indicators (e.g. loss of low-paid jobs at certain level) to assess an appropriate balance had been achieved between the objectives of forestalling excessively low wages and minimizing the loss of low-paid jobs</p>	Admin to follow up



Time marker	Speaker	Subject(s)	Action Required
		<p>Response of the Administration -</p> <p>(a) a special team had been formed under the LD to deal with matters relating to SMW. The team would continue to function following the commencement of the Minimum Wage Ordinance;</p> <p>(b) as SMW had social, economic and employment impacts, academics from the relevant fields would be appointed to serve on MWC. At present, academics from the relevant fields were appointed to PMWC;</p> <p>(c) consistent with established policy, the appointment to MWC would be based on the candidates' ability, expertise, experience, integrity and commitment to public service; and</p> <p>(d) an evidence-based approach to setting and reviewing the SMW rate could best facilitate the attainment of a fine balance. In order to ensure an appropriate balance, MWC had to take account of the prevailing circumstances of Hong Kong</p>	
015813 - 020114	Chairman Hon LEE Cheuk-yan	<p>Motion moved by Hon LEE Cheuk-yan</p> <p>Admin was requested to provide a response to the motion passed by the Bills Committee</p>	Admin to follow up
020115 - 020316	Chairman Hon LI Fung-ying Hon Emily LAU Hon LEE Cheuk-yan	Admin was requested to provide a written response to the issues raised at the meeting and the submission from Hong Kong Confederation of Trade Unions (LC Paper No. CB(2) 1208/09-10(01))	Admin to follow up

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action Required</b>
020317 - 020550	Chairman Hon LI Fung-ying Admin	Concern raised by Hon LI Fung-ying that the Administration should be required to provide members of the public and LegCo with the justifications that the Administration had taken into account in making its decision on an appropriate SMW rate  Response of the Administration -  (a) the Administration would provide members of the public and LegCo with the justifications that it had taken into account in making its decision on the SMW rate; and  (b) under clause 15, LegCo might revoke the proposed SMW rate	Admin to respond to issues raised by the member
020551 - 020614	Chairman	Date of next meeting	