

立法會
Legislative Council

LC Paper No. CB(2)2165/09-10
(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, 27 April 2010, at 8:30 am
in Conference Room A 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 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 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 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 IP Wai-ming, MH
 - Hon Paul TSE Wai-chun
- Members absent** :
- Hon Miriam LAU Kin-yee, GBS, JP
 - Hon Frederick FUNG Kin-kee, SBS, JP
 - Hon CHIM Pui-chung
 - Hon WONG Kwok-kin, BBS

Hon IP Kwok-him, GBS, JP
Hon Mrs Regina IP LAU Suk-ye, GBS, JP
Dr Hon PAN Pey-chyou
Dr Hon Samson TAM Wai-ho, JP

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 Mabel LI Po-yi
Chief Labour Officer (Statutory Minimum Wage) (Acting)
Labour Department

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

I. Meeting with the Administration

The Bills Committee deliberated (index of proceedings attached at

Annex).

2. The Bills Committee requested the Administration to -
 - (a) consider stipulating in the Bill the review frequency of the statutory minimum wage ("SMW") rate;
 - (b) further explain whether clause 11(1) provided for the Chief Executive ("CE") rather than the Minimum Wage Commission ("MWC") to invoke the mechanism for reviewing the SMW level and for determining the timing and frequency of the SMW rate reviews;
 - (c) consider whether the report submitted by MWC to CE in Council should be provided to the Legislative Council and made public;
 - (d) consider the need to appoint public officers to MWC;
 - (e) further explain the basis for deriving the monthly income ceiling of \$6,500 under the Transport Support Scheme and the Pilot Employment Navigation Programme; and
 - (f) consider how to ensure a balanced number of members from the four sectors in clause 10(2) while maintaining flexibility to allow MWC to comprise less than 12 members if required.
3. The Bills Committee agreed to request the Provisional MWC to provide information on the methodology it adopted in arriving at the recommended initial SMW rate as referred to in Annex 2 to Provisional MWC's letter dated 24 March 2010.
4. Senior Assistant Legal Adviser 2 was requested to consider the drafting of clause 10(2) which should reflect the principle of a balanced number of members from the four sectors in MWC while maintaining flexibility to allow MWC to comprise less than 12 members if required.

II. Dates of future meetings

5. The Bills Committee agreed to proceed to the discussion of assessment of degree of productivity of persons with disabilities at the next meeting to be held on 29 April 2010 at 8:30 am.
6. The Chairman informed members that two additional meetings had been scheduled for 8 June 2010 at 8:30 am and 10 June 2010 at 8:30 am respectively.

7. The meeting ended at 10:31 am.

Council Business Division 2
Legislative Council Secretariat
9 August 2010

**Proceedings of meeting of the
Bills Committee on Minimum Wage Bill
on Tuesday, 27 April 2010, 8:30 am
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action Required
000000 - 000705	Chairman	Opening remarks	
000706 - 002253	Chairman Admin	Briefing on the Administration's response to issues raised at the Bills Committee meeting held on 13 April 2010 (LC Paper No. CB(2)1371/09-10(01))	
002254 - 002809	Chairman Hon WONG Kwok-hing Admin	Basis for deriving the monthly income ceiling of \$6,500 under the Transport Support Scheme and the Pilot Employment Navigation Programme; indicators to be considered by the Provisional Minimum Wage Commission ("PMWC") in deliberating the recommended initial statutory minimum wage ("SMW") rate (paras 17, 21-27 of LC Paper No. CB(2)1371/09-10(01))	
002810 - 003317	Chairman Hon LI Fung-ying Admin	<p>Transparency of the Minimum Wage Commission ("MWC"); functions of MWC; whether to provide to the Legislative Council ("LegCo") and make public the report of MWC submitted to the Chief Executive ("CE") in Council; frequency of the SMW rate review (paras 8-16 of LC Paper No. CB(2)1371/09-10(01))</p> <p>The Administration was requested to consider -</p> <p>(a) whether to stipulate in the Bill the review frequency of the SMW rate; and</p> <p>(b) whether the report submitted by MWC to CE in Council should be provided to LegCo and made public</p>	Admin to consider

Time marker	Speaker	Subject(s)	Action Required
003318 - 003844	Chairman Hon IP Wai-ming Admin	Constitution of MWC; rationale for appointing public officers to MWC; functions of MWC; transparency of MWC (paras 2-13 of LC Paper No. CB(2)1371/09-10(01)) Request for PMWC to meet with the Bills Committee to discuss PMWC's work and related issues (LC Paper Nos. CB(2)1383/09-10(01) and (02))	
003845 - 004524	Chairman Hon WONG Ting-kwong Admin	Transparency of MWC; criteria for appointing members to MWC; purpose of consulting stakeholders when PMWC adopted an evidence-based approach which placed emphasis on statistics such as those collected by the Census and Statistics Department; reasons for adopting one SMW rate for all industries and trades (paras 2-11 and 20 of LC Paper No. CB(2)1371/09-10(01))	
004525 - 005217	Chairman Hon LEE Cheuk-yan Admin	Role of the Administration in determining the SMW rate and related issues; reasons for not vesting LegCo with the power to amend the SMW rate; policy objectives of the Bill; transparency of MWC (paras 2-11 and 17-20 of LC Paper No. CB(2)1371/09-10(01))	
005218 - 005724	Chairman Hon Tommy CHEUNG Admin	How to ensure a balanced number of members from the four sectors in MWC in clause 10(2) while maintaining flexibility to allow MWC to comprise less than 12 members if required (para 7 of LC Paper No. CB(2)1371/09-10(01))	Admin to consider
005725 - 010225	Chairman Hon Jeffrey LAM Admin	Criteria for appointing members from the business sector to MWC; consultation conducted by PMWC; approach adopted by PMWC in arriving at the SMW rate to be proposed (paras 2-11 of LC Paper No. CB(2)1371/09-10(01))	

Time marker	Speaker	Subject(s)	Action Required
010226 - 011057	Chairman Hon Ronny TONG Admin	<p>Constitution of MWC; reasons for appointing public officers to MWC (paras 2-7 of LC Paper No. CB(2)1371/09-10(01))</p> <p>The Administration was requested to consider -</p> <p>(a) how to ensure a balanced number of members from the four sectors in clause 10(2) while maintaining flexibility to allow MWC to comprise less than 12 members if required; and</p> <p>(b) the need to appoint public officers to MWC under clause 10(2)(c)</p>	Admin to consider
011058 - 011728	Chairman Hon Albert HO Admin	Transparency of MWC; whether clause 11(1) provided for 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; whether the report of MWC submitted to CE in Council would be made public (paras 8-11 and 14-16 of LC Paper No. CB(2)1371/09-10(01))	Admin to respond
011729 - 012413	Chairman Hon WONG Sing-chi Admin	Constitution of MWC; whether the members of MWC were collectively responsible for MWC's decisions; whether individual members of MWC could conduct their own research and collect data for the consideration of MWC; function of MWC to consult other parties and to consider submissions and data as provided in clause 11(4); removal of members of MWC by CE (paras 2-7 and 9-10 of LC Paper No. CB(2)1371/09-10(01))	
012414 - 012802	Chairman Hon CHAN Kin-por Admin	Circumstances under which the SMW rate would be reviewed; whether MWC would provide	

Time marker	Speaker	Subject(s)	Action Required
		analysis on different SMW levels and their respective impacts in making its recommendation for consideration of the CE in Council; explanation to be given by the Administration for accepting or not the SMW rate recommended by MWC; whether the Administration would consider stipulating in the Bill the minimum period for which the SMW rate would be reviewed (paras 14-16 and 20 of LC Paper No. CB(2)1371/09-10(01))	
012803 - 013531	Chairman Hon LEUNG Yiu-chung Admin	Frequency of the SMW rate review; the need to stipulate in the Bill the review period of the SMW rate; reasons for not vesting LegCo with the power to amend the SMW rate (paras 14-16 and 20 of LC Paper No. CB(2)1371/09-10(01)) The Administration was requested to consider stipulating in the Bill the review frequency of the SMW rate	Admin to consider
013532 - 014019	Chairman Hon LI Fung-ying Admin	Transparency of MWC; the need for the Administration to provide to LegCo a copy of MWC's report; explanation to be given by the Administration for accepting or not the SMW rate recommended by MWC; functions of MWC; whether clause 11(1) provided for 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 (paras 8-11 and 14-16 of LC Paper No. CB(2)1371/09-10(01))	
014020 - 014354	Chairman Hon LEE Cheuk-yan Admin	The need to make public MWC's report to CE in Council; functions of MWC; reasons for not stipulating in the Bill the term of office of MWC; relationship between the term of office of MWC and the recommended review frequency of	

Time marker	Speaker	Subject(s)	Action Required
		the SMW rate (paras 8-13 of LC Paper No. CB(2)1371/09-10(01))	
014355 - 014428	Chairman Hon Tommy CHEUNG	SALA 2 was requested to consider the drafting of clause 10(2) which should reflect the principle of a balanced number of members from the four sectors in MWC while maintaining flexibility to allow MWC to comprise less than 12 members if required	SALA2 to consider
014429 - 014746	Chairman Hon WONG Kwok-hing Admin	The Administration was requested to - (a) further explain the basis for deriving the monthly income ceiling of \$6,500 under the Transport Support Scheme and the Pilot Employment Navigation Programme; and (b) consider whether the monthly income ceiling of \$6,500 was relevant to the SMW rate	Admin to respond on (a)
014747 - 015109	Chairman Hon LEUNG Yiu-chung Admin	How to ensure MWC would discharge its functions effectively, including its duty to conduct a periodic review on the SMW rate; power of MWC in discharging its functions; the need for the Administration to make public the report of MWC (paras 8-16 of LC Paper No. CB(2)1371/09-10(01))	
015110 - 015608	Chairman Hon IP Wai-ming Admin	Functions and powers of MWC stipulated in the Bill; whether to appoint a member of the Labour Advisory Board to sit on MWC (paras 2-7 and 12-13 of LC Paper No. CB(2)1371/09-10(01))	
015609 - 015932	Chairman Hon Albert HO Admin	Accountability of MWC; transparency of MWC; the need to make public the information and data considered by PMWC in deliberating the initial SMW rate (paras 8-11 of LC Paper No.	

Time marker	Speaker	Subject(s)	Action Required
		CB(2)1371/09-10(01)) Request for PMWC to provide information on the methodology to be adopted in arriving at the recommended initial SMW rate as referred to in Annex 2 to PMWC's letter dated 24 March 2010	Clerk to follow up with PMWC
015933 - 020141	Chairman Hon LEE Cheuk-yan Admin	Appointment of public officers to MWC; term of office of the first MWC	
020142 - 020226	Chairman	Schedule of two additional meetings Closing remarks	