

立法會
Legislative Council

LC Paper No. CB(2)422/10-11
(These minutes have been seen
by the Administration)

Ref : CB2/BC/11/08

Bills Committee on Minimum Wage Bill

Minutes of meeting
held on Monday, 28 June 2010, at 2:30 pm
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 LI Fung-ying, BBS, JP
Hon WONG Kwok-hing, MH
Hon Andrew LEUNG Kwan-yuen, SBS, JP
Hon Ronny TONG Ka-wah, SC
Hon CHIM Pui-chung
Hon Cyd HO Sau-lan
Hon CHAN Kin-por, JP
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
Dr Hon PAN Pey-chyou
Hon Alan LEONG Kah-kit, SC
- Members absent** : Hon Miriam LAU Kin-ye, GBS, JP
Hon Emily LAU Wai-hing, JP
Hon Abraham SHEK Lai-him, SBS, JP
Hon Tommy CHEUNG Yu-yan, SBS, JP
Hon Frederick FUNG Kin-kee, SBS, JP
Hon Audrey EU Yuet-mee, SC, JP
Hon Vincent FANG Kang, SBS, JP
Hon Jeffrey LAM Kin-fung, SBS, JP

Hon WONG Ting-kwong, BBS, JP
Dr Hon LAM Tai-fai, BBS, JP
Dr Hon Priscilla LEUNG Mei-fun
Dr Hon LEUNG Ka-lau
Hon CHEUNG Kwok-che
Hon WONG Sing-chi
Hon Paul TSE Wai-chun
Dr Hon Samson TAM Wai-ho, JP
Hon LEUNG Kwok-hung
Hon WONG Yuk-man

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 Kiwi NG
Legislative 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 provide the revised version of the marked-up copy of the Bill prepared on the basis of the draft Committee Stage amendments to be proposed by the Administration.

(Post-meeting note: The revised version was issued to members vide LC Paper No. CB(2)1903/09-10 on 23 June 2010.)

3. The Bills Committee completed scrutiny of the Bill and agreed that a report on the deliberations of the Bills Committee would be submitted to the House Committee at its meeting on 2 July 2010. The Bills Committee noted that the Administration would give notice for resumption of Second Reading debate on the Bill at the Council meeting on 14 July 2010 and that the deadline for giving notice to move Committee Stage amendments to the Bill was 5 July 2010.

II. Any other business

4. As the Bills Committee had completed scrutiny of the Bill, the Bills Committee agreed that the next meeting originally scheduled for 29 June 2010 would be cancelled.

5. The meeting ended at 3:05 pm.

**Proceedings of meeting of the
Bills Committee on Minimum Wage Bill
on Monday, 28 June 2010, at 2:30 pm
in the Chamber of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action Required
000000 - 000112	Chairman	Opening remarks	
000113 - 002754	Chairman Hon Mrs Regina IP Admin Hon LEE Cheuk-yan Hon LEUNG Yiu-chung	<p>Briefing on the draft Committee Stage amendments ("CSAs") to Schedule 2 by Hon Mrs Regina IP (LC Paper No. CB(2)1886/09-10(01)) which provided that an assessment report prior to employment conducted by a non-government organization ("NGO") approved by the Social Welfare Department should be accepted as the basis for determining an appropriate minimum wage for a person with a disability ("PWD")</p> <p>Concern raised by Hon LEE Cheuk-yan whether the assessment report conducted by NGO would apply to the PWD indefinitely despite there was a change in the job nature or a change in employer. Concern raised by Hon LEUNG Yiu-chung that the assessment report conducted by NGO on the PWD was based on the degree of his disability rather than the degree of productivity</p> <p>The Administration explained that pre-employment assessment for vocational rehabilitation training conducted by NGOs was different from the productivity assessment proposed in the Bill and thus not suitable to be adopted for determining the appropriate minimum wage rate of the PWD in taking up a particular job. CSAs would be moved to provide for the transitional arrangement for serving PWDs who would be given the</p>	

Time marker	Speaker	Subject(s)	Action Required
		flexibility to invoke the assessment mechanism at an appropriate time of his own volition. Consultation on the transitional arrangement for PWDs already in employment had been conducted with relevant stakeholders	
002755 - 003216	Chairman SALA2 Hon Mrs Regina IP Admin	Drafting issues raised by SALA2 on Hon Mrs Regina IP's draft CSAs	SALA2 to discuss the drafting issues with Hon Mrs Regina IP after the meeting
003217 - 003340	Chairman Admin SALA2	Revision to the Administration's draft CSAs English version of the Bill and the Administration's draft CSAs vetted by SALA2 Legislative timetable	Admin to provide the revised version
003341 - 003431	Chairman Admin SALA2	Issues raised by Hon IP Wai-ming on the manpower resources for enforcement of the Minimum Wage Ordinance in his letter dated 10 June 2010 (LC Paper No. CB(2)1803/09-10(01)) and the Administration's response (LC Paper No. CB(2)1890/09-10(01))	
003432 - 003500	Chairman	Cancellation of meeting on 29 June 2010	