



立法會秘書處 法律事務部
LEGISLATIVE COUNCIL SECRETARIAT
LEGAL SERVICE DIVISION

來函檔號 YOUR REF : LD SMW 1-55/1/4(C)
本函檔號 OUR REF : LS/B/24/08-09
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By Post & Fax

11 June 2010

Mr Alan WONG Kwok-lun, JP
Deputy Commissioner for Labour
(Labour Administration)
Labour Department
16th floor
Harbour Building
38 Pier Road
Central
HONG KONG
(Fax No.: 2544 3271)

Dear Mr WONG,

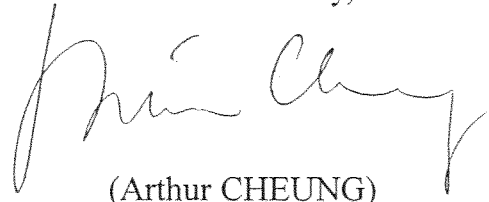
Minimum Wage Bill

As discussed at the Bills Committee, I would be grateful if you could elaborate on how clause 7 of the Bill would confer on an employee the right to sue his employer for the difference between the wages payable under his employment contract and the minimum wage he is entitled under the Bill in case of a shortfall.

In this connection, clause 9 seems only to deal with an employee's entitlement to additional remuneration but not to a minimum wage, as the latter entitlement is already provided in clause 7(1).

Further, sub-clause (1) and sub-clause (2) of clause 3 seem to be parallel provisions. There is no provision to indicate that sub-clause (1) prevails over sub-clause (2), which is what the Administration intends it to be as indicated to the Bills Committee. Please also clarify how that intention or effect can be achieved in the way the two sub-clauses are presently drafted.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Arthur Cheung". The signature is fluid and cursive, with a large initial "A" and a long, sweeping underline.

(Arthur CHEUNG)

Senior Assistant Legal Adviser

c.c. Clerk to Bills Committee

c:ltr-B1