

Bills Committee on Minimum Wage Bill

The Administration's Response to the
Views/Suggestions Made by Deputations to the Bills Committee Meeting on 7 October 2009

Contents

Section	
I	Policy objectives of the Bill
II	Application of the Ordinance
III	Prescribed minimum hourly wage rate
IV	Entitlement to minimum wage
V	Minimum Wage Commission and process for setting prescribed minimum hourly wage rate
VI	Assessment of degree of productivity of persons with disabilities
VII	Other aspects of the Bill
VIII	Other comments

Views/suggestions	The Administration's responses
<i>I. Policy objectives of the Bill</i>	
<p>(a) Some deputations agreed that the Minimum Wage Bill (the Bill) should aim at providing a wage floor to forestall the payment of excessively low wages while some deputations were of the view that the Bill should aim at combating poverty.</p> <p>(b) Some deputations considered that employees should be paid at a statutory minimum wage (SMW) rate that can sustain the basic living standard of a family.</p> <p>(c) Some deputations were of the view that the Bill should comply with the principles enshrined in the relevant international conventions.</p>	<p>The Bill seeks to introduce an SMW regime in Hong Kong. This policy initiative by the Administration aims at responding to community demand for preventing excessively low wages. Given Hong Kong's high degree of external economic orientation and the linked exchange rate system, flexibility of wages and prices is crucial to our competitiveness and resilience to external shocks. Nevertheless, safeguarding the interests of the vulnerable and enhancing social harmony are equally important social policy objectives. Therefore, our aim is to design an optimal SMW regime to forestall excessively low wages but without unduly jeopardising our labour market flexibility, economic freedom and competitiveness and without causing significant adverse impact on the employment opportunities for the vulnerable employees.</p> <p>Wages are returns for employees' labour. SMW is a wage floor to forestall excessively low wages. As family needs vary, the minimum wage may not be sufficient to cover family expenses of all employees. The social security system can provide further support to needy families.¹</p> <p>The Bill is in conformity with the Basic Law, including the provisions concerning human rights. As mentioned in the Administration's paper (LC Paper No. CB(2)169/09-10(02)) considered by the Bills Committee at its meeting on 5 November 2009, the Bill is in conformity with Article</p>

¹ Families in need can obtain assistance from the current social security system such as supplements under the low earnings category of the Comprehensive Social Security Assistance Scheme.

Views/suggestions	The Administration's responses
	39 of the Basic Law and Article 7 of the International Covenant on Economic, Social and Cultural Rights.
<p><i>II. Application of the Ordinance</i> (clause 2, clause 6, Schedule 1)</p>	
<p>(a) Some deputations considered that the Bill should cover all domestic workers / live-in domestic workers / foreign domestic helpers (FDHs). Some were of the view that the exclusion might violate international conventions and local legislation such as Race Discrimination Ordinance, Sex Discrimination Ordinance, etc. There was concern about the possible judicial review by FDHs.</p> <p>(b) Some deputations considered that live-in domestic workers should be exempted from the Bill.</p>	<p>Having carefully considered all relevant factors and circumstances as well as the views of stakeholders, we propose to exclude all live-in domestic workers, local or foreign, from the coverage of the Bill. Our major considerations are, namely, (a) the distinctive working pattern of live-in domestic workers; (b) their enjoyment of in-kind benefits not usually available to non-live-in workers; (c) the possible significant and far-reaching socio-economic ramifications; and (d) interface with the long-established FDH policy and policy on the importation of low-skilled workers. Detailed justifications are explained in the Legislative Council (LegCo) Brief on the Bill. According to legal advice, the proposed exclusion is legally in order as there is a justifiable difference, mainly involving different working patterns and provision of in-kind benefits arising from dwelling in the households of their employers free of charge, between live-in domestic workers and other employees who would be covered by the Bill.</p>
<p>(c) Some deputations suggested exemption of more interns e.g. summer interns, academic internships by professionals who were no longer students, all full-time students who worked as</p>	<p>The SMW legislation would only apply upon the establishment of employer-employee relationship and full-time students would unlikely be caught under normal circumstances. Internship programmes are commonly adopted by post-secondary and other education institutions for training and education purpose and some internship programmes do involve employer-employee relationship between the students and the</p>

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<p>interns etc.</p> <p>(d) Some deputations supported that student interns as defined in clause 2 of the Bill should be exempted from the Bill.</p>	<p>hosting organisations. After consultation with the relevant stakeholders, including the Education Bureau, the major post-secondary institutions, the Vocational Training Council, employers offering internship opportunities etc., it is generally agreed that student internships which form a compulsory or elective part of their programmes and are required for the award of the academic qualifications in full-time locally-accredited programmes as arranged or endorsed by specified education institutions should be excluded from the application of the Bill. The proposed exemption would strike a reasonable balance between the need to preserve students' internship opportunities as necessitated by their curricula and the need to prevent abuse and possible displacement of elementary workers.</p>
<p>(e) There was a suggestion that the Bill should cover all non-professionals who provide services for another party according to contracts but were not running their own business. There were also proposals to exempt from the Bill flight crew members, high-income employees or apprentices registered under the Apprenticeship Ordinance.</p>	<p>The aim of an SMW is to forestall the payment of excessively low wages to employees. In designing the details of the Bill, the Labour Department (LD) has undertaken intensive and extensive consultation process with various stakeholders in different sectors. We have taken into account the work patterns of different trades and industries with a view to ensuring that the SMW regime is feasible and strikes a reasonable balance among various interests.</p> <p>Consistent with the principle that the SMW legislation should align as closely as possible with the EO, the Bill models on the EO in defining the coverage for employees as far as possible. According to clause 6(2), the Bill does not apply to a person to whom the EO does not apply, including an apprentice whose contract of apprenticeship has been registered under the Apprenticeship Ordinance (Cap 47).</p>

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<p>III. Prescribed minimum hourly wage rate (clause 2, clause 3, clause 4, clause 5, clause 8, clause 17, clause 19, clause 20, clause 21 and clause 22)</p>	
<p><u>Criteria for determining the SMW rate</u></p>	
<p>(a) There were suggestions that the SMW rate should be set at a certain percentage of median or average wage rate.</p> <p>(b) There were different suggestions on the criteria for determining the SMW rate e.g. higher than the Comprehensive Social Security Assistance (CSSA) level, minimum living standards of employees and dependents, economic performance, consumer price index, various economic and social factors etc.</p>	<p>As SMW would affect many facets of society and the economy, a basket of various social, economic and employment factors that are relevant to, or affected by, the SMW level would be taken into account. The Minimum Wage Commission (MWC) would formulate the basket of factors suitable for Hong Kong's prevailing circumstances, having regard to the need to maintain an appropriate balance between the objectives of forestalling excessively low wages and minimising the loss of low-paid jobs and to sustain Hong Kong's economic growth and competitiveness.</p> <p>Given the high degree of external orientation of our economy and the linked exchange rate system, flexibility of wages and prices is crucial to Hong Kong's competitiveness and resilience to external shocks. In order to minimise the impact of rigidity on wage level, it is not appropriate to set and adjust the SMW rate according to one particular index only, be it the median wage or average wage or any other index. As for the CSSA Scheme, it provides assistance to needy persons on a household basis. But SMW is a wage floor to prevent individuals from receiving excessively low wages, and wages are returns for employees' labour.</p>
<p>(c) It was suggested that the average wages of a full year should be taken into account when calculating minimum wages for</p>	<p>The Bill already provides flexibility to cushion fluctuations in the commission income of some employees during different wage periods. Using the average wages of a full year in determining whether the employee is receiving no less than the minimum wage would</p>

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<p>commission-based employees. There was also view that the fluctuation in income of tour guides during peak and off-peak season and the commission received from shops should be taken into account when calculating the SMW rate.</p>	<p>significantly increase the administrative burden of employers.</p>
<p><u>The SMW rate and related issues</u></p>	
<p>(a) There were different proposals on the SMW rate to be set.</p>	<p>The MWC would adopt an evidence-based approach in setting and reviewing the SMW rate through data research and analysis as well as extensive consultations with stakeholders, having regard to the need to maintain an appropriate balance between the objectives of forestalling excessively low wages and minimising the loss of low-paid jobs and to sustain Hong Kong's economic growth and competitiveness.</p>
<p>(b) There were suggestions to adopt hourly, daily and monthly minimum wage rate.</p>	<p>To help ensure that employees' pay would be commensurate with the duration that they are at work, the SMW rate is expressed as an hourly rate. An hourly SMW rate can also cater for part-time and temporary employees. As daily or monthly SMW levels can be deduced as multiples of hourly SMW, it is not necessary to add a daily or monthly SMW rate.</p>
<p>(c) There was suggestion to consider setting a youth rate in the Bill.</p>	<p>A wide range of youth employment programmes is currently available to address the employment needs of young persons and to enhance the employability of inexperienced school leavers. Having consulted different stakeholder groups, while appreciating the concern about youth employment, we consider it appropriate for the SMW regime to start</p>

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	<p>simple and do not intend to introduce a youth rate at this stage. As a matter of fact, during our consultations, some stakeholders took the view that a youth rate in the SMW regime might carry the negative effects of possible abuse by unscrupulous employers and displacing elderly workers.</p> <p>We would closely monitor the implementation of SMW to see whether there is any significant adverse impact on the employment opportunities of young persons and would review the need for a youth rate when necessary.</p>
<p>(d) Some deputations suggested that different SMW rates should be prescribed for respective industries with reference to the distinct job nature.</p>	<p>The aim of an SMW is to forestall the payment of excessively low wages to employees. The SMW would apply across-the-board. In setting the SMW rate, we would take into account the possible impact of the SMW not only on the whole economy and overall wage and employment levels but also on particular segments of the economy and the community that are more susceptible to fluctuations in the wage levels.</p>
<p>(e) There were views that the Bill should provide a separate minimum monthly wage for FDHs/live-in domestic workers or the prevailing Minimum Allowable Wage for FDHs should be made statutory.</p>	<p>We have explored, and decided against, the option of monthly SMW rate for live-in domestic workers proposed by some stakeholders. Detailed justifications are explained in the LegCo Brief on the Bill.</p>
<p><u>Hours worked</u></p>	
<p>(a) Some deputations proposed that the</p>	<p>As SMW is expressed as an hourly rate and the amount of minimum</p>

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<p>definition of "hours worked" should be clearly defined. There were also different suggestions to include or to exclude certain time periods as hours worked e.g. traveling hours, time spent outside Hong Kong, time for attending training, period allowed for a meal, waiting time, normal working hours and overtime work.</p> <p>(b) It was proposed that guidelines be provided in relation to whether and how to count the hours worked of an employee in different scenarios.</p>	<p>wage is calculated by multiplying the total number of hours worked by the employee in a wage period by the SMW rate, the Bill states hours that must be taken to be included and hours that must be taken to be excluded for the computation of SMW. For preparing the Bill, LD has undertaken an intensive and extensive engagement and consultation process with various stakeholders. We have taken into account work patterns of employees in different trades and industries with a view to ensuring that the SMW regime is feasible and strikes a reasonable balance among various interests.</p> <p>Prior to the implementation of SMW, we would launch vigorous publicity and promotional activities so that both employers and employees would know and understand the legal provisions and their respective obligations and entitlements under the SMW regime. We would prepare sample cases and illustrations with authentic examples drawn from different trades and industries.</p>
<p><u>Wages</u></p>	
<p>(a) There was suggestion to extend the "seven days" timeline to "ten days" to provide a buffer for the calculation of commission.</p>	<p>The EO provides that wages shall become due on the expiry of the last day of the wage period and shall be paid as soon as practicable but in any case not later than seven days thereafter. To be in line with this seven-day provision of the EO, when the Bill counts commission as wages remunerated in the wage period in which the commission is paid, this has to include as well the seven-day period after the end of the wage period. To avoid uncertainty, commission paid in the first seven days of a wage period is counted as wages of the previous wage period for the purpose of SMW calculation in the Bill.</p>

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<p>(b) There was suggestion that the definition of wage should exclude overtime premium.</p>	<p>SMW would not change the nature of wages; what it does is only to set the lowest level permissible under the law. Hence, the definition of wages under the Bill should be aligned as closely as possible with the definition of wages under the EO, which includes, inter alia, overtime pay.</p>
<p><u>Requirement for wage and employment records to include the total number of hours worked</u></p>	
<p>(a) There were views that for employees who are working on a project or task basis, or those working from home or other remote locations without being physically present in the workplace, it was technically impossible to count and record the actual hours worked.</p> <p>(b) Some deputations considered the proposed requirement would create unnecessary administrative burden on employers. Some suggested that employees who were earning more than a specified income or those who were paid on the basis of productivity should be excluded from this requirement.</p>	<p>Under the existing provisions of the EO, every employer must keep a record setting out the wages and employment history of each employee covering the period of his employment during the preceding 12 months. There are low-income employees in companies of various trades and industries and wages of some employees may vary from one wage period to another. In order to determine whether employers have remunerated their employees not below the SMW rate, an additional requirement of keeping the total number of hours worked is therefore included through consequential amendments to the EO.</p> <p>Like other employees, employees who are working on a project or task basis or who are paid on the basis of productivity etc. should be remunerated wages at a rate not less than the SMW on average for the hours worked in any wage period under the Bill. Therefore, the above requirement of keeping the total number of hours worked is equally applicable to such employees.</p>

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<p><i>IV. Entitlement to Minimum Wage</i> (clause 7, clause 9 and clause 14)</p>	
<p><u>Enforcement and penalty</u></p>	
<p>(a) There was proposal that the Labour Department should be the enforcement agency of the SMW legislation. There was also suggestion that the Labour and Welfare Bureau should set up a task force to enforce the law.</p> <p>(b) There was a proposal that the criminal offence clause should be removed from the Bill.</p> <p>(c) There was suggestion that the penalty clause for SMW offences should be explicitly written in the Bill.</p>	<p>Following the approach of aligning the definition of wages for the purpose of SMW as closely as possible with that under the EO, the existing penalty and enforcement provisions for wages (including under-payment, non-payment and delayed payment of wages as well as illegal deductions from wages) and statutory benefit offences (such as the calculation of benefits for statutory holidays, annual leave, sickness allowance, maternity protection, etc.) under the EO should also apply under the SMW legislation.</p> <p>For clarity and certainty of legal sanctions, we would rely on the penalty clauses under the EO to facilitate compliance by employers and employees as well as investigation and prosecution by law enforcement agencies. The LD would be responsible for the enforcement of the SMW legislation.</p>
<p><i>V. Minimum Wage Commission and process for setting the prescribed minimum hourly wage rate</i> (clause 10 to clause 13, clause 15, Schedule 3 and Schedule 4)</p>	
<p><u>Constitution of the Minimum Wage Commission (MWC)</u></p>	
<p>(a) There were different suggestions</p>	<p>Under the Bill, the MWC would comprise a non-official chairman, not</p>

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<p>on the composition of the Minimum Wage Commission (MWC) e.g. the criteria for appointing members to MWC, number of members to be appointed by the Chief Executive (CE), election or recommendation of members by stakeholder groups instead of appointment by the CE, membership list proposed by the CE to be supported by relevant sectors and endorsed by LegCo, representatives from LegCo and the Labour Advisory Board (LAB), not to include public officers or to limit their voting right, inclusion of more representatives from different stakeholder groups or sectors, etc.</p>	<p>more than nine members drawn from the labour sector, the business sector and the relevant academic fields, and not more than three public officers. The MWC would adopt an evidence-based approach in setting and reviewing the SMW rate through data research and analysis as well as extensive consultations with stakeholders, having regard to the need to maintain an appropriate balance between the objectives of forestalling excessively low wages and minimising the loss of low-paid jobs and to sustain Hong Kong's economic growth and competitiveness. To facilitate objective and disinterested deliberations by the MWC, appointment of members on an ad personam basis, rather than election or nomination of its non-official members by respective groups including LegCo and LAB, is considered more appropriate.</p> <p>As for members of the MWC who are public officers, they can contribute to the Commission their public administration experience and relevant knowledge as well as ensuring the holistic interest of the whole community has been taken into account in deliberating and making recommendation on the SMW rate.</p> <p>The number of members in the MWC should be maintained at an appropriate level with a view to ensuring that every member can have adequate chance to fully participate in the discussion and express their views. Hence, it would be impracticable to include representatives from all stakeholders or sectors in the MWC. Nonetheless, the MWC would consult stakeholders in the community and listen to their views before making recommendation on the SMW rate.</p>

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<u>Amendment of prescribed minimum hourly wage rate</u>	
(a) There were different views on whether LegCo should have or should not have the power to amend Schedule 3. There was also suggestion that LegCo should be the only party who has the power to consider and approve the SMW rate recommended by MWC.	The MWC would adopt an evidence-based approach in setting and reviewing the SMW rate through data research and analysis as well as extensive consultations with stakeholders, having regard to the need to maintain an appropriate balance between the objectives of forestalling excessively low wages and minimising the loss of low-paid jobs and to sustain Hong Kong's economic growth and competitiveness. The adoption of an evidence-based approach could facilitate the MWC in securing a common ground to reach a consensus on the optimal SMW rate. Our proposal that LegCo may revoke, but not amend, the SMW rate is consistent with the evidence-based approach in setting the SMW rate.
<u>Review of SMW</u>	
(a) Some deputations suggested stating the mechanism, such as the period, for reviewing the SMW rate in the Bill, e.g. on an annual basis, or at least 12 months after last review.	The MWC would recommend to the CE in Council the timing and frequency of rate reviews of the SMW. It is more appropriate for the Bill not to specify the frequency of rate reviews in order to provide flexibility for the MWC to make recommendations in light of Hong Kong's prevailing circumstances that may change from time to time.
<u>Operation of MWC</u>	
(a) Some deputations put forward views on the operation of the MWC e.g. its operation should be transparent, the results of research findings should be made public, working group or task	The MWC would adopt an evidence-based approach in setting and reviewing the SMW rate through data research and analysis as well as extensive consultations with stakeholders, having regard to the need to maintain an appropriate balance between the objectives of forestalling excessively low wages and minimising the loss of low-paid jobs and to

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<p>force should be set up under the MWC, the work of MWC should be monitored by LegCo etc.</p>	<p>sustain Hong Kong's economic growth and competitiveness. As the MWC's deliberations may involve sensitive information and data, it is not appropriate for the Bill to oblige the Commission to make public its papers and reports.</p>
<p><i>VI. Assessment of degree of productivity of persons with disabilities (PWDs)</i> (clause 23 and Schedule 2)</p>	
<p><u>Assessment</u></p>	
<p>(a) Some deputations supported the proposed special arrangement for PWDs whose productivity was impaired by their disabilities and that special arrangement should be simple and user-friendly and PWDs should have the discretion to invoke the special arrangement.</p> <p>(b) There were views that the SMW rate for PWDs should be set at 80% of the SMW rate across-the-board and thus an assessment mechanism would not be necessary.</p> <p>(c) There was suggestion that a mechanism should be put in place to enable a PWD, when necessary, to appeal against the assessment.</p>	<p>As a matter of principle, PWDs, as employees, should be no different from their able-bodied counterparts and thus PWDs taking up employment in the open market should also be protected by SMW. Nevertheless, a special arrangement is proposed under the Bill for those whose productivity is impaired by their disabilities, so as to minimise any possible adverse impact of SMW on their employment opportunities.</p> <p>LD has conducted formal and informal sessions with more than 50 rehabilitation organisations including non-governmental organisations providing vocational rehabilitation services with subvention from the Social Welfare Department, self-help groups, parent groups as well as the Equal Opportunities Commission, and has met with representatives from over 30 employers who have ample experience in employing PWDs. The majority view gauged is that, in order to strike a reasonable balance between providing wage protection to PWDs and safeguarding their employment opportunities, a special arrangement comprising a simple mechanism assessing a PWD's productivity in the authentic workplace should be introduced to help determine whether a PWD should be remunerated at no less than the SMW rate; and if not, the extent of</p>

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<p>(d) Some deputations requested that a PWD should be allowed to re-assess his productivity one year after employment, if necessary.</p> <p>(e) There was concern over the possible abuse of the productivity assessment mechanism and the trial period of employment proposed in the Bill.</p> <p>(f) Some deputations proposed details of the assessment e.g. a government department, or a dedicated committee, comprising representatives from the rehabilitation groups and PWDs, should be responsible for monitoring the special arrangement, assessment should be conducted by relevant professionals such as social workers, physiotherapists, etc., guidelines to be developed including assessment principles, evaluation process etc.</p> <p>(g) There were suggestions to exempt PWDs employed before the commencement of the SMW and exemption of the Factory for the</p>	<p>discount from SMW. To forestall abuse by unscrupulous employers, the right to invoke such an assessment is vested in the PWD employee rather than his employer.</p> <p>Under the current proposal for assessment which has been formulated in consultation with the relevant stakeholders, a PWD has the right to select an assessor from a pool of approved assessors. The assessment mechanism should be simple and user-friendly such that employers would not be deterred from employing PWDs. The assessment mechanism, as compared to an arbitrary lower rate or free negotiation of wages between PWDs and employers, could better protect the interests of PWDs.</p> <p>Against the above considerations, an appeal mechanism which would complicate the whole assessment procedure is not considered necessary. As for the idea of review of assessment, the exemption of PWDs currently employed and other operational details of the assessment, LD would continue to work out appropriate arrangements in collaboration with the relevant stakeholders.</p>

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Blind or similar operations.	
(h) Some deputations suggested the introduction of complementary measures such as improved working environment and tax concessions or subsidy to help PWDs.	The object of the Bill is to provide for a minimum wage so as to forestall the payment of excessively low wages to employees. In the course of discussion with the representatives of the rehabilitation sector, they generally agree that we should not complicate the details of the special arrangement by including issues like promotion of employment of PWDs and workplace improvement measures for PWDs in the Bill.
<u>Consequential amendment to Schedule 5 of the Disability Discrimination Ordinance</u>	
(a) There were views that employers who dismissed PWDs having regard to the outcome of the productivity assessment should not be exempted from the Disability Discrimination Ordinance (DDO).	In order to put beyond doubt that acts done in connection with the special arrangement for PWDs would not be in breach of the DDO, consequential amendments to the DDO are therefore proposed.
<i>VII. Other aspects of the Bill</i>	
<u>Repeal of Trade Boards Ordinance</u> (clause 18)	
(a) There were suggestions not to repeal the Trade Boards Ordinance (Cap. 63) (TBO).	The TBO has been dormant on Hong Kong's statute books for over 60 years. Its provisions are largely obsolete and legally problematic, and are thus incapable of meeting the needs of the prevailing socio-economic situations. As such, taking the opportunity of the enactment of the SMW legislation, the TBO should be repealed.

Views/suggestions	The Administration's responses
<u>Commencement of the Ordinance</u> (clause 1)	
<p>(a) There was view that at least one year should be allowed in order to gear up for the implementation of SMW.</p> <p>(b) There were views that the Bill should be enacted as soon as practicable.</p> <p>(c) There was suggestion that the SMW legislation should apply to different trades by phases.</p>	<p>In line with the established practice and overseas experience, about six months' time should be allowed for the business sector to gear up for the implementation of SMW. The Administration considers the six-month preparatory period necessary and reasonable.</p>
<u>Comments on the drafting of individual clauses in the Bill</u>	
<p>(a) There were comments on the drafting of individual clauses in the Bill.</p>	<p>The Bill as drafted reflects the policy. The Administration would carefully consider these views and suggestions in light of related deliberations at the Bills Committee.</p>
<i>VIII. Other comments</i>	
<u>General comments</u>	
<p>(a) There were objections to the introduction of the Bill in view of the drawbacks brought about by the</p>	<p>Given Hong Kong's high degree of external economic orientation and the linked exchange rate system, flexibility of wages and prices is crucial to our competitiveness and resilience to external shocks. Nevertheless,</p>

Views/suggestions	The Administration's responses
<p>implementation of SMW. The importance of setting an SMW rate that could balance the various interests of society was stressed.</p>	<p>safeguarding the interests of the vulnerable and enhancing social harmony are equally important social policy objectives. Therefore, our aim is to design an optimal SMW regime to forestall excessively low wages but without unduly jeopardising our labour market flexibility, economic freedom and competitiveness and without causing significant adverse impact on the employment opportunities for the vulnerable employees.</p> <p>With this in mind, an evidence-based approach to the setting and reviewing of the SMW rate would be adopted. A basket of various social, economic and employment factors that are relevant to, or affected by, the SMW level would be taken into account. The Government has also undertaken new and enhanced statistical surveys to gauge the possible impact of the SMW not only on the whole economy and overall wage and employment levels generally, but also on particular segments of the economy and the community that are more susceptible to wage fluctuations such as small and medium-sized enterprises and the low-paying sectors.</p>
<p><u>Measures to complement the implementation of SMW</u></p>	
<p>(a) There were views on other issues, namely, introducing measures to regulate maximum working hours, preventing false self-employment, relaxing the provision of Disregarded Earnings under the CSSA Scheme, special/complementary measures to</p>	<p>The object of the Bill is to provide for a minimum wage so as to forestall the payment of excessively low wages to employees.</p> <p>To help ensure that employees' pay would be commensurate with the duration that they are at work, the SMW rate is expressed as an hourly rate. The Bill does not seek to regulate the working hours of employees. Maximum working hours is a complicated issue and would have far-reaching socio-economic implications for Hong Kong. At</p>

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<p>protect the vulnerable groups and the working poor, banning the prevailing Standard Employment Contract or retaining the mandatory wage requirement for non-skilled workers of government service contractors.</p>	<p>present, various sectors of the community have divergent views on whether maximum working hours should be introduced into Hong Kong. The Government has no plan to stipulate mandatory maximum working hours at this stage.</p> <p>On the subject of false self-employment, the Administration has submitted a paper to the LegCo Panel on Manpower regarding the subject of "Employees vis-à-vis Self-employed Persons". The paper sets out the rights and benefits of employees under the EO and the Employees' Compensation Ordinance (Cap. 282), how the rights and obligations of employees and self-employed persons are determined, and the measures adopted by the LD in tackling false self-employment.</p> <p>As for the CSSA Scheme and other special/complementary measures, it should be noted that the current CSSA Scheme already provides an effective safety net for those who cannot financially support themselves. It is designed to bring their income up to a level to meet their basic needs.</p> <p>Concerning the mandatory wage requirement for non-skilled workers of government service contractors, the issue has already been referred to the LegCo Panel on Manpower for discussion.</p>

Labour and Welfare Bureau
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