

立法會
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From : Clerk to the Legislative Council
To : All Members of the Legislative Council

Council meeting of 20 May 2009

**Proposed amendments to motion on
“Urging enterprises to fulfill their social responsibility”**

Further to LC Paper No. CB(3) 569/08-09 issued on 7 May 2009, nine Members (Hon WONG Sing-chi, Hon Tommy CHEUNG Yu-yan, Hon CHEUNG Kwok-che, Hon Alan LEONG Kah-kit, Hon Mrs Regina IP LAU Suk-ye, Hon Ronny TONG Ka-wah, Hon IP Wai-ming, Hon LEUNG Kwok-hung and Hon LEE Cheuk-yan) have respectively given notice of their intention to move separate amendments to Hon CHAN Kam-lam’s motion on “Urging enterprises to fulfill their social responsibility” scheduled for the Council meeting of 20 May 2009. As directed by the President, the respective proposed amendments will be printed in the terms in which they were handed in on the Agenda of the Council.

2. To assist Members in debating the above motion and amendments, I set out below the procedure to be followed during the debate:

- (a) Hon CHAN Kam-lam moves his motion;
- (b) the President proposes the question on Hon CHAN Kam-lam’s motion, and orders a joint debate;
- (c) the President calls on the nine Members, who intend to move amendments, to speak in the following order, but no amendment is to be moved at this stage:
 - (i) Hon WONG Sing-chi;
 - (ii) Hon Tommy CHEUNG;

- (iii) Hon CHEUNG Kwok-che;
 - (iv) Hon Alan LEONG;
 - (v) Hon Mrs Regina IP;
 - (vi) Hon Ronny TONG;
 - (vii) Hon IP Wai-ming;
 - (viii) Hon LEUNG Kwok-hung; and
 - (ix) Hon LEE Cheuk-yan;
- (d) the President calls upon the designated public officer(s) to speak;
 - (e) joint debate on the motion and the amendments follows thereafter;
 - (f) the President gives leave to Hon CHAN Kam-lam to speak for the second time on the amendments;
 - (g) the President calls upon the designated public officer(s) again to speak;
 - (h) in accordance with Rule 34(5) of the Rules of Procedure, the President has decided that he will call upon the nine Members to move their respective amendments in the order set out in paragraph (c) above. The President invites Hon WONG Sing-chi to move his amendment to the motion, and forthwith proposes and puts to vote the question on Hon WONG Sing-chi's amendment;
 - (i) after Hon WONG Sing-chi's amendment has been voted upon, the President deals with the other eight amendments; and
 - (j) after all amendments have been dealt with, the President calls upon Hon CHAN Kam-lam to reply. Thereafter, the President puts to vote the question on Hon CHAN Kam-lam's motion, or his motion as amended, as the case may be.

3. For Members' ease of reference, the terms of the original motion and of the motion, if amended, are set out in the **Appendix**.

(Mrs Justina LAM)
for Clerk to the Legislative Council

Encl.

(Translation)

**Motion debate on
“Urging enterprises to fulfill their social responsibility”
to be held at the Legislative Council meeting
of Wednesday, 20 May 2009**

1. Hon CHAN Kam-lam’s original motion

That, amid the financial tsunami, the general public of Hong Kong are stoically facing up to economic hardship, yet some enterprises have still effected layoffs and pay cuts despite making huge profits, and fail to go through the hard times with the public; on the other hand, the management and major shareholders of individual enterprises have recklessly resorted to various ploys to maximize their private interests, while the interests of minority shareholders are left unprotected; as such, this Council urges the Government to create a favourable environment for enterprises to fulfill their social responsibility, implement employment training programmes, and support those enterprises which are in difficulty, while at the same time discussing with the business sector to urge enterprises that, in seeking to make profits, they must also take into account the overall interests of the community, enhance the transparency of corporate decision making, strengthen communication with their employees, fulfill their social responsibility and must not effect layoffs and pay cuts, so as to safeguard the rights and interests of employees and minority shareholders.

2. Motion as amended by Hon WONG Sing-chi

That, *the enterprises in Hong Kong possess a weak sense of fulfilling social responsibility and employers do not pay enough attention to labour rights and interests, and* amid the financial tsunami, the general public of Hong Kong are stoically facing up to economic hardship, yet some enterprises have still effected layoffs and pay cuts despite making huge profits, and fail to go through the hard times with the public; on the other hand, the management and major shareholders of individual enterprises have recklessly resorted to various ploys to maximize their private interests, while the interests of minority shareholders are left unprotected; as such, this Council urges the Government to create a favourable environment for enterprises to fulfill their social responsibility, implement employment training programmes, and support those enterprises which are in difficulty, while at the same time discussing with the business sector to urge enterprises that, in seeking to make profits, they must also take into account the overall interests of the community, enhance the transparency of corporate decision making, strengthen communication with their employees, fulfill their social responsibility and must not effect layoffs and pay cuts, *as well as to legislate afresh to protect employees’ right to collective bargaining, and amend the Employment Ordinance to prohibit employers from*

dismissing their employees under unfair circumstances, so as to safeguard the rights and interests of employees and minority shareholders.

Note: Hon WONG Sing-chi's amendment is marked in *bold and italic type* or with deletion line.

3. Motion as amended by Hon Tommy CHEUNG Yu-yan

That, ~~amid~~ *as* the financial tsunami *has not yet come to a halt*, the general public of Hong Kong ~~are~~ *still have to* stoically facing up to economic hardship, yet some enterprises have still effected layoffs and pay cuts despite making huge profits, and fail to go through the hard times with the public; on the other hand, the management and major shareholders of individual enterprises have recklessly resorted to various ploys to maximize their private interests, while the interests of minority shareholders are left unprotected; as such, this Council urges the Government to *encourage enterprises to fulfill more social responsibility under the principle that it is performed on a voluntary basis and within their ability, and actively* create a favourable environment for enterprises to fulfill their social responsibility, implement employment training programmes, and support those enterprises which are in difficulty, while at the same time discussing with the business sector to urge enterprises that, in seeking to make profits, they must also take into account the overall interests of the community, ~~enhance~~ *such as enhancing* the transparency of corporate decision making, ~~strengthen~~ *strengthening* communication with their employees, *and making every effort to* fulfill their social responsibility ~~and must not effect layoffs and pay cuts, so as to safeguard;~~ *the Government should also actively assist enterprises in expanding their business and enhancing corporate governance, so that layoffs and pay cuts will not be effected as far as possible, thereby safeguarding* the rights and interests of employees and minority shareholders.

Note: Hon Tommy CHEUNG's amendment is marked in *bold and italic type* or with deletion line.

4. Motion as amended by Hon CHEUNG Kwok-che

That, ~~amid the financial tsunami, the general public of Hong Kong are stoically facing up to economic hardship~~ *the unemployment rate has risen further recently*, yet some enterprises have still effected layoffs and pay cuts despite making huge profits, and fail to go through the hard times with the public; on the other hand, the management and major shareholders of individual enterprises have recklessly resorted to various ploys to maximize their private interests, while the interests of minority shareholders are left unprotected; as such, this Council urges the Government to create a favourable environment for enterprises to fulfill their social responsibility, *implement a quota system for employing people with disabilities in government departments, public*

organizations and welfare agencies first and then extend the system to the private sector, implement employment training programmes, and support those enterprises which are in difficulty, while at the same time discussing with the business sector to urge enterprises that, in seeking to make profits, they must also take into account the overall interests of the community, enhance the transparency of corporate decision making, strengthen communication with their employees, fulfill their social responsibility and must not effect layoffs and pay cuts, so as to safeguard the rights and interests of employees and minority shareholders.

Note: Hon CHEUNG Kwok-che's amendment is marked in ***bold and italic type*** or with deletion line.

5. Motion as amended by Hon Alan LEONG Kah-kit

That, ~~amid the~~ ***in facing the once-in-a-century*** financial tsunami, the general public of Hong Kong are stoically facing up to economic hardship, yet some enterprises have still effected layoffs ~~and~~, pay cuts ***and rent increases against the market trend*** despite making huge profits, and fail to go through the hard times with the public ***and small business operators***; on the other hand, the management and major shareholders of individual enterprises have recklessly resorted to various ploys to maximize their private interests, while the interests of minority shareholders are left unprotected; as such, this Council urges the Government to create a favourable environment for enterprises to fulfill their social responsibility, implement employment training programmes, and support those enterprises which are in difficulty, while at the same time discussing with the business sector to urge enterprises that, in seeking to make profits, they must also take into account the overall interests of the community, enhance the transparency of corporate decision making, strengthen communication with their employees, ***show understanding for the operating difficulties of small business operators***, fulfill their social responsibility and must not effect layoffs ~~and~~, pay cuts ***and rent increases***, so as to safeguard the rights and interests of employees, ***small business operators*** and minority shareholders.

Note: Hon Alan LEONG's amendment is marked in ***bold and italic type*** or with deletion line.

6. Motion as amended by Hon Mrs Regina IP LAU Suk-ye

That, amid the financial tsunami, the general public of Hong Kong are stoically facing up to economic hardship, yet some ***private*** enterprises have still effected layoffs and pay cuts despite making huge profits, and fail to go through the hard times with the public; ~~on the other hand~~, the management and major shareholders of individual enterprises have ***even disregarded the interests of minority shareholders and*** recklessly resorted to various ploys to maximize their ~~private interests~~, while the

~~interests of minority shareholders are left unprotected; as such~~ *interests; on the other hand, dozens of public organizations in Hong Kong, some being statutory bodies, provide important public services in areas including housing, transportation, exhibition and financial services, etc; the funding for such organizations is mostly provided by the Government in full or in part, and some of them are able to self-finance by imposing levies or other charges as authorized by legislation; it is learnt that in determining the pay and bonus for the management of these public organizations, their profitability is one of the important criteria for measuring performance, causing some public organizations to fully strive to expand and compete with the private sector for profits, hence disregarding the purposes of their establishment, social justice and the interests of the public; furthermore, as scandals of abuse of public money and mismanagement of public organizations have been repeatedly reported in recent years, the public have become increasingly concerned whether the scope of work and operational philosophy of such organizations have departed from the duties and responsibilities laid down for them by the Government at the time of their establishment; in view of this, this Council urges the Government to create a favourable environment for *private* enterprises to fulfill their social responsibility, implement employment training programmes, and support those enterprises which are in difficulty, while at the same time discussing with the business sector to urge enterprises that, in seeking to make profits, they must also take into account the overall interests of the community, ~~enhance~~ **including enhancing** the transparency of corporate decision making, ~~strengthen~~ **strengthening** communication with their employees, ~~fulfill their social responsibility and must not effect~~ **and not effecting** layoffs and pay cuts *as far as possible*, so as to safeguard the rights and interests of employees and minority shareholders; *on the other hand, the Government should formulate guiding principles for the management of public organizations, develop indicators for ‘corporate social responsibility’, and peg the pay/bonus for the remunerated directors and senior executives of public organizations to such indicators.**

Note: Hon Mrs Regina IP's amendment is marked in *bold and italic type* or with deletion line.

7. Motion as amended by Hon Ronny TONG Ka-wah

That, amid the financial tsunami, the general public of Hong Kong are stoically facing up to economic hardship, yet some enterprises have still effected layoffs and pay cuts despite making huge profits, and fail to go through the hard times with the public; on the other hand, the management and major shareholders of individual enterprises have recklessly resorted to various ploys to maximize their private interests, while the interests of minority shareholders are left unprotected; as such, this Council urges the Government to *make reference to the ten principles for corporate governance under the United Nations Global Compact when rewriting the company laws to formulate clear guiding principles and promote them extensively in Hong Kong, with a view to enhancing a culture of good corporate governance in Hong Kong, as well as to*

create a favourable environment for enterprises to fulfill their social responsibility, implement employment training programmes, and support those enterprises which are in difficulty, while at the same time discussing with the business sector to urge enterprises that, in seeking to make profits, they must also take into account the overall interests of the community, enhance the transparency of corporate decision making, strengthen communication with their employees, fulfill their social responsibility and must not effect layoffs and pay cuts, so as to safeguard the rights and interests of employees and minority shareholders.

Note: Hon Ronny TONG's amendment is marked in ***bold and italic type***.

8. Motion as amended by Hon IP Wai-ming

That, amid the financial tsunami, the general public of Hong Kong are stoically facing up to economic hardship, yet some enterprises have still effected layoffs and pay cuts despite making huge profits, and fail to go through the hard times with the public; on the other hand, the management and major shareholders of individual enterprises have recklessly resorted to various ploys to maximize their private interests, while the interests of minority shareholders are left unprotected; as such, this Council urges the Government to create a favourable environment for enterprises to fulfill their social responsibility, ~~implement~~ ***including:***

- (a) ***setting an example by making labour protection a major tender assessment criterion when inviting tenders for government service contracts;***
- (b) ***proactively organizing employers' associations, labour groups and non-government organizations, etc to study and promote the direction and specific proposals for corporate social responsibility;***
- (c) ***considering legislating to require enterprises to publish annual reports on corporate social responsibility to reflect their work in promoting social responsibility and the effectiveness of their social responsibility-related investments;***
- (d) ***implementing*** employment training programmes, ~~and support;~~ ***and***
- (e) ***supporting*** those enterprises which are in difficulty,;

while at the same time discussing with the business sector to urge enterprises that, in seeking to make profits, they must also take into account the overall interests of the community, enhance the transparency of corporate decision making, strengthen communication with their employees, fulfill their social responsibility and must not effect layoffs and pay cuts, so as to safeguard the rights and interests of employees and minority shareholders.

Note: Hon IP Wai-ming's amendment is marked in *bold and italic type* or with deletion line.

9. Motion as amended by Hon LEUNG Kwok-hung

That, amid the financial tsunami, the general public of Hong Kong are stoically facing up to economic hardship, yet some enterprises have still effected layoffs and pay cuts despite making huge profits, and fail to go through the hard times with the public; on the other hand, the management and major shareholders of individual enterprises have recklessly resorted to various ploys to maximize their private interests, while the interests of minority shareholders are left unprotected; as such, this Council urges the Government to create a favourable environment for enterprises to fulfill their social responsibility, implement employment training programmes, and support those enterprises which are in difficulty, while at the same time ~~discussing with the business sector to urge enterprises that, in seeking to make profits, they must also take into account the overall interests of the community,~~ *urging enterprises to* enhance the transparency of corporate decision making, strengthen communication with their employees, fulfill their social responsibility and ~~must not~~ *to* effect layoffs and pay cuts, ~~so as to safeguard the rights and interests of employees and minority shareholders;~~ *enterprises should also have regard to the needs of the socially disadvantaged groups, establish a partnering relationship with community stakeholders, treat their employees well and safeguard labour rights and interests, as well as accord priority to the overall interests of the community, so that they can integrate into the community and be accepted by the public.*

Note: Hon LEUNG Kwok-hung's amendment is marked in *bold and italic type* or with deletion line.

10. Motion as amended by Hon LEE Cheuk-yan

That, amid the financial tsunami, the general public of Hong Kong are stoically facing up to economic hardship, yet some enterprises have still effected layoffs and pay cuts despite making huge profits, and fail to go through the hard times with the public; on the other hand, the management and major shareholders of individual enterprises have recklessly resorted to various ploys to maximize their private interests, while the interests of minority shareholders are left unprotected; as such, this Council urges the Government to create a favourable environment for enterprises to fulfill their social responsibility, implement employment training programmes, and support those enterprises which are in difficulty, while at the same time discussing with the business sector to urge enterprises that, in seeking to make profits, they must also take into account the overall interests of the community, enhance the transparency of corporate decision making, *establish a collective bargaining system*, strengthen communication with their employees, fulfill their social responsibility and must not effect layoffs and

pay cuts, so as to safeguard the rights and interests of employees and minority shareholders.

Note: Hon LEE Cheuk-yan's amendment is marked in ***bold and italic type***.