

立法會
Legislative Council

LC Paper No. CB(2)220/08-09
(These minutes have been seen
by the Administration)

Ref : CB2/SS/2/08

**Subcommittee on
Employees Retraining Ordinance (Amendment of Schedule 3) Notice 2008**

**Minutes of meeting
held on Tuesday, 21 October 2008, at 8:30 am
in Conference Room A of the Legislative Council Building**

Members present : Hon Mrs Regina IP LAU Suk-ye, GBS, JP (Chairman)
Hon LEE Cheuk-yan
Hon LEUNG Yiu-chung
Hon Miriam LAU Kin-ye, GBS, JP
Hon Emily LAU Wai-hing, JP
Hon LI Fung-ying, BBS, JP
Hon Audrey EU Yuet-mee, SC, JP
Hon LEE Wing-tat
Hon Andrew LEUNG Kwan-yuen, SBS, JP
Hon LEUNG Kwok-hung
Hon Ronny TONG Ka-wah, SC
Hon CHEUNG Kwok-che
Hon IP Wai-ming, MH
Hon IP Kwok-him, GBS, JP

Members absent : Hon WONG Sing-chi
Hon WONG Kwok-kin, BBS

Public Officers attending : Item II
Mr Matthew CHEUNG Kin-chung, GBS, JP
Secretary for Labour and Welfare

Ms Eliza LEE Man-ching, JP
Deputy Secretary for Labour and Welfare (Welfare) 1

Ms Karyn CHAN Ching-yuen
Principal Assistant Secretary for Labour and Welfare
(Manpower)

Mr FONG Ngai
Assistant Commissioner for Labour (Policy Support and
Strategic Planning)

Dr Helen CHAN Wing-mui, IDSM
Assistant Director of Immigration (Visa and Policies)

Mr SUEN Wai-chung
Senior Assistant Law Draftsman

Ms Rebecca PUN Ting-ting, JP
Executive Director of Employees Retraining Board

Clerk in attendance : Mr Raymond LAM
Chief Council Secretary (2) 1

Staff in attendance : Mr Kelvin LEE
Assistant Legal Adviser 1

Mrs Eleanor CHOW
Senior Council Secretary (2) 4

Miss Helen DIN
Legislative Assistant (2) 1

I. Election of Chairman

Mrs Regina IP was elected Chairman of the Subcommittee.

II. Meeting with the Administration

2. The Subcommittee deliberated (index of proceedings attached at **Annex**).

Action

3. The Subcommittee requested the Administration to -
 - (a) provide information on the expenses incurred by employers in terminating and renewing contracts for foreign domestic helpers (FDHs);
 - (b) explain the implication of deleting sections 1(2) and 2(2) of the Amendment Notice;
 - (c) advise whether deleting sections 1(2) and 2(2) of the Amendment Notice or extending the levy suspension period would have any charging effect within the meaning of Rule 31(1) of the Rules of Procedures;
 - (d) whether the levy suspension could be confined to FDHs;
 - (e) provide information on the financial position of the Employees Retraining Fund since 2003;
 - (f) provide information on the financial provision for and expenditure of the Employees Retraining Board (ERB) in the past five years;
 - (g) to provide information on the average number of retraining courses taken by a retrainee;
 - (h) provide justifications for ERB's increase in annual expenditure from about \$400 million in the past to about \$900 million in 2008-2009 and increase in the number of training places from 67 000 in 2007-2008 to 150 000 in 2008-2009; and
 - (i) provide a response to the draft resolution provided by Mrs Regina IP.

4. The Subcommittee requested Assistant Legal Adviser 1 to provide advice on -
 - (a) whether deleting sections 1(2) and 2(2) of the Amendment Notice or extending the levy suspension period would have any charging effect; and
 - (b) whether the levy suspension could be confined to FDHs.

5. The Subcommittee agreed that the Chairman would, on behalf of the Subcommittee, move a motion to extend the scrutiny period of the Amendment

Action

Notice to the Council meeting on 26 November 2008. The Chairman would move a motion to that effect at the Council meeting on 5 November 2008.

III. Dates of subsequent meetings

6. The Subcommittee agreed that further meetings would be scheduled as follows to continue discussion with the Administration -

- (a) 28 October 2008 from 8:30 am to 10:30 am;
- (b) 1 November 2008 from 9:30 am to 12:30 pm; and
- (c) 6 November 2008 from 10:45 am to 12:45 pm.

7. The Subcommittee agreed that the meeting on 1 November 2008 would be dedicated to receiving views from the public.

8. The meeting ended at 10:45 am.

Council Business Division 2
Legislative Council Secretariat
5 November 2008

**Proceedings of meeting of the
Subcommittee on
Employees Retraining Ordinance (Amendment of Schedule 3) Notice 2008
on Tuesday, 21 October 2008, at 8:30 am
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action Required
000000 - 000411	Hon LEUNG Yiu-chung Hon LI Fung-ying Hon Andrew LEUNG Hon IP Kwok-him Hon Mrs Regina IP	Election of Chairman	
000412 - 000549	Chairman	Opening remarks	
000550 - 001218	Admin	Briefing on the Employees Retraining Ordinance (Amendment of Schedule 3) Notice 2008 (the Amendment Notice)	
001219 - 002437	Chairman Hon LEE Cheuk-yan Admin	Arrangement for handling premature termination of contracts, advanced contract renewal, etc. of foreign domestic helpers (FDHs) during the levy suspension period Workload of the Immigration Department since the Amendment Notice took effect on 1 August 2008	
002438 - 003639	Hon LEE Wing-tat Admin ALA1 Chairman	Views of the Democratic Party- (a) opposed the imposition of levy on employers of FDHs; and (b) operating expenses of the Employees Training Board (ERB) should be funded by general revenue Legal advice on whether extending the levy suspension	ALA and Admin to provide a paper

Time marker	Speaker	Subject(s)	Action Required
		<p>period would have charging effect within the meaning of Rule 31(1) of the Rules of Procedures</p> <p>Expenses incurred by employers in terminating and renewing contracts of FDHs</p>	<p>respectively</p> <p>Admin to provide information</p>
<p>003640 - 004800</p>	<p>Hon Audrey EU ALA1 Admin</p>	<p>Views of the Civic Party -</p> <p>(a) did not support the imposition of levy on employers of FDHs; and</p> <p>(b) operating expenses of ERB should not be funded solely by income from the levy</p> <p>Legal advice on whether deleting sections 1(2) and 2(2) of the Amendment Notice would have charging effect</p> <p>Whether the levy suspension could be confined to FDHs</p> <p>Implications of deleting sections 1(2) and 2(2) of the Amendment Notice</p> <p>Clarification of the Administration that the cut-off date for levy suspension was based on visa renewal date of the contracts of FDHs</p>	<p>ALA and Admin to provide a paper respectively</p> <p>ALA and Admin to advise</p> <p>Admin to explain</p>
<p>004801 - 010040</p>	<p>Hon Miriam LAU Admin</p>	<p>Views of the Liberal Party -</p> <p>(a) levy on employers of FDHs should be abolished; and</p> <p>(b) the levy suspension period should apply to FDHs only and not to imported labour under the Supplementary</p>	

Time marker	Speaker	Subject(s)	Action Required
		<p>Labour Scheme</p> <p>Reasons for relaxing the eligibility criteria of the Employees Retraining Scheme (ERS) to cover young people aged 15 to 29</p>	
010041 - 010958	Hon Andrew LEUNG Admin	<p>Views of Hon Andrew LEUNG -</p> <p>(a) operating expenses of ERB should be funded from general revenue; and</p> <p>(b) supported the proposal to delete sections 1(2) and 2(2) of the Amendment Notice</p> <p>Effectiveness of ERS</p>	
010959 - 011857	Hon LEUNG Yiu-chung Admin Chairman	Funding of ERB	
011858 - 012416	Hon LI Fung-ying Admin	<p>Views of Hon LI Fung-ying -</p> <p>(a) reserved her position on the proposal to extend the levy suspension period indefinitely; and</p> <p>(b) did not oppose a temporary measure to provide relief to the middle class but the interest of local workers should be protected</p> <p>Measures to ensure that employers and employees understand their rights and the procedure for visa applications for advanced renewal of contracts before the cut-off date referred to in paragraph 14 of the LegCo Brief</p>	

Time marker	Speaker	Subject(s)	Action Required
012417 - 013255	Hon IP Wai-ming Admin	Views of the Hong Kong Federation of Trade Unions - (a) did not support the abolition of levy on employers of FDHs; and (b) measures should be put in place to encourage employers to hire local domestic helpers	
013256 - 014755	Hon Ronny TONG Admin	Financial position of the Employees Retraining Fund (ERF) referred to in paragraphs 5 and 6 of the LegCo Brief Reasons for relaxing the eligibility criteria of ERS to cover young people aged 15 to 29 Whether the Administration would fund the operating expenses of ERB if the levy on employers of imported labour was abolished	
014756 - 015822	Hon LEUNG Kwok-hung Admin	Reasons for setting the levy at \$400 per month	
015823 - 020448	Hon Miriam LAU Chairman Admin Hon LI Fung-ying	Draft resolution proposed by Hon Mrs Regina IP to amend the Amendment Notice (LC Paper No. CB(2)110/08-09) Views of Hon Mrs IP - (a) supported the abolition of levy on employers of FDHs and the retention of levy on employers of other imported labour; and (b) the levy imposed on employers of FDHs	

Time marker	Speaker	Subject(s)	Action Required
		<p>departed from the family-friendly employment practices and the legislative intent of the Employees Retraining Ordinance (ERO) which sought to require companies importing low-skilled labour to contribute towards the training and retraining of local workforce</p>	
020449 - 020725	<p>Hon Emily LAU Chairman Admin Hon LEUNG Kwok-hung</p>	<p>Views of Hon Emily LAU -</p> <p>(a) supported the abolition of levy on employers of FDHs and the retention of levy on employers of other imported labour; and</p> <p>(b) operating expenses of ERB should be funded by general revenue</p>	
020726 - 020952	<p>Hon LEE Wing-tat Chairman Admin</p>	<p>Financial position of ERF since 2003</p> <p>Average number of retraining courses taken by a retrainee</p> <p>Financial provision for and expenses incurred by ERB in the past five years</p> <p>Justifications for ERB's increase in annual expenditure from about \$400 million in the past to about \$900 million in 2008-2009 and increase in the number of training places from 67 000 in 2007-2008 to 150 000 in 2008-2009</p>	<p>Admin to provide a paper</p> <p>Admin to provide a paper</p> <p>Admin to provide a paper</p> <p>Admin to provide a paper</p>

Time marker	Speaker	Subject(s)	Action Required
020953 - 021211	Hon LEE Cheuk-yan Chairman	Views of Hon LEE Cheuk-yan - (a) supported the proposal to relax the eligibility criteria of ERS to cover young people aged 15 to 29; (b) the legislative intent of ERO did not cover FDHs as imported foreign workers under a labour importation scheme; and (c) supported the abolition of levy on employers of FDHs and the retention of levy on employers of other imported labour	
021212 - 021638	Chairman Hon LEE Wing-tat Hon Emily LAU Hon Andrew LEUNG	Extension of scrutiny period of the Amendment Notice from 5 November to 26 November 2008 Schedule of subsequent meetings Invitation of public views Administration's response to the draft resolution provided by Hon Mrs Regina IP	Admin to respond