

**立法會**  
**Legislative Council**

LC Paper No. CB(2)332/08-09  
(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, 28 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 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 WONG Sing-chi  
Hon IP Wai-ming, MH

**Members absent** : Hon Miriam LAU Kin-ye, GBS, JP  
Hon WONG Kwok-kin, BBS  
Hon IP Kwok-him, GBS, JP

**Public Officers attending** : 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

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## **I. Meeting with the Administration**

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

2. The Subcommittee requested the Administration to -
  - (a) provide information on the income, including revenue generated from the Employees Retraining Levy between 1992 and 2007, and whether the Employees Retraining Board (ERB) maintained a balanced account in the past few years;
  - (b) provide information on the amount of government subvention to ERB between 1992 and 2007;
  - (c) provide the names of the 67 bodies which offered training courses funded by ERB and the amount of funding allocated to each of them in the past two or three years;
  - (d) provide information on the number of foreign domestic helpers (FDHs) permitted to take up driving duties and statistics on prosecution against FDHs taking up part-time jobs;

Action

- (e) provide justifications for ERB's 120% increase in annual expenditure from about \$400 million in the past to about \$900 million in 2008-2009; and
  - (f) explain why extending the levy suspension period would have charging effect within the meaning of Rule 31(1) of the Rules of Procedure.
3. The Subcommittee requested Assistant Legal Adviser 1 to provide advice on -
- (a) whether extending the levy suspension period, either definitely or indefinitely, would have any charging effect; and
  - (b) whether the levy suspension could be confined to employers of FDHs.

**II. Dates of subsequent meetings**

4. The Chairman reminded members that the Subcommittee would receive views from the public at its next meeting on 1 November 2008. As regards the meeting on 6 November 2008, the Subcommittee would discuss amendments proposed by members.

5. The meeting ended at 10:40 am.

Council Business Division 2  
Legislative Council Secretariat  
21 November 2008

**Proceedings of meeting of the  
Subcommittee on  
Employees Retraining Ordinance (Amendment of Schedule 3) Notice 2008  
on Tuesday, 28 October 2008, at 8:30 am  
in Conference Room A of the Legislative Council Building**

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action Required</b>
000000 - 000147	Chairman	Opening remarks	
000148 - 000334	Chairman Hon LI Fung-ying Hon Audrey EU Hon Andrew LEUNG	Declaration of interest by members employing foreign domestic helpers (FDHs)	
000335 - 002049	Chairman Hon LEE Wing-tat ALA1 Hon Audrey EU Hon Emily LAU	Members' voting or withdrawal from the Council in case of direct pecuniary interest under Rule 84(1) to (4) of the Rules of Procedure (RoP)	
002050 - 003519	Admin	Briefing on the Administration's response to the issues raised by members at the meeting on 21 October 2008 (LC Paper No. CB(2)142/08-09(01))	
003520 - 005128	Hon LEE Wing-tat Admin Chairman	Reasons for the Employees Retraining Board's (ERB) drastic 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 120 000 in 2008-2009  Courses and programmes offered by ERB  Monitoring of ERB's funds by an independent body	
005129 - 005631	Hon LEUNG Yiu-chung Admin	Declaration of interest by Hon LEUNG Yiu-chung  Whether the Administration would inject funding to ERB if	

Time marker	Speaker	Subject(s)	Action Required
		the levy on employers of imported labour was abolished	
005632 - 010342	Hon Audrey EU Admin Chairman	Whether the levy suspension could be confined to employers of FDHs  Whether Members' proposed resolution to amend the Amendment Notice to extend the levy suspension period, whether definitely or indefinitely, would have charging effect within the meaning of Rule 31(1) of RoP	ALA to advice  ALA to advice and Admin to explain
010343 - 010929	Hon Ronny TONG Admin	Income, including revenue generated from the levy between 1992 and 2007, and whether ERB maintained a balanced account in the past few years  Amount of government subvention to ERB between 1992 and 2007	Admin to provide information  Admin to provide information
010930 - 011025	Chairman Admin	Names of the 67 bodies which offered training courses funded by ERB	Admin to provide information
011026 - 011539	Hon Andrew LEUNG Admin Chairman	Declaration of interest by Hon Andrew LEUNG  Whether part-time courses offered by ERB had resulted in more job placement  Agency fees charged by Indonesian employment agents	
011540 - 012334	Hon LEE Cheuk-yan Admin Chairman	Declaration of interest by Hon LEE Cheuk-yan  Reasons for imposing the levy on employers of FDHs and reducing the minimum wage of FDHs by \$400 in 2003	

Time marker	Speaker	Subject(s)	Action Required
012335 - 013057	Hon CHEUNG Kwok-che Admin	<p>Reasons for ERB's drastic increase in annual expenditure from about \$400 million in the past to about \$900 million in 2008-2009</p> <p>Conditions under which the Government would provide subvention to ERB</p> <p>Number of trainees taking ERB courses offered to young people aged 15 to 29 and number of such trainees with associate degrees</p>	
013058 - 013606	Hon Emily LAU Admin	Whether the implementation of levy suspension had resulted in more termination of contracts of FDHs	
013607 - 014120	Hon LEUNG Kwok-hung Chairman Admin	Mechanism for adjusting the minimum wage of FDHs	
014121 - 014339	Hon IP Wai-ming Chairman Admin	<p>Declaration of interest by Hon IP Wai-ming</p> <p>Whether the levy suspension could be confined to employers of FDHs</p> <p>Amount of funding provided by ERB to each of the 67 training bodies in the past two or three years</p>	Admin to provide information
014340 - 015104	Hon LI Fung-ying Chairman Admin	<p>Clarification by Hon LI Fun-ying on her stance on the Amendment Notice</p> <p>FDHs working as chauffeurs, gardeners or taking up part-time jobs</p> <p>Statistics on FDHs permitted to take up driving duties; and statistics on prosecution against FDHs taking up part-time jobs</p>	Admin to provide information

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action Required</b>
015105 - 020735	Hon LEE Wing-tat Chairman Admin Hon Emily LAU Hon Ronny TONG Hon LEUNG Kwok-hung	Reasons for ERB's drastic increase in annual expenditure from about \$400 million in the past to about \$900 million in 2008-2009  Monitoring of ERB's funds by an independent body	Admin to provide information
020736 - 020923	Chairman	Dates of next two meetings	

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