

**立法會**  
**Legislative Council**

LC Paper No. CB(2)509/08-09  
(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 Saturday, 1 November 2008, at 9:30 am  
in the Chamber of the Legislative Council Building**

**Members present** : Hon Mrs Regina IP LAU Suk-ye, GBS, JP (Chairman)  
Hon LEE Cheuk-yan  
Hon Miriam LAU Kin-ye, GBS, 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 WONG Sing-chi  
Hon WONG Kwok-kin, BBS  
Hon IP Wai-ming, MH  
Hon IP Kwok-him, GBS, JP

**Members absent** : Hon LEUNG Yiu-chung  
Hon Emily LAU Wai-hing, JP  
Hon LI Fung-ying, BBS, JP  
Hon CHEUNG Kwok-che

**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)

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

**Attendance by invitation** : YMCA of Hong Kong

Dr Alice YUK  
General Manager

Mr Eric AU YEUNG  
Community Services Manager

Baptist Oi Kwan Social Service

Mr Johnny TSANG Wing -keung  
Chief Executive Officer

Mr Raymond CHIU  
Vocational Service Co-ordinator

外傭僱主義工隊

Ms WONG Yiu-chu  
Spokesperson

Ms CHAN Kam-fa  
Spokesperson

Civic Party

Mr Thomas YU  
Member of Executive Committee

Hong Kong Human Rights Monitor

Mr LAW Yuk-kai  
Director

Mr James COLLINS  
Spokesperson

Hong Kong Unison

Ms Fermi WONG  
Campaign Director

Hong Kong Employers of Domestic Helpers Association

Mr Joseph LAW  
Chairman

Miss Mandy YU  
Member

Asian Migrants' Coordinating Body

Ms KARSIWEN  
Spokesperson

Ms Dolores BALLADARES  
Spokesperson

Heung To College of Professional Studies

Mr LAW Wing-cheung  
Principal

Concern Alliance on Training & Retraining

Mrs CHEUNG ANG Siew-mei  
Chairman

Mr YIU Hung-chi  
Member

The Democratic Party

Mr Eric LAM

Commercial Organization and Domicile Services  
Employees Association

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Ms CHOW Kwai-ying  
Chairlady

Ms LAU Hing-yin  
Financial Officer

The Lion Rock Institute

Mr Andrew SHUEN  
Research Director

Miss Nicole ALPERT  
Research Associate

**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 deputations and the Administration**

As the Chairman was engaged in some other business at the beginning of the meeting, Mr LEE Cheuk-yan was elected Acting Chairman until the Chairman took the chair at 10:10 am.

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

3. The Subcommittee received the views of the following organisations on the Employees Retraining Ordinance (Amendment of Schedule 3) Notice 2008

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- (a) YMCA of Hong Kong;
- (b) Baptist Oi Kwan Social Service;
- (c) 外傭僱主義工隊;
- (d) Civic Party;
- (e) Hong Kong Human Rights Monitor;
- (f) Hong Kong Unison;
- (g) Hong Kong Employers of Domestic Helpers Association;

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- (h) Asian Migrants' Coordinating Body;
  - (i) Heung To College of Professional Studies;
  - (j) Concern Alliance on Training & Retraining;
  - (k) The Democratic Party;
  - (l) Commercial Organization and Domicile Services Employees Association; and
  - (m) The Lion Rock Institute
4. The Subcommittee requested the Administration -
- (a) to provide information on the injection of funds into the Employees Retraining Fund since 1992;
  - (b) to provide information on the labour importation schemes designated under the Employees Retraining Ordinance (ERO) since 1992; and
  - (c) to advise whether the Administration had any plans to designate the admission scheme under the General Employment Policy, the Admission Scheme for Mainland Talent and Professionals and the Quality Migrant Admission Scheme as labour importation schemes under ERO.

**II. Date of next meeting**

5. The Subcommittee noted that the next meeting had been scheduled for 6 November 2008 at 10:45 am to continue discussion with the Administration.
6. The meeting ended at 12:45 pm.

**Proceedings of meeting of the  
Subcommittee on  
Employees Retraining Ordinance (Amendment of Schedule 3) Notice 2008  
on Saturday, 1 November 2008, at 9:30 am  
in the Chamber of the Legislative Council Building**

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action Required</b>
000000 - 000719	Hon LEE Cheuk-yan Hon IP Kwok-him	Election of Acting Chairman	
000720 - 001159	Representative of YMCA of Hong Kong	Presentation of views (LC Paper No. CB(2)171/08-09(01))	
001200 - 001625	Representative of Baptist Oi Kwan Social Service	Presentation of views (LC Paper No. CB(2)171/08-09(02))	
001626 - 002125	Representative of 外傭僱 主義工隊	Presentation of views (LC Paper No. CB(2)171/08-09(03))	
002126 - 002441	Representative of Civic Party	Presentation of views (LC Paper No. CB(2)171/08-09(04))	
002442 - 003145	Representative of Hong Kong Human Rights Monitor	Presentation of views (LC Paper No. CB(2)171/08-09(05))	
003146 - 003705	Representative of Hong Kong Unison	Presentation of views (LC Paper No. CB(2)171/08-09(06))	
003706 - 004309	Representative of Hong Kong Employers of Domestic Helpers Association	Presentation of views (LC Paper No. CB(2)171/08-09(07))	
004310 - 004644	Representative of Asian Migrants' Coordinating Body	Presentation of views (LC Paper No. CB(2)171/08-09(09))	
004645 - 005203	Representative of Heung To College of Professional Studies	Presentation of views (LC Paper No. CB(2)171/08-09(10))	

Time marker	Speaker	Subject(s)	Action Required
005204 - 005541	Representative of Concern Alliance on Training & Retraining	Presentation of views (LC Paper No. CB(2)171/08-09(11))	
005542 - 010035	Representative of The Democratic Party	Presentation of views (LC Paper No. CB(2)171/08-09(12))	
010036 - 010344	Representative of Commercial Organization and Domicile Services Employees Association	Presentation of views (LC Paper No. CB(2)180/08-09(01))	
010345 - 010826	Representative of The Lion Rock Institute	Presentation of views (LC Paper No. CB(2)189/08-09(01))	
010827 - 012412	Admin	Administration's response to issues raised by deputations	
012413 - 013021	Hon Ronny TONG Admin	Whether the Employees Retraining Levy (the Levy) was a form of tax; difference between the importation of workers and foreign domestic helpers (FDHs); relationship between the Levy and funding for employees retraining; information on the injection of funds into the Employees Retraining Fund since 1992	<b>Admin to provide information on the injection of funds into the Employees Retraining Fund since 1992</b>
013022 - 020629	Hon WONG Sing-chi Representative of Concern Alliance on Training & Retraining Representative of The Lion Rock Institute Representative of Hong Kong Unison Chairman Representative of Hong Kong Employers of Domestic Helpers Association Representative of Baptist Oi Kwan Social Service	Role of the Employees Retraining Board (ERB); funding for ERB; minimum allowable wage (MAW) of FDHs; ERB's relaxation of eligibility criteria for employees retraining	

Time marker	Speaker	Subject(s)	Action Required
	Representative of Hong Kong Human Rights Monitor Admin		
020630 - 021430	Hon LEE Wing-tat Admin	Whether the Levy on employers of FDHs should be abolished; funding for ERB; increase in the annual expenditure of ERB; how the expenditure of ERB was monitored	
021431 - 022013	Hon WONG Kwok-kin	Need for employees retraining; whether Levy suspension on employers of FDHs could be supported, if it is accompanied by an increase of MAW of FDHs whereby the total cost for employing a FDH would remain unchanged	
022014 - 023413	Hon Audrey EU Chairman Admin ALA1	Source of funding for employees retraining; how the importation of FDHs was included in the labour importation schemes designated under the Employees Retraining Ordinance (ERO); suspension of the Levy on employers of FDHs through removing the designation of importation of FDHs as a labour importation scheme; labour importation schemes designated under ERO since 1992	<b>Admin to provide information on the labour importation schemes designated under the Employees Retraining Ordinance (ERO) since 1992</b>
023414 - 023433	Chairman	Whether the Administration planned to designate the admission scheme under the General Employment Policy, the Admission Scheme for Mainland Talent and Professionals and the Quality Migrant Admission Scheme as labour importation schemes under ERO	<b>Admin to advise whether it had any plans to designate the admission scheme under the General Employment Policy, the Admission Scheme for Mainland Talent and</b>



Time marker	Speaker	Subject(s)	Action Required
			<b>Professionals and the Quality Migrant Admission Scheme as labour importation schemes under ERO</b>
023434 - 024259	Hon LEUNG Kwok-hung	Whether the Levy on employers of FDHs should be abolished and refunded; source of funding for employees retraining; MAW of FDHs	
024300 - 025310	Hon LEE Cheuk-yan Chairman Admin	Whether the Levy on employers of FDHs should have been imposed in 2003; background on ERB's relaxation of eligibility criteria for employees retraining; mechanism for adjustment of the MAW for FDHs	
025311 - 025728	Hon IP Wai-ming Chairman Admin	Protection of the rights of local domestic helpers and FDHs; MAW for FDHs; whether the Levy on employers of FDHs and employers of imported labour could be dealt with separately	
025729 - 025900	Chairman Admin	Whether the Administration was committed to providing funding for employees retraining, if the Levy was indefinitely suspended	
025901 - 030045	Hon Ronny TONG Chairman	Indication of intention to propose amendments to the Employees Retraining (Amendment of Schedule 3) Notice 2008	
030046 - 030848	Hon Audrey EU Chairman Admin	Suspension of the Levy on employers of FDHs through removing the designation of importation of FDHs as a labour importation scheme	

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action Required</b>
030849 - 031157	Hon LEUNG Kwok-hung Hon LEE Cheuk-yan Chairman	Whether the Levy should only be suspended for two years; role of the Administration in the provision of funding for employees retraining	
031158 - 031448	Representative of Hong Kong Employers of Domestic Helpers Association	Employers' request for abolition of the Levy on employers of FDHs; the court's decision regarding the application for judicial review by some FDHs in 2003; difference between the work of FDHs and local domestic workers	
031449 - 031642	Representative of Hong Kong Human Rights Monitor	MAW for FDHs; arrangements for advanced renewal of FDH contracts	
031643 - 031712	Chairman	Date of next meeting	