

立法會
Legislative Council

LC Paper No. CB(2)510/08-09
(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 Thursday, 6 November 2008, at 10:45 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 Ronny TONG Ka-wah, SC
Hon CHEUNG Kwok-che
Hon WONG Sing-chi
Hon IP Kwok-him, GBS, JP

Members absent : Hon Andrew LEUNG Kwan-yuen, SBS, JP
Hon LEUNG Kwok-hung
Hon WONG Kwok-kin, BBS
Hon IP Wai-ming, MH

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)

Miss Drew LAI Sai-ming
Senior Administrative Officer (Policy Support)
Labour Department

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

Miss Josephine SO
Senior Council Secretary (2) 1

Ms Camy YOONG
Clerical Assistant (2) 1

I. Meeting with the Administration

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

2. The Subcommittee requested the Administration to -
 - (a) provide more detailed information on the need to increase significantly the training places and annual expenditure of the Employees Retraining Board from about \$400 million in the past to about \$900 million from 2008-2009 onwards; and
 - (b) provide its views, including legal opinion, on Members' proposed amendments to the Amendment Notice.
3. The majority of members present agreed that the proposed amendments of the Chairman to suspend the Levy indefinitely should be adopted as the proposed amendments of the Subcommittee. Members agreed that the Subcommittee should move an amendment to the effect that the indefinite extension of Levy suspension should apply to employees of foreign domestic helpers only.

Action

II. Any other business

4. The Subcommittee agreed that an additional meeting be scheduled for 11 November 2008 at 10:45 am to continue discussion with the Administration.
5. The meeting ended at 12:35 pm.

Council Business Division 2
Legislative Council Secretariat
17 December 2008

**Proceedings of meeting of the
Subcommittee on
Employees Retraining Ordinance (Amendment of Schedule 3) Notice 2008
on Thursday, 6 November 2008, at 10:45 am
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action Required
000000 - 000301	Chairman	Opening remarks	
000302 001340	Admin Chairman	Administration's response to issues raised by members at the meetings on 28 October 2008 and 1 November 2008 (LC Paper No. CB(2)195/08-09(01))	
001341 - 002237	Hon LEE Wing-tat Chairman Admin	<p>Expressed concerns about -</p> <p>(a) the sharp increase in the number of training places and annual expenditure of the Employees Retraining Board (ERB) from 2008-2009 onwards;</p> <p>(b) Relaxation of the eligibility criteria of the Employees Retraining Scheme to cover persons aged 15 or above with education level at sub-degree or below;</p> <p>(c) possible overlapping between the work of ERB and that of other training providers such as the Vocational Training Council; and</p> <p>(d) the lack of an independent body for monitoring ERB's expenditure</p> <p>Administration's explanation on -</p> <p>(a) the increasing training demands from the original and new target groups;</p>	<p>Admin to provide more detailed information on the need to increase significantly the training places and annual expenditure of the ERB from about \$400 million in the past to about \$900 million from 2008-2009 onwards</p>

Time marker	Speaker	Subject(s)	Action Required
		<p>(b) role of ERB in training and retraining vis-à-vis other training providers; and</p> <p>(c) need to enhance the training portfolio in the light of the implementation of the Qualifications Framework</p> <p>Considered that it was the Government's responsibility to provide training and retraining services for the local workforce. The Administration should provide ERB with sufficient funding/resources and regard it as recurrent government expenditure, if the Levy was to be suspended indefinitely</p>	
002238 - 002853	Hon LEE Cheuk-yan Admin Chairman	<p>Background on inclusion of the importation of foreign domestic helpers (FDHs) as a designated labour importation scheme under the Employees Retraining Ordinance and hence the requirement on all employers of FDHs to pay the Levy with effect from 1 October 2003</p> <p>Whether an amendment could be drafted in such a way that the Levy suspension would only apply to the scheme of importation of FDHs</p>	
002854 - 003648	Hon Ronny TONG Chairman ALA1 Admin	<p>Possible impact of repealing the Amendment Notice</p> <p>How long the Levy collected and the interest accrued would last, if the annual expenditure of ERB remained unchanged or increased to \$900 million</p>	

Time marker	Speaker	Subject(s)	Action Required
003649 - 004413	Hon Emily LAU Admin Chairman	<p>Expressed support for the policy to provide training and retraining services to eligible local workers to assist them in acquiring new or enhanced vocational skills, but considered this as a responsibility of the Government</p> <p>Expressed strong reservation about the arrangement to include the University Grants Committee-funded institutions as training bodies of ERB</p> <p>ERB's commitment to serving the low-skilled unemployed people, displaced workers and the disadvantaged in the society, and to provide multi-faceted placement-tied courses as well as generic skills courses to assist its trainees in acquiring vocational skills as well as recognised qualifications</p>	
004414 - 004658	Hon IP Kwok-him Admin Chairman	Expressed concern about ERB's increase in annual expenditure from about \$400 million in the past few years to about \$900 million in 2008-2009	
004659 - 005358	Hon LEUNG Yiu-chung Admin Chairman	<p>Future directions of ERB, and the expansion of its service targets to cover different target groups</p> <p>Share of expenditure on the provision of training/retraining courses and the disbursement of retraining allowance in the estimated expenditure of ERB for 2008-2009</p>	
005359 - 005753	Chairman Admin Hon Ronny TONG	Whether Members' proposed amendments were out of order and contravened Article 74 of the Basic Law	Admin to provide its views, including legal opinion, on Members' proposed

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		Procedure for moving amendments to the Amendment Notice	amendments to the Amendment Notice
005754 - 010640	Hon Ronny TONG ALA1 Admin Hon LEE Cheuk-yan	Whether and how an amendment could be moved to the effect that the Levy suspension would only apply to the labour importation concerning FDHs The Government's population policy towards hiring of low-skilled imported labour	
010641 - 010823	Hon LEUNG Yiu-chung Chairman	Draft resolution proposed by the Chairman	
010824 - 011623	Hon Ronny TONG Chairman Hon LEUNG Yiu-chung Hon Audrey EU Hon Emily LAU ALA1 Hon LEE Wing-tat	Requested that a further meeting be held Legislative timetable for the Amendment Notice Administration's views on and possible impact of Members' proposed amendments Procedural matters relating to the Amendment Notice and voting on the resolutions proposed by Members at Council meeting on 26 November 2008 Stance of the Democratic Party	
011624 - 012244	Hon IP Kwok-him Chairman Admin	Stance of the Democratic Alliance for the Betterment of Hong Kong. The relevant considerations and plan to propose amendments to the Amendment Notice to extend the Levy suspension period to five years	

Time marker	Speaker	Subject(s)	Action Required
012245 - 013030	Chairman ALA1	Legal advice on specific areas of concern raised by Members (LC Paper No. LS12/08-09) Possible impact of repealing the Amendment Notice	
013031 - 013957	Chairman Hon Ronny TONG Hon Emily LAU Hon LEE Wing-tat Hon WONG Sing-chi Hon IP Kwok-him Hon LEE Cheuk-yan Clerk	Draft resolutions proposed by Members Majority of members present agreed that the proposed amendments of the Chairman to suspend the Levy on employers of FDHs indefinitely should be adopted as the proposed amendments of the Subcommittee Procedural matters relating to the voting on the resolutions proposed by the Subcommittee and Members at Council meeting on 26 November 2008	
013958 - 014033	Chairman Hon Emily LAU Admin	Date of next meeting	