

立法會
Legislative Council

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Subcommittee on
Employees Retraining Ordinance (Amendment of Schedule 3) (No. 2) Notice 2008

Minutes of meeting
held on Tuesday, 25 November 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 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 WONG Kwok-kin, BBS
Hon IP Wai-ming, MH
Hon IP Kwok-him, GBS, JP

Member absent : Hon Audrey EU Yuet-mee, SC, JP

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 Zandra MOK Yee-tuen
Political Assistant to Secretary for Labour and Welfare

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)

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

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**).
3. Mr Ronny TONG suggested that the Subcommittee should move a motion to amend the Employees Retraining Ordinance (Amendment of

Action

Schedule 3) (No. 2) Notice 2008 (the No. 2 Amendment Notice) at the Council meeting on 10 December 2008 to extend the Levy suspension on employers of foreign domestic helpers indefinitely. As there were divided views among members, a vote was taken on the suggestion. Among the members present, seven members voted in favour of the suggestion while one member voted against and one member abstained. Members agreed that the Chairman would move the motion on behalf of the Subcommittee.

4. The Chairman concluded that the Subcommittee had completed its scrutiny of the No. 2 Amendment Notice and a report of the Subcommittee would be submitted to the House Committee on 28 November 2008. She informed members that the deadline for giving notice to move amendments to the No. 2 Amendment Notice at the Council meeting on 10 December 2008 would be 3 December 2008.

5. The meeting ended at 9:50 am.

Council Business Division 2
Legislative Council Secretariat
17 December 2008

**Proceedings of meeting of the
Subcommittee on
Employees Retraining Ordinance (Amendment of Schedule 3) (No. 2) Notice 2008
on Tuesday, 25 November 2008, at 8:30 am
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action Required
000000 - 000239	Hon LEE Cheuk-yan Hon LEUNG Yiu-chung Hon Mrs Regina IP	Election of Chairman	
000240 - 000622	Chairman Admin	Briefing on the Employees Retraining Ordinance (Amendment of Schedule 3) (No. 2) Notice 2008 (the No. 2 Amendment Notice)	
000623 - 001155	Hon Emily LAU Admin Chairman	<p>Expressed objection to the imposition of Employees Retraining Levy (the Levy) on employers of foreign domestic helpers (FDHs)</p> <p>Expressed support for the policy to provide training and retraining to local workers, but considered this a responsibility of the Government rather than that of the employers of FDHs</p> <p>Suggested that the proposed amendment of the Subcommittee on Employees Retraining Ordinance (Amendment of Schedule 3) Notice 2008 (the previous Subcommittee) to suspend the Levy on employers of FDHs indefinitely should be adopted as the proposed amendment of this Subcommittee</p> <p>Justifications for proposing a five-year suspension period</p> <p>Whether amendments to be proposed by the Subcommittee were out of order and contravened Article 74 of the Basic Law</p>	

Time marker	Speaker	Subject(s)	Action Required
		Administration's views on amendments proposed by the Subcommittee, having regard to Rule 31(1) of the Rules of Procedures of the Legislative Council (LegCo)	
001156 - 001405	Hon Ronny TONG Admin Chairman	Findings of the opinion poll conducted by the Civic Party Supported that the Levy on employers of FDHs should be suspended indefinitely	
001406 - 001630	Hon Miriam LAU Admin	Findings of the opinion poll conducted by the Liberal Party Stance of the Liberal Party	
001631 - 002136	Hon LEUNG Yiu-chung Admin	Reiterated that it was the Government's responsibility to provide training and retraining services for the local workforce Employees Retraining Board (ERB)'s services and operation, and its future directions Government's established policy on hiring of low-skilled imported labour	
002137 - 002850	Hon LEE Wing-tat Admin ALA1	Stance of the Democratic Party; indication of intention to propose amendments to the effect that the reinstatement of the sum specified in Schedule 3 to the Employees Retraining Ordinance (ERO) from \$0 to \$400 with effect from 1 August 2013 would be subject to a resolution passed by LegCo Expressed concerns about - (a) the sharp increase in the number of training places and annual expenditure of ERB in 2008-2009;	

Time marker	Speaker	Subject(s)	Action Required
		<p>(b) the lack of an independent body for monitoring the expenditure of ERB; and</p> <p>(c) limitation of the Panel on Manpower in examining and approving the estimates of ERB</p> <p>Administration's explanation on -</p> <p>(a) future roles and expenditure of ERB; and</p> <p>(b) the expansion of ERB's service targets to cover different target groups</p>	
002851 - 004111	Hon LEE Cheuk-yan Admin	<p>Stance of the Hong Kong Confederation of Trade Unions that the Levy on employers of FDHs should be suspended indefinitely</p> <p>Echoed the view that the proposed amendment of the previous Subcommittee to suspend the Levy on employers of FDHs indefinitely should be adopted as the proposed amendment of this Subcommittee</p> <p>Expressed support for ERB's relaxation of eligibility criteria of the Employees Retraining Scheme</p> <p>Administration's response regarding -</p> <p>(a) new training/retraining courses offered by ERB commencing from 2008-2009; and</p> <p>(b) ERB's allocation of courses and system of defraying training costs incurred by training bodies</p>	

Time marker	Speaker	Subject(s)	Action Required
004112 - 004754	Hon LI Fung-ying Hon WONG Kwok-kin	<p>Considered that the interest of local workers should be protected and employers of non-skilled imported labour, including FDHs, should be required to pay the Levy</p> <p>Stance of the Hong Kong Federation of Trade Unions (HKFTU) - in view of the prevailing financial condition, it did not oppose the introduction of a temporary measure to provide relief to the middle class</p> <p>Adverse impact of the recent economic downturn on local employment</p>	
004755 - 005344	Hon WONG Sing-chi Admin	<p>Supported the policy to provide training and retraining services to eligible local workers, but considered this a responsibility of the Government rather than that of the employers of FDHs</p> <p>Explanation on the Government's policy that employers hiring low-skilled imported labour should contribute towards the training and retraining of the local workforce; the legislative intent of ERO that the Employees Retraining Fund should mainly derive its income from the Levy</p>	
005345 - 005654	Hon IP Kwok-him Hon Emily LAU Chairman	<p>Stance of the Democratic Alliance for the Betterment and Progress of Hong Kong - supported the Administration's suspension of the Levy for five years</p> <p>Considered that the five-year suspension period would allow sufficient time for further discussion in LegCo/the community on the source of funding for ERB</p>	

Time marker	Speaker	Subject(s)	Action Required
		Whether it was necessary to receive public views on the No. 2 Amendment Notice	
005655 - 010206	Hon LEUNG Kwok-hung	Expressing views on the No. 2 Amendment Notice	
010207 - 010515	Hon IP Wai-ming	Reiterated the stance of HKFTU - (a) the interest of local workers should be well protected; and (b) it would not object to the abolition of the Levy on employers of FDHs, if the abolition was accompanied by an increase of \$400 per month in minimum allowable wage of FDHs	
010516 - 010902	Chairman	Views of the Chairman - (a) maintained the position that the Levy on employers of FDHs should be abolished; (b) the effectiveness of ERB's training and retraining services should be assessed through tracking surveys and independent studies conducted by academic institutions; and (c) supported the policy to provide training and retraining services to eligible local workers, but considered this a responsibility of the Government rather than that of the employers of FDHs	
010903 - 011048	Hon Ronny TONG	Findings of the opinion poll conducted by the Civic Party; stance of the Civic Party	

Time marker	Speaker	Subject(s)	Action Required
011049 - 011602	Hon LEUNG Kwok-hung	Supported that the Levy on employers of FDHs should be abolished, and the provision of training and retraining services to local workers should be a responsibility of the Government rather than that of the employers of FDHs	
011603 - 011710	Hon IP Wai-ming	Reiterated the stance of HKFTU	
011711 - 012133	Chairman Hon Ronny TONG Hon LI Fung-ying Hon IP Wai-ming	Majority of members present agreed that the Chairman should move a motion to amend the No. 2 Amendment Notice on behalf of the Subcommittee at the Council meeting on 10 December 2008 to extend the Levy suspension on employers of FDHs indefinitely Deadline for giving notice of amendments	