

立法會
Legislative Council

LC Paper No. CB(3) 801/09-10

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From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Council meeting of 23 June 2010

**Proposed amendments to motion on
“Legislating for ‘standard working hours’ ”**

Further to LC Paper No. CB(3) 781/09-10 issued on 9 June 2010, five Members (Hon WONG Sing-chi, Hon IP Wai-ming, Hon LI Fung-ying, Hon LEUNG Kwok-hung and Hon LEE Cheuk-yan) have respectively given notice of their intention to move separate amendments to Dr Hon LEUNG Ka-lau’s motion on “Legislating for ‘standard working hours’ ” scheduled for the Council meeting of 23 June 2010. As directed by the President, the respective proposed amendments will be printed in the terms in which they were handed in on the Agenda of the Council.

2. The President will order a joint debate on the above motion and amendments. To assist Members in debating the motion and amendments, I set out below the procedure to be followed during the debate:

- (a) the President calls upon Dr Hon LEUNG Ka-lau to speak and move his motion;
- (b) the President proposes the question on Dr Hon LEUNG Ka-lau’s motion;
- (c) the President calls upon the five Members, who intend to move amendments, to speak in the following order, but no amendment is to be moved at this stage:
 - (i) Hon WONG Sing-chi;
 - (ii) Hon IP Wai-ming;

- (iii) Hon LI Fung-ying;
 - (iv) Hon LEUNG Kwok-hung; and
 - (v) Hon LEE Cheuk-yan;
- (d) the President calls upon the designated public officer(s) to speak;
 - (e) the President invites other Members to speak;
 - (f) the President gives leave to Dr Hon LEUNG Ka-lau to speak for the second time on the amendments;
 - (g) the President calls upon the designated public officer(s) again to speak;
 - (h) in accordance with Rule 34(5) of the Rules of Procedure, the President has decided that he will call upon the five Members to move their respective amendments in the order set out in paragraph (c) above. The President invites Hon WONG Sing-chi to move his amendment to the motion, and forthwith proposes and puts to vote the question on Hon WONG Sing-chi's amendment;
 - (i) after Hon WONG Sing-chi's amendment has been voted upon, the President deals with the other four amendments; and
 - (j) after all amendments have been dealt with, the President calls upon Dr Hon LEUNG Ka-lau to reply. Thereafter, the President puts to vote the question on Dr Hon LEUNG Ka-lau's motion, or his motion as amended, as the case may be.

3. For Members' ease of reference, the terms of the original motion and of the motion, if amended, are set out in the **Appendix**.

(Mrs Justina LAM)
for Clerk to the Legislative Council

Encl.

(Translation)

**Motion debate on
“Legislating for ‘standard working hours’ ”
to be held at the Legislative Council meeting
of Wednesday, 23 June 2010**

1. Dr Hon LEUNG Ka-lau’s original motion

That, as Hong Kong is in general an affluent and civilized society, yet some employees still need to work long hours, adversely affecting their personal health and family life and giving rise to many social problems, this Council urges the Government to legislate for ‘standard working hours’ according to the principles of fairness, flexibility, and having regard to the business environment and competitiveness of Hong Kong.

2. Motion as amended by Hon WONG Sing-chi

That, as ~~Hong Kong~~ *an ideal life pattern should allow an even distribution of time for work, rest and activities to facilitate a balanced development of the various aspects of a person; however, while Hong Kong nowadays* is in general an affluent and civilized society, yet some employees still need to work long hours, adversely affecting their personal health and family life and giving rise to many social problems; *in this connection*, this Council urges the Government to legislate for ‘standard working hours’ according to the principles of fairness, flexibility, and having regard to the business environment and competitiveness of Hong Kong, *stipulating that the ‘standard working hours’ be 44 hours per week with overtime pay at a rate of not less than 1.25 times of the normal pay, and that exemption may be granted to employees of certain industries in the light of the specificity of their work, so as to protect the employees’ rights; at the same time, the Government should also proactively implement family-friendly policies, which are closely related to the objectives of stipulating ‘standard working hours’, to promote work-life balance.*

Note: Hon WONG Sing-chi’s amendment is marked in *bold and italic type* or with deletion line.

3. Motion as amended by Hon IP Wai-ming

That, as *although* Hong Kong is in general an affluent and civilized society, ~~yet some~~ *many* employees still need to work long hours, ~~adversely affecting or even work overtime without compensation, which is not only unfair to them but also adversely~~

affects their personal health and family life ~~and~~, giving rise to many social problems; *in this connection*, this Council urges the Government to legislate for ‘standard working hours’ according to the principles of fairness, flexibility, ~~and having regard to the business environment and competitiveness of Hong Kong~~ *protection of the employees’ rights and facilitation of Hong Kong’s economic development, which should include:*

- (a) *to set the standard working hours at eight hours per day or 44 hours per week;*
- (b) *to provide employees with a 30-minute break for every six hours of continuous work;*
- (c) *to give financial compensation to employees for overtime work;*
- (d) *to strictly enforce the regulations on rest days, statutory holidays and paid annual leave to prevent employers from requiring employees to take such holidays as compensation for overtime work; and*
- (e) *to amend the Employment Ordinance to include all general holidays other than Sundays as statutory holidays, so as to standardize the basis for calculating working hours.*

Note: Hon IP Wai-ming’s amendment is marked in *bold and italic type* or with deletion line.

4. Motion as amended by Hon LI Fung-ying

That, as Hong Kong is ~~in general an affluent and civilized society, yet some~~ *an economically developed city, yet most* employees still need to work long hours, adversely affecting their personal health and family life and giving rise to many social problems, this Council urges the Government to legislate for ‘standard working hours’ according to the ~~principles of fairness, flexibility, and having regard to the business environment and competitiveness of Hong Kong~~ *people-oriented principle to ensure a work-rest balance for employees.*

Note: Hon LI Fung-ying’s amendment is marked in *bold and italic type* or with deletion line.

5. Motion as amended by Hon LEUNG Kwok-hung

That, as Hong Kong is in general an affluent and civilized society, yet some employees still need to work long hours, adversely affecting their personal health and

family life and giving rise to many social problems, this Council urges the Government to legislate for 'standard working hours' according to the principles of fairness, flexibility, and having regard to the business environment and competitiveness of Hong Kong, *stipulating that the 'standard working hours' be no more than 44 hours per week, the employee's consent for overtime work must be sought, and the hourly rate for overtime work to be increased on a pro-rata basis, apart from the provision of a rest break of at least one hour for every eight hours of work.*

Note: Hon LEUNG Kwok-hung's amendment is marked in *bold and italic type*.

6. Motion as amended by Hon LEE Cheuk-yan

That, as Hong Kong is in general an affluent and civilized society, yet some employees still need to work long hours, adversely affecting their personal health and family life and giving rise to many social problems, this Council urges the Government to legislate for 'standard working hours', *including 'overtime premium' and 'a minimum daily rest period'*, according to the principles of fairness, flexibility, and having regard to the business environment and competitiveness of Hong Kong.

Note: Hon LEE Cheuk-yan's amendment is marked in *bold and italic type*.