

立法會
Legislative Council

LC Paper No. CB(3) 711/10-11

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From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Council meeting of 11 May 2011

**Proposed amendments to motion on
“Temporarily suspending the implementation of the
Minimum Wage Ordinance”**

Further to LC Paper No. CB(3) 687/10-11 issued on 26 April 2011, Dr Hon Priscilla LEUNG Mei-fun and Hon Vincent FANG Kang have respectively given notices of their intention to move separate amendments to Hon Paul TSE Wai-chun’s motion on “Temporarily suspending the implementation of the Minimum Wage Ordinance” scheduled for the Council meeting of 11 May 2011. As directed by the President, Dr Hon Priscilla LEUNG’s and Hon Vincent FANG’s 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 the two 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 Hon Paul TSE to speak and move his motion;
- (b) the President proposes the question on Hon Paul TSE’s motion;
- (c) the President calls upon the two Members, who intend to move amendments, to speak in the following order, but no amendment is to be moved at this stage:
 - (i) Dr Hon Priscilla LEUNG; and
 - (ii) Hon Vincent FANG;

- (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 Hon Paul TSE to speak for the second time on the two 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 two Members to move their respective amendments in the order set out in paragraph (c) above. The President invites Dr Hon Priscilla LEUNG to move her amendment to the motion, and forthwith proposes and puts to vote the question on the amendment;
- (i) after Dr Hon Priscilla LEUNG's amendment has been voted upon, the President deals with Hon Vincent FANG's amendment to the motion; and
- (j) after Hon Vincent FANG's amendment has been dealt with, the President calls upon Hon Paul TSE to reply. Thereafter, the President puts to vote the question on Hon Paul TSE'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
“Temporarily suspending the implementation of the
Minimum Wage Ordinance”
to be held at the Legislative Council meeting
of Wednesday, 11 May 2011**

1. Hon Paul TSE Wai-chun’s original motion

That, as both employees and employers in many industries have complained bitterly about the Minimum Wage Ordinance, the general guidelines promulgated by the Government as well as the specific guidelines formulated for a number of industries which are mostly affected by the Ordinance are not yet able to allay public concern, and Members who supported the passage of the Minimum Wage Bill that day have recently been queried for failing to thoroughly scrutinize the relevant bill and underestimating the negative impact of the legislation, this Council urges the SAR Government to temporarily suspend the implementation of the Ordinance.

2. Motion as amended by Dr Hon Priscilla LEUNG Mei-fun

That, as *although the statutory minimum wage has come into force on 1 May this year, there are still many grey areas in how to correctly compute staff wages*, so both employees and employers in many industries have complained bitterly about the Minimum Wage Ordinance, *worrying that waves of business closures and layoffs may be triggered*, while the general guidelines promulgated by the Government as well as the specific guidelines formulated for a number of industries which are mostly affected by the Ordinance are not yet able to allay public concern, and ~~Members who supported the passage of the Minimum Wage Bill that day have recently been queried for failing to thoroughly scrutinize the relevant bill and underestimating the negative impact of the legislation~~ *the Government has not provided other assistance measures for implementing the minimum wage; given the possible negative impact arising from the implementation of the Ordinance, such as the closure of some small and medium enterprises and the loss of certain low-skilled and elementary posts*, this Council urges the SAR Government to ~~temporarily suspend the implementation of the Ordinance~~ *study the provision of funding to set up a ‘relief fund for implementing the minimum wage during its transitional period’, so as to assist small and medium enterprises which are*

facing difficulties as a result of implementing the minimum wage, thereby reducing elementary workers' unemployment risks; besides, in response to soaring building management fees caused by the implementation of the minimum wage, which adds to the burden on property owners, the Government may conduct studies on offering support through various social welfare mechanisms to property owners with financial difficulties, particularly the elderly owners of old buildings, so as to minimize the negative impact arising from the implementation of the minimum wage.

Note: Dr Hon Priscilla LEUNG Mei-fun's amendment is marked in *bold and italic type* or with deletion line.

3. Motion as amended by Hon Vincent FANG Kang

That, as *after the passage of the Minimum Wage Ordinance by the Legislative Council last year, the preparatory work undertaken by the Government for implementing the legislation was chaotic, and the general guidelines for employers and employees and the reference guidelines for individual industries were only published one after another very shortly before the commencement of the legislation, so both employees and employers in many industries have complained bitterly about the Minimum Wage Ordinance, the general guidelines promulgated by the Government as well as the specific guidelines formulated for a number of industries which are mostly affected by the Ordinance are not yet able to allay public concern, and Members who supported the passage of the Minimum Wage Bill that day have recently been queried for failing to thoroughly scrutinize the relevant bill and underestimating the negative impact of the legislation; in particular, the relevant guidelines are not only unable to allay public concerns about the implementation of the statutory minimum wage, but have also triggered controversies over employee benefits, such as whether employees are entitled to any wages for their meal breaks and rest days, etc., with the result that the negative impact of the legislation may be far more serious than expected; in this connection, this Council urges the SAR Government to temporarily suspend the implementation of the Ordinance:*

- (a) *to vigorously publicize that under the statutory minimum wage, employees' minimum wage should be \$28 per hour times the number of actual working hours;*
- (b) *to step up promoting that there should be no retrogression of employees' remunerations when compared with their previous remunerations;*

- (c) *to encourage the community to respect the rule of law, refrain from making arbitrary moral judgment, and oppose labelling employers who cannot afford extra expenses as ‘unscrupulous employers’;*
- (d) *to proactively and thoroughly clarify public skepticism or misunderstanding of the legislation; and*
- (e) *to introduce a half-year cushion period for the implementation of the legislation, during which mediation will first be conducted and there will not be immediate prosecution in the event of disputes, so that employers and employees will have sufficient time to adapt to the new legislation,*

so as to enable all sectors in the society, in the spirit of rationality, pragmatism and partnership, to bring forth a soft landing of the minimum wage to enable all employees in Hong Kong to truly benefit.

Note: Hon Vincent FANG Kang’s amendment is marked in *bold and italic type* or with deletion line.