

立法會
Legislative Council

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From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Council meeting of 17 October 2012

**Amendments to motion on
“Legislating for the regulation of working hours”**

Further to LC Paper No. CB(3) 22/12-13 issued on 10 October 2012, seven Members (Hon Frederick FUNG, Hon KWOK Wai-keung, Hon SIN Chung-kai, Dr Hon CHIANG Lai-wan, Hon Michael TIEN, Hon Kenneth LEUNG and Hon LEUNG Kwok-hung) have respectively given notice of their intention to move separate amendments to Hon CHEUNG Kwok-che’s motion on “Legislating for the regulation of working hours” scheduled for the Council meeting of 17 October 2012. As directed by the President, the respective 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 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 CHEUNG Kwok-che to speak and move his motion;
- (b) the President proposes the question on Hon CHEUNG Kwok-che’s motion;
- (c) the President calls upon the seven Members, who intend to move amendments, to speak in the following order, but no amendment is to be moved at this stage:
 - (i) Hon Frederick FUNG;
 - (ii) Hon KWOK Wai-keung;

- (iii) Hon SIN Chung-kai;
 - (iv) Dr Hon CHIANG Lai-wan;
 - (v) Hon Michael TIEN;
 - (vi) Hon Kenneth LEUNG; and
 - (vii) Hon LEUNG Kwok-hung;
- (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 CHEUNG Kwok-che to speak for the second time on the amendments;
 - (g) the President calls upon the designated public officer(s) to speak again;
 - (h) in accordance with Rule 34(5) of the Rules of Procedure, the President has decided that he will call upon the seven Members to move their respective amendments in the order set out in paragraph (c) above. The President invites Hon Frederick FUNG to move his amendment to the motion, and forthwith proposes and puts to vote the question on Hon Frederick FUNG's amendment;
 - (i) after Hon Frederick FUNG's amendment has been voted upon, the President deals with the other six amendments; and
 - (j) after all amendments have been dealt with, the President calls upon Hon CHEUNG Kwok-che to reply. Thereafter, the President puts to vote the question on Hon CHEUNG Kwok-che'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**.

(Miss Odelia LEUNG)
for Clerk to the Legislative Council

Encl.

(Translation)

**Motion debate on
“Legislating for the regulation of working hours”
to be held at the Council meeting of 17 October 2012**

1. Hon CHEUNG Kwok-che’s original motion

That this Council urges the Government to introduce a bill on the regulation of working hours within this legislative session, the contents of which must include the number of standard weekly working hours and overtime pay.

2. Motion as amended by Hon Frederick FUNG

That, *given the last Government’s failure to honour its undertaking to complete a study report within its term of office on standard working hours and submitting it to the Legislative Council*, this Council urges the Government to *immediately and truthfully submit the relevant report to the Legislative Council, set a clear timetable for the eventual implementation of standard working hours*, and introduce a bill on the regulation of working hours within this legislative session, the contents of which must include the number of standard weekly working hours, *maximum hours of overtime work* and overtime pay.

Note: Hon Frederick FUNG’s amendment is marked in *bold and italic type*.

3. Motion as amended by Hon KWOK Wai-keung

That, *given that minimum wage and standard working hours must complement each other in order to maximize the effect of protecting the wage-earning class at large and facilitating Hong Kong’s economic development, this Council urges the Government to, having regard to the well-being of employees at large, spare no efforts in making preparations for enacting legislation on standard working hours and expeditiously implement the relevant tasks, including:*

- (a) *regarding the preparation work such as surveys and studies on legislating for standard working hours, etc., to establish a dedicated committee comprising representatives of the Government, employees, employers and academics;*

- (b) *to present a topical report at each meeting of the Panel on Manpower of the Legislative Council for discussion, and report to the Labour Advisory Board on the progress, so as to strengthen the Legislative Council's function of monitoring the Government on the one hand, and increase the transparency of the relevant work on the other, with a view to enabling the public and the labour sector to know the progress of the studies;*
- (c) *to proactively understand the views of the trade unions of various industries and the relevant stakeholders on standard working hours; and*
- (d) *through various forms of publicity and education, to increase the public's knowledge and understanding of standard working hours;*

at the same time, this Council *also* urges the Government to introduce a bill on the regulation of working hours within this legislative session, the contents of which must include the number of standard weekly working hours and overtime pay.

Note: Hon KWOK Wai-keung's amendment is marked in *bold and italic type*.

4. Motion as amended by Hon SIN Chung-kai

That, *given that the problem of overtime work among Hong Kong people is serious*, this Council urges the Government to introduce a bill on the regulation of working hours within this legislative session, the contents of which must include the number of standard weekly working hours ~~and~~ *being 44 hours, the overtime pay at least 1.5 times the normal pay, and the maximum number of weekly working hours being 60 hours, with a view to complying with the 'family-friendly policies' and assisting Hong Kong people in balancing work and family life.*

Note: Hon SIN Chung-kai's amendment is marked in *bold and italic type* or with deletion line.

5. Motion as amended by Dr Hon CHIANG Lai-wan

That ~~this Council urges the Government to introduce a bill on the regulation of working hours within this legislative session, the contents of which must include~~, *given that the Government has announced the establishment of a dedicated committee on standard working hours ('the committee'), this Council requests that the committee must include in its composition*

representatives of employers, employees, academics and the Government, etc., and commence work expeditiously to thoroughly study the various details on regulating working hours, including the number of standard weekly working hours and ~~overtime pay~~, maximum number of working hours, overtime compensation and industry-based exemption provisions, etc.; this Council urges the Government to expeditiously take appropriate measures after the committee has reached a consensus, including the drafting of legislation and formulation of related guidelines, to implement the committee's decisions; besides, this Council also requests the Government to expeditiously submit the study report on standard working hours for discussion by the committee and the public.

Note: Dr Hon CHIANG Lai-wan's amendment is marked in *bold and italic type* or with deletion line.

6. Motion as amended by Hon Michael TIEN

That this Council urges the Government to introduce a bill on the regulation of working hours ~~within this legislative session, the contents of which must include the number of standard weekly working hours and overtime pay~~ *after sufficient consultation with all industries and trades, and pay regard to the actual working environments and needs of different industries when formulating the bill, so as to ensure the feasibility of the legislation in the future; the bill must also properly deal with problems such as the definition of working hours and overtime pay, etc.*

Note: Hon Michael TIEN's amendment is marked in *bold and italic type* or with deletion line.

7. Motion as amended by Hon Kenneth LEUNG

That this Council urges the Government to *launch a public consultation on the enactment of legislation to regulate working hours within this legislative session and to* introduce *in the 2013-2014 legislative session* a bill on the regulation of working hours ~~within this legislative session, the contents of which must include the number of standard weekly working hours and overtime pay.~~

Note: Hon Kenneth LEUNG's amendment is marked in *bold and italic type* or with deletion line.

8. Motion as amended by Hon LEUNG Kwok-hung

That this Council urges the Government to introduce a bill on the regulation of working hours within this legislative session, the contents of which must include the number of standard weekly working hours and overtime pay; *this Council considers that the number of standard weekly working hours should not exceed 40 hours; overtime pay must be 1.5 times the normal pay as compensation, and so must be compensatory leave.*

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