



LABOUR DEPARTMENT (Headquarters)

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22 July 2020

Chairman
Finance Committee
Legislative Council
Legislative Council Complex
1 Legislative Council Road
Central, Hong Kong
(Attn: Ms Anita SIT
Clerk to the Committee)

Dear Ms SIT,

**Motion passed at the meeting of the Finance Committee
held on 3 July 2020**


Regarding the motion passed by the Finance Committee of the Legislative Council at its meeting of 3 July 2020 under paragraph 37A of the Finance Committee Procedure in relation to agenda item FCR(2020-21)21, the Government's response is set out below.

A fixed-term contract is among the many forms under which employers engage employees. During the contract period, both parties should fulfil their obligations as agreed, and their respective obligations would cease upon the expiry of the contract. Both employers and employees may, having regard to their own considerations, discuss whether to renew a contract or enter into a new one upon its expiry. In Hong Kong, the standard employment contracts for foreign domestic helpers are also fixed-term contracts.

In general, employees engaged under fixed-term contracts are no longer entitled to employment benefits upon the expiry of the contracts. Extending employment benefits beyond the expiry of the contract period is a highly complicated and controversial issue that warrants a comprehensive study and consultation with various stakeholders.

As the extra cost of statutory maternity leave (ML) pay arising from the additional four weeks' ML under the Employment (Amendment) Ordinance 2020 (Amendment Ordinance) will be funded by the Government, it would not create additional financial burden to employers. Moreover, subjecting a woman to unfair treatment at workplace due to pregnancy is a breach of the Sex Discrimination Ordinance (Cap. 480). We believe that the amendment to the Employment Ordinance (Cap. 57) for extending ML would unlikely affect the contract renewal of pregnant employees engaged under fixed-term contracts. We will closely monitor the implementation situation upon the commencement of the Amendment Ordinance.

Yours sincerely,



(Ms/WONG Sin-ye, Jade)
for Commissioner for Labour

c.c.: Secretary for Financial Services and the Treasury (Attn: Mr MA Kei)
Secretary for Labour and Welfare (Attn: Mr Dominic CHOW)