

**立法會**  
***Legislative Council***

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**Report of the Bills Committee on  
Holidays (Amendment) Bill 1998**

**Purpose**

This paper reports on the deliberations of the Bills Committee on the Holidays (Amendment) Bill 1998.

**The Bill**

2. The Bill mainly seeks to replace two of the general holidays observed in 1997 and 1998, that is, the Sino-Japanese War Victory Day (the third Monday in August) and 2 October (the day after National Day) by Labour Day (1 May) and the Buddha's Birthday (the eighth day of the fourth lunar month) from 1999 onwards. Moreover, the Bill provides that an additional general holiday will be fixed on the day following two general holidays in case they fall on the same day, unless the Chief Executive in Council appoints another day in substitution. The Bill also takes the opportunity to amend the short title of the Holidays Ordinance (Cap. 149) to "General Holidays Ordinance".

**Background**

3. General holidays are kept by all banks, educational establishments, public offices and government departments. These holidays are listed in the Schedule to the Holidays Ordinance, Cap. 149. Following a decision of the Chief Executive in Council on 18 November 1997, the Government announced that the total number of general holidays (other than Sundays) under the Holidays Ordinance should be capped at the existing level of 17 days a year, and that the Labour Day and Buddha's Birthday should be designated general holidays from 1999 onwards. To make way for the two additional general holidays, the Government had consulted the employers' and employees' organisations and the financial services sector in December 1997 to determine which existing general holidays that were not statutory holidays should be deleted from 1999 onwards.

4. The Government consultation exercise revealed that the majority of the respondents supported the deletion of the Sino-Japanese War Victory Day and 2 October

as general holidays. The proposed arrangements for general holidays was discussed at a meeting of the Provisional Legislative Council Panel on Manpower on 23 March 1998.

### **The Bills Committee**

5. At the House Committee meeting on 10 July 1998, a Bills Committee was formed to study the Bill. Chaired by Hon Andrew CHENG Kar-foo, the Bills Committee has held one meeting to discuss with the Administration. The membership list of the Bills Committee is in **Appendix I**.

### **Deliberations of the Bills Committee**

6. While the Bills Committee has no objection to the addition of Labour Day and Buddha's Birthday as general holidays, some members have expressed reservation about deleting Sino-Japanese War Victory Day as a general holiday. In this connection, members have sought clarification from the Administration on the following issues.

#### Reasons for capping the number of general holidays at 17 days a year

7. Some members consider that the Labour Day and Buddha's Birthday may be included as additional general holidays without deleting any existing general holidays. The Administration has responded that this will have the effect of increasing the number of general holidays and is contrary to the policy. On the reasons for capping the number of general holidays at the present level of 17 days a year, the Administration has advised that Hong Kong already compares favourably with overseas countries especially its major trading partners in the number of general holidays. The Administration stresses that increasing the number of general holidays in Hong Kong will adversely affect Hong Kong's economic competitiveness, as an additional holiday will cost employers an additional 0.2 % in wage payments which amounts to about \$600 million.

#### Considerations for determining the schedule of general holidays

8. On the criteria for determining the schedule of general holidays, the Administration has advised that the schedule is drawn up on the basis of major traditional festivals and religious holidays celebrated in Hong Kong, and is broadly in line with those celebrated by Hong Kong's major trading partners to reduce disruption to the financial markets. Reference has also been made to the practice of other countries and international holidays.

Proposed deletion of the Sino-Japanese War Victory Day as a general holiday

9. Some members have queried the rationale for deleting the Sino-Japanese War Victory Day as a general holiday which has been in existence in 1997 and 1998. They are concerned that the deletion may give a wrong message to the community that the Hong Kong Special Administrative Region Government (HKSARG) no longer recognizes the Sino-Japanese War Victory Day. They consider that such arrangement is contrary to the policy objective of the HKSARG to strengthen civic education and understanding of the national history of China. Some members have suggested that the Government should take the lead to organise commemorative activities for the Sino-Japanese War Victory Day and make arrangements to facilitate community participation in such activities. Hon SZETO Wah has also suggested that the Government should consider designating a school day as the “National History Education Day”.

10. Two other members have no objection to the proposed deletion. Nevertheless, they share the concern of other members that commemorative activities for the Sino-Japanese War Victory Day should be held and attended by senior government officials. They also agree with Hon SZETO Wah’s suggestion of designating a “National History Education Day” in schools to enhance understanding of the national history of China.

11. The Administration has responded that although the Sino-Japanese War Victory Day will no longer be a general holiday from 1999 onwards, it will continue to be known as Sino-Japanese War Victory Day to honour those who took part in the war and the resistance movement. Official ceremonies will continue to be held on the day or another appropriate day to pay tribute to those who died in the defence of Hong Kong. The Administration also agrees to forward to the Board of Education members’ suggestion of designating a school day for organizing commemorative/educational activities on national history for students.

Method of consultation

12. In response to some members’ queries that concerned groups and educational institutions were not consulted on the proposed deletion of the Sino-Japanese War Victory Day, the Administration has clarified that there is no pre-conceived proposal on which general holidays should be deleted during consultation. As general holidays affect a wide range of economic activities including the operation of banks, schools, public offices and government departments, the Administration have sought the views of major employers’ and employees’ organisations and the financial sector about their preferences on which existing general holidays could be deleted. The majority of respondents indicated that the Sino-Japanese War Victory Day and 2 October could be deleted to accommodate the two new general holidays.

Hon LEUNG Yiu-chung's proposed amendments

13. The Bills Committee has discussed the draft Committee stage amendments proposed by Hon LEUNG Yiu-chung who has suggested re-instating the Sino-Japanese War Victory Day as a general holiday with effect from 2000 instead of 1999, given the pressure of time for putting in place a consolidated list of general holidays for 1999.

14. The Administration does not support the proposed amendment as it is contrary to the declared policy of capping the number of general holidays at 17 days a year. Moreover, the Administration considers that the proposed amendment will have a "charging effect" within the meaning of Rule 57(6) of the Legislative Council Rules of Procedure.

15. Two members have indicated their support of the Bill without amendment and some other members consider that the proposed amendment can be moved by Hon LEUNG Yiu-chung in his name. In view of the Administration's response and its agreement to consider designating a day for commemorative activities for the Sino-Japanese War Victory Day, the Bills Committee does not propose any Committee stage amendment.

**Committee stage amendments**

16. The Administration and the Bills Committee have not proposed any Committee stage amendments (CSA). Hon LEUNG Yiu-chung has given notice to move CSAs as shown in **Appendix II**.

**Consultation with the House Committee**

17. The Bills Committee has reported its deliberations to the House Committee on 17 and 24 July 1998.

Legislative Council Secretariat

27 July 1998

立法會  
《1998年假期(修訂)條例草案》委員會  
Legislative Council  
Bills Committee on Holidays (Amendment) Bill 1998

委員名單  
Membership List

鄭家富議員 (主席)	Hon Andrew CHENG Kar-foo (Chairman)
何世柱議員	Hon HO Sai-chu, JP
何俊仁議員	Hon Albert HO Chun-yan
馬陸孳陪 <sup>u</sup>	Hon MA Fung-kwok
梁耀忠議員	Hon LEUNG Yiu-chung
楊孝華議員	Hon Howard YOUNG, JP
劉千石議員	Hon LAU Chin-shek, JP
司挾嫻陪 <sup>u</sup>	Hon SZETO Wah

合共: 八位議員  
Total: 8 Members

日期: 1998年7月16日  
Date: 16 July 1998