

Legislative Council

LC Paper No. CB(2) 88/98-99

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Paper for the House Committee meeting
on 24 July 1998

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 consider members' suggestions and give a written response before the resumption of the Second Reading debate of the Bill on 29 July 1998. The Administration's response dated 22 July 1998 is in Appendix III.

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-introducing 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.

Recommendations

17. The Bills Committee notes the urgency of the Bill and supports the resumption of the Second reading debate on 29 July 1998.

Legislative Council Secretariat
23 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
馬逢國議員	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
司徒華議員	Hon SZETO Wah

合共：八位議員
Total: 8 Members

日期：1998年7月16日
Date: 16 July 1998

HOLIDAYS (AMENDMENT) BILL 1998

COMMITTEE STAGE

Amendments to be moved by the Honourable LEUNG Yiu-chung

<u>Clause</u>	<u>Amendment Proposed</u>
1	(a) In subclause (2), by adding “(other than item (ma))” after “section 4”.
	(b) By adding - “(3) Item (ma) in the amendment in section 4 applies in relation to 2000 and all subsequent years.”.
4	In the proposed Schedule, by adding - “(ma) Sino-Japanese War Victory Day, being the third Monday in August;”.

教育統籌局的信頭
Letterhead of EDUCATION AND MANPOWER BUREAU

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22 July, 1998

Ms Constance Li
Clerk to the Bills Committee on
the Holidays (Amendment) Bill 1998
Legislative Council
Legislative Council Building
8 Jackson Road
Central
Hong Kong

Dear Ms Li,

Bills Committee on the Holidays (Amendment) Bill 1998

At the meeting of the Bills Committee on 16 July 1998, I undertook to provide a written response on two issues raised by members, namely :

- (a) that a school day be designated for organising commemorative/educational activities on national history for students; and
- (b) that the Administration do more to commemorate Sino-Japanese War Victory Day.

I am writing to set out the Administration's response.

Designating a school day for organising commemorative/educational activities on national history for students

Since national and civic education is a continuing process, I should like to take this opportunity to explain in some detail how the school curriculum deals with the subject of national identity and major national events of historical significance.

First of all, civic education forms part of the school curriculum. The aim of civic education is to inculcate in the minds of our students the essential civic responsibilities which they should develop towards their families, neighbouring community, regional community, national community and the international community. By offering a balanced view of these five aspects of learning, the civic education curriculum aims to provide our students with a sense of belonging both to the Hong Kong Special Administrative Region and to their mother country, as well as providing them with a global perspective. As far as developing a national identity is concerned, one of the objectives of the civic education curriculum is to strengthen students' identity with Chinese culture and history as well as to develop their ability to reflect on various aspects of development in their mother country. Apart from the civic education syllabus, major national events of historical significance, e.g. the Sino-Japanese War, are also covered in such subjects as Chinese History and Social Studies at the secondary level, and General Studies at the primary level. Schools are also encouraged to cover such major national events through extra-curricular activities.

The Administration encourages and supports schools to design civic education activities which meet their own need. A recurrent civic education grant is available to primary and secondary schools that wish to organise appropriate activities. A Chinese Cultural Projects Incentive Award Scheme has also been set up to promote student activities in learning about Chinese culture and history.

We take note of the suggestion of designating a school day for organising commemorative/educational activities on national history for students. We will put this to the Board of Education for further consideration. However, as you will appreciate, our schools are given the

autonomy to design and arrange their own programmes, including civic education. Any changes would have to be discussed with school councils, school-sponsoring bodies, and advisory committees in the education field.

Additional Commemorative Activities on Sino-Japanese War Victory Day

As I said at the Bills Committee meeting on 16 July 1998, although the third Monday in August would no longer be a general holiday from 1999 onwards, it would continue to be known as Sino-Japanese War Victory Day to honour those who took part in the war and the resistance movement.

Furthermore, starting from 1998, the Government will take the lead in honouring those who died in the defence of Hong Kong by holding an annual official ceremony on the day of the Chung Yeung Festival (28 October this year) to pay tribute to them. The official ceremony will be held at the Memorial Shrine in City Hall. It is intended that the event will be attended by the Chief Executive, senior officials and community leaders. Representatives of war veteran groups and associated community organisations will also be invited to attend.

In addition, there will continue to be commemorative activities organised by community groups, and led by the Hong Kong Ex-Servicemen's Association, to commemorate the war dead on Remembrance Sunday (being the Sunday nearest to 11 November).

I should be grateful if you could convey our response to the members of the Bills Committee.

Yours sincerely,

(Matthew K C Cheung)
for Secretary for Education and Manpower