

立法會
Legislative Council

LC Paper No. CB(2)2560/99-00
(These minutes have been seen
by the Administration and
cleared with the Chairman)

Ref : CB2/BC/13/99

**Bills Committee on
Family Status Discrimination (Amendment) Bill 2000**

**Minutes of Meeting
held on Thursday, 25 May 2000 at 4:30 pm
in Conference Room A of the Legislative Council Building**

Members Present : Dr Hon YEUNG Sum (Chairman)
Hon LEE Kai-ming, SBS, JP
Hon Christine LOH
Hon CHAN Kwok-keung
Hon CHAN Yuen-han
Dr Hon LEONG Che-hung, JP
Hon YEUNG Yiu-chung
Hon CHOY so-yuk

Members Absent : Hon Albert HO Chun-yan
Hon Cyd HO Sau-lan
Hon LEE Cheuk-yan
Hon Margaret NG
Hon Ronald ARCULLI, JP
Hon LAW Chi-kwong, JP

Public Officers Attending : Miss Helen TANG
Principal Assistant Secretary for Home Affairs (3)

Ms Roxana CHENG
Senior Assistant Solicitor General

Miss Monica Law
Senior Assistant Law Draftsman

Mr C M WONG
Assistant Secretary for Home Affairs

Clerk in Attendance : Miss Flora TAI
Chief Assistant Secretary (2) 6

Staff in Attendance : Mr Stephen LAM
Assistant Legal Adviser 4

Mrs Shirley NG
Senior Assistant Secretary (2) 9

Action

I. Meeting with the Administration

At the invitation of the Chairman, Principal Assistant Secretary for Home Affairs (3)(PAS(HA)3) briefed members on the Administration's response to the proposals put forward respectively by Hon Margaret NG and Assistant Legal Adviser 4 (ALA4) at the last meeting [LC Paper No. CB(2)2108/99-00(01)].

2. Members noted that the Administration remained of the view that Hon Margaret NG's proposal of a prohibitive provision against proceedings to be brought in respect of former acts before the enactment of the Bill was undesirable. The Administration was concerned that it might be considered to be an interference with the right of access to a court.

3. Members also noted that the Administration considered the ALA4's proposal feasible and had prepared draft Committee Stage amendments (CSAs) by adding a new clause 5 to save existing rights and obligations under an agreement or settlement agreement entered into before the enactment of the Bill.

4. PAS(HA)3 informed members that the Administration also proposed to add a new clause 4 to the Bill to address the concern that the Bill might take away any legislative protection or benefits that were currently enjoyed by the employees themselves. She explained that the new provision would expressly provide that the Family Status Discrimination (Amendment) Ordinance 2000 should not affect any term in any agreement or contract entered into before the enactment of the Ordinance under which an employer or a principal undertook to afford any immediate family members of an employee, contract worker or commission agent access to benefits, facilities or services.

Action

5. Mr LEE Kai-ming expressed support for the CSAs to be proposed by the Administration. Dr LEONG Che-hung said that while he supported the proposed amendments in principle, he was concerned that the new provision i.e. new clause 4 as presently worded might lead to disputes. In response to ALA4's enquiry about the scope of agreements to be covered by the new provision, PAS(HA)3 said that an agreement would cover mutual consent between two parties with respect to their rights and obligations. She explained that the phrase "any agreement or contract" was used because the benefits affording to an employee or his immediate family members might not be stipulated in a contract. Miss CHAN Yuen-han asked and PAS(HA)3 confirmed that "any agreement" should include all types of verbal or written agreement. Senior Assistant Solicitor General added that the new provision would cover any term in any agreement or contract relating to access to benefits, facilities or services.

6. Members in general considered the CSAs proposed by the Administration acceptable.

II. Clause-by-clause examination

7. The Bills Committee proceeded with clause-by-clause examination of the Bill together with the CSAs to be proposed by the Administration [LC Paper Nos. CB(2)1939/99-00(03) and CB(2)2108/99-00(01)]. ALA4 confirmed that the drafting of the Bill and the CSAs to be proposed by the Administration was in order. Members had raised no further queries.

8. PAS(HA)3 informed members that the Administration would propose a further CSA to clause 3 of the Bill to tie in with the proposed new clause 2. The draft CSA from the Administration had been issued to members vide LC Paper No. CB(2)2167/99-00 after the meeting.

III. Legislative timetable

9. Members agreed that the Bills Committee would make a verbal report at the House Committee meeting on 26 May 2000, recommending resumption of the Second Reading debate on the Bill on 14 June 2000; and that written report would be made to the House Committee on 2 June 2000.

10. There being no other business, the meeting ended at 5:00 pm.

Legislative Council Secretariat

4 August 2000