

立法會
Legislative Council

Ref : CB2/BC/3/06

LC Paper No. CB(2)1421/06-07
(These minutes have been seen
by the Administration)

**Bills Committee on
Employment (Amendment) Bill 2006**

**Minutes of the 3rd meeting
held on Thursday, 8 March 2007, at 8:30 am
in the Chamber of the Legislative Council Building**

- Members present** : Hon KWONG Chi-kin (Chairman)
Hon LEE Cheuk-yan
Hon Martin LEE Chu-ming, SC, JP
Hon Margaret NG
Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP
Hon LI Fung-ying, BBS, JP
Hon Audrey EU Yuet-mee, SC, JP
Hon WONG Kwok-hing, MH
Hon Jeffrey LAM Kin-fung, SBS, JP
Hon WONG Ting-kwong, BBS
- Members absent** : Hon CHAN Yuen-han, JP
Hon LEUNG Yiu-chung
Hon Jasper TSANG Yok-sing, GBS, JP
Hon Andrew CHENG Kar-foo
Hon Vincent FANG Kang, JP
Hon Andrew LEUNG Kwan-yuen, SBS, JP
Hon Alan LEONG Kah-kit, SC
Hon LEUNG Kwok-hung
Dr Hon Fernando CHEUNG Chiu-hung
- Public Officers attending** : Mr Alan WONG Kwok-lun, JP
Assistant Commissioner for Labour
(Labour Relations)

Ms Monica LAW Man-yuen
Senior Assistant Law Draftsman
Department of Justice

Ms Bertha CHENG Wai-yue
Chief Labour Officer (Labour Relations)
Labour Department

Ms Teresa FONG Yuk-sim
Senior Labour Officer (Labour Relations)
Labour Department

Ms Candice CHENG Lai-fan
Senior Labour Officer (Labour Relations)
Labour Department

Ms Christine BUT Wing-tung
Labour Officer (Labour Relations)
Labour Department

Clerk in attendance : Miss Mary SO
Chief Council Secretary (2) 5

Staff in attendance : Miss Kitty CHENG
Assistant Legal Adviser 5

Miss Josephine SO
Council Secretary (2) 1

Ms Sandy HAU
Legislative Assistant (2) 5

Action

- I. Meeting with the Administration**
(LC Paper Nos. CB(2)1158/06-07(01) to (03) and CB(2)1167/06-07(01) to (02))

The Bills Committee deliberated (Index of proceedings at **Annex**).

2. The Administration was requested to provide a response in writing to the following requests raised by members -

- (a) to provide a definition of "leave" in the Bill;

Action

- (b) to amend section 49A of the Employment Ordinance requiring employers to keep proper wage and leave records of their employees covering the period of employment during the preceding 12 months; and
- (c) to consider simplifying the proposed mode of calculation for all employees' statutory entitlements without compromising the predictability and consistency of the mode of calculation.

II. Date of next meeting

- 3. The next meeting would be held on 16 March 2007 at 10:45 am to begin clause-by-clause examination of the Bill.
- 4. There being no other business, the meeting ended at 9:35 am.

Council Business Division 2
Legislative Council Secretariat
26 March 2007

**Proceedings of meeting of the
Bills Committee on
Employment (Amendment) Bill 2006
held on Thursday, 8 March 2007, at 8:30 am
in the Chamber of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action Required
000000 - 000455	Chairman	Opening remarks	
000456 - 000900	Admin	Administration's response to Legal Service Division's letter dated 14 February 2007 (LC Paper No. CB(2)1167/06-07(02))	
000901 - 001555	Admin Chairman	Administration's response to Legal Service Division's letter dated 9 February 2007 regarding the legal and drafting aspects of the Bill (LC Paper No. CB(2)1158/06-07(03))	Admin to provide a definition of "leave" in the Bill
001556 - 001920	Chairman Hon Mrs Selina CHOW Admin ALA5	Whether, and if so, how the concerns raised by deputations at the meeting held on 1 March 2007 were addressed	
001921 - 002621	Hon LI Fung-ying Admin Chairman	Practicality of the provision of making reference to a comparable person for the calculation of the daily average or monthly average of wages	
002622 - 002830	ALA5	Final decision on whether a Committee Stage amendment was outside the scope of the Bill to be made by the President of the Legislative Council	
002831 - 005520	Hon LEE Cheuk-yan Chairman Admin Hon WONG Ting-kwong	The Bills Committee should conduct clause-by-clause examination of the Bill as soon as possible Whether there was any provision in the Employment Ordinance (EO) requiring employers to keep proper wage and leave records of their employees covering the period of employment during the preceding 12 months Suggested using the proposed mode of calculation for employees with	Admin to consider amending section 49A of EO to require employers to keep proper wage and leave records of their

Time marker	Speaker	Subject(s)	Action Required
		variable wages only; and adopting a simpler mode of calculation for employees with fixed wages	employees covering the period of employment during the preceding 12 months Admin to consider simplifying the proposed mode of calculation for all employees' statutory entitlements
005521 - 005855	Hon LEE Cheuk-yan Admin Chairman	Measures, if any, to help aggrieved employees to seek legal recourse in the circumstances where their employers failed to keep proper wage and leave records Measures, if any, to ensure the keeping of proper wage and leave records by employers	
005856 - 010306	Chairman Admin	Dates of subsequent meetings	