

MINIMUM WAGE BILL

COMMITTEE STAGE

Amendments to be moved by the Honourable LEE Cheuk-yan

<u>Clause</u>	<u>Amendments Proposed</u>
2	<p>(a) In the definition of “employee”, by deleting “, (3)”.</p> <p>(b) By deleting the definition of “minimum wage” and substituting – ““minimum wage” (最低工資) –</p> <p>(a) for an employee who is not a live-in domestic worker for a wage period, has the meaning given by section 7(2); or</p> <p>(b) for a live-in domestic worker for a wage period, has the meaning given by section 7(2A);”.</p> <p>(c) By adding – ““conversion multiplier” (轉換乘數) means the value specified in column 1 of Schedule 3A; “days worked” (工作日數), in relation to a live-in domestic worker, has the meaning given by section 3A; “live-in domestic worker” (留宿家庭傭工) means an employee who is employed as a domestic worker in, or in connection with, a household and who dwells in that household free of charge; “prescribed minimum daily wage rate” (訂明每日最低工資額), in relation to a live-in domestic worker, means the wage rate derived by multiplying the prescribed minimum hourly wage rate by the conversion multiplier;”.</p>

- New By adding –
- “**3A. Days worked**
- The days worked by a live-in domestic worker in a wage period include any day on which the live-in domestic worker is, in accordance with the contract of employment or with the agreement or at the direction of the employer, doing work or receiving training, irrespective of the number of hours the live-in domestic worker is doing work or receiving training on that day.”.
- 5 By adding –
- “(2A) A payment made to a live-in domestic worker in any wage period for any day that is not days worked by the live-in domestic worker must not be counted as part of the wages payable in respect to that or any other wage period.”.
- 6 By deleting subclause (3) and substituting –
- “(3) Sections 3, 5(2), 7(2), 8 and 17(1) and (2) do not apply to a live-in domestic worker.”.
- 7 By adding –
- “(2A) The minimum wage for a live-in domestic worker for a wage period is the amount derived by multiplying the total number of days worked by the live-in domestic worker in the wage period by the prescribed minimum daily wage rate.”.
- 11 By adding –
- “(1A) Another function of the Commission is, when required by the Chief Executive to do so, to report to the Chief Executive in Council its recommendation about the value of the conversion multiplier.”.
- 11(4) By adding “made under subsection (1) or (1A)” after “report”.
- 15 (a) In the heading, by deleting “**Schedule 3**” and substituting “**Schedules 3 and 3A**”.
- (b) By adding –
- “(1A) The Chief Executive in Council may,

by notice published in the Gazette, amend Schedule 3A to –

- (a) specify in column 1 a conversion multiplier or increase or reduce the then current conversion multiplier specified in that column; and
  - (b) specify in column 2 the effective date for any amendment referred to in paragraph (a).”.
- (c) In subclause (2), by adding “or (1A)” after “subsection (1)”.

17

By adding –

“(3) If the relevant date is a date after the beginning of a wage period of a live-in domestic worker, in calculating the minimum wage for the live-in domestic worker for that period no account is to be taken of any day worked by the live-in domestic worker in that period before that relevant date nor of any wages payable to the live-in domestic worker for any such day.

(4) In subsection (3), “the relevant date” (有關日期) means –

- (a) the effective date of the first prescribed minimum hourly wage rate; or
- (b) the effective date of the first conversion multiplier,

whichever is the later.

(5) If the prescribed minimum daily wage rate is increased or reduced under section 15(1) or (1A) after the beginning of a wage period of a live-in domestic worker, in calculating the minimum wage for the live-in domestic worker for that period the increased or reduced rate only applies to any day worked by the live-in domestic worker on or after the effective date of the increase or reduction.”.

20(1) By adding –  
 “(eb) if the employee is a live-in domestic worker, the total number of days, calculated in accordance with section 3A of the Minimum Wage Ordinance ( of 2010), worked by the employee in any wage period;”.

20(2) By adding –  
 “(5) Nothing in subsection (1) requires an employer of a live-in domestic worker to set out in a record particulars of a kind referred to in subsection (3)(ea) for any wage period, or part of a wage period, of the live-in domestic worker.

(6) Nothing in subsection (1A) requires an employer of a live-in domestic worker to set out in a record particulars of a kind referred to in subsection (3)(eb) for any wage period, or part of a wage period, of the live-in domestic worker that occurred before the relevant date.

(7) In subsection (6), “the relevant date” (有關日期) means the date referred to in section 17(4) of the Minimum Wage Ordinance ( of 2010).

(8) In this section, “live-in domestic worker” (留宿家庭傭工) has the same meaning as in the Minimum Wage Ordinance ( of 2010).”.

21 By deleting the clause and substituting –

**“21. Powers of officers**

Section 72(1)(b) is amended by adding after  
 “Ordinance” –

“and –

- (i) in the case of a record which includes particulars required to be included under section 49A(3)(ea), require that the particulars under section 49A(3)(a), (d), (e), (ea) and (f) are produced in a single document; or
- (ii) in the case of a record which includes particulars required to be included under section 49A(3)(eb), require that the particulars under section 49A(3)(a), (d), (e), (eb) and (f) are produced in a single document.”.

New

By adding –

“SCHEDULE 3A [ss. 2 & 15]

CONVERSION MULTIPLIER

Conversion multiplier

Effective date”.