

立法會
Legislative Council

LC Paper No. CB(1)1043/11-12
(These minutes have been seen
by the Administration)

Ref : CB1/SS/6/11

**Subcommittee on Mandatory Provident Fund Schemes
(Contributions for Casual Employees) (Amendment) (No. 2) Order 2011**

**Minutes of the first meeting held on
Tuesday, 20 December 2011, at 4:30 pm
in Conference Room 2A of the Legislative Council Complex**

Members present : Hon WONG Ting-kwong, BBS, JP (Chairman)
Hon Tommy CHEUNG Yu-yan, SBS, JP
Hon WONG Sing-chi
Hon Alan LEONG Kah-kit, SC

Member absent : Hon LEE Cheuk-yan

**Public Officers
attending** : **Agenda item II**

Miss Emmy WONG Kwok-ling
Principal Assistant Secretary for Financial
Services and the Treasury (Financial Services)

Ms Hendera YU, JP
Chief Operating Officer (Enforcement)
Mandatory Provident Fund Schemes Authority

Miss Elaine NG Pui-kei
Senior Government Counsel
Department of Justice

Action

Clerk in attendance : Ms Joanne MAK
Chief Council Secretary (1)2

Staff in attendance : Mr Bonny LOO
Assistant Legal Adviser 3

Miss Lilian MOK
Council Secretary (1)7

Ms Emily LIU
Legislative Assistant (1)2

Action

I Election of Chairman

Mr Tommy CHEUNG Yu-yan, the member who had the highest precedence among those present at the meeting, presided at the election of Chairman of the Subcommittee. He invited nominations for the chairmanship of the Subcommittee.

2. Mr WONG Sing-chi nominated Mr WONG Ting-kwong, and the nomination was seconded by Mr Tommy CHEUNG Yu-yan. Mr WONG Ting-kwong accepted the nomination.

3. There being no other nominations, Mr WONG Ting-kwong was elected Chairman of the Subcommittee.

II Meeting with the Administration

- | | | |
|-----------------------------|---|--|
| (L.N. 171 of 2011 | - | Mandatory Provident Fund Schemes (Contributions for Casual Employees) (Amendment) (No. 2) Order 2011 |
| No File Reference | - | The Legislative Council Brief issued by the Mandatory Provident Fund Schemes Authority |
| LC Paper No. LS13/11-12 | - | Legal Service Division Report on subsidiary legislation gazetted on 2 December 2011 |
| LC Paper No. CB(1)652/11-12 | - | Background brief on "Mandatory Provident Fund Schemes |

(Contributions for Casual Employees) (Amendment) (No. 2) Order 2011" prepared by the Legislative Council Secretariat)

4. The Subcommittee deliberated (index of proceedings attached at **Annex**).

5. The Chairman declared that he was the Chairman of the Mandatory Provident Fund (MPF) Industry Schemes Committee under the Mandatory Provident Fund Schemes Authority (MPFA).

6. The representative of MPFA briefed members on the Mandatory Provident Fund Schemes (Contributions for Casual Employees) (Amendment) (No. 2) Order 2011 (the Amendment (No. 2) Order).

Admin/
MPFA

7. In response to the enquiry of Mr Tommy CHEUNG Yu-yan, the Administration and MPFA were requested to provide a breakdown of the numbers of casual employees whose daily incomes were more than \$650 by the catering and construction industries and the numbers of relevant working days involved in the past two years.

(Post-meeting note: The Administration's response was circulated to members of the Subcommittee vide LC Paper No. CB(1)746/11-12 on 3 January 2012.)

8. The Subcommittee noted that the Mandatory Provident Fund Schemes Advisory Committee had been consulted in June 2011 and the Committee supported the amendments. MPFA had also informed the MPF Industry Schemes Committee, labour unions and relevant Government departments of the amendments in mid June 2011 and they did not have any comments on the amendments.

9. The Subcommittee completed clause-by-clause examination of the Amendment (No. 2) Order and it would not propose any amendment.

Legislative timetable

10. The Chairman advised that the scrutiny period of the Amendment (No. 2) Order had been extended to 1 February 2012 by resolution of the Council on 14 December 2011. The deadline for giving notice of amendments to the Amendment (No. 2) Order was 21 January 2012.

Action

11. The Subcommittee completed the scrutiny of the Amendment (No. 2) Order, and would provide a report on its deliberations to the House Committee on 13 January 2012.

Date of next meeting

12. The Subcommittee agreed that subject to MPFA's provision of the requested statistics referred to in paragraph 7 above, no further meeting was required to be held.

III Any other business

13. There being no other business, the meeting ended at 4:50 pm.

Council Business Division 1
Legislative Council Secretariat
10 February 2012

**Proceedings of the first meeting of
the Subcommittee on Mandatory Provident Fund Schemes
(Contributions for Casual Employees) (Amendment) (No. 2) Order 2011
on Tuesday, 20 December 2011, at 4:30 pm
in Conference Room 2A of the Legislative Council Complex**

Time marker	Speaker	Subject(s)	Action required
Agenda item I – Election of Chairman			
000156 - 000346	Mr Tommy CHEUNG Mr WONG Sing-chi Mr WONG Ting-kwong	Opening remarks and election of chairman Mr WONG Ting-kwong was elected Chairman of the Subcommittee.	
Agenda item II – Meeting with the Administration			
000347 - 000638	Chairman Administration MPFA	The Administration and the Mandatory Provident Fund Schemes Authority (MPFA) briefed members on the Mandatory Provident Fund Schemes (Contributions for Casual Employees) (Amendment) (No. 2) Order 2011 (L.N. 171 of 2011) (the Amendment (No. 2) Order).	
000639 - 001117	Chairman Mr Tommy CHEUNG Administration MPFA	The Chairman declared that he was the Chairman of the Mandatory Provident Fund (MPF) Industry Schemes Committee under MPFA. In response to the enquiry of Mr Tommy CHEUNG, the Administration/MPFA were requested to provide a breakdown of the numbers of casual employees whose daily incomes were more than \$650 by the catering and construction industries and the numbers of relevant working days involved in the past two years. The Chairman remarked that the number of casual employees in the catering industry with daily income over \$650 should be smaller than that in the construction industry.	The Administration to provide information as requested in paragraph 7.

Action

Time marker	Speaker	Subject(s)	Action required
001118 - 001158	Chairman Mr Tommy CHEUNG	The Subcommittee agreed that there was no need to invite public views on the Amendment (No. 2) Order.	
001159 - 001652	Chairman Mr Tommy CHEUNG Mr Alan LEONG Administration MPFA	<p><u>Clause-by-clause examination</u></p> <p>MPFA briefed members on the main provision of the Amendment (No. 2) Order, which was to amend the scales of amounts of contributions prescribed in the Schedule to the Mandatory Provident Fund Schemes (Contributions for Casual Employees) Order (Cap. 485 sub. leg. E).</p> <p>As the amendments in the Amendment (No. 2) Order were consequential to the main amendments covered in the Mandatory Provident Fund Schemes Ordinance (Amendment of Schedule 3) Notice 2011 (the Amendment of Schedule 3 Notice), it was noted that the commencement of the amendments would tie in with the implementation of the Amendment of Schedule 3 Notice, i.e. on 1 June 2012. Also, under the Amendment (No. 2) Order, the amount of contributions to be made by both the casual employees and their employers registered with industry schemes would be the same unless the total amount of daily relevant income of a casual employee was less than \$250.</p> <p>Members further noted that the Mandatory Provident Fund Schemes Advisory Committee had been consulted in June 2011 and the Committee supported the amendments in the Amendment (No. 2) Order. MPFA had also informed the MPF Industry Schemes Committee, labour unions and relevant Government departments of the amendments in mid June 2011 and they did not have any comments. Both the Mandatory</p>	

Action

Time marker	Speaker	Subject(s)	Action required
		<p>Provident Fund Schemes Advisory Committee and the MPF Industry Schemes Committee comprised members representing the interest of employers and employees.</p> <p>The Subcommittee conducted clause-by-clause examination of the Amendment (No. 2) Order.</p> <p>The Subcommittee did not propose any amendment to the Amendment (No. 2) Order and completed the scrutiny of the subsidiary legislation. Subject to MPFA's provision of the requested statistics referred to above, no further meeting would be required to be held.</p> <p>A report would be made to the House Committee on 13 January 2012.</p>	<p>Clerk to prepare a report</p>
001653 - 001811	Chairman	Legislative timetable	