

立法會
Legislative Council

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Date : 23 May 2013

From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Council meeting of 29 May 2013

**Amendments to motion on
“Enacting legislation on the right to collective bargaining”**

Further to LC Paper No. CB(3) 592/12-13 issued on 16 May 2013, Hon TANG Ka-piu and Hon Christopher CHUNG have respectively given notices of their intention to move separate amendments to Hon LEE Cheuk-yan’s motion on “Enacting legislation on the right to collective bargaining” scheduled for the Council meeting of 29 May 2013. As directed by the President, Hon TANG Ka-piu’s and Hon Christopher CHUNG’s amendments will be printed in the terms in which they were handed in on the Agenda of the Council.

2. The President will order a joint debate on the above motion and the two amendments. To assist Members in debating the motion and amendments, I set out below the procedure to be followed during the debate:

- (a) the President calls upon Hon LEE Cheuk-yan to speak and move his motion;
- (b) the President proposes the question on Hon LEE Cheuk-yan’s motion;
- (c) the President calls upon the two Members who wish to move amendments to speak in the following order, but no amendment is to be moved at this stage:
 - (i) Hon TANG Ka-piu; and
 - (ii) Hon Christopher CHUNG;

- (d) the President calls upon the public officer(s) to speak;
- (e) the President invites other Members to speak;
- (f) the President gives leave to Hon LEE Cheuk-yan to speak for the second time on the two amendments;
- (g) the President calls upon the public officer(s) to speak again;
- (h) in accordance with Rule 34(5) of the Rules of Procedure, the President has decided that he will call upon the two Members to move their respective amendments in the order set out in paragraph (c) above. The President invites Hon TANG Ka-piu to move his amendment to the motion, and forthwith proposes and puts to vote the question on the amendment;
- (i) after Hon TANG Ka-piu's amendment has been voted upon, the President deals with Hon Christopher CHUNG's amendment to the motion; and
- (j) after Hon Christopher CHUNG's amendment has been dealt with, the President calls upon Hon LEE Cheuk-yan to reply. Thereafter, the President puts to vote the question on Hon LEE Cheuk-yan's motion, or his motion as amended, as the case may be.

3. For Members' ease of reference, the terms of the original motion and of the motion, if amended, are set out in the **Appendix**.

(Odelia LEUNG)
for Clerk to the Legislative Council

Encl.

(Translation)

**Motion debate on
“Enacting legislation on the right to collective bargaining”
to be held at the Council meeting of 29 May 2013**

1. Hon LEE Cheuk-yan’s original motion

That the International Labour Organization (‘ILO’) ruled in 1998 that the repeal of the Employee’s Rights to Representation, Consultation and Collective Bargaining Ordinance by the relevant authority in Hong Kong was in breach of the International Labour Convention, and recommended that the Government formulate legal provisions to put in place objective procedures for determining the representative status of trade unions for collective bargaining purposes, but the Administration has yet to implement ILO’s recommendation; this Council expresses deep regret in this regard, and urges the Government to expeditiously legislate to affirm workers’ right to collective bargaining; the relevant legislation must include:

- (1) to lay down objective criteria and procedures for determining bargaining units and the bargaining status of trade unions;
- (2) to require employees and employers to negotiate in good faith the employment terms and conditions as well as other issues involving labour relations;
- (3) to clarify the legal effect of collective agreements reached between employees and employers; and
- (4) to formulate remedial measures for contravention of collective bargaining requirements and collective agreement terms.

2. Motion as amended by Hon TANG Ka-piu

~~That the International Labour Organization (‘ILO’) ruled in 1998 that the repeal of the Employee’s Rights to Representation, Consultation and Collective Bargaining Ordinance by the relevant authority in Hong Kong was in breach of the International Labour Convention, and recommended~~ *facing the present situation of ‘strong capitalists and weak workers’ in Hong Kong, workers lack bargaining power, and Hong Kong’s various trade unions have all along striven to legislate for workers’ right to collective bargaining over the years,*

recommending that the Government formulate legal provisions to put in place objective procedures for determining the representative status of trade unions for collective bargaining purposes, but the Administration has yet to implement ILO's recommendation; ~~this Council expresses deep regret in this regard, and the relevant recommendations; in this connection, this Council~~ urges the Government to expeditiously legislate to affirm workers' right to collective bargaining; the relevant legislation must include:

- (1) *to formulate a system for the right to collective bargaining on the central, trade and enterprise levels to ensure that both employees and employers enjoy an equal bargaining status;*
- ~~(1)~~(2) to lay down objective criteria and procedures for determining bargaining units and the bargaining status of trade unions;
- ~~(2)~~(3) to require employees and employers to negotiate in good faith the employment terms and conditions as well as other issues involving labour relations;
- ~~(3)~~(4) ~~to clarify the legal effect of collective agreements reached between employees and employers~~ *must have legal effect;* and
- ~~(4)~~(5) to formulate remedial measures for contravention of collective bargaining requirements and collective agreement terms.

Note: Hon TANG Ka-piu's amendment is marked in *bold and italic type* or with deletion line.

3. Motion as amended by Hon Christopher CHUNG

~~That the International Labour Organization ('ILO') ruled in 1998 that the repeal of the Employee's Rights to Representation, Consultation and Collective Bargaining Ordinance by the relevant authority in Hong Kong was in breach of the International Labour Convention, and recommended that the Government formulate legal provisions to put in place objective procedures for determining the representative status of trade unions for collective bargaining purposes, but the Administration has yet to implement ILO's recommendation; this Council expresses deep regret in this regard, and this Council~~ urges the Government to expeditiously legislate to affirm workers' *conduct detailed studies and extensive consultation on the issue of the* right to collective bargaining; ~~the relevant legislation must include:~~

- ~~(1)~~ to lay down objective criteria and procedures for determining bargaining units and the bargaining status of trade unions;

- ~~(2) to require employees and employers to negotiate in good faith the employment terms and conditions as well as other issues involving labour relations;~~
- ~~(3) to clarify the legal effect of collective agreements reached between employees and employers; and~~
- ~~(4) to formulate remedial measures for contravention of collective bargaining requirements and collective agreement terms, ***and, after obtaining a consensus in society, establish step by step a collective bargaining system suitable for Hong Kong's social environment.***~~

Note: Hon Christopher CHUNG's amendment is marked in ***bold and italic type*** or with deletion line.