

立法會
Legislative Council

LC Paper No. CB(3) 592/12-13

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Tel : 3919 3300

Date : 16 May 2013

From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Council meeting of 29 May 2013

**Motion on
“Enacting legislation on the right to collective bargaining”**

Hon LEE Cheuk-yan has given notice to move the attached motion on “Enacting legislation on the right to collective bargaining” at the Council meeting of 29 May 2013. The President has directed that it be printed in the terms in which it was handed in on the Agenda of the Council.

(Odelia LEUNG)
for Clerk to the Legislative Council

Encl.

(Translation)

**Motion on
“Enacting legislation on the right to collective bargaining”
to be moved by Hon LEE Cheuk-yan
at the Council meeting of 29 May 2013**

Wording of the 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.