

立法會
Legislative Council

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(These minutes have been seen
by the Administration)

Ref : CB2/BC/3/13

Bills Committee on Employment (Amendment) Bill 2014

Minutes of meeting
held on Monday, 30 June 2014, at 4:30 pm
in Conference Room 2 of the Legislative Council Complex

Members present : Hon Kenneth LEUNG (Chairman)
Hon LEE Cheuk-yan
Hon WONG Kwok-hing, BBS, MH
Hon Jeffrey LAM Kin-fung, GBS, JP
Hon Cyd HO Sau-lan
Hon WONG Kwok-kin, BBS
Hon Alan LEONG Kah-kit, SC
Hon CHAN Chi-chuen
Hon CHAN Yuen-han, SBS, JP
Hon KWOK Wai-keung
Hon SIN Chung-kai, SBS, JP
Dr Hon Helena WONG Pik-wan
Dr Hon Elizabeth QUAT, JP
Hon POON Siu-ping, BBS, MH
Hon TANG Ka-piu
Dr Hon CHIANG Lai-wan, JP

Members absent : Hon Emily LAU Wai-hing, JP
Hon Tommy CHEUNG Yu-yan, SBS, JP
Hon Paul TSE Wai-chun, JP
Dr Hon Kenneth CHAN Ka-lok
Hon Martin LIAO Cheung-kong, JP
Hon CHUNG Kwok-pan

**Public Officers : Item I
attending**

Mr Charles HUI Pak-kwan
Assistant Commissioner for Labour (Labour Relations)

Ms Melody LUK Wai-ling
Chief Labour Officer (Labour Relations)
Labour Department

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

Mr Michael LAM Siu-chung
Senior Assistant Law Draftsman
Department of Justice

Mr Alan CHONG Ka-ning
Senior Government Counsel
Department of Justice

**Clerk in
attendance** : Miss Betty MA
Chief Council Secretary (2) 1

**Staff in
attendance** : Ms Clara TAM
Assistant Legal Adviser 9

Mr Raymond LAM
Senior Council Secretary (2) 7

Miss Lulu YEUNG
Clerical Assistant (2) 1

I. Meeting with the Administration

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

2. Members requested the Administration to consider amending the definition of "paternity leave pay" in clause 3(1) by adding a reference to the relevant provision as in the existing signpost definitions of "annual leave pay", "holiday pay" or "long service payment" in the Employment Ordinance (Cap. 57).

3. The Chairman requested the Administration to provide a written response to the issues raised in the letter dated 24 June 2014 from the legal adviser to the Bills Committee to the Administration.

II. Any other business

4. Members noted that the next meeting had been scheduled for 8 July 2014 at 10:45 am to continue discussion with the Administration.

5. The Chairman said that individual members who wished to propose amendments to the Bill should forward their amendments to the Clerk for consideration by the Bills Committee at the next meeting.

6. There being no other business, the meeting ended at 6:30 pm.

Council Business Division 2
Legislative Council Secretariat
22 July 2014

**Proceedings of meeting of the
Bills Committee on Employment (Amendment) Bill 2014
held on Monday, 30 June 2014, at 4:30 pm
in Conference Room 2 of the Legislative Council Complex**

Time marker	Speaker(s)	Subject(s)	Action Required
000000 - 000601	Chairman	Opening remarks	
000602 - 001001	Mr LEE Cheuk-yan Chairman Admin	<p>Mr LEE Cheuk-yan's concerns and the Administration's response regarding the timing for the Administration's consultation with the Labour Advisory Board ("LAB") on Committee Stage amendments ("CSAs") proposed by individual members to the Bill which represented deviation from the consensus of LAB.</p> <p>Mr LEE Cheuk-yan's indication of his intention to propose CSAs to set PL ("paternity leave") pay at the full rate of the employee's average daily wages and increase the duration of statutory PL to five or seven days.</p> <p>The Chairman's suggestion that individual members who wished to propose amendments to the Employment (Amendment) Bill 2014 ("the Bill") should forward their amendments to the Clerk for consideration by the Bills Committee at the next meeting.</p>	
001002 - 001248	Mr Jeffrey LAM Chairman Admin	<p>Mr Jeffrey LAM's concerns and the Administration's response regarding the arrangements for the Administration's consultation with LAB on CSAs proposed by members which represented deviation from the consensus of LAB.</p> <p>The Chairman's remark that such consultation with LAB was not part of the legislative process.</p>	
001249 - 001503	Mr KWOK Wai-keung Admin	<p>Mr KWOK Wai-keung's concerns and the Administration's response regarding -</p> <p>(a) the time needed for consultation with LAB on CSAs proposed by members which represented deviation from the consensus of LAB; and</p>	

Time marker	Speaker(s)	Subject(s)	Action Required
		(b) the timing for implementation of the enacted legislation on PL.	
001504 - 001921	Miss CHAN Yuen-han Admin Chairman	Miss CHAN Yuen-han's concerns and the Administration's response regarding whether the Administration would consult LAB on CSAs proposed by members which were technical in nature or did not represent deviation from the consensus of LAB.	
001922 - 002303	Dr CHIANG Lai-wan Chairman Admin	Dr CHIANG Lai-wan's concerns and the Administration's response regarding - (a) the timing for resumption of Second Reading debate on the Bill; (b) whether there was any restriction on the timing for introduction of new legislative amendments after the enactment of legislation on PL; and (c) the Administration's review of the implementation of the legislation on PL one year after its coming into operation.	
002304 - 003659	Mr POON Siu-ping Miss CHAN Yuen-han Mr TANG Ka-piu Admin	Concerns of Mr POON Siu-ping, Miss CHAN Yuen-han and Mr TANG Ka-piu and the Administration's response regarding whether and when the Administration would report to the Bills Committee the results of its consultation with LAB on CSAs proposed by members. Mr CHAN Yuen-han's view that the Secretary for Labour and Welfare should attend the next meeting of the Bills Committee.	
003700 - 004018	Chairman Dr CHIANG Lai-wan Admin	Concerns of Dr CHIANG Lai-wan and the Administration's response regarding the timing for commencement of the legislation on PL.	
004019 - 004351	Mr TANG Ka-piu Chairman ALA9 Admin	Mr TANG Ka-piu's question and ALA9's advice regarding whether Members could propose CSAs to the Bill after the Administration had given notice to resume the Second Reading debate on the Bill. Mr TANG Ka-piu's concerns and the Administration's response regarding whether the Administration would consult LAB on CSAs	

Time marker	Speaker(s)	Subject(s)	Action Required
		proposed by Members after the Administration had given notice to resume the Second Reading debate on the Bill.	
004352 - 004707	Chairman Mr LEE Cheuk-yan Admin	Mr LEE Cheuk-yan's concerns and the Administration's response regarding the way forward in respect of the resumption of Second Reading debate on the Bill, if LAB could not reach a consensus on the CSAs proposed by Members to the Bill which represented deviation from the consensus of LAB.	
004708 - 004917	Chairman Dr CHIANG Lai-wan	Dr CHIANG Lai-wan's view regarding whether the duration of three days' PL as proposed in the Bill should be accepted to facilitate the early implementation of the legislation on PL.	
004918 - 005403	Chairman Mr CHAN Chi-chuen Admin ALA9	Mr CHAN Chi-chuen's concerns and the Administration's response regarding - (a) the arrangements for handling CSAs that concern the duration of statutory PL; and (b) the arrangements for the Administration's consultation with LAB on CSAs proposed at different times by Members. Mr CHAN Chi-chuen's question and ALA9's advice regarding when Members could give notice for moving CSAs to the Bill.	
005404 - 005820	Chairman Miss CHAN Yuen-han Dr CHIANG Lai-wan Admin	Concerns of Miss CHAN Yuen-han and Dr CHIANG Lai-wan and the Administration's response regarding when the Administration would report the results of its consultation with LAB to the Bills Committee.	
005821 - 010041	Chairman Mr CHAN Chi-chuen Admin	Mr CHAN Chi-chuen's concerns and the Administration's response regarding - (a) the arrangements for the Administration's consultation with LAB on CSAs proposed by Members; and (b) the way forward in respect of the resumption of Second Reading debate on the Bill, if LAB could not reach a consensus on the CSAs proposed by Members.	

Time marker	Speaker(s)	Subject(s)	Action Required
Continuation of clause-by-clause examination of the Bill			
010042 - 010211	Chairman Admin	Examination of clause 2.	
010212 - 011420	Chairman Admin ALA9 Mr LEE Cheuk-yan	<p>Examination of clause 3.</p> <p>Concerns of the Chairman and Mr LEE Cheuk-yan, ALA9's advice and the Administration's response regarding the definition of "paternity leave pay" in clause 3(1).</p> <p>The Administration was requested to consider amending the definition of "paternity leave pay" in clause 3(1) by adding a reference to the relevant provision as in the existing signpost definitions of "annual leave pay", "holiday pay" or "long service payment" in the Employment Ordinance (Cap. 57) ("EO").</p>	Admin
011421 - 011527	Chairman Admin	Examination of clause 4.	
011528 - 011601	Chairman Admin	Examination of clause 5.	
011602 - 012613	Chairman Admin Mr LEE Cheuk-yan Dr Helena WONG ALA9	<p>Examination of clause 6 (proposed new section 15D of EO).</p> <p>Mr LEE Cheuk-yan's concerns and the Administration's response regarding whether the proposed new section 15D of EO covered both PL with pay and PL without pay.</p> <p>Dr Helena WONG's indication of her intention to move CSAs to the proposed new section 15D(2)(b) of EO in relation to the phrase "not more than 3 days".</p> <p>ALA9's view and the Administration's response regarding whether the proposed new section 15D of EO covered adopted child.</p>	

Time marker	Speaker(s)	Subject(s)	Action Required
012614 - 014839	Chairman Admin Mr LEE Cheuk-yan Dr Helena WONG	Examination of clause 6 (proposed new sections 15E and 15F of EO). Concerns of the Chairman, Mr LEE Cheuk-yan and Dr Helena WONG and the Administration's response regarding - (a) the background to the three-month and two-day notification requirement in the proposed section 15E(1)(a)(i) and 15E(1)(a)(ii) of EO respectively; and (b) the respective scenarios under which subsections (a) and (b) of the proposed new section 15E(1) of EO would apply. Dr Helena WONG's indication of her intention to propose CSAs in relation to the proposed new section 15E(1) of EO.	
014840 - 014938	Chairman Admin	Examination of clause 6 (proposed new section 15G of EO).	
014939 - 015152	Chairman Admin	Examination of clause 6 (proposed new section 15H of EO).	
015153 - 015548	Chairman Admin	Examination of clause 6 (proposed new section 15I of EO). The Chairman's question and the Administration's response regarding whether the written statement in the proposed new section 15I(2)(b) of EO was required to be in a prescribed form.	
015549 - 015928	Chairman Admin	Examination of clause 6 (proposed new section 15J of EO).	
015929 - 020104	Chairman Dr Helena WONG	Date of next meeting.	