

立法會
Legislative Council

LC Paper No. CB(2)1942/15-16
(These minutes have been seen
by the Administration)

Ref : CB2/BC/3/15

Bills Committee on Employment (Amendment) Bill 2016

Minutes of meeting
held on Tuesday, 7 June 2016, at 10:45 am
in Conference Room 1 of the Legislative Council Complex

Members present : Hon WONG Ting-kwong, SBS, JP (Chairman)
Hon LEE Cheuk-yan
Hon Cyd HO Sau-lan, JP
Hon Alan LEONG Kah-kit, SC
Hon YIU Si-wing, BBS
Hon Gary FAN Kwok-wai
Hon CHAN Yuen-han, SBS, JP
Hon KWOK Wai-keung
Hon SIN Chung-kai, SBS, JP
Hon IP Kin-yuen
Hon POON Siu-ping, BBS, MH
Hon TANG Ka-piu, JP
Dr Hon CHIANG Lai-wan, JP
Hon Alvin YEUNG Ngok-kiu

Members absent : Hon LEUNG Yiu-chung
Hon Andrew LEUNG Kwan-yuen, GBS, JP
Hon IP Kwok-him, GBS, JP
Hon WONG Yuk-man
Hon Frankie YICK Chi-ming, JP
Hon CHUNG Kwok-pan

**Public Officers : Item I
attending**

Ms Melody LUK
Assistant Commissioner for Labour
(Labour Relations)

Mr Simon LI
Chief Labour Officer (Labour Relations)
Labour Department

Ms Cecilia CHAN
Senior Labour Officer (Labour Relations)
Labour Department

Ms Betty CHEUNG
Senior Assistant Law Draftsman
Department of Justice

Ms Selina LAU
Senior Assistant Law Draftsman
Department of Justice

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

**Staff in : Mr Alvin CHUI
attendance Assistant Legal Adviser 3**

Ms Mina CHAN
Council Secretary (2) 1

Miss Lulu YEUNG
Clerical Assistant (2) 1

Admin

I. Meeting with the Administration

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

Action

2. Members noted the Committee stage amendments ("CSAs") proposed by Mr LEE Cheuk-yan to the Employment (Amendment) Bill 2016 ("the Bill"), which was set out in LC Paper No. CB(2)1653/15-16(01).

Admin

3. The Administration undertook to provide a written response to the CSAs proposed by Mr LEE Cheuk-yan before the Bills Committee submitting its report to the House Committee at its meeting on 17 June 2016.

II. Any other business

4. The Chairman advised that while the Administration had yet to advise on the resumption date of the Second Reading debate on the Bill, the Bills Committee would submit a report on its deliberations to the House Committee on 17 June 2016. Members urged the Administration to resume the Second Reading debate on the Bill at a Council meeting the soonest possible, i.e. 29 June 2016. Members also urged the Administration to foster the discussion of the Labour Advisory Board on the increased ceiling of the further sum as early as possible in order not to delay the coming into operation of the Bill.

5. There being no other business, the meeting ended at 11:34 am.

Council Business Division 2
Legislative Council Secretariat
27 July 2016

**Proceedings of meeting of the
Bills Committee on Employment (Amendment) Bill 2016
held on Tuesday, 7 June 2016, at 10:45 am
in Conference Room 1 of the Legislative Council Complex**

Time marker	Speaker	Subject(s) / Discussion	Action Required
000000 - 000649	Chairman	Opening remarks	
000650 - 000856	Chairman Admin	The Administration's response to the issues raised at the meeting of the Bills Committee on Employment (Amendment) Bill 2016 ("the Bills Committee") held on 9 May 2016, which was set out in LC Paper No. CB(2)1607/15-16(01)	
000857 - 001241	Chairman Mr POON Siu-ping Mr LEE Cheuk-yan Admin	<p>Mr POON Siu-ping and Mr LEE Cheuk-yan expressed concern about the timeframe for the Labour Advisory Board ("LAB") to review the proposed amount of the further sum. Mr LEE took the view that the Administration should fix the meeting date for LAB to discuss the matter shortly.</p> <p>The Administration advised that it had reported to LAB in its latest meeting all the views expressed by members on the Bill, including the amount of the further sum. While LAB agreed that the ceiling for the further sum might be increased, no consensus could be reached on the increased ceiling of the further sum. LAB members advised that they would need time to consult their respective organizations before they could further discuss the subject at LAB.</p>	
001242 - 001535	Chairman Mr LEE Cheuk-yan	Legislative timetable for the Bill.	
001536 - 001756	Chairman Mr KWOK Wai-keung	While agreeing that there was room for upward adjustment of the ceiling of the further sum, Mr KWOK Wai-keung considered that the Bill should be passed as early as possible in order to provide greater protection for unreasonably and unlawfully dismissed employees. He called on the Administration to step up its efforts in fostering consensus within LAB on the matter, so as to enable the Bill to be passed in the current legislative session.	

Time marker	Speaker	Subject(s) / Discussion	Action Required
001757 - 001936	Chairman Mr SIN Chung-kai	Mr SIN Chung-kai considered that the Second Reading debate on the Bill could take place at the Council meeting of 29 June or 6 July 2016, so as to ensure its passage within the current legislative session. In his view, the Administration could propose a Committee stage amendment ("CSA") to increase the ceiling of the further sum, instead of waiting for LAB's further discussion on the matter.	
001937 - 002102	Chairman Mr TANG Ka-piu	Mr TANG Ka-piu advised that to his understanding, employer and employee representatives of LAB were willing to further discuss the amount of the further sum. He urged the Administration to make greater efforts in facilitating both parties to reach a new consensual view on the matter.	
002103 - 002159	Chairman	The Chairman advised that the Bills Committee would report its deliberations to the House Committee on 17 June 2016. While the Administration had yet to advise on the resumption date of Second Reading debate on the Bill, the Chairman hoped that the resumption of the Second Reading debate on the Bill could take place at a Council meeting the soonest possible i.e. 29 June 2016.	
002200 - 003620	Chairman Mr LEE Cheuk-yan Ms Cyd HO	Briefing by Mr LEE Cheuk-yan on his proposed CSAs to the Bill, which were set out in LC Paper No. CB(2)1653/15-16(01).	
003621 - 004601	Chairman Admin	The Administration's verbal response to the CSAs proposed by Mr LEE Cheuk-yan	
004602 - 005026	Chairman ALA	ALA's gave his observations on the fifth set of Mr LEE Cheuk-yan's proposed CSAs.	
005027 - 005123	Chairman Admin	The Administration was requested to provide its written response to CSAs proposed by Mr LEE Cheuk-yan before the Bills Committee submitting its report to the House Committee at its meeting on 17 June 2016.	Admin
005124 - 005352	Chairman Miss CHAN Yuen-han Admin	Miss CHAN Yuen-han asked whether the Administration would withdraw the Bill, having regard to the fact that no consensus could be reached by LAB on the increased ceiling of the further sum.	

Time marker	Speaker	Subject(s) / Discussion	Action Required
		The Administration advised that it hoped to have the Bill enacted within the current legislative session. As the different sets of CSAs proposed by Mr LEE were received after LAB was last consulted in May 2016, in accordance with the established practice the Administration would need to take the matter back to LAB. The Administration would bring back the subject to LAB as soon as practicable.	

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