

## **Bills Committee on the Employment (Amendment) Bill 2018**

### **The Government's response to the draft Committee Stage Amendments proposed by Members**

This paper sets out the Government's response to the draft Committee Stage Amendments (CSAs) proposed by Members to the Employment (Amendment) Bill 2018.

#### *(a) Duration of paternity leave (PL)*

2. Some Members propose CSAs which seeks to extend the duration of statutory PL to seven days.

3. As explained by the Government to the Bills Committee in the previous meeting, the proposed Bill is the outcome of a review of the implementation of statutory PL conducted by the Labour Department (LD). In formulating the proposal, the Government has already taken into account of the views of employees, the affordability of employers (including small and medium enterprises) to an increase in the duration of PL, and the operation of PL since its inception in 2015. The proposal is a hard-earned consensus between the labour and business sectors as represented by the Labour Advisory Board (LAB), and is also supported by the Legislative Council (LegCo) Panel on Manpower. The Government considered that the change of PL from three days to five days is the only acceptable option. Since the consensus reached between the employers and employees is hard to come by, it should therefore be upheld and respected.

#### *(b) Rate of PL Pay*

4. Some Members propose CSAs which seeks to increase the rate of PL pay to full-pay.

5. The purpose of the Bill is to extend the duration of statutory PL from three days to five days. This, however, does not include changing the calculation of the rate of PL pay.

6. As a matter of fact, the LegCo had an in-depth deliberation on the said rate when the PL legislation was passed in 2014, and eventually had the rate of PL pay passed at four-fifths of the average daily wages of the employee. In the current PL review, LD had also looked into the issue and considered it a reasonable arrangement for the rate of PL pay be maintained at four-fifths of the average daily wages of the employee. Such proposal is also supported by LAB.

(c) Review of PL

7. A Member proposes CSAs to add a clause that the Secretary for Labour and Welfare may from time to time review the number of days of PL and must also conduct a review within one year when the last review was finished.

8. All along, the Government has been, from time to time, reviewing the labour legislation in the light of the socio-economic development in Hong Kong; and improving the employee's benefits on the premise of taking into account of the interests of employees and the affordability of employers. The Secretary for Labour and Welfare will commence a review as appropriate. It is not necessary to achieve this purpose by way of legislation.

## **Conclusion**

9. Based on the above reasons, the Government opposes the draft CSAs proposed by Members.

Labour Department  
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