

立法會
Legislative Council

LC Paper No. CB(3) 583/17-18

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Tel : 3919 3309

Date : 10 May 2018

From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Council meeting of 16 May 2018

Amendments to Employment (Amendment) Bill 2017

Members are invited to note that Dr Hon Fernando CHEUNG has given notice to move amendments to the above Bill. Subject to the Bill receiving a Second Reading, the President has given permission for Dr Hon Fernando CHEUNG to move amendments to the Bill as set out in **Appendices 1, 2 and 3.**

2. As directed by the President, the amendments are attached for Members' consideration.

(Judy TING)
for Clerk to the Legislative Council

Encl.

Employment (Amendment) Bill 2017

Committee Stage

Amendments to be moved by Dr the Honourable Fernando CHEUNG Chiu-hung

<u>Clause</u>	<u>Amendment Proposed</u>
4(1)	In the proposed section 32N(3C)(b), by adding “subject to subsection (3CA),” before “must”.
4(1)	By adding— “(3CA) If the employer has engaged a replacement for the employee, the court or Labour Tribunal must not take that fact into account in making a finding for the purposes of subsection (3B), unless— (a) the employer shows that it was not practicable for the employer to arrange for the employee’s work to be done without engaging a replacement; or (b) the employer shows that— (i) the employer engaged the replacement after the lapse of a reasonable period, without having heard from the employee that the employee wished to be reinstated or re-engaged; and (ii) when the employer engaged the replacement, it was no longer reasonable for the employer to arrange for the employee’s work to be done except by a replacement.”.

Employment (Amendment) Bill 2017

Committee Stage

Amendments to be moved by Dr the Honourable Fernando CHEUNG Chiu-hung

<u>Clause</u>	<u>Amendment Proposed</u>
5	In the proposed section 32NA(1)(b), by deleting everything after “that is” and substituting “6 times the employee’s average monthly wages as calculated in accordance with section 32NB.”.
5	By deleting the proposed section 32NA(3).

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Committee Stage

Amendment to be moved by Dr the Honourable Fernando CHEUNG Chiu-hung

<u>Clause</u>	<u>Amendment Proposed</u>
5	In the proposed section 32NA(3), by deleting “Commissioner may, by notice published in the Gazette,” and substituting “Legislative Council may by resolution”.