

立法會
Legislative Council

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(These minutes have been seen by
the Administration)

Ref : CB2/SS/12/17

**Subcommittee on Employment (Amendment) (No. 2) Ordinance 2018
(Commencement) Notice**

**Minutes of meeting
held on Friday, 29 June 2018, at 10:45 am
in Conference Room 2 of the Legislative Council Complex**

Members present : Hon WONG Ting-kwong, GBS, JP (Chairman)
Hon Frankie YICK Chi-ming, SBS, JP
Hon LEUNG Che-cheung, SBS, MH, JP
Dr Hon KWOK Ka-ki
Dr Hon Fernando CHEUNG Chiu-hung
Hon IP Kin-yuen
Hon Andrew WAN Siu-kin
Hon Holden CHOW Ho-ding
Hon LUK Chung-hung
Hon LAU Kwok-fan, MH

Members absent : Hon Alvin YEUNG
Hon HO Kai-ming

Public Officers attending : Item II
Ms Melody LUK, JP
Assistant Commissioner for Labour (Labour Relations)

Mr Raymond LIANG
Chief Labour Officer (Labour Relations)
Labour Department

Miss Annie CHAN
Senior Labour Officer (Labour Relations)
Labour Department

Miss Betty CHEUNG Yuet-wah
Senior Assistant Law Draftsman
Department of Justice

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

Staff in attendance : Mr Alvin CHUI
Assistant Legal Adviser 3

Ms Gloria TSANG
Council Secretary (2) 1

Miss Lulu YEUNG
Clerical Assistant (2) 1

I. Election of Chairman

Mr WONG Ting-kwong was elected Chairman of the Subcommittee.

2. Members agreed that there was no need for the Subcommittee to elect a Deputy Chairman.

II. Meeting with the Administration

3. The Subcommittee deliberated the Employment (Amendment) (No. 2) Ordinance 2018 (Commencement) Notice ("the Commencement Notice") (index of proceedings attached at **Annex**).

4. The Chairman concluded that the Subcommittee had completed its scrutiny work. The Subcommittee agreed that the Subcommittee Chairman would move a proposed resolution at the Council meeting of 11 July 2018 to extend the scrutiny period of the Commencement Notice to the first Council meeting of the next session. Members noted that if the scrutiny period was extended, the deadline for giving notice of

amendment, if any, would be five clear days before the first Council meeting of the next session. The Subcommittee further noted that the Chairman would give a verbal report on the deliberations of the Subcommittee at the House Committee meeting on 6 July 2018.

III. Any other business

5. There being no other business, the meeting ended at 11:15 am.

Council Business Division 2
Legislative Council Secretariat
18 July 2018

**Proceedings of meeting of the Subcommittee on
Employment (Amendment) (No. 2) Ordinance 2018 (Commencement) Notice
held on Friday, 29 June 2018, at 10:45 am
in Conference Room 2 of the Legislative Council Complex**

Time marker	Speaker	Subject(s) / Discussion	Action Required
000000 - 000550	Mr WONG Ting-kwong Mr Holden CHOW Mr Frankie YICK	Election of Chairman	
000551 - 000716	Chairman	Opening remarks	
000717 - 000811	Chairman Admin	Briefing by the Administration	
000812 - 000838	Chairman Mr Andrew WAN Admin	In response to Mr Andrew WAN's enquiry, the Administration advised that there was no timetable to review the relevant provisions in Part VIA of the Employment Ordinance (Cap. 57) ("EO").	
000839 - 002008	Chairman Dr Fernando CHEUNG Admin ALA3	<p>Dr Fernando CHEUNG asked:</p> <p>(i) the rationale of the appointment of 19 October 2018 as the day on which the Employment (Amendment) (No. 2) Ordinance 2018 ("the Amendment Ordinance") came into operation; and</p> <p>(ii) any timetable to review the relevant provisions in EO concerning the scope of applicability of an order for reinstatement or re-engagement.</p> <p>The Administration advised:</p> <p>(i) the Amendment Ordinance would come into operation after expiry of the full negative vetting period of the Commencement Notice, taking into account of the need to allow sufficient time for members to scrutinize the Commencement Notice and their right to propose to extend its scrutiny period by resolution to the first Council meeting in the next session; and</p> <p>(ii) review could be considered where appropriate after the Amendment Ordinance came into operation.</p>	

Time marker	Speaker	Subject(s) / Discussion	Action Required
		<p>ALA3's explanation on the scrutiny period of an item of subsidiary legislation under the negative vetting procedure.</p> <p>Dr CHEUNG hoped that the Amendment Ordinance would come into effect as soon as practicable. He also took the view that there should be a timetable to review the relevant provisions in EO.</p> <p>The Chairman suggested that the review of the Amendment Ordinance, which was beyond the purview of the Subcommittee, could be discussed by the Panel on Manpower.</p>	
002009 - 002409	Chairman Mr LUK Chung-hung Admin	<p>Mr LUK Chung-hung advised that the Hong Kong Federation of Trade Unions would, in due course, urged for a review timetable of the relevant provisions in EO.</p> <p>Mr LUK's enquiry and the Administration's response regarding the publicity work of the Amendment Ordinance. To raise the general awareness of employees' protection, Mr LUK considered that public education of the Amendment Ordinance was necessary. The Administration advised that Mr LUK's view would be considered.</p>	
002410 - 002740	Chairman Mr Andrew WAN Admin	<p>In response to Mr Andrew WAN's enquiry, the Administration advised that the Labour Tribunal, if it decided to require the Commissioner for Labour to submit the report containing information obtained in connection with the conciliation held under the Labour Tribunal Ordinance (Cap. 25), would specify such submission be done by a deadline.</p> <p>The Chairman requested the Administration to take note of Mr WAN's view on the inadequacies of the Amendment Ordinance, e.g. employees who were employed under a fixed term contract might not be protected under the Amendment Ordinance. The Chairman considered that such concerns should be discussed by the Panel on Manpower.</p>	

Time marker	Speaker	Subject(s) / Discussion	Action Required
002741 - 003324	Chairman Admin	Members agreed that there was no need to invite public views on the subsidiary legislation. Completion of scrutiny of the subsidiary legislation. Date of reporting the work of the Subcommittee to the House Committee and legislative timetable.	

Council Business Division 2
Legislative Council Secretariat
18 July 2018