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4 June 2020

The Honourable Starry LEE Wai-king, SBS, JP
Chairman of the House Committee
Legislative Council
1 Legislative Council Road
Central
Hong Kong

Dear Chairman,

Resumption of Second Reading Debate on the Employment (Amendment) Bill 2019

In accordance with Rule 54(5) of the Rules of Procedure (“RoP”) of the Legislative Council (“LegCo”), I now write to consult you as the Chairman of the House Committee (“HC”) on my intention to give notice to resume the Second Reading debate on the Employment (Amendment) Bill 2019 (“Bill”) at the Council meeting of 24 June 2020.

The Bill proposes that maternity leave (“ML”) under the Employment Ordinance (“EO”) (Cap. 57) be increased by four weeks and two technical amendments be made to EO¹. The Bill was introduced into LegCo on 8 January 2020. As a result of the prolonged delay in the

¹ The two technical amendments include shortening the period of pregnancy mentioned in the definition of miscarriage and allowing a certificate of attendance to be accepted as proof in respect of entitlement to sickness allowance for a day on which a female employee attends a medical examination in relation to her pregnancy.

election of the HC chairman and deputy chairman for the 2019-2020 session, the HC at that time had not been able to conduct its usual business in the normal manner including dealing with bills. In light of the impasse over HC, I requested a motion be moved at the Council meeting on 9 January 2020 under RoP 54(4) that “the Second Reading debate on the Bill be adjourned and the Bill be referred to the Panel on Manpower (“Panel”) instead of the HC” (“Motion”). I moved the Motion in view of the urgency of the matter because the Bill, if not passed before the prorogation of the LegCo, will lapse at the end of the current LegCo term.

After taking into consideration all relevant factors, the President of LegCo gave consent for me to move the Motion at the Council meeting on 9 January 2020 and the Motion was passed at the Council meeting on 16 January 2020. Although referral of the Bill to the Panel is not an established practice, it had allowed the legislative work to proceed in accordance with the RoP.

Since then, the Panel has held four special meetings totalling eight hours to discuss the Bill thoroughly and comprehensively such as extending the duration of ML, ML pay (“MLP”) and the introduction of a cap on the additional four-week MLP, the two technical amendments, implementation and review arrangements, as well as Panel Members’ proposed amendments to the Bill, etc. Non-Panel Members were invited to join the discussion of the Panel on the Bill.

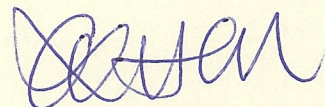
The Panel has now completed discussion of the Bill with the last meeting held on 18 May 2020. Panel Members have expressed their support for the early passage of the Bill within the current term of LegCo. Panel Members note that I will give the notice of resumption on the Second Reading debate on the Bill in accordance with RoP 54(5) after the Panel has completed its discussion on the Bill. The Panel will submit its report on the Bill to the Council.

There is a strong demand from the community at large to implement the proposed enhancements to the maternity protection regime at the earliest opportunity. Given there are only five more meetings in the remainder of the current term of LegCo and the Government’s intention to finish scrutinizing a total of 31 legislative items (including the National

Anthem Bill in progress) as far as possible, I intend to resume the Second Reading debate on the Bill at the Council meeting of 24 June 2020 with a view to having the Bill passed within this LegCo term. This is the latest possible and necessary procedural step to secure the early implementation of the Amendment Ordinance so as to benefit female employees and their family members as soon as possible. If the Bill cannot be passed within this LegCo term, it will lapse and need to be re-introduced into LegCo in the next LegCo term. This would cause undue delay to the implementation of the Amendment Ordinance, thereby depriving tens of thousands of working women of their rights to enjoy better maternity protection under EO.

I look forward to hearing from you as soon as possible.

Yours sincerely,



(Dr CK Law)

Secretary for Labour and Welfare

c.c. Clerk to the House Committee
Director of Administration