# 立法會 Legislative Council

LC Paper No. CB(2)1467/19-20 (These minutes have been seen by the Administration)

Ref : CB2/PL/MP

# **Panel on Manpower**

### Minutes of special meeting held on Monday, 18 May 2020, at 8:30 am in Conference Room 3 of the Legislative Council Complex

Members	: Hon HO Kai-ming (Chairman)
	Hon CHU Hoi-dick (Deputy Chairman)
present	
	Hon LEUNG Yiu-chung
	Hon WONG Kwok-kin, SBS, JP
	Hon Claudia MO
	Hon YIU Si-wing, BBS
	Dr Hon KWOK Ka-ki
	Hon KWOK Wai-keung, JP
	Dr Hon Fernando CHEUNG Chiu-hung
	Dr Hon Helena WONG Pik-wan
	Hon Elizabeth QUAT, BBS, JP
	Hon POON Siu-ping, BBS, MH
	Dr Hon CHIANG Lai-wan, SBS, JP
	Hon Andrew WAN Siu-kin
	Hon SHIU Ka-fai, JP
	Hon SHIU Ka-chun
	Hon YUNG Hoi-yan, JP
	Dr Hon Pierre CHAN
	Hon LUK Chung-hung, JP
	Hon Jeremy TAM Man-ho
	Hon Vincent CHENG Wing-shun, MH, JP
Members	: Hon Tommy CHEUNG Yu-yan, GBS, JP
attending	Hon LEUNG Che-cheung, SBS, MH, JP
	Hon Martin LIAO Cheung-kong, GBS, JP

Member absent	: Hon CHUNG Kwok-pan
Public Officers attending	<ul> <li>: Item I</li> <li>Miss Mabel LI Po-yi, JP Deputy Commissioner for Labour (Labour Administration)</li> <li>Mr Raymond LIANG Lok-man Assistant Commissioner for Labour (Labour Relations)</li> <li>Ms Rebecca CHAN Ka-pik Senior Labour Officer (Labour Relations) (Maternity Leave Policy)</li> <li>Labour Department</li> <li>Miss Annet LAI Chau-mei Government Counsel Department of Justice</li> </ul>
Clerk in attendance	: Miss Betty MA Chief Council Secretary (2) 1
Staff in attendance	<ul> <li>Mr Alvin CHUI Assistant Legal Adviser 3</li> <li>Ms Rita LAI Senior Council Secretary (2) 1</li> <li>Miss Lulu YEUNG Clerical Assistant (2) 1</li> </ul>

Action

I. Issues relating to the Employment (Amendment) Bill 2019 (LC Paper Nos. CB(2)604/19-20(02) to (04), CB(2)662/19-20(01), CB(2)885/19-20(01), CB(2)929/19-20(01), CB(2)942/19-20(01), CB(2)999/19-20(01) to (05) and LS34/19-20)

<u>The Chairman</u> advised that at the special meeting on 12 May 2020, the Panel had completed deliberations on the policy issues relating to the Employment (Amendment) Bill 2019 ("the Bill"). The meeting was

convened to consider amendments to the Bill proposed by Dr Helena WONG, Dr KWOK Ka-ki, Dr Fernando CHEUNG and Mr KWOK Wai-keung.

Follow-up discussion on issues raised at the last special meeting

2. At the invitation of the Chairman, <u>Deputy Commissioner for</u> <u>Labour (Labour Administration)</u> ("DC for L (LA)") briefly took members through the Administration's response to issues raised by members at the special meeting on 12 May 2020 as detailed in the Administration's letter dated 15 May 2020 (LC Paper No. CB(2)999/19-20(01), as well as its response to the amendments proposed by members to the Bill, which was tabled at the meeting.

# (*Post-meeting note*:

- (a) The English version of the Administration's response to issues raised at the special meeting of the Panel on 12 May 2020 was issued to members on 26 May 2020; and
- (b) the Chinese and English versions of the Administration's response to amendments proposed by members to the Bill were issued to members vide LC Paper Nos. CB(2)1009/19-20 on 18 May and 5 June 2020 respectively.)

3. <u>Dr KWOK Ka-ki</u> pointed out that as the Administration's proposal of extending the statutory maternity leave ("ML") by legislation was pledged by the Chief Executive ("CE") in the 2018 Policy Address, many female employees had since then expected its early implementation. <u>Dr KWOK</u> queried about the need to launch extensive publicity and promotional activities to raise the awareness of members of the public about the implementation of the enacted Amendment Ordinance ("Amendment Ordinance").

4. <u>DC for L (LA)</u> advised that after the passage of the Bill, the Government would need to launch extensive publicity and promotional activities in the run-up to the implementation of the Amendment Ordinance to facilitate public awareness and understanding of the new provisions and employers to make arrangements necessary for compliance with the new requirements. This would be conducive to the smooth implementation of the new legislation. The Labour Department ("LD") would also need to liaise with the Department of Health and the

Hospital Authority on the operation details of issuing a certificate of attendance by professionally trained persons as documentary proof for entitling eligible employees to sickness allowance in relation to their pregnancy.

Dr KWOK Ka-ki further queried the need for implementing the 5. additional four weeks' ML and the new Reimbursement of Maternity Leave Pay Scheme ("RMLPS") in one go. In his view, the Amendment Ordinance should come into operation immediately after the passage of the Bill so as to benefit female employees without further delay. The Administration could retrospectively reimburse the additional ML pay for the 11<sup>th</sup> to 14<sup>th</sup> weeks ("the additional MLP") to employers upon implementation of RMLPS. Dr Helena WONG expressed support for the suggestion. Both members held the view that employers concerned could pay the additional MLP to their eligible employees in the first place and seek reimbursement from the Government afterwards. Drawing reference to the Government's pledge of disbursing wage subsidies of \$81 billion to eligible employers under the Employment Support Scheme of the Anti-epidemic Fund within two to three months from the date of application, both members considered it unacceptable that the development of RMLPS would be implemented only by the end of 2021, given that the disbursement of the additional MLP was comparatively small in scale and simple in nature.

6. <u>Mr LUK Chung-hung</u> echoed the view that it was not desirable that RMLPS would only be implemented by the end of 2021. <u>Mr LUK</u> urged the Administration to expedite the relevant work progress such that the Amendment Ordinance would commence as early as practicable.

7. In response to members' views and concerns, <u>DC for L (LA)</u> said that the Government aimed to implement the Amendment Ordinance in tandem with RMLPS as early as possible. Notably, it was the first time for the Government to commit funding an employment benefit under the Employment Ordinance (Cap. 57) ("EO") permanently by making use of public money on a reimbursement basis. To ensure a smooth implementation of RMLPS, the Government needed to develop a new Disbursement Information System ("DIS") which would comprise an information technology system for administering RMLPS and a one-stop online portal which would facilitate both employers and employees, such as online submission of applications from employers, identifying overlapping applications and suspicious or fraudulent cases for in-depth investigation via a risk-based mechanism for ensuring proper use of public funds, and enabling inter-departmental data matching and exchange for case processing. Subject to the passage of the Bill and approval of funding for DIS within the current session, the Government aimed to implement RMLPS by the end of 2021.

8. DC for L (LA) further advised that it was inappropriate to make a direct comparison between the disbursement system for the Anti-epidemic Fund and RMLPS, having regard to the differences in policy intent, target applicants, eligibility criteria and operation modes. Notably, the Bill proposed that ML be increased by four weeks and the employer would be required to pay the additional MLP to the employee concerned on the normal pay day, i.e. same as what they were currently required to do in respect of the 10 weeks' MLP. Besides, the suggestion of implementing the extended ML and the relevant additional MLP in two phases would deviate from previous amendment exercises of making enhancement to employment benefits under EO and generate confusion between employers and employees. For instance, after the passage of the Employment (Amendment) Bill 2018, the increase in the statutory paternity leave under EO from three days to five days as well as the entitlement of paternity leave pay came into force from January 2019 at the same time. Moreover, it would take time to study the feasibility of implementing the Amendment Ordinance and RMLPS in two stages.

9. <u>Mr LUK Chung-hung</u> enquired about the feasibility of submitting applications for the reimbursement of the additional MLP in paper form first, while pending the development of RMLPS and the related DIS. <u>DC for L (LA)</u> said that it would take time to study how written submission of applications could match with the service mode of DIS. <u>DC for L (LA)</u> stressed that the Government was committed to taking forward the legislative proposal to extend the statutory ML period and to facilitate the implementation of the Amendment Ordinance and RMLPS as soon as practicable.

#### Amendments proposed by members

*Review mechanism for the cap on additional maternity leave pay and the level of the cap* 

10. <u>Dr Helena WONG</u> briefed members on her proposed amendment to clause 6(4) of the Bill as set out in her proposed motion (LC Paper No. CB(2)999/19-20(02)), which sought to impose a statutory obligation on the Commissioner for Labour ("C for L") to review the level of the cap on the additional MLP ("the cap") after the commencement of the Amendment Ordinance. In her view, the level of the cap should be reviewed annually to cope with inflation and salary adjustment. <u>Dr WONG</u> also proposed that the amendment be adopted as the proposed amendment of the Panel.

11. DC for L (LA) said that the Administration's response to Dr Helena WONG's proposed amendment was set out in paragraph (a) of its paper tabled at the meeting. She advised that the Government had all along been conducting timely reviews of labour legislation, taking account of the social changes and economic development of Hong Kong as well as practical needs such as the actual circumstances upon the implementation of the policy, etc. Likewise, after the passage of the Bill, the Government would conduct reviews of the cap of the additional MLP in a timely manner. If it was considered necessary to amend the amount of the cap specified in Schedule 1A to the Bill after conducting a review, C for L would replace the amount of the cap by notice published in the As compared to the proposed amendment of rigidly stipulating Gazette. a review timetable in the Bill, this arrangement would be more flexible and responsive to the actual social conditions of Hong Kong in reviewing statutory ML.

12. <u>Assistant Legal Adviser 3</u> ("ALA3") said that from the drafting perspective, Dr Helena WONG might consider spelling out the review timetable and frequency in her proposed amendment to improve its clarity. <u>Dr WONG</u> said that in the light of ALA3's advice, she would revise her proposed amendment to the effect that it would seek to impose a statutory obligation on C for L to review the level of the cap on the additional MLP every 12 months after the commencement of the Amendment Ordinance and the amount so amended should not fall below the existing level.

13. <u>ALA3</u> further drew to the attention of members that the Administration had not provided in its response as to whether Dr Helena WONG's proposed amendment would fall beyond the subject matter of the Bill under Rule 57(4)(a) of the Rules of Procedure ("RoP") and would have a charging effect within the meaning of RoP 57(6). <u>ALA3</u> pointed out that in considering the admissibility of Mr WONG Ting-kwong's proposed amendment to the Employment (Amendment) Bill 2018 which sought to require C for L to review the number of days of paternity leave at specified intervals, the President was satisfied that the proposed amendment in that case would have a charging effect within the meaning

of RoP 57(6) and it was ruled inadmissible. <u>ALA3</u> further advised that the admissibility of a proposed amendment to a bill was a matter to be decided by the President, taking into account all relevant information.

14. <u>Dr Helena WONG</u> asked about the Administration's views on the financial implications of her proposed amendment. <u>DC for L (LA)</u> said that if a review timetable was stipulated rigidly in the Bill, by its mandatory and regular nature, the Government would likely need extra manpower to discharge the statutory duty and need to study the additional manpower resources so required.

15. <u>Mr LEUNG Yiu-chung</u>, <u>Dr KWOK Ka-ki</u> and <u>Dr Fernando</u> <u>CHEUNG</u> expressed support for Dr Helena WONG's proposed amendment.

Sharing the view that the Government should conduct reviews of 16. the cap in a timely manner after the passage of the Bill, Ms YUNG Hoi-yan expressed concern how the relevant review procedures could be Ms YUNG sought information on examples of the existing kicked start. legislation under which a review mechanism was spelt out expressly in ALA3 advised that he had provided for members' the Ordinance. reference examples of existing legislation, namely the Minimum Wage Ordinance (Cap. 608) ("MWO") and the Air Pollution Control Ordinance (Cap. 311), under which a review mechanism was spelt out expressly in the Ordinance vide LC Paper No. CB(2)929/19-20(01). He also gave a brief account of the relevant review mechanisms in these two Ordinances. Noting that reviews of the Statutory Minimum Wage were conducted by the Minimum Wage Commission under MWO, Ms YUNG was concerned whether C for L could conduct reviews of the cap in the absence of a similar statutory body under the Bill. ALA3 replied in the affirmative.

# The Amendment Ordinance to come into operation immediately after the passage of the Bill

17. <u>Dr KWOK Ka-ki</u> briefed members on his proposed amendment to clause 1 of the Bill as set out in his proposed motion (LC Paper No. CB(2)999/19-20(03)), which sought to make the Amendment Ordinance come into operation immediately after the passage of the Bill. Upon clarification sought by ALA3, <u>Dr KWOK</u> confirmed that the legal effect which his proposed amendment sought to achieve was that the Amendment Ordinance come into operation on the day on which it was

gazetted. <u>Dr KWOK</u> pointed out that provision of 10 weeks' ML had remained unchanged since 1970 and reiterated that extending the statutory ML by legislative amendments was pledged by CE in the 2018 Policy Address. The Government should implement the extended ML period without further delay while the disbursement of the additional MLP could be arranged at a later stage.

DC for L (LA) said that the Administration's response to 18. Dr KWOK Ka-ki's proposed amendment was set out in paragraph (b) of its paper tabled at the meeting. DC for L (LA) reiterated that after the passage of the Bill, the Government would need to launch extensive publicity and promotional activities in the run-up to the implementation of the Amendment Ordinance, to facilitate public awareness and understanding of the new provisions, and employers to make arrangements necessary for compliance with the new requirements. This would be conducive to the smooth implementation of the new legislation as with previous amendment exercises of EO. LD was working on the development of RMLPS for reimbursing employers the Therefore, the Bill proposed that the Amendment additional MLP. Ordinance should commence on a day to be appointed by the Secretary for Labour and Welfare by notice published in the Gazette.

19. <u>Dr CHIANG Lai-wan</u> was concerned whether the Administration would have sufficient time to carry out the necessary preparatory work in face of the unforeseeable and immediate implementation of the new policy if the Amendment Ordinance would come into effect immediately after the passage of the Bill.

20. <u>ALA3</u> said that in determining the admissibility of Dr KWOK Ka-ki's proposed amendment, the President might consider whether it was unintelligible within the meaning of RoP 57(4)(c) and whether it was in compliance with RoP 65, Article 48 of the Basic Law and section 20 of the Interpretation and General Clauses Ordinance (Cap.1) in relation to the gazettal of the Amendment Ordinance. From the drafting perspective, Dr KWOK might consider revising his amendment by deleting clause 1(2) of the Bill to reflect more clearly its legislative intent. <u>Dr KWOK</u> said that he would take heed of ALA3's advice and revise the drafting of his proposed amendment accordingly.

21. <u>ALA3</u> then drew to the attention of members that the Administration had not indicated in its response that Dr KWOK Ka-ki's proposed amendment was beyond the subject matter of the Bill within the

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meaning of RoP 57(4)(a). Although the Administration would need to advance the implementation date of the additional ML under Dr KWOK's proposed amendment, it had not advised as to whether Dr KWOK's amendment would have a charging effect within the meaning of RoP 57(6). <u>ALA3</u> reiterated that the admissibility of a proposed amendment to a bill was a matter to be decided by the President, taking into account all relevant information, including the Administration's views on the proposed amendment.

22. <u>Dr KWOK Ka-ki</u> sought information from the Administration as to whether his proposed amendment would have a charging effect within the meaning of RoP 57(6). <u>DC for L (LA)</u> responded that the Government would take time to study the financial implications, if any, arising from Dr KWOK's proposed amendment.

23. <u>Mr LEUNG Yiu-chung</u>, <u>Ms Claudia MO</u>, <u>Dr Fernando CHEUNG</u> and <u>Dr Helena WONG</u> expressed support in principle for Dr KWOK Ka-ki's proposed amendment, i.e. the Amendment Ordinance should come into operation immediately after the passage of the Bill.

# Uplifting the cap of the additional four weeks' maternity leave pay

24. <u>Dr Fernando CHEUNG</u> briefed members on his proposed amendment to clause 13 of the Bill, which sought to raise the cap of the additional MLP to \$100,000, which was equivalent to four-fifths of the wages of an employee with a monthly wage of \$136,000 in four weeks (LC Paper No. CB(2)999/19-20(04)). Under the proposed cap, over 99% of all female employees in Hong Kong would be eligible for the additional MLP. <u>Dr CHEUNG</u> also proposed that his amendment be adopted as the proposed amendment of the Panel. <u>Ms Claudia MO</u> and <u>Dr KWOK Ka-ki</u> expressed support for Dr CHEUNG's proposed amendment.

25. <u>Mr KWOK Wai-keung</u> informed members that he intended to propose an amendment to clause 13 of the Bill under his own name to the effect that the cap of \$36,822 on the additional MLP would be raised to \$73,644, which was equivalent to four-fifths of the wages of an employee with a monthly wage of \$100,000 in four weeks (LC Paper No. CB(2)999/19-20(05)). His proposed amendment sought to expand the coverage of the cap from 95% of all female employees in Hong Kong to 99% of all female employees in Hong Kong. <u>Mr KWOK</u> added that to his understanding, no consensus had been reached by the Labour Advisory Board on the introduction of a cap on the additional MLP.

26. <u>DC for L (LA)</u> said that the Administration's response to the amendments proposed by Dr Fernando CHEUNG and Mr KWOK Wai-keung was set out in paragraph (c) of its paper tabled at the meeting. <u>DC for L (LA)</u> pointed out that the cap as proposed in the Bill had already covered nearly 95% of female employees in Hong Kong based on 2016 data. For the proper use of public money, it was a common practice of the Government to set a ceiling to guard against extreme and probably unusual cases. As the terms of remuneration in some employment contracts might far exceed the general level, it was not appropriate for the Government to fund such exceptional cases.

27. <u>ALA3</u> drew to the attention of members that the Administration had not indicated in its response that the amendments proposed by Dr Fernando CHEUNG and Mr KWOK Wai-keung would fall outside the scope of the Bill. On whether the proposed amendments would have a charging effect within the meaning of RoP 57(6), <u>ALA3</u> said that members might consider seeking relevant information from the Administration. <u>ALA3</u> reiterated that the admissibility of a proposed amendment to a bill was a matter to be decided by the President, taking into account all relevant information.

Legislative means for amending the cap of the additional four weeks' maternity leave pay

28. <u>Dr Fernando CHEUNG</u> further briefed members on his proposed amendment to clause 6(4) of the Bill (LC Paper No. CB(2)999/19-20(04)) which sought to amend the legislative means for amending the cap of the additional MLP from amendment by C for L by notice published in the Gazette (i.e. "negative vetting") to amendment by a resolution passed by the Legislative Council ("LegCo") (i.e. "positive vetting"). <u>Dr CHEUNG</u> considered that his proposed amendment would enable LegCo to approve the amended cap before its coming into effect. He also proposed that his draft amendment be adopted as the proposed amendment of the Panel.

29. <u>Ms Claudia MO</u> and <u>Dr KWOK Ka-ki</u> expressed support for Dr Fernando CHEUNG's proposed amendment.

30. <u>DC for L (LA)</u> said that the Administration's response to Dr Fernando CHEUNG's proposed amendment was set out in paragraph (d) of its paper tabled at the meeting. <u>DC for L (LA)</u> advised that it was proposed under the Bill that C for L might, by notice published in the

#### Action

Gazette, amend the cap of the additional MLP. As the time required for legislative enactment under the negative vetting procedure was relatively short, amending the cap of the additional MLP through this procedure would enable the expeditious implementation of a new cap to benefit pregnant employees as early as possible. Notably, LegCo was vested with the power to scrutinize a piece of subsidiary legislation under the negative vetting procedure.

31. <u>ALA3</u> said that the Administration had not indicated in its response that Dr Fernando CHEUNG's proposed amendment was beyond the subject matter of the Bill. On whether the proposed amendment would have a charging effect within the meaning of RoP 57(6), <u>ALA3</u> advised that members might consider seeking relevant information from the Administration. <u>ALA3</u> reiterated that the admissibility of a proposed amendment to a bill was a matter to be decided by the President, taking into account all relevant information.

#### Motions moved by members

32. <u>The Chairman</u> said that Dr Helena WONG, Dr KWOK Ka-ki and Dr Fernando CHEUNG had respectively indicated intention to move motions under agenda item I. He ruled that the motions were directly related to the agenda item in accordance with Rule 22(p) of the House Rules. The motions would be dealt with in the order in which they were presented to the Panel.

#### Motion moved by Dr Helena WONG

33. <u>Dr Helena WONG</u> moved the following motion:

"本事務委員會支持以事務委員會名義提出以下修訂:

# 由黃碧雲議員建議的修正案 《2019 年僱傭(修訂)條例草案》

# <u>條次</u>

建議修正案

6(4)

刪去該條而代以 —"在第 14(7)條之後—

# 加入

(8)處長須在法例生效起計每 12 個月就附表 1A 中指明的款額作出檢討,並須在該次檢討 後,藉於憲報刊登的公告,修訂有關款額。修 訂後的款額,不得低於現行水平。 (9)在本條中一

**產假未段期間(latter period of maternity leave)** 就某女性僱員而言,指該僱員根據第 12(2)(a)條享有並放取的產假期間,但不包括 該段期間的首10個星期。""

(Translation)

"This Panel supports proposing the following amendment in the name of the Panel:

#### Amendment proposed by Dr Hon Helena WONG Pik-wan Employment (Amendment) Bill 2019

<u>Clause</u>	Amendment Proposed
6(4)	<ul> <li>By deleting the clause and substituting — "After section 14(7)—</li> <li>Add <ul> <li>(8)The Commissioner shall review the amount specified in Schedule 1A every 12 months after the commencement of the Ordinance, and upon every review, amend the amount by notice published in the Gazette. The amount so amended shall not fall below the existing level.</li> <li>(9) In this section —</li> </ul> </li> <li><i>latter period of maternity leave</i> (產假未段期間), in relation to a female employee, means the period of maternity leave taken by the employee and to which the employee is entitled under section 12(2)(a), but does not include the first 10 weeks of the period." "</li> </ul>

34. <u>The Chairman</u> put to vote the proposal of proceeding with the motion. <u>The Chairman</u> declared that four members voted for and no member voted against the proposal to proceed with the motion, and five members did not vote. He declared that the proposal was carried.

Action

35. <u>The Chairman</u> then put Dr Helena WONG's motion to vote. <u>The Chairman</u> declared that seven members voted for the motion, no member voted against it, and two members did not vote. He declared that the motion was carried. As such, he would, in his capacity of the Panel Chairman, move the above proposed amendment on behalf of the Panel.

#### Motions moved by Dr Fernando CHEUNG

36. <u>The Chairman</u> put to vote the proposal of proceeding with Dr Fernando CHEUNG's motion. <u>The Chairman</u> declared that four members voted for and no member voted against the proposal to proceed with the motion, and five members did not vote. He declared that the proposal was carried.

37. At members' suggestion, <u>Dr Fernando CHEUNG</u> agreed that the two proposed amendments in his motion would be split into two motions.

38. <u>Dr Fernando CHEUNG</u> moved the first motion as follows:

"本事務委員會應在委員會審議階段,動議修正《2019年僱傭(修訂)條例草案》,旨在修訂《草案》第6(4)條,將產假末段期間(即額外四個星期)的產假薪酬上限的修訂程序,由《草案》建議的由勞工處處長藉憲報刊登的公告修訂,改為由立法會藉憲報刊登的決議修訂。"

#### (Translation)

"This Panel should move an amendment to the Employment (Amendment) Bill 2019 during the Committee Stage which seeks to amend clause 6(4) of the Bill to revise the mechanism of amending the cap on the maternity leave pay for the latter period of maternity leave (i.e. the additional four weeks), such that the cap is to be amended by the Legislative Council by resolution published in the Gazette, instead of by the Commissioner for Labour by notice published in the Gazette as proposed in the Bill."

39. <u>The Chairman</u> put Dr Fernando CHEUNG's first motion to vote. <u>The Chairman</u> said that four members voted for and no member voted against the motion, and four members did not vote. He declared that the motion was carried. As such, he would, in his capacity of the Panel Chairman, move the above proposed amendment on behalf of the Panel. 40. <u>Dr Fernando CHEUNG</u> moved the second motion as follows:

"本事務委員會應在委員會審議階段,動議修正《2019年僱傭(修訂)條例草案》,旨在修訂《草案》第13條,將產假末段期間的 產假薪酬上限,由《草案》建議的36,822元,改為100,000元。"

# (Translation)

"This Panel should move an amendment to the Employment (Amendment) Bill 2019 during the Committee Stage which seeks to amend clause 13 of the Bill to the effect that the cap on the maternity leave pay for the latter period of maternity leave is to be revised from \$36,822 as proposed in the Bill to \$100,000."

41. <u>The Chairman</u> put to vote the proposal of proceeding with the motion. <u>The Chairman</u> declared that four members voted for and no member voted against the proposal to proceed with the motion, and four members did not vote. He declared that the proposal was carried.

42. <u>The Chairman</u> put Dr Fernando CHEUNG's second motion to vote. <u>The Chairman</u> said that four members voted for and no member voted against the motion, and four members did not vote. He declared that the motion was carried. As such, he would, in his capacity of the Panel Chairman, move the above proposed amendment on behalf of the Panel.

Motion moved by Dr KWOK Ka-ki

43. <u>The Chairman</u> ruled that Dr KWOK Ka-ki's motion was directly related to the agenda item. <u>Members</u> agreed that the motion should be proceeded with.

44. <u>Dr KWOK Ka-ki</u> moved the following motion:

"本事務委員會要求政府在刊憲當日,符合條例之懷孕婦女立即 可獲14週產假。"

# (Translation)

"This Panel requests the Government to entitle those pregnant women who meet the criteria stipulated in the Ordinance to 14-week maternity leave with immediate effect from the date of publication of the Ordinance in the Gazette." 45. <u>The Chairman</u> put Dr KWOK Ka-ki's motion to vote. <u>The Chairman</u> said that all members present unanimously voted for the motion and declared that the motion was carried. <u>Dr KWOK</u> indicated his intention to propose the above amendment to the Bill under his own name.

46. <u>ALA3</u> advised that he would draft the amendments to be moved by the Panel Chairman on behalf of the Panel and circulate for members' reference.

47. In concluding the discussion, <u>the Chairman</u> said that a report of the Panel on deliberations of issues relating to the Bill would be submitted to the Council in accordance with RoP 77(14).

48. There being no other business, the meeting ended at 10:31 am.

Council Business Division 2 <u>Legislative Council Secretariat</u> 2 September 2020