

Employment (Amendment) (No. 2) Bill 2017

Debate and voting arrangements

Object of the Bill : To amend the Employment Ordinance (Cap. 57) and the Employment Agency Regulations (Cap. 57 sub. leg. A) to:

- (a) increase the maximum penalties for the offences of unlicensed operation of employment agencies (“EAs”) and overcharging of commission from job seekers by EAs;
- (b) extend the scope of the offence of overcharging of commission from job seekers by EAs to persons associated with licence holders of EAs and certain other persons;
- (c) amend the grounds for refusing to issue or renew, or for revoking, a licence to operate an EA; and
- (d) empower the Commissioner for Labour to issue codes of practice for EAs.

First debate	: Clauses with no - Clauses 1 to 6, 8, 9 and 10 amendment
Voting	: To vote on the above clauses standing part of the Bill together
Second debate	: Clause with amendments - Clause 7 proposed by the Secretary for Labour and Welfare (“SLW”) and Dr Hon Fernando CHEUNG
Joint debate on the original clause and the amendments.	
Debate theme: Time limit for prosecution of offences of unlicensed operation of EAs and overcharging of commission from job seekers by EAs	
<u>SLW’s amendment</u>	
Clause 7	
– To amend the proposed section 60 in clause 7 of the Bill by adding a new subsection 7A to extend the time limit for prosecution of an offence of unlicensed operation of EAs and overcharging of commission from job seekers by EAs to within 12 months after the date of the commission of the offence.	
<u>Dr Hon Fernando CHEUNG’s amendment</u>	
Clause 7	
– To extend the time limit for the above prosecution to within 24 months after the date of the commission of the offence.	

Mover	Voting	Remarks	Amendment(s)
SLW	SLW's amendment (clause 7)	If SLW's amendment is passed, Dr Hon Fernando CHEUNG may not move his amendment.	LC Paper No. <u>CB(3) 303/17-18</u>
Dr Hon Fernando CHEUNG	Dr CHEUNG's amendment (clause 7)	If SLW's amendment is negated, Dr Hon Fernando CHEUNG may move his amendment.	LC Paper No. <u>CB(3) 322/17-18</u>

SLW's amendment

(set out in LC Paper No. CB(3) 303/17-18 issued on 23 January 2018)

Dr Hon Fernando CHEUNG's amendment

(set out in LC Paper No. CB(3) 322/17-18 issued on 29 January 2018)

Council Business Division 3
Legislative Council Secretariat
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