

## **Complaint and Detection Cases on Breach of Tender Offers** **投訴及發現違約個案**

Since the Government introduced the new tender assessment system in mid-2001, the Government has detected 13 cases on breach of tender offers by the contractors, including 11 cases in respect of working hours for non-skilled workers and two cases in respect of wages for non-skilled workers. In addition, the Government has received three complaint cases in respect of wages for non-skilled workers. Details of these cases are as follows :

自政府於2001年中引用新標書評分制度後，共發現13個有關承辦商違反他們投標時所作出的建議的個案。其中11個個案有關非技術工人的工時，其餘2個個案有關非技術工人的工資。此外，政府收到3個有關非技術工人工資的投訴，詳情如下；

### **Detection Case 1**

During the checking of the attendance records of the workers working for the contract for provision of street cleansing services in Kwun Tong Western Areas for the month of November 2001, FEHD found that some workers had worked for more than ten hours on a number of days. The contract manager explained, upon an enquiry by the department, that due to a sudden shortage of manpower, the workers were asked to work extended hours. The contractor did pay extra wages to the workers. However, such an arrangement was a breach of the commitment made by the contractor in the contract that the daily maximum working hour for workers was ten. A default notice was issued to the contractor in respect of the breach.

### **發現個案一**

在查核二零零一年十一月的值勤記錄時，食環署發現有部分受聘為觀塘西街道潔淨服務合約提供服務的承辦商工人在某些日子工作超過10小時。該署遂向承辦商查詢此事。合約事務經理解釋那是因為有工人臨時缺勤，以致人手不足，故要求工人加班，以便能為署方提供合約規定的服務。雖然承辦商有支付額外工資予有關工人，但由於有關安排違反承辦商在合約內的承諾，即工人每日工作時數上限為10小時，因此，該署向承辦商發出違約通知書。

## **Detection Case 2**

During the checking of the attendance records of the workers working for the contract for provision of street cleansing services in Kwun Tong Western Areas for the month of February 2002, FEHD found that some workers had worked for more than 10 hours on a number of days. The contract manager explained, upon an enquiry by the department, that due to a sudden shortage of manpower, the workers were asked to work extended hours in order to provide the required contractual services to the department. The contractor did pay extra wages to the workers. However, such an arrangement was a breach of the commitment made by the contractor in the contract that the daily maximum working hour for workers were ten. A default notice was issued to the contractor in respect of the breach.

### **發現個案二**

在查核二零零二年二月的值勤記錄時，食環署發現有部分受聘為觀塘西街道潔淨服務合約提供服務的承辦商工人在某些日子工作超過10小時。該署遂向承辦商查詢此事。合約事務經理解釋那是因為有工人臨時缺勤，以致人手不足，故要求工人加班，以便能為署方提供合約規定的服務。雖然承辦商有支付額外工資予有關工人，但由於有關安排違反承辦商在合約內的承諾，即工人每日工作時數上限為10小時，因此，該署已向承辦商發出違約通知書。

## **Detection Case 3**

During a routine inspection by staff of Cleansing Section of Wanchai District of FEHD on a street cleansing contract in Causeway Bay Area on 1.11.2001, the department found that seven cleansing workers were working more than the allowable daily maximum working hours as stated in the contract. After the issue of a default notice to the contractor, no similar irregularity was found in subsequent inspections.

### **發現個案三**

二零零一年十一月一日，食環署灣仔區潔淨組的人員就一份在銅鑼灣提供潔淨服務的合約進行例行巡查時，發現有七名潔淨工人的工作時間超出合約所載核准每日工作時數上限。該署向承辦商發出違約通知書後，在巡查時再沒有發現類似情況。

**Detection Case 4**

On 1.11.2001 17 workers of the cleansing contractor were found working more than ten hours by the Market Staff of Eastern District of FEHD. The contractor was verbally warned to rectify the default and issued with a default notice afterwards.

**發現個案四**

二零零一年十一月一日，食環署東區環境衛生辦事處街市組人員發現潔淨服務承辦商有17名工人工作超過10小時，於是口頭警告承辦商糾正違約情況，其後再向承辦商發出違約通知書。

**Detection Case 5**

On 2.11.2001 ten workers of the cleansing contractor were found working more than ten hours by the Market Staff of Eastern District of FEHD. The contractor was verbally warned to rectify the default and issued with a default notice afterwards.

**發現個案五**

二零零一年十一月二日，食環署東區環境衛生辦事處街市組人員發現潔淨服務承辦商有10名工人工作超過10小時，於是口頭警告承辦商糾正違約情況，其後再向承辦商發出違約通知書。

**Detection Case 6**

On 3.11.2001 nine workers of the cleansing contractor were found working more than ten hours by the Market Staff of Eastern District of FEHD. The contractor was verbally warned to rectify the default and issued with a default notice afterwards.

**發現個案六**

二零零一年十一月三日，食環署東區環境衛生辦事處街市組人員發現潔淨服務承辦商有9名工人工作超過10小時，於是口頭警告承辦商糾正違約情況，其後再向承辦商發出違約通知書。

**Detection Case 7**

On 4.11.2001 nine workers of the cleansing contractor were found working more than ten hours by the Market Staff of Eastern District of FEHD. The contractor was verbally warned to rectify the default and issued with a default notice afterwards.

**發現個案七**

二零零一年十一月四日，食環署東區環境衛生辦事處街市組人員發現潔淨服務承辦商有9名工人工作超過10小時，於是口頭警告承辦商糾正違約情況，其後再向承辦商發出違約通知書。

**Detection Case 8**

On 5.11.2001 nine workers of the cleansing contractor were found working more than ten hours by the Market Staff of Eastern District of FEHD. The contractor was verbally warned to rectify the default and issued with a default notice afterwards.

**發現個案八**

二零零一年十一月五日，食環署東區環境衛生辦事處街市組人員發現潔淨服務承辦商有9名工人工作超過10小時，於是口頭警告承辦商糾正違約情況，其後再向承辦商發出違約通知書。

**Detection Case 9**

On 6.11.2001 nine workers of the cleansing contractor were found working more than ten hours by the Market Staff of Eastern District of FEHD. The contractor was verbally warned to rectify the default and issued with a default notice afterwards.

**發現個案九**

二零零一年十一月六日，食環署東區環境衛生辦事處街市組人員發現潔淨服務承辦商有9名工人工作超過10小時，於是口頭警告承辦商糾正違約情況，其後再向承辦商發出違約通知書。

**Detection Case 10**

On 7.11.2001 four workers of the cleansing contractor were found working more than ten hours by the Market Staff of Eastern District of FEHD. The contractor was verbally warned to rectify the default and issued with a default notice afterwards.

**發現個案十**

二零零一年十一月七日，食環署東區環境衛生辦事處街市組人員發現潔淨服務承辦商有4名工人工作超過10小時，於是口頭警告承辦商糾正違約情況，其後再向承辦商發出違約通知書。

**Detection Case 11**

On 13.2.2002 one worker of the cleansing contractor was found working more than ten hours by the Market Staff of Eastern District of FEHD. The contractor was verbally warned to rectify the default and issued with a default notice afterwards.

**發現個案十一**

二零零二年二月十三日，食環署東區環境衛生辦事處街市組人員發現潔淨服務承辦商有一名工人工作超過10小時，於是口頭警告承辦商糾正違約情況，其後再向承辦商發出違約通知書。

**Detection Case 12**

The cleansing contractor was required to submit the wages record of the staff for checking. The wages record of the contractor staff for the month of November 2001 revealed that six workers were found underpaid. A verbal warning was issued to the contractor to rectify the irregularity by the Market Staff of Eastern District of FEHD. The contractor was subsequently issued with a default notice and a warning letter on 21.2.2002. The contractor rectified the default by providing the Market Section of Eastern District a fresh wage record of the staff and remunerating the staff.

## **發現個案十二**

食環署要求潔淨服務承辦商提供工人的工資記錄以供查核。二零零一年十一月的承辦商工人工資記錄顯示，有6名工人的工資低於規定的水平。東區環境衛生辦事處街市組人員口頭警告承辦商糾正違約情況，並隨後於二零零二年二月二十一日向承辦商發出違約通知書和警告信。承辦商其後向東區街市組提供新的工人工資記錄，顯示已糾正違規發薪的情況，並向工人補回少發的工資。

### **Detection Case 13**

The cleansing contractor was required to submit the wages record of the staff for checking. The wages record of the contractor staff for the month of December 2001 revealed that five workers were found underpaid. A verbal warning was issued to the contractor to rectify the irregularity by the Market Staff of Eastern District of FEHD. The contractor was subsequently issued with a default notice and a warning letter on 21.2.2002. The contractor rectified the default by providing the Market Section of Eastern District a fresh wage record of the staff and by remunerating the staff.

## **發現個案十三**

食環署要求潔淨服務承辦商提供工人的工資記錄以供查核。二零零一年十二月的承辦商工人工資記錄顯示，有5名工人的工資低於規定的水平。食環署東區環境衛生辦事處街市組人員口頭警告承辦商糾正違約情況，並隨後於二零零二年二月二十一日向承辦商發出違約通知書和警告信。承辦商其後向東區街市組提供新的工人工資記錄，顯示已糾正違規發薪的情況，並向工人補回少發的工資。

### **Complaint Case 1**

A complaint case was reported in a newspaper in November 2001, in which the allegation of exploitation of wage and holiday was made in respect of workers for a street cleansing service contract awarded by FEHD. After investigation, FEHD found that the contractor had paid the wages and granted the holidays to the concerned staff in accordance with the terms of the concerned employment contracts. Accordingly, the complaint was found unsubstantiated.

## **投訴個案一**

在二零零一年十一月有一份報章報導一宗投訴個案，指食環署一份街道潔淨服務合約的工人在工資及假期方面遭受剝削。食環署經調查後證實承辦商已根據有關僱傭合約的規定給予有關員工工資和假期，因此，投訴並不成立。

## **Complaint Case 2**

A complaint case was referred to FEHD by the Independent Commission Against Corruption in January 2002, in which the allegations of exploitation of wage and deception of service charge were made in respect of the workers employed in a contract for provision of service for removal of illegal bills and posters. After investigation, FEHD found that the contractor had paid the wages in accordance with the concerned employment contracts to the concerned staff and that there had been no deception of service charge. Accordingly, the complaint was found unsubstantiated.

## **投訴個案二**

廉政公署在二零零二年一月轉介一宗投訴個案，指食環署一份清除非法招貼及海報服務合約的工人在工資方面遭受剝削及被騙取服務費用。該署經調查後證實承辦商已根據有關僱傭合約的規定給予有關員工工資，因此，投訴並不成立。

## **Complaint Case 3**

A complaint letter dated 28.5.2002 was referred by a LegCo Member about outstanding payment of wages for the month of March 2002 for six workers employed in an FEHD cleansing service contract. After FEHD had contacted the contractor concerned, the six workers concerned were paid the outstanding wages on 4.6.2002.

## **投訴個案三**

食環署收到一封由一位立法會議員轉介的投訴信，信件日期為二零零二年五月二十八日。投訴信指出該署一份潔淨服務合約的6名工人仍未獲發放二零零二年三月份的工資。經該署聯絡有關承辦商後，該6名工人已於二零零二年六月四日獲發放有關工資。