

香港工業總會 Federation of Hong Kong Industries

18 June 2003

Mrs Percy Ma
Clerk to the Panel on Administration of
Justice and Legal Services
Legislative Council
Legislative Council Building
8 Jackson Road
Hong Kong

Dear Mrs Ma,

Operation of the Labour Tribunal

Thank you for your letter of 19 May 2003 inviting our views on the operation of the Labour Tribunal.

In order to collect our members' views on this subject, we conducted a survey early this month. The key findings of the survey are presented below for the consideration of the Joint Panels.

1. Of the replying companies, 38 indicated that they had attended hearings conducted by the Labour Tribunal in recent years.
2. Among these 38 companies, 14 (36.8%) considered the waiting time between case registration and actual hearing by the Labour Tribunal too long.
3. A majority of the responding companies (23 companies or 60.5 %) considered the procedures involved in a Labour Tribunal hearing too cumbersome and time-consuming.
4. When asked whether the Tribunal officer(s) and Presiding officer(s) performed in an impartial manner when handling their case(s), 23 companies (60.5%) replied in the negative.
5. As for the overall operation of the Labour Tribunal, only 16 companies (42%) were satisfied.

6. The areas with which they were not satisfied include:

- Presiding and Tribunal officers were not professional enough;
- in some cases, Tribunal and Presiding officers appeared to favour employees;
- some Presiding officers had induced employers to settle their case with employees;
- Presiding and Tribunal officers had not allowed sufficient time for employers to explain their cases thoroughly;
- hearings had to be re-scheduled occasionally, even though claimants and defendants had already waited for a whole morning or afternoon outside the courtroom;
- incidences of hearing delay were rather common; and
- the area for case hearing was too small and the environment was not good enough.

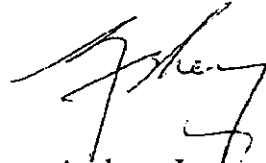
7. The responding companies also made a number of suggestions about how the operation of the Labour Tribunal can be improved or enhanced. Their suggestions are summarised as below:

- Tribunal officers should be less bureaucratic and investigate each case more thoroughly based on objective evidence obtained from both claimants and defendants.
- Presiding officers should be punctual and friendly to both claimants and defendants, and perform their role in an impartial manner.
- Tribunal officers should reduce their workload by explaining to the parties in dispute what is their legal position by making reference to the legislation. If the parties can understand their position better, probably some of the disputes could have been resolved at an early stage instead of pressing for a hearing.
- Instead of requiring claimants and defendants of different cases to report to the Tribunal as a group (i.e. in the early morning or afternoon), the claimants and defendants of each case should be assigned a specific reporting time. This would avoid wasting their waiting time outside the courtroom.
- Presiding officers should send questions to claimants and defendants in advance so that both parties could get better prepared for the actual hearings.

- Tribunal rulings should be made available to all parties concerned within seven working days.

We hope the above findings and suggestions will be useful to the Joint Panel in discussing the operation of the Labour Tribunal.

Yours sincerely,



Andrew Leung
Deputy Chairman