

**Information on prosecution of wage offences
under the Employment Ordinance
(For the fourth quarter and full year of 2003)**

Introduction

Further to the information note on the prosecution of wage offences submitted to Members of the LegCo Panel on Manpower in October 2003, the Administration now provides an update on the prosecution figures for the fourth quarter as well as the full year of 2003.

Prosecution Figures

2. Figures on the summonses heard, convicted, dismissed or withdrawn for late payment or non-payment of wages under the Employment Ordinance in the fourth quarter of 2003, as compared with the same quarter in 2002, are as follows:

	2003 (Q4)	2002 (Q4)
Summonses heard	142	61
Summonses convicted	89	43
Summonses dismissed/ offered no evidence *	4	10
Summonses withdrawn	49	8

3. Figures for the full year of 2003 as compared with that of 2002 are as follows:

	2003	2002
Summonses heard	588	198
Summonses resulting in conviction	445	139
Summonses dismissed/ offered no evidence *	38	32
Summonses withdrawn	105	27

Note: * There were incidences in which the prosecution offered no evidence on summonses issued after the defendant took plea in court. The reasons generally included the employee withdrawing his willingness to testify in court or the defendant being declared insolvent or bankrupt.

Analysis

4. For the fourth quarter of 2003, the number of summonses resulting in conviction for late payment or non-payment of wages was 89 - more than double the figure for the same period in 2002. For the full year of 2003, the number of successful convictions, at 445, amounted to a significant increase of 220% over the year 2002. This is an all-time high and demonstrates the determination of the Labour Department in tackling wage offences.

5. During the fourth quarter of 2003, two successful prosecution cases were noteworthy. In one case, a company director was convicted and fined \$10,000 for failing to pay wages to two employees of the body corporate before the statutory time limit. It is the first case in which a company director was held liable for the wage offences committed by a body corporate. In another, an employer of a foreign domestic helper was convicted and fined \$9,000 for underpayment and late payment of wages.

Labour Department
Economic Development and Labour Bureau
February 2004