

**Information on prosecution of wage offences
under the Employment Ordinance**

Introduction

Further to the information note on the prosecution of wage offences submitted to Members of the LegCo Panel on Manpower in April 2003, the Administration now provides an update on the prosecution figures for the second quarter as well as the first half of 2003.

Latest prosecution figures for 2003

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 Figures on the summonses heard, convicted, dismissed or withdrawn for late payment or non-payment of wages under the Employment Ordinance in the second quarter of 2003, as compared with the same quarter in 2002, are as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

	2003 (Q2)	2002 (Q2)
Summonses heard	172	29
Summonses resulting in conviction	132	13
Summonses dismissed/ offered no evidence *	27	13
Summonses withdrawn	13	3

3. Figures for the first half of 2003 as compared with the same period in 2002 are as follows:

	2003 (first half year)	2002 (first half year)
Summonses heard	276	90
Summonses resulting in conviction	225	63
Summonses dismissed/ offered no evidence *	27	19
Summonses withdrawn	24	8

Note: * There were incidences in which the prosecution offered no evidence on summonses issued after the defendant took plea in court. Reasons generally included the employee withdrew his willingness to testify at court or the defendant was wound up or bankrupt.

4. For the second quarter of 2003, the number of summonses resulting in conviction for late payment or non-payment of wages was 132. This represents a hefty 10-fold increase over the corresponding period in 2002. For the first half of 2003 the number of successful convictions, at 225, amounts to a significant 257% increase over the same period last year, and far exceeds the full-year figure of 139 in 2002. The significant increase in successful convictions during the first half of this year shows that the intensified efforts of the Labour Department in prosecuting wage offences are bearing fruit.

5. During the period, two successful prosecution cases were particularly noteworthy. In one case, an employer who had paid his Indonesian domestic helper below the minimum allowable wage was fined \$10,600. In another case, a telecommunications company was fined \$30,000 for not paying wages to its employee within seven days after the day of termination of employment.

6. The Labour Department will continue its efforts to take out prosecution whenever there is sufficient evidence to establish a wage offence under the Employment Ordinance.