



By Fax: 2509 0775

**Labour Department (Headquarters)**

**勞工處 (總處)**

Your reference 來函編號 : CB2/PL/MP  
Our reference 本處檔案編號 : LD/CR 814/1  
Tel. number 電話號碼 : 2852 4099  
Fax number 傳真機號碼 : 2544 3271

17 July 2008

Mr Raymond LAM  
Clerk to Panel/Chief Council Secretary (2)1  
Council Business Division 2  
Legislative Council Secretariat  
3rd floor, Citibank Tower  
3 Garden Road  
Hong Kong

Dear Mr LAM,

### **Panel on Manpower**

#### **List of follow-up actions**

#### **Provision of statistical information (Items 8 & 16)**

I refer to items 8 and 16 of the Panel's List of follow-up actions (position as at 13 June 2008) requesting the Administration to provide statistics on cases of unreasonable and unlawful dismissal (UUD) and a breakdown by industry of statistics on non-"4-18" employees, respectively. Our response is as follows.

#### **Statistics on cases of UUD (Item 8)**

At the meeting held on 18 January 2007, we reported on the latest position of our efforts to tackle wage offences and agreed to provide Members with statistics on cases in which the employers were ordered to pay remedies under the Employment Ordinance (EO) in respect of UUD in the past few years. The relevant information, provided by the Labour Tribunal (LT), is given in the ensuing paragraph for Members' reference.

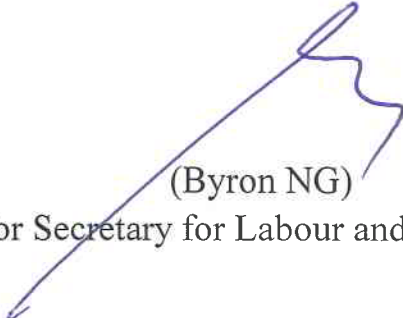
In the past three years, the figures on the awards of compensation/ terminal payments under sections 32P and 32O of the EO involving UUD made by the LT are listed as follows:

	No. of awards of compensation (awarded amount)	No. of awards of terminal payments <sup>1</sup> (awarded amount)
2005	12 (\$210,734.17)	19 (\$184,146.97)
2006	12 (\$284,800.00)	9 (\$28,299.08)
2007	14 (\$247,201.13)	4 (\$52,748.80)

**Breakdown by industry of statistics on non-“4-18” employees (Item 16)**

At the meeting held on 17 January 2008 to discuss the report on the result of the Census and Statistics Department’s survey on ‘Benefits of employees under the Employment Ordinance’, the Administration was requested to provide further breakdown by industry of the 42 900 non-“4-18” employees who worked at least 18 hours per week but did not expect to work continuously for four weeks or more in the present job at the time of enumeration. The requested breakdown provided by the Census and Statistics Department is at the Annex for Members’ information.

Yours sincerely,



(Byron NG)  
for Secretary for Labour and Welfare

Encl.

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<sup>1</sup> The awards of terminal payments may include cases of UUD, unreasonable variation of terms of the employment contract and unreasonable dismissal. The LT does not keep separate statistics solely for UUD.

按行業劃分的在現職每周工作不少於18小時並在統計時預計不會連續工作四周或以上的非「4-18」僱員<sup>@</sup>數目

**Non "4-18" employees<sup>@</sup> who worked at least 18 hours per week and did not expect to work continuously for 4 weeks or more in the present job at the time of enumeration by industry**

行業 Industry	人數 No. of persons ('000)	百分比 %
建造業 Construction	34.4	80.2
批發、零售、進出口貿易、飲食及酒店業 Wholesale, retail and import/export trades, restaurants and hotels	4.8	11.3
運輸、倉庫及通訊業 Transport, storage and communications	2.1	4.9
其他 Others	1.6	3.6
合計 Overall	42.9	100.0

註釋：@ 以在統計時僱員在其現職的服務期間及每周通常工作時數界定他/她是否為非「4-18」僱員。  
Note : The classification of non "4-18" employees is based on the employee's length of service and usual hours of work per week in his/her present job at the time of enumeration.