

(English Translation)

Judiciary's Response to the "Views of the Hong Kong Catholic Commission for Labour Affairs on enhancement of the claims mechanism in respect of labour disputes handled by the Labour Tribunal"

Concerns about the waiting time for handling claims filed

1. Generally, the Labour Tribunal (the Tribunal) will arrange for the first hearing of a claim to be conducted within 10 to 30 days after it has been filed. The Tribunal will make inquiry into the claim and collect written statements and facts concerning the claim.

2. The time taken to conclude a claim depends on the nature and the circumstances of individual claims, and the time taken by the claimant and the respondent in providing information and evidence. According to the overall statistics collected by the Tribunal, in the period from September 2006 to October 2007, of the 7358 concluded cases, over 80% were concluded within one month after the date of filing.

3. It is noted that the survey conducted by the Hong Kong Catholic Commission for Labour Affairs covers only 44 concluded cases, which represents 0.6% of the total number of the concluded cases. Obviously, there is a substantial discrepancy between their result and the overall statistics of the Tribunal.

Concerns about the Tribunal's compliance with the undertaking in reducing the number of conciliation attempts

4. After the release of the Report of the Working Party on the Review of the Labour Tribunal in June 2004, direction has been given to Tribunal Officers to comply with the recommendation(s) of the Working Party.

5. According to the recommendation(s), a Tribunal Officer who is involved in the inquiry of a claim will not be involved in assisting the Presiding

Officer in settling the claim. After a claim is filed in the Tribunal, except in those cases where the parties had not previously sought the assistance of the Labour Relations Division (LRD) of the Labour Department, there should only be one attempt by the Tribunal at settlement at the call-over hearing. The Tribunal Officer dealing with the inquiry of the claim will not attempt to assist the parties to settle the claim. Where the LRD has not attempted conciliation before the claim is brought in the Tribunal, the Settlement Tribunal Officer will assist the parties to attempt settlement if the parties wish to do so before the call-over hearing. At the call-over hearing, the Presiding Officer would explain the option of settlement and if the parties so wish, assist them to reach a settlement or in appropriate cases, refer them to a Settlement Tribunal Officer who is not involved in the inquiry of the claim for assistance.

Concerns about employees not being able to recover the judgment sum after being awarded

6. The Tribunal is a civil court. Its responsibilities are to hear and determine claims that are within its jurisdiction. The parties bear the responsibilities of enforcing the judgments if they are not complied with. The question of how to assist employees to recover any unpaid judgment sum by administrative measures is a matter for the relevant department(s) of the Administration.

Judiciary Administration
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