

政府總部
發展局
工務科
香港花園道美利大廈



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Development Bureau
Government Secretariat
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Ms. Anita SIT,
Council Business Division
Legislative Council Secretariat
3rd floor, Citibank Tower,
3 Garden Road, Hong Kong

16 October 2009

Fax : 2869 6794

Dear Ms SIT,

**Panel on Development
Labour Relations Officers**

Our reply to your letter dated 30 September is as follows -

- (a) The works departments have been closely monitoring the employment of Labour Relations Officers (LROs) by the consultants/contractors. Whenever vacancies arise, the concerned departments would urge the consultants/contractors to recruit suitable candidates to fill the vacancies as soon as possible, and ensure that the duties of the LROs would be taken up by other appropriate members of the resident site staff in the interim.

Nevertheless, to enhance the appointment procedure, we would stipulate in new consultancy agreements/works contracts that the consultants/contractors are required to nominate suitable persons as LROs for the approval of the works departments within a specified period after commencement of the works. Moreover, in our agreements/contracts, we would remind consultants/contractors that failure to employ LROs as required may subject them to regulatory action.

- (b) At present, where works contracts are managed by the works departments, the contractors are responsible for employing LROs. The LROs are deployed to work in the site offices of the works departments. They are directly accountable to the Engineers/Architects of the works departments for implementing measures to prevent non-payment of wages and provident fund contributions under the works contracts. Contractors are required to seek approval from the Engineers/Architects before employing or dismissing LROs. Such arrangement ensures that contractors cannot exert undue influence on the work of LROs.

As most of the previous cases of non-payment of wages were related to sub-contractors, the work of LROs can help the main contractors to monitor the payment of wages by sub-contractors. As this will in fact contribute to the management work of the main contractors, the arrangement for the main contractors to employ LROs is not improper.

Nevertheless, we, in collaboration with the works departments, have reviewed the employment of LROs by contractors. Improvement measures identified include, among others, strengthening the supervision of LROs by Engineers/Architects of the works departments on their implementation of the measures to prevent non-payment of wages, so as to ensure that the work of LROs will not be unduly influenced by the contractors.

- (c) Sections 41 and 41C of the Employment Ordinance set out clearly the method in calculating the holiday pay and the annual leave pay. Moreover, the existing measures to prevent non-payment of wages also require the contractors and their sub-contractors to submit to the Engineers/Architects copies of the written employment contracts of the workers and their attendance records. The LROs would have sufficient information for monitoring wage payment to protect the workers' rights against wage arrears. As such, we consider it not necessary to require the contractors to submit written notices of terminating the employment of the workers to the LROs.

Should there be any enquiries, please feel free to contact me or Mr Jacky CHIONG, Technical Secretary of the DEVB (Tel. 2848 1108).

Yours faithfully,

(W W CHUI)
for Secretary for Development