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### Replies to supplementary questions raised by Finance Committee Members in examining the Estimates of Expenditure 2015-16

Director of Bureau : Secretary for Labour and Welfare

Session No. : 19

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**CONTROLLING OFFICER'S REPLY****S-LWB(L)01****(Question Serial No. S0121)**

Head: (90) Labour Department

Subhead (No. & title): ( )

Programme: (4) Employees' Rights and Benefits

Controlling Officer: Commissioner for Labour (Donald TONG)

Director of Bureau: Secretary for Labour and Welfare

Question:

Subsequent to Reply Serial No. LWB(L)007, would the Government provide further information:

- (a) In 2012, 2013 and 2014, the numbers of complaints and reported cases in respect of illegal employment received by the Labour Department (LD) were 225, 260 and 273 respectively. What were the industries and job titles involved? Were any employers consequently prosecuted and convicted? If yes, what were the details? If no, what were the reasons?
- (b) Does the Government have any plan to increase the penalties for employing illegal workers so as to enhance the deterrent effect? If yes, what are the details? If no, what are the reasons?

Asked by: Hon CHAN Yuen-han (Member Question No. )

Reply:

The information sought is provided as follows:

- (a) In 2012, 2013 and 2014, the numbers of complaints and reported cases in respect of illegal employment received by LD were 225, 260 and 273 respectively. A breakdown of the complaints and reported cases by industry is provided below:

| Industry  | 2012 | 2013 | 2014 |
|---|------|------|------|
| Catering  | 55   | 90   | 97   |
| Import/Export, Wholesale and Retail Trades                                    | 44   | 51   | 63   |
| Finance, Insurance, Real Estate, Professional and Business Service Activities | 29   | 22   | 24   |
| Construction  | 27   | 24   | 23   |
| Social and Personal Service Activities  | 20   | 18   | 26   |

| Industry   | 2012 | 2013 | 2014 |
|--|------|------|------|
| Transportation, Storage, Courier, Information and Communications | 14   | 12   | 17   |
| Manufacturing  | 6    | 9    | 4    |
| Others   | 30   | 34   | 19   |
| Total  | 225  | 260  | 273  |

LD does not have a breakdown of these complaints and reported cases by job title.

LD conducts intelligence-based inspections and mounts targeted operations jointly with the Immigration Department (ImmD) and the Police to combat illegal employment. Detected cases of illegal employment are taken up by ImmD or the Police for further investigation and prosecution as appropriate. The investigation and/or prosecution work is/are undertaken by other enforcement departments. LD does not have details of the prosecution cases.

- (b) At present, the maximum penalty under the Immigration Ordinance for any person who works illegally is a fine of \$50,000 and two years' imprisonment, whilst that for employing a person who is not lawfully employable stands at a fine of \$350,000 and three years' imprisonment. In September 2004, the Court of Appeal laid down a sentencing guideline for the offence of employing illegal workers. Under the guideline, even a first-time offender employing an illegal worker on a casual basis should be sentenced to three months' immediate imprisonment upon conviction. The sentence should be increased if there are aggravating factors such as the offender employing a number of illegal workers or having previously committed the offence in question. The Court of Appeal also reiterated that the persons employed were relatives or clansmen did not constitute mitigating factors. The Government believes that the maximum penalties and sentencing guidelines laid down by the Court appropriately reflect the gravity of the related offences and provide effective deterrence. If the sentences of individual cases are considered as inadequate, the enforcement departments will seek the advice of the Department of Justice on whether an application for a sentence review or for leave to appeal against the sentence should be made.

- End -

**CONTROLLING OFFICER'S REPLY**

**S-LWB(L)02**

**(Question Serial No. S0122)**

Head: (90) Labour Department  
Subhead (No. & title): ( )  
Programme: (1) Labour Relations  
Controlling Officer: Commissioner for Labour (Donald TONG)  
Director of Bureau: Secretary for Labour and Welfare

Question:

According to Reply Serial No. LWB(L)008, the Labour Department (LD) will promote a friendly working environment for mature persons through a range of educational and promotional activities with a view to encouraging mature persons to stay in or return to the employment market. How will the Government assess the effectiveness of the various activities, and what is the expected impact of the related work on elderly labour supply?

Asked by: Hon CHAN Yuen-han (Member Question No.)

Reply:

LD will collect feedback from various stakeholders from time to time to help assess the effectiveness of its work on promoting friendly employment practices for mature persons and will adjust the promotional strategy accordingly. Apart from the above, LD will also introduce other employment support measures for mature persons in 2015-16. It is believed that these measures will attract more mature persons and retirees to re-join the employment market or stay longer in the labour force, and help unleash and harness the potential labour force of mature persons.

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**CONTROLLING OFFICER'S REPLY****S-LWB(L)03****(Question Serial No. SV027)**Head: (90) Labour DepartmentSubhead (No. & title): (-) Not SpecifiedProgramme: (3) Safety and Health at WorkControlling Officer: Commissioner for Labour (Donald TONG)Director of Bureau: Secretary for Labour and WelfareQuestion:

Pursuant to reply no. LWB(L)018, the Administration is requested to provide breakdown by age of victims of injury and fatal cases in the construction industry in the past three years (i.e. 2012-13, 2013-14 and 2014-15).

Asked by: Hon CHIANG Lai-wan (Member Question No.)Reply:

A breakdown of industrial accidents of injury and fatal cases in the construction industry by age of victims in 2012, 2013 and the first three quarters of 2014 is set out in the following table:

| Age Group   | 2012       | 2013       | First Three Quarters of 2014 |
|-------------|------------|------------|------------------------------|
| 19 or below | 36         | 22         | 14                           |
| 20-24       | 141 (2)    | 131        | 132 (1)                      |
| 25-29       | 162 (1)    | 171 (1)    | 142 (3)                      |
| 30-34       | 278 (1)    | 301 (1)    | 183 (1)                      |
| 35-39       | 358 (2)    | 358 (5)    | 267                          |
| 40-44       | 398 (4)    | 387 (1)    | 346 (2)                      |
| 45-49       | 439 (1)    | 400 (2)    | 330                          |
| 50-54       | 608 (5)    | 602 (5)    | 435 (3)                      |
| 55-59       | 484 (5)    | 551 (5)    | 461 (4)                      |
| 60 or above | 256 (3)    | 309 (2)    | 261 (2)                      |
| Total       | 3 160 (24) | 3 232 (22) | 2 571 (16) <sup>c</sup>      |

Notes: (a) Industrial accident statistics are released on a quarterly basis and the latest available statistics are up to the first three quarters of 2014. The industrial accident statistics of the full year of 2014 will be released in end-April 2015.

- (b) Figures in brackets denote the number of industrial fatalities which has also been included in the number of accidents.
- (c) The total number of industrial fatalities in 2014 is 20.

- End -

**CONTROLLING OFFICER'S REPLY**

**S-LWB(L)04**

**(Question Serial No. S0123)**

Head: (141) Government Secretariat: Labour and Welfare Bureau  
Subhead (No. & title): ( )  
Programme: (7) Subvention: Vocational Training Council (Vocational Training)  
Controlling Officer: Permanent Secretary for Labour and Welfare (Miss Annie TAM)  
Director of Bureau: Secretary for Labour and Welfare

Question:

According to Reply Serial No. LWB(L)126, the enrolment and its percentage of the total number of training places offered in respect of the beauty care and hairdressing industries have continued to drop each year since the implementation of the traineeship scheme for the services industries (the Scheme), what are the reasons? What is the amount of provision earmarked by the Administration in 2015-16 for promoting the Scheme?

Asked by: Hon CHAN Yuen-han

Reply:

The traineeship scheme for the beauty care and hairdressing industries (the Scheme) has received over 1 000 applications since its implementation in end-2011, but due to various reasons, such as employers considering applicants not suitable for the industries during interviews, or applicants giving up their training places for other development opportunities after being recruited, about 400 applicants joined the Scheme finally. In addition, there are fewer young people dropping out from school after Form 3 under the new education system, leading to a decrease of the main recruitment targets of the traineeship scheme as a whole.

In order to raise the intake rate of the Scheme, the Vocational Training Council (VTC) has organised various promotion activities, which include sending leaflets to employers, secondary schools and non-governmental organisations that are suitable to join the Scheme, and holding briefing sessions for key stakeholders in the industries, career counselling teachers and social workers. The VTC has also invited young people suitable to join the Scheme, as well as their parents, to visit the practical workshops in its training centres to allow them to have a better understanding of the training environment and facilities. Additionally, VTC has publicised the Scheme via newspaper advertisements, feature articles, roving exhibitions at shopping arcades in different districts, websites and social networking media. The VTC has also launched recruitment exercises jointly with the Youth Employment and Training Programme run by the Labour Department. The VTC will continue to step up its promotion work. The associated promotion activities are part of the on-going efforts of VTC for which no additional funding is required.

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