

港九工團聯合總會
HONG KONG & KOWLOON TRADES UNION COUNCIL

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Panel on Administration of Justice and Legal Services
Legislative Council
Chairman Dr. Hon Priscilla Leung Mei-fun, SBS, JP
Deputy Chairman Hon Dennis Kwok, Members of the Panel

19th January 2015

Dear Chairman Leung, Deputy Chairman Kwok and Members,

Our union believes the Prosecutions Division of the Justice Department has not fulfilled its Performance Pledges, "to advise law enforcement agencies in relation to criminal matters within 14 days". It also fails to comply with its Prosecution Code, to make a prosecution when there is legally sufficient evidence.

A recent example is the arrears of wages of Asia Television Limited. The delay of reply to the Labour Department from the Justice Department deterred the Labour Department from prosecuting ATV timely. It is another form of encouraging employers to delay payment of wages and affects employees' benefits.

Also we complain the Judiciary imposes too lenient fines on the offences of Employment Ordinance and thus cannot reflect the seriousness of the cases. This is the reason there are averagely 5,000 non-payment of wages cases handling by the Labour Department.

According to the Annual Report of the Labour Department, number of summons convicted concerning Employment Ordinance are 750 cases, the total fines are about 2,200,000 dollars, 3,000 dollars each averagely. Our union requests your panel to follow up and urge the government to make improvement. We are willing to express our opinion in the meeting if necessary.

Thank you for your kind attention.

Yours sincerely

Lee Kwok Keung

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Chairman



✓ cc. Council Business Division 4