

立法會  
*Legislative Council*

LC Paper No. CB(2)726/04-05  
(These minutes have been seen  
by the Administration)

Ref : CB2/PL/AJLS+MP

**Panel on Administration of Justice and Legal Services and  
Panel on Manpower**

**Minutes of joint meeting  
held on Monday, 13 December 2004 at 2:30 pm  
in Conference Room A of the Legislative Council Building**

**Members present** : Members of Panel on Administration of Justice and Legal Services

Hon Margaret NG (Chairman)  
Hon LI Kwok-ying, MH (Deputy Chairman)  
\* Hon Albert HO Chun-yan  
Hon Martin LEE Chu-ming, SC, JP  
Hon Miriam LAU Kin-ye, GBS, JP  
Hon Audrey EU Yuet-mee, SC, JP

Members of Panel on Manpower

Hon LAU Chin-shek, JP (Chairman)  
# Hon KWONG Chi-kin (Deputy Chairman)  
Hon LEE Cheuk-yan  
Hon LEUNG Yiu-chung  
Hon Andrew CHENG Kar-foo  
Hon LI Fung-ying, BBS, JP  
Hon Tommy CHEUNG Yu-yan, JP  
Hon Vincent FANG Kang, JP  
Hon WONG Kwok-hing, MH  
Hon Andrew LEUNG Kwan-yuen, SBS, JP

\* Also a member of Panel on Manpower

# Also a member of Panel on Administration of Justice and  
Legal Services

**Members absent** : Members of Panel on Administration of Justice and Legal Services

Hon Emily LAU Wai-hing, JP  
Hon MA Lik, JP

Members of Panel on Manpower

Hon CHAN Yuen-han, JP  
Hon Jasper TSANG Yok-sing, GBS, JP  
Hon Abraham SHEK Lai-him, JP  
Hon Frederick FUNG Kin-kee, JP  
Hon LEUNG Kwok-hung

**Public Officers  
attending** :

Item III

Economic Development and Labour Bureau

Mrs CHOR CHAN Chui-yuk, Jennie, JP  
Deputy Commissioner for Labour  
(Labour Administration)

Mr Alan WONG  
Assistant Commissioner for Labour  
(Labour Relations)

Ms Mabel LI  
Senior Labour Officer (Labour Relations) 1

Judiciary Administration

Mr Wilfred TSUI  
Judiciary Administrator

Mr Augustine L S CHENG  
Deputy Judiciary Administrator (Operations)

Mr WONG Wai-man  
Registrar (Labour Tribunal)

**Attendance by  
invitation** :

The Hong Kong Federation of Trade Unions

Mr YIP Wai-ming  
Vice-President

Mr FUNG Kin-cho  
Vice-President

The Federation of Hong Kong & Kowloon Labour Unions

Ms NG Wai-yee

Mr LAI King-kay

Hong Kong Confederation of Trade Unions

Ms CHEUNG Lai-ha  
Vice-Chairperson

Mr SUNG Che-tak  
Organizing Secretary

Federation of Hong Kong Industries

Mr Clement CHEN  
Deputy Chairman

Ms Alexandra POON  
Director

Café de Coral Holdings Limited

Mr Ken WU  
Assistant Manager (HR)

Ms Kristy LAI  
Officer (HR)

Maxim Caterers Limited

Ms CHUNG Lai-kuen  
Personnel Manager

幸福樓酒家

Ms CHU Fung-kiu  
Personnel Manager

Hsin Kuang Restaurant (Holding) Ltd.

Ms LEE Suet-lai Shirley  
Accounting Manager

Ms WOO Ching-yu  
Accountant

Neighbourhood and Worker's Service Centre

Mr SETO Chun-pong  
Labour Officer

**Clerk in attendance** : Mrs Percy MA  
Chief Council Secretary (2)3

**Staff in attendance** : Mr Paul WOO  
Senior Council Secretary (2)3

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**I. Election of Chairman**

Ms Margaret NG was elected Chairman of the joint meeting.

**II. Confirmation of minutes of meeting on 9 November 2004**

(LC Paper No. CB(2)327/04-05 - Minutes of joint meeting on 9 November 2004)

2. The minutes of the joint meeting held on 9 November 2004 were confirmed.

**III. Report of the Working Party on the Review of the Labour Tribunal**

(LC Paper No. CB(2)136/04-05 - Report of the Working Party on the Review of the Labour Tribunal published in June 2004

LC Paper No. CB(2)285/04-05(01) - Paper from the Judiciary Administration providing information requested at the meeting on 9 November 2004

LC Paper No. CB(2)285/04-05(02) - Paper from the Economic Development and Labour Bureau providing information requested at the meeting on 9 November 2004

LC Paper No. CB(2)285/04-05(03) - Copy of the new claim form for use by the Labour Department and the Labour Tribunal)

Meeting with deputations

3. The Chairman welcomed representatives of the deputations to the meeting. At the invitation of the Chairman, representatives of the deputations presented their views on the Review of the Labour Tribunal (the Working Party).

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*The Hong Kong Federation of Trade Unions (HKFTU)*  
*[LC Paper Nos. CB(2)423/04-05(01) and 175/04-05(01)]*

4. Mr YIP Wai-ming briefed members on the following views of HKFTU –
- (a) as unliquidated claims were usually complicated in nature, the jurisdiction of the Tribunal covering such claims would delay the disposal of the more simple claims made by the employees. It would also increase the number of counter-claims made by the employers;
  - (b) the proposals to extend the jurisdiction of the Tribunal to cover claims brought by the Mandatory Provident Fund Authority (MPFA) and to enable the Tribunal to include the employee's contribution to the Fund as part of an award were supported;
  - (c) the proposal that an award of the Tribunal could be registered and enforced within six years was supported;
  - (d) the proposal to amend section 13(1) of the Labour Tribunal Ordinance (LTO) to provide that a claim should be fixed for hearing not earlier than 20 days and not later than 45 days from the filing of the claim was not supported as it would lengthen the process of adjudication;
  - (e) a time limit for disposal of cases by the Tribunal should be set;
  - (f) Tribunal Officers (TOs) should act more proactively in fulfilling their duties in assisting the claimants;
  - (g) relocation of the Tribunal to the old South Kowloon Magistrates Court Building was not supported; and
  - (h) the Administration should review and establish an employment disputes resolution mechanism that was suitable for Hong Kong as soon as possible, including the mechanism for conciliation and the role of the Minor Employment Claims Adjudication Board.

*The Federation of Hong Kong & Kowloon Labour Unions*  
*[LC Paper No. CB(2)366/04-05(01)]*

5. Ms NG Wai-yee and Mr LAI King-kay highlighted on the submission of the Federation of Hong Kong & Kowloon Labour Unions as follows –
- (a) the jurisdiction of the Tribunal to cover unliquidated claims had far-reaching implications for the operation of the Tribunal and should be re-examined;

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- (b) the proposal to amend section 13(1) of LTO to provide that a claim should be fixed for hearing not earlier than 20 days and not later than 45 days from the filing of the claim was not supported;
- (c) the new claim form for claimants to provide the required background information for use by the Labour Relations Division (LRD) and the Tribunal should be further improved in order that the claimants could be spared the extra time and effort in completing a “statement of claim” at the Tribunal;
- (d) the existing mechanism for the same Presiding Officer (PO) to review the award or order and re-open or re-hear the claim should be strengthened and improved. For example, the review and re-hearing could be done by two to three POs, including the most senior PO, of the Tribunal;
- (e) the Director of Legal Aid (DLA) should be given the discretionary power to waive the upper financial eligibility limit for legal aid in respect of employees involved in appeal cases. Alternatively, the applications could be considered and approved by an independent assessment committee;
- (f) training for TOs should be strengthened; and
- (g) relocation of the Tribunal should be considered having regard to factors such as convenience to the public and cost-effectiveness.

*Hong Kong Confederation of Trade Unions (HKCTU)*  
*[LC Paper No. CB(2)378/04-05(01)]*

6. Ms CHEUNG Lai-ha and Mr SUNG Che-tak highlighted the views of HKCTU as follows –

- (a) only one attempt at settlement should be conducted by the Presiding Officers (POs) at the call-over hearing for all cases;
- (b) the proposal to amend section 13(1) of LTO to provide that a claim should be fixed for hearing within 20 to 45 days from the filing of the claim was not supported. A hearing should be fixed within 10 to 30 days;
- (c) a time limit of three months for conclusion of a case by the Tribunal should be set;
- (d) the new claim form used for lodging claims at LRD and the Tribunal should be further improved so that the claimants would not have to provide additional information at the Tribunal;

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- (e) both the “Capped Costs” and “No Order as to Costs” proposals in the context of Tribunal appeals were supported;
- (f) DLA should have the discretionary power to waive the upper financial eligibility limit for legal aid in respect of employees involved in appeal cases;
- (g) The deposit for the use of the Bailiff’s service by the judgment creditor in the execution of court order could be paid by the Court and recoverable from the judgment debtor;
- (h) additional training courses recommended for POs and TOs were detailed in the written submission; and
- (i) relocation of the Tribunal to a purpose-built building was supported. More resources should also be provided to the Tribunal to address other concerns about the premises and location of the Tribunal as reflected in Section VIB in Chapter Five of the Report of the Working Party.

*Federation of Hong Kong Industries (FHKI)*  
*[LC Paper No. CB(2)411/04-05(01)]*

7. Mr Clement CHEN stated the views of FHKI as follows –

- (a) to reduce waiting time, listing of call-over hearings should be increased from two separate sessions per day to four separate sessions per day; and
- (b) the Tribunal should conduct cases fairly and without favour to either parties. The financial positions of the parties should not affect the Tribunal’s decision.

*Neighbourhood and Worker’s Service Centre (NWSC)*  
*[LC Paper No. CB(2)407/04-05(01)]*

8. Mr SETO Chun-pong introduced the submission of NWSC as follows –

- (a) the proposals to extend the jurisdiction of the Tribunal to cover claims brought by MPFA and to enable the Tribunal to include the employee’s contribution to the Fund as part of an award were supported;
- (b) the role of POs should be confined to adjudication and they should not be engaged in conciliation. Attempts at settlement should be done by the TOs;
- (c) TOs should be more proactive in assisting the claimants in obtaining relevant information and documents for use by the Tribunal. If necessary, they should make inspections at the place of work to collect evidence;

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- (d) regardless of whether LRD had attempted conciliation, only one attempt at settlement should be conducted in the Tribunal. The Tribunal should not persuade the employees to accept terms of settlement which were less favourable than their legal entitlements;
- (e) legislation should be enacted to impose sanctions on the party failing to comply with the decisions of the Tribunal;
- (f) written judgments of the Tribunal should be provided to the parties to facilitate their consideration of whether or not to appeal. The reasons for verdict should be put on the Judiciary's website for public reference;
- (g) a separate waiting area within the court premises should be provided for the witnesses; and
- (h) night courts should be resumed for the convenience of employees who had difficulties to attend hearings during normal business hours.

*Deputations without submissions*

9. In response to the Chairman, representatives of the following deputations said that they had no comments on the Report of the Working Party –

- (a) Café de Coral Holdings Limited;
- (b) Maxim Caterers Limited;
- (c) 幸福樓酒家; and
- (d) Hsin Kuang Restaurant (Holding) Ltd.

Responses from the Judiciary Administration and Economic Development and Labour Bureau to issues raised at the meeting on 9 November 2004

10. Judiciary Administrator (JA) introduced the paper provided by the Judiciary Administration (LC Paper No. CB(2)285/04-05(01)) which contained –

- (a) the two High Court judgments relating to the jurisdiction of the Tribunal to deal with unliquidated claims;
- (b) an analysis of the cases which took seven months or more to conclude in 2003;
- (c) success rate of the Bailiffs in executing court orders in respect of Tribunal cases; and



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- (d) a table showing the progress of implementation of the recommendations in the Report of the Working Party.

11. Deputy Commissioner for Labour (Labour Administration) (DCL(LA)) briefed members on the Administration's paper (LC Paper No. CB(2)285/04-05(02)) which gave an update on –

- (a) cases handled by LRD and unsettled cases referred to the Tribunal;
- (b) enforcement efforts of the Labour Department against wage offences; and
- (c) the Administration's views on the recommendations in the Working Party's Report.

Judiciary Administration's response to the deputations' views

12. At the invitation of the Chairman, JA responded to the views of the deputations as follows –

*Jurisdiction of the Tribunal*

- (a) the Working Party's recommendation to amend the Schedule to the LTO would not change the scope of the jurisdiction of the Tribunal. The purpose of it was to clarify, for avoidance of doubt, that the Tribunal had jurisdiction under LTO to deal with both liquidated and unliquidated claims. With the removal of doubt as to the jurisdiction of the Tribunal, counter-claims involving unliquidated sums made by employers which the POs might otherwise refer to other courts would be dealt with by the Tribunal. As the Tribunal could dispose of cases more expeditiously than other courts, this would in fact benefit the employees;

*Number of attempts at settlement*

- (b) the Working Party was of the view that attempts at settlement should continue to be undertaken in the Tribunal. Having considered the concern about duplication of efforts between LRD and the Tribunal with regard to conciliation, the Working Party concluded that to undertake only one attempt at settlement at the call-over hearing in the Tribunal in cases where the parties had previously sought the assistance of LRD was a balanced approach;

*Hearings in the Tribunal*

- (c) the proposed amendment to provide that a claim should be fixed for hearing not earlier than 20 days and not later than 45 days from the filing of the claim would enable proper preparation of the case before

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the first hearing. It would in practice facilitate expeditious disposal of the case. The change was also considered necessary for practical reasons, having regard to the fact that the number of cases handled by the Tribunal had increased significantly over the years and that the cases had become more complex;

- (d) the Judiciary would consider the proposal to increase the listing of call-over hearings from two separate sessions per day to four separate sessions per day;
- (e) the Working Party agreed that pre-trial hearings should be reduced and should be dispensed with in simple cases. For claims that were not simple, one pre-trial hearing should be the norm;
- (f) imposing a time limit for concluding cases would give rise to perception that the Tribunal was pressurizing the parties to settle. Such perception would become a ground for appeal. In fact, in the majority of cases, the claims were disposed of by the Tribunal expeditiously. As noted in the Working Party's Report, more than 80% of the cases in 2003 were concluded within three months from the date of filing of the claim;

*Costs on appeal*

- (g) there were both the arguments for and against the "capped costs" proposal and the Working Party was of the view that there was no compelling justification to support the introduction of such a proposal;

*Night courts*

- (h) night courts were considered not cost-effective and had been suspended since February 2003 following a review; and

*Location of the Tribunal*

- (i) financial considerations were not the sole factor for determining the relocation of the Tribunal. The old South Kowloon Magistrates Court Building was a purpose-built building in a convenient location with more space for the operation of the Tribunal.

Issues raised

*Jurisdiction of the Tribunal*

13. Mr LEUNG Yiu-chung enquired about the progress of discussion with MPFA on the Working Party's proposals to amend the LTO to extend the jurisdiction of the Tribunal to cover claims brought by MPFA and to include the employee's contribution to the Mandatory Provident Fund as part of an award.

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14. Deputy Judiciary Administrator (Operations) replied that discussion with MPFA regarding implementation of the Working Party's recommendations was still going on. At this stage, the Judiciary Administration was not in a position to advise on a concrete timeframe as to when the relevant legislative amendments could be introduced.

15. Ms LI Fung-ying opined that implementation of the Working Party's proposals should be closely followed up by the relevant Panels.

16. Mr LI Kwok-ying enquired about the effect of the Working Party's recommendation in relation to the jurisdiction of the Tribunal to cover unliquidated claims. JA replied that the Working Party had explained that the purpose of the proposal to amend the Schedule to LTO was to remove ambiguity in the law as to whether the Tribunal had jurisdiction to deal with unliquidated claims, having regard to the two different High Court judgments on the scope of the Tribunal's jurisdiction. The proposed amendment would not alter the scope of the Tribunal's jurisdiction.

*Resolving employment disputes by settlement*

17. Ms Miriam LAU said that she was in support of encouraging the parties to resolve their disputes by conciliation or mediation. She pointed out that the Judiciary had implemented a scheme for resolving family disputes through mediation since a few years ago. With a high success rate of resolving disputes through the assistance of qualified mediators, the scheme was well-received by the service users, and mediation was considered an effective and less confrontational approach for dispute resolution the use of which should be encouraged. However, it appeared that resolving employment disputes by settlement did not receive the same wide support from both employees and employers. Ms LAU asked for the views of the deputations on the use of conciliation and mediation in resolving employment disputes.

18. Mr LAI King-kay said that family disputes and employment disputes differed in nature. Most family disputes cases involved complicated issues and the parties concerned should invariably bear responsibility for the dispute. Employment disputes, on the other hand, involved relatively simple and straightforward claims for benefits which were clearly stipulated in the law or in the employment contracts. Hence, in cases which had already gone through the conciliation procedure in LRD, the claimants tended to oppose further attempts at settlement in the Tribunal. Ms NG Wai-yee opined that where conciliation by LRD had failed and the case was referred to the Tribunal, the Tribunal should proceed to adjudication without further attempts at settlement.

19. Mr FUNG Kin-cho said that conciliation conducted in LRD was useful in resolving disputes. Attempts at settlement by the Tribunal also helped shorten the time for disposal of cases referred to it. However, he stressed that during the conciliation process, the claimants should not be persuaded to accept terms which were less favourable than their minimum legal entitlements. Ms CHEUNG Lai-ha expressed similar views.

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20. Mr FUNG Kin-cho further pointed out that as conciliation at LRD was conducted on a voluntary basis, many employers declined to turn up for the conciliation meeting. Mr SETO Chun-pong added that many employers ignored the advice of LRD as it was not binding on the parties.

21. Mr Clement CHEN disagreed with the view that employers intentionally refused to cooperate in resolving disputes. He opined that when cases were brought before the Tribunal after LRD had attempted conciliation, the Tribunal should adjudicate strictly in accordance with the provisions of the law and the evidence available.

22. Mr Tommy CHEUNG said that he did not believe that it was common for employers to refuse to attempt conciliation by LRD. He asked whether LRD had kept statistics on the number of such cases. DCL(LA) replied that there was no such information available.

23. JA said that the Working Party observed that in all the jurisdictions that had been studied, conciliation or mediation before adjudication formed an integral part of the employment dispute resolution mechanism. The Working Party agreed that resolving employment disputes through settlement had many advantages. In attempting settlement, the PO and TO would assist the parties to appreciate the issues, and help them to narrow their disputes with a view to reaching a mutually acceptable solution if possible. The Working Party was appreciative of the view that too many attempts at settlement at the Tribunal would delay the adjudication process. Hence, it had recommended that except in those cases where the parties had not previously sought the assistance of LRD, there should only be one attempt by the Tribunal at settlement at the call-over hearing. In addition, the PO who had attempted settlement at the call-over hearing of a claim should not preside over the trial of it.

24. DCL(LA) said that in conducting conciliation, LRD would have regard to the provisions of the law. It would also appeal to the goodwill and rational judgment of the parties concerned with a view to achieving an amicable settlement. A solution so achieved on a voluntary basis would benefit both parties. The high success rate of conciliation by LRD pointed clearly to the advantages that conciliation could bring to the parties in dispute. She added that in many cases, employers and employees settled the dispute after LRD issued written invitations to both parties for attempting conciliation.

*Supply of background information*

25. DCL(LA) noted the recommendation of the deputations that the new form used in making claims at LRD and the Tribunal should be further revised to facilitate a claimant to supply all the relevant information at the stage of LRD so that it would not be necessary for him/her to further complete a "statement by claimant" in the Tribunal. She explained that as the majority of cases handled by LRD (i.e. 67.5% between January and October 2004) were successfully settled and needed not be referred to the Tribunal, time and resources would be wasted if claimants were

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required to provide information which would not be of use to LRD for the purpose of conciliation. She said that LRD would continue to monitor the use of its new claim form and improve the form where necessary.

*Time limit for hearing*

26. Mr WONG Kwok-hing said that he did not support the Working Party's recommendation to amend section 13(1) of LTO to provide that a claim should be fixed for hearing not earlier than 20 days and not later than 45 days from the filing of the claim. He said that this would lengthen the process of conclusion of cases, and hence defeat the policy intention of setting up the Tribunal as a quick, cheap and simple means for resolving employment disputes. He pointed out that trade unions and employees' organizations also did not support the recommendation.

27. The Chairman said that implementation of the proposed legislative amendments would require the introduction of a bill to the Legislative Council for detailed scrutiny by a bills committee. It would be a matter for Members of the Council to decide whether or not the proposed amendments should be passed. She stressed that the Administration should take into consideration the views of the community before deciding whether any change should be introduced.

28. Mr WONG Kwok-hing further opined that the average time taken for disposal of adjudicated claims by the Tribunal (i.e. 164 days during 2001 to 2003 as shown in Appendix V(k) of the Working Party's Report) was too long and had caused serious problems to employees such as those who were unemployed. He supported the proposal to set a time limit within which a claim should be concluded.

29. JA explained that the period of 164 days referred to the average time taken for disposal of complicated cases where pre-trial mention hearings had been held. The average time for disposal of adjudicated claims that did not undergo mention hearings was only 45 days. He further pointed out that as shown in Appendix V(i) of the Working Party's Report, 87% of the cases in 2003 were concluded within three months from filing of the claim. As explained in the Judiciary Administration's paper provided to the Panels (LC Paper No. CB(2)285/04-05(01)), cases which took more than seven months or more to conclude in 2003 (about 4% of the total cases) were mostly complex cases involving a large number of claim items and claimants and defendants.

30. The Chairman said that she did not support the proposal to prescribe a time limit for the Tribunal to dispose of cases.

31. Mr LEE Cheuk-yan suggested that the Judiciary might consider drawing up guidelines to the effect that simple and uncontested cases should as far as possible be disposed of within a limited timeframe.

*Enforcement of Tribunal awards*

32. Mr LEUNG Yiu-chung pointed out that at the meeting on 24 May 2004, the Panels had requested the Administration to make reference to the measures adopted in New Zealand and other jurisdictions to ensure effective execution of court orders. He said that he was disappointed that the Working Party and the Administration had not actively taken steps to improve the system of enforcement of Tribunal awards to assist claimants in default payment cases.

33. JA responded that the Working Party had recognized that similar problems with enforcement of Tribunal awards also existed in the execution of judgment and order of other levels of court. It would be inappropriate for the Working Party to recommend measures solely in the context of awards made by the Labour Tribunal. The Working Party therefore suggested that the matter should be left to an overall review of enforcement of judgments in civil cases generally.

34. Mr Andrew CHENG opined that a review of enforcement of Tribunal awards should be taken forward urgently and separately. He added that the Working Party's proposal to repeal Rule 12 of the Labour Tribunal (General) Rules to enable an award of the Tribunal to be registered and enforced within six years should be implemented as soon as possible, together with other measures to improve the enforcement of awards generally. JA agreed to relay the views for the consideration of the Judiciary.

35. Mr SETO Chun-pong said that he was aware of cases where the employer agreed to pay the award by instalments but defaulted after making a partial payment. The employees applied for legal aid to recover the balance but the application was refused on ground that the amount of the claim was too small to justify the grant of legal aid. He opined that it was necessary to improve the system of enforcement to protect the interests of the claimants.

36. Mr IP Wai-ming informed members that prior to 1995, it was a practice of the Legal Aid Department not to carry out means test on employees applying for legal aid to initiate proceedings for winding up employers who had defaulted in the payment of wages and other related entitlements. However, such practice was discontinued after 1995. The Chairman requested the Clerk to seek a written explanation from the Administration on the practice and whether such practice could be reinstated.

*(Post-meeting note : The written response from the Director of Legal Aid was issued to members vide LC Paper No. CB(2)578/04-05(01) on 6 January 2005.)*

37. Ms LI Fung-ying considered that DLA should have the power to waive the means test for legal aid in respect of employees involved in insolvency cases.

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38. Mr LEE Cheuk-yan said that in many cases, the employees were faced with a dilemma as to whether they should apply for the Bailiff's service to execute court orders in respect of awards made by the Tribunal. As indicated in the paper provided by the Judiciary Administration (LC Paper No. CB(2)285/04-05(01)), only 50% of the applications made during the period from 1 November 2003 to 31 October 2004 were successfully executed with full recovery of the debts due to the claimants. For the remaining cases, the employees suffered double losses in terms of the loss of the entitlements due to them as well as the expenses paid for the use of the Bailiff's service. Mr LEE suggested that the following measures should be considered –

- (a) POs should have the power to order the giving of security by the employer before adjudication in appropriate cases, e.g. where the PO was satisfied that the employer was deliberately withholding payment to the claimant his legal entitlements, and
- (b) the deposit for the use of the Bailiff's service should be paid by the Government and recoverable from the judgment debtor with an added penalty payment.

39. Regarding the proposal in paragraph 38(a) above, JA pointed out that the giving security, if introduced, would apply equally to the employees in cases where the claims were made by the employers. He further opined that the proposal was not consistent with the operation of the Tribunal as a quick, cheap and simple means for resolving disputes. Mr Tommy CHEUNG said that he did not support such proposal.

*Prosecution against wage offences*

40. In response to Mr LI Kwok-ying, DCL(LA) said that as set out in paragraph 5 of the Administration's paper (LC Paper No. CB(2)285/04-05(02)), the number of convicted summonses on wage offences had increased sharply in 2003 and 2004, subsequent to the setting up of the Employment Claims Investigation Division (ECID) in the Labour Department in September 2002 to step up enforcement efforts against wage offences. In about 20% of the cases handled by ECID, the employers paid the employees after it commenced investigation into the suspected wage offences. She further supplemented that in cases where the employers were convicted of offences under the Employment Ordinance, the Magistrates' Courts could order the employers to pay back through the court the sum due to the employees under their contracts of employment.

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Way forward

41. Members agreed that another joint meeting of the Panels should be held to discuss how to follow up the matter of review of the operation of the Labour Tribunal.

*(Post-meeting note : A joint meeting was scheduled for 25 January 2005 from 4:30 pm to 5:30 pm.)*

Council Business Division 2  
Legislative Council Secretariat  
21 January 2005