破產欠薪保障基金委員會



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主席序言

我謹此發表破產欠薪保障基金委員會(委員會)二零一四年四月一日至二零 一五年三月三十一日的週年報告。

在本年度,受環球經濟復蘇步伐緩慢和不穩定的外圍環境影響,本港經濟僅能保持温和增長。因公司結業而被僱主拖欠薪金及其他法定補償,須向破產欠薪保障基金(基金)提出申請的僱員較去年為多。在二零一四至一五年度,基金共接獲2 477宗申請,較去年度的2 179宗增加14%。年內,基金批核了2 215宗申請,合共支付5,880萬元特惠款項,較上年度分別增加25%及24%。期間,委員會及勞工處薪酬保障科的同事繼續積極發揮基金作為安全網的角色,為那些受僱主確實無力償債影響的僱員提供適切的援助。

一向以來,委員會根據基金財政狀況及社會需要,逐步優化基金的保障範圍。 在本年度,委員會繼續就基金的保障範圍進行全面的檢討,包括檢討就《2012 年破產欠薪保障(修訂)條例》新增的未放年假及未放法定假日薪酬的保障範圍,以及基金其他所有保障項目,包括欠薪、代通知金和遣散費。

委員會的法定職能包括管理基金及就商業登記證的徵費率向行政長官提出建議 (有關徵費為基金的主要資金來源),為此,委員會一直密切監察基金的財政 情況。在二零一四至一五財政年度,基金錄得盈餘3億4,010萬元,而截至二零 一五年三月底,累積盈餘為40億5,320萬元。雖然因應委員會作出的建議,商業 登記證徵費率剛於二零一三年七月由每年450元下調至250元,但鑑於基金財政 狀況持續穩健,委員會亦在本年度就有關徵費率展開了檢討。 為防止濫用基金,勞工處與警務處商業罪案調查科、破產管理署及法律援助署 代表組成的跨部門專責小組絕不鬆懈,繼續主動調查及跟進僱主及僱員可能濫 用基金的個案。專責小組在二零一四年八月得悉警方根據《盜竊罪條例》成功 檢控犯欺詐罪的一名瑜伽公司董事,該公司董事被判監禁五個月。警方亦於二 零一四年十月成功檢控犯欺詐罪的一名藥房經理,該藥房經理則被判監六個 月,緩刑18個月。有關定罪個案向社會發出強烈訊息,濫用基金的行為須負上 刑責,而且後果嚴重。

委員會在本年度同時就基金的保障範圍及徵費率進行了檢討,工作艱巨。我欣見各新舊委員均積極參與,並給予寶貴的意見,求同存異,我在此向他們衷心致謝。我深信透過各委員齊心協力,必定會就基金保障範圍及徵費率的檢討達成具建設性的建議。最後,我謹代表委員會多謝勞工處、法律援助署、破產管理署、警務處及稅務局等合作伙伴繼續給予委員會的支持,維持基金的有效運作,為社會和諧穩定作出貢獻。

破產欠薪保障基金委員會主席 黃友嘉博士,BBS,JP

二零一五年九月

二零一四至一五年度破產欠薪保障基金 委員會成員名單

主席

黃友嘉博士, BBS, JP

委員

僱員代表

孔慶柱先生 潘兆平議員, BBS, MH 梁芳遠女士

僱主代表

林文傑先生, JP 蔡關穎琴女士, MH 馮孝忠先生, JP

政府部門代表

勞工處助理處長(負責欠薪保障事宜) 破產管理署助理首席律師 法律援助署助理首席法律援助律師(負責處理破產事宜)

秘書

<mark>勞工處薪酬保障科高級勞工事務主任</mark>

二零一四至一五年度 破產欠薪保障基金委員會合照



後排左起:

李自強先生 法律援助署助理首席法律援助律師

葉以暢先生,JP 勞工處助理處長(僱員權益)

馮孝忠先生,JP 僱主代表

孔慶柱先生 僱員代表

唐詠思小姐 破產管理署助理首席律師

黄惠雯小姐 秘書

前排左起:

蔡關穎琴女士,MH 僱主代表

林文傑先生,JP 僱主代表

黄友嘉博士,BBS,JP 主席

潘兆平議員,BBS,MH 僱員代表

梁芳遠女士 僱員代表

引言

《破產欠薪保障條例》於一九八五年四月十九日實施,規定設立一個委員會以管理破產欠薪保障基金(下稱基金),並授權勞工處處長在僱主無力清償債務時,從基金發放特惠款項給僱員。

本年報詳述截至二零一五年三月三十一日止的財政年度內, 破產欠薪保障基金 委員會(下稱委員會)的工作及基金的運作事宜。

破產欠薪保障基金委員會

《破產欠薪保障條例》規定委員會由一名主席及不超過十名委員組成,全部委員均由行政長官委任。僱主及僱員代表的委員人數必須相等,而公職人員則不得超過四名。

委員會的法定職能如下:

- (a) 管理基金;
- (b) 就商業登記證的徵費率向行政長官提出建議;及
- (c) 如有申請人不滿勞工處處長就申請發放特惠款項一事所作出的決定,委員會就他們的要求覆核其申請。

破產欠薪保障基金

基金的資金主要來自按每張商業登記證收取的徵費。該筆徵費由稅務局在有關 機構繳交商業登記費時一併收取。

根據《破產欠薪保障條例》,僱員如遭無力清償債務的僱主拖欠工資、代通知金、遣散費、未放年假及/或未放法定假日薪酬,可向基金申請特惠款項。申請人須以認可的表格提出申請,並就申請作出法定聲明。申請人並須在其服務的最後一天起計的六個月內提出申請。

基金發放特惠款項的最高限額

基金發放的特惠款項包括:

- (a) 僱員在服務的最後一天之前四個月內為其僱主服務而未獲支付的工資(工 資包括有關報酬、收益及可視作工資的各項收入,即假日薪酬、年假薪 酬、年終酬金、產假薪酬、侍產假薪酬、及疾病津貼),付款最高限額為 36,000元;
- (b) 代通知金,付款最高限額為一個月工資或22,500元,兩者以較小的款額為 進;
- (c) 遣散費,付款最高限額為50,000元,如申請人根據《僱傭條例》有權得到的遣散費超出50,000元,付款則另加超出數額的50%;
- (d) 未放年假及未放法定假日薪酬,包括(i)僱員根據《僱傭條例》就最後完整假期年累積而仍未放取的有薪年假的薪酬及如僱員在最後假期年已受僱滿三個月但不足12個月,在僱傭合約被終止時可獲的按比例計算的年假薪酬;以及(ii)僱員在服務的最後一天前的四個月內可享有而未放取的法定假日的薪酬,各自或兩者合共的付款最高限額為10,500元。

基金發放特惠款項的先決條件

《破產欠薪保障條例》第16(1)條規定,提出清盤或破產呈請是基金發放款項的 先決條件。根據該條例第18(1)條的規定,勞工處處長可在下述情況下行使酌情 權,在無呈請提出的情況下發放款項:

- (a) 僱員人數不足20名;
- (b) 在該個案中有足夠證據支持因下述理由提出呈請
 - (i) 如僱主是一間公司,該公司無清償債務能力;或
 - (ii) 如僱主並非公司,有破產呈請可針對該僱主而提出;及

¹ 訂立法定侍產假的《2014年僱傭(修訂)條例》於2015年2月27日開始實施。條例生效後, 破產欠薪保障基金的工資保障範圍亦涵蓋侍產假薪酬。

(c) 就該個案提出呈請是不合理或不符合經濟原則的。

如有僱員因遭拖欠的款項總額少於10,000元而受《破產條例》限制,不能向僱主提出破產呈請,《破產欠薪保障條例》第16(1)(a)(ii)條亦授權勞工處處長從基金撥付特惠款項予該僱員。

《破產欠薪保障條例》授權勞工處處長在基金撥付款項予申請人前須調查其申索聲請。為進行核實的工作,勞工處處長或其授權人員可要求僱主及僱員呈交工資及僱傭紀錄,並會面見他們。

基金的代位權

申請人就工資、代通知金、遣散費、未放年假及/或未放法定假日薪酬收到特惠款項後,他在《公司(清盤及雜項條文)條例》或《破產條例》下就這些款項可享有的權益,將轉讓予委員會。委員會在行使該代位權時,可向破產管理署署長或私人清盤人呈交債權證明書,以便在清盤或破產程序進行時,追討已發放給申請人的特惠款項。

基金的儲備用途

基金於一九九零年購置了一個作為委員會辦公室的物業。此外,所有現金現正存放在核准的銀行作為定期存款。

本年度接獲及處理申請的匯報

現將本年度內基金接獲及處理的申請,連同有關分析,概述如下:

已接獲的申請

在二零一四至一五年度,基金接獲僱員的申請共2 477宗,申索的款額達 1億9,930萬元,可能涉及無力償債的個案共476宗。申請的詳細統計分析見 **附錄一**。 在上述476宗可能涉及無力償債的個案中,有454宗屬於每宗不足20名僱員的個案,另有18宗為每宗涉及20至49名僱員的個案,和4宗為每宗涉及50至99名僱員的個案。

年內,餐飲服務活動是錄得最多申請數目的行業,申請人數有623人,申索的款額是2,050萬元。接著是進出口貿易,申請人數有376人,申索的款額為4,460萬元。隨後是建造業,申請人數有331人,申索的款額為1,000萬元。這三個行業的申請人數佔申請人總數的53.7%,而申索的款額則佔總額的37.7%。

在全年度2 477名申請人中,有2 187人申索欠薪特惠款項,1 704人申索代通知金特惠款項,781人申索遣散費特惠款項,以及1 343人申索未放年假及未放法 定假日薪酬。**附錄二、三、四及五**載列這些申索的分項數字。

已處理的申請

在本年度,獲批准的申請有2 215宗,發放的款項為5,880萬元。在這些申請中,根據《破產欠薪保障條例》第16(1)(a)(ii)條或第18(1)條無須破產或清盤呈請而發放的款額總數為2,090萬元,涉及767名申請人。

有關年內獲准發放的特惠款項分項數字,載列於**附錄六。附錄七**則顯示,82.3% 申索欠薪的申請人、99.7%申索代通知金的申請人、37.2%申索遣散費的申請人及41.4%申索未放年假及未放法定假日薪酬的申請人,可以獲基金發放全部申索款額。

勞工處處長共拒絕了44宗申請,涉及申索款項共800萬元,主要是由於申索不符合法例規定、證據不足、或申請人為公司註冊董事。此外,撤回的申請有314宗,涉及的款額為1,860萬元,其中大部分是因為僱員與其僱主或清盤人已直接達成和解協議。

附錄八和附錄九是基金在過去五至十年內的運作比較圖表。

破產欠薪保障基金委員會會議

年內,委員會舉行了三次會議,討論有關管理基金的事宜,其中包括基金的工作和財政報告及收支預算、更換基金電腦系統、檢討基金現有項目的保障範圍及商業登記證徵費率。委員會亦根據《破產欠薪保障條例》第17條,覆核了一宗上訴個案。

破產欠薪保障基金的財政狀況

基金在本年度內的徵費收入為3億5,260萬元,總收入為4億2,150萬元,總支出為8,140萬元,所發放的特惠款項合共5,880萬元。基金錄得3億4,010萬元的盈餘,而上一財政年度的盈餘則為4億2,590萬元。截至二零一五年三月三十一日,基金的累積盈餘為40億5,320萬元。

附錄十載列了截至二零一五年三月三十一日止的年度的獨立核數師報告及審核 財務報表。

活動概要

基金的宣傳和推廣工作

勞工處在本年度繼續推行各類活動,以介紹基金和《破產欠薪保障條例》的規定,包括在不同地區舉辦六個展覽,涵蓋的專題包括基金簡介和僱員申請基金 特惠款項的事宜。



勞工處舉辦展覽, 宣傳基金及《破產 欠薪保障條例》。



跨部門專責小組的工作成效

跨部門專責小組在防止基金被濫用方面繼續扮演積極角色。勞工處、香港警務 處商業罪案調查科、破產管理署及法律援助署合作無間,主動調查及跟進僱主 及僱員可能濫用基金的個案。

在二零一四至一五年度,專責小組得悉警方根據《盜竊罪條例》成功檢控犯欺詐罪的一名瑜伽公司董事,該公司董事被判監禁五個月。年內,警方亦成功檢控犯欺詐罪的一名藥房經理,該藥房經理則被判監禁六個月,緩刑18個月。此外,法庭合共取消了十名涉及濫用基金的公司負責人出任董事或參與公司的發起、組成或管理的資格,為期一至四年。另外,勞工處採取多管齊下的執法策略,以減少欠薪事件惡化而需要向基金申請特惠款項的個案。同期,勞工處錄得違例欠薪被定罪的傳票共有248張,當中涉及公司董事及負責人被定罪的傳票共有36張。





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I	. 按結果劃分的申請分	计析					
	(1)接獲的個案數目						476
	(2) 申請數目						
	(i) 上期結轉						1 105
	本期接獲						2 477
	本期重新考慮						3
	1 //4 == 1/1 4 //3.						3 585
	()						
	(ii) 已處理						2 573
	批准						2 215
	拒絕						44
	撤回						314
	尚待審核						991
	擱 置 *						21
							3 585
	(3) 申索的特惠款項	數日	欠薪	代通知金	遣散費	未放年假薪酬及/或	
	(單位:港幣千元		2 491	1 () 22) 14 32	2 10 2	未放法定假日薪酬	港幣千元
	(i) 上期結轉						86,838
	本期接獲		88,488 -	31,814 +	66,606 +	12,397 =	199,305
	本期重新考慮		108 -		126 +	1 =	257
	, ,,, = ,,, , ,,,						286,400
				1 15 57 1 1	Notes 111 - 11-	I I I I madely and the second	
			欠薪	代通知金	遣散費	未放年假薪酬及/或	** **
	(11) III)II.		2= 244		2.21.2	未放法定假日薪酬	港幣千元
	(ii) 批准		35,244 -	15,753 +	3,219 +	4 , 587 =	58,803
	經核減						128,250
	拒絕						8,036
	撤回						18,649
	尚待審核] 擱置*						70.000
	181 直						72,662
							<u>286,400</u>
	(4) 提交基金委員會	覆核的申請	清數目				1
T	I. 與獲批准申請有關的	1 旦 慧 乃 此					
1	1. 央援机在中间 1 						1 403
	(2) 已提出破產呈請						45
	(3) 根據《破產欠薪保			小虎珊的由	誌 		750
	(4) 根據《破產欠薪保					4	17
	(4)似像似处性人和闭	中 际 例 // 5	75 10 (1) (a) (1	以除了 以 処 垤	可甲酮数片		2 215
I	II. 按僱員人數劃分的 fi	国 案 分 析					
	(1) 不足20名僱員						454
	(2) 20至49名僱員						18
	(3) 50至99名僱員						4
	(4) 100 名僱員或以」	Ŀ					0
							170
							476

^{*} 有待私下和解或撤回的申請。

IV. 按經濟行業 劃分的申請分析 申素總額(包括工資、作知金、遺散費未放年假薪酬) 香港標準行業分類 申請人所屬行業 第 A 組 農業、林業及漁業 第 C 組 小組 10 製造 小組 食品的製造 1 (1) \$ 18,698	代 通 及 是 5.80
第 C 組 製 造 小 組	
小組	.23
	.23
10 食品的製造 1 (1) \$ 18,698	.23
13 紡織品的製造 4 (3) \$ 788,755	
14 成衣的製造 51 (3) \$ 11,162,691	.02
15 皮革及相關製品的製造 21 (2) \$ 3,192,552	.91
17 紙及紙製品的製造 4 (1) \$ 438,648	
18 印刷及已儲錄資料媒體的複製 1 (1) \$ 17,749	
20 化學品及化學產品的製造 1 (1) \$ 80,453	.12
21 藥品、醫藥化學劑和植物藥材的製造 4 (3) \$ 512,557	
22 橡膠及塑膠產品的製造(傢具、玩具、體育用 1 (1) \$ 217,969 品及文具除外)	.73
23 其他非金屬礦產製品的製造 1 (1) \$ 173,800	.00
24 基本金屬的製造 3 (2) \$ 304,200	.81
25 金屬製品的製造(機械及設備除外) 27 (3) \$ 4,391,824	.50
26 電腦、電子及光學產品的製造 1 (1) \$ 21,806	.45
27 電器設備的製造 13 (2) \$ 2,488,896	.57
29 汽車的裝嵌 1 (1) \$ 49,818	.78
30 其他運輸設備的製造 12,993	.54
31	.00
32 其他製造業 54 (6) \$ 10,909,141	.17
33 機械及設備的維修及安裝 11 (9) \$ 440,019	.62
第 E 組 自 來 水 供 應 ; 污 水 處 理 、 廢 棄 物 管 理 及 污 染 防 治 活 動	
小組	
38	.62
第 F 組 建造 331 (81) \$ 9,978,582	.09
第 G 組 進出口貿易、批發及零售業	
小組	
45 進出口貿易 376 (97) \$ 44,644,246	.35
46 批發 9 (5) \$ 851,904	
47 零售業 125 (22) \$ 6,594,066	.52

註:括號內的數字是本年度接獲可能涉及無力償債個案的數目。

		11 214 12	•		
香港標準 行業分類	申請人所屬行業	申請數	青人 目	知未	申索總額
第H組	運輸、倉庫、郵政及速遞服務				
小 組					
49	陸路運輸	39	(12)	\$	2 , 802 , 190 . 23
50	水上運輸	18	(6)	\$	2,537,321.94
51	航空運輸	1	(1)	\$	459,063.69
52	貨倉及運輸輔助活動	73	(11)	\$	3,973,352.03
53	郵政及速遞活動	10	(4)	\$	356,140.95
——第Ⅰ組 小組	住宿及膳食服務活動				
55	短期住宿活動	1	(1)	\$	18,184.87
56	餐飲服務活動	623	(61)	\$	20,497,357.90
** T 4F	* 1 7 7 1				
第 月組 小 組	資訊及通訊				
万· 相 58	出版活動	82	(2)	\$	2,391,425.14
56 59	電影、錄像及電視節目製作活動、錄音及	1	(1)	φ \$	36,380.75
59	音樂出版活動	1	(1)	Φ	30,300.13
61	電訊	1	(1)	\$	42,000.00
62	資訊科技服務活動	75	(11)	\$	9,553,381.95
63	資訊 服 務 活 動	1	(1)	\$	28,824.74
第 K 組 小 組	金融及保險活動				
64	金融服務活動(保險及退休基金除外)	88	(14)	\$	29,712,569.54
65	保險	1	(1)	\$	64 , 772 . 82
66	金融保險輔助活動	11	(4)	\$	9,365,000.81
第L組	地產活動	18	(4)	\$	3,286,792.48
第 M 組 小 組	專業、科學及技術活動				
69	法律及會計活動	9	(2)	\$	1,935,228.73
70	總辦事處活動;管理及管理顧問活動	3	(1)	\$	166,900.59
71	建築及工程活動、技術測試及分析	23	(5)	\$	2,511,668.90
72	科學研究及發展	2	(1)	\$	106,346.14
73	獸醫活動	1	(1)	\$	6,183.55
74	廣告及市場研究	3	(1)	\$	63,622.10
75	其他專業、科學及技術活動	6	(2)	\$	373,188.74

註:括號內的數字是本年度接獲可能涉及無力償債個案的數目。

香港 標 準 行 業 分 類	申請人所屬行業		青 人 目	知未加	申索總額 括工資散費、金、遺散等 假新酬及 取未放法定假日薪酬)
第N組	行政及支援服務活動				
小 組					
78	就業活動	1	(1)	\$	9,465.00
79	旅行代理、代訂服務及相關活動	56	(6)	\$	2,049,957.54
80	保安及偵查活動	7	(0)#	\$	145,714.76
81	建築物及園境護理服務活動	4	(2)	\$	64,455.91
82	辦公室行政、辦公室支援及其他商業支援活動	6	(4)	\$	306,306.93
第〇組	公共行政	1	(1)	\$	193,715.15
第P組	教育	89	(14)	\$	5,659,932.22
第 Q 組 小 組	人類保健及社會工作活動				
86	人類保健活動	12	(5)	\$	551,186.75
88	不提供住宿的社會工作活動	3	(1)	\$	332,586.68
第 R 組 小 組	藝術、娛樂及康樂活動				
90	創作及表演藝術活動	87	(4)	\$	445,571.95
93	體育及其他娛樂活動	30	(6)	\$	554,795.32
第 S 組 小 組	其他服務活動				
96	其他個人服務活動	25	(15)	\$	507,742.34
第 T 組 小 組	家庭住戶內部工作活動				
97	受聘於住戶的家居活動	20	(18)	\$	776,861.80
第U組	享有治外法權的組織及團體活動	1	(1)	\$	13,723.90
	總數:	2 477	(476)	\$ 1	.99,305,493.70

註:括號內的數字是本年度接獲可能涉及無力償債個案的數目。

所有申請人均屬上年度個案的新增申請。

二零一四至一五年度 欠薪特惠款項申請的分項數字

A. 按款額劃分

(包括超時工作工資及可視作工資的收入)

款額	申請人數目	百分比
無權追討/未有提出申索	290	11.71
8,000 元 或以下	598	24.14
8,001 元至 18,000 元	608	24.55
18,001 元 至 24,000 元	220	8.88
24,001 元 至 27,000 元	80	3.23
27,001 元 至 30,000 元	81	3.27
30,001 元 至 33,000 元	48	1.94
33,001 元 至 36,000 元+	52	2.10
36,001 元 至 39,000 元	33	1.33
39,000 元以上	467	18.85
總數:	2 477	100.00

B. 按欠薪期劃分

(不包括超時工作工資及可視作工資的收入)

欠薪 期	申請人數目	百分比
無權追討/未有提出申索	419	16.92
半個月或少於半個月	459	18.53
超過半個月至1個月	549	22.16
超過1個月至2個月	543	21.92
超過2個月至3個月	201	8.11
超過3個月至4個月*	121	4.88
超過4個月	185	7.47
總 數:	2 477	100.00

[《]公司(清盤及雜項條文)條例》及《破產條例》就優先債項限額訂明,在清盤 / 破產程序中分配僱主餘下資產時,須在償付其他債項前,優先償付以不超過8,000元為限額的工資。

[《]破產欠薪保障條例》所規定的欠薪特惠款項的最高付款限額,為不超過36,000元或四個月的欠薪,兩者以較小的款額為準。

二零一四至一五年度 代通知金特惠款項申請的分項數字

A. 按款額劃分 百分比 款額 申請人數目 無權追討/未有提出申索 773 31.21 2,000 元 或以下 174 7.02 2,001 元至 6,000 元 445 17.97 6,001 元至 10,000 元 239 9.65 10,001 元至 15,000 元 308 12.43 15,001 元至 22,500 元 1 238 9.61 22,501 元至 25,000 元 1.66 41 25,000 元以上 259 10.46 總數: 2 477 100.00

B. 按通知期劃分

通知期	申請人數目	百分比
無權追討/未有提出申索	773	31.21
1日至7日	565	22.81
8日至14日	43	1.74
15 日	4	0.16
16日至少於1個月	92	3.71
1個月 ***	932	37.63
超過1個月	68	2.75
總 數	2 477	100.00

[《]公司(清盤及雜項條文)條例》及《破產條例》就優先債項限額訂明,在清盤/破產程序中分配僱主餘下資產時,須在償付其他債項前,優先償付不超過2,000元或一個月工資的代通知金,兩者以較小的款額為準。

[《]破產欠薪保障條例》所規定的代通知金特惠款項的最高付款限額,為不超過22,500元或一個月 工資的代通知金,兩者以較小的款額為準。

二零一四至一五年度 遣散費特惠款項[®]申請的分項數字

A. 按款額劃分		
款 額	申請人數目	百分比
無權追討/未有提出申索	1 696	68.47
8,000 元 或以下	15	0.61
8,001 元至 36,000 元	221	8.92
36,001 元 至 50,000 元	96	3.88
50,001 元 至 80,000 元	146	5 . 89
80,001 元 至 110,000 元	102	4.12
110,001元 至 140,000 元	74	2.99
140,001 元至 170,000 元	35	1.41
170,001 元 至 200,000 元	23	0.93
200,001 元 至 250,000 元	26	1.05
250,001 元 至 300,000 元	20	0.81
300,001 元 至 350,000 元	7	0.28
350,001 元至 370,000 元	3	0.12
370,001 元至 390,000 元	12	0.48
390,000 元以上	1	0.04
	總 數: 2 477	100.00

B. 按服務年期劃分

服務年期	申請人數目	百分比
未有提出申索或服務少於2年	1 702	68.71
2至4.99年	305	12.31
5 至 5.99 年	54	2.18
6 至 6.99 年	58	2.34
7 至 7.99 年	33	1.33
8 至 8.99 年	39	1.57
9至9.99年	38	1 . 53
10 至 14.99 年	123	4.97
15 至 19.99 年	62	2 . 50
20 至 24.99 年	37	1.49
25 至 29.99 年	15	0.61
30 至 34.99 年	9	0.36
35 至 38.99 年	2	0.08
39 至 40.99 年	0	0.00
41 至 42.99 年	0	0.00
43年及以上	0	0.00
總 數:	2 477	100.00

破產欠薪保障基金就遣散費的最高付款限額為220,000元。

[《]公司(清盤及雜項條文)條例》及《破產條例》就優先債項限額訂明,在清盤 / 破產程序中分配僱主餘下資產時,須在償付其他債項前,優先償付以不超過8,000元為限額的遣散費。

二零一四至一五年度

未放年假薪酬及未放法定假日薪酬特惠款項申請的分項數字

A.	按款額劃分			
	款額		申請人數目	百分比
	無權追討/未有提出申索		1 134	45.78
	2,000 元或以下		305	12.31
	2,001 元至 4,000 元		291	11.75
	4,001 元至 6,000 元		196	7.91
	6,001 元 至 8,000 元		131	5.29
	8,001 元至 10,500 元**		107	4.32
	10,501 元 至 20,000 元		181	7.31
	20,000 元以上		132	5.33
		總數:	2 477	100.00
В.	按未放年假薪酬的假期年	分		
	假期年		申請人數目	百分比
	無權追討/未有提出申索		1 159	46.79
	1年或少於1年		809	32.66
	超過1年至少於2年。		322	13.00
	2年或以上		187	7.55
		總數:	2 477	100.00
C.	按未放法定假日薪酬的申	三三三三三三三三三三三三三三三三三三三三三三三三三三三三三三三三三三三三		
C.	按未放法定假日薪酬的申 申索期	京期 割 分	申請人數目	百分比
C.		京期劃分	申請人數目 2 135	百分比 86.19
C.	申索期	表期 制 分		

[《]破產欠薪保障條例》規定的未放年假薪酬及未放法定假日薪酬特惠款項的最高付款限額,為不 超過最後兩個假期年的未放年假及/或四個月的未放法定假日薪酬,合共最多10,500元。

總數:

超過4個月

161

2 477

6.50

100.00

二零一四至一五年度 獲准發放的特惠款項分析

A. 獲准用以支付欠薪的特惠款項分析

(包括超時工作工資及可視作工資的收入)

款 額		申請人數目	百分比
未有提出申索/申請不獲批准		228	10.29
4,000 元 或以下		282	12.73
4,001 元 至 8,000 元		297	13.41
8,001 元至 10,000 元		146	6. 59
10,001 元 至 12,000 元		119	5.37
12,001 元 至 14,000 元		133	6.00
14,001 元 至 16,000 元		101	4. 56
16,001 元 至 18,000 元		90	4.06
18,001 元 至 28,000 元。		267	12.05
28,001 元 至 36,000 元		552	24.92
	總 數:	2 215	100.00

B. 獲准用以支付代通知金的特惠款項分析

款額		申請人數目	百分比
未有提出申索/申請不獲批准		735	33.18
2,000 元 或以下		147	6.64
2,001 元 至 3,000 元		125	5 . 64
3,001 元 至 4,000 元		119	5 . 37
4,001 元至 5,000 元		88	3.97
5,001 元至 6,000 元		56	2 . 53
6,001 元 至 10,000 元		229	10.34
10,001 元 至 22,500 元 †		716	32.33
	總數:	2 215	100.00

C. 獲准用以支付遣散費的特惠款項分析

款 額	申請人數目	百分比
未有提出申索/申請不獲批准	1 898	85.69
8,000 元或以下	190	8 . 58
8,001 元 至 22,000 元	97	4.38
22,001 元 至 36,000 元	13	0.59
36,001 元 至 50,000 元	7	0.32
50,001 元 至 80,000 元	7	0.32
80,001 元 至 110,000 元	2	0.09
110,001 元 至 140,000 元	1	0.05
140,001 元 至 170,000 元	0	0.00
170,001 元 至 200,000 元	0	0.00
200,001 元至 210,000 元。	0	0.00
210,001 元 至 220,000 元 (0	0.00
	總數: 2215	100.00

- * 破產欠薪保障基金的欠薪特惠款項最高付款限額。
- † 破產欠薪保障基金的代通知金特惠款項最高付款限額。
- * 破產欠薪保障基金的遣散費特惠款項最高付款限額。

二零一四至一五年度 獲准發放的特惠款項分析

D. 獲准用以支付未放年假薪酬及未放法定假日薪酬的特惠款項分析

款額	申請人數目	百分比
未 有 提 出 申 索 / 申 請 不 獲 批 准	1 083	48.89
1,000 元或以下	156	7.04
1,001 元至 3,000 元	391	17.65
3,001 元 至 5,000 元	243	10.97
5,001 元至 7,000 元	138	6.23
7,001 元至 10,500 元	204	9.21
總數	: 2 215	100.00

^{*} 破產欠薪保障基金的未放年假薪酬及未放法定假日薪酬特惠款項最高付款限額。

二零一四至一五年度 獲准發放的特惠款項佔申請人申索款項的百分比分析

A. 欠薪(最高付款限額為36,000元)

变准發放的款額佔申請人申索的百分比	申請人的百分比
100%	82.28
90%或以上	83.98
80%或以上	85.64
70%或以上	87.19
60%或以上	89.09
50% 或以上	90.84
40% 或以上	93.09
30%或以上	95.05
20%或以上	96.65
10%或以上	98.10
5% 或以上	99.70

B. 代通知金(最高付款限額為22,500元)

獲准發放的款額佔申請人申索的百分比	申請人的百分比
100%	99.66
90% 或以上	99.66
80% 或以上	99.66
70% 或以上	99.73
60% 或以上	99.87
50% 或以上	99.87
40% 或以上	99.93
30% 或以上	99.93
20% 或以上	99.93
10%或以上	99.93

C. 遣散費(最高付款限額為50,000元另加餘數的50%)

獲准發放的款額佔申請人申索的百分比	申請人的百分比
100%	37.15
90% 或以上	41.18
80% 或以上	44.89
70% 或以上	47.99
60% 或以上	55.11
50% 或以上	59.75

二零一四至一五年度 獲准發放的特惠款項佔申請人申索款項的百分比分析

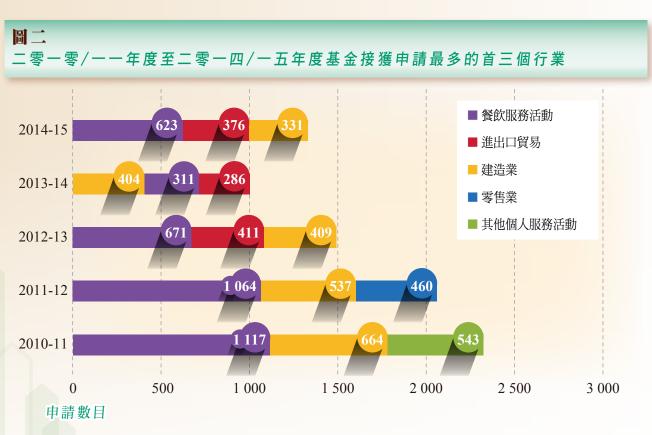
D. 未放年假薪酬及未放法定假日薪酬(最高付款限額為10,500元)

獲准發放的款額佔申請人申索的百分比	申請人的百分比
100%	41.36
90%或以上	48.15
80%或以上	54.67
70%或以上	64.11
60%或以上	72.75
50%或以上	82.19
40%或以上	88.54
30%或以上	93.56
20%或以上	97.00
10%或以上	99.56
5%或以上	99.82

破產欠薪保障基金在二零一零/一一年度至二零一四/一五年度的運作比較圖表

□ → 二零一零/一一年度至二零一四/一五年度基金接獲的申請數目

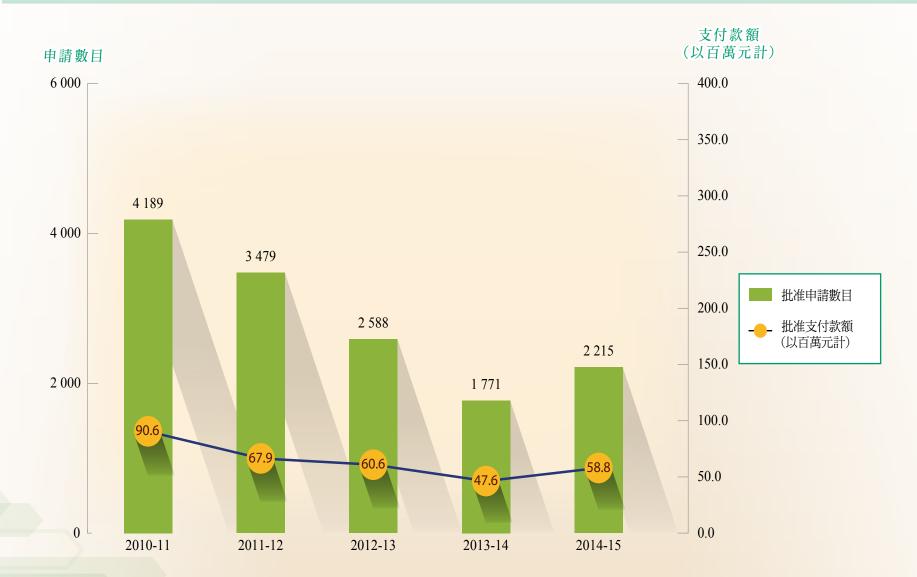




破產欠薪保障基金委員會 Protection of Wages on Insolvency Fund Board

圖三

二零一零/一一年度至二零一四/一五年度基金批准的申請數目及特惠款額



圖四

二零一零/一一年度至二零一四/一五年度基金總收入及支出





銀行存款利息及藉代位權而收回的款項

破產欠薪保障基金委員會

圖六

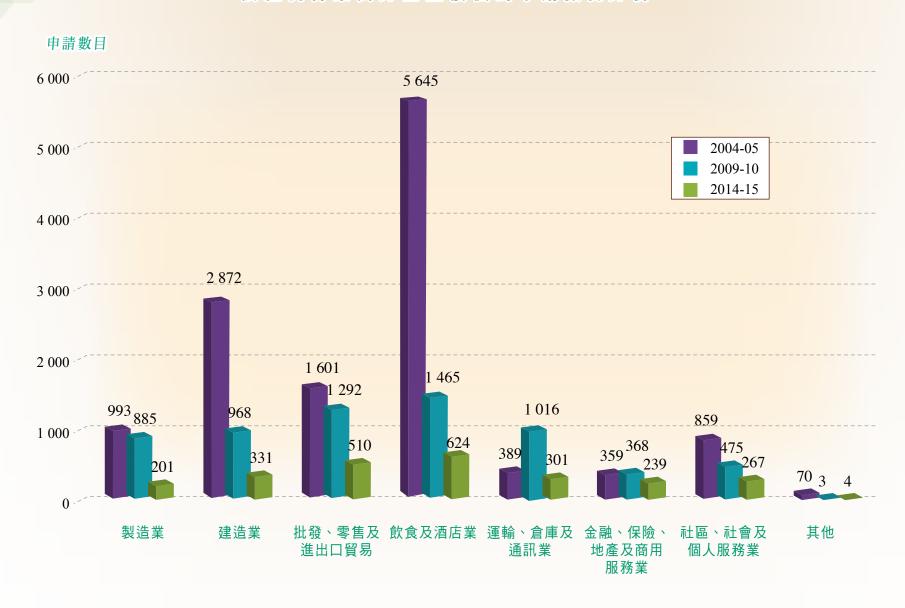
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二零一零/一一年度至二零一四/一五年度基金藉代位權而收回的款項及特惠款項支出分析



二零零四/零五年度、二零零九/一零年度及二零一四/一五年度 按經濟行業劃分基金接獲的申請數目分析



破產欠薪保障基金

截至二零一五年三月三十一日止年度 獨立核數師報告及審核財務報表

11安永會計師事務所

破產欠薪保障基金

截至二零一五年三月三十一日止年度 獨立核數師報告及審核財務報表

內容	正 。 (4)
	頁數
獨立核數師報告	1-2
審核財務報表	
損益及其他全面收入報表	3
財務狀況表	4
基金及儲備變動表	5
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獨立核數師報告

致破產欠薪保障基金委員會委員

(根據《破產欠薪保障條例》設立)

本核數師行(下稱本行)已完成審核載列於第3至14頁的破產欠薪保障基金(下稱基金)財務報表,包括截至二零一五年三月三十一日止的財務狀況表,截至該日止年度的損益及其他全面收入報表、基金及儲備變動表和現金流量表,以及主要會計政策概要及其他解釋資料。

破產欠薪保障基金委員會就財務報表須承擔的責任

破產欠薪保障基金委員會(下稱委員會)須負責按照香港會計師公會頒佈的香港財務報告準則及《破產欠薪保障條例》的規定,編製真實而公平的財務報表,並進行委員會認為必要的內部監控,以確保財務報表沒有因欺詐或錯誤而有重大的錯誤陳述。

核數師的責任

本行的責任是根據本行審核工作結果,對該等財務報表表達意見,並按照《破產欠薪保障條例》的規定,僅向全體委員報告。除此之外,本報告別無其他目的。本行概不就本報告的內容向任何其他人士負有或承擔任何責任。

本行是按照香港會計師公會頒佈之香港核數準則進行審核工作。該等準則要求我們遵 守職業道德規範,並策劃及執行審核,從而就該等財務報表是否存有重大錯誤陳述, 作出合理確定。

審核工作涉及執行程序以獲取有關財務報表所載數額和披露事項的審核憑證。選用的審核程序取決於我們的判斷,包括評估該等財務報表有否出現因欺詐或錯誤所致的重大錯誤陳述的風險。在進行風險評估時,我們考慮了委員會就編製真實而公平的財務報表所作的內部監控,以制訂適當的審核程序,但此舉的目的並非是對委員會內部監控的成效發表意見。審核工作還包括評價委員會選用會計政策的適當性和作出會計估計的合理性,以及評價財務報表的整體列報。

本行相信,本行所獲得的審核憑證已充份和適當地為本行的審核意見建立基礎。

(此乃中文譯本,全文仍以英文為準。)

獨立核數師報告(續)

致破產欠薪保障基金委員會委員

(根據《破產欠薪保障條例》設立)

意見

本行認為,該等財務報表已按照香港財務報告準則真實與公平地反映基金於二零一五年 三月三十一日的財政狀況及截至該日止年度的盈餘及現金流量,並已按照《破產欠薪保 障條例》妥善編製。

安永會計師事務所 執業會計師

香港 二零一五年九月七日

(此乃中文譯本,全文仍以英文為準。)

損益及其他全面收入報表 截至二零一五年三月三十一日止年度

附註	2015	2014
	港元	港元
		,
3	421,477,651	494,841,132
	, ,	
4	58,802,894	47,645,857
5	21,466,503	20,297,573
	88,500	85,000
	305,768	298,028
	6,407	6,308
	36,400	53,019
	683,089	567,339
	81,389,561	68,953,124
·		
6	340,088,090	425,888,008
	4 5	港元 3 421,477,651 4 58,802,894 5 21,466,503 88,500 305,768 6,407 36,400 683,089 81,389,561

財務狀況表 二零一五年三月三十一日

	附註	2015 港元	2014 港元
非流動資產			
物業	9	-	-
定期存款	10		25,000,000
非流動資產總值			25,000,000
流動資產			
應收徵費		37,350,100	34,891,800
應收利息		12,601,007	7,256,483
雜項按金		49,000	42,000
預付款項		63,333	60,833
定期存款	10	4,029,131,161	3,670,200,000
銀行存款	10	368,241	174,178
流動資產總值		4,079,562,842	3,712,625,294
流動負債			
應付已批申索款項		4,777,631	3,830,873
應付運作費用		95,700	93,000
應付監管費	5	21,500,000	20,600,000
流動負債總值		26,373,331	24,523,873
流動資產淨值		4,053,189,511	3,688,101,421
資產淨值		4,053,189,511	3,713,101,421
資金來源			
累積盈餘		4,036,650,724	3,696,562,634
一般儲備金	11	16,538,787	16,538,787
累積盈餘及儲備總值		4,053,189,511	3,713,101,421

黃友嘉博士, BBS, JP 主席 **孔慶柱先生** 委員

基金及儲備變動表 截至二零一五年三月三十一日止年度

	累積 盈餘 港元	一般 儲備金 港元	累積盈餘及 儲備總值 港元
於二零一三年四月一日	3,270,674,626	16,538,787	3,287,213,413
全年盈餘及全面收入	425,888,008		425,888,008
於二零一四年三月三十一日 及二零一四年四月一日	3,696,562,634	16,538,787	3,713,101,421
全年盈餘及全面收入	340,088,090		340,088,090
於二零一五年三月三十一日	4,036,650,724	16,538,787	4,053,189,511

現金流量表 截至二零一五年三月三十一日止年度

	附註	2015 港元	2014 港元
運作事務的現金流量 全年盈餘 調整:		340,088,090	425,888,008
利息收入	3	(59,773,861)	(39,261,453)
應收徵費的減少/(增加) 雜項按金的增加 預付款項的增加 應付已批申索款項的增加/(減少) 應付運作費用的增加 應付監管費的增加 來自運作事務的淨現金		280,314,229 (2,458,300) (7,000) (2,500) 946,758 2,700 900,000	386,626,555 18,378,050 (2,500) (156,221) 9,400 300,000 405,155,284
投資活動的現金流量			
已收利息		54,429,337	35,626,113
為期3個月以上的定期存款的減少/(增加)		447,007,941	(563,100,000)
投資活動現金流入/(流出)淨額		501,437,278	(527,473,887)
現金及現金等價物數額的淨增加/(減少)		781,133,165	(122,318,603)
年初的現金及現金等價物數額		913,374,178	1,035,692,781
年終的現金及現金等價物數額		1,694,507,343	913,374,178
現金及現金等價物的結存分析	10	2/0.241	17.1.170
銀行結存 為期3個月或以下的定期存款	10 10	368,241 1,694,139,102	174,178 913,200,000
1 H 2 V 2 V 1 H 3 V 2 V 1 I W	10		913,374,178
		1,694,507,343	713,3/4,1/6

財務報表附註 二零一五年三月三十一日

1. 一般資料

破產欠薪保障基金(下稱基金)是香港特別行政區政府根據香港《破產欠薪保障條例》 於一九八五年設立,目的是在僱主無力清償債務的情況下,向僱員撥付特惠款項。

基金的財政來源主要是稅務局局長每年按每張商業登記證收取的徵費。

2.1 編製基準

本財務報表是根據香港會計師公會所頒佈的香港財務報告準則(包括所有香港財務報告準則、香港會計準則及詮釋)、香港普遍採用的會計原則及《破產欠薪保障條例》編製。本財務報表是根據歷史成本慣例編製和以港元顯示。

2.2 會計政策及披露之變更

有些經修訂的香港財務報告準則於本財政年度首次生效,但由於不適用於本基金,因此 對本基金截至二零一五年三月三十一日止的財務報表並無影響。

2.3 尚未採納的新訂及經修訂之香港財務報告準則

本基金於本財務報表並未應用任何已頒佈但尚未生效的新訂及經修訂香港財務報告準則。本基金現正就該等新訂及經修訂香港財務報告準則於首次應用時的影響進行評估, 但尚未能肯定該等新訂及經修訂香港財務報告準則會否對其運作成果及財務狀況產生重 大影響。

2.4 主要會計政策概要

物業和折舊

基金的物業是按成本值扣除累計折舊及任何減值虧損後列帳。物業的成本值包括其購買價及任何為使有關資產達致現時營運狀況及使營運地點備有有關資產作擬定用途的任何直接應計成本。物業投入運作後所引致的支出(如維修及保養費用),通常於產生該年度記錄作支出項目。

折舊是以直線法按基金物業的預計可使用年期撇銷其成本至殘值計算。預計可使用年期 是根據物業土地契約之租約年期或於本基金首次使用該物業起計20年,以較短者計算。

殘值、可使用年期及折舊方法均至少於每個財政年度末審閱及作適當之調整。

物業於出售,或當預期繼續使用或出售該等項目均將不會產生未來經濟利益時解除確認。於解除確認資產的當年確認任何出售或報廢盈虧均為有關資產的銷售所得款項淨額 與賬面值之差額。

財務報表附註 二零一五年三月三十一日

2.4 主要會計政策概要 (續)

金融工具

本基金按最初取得資產或引致負債時的用途將金融工具作下列分類。按慣例買賣的金融 資產均於交易日(即本基金承諾買賣資產的日期)確認。

(a) 貸款及應收款項

貸款及應收款項為具有固定或可確定付款,但在活躍市場中無報價之非衍生性質之 金融資產。在初步記錄其公平值加上直接應佔交易成本後,金融資產其後運用實際 利率方法計算攤銷成本減去減值撥備。

當有客觀證據顯示一項或一組合之貸款已出現減值時,本基金便會確認該虧損。減值撥備是按具個別重要性的貸款進行個別評估,或按具有相若信貸風險,包括經個別評估但未有作個別減值撥備等貸款的組合進行共同評估。

倘其後估計減值虧損金額增加或減少,且此額增加或減少因與確認減值後發生之事項有關,則以往確認之減值虧損將會透過調整撥備賬予以增加或減少。倘撇賬稍後回撥,則該回撥作抵免支出。

(b) 金融負債

本基金之金融負債包括應付已批申索款項、應付運作費用及應付監管費。所有金融 負債初步按收取之代價的公平值確認,並減去直接應佔交易成本。金融負債於初步 確認後,隨後以實際利率法按攤銷成本計量。

於活躍市場買賣之金融工具之公平值參照市場報價或交易商之報價表(好倉之買入價及 淡倉之賣出價)而釐定,並且不會扣除任何交易成本。就無活躍市場之金融工具而言, 使用合適之估值技術釐定公平值。該等技術包括使用近期公平之市場交易;參照大致相 同之另一工具之目前市值;及折算現金流量分析。

金融資產在下列情況將取消確認:當收取該項資產所得現金流量之權利已經屆滿;或本基金已轉讓其收取該項資產所得現金流量之權利,並同時已轉讓該項資產擁有權之絕大部分風險及回報;或再無保留該項資產之控制權。當金融負債消滅時便取消確認,即於責任獲解除、註銷或屆滿。

財務報表附註 二零一五年三月三十一日

2.4 主要會計政策概要 (續)

現金及現金等價物

就現金流量表而言,現金及現金等價物乃指現金、銀行結存及定期存款、以及可隨時轉換為已知數額現金,並承受價值變動風險甚微之短期及高度流通性之投資,一般於購入時三個月內到期,扣除須應要求償還之銀行透支,作為本基金現金管理之一個完整部分。

就財務狀況表而言,現金及現金等價物乃指用途不受限制之銀行存款及定期存款。

營運租約

資產擁有權的全部回報及風險實質地由出租人保留的租約,均歸類為營運租約入帳。如本基金為租賃人,則營運租約應付的租金在扣除出租人給予的任何優惠後,以直線法按 租約期支銷。

撥備

因過往事項而產生的現時責任(法定或推定)以及大有可能導致日後需要付出資源以履行有關責任,並可合理估計責任的金額時,便確認撥備。

當貼現的影響屬重大時,已確認的撥備數額為於報告期末就履行責任所需的預計未來用的現值,因時間流逝所產生的貼現現值增加數額乃計入支出。

收入的確定

收入是於經濟利益可能會流入本基金,並當收入能可靠地計算時按下述方式確定:

- (a) 徵費收入在稅務局收到現金收入後按照應計制入帳;
- (b) 利息收入依據本金及適用利率按時間比例累算;以及
- (c) 藉代位權追討的已付款項在收到款項時入帳。

申索款項的確定

申索款項經勞工處處長批准後按照應計制入帳。

僱員福利

退休福利計劃

本基金就其僱員根據強制性公積金計劃條例經營界定供款強制性公積金退休福利計劃 (「強制性公積金計劃」)。供款乃基於僱員的基本薪金百分比及當應付時遵照強制性 公積金計劃規則在收支表列支。強制性公積金計劃於該等供款資產與本基金其他資產分 開處理,並由一個獨立管理的基金持有。根據強制性公積金計劃的規則,本基金的僱主 供款於向強制性公積金計劃支付時全數歸屬予僱員所有。

財務報表附註 二零一五年三月三十一日

3. 收入

收入分析如下:

	2015	2014
	港元	港元
徵費	352,647,100	448,909,550
藉代位權追討的已付款項	9,056,690	6,670,129
銀行利息收入	59,773,861	39,261,453
	421,477,651	494,841,132

根據《商業登記條例》第7條及第21條以及《破產欠薪保障條例》第3部第6條,在二零零八年三月十四日及二零一三年七月十八日期間發出的商業登記證,為期一年的每張徵收港幣450元,為期三年的每張徵收港幣1,350元。根據《2013年商業登記條例(修訂附表2)令》,在二零一三年七月十九日或該日之後發出的商業登記證,下調至為期一年的每張徵收港幣250元,為期三年的每張徵收港幣750元。

4. 申索款項

根據《破產欠薪保障條例》第5部第16(1)及(2)及18(1)條,勞工處處長可從基金中撥付以下的特惠款項給申請人:

(a) 工資

數額不超過港幣36,000元,作為申請人在服務的最後一天前四個月內所提供服務的工資。

(b) 代通知金

數額不超過相等於申請人一個月的工資或港幣22,500元(兩者以較少者為準),而該款項須於申請日期前六個月內到期支付。

(c) 遣散費

總額不超過港幣50,000元及申請人應得遣散費中超出港幣50,000元的款項的半數,而付款責任須在申請日期前六個月內產生。

(d) 未放年假及未放法定假日薪酬

未放年假及/或未放法定假日薪酬的總額不超過10,500元,當中包括(i)申請人就最後完整假期年累積而仍未放取的有薪年假的薪酬及如申請人在最後假期年已受僱滿3個月但不足12個月,在僱傭合約被終止時申請人根據《僱傭條例》可獲得的按比例計算的年假薪酬;以及(ii)申請人在服務最後一天前4個月內未放的法定假日的薪酬,而假若申請人放取了該等假日,僱主本須就該等假日向申請人支付假日薪酬。

財務報表附註 二零一五年三月三十一日

5. 監管費

根據《破產欠薪保障條例》第4部第14條,財政司司長可以在他所決定的任何時間內, 釐定監管費的款額,並從基金收入中徵收。破產欠薪保障基金委員會(下稱委員會)已 和香港特別行政區政府達成協議,監管費的款額為政府管理基金的成本的三分之二。然 而,委員會保留日後再商討此事的權利。

6. 本年度盈餘

本基金於本年度之盈餘乃經扣除以下項目:

	2015 港元	2014 港元
核數師酬金	88,500	85,000
僱員福利開支: 工資及薪金 退休金計劃供款	209,830 20,733 230,563	235,517 24,791 260,308
樓宇之經營租約項下之最低應付租	243,713	222,000

7. 委員會委員的酬金

委員會沒有委員就其於本年度為基金所提供的服務收取任何費用或其他薪酬(2014年:零港元)。

8. 所得稅

基金根據《稅務條例》第88條獲豁免繳稅。

財務報表附註 二零一五年三月三十一日

9. 物業

土地及樓宇 港元

二零一五年三月三十一日

<mark>於二零一</mark>三年四月一日,二零一四年三月三十一日, 二零一四年四月一日及二零一五年三月三十一日:

成本27,474,677累計折舊(27,474,677)帳面淨值-

物業,其土地契約屬長年期租約,是指基金位於香港的辦公室。

10. 銀行存款及定期存款

	2015 港元	2014 港元
銀行結存 定期存款	368,241	174,178
為期3個月或以下	1,694,139,102	913,200,000
為期3個月以上至12個月	2,334,992,059	2,757,000,000
為期1年以上		25,000,000
	4,029,499,402	3,695,374,178

於報告期末,本基金以人民幣為單位的銀行存款及定期存款之金額為港幣374,961,989元(2014年:零港元)。人民幣不可與其他貨幣自由兌換,但在內地外匯管制規定和結 匯、售匯及付匯管理規定下,本基金可透過獲授權進行外匯業務的銀行,兌換人民幣。

11. 一般儲備金

在基金成立之前所收到的徵費及利息,均已撥入一般儲備金的帳目。

財務報表附註 二零一五年三月三十一日

12. 營運租約承擔

基金是根據營運租約安排租用貯物倉,經議定的租期為兩年,按月支付固定租金。

在二零一五年三月三十一日,基金根據不可撤銷的營運租約須按以下年期支付的最低租金總額如下:

	2015	2014
	港元	港元
一年內	264,000	111,000
第二至五年(包括首尾兩年)	132,000	- 444 000
	396,000	111,000

13. 或有負債

於二零一五年三月三十一日,在財務報表內未作準備的或有負債為已知但尚未獲批准的 申索款項港幣72,662,503元(2014年:港幣86,838,285元)。

由於這類可能支付的款項須經勞工處處長批准,方可作實,因此並未就該等款項確認準備。

14. 公平值

於報告期末,本基金的金融資產及負債帳面值與其公平值相若。

金融資產及負債的公平值,是以現時這些工具在雙方自願交易下(即並非因強迫或清盤而進行的買賣交易)可換取的價值計算。

應收徵費、應收利息、定期存款、銀行存款、應付已批申索款項、應付運作費用及應付 監管費的公平值與其帳面值相若,主要由於這些工具將於短期內到期。

財務報表附註 二零一五年三月三十一日

15. 財務風險管理之目標及政策

本基金的主要金融工具包括現金及短期存款。本基金有各種其他金融資產及負債,如應收徵費、應收利息、應付已批申索款項及應付監管費,且均直接由其營運業務產生。本基金金融工具之主要風險乃來自信貸風險、利率風險及外幣風險。

信貸風險

本基金的應收款項結餘均受到持續監察,而且本基金的壞賬風險並不重大。本基金的最大信貸風險乃來自對方違反協議條款,其金額等同該金融資產之帳面總值。

利率風險

本基金須承擔的市場利率變動風險主要關於本基金附帶浮動銀行存款利率。本基金現時並無任何計劃參與對冲安排用以管理其利率風險。

外幣風險

外幣風險是指以外幣為單位的金融工具之價值因匯率的變動而上落的風險。本基金並無 對沖政策或簽訂外匯期貨合約以作抵銷個別交易的外幣風險。

下表顯示於報告期末,在所有其他可變因素維持不變的情況下,人民幣匯率之合理可能 變動對本基金的盈餘之敏感度(因貨幣資產及負債的公平值之變動)。

		匯率變動%	增加/(盈餘 減少)港元
2015				
如港元兌人民幣貶值		1		3,749,620
如港元兌人民幣升值	(1)	(3,749,620)
2014				
如港元兌人民幣貶值		1		-
如港元兌人民幣升值	(1)		-

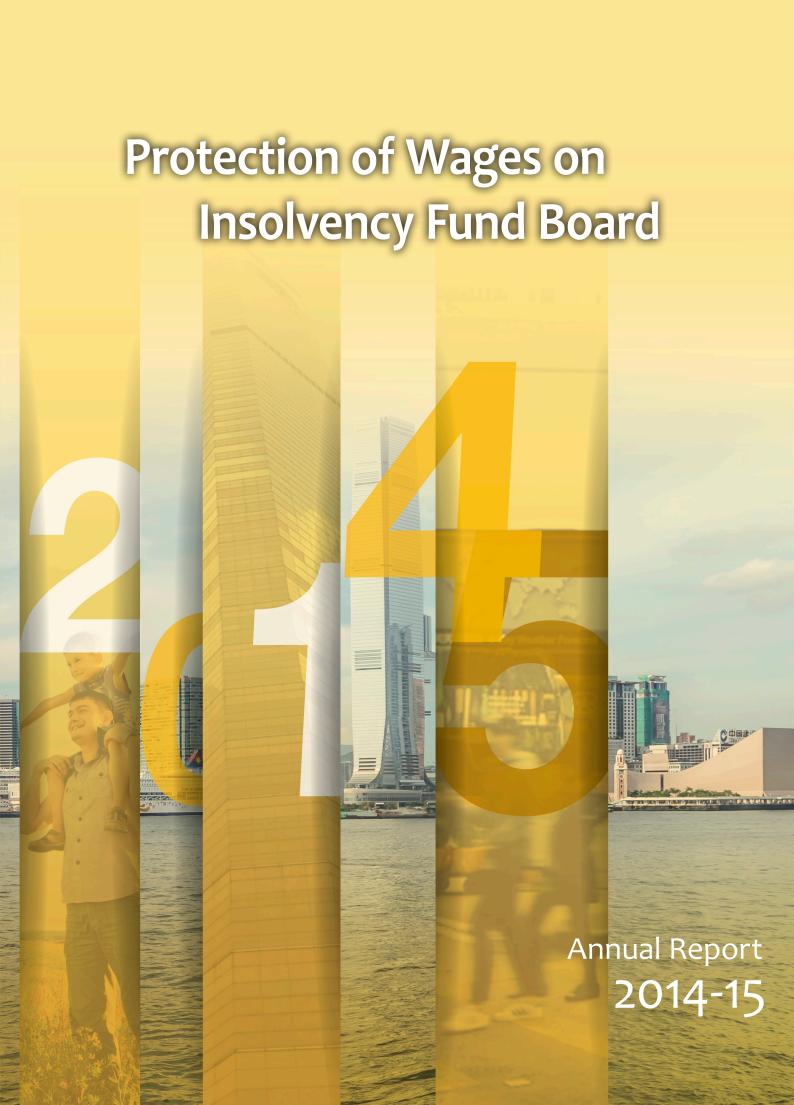
資本管理

本基金管理資本之主要目標為保障本基金繼續以持續基準經營之能力,在僱主無力清償 債務的情況下,向僱員撥付特惠款項。

本基金管理其資本結構及因應經濟狀況變動作出調整。本基金於截至二零一四年三月 三十一日及二零一五年三月三十一日止年度的資本管理政策並無就管理資本的目標、政 策或過程作出變動。

16. 財務報表的核准

財務報表已於二零一五年九月七日經由委員會核准並授權發行。



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CHAIRMAN'S FOREWORD

I hereby present the Annual Report of the Protection of Wages on Insolvency Fund Board (the Board) covering the period from 1 April 2014 to 31 March 2015.

This year, amidst the slow pace of recovery of the global economy and unstable external environment, the local economy recorded only a modest growth. The Protection of Wages on Insolvency Fund (the Fund) recorded a rise in the number of employees who were owed wages and other statutory compensation due to business cessation and who sought relief from the Fund. In 2014-15, the Fund received a total of 2 477 applications, an increase of 14% over the figure of 2 179 in the previous year. This year, the Fund approved 2 215 applications with a total payout of \$58.8 million of ex gratia payment, an increase of 25% and 24% respectively over the figures in the preceding year. During the period, the Board and colleagues of the Wage Security Division of the Labour Department (LD) have, through our unfailing efforts and dedication, provided timely assistance to employees aggrieved by their genuinely insolvent employers through duly discharging the functions of the Fund as a safety net.

All along, the Board has enhanced the scope of protection of the Fund progressively having regard to the financial position of the Fund and the needs of the society. This year, the Board continued its work of conducting a comprehensive review of the coverage of the Fund, including the coverage of pay for untaken annual leave and untaken statutory holidays which were added under the Protection of Wages on Insolvency (Amendment) Ordinance 2012, as well as all other payment items under the Fund, namely, wages, wages in lieu of notice and severance payment.

The Board has the statutory functions of administering the Fund and making recommendations to the Chief Executive with respect to the rate of levy on Business Registration Certificates (BRC) financing the Fund. In this respect, the Board has been monitoring closely the financial position of the Fund. The Fund had a surplus of \$340.1 million in the financial year of 2014-15 and an

accumulative surplus of \$4,053.2 million by the end of March 2015. Though the levy on BRC had just been reduced from \$450 to \$250 per annum in July 2013 as recommended by the Board, the Board, having regard of the healthy financial position of the Fund, initiated a review of the rate of levy in the year.

Regarding the prevention of abuse of the Fund, the inter-departmental Task Force (the Task Force) comprising representatives of LD, the Commercial Crime Bureau of the Police, the Official Receiver's Office (ORO) and the Legal Aid Department (LAD) continued to spare no efforts in proactively investigating and pursuing cases involving possible abuse of the Fund by employers and employees. In August 2014, it came to the knowledge of the Task Force that a director of a yoga company had been successfully prosecuted and convicted of fraud under the Theft Ordinance. The company director was sentenced to five months' imprisonment. In October 2014, a dispensary manager was also convicted of fraud and was sentenced to six months' imprisonment, suspended for 18 months. The conviction cases delivered a strong message to the community that any irregularity of abuse of the Fund would incur criminal liability, and the consequence would be serious.

In the year, the Board embarked on an arduous task of reviewing both the coverage of the Fund and the rate of levy. I am glad that all members have participated actively in the review, offered valuable inputs while striving to seek common ground. I would like to express my most sincere thanks to them. I am confident that with the concerted efforts of all members, the Board will come up with constructive proposals in the review of the scope of the Fund and the rate of levy. Last but not least, on behalf of the Board, I would also like to extend our heartfelt appreciation to all our working partners, including LD, LAD, ORO, the Police and the Inland Revenue Department, for their continued support to the Board in keeping the Fund in effective operation and contributing to a harmonious and stable society.

Dr. David WONG Yau-kar, BBS, JP

Chairman

Protection of Wages on Insolvency Fund Board

September 2015

MEMBERSHIP LIST OF THE PROTECTION OF WAGES ON INSOLVENCY FUND BOARD 2014-15

Chairman

Dr. David WONG Yau-kar, BBS, JP

Members

Representing employees

Mr. HUNG Hing-chu

Hon. POON Siu-ping, BBS, MH

Ms. LEUNG Fong-yuen

Representing employers

Mr. Mark LIN, JP

Mrs. CHOI KWAN Wing-kum, MH

Mr. FUNG Hau-chung, JP

Representing government departments

Assistant Commissioner for Labour of the Labour Department responsible for wage security matters

Assistant Principal Solicitor of the Official Receiver's Office

Assistant Principal Legal Aid Counsel of the Legal Aid Department responsible for insolvency matters

Secretary

Senior Labour Officer, Wage Security Division of the Labour Department

Group Photo of the Protection of Wages on Insolvency Fund Board 2014-15



Rear row from left:

Mr. Ben LI Chi-keung

Assistant Principal Legal Aid Counsel, Legal Aid Department

Mr. Ernest IP Yee-cheung, JP

Assistant Commissioner (Employees' Rights and Benefits), Labour Department

Mr. FUNG Hau-chung, JP

Representing employers

Mr. HUNG Hing-chu

Representing employees

Miss Anita TONG Wing-sze

Assistant Principal Solicitor, Official Receiver's Office

Miss Bonny WONG Wai-man

Secretary

Front row from left:

Mrs. CHOI KWAN Wing-kum, MH

Representing employers

Mr. Mark LIN, JP

Representing employers

Dr. David WONG Yau-kar, BBS, JP

Chairman

Hon. POON Siu-ping, BBS, MH

Representing employees

Ms. LEUNG Fong-yuen

Representing employees

INTRODUCTION

The Protection of Wages on Insolvency Ordinance (the Ordinance), which came into effect on 19 April 1985, provides for the establishment of a board to administer the Protection of Wages on Insolvency Fund (the Fund). The Ordinance also empowers the Commissioner for Labour to make ex gratia payment from the Fund to employees whose employers have become insolvent.

This report covers the activities of the Protection of Wages on Insolvency Fund Board (the Board) and the operation of the Fund for the financial year ended 31 March 2015.

PROTECTION OF WAGES ON INSOLVENCY FUND BOARD

The Ordinance provides that the Board shall consist of a chairman and not more than 10 members appointed by the Chief Executive. Of the members, there shall be an equal number of persons representing employers and employees and not more than four public officers.

The Board has the following statutory functions:

- (a) to administer the Fund:
- (b) to make recommendations to the Chief Executive with respect to the rate of levy on Business Registration Certificates; and
- (c) to review applications upon request from applicants aggrieved by any decision of the Commissioner for Labour in connection with the application for ex gratia payment from the Fund.

PROTECTION OF WAGES ON INSOLVENCY FUND

The Fund is mainly financed by an annual levy on each Business Registration Certificate. The levy is collected by the Inland Revenue Department when the business registration fee is paid.

Under the Ordinance, employees who are owed wages, wages in lieu of notice, severance payment, pay for untaken annual leave and/or untaken statutory holidays by their insolvent employers may apply for ex gratia payment from the Fund. The application should be made in an approved form and supported by a statutory declaration. The application has to be made within a period of six months from the applicant's last day of service.

Maximum amount of ex gratia payment payable by the Fund

Ex gratia payment from the Fund covers:

- (a) wages of an employee for services rendered to his employer during the four months prior to the last day of service but not exceeding \$36,000 ("wages" include remuneration and earnings and items that could be deemed to be wages, namely, holiday pay, annual leave pay, end of year payment, maternity leave pay, paternity leave pay¹ and sickness allowance);
- (b) wages in lieu of notice up to one month's wages or \$22,500, whichever is less:
- (c) severance payment under the Employment Ordinance up to \$50,000 plus 50% of any entitlement in excess of \$50,000; and
- (d) pay for untaken annual leave and untaken statutory holidays, including (i) pay for any annual leave under the Employment Ordinance earned in the employee's last full leave year and not yet taken and, where the employee has at least three but less than 12 months' service in the last leave year, pro rata annual leave pay to which the employee is entitled upon termination of employment contract and (ii) pay for statutory holidays to which the employee is entitled but not yet taken within four months before his last day of service. Neither (i) nor (ii), nor the total amount of them, may exceed \$10,500.

The Employment (Amendment) Ordinance 2014 on statutory paternity leave has come into operation on 27 February 2015. Upon the commencement of the said Amendment Ordinance, the coverage of wages in arrears under the Protection of Wages on Insolvency Fund also includes paternity leave pay.

Prerequisites for making ex gratia payment from the Fund

Section 16(1) of the Ordinance requires the presentation of a winding-up or bankruptcy petition as a pre-condition for payment from the Fund. Under section 18(1) of the Ordinance, the Commissioner for Labour may exercise discretion to make payment without the presentation of a petition in circumstances where:

- (a) the size of employment is less than 20 employees;
- (b) sufficient evidence exists to support the presentation of a petition in that case on the ground
 - (i) if the employer is a company, that he is unable to pay his debts; or
 - (ii) if the employer is a person other than a company, that he is liable to have a bankruptcy petition presented against him; and
- (c) it is unreasonable or uneconomic to present a petition in that case.

The Commissioner for Labour is also empowered under section 16(1)(a)(ii) of the Ordinance to make ex gratia payment from the Fund to employees who, because of a restriction imposed by the Bankruptcy Ordinance, cannot present a bankruptcy petition against their employer as the aggregate amount of outstanding payment is below \$10,000.

The Commissioner for Labour is empowered by the Ordinance to investigate applicants' claims before making payment from the Fund. For the purpose of verifying applications, the Commissioner for Labour or his authorised officers may require employers and applicants to submit wage and employment records and conduct interviews with them.

Subrogation rights of the Fund

Where ex gratia payment has been made to an applicant in respect of wages, wages in lieu of notice, severance payment, pay for untaken annual leave and/or untaken statutory holidays, his rights and remedies under the Companies (Winding Up and Miscellaneous Provisions) Ordinance or the Bankruptcy

Ordinance would, to the extent of the amount of payment, be transferred to the Board. The Board, in exercising these subrogated rights, may file a proof of debt with the Official Receiver or the private liquidator for the purpose of recovering any payment made to the applicant in the course of winding-up or bankruptcy proceedings.

Application of the Fund's reserve

A property was purchased in 1990 to provide office accommodation for the Board. In addition, all cash has been placed in banks approved by the Board as term deposits.

ANNUAL REVIEW OF APPLICATIONS RECEIVED AND PROCESSED

The applications received and processed in this financial year, together with the relevant analyses, are summarised as follows:

Applications received

During the year 2014-15, 2 477 applications involving claims for ex gratia payment of \$199.3 million were received from employees. A total of 476 suspected insolvency cases were recorded. Detailed breakdown of the applications is at **Appendix I**.

Of the 476 suspected insolvency cases, 454 involved less than 20 employees per case, 18 involved 20 to 49 employees per case and four involved 50 to 99 employees per case.

During the year, the food and beverage service activities recorded the largest number of applications, with 623 applications involving a total claim of \$20.5 million. This was followed by the import and export trade industry with 376 applications and a total claim of \$44.6 million, and construction industry with 331 applications and a total claim of \$10 million. These three trades accounted for 53.7% of all applications and 37.7% of the total amount claimed.

Out of the total 2 477 applicants in the year, 2 187 applied for ex gratia payment on arrears of wages, 1 704 applied for payment on wages in lieu of notice, 781 applied for payment on severance payment and 1 343 applied for payment on untaken annual leave and untaken statutory holidays. Breakdowns of these applications are at **Appendices II, III, IV** and **V**.

Applications processed

A total of 2 215 applications were approved during the year, resulting in payment amounting to \$58.8 million. Out of these, a total payment of \$20.9 million was made to 767 applicants under section 16(1)(a)(ii) or section 18(1) of the Ordinance where presentation of a bankruptcy or winding-up petition was not required.

An analysis of ex gratia payment approved is at **Appendix VI**. As indicated at **Appendix VII**, the claimed amount was met in full in respect of 82.3% of applicants for arrears of wages, 99.7% of applicants for wages in lieu of notice, 37.2% of applicants for severance payment, and 41.4% of applicants for pay for untaken annual leave and untaken statutory holidays.

The Commissioner for Labour rejected 44 applications involving claims totalling \$8 million, mostly for reasons such as claims without legal backing, insufficient evidence, or the applicants being registered company directors. At the same time, 314 applications involving claims amounting to \$18.6 million were withdrawn, mainly as a result of direct settlement between employees and their employers or liquidators.

Appendices VIII and **IX** set out the comparative figures on the Fund's performance in the last five to ten years.

MEETINGS OF THE PROTECTION OF WAGES ON INSOLVENCY FUND BOARD

The Board met three times during the year to discuss matters relating to the administration of the Fund. These included the Fund's performance and financial statements, projection of income and expenditure, replacement of the computer system of the Fund, review of the coverage of the existing items under the Fund and the rate of levy on business registration certificates. In addition, the Board reviewed one appeal case under section 17 of the Ordinance.

FINANCIAL POSITION OF THE PROTECTION OF WAGES ON INSOLVENCY FUND

During the year, the Fund received levy income of \$352.6 million and the total income was \$421.5 million. The total expenditure was \$81.4 million, of which a total of \$58.8 million was paid out as ex gratia payment. The Fund registered a surplus of \$340.1 million as compared with a surplus of \$425.9 million in the previous financial year. As at 31 March 2015, the Fund's accumulated surplus stood at \$4,053.2 million.

A copy of the independent auditors' report and the audited financial statements for the year ended 31 March 2015 is at **Appendix X**.

ACTIVITIES HIGHLIGHT

Publicity and promotion for the Fund

During the year, the Labour Department continued to publicise the Fund and the provisions of the Ordinance through various activities. Among others, six exhibitions were staged in different districts covering a number of themes, including an introduction to the Fund and matters concerning employees' applications for ex gratia payment from the Fund.



Achievements of the inter-departmental Task Force

The inter-departmental Task Force continued to play an active role in guarding against abuse of the Fund. The Labour Department, the Commercial Crime Bureau of the Hong Kong Police Force, the Official Receiver's Office and the Legal Aid Department acted in concert to proactively pursue and investigate cases involving possible abuse of the Fund by employers and employees.

During the year 2014-15, it came to the knowledge of the Task Force that a director of a yoga company had been successfully prosecuted and convicted of fraud under the Theft Ordinance. The company director was sentenced to five months' imprisonment. In the year, a dispensary manager was also convicted of fraud and was sentenced to six months' imprisonment, suspended for 18 months. Besides, the court disqualified a total of ten company responsible persons involving abuse of the Fund from being directors or taking part in the promotion, formation or management of a company, with the disqualification period ranging from one to four years. Apart from the above, the Labour Department adopted a multi-pronged enforcement strategy to guard against the possibility of cases of non-payment of wages evolving into applications for the Fund. In the same period, there were 248 convicted summonses in respect of wage offences. Of these, 36 convictions were against company directors and responsible persons.

APPENIDICES



I.	Breakdown of applications by result					
	(1) No. of cases received				_	476
	(2) No. of applications					
	(i) b/f last period					1 105
	received this period					2 477
	reconsidered this period				-	3 585
					=	
	(ii) processed					2 573
	approved					2 215
	refused withdrawn					44 314
	outstanding					991
	put aside *					21
	I				-	3 585
	(3) Amount of ex gratia payment (in HK\$'000)	Arrears of	Wages	Severance	Pay for untaken	
	applied for	wages	in lieu of	payment	annual leave	
			notice	. ,	and/or untaken	
					statutory	
					holidays	HK\$'000
	(i) b/f last period	00 400 .	21.014 .	(((0()	12 207	86,838
	received this period reconsidered this period	88,488 + 108 +	31,814 + 22 +	66,606 + 126 +	12,397 = 1 =	199,305 257
	reconsidered this period	100-т	<i>22</i> T	120 T	1	286,400
		A a.f.	14/2 222	C	=	200,100
		Arrears of wages	Wages in lieu of	payment	Pay for untaken annual leave	
		wages	notice	payment	and/or untaken	
					statutory	
					holidays	HK\$'000
	(ii) approved	35,244 +	15,753 +	3,219 +	4,587 =	58,803
	screened					128,250
	refused withdrawn					8,036
	outstanding					18,649
	put aside *					72,662
	•				-	286,400
	(4) No. of applications seeking review by the Fu	ınd Board			=	1
.,					-	1
II.	Presentation of petition in relation to applic					1 402
	(1) No. of applications where a winding-up petit					1 403 45
(2) No. of applications where a bankruptcy petition has been made(3) No. of applications dealt with under S.18(1) of the Protection of Wages on						
	Insolvency Ordinance	(1) 01 the 11				750
	(4) No. of applications dealt with under S.16(1	a)(a)(ii) of the	e Protection	of Wages		
	on Insolvency Ordinance			_	_	17
					=	2 215

^{*} Cases pending private settlement or withdrawal.

III.	Breakdown of cases by employment size	
	(1) Less than 20 employees	454
	(2) 20 ~ 49 employees	18
	(3) 50 ~ 99 employees	4
	(4) 100 or more employees	0
		476

Hong Kong Standard Industrial Classification	Industry in which applicants worked	No. of applicants		Amount claimed (including wages wages in lieu of notice, severance payment, pay for untaken annual lea and/or untaken statutory holiday	
Division A	Agriculture, forestry and fishing	1	(1)	\$	14,948.8
Division C	Manufacturing				
Sub-group					
10	Manufacture of food products	1	(1)	\$	18,698.
13	Manufacture of textiles	4	(3)	\$	788,755.
14	Manufacture of wearing apparel	51	(3)	\$	11,162,691.
15	Manufacture of leather and related products	21	(2)	\$	3,192,552.
17	Manufacture of paper and paper products	4	(1)	\$	438,648.
18	Printing and reproduction of recorded media	1	(1)	\$	17,749.
20	Manufacture of chemicals and chemical products	1	(1)	\$	80,453.
21	Manufacture of pharmaceuticals, medicinal chemical and botanical products	4	(3)	\$	512,557.
22	Manufacture of rubber and plastics products (except furniture, toys, sports goods and stationery)	1	(1)	\$	217,969.
23	Manufacture of other non-metallic mineral products	1	(1)	\$	173,800.
24	Manufacture of basic metals	3	(2)	\$	304,200.
25	Manufacture of fabricated metal products (except machinery and equipment)	27	(3)	\$	4,391,824.
26	Manufacture of computer, electronic and optical products	1	(1)	\$	21,806.
27	Manufacture of electrical equipment	13	(2)	\$	2,488,896.
29	Body assembly of motor vehicles	1	(1)	\$	49,818.
30	Manufacture of other transport equipment	1	(1)	\$	12,993.
31	Manufacture of furniture	1	(1)	\$	52,899.
32	Other manufacturing	54	(6)	\$	10,909,141.
33	Repair and installation of machinery and equipment	11	(9)	\$	440,019.

Hong Kong Standard Industrial Classification	Industry in which applicants worked	No. of applicants		Amount claimed (including wages, wages in lieu of notice, severance payment, pay for untaken annual leave and/or untaken statutory holidays)	
Division E	Water supply; sewerage, waste management and remediation activities				
Sub-group					
38	Waste collection, treatment and disposal activities; materials recovery	2	(1)	\$	46,354.62
Division F	Construction	331	(81)	\$	9,978,582.09
Division G Sub-group	Import/export, wholesale and retail trades				
45	Import and export trade	376	(97)	\$	44,644,246.35
46	Wholesale	9	(5)	\$	851,904.42
47	Retail trade	125	(22)	\$	6,594,066.52
Division H	Transportation, storage, postal and courier services				
Sub-group					
49	Land transport	39	(12)	\$	2,802,190.23
50	Water transport	18	(6)	\$	2,537,321.94
51	Air transport	1	(1)	\$	459,063.69
52	Warehousing and support activities for transportation	73	(11)	\$	3,973,352.03
53	Postal and courier activities	10	(4)	\$	356,140.95
Division I	Accommodation and food service activities				
Sub-group					
55	Short term accommodation activities	1	(1)	\$	18,184.87
56	Food and beverage service activities	623	(61)	\$	20,497,357.90

Hong Kong Standard Industrial Classification	Industry in which applicants worked	No. of applicants		Amount claimed (including wages, wages in lieu of notice, severance payment, pay for untaken annual leave and/or untaken statutory holidays)	
Division J	Information and communications				
Sub-group					
58	Publishing activities	82	(2)	\$	2,391,425.14
59	Motion picture, video and television programme production, sound recording and music publishing activities	1	(1)	\$	36,380.75
61	Telecommunications	1	(1)	\$	42,000.00
62	Information technology service activities	75	(11)	\$	9,553,381.95
63	Information service activities	1	(1)	\$	28,824.74
Division K	Financial and insurance activities				
Sub-group					
64	Financial service activities (except insurance and pension funding)	88	(14)	\$	29,712,569.54
65	Insurance	1	(1)	\$	64,772.82
66	Activities auxiliary to financial service and insurance activities	11	(4)	\$	9,365,000.81
Division L	Real estate activities	18	(4)	\$	3,286,792.48
Division M	Professional, scientific and technical activities				
Sub-group	, , , , , , , , , , , , , , , , , , ,				
69	Legal and accounting activities	9	(2)	\$	1,935,228.73
70	Activities of head offices; management and management consultancy activities	3	(1)	\$	166,900.59
71	Architecture and engineering activities, technical testing and analysis	23	(5)	\$	2,511,668.90
72	Scientific research and development	2	(1)	\$	106,346.14
73	Veterinary activities	1	(1)	\$	6,183.55
74	Advertising and market research	3	(1)	\$	63,622.10
75	Other professional, scientific and technical activities	6	(2)	\$	373,188.74

Hong Kong Standard Industrial Classification	Industry in which applicants worked	No. of applicants		Amount claimed (including wages, wages in lieu of notice, severance payment, pay for untaken annual leave and/or untaken statutory holidays)	
Division N	Administrative and support service activities				
Sub-group					
78	Employment activities	1	(1)	\$	9,465.00
79	Travel agency, reservation service and related activities	56	(6)	\$	2,049,957.54
80	Security and investigation activities	7	(0)#	\$	145,714.76
81	Services to buildings and landscape care activities	4	(2)	\$	64,455.91
82	Office administrative, office support and other business support activities	6	(4)	\$	306,306.93
Division O	Public administration	1	(1)	\$	193,715.15
Division P	Education	89	(14)	\$	5,659,932.22
Division Q Sub-group	Human health and social work activities				
86	Human health activities	12	(5)	\$	551,186.75
88	Social work activities without accommodation	3	(1)	\$	332,586.68
Division R Sub-group	Arts, entertainment and recreation				
90	Creative and performing arts activities	87	(4)	\$	445,571.95
93	Sports and other entertainment activities	30	(6)	\$	554,795.32
Division S Sub-group	Other service activities				
96	Other personal service activities	25	(15)	\$	507,742.34
Division T Sub-group	Work activities within domestic households				
97	Activities of households as employers of domestic personnel	20	(18)	\$	776,861.80
Division U	Activities of extraterritorial organisations and bodies	1	(1)	\$	13,723.90
	Total:	2 477	(476)	\$ 1	99,305,493.70

^{*}All the applicants were of late applications of a case in the preceding year.

Breakdown of applications for ex gratia payment on arrears of wages received in 2014-15

A. By amount

(including overtime pay and items that could be deemed to be wages)

Amount	No. of applicants	Percentage
No entitlement/Not claimed	290	11.71
\$8,000 [°] or less	598	24.14
\$8,001 - \$18,000	608	24.55
\$18,001 - \$24,000	220	8.88
\$24,001 - \$27,000	80	3.23
\$27,001 - \$30,000	81	3.27
\$30,001 - \$33,000	48	1.94
\$33,001 - \$36,000 ⁺	52	2.10
\$36,001 - \$39,000	33	1.33
More than \$39,000	467	18.85
Total:	2 477	100.00

B. By period of outstanding wages

(excluding overtime pay and items that could be deemed to be wages)

Period	No. of applicants	Percentage
No entitlement/Not claimed	419	16.92
Half month or less	459	18.53
More than 1/2 month to 1 month	549	22.16
More than 1 month to 2 months	543	21.92
More than 2 months to 3 months	201	8.11
More than 3 months to 4 months ⁺	121	4.88
More than 4 months	185	7.47
Т	otal: 2 477	100.00

Preferential limit under the Companies (Winding Up and Miscellaneous Provisions) Ordinance and the Bankruptcy Ordinance, i.e. wages not exceeding \$8,000 should be paid in priority to other debts in the distribution of the remaining assets of the employer during the winding-up/bankruptcy proceedings.

Maximum amount of ex gratia payment on arrears of wages under the Protection of Wages on Insolvency Ordinance, i.e. not exceeding \$36,000 or four months' wages, whichever is less.

Breakdown of applications for ex gratia payment on wages in lieu of notice received in 2014-15

A. By amount		
Amount	No. of applicants	Percentage
No entitlement/Not claimed	773	31.21
\$2,000 [‡] or less	174	7.02
\$2,001 - \$6,000	445	17.97
\$6,001 - \$10,000	239	9.65
\$10,001 - \$15,000	308	12.43
\$15,001 - \$22,500 [¤]	238	9.61
\$22,501 - \$25,000	41	1.66
More than \$25,000	259	10.46
Total:	2 477	100.00

B. By notice period

Notice period	No. of applicants	Percentage
No entitlement/Not claimed	773	31.21
1 day - 7 days	565	22.81
8 days - 14 days	43	1.74
15 days	4	0.16
16 days - less than 1 month	92	3.71
1 month ^{‡¤}	932	37.63
More than 1 month	68	2.75
To	otal: 2 477	100.00

Preferential limit under the Companies (Winding Up and Miscellaneous Provisions) Ordinance and the Bankruptcy Ordinance, i.e. wages in lieu of notice not exceeding one month's wages or \$2,000, whichever is the lesser, should be paid in priority to other debts in the distribution of the remaining assets of the employer during the winding-up/bankruptcy proceedings.

Maximum amount of ex gratia payment on wages in lieu of notice under the Protection of Wages on Insolvency Ordinance, i.e. not exceeding \$22,500 or one month's wages, whichever is less.

Breakdown of applications for ex gratia payment on severance payment received in 2014-15

A.	By amount		
	Amount	No. of applicants	Percentage
	No entitlement/Not claimed	1 696	68.47
	\$8,000* or less	15	0.61
	\$8,001 - \$36,000	221	8.92
	\$36,001 - \$50,000	96	3.88
	\$50,001 - \$80,000	146	5.89
	\$80,001 - \$110,000	102	4.12
	\$110,001 - \$140,000	74	2.99
	\$140,001 - \$170,000	35	1.41
	\$170,001 - \$200,000	23	0.93
	\$200,001 - \$250,000	26	1.05
	\$250,001 - \$300,000	20	0.81
	\$300,001 - \$350,000	7	0.28
	\$350,001 - \$370,000	3	0.12
	\$370,001 - \$390,000	12	0.48
	More than \$390,000	1	0.04
		Total: 2 477	100.00

B. By length of service

Length of service	No. of applicants	Percentage
Not claimed or less than 2 years' service	1 702	68.71
2 - 4.99 years	305	12.31
5 - 5.99 years	54	2.18
6 - 6.99 years	58	2.34
7 - 7.99 years	33	1.33
8 - 8.99 years	39	1.57
9 - 9.99 years	38	1.53
10 - 14.99 years	123	4.97
15 - 19.99 years	62	2.50
20 - 24.99 years	37	1.49
25 - 29.99 years	15	0.61
30 - 34.99 years	9	0.36
35 - 38.99 years	2	0.08
39 - 40.99 years	0	0.00
41 - 42.99 years	0	0.00
43 years' service and over	0	0.00
	Total: 2 477	100.00

The maximum amount of ex gratia payment out of the Protection of Wages on Insolvency Fund on severance payment is \$220,000.

^{*} Preferential limit under the Companies (Winding Up and Miscellaneous Provisions) Ordinance and the Bankruptcy Ordinance, i.e. severance payment not exceeding \$8,000 should be paid in priority to other debts in the distribution of the remaining assets of the employer during the winding-up/bankruptcy proceedings.

Breakdown of applications for ex gratia payment on pay for untaken annual leave and untaken statutory holidays received in 2014-15

A.	By amount			
	Amount		No. of applicants	Percentage
	No entitlement/Not claimed		1 134	45.78
	\$2,000 or less		305	12.31
	\$2,001 - \$4,000		291	11.75
	\$4,001 - \$6,000		196	7.91
	\$6,001 - \$8,000 💂		131	5.29
	\$8,001 - \$10,500		107	4.32
	\$10,501 - \$20,000		181	7.31
	More than \$20,000		132	5.33
		Total:	2 477	100.00
B.	By leave year of pay for untaken annual leave			
	Leave year		No. of applicants	Percentage
	No entitlement/Not claimed		1 159	46.79
	1 year or less		809	32.66
	More than 1 year to less than 2 years		322	13.00
	2 years or above		187	7.55
		Total:	2 477	100.00
C.	By period claimed of pay for untaken statutory holidays			
	Period		No. of applicants	Percentage
	No entitlement/Not claimed		2 135	86.19
	2 months or less		132	5.33
	More than 2 months to 4 months		49	1.98
	More than 4 months		161	6.50
		Total:	2 477	100.00

Maximum amount of ex gratia payment on pay for untaken annual leave and untaken statutory holidays under the Protection of Wages on Insolvency Ordinance, i.e. not exceeding the last two leave years' pay for untaken annual leave and/or four months' pay for untaken statutory holidays, with total maximum amount at \$10,500.

Analysis of ex gratia payment approved in 2014-15

A. Analysis of payment approved for arrears of wages

(including overtime pay and items that could be deemed to be wages)

Amount	No. of application	ants	Percentage
Not claimed/Not approved		228	10.29
\$4,000 or less		282	12.73
\$4,001 - \$8,000		297	13.41
\$8,001 - \$10,000		146	6.59
\$10,001 - \$12,000		119	5.37
\$12,001 - \$14,000		133	6.00
\$14,001 - \$16,000		101	4.56
\$16,001 - \$18,000		90	4.06
\$18,001 - \$28,000 _#		267	12.05
\$28,001 - \$36,000		552	24.92
	Total:	2 215	100.00

B. Analysis of payment approved for wages in lieu of notice

Amount		No. of applicants	Percentage
Not claimed/Not approved		735	33.18
\$2,000 or less		147	6.64
\$2,001 - \$3,000		125	5.64
\$3,001 - \$4,000		119	5.37
\$4,001 - \$5,000		88	3.97
\$5,001 - \$6,000		56	2.53
\$6,001 - \$10,000		229	10.34
\$10,001 - \$22,500 [†]		716	32.33
	Total:	2 215	100.00

C. Analysis of payment approved for severance payment

Amount	No. of applicants	Percentage
Not claimed/Not approved	1 898	85.69
\$8,000 or less	190	8.58
\$8,001 - \$22,000	97	4.38
\$22,001 - \$36,000	13	0.59
\$36,001 - \$50,000	7	0.32
\$50,001 - \$80,000	7	0.32
\$80,001 - \$110,000	2	0.09
\$110,001 - \$140,000	1	0.05
\$140,001 - \$170,000	0	0.00
\$170,001 - \$200,000	0	0.00
\$200,001 - \$210,000 _x	0	0.00
\$210,001 - \$220,000	0	0.00
	Total: 2 215	100.00

The maximum amount of ex gratia payment out of the Protection of Wages on Insolvency Fund (the Fund) on arrears of wages.

The maximum amount of ex gratia payment out of the Fund on wages in lieu of notice.

The maximum amount of ex gratia payment out of the Fund on severance payment.

6.23

9.21

100.00

138

204

2 2 1 5

Analysis of ex gratia payment approved in 2014-15

D. Analysis of payment approved for pay for untaken annual leave and untaken statutory holidays No. of applicants **Amount** Percentage Not claimed/Not approved 1 083 48.89 \$1,000 or less 156 7.04 391 \$1,001 - \$3,000 17.65 \$3,001 - \$5,000 243 10.97

Total:

\$5,001 - \$7,000 \$7,001 - \$10,500

The maximum amount of ex gratia payment out of the Fund on pay for untaken annual leave and untaken statutory holidays.

Analysis of approved ex gratia payment as percentage of applicants' claimed amount in 2014-15

A. Arrears of wages at maximum payment of \$36,000

Approved payment as percentage of applicants' claimed amount	Percentage of applicants
100%	82.28
90% or above	83.98
80% or above	85.64
70% or above	87.19
60% or above	89.09
50% or above	90.84
40% or above	93.09
30% or above	95.05
20% or above	96.65
10% or above	98.10
5% or above	99.70

B. Wages in lieu of notice at maximum payment of \$22,500

Approved payment as percentage of applicants' claimed amount	Percentage of applicants
100%	99.66
90% or above	99.66
80% or above	99.66
70% or above	99.73
60% or above	99.87
50% or above	99.87
40% or above	99.93
30% or above	99.93
20% or above	99.93
10% or above	99.93

C. Severance payment at maximum payment of \$50,000 + 50% of excess entitlement

Approved payment as percentage of applicants' claimed amount	Percentage of applicants		
100%	37.15		
90% or above	41.18		
80% or above	44.89		
70% or above	47.99		
60% or above	55.11		
50% or above	59.75		

Analysis of approved ex gratia payment as percentage of applicants' claimed amount in 2014-15

D. Pay for untaken annual leave and untaken statutory holidays at maximum payment of \$10,500

Approved payment as percentage of applicants' claimed amount	Percentage of applicants
100%	41.36
90% or above	48.15
80% or above	54.67
70% or above	64.11
60% or above	72.75
50% or above	82.19
40% or above	88.54
30% or above	93.56
20% or above	97.00
10% or above	99.56
5% or above	99.82

Comparative figures on the performance of the Protection of Wages on Insolvency Fund from 2010-11 to 2014-15

Figure 1
Number of applications received by the Fund from 2010-11 to 2014-15



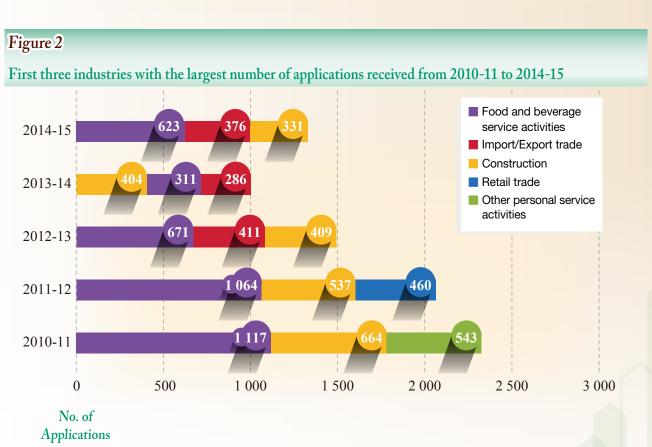


Figure 3

Number of applications and amount of ex gratia payment approved from 2010-11 to 2014-15



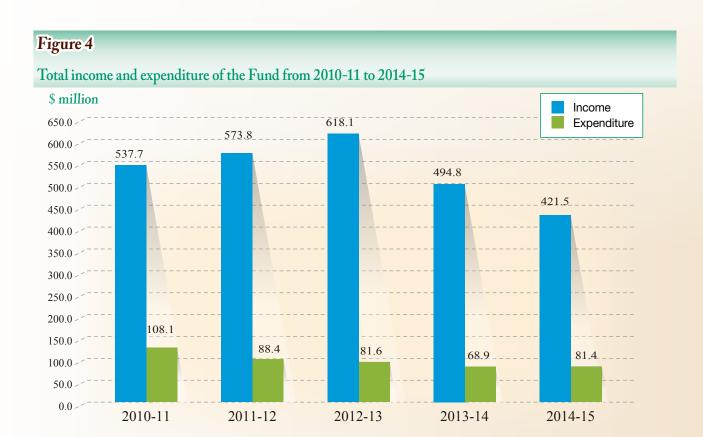


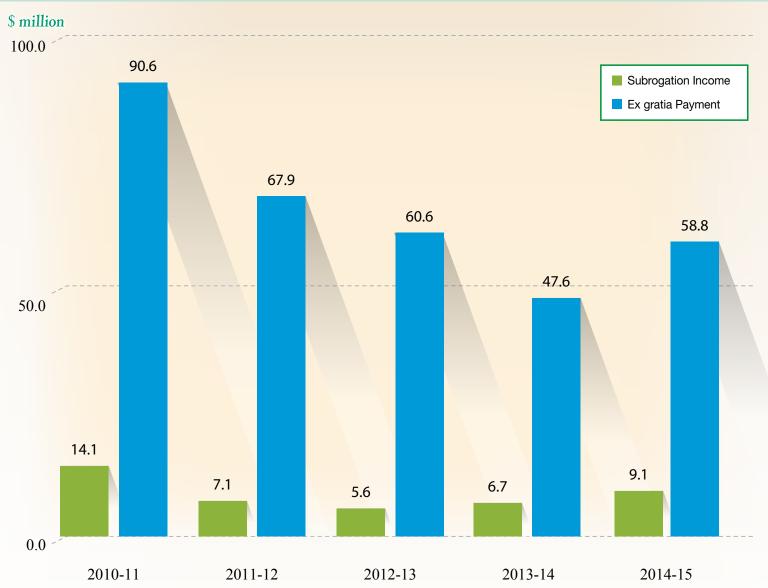
Figure 5

Breakdown of income and expenditure of the Fund from 2010-11 to 2014-15

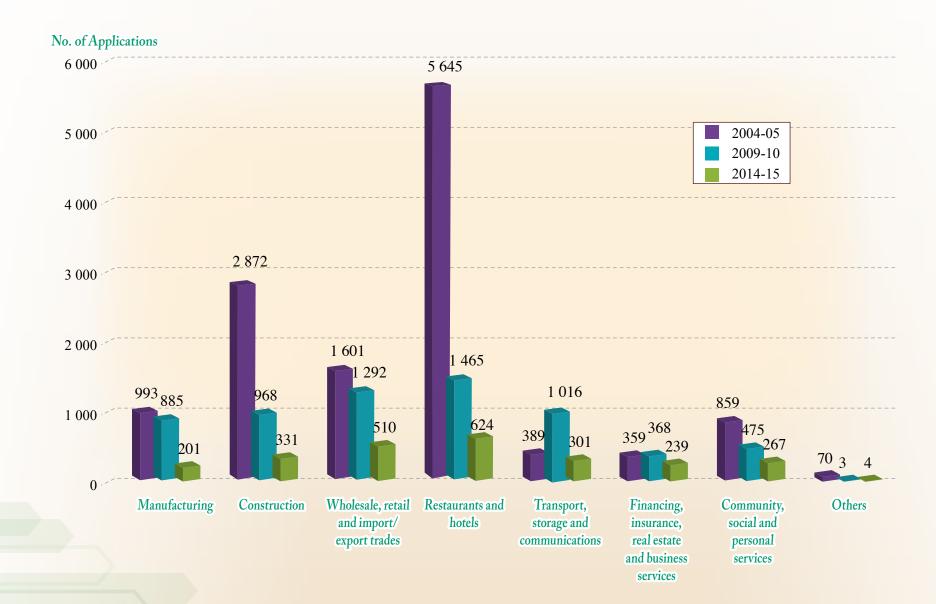


Bank deposit interests and money recovered through subrogation

Figure 6
Subrogation income and ex gratia payment of the Fund from 2010-11 to 2014-15



Analysis of applications received by economic sector in 2004-05, 2009-10 and 2014-15



 $\operatorname{Appendix} X$

Independent Auditors' Report and Audited Financial Statements

PROTECTION OF WAGES ON INSOLVENCY FUND

31 March 2015





破產欠薪保障基金委員會 Protection of Wages on Insolvency Fund Board

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Independent auditors' report To the members of Protection of Wages on Insolvency Fund Board (Established under the Protection of Wages on Insolvency Ordinance)

We have audited the financial statements of the Protection of Wages on Insolvency Fund (the "Fund") set out on pages 3 to 15, which comprise the statement of financial position as at 31 March 2015, and the statement of profit or loss and other comprehensive income, the statement of changes in funds and reserves, and the statement of cash flows for the year then ended, and a summary of significant accounting policies and other explanatory information.

Protection of Wages on Insolvency Fund Board's responsibility for the financial statements

Protection of Wages on Insolvency Fund Board (the "Board") is responsible for the preparation of financial statements that give a true and fair view in accordance with Hong Kong Financial Reporting Standards issued by the Hong Kong Institute of Certified Public Accountants and the Protection of Wages on Insolvency Ordinance, and for such internal control as the Board determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditors' responsibility

Our responsibility is to express an opinion on these financial statements based on our audit. Our report is made solely to you, as a body, in accordance with the Protection of Wages on Insolvency Ordinance, and for no other purpose. We do not assume responsibility towards or accept liability to any other person for the contents of this report.

We conducted our audit in accordance with Hong Kong Standards on Auditing issued by the Hong Kong Institute of Certified Public Accountants. Those standards require that we comply with ethical requirements and plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditors' judgement, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditors consider internal control relevant to the entity's preparation of the financial statements that give a true and fair view in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by the Board, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.



Independent auditors' report (continued)
To the members of Protection of Wages on Insolvency Fund Board
(Established under the Protection of Wages on Insolvency Ordinance)

Opinion

In our opinion, the financial statements give a true and fair view of the state of affairs of the Fund as at 31 March 2015, and of its surplus and cash flows for the year then ended in accordance with Hong Kong Financial Reporting Standards and have been properly prepared in accordance with the Protection of Wages on Insolvency Ordinance.

Certified Public Accountants

Hong Kong

7 September 2015

STATEMENT OF PROFIT OR LOSS AND OTHER COMPREHENSIVE INCOME

Year ended 31 March 2015

	Notes	2015 HK\$	2014 HK\$
INCOME	3	421,477,651	494,841,132
EXPENDITURE			
Claims	4	58,802,894	47,645,857
Supervision fee	5	21,466,503	20,297,573
Auditors' remuneration		88,500	85,000
Rates and building management charges		305,768	298,028
Insurance		6,407	6,308
Printing and stationery		36,400	53,019
Miscellaneous expenses		683,089	567,339
TOTAL EXPENDITURE		81,389,561	68,953,124
SURPLUS AND TOTAL COMPREHENSIVE			
INCOME FOR THE YEAR	6	340,088,090	425,888,008

STATEMENT OF FINANCIAL POSITION

31 March 2015

	Notes	2015 HK\$	2014 HK\$
NON-CURRENT ASSETS Property Time deposits Total non-current assets	9 10	- - - -	25,000,000 25,000,000
CURRENT ASSETS Levies receivable Interest receivables Sundry deposits Prepayment Time deposits Cash at banks Total current assets	10 10	37,350,100 12,601,007 49,000 63,333 4,029,131,161 368,241 4,079,562,842	34,891,800 7,256,483 42,000 60,833 3,670,200,000 174,178 3,712,625,294
CURRENT LIABILITIES Approved claims payable Accrued operation expenses Accrued supervision fee Total current liabilities NET CURRENT ASSETS	5	4,777,631 95,700 21,500,000 26,373,331 4,053,189,511	3,830,873 93,000 20,600,000 24,523,873 3,688,101,421
Net assets		4,053,189,511	3,713,101,421
FINANCED BY: Accumulated surplus General reserve	11	4,036,650,724 16,538,787	3,696,562,634 16,538,787
Total accumulated funds and reserves		4,053,189,511	3,713,101,421

Dr. David WONG Yau-kar, BBS, JP

Chairman

Mr. HUNG Hing-chu Board Member

STATEMENT OF CHANGES IN FUNDS AND RESERVES

Year ended 31 March 2015

	Accumulated surplus HK\$	General reserve HK\$	Total accumulated funds and reserves HK\$
At 1 April 2013	3,270,674,626	16,538,787	3,287,213,413
Surplus and total comprehensive income for the year	425,888,008		425,888,008
At 31 March 2014 and at 1 April 2014	3,696,562,634	16,538,787	3,713,101,421
Surplus and total comprehensive income for the year	340,088,090		340,088,090
At 31 March 2015	4,036,650,724	16,538,787	4,053,189,511

STATEMENT OF CASH FLOWS

Year ended 31 March 2015

	Notes	2015 HK\$	2014 HK\$
CASH FLOWS FROM OPERATING ACTIVITIES Surplus for the year Adjustment for bank interest income	3	340,088,090 (59,773,861)	425,888,008 (<u>39,261,453</u>)
Decrease/(increase) in levies receivable Increase in sundry deposits Increase in a prepayment Increase/(decrease) in approved claims payable Increase in accrued operation expenses Increase in an accrued supervision fee		280,314,229 (2,458,300) (7,000) (2,500) 946,758 2,700 900,000	386,626,555 18,378,050 (2,500) (156,221) 9,400 300,000
Net cash flows generated from operating activities		279,695,887	405,155,284
CASH FLOWS FROM INVESTING ACTIVITIES Interest received Decrease/(increase) in time deposits with original maturity over three months		54,429,337 447,007,941	35,626,113 (563,100,000)
Net cash flows generated from/(used in) investing activities		501,437,278	(527,473,887)
NET INCREASE/(DECREASE) IN CASH AND CASH EQUIVALENTS Cash and cash equivalents at beginning of year CASH AND CASH EQUIVALENTS AT END OF YEAR		781,133,165 913,374,178	(122,318,603) 1,035,692,781
·		1,694,507,343	913,374,178
ANALYSIS OF BALANCES OF CASH AND CASH EQUIVALENTS Bank balances Time deposits with original maturity of three	10	368,241	174,178
months or less when acquired	10	1,694,139,102	913,200,000
		1,694,507,343	913,374,178

NOTES TO FINANCIAL STATEMENTS

31 March 2015

GENERAL INFORMATION

The Protection of Wages on Insolvency Fund (the "Fund") was established by the Government of the Hong Kong Special Administrative Region under the Protection of Wages on Insolvency Ordinance of Hong Kong in 1985 for the purpose of providing ex-gratia payments to employees whose employers have become insolvent.

The Fund consists principally of moneys received from the Commissioner of Inland Revenue being an annual levy collected on each business registration certificate issued.

2.1 BASIS OF PREPARATION

These financial statements have been prepared in accordance with Hong Kong Financial Reporting Standards ("HKFRSs") (which include all Hong Kong Financial Reporting Standards, Hong Kong Accounting Standards ("HKASs") and Interpretations) issued by the Hong Kong Institute of Certified Public Accountants ("HKICPA") and accounting principles generally accepted in Hong Kong and the Protection of Wages on Insolvency Ordinance. They have been prepared under the historical cost convention and are presented in Hong Kong dollars ("HK\$").

2.2 CHANGES IN ACCOUNTING POLICIES AND DISCLOSURES

Certain revised HKFRSs became effective for the first time during the current financial year but are not applicable to the Fund and, accordingly, they have had no impact on the Fund's financial statements for the year ended 31 March 2015.

2.3 NEW AND REVISED HKFRSs NOT YET ADOPTED

The Fund has not early applied any new and revised HKFRSs, that have been issued but are not yet effective, in these financial statements. The Fund is in the process of making an assessment of the impact of the new and revised HKFRSs upon initial application but is not yet in a position to state whether these new and revised HKFRSs would have a significant impact on the Fund's results of operations and financial position.

NOTES TO FINANCIAL STATEMENTS

31 March 2015

2.4 SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

Property and depreciation

The Fund's property is stated at cost less accumulated depreciation and any impairment losses. The cost of the property comprises its purchase price and any directly attributable costs of bringing the asset to its working condition and location for its intended use. Expenditure incurred after the property has been put into operation, such as repairs and maintenance, is normally charged as an expenditure in the year in which it is incurred.

Depreciation is calculated on the straight-line basis to write off the cost of the Fund's property to its residual value over its estimated useful life, which is the shorter of the lease terms and 20 years from the day the property was first used by the Fund.

Residual value, useful life and the depreciation method are reviewed, and adjusted if appropriate, at least at each financial year-end.

A property is derecognised upon disposal or when no future economic benefits are expected from its use or disposal. Any gain or loss on disposal or retirement recognised as an income or an expenditure in the year the asset is derecognised is the difference between the net sales proceeds and the carrying amount of the relevant asset.

Financial instruments

The Fund classifies its financial instruments into the following categories at inception, depending on the purpose for which the assets were acquired or the liabilities were incurred. Regular way purchases and sales of the financial assets are recognised on the trade date, that is, the date that the Fund commits to purchase or sell the asset.

(a) Loans and receivables

Loans and receivables are non-derivative financial assets with fixed or determinable payments that are not quoted in an active market. They are initially recorded at fair value plus any directly attributable transaction costs and are subsequently measured at amortised cost using the effective interest rate method, less impairment allowances.

The Fund recognises losses for impaired loans promptly when there is objective evidence that impairment of a loan or a portfolio of loans has occurred. Impairment allowances are assessed either individually for individually significant loans or collectively for loan portfolios with similar credit risk characteristics including those individually assessed balances for which no impairment provision is made on an individual basis.

If, in a subsequent period, the amount of the estimated impairment loss increases or decreases because of an event occurring after the impairment was recognised, the previously recognised impairment loss is increased or reduced by adjusting the allowance account. If a write-off is later recovered, the recovery is credited against expenditures.

NOTES TO FINANCIAL STATEMENTS

31 March 2015

2.4 SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (continued)

Financial instruments (continued)

(b) Financial liabilities

Financial liabilities of the Fund include approved claims payable, accrued operation expenses and accrued supervision fee. All such financial liabilities are initially recognised at the fair value of the consideration received less directly attributable transaction costs. After initial recognition, they are subsequently measured at amortised cost using the effective interest rate method.

The fair value of financial instruments that are traded in active markets is determined by reference to quoted market prices or dealer price quotations (bid price for long positions and ask price for short positions), without any deduction for transaction costs. For financial instruments where there is no active market, the fair value is determined using appropriate valuation techniques. Such techniques include using recent arm's length market transactions; reference to the current market value of another instrument which is substantially the same; and a discounted cash flow analysis.

Financial assets are derecognised when the rights to receive cash flows from the assets have expired; or where the Fund has transferred its contractual rights to receive the cash flows of the financial assets and has transferred substantially all the risks and rewards of ownership; or where control is not retained. Financial liabilities are derecognised when they are extinguished, i.e., when the obligation is discharged or cancelled, or expires.

Cash and cash equivalents

For the purpose of the statement of cash flows, cash and cash equivalents comprise cash on hand and demand deposits, and short term highly liquid investments that are readily convertible into known amounts of cash, are subject to an insignificant risk of changes in value, and have a short maturity of generally within three months when acquired, less bank overdrafts which are repayable on demand and form an integral part of the Fund's cash management.

For the purpose of the statement of financial position, cash and cash equivalents comprise cash at banks, including term deposits, which are not restricted as to use.

Operating leases

Leases where substantially all the rewards and risks of ownership of assets remain with the lessor are accounted for as operating leases. Where the Fund is the lessee, rentals payable under operating leases net of any incentives received from the lessor are charged as expenditure on the straight-line basis over the lease terms.

Provisions

A provision is recognised when a present obligation (legal or constructive) has arisen as a result of a past event and it is probable that a future outflow of resources will be required to settle the obligation, provided that a reliable estimate can be made of the amount of the obligation.

When the effect of discounting is material, the amount recognised for a provision is the present value at the end of the reporting period of the future expenditures expected to be required to settle the obligation. The increase in the discounted present value amount arising from the passage of time is included as an expenditure.

NOTES TO FINANCIAL STATEMENTS

31 March 2015

2.4 SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (continued)

Revenue recognition

Revenue is recognised when it is probable that the economic benefits will flow to the Fund and when the revenue can be measured reliably, on the following bases:

- (a) levy income, on an accrual basis for the cash receipts from the Inland Revenue Department;
- (b) interest income, accrued on a time proportion basis, by reference to the principal outstanding and at the interest rate applicable; and
- (c) money recovered by subrogation, when the amounts are received.

Recognition of claims

Claims are accounted for on an accrual basis upon approval of the Commissioner for Labour.

Employee benefits

Pension scheme

The Fund operates a defined contribution Mandatory Provident Fund retirement benefit scheme (the "MPF Scheme") under the Mandatory Provident Fund Schemes Ordinance for all of its employees. Contributions are made based on a percentage of the employees' basic salaries and are charged as expenditures when they become payable in accordance with the rules of the MPF Scheme. The assets of the MPF Scheme are held separately from those of the Fund in an independently administered fund. The Fund's employer contributions vest fully with the employees when contributed into the MPF Scheme.

3. INCOME

An analysis of income is as follows:

	2015 HK\$	2014 HK\$
Levies Money recovered by subrogation Bank interest income	352,647,100 9,056,690 59,773,861	448,909,550 6,670,129 39,261,453
	421,477,651	494,841,132

In accordance with the provisions of Sections 7 and 21 of the Business Registration Ordinance and Section 6 in Part 3 of the Protection of Wages on Insolvency Ordinance, levies of HK\$450 and HK\$1,350 were respectively imposed on one-year and three-year business registration certificates issued between 14 March 2008 and 18 July 2013. The levies were reduced to HK\$250 and HK\$750 respectively on one-year and three-year business registration certificates issued on or after 19 July 2013 according to the Business Registration Ordinance (Amendment of Schedule 2) Order 2013.

NOTES TO FINANCIAL STATEMENTS

31 March 2015

4. CLAIMS

In accordance with the provisions of Sections 16(1) and (2) and Section 18(1) in Part 5 of the Protection of Wages on Insolvency Ordinance, the Commissioner for Labour may make ex-gratia payments to applicants out of the Fund of the following amounts:

(a) Wages

Not exceeding HK\$36,000, being wages for services rendered not more than four months prior to an applicant's last day of service.

(b) Wages in lieu of notice

Not exceeding the equivalent of one month's wages of the applicant or HK\$22,500, whichever is the lesser, which became due not more than six months prior to the date of application.

(c) Severance payment

Not exceeding the aggregate of HK\$50,000 and half of the part of the applicant's entitlement in excess of HK\$50,000 being severance payment, the liability for payment of which arose not more than six months prior to the date of application.

(d) Pay for untaken annual leave and untaken statutory holidays

The total amount of pay for untaken annual leave and/or untaken statutory holidays not exceeding HK\$10,500, which includes (i) pay for any annual leave earned in the applicant's last full leave year but untaken and pro rata annual leave pay for the last leave year where the applicant has at least 3 but less than 12 months' service, payable to the applicant upon termination of employment contract under the Employment Ordinance, and (ii) pay for untaken statutory holidays which fell within 4 months before his last day of service which would have been payable to the applicant had the applicant taken the holidays.

5. SUPERVISION FEE

In accordance with the provisions of Section 14 in Part 4 of the Protection of Wages on Insolvency Ordinance, the Financial Secretary may determine a supervision fee, which shall be charged against the income of the Fund, at any time determined by him. An agreement has been reached between the Protection of Wages on Insolvency Fund Board (the "Board") and the Government of the Hong Kong Special Administrative Region that the fee will be two-thirds of the Government's cost of administration in respect of the Fund. The Board however reserves its right of re-negotiation.

NOTES TO FINANCIAL STATEMENTS

31 March 2015

6. SURPLUS FOR THE YEAR

The Fund's surplus for the year is arrived at after charging:

	2015 HK\$	2014 HK\$
Auditors' remuneration	88,500	85,000
Employee benefit expense: Wages and salaries Pension scheme contributions	209,830 20,733 230,563	235,517 24,791 260,308
Minimum lease payments under an operating lease of a building	243,713	222,000

7. REMUNERATION OF MEMBERS OF THE BOARD

No members of the Board received any fees or other emoluments in respect of their services rendered to the Fund during the year (2014: Nil).

8. INCOME TAX

The Fund is exempt from tax under Section 88 of the Inland Revenue Ordinance.

9. PROPERTY

Land and building HK\$

31 March 2015

At 1 April 2013, 31 March 2014, 1 April 2014 and 31 March 2015:

Cost	27,474,677
Accumulated depreciation	(27,474,677)

Net carrying amount

The property, which is held under a long term lease, represents the Fund's office premises situated in Hong Kong.

NOTES TO FINANCIAL STATEMENTS

31 March 2015

10. CASH AT BANKS AND TIME DEPOSITS

	2015 HK\$	2014 HK\$
Bank balances Time deposits with original maturity of:	368,241	174,178
3 months or less	1,694,139,102	913,200,000
More than 3 months to 12 months, inclusive	2,334,992,059	2,757,000,000
More than 1 year	<u>-</u>	25,000,000
	4,029,499,402	3,695,374,178

At the end of the reporting period, the cash at banks and time deposits of the Fund denominated in Renminbi ("RMB") amounted to HK\$374,961,989 (2014: Nil). The RMB is not freely convertible into other currencies, however, under Mainland China's Foreign Exchange Control Regulations and Administration of Settlement, Sales and Payment of Foreign Exchange Regulations, the Fund is permitted to exchange RMB for other currencies through banks authorized to conduct foreign exchange business.

11. GENERAL RESERVE

The levies collected and interest received prior to the establishment of the Fund have been set aside in the general reserve account.

12. OPERATING LEASE COMMITMENTS

The Fund leases a storeroom under an operating lease arrangement with a lease term of two years at fixed monthly rentals.

At 31 March 2015, the Fund had total future minimum lease payments under the non-cancellable operating lease falling due as follows:

	2015 HK\$	2014 HK\$
Within one year In the second to fifth years, inclusive	264,000 132,000	111,000
	396,000	111,000

NOTES TO FINANCIAL STATEMENTS

31 March 2015

13. CONTINGENT LIABILITIES

At 31 March 2015, contingent liabilities in respect of claims received but not yet approved and provided for in the financial statements amounted to HK\$72,662,503 (2014: HK\$86,838,285).

A provision has not been recognised in respect of such possible payments as their existence will be confirmed only upon approval by the Commissioner for Labour.

14. FAIR VALUE

At the end of the reporting period, the carrying amounts of the Fund's financial assets and liabilities approximated to their fair values.

The fair values of the financial assets and liabilities are included at the amounts at which the instruments could be exchanged in current transactions between willing parties, other than in forced or liquidation sales.

The fair values of levies receivable, interest receivables, time deposits, cash at banks, approved claims payable, accrued operation expenses and accrued supervision fee approximate to their carrying amounts largely due to the short term maturities of these instruments.

15. FINANCIAL RISK MANAGEMENT OBJECTIVES AND POLICIES

The Fund's principal financial instruments comprise cash and short term deposits. The Fund has various other financial assets and liabilities such as levies receivable, interest receivables, approved claims payable and accrued supervision fee which arise directly from its operations. The main risks arising from the Fund's financial instruments are credit risk, interest rate risk and foreign currency risk.

Credit risk

The Fund's receivable balances are monitored on an ongoing basis and the Fund's exposure to bad debts is not significant. The Fund's maximum exposure on credit risk arising from the default of the counterparties equal to the aggregate carrying amount of these financial assets in the statement of financial position.

Interest rate risk

The Fund's major exposure to the risk of changes in market interest rates relates to the Fund's bank balances with floating daily bank deposits rates. The Fund does not currently have any plan to enter into hedge arrangements to manage its interest rate risk.

NOTES TO FINANCIAL STATEMENTS

31 March 2015

15. FINANCIAL RISK MANAGEMENT OBJECTIVES AND POLICIES (continued)

Foreign currency risk

The risk that the value of a foreign currency denominated financial instrument fluctuates because of a change in the corresponding foreign exchange rate. The Fund does not have any policy for hedging or entering into any forward currency contracts to eliminate the currency exposure on any individual transaction.

The following table demonstrates the sensitivity at the end of the reporting period to a reasonably possible change in the Renminbi ("RMB") exchange rate, with all other variables held constant, of the Fund's surplus (due to changes in the fair value of monetary assets and liabilities).

	Change in the rate %	Increase/ (decrease) in surplus HK\$
2015 If HK\$ weakens against RMB If HK\$ strengthens against RMB	(<u>1</u>)	3,749,620 (3,749,620)
2014 If HK\$ weakens against RMB If HK\$ strengthens against RMB	<u> </u>	<u>-</u>

Capital management

The primary objective of the Fund's capital management is to safeguard the Fund's ability to continue as a going concern in order to provide ex-gratia payments to employees whose employers have become insolvent.

The Fund manages its capital structure and makes adjustments to it in light of changes in economic conditions. No changes were made in the objectives, policies or processes for managing capital during the years ended 31 March 2015 and 31 March 2014.

16. APPROVAL OF THE FINANCIAL STATEMENTS

The financial statements were approved and authorised for issue by the Board on 7 September 2015.