



**LABOUR DEPARTMENT (Headquarters)**

勞工處（總處）

Your reference 來函編號：

Our reference 本處檔案編號：LD SMW 81-4-5/3 (C)

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4 December 2018

Miss Betty Ma  
Clerk to Panel on Manpower  
Legislative Council  
Legislative Council Complex  
1 Legislative Council Road  
Central, Hong Kong

Dear Miss Ma,

**List of follow-up actions of the Panel on Manpower**

We refer to Items 3, 4 and 7 of the List of follow-up actions (position as at 19 November 2018) of the Panel on Manpower and submit the following information:

(i) Item 3

Annex 1: information on the monthly wages and weekly working hours of employees, in particular statistics on employees with certain levels of monthly wages and weekly working hours such as \$11,000 and 45 hours respectively;

(ii) Item 4

Annex 2: breakdowns by industry in respect of the 673 claims relating to Statutory Minimum Wage (SMW) handled by the Labour Department (LD) and the 197 cases involving suspected violation of the Minimum Wage Ordinance from the launch of SMW and up to March 2018; and

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(iii) Item 7

Annex 3: number of employers under the Supplementary Labour Scheme (SLS) prosecuted by LD in 2017 for suspected violation of imported workers' employment rights; and number of employers who had been barred from importing workers under SLS because of having serious adverse records together with the debarment period involved.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Raymond HO', written over a horizontal line.

(Raymond HO)  
for Commissioner for Labour

Encls.

c.c. Secretary for Labour and Welfare (Attn: Mr Dominic Chow)  
Commissioner for Census and Statistics (Attn: Ms Agnes Lo)

### Information on the monthly wages and weekly working hours of employees

Monthly wage <sup>(1)</sup> level (Monthly wage percentile of all employees <sup>(2)</sup> in May - June 2017)	All employees <sup>(2)</sup> in May - June 2017				Employees <sup>(2)</sup> with weekly working hours <sup>(3)</sup> of 45 hours and above in May - June 2017				
	Number of employees	Distribution of weekly working hours <sup>(3)</sup> (hours)			Number of employees	% of employees at the same monthly wage level	Distribution of weekly working hours (hours)		
		25 <sup>th</sup> percentile	50 <sup>th</sup> percentile	75 <sup>th</sup> percentile			25 <sup>th</sup> percentile	50 <sup>th</sup> percentile	75 <sup>th</sup> percentile
≤ \$11,000 (18 <sup>th</sup> percentile)	561 300	24.1	40.9	48.0	208 400	37.1	48.0	48.5	54.0
≤ \$11,400 (20 <sup>th</sup> percentile)	613 000	26.8	42.0	48.0	244 600	39.9	48.0	49.3	54.0
≤ \$12,100 (25 <sup>th</sup> percentile)	762 000	33.0	44.0	49.0	338 900	44.5	48.0	50.6	55.7
≤ \$16,800 (50 <sup>th</sup> percentile)	1 530 100	40.6	45.0	52.6	776 600	50.8	48.0	52.2	58.9
All monthly wage levels	3 044 500	40.6	44.3	50.7	1 415 200	46.5	48.0	51.5	58.0

Notes: (1) Wage includes basic wage, commission and tips not of gratuitous nature, guaranteed bonuses and allowances, and overtime allowances. It does not cover bonuses and allowances of gratuitous nature, end of year payment, and payments in kind (e.g. value of food and accommodation provided by the employer). Monthly wage was rounded to the nearest hundred.

(2) Excluding government employees, as well as student interns, work experience students and live-in domestic workers as exempted by the Minimum Wage Ordinance.

(3) Working hours refer to contractual/agreed working hours and overtime hours worked at the direction of employers. Meal break is included in the working hours if it is regarded as working hours according to the employment contract or agreement with the employer, or if an employee has to be in attendance at a place of employment during his/her meal breaks in accordance with the employment contract or with the agreement or at the direction of the employer, irrespective of whether he/she is provided with work or not during the meal break period.

Source: Annual Earnings and Hours Survey, Census and Statistics Department



**Breakdowns by industry in respect of  
claims relating to Statutory Minimum Wage (SMW) and  
cases involving suspected violation of Minimum Wage Ordinance (MWO)**

From the launch of SMW in May 2011 and up to March 2018, the Labour Department handled a total of 673 claims relating to SMW and detected 197 cases involving suspected violation of MWO. Most of these cases occurred shortly after the launch of SMW, and the numbers of such cases have been on the decrease in recent years, with two SMW-related claims and two suspected violations of MWO recorded in the first quarter of 2018.

2. A breakdown of the above-mentioned 673 claims relating to SMW by industry is as follows:

<b>Industry</b>	<b>No. of claims relating to SMW</b>
Community, social and personal services	196
Security or real estate	132
Restaurants and hotels	104
Retail	94
Transport, storage and communications	48
Manufacturing	45
Others	54
<b>Total</b>	<b>673</b>

3. A breakdown of the above-mentioned 197 cases involving suspected violation of MWO by industry is as follows:

<b>Industry</b>	<b>No. of cases involving suspected violation of MWO</b>
Finance and business	78
Community, social and personal services	42
Wholesale and retail	39
Restaurants and hotels	26
Manufacturing	5
Transport, storage and communications	5
Construction	2
<b>Total</b>	<b>197</b>

**Number of employers under the Supplementary Labour Scheme (SLS)  
prosecuted by the Labour Department (LD) in 2017 and  
number of employers barred from importing workers  
due to serious adverse records and the debarment period involved**

In 2017, LD took out prosecutions under the Employment Ordinance and the Employees' Compensation Ordinance against two SLS employers. The suspected offences included failure to pay wages and failure to take out employees' compensation insurance.

2. In 2017, the SLS application of an employer having a serious adverse record (i.e., conviction for contravention of the Immigration Ordinance) submitted within two years from the date of conviction was not processed. In the same year, another employer breached the SLS requirements on recruitment of local care workers by offering terms and conditions worse than those approved by LD. As a result, any SLS applications submitted by the employer within one year from the date of LD's issuance of written notification would not be processed.