

CONTROLLING OFFICER'S REPLY

FHB(FE)156

(Question Serial No. 0167)

Head: (49) Food and Environmental Hygiene Department

Subhead (No. & title): (-) Not specified

Programme: Not Specified

Controlling Officer: Director of Food and Environmental Hygiene (Miss Vivian LAU)

Director of Bureau: Secretary for Food and Health

Question:

Please advise on the respective numbers of verbal warnings, written warnings and default notices issued by the Food and Environmental Hygiene Department (the Department) to cleansing service contractors, as well as cases of deduction of monthly payments of service charge and demerit points given, in each of the past three years; and, among the above cases, the number of cases relating to violations of the Occupational Safety and Health Ordinance, the Standard Employment Contract and the Employment Ordinance, as well as defaults in severance payment and non-payment of wages. Please also advise on other penalties for the violations imposed by the Department apart from the above-mentioned penalties.

Asked by: Hon LEUNG Yiu-chung (Member Question No. 7)

Reply:

The numbers of verbal warnings, written warnings and default notices issued by the Department to public cleansing service contractors, as well as deduction of monthly payments of service charge are provided in the following table –

	2014-15	2015-16	2016-17 (as at 28 February 2017)
Verbal warnings	2 422	2 116	2 387
Written warnings	260	118	839
Default notices issued	1 316	1 228	679
Deduction of monthly payments of service charge	\$2.608 million	\$2.718 million	\$3.723 million

Note: There is no demerit point registered against public cleansing service contactors in the past three years.

Apart from the above-mentioned penalties, there are no other penalties imposed on public cleansing service contracts by the Department.

The number of breaches of the standard employment contract by public cleansing service contactors in the past 3 years is as follows –

	2014-15	2015-16	2016-17 (as at 28 February 2017)
No. of cases	1	0	1

There are no non-compliance cases related to the Occupational Safety and Health Ordinance (Cap. 509), the Employment Ordinance (Cap. 57), severance payment and non-payment of wages.

Under the demerit point system, any breach of contractual obligations in connection with wage level; daily maximum working hours; the signing of the standard employment contract with non-skilled workers; and the payment of wages by means of autopay to them will lead to the issuance of a default notice. Each default notice attracts one demerit point. For any contractor who has, over a rolling period of 36 months, accumulated 3 demerit points obtained on or after 1 May 2006 from one or more government departments, its tender offer for service contracts that rely heavily on the deployment of non-skilled workers will not be considered for the next 5 years. A contractor will also be debarred from tendering for such service contracts for a period of 5 years if he has any conviction under the relevant sections of the Employment Ordinance (Cap. 57) and the Employees' Compensation Ordinance (Cap. 282), which individually carry maximum fines corresponding to Level 5 or higher within the meaning of Schedule 8 to the Criminal Procedure Ordinance (Cap. 221).

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