

Make prior work arrangements for typhoons and rainstorms

The Labour Department (LD) today (July 17) reminded employers to make prior work arrangements for staff in times of typhoons and rainstorms as soon as possible.

"To avoid disputes and confusion, employers should make prior work arrangements for staff and contingency measures in times of typhoons and rainstorms," an LD spokesman said.

"In working out and enforcing the arrangements, employers should give prime consideration to employees' safety both in the workplace and during their journeys to and from work, and adopt a flexible approach. Whenever possible, they should consult their staff."

The work arrangements should cover the following matters:

- * Whether employees are required to report for duty when different typhoon signals or rainstorm warnings are issued;
- * When a typhoon signal or rainstorm warning is issued during working hours, whether employees will be released from work and, if so, the arrangements;
- * After a typhoon signal or rainstorm warning is cancelled, the time for staff who have not reported for duty to resume work and the arrangements;
- * How wages and allowances (if any) will be calculated for staff who are required to report for duty and those who are late for work or absent from work during typhoons and rainstorms; and
- * For employees who are required to travel to and from workplaces during typhoons and rainstorms, whether transport facilities will be provided to them and, if so, the arrangements.

"Employers should make realistic assessments of the requirements for essential staff and require only absolutely essential staff to report for duty in adverse weather conditions. When weather conditions continue to worsen and public transport services are to be suspended shortly, employers should release their staff as soon as practicable.

"When a Pre-No. 8 Special Announcement is issued during working hours, employers should release employees from work in stages as soon as practicable. To ensure the safety of employees and to enable them to arrive home before suspension of public transport services, employees who have mobility problems (for example, pregnant employees or those with physical disability), employees who rely on transport services which are prone to being affected by adverse weather conditions (for example, ferry services) for commuting to and from work, and those who work in or are living in remote areas (for example, outlying islands) should be given priority to leave. Other employees should be released later in stages according to their travelling distance or the time required for returning home.

"If possible, employers should provide transport services for employees who are still required to travel to and from workplaces when Typhoon Warning Signal No. 8 or above or the Black Rainstorm Warning is in force, or give them a special travelling allowance as encouragement.

"As typhoons and rainstorms are natural occurrences that cannot be avoided, employers should not deduct wages of employees who are absent from or late for work because of inclement weather. Neither should employers dismiss an employee summarily based on these grounds," he said.

The spokesman also reminded employers to observe the statutory liabilities and requirements under the Employment Ordinance, the Occupational Safety and Health Ordinance, the Employees' Compensation Ordinance and the Minimum Wage Ordinance.

Employers should also note that they have an obligation to maintain a safe workplace for their employees under the Occupational Safety and Health Ordinance.

"If employees are required to work in times of typhoons and rainstorms, employers should ensure that the risks at work are properly controlled and reduced to levels that are as low as reasonably practicable," the spokesman said.

Under the Employees' Compensation Ordinance, employers are liable to pay compensation for deaths or injuries incurred when employees are travelling by a direct route from their residences to workplaces, or from workplaces back to residences after work, four hours before or after working hours on a day when Typhoon Signal No. 8 or above or a Red or Black Rainstorm Warning is in force.

To provide practical guidelines and samples of work arrangements for the reference of employers and employees, the LD has issued the booklet "Code of Practice in times of Typhoons and Rainstorms". The code can be obtained from the branch offices of the Labour Relations Division or downloaded from the department's webpage (www.labour.gov.hk/eng/public/wcp/Rainstorm.pdf).

Classes of kindergartens and some special schools suspended

Attention TV and radio duty announcers:

Please broadcast the following special announcement by the Education Bureau concerning schools, and repeat it at suitable intervals:

As the Tropical Cyclone Warning Signal No. 3 is now in force, classes of kindergartens, schools for children with physical disability and schools for children with intellectual disability are suspended today. These schools, however, should keep their premises open and implement contingency measures to look after arriving students. They should ensure that conditions are safe before allowing students to return home.

Woman fined for operating unlicensed guesthouse

A woman was fined \$10,000 at Fanling Magistrates' Courts today (July 17) for contravening the Hotel and Guesthouse Accommodation Ordinance.

The courts heard that in November last year, officers of the Office of the Licensing Authority (OLA), Home Affairs Department, inspected a suspected unlicensed guesthouse on Yat Ming Road in Fanling. The OLA officers posed as lodgers and successfully rented a room in the guesthouse on a daily basis.

According to the OLA's records, the guesthouse did not possess a licence under the Ordinance on the day of inspection. The woman responsible for operating the premises was charged with contravening section 5(1) of the Ordinance.

A department spokesman stressed that operating or managing an unlicensed guesthouse is a criminal offence and will lead to a criminal record. Upon conviction, the offender is liable to a maximum fine of \$200,000 and two years' imprisonment.

The spokesman appealed to anyone with information about suspected unlicensed guesthouses to report it to the OLA through the hotline (Tel: 2881 7498), by email (hadlaeng@had.gov.hk), by fax (2504 5805) using the report form downloaded from the OLA website (www.hadla.gov.hk), or through the mobile application "Hong Kong Licensed Hotels and Guesthouses".

Transcript of remarks by S for S

Following is the transcript of remarks by the Secretary for Security, Mr John Lee, at a media session at Central Government Offices, Tamar, today (July 17):

Reporter: Secretary, can you interpret the Government's possible move to ban the operation of National Party as restricting the freedom of Hong Kong people, and whether all the Government is taking a more strict approach to the freedom of Hong Kong people as it is guaranteed by the Basic Law and ICCPR (International Covenant on Civil and Political Rights)?

Secretary for Security: First of all, the prohibition order hasn't been issued. As I explained earlier, I am giving 21 days to the Hong Kong National Party to give me written representations as to why they think that I should not give that order. So I will not make a decision before the expiry of the 21 days or after receiving their representations. That is the first point.

The second point is, yes, in Hong Kong we have freedom of association, but that right is not without restrictions. According to the Hong Kong Bill of Rights Ordinance, restrictions can be made by law if it is necessary in the interests of national security or public safety, public order, the protection of public health and morals, or the protection of the rights and freedom of others.

The wording of the Hong Kong Bill of Rights Ordinance is exactly the same wording of the provisions in the International Covenant on Civil and Political Rights. We are acting in accordance with the laws of Hong Kong.

Reporter: Is it the first time the Officer has made such recommendation for the Security Bureau to take action against a political party in Hong Kong? Will other political parties that advocate for Hong Kong independence or self-determination come under the same investigation or the same ban?

Secretary for Security: I will not comment on individual cases. Different cases, of course, have their own circumstances. But one principle is important, that any person or any society in Hong Kong, they must act within the laws. The responsible department will have a duty and the responsibility to take care of their matters in accordance with the laws of Hong Kong. This is the principle that we have emphasised many times and this is the principle that we use in each and every case.

Reporter: How will you ensure the recommendation made by the Police Force is not out of any political consideration?

Secretary for Security: First of all, the Societies Ordinance Section 8 states very clearly the considerations that the Societies Officer needs to take, so as to exercise or trigger the provision of Section 8 (of the Societies Ordinance). And the Section 8, as I have explained earlier, clearly states that the Societies Officer must reasonably believe that in the interests of national security, public security, public safety, prevention and protection of the rights and freedom of the others. In the interests of these things, then he can make the recommendation. All these considerations must be based on fact and evidence.

Reporter: Secretary, does it mean that in the future the Government will introduce the legislation on national security because the Government cannot simply ban the political parties because of national security?

Secretary for Security: First of all, I do not agree with your last comment. Anything we do must be in accordance with the laws of Hong Kong. If the law of Hong Kong says under some circumstances, we have a legal responsibility to take action, then we must act in accordance with the law. For whatever reasons that the law gives us to do whatever act, it must be based on fact, evidence, and rationality. That will be the principle we will adopt in our application of law.

The second point, the exercise of the procedure of Section 8 of the Societies Ordinance has nothing to do with Article 23. For the laws in force in Hong Kong today, we have a responsibility and duty to act in accordance with the laws in force in Hong Kong. That is what we are doing now.

(Please also refer to the Chinese portion of the transcript.)

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