

Licence of employment agency revoked

A spokesman for the Labour Department (LD) today (October 23) reminded operators of employment agencies (EAs) to conduct their business in compliance with the law and the requirements of the Code of Practice for EAs at all times.

The LD has revoked the EA licence of Smart Joy Employment Agency located in Lai Chi Kok. The EA failed to meet the requirements as set out in the Code, such as drawing up service agreements with job seekers and with employers; providing the receipt for any payment received from employers as soon as practicable; asking job seekers seeking employment as a foreign domestic helper (FDH) and their employers to confirm that they have been briefed about their rights and obligations in full and understand such in writing; and keeping the relevant records, including acknowledgement from FDHs and their employers regarding their receipt of the mutually signed standard employment contract (SEC) and the sample SEC in the mother language of the FDH concerned. The licensee concerned had appealed to the Administrative Appeals Board but the appeal was dismissed.

Under section 53(1)(c)(iva) and section 53(1)(c)(v) of the Employment Ordinance (EO), the Commissioner for Labour may revoke the licence of an EA if he is satisfied that the licensee concerned has not complied with the Code, or the licensee concerned is not a fit and proper person to operate an EA.

"The Code sets out the salient legal requirements that EA operators must observe in operating their business, as well as the minimum standards which the Commissioner expects from EAs. The Employment (Amendment) Ordinance 2018, which came into effect on February 9, 2018, stipulates that the Commissioner may refuse to issue or renew a licence, or may revoke a licence, if he is satisfied on reasonable grounds that the licensee or the person intending to be the licensee of an EA, or a related person of or an individual employed by the licensee or the person intending to be the licensee has contravened any provision of Part XII or any regulation made under section 62 of the EO, such as overcharging job seekers or operating an EA without a licence, or has not complied with the Code issued under section 62A(1) of the EO," the spokesman added.

This is the fifth revocation of an EA licence in 2019. In 2018, there were eight cases of revocation/refusal of renewal of EA licences.

For enquiries about matters related to EAs or complaints about their malpractices, please call the Employment Agencies Administration of the LD at 2115 3667, or visit its office at Unit 906, 9/F, One Mong Kok Road Commercial Centre, 1 Mong Kok Road, Kowloon.