

# Licence of employment agency revoked

The Labour Department (LD) today (December 21) 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 (the Code) at all times.

The LD has revoked the EA licence of Gracia Trading & Services Co located in Wan Chai. The EA failed to meet the requirements as set out in the Code, including failing to draw up service agreements with foreign domestic helpers (FDHs) and with employers; failing to include all required items in the service agreements signed with FDHs and with employers; failing to provide receipts for payments received from employers as soon as practicable; failing to include all required items in the payment receipts issued to employers; failing to arrange for FDHs and employers to sign an acknowledgement on receipt of publications and sample forms; failing to arrange both parties to confirm in writing that they have been fully briefed about their rights and obligations; and failing to keep records relating to the dealings with FDHs and their employers, including acknowledgement regarding their receipt of the signed standard employment contract. The licensee concerned had appealed to the Administrative Appeals Board but the appeal was dismissed.

Under section 53 (1)(c)(iva) of the Employment Ordinance (EO), the Commissioner for Labour (the Commissioner) may revoke the licence of an EA if he is satisfied that the licensee concerned has not complied with the Code.

"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," a spokesman for the LD said.

This was the tenth revocation/refusal of renewal of an EA licence in 2019. In the first 11 months of 2020, there were three cases of revocation of EA licences. Another three cases of revocation of EA licences are pending a decision by the Administrative Appeals Board.

For enquiries about matters related to EAs or complaints about alleged 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.