

Reports from consumers help EPD make successful prosecutions against three electrical equipment sellers

Three electrical equipment sellers, Pricerite Home Limited, In House Electrical and Sence Market, were prosecuted for contravening the Product Eco-responsibility Ordinance (PERO) when selling electrical products. They were convicted at Eastern Magistrates' Courts on March 25, at Fanling Magistrates' Courts on March 26 and Kwun Tong Magistrates' Courts today (March 28) respectively and fined a total of \$10,250. In addition to these cases, three other sellers suspected of violating the PERO are scheduled for hearings in April.

A spokesman for the Environmental Protection Department (EPD) said the department received a complaint from a consumer in September last year about Pricerite Home Limited not removing the consumer's old television set by request after the purchase of a television set at the shop. After investigation, the EPD confirmed that the staff of Pricerite Home Limited had not notified the consumer in writing of the terms of their free statutory removal service and had not fulfilled their obligation for arranging the statutory removal service.

In another case, a consumer reported that In House Electrical had not offered a free removal service by request after purchasing a washing machine from the company through WhatsApp. After investigation, the EPD confirmed that the company not only failed to inform the consumer in writing of the terms of its free statutory removal service, but also falsely claimed that arrangement was made with a government recycler for a removal service for free. The EPD also found that In House Electrical had not issued a receipt containing the prescribed wording according to the relevant regulation.

In addition, a consumer reported that Sence Market had failed to provide recycling labels for two new air-conditioners. After investigation, the EPD also confirmed that Sence Market did not have a removal service plan (RSP) endorsed by the EPD when distributing regulated electrical equipment (REE).

The EPD prosecuted these three sellers for contravening a number of requirements under the PERO after investigations and gathering evidence.

The spokesman explained that according to the PERO, which came into effect on August 1 last year, when distributing REE, sellers must have an RSP endorsed by the EPD and proactively notify consumers in writing of the seller's obligation to provide a free statutory removal service as well as the terms of the removal service offered by the company. Moreover, sellers must arrange a free removal service for consumers to dispose of the same type of waste equipment and provide a recycling label as well as a receipt containing the prescribed wording when distributing REE.

The spokesman reminded all sellers (including physical stores and those selling through the Internet or phones), that they must not make false statements to consumers or offer them a removal service that is contravening the law with a view to avoiding the relevant liabilities and charging consumers for the removal service. Otherwise, they may contravene the PERO. First-time offenders are liable to a maximum fine of \$5,000 to \$100,000. A maximum fine of \$10,000 to \$200,000 may be imposed on second or subsequent convictions.

The spokesman urged members of the public to make a report to the EPD immediately if they find any seller not conforming to the aforementioned requirements when they purchase electrical and electronic equipment. The EPD will take strict enforcement action against sellers who violate the PERO.

Three samples of tuna sashimi detected with mercury exceeding legal limit

The Centre for Food Safety (CFS) of the Food and Environmental Hygiene Department announced today (March 28) that three samples of tuna sashimi were found to contain a metal contaminant, mercury, at levels exceeding the legal limit. The CFS is following up on the cases.

A spokesman for the CFS said, "Following up on cases referred by a relevant organisation, the CFS collected the above-mentioned samples from three restaurants in Tsuen Wan, Tsim Sha Tsui and Sha Tin for testing. The test results showed that they contained mercury at respective levels of 1.6 parts per million (ppm), 1 ppm and 0.79 ppm, exceeding the legal limit of 0.5 ppm."

The spokesman said the CFS has informed the restaurants concerned of the irregularities and they have stopped sale of the products concerned according to the CFS' instructions. Prosecution will be instituted should there be sufficient evidence. The CFS is also tracing the sources of the affected products.

"Mercury may affect the nervous system, particularly the developing brain. At high levels, mercury can affect foetal brain development, and affect vision, hearing, muscle co-ordination and memory in adults. Furthermore, as some international organisations such as the World Health Organization have pointed out, consuming predatory fish species is the main source of mercury intake for human beings. The report of the CFS' Total Diet Study has also pointed out that large fish or predatory fish species may contain high mercury levels (for example, tuna, albacore, shark, swordfish, marlin, orange roughy and king mackerel). Hence, groups particularly susceptible to the adverse effects of mercury, such as pregnant women, women planning pregnancy and young children, should opt for fish that are smaller

in size for consumption and avoid consumption of the above-mentioned types of fish which may contain high mercury levels to minimise the health risk posed to the foetus, infants and young children by excessive exposure to metal contaminants in food," he added.

According to the Food Adulteration (Metallic Contamination) Regulations (Cap 132V), any person who sells food with metallic contamination above the legal limit may be prosecuted and is liable upon conviction to a fine of \$50,000 and imprisonment for six months.

"People are advised to maintain a balanced and varied diet. To avoid health risks posed by excessive intake of metallic contaminants, pregnant women, women planning pregnancy and young children should avoid eating large or predatory fish," the spokesman said.

The CFS will continue to follow up on the cases and take appropriate action. Investigation is ongoing.

Wage and payroll statistics for December 2018

Overall wage and payroll statistics

According to the figures released today (March 28) by the Census and Statistics Department (C&SD), the average wage rate for all the selected industry sections surveyed, as measured by the wage index, increased by 4.1% in nominal terms in December 2018 over a year earlier.

About 65% of the companies reported increase in average wage rates in December 2018 compared with a year ago. 33% of the companies recorded decrease in average wage rates over the same period. The remaining 2% reported virtually no change in average wage rates.

After discounting the changes in consumer prices as measured by the Consumer Price Index (A), the overall average wage rate for all the selected industry sections surveyed increased by 1.0% in real terms in December 2018 over a year earlier.

As for payroll, the index of payroll per person engaged for all the industry sections surveyed increased by 3.7% in nominal terms in the fourth quarter of 2018 over a year earlier.

After discounting the changes in consumer prices as measured by the Composite Consumer Price Index, the average payroll per person engaged increased by 1.1% in real terms in the fourth quarter of 2018 compared with a year earlier.

The wage rate includes basic wages and other regular and guaranteed allowances and bonuses. Payroll includes elements covered by wage rate as well as other irregular payments to workers such as discretionary bonuses and overtime allowances. The payroll statistics therefore tend to show relatively larger quarter-to-quarter changes, affected by the number of hours actually worked and the timing of payment of bonuses and back-pay.

Sectoral changes

For the nominal wage indices, year-on-year increases were recorded in all selected industry sections in December 2018, ranging from 3.0% to 5.9%.

For the real wage indices, year-on-year increases were recorded in all selected industry sections in December 2018, ranging from 0.8% to 2.8%, except the import/export, wholesale and retail trades section which remained virtually unchanged.

The year-on-year changes in the nominal and real wage indices for the selected industry sections from December 2017 to December 2018 are shown in Table 1.

As for the nominal indices of payroll per person engaged, year-on-year increases were recorded in all selected industry sections in the fourth quarter of 2018, ranging from 2.6% to 5.7%.

For the real payroll indices, year-on-year increases were also recorded in all selected industry sections in the fourth quarter of 2018, ranging from 0.2% to 3.0%, except the retail trade section which remained virtually unchanged.

The year-on-year changes in the nominal and real indices of payroll per person engaged for selected industry sections from the fourth quarter of 2017 to the fourth quarter of 2018 are shown in Table 2. The quarterly changes in the seasonally adjusted nominal and real indices of payroll per person engaged between the fourth quarter of 2017 and the fourth quarter of 2018 are shown in Table 3.

Commentary

A Government spokesman noted that nominal wages continued to record solid year-on-year growth in December 2018 across industries on the back of tight labour market conditions. After discounting for inflation, real wages including those of lower-paid workers continued to see improvement.

Payroll per person engaged, which covers discretionary bonuses and other irregular payments, sustained increases across industries in the fourth quarter of 2018. Among the major industries, notable increase in payroll was seen in the accommodation and food service activities sector amid the sustained expansion in inbound tourism.

The spokesman added that for 2018 as a whole, both the wage and payroll indices posted further increases in nominal terms exceeding the underlying inflation rate, leading to continued real improvement in labour income. In the near term, the generally sturdy labour demand should continue to render support to the overall earnings situations. Nevertheless, the Government will closely monitor the potential impact of various external uncertainties on the local labour market, especially the income situation of the grassroots.

Other information

Both wage indices and payroll indices are compiled quarterly based on the results of the Labour Earnings Survey (LES) conducted by the C&SD.

Wage statistics are conceptually different from the payroll statistics. Firstly, wage rate for an employee refers to the sum earned for his normal hours of work. It covers basic wages and other regular and guaranteed allowances and bonuses, but excludes earnings from overtime work and discretionary bonuses, which are however included in payroll per person engaged. Secondly, the payroll index of an industry is an indicator of the simple average payroll received per person engaged in the industry. Its movement is therefore affected by changes in wage rates, number of hours of work and occupational composition in the industry. In contrast, the wage index of an industry is devised to reflect the pure changes in wage rate, with the occupational composition between two successive statistical periods being kept unchanged. In other words, the wage index reflects the change in the price of labour. Thirdly, wage index only covers employees up to the supervisory level (i.e. not including managerial and professional employees), whereas payroll index covers employees at all levels and proprietors actively engaged in the work of the establishment. Because of these conceptual and enumeration differences between payroll and wage statistics, the movements in payroll indices and in wage indices do not necessarily match closely with each other.

It should also be noted that different consumer price indices are used for compiling the real indices of wage and payroll to take into account the differences in their respective occupation coverage. Specifically, the Composite Consumer Price Index, being an indicator of overall consumer prices, is taken as the price deflator for payroll of workers at all levels of the occupational hierarchy. The Consumer Price Index (A), being an indicator of consumer prices for the relatively low expenditure group, is taken as the price deflator for wages in respect of employees engaged in occupations up to the supervisory level.

Detailed breakdowns of the payroll and wage statistics are published in the "Quarterly Report of Wage and Payroll Statistics, December 2018". Users can download this publication free of charge from the website of the C&SD (www.censtatd.gov.hk/hkstat/sub/sp210.jsp?productCode=B1050009).

For enquiries on wage and payroll statistics, please contact the Wages and Labour Costs Statistics Section (1) of the C&SD (Tel: 2887 5550 or email: wage@censtatd.gov.hk).

Employer sentenced to community service for wage offences

An employer was prosecuted by the Labour Department (LD) for failing to pay employee wages, as required by the Employment Ordinance (EO). The defendant pleaded guilty earlier at Eastern Magistrates' Courts and was sentenced to 40 hours' community service today (March 28).

The employer failed to pay two employees' wages totalling about \$200,000 within seven days after the termination of employment as required by the EO.

"The judgment would disseminate a strong message to all employers and responsible officers of companies that they have to pay wages and termination payments to employees within the time limit stipulated in the EO," a spokesman for the LD said.

"The LD will not tolerate these offences and will spare no effort in enforcing the law and safeguarding employees' statutory rights," the spokesman added.

Successful prosecution against illegal construction waste disposal by EPD following public report

A grab-mounted lorry driver who illegally dumped construction waste at Tung Tsz Valley, Tai Po, and was reported by a member of the public was fined a total of \$4,000 by Fanling Magistrates' Courts today (March 28) for contravening the Waste Disposal Ordinance (WDO).

The Environmental Protection Department (EPD) received a complaint from a member of the public in mid-May last year about illegal dumping activities at Tung Tsz Valley, Tai Po, adjacent to the Education University of Hong Kong. The member of the public also provided video clips and photos captured during the incident to assist the EPD's investigation. With the captured licence plate mark and the reported information, the EPD was able to trace the driver involved. After evidence gathering, the driver was prosecuted in accordance with the WDO.

An EPD spokesman urged members of the public to make a report to the department if they witness illegal dumping of waste by vehicles. They can

provide relevant information such as videos or photos of the offence and the vehicle involved via the EPD hotline 2838 3111 to help combat illegal dumping activities.

The spokesman also reminded members of the renovation, construction and transportation sectors that demolition waste as well as commercial and industrial waste should be delivered to the Government's waste treatment facilities, such as public fill banks or landfills, for proper disposal in accordance with the legal requirements. Under the WDO, it is an offence for anyone to dispose of waste in public places, on government land or without the permission of land owners. First-time offenders are liable to a maximum fine of \$200,000 and six months' imprisonment. A maximum fine of \$500,000 and six months' imprisonment may be imposed on second or subsequent convictions.