

社評  
雙語道

# 簡化破欠申請 保障僱員權益

## Streamlining PWIF Application Process Helps Protect Employees' Rights and Interests

原  
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下文摘錄自2022年7月5日香港《文匯報》：

有飲食集團旗下多間食肆突然結業，過百名員工受影響，有工會收到60宗被拖欠薪金的求助，涉款達500萬元。企業突然結業，令僱員薪酬福利頓失，但現行的破欠基金申請程序繁複，須由勞工代表展開冗長法律程序申請，導致費時失事。基層僱員手停口停，更需要快速的破欠補償以解燃眉之急。期待新一屆特區政府盡快落實簡化改革，實現破欠基金快速理賠，體現急民所急、解民所困。

根據香港法律規定，僱主申請破產，僱員可較其他債權人優先從僱主的資產中獲付欠薪、代通知金、遣散費及累積假日薪酬。如果僱主仍無力支付，且簽署俗稱「衰仔紙」的無力支薪聲明書，僱員可以申請破欠基金補償。

不過，現行破欠基金申請程序複雜。被欠薪的僱員必須選出代表，由勞資關係科職員協助該代表申請法援，很多時候申請法援出現困難，審核複雜，需要調取申請者與討薪無關的背景資料，拖延時日。通過法援之後還要展開法律程序，又需時4個月至5個月。據統計，去年上半年的1,600多宗破欠基金撥款當中，有三分之一需要半年至1年才撥款，有兩成需要1年至2年撥款，平均需時7個月。由於申請破欠基金時間太長，手續繁複，令不少僱員無奈之下選擇放棄。

立法會6月通過調高了破欠基金各項特惠款項的上限，包括將欠薪的特惠款項上限由3.6萬元調升至8萬元，代通知金由上限2.25萬元調高至4.5萬元，一定程度上加強了對基層僱員的保障，但同時，加快破欠基金申請效率也刻不容緩。壓縮破欠基金申請程序，最簡單可行的做法，是由勞工處或破欠基金直接聘請法律專業人員進行申請，這樣可以減省申請法援的步驟，直接由指定律師代表僱員提出申索，簡單個案可以在兩三個月內處理好。上屆政府已提出過相關改革方向，亦獲得工會支持，可惜至今未能落實。

相信不少打工仔都期望新一屆政府加快完善勞工保障的制度和法律，盡快將簡化申請破欠基金的法例提交立法會審議、通過，早日惠及基層僱員。勞工處也應加強執法，鼓勵舉報，打擊僱主欠薪、拖欠強積金等違法行為，切實保障打工仔的權益。



◆受疫情影響，多間食肆宣布結業。圖為疫情下略顯冷清的酒樓。

資料圖片

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The recent shutdown of a number of restaurants in Hong Kong has affected more than a hundred workers in the catering industry.

Trade unions have reportedly received 60 cases, in which the affected employees were owed wages amounting to five million dollars. The sudden closing of businesses resulted in the loss of income and benefits of these workers. Nevertheless, the current application procedure for the Protection of Wages on Insolvency Fund (the Fund) is cumbersome, requiring labour representatives to go through a lengthy legal process that is time-consuming and inefficient. Grassroots workers who are left jobless with no income are in desperate need of a compensation payment from the Fund. It is hoped that the new SAR Government would soon put in place a streamlined procedure to process the applications, in order to address the pressing needs and concerns of the people.

Under the laws of Hong Kong, when an employer applies for bankruptcy, his or her employees are entitled to payment out of the assets of the

employer in preference to most creditors in respect of wages, wages in lieu of notice, severance payment and accrued holiday remuneration. If, under such condition, the employer is still unable to pay back the owed money or wages and declares insolvency, the employees may apply for compensation from the Fund.

However, the current application procedure for the Fund is complicated. Employees who are owed wages must select someone to represent them and have the representative, with the assistance of the staff of the Labour Relations Division, apply for legal aid on their behalf. Given the complex vetting procedure, labour representatives often encounter difficulties when they apply for legal aid, as they are required to obtain information about the applicants that may be unrelated to the recovery of outstanding wages, causing the process to drag on. After the application for legal aid is approved, it may take the representatives 4 to 5 months to go through the relevant legal proceedings that ensue. According to statistics, in the first half of last year, more than 1,600 payments were granted from the

Fund. One-third of these applications took half a year to a year to be approved; 20 percent of them took 1 to 2 years, meaning that the average time for payment to be granted was 7 months. Due to the length and complex procedure, many of the employees had no choice but to give up on the Fund.

In June, the Legislative Council approved the Government's proposal to raise the maximum amounts of a number of ex-gratia payment items under the Fund, with arrears of wages increased from \$36,000 to \$80,000, and wages in lieu of notice from \$22,500 to \$45,000. While the adjusted amounts will, to a certain extent, help provide more protection to employees, there is still an urgent need for the Government to streamline the application process for the Fund. The easiest and most feasible way to compress the procedure is to have the Labour Department or relevant divisions processing the Fund to hire legal professionals to handle the applications. This would save an applicant's time of going through the process of applying for legal aid, as the assigned legal representa-

tive would directly lodge the claim on behalf of the employee, and it would likely just take 2 to 3 months to process the more straightforward cases. Indeed, the Government of the previous term suggested ways to reform the application process, and they were supported by the trade unions. Yet, the proposals have not been materialised till today.

It is the wish of the city's many employees that the new Government would take a result-oriented approach to realise its policy vision, including expediting the process of improving its labour protection systems and laws, streamlining the application process for the Fund, and introducing relevant legislations to the LegCo, so that the Government's proposals could be examined and approved as early as possible to benefit grassroots workers. In the meantime, the Labour Department should strengthen law enforcement actions and appeal to the public to report any breaches of the law, in order to combat wage offences and defaulted payment of Mandatory Provident Fund contributions, and effectively safeguard the rights and interests of employees in Hong Kong.

## 莎翁多名句 愛情是盲目

### 名人睿智

威廉·莎士比亞(William Shakespeare, 1564-1616)，是英國文學史上傑出的戲劇家、西方文藝史上最傑出的作家之一，作品豐富，留下37部戲劇、154首十四行詩、兩首長敘事詩和其他詩歌，其戲劇作品被翻譯成各種主要語言的譯本，當中著名悲劇《哈姆雷特》更奠定了莎士比亞在文壇的不朽地位，他的作品直至今日依舊廣受歡迎，《羅密歐與朱麗葉》、《皆大歡喜》、《奧瑟羅》、《李爾王》、《暴风雨》等為人傳誦，其劇作在全球以不同文化和政治形式演出和詮釋，國際上有人專門研究「莎學」。

#### 常寫犧牲與復仇

莎士比亞早期主要創作喜劇和歷史劇，接下來到1608年他主要創作悲劇，常常描寫犧牲與復仇，在他人生最後階段則開始寫悲喜劇。據了解，他的部分劇作，是與其他劇作家合作完成。此外，他的很多作品以多種版本出版，水準被指參差不齊。

除了善於創作，莎士比亞本身也是演員，會粉墨登場演繹自己或其他劇作家的作品。此外，他很懂賺錢、理財，本身是劇團的主要股東，他還在生意興隆的「環球劇場」(Globe theatre)有股份，也喜歡購買豪宅，與很多貧寒作家的生活大不相同

呢！

莎翁的「威水史」很多，他是造詞煉句的高手，除為英語世界貢獻了約3,000個單詞外，他離世四百多年後至今，人們仍會使用他創作的日常用語，例如「愛情是盲目的」(love is blind)、「徒勞無功的追求」(wild goose chase)、「懦弱」(faint-hearted)、「破冰」(break the ice)等。《牛津名人名言大辭典》(Oxford Dictionary of Quotations)中，有十分之一的英語語錄出自莎士比亞。

讓我們一起細味莎士比亞豐富多彩的名句：

- To be or not to be: that is a question. (Hamlet)  
生存還是毀滅，這是個值得考慮的問題。
- What's in a name? A rose by any other name would smell as sweet. (Romeo and Juliet)  
名字代表什麼？玫瑰不叫玫瑰還是一樣芳香。
- Sweet are the uses of adversity. (As You Like It)  
逆境和厄運自有妙處。
- It is excellent to have a giant's strength; but it is tyrannous to use it like a giant. (Measure for Measure)  
有巨人的力量固然好，但像巨人那樣濫用力量的就是一種殘暴行為。

## 掌握被動式 減文法錯誤

### 英該要知

最近批改各級學生的寫作時，發現很多同學對被動式(the passive voice)都未充分了解，以致不能準確運用，而且所犯的文法錯誤(grammatical mistakes)都大致相同。雖然在日常生活中，我們使用主動式(the active voice)的機會較多，但程老師在今期「英該要知」，想分享如何容易掌握被動式的用法，減少文法錯誤。

1. Verb to be + past participle (過去分詞)  
基本上，所有被動式的使用，都是由不同形態的be加過去分詞(past participle)所組成，只要熟習不同的verb to be，運用被動式便能事半功倍。  
例如，be是原始形態(base form)；現在式(simple present)是is / am / are；過去式(simple past)的形態是was / were；過去分詞(past participle)是been；現在分詞(present participle)是being。
2. 了解誰是行為者(doer)  
使用被動式的時候，有時doer在句子的出現並不重要，或是過於顯而易見，所以都會被省卻。例如，The criminals were arrested. (那些罪犯被拘捕了。)在這句子中，我們清晰知道罪犯(the criminals)是被警察(the police)拘捕(arrested)了，行為者(即警察)的身份是明顯的(obvious)，所以不寫出來也不會影響句子的意思，與The criminals were arrested by the police. (那些罪犯被警察拘捕了。)沒有分別。可是，在學習運用被動式時，了解doer能幫助我們把句子正確地用被動式寫出來。現在，就讓我教大家如何處理被動式的句子。  
現在式(simple present tense)：剛才提過，現在式

的verb to be形態是is / am / are，被動式即是is / am / are + past participle。

例子一：The janitors clean our school every day. (校工們每天清潔我們的學校。)

這句子的doer是校工(the janitors)，動作是清潔(clean)，被動的是我們的學校(our school)。

步驟一：先把被動的放到句子頭，由客體(object)變主體(subject)，即是our school。

步驟二：把動作轉被動式，即是is / am / are + cleaned (clean的過去分詞)，要留意is / am / are要正確使用，因our school只是單數名詞(singular noun)，所以用is+cleaned。

步驟三：把doer(即校工，the janitors)找出來，再加上by標示行為者，然後再寫上餘下的文字，得出：Our school is cleaned by the janitors every day. (我們的學校每天被校工清潔。)

例子二：Miss Ching explained the sentences clearly. (程老師清楚地解釋了那些句子。)

步驟一：把被動的變成主體，即是the sentence。

步驟二：把動作轉被動式，由於explained是過去式，被動式即was / were + explained，而the sentences是複數名詞(plural noun)，所以要寫成were + explained。

步驟三：程老師是行為者，再加句子中餘下的副詞(adverb)，得出：The sentences were explained by Miss Ching clearly. (那些句子被程老師清楚地解釋了。)

希望我的方法能幫助各位讀者掌握被動式。

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