



## NEWSLETTER

January 2009 Issue

[www.gemini.com.hk](http://www.gemini.com.hk)

Member of Asian Human Resources Group

Hong Kong ♦ Shanghai ♦ Beijing ♦ Guangzhou ♦ Shenzhen ♦ Bangkok

E-mail: [gemhq@gemini.com.hk](mailto:gemhq@gemini.com.hk)

Central Office: 15/F, Silver Fortune Plaza, 1 Wellington St, Central, HK

Kowloon Office: 909 Silvercord Tower 2, 30 Canton Road, TST, Kowloon, HK

Tel: (852) 2525 7283

Tel: (852) 2736 1161

### Head Office

#### A Word from the Group General Manager



Dear All,

#### A very happy new year to all our readers.

2009 certainly started with the usual partying at popular nightspots here in Hong Kong. The holiday spirit continues as we look forward to the Lunar New Year.

For many, the Chinese New Year is accompanied by a "Lai See" or bonus payment. But should employees expect the same this year? For many the red packet will be less full this year as employers tighten their belts, see later in this newsletter.

Hong Kong employees on a 5 day week can also expect fewer days off this year as many Public Holidays fall on a Saturday!

Here at Gemini we have seen the temporary freeze on hiring before Christmas begin to thaw, with employers needing to find new staff as we approach the Year of the Ox. Even if you have no immediate needs, our advice, as always, is to speak to your Gemini consultants and so we can give you our perspective on the employment market. Consider also our temporary staffing and interim management services, available both in Hong Kong and in mainland China.

To balance all those serious thoughts, we have included some lighter content in our newsletter. I hope you enjoy it, your feedback would be welcomed!

We wish all our clients and readers a very happy and prosperous New Year

KUNG HEI FAT CHOI!

Yours sincerely,

**Graham Price**  
Group General Manager





## Gemini Personnel – Hong Kong

### HR Focus

This month we look at why you should be careful about candidate CV's, keep looking for good talent and make sure those you hire get off to a good start.

#### Be careful about qualifications

##### "Catch Me If You Can" fraudster jailed 7 years

A smooth-talking swindler who conned his way into at least 12 jobs over seven years using fake IDs and papers - stealing HK\$3.62 million in the process - was jailed for seven years yesterday. Lam Chun-fai, who claimed to have a university education and produced a forged degree from Cambridge University to prove it, was in fact a Form Five- educated fraudster. The 33-year-old used lies and bogus documents to secure jobs as a psychiatrist, accounting clerk and marketing boss, among others. District Court Deputy Judge Abu Bakar bin Wahab ordered Lam to serve the one-year suspended sentence he was handed for the 2001 embezzlement offense on top of the six years he got for his bogus employment crimes.

Police advised employers to be alert when dealing with job seekers who appeared too good to be true. Detective Sergeant Tse Sik-hung said employers should be more careful examining certificates and personal documents presented by job interviewees, especially when the interviewee has an educational qualification which appears to be too good for the position, or the interviewee has requested a salary package which is a lot lower than the market level.

(N.B. Gemini will conduct routine reference checks on candidates as part of our standard procedures.)

#### Now is the time to invest in talent

Understandably many employers have been waiting before hiring new staff. They may wait a few months to see where the markets are going, but by that time may have missed out!

Whatever happens in the markets there will be a skills shortage, and the required skills may be a little different from this time last year.

The candidates to be hiring now are those who can have an impact and are prepared to work hard to get through the downturn. Tough times magnify the importance of people to a business and employers need to make sure the people around them are the right people for the current environment. Above all employers must create and maintain an environment that supports staff, and keeps them motivated. Remember they don't do it just for the money, loyal staff will do it because they want to pull through and succeed.

It's important to keep investing in the roles that are the most critical. The single most important thing is to retain and motivate the best people. Then you can start to think about who you add. The best time to be hiring is "whenever great talent walks through your front door".

Even if business conditions are tough for another three quarters before gradually improving, CEO's know that if they cut too deep now it could spell trouble farther down the track. Use the time to focus on training, on marketing and quality improvements. It is vitally important to maintain a customer focus, keep aware of what is going on and keep an eye out for opportunities.

And one thing to remember early in 2009 ... there is always an upturn."





## Staff Induction

Induction is a very important part of the employment process, and one that can easily get overlooked in a small, busy organization where everyone is working at full capacity. It is worth getting your induction procedures organized so that when you get a new member of staff you do not have to rush around on their first day thinking about what to do with them.

**The first day:** The single most important aspect of the first day is making time for the new recruit. There is nothing more disappointing and disheartening than sitting for hours waiting for someone to come and show you what to do, or give you information you need. Getting off on the wrong foot can colour that an employee's impression of the business forever. Indeed, you may lose the person you have spent so much time and money getting – so it's worth getting it right!

What makes a huge difference is having a planned induction programme. This last 2 days, 2 weeks, or 2 months, but at the end your new employee should know the operating procedures of the company, and have all the basic knowledge required to do their job. They should also understand your business objectives, and what you are trying to achieve.

There will be a fair amount to cover, whatever the size of your business - a good first day should include all of the following:

- A good reception for the new employee! Their line manager or personnel manager needs to spend time with them on the first day
- Go through the necessary paperwork and documentation. Ask in advance for anything you may need them to bring in, including qualification certificates, ID card, passport or whatever
- Outline the induction programme and how long it will last
- Basic health and safety information for your business
- Location of the toilets, staff room, water machine
- A copy of your staff handbook, or an introduction to your operating procedures
- An opportunity to do something practical – most people are keen to get on with the job, even if they're nervous about getting it right!

Induction is a very important part of the employment process, and one that can easily get overlooked in a small, busy organization where everyone is working at full capacity. It is worth getting your induction procedures organized – preferably in discussion with the rest of your staff – so that when you get a new member of staff, you do not have to rush around on their first day thinking about what to do with them.

## In the firing line?



This Gemini Newsletter is mailed out to clients and individuals who have registered with our website. But it is read by a larger cross section of people in Hong Kong and across the globe either through our web site or by referral or registration.

Whilst our primary focus is finding staff for our Clients, we are always pleased to receive enquiries from job seekers. So for our readers who are looking for a job, or know someone who is, I offer a few words of advice.





In economically turbulent times, no one's job is secure, there are very few iron rice bowls. For many redundancy will come as a shock – but remember you are not alone! It is not pleasant to hear your manager say "I'm sorry, we are going to have to let you go" – a phrase still often used by nervous managers who are behind the firing line. But be prepared for it to happen, and knowing what to do next will help you through the experience. So what should you do?

**Take stock** – assess your situation and see what your options are.

**First** in many people's assessment will be finances. Know what your outgoings are, and your time frame for surviving on the financial resources you have.

**Secondly** think carefully about what you have been doing, what you might like to do. Given you have an enforced natural break, is this a chance to re-train, take a holiday, try something new? You might want to see the world, join an aid organisation, or work for charity in some far off land.

**Thirdly**, if seeking new employment is your goal:

**Talk to professionals** – contact us at Gemini – we may have a vacancy looking for someone like you. Do not simply e mail an agency and say "here is my CV, I may be contacted on" – concisely explain your situation, expertise, what you are looking for give a brief salary history, and what you will accept in the future.

**Brush up your CV** – a well written CV is very powerful; getting help with your CV from a professional can make all the difference. We all tend to be either too modest about expressing our achievements, or just not good at describing the true breadth of our responsibilities and experience.

Tell as many people as you can! "Network". Many jobs are found by someone recommending the name of a friend or colleague.

**Be focussed** – finding a job is hard work. Treat it like a project. How many leads to you need to get one interview? How many interviews does it take to get a second interview? How many second interviews to get a job? You can see that for most people you will need to make lots of approaches to get that final job offer. Being registered with Gemini or another agency can help reduce your numbers by generating leads for you. But you still need to do some work yourself! Make sure you are punctual for interviews, dress appropriately. Make sure you can answer questions about what you did and achieved in each job you have held.

**Good Luck!**

## **Go Green and Save**

### **Using good-as-new notes for Lai-See**

As the Chinese New Year draws near, the Hong Kong Monetary Authority (HKMA) encourages the public to help protect the environment by using good-as-new notes, instead of brand-new ones, for lai-see.

About 162 million, or 50%, of the notes issued in the run-up to the last Chinese New Year were "good-as-new" notes, up from HK\$53 million, or 20%, the year before.

Every year 300 to 400 million new and used notes are issued to cater for demand in connection with the Chinese New Year. Three hundred million notes occupy 500 cubic metres of storage space and could fill 20 twenty-foot containers. The three note-issuing banks need to arrange 500 trips with security escort to transport these brand-new notes. And it takes 400 tonnes of cotton to produce 300 million banknotes.





"The HKMA strongly supports environmental protection. I encourage members of the public to contribute by using the good-as-new notes for lai-see," the Chief Executive of the HKMA, Mr Joseph Yam, said. Good-as-new notes are perfectly suitable for use as lai-see. Hong Kong's currency notes are kept very clean with dirty or torn notes being removed from circulation.

### Save Green When You Go Green

Saving money and saving the planet are common concerns for many companies and their employees, according to recent surveys. Simply by recycling paper and turning off the lights, your firm could improve employee retention while cutting costs and helping the environment.

In a survey of more than 2,000 adults employed in the U.S., 60% of respondents said it is important to them that their employers are environmentally conscious.

A survey by the Society for Human Resource Management found similar results. SHRM's green workplace survey polled nearly 1,000 human resource professionals and employees. Of surveyed employees whose companies did not have an environmental responsibility policy, 73% thought it was very or somewhat important that their employers develop such a policy. Human resource professionals surveyed by SHRM identified several benefits of "going green"—44% cited improved employee morale, and 42% mentioned a stronger public image for the company. Other significant benefits listed were increased client confidence (20%), a positive financial bottom line (19%), and increased employee loyalty (16%).

### Lai-See Packets

On New Year's Day, the children are given Red Lai-See Envelopes, good luck money wrapped in little red envelopes. Everyone wears new clothes, and will be on best behaviour. It is considered improper to tell a lie, raise one's voice, use indecent language, or break anything on the first day of the year.

#### But what will be in your Lai See Packet this year?

##### "I wish you wealth, give me lai see"

In English, it just doesn't sound right. But in Chinese, and under the cultural purview of Middle Kingdom traditions, "Gung hei fat choi, lai see dou loi" sounds as smooth as sweetened dessert tofu and feels as warm as a cup of hot milk tea. Chinese New Year and lai see have a barbecue-pork-and-white-rice kind of relationship – they are meant for each other.

"I don't see wishing someone wealth as actual wealth or money," says Simon Yick, an accounting business manager at a European private bank. "There's much more to it because it doesn't just refer to wealth and money. There is wealth of health, wealth of happiness and wealth of family, for example."

Lai See, it seems is much more than money and has different meanings for different people. To a tea or cleaning person, it could mean gratitude for a much-needed service; to a door person or security guard, it could mean acknowledgment for an underappreciated job; to a big boss' secretary, it could mean ensuring that your documents are at the top of the inbox; to a junior employee, it could mean a job well done and encouragement going forward; to a son or daughter, it could mean passing on a tradition and culture; and to a friend, it could mean an indirect repayment of debt.

We asked an accountant who was newlywed and a "lai see" - giving rookie, how he planned his "lai see" giving. He used the bottom-up method by making a rough estimate of how many people he needs to give to and then coming up with a number that fits the budget!

Somehow, it seems sensible to wish someone wealth so that they can give you some of it.





### **Exercise of discretion in payment of bonus**

Some companies are cutting back on staff and, employers often cite a number of reasons for refusing to grant bonus payments to laid-off employees.

**Employment contracts usually contain clauses stating that bonus entitlements are of a discretionary nature and based on a number of criteria.** This empowers employers to change the terms of bonuses, or to withdraw them completely. Employers faced with claims for bonus payments can therefore simply refer employees to the relevant clauses in their employment contracts.

BUT

In recent UK case, an employee according to his employment contract was entitled to a discretionary bonus that was dependant on his performance.

After the company terminated Mr Clark's employment, his employer refused to pay him any bonus, although his track record showed that he had made a lot of money for the company during his employment.

The UK court stated that the employer's discretion regarding bonus payments was not free from restrictions and ruled that the defendant had been under a contractual obligation to assess Mr Clark's individual performance for the purpose of the discretionary bonus and not to do so "irrationally or perversely".

As a result, the court awarded Mr Clark a substantial amount of damages.

The Hong Kong courts adopt a similar test. But in 2006 a dispute arose between Mr Hut, an investment manager, and his employer over bonus entitlement.

The scheme offered to Mr Hut provided that employees were granted a number of "bonus points" at the beginning of each year. However, the payment of bonuses to employees was subject entirely to the discretion of the defendant company's board of directors. In Mr Hut's case, the board had decided to suspend the bonus plan, taking into account the company's financial situation. As a result, Mr Hut did not receive a bonus. The court stated after an appeal that it would be reluctant to interfere with the exercise of a clearly stated discretion unless the discretion was exercised "irrationally or perversely".

### **Q & A on bonus payments**

**Q1: What are the consequences for employers who wrongfully withhold bonus payments?**

**A1:** An employer's failure to pay a bonus to an employee is likely to constitute a breach of contract, which would probably permit the employee to claim constructive dismissal. Alternatively, the employee could remain employed and simply bring a claim for unlawful deduction of wages.

**Q2: May an employer withhold payment of an year-end bonus?**

**A2:** This depends on whether the year-end bonus is of a contractual or gratuitous (payable only at the discretion of the employer) nature. Unless the employment contract provides otherwise, there is a presumption that an annual payment or annual bonus contained in an employment contract entered into after 27 June 1997 is of a contractual nature and not payable only at the discretion of the employer.

*Taken from Career Times 12 December 2008, p. B11*





## J.M. Gemini – China



JM Gemini recently celebrated Christmas with a small party. Here we are enjoying ourselves!



## Lai See in China

What are the common practices for Lai See payments in China?



What is appropriate "Lai See" in China? I'm asking this question cause I "stumbled" across a company which seems to give their Chinese employees only a 200 RMB shopping voucher for a supermarket for CNY. (A secretary, engineers and all employees. all get the same).

But I thought that it was the custom to give at least a month salary? I'm curious now, if your companies are giving shopping vouchers too or money?

- "We give one month's salary, plus we have a lucky draw with prizes of up to 3 months salary. Everyone is guaranteed at least a lucky draw prize worth 100rmb. This is the hospitality business....."
- "They usually give us a leg of ham with business this bad, maybe a leg of chicken this year"
- "I heard some companies will be offering a kilo of shanghai crabs as bonuses this year."





### **The labour law does not force any employer to give a 13th month salary?**

Not quite, the labor law requires companies to have a company manual and everyone to have contracts. The company manual should have complete explanation of pay. The company policy about the spring festival payment should be in there. Generally it stipulates the amount that people receive as a percentage of their salary. If not, the manual is not well-written and the company is looking for trouble in future.

This is one of those things that foreigners get wrong by not understanding. There are things you just don't do in China. One is mess with people's lunch. The other is mess with their spring festival payment. Get righteous about that and it's simple - after the holiday you won't have any employees (instead of the half that normally return)!

### **China Business Trends**

Recently the European Union Chamber of Commerce in China published their Business Confidence Survey. The key findings reinforce some of JM Gemini's observations over the years, and the importance of new entrants into the market obtaining good professional advice.

#### **Ongoing Trends**

- More European companies and especially small and medium enterprises (SMEs) are operating in China
- New comers are mostly SMEs
- Profitability increases the longer a company does business in China
- Companies tend to structure their operations as wholly owned foreign enterprises (WOFEs) as compared to joint ventures (JVs)
- Companies must be optimistic and committed to China to succeed
- Rising labour costs and greater domestic competition intensify pressure on companies operating in China
- Regulatory issues makes doing business in China not easy, with transparency and IPR protection major concerns

#### **New Findings**

- China is increasingly important for European businesses and the market offers plenty of growth potential. Over 2/3 of companies surveyed generate less than 10% of current global revenue in China, leaving plenty of room for companies to grow their China business
- More companies are reporting greater profitability than last year
- Smaller companies are more upbeat about future profitability
- Two strategies are emerging to combat talent wars: management localization for the larger companies and maintenance of expatriate management for the newly arrived companies
- Focusing on career planning and development is an important tool for retaining staff and reducing costs





- Inflation is playing a growing role in the talent war
- Organic growth is preferred over M&A
- Companies focus on "development" component in R&D
- Corporate Social Responsibility (CSR) are perceived to have a positive impact on recruitment and retention rates
- Many companies claim that pollution is causing their healthcare costs to rise
- European businesses feel disproportionately targeted when it comes to enforcement of environmental regulations

Please contact JM Gemini for advice on any aspect of recruiting, or employment regulations.

## Gemini - Thailand



As we start the New Year, something a little lighter for you to focus on.  
Best wishes for 2009.

Jos Bosmans



## Holidays

There are no public holidays in Thailand until the Thai New Year - Songkran 13 to 17 April.

### **SELECTION BY POPULAR VOTE:**

#### **Synchronize your watches for [DESTINATION THAILAND!](#)**

*Hello to 2009! Hopefully you are all recovering well from your celebrations?*

*Only a couple of weeks remain in the year-long online selection process to determine what [English reading] travelers consider to be the 9 very best destinations in Thailand and these might give you some **new inspiration for your upcoming Lunar new year travels***

The aim of the popular vote is to select the 9 places that every traveler, Thai or foreign, must visit before they can really say they have seen the very best of Thailand.

Surf to [www.9destinations.com](http://www.9destinations.com) and visit the web site in question. If you decide to register as asked by the site, you will be able to participate in the nominations (albeit a bit late ..) and voting process.

More of immediate and practical benefit, you will also be allowed to download the Road Map guide, for relatively undiscovered parts of Thailand with clear road descriptions, handy tips and easy ways to mingle with the locals.





Each participant is granted 9 votes only, and these can be distributed however you wish (e.g. 9 votes for a single site, 1 vote for nine sites etc.)

*Think about what a similar approach would mean in your people selection routines!!*

During the final and most important phase, which ends January 31 2009, the selection panel is substantially broadened by allowing SMS voting and the current leaders might be challenged severely! Maybe the Pattaya's, Phuket's and Hua Hin's will pop up now!

Till now the unchallenged leader is **Sukothai's Si Satchanalai Historical Park** – as significant a place for Buddhism as Rome is for Christianity.



In second place we find **Phu Kum Khao**, a hill in North Eastern Isaan (Konkaen) that holds the largest deposit of dinosaur fossils in Southeast Asia. At least 16 species of dinosaurs and a myriad of other creatures from the paleo world roamed the area and can be seen at the excavation sites and in a museum.





On third place we find **Phu Soi Dao National Park** in the North, arguably the most remarkable of the many floral extravaganzas in Thailand.



All the pundits are predicting tough times ahead for the Kingdom's tourism industry, but maybe this campaign can help stimulate interest in travel to and within Thailand by foreigners and locals alike.

Airline and hotel prices are dropping like flies so if you've been waiting to make a booking, synchronize your watches for DESTINATION THAILAND!

Gemini's consultants, experienced in both Thai and international business practices, can quickly grasp your company's needs and determine the right talent for your success. Gemini is your perfect recruiting partner for positions in Thailand. Just drop us a line at: [gemhq@geminipersonnel.com](mailto:gemhq@geminipersonnel.com)

## Asian Human Resources Group (AHRG)



AHRG is a unique grouping of firms in multiple locations that are properly licensed to do business in their respective territories and have a network of affiliates and consultants. Member firms currently comprise:

[Gemini Personnel Limited](#)

[Gemini Thailand](#)

[JM Gemini Limited](#)

AHRG companies currently have offices in Beijing, Shanghai, Guangzhou, Hong Kong, Kowloon and Bangkok, with affiliates in Singapore, Seoul and other Asian cities.





For further information see [www.AHRG.biz](http://www.AHRG.biz)

Asian Human Resources Group Head Office  
12/F Silver Fortune Plaza,  
1 Wellington Street,  
Central, Hong Kong

Graham Price Tel: (852) 2525 7873 Email: [graham.price@ahrg.biz](mailto:graham.price@ahrg.biz)

## Food for thought

### God's Coffee

A group of alumni, highly established in their careers, got together to visit their old university professor. Conversation soon turned into complaints about stress in work and life.

Offering his guests coffee, the professor went to the kitchen and returned with a large pot of coffee and an assortment of cups - porcelain, plastic, glass, crystal, some plain looking, some expensive, some exquisite - telling them to help themselves to the coffee.

When all the students had a cup of coffee in hand, the professor said:

"If you noticed, all the nice looking expensive cups were taken up, leaving behind the plain and cheap ones. While it is normal for you to want only the best for yourselves, that is the source of your problems and stress.

Be assured that the cup itself adds no quality to the coffee. In most cases it is just more expensive and in some cases even hides what we drink.

What all of you really wanted was coffee, not the cup, but you consciously went for the best cups... And then you began eyeing each other's cups.

Now consider this: Life is the coffee; the jobs, money and position in society are the cups. They are just tools to hold and contain Life, and the type of cup we have does not define, nor change the quality of Life we live.

Sometimes, by concentrating only on the cup, we fail to enjoy the coffee God has provided us."

God brews the coffee, not the cups..... Enjoy your coffee!

"The happiest people don't have the best of everything. They just make the best of everything."





## Take a break!

To start the New Year, some blonde jokes:

### SPEEDING TICKET

A police officer stops a blonde for speeding and asks her very nicely if he could see her license.

She replied in a huff, 'I wish you guys would get your act together. Just yesterday you take away my license and then today you expect me to show it to you!'

### BLONDE ON THE SUN

A Russian, an American, and a Blonde were talking one day.

The Russian said, 'We were the first in space!'

The American said, 'We were the first on the moon!'

The Blonde said, 'So what? We're going to be the first on the sun!' The Russian and the American looked at each other and shook their heads.

'You can't land on the sun, you idiot! You'll burn up!' said the Russian.

To which the Blonde replied, 'We're not stupid, you know. We're going at night!'

### RIVER WALK

There's this blonde out for a walk. She comes to a river and sees another blonde on the opposite bank 'Yoo-hoo!' she shouts, 'How can I get to the other side?'

The second blonde looks up the river then down the river and shouts back, 'You ARE on the other side.'

### THE BLONDE JOKE TO END ALL BLONDE JOKES!

A girl was visiting her blonde friend, who had acquired two new dogs, and asked her what their names were. The blonde responded by saying that one was named Rolex and one was named Timex. Her friend said, 'Whoever heard of someone naming dogs like that?' 'HELLLOOOOOOO.....,' answered the blonde. 'They're watch dogs.'

And some quick jokes:

I met the man who invented crosswords today. I can't remember his name, it's P something T something R.





I was reading this book today, The History Of Glue.  
I couldn't put it down.

I phoned the local ramblers club today, but the bloke who answered just went on and on.

The recruitment consultant asked me "What do you think of voluntary work??  
I said "I wouldn't do it if you paid me."

I was in the jungle and there was this monkey with a tin opener.  
I said, "You don't need a tin opener to peel a banana."  
He said, "No, this is for the custard."

This policeman came up to me with a pencil and a piece of very thin paper.  
He said, "I want you to trace someone for me."

I told my mum that I'd opened a theatre. She said, "Are you having me on?"  
I said, "Well I'll give you an audition, but I'm not promising you anything."

I phoned the local builders today, I said to them "Can I have a skip outside my house?"  
He said, "I'm not stopping you!"

This lorry full of tortoises collided with a van full of terrapins.  
It was a turtle disaster.

I told my girlfriend I had a job in a bowling alley.  
She said "Tenpin?"  
I said, "No, permanent."

I went in to a pet shop. I said, "Can I buy a goldfish?"  
The guy said, "Do you want an aquarium?"  
I said, "I don't care what star sign it is."

**Enjoy 2009!**

Disclaimer: In the event that any recipient of this newsletter wishes to be removed from Gemini's database, please send a written request to the Data Manager, Gemini Personnel Ltd, GPO Box 7862, Hong Kong. Or email [datamanager@gemini.com.hk](mailto:datamanager@gemini.com.hk)

