

LCQ1: Intermediaries importing Mainland workers

Following is a question by the Hon Tommy Cheung and a reply by the Secretary for Labour and Welfare, Mr Chris Sun, in the Legislative Council today (November 27):

Question:

According to the application requirements of the Enhanced Supplementary Labour Scheme (ESLS), if the prospective imported workers are Mainland residents, the employer must recruit the imported workers through Mainland labour service enterprises (labour service intermediaries) approved by the relevant competent authority in commerce of the Mainland. However, many employers in the catering sector who have applied for importation of Mainland workers have relayed that the services provided by such labour service intermediaries vary in quality, rendering the applications time-consuming and costly. In this connection, will the Government inform this Council:

- (1) of the regulatory measures put in place by the authorities to prevent employers from being misled by unscrupulous labour service intermediaries;
- (2) whether it will consider taking the initiative to conduct an opinion survey on employers applying to ESLS, so as to gain an understanding of the difficulties they encounter in recruiting imported workers through labour service intermediaries, thereby reviewing the relevant situation; and
- (3) given that labour service intermediaries operate licensed employment agencies (EAs) in Hong Kong which arrange Mainland workers to come and work in Hong Kong, and the Labour Department has drawn up a list of them, but among the 14 labour service intermediaries shown on the list, the licensed EAs of two labour service intermediaries are categorised as "not applicable", whether the Government will consider discussing with the relevant Mainland authorities about increasing the number of labour service intermediaries on the list, as well as reviewing the list regularly?

Reply:

President,

To cope with the challenges brought about by manpower shortage, the Government has enhanced the mechanism for importation of workers with a view to allowing enterprises greater flexibility in importing workers to fill job vacancies, and fostering the social and economic development of Hong Kong. Apart from launching sector-specific labour importation schemes for the construction sector, transport sector, and residential care homes for the elderly and residential care homes for persons with disabilities, the Labour Department (LD) has implemented the Enhanced Supplementary Labour Scheme

(ESLS) since September 4, 2023, to enhance the coverage and operation of the previous Supplementary Labour Scheme, including suspending the general exclusion of the 26 job categories as well as unskilled or low-skilled posts from labour importation for two years.

The reply to the Hon Tommy Cheung's questions is as follows:

(1) and (3) In accordance with the relevant regulations of the Mainland, we require that employers intending to recruit workers from the Mainland to work in Hong Kong under the aforesaid labour importation schemes must make the arrangements through the labour service co-operation enterprises authorised to operate business on arranging workers to work in Hong Kong under the Regulations on Management of Foreign Labor Service Cooperation of the Mainland (labour service enterprises). At present, there are a total of 14 approved labour service enterprises, of which 12 enterprises or their associated enterprises have established licensed employment agencies in Hong Kong. To facilitate Hong Kong employers seeking to employ Mainland workers to liaise with these employment agencies, the LD has uploaded the list of Hong Kong licensed employment agencies connected with the labour service enterprises and their contact information to the dedicated webpage of the ESLS.

Employment agencies operating in Hong Kong must abide by the Employment Ordinance, the Employment Agency Regulations, and the Code of Practice for Employment Agencies. The LD has met with the abovementioned employment agencies and reiterated that they must provide services in compliance with the relevant regulations.

In addition, we maintain communication with the Ministry of Commerce to reflect the latest situation of the labour service enterprises' operations in Hong Kong, and will explore appropriate measures to enhance the mechanism for importation of Mainland workers to Hong Kong in the light of operational experience.

(2) The LD has been closely monitoring the implementation of the ESLS and maintaining liaison with employer associations of various industries, including organising sessions to brief employers on the application procedures of the ESLS and answer their questions on the spot. We welcome employers to reflect their views to the LD. The LD plans to meet with the stakeholders, including major employer associations and trade unions to gather their views on the ESLS, and will review the Scheme prior to the lapse of its two-year implementation period.