

LCQ16: Enhanced Supplementary Labour Scheme

Following is a question by the Hon Chau Siu-chung and a written reply by the Secretary for Labour and Welfare, Mr Chris Sun, in the Legislative Council today (October 23):

Question:

On September 4 last year, the Government launched the Enhanced Supplementary Labour Scheme (ESLS) to suspend the general exclusion of the 26 job categories as well as unskilled or low-skilled posts from labour importation under the Supplementary Labour Scheme. However, many local frontline workers engaged in the relevant sectors have indicated that they are worried that the ESLS may affect their remuneration packages and even employment opportunities. In this connection, will the Government inform this Council:

(1) since the launch of the ESLS, of the respective numbers of (a) the applications received (and the imported workers involved) and (b) the applications approved (and the imported workers involved) by the Government, as well as (c) the imported workers who have arrived to work in Hong Kong, together with a breakdown by (i) the aforesaid 26 job categories, (ii) unskilled or low-skilled posts (including cleaners, security guards and room attendants), and (iii) other posts (set out in Tables 1 to 3 respectively);

Table 1

(i)	(a)	(b)	(c)
1.			
.....			
26.			
Total			

Table 2

(ii)	(a)	(b)	(c)
Cleaners			
Security guards			
Room attendants			
.....			
Total			

Table 3

(iii)	(a)	(b)	(c)
1.			
.....			
Total			

(2) since the launch of the ESLS, of the number of labour importation applications rejected by the authorities, and the main reasons for rejecting such applications;

(3) as it has been reported that some employers have used "bogus recruitment" (e.g. placing job advertisements to attract applicants and then rejecting their job applications on the ground that they have failed to meet the requirements) to create the illusion of having recruitment difficulties, so as to apply to the Government for importation of labour, since the launch of the ESLS, of the respective numbers of (i) suspected "bogus recruitment" cases discovered by the Government after taking the initiative to investigate employers applying for labour importation, and (ii) complaints about suspected "bogus recruitment" received by the Government;

(4) whether the authorities have conducted monthly surveys and analyses on the salaries and benefits as well as the employment situation of local workers engaged in the job categories approved for labour importation since the launch of the ESLS; if so, of the details, including whether any reduction in the salaries, benefits as well as employment opportunities of local workers in the relevant sectors had been found; if not, the reasons for that;

(5) whether the Government has received views or complaints from imported workers who have already been working in Hong Kong about their labour rights being undermined since the launch of the ESLS; if so, of the details; and

(6) whether it will consider reviewing the ESLS expeditiously and suspending the arrangement for the importation of labour for the aforesaid 26 job categories as well as unskilled or low-skilled posts, so as to adequately safeguard the remuneration packages and employment opportunities of local workers in the relevant sectors?

Reply:

President,

To cope with the challenges brought about by manpower shortage, the Government has enhanced the mechanism for importation of workers. 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 also implemented the Enhanced Supplementary Labour Scheme (ESLS) since September 4, 2023, to enhance the coverage and operation of the

previous Supplementary Labour Scheme (SLS), 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 Chau's questions is as follows:

(1) From September 4, 2023, to September 30, 2024, 7 448 applications seeking to import 66 230 workers were received under the ESLS. During the same period, 3 886 applications involving 28 818 quotas for importation of workers were approved. A breakdown of the numbers of imported workers applied for and approved by the 26 job categories, unskilled/ low-skilled posts and other posts is at Annex.

Employers approved to import workers under the ESLS are required to arrange for their prospective imported workers to submit visa/entry permit applications to the Immigration Department within the periods specified in the approval-in-principle letters (generally within six months from the issue dates of the said letters). The arrival time of imported workers depends on the progress of employers' handling of relevant procedures. The LD does not maintain the number of imported workers arriving and working in Hong Kong under the ESLS.

(2) Since the launch of the ESLS, as at September 30 this year, the LD refused 34 applications mainly because the concerned applications had failed to meet all the requirements of the ESLS, such as the manning ratio of the number of imported workers to the number of local employees.

(3) To safeguard employment priority for local workers, applicant employers of the ESLS must undertake a four-week local recruitment exercise and accord priority to employing suitable local workers to fill the vacancies. The LD conducts job matching for the vacancies and refers local job seekers to employers for interviews, and widely disseminates vacancy information to members of the Labour Advisory Board, relevant trade unions and training institutions to facilitate their referrals of suitable local job seekers for application. As required under the ESLS, the employment terms of local workers recruited through all channels during the local recruitment period for the posts applied (including the entry requirements, monthly salary and hours of work, etc.) must be no less favourable than the recruitment terms agreed by the LD.

Upon completion of the above recruitment procedures, employers shall report the results to the LD. The LD will contact each of the local job seekers who is not employed by the employers, and assess whether the employers have sincerity in recruiting local workers. If there is evidence showing that an employer has violated the requirements of local recruitment (such as employing local workers with a monthly salary lower than that agreed by the LD) or refused to employ qualified local job seekers without reasonable reasons during the local recruitment period, the LD will terminate the processing of the application submitted by that employer for importation of labour. Administrative sanction will also be imposed on the concerned employer whereby any ESLS application submitted by the employer in the

following year will not be processed. Since the implementation of the ESLS, the LD has not found any employer suspected of conducting "bogus recruitment" or received any relevant complaint from job seekers.

(4) The Census and Statistics Department regularly conducts different surveys, such as the General Household Survey, the Labour Earnings Survey, and the Annual Earnings and Hours Survey, to gather and analyse statistics about the employment situation and earnings overview of local employees. The LD closely monitors the employment market situation and the relevant statistics.

(5) Since the launch of the ESLS, as at September 30 this year, the LD received 62 complaints involving workers imported under the SLS/ESLS. The complaint items mainly involved wages, arrangements for working hours, etc.

(6) The LD has been closely monitoring the implementation of the ESLS, and will review the ESLS prior to the lapse of its two-year implementation period.

â€‹The LD will continue to keep in view the applications for importation of labour in different industries. On the premise of upholding employment priority for local workers, employers are allowed to import workers to alleviate the manpower shortage and foster the economic development of Hong Kong. The Government will also strengthen the training and recruitment services to underpin employment priority for local workers.