

For Information

Legislative Council Panel on Public Service

Follow-up to the Meeting on 3 June 2013

At the meeting of the Legislative Council Panel on Public Service (the Panel) on 3 June 2013, the Administration updated the Panel on the use of agency workers by Bureaux/Departments (B/Ds). The Administration was requested to provide, inter alia, the following information –

- (a) details, including the job nature and the services involved, of the “term contracts” under which 9% of the agency workers were employed; and
- (b) whether the terms of employment of the service bureau staff, who provide service to the public libraries, meet the requirement of “4-1-18” (i.e. continuous employment of at least four weeks with a weekly working hours of 18 or more).

Term Contracts

2. As at 30 September 2012, there were 1 173 agency workers working in B/Ds. Majority of them (91%) were sourced from service contracts not exceeding 15 months. The remainder (9% or 105 in number) were sourced from contracts exceeding 15 months. 88 of them were sourced from “term contract” under which the employment agencies supplied short-term clerical and administrative manpower or workman-type staff to the procuring B/Ds as and when required. These agency workers were deployed either for meeting urgent and short-term service needs or filling short-term manpower gap. For example, the Rating and Valuation Department sourced agency workers from term contracts to provide general clerical support for various seasonal and ad-hoc initiatives, such as annual General Revaluation exercise, which individually lasted for a few months each year. Separately, the Correctional Services Department sourced agency workers from term contracts to tide over short-term manpower gap of civil service vacancies in the Clerical and Workman grades. The remaining 17 agency workers were used by B/Ds for meeting service needs which entailed irregular work pattern. For instance, agency workers worked in shifts in the Vessel Traffic Centre (VTC) of Marine Department. They

provided clerical support to the VTC which operates round-the-clock to maintain surveillance over Hong Kong navigable waters, gives information and offers advice to mariners on prevailing navigational conditions.

Service Bureau Staff

3. Service bureau staff are manpower secured by the Leisure and Cultural Services Department (LCSD) through employment agencies to reinforce the staff complement in public libraries during peak periods such as lunch hours, after-school hours, weekends and public holidays, to provide public library service. They are deployed to support counter and customer services; sort and shelve library materials; perform patrol and other miscellaneous duties; provide technical support to the public on IT facilities in the Computer and Information Centres; and assist in manning Students' Study Rooms.

4. LCSD enters into service contracts with the employment agencies selected in accordance with the relevant Stores and Procurement Regulations and Financial Circulars to supply a pre-determined total number of man-hours of manpower within the duration of a contract. The staff are remunerated on an hourly basis. LCSD calls for the support of the service bureau staff under these service contracts as and when needed. The staff do not have uniform weekly or monthly working hours. The employment agencies may arrange their employees to work in different library venues at different times or arrange replacement staff in accordance with the provisions of the service contracts with LCSD during the contract period. Since the service bureau staff are employees of the employment agencies, they are at the disposal of their respective employers. LCSD therefore does not have information on the working hours of individual staff.

5. Under the contracts governing the provision of such services to LCSD, the contractor will enter into an employment agreement with each of its employees which sets out the essential terms and conditions of employment, including but not limited to the employment period, rest day arrangement, wages and fringe benefits. Besides, the contractors are required to comply with the relevant ordinances of Hong Kong, including the Employment Ordinance (EO), the Minimum Wage Ordinance, the Employees' Compensation Ordinance, the Immigration Ordinance, the Occupational Safety and Health Ordinance, and the Mandatory Provident Fund Schemes Ordinance. LCSD is entitled to terminate the contract forthwith on giving notice to the contractor without entitling it to

any compensation whatsoever if the contractor is convicted of any offence under the above mentioned ordinances. In other words, for service bureau staff who work continuously for the same employer for four weeks or more with at least 18 hours in each week, they are entitled to benefits for an employee who is employed under a continuous contract as provided under the EO.

T-Contract Staff

6. Government Chief Information Officer has reverted to the Panel separately in respect of the supplementary information pertaining to T-contract staff services.

Civil Service Bureau
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