

Labour importation policies in selected places

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1. Introduction

1.1 Hong Kong is facing heightened manpower shortage amidst population ageing and net movement of residents out of the city in recent years. According to an earlier report on manpower projection released by the Government back in 2019¹, a projected manpower shortfall of some 170 000 could be seen in 2027, with 70% of the gap requiring workers with secondary education level or below. While stepping up efforts to attract global talent is widely supported as a right approach to add impetus to the Hong Kong economy, labour importation as a measure to address blue-collar labour shortage is often a subject of debate between the employer and employee sectors. The Supplementary Labour Scheme (“SLS”) has been in place since 1996 to help fill vacancies at technician level or below. Yet, its usage has not been extensive. Recently, the Government has indicated that it will launch a special scheme in the second quarter of 2023 for importing care workers for residential care homes (“RCHs”), featuring simpler procedures than those under SLS, so as to address the acute manpower gap in providing elderly care.

1.2 At the request of Hon SHIU Ka-fai, the Research Office has researched into the labour importation policies in selected places, namely Japan, Singapore and the United States (“US”). These developed places face different degrees of labour shortage. They have been importing middle- to low-skilled workers through their labour importation schemes, and have conducted recent policy reviews and/or updates in accordance with the changing local circumstances. A summary of the design features and implementation experience is outlined below and detailed information is in the [Table](#).

2. Labour importation policies in Hong Kong and selected places

2.1 In **Hong Kong**, SLS administered by the Labour Department (“LD”) is a major means of importing labour. It serves to allow employers with genuine difficulties in recruiting local staff to import workers at technician level or below. Under the scheme, each application is submitted to LD for approval in principle, which will consider the case on its own merits and will seek views from the Labour Advisory Board (“LAB”), a consultative body comprising an equal number of employer and employee representatives. The whole process typically takes about five months. While there is no explicit positive/negative list of industries specified under SLS, applications for importing unskilled/low-skilled workers will normally not be considered, and certain job categories (e.g. junior cook, hair stylist) are specifically excluded. In addition, participating employers must maintain the ratio of full-time local workers to imported workers at 2:1,

¹ As announced in 2022 Policy Address, a new round of manpower projections will commence with the projection period to be shortened from 10 years to five years. Key findings will be made available in 2024.



pay imported workers a wage not less than the median wage in the market, and provide them with free medical care and accommodation support, among other requirements. Employment contracts are valid for up to two years. Despite being in existence for over 25 years, the number of approved cases under SLS has remained relatively limited (the number of approvals averaged at 1 900 per annum between 2003 and 2021). For the recently-announced special scheme for RCHs, the Government plans to adopt a different implementation approach, for instance, setting an overall quota of 7 000, establishing an inter-departmental liaison group chaired by the Director of Social Welfare to assess applications², and reducing the processing time to two months. More details are to be revealed.

2.2 **Japan**, facing an acute manpower shortage, launched in April 2019 the Specified Skilled Worker Program, which is considered less restrictive than the earlier schemes. The programme accepts applications from foreigners to work in Japan as middle- to low-skilled workers (type (i) workers) or higher-skilled workers (type (ii) workers). There are 12 designated industries for type (i) applications³, each with a five-year quota (e.g. food manufacturing: 87 200; nursing care: 50 900). The procedures are relatively straightforward. After finding a right candidate, the employer will apply on behalf of him/her for a stay permit (Certificate of Eligibility) and work visa from the Japanese immigration authority and embassies overseas respectively. A work visa is renewable for up to five years. However, as a pre-condition for employment as type (i) workers, foreign individuals have to pass a Japanese language test and an industry-specific skill test first. Apart from paying wages on par with locals, companies are obliged to assist type (i) workers in their work lives, daily lives and social lives (e.g. secure housing, promote exchanges with locals). There were 108 700 type (i) workers in Japan as at September 2022 (i.e. 3.5 years after launching the scheme), reaching just about one-third of the target set for end-March 2024 due partly to the COVID-19 pandemic. The government has recently set up a panel to review the scheme for possible refinements, and expectedly it will release a final report with recommendations in the second half of 2023.

2.3 **Singapore**, meanwhile, has a long history of importing labour to significantly boost the production capacity of its economy. A variety of work passes for foreigners to work in Singapore are issued by the Ministry of Manpower (“MoM”). Two main work passes, namely “S Pass” and “Work Permit (for migrant worker)”, are dedicated for skilled workers and semi-skilled workers respectively⁴, each with a quota as a certain percentage of a company’s workforce based on industry type (e.g. 60% for manufacturing firms). Similar to the case of Japan, work pass applications in Singapore are made by employers after confirming appointment with candidate(s). There are online portals for handling all application-related matters, and most applications can be processed by MoM within

² The Director of Social Welfare will make a decision on each application after considering the advice of the inter-departmental liaison group, which comprises representatives from the Labour and Welfare Bureau, Social Welfare Department and LD.

³ For type (ii) workers with higher skill requirements, there are just two designated industries.

⁴ There are separate work permits for migrant domestic workers, confinement nannies and performing artistes.

three weeks (even within one week for Work Permits). In 2021, the number of S Pass and Work Permit holders accounted for 21% of the labour force, though representing a drop from 25% in 2019. In fact, in response to growing local concerns about over-reliance on imported workers, Singapore has in recent years lowered the import quota and, at the same time, increased the cost of employers hiring foreign workers (e.g. raised the employer levy for S Pass, and increased the qualifying salary of S Pass workers to make it on par with the top one-third of the local earnings).

2.4 In the US, the H-2B Program launched in 1986 allows employers to hire foreigners to fill temporary non-agricultural jobs.⁵ The programme, with an overall annual quota of 66 000, is co-managed by the Department of Labor (“DoL”) and the Department of Homeland Security (“DHS”). Employers must first provide proof of local recruitment difficulties to obtain the approval from DoL (known as labour certification) before they can submit detailed applications for further processing by DHS. A work visa is valid for up to one year and is renewable. Employers are required to pay a locally-comparable salary for imported workers. The response to the programme was enthusiastic over the last decade, with the annual applications far exceeding the annual quota persistently, and thus additional quota (e.g. 22 000 in FY2021) was provided upon approval of the Congress. Businesses surveyed said that they had benefited from the programme especially during seasonal or peak demand. However, there were concerns over applications being randomly selected by the authorities to process due to high application volume, and there were also reports of worker exploitation (e.g. charging prohibited fees, providing inaccurate job information). Against this, its government has announced the establishment of a dedicated taskforce to look into the issues.

3. Observations

3.1 Japan, Singapore and the US all have labour importation schemes to absorb manpower with different skill levels in a controlled manner with a view to complementing the local workforce. Japan and Singapore appear to provide relatively clear approval criteria, and do not require applications to go through an external consultation process or undergo case-by-case consideration in the course of approval. Such modus operandi may have streamlined the process, especially in Singapore’s case. Meanwhile, all three places have adopted various measures to strike a balance between employers’ needs and employees’ interests by designating industry types/ranges, setting industry-specific or company-level quotas and so on, in addition to setting minimum wage levels. To ensure smooth adaptation, Japan requires imported workers to pass an industry-specific skill test and a local language test prior to taking the job and mandates employers to devise a plan to support them, from their work lives to social lives.

⁵ There is another major scheme, named H-2A Program, for importing temporary workers. Since this programme is dedicated for agriculture and its design is broadly identical to that of the H-2B Program, its details are not covered in this *Research Task*.

3.2 Similar to Hong Kong, the US does not have a predetermined list of industries under the scheme and requires employers to prove recruitment difficulties locally prior to application approval. The fact that demand has far exceeded quota has led to the business community calling for more flexibility to meet their operational needs. Whereas some commentators have praised the labour importation schemes in Singapore for their effectiveness and contribution to economic growth, there is also increasing sentiment in the community against the sustained massive labour importation, thereby prompting the government to fine-tune its policies. Meanwhile, Japan has set a rather ambitious labour importation target for its new scheme, though the progress has been short of expectation so far.



Table – Overview of labour importation policies in selected places

		Hong Kong	Japan	Singapore		The United States
Major scheme(s)		Supplementary Labour Scheme	Specified Skilled Worker (i)	S Pass	Work Permit (for migrant worker)	H-2B Program
1.	Basic facts					
1.1	Target workers	<ul style="list-style-type: none"> Technician level or below (unskilled/low-skilled workers normally not be considered) 	<ul style="list-style-type: none"> Skilled or below 	<ul style="list-style-type: none"> Skilled 	<ul style="list-style-type: none"> Semi-skilled or below 	<ul style="list-style-type: none"> Not specified
1.2	Launch year	<ul style="list-style-type: none"> 1996 	<ul style="list-style-type: none"> 2019 	<ul style="list-style-type: none"> 2004 	<ul style="list-style-type: none"> 1965 	<ul style="list-style-type: none"> 1986
1.3	Responsible official agency(ies)	<ul style="list-style-type: none"> (i) Labour Department (“LD”) in consultation with the Labour Advisory Board (“LAB”) – application approval (ii) Immigration Department – visa/entry permit 	<ul style="list-style-type: none"> (i) Immigration Services Agency – stay permit (Certificate of Eligibility) (ii) Ministry of Foreign Affairs – visa 	<ul style="list-style-type: none"> Ministry of Manpower 		<ul style="list-style-type: none"> (i) Department of Labor – preliminary approval (labour certification) (ii) Department of Homeland Security – application approval (iii) Department of State – visa
1.4	Number of imported workers as at 2021 [% of labour force]	<ul style="list-style-type: none"> 5 200 [0.1%] ➢ 60% were care workers in the residential care home (“RCH”) sector⁽¹⁾ 	<ul style="list-style-type: none"> 108 700 [0.2%] (as at Sep 2022) ➢ 33% engaged in the food manufacturing industry ➢ 60% were of Vietnamese nationality 	<ul style="list-style-type: none"> 161 800 [4.5%] 	<ul style="list-style-type: none"> 603 400⁽²⁾ [16.7%] ➢ 53% engaged in the construction, marine shipyard and process industries 	<ul style="list-style-type: none"> Information not available
	Number of workers approved in 2021	<ul style="list-style-type: none"> 3 000 	<ul style="list-style-type: none"> Information not available 	<ul style="list-style-type: none"> Information not available 	<ul style="list-style-type: none"> Information not available 	<ul style="list-style-type: none"> 95 100⁽³⁾ ➢ 38% were landscaping and groundskeeping workers⁽⁴⁾ ➢ 75% were of Mexican nationality
1.5	Normal application processing time	<ul style="list-style-type: none"> Five months 	<ul style="list-style-type: none"> 1.5 to 2.5 months 	<ul style="list-style-type: none"> Within three weeks 	<ul style="list-style-type: none"> Within one week 	<ul style="list-style-type: none"> Two to four months
2.	Scheme features					
2.1	Target industries/sectors	<ul style="list-style-type: none"> Nil (but excluded 26 job categories) 	<ul style="list-style-type: none"> ✓ (12 designated industries) 	<ul style="list-style-type: none"> Nil 	<ul style="list-style-type: none"> ✓ (e.g. construction, services) 	<ul style="list-style-type: none"> ✓ (non-agriculture)
2.2	Target source places	<ul style="list-style-type: none"> Nil (but excluded specific places, e.g. Cuba) 	<ul style="list-style-type: none"> Nil 	<ul style="list-style-type: none"> Nil 	<ul style="list-style-type: none"> ✓ (places varying with the industry) 	<ul style="list-style-type: none"> ✓ (annually updated list of eligible places)
2.3	Application party	<ul style="list-style-type: none"> Employers 	<ul style="list-style-type: none"> Employees (applications submitted by employers on their behalf) 	<ul style="list-style-type: none"> Employees (applications submitted by employers on their behalf) 	<ul style="list-style-type: none"> Employers 	<ul style="list-style-type: none"> Employers
2.4	Work permit or contract duration	<ul style="list-style-type: none"> Up to two years, non-renewable 	<ul style="list-style-type: none"> Up to one year, renewable Maximum period of stay: five years 	<ul style="list-style-type: none"> New pass – up to two years Renewed pass – up to three years 	<ul style="list-style-type: none"> Up to two years, renewable Maximum period of employment: 14-26 years for non-Malaysian and non-North Asian workers; or until reaching the age of 60, whichever earlier 	<ul style="list-style-type: none"> Up to one year, renewable Maximum period of stay: three years
2.5	Requirement of completing course/passing test	<ul style="list-style-type: none"> Workers’ attendance at briefing organized by the LD to understand employment rights and benefits 	<ul style="list-style-type: none"> Japanese language test Industry-specific skill tests 	<ul style="list-style-type: none"> Not specified 	<ul style="list-style-type: none"> Settling-in Programme for better adaptation of non-Malaysian workers in non-service industries Designated safety course for workers in non-services industries 	<ul style="list-style-type: none"> Not specified
2.6	Admission of dependants	<ul style="list-style-type: none"> Not allowed 	<ul style="list-style-type: none"> Not allowed 	<ul style="list-style-type: none"> ✓ (for those with fixed monthly salary of at least S\$6,000 (HK\$35,400)) 	<ul style="list-style-type: none"> Not allowed 	<ul style="list-style-type: none"> ✓
2.7	Eligibility for permanent residence	<ul style="list-style-type: none"> Not eligible 	<ul style="list-style-type: none"> Not eligible 	<ul style="list-style-type: none"> ✓ 	<ul style="list-style-type: none"> Not eligible 	<ul style="list-style-type: none"> Not eligible

⁽¹⁾ The figure is as at October 2022 and excludes some 1 000 additional care workers imported through the arrangement of time-limited relaxation under the Supplementary Labour Scheme between March and May 2022.

⁽²⁾ Due to data availability, the figure includes holders of Work Permit for confinement nanny and performing artiste.

⁽³⁾ The figure includes workers not subject to the annual quota (e.g. those re-entering for work in the same fiscal year, fish roe processing workers).

⁽⁴⁾ The figure is compiled based on the number of positions certified by the Department of Labor. However, the relevant H-2B applications could be denied in the subsequent stages of the application process.

Table – Overview of labour importation policies in selected places (cont'd)

	Hong Kong	Japan	Singapore		The United States
Major scheme(s)	Supplementary Labour Scheme	Specified Skilled Worker (i)	S Pass	Work Permit (for migrant worker)	H-2B Program
3.	Measures for protecting local labour				
3.1	Quota	<ul style="list-style-type: none"> Participating employers to maintain a manpower ratio of local workers to imported workers at 2:1 	<ul style="list-style-type: none"> Industry-specific quotas (e.g. food manufacturing: 87 200, nursing care: 50 900) Quotas in total: 345 150 	<ul style="list-style-type: none"> Aggregate quota: as a percentage of a company's workforce, which varies across industries, e.g. construction firms: 87.5%, manufacturing firms: 60%, services firms: 35% S Pass-specific quota: as a percentage of a company's workforce, e.g. non-services firms: 15%, services firms: 10% 	<ul style="list-style-type: none"> 66 000 per fiscal year Additional quota in FY2021: 22 000
3.2	Minimum wage requirement	<ul style="list-style-type: none"> Not less than the median monthly wage of local workers in comparable positions 	<ul style="list-style-type: none"> Not less than the wage of local workers in the same company, taking into account job duties, years of experience and age 	<ul style="list-style-type: none"> Not less than the top one-third of local associate professionals and technicians salaries⁽⁵⁾ 	<ul style="list-style-type: none"> At least the prevailing wage rate⁽⁶⁾ or the applicable Federal, State or local minimum wage, whichever is higher
3.3	Requirement of conducting local recruitment before/during application	<ul style="list-style-type: none"> Yes, lasting for four weeks 	<ul style="list-style-type: none"> Not specified 	<ul style="list-style-type: none"> Yes, lasting for at least 14 consecutive days 	<ul style="list-style-type: none"> Not specified Yes, lasting until 21 days before the date of labour importation Additional requirement: solicitation of return of local workers employed the previous year and submission of recruitment report
3.4	Levy per worker	<ul style="list-style-type: none"> HK\$400 multiplied by number of months covered by employment contract (levy received is earmarked for retraining of local workers) 	<ul style="list-style-type: none"> Nil 	<ul style="list-style-type: none"> S\$450/S\$650 (HK\$2,700/HK\$3,800) a month, depending on the industry and share of S Pass holders in a company's workforce 	<ul style="list-style-type: none"> Nil
4.	Benefits and/or protection for imported labour				
4.1	Mandatory employee benefits				
	➢ Free or funded accommodation	✓	Not specified	Not specified	✓
	➢ Free or funded medical care	✓	Not specified	✓ (through insurance)	✓ (through insurance)
4.2	Debarment for employers with adverse records	✓	Not specified	✓	✓ (Also prohibited from applying for imported workers during strike or lockout at any of the employer's worksites)
4.3	Other examples of protection arrangements required	<ul style="list-style-type: none"> Imported workers must be engaged under a Standard Employment Contract prescribed for the scheme 	<ul style="list-style-type: none"> Comprehensive support plan implemented by employers or outsourced support organizations for providing assistance in work life, daily life and social life 	<ul style="list-style-type: none"> Not specified 	<ul style="list-style-type: none"> Purchase of S\$5,000 (HK\$29,500) security bond for each non-Malaysian worker which will be forfeited if employers or workers break the law and /or Work Permit conditions (e.g. working in occupation not specified in permit), etc. Not specified
5.	Recent development				
5.1	Recent/Upcoming major change(s)	<ul style="list-style-type: none"> Planned launch of a special scheme in the second quarter of 2023 to allow not only private but also subvented RCHs to import labour, with an overall quota of 7 000 and applications being assessed by an inter-departmental liaison group under the administration of the Social Welfare Department 	<ul style="list-style-type: none"> Establishment of an expert panel in November 2022 to review and offer suggestions to enhance the Specified Skilled Worker Program, expected to be released in the second half of 2023 	<ul style="list-style-type: none"> Planned reduction of aggregate percentage quota in certain industries as from 2024 to address locals' concern over competition for jobs and spur productivity improvement Adjustments made to uplift the quality of S Pass workers and promote local recruitment, by (a) reducing the percentage quota of non-services industries in 2023; and (b) raising the minimum monthly salary and levy rate in 2022, with a plan for further increasing in the next few years 	<ul style="list-style-type: none"> Formation of the H-2B Worker Protection Taskforce among the responsible departments to assess policy options for enhancing protection of both local and imported workers No specific updates on Work Permit scheme recently

⁽⁵⁾ The minimum monthly salary increases progressively with applicant's age at the time of application or renewal. For instance, from September 2022, the minimum monthly salary in non-financial industries that are benchmarked to the relevant top one-third local salaries is S\$3,000 (HK\$17,700) for an applicant aged 23 and rises up to S\$4,500 (HK\$26,600) for an applicant aged 45 or above.

⁽⁶⁾ Prevailing wage rate is defined as the average wage paid to similarly employed workers in a specific occupation in the area of intended employment.

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資料一覽表[^]

Full list of reference material[^]

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註：^ 本節所列互聯網資料是於2023年2月讀取。

Note: ^ Internet resources listed in this section were accessed in February 2023.

粗體的參考資料 — 建議作深入研究的文件。

References in bold print - documents recommended for more in-depth study.

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