

立法會
Legislative Council

LC Paper No. CB(2)2232/10-11(02)

Ref : CB2/PL/WS

Panel on Welfare Services

**Information note prepared by Legislative Council Secretariat
for the special meeting on 5 July 2011**

Impact of statutory minimum wage on private residential care homes

The Minimum Wage Ordinance (Cap. 608), with the initial statutory minimum wage rate of \$28 per hour, has taken effect from 1 May 2011.

2. According to media reports, operators of private residential care homes have reportedly claimed that a number of homes are at the risk of closure upon the implementation of the statutory minimum wage because of inability to meet the additional staff costs. The relevant press reports on the subject are in **Appendix I**. Although the Panel on Welfare Services has not discussed the subject per se, it has requested the Administration to provide a response to the above concern. The Administration's response has been circulated to members vide LC Paper No. CB(2)1763/10-11(01) on 16 May 2011.

3. A written question on the impact of statutory minimum wage on subsidized residential care services for the elderly was raised by Dr PAN Pey-chyou at the Council meeting of 4 May 2011. An extract of the question and the Administration's reply is in **Appendix II**.

Council Business Division 2
Legislative Council Secretariat
28 June 2011

甲二級安老院打擊大

57歲的陳章明身兼最低工資委員會、關愛基金督導委員會、安老事務委員會及人類生殖科技管理局等多項公職，6項公職名額已滿，可算是「公職王」。身為安老事務委員會副主席，陳章明擔心最低工資實施後，長者求職愈趨困難，安老院舍行業更會受衝擊，尤其以不設買位的甲二級院舍情況最嚴峻。

厭惡工種難覓人手

熟悉本港安老政策的陳章明表示，不少長者仍有重投職場之意，但因60歲或以上的勞工保險費用高昂，間接令僱主卻步。他建議政府趁最低工資實施，考慮長遠市場對長者勞動力需求，增加職業再培訓計劃及擴闊工種予長者。

另外，最低工資實施亦可能衝擊安老院舍，引發倒閉潮，當中以私營安老院最受威脅。陳章明表示，最低工資引發的連鎖效應，會令清潔工、護理員及保健員的薪酬調升，加上安老行業面對人手短缺，厭惡性工作難覓人手，「做保安都有相同人手，很多人寧願做保安員坐足一日」。

薪酬開支增加，但院舍人手比例受法例規限，不少安老院舍陷入兩難，陳章明表示，當局雖有全盤計劃協助行業，增加1300個安老院舍資助宿位，但買位只限於甲一級院舍，對其他級別院舍無補於事，「由於甲二級院舍都較有要求，但同樣面對人手安排的問題，應最受影響，業界估計尚需2000萬元資助，同時要彈性處理人手安排，希望當局與業界可透過協商解決」。

安老院結業 蔓延至資助機構

難抵通脹租金升 稱不受最低工資影響

特稿

擁 10 間安老院舍的香港耆康老人福利會，轄下位於天后以自負盈虧形式營運的安老院，入住率只有六成多，加上租金騰升、通脹夾擊，入不敷支下將於 7 月中結業。有業界人士認為，繼有私營院舍爆發「放盤倒閉潮」，受資助機構亦有院舍結業，顯示安老服務業已響警號。

明報記者 陳家俊

位於天后興發街的耆康會東蓮覺苑長者天地，是耆康會唯一自負盈虧的院舍，其餘 9 間院舍則屬政府資助。記者昨到上址查詢，對方稱業主加租令成本上升，院舍將於 7 月 15 日結業，不再接收新院友，院舍的詢問處亦張貼結業通知。80 歲的何先生到院舍探訪妻子，他表示日前才接獲耆康會信件，指院舍將於 7 月中結業，他仍未為妻子尋得新宿位。

耆康會旗下 自負盈虧

耆康會總監梁綺眉證實院舍結業消息，院舍已於本周一（16日）通知 63 名院友及其家屬，並派發全港

安老院名單，協助他們尋找宿位。她指院舍於 2000 年成立，自負盈虧營運，全院有 100 個牀位，過去入住率只有六成多，受租金及經營成本上漲的壓力，最近業主要求加租，終抵受不了而選擇結業。

她強調，院舍堅守服務質素，入不敷支下才作結業決定，並不受最低工資影響。她指上址每人每月住宿費平均約 1 萬元，提供護理、藥物、日常生活等照顧外，亦有聘請註冊護士及物理治療服務。

業界：直接結業罕見

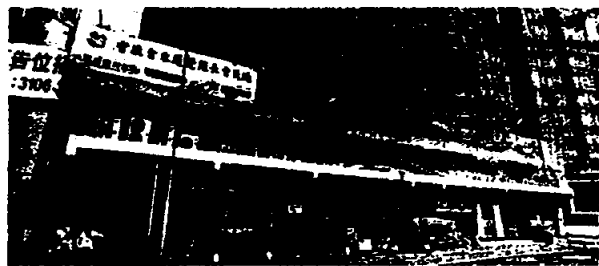
香港安老服務協會主席李輝表示，若安老院經營有困難，通常都會選擇「放盤」、等待他人接手，直接結業情況罕見，相信該院已到無法經營的地步。她指出，繼私營安老院醞釀倒閉潮，受資助機構的院舍亦結業，情況令人憂慮，希望當局盡快檢討安老服務政策。

立法會社福界議員張國柱形容安老行業「屋漏兼逢連夜雨」，「政府興建院舍步伐太慢，加上租金上升無管制，最低工資令私家院舍情況更嚴峻。雖然政府稱整體院舍只有七成人住率，但若情況持續，（政府院舍的）三成緩衝捱不了多久」。

社署發言人表示，會密切留意受影響長者情況，並已向該院舍了解院方就長者住客日後福利計劃的跟進。社署一直密切留意業界的運作，現時沒有資料顯示業界有結業潮。



耆康會東蓮覺苑長者天地自負盈虧營運，因加租、工資及食材等成本上漲打擊結業。（朱永倫攝）



耆康會東蓮覺苑長者天地位處天后興發街美城花園大廈的地下及 1 樓，整棟大廈正做外牆維修，有院舍職員稱，因大廈裝修加租令院舍入不敷支而結業。（朱永倫攝）

院舍低調放盤 免增倒閉危機

安老院面臨結業聲處處，最低工資引發私營院舍「離場」，現有受資助機構的院舍不敵租金飆升而結業，情況嚴峻。有業界人士分析，由於安老服務有照顧長者的社會責任，即使業內經營困難，不少院舍「放盤」都低調進行，擔心一旦消息曝光，未「賣盤」已驚動院友轉院，增加院舍倒閉機會。

現時全港約有7.5萬個安老院舍宿位，非政府資助院舍佔67%，當中4.5萬個宿位為私營安老院。香港安老服務協會主席李輝表示，最低工資令院舍成本上漲一至兩成，令院舍由盈轉虧，已有20多間私營院舍在4至5月間「放盤」打算離場，有人成功頂讓，亦有人乏人問津而臨倒閉。

社署僅增數十元買位津貼 業界不滿

李輝認為，業內流傳放盤倒閉消息不斷，但院舍為保形象堅拒不認。業界上周曾會見社署代表，社署承諾將甲二級院舍的買位津貼，由原來增加106元調升至153元，但與業界要求平均每張牀位加撥500元仍有距離，令業界不滿。她表示，已約勞工及福利局長張建宗於本月底會面，要求當局檢討安老政策，增加院舍買位及津貼，希望可解決業界困難。

社署發言人表示，現時沒有資料顯示業界有結業潮，安老院舍仍有不少空置宿位，包括由近年開業的新私營院舍提供的宿位，顯示私營市場仍然活躍，並有能力吸納因突發事件而衍生的額外服務需求。

遭逼遷院友 北角另覓家

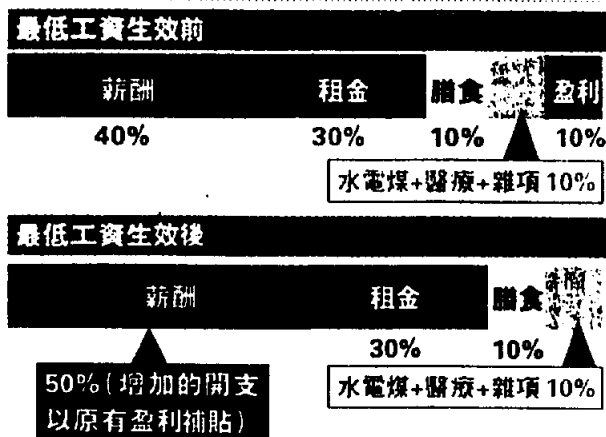
耆康會東蓮覺苑長者天地結業消息來得突然，被迫「搬遷」的院友最受影響。不過，有院友家屬已為他們覓得「新居」，轉往北角區新開業的私營安老院。

本報早前報道，位於北角的泰安長者之家，3月開業以來只有10多人入住，加上面對最低工資，院長陳女士嘆道「無晒辦法」。陳女士昨日接受查詢時表示，近日有多名來自東蓮覺苑長者天地的長者家屬，到院舍報名及參觀尋找宿位，至今有9人落訂，她坦言接收「轉舍」院友，暫可解決經營壓力。

轉介院友 耆康否認收介紹費

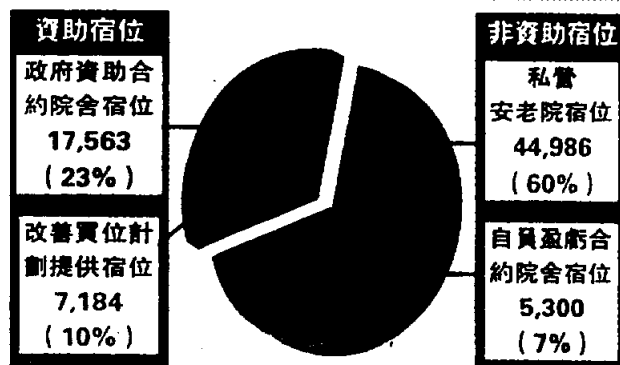
另外，有自稱耆康會的職員向另一安老院「招手」，若院舍接收長者，但要求支付介紹費。耆康會總監梁綺眉回應稱，曾有職員向其他院舍查詢，指若有院友轉院，希望院舍可提供院費折扣，強調職員無要求收取介紹費。

私營安老院營運開支比例



資料來源：香港安老服務協會主席李輝

安老院舍照顧服務概覽



截至2010年12月31日

資料來源：社會福利署

明報製圖



最低工資至私營安老院舍難請人，有院舍只能聘請長者照顧院友。69歲的珠姐（左）是安老護理之家內最老的護理員，雖然早屆退休年齡，她同樣要幫院友剪指甲、餵飯、換片等。何家禧攝。

時薪相同 年輕員工寧轉職保安 安老院聘長者照顧長者

最低工資實施後，有私營安老院出現壯年員工流失。同樣時薪28元，中年熟手員工寧願做保安等較清閒工作，安老院唯有聘請年逾六旬人士，從事需要體力勞動的護理員，出現由長者照顧更年老人士的現象。有團體擔心這容易導致兩者受傷，建議政府批准院舍輸入外勞，填補護理員人手不足。

位於葵芳葵盛西邨的私營安老院「安慈護理之家」，提供約70個宿位，有16名員工，其中3人是60歲以上。69歲的王錦珠（珠姐）是全院最年長的護理員。珠姐早屆退休年齡，仍然要照顧與自己年紀相若的院友，餵飯、剪指甲、抹身都要親力親為。

「時薪30元也請不到人」

院長譚文志表示，兩名分別35和40歲的女護理員，近日辭工轉行做保安。她們都有兩三年經驗，本來時薪不足28元，5月起可獲調薪，但她們私下向其他員工透露，做保安比護理員「舒服」，既然時薪一樣，也毋須從事厭惡性的工作。

院舍約九成院友領取綜援，只能按綜援金每人每月4510元和5835元收費，院方招聘時無能力提高薪酬。譚文志說：「我在報紙登招聘

廣告，同一日有30幾間安老院請人，出價（時薪）30元也請不到！」最後聘請了兩名分別63和65歲的護理員。

業界促准聘外勞 議員倡增長者津貼

香港安老服務協會主席李輝表示，護理員要幫長者轉身、洗澡、換尿片，需要體力勞動且不怕髒。例如扶長者需要一定技巧，否則筋骨容易受傷：「要長者去照顧一個行動不便的老人家，好易造成意外，老人家受傷可大可小，最終只會加重醫療體系負擔。」

她建議政府批准安老院輸入外勞，解決短期人手不足：「雖然要重新培訓，但較年輕、有氣力的人才能照顧好院友。」長遠而言，她認為應檢討安老政策是最有效的方法，例如增加私營安老院買位宿位（即政府補貼宿位），不要把綜援長者推向私人市場。

立法會社福界議員張國柱認為，安老院缺人並非人手不足，而是出不起錢，輸入外勞非萬全之策，建議政府增設長者生活津貼，改善安老院營運環境。勞工處發言人回應稱，若安老院證明未能在香港聘請合適員工，可向勞工處申請參加補充勞工計劃，輸入屬技術員級別或以下的外地勞工。明報記者 阮穎嘉

Appendix II

Press Releases

LCQ12: Impact of statutory minimum wage on the subsidised residential care services for the elderly

Following is a question by the Hon Pan Pey-chyou and a written reply by the Secretary for Labour and Welfare, Mr Matthew Cheung Kin-chung, in the Legislative Council today (May 4):

Question:

At present, the Government has sought to shorten the waiting time for subsidised places in residential care homes for the elderly ("RCHEs") through implementing the Enhanced Bought Place Scheme ("EBPS") and contract RCHEs. In this connection, will the Government inform this Council:

(a) of the respective numbers of RCHEs under EBPS (broken down by EA1 and EA2 categories) and contract RCHEs in the past three years; the numbers of subsidised places provided by each of these types of RCHEs, as well as the average annual amounts of government subsidies provided for each place; the criteria for determining the level of subsidies;

(b) whether the Social Welfare Department knows the respective wage levels of all health workers, care workers and ancillary workers employed in the aforesaid RCHEs; if it knows, of the current maximum and minimum hourly wages for these positions; if it does not know, the reasons for that, as well as whether the authorities will consider collecting relevant information;

(c) whether, in response to the implementation of the Minimum Wage Ordinance (Cap.608) ("the Ordinance"), the authorities will consider disbursing an additional one-off grant to the aforesaid RCHEs to alleviate the pressure on their operation; if they will, of the details; if not, the reasons for that; and

(d) whether the authorities have any new monitoring measures to ensure that RCHEs have sufficient manpower and the wage levels of their staff comply with the requirements under the Ordinance; if they have, of the details; if not, the reasons for that?

Reply:

President,

My reply to the Hon Pan Pey-chyou's question is as follows:

(a) The number of private residential care homes for the elderly (RCHEs) participating in the Enhanced Bought Place Scheme (EBPS) and that of government contract RCHEs, as well as the number of subsidised places provided by these RCHEs in the past three years are at Annex.

Under EBPS, the Government purchases care-and-attention (C&A) places from qualified private RCHEs, and sets the purchase prices for these places. The price is made up of two components: government subsidy and the fee payable by the residents. In calculating the amount of government subsidies, the Social Welfare Department (SWD) has already taken into account the

operating expenditure of RCHEs in providing such places, including items such as emoluments and rentals. Regarding contract RCHEs, the Government will select suitable operators through competitive bidding after the construction of the RCHE premises. In determining the service fee of contract RCHEs, SWD has also considered their operating expenditure (including emoluments). SWD will review and adjust the amount of EBPS subsidies and service fee of contract RCHEs annually according to the established mechanism.

(b) Operators of private RCHEs participating in EBPS and contract RCHEs should sign employment contracts with their employees, setting out the mutually agreed employment terms, and comply with all laws and regulations relating to the employment of staff, including the Minimum Wage Ordinance (MWO). As the salary level is an employment term agreed between the RCHE operators as employers and their employees, SWD does not have the information in this respect.

(c) SWD has all along maintained communication with the sector to keep abreast of their latest business situation. SWD has recently met with the representatives of RCHEs participating in EBPS. Attendees have also mentioned the implementation of statutory minimum wage and its impact on RCHEs.

SWD is exploring possible support measures for EBPS homes, and will set up a working group inviting representatives from the sector and professionals to join and discuss how to further enhance EBPS.

(d) At present, all RCHEs in Hong Kong have to comply with the minimum staffing requirement under the Residential Care Homes (Elderly Persons) Ordinance and its subsidiary legislation. The Licensing Office of Residential Care Homes for the Elderly (LORCHE) of SWD conducts inspections on RCHEs to ensure compliance of the licensing requirements. If irregularities (eg understaffing) are detected during the inspections, LORCHE will require the RCHEs concerned to rectify the situation. It will issue advisory or warning letters to non-compliant RCHEs, or even initiate prosecution actions.

If RCHEs are suspected to have violated MWO, LORCHE will refer the cases to the Labour Department (LD) for follow-up. Besides, LD will proactively inspect the workplaces of various trades and take targeted enforcement action for low-paying sectors (including RCHEs) with a view to safeguarding employees' statutory benefits. During the inspections, labour inspectors will explain to employers and employees the requirements of MWO. Should irregularities be detected, LD will require the employers to take appropriate measures to comply with MWO, including making payment to employees of any wages falling short of the statutory minimum wage. LD will also enhance the publicity of the relevant complaint hotline (2815 2200) to encourage employees to report suspected breaches. LD will follow up and investigate all complaints received, and take strict enforcement action against wilful breaches of the law. If RCHE staff have any questions on statutory minimum wage, they can make enquiries through LD's 24-hour hotline (2717 1771), or obtain more information at the district offices of LD's Labour Relations Branch.

Ends/Wednesday, May 4, 2011
Issued at HKT 11:57

Annex

The number of private residential care homes for the elderly (RCHEs) and government contract RCHEs participating in the Enhanced Bought Place Scheme and the number of subsidised places provided by these RCHEs in the past three years

2008-09	Private RCHEs participating in EBPS		Contract RCHEs
	EA1	EA2	
Number of RCHEs	35	94	14
Number of places	2 772	3 849	1 064

2009-10	Private RCHEs participating in EBPS		Contract RCHEs
	EA1	EA2	
Number of RCHEs	36	105	16
Number of places	2 807	4 116	1 218

2010-11	Private RCHEs participating in EBPS		Contract RCHEs
	EA1	EA2	
Number of RCHEs	36	104	18
Number of places	2 840	4 360	1 355

The Government provides subsidies for the above-mentioned places, and the amount (per place per month) is as follows:

Government subsidies Year	Private RCHEs participating in EBPS				Contract RCHE places (Note)
	EA1 places (Urban)	EA1 places (New Territories)	EA2 places (Urban)	EA2 places (New Territories)	
2008-09	\$6,614	\$5,998	\$5,598	\$5,079	\$6,265
2009-10	\$6,773	\$6,142	\$5,732	\$5,201	\$7,193
2010-11	\$6,878	\$6,237	\$5,821	\$5,282	\$7,198
2011-12 (coming year)	\$7,016	\$6,362	\$5,937	\$5,388	\$8,682

Note: At present, most of the contract RCHEs provide both subsidised nursing home places and care-and-attention (C&A) places. The amount listed in this column is the average amount of subsidies of these two types of places.