

# 立法會

## *Legislative Council*

LC Paper No. CB(2)1170/12-13  
(These minutes have been seen  
by the Administration)

Ref : CB2/PL/MP + CB2/PL/WS

### **Panel on Manpower and Panel on Welfare Services**

**Minutes of joint meeting**  
**held on Tuesday, 19 February 2013, at 3:30 pm**  
**in Conference Room 1 of the Legislative Council Complex**

**Members  
present**

: Members of the Panel on Manpower

Hon LEE Cheuk-yan (Chairman)  
Hon WONG Kwok-kin, BBS (Deputy Chairman)  
\* Hon Albert HO Chun-yan  
\* Hon LEUNG Yiu-chung  
Hon Tommy CHEUNG Yu-yan, SBS, JP  
\* Hon Frederick FUNG Kin-kee, SBS, JP  
Hon CHAN Kin-por, BBS, JP  
Hon IP Kwok-him, GBS, JP  
Hon Michael TIEN Puk-sun, BBS, JP  
Hon Kenneth LEUNG  
Dr Hon KWOK Ka-ki  
Hon KWOK Wai-keung  
Hon SIN Chung-kai, SBS, JP  
\* Hon POON Siu-ping, BBS, MH  
Dr Hon CHIANG Lai-wan, JP

Members of the Panel on Welfare Services

Hon CHAN Yuen-han, SBS, JP (Chairman)  
# Hon CHEUNG Kwok-che (Deputy Chairman)  
Hon Ronny TONG Ka-wah, SC  
Hon Alan LEONG Kah-kit, SC  
Hon Frankie YICK Chi-ming  
Hon CHAN Han-pan  
Hon Alice MAK Mei-kuen, JP  
Dr Hon Helena WONG Pik-wan

**Members absent** : Members of the Panel on Manpower

- \* Dr Hon LEUNG Ka-lau
- \* Hon LEUNG Kwok-hung
- \* Hon CHAN Chi-chuen
- \* Hon LEUNG Che-cheung, BBS, MH, JP
- \* Hon TANG Ka-piu

Members of the Panel on Welfare Services

Hon TAM Yiu-chung, GBS, JP  
Dr Hon Fernando CHEUNG Chiu-hung

(\* Also member of the Panel on Welfare Services)

(# Also member of the Panel on Manpower)

**Public Officers attending** : Item II

Miss Cecilla LI  
Assistant Director of Social Welfare (Elderly)

Mrs Elina CHAN  
Principal Assistant Secretary for Labour and Welfare  
(Welfare)

Mr Roy LAW Tak-yan  
Senior Labour Officer (Supplementary Labour)  
Labour Department

**Clerk in attendance** : Miss Betty MA  
Chief Council Secretary (2) 1

**Staff in attendance** : Ms Rita LAI  
Senior Council Secretary (2) 1

Ms Kiwi NG  
Legislative Assistant (2) 1

---

Action

**I. Election of Chairman**

Mr LEE Cheuk-yan was elected Chairman of the joint meeting.

**II. Manpower situation of residential care homes for the elderly**

(LC Paper Nos. CB(2)632/12-13(01) to (02) and CB(2)647/12-13(01))

2. At the invitation of the Chairman, Assistant Director of Social Welfare (Elderly) ("AD/SW(E)") briefed members on the manpower situation of residential care homes for the elderly ("RCHEs") in Hong Kong, details of which were set out in the Administration's paper.

3. Members noted the background brief entitled "Manpower of residential care homes for the elderly" prepared by the Legislative Council Secretariat.

4. Members further noted the written submissions from the following organisations -

(a) Community Care and Nursing Home Workers General Union; and

(b) The Elderly Services Association of Hong Kong.

Problem of manpower shortage in the RCHE sector and importation of labour

5. AD/SW(E) said that the Administration had been closely monitoring the manpower situation of RCHEs and adhering to the policy of ensuring priority of employment for local workers. To this end, the Social Welfare Department ("SWD") had put in place various measures to enhance the manpower and service quality of RCHEs.

6. Mr WONG Kwok-kin was concerned about the long-standing problem of manpower shortage in private RCHEs. To his knowledge, the Labour Advisory Board ("LAB") had considered time and again applications from operators of private RCHEs for importing workers under the Supplementary Labour Scheme ("SLS"). He sought information on the number of imported workers under SLS for private RCHEs in the past years, together with a breakdown by types of jobs and the average monthly wages.

Action

7. Senior Labour Officer (Supplementary Labour) ("SLO(SL)) of the Labour Department ("LD") responded that LD had approved under SLS the importation of a respective number of 636, 431 and 864 workers in 2010, 2011 and 2012 to take up the post of care worker (elderly service) ("CW") in RCHEs. The duration of each employment contract under SLS was a maximum period of two years for the same employer. Workers imported under SLS were required to be paid at a level no less than the latest median monthly wage figure of local CWs as published by the Census and Statistics Department ("C&SD"). The latest median monthly wage of CW was \$9,020.

8. In response to Mr WONG Kwok-kin's further enquiry about the average monthly wage for CWs in subvented RCHEs, AD/SW(E) advised that as subvented RCHEs were operated by non-governmental organisations ("NGOs") under the lump sum grant ("LSG") subvention arrangement, the operators had full autonomy and flexibility in the deployment of subvention, including salaries, to meet the service needs. Yet, operators of subvented RCHEs were required to comply with the relevant statutory requirements, including the statutory minimum wage in hiring various types of staff for RCHEs. According to the information obtained from recruitment advertisements, the monthly wage of CWs in subvented RCHEs was around \$10,000.

9. Mr WONG Kwok-kin was of the view that manpower shortage in private RCHEs was largely due to the wage gap between CWs in private and subvented RCHEs.

10. Referring to the submission from the Elderly Services Association of Hong Kong, the Chairman sought clarification as to whether employers of imported workers under SLS were required to maintain a manpower ratio of one imported worker to three local workers in private RCHEs. Mr Michael TIEN raised a similar concern.

11. SLO(SL) replied that as agreed by LAB, all employers applying for importation of worker under SLS had to maintain a manpower ratio of two full-time local workers to one imported worker. In the light of the manpower demand for imported workers under SLS in the RCHE sector, LAB had since November 2007 adopted a special arrangement in respect of applications for imported CWs, under which a manpower ratio of 3:1 would be maintained between local workers and imported CWs under SLS. The manpower ratio could be relaxed to 2:1 when all local full-time CWs employed were paid at a level no less than the median monthly wage. LAB hoped that the special arrangement would provide an

Action

incentive for the RCHE sector to retain local CWs and to recruit new entrants to the sector.

12. Mr Michael TIEN said that to his knowledge, a number of private RCHEs, including those participating in the Enhanced Bought Place Scheme ("EBPS"), were unable to comply with the statutory staffing requirements for RCHEs because of difficulties to recruit and retain CWs. Consequently, some RCHE operators had to employ aged employees to take care of the elderly or the care staff had to work for long hours. In the absence of young people joining the RCHE sector, he anticipated that the situation would further aggravate in a few years' time. Mr TIEN pointed out that following the implementation of the statutory minimum wage in May 2011, a considerable number of RCHE employees had switched to work in other industries with more decent working environment. In his view, the private RCHE sector had to raise the current hourly wage rate of CWs from around \$32 per hour to the region of \$40 to \$50 in order to attract new entrants and retain existing staff in view of the obnoxious nature of work in RCHEs. However, most private RCHE operators could not increase home fees to meet the rising wage cost given that most RCHE residents had relied on the Comprehensive Social Security Assistance ("CSSA") payments to meet the home fees.

13. To address the manpower shortage of CWs in RCHE sector, Mr Michael TIEN strongly called on the Administration to consider relaxing the manpower ratio between local workers and imported CWs in private RCHEs from 3:1 to 2:1. Consideration should also be given to allowing EBPS homes to import CWs under SLS to work in the non-EBPS places of private homes.

14. AD/SW(E) advised that importation of workers under SLS to work in EBPS homes had been suspended in 2003, having regard to the need to accord priority to local workers in filling job vacancies due to the high unemployment rate at that time, and the fact that EPBS homes were operated on government subsidy and there were new entrants joining the sector. AD/SW(E) further advised that the Administration had been closely monitoring the manpower demand and supply of the RCHE sector, in particular the willingness of young people to join the RCHE sector. To address the shortfall of the manpower in the RCHE sector, the Administration had put in place various measures as detailed in its paper to increase the manpower supply. In addition, the stakeholders were actively discussing with various academic and training institutions to formulate a series of programmes for RCHE staff with a view to developing a career ladder for advancement so as to attract young people to join the sector.

Action

15. Mr Michael TIEN suggested that apart from importing workers from the Mainland to work in the RCHE sector, consideration should be given to allowing importing workers under SLS from places other than the Mainland to take up the post of CW in the RCHE sector.

16. SLO(SL) pointed out that in the approval-in-principle letter issued to successful employers under SLS, there was no restriction on the places of origin of the imported workers. Their admission was subject to relevant immigration assessment.

17. Mr POON Siu-ping said that the Federation of Hong Kong and Kowloon Labour Unions had reservations about importing workers under SLS to address the labour shortage in the RCHE sector.

18. Mr Tommy CHEUNG declared that he was owner of a company running residential care services for the elderly. He highlighted to members the difficulties to operate private RCHEs. Notably, it would be difficult for private RCHEs to increase home fees as the majority of residents were CSSA recipients. In the circumstances, he considered that importation of worker under SLS would help alleviate the labour shortage in the RCHE sector in the short run.

Provision of paramedical and frontline staff

19. Mr Michael TIEN expressed concern about the acute shortage of enrolled nurses ("ENs") in the RCHE sector, in particular the impact on providing catherization, insertion of nasogastric tube and giving intramuscular or subcutaneous injection (commonly known as "Two Tubes and One Injection ("TTOI")") to frail elders in RCHEs. Noting that the Hospital Authority ("HA") had previously organised training courses for health workers ("HW") to perform TTOI in RCHEs, Mr TIEN considered that the relevant training courses should be recognised as attaining Level 4 under the Qualifications Framework. In his view, this would help alleviate the shortage of ENs in the RCHE sector.

20. AD/SW(E) advised that under the Care Enhancement Pilot Project for Aged Care ("the Pilot Project") launched in 2008, 29 HWs had completed the "Certificate in Competency Enhancement Programme for Health Workers" course organised by the Institute of Health Care of the Hospital Authority ("HA") and were allowed to perform TTOI in RCHEs. However, the review findings of the Pilot Project showed that the HWs concerned had seldom performed TTOI. Moreover, they were under the supervision of experienced nurses when performing such duties. It was

Action

considered that the Pilot Project was not effective in relieving ENs with the duties of TTOI. AD/SW(E) said that it was also noteworthy that SWD, in collaboration with HA, had since 2006 implemented the EN Training Programme for the Welfare Sector ("the Training Programme") to alleviate the shortage of ENs in the welfare sector. By mid-February 2013, 12 classes under the Training Programme had been launched and there were about 1 500 graduates. The training fee was fully sponsored by SWD and all trainees had to sign an undertaking to work for the welfare sector for at least two years after satisfactory completion of the training.

21. Mr POON Siu-ping expressed the view that manpower in the RCHE sector should be supplied by the local workforce in the long run. Noting that the construction industry had taken specific measures to attract young people to join the industry which also faced labour shortage, Mr POON was of the view that it was incumbent upon the Administration to formulate an overall manpower planning for the RCHE sector.

22. AD/SW(E) responded that in projecting the manpower demand of the RCHE sector, the Administration had taken into account the additional staff required to meet the new services coming on stream and the anticipated wastage in the next few years. While there were increasing training places for ENs and relative stable manpower of HWs, it was indisputable that there was a shortfall of CWs. Mr POON and the Chairman requested the Administration to provide information on the manpower requirement projection for different types of staff in RCHEs, such as HWs, ENs and CWs.

Admin

23. Mr CHAN Kin-por expressed concern about the provision of occupational therapists ("OTs") and physiotherapists ("PTs") for the RCHE sector and the standards of the relevant training programmes. Noting that there was only a limited student intake of the Bachelor of Science (Hons) OT and Bachelor of Science (Hons) PT programmes currently offered by the Hong Kong Polytechnic University, Mr CHAN enquired about the plans put in place to increase the provision for OTs and PTs.

24. AD/SW(E) advised that apart from offering the two bachelor programmes on OT and PT, the Hong Kong Polytechnic University had also implemented a two-year entry level master programme in OT, and another one in PT. She further advised that a total of 59 students had been sponsored to take either one of these two master programmes and they had undertaken to serve in the welfare sector for no less than two consecutive years immediately after graduation.

Action

25. Noting that Dementia Supplement ("DS") had been provided to subvented RCHEs to engage professional staff or procure related professional services for demented elders and the provision had been significantly increased starting from 2012-2013, Dr Helena WONG was concerned whether SWD had issued any guidelines to monitor the use of DS, such as the deployment of adequate professional staff to provide care services to the demented elderly who needed intensive care.

26. AD/SW(E) responded that the Psychogeriatric Teams ("PGTs") of HA would conduct assessment on the number of eligible demented elders in each of the subvented RCHEs for provision of DS. Starting from 2009, based on the number of eligible cases as confirmed by PGTs in subvented RCHEs, SWD would estimate the number of eligible cases in EBPS homes. The level of DS for each of the demented elders was increased to \$40,000 in 2012. To monitor the proper use of DS, private RCHEs participating in EBPS were required to report to SWD on the use of DS to engage professional staff or procure related professional services for demented elders every six months, which would be verified by inspectors of SWD during their inspections to RCHEs.

27. Dr Helena WONG said that to her knowledge, many new arrival women from the Mainland wished to join the labour force if they were provided with adequate child care services. She enquired whether consideration would be given to enhancing the child care services to release these women to join the labour force and take up part-time or full-time employment, including those in the RCHE sector.

28. Principal Assistant Secretary for Labour and Welfare (Welfare) ("PAS(W)") responded that SWD and NGOs provided a wide range of day child care services across the territory, including 23 000 places in child care centres, 720 places of child care service for children aged under six provided by the 18 district-based Neighbourhood Support Child Care Project and 5 500 places in 142 after-school care centres operated by NGOs. To cater for the special needs of families, the child care services were provided in a flexible manner, including extended service hours during weekday nights, weekends and public holidays.

29. Mr Frederick FUNG declared that he was chairman of a NGO providing child care service. He was of the view that more child care services should be provided in the vicinity of RCHEs with a view to encouraging and facilitating more new arrival women to take up full-time or part-time jobs in RCHEs. To this end, he urged the Administration to



Action

conduct comprehensive planning for the provision of and support services for elderly care services and child care services, which were all inter-related.

Compliance with statutory requirements for RCHEs

30. Mr Michael TIEN expressed deep concern about media reports on non-compliance with the statutory staffing requirements in EBPS homes. He raised queries about the monitoring measures put in place by the Administration to ensure that RCHEs had sufficient manpower. Mr CHAN Kin-por raised a similar concern. Mr CHAN asked about the details of inspections of RCHEs regarding the compliance of the licensing requirements and the follow-up actions for non-compliance.

31. AD/SW(E) advised that all RCHEs had to comply with the minimum staffing requirements as stipulated in the Residential Care Homes (Elderly Persons) Ordinance (Cap. 459) ("the Ordinance") and its subsidiary legislation. The Licensing Office of Residential Care Homes for the Elderly ("LORCHE") of SWD would conduct unannounced inspections of RCHEs, including examination of the staff employment records, to ensure compliance of the licensing requirements. Should irregularities be detected during the inspections, LORCHE would issue advisory or warning letters to the RCHEs concerned and require them to rectify the situation within a specified period of time pursuant to the Ordinance; or even initiate prosecution actions against non-compliant RCHEs as appropriate. AD/SW(E) added that the frequency of inspection would be adjusted based on the risk level of individual RCHEs. LORCHE would step up its inspection efforts on RCHEs that had been found non-compliant or had poor track records so as to closely monitor their service performance. This apart, upon receipt of complaint against RCHEs, LORCHE would conduct inspections of the RCHEs concerned immediately. She appealed to RCHEs residents and their family members to report any irregularities to SWD for follow-up action.

32. In response to Mr CHAN Kin-por's further enquiry, AD/SW(E) said that 3 234, 3 098 and 3 110 advisory letters had been issued to RCHEs in the past three years respectively over matters relating to management and staffing, facilities and equipment, location, structure, design of the premises, building safety, fire precautions, health and sanitation for enhancement of service provision. During the same period, a respective number of 409, 367 and 351 warning letters had been issued and that 10, 10 and 12 successful prosecutions had been instituted against private RCHEs in accordance with section 19 of the Ordinance.

Action

33. The Chairman said that the Hong Kong Confederation of Trade Unions had received a number of complaints against operators of private RCHEs concerning exploitation of imported workers under SLS, including long working hours without compensation and arrears of wages. He asked whether the Administration had instituted any prosecutions against operators of RCHEs for breaching the conditions of SLS.

34. SLO(SL) responded that with a view to safeguarding the employment rights of workers imported under SLS, all imported workers were required to attend a compulsory briefing session on employment rights and benefits as organised by LD within eight weeks from the arrival of the imported workers in Hong Kong. In addition, a 24-hour hotline was set up to receive complaints from imported workers. LD would conduct investigation into each complaint. SLO(SL) stressed that labour inspectors of LD would conduct surprise workplace inspections at night time as appropriate to monitor employers' compliance with labour legislation to safeguard the rights and benefits of imported workers. Furthermore, LD would provide consultation service to employers and employees on matters relating to conditions of employment and their obligations and rights under SLS, as well as voluntary conciliation service between the two parties to help settle their employment disputes and claims.

Provision of subsidised RCHE places and quality of private RCHEs

35. Pointing out that the number of EBPS places in some private RCHEs was rather limited, the Chairman said that the Administration should consider procuring a higher percentage of EBPS places from private RCHEs in the forthcoming purchase exercises so as to enhance the overall quality of elderly care services in individual RCHEs.

36. Mr CHEUNG Kwok-che echoed the Chairman's view. Given the higher standards on staffing and spatial requirements for EBPS places would apply to the entire home regardless of the number of places purchased by SWD in that home, Mr CHEUNG pointed out that it would be a heavy burden on the private RCHE operators if only a small number of places had been purchased. In this connection, he asked whether SWD would consider purchasing more places from private RCHEs participating in EBPS, and gradually up to 70% of the entire home so as to provide more incentive for the private RCHEs to improve the service quality.

Action

37. AD/SW(E) explained that when EBPS was first introduced, a small number of EBPS EA2 places were purchased in each participating private RCHEs such that more private homes could participate in the scheme. With the availability of more resources in recent years, AD/SW(E) said that instead of EBPS EA2 places, more EBPS EA1 places which were subject to higher staffing and spatial requirements would be bought from EBPS homes. It was noteworthy that the response from private RCHEs to the enhancement exercise was positive. It was the Administration's plan to increase the percentage of EA1 places in EBPS homes up to 50%, subject to the private RCHEs meeting the relevant staffing and spatial requirements and the demand for such places in individual districts.

38. Mr CHEUNG Kwok-che welcomed the Administration's plan to purchase more EBPS places from private RCHEs. He sought information on the average percentage of the bought places in EBPS homes. AD/SW(E) said that while she did not have the requested information on hand, it was the Administration's plan to gradually increase the proportion of bought places in the EBPS homes to 50%.

39. Having regard to the ageing population and the fact that there was an increasing demand for quality elderly residential care services, Miss Alice MAK was of the view that the Government should conduct a comprehensive review of the elderly policy and formulate a concrete timetable for purchasing more EBPS EA1 places to enhance the quality of private RCHEs.

40. Dr KWOK Ka-ki noted with concern about the disparity of the service quality between subsidised RCHEs, including subvented RCHEs and private RCHEs participating in EBPS, and private RCHEs. Pointing out that private RCHEs were operating on a commercial basis without any Government subsidy and most residents in the private RCHEs relied on the CSSA payments to pay the home fees, Dr KWOK was concerned about the quality of the private homes. In his view, importation of workers under SLS and provision of more training to care staff could not address the root problem of substandard service of private RCHEs. Instead, the Administration should increase the provision of subsidised RCHE places.

41. AD/SW(E) responded that the Administration had continuously allocated more resources to increase the provision of subsidised RCHE places. Apart from purchasing more places from EBPS EA1 homes in the short-term, the Administration had also earmarked suitable sites for the construction of new contract RCHEs in the coming few years.

Action

42. In response to Dr KWOK Ka-ki's further enquiry about the timetable for upgrading all private RCHEs to EA1 homes, AD/SW(E) said that it was the Administration's plan to increase the provision of subsidised residential care places, including EBPS EA1 places. Notably, some 700 EA1 places were purchased in the past few years and over 600 places would be upgraded from EA2 level to EA1 level in 2013 in addition to the purchase of over 100 EA1 places. Dr KWOK Ka-ki was of the view that the progress was too slow and expressed dissatisfaction about the lack of a specific timetable for the exercise. PAS(W) pointed out that the actual number of bought EBPS places from private RCHEs in each year would be affected by a number of factors, including the demand for subsidised places in that year.

*Members agreed to extend the meeting by 15 minutes.*

43. Mr Michael TIEN pointed out that many elders residing in private RCHEs had to rely on the CSSA payments to meet the home fees, it was therefore impossible for the operators to increase the fees above the CSSA payment level. To improve the service quality of private RCHEs, Mr TIEN said that consideration should be given to allowing private RCHE residents on CSSA to top up the difference between the home fees and the CSSA payments.

44. Mr CHAN Han-pan welcomed the Administration's plan to upgrade a substantial number of EBPS EA2 places to EA1 places by 2014. He was, however, concerned whether the Administration would take into account high rental of private RCHEs in determining the purchasing price of EBPS places. Mr CHAN also expressed concern that the operating environment of private RCHEs had become difficult in face of increase in rental upon tenancy renewal and such increase in the operating cost could not be transferred to the RCHE residents as a majority of them were CSSA recipients. The Administration should consider providing higher level of CSSA payments to private RCHE residents such that they could meet the higher home fees of quality RCHEs.

45. AD/SW(E) said that according to a review conducted by a task force formed by SWD in 2011, the unit purchase price for a EBPS place was considered to be appropriate after taking into account various cost elements, such as the statutory staffing requirements, rental and expenditure on essential items. As recommended by the task force, the level of the unit purchase price should be adjusted annually in accordance with the movement of the Composite Consumer Price Index compiled by C&SD.

Action

46. Mr Frederick FUNG was concerned whether SWD had taken into account the deviation in the elderly population in various districts in determining the number of places to be purchased from EBPS homes in respective districts. In his view, the number of EBPS places to be bought from private RCHEs should be determined based on the elderly population in specific districts.

47. AD/SW(E) said that in determining the number of EBPS places to be bought in each year, the Administration would draw reference to the location preferences indicated by the elderly on the Central Waiting List for Subsidised Long Term Care Services of SWD, including preferences for specific RCHEs and specific districts. It was noteworthy that the location preferences of individual elders might not necessarily be the districts where they resided, but other districts, say, in the vicinity of their family members.

Admin

48. The Chairman requested the Administration to provide a breakdown of the number of the elderly on the Central Waiting List for Subsidised Long Term Care Services of SWD by their location preferences for RCHEs.

Working hours of care staff in RCHEs

49. The Chairman expressed dissatisfaction at the lack of regulation of the working hours of the care staff in RCHEs participating in EBPS. To his knowledge, although the unit purchase price for an EBPS place was calculated based on an eight-hour work shift of HWs in RCHEs, the actual daily working hours of HWs were longer than eight hours. The long working hours in private RCHEs, coupled with low wage levels, had attributed to the recruitment and staff retention problem of private RCHEs. In his view, the Administration should require private RCHEs participating in EBPS to adopt eight-hour work per shift for HWs.

50. Given the acute labour shortage of various types of care staff in RCHE sector and the need to provide care services to the elderly round-the-clock, Mr Tommy CHEUNG held the view that it would be impractical to stipulate that care staff in RCHEs should adhere to eight-hour work per shift.

Action

51. In closing, the Chairman said that SWD's measures on increasing the manpower supply for RCHEs and quality of RCHEs could be followed up by the Panel on Welfare Services as appropriate. He added that the Administration should consult the relevant Panel(s) before proposing any changes to the importation of labour under SLS.

52. There being no other business, the meeting ended at 5:00 pm.

Council Business Division 2  
Legislative Council Secretariat  
21 May 2013