

覆函請寄交

Please address your reply to



古物古蹟辦事處

ANTIQUITIES & MONUMENTS OFFICE

並引用本署檔案編號

and quote the following reference

香港九龍尖沙咀彌敦道一百三十六號 136 Nathan Road, Tsim Sha Tsui, Kowloon, Hong Kong

電話 Tel No.: 2655 0802
圖文傳真 Fax No.: 2721 6216

本處檔號 Our Ref.: (87) in LM (01/18) to LCSD/CS/AMO CON 1-70/1
來函檔號 Your Ref.:

Clerk to Panel on Public Service
Legislative Council
Legislative Council Complex,
1, Legislative Council Road
Central, Hong Kong.
(Attn: Ms. Wendy Jan)

By Fax
(2543 9197)

23 February 2018

Dear Ms. Jan,

Legislative Council Panel on Public Service
Letter from Hon Jeremy Tam Man-ho on
the Use of Agency Workers by the Antiquities and Monuments Office

Further to our interim reply to Hon Jeremy Tam Man-ho dated 24 January 2018 in response to his letter to the Chairman of the Legislative Council Panel on Public Service dated 12 January 2018, please find our substantial reply as follows.

The Antiquities and Monuments Office (AMO) has checked its records on the use of agency workers for the past three years against the information provided in Mr Tam's letter. According to records, we have not found any cases which fit together with the account given by the member of public as conveyed in the above-said letter. We would therefore appreciate if further information could be furnished via Mr Tam to facilitate our verification and follow-up action.

As a general practice in common with other government departments, when inviting quotations for the supply of agency workers, the AMO would require the bidding employment agencies to:

- (1) state the amount of salary that they will pay to the agency workers assigned to work in the AMO should their bids be successful. The amount stated shall not be lower than the prevailing Statutory Minimum Wage plus one paid rest day for every period of seven



康樂及文化事務署
Leisure and Cultural Services Department

days, or the average monthly wages for "General Workers for all selected industries" as published in the Census and Statistics Department Quarterly Report of Wages and Payroll Statistics for December 2010, whichever is higher. (Agency workers provided to the AMO by the employment agencies are employees other than unskilled workers.) (*Excerpt No.1 of the Terms of Quotation at the Appendix refers*);

- (2) specify in the service contract the wages of the agency workers assigned to work in the AMO cannot be less than the stated wages in the bids for the whole duration of the concerned contracts (*Excerpt No.2 of the Terms of Quotation at the Appendix refers*);
- (3) specify also in the service contract that they shall comply with the Employment Ordinance as well as other relevant legislation in addition to the terms of contracts. For example, agency workers are entitled to rest days, paid statutory holidays, etc., subject to their meeting the relevant eligibility criteria (*Excerpt No.3 of the Terms of Quotation at the Appendix refers*); and
- (4) make their own arrangements to provide Mandatory Provident Fund Schemes to their employees, agents or sub-contractors in accordance with the provisions of the Mandatory Provident Fund Schemes Ordinance (Cap. 485) and the laws of the Hong Kong Special Administrative Region (*Excerpt No.4 of the Terms of Quotation at the Appendix refers*).

In 2017, 12 agency workers were engaged by the AMO and the total expenditure incurred for the employment agency service was \$1.38 million. The number of civil service posts in the Leisure and Cultural Services Department was 9,651 over the same period.

Please feel free to contact us should further information be available.

Yours sincerely,



(LEE Cheuk-wing)

for Executive Secretary of
the Antiquities and Monuments Office,
Leisure and Cultural Services Department

c.c. Ms Annica Lam, SEO(MP)2
Mr Arthur Lai, SEO(Appt Support)2

Excerpts from Terms of Quotation**Excerpt No.1**

The Service Provider must pay the agency workers salaries not lower than the average monthly wages for "General Workers for all selected industries" as published in the Census and Statistics Department Quarterly Report of Wages and Payroll Statistics for December 2010, until this rate is overtaken by the prevailing Statutory Minimum Wage (SMW) plus rest day pay rate when the later will prevail.

The Service Provider must provide its employees with one paid rest day in every period of seven days, and the rest day pay shall be a sum equivalent to the pay for the employees' normal working day.

Excerpt No.2

The Service Provider shall comply with the Employment Ordinance (Cap. 57) and shall pay his employees working as the XXX for the Services the monthly salaries, as specified in the Price Schedule and accepted by the Government.

Excerpt No.3

The terms and conditions specified in the Employment Agreements shall be in compliance with the provisions of the Employment Ordinance (Cap. 57).

Excerpt No.4

The Service Provider shall make his own arrangements to provide Mandatory Provident Fund Schemes to his employees, agents or sub-contractors in accordance with the provisions of the Mandatory Provident Fund Schemes Ordinance (Cap. 485) and the laws of the Hong Kong Special Administrative Region to the satisfaction of the Government Representative