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Hong Kong Public Libraries
11/F, Hong Kong Central Library,
66 Causeway Road, Causeway Bay,
Hong Kong

12 May 2020

Panel on Manpower
Legislative Council Secretariat
Legislative Council Complex
1 Legislative Council Road
Central, Hong Kong
(Attn: Miss Betty MA)

Dear Miss MA,

Panel on Manpower of the Legislative Council
Response to Hon Andrew WAN's letter to the Panel
"Concern about LCSD's Outsourced Staff"

I refer to your letter addressed to the Labour Department dated 3 April 2020 conveying the Hon Andrew WAN's suggestion to discuss at the Panel on Manpower of the Legislative Council about the issue of outsourced staff being not arranged work and loss of income due to closure of venues. The suggestion was referred to the Leisure and Cultural Services Department (LCSD) for follow-up. Our reply is as follows:

With regard to the actual operational needs of individual leisure and cultural venues under LCSD, the terms and conditions of each outsourced service contract stipulate that outsourced service contractors are required to provide a specified number of employees at designated posts in accordance with the service specifications in the contracts. Contractors are required to submit information such as staff manpower, particulars of their employees and monthly duty rosters for vetting by the venue management. The venue management officers also monitor the performance of the contractors and their staff, and

handle staff's complaints about unreasonable treatment by conducting site visits or surprise inspections, holding work meetings with contractors and keeping routine contacts with staff. In handling matters on labour rights and benefits, the department also requires the outsourced service contractors to comply with the stipulations of employment-related ordinances such as the Employment Ordinance, the Minimum Wage Ordinance, the Employees' Compensation Ordinance and the Mandatory Provident Fund Schemes Ordinance. The department also reminds the contractors to provide employment rights and benefits on terms no less favourable than the statutory requirements to their employees and monitors the contractors in doing so.

Owing to the epidemic, sports centres and libraries under LCSD have been temporarily closed for public use since 29 January this year. During the closure of the sports centres, the contractors are still required to provide services as requested by individual sports centres, and thus the monthly fees payable to them are not deducted. Moreover, to our understanding, the contractors have not deducted their employees' salaries due to temporary closure of sports centres. In light of the latest situation of COVID-19, some leisure venues are reopened in phases on May 6 and May 11, and more leisure and cultural venues of the LCSD will be reopened on May 21.

As regards hiring service contracts of libraries under LCSD, the Hong Kong Public Libraries (HKPL) will engage outsourced service contractors to arrange and provide manpower to assist in the provision of simple frontline and supporting services in the light of different service needs. During the closure of libraries, the contractors are required to provide services as requested by individual libraries. For service contracts with monthly fees, the department has not required the service contractors to adjust their services during the closure of libraries, and thus the contractors' monthly fees are not deducted. There are also some outsourced service contracts of libraries with payment terms stipulating that the service fee is to be calculated on an hourly basis. To our understanding, the service contractors have not undertaken in the employment contracts signed with their employees to arrange for the latter to work for a certain number of hours or days. For the past three months, service fees were paid on the basis of service hours completed by the contractors in accordance with the contract terms and conditions. The HKPL has requested contractors to provide additional manpower and increase the service hours for individual libraries which resumed opening in March. Some libraries will reopen from May. Moreover, the HKPL

is gradually resuming services and has requested service contractors to increase the hours of service and number of employees progressively, mainly for handling the library stock and checking facilities in the libraries, in the light of the operational needs of individual libraries. The number of service hours/working days of employees of outsourced service contractors has been increasing gradually. We have also been urging our service contractors to pay their employees in compliance with the Employment Ordinance and other relevant legislations. The arrangements for salary payment to the service contractors' employees are subject to the provisions set out in the employment contracts signed between individual contractors and their employees.

While we are not the employer of staff engaged under outsourced service contracts, we encourage the contractors' employees to complain to the Labour Department if they find their employers not complying with the Employment Ordinance or the Employees' Compensation Ordinance; or to the Mandatory Provident Fund Schemes Authority if their employers are not complying with the Mandatory Provident Fund Schemes Ordinance. If a contractor is convicted of violating any provisions of the aforesaid ordinances, the department may consider terminating the contract immediately under the contract terms and conditions and removing the contractor from LCSD's Supplier List.

We will continue to monitor whether the outsourced service contractors are fulfilling their contractual obligations, so as to safeguard labour rights and interests. Any employees of a contractor who discover or suspect that their employer are not complying with the Employment Ordinance or other legislations related to labour rights and interests may directly seek help from the venue management staff. We will provide all practicable assistance and, if necessary, help the employee concerned seek further action from relevant law enforcement agencies.

Yours sincerely,



(Ms May CHOW)

for Director of Leisure and Cultural Services

c.c. PAS(C)2 / HAB