

For information on  
24 February 2025

## **Legislative Council Panel on Manpower**

### **Protection of employment rights of imported workers**

#### **Purpose**

This paper briefs Members on key measures of the Government to protect the employment rights of imported workers.

#### **Background**

2. To cope with the challenges brought by manpower shortage and on the premise of ensuring employment priority for local workers, the Government launched sector-specific labour importation schemes for residential care homes for the elderly and persons with disabilities, construction industry and transport industry in 2023, as well as launched the Enhanced Supplementary Labour Scheme (ESLS) to enhance the coverage and operation of the previous Supplementary Labour Scheme for two years.

#### **Measures on the protection of employment rights of imported workers**

3. The Government attaches great importance to protecting the employment rights of imported workers. Imported workers are entitled to the same protection as local workers under labour laws of Hong Kong, including the Employment Ordinance, Employees' Compensation Ordinance and Occupational Safety and Health Ordinance, etc. Moreover, the Government strives to safeguard the employment rights of imported workers by adopting a multi-pronged approach including formulation of the Standard Employment Contract (SEC), inspection, enforcement, administrative sanction as well as education and promotion, etc.

### *Standard Employment Contract*

4. Employers shall sign a SEC specified under the relevant labour importation schemes with the imported workers, and shall pay the imported workers a salary not lower than the prevailing median monthly wage of a comparable position in the market. Benefits set out in SEC include accommodation with facilities meeting the stipulated standard, medical protection and free return passage between Hong Kong and an imported worker's place of origin, etc. SEC also specifies the job duties of the post and the employer shall pay the salary of imported worker by automatic payment into his bank account.

### *Inspection*

5. Labour Inspectors (LIs) of the Labour Department (LD) carry out inspections of workplaces of imported workers and accommodation provided by their employers taking into account the risk of non-compliance, and conduct interviews with imported workers individually without the interference of any third parties (including employers) to ensure that they can lodge complaints on employment issues with LIs to safeguard their employment rights. LIs on the spot show barcodes providing information on the protection of employment rights and hotlines of LD, the Immigration Department (ImmD), the Police and the Mandatory Provident Fund Schemes Authority to facilitate imported workers' contact with relevant law enforcement departments/ organisations to make enquiries or report cases if necessary. Should suspected deprivation of imported workers' rights and benefits be detected during inspections, LIs will follow up immediately.

### *Enforcement and administrative sanction*

6. If sufficient evidence is available during investigation to substantiate an employer's violation of labour law and the concerned imported worker is willing to act as prosecution witness, prosecution will be taken out by LD. Besides, if the employer violated labour/immigration laws, requirements under labour importation schemes and SEC, relevant government bureaux/ departments will consider imposing administration sanction including refusal to process applications for labour importation and withdrawal of approvals for importation of labour previously granted, etc.

### *Education and promotion*

7. Employers shall grant paid leave to imported workers and arrange them to attend briefings organised by the Government within eight weeks upon their arrival in Hong Kong to ensure their understanding of employment rights when working in Hong Kong.

### *Requirements and monitoring mechanism for arranging Mainland workers to work in Hong Kong*

8. To strengthen the protection for workers from the Mainland, the Government requires that employers recruiting Mainland workers to work in Hong Kong under the aforesaid labour importation schemes must make the arrangements through the labour service cooperation enterprises authorised to operate business on arranging workers to work in Hong Kong under the Regulations on Management of Foreign Labor Service Cooperation of the Mainland<sup>1</sup> (labour service enterprises). To ensure employers' compliance with the above requirement, employers must submit documents to ImmD to report and confirm the engaged labour service enterprises when applying for entry permits for imported workers from the Mainland. LD has uploaded the list of licensed employment agencies in Hong Kong which are connected with the Mainland labour service enterprises to the dedicated webpage of ESLS (<https://www.labour.gov.hk/tc/plan/iwESLS.htm>) for employers' reference.

### **Measures to strengthen the protection of employment rights of imported workers**

9. The Government is highly concerned about some previous cases of suspected exploitation of imported workers from the Mainland admitted under the Labour Importation Scheme for the Construction Sector, and has contacted and requested relevant employers and contractors to properly handle the problems raised by the imported workers. At the same time, the Government has adopted the following measures to strengthen the protection of employment rights of

---

<sup>1</sup> Matters relating to foreign labour service cooperation of the Mainland are regulated by Regulations on Management of Foreign Labor Service Cooperation. According to the Regulations, only authorised labour service cooperation enterprises (currently 14 enterprises) can operate business on arranging workers to work in Hong Kong. The list of the concerned enterprises is available on the website of the Ministry of Commerce.

imported workers.

*Enhancing the mechanism for investigating complaints from imported workers*

10. The Government has set up an inter-departmental Task Force. LD and the Development Bureau (DEVB), together with relevant law enforcement departments, follow up on the complaints seriously and investigate if criminal elements are involved. The Independent Commission Against Corruption (ICAC) in September and December 2024 respectively charged one and two persons suspected of accepting bribes from imported workers, while putting other involved persons on the wanted persons lists. One defendant received a jail term of 17 weeks on 20 November 2024 after pleading guilty to bribery, contrary to the Prevention of Bribery Ordinance. Law enforcement departments will take out further prosecutions if there is sufficient evidence. LD has strengthened the cooperation with relevant law enforcement departments and will continue to support imported workers suspected of being exploited to report and assist with criminal investigation, including arranging the return of workers who have left Hong Kong to assist with the investigation. LD will also provide financial assistance and arrange temporary accommodation for them if necessary. Besides, LD launched the Imported Workers Support Scheme on 2 January this year to provide support services for imported workers, including assisting dismissed imported workers to lodge employment claims against employers.

11. In addition, we maintain close liaison with the Ministry of Commerce to reflect the latest situation of the imported workers from the Mainland. The Ministry of Commerce attaches great importance to the employment rights of imported workers from the Mainland, and will continue to strengthen the communication and cooperation on enhancing the mechanism for importation of Mainland workers and the protection of the legal employment rights of Mainland workers in Hong Kong.

*Protection measures under the Labour Importation Scheme for the Construction Sector*

12. Before the implementation of the Labour Importation Scheme for the Construction Sector in July 2023, DEVB had consulted LD, ICAC and other relevant government departments on relevant labour protection issues. The Labour Importation Scheme for the Construction Sector has imposed clear

requirements that the principal contractor-applicants/ subcontractor-employers should ensure that protection to local workers provided under labour laws in Hong Kong should also be applicable to imported workers. In addition to existing law and regulations, DEVB will also impose administrative sanctions on relevant principal contractors and subcontractors for breaches of the Scheme's requirements. For example, for cases referred by LD earlier, DEVB has suspended new applications from the relevant parties (principal contractors and subcontractors) for a period ranging from 6 months to 12 months, and has recommended the relevant government departments and public organisations to reflect these breaches in the performance evaluation of the projects.

13. For the earlier cases with alleged unfair treatment of imported workers, DEVB notes that they all involve “agencies” engaged by principal contractor-applicants or subcontractor-employers to recruit imported workers on behalf of the employers and assist in the management of imported workers, including arranging services such as accommodation, transportation and meals for them. In view of this, DEVB has introduced under the Scheme new requirements that these “agencies” should comply with the labour protection requirements of the Scheme and specified clearly the responsibilities of applicants and employers respectively. These additional requirements apply to cases approved in the sixth round (application period of October 2024) and those approved in future:

- (i) The principal contractor and subcontractor should fulfil the responsibilities of the applicant and the employer respectively to ensure that all the arrangements made by the agencies they appointed fulfil labour protection requirements, and these agencies should also sign the relevant undertakings.
- (ii) The agencies responsible for recruitment and personnel management of imported workers should be engaged directly by the applicant or the employer, and therefore are not allowed to charge imported workers any fee.
- (iii) As for agencies which arrange paid services such as accommodation, meals and transportation for imported workers, they should not take up any recruitment and personnel management matters, so as to prevent imported workers from paying unreasonable fees for the above services for fear of

affecting their employment and work opportunities. All imported workers should be informed of the fees in advance in an open and transparent manner to enhance transparency of the arrangements.

- (iv) The principal contractor should assign a senior manager of its company to oversee the arrangements for imported workers and handle enquiries from imported workers to strengthen the communication.

14. In case of any principal contractors and subcontractors violating the above-mentioned new requirements, DEVB will impose administrative sanctions on them and reflect their breaches in the performance evaluation of the projects concerned.

15. DEVB has uploaded the updated application guidelines to the webpage of the Scheme (<https://www.devb.gov.hk/tc/css>), and jointly held a briefing session with ICAC and LD for stakeholders on 20 January this year, reiterating the importance of protecting labour rights and briefing them on the new requirements of the Scheme.

## **Conclusion**

16. The Government will continue to adopt a multi-pronged strategy and spare no effort to protect the employment rights of imported workers.

17. Members are invited to note the content of this paper and give views.

Labour and Welfare Bureau  
Development Bureau  
Labour Department  
February 2025