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SUPPLEMENTARY

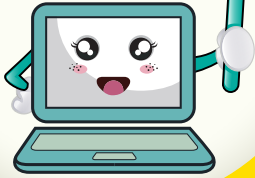
LABOUR SCHEME



LABOUR DEPARTMENT

Contents

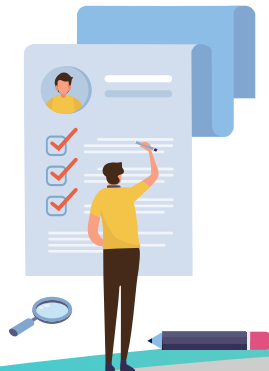
	Page
 Introduction	1
 Who can Apply	2
 How to Apply	2 - 7
 Visa/Entry Permit Application Procedures	8 - 10
 Submission of Visa/Entry Permit Application	11 - 14
 Procedure for Application for Extension of Stay in Hong Kong	15
 Terms and Conditions of Employment	16 - 23
 Employees Retraining Levy	24
 Withdrawal of Approval Granted to Employers	25
 Where to Apply or Enquire	26
 Annex	27



Introduction

On the premise of ensuring employment priority for local workers, employers with genuine difficulties in recruiting suitable staff locally may apply to the Supplementary Labour Scheme (SLS) for importation of workers at technician level or below. To safeguard the employment opportunities for as well as salaries and benefits of local workers, employers must accord priority to filling available job vacancies with local workers, and take active efforts to train local workers for the vacancies.

Employers wishing to apply for importation of labour under SLS should follow the application procedures as set out in this pamphlet.





Who can Apply

Employers carrying on businesses in Hong Kong may apply under SLS to import workers to fill vacancies which they have genuine difficulties in recruiting suitable staff locally. **Applications will however not normally be considered if the vacancies fall within the job categories listed in Annex. Besides, applications for importation of workers of unskilled/low-skilled level will normally not be considered.**



How to Apply

Interested employers may obtain the application form (Form SLS-1) from the Supplementary Labour Division (SLD) of the Labour Department of the Government of the Hong Kong Special Administrative Region (HKSAR) or download the application form from the Labour Department website (www.labour.gov.hk).

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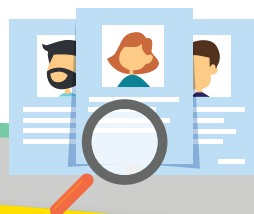


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Employers may submit the completed application form together with the required documents by mail or by hand to SLD. Employers may also e-mail the digitally signed e-form and the required documents to SLD at eform@labour.gov.hk.

The wages offered by the applicants should attain at least the prevailing median monthly wages of comparable positions in the market. SLD will, after all the required information is made available by the applicants, consult relevant government bureaux and/or departments/training bodies/professional organisations, etc. as appropriate, and will afterwards inform the applicants of whether the wages offered measure up to the median monthly wages, and whether the stipulated requirements of the vacancies are acceptable. "Distributed together with the application form, employers may make reference to the "List of Principal Job Titles and Median Wages" compiled by the Census and Statistics Department."

further processing must undertake a four-week local recruitment exercise for each vacancy under application. During the first two weeks of the recruitment period, employers should advertise the vacancies at least once in a week in each of two local newspapers. The advertisement must include such information as the exact post title, monthly salaries offered, working hours, workplace location, entry requirements and the phone number of the Job Matching Section of SLD, in order to facilitate SLD's arrangement of all job interviews. Concurrently, the Labour Department will provide active job matching for the vacancies to identify suitable local job-seekers for referral to the employers for interview. If necessary, employers will be asked to organise training programmes for local workers with the assistance of the Employees Retraining Board. **At the end of the recruitment period, employers have to provide detailed information on their local recruitment efforts (Form SLS-9) to SLD, including the reasons for not interviewing or employing the job seekers.**





In the course of application processing, Labour Inspectors of the Labour Department will visit the employer's office premises and inspect the intended workplace(s) of the imported worker(s) to verify the relevant information supplied by the employers.

Notwithstanding the satisfactory completion of the aforesaid procedures, applicants should not assume that their applications would be approved automatically.

SLD will assess the employer's request and invite members of the Labour Advisory Board (LAB) to give views on the recommendation of the Labour Department. LAB comprises an equal number of employer and employee representatives. Taking into account the views of LAB members, the Government will decide whether to approve or refuse each application. **All applications will be considered on their own merits, such as the genuine need for importation of labour, the size of the employer's local workforce, activeness in business and financial situation of the employers. Applications will not normally be approved if:**



- A** employers are being debarred from participation in SLS owing to administrative sanction imposed by Labour Department;
- B** wages offered are below the median monthly wages;
- C** there are restrictive or excessive job requirements such as age, sex, education, experience or skill; or
- D** employers show insincerity in their efforts to recruit or train local workers to fill vacancies.

Upon approval, employers may apply to the Immigration Department of the Government of the HKSAR (Immigration Department) which will process the visa/entry permit application of the prospective imported worker. Transfer of the approval to another employer to import labour is not permitted once it is granted. Besides, acceptance of an employer's application under SLS does not represent a commitment by the Immigration Department to allow the entry of an individual into Hong Kong. The Director of Immigration may refuse to issue visas/entry permits to individual workers.

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2150 6363

Employers whose applications for labour importation are refused may apply in writing to SLD within three months from the date of the notification for their cases to be reconsidered.

Under SLS, the approval granted to an employer to import workers would not be automatically renewed. An employer wishing to continue employing imported workers upon the expiry of their contracts are required to submit an application afresh to SLD, and the application will be considered on its own merits.

Importation of labour is aimed only at easing the imminent manpower shortage for meeting business needs. Employers are expected to make vigorous efforts in training up local workers to fill the vacancies in the long run. To uphold the cardinal principle of ensuring employment priority for local workers, the Government will give due consideration to the training efforts of employers when assessing individual applications for importation of labour.





Visa/Entry Permit Application Procedures

A

The employer is required to enter into a Standard Employment Contract with the imported worker. The contract term will be for a maximum period as specified in the approval-in-principle letter issued by the Labour Department, the longest being two years. The Standard Employment Contract Forms (LD294) for an employee recruited from outside Hong Kong under SLS may be obtained at the Information and Liaison Section of the Immigration Department or at SLD. The contract should be completed in duplicate.

B

The employer shall arrange for his/her prospective imported worker to submit a visa/entry permit application to the Immigration Department within the period specified in the approval-in-principal letter. (Please refer to “Submission of Visa/Entry Permit Application” on page 11 for relevant information). Late applications will not be entertained and the approval-in-principle for importing workers will lapse. If the employer still intends to import workers, he/she should submit an application afresh to SLD.



- C** Imported workers should possess valid travel documents with ample returnability. For workers from the Mainland, they should be in possession of valid Exit-entry Permits for Travelling to and from Hong Kong and Macau with relevant exit endorsement issued by the Mainland Public Security Bureau Office.
- D** The entry of all imported workers is subject to the normal immigration requirements being met.
- E** After entry, the imported worker must remain under the direct employment of the same employer for the specified post, job duties and in the specific workplace(s) as stipulated in the Standard Employment Contract. Change of employer, post or job duties is not permitted.
- F** The imported worker is required to return to his/her place of origin on completion of his/her employment contract. If the contract is pre-maturely terminated, the worker is only permitted to remain in Hong Kong for two weeks from the date of termination of contract or the balance of permitted stay, whichever is shorter.

Breach of a condition of stay is an offence under the Immigration Ordinance, Chapter 115 of the Laws of Hong Kong.

- G** No person who has entered Hong Kong as a visitor may be hired to work here.
- H** If an imported worker is unable to come to Hong Kong or complete his/her contract, the request for a replacement worker should be made within seven days after (i) the date on which the employer is notified that the worker will not come to Hong Kong, or (ii) the date of termination of the contract (prior to its expiry) of the worker. Notification of approval for replacement of imported worker will be issued to the employer upon successful application. The employer shall arrange for his/her prospective imported worker to submit a visa/entry permit application to the Immigration Department within the period specified in the notification. Late applications will not be entertained. An employer who has exploited or ill-treated his/her imported workers will not be granted approval to bring in replacement workers

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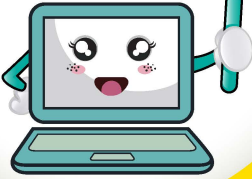
Submission of Visa/Entry Permit Application

A

The prospective imported worker shall complete application form (ID 1001A). The employer shall complete application form (ID 1001B). The completed application forms (ID 1001A and ID 1001B), and all the supporting documents should be submitted by the applicant by post directly or through the employer in the HKSAR to the Receipt and Despatch Unit, 2/F, Immigration Tower, 7 Gloucester Road, Wan Chai, Hong Kong:



- (i) photocopies of the imported worker's travel document containing his/her personal particulars, its date of issue, date of expiry and/or details of any re-entry visa held (if applicable); Chinese resident of the Mainland who has not been issued with a travel document may submit a photocopy of his/her People's Republic of China resident Identity Card;
- (ii) details, with proofs, of the imported worker's academic qualifications and experience relevant to the post, e.g. photocopies of diplomas, certificates and testimonials;
- (iii) photocopy of proof of the imported worker's medical fitness for the job, e.g. medical report;



- (iv) two original copies of the Standard Employment Contract signed between the employer and the imported worker;
- (v) photocopy of the approval-in-principle letter issued by the Labour Department; and
- (vi) original copy of the Consent Form (Form SLS-11) duly completed by the imported worker.

B For Mainland Chinese workers wishing to come to work in the HKSAR under SLS, applications must be submitted to the Immigration Department through their prospective employers. Direct applications by the Mainland Chinese workers are not accepted.

C Notwithstanding that the documents and information required have been furnished by the applicant and employer, they may still be required to submit further supporting documents and information in connection with the application when necessary.

- D** Decisions on individual applications will be conveyed to the imported worker through the employer.
- E** Visa/entry permit fee for each imported worker should be paid by the employer.





Procedure for Application for Extension of Stay in Hong Kong



A visa/entry permit is usually granted for an initial period of 12 months. An imported worker must apply for extension of stay if the duration of the employment contract is more than 12 months. Extension fees for imported workers should be paid by the employer.



Extension of stay beyond the employment contract period will not be granted.



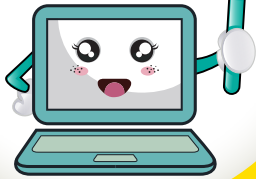


Terms and Conditions of Employment

Workers recruited from outside Hong Kong are entitled to the same protection under the labour laws of Hong Kong as local workers. The imported workers must be engaged under a Standard Employment Contract (for an employee recruited outside Hong Kong under SLS (LD294)). The employer's major responsibilities are listed below.

Employment Contract

The employer must give the imported worker, free of charge, one of four original copies of the Standard Employment Contract. The employer should prepare an acknowledgement list which contains the name and Hong Kong Identity Card number (or passport number) of each imported worker and the date on which the contract is received by the worker. **The list should be sent to SLD by email or by fax (fax number: 2542 2742) within four weeks after the arrival of each worker.**



Briefing Session

The employer must grant leave to the imported worker to attend a briefing organised by the Labour Department within eight weeks of his/her arrival. No deduction of wages shall be made from the worker's wages for his/her absence from work for the purpose of attending the briefing. Such paid leave shall be in addition to the rest days, statutory holidays and annual leave days to which the worker is entitled under the Standard Employment Contract.

Wages

The employer is required to make payment of wages to each imported worker by way of auto-payment and to ensure that wages are paid directly into the worker's bank account in Hong Kong. The employer must not keep the worker's bank book, bank statement or automatic teller machine cards.

The employer must provide each imported worker, on a monthly basis, with details of his/her earnings which

should include wages and, where relevant, hours of overtime work, amount of overtime pay, amount and nature of deductions, amount of allowances or bonus, etc. **The employer must also obtain the imported worker's acknowledgement of the information on the receipt.**

The employer shall not make deductions from the imported worker's wages for the purpose of paying any dues or fees charged on the worker by authorities or agents in the worker's country of origin, or for paying the Employees Retraining Levy required to be paid by the employer.

The employer, or any other person acting on his behalf, shall not, directly or indirectly, enter into any agreement with the imported worker requiring the imported worker to surrender to the employer all or part of the wages or any sum to which the imported worker is entitled under his/her contract of employment; or demand or receive any such rebates from the imported worker.



Maximum Working Hours

The employer must not require the imported worker to work for more than 12 hours, overtime work included, in a continuous period of 24 hours.

Overtime Pay

The employer must pay overtime pay to the imported worker in accordance with the Standard Employment Contract if the worker is required to work more than the normal number of hours as stated therein.

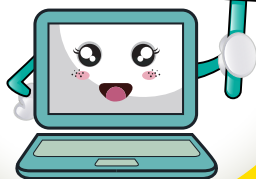
Accommodation and Meals

The employer is required to provide accommodation for his/her imported worker(s) in compliance with the standard as stipulated in the Schedule to the Standard Employment Contract and the standard of accommodation should be maintained at all times. The accommodation should be ready before the arrival of the imported worker(s). Employers will be requested to arrange the accommodation for inspection by the Labour

Inspectors of the Labour Department during the stay of the imported workers. **The maximum amount of deduction for provision of accommodation is 10% of the wages payable to the imported worker for the corresponding period calculated in accordance with the Standard Employment Contract, or the actual cost of accommodation, whichever is less.**

The employer is not obliged to provide meals for imported workers. **If meals are provided by the employer, they shall be provided free of charge.**





Free Medical Care

The employer must provide free medical care for the imported worker if he/she suffers from illness or injury, no matter whether it is attributable to the employment or not. However, employers are not responsible for providing free medical treatment during the period when the imported worker leaves Hong Kong of his/her own volition and for his/her personal purposes. **Free medical care includes hospital stay and urgent dental treatment.**

Passage and Visa/Entry Permit Fee

Expenses for passage to and from Hong Kong on commencement and termination or expiry of the contract, **visa/entry permit fees and subsequent extension fees should be paid by the employer.**

Passport, Exit-entry Permit for Travelling to Hong Kong and Macau and Hong Kong Identity Card

The employer shall not keep the imported worker's passport or Exit-entry Permit for Travelling to and from

Hong Kong and Macau. The employer shall arrange for the imported worker to register for an identity card with the Immigration Department within 30 days upon his/her arrival. Likewise, the employer shall remind the worker to return his/her identity card to the Immigration Department for cancellation upon expiry or termination of the employment contract and before the worker leaves Hong Kong.

Termination of Contract Prior to its Expiry

The employer or the imported worker may terminate the employment contract prior to its expiry by giving to the other party notice in writing or payment in lieu of notice as stipulated in the Standard Employment Contract. The employer shall send a photocopy of the termination notice to SLD (fax number: 2542 2742) and the Quality Migrants and Mainland Residents Section of the Immigration Department (fax number: 2824 2067) within seven days before the date of termination. If the contract is terminated without prior notice, the employer shall send a photocopy

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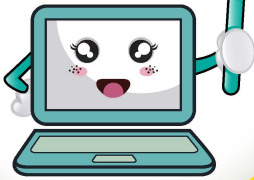
of the termination notice to the two departments within one working day after the termination. The notice should bear the name of the imported worker in English and Chinese as the case may be, his/her Hong Kong Identity Card number, the date of termination, Immigration Department's reference number and state whether replacement for the outgoing worker is needed

No Displacement of Local Workers by Imported Workers

The employer shall not displace local workers in employ by imported workers. In the event of redundancies, imported workers should be retrenched first.

Employees Retraining Levy

Successful employers are required to pay a levy that goes to the Employees Retraining Board to augment the provision of training and retraining for local workers. The levy payable in a lump sum in respect of each imported worker is \$400 multiplied by the number of months covered by the employment contract up to a maximum of 24 months. It will be collected after the approval for importing workers and before the issue of visa/entry permit as directed by the Director of Immigration. The levy is not refundable under any circumstances.



Withdrawal of Approval Granted to Employers

A

Employers who breach the Laws of Hong Kong will be liable to prosecution.

B

Administrative sanction in the form of withdrawal of approval for importation of labour will be taken against an employer who is found to have breached relevant statutory provision(s) (including the Employment Ordinance, the Employee's Compensation Ordinance, the Immigration Ordinance, and the occupation safety and health legislation), or relevant requirement(s) of SLS or the Standard Employment Contract. The employer will also be debarred from participation in SLS for up to two years.



Where to Apply or Enquire

For applications for importation of worker(s) under SLS:

Supplementary Labour Division

Labour Department, the Government of the HKSAR

Room 929, 9/F, Cheung Sha Wan Government Offices

303 Cheung Sha Wan Road, Kowloon

Telephone: 2150 6363

Fax: 2504 3160

Website: www.labour.gov.hk

For visa/entry permit applications:

Quality Migrants and Mainland Residents Section

Immigration Department, the Government of the HKSAR

6/F, Immigration Tower

7 Gloucester Road, Hong Kong

Telephone: 2829 3220

Fax: 2824 2067

Website: www.immd.gov.hk

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Annex

List of job categories normally excluded from the Supplementary Labour Scheme

Sales Representative	Presser
Sales Assistant	Hair Stylist
Waiter/Waitress	Warehouse Keeper
Receptionist	Cutter
Cashier	Cutting Room Operative
Junior Cook	Inspection Operative
Food Processing Worker	Delivery Worker
Clerical Worker	Driver
Teller	Demolition Worker
Computer/Key Punch Operator	Mason
Telephone Operator	Spray Paint Worker
Linen Attendant	Drain Layer
Washer	Leakage Worker



Labour Department