

How to Apply under the Enhanced Supplementary Labour Scheme



Introduction

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On the premise of ensuring employment priority for local workers, employers with genuine difficulties in recruiting suitable staff locally may apply to the Enhanced Supplementary Labour Scheme (ESLS) for importation of workers at technician level or below. To safeguard the employment opportunities for as well as wages 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 to fill the vacancies.

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

Who can Apply

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Employers carrying on business in Hong Kong with genuine difficulties in recruiting local workers at technician level or below.

ESLS does not accept applications for importation of labour of sectors and job categories covered by the Special Scheme to Import Care Workers for Residential Care Homes and other sector-specific labour importation schemes (construction and transport sectors).

To enhance dissemination of application information, the Labour Department (LD) organises briefings for employers/employment agencies involved in labour importation matters to explain the information needed for submitting applications, points-to-note and the flow of application, as well as answering questions on the spot. For enrolment, please visit the webpage of LD (<https://www.labour.gov.hk/eng/plan/iwESLS.htm>).

Application Process

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Submission of an application

LD has uploaded the "Enhanced Supplementary Labour Scheme - List of Common Posts" to its webpage ([https://www.labour.gov.hk/common/public/pdf/sld/ESLS_LCP\(Eng\).pdf](https://www.labour.gov.hk/common/public/pdf/sld/ESLS_LCP(Eng).pdf)), which covers the median monthly wage, working hours, entry requirements and duties of common posts in different industries for employers' reference. For application for the importation of posts covered by the list, employers are required to complete "Application Form for Common Posts" (Form ESLS-1A). The preliminary screening will then be expedited and employers can commence the four-week local recruitment exercise (local recruitment) as soon as it is completed. As for posts not covered by the list, employers should complete "Application Form for Non-Common Posts" (Form ESLS-1B).

Employers may download the application forms from the LD website (<https://www.labour.gov.hk/eng/plan/iwESLS.htm>), or obtain relevant application forms from the Supplementary Labour Division (SLD) of LD of the Government of the Hong Kong Special Administrative Region (HKSAR). Employers may submit the completed application form together with the required documents (please refer to "Documents Checklist and Means of Application") by mail or by hand to SLD.

Please be advised that an incomplete application form (or when the required documents are missing) will be returned to the applicant and no further action will be taken.

Preliminary Screening

The wages offered by the applicants should be at least the prevailing median monthly wages of comparable positions in the market. If the post under application is not a common post, SLD will, upon receipt of the completed “Application Form for Non-Common Posts” and all the required information/documents from the applicants, consult relevant government bureaux and/or departments/ training bodies/ professional organisations, etc. as appropriate, and will then 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. If an employer applies for importing workers to fill a post covered by the “List of Common Posts” and fills in the “Application Form for Common Posts” with the information specified in the “List of Common Posts”, the aforesaid consultation may be dispensed with and the processing of applications will be expedited.

Local Recruitment

After passing the screening stage, an employer must undertake a four-week local recruitment for each vacancy under application. During the first 14 days of the recruitment period, employers must place at least 4 recruitment advertisements in local newspaper(s) or on online recruitment platform(s). The advertisements must include the job title, monthly wages offered, working hours, district of workplace, entry requirements and LD’s phone number to facilitate LD’s arrangement of all job interviews. During the recruitment period, LD will post the vacancy information on the Interactive Employment Service (IES) website, and provide 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.

Median wages under ESLS are updated biannually in around mid-May and mid-November every year, and become effective immediately upon release. If the monthly wage of the applied post is less than the newly released median wage, LD will, on the release date, raise it to the level of the updated median wage on the IES website. Moreover, LD will adjust the wage level (if applicable) as per the above requirements in processing the remaining application procedures (including submitting recommendations to the Labour Advisory Board (LAB) for views). If employers disagree with the relevant adjustment, LD will be unable to process this application.

Following up on the recruitment results

At the end of the recruitment period, employers have to provide detailed information on their local recruitment efforts (Form ESLS-9) to SLD, including the reasons for not interviewing or employing the job seekers. If the employer concerned (i) fails to comply with the local recruitment requirements (e.g. employing local workers with a wage less than that stipulated above), or (ii) refuses to employ qualified local job seekers without reasonable grounds, **the Government will immediately suspend the processing of the application, and the employer will be debarred from participation in ESLS for one year.**

Notwithstanding the fulfilment of the aforesaid requirements and completion of the relevant procedures, applicants should not assume that their applications would be approved automatically.

Consultation with LAB

SLD will assess the employer’s request and invite members of LAB to give views on LD’s

recommendation. LAB comprises six employer and six employee representatives.

Vetting Result

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, etc. Applications will normally be rejected if:

- (a) employers are being debarred from participation in ESLS owing to administrative sanction imposed by LD;
- (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 do not show sincerity in making efforts to give priority to recruiting or training local workers to fill vacancies.

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

An application will not normally be processed/approved if the employer has the relevant conviction record(s) (including the Employment Ordinance, the Employees' Compensation Ordinance, the Immigration Ordinance and the occupational safety and health legislation) within the two years preceding the date of submission of the application, or is being subjected to administrative sanction by the Labour Department due to breach(es) of relevant requirements of the Enhanced Supplementary Labour Scheme or the Standard Employment Contract.

No automatic renewal for approval granted to import workers

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

Importation of labour aims to ease the existing manpower shortage and meet business needs of employers. 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 to local workers, the Government will give due consideration to the training efforts of employers when assessing individual applications for importation of labour.

Requirements on recruiting imported workers from the Mainland

If the prospective imported workers are Mainland residents, the employer must recruit the imported workers through Mainland labour service enterprises, which are enterprises approved by the Ministry of Commerce of the People's Republic of China and granted the permission to operate business on labour service cooperation with Hong Kong. The list of enterprises can be found on the website of the Ministry of Commerce of the People's Republic of China:

http://zsmcorp.mofcom.gov.cn/zsmbgacommon/zsmbga_innerCorp_hk_list.

The contact information of licensed employment agencies operating business in Hong Kong to arrange Mainland residents to work in Hong Kong run by the labour service enterprises or their related companies (if any) can be found on the website of LD:

<https://www.labour.gov.hk/tc/plan/iwESLS.htm>.

Visa/Entry Permit Application Procedures

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Upon approval, employers may make an application to the Immigration Department of the Government of the HKSAR (Immigration Department) for the visa/entry permit of the prospective imported worker under ESLS. Transfer of the approval to import workers to another employer is not permitted. Moreover, approval of an employer's application under ESLS does not represent a commitment by the Immigration Department to allow the entry of any specific individual into Hong Kong. The Director of Immigration may refuse to issue visas/entry permits to individual workers.

- (a) The employer is required to enter into a Standard Employment Contract with the imported workers. The contract period will be for a maximum period as specified in the approval-in-principle letter issued by LD with the longest being 24 months. The employer may approach the Information and Liaison Section of the Immigration Department to obtain the Standard Employment Contract Forms (LD294) (in quadruplicate) for an employee recruited from outside Hong Kong under ESLS. Limited copies of Standard Employment Contract Forms are also available at SLD.
- (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-principle letter (Please refer to "Submission of Visa/Entry Permit Application" section). Late applications will not be accepted and the approval-in-principle for importing workers will lapse after the specified period. If the employer still intends to import workers, he/she should submit an application afresh to SLD.
- (c) If the prospective imported workers are Mainland residents, employers must recruit the imported workers through Mainland labour service enterprises. Employers must submit the following documents to Immigration Department when applying for a visa/entry permit for the prospective imported worker(s):
 - (i) original copy of the **Declaration and Authorisation Form** (Form ESLS-11) duly completed and signed by the prospective imported worker. The name of the Mainland labour service enterprise arranging him/her to work in Hong Kong must be stated in the **Declaration and Authorisation Form**; and
 - (ii) photocopy of the **Joint Declaration Form on Importing Workers from the Mainland to Hong Kong** (Form ESLS-12 (only available in Chinese)) ("Joint Declaration Form") duly completed and signed by the employer and the commissioned Mainland labour service enterprise.

Starting from **1 March 2025**, employers must use the revised forms to submit their visa/entry permit applications. The commissioned Mainland labour service enterprise is required to stamp on the original copy of the duly completed **Declaration and Authorisation Form** and the employers and Mainland labour service enterprises need to sign on each and every page of the **Joint Declaration Form**.

Please note that an employer's submission of the documents and compliance with the recruitment requirement as mentioned above is one of the conditions of the Government's granting of the concerned approval-in-principle to the employer. If an employer fails to comply with the above recruitment requirement, and/or there is incomplete or inaccurate information in the submitted documents as listed in (i) and (ii) above, the relevant visa/entry permit application will not be processed. At the same time, an employer is required to arrange for each commissioned Mainland labour

service enterprise to complete a Joint Declaration Form on Importing Workers from the Mainland to Hong Kong (signed by the employer's/ the commissioned Mainland labour service enterprise's responsible person/authorised representative with company chop) for each application granted with approval-in-principle under ESLS. The above requirements are also applicable to applications for replacement workers submitted by employers.

- (d) 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 Macao with relevant exit endorsement issued by the Mainland authorities.
- (e) The entry of all imported workers is subject to the normal immigration requirements being met.
- (f) After entry into the HKSAR, the imported worker admitted on employment condition must remain under the direct employment of the same employer to perform specified duties for the specified job in the specific workplace(s) as stipulated in the Standard Employment Contract and cannot be employed by other companies or sub-contractors. Change of the employer, post or place of work is not permitted.
- (g) The imported worker is required to return to his/her place of origin on completion or termination of his/her employment contract. If the contract is prematurely terminated, the imported worker is permitted to remain in the HKSAR only for two weeks from the date of termination of contract or for the balance of permitted stay, whichever is the shorter period.
- (h) No person who has entered Hong Kong as a visitor may be hired to work here.
- (i) If an imported worker is unable to come to Hong Kong or complete his/her contract, the employer may make a request for replacement worker by submitting a completed Notification of Termination of Employment Contract with Imported Workers (for ESLS) (Form ESLS-13) within seven days from the date when (i) the employer is notified that the worker will not come to Hong Kong, or (ii) the contract of the worker is terminated (prior to its expiry). Following the submission of the Notification of Termination of Employment Contract, the eligible employer shall arrange for his/her prospective worker to be imported to submit a visa/entry permit application to the Immigration Department within the period specified in the Notification for Application for Replacement of Imported Worker. Late applications will not be accepted. An employer who has exploited or ill-treated his/her imported workers will not be granted approval to bring in replacement workers.

Submission of Visa/Entry Permit Application Form

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- (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 the following supporting documents should be submitted by the applicant by post directly or through the employer in the HKSAR to the Receipt and Despatch Sub-unit, Ground Floor, Administration Tower, Immigration Headquarters, 61 Po Yip Road, Tseung Kwan O, New Territories:
 - (i) photocopy of the imported worker's valid travel document containing personal particulars, date of issue, date of expiry and/or details of any re-entry visa held (if applicable). A 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) four original copies of the Standard Employment Contract signed between the employer and the imported worker;
 - (iv) photocopy of the approval-in-principle letter issued by LD;
 - (v) photocopy of the Business Registration Certificate;
 - (vi) original copy of the Declaration and Authorisation Form (Form ESLS-11) duly completed by the imported worker. If the prospective imported worker is a Mainland resident, he/she must state the name of the Mainland labour service enterprise arranging him/her to work in Hong Kong in the Declaration and Authorisation Form; and
 - (vii) **[only for applications involving imported workers who are Mainland residents]** photocopy of the Joint Declaration Form (Form ESLS-12 (only available in Chinese)) duly completed and signed by the employer and the commissioned Mainland labour service enterprise.
- (b) For Mainland Chinese workers wishing to work in the HKSAR under ESLS, applications must be submitted to the Immigration Department through their prospective employers. Direct applications by the Mainland Chinese workers are not accepted.
- (c) Even if the applicant and the employer have already furnished the documents and information required, the Immigration Department may still request them 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.

Limit of Stay

Under ESLS, the visa/entry permit for the imported worker is normally granted for a period of 24 months or the full term of the employment contract, whichever is shorter.

Generally, extension of stay will not be granted to imported workers after the completion/termination of their employment contract. Imported workers are required to return to his/her place of origin on completion or termination of his/her employment contract.

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 worker must be engaged under a Standard Employment Contract (for an employee recruited from outside Hong Kong under ESLS) (LD294). The employer's major responsibilities are listed below.

Employment Contract

The employer must give the imported worker, free of charge, one of the 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. This list should be sent to SLD by mail or by fax (fax number: 3427 8132) within four weeks after the arrival of each imported worker.

Briefing Session

The employer must grant leave to the imported worker to attend a briefing organised by LD 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 include wages and where applicable, 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 payable by the employer.

The employer, or any other person acting on his/her 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 give 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

Generally speaking, 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. If prospective imported workers are Mainland residents, employers may opt to (a) provide accommodation in Hong Kong for imported workers; (b) provide accommodation on the Mainland for imported workers; or (b) arrange imported workers to reside in their residential premises on the Mainland. The accommodation provided by employers on the Mainland should also comply with the standard as stipulated in the Schedule to the Standard Employment Contract.

The accommodation in compliance with the requirements should be available before the arrival of the imported worker(s). Employers may be requested to make arrangements for the Labour Inspectors of LD to inspect the imported workers' accommodation in Hong Kong during their stay.

The accommodation fee, in respect of a period that the imported worker occupies the accommodation, deductible from the wages payable to the imported worker for provision of accommodation shall be equal to the actual cost of the accommodation or 10% of the wages (excluding any overtime pay) payable to the imported worker for the corresponding period calculated in accordance with the Standard Employment Contract, whichever is the less.

The employer is not obliged to provide meals for imported workers. If the employer provides the meals, 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 (other than for returning to the accommodation provided by the employer on the Mainland in accordance with Clause 12(a) or to his/her residential premises on the Mainland referred to in Clause 12(b)). Free medical care includes medical consultation, 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 (including extension fees, if applicable) shall be paid by the employer.

Passport, Exit-entry Permit for Travelling to Hong Kong and Macao 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 Macao. 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. If the imported worker is in possession of a "W" or "WX" prefix new smart identity card issued on or after 26 November 2018, he/she is not required to register again. Upon expiry or termination of the employment contract, the imported worker is not required to return his/her identity card to the Immigration Department. Yet, the identity card cannot be used if the imported worker does not have a valid condition of stay in 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 mail or fax the completed Notification of Termination of Employment Contract with Imported Workers (Form ESLS-13) to SLD (fax number: 2542 2742) and the Admission of Labour Section of the Immigration Department (fax number: 3902 3167) within seven days before the date of termination. If the contract is terminated without prior notice, the employer shall send the completed Notification to the above two departments within one working day after the termination. The Notification of Termination of Employment Contract should bear the name of the imported worker in Chinese and English (if applicable), his/her Hong Kong identity card number, the date of termination, the application reference number of the Immigration Department and the reference number of LD. Employer should also indicate whether application for replacement of the imported worker is required.

No Displacement of Local Workers by Imported Workers

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

Employees Retraining Levy

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Successful employers are required to pay the Employees Retraining Levy (hereafter “levy”) that goes to the Employees Retraining Board for funding its provision of retraining courses and services for local workers, so as to encourage a larger latent labour force to receive training and enter into the employment market. The levy shall be payable in a lump sum in respect of each imported worker, and the payment amount is HK\$400 multiplied by the number of months covered by the employment contract up to a maximum of 24 months. The employer shall pay the levy to the Immigration Department after the approval for the application for visa/entry permit for an imported worker and before the issue of visa/entry permit by the Immigration Department. The levy paid is not refundable under any circumstances.

Withdrawal of Approval Granted to Employers

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- (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 Employees’ Compensation Ordinance, the Immigration Ordinance and the occupation safety and health legislation), or relevant requirement(s) of ESLS or the Standard Employment Contract. The employer will also be debarred from participation in ESLS for up to two years.

Where to Apply or Enquire

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

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
Email: sld-hq@labour.gov.hk
Website: www.labour.gov.hk

For visa/entry permit applications:

Admission of Labour Section
Immigration Department, the Government of the HKSAR
4th Floor, Administration Tower, Immigration Headquarters
61 Po Yap Road, Tseung Kwan O, New Territories
Telephone: 2829 3220
Fax: 3902 3167
Website: www.immd.gov.hk

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