

# Overview of The Supplementary Labour Scheme (SLS)

March 21, 2014

**About the Supplementary Labour Scheme (SLS)**

The Supplementary Labour Scheme (SLS) commenced operation on 1 February 1996. It is a scheme which allows employers with genuine difficulties in finding suitable staff locally to import workers at technician level or below. There are no industry-specific quotas under the SLS. However, to ensure the priority of local workers in employment, and to safeguard their salaries and benefits, employers must accord priority to fill available job vacancies with local workers, and take active efforts to train local workers for the vacancies.

These workers are normally allowed to stay for an initial period of 12 months. They are required to return to their places of origin on completion of their employment contracts which are valid for a maximum period of 2 years.

**Who can apply**

All interested employers may apply under the SLS to import workers to fill vacancies which they have genuine difficulties in finding suitable staff locally. Applications will however not normally be considered if the vacancies fall within the job categories listed below: (current as at March 2014)

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

Imported workers admitted under this arrangement are NOT allowed to bring in their dependants. This entry arrangement does NOT apply to nationals of Afghanistan, Albania, Cambodia, Cuba, Laos, Korea (Democratic People's Republic of), Nepal and Vietnam.

## **Application Procedures**

### ***Stage ONE Application – (to Labour Department):***

Employers intending to import workers under the SLS need to first submit the completed application form (Form SLS-1) together with the required documents and apply to the SLS Application Office of the Labour Department for approval-in-principle.

The wages offered by the applicants should attain at least the median monthly wages.

The Application Office will inform the applicants within one week whether the wages offered are at or above the median wage level, and whether the stipulated requirements of the vacancies are acceptable. As the statutory minimum wage becomes effective on 1 May 2011, the amount of wages offered must be in compliance with the statutory minimum wage requirements.

Employers whose applications are accepted for further processing must undergo a four-week local recruitment exercise. During the period, employers should advertise the vacancies at least once in a week in each of the two local newspapers in the first two weeks. Concurrently, the Labour Department will also 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 organize training programmes with the assistance of the Employees Retraining Board for local workers.

At the end of the recruitment period, employers have to provide information on local recruitment efforts (Form SLS-9) to the Application Office. Employers who have undergone recruitment procedures before submitting applications may provide information on local recruitment for consideration of early approval by the Labour Advisory Board.

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 information supplied by the employers concerned.

The Application Office will assess the employer's request and make a recommendation to the Labour Advisory Board comprising an equal number of employer and employee representatives.

Upon the advice of the Board, the Government will consider 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 local workforce, activeness in business and financial situation of the employers.

### ***Stage TWO Application- (to Immigration Department)***

Upon approval, employers may apply, within three months from the date of issue of the approval-in-principle letter, to the Immigration Department of the Government of the Hong Kong Special Administrative Region (Immigration Department) which will process the visa/entry permits application of the prospective imported worker.

The approval-in-principle will automatically lapse if the visa/entry permit application is not submitted on time.

Completed application forms, i.e. ID 1001A and ID 1001B, and all supporting documents should be submitted by the applicant by post directly or through the employer in the HKSAR to Immigration Department for consideration.

The employer may also be invited to provide additional information or to attend an interview. Decisions on individual applications will be conveyed to the imported worker through the employer.

### **Overall Processing Times**

It will normally take 6 weeks for Immigration Department to process a visa/entry permit application for employment as an imported worker upon receipt of all the required documents, where the grant of approval-in-principle by Labour Department with a full four weeks local recruitment exercise involved takes around 5 weeks.

### **Employer's Responsibilities and Legal Obligation**

#### ***Copy of employment contract***

The employer must give the imported worker, free of charge, one of the four original copies of the employment contract.

#### ***Briefing session***

The employer must grant leave to the imported worker to attend briefings organised by the Labour Department within eight weeks of his/her arrival.

#### ***Accommodation and meals***

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 worker's normal wages, or the actual cost of accommodation, whichever is less. Employers are not obliged to provide meals to imported workers but if they do, it must be free of charge and no deduction from wages may be made for the provision of meals.

#### ***Free medical care***

The employer must provide free medical care, including hospital stay and urgent dental treatment to the imported worker if he/she suffers from illness or injury, no matter whether it is attributable to the employment or not.

#### ***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.

#### ***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 wages in lieu of notice as stipulated in the employment contract. The employer shall notify both Labour Department and Immigration Department upon termination of employment.

#### ***No displacement of local workers by imported workers***

The employer shall not displace local workers with imported workers. In the event of redundancies, imported workers should be the first to be retrenched.

#### ***Levy***

Successful employers are required to pay a non refundable levy that goes to the Employees Retraining Board to augment the provision of training or retraining for local workers who are vulnerable in the economic restructuring

process to changing their employment. The levy payable in a lump sum in respect of each imported worker is HK\$400 multiplied by the number of months covered by the employment contract up to a maximum of 24 months.

*(Note: With effect from 1 August 2008, employers of imported workers are not required to pay the levy if the visas/entry permits for the imported workers are granted by the Immigration Department between 1 August 2008 and 31 July 2013.)*

**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 any statutory provision, any provision of the employment contract or any condition of the labour importation schemes, including the Supplementary Labour Scheme.

**Procedure for application for extension of stay in Hong Kong**

(a) 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 of stay beyond the employment contract period will not be granted.

(b) Under the SLS, the approval granted to an employer to import workers would not be automatically renewed. An employer who wishes to continue employing imported workers upon the expiry of their contracts are required to submit an application a fresh to the Labour Department and the application will be considered on its own merits.