



## Labour Importation Scheme for the Construction Sector – Application Form

### Part 1: Important Notes

1. Please read the “Labour Importation Scheme for the Construction Sector –“Guidance Notes for Application for Labour Importation Quota” before completing this form. For the avoidance of delay in the processing of this application, please write in black ink and in block letters.
2. The purposes of collecting personal/the applicant’s data are to process applications under the Labour Importation Scheme for the Construction Sector (Construction Sector Scheme) and administer the scheme. The data will be transferred to the Labour Department, the Immigration Department, relevant policy bureaux and other government departments/public sector organisations for the purposes mentioned above. Before the applicant provides personal data of a third party to the Development Bureau, the applicant must explain to the data subject the purpose of collecting the personal data and the institution(s) to which the personal data will be transferred. The provision of any information (including personal data) should be voluntary. However, if the applicant does not provide sufficient information as requested, Development Bureau (DEVB) may not be able to process this application. Persons whose personal data has been provided to DEVB have the right to request for access to and correction of their personal data. Request for access to or correction of personal data should be made to, Access to Information Officer, Works Branch, Development Bureau, 18/F, West Wing, Central Government Offices, 2 Tim Mei Avenue, Tamar, Hong Kong.

### Part 2: Applicant’s Particulars

#### Principal Contractor<sup>1</sup>

2.1	Name of Principal Contractor		
2.2	Address		
2.3	Business Registration Certificate no.	➔ (Please put a “✓“ 1(a) <input type="checkbox"/> in Part 8 of this form)	
2.4	Certificate of Incorporation no.	➔ (Please put a “✓“ 1(a) <input type="checkbox"/> in Part 8 of this form)	
2.5	Name of the person-in-charge	2.6	Post title of the person-in-charge
2.7	Tel. no.	2.8	Fax no.
2.9	Email		
2.10	Previous application submitted for importation quota under the Construction Sector Scheme	1) Application No.: _____ 2) Application No.: _____ 3) Application No.: _____	

<sup>1</sup> Please see **Part 1** of this form for the use of the information. Staff of DEVB will contact the person-in-charge for the purposes of processing this application. For the avoidance of delay in the processing of this application, staff of DEVB will communicate with the person-in-charge by telephone, facsimile and email, etc.

**Part 3: Works Contract under Application****Works Contract<sup>2</sup> (Note: Each application should only cover one works contract. Application for multiple works contracts and their overall manpower requirements is not accepted)**

3.1 Contract no.		3.2 Name of the contract	
3.3 Work site			
3.4 Commencement date		3.5 Target completion date	

For **public sector works contract**, please fill in the following information

3.6 Value of the contract	<input type="checkbox"/> Less than HK\$1 billion <input type="checkbox"/> HK\$1 billion or more		
3.7 Person-in-charge of the Works Department/ relevant organisation	(Name, post title, name of Works Department/Organisation)	(Tel. no. and Email)	

For **private sector works contract**, please complete the following information for special circumstances for consideration by the Approving Authority

<input type="checkbox"/> contracts involving construction labour of special trades/disciplines <sup>3</sup> the local supply of which is very limited (please specify the special trades/disciplines):  <hr/> <hr/>
<input type="checkbox"/> Other exceptional circumstances warranting special consideration (please specify):  <hr/> <hr/>

Except for the use of special trades/disciplines, works contracts with special circumstances requiring special consideration must be private works contracts of a considerable scale. Please advise the scale of the works contract:

3.8a Residential development contracts	<input type="checkbox"/> Approximate number of units expected to be completed _____
3.8b Commercial development contracts	<input type="checkbox"/> Approximate non-residential building area _____ m <sup>2</sup>

 Please put "✓" in appropriate box(es).

<sup>2</sup> Please fill in Annex IV (Form DEVB-CSS-1d\_e) if the imported labour needs to work on other works contract under the Principal contractor-applicant. Please also complete a separate Manpower plan (Annex II)(Form DEVB-CSS-1b\_e) for each works contract (including the works contract under application and the supplementary contract(s)).

<sup>3</sup> Special trades refers to the trades/disciplines the local supply of which is very limited. If the applicant wishes to apply for importation quota for construction labour of special trades/disciplines and the relevant trades/disciplines are not included in the list of eligible trades/disciplines available at the designated webpage of the Construction Sector Scheme (<https://www.devb.gov.hk/en/css>), he should submit the Request Form for Adding Special Trade/Discipline to the List of Eligible Trades/Disciplines (FormDEVB-CSS-3\_e) to the Approving Authority (the form can be downloaded from the above webpage).

**Part 4: Details of the Post for Importing Labour ( Please fill in Manpower Plan (Annex II))**

4.1 Category	<input type="checkbox"/> Skilled workers <sup>4</sup> <input type="checkbox"/> Technician <sup>5</sup>	4.2 No. of imported labour applied for	<input type="checkbox"/> 4.2(a) Skilled workers : _____ person(s) <input type="checkbox"/> 4.2(b) Technicians : _____ person(s) 4.2(c) Total : _____ person(s) (Please fill in Annex II [Form DEVB-CSS-1b_e])
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**Job description and minimum qualification/work experience requirements**

Applicant hereby undertakes to recruit imported labour of the relevant trade(s)/discipline(s) in accordance with the job duties and minimum qualification/works experience requirements promulgated under the Construction Sector Scheme (For details please refer to the webpage of the scheme <https://www.devb.gov.hk/en/css>). (If there is any discrepancy, please specify, and use a separate sheet of paper if necessary)

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**Work schedule (excluding rest/meal breaks)**

Applicant hereby undertakes that the number of normal working days per month/per week, and number of normal working hours per day for the imported labour will follow the working days/working hours requirements promulgated under the Construction Sector Scheme (For details please refer to the webpage of the scheme <https://www.devb.gov.hk/en/css>). (If there is any discrepancy, please specify, and use a separate sheet of paper if necessary)

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<input type="checkbox"/> <b>(A)</b>	Shift work not required Daily work schedule as follows: (e.g.: 9:00 - 13:00 & 14:00 - 18:00) <hr/>	<input type="checkbox"/> <b>(B)</b>	Shift work required Work schedule of each shift as follows: (e.g.: 9:00 - 13:00 & 14:00 - 18:00; 11:00 - 15:00 & 16:00 - 19:00) <hr/>
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Please put “✓” in appropriate box(es).

<sup>4</sup> including skilled and semi-skilled construction workers

<sup>5</sup> including technicians and site supervisory personnel

**Part 5: Accommodation for the Imported Labour ((Please choose (A) or (B))**

**(A) All** imported labour living in the same place?

- Yes (please provide details), with accommodation provided :
  - by the principal contractor and located in the construction site in part 3.3
  - by the main contractor at other construction site  
(Address: \_\_\_\_\_)
  - in the centralised quarter(s) arranged by the Government  
(Address: \_\_\_\_\_)
  - by the employer on the Mainland  
(Address: \_\_\_\_\_)
- No (Please fill in Part (B))

**(B)** Imported labour in groups will live in different places, details are as follows:

Address	Trade (Please fill in the trade code listed in Annex II (eg. 1.1, 2.10))	Number of imported labour
<input type="checkbox"/> Accommodation provided by the Principal Contractor and located in construction site in Part 3.3	1. _____ 2. _____ 3. _____	1. _____ 2. _____ 3. _____
<input type="checkbox"/> Accommodation provided by the Principal Contractor at other construction site (Address : _____ _____ )	1. _____ 2. _____ 3. _____	1. _____ 2. _____ 3. _____
<input type="checkbox"/> Centralised quarter(s) arranged by the Government (Address : _____ _____ )	1. _____ 2. _____ 3. _____	1. _____ 2. _____ 3. _____
<input type="checkbox"/> Accommodation provided by the employer on the Mainland (Address : _____ _____ )	1. _____ 2. _____ 3. _____	1. _____ 2. _____ 3. _____
<input type="checkbox"/> Imported labour residing in their own residential premises on the Mainland	1. _____ 2. _____ 3. _____	1. _____ 2. _____ 3. _____

**Part 6: Enhancement of construction safety measures**

If the application is approved, the applicant undertakes to install and use Smart Site Safety System at the work site of the works contract under application to enhance construction safety. The specific implementation measures are as follows: (please use a separate sheet of paper if necessary)

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- I understand that the above measures must be adopted within **three months** of the issuance of the Notice of Quota Application Result with agreement in principle to the quota application, otherwise the DEVB has the right to take administrative sanctions as set out in the Guidance Notes for Application for Labour Importation Quota in the case of non-compliance with approval condition.

**Part 7: Past Adverse Record**

Has the applicant or all sub-contractors of the contract under application (i.e. the subcontractors listed in Annex I) breached any law or requirement listed in **Appendix** of this form **in the past five years**? (For a limited company or corporation, only records pertaining to that company or corporation need(s) to be provided.)

- No.
- Yes. The details are as follows (please state the law or requirement violated, and the date of conviction or the date of the warning letter/sanction notification):

Laws or regulations being breached	Date of conviction	Date of the warning letter/sanction notification

- Please put “✓” in appropriate box(es).
- The applicant agreed with and already had the consent of all the subcontractors listed in Annex I for the DEVB to review the past record of breach of laws or regulations by the applicant and all the subcontractors from any Government Departments involved in labour importation, including but not limited to (i) the Labour Department and the Immigration Department and (ii) bureaux/ departments supporting this application.

## Part 8: Declaration

1. I have completed this form (Form DEVB-CSS-1\_e) to make application under the Construction Sector Scheme and submitted together with this form the following documents:

Please put “✓” in appropriate  of the below table.

(a) <input type="checkbox"/> Copy of the valid <sup>6</sup> Business Registration Certificate or Certificate of Incorporation of the principal contractor-applicant
(b) <input type="checkbox"/> Copy of the valid <sup>7</sup> Business Registration Certificate or Certificate of Incorporation of the subcontractor-employer(s) (where applicable)
(c) <input type="checkbox"/> an authorisation letter signed by a director/authorised representative of the principal contractor-applicant with the company chop affixed on it, to authorise the person signed on the application form as the representative of the principal contractor-applicant for the submission and handling of the application (for the avoidance of doubt, the person signed on the application form could be the director/authorised representative himself or herself);
(d) The following items of <b>each</b> works contract (including both the works contract under application and supplementary contract(s) which the imported labour need(s) to work on <input type="checkbox"/> (i) a summary of the scope and nature of the contract; <input type="checkbox"/> (ii) a clear coloured site location plan, site layout plan(s), major floor plan(s), section(s), other detail(s) and/or rendering(s) which can help illustrate the scope of the works contract under application; and <input type="checkbox"/> (iii) construction programme showing the phasing and construction period of the major work activities of the works contract. The programme should be in the form of a bar chart showing the earliest and latest start and finish dates for each major work activity and the corresponding critical path.
(e) <input type="checkbox"/> Manpower Plan of Works Contract (Annex II)
(f) <input type="checkbox"/> Confirmation Form on Local Recruitment (Annex III)
(g) <input type="checkbox"/> each sub-contractor-employer is required to execute a deed of undertaking to the effect that the subcontractor shall be liable to the imported labour under the terms and conditions of the employment contract.

2. I confirm that I have read **Part 1** of this form and that all the information submitted and to be submitted in future is true and accurate. I shall take the initiative to inform the DEVB as soon as possible of any changes in any information after it is submitted. I also confirm that all activities carried out by the applicant are lawful.

3. I hereby declare that the terms of employment and entry requirements (including requirement on language proficiency, if any) etc. of the above post(s) and any amendments thereafter are relevant, justifiable and do not violate the Sex Discrimination Ordinance, Cap. 480, the Disability Discrimination Ordinance, Cap. 487, the Family Status Discrimination Ordinance, Cap. 527, and the Race Discrimination Ordinance, Cap. 602 and other relevant law(s) or requirement(s). I understand that it is an offence and I will be liable to prosecution if I knowingly or recklessly make a statement which is false or misleading.

<sup>6</sup> With minimum validity of six months from the date of submission of the application.

4. By signing this Part, I / the applicant:

- (i) understands that DEVB will not process this application unless and until all the information and supporting documents required are provided to DEVB;
- (ii) be obliged to comply with all quota approval conditions prescribed by the Approving Authority;
- (iii) confirms that in connection with any personal data to be submitted, the data subjects have read, fully understood and agreed with paragraph 2 in Part 1 of this form before they provide their personal data;
- (iv) confirms that having read **Appendix** of this form, I / the applicant undertakes to comply with the laws and requirements listed therein, and understands that a breach of relevant law(s) or requirement(s) will cause administrative sanctions including receipt of warning letter, revocation of any approval granted to the applicant for importation of labour and/or debarring the applicant from application under the Construction Sector Scheme within a specific period of time;
- (v) undertakes to assign suitable staff to conduct safety training and daily supervision in languages comprehensible to the imported labour;
- (vi) understands that even if written support for our application has been given by relevant bureau(x)/department(s), the support will not affect the stance of the relevant bureau(x)/department(s) should our company file contractual claims against the relevant bureau(x)/department(s) in future;
- (vii) understands and agrees that approval of the relevant “Supplementary Contracts” arrangement will not increase the number of imported labour. And that the imported labour should work at pre-approved workplace(s) specified in the Standard Employment Contract only;
- (viii) confirms that all information furnished here is true and accurate. I understand that if I knowingly or wilfully make any false statement or withhold any information, or otherwise mislead the DEVB, the DEVB will terminate the processing of this application and may take administrative sanctions as set out in the Guidance Notes for Application for Labour Importation Quota, and also I shall bear legal responsibilities.

Signature of authorised representative

Company chop

(Name \_\_\_\_\_ )

Date \_\_\_\_\_

**Part 9: Assessment by Government Bureau/Department\***

- This policy bureau/department\* supports the applicant to apply for importation of labour for the works contract listed in Part 3. For details, please refer to Part 4, Part 5 and the attached “Manpower Plan” (Annex II).
- Subject to the approval of this application, this policy bureau/department\* supports the applicant in arranging the relevant labour to work on supplementary contract(s) under the applicant during the employment contract of the relevant labour. See “Manpower Plan” (Annex II) and “Imported labour to work in the construction site(s) of the Supplementary Contract(s) under the applicant (i.e. the Principal Contractor)” (Annex IV) for details.

Name of policy bureau/department\*:

\_\_\_\_\_

Contact person : \_\_\_\_\_

Post title : \_\_\_\_\_

Tel. no. : \_\_\_\_\_

Bureau’s/Departmental\* Chop :

\_\_\_\_\_

\* Please delete where inappropriate.

### List of Dos and Don'ts for Employers

#### (1) In relation to the Immigration Ordinance

##### Don'ts ✖

- |   |   |
|---|---|
| ✖ Employ persons not lawfully employable in Hong Kong   | ✖ Aid and abet others in breach of condition of stay                |
| ✖ Cause imported care workers to work in violation of the Standard Employment Contract (SEC) or condition of stay | ✖ Aid and abet non-local persons to make false statements/documents |

#### (2) In relation to labour laws

##### Dos ✓

- |  |  |
|--|--|
| ✓ Pay wages to imported labour according to relevant provisions of the Employment Ordinance  | ✓ Make payment to imported labour pursuant to awards of the Labour Tribunal or the Minor Employment Claims Adjudication Board      |
| ✓ Grant rest day / pay rest day pay to imported labour   | ✓ Keep wage and employment records of imported labour  |
| ✓ Grant statutory holiday / pay statutory holiday pay to imported care workers   | ✓ Take out valid employees' compensation insurance policy for imported labour  |
| ✓ Grant annual leave / pay annual leave pay to imported labour   | ✓ Display a notice of insurance (LD 375) in such form as specified in relevant provisions of the Employees' Compensation Ordinance |
| ✓ Grant maternity leave / pay maternity leave pay to imported labour   | ✓ Pay periodical payment and employees' compensation to imported labour who sustained injuries at work                             |
| ✓ Grant paternity leave / pay paternity leave pay to imported labour   | ✓ Comply with occupational safety and health legislation   |
| ✓ Pay sickness allowance to imported labour  | ✓ Comply with the Mandatory Provident Fund Schemes Ordinance   |
| ✓ Make payment to imported labour on completion or termination of employment contract according to relevant provisions of the Employment Ordinance |  |

##### Don'ts ✖

- |   |  |
|---|--|
| ✖ Deduct the wages of imported labour unlawfully  | ✖ Terminate the employment contract of imported labour during their pregnancy unlawfully   |
| ✖ Terminate the employment contract of imported labour whilst they are on paid sick leave   | ✖ Terminate the employment contract of imported labour for trade union membership and activities   |
| ✖ Terminate the employment contract of imported labour who sustained injuries at work, in breach of the Employees' Compensation Ordinance | ✖ Terminate the employment contract of imported labour by reason of giving evidence or information in any proceedings or inquiry in connection with the enforcement of the Employment Ordinance, work accidents or breach of work safety legislation |



**Part 2: List of Dos and Don'ts for Employers****(3) In relation to requirements of Standard Employment Contract (SEC) and the Construction Sector Scheme****Dos ✓**

- |  |   |
|--|---|
| ✓ Make payment of overtime pay to imported labour at a rate as stipulated in SEC   | ✓ Pay the cost of transporting imported labour's remains and personal property to their place of origin in the event of death   |
| ✓ Effect payment of wages to imported labour through autopay   | ✓ Give imported labour a copy of the signed employment contract free of charge  |
| ✓ Grant imported labour paid leave and arrange them, on the basis of each SEC signed, to attend a briefing organised under the Construction Sector Scheme within 8 weeks upon their arrival in Hong Kong | ✓ Provide each imported labour, on a monthly basis, with a detailed breakdown of his/her earnings   |
| ✓ Provide imported labour with accommodation in accordance with the standard as stipulated in the Schedule to SEC  | ✓ Prepare an acknowledgment list of wage information of imported labour   |
| ✓ Provide imported labour with free medical treatment if they are ill or suffer personal injuries during the period of employment specified in SEC   | ✓ Prepare and send to the Development Bureau, within 2 weeks upon their arrival in Hong Kong, an acknowledgment record of employment contracts of imported care workers |
| ✓ Provide, pay or reimburse passage expenses, medical examination expenses before arriving Hong Kong, visa/entry permit fees and subsequent extension fees to imported labour                            |   |

**Don'ts ✗**

- |  |  |
|--|--|
| ✗ Displace local worker(s) in employ by imported labour  | ✗ Cause imported labour to work exceeding the ceiling of the working hours as specified in SEC   |
| ✗ Make any agreement with imported labour requiring them to surrender all or part of the wages or any sum to which they are entitled under SEC, or demanding or receiving any such rebate from them  | ✗ Withhold Hong Kong Identity Card(s) / passport(s) / Exit-entry Permit(s) for Travelling to and from Hong Kong and Macao / bank book(s) / automatic teller machine card(s) of imported labour |
| ✗ Make deductions from imported labour for the purpose of paying any dues or fees charged on the labour by authorities or agents in the labour's country of origin, or of offsetting the Employees Retraining Levy required to be paid by the employer | ✗ Charge imported labour meal cost for the meal provided   |
| ✗ Make deductions from imported labour's wages for provision of accommodation at a rate which is over the contractual rate   | ✗ Refuse the entry and inspection by officers of the Development Bureau and/ or its appointed agent or Labour Department to imported labours' accommodation                                    |

Note: The importation quota granted to a principal contractor-applicant may be withdrawn if the principal contractor-applicant or the subcontractor-employer(s) has/have breached Laws of Hong Kong and/or regulations. The principal contractor-applicant will also be debarred from participation in the **Construction Sector Scheme** within a specified period of time.