

**Special Scheme to  
Import Care Workers for  
Residential Care Homes**

**Social Welfare Department**

04/2024

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## Introduction

On the premise of ensuring employment priority for local workers, employers operating residential care homes for the elderly, residential care homes for persons with disabilities or nursing homes (“RCHs”) in Hong Kong with genuine difficulties in recruiting suitable care workers locally may apply to the “Special Scheme to Import Care Workers for Residential Care Homes” (“Special Scheme”) for importation of care workers. 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 care workers, and take active efforts to train local care workers for the vacancies.

Employers wishing to apply for importation of care workers under the Special Scheme shall follow the application procedures as set out in this pamphlet.

## Who can Apply

Employers with genuine difficulties in recruiting suitable care workers in Hong Kong may apply under the Special Scheme to import care workers to fill vacancies. All residential care homes for the elderly issued with licences under the Residential Care Homes (Elderly Persons) Ordinance (Cap. 459), residential care homes for persons with disabilities issued with licences under the Residential Care Homes (Persons with Disabilities) Ordinance (Cap. 613), and nursing homes issued with letters of exemption for scheduled nursing home under the Private Healthcare Facilities Ordinance (Cap. 633) may apply for quotas for importing care workers. Private and self-financing RCHs, including those participating in Bought Place Schemes, may apply to import 1 care worker only for every full-time local employee, regardless of position (i.e. 1:1). On the other hand, subvented and contract RCHs may apply to import 1 care worker only for every 2 full-time local employees, regardless of position (i.e. 1:2).

## How to Apply

Owing to the limited quotas and to extend the benefits of the Special Scheme to more RCHs, the Social Welfare Department (SWD) will periodically invite RCHs to submit their applications for the Special Scheme within a designated period (about two weeks). Interested employers may obtain the application form (SWD-ICW-1) from the Contract Management Section (CMS) of SWD of the Government of the Hong Kong Special Administrative Region (HKSAR), or download the application form from SWD's website ([www.swd.gov.hk/en/pubsvc/elderly/cat\\_ms\\_ita/ssicwrch/index.html](http://www.swd.gov.hk/en/pubsvc/elderly/cat_ms_ita/ssicwrch/index.html)).

Employers may submit the completed application form together with the required documents by mail or by hand to CMS. For employers with i) a valid organisational digital certificate issued by recognised certification authorities under the Electronic Transactions Ordinance (Cap. 553) (ETO), e.g. Hongkong Post and ii) an "iAM Smart" account with

digital signing function or a valid personal digital certificate issued by recognised certification authorities for authentication under the ETO in Hong Kong, they may choose to fill in the e-form and submit the required documents at either the Government's e-form website (<https://eform.cefs.gov.hk/form/swd078/en/>). Employers will receive an "Acknowledgment of Application" (SWD-ICW-3) after submission. It takes around 2 months to vet an application.

At the time of application, employers must prove that they have conducted local recruitment through channel(s) specified by the Director of Social Welfare (DSW) but have been unsuccessful in filling the vacancies. Requirements for the local recruitment are as follows:

- (a) Employers shall conduct recruitment within 30 days preceding the application date, either through (i) the Interactive Employment Service website of the Labour Department or (ii) 2 recruitment advertisements published in local

newspapers/on recruitment websites, for a continuous period of 14 calendar days;

- (b) There shall not be unreasonable job requirements that are restrictive or excessive, such as age, sex, skills, etc.; and
- (c) The wages of local care workers shall not be lower than those offered to imported care workers, while the wages of imported care workers shall not be lower than the latest Median Monthly Wage of care workers as compiled by the Census and Statistics Department (CSD).

Employers shall submit the “Confirmation Form on Local Recruitment” (Annex 1 of the application form) to confirm that the recruitment information provided is true and accurate, and provide relevant records, including information relating to interview

arrangements, successful recruitment, and reasons for applicants declining the job offer, etc.

Incomplete applications (i.e. applications where not all the required information is provided on the application form and/or not all the required documents are submitted) will not be processed. CMS will request the employers concerned in writing to submit supplementary information/documents within a specified period. Late submissions will not be accepted. The application will only be processed after all the required information and documents are provided. CMS will determine the priority for processing applications by the date when all the required information and application documents are received (i.e. submission date for applications/information/documents submitted by electronic means or in person; and postmark date for applications submitted by post). The earlier an application is received with all the required information and documents, the sooner it will be processed.

Applications with complete information and documents submitted on the same day will be randomly sorted by computer to determine their priority for processing. Nevertheless, employers shall not assume that their applications for importing care workers will be approved automatically, even if they have complied with the requirements and completed the relevant application procedures. Moreover, even if the application is approved, the number of quotas granted may not necessarily be the same as the number applied for, depending on the number of quotas available for allocation.

Applications submitted by RCHs will be processed on a first-come, first-served basis by an inter-departmental liaison group chaired by the DSW, with membership comprising representatives from the Labour and Welfare Bureau, SWD and Labour Department. The liaison group will advise on the applications by considering the type of RCH applicant, proof and relevant records of local recruitment, the

respective numbers of full-time local employees and imported care workers, as well as the adverse records, if any, of the RCH applicant under the Supplementary Labour Scheme and/or the Special Scheme, etc. Based on the advice of the liaison group, DSW will make a decision on each application. Applications will not normally be approved if:

- A** employers have been debarred from participating in the Special Scheme due to administrative sanction imposed by SWD;
- B** wages offered are below the latest Median Monthly Wage of care workers as compiled by CSD;
- C** there are unreasonable job requirements that are restrictive or excessive, such as age, sex, education, experience or skills; or
- D** employers did not recruit local care workers to fill vacancies as required in the application.

Upon approval of their quota applications, 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 care worker. Transfer of the quota(s) to another employer to import care worker(s) is not permitted. Besides, even if the application for quota(s) for importing care worker(s) has been approved, the Director of Immigration reserves the absolute right to refuse individual visa/ entry permit applications.

Employers whose quota applications have been rejected or those who are dissatisfied with their application results may apply for a review to CMS using the designated form within 4 weeks from the issue date of the notice of the application result. The designated form can be downloaded from SWD’s website

[www.swd.gov.hk/en/pubsvc/elderly/cat\\_ms\\_ita/ssicwrch/index.html](http://www.swd.gov.hk/en/pubsvc/elderly/cat_ms_ita/ssicwrch/index.html)).

Under the Special Scheme, the quota(s) granted to an RCH for importing care worker(s) would not be automatically renewed. An employer wishing to continue employing the imported care workers upon the expiry of their contracts is required to submit to CMS a new quota application. Importation of care workers is aimed only at easing the imminent manpower shortage for meeting the operational needs in RCHs.

## Importing Care Workers from the Mainland

If the imported care worker is a Chinese resident of the Mainland, the employer shall arrange for him/her to work as an imported care worker in Hong Kong through foreign labour service cooperation enterprises approved by the relevant Mainland authorities (“Mainland labour service enterprises”).

# Visa/Entry Permit Application Procedures

A The employer is required to enter into a Standard Employment Contract with the imported care worker. The contract term will be for a maximum period as specified in the Annex 1 (Quota Details) of the Notice of Quota Approval issued by SWD, the longest being 24 months. The Standard Employment Contract (SWD-ICW-16) for a care worker recruited from outside Hong Kong under the Special Scheme may be obtained at the Information and Liaison Section of the Immigration Department or at CMS. The contract should be completed in quadruplicate. Prior to the signing of the employment contract the imported care worker shall, at the expense of the employer, be medically examined as to his/her fitness to perform the work contemplated by the employment contract, and the employee shall produce a medical certificate to this effect to the employer for inspection.

- B** The employer shall arrange for his/her prospective imported care worker to submit a visa/entry permit application to the Immigration Department within the period specified in the notice of quota approval. (Please refer to “Submission of Visa/Entry Permit Application” on pages 15 to 19 for relevant information). Late submissions will not be entertained and the quotas for importing care workers will lapse. If the employer still intends to import care workers, he/she should submit a quota application afresh to CMS.
- C** Imported care workers should possess valid travel documents with ample returnability. For care 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 relevant Mainland authorities.
- D** The entry of all imported care workers is subject to the normal immigration requirements being met.

- E After entry, the imported care worker must remain under the direct employment of the same RCH, performing the specified job duties in the specified workplace as stipulated in the Standard Employment Contract. Change of RCH, post or job duties is not permitted.
  
- F The imported care worker is required to return to his/her place of origin on completion of his/her employment contract. If the contract is prematurely terminated, the imported care worker is only permitted to remain in Hong Kong for 2 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 care worker is unable to come to Hong Kong or complete his/her contract, the

employer may apply for a replacement of imported care worker. The application for a replacement of imported care worker should be made to SWD in writing within 7 days after (i) the date on which the employer is notified that the imported care worker will not come to Hong Kong, or (ii) the date of termination of the contract (prior to its expiry) of the imported care worker. Under normal circumstances, each quota for importing care worker only allows for replacement of imported care worker once. The notice of application result for replacement of imported care worker will be issued to the employer upon successful application. The employer shall arrange for his/her prospective imported care worker to submit a visa/entry permit application to the Immigration Department within the period specified in the notice. Late applications will not be entertained. If an employer has exploited or ill-treated his/her imported care workers, his/her application for importing replacement of imported care worker will not be approved.

## Submission of Visa/Entry Permit Application

A The prospective imported care worker shall complete application form ID 1028A. The employers shall complete application form ID 1028B. The applicant and the employer can also submit the application and upload all supporting documents online through the Immigration Department Mobile Application, the Immigration Department's webpage ([www.immd.gov.hk/eng/services/visas/imported\\_careworker.html](http://www.immd.gov.hk/eng/services/visas/imported_careworker.html)) or the GovHK webpage ([www.immd.gov.hk/applyicw.html](http://www.immd.gov.hk/applyicw.html)). The completed application forms (ID 1028A and ID 1028B) and all supporting documents may also be submitted by the applicant by post directly or, through the employer in the HKSAR to the Receipt and Despatch Sub-unit of the Immigration Department, G/F, Administration Tower, Immigration Headquarters, 61 Po Yap Road, Tseung Kwan O, New Territories\*:

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\*The contact information of the Immigration Department is effective from 11 June 2024.

- (i) photocopy of the imported care 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 copy of his/her People's Republic of China resident Identity Card;
- (ii) photocopy of proof of the imported care worker's academic qualifications and relevant work experience, e.g. photocopy of graduation certificates and testimonials;
- (iii) 4 original copies of the Standard Employment Contract signed between the employer and the imported care worker;
- (iv) photocopy of notice of quota approval (SWD-ICW-8) together with its Annex 1-Quota Details (SWD-ICW-8a) issued by SWD;

- (v) photocopy of the business registration certificate / certificate of incorporation;
  
- (vi) photocopy of the licence of residential care home for the elderly / licence of residential care home for persons with disabilities / letter of exemption for scheduled nursing home; and
  
- (vii) original copy of the Declaration and Authorisation Form (SWD-ICW-8b (Rev. 04/2024)) duly completed by the imported care worker. If the imported care 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. The Declaration and Authorisation Form (SWD-ICW-8b (Rev. 04/2024)) can be downloaded from the SWD's website ([www.swd.gov.hk/en/pubsvc/elderly/cat\\_ms\\_ita/ssicwrch/index.html](http://www.swd.gov.hk/en/pubsvc/elderly/cat_ms_ita/ssicwrch/index.html)).

(viii) [only for applications involving imported care workers who are Mainland residents] photocopy of the Joint Declaration Form on Importing Workers from the Mainland to Hong Kong (SWD-ICW-8g) (only available in Chinese) duly completed and signed by the employer and the commissioned Mainland labour service enterprise. The Joint Declaration Form on Importing Workers from the Mainland to Hong Kong (SWD-ICW-8g) can be downloaded from the SWD's website ([www.swd.gov.hk/en/pubsvc/elderly/cat\\_ms\\_ita/ssicwrch/index.html](http://www.swd.gov.hk/en/pubsvc/elderly/cat_ms_ita/ssicwrch/index.html)).

**B** For Mainland Chinese workers wishing to come to work in the HKSAR under the Special Scheme, 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 by the Immigration Department 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 care worker through the employer.
- E** Visa/entry permit fee for each imported care worker, including the fee for extending the limit of stay, if applicable, should be paid by the employer.

## Validity Period of Visa/Entry Permit

- A** A visa/entry permit is usually granted for a period of 24 months or for the duration specified in the Standard Employment Contract, whichever is shorter.

**B** Extensions of stay beyond the completion or termination date of the employment contract are generally not granted. Imported care workers shall return to their place of origin before the expiry of their limit of stay.

## Terms and Conditions of Employment

Care workers recruited from outside Hong Kong are entitled to the same protection under the labour laws of Hong Kong as local workers. The imported care worker must be engaged under a Standard Employment Contract (for a care worker recruited from outside Hong Kong under the Special Scheme) (SWD-ICW-16). The employer's major responsibilities are listed below.

### Employment Contract

The employer must give the imported care worker, free of charge, one of the 4 original copies of the Standard

Employment Contract. The employer should complete the Acknowledgement Record of Employment Contract (SWD-ICW-17) to report information such as the name and Hong Kong Identity Card number (or passport number) of the imported care worker, as well as the date on which the contract is received by the imported care worker. The record should be sent to CMS by post or fax (fax number: **3468 2002**) within 2 weeks upon the imported care worker's arrival. The Acknowledgement Record of Employment Contract (SWD-ICW-17) can be downloaded from SWD's website

[www.swd.gov.hk/en/pubsvc/elderly/cat\\_ms\\_ita/ssicwrch/index.html](http://www.swd.gov.hk/en/pubsvc/elderly/cat_ms_ita/ssicwrch/index.html)).

## Briefing Session

The employer must grant leave to the imported care worker to attend a briefing organised by the Labour Department within 8 weeks of his/her arrival. No deduction of wage shall be made from the imported care 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 imported care worker is entitled under the Standard Employment Contract.

## **Wages**

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

The employer must provide each imported care 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 care worker's acknowledgement of the information on the receipt.

The employer shall not make deductions from the imported care worker's wages for the purpose of paying any dues or fees charged on the imported care worker by authorities or agents in the imported care 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 care worker requiring the imported care worker to surrender to the employer all or part of the wages or any sum to which the imported care worker is entitled in accordance with the Standard Employment Contract; or demand or receive any such rebates from the imported care worker.

### **Maximum Working Hours**

The employer must not require the imported care 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 care worker in accordance with the Standard Employment Contract if the imported care 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 care 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 the imported care worker is a Chinese resident of the Mainland, the employer can choose to (a) provide accommodation in Hong Kong for the imported care worker; (b) provide accommodation on the Mainland for the imported care worker; or (c) the imported care worker can reside at his/her residential premises on the Mainland. The accommodation provided by the employer on the Mainland should also be complied

with the standard as stipulated in the Schedule to the Standard Employment Contract.

The accommodation should be ready before the arrival of the imported care worker(s). The maximum amount of deduction for provision of accommodation is 10% of the wages payable to the imported care 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 care 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 care 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 care 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) of the Standard Employment Contract or to his/her residential premises on the Mainland referred to in Clause 12(b) of the Standard Employment Contract). Free medical care includes medical consultation, maintenance in hospital and emergency 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, and visa/entry permit fees (including the fee for extending the limit of stay, if applicable) should be paid by the employer.

## Passport, Exit-entry Permit for Travelling to and from Hong Kong and Macao and Hong Kong Identity Card

The employer shall not keep the imported care worker's travel documents, such as the passport or Exit-entry Permit for Travelling to and from Hong Kong and Macao, etc. The employer shall arrange for the imported care worker to register for an identity card with the Immigration Department within 30 days upon his/her arrival. If the imported care 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 care worker is not required to return his/her identity card to the Immigration Department. Yet, the identity card cannot be used should the imported care worker do not have a valid condition of stay in Hong Kong.

## Termination of Contract Prior to its Expiry

The employer or the imported care worker may terminate the employment contract prior to its expiry by giving to the other party prior notice in writing or payment in lieu of notice as stipulated in the Standard Employment Contract. The employer shall send a copy of the Notice of Termination of Employment Contract (SWD-ICW-18) to CMS (fax number: 3468 2002) and the Admission of Labour Section of the Immigration Department (fax number: 3902 3167)\* within 7 days before the date of termination. The Notice of Termination of Employment Contract (SWD-ICW-18) can be downloaded from SWD's website ([www.swd.gov.hk/en/pubsvc/elderly/cat\\_ms\\_ita/ssicw\\_rch/index.html](http://www.swd.gov.hk/en/pubsvc/elderly/cat_ms_ita/ssicw_rch/index.html)).

If the contract is terminated without prior notice, the employer shall send a copy of the Notice of Termination of Employment Contract to the above two departments within 1 working day after the termination. The relevant notice should bear the name of the

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\*The contact information of the Immigration Department is effective from 11 June 2024.

imported care worker in English and Chinese (if applicable), his/her Hong Kong Identity Card number, the date of termination, the quota number, LORCHE/LORCHD/PHF number of the residential care home, the Immigration Department's visa/entry permit application reference number and state whether replacement for the outgoing imported care worker is needed.

## No Displacement of Local Care Workers by Imported Care Workers

The employer shall not displace local care workers in employ by imported care workers. In the event of redundancies, imported care 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 care worker is HK\$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 of quota for importing care worker and before the issue of visa/entry permit as directed by the Director of Immigration. The levy paid is not refundable under any circumstances.

## Withdrawal of Quotas Granted to Employers for Importation of Care Workers

- A Employers who breach the Laws of Hong Kong will be liable to prosecution.
  
- B Administrative sanction, in the form of withdrawal of quota(s) granted for importation of care worker(s), 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 the Special Scheme or the Standard Employment Contract. The employer will also be debarred from participation in the Special Scheme for up to 2 years.

## Where to Apply or Enquire

For applications for importation of care workers under the Special Scheme:

Contract Management Section

Social Welfare Department, the Government of the HKSAR

Room 306, 3/F, Lady Trench Training Centre

44 Oi Kwan Road, Wan Chai, Hong Kong

Telephone: 3468 3923

Fax: 3468 2002

Website:

[www.swd.gov.hk/en/pubsvc/elderly/cat\\_ms\\_ita/ssicwrch/index.html](http://www.swd.gov.hk/en/pubsvc/elderly/cat_ms_ita/ssicwrch/index.html)

For visa/entry permit applications for the imported care workers\*:

Admission of Labour Section

Immigration Department, the Government of the HKSAR

4/F, Administration Tower

Immigration Headquarters

61 Po Yap Road, Tseung Kwan O, New Territories

Telephone: 2829 3220

Fax: 3902 3167

Website: [www.immd.gov.hk](http://www.immd.gov.hk)

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\*The contact information of the Immigration Department is effective from 11 June 2024.

## Social Welfare Department

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