

HKIHRM Job Creation Scheme 2.0 (“The Scheme”)

Application Guidance Notes

1. Preamble

The HKIHRM Job Creation Scheme 2.0 (“the Scheme”), in collaboration with the Civil Service Bureau (“CSB”), is one of the job creation schemes under the Anti-epidemic Fund of the Government of the Hong Kong Special Administrative Region (“HKSARG”). The Scheme aims to create up to 1,000 time-limited jobs of different skill sets and academic qualifications in the private sector^{Note1} amid the COVID-19 pandemic. Under the Scheme, eligible members of the Hong Kong Institute of Human Resource Management (“HKIHRM”) may apply for a monthly subsidy from the HKSARG for each eligible job position created.

2. Responsible Government Bureau

The Scheme is implemented and managed by the HKIHRM. The CSB is the collaborating partner to the HKIHRM for the Scheme.

3. Eligibility

3.1. An Eligible Applicant Employer under the Scheme must:

- a. be a current HKIHRM member, with membership fee paid in full for the period between the application date and end of the subsidy period (either a Corporate Member or an Individual Member who is a full-time employee of a company which wishes to apply for the Scheme, Student Members are not eligible for the Scheme) and
 - i. a current HKIHRM Corporate Member may apply for subsidy for up to 30 Eligible Positions;
 - ii. a current HKIHRM Individual Member whose company wishes to apply for the Scheme, his/her corresponding company may apply for subsidy for up to 3 Eligible Positions (the company is allowed to have up to 10 Individual Members to apply for the Scheme i.e., up to 30 Eligible Positions);
- b. be in operation at the time of application;
- c. hold a valid authorisation/Business Registration Certificate (Cap. 310)^{Note2} with at least 3 months of validity issued by the prescribed statutory bodies which remains effective as of the Scheme’s application submission date;

^{Note1} Please refer to Annex 1 for organisations excluded from the Scheme.

^{Note2} For non-profit organisations or any other similar entities that are not required by law to have a Business Registration Certificate, it should submit proof of valid operation and subsistence, such as Certificate of Incorporation in order to apply for the Scheme. If necessary, Applicant Employer should submit additional supporting document(s) as required by the HKIHRM for further processing of the application.

- d. have recently recruited an Eligible Employee who reported for duty on or after 1 April 2021^{Note3} for an Eligible Position; or be in the process of recruiting or planning to recruit an Eligible Employee to work in an Eligible Position under the Scheme; and
- e. not belong to any organisations as listed in Annex 1.

3.2. An Eligible Employee under the Scheme must:

- a. be a Hong Kong Special Administrative Region (HKSAR) resident with a valid Hong Kong Identity Card;
- b. possess at least 6 months of working experience, whether full-time or part-time (with the exceptional case of a candidate displaying potential though he/she does not possess any working experience)
^{Note4,}
- c. possess an academic qualification equivalent to or above Diploma level from a local or overseas tertiary educational institution, or the equivalent; and
- d. not belong to any of the following categories:
 - i. he/she is an existing staff member of the Applicant Employer or was employed by the Applicant Employer within the past 12 months preceding the employment for the Eligible Position^{Note 3};
 - ii. he/she is a close relative (including spouse, child, parent, sibling, spouse's parent, spouse's sibling, child's spouse) of a proprietor, director, or partner of the Applicant Employer;
 - iii. he/she is not eligible for undertaking employment in Hong Kong or the employment contract does not comply with the laws of Hong Kong; and
 - iv. he/she is employed on an internship/part-time basis.

^{Note3} For those Eligible Positions which have been approved in the 1st Tranche of the Scheme, the Applicant Employer can apply for a 12-month subsidy extension for the same position(s) in the 2nd Tranche only after they have used up all the approved subsidised amount in the 1st Tranche. In this relation:

- The creation date of these respective position(s) can go back to 1 September 2020 in the 2nd Tranche;
- Each Applicant Employer is allowed to apply for up to 30 positions including the approved position(s) from the 1st Tranche of the Scheme (for further details, please refer to paragraph 3.1a);
- The subsidy will be provided for a maximum of 12 consecutive months or until 31 January 2023, whichever is earlier, regardless of any special circumstances which may occur, including any time period during which the Eligible Subsidised position is vacated for whatever reason and which may lead to the inability to receive the subsidy in full during the subsidised consecutive 12-month period; and
- All applications will be considered on a first come, first served basis and no priority will be given to those who applied for the 1st Tranche.

^{Note4} Proof is required of details of the work experience such as reference letter and/or MPF record, with a clear indication of the name of the past employer, job title, period of employment. Justification for exceptional consideration is required if the Eligible Employee does not meet the working experience requirement.

3.3. An Eligible Position under the Scheme:

- a. must be a new job role created by the Applicant Employer on or after 1 April 2021 ^{Note3};
- b. can be in any job functions paid with a fixed monthly salary;
- c. must not belong to any of the following categories:
 - i. it is simultaneously receiving a subsidy from another programme funded by the Job Creation Scheme under the Anti-epidemic Fund;
 - ii. it is to supplant a job role created before 1 April 2021 ^{Note3};
 - iii. it has been assigned to work on Government projects with the relevant salary reimbursed by the Government;
 - iv. the position is an internship/part-time role;
 - v. the recruitment for filling the position was/is not conducted on a fair and transparent basis;
 - vi. the salary for the position is reimbursed/funded/paid by the Government; and
 - vii. paid by an hourly/daily/weekly rate
- d. The subsidy will be provided for a maximum of 12 consecutive months or until 31 January 2023, whichever is earlier, regardless of any special circumstances which may occur, including any time period during which the Eligible Subsidised position is vacated for whatever reason and which may lead to the inability to receive the subsidy in full during the subsidised consecutive 12-month period.

To illustrate: If a position is vacated for 3 months during the subsidised consecutive 12-month period, an Eligible Applicant Employer will receive only 9 months of subsidy.

If the period of employment is less than one full month, the subsidy for the month concerned shall be calculated on a pro-rata basis;

- e. For the Applicant Employer who is in the process of recruiting/planning to recruit an Eligible Employee, it must complete the recruitment process and have the Eligible Employee report for duty within 3 months upon approval granted for the application, failing which the Applicant Employer will be deemed to have given up the application.

4. Subsidy Amount and Duration

For each Eligible Position approved under the Scheme, the Applicant Employer will be provided with a monthly subsidy equivalent to 50% of the actual monthly basic salary payment^{Note5} for the Eligible Employee of the Eligible Position or HK\$10,000, whichever is lower.

To facilitate the subsidy calculation, a reference salary will be specified for each Eligible Position approved under the Scheme. The reference salary should normally be the actual monthly basic salary^{Note5} payment of the Eligible Position concerned at the start of employment. In case the actual amount of salary paid for an Eligible Position for a particular full month is less than the reference salary by 10% or more, the subsidy for the month concerned will be computed based on the actual amount of salary paid. If the same happens for 3 consecutive months, the Applicant Employer will be requested to provide an explanation and adjust the reference salary as necessary.

The subsidy will be provided for a maximum of 12 consecutive months or until 31 January 2023, whichever is earlier, regardless of any special circumstances which may occur, including any time period during which the Eligible Subsidised position is vacated for whatever reason and which may lead to the inability to receive the subsidy in full during the subsidised consecutive 12-month period.

To illustrate: If a position is vacated for 3 months during the subsidised consecutive 12-month period, an Eligible Applicant Employer will receive only 9 months of subsidy.

If the period of employment is less than one full month, the subsidy for the month concerned shall be calculated on a pro-rata basis.

5. Application Procedures

5.1. No fee shall be payable for obtaining or submitting application forms.

5.2. The Application form can be downloaded [here](#) and must be submitted with the required supporting documents via:

- a. e-mail to jobcreation@hkihrm.org with “*Company Name_Application for HKIHRM Job Creation Scheme 2.0*” as the e-mail subject for first-time application, and “*Company Name_Application Number*” for follow-up purpose; or
- b. mail or courier with documents printed on A4 paper, in full size and double-sided.

5.3. Applications for the Scheme are accepted until 31 March 2022 or the 1,000 time-limited job quotas are filled or the funding is exhausted, whichever is earlier.

^{Note5} Actual amount of salary paid excludes expenses other than the basic salary, such as no pay leave, employer’s MPF and/or ORSO contributions, allowances, overheads, or fringe benefits

- 5.4. For the Applicant Employer who has **already recruited an Eligible Employee** who reported for duty on or after 1 April 2021^{Note3}, it must complete the Stage 1 Application Form and submit it together with all the necessary supporting documents.
- 5.5. For the Applicant Employer who is **in the process of recruiting/planning to recruit an Eligible Employee**, it must:
- a. complete relevant parts of the Stage 1 Application Form and submit it together with all the necessary supporting documents; and
 - b. complete the recruitment process and have the Eligible Employee report for duty within 3 months upon approval granted for the application, failing which the Applicant Employer will be deemed to have given up the application.
- 5.6. For those **Eligible Positions which have been approved in the 1st Tranche of the Scheme**, the Applicant Employer can apply for a 12-month subsidy extension for the same position(s) in the 2nd Tranche only after it has used up all the approved subsidised amount in the 1st Tranche. In this relation:
- a. The creation date of these respective position(s) can go back to 1 September 2020 in the 2nd Tranche;
 - b. Each Applicant Employer is allowed to apply for up to 30 positions including the approved position(s) from the 1st Tranche of the Scheme (for details, please refer to paragraph 3.1a);
 - c. The subsidy will be provided for a maximum of 12 consecutive months or until 31 January 2023, whichever is earlier, regardless of any special circumstances which may occur, including any time period during which the Eligible Subsidised position is vacated for whatever reason and which may lead to the inability to receive the subsidy in full during the subsidised consecutive 12-month period.

To illustrate: If a position is vacated for 3 months during the subsidised consecutive 12-month period, an Eligible Applicant Employer will receive only 9 months of subsidy; and
 - d. All applications will be considered on a first come, first served basis and no priority will be given to those who applied for the 1st Tranche.

The Applicant Employer must:

- a. submit the Scheme 2.0 Stage 1 Application Form by indicating its preference in the given box together with its given Application Number and respective Subsidised Place Reference Number; and
- b. submit a copy of the Mandatory Provident Fund (“MPF”) and/or Occupational Retirement Scheme (“ORSO”) contributions preceding the respective application month for each Eligible Employee. Such copy must be issued by the MPF/ORSO trustee with a clear indication of the contribution made for the employee concerned.

5.7. Each Eligible Applicant Employer may apply for subsidy for up to 30 Eligible Position(s). For a current HKIHRM Individual Member whose company wishes to apply for the Scheme, his/her corresponding company may apply for subsidy for up to 3 Eligible Positions (the company is allowed to have up to 10 Individual Members to apply for the Scheme i.e., up to 30 Eligible Positions).

The Applicant Employer may submit applications in multiple batches. All eligible applications will be processed on a first come, first served basis. For additional applications, the Applicant Employer is required to submit the completed Stage 1 Application Form again with relevant supporting documents.

5.8. The approved Applicant Employer is required to complete the Stage 2 Application Form, together with all the required supporting documents to request for each round of the subsidy disbursement within 14 days after the specified cut-off date, late submission may result in delays in processing and subsidy reimbursement. Both the HKIHRM and the CSB bear no liability for such delays.

5.9. All eligible applications will be processed on a first come, first served basis. Applications received after 31 March 2022 or the 1,000 time-limited job quotas are filled or the funding is exhausted, whichever is earlier, will not be considered. Applications with incomplete or illegible information or supporting documents, or any discrepancy in the information or supporting documents provided, will also not be processed.

5.10. To avoid delayed or unsuccessful delivery of application, please contact the HKIHRM via e-mail to jobcreation@hkihrm.org or by phone (Tel: 2837 3869/2837 3868) if you have not received an acknowledgement of receipt by e-mail within 7 working days after submitting an application.

6. Application Results

The HKIHRM will send an Acknowledgment of Receipt and an Application Number via e-mail to the Applicant Employer within 7 working days upon receipt of an application. The Applicant Employer will be notified of the application result and the Subsidised Place Reference Number(s) within 4 to 6 weeks after submission. The subsidy claimed will be disbursed to the Applicant Employer with the notification email to be sent separately after verification and review by the HKIHRM and the CSB around 10 to 12 weeks after the submission deadline of the Stage 2 Application Form. The Applicant Employer should check their spam/junk mail folder to identify any e-mail from the HKIHRM.

7. Supporting Documents Required

7.1. The Applicant Employer must include the following supporting documents when submitting the Stage 1 Application Form^{Note6:}

- a. a copy of a valid authorisation or Business Registration Certificate issued under the Business Registration Ordinance (Cap. 310)^{Note2} which bears the same company name as that of the Applicant Employer in the application form, with at least 3 months of validity;
- b. a copy of the employment contract/letter or offer letter of the Eligible Employee;
- c. a copy of the Hong Kong Identity Card of the Eligible Employee;
- d. a copy of the highest academic qualification (Diploma or above) document of the Eligible Employee (e.g., official academic transcript or certificate) issued by a local or overseas tertiary educational institution, or the equivalent, written in English and/or Chinese;
- e. a proof of other qualifications attained by the Eligible Employee;
- f. a proof of details of the work experience of the Eligible Employee, which has been taken into account as meeting the 6-month work experience requirement, whether full-time or part-time^{Note4}
- g. a consent form for HKIHRM Job Creation Scheme Random Check of the Eligible Employee;
- h. *(for those who are in the process of recruiting/already recruited)* supporting documents for the recruitment process (e.g. actual recruitment advertisement with a clear indication of the job description, posting date and recruitment media);
- i. *(for first time application only, please notify the HKIHRM if there are any changes afterwards)* a copy of the Bank Statement Header, showing (1) Company Name, (2) Company Account No. and (3) Beneficiary Bank;
- j. *(for an Individual Member of the HKIHRM)* a copy of the member's proof of employment with the Applicant Employer dated within the same month of the application (e.g. Company letter with Authorised Signature and Company Chop); and

^{Note6} In case there is any inadequacy of the required supporting documents upon submitting the Stage 1 Application Form, the Applicant Employer must submit the remaining document(s) within the specified time period after submission, failing which the Applicant Employer will be deemed to have given up the application.

- k. *(for the Applicant Employer who wishes to apply for a 12-month subsidy extension for the same and approved position(s) in the 1st Tranche of the Scheme)* a copy of the Mandatory Provident Fund (“MPF”) and/or Occupational Retirement Scheme (“ORSO”) contributions preceding the respective application month for each Eligible Employee. Such copy must be issued by the MPF/ORSO trustee with a clear indication of the contribution made for the employee concerned.

For the Applicant Employer who has **already recruited** an Eligible Employee, it must submit document(s) (a) to (h), and (i) to (k), if applicable, to the HKIHRM.

For the Applicant Employer who is in the **process of recruiting or planning to recruit** an Eligible Employee, it must submit document(s) (a), and (i) to (k), if applicable, to the HKIHRM upon submission of application. If the application is approved, it has to submit documents (b) to (h) to the HKIHRM within 3 months from the date of approval and no later than the first submission for request for subsidy disbursement.

7.2. The Applicant Employer must include the following supporting documents when submitting the Stage 2 Application Form:

- a. a soft copy of the salary statement for each Eligible Employee;
- b. a soft copy of the Mandatory Provident Fund (“MPF”) and/or Occupational Retirement Scheme Ordinance (“ORSO”) contributions for each Eligible Employee. Such copy must be issued by the MPF/ORSO trustee with a clear indication of the contribution made for the employee concerned; and
- c. a duly completed soft copy “Disbursement Calculation Template” submitted in Microsoft Excel Format showing the monthly breakdown of the subsidised amount for each Eligible Employee.

Applicant Employer should submit a separate Stage 2 Application Form and the Calculation Template for each individual period.

7.3. The supporting documents must be legible and the images must be clear, complete and in entirety. The size of all uploaded files altogether must be smaller than 10MB. If the quality of the supporting documents does not meet the said requirements, the application may not be processed in time for each scheduled subsidy reimbursement. Both the HKIHRM and the CSB bear no liability for such delays.

8. Disbursement and Monitoring of Subsidy

8.1. Subsidy will be paid to the Applicant Employer on a reimbursement basis around 10-12 weeks after the Applicant Employer has submitted the duly completed Stage 2 Application Form and the required documentary proof. The aforesaid documents should be submitted within 14 days after the specified cut-off date (i.e. 31 January 2022, 30 April 2022, 31 July 2022, 31 October 2022, and 31 January 2023).

If the submission of the Stage 2 Application Form and Supporting Documents is not completed within the specified deadline, the subsidy disbursement will be delayed to the next round upon receipt and verification of all Supporting Documents by the HKIHRM.

- 8.2. The Applicant Employer must submit a copy of the salary statement and MPF and/or ORSO contributions for the Eligible Employee to the HKIHRM as proof of salary payment when requesting subsidy disbursement. A copy of MPF/ORSO contributions must be issued by the MPF/ORSO trustee and with a clear indication of the contribution made for the employee concerned.
- 8.3. The Applicant Employer may be required to provide other documentary proof before the disbursement of subsidy as required by and at the discretion of the HKIHRM. Upon receipt of the documents to the satisfaction of the HKIHRM, the HKIHRM will disburse the subsidy to the Applicant Employer in around 10 to 12 weeks after the submission deadline of the Stage 2 Application Form.
- 8.4. In the case of dismissal/resignation of the Eligible Employee, the Applicant Employer should notify the HKIHRM in writing immediately or within 5 working days of such changes. The subsidy in relation to this Eligible Employee shall be calculated up to the last working day of his/her departure. If the last employment is less than one full month, the entitled subsidy shall be calculated on pro-rata basis.
- 8.5. Further to paragraph 8.4 above, the Applicant Employer is allowed to recruit a new Eligible Employee to fill the same Eligible Position and will still be qualified for the subsidy for the remaining subsidy period, provided that the new Eligible Employee can meet the criteria mentioned in paragraph 3.2 above and the recruitment is conducted on a fair and transparent basis.

The new recruitment process should be completed, and the new Eligible Employee must report for duty within 3 months after the termination of employment of the former beneficiary Eligible Employee for the same Eligible Position. After the replacement Eligible Employee has reported for duty, the Applicant Employer is required to submit a completed Stage 1 Application Form, together with all the necessary supporting documents (see paragraph 7 above), to the HKIHRM no later than the submission for request for subsidy disbursement. The Applicant Employer should not transfer the subsidy to the replacement Eligible Employee without notifying the HKIHRM.

- 8.6. The Applicant Employer can make necessary adjustment on the job nature and duties of the Eligible Position. However, such adjustment should meet the requirements set out in paragraph 3 above. The Applicant Employer should notify the HKIHRM in writing on the changes immediately or within 5 working days, revise and resubmit the Stage 1 Application Form to the HKIHRM for consideration and approval. The same should apply to other changes in relation to information provided in the Application Form in relation to the Eligible Position.
- 8.7. The HKIHRM or its representative will conduct random check on the Applicant Employer and its Eligible Employee(s) for verification of the information submitted by the Applicant Employer.

9. Terms and Conditions

Any application and its processing are subject to the General Terms & Conditions and the Privacy Policy as set out in **Annex 2**.

10. Other Points to Note

10.1. The HKIHRM and/or the CSB reserve(s) the right to take appropriate action, including but not limited to refusing or not approving an application for subsidy or revoking any approval given and recovering any subsidy granted and all related expenses incurred arising from false information given and false declarations made.

10.2. The Applicant Employer may be required to provide additional documentary proof on top of those specified in the Guidance Notes and Application Forms before the release of the subsidy under the Scheme.

11. Enquiries

For enquiries on the Scheme, please contact the HKIHRM via the following channels:

E-mail: jobcreation@hkihrm.org

Hotline: (852) 2837 3869/2837 3868 (Application Process)
(9am to 6pm, Monday to Friday, except public holidays)

Organisations Excluded from the HKIHRM Job Creation Scheme 2.0

Government Bureaux/Departments or Related Organisations/Bodies/Offices

1. the Executive Council
2. the Legislative Council of the HKSAR^{Note7}
3. the Judiciary of the HKSAR
4. the Liaison Office of the Central People's Government in the HKSAR
5. the Office for Safeguarding National Security of the Central People's Government in the HKSAR
6. the Office of the Commissioner of the Ministry of Foreign Affairs of the People's Republic of China in the HKSAR
7. the Hong Kong Garrison of the Chinese People's Liberation Army

Specified statutory bodies and corporations (Staffed entirely or primarily by non-government employees)

1. Airport Authority Hong Kong
2. Board of Management of the Chinese Permanent Cemeteries
3. City University of Hong Kong
4. Competition Commission
5. Construction Industry Council
6. Consumer Council
7. District Councils^{Note8}
8. Employees Compensation Assistance Fund Board
9. Employees Retraining Board
10. Equal Opportunities Commission
11. Estate Agents Authority
12. Financial Reporting Council
13. Fish Marketing Organization
14. Guardianship Board
15. Hong Kong Academy for Performing Arts
16. Hong Kong Arts Development Council
17. Hong Kong Baptist University
18. Hong Kong Council on Smoking and Health
19. Hong Kong Examinations and Assessment Authority
20. Hong Kong Export Credit Insurance Corporation
21. Hong Kong Housing Society
22. Hong Kong Productivity Council
23. Hong Kong Science and Technology Parks Corporation

^{Note7} Include Legislative Council (LegCo) Secretariat and LegCo Members (in the capacity as employer of staff whose remuneration is fully funded by Office Operation Expenses Reimbursement or Entertainment and Travelling Expenses Reimbursement)

^{Note8} Include District Council (DC) Chairmen, Vice-chairmen and Members (in the capacity as employer of staff whose remuneration is fully funded by Operating Expenses Reimbursement or Miscellaneous Expenses Allowance)

24. Hong Kong Trade Development Council
25. Hospital Authority
26. Independent Commission Against Corruption
27. Independent Police Complaints Council
28. Insurance Authority
29. Lingnan University
30. Mandatory Provident Fund Schemes Authority
31. Occupational Deafness Compensation Board
32. Occupational Safety and Health Council
33. Office of the Ombudsman
34. Office of the Privacy Commissioner for Personal Data
35. Pneumoconiosis Compensation Fund Board
36. Prince Philip Dental Hospital
37. Property Management Services Authority
38. Securities and Futures Commission (including its subsidiary Investor and Financial Education Council)
39. The Chinese University of Hong Kong
40. The Education University of Hong Kong
41. The Hong Kong Council for Accreditation of Academic and Vocational Qualifications
42. The Hong Kong Polytechnic University
43. The Hong Kong University of Science and Technology
44. The MTR Corporation Limited
45. The Trust Funds and Temples Joint Secretariat
46. The University of Hong Kong
47. The Vocational Training Council
48. Urban Renewal Authority
49. Vegetable Marketing Organization
50. West Kowloon Cultural District Authority

Specified public organisations, government-owned companies or subvented organisations

1. Aided, caput and Direct Subsidy Scheme primary and secondary schools
2. AsiaWorld Expo
3. Aviation Security Company Limited
4. Beat Drugs Fund Association
5. Duty Lawyer Service
6. Financial Dispute Resolution Centre
7. Financial Services Development Council
8. Hong Kong Academy for Gifted Education
9. Hong Kong Academy of Finance Limited (including its subsidiary Hong Kong Institute for Monetary and Financial Research)
10. Hong Kong Applied Science and Technology Research Institute Company Limited
11. Hong Kong Cyberport Management Company Limited
12. Hong Kong Design Centre
13. Hong Kong Education City
14. Hong Kong FMI Services Limited

15. Hong Kong Internet Registration Corporation Limited
16. Hong Kong Note Printing Limited
17. Hong Kong Tourism Board
18. Kindergartens under the kindergarten education scheme
19. Kwoon Chung Inclusive and Accessible Transport Services Co Ltd
20. Logistics and Supply Chain MultiTech R&D Centre Limited
21. The Hong Kong Mortgage Corporation Limited (including its subsidiaries)
22. The Hong Kong Research Institute of Textiles and Apparel Limited
23. The Hong Kong Sports Institute
24. The Nano and Advanced Materials Institute Limited

Consulates-General/Honorary Consulates or Offices of International Organisations/ Bodies in Hong Kong

1. Consulates-General and Honorary Consulates in Hong Kong
2. Offices of the 6 Officially Recognised Bodies in Hong Kong -
 - Bank for International Settlements - Representative Office for Asia and the Pacific
 - Office of the European Union to Hong Kong
 - Hague Conference on Private International Law - Asia Pacific Regional Office
 - International Finance Corporation Regional Office for East Asia and Pacific and the World Bank Private Sector Development Office for East Asia and Pacific
 - International Monetary Fund - Hong Kong SAR Sub-Office
 - United Nations High Commissioner for Refugees Sub-Office

HKIHRM Job Creation Scheme 2.0 (“The Scheme”) General Terms and Conditions

1. Terms and Conditions

- 1.1. All Applicant Employers and their proprietors, partners, shareholders, directors, and Authorised Representatives are bound by the terms and conditions of the Scheme (including the Privacy Policy, and Copyrights and Disclaimer) (collectively referred to as the “Terms and Conditions”).
- 1.2. The HKIHRM and/or the CSB reserve(s) the right to revise any part of the Terms and Conditions at any time. The Applicant Employer agrees that the HKIHRM and/or the CSB will not be liable to it or any third party as a result of such revision. The amended Terms and Conditions will have immediate effect.
- 1.3. Without prejudice to the other Terms and Conditions, the HKIHRM and/or the CSB have absolute discretion to decide and interpret all relevant matters related to the Scheme.

2. Liability

- 2.1. The Applicant Employer is liable for all risks (including but not limited to risks to any third party) associated with the content of its application (including the application form and supporting documents) and all of its acts or omissions. The Applicant Employer must provide and submit true, legible, complete, consistent, and accurate information. Any provision of false or misleading information, misrepresentation or omission of any information, provision of incomplete/incorrect/inaccurate information, or breach of the Terms and Conditions for any other reasons, may render the relevant applications invalid, not being accepted and/or disqualified. Making any false statements, misrepresenting and concealing facts, or furnishing false documents in an attempt to deceive the HKIHRM and/or the CSB constitutes a criminal offence and may subject the Applicant Employer to legal liability. The aforesaid actions would render the Applicant Employer liable to disqualification from the Scheme, and liable to repayment of any subsidy granted to the Government.
- 2.2. The HKIHRM and/or the CSB reserve(s) the absolute discretion (without separately providing notice or explanation) under the above circumstances to reject the relevant applications or withdraw/refuse to grant any subsidy (without the need to provide any explanation), or request the successful Applicant Employer to refund the subsidy paid (in full or in part) in case of breach of the Terms and Conditions by the successful Applicant Employer subsequently known to the HKIHRM and/or the CSB. The HKIHRM and/or the CSB will no longer have any obligation towards the successful Applicant Employer after its payment of subsidy to it.
- 2.3. The Government reserves the right to take other appropriate action, including but not limited to refusing or not approving an application for subsidy or revoking any approval given and recovering any subsidy granted and all related expenses incurred arising from false information given and false declaration made.

3. Authorisation

3.1. The Applicant Employer hereby authorises:

- a. the HKIHRM and/or the CSB to contact Government departments or other relevant institutions/persons for verification or clarification of the information contained in the application form and the documents provided (including supplementary information and document(s) (if any)) for the purposes of approval, assessment, and review of applications, as well as monitoring and statistical use. The Applicant Employer also agrees to provide any additional information or documents at the reasonable request of the HKIHRM and/or the CSB; and
- b. the HKIHRM and/or the CSB to collect the Applicant Employer's information, including the personal data as defined under the Personal Data (Privacy) Ordinance. The use of the data is related to the purposes as stated in the Terms and Conditions (including the Privacy Policy) of the Scheme.

4. Applicable Law and Jurisdiction

The Scheme shall be governed by and construed according to the laws of the Hong Kong Special Administrative Region in all aspects. The parties irrevocably and unconditionally submit to the exclusive jurisdiction of the courts of Hong Kong.

5. Partial Invalidity

If any provision of the Terms and Conditions is found to be invalid or unenforceable by courts of law, such invalidity or unenforceability will not affect the remainder of the Terms and Conditions, which will continue in full force and effect.

6. Third Party Rights

The application of the Contracts (Rights of Third Parties) Ordinance (Chapter 623 of the Laws of Hong Kong) and/or any comparable law in any jurisdiction giving to or conferring on third parties the right to enforce any terms of these Terms and Conditions, is expressly excluded and no terms of these Terms and Conditions are, or are intended to be, enforceable by any person not being a party to it.

7. Disclaimer

7.1. The HKIHRM and/or the CSB shall not be responsible or liable for any and all disputes, claims, liabilities, damages, losses, injuries, costs (including but not limited to legal costs) or expenses whether directly or indirectly of any kind to any person (whether to the Applicant Employer, Eligible Employee, Authorised Representative, or third parties) or property arising from or in connection with the CSB, including:

- a. the actions taken, or omitted to be taken, as a result of the result notification, and receipt of subsidy

- b. the employment relationship (including but not limited to the terms of employment contract) between the Applicant Employer and the Eligible Employee; and
- c. the Applicant Employer's breach of the Terms and Conditions.

7.2. The Applicant Employer shall unconditionally and irrevocably indemnify, keep indemnified, hold harmless and defend the HKIHRM and/or the CSB and its directors, employees, officers, related persons and entities from and against all the aforesaid disputes, claims, liabilities, damages, losses, injuries, costs or expenses. The Applicant Employer is liable for all risks in association with its application.

8. Privacy Policy

8.1. This Privacy Policy is related to personal data supplied by the Applicant Employer in an application. The Applicant Employer must ensure that any personal data (including but not limited to an individual's full name, telephone number and e-mail address) is provided voluntarily and consent of such provision has been obtained from the employees concerned. True, legible, complete, consistent, and accurate personal information must be produced so as to enable the application for the Scheme to be duly processed. Failure to do so may render the application invalid, not being accepted and/or disqualified.

Purpose of Collection of Personal Data

8.2. The HKIHRM and/or the CSB respect the privacy of the personal data provided in the implementation and operation of the Scheme. The HKIHRM and/or the CSB will ensure personal data submitted via application forms are handled in accordance with the relevant provisions of the Personal Data (Privacy) Ordinance (Cap. 486). Unless with consent, any personal data provided by the Applicant Employer will only be disclosed to and used and retained by organisations or persons authorised by or associated with the HKIHRM and/or the CSB in the operation of the Scheme for all or any one or more of the following purposes:

- a. handling, verifying and screening the Applicant Employer's application, disbursement and refund of subsidy in relation to the Scheme;
- b. assisting in the verification of the personal data provided for processing the applications and subsidies of the Scheme;
- c. matching the personal data provided with the database of relevant government bureaux/departments/organisations for the purposes of approval, assessment, review and monitoring of applications;
- d. notifying and processing of subsidies;
- e. all other purposes related to the conduct required to assist the HKIHRM and/or the CSB in executing the Scheme; and

- f. statistical analysis related to the operation and periodic review of the CSB, and the statistics obtained will not be released or made available to a third party in a form that will identify any of the data subjects.

Confidentiality and Information Security

8.3. In order to protect privacy, the HKIHRM and/or the CSB will, in accordance with the personal Data (Privacy) Ordinance (Cap.486) and the nature of the personal data collected, adopt all reasonably practicable measures to ensure that all personal data are correct and kept securely and confidentially, and will follow the relevant legislation in making corrections and giving access to data. However, the HKIHRM and/or the CSB may disclose such information for the purposes and under the circumstances set out in the Parts “Purposes of Collection of Personal Data” above and “Possible Disclosure to Other Parties” below.

Retention of Personal Data

8.4. Personal data provided in the application will be kept by the HKIHRM and/or the CSB for a reasonable period of time as may be required, for the above specific purposes for which they were collected and in accordance with the relevant statutory provisions. The data will be erased afterwards.

Possible Disclosure to Other Parties

8.5. Information provided may be disclosed:

- a. to the HKIHRM and/or the CSB and their designated organisations or persons for the purpose of vetting the application;
- b. to organisations and/or persons for the purpose of matching with the databases of relevant government bureaux/departments/organisations for the purposes of approval, assessment, review and monitoring of the application;
- c. to relevant parties (including government departments of the HKSAR, Hong Kong courts and/or third parties in Hong Kong/other places) in compliance with applicable laws and regulations and/or as authorised or required by law and/or pursuant to court orders;
- d. to organisations and/or persons authorised by or associated with the HKIHRM and/or the CSB in the operation of the Scheme for the purposes set out in the Part “Purposes of Collection of Personal Data” above; or
- e. pursuant to or as permitted under the Personal Data (Privacy) Ordinance (Cap.486).

Access to Personal Data and Enquiries

- 8.6. In accordance with the Personal Data (Privacy) Ordinance (Cap. 486), the Applicant Employer has the right to:
- a. check whether the HKIHRM and/or the CSB hold(s) personal data of which the individual is the data subject;
 - b. request a copy of such personal data held by paying an administration fee;
 - c. correct personal data that is inaccurate; and
 - d. ascertain the policies and practices in relation to personal data.
- 8.7. Requests for access to and/or corrections of personal data should be made in writing to the HKIHRM by jobcreation@hkihrm.org or by phone at (852) 2837 3869/2837 3868.

9. Copyrights and Disclaimer

- 9.1. The information contained in this document is updated regularly and is intended for reference only. The HKIHRM and/or the CSB and organisations associated with the CSB do not warrant or represent that the information provided is true, legible, complete, consistent, and accurate, nor that the information is up to date. The HKIHRM and/or the CSB and organisations associated with the HKIHRM and/or the CSB do not accept any liability for any loss or damage however arising from or in reliance upon the contents contained in this document.
- 9.2. The information and materials contained in this document and any corresponding intellectual property rights (with the exception of the newspapers and magazine clippings or as otherwise stated) belong to the HKIHRM and/or the CSB and/or organisations associated with the HKIHRM and/or the CSB. Unless with the prior express written consent of the HKIHRM and/or the CSB, organisations associated with the CSB or the newspapers/magazines or other parties concerned, reproduction, distribution, retransmission or publication of any of the information or materials contained in this document or any part thereof or otherwise dealing with the same or interfering with or disrupting the servers or network connected to this document in whatever manner and medium and for whatever purpose is strictly prohibited.
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10. Prevention of Bribery

It is an offence under the Prevention of Bribery Ordinance (Cap. 201) to offer advantages to government officers in relation to their official duties.

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