

**Anti-epidemic Fund  
Subsidies for Employers in the  
Construction Sector with Employment of Casual Employees  
Undertaking Form**

Please complete and submit the Application Form, this Undertaking Form, the Authorisation and Declaration Form and a copy of the supporting documents by email ([essc\\_application@devb.gov.hk](mailto:essc_application@devb.gov.hk)) for applying the subsidies for employers in the construction sector with employment of casual employees under the Anti-epidemic Fund (“the Subsidy Scheme”). If there is any inconsistency or ambiguity between the English version and the Chinese version, the English version shall prevail. The Chinese version of this Undertaking Form is for reference. The applicant should complete and submit the English version of this Undertaking Form only.

THIS UNDERTAKING is made on [ \_\_\_\_\_ ] by  
[ \_\_\_\_\_ ]  
whose registered office is at [ \_\_\_\_\_ ]  
[ \_\_\_\_\_ ]  
 (“the Company”) to the Government of the Hong Kong Special Administrative Region (“the Government”).

2. In consideration of the Government providing a one-off subsidy in the amount of Hong Kong Dollars Thirty-six Thousand (HK\$36,000) for each qualified employee (March 2020) (as defined in sub-clause (a)(iii) below) to the Company under the Anti-epidemic Fund (“the Subsidy”), the Company hereby declares, agrees to and undertakes as follows:

- (a) For the purpose of this Undertaking:
- (i) “casual employee(s)” mean employees who are at least 18 years of age but under 65 years of age and are employed in the construction industry on a day-to-day basis or for a fixed period of less than 60 days;
  - (ii) “MPF” refers to the Mandatory Provident Fund;
  - (iii) “qualified employee(s) (March 2020)” refer to the casual employees employed by the Company for whom the Company has made employer’s contributions under the MPF Industry Scheme(s) for construction industry for at least 15 days in the calendar month of March 2020, based on the position of the Company’s MPF contributions as at 7 May 2020 as shown in the records issued by the MPF Trustee(s);
  - (iv) “qualified employee(s)” refer to the casual employees employed by the Company for whom the Company has made employer’s contributions under the MPF Industry Scheme(s) for construction industry for at least 15 days in any particular calendar month during the Subsidy Period, based on the position of the Company’s MPF contributions as at the 10<sup>th</sup> day of the following month as shown in the records issued by the MPF Trustee(s);

- (v) "Subsidy Period" refers to the period of six calendar months from 1 August 2020 to 31 January 2021 (both days inclusive); and
  - (vi) "subsidy received by the Company for any particular calendar month in the Subsidy Period" refers to the total amount of subsidy provided to the Company for any particular calendar month in the Subsidy Period which is calculated by multiplying the total number of qualified employees (March 2020) by a notional subsidy of HK\$6,000 for each calendar month in the Subsidy Period for each qualified employee (March 2020).
- (b) No termination, redundancy or any other form of dismissal action resulting in a decrease in the total number of qualified employees in any particular calendar month in the Subsidy Period compared to the total number of qualified employees (March 2020) shall be implemented by the Company throughout the Subsidy Period. The Company shall ensure that the total number of qualified employees in any particular calendar month in the Subsidy Period must not be less than the total number of qualified employees (March 2020).
- (c) The subsidy received by the Company for any particular calendar month in the Subsidy Period shall be solely and fully spent on payment of wages and salary to the qualified employees for that particular month.
- (d) If the Company fails to use all the subsidy received by the Company for any particular calendar month in the Subsidy Period for payment of wages and salary to its qualified employee(s) for that particular month, the Government shall claw back the unused balance of such subsidy.
- (e) If the total number of qualified employees in any particular calendar month in the Subsidy Period is less than the total number of qualified employees (March 2020), the Company shall pay a charge to the Government.
- (i) The amount of the charge in this sub-clause (e) shall be calculated in accordance with the formula as below:

$\begin{aligned} & \text{Amount of the subsidy received by the Company for any particular calendar month in the Subsidy} \\ & \text{Period (\$) (i.e. Total number of qualified employees (March 2020) \times \text{HK\$6,000})} \\ & \qquad \qquad \qquad \times \\ & \qquad \qquad \text{Headcount reduction percentage (\%)} \\ & \qquad \qquad \qquad \times \\ & \qquad \qquad \text{Charge percentage (\%)} \end{aligned}$
--

$\frac{\text{Headcount reduction percentage (\%)}}{\frac{\text{Total number of qualified employees (March 2020)} - \text{Total number of qualified employees in a particular calendar month in the Subsidy Period}}{\text{Total number of qualified employees (March 2020)}} \times 100\%}$	
---	--

- (ii) The charge percentage shall be determined by the Company's total number of qualified employees (March 2020) according to the table as follows:

Total number of qualified employees (March 2020)	Charge percentage
Less than 10	10%
10 – 49	20%
50 – 99	40%
100 – 499	60%
500 or more	80%

- (f) The Company shall keep full and accurate records in relation to the application for and use of the Subsidy, which shall include but not limited to the original of the completed Application Form, Authorisation and Declaration Form, this Undertaking Form and supporting documents for the application, as well as documents containing information on details of the payroll, employment and MPF contributions in relation to the casual employees, in legible written form for at least seven years counting from the date of receipt of the Subsidy as documentary evidence to prove the Subsidy is spent on the purpose as stated in sub-clause (c) above. The Government or its agent will conduct spot-checks as and when necessary. Upon request of the Government or its agent, the Company shall provide the aforesaid records and supporting documents to the Government or its agent for verification and inspection within 14 calendar days from the date of such request.
- (g) Notwithstanding and without prejudice to any other remedy the Government may have in law or otherwise, if the Government is of the view that the Company fails to comply with sub-clause (b), sub-clause (c) and/or sub-clause (f) above, the Government may issue a written demand to the Company to demand for return of the Subsidy in full, claw back the unused balance of the Subsidy in accordance with sub-clause (d) above and/or impose a charge on the Company in accordance with sub-clause (e) above. The Company shall repay the Subsidy in full or the unused balance of the Subsidy and/or pay the charge to the Government within 14 calendar days from the date of the aforesaid written demand. Should the Company fail to repay the Subsidy in full or the unused balance of the Subsidy and/or pay the charge to the Government by the due date, the Company shall pay interest on the outstanding amount at an interest rate being the average of the best lending rates for Hong Kong Dollars from time to time quoted by notes issuing banks in the Hong Kong Special Administrative Region from the due date for repayment until the date the Government receives the repayment in full.
- (h) For the avoidance of doubt, the Company shall not apply for subsidies of wages and salary expenses on its qualified employees covered by the Subsidy under any other funding or subsidy schemes administered or supported by the Government.
- (i) The Company shall indemnify and keep indemnified the Government against all legal proceedings, claims, losses, damages, costs and expenses whatsoever arising from or out of any breach of any term of this

Undertaking.

- (j) The signatory of this Undertaking is duly authorised by the Company to sign this Undertaking for and on behalf of the Company in accordance with the articles of association of the Company. The information provided to the Government or its agent in connection with the Company's application for the Subsidy is true, complete and accurate. If the Company knowingly or wilfully makes any false statement or withholds any information, or misleads the Government or its agent for the purpose of obtaining the Subsidy, the Government may by writing demand return of the Subsidy in full and the Company shall repay the Subsidy and any related interest in accordance with sub-clause (g) above.
- (k) This Undertaking shall be governed by and construed in accordance with the laws of the Hong Kong Special Administrative Region.

Signature of Authorised Signatory	Company Chop
Name of authorised signatory (in block letters):	
Post-title of authorised signatory:	