

**Funding and Service Agreement<sup>1</sup>**

**Administration of the  
Support Programme for Employees with Disabilities  
[Subsidy to Employers for Procurement of  
Assistive Devices and/or Workplace Modifications]**

**I. Service Definition**

1. The Support Programme for Employees with Disabilities (SPED) is launched to facilitate the employees with disabilities to discharge their duties at the workplaces and to enhance their work efficiency. The Service Operator (also known as the NGO Administrator) is commissioned to administer the SPED.

**Purpose and objectives**

2. The SPED provides employers of persons with disabilities with a one-off subsidy up to \$40,000 in respect of each employee with disabilities for procurement of assistive devices and/or workplace modifications.

**Nature of service**

3. The services provided by the Service Operator include –
- (a) To provide the agreed number of service points to facilitate potential applicant employers and employees with disabilities to access for enquiry;
  - (b) To promote the SPED to potential applicant employers and persons with disabilities in the community and publicising the SPED;
  - (c) To answer general enquiries about the SPED;
  - (d) To refer applications from employers, including those who have no connection with non-governmental organisations (NGOs), the Labour Department (LD) or the Vocational Training Council (VTC);
  - (e) To conduct assessment on the applications and prepare assessment summaries to Social Welfare Department (SWD), through –

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<sup>1</sup> This Funding and Service Agreement is a sample document for reference only.

- liaison with the referrers and applicants;
- site visits to the workplaces of the employees with disabilities; and
- seeking comments from experts (e.g. occupational therapist, physiotherapist, etc.) employed or networked by the NGO Administrator as appropriate;

(f) For successful applications -

- to provide assistance for applicants, if needed, in procuring the devices and/or carrying out the modifications;
- to visit the workplaces for inspection of the devices procured and/or modification works carried out;
- to prepare follow-up reports in six months following the approval of the subsidy to assess the effectiveness of the devices procured and/or modification works carried out;
- to assess requests for transfer of the device(s) to the employee(s) with disabilities concerned upon the termination of employment contract for the employee(s) with disabilities concerned, if the devices tailor-made for the employee(s) with disabilities concerned are unlikely to benefit other employee(s) with disabilities; and
- the NGO administrator to conduct assessment of the employers who opted to retain the device(s) upon the termination of employment contract of the employee(s) with disabilities at quarterly intervals to ascertain if the employers still have the need to retain the device(s).

(g) To keep relevant statistics and application information for review of the SPED; and

(h) To draw up detailed manual and protocol for handling enquiries, assessing applications and monitoring successful applications.

4. The Service Operator is required to assist in the implementation of the SPED, with the respective service brief at *Annex 1*.

### **Eligibility criteria of the SPED**

5. Applicants under SPED must –

- (a) be employers of persons with disabilities;
- (b) be referred by NGOs operating SWD-subvented vocational rehabilitation services or running training courses for persons with disabilities or persons recovering from work injuries with the funding support of the Employees Retraining Board, or by the Selective Placement Division of the Labour Department, or the Vocational Training Council or the NGO Administrator; and

- (c) submit in their application a proposal on the assistive devices to be procured and/or minor works to be carried out at the existing or prospective workplace for the employee(s) with disabilities for the purpose of facilitating them to carry out employment duties at the workplace and to enhance their work efficiency.

**II. Performance Standards**

6. The Service Operator shall meet the following performance standards -

**Outputs**

<u>Output Standard</u>	<u>Output Indicator</u>	<u>Agreed Level</u>
1	Yearly rate of completing assessment reports on applications within one month upon receipt of the applications from the SWD	90%
2	Yearly rate of completing follow-up reports within six months after the approval of the subsidy to assess the effectiveness of the devices procured and/or modification works carried out	90%

(Notes and Definitions attached at *Annex 2* of this Funding and Service Agreement (FSA))

**Outcomes**

<u>Outcome Standard</u>	<u>Outcome Indicator</u>	<u>Agreed Level</u>
1	Percentage of employees with disabilities indicating satisfaction with the services provided by the Service Operator within one year	75%
2	Percentage of employers indicating satisfaction with the services provided by the Service Operator within one year	75%

**Essential service requirements**

7. The Service Operator is required to comply with the essential service requirements as follows -

- (a) Promoting the SPED to potential applicant employers and persons with disabilities in the community and to publicising the SPED at least once every quarter, e.g. to publicise the SPED through the SPED webpage and Facebook page every month to encourage employers and employees with disabilities to apply for the

programme throughout the year. Likewise, all updated information about the programme will be shared via the designated web pages;

- (b) Providing at least three service points in the territory; and
- (c) Assigning at least two full-time staff designated for administering the SPED.

**Service quality standards**

8. The Service Operator shall meet the requirements of the 16 Service Quality Standards (SQSs).

**III. Obligations of SWD to the Service Operator**

9. SWD will undertake the duties set out in the General Obligations of SWD to the Service Operator as specified in the FSA Generic Sections.

**IV. Basis of Subvention**

10. The basis of subvention is set out in the offer and notification letters issued by SWD to the Service Operator.

**Funding**

11. Annual subvention will be allocated on a Lump Sum Grant (LSG) mode to the Service Operator for a time-defined period. This lump sum has taken into account the personal emoluments, including provident fund for employing staff, and other charges (covering all other relevant operating expenses including employees' compensation insurance, public liability insurance and travelling expenses) applicable to the administration of the SPED.

12. In receiving the LSG, the Service Operator is accorded flexibility in the use of the grant while being required to observe the guidelines set out in the latest LSG Manual and the LSG Circulars, management letters and correspondence in force as issued by SWD on subvention policies and procedures. The LSG will be subject to adjustments including salary adjustment in line with the civil service pay adjustments and other charges in line with the price adjustment factor, currently the Composite Consumer Price Index. The Government will not accept any liabilities or financial implications arising from the project beyond the approved funding.

**Payment Arrangement, Internal Control and Financial Reporting Requirements**

13. Upon the Service Operator's acceptance of the FSA, payment of the LSG subventions will be made on a monthly basis.

14. The Service Operator is responsible for maintaining an effective and sound financial management system, including budget planning, projection, accounting, internal control and auditing. It should maintain proper books and records and supporting documents on income and expenditure relating to the project and make them available for inspection by the Government representative.

15. The Service Operator shall submit the Annual Financial Report (AFR) as reviewed and the annual financial statements of the NGO as a whole as audited by a certified public accountant holding a practising certificate as defined in the Professional Accountants Ordinance (Chapter 50) and signed by two authorised representatives of the NGO, i.e. Chairperson/NGO Head/Head of Social Welfare Services in accordance with the requirements as stipulated in the latest LSG Manual. The AFR should be prepared on a cash basis and non-cash items such as depreciation, staff leave accrual etc. should not be included in the AFR.

## **V. Validity Period**

16. This FSA is valid for a time-defined period. Should the Service Operator be in breach of any terms of condition of the FSA and fail to remedy the same in such manner and within such time as shall be specified in a written notice from SWD, SWD may after expiry of such notice, terminate this FSA by giving 30 days' notice in writing to the Service Operator.

17. Where there is any change to the performance standards within the agreement period, SWD will seek mutual agreement with the Service Operator and the Service Operator will be required to achieve new requirements in accordance with the specified implementation schedule.

18. Continuation of service for the next term will be subject to the relevant considerations such as the prevailing policy directive, service needs and the performance of the Service Operator. SWD reserves the right to reallocate the project.

## **VI. Other References**

19. Apart from this FSA, the Service Operator should also comply with the requirements / commitments set out in the respective Service Specifications, and the Service Operator's proposals and supplementary information, if any. Where these documents are in conflict, this FSA shall prevail. The Service Operator's compliance with all these documents will be closely monitored by SWD.

## **VII. Corruption Prevention and Probity Requirements**

20. It is the responsibility of the Service Operator to ensure that its management, board members and staff comply with the Prevention of Bribery Ordinance (Cap. 201) and the relevant requirements. Service Operator shall prohibit the members, staff, agents, and contractors from

offering, soliciting or accepting advantages when discharging their duties under the FSA. With regard to the provision of the subvented services, Service Operator shall avoid and declare any conflict of interest.

21. Service Operator should also make reference to the relevant guidelines on corruption prevention and probity requirements to uphold integrity in every aspect, including but not limited to the governance structure, internal control, financial/fund management, procurement, staff administration, delivery of services/activities, management of maintenance works as set out in the “Best Practice Checklist on Governance and Internal Control in Non-Governmental Organisations” and the “Integrity and Corruption Prevention Guide on Managing Relationship with Public Servants” issued by the Independent Commission Against Corruption.

## Service Brief

### **Support Programme for Employees with Disabilities** **[Subsidy to Employers for Procurement of** **Assistive Devices and/or Workplace Modifications]**

#### **Introduction**

The policy objective of the Government in assisting persons with disabilities to attain employment is to ensure that they have equal access to participation in productive and gainful employment in the open market. To provide financial incentive for employers to facilitate employees with disabilities to discharge their duties at the workplaces and to enhance their work efficiency, the Social Welfare Department (SWD) is launching the Support Programme for Employees with Disabilities (SPED) to provide employers of persons with disabilities with a one-off subsidy up to \$40,000<sup>2</sup> in respect of each employee with disabilities for procurement of assistive devices and/or workplace modifications.

#### **Administration of the SPED**

2. An Assessment Committee (the Committee) has been set up under the SPED. The Committee consists of members from the fields of information technology, rehabilitation engineering (e.g. occupational therapist), rehabilitation and social welfare who have expert knowledge of the special needs of persons with disabilities and their need for assistive devices and/or workplace modifications, etc. The Committee shall vet the applications with reference to the assessment and recommendations made by the non-governmental organisation (NGO) to be commissioned by SWD to administer the SPED (the NGO Administrator) through renewal of service agreement.

#### **Scope of Support**

3. Under the SPED, a wide range of assistive devices and workplace modifications would be supported to cater for the special needs of employees with disabilities at the workplaces in discharge of duties and to enhance their work efficiency.

4. The Committee will consider the requested items on a case-by-case basis with the justifications provided by the applicant and the referring organisation as well as the assessments

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<sup>2</sup> With effect from March 2020, the maximum level of support for the SPED has been raised from \$20,000 to \$40,000 for each employee with disabilities to enhance the support to the employees and their employers.

provided by the NGO Administrator. Only necessary device(s) and/or works will be approved for each case. The Committee shall consider the quotations provided and the specific requirements of the device(s) and/or works in approving the amount of subsidy and hence the approved amount may be less than what the applicant has requested.

5. The SPED does not cover devices or equipment which is not specifically related to the discharge of employment duties or which is a personal or therapeutic item used by the employee with disabilities for daily living or therapy, such as wheelchairs, hearing aids and glasses. Modification works for meeting statutory requirements will not be covered by the SPED.

### **Eligibility for Application**

6. Applicants under the SPED must -

- (a) be employers of persons with disabilities;
- (b) be referred by NGOs operating SWD-subvented vocational rehabilitation services<sup>3</sup> or running training courses for persons with disabilities or persons recovering from work injuries with the funding support of the Employees Retraining Board, or by the Selective Placement Division of the Labour Department (LD), or the Vocational Training Council (VTC) or the NGO Administrator; and
- (c) submit in their application a proposal on the assistive devices to be procured and/or minor works to be carried out at the existing or prospective workplace for the employee(s) with disabilities for the purpose of facilitating them to carry out employment duties at the workplace and to enhance their work efficiency.

### **Application Procedures**

7. The SPED has been open for applications all year round since February 2019. Applications from employers should be made on the prescribed application form through the referrers, together with the quotations<sup>4</sup> obtained for the required items.

8. The applications will be scrutinised by the SWD with reference to the recommendations made by the NGO Administrator. The recommendations will be put forward to the Committee for vetting and consideration of support.

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<sup>3</sup> SWD-subvented vocational rehabilitation services for persons with disabilities refer to sheltered workshop, supported employment service, integrated vocational rehabilitation services centre, integrated vocational training centre, On the Job Training Programme for People with Disabilities and Sunnyway - On the Job Training Programme for Young People with Disabilities.

<sup>4</sup> Applicants shall invite at least two suppliers for quotations on each required item and quote the lowest price on the application forms.

9. On approval of the applications by the Director of Social Welfare (DSW), the applicants shall procure the devices and/or proceed with the works within two months. Payments would be arranged by reimbursement to the applicants upon production of valid receipts.

**Referring Organisations**

10. NGOs operating SWD-subsented vocational rehabilitation services or running training courses for persons with disabilities or persons recovering from work injuries with the funding support of the Employees Retraining Board, the Selective Placement Division of the LD, the VTC and the NGO Administrator may make referrals under the SPED and provide assistance and advice for applicant employers on their applications under the SPED.

**The NGO Administrator**

11. The NGO Administrator shall conduct assessment of the applications to consider the appropriateness of the proposed assistive devices and/or modification works in facilitating the employees with disabilities to effectively carry out their duties at the workplace. After the assessment, recommendations on individual applications shall be forwarded to the Committee. After an application is endorsed by the Committee and approved by the DSW, the NGO Administrator shall monitor the use of subsidy through inspection visit(s) at the workplace. The NGO Administrator shall prepare follow-up reports within six months following the approval of the subsidy to assess the effectiveness of the devices procured and/or works carried out.

**Special Provisions**

12. Applicants should put in place reasonable measures to facilitate the employees with disabilities to work at the workplaces before the granting of subsidy; and to facilitate priority access by employees with disabilities to the assistive devices and/or the modified workplace supported by the SPED. Applicants are required to receive staff of referrers, the NGO Administrator and/or the SWD representative(s) who would visit the workplace for inspection and assessment of the devices procured and/or works carried out.

13. **The subsidy is one-off in nature.** In general, an applicant employer is only eligible for the subsidy once in five years for the same employee with disabilities. For re-application within the five-year period for the same employee with disabilities, the applicant must provide full justifications with documentary support, if applicable, for special consideration.

14. An applicant employer is allowed to keep the assistive devices purchased under the SPED. As a condition for subsidy, they will be required to declare that they will not sell or transfer any of the devices funded by the SPED to other companies or other individuals/employees. Upon termination of the employment contract(s) for the employee(s)

with disabilities concerned, the applicant shall inform the NGO Administrator and the SWD of their proposals as to how to put the devices procured and/or the modified area of the workplace to good use for the benefit of other employee(s) with disabilities. If the devices are tailor-made for the employee(s) with disabilities concerned and are unlikely to benefit other employee(s) with disabilities, the applicant shall apply to the SWD via the NGO Administrator for transfer of the device to the employee(s) with disabilities concerned at no cost. Applications for such transfer should be made to the SWD with full justifications at least one month before the proposed date of transfer. The NGO Administrator may also recommend the ex-employer to transfer the device to the new employer if the duties at the new workplace of the employee with disabilities concerned are assessed to be roughly the same to that of his/her previous job. Documentary proof such as employment contract and duty list should be provided to the NGO Administrator as appropriate to justify the transfer.

### **Level of Subsidy**

15. The Committee shall consider the requested items on a case-by-case basis having regard to the justifications provided by the applicant and the referring organisation as well as the assessments provided by the NGO Administrator. Only necessary device(s) and/or works will be approved for each case. The Committee shall consider the quotations provided and the specific requirements of the device(s) and/or works in supporting the amount of subsidy and hence the approved amount may be less than what the applicant has requested and will be capped at a maximum support level of \$40,000 for each employee with disabilities.

Notes and Definitions

**For Output Standards**

1. **Yearly rate of completing assessment reports within one month** refers to the assessment reports which are completed by the Service Operator and reached SWD within one calendar month upon receipt of the applications from SWD. The assessment reports are provided with assessments and recommendations to facilitate the SPED Assessment Committee to consider each application.

**Yearly rate of completing assessment reports on applications within one month upon receipt of the applications from SWD =**

$$\frac{\text{Total number of assessment reports completed within one month in a year}}{\text{Total number of assessment reports completed in a year}} \times 100 \%$$

2. **Yearly rate of completing follow-up reports within six months** refers to the follow-up reports which are completed by the Service Operator and reached SWD within six calendar months after the approval of the SPED subsidy. The purpose of the follow-up reports is to assess the effectiveness of the devices procured and/or modification works carried out.

**Yearly rate of completing follow-up reports within six months after the approval of the subsidy to assess the effectiveness of the devices procured and/or modification works carried out =**

$$\frac{\text{Total number of follow-up reports completed within six months in a year}}{\text{Total number of follow-up reports completed in a year}} \times 100 \%$$

**For Outcome Standards**

1. **Employees' satisfaction** refers to the outcome of survey / questionnaire conducted by the Service Operator to collect views from employees on the services provided by the Service Operator.

**Percentage of employees with disabilities indicating satisfaction =**

$$\frac{\text{Number of employees indicating satisfaction above average}^\#}{\text{Total number of employees completed the service evaluation questionnaire}^\# \text{ within one year}} \times 100 \%$$

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**Percentage of employers indicating satisfaction =**

$$\frac{\text{Number of employers indicating satisfaction above average}^{\text{@}}}{\text{Total number of employers completed the service evaluation questionnaire}^{\text{@}} \text{ within one year}} \times 100 \%$$

# Refers to respondents indicating “同意” or “非常同意” in the questionnaire 「殘疾僱員意見調查表」 provided by SWD for employees with disabilities.

@ Refers to respondents indicating “同意” or “非常同意” in the questionnaire 「僱主意見調查表」 provided by SWD for employers.