



Chapter 4: Working in Hong Kong

Assistance from the Labour Department

Employment rights and benefits

If you have problems about your employment rights and benefits, you may seek free assistance from the Labour Relations Division of the Labour Department. They can provide:

- information on your rights and obligations under the Employment Ordinance, the Minimum Wage Ordinance (where applicable) and your employment contract;
- free consultation service;
- free conciliation service for you and your employer to help resolve disputes.

Labour Relations Division offices are located at the following addresses:

HONG KONG ISLAND

Hong Kong East Office 12/F, CityPlaza Three 14 Taikoo Wan Road Taikoo Shing Hong Kong	Hong Kong West Office 3/F, Western Magistracy Building 2A Pokfulam Road, Sai Ying Pun Hong Kong
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KOWLOON

Kowloon East Office UGF, Trade and Industry Tower 3 Concorde Road, Kowloon	Kowloon West Office Room 1009, 10/F Cheung Sha Wan Government Offices 303 Cheung Sha Wan Road Sham Shui Po, Kowloon
Kowloon South Office 2/F, Mong Kok Government Offices 30 Luen Wan Street Mong Kok, Kowloon	Kwun Tong Office 6/F, Kowloon East Government Offices 12 Lei Yue Mun Road Kwun Tong, Kowloon

NEW TERRITORIES

Tsuen Wan Office 5/F, Tsuen Wan Government Offices 38 Sai Lau Kok Road Tsuen Wan, NT	Kwai Chung Office 6/F, Kwai Hing Government Offices 166-174 Hing Fong Road Kwai Chung, NT
Shatin & Tai Po Office Rooms 304-313, 3/F Sha Tin Government Offices 1 Sheung Wo Che Road Sha Tin, NT	Tuen Mun Office Unit 2, East Wing, 22/F Tuen Mun Central Square 22 Hoi Wing Road, Tuen Mun, NT

If your employer is suspected to have breached the Employment Ordinance or the Minimum Wage Ordinance (where applicable) and you agree to provide evidences of the breach with a view to instituting criminal prosecution, the Labour Relations Division will refer your complaint to the relevant divisions of the Department for investigation.

If you have general enquiries about labour legislation or the work of the Labour Department, call **2717-1771** (the hotline is handled by 1823) to listen to pre-recorded messages, to receive fax information, and to speak to an operator 24 hours a day, or email: enquiry@labour.gov.hk.

Is there any Statutory Minimum Wage?

The Statutory Minimum Wage (SMW) rate has been increased to \$34.5 an hour with effect from 1 May 2017. Wages payable to employees covered by the Minimum Wage Ordinance, in respect of any wage period, when averaged over the total number of hours worked in the wage period, should be no less than the SMW rate.

What would I be entitled to if my employment contract is terminated?

When you have completed your contract or your contract is not renewed, you should get all wages and other sums due to you within seven days from the completion or termination date. The amount should include:

- any outstanding wages;
- payment in lieu of any annual leave not taken;
- severance payment or long service payment (if applicable);
- any other sums due to you in accordance with the provisions of the labour laws and your employment contract.

If you are dismissed, apart from the above items and depending on the circumstances of the dismissal, you may also be entitled to payment in lieu of notice if no or insufficient notice has been given by your employer.

If you are claiming for severance payment, you should serve a notice to your employer. If you are eligible to the amount, the employer is liable to make the payment not later than two months from the date of receipt of your severance payment notice.

Do I have any protection against unlawful termination?

The Employment Ordinance and the Employees' Compensation Ordinance clearly state particular statutory restrictions on termination of the employment contract. Subject to the other relevant stipulations in the respective Ordinances, it is unlawful for an employer to dismiss an employee in the following circumstances:

- After a pregnant employee has served a pregnancy notice;
- While the employee is on statutory paid sick leave;
- By reason of the employee giving evidence in any proceedings or information to the authorities in connection with the enforcement of the Employment Ordinance, work accidents or breach of work safety legislation;
- By reason of trade union membership or participation in trade union activities;
- For an employee injured at work, before the issuance of the relevant certificate by the Labour Department or the Employees' Compensation Assessment Board, as appropriate, or the compensation claim has been settled with the employee.

Compensation for work injuries

The Employees' Compensation Division of the Labour Department:

- assists employees who suffer from a work injury or a prescribed occupational disease to obtain compensation under the Employees' Compensation Ordinance; and
- assists family members of an employee who dies as a result of a work accident or a prescribed occupational disease to obtain compensation under the Employees' Compensation Ordinance.

Below are the addresses of the Employees' Compensation Division Offices:

Office (Work injury cases: according to place of accident / Prescribed occupational disease cases: according to place of employment)	Address
Hong Kong Office (for cases on Hong Kong island, outlying islands and outside Hong Kong)	Room 1605, 16/F, Southorn Centre 130 Hennessy Road, Wan Chai Hong Kong
Kowloon Office (for cases in Kowloon, Sai Kung and cases involving seamen and government employees)	Room 1007, 10/F, Cheung Sha Wan Government Offices 303 Cheung Sha Wan Road Sham Shui Po, Kowloon
Tsuen Wan Office (for cases in Kwai Chung, Tsing Yi, Tsuen Wan, Tuen Mun and Yuen Long)	6/F, Tsuen Wan Government Offices 38 Sai Lau Kok Road Tsuen Wan, New Territories
Shatin Office (for cases in Sha Tin, Tai Po, Fanling and North District)	Room 239, 2/F, Shatin Government Offices 1 Sheung Wo Che Road Shatin, New Territories
Fatal Cases Office	Room 601, 6/F, Harbour Building 38 Pier Road, Central, Hong Kong

Homepage: www.labour.gov.hk

Hotline: **2717-1771** (the hotline is handled by 1823)

Job seeking

If you are already a Hong Kong resident and are legally employable in Hong Kong, you can visit any of the Job Centres of the Labour Department to look for jobs. They can provide you with the following services free of charge:

- Job referral service: You can select vacancies on display or through self-service touch-screen computers and seek assistance from counter staff for referrals to job interviews.
- Resource corners, special counters and employment briefings: These are available at all Job Centres to help job seekers in need better understand

the local labour market situation. You may also discuss your employment needs with an employment officer who can advise you on your job search techniques, information on labour market and training/retraining courses and/or conduct career aptitude assessment as appropriate.

- Special employment programmes: Job seekers may join the special employment programmes administered by the Labour Department which include arrangement of work trials in real jobs. You may talk to an employment officer to see if these programmes suit your needs.
- Telephone employment service (**2969-0888**): This is a user-friendly service for registrants who can, instead of visiting the Job Centres, obtain job referrals by telephone.

You may access the Labour Department's huge data bank of job vacancies provided by local employers anytime and anywhere through its Interactive employment service website (<http://www.jobs.gov.hk>) or its mobile application. You may also visit the dedicated webpage for ethnic minority job seekers (<http://www.jobs.gov.hk/EM>) to check out the latest job vacancies with lower Chinese requirements and to obtain other employment information.

The Labour Department has established three industry-based Recruitment Centres that organise job fairs all year round. If you are interested in taking up employment in the catering, retail or construction industries, you may check out the latest job fair information at the Job Centres, internet (<http://www.jobs.gov.hk>) or its mobile application, or call the Recruitment Centres to reserve appointment for on-the-spot job interviews with recruiting employers.

Address and telephone numbers of the Job Centres and industry-based Recruitment Centres are as follows::

HONG KONG ISLAND

Hong Kong East Job Centre 34/F, Revenue Tower, 5 Gloucester Road Wan Chai, Hong Kong	2591-1318
Hong Kong West Job Centre 4/F, Western Magistracy Building 2A Pokfulam Road, Sai Ying Pun, Hong Kong	2552-0131
North Point Job Centre 12/F, North Point Government Offices 333 Java Road, North Point, Hong Kong	2114-6868

Recruitment Centre for the Catering Industry G/F, Revenue Tower, 5 Gloucester Road Wan Chai, Hong Kong	2594-7800
Recruitment Centre for the Retail Industry G/F, Revenue Tower, 5 Gloucester Road Wan Chai, Hong Kong	2594-7833

KOWLOON

Kowloon East Job Centre 1/F, Trade and Industry Tower 3 Concorde Road, Kowloon	2338-9787
Kowloon West Job Centre 9/F, Cheung Sha Wan Government Offices 303 Cheung Sha Wan Road, Kowloon	2150-6397
Kwun Tong Job Centre 10/F, Kowloon East Government Offices 12 Lei Yue Mun Road, Kwun Tong, Kowloon	2342-0486
Construction Industry Recruitment Centre 1/F, CIC Kowloon Bay Training Centre 44 Tai Yip Street, Kowloon Bay, Kowloon	3428-3303

NEW TERRITORIES

Shatin Job Centre 2/F, Sha Tin Government Offices 1 Sheung Wo Che Road, Sha Tin, New Territories	2158-5553
Sheung Shui Job Centre Units 2001-2006, Level 20, Landmark North 39 Lung Sum Avenue, Sheung Shui, New Territories	3692-4532
Tai Po Job Centre 3/F, Tai Po Government Offices 1 Ting Kok Road, Tai Po, New Territories	2654-1429
Tsuen Wan Job Centre 2/F, Tsuen Wan Government Offices 38 Sai Lau Kok Road, Tsuen Wan, New Territories	2417-6197
Tuen Mun Job Centre G/F, Victory Building 3 Tsing Min Path, Tuen Mun, New Territories	2463-9967

Tung Chung Job Centre Unit 211A, 2/F, Yat Tung Shopping Centre Yat Tung Estate, Tung Chung Lantau Island, New Territories	3428-2943
Employment in One-stop Unit 401, 4/F, Tin Ching Amenity and Community Building Tin Ching Estate, Tin Shui Wai, New Territories	3692-5750

Telephone Employment Service Hotline: **2969-0888**

Interactive Employment Service Website: www.jobs.gov.hk

For foreign domestic helpers

Conditions of employment

By law, you must work for a specific employer in a certain post and place of work within the period specified in the employment contract.

Warning:

No imported worker or foreign domestic helper in Hong Kong may take unapproved full-time or part-time work. Offenders may be fined and jailed. They may also be removed from Hong Kong.

If your employer asks you to perform non-domestic duties or work somewhere other than at the specified address, you should not do this. This is illegal, and both you and your employer may be liable to prosecution. The only work you are allowed to do is the work stated in your contract. If your employer insists that you do any other work, tell the Enforcement Division of the Immigration Department.

Employment agencies

You may pay a commission to an employment agency upon its successfully finding you a job, but the commission must not be more than 10% of your first month's wages after you have been successfully placed. Also, make sure the owner of the employment agency has a licence or "Certificate of Exemption" from the Commissioner for Labour. You can check if an employment agency is holding a valid license at the Employment Agency Portal (<http://eaa.labour.gov.hk>)

If you think your employment agency is not licensed or has overcharged you, call the Employment Agencies Administration of the Labour Department at **2115 3667**. Reports can also be made by writing to the:

Employment Agencies Administration, Labour Department

Unit 906, 9/F., One Mong Kok Road Commercial Centre, 1 Mong Kok Road, Kowloon

Advice:

- Do not sign any document, agreement or contract if you don't agree with the terms or if you are unsure what they mean.
- Do not sign for wages that you have not received.
- Ask for a receipt after paying the agency commission.
- Do not pay the agency through a third party.
- Do not pay the agency by borrowing money from any loan company even upon request by the agency.
- Do not allow the agency to withhold your passport and other personal documents.

If you feel an agency or a middleman has wronged you, go to the Police and report the incident. Alternatively, call the:

Information and Liaison Section, Immigration Department

2/F, Immigration Tower, 7 Gloucester Road, Wan Chai, Hong Kong

Tel: **2824-6111**

Warning:

Don't give your passport to anyone who offers to help you extend your stay or change your employer, not even to friends. In the past, some domestic helpers have been deceived by "friends" who wanted to stay on illegally in Hong Kong.

Rights of foreign domestic helpers

Your basic employment benefits and rights as a foreign domestic helper are specified in your employment contract. There is only one standard official employment contract for all foreign domestic helpers (regardless of nationality) in Hong Kong, which is available at the Foreign Domestic Helpers Section of the Immigration Department. A sample of it can also be downloaded from www.immd.gov.hk.

For more information about your wage, statutory employment rights and benefits, get a free copy of “The Do’s and Don’ts leaflet for foreign domestic helpers, employers and employment agencies”, “A Concise Guide to the Employment Ordinance”, “Practical Guide for Employment of Foreign Domestic Helpers – What Foreign Domestic Helpers and Their Employers Should Know”, “A Concise Guide to the Employees’ Compensation Ordinance” from the Labour Department or visit the dedicated one-stop online FDH Portal at <http://www.fdh.labour.gov.hk/>.

Safekeeping of passport and other travel documents

It is unlawful if your employer or agency force you to surrender your passport and other personal documents. You should refuse their request or suggestion. If you are forced to surrender your passport by employer or agency, contact the Police or your Consulate for assistance.

What benefits do I have under the law and the employment contract?

All foreign domestic helpers are entitled to:

- A monthly wage - live-in foreign domestic helpers should receive a monthly wage not less than the minimum allowable wage set by the Government. Foreign domestic helpers whose employers had previously obtained the Director of Immigration’s approval to let their helpers live out are also entitled to, from 1 May 2011 onward, wages at a rate no less than the prevailing SMW rate;
- Rest days - not less than one rest day for every period of seven days; a rest day is a continuous period of not less than 24 hours;
- Statutory holidays - 12 days each year;
- Paid annual leave - seven days’ paid leave if you have worked for the same employer for at least 12 months; this increases progressively according to the length of service, up to a maximum of 14 days;
- Home leave - you should return to your place of origin, cost of passage at the expense of your employer, for a vacation of not less than seven days before the commencement of the new contract. You must agree with your employer before signing the contract whether this vacation will be paid or not;
- Sickness allowance - the daily rate is a sum equivalent to four-fifths of the average daily wages for sick leave of not less than four consecutive days, provided that you have accumulated sufficient number of paid sickness days and your sick leave is supported by an appropriate medical certificate;

- Maternity leave - 10 weeks' leave for a female foreign domestic helper employed for at least four weeks immediately before the commencement of maternity leave. You must give notice of pregnancy to the employer. You would also be eligible to maternity leave pay, a daily rate equivalent to four-fifths of the average daily wages if you satisfy certain conditions;
- Paternity leave – three days' leave for a male foreign domestic helper employed for at least four weeks immediately before the commencement of paternity leave. You must be the father of the new-born child or a father-to-be and give the required notification to the employer. You would also be eligible to paternity leave pay, a daily rate equivalent to four-fifths of the average daily wages if you satisfy certain conditions;
- Severance payment - equivalent to two-thirds of your last month's wages for each year of service if you satisfy certain conditions;
- Long service payment - equivalent to two-thirds of your last month's wages for each year of service if you satisfy certain conditions;
- Accident / injury compensation - if you sustain an injury or die as a result of an accident (or a prescribed occupational disease) arising out of and in the course of your employment, your employer is in general liable to pay compensation under the Employees' Compensation Ordinance (Cap. 282);
- Medical benefit - the employer is responsible for medical expenses you incur during the contract period. But if you leave Hong Kong out of your volition and for your own personal purposes during the contract period, you have to bear your own medical expenses;
- Free passage - your employer should provide you with free passage from your place of origin to Hong Kong and, upon termination or expiry of the contract, free passage back to your place of origin, as well as a daily food and travelling allowance in both circumstances;
- Food - You will be provided with free food, or at the choice of your employer, food allowance in lieu during the employment period.

Please refer to the Employment Ordinance, the Minimum Wage Ordinance (where applicable) and the Employees' Compensation Ordinance for details about your statutory employment benefits.

Completion of employment contract

1. Can I change to another type of job?

Change of employment requires the approval of the Director of Immigration. If you are a foreign domestic helper, you are not allowed to change your job

to another (non-foreign domestic helper) category. If you want to make this change, you have to return to your home country and file a new application for a new (non-foreign domestic helper) employment visa.

2. Can I change my employers?

Application to change employers in Hong Kong within the two-year contract will normally not be approved. If a foreign domestic helper wishes to take up employment with a new employer in Hong Kong, he / she must return to his / her place of origin and apply for the appropriate visa directly to the Director of Immigration either by post or through his / her employer.

If you have lost your job before your contract was completed (“premature termination”), the Immigration Department may consider allowing you to change employer in Hong Kong under certain exceptional circumstances, such as migration, external transfer, death or financial difficulties of your employer or where there is evidence that you have been abused by your employer.

Termination of employment contract

1. Who can terminate the contract?

If you wish to terminate your employment contract before it expires, under normal circumstances you shall as specified in the employment contract give one month’s notice in writing to your employer, or pay one month’s wages in lieu of notice.

If your employer wishes to terminate your employment contract before it expires, he / she shall also give you one month’s written notice or pay one month’s wages in lieu of notice. Your employer, however, may dismiss you immediately without notice or payment in lieu of notice if you:

- wilfully disobey a lawful and reasonable order;
- misconduct yourself;
- are guilty of fraud or dishonesty; or
- are habitually neglectful in your duties.

2. What should I do if my employment contract is terminated?

If your contract is terminated prematurely, you are permitted to stay in Hong Kong for two weeks or until the limit of your stay (date stated on the landing

slip), whichever is earlier. This is commonly known as the “two-week rule”. Remember that you have to leave Hong Kong or report to the Immigration Department before the end of this period; otherwise, you will be regarded as an overstayer. It is the responsibility of BOTH the employer and the foreign domestic helper to notify the Director of Immigration in writing within seven days of the employment contract being prematurely terminated.

You are entitled to free passage on termination of the contract and a daily food and travelling allowance from your employer for your journey back home.

If you are entitled to any payments and your employer refuses to pay you, you should file your claims at the Labour Department. When you approach the Immigration Department concerning your stay in Hong Kong, you may produce the documents given by the Labour Department to show that you have a claim being dealt with at the Labour Department.

Please note that the Immigration Department does not allow a foreign domestic helper whose contract has been terminated to take up employment unless otherwise approved by the Director of Immigration while she / he is pursuing a labour claim.

Ill treatment, physical or sexual abuse

In Hong Kong, abuse of workers, domestic or otherwise, is not tolerated. If you have been ill-treated, physically or sexually abused, you are entitled to terminate the contract immediately without notice or payment in lieu. In an emergency you should also report the case to the Police by calling **999**, the Police Hotline on **2525-7177** or the number of any Police Station as listed in Chapter 10.

Assistance from other organisations

Mandatory Provident Fund (MPF)

If you are an employee or a self-employed person, the MPF System enables you to save for your retirement. Except for exempt persons, employees and self-employed persons aged 18 to 64 are required to join an MPF scheme. The following are exempt persons who are not required to join an MPF scheme -

- Domestic employees;
- Self-employed hawkers;

- People covered by statutory pension or provident fund schemes;
- Members of occupational retirement schemes which are granted exemption from MPF requirements;
- People from overseas who enter Hong Kong for employment or self-employment for not more than 13 months, or who are members of overseas retirement schemes; and
- Employees of the European Union Office of the European Commission in Hong Kong.

If you are an employee, your employer must enrol you in an MPF scheme of his choice within 60 days of your employment. You can select among the constituent funds offered under the chosen scheme. If you do not make any choice, MPF contributions made by you and your employer will be invested automatically in accordance with the Default Investment Strategy.

You and your employer are required to make mandatory contributions on the basis of 5% of your relevant income. An employee's mandatory contributions are subject to the statutory minimum and maximum relevant income levels, while an employer's mandatory contributions are subject to the statutory maximum relevant income level.

Once your employer remits your contributions and his contributions for you to the relevant MPF scheme, the mandatory part of the contributions and any investment returns derived therefrom will be fully and immediately vested in you. You may withdraw the accrued benefits in your MPF scheme in a lump sum or by instalments when you reach the retirement age of 65, or satisfy other circumstances specified in the law, namely early retirement at the age of 60, permanent departure from Hong Kong, death, terminal illness, total incapacity and small account balance.

Under the Employee Choice Arrangement, you can opt to transfer the employee's portion of mandatory contributions and investment returns in the contribution account of your current employment to an MPF scheme of your own choice on a lump sum basis once every calendar year.

If you are a self-employed person, you are also required to enrol in an MPF scheme and contribute 5% of your relevant income, subject to the statutory minimum and maximum relevant income levels. You can choose among the constituent funds under the chosen scheme and transfer the contributions and investment returns to another scheme at any time.

For details of MPF, you can visit the website of the Mandatory Provident Fund Schemes Authority at www.mpfa.org.hk or contact its offices:

Level 8, Tower 1 Kowloon Commerce Centre 51 Kwai Cheong Road Kwai Chung	Level 25, Tower 1 Millennium City 1 388 Kwun Tong Road Kwun Tong, Kowloon
Room 1201-1207 Nan Fung Tower 88 Connaught Road Central Sheung Wan	

Hotline: **2918-0102**

Fax: 2259-8806

E-mail: mpfa@mpfa.org.hk

Vocational and continuing education

1. Vocational and professional education and training

Vocational Training Council (VTC) is a statutory body established under VTC Ordinance (Cap. 1130) in 1982 to advise the Chief Executive on the provision of a comprehensive vocational and professional education and training system to suit the needs of Hong Kong.

VTC provides vocational and professional education and training through its member institutions including Technological and Higher Education Institute of Hong Kong (THEi), Institute of Professional Education And Knowledge (PEAK), School for Higher and Professional Education (SHAPE), Hong Kong Institute of Vocational Education (IVE), Hong Kong Design Institute (HKDI), Pro-Act by VTC, International Culinary Institute (ICI), Hotel and Tourism Institute (HTI), Chinese Culinary Institute (CCI), Maritime Services Training Institute (MSTI), Youth College (YC), Integrated Vocational Development Centre (IVDC) and Shine Skills Centre. It offers around 250,000 training places each year, providing people of different education levels with pre-employment and in-service vocational and professional education and training programmes, including Degree, Higher Diploma, Diploma and Certificate programmes for senior secondary school leavers, in-service training programmes, training programmes for non-engaged youths and apprentice training.

Enquiries: **2836-1000**; Website: www.vtc.edu.hk

2. *Technical training*

The Construction Industry Council (the Council) is a statutory body established under the Construction Industry Council Ordinance (Cap. 587).

The Council provides training through its organization member, Hong Kong Institute of Construction (HKIC). It provides training for youngsters and adults to become skilled craftsmen, construction plant operators and supervisors / technicians. Besides, HKIC also offers skills enhancement courses, safety, technology and management-related courses to in-service construction personnel. HKIC operates three campuses and eleven training grounds.

In addition to providing training courses, the Council conducts trade tests to assess the skill levels of construction workers and also certification tests for construction plant operators. The Council also collaborates with the industry in training new blood through various Collaborative Training Schemes on “first-hire-then-train” basis.

Enquiries: **2100-9000**; Website: www.cic.hk & www.hkic.edu.hk

Clothing Industry Training Authority (CITA) operates two training centres to deliver full-time and part-time courses at the diploma level or above and to provide professional consultancy and technical support services. The mission of it is to assist the clothing industry to enhance its global competitiveness through the adoption of an industry-led approach to effectively strengthen its services in:

- training and developing management and technical professionals;
- promoting sound commercial practices, as well as productivity and quality improvement programmes; and
- facilitating the application of information technology.

Enquiries: **2263-6300**; Website: www.cita.org.hk

3. *Employees Retraining Board*

The Employees Retraining Board (ERB) is an independent statutory body established in 1992 under the Employees Retraining Ordinance. The main function of ERB is to co-ordinate, fund and monitor training courses and services. Its service targets are people aged 15 or above with educational attainment at sub-degree level or below.

ERB appoints about 90 training bodies operating around 400 training centres to offer market driven and employment-oriented training courses and services to cater for the needs of different service targets, including eligible employees in Hong Kong of non-Chinese origin, with a view to increasing their job opportunities through the provision of training and employment services.

ERB offers both full-time and part-time training courses to eligible applicants. Unemployed trainees having successfully completed placement-tied courses are eligible for retraining allowance, placement follow-up services are also provided to help these graduates land on jobs and sustain in employment.

Please visit www.erb.org or call ERB hotline at **182-182** for more details.

