

《最低工资条例》（第 608 章）「工作经验学员」学生身份确认书
Confirmation of student status for “work experience student”
under the Minimum Wage Ordinance (Cap. 608)

须知事项

Note

1 「工作经验学员」学生身份确认书（下称「确认书」）适用于以工作经验学员身份与其雇主在雇佣合约期内，协议一段为最长连续59天获豁免学生雇用期的学生。根据《最低工资条例》（第608章），「工作经验学员」是指：

- (a) 修读经评审课程¹的学生；或
- (b) 居于香港，并修读非本地教育课程²的学生，

而该学生正根据某雇佣合约受聘，且在该合约开始时，仍未满26岁。

The Confirmation of student status for “work experience student” (“Confirmation”) applies to a work experience student who agrees with his employer to treat a continuous period of up to 59 days during the contract of employment as a period of exempt student employment. Under the Minimum Wage Ordinance (Cap. 608), “work experience student” means a student who:

- (a) is enrolled in an accredited programme¹; or
- (b) is resident in Hong Kong and enrolled in a non-local education programme²,

and who is engaged under a contract of employment at the beginning of which he is under the age of 26 years.

2 法定最低工资不适用于正处于获豁免学生雇用期的工作经验学员，雇主根据《雇佣条例》（第57章）须备存教育机构发出的文件或其副本，以显示该工作经验学员于有关获豁免学生雇用期开始时，正修读该教育机构提供的课程（该课程属《最低工资条例》第2条中「工作经验学员」的定义所涵盖的类别）。本确认书样本供教育机构参考，以确认学生雇员正修读该教育机构提供，并属《最低工资条例》中「工作经验学员」的定义所涵盖的课程类别。如雇主对学生雇员是否正修读有关课程有任何疑问，应向有关的教育机构查询，以免违反豁免安排的规定。同时，学生雇员如在获豁免学生雇用期内修毕或终止修读有关课程，亦应尽快通知雇主。

Statutory Minimum Wage does not apply to a work experience student during a period of exempt student employment. Under the Employment Ordinance (Cap. 57), the employer shall keep a document (or copy of a document) issued by an education institution showing that the work experience student is at the commencement of the employment enrolled in a programme being provided by the education institution that is of a kind covered by the definition of “work experience student” in section 2 of the Minimum Wage Ordinance. This Specimen Confirmation is for education institutions’ reference in confirming that the student employee is enrolled in a programme being provided by the education institution that is of a kind covered by the definition of “work experience student” in the Minimum Wage Ordinance. The employer should approach the education institution concerned for enquiries if there is doubt as to whether the student employee is enrolled in a programme that complies with the exemption conditions. At the same time, the student employee should inform the employer as soon as possible when he is no longer enrolled in the programme during the period of exempt student employment.

3 香港特别行政区政府劳工处的执法人员会前往不同的工作地点视察，以确保雇主遵行由劳工处负责执行的法例。如有需要，雇用工作经验学员的雇主须根据《雇佣条例》的要求，出示雇员的资料及纪录，包括确认书（如适用），以供查阅。若有关的获豁免学生雇用涉嫌违反相关法例的要求，确认书所载的资料会被劳工处用作执法之用，劳工处亦可能将有关资料转交其他政府部门及机关，作进一步调查。有关政府部门及机关或会就确认书内的工作经验学员资料，向相关教育机构查询。

Public officers of the Labour Department (LD) of the Government of the Hong Kong Special Administrative Region conduct inspection visits to places of employment to ensure employers’ compliance with ordinances administered by the LD. Employers taking on work experience students are required under the Employment Ordinance to provide employees’ information and records, including the Confirmation (if applicable), for inspection by public officers of the LD when necessary. Should there be any suspected contravention of any relevant ordinances in connection with the concerned exempt student employment, the information provided in the Confirmation may be used by the LD for law enforcement purpose. The LD may also transfer the information to relevant government departments and authorities for further investigation. Government departments and authorities may contact the education institution concerned to enquire about the information on the work experience student as provided in the Confirmation.

¹ 见确认书附注 1。 See footnote 1 in the Confirmation.

² 见确认书附注 2。 See footnote 2 in the Confirmation.

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兹确认以下学生在_____学年(由_____年____月至_____年____月)正修读本教育机构提供,并属《最低工资条例》所指的课程类别。

This is to confirm that the following student is enrolled in a programme provided by this education institution and is of a kind specified in the Minimum Wage Ordinance during the academic year _____ (from _____(month) _____(year) to _____(month) _____(year)).

工作经验学员的个人资料以及正修读的课程名称和类别

Personal particulars of the work experience student as well as the name and the kind of programme enrolled

姓名(正楷) Name (in block letters)	
香港身份证 / 护照* 号码 HK Identity Card / Passport* No.	
正修读的课程 Programme Enrolled	课程名称: Name of the programme:
	课程类别 Kind of the programme: (请选择适当项目 Please select appropriate box) <input type="radio"/> (本地课程) 全日制经评审课程 ¹ (local programme) a full-time accredited programme ¹ <input type="radio"/> (非本地教育课程) 全日制学位或更高程度的教育课程 ² (non-local education programme) a full-time programme of education at the level of degree or higher ²

负责人姓名 Name of Responsible Officer: _____ 职位 Position: _____

签署 Signature: _____ 代表 signed for and on behalf of

签署

(教育机构名称 name of education institution)

发出日期 Date of Issue: _____

教育机构印章
Chop of Education Institution

如有任何查询,请与以下人士联络 For enquiries, please contact the following person:

姓名 Name: _____ 职位 Position: _____

教育机构地址 Address of Education Institution: _____

联络电话 Telephone Number: _____ 传真号码 Fax Number: _____

电邮地址 Email Address: _____ 网址 Website: _____

* 请删去不适用者。 Please delete as appropriate.

¹ 根据《最低工资条例》,「经评审课程」指符合以下说明的全日制课程:

- (a) 由附表 1 指明的教育机构提供(名单见下页);
- (b) 属《学术及职业资历评审条例》(第 592 章)附表 3 第 1、2 或 3 条描述的类别的进修计划;及
- (c) (如该全日制课程由根据《教育条例》(第 279 章)注册或临时注册的学校提供)属该条例所指的专上教育程度。

The Minimum Wage Ordinance provides that “accredited programme” means a **full-time** programme that:

- (a) is provided by an education institution specified in Schedule 1 (see the list on next page);
- (b) is a learning programme of a kind described in section 1, 2 or 3 of Schedule 3 to the Accreditation of Academic and Vocational Qualifications Ordinance (Cap. 592); and
- (c) if provided by a school registered or provisionally registered under the Education Ordinance (Cap. 279), is at the level of post secondary education (within the meaning of that Ordinance).

² 根据《最低工资条例》,「非本地教育课程」指达致颁授属学位或更高程度的非本地学术资格的全日制教育课程。

The Minimum Wage Ordinance provides that “non-local education programme” means a **full-time** programme of education which leads to the award of a non-local academic qualification which is at the level of degree or higher.

注意:资料使用者须遵守《个人资料(私隐)条例》(第 486 章)有关保障个人资料原则的规定。

Note: Data users should comply with the requirements of the Personal Data (Privacy) Ordinance (Cap. 486) concerning data protection principles.

《最低工资条例》附表 1 指明的教育机构
Education institutions specified in Schedule 1 to the Minimum Wage Ordinance

- 1 由《香港教育大学条例》（第 444 章）设立的香港教育大学
The Education University of Hong Kong established by The Education University of Hong Kong Ordinance (Cap. 444)
- 2 由《香港大学条例》（第 1053 章）设立的香港大学
University of Hong Kong established by the University of Hong Kong Ordinance (Cap. 1053)
- 3 由《香港理工大学条例》（第 1075 章）设立的香港理工大学
The Hong Kong Polytechnic University established by The Hong Kong Polytechnic University Ordinance (Cap. 1075)
- 4 由《香港中文大学条例》（第 1109 章）设立的香港中文大学
The Chinese University of Hong Kong established by The Chinese University of Hong Kong Ordinance (Cap. 1109)
- 5 由《香港浸会大学条例》（第 1126 章）设立的香港浸会大学
Hong Kong Baptist University established by the Hong Kong Baptist University Ordinance (Cap. 1126)
- 6 由《香港城市大学条例》（第 1132 章）设立的香港城市大学
City University of Hong Kong established by the City University of Hong Kong Ordinance (Cap. 1132)
- 7 由《香港演艺学院条例》（第 1135 章）设立的香港演艺学院
The Hong Kong Academy for Performing Arts established by The Hong Kong Academy for Performing Arts Ordinance (Cap. 1135)
- 8 由《香港科技大学条例》（第 1141 章）设立的香港科技大学
The Hong Kong University of Science and Technology established by The Hong Kong University of Science and Technology Ordinance (Cap. 1141)
- 9 由《香港都会大学条例》（第 1145 章）设立的香港都会大学
Hong Kong Metropolitan University established by the Hong Kong Metropolitan University Ordinance (Cap. 1145)
- 10 由《岭南大学条例》（第 1165 章）设立的岭南大学
Lingnan University established by the Lingnan University Ordinance (Cap. 1165)
- 11 根据《专上学院条例》（第 320 章）注册的认可专上学院
Approved post secondary colleges registered under the Post Secondary Colleges Ordinance (Cap. 320)
- 12 根据《职业训练局条例》（第 1130 章）第 6(2)(h)条设立的机构
Bodies established under section 6(2)(h) of the Vocational Training Council Ordinance (Cap. 1130)
- 13 根据《教育条例》（第 279 章）注册或临时注册的学校
Schools registered or provisionally registered under the Education Ordinance (Cap. 279)