

《最低工資條例》(第608章)「工作經驗學員」學生身份確認書

Confirmation of student status for “work experience student” under the Minimum Wage Ordinance (Cap. 608)

須知事項

Points to note

1. 「工作經驗學員」學生身份確認書(下稱“確認書”)適用於以工作經驗學員身份與其僱主在僱傭合約期內,協議一段為期最長連續 59 天獲豁免學生僱用期¹的學生。
根據《最低工資條例》(第608章),「工作經驗學員」是指—
 - (i) 修讀經評審課程²的學生;或
 - (ii) 居於香港,並修讀非本地教育課程³的學生,而該學生正根據某僱傭合約受聘,且在該合約開始時,仍未滿 26 歲。

The Confirmation of student status for “work experience student” (“Confirmation”) applies to a work experience student who agrees with his or her employer to treat a continuous period of up to 59 days during the contract of employment as a period of exempt student employment¹.

Under the Minimum Wage Ordinance (Cap. 608), “work experience student” means a student who—

- (i) is enrolled in an accredited programme²; or
- (ii) is resident in Hong Kong and enrolled in a non-local education programme³,

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

2. 當學生僱員欲與其僱主協議獲豁免學生僱用期,僱主需要求該名學生僱員向有關教育機構申請簽發確認書,以確認學生僱員正修讀該教育機構提供,並屬《最低工資條例》中「工作經驗學員」的定義所涵蓋的課程類別,並向僱主提供該確認書。如僱主對學生僱員是否正修讀有關課程有任何疑問,應向教育機構查詢,以免違反豁免安排的規定。同時,學生僱員如在獲豁免學生僱用期內修畢或終止修讀有關課程,亦應盡快通知僱主。

If a student employee wishes to agree with his or her employer a period of exempt student employment, the employer shall require the student employee to approach the relevant education institution to apply for a Confirmation to confirm that he or she 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 and submit the same to the employer. If the employer has doubt as to whether the student employee is enrolled in a programme that complies with the exemption conditions, the employer shall approach the education institution for enquiries. At the same time, the student employee shall inform the employer when he or she is no longer enrolled in the programme during the concerned period of exempt student employment as soon as possible.

3. 香港特別行政區政府勞工處的執法人員會前往不同的工作地點視察,以確保僱主遵行由勞工處負責執行的法例。如有需要,僱用工作經驗學員的僱主須根據《僱傭條例》(第57章)的要求,出示僱員的資料及紀錄,包括確認書,以供查閱。若僱傭雙方的僱傭合約或獲豁免學生的僱用涉嫌違反相關法例的要求,確認書所載的資料會被勞工處用作執法之用,勞工處亦可能將有關資料轉交其他政府部門及機關,作進一步調查。有關政府部門及機關或會就確認書內的工作經驗學員資料,向相關教育機構查詢。

The Labour Department (LD) of the Government of the Hong Kong Special Administrative Region will conduct inspection visits to places of employment to ensure employers’ compliance of the ordinances administered by LD. Employers taking on work experience students are required, under the Employment Ordinance (Cap. 57), to provide employees’ information and records, including the Confirmation, for inspection by LD officers when necessary. Should there be any suspected contravention of any relevant ordinances in connection with the contract of employment or the 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 《最低工資條例》不適用於正處於獲豁免學生僱用期的工作經驗學員。

The Minimum Wage Ordinance does not apply to a work experience student during a period of exempt student employment.

² 見確認書附註 1。See footnote 1 in the Confirmation.

³ 見確認書附註 2。See footnote 2 in the Confirmation.

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茲確認以下學生在_____學年(由____年____月至____年____月)正修讀本教育機構提供,並屬《最低工資條例》所指的課程類別。

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)).

工作經驗學員的個人資料和正修讀的課程名稱及類別

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

姓名(正楷) Name (in block letters)	
香港身份証 / 護照* 號碼 HK Identity Card / Passport * No.	
正修讀的課程 Programme enrolled	課程名稱: Name of the programme: 課程類別 Kind of the programme: 請選擇適當項目 Please select appropriate box <input type="radio"/> (本地課程) 全日制經評審課程 ¹ (local programme) a full-time accredited programme ¹ <input type="radio"/> (非本地教育課程) 全日制學位或更高程度的教育課程 ² (non-local education programme) a full-time programme of education at the level of degree or higher ²

負責人姓名 Name of Responsible Officer : _____ 職位 Position: _____

簽署 Signature: _____

代表 Signed for and on behalf of _____ 簽署
(教育機構名稱 name of education institution)

發出日期 Date of issue: _____

如有任何查詢,請與以下人士聯絡 For enquiries, please contact the following person:

姓名 Name: _____ 職位 Position: _____

教育機構地址 Address of education institution: _____

聯絡電話 Telephone number: _____ 傳真號碼 Fax number: _____

電郵地址 Email address: _____ 網址 Website: _____

教育機構印章
Chop of education institution

*請刪去不適用者。Please delete as appropriate.

¹ 根據《最低工資條例》,「經評審課程」指符合以下說明的**全日制**課程 —

- (a) 由附表 1 指明的教育機構提供(名單見下頁);
- (b) 屬《學術及職業資歷評審條例》(第 592 章)附表 3 第 1、2 或 3 條描述的類別的進修計劃;及
- (c) (如該全日制課程由根據《教育條例》(第 279 章)註冊或臨時註冊的學校提供)屬該條例所指的專上教育程度。

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 根據《最低工資條例》,「非本地教育課程」指達致頒授學位或更高程度的非本地學術資格的全日制教育課程。

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.

《最低工資條例》附表 1 指明的教育機構
Education institutions specified in Schedule 1 to the Minimum Wage Ordinance

1. 由《香港教育學院條例》（第 444 章）設立的香港教育學院。
The Hong Kong Institute of Education established by The Hong Kong Institute of Education Ordinance (Cap. 444).
2. 由《香港大學條例》（第 1053 章）設立的香港大學。
University of Hong Kong established by the University of Hong Kong Ordinance (Cap. 1053).
3. 由《香港理工大學條例》（第 1075 章）設立的香港理工大學。
The Hong Kong Polytechnic University established by The Hong Kong Polytechnic University Ordinance (Cap. 1075).
4. 由《香港中文大學條例》（第 1109 章）設立的香港中文大學。
The Chinese University of Hong Kong established by The Chinese University of Hong Kong Ordinance (Cap. 1109).
5. 由《香港浸會大學條例》（第 1126 章）設立的香港浸會大學。
Hong Kong Baptist University established by the Hong Kong Baptist University Ordinance (Cap. 1126).
6. 由《香港城市大學條例》（第 1132 章）設立的香港城市大學。
City University of Hong Kong established by the City University of Hong Kong Ordinance (Cap. 1132).
7. 由《香港演藝學院條例》（第 1135 章）設立的香港演藝學院。
The Hong Kong Academy for Performing Arts established by The Hong Kong Academy for Performing Arts Ordinance (Cap. 1135).
8. 由《香港科技大學條例》（第 1141 章）設立的香港科技大學。
The Hong Kong University of Science and Technology established by The Hong Kong University of Science and Technology Ordinance (Cap. 1141).
9. 由《香港公開大學條例》（第 1145 章）設立的香港公開大學。
The Open University of Hong Kong established by The Open University of Hong Kong Ordinance (Cap. 1145).
10. 由《嶺南大學條例》（第 1165 章）設立的嶺南大學。
Lingnan University established by the Lingnan University Ordinance (Cap. 1165).
11. 根據《專上學院條例》（第 320 章）註冊的認可專上學院。
Approved post secondary colleges registered under the Post Secondary Colleges Ordinance (Cap. 320).
12. 根據《職業訓練局條例》（第 1130 章）第 6(2)(h)條設立的機構。
Bodies established under section 6(2)(h) of the Vocational Training Council Ordinance (Cap. 1130).
13. 根據《教育條例》（第 279 章）註冊或臨時註冊的學校。
Schools registered or provisionally registered under the Education Ordinance (Cap. 279).