

Revision of Statutory Minimum Wage Rate: Notes for Employees with Disabilities and Employers

With effect from 1 May 2023, the Statutory Minimum Wage (SMW) rate is raised to \$40 per hour.

SMW applies to all employees including employees with disabilities. Therefore, employees with disabilities are also entitled to receive wages not lower than SMW. Employees with disabilities who have chosen the special arrangement under the Minimum Wage Ordinance (Cap. 608 of the Laws of Hong Kong) (MWO) are entitled to wages of not less than the amount to be calculated according to the new SMW rate. Details are as follows:

① Employees with disabilities who have not chosen the special arrangement under MWO

With effect from 1 May 2023, an employer should pay wages to employees with disabilities not lower than \$40 per hour (i.e. the new SMW rate).

② Employees with disabilities who invoke productivity assessment under MWO

✂ Employees with disabilities who undergo the trial period of employment:

During the trial period of employment	SMW rate (per hour)	<u>Hourly wage level that an employer should pay to employees with disabilities</u>
Before 1 May 2023	\$37.5	Not lower than \$37.5 x 50%#
On or after 1 May 2023	\$40	Not lower than \$40 x 50%#

Section 3 of Schedule 2 of MWO stipulates that the specified percentage is 50%.

✂ Employees with disabilities who have completed productivity assessment:

Completion of productivity assessment	SMW rate (per hour)	<u>Hourly wage level that an employer should pay to employees with disabilities</u>
On or after 1 May 2023	\$40	Not lower than \$40 x assessed degree of productivity (indicated in percentage) stated in the “Certificate of Assessment on the Degree of Productivity” ^

^ If an employee with disabilities continues to perform the same job for the same employer as specified in the “Certificate of Assessment on the Degree of Productivity”.

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Labour Department

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For productivity assessment and major requirements of MWO, please refer to the *Concise Guide to Productivity Assessment for Employees with Disabilities under the Statutory Minimum Wage Regime* and *Concise Guide to Statutory Minimum Wage* published by the Labour Department. The interpretation of MWO should be based on its original text. The full text of MWO has been uploaded to Hong Kong e-Legislation of the Department of Justice at the website: www.elegislation.gov.hk.

Labour Department's Homepage: www.labour.gov.hk