

# Concerted Efforts for Better Protection-

## Points-to-Note for Employees of the Construction Industry



Labour Department

Tripartite Committee on  
the Construction Industry



# Concerted Efforts for Better Protection –

## Points-to-Note for **Employees** of the **Construction Industry**

### Table of Contents

• Concerted Efforts by Employers and Employees for Better Protection	2
• Timely Payment of Wages	5
• Written Contracts and Proper Records	7
• Distinguish the Status and Avoid Disputes	9
• Understanding of the Legislation	12
• Introduction to the Industry Schemes of the Mandatory Provident Fund System	13
• Appendix I : Statutory Holidays	18
• Appendix II : Enquiries	20
• Wage, Hours Worked and Attendance Record Sheet	22
• Simple Employment Contract	28

## Concerted Efforts by Employers and Employees for Better Protection

The construction industry is a major industry sector in Hong Kong's economy. Over the years, it has made significant contributions to establishing Hong Kong into an international city and created lots of employment opportunities.

To promote harmonious labour relations in the industry, the Tripartite Committee on the Construction Industry under the Labour Department has all along been actively holding discussions on matters of common concern. The Committee also encourages employers and employees in the industry to make a concerted effort to fulfil their statutory obligations and adopt good people management practices so as to protect mutual interests. Separate guidebooks are therefore produced for reference of employers and employees.

The guidebook for employees sets out the good people management practices and points-to-note agreed by Committee Members, which include

- understanding your rights and benefits under the legislations and also fulfilling your statutory obligations.
- reminding the employer to enter into a written employment contract with you.
- filling out your wage, hours worked and attendance record sheets, asking the employer or his/her representative to sign for confirmation and keeping them properly.

This guidebook also provides brief introductions to the rights and benefits conferred on employees by the Employment Ordinance and the Minimum Wage Ordinance, the features and contribution arrangements of the Industry Schemes under the Mandatory Provident Fund Schemes Ordinance, as well as the importance of distinguishing between an "employer", an "employee" and a "self-employed person". A "Simple Employment Contract" and a "Wage, Hours Worked and Attendance Record Sheet" are also attached for reference and use by employers and employees in the industry. **This guidebook sets out in simple terms the key points of the relevant legislation. The respective ordinances remain the sole authority for the provisions of the law mentioned.**

We would like to thank the Members from employers' associations and trade unions of the Tripartite Committee on the Construction Industry for their support and valuable comments for the production of this guidebook.

**Members of the Tripartite Committee on the Construction Industry  
(in alphabetical order of organisation names):**

**Employers' Associations**

Hong Kong Bar-Bending Contractors Association, Limited

Hong Kong General Building Contractors Association Limited

The Hong Kong Construction Association, Limited

The Hong Kong Federation of Electrical and Mechanical Contractors Limited

The Society of Builders, Hong Kong

**Trade Unions**

Bar Bending Industry Workers Solidarity Union

Construction Site Workers General Union

Hong Kong & Kowloon Carpenters General Union

Hong Kong & Kowloon Painters General Union

Hong Kong and Kowloon Electrical Engineering and Appliances Trade Workers Union

Hong Kong Brick-laying & Construction Trade Workers' Union

Hong Kong Construction Industry Bar-bending Workers Union

Hong Kong Construction Industry Employees General Union

Hong Kong Decoration Trade & Building Maintenance Employees Association

Hong Kong Plumbing General Union

The Federation of Hong Kong Electrical & Mechanical Industries Trade Unions

**Timely Payment of Wages**

**Wage Protection**

- According to the Employment Ordinance, wages shall become due on the expiry of the last day of the wage period. An employer should pay wages to an employee as soon as practicable but in any case not later than seven days after the end of the wage period or the date of termination of employment.
- **An employer, who wilfully and without reasonable excuse, fails to pay wages to an employee when it becomes due is liable to prosecution and, upon conviction, to a fine of \$350,000 and to imprisonment for three years.**
- If an employee engaged in building and construction works is owed wages by his direct employer (sub-contractor), he may request the principal contractor, the superior sub-contractor or the superior nominated sub-contractor to pay the first two months' unpaid wages on behalf of his employer.
- An employee must serve a written notice to the principal contractor, the superior sub-contractor or the superior nominated sub-contractor within 60 days after the wages become due.
- The wages paid by the principal contractor, the superior sub-contractor and the superior nominated sub-contractor shall be a debt due by the employer of the employee to them. The debt may be recovered through civil claims proceedings.

## Keys to Good People Management

It is the statutory obligation of an employer to effect wages to employees on time. Such compliance is also fundamental to maintaining harmonious labour relations. To achieve this, Members of the Tripartite Committee advise that

### Employees, if owed wages by employers-

- ◆ should report the case immediately to the principal contractor and person-in-charge of the site, or the Labour Relations Officer on site (if applicable).
- ◆ should lodge a complaint to a branch office of the Labour Relations Division of the Labour Department (see Appendix II) near the workplace.
- ◆ should serve a written notice to the principal contractor, the superior sub-contractor or the superior nominated sub-contractor within 60 days after the wages become due if he wants them to pay the unpaid wages on behalf of his employer in accordance with the Employment Ordinance.
- ◆ should assist the Labour Department in prosecuting the offending employer, including acting as the prosecution witness.
- ◆ should not sign false records of wages, hours worked or attendance.

### Employers should-

- ◆ pay wages to employees on time according to the law.
- ◆ not ask employees to sign false records of wages, hours worked or attendance.

## Written Contracts and Proper Records

- ◆ Employers should enter into written employment contracts with their employees and keep proper wage, hours worked and attendance records of them, regardless of whether they are permanent workers, casual workers, helpers or substitute workers in nature. This will
  - help protect the interests of both the employers and the employees.
  - ensure that the employees fully understand their employment terms.
  - remind both the employers and the employees to fulfil their contractual responsibilities.
  - minimise unnecessary labour disputes.
- ◆ Employers and employees are free to negotiate and agree on the terms and conditions of employment that comply with the provisions of the Employment Ordinance. It should be noted that according to section 70 of the Employment Ordinance, any term of an employment contract which purports to extinguish or reduce any right, benefit or protection conferred upon the employee by the Employment Ordinance shall be void.

## Keys to Good People Management

Sub-contracting is a common practice in the construction industry. Disputes often arise owing to failure of some sub-contractors to enter into written employment contracts with their employees and to keep

proper wage, hours worked and attendance records. To protect the interests of both the employers and the employees and minimise avoidable disputes, the Tripartite Committee calls upon:

#### **Employees –**

- ◆ to remind the employer to enter into a written employment contract (please refer to the Simple Employment Contract attached).
- ◆ to fill out the "Wage, Hours Worked and Attendance Record Sheets" and ask the employer or his/her representative to sign for confirmation (please refer to the "Wage, Hours Worked and Attendance Record Sheet" attached).
- ◆ to keep the "Wage, Hours Worked and Attendance Record Sheets" properly.
- ◆ to record all the paid annual leave, sick leave and statutory holidays taken in each wage period.

#### **Employers –**

- ◆ to enter into written employment contracts with employees.
- ◆ to examine the wage, hours worked and attendance records produced by employees and sign for confirmation.
- ◆ to keep proper wage, hours worked and attendance records of employees.
- ◆ to maintain the paid annual leave, sick leave and statutory holiday records of employees (please refer to *"Proper Keeping of Wage and Employment Records"* published by the Labour Department).

## **Distinguish the Status and Avoid Disputes**

Practitioners in the construction industry may be engaged as employees, contractors or self-employed persons, which are of different rights and obligations. To avoid unnecessary misunderstanding and disputes, the Tripartite Committee reminds industry practitioners to clarify their status and pay attention to the following:

### **Differences between An "Employee", A "Contractor" and A "Self-employed Person" in the Construction Industry**

- An "employee" is entitled to various rights and protection under the Employment Ordinance and the Employees' Compensation Ordinance, such as statutory holidays, severance payment/long service payment and employees' compensation, etc.
- A "contractor" undertakes sub-contracted works and sometimes employs his own employees. A "contractor" or "self-employed person" is not entitled to the rights and protection under the Employment Ordinance and the Employees' Compensation Ordinance. He should consider taking out a personal accident insurance policy with adequate coverage on his own.
- Being an employer, a "Contractor" is required to take out insurance policies to cover his liabilities both under the Employees' Compensation Ordinance and at common law for injuries at work for his employees.

- "Self-employed persons", "contractors" and their employees are all required to make contributions to the Mandatory Provident Fund schemes.

## Keys to Good People Management

**Practitioners** – should find out whether they are "employees", "contractors" or "self-employed persons" prior to the commencement of works.

### Employees –

- should clarify who is the employer before entering into any employment contract. If required, employees can make a written request to the employer for information on employment conditions in writing.
- must cautiously assess the pros and cons involved if they are asked to change their statuses to "contractors" or "self-employed persons", for they may lose the employment rights and benefits in such change.
- should note that employers are not allowed to unilaterally change the status of their employees to "contractors" or "self-employed persons". Otherwise, employees may be regarded as constructively dismissed and may claim termination compensation against their employers.

### Employers –

- should not unilaterally change the status of their employees to "contractors" or "self-employed persons". This may amount to

constructive dismissal and the employees may claim termination compensation against the employer.

- Even though the workers are labelled as "contractors", "sub-contractors", etc., in the absence of any material changes in job nature and conditions of service, the court may rule that the workers are still employees and entitled to statutory rights and benefits, and the employers are still required to fulfil their responsibilities under the relevant legislation.

## Understanding of the Legislation

In addition to the keys for good people management, employers and employees should understand their respective statutory rights and obligations for better protection.

### Employees' Rights under the Employment Ordinance and the Minimum Wage Ordinance

- All employees covered by the Employment Ordinance, whether they are casual or part-time employees, and irrespective of their hours of work, are entitled to the following rights and benefits:
  - Protection on payment of wages [see Page 5 - "**Timely Payment of Wages**";
  - Granting of statutory holidays [see Appendix I];
  - Protection against anti-union discrimination;
  - Protection against unreasonable and unlawful dismissal;
  - Prohibition of assignment of heavy, hazardous or harmful work to pregnant employees; and
  - Provision of information about the terms and conditions of employment by the employer, etc.
- Employees who are employed under a "continuous contract" are further entitled to benefits such as rest days, paid statutory holidays, paid annual leave, sickness allowance, maternity leave, paternity leave, employment protection, severance payment and long service payment, etc.

- "Continuous contract" means a contract of employment under which an employee has been employed continuously by the same employer for four weeks or more, with at least 18 hours worked in each week.
- Under the Minimum Wage Ordinance, wages payable to an employee 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 statutory minimum wage rate.

*(For other major provisions of the Employment Ordinance and the Minimum Wage Ordinance, please refer to "A Concise Guide to the Employment Ordinance" and "Concise Guide to Statutory Minimum Wage" published by the Labour Department.)*

### Introduction to the Industry Schemes of the Mandatory Provident Fund System

Industry Schemes are Mandatory Provident Fund (MPF) schemes specially designed for the catering and construction industries. In view of the high labour mobility of these two industries in which many employees are employed as "casual employees" on a day-to-day basis or for a fixed period of less than 60 days, and the usual practice of paying wages at an agreed daily rate, Industry Schemes have been specially established under the MPF System to cater for the needs of employers and employees of these two industries.

Industry Schemes provide convenience to both employers and employees of the catering and construction industries. For example, a casual employee does not have to change schemes if

he changes employment within these two industries, so long as his previous and new employers are registered with the same Industry Scheme.

There are currently two MPF trustees providing Industry Schemes. Casual employees in the catering and construction industries can open MPF accounts with the trustees of the two Industry Schemes in advance. The advantage of opening an account in advance is that, upon changing of jobs, employees are not required to fill in any account opening form at the restaurant or construction site, if the new employers have also registered with the same Industry Schemes. It is simple and convenient as employees can simply provide their employers with personal details and account number of their MPF account for making contributions. However, if an employee has not set up an account in advance, the employer is legally obliged to enrol the employee in an MPF scheme.

Although the Industry Schemes are tailor-made for the catering and construction industries, the legislation does not stipulate that all employers in these two industries must join the Industry Schemes. However, if employers enrol their casual employees in Master Trust Schemes, they cannot enjoy the convenience offered by the Industry Schemes.

The contribution scale for the Industry Schemes is as follows:

## 1) Casual Employees

Under MPF legislation, "casual employees" refers to short-term employees who are at least 18 but under 65 years of age, and are employed in the catering or construction industry by an employer on a day-to-day basis or for a fixed period of less than 60 days.

### i) Daily-rated Casual Employees

- Under the Industry Schemes, employers are required to calculate and pay the amount of contributions for daily-rated casual employees by reference to the contribution scale set out below (Schedule 1):

Schedule 1

Contribution Scale <small>(note1)(\$)</small>			
Daily relevant income (\$)	Employer's contributions (\$)	Employee's contributions (\$)	Total contributions (\$)
Less than 280	10	Not required	10
280 or more but less than 350	15	15	30
350 or more but less than 450	20	20	40
450 or more but less than 550	25	25	50
550 or more but less than 650	30	30	60
650 or more but less than 750	35	35	70
750 or more but less than 850	40	40	80
850 or more but less than 950	45	45	90
950 or more*	50	50	100

\* This income band contains the daily maximum relevant income level (i.e. \$1,000) and the maximum amount of contribution (i.e. \$50). Even if the daily relevant income of a casual employee exceeds \$1,000, the amount of contribution payable by both the employee and his employer will remain at \$50 per day.

*(note 1) The contribution scale does not apply to the Master Trust Schemes.*

## ii) Non-daily-rated Casual Employees

- Such as those who are not daily-rated but are employed, for example, on a fixed weekly or monthly rate.
- The amount of contributions<sup>[note1]</sup> is calculated based on the "average daily relevant income" of an employee in each wage period. Employers should first calculate the average daily relevant income of an employee, then check it against the corresponding income band under the contribution scale (Schedule 1) to determine the applicable daily contribution amount, and finally calculate the total contributions payable for the week or month, by multiplying the daily contribution amount by the number of working days in the wage period:

$$\text{Average daily relevant income} = \frac{\text{Relevant income earned in a wage period}}{\text{No. of working days in the wage period}}$$

$$\text{Daily contribution amount} = \text{Check average daily relevant income against the contribution scale (Schedule 1) for contribution amount}$$

$$\text{Total contribution amount} = [\text{Daily contribution amount}] \times [\text{No. of working days in the wage period}]$$

- For the above method and examples for calculating the "average daily relevant income" and contributions amount, please refer to the leaflet on "MPF Industry Schemes" published by the Mandatory Provident Fund Schemes Authority (MPFA) which can be downloaded from MPFA's homepage ([www.mpfa.org.hk](http://www.mpfa.org.hk)).

<sup>[note 1]</sup> The contribution scale does not apply to the Master Trust Schemes.

## 2) Regular Employees

- Some employees in the construction and catering industries are employed for a fixed period of 60 days or more ("regular employees"). Employers who choose to enrol their regular employees in an Industry Scheme should note that the contribution calculation method for regular employees is different from that for casual employees.
- Both employers and employees are required to contribute 5% of the employees' relevant income, totalling 10%, as mandatory contributions.
- Contributions are subject to the maximum and minimum levels of relevant income (\$30,000 and \$7,100 per month respectively) (Schedule 2).

### Schedule 2

Monthly relevant income (\$)	Employer's contributions (\$)	Employee's contributions (\$)
Less than 7,100	Relevant income x 5%	Not required
7,100 – 30,000	Relevant income x 5%	Relevant income x 5%
More than 30,000	1,500	1,500

*Please note that the maximum and minimum contribution levels and the contribution scale are subject to any amendments of the relevant legislation. For the latest levels and the contribution scale, please refer to the promotional leaflets published by MPFA or visit its website at <http://www.mpfa.org.hk>.*

## Statutory Holidays

An employee, irrespective of his length of service, is entitled to the following statutory holidays :

- the first day of January
- Lunar New Year's Day
- the second day of Lunar New Year
- the third day of Lunar New Year
- Ching Ming Festival
- Labour Day, being the first day of May
- Tuen Ng Festival
- Hong Kong Special Administrative Region Establishment Day, being the first day of July
- the day following the Chinese Mid-Autumn Festival
- Chung Yeung Festival
- National Day, being the first day of October
- Chinese Winter Solstice Festival or Christmas Day (at the option of the employer)

- ★ An employee having been employed under a continuous contract (i.e. has been employed continuously by the same employer for four weeks or more, with at least 18 hours worked in each week) for not less than three months immediately preceding a statutory holiday is entitled to the holiday pay.
- ★ If a statutory holiday falls on a rest day, the employee should be granted a holiday on the next day which is not a statutory holiday or an alternative holiday or a substituted holiday or a rest day.

## Enquiries

Enquiry Hotline: 2717 1771 (the hotline is handled by "1823")  
Homepage Address: <http://www.labour.gov.hk>

Enquiry in person to Offices of the Labour Relations  
Division:  
<http://www.labour.gov.hk/eng/tele/lr1.htm>

For enquiries on compensation for work injury  
Employees' Compensation Division Telephone Number: 2852 3708

## Mandatory Provident Fund Schemes Authority

Website : <http://www.mpfa.org.hk>  
Address : Level 8, Tower 1, Kowloon Commerce Centre,  
51 Kwai Cheong Road, Kwai Chung  
Telephone: 2918 0102

## Trustees of MPF Industry Schemes:

### Bank of East Asia (Trustees) Limited

Website : <http://www.hkbea.com>  
Address : 32/F., BEA Tower, Millennium City 5,  
418 Kwun Tong Road, Kwun Tong, Kowloon, Hong Kong  
Hotline : 2211 1777

### Bank Consortium Trust Company Limited BCT

Website : <http://www.bcthk.com>  
Address : 18/F., Cosco Tower, 183 Queen's Road Central,  
Hong Kong.  
Hotline : 2298 9333

# Wage, Hours Worked and Attendance Record Sheet

Name of employer : \_\_\_\_\_

Name of employee : \_\_\_\_\_ (Hong Kong Identity Card No.: \_\_\_\_\_)

Wage rate : Basic wages of \$ \_\_\_\_\_ per # day/month/piece of work

Overtime pay at the rate of \$ \_\_\_\_\_ per # hour/day/piece of work (# Please delete as inappropriate)

Position employed : \_\_\_\_\_

Date	Total number of hours worked ( 1 ) + ( 2 )		Wages payable by employer (a) (\$)	Place of work	Name of Principal Contractor	Mandatory Provident Fund Contributions		* Net wages received by employee ( (a)-(b) ) (\$)	Signature of Employer or Employer's Representative
	Basic hours worked (1)	Overtime hours worked (2)				Employer's contributions (\$)	Employee's contributions (b) (\$)		
						<b>Total</b>			

\* Net wages received by employee: The actual wages received by employee after the deduction for MPF employee's contributions.

Note: If an employee has been working for more than one employer in the same period, he should keep all the concerned wage, hours worked and attendance record sheets

## Wage, Hours Worked and Attendance Record Sheet

Name of employer : \_\_\_\_\_

Name of employee : \_\_\_\_\_ (Hong Kong Identity Card No.: \_\_\_\_\_)

Wage rate : Basic wages of \$ \_\_\_\_\_ per # day/month/piece of work  
 Overtime pay at the rate of \$ \_\_\_\_\_ per # hour/day/piece of work (# Please delete as inappropriate)

Position employed : \_\_\_\_\_

Date	Total number of hours worked ( (1) + (2) )		Wages payable by employer (a) (\$)	Place of work	Name of Principal Contractor	Mandatory Provident Fund Contributions		* Net wages received by employee ( (a)-(b) ) (\$)	Signature of Employer or Employer's Representative
	Basic hours worked (1)	Overtime hours worked (2)				Employer's contributions (\$)	Employee's contributions (b) (\$)		
						<b>Total</b>			

\* Net wages received by employee: The actual wages received by employee after the deduction for MPF employee's contributions.

Note: If an employee has been working for more than one employer in the same period, he should keep all the concerned wage, hours worked and attendance record sheets

## **Wage, Hours Worked and Attendance Record Sheet**

Name of employer : \_\_\_\_\_

Name of employee : \_\_\_\_\_ (Hong Kong Identity Card No.: \_\_\_\_\_)

Wage rate : Basic wages of \$\_\_\_\_\_ per # day/month/piece of work

Overtime pay at the rate of \$ \_\_\_\_\_ per # hour/day/piece of work (# Please delete as inappropriate)

Position employed : \_\_\_\_\_

\* Net wages received by employee: The actual wages received by employee after the deduction for MPF employee's contributions.

*Note: If an employee has been working for more than one employer in the same period, he should keep all the concerned wage, hours worked and attendance record sheets.*

Please fill in the relevant contract terms and copy in duplicate for signature of employer and employee

## Simple Employment Contract

†Please put a “✓” in the clause(s) as appropriate

\* Please delete the word(s) as inappropriate

This contract of employment is entered into between \_\_\_\_\_ (hereinafter referred to as 'Employer') \_\_\_\_\_ (address and telephone of Employer) and \_\_\_\_\_ (hereinafter referred to as 'Employee') on \_\_\_\_\_ (Please fill in the date) under the terms and conditions of employment below:

- 1. Commencement of Employment** Effective from \_\_\_\_\_ (Please fill in the date)
- 2. Probation Period**  No  Yes \_\_\_\_\_ \* day(s) / month(s)
- 3. Position Employed** \_\_\_\_\_
- 4. Place of Work** \_\_\_\_\_
- 5. Working Hours** From \_\_\_\_\_ \* am/pm to \_\_\_\_\_ \* am/pm, ( \_\_\_\_\_ days per week)  
  
 Fixed, from \_\_\_\_\_ \* am/pm to \_\_\_\_\_ \* am/pm, \*with/without pay  
 Not-fixed, at \_\_\_\_\_ \* minutes/hour(s) per day, \*with/without pay  
Meal break \*is/ is not counted as working hour(s).
- 7. Rest Days**  On every \_\_\_\_\_, \*with/without pay  
 On rotation, \_\_\_\_\_ day(s) per \*week/month, \*with/without pay  
(The employee is entitled to not less than 1 rest day in every period of 7 days.)
- 8. Wages**  
Basic wages of \$ \_\_\_\_\_ per \* day/ month/ piece of work  
 Other allowance \_\_\_\_\_  
(Please provide details of criteria and calculation of payment.)  
Overtime pay  At the rate of \$ \_\_\_\_\_ per \* hour/ day/ piece of work  
 At the rate according to \* normal wages / \_\_\_\_\_ % of normal wages  
Payment of wages & wage period(s)  Every day  
 Every month, on \_\_\_\_\_ day of the month  
for wage period from \_\_\_\_\_ day of the month to \_\_\_\_\_ day of \*the month/ the following month.  
 Twice monthly, payable on  
(i) \_\_\_\_\_ day of \* the month / following month  
for wage period from \_\_\_\_\_ day of the month to \_\_\_\_\_ day of \*the month/ the following month.  
(ii) \_\_\_\_\_ day of \* the month / following month  
for wage period from \_\_\_\_\_ day of the month to \_\_\_\_\_ day of \*the month/ the following month.  
 Others \_\_\_\_\_ (Please specific, e.g. per project/ piece of work)

<b>9. Termination of Employment Contract</b>	A notice period of _____ * day(s)/ month(s) or an equivalent amount of payment in lieu of notice.
<b>10. End of Year Payment</b>	<input type="checkbox"/> Probation period _____ * day(s)/ month(s) <ul style="list-style-type: none"> <li>- within the first month of probation: without notice or payment in lieu of notice.</li> <li>- after the first month of probation: a notice period of _____ * day(s)/ month(s) or an equivalent amount of payment in lieu of notice.</li> </ul>
<b>11. Holidays and other benefits</b>	<input type="checkbox"/> No <input type="checkbox"/> Yes An amount of * \$ _____ or equivalent to _____ month's basic/ normal wages upon completion of each *calendar / lunar year Payment is to be made on _____ (Please specific the date.)
<b>12. Work Arrangements in Times of Adverse Weather Conditions</b>	<p><b>A. Work Arrangements in Times of Typhoons †</b></p> <p><input type="checkbox"/> The Employee is required to work when Typhoon Warning Signal No.8 or above is in force. In addition to normal wages, the Employee is entitled to * typhoon duty allowance of \$ _____ or _____ % of normal wages for each hour worked.</p> <p>In case staff on the next shift are unable to report for duty when Typhoon Warning Signal No.8 or above is in force, or due to practical difficulties and the Employer requests the Employee continue to work due to operational requirements, in addition to normal wages, the Employee is entitled to a special allowance of \$ _____ or _____ % of normal wages for each hour of the extended service.</p> <p><i>*The Employer provides / does not provide transport services to the Employee when Typhoon Warning Signal No.8 or above is in force, the Employee is entitled to travelling allowance of \$ _____ per trip or the actual cost of transport, whichever is higher.</i></p> <p><input type="checkbox"/> The Employee is not required to work when Typhoon Warning Signal No.8 or above is in force and wages will not be affected during the period. If the Government has not announced "extreme conditions" <sup>note</sup>, the Employee is required to resume duty within _____ hours as far as practicable if the Typhoon Warning Signal No.8 is cancelled not less than _____ hours before the end of working hours.</p> <p><b>B. Work Arrangements in Times of "Extreme Conditions" after typhoons as announced by the Government†</b></p> <p><input type="checkbox"/> The Employee is required to work when "extreme conditions" as announced by the Government before Typhoon Warning Signal No.8 is replaced with No.3 are in force <sup>note</sup>. In addition to normal wages, the Employee is entitled to *duty allowance of \$ _____ or _____ % of normal wages for each hour worked.</p> <p>In case staff on the next shift are unable to report for duty when "extreme conditions" as announced by the Government before Typhoon Warning Signal No.8 is replaced with No.3 are in force or extended, or due to practical difficulties and the Employer requests the Employee continue to work due to operational requirements, in addition to normal wages, the Employee is entitled to a special allowance of \$ _____ or _____ % of normal wages for each hour of the extended service.</p>

*\*The Employer provides / does not provide transport services to the Employee when “extreme conditions” as announced by the Government before Typhoon Warning Signal No.8 is replaced with No.3 are in force, the Employee is entitled to travelling allowance of \$ \_\_\_\_\_ per trip or the actual cost of transport, whichever is higher.*

The Employee is not required to work when “extreme conditions” as announced by the Government before Typhoon Warning Signal No.8 is replaced with No.3 are in force <sup>note</sup>, and wages will not be affected during the period. The Employee is required to resume duty within \_\_\_\_\_ hours as far as practicable if the “extreme conditions” are cancelled not less than \_\_\_\_\_ hours before the end of working hours.

*(Note: For details, please refer to the “Code of Practice in Times of Typhoons and Rainstorms” issued by the Labour Department.)*

**C. Work Arrangements in Times of Black Rainstorm Warning †**

In case the Employee is required to take up extra duty when Black Rainstorm Warning is in force, in addition to normal wages, the Employee is entitled to *\*rainstorm allowance of*

\$ \_\_\_\_\_ or \_\_\_\_\_ % of normal wages for each hour worked.

In case staff on the next shift are unable to report for duty when Black Rainstorm Warning is in force, or due to practical difficulties and the Employer requests the Employee continue to work due to operational requirements, in addition to normal wages, the Employee is entitled to a special allowance of

\$ \_\_\_\_\_ or \_\_\_\_\_ % of normal wages for each hour of the extended service.

*\*The Employer provides / does not provide transport services to the Employee when Black Rainstorm Warning is in force, the Employee is entitled to travelling allowance of \$ \_\_\_\_\_ per trip or the actual cost of transport, whichever is higher.*

The Employee is not required to work when Black Rainstorm Warning is in force and wages will not be affected during the period. The Employee is required to resume duty within \_\_\_\_\_ hours as far as practicable if the Black Rainstorm Warning is cancelled not less than \_\_\_\_\_ hours before the end of working hours.

**13. Others**

---

(For information of the Principal Contractor, please fill in the Annex.)

**The Employer and the Employee hereby declare that they understand thoroughly the above provisions and agree to sign to abide by such provisions. They shall each retain a copy of this contract for future reference.**

*Signature of Employee*

*Signature of Employer or Employer's Representative*

---

Name: \_\_\_\_\_

HK I.D. No: \_\_\_\_\_

Date: \_\_\_\_\_

---

Name/ position held: \_\_\_\_\_

HK I.D. No: (if appropriate) \_\_\_\_\_

Date: \_\_\_\_\_

---

Chop of the Company (if appropriate)

## Annex

**Name and address of principal contractor/main nominated sub-contractor** (Please fill in the information of the principal contractor/ nominated sub-contractor, if the employee is working for the employer (subordinate sub-contractor) in the building and construction site of the principal contractor/ nominated sub-contractor.

(i)

Name and address of place of work of the construction project: \_\_\_\_\_  
Commencement date and project number (ifappropriate): \_\_\_\_\_

(ii)

Name and address of place of work of the construction project: \_\_\_\_\_  
Commencement date and project number (ifappropriate): \_\_\_\_\_

(iii)

Name and address of place of work of the construction project: \_\_\_\_\_  
Commencement date and project number (ifappropriate): \_\_\_\_\_

### **Statement of Purposes for Collection of Personal Data**

#### **Purpose of Collection of Personal Data**

The personal data as provided by an employee will be used for the purpose of employment related matters, including appointment, protection for payment of wages, compensation for work injury, contributions for Mandatory Provident Fund, compensation for termination of employment contract and keeping of employment records, etc.

#### **Transfer of Personal Data to Third Parties**

To achieve the above purpose, the personal data of an employee may be transferred to related government departments, including the Labour Department and the Immigration Department, as well as other related organizations, such as the Mandatory Provident Fund Schemes Authority, the principal contractor and the main nominated sub-contractor of the concerned building and construction site, for inspection and record keeping.

#### **Enquiries**

According to the Personal Data (Privacy) Ordinance, you may access and correct the personal data you have provided to your employer. If you have any enquiries, please contact \_\_\_\_\_ (name and address).

Homepage Address: <http://www.labour.gov.hk>

Enquiry Hotline: 2717 1771  
(the hotline is handled by "1823")