

Notes for “Certificate of an Employee’s Permanent Unfitness for a Particular Type of Work” (Form 1)

- (a) Pursuant to the Employment Ordinance (Cap. 57), an employee employed under a “continuous contract”¹ by the same employer for not less than 5 years is entitled to long service payment if he is certified as being permanently unfit for his present job for a reason(s) by a certificate in the form specified by the Commissioner for Labour (Form 1) and issued by a registered medical practitioner or registered Chinese medicine practitioner.
- (b) Form 1 should be issued by a registered medical practitioner or a registered Chinese medicine practitioner and should be submitted to the employer by the employee.
- (c) A registered medical practitioner refers to a person who is registered under the Medical Registration Ordinance (Cap. 161). A registered Chinese medicine practitioner refers to a person who is registered or on limited registration under the Chinese Medicine Ordinance (Cap. 549) and whose name appears on the Register of Chinese Medicine Practitioners.
- (d) The Form 1 is available at branch offices of the Labour Relations Division, Labour Department (LD) (the addresses are available at the following webpage: www.labour.gov.hk/eng/tele/LD565.pdf), or can be obtained by fax through the LD’s 24-hour enquiry hotline of 2717 1771 (the hotline is handled by “1823”), or can be downloaded from the LD’s webpage (www.labour.gov.hk/form/lrd/LD424S.pdf).
- (e) If the employer raises objection against the concerned medical opinion, he may, within 14 days after receiving the Form 1, at his own expense, arrange for the employee to attend another medical examination conducted by a registered medical practitioner or registered Chinese medicine practitioner named by the employer to obtain a second opinion as to the employee’s permanent unfitness to undertake the work at issue. The employer should notify the employee in writing details of the appointment not later than 48 hours before the examination is to take place. If the medical opinions of the two assessments are in conflict, the employer should refer the case to the Commissioner for Labour for determination.

Labour Relations Division
Labour Department

¹ An employee who has been employed continuously by the same employer for four weeks or more, with at least 18 hours in each week is regarded as being employed under a “continuous contract”.