

**Notes for Employers on
“Claiming Long Service Payment by Employees
on the Ground of Ill Health”**

- (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 practitioner² or a registered Chinese medicine practitioner³.
- (b) An employee claiming for long service payment on ground of ill health should forward to the employer the Form 1 issued by a registered medical practitioner or a registered Chinese medicine practitioner, certifying that he is permanently unfit for his present job.
- (c) 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. Failure to do so will result in the forfeiture of employer’s statutory right for arranging the employee to undergo the medical examination.
- (d) 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”.

² A registered medical practitioner refers to a person who is registered under the Medical Registration Ordinance (Cap. 161).

³ 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.