



Guidance Notes
for Application for an Employment Agency Licence

- (1) Applicant shall submit the application for a licence **not later than one month before the intended date of commencement of business.**
- (2) Before submitting your application for a licence, please send the proposed name of your employment agency and your telephone number to the Employment Agencies Administration (“EAA”) of Labour Department (“LD”) by e-mail (ea-ee@labour.gov.hk) or by fax (Fax number: 2115 3756) to confirm that the proposed name can be used for application.
- (3) The **authorisation letter** attached in appendix of the application forms is a document required by the Hong Kong Police Force for the consent of the applicant/nominated operator/other related person(s) to the release to LD of all information of any criminal record against the applicant/nominated operator/other related person(s) within the preceding 5 years, concerning conviction of an offence against the person of a child, young person, or woman or of an offence involving membership of a triad society, fraud, dishonesty or extortion.
- (4) Applicant (see★) must bring along the following documents and attend an interview **in person** with an officer at EAA :

For a sole proprietorship:	(1) Hong Kong Identity Card (“HKID”) (also the passport if not a Hong Kong permanent resident); (2) A recent passport photo of the applicant; and (3) Photocopy of the valid Business Registration Certificate
For a partnership	(1) HKID (also the passport if not a Hong Kong permanent resident); (2) A recent passport photo of the applicant; (3) Photocopy of the valid Business Registration Certificate; (4) Photocopy of the HKID of each of the other partners (photocopy of passport if not the holder of HKID) # ; and (5) Document signed by all partners confirming the appointment of applicant as licensee
For a limited company	(1) HKID (also the passport if not a Hong Kong permanent resident); (2) A recent passport photo of the nominated operator; (3) Photocopy of the valid Business Registration Certificate; (4) Photocopy of the HKID of each of the directors (photocopy of passport if not the holder of HKID) # ; (5) Document signed by all directors or directors’ meeting minutes confirming the appointment of nominated operator; and (6) Photocopies of (i) the Certificate of Incorporation; (ii) Incorporation Form (NNC1) / Annual Return (NAR1) and (iii) Notice of change (in particulars) of company secretary and director (ND2A / ND2B), if applicable

★ *Where a limited company applies for a licence, it has to nominate a natural person to be the operator of the employment agency. The operator will be responsible for attending the interview and signing the authorisation letter in connection with the application for a licence.*

Photocopy of the HKID / passport of the partners / directors can be submitted through the applicant / nominated operator at the time of making application, or they may present their own HKID / passport to EAA in person.

- (5) In accordance with regulation 2(1)(b)(iii) of the Employment Agency Regulations (“EAR”), applicant may be required to provide any other relevant information as the Commissioner for Labour (“the Commissioner”) thinks necessary.
- (6) EAA will process the application for a licence in accordance with s.53(1) of the Employment Ordinance (“EO”). The Commissioner may refuse to issue a licence upon the occurrence of the following situation:

	Licensee	Related Person(s)	Employed Individual(s)
is an undischarged bankrupt	✓		
has, within the preceding 5 years, been convicted of an offence against the person of a child, young person or woman or of an offence involving membership of triad society, fraud, dishonesty or extortion	✓	✓	
has knowingly furnished any false or misleading information in connection with the application for a licence	✓		
has contravened any provision of Part XII of the EO or EAR	✓	✓	✓
has not complied with the Code of Practice for Employment Agencies	✓	✓	✓
is not, for any other reasons, a fit and proper person to operate an EA	✓		

- (7) A licence fee of HK\$2,000 and a duplicate licence fee of HK \$385 each (if applicable) is payable **after** the application has been approved and payment should be made by methods specified on the demand note to the Treasury.
- (8) No refund of a licence fee shall be made by the Government of the Hong Kong Special Administrative Region if the licence is revoked by the Commissioner.
- (9) Please refer to Annex for the Personal Information Collection Statement.

Points to Note

- (a) Applicant should NOT commence employment agency activities before the employment agency licence is issued. Contravention may render you liable on conviction to a maximum fine of \$350,000 and imprisonment for 3 years.
- (b) In accordance with section 53(1)(c)(iii) of the EO, the Commissioner may revoke, refuse to issue or renew a licence if the applicant has knowingly furnished to the Commissioner any false or misleading information in connection with his application for the issue / renewal of the licence. Section 60(5) of the same Ordinance stipulates that any person who in connection with any application to the Commissioner furnishes any information which he knows or reasonably ought to know to be false or misleading shall be liable on conviction to a maximum fine of \$50,000.
- (c) **Warning Against Bribery:** It is an offence under the Prevention of Bribery Ordinance for any person to solicit, offer or accept any advantages including money and gifts in connection with the processing of any EA licence application.



Employment Agency
Application Form for a Licence

Issued under section 52(1) of the Employment Ordinance, Chapter 57

(please tick where appropriate to indicate the chosen options and to indicate your agreement to the undertakings.)

1. Name of applicant or applicant company (for limited company only):

Mr. / Miss / Mrs. / Limited Co.* :
(*Delete whichever are inappropriate)

2. Address of applicant / applicant company :

.....
District : HK KLN NT

3. Name of employment agency (English) :

(Chinese) :

4. Address of employment agency (English) :

.....
District : HK KLN NT

(Chinese) :

.....
地區 : 香港 九龍 新界

5. The above-mentioned location is the main office branch office of this employment agency.

6. In case the premises (e.g. domestic premises / industrial buildings) in which the employment agency is located is not allowed for commercial use, and that the employment agency licence has to be revoked as a result, the licensee / nominated operator shall bear the relevant consequences.

I have read and agreed to the above undertaking.

7. Business Registration Certificate no. of employment agency :

8. Office telephone no. :

9. Facsimile machine no. :

10. Email address :

11. Types of placement services offered:

- a. Local domestic helpers
- b. Foreign domestic helpers:
 - i) Filipino ii) Indonesian iii) Thai iv) Others :
- c. Office staff / Executive staff
- d. Imported workers
- e. Others, please specify :

12. Charges :

- a. From job-seekers : Nil
 Yes Please specify :
- b. From employers : Nil
 Yes Please specify :

13. Company status of employment agency :

- a. sole proprietorship b. partnership c. limited company

14. Particulars of applicant (sole proprietor / responsible partner / nominated operator of limited company) :

Name (Chinese) :
(English) :
Nationality : HKID no. : Identity codes :
Permanent Hong Kong resident : <input type="checkbox"/> Yes <input type="checkbox"/> No
Mobile phone no. :
Residential address :
Residential telephone no. :
(Only applicable to <u>Nominated Operator</u>)
Please indicate whether the above person is also a director of the company:
<input type="checkbox"/> Yes <input type="checkbox"/> No

15. Particulars of **other** partners / directors (sole proprietor is not required to fill in this section) :

a Name : (Chinese) :
(English) :

Nationality : HKID/Passport no. : Identity codes :

Permanent Hong Kong Resident : Yes No

Residential address :
.....

Mobile phone no. :

b Name : (Chinese) :
(English) :

Nationality : HKID/Passport no. : Identity codes :

Permanent Hong Kong resident : Yes No

Residential address :
.....

Mobile phone no. :

c. Name : (Chinese) :
(English) :

Nationality : HKID/Passport no. : Identity codes :

Permanent Hong Kong resident : Yes No

Residential address :
.....

Mobile phone no. :

- Applicable to body corporate director only -

(Please submit the Certificate of Incorporate of the body corporate director)

d. Company name (Chinese) :
(English) :

Company no. :

Company telephone no. :

Company address :
.....

16. Information and Declaration of **Licensee** and **Related Person**¹

- (1) I / We hereby undertake and warrant that I / we shall comply with section 57 of the Employment Ordinance which stipulates that an employment agency must not directly or indirectly receive from any person in connection with obtaining employment for him / her, any reward of any kind, or any payment or other advantage in respect of expenses or otherwise, except the prescribed commission. I / We understand that contravention of this section shall be guilty of an offence and shall be liable on conviction to a fine of \$350,000 and to imprisonment for 3 years.
- (2) I / We declare that I / we have not, within the preceding 5 years, been convicted of an offence against the person of a child, young person or woman or of an offence involving membership of a triad society, fraud, dishonesty or extortion.
- (3) I / We understand that the Commissioner for Labour may refuse to issue / renew the employment agency licence, or may revoke the licence on grounds of my / our contraventions of Part XII of the Employment Ordinance, the Employment Agency Regulations, the Code of Practice for Employment Agencies or convictions of the offences listed in item 16(2) above.
- (4) I / We consent to the release of my / our records of contraventions of Part XII of the Employment Ordinance, the Employment Agency Regulations, the Code of Practice for Employment Agencies or conviction of the offences listed in item 16(2) above (if applicable) by the Employment Agencies Administration of the Labour Department to the employment agency I / we belong or am / are employed.

	Name of licensee / related person (same as the identity document)	HKID no. (Passport no. and nationality for non-HK resident)	Position	Date of joining (dd / mm / yyyy)	Signature*
1.					
2.					
3.					
4.					
5.					
6.					
7.					

****Licensee and all of the related person(s) have to sign on the table above to confirm that the information provided therein is true and correct, and agree to the above declaration. The licensee and each related person has to sign the authorisation at Appendix to give consent to this department to check with the Hong Kong Police Force of his / her criminal conviction records listed in item 16(2) above. Applicant / licensee has to submit the original authorisation letter(s) to this department together with the application form(s).***

(If there is insufficient space in the above table, please use the 'Particulars of Associate of Employment Agency (Supplementary Sheet-Related Person)')

¹ According to section 50(1) of the Employment Ordinance, a related person means –

- (a) if the employment agency is a company, it includes any director, manager, secretary or other similar officer of the company; or
- (b) if the employment agency is a partnership, it includes any partner or another person concerned in the management of the partnership.

17. Information and Declaration of **Employed Individual (Other than Related Person)**

- (1) I / We hereby undertake and warrant that I / we shall comply with section 57 of the Employment Ordinance which stipulates that an employment agency must not directly or indirectly receive from any person in connection with obtaining employment for him / her, any reward of any kind, or any payment or other advantage in respect of expenses or otherwise, except the prescribed commission. I / We understand that contravention of this section shall be guilty of an offence and shall be liable on conviction to a fine of \$350,000 and to imprisonment for 3 years.
- (2) I / We understand that the Commissioner for Labour may refuse to issue / renew the employment agency licence, or may revoke the licence on grounds of my / our contraventions of Part XII of the Employment Ordinance, the Employment Agency Regulations or the Code of Practice for Employment Agencies.
- (3) I / We consent to the release of my / our records of contraventions of Part XII of the Employment Ordinance, the Employment Agency Regulations or the Code of Practice for Employment Agencies (if applicable) by the Employment Agencies Administration of the Labour Department to the employment agency I / we belong or am / are employed.

To be completed by <u>ALL</u> employed individuals					
	Name of Employed Individual (same as the identity documents)	HKID No. (Passport no. and nationality for non-HK Resident)	Position	Date of Joining (dd / mm / yyyy)	Signature
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					

Note: All the employed individual(s) have to confirm that the information provided on the table above is true and correct, and they agree to the above declaration. When EA submits licence application(s), information of all employed individuals has to be provided in the above table.

(If there is insufficient space in the above table, please use the 'Particulars of Associate of Employment Agency (Supplementary Sheet-Employed Individual)')

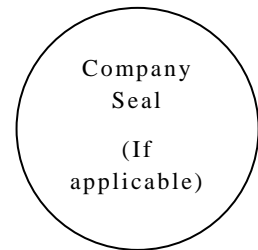
18. Employment Agencies Administration of the Labour Department publishes details of licensed employment agencies (“EAs”) in the Gazette every year and maintains a list of EAs with valid licence in the Employment Agencies Portal (“EA Portal”) (www.eaa.labour.gov.hk) for public’s viewing through the search function of the EA Portal. Please indicate whether it is agreeable to display relevant information of your EA, i.e. items 3-4 and 8-11 of this application form, in the EA Portal.

Agree.

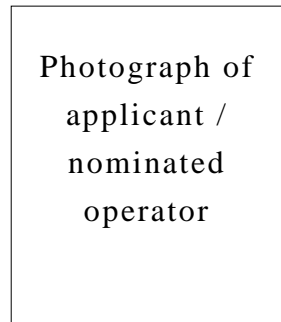
Not agree. (Please indicate the item(s) of information agreed to be displayed in the EAP-F1 form separately)

19. Signature of applicant (sole proprietor / responsible partner / director of limited company)

(For limited company with more than 1 director, this application form shall be signed by any 2 directors / any 1 director and company secretary / any 1 director with company seal)



20. Signature of nominated operator (for limited company only)



21. Date:

CONFIDENTIAL 機密

AUTHORISATION

I _____ hereby authorise the Commissioner of Police, or his representative, to release full particulars of any and all criminal convictions recorded against me to Employment Agencies Administration of the Labour Department. I also agree to my fingerprint impressions being taken by the Police in connection with this application, if required for the purpose of verifying my criminal record. My personal particulars are as follows: -

Name _____

Date of Birth _____

HK Identity Card No. _____

Passport No. _____

Chinese Commercial Code Nos. _____ / _____ / _____

(as recorded on the applicant's HK Identity Card – where applicable)

Place of Birth _____

(Signature of Applicant)

Date _____

Personal Information Collection Statement

Purpose of Collection

The personal data collected in this form is used by the Labour Department (“LD”) for the purposes of considering whether to issue/ renew an employment agency (“EA”) licence, a duplicate licence or certificate of exemption, public viewing of licensed employment agencies through the search function of the EA Portal and administering/ enforcing Part XII of the Employment Ordinance (“EO”), Employment Agency Regulations and Code of Practice for Employment Agencies. The relevant information may also be used to assist in the enforcement of relevant laws by other government bureaux/ departments.

2. The name of licensee of an EA/ the name of holder of a certificate of exemption and other relevant information will be published in the Gazette so that members of the public can ascertain whether a person or a company has been granted an EA licence/ certificate of exemption.

3. Where an EA or a person has been convicted of the offence of overcharging job-seekers under Section 57(1)(a) of EO or the offence of unlicensed operation under Section 51(1) of EO, or where an EA has its licence revoked or refused renewal or has been issued written warnings by the Employment Agencies Administration (“EAA”) of LD, the following information will be published on the website of the EA Portal of LD –

- the name and address of the EA concerned;
- the date and nature of conviction;
- the date and reason for revocation/ refusal of renewal of licence; and/ or
- the date and reason for issuing the written warning.

4. Furthermore, LD will publish information in the form of press release when an EA or a person has been convicted of overcharging job-seekers or unlicensed operation, or when an EA has its licence revoked or refused renewal.

5. The provision of personal data by means of this form is voluntary. If you do not provide sufficient information, we may not be able to process your application/ complaint.

Classes of Transferees

6. The personal data provided may be disclosed to other government bureaux/ departments for the purposes mentioned in paragraph 1 above.

Access to Personal Data

7. You have the right of access and correction with respect to your personal data as provided for in Sections 18 and 22 and Principle 6 of Schedule 1 of the Personal Data (Privacy) Ordinance. Your right of access includes the right to obtain a copy of the personal data you have provided. You can make such requests by filling in the “Personal Data Access/ Correction Request Form” which is available at the office of EAA of LD.

Enquiries

8. For enquiries on the collection, access and correction of your personal data, please contact EAA at 2115 3667, or write to the Labour Officer of EAA of LD at Unit 906, 9/F, One Mong Kok Road Commercial Centre, 1 Mong Kok Road, Kowloon.