



Guidance Notes
for Application for Renewal of an Employment Agency Licence

- (1) The completed application form and required documents must be submitted to the office of Employment Agencies Administration (“EAA”) of the Labour Department (“LD”) (Address: Unit 906, 9/F, One Mong Kok Road Commercial Centre, 1 Mong Kok Road, Kowloon, Hong Kong) **not later than two months** before the expiration of the existing licence.
- (2) Employment agency (“EA”) shall bear the risk of late notification or loss of documents due to delay or failure in delivery. To ensure effective and timely delivery of documents to LD, please consider using a reliable way for delivery, such as registered mail, courier service, or in person, etc.
- (3) If the applicant holds duplicate licence(s) of the EA and will continue to operate the branch office(s), please submit the application form “Employment Agency - Application for Renewal of a Licence” (L.D.185(S)) for each branch office.
- (4) The **authorisation letter** attached in appendix of the application form 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 this department 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.
- (5) When making the application for licence renewal, besides submitting a duly completed application form (L.D.185(S)), applicant shall also provide the following supporting documents (if applicable):

If there is / are following situation(s) in the application		Supporting documents needed to be submitted
a.	Application for licence renewal	● Photocopy of the valid Business Registration Certificate
b.	Application for licence renewal of duplicate licence(s)	● Application form (L.D.185(S)) for each branch office ● Photocopy of the valid Business Registration Certificate for each branch office
c.	Change of director / partner	● Notification of change of director / partner ● Supporting documents of the Companies Registry (e.g. Form ND2A) or the Business Registration Office for change of director and partner respectively
d.	Change of nominated operator (“N.O.”)	The newly appointed N.O. shall submit the following in person at the EAA. ● Notification of appointment of N.O. or Directors’ Meeting Minutes ● One recent passport photo ● Hong Kong Identity Card (and passport if not a Hong Kong permanent resident)
e.	Change of Address	● Photocopy of the valid Business Registration Certificate of the new address

- (6) 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.

- (7) EAA will process the application for licence renewal in accordance with s.53(1) of the Employment Ordinance (“EO”). The Commissioner may refuse to renew 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 renewal of 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	✓		

- (8) 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.
- (9) 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.

Points to Note

- (a) 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 HK\$50,000.
- (b) **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.



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Labour Department

Employment Agency
Application for Renewal of A Licence

Issued under section 52(5) 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 licensee: Mr./ Miss / Mrs. / Limited Co.* :

(*Delete whichever are inappropriate)

2. Address of licensee :

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District : HK KLN NT

3. H.K. Identity Card No :

4. Mobile telephone no. of licensee / nominated operator :

5. Name of employment agency : (English)

(Chinese)

6. Office telephone no. :

7. Email address :

8. Address of employment agency :

.....

District : HK KLN NT

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

10. (Only applicable to change of business address)

This employment agency has been / will be moved to the new address mentioned in item 8 with effect from(date).

11. 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.

12. Information and Declaration of **Licensee** and **Related Person** (please refer to points 1 & 2 of the *Important Notes*)

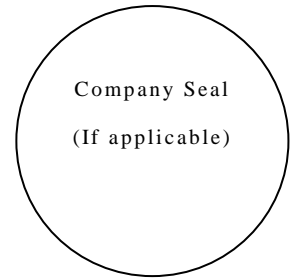
- (1) I / We hereby undertake and warrant that I / we shall comply with section 57 of the Employment Ordinance which stipulates that an employment agency must not directly or indirectly receive from any person in connection with obtaining employment for him / her, any reward of any kind, or any payment 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 12(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 12(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)	If it is a change of position, please indicate by putting a '✓' in the box	Signature*
1.					<input type="checkbox"/>	
2.					<input type="checkbox"/>	
3.					<input type="checkbox"/>	
4.					<input type="checkbox"/>	
5.					<input type="checkbox"/>	
6.					<input type="checkbox"/>	
7.					<input type="checkbox"/>	
8.					<input type="checkbox"/>	
9.					<input type="checkbox"/>	
10.					<input type="checkbox"/>	
11.					<input type="checkbox"/>	

*** 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. 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 12(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)')

13. Signature of licensee / director(s)



(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)

14. Date :

Important Notes

- (1) According to section 50(1) of the Employment Ordinance (“EO”), a related person means –
 - (a) if the employment agency (“EA”) is a company, it includes any director, manager, secretary or other similar officer of the company; or
 - (b) if the EA is a partnership, it includes any partner or another person concerned in the management of the partnership.
- (2) According to the Code of Practice for Employment Agencies, EAs shall notify the Employment Agencies Administration of Labour Department (“LD”) within 14 days after any change (including joining, leaving or position change) of their related person(s) or employed individual(s) by completing the “Particulars of Associate of Employment Agency” form (i.e. EA-LOA form). If the applicant has not submitted the EA-LOA form in respect of the change(s) of employed individual(s) together with the application for licence renewal, it will be assumed that there is no change of employed individual of the EA and LD will process the application for licence renewal with reference to the latest information of the associates provided by the concerned EA.
- (3) This application shall be submitted to the Commissioner for Labour (“the Commissioner”) not later than two months before the expiration of the existing licence.
- (4) According to section 60(5) of the EO, any person who in connection with licence 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 fine of \$50,000. The Commissioner may also refuse to issue / renew or revoke the relevant licence pursuant to section 53(1)(c)(iii) of the same Ordinance.
- (5) Please refer to Annex for the Personal Information Collection Statement.

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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.