

This guidebook aims at providing a quick reference on the legislative requirements governing the operation of employment agencies in Hong Kong. It also outlines the procedures for making various applications and notifications to the Labour Department as required under the Employment Ordinance and the Employment Agency Regulations, and provides useful information, things-to-note and commonly asked questions in relation to the daily operation of an employment agency. Operators or intended operators of employment agencies may find it a useful and handy guide to facilitate their operation and management.

It should be noted that the Employment Ordinance remains the sole authority for the provisions explained. In case of doubt, employment agencies can approach the Employment Agencies Administration of the Labour Department for enquiry.

Also, the Commissioner for Labour issued a Code of Practice (the Code) in accordance with section 62A of the Employment Ordinance for the industry to comply with. The Code states the statutory requirements that the employment agency operators have to follow in operating their business and the minimum standards which the Commissioner for Labour expects of employment agencies. The Commissioner may issue warning or refuse to issue / renew or revoke the employment agency licence under sections 53(1)(c)(iva), 53(1)(d)(iii) and 53(1)(e)(ii) of the Employment Ordinance for any non-compliance with the Code by the licensee, the person intending to be the licensee or their associates. For the purpose of protecting the public interest, the Labour Department may also publish information and post information on its website when an employment agency has been convicted, its licence has been revoked or its application for renewal has been refused, or the Commissioner for Labour has issued any warning or taken any disciplinary action against an employment agency.

Apart from this guidebook, all licensees, management, nominated operators as well as personnel and staff of the employment agencies should familiarise and comply with the Code. The e-versions of this guidebook and the Code have been uploaded onto the following webpage of the Labour Department:

Guidebook: <http://www.labour.gov.hk/eng/public/guide/>

Code: http://www.eaa.labour.gov.hk/_res/pdf/CoP_Eng.pdf

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