

3 September 2015 is a Statutory Holiday and a General Holiday

The Government has, by legislation, designated 3 September 2015, The 70th anniversary day of the victory of the Chinese people's war of resistance against Japanese aggression, on a one-off basis as an additional Statutory Holiday and General Holiday for 2015.

All employees covered by the Employment Ordinance (including imported workers and foreign domestic helpers), irrespective of their hours of work and length of employment, are entitled to this Statutory Holiday. An employee having been employed under a continuous contract for not less than three months immediately preceding this Statutory Holiday shall be paid holiday pay by his employer according to the stipulations under the Employment Ordinance.

For more information relating to statutory holidays and holiday pay, please refer to "A Concise Guide to the Employment Ordinance" published by the Labour Department. **It is available at the offices of the Labour Relations Division of the Labour Department, or you may browse www.labour.gov.hk or www.labour.gov.hk/eng/public/ConciseGuide.htm, or call enquiry hotline at 2717 1771 (Handled by "1823").**



Information on Statutory Holidays

Statutory Holidays

An employee, irrespective of his length of service, is entitled to statutory holidays.

Work on Statutory Holidays

If the employer requires the employee to work on a statutory holiday, the employer should make the following arrangement:

Alternative Holiday Arrangement	Prior Notice to Employee on the Date of Alternative Holiday
An alternative holiday should be arranged within 60 days before the statutory holiday; or	To be given not less than 48 hours' prior notice before the alternative holiday
An alternative holiday should be arranged within 60 days after the statutory holiday	To be given not less than 48 hours' prior notice before the statutory holiday

If the employer and employee agree, any day within 30 days before or after the statutory or alternative holiday may be taken by the employee as a substituted holiday.

A Statutory Holiday Falling on a Rest Day

If a statutory holiday falls on a rest day, the employee should be granted a holiday on the next day which is not a statutory holiday or an alternative holiday or a substituted holiday or a rest day.

Holiday Pay

An employee having been employed under a continuous contract for not less than three months immediately preceding a statutory holiday is entitled to the holiday pay. Holiday pay should be paid to the employee not later than the day on which he is next paid his wages after that statutory holiday.

The daily rate of holiday pay is a sum equivalent to the average daily wages earned by an employee in the 12-month period preceding the following specified dates. If an employee is employed for less than 12 months, the calculation shall be based on the shorter period.

Day(s) of Statutory Holiday(s)	Specified Dates
1 day	Day of the statutory holiday
More than 1 consecutive day	First day of the statutory holidays

NOTE: In calculating the average daily wages, an employer has to exclude (i) the periods for which an employee is not paid his wages or full wages, including rest day, statutory holiday, annual leave, sickness day, maternity leave, sick leave due to work injuries or leave taken with the agreement of the employer, and any normal working day on which the employee is not provided by the employer with work; together with (ii) the sum paid to the employee for such periods.

Restriction on Pay in lieu of Holiday

Regardless of whether an employee is entitled to holiday pay, an employer should grant his employee a statutory holiday, or arrange an “alternative holiday” or “substituted holiday”. An employer must not make any form of payment to the employee in lieu of granting a holiday. In other words, “buy-out” of a holiday is not allowed.

Offences and Penalties

An employer who without reasonable excuse fails to grant statutory holidays, alternative holidays or substituted holidays, or fails to pay holiday pay to an employee is liable to prosecution and, upon conviction, to a fine of \$50,000.