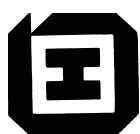


A Concise Guide to the Employment of Children Regulations



**LABOUR INSPECTION DIVISION
LABOUR DEPARTMENT
HONG KONG**

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Introduction

The Employment of Children Regulations, made under the Employment Ordinance (Cap. 57), prohibit the employment of children in industrial undertakings and regulate the employment of children in non-industrial establishments, so as not to interfere with their schooling.

This guide outlines in simple terms the main provisions of the Regulations in order to help employers understand their statutory obligations and children know their statutory entitlements concerning the general conditions of employment. It should be noted that the Ordinance and Regulations themselves remain the sole authority for the interpretation of the provisions.

Definition of children

A “child” is defined under the Employment Ordinance as a person under the age of 15 years.

General prohibition of employment of children

No person shall employ a child or cause or permit a child to be employed in any industrial undertaking. Children aged under 13 are further prohibited from taking up employment in all economic sectors. Children aged 13 or over may be employed in non-industrial establishments, subject to the condition that they attend full-time schooling if they have not completed Form III of secondary education and to other restrictions elaborated in the following paragraphs.

A child who works in any place of employment, whether for wages or not, shall be deemed to be employed therein for the purposes of the Regulations.

The Employment of Children Regulations do not apply in relation to children who are registered apprentices under the Apprenticeship Ordinance (Cap.47).

Employment of children who have attained 13 years and completed Form III

A child who has attained the age of 13 but under 15 years and has completed Form III may be employed in a non-industrial establishment subject to the following restrictions:

- (a) His parent should produce to his prospective employer evidence that the child has completed Form III;
- (b) his parent has consented in writing to his employment; and
- (c) he shall not be employed
 - (i) before 7 a.m. or after 7 p.m.;
 - (ii) for more than 8 hours on any day;
 - (iii) to work continuously for more than 5 hours without a break of not less than 1 hour for a meal or rest; and
 - (iv) to carry any load exceeding 18 kg.

Employment of children who have attained 13 years but not completed Form III

In addition to the conditions (b) and (c) above, further restrictions are imposed for the employment of a child who has attained the age of 13 years but has not completed Form III:

- (a) His parent should produce to his prospective employer a valid school attendance certificate in respect of the child;
- (b) he shall not be employed
 - (i) during school hours on any school day;
 - (ii) during the school term for more than
 - 2 hours on any school day, or
 - 4 hours on any other day;
 - (iii) during the summer holidays for more than 8 hours on any day; and

- (iv) in the following prohibited occupations or premises
- in any premises or place where intoxicating liquor is sold and consumed,
 - in the handling of refuse in public place,
 - in the handling or delivery of dangerous goods,
 - at any dangerous machine involving action of cutting, grinding, rolling, pressing or crushing, etc.,
 - in any dance hall, billiard saloon or gambling establishment,
 - in any place of public entertainment except for non-profit making purposes,
 - in the kitchen of any hotel, boarding house, cooked food shop, cafe or restaurant, etc.,
 - in outside window-cleaning at more than 3 metres above ground level,
 - in any abattoir or slaughter house,
 - in any hair-dressing saloon or massage parlour.

School attendance certificates

A "school attendance certificate" is a document issued by the school head, certifying that the child employee is attending at the school. When a child is offered an employment, his parent should apply to the school head for this certificate.

Documents to be kept by an employer

An employer of a child should keep and produce for inspection by Labour Inspectors of the Labour Department the following documents in respect of each of his child employees:

- (a) a written consent from the child's parent to his employment;
- (b) evidence of the child's completion of Form III or a valid school attendance certificate (or copy); and
- (c) a record of the child employee (Form LD319).

Employment of child entertainers

For the development of art and training, the Commissioner for Labour may grant special permission for children of whatever ages to be employed as entertainers, subject to certain restrictions as the Commissioner may specify. An employer intending to employ child entertainers should apply to the Commissioner in writing before the employment commences. For details, please refer to “A Guide to the Employment of Child Entertainers”.

Offences and penalties

Any person who contravenes any provisions of the Employment of Children Regulations shall be guilty of an offence and is liable to a maximum fine ranging from \$10,000 to \$50,000 upon conviction.

Other employment protection

The provisions under the Employment Ordinance are applicable to a child employee as appropriate. Please refer to “A Concise Guide to the Employment Ordinance” for details.

Enquiries and complaints

Enquiries relating to the Employment of Children Regulations may be made to Enquiry Hotline at 2717 1771 (the hotline is handled by the “1823 Call Centre”) or through the Labour Department homepage at <http://www.labour.gov.hk>.

Complaints may be made through our 24-hour Complaint Hotline at 2815 2200 or directed to the Headquarters of the Labour Inspection Division, Labour Department at 17/F Harbour Building, 38 Pier Road, Central, Hong Kong. All complaints will be dealt with in strict confidence.