

**A Concise Guide to the
Employment of Young Persons
(Industry) Regulations**



Labour Inspection Division
Labour Department
Hong Kong

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Introduction

The Employment of Young Persons (Industry) Regulations, made under the Employment Ordinance (Cap.57), regulate the hours of work and the general conditions of employment of young persons in industry.

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

Definition of a young person

A “young person” is defined under the Employment Ordinance as a person who has attained the age of 15 years but under the age of 18 years.

Application

The Employment of Young Persons (Industry) Regulations apply to all young persons employed in industrial undertakings, with the following exceptions :

- (a) in the non-industrial sector;
- (b) in any industrial undertaking in a clerical or managerial capacity or in any health or welfare service connected with such industrial undertaking;
- (c) solely in cleaning the premises of an industrial undertaking, other than cleaning of machines or equipment used for production;
- (d) solely as a caretaker in an industrial undertaking; and
- (e) in the preparation of food for consumption and sale on the premises where it is prepared.

Statutory restrictions on period of employment, working hours, and working days

Maximum period of employment in a day	10 hours (between 7 a.m. and 7 p.m. only)
Maximum working hours a day	8 hours
Maximum working hours a week	48 hours
Maximum working days a week	6 days
Maximum period of continuous work	5 hours followed by an interval of not less than half an hour for meal or rest

Note: "Period of employment" means the period, inclusive of the time allowed for meals and rest, within which persons may be employed on any day.

"Working hours" means the time during which persons employed are at the disposal of the employer, exclusive of any intervals allowed for meals and rest.

"Week" means the period between midnight on Saturday night and midnight on the succeeding Saturday night.

By agreement between the employer and the young person employed, the working hours of the young person may exceed 8 in a day or 48 in a week provided that the total number of hours worked by the young person does not exceed 96 in any two consecutive weeks. However, the maximum period of employment in a day shall remain to be 10 hours.

Overtime employment

No employer shall employ any young person of whatever age in overtime in an industrial undertaking.

Notice fixing permissible working hours, intervals for meals or rest, and rest days

Under the Employment of Young Persons (Industry) Regulations, the permissible working hours, the intervals for meals or rest and the arrangement of rest days for young persons employed in an industrial undertaking must be fixed by the employer, and set out in a 'Notice of Permissible Hours of Work' (Form LD334). This notice, signed by the employer or his authorized representative and witnessed by a Labour Inspector of the Labour Department, should be posted conspicuously in the industrial undertaking.

Period of employment and rest intervals

Both the period of employment and rest intervals fixed must be the same for all young persons employed in an industrial undertaking, except with the written permission of the Commissioner for Labour.

No change shall be made in the period of employment or intervals for meals or rest unless prior written notice has been served on the Commissioner 48 hours before the proposed change is to come into force, and another 'Notice of Permissible Hours of Work' has been properly completed and posted up. Such change should not be made more than once in every three months unless it is approved in writing by the Commissioner.

Young persons shall not be engaged to work in an industrial undertaking during their intervals for meals or rest as shown in the Notice.

Rest days

Young persons employed in an industrial undertaking shall be given one rest day a week. If the rest day is not the same for every young person, such rest day should be specified clearly in the 'Register of Young Persons'. Work on rest days is strictly prohibited.

The rest day should not be changed unless the employer has served on the Commissioner for Labour a 'Notice of Change of Rest Day' (Form LD339) of his intention to make such change 48 hours before it is to come into operation. Such change should not be made more than once in every month, unless it is approved in writing by the Commissioner.

Register of young persons

A 'Register of Young Persons' (Form LD338) must be properly maintained in respect of all young persons employed in any industrial undertaking and made available for inspection on demand by Labour Inspectors. These forms should be kept in a binder (Form LD338A).

However, if all young persons employed in an industrial undertaking have the same weekly rest day and the same period of employment, their employer is exempted from keeping the Register.

Special permissions and exemptions

The Commissioner for Labour is empowered under the Employment Ordinance to grant special permissions under or exemptions from any provisions regulating the employment of young persons in any industrial undertaking subject to such conditions and for such period as he may think fit.

For instance, when an employer applies for special permission to employ young persons of or over the age of 16 in a scheme of shift work involving work between 7 p.m. and 11 p.m., a suitable room in which no industrial process is carried on and which has been approved in writing by the Commissioner, must be provided and equipped for use of the young persons employed on shift work for dining and resting purposes.

Underground work

No young person shall be employed to work underground in any mine or quarry or in any industrial undertaking involving a tunnelling operation.

Dangerous trades

No young person shall be employed in dangerous trades. Dangerous trades as defined in the Factories and Industrial Undertakings Ordinance (Cap.59) include boiler chipping; manufacture of glass from basic raw materials; manufacturing processes involving the use of arsenic, lead, manganese, mercury and phosphorus; vermilion manufacture; chromium plating; machining or grinding of celluloid or magnesium; and manufacture of hydrochloric, nitric or sulphuric acids, etc.

Carrying of excessive weights

No young person employed in an industrial undertaking shall be allowed to carry any load which is unreasonably heavy, having regard to their age and physical development. A young person under 16 years of age shall not be allowed to carry any load in excess of 18 kg in weight.

Facilities for sitting

Suitable facilities for sitting must be provided for the use of all young persons whose work is done standing to enable them to take advantage of any opportunities for resting in the course of employment.

Power of Labour Inspectors

Labour Inspectors are authorized under section 72(1)(a) of the Employment Ordinance to conduct visits at all reasonable times, by day and night, to industrial undertakings to ensure that the working hours, intervals for meals or rest, rest days, etc. of young persons employed therein are in accordance with the Employment of Young Persons (Industry) Regulations. They are empowered under sections 72(1)(b) and (c) of the Employment Ordinance to make such examination and inquiry as may be necessary to ascertain whether the requirements of the Regulations are complied with, ask for the production of any documents connected with the Regulations and seize anything which may appear to be evidence of an offence against the Regulations. Any person who fails to comply with the requirement made by a Labour Inspector under section 72(1)(a), (b) or (c) of the Employment Ordinance commits an offence and is liable to a maximum fine of \$100,000 and to imprisonment for 1 year.

Offences and penalties

Any person who contravenes the provisions of the Employment of Young Persons (Industry) 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 young persons employed in industry, where appropriate.

Enquiries and complaints

Any enquiries relating to the Employment of Young Persons (Industry) Regulations may be made to Enquiry Hotline at 2717 1771 (the hotline is handled by the “1823 Call Centre”), or visit the Labour Department homepage at <http://www.labour.gov.hk>.

Complaints may be made through our 24-hour Complaint Hotline at 2815 2200 or 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 the strictest confidence.