

Regulatory Framework for Opening, Operating and Closing a Business

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Labor

| No. | Regulatory Framework | Link |
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| <i>Minimum Wage</i> | | |
| 1. | There is one single statutory minimum wage set by law, applicable territory-wide, across all sectors of activity and to all workers, irrespective of age or occupation | <ul style="list-style-type: none"> ➤ Sections 7-9 and Schedule 3, Cap. 608 Minimum Wage Ordinance ➤ Statutory Minimum Wage |
| 2. | Mandating criteria for setting the minimum wage (i.e., economic growth, cost of living, etc.) | ➤ Section 12(3), Cap. 608 Minimum Wage Ordinance |
| 3. | Mandating a periodic process of minimum wage update | ➤ Section 14(1), Cap. 608 Minimum Wage Ordinance |

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| <i>Equality, Non-discrimination, Freedom of Association</i> | | |
| 4. | <p>Explicitly prohibiting discrimination in hiring based on the following criteria:</p> <ul style="list-style-type: none"> • Race and ethnicity • Gender • Disability • Trade-union membership • Other: Marital Status, Pregnancy, Breastfeeding, Family Status | <ul style="list-style-type: none"> ➤ Part 3, Cap. 480 Sex Discrimination Ordinance ➤ Part 3, Cap. 487 Disability Discrimination Ordinance ➤ Part III, Cap. 527 Family Status Discrimination Ordinance ➤ Part 3, Cap. 602 Race Discrimination Ordinance ➤ Section 21C, Cap. 57 Employment Ordinance |
| 5. | <p>Explicitly prohibiting discrimination in employment based on the following criteria:</p> <ul style="list-style-type: none"> • Race and ethnicity • Gender • Disability • Trade-union membership • Other: Marital Status, Pregnancy, Breastfeeding, Family Status | <ul style="list-style-type: none"> ➤ Part 3, Cap. 480 Sex Discrimination Ordinance ➤ Part 3, Cap. 487 Disability Discrimination Ordinance ➤ Part III, Cap. 527 Family Status Discrimination Ordinance ➤ Part 3, Cap. 602 Race Discrimination Ordinance ➤ Section 21B, Cap. 57 Employment Ordinance |

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| 6. | <p>Explicitly prohibiting discrimination in dismissal based on the following criteria:</p> <ul style="list-style-type: none"> • Race and ethnicity • Gender • Disability • Trade-union membership • Other: Marital Status, Pregnancy, Breastfeeding, Family Status, Dismissal of an employee during pregnancy / maternity leave or on paid sickness day is generally prohibited | <ul style="list-style-type: none"> ➤ Part 3, Cap. 480 Sex Discrimination Ordinance ➤ Part 3, Cap. 487 Disability Discrimination Ordinance ➤ Part III, Cap. 527 Family Status Discrimination Ordinance ➤ Part 3, Cap. 602 Race Discrimination Ordinance ➤ Sections 21B, 15 and 33, Cap. 57 Employment Ordinance |
| 7. | <p>Granting all workers the right of freedom of association and assembly</p> | <ul style="list-style-type: none"> ➤ Article 27, Basic Law of the Hong Kong Special Administrative Region ➤ Section 8, Cap. 383 Hong Kong Bill of Rights Ordinance |

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| <i>Minimum Age and Forced Labor</i> | | |
| 8. | Setting a minimum legal age of 15 for admission to employment | <ul style="list-style-type: none"> ➤ Cap. 57B Employment of Children Regulations ➤ Cap. 59A Factories and Industrial Undertaking Regulations ➤ Cap. 59F Quarries (Safety) Regulations ➤ Cap. 59G Factories and Industrial Undertakings (Woodworking Machinery) Regulations ➤ Cap. 59I Construction Sites (Safety) Regulations ➤ Cap. 59J Factories and Industrial Undertakings (Lifting Appliances and Lifting Gear) Regulations ➤ Cap. 59Q Factories and Industrial Undertakings (Guarding and Operation of Machinery) Regulations ➤ Cap. 59R Factories and Industrial Undertakings (Cartridge-Operated Fixing Tools) Regulations ➤ Cap. 59AD Factories and Industrial Undertakings (Asbestos) Regulation ➤ Cap. 59AE Factories and Industrial Undertakings (Confined Spaces) Regulation |

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| | | <ul style="list-style-type: none"> <li data-bbox="1214 300 2123 371">➤ Cap. 59AG Factories and Industrial Undertakings (Loadshifting Machinery) Regulation <li data-bbox="1214 411 2123 483">➤ Cap. 59AI Factories and Industrial Undertakings (Gas Welding and Flame Cutting) Regulation |
| 9. | Mandating a minimum age of 13 for children to perform light work | ➤ Cap. 57B Employment of Children Regulations |

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| 10. | Mandating a minimum age for children to perform hazardous work | <ul style="list-style-type: none"> <li data-bbox="1214 293 2125 507">➤ Cap. 57C Employment of Young Persons (Industry) Regulations prohibits the employment of young persons under the age of 18 years on underground work in any mine or quarry, or in any other industrial undertaking involving a tunneling operation, in dangerous trades, etc. <li data-bbox="1214 544 2125 715">➤ Cap. 59F Quarries (Safety) Regulations grants for the approval of supervisor and deputy supervisor of a quarry who is not less than 30 years of age and not less than 25 years of age respectively <li data-bbox="1214 751 2125 874">➤ Cap. 59G Factories and Industrial Undertakings (Woodworking Machinery) Regulations prohibits person under 16 years of age employed on any woodworking machine <li data-bbox="1214 911 2125 1305">➤ Cap. 59I Construction Sites (Safety) Regulations, Cap. 59J Factories and Industrial Undertakings (Lifting Appliances and Lifting Gear) Regulations, Cap. 59Q Factories and Industrial Undertakings (Guarding and Operation of Machinery) Regulations, Cap. 59R Factories and Industrial Undertakings (Cartridge-Operated Fixing Tools) Regulations, Cap. 59AD Factories and Industrial Undertakings (Asbestos) Regulation, Cap. 59AE Factories and Industrial Undertakings (Confined Spaces) Regulation, Cap. 59AG Factories and Industrial |

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| | | <p data-bbox="1283 296 2123 775"> Undertakings (Loadshifting Machinery) Regulation and Cap. 59AI Factories and Industrial Undertakings (Gas Welding and Flame Cutting) Regulation prohibits the employment of any person under 18 years of age on industrial undertakings in construction site, operation of crane and power-driven lifting appliance, operation of any machine specified in the Fourth Schedule of Cap. 59Q (unless the person is trained or supervised), use of cartridge-operated fixing tool, working with asbestos and carrying out cleaning in connection with work with asbestos, working in confined space, operation of loadshifting machinery and performing gas welding and flame cutting work respectively </p> <p data-bbox="1211 818 2074 938"> ➤ Cap. 59A Factories and Industrial Undertaking Regulations prohibits the employment of any person under the age of 21 years to work underground </p> |

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| 11. | Prohibiting children from performing work that is likely to harm their health, safety, or morals | <ul style="list-style-type: none"> ➤ Cap. 57B Employment of Children Regulations ➤ Cap. 57C Employment of Young Persons (Industry) Regulations |
| 12. | Requiring labor inspectorates to enforce legislation on child labor (i.e., minimum age of workers, types of work young workers are involved in, working hours, not prejudice to their education or ability to benefit from education) | <ul style="list-style-type: none"> ➤ Inspections are conducted by labour inspectors of Labour Department to industrial undertakings and non-industrial establishments to ensure that no child or young person is employed in contravention of Cap. 57B Employment of Children Regulations and Cap. 57C Employment of Young Persons (Industry) Regulations |
| <i>Occupational Safety, Health, Discrimination, and Violence</i> | | |
| 13. | All hazardous sectors (including but not limited to ship-breaking, agriculture, construction, mining, and others) are covered by an occupational health and safety regulation | <ul style="list-style-type: none"> ➤ Cap. 59 Factories and Industrial Undertakings Ordinance and its subsidiary regulations ➤ Cap. 509 Occupational Safety and Health Ordinance and its subsidiary regulations |

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| 14. | There are laws on discrimination and harassment | <ul style="list-style-type: none"> ➤ Cap. 480 Sex Discrimination Ordinance ➤ Cap. 487 Disability Discrimination Ordinance ➤ Cap. 527 Family Status Discrimination Ordinance ➤ Cap. 602 Race Discrimination Ordinance |
| 15. | Mandating paid annual leave for workers on a permanent contract | ➤ Part VIII A, Cap. 57 Employment Ordinance |
| 16. | Mandating paid sick leave for workers on a permanent contract | ➤ Part VII, Cap. 57 Employment Ordinance |
| Notice Period and Severance Payment | | |
| 17. | Mandating a notice period that an employer must provide to an employee in case of a redundancy dismissal | ➤ Part II, Cap. 57 Employment Ordinance |
| 18. | Mandating a severance payment that an employer must provide to an employee in case of a redundancy dismissal | ➤ Part VA, Cap. 57 Employment Ordinance |
| Work Hours and Contracts | | |
| 19. | Allowing the use of fixed-term contracts for any type of task/job | ➤ Cap. 57 Employment Ordinance does not prohibit fixed-term contracts for any type of task / job |
| 20. | Allowing the use of fixed-term contracts for permanent tasks, i.e., tasks or jobs of permanent nature to the firm, not dissolved once the task is accomplished | ➤ Cap. 57 Employment Ordinance does not prohibit fixed-term contracts for any type of task / job including permanent tasks |

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| 21. | Allowing night work | <p>➤ There is no legislation restricting night work in general, save for the relevant restrictions on the employment of children and young persons. Employers and employees are at liberty to negotiate the terms and conditions of employment, including hours of work, provided that such terms and conditions are no less favourable than the relevant legal requirements.</p> |
| <i>Requirements for Dismissal</i> | | |
| 22. | <p>Allowing individual dismissal based on the following reasons:</p> <ul style="list-style-type: none"> • Worker capacity (i.e., performance) • Worker conduct (i.e., misconduct or fault) • Business need | <p>➤ Part II and sections 15, 21B, 33 and 72B, Cap. 57 Employment Ordinance</p> <p>➤ Section 6, Cap. 59 Factories and Industrial Undertakings Ordinance</p> <p>➤ Section 48, Cap. 282 Employees' Compensation Ordinance</p> |
| 23. | Not requiring an employer to obtain an approval from a third party before terminating the employment of one employee in the private sector | <p>➤ Part II, Cap. 57 Employment Ordinance</p> <p>➤ Part V, Cap. 282 Employees' Compensation Ordinance</p> |

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| 24. | Not requiring an employer to obtain approval from a third party before terminating the employment of a group of employees' equivalent to a collective redundancy in the private sector | <ul style="list-style-type: none"> ➤ Part II, Cap. 57 Employment Ordinance ➤ Part V, Cap. 282 Employees' Compensation Ordinance |
| 25. | <p>Types of retirement pension schemes available to workers in the private sector in the economy:</p> <ul style="list-style-type: none"> • Contributory retirement pension benefit available through employment only • Contributory retirement pension benefit available through employment or self on a voluntary basis | <ul style="list-style-type: none"> ➤ Cap. 485 Mandatory Provident Fund Schemes Ordinance ➤ Cap. 426 Occupational Retirement Schemes Ordinance ➤ Cap. 485 Mandatory Provident Fund Schemes Ordinance |

Public Services that Facilitate Trade

[Including services provided by government bureaux and departments, and other public organisations]

Disclaimer: There are other digital public services that aim to facilitate business and compliance in Hong Kong. Please refer to the webpages of individual bureaux / departments / public organisations for details.

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| <i>Employment Services</i> | | |
| 1. | Existence of an employment service centre in the HKSAR | <ul style="list-style-type: none"> ➤ Interactive Employment Service (iES) website ➤ Interactive Selective Placement Service (iSPS) website ➤ Youth Employment Start (Y.E.S.) |
| 2. | Not requiring firms to pay for employment service centre services | <ul style="list-style-type: none"> ➤ Employment Services |
| 3. | Existence of public training programs for the unemployed and job seekers | <ul style="list-style-type: none"> ➤ The Youth Employment and Training Programme ➤ Employment Programme for the Elderly and Middle-aged ➤ Work Orientation and Placement Scheme |

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| <i>Labor Dispute Resolution Mechanisms</i> | | |
| 4. | Existence of alternative dispute resolution mechanisms to resolve a labor dispute | ➤ The Labour Relations Division of the Labour Department operates 10 branch offices to offer conciliation services as an administrative means to help resolve differences between employers and employees |
| 5. | Existence of a functioning, specialised and independent mechanism for resolution of a labour dispute | <ul style="list-style-type: none"> ➤ Section 3, Cap. 25 Labour Tribunal Ordinance ➤ Adjudication of employment claims under Cap. 453 Minor Employment Claims Adjudication Board Ordinance ➤ Settlement of trade disputes under Cap. 55 Labour Relations Ordinance |
| <i>Labor Inspectorates</i> | | |
| 6. | Labor inspectors can enter a workplace freely and without notice | <ul style="list-style-type: none"> ➤ Cap. 57 Employment Ordinance ➤ Cap. 282 Employees' Compensation Ordinance ➤ Cap. 59 Factories and Industrial Undertakings Ordinance ➤ Cap. 509 Occupational Safety and Health Ordinance |