

## Regulatory Framework for Opening, Operating and Closing a Business

Disclaimer: Any information rendered in this document is for general references only and should not be considered as legal advice. Users are strongly advised to seek independent legal advice if they are in doubt of their legal position.

### Labor

No.	Regulatory Framework	Link
<b><i>Labor Rights</i></b>		
1.	Mandating equal remuneration for work of equal value	<ul style="list-style-type: none"> <li>➤ <a href="#">Cap. 480 Sex Discrimination Ordinance</a></li> <li>➤ Section 1.4, <a href="#">Guide to Employers on Equal Pay between Men and Women under the Sex Discrimination Ordinance</a></li> </ul>
<b><i>Workplace Discrimination</i></b>		
2.	Explicitly prohibiting workplace discrimination on the basis of the following: <ul style="list-style-type: none"> <li>• Race and ethnicity</li> <li>• Gender</li> <li>• Disability</li> </ul>	<ul style="list-style-type: none"> <li>➤ Part 3, <a href="#">Cap. 602 Race Discrimination Ordinance</a></li> <li>➤ Part 3, <a href="#">Cap. 480 Sex Discrimination Ordinance</a></li> <li>➤ Part 3, <a href="#">Cap. 487 Disability Discrimination Ordinance</a></li> </ul>
3.	Explicitly prohibiting workplace discrimination on the basis of trade union membership	➤ Sections 21B and 21C, <a href="#">Cap. 57 Employment Ordinance</a>
4.	Granting all workers the right of freedom of association and assembly	<ul style="list-style-type: none"> <li>➤ Article 27, <a href="#">Basic Law of the Hong Kong Special Administrative Region</a></li> <li>➤ Section 8, <a href="#">Cap. 383 Hong Kong Bill of Rights Ordinance</a></li> </ul>

No.	Regulatory Framework	Link
5.	Explicitly prohibiting forced labor	➤ Article 25, <a href="#">C029 - Forced Labour Convention, 1930 (No. 29)</a> , International Labour Organization
6.	Minimum legal age of 15 for admission to employment and of 18 for admission to hazardous work	<ul style="list-style-type: none"> <li>➤ <a href="#">Cap. 57B Employment of Children Regulations</a></li> <li>➤ <a href="#">Cap. 57C Employment of Young Persons (Industry) Regulations</a></li> <li>➤ <a href="#">Cap. 59A Factories and Industrial Undertakings Regulations</a></li> <li>➤ <a href="#">Cap. 59F Quarries (Safety) Regulations</a></li> <li>➤ <a href="#">Cap. 59G Factories and Industrial Undertakings (Woodworking Machinery) Regulations</a></li> <li>➤ <a href="#">Cap. 59I Construction Sites (Safety) Regulations</a></li> <li>➤ <a href="#">Cap. 59J Factories and Industrial Undertakings (Lifting Appliances and Lifting Gear) Regulations</a></li> <li>➤ <a href="#">Cap. 59Q Factories and Industrial Undertakings (Guarding and Operation of Machinery) Regulations</a></li> <li>➤ <a href="#">Cap. 59R Factories and Industrial Undertakings (Cartridge-Operated Fixing Tools) Regulations</a></li> <li>➤ <a href="#">Cap. 59AD Factories and Industrial Undertakings (Asbestos) Regulation</a></li> <li>➤ <a href="#">Cap. 59AE Factories and Industrial Undertakings (Confined Spaces) Regulation</a></li> <li>➤ <a href="#">Cap. 59AG Factories and Industrial Undertakings (Loadshifting Machinery) Regulation</a></li> <li>➤ <a href="#">Cap. 59AI Factories and Industrial Undertakings (Gas Welding and Flame Cutting) Regulation</a></li> </ul>

No.	Regulatory Framework	Link
		➤ <a href="#">Cap. 59AC Factories and Industrial Undertakings (Suspended Working Platforms) Regulation</a>
7.	Minimum legal age of 13 for admission to light work	➤ <a href="#">Cap. 57B Employment of Children Regulations</a>
8.	Prohibiting children from performing work that is likely to harm their health, safety, or morals	➤ <a href="#">Cap. 57B Employment of Children Regulations</a> ➤ <a href="#">Cap. 57C Employment of Young Persons (Industry) Regulations</a>
9.	Occupational safety and health regulations covering the following sectors: <ul style="list-style-type: none"> <li>• Agriculture sector</li> <li>• Construction sector</li> </ul>	➤ <a href="#">Cap. 59 Factories and Industrial Undertakings Ordinance</a> and its subsidiary regulations ➤ <a href="#">Cap. 509 Occupational Safety and Health Ordinance</a> and its subsidiary regulations
<b><i>Sick Leave</i></b>		
10.	Entitling a worker on a permanent contract with 1 year of service to 24 paid working days of sick leave	➤ Part VII, <a href="#">Cap. 57 Employment Ordinance</a>
<b><i>Minimum Wage Attributes</i></b>		
11.	Minimum wage in the private sector	➤ <a href="#">Cap. 608 Minimum Wage Ordinance</a>
12.	Mandating criteria for setting the minimum wage (i.e., economic growth, cost of living, etc.)	➤ Section 12(3), <a href="#">Cap. 608 Minimum Wage Ordinance</a>
13.	Mandating a periodic process of minimum wage update	➤ Section 14(1), <a href="#">Cap. 608 Minimum Wage Ordinance</a>

No.	Regulatory Framework	Link
<b><i>Terms of Employment</i></b>		
14.	<p>Allowing the use of fixed-term contracts for the following:</p> <ul style="list-style-type: none"> <li>Any type of task/job</li> <li>Permanent tasks specifically, i.e., tasks or jobs of a permanent nature to the firm, that are not dissolved once the tasks are completed</li> </ul>	➤ No relevant restrictions in <a href="#">Cap. 57 Employment Ordinance</a>
<b><i>Termination of Employment</i></b>		
15.	Allowing individual dismissal based on business needs or redundancy reasons	➤ Part II, <a href="#">Cap. 57 Employment Ordinance</a>
16.	Mandating notice period for a worker on a permanent contract	➤ Part II, <a href="#">Cap. 57 Employment Ordinance</a>
17.	Mandating severance pay for a worker on a permanent contract	➤ Section 31ZEA, Part VA and Schedule 11, <a href="#">Cap. 57 Employment Ordinance</a>

## 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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No.	Public Services	Link
<b><i>Health Care Coverage</i></b>		
1.	Government-funded basic health care available universally (i.e., to all citizens whether or not employed)	➤ <a href="#">Overview of the Health Care System in Hong Kong</a>
<b><i>Retirement Pension</i></b>		
2.	Government-provided retirement pension scheme for workers in the private sector covering all industries	➤ <a href="#">Cap. 426 Occupational Retirement Schemes Ordinance</a> ➤ <a href="#">Cap. 485 Mandatory Provident Fund Schemes Ordinance</a>
<b><i>Employment Centers and Training</i></b>		
3.	National employment public service center in Hong Kong	➤ <a href="#">Interactive Employment Service</a> ➤ <a href="#">Interactive Selective Placement Service</a> ➤ <a href="#">Youth Employment Start</a>
4.	Not requiring firms to pay for national employment public service center services	➤ <a href="#">Employment Services</a>
5.	Public training programs for the unemployed and job seekers available	➤ <a href="#">Youth Employment and Training Programme</a> ➤ <a href="#">Employment Programme for the Elderly and Middle-aged</a> ➤ <a href="#">Work Orientation and Placement Scheme</a>

No.	Public Services	Link
<b><i>Labor Dispute Resolution Mechanism</i></b>		
6.	Functioning, specialized, and independent mechanism for resolution of a labor dispute	<ul style="list-style-type: none"> <li>➤ <a href="#">Cap. 55 Labour Relations Ordinance</a></li> <li>➤ <a href="#">Cap. 453 Minor Employment Claims Adjudication Board Ordinance</a></li> </ul>
<b><i>Alternative Dispute Resolution Mechanism</i></b>		
7.	Allowing the following alternative dispute resolution (ADR) mechanism to resolve labor disputes: <ul style="list-style-type: none"> <li>• Non-judicial conciliation and/or mediation (private person to mediate)</li> <li>• Arbitration</li> </ul>	<ul style="list-style-type: none"> <li>➤ <a href="#">Labour Relations Division</a>, Labour Department</li> <li>➤ Parts II and IIA, <a href="#">Cap. 55 Labour Relations Ordinance</a></li> <li>➤ Section 20(2), <a href="#">Cap. 609 Arbitration Ordinance</a></li> <li>➤ Part III, <a href="#">Cap. 55 Labour Relations Ordinance</a></li> </ul>
<b><i>Labor Inspectorates</i></b>		
8.	Central labor inspectorate in Hong Kong	<ul style="list-style-type: none"> <li>➤ <a href="#">Labour Inspection Division</a>, Labour Department</li> <li>➤ <a href="#">Occupational Safety Service</a>, Labour Department</li> <li>➤ <a href="#">Occupational Health Service</a>, Labour Department</li> </ul>
9.	Labor inspectors entering a workplace freely and without prior notice	<ul style="list-style-type: none"> <li>➤ <a href="#">Cap. 57 Employment Ordinance</a></li> <li>➤ <a href="#">Cap. 57B Employment of Children Regulations</a></li> <li>➤ <a href="#">Cap. 57C Employment of Young Persons (Industry) Regulations</a></li> <li>➤ Part IV, <a href="#">Cap. 282 Employees' Compensation Ordinance</a></li> <li>➤ Part IVB, <a href="#">Cap. 115 Immigration Ordinance</a></li> <li>➤ <a href="#">Cap. 608 Minimum Wage Ordinance</a></li> <li>➤ <a href="#">Cap. 59 Factories and Industrial Undertakings Ordinance</a></li> </ul>

No.	Public Services	Link
		➤ <a href="#">Cap. 509 Occupational Safety and Health Ordinance</a>
10.	Mandating labor inspectorates to enforce the current legislation/ regulations on the following: <ul style="list-style-type: none"> <li>• Child labor</li> <li>• Occupational health and safety</li> </ul>	➤ <a href="#">Labour Inspection Division</a> , Labour Department ➤ <a href="#">Cap. 57B Employment of Children Regulations</a> ➤ <a href="#">Cap. 57C Employment of Young Persons (Industry) Regulations</a>  ➤ <a href="#">Occupational Safety Service</a> , Labour Department ➤ <a href="#">Occupational Health Service</a> , Labour Department ➤ Section 19, <a href="#">Cap. 509 Occupational Safety and Health Ordinance</a>
11.	Publicly available data on reported number of cases/complaints for labor violations	➤ <a href="#">Annual Report</a>
<b>Data on Gender</b>		
12.	Sex-disaggregated data on the followings publicly available online and for the most recent fiscal year: <ul style="list-style-type: none"> <li>• Number of employees in the workforce</li> <li>• Number of unemployed people</li> </ul>	➤ <a href="#">Employed persons by employment status, age and sex</a> ➤ <a href="#">Statistics on labour force, employment, unemployment and underemployment</a>