



Labour Department (Headquarters)

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16 July 2012

Clerk to Panel on Manpower
Legislative Council
Legislative Council Complex
1 Legislative Council Road
Central, Hong Kong
(Attn: Ms Alice Leung)

Dear Ms Leung,

Statutory Minimum Wage

We refer to item 6 of the list of follow-up actions of the Panel on Manpower (position as at 14 June 2012) and provide the supplementary information below as requested by Members.

Recommendations of the Provisional Minimum Wage Commission

The Provisional Minimum Wage Commission (PMWC) has made recommendations, apart from the initial statutory minimum wage (SMW) rate, and the Administration has taken forward the recommendations. As recommended by PMWC, surveys and studies have been conducted to assess the impact of SMW. Specifically, through the 2011 Annual Earnings and Hours Survey, we have collected comprehensive data on the level and distribution of wages subsequent to the implementation of SMW, with the employment details and demographic profile of employees. We have also commissioned a study on the impact of SMW on the pay hierarchies of selected sectors. The Minimum Wage Commission is currently reviewing the SMW rate. We will continue to monitor and evaluate the impact of SMW.

We have also taken different measures to assist workers who may be affected by SMW. We have set up a dedicated employment hotline (2127 4916) to provide employment assistance for needy workers displaced as a result of the implementation of SMW. Mini-job fairs have been conducted at the two industry-based Recruitment Centres for catering and retail industries and at

district Job Centres to offer job seekers on-the-spot job interviews. Large-scale job fairs targeting specifically at the low-paying sectors likely affected by the SMW have also been held to expedite the dissemination of employment information. At the same time, we continue to operate various specialised employment programmes for job seekers with special needs and employment difficulties.

In addition, we have vigorously conducted a wide range of SMW-related publicity and promotional activities. Large-scale briefings and seminars for employers, employees and the general public as well as talks targeted at various stakeholders have been held. We have issued the "*Statutory Minimum Wage: Reference Guidelines for Employers and Employees*" and, in consultation with the concerned industry-based Tripartite Committees and stakeholders, have drawn up industry-specific guidelines on SMW covering nine industries. A Minimum Wage Reference Calculator is provided on the GovHK website and our homepage to provide a quick preliminary reference for employers and employees in ascertaining whether wages are up to the SMW level.

Financial position of the Exchange Fund

The financial position and accumulated surplus of the Exchange Fund are available at the Hong Kong Monetary Authority's website (www.info.gov.hk/hkma).

Administrative guidelines for approved assessors

In accordance with the report of the Subcommittee on Minimum Wage (Criteria for Approved Assessors) Notice and Minimum Wage (Assessment Methods) Notice, a set of administrative guidelines for approved assessors and the relevant forms contained therein, including the certificate of assessment, are provided for the Panel at Annex.

Yours sincerely,



(William Mak)
for Commissioner for Labour

Minimum Wage Ordinance (Chapter 608)
Productivity Assessment for
Persons with Disabilities

**Administrative Guidelines
for Approved Assessors**



Labour Department

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Foreword

With a view to ensuring the smooth and effective implementation of the optional productivity assessment mechanism provided under the Statutory Minimum Wage regime, the Labour Department has prepared in this *Administrative Guidelines for Approved Assessors* comprehensive information and operational details of the productivity assessment mechanism to help approved assessors to fully appreciate and have a good grasp of the productivity assessment mechanism, and thereby bring into line the procedures and methods they adopt in conducting productivity assessments for persons with disabilities.

Approved assessors should approach the Statutory Minimum Wage Division of the Labour Department for any enquiries on the productivity assessment mechanism. The Labour Department would update and revise this Administrative Guidelines from time to time whenever the actual circumstances warrant. Approved assessors should thus pay attention to ensure that they possess and make reference to the latest version of the Administrative Guidelines for Approved Assessors.

It should be noted that the interpretation of the law would be based on its original text. The Minimum Wage Ordinance (Cap. 608) and other legislation have been uploaded to the Bilingual Laws Information System of the Department of Justice at <http://www.legislation.gov.hk/eng/index.htm>.

July 2012 Edition

Chapter I: Special arrangement for persons with disabilities under the Minimum Wage Ordinance

1.I Rights of persons with disabilities under the Minimum Wage Ordinance

- 1.1 As enshrined in the Minimum Wage Ordinance (“MWO”), employees with disabilities enjoy the same statutory minimum wage (“SMW”) protection as their able-bodied counterparts. Nevertheless, taking account of the possible employment difficulties encountered by some persons with disabilities, MWO also provides for a special arrangement. Specifically, persons with disabilities whose productivity may be impaired by their disabilities will have the right to choose to have their productivity assessed to determine whether they should be remunerated at not lower than the SMW level or at a rate commensurate with their productivity.
- 1.2 To forestall abuse by some employers, **the right to invoke the productivity assessment ("assessment") is vested in persons with disabilities rather than employers.** For persons with disabilities who do not opt to undergo the assessment, their employers must pay them at not lower than the SMW rate in accordance with MWO.
- 1.3 Details of MWO and relevant subsidiary legislation are at Reference 1.

1.II Definition of “person with disabilities”

- 1.4 Under MWO, a “person with disabilities” means a person who holds a valid “Registration Card for People with Disabilities” (“Registration Card”) issued by the Central Registry for Rehabilitation established by the Government. Therefore, a person with disabilities must hold a **valid** Registration Card in order to exercise the right to opt for the assessment. After the assessment, the employee with disabilities is still required to hold a valid Registration Card to enable the minimum wage commensurate with the assessed degree of productivity to remain valid. Any Registration Card with an expiry date has to be renewed as early as possible before expiration; otherwise the employer has to pay the employee at not less than the SMW rate when the Registration Card becomes invalid.
- 1.5 Application form for the Registration Card can be obtained from the Central Registry for Rehabilitation of the Labour and Welfare Bureau, relevant non-governmental rehabilitation organisations or District Offices of the Home Affairs Department. It can also be downloaded from the Labour and Welfare Bureau's homepage (www.lwb.gov.hk). No fee is charged for issue and renewal of the Registration Card. Application details and sample Registration Card are at Reference 2.

1.III Transitional arrangement for persons with disabilities already in employment prior to the implementation of the Minimum Wage Ordinance

- 1.6 An optional transitional arrangement had been provided under MWO for persons with disabilities already in employment prior to the implementation of SMW and earning below the initial SMW rate (i.e. \$28 per hour) with a view to minimising the impact of SMW on them. They might elect before 1 May 2011 either to receive wages at not less than the SMW rate after the commencement of MWO; or undergo the assessment and retain their below SMW wage rate before completion of the assessment.
- 1.7 Similarly, **the right to make an option of the transitional arrangement was vested in employees with disabilities already in employment prior to the implementation of MWO rather than employers.** Employees with disabilities who elected to be remunerated at not lower than the SMW rate needed not complete any procedures. Their employers must pay them at not less than the SMW rate upon the SMW implementation.
- 1.8 Employees with disabilities already in employment opting for assessment were required to complete relevant procedures before 1 May 2011. The procedures included holding a valid Registration Card and completing and signing jointly with their employers on the Option Form specified by the Labour Department (“LD”) (template at Form 1). An employee with disabilities already in employment having so fulfilled the above requirements might at any time after the SMW implementation invoke the assessment. There would be no time limit for the assessment which could be conducted anytime until he/she is no longer employed by the same employer to do the same work.
- 1.9 Before the assessment, employees with disabilities already in employment would be entitled to wages at a rate not less than that of their contractual wage level with respect to the SMW rate. Adjustment of the SMW rate, if any, in the interim would also be applicable to them.

Examples on the computation of the minimum wage applicable to employees with disabilities already in employment who have opted for transitional arrangement

Scenario (A): Upon the commencement of the initial SMW rate on 1 May 2011

Assuming

- an employee with disabilities already in employment has opted for assessment under the transitional arrangement in accordance with procedures required
- as stated in the Option Form, the hourly wage rate¹ of that

¹ For the computation of SMW and hours worked, please refer to the *Statutory Minimum Wage: Reference Guidelines for Employers and Employees* (see Reference 3) published by the LD or visit the LD’s homepage (www.labour.gov.hk).

employee with disabilities in performing the work concerned is \$22.4, translating into 80% of the initial SMW rate (i.e. $\$22.4 \div \$28 \times 100\%$)

- the total number of hours worked¹ by that employee with disabilities in a wage period is 200 hours
- ⇒ his/her minimum wage in respect of that wage period should be computed as follows:

$80\% \times \$28 \times 200 \text{ hours}$

Scenario (B): Where the initial SMW rate is adjusted before a person with disabilities already in employment undergoes the assessment

Assuming

- an employee with disabilities already in employment has opted for assessment under the transitional arrangement in accordance with procedures required and SMW rate is adjusted before he/she invokes the assessment
 - as stated in the Option Form, the hourly wage rate¹ of that employee with disabilities in performing the work concerned is \$22.4, translating into 80% of the initial SMW rate (i.e. $\$22.4 \div \$28 \times 100\%$)
 - the total number of hours worked¹ by that employee with disabilities in a wage period is 205 hours
- ⇒ his/her minimum wage in respect of that wage period should be computed as follows:

$80\% \times \text{adjusted SMW rate} \times 205 \text{ hours}$

1.10 Upon completion of the assessment and from the first day after the Certificate of Assessment on the Degree of Productivity of Persons with Disabilities (“certificate”) is countersigned by the employee and employer, the SMW rate applicable to the employee with disabilities should be commensurate with the degree of productivity stated in the certificate. Where either the employee with disabilities or the employer fails to countersign the certificate, the degree of productivity stated in the certificate shall not take effect and the employee with disabilities should be remunerated at not lower than the SMW rate on and from the first day after the completion of the assessment.

1.IV Trial period of employment

1.11 The purpose of the trial period of employment (“trial period”) is to allow persons with disabilities to acclimatise themselves to the actual working environment and settle into their job before undergoing the assessment.

1.12 Upon the implementation of MWO, newly employed persons with disabilities may before commencing employment agree with their employers to undergo a

trial period. As for employees with disabilities who have already been in employment prior to the implementation of SMW and opted for assessment, they should undergo the assessment directly without going through the trial period if, when they invoke the assessment, there is no variation in the kind of work they are required to do under the contract of employment. However, should the kind of work the employees with disabilities are required to do under the contract of employment vary when they invoke the assessment, they may, before the variation is due to take effect, agree with their employers to undergo a trial period.

- 1.13 The length of the trial period is 4 weeks or up to the day on which the assessment of the person with disabilities is completed, whichever period is the shorter. On an application made jointly by the person with disabilities and employer before the end of the trial period, the Commissioner for Labour may, in exceptional circumstances, extend the trial period by up to 4 weeks (i.e. not more than 8 weeks in total).
- 1.14 During the trial period (including the extended trial period), the person with disabilities is an employee engaged by the employer in accordance with the contract of employment, and should be remunerated at not lower than 50% of the SMW rate.
- 1.15 Given that the purpose of the trial period is to allow persons with disabilities to undergo assessment, the provisions and arrangements in respect of the trial period are therefore not applicable to temporary or short term jobs where employers have no intention to provide opportunities for persons with disabilities to undergo assessment.

1.V Selection of approved assessor and undergoing productivity assessment

- 1.16 The assessment should be conducted by an approved assessor ("assessor"). A person with disabilities may select any assessor to conduct the assessment but it is incumbent on the assessor to ensure that no conflict will arise between his/her duties involved in conducting the assessment and his/her other interests (e.g. an assessor should not conduct assessment for a person with disabilities who works in the same organisation of the assessor)². Information on the assessors is set out in a register of approved assessors which is provided at the LD's homepage (www.labour.gov.hk) and relevant offices or through other appropriate channels.
- 1.17 The assessment should be conducted on a date agreed by the person with disabilities, the employer and the assessor. If the person with disabilities chooses to undergo a trial period in accordance with MWO, the assessment should in principle be made during the trial period. However, assessments made after the expiry of the trial period would also be valid. For assessment methods and procedures, please refer to Chapter III.

² Please refer to Section 2.III for other circumstances and examples of possible conflict of interests that may arise in discharging the duties of an approved assessor.

1.VI Certificate of assessment

- 1.18 An assessor must sign and provide to the person with disabilities and the employer a certificate in the form approved by the Commissioner for Labour (template at Form 2) stating the degree of productivity capable of being achieved by the person with disabilities in performing the work concerned as soon as practicable after conducting the assessment.
- 1.19 The person with disabilities and the employer should countersign the certificate signed and provided by the assessor. The degree of productivity stated in the certificate will take effect on and from the first day after the countersigning of the certificate by the employee with disabilities and the employer.
- 1.20 The certificate should be completed in triplicate. The employee with disabilities and the employer should each keep one copy of the certificate and the remaining one be submitted to LD by the assessor. The employer should keep the certificate in the workplace for inspection by authorised officers of LD.
- 1.21 The certificate is only applicable to the work required under the contract of employment to be performed by the person with disabilities for the employer as specified in the certificate.

1.VII Result of the productivity assessment

- 1.22 The assessment of the person with disabilities is completed when the certificate is signed by the assessor, and the person with disabilities cannot have any further assessment made for the same work with the same employer after the completion of the assessment.
- 1.23 For the purposes of the implementation of the special arrangement for persons with disabilities under MWO, consequential amendments have been made to the Disability Discrimination Ordinance (Cap. 487) ("DDO") to put in place exemptions in three aspects with regard to the special arrangement. The third exemption³ (i.e. an employer terminating an employment contract on account of the outcome of the assessment) is only limited to the situation where the dismissal is on the account of the outcome of the assessment. If an employee is dismissed on ground of his/her disability, MWO does not affect his/her claim under DDO.
- 1.24 The employer should handle the ensuing performance appraisals and salary reviews of the employee with disabilities according to the pay system which applies to employees with and without a disability alike.

³ The other two exemptions under which acts done are not in breach of the DDO are: (i) only a person who holds a valid Registration Card being allowed to have his/her degree of productivity assessed; and (ii) an employer, in accordance with MWO, paying a minimum wage to a person with disabilities that is less than that payable to a person without disabilities.

1.VIII Minimum wage of persons with disabilities

1.25 SMW rate applicable to persons with disabilities and illustrative examples are provided below:

Scenario (A): Where a person with disabilities does not elect to undergo the assessment, the employer must pay him/her at not lower than the SMW rate in accordance with MWO.

Example (1): Assuming

- a person with disabilities was employed at current post on 1 March 2011 (i.e. before implementation of MWO) and the wage level was \$24 per hour on average
 - that person with disabilities did not elect the transitional arrangement before the implementation of MWO for undergoing assessment
- ⇒ from 1 May 2011 onwards, his/her employer should pay that person with disabilities SMW of not less than \$28 per hour on average in accordance with MWO

Example (2): Assuming

- a person with disabilities is employed on 1 August 2011 (i.e. upon implementation of MWO)
 - that person with disabilities does not elect to undergo the assessment
- ⇒ on and from the commencement of employment of that person with disabilities on 1 August 2011, the employer should pay him/her SMW of not less than \$28 per hour on average in accordance with MWO

Scenario (B): Persons with disabilities must be remunerated at not lower than 50% of the SMW rate during the trial period.

Example (3): Assuming

- a person with disabilities is employed on 1 August 2011. He/She agrees with the employer to undergo a trial period of 4 weeks up to 28 August and the wage level during the trial period is 70% of the SMW rate
 - that person with disabilities eventually undergoes and completes the assessment on 22 August 2011
- ⇒ the employer should pay that person with disabilities at a wage level of not less than \$19.6 per hour on average (i.e. \$28 x 70%) during the trial period (i.e. 1 - 22 August 2011) in accordance with their agreement

Scenario (C): Where an assessment is completed within the trial period, on and from the first day after the certificate is countersigned by the person with disabilities and the employer, the SMW rate applicable to the person with disabilities should be commensurate with the degree of productivity stated in the certificate.

Example (4): Assuming

- a person with disabilities is employed on 1 August 2011. He/She agrees with the employer to undergo a trial period of 4 weeks up to 28 August and the wage level during the trial period is 70% of the SMW rate
 - that person with disabilities eventually undergoes and completes the assessment on 22 August 2011 and his/her assessed degree of productivity is 80%. Both the employer and the person with disabilities countersign the certificate on the day of assessment
- ⇒ the employer should pay that person with disabilities at a wage level of not less than \$19.6 per hour on average (i.e. \$28 x 70%) during the trial period (i.e. 1 - 22 August 2011) in accordance with their agreement; and from 23 August 2011 onwards, the employer should pay that person with disabilities at a wage level of not less than \$22.4 per hour on average (i.e. \$28 x 80%) in accordance with the assessed degree of productivity stated in the certificate

Scenario (D): Where an assessment is completed after the expiry of the trial period, upon countersigning the certificate by the person with disabilities and the employer, the SMW rate applicable to the person with disabilities which is commensurate with the degree of productivity stated in the certificate shall take retrospective effect on and from the first day after the expiry of the trial period.

Example (5): Assuming

- a person with disabilities is employed on 1 August 2011. He/She agrees with the employer to undergo a trial period of 4 weeks up to 28 August and the wage level during the trial period is 70% of the SMW rate
 - that person with disabilities eventually undergoes and completes the assessment on 31 August 2011 (i.e. after expiry of the trial period) and his/her assessed degree of productivity is 80%. Both the employer and the person with disabilities countersign the certificate on the day of assessment
- ⇒ the employer should pay that person with disabilities at a wage level of not less than \$19.6 per hour on average (i.e. \$28 x 70%) during the trial period (i.e. 1 - 28 August 2011) in accordance with their agreement; and the minimum wage commensurate

with the degree of productivity of not less than \$22.4 per hour on average (i.e. \$28 x 80%) will take retrospective effect on and from 29 August 2011 (i.e. the first day after the expiry of the trial period)

Scenario (E): Where either the person with disabilities or the employer fails to countersign the certificate, the degree of productivity stated in the certificate will not take effect under MWO and the person with disabilities should be remunerated at not lower than the SMW rate on and from the first day after the completion of the assessment.

Example (6): Assuming

- a person with disabilities is employed on 1 August 2011. He/She agrees with the employer to undergo a trial period of 4 weeks up to 28 August and the wage level during the trial period is 70% of the SMW rate
 - that person with disabilities eventually undergoes and completes the assessment on 22 August 2011 and his/her assessed degree of productivity is 80%. However, either the employer or the person with disabilities does not countersign the certificate
- ⇒ the employer should pay that person with disabilities at a wage level of not less than \$19.6 per hour on average (i.e. \$28 x 70%) during the trial period (i.e. 1 - 22 August 2011) in accordance with their agreement; and from 23 August 2011 onwards (i.e. the first day after completion of the assessment), the employer should pay that person with disabilities at not lower than the SMW rate of \$28 per hour on average in accordance with MWO

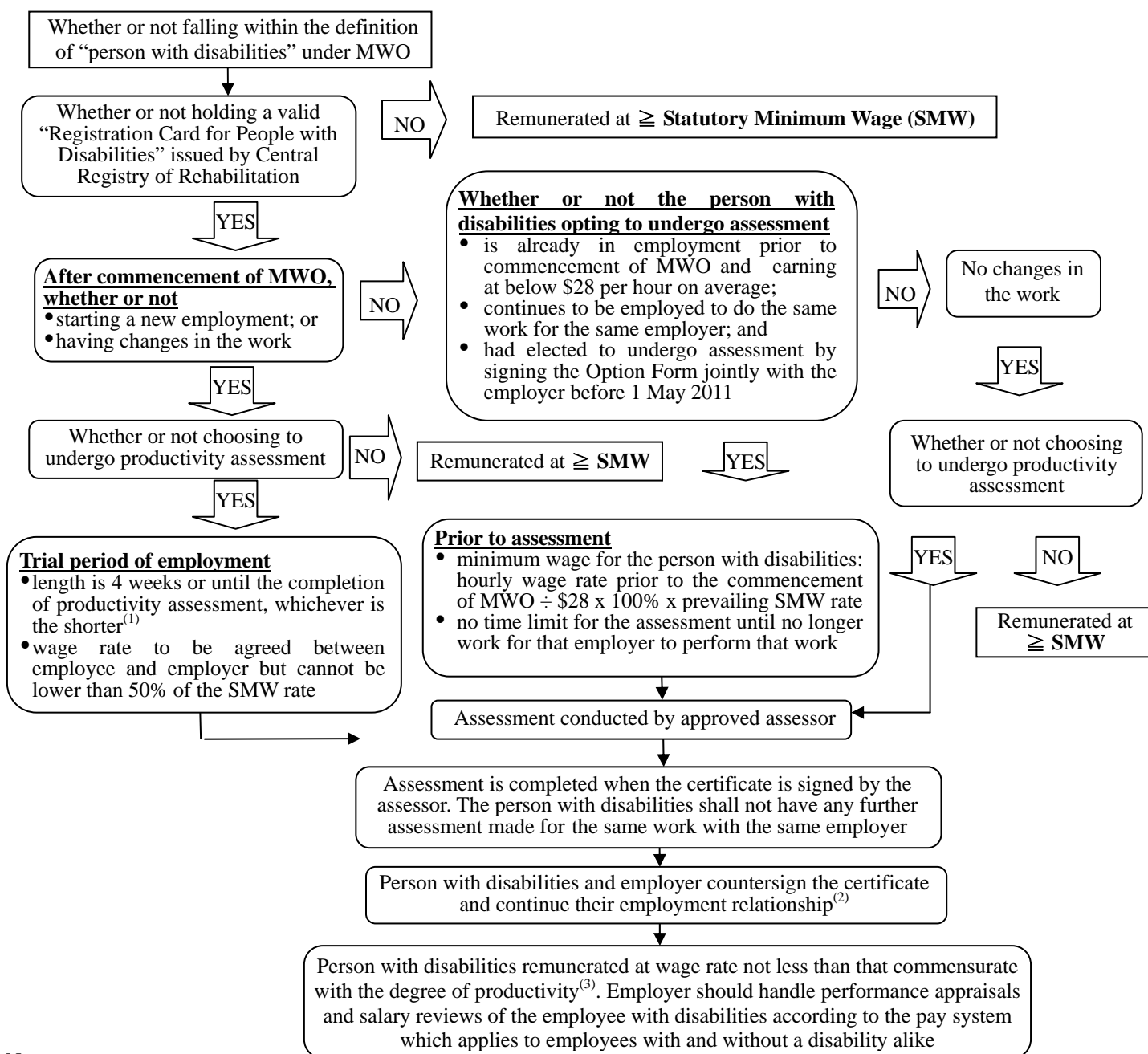
Scenario (F): Where a person with disabilities does not undergo the assessment during the trial period and the employment relationship is subsequently terminated, the employer should pay him/her at not lower than the SMW rate from the first day after the expiry of the trial period up to the termination of the employment relationship.

Example (7): Assuming

- a person with disabilities is employed on 1 August 2011. He/She agrees with the employer to undergo a trial period of 4 weeks up to 28 August and the wage level during the trial period is 70% of the SMW rate
- that person with disabilities leaves the employment with effect from 28 September 2011 and does not undergo the assessment in the interim

- ⇒ the employer should pay that person with disabilities at a wage level of not less than \$19.6 per hour on average (i.e. \$28 x 70%) during the trial period (i.e. 1 - 28 August 2011) in accordance with their agreement; and from 29 August 2011 (i.e. the first day after the expiry of the trial period) to 27 September 2011 (i.e. the day before that person with disabilities leaves the employment), at not lower than the SMW rate of \$28 per hour on average in accordance with MWO

1.IX Flowchart of the major procedures for persons with disabilities in opting for productivity assessment



Notes :

- (1) The assessment should in principle be made during the trial period. Under exceptional circumstances, a person with disabilities and his/her employer can jointly make an application to LD for extension of the trial period for a maximum of 4 weeks.
- (2) Where the employment relationship is not continued, the arrangement for terminating the contract of employment should comply with the requirements of the Employment Ordinance (Cap. 57), other relevant legislation in force as well as the terms and conditions in the contract of employment.
- (3) (a) where the assessment is completed within the trial period or the employee with disabilities needs not undergo a trial period, the SMW rate applicable to the employee with disabilities which is commensurate with the degree of productivity will take effect on and from the first day after the certificate is countersigned by the employer and the employee with disabilities;
- (b) where the assessment is completed after the expiry of the trial period, upon countersigning the certificate by the employee with disabilities and the employer, the SMW rate applicable to the employee with disabilities which is commensurate with the degree of productivity will take retrospective effect on and from the first day after the expiry of the trial period;
- (c) where either the employee with disabilities or the employer fails to countersign the certificate, the degree of productivity stated in the certificate will not take effect and the employee concerned should be remunerated at not lower than the SMW rate on and from the first day after the completion of the assessment; and
- (d) where the person with disabilities does not undergo the assessment during the trial period and the employment relationship is subsequently terminated, the employer should pay him/her at not lower than the SMW rate from the first day after the expiry of the trial period up to the termination of the employment relationship.

Chapter II: Approved assessors

2.I Criteria for approved assessors

- 2.1 Under the Minimum Wage (Criteria for Approved Assessors) Notice, an approved assessor (“assessor”) should fall into any of the following categories:
- (a) a registered occupational therapist / registered physiotherapist / registered social worker who, in that capacity⁴, possesses in total not less than 3 years’ experience in the provision of vocational rehabilitation or other services in relation to the employment of persons with disabilities during the immediately preceding 7 years⁵; or
 - (b) a vocational rehabilitation practitioner being currently engaged, or had been engaged by the organisation(s) recognised by the Commissioner for Labour (a list at Reference 4) for not less than 5 years in total in the provision of vocational rehabilitation or other services in relation to the employment of persons with disabilities during the immediately preceding 10 years⁵ and with the recommendation of the aforementioned organisation(s) to become an approved assessor.
- 2.2 All eligible applicant assessors should complete satisfactorily the training arranged by the Labour Department (“LD”) in order to become approved assessors.

2.II Responsibilities of approved assessors and basic principles to follow

- 2.3 Assessors are mainly responsible for conducting productivity assessment (“assessment”) of persons with disabilities in performing the work required under the contract of employment (“the work”) and completing assessment-related work in accordance with the Minimum Wage Ordinance (“MWO”), its relevant subsidiary legislation and this Administrative Guidelines for Approved Assessors.
- 2.4 All assessors are approved by the Commissioner for Labour on a personal basis. In making an assessment under MWO, an assessor is neither a servant nor an agent of the Government. It is incumbent on the assessor to ensure that no conflict will arise between his/her duties involved in conducting the assessment and his/her other interests. For example, an assessor should not conduct assessment for a person with disabilities who works in the same organisation of the assessor. Moreover, an assessor must not have any pecuniary and other interests with the person with disabilities or the employer to avoid undermining the credibility of the assessment result. Please refer to Section 2.III for circumstances and examples of possible conflict of interest that may arise in discharging the duties of an assessor.

⁴ Where a person has obtained the relevant experience in the capacity of more than one profession as stated in paragraph 2.1(a) concurrently in a period of time, such period of time would only be counted once when considering the experience of that person.

⁵ The date that LD receives the application for approved assessor would be adopted in counting the relevant period.

- 2.5 An assessor must be objective and impartial in making the assessment. To avoid affecting the impartiality and objectivity of the assessment, an assessor should not make any presumptions on the factor(s) to be taken into account (e.g. duties and requirements of the work) and the assessment result (i.e. whether the productivity of the person with disabilities in performing the work is affected by his/her disability or not and its degree, if any) prior to conducting the assessment.
- 2.6 It is the duty of an assessor to explain to the person with disabilities and the employer their respective rights and responsibilities under the relevant provisions of MWO and its relevant subsidiary legislation. In particular, the right to invoke the assessment is vested in the person with disabilities, not the employer. An assessor should also pay due respect to the relevant rights and decisions of the person with disabilities and the employer.
- 2.7 To enable a person with disabilities to perform at full potential in the assessment, an assessor should actively offer advice to the person with disabilities and the employer on the provision of auxiliary aids and facilities that are conducive to better performance of the work by the person with disabilities.
- 2.8 An assessor should scrupulously abide by relevant professional standards of conduct and implement the assessment oneself without delegation. During the course of assessment, an assessor should maintain a close contact with the person with disabilities and the employer and make the best endeavour to complete the assessment within the trial period.
- 2.9 During and after the assessment, an assessor should provide LD with all the required information for LD's follow-up actions. Where required, an assessor should also provide information relating to the assessment as appropriate to the person with disabilities and the employer.
- 2.10 An assessor should act in good faith, respect the personal data and privacy of the persons concerned and comply with relevant requirements of the Personal Data (Privacy) Ordinance (Cap. 486) in handling the person data collected during the assessment (please refer to Section 3.VII for details). Except for providing information according to this Administrative Guidelines, an assessor should not disclose the confidential information that he/she obtains during the assessment.

2.III Circumstances and examples of possible conflict of interests that may arise in discharging the duties of an approved assessor

- 2.11 To enable assessors to have a better understanding of the possible circumstances where a genuine or potential conflict of interest may arise in the course of discharging the duties of an assessor, some illustrative examples are given below for reference:

Scenario (A): The person with disabilities works in the same organisation of the assessor

Example (1): Assuming

- a person with disabilities works in ABC Organisation, and an assessor also works (whether or not in a paid capacity) in ABC Organisation or a social enterprise run by that organisation
- ⇒ as the employing organisation of the assessor is the same or with close connection of that of the person with disabilities, to ensure that the assessment is completed in an objective and impartial manner, the assessor should not conduct the assessment for that person with disabilities

Scenario (B): The person with disabilities works in the recommending organisation of the assessor⁶

Example (2): Assuming

- a person with disabilities works in DEF Organisation, and an assessor also works or has worked in DEF Organisation and is recommended by that organisation to become an assessor
- ⇒ as the assessor is recommended to become an assessor by the employing organisation of the person with disabilities, to ensure that the assessment is completed in an objective and impartial manner, the assessor should not conduct the assessment for that person with disabilities

Scenario (C): The assessor has a close relationship with the employer of the person with disabilities

Example (3): Assuming

- an assessor is a relative of the employer of a person with disabilities
- ⇒ as the assessor has a close relationship with the employer of the person with disabilities, to ensure that the assessment is completed in an objective and impartial manner, the assessor should not conduct the assessment for that person with disabilities

⁶ The example is only applicable to circumstances where the assessor is approved in the capacity of a vocational rehabilitation practitioner.

2.IV Procedures for application, approval and withdrawal of approved assessors

- 2.12 LD will conduct open recruitment of assessors from time to time, having regard to the prevailing circumstances and operational needs. Any persons who meet the requirements of the Minimum Wage (Criteria for Approved Assessors) Notice may submit an application.
- 2.13 Persons applying to become an assessor should submit the application form (template at Form 3) and supporting documents to LD during the specified period for application. LD will vet each application received and that includes requesting the applicant and other relevant person(s)/organisation(s) to provide further information for consideration. LD will set up an advisory committee, with members drawn from stakeholders and relevant professional associations, to advise LD on whether individual applicants should be approved as assessors where necessary.
- 2.14 After vetting the applications, LD will arrange for all screened-in applicants to attend training and examination. Suitable applicants who have satisfactorily completed the training and examination⁷ will be approved as assessors in writing (template of the letter of appointment at Form 4). To ensure the quality of assessors, LD will set a validity period for the approval granted to assessors and require those who intend to continue to be assessors to satisfactorily complete the refresher training in due course.
- 2.15 During the approval period, if an assessor considers that he/she is unable or unfit to continue to carry out the duties of assessors owing to any reasons (e.g. no longer eligible to be an assessor due to disqualification from the relevant professional registration), he/she is obliged to make a timely request to LD for withdrawal from serving as an assessor.
- 2.16 Unsuccessful applicants will be notified by LD in writing. Those who do not agree with the refusal decision may make a request to LD for a review. Upon receipt of a request for review, the applicant will have the opportunity to make representation for LD's further consideration. In considering a review request, LD may consult the advisory committee with members drawn from stakeholders and relevant professional associations.

2.V Training for approved assessors provided by the Labour Department

- 2.17 Assessors should already possess substantial experience and professional knowledge on vocational rehabilitation and other services in relation to the employment of persons with disabilities. To facilitate assessors in completing the assessment in an appropriate manner and to ensure the quality of the assessments, LD will, in addition to the provision of this Administrative Guidelines, arrange training and examination for assessors.

⁷ LD will neither charge nor pay the applicants in respect of the training and examination.

- 2.18 The purpose of the training is to assist assessors to fully appreciate and have a good grasp of the relevant provisions of MWO and its relevant subsidiary legislation, duties of assessors and basic principles to follow, as well as details of the procedures and methods of the assessment, thereby ensuring the smooth and effective implementation of the assessment mechanism.

2.VI Information shown in the register of approved assessors

- 2.19 Based on the information provided by assessors, LD publishes a register of approved assessors setting out relevant information of each assessor. The register is released and updated through the homepage (www.labour.gov.hk) and offices of LD or other appropriate channels for persons with disabilities who decide to invoke the assessment to select and contact an assessor to conduct the assessment.
- 2.20 The register displays detailed information of assessors, including their names, contact means, categories of professions and professional qualifications, expertise in disability types, relevant working experience and years of experience in undertaking various types of disability services, current employers and/or recommending organisations, etc. for persons with disabilities to select an assessor.
- 2.21 Assessors should provide and update their relevant personal information to LD in a timely manner in order to ensure that the information in the register is up-to-date and accurate.

2.VII Monitoring the quality of approved assessors

- 2.22 As the quality of assessors is key to the smooth and effective implementation of the assessment mechanism, LD will monitor the performance of assessors through different channels such as collecting feedback from persons with disabilities and employers, undertaking surprise checking, investigating into complaints thoroughly and observing the performance of assessors through the information provided by assessors as well as the administrative records maintained by LD.
- 2.23 If an assessor is considered unable or unfit to carry out the duties of assessors owing to poor performance or any sufficient cause, LD may withdraw the approval so granted. Before arriving at a decision to withdraw the approval granted, LD will provide the assessor concerned with an opportunity to make representation and take the representation into account. LD will also consult the advisory committee with members drawn from stakeholders and relevant professional associations. After a decision is made, LD will inform the assessor in writing of the reasons for the decision and the avenue for asking for a review. The advisory committee will also offer its views to LD in respect of all review requests.

- 2.24 A person with disabilities or an employer who considers that the assessor has committed misconduct or malpractice when discharging the duties may, in addition to lodging a complaint with LD, reflect his/her views to the respective professional association of the assessor.

2.VIII Allowance for approved assessors

- 2.25 LD will disburse an allowance⁸ to assessors at a standard rate of \$2,000 per case of assessment. The amount covers all the costs and expenses incurred by an assessor in conducting the assessment and other related work. Payment of the allowance will be made after the completion of an assessment in accordance with MWO and its relevant subsidiary legislation as well as the satisfactory fulfilment of relevant procedures and responsibilities as required under this Administrative Guidelines. LD reserves the right of final decision in granting the allowance. For the application procedures for payment of the assessment allowance, please refer to Section 4.III.
- 2.26 Where an assessor deliberately provides false information or makes a misrepresentation to LD or other person(s) concerned, the Government has the right to recover the assessment allowance so granted and pursue legal actions against him/her.
- 2.27 To avoid contravening the Prevention of Bribery Ordinance (Cap. 201), an assessor, in making the assessment and in the process of conducting the assessment, shall not solicit or receive any fees, or accept any gifts, loans or other non-monetary benefits from the person with disabilities, the employer or other relevant person(s).

⁸ According to the Inland Revenue Department (“IRD”), the assessment allowance is subject to tax under the Inland Revenue Ordinance (“IRO”) (Cap. 112). As an assessor conducts productivity assessment on his/her personal basis and has no employment relationship with LD, IRD advises that an assessor should provide particulars of the assessment allowance accrued on a separate sheet under Section 6 (Personal Assessment) of the tax return, including nature of the payment (say “assessment allowance for approved assessor in conducting productivity assessment for persons with disabilities”), total amount received in the year of assessment as well as name of paying organisation (say “Labour Department, Hong Kong SAR Government”. For enquiries on filing tax return or the IRO, please call IRD at 187 8022 during the service hours.

Chapter III: Methods and procedures for productivity assessment

3.I Purpose and basic principles

- 3.1 The purpose of the productivity assessment (“assessment”) is to determine whether or not and the degree to which the productivity of a person with disabilities in performing the work required under the contract of employment (“work”) is affected by his/her disability, and thus determine whether he/she should be remunerated at not lower than the statutory minimum wage (“SMW”) level or at a rate commensurate with his/her ability.
- 3.2 In view of the above, the assessment must be conducted in the actual workplace of the person with disabilities. After the assessment is completed, a person with disabilities shall not have any further assessment made for the same work with the same employer. Result of the assessment is only applicable to the person with disabilities in performing the work for the employer as specified in the certificate of assessment (“certificate”).
- 3.3 Methods and procedures for the assessment should not be complicated, otherwise it would create undue pressure on persons with disabilities, which would in turn affect their performance during the assessment, and dampen employers’ willingness to employ persons with disabilities. To ensure the assessment is conducted in an objective and impartial manner, approved assessors (“assessors”) should conduct the assessment and related work in accordance with the methods and procedures as stipulated under the Minimum Wage Ordinance (“MWO”), its relevant subsidiary legislation and this Administrative Guidelines for Approved Assessors.

3.II Invoking the productivity assessment

- 3.4 The right to invoke the assessment is vested in persons with disabilities rather than employers.
- 3.5 Assessments should only be conducted upon implementation of SMW on 1 May 2011 with the date agreed by the person with disabilities, the employer and the assessor. If a person with disabilities chooses to undergo a trial period in accordance with MWO, the assessment should in principle be made during the trial period. However, an assessment made after the expiry of the trial period shall also be valid.

3.III Selection of approved assessor by a person with disabilities to conduct productivity assessment

- 3.6 Persons with disabilities who decide to invoke the assessment may, having regard to their individual circumstances and needs, select any assessor to conduct the assessment. Based on the information provided by assessors, LD publishes a register of approved assessors setting out relevant information of

each assessor. The register is released and updated through the homepage (www.labour.gov.hk) and offices of LD or other appropriate channels for reference of persons with disabilities. For the information to be included in the register of approved assessors, please refer to Section 2.VI.

3.IV Approved assessor to conduct productivity assessment for a person with disabilities

- 3.7 Upon receipt of the request from a person with disabilities for conducting the assessment, the assessor should obtain the basic information from the person with disabilities, including whether he/she holds a valid Registration Card for People with Disabilities (“Registration Card”); duties of the work, wage rate, location of the workplace and whether any previous assessment has been made for that work; commencement date of the trial period (if any); name, industry and contact details of the employer, etc. The assessor should then contact the employer as soon as possible to initially verify the above information provided by the person with disabilities, briefly explain the purpose and procedures of the assessment, and agree on the date and time of the assessment.
- 3.8 In conducting the assessment, the assessor should produce his/her letter of appointment (template at [Form 4](#)) issued by LD to facilitate the person with disabilities, employer and other relevant person(s) to confirm his/her qualification for conducting the assessment.
- 3.9 To assist him/her to conduct the assessment and facilitate quality control by LD, the assessor must make a proper record of the assessment process and relevant information for each case of assessment by completing the Checklist on Procedures and Factors to be Considered in the Productivity Assessment ("checklist") (template at [Form 5](#)). The completed checklist should be submitted to LD within 10 days after the completion of the assessment and when filing an application for the assessment allowance. LD will carry out random checks on the checklists received.
- 3.10 If the person with disabilities or the employer has any views, queries or complaints on the assessment (including the performance of the assessor, the assessment result, the assessment mechanism, etc.) in the course of or after the assessment, the assessor may refer them to contact the Statutory Minimum Wage Division of LD through the following channels:
- Tel: 2852 3846
Fax: 3101 4705
Email: smw@labour.gov.hk

Step 1: Confirming and collecting information related to the assessment with the person with disabilities, the employer and other relevant person(s)

- 3.11 Before conducting the assessment, the assessor should re-confirm the intention and eligibility of the person with disabilities to opt for assessment, and explain to the person with disabilities and employer their respective rights and obligations under the relevant provisions of MWO and its subsidiary legislation, including:
- verifying and confirming that the person with disabilities holds a **valid** Registration Card issued by the Central Registry for Rehabilitation established by the Government, and has not been assessed for the work concerned;
 - reiterating to the person with disabilities his/her right to be remunerated at not lower than the SMW rate, and confirming his/her intention to opt for the assessment;
 - reiterating to the person with disabilities and employer that on completion of the assessment and after the countersigning of the certificate by the employer and employee, the SMW rate applicable to the person with disabilities for performing the work concerned should be commensurate with the degree of productivity stated in the certificate;
 - reiterating to the person with disabilities and employer that the person with disabilities must continue to hold a valid Registration Card to enable the result of the assessment to remain valid; otherwise the employer has to pay the person with disabilities at not less than the SMW rate when the Registration Card becomes invalid; and
 - explaining to the person with disabilities and employer the procedures of the assessment.
- 3.12 To enable the person with disabilities to perform at full potential in the assessment, the assessor should actively offer advice to the person with disabilities and employer on the provision of auxiliary aids and facilities (e.g. computer system with Braille, voice over and text enlarging functions, specially-designed fixture devices, height-adjustable work desks and seats, jigs and computer set-up for special purposes, touch screens, etc.) that are conducive to better performance of the work by the person with disabilities. Where necessary, the assessor may consult organisations which provide technical support on employment auxiliary aids, transportation, sign language interpretation services in relation to the employment of persons with disabilities. A list of these organisations and their contact means are at Reference 5.
- 3.13 At the beginning of the assessment, the assessor should collect detailed information on the work (including duties and requirements of the work, procedures and work flow as well as performance of other employee(s) of the employer performing the same or similar work) through the employer, the person with disabilities and any other relevant person(s) conducive to the understanding of the work (e.g. other employee(s) of the employer performing the same or similar work).

Step 2: Selecting appropriate factor(s) to be considered in the assessment

- 3.14 Based on the detailed information on the work collected in Step 1 above, the assessor should exercise his/her professional knowledge and experience to select the appropriate factor(s) to be considered in the assessment, including quality of work, working speed, quantity of work, other requirements for performing the work, etc.

Step 3: Adopting suitable means to assess the degree of productivity of the person with disabilities in performing the work required under the contract of employment

- 3.15 After collecting detailed information on the work in Step 1 and working out the appropriate factor(s) to be considered in Step 2, the assessor should make an initial assessment on the degree of productivity of the person with disabilities in meeting the basic requirements of the work through methods such as on-site observation, analysing performance data of the factor(s) for consideration, etc.

- 3.16 Assessors may, having regard to the actual circumstances, make reference to the following examples in selecting and assessing individual factor for consideration:

Quality of work

- complexity of the work
- accuracy achieved in completing the work
- attitude and communication skills in serving customers
- stability and consistency in work performance

Working speed (may quantify the speed where practicable and necessary)

- work efficiency
- time limit for completing the work

Quantity of work (may quantify the work done where practicable and necessary)

- content of the work required to complete within a specific time limit
- quantity of the work required to complete within a specific time limit

Other requirements for performing the duties

- knowledge of the work
- ability to follow instructions from supervisor
- team spirit
- sense of responsibility
- initiative
- ability to work independently
- ability to accept and adapt to work changes
- analytical and thinking ability
- readiness to seek help when necessary

Step 4: Elucidating to the person with disabilities and the employer the major considerations in conducting the assessment and collecting supplementary information

3.17 After completing the steps above and making an initial assessment, the assessor should confirm with the person with disabilities and the employer that the duties under assessment are the daily duties of the person with disabilities required under the contract of employment. The assessor should also explain the major considerations in conducting the assessment. The assessor may collect supplementary information from the person with disabilities and the employer for further consideration where necessary.

Step 5: Considering, with all the facts and evidence gathered, whether the person with disabilities has not been performing at full potential in the assessment for certain reasons and thus warranting a corresponding upward adjustment in the degree of productivity

3.18 The assessor may make a corresponding upward adjustment to the degree of productivity of the person with disabilities if he/she considers, with all the facts and evidence gathered, that the person with disabilities has not been performing at full potential in the assessment for certain reasons which in turn adversely affect the performance and degree of productivity of the person with disabilities.

3.19 The following circumstances, if so exist on the day of assessment, are possible scenarios that may warrant a corresponding upward adjustment in the degree of productivity:

- the person with disabilities is in a state of ill health or excessive stress;
- the person with disabilities has not fully acclimatised to the working environment or conditions; or
- suitable auxiliary aids or facilities which assist the person with disabilities in performing the work have not yet been put in place.

3.V Approved assessor to conclude the assessment result and to sign and issue the certificate of assessment

3.20 After finishing all the procedures of assessment and making a final decision on the degree of productivity of the person with disabilities in performing the work, to complete the assessment, the assessor must inform the person with disability and the employer of the final result of the assessment as well as sign and issue to them in triplicate⁹ the certificate in the format prescribed by LD (template at Form 2) stating the degree of productivity of the person with disability as soon as practicable.

⁹ The certificate should be completed in triplicate. The person with disabilities and the employer should each keep one copy of the certificate and the remaining one be submitted to LD by the assessor. The employer should keep the certificate in the workplace for inspection by authorised officers of LD.

3.VI Countersigning of the certificate of assessment by the person with disabilities and the employer

- 3.21 Upon receipt of the certificate in triplicate signed and issued by the assessor, the person with disabilities and the employer should countersign the certificate. On and from the first day after their countersigning of the certificate, the degree of productivity of the person with disabilities in performing the work stated in the certificate will take effect.
- 3.22 According to MWO, the countersigning by the person with disabilities or the employer of a certificate must not be taken to indicate any agreement on their part to continue the employment relationship. Termination of the contract of employment by either party must be made in accordance with the Employment Ordinance (Cap. 57), other relevant legislation in force as well as the terms and conditions in the contract of employment.

3.VII Relevant requirements under the Personal Data (Privacy) Ordinance

- 3.23 When handling the personal data obtained in the assessment, assessors should comply with the requirements as stipulated under the Personal Data (Privacy) Ordinance, including:
- collecting personal data related to the assessment in a lawful and fair manner;
 - ensuring that the personal data kept is accurate and up-to-date; and that the data is kept not longer than necessary;
 - unless with the consent of the data subject, the personal data collected in the assessment should not be used for any purpose other than conducting the assessment by the assessor and handling matters in relation to the assessment, enforcement of relevant labour legislation or for statistical and survey purposes by LD;
 - applying appropriate security measures to protect the personal data when keeping and submitting the personal data and related records to LD; and
 - data subjects have rights of access to and correction of their personal data handled by the assessor.

Chapter 4: Administrative matters

4.I Procedures for a person with disabilities and employer to jointly make an application for extension of trial period of employment

- 4.1 The purpose of the trial period of employment (“trial period”) is to allow persons with disabilities to acclimatise themselves to the actual working environment and settle into their job before undergoing the productivity assessment (“assessment”). The length of the trial period is 4 weeks or up to the day on which the assessment of the person with disabilities is completed, whichever period is the shorter.
- 4.2 The Commissioner for Labour may, in exceptional circumstances (e.g. the person with disabilities is unable to undergo the assessment within the trial period on medical grounds), extend the trial period by up to 4 weeks (i.e. not more than 8 weeks in total).
- 4.3 Application for extending the trial period must be made in writing (template of the application form at Form 6) jointly by a person with disabilities and employer before the expiry of the trial period. The reasons for extension and the intended length of extension should be stated clearly in the application. Upon receipt of the application and all the necessary information mentioned above, the Labour Department (“LD”) will inform the person with disabilities and employer of the result of application in writing as soon as practicable.

4.II Administrative work to be carried out and completed by approved assessors

Providing and updating the personal information in connection with the register of approved assessors without delay

- 4.4 To facilitate persons with disabilities who decide to invoke the assessment mechanism in selecting an approved assessor (“assessor”) for conducting the assessment, LD publishes a register of approved assessors setting out the personal information of each approved assessor, including the name, contact means, category of profession and professional qualifications, expertise in disability type(s), relevant working experience and years of experience in undertaking various types of disability services, current employer and/or recommending organisation(s), etc. To ensure the accuracy of the information in the register of approved assessors, assessors must provide LD with their up-to-date personal information concerned without delay.

Inputting the assessment information and submitting the completed Checklists on Procedures and Factors to be Considered in the Productivity Assessment in a timely manner

- 4.5 For the purpose of effective implementation by LD of the assessment mechanism provided for persons with disabilities under the Minimum Wage Ordinance (“MWO”), assessors should promptly and within the stipulated timeframe input the following information for each assessment handled through the Computer System for the Special Arrangement for Persons with Disabilities under the Statutory Minimum Wage regime:
- relevant information about the person with disabilities and employer (including the assessment date agreed by both parties) within 3 days after the assessment date is fixed, and any updates in this regard before the completion of the assessment so as to ensure the relevant information is up-to-date and accurate; and
 - assessment result within 3 days after the completion of the assessment and the issuance of the Certificate of Assessment on the Degree of Productivity of Persons with Disabilities (“certificate”).
- 4.6 Assessors must also make a proper record of the assessment process and relevant information for each assessment conducted by completing the Checklist on Procedures and Factors to be Considered in the Productivity Assessment for Persons with Disabilities (“checklist”) (template at Form 5), and submit the duly completed checklists to LD within 10 days after the completion of the assessment and when filing an application for assessment allowance. LD will conduct random checks on the checklists received.

Assisting in obtaining the consent of persons with disabilities for verification of the information on their Registration Cards for People with Disabilities and collecting information on employers and persons with disabilities for statistical purpose

- 4.7 Having regard to the relevant requirements of the Personal Data (Privacy) Ordinance and to enable LD to confirm the eligibility of a person with disabilities to undergo an assessment, the assessor must arrange for the person with disabilities to complete Part III of the copy of the certificate (template at Form 2) held and to be submitted to LD by the assessor. The purposes of which are to authorise LD to verify the information on the Registration Card of the person with disabilities with the Central Registry for Rehabilitation (CRR) under the Labour and Welfare Bureau and, where necessary, notify the person with disabilities and employer of the information obtained from CRR to facilitate both parties in working out arrangements for compliance with MWO.
- 4.8 For statistical purpose, the assessor should also provide LD with relevant information on the employer (including the industry and numbers of employees with disabilities and able-bodied employees engaged) and the person with disabilities (including the year of birth and educational level) by

completing Part IV of the above-mentioned copy of the certificate to be submitted to LD.

Facilitating the work of the Labour Department in monitoring the quality of approved assessors by providing the Labour Department with all relevant information as required

- 4.9 To ensure the effective operation of the assessment mechanism, LD will regulate the work and performance of assessors through different channels such as undertaking surprise checks and investigating into complaints thoroughly. An assessor must co-operate with LD, such as truly and expeditiously providing all relevant information and details relating to the assessment if so requested by LD, otherwise LD may withdraw the approval so granted to him/her.

4.III Procedures for application for assessment allowance by approved assessors

- 4.10 Upon completion of an assessment in accordance with MWO and its relevant subsidiary legislation as well as the satisfactory fulfilment of relevant procedures and responsibilities as required under this Administrative Guidelines for Approved Assessors, an assessor can file an application to LD for assessment allowance of \$2,000 per case of assessment. The amount covers all the costs and expenses incurred by the assessor in conducting the assessment and other related work.
- 4.11 When filing an application for assessment allowance, the assessor should duly complete the Application Form for Assessment Allowance for Approved Assessor (template at Form 7) and submit to the Statutory Minimum Wage Division of LD by registered mail or in person (Address: 1/F, Harbour Building, 38 Pier Road, Central, Hong Kong) within 10 days after the completion of the assessment together with the original of the signed certificate (including Part I to Part IV) and duly completed Checklist on Procedures and Factors to be Considered in the Productivity Assessment (template at Form 5). Late application will not be entertained.
- 4.12 All assessment allowance will be credited to assessor's self-named bank account. An assessor filing application for the first time should also submit the original copy of the completed "Authority for Payment to a Bank" (template at Form 8) to arrange for the bank account to be credited for payment. Should there be any subsequent change to the bank account, the assessor should submit a new form to LD as soon as possible.

Chapter 5: Enquiries

5.I On the Minimum Wage Ordinance, Employment Ordinance and conditions of employment

5.1 For enquiries on matters in relation to the Minimum Wage Ordinance, Employment Ordinance and conditions of employment, please call the 24-hour telephone hotline of Labour Department (“LD”) at 2717 1771 (this hotline is handled by the 1823 Call Centre) or approach the offices of Labour Relations Division in person during office hours. For detailed addresses, please refer to “A Concise Guide to the Employment Ordinance” (see [Reference 6](#)) or browse the LD’s homepage (www.labour.gov.hk).

5.II On the Disability Discrimination Ordinance

5.2 Enquiries on the Disability Discrimination Ordinance can be addressed to the Equal Opportunities Commission via the following channels:

Address: 19/F., CityPlaza Three, 14 Taikoo Wan Road, Taikoo Shing, Hong Kong
Tel: 2511 8211
Fax: 2511 8142
Website: www.eoc.org.hk

5.III On the “Registration Card for People with Disabilities”

5.3 Application form for the Registration Card for People with Disabilities (“Registration Card”) (details at [Reference 2](#)) can be obtained from the Central Registry for Rehabilitation of the Labour and Welfare Bureau, relevant non-governmental rehabilitation organisations or District Offices of the Home Affairs Department. It can also be downloaded from the Labour and Welfare Bureau’s homepage (www.lwb.gov.hk). No fee is charged for issue and renewal of the Registration Card. Enquiries on matters relating to the application of the Registration Card can be made by phone at 2810 3859, 2810 3861 or 2810 3841.

5.IV On the Personal Data (Privacy) Ordinance

5.4 Enquiries on the Personal Data (Privacy) Ordinance can be addressed to the Office of the Privacy Commissioner for Personal Data via the following channels:

Address: 12/F, 248 Queen's Road East, Wanchai, Hong Kong.
Tel: 2827 2827
Fax: 2877 7026
Website: www.pcpd.org.hk

**Transitional Arrangement for Persons with Disabilities Already in Employment
Prior to the Implementation of Statutory Minimum Wage
Option Form
☞ Points to Note ☞**

I. Transitional Arrangement for Persons with Disabilities Already in Employment

1. An optional transitional arrangement is provided under the Minimum Wage Ordinance (Cap. 608) (MWO) for persons with disabilities already in employment prior to the implementation of the MWO on 1 May 2011 and earning at a wage rate below the initial statutory minimum wage (SMW) rate (i.e. \$28 per hour). They may either receive not less than the SMW, or opt for undergoing productivity assessment and, before completion of the assessment, retaining the current wage level below the initial SMW rate. To forestall abuse, **the right to make an option of the transitional arrangement is vested in the serving employees with disabilities, not their employers.**
2. No action is required from serving employees with disabilities who intend to be remunerated at not lower than the SMW rate after the implementation of SMW. It is not necessary for them to complete this option form. Their employers must pay them not lower than the SMW rate with effect from 1 May 2011 in accordance with the MWO.
3. Serving employees with disabilities who opt for undergoing productivity assessment **must, prior to 1 May 2011, hold a valid Registration Card for People with Disabilities issued by the Central Registry for Rehabilitation of the Labour and Welfare Bureau, complete this option form** to signify clearly their intention and give it to their employers as soon as practicable. Under the MWO, **the employers must also countersign this form before 1 May 2011** and return a copy of the form to the employees concerned as soon as practicable. If the serving employees with disabilities and their employers fail to complete the above procedures before 1 May 2011, the employees concerned must be remunerated at not lower than the SMW rate upon the commencement of the MWO. **Options made after the SMW implementation on 1 May 2011 will be void.**
4. Serving employees with disabilities, having so opted for undergoing the productivity assessment and completed the above procedures, may at any time after the SMW implementation invoke the productivity assessment. There is no time limit for the assessment which can be conducted anytime as long as they are employed by their existing employers to perform the work concerned. Before the assessment, the serving employees with disabilities are entitled to wages no less than their current contractual wage level. Adjustment of the SMW rate, if any, in the interim would also be applicable to them. On completion of the assessment, they will be remunerated at not lower than the SMW rate commensurate with their productivity.
5. Please refer to Part IV below for examples on the computation of the applicable SMW and a flowchart of the transitional arrangement for serving employees with disabilities.

II. Other Points to Note

6. To render this option form valid, all blanks in Part 1 and Part 2 must be completed.
7. After the SMW implementation, serving employees with disabilities who have opted for productivity assessment are still required to **hold a valid Registration Card for People with Disabilities** to render their option valid. Any Registration Cards with an expiry date have to be renewed as early as possible before expiration; otherwise the employers have to pay the employees concerned not lower than the SMW when the Registration Cards become invalid. Therefore, both the employers and employees should pay attention to the expiry date of the Registration Card.

8. This option form should be kept by the employers in the workplace for inspection by authorised officers of the Labour Department.

III. Enquiries

9. Enquiries on the rights and benefits of persons with disabilities under the SMW regime can be addressed to the Labour Department through the following channels:

24-hour telephone hotline	Telephone number: 2717 1771 (handled by the 1823 Call Centre)
Fax	Fax number: 3101 0414
Post	Address: Statutory Minimum Wage Division 1/F, Harbour Building, 38 Pier Road, Central, Hong Kong

10. The application form for the Registration Card for People with Disabilities can be obtained from the Central Registry for Rehabilitation of the Labour and Welfare Bureau, relevant non-governmental organisations on rehabilitation or District Offices of the Home Affairs Department. It can also be downloaded from the Labour and Welfare Bureau's homepage (www.lwb.gov.hk). **No fee is charged for issue and renewal of the Registration Card.** Enquiries on matters relating to the application of the Registration Card can be made by phone at 2509 4904 or 2509 4905.

IV. Reference information

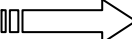
(a) Examples on the computation of applicable SMW

A serving employee with disabilities opts for undergoing productivity assessment. Assuming that he/she is currently earning wages at \$22.4 per hour^(Note), his/her wage rate will be equivalent to 80% of the initial SMW rate (i.e. $\$22.4 \div \$28 \times 100\%$).

- (i) Upon the commencement of the initial SMW rate on 1 May 2011 

- Assuming that the total number of hours worked^(Note) by the employee in a wage period is 200 hours, his/her minimum wage in respect of that wage period will be computed as follows:

$$80\% \times \$28 \times 200 \text{ hours}$$

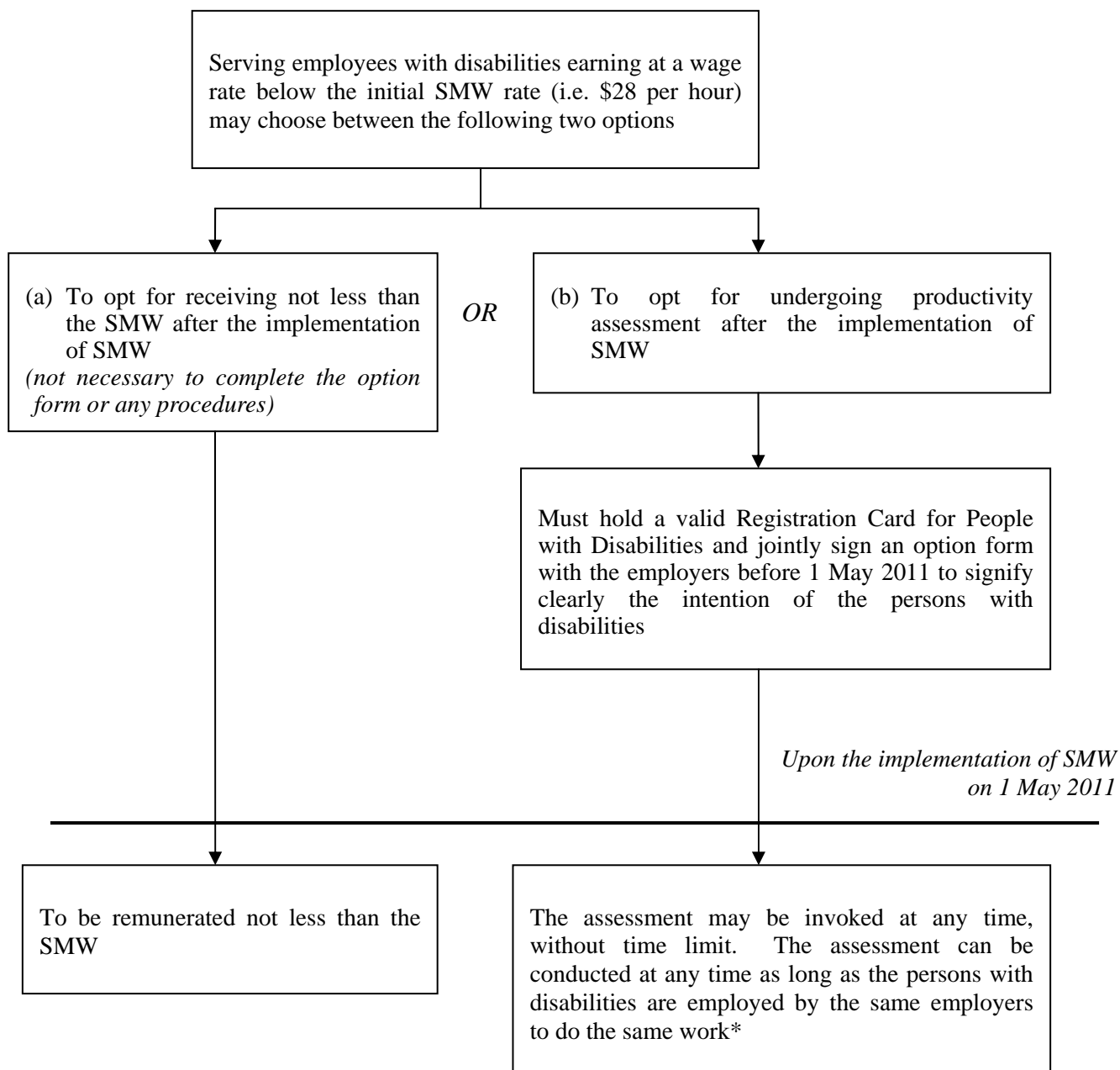
- (ii) If the SMW rate is adjusted before the employee undergoes the productivity assessment 

- Assuming that the total number of hours worked^(Note) by the employee in a wage period is 205 hours, his/her minimum wage in respect of that wage period will then be computed as follows:

$$80\% \times \text{adjusted SMW rate} \times 205 \text{ hours}$$

Note: For the computation of minimum wage and hours worked, please refer to the information published by the Labour Department or visit the homepage of the Labour Department at www.labour.gov.hk.

(b) Flowchart of transitional arrangement for serving employees with disabilities



*Before the assessment, serving employees with disabilities are entitled to no less than their current contractual wage level as long as they are employed by the same employer to do the same work. Adjustment of the SMW rate, if any, in the interim would also be applicable to them.

**Transitional Arrangement for Persons with Disabilities Already in Employment
Prior to the Implementation of Statutory Minimum Wage**

Option Form

⌘ Parts for Completion ⌘

*(Remarks: **This form must be signed before 1 May 2011.** All blanks in Parts 1 and 2 must be completed to render the form valid. Please read carefully the "Points to Note" before completing this form.)*

This form is applicable only to employees who are -

- (i) holders of a valid Registration Card for People with Disabilities issued by the Central Registry for Rehabilitation of the Labour and Welfare Bureau; and**
- (ii) already in employment prior to the implementation of SMW on 1 May 2011 and earning at a wage rate below the initial SMW rate (i.e. \$28 per hour).**

Part 1 (To be completed by serving employee with disabilities)

Name in Chinese: _____ HK Identity Card No.: ()

Name in English (*full name in BLOCK LETTERS*): _____

Serial No. of Registration Card for People with Disabilities: _____ Valid to: Permanent/ (dd) (mm) (yy)*

Name of employer (Chinese): _____

(English): _____

Current post title: _____

Current hourly wage rate: \$ _____ per hour

Current hourly wage rate divided by \$28 in **percentage**: _____ %

(\$28 is the initial SMW rate)

I understand that upon the implementation of SMW, I am entitled to be remunerated at not lower than the SMW rate. Notwithstanding this, I **opt for undergoing the productivity assessment in accordance with Section 4 of Schedule 2 to the Minimum Wage Ordinance** for the purpose of assessing my degree of productivity in performing the work required under the contract of employment to determine whether I should be remunerated at not lower than the SMW rate or at a rate commensurate with my productivity.

I understand that the assessment may be invoked at any time after the implementation of SMW without time limit, i.e. I can invoke the assessment as long as I am employed by the aforesaid employer to do the same work. Prior to the productivity assessment, I am **entitled to no less than an average hourly wage rate computed by multiplying the SMW rate by the aforesaid percentage.** Adjustment of the SMW rate, if any, in the interim would also be applicable to me.

Signature of employee: _____ Date: _____
(must be signed before 1 May 2011)

Signature of witness: _____ Date: _____
(must be signed before 1 May 2011)

Name of witness: _____ Relationship with the employee[Ⓢ]: _____

[Ⓢ]*Must be signed by a parent, guardian or authorized person if the serving employee with disabilities is under the age of 18 when signing this form or is mentally incapacitated.*

Part 2 (To be countersigned by employer)

I have carefully read each part of this form and the relevant “Points to Note”. If the above-named employee invokes the productivity assessment at any time after the implementation of SMW, our company/I* undertake(s) to make arrangements accordingly. Our company/I* also undertake(s) to handle the performance appraisals and salary reviews of this employee according to the same mechanism applicable to other staff.

Signature of company’s representative/employer*: _____ Date: _____
(must be signed before 1 May 2011)

Name of company’s representative/employer*: _____

Post title of company’s representative: _____

Company/Employer’s Business Registration Certificate No./
Other registration no. (please specify the relevant ordinance)*: _____

Company/Employer chop: _____

Part 3 (To be completed respectively by the person who explains the contents of this form to the serving employee with disabilities and the person with disabilities concerned)

This part is only applicable to an employee who cannot read or comprehend the contents of this form

I am neither the employer nor his/her representative. I confirm that I well understand the language used in this form and have truly, distinctly and audibly explained the contents of this form to the above-named employee before he/she completes this form.

Signature: _____ Date: _____
(must be signed before 1 May 2011)

Name: _____ Relationship with the employee: _____

I confirm that the above-named person has explained the contents of this form to me before I complete this form.

Signature of employee: _____ Date: _____
(must be signed before 1 May 2011)

**Please delete as appropriate.*

-END-

(The employer should handle the personal data contained in this form in accordance with the requirements of the Personal Data (Privacy) Ordinance (Cap. 486).)

Minimum Wage Ordinance (Cap. 608) Section 7 of Schedule 2
Certificate of Assessment on the Degree of Productivity
of Persons with Disabilities

Important Notes:

1. This Certificate of Assessment (this Certificate) is only applicable to the employee concerned for performing the work and duties for the employer as specified in Part 1 of this Certificate.
2. This Certificate should be completed in triplicate. The employee with disabilities and the employer should each keep an original copy and the remaining one be submitted to the Labour Department by the approved assessor (the assessor). The employer should keep this Certificate in the workplace for inspection by authorised officers of the Labour Department.
3. The assessment of the degree of productivity (the assessment) of the employee is completed when this Certificate is signed by the assessor.
4. **(i) If the assessment is completed during the trial period of employment as stipulated in Section 2 of Schedule 2 to the Minimum Wage Ordinance (MWO), or the employee is not required to undergo the trial period of employment, the statutory minimum wage (SMW) rate applicable to the employee should be commensurate with the assessed degree of productivity as stated in this Certificate on and from the first day after the countersigning of this Certificate by both the employee and employer; (ii) if the assessment is completed after the expiry of the trial period of employment, the SMW rate applicable to the employee which is minimum wage commensurate with the assessed degree of productivity as stated in this Certificate will take retrospective effect on and from the first day after the expiry of the trial period of employment upon the countersigning of this Certificate by both the employee and employer; (iii) if either the employee or the employer fails to sign on this Certificate, the assessed degree of productivity as stated in this Certificate will not take effect under the MWO, thus the employee should be remunerated at no less than the prescribed minimum hourly wage rate as stipulated in Schedule 3 to the MWO on and from the first day after the completion of the assessment.**
5. The employer should handle the performance appraisals and salary reviews of the employee with disabilities according to the pay system which applies to employees with and without a disability alike.
6. The employee with disabilities or the employer may contact the Statutory Minimum Wage Division of the Labour Department (Tel: 2852 3846, Fax: 3101 4705 or Email: smw@labour.gov.hk) if they have any views, queries or complaints on the assessment (including the performance of the assessor, the assessment result, the assessment mechanism, etc).

Statement on collection and use of personal data:

1. In addition to providing for use by the assessor in conducting the assessment, the personal data collected by the assessor during the course of assessment will be forwarded to the Labour Department for the handling of matters in relation to the assessment, enforcement of relevant labour legislation or for statistical and research purposes.
2. All parties concerned (including employer, employee, the assessor, etc.) should comply with the requirements of the Personal Data (Privacy) Ordinance (Cap. 486) in handling the personal data collected through the assessment.

Please use a dark pen and write properly in BLOCK LETTERS.

Part 1 (To be completed by the assessor and all blanks must be filled out)

I hereby confirm that I have conducted this assessment in accordance with Schedule 2 to the MWO and Minimum Wage (Assessment Methods) Notice. The details are as follows:

(I) Particulars of employee

Name in Chinese: _____ HK Identity Card No.: ()
Name in English (*full name in BLOCK LETTERS*): _____ Sex: male/female*
Serial No. of Registration Card for People with Disabilities: _____ Valid to: Permanent/ (dd) (mm) (yy)*

Type(s) of disability (Please put a ✓ in the appropriate box(es) below according to the information shown on the Registration Card for People with Disabilities, more than one box can be selected):

- | | | | |
|---|---|--|--|
| <input type="checkbox"/> Hearing impairment | <input type="checkbox"/> Visual impairment | <input type="checkbox"/> Physical handicap | <input type="checkbox"/> Speech impairment |
| <input type="checkbox"/> Mental handicap | <input type="checkbox"/> Mental illness | <input type="checkbox"/> Autism | <input type="checkbox"/> Visceral disability/chronic illness |
| <input type="checkbox"/> Attention deficit/hyperactivity disorder | <input type="checkbox"/> Specific learning difficulties | | |

(II) Particulars of employer

Name of employer (Chinese): _____

(English): _____

Company/Employer's Business Registration Certificate No./

Other registration no. (please specify the relevant ordinance)*: _____

Address of company/employer*: _____

(III)Details of the assessment of the degree of productivity

Trial period of employment (only applicable to the trial period of employment undergone in accordance with Section 2 of Schedule 2 to the MWO)

Yes (from ____ (dd) ____ (mm) ____ (yy) to the day on which the assessor signed on this Certificate/
____ (dd) ____ (mm) ____ (yy)*)

No trial period of employment

Date of assessment: ____ (dd) ____ (mm) ____ (yy)

(Please specify the commencement and completion dates respectively if lasted for more than one day)

Post title of employee: _____

Duties of work of employee: _____

Assessed degree of productivity is: _____ %

Signature of the assessor: _____ Assessor No.: _____

Name of the assessor: _____ Date: _____

Part 2 (To be countersigned by the employee and employer)

1. We have read carefully the "Important Notes" and all parts of this Certificate.
2. We genuinely believe that the assessor has conducted the assessment as stated in Part 1 of this Certificate in accordance with the MWO.
3. We fully understand that our countersigning below does not mean we must continue our employment relationship.

Signature of employee: _____ Date: _____

Contact tel./fax* no.: _____

Signature of company's representative/employer*: _____ Date: _____

Name of company's representative/employer*: _____ Post title: _____

Company/Employer* chop: _____ Contact tel. no.: _____

*Please delete as appropriate

(The approved assessor to take note: The employee should complete Part 3 of the original copy of this Certificate held by the assessor prior to the assessment. The originals of this Certificate to be given to the employee and employer respectively need not include the following two parts.)

Part 3: Consent of employee (To be signed by the employee)

I hereby agree that:

1. for the purpose of verifying the information of my Registration Card for People with Disabilities, the Labour Department can disclose the information in respect of my Registration Card for People with Disabilities on this Certificate to the Central Registry for Rehabilitation of the Labour and Welfare Bureau, and to solicit relevant information kept by the Central Registry for Rehabilitation; and
2. for the purpose of facilitating compliance with the requirements of the Minimum Wage Ordinance, the Labour Department can disclose the information so obtained from the Central Registry for Rehabilitation to me and the employer should there be any discrepancy between the information on this Certificate and the records of the Central Registry for Rehabilitation.

Signature of employee: _____

Name in Chinese: _____

Name in English (*full name in BLOCK LETTERS*): _____

Correspondence address: _____

Date: _____

Part IV: Information for statistical and research purposes (To be completed by the assessor)

Information on the employee

Year of birth: _____ Educational level: _____

Information on the employer

Industry of business of company/employer*: _____

No. of disabled employees: _____ No. of able-bodied employees: _____

**Please delete as appropriate*

Form 3: Application Form for Approved Assessors



《最低工資條例》(第 608 章)及
《最低工資(擔任認可評估員的準則)公告》
為殘疾人士提供的特別安排
認可評估員申請書

勞工處 Labour Department

Minimum Wage Ordinance (Cap. 608) and
Minimum Wage (Criteria for Approved Assessors) Notice
Application Form for Approved Assessor
Under the Special Arrangement for Persons with Disabilities

(截止申請日期 Deadline for application: 31-3-2011)

填寫本申請書前請先詳細閱讀「申請擔任認可評估員指引」

Please read the "Notes for application to become an approved assessor" before completing this application form

申請人編號 Applicant No.
(只供勞工處填寫 Official use only)

申請人類別 (請在以下適當方格內填上✓號)

Categories of Applicants (Please put a ✓ in the appropriate box below)

- 第一類：註冊職業治療師 Category 1: Registered Occupational Therapist
- 第二類：註冊物理治療師 Category 2: Registered Physiotherapist
- 第三類：註冊社會工作者 Category 3: Registered Social Worker
- 第四類：職業康復從業員 Category 4: Vocational Rehabilitation Practitioner

I. 個人資料 Personal Particulars

英文姓名 (姓氏先行) Name in English (Surname first) _____	性別 男/女* Sex <u>Male/Female</u> *
中文姓名 Name in Chinese _____	出生日期 Date of Birth ____日DD ____月MM ____年YYYY
香港身份證號碼 Hong Kong Identity Card No. _____	
通訊地址 Correspondence Address _____	
日間聯絡電話 Daytime Contact Tel. No. _____	家居/辦事處* Home/Office* _____
流動電話 Mobile _____	
電郵地址 (請注意：勞工處會於有需要時透過電郵與申請人聯絡) Email Address (Note: Labour Department may contact the applicant by email) _____	

II. 專業資格 (請先列出最近期獲取的專業資格) Professional Qualification (In descending chronological order)

專業資格 Professional Qualification	頒發機構全名 Full Name of Issuing Authority	已達到的程度 Level Attained	獲取日期 (日/月/年) Date Obtained (Day/Month/Year)

*請刪去不適用者 Please delete as appropriate.

「請轉下頁」 P.T.O

III. 提供關於殘疾人士就業的職業康復或其他服務的經驗 (請先列出最近期的服務經驗)

Relevant experience in the provision of vocational rehabilitation or other services in relation to the employment of persons with disabilities (In descending chronological order)

機構名稱 Name of Organisation	職位 Position Held	職責詳情 Details of duties	日期 (月/年) Date (Month/Year)		(只適用於 第四類申請人) 如獲該機構推薦 擔任評估員，請 加上✓號 (For Category 4 applicants only) Put a ✓ if recommended by that organisation to become assessor
			由 From	至 To	
<p>第一至第三類申請人須填寫在剛過去的7年，累積總計不少於3年以有關專業身分，提供相關服務經驗的詳情。第四類申請人則須填寫在剛過去的10年，累積總計不少於5年於勞工處處長指明的機構，從事提供相關服務經驗的詳情。 Applicants of Category 1 to 3 must provide details on the experience of providing relevant services in the capacity of the profession concerned of not less than 3 years in total during the immediately preceding 7 years. For Category 4 applicants, they must provide details on the experience of providing relevant services in organisation(s) recognized by the Commissioner for Labour of not less than 5 years in total during the immediately preceding 10 years.</p>					

IV. 在殘疾類別方面的專業 Expertise in disability types

請在以下方格內填上✓號，可選多於一項 Please put a ✓ in the appropriate box(es) below, more than one box can be selected

<input type="checkbox"/>	聽覺受損	Hearing impairment
<input type="checkbox"/>	視覺受損	Visual impairment
<input type="checkbox"/>	肢體傷殘	Physical handicap
<input type="checkbox"/>	言語障礙	Speech impairment
<input type="checkbox"/>	弱智	Mental handicap
<input type="checkbox"/>	精神病	Mental illness
<input type="checkbox"/>	自閉症	Autism
<input type="checkbox"/>	器官殘障／長期病患	Visceral disability/chronic illness
<input type="checkbox"/>	注意力不足／過度活躍症	Attention deficit/hyperactivity disorder
<input type="checkbox"/>	特殊學習困難	Specific learning difficulties

V. 聲明 Declaration

本人明白倘若故意在填寫本申請書時虛報資料或隱瞞重要事實，可令本人喪失獲勞工處處長認可擔任認可評估員的資格，及即使已獲勞工處處長認可，亦可遭撤回有關的批准。

I understand that if I wilfully give any false information or withhold any material information in this application form, it will render me ineligible to become an approved assessor and the Commissioner for Labour may withdraw any approval so granted.

本人同意勞工處可就審批本人擔任認可評估員的申請和其他與認可有關的事宜，及為核實上述資料而進行必要的查詢。本人授權有關政府部門、其他組織或機構可就這些查詢，透露任何有關的紀錄及資料（其中包括向有關機構查詢本人的相關服務經驗及專業資格）。

I give my consent to the Labour Department in making any necessary enquiries for purposes relating to my application to become an approved assessor and other related matters as well as for the verification of the information given above. I authorise relevant government departments, organisations or agencies to release any record or information as may be required for these enquiries (including, among others, making enquiries with the organisation(s) concerned regarding my relevant service experience and professional qualification).

簽署 Signature _____ 日期 Date _____

Notes for application to become an approved assessor

Part I: Brief introduction of duties of approved assessors

Approved assessors (the assessors) will be eligible for conducting productivity assessment (the assessment) for persons with disabilities upon the implementation of statutory minimum wage on 1 May 2011. The assessors are required to conduct the assessment and related work in accordance with the Minimum Wage Ordinance, Minimum Wage (Criteria for Approved Assessors) Notice and the Administrative Guideline for Approved Assessors. Details of the assessment mechanism and other relevant information can be downloaded from the Labour Department's homepage (www.labour.gov.hk) while the Administrative Guidelines will be issued during the training for assessors. Duties of the assessors are briefly described below.

The basic principles of the assessment

As the purpose of the assessment is to determine the degree (if any) to which the productivity of the person with disabilities in performing the work required under the contract of employment (the work) is affected by his/her disability, the assessment must be conducted in the actual workplace of the person with disabilities. Prior to conducting the assessment, the assessor must explain to the person with disabilities and the employer their respective rights and responsibilities under the relevant provisions of the Minimum Wage Ordinance. In particular, the right to invoke the assessment is vested in the person with disabilities, not the employer. The assessor should be objective and impartial throughout the process of conducting the assessment. It is incumbent on the assessor to ensure that no conflict will arise between his/her duties involved in conducting the assessment and his/her other interests.

Procedures and methods of assessment

In conducting the assessment, the assessor should collect detailed information on the work of the person with disabilities (including the nature, requirements and procedures of the work) through the employer, the person with disabilities and, if appropriate, any other relevant person(s) conducive to the understanding of the work (such as other employee(s) of the employer performing the same or similar work). Based on the detailed information on the work collected, the assessor should exercise his/her professional expertise and decide on the appropriate factor(s), namely working speed, quantity and quality of work or other requirements for performing the work, to be considered in the assessment. With reference to the factor(s) selected, the assessor should, by adopting suitable means such as observation and analysing performance data of the above factors, assess the degree of productivity of the person with disabilities. If the assessor, having regard to all the facts and evidence available, is of the view that the performance of the person with disabilities and degree of productivity on the day of assessment is adversely affected by any reasons that cause him/her failing to perform at full potential, the assessor may reasonably adjust upwards the degree of productivity of the person with disabilities. The assessor is required to provide to the person with disabilities and the employer a certificate of assessment signed by him/her after the assessment is completed.

Other relevant duties

In addition to conducting the assessment, the assessor is also required to liaise with the person with disabilities, the employer, other parties/organisations concerned and the Labour Department, and complete relevant administrative duties, such as inputting details of the assessment, in a timely manner as required by the Labour Department.

Part II: Criteria for approved assessors and a summary of documents required for making the application

<p>Criteria for approved assessors (Falling into any one of the following categories)</p>	<p>Copy of documents the applicant is required to submit together with this application form (Do not send any originals of documents)</p>
<p>Category 1: Registered Occupational Therapist</p>	
<ul style="list-style-type: none"> ● Registered under Part I of the register and holds a valid practising certificate in accordance with the Supplementary Medical Professions Ordinance (Cap. 359) and Occupational Therapists (Registration and Disciplinary Procedure) Regulations (Cap. 359B); and ● Possessing in total not less than 3 years' experience in the provision of vocational rehabilitation or other services in relation to the employment of persons with a disability in the capacity as registered occupational therapist and with a valid practising certificate^{Note 1-2} during the immediately preceding 7 years 	<ul style="list-style-type: none"> ● Hong Kong Identity Card ● Certificate of registration under Part I of the Register of Occupational Therapists ● Valid practising certificate of registered occupational therapist at the time when submitting this application ● Any proof for the relevant experience required for approved assessor (e.g. employment certification issued by employer and a valid practising certificate of registered occupational therapist during such period^{Note 1}) to certify the possession in total of not less than 3 years of experience in the provision of vocational rehabilitation or other services in relation to the employment of persons with a disability in that capacity
<p>Category 2: Registered Physiotherapist</p>	
<ul style="list-style-type: none"> ● Registered under Part Ia or Part Ib of the register and holds a valid practising certificate in accordance with the Supplementary Medical Professions Ordinance (Cap. 359) and the Physiotherapists (Registration and Disciplinary Procedure) Regulation (Cap. 359J); and ● Possessing in total not less than 3 years' experience in the provision of vocational rehabilitation or other services in relation to the employment of persons with a disability in the capacity as registered physiotherapist and with a valid practising certificate^{Note 1-2} during the immediately preceding 7 years 	<ul style="list-style-type: none"> ● Hong Kong Identity Card ● Certificate of registration under Part Ia or Part Ib of the Register of Physiotherapists ● Valid practising certificate of registered physiotherapist at the time when submitting this application ● Any proof for the relevant experience required for approved assessor (e.g. employment certification issued by employer and a valid practising certificate of registered physiotherapist during such period^{Note 1}) to certify the possession in total of not less than 3 years of experience in the provision of vocational rehabilitation or other services in relation to the employment of persons with a disability in that capacity
<p>Category 3: Registered Social Worker</p>	
<ul style="list-style-type: none"> ● Registered social worker under the Social Workers Registration Ordinance (Cap. 505); and ● Possessing in total not less than 3 years' experience in the provision of vocational rehabilitation or other services in relation to the employment 	<ul style="list-style-type: none"> ● Hong Kong Identity Card ● Certificate of registration for registered social worker ● Valid registration card of registered social worker at the time when submitting this application ● Any proof for the relevant experience required for approved assessor (e.g. employment certification

Criteria for approved assessors <i>(Falling into any one of the following categories)</i>	Copy of documents the applicant is required to submit together with this application form <i>(Do not send any originals of documents)</i>
of persons with a disability in the capacity as registered social worker ^{Note 1-2} during the immediately preceding 7 years	issued by employer and a valid registration card for registered social worker during such period ^{Note 1}) to certify the possession in total of not less than 3 years of experience in the provision of vocational rehabilitation or other services in relation to the employment of persons with a disability in that capacity
Category 4: Vocational Rehabilitation Practitioner	
<ul style="list-style-type: none"> • Vocational rehabilitation practitioner being currently engaged or had been engaged by the organisation(s) recognized by the Commissioner for Labour (<i>the list is at Part III below</i>) for not less than 5 years in total^{Note 2} in the provision of vocational rehabilitation or other services in relation to the employment of persons with a disability during the immediately preceding 10 years; and • With the recommendation of recognized organisation(s) to become an approved assessor 	<ul style="list-style-type: none"> • Hong Kong Identity Card • Any proof for the relevant experience required for approved assessor (e.g. employment certification issued by employer) to certify the possession in total of not less than 5 years of experience in the provision of vocational rehabilitation or other services in relation to the employment of persons with a disability at the organisation(s) recognized by the Commissioner for Labour (<i>the list is at Part III below</i>) • At least one recommendation letter to become an approved assessor issued by the organisation(s) recognized by the Commissioner for Labour (<i>notes for recommending organisations and template for recommendation letter are at Part V</i>) (The Labour Department may request the applicant to submit additional recommendation letter(s), if necessary)
Applicable to all the above categories of applicants	
<p>After vetting the applications received, the Labour Department will notify the screened-in applicants to attend a training. The Commissioner for Labour will only grant approval to eligible applicants who have satisfactorily completed the training arranged by the Labour Department.</p> <p>The Commissioner for Labour may withdraw the approval so granted to an assessor who is considered unable or unfit to carry out his/her duties owing to poor performance or any justifiable cause.</p>	

Notes:

Note 1: Any applicant who has provided vocational rehabilitation or other services in relation to the employment of persons with a disability in the capacity of more than one professions of the Categories 1 to 3 (i.e. registered occupational therapist, registered physiotherapist and registered social worker) respectively, such period of time would be reckoned in aggregate for the purpose of considering the fulfilment of the 3 years' experience requirement. However, if the applicant has provided vocational rehabilitation or other services in relation to the employment of persons with a disability in the capacity of more than one professions of the Categories 1 to 3 concurrently in a period of time, such period of time would only be counted once for the purpose of considering the fulfilment of the 3 years' experience requirement.

Note 2: The date that the Labour Department receives the application to become an approved assessor would be adopted in counting the period of the immediately preceding 7/10 years.

Part III: Organisations recognized by the Commissioner for Labour

(Only applicable to applicants of Category 4 — Vocational rehabilitation practitioner)

Organisations recognized by the Commissioner for Labour under the Minimum Wage (Criteria for Approved Assessors) Notice

1. Association for Engineering & Medical Volunteer Services
2. Association for the Rights of Industrial Accident Victims Limited
3. Baptist Oi Kwan Social Service
4. Caritas - Hong Kong
5. Chinese Young Men's Christian Association of Hong Kong
6. Christian Family Service Centre
7. Fu Hong Society
8. Haven of Hope Christian Service
9. Hong Chi Association
10. Hong Kong Blind Union
11. Hong Kong Down Syndrome Association
12. Hong Kong Federation of Handicapped Youth
13. Hong Kong Lutheran Social Service, the Lutheran Church – Hong Kong Synod Limited
14. Hong Kong PHAB Association
15. Hong Kong Rehabilitation Power
16. Hong Kong Sheng Kung Hui Welfare Council
17. Hong Kong Society for the Blind
18. Hong Kong Society for the Deaf
19. New Life Psychiatric Rehabilitation Association
20. Pentecostal Church of Hong Kong
21. Po Leung Kuk
22. Rehabilitation Alliance Hong Kong
23. Richmond Fellowship of Hong Kong
24. SAHK (formerly known as Spastics Association of Hong Kong)
25. St. James' Settlement
26. Stewards Limited
27. The Hong Kong Society for Rehabilitation
28. The Mental Health Association of Hong Kong
29. The Neighbourhood Advice-Action Council
30. The Salvation Army
31. The Society of Rehabilitation and Crime Prevention, Hong Kong
32. Tung Wah Group of Hospitals
33. Wai Ji Christian Service
34. Yang Memorial Methodist Social Service
35. The Hong Kong Confederation of Trade Unions
36. Hong Kong Workers' Health Centre Limited
37. Hong Kong Association of the Deaf
38. Parent's Association of the Mentally Handicapped Ltd.
39. Hospital Authority
40. Vocational Training Council
41. Social Welfare Department

Part IV: Notes on making recommendation by organisations recognized by the Commissioner for Labour for vocational rehabilitation practitioners who apply to become approved assessors and template for recommendation letter

According to the Minimum Wage (Criteria for Approved Assessors) Notice, in addition to fulfilling the requirement of being engaged by the organisation(s) recognized by the Commissioner for Labour (*the list is at Part III*) for not less than 5 years in total in the provision of vocational rehabilitation or other services in relation to the employment of persons with a disability during the immediately preceding 10 years, vocational rehabilitation practitioners are also required to obtain recommendation of those recognized organisation(s) in order to become approved assessors. Against this background, the Labour Department specially prepares these notes for reference of the recognized organisations in making recommendation for vocational rehabilitation practitioners.

Recommending organisations

- The recommending organisations:
 - must be organisations recognized by the Commissioner for Labour (*the list is at Part III*); and
 - have engaged the applicant in the provision of vocational rehabilitation or other services in relation to the employment of persons with disability during the immediately preceding 10 years.
- The recommending organisation(s) need(s) not be engaging the applicant at present.

Principles for making recommendation

Before accepting the request for making the recommendation concerned from a vocational rehabilitation practitioner who seeks to become an approved assessor, the recognized organisation should adequately consider the following factors or circumstances in determining whether the applicant is suitable to undertake the duties as approved assessor, or the organisation is the appropriate recommending agent:

- All eligible assessors will be approved by the Commissioner for Labour on a personal basis, not as representatives of their employer or any organisation which they belong to.
- The recommending organisation should have thorough knowledge and sufficient information (e.g. relevant personnel records) of the applicant for making the recommendation, including the applicant's:
 - integrity;
 - relevant professional knowledge and work performance (may make reference to past performance appraisal reports of the applicant);
 - reliability, sense of responsibility and the ability to work independently; and
 - communication skills, abilities to express himself/herself clearly and writing skills for the purpose of effectively completing the duties of approved assessor.

Other requirements when making the recommendation

- Recommendation letter can be written in Chinese or English.
- Recommending organisations are requested to make use of the template provided by the Labour Department (*see attachment*) in preparing the recommendation. If the organisation chooses to use its own stationery, all information set out in the template should be covered.

Attachment: Template for recommendation letter

**Minimum Wage Ordinance (Cap. 608)
Minimum Wage (Criteria for Approved Assessors) Notice
Special arrangement provided for persons with disabilities
Recommendation letter for vocational rehabilitation practitioner
seeking to become an approved assessor**

We, being an organisation recognized by the Commissioner for Labour, receive a request from Mr/Ms* _____ for recommending him/her to become an approved assessor.

We hereby certify that the abovenamed applicant has been engaged by our organisation in the provision of vocational rehabilitation or other services in relation to the employment of persons with disability within the immediately preceding 10 years. After reading carefully the notes on making recommendation and due consideration, we recommend the abovenamed applicant to become an approved assessor.

We understand and agree that if the applicant is approved by the Commissioner for Labour to become an approved assessor, the information of our organisation, being the recommending organisation, together with information of that approved assessor would be included in the register of approved assessors prepared by the Labour Department and published through the homepage (www.labour.gov.hk) or offices of the Labour Department or other appropriate channels, in order to facilitate persons with disabilities in selecting approved assessors to conduct the productivity assessment.

Should there be any enquiries about our recommendation, please contact Mr/Ms* _____ (Contact tel. no.: _____).

Name of recommending organisation: _____ (in Chinese)

_____ (in English)

Correspondence address: _____

Signature of authorized representative: _____ Contact tel. no.: _____

Name of authorized representative: _____ Position held: _____

Organisation chop: _____ Date: _____

**Please delete as appropriate.*

Part V: Notes for the applicants

The following give guidance on the completion of the application form.

- (a) Please complete every item in block letters and in black ink.
- (b) Please ensure that all parts in the form are completed and the information is accurate. If there is insufficient space, please give details on a separate sheet to be attached to the application form.
- (c) The Labour Department will not be able to process this application if the applicant fails to provide all the documents as listed in Part II or the information provided by the applicant fails to demonstrate that the applicant can meet the criteria for approved assessors.
- (d) The personal data provided in this form will be used by the Labour Department (including the Advisory Committee set up to provide recommendation to the Labour Department) for purposes of vetting the applications to become approved assessors and other related matters. The Labour Department may provide these data to other organisations or agencies in making enquiries and verification, if required. Personal data provided by an unsuccessful applicant will be destroyed within 24 months after completion of this recruitment exercise.
- (e) If the applicant is approved to become an approved assessor, the Labour Department will publish in a register of approved assessors the information provide, such as his/her name, type of profession and expertise in disabilities, employing and/or recommending organisations, working experience (including the names of organisations), contact means etc, through the homepage (www.labour.gov.hk) or offices of the Labour Department or other appropriate channels for persons with disabilities who decide to invoke the productivity assessment under the Minimum Wage Ordinance to choose and contact an approved assessor to conduct the assessment.
- (f) As an approved assessor would normally conduct the assessment during working hours of the person with disabilities, applicant with full time work is advised to discuss the work arrangement with his/her employer so as to ensure that he/she can discharge the duties of assessor effectively.
- (g) The applicant may make a photocopy of the completed application form for personal reference.
- (h) The applicant is required to notify the Labour Department promptly should there be any changes to the information provided in the application form after submission.
- (i) For correction of or access to personal data after submission of the application form or enquiries on application matters, please contact the Labour Department at 2852 3816.
- (j) The completed application form together with the required documents should be sent to Statutory Minimum Wage Division, Labour Department, 1/F, Harbour Building, 38 Pier Road, Central, Hong Kong **on or before 31 March 2011**. Please mark “Application for approved assessor” on the envelop.

Form 4: Letter of Appointment for Approved Assessors



Statutory Minimum Wage Division

Labour Department

Our reference 本處檔案編號: () in LD SMW XXXXX

Telephone No. 電話號碼: 2852 xxxx

Fax No. 傳真號碼: 3101 4705

勞工處

法定最低工資科

(Date)

(Name of Approved Assessor)

Minimum Wage Ordinance (Chapter 608)
Productivity Assessment of Persons with Disabilities
Letter of Appointment for Approved Assessors

Approved Assessor Number: _____

Thank you for your application as approved assessor and completing the relevant training arranged by this Department. I am pleased to inform you that the Commissioner for Labour has given approval for you to become an Approved Assessor. With the implementation of the Minimum Wage Ordinance on 1 May 2011, you are eligible for conducting productivity assessment for persons with disabilities. This approval is granted on a personal basis and will be valid from the date of this letter up to xx (day) xx (month) xxxx (year).

Approved assessor must comply with the basic principles and methods of assessment stipulated under the Minimum Wage Ordinance and its relevant subsidiary legislation in conducting productivity assessments for persons with disabilities in performing the work required under the contract of employment, and complete all assessment-related work as required under the Administrative Guidelines for Approved Assessor. The Labour Department may withdraw the approval so granted to an approved assessor who fails to follow and abide by these requirements or is unable or unfit to carry out his/her duties owing to poor performance or any justifiable causes (e.g. no longer eligible to be an assessor due to disqualification from the relevant professional registration).

Thank you again for taking up the appointment as approved assessor. If you have any questions in relations to the appointment, please contact XXX at 2852 XXXX.

Yours sincerely,

(xxx)

for Commissioner for Labour

Productivity Assessment of Person with Disabilities
Checklist on Procedures and Factors to be Considered in the Productivity Assessment

Attention:

- **This checklist is provided to approved assessors (“assessors”) for conducting productivity assessment (“assessment”) for person with disabilities. An assessor should conduct each assessment in accordance with the procedures as specified in this checklist and duly complete all relevant information.**
- **An assessor should submit the duly completed checklist¹ within 10 days upon completion of assessment and when filing application for assessment allowance. The Labour Department will conduct random checks on the checklists received.**
- **Before conducting the assessment, an assessor should re-confirm the intention and eligibility of the person with disabilities to opt for productivity assessment, and explain to the person with disabilities and employer their respective rights and obligations under the Minimum Wage Ordinance (Cap. 608) (“MWO”), its relevant subsidiary legislation and procedures of the assessment.**

Name of person with disabilities: _____

Serial Number of Registration Card for People with Disabilities: _____

Name of company/employer: _____

(If the employer is a social enterprise, please specify the organisation that it belongs to)

Assessment number: _____ Date of assessment: _____

Confirm and explain relevant information to the person with disabilities and employer

Before conducting the assessment, the assessor should re-confirm the intention and eligibility of the person with disabilities to opt for productivity assessment, and explain to the person with disabilities and employer their respective rights and obligations under the relevant provisions of MWO and its subsidiary legislations, including:

- verifying and confirming that the person with disabilities holds a valid Registration Card for People with Disabilities (“Registration Card”) issued by the Central Registry for Rehabilitation established by the Government, and has not been assessed for the work concerned;
- reiterating to the person with disabilities his/her right to be remunerated at not lower than the SMW rate, and confirming his/her intention to opt for the assessment;
- reiterating to the person with disabilities and employer that on completion of the assessment and after the countersigning of the certificate of assessment (“the certificate”) by the employer and employee, the statutory minimum wage rate applicable to the person with disabilities for performing the work concerned should be commensurate with the degree of productivity stated in the certificate;
- reiterating to the person with disabilities and employer that the person with disabilities must continue to hold a valid Registration Card to enable the result of the assessment to remain valid; otherwise the employer has to pay the person with disabilities at not less than the statutory minimum wage rate when the Registration Card becomes invalid; and
- explaining to the person with disabilities and employer the procedures of the assessment.

¹ The assessor should comply with the regulations of the Personal Data (Privacy) Ordinance (Cap. 486) when handling the personal information obtained in the assessment.

Step 1: Collecting information related to the assessment concerned

1. Collecting detailed information on the duties and work requirements under the contract of employment (“the work”) from the person with disabilities, including:

(a) Post title: _____

(b) Details of job duties:

(i) work performed in the assessment (should be the daily duties that the person with disabilities usually performs):

(ii) basic requirements in performing the work mentioned above, such as:

working speed:

quantity of work:

quality of work:

other requirements in performing the work (if any) ²:

(c) Work procedures:

2. Collecting detailed information on Point 1 above from the employer, i.e.:

(a) Post title : _____

(b) Details of job duties:

(i) work performed in the assessment (should be the daily duties that the person with disabilities usually performs):

² Depending on the nature of the work, other requirements for performing the duties may include: knowledge of the work, ability to follow instructions from supervisor, team spirit, sense of responsibility, initiative, ability to work independently, ability to accept and adapt to work changes, etc. For details, please refer to the Administrative Guidelines for Approved Assessors.

(ii) basic requirements in performing the work mentioned above, such as:

working speed:

quantity of work:

quality of work:

other requirements in performing the work (if any) :

(c) Work procedures of work:

3. Understanding the overall operation of the workplace from the employer and through on-site inspection, including:

(a) nature of business:

(b) overall work flow:

(c) position and role of the person with disabilities in the company/relevant division (such as whether co-operation with other colleagues is required to complete the work) and how the person with disabilities co-operates with other colleagues in the work flow:

4. Understanding the performance of other employees of the employer performing the same or similar work, including:

working speed

quantity of work

quality of work

other requirements for performing the duties (if any):

Brief description (where appropriate):

Step 2: Selecting appropriate factor(s) to be considered in the assessment

Based on the detailed information collected in Step 1 above, the assessor should exercise his/her professional knowledge and experience to select the appropriate factor(s) to be considered in the assessment, including:

<u>Factor(s) to be considered</u>	<u>Weight</u>
<input type="checkbox"/> working speed	(%)
<input type="checkbox"/> quantity of work	(%)
<input type="checkbox"/> quality of work	(%)
<input type="checkbox"/> other requirements for performing the duties (if any)	(%)

Brief description (where appropriate):

Step 3: Assessing the degree of productivity of the person with disabilities in performing the work

1. Adopting suitable means (e.g. on-site observation, analysis of recorded data, etc.) and assess the performance of the person with disabilities based on the factor(s) in Step 2:

- working speed (may quantify the speed where practicable and necessary):

Brief description: _____

- quantity of work (may quantify the work done where practicable and necessary):

Brief description: _____

- quality of work:

Brief description: _____

- other requirements for performing the duties (if any):

Brief description: _____

2. The assessor should make an initial assessment of the percentage of productivity of the person with disabilities based on all the information and evidence collected for the assessment and by making reference to the percentage of the productivity of the person with disabilities in meeting the basic requirements of the work.

Step 4: Elucidating the major considerations in conducting the assessment and collect supplementary information

1. Confirming with the person with disabilities and employer that the duties under assessment are the daily duties of the person with disabilities required under the contract of employment and explaining the major considerations in conducting the assessment.
2. Seeking supplementary information or clarifications from the person with disabilities and employer where necessary. The person with disabilities and employer can also provide the assessor with further information.

Supplementary information (if any):

Step 5: With all the facts and evidence gathered, considering whether a corresponding upward adjustment in the degree of productivity of the person with disabilities should be made

Making a corresponding upward adjustment to the degree of productivity of the person with disabilities if the assessor considers that, based on all the facts and evidence gathered, the person with disabilities has not been performing at full potential in the assessment for certain reasons which in turn adversely affect the performance and degree of productivity of the person with disabilities³.

Result of the assessment and issuing and signing the certificate of assessment

Informing the person with disabilities and employer the final result of the assessment as well as issuing and signing the certificate of assessment.

Signature of assessor: _____ Assessor number: _____

Name of assessor: _____ Date: _____

³ Possible circumstances on the day of assessment that may warrant a corresponding upward adjustment in the degree of productivity include: the person with disabilities is in a state of ill health or excessive stress; the person with disabilities has not fully acclimatised to the working environment or conditions; suitable auxiliary aids or facilities which assist the person with disabilities in performing the work have not yet been put in place.

Minimum Wage Ordinance (Chapter 608)
Special Arrangement for Persons with Disabilities
Application for Extension of the Trial Period of Employment

Points-to-note:

- (1) Under the Minimum Wage Ordinance, the length of the trial period of employment (“trial period”) is 4 weeks or up to the day on which the productivity assessment of the person with disabilities is completed, whichever period is the shorter. On an application made jointly by the person with disabilities and employer **before expiry of the trial period (according to the date on which the application reaches the Statutory Minimum Wage Division of Labour Department)**, the Commissioner for Labour may, in exceptional circumstances, extend the trial period by up to 4 weeks (i.e. not more than 8 weeks in total). The Labour Department will inform the person with disabilities and employer of the result of the application in writing respectively. In view of the statutory requirement, **late application will not be processed.**
- (2) Please use this form for making an application. If the letterhead of employer or other letterhead is used, please make sure that all the details in this form are included therein.
- (3) Completed form of application and supporting documents (if applicable) should be sent to: Statutory Minimum Wage Division, Labour Department, 1/F Harbour Building, 38 Pier Road, Central, Hong Kong; or fax to: 3101 4705.

Name of Employee: (Chinese)	(English) <i>in BLOCK letters</i>
Post title of Employee: _____	
Correspondence address of Employee: _____	
Name of Company/Employer*:	
(Chinese)	_____
(English)	_____
	<i>in BLOCK letters</i>
Company/Employer’s Business Registration Certificate No./	
Other registration no. (<i>please specify the relevant ordinance</i>)*: _____	
Correspondence address of Company/Employer*: _____	
Original date of trial period as agreed by both parties: From ____ (dd) ____ (mm) ____ (yy) to ____ (dd) ____ (mm) ____ (yy)	
Period of extension: ____ days/ ____ weeks till ____ (dd) ____ (mm) ____ (yy)	
Reason(s) for application: _____	
<i>(please state details)</i>	

Supporting document(s) enclosed: _____	
<i>(if applicable)</i>	

Signature of Employee: _____ Date: _____

Contact telephone/fax* number: _____

Signature of Company's representative/Employer*: _____

Post title of Company's representative: _____

Name of Company's representative/Employer*: _____

Contact telephone number: _____

Company/Employer* chop: _____ Date: _____

**Please delete as appropriate*

Form 7: Application Form on Assessment Allowance for Approved Assessor

<i>Official Use:</i> CRN No. _____

Minimum Wage Ordinance (Chapter 608)
Assessment of the Degree of Productivity of Persons with Disabilities
Application Form on Assessment Allowance for Approved Assessor

IMPORTANT NOTES:

- (i) All applications for assessment allowance must be made **within 10 days** after completion of the productivity assessment(s). Late application will **NOT** be entertained.
- (ii) When filing application for assessment allowance, an approved assessor should submit in person or by registered mail the original copy of the completed "Application Form for Assessment Allowance for Approved Assessor" together with the original copy of "Certificate of Assessment" and the original copy of "Checklist on Procedures and Factors to be Considered in the Productivity Assessment" to Statutory Minimum Wage Division, Labour Department, 1/F, Harbour Building, 38 Pier Road, Central, Hong Kong (Please mark: "Application for assessment allowance" on the envelop). Application with incomplete data or information will **NOT** be processed.
- (iii) An approved assessor filing application for the first time should also submit the original copy of the completed "Authority for Payment to a Bank" (GF 179A)* to arrange payment of assessment allowance(s) crediting to self-named bank account.
- (iv) An approved assessor should not solicit or accept any fees from the person with disabilities, the employer or other persons concerned in relation to or during the assessment.
- (v) All the information provided must be true and accurate. Any approved assessor who wilfully provides false information or withholds material information in order to obtain the assessment allowance(s) will be held criminally liable. The Government has the right to recover the assessment allowance so granted and pursue legal actions.
- (vi) The Labour Department has the right of final decision on applications of assessment allowance(s).

Section A. Details of the productivity assessment conducted

Assessment no.	Name of employee	Name of company/employer	Date of assessment (dd-mm-yyyy)	Amount in application
				\$2,000

Section B. Checklist on documents required

		Put a ✓ if enclosed
I	Completed "Application Form for Assessment Allowance for Approved Assessor"	<input type="checkbox"/>
II	Original copy of "Certificate of Assessment" of the productivity assessment conducted	<input type="checkbox"/>
III	Completed "Checklist on Procedures and Factors to be Considered in the Productivity Assessment"	<input type="checkbox"/>
IV	Original copy of completed "Authority for Payment to a Bank" (GF 179A) <i>(For an assessor filing application for the first time and has <u>NOT</u> submitted GF179A before only)</i>	<input type="checkbox"/>

Section C. Declaration

I hereby apply for the assessment allowance as indicated in **Section A** and enclose the documents as required in **Section B**.

I confirm that I have read and fully understood the "IMPORTANT NOTES" on filing application for assessment allowance and agree to comply with the conditions set out. I declare that the information provided by me in this application form is correct and true.

Name of approved assessor : _____ Date : _____
Assessor no. : _____
Contact telephone no. : _____ Signature : _____

* GF179A can be downloaded from http://www.try.gov.hk/internet/pde_gf179a.pdf. For any amendments on the bank account information, a new form should be submitted.

Form 8: Authority for Payment to a Bank

款項付予銀行授權書
AUTHORITY FOR PAYMENT TO A BANK
 請以中文或英文填寫本表格(I、II及III)
 Please complete sections I, II and III of this form in Chinese or English
 (本表格如有任何塗改、與不受理)
 (This form will not be accepted if it contains any erasure or amendment)

<p>I</p> <p>參閱背頁 只供收款 人填寫的 附註 See Notes Overleaf - For Payee's Use</p>	<p>致： To:</p> <div style="border: 1px solid black; height: 80px; width: 100%;"></div>	<p style="text-align: center;">只供部門填寫 FOR DEPARTMENT USE ONLY</p> <p>IV</p> <p style="text-align: center;">供應商編號 Supplier No.</p> <div style="border: 1px solid black; height: 20px; width: 80%; margin: 0 auto;"></div>
<p>參閱背頁 註一 See Note 1 Overleaf</p>	<p>請將應付給我/我們的全部款項存入我/我們在下述銀行的帳戶 All sums due to me/us should be paid into my/our bank account with the</p> <p>銀行 Bank <input style="width: 150px;" type="text"/></p> <p>分行 Branch <input style="width: 150px;" type="text"/></p>	
<p>參閱背頁 註二 See Note 2 Overleaf</p>	<p>本授權書只適用於下述事務的付款：— This Authority applies to payments to me/us in respect of the following transaction(s) only :—</p> <p>.....</p> <p>付款給我/我們所須的資料詳情載於第II段 The particulars necessary to effect payment to me/us are given in Section II below</p>	
<p>II</p> <p>參閱背頁 註三 See Note 3 Overleaf</p>	<p>收款人名稱：個人— 先寫姓氏 (最多可填寫80個英文字母或40個中文字) Payee's Name: For individual - Surname first (Maximum 80 characters for English or 40 words for Chinese)</p> <p>.....</p> <p>地址：(最多可填寫120個英文字母或60個中文字) Address (Maximum 120 characters for English or 60 words for Chinese)</p> <p>.....</p>	
<p>參閱背頁 註四 See Note 4 Overleaf</p>	<p>銀行帳戶 Bank Account</p> <p>銀行編號 Bank Code <input style="width: 40px;" type="text"/></p> <p>分行編號 Branch Code <input style="width: 40px;" type="text"/></p> <p>帳戶號碼 Account No. <input style="width: 100px;" type="text"/></p>	
<p>參閱背頁 註五 See Note 5 Overleaf</p>	<p>英文銀行帳戶名稱(適用於在上列以中文填寫了收款人名稱) Name of Bank Account in English (for payee's name completed in Chinese above)</p> <p>.....</p>	
<p>參閱背頁 註六 See Note 6 Overleaf</p>	<p>我/我們選擇以傳真方式或電子郵件接收收領款通知書(請選擇其中一種方式)。我/我們的傳真號碼或電子郵件地址是：— I/We elect to receive the Remittance Advice by fax or by e-mail (please choose one method only). My/Our fax number or e-mail address is:—</p> <p>傳真號碼 Fax No. <input style="width: 100px;" type="text"/></p> <p>電子郵件地址 e-mail address <input style="width: 150px;" type="text"/></p>	
<p>III</p>	<p>我/我們同意 I/We hereby agree that</p> <p>1. 銀行向政府表示收到款項的證明，足以代替我/我們的收款證明。 The Bank's acknowledgment to the Government will be sufficient discharge in lieu of acknowledgment by me/us.</p> <p>2. 我/我們填報在本表格內的付款辦法指示，在付款方式方面，對政府並無約束力。 My/Our payment instructions on this form do not bind the Government in regard to the manner in which payment may be made.</p> <p>3. 無論基於何等理由，倘銀行未獲足夠資料確定收款的帳戶，以致款項在未收到進一步資料之前暫停支付，政府並不負責我/我們因銀行帳戶未能如期收到款項所遭受的任何損失或不便。 Where, for any reason, insufficient details are furnished to the Bank to determine the account to be credited and the sum is held in suspense pending receipt of further information, the Government will not be responsible for any loss or inconvenience suffered by me/us as a result of the bank account not being credited at the normal time.</p>	
<p>簽名 Signature</p> <p>姓名(正楷) Name in block letters</p> <p>香港身分證/護照號碼 H.K.I.C./Passport No.</p> <p>電話號碼 Telephone No.</p> <p>日期 Date</p>	<p>個人 For individual</p> <p>.....</p> <p>公司/團體 For company/organization</p> <div style="border: 1px solid black; padding: 5px;"> <p>公司印章 Official Stamp</p> <p style="text-align: center;">.....</p> <p style="text-align: center;">獲公司/團體授權之認可簽署 Authorized signature</p> <p style="text-align: center;">For and on behalf of the company/organization</p> </div> <p>姓名(正楷) Name in block letters</p> <p>職位 Position</p> <p>電話號碼 Telephone No.</p> <p>日期 Date</p>	

附註

個人資料收集聲明

1. 你所提供的資料，將作政府付款給你的用途。
2. 政府可能將部分或全部資料轉交其他已獲法律授權接收的人士。
3. 在《個人資料（私隱）條例》列明的豁免範圍內，你有權取得及更正個人資料。
4. 如欲取得或更改個人資料，請聯絡與你有收支往還的政府部門。

只供收款人填寫（第 I、II 及 III 欄）

1. 收款人如為公司或團體，在遞交本表格時，須附交一封使用該公司或團體的正式信紙的說明函件，並須由獲該公司或團體授權的人士簽署。
2. 如欲將本授權書的適用範圍限定於若干項事務，請列明該等事務。
3. 切勿在一空格內填寫超過一個字或一個數字。倘因篇幅所限而未能于行末填寫一個完整的詞彙，須在下一行填上整個詞彙。
4. 帳戶持有人的名稱應與收款人的名稱完全相符。如未能確定銀行編號，請向有關銀行查詢。
5. 款項如須存入聯名帳戶，應列明該帳戶的英文全名而收款人名稱應是聯名帳戶的一部分。
6. 如希望以傳真方式或電子郵件接收領款通知書（只可選擇其中一種方式），請填妥傳真號碼或電子郵件地址，否則領款通知書將經郵遞寄上。未能經傳真或電子郵件送達的領款通知書將改以郵遞送交。
7. 請把填妥表格寄回你通常致送發票的部門，或香港灣仔告士打道7號入境事務大樓2908室庫務署付款處理組。如有查詢，請致電2829 4894。

只供部門填寫

第 I 欄

在供收款人填寫表格前，在“致”字旁的空框內填上接收填妥表格的部門或辦事處的名稱及地址。如收款人銀行帳戶欄資料有任何更改，須另填一份新表格。

第 IV 欄

在政府財務管理資料系統更新後填寫。

NOTES

Personal Information Collection Statement

1. The information provided by you will be used for purposes of effecting payments to you by the Government.
2. The Government may give some or all of the information to other parties authorized by law to receive it.
3. Subject to exemptions under the Personal Data (Privacy) Ordinance, you have a right of access and correction with respect to personal data.
4. Request for personal data access and correction should be addressed to the relevant Government departments with which you have dealings.

For Payee's Use (Sections I, II and III)

1. For companies/organizations, this form must be accompanied by a covering letter on the official letterhead of the company/organization and signed by an authorized signatory of the company/organization.
2. If it is desired to restrict this Authority to payments in respect of certain transactions only, please specify those transactions.
3. Do not use one space for more than one letter or one digit. Where a complete word cannot be entered at the end of a row because of insufficient space, the whole word should be entered in the next row.
4. The bank account should have the same name as the payee's name. If you do not know the bank code of your bank account, please contact your banker.
5. Where payment is to be made into a joint account, the full name of the joint account in English must be stated and the payee's name should form part of the name of the joint account.
6. Please enter your fax number or e-mail address if you wish to receive the Remittance Advice by fax or by e-mail (choose one method only). Otherwise, the Remittance Advice will be sent by post. Remittance Advice which cannot be successfully sent by fax or by email will be sent by post.
7. Please send the completed form to the bureau or department to which you normally issue your invoices; or Director of Accounting Services (Attn.: Payments Processing Section) at Room 2908 Immigration Tower, 7 Gloucester Road, Wan Chai, Hong Kong. For enquiries, please call 2829 4894.

For Department Use

Section I

Before passing the form to the payee for completion, enter in the box beside the word 'To' the name AND address of the department, or office to which the payee should return the completed form. If there is a change in the bank account details of the payee, a new form must be completed.

Section IV

To be completed after the supplier record has been updated in the Government Financial Management Information System.