

L.N. 1 of 2011

Minimum Wage (Criteria for Approved Assessors) Notice

(Made by the Commissioner for Labour under section 1 of Schedule 2 to the Minimum Wage Ordinance (Cap. 608))

1. Commencement

This Notice comes into operation on the day on which Schedule 2 to the Minimum Wage Ordinance (Cap. 608) comes into operation.

2. Kinds of persons who may become approved assessors

(1) The following kinds of persons are specified for the purposes of paragraph (a) of the definition of *approved assessor* in section 1(1) of Schedule 2 to the Ordinance—

(a) an occupational therapist—

- (i) whose name is entered in Part I of the register kept under section 10 of the Supplementary Medical Professions Ordinance (Cap. 359) for the profession of occupational therapist;
- (ii) who holds a valid practising certificate as an occupational therapist issued under section 16 of the Supplementary Medical Professions Ordinance (Cap. 359);
- (iii) who has experience of a type described in section 3 of not less than 3 years in the aggregate gained during the 7 years immediately before the relevant date; and
- (iv) who has completed the arranged training to the satisfaction of the Commissioner;

- (b) a Part Ia physiotherapist or Part Ib physiotherapist as defined by section 2 of the Physiotherapists (Registration and Disciplinary Procedure) Regulation (Cap. 359 sub. leg. J)—
 - (i) who holds a valid practising certificate as a physiotherapist issued under section 16 of the Supplementary Medical Professions Ordinance (Cap. 359);
 - (ii) who has experience of a type described in section 3 of not less than 3 years in the aggregate gained during the 7 years immediately before the relevant date; and
 - (iii) who has completed the arranged training to the satisfaction of the Commissioner;
- (c) a registered social worker as defined by section 2(1) of the Social Workers Registration Ordinance (Cap. 505)—
 - (i) who has experience of a type described in section 3 of not less than 3 years in the aggregate gained during the 7 years immediately before the relevant date; and
 - (ii) who has completed the arranged training to the satisfaction of the Commissioner;
- (d) a person—
 - (i) who has worked for any recognized person in providing vocational rehabilitation or other services in relation to the employment of persons with a disability for not less than 5 years in the aggregate during the 10 years immediately before the relevant date;
 - (ii) who is recommended to be an approved assessor by any recognized person for whom the person has worked in providing the services mentioned in subparagraph (i) during the 10 years immediately before the relevant date; and

(iii) who has completed the arranged training to the satisfaction of the Commissioner.

(2) The Commissioner may, in the manner that the Commissioner thinks fit, recognize any person as a recognized person for the purposes of subsection (1)(d).

(3) In this section—

arranged training (經安排培訓) means the training arranged by the Commissioner for the purpose of making assessments under Schedule 2 to the Ordinance;

recognized person (認可人士) means any person recognized under subsection (2);

relevant date (有關日期), in relation to a person, means the date on which the person seeks the Commissioner's approval as an approved assessor;

work (工作) means work, whether or not under a contract of employment and whether or not in a paid capacity.

3. Relevant working experience

(1) The experience referred to in section 2(1)(a), (b) and (c) is the experience in providing vocational rehabilitation or other services in relation to the employment of persons with a disability gained in any one or more of the following sets of circumstances—

(a) while practising as an occupational therapist whose name is entered in Part I, II or III of the register kept under section 10 of the Supplementary Medical Professions Ordinance (Cap. 359) for the profession of occupational therapist and while holding a valid practising certificate as an occupational therapist issued under section 16 of that Ordinance;

(b) while practising as a Part Ia physiotherapist, Part Ib physiotherapist or Part II physiotherapist as defined by section 2 of the Physiotherapists (Registration and

Disciplinary Procedure) Regulation (Cap. 359 sub. leg. J) and while holding a valid practising certificate as a physiotherapist issued under section 16 of the Supplementary Medical Professions Ordinance (Cap. 359);

- (c) while practising as a registered social worker as defined by section 2(1) of the Social Workers Registration Ordinance (Cap. 505).
- (2) If a person gains experience in more than one set of circumstances described in subsection (1) concurrently in a period of time, that period of time is only to be counted once in calculating the person's length of experience for the purposes of section 2(1)(a)(iii), (b)(ii) or (c)(i).

4. Lengths of experience required for becoming approved assessors

The following lengths of experience in providing vocational rehabilitation or other services in relation to the employment of persons with a disability are specified for the purposes of paragraph (b) of the definition of *approved assessor* in section 1(1) of Schedule 2 to the Ordinance—

- (a) for a person of the kind specified in section 2(1)(a), (b) or (c), not less than 3 years in the aggregate gained during the 7 years immediately before the relevant date as defined by section 2(3);
- (b) for a person of the kind specified in section 2(1)(d), not less than 5 years in the aggregate gained during the 10 years immediately before the relevant date as defined by section 2(3).

Minimum Wage (Criteria for Approved Assessors) Notice

B13

L.N. 1 of 2011

CHEUK Wing-hing
Commissioner for Labour

3 January 2011

Explanatory Note

The purpose of this Notice is to specify the kinds of persons and the lengths of experience for the purposes of the definition of *approved assessor* in section 1(1) of Schedule 2 to the Minimum Wage Ordinance (Cap. 608). A person who satisfies the specified criteria may be approved by the Commissioner for Labour under section 6(4) of that Schedule as an approved assessor for the purpose of making assessments under that Schedule.