

For information on
19 May 2015

**Legislative Council
Panel on Manpower**

**Designating on a one-off basis 3 September 2015
as a Statutory Holiday and General Holiday**

Objective

The objective of this paper is to introduce to Members the Government's proposal to designate 3 September 2015 (Thursday) on a one-off basis as both a Statutory Holiday (SH) and General Holiday (GH) so as to facilitate community participation in various commemorative activities to mark the 70th anniversary day of the victory of the Chinese people's war of resistance against Japanese aggression.

**70th anniversary day of the victory of the Chinese people's
war of resistance against Japanese aggression**

2. The Standing Committee of the National People's Congress designated 3 September as the Victory Day of the Chinese people's war of resistance against Japanese aggression. The Hong Kong Special Administrative Region (HKSAR) Government announced in 2014 that official ceremony would be held in Hong Kong every year on 3 September to commemorate the victory of the Chinese people's war of resistance against Japanese aggression. An official event was held accordingly on the day in 2014.

3. The year of 2015 marks the 70th anniversary of the victory of Chinese people's war of resistance against Japanese aggression. The Central People's Government will organise a range of large scale commemorative activities throughout the country and has designated 3 September 2015 as a National Holiday. The Hong Kong Special

Administrative Region (HKSAR) Government will host a number of activities (e.g. official ceremony, exhibitions, lectures, seminars, film shows, book displays, visits to historic buildings and trails, etc.) to commemorate this important occasion. To facilitate community participation in these activities in remembrance of history, the Government proposes to designate 3 September 2015 as both an SH under the Employment Ordinance (EO) (Cap. 57) and a GH under the General Holidays Ordinance (GHO) (Cap. 149) by way of a Bill.

4. Under EO, an employee, irrespective of his/her length of service, is entitled to 12 days of SHs a year. An employee is further entitled to holiday pay if he/she has been employed under a continuous contract¹ for three months or more before an SH. For an employer who cannot arrange his/her employee to take leave on an SH day, the employer may grant the employee an alternative holiday within a specified period if he/she notifies the employee not less than 48 hours in advance. Failure to grant SH to an employee is a prosecutable offence under EO, with a maximum penalty of \$50,000.

5. Under GHO, GH is a day which shall be kept as a holiday by all banks, educational establishments, public offices and government departments. GHO specifies, in addition to Sundays, 17 days of GHs in each year. GHs are not holidays for employees but are holidays for the establishments referred to above. It is up to the employers to decide whether their employees should be required to work or otherwise on those five days of GHs that are not SHs²; and whether the employees would be paid or not if they are not required to work on any of these five GHs.

The Bill

6. The sole purpose of the Special Holiday (3 September 2015) Bill is to designate on a one-off basis 3 September 2015 as an additional SH under EO and GH under GHO. The Bill will be introduced into the Legislative Council (LegCo) for scrutiny on 27 May 2015.

¹ Under EO, an employee who has been employed continuously by the same employer for 4 weeks or more, with at least 18 hours worked in each week, is regarded as being employed under a continuous contract.

² The five days of GHs that are not SHs are, namely, Good Friday, the day following Good Friday, Easter Monday, the Birthday of the Buddha, and the first weekday after Christmas Day.

Implications of the Proposal

7. Employees would benefit from the proposal by having a holiday on 3 September 2015. For those employees with no entitlement to holiday pay, their income may be affected.
8. The proposal would affect the operation of one business day for most private-sector employers and establishments. Additional labour and related administrative costs may be incurred in case the affected establishments have to pay extra to retain and rearrange the duties of existing staff or to engage temporary workers to continue their business operations on 3 September 2015. However, granting that business establishments would have some time to plan ahead for adapting to the extra day of SH cum GH, the potential implications arising from this one-off proposal for the economy as a whole should be largely manageable.
9. As the proposal is also applicable to foreign domestic helpers (FDHs) currently working in Hong Kong, the household support for some FDH employers (in particular women) could be affected by the additional holiday.
10. Given that the proposal will only provide for an additional holiday on a one-off basis, no long-term financial implication for the Government is anticipated.

Conclusion

11. Members are invited to take note of the proposal above.

Labour and Welfare Bureau
Labour Department
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