

2A. Exempt student employment

A work experience student and his or her employer may agree to treat a continuous period of up to 59 days during the contract of employment (the current contract) as a period of exempt student employment if –

- (a) no period during another contract of employment to which the work experience student was a party and that commenced in the same calendar year as the current contract was a period of exempt student employment; and
- (b) the work experience student provides to the employer before the commencement of the current contract a copy of a statutory declaration made by him or her verifying the fact set out in paragraph (a).

10. Establishment and constitution of Commission

(1) A Commission is established to be known as “Minimum Wage Commission” in English and “最低工資委員會” in Chinese.

(2) The Commission consists of –

- (a) a person, who is not a public officer, appointed as the chairperson;
- (b) not more than 9 other members who are not public officers of whom –
 - (i) not more than 3 must be persons who, in the opinion of the Chief Executive, have knowledge of, or experience in, matters relating to the labour sector;
 - (ii) not more than 3 must be persons who, in the opinion of the Chief Executive, have knowledge of, or experience in, matters relating to the business sector; and

- ~~(iii) not more than 3 must be persons who, in the opinion of the Chief Executive, have knowledge of, or experience in, a relevant academic field; and of whom not more than 3 must be persons who, in the opinion of the Chief Executive, have knowledge of, or experience in—~~
 - ~~(i) matters relating to the labour sector;~~
 - ~~(ii) matters relating to the business sector; or~~
 - ~~(iii) a relevant academic field; and~~
- (c) not more than 3 other members who are public officers.

20. Requirement to keep wage and employment records

- (2) Section 49A is amended by adding –

“(3A) Despite subsection (3), subsection (1) must also be taken to require an employer to keep –

- (a) for an employee to whom the Minimum Wage Ordinance (of 2010) does not apply because of section 6(4) of that Ordinance, a document (or copy of a document) issued by an institution showing that the period of work is arranged or endorsed by the institution in connection with a programme being provided by the institution to the employee that is of a kind covered by the definition of “student intern” in section 2 of that Ordinance; and
- (b) for an employee to whom the Minimum Wage Ordinance (of 2010) does not apply because of section 6(5) of that

Ordinance, a copy of the statutory declaration provided by the employee under section 2A(b) of that Ordinance and a document (or copy of a document) issued by an institution showing that the employee is at the commencement of the employment enrolled in a programme being provided by the institution that is of a kind covered by the definition of “work experience student” in section 2 of that Ordinance.