

L.N. 7 of 2010**CENSUS AND STATISTICS (ANNUAL EARNINGS
AND HOURS SURVEY) ORDER**

(Made by the Secretary for Financial Services and the Treasury under section 11 of the Census and Statistics Ordinance (Cap. 316))

1. Commencement

This Order comes into operation on 18 March 2010.

2. Interpretation

In this Order—

“business undertaking” (業務事業單位) means an undertaking carrying on business in Hong Kong, including a non-profit-making body and a statutory body;

“survey” (調查) means the statistical survey referred to in section 3;

“survey period” (調查期) means the survey period specified in section 6.

3. Annual earnings and hours survey

The Commissioner must carry out a statistical survey every year in respect of business undertakings in Hong Kong for the purpose of compiling statistics relating to the wage level and distribution and the employment and demographic characteristics of employees in Hong Kong in the survey period.

**4. Matters in respect of which information
is required to be given**

(1) The matters in respect of which information must be given in a survey are the matters specified in the Schedule.

(2) The information must be given to the Commissioner—

(a) by completing such schedule as the Commissioner may issue for that purpose; and

(b) by completing that schedule within such period as may be specified in the schedule.

5. Persons required to give information

The following persons must give information in respect of a business undertaking for the purpose of a survey, if so requested by the Commissioner—

- (a) if the business undertaking is a body corporate, any director, secretary or other person concerned in the management of the body corporate;
- (b) if the business undertaking is a partnership, any partner of the partnership;
- (c) in any other case, the proprietor of the business undertaking.

6. Survey period

The survey period, in relation to a survey, is the period beginning on 1 April and ending on 30 June of the calendar year in which the survey is carried out.

7. Sampling methods may be used

The Commissioner may use sampling methods in the collection of statistical information under this Order.

8. Application of Order

This Order applies to a business undertaking that carried on business during the whole of a survey period or any part of it, regardless of whether the business undertaking commenced business before or after the commencement of the survey period and regardless of whether or not the business undertaking ceased to carry on business during the survey period.

9. Date for destruction of completed schedules

All completed schedules collected or received for a survey and all copies of the schedules must be destroyed not later than 24 months after the end of the survey period covered by that survey.

SCHEDULE

[s. 4]

MATTERS IN RESPECT OF WHICH INFORMATION IS REQUIRED TO BE GIVEN

1. Information pertaining to the business undertaking as a whole—

- (1) Name and address of the business undertaking.
 - (2) Business registration number (if any).
 - (3) Nature of business.
 - (4) Number of persons engaged.
 - (5) Number of employees.
 - (6) Whether there had been significant changes in the employment or wage situation in the business undertaking during the 12 months preceding the survey reference period and, if so, what factors had contributed to the changes.
2. Information pertaining to each employee selected from the business undertaking—
- (1) Demographic characteristics (for example, sex, age and educational attainment).
 - (2) Employment information, including—
 - (a) job title and main duties;
 - (b) whether employed by the business undertaking on a permanent, fixed term or casual basis;
 - (c) whether employed by the business undertaking on a full-time or part-time basis;
 - (d) the unit of time, or unit of production, by reference to which the rate of basic salary is expressed (that is, monthly, fortnightly, weekly, daily, hourly or otherwise);
 - (e) length of wage period;
 - (f) amount of wage for the relevant wage period, with breakdown—
 - (i) amount of basic salary;
 - (ii) amount of commission and tips (other than commission and tips that are of a gratuitous nature or that are payable only at the discretion of the employer);
 - (iii) amount of shift premium pay;
 - (iv) amount of overtime pay;
 - (v) amount of other bonuses and allowances (other than bonuses and allowances that are of a gratuitous nature or that are payable only at the discretion of the employer);
 - (vi) cost of providing meal benefits in kind;
 - (g) number of contractual working days per wage period and number of contractual working hours per day;
 - (h) number of contractual working hours, and number of overtime hours, in the relevant wage period;
 - (i) rate of overtime pay as a percentage of the rate of basic salary;
 - (j) amount of end of year payment payable for the payment period within which the last day of the survey reference period falls.

3. In this Schedule—

“payment period” (酬金期) means a period in respect of which an end of year payment is payable;

“relevant wage period” (相關工資期), in relation to an employee of a business undertaking, means the employee’s last wage period ending on or before the last day of the survey reference period applicable to the business undertaking;

“survey reference period” (調查參照期), in relation to a business undertaking, means either the month of April, May or June of the calendar year in which a survey is carried out as the Commissioner may specify in such schedule as the Commissioner may issue to the business undertaking for giving information for the purposes of the survey.

K. C. CHAN

Secretary for Financial Services
and the Treasury

18 January 2010

Explanatory Note

This Order provides for the carrying out of annual statistical surveys for the purpose of compiling statistics relating to the wage level and distribution and the employment and demographic characteristics of employees in Hong Kong.

2. Sections 1 and 2 provide for commencement of this Order and definitions necessary for the interpretation of this Order.

3. Section 3 provides that the Commissioner for Census and Statistics (“Commissioner”) must carry out a statistical survey every year for compiling statistics relating to the wage level and distribution and the employment and demographic characteristics of employees in Hong Kong in the survey period.

4. Section 4, together with the Schedule, specifies matters in respect of which the information must be given for the purpose of a survey, and the form in which and the time within which the information is to be given.

5. Section 5 specifies the persons required to give the information.

6. Section 6 specifies the survey period in respect of which a survey is to be carried out.

7. Section 7 authorizes the Commissioner to use sampling methods in collecting statistical information.
8. Section 8 makes it clear that this Order applies not only to a business undertaking that carried on business during the whole of a survey period, but also to one that carried on business during only part of a survey period.
9. Section 9 specifies the date by which completed schedules are to be destroyed.