

A BILL

To

Amend the Employment Ordinance to lower the threshold in respect of weekly working hours that is used in ascertaining whether contracts of employment are continuous contracts; to introduce an alternative criterion for such an ascertainment that is based on the number of working hours in a specified 4-week period; and to provide for transitional arrangements.

Enacted by the Legislative Council.

1. **Short title and commencement**

- (1) This Ordinance may be cited as the Employment (Amendment) Ordinance 2025.
- (2) This Ordinance comes into operation on the first Sunday after the expiry of 6 months after the day on which it is published in the Gazette.

2. **Employment Ordinance amended**

The Employment Ordinance (Cap. 57) is amended as set out in section 3.

3. First Schedule amended (continuous employment)

(1) First Schedule, after paragraph 2—

Add

- “2A. (1) A week (except one to which subparagraph (2) applies) does not count for the purposes of paragraph 2 unless—
- (a) the employee has worked for 17 hours or more in that week; or
 - (b) the employee—
 - (i) has been employed by the employer concerned during the period of 3 weeks next preceding that week; and
 - (ii) has worked for 68 hours or more in the period comprising that week and the 3 weeks described in sub-sub-subparagraph (i).
- (2) A week falling within either of the following descriptions does not count for the purposes of paragraph 2 unless the employee has worked for 18 hours or more in that week—
- (a) a week beginning before the date on which the Employment (Amendment) Ordinance 2025 (of 2025) comes into operation (*pre-amendment week*);
 - (b) a week that is one of the first 3 weeks immediately following the last pre-amendment week.”.

- (2) First Schedule, paragraph 3—

Repeal subparagraph (1)

Substitute

- “(1) In determining for the purposes of paragraph 2A whether the employee has worked in any hour, subparagraph (2) applies.”.
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Explanatory Memorandum

The object of this Bill is to amend the Employment Ordinance (Cap. 57) (*principal Ordinance*)—

- (a) to lower the threshold in respect of weekly working hours that is used in ascertaining whether contracts of employment are continuous contracts (*weekly working hours threshold*); and
 - (b) to introduce an alternative criterion for such an ascertainment that is based on the number of working hours in a specified 4-week period.
- 2. Clause 1 sets out the short title and provides for commencement.
- 3. Clause 3 amends the First Schedule to the principal Ordinance—
 - (a) to lower the weekly working hours threshold from 18 hours to 17 hours;
 - (b) to provide that, other than by virtue of the employee's meeting the weekly working hours threshold, a contract of employment may qualify as a continuous contract of employment by virtue of the employee's having worked for 68 hours or more in a specified 4-week period; and
 - (c) to provide for transitional arrangements.