

Promulgation of revised Code of Practice for Employment Agencies

The Labour Department (LD) today (May 9) promulgated a revised Code of Practice for Employment Agencies (CoP), superseding the CoP promulgated on February 9, 2018.

In accordance with the Employment Ordinance (EO), the Commissioner for Labour may issue codes of practice setting out the principles, procedures, guidelines and standards for the operation, management or control of employment agencies (EAs). In response to the concerns of the public about the services of EAs in recent years and the views collected during public consultation, the revised CoP introduces additional standards expected by the Commissioner that should be met by EAs.

"The newly introduced standards mainly include requiring EAs to, when making an application for a licence and renewal of a licence, inform the LD of whether they are associated with any financial institution; and stipulating that EAs should not provide job seekers with information relating to personal loans and should not withhold job seekers' employment contracts to force them to pay or repay any sum of money. To address the suspected abuse of premature termination of employment contracts by foreign domestic helpers (FDHs) seeking to change employers, the revised CoP requires EAs to clearly brief FDH job seekers on the relevant immigration regulations, and not to adopt business practices such as providing monetary incentives to FDHs in employ to induce them to prematurely terminate their employment contracts," a spokesman for the LD said.

"To further protect the interests of FDH employers as consumers, the revised CoP requires EAs to include, in service agreements signed with FDH employers, the amount of fee set for each service category, and clearly state whether a refund or arrangement for a replacement FDH will be provided where their services are not delivered in full, or the employment contract has been prematurely terminated by the FDH within the two-year contract period. Pursuant to the revised CoP, EAs are required to provide the LD with information relating to temporary accommodation provided for FDH job seekers and ensure their compliance with the relevant requirements. EAs also should not publicly post, display or disclose the sensitive personal data of job seekers and related individuals."

The spokesman reminded EAs of the need to operate in accordance with the requirements of the CoP. Under the EO, the Commissioner may refuse to issue or renew, or revoke an EA licence if its licensee or person intending to be the licensee, the related persons of, or persons employed by the licensee or the person intending to be the licensee fail(s) to comply with the CoP.

The CoP is available for public inspection for free during office hours at the office of the Employment Agencies Administration of the LD (Address:

Unit 906, 9/F, One Mong Kok Road Commercial Centre, 1 Mong Kok Road, Kowloon). It may also be downloaded from the Employment Agencies Portal (www.eaa.labour.gov.hk).

For enquiries on the CoP, please contact the Employment Agencies Administration of the LD at 2115 3665.