The Employment (Amendment) Ordinance 2018 has come into effect on 9 February 2018.

An employment agency (EA) must not receive any fee from job-seekers except the prescribed commission. The maximum commission which may be received by an EA for each job placement shall be an amount not exceeding a sum equal to 10% of the first month’s wages received by the job-seeker after he/she has been successfully placed in employment by the EA. The prescribed commission shall only be charged after the job-seeker has received his/her first month’s wages.

The maximum penalty for EAs overcharging job-seekers has been increased to a maximum fine of HK$350,000 and imprisonment for 3 years. Licensee, the management of and a person employed by an EA may also be liable to prosecution for contravening the law.

Licensee, the management of and a person employed by an EA shall keep in mind:

- Do not overcharge job-seekers
- Do not help any other persons, organisations or companies to collect fees for arranging job-seekers to come to Hong Kong
- Do not advise, arrange, encourage or force job-seekers to take out loans from any financial institutions or individuals
- Do not withhold job-seekers’ passports or personal identification documents in order to force them to pay or repay any sum of money
- Do not advise employers to make unlawful wage deductions for paying any fees and charges
- Must comply with other statutory requirements and standards of the Code of Practice for Employment Agencies (CoP)

The Commissioner for Labour (C for L) promulgated the revised CoP on 9 February 2018. C for L may refuse to issue, renew or may revoke the licence of an EA if the licensee, management of or persons employed by the EA fail to comply with the CoP.

For details or enquiries

☎️ 2115 3667
🌐 www.eaa.labour.gov.hk

2/2018