

聘用外籍家庭傭工注意事項 Notes to Employment of Foreign Domestic Helper (“FDH”)

1. 支付傭工工資 Payment of wages:

- a. 最好每月以支票或自動轉賬方式支付。不過，僱主必須得到傭工的同意才可以用上述方式支付工資。否則，僱主須以現金支付工資。 Employer (“ER”) is advised to pay wages by cheque or by autopayment into your FDH’s bank account. To do this, ER has to obtain your FDH’s consent beforehand. If your FDH does not prefer such methods of payment, ER should pay him/her wages in legal tender.
- b. 僱主須保留支付工資的紀錄，例如有關的銀行結算單。僱主亦應準備工資及膳食津貼的收據，並要求傭工簽署確認已收到款項。 ER is required to keep records of wage payments, e.g. relevant bank statements. ER should also provide a receipt for payment of wages and food allowance and ask your FDH to acknowledge receipt of the amount.

2.

休息日 Rest Days	僱主必須每七天期間給予傭工最少一天休息日。 ER should provide your FDH at least one rest day in every period of seven days for the FDH.
法定假日 * Statutory Holidays	所有外籍家庭傭工，不論服務年資的長短都有權享有法定假日。傭工如在法定假日之前已獲僱主連續僱用滿3個月，便可享有該假日的假日薪酬。 All FDHs, irrespective of their length of services are entitled statutory holidays. If the FDH has been employed continuously by the ER for 3 months preceding any of these holidays, he/she is entitled to the holiday pay.
有薪年假 # Annual Leave	傭工為同一僱主每工作滿12個月後，便有權享有有薪年假。年假日數會接受僱年資由7天遞增至上限14天。 A FDH is entitled to paid annual leave after serving every period of 12 months with the same ER. The FDH’s entitlement to paid annual leave will increase progressively from 7 days to a maximum of 14 days according to the length of service.

* 2023年的13天法定假日是: The 13 statutory holidays for 2023 are:	
1	1月1日 The first day of January (1 January)
2	農曆年初二 (1月23日) The second day of Lunar New Year (23 January)
3	農曆年初三 (1月24日) The third day of Lunar New Year (24 January)
4	農曆年初四 (1月25日) The fourth day of Lunar New Year (25 January)
5	清明節 (4月5日) Ching Ming Festival (5 April)
6	勞動節 (5月1日) Labour Day (1 May)
7	佛誕 (5月26日) The Birthday of the Buddha (26 May)
8	端午節 (6月22日) Tuen Ng Festival (22 June)
9	香港特別行政區成立紀念日 (7月1日) HKSAR Establishment Day (1 July)
10	中秋節翌日 (9月30日) The day following the Chinese Mid-Autumn Festival (30 Sept)
11	國慶日 (10月1日) National Day (1 October)
12	重陽節 (10月23日) Chung Yeung Festival (23 October)
13	冬節 (12月22日) 或 聖誕節 (12月25日) (由僱主選擇) Chinese Winter Solstice Festival (22 December) or Christmas Day (25 December) (at the option of the employer)

服務年期 Years of Service	#每年可享有的有薪年假日數 Annual Leave Entitlements
1	7
2	7
3	8
4	9
5	10
6	11
7	12
8	13
9或以上 (9 or above)	14

請注意：

- (i) 根據《僱傭條例》，當農曆年初一、年初二或年初三適逢星期日時，會以農曆年初四替代成為法定假日；而當中秋節翌日適逢星期日時，則以中秋節翌日之後的第一日(即農曆八月十七日) 替代成為法定假日。由於2023年的農曆年初一適逢星期日，因此有關的法定假日會改為農曆年初四。
- (ii) 任何僱員，都享有上述法定假日，如法定假日適逢僱員的休息日，應於休息日翌日補假。該補假須並非法定假日、另定假日、代替假日或休息日的日子。如僱員已按連續性合約受僱滿3個月，便可享有假日薪酬，款項相等於僱員於假日前12個月的每日平均工資。

參考例子：

某僱員的休息日是星期日，由於國慶日 (10月1日) 這日的法定假日適逢星期日，僱主應於翌日補假 (即10月2日)，但這日須並非法定假日、另定假日、代替假日或休息日的日子。

Please note:

- (i) According to the Employment Ordinance, when either Lunar New Year’s Day, the second day of the Lunar New Year or the third day of the Lunar New Year falls on a Sunday, the fourth day of the Lunar New Year is designated as a statutory holiday in substitution; and in the event that the day following the Chinese Mid-Autumn Festival falls on a Sunday, the day thereafter (i.e. the 17th day of the eighth month of the lunar calendar) is designated as a statutory holiday in substitution. As the first day of Lunar New Year of 2023 falls on a Sunday, the fourth day of Lunar New Year will be designated as a statutory holiday.
- (ii) All employees are entitled to the above statutory holidays. If the statutory holiday falls on a rest day, a holiday should be granted on the day following the rest day which is not a statutory holiday or an alternative holiday or a substituted holiday or a rest day. An employee having been employed under a continuous contract for not less than 3 months is entitled to the holiday pay which is equivalent to the daily average wages earned by the employee in the 12-month period preceding the holiday.

Reference example:

An employee is granted rest days on Sundays. As the National Day (1 October) falls on Sunday, the employer should grant a holiday on the next day (i.e. 2 October), but this day should not be a statutory holiday or an alternative holiday or a substituted holiday or a rest day.