

## **Appendix 1 Statutory minimum wage exempting student interns and work experience students during exempt student employment**

- SMW does not apply to student interns as well as work experience students during a period of exempt student employment.

### **A. Student Interns**

A student intern is -

- a student undergoing a period of work arranged or endorsed by a local education institution specified in Schedule 1 to the Minimum Wage Ordinance, and the work is a compulsory or elective component of the requirements of a full-time accredited programme being provided by the institution to the student; or
- a student resident in Hong Kong and undergoing a period of work arranged or endorsed by an institution, and the work is a compulsory or elective component of the requirements of a full-time education programme for a non-local academic qualification at degree or higher level being provided by the institution to the student.

### **B. Work experience students during a period of exempt student employment**

A work experience student is -

- a student who is enrolled in a full-time accredited programme provided by a local education institution specified in Schedule 1 to the Minimum Wage Ordinance; or
- a student who is resident in Hong Kong and enrolled in a full-time education programme for a non-local academic qualification at degree or higher level

and is under the age of 26 years at the beginning of employment. The work experience student may agree with the employer to have a continuous period of up to 59 days<sup>19</sup> as exempt student employment if :

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<sup>19</sup> This does not include any employment period before the commencement date of SMW (i.e. 1 May 2011).

- (a) the student has not commenced another exempt student employment period within the same calendar year<sup>19</sup> (whether under the employment of the same employer or not) ([Example 34](#)); **and**
- (b) the student has made a statutory declaration verifying the fact in (a) above and provided the declaration (or copy) to the employer.

**Example 34 :**

A work experience student is employed from 1 July 2012 and agrees with the employer on a period of exempt student employment up to 28 August 2012 (i.e. not exceeding a continuous period of 59 days).

⇒ This work experience student cannot have another exempt student employment period in 2012, regardless of whether the employment is with the same employer or not.

**Local education institutions specified in Schedule 1 to the Minimum Wage Ordinance**

- The Hong Kong Institute of Education
- University of Hong Kong
- The Hong Kong Polytechnic University
- The Chinese University of Hong Kong
- Hong Kong Baptist University
- City University of Hong Kong
- The Hong Kong Academy for Performing Arts
- The Hong Kong University of Science and Technology
- The Open University of Hong Kong
- Lingnan University
- Approved post secondary colleges registered under the Post Secondary Colleges Ordinance (Cap. 320)
- Bodies established under the Vocational Training Council Ordinance (Cap. 1130)
- Schools registered or provisionally registered under the Education Ordinance (Cap. 279) (**Note:** The programme should be at post secondary level, i.e. associate degree, higher diploma, professional diploma or equivalent or higher level)

*Points to note :*

- The Labour Department will publish guidelines on the details of the exemption for student interns, work experience students and employers under the SMW regime.
- Since internships undertaken by work experience students are not necessarily curriculum-related or arranged/endorsed by their institutions, the Minimum Wage Ordinance sets out the above restrictions on age, duration of exempt student employment and that the student may commence a period of exempt student employment at most once in a calendar year. These restrictions do not apply to student interns whose internships must be arranged/endorsed by their institutions and form a compulsory/elective component of their programmes.
- SMW applies if a work experience student does not agree with the employer to have a period of exempt student employment.