VTC Apprenticeship 學徒訓練

政府資助計劃 Government-funded programme

A GUIDE TO

THE APPRENTICESHIP ORDINANCE AND THE APPRENTICESHIP REGULATIONS

Want to know more?

A GUIDE
TO THE
APPRENTICESHIP ORDINANCE
AND THE
APPRENTICESHIP REGULATIONS

OFFICE OF THE DIRECTOR OF APPRENTICESHIP

A Guide to the Apprenticeship Ordinance

and the

Apprenticeship Regulations

This guide sets out the main provisions of the Apprenticeship Ordinance and Regulations (Chapter 47 of the Laws of Hong Kong) which aim at promoting apprenticeship training and regulating the employment of apprentices in certain trades.

2. The Ordinance and the Regulations are on sale at the Government Publications Sales Unit and may be browsed through the Government website (https://www.elegislation.gov.hk).

3. The Ordinance came into force on 19 July 1976.

4. Every care has been taken in the preparation of this guide. However, the legislation itself is the sole authority of the law, and this guide should be used in conjunction with the legislation.

5. For enquiries:

Tel: 2756 4123
Email: oda@vtc.edu.hk

URL: https://apprenticeship.vtc.edu.hk

September 2025

1. Purpose of the Ordinance

To promote proper apprenticeship training in certain trades and occupations, and to regulate the employment of apprentices in these trades. By ensuring that young people are properly trained, the Ordinance ensures that industry will have the supply of well-trained skilled manpower needed for its development.

Section 3

2. Application

2.1 The Ordinance applies to all young persons employed in designated trades and their employers.

2.2 The Ordinance does not apply to young persons employed in service at sea in a ship.

Section 2

2.3 A 'young person' is defined in the Ordinance as one of or over the age of 14 and under 19 years.

Section 45

3. What is a designated trade?

A trade or occupation specified by the Chief Executive to be covered by the Ordinance. Designated trades are published from time to time in the *Government Gazette* and a list may be obtained from the Office of the Director of Apprenticeship.

Section 6

4. Employment of young persons in designated trades

Except with prior permission from the Director of Apprenticeship to do otherwise, an employer may employ a young person in a designated trade *only* if the young person is employed as an apprentice under a valid contract of apprenticeship, or if the young person holds a certificate of completion in that trade (paragraph 13 below).

5. When is a contract of apprenticeship in a designated trade valid?

Sections 15 and 16

A contract of apprenticeship in a designated trade is valid only if:

(i) it has been registered with the Director of Apprenticeship, or

Section 18(2)

(ii) it has been exempted from registration by the Director of Apprenticeship, or

Section 17

(iii) it has been voluntarily registered with the Director of Apprenticeship prior to the trade becoming a designated trade.

6. Contracts of apprenticeship in designated trades

6.1 A contract of apprenticeship sets out the rights and obligations of both the employer and the apprentice during the period of apprenticeship. Registering the contract assists to ensure that these rights are protected and the obligations fulfilled.

Section 8

Section 9

6.2 All contracts of apprenticeship in designated trades must be in writing and in the specified form (Appendix 1) or substantially similar to it. They must be signed by the employer, the apprentice and if the latter is a minor, by his guardian.

Section 10

6.3 An apprentice and his employer are bound by their contract until the expiry of the contract or the contract is terminated under Section 30 of the Ordinance (paragraph 14) or, in the case of the employer, the contract is assigned to another employer (paragraph 11).

Section 46(3)

6.4 Copies of the specified form of contract are obtainable free of charge from the Office of the Director of Apprenticeship. (See Appendix 1).

7. Mandatory registration of contracts of apprenticeship

7.1 An employer who has employed a young person in a trade on a date when the trade becomes designated must:

Sections 7(2) and 16(1)

(i) if that young person is an apprentice under a contract of apprenticeship, send the contract to the Director of Apprenticeship for registration within *60 days* of the trade becoming designated

Section 18(2)

or apply to the Director of Apprenticeship for an exemption from having to register the contract on the ground that the apprentice has already undergone the major part of his apprenticeship. Registration of such a contract will not be required if it has been

Section 17

previously voluntarily registered under the Ordinance.

Section 7(3)

(ii) if that young person *is not* under a contract of apprenticeship, enter into a contract with the young person, in the specified

Section 15

form or substantially similar to it (see paragraph 6), within *60 days* of the trade becoming designated and send the contract to the Director of Apprenticeship for registration within *14 days*

Section 6(2)

after its execution or apply to the Director of Apprenticeship for an exemption from this requirement.

Section 15

7.2 An employer who takes on a young person to work in a designated trade must enter into a contract of apprenticeship with the young person, in the specified form or substantially similar to it (paragraph 6), and send the contract to the Director of Apprenticeship for registration within *14 days* after its execution.

Sections 15 and 16(2)

7.3 Prior to registering a contract sent under this paragraph the Director of Apprenticeship may require certain variations to be made to the contract and such variations will become part of the contract.

Section 17

8. Voluntary registration of contracts of apprenticeship

An employer employing an apprentice under a contract of apprenticeship and such contract is not required to be registered under section 15 or 16 of the Apprenticeship Ordinance (paragraph 7) may, if the contract is in the specified form or similar to it, send the contract to the Director of Apprenticeship for registration. Before registering the contract the Director of Apprenticeship may require certain variations to be made and such variations will become part of the contract.

Regulation 7

9. Medical examination

Every contract of apprenticeship submitted for registration must be accompanied by a medical certificate certifying the fitness of the apprentice for employment in that trade.

An employer must arrange a medical examination for an apprentice certifying the fitness of the apprentice for employment in that trade prior to the submission of a contract of apprenticeship for registration. The cost of the medical examination shall be borne by the employer.

10. Variation of registered contract

Sections 20 and 21

Every variation of a registered contract must be contained in a document, signed by all the parties to the contract, and sent to the Director of Apprenticeship for registration within 14 days after it is *executed*.

11. Assignment of a registered contract of apprenticeship

11.1 A registered contract of apprenticeship may:

Section 24

(i) with the approval of the Director of Apprenticeship and the consent of the apprentice, and where applicable, his guardian, be assigned by the employer to another employer, and

Section 25

(ii) with the consent of the apprentice and, where applicable, his guardian, be assigned by the Director of Apprenticeship to another employer.

11.2 In either case the assignment will not be effective until after the Director of Apprenticeship registered the assignment and the date on which the assignment is to come into effect.

Section 29

12. Suspension of a registered apprentice

12.1 An employer may suspend a registered apprentice from employment for a period not more than 14 days for any reason for which the employer can terminate the contract of apprenticeship in accordance with the contract (e.g. misconduct, persistent disobedience).

12.2 The employer must, within 3 days of the start of the suspension, report the matter in writing to the Director of Apprenticeship and the reason for the suspension. The apprentice may at any time report the matter to the Director of Apprenticeship after he is notified by his employer of the suspension.

Section 28

13. Completion of apprenticeship

Within 14 days of the expiry of the period of apprenticeship of either a registered apprentice or an apprentice whose contract is exempted from registration (see paragraph 7.1 (i) above), his employer is required to complete a *certificate of completion* in the specified form and send it to the Director of Apprenticeship.

14. Termination of a registered contract of apprenticeship

Section 30

14.1 A registered contract may only be terminated during the apprenticeship:

(i) by agreement of all the parties,
(ii) by any party in accordance with the provisions of the contract,
(iii) by the apprentice in the event of his/her marriage,
(iv) by the Director of Apprenticeship for a good reason.

14.2 Not less than 14 days' notice must be given to the Director of Apprenticeship by the party intending to terminate a contract in the case of (i), (ii) or (iii). In the case of (iv), the Director of Apprenticeship is also required to give the same notice to all parties unless the Director of Apprenticeship is satisfied that a shorter period of notice would be beneficial to the apprentice. A termination is not effective until all the parties have been notified by the Director of Apprenticeship of his decision to register the termination.

Section 31

14.3 Where a contract is terminated for reason of misconduct, a breach or repudiation of the contract by an apprentice, he will not be permitted for two years following the termination to enter into a contract of apprenticeship in his trade or in any designated trade or to attend the course of instruction at a technical institution specified in the attendance order issued by the Director of Apprenticeship.

(*Note:* The only breach of a contract other than misconduct for which a contract may be terminated is persistent absences either from work or the course of instruction specified by the Director of Apprenticeship (see Appendix 1)).

Section 32

15. Cessation of employment of a registered apprentice

Whenever a registered apprentice ceases his employment other than having completed his apprenticeship or having the contract terminated under section 30 of the Ordinance (paragraph 14), the employer is required, within 14 days, to notify the Director of Apprenticeship in the specified form.

16. Training of registered apprentices

Section 13

16.1 *On-the-job training and experience*

Whenever the training provided by an employer to a registered apprentice is inadequate, the employer may be required to improve that training within a specified time.

Section 14

16.2 *Related complementary technical education*

The Director of Apprenticeship may make an attendance order requiring an employer to release without deduction of pay a registered apprentice to attend, and the apprentice to attend, a course of instruction irrespective whether the course is held in the day or evening. Fees in respect of the specified course are to be paid by the employer although he may require the apprentice to pay the fees for any year which the apprentice has to repeat.

17. Period of apprenticeship in designated trades

Section 46 and Regulation 3

17.1 The period of apprenticeship for any designated trade will be specified by the Director of Apprenticeship in the Gazette at the same time the trade is specified a designated trade. It will not be less than 3 years.

Section 22

17.2 The Director of Apprenticeship may extend the period up to one year as a result of absence by the apprentice from work or the specified course of instruction due to illness or any other reasonable cause or of his failure to pass a necessary examination.

Section 23

17.3 The Director of Apprenticeship may also shorten the period up to one year if the apprentice has obtained certain specified qualification before entering into a contract of apprenticeship.

Regulations 5 and 6

17.4 The mandatory period of probation of 3-6 months (Appendix 1) will form an integral part of the period of apprenticeship.

18. Rest day, hours of work, periods of employment and overtime

Regulations 8 and 9
Section 49(3)

The maximum working days, hours of work, periods of employment and overtime permitted for a registered apprentice are set out in Appendix 2.

19. Reports, returns and records

Section 38 and Regulation 16

19.1 Any employer employing an apprentice in designated trade may be required by the Director of Apprenticeship to keep records and make returns and reports.

19.2 In particular, an employer employing a registered apprentice is required:

(i) to keep a record in the specified form (Form 2) of the particulars specified in Regulation 16(1),

(ii) to make 6-monthly reports to the Director of Apprenticeship in the specified forms (Form 3) on the work performed, progress made, overtime worked and absences from work or specified course of instruction by the apprentice.

20. Specified forms

Section 46(3)

An employer may obtain free of charge from the Office of the Director of Apprenticeship any forms specified by the Director of Apprenticeship.

21. Enticement or wrongful employment of apprentices

Section 12

It is an offence for any person:

(i) to induce a registered apprentice to terminate his contract of apprenticeship.

(ii) to employ a registered apprentice knowing that he is bound by a contract to another employer.

Section 4

22. Functions of the Director of Apprenticeship

In relation to registered apprentices the Director of Apprenticeship will be responsible for:

(i) advising and assisting employers in the training and employment of such apprentices,

(ii) ensuring that the training of such apprentices is properly carried out,

(iii) investigating complaints from employers and such apprentices, alleged breaches of contracts of apprenticeship or of the Ordinance.

Section 39

(iv) conciliating in disputes between employers and such apprentices,

(v) co-operating with technical institutions in ensuring that necessary instruction is given to such apprentices.

Section 33

To carry out some of the above functions the Director of Apprenticeship may appoint inspectors who will guide apprentices through all stages of their apprenticeship.

Section 35

23. Power of entry and inspection

The Ordinance empowers the Director of Apprenticeship and inspectors:

(i) to enter and inspect any premises in which an apprentice or young person is believed to be employed,

(ii) to examine any person in such premises,

(iii) to require the production of any document relating to the employment of an apprentice or young person and take copies of such documents,

(iv) to examine as necessary to ascertain if the requirements of the Ordinance are complied with and to seize anything which may appear to be evidence of an offence under the Ordinance.

24. Refusals by the Director of Apprenticeship

The Director of Apprenticeship may refuse, on grounds which he will state in writing:

(i) to register a contract of apprenticeship (paragraph 7,8),

(ii) to register a variation document (paragraph 10),

(iii) to approve a proposed assignment (paragraph 11),

(iv) to confirm a suspension (paragraph 12),

(v) to agree to a proposed termination (paragraph 14).

Section 40A

Any person aggrieved by a decision of the Director of Apprenticeship or any officer appointed under section 33 in carrying out any of his functions or duties under the Ordinance may appeal to the Administrative Appeals Board. Such an appeal must be in writing and lodged with the Administrative Appeals Board within 28 days of being informed of the decision.

25. Offences

25.1 It is an offence for an employer:

(i) unless exempted, not to enter into a contract of apprenticeship with a young person in his employ in a designated trade or to register a contract of apprenticeship in a designated trade (paragraph 7),

(ii) not to register a variation to a registered contract (paragraph 10),

(iii) of a registered apprentice not to notify the Director of Apprenticeship:

Section 26 (a) of the death of the apprentice's original employer whose trade or occupation he is continuing as the deceased employer's personal representative,

Section 27 (b) of changes in the partners,

(iv) not to report to the Director of Apprenticeship that a registered apprentice has been suspended (paragraph 12),

(v) not to prepare and send to the Director of Apprenticeship the certificate of completion (paragraph 13),

(vi) not to notify the Director of Apprenticeship of the cessation of employment of a registered apprentice (paragraph 15),

(vii) not to improve the training given to a registered apprentice as required by the Director of Apprenticeship (paragraph 16), within the prescribed time limits.

25.2 It is also an offence:

(i) for an employer not to permit a registered apprentice to attend a course of instruction specified by the Director of Apprenticeship (paragraph 16), or to keep records or make the returns required by the Director of Apprenticeship (paragraph 19),

Section 11 (ii) for any person to demand any premium, fee, gift, reward, bonus or commission for entering into a contract of apprenticeship in a designated trade, for agreeing to a variation, assignment or termination of a registered contract or for registering a contract under Section 17 of the Ordinance,

Section 41 (iii) for any person to obstruct the Director of Apprenticeship, an inspector or any person authorized by the Director of Apprenticeship from exercising any function or duty under the Ordinance.

Appendix 1

Photograph of Apprentice

Contract of Apprenticeship

APPRENTICESHIP ORDINANCE (Chapter 47)

This Contract is made on ..... between

a. Employer : .....
(in Chinese) .....

b. Apprentice : .....(in Chinese)..... of the second part, and

c. Guardian : ..... of the third part, who is joined as a party to this Contract as the guardian of the apprentice

TERMS OF CONTRACT

Trade and Period of Training

1. The apprentice of his/her own free will and with the consent of his/her guardian agrees to serve the employer as his apprentice and to receive training both theoretical and practical in the trade of ..... for a period of .....years ..... months, from ..... .

* The period of training has been reduced under section 23 of the Apprenticeship Ordinance (Cap. 47).

* The period of training has been reduced because the apprentice has previously received ..... years ..... months related training in ..... .

Pay and Bonus

2. (1) The employer agrees to pay the apprentice as follows:-

(i) From the date of * commencement of apprenticeship / execution of this Contract:
HK$ ..... per * month / day

The wages will be increased according to the progress of the apprentice and the increase will not be less than .....% per year.

(ii) In addition to the above wages, the employer agrees to pay the apprentice the following allowances:-
.....

(iii) If the period of training is extended by the Director of Apprenticeship under section 22 of the Apprenticeship Ordinance (Cap. 47), the wages during the extended period will not be less than that immediately preceding the extension.

(iv) The rate for overtime is ..... times the normal rate.

(2) Payment shall be made regularly in accordance with the normal practice of the employer which is specified as follows:-
.....

The pay day may be advanced or postponed but in any case not later than seven days after the expiry of a wage period as provided in the Employment Ordinance (Cap. 57).

Payment shall be made * by cash / by cheque / through the apprentice's bank account.

(3) (Bonus if any, to be included here).
.....

Hours of Work, Overtime Employment and Rest Day

3. (1) The daily hours of work and overtime employment shall conform to the hours prescribed in the Apprenticeship Regulations. They are as follows:-

(a) Normal period of employment
from ..... to ..... , and from ..... to .....

(b) Overtime work, if necessary, will be
from ..... to ..... , and there will also be an interval for rest from ..... to .....

(2) The apprentice is NOT allowed to be employed on overtime before ..... .

(3) The apprentice shall be given at least one rest day per week and the rest day is fixed for ..... .

Note : Before the apprentice attains the age of 18 years, the period of employment, including overtime, must NOT end later than 7.00 p.m.

Probationary Period

4. (1) There shall be a probationary period of ..... months during which period either the employer or the apprentice shall have the right to terminate this Contract by giving 7 days' notice orally or in writing. If any party terminates this Contract during the probationary period without notice, the party terminating the Contract shall pay to the other party a sum equal to the amount of wages which would have accrued to the apprentice during the period of notice.

(2) After the probationary period has expired this Contract cannot be terminated by either party except on the grounds set out in clause 11.

(3) The probationary period served by the apprentice shall be counted as part of the period of apprenticeship under this Contract.

Practical Training

5. The employer shall employ the apprentice and shall, to the best of his ability, skill and knowledge, teach the apprentice or cause him/her to be taught in such skills and operations as may be specified by the Director of Apprenticeship in relation to the trade in which he/she is apprenticed.

Theoretical Training

6. The apprentice agrees to attend a course of instruction at a technical institution in accordance with an attendance order made by the Director of Apprenticeship and understands that failure to attend the course may result in his/her apprenticeship being extended under section 22 of the Apprenticeship Ordinance (Cap. 47) or terminated for breach of this Contract in accordance with clause 11(3).

7. (1) The employer agrees to permit the apprentice to attend a course of instruction at a technical institution in accordance with an attendance order made by the Director of Apprenticeship and to pay fees for such course.

(2) The apprentice shall be allowed to leave work sufficiently early for him/her to get to the technical institution to attend any evening classes punctually taking into account such factors as the distance involved, traffic conditions and difficulties of getting public transport.

Holidays and Annual Leave with Pay

8. (1) The apprentice shall be granted the statutory holidays with pay required to be granted under Part VIII of the Employment Ordinance (Cap. 57) and any other holidays normally granted by the employer to his employees regardless of the period of time he/she has served in his/her apprenticeship.

(2) The apprentice shall be granted annual leave with pay in accordance with Part VIIIA of the Employment Ordinance (Cap. 57).

(3) Part IX (regarding ancillary provisions relating to sickness allowance and holidays and annual leave with pay) of the Employment Ordinance (Cap. 57) shall apply to this contract.

Deductions from Wages

9. The employer may deduct pay for non-attendance without excuse by the apprentice at a course of instruction at a technical institution specified in an attendance order made by the Director of Apprenticeship, if the course is held during the normal period of employment.

Sickness Allowance

10. *(a) The apprentice shall be granted sickness allowance, on production of a medical certificate issued by a registered medical practitioner, not inferior to that provided in Part VII of the Employment Ordinance (Cap. 57).

*(b) As set out in the employer's Conditions of Service, which shall not be inferior to (a).

Termination of Contract

11. (1) *Under the Apprenticeship Ordinance (Cap. 47)*

This Contract may be terminated under section 30 of the Apprenticeship Ordinance (Cap. 47)

(a) by the parties, if all the parties agree to the termination;

(b) by the employer, on any of the grounds specified in paragraph (2), (3) or (4) of this clause;

(c) by the apprentice, in the event of his/her marriage;

(d) by the Director of Apprenticeship:-

(i) if he is satisfied that the employer is unable to, or does not, give the apprentice adequate training in accordance with this Contract; or

(ii) if he is satisfied that it is for the benefit of the apprentice to terminate this Contract.

(2) *Persistent Disobedience or Wilful Misbehaviour*

If the apprentice persistently refuses to carry out any lawful and reasonable orders of a responsible official of the employer or cause deliberate damage to machinery or other property of the employer, the employer may terminate this Contract after obtaining the consent in writing of the Director of Apprenticeship.

(3) *Absence*

If the apprentice is absent from work or from a course of instruction at a technical institution specified in an attendance order made by the Director of Apprenticeship for a continuous period longer than 7 days or for frequent short periods without a good reason or without the previous approval of the employer, the employer may terminate this Contract after obtaining the consent in writing of the Director of Apprenticeship.

(4) *Long lay-off due to Medical Unfitness*

If the apprentice has ceased to receive training for more than one year owing to medical unfitness, the employer may terminate this Contract after obtaining the consent in writing of the Director of Apprenticeship.

(5) Failure in technical course examinations shall not, by itself, constitute a ground for termination of this Contract.

Suspension of Apprentice

12. The employer may suspend the apprentice from employment with or without pay for a period not exceeding 14 days in accordance with section 29 of the Apprenticeship Ordinance (Cap. 47).

Disqualification of Apprentice

13. Where this Contract is terminated:-

(a) on the ground of wilful misbehaviour or persistent disobedience by the apprentice; or

(b) on the ground of a breach or repudiation of this Contract by the apprentice after the expiry of the probationary period;

he/she will be disqualified, during the period of 2 years after the termination, from entering into a fresh contract of apprenticeship in the trade specified in clause 1 or in a designated trade with any employer or from attending the course of instruction at a technical institution which he/she is required to attend under clause 6.

Extension of Apprenticeship Period

14. The period of apprenticeship may be extended by the Director of Apprenticeship beyond that stated in clause 1 to cover any period not served by the apprentice for reason of illness or any other cause or on any other ground specified in section 22 of the Apprenticeship Ordinance (Cap. 47), including non-attendance of the course of instruction the apprentice is required to attend under clause 6.

Certificate of Completion of Apprenticeship

15. On satisfactory completion of the period of apprenticeship, the apprentice shall receive a Certificate of Completion of the apprenticeship issued by the employer and countersigned by the Director of Apprenticeship.

16. The apprentice hereby agrees that he/she will diligently and faithfully serve his/her employer and will work and learn his/her trade. The apprentice also undertakes that he/she will keep the secrets of his/her employer and will not divulge any matters relating to the business or interests of the employer to any unauthorized person.

17. Nothing contained in this Contract shall preclude the apprentice from enjoying any benefit or protection under the Apprenticeship Ordinance (Cap. 47) or other laws of Hong Kong or collective agreements coming into force or any improvement in his/her conditions of service in the light of rates of pay, allowance or other benefits generally granted by the employer to his employees after the effective day of this Contract.

It is agreed that this Contract of Apprenticeship shall be in accordance with the provisions of the Apprenticeship Ordinance (Cap. 47) and the terms and conditions as set out above. All disputes between the employer and apprentice shall be referred to the Director of Apprenticeship.

Signed by the parties to this Contract:-

Employer : Office Address and Telephone Number :

……

……

Name of Signatory :

…… ……

(Signature of employer or other person signing

Position : *for or on behalf of employer and company chop)*

……

Apprentice : Address and Telephone Number :

……

……

HKIC Number : ……

Date of Birth : …… ……

(Signature of apprentice)

*Guardian : Address and Telephone Number :

……

……

Relation with Apprentice : …… ……

HKIC Number : …… *(Signature of guardian)*

Date : ……

---

*Delete where inappropriate

For official use

This Contract is registered this …… day of ……, …… in accordance with section 15/17 of the Apprenticeship Ordinance (Cap. 47 of the Laws of Hong Kong)

……

( )

for Director of Apprenticeship

Registration Number : ……

Form 1
(VTC 490)

Appendix 2

Working days, hours of work, periods of employment and overtime for registered apprentices

<table>
<tr><td>Apprentices</td><td>Age 14 and 15 (male and female)</td><td>Age 16 and 17 (male and female)</td><td>Age 18 and over</td></tr>
<tr><td>Maximum working days a week</td><td colspan="3">six days (a full day spent by an apprentice to attend a specified course of instruction at a technical institution shall be counted as one full day).</td></tr>
<tr><td>Maximum working hours a day</td><td>8 hours</td><td>8 hours</td><td>8 hours</td></tr>
<tr><td>Maximum period of employment excluding overtime</td><td>9 hours</td><td>9 hours</td><td>9 hours</td></tr>
<tr><td>Maximum hours of overtime a day</td><td rowspan="3">Overtime not allowed</td><td>2 hours</td><td>2 hours</td></tr>
<tr><td>Maximum working hours a day including overtime</td><td>10 hours</td><td>10 hours</td></tr>
<tr><td>Maximum period of employment including overtime</td><td>12 hours</td><td>12 hours</td></tr>
<tr><td>Maximum continuous period of work</td><td>5 hours followed by an interval of not less than 1 hour for meal or rest</td><td colspan="2">5 hours followed by an interval of not less than half an hour for meal or rest</td></tr>
<tr><td>Maximum working hours a week excluding overtime</td><td colspan="3">48 hours (a full day spent by an apprentice to attend a specified course of instruction at a technical institution shall be counted as 8 hours work).</td></tr>
<tr><td>Hours of employment
(a) Without overtime
(b) With overtime</td><td>(a) between 7 a.m. and 7 p.m.
(b) overtime not allowed</td><td>(a) between 7 a.m. and 7 p.m.
(b) between 7 a.m. and 7 p.m.</td><td>(a) between 7 a.m. and 7 p.m.
(b) between 7 a.m. and 9 p.m.</td></tr>
<tr><td>Maximum overtime a year</td><td>overtime not allowed</td><td>150 hours</td><td>250 hours</td></tr>
</table>

Note:

1. **The Commissioner for Labour may permit in writing an employer to employ an apprentice of the age of 16 or above to work 10 hours a day between 7 a.m. and 7 p.m. and the hours worked in excess of 8 will not be reckoned as overtime provided the total hours worked in a week does not exceed 48 (Regulations 8(1A) and 8(1B)).**

2. **The Commissioner for Labour may permit in writing an employer to employ an apprentice of the age of 18 or above to begin work earlier than 7 a.m. or end later than 7 p.m. on any day without overtime, or later than 9 p.m. with overtime (Regulations 8(2) and 9(2)).**

3. **In the case of an apprentice under the age of 18 years who attains the age of 18 years during a year, the total hours of overtime permitted shall not exceed 200 hours in that year or 2 hours in any day. (Regulation 9(1)).**

附錄二

註冊學徒的工作日數、工作時數、僱傭期間及逾時工作

學徒	十四歲及十五歲（男與女）	十六歲及十七歲（男與女）	十八歲及十八歲以上
每週工作日數最高額	六日（一名學徒在工業院校修讀指定課程之整日應當作一整日計算）		
每日工作時數最高額	八小時	八小時	八小時
不包括逾時工作的僱傭期間最高額	九小時	九小時	九小時
每日逾時工作時數最高額	不准逾時工作	二小時	二小時
包括逾時工作在內的每日工作時數最高額		十小時	十小時
包括逾時工作在內的僱傭期間最高額		十二小時	十二小時
連續工作期間最高額	工作五小時後須有不少過一小時之相隔期間以供用膳或休息	工作五小時後須有不少過半小時之相隔期間以供用膳或休息	
不包括逾時工作的每週工作時數最高額	四十八小時（一名學徒在工業院校修讀指定課程之整日應當作八小時工作計算）		
僱傭時間　（甲）不包括逾時工作 （乙）包括逾時工作	（甲）由上午七時至下午七時 （乙）不准逾時工作	（甲）由上午七時至下午七時 （乙）由上午七時至下午七時	（甲）由上午七時至下午七時 （乙）由上午七時至下午九時
每年逾時工作最高額	不准逾時工作	一百五十小時	二百五十小時

備註：（1）勞工處處長可用書面准許僱主僱用十六歲以上的學徒，於上午七時至下午七時內每日工作十小時，及不將超過八小時之工作時數作為逾時工作計。條件是每周之工作總時數不可超過四十八小時（規例第八條（一甲）及（一乙）款）。

（2）勞工處處長可用書面准許僱主於任何一日僱用十八歲或以上的學徒，於上午七時前開始工作或於下午七時後（不包括逾時工作）或於晚上九時後（包括逾時工作）結束工作（規例第八條第（2）款及規例第九條第（2）款）。

（3）對將在一年內年齡達十八歲的學徒而言，這年內的許可逾時工作總時數不得超過二百小時，或任何一日內之許可逾時工作總時數不得超過兩小時。（規例第九條第（1）款）。

立約人同意本學徒訓練合約須按照學徒制度條例（香港法例第 47 章）的規定及上列條件執行。僱主與學徒間的一切糾紛，須交給學徒事務專員調解。

本合約的所有立約人簽署

僱主：辦事處地址及電話

……

……

簽署人姓名：

……

職位：

……　　……
（僱主或代表簽署及蓋印）

學徒：地址及電話

……

……

出生日期：……

香港身份證號碼：……　　……
（學徒簽署）

* 監護人：地址及電話

……

……

與學徒關係：……

香港身份證號碼：……　　……
（監護人簽署）

日期：……

---

* 將不適用者刪去

祇供學徒事務署填寫

本合約乃於 …… 年 …… 月 …… 日根據學徒制度條例（香港法例第 47 章）第 15 / 17 條的規定註冊。

……
學徒事務專員（　　代行）

註冊號碼：……

表格 1
(VTC 490A)

(2) 經常不服從命令或故意行為不當

如學徒經常拒絕服從僱主所指派的負責人員的合法而又合理的命令，又或故意損毀僱主的機器或財物，則僱主在獲得學徒事務專員的書面同意後，可將本合約終止。

(3) 缺勤

如學徒無充分理由或未得僱主預先批准連續缺勤超過七天，或頻頻短時間缺勤，或不到學徒事務專員所頒發上課令內指定的工業院校上課，則僱主在獲得學徒事務專員的書面同意後，可將本合約終止。

(4) 因健康不佳而長期停止工作

如學徒因健康不佳而停止接受訓練超過一年，則僱主在獲得學徒事務專員的書面同意後，可將本合約終止。

(5) 僱主不得僅因學徒在所修讀的工業課程考試不及格而終止本合約。

暫停僱用

十二. 僱主可按照學徒制度條例（香港法例第 47 章）第 29 條的規定，將學徒暫停僱用不超過十四日，期內可付給或不付給薪金。

取消學徒資格

十三. 如本合約因下開情形解除 —

（甲）由於學徒故意行為不當或經常不服從命令；或

（乙）由於學徒在試用期滿後觸犯或不履行本合約的規定，

則學徒在合約終止後兩年內，無資格再訂立本合約條件第一條所註明行業的新學徒訓練合約，或與任何僱主訂立指定行業的學徒訓練合約，或在工業院校修讀本合約條件第六條規定修讀的課程。

延長學徒訓練期

十四. 學徒訓練期可由學徒事務專員延長至超過本合約條件第一條所述的期限，以補回該學徒因疾病或其他原因而暫停職務的時間。學徒事務專員亦可基於學徒制度條例（香港法例第 47 章）第 22 條所規定的任何其他理由，包括學徒不修讀本合約條件第六條所規定的課程，將訓練期延長。

學徒畢業證書

十五. 學徒完成訓練期而成績令人滿意，可獲發給由僱主簽署及學徒事務專員加簽的學徒畢業證書。

十六. 學徒答應努力為僱主忠誠服務，擔任工作及學習該行業的技藝。學徒並承諾嚴守僱主的秘密，不對任何未獲授權人士透露有關僱主業務或利益的任何事情。

十七. 本合約條文，並不妨礙學徒享受學徒制度條例（香港法例第 47 章），或香港其他法例，或日後生效的集體協定所提供的利益或保障，亦不妨礙其於合約生效以後，享受僱主普遍給予其僱員改善服務條件的福利，如薪津或其他利益。

(2) 試用期滿後，除根據本合約第 11 條所開列的理由外，雙方均不得將合約終止。

(3) 學徒所完成的試用期，須作為本合約所規定的學徒訓練期的一部分計算。

實習訓練

五．僱主僱用學徒，須就本身的能力、技能和知識竭力教導學徒，使其學習到學徒事務專員所指定的技術及操作。

理論訓練

六．學徒同意遵守學徒事務專員所頒發的上課令，修讀工業院校的課程。學徒明白到倘若其不修讀該項課程，則根據學徒制度條例（香港法例第 47 章）第 22 條的規定，其學徒訓練期可予以延長。僱主可以根據本合約第十一 (3) 條的規定，以違反本合約為理由而將合約終止。

七．(1) 僱主同意遵照學徒事務專員所頒發的上課令，准許學徒修讀工業院校的課程，並負責該課程的學費。

(2) 僱主須考慮路程遠近，交通情況及乘搭公共交通工具的困難等因素，准許學徒及早離開工作崗位，使其有充足時間，準時到達工業院校修讀夜間課程。

有薪假日及年假

八．(1) 學徒不論服務期間長短，均應獲得僱傭條例（香港法例第 57 章）第 VIII 部所規定的法定有薪假日及僱主通常給予其僱員的任何其他假期。

(2) 學徒應獲得僱傭條例（香港法例第 57 章）第 VIIIA 部所規定的有薪年假。

(3) 僱傭條例（香港法例第 57 章）第 IX 部（關於疾病津貼、有薪假日及有薪年假的附帶條文）對本合約適用。

扣減工資

九．學徒事務專員所頒發上課令內指定的工業院校課程，如果是在平常工作時間上課，則學徒無故缺課，僱主可扣減其工資。

疾病津貼

十．*（甲） 學徒如出示註冊醫生所簽發的醫生證明書，應獲得不低於僱傭條例（香港法例第 57 章）第 VII 部所規定的疾病津貼。

*（乙） 學徒應獲得僱主所訂服務條件內所開列而不低於（甲）項的津貼。

解除合約

十一．(1) 根據學徒制度條例（香港法例第 47 章）的規定：

下開人士可根據學徒制度條例（香港法例第 47 章）第 30 條的規定，將本合約終止 —

（甲） 如所有立約人均同意則可由立約人將合約終止；

（乙） 由僱主根據本條第 (2)、第 (3) 或第 (4) 款所規定的任何理由終止；

（丙） 由學徒在其本人結婚時終止；

（丁） 由學徒事務專員將合約終止 —

(i) 倘他信納僱主不能夠或沒有按本合約給予學徒足夠訓練；或

(ii) 倘他信納終止合約是對該學徒有益。

學徒訓練合約

學徒制度條例〔香港法例第 47 章〕

立約人： 立約日期：..... 年 ..... 月 ..... 日

第一方（僱主）：.....

（英文 .....）

第二方（學徒）：.....（英文 .....）

第三方（以學徒監護人身份加入為本合約的一方）：.....

學徒相片

合約條件

行業及訓練期

一．學徒自願並徵得監護人同意，成為僱主的學徒及接受 ..... 行業的理論與實習訓練，受訓期由 ..... 年 ..... 月 ..... 日起，為期 ..... 年 ..... 個月。

*受訓期已經根據學徒制度條例（香港法例第 47 章）第 23 條的規定予以縮減。

*因學徒曾在 ..... 接受 ..... 年 ..... 個月與本行業有關的訓練，故受訓期予以縮減。

薪酬及花紅

二．(1) 僱主同意給予學徒薪酬如下：

(i) 由 * 開始受訓 / 本合約簽訂日期起：每 * 月 / 日港幣 ..... 元。
薪酬將按學徒的學習進展而遞增，每年遞增額不會少於百分之 .....。

(ii) 除上述薪酬外，僱主同意給予學徒津貼如下：
.....

(iii) 倘學徒事務專員根據學徒制度條例（香港法例第 47 章）第 22 條將受訓期延長，學徒在該延長時間的薪酬不得少於緊接在此之前的薪酬。

(iv) 超時工作薪酬為平日薪酬的 ..... 倍。

(2) 薪酬須按照僱主的慣例定期支付。現將該慣例載明如下：
.....
發薪日期可提前或押後，但無論如何不得遲於僱傭條例（香港法例第 57 章）所定薪期屆滿後七日。
薪酬須用 * 現金 / 支票 / 存款入學徒銀行戶口方式支付。

(3)（如有花紅付給，則在此註明。）
.....

工作時間、超時工作及休息日

三．(1) 每日工作時間及超時工作，須符合學徒制度規例的規定。現載明如下：

(a) 平常工作時間：
由 ..... 時 ..... 分至 ..... 時 ..... 分，及由 ..... 時 ..... 分至 ..... 時 ..... 分。

(b) 如須超時工作，則時間為：
由 ..... 時 ..... 分至 ..... 時 ..... 分，而其中由 ..... 時 ..... 分至 ..... 時 ..... 分則為休息時間。

(2) 學徒在 ..... 前不得擔任超時工作。

(3) 僱主須准許學徒每週休息最少一天，休息日定為 .....。

註：倘學徒年齡未足十八歲，其下班時間，包括超時工作在內，不得遲於下午七時正。

試用期

四．(1) 學徒的試用期為 ..... 個月，期內僱主或學徒均可以口頭或書面預先七日通知對方，將本合約終止。在試用期內，如任何一方不提出通知而終止本合約，則終止合約的一方須向對方付給一筆相等於學徒在該通知期內應得工資額的款項。

（4）確認停職（第一二段），
（5）同意解約（第一四段）。

第四〇A條　任何人士對學徒事務專員、督察在執行職責時所作的決定感到不滿，可向行政上訴委員會提出上訴。上訴應用書面，並必須在知悉決定後二十八日內向行政上訴委員會提出。

（二五）違例事項

二五●一　對僱主而言，下列事項乃屬違例：

（1）未獲豁免而在規定時間限期內不與所僱用在指定行業內工作的年青人簽訂學徒訓練合約，或不將指定行業的學徒訓練合約註冊（第七段），
（2）在規定時間限期內不將學徒訓練合約內的更改事項註冊（第十段），
（3）在規定時間限期內不通知學徒事務專員下列事項：

第二六條　（甲）原僱主的死訊；如現僱主已繼承業務及繼續僱傭註冊學徒，

第二七條　（乙）合夥人之變更。

（4）在規定時間限期內不向學徒事務專員報告註冊學徒的停職（第一二段），
（5）在規定時間限期內不填妥學徒畢業證書及將證書送交學徒事務專員（第一三段），
（6）在規定時間限期內不將註冊學徒的終止僱傭通知學徒事務專員（第一五段），
（7）在規定時間限期內不依照學徒事務專員的要求而改善註冊學徒的訓練（第一六段）。

二五●二　下列事項亦均屬違例：

（1）僱主不准許註冊學徒修讀由學徒事務專員指定的課程（第一六段）；不保存或不提交學徒事務專員規定的紀錄和報告（第一九段），

第一一條　（2）任何人士為簽訂、更改、轉讓或解除一份強制註冊或自願註冊的學徒訓練合約而索取保證金、費用、禮物、報酬、獎金或佣金，

第四一條　（3）任何人士妨礙學徒事務專員、督察或獲授權人士執行學徒制度條例的職務。

第一二條

（二一）慫恿學徒離職或違例僱傭

下述行為乃屬違例：

（1）誘使註冊學徒解除其學徒訓練合約，

（2）明知註冊學徒正受學徒訓練合約約束，而故意違例給予僱傭。

第四條

（二二）學徒事務專員的職責

對於註冊學徒，學徒事務專員負責

（1）向僱主提供學徒訓練及僱傭的意見，並予以協助，

（2）確保學徒的訓練以適當方式進行，

（3）調查僱主或學徒有關違反學徒訓練合約或學徒制度條例的投訴，

（4）調解僱主與學徒的糾紛，

（5）與工業院校合作，確保學徒獲得必需的教導。

第三九條

學徒事務專員可以委任督察執行上述職務及指導學徒。

（二三）進入與檢查的權力

學徒制度條例授權學徒事務專員及督察

（1）進入及檢查可能有學徒或青年受僱的地方，

（2）查問在該處的任何人士，

（3）着令有關人士出示與學徒或青年僱傭的有關文件，並取得這些文件，

（4）查問以確定是否有違反條例的事項，並檢取證明違反條例的證物。

第三三條

（二四）學徒事務專員可拒絕的事項

學徒事務專員可以用書面拒絕

（1）註冊學徒訓練合約（第七、第八兩段），

（2）註冊更改文件（第十段），

（3）批准轉讓（第一一段），

第三五條

第一四條

一六●二　有關之工業教育

學徒事務專員可以頒發上課令規定僱主給註冊學徒修讀規定的課程。不論課程在日間或晚上舉辦，僱主皆不可因此而扣減學徒的薪金。指定課程的學費由僱主繳付，但僱主可要求學徒繳交重讀的學費。

（一七）指定行業的訓練期限

第四六條

一七●一　當公佈某一行業為指定行業時，學徒事務專員會在憲報內規定該行業的訓練期限。訓練期限不可少於三年。

第二二條

一七●二　學徒因患病或其他合理原因而缺勤或曠課，或未能通過必要的考試，學徒事務專員可將訓練期限延長，最長可達一年。

第二三條

一七●三　如果學徒在簽訂學徒訓練合約前已經獲得某項指定資格，學徒事務專員可將訓練期限縮短，最長可達一年。

規例第五條及規例第六條

一七●四　強制的試用期是三至六個月（附錄一），這段期間將構成訓練期限的一部份。

規例第八條及規例第九條

（一八）休息日、工作時數、僱傭期間及逾時工作

第四九條第（三）款

註冊學徒的工作日數、工作時數、僱傭期間及逾時工作的最高許可額列載於附錄二內。

第三八條及規例第一六條

（一九）報告、填報表格及紀錄

一九●一　僱有學徒在指定行業工作的僱主，學徒事務專員會規定其保存及提交學徒紀錄和報告。

一九●二　僱用註冊學徒的僱主必須

（1）用指定表格（表格二）紀錄學徒規例第一六條第（一）款所規定的細節，

（2）每六個月提交指定表格（表格三）列明學徒的工作進度、逾時工作及缺勤或曠課。

第四六條第（三）款

（二〇）指定表格

僱主可免費從香港學徒事務署取得學徒事務專員所指定的表格。

第三〇條

（一四）註冊學徒訓練合約的解除

一四●一　註冊學徒訓練合約在下列情況始可在訓練期內解除：

（1）全部當事人同意，

（2）由任何一名當事人按照該合約之規定提出解除，

（3）由學徒在結婚時提出解除，

（4）由學徒事務專員以一項充份的理由解除。

一四●二　在上文（1）、（2）或（3）所述的情況下，提出解除合約的當事人須於預定解約日至少十四日前以書面通知學徒事務專員。在上文（4）所述之情況下，學徒事務專員亦須於預定解約日至少十四日前通知各當事人，除非學徒事務專員認為少過十四日的通知期是對學徒有利者。在學徒事務專員將解約決定通知各當事人後，該項解約始生效。

一四●三　如因學徒行為不檢、違反合約規定或不履行合約為理由而將合約解除，該學徒於解約後兩年內將不獲准簽訂其原本行業或任何指定行業的學徒訓練合約、及不准在工業院校修讀由學徒事務專員頒發的上課令上所指定的課程。

附註：除行為不檢外，可引致解除合約的違約行為是經常缺勤或缺席學徒事務專員所指定的課程（附錄一）

第三一條

（一五）註冊學徒僱傭終止事宜

除完成學徒訓練或合約已根據學徒制度條例第三〇條解除外（第一四段），註冊學徒的僱傭終止時，僱主須在十四日內用指定格式通知學徒事務專員。

第三二條

（一六）註冊學徒的訓練

一六●一　在職訓練與經驗

如訓練不充分，學徒事務專員可要求僱主在指定時間內改善。

第一三條

（九）體格檢驗

僱主送交學徒事務專員註冊的每份學徒訓練合約，事前必須安排學徒作體格檢驗，證明學徒適合從事該行業。僱主亦須支付學徒的體格檢驗費用。

（十）註冊合約的更改

註冊合約的更改事項，須在一份由該合約全部當事人簽署的文件內列明，這份文件須於簽妥後十四日內，送交學徒事務專員註冊。

（一一）註冊學徒訓練合約的轉讓

一一●一　註冊學徒訓練合約可

（1）於獲得學徒事務專員的批准、學徒及其監護人（如學徒未成年）的同意後，由僱主轉讓與另一僱主，或

（2）於獲得學徒及其監護人（如學徒未成年）的同意後，由學徒事務專員轉讓與另一僱主。

一一●二　在上述任何情況下，須由學徒事務專員將轉讓及生效日期註冊後，轉讓始生效。

（一二）註冊學徒的停職

一二●一　如依照學徒訓練合約之規定足可以解除合約者（例如學徒行為不檢，經常不服從命令），僱主可選擇將註冊學徒停職不逾十四日。

一二●二　該僱主須於停職開始後三日內用書面通知學徒事務專員及說明理由。而該學徒亦可在事發後，隨時通知學徒事務專員。

（一三）完成學徒訓練

註冊學徒或豁免註冊學徒（第七●一段（1）節）在完成訓練後十四日之內，僱主須用指定格式填寫學徒畢業證書，並將該證書送交學徒事務專員。

第八條

第九條

第十條

六●二　指定行業內的學徒訓練合約必須以文字書寫，並須按照指定格式（附錄一）或大體上類似的格式寫成。合約必須由僱主、學徒及學徒之監護人（倘學徒仍未成年）簽署。

六●三　學徒及其僱主均受學徒訓練合約約束直至該合約期滿或已根據學徒制度條例第三〇條解除（第一四段）；單對僱主而言，該合約的約束可在轉讓與另一僱主時終止（第一一段）。

第四六條第（三）款

六●四　合約的指定表格可免費向香港學徒事務署索取。（樣本見附錄一）

（七）強制註冊的學徒訓練合約

第七條第（二）款及第一六條第（一）款及第一八條第（二）款及第一七條

七●一　在某行業成為指定行業之日已經僱有青年在該行業工作的僱主須：

（1）如果該青年是一名受學徒訓練合約約束的學徒，在成為指定行業後六十日之內，將合約送交學徒事務專員註冊；或以該學徒已完成大部份訓練為理由向學徒事務專員申請豁免註冊。如該合約於行業成為指定行業前，已經根據學徒制度條例自願註冊，則毋須再註冊。

第七條第（三）款

（2）如果該青年並非受學徒訓練合約約束者，於行業成為指定行業後六十日之內，簽訂用指定格式或大體上類似指定格式的學徒訓練合約（第六段），並於簽妥後十四日內送交學徒事務專員註冊，或向學徒事務專員申請豁免遵守註冊規定。

第一五條

第六條第（二）款

第一五條

七●二　僱用青年在指定行業工作的僱主，須與這些青年簽訂用指定格式或大體上類似指定格式的學徒訓練合約（第六段），並於簽妥後十四日內送交學徒事務專員註冊。

第一五條及第一六條

第（二）款

七●三　在註冊合約前，學徒事務專員可要求更改合約，而更改事項，將成為合約的一部份。

第一七條

（八）自願註冊的學徒訓練合約

如僱主與其學徒訂立的合約是毋須按照學徒制度條例第十五或第十六條（見第七段）註冊的，僱主可以自願將合約送交香港學徒事務署註冊。送交註冊的合約須用指定格式或大體上類似指定格式的。在註冊前，學徒事務專員可要求更改合約，而更改事項，將成為該合約的一部份。

（一） 學徒制度條例的目的

第三條

促進某等行業內理論與實踐兼備的學徒訓練計劃及管理這些行業內的學徒僱傭事宜。這條例確保青年接受適當的訓練，藉此令工商業獲得良好的技術人才，以助發展。

（二） 適用範圍

第二條

二•一 學徒制度條例適用於所有受僱在指定行業內工作的青年及他們的僱主。

二•二 這條例不適用於在海上船隻工作的青年。

第四五條

二•三 這條例內「青年」的定義是指年滿十四歲但未滿十九歲的人。

（三） 何謂指定行業？

第六條

指定行業乃行政長官根據學徒制度條例而指定的行業或職業。指定行業經常在政府憲報內公佈。行業名單可向香港學徒事務署索取。

（四） 指定行業內青年的僱傭事宜

除非事先獲得學徒事務專員的許可，僱主在指定行業內，只可僱用青年做學徒，並在本署註冊他們的學徒訓練合約；除非他們已持有該行業的學徒畢業證書（參閱本指南第一三段）。

（五） 指定行業的學徒訓練合約何時有效？

第一五條及第一六條

第一八條第（二）款

第一七條

指定行業內的學徒訓練合約在下列情況始有效：

（1） 該合約已由學徒事務專員註冊，或

（2） 該合約已獲學徒事務專員豁免註冊，或

（3） 該合約於這行業成為指定行業之前，已自願送交學徒事務專員註冊。

（六） 指定行業內的學徒訓練合約

六•一 學徒訓練合約明確列出學徒訓練期內，僱主與學徒的權利與義務。註冊合約確保這些權利受到保障及義務得以履行。

學徒制度條例及學徒制度規例指南

此小冊子簡述學徒制度條例及規例〈香港法例第47章〉的主要條文。學徒制度條例及規例目的是促進理論和實踐兼備的學徒訓練計劃及管理某等行業的學徒僱傭事宜。

二　上述條例及規例可瀏覽政府網頁（https://www.elegislation.gov.hk/?_lang=zh-Hant-HK）和在政府刊物銷售處發售。

三　條例及規例已由一九七六年七月十九日起生效。

四　本指南的編製務求審慎。但是法例本身乃法律的唯一根據，所以讀者在使用本指南時，也應參閱法例本文。

五　查詢：

電話：2756 4123
電郵：oda@vtc.edu.hk
網址：https://apprenticeship.vtc.edu.hk

2025年9月

學徒制度條例及學徒制度規例指南

學徒事務署

VTC Apprenticeship 學徒訓練

政府資助計劃 Government-funded programme

指南

學徒制度條例及學徒制度規例

想知更多?