

# Briefing Paper on amendment to s63 of the Education Ordinance

The Social and Community Development Committee is consulting on the Welfare of Children (Employment of Children) Amendment Bill that clarifies the circumstances under which children may be employed and provides legal definition of types of work including hazardous work, illicit work, light work and work experience.

- The amendment addresses a gap in our legislation and is in line with our obligation as a British Overseas Territory to ensure that we are safeguarding our children against child labour
- It amends the Liquor Ordinance to allow children aged 16 or older to work in licensed premises solely for the purpose of providing musical entertainment with parental permission
- It also amends the Education Ordinance 2008 by repealing section 63.

Section 63 of the Education Ordinance 2008 states:

## **Non-employment of children**

**63. (1)** No person shall employ any child of compulsory school age during school hours to perform any work whatsoever, and no parent shall allow a child to be so employed.

**(2)** Any person wilfully employing a child in contravention of this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding £500.

**(3)** Any parent allowing a child of compulsory school age to work for any person in breach of this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding £300.

Section 158A of the Welfare of Children (Employment of Children) Amendment Bill states:

## **Employment of Children**

158A (4) Children of compulsory school age must not be employed in any manner (whether on a voluntary basis or for financial or other gain) during school hours, except for work experience.

5) A person who employs or engages a child, or causes or allows a child to be employed or engaged in contravention of this section commits an offence. Penalty: A fine of £3000 or imprisonment for a term of 6 months, or both.

## ***Decisions requested***

Members of the Education Committee are asked to advise if they are content to repeal section 63 Non-employment of children of the Education Ordinance 2008