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28 March 2012

Clerk to Panel
Panel on Public Service
Legislative Council
Legislative Council Complex
1 Legislative Council Road
Central
Hong Kong
(Attn: Miss Lilian Mok)

Dear Miss Mok,

Provision of Paternity Leave to Government Employees

I refer to your letter of 22 December 2011, enclosing a list of follow-up actions after the Panel Meeting on 19 December 2011.

During the discussion of the captioned subject at the Panel meetings on 17 October and 19 December 2011, Members requested the Administration to consider -

- (a) making it a statutory requirement for all employers in Hong Kong to provide paid paternity leave for their employees as a measure to promote family-friendly practice;
- (b) extending the scope of consultation on the provision of paid paternity leave to also include subvented organisations, public bodies and private sector organisations;

- (c) seeking the Equal Opportunities Commission's advice on whether restricting the provision of paid paternity leave to childbirth within marriage would violate the spirit of equality and constitute a discrimination against infants not born within marriage; and
- (d) providing training programmes or courses on care of infants for fathers or fathers-to-be eligible for paid paternity leave.

On (a), as explained at the said Panel meetings, the Labour and Welfare Bureau (LWB) is currently studying the provision of paternity leave to non-government employees and would carry out necessary consultation after the completion of the study. As requested by members of the Panel, we have conveyed members' views to LWB for consideration.

As for (b), as we have explained at the meeting on 19 December 2011, subvented organisations and public bodies have the autonomy to decide whether to adopt any family-friendly employment practice for their staff having regard to their own circumstances. Indeed, some subvented organisations, public bodies as well as private enterprises are already providing paternity leave to their employees.

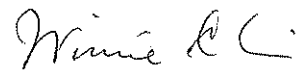
In relation to (c), having regard to stakeholders' views received, we have modified our original proposals. In addition to providing paternity leave to childbirth within marriage, we will also consider applications for paternity leave in relation to childbirth outside of marriage on a case-by-case basis. We have consulted the Department of Justice in devising the modified arrangements, and do not see it necessary to seek views from the Equal Opportunities Commission in this regard.

On (d), Members may wish to note that various social welfare organisations and the Department of Health are already providing courses on pre-natal preparation, newborn child care, etc. for fathers-to-be and mothers-to-be. We will provide relevant information on such courses to applicants in our internal guidelines / FAQs.

We are pleased to inform the Panel that we have finalised the arrangements for the provision of paternity leave to government employees for implementation with effect on 1 April 2012, as set out in the attached

information note, and should be grateful if you could distribute the note to Members for information.

Yours sincerely,

A handwritten signature in cursive script, appearing to read "Winnie Chui".

(Miss Winnie Chui)
for Secretary for the Civil Service

Encl.

For information

**LEGISLATIVE COUNCIL
PANEL ON PUBLIC SERVICE**

Provision of Paternity Leave to Government Employees

Introduction

This paper informs members of the finalised arrangements for the provision of paternity leave to government employees with effect from 1 April 2012.

Background

2. We issued a consultation paper on the proposed arrangements for the provision of paternity leave to government employees on 21 November 2011 and invited comments from relevant stakeholders by 20 December 2011. During the consultation period, we consulted staff through various established platforms, including the Departmental Consultative Committees and the four Central Consultative Councils. Three advisory bodies on civil service salaries and conditions of service¹ have also been consulted.

3. The Panel on Public Service discussed the proposed scheme for the provision of paternity leave to government employees at its meeting on 19 December 2011. Members were generally supportive of the early implementation of the proposal.

¹ These advisory bodies are the Standing Commission on Civil Service Salaries and Conditions of Service, the Standing Committee on Disciplined Services Salaries and Conditions of Service, and the Standing Committee on Directorate Salaries and Conditions of Service.

Arrangements for the provision of paternity leave

4. Taking into account views received during the consultation exercise, we have finalised the arrangements for the provision of paternity leave to government employees². The major features of the finalised scheme are as follows -

- (a) **five working days** of paternity leave on **full-pay** basis will be provided to eligible employees on the occasion of each childbirth within marriage as a start; Secretary for the Civil Service has discretion to grant paternity leave to eligible employees on the occasion of childbirth outside of marriage on a case-by-case basis;
- (b) paternity leave will be provided to eligible employees **irrespective of the number or place of childbirth**;
- (c) all **full-time**³ male government employees (including civil servants, non-civil service contract (NCSC) staff and political appointees) with **not less than 40 weeks' continuous service** immediately before the expected or actual date of childbirth will be eligible for paternity leave;
- (d) paternity leave may be taken during the period from four weeks before the expected date of childbirth to eight weeks after the actual date of childbirth; and
- (e) an eligible officer may take paternity leave in one stretch or in splits. The relevant Bureau / Department may specify the mode of taking paternity leave with a view to striking an appropriate balance between operational considerations and the needs of individual officer; and

² For the avoidance of doubt, government employees do not include employees of contractors and service providers to the Government.

³ For the purpose of the provision of paternity leave, "full-time" means the employment is on a "continuous contract" as defined in the Employment Ordinance (Cap. 57), namely an employee who works continuously for the same employer for four weeks or more, with at least 18 hours in each week.

(f) any untaken paternity leave cannot be encashed or carried forward to a future childbirth.

5. The above arrangements will be implemented with effect from 1 April 2012. Eligible officers whose children are expected to be born or are actually born on or after the effective date may apply for paternity leave.

Civil Service Bureau
March 2012