

LN078-E

GRANT SCHOOLS PROVIDENT FUND

(AMENDMENT) RULES 2000

(Made by the Chief Executive in Council under section 85
of the Education Ordinance (Cap. 279))

1. Commencement

These Rules shall come into operation on a day to be appointed by the Secretary for Education and Manpower by notice in the Gazette.

2. Interpretation

Rule 2 of the Grant Schools Provident Fund Rules (Cap. 279 sub. leg.) is amended---

(a) by renumbering it as rule 2(1);

(b) in paragraph (1)---

(i) by repealing the definition of "continuous contributory service" and substituting---

"continuous contributory service" (供款無間年資), in relation to a teacher, means any period of service during which the teacher---

(a) makes continuous contributions to the fund or a provident or super-annuation fund approved by the Director for the purposes of these rules; and

(b) has not closed his account in that fund at any time,

and includes---

(i) study leave, sick leave or maternity leave approved by the Director; and

(ii) any service---

(A) at 2 or more grant schools;

(B) at 1 or more grant schools and at 1 or more subsidized schools;

(C) at 1 or more grant schools and at 1 or more DSS schools; or

(D) at 1 or more grant schools and at 1 or more subsidized schools and at 1 or more DSS schools,

either without a break in teaching service or with such a break if the break has been approved by the Director;";

(ii) in the definition of "fund" and "board", by adding "maintained under these rules" after "provident fund";

(iii) by adding---

"account" (帳目), in relation to a contributor, means an account maintained for the contributor under rule 8(3);

"DSS school" (直資學校) means a school which has joined the Direct Subsidy Scheme administered by the Director under which the school receives subsidy directly from the Government according to such terms and conditions as may be specified by the

Government from time to time;

"without a break in teaching service" (教學服務並無中斷) means continuous teaching employment in 1 or more grant schools, subsidized schools or DSS schools.";

(c) by adding---

"(2) In the calculation of continuous contributory service for the purposes of rules 9, 9A, 13 and 13B, where a contributor commenced his service on a day in a month other than the first day of that month, he shall be deemed to have commenced his service on the first day of that month."

3. Object of rules

Rule 3 is amended---

(a) by repealing "contributory fund which since 1 September 1945 has provided" and substituting "fund which provides";

(b) by adding "and teachers in DSS schools who are contributors" after "schools";

(c) by repealing "such" and substituting "the".

4. Contributors

Rule 7 is amended by adding---

"(4) Where a grant school ceases to be a grant school and becomes a DSS school, a contributor employed in the grant school who commences employment in the DSS school as a teacher may, subject to rule 7A, contribute to the fund.

(5) Where a teacher employed in a grant school commences employment in a DSS school as a teacher for the first time (since the commencement of the Grant Schools Provident Fund (Amendment) Rules 2000 (L.N. 78 of 2000)) in a case other than that to which paragraph (4) applies, he may, subject to rule 7B, contribute to the fund.

(6) A contributor employed in a DSS school may at any time opt not to contribute to the fund.

(7) A contributor employed in a DSS school who has exercised the option under paragraph (6) is not entitled to contribute to the fund when he is employed in the DSS school."

5. Rules added

The following are added---

"7A. Special arrangements for grant schools turning into DSS schools

(1) Where a grant school ceases to be a grant school and becomes a DSS school, a contributor employed in the grant school who commences employment in the DSS school as a teacher shall have the option of---

(a) having his account closed in accordance with rule 13 and receiving payment in accordance with rule 14; or

(b) continuing to contribute to the fund under these rules.

(2) If the contributor has exercised the option under paragraph (1)(a), he is not entitled to contribute to the fund when he is employed in the DSS school.

(3) If the contributor has exercised the option under paragraph (1)(b) and subsequently commences employment in another DSS school as a teacher for the first time (since the commencement of the Grant Schools Provident Fund (Amendment) Rules 2000 (L.N. 78 of 2000)) in a case other than that to which paragraph (1) applies, he shall have the option of---

(a) having his account closed in accordance with rule 13 and receiving payment in accordance with rule 14; or

(b) continuing to contribute to the fund under these rules.

(4) If the contributor has exercised the option under paragraph (3)(a), he is not entitled to contribute to the fund when he is employed in that other DSS school.

(5) If the contributor has exercised the option under paragraph (3)(b), he is not entitled to contribute to the fund if he commences employment in another DSS school as a teacher at a subsequent time in a case other than that to which paragraph (1) applies.

7B. Special arrangements for grant school teachers commencing employment in DSS schools for the first time

(1) Where a contributor employed in a grant school commences employment in a DSS school as a teacher for the first time (since the commencement of the Grant Schools Provident Fund (Amendment) Rules 2000 (L.N. 78 of 2000)) in a case other than that to which rule 7A(1) applies, he shall have the option of---

(a) having his account closed in accordance with rule 13 and receiving payment in accordance with rule 14; or

(b) continuing to contribute to the fund under these rules.

(2) If the contributor has exercised the option under paragraph (1)(a), he is not entitled to contribute to the fund when he is employed in the DSS school.

(3) If the contributor has exercised the option under paragraph (1)(b), he is not entitled to contribute to the fund if he commences employment in another DSS school as a teacher at a subsequent time in a case other than that to which rule 7A(1) applies."

6. Contributions

Rule 8 is amended---

(a) in paragraph (1), by adding "by a contributor employed in a grant school" after "fund";

(b) by adding---

"(1A) Contribution to the fund by a contributor employed in a DSS school shall

be at the rate of 5 per cent of the contributor's salary under his contract of employment, and, except with the consent of the Director, shall be payable only in respect of periods during which the contributor draws such salary.";

(c) in paragraph (3), by adding---

"(ba) donations made by the school in accordance with rule 9A (if applicable); and".

7. Government donation

Rule 9 is amended---

(a) in paragraph (1), by adding "employed in a grant school" after "contributor";

(b) in paragraph (2), by adding "employed in a grant school" after "contributor" where it first appears;

(c) by repealing paragraph (4);

(d) in paragraph (7), by adding "(whether or not employed in a grant school)" after "contributor" where it first appears.

8. Rule added

The following is added---

"9A. DSS school donation

(1) For each contribution by a contributor employed in a DSS school, the school shall pay to the fund a sum referred to in these rules as a DSS school donation.

(2) A DSS school donation by a DSS school shall be paid to the fund each month when the contribution by a contributor employed in the DSS school becomes payable, and shall be an amount equal to the following percentage of the contributor's salary under his contract of employment---

(a) 5 per cent, if his continuous contributory service is less than 10 years;

(b) 10 per cent, if his continuous contributory service is not less than 10 years but less than 15 years;

(c) 15 per cent, if his continuous contributory service is not less than 15 years.

(3) A DSS school donation paid in respect of a contributor shall be forthwith credited to his account by the supervisor of the relevant DSS school and by the treasurer."

9. Reserve fund

Rule 11(1)(a)(ii) is amended by adding "and DSS school donation (if any)" after "Government donation".

10. Benefits

Rule 13 is amended---

(a) in paragraph (1)---

(i) by adding "or DSS school (as the case may be)" after "grant school";

(ii) by repealing subparagraph (b) and substituting---

"(b) on the ground of ill health, certified by a Government medical board (in the

case of a contributor employed in a grant school) or a registered medical practitioner within the meaning of section 2 of the Medical Registration Ordinance (Cap. 161) (in the case of a contributor employed in a DSS school), as constituting a reasonable ground for cessation of his employment;"

(iii) by repealing subparagraph (c) and substituting---

"(c) (in the case of a grant school) upon the school ceasing to be a grant school;"

(iv) by adding---

"(ca) (in the case of a DSS school) upon the school ceasing to be a DSS school, except where the school turns into a grant school;"

(v) by repealing "13A" and substituting "7A or 7B (whichever is applicable) and rules 13A and 18";

(vi) by adding "and DSS school donations (if any)" after "donations";

(vii) by repealing "宣布的所有" and substituting "的所有已宣布的";

(b) in paragraph (2)---

(i) by adding ", (ca)" after "(c)";

(ii) by adding "or DSS school (as the case may be)" after "school";

(iii) by adding "and rules 7B and 18" after "(3)";

(iv) by adding "and DSS school donations (if any)" after "Government donations";

(c) in paragraph (2A)---

(i) by adding ", (ca)" after "(c)";

(ii) by adding "or DSS school (as the case may be)" after "school";

(iii) by adding "and rules 7B and 18" after "(3)";

(d) by repealing paragraph (4).

11. Rule added

The following is added---

"13B. DSS school contributors ceasing to be contributors

(1) Where a contributor employed in a DSS school opts not to contribute to the fund under rule 7(6) after 10 years of continuous contributory service, his account shall be closed and the amount standing to the credit of his account at the date approved by the Director for the purpose of this rule, including all Government donations, DSS school donations and all dividends that have been declared up to and including that date, shall be paid to him in accordance with rule 14.

(2) Where a contributor employed in a DSS school opts not to contribute to the fund under rule 7(6) after 5 years or more but less than 10 years of continuous contributory service, his account shall be closed and, in accordance with rule 14, the payment due to him as a contributor shall be an amount equal to that contributed

by him up to the date approved by the Director for the purpose of this rule, and all dividends that have been declared on that contribution plus an amount equal to the following percentage of all Government donations, DSS school donations and all dividends that have been declared on such donations---

- (a) 50 per cent, if his continuous contributory service is less than 6 years;
- (b) 60 per cent, if his continuous contributory service is not less than 6 years but less than 7 years;
- (c) 70 per cent, if his continuous contributory service is not less than 7 years but less than 8 years;
- (d) 80 per cent, if his continuous contributory service is not less than 8 years but less than 9 years;
- (e) 90 per cent, if his continuous contributory service is not less than 9 years but less than 10 years.

(3) Where a contributor employed in a DSS school opts not to contribute to the fund under rule 7(6) after less than 5 years of continuous contributory service, his account shall be closed and an amount equal to that contributed by him up to the date approved by the Director for the purpose of this rule, plus such dividends as have been declared on that contribution, shall be paid to him in accordance with rule 14."

12. Transfer of teachers

Rule 18 is amended---

(a) in paragraph (1), by repealing everything before "otherwise" and substituting---

"(1) In any case in which a contributor commences employment in a subsidized school, without a break in teaching service";

(b) in paragraph (2)---

(i) by repealing "after the commencement of these rules";

(ii) by adding "or DSS school" after "school";

(c) by adding---

"(2A) In any case in which a contributor employed in a grant school or DSS school terminates his employment

in the grant school or DSS school and commences employment in another school which is a grant school, without a break in teaching service otherwise than such break as the Director may approve, the contributor shall have the option of---

(a) having his account closed in accordance with rule 13 and receiving payment in accordance with rule 14; or

(b) continuing to contribute to the fund under these rules without closing his account.";

(d) by repealing paragraph (3).

CHENG Mei-sze, Maisie

Clerk to the Executive Council

Council Chamber

28 March 2000

Explanatory Note

These Rules amend the Grant Schools Provident Fund Rules (Cap. 279 sub. 1eg.) so that a teacher employed in a grant school may continue to contribute to the Grant Schools Provident Fund under the principal Rules after---

(a) the grant school has joined the Direct Subsidy Scheme administered by the Director of Education; or

(b) the teacher has commenced employment in a Direct Subsidy Scheme school as a teacher for the first time since the commencement of these Rules.