

LN079-E

SUBSIDIZED 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 Subsidized 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 or that other 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 subsidized schools;

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

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

(D) at 1 or more subsidized schools and at 1 or more grant 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) 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) has the meaning assigned to it by rule 2(1) of the Grant Schools Provident Fund Rules (Cap. 279 sub. leg.);

"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. Establishment of the Fund

Rule 3(1) is amended by adding---

"(ba) donations from a DSS school as provided in rule 9A;"

4. Objects of the Fund

Rule 4 is amended by adding "and teachers employed in DSS schools who are contributors," after "schools".

5. Contributors

Rule 7 is amended by adding---

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

(5) A contributor employed in a DSS school may opt not to contribute to the Fund at any time within 5 years after the school has become a DSS school.

(6) A contributor employed in a DSS school who has exercised the option under paragraph (5) is not entitled to contribute to the Fund when he is employed in the DSS school."

6. Rule added

The following is added---

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

(1) Where a subsidized school ceases to be a subsidized school and becomes a DSS school, a contributor employed in the subsidized 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 for a maximum period of 5 years immediately after the school has become a DSS school.

(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."

7. Contributions

Rule 8 is amended---

(a) in paragraph (1), by adding "by a contributor employed in a subsidized 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)---

(i) by repealing "subsidized";

(ii) in subparagraph (b), by repealing "; and" and substituting "under rule 9;"

(iii) by adding---

"(ba) all donations made by the school thereto under rule 9A (if applicable); and".

8. Government donation

Rule 9 is amended---

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

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

(c) by repealing paragraph (4);

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

9. 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."

10. Reserve fund

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

11. Benefits

Rule 13 is amended---

(a) in paragraph (1)---

(i) by adding "or DSS school (as the case may be)" after "subsidized school" where it first appears;

(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 subsidized 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 subsidized school) upon the school ceasing to be a subsidized 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 subsidized school;"

(v) by repealing "rule 13A" and substituting "rules 7A, 13A and 15";

(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 rule 15" 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 rule 15" after "(3)";

(d) by repealing paragraph (4).

12. Rule added

The following is added---

"13B. DSS school contributors ceasing to be contributors

(1) A contributor employed in a DSS school shall cease to contribute to the Fund

at the expiry of 5 years after the school has become a DSS school.

(2) Where the expiry referred to in paragraph (1) occurs---

(a) after the contributor has attained 10 years of continuous contributory service, his account shall be closed and the amount standing to the credit of his account at the date of the expiry, 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;

(b) after the contributor has attained 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 of the expiry, 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---

(i) 50 per cent, if his continuous contributory service is less than 6 years;

(ii) 60 per cent, if his continuous contributory service is not less than 6 years but less than 7 years;

(iii) 70 per cent, if his continuous contributory service is not less than 7 years but less than 8 years;

(iv) 80 per cent, if his continuous contributory service is not less than 8 years but less than 9 years;

(v) 90 per cent, if his continuous contributory service is not less than 9 years but less than 10 years;

(c) after the contributor has attained 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 of the expiry, plus such dividends as have been declared on that contribution, shall be paid to him in accordance with rule 14.

(3) Where a contributor employed in a DSS school opts not to contribute to the Fund under rule 7(5)---

(a) 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;

(b) 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---

(i) 50 per cent, if his continuous contributory service is less than 6 years;

(ii) 60 per cent, if his continuous contributory service is not less than 6 years but less than 7 years;

(iii) 70 per cent, if his continuous contributory service is not less than 7 years but less than 8 years;

(iv) 80 per cent, if his continuous contributory service is not less than 8 years but less than 9 years;

(v) 90 per cent, if his continuous contributory service is not less than 9 years but less than 10 years;

(c) 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."

13. Transfer of teachers

Rule 15 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 grant 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 subsidized school or DSS school terminates his employment in the subsidized school or DSS school and commences employment in another school which is a subsidized 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 Subsidized Schools Provident Fund Rules (Cap. 279 sub. 1eg.) so that a teacher employed in a subsidized school may continue to contribute to the Subsidized Schools Provident Fund under the principal Rules for a maximum period of 5 years after the school has joined the Direct Subsidy Scheme administered by the Director of Education.