



LC Paper No. CB(4)583/12-13(06)

中華人民共和國香港特別行政區政府總部教育局
Education Bureau
Government Secretariat, The Government of the Hong Kong Special Administrative Region
The People's Republic of China

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10 April 2013

Miss Carrie WONG
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Legal Service Division
Legislative Council Secretariat
1 Legislative Council Road
Central
Hong Kong

Dear Miss WONG,

Education (Amendment) Bill 2013

I refer to your letter dated 9 April 2013 in response to our reply on the same date. Our response to your further question concerning the Education (Amendment) Bill 2013 is set out as follows:

“Based on your reply as to why the protection is extended to benefits “accruing” and “to be accrued”, please clarify whether the protection afforded to teachers in grant or subsidized schools as proposed in the Bill could be greater than that afforded to MPF contributors under Cap. 485, because the protection afforded to the latter covers only “accrued” benefits, which as defined do not seem to include benefits “accruing” and “to be accrued”.

The protection intended to be afforded to teachers in grant or subsidized schools as proposed in the Bill is not greater than that given to MPF contributors under the MPFSO. The term “accrued benefits” was defined in the MPFSO before the addition of section 16(1A). Further, it should be noted that section 16(1A) of the MPFSO is a provision to avoid doubt. On the other hand, the Bill is proposed

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following the decisions in the courts. The proposed section 85(4) is aimed to express the protection clearly in view of the possible uncertainty as to when exactly the benefits can be said to have accrued to a contributor under the Grant Schools Provident Fund Rules and the Subsidized Schools Provident Fund Rules.

Yours sincerely,



(Miss Alice YU)

for Secretary for Education