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**HONG KONG SPECIAL ADMINISTRATIVE REGION**

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ORDINANCE NO. 4 OF 2013



C. Y. LEUNG  
Chief Executive  
27 June 2013

An Ordinance to amend the Education Ordinance and its subsidiary legislation to provide for protection to provident fund members, in case of bankruptcy, of their benefits in provident funds that are maintained under the Ordinance.

[28 June 2013]

Enacted by the Legislative Council.

**Part 1**

**Preliminary**

**1. Short title**

This Ordinance may be cited as the Education (Amendment) Ordinance 2013.

**2. Enactments amended**

The enactments specified in Parts 2 and 3 are amended as set out in those Parts.

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## **Part 2**

### **Amendment to Education Ordinance (Cap. 279)**

#### **3. Section 85 amended (rules for provident funds)**

After section 85(3)—

##### **Add**

- “(4) If a provident fund member is an undischarged bankrupt, the right or entitlement of the member to any benefits in the fund (whether accrued, accruing or to be accrued) is excluded from the property of the member for the purposes of the Bankruptcy Ordinance (Cap. 6).
- (5) Subsection (4) does not apply in relation to a provident fund member’s bankruptcy that is adjudicated before that subsection comes into operation.”.
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## **Part 3**

### **Amendments to Subsidiary Legislation**

#### **Division 1—Amendment to Grant Schools Provident Fund Rules (Cap. 279 sub. leg. C)**

**4. Rule 14 amended (payments out and pro rata of dividends)**

After rule 14(2)—

**Add**

“(2A) In working out the period of 3 years for paragraph (2), any time when the contributor is an undischarged bankrupt must be disregarded.

(2B) Paragraph (2A) does not apply in relation to a contributor’s bankruptcy that is adjudicated before that paragraph comes into operation.”.

#### **Division 2—Amendment to Subsidized Schools Provident Fund Rules (Cap. 279 sub. leg. D)**

**5. Rule 14 amended (payments out and pro rata of dividends)**

After rule 14(2)—

**Add**

“(2A) In working out the period of 3 years for paragraph (2), any time when the contributor is an undischarged bankrupt must be disregarded.

(2B) Paragraph (2A) does not apply in relation to a contributor’s bankruptcy that is adjudicated before that paragraph comes into operation.”.