

A BILL

To

Amend the Employment Ordinance to increase paternity leave entitlement under that Ordinance as in force on 15 June 2018 from 3 days to 5 days in respect of a child born on or after the commencement date appointed by the Secretary for Labour and Welfare for this Ordinance; and to replace a reference to a date in section 15E(5) of that Ordinance.

Enacted by the Legislative Council.

1. Short title and commencement

- (1) This Ordinance may be cited as the Employment (Amendment) Ordinance 2018.
- (2) This Ordinance comes into operation on a day to be appointed by the Secretary for Labour and Welfare by notice published in the Gazette.

2. Employment Ordinance amended

The Employment Ordinance (Cap. 57) is amended as set out in section 3.

3. Section 15E amended (entitlement to paternity leave)

- (1) Section 15E(2)—

Repeal paragraph (b)

Substitute

- “(b) is entitled to take leave for not more than—
- (i) for a child born on or after 27 February 2015 but before the commencement date of section 3(1) of the Employment (Amendment) Ordinance 2018 (of 2018)—3 days; or
 - (ii) for a child born on or after that commencement date—5 days,
- whether consecutive or not, for each confinement.”.
- (2) Section 15E—

Repeal subsection (5)

Substitute

- “(5) Subsection (1) does not apply in relation to—
- (a) a miscarriage; or
 - (b) a child born before 27 February 2015.”.
- _____

Explanatory Memorandum

The main purpose of this Bill is to amend the Employment Ordinance (Cap. 57) (*Ordinance*) to increase paternity leave entitlement under the Ordinance as in force on 15 June 2018 from 3 days to 5 days in respect of a child born on or after the commencement date appointed by the Secretary for Labour and Welfare for the Employment (Amendment) Ordinance 2018 (if passed and enacted) (*Amendment Ordinance*).

2. Clause 1 sets out the short title and provides for commencement.
3. Clause 3(1) amends section 15E(2)(b) of the Ordinance to the following effect—
 - (a) for a child born on or after 27 February 2015 but before the commencement date of the Amendment Ordinance (*commencement date*), the paternity leave entitlement remains at 3 days; and
 - (b) for a child born on or after the commencement date, the paternity leave entitlement is increased from 3 days to 5 days.
4. Clause 3(2) makes minor amendments to section 15E(5) of the Ordinance to improve reader-friendliness, including replacing a reference to a description of a date with the actual calendar date.
5. The Bill makes no amendment in respect of other aspects of statutory paternity leave.