



LABOUR DEPARTMENT (Headquarters)

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7 May 2020

Chairman
Panel on Manpower
Legislative Council
Legislative Council Complex
1 Legislative Council Road
Central, Hong Kong
(Attn: Miss Betty MA
Clerk to the Panel)

Dear Miss MA,

**Follow-up issues of the special meeting of
the Panel on Manpower held on 28 April 2020**

Thank you for your letter of 28 April 2020. Our reply to the two follow-up issues set out in your letter is provided as follows:


(a) Information on payment of statutory maternity leave pay by social insurance system in other economies

In conducting the review of statutory maternity leave (ML) in 2018, the Labour Department collected information on the payment of ML pay in some economies. We understand that ML pay in some places is funded either wholly by public funds or national insurance, or partly by public funds or national insurance and partly by the employer. Please refer to the Annex of the paper provided by the Government for the review of statutory ML discussed at the meeting of the Panel on Manpower on 18 December 2018 (Annex) for relevant information.

(b) Government's response to Members' suggestion of specifying a review timetable for statutory ML and related benefits in the Employment (Amendment) Bill 2019

The Employment (Amendment) Bill 2019 (the Bill) proposes that statutory ML under the Employment Ordinance be increased by four weeks and be taken by eligible employees continuously after the 10 weeks' statutory ML. The current statutory rate of ML pay (i.e. four-fifths of the employee's average daily wages) would be maintained for calculating the additional ML pay in respect of the extension of ML, subject to a cap of \$36,822 per employee. If the Bill is passed, the Government will conduct reviews from time to time on account of the actual circumstances upon the implementation of the policy, as well as the social changes and economic development of Hong Kong, etc. As compared to rigidly stipulating a timetable in the Bill for reviewing statutory ML and related benefits (including the cap of the additional four weeks' ML pay), this arrangement would be more flexible and responsive to the actual social conditions of Hong Kong in reviewing statutory ML.

Yours sincerely,



(LIANG Lok-man, Raymond)
for Commissioner for Labour

Annex

c.c. Secretary for Labour and Welfare (Attn: Mr Dominic CHOW)

Statutory maternity leave and maternity leave pay in other places

Economy	Duration of ML	Rate of MLP
Singapore	16 weeks (if the employee's child is a Singapore citizen ¹)	<ul style="list-style-type: none"> • Full pay • <u>1st & 2nd child</u> : Paid by employer for the whole period. Reimbursed by Government for last eight weeks (up to S\$10,000 (HK\$59,978) per four weeks) • <u>3rd and subsequent child</u> : The entire 16 weeks reimbursed by Government (up to S\$10,000 (HK\$59,978) per four weeks)
The Republic of Korea	90 days (12.9 weeks)	<ul style="list-style-type: none"> • Full pay • First 60 days (8.6 weeks) : paid by employer • Last 30 days (4.3 weeks) : paid by Employment Insurance Fund • Up to a ceiling of 4.05M won for 90 days, i.e. 1.35M won (HK\$9,045) per month • Employer needs to make up the payment shortfall if ceiling is lower than the actual earnings
Taiwan	8 weeks	<ul style="list-style-type: none"> • Full pay • 50% of wages if employed for less than six months • Paid by employer

¹ If the child is a non-Singaporean citizen, the employee would be entitled to 12 weeks of maternity leave.

Economy	Duration of ML	Rate of MLP
Japan	14 weeks	<ul style="list-style-type: none"> • No statutory requirement on MLP • Usually about 2/3 of the base salary under the insurance system
Mainland	14 weeks	<ul style="list-style-type: none"> • Full pay • Funded by insurance scheme if enrolled, otherwise paid by employer
United Kingdom	52 weeks (only the first two weeks after child birth is compulsory)	<ul style="list-style-type: none"> • First six weeks : 90% of the employee's average wages • Next 33 weeks : at a flat rate of £140.98 (HK\$1,570) per week or 90% of the employee's average weekly earnings, whichever is lower • Last 13 weeks : unpaid • Employer can claim reimbursement from National Insurance
Canada	17 weeks	<ul style="list-style-type: none"> • First 15 weeks : 55% of the employee's average weekly insurable earnings subject to a maximum amount of C\$547 (HK\$3,329) per week • Last two weeks : unpaid • Provided by the Employment Insurance Program
United States	12 weeks	<ul style="list-style-type: none"> • Unpaid

Source of information: Internet search conducted by the Labour Department in March 2018