

Education Bureau Circular No. 17/2018
Kindergarten Education Scheme
Paid Maternity Leave for Staff and Staff Relief Grant

[Note: This circular should be read by –

- (a) Supervisors and Heads of Kindergartens, Kindergarten-cum-Child Care Centres and Schools with Kindergarten Classes joining the kindergarten education scheme – for action; and
- (b) Head of Sections – for information.]

Summary

This circular informs kindergartens, kindergarten-cum-child care centres and schools with kindergarten classes (collectively referred to as “KGs” hereafter) joining the kindergarten (KG) education scheme (hereafter referred to as “Scheme”) the details of provision of a staff relief grant for staff taking maternity leave (ML) (“Staff Relief Grant for Staff Taking Paid ML”) by Education Bureau (EDB) starting from 1 January 2019.

Background

2. In accordance with the Employment Ordinance (Cap. 57), female employees are entitled to paid ML if they have been employed under a continuous contract¹ for not less than 40 weeks immediately before the commencement of scheduled ML, as well as fulfill other requirements as stipulated in the law². In the 2018 Policy Address, the Government proposed to extend the statutory ML from the current 10 weeks to 14 weeks. Notwithstanding that the Government needs time to amend the relevant Ordinance, EDB encourages KGs joining the Scheme to be good employers and

¹ In accordance with the Employment Ordinance (Cap. 57), an employee who has been employed continuously by the same employer for 4 weeks or more, with at least 18 hours worked in each week is regarded as being employed under a continuous contract.

² Other requirements include: (i) giving notice of pregnancy and her intention to take maternity leave to her employer such as by presenting a medical certificate confirming her pregnancy to the employer; and (ii) producing a medical certificate specifying the expected date of confinement if so required by the employer.

provide their staff with 14-week paid ML prior to the enactment of the amended Employment Ordinance. In this regard, we will provide a staff relief grant to KGs for employing supply teachers and substitute staff to temporarily take up the duties of the staff taking paid ML.

Details

Eligibility

3. EDB has all along been committed to encouraging schools to promote family-friendly measures and fulfill their responsibilities of being good employers. To encourage KGs joining the Scheme to provide 14-week paid ML for their eligible staff³, EDB will provide the relevant staff relief grant to KGs starting from 1 January 2019. KGs may apply from EDB for **reimbursement** of the expenses for employing substitute staff. If the salary of the original staff taking paid ML is paid by the subsidies under the Scheme or school fees and her actual date or expected date of confinement falls on or after 1 January 2019, the KG concerned will benefit from this measure. If the staff taking paid ML also works in the child care centre section and/or the non-local curriculum stream of the KG at the same time, the KG concerned should apportion the expenses based on her duties or the number of students. EDB will reimburse the relevant expenses incurred by the KG section joining the Scheme.

4. If a staff does not meet the requirements for taking paid ML under the Employment Ordinance (Cap. 57), even though a substitute staff has been employed to perform her duties, the KG concerned is ineligible for the staff relief grant.

Amount of the Grant

5. When staff taking 14-week paid ML, schools may need to employ substitute staff to ensure staff stability and smooth school operation. We encourage schools to employ the same substitute staff throughout the period. If the employment period of a substitute staff lasts for 90 consecutive calendar days or more, the KG concerned should employ him/her on a monthly-rated basis. For supply teachers, in principle, KGs should employ persons possessing Certificate in Early Childhood Education [C(ECE)] or above qualifications and the salary range for basic rank teachers under the Scheme should be applied in determining their salary (in the 2018/19 school year, the monthly salary ranges from \$21,680 to \$38,550). If a KG employs a supply teacher possessing other

³ Employees who are entitled to paid ML in accordance with the Employment Ordinance (Cap. 57).

qualifications because of special circumstances (such as recruitment difficulties), the KG should provide adequate support to ensure the quality of the education service. KGs may make reference to the salary ranges for supporting staff⁴ when determining the salary of supply teachers possessing other qualifications and other substitute staff. In any cases, the salary of the supply teachers and other substitute staff should not be higher than that of the original staff or the ceiling of the abovementioned salary ranges (whichever is the lower).

6. For substitute staff whose employment period is less than 90 calendar days, KGs should calculate their salary on a daily basis. In the 2018/19 school year, the daily rates for supply teachers possessing C(ECE) or above qualifications and other qualifications are \$943 and \$357 respectively; the daily rate for a substitute cook is \$610 while the daily rate for other substitute staff (including clerk, janitor, etc.) is \$509. For details, please refer to **Appendix 1** on the methods of calculation and **Appendix 2** on examples. EDB will adjust the daily rates every school year. If the employment period of a substitute staff is across two school years, his/her salary will be calculated on the basis of the daily rates of the respective school years.

7. EDB will review the arrangements for the “Staff Relief Grant for Staff Taking Paid ML” upon the enactment of the relevant amendment to the Employment Ordinance.

Application Arrangement

8. KGs applying for the grant should complete the Application Form at **Appendix 1** and submit it to EDB together with the supporting documents certified by the school supervisor or the principal. Relevant supporting documents include: (i) original copy of the medical certificate specifying the expected and/or actual date of confinement of the staff taking paid ML; (ii) duplicate copy of documentary proof on salary of the staff taking paid ML; (iii) original copy of the salary payment receipt(s) signed by the substitute staff (a sample is at **Appendix 3**); and (iv) duplicate copy of the qualification document of the supply teacher (if applicable).

Accounting and Audit Arrangements

9. KGs are required to reflect the income and expenditure of the grant in the audited accounts to be submitted to EDB annually. All records and related receipts/invoices should be made available to EDB for inspection when required.

⁴ Please refer to EDB Circular Memorandum No. 3/2018 (page 19) for details.

Enquiries

10. Schools should inform all staff about the contents of this Circular. For enquiries on statutory ML, schools may contact the Labour Department direct. For enquiries related to the contents of this Circular, please contact the Kindergarten Administration 2 Section on 2892 6546 or 2892 6364. For school-specific enquiries, please contact the respective Senior School Development Officer / Senior Services Officer.

Mrs CHAN SIU Suk-fan
for Permanent Secretary for Education

**Kindergarten Education Scheme (Scheme)
Staff Relief Grant for Staff Taking Paid Maternity Leave
Application Form**

Name of Kindergarten (KG): _____ District: _____ School No.: _____

[Name of school contact person, post title and phone number (for EDB's enquiries where necessary in processing the application): _____]

Owing to staff taking paid maternity leave (ML), our school is applying for reimbursement of the salary paid to the substitute staff and the contribution made by our school for him/her under the Mandatory Provident Funds (MPF) Scheme (if applicable). Details are as follows:

Part A Particulars of the Staff Concerned (*Please delete where inappropriate)

Staff taking paid ML			Substitute staff (Note 2)							
Name and Post	Monthly salary	Period of paid ML (Not more than 14 weeks)	Name of substitute staff	For supply teacher, possessing a Certificate in Early Childhood Education or above qualifications (Yes/No)	Substitute period From _____ (dd/mm/yyyy) to _____ (dd/mm/yyyy)	Daily salary / Monthly salary (Note 3) (a)	Actual no. of working days / months (b)	Salary (Not including MPF contribution) (c)	Employer's contribution under the MPF Scheme (if applicable) (d)	Total amount (Note 4) (e)
Name _____	Monthly salary: \$ _____	From _____ (dd/mm/yyyy) to _____ (dd/mm/yyyy)	1.			Daily/Monthly* salary \$ _____	____ Month(s) ____ Day(s)	\$	\$	\$
Post (Note 1): _____			2.			Daily/Monthly* salary \$ _____	____ Month(s) ____ Day(s)	\$	\$	\$
			3.				Daily/Monthly* salary \$ _____	____ Month(s) ____ Day(s)	\$	\$
									Total of column(e):	\$

Proportion of work in the KG portion joining the Scheme for the staff taking paid ML (Note 5): _____ %

Total amount applied: \$ _____ (Total of column(e)) x _____ %	\$
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Note

1. Please enter the alphabet representing the post from the list below –
(a) Teacher (b) Clerk (c) Janitor (d) Cook (e) Other (Please specify, e.g. Teaching Assistant)
2. If the staff taking ML does not meet the requirements for taking paid ML in accordance with the Employment Ordinance (Cap. 57), even though the school has employed a substitute staff to perform her duties, the school cannot apply for the grant.
3. The salary of the substitute staff should not be higher than that of the staff taking paid ML. Should the salary of the staff taking paid ML change (e.g. a pay rise according to the established incremental date), the salary of the substitute staff will not be affected.
4. The amount applying for reimbursement of each substitute staff should not be higher than the relevant amount as indicated in Appendix 3.
5. If the KG does not have a child care centre section or operate a non-local curriculum stream, please fill in 100%. If the staff taking paid ML also works in the child care centre section and/or the non-local curriculum stream at the same time, the KG should fill in her proportion of duties in the KG section joining the Scheme by apportionment based on her duties or the number of students.
6. The KG should employ one substitute staff to take up the duties of a staff taking paid ML. If the KG needs to employ more than one substitute staff because of special circumstances (e.g. the first substitute staff resigns in the middle of the employment period), the KG should list out the particulars such as the name, employment period, salary, etc. of each substitute staff separately.
7. If a substitute staff who is employed on a monthly-rated basis does not serve for an entire month, his/her salary of that month will be calculated on a pro-rata basis [average daily salary of the substitute staff (i.e. monthly salary of the substitute staff x 12 months / 365 days) x no. of calendar days of employment in that month].

Part B Supporting Documents to be Submitted

Our school has completed the above application form and submitted the following documents certified by the school supervisor/principal:

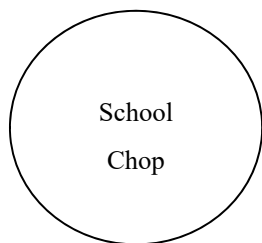
- 1. Original copy of the medical certificate of the staff taking paid ML (specifying the expected and/or actual date of confinement);
- 2. Duplicate copy of documentary proof of the salary of the staff taking paid ML;
- 3. Original copy of the salary payment receipt(s) signed by all the substitute staff (a sample is at Appendix 3 for reference);
- 4. Duplicate copy of the qualification document of the supply teacher (if applicable);
- 5. Others (please specify if necessary: _____)

Part C Declaration

I confirm that –

- (i) Our school has checked the above-mentioned documents and hereby confirms that Ms./Mrs. _____ meets the requirements for taking paid ML under the Employment Ordinance (Cap. 57). In accordance with EDB Circular No. 17/2018 our school approved her to take paid ML for 14 weeks;
- (ii) The salary of Ms./Mrs. _____, who has taken paid ML, is paid by the subsidies under the Scheme or school fees;
- (iii) Our school had required the substitute staff to conduct the Sexual Conviction Record Check and accessed the check result of the substitute staff concerned through the Auto-Telephone Answering System.

- (iv) If the substitute staff is a supply teacher, he/she should be a registered teacher or he/she had already attained the qualifications required for applying as a registered teacher or a permitted teacher, and he/she had already submitted an application for registration before assumption of duties. Our school also verified the true copy of the supply teacher's identification document and the Certificate of Registration as a Teacher and/or enquired about his/her registration status and relevant information;
- (v) (If applicable) Our school employed a supply teacher with other qualifications because of special circumstances (such as recruitment difficulties) and we provided adequate support to ensure the quality of the education service;
- (vi) Our school has paid the salary to the substitute staff and relevant expenses for fulfilling other statutory obligations; and
- (vii) If the amount granted to our school exceeds the amount that our school is entitled, our school will return the overpaid amount to the Government.



Signature of School Supervisor/Principal*: _____

Name of School Supervisor/Principal*: _____ Date of Application: _____

Staff Relief Grant for Staff Taking Paid Maternity Leave: Examples

Monthly Salary Ranges (2018/19):

Teaching Staff	Salary Range (\$)
Teacher (basic rank) possessing Certificate in Early Childhood Education [C(ECE)] or above qualifications	21,680 – 38,550
Supporting Staff	Salary Range (\$)
Clerk	11,700 – 21,060
Janitor	11,700 – 15,210
Cook	14,040 – 16,390
Others (e.g. Teaching Assistant)	Determine the salary by making reference to the salary ranges for supporting staff

Daily Rates (2018/19):

Teaching Staff (Supply Teacher)	Daily rate (\$)
Possessing C(ECE) or above qualifications	943
Possessing other qualifications	357
Supporting Staff	Daily rate (\$)
Clerk / Janitor / Others (e.g. Teaching Assistant)	509
Cook	610

Example 1

Staff taking paid maternity leave (ML)			Substitute staff (Note 2)							
Name and Post	Monthly salary	Period of paid ML (Not more than 14 weeks)	Name of substitute staff	For supply teacher, possessing a Certificate in Early Childhood Education or above qualifications (Yes/No)	Substitute period From _____ (dd/mm/yyyy) to _____ (dd/mm/yyyy)	Daily salary / Monthly salary (Note 3) (a)	Actual no. of working days / months (b)	Salary (Not including MPF contribution) (c)	Employer's contribution under the MPF Scheme (if applicable) (d)	Total amount (Note 4) (e)
Name AAA	Monthly salary: \$ 23,000	From 01/03/2019 (dd/mm/yyyy) to 06/06/2019 (dd/mm/yyyy)	1. RRR	Yes	From 01/03/19 to 31/05/19 [Unable to recruit a suitable substitute staff from 1-6 June.]	Daily/Monthly* salary \$ 21,680	3 Months	\$65,040 [\$21,680 x 3]	\$3,252	\$68,292
Post (Note 1): (a) [Teacher]										
Total of column(e):										\$68,292

Proportion of work in the KG portion joining the Scheme for the staff taking paid ML (Note 5): 100 %

Total amount applied: \$ <u>68,292</u> (Total of column(e)) x <u>100</u> %	\$68,292
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Example 2

Staff taking paid maternity leave (ML)			Substitute staff (Note 2)							
Name and Post	Monthly salary	Period of paid ML (Not more than 14 weeks)	Name of substitute staff	For supply teacher, possessing a Certificate in Early Childhood Education or above qualifications (Yes/No)	Substitute period From _____ (dd/mm/yyyy) to _____ (dd/mm/yyyy)	Daily salary / Monthly salary (Note 3) (a)	Actual no. of working days / months (b)	Salary (Not including MPF contribution) (c)	Employer's contribution under the MPF Scheme (if applicable) (d)	Total amount (Note 4) (e)
Name BBB Post (Note 1): <u>(b) [Clerk]</u>	Monthly salary: \$ 13,000	From <u>29/01/2019</u> (dd/mm/yyyy) to <u>06/05/2019</u> (dd/mm/yyyy)	1. SSS	Not applicable	From <u>29/01/19</u> to <u>06/05/19</u>	Daily Monthly* salary \$ <u>13,000</u>	29/01/19 to 31/01/19 = 3 days 01/02/19 to 30/04/19 = 3 months 01/05/19 to 06/05/19 = 6 days	\$ 42,846 [\$13,000 x 12 ÷ 365 x 3 = \$1,282] [\$13,000 x 3 = \$39,000] [\$13,000 x 12 ÷ 365 x 6 = \$2,564]	\$2,142	\$44,988
Total of column(e):										\$44,988

Proportion of work in the KG portion joining the Scheme for the staff taking paid ML (Note 5): 80 %

Total amount applied: \$ <u>44,988</u> (Total of column(e)) x <u>80</u> %	\$35,990
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Example 3

Staff taking paid maternity leave (ML)			Substitute staff (Note 2)							
Name and Post	Monthly salary	Period of paid ML (Not more than 14 weeks)	Name of substitute staff	For supply teacher, possessing a Certificate in Early Childhood Education or above qualifications (Yes/No)	Substitute period From _____ (dd/mm/yyyy) to _____ (dd/mm/yyyy)	Daily salary / Monthly salary (Note 3) (a)	Actual no. of working days / months (b)	Salary (Not including MPF contribution) (c)	Employer's contribution under the MPF Scheme (if applicable) (d)	Total amount (Note 4) (e)
Name CCC Post (Note 1): (a) [Senior Teacher]	Monthly salary: \$ 40,000	From 15/03/2019 (dd/mm/yyyy) to 20/06/2019 (dd/mm/yyyy)	1. TTT	Yes	From 15/03/19 to 14/05/19 [TTT was originally employed for the whole period of ML but she resigned after working for 2 months.]	Daily/ Monthly* salary \$ 30,000	15/03/19 to 31/3/19 = 17 days 01/04/19 to 30/04/19 = 1 months 01/05/19 to 14/05/19 = 14 days	\$ 60,575 [\$30,000 x 12 ÷365x17=\$16,767] [\$30,000 x 1 = \$30,000] [\$30,000 x 12 ÷365x14=\$13,808]	\$3,029	\$63,604
			2. UUU	Yes	From 15/05/19 to 20/06/19 [7 June was a public holiday.]	Daily/ Monthly* salary \$ 943	Actual working days: 26 days	\$24,518 [\$943 x 26]	\$Not applicable [Employment period is less than a continuous of 60 calendar days]	\$24,518
Total of column(e):									\$88,122	

Proportion of work in the KG portion joining the Scheme for the staff taking paid ML (Note 5): 100 %

Total amount applied: \$ <u>88,122</u> (Total of column(e)) x <u>100</u> %	\$88,122
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Example 4

Staff taking paid maternity leave (ML)			Substitute staff (Note 2)							
Name and Post	Monthly salary	Period of paid ML (Not more than 14 weeks)	Name of substitute staff	For supply teacher, possessing a Certificate in Early Childhood Education or above qualifications (Yes/No)	Substitute period From _____ (dd/mm/yyyy) to _____ (dd/mm/yyyy)	Daily salary / Monthly salary (Note 3) (a)	Actual no. of working days / months (b)	Salary (Not including MPF contribution) (c)	Employer's contribution under the MPF Scheme (if applicable) (d)	Total amount (Note 4) (e)
Name DDD Post (Note 1): (d) [Teaching Assistant]	Monthly salary: \$ 17,600	From 15/04/2019 (dd/mm/yyyy) to 21/07/2019 (dd/mm/yyyy)	1. VVV	Not applicable	From 29/04/19 to 12/07/19 [Unable to recruit a suitable substitute staff from 15-17 April.] [18-28 April was school Easter holiday.] [1 May, 13 May and 7 June & 1 July were public holidays.] [School summer holiday started from 13 July]	Daily/ Monthly * salary \$ 509	Actual working days: 51 days	\$25,959 [\$509 X 51]	\$1,298 [Employment period is more than a continuous of 60 calendar days]	\$27,257
Total of column(e):										\$27,257

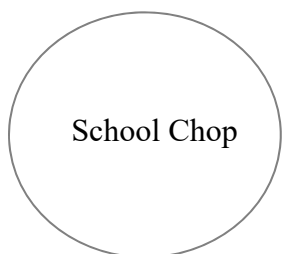
Proportion of work in the KG portion joining the Scheme for the staff taking paid ML (Note 5): 100 %

Total amount applied: \$ <u>27,257</u> (Total of column(e)) x <u>100</u> %	\$27,257
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**Salary Payment Receipt of
Substitute Staff for Staff Taking Paid Maternity Leave**

As _____(Name) of our school had taken paid maternity leave from _____(dd/mm/yyyy) to _____(dd/mm/yyyy), during which the following substitute staff was employed to carry out her daily duties. The total salary at the amount of \$_____ was paid to the substitute staff concerned and the employer’s contribution of \$_____ was made to the Mandatory Provident Fund (MPF) approved trustee account (if applicable).

Name of Substitute Staff:		
Employment Period: From	to	
Daily/Monthly Salary* :\$		
Actual no. of Working Days / Months: _____Month(s) / _____Days(s)		
Total Amount of Salary:\$		
Total Amount of Employer’s Contribution to the MPF Approved Trustee Account (if applicable):\$		
I acknowledge receipt of the abovementioned amount:		
_____	_____	_____
Name of Substitute Staff	Signature	Date



Signature of Supervisor/Principal* : _____

Name of Kindergarten: _____

Date: _____

* Please delete where inappropriate.