

For discussion
on 19 December 2011

LC Paper No. CB(1)534/11-12(03)

**LEGISLATIVE COUNCIL
PANEL ON PUBLIC SERVICE**

Provision of Paternity Leave to Government Employees

Introduction

We advised the Panel on Public Service at its meeting on 17 October 2011 that we had commenced giving active consideration to the provision of paid paternity leave to civil servants, an initiative announced in the 2011-12 Policy Address.

Present Position

2. We have issued a consultative paper on the matter on 21 November 2011 and uploaded it to the homepage of the Civil Service Bureau for public information. A copy of the consultative paper is attached. We are now consulting staff through the established platforms, including Departmental Consultative Committees and the four Central Consultative Committees. Individual staff may also submit their views to the Civil Service Bureau direct. The staff consultation period will close on 20 December 2011.

Advice Sought

3. Members are invited to note and offer any views on the consultative paper on the provision of paternity leave to government employees.

Civil Service Bureau
December 2011

Provision of Paternity Leave to Government Employees

Purpose

The Chief Executive announced in the 2011-12 Policy Address that *“Many developed countries provide paid paternity leave for employees to promote child-bearing and family-friendly practices. The Government will take the lead in promoting this good practice, beginning with a study into the provision of paid paternity leave for civil servants. In considering whether to make it a statutory requirement for all employers, we will have to carefully consider the actual circumstances in Hong Kong.”*¹

2. This consultation paper sets out the main proposals relating to the provision of paternity leave by the Government to its employees; and invites views from them. For the avoidance of doubt, this consultation paper is not about whether or not paternity leave should be provided by other employers to their employees in Hong Kong².

Provision of paternity leave

3. Generally speaking, paternity leave refers to leave taken by a father/father-to-be from his work around the time of the birth of his child. It is a family-friendly measure as it enables a working father/father-to-be to have some time off to take care of the newborn and his spouse before/after her confinement. Accordingly, we consider the Government as an employer should provide paternity leave to its employees.

Guiding principle

4. In considering the broad framework and key components of the paternity leave to be provided by the Government to its employees, we have adopted the guiding principle that an appropriate balance should be struck between the benefits of paternity leave on the one hand and the prudent use of public funds on the other.

¹ Please refer to paragraph 95 of the 2011-12 Policy Address.

² The Labour and Welfare Bureau will separately conduct a consultation on the provision of paternity leave to non-government employees in Hong Kong in early 2012.

Broad framework

5. Having regard to the guiding principle stated above and the paternity leave arrangement adopted by some local private enterprises and public bodies and some governments in Asia, we propose the following broad framework for the paternity leave to be provided by the Government to its employees –

- (a) paternity leave should be on full-pay;
- (b) all government employees, including civil servants, political appointees, judges and judicial officers, non-civil service contract staff, etc.³, who meet the specified criteria should be eligible for paternity leave; and
- (c) paternity leave should be provided on the occasion of each childbirth within marriage.

Key components

6. Likewise, having regard to the guiding principle stated above and the current practice of providing paid paternity leave in Hong Kong and in some Asian economies, we set out in the following paragraphs our proposals on the key components of the paternity leave to be provided by the Government to its employees.

(a) Duration of paternity leave

7. We note that paid paternity leave ranging from one to five or more days is currently offered by some local private enterprises and public bodies, and that two to three days is the most commonly adopted duration⁴. We further note that government employees of a few Asian economies are provided with three to five days of paid paternity leave⁵. Having regard to these findings and to the guiding principle stated above, we propose that the Government should provide three to five working days of paternity leave to its eligible employees.

³ For the avoidance of doubt, government employees do not include employees of contractors and service providers to the Government.

⁴ Some local private enterprises in the telecommunication, estate development and utilities sectors offer two/three days of paid paternity leave, while some in the banking and tertiary education sectors offer five days of paid paternity leave.

⁵ In Singapore, in the absence of any statutory provision of paid paternity leave, government employees are eligible for three days paid paternity leave for the first four children. In Macao, while there is a statutory provision of two days of unpaid absence for male employees on childbirth, government employees are eligible for five days of paid absence.

(b) Eligibility criteria for paternity leave

8. We note that many of the local private enterprises and public bodies that provide paid paternity leave restrict this benefit to childbirth within marriage of their male employees who work full-time and have been with the organisations concerned for a specified period of time⁶. Having regard to this and to the guiding principle stated above, we consider it reasonable for the Government to stipulate a minimum period of continuous service as an eligibility criterion for paternity leave. Drawing reference to the qualifying employment period for paid maternity leave for female government employees, we propose that a full-time⁷ male government employee with not less than 40 weeks' continuous service immediately before the expected or actual date of childbirth within marriage should be eligible for paternity leave.

9. Since the objective of paternity leave is to enable a father/father-to-be to take some time off from work to take care of the newborn and his spouse before/after her confinement, we do not see any strong argument to restrict the provision of paternity leave to childbirth in Hong Kong only. Accordingly, we propose that a government employee may be eligible for paternity leave in connection with childbirth within marriage irrespective of the place of childbirth. As the provision of paternity leave promotes child-bearing, we also propose that there should be no limit on the number of childbirths within marriage for the grant of paternity leave.

(c) Period for taking paternity leave

10. We note that the timeframe for taking paid paternity leave provided by some local private enterprises and public bodies ranges from a short period around childbirth to within six months from the expected date of confinement. Having regard to the objective of paternity leave and drawing reference to the maternity leave arrangement, we propose that paternity leave should be taken by an eligible government employee during the period from four weeks before the expected date of childbirth to eight weeks after the actual date of childbirth. We further propose that any untaken paternity leave after the stated period should not be allowed to be carried forward to a future childbirth.

⁶ The qualifying minimum employment period for paid paternity leave specified by the concerned organisations varies, ranging from three months to 40 weeks to 12 months.

⁷ "Full-time" means the employment is on a "continuous contract" as defined in the Employment Ordinance, namely an employee who works continuously for the same employer for four weeks or more, with at least 18 hours in each week.

Financial and staffing implications

11. Having regard to the incidence of childbirth among male civil servants in the recent past years⁸, no additional civil service posts should be required for the provision of paternity leave by the Government to its employees as proposed above. However, there may be insignificant financial implications in the form of overtime allowance payment or expenses relating to engagement of temporary relief. The additional expenditure will be absorbed from within the existing resources of the bureaux/departments concerned.

Views sought

12. We invite your views on our proposals which are summarised as follows –

- (a) every full-time male government employee with not less than 40 weeks' continuous service immediately before the expected or actual date of childbirth within marriage should be eligible for paid paternity leave;
- (b) paid paternity leave of three to five working days should be provided to every eligible male government employee in connection with each childbirth within marriage, irrespective of the place of birth; and
- (c) paid paternity leave should be taken by an eligible male government employee within a period from four weeks before the expected date of childbirth within marriage to eight weeks after the actual date of childbirth, and any untaken leave should not be allowed to be carried forward to a future childbirth within marriage.

13. Other than providing your feedback through the established staff consultative channels, all government employees may also give views to the Civil Service Bureau direct on or before 20 December 2011 by –

Mail: Civil Service Bureau (Attn : Pay and Leave Division)
8/F, West Wing, Central Government Offices
2 Tim Mei Avenue, Tamar, Hong Kong

⁸ In the past three years, the number of babies born to male civil servants was around 2 700 per year, amounting to a birth rate of some 2.7%.

Facsimile: 2501 0669

E-mail: paternityleave@csb.gov.hk

14. Any person submitting views and comments should be aware that we will publish all or part of the views and comments received and disclose the identity of the source in such manner as considered appropriate, unless he/she requests any part of the views and comments and/or his/her identity be treated in confidence.

15. We will take into account views and comments received in finalising the arrangements for the provision of paternity leave by the Government to its employees.

Civil Service Bureau
November 2011