

《2020年僱傭（修訂）條例》
Employment (Amendment) Ordinance 2020

法定產假由10個星期延長至14個星期

Extension of *Statutory Maternity Leave*

from 10 Weeks to 14 Weeks





《2020年僱傭（修訂）條例》（《修訂條例》）於2020年12月11日開始實施。

The Employment (Amendment) Ordinance 2020 (Amendment Ordinance) comes into operation on 11 December 2020.



《修訂條例》旨在延長《僱傭條例》（第57章）下的產假四個星期，讓合資格僱員在緊接10個星期的產假之後連續放取；並維持以現時法定產假薪酬的比率（即僱員每日平均工資的五分之四），計算就延長產假須支付的法定產假薪酬，以每名僱員80,000元為上限。

The Amendment Ordinance seeks to increase the maternity leave (ML) under the Employment Ordinance (EO) (Cap. 57) by four weeks, to be taken by the employee continuously after the 10 weeks' ML, if so entitled. The current statutory rate of maternity leave pay (MLP) (i.e. four-fifths of the employee's average daily wages) is maintained for calculating the additional MLP payable in respect of the extension of the ML, subject to a cap of \$80,000 per employee.



僱主須在正常糧期支付《修訂條例》下新增四個星期產假薪酬（即第11個至第14個星期），之後僱主可透過報銷形式向政府申領發還該筆已支付的產假薪酬，詳情請參閱勞工處編製有關「發還產假薪酬計劃」的資料。



Employers are required to pay the additional four weeks' MLP (i.e. 11th to 14th week) under the Amendment Ordinance on the normal pay day. Afterwards, employers may apply to the Government for reimbursement of such MLP paid. For details, please refer to the relevant information of the Reimbursement of Maternity Leave Pay Scheme published by the Labour Department.



《修訂條例》亦包括:

The Amendment Ordinance also includes:

- 將《僱傭條例》下「流產」定義的懷孕期由「懷孕28個星期內」更新為「懷孕24個星期內」，讓懷孕24個星期或以後產下不能存活嬰兒的女性僱員，在符合其他所需條件的情況下，有權獲得產假；及

updating the definition of "miscarriage" under the EO from "before 28 weeks of pregnancy" to "before 24 weeks of pregnancy" to entitle a female employee whose child is incapable of survival after being born at or after 24 weeks of pregnancy to ML if other conditions are met; and

- 接納由醫療專業人員所簽發的到診證明書，作為合資格僱員就接受產前檢查當日有權獲得疾病津貼的證明文件。

accepting a certificate of attendance issued by a medical professional as documentary proof for entitling an eligible employee to sickness allowance for any day on which the employee has attended a medical examination in relation to her pregnancy.





新增四個星期的法定產假適用於《修訂條例》實施當日（即2020年12月11日）或之後分娩的合資格女性僱員；更新的「流產」定義適用於《修訂條例》實施當日或之後流產的女性僱員；容許以到診證明書作為合資格僱員就接受產前檢查當日有權獲得疾病津貼的證明，有關安排適用於《修訂條例》實施當日或之後進行的產前檢查。

The additional four weeks' statutory maternity leave is applicable to those eligible female employees whose confinement occurs on or after the commencement date of the Amendment Ordinance (i.e. 11 December 2020). The updated definition of "miscarriage" is applicable to female employees who suffer from miscarriage on or after the commencement date of the Amendment Ordinance. As for the acceptance of certificate of attendance as proof in respect of entitlement to sickness allowance for a day on which an eligible employee attends a medical examination in relation to her pregnancy, it is applicable to medical examinations conducted on or after the commencement date of the Amendment Ordinance.

14
weeks

（本簡介旨在以淺白的文字簡述是次修訂對《僱傭條例》所作出的主要修訂。有關對《僱傭條例》的一切詮釋，皆以法例原文為依歸。詳情可見勞工處網頁www.labour.gov.hk/tc/news/EAO2020.htm。）

[This brief note sets out in simple terms major changes to EO made by the subject amendment. EO remains the sole authority for the provisions of the law explained. More information on this subject is available at the Labour Department's website at www.labour.gov.hk/eng/news/EAO2020.htm.]

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（此熱線由「1823」接聽 The hotline is handled by "1823"）



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