



April 2021

Employer's Guide: Reimbursement of Maternity Pay Scheme

The Employment Ordinance, Cap. 57 was amended with effect from 11 December 2020 to increase statutory maternity leave from 10 weeks to 14 weeks. Once the maternity leave pay ("MLP") for the entire period is paid, employers are entitled to apply for reimbursement capped at HKD80,000 for the MLP corresponding to the 11th to 14th weeks under the Reimbursement of the Maternity Leave Pay Scheme (the "RMLP Scheme"). The RMLP Scheme announced by the Labour Department is now open for application.

Further to our previous update on the increase in statutory maternity leave, we set out below further details relating to applications by employers under the RMLP scheme.

What are the eligibility requirements for applying under the RMLP Scheme?

The following requirements must be met in order to apply for the maternity leave reimbursement:

- the employee in respect of whom the reimbursement application is made must be entitled to maternity leave and MLP under the Employment Ordinance (i.e. she must be employed under a "continuous contract" which requires employment of over 18 hours per week, for four or more consecutive weeks);
- the employee must have taken her maternity leave and the employer must have paid 14 weeks' MLP to the employee;
- the date of confinement must have been on or after 11 December 2020;
- the additional 4 weeks of maternity leave have not been covered by or will not be covered or subsidised by any other government funding.

By when should the application for reimbursement be submitted?

Employers should submit eligible applications for reimbursement by the later of the following:

- three months after the last day of the employee's 14 weeks' statutory maternity leave; or

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- three months after 1 April 2021 which is the commencement date of the RMLP Scheme (i.e., by 1 July 2021).

What are the supporting documents that the employer should submit?

The following documents must be submitted along with a completed Employer Application Form:

- a completed Employee Declaration Form – it is advisable to arrange this prior to commencement of maternity leave to avoid possible delays in processing of the application;
- proof of payment of the MLP for 14 weeks (such as salary slips, bank transaction records);
- proof of employer's bank account for receiving the maternity leave reimbursement (such as a monthly bank statement);
- registration / identity document relating to the employer (such as business registration certificate); and
- proof of pregnancy provided by the relevant employees to their employer (such as medical certificates specifying the expected dates of confinement).

The Labour Department may conduct audit checks and seek further information, such as proof of payment in respect of the 12 months' wages immediately preceding the commencement of the relevant employee's maternity leave and other employment records. Any failure to provide the information sought may result in applications not being approved and/or the employer may be liable to repay in full any reimbursement of MLP already received.

Once the application is submitted, the employer cannot make amendments or upload new supporting documents. If amendments are considered necessary, applicants may consider withdrawing the original application and re-submitting through a full new application.

The Reimbursement of Maternity Leave Pay Scheme application and other details can be accessed through the Reimbursement Easy Portal at www.rmlps.gov.hk.

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Contacts



Nick Dealy
Partner
+852 3405 7656
ndealy@gallhk.com



Matthew Durham
Registered Foreign Lawyer
+852 3405 7688
matthewdurham@gallhk.com



Kritika Sethia
Legal Analyst
+852 3405 7654
kritikasethia@gallhk.com