

10. (由 1987 年第 36 號第 36 條廢除)

11. 再度受聘時暫停支付退休金等

如根據本條例已獲批予退休金的人再度受聘擔任公職，或受聘於補助機構服務，而該服務乃行政長官藉憲報公告決定為就本條而言屬公職服務者，則有關的退休金可在該人的同意下，於其擔任公職或在補助機構服務期間（視屬何情況而定），暫停支付。

(由 1993 年第 4 號第 8 條代替。由 1999 年第 63 號第 3 條修訂)

~~12. 退休金等不可轉付~~

(1) 除《公職人員（轉付薪俸）條例》(第 363 章) 另有規定外，根據本條例批予的退休金（包括延付退休金）、酬金或其他津貼，不得轉付或轉讓，但為以下目的則屬例外——

- (a) 償付拖欠政府的債項（全部或部分）；或
- (b) 遵從法庭的命令，向獲批予該等退休金、酬金或其他津貼的人員的配偶、前任配偶或未成年子女付款，作為其贍養，

該項退休金、酬金或其他津貼，不得為了或因應任何申索或債項（拖欠政府的債項除外）而被扣押、暫押或查押。

- (2) (a) 凡根據本條例獲批予退休金（包括延付退休金）、酬金或其他津貼的人欠下政府一筆債項，在符合 (b) 段的規定下，庫務署署長可動用該項退休金、酬金或其他津貼的全部或部分款項，以償付該人的全部或部分債項。
- (b) 凡——
 - (i) 任何人欠下政府一筆債項，而該筆債項並非因為根據《稅務條例》(第 112 章) 須繳付的稅項所引致的；及
 - (ii) 該人並未同意庫務署署長就該人獲批予的退休金（包括延付退休金）、酬金或其他津貼，行使本款所授予的權力，則在行使該項權力中運用的款額，就上述的某項退休金、酬金或其他津貼而言，不得超過該項退休金、酬金或其他津貼的 25%。

10. (Repealed 36 of 1987 s. 36)

11. Suspension of pension on reappointment, etc.

If a person to whom a pension has been granted under this Ordinance is reappointed to the public service, or appointed to service in a subvented organization which is for the purposes of this section determined to be public service by the Chief Executive by notice in the Gazette, payment of the pension may, with the person's consent, be suspended during the period of his service in the public service or the organization, as the case may be.

(Replaced 4 of 1993 s. 8. Amended 63 of 1999 s. 3)

~~12. Pensions etc. not to be assignable~~

(1) Save as otherwise provided by the Public Officers (Assignment of Emoluments) Ordinance (Cap. 363), a pension (including a deferred pension), gratuity or other allowance granted under this Ordinance shall not be assignable or transferable except for the purpose of—

- (a) satisfying (either in whole or in part) a debt due to the Government; or
- (b) satisfying an order of any court for the payment of money towards the maintenance of the spouse or former spouse or minor child of the officer to whom such pension gratuity or other allowance was granted,

and no such pension, gratuity or other allowance shall be liable to be attached, sequestered or levied upon for or in respect of any claim or debt other than a debt due to the Government.

- (2) (a) Where any person to whom a pension (including a deferred pension), gratuity or other allowance is granted under this Ordinance owes a debt to the Government, subject to paragraph (b), the Director of Accounting Services may apply that pension, gratuity or other allowance, either in whole or in part, for the satisfaction, or partial satisfaction, of the debt.

- (b) Where—
 - (i) a person owes a debt to the Government arising otherwise than on account of tax payable under the Inland Revenue Ordinance (Cap. 112); and
 - (ii) the person has not consented to the exercise, in relation to a pension (including a deferred pension), gratuity or other allowance so granted to him, of the power conferred on the Director of Accounting Services by this subsection,
 the amount applied in such exercise shall not, as regards a particular such pension, gratuity or other allowance, exceed an amount equal to 25% thereof.