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公務員事務局  
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CIVIL SERVICE BUREAU  
GOVERNMENT SECRETARIAT  
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10 June 2002

Ms Kitty Cheng  
Assistant Legal Adviser  
Legislative Council Secretariat  
Legal Service Division  
Legislative Council Building  
8 Jackson Road  
Hong Kong

**FAX** 2877 5024

Dear Ms Cheng,

### Public Officers Pay Adjustment Bill

Thank you for your letter of 5 June 2002. Our response to the questions raised are set out in the following paragraphs.

#### (a) Part 3

The term "public officer" is as defined under the Interpretation and General Clauses Ordinance (Cap.1), i.e. it means any person holding an office of emolument under the Government, whether such office be permanent or temporary.

Clause 5 of the Public Officers Pay Adjustment Bill covers those public officers who are not civil servants or ICAC officers but whose pay is:

- (a) determined in accordance with or by reference to, directly or indirectly, a point on the civil service pay scales or the ICAC pay scale:

- (b) adjusted in accordance with or by reference to, directly or indirectly, adjustments to the civil service pay scales or the ICAC pay scale; or
- (c) determined and adjusted as mentioned in paragraphs (a) and (b) respectively.

Broadly speaking, they refer to certain specified types of non-civil service appointment made by the Government. Examples of non-civil service appointments covered by clause 5(a), (b) or (c) respectively are set out at the Annex.

(b) Clause 9

The purpose of the Bill is not to interpret the original intention of the contracting parties, but to modify those provisions of the contract dealing with pay, in accordance with the provisions of the Bill. It will be appreciated that officers' contracts have already been modified in the past, with their tacit consent, to give them the benefit of past upward adjustments in pay.

(c) Clause 10

The arrangement whereby an officer is appointed on starting salaries that are delinked from the annual civil service pay adjustment essentially covers the civil service and ICAC officers. A civil servant or an ICAC officer who is remunerated on starting salaries is remunerated on the civil service pay scales or the ICAC pay scale as the case may be. As such, unless these officers are specifically exempted from the Bill, they would be caught by Clauses 3 and 4 of the Bill and thus be subject to the pay reduction as specified in the Bill. This would be contrary to our policy intention that those officers on starting salaries should not be affected by the service-wide annual civil service pay adjustment.

(d) Clauses 8 and 11

If the Chief Executive in Council amends Schedule 3 of the Bill, thereby bringing any exempted person within the proposed adjustment, we consider that such an adjustment should be regarded as an adjustment now proposed by the Bill.

Clause 8 underlines the Administration's intention that the Public Officers Pay Adjustment Bill caters specifically for this year's civil service pay adjustment which will take effect from 1 October 2002. The Bill will not have any effect on the annual civil service pay adjustment for subsequent years which the Administration may determine in line with the prevailing policy and mechanism.

The policy intention is that the pay reduction specified in the Bill will be implemented from a prospective specified date, i.e. 1 October 2002. Thus, while we have not specified an expiry date for the power of the Chief Executive in Council under Clause 11 of the Bill, we do not envisage that such power will be exercised after 30 September 2002.

Yours sincerely,



(Mrs Jessie Ting)  
for Secretary for the Civil Service

**Examples of non-civil service appointments  
that will be subject to 2002 civil service pay reduction, if approved**

- I. Examples of non-civil service posts with pay determined in accordance with or by reference to, directly or indirectly, a point on the civil service pay scales

<b>Posts/Category of staff</b>	<b>Relevant departments/bodies</b>
Members of the Auxiliary Police Force	Hong Kong Police Force
Members of the Auxiliary Medical Service	Auxiliary Medical Service
Members of the Civil Aid Service	Civil Aid Service
Auxiliary members of the Government Flying Service	Government Flying Service
Graduate/Undergraduate Trainees	Architectural Services Department, Buildings Department, Civil Engineering Department, Drainage Services Department, Electrical and Mechanical Services Department, Environmental Protection Department, Highways Department, Government Property Agency, Housing Department, Lands Department, Planning Department, Rating and Valuation Department, Transport Department, Territory Development Department, Water Supplies Department,

<b>Posts/Category of staff</b>	<b>Relevant departments/bodies</b>
Legal Trainees (Barrister, Solicitor)	Department of Justice
Temporary Teachers	Education Department
Ex-Council Contract staff	Food and Environmental Hygiene Department, Leisure and Cultural Services Department
Departmental Contract Staff I in RTHK	Radio Television Hong Kong

II. Examples of non-civil service posts with pay adjusted in accordance with or by reference to, directly or indirectly, adjustments to civil service pay scales

<b>Posts/Category of staff</b>	<b>Relevant departments/bodies</b>
Legal Adviser	Department of Justice
Contract Managers	Hong Kong Post

III. Examples of non-civil service posts with pay determined and adjusted in accordance with or by reference to, directly or indirectly, a point on the civil service pay scales

<b>Posts/Category of staff</b>	<b>Relevant departments/bodies</b>
Full-time Members and Researchers of the Central Policy Unit	Central Policy Unit
An Assistant Director in the Office of the Telecommunications Authority	Office of the Telecommunications Authority
Conservation Advisor in Chief Secretary's Office / Financial Secretary's Office	Chief Secretary's Office/Financial Secretary's Office
Native English Teachers	Education Department
Chief Executive and Curriculum Officers in the Curriculum Development Institute	Education Department
Flight Operations Inspector (Consultant)	Civil Aviation Department