

(3) 任何附表人員，如為在職人員或為 1987 年 7 月 1 日或之後受聘或再度受聘任職政府者，其退休年齡為他年屆 60 歲時；或如該附表人員所屬職級或職系或所屬職級或職系的類別為附表所指明者，而就該職級或職系或該類別的職級或職系而言，一個少於 60 歲（但不少於 55 歲）的年齡已由——

(a) 行政長官（如附表人員屬首長級人員）；或（由 1999 年第 63 號第 3 條修訂）

(b) 有關的部門首長（如附表人員屬高級人員或員佐級人員），

為施行本款而在憲報刊登公告予以指明，而該公告並未有撤回，則該附表人員的退休年齡即為該如此指明的年齡：（由 1988 年第 61 號第 3 條修訂）

但任何附表人員——

(i) 可按第 11(1)(b)(ii) 或 (iii) 條的規定早於根據本款訂明的退休年齡自願退休；及

(ii) 須於根據第 (i) 段退休前，按公務員事務局局長或有關的部門首長（視屬何情況而定）所指明的通知期，向公務員事務局局長（如該附表人員為部門首長）或向有關的部門首長（如該附表人員並非部門首長）發出退休通知書。（由 1997 年第 362 號法律公告修訂）

(4) 行政長官可批准本條所適用的人員在年屆其退休年齡後繼續服務。（由 1999 年第 63 號第 3 條修訂）

(5) 於 1987 年 7 月 10 日在憲報第 206 號法律公告、第 207 號法律公告、第 208 號法律公告、第 209 號法律公告、第 210 號法律公告及第 211 號法律公告所分別刊登的 6 項命令，每一項均須視作為施行第 (3) 款而刊登的公告。（由 1988 年第 61 號第 4 條增補）

## 11. 可就正常服務批予退休金的情況

(1) 除非本條例另有規定，否則不得批予任何人員退休金，但就該人員以文職身分任職於政府的服務期及就下列情況而批予者，則不在此限——

(a) 除第 27(2) 條另有規定外，當該人員在年屆其退休年齡之時或之後退休，並且是在完成不少於 10 年的符合領取退休金利益資格的服務期後退休；

(b) 除第 27(2) 條另有規定外，當該人員在完成不少於 10 年的符合領取退休金利益資格的服務期後在以下時間自願提早退休——（由 1993 年第 4 號第 18 條修訂）

(3) The retirement age of a Scheduled officer, who is either a serving officer or an officer appointed or re-appointed to service under the Government on or after 1 July 1987, shall be when he attains the age of 60 years or in case he holds a rank or grade, or a class of rank or grade, specified in the Schedule and in relation to which an age, being an age less than 60 years but not less than 55 years, is specified by—

(a) in the case of a Scheduled officer of a directorate rank, the Chief Executive; or (*Amended 63 of 1999 s. 3*)

(b) in the case of a Scheduled officer of a senior rank or rank and file grade, the Head of the Department concerned,

in a notice published for the purposes of this subsection in the Gazette and not withdrawn, the age so specified: (*Amended 61 of 1988 s. 3*)

Provided that a Scheduled officer—

(i) may retire voluntarily as provided in section 11(1)(b)(ii) or (iii) earlier than the retirement age prescribed under this subsection; and

(ii) shall, prior to his retirement under paragraph (i), give to the Secretary for the Civil Service (in the case of a Head of Department) or to the Head of Department concerned (in the case of any Scheduled officer other than a Head of Department) written notice of retirement of such duration as is specified by the Secretary for the Civil Service or the Head of Department, as the case may be.

(4) The Chief Executive may approve the continued service of an officer, to whom this section applies, after he attains his retirement age. (*Amended 63 of 1999 s. 3*)

(5) Each of the 6 orders published in the Gazette on 10 July 1987 in Legal Notices Nos. 206, 207, 208, 209, 210 and 211, respectively, shall be regarded as being a notice published for the purposes of subsection (3). (*Added 61 of 1988 s. 4*)

## 11. Circumstances in which pension may be granted for normal service

(1) Unless otherwise provided in this Ordinance, no pension shall be granted to an officer except in respect of his service in a civil capacity under the Government and except—

(a) subject to section 27(2), upon his retirement on or after attaining his retirement age, and after completion of qualifying service of not less than 10 years;

(b) subject to section 27(2), upon his voluntary early retirement after completion of qualifying service of not less than 10 years— (*Amended 4 of 1993 s. 18*)

- (i) 如屬第 10(2) 條適用的在職人員，為他年屆 55 歲之時或之後；
- (ii) 如屬第 10(3) 條適用的首長級或高級的附表人員，為他年屆 55 歲之時或之後；
- (iii) 如屬第 10(3) 條適用的員佐級的附表人員，為他年屆 50 歲之時或之後；
- (c) 如該人員轉任其他公職——
  - (i) 當他年屆某一年齡之時或之後退休，而該年齡為適用於他最後受僱的服務的法律或規例准許他享有退休金而退休者；或
  - (ii) 當他在任何其他情況下退休，而該等情況為適用於他最後受僱的服務的法律或規例准許他享有退休金或酬金而退休者，但對於以經已結婚或即將結婚為理由而退休的女性人員，第 (ii) 節並不適用；
- (d) 當該人員在其職位被取消時退休，並且是在完成不少於 2 年的符合領取退休金利益資格的服务期後退休；
- (e) 在符合第 (2) 款的規定下，當該人員為了公眾利益而退休，不論他是否已完成不少於 10 年的符合領取退休金利益資格的服务期；
- (f) 在符合第 (2) 款的規定下，並除第 29(1)(a) 條另有規定外，當該人員因政府行使紀律懲處權而遭迫令退休，不論他是否已完成不少於 10 年的符合領取退休金利益資格的服务期；
- (g) 當該人員遭迫令退休而退休，而該迫令退休是為利便改善其在職部門的組織，藉以提高工作效率或更符合經濟效益者，並且是在完成不少於 2 年的符合領取退休金利益資格的服务期後退休；
- (h) 當有醫學證據令行政長官信納該人員是因精神欠妥或身體衰弱而無能力執行其職責，且該種欠妥或衰弱相當可能屬永久性者，而該人員是在完成不少於 5 年的符合領取退休金利益資格的服务期後因該醫學證據而退休的； (由 1999 年第 63 號第 3 條修訂)
- (i) 當該人員按照任何補償計劃而退休，不論他是否已完成不少於 10 年的符合領取退休金利益資格的服务期；

- (i) in the case of a serving officer to whom section 10(2) applies, on or after his attaining the age of 55 years;
- (ii) in the case of a Scheduled officer of a directorate rank or senior rank to whom section 10(3) applies, on or after his attaining the age of 55 years;
- (iii) in the case of a Scheduled officer of the rank and file grade to whom section 10(3) applies, on or after his attaining the age of 50 years;
- (c) in the case of transfer to other public service—
  - (i) upon his retirement on or after attaining the age at which he is permitted by the law or regulations of the service in which he was last employed to retire on pension; or
  - (ii) upon his retirement in any other circumstances in which he is permitted by the law or regulations of the service in which he was last employed to retire on pension or gratuity, but subparagraph (ii) shall not apply in the case of a female officer who retires for the reason that she has or is about to be married;
- (d) upon his retirement on the abolition of his office, and after completion of qualifying service of not less than 2 years;
- (e) subject to subsection (2), upon his retirement in the public interest, whether or not he has completed qualifying service of not less than 10 years;
- (f) subject to subsection (2) and section 29(1)(a), upon his compulsory retirement in exercise of disciplinary powers of punishment by the Government, whether or not he has completed qualifying service of not less than 10 years;
- (g) upon his compulsory retirement for the purpose of facilitating improvement in the organization of the department in which he is serving, by which greater efficiency or economy may be effected, and after completion of qualifying service of not less than 2 years;
- (h) upon his retirement on medical evidence that satisfies the Chief Executive that the officer is incapable by reason of any infirmity of mind or body of discharging the duties of his office and that such infirmity is likely to be permanent, and after completion of qualifying service of not less than 5 years; (Amended 63 of 1999 s. 3)
- (i) upon his retirement in accordance with any compensation scheme, whether or not he has completed qualifying service of not less than 10 years;

- (j) 在符合第 (2) 款的規定下，並除第 27(2) 條另有規定外，當該人員完成不少於 10 年的符合領取退休金利益資格的服務期後，在公務員事務局局長批准之下辭職；或 (由 1997 年第 362 號法律公告修訂)
- (k) 除第 27(2) 條另有規定外，當該人員達到第 21 條所指明的最高退休金額時退休。 (由 1993 年第 4 號第 18 條修訂)

(2) 除非行政長官另有指示，否則批予第 (1)(e)、(f) 或 (j) 款適用人員的退休金是延付退休金。 (由 1999 年第 63 號第 3 條修訂)

(3) 根據第 (1)(a) 或 (b) 款退休，或根據第 (1)(j) 款辭職，須在人員將其意圖通知公務員事務局局長後，按公務員事務局局長所指明者而服務一段期間後方可退休或辭職。 (由 1997 年第 362 號法律公告修訂)

- (j) subject to subsection (2) and section 27(2), upon his resignation from the service, with the approval of the Secretary for the Civil Service, after completion of qualifying service of not less than 10 years; or
- (k) subject to section 27(2), upon his retirement on attaining the maximum pension specified in section 21. (Amended 4 of 1993 s. 18)

(2) Unless otherwise directed by the Chief Executive, a pension granted to an officer to whom subsection (1)(e), (f) or (j) applies shall be a deferred pension. (Amended 63 of 1999 s. 3)

(3) Retirement under subsection (1)(a) or (b), or resignation under subsection (1)(j), shall take place after the officer has served such period of service, as may be specified by the Secretary for the Civil Service, after the officer has notified the Secretary for the Civil Service of his intention to retire or resign.

## 12. 可就再度受聘後的服務批予退休金的情況

任何人員，如具有資格領取退休金或獲批予退休金，並再度受聘任職於政府，一經完成再度受聘的不少於 2 年的符合領取退休金利益資格的服務期，即須就該服務期獲批予退休金。

## 12. Circumstances in which pension may be granted for service after re-appointment

An officer who is eligible for, or is granted, a pension and who is re-appointed to service under the Government, shall be granted a pension in respect of that service on completion of qualifying service of not less than 2 years during such re-appointment.

## 13. 補償計劃

為施行第 11(1)(i) 條，行政長官會同行政會議可不時批准補償計劃，而該計劃—— (由 1999 年第 63 號第 3 條修訂)

- (a) 須適用於其內所指明的人員；
- (b) 可就人員在退休時獲得補償、退休金利益及額外利益的支付、退休金利益的折算、人員的受養人所獲得的死亡恩恤金的支付和其他有關事宜，作出按照本條例以外而作出的規定；及
- (c) 須規定在何種情況須根據該計劃支付補償及其他利益。

## 13. Compensation scheme

For the purposes of section 11(1)(i) the Chief Executive in Council may, from time to time, approve a compensation scheme which— (Amended 63 of 1999 s. 3)

- (a) shall apply to such officers as are specified in the scheme;
- (b) may provide for the payment of compensation, pension benefits and additional benefits to officers on their retirement, the commutation of pension benefits, the payment of death gratuities to dependants of officers, and for other matters relating thereto, other than in accordance with this Ordinance; and
- (c) shall provide for the circumstances in which compensation and other benefits are payable under the scheme.

## 14. 就因受傷退休而批予的退休金

- (1) 任何人員，如於可供計算退休金的服務期間——

## 14. Grant of pension on retirement on account of injuries

- (1) A pension shall be granted to an officer who is permanently injured—