

PUBLIC OFFICERS PAY ADJUSTMENT ORDINANCE

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HONG KONG SPECIAL ADMINISTRATIVE REGION

ORDINANCE No. 25 OF 2002

L.S.

TUNG Chee-hwa
Chief Executive
18 July 2002

An Ordinance to adjust with effect on and from 1 October 2002 the pay of public officers paid in accordance with civil service pay scales or the ICAC pay scale by reducing the pay pertaining to each point on those pay scales by—

- (a) in the case of points on those scales the monthly salary pertaining to which is, on 30 September 2002, below \$15,520, 1.58%;
- (b) in the case of points on those scales the monthly salary pertaining to which is, on 30 September 2002, \$15,520 or above but does not exceed \$47,590, 1.64%;
- (c) in the case of points on those scales the monthly salary pertaining to which is, on 30 September 2002, above \$47,590, 4.42%;

with effect on and from the same date to adjust the pay of certain public officers whose pay is determined in accordance with or by reference to a point on one of those pay scales or whose pay is adjusted in accordance with or by reference to adjustments to one of those pay scales by the corresponding percentages; to provide that with effect on and from the same date the amounts of the allowances payable to certain public officers that are determined in accordance with or by reference to a point on one of those pay scales or which are adjusted in accordance with or by reference to adjustments to one of those pay scales are to be determined or adjusted in accordance with or by reference to points on those scales as so adjusted; and for connected purposes.

[19 July 2002]

Enacted by the Legislative Council.

PART 1

PRELIMINARY

1. Short title

This Ordinance may be cited as the Public Officers Pay Adjustment Ordinance.

2. Interpretation

In this Ordinance, unless the context otherwise requires—

- “allowance” (津貼) means any remuneration, other than pay, payable to a public officer;
- “civil servant” (公務員) means a public officer employed by the Government on civil service terms of appointment at a civil service rank;
- “civil service pay scales” (公務員薪級表) means any pay scale specified in Part 1 of Schedule 1;
- “ICAC officer” (廉署人員) means a public officer who is an officer within the meaning of section 2 of the Independent Commission Against Corruption Ordinance (Cap. 204);
- “ICAC pay scale” (廉署人員薪級表) means the pay scale specified in Part 2 of Schedule 1;
- “pay” (薪酬) includes salary, wages, a consultancy fee, a training allowance and an honorarium;
- “relevant percentage” (有關百分率)—
 - (a) in relation to a point on the civil service pay scales, means the percentage specified in Part 1 of Schedule 2 in respect of that point;
 - (b) in relation to a point on the ICAC pay scale, means the percentage specified in Part 2 of Schedule 2 in respect of that point.

3. Application

This Ordinance does not apply to—

- (a) the pay of a public officer who is remunerated on a salary, being a starting salary, that is not linked to the annual civil service pay adjustment;
- (b) the pay or allowances of a judicial officer—
 - (i) holding a judicial office—

- (A) specified in Schedule 1 to the Judicial Officers Recommendation Commission Ordinance (Cap. 92); or
- (B) known as Senior Deputy Registrar, High Court; or
- (ii) appointed by the Chief Justice.

PART 2

CIVIL SERVANTS

4. Adjustment of pay of civil servants

(1) The civil service pay scales are, on 1 October 2002, adjusted by reducing the pay pertaining to each point on each of the civil service pay scales by the relevant percentage with each result, if it is not a multiple of \$5, rounded up to the nearest \$5.

(2) The pay payable to a civil servant in accordance with the civil service pay scales as adjusted under subsection (1) is payable with effect on and from 1 October 2002.

(3) Where the pay of a civil servant (not being a civil servant falling within subsection (2)) is—

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

then, with effect on and from 1 October 2002, the pay payable to the civil servant shall be determined, adjusted, or determined and adjusted, as the case may be, in accordance with or by reference to the civil service pay scales as adjusted under subsection (1).

PART 3

PUBLIC OFFICERS OTHER THAN CIVIL SERVANTS

5. Adjustment of pay of ICAC officers

(1) The ICAC pay scale is, on 1 October 2002, adjusted by reducing the pay pertaining to each point on that scale by the relevant percentage with each result, if it is not a multiple of \$5, rounded up to the nearest \$5.

(2) The pay payable to an ICAC officer in accordance with the ICAC pay scale as adjusted under subsection (1) is payable with effect on and from 1 October 2002.

(3) Where the pay of an ICAC officer (not being an ICAC officer falling within subsection (2)) 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,

then, with effect on and from 1 October 2002, the pay payable to the ICAC officer shall be determined, adjusted, or determined and adjusted, as the case may be, in accordance with or by reference to the civil service pay scales as adjusted under section 4(1), or the ICAC pay scale as adjusted under subsection (1), as the case requires.

6. Adjustment of pay of certain public officers who are not civil servants or ICAC officers

Subject to section 7, where the pay of a public officer (not being a civil servant or ICAC officer) 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,

then, with effect on and from 1 October 2002, the pay payable to the public officer shall be determined, adjusted, or determined and adjusted, as the case may be, in accordance with or by reference to the civil service pay scales as adjusted under section 4(1), or the ICAC pay scale as adjusted under section 5(1), as the case requires.

**7. Adjustment of rate of salary of
Director of Audit**

(1) Notwithstanding section 4A of the Audit Ordinance (Cap. 122) or any order made under that section, the rate of salary of the Director of Audit is, on 1 October 2002, adjusted by being reduced by 4.42% with the result, if it is not a multiple of \$5, rounded up to the nearest \$5.

(2) The salary payable to the Director of Audit in accordance with the rate of salary as adjusted under subsection (1) is payable with effect on and from 1 October 2002.

(3) This section shall not prejudice the operation of any order made under section 4A of the Audit Ordinance (Cap. 122) after 1 October 2002.

PART 4

ALLOWANCES

8. Adjustment of allowances

Where the amount of an allowance payable to a public officer 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,

then, with effect on and from 1 October 2002, the amount of the allowance payable to the public officer, in so far as the allowance is payable for or attributable to any period beginning on or after that date, shall be determined, adjusted, or determined and adjusted, as the case may be, in accordance with or by reference to the civil service pay scales as adjusted under section 4(1), or the ICAC pay scale as adjusted under section 5(1), as the case requires.

PART 5

GENERAL PROVISIONS

9. Future adjustments

The adjustments made by this Ordinance to the pay, and the amounts of any allowances, payable to public officers do not prohibit or affect any adjustment to the pay or the amounts of any allowances payable to public officers made after 1 October 2002.

10. Express authority for adjustments

The contracts of employment of public officers are varied so as to expressly authorize the adjustments to pay and the amounts of the allowances made by this Ordinance.

SCHEDULE 1

[s. 2]

PAY SCALES

PART 1

CIVIL SERVICE PAY SCALES

1. Master Pay Scale—point 0 to point 49
2. Model Scale 1 Pay Scale—point 0 to point 13
3. Police Pay Scale—point 1a to point 59
4. General Disciplined Services (Commander) Pay Scale—point 1 to point 4
5. General Disciplined Services (Officer) Pay Scale—point 1d to point 38
6. General Disciplined Services (Rank and File) Pay Scale—point 1a to point 27
7. Directorate Pay Scale—point D1 to point D10
8. Directorate (Legal) Pay Scale—point DL1 to point DL7
9. Training Pay Scale—point 1 to point 16
10. Technician Apprentice Pay Scale—point 0 to point 4
11. Craft Apprentice Pay Scale—point 0 to point 4

PART 2

ICAC PAY SCALE

Independent Commission Against Corruption Pay Scale— point 1 to point 48

SCHEDULE 2

[s. 2]

RELEVANT PERCENTAGES

PART 1

CIVIL SERVICE PAY SCALES

Item	Points on the civil service pay scales	Relevant percentage
1.	Points on the civil service pay scales the monthly salary pertaining to which is, on 30 September 2002, below \$15,520	1.58%
2.	Points on the civil service pay scales the monthly salary pertaining to which is, on 30 September 2002, \$15,520 or above but does not exceed \$47,590	1.64%
3.	Points on the civil service pay scales the monthly salary pertaining to which is, on 30 September 2002, above \$47,590	4.42%

PART 2

ICAC PAY SCALE

Item	Points on the ICAC pay scale	Relevant percentage
1.	Points on the ICAC pay scale the monthly salary pertaining to which is, on 30 September 2002, below \$15,520	1.58%
2.	Points on the ICAC pay scale the monthly salary pertaining to which is, on 30 September 2002, \$15,520 or above but does not exceed \$47,590	1.64%
3.	Points on the ICAC pay scale the monthly salary pertaining to which is, on 30 September 2002, above \$47,590	4.42%