

LEGISLATIVE COUNCIL BRIEF

Pension Benefits Ordinance
(Chapter 99)

PENSION BENEFITS ORDINANCE (ESTABLISHED OFFICES) (AMENDMENT) ORDER 2003

INTRODUCTION

At the meeting of the Executive Council on 28 October 2003, the Council ADVISED and the Chief Executive ORDERED that the Pension Benefits Ordinance (Established Offices) (Amendment) Order 2003 (the Amendment Order) at **Annex A** should be made under section 2(1) of the Pension Benefits Ordinance to declare established offices for the purposes of the Pensions Ordinance and the Pension Benefits Ordinance.

JUSTIFICATIONS

2. Offices in the Civil Service are classified into two categories – established offices and non-established offices. Established offices make up the bulk of civil service ranks in directorate, administrative, professional, technical, clerical, middle management and disciplined services while non-established offices are occupied by officers belonging to Model Scale 1 ranks (e.g. Workman II and Supplies Attendant). The pensions legislation provides that the pension factor used in computing the pension benefits of an officer confirmed to an established office is higher than that of a non-established office. In other words, an officer on an established office will enjoy a larger sum of pension benefits.

3. Section 2(1) of the Pensions Ordinance and section 2(1) of the Pension Benefits Ordinance provide that “established office” means an office declared to be an established office in an Order made by the Chief Executive and published in the Gazette. An EO Order may from time to

time be amended, added to or revoked by another EO Order so made and published. Such amendment, addition or revocation is necessary when changes in rank titles, creation of new ranks and deletion of obsolete ranks arise.

4. The last EO Order was made in February 2002. There have been a number of changes since then. Four ranks have become obsolete; eight ranks have been retitled; three new ranks and another three new shadow ranks* for civil servants working in the Vocational Training Council (VTC) have been created. Details of the changes are set out at **Annex B**. The creation and deletion of the civil service ranks have already been approved by the Finance Committee of the Legislative Council (LegCo), while the creation of three new shadow ranks has been approved by the then Director of Education under delegated authority. The re-titling of the eight ranks has been approved by the Secretary for the Civil Service (SCS). The Amendment Order at Annex A aims to update the list of established offices by reflecting these changes.

5. There is an urgent need to make the Amendment Order with a view to updating the list of established offices. This is because an officer occupying one of the new shadow ranks in VTC (Senior Lecturer (IVE)(VTC)) is due to retire on 1 January 2004 under the Second Voluntary Retirement Scheme. Timely amendment of the Order to declare the relevant new rank as an established office is necessary to ensure that the officer concerned will receive his pension benefits in his own right upon retirement. Otherwise, the office which the officer is occupying will be regarded as a non-established office and his pension can only be calculated on that basis, resulting in pension loss for the officer concerned.

* **Note** Shadow ranks are created to accommodate officers who have been transferred to the Vocational Training Council (VTC) but retained their status as civil servants. The objective of the shadow ranks is to preserve the promotion prospects and pension benefits of these civil servants for so long as they remain in the civil service, even though they are not working in a Government department. In this regard, shadow posts are created under respective shadow ranks to accommodate officers occupying different posts or positions in the rank. The shadow posts will be deleted when the incumbents move on to other position of a different rank within VTC (in which case shadow posts corresponding to the new positions will be created) or leave the civil service.

LEGISLATIVE TIMETABLE

6. The legislative timetable will be –

Publication in the Gazette	7 November 2003
Tabling at the LegCo	12 November 2003

IMPLICATIONS OF THE PROPOSAL

7. The making of the Amendment Order is in conformity with the Basic Law, including the provisions concerning human rights. It does not involve additional financial and staffing implications. It also has no economic, productivity, environmental or sustainability implications.

PUBLIC CONSULTATION

8. Since the making of the Amendment Order is an updating exercise to reflect approved changes to the civil service ranks and grades, we do not consider it necessary to consult the public or the Staff Sides of the Civil Service.

PUBLICITY

9. We shall publish the Amendment Order in the Gazette. A spokesman will be available to respond to enquiries.

ENQUIRIES

10. Miss Agnes Wong, Principal Assistant Secretary (Civil Service) Appointments, is responsible for the subject matter. She may be contacted at telephone number 2810 3063.

Civil Service Bureau
4 November 2003

PENSION BENEFITS ORDINANCE (ESTABLISHED OFFICES)
(AMENDMENT) ORDER 2003

(Made under section 2(1) of the Pension Benefits Ordinance
(Cap. 99) after consultation with the Executive Council)

1. Schedule 1 amended

Schedule 1 to the Pension Benefits Ordinance (Established
Offices) Order (Cap. 99 sub. leg. J) is amended -

(a) in the entry relating to the grade of
"Administrative Officer", by repealing "Director of
Bureau" and substituting "Administrative Officer
Staff Grade A1";

(b) in the entry relating to the grade of "Chinese
Language Officer", by repealing "Chinese Language"
wherever it appears and substituting "Official
Languages";

(c) by repealing the entries relating to the grades of
"Director of Government Supplies", "Government Land
Transport Administrator" and "Government Printer";

(d) in the entry relating to the grade of "Government
Transport Manager", by adding -

"Controller of Government 1.7.2003"

Land Transport

before -

"Government Transport Manager 19.11.1975";

(e) in the entry relating to the grade of "Interpreter
(Simultaneous Interpretation)", by repealing

"Interpreter (Simultaneous Interpretation)"
 wherever it appears and substituting "Simultaneous
 Interpreter";

(f) by adding -

"Director of	Director of	1.7.2003
Government	Government	
Logistics	Logistics	
	Deputy Director	1.7.2003".
	of Government	
	Logistics	

2. Schedule 2 amended

Schedule 2 is amended by adding -

"Principal Lecturer (IVE)(VTC)	1.9.2001
Senior Lecturer (IVE)(VTC)	1.9.2001
Lecturer (IVE)(VTC)	1.9.2001"

after -

"Vocational Studies Tutor (VTC)	24.7.2000".
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Chief Executive

2003

Explanatory Note

Schedules 1 and 2 to the Pension Benefits Ordinance (Established Offices) Order (Cap. 99 sub. leg. J) list the offices which are established offices for the purposes of the Pension Benefits Ordinance (Cap. 99).

2. This Order amends the Schedules by including as established offices the Controller of Government Land Transport, the Director of Government Logistics, the Deputy Director of Government Logistics and the Principal Lecturer, Senior Lecturer and Lecturer of the Institute of Vocational Education of the Vocational Training Council.

3. The Order deletes from Schedule 1 the established offices of the Director of Government Supplies, the Deputy Director of Government Supplies, the Government Land Transport Administrator and the Government Printer.

4. The Order also amends Schedule 1 by substituting "Administrative Officer Staff Grade A1" for "Director of Bureau" in the entry relating to the grade of "Administrative Officer", "Official Languages Officer" for "Chinese Language Officer" in the entry relating to the grade of "Chinese Language Officer" and "Simultaneous Interpreter" for "Interpreter (Simultaneous Interpretation)" in the entry relating to the grade of "Interpreter (Simultaneous Interpretation)".

**Details on Deletion of Obsolete Ranks,
Creation of New Ranks and Re-titling of Ranks
since the Pension Benefits Ordinance (Established Offices) Order 2002**

Deletion of Obsolete Ranks (Total : 4)

<i>Rank</i>	<i>Date of Deletion</i>
Director of Government Supplies (D5)	1.7.2003
Deputy Director of Government Supplies (D3)	1.7.2003
Government Land Transport Administrator (D2)	1.7.2003
Government Printer (D5)	1.7.2003

Creation of New Ranks (Total : 6)

<i>Rank</i>	<i>Date of Creation</i>
Director of Government Logistics (D5)	1.7.2003
Deputy Director of Government Logistics (D3)	1.7.2003
Controller of Government Land Transport (D1)	1.7.2003
Principal Lecturer (IVE)(VTC) (MPS 42-47)	1.9.2001
Senior Lecturer (IVE)(VTC) (MPS 35-42)	1.9.2001
Lecturer (IVE)(VTC) (MPS 20-33B)	1.9.2001

Re-titling of Ranks (Total : 8)

<i>Old Rank Title</i>	<i>舊職級名稱</i>	<i>New Rank Title</i>	<i>新職級名稱</i>
Director of Bureau	局長	Administrative Officer Staff Grade A1	首長級甲一級政務官
Principal Chinese Language Officer	首席中文主任	Principal Official Languages Officer	首席法定語文主任
Chief Chinese Language Officer	總中文主任	Chief Official Languages Officer	總法定語文主任
Senior Chinese Language Officer	高級中文主任	Senior Official Languages Officer	高級法定語文主任
Chinese Language Officer I	一級中文主任	Official Languages Officer I	一級法定語文主任
Chinese Language Officer II	二級中文主任	Official Languages Officer II	二級法定語文主任
Chief Interpreter (Simultaneous Interpretation)	總即時傳譯主任	Chief Simultaneous Interpreter	總即時傳譯主任
Interpreter (Simultaneous Interpretation)	即時傳譯主任	Simultaneous Interpreter	即時傳譯主任