

LEGISLATIVE COUNCIL BRIEF

Pension Benefits Ordinance
(Chapter 99)

PENSION BENEFITS ORDINANCE (ESTABLISHED OFFICES) (AMENDMENT) ORDER 2008

INTRODUCTION

At the meeting of the Executive Council on 15 January 2008, the Council ADVISED and the Chief Executive ORDERED that the Pension Benefits Ordinance (Established Offices) (Amendment) Order 2008 (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.

A

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. Under these sections, “non-established office” means an office in the public service which is not declared as an established office. The Pension Benefits Ordinance (Established Offices) Order (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 EO Order was last amended in November 2003. There have been a number of changes since then. Four new ranks and another four new shadow ranks* for civil servants working in the Hospital Authority and Vocational Training Council respectively have been created; 31 ranks have become obsolete and the Chinese titles of five ranks require updating. 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 (FC) of the Legislative Council (LegCo), while the creation of the four new shadow ranks have been approved by the Director of Health and the then Permanent Secretary for Education and Manpower as appropriate under authority delegated by the FC. The updating of the Chinese titles of the five ranks has been approved by the Secretary for the Civil Service. The Amendment Order at Annex A aims to update the list of established offices by reflecting these changes.

THE AMENDMENT ORDER

5. Schedules 1 and 2 to the Pension Benefits Ordinance (Established Offices) Order list the offices which are established offices

* Note Shadow ranks are created to accommodate officers who have been transferred to the Hospital Authority (HA) and 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 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 the HA or VTC (in which case shadow posts corresponding to the new positions will be created) or leave the civil service.

for the purposes of the Pension Benefits Ordinance. This Order amends the Schedules by including newly established offices, deleting obsolete established offices and amending the Chinese names of some offices since the last amendment order made in 2003. Details are at Annex A.

LEGISLATIVE TIMETABLE

6. The legislative timetable will be -

Publication in the Gazette	25 January 2008
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Tabling at the LegCo	30 January 2008
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IMPLICATIONS OF THE PROPOSAL

7. The Amendment Order is in conformity with the Basic Law, including the provisions concerning human rights. It does not affect the existing binding effect of the Pension Benefits Ordinance and its subsidiary legislation. 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. Mrs. Sharon Yip, Principal Assistant Secretary (Civil Service) Appointments, is responsible for the subject matter. She may be

contacted at telephone number 2810 3063.

Civil Service Bureau
22 January 2008

PENSION BENEFITS ORDINANCE (ESTABLISHED OFFICES)(AMENDMENT) ORDER 2008

(Made by the Chief Executive 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 “Analyst/Programmer”, by repealing –
 - “ Director of Information Technology 1.4.1974”;
Services
- (b) by repealing the entries relating to the grades of –
 - (i) “Assistant Ombudsman”;
 - (ii) “Audiology Technician”;
 - (iii) “Bank Examination Assistant”;
 - (iv) “Butcher”;
 - (v) “Director, Civil Service Training and
Development Institute”;
 - (vi) “Director of Civil Engineering”;
 - (vii) “Director of Territory Development”;
 - (viii) “Industrial Training Officer”;
 - (ix) “Lecturer (Graduate)”;
 - (x) “Principal Assistant Financial Secretary”;
 - (xi) “Principal Assistant Secretary (Monetary Affairs)”;
 - (xii) “Registrar of Trade Unions”;
 - (xiii) “Sailor”;
 - (xiv) “Secretary, Regional Council”;
 - (xv) “Secretary, Urban Council”;
 - (xvi) “Tally Clerk”; and

- (xvii) “Technical Secretary (Industry)”;
- (c) in the Chinese text, in the entry relating to the grade of “航空交通飛行事務員”, by repealing “飛行” wherever it appears;
- (d) in the Chinese text, in the entry relating to the grade of “特別司機”, by repealing “特別” where it twice appears and substituting “特級”;
- (e) by adding –
- | | | |
|---------------------|--------------------|------------|
| “Controller, Centre | Controller, Centre | 2.5.2006”; |
| for Food Safety | for Food Safety | |
- (f) by adding –
- | | | |
|---------------------|--------------------|------------|
| “Controller, Centre | Controller, Centre | 1.4.2004”; |
| for Health | for Health | |
| Protection | Protection | |
- (g) by adding –
- | | | |
|--------------------|-------------------|------------|
| “Director of Civil | Director of Civil | 1.7.2004”; |
| Engineering and | Engineering and | |
| Development | Development | |
- (h) by adding –
- | | | |
|-------------------|------------------|------------|
| “Government Chief | Government Chief | 1.7.2004”. |
| Information | Information | |
| Officer | Officer | |

2. Schedule 2 amended

Schedule 2 is amended –

- (a) by adding –
- | | |
|--------------------------------------|-----------|
| “Senior Assistant Executive Director | 1.4.2006” |
| (VTC) | |
- after –

- | | | |
|-----|--------------------------------------|-------------|
| | “Lecturer (IVE) (VTC) | 1.9.2001”; |
| (b) | by adding – | |
| | “Associate Consultant (HA) | 22.3.2007”; |
| (c) | by adding – | |
| | “Consultant (Hospital Services) (HA) | 8.9.2006”; |
| (d) | by adding – | |
| | “Student Nurse (HA) | 6.10.2003”. |

Chief Executive

16 January 2008

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, Centre for Food Safety; Controller, Centre for Health Protection; Director of Civil Engineering and Development; Government Chief Information Officer; Senior Assistant Executive Director of the Vocational Training Council; and Associate Consultant, Consultant (Hospital Services) and Student Nurse of the Hospital Authority.

3. This Order deletes from Schedule 1 the established office of the Director of Information Technology Services under the grade of Analyst/Programmer. It also deletes the established offices under the grades of Assistant Ombudsman;

Audiology Technician; Bank Examination Assistant; Butcher; Director, Civil Service Training and Development Institute; Director of Civil Engineering; Director of Territory Development; Industrial Training Officer; Lecturer (Graduate); Principal Assistant Financial Secretary; Principal Assistant Secretary (Monetary Affairs); Registrar of Trade Unions; Sailor; Secretary, Regional Council; Secretary, Urban Council; Tally Clerk and Technical Secretary (Industry).

4. This Order also amends the Chinese titles in the entries relating to the grades of Air Traffic Flight Services Officer and Special Driver in Schedule 1.

**Details on Creation of New Ranks, Deletion of Obsolete Ranks and Changes in
Chinese Titles of Ranks in the Pension Benefits Ordinance
(Established Offices) (Amendment) Order 2008**

Creation of New Ranks (Total: 8)

Grade / Rank	Date of creation
Controller, Centre for Health Protection (D4)	1.4.2004
Director of Civil Engineering and Development (D6)	1.7.2004
Government Chief Information Officer (D6)	1.7.2004
Controller, Centre for Food Safety (D4)	2.5.2006
Student Nurse (HA) (HTPS 5-8)	6.10.2003
Senior Assistant Executive Director (VTC) (D2)	1.4.2006
Consultant (Hospital Services) (HA) (HGPS 50-51B)	8.9.2006
Associate Consultant (HA) (HGPS 40-49)	22.3.2007

Deletion of Obsolete Ranks (Total: 31)

Grade	Rank	Date of deletion
Analyst / Programmer	Director of Information Technology Services (D5)	1.7.2004
Assistant Ombudsman	Deputy Ombudsman (D3)	20.2.2004
	Assistant Ombudsman (D2)	20.2.2004
Audiology Technician	Audiology Technician I (MPS 22-33)	7.7.2006
	Audiology Technician II (MPS 6-21)	7.7.2006
Bank Examination Assistant	Bank Examination Assistant (MPS 9-19)	7.7.2006
Butcher	Master Butcher (MPS 14-18)	7.7.2006
	Foreman Butcher (MPS 11-13)	7.7.2006
	Butcher (MPS 6-10)	7.7.2006
	Assistant Butcher (MPS 3-5)	7.7.2006
Director, Civil Service Training and Development Institute	Director, Civil Service Training and Development Institute (D3)	1.4.2004
Director of Civil Engineering	Director of Civil Engineering (D5)	28.7.2006
Director of Territory Development	Director of Territory Development (D6)	7.7.2006
Industrial Training Officer	Industrial Training Officer (MPS 22-24)	7.7.2006

Grade	Rank	Date of deletion
Lecturer (Graduate)	Vice Principal, College of Education (MPS 45-49)	7.7.2006
	Principal Lecturer (MPS 40-44)	7.7.2006
	Senior Lecturer (MPS 34-39)	7.7.2006
	Lecturer (Graduate) (MPS 20-33)	7.7.2006
Principal Assistant Financial Secretary	Senior Principal Assistant Financial Secretary (D4)	7.7.2006
	Principal Assistant Financial Secretary (D3)	7.7.2006
Principal Assistant Secretary (Monetary Affairs)	Deputy Secretary (Monetary Affairs) (D3)	7.7.2006
	Principal Assistant Secretary (Monetary Affairs) (D2)	7.7.2006
Registrar of Trade Unions	Deputy Registrar of Trade Unions (MPS 34-44)	7.7.2006
Sailor	Boatswain (MPS 15-18)	7.7.2006
	Senior Coxswain (MPS 11-14)	7.7.2006
	Coxswain (MPS 6-10)	7.7.2006
	Sailor (MPS 3-5)	7.7.2006
Secretary, Regional Council	Secretary, Regional Council (D2)	7.7.2006
Secretary, Urban Council	Secretary, Urban Council (D2)	7.7.2006
Tally Clerk	Tally Clerk (MPS 2-15)	7.7.2006
Technical Secretary (Industry)	Technical Secretary (Industry) (D1)	7.7.2006

Change in Chinese Titles of Grades/Ranks (Total: 2 Grades / 5 Ranks)

Grade	Rank	Existing Chinese Rank Title	New Chinese Rank Title
Air Traffic Flight Services Officer	Senior Air Traffic Flight Services Officer (MPS 30-33)	高級航空交通 飛行事務員	高級航空交通 事務員
	Air Traffic Flight Services Officer I (MPS 23-29)	一級航空交通 飛行事務員	一級航空交通 事務員
	Air Traffic Flight Services Officer II (MPS 7-22)	二級航空交通 飛行事務員	二級航空交通 事務員
	Air Traffic Flight Services Officer III (TPS 4-6)	三級航空交通 飛行事務員	三級航空交通 事務員
Special Driver	Special Driver (MPS 8-10)	特別司機	特級司機