

PUBLIC OFFICERS PAY ADJUSTMENT BILL**CONTENTS**

Clause	Page
PART 1	
PRELIMINARY	
1. Short title.....	C935
2. Interpretation.....	C935
3. Pay point and pay adjustment rules	C937
4. Non-application to judicial officers.....	C937
PART 2	
ADJUSTMENT OF PAY	
5. Civil servants	C939
6. ICAC officers paid in accordance with ICAC pay scale	C939
7. Director of Audit.....	C939
8. Other public officers	C941
PART 3	
ADJUSTMENT OF ALLOWANCES	
9. Allowances determinable in accordance with or by reference to pay point or points	C941
10. Allowances adjustable in accordance with or by reference to pay scale adjustments.....	C943
PART 4	
GENERAL PROVISIONS AND REPEALS	
11. Future adjustments.....	C943
12. Express authority for adjustments	C943

Clause	Page
13. Repeals.....	C943
Schedule Pay scales	C945

A BILL

To

Adjust the pay, and the amount of certain allowances, payable to certain civil servants and officers of the Independent Commission Against Corruption and certain other public officers whose pay or allowance amount is determinable, or (for pay) determinable and adjustable, in accordance with or by reference to a civil service pay scale or the Independent Commission Against Corruption Pay Scale or adjustable in accordance with or by reference to adjustments made to such a scale.

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

(1) In this Ordinance—

“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 scale” (公務員薪級表) means a pay scale specified in Part 1 of the Schedule between the points on that scale specified in that Part (both points inclusive);

- “Hospital Authority civil servant” (醫院管理局公務員) means a civil servant serving in the Hospital Authority whose pay is determined in accordance with a point on a Hospital Authority pay scale;
- “Hospital Authority pay scale” (醫院管理局薪級表) means a pay scale specified in Part 3 of the Schedule between the points on that scale specified in that Part (both points inclusive);
- “ICAC officer” (廉署人員) means a public officer who is an officer within the meaning 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 the Schedule between the points on that scale specified in that Part (both points inclusive);
- “operative date” (實施日期) means the first day of the month immediately following the month during which this Ordinance commences;
- “pay” (薪酬) means any remuneration payable to a public officer as salary, wages, a consultancy fee or an honorarium;
- “pay scale” (薪級表) means a civil service pay scale, a Hospital Authority pay scale or the ICAC pay scale.

(2) If the rules (however expressed) by which adjustments may be made to the pay, or to the amount of an allowance, payable to a public officer refer to civil service pay increases as the factor or one of the factors by which the pay or the amount of the allowance is adjustable, then for the purposes of this Ordinance, the reference to civil service pay increases must be taken for a public officer to whom section 8 applies to be a reference to adjustments made to a civil service pay scale.

3. Pay point and pay adjustment rules

(1) If the adjustment of a point on a pay scale by this Ordinance results in a dollar value for that point of an amount that is not a multiple of \$5, the resulting dollar value must be rounded up to the nearest \$5.

(2) If the adjustment (with any required rounding up) of a point on a pay scale by this Ordinance results in a dollar value for that point of an amount that is less than \$48,700, the resulting dollar value must be increased to \$48,700.

(3) If the adjustment of the pay payable to the Director of Audit under section 7 or to a public officer under section 8 results in a dollar value that is not a multiple of \$5, the resulting dollar value must be rounded up to the nearest \$5.

4. Non-application to judicial officers

This Ordinance does not apply to the pay or allowances payable to—

- (a) a person holding a judicial office specified in Schedule 1 to the Judicial Officers Recommendation Commission Ordinance (Cap. 92); or
- (b) any other judicial officer appointed by the Chief Executive or by the Chief Justice.

PART 2

ADJUSTMENT OF PAY

5. Civil servants

(1) On the operative date each civil service pay scale is adjusted by reducing the dollar value of each point on the scale by 5.38%.

(2) The pay payable to a civil servant in accordance with a civil service pay scale as adjusted under subsection (1) is payable with effect from the beginning of the operative date.

(3) On the operative date each Hospital Authority pay scale is, in its application to a Hospital Authority civil servant and not otherwise, adjusted by reducing the dollar value of each point on the scale by 5.38%.

(4) The pay payable to a Hospital Authority civil servant in accordance with a Hospital Authority pay scale as adjusted in its application to him or her under subsection (3) is payable with effect from the beginning of the operative date.

6. ICAC officers paid in accordance with ICAC pay scale

(1) On the operative date the ICAC pay scale is adjusted by reducing the dollar value of each point on the scale by 5.38%.

(2) The pay payable to an ICAC officer in accordance with the ICAC pay scale as adjusted under subsection (1) is payable with effect from the beginning of the operative date.

7. Director of Audit

(1) On the operative date the pay payable to the Director of Audit is adjusted by reducing it by 5.38% and the pay as so adjusted is payable with effect from the beginning of that date.

(2) This section has effect despite anything to the contrary in section 4A of the Audit Ordinance (Cap. 122) or in any order made under that section.

8. Other public officers

(1) This section applies to a public officer to whom a monthly pay of more than \$48,400 is payable immediately before the operative date and who is not a civil servant, an ICAC officer covered by section 6(2) or the Director of Audit.

(2) If the pay payable to the public officer is determinable in accordance with or by reference to, directly or indirectly, a point on a civil service pay scale or on the ICAC pay scale, then from the beginning of the operative date, the pay is to be determined in accordance with or by reference to the dollar value of that point as reduced by section 5(1) or 6(1), as the case requires.

(3) If the pay payable to the public officer is adjustable in accordance with or by reference to, directly or indirectly, adjustments made to a civil service pay scale or the ICAC pay scale, then to the extent that it is so adjustable, on the day of the first adjustment to the pay that is to be made on or after the operative date, the pay is to be adjusted in accordance with or by reference to the rate of adjustments made to that scale by section 5(1) or 6(1), as the case requires, and the pay as so adjusted is payable with effect from the beginning of that day.

(4) If the pay payable to the public officer is determinable and adjustable in accordance with or by reference to, directly or indirectly, a point on a civil service pay scale or on the ICAC pay scale, then from the beginning of the operative date, the pay is to be determined and adjusted in accordance with or by reference to the dollar value of that point as reduced by section 5(1) or 6(1), as the case requires.

PART 3

ADJUSTMENT OF ALLOWANCES

9. Allowances determinable in accordance with or by reference to pay point or points

If the amount of an allowance payable to a public officer is determinable in accordance with or by reference to, directly or indirectly, a point, or more than one point, on a civil service pay scale or on the ICAC pay scale, then from the beginning of the operative date and in so far as the allowance is payable for or attributable to any period beginning on or after that date, the amount is to be determined in accordance with or by reference to the dollar value of that point, or those points, as reduced by section 5(1) or 6(1), as the case requires, with the result rounded up to the next dollar.

10. Allowances adjustable in accordance with or by reference to pay scale adjustments

(1) If the amount of an allowance payable to a public officer is adjustable in accordance with or by reference to, directly or indirectly, adjustments made to a civil service pay scale or the ICAC pay scale, then to the extent that it is so adjustable, on the day of the first adjustment to the amount of the allowance that is to be made on or after the operative date, the amount is to be adjusted in accordance with or by reference to the rate of adjustments made to that scale by section 5(1) or 6(1), as the case requires, with the result rounded up to the next dollar.

(2) The adjusted allowance is payable with effect from the beginning of the day on which the adjustment is made in so far as it is payable for or attributable to any period beginning on or after that day.

PART 4**GENERAL PROVISIONS AND REPEALS****11. Future adjustments**

This Ordinance does not prohibit or affect any other adjustment being made to the pay, or to the amount of any allowance, payable to a public officer on or after the operative date or with effect from the operative date or any later date including, for the Director of Audit, by an order made under section 4A of the Audit Ordinance (Cap. 122).

12. Express authority for adjustments

The contract of employment of any public officer is varied so as to expressly authorize the adjustments made by this Ordinance to the pay, or to the amount of any allowance, payable to the public officer.

13. Repeals

The Public Officers Pay Adjustment Ordinance (Cap. 574) and the Public Officers Pay Adjustments (2004/2005) Ordinance (Cap. 580) are repealed.

SCHEDULE

[s. 2]

PAY SCALES

PART 1

CIVIL SERVICE PAY SCALES

1. Master Pay Scale—point 34 (33A) to point 49
2. Police Pay Scale—point 36 to point 59
3. General Disciplined Services (Commander) Pay Scale—point 1 to point 4
4. General Disciplined Services (Officer) Pay Scale—point 20 to point 38
5. Directorate Pay Scale—point D1 to point D10
6. Directorate (Legal) Pay Scale—point DL1 to point DL7

PART 2

ICAC PAY SCALE

Independent Commission Against Corruption Pay Scale—point 28 to point 48

PART 3

HOSPITAL AUTHORITY PAY SCALES

1. Hospital Authority General Pay Scale—point 34 to point 56
2. Hospital Authority Management Pay Scale—point 9 to point 46

Explanatory Memorandum

The object of this Bill is to adjust the pay, and the amount of certain allowances, payable to certain civil servants and officers of the Independent Commission Against Corruption and certain other public officers whose pay or allowance amount is determinable, or (for pay) determinable and adjustable, in accordance with or by reference to a civil service pay scale or the Independent Commission Against Corruption Pay Scale or adjustable in

accordance with or by reference to adjustments made to such a scale. The pay scales that are affected by this Bill are the civil service pay scales, the Hospital Authority pay scales (in their application to civil servants serving in the Hospital Authority) and the ICAC pay scale as described in the Schedule to this Bill. For some pay scales it is only the part between pay points at the upper level that constitute the pay scale for the purposes of this Bill. This Bill does not affect pay points on a pay scale that have a dollar value of \$48,400 or less.

Part 1—Preliminary

2. Clause 2 defines terms used in this Bill and provides for the effect of any rules that refer to civil service pay increases as the factor or one of the factors by which adjustments may be made to the pay, or to the amount of an allowance, payable to a public officer.
3. Clause 3 contains rounding up rules for both the dollar value of pay points on pay scales and actual pay amounts.
4. Clause 4 provides that this Bill does not apply to judicial officers.

Part 2—Adjustment of Pay

5. Clause 5 reduces by 5.38% the dollar value of each pay point on the civil service pay scales and on the Hospital Authority pay scales in their application to civil servants serving in the Hospital Authority. Pay is payable to civil servants in accordance with the adjusted pay scales with effect from the beginning of the operative date. The operative date is defined in clause 2 as the first day of the month immediately following the month during which this Bill (when enacted) commences.
6. Clause 6 reduces by 5.38% the dollar value of each pay point on the ICAC pay scale. Pay is payable to ICAC officers in accordance with the adjusted pay scale with effect from the beginning of the operative date.
7. Clause 7 reduces the pay payable to the Director of Audit by 5.38% with effect from the beginning of the operative date.
8. Clause 8 applies from the beginning of the operative date a civil service pay scale or the ICAC pay scale as adjusted by this Bill (when enacted) to other public officers with a monthly pay immediately before the operative date of more than \$48,400 if their pay is determinable, or determinable and adjustable, in accordance with or by reference to, directly or indirectly, a pay point on that scale. The clause also contains adjustment rules applicable to the pay payable to a public officer whose pay is adjustable in accordance with or by reference to, directly or indirectly, adjustments made to a civil service pay scale or the ICAC pay scale.

Part 3—Adjustment of Allowances

9. Clause 9 applies from the beginning of the operative date a civil service pay scale or the ICAC pay scale as adjusted by this Bill (when enacted) in determining the amount of an allowance payable to a public officer if the amount is determinable in accordance with or by reference to, directly or indirectly, a pay point, or more than one pay point, on that scale.

10. Clause 10 contains adjustment rules applicable to the amount of an allowance payable to a public officer if the amount is adjustable in accordance with or by reference to, directly or indirectly, adjustments made to a civil service pay scale or the ICAC pay scale.

Part 4—General Provisions and Repeals

11. Clause 11 provides that this Bill does not prohibit or affect other adjustments made to the pay, or to the amount of any allowance, payable to public officers on or after the operative date or with effect from the operative date or any later date including, for the Director of Audit, by an order made under section 4A of the Audit Ordinance (Cap. 122).

12. Clause 12 varies the contracts of employment of public officers so that those contracts expressly authorize the adjustments made by this Bill.

13. Clause 13 repeals the Public Officers Pay Adjustment Ordinance (Cap. 574) and the Public Officers Pay Adjustments (2004/2005) Ordinance (Cap. 580) which are now spent.