

立法會
Legislative Council

LC Paper No. LS83/10-11

**Paper for the House Committee Meeting
on 24 June 2011**

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 17 June 2011**

Date of tabling in LegCo : 22 June 2011

Amendment to be made by : 2nd meeting of LegCo in the next session (or the 1st meeting after 21 days from the 2nd meeting of the next session if extended by resolution)

Pensions (Increase) Ordinance (Cap. 305)

Declaration of Increase in Pensions Notice 2011 (L.N. 105)

Widows and Orphans Pension (Increase) Ordinance (Cap. 205)

Widows and Orphans Pension (Increase) Notice 2011 (L.N. 106)

L.N. 105 and L.N. 106 are made by the Chief Executive respectively under section 4(1B) of the Pensions (Increase) Ordinance (Cap. 305) (P(IO)) and section 3(3) of the Widows and Orphans Pension (Increase) Ordinance (Cap. 205)(WOP(IO)). The Notices respectively declare and specify a 3.2% increase in the basic pension and the dependant pensions payable under the relevant ordinances with effect from 1 April 2011.

2. Under P(IO) and WOP(IO), if the average monthly Consumer Price Index(A)(Average Index) of a period of 12 months ending on 31 March of a year exceeds the Average Index of the immediately preceding 12 months by more than 0.1%, the Chief Executive shall declare or specify a percentage of increase in the respective pensions equal to the excess as soon as practicable by notice in the Gazette.

3. According to the Administration, the Average Index of the 12 months ending on 31 March 2011 exceeds the Average Index of the immediately preceding 12 months by 3.2%. The increase in respect of the pensions is accordingly 3.2%. The effective date is proposed in line with the usual practice of effecting a pension increase from 1 April of a year.

4. Neither the public nor any of the LegCo Panels have been consulted as the pension increase in accordance with increase in the Average Index is a statutory entitlement for pensioners and dependants. Members may refer to the LegCo Brief (File Ref: CSBCR/AP/4-075-005/5 Pt. 14) issued by the Civil Service Bureau and dated 13 June 2011 for further information.

5. No difficulties have been observed in the legal or drafting aspects of the Notices.

Prepared by

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