

立法會
Legislative Council

LC Paper No. LS90/11-12

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 13 July 2012**

**LEGAL NOTICE NOT REQUIRED TO BE TABLED AND NOT
SUBJECT TO AMENDMENT**

**Volunteer and Naval Volunteer Pensions Ordinance (Cap. 202)
Volunteer and Naval Volunteer Pensions Ordinance (Amendment of
Schedules) Order 2012 (L.N. 110)**

The Volunteer and Naval Volunteer Pensions Ordinance (Cap. 202) (the Ordinance) provides for the payment of pensions, gratuities, and other allowances (the statutory payment) in connection with the disablement or death of officers and volunteers of the Hong Kong Volunteer Defence Corps and members of the Hong Kong Naval Volunteer Force who were called out on actual military service or actual service during the Second World War. Under section 35(2) of the Ordinance, the amounts of the statutory payment are adjusted in accordance with the percentage of increase declared in a notice made under section 4(1C) of the Pensions (Increase) Ordinance (Cap. 305) (PIO).

2. The Order is made by the Secretary for Labour and Welfare under section 35(2) of the Ordinance. It amends Schedules 3 to 8 to the Ordinance to adjust the amounts of the statutory payment. Section 35(5) of the Ordinance provides that section 34 of the Interpretation and General Clauses Ordinance (Cap. 1) does not apply to an order made under section 35(2) of the Ordinance. Accordingly, the Order is not required to be tabled in the Legislative Council and is not subject to amendment.

3. By the Declaration of Increase in Pensions Notice 2012 (L.N. 105 of 2012) (the DIP Notice) gazetted on 15 June 2012 made under PIO, an increase of 5.7% is declared in respect of a basic pension with effect from 1 April 2012 in accordance with the percentage of increase in the average monthly Consumer Price Index (A) (the Average Index) of the 12 months ending on 31 March 2012 over the Average Index of the immediately preceding 12 months. Accordingly, pursuant to the Order, the amounts set out in Schedules 3 to 8 to the Ordinance are adjusted in accordance with the

percentage of increase (5.7%) in respect of a basic pension declared in the DIP Notice. The relevant amounts were last revised in April 2011 (L.N. 132 of 2011).

4. Section 35(4) of the Ordinance provides that an order made under section 35(2) shall take effect on the same date as specified in the relevant notice made under PIO. As mentioned in paragraph 3 above, the DIP Notice came into effect on 1 April 2012. Accordingly, the Order is deemed to have come into operation on 1 April 2012.

5. The Panel on Welfare Services has not been consulted on the Order.

6. No difficulties have been identified in the legal and drafting aspects of the above item of subsidiary legislation.

Prepared by

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