

## **LEGISLATIVE COUNCIL BRIEF**

Pension Benefits Ordinance  
(Chapter 99)

### **PENSION BENEFITS ORDINANCE (ESTABLISHED OFFICES) (AMENDMENT) ORDER 2014**

#### **INTRODUCTION**

A At the meeting of the Executive Council on 29 April 2014, the Council ADVISED and the Acting Chief Executive ORDERED that the Pension Benefits Ordinance (Established Offices) (Amendment) Order 2014 (the Amendment Order) at **Annex A** should be made under section 2(1) of the Pension Benefits Ordinance (Cap. 99) to declare established offices for the purposes of the Pensions Ordinance (Cap. 89), the Pension Benefits Ordinance (Cap. 99) and the Pension Benefits (Judicial Officers) Ordinance (Cap. 401).

#### **JUSTIFICATIONS**

2. 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. Section 2(1) of the Pension Benefits (Judicial Officers) Ordinance provides that “established office” in the Ordinance has the same meaning as in the Pension Benefits Ordinance. Under these sections, “non-established office” means an office in the public service which is not declared as an established office.

3. Established offices make up the bulk of civil service ranks in directorate, administrative, professional, technical, clerical, middle management, Model Scale 1 and disciplined services. 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. An Established Offices (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 May 2011. There have been a number of changes since then. Six new ranks and another four new shadow ranks<sup>1</sup> for civil servants working in the Hospital Authority (HA) and Vocational Training Council (VTC) have been created. Besides, one rank has become obsolete. Details of the changes are set out at **Annex B**. The creation and deletion of the 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 Permanent Secretary for Education under authority delegated by the FC. The Amendment Order at Annex A aims to update the list of established offices by reflecting these changes.

B

### **THE AMENDMENT ORDER**

5. 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. This Order amends the Schedules by including newly established offices and deleting obsolete established office since the last amendment order made in 2011. Details are at Annex A.

### **LEGISLATIVE TIMETABLE**

6. The legislative timetable will be -

Publication in the Gazette	6 June 2014
Tabling at the LegCo	11 June 2014

### **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 family, economic, productivity,

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<sup>1</sup> Shadow ranks are created to accommodate officers who have been transferred to the HA and 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 positions of different ranks within the HA or VTC (in which case shadow posts corresponding to the new positions will be created) or leave the civil service.

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 Side of the Civil Service.

### **PUBLICITY**

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

### **ENQUIRIES**

10. Any enquiries on this brief may be addressed to Ms Jenny Choi, Administrative Assistant to Secretary for the Civil Service at 2810 2358.

**Civil Service Bureau**  
**5 June 2014**

**Pension Benefits Ordinance (Established Offices)  
(Amendment) Order 2014**

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

**1. Pension Benefits Ordinance (Established Offices) Order amended**

The Pension Benefits Ordinance (Established Offices) Order (Cap. 99 sub. leg. J) is amended as set out in sections 2 and 3.

**2. Schedule 1 amended**

(1) Schedule 1—

**Repeal the entry relating to the grade of “Commissioner for Television and Entertainment Licensing”.**

(2) Schedule 1, entry relating to the grade of “Veterinary Officer”, before the following—

“Senior Veterinary Officer 10.4.1968”

**Add**

“Principal Veterinary Officer 15.4.2011”.

(3) Schedule 1—

**Add in alphabetical order**

“Regulatory Affairs Chief Regulatory Affairs Manager 18.11.2011  
Manager Affairs Manager

Principal Regulatory Affairs Manager 18.11.2011

Senior Regulatory Affairs Manager 18.11.2011

Regulatory Affairs Manager 18.11.2011  
Secretary-General of the Film Development Council Secretary-General of the Film Development Council 16.11.2013”.

**3. Schedule 2 amended**

(1) Schedule 2, after the following—

“Workshop Attendant (VTC) 1.10.2008”

**Add**

“Chief Apprenticeship Officer (VTC) 8.8.2011

Senior Apprenticeship Officer (VTC) 8.8.2011

Apprenticeship Officer (VTC) 8.8.2011”.

(2) Schedule 2, after the following—

“Operating Theatre Assistant (HA) 1.12.1991”

**Add**

“Operation Assistant II (HA) 28.10.2013”.

Chief Executive

2014

### 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 the following as established offices—
  - (a) Principal Veterinary Officer;
  - (b) Chief Regulatory Affairs Manager;
  - (c) Principal Regulatory Affairs Manager;
  - (d) Senior Regulatory Affairs Manager;
  - (e) Regulatory Affairs Manager;
  - (f) Secretary-General of the Film Development Council;
  - (g) Chief Apprenticeship Officer of the Vocational Training Council;
  - (h) Senior Apprenticeship Officer of the Vocational Training Council;
  - (i) Apprenticeship Officer of the Vocational Training Council; and
  - (j) Operation Assistant II of the Hospital Authority.
3. This Order also deletes from Schedule 1 the established office under the grade of Commissioner for Television and Entertainment Licensing.

**Details on Creation of New Ranks and Deletion of Obsolete Rank  
in the Pension Benefits Ordinance  
(Established Offices) (Amendment) Order 2014**

**Creation of New Ranks (Total : 10)**

<b>Grade/Rank</b>	<b>Date of creation</b>
Principal Veterinary Officer (D1)	15.4.2011
Chief Regulatory Affairs Manager (D1)	18.11.2011
Principal Regulatory Affairs Manager (MPS Pt. 45-49)	18.11.2011
Senior Regulatory Affairs Manager (MPS Pt. 34-44)	18.11.2011
Regulatory Affairs Manager (MPS Pt. 27-33)	18.11.2011
Secretary-General of the Film Development Council (D2)	16.11.2013
Operation Assistant II (HA) (Monthly Pay Range: \$12,754-\$15,503)	28.10.2013
Chief Apprenticeship Officer (VTC) (MPS Pt. 34-36)	8.8.2011
Senior Apprenticeship Officer (VTC) (MPS Pt. 30-33C)	8.8.2011
Apprenticeship Officer (VTC) (MPS Pt. 24-28)	8.8.2011

**Deletion of Obsolete Rank (Total : 1)**

<b>Grade/Rank</b>	<b>Date of deletion</b>
Commissioner for Television and Entertainment Licensing (D3)	1.4.2012

Legend:

D : Directorate Pay Scale

MPS : Master Pay Scale