

立法會
Legislative Council

LC Paper No. LS94/16-17

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 25 August 2017**

**SUBSIDIARY LEGISLATION NOT REQUIRED TO BE TABLED AND
NOT SUBJECT TO AMENDMENT**

**Volunteer and Naval Volunteer Pensions Ordinance
(Amendment of Schedules) Order 2017 (L.N. 147)**

L.N. 147 is made by the Secretary for Labour and Welfare under section 35(2) of the Volunteer and Naval Volunteer Pensions Ordinance (Cap. 202). It amends Schedules 3 to 8 to Cap. 202 to increase the amounts and monthly rates of the pensions, gratuities and other allowances ("the statutory payment") payable under Cap. 202 in connection with the disablement or death of the officers and volunteers of the Hong Kong Volunteer Defence Corps and members of the Hong Kong Naval Volunteer Force who fought in defence of Hong Kong during the Second World War. Under section 35(2) of Cap. 202, the relevant amounts and monthly rates 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).

2. By the Declaration of Increase in Pensions Notice 2017 (L.N. 123 of 2017) ("the DIP Notice") gazetted on 16 June 2017 and made under section 4(1C) of Cap. 305, an increase of 2.1% is declared in respect of the basic pensions with effect from 1 April 2017 in accordance with the percentage of increase in the average monthly Consumer Price Index (A) ("Average Index") of the 12 months ending on 31 March 2017 over the Average Index of the immediately preceding 12 months. Accordingly, pursuant to section 35(2) of Cap. 202, the amounts and monthly rates set out in Schedules 3 to 8 to Cap. 202 are adjusted in accordance with the percentage of increase of the basic pensions declared in the DIP Notice (i.e. 2.1%). The relevant amounts and monthly rates were last revised in 2016 by L.N. 116 of 2016.

3. Section 35(4) of Cap. 202 provides that an order made under section 35(2) shall take effect on the same date as specified in the relevant notice made under Cap. 305. As the relevant DIP Notice came into effect on 1 April 2017, L.N. 147 is deemed to have come into operation on 1 April 2017.

4. Section 35(5) of Cap. 202 provides that section 34 of the Interpretation and General Clauses Ordinance (Cap. 1) shall not apply in respect of an order made under section 35(2) of Cap. 202. L.N. 147 is therefore not required to be tabled in the Legislative Council ("LegCo") and is not subject to amendment by LegCo.

5. As advised by the Clerk to the Panel on Welfare Services, the Panel has not been consulted on L.N. 147.

6. According to paragraph 7 of the LegCo Brief issued by the Labour and Welfare Bureau on 22 August 2017 (File Ref: LWB CR 8/3231/92 Pt. 19), the Administration considers that public consultation on L.N. 147 is not necessary as the adjustment of the amounts and monthly rates payable under Cap. 202 is a routine updating exercise.

7. No difficulties have been identified in the legal and drafting aspects of L.N. 147.

Prepared by

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