

C021-E

A Bill to Adjust with effect on and from 1 October 2002 the pay of public officers paid in accordance with civil service pay scales or the ICAC pay scale by reducing the pay pertaining to each point on those pay scales by---

(a) in the case of points on those scales the monthly salary pertaining to which is, on 30 September 2002, below \$15,520, 1.58%;

(b) in the case of points on those scales the monthly salary pertaining to which is, on 30 September 2002, \$15,520 or above but does not exceed \$47,590, 1.64%;

(c) in the case of points on those scales the monthly salary pertaining to which is, on 30 September 2002, above \$47,590, 4.42%;

with effect on and from the same date to adjust the pay of public officers whose pay is determined in accordance with or by reference to a point on one of those pay scales or whose pay is adjusted in accordance with or by reference to adjustments to one of those pay scales by the corresponding percentages; to provide that with effect on and from the same date the amounts of the allowances payable to public officers that are determined in accordance with or by reference to a point on one of those pay scales or which are adjusted in accordance with or by reference to adjustments to one of those pay scales are to be determined or adjusted in accordance with or by reference to points on those scales as so adjusted; and for connected purposes.

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

In this Ordinance, unless the context otherwise requires---

"allowance" (津貼) means any remuneration, other than pay, payable to a public officer;

"civil service pay scales" (公務員薪級表) means any pay scale specified in Part 1 of Schedule 1;

"ICAC officer" (廉署人員) means a public officer who is an officer within the meaning of section 2 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 Schedule 1;

"pay" (薪酬) includes salary, wages, a consultancy fee, a training allowance and an honorarium;

"relevant percentage" (有關百分率)---

(a) in relation to a point on the civil service pay scales, means the percentage specified in Part 1 of Schedule 2 in respect of that point;

(b) in relation to a point on the ICAC pay scale, means the percentage specified in Part 2 of Schedule 2 in respect of that point.

## PART 2

### Civil Servants

#### 3. Adjustment of pay of civil servants

(1) The civil service pay scales are, on 1 October 2002, adjusted by reducing the pay pertaining to each point on each of the civil service pay scales by the relevant percentage with each result, if it is not a multiple of \$5, rounded up to the nearest \$5.

(2) The pay payable to a civil servant in accordance with the civil service pay scales as adjusted under subsection (1) is payable with effect on and from 1 October 2002.

(3) Where the pay of a civil servant (not being a civil servant falling within subsection (2)) is---

(a) determined in accordance with or by reference to, directly or indirectly, a point on the civil service pay scales;

(b) adjusted in accordance with or by reference to, directly or indirectly, adjustments to the civil service pay scales; or

(c) determined and adjusted as mentioned in paragraphs (a) and (b) respectively, then, with effect on and from 1 October 2002, the pay payable to the civil servant shall be determined, adjusted, or determined and adjusted, as the case may be, in accordance with or by reference to the civil service pay scales as adjusted under subsection (1).

## PART 3

### Public Officers other than Civil Servants

#### 4. Adjustment of pay of ICAC officers

(1) The ICAC pay scale is, on 1 October 2002, adjusted by reducing the pay pertaining to each point on that scale by the relevant percentage with each result, if it is not a multiple of \$5, rounded up to the nearest \$5.

(2) The pay payable to an ICAC officer in accordance with the ICAC pay scale as adjusted under subsection (1) is payable with effect on and from 1 October 2002.

(3) Where the pay of an ICAC officer (not being an ICAC officer falling within subsection (2)) is---

(a) determined in accordance with or by reference to, directly or indirectly, a point on the ICAC pay scale;

(b) adjusted in accordance with or by reference to, directly or indirectly, adjustments to the ICAC pay scale; or

(c) determined and adjusted as mentioned in paragraphs (a) and (b) respectively, then, with effect on and from 1 October 2002, the pay payable to the ICAC officer shall be determined, adjusted, or determined and adjusted, as the case may be, in accordance with or by reference to the ICAC pay scale as adjusted under subsection (1).

5. Adjustment of pay of certain public officers  
who are not civil servants or ICAC officers

Subject to section 6, where the pay of a public officer (not being a civil servant or ICAC officer) is---

(a) determined in accordance with or by reference to, directly or indirectly, a point on the civil service pay scales or the ICAC pay scale;

(b) adjusted in accordance with or by reference to, directly or indirectly, adjustments to the civil service pay scales or the ICAC pay scale; or

(c) determined and adjusted as mentioned in paragraphs (a) and (b) respectively, then, with effect on and from 1 October 2002, the pay payable to the public officer shall be determined, adjusted, or determined and adjusted, as the case may be, in accordance with or by reference to the civil service pay scales as adjusted under section 3(1), or the ICAC pay scale as adjusted under section 4(1), as the case requires.

6. Adjustment of rate of salary of Director of Audit

(1) Notwithstanding section 4A of the Audit Ordinance (Cap. 122) or any order made under that section, the rate of salary of the Director of Audit is, on 1 October 2002, adjusted by being reduced by 4.42% with the result, if it is not a multiple of \$5, rounded up to the nearest \$5.

(2) The salary payable to the Director of Audit in accordance with the rate of salary as adjusted under subsection (1) is payable with effect on and from 1 October 2002.

(3) This section shall not prejudice the operation of any order made under section 4A of the Audit Ordinance (Cap. 122) after 1 October 2002.

PART 4

Allowances

7. Adjustment of allowances

Where the amount of an allowance payable to a public officer is---

(a) determined in accordance with or by reference to, directly or indirectly, a point on the civil service pay scales or the ICAC pay scale;

(b) adjusted in accordance with or by reference to, directly or indirectly,

adjustments to the civil service pay scales or the ICAC pay scale; or  
(c) determined and adjusted as mentioned in paragraphs (a) and (b) respectively, then, with effect on and from 1 October 2002, the amount of the allowance payable to the public officer, in so far as the allowance is payable for or attributable to any period beginning on or after that date, shall be determined, adjusted, or determined and adjusted, as the case may be, in accordance with or by reference to the civil service pay scales as adjusted under section 3(1), or the ICAC pay scale as adjusted under section 4(1), as the case requires.

## PART 5

### General Provisions

#### 8. Future adjustments

The adjustments made by this Ordinance to the pay, and the amounts of any allowances, payable to public officers do not prohibit or affect any adjustment to the pay or the amounts of any allowances payable to public officers made after 1 October 2002.

#### 9. Express authority for adjustments

The contracts of employment of public officers are to be read as expressly authorizing the adjustments to pay and the amounts of the allowances made by this Ordinance.

## PART 6

### Exemptions and Amendment of Schedule

#### 10. Exempted public officers and allowances

(1) This Ordinance does not apply to the pay or the pay and allowances, as the case may be, of the public officers or classes of public officer specified in Schedule 3.

(2) This Ordinance does not apply to the allowances specified in Schedule 3.

#### 11. Amendment of Schedule 3

The Chief Executive in Council may, by notice published in the Gazette, amend Schedule 3.

Schedule 1 [s. 2]

### Pay Scales

## PART 1

### Civil Service Pay Scales

1. Master Pay Scale---point 0 to point 49
2. Model Scale 1 Pay Scale---point 0 to point 13
3. Police Pay Scale---point 1a to point 59
4. General Disciplined Services (Commander) Pay Scale---point 1 to point 4
5. General Disciplined Services (Officer) Pay Scale---point 1d to point 38

6. General Disciplined Services (Rank and File) Pay Scale---point 1a to point 27
7. Directorate Pay Scale---point D1 to point D10
8. Directorate (Legal) Pay Scale---point DL1 to point DL7
9. Training Pay Scale---point 1 to point 16
10. Technician Apprentice Pay Scale---point 0 to point 4
11. Craft Apprentice Pay Scale---point 0 to point 4

PART 2

Icac Pay Scale

Independent Commission Against Corruption Pay Scale--- point 1 to point 48

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Schedule 2 [s. 2]

Relevant Percentages

PART 1

Civil Service Pay Scales

Item	Points on the civil service pay scales	Relevant percentage
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1.	Points on the civil service pay scales the monthly salary pertaining to which is, on 30 September 2002, below \$15,520	1.58%
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to which is, on 30 September 2002, below \$15,520

2.	Points on the civil service pay scales the monthly salary pertaining to which is, on 30 September 2002, \$15,520 or above but does not exceed \$47,590	1.64%
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to which is, on 30 September 2002, \$15,520 or above but does not exceed \$47,590

3.	Points on the civil service pay scales the monthly salary pertaining to which is, on 30 September 2002, above \$47,590	4.42%
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to which is, on 30 September 2002, above \$47,590

PART 2

Icac Pay Scale

Item	Points on the ICAC pay scale	Relevant percentage
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1.	Points on the ICAC pay scale the monthly salary pertaining to which is, on 30 September 2002, below \$15,520	1.58%
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2.	Points on the ICAC pay scale the monthly salary pertaining to which is, on 30 September 2002, \$15,520 or above but does not exceed \$47,590	1.64%
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3.	Points on the ICAC pay scale the monthly salary pertaining to which is, on 30 September 2002, above \$47,590	4.42%
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Schedule 3 [ss. 10 & 11]

Exempted Public Officers and Allowances

1. This Ordinance does not apply so as to adjust the pay of a public officer who is remunerated on a salary, being a starting salary, that is not linked to the annual civil service pay adjustment.
2. This Ordinance does not apply so as to adjust the pay or allowances of a judicial officer---
  - (a) holding a judicial office---
    - (i) specified in Schedule 1 to the Judicial Officers Recommendation Commission Ordinance (Cap. 92); or
    - (ii) known as Senior Deputy Registrar, High Court; or
  - (b) appointed by the Chief Justice.

#### Explanatory Memorandum

The object of this Bill is to reduce with effect on and from 1 October 2002 the pay and the amounts of the allowances payable to certain public officers by---

- (a) in the case of officers whose monthly salary is, on 30 September 2002, below \$15,520, 1.58%;
  - (b) in the case of officers whose monthly salary is, on 30 September 2002, \$15,520 or above but does not exceed \$47,590, 1.64%;
  - (c) in the case of officers whose monthly salary is, on 30 September 2002, above \$47,590, 4.42%.
2. Clause 2 defines the terms used in the Bill.
  3. Clause 3 reduces the pay pertaining to the points on the civil service pay scales set out in Part 1 of Schedule 1 by the percentage specified in Part 1 of Schedule 2 in respect of each point. The civil servants affected by the reduction include all civil servants subject to the civil service pay scales as well as all civil servants whose pay is determined or adjusted in accordance with or by reference to the civil service pay scales.
  4. Clause 4 reduces the pay pertaining to the points on the ICAC pay scale set out in Part 2 of Schedule 1 by the percentage specified in Part 2 of Schedule 2 in respect of each point. The public officers affected by the reduction include all ICAC officers subject to the ICAC pay scale as well as all ICAC officers whose pay is determined or adjusted in accordance with or by reference to the ICAC pay scale.
  5. Clause 5 reduces the pay of public officers who are not civil servants or ICAC officers but whose pay is determined or adjusted in accordance with or by reference to the civil service pay scales or the ICAC pay scale. The reduction parallels the reduction to the pay scale to which the pay of the public officer concerned is linked.
  6. Clause 6 reduces the rate of salary payable to the Director of Audit by 4.42%.
  7. Clause 7 reduces the amounts of the allowances payable to public officers where the amount of the allowance concerned is determined or adjusted in accordance with

or by reference to the civil service pay scales or the ICAC pay scale. The reduction parallels the reduction to the pay scale to which the amount of the allowance concerned is linked.

8. Clause 8 makes it clear that the Bill does not operate to prohibit or affect any adjustments made after 1 October 2002 to the pay or the amounts of allowances payable to public officers.

9. Clause 9 provides that the contracts of employment of public officers are to be read as expressly authorizing the adjustments made by the Bill.

10. Clause 10 and Schedule 3 specify the public officers whose pay or allowances will not be affected by the Bill.

11. Clause 11 empowers the Chief Executive in Council to amend Schedule 3.