

**A comparison table on the provisions of the
Public Officers Pay Adjustments (2004/2005) Bill (“the Bill”)
and the provisions of the Public Officers Pay Adjustment Ordinance (“POPAO”)**

(Note: This table does not cover differences solely relating to the different effective dates for the pay adjustments to be made under the Bill and the POPAO and drafting improvements.)

Item No.	Relevant sections in the POPAO	Relevant clauses in the Bill	Remarks
1.	Section 2	Clause 2 <ul style="list-style-type: none"> ● Inclusion of additional definitions of the following terms: “delinked starting salary”, “Hospital Authority pay scales”, “personal salary” and “reference pay scales” ● Deletion of the definition of the term “relevant percentage” 	<ul style="list-style-type: none"> ● definition of “delinked starting salary” – included for the purpose of Clause 3 (see item 2 below) ● definition of “Hospital Authority pay scales” – included for the purpose of Clause 6 (see item 9 below) ● definition of “personal salary” – included for the purpose of Clause 5 (see item 8 below) ● definition of “reference pay scales” – included for the purpose of Clauses 7 and 10 (see items 10 and 14 below) ● definition of “relevant percentage” – deleted because the previous approach of applying a uniform adjustment percentage to all pay points in each of the three salary bands is not feasible for the current pay adjustment exercise. For this exercise, the Chief Executive in Council has decided to restore the pay pertaining to each pay point to the level it was at, in dollar terms, on 30.6.1997. This would result in the application of different adjustment percentages for different pay points in

¹ The three salary bands are:-

- (i) upper salary band (above Master Pay Scale Point 33 to General Disciplined Services (Officer) Pay Scale Point 38 or equivalent);
- (ii) middle salary band (Master Pay Scale Points 10-33 or equivalent); and
- (iii) lower salary band (below Master Pay Scale Point 10 or equivalent).

Item No.	Relevant sections in the POPAO	Relevant clauses in the Bill	Remarks
			each of the three salary bands ¹ .
2.	Section 3 (a) provides that the Ordinance does not apply to the pay of an officer who is remunerated on delinked starting salary	Clause 3 (1)(a) provides that the Ordinance, when enacted, does not apply to the pay of an officer who was offered employment or promoted to a basic rank on delinked starting salary before 26 February 2003.	Clause 3(1)(a) of the Bill reflects the decision of the Chief Executive in Council that the pay reduction should also apply to officers who were offered appointment or promoted to a basic rank on delinked starting salary on or after 26.2.2003.
3.	Section 3(b)	Clause 3(1)(b)	Both provisions have the effect of exempting judicial officers from the legislation.
4.		Clause 3(2) is newly added to provide that an officer referred to in Clause 3(1)(a) will receive pay in accordance with the adjusted pay scales when his pay becomes payable in accordance with a civil service pay scale or the ICAC pay scale as the case may be.	An officer who was offered appointment or who was promoted to a basic rank on a delinked starting salary (which relates to a pay point on one of the reference pay scales) before 26.2.2003, and so long as he remains on that salary, will not be subject to the pay reduction provided for in the Bill. Once he moves from the reference pay scale to a civil service pay scale or the ICAC pay scale, he will be paid at the relevant pay point as adjusted from 1.1.2004 and 1.1.2005 respectively.
5.	Section 4(1) reduces the pay points on the civil service pay scales by the relevant percentages.	Clause 4(1) adjusts the civil service pay scales by replacing the monthly rate of each pay point by a new rate as set out in the adjusted pay scales in Schedule 1.	As explained under item 1 above, instead of applying a uniform adjustment percentage to all pay points on the civil service pay scales in each of the three salary bands, we need to set out the adjusted rate for each pay point on the civil service pay scales in order to implement the decision to restore the pay pertaining to each pay point to the level it was at, in dollar terms, on 30.6.1997.
6.	Section 4(2)	Clause 4(2)	Both provisions have the effect of adjusting the pay payable to a civil servant in accordance with the civil service pay scales as adjusted by the legislation.

Item No.	Relevant sections in the POPAO	Relevant clauses in the Bill	Remarks
7.	<p>Section 4(3) determines, adjusts or determines and adjusts the pay of a civil servant (not being a civil servant who is paid in accordance with the civil service pay scales) whose pay is determined, adjusted or determined and adjusted in accordance with or by reference to, directly or indirectly, the civil service pay scales.</p>	<p>No similar provision.</p>	<p>In the case of POPAO last year, we adopted a similar framework for various provisions to describe the many different types of officer whose pay and allowances would be affected by the pay reduction decision, viz:</p> <ul style="list-style-type: none"> (a) those civil servants/ICAC officers whose pay is payable in accordance with the civil service pay scales or the ICAC pay scale; (b) those civil servants/ICAC officers/public officers whose pay/allowance is determined in accordance with or by reference to, directly or indirectly, a point on the civil service pay scales or the ICAC pay scale; (c) those civil servants/ICAC officers/public officers whose pay/allowance is adjusted in accordance with or by reference to, directly or indirectly, adjustments to the civil service pay scales or the ICAC pay scale; and (d) those civil servants/ICAC officers/public officers whose pay/allowance is determined in accordance with or by reference to, directly or indirectly, a point on the civil service pay scales or the ICAC pay scale and adjusted in accordance with or by reference to, directly or indirectly, adjustments to the civil service pay scales or the ICAC pay scale. <p>We had informed the Legislative Council that some of the categories specified in various provisions in the legislation (such as that set out in section 4(3)) were strictly speaking unnecessary. But we had retained them to avoid any possible omissions.</p> <p>This year's pay reduction bill is somewhat longer than the text of that of POPAO because of the need to provide for the two-stage pay reductions and to specify the adjusted amount of each pay point. To avoid adding to the length of the Bill, we have</p>

Item No.	Relevant sections in the POPAO	Relevant clauses in the Bill	Remarks
			decided not to refer to those categories for which examples have not been identified.
8.		Clause 5 is newly added to adjust the pay of civil servants on personal salaries	<p>A small number of civil servants in four ranks (namely Amah II, Carpark Attendant II, Explosive Depot Attendant and Estate Assistant) are on personal salaries, which do not relate to any pay point on any of the existing civil service pay scales. Hitherto, the pay of these officers has been adjusted in accordance with the relevant adjustment percentages for the relevant civil service salary bands. In POPAO, these officers were covered by section 4(3)(b).</p> <p>In accordance with the pay reduction decision this year, the pay of these officers should be restored to the levels as at 30.6.1997 in dollar terms, by two adjustments of broadly equal amount to be implemented from 1.1.2004 and 1.1.2005 respectively. Clause 5 (together with Schedule 2) specifies the adjusted pay for the concerned officers.</p>
9.		Clause 6 is newly added to adjust the pay of civil servants remunerated on the Hospital Authority (HA) pay scales applicable to civil servants.	<p>Civil servants working in HA are remunerated on the HA pay scales. Hitherto, the pay of these officers has been adjusted in accordance with the relevant adjustment percentages for the relevant civil service salary bands. In POPAO, these officers were covered by section 4(3)(b).</p> <p>Given the decision to restore the pay pertaining to each civil service pay point to the level it was at, in dollar terms, on 30.6.1997, we need to similarly adjust the pay of these civil servants working in HA by restoring the value of all pay points on the HA pay scales applicable to civil servants to the levels as at 30.6.1997 in dollar terms by two adjustments of broadly</p>

Item No.	Relevant sections in the POPAO	Relevant clauses in the Bill	Remarks
			equal amount to be implemented from 1.1.2004 and 1.1.2005 respectively. Clause 6 (together with Schedule 3) specifies the adjusted pay for the concerned officers.
10.		Clause 7 is newly added to adjust the reference civil service pay scales (see Part 1 of Schedule 4).	The pay reduction decision this year also applies to officers who are offered appointment or promoted to a basic rank on a starting salary on or after 26.2.2003. Accordingly, the reference pay scales which set out all the starting salaries should also be adjusted by two adjustments of broadly equal amount to be implemented from 1.1.2004 and 1.1.2005 respectively so that they will align with the relevant civil service pay scale or the ICAC pay scale, adjusted to the 30.6.1997 levels in dollar terms, on 1.1.2005.
11.	Section 5(1) reduces the pay points on the ICAC pay scale by the relevant percentages.	Clause 8(1) adjusts the ICAC pay scale by replacing the monthly rate of each pay point by a new rate as set out in the adjusted pay scale in Schedule 5.	As explained under item 1 above, instead of applying a uniform adjustment percentage to all pay points on the ICAC pay scale in each of the three salary bands, we need to set out the adjusted rate for each pay point on the ICAC pay scale in order to implement the decision to restore the pay pertaining to each civil service pay point and equivalent to the level it was at, in dollar terms, on 30.6.1997.
12.	Section 5(2)	Clause 8(2)	Both provisions have the effect of adjusting the pay payable to an ICAC officer in accordance with the ICAC pay scale as adjusted by the legislation.
13.	Section 5(3) determines (section 5(3)(a)), adjusts (section 5(3)(b)), or determines and adjusts (section 5(3)(c)) the pay of an ICAC officer (not being an ICAC who is paid in accordance with the ICAC pay scale)	Clause 9 determines and adjusts the pay of an ICAC officers (not being an ICAC who is paid in accordance with the ICAC pay scale) whose pay is determinable and adjustable in accordance with or by reference to a	We have not identified any ICAC officer whose pay is either determinable or adjustable in accordance with or by reference to the civil service pay scales or the ICAC pay scale. As explained under item 7 above, we have decided not to refer to such categories (i.e. section 5(3)(a) and 5(3)(b) of the POPAO) in the Bill.

Item No.	Relevant sections in the POPAO	Relevant clauses in the Bill	Remarks
	whose pay is determined, adjusted or determined and adjusted in accordance with or by reference to the civil service pay scales or the ICAC pay scale.	point on the civil service pay scales or the ICAC pay scale. This clause is similar to section 5(3)(c) of the POPAO.	
14.		Clause 10 is newly added to adjust the reference ICAC pay scale (see Part 2 of Schedule 4).	The pay reduction decision this year also applies to officers who are offered appointment or promoted to a basic rank on a starting salary on or after 26.2.2003. Accordingly, the reference pay scale which sets out all the starting salaries should also be adjusted by two adjustments of broadly equal amount to be implemented from 1.1.2004 and 1.1.2005 respectively so that they will align with ICAC pay scale, adjusted to the 30.6.1997 levels in dollar terms, on 1.1.2005.
15.	Section 6 determines (section 6(a)), adjusts (section 6(b)), or determines and adjusts (section 6(c)) the pay of a public officer whose pay is determined, adjusted or determined and adjusted in accordance with or by reference to the civil service pay scales or the ICAC pay scale.	Clauses 11(1), 11(2) and 11(4) are similar to section 6(a), 6(b) and 6(c) of the POPAO respectively. Clause 11(3) is newly added to adjust the pay of a public officer whose pay is adjustable on a biennial basis in accordance with or by reference to the adjustments to the civil service pay scales.	The pay of members of the Auxiliary Medical Service and the Civil Aid Service and the auxiliary members of the Government Flying Service is adjusted every two years by reference to a number of factors, including the civil service pay adjustment rates for the relevant salary bands in the period since the previous review. The pay of these auxiliary members was last adjusted in 2002 and will next be adjusted in 2004 and then in 2006. It is necessary to specify in the Bill the adjustment percentages for the relevant salary bands for the purpose of determining the rate of adjustment to the pay of these auxiliary members for the 2004 and 2006 pay adjustment exercises. The pay of these auxiliary members will be adjusted in 2004 by reference to the civil service pay adjustment rates in 2003 and 2004, and further adjusted in 2006 by reference to the civil service pay adjustment rates in 2005 and 2006.
16.	Section 7(1) adjusts the rate of salary	Clause 12(1) specifies the adjusted	The previous arrangement of applying a percentage adjustment

Item No.	Relevant sections in the POPAO	Relevant clauses in the Bill	Remarks
	of the Director of Audit by a specified percentage.	rate of salary of the Director of Audit with effect from 1.1.2004.	is not applicable in this pay adjustment exercise. In view of the decision to restore the pay of civil servants to the level it was at on 30.6.1997, we need to specify the adjusted salary of the Director of Audit, which is the level it was at on 30.6.1997, in the Bill.
17.	Section 8 determines (section 8(a)), adjusts (section 8(b)), or determines and adjusts (section 8(c)) the amount of an allowance which is determined, adjusted or determined and adjusted in accordance with or by reference to the civil service pay scales or the ICAC pay scale.	Clauses 13(1) and 13(2) are similar to section 8(a) and 8(b) of the POPAO respectively. The Bill does not contain an equivalent of section 8(c) of the POPAO.	We have not identified any allowance the amount of which is determinable and adjustable in accordance with or by reference to the civil service pay scales or the ICAC pay scale. As explained under item 7 above, we have decided not to refer to such category (i.e. section 8(c) of the POPAO) in the Bill.
18.	Section 9	Clause 14	Both provisions have the same purpose: it underlines the one-off nature of the legislation and that the legislation will not have any effect on the civil service pay adjustment for subsequent years.
19.	Section 10	Clause 15	Both provisions have the same effect of modifying the employment contracts of the public officers to authorise the pay adjustment specified in the legislation.
20.	Schedule 1 sets out those civil service pay scales and the ICAC pay scale which are subject to adjustment under the Ordinance.	Schedule 1 sets out the monthly rates of all pay points on the civil service pay scales as adjusted from 1.1.2004 and 1.1.2005 respectively.	Modifications are made for the purpose of Clause 4 (see items 1 and 5 above). The adjusted ICAC pay scale is set out in Schedule 5 of the Bill.
21.		Schedule 2 is newly added to set out the monthly rates of civil service	Added for the purpose of Clause 5 (see item 8 above).

Item No.	Relevant sections in the POPAO	Relevant clauses in the Bill	Remarks
		personal salaries as adjusted from 1.1.2004 and 1.1.2005 respectively.	
22.		Schedule 3 is newly added to set out the monthly rates of all pay points on the HA pay scales (which are applicable to civil servants serving in the HA) as adjusted from 1.1.2004 and 1.1.2005 respectively.	Added for the purpose of Clause 6 (see item 9 above).
23.		Schedule 4 is newly added to set out the monthly rates of all pay points on the reference civil service pay scales and the reference ICAC pay scale as adjusted from 1.1.2004 and 1.1.2005 respectively.	Added for the purpose of Clause 7 and 10 (see items 10 and 14 above).
24.		Schedule 5 is newly added to set out the monthly rates of all pay points on the ICAC pay scale as adjusted from 1.1.2004 and 1.1.2005 respectively.	Added for the purpose of Clause 8 (see item 11 above).
25.	Schedule 2 sets out the relevant adjustment percentages for different salary bands on the civil service pay scales and the ICAC pay scale.	Schedule 6 sets out the adjustment percentages for different salary bands in relation to the civil service pay scales and the ICAC pay scale. There are two sets of adjustment percentage, one effective from 1.1.2004 and the other from 1.1.2005. In addition, apart from the three usual salary bands (i.e. the lower salary band, the middle salary band and the	Hitherto, the annual pay adjustment for civil servants is made by applying a specified adjustment percentage for each salary band. These adjustment percentages will then be applied for the purpose of adjusting the pay and the amount of allowances payable to relevant public officers. For the present pay adjustment exercise, it is decided that the pay pertaining to each pay point on the relevant pay scales will be restored to the level it was at, in dollar terms, on 30.6.1997. We therefore need to specify in the Bill the adjustment percentages for each salary band for the purpose of the adjustments under Clauses 11 and

Item No.	Relevant sections in the POPAO	Relevant clauses in the Bill	Remarks
		upper salary band) the Schedule also specifies the adjustment percentages for the directorate levels.	13. As far as the adjustment percentage for the directorate levels is concerned, hitherto it follows that of the upper salary band. For the purpose of Clauses 11 and 13, we need to calculate the exact percentages of adjustment which would restore directorate pay at different levels, with effect from 1.1.2004, to the levels they were at on 30.6.1997.

Civil Service Bureau

June 2003