

Public Officers Pay Adjustments (2004/2005) Bill

Application to different categories of public officers (other than civil servants or ICAC officers)

Purpose

This paper briefs Members on the application of the Public Officers Pay Adjustments (2004/2005) Bill (the Bill) to different categories of public officers who are not civil servants or ICAC officers.

Background

2. On 25 February 2003, the Chief Executive in Council decided to restore the pay pertaining to each civil service pay point below Directorate Pay Scale Point 3 (D3) or equivalent to the level as at 30 June 1997 in dollar terms by two adjustments of broadly equal amount to be implemented from 1 January 2004 and 1 January 2005 respectively, and to restore the pay pertaining to each civil service pay point at D3 and above or equivalent to the level as at 30 June 1997 in dollar terms from 1 January 2004.

3. The Bill seeks to implement the above pay reduction decision. The Bill applies to the following categories of public officers¹:-

- (a) civil servants, who are the subject of clause 4, clause 5 and clause 6;
- (b) ICAC officers, who are the subject of clause 8 and clause 9;
- (c) certain public officers who are not civil servants or ICAC officers, who are the subject of clause 11; and
- (d) the Director of Audit, who is the subject of clause 12.

4. In addition to civil service appointments and appointments to the ICAC, bureaux/departments make various non-civil service appointments on different terms and conditions of employment. The category under paragraph 3(c) above covers officers on such appointments if their pay is –

- (a) determinable in accordance with or by reference to, directly or indirectly, a point on the civil service pay scales or the ICAC pay scale(they are covered by clause 11(1) of the Bill);

¹ Public officers are defined in the Interpretation and General Clauses Ordinance (Cap.1) as “any person holding an office of emolument under the Government, whether such office be permanent or temporary.”

- (b) adjustable in accordance with or by reference to, directly or indirectly, adjustments to the civil service pay scales or the ICAC pay scale (they are covered by clause 11(2) of the Bill);
- (c) adjustable on a biennial basis in accordance with or by reference to, directly or indirectly, adjustments to the civil service pay scales (they are covered by clause 11(3) of the Bill); and
- (d) determinable and adjustable in accordance with or by reference to, directly or indirectly, a point on the civil service pay scales or the ICAC pay scale (they are covered by clause 11(4) of the Bill).

Examples of non-civil service appointments under each of the above categories are at the Annex.

Application of pay reductions to specified categories of public officers

5. We further illustrate the application of the pay reductions to different categories of public officers in the following paragraphs.

(a) Public officers whose pay is determinable in accordance with or by reference to, directly or indirectly, a point on the civil service pay scales or the ICAC pay scale

6. For example, the training honoraria for serving graduate trainees appointed by departments under the Environment, Transport and Works Bureau and the Housing, Planning and Lands Bureau before 18 July 2003 are pegged to a point on the Master Pay Scale (MPS) after their first year of service². Following the adjustments to the pay pertaining to the relevant pay points on the MPS on 1 January 2004 and 1 January 2005 respectively pursuant to clause 4 of the Bill, the training honoraria for these graduate trainees will be determined in accordance with the revised monthly rates of the relevant pay point on the MPS as set out in Schedule 1 to the Bill.

(b) Public officers whose pay is adjustable in accordance with or by reference to, directly or indirectly, adjustments to the civil service pay scales or the ICAC pay scale

7. For example, the pay of ex-council contract staff in the Food and Environmental Hygiene Department is not pegged to any civil service pay

² The graduate trainees are engaged for a period of two to three years and the training honoraria for the first, second and third year are pegged to Reference MPS Point 11, MPS Point 12 and MPS Point 13 respectively. On 18 July 2003, the Finance Committee of LegCo approved the proposal to delink the honoraria from civil service pay and to have the rates of honoraria revised by the Secretary for Environment, Transport and Works in future having regard to the results of relevant salary survey and other relevant factors. Graduate trainees appointed after 18 July 2003 will not be subject to pay reduction under the Bill.

point but the pay is adjusted in line with adjustments to the relevant civil service salary band. Following the adjustments to civil service pay with effect from 1 January 2004 and 1 January 2005 respectively, the pay of such staff will be adjusted in accordance with the relevant adjustment percentages for the relevant civil service salary band as set out in Schedule 6 to the Bill.

(c) Public officers whose pay is adjustable on a biennial basis in accordance with or by reference to, directly or indirectly, adjustments to the civil service pay scales

8. For example, the rates of 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, among other factors, the civil service pay adjustment rates for the relevant salary bands in the period since the last review. The pay of these auxiliary members was last adjusted in 2002. The rates of pay will next 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. The adjustment percentages for different civil service salary bands with effect from 1 January 2004 and 1 January 2005 are set out in Schedule 6 to the Bill.

(d) Public officers whose pay is determinable and adjustable in accordance with or by reference to, directly or indirectly, a point on the civil service pay scales or the ICAC pay scale

9. For example, the pay of Curriculum Officers in the Education and Manpower Bureau is pegged to a point on the MPS and the pay is adjusted in line with adjustments to the relevant pay point. Following the adjustments to civil service pay with effect from 1 January 2004 and 1 January 2005 respectively, the pay of Curriculum Officers will be determined and adjusted in accordance with the revised monthly rates of the relevant pay point on the MPS as set out in Schedule 1 to the Bill.

(e) Director of Audit

10. Under section 4(A) of the Audit Ordinance (Cap.122), the Chief Executive may, from time to time, increase the rate of salary of the Director of Audit by order published in the Gazette. Legal advice is that given section 4(A) of the Audit Ordinance, it is necessary to provide a statutory reduction of the salary of the Director of Audit. Clause 12 reduces the salary of the Director of Audit to the level it was at on 30 June 1997

**Examples of non-civil service appointments
that will be subject to pay reduction following the enactment of the
Public officers Pay Adjustments (2004/2005) Bill**

- I. Examples of non-civil service posts with pay determinable in accordance with or by reference to, directly or indirectly, a point on the civil service pay scales (re. clause 11(1) of the Bill)

<u>Posts/Category of staff</u>	<u>Relevant departments/bodies</u>
Graduate Trainees (appointed before 18 July 2003) ¹	Relevant departments under the Environment, Transport and Works Bureau and the Housing, Planning and Lands Bureau

- II. Examples of non-civil service posts with pay adjustable in accordance with or by reference to, directly or indirectly, adjustments to the civil service pay scales (re. clause 11(2) of the Bill)

<u>Post/category of staff</u>	<u>Relevant department/bodies</u>
Ex-Council Contract Staff	Food and Environmental Hygiene Department

- III. Examples of non-civil service posts with pay adjustable on a biennial basis in accordance with or by reference to, directly or indirectly, adjustments to the civil service pay scales (re. clause 11(3) of the Bill)

<u>Post/category of staff</u>	<u>Relevant department/bodies</u>
Members of the Auxiliary Medical Service	Auxiliary Medical Service
Members of the Civil Aid Service	Civil Aid Service
Auxiliary members of the Government Flying Service	Government Flying Service

¹ The graduate trainees are engaged for a period of two to three years and the training honoraria for the first, second and third years are pegged to Reference MPS Point 11, MPS Point 12 and MPS Point 13 respectively. On 18 July 2003, the Finance Committee of the Legislative Council approved the proposal to delink the honoraria from civil service pay and to have the rates of honoraria revised by the Secretary for Environment, Transport and Works Bureau in future having regard to the results of relevant salary survey and other relevant factors. Graduate trainees appointed after 18.7.2003 will not be subject to pay reduction under the Bill.

IV. Examples of non-civil service posts with pay determinable and adjustable in accordance with or by reference to, directly or indirectly, to a point on the civil service pay scales (re. clause 11(4) of the Bill)

<u>Post/category of staff</u>	<u>Relevant department/bodies</u>
Ex-Council Contract Staff	Leisure and Cultural Services Department
Full-time Member and Researcher of the Central Policy Unit	Central Policy Unit
Flight Operations Inspector (Consultant)	Civil Aviation Department
Legal Trainee	Department of Justice
Chief Executive and Curriculum Officers in the Curriculum Development Institute	Education and Manpower Bureau
Native English Teachers	Education and Manpower Bureau
Temporary Teachers	Education and Manpower Bureau
An Assistant Director in the Office of the Telecommunications Authority	Office of the Telecommunications Authority
Departmental Contract Staff	RTHK