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Mr Eddie Mak  
Prin AS (CS) (P&L)  
Civil Service Bureau  
Room 207, 2/F  
CGO, Hong Kong

By Fax (2147 3292) and By Post

22 August 2003

Dear Mr Mak,

**Public Officers Pay Adjustments (2004/2005) Bill**

I refer to the observations made by some Members of the Bills Committee on clause 14 of the POPA Bill 2004/05 on 2 July 2003. I wonder if you could provide information on the following questions :-

- (a) Please explain the intention of the Administration for providing clause 14 (future adjustments) in the POPA Bill 2004/05.
- (b) The drafting of clause 14 of the POPA Bill 2004/2005 is similar but not identical to section 9 of the Public Officers Pay Adjustment Ordinance, Cap. 574 ("Cap. 574"). The corresponding Chinese texts of these provisions also reflect the difference between them.

Section 9 of Cap. 574 provides as follows:

"9. 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."

Clause 14 of the POPA Bill 2004/05 provides as follows:

"14. The adjustments made by this Ordinance to the pay and the amounts of any allowances payable to public officers do not prohibit any adjustment being made to the pay or the amounts of the allowances after 1 January 2005."

Please clarify the difference and the legal implications, if any (except the respective dates of adjustments), of these 2 provisions.

- (c) Does the Administration consider, as a matter of law, that in the absence of clause 14, the Administration is prohibited from introducing any further adjustment to the pay or the amounts of the allowances of public officers after 1 January 2005?

I would be pleased if you let me have a reply in bilingual form before 27 August 2003.

Yours sincerely,

Kitty Cheng  
Assistant Legal Adviser

c.c. Legal Adviser  
CAS(1)5