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By Fax – 2877 5029

2 October 2003

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Dear Miss Cheng,

Public Officers Pay Adjustments (2004/2005) Bill

Thank you for your letter of 19 September 2003.

We have consulted the Law Draftsman on your comments marked in manuscript on the Chinese text of the Public Officers Pay Adjustments (2004/2005) Bill (the Bill). Our response is set out below.

Clause 3(1)(a)

Clause 3(1)(a) of the Bill provides that the proposed legislation does not apply to the pay of a public officer as qualified by –

- (a) two defining adjective clauses: “who is remunerated on a delinked starting salary pursuant to the acceptance of an offer of employment made to him before 26 February 2003”, and “who was promoted before that date to a basic rank on a delinked starting salary”; and
- (b) the case or circumstance with respect to which the provision is to

take effect, i.e. “so long as he remains on that salary”.

As compared with the corresponding provision in the Public Officers Pay Adjustment Ordinance (Cap.574) (i.e. section 3(a), which provides that the Ordinance does not apply to the pay of a public officer who is remunerated on a delinked starting salary), the above qualification is more complicated. Under the circumstance, we consider that for the ease of comprehension, the description of [the pay of] the public officer concerned should be placed before the phrase “本條例不適用於”.

Clause 3(2)

According to 《現代漢語詞典》, “改” means “改變”. Therefore the term “改為” has the same effect as “改變為”, reflecting accurately the meaning of “becomes” in the English text.

Clause 4(1)

The English text of clause 4(1) first stipulates the effective date of the pay adjustments (“... are adjusted ... on 1 January 2004 ...” and “... are adjusted ... on 1 January 2005...”), then the manner in which the adjustments are to be made (“... by replacing ...”). The Chinese text of the Bill closely reflects this textual flow (“均於 2004 年 1 月 1 日調整, 方式為...”) and should be retained.

Clauses 5(1), 6(1), 7(1), 8(1) and 10(1)

These clauses have the same structure as clause 4(1). For the same reason given for clause 4(1), we consider that the current formulation should be retained.

Clause 9

The English text of the clause means:

“... the pay payable to that officer –

- (a) is to be determined and adjusted with effect on and from 1 January 2004, ...;
- (b) is to be determined and adjusted with effect on and from 1 January 2005, ...”.

The above can be more economically expressed as clause 9 is currently

drafted:

“... the pay payable to that officer is to be determined and adjusted –

- (a) with effect on and from 1 January 2004,...and
- (b) with effect on and from 1 January 2005,....”

As such economic expression cannot be reproduced in the Chinese text, we consider that the current longer formulation in the Chinese version should be retained.

Clause 11(1)

The clause has the same structure as clause 9. For the same reason given for clause 9 above, we consider that the current formulation should be retained.

Clause 11(3)

The English text of this clause means:

“Where the pay of a public officer (not being a civil servant or ICAC officer) is adjustable on a biennial basis in accordance with or by reference to, directly or indirectly, adjustments to the civil service pay scales,

- (a) any adjustment to the pay payable to that officer that is to be made after 1 January 2004, is to be made...; and
- (b) any adjustment to the pay payable to that officer that is to be made after 1 January 2005, is to be made...”

The above can be more economically expressed as clause 11(3) is currently drafted:

“Where the pay of a public officer (not being a civil servant or ICAC officer) is adjustable on a biennial basis in accordance with or by reference to, directly or indirectly, adjustments to the civil service pay scales, any adjustment to the pay payable to that officer that is –

- (a) to be made after 1 January 2004, is to be made...; and
- (b) to be made after 1 January 2005, is to be made...”

As such economic expression cannot be reproduced in the Chinese text,

we consider that the Chinese version should retain its current longer formulation.

We consider that the effect of clause 11(3) will not be affected whether or not the wording "的任何" is added before "調整". There is therefore no need to add the wording as suggested.

Clause 13(1)

The structure of this clause is similar to that of clauses 9 and 11(1). For the same reason given for clauses 9 and 11(1), we consider that the current formulation should be retained.

Clause 11(4)

The structure of this clause is similar to that of clause 9. For the same reason given for clause 9, we consider that the current formulation should be retained.

Yours sincerely,

(Eddie Mak)
for Secretary for the Civil Service

c.c. Mr. Ian Wingfield, Department of Justice
Mr. David Morris, Department of Justice
Ms. Betty Cheung, Department of Justice

- “津貼” (allowance) 指薪酬以外的須支付予公職人員的任何報酬；
- “個人薪金” (personal salary) 指須支付予任職二級女工、二級停車場管理員、屋宇事務助理或爆炸品倉務員職級的公務員的薪金，而該薪金並非須按照或參照公務員薪級表或參照薪級表的某個薪點而支付但是按照公務員薪級表的調整而調整的；
- “脫鉤入職薪金” (delinked starting salary) 指須支付予獲聘用或擢升而任職公務員或廉署人員的基本職級的僱員的薪金 (其款額參照在聘用或擢升之時有效的參照薪級表釐定)，而該薪金是沒有按照或參照於 2001 年及 2002 年對公務員薪級表或廉署人員薪級表所作的調整而調整的；
- “參照薪級表” (reference pay scales) 指附表 4 所列的任何薪級表；
- “廉署人員” (ICAC officer) 指屬《廉政公署條例》(第 204 章) 第 2 條所指的廉署人員的公職人員；
- “廉署人員薪級表” (ICAC pay scale) 指附表 5 所列的薪級表；
- “薪酬” (pay) 指作為薪金、工資、顧問酬金、培訓津貼或酬金而須支付予公職人員的報酬；
- “醫院管理局薪級表” (Hospital Authority pay scales) 指附表 3 所列的任何薪級表。

3. 適用範圍

- cf: s. 3 of Cap. 574
- (1) (a) 凡公職人員是依據接受在 2003 年 2 月 26 日之前向他作出的僱用要約而按脫鉤入職薪金支薪，或是在該日之前獲擢升而任職基本職級並按脫鉤入職薪金支薪，則只要他維持按該脫鉤入職薪金支薪，本條例不適用於他的薪酬；
- (b) 本條例不適用於下述司法人員的薪酬或津貼——
- (i) 出任下述司法職位的司法人員——
- (A) 《司法人員推薦委員會條例》(第 92 章) 附表 1 所指明的司法職位；或
- (B) 稱為高等法院高級副司法常務官的司法職位；或
- (ii) 由終審法院首席法官委任的司法人員。
- (2) 第 (1)(a) 款提述的公職人員的薪酬如改為須按照公務員薪級表或廉署人員薪級表支付，則須按照經本條例調整的有關薪級表支付。

查表(?)

- “civil service pay scales” (公務員薪級表) means any pay scale set out in Schedule 1;
- “delinked starting salary” (脫鉤入職薪金) means the salary, the amount of which is determinable by reference to a reference pay scale in effect at the time of the appointment or promotion, payable to an employee on appointment to or promotion within the civil service or the Independent Commission Against Corruption at or to a basic rank, being a salary not adjusted in accordance with or by reference to the pay adjustments made in 2001 and 2002 to the civil service pay scales or the ICAC pay scale;
- “Hospital Authority pay scales” (醫院管理局薪級表) means any pay scale set out in Schedule 3;
- “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 set out in Schedule 5;
- “pay” (薪酬) means remuneration payable to a public officer as salary, wages, a consultancy fee, a training allowance or an honorarium;
- “personal salary” (個人薪金) means the salary payable to a civil servant serving in the rank of Amah II, Carpark Attendant II, Estate Assistant or Explosives Depot Attendant, which is not payable in accordance with or by reference to a point on the civil service pay scales or the reference pay scales but is adjustable in accordance with adjustments made to the civil service pay scales;
- “reference pay scales” (參照薪級表) means any pay scale set out in Schedule 4.

3. Application

- (1) This Ordinance does not apply to—
- (a) the pay of a public officer who is remunerated on a delinked starting salary pursuant to the acceptance of an offer of employment made to him before 26 February 2003 or who was promoted before that date to a basic rank on a delinked starting salary, so long as he remains on that salary;
- (b) the pay or allowances of a judicial officer—
- (i) holding a judicial office—
- (A) specified in Schedule 1 to the Judicial Officers Recommendation Commission Ordinance (Cap. 92); or
- (B) known as Senior Deputy Registrar, High Court; or
- (ii) appointed by the Chief Justice.
- (2) Where the pay of a public officer referred to in subsection (1)(a) becomes payable in accordance with a civil service pay scale or the ICAC pay scale, it is payable in accordance with the relevant scale as adjusted by this Ordinance.

第2部

公務員

4. 按公務員薪級表支薪的
公務員的薪酬調整

作出如下調整

- (1) 附表1所列各個公務員薪級表——
- (a) 於2004年1月1日調整，方式為將該等薪級表第2欄所列該等薪級表的每個薪點的相關每月薪酬款額，以該等薪級表第3欄所列的該等薪點的相關薪酬款額替代；及
- (b) 於2005年1月1日調整，方式為將該等薪級表第2欄所列該等薪級表的每個薪點的相關每月薪酬款額經(a)段調整後所得的款額，以該等薪級表第4欄所列的該等薪點的相關薪酬款額替代。
- (2) 須按照任何公務員薪級表支付予任何公務員的薪酬——
- (a) 於2004年1月1日並自該日起，須按照經第(1)(a)款調整的該薪級表支付；
- (b) 於2005年1月1日並自該日起，須按照經第(1)(b)款調整的該薪級表支付。

5. 按個人薪金支薪的公務員
的薪酬調整

作出如下調整

- (1) 須支付予各按附表2所列個人薪金支薪的公務員的薪酬款額——
- (a) 於2004年1月1日調整，方式為將該附表第2欄所列須支付予該等公務員的每月薪酬款額，以該附表第3欄內與其相對之處所列的薪酬款額替代；及
- (b) 於2005年1月1日調整，方式為將該附表第2欄所列須支付予該等公務員的每月薪酬款額經(a)段調整後所得的款額，以該附表第4欄內與其相對之處所列的薪酬款額替代。
- (2) 須支付予任何按個人薪金支薪的公務員的薪酬——
- (a) 於2004年1月1日並自該日起，須按照經第(1)(a)款調整的款額支付；
- (b) 於2005年1月1日並自該日起，須按照經第(1)(b)款調整的款額支付。

PART 2

CIVIL SERVANTS

4. Adjustment of pay of civil servants on civil
service pay scales

- (1) The civil service pay scales as set out in Schedule 1 are adjusted—
- (a) on 1 January 2004, by replacing the monthly rates of pay pertaining to each point on those scales as set out in column 2 of the scales with the rates of pay pertaining to those points as set out in column 3 of those scales; and
- (b) on 1 January 2005, by replacing the monthly rates of pay pertaining to each point on those scales as set out in column 2 of the scales (as adjusted by paragraph (a)) with the rates of pay pertaining to those points as set out in column 4 of those scales.
- (2) The pay payable to a civil servant in accordance with a civil service pay scale is payable—
- (a) in accordance with that scale as adjusted by subsection (1)(a), with effect on and from 1 January 2004;
- (b) in accordance with that scale as adjusted by subsection (1)(b), with effect on and from 1 January 2005.

5. Adjustment of pay of civil servants on
personal salaries

- (1) The rates of pay payable to civil servants as personal salaries as set out in Schedule 2 are adjusted—
- (a) on 1 January 2004, by replacing the monthly rates of pay payable to those civil servants as set out in column 2 of that Schedule with the rates of pay set out opposite them in column 3 of that Schedule; and
- (b) on 1 January 2005, by replacing the monthly rates of pay payable to those civil servants as set out in column 2 of that Schedule (as adjusted by paragraph (a)) with the rates of pay set out opposite them in column 4 of that Schedule.
- (2) The pay payable to a civil servant as a personal salary is payable—
- (a) in accordance with the rate as adjusted by subsection (1)(a), with effect on and from 1 January 2004;
- (b) in accordance with the rate as adjusted by subsection (1)(b), with effect on and from 1 January 2005.

6. 按醫院管理局薪級表支薪的
公務員的薪酬調整

作出如下調整

- (1) 附表3所列適用於在醫院管理局服務的公務員的各個醫院管理局薪級表——
- (a) 於2004年1月1日調整，方式為將該等薪級表第2欄所列該等薪級表的每個薪點的相關每月薪酬款額，以該等薪級表第3欄所列的該等薪點的相關薪酬款額替代；及
- (b) 於2005年1月1日調整，方式為將該等薪級表第2欄所列該等薪級表的每個薪點的相關每月薪酬款額經(a)段調整後所得的款額，以該等薪級表第4欄所列的該等薪點的相關薪酬款額替代。
- (2) 須按照任何醫院管理局薪級表支付予任何公務員的薪酬——
- (a) 於2004年1月1日並自該日起，須按照經第(1)(a)款調整的該薪級表支付；
- (b) 於2005年1月1日並自該日起，須按照經第(1)(b)款調整的該薪級表支付。

7. 公務員參照薪級表的調整

作出如下調整

- 附表4第1部所列各個公務員參照薪級表——
- (a) 於2004年1月1日調整，方式為將該等薪級表第2欄所列該等薪級表的每個薪點的相關每月薪酬款額，以該等薪級表第3欄所列的該等薪點的相關薪酬款額替代；及
- (b) 於2005年1月1日調整，方式為將該等薪級表第2欄所列該等薪級表的每個薪點的相關每月薪酬款額經(a)段調整後所得的款額，以該等薪級表第4欄所列的該等薪點的相關薪酬款額替代。

第3部

並非公務員的公職人員

8. 按廉署人員薪級表支薪的
廉署人員的薪酬調整

作出如下調整

- (1) 附表5所列廉署人員薪級表——

6. Adjustment of pay of civil servants on
Hospital Authority pay scales

- (1) The Hospital Authority pay scales applicable to civil servants serving in the Hospital Authority as set out in Schedule 3 are adjusted—
- (a) on 1 January 2004, by replacing the monthly rates of pay pertaining to each point on those scales as set out in column 2 of the scales with the rates of pay pertaining to those points as set out in column 3 of those scales; and
- (b) on 1 January 2005, by replacing the monthly rates of pay pertaining to each point on those scales as set out in column 2 of the scales (as adjusted by paragraph (a)) with the rates of pay pertaining to those points as set out in column 4 of those scales.
- (2) The pay payable to a civil servant in accordance with a Hospital Authority pay scale is payable—
- (a) in accordance with that scale as adjusted by subsection (1)(a), with effect on and from 1 January 2004;
- (b) in accordance with that scale as adjusted by subsection (1)(b), with effect on and from 1 January 2005.

7. Adjustment of reference civil service
pay scales

The reference civil service pay scales as set out in Part 1 of Schedule 4 are adjusted—

- (a) on 1 January 2004, by replacing the monthly rates of pay pertaining to each point on those scales as set out in column 2 of the scales with the rates of pay pertaining to those points as set out in column 3 of those scales; and
- (b) on 1 January 2005, by replacing the monthly rates of pay pertaining to each point on those scales as set out in column 2 of the scales (as adjusted by paragraph (a)) with the rates of pay pertaining to those points as set out in column 4 of those scales.

PART 3

PUBLIC OFFICERS OTHER THAN CIVIL SERVANTS

8. Adjustment of pay of ICAC officers on the
ICAC pay scale

- (1) The ICAC pay scale as set out in Schedule 5 is adjusted—

- (a) 於2004年1月1日~~調整~~，~~方式為~~將該薪級表第2欄所列該薪級表的每個薪點的相關每月薪酬款額，以該薪級表第3欄所列的該等薪點的相關薪酬款額替代；及
- (b) 於2005年1月1日~~調整~~，~~方式為~~將該薪級表第2欄所列該薪級表的每個薪點的相關每月薪酬款額經(a)段調整後所得的款額，以該薪級表第4欄所列的該等薪點的相關薪酬款額替代。
- (2) 須按照廉署人員薪級表支付予任何廉署人員的薪酬——
- (a) 於2004年1月1日並自該日起，須按照經第(1)(a)款調整的該薪級表支付；
- (b) 於2005年1月1日並自該日起，須按照經第(1)(b)款調整的該薪級表支付。

9. 並非由第8條涵蓋的廉署人員的薪酬調整

如任何廉署人員(第8條涵蓋的廉署人員除外)的薪酬是直接或間接按照或參照公務員薪級表或廉署人員薪級表的某個薪點而釐定和調整，則須支付予該名人員的薪酬

- (a) 於2004年1月1日並自該日起，須按照或參照經第4(1)(a)或8(1)(a)條(視屬何情況而定)調整的該薪點的相關薪酬款額而釐定和調整；及
- (b) 於2005年1月1日並自該日起，須按照或參照經第4(1)(b)或8(1)(b)條(視屬何情況而定)調整的該薪點的相關薪酬款額而釐定和調整。

10. 廉署人員參照薪級表的調整

附表4第2部所列廉署人員參照薪級表

- (a) 於2004年1月1日~~調整~~，~~方式為~~將該薪級表第2欄所列該薪級表的每個薪點的相關每月薪酬款額，以該薪級表第3欄所列的該等薪點的相關薪酬款額替代；及
- (b) 於2005年1月1日~~調整~~，~~方式為~~將該薪級表第2欄所列該薪級表的每個薪點的相關每月薪酬款額經(a)段調整後所得的款額，以該薪級表第4欄所列的該等薪點的相關薪酬款額替代。

作出如下調整

- (a) on 1 January 2004, by replacing the monthly rates of pay pertaining to each point on that scale as set out in column 2 of the scale with the rates of pay pertaining to those points as set out in column 3 of the scale; and
- (b) on 1 January 2005, by replacing the monthly rates of pay pertaining to each point on that scale as set out in column 2 of the scale (as adjusted by paragraph (a)) with the rates of pay pertaining to those points as set out in column 4 of the scale.
- (2) The pay payable to an ICAC officer in accordance with the ICAC pay scale is payable—
- (a) in accordance with that scale as adjusted by subsection (1)(a), with effect on and from 1 January 2004;
- (b) in accordance with that scale as adjusted by subsection (1)(b), with effect on and from 1 January 2005.

9. Adjustment of pay of ICAC officers not covered by section 8

Where the pay of an ICAC officer (not being an ICAC officer covered by section 8) 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, the pay payable to that officer is to be determined and adjusted—

- (a) with effect on and from 1 January 2004, in accordance with or by reference to the rate of pay pertaining to that point as adjusted by section 4(1)(a) or 8(1)(a), as the case may be; and
- (b) with effect on and from 1 January 2005, in accordance with or by reference to the rate of pay pertaining to that point as adjusted by section 4(1)(b) or 8(1)(b), as the case may be.

10. Adjustment of reference ICAC pay scale

The reference ICAC pay scale as set out in Part 2 of Schedule 4 is adjusted—

- (a) on 1 January 2004, by replacing the monthly rates of pay pertaining to each point on that scale as set out in column 2 of the scale with the rates of pay pertaining to those points as set out in column 3 of the scale; and
- (b) on 1 January 2005, by replacing the monthly rates of pay pertaining to each point on that scale as set out in column 2 of the scale (as adjusted by paragraph (a)) with the rates of pay pertaining to those points as set out in column 4 of the scale.

11. 某些既非公務員亦非廉署人員
的公職人員的薪酬調整

(1) 除第 12 條另有規定外，如任何公職人員 (屬公務員或廉署人員者除外) 的薪酬是直接或間接按照或參照公務員薪級表或廉署人員薪級表的某個薪點而釐定，則須支付予該名人員的薪酬—

- (a) 於 2004 年 1 月 1 日並自該日起，須按照或參照經第 4(1)(a) 或 8(1)(a) 條 (視屬何情況而定) 調整的該薪點的相關薪酬款額而釐定；及
- (b) 於 2005 年 1 月 1 日並自該日起，須按照或參照經第 4(1)(b) 或 8(1)(b) 條 (視屬何情況而定) 調整的該薪點的相關薪酬款額而釐定。

(2) 除第 (3) 款另有規定外，如任何公職人員 (屬公務員或廉署人員者除外) 的薪酬是直接或間接按照或參照公務員薪級表或廉署人員薪級表的調整而調整，則—

- (a) 於 2004 年 1 月 1 日並自該日起，須支付予該名人員的薪酬，須按照或參照附表 6 第 1 或 2 部 (視屬何情況而定) 第 2 欄內、與適用於該名人員的有關薪金組別相對之處所列的調薪百分率而調整，而所得結果不足一圓的零數亦作一圓計算；及
- (b) 於 2005 年 1 月 1 日並自該日起，須支付予該名人員的薪酬，須按照或參照附表 6 第 1 或 2 部 (視屬何情況而定) 第 3 欄內、與適用於該名人員的有關薪金組別相對之處所列的調薪百分率而進一步調整 (或就在 2004 年 1 月 1 日之後獲聘用的公職人員而言，按照或參照上述調薪百分率而調整)，而所得結果不足一圓的零數亦作一圓計算。

(3) 如任何公職人員 (屬公務員或廉署人員者除外) 的薪酬是直接或間接按照或參照公務員薪級表的調整而每兩年作一次調整，則—

- (a) 須支付予該名人員的薪酬如於 2004 年 1 月 1 日後作出調整，須按照或參照附表 6 第 1 部第 2 欄內、與適用於該名人員的有關薪金組別相對之處所列的調薪百分率而調整，而所得結果不足一圓的零數亦作一圓計算；及

It's preferable to put the translation of the phrase before para. (a).

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

(1) Subject to section 12, where the pay of a public officer (not being a civil servant or ICAC officer) 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, the pay payable to that officer is to be determined—

- (a) with effect on and from 1 January 2004, in accordance with or by reference to the rate of pay pertaining to that point as adjusted by section 4(1)(a) or 8(1)(a), as the case may be; and
- (b) with effect on and from 1 January 2005, in accordance with or by reference to the rate of pay pertaining to that point as adjusted by section 4(1)(b) or 8(1)(b), as the case may be.

(2) Subject to subsection (3), where the pay of a public officer (not being a civil servant or ICAC officer) is adjustable in accordance with or by reference to, directly or indirectly, adjustments to the civil service pay scales or the ICAC pay scale, the pay payable to that officer is—

- (a) with effect on and from 1 January 2004, to be adjusted in accordance with or by reference to the percentage pay adjustment as set out in column 2 of Part 1 or 2 of Schedule 6, as the case may be, opposite the relevant salary band appropriate to that officer, with the result rounded up to the nearest dollar; and
- (b) with effect on and from 1 January 2005, to be further adjusted (or, in the case of a public officer appointed after 1 January 2004, adjusted) in accordance with or by reference to the percentage pay adjustment as set out in column 3 of Part 1 or 2 of Schedule 6, as the case may be, opposite the relevant salary band appropriate to that officer, with the result rounded up to the nearest dollar.

(3) Where the pay of a public officer (not being a civil servant or ICAC officer) is adjustable on a biennial basis in accordance with or by reference to, directly or indirectly, adjustments to the civil service pay scales, any adjustment to the pay payable to that officer that is—

- (a) to be made after 1 January 2004, is to be made in accordance with or by reference to the percentage pay adjustment as set out in column 2 of Part 1 of Schedule 6, opposite the relevant salary band appropriate to that officer, with the result rounded up to the nearest dollar; and

的任何調整

(b) 須支付予該名人員的薪酬如於 2005 年 1 月 1 日後作出調整，須按照或參照附表 6 第 1 部第 3 欄內、與適用於該名人員的有關薪金組別相對之處所列的調薪百分率而調整，而所得結果不足一圓的零數亦作一圓計算。

(4) 如任何公職人員 (屬公務員或廉署人員者除外) 的薪酬是直接或間接按照或參照公務員薪級表或廉署人員薪級表的某個薪點而釐定和調整，則須支付予該名人員的薪酬——

(a) 於 2004 年 1 月 1 日並自該日起，須按照或參照經第 4(1)(a) 或 8(1)(a) 條 (視屬何情況而定) 調整的該薪點的相關薪酬款額而釐定和調整，及

(b) 於 2005 年 1 月 1 日並自該日起，須按照或參照經第 4(1)(b) 或 8(1)(b) 條 (視屬何情況而定) 調整的該薪點的相關薪酬款額而釐定和調整。

(5) 為施行第 (2) 及 (3) 款，凡任何公職人員的薪酬是按照或參照附表 6 第 1 或 2 部第 1 欄指明的某個薪金組別的調整而調整的，則該薪金組別是適用於該名人員的有關薪金組別。

* It's preferable to put the translation of the phrase "determined and adjusted" before para. (4).

12. 審計署署長的薪金的調整

(1) 儘管《核數條例》(第 122 章) 第 4A 條或根據該條作出的命令另有規定，於 2004 年 1 月 1 日，審計署署長的薪金調整為每月 \$165,900。

(2) 須按照經第 (1) 款調整的薪金支付予審計署署長的薪金，於 2004 年 1 月 1 日並自該日起須予支付。

(3) 本條並不損害於 2005 年 1 月 1 日後根據《核數條例》(第 122 章) 第 4A 條作出的命令的施行。

第 4 部

津貼

13. 津貼的調整

(1) 如須支付予任何公職人員的津貼款額是直接或間接按照或參照公務員薪級表或廉署人員薪級表的某個薪點而釐定，則須支付予該名人員的該項津貼的款額——

Can the translation of "to be determined" be placed before para. (a)?

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(b) to be made after 1 January 2005, is to be made in accordance with or by reference to the percentage pay adjustment as set out in column 3 of Part 1 of Schedule 6, opposite the relevant salary band appropriate to that officer, with the result rounded up to the nearest dollar.

(4) Where the pay of a public officer (not being a civil servant or ICAC officer) 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, the pay payable to that officer is to be determined and adjusted—

(a) with effect on and from 1 January 2004, in accordance with or by reference to the rate of pay pertaining to that point as adjusted by section 4(1)(a) or 8(1)(a), as the case may be; and

(b) with effect on and from 1 January 2005, in accordance with or by reference to the rate of pay pertaining to that point as adjusted by section 4(1)(b) or 8(1)(b), as the case may be.

(5) For the purpose of subsections (2) and (3) the relevant salary band appropriate to a public officer is the salary band specified in column 1 of Part 1 or 2 of Schedule 6 in accordance with adjustments to which or by reference to adjustments to which his pay is adjustable.

12. Adjustment of salary of Director of Audit

(1) Notwithstanding section 4A of the Audit Ordinance (Cap. 122) or any order made under that section, the salary of the Director of Audit is, on 1 January 2004, adjusted to \$165,900 a month.

(2) The salary payable to the Director of Audit in accordance with the salary as adjusted by subsection (1) is payable with effect on and from 1 January 2004.

(3) This section does not prejudice the operation of any order made under section 4A of the Audit Ordinance (Cap. 122) after 1 January 2005.

PART 4

ALLOWANCES

13. Adjustment of allowances

(1) Where the amount of an allowance payable to a public officer 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, the amount of the allowance payable to that officer is to be determined—

- (a) 如屬須就自 2004 年 1 月 1 日或之後開始的期間而支付或是可歸因於該等期間而支付，即須按照或參照經第 4(1)(a) 或 8(1)(a) 條(視屬何情況而定)調整的該薪點的相關薪酬款額而釐定；及
- (b) 如屬須就自 2005 年 1 月 1 日或之後開始的期間而支付或是可歸因於該等期間而支付，即須按照或參照經第 4(1)(b) 或 8(1)(b) 條(視屬何情況而定)調整的該薪點的相關薪酬款額而釐定。
- (2) 如須支付予任何公職人員的津貼款額是直接或間接按照或參照公務員薪級表或廉署人員薪級表的調整而調整，則須支付予該名人員的該項津貼的款額——
- (a) 如屬須就自 2004 年 1 月 1 日或之後開始的期間而支付或是可歸因於該等期間而支付的，即須按照或參照附表 6 第 1 或 2 部(視屬何情況而定)第 2 欄內、與適用於該名人員的有關薪金組別相對之處所列的調薪百分率而調整，而所得結果不足一圓的零數亦作一圓計算；及
- (b) 如屬須就自 2005 年 1 月 1 日或之後開始的期間而支付或是可歸因於該等期間而支付的，即須按照或參照附表 6 第 1 或 2 部(視屬何情況而定)第 3 欄內、與適用於該名人員的有關薪金組別相對之處所列的調薪百分率而進一步調整(或就在 2004 年 1 月 1 日之後獲聘用的公職人員而言，按照或參照上述調薪百分率而調整)，而所得結果不足一圓的零數亦作一圓計算。
- (3) 為施行第(2)款，凡任何公職人員的津貼的款額是按照或參照附表 6 第 1 或 2 部第 1 欄指明的某個薪金組別的調整而調整的，則該薪金組別是適用於該名人員的有關薪金組別。

第 5 部

一般條文

14. 日後的調整

本條例對須支付予公職人員的薪酬及津貼款額作出的調整，並不禁止於 2005 年 1 月 1 日後對該等薪酬或津貼款額作出任何調整。

- (a) in so far as it is payable for or attributable to any period beginning on or after 1 January 2004, in accordance with or by reference to the rate of pay pertaining to that point as adjusted by section 4(1)(a) or 8(1)(a), as the case may be; and
- (b) in so far as it is payable for or attributable to any period beginning on or after 1 January 2005, in accordance with or by reference to the rate of pay pertaining to that point as adjusted by section 4(1)(b) or 8(1)(b), as the case may be.
- (2) Where the amount of an allowance payable to a public officer is adjustable in accordance with or by reference to, directly or indirectly, adjustments to the civil service pay scales or the ICAC pay scale, the amount of the allowance payable to that officer—
- (a) in so far as it is payable for or attributable to any period beginning on or after 1 January 2004, is to be adjusted in accordance with or by reference to the percentage pay adjustment as set out in column 2 of Part 1 or 2 of Schedule 6, as the case may be, opposite the relevant salary band appropriate to that officer, with the result rounded up to the nearest dollar; and
- (b) in so far as it is payable for or attributable to any period beginning on or after 1 January 2005, is to be further adjusted (or, in the case of a public officer appointed after 1 January 2004, adjusted) in accordance with or by reference to the percentage pay adjustment as set out in column 3 of Part 1 or 2 of Schedule 6, as the case may be, opposite the relevant salary band appropriate to that officer, with the result rounded up to the nearest dollar.
- (3) For the purpose of subsection (2) the relevant salary band appropriate to a public officer is the salary band specified in column 1 of Part 1 or 2 of Schedule 6 in accordance with adjustments to which or by reference to adjustments to which the amount of his allowances is adjustable.

PART 5

GENERAL PROVISIONS

14. Future adjustments

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.