

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

### **Proposed Committee Stage Amendments**

#### **Purpose**

This paper briefs Members on the Administration's proposed Committee Stage Amendments to clause 3(1)(b)(i), clause 3(1)(b)(ii), clause 14, clause 15 and Schedules 1 and 6 to the Public Officers Pay Adjustments (2004/2005) Bill (the Bill).

#### **Background**

##### Clause 3 (1)(b)(i)

2. In the paper entitled "Response of the Administration to the written submission from the Hong Kong Bar Association" (LC Paper No. CB(1)2455/02-03(01)) to the Bills Committee, we advised Members that consideration would be given to amending clause 3(1) to include in it the office of Registrar, Court of Final Appeal in order to put it beyond doubt that the post is excluded from the scope of application of the Bill. After consideration, we propose that clause 3(1)(b)(i) of the Bill be amended by (i) deleting "or" from the end of sub-subparagraph (A); and (ii) adding a new sub-subparagraph (C) as follows -

"(C) known as Registrar, Court of Final Appeal; or".

##### Clause 3(1)(b)(ii)

3. In our response to the further submission from the Hong Kong Bar Association dated 24 October 2003, we have proposed amending clause 3(1)(b)(ii) to read "appointed by the Chief Executive or by the Chief Justice".

## Clauses 14 and 15

4. In the paper entitled “Proposed Committee Stage Amendment to Clauses 14 and 15” (LC paper no. CB(1)2552/02-03(2)), we have proposed amendments to clauses 14 and 15 in view of the concerns of staff. In the interest of clarity, we have since further revised these two clauses<sup>1</sup> as follows -

“14. Future adjustments

(2) For the avoidance of doubt, this Ordinance does not authorize any adjustment to the pay or the amount of an allowance payable to a public officer other than the adjustments made by sections 4 to 13.”

“15. Express authority for adjustments

The contracts of employment of public officers are varied so as to expressly authorize the adjustments to the pay and the amounts of the allowances made by sections 4 to 13.”

5. The above changes also serve to address the comments made earlier by the staff side of the Police Force Council that the addition of clause 14(2) is clumsy.

## Schedule 1

6. Schedule 1 to the Bill sets out the 11 sets of adjusted civil service pay scales which are to take effect on 1 January 2004 and 1 January 2005 respectively. The existing Directorate Pay Scale (DPS) contains points 9 and 10 at the top, which were previously the respective pay points for the Financial Secretary and the Chief Secretary for the Administration. The existing Directorate (Legal) Pay Scale (DLS) contains point 7 at the top, which was previously the pay point for the Secretary for Justice. We have not included these three pay points in the DPS and the DLS set out in Schedule 1 since no

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<sup>1</sup> The previous revised drafts of clauses 14 and 15 as set out in LC paper no. CB(1)2552/02-03(2) are as follows -

Clause 14(2): “For the avoidance of doubt, this Ordinance does not authorize any adjustment to the pay or the amount of an allowance payable to a public officer other than an adjustment to the pay or the amount of the allowance made in accordance with any of the provisions of sections 4 to 13.”

Clause 15: “The contracts of employment of public officers are varied so as to expressly authorize the adjustments to the pay and the amounts of the allowances made in accordance with the respective provisions of sections 4 to 13.”

serving civil servants are remunerated at these pay points following the deletion of the relevant civil service posts offset by the creation of principal official posts in July 2002 with the implementation of the accountability system. On reflection, despite the deletion of the relevant civil service posts, the three pay points still exist on the DPS and the DLS. For the sake of completeness, we propose that these three pay points should be added back to the DPS and DLS in Schedule 1 to the Bill as follows:

(a)

**Directorate Pay Scale**

Point	Monthly rate of pay \$	Rate of pay effective 1.1.2004 \$	Rate of pay effective 1.1.2005 \$
10	217,400	216,650	216,650
9	205,500	204,800	204,800

(b)

**Directorate (Legal) Pay Scale**

Point	Monthly rate of pay \$	Rate of pay effective 1.1.2004 \$	Rate of pay effective 1.1.2005 \$
7	193,745	193,050	193,050

Schedule 6

7. Schedule 6 to the Bill sets out the adjustment percentages for different salary bands appropriate to a public officer whose pay or the amounts of allowance are adjustable in accordance with or by reference to the adjustments made in respect of the civil service pay scales or the ICAC pay scale. The adjustment rates under item 4 of both Part 1 and Part 2 of the Schedule are intended to apply to officers whose pay is below Directorate Pay Scale Point 3 (D3) or equivalent, i.e. with a monthly salary currently below \$128,365, while the adjustment rates under item 5 of the Schedule are intended to apply to officers whose pay is at D3 and above or equivalent, i.e. with a monthly salary currently at \$128,365 or above. To reflect accurately the policy intention, we propose that the first column of items 4 and 5 in both Part 1 and Part 2 of

Schedule 6<sup>2</sup> be amended to read as follows:-

“4. Monthly salary on 31 December 2003 is above \$93,025 but below \$128,365.

5. Monthly salary on 31 December 2003 is \$128,365 or above.

8. We have set out in the Annex our proposed Committee Stage Amendments to make the changes as introduced in paragraphs 2 to 7 above.

9. Members’ comments are invited on the proposed Committee Stage Amendments.

Civil Service Bureau  
November 2003

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<sup>2</sup> The existing version of the first column of items 4 and 5 in both Part 1 and Part 2 of Schedule 6 is as follows –

“4. Monthly salary on 31 December 2003 is above \$93,025 but not above \$128,365.”

5. Monthly salary on 31 December 2003 is above \$128,365.”

PUBLIC OFFICERS PAY ADJUSTMENTS (2004/2005) BILL

**COMMITTEE STAGE**

Amendments to be moved by the Secretary for  
the Civil Service

<u>Clause</u>	<u>Amendment Proposed</u>
3(1)(b)(i)	(a) In sub-subparagraph (A), by deleting "or" at the end.  (b) By adding -  " (C) known as Registrar, Court of Final Appeal; or".
3(1)(b)(ii)	By adding "by the Chief Executive or" after "appointed".
14	(a) By renumbering the clause as clause 14(1).  (b) By adding -  " (2) For the avoidance of doubt, this Ordinance does not authorize any adjustment to the pay or the amount of an allowance payable to a public officer other than the adjustments made by sections 4 to 13.".
15	By deleting "this Ordinance" and substituting "sections 4 to 13".

- Schedule 1
- (a) In the Directorate Pay Scale, by adding -
- |     |         |         |          |
|-----|---------|---------|----------|
| "10 | 217,400 | 216,650 | 216,650  |
| 9   | 205,500 | 204,800 | 204,800" |
- before -
- |    |         |         |           |
|----|---------|---------|-----------|
| "8 | 181,700 | 181,050 | 181,050". |
|----|---------|---------|-----------|
- (b) In the Directorate (Legal) Pay Scale, by adding -
- |    |         |         |          |
|----|---------|---------|----------|
| "7 | 193,745 | 193,050 | 193,050" |
|----|---------|---------|----------|
- before -
- |    |         |         |           |
|----|---------|---------|-----------|
| "6 | 163,205 | 162,650 | 162,650". |
|----|---------|---------|-----------|
- Schedule 6,  
Part 1
- (a) In item 4, by deleting "not above" and substituting "below".
- (b) In item 5, by deleting "above \$128,365" and substituting "\$128,365 or above".
- Schedule 6,  
Part 2
- (a) In item 4, by deleting "not above" and substituting "below".
- (b) In item 5, by deleting "above \$128,365" and substituting "\$128,365 or above".