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致：《2009年紀律部隊法例(雜項修訂)條例草案》委員會

《2009年紀律部隊法例(雜項修訂)條例草案》修訂建議

在本年3月26日的會議上，委員會討論了適用於干犯不當行為或刑事罪行的公積金計劃公務員的免職懲罰。當局建議，為服務十年或以上的公積金計劃公務員設立三級免職懲罰。建議中，第2級懲罰為迫令退休時扣減不超過25%的政府自願性供款權益。

當局表示，將承諾以更改僱傭合約的方式，落實第2級懲罰中迫令退休時扣減不超過25%的政府自願性供款權益的建議。唯我建議，該扣減不超過25%的政府自願性供款權益的建議應該在本條例草案中訂明，其理據如下：

(一) 為公積金計劃下的紀律部隊公務員提供更大保障

第2級懲罰中迫令退休時扣減不超過25%的政府自願性供款權益的上限保障，其實已經是政府與職方的共識。如能將該共識在本條例中訂明，對公積金計劃下的紀律部隊公務員必是最大的保障，而香港公務員工會聯合會在會議上亦認同這觀點。

(二) 兩個計劃下的公務員的懲罰上限保障方式應看齊

在退休金計劃中，可享退休金公務員的第2級懲罰，即迫令退休時扣減不超過25%的退休福利的上限保障，是在現行法例中訂明的。若要將公積金計劃及退休金計劃盡量看齊，公積金計劃下的公務員應得到同樣的法例保障。值得留意的，是在退休金計劃下的紀律部隊人員，其懲罰中迫令退休時扣減不超過25%的退休福利的上限保障，也是在現行法例中訂明的。所以，在公積金計劃下的紀律部隊人員，應該享有同樣的法律保障，以將兩個計畫盡量看齊。

民主黨立法會議員

涂謹申

二零零九年五月四日

《2009 年紀律部隊法例(雜項修訂)條例草案》

委員會審議階段

由涂謹申議員動議的修正案

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建議修正案

- 4(2) 刪去“經扣減退休福利”而代以 –
“經扣減退休福利 (如屬公務員公積金計劃，以不超越退休福利的 25% 為限)”。
- 4(4) 刪去“經扣減退休福利”而代以 –
“經扣減退休福利 (如屬公務員公積金計劃，以不超越退休福利的 25% 為限)”。
- 7 刪去“經扣減退休福利”而代以 –
“經扣減退休福利 (如屬公務員公積金計劃，以不超越退休福利的 25% 為限)”。
- 8(1) 刪去“經扣減退休福利”而代以 –
“經扣減退休福利 (如屬公務員公積金計劃，以不超越退休福利的 25% 為限)”。
- 9(1) 刪去“經扣減退休福利”而代以 –
“經扣減退休福利 (如屬公務員公積金計劃，以不超越退休福利的 25% 為限)”。
- 9(4) 刪去“經扣減退休福利”而代以 –
“經扣減退休福利 (如屬公務員公積金計劃，以不超越退休福利的 25% 為限)”。

- 10(2) 刪去“經扣減退休福利”而代以 –
“經扣減退休福利 (如屬公務員公積金計劃，以不超越退休福利的 25% 為限)”。
- 10(4) 刪去“經扣減退休福利”而代以 –
“經扣減退休福利 (如屬公務員公積金計劃，以不超越退休福利的 25% 為限)”。
- 10(6) 刪去“經扣減退休福利”而代以 –
“經扣減退休福利 (如屬公務員公積金計劃，以不超越退休福利的 25% 為限)”。
- 12(2) 刪去“經扣減退休福利”而代以 –
“經扣減退休福利 (如屬公務員公積金計劃，以不超越退休福利的 25% 為限)”。
- 13(2) 刪去“經扣減退休福利”而代以 –
“經扣減退休福利 (如屬公務員公積金計劃，以不超越退休福利的 25% 為限)”。
- 15(2) 刪去“經扣減退休福利”而代以 –
“經扣減退休福利 (如屬公務員公積金計劃，以不超越退休福利的 25% 為限)”。
- 17(2) 刪去“經扣減退休福利”而代以 –
“經扣減退休福利 (如屬公務員公積金計劃，以不超越退休福利的 25% 為限)”。
- 27(3)(g) 刪去“經扣減退休福利”而代以 –

"經扣減退休福利 (如屬公務員公積金計劃，以不超越退休福利的 25% 為限)"。

28(2)(c) 刪去“經扣減退休福利”而代以 –

"經扣減退休福利 (如屬公務員公積金計劃，以不超越退休福利的 25% 為限)"。

28(4)(c) 刪去“經扣減退休福利”而代以 –

"經扣減退休福利 (如屬公務員公積金計劃，以不超越退休福利的 25% 為限)"。

28(6)(c) 刪去“經扣減退休福利”而代以 –

"經扣減退休福利 (如屬公務員公積金計劃，以不超越退休福利的 25% 為限)"。

28(8)(c) 刪去“經扣減退休福利”而代以 –

"經扣減退休福利 (如屬公務員公積金計劃，以不超越退休福利的 25% 為限)"。

DISCIPLINED SERVICES LEGISLATION (MISCELLANEOUS AMENDMENTS)

BILL 2009

COMMITTEE STAGE

Amendments to be moved by the Honourable James To Kun-sun

<u>Clause</u>	<u>Amendment Proposed</u>
4(2)	By deleting “reduced retirement benefits” and substituting – “reduced retirement benefits (not exceeding 25% of the retirement benefits in the case of the civil service provident fund scheme)”.
4(4)	By deleting “reduced retirement benefits” and substituting – “reduced retirement benefits (not exceeding 25% of the retirement benefits in the case of the civil service provident fund scheme)”.
7	By deleting “reduced retirement benefits” and substituting – “reduced retirement benefits (not exceeding 25% of the retirement benefits in the case of the civil service provident fund scheme)”.
8(1)	By deleting “reduced retirement benefits” and substituting – “reduced retirement benefits (not exceeding 25% of the retirement benefits in the case of the civil service provident fund scheme)”.
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benefits in the case of the civil service provident fund scheme)".

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"reduced retirement benefits (not exceeding 25% of the retirement benefits in the case of the civil service provident fund scheme)".

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"reduced retirement benefits (not exceeding 25% of the retirement benefits in the case of the civil service provident fund scheme)".

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27(3)(g) By deleting "reduced retirement benefits" and substituting –

“reduced retirement benefits (not exceeding 25% of the retirement benefits in the case of the civil service provident fund scheme)”.

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“reduced retirement benefits (not exceeding 25% of the retirement benefits in the case of the civil service provident fund scheme)”.

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“reduced retirement benefits (not exceeding 25% of the retirement benefits in the case of the civil service provident fund scheme)”.

28(6)(c) By deleting “reduced retirement benefits” and substituting –

“reduced retirement benefits (not exceeding 25% of the retirement benefits in the case of the civil service provident fund scheme)”.

28(8)(c) By deleting “reduced retirement benefits” and substituting –

“reduced retirement benefits (not exceeding 25% of the retirement benefits in the case of the civil service provident fund scheme)”.