

## LEGISLATIVE COUNCIL BRIEF

Pension Benefits Ordinance  
(Chapter 99)

### **PENSION BENEFITS ORDINANCE (ESTABLISHED OFFICES) (AMENDMENT) ORDER 2011**

#### **INTRODUCTION**

A At the meeting of the Executive Council on 3 May 2011, the Council ADVISED and the Chief Executive ORDERED that the Pension Benefits Ordinance (Established Offices) (Amendment) Order 2011 (the Amendment Order) at **Annex A** should be made under section 2(1) of the Pension Benefits Ordinance (Cap. 99) to declare established offices for the purposes of the Pensions Ordinance (Cap. 89), the Pension Benefits Ordinance (Cap. 99) and the Pension Benefits (Judicial Officers) Ordinance (Cap. 401).

#### **JUSTIFICATIONS**

2. Section 2(1) of the Pensions Ordinance and section 2(1) of the Pension Benefits Ordinance provide that “established office” means an office declared to be an established office in an Order made by the Chief Executive and published in the Gazette. Section 2(1) of the Pension Benefits (Judicial Officers) Ordinance provides that “established office” in the Ordinance has the same meaning as in the Pension Benefits Ordinance. Under these sections, “non-established office” means an office in the public service which is not declared as an established office.

3. Established offices make up the bulk of civil service ranks in directorate, administrative, professional, technical, clerical, middle management, Model Scale 1 and disciplined services. The pensions legislation provides that the pension factor used in computing the pension benefits of an officer confirmed to an established office is higher than that of a non-established office. In other words, an officer on an established office will enjoy a larger sum of pension benefits. An Established Offices (EO) Order may from time to time be amended, added to or revoked by another EO Order so made and published. Such amendment, addition or revocation is necessary when changes in rank

titles, creation of new ranks and deletion of obsolete ranks arise.

4. The EO Order was last amended in May 2008. There have been a number of changes since then. Seven new ranks and another two new shadow ranks<sup>1</sup> for civil servants working in the Hospital Authority (HA) have been created. Besides, one rank has become obsolete. Details of the changes are set out at **Annex B**. The creation and deletion of the ranks have already been approved by the Finance Committee (FC) of the Legislative Council (LegCo), while the creation of the two new shadow ranks have been approved by the Director of Health under authority delegated by the FC. The Amendment Order at Annex A aims to update the list of established offices by reflecting these changes.

B

### **THE AMENDMENT ORDER**

5. Schedules 1 and 2 to the Pension Benefits Ordinance (Established Offices) Order (Cap. 99 sub. leg. J) list the offices which are established offices for the purposes of the Pension Benefits Ordinance. This Order amends the Schedules by including newly established offices and deleting obsolete established office since the last amendment order made in 2008. Details are at Annex A.

### **LEGISLATIVE TIMETABLE**

6. The legislative timetable will be -

Publication in the Gazette	13 May 2011
Tabling at the LegCo	18 May 2011

### **IMPLICATIONS OF THE PROPOSAL**

7. The Amendment Order is in conformity with the Basic Law, including the provisions concerning human rights. It does not affect the existing binding effect of the Pension Benefits Ordinance and its subsidiary legislation. It does not involve additional financial and staffing implications. It also has no economic, productivity,

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<sup>1</sup> Shadow ranks are created to accommodate officers who have been transferred to the Hospital Authority (HA) and Vocational Training Council (VTC) but retained their status as civil servants. The objective of the shadow ranks is to preserve the promotion prospects and pension benefits of these civil servants so long as they remain in the civil service, even though they are not working in a government department. In this regard, shadow posts are created under respective shadow ranks to accommodate officers occupying different posts or positions in the rank. The shadow posts will be deleted when the incumbents move on to other positions of different ranks within the HA or VTC (in which case shadow posts corresponding to the new positions will be created) or leave the civil service.

environmental or sustainability implications.

### **PUBLIC CONSULTATION**

8. Since the making of the Amendment Order is an updating exercise to reflect approved changes to the civil service ranks and grades, we do not consider it necessary to consult the public or the Staff Sides of the Civil Service.

### **PUBLICITY**

9. We shall publish the Amendment Order in the Gazette. A spokesman will be available to respond to enquiries.

### **ENQUIRIES**

10. Any enquiries on this brief may be addressed to Miss Vivian Ko, Administrative Assistant to Secretary for the Civil Service at 2810 2358.

**Civil Service Bureau**  
**11 May 2011**

**Pension Benefits Ordinance (Established Offices)  
(Amendment) Order 2011**

(Made by the Chief Executive under section 2(1) of the Pension Benefits Ordinance (Cap. 99) after consultation with the Executive Council)

1. **Pension Benefits Ordinance (Established Offices) Order amended**  
The Pension Benefits Ordinance (Established Offices) Order (Cap. 99 sub. leg. J) is amended as set out in sections 2 and 3.
2. **Schedule 1 amended**
  - (1) Schedule 1, entry relating to the grade of "Government Counsel", before the following—
 

"Senior Government Counsel	1.7.1959"
<b>Add</b>	
"Assistant Principal Government Counsel	1.3.2011".
  - (2) Schedule 1, entry relating to the grade of "Judge of the District Court", before the following—
 

"Judge of the District Court	15.1.1953"
<b>Add</b>	
"Principal Family Court Judge, District Court	4.7.2008".
  - (3) Schedule 1, entry relating to the grade of "Landscape Architect", before the following—
 

"Senior Landscape Architect	10.8.1983"
<b>Add</b>	
"Chief Landscape Architect	25.4.2008".
  - (4) Schedule 1, entry relating to the grade of "Primary School Master/Mistress", before the following—

- |  |            |
|--|------------|
| "Primary School Master/Mistress        | 8.7.1994"  |
| <b>Add</b>                             |            |
| "Senior Primary School Master/Mistress | 1.9.2008". |
- (5) Schedule 1—  
**Repeal the entry relating to the grade of "Rating Adviser".**
  - (6) Schedule 1—  
**Add in alphabetical order**

"Head of Create Hong Kong	Head of Create Hong Kong	1.6.2009
Head of Greening, Landscape and Tree Management Section	Head of Greening, Landscape and Tree Management Section	22.1.2010
Head of Tree Management Office	Head of Tree Management Office	22.1.2010".
3. **Schedule 2 amended**
    - (1) Schedule 2, after the following—
 

"Associate Consultant (HA)	22.3.2007"
<b>Add</b>	
"Associate Medical Technologist (HA)	1.2.2008".
    - (2) Schedule 2, after the following—
 

"Medical Technologist (HA)	1.12.1991"
<b>Add</b>	
"Medical Technologist (Hospital Services) (HA)	1.2.2008".

Chief Executive  
2011

**Explanatory Note**

Schedules 1 and 2 to the Pension Benefits Ordinance (Established Offices) Order (Cap. 99 sub. leg. J) list the offices which are established offices for the purposes of the Pension Benefits Ordinance (Cap. 99).

2. This Order amends the Schedules by including the following as established offices—
  - (a) Assistant Principal Government Counsel;
  - (b) Principal Family Court Judge, District Court;
  - (c) Chief Landscape Architect;
  - (d) Senior Primary School Master/Mistress;
  - (e) Head of Create Hong Kong;
  - (f) Head of Greening, Landscape and Tree Management Section;
  - (g) Head of Tree Management Office;
  - (h) Associate Medical Technologist of the Hospital Authority; and
  - (i) Medical Technologist (Hospital Services) of the Hospital Authority.
  
3. This Order also deletes from Schedule 1 the established office under the grade of Rating Adviser.

**Details on Creation of New Ranks and Deletion of Obsolete Rank  
in the Pension Benefits Ordinance  
(Established Offices) (Amendment) Order 2011**

**Creation of New Ranks (Total : 9)**

<b>Grade/Rank</b>	<b>Date of creation</b>
Chief Landscape Architect (D1)	25.4.2008
Principal Family Court Judge, District Court (JSPS 14)	4.7.2008
Senior Primary School Master/Mistress (MPS Pt. 34-35)	1.9.2008
Head of Create Hong Kong (D3)	1.6.2009
Head of Greening, Landscape and Tree Management Section (D2)	22.1.2010
Head of Tree Management Office (D1)	22.1.2010
Assistant Principal Government Counsel (DL1)	1.3.2011
Associate Medical Technologist (HA) (HGPS/MPS Pt. 13-24)	1.2.2008
Medical Technologist (Hospital Services) (HA) (HGPS/MPS Pt. 25-33)	1.2.2008

**Deletion of Obsolete Rank (Total : 1)**

<b>Grade/Rank</b>	<b>Date of creation</b>
Rating Adviser (D2)	11.1.2008

**Legend:**

D : Directorate Pay Scale

JSPS : Judicial Service Pay Scale

MPS : Master Pay Scale

DL : Directorate (Legal) Pay Scale

HGPS : Hospital Authority General Pay Scale