

立法會
Legislative Council

LC Paper No. LS73/13-14

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 18 July 2014**

**LEGAL NOTICE NOT REQUIRED TO BE TABLED AND NOT
SUBJECT TO AMENDMENT**

**Volunteer and Naval Volunteer Pensions Ordinance (Amendment of
Schedules) Order 2014 (L.N. 111)**

The Volunteer and Naval Volunteer Pensions Ordinance (Cap. 202) makes provisions for, among other things, the payment of pensions, gratuities, and other allowances in connection with the disablement or death of officers and volunteers of the Hong Kong Volunteer Defence Corps and members of the Hong Kong Naval Volunteer Force who were called out on actual military service or actual service during the Second World War.

2. Pursuant to section 35(2) of Cap. 202, the Secretary for Labour and Welfare has made the Volunteer and Naval Volunteer Pensions Ordinance (Amendment of Schedules) Order 2014 (L.N. 111) (the Order) to amend Schedules 3 to 8 to the Ordinance to adjust the rates for the payment of pensions, gratuities and other allowances payable under Cap. 202 in accordance with the percentage of increase declared in a notice made under section 4(1C) of the Pensions (Increase) Ordinance (Cap. 305).

3. By the Declaration of Increase in Pensions Notice 2014 (L.N. 87 of 2014) (the Notice) gazetted on 6 June 2014, it is declared that with effect from 1 April 2014 the percentage of increase for the basic pension is 5.1%. Accordingly, the rates set out in Schedules 3 to 8 to Cap. 202 are adjusted in accordance with the percentage of increase (5.1%) as declared in the Notice. The relevant rates were last revised in April 2013 (L.N. 141 of 2013).

4. Section 35(4) of Cap. 202 provides that an order made under section 35(2) shall take effect on the same date as specified in the relevant notice made under Cap. 305. As mentioned in paragraph 3 above, the Notice took effect on 1 April 2014. Accordingly, the Order is deemed to have come into operation on 1 April 2014.

5. Section 35(5) of Cap. 202 provides that section 34 of the Interpretation and General Clauses Ordinance (Cap. 1) does not apply to an order made under section 35(2) of Cap. 202. Accordingly, the Order is not required to be tabled at the Legislative Council and is not subject to amendment.

6. As advised by the Clerk to the Panel on Welfare Services, the Panel has not been consulted on the Order.

7. According to the LegCo Brief issued by the Labour and Welfare Bureau on 14 July 2014 (File Ref: LWB CR 8/3231/92 Pt 17), public consultation is considered not necessary as the adjustment of rates payable under Cap. 202 is a routine updating exercise.

8. No difficulties have been identified in the legal and drafting aspects of the above item of subsidiary legislation.

Prepared by

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