

**2002 Civil Service Pay Adjustment
Public Officers Pay Adjustment Bill
Proposed Committee Stage Amendment (3)**

Purpose

At the meeting of the Bills Committee held on 22 June 2002, Honourable Members made a number of suggestions on the drafting of the various clauses of the Bill. Having regard to Honourable Members' comments, we propose three Committee Stage Amendments to the Bill. Details are set out in paragraphs 2 – 7 below.

Proposed Committee Stage Amendments

Definition of "Civil Servant"

2. Clause 3 of the Bill applies to civil servants. A civil servant is a person employed by the Government on civil service terms of appointment to a civil service rank. There are many different sets of civil service terms of appointment as defined in the Civil Service Regulations. The specific terms of appointment offered to an appointee to the civil service are clearly set out in the offer of appointment. The recruitment advertisements also make clear whether the advertised vacancy is a civil service vacancy or a non-civil service vacancy. In view of the foregoing, we consider it clear to both the Government as the employer/appointment authority and all Government employees/appointees whether or not an individual is a civil servant. That said, some Honourable Members suggested that in the interest of clarity, a definition of the term "civil servant" should be included in the interpretation clause of the Bill (i.e. clause 2).

3. Having considered Honourable Members' comments, we propose the following Committee Stage Amendment to clause 2 of the Bill -

2. Interpretation

“civil servant” means a person employed by the Government on civil service terms of appointment to a civil service rank;

Scope of application of the Bill

4. In recognition of the independent status of the Judiciary and the fact that the pay and conditions of service of the judges and judicial officers are determined separately from the civil service, the Administration has been discussing with the Judiciary for some time the establishment of a new institutional structure and mechanism as well as the appropriate methodology for the determination and revision from time to time of the pay and conditions of service for judges and judicial officers. The Chief Justice intends to make a proposal in early 2003 to the Administration for consideration. In view of this, the Administration has decided not to apply the proposed pay reduction to judges and judicial officers in the Bill. However, when the new institutional structure, mechanism and methodology are in place, an assessment will be made within that structure as to whether the pay reduction currently proposed for civil servants should also be applied to judges and judicial officers and if so, as from what date. It is also the policy intention of the Administration that an officer appointed on starting salaries that are delinked from the annual civil service pay adjustment should not be subject to the pay reduction specified in the Bill. Hence, we have specified in the Bill (in clause 10 and Schedule 3) that upon its enactment, it will not apply to the pay or allowances of judges and judicial officers, nor to the pay of officers remunerated on starting salaries. Some Honourable Members have suggested that the above-mentioned policy intention of the Administration should be set out in the main body of the legislation.

5. Having regard to Honourable Members' suggestion, we propose the following Committee Stage Amendment to the Bill -

Add a new clause after clause 2

Application

(1) This Ordinance does not apply to the pay or the pay and allowances, as the case may be, of the public officers or classes of public officer specified in Schedule 3.

(2) This Ordinance does not apply to allowances specified in Schedule 3.

Amendment to the Title of Part 6, clause 10 and clause 11

Delete the title of Part 6

10. Deleted

11. Amendment of Schedule 3

The Chief Executive in Council may, by notice published in the Gazette, amend Schedule 3 by specifying allowances or additional public officers or classes of public officer to which the Ordinance does not apply.

Amendment to the heading of Schedule 3

Public Officers and Allowances to which the Ordinance does not apply.

Long Title

6. Some Honourable Members have suggested that given the Bill is a piece of one-off legislation for reducing the pay and the amounts of allowances payable to certain categories of public officers with effect on and from 1 October 2002, this should be clearly set out in the long title of the Bill. We consider that the long title, as currently drafted, has made clear this intention of the Administration. Clause 8 of the Bill further reinforces this point by providing that the adjustments made by the Bill do not prohibit or affect any adjustment to the pay or the amounts of any allowances payable to public officers made after 1 October 2002.

7. However, having regard to the proposed Committee Stage Amendment in paragraph 5 above, we propose a consequential amendment to the long title by adding the term “certain” before the second and third reference to “public officers”. The revised long title is at Annex A.

8. Members are invited to note the proposed Committee Stage Amendments.

Civil Service Bureau
June 2002

Long Title to the Public Officers Pay Adjustment Bill

A Bill to

Adjust with effect on and from 1 October 2002 the pay of public officers paid in accordance with civil service pay scales or the ICAC pay scale by reducing the pay pertaining to each point on those pay scales by –

- (a) in the case of points on those scales the monthly salary pertaining to which is, on 30 September 2002, below \$15,520, 1.58%;
- (b) in the case of points on those scales the monthly salary pertaining to which is, on 30 September 2002, \$15,520 or above but does not exceed \$47,590, 1.64%;
- (c) in the case of points on those scales the monthly salary pertaining to which is, on 30 September 2002, above \$47,590, 4.42%;

with effect on and from the same date to adjust the pay of certain public officers whose pay is determined in accordance with or by reference to a point on one of those pay scales or whose pay is adjusted in accordance with or by reference to adjustments to one of those pay scales by the corresponding percentages; to provide that with effect on and from the same date the amounts of the allowances payable to certain public officers that are determined in accordance with or by reference to a point on one of those pay scales or which are adjusted in accordance with or by reference to adjustments to one of those pay scales are to be determined or adjusted in accordance with or by reference to points on those scales as so adjusted; and for connected purposes.