

**Public Officers Pay Adjustment Bill :
Application to Public Officers**

Purpose

This paper briefs Members on the categories of public officers who will be subject to the pay reduction specified in the Public Officers Pay Adjustment Bill (the Bill).

Background

2. Under the normal practice, following each annual civil service pay adjustment exercise, the pay of civil servants¹ in various grades and ranks will be adjusted by the approved percentages. Consequential adjustments will also need to be made to the pay of certain other public officers who are not civil servants. Broadly speaking, these other affected public officers comprise the following categories :

- (a) those whose pay is determined in accordance with/by reference to a civil service pay scale (e.g. an officer is paid at a level equivalent to a certain pay point on the Master Pay Scale); or
- (b) those whose pay is adjusted in accordance with/by reference to adjustments to the civil service pay scale (e.g. an officer is paid at a level entirely unrelated to any pay points on the civil service pay scales, but his pay is required to be adjusted in line with adjustments to the equivalent civil service salary band); or
- (c) those whose pay is both determined in accordance with/by reference to a civil service pay scale and adjusted in accordance with/by reference to adjustments to the civil service pay scale (e.g. an officer

¹ Public officers are defined in the Interpretation and General Clauses Ordinance (Cap. 1) as “any person holding an office of emolument under the Government, whether such office be permanent or temporary”. Civil servants are public officers.

is paid at a level equivalent to a certain pay point on the Directorate Pay Scale and his pay is required to be adjusted in line with adjustments to the Directorate Pay Scale).

3. A distinction is drawn between the term “in accordance with” and the term “by reference to” in the Bill. The difference between these two terms is illustrated by the following examples -

(a) *pay determined in accordance with a civil service pay scale* : For example, the pay of some ICAC officers (e.g. Executive Officer (CAC) grade, Clerical Officer (CAC) grade, etc.) are determined in accordance with the civil service pay scales although they are not civil servants. The pay scale of these officers is expressed as a number of pay points on the civil service Master Pay Scale or the civil service Model Scale One Pay Scale.

(b) *pay determined by reference to a civil service pay scale* : For example, the honorarium paid to Legal Trainees in the Department of Justice, who are not civil servants, is set at the equivalent of Master Pay Scale Point 22. In this example, the honorarium is determined by reference to a pay point on the relevant civil service pay scale.

(c) *pay adjusted in accordance with adjustments to a civil service pay scale* : For example, the ICAC pay scale is adjusted in accordance with the adjustment to the civil service pay scales and thus the pay of ICAC officers remunerated on the ICAC pay scale is adjusted in accordance with the civil service pay adjustment.

(d) *pay adjusted by reference to adjustments to a civil service pay scale* : For example, the Contract Managers appointed by Post Office are paid a salary which does not relate to any pay point on the civil service pay scales but is adjusted with reference to the annual civil service pay adjustment.

4. In drafting the Public Officers Pay Adjustment Bill, we have sought to clearly identify all categories of public officers who are subject to the pay reduction. Of the affected public officers, we can clearly identify the following categories and have specifically referred to them in

the Bill in the interest of clarity –

- (a) civil servants, who form the subject of clause 3;
- (b) ICAC officers, who form the subject of clause 4; and
- (c) Director of Audit, who forms the subject of clause 6.

All other affected public officers form the subject of clause 5. Details of these various categories are set out in the paragraphs 5 - 10 below.

Clause 3 on civil servants

5. Clause 3 of the Bill covers civil servants. There are now 11 civil service pay scales as set out in Schedule 1 in Part I of the Bill. For the great majority of serving civil servants, they are paid at a pay point on the pay scale of their respective grade and rank. For example, an Executive Office I is paid at a pay point of the pay scale for that particular rank (i.e. Master Pay Scale points 28 - 33). A Police Constable is paid at a pay point of the pay scale for that particular rank (i.e. Police Pay Scale Pay Scale points 1a - 14). An Assistant Director in the Rating and Valuation Department is paid at D2 of the Directorate Pay Scale. There are altogether 400 civil service grades and over 1 000 civil service ranks. All these civil servants are remunerated in accordance with the civil service pay scales and are thus covered by clause 3(2) of the Bill.

6. In addition, there are a very small number of civil servants who are paid “personal salaries” which do not relate to any pay point on the existing civil service pay scales. Examples are –

- (a) an Estate Assistant in Housing Department continues to be paid according to the obsolete pay scale of the grade of Constable, Hawker Control Force which does not correspond to any of the existing civil service pay scales. His salary is, however, adjusted annually in line with the annual civil service pay adjustment; and
- (b) following the restructuring of the Car Park Attendant grade, a number of Car Park Attendants II in the Government Secretariat

are allowed to retain the pay scale of the obsolete rank of Cark Park Attendant (remunerated on Model Scale One Pay Scale) in recognition of their job duties. Two of them remain in service currently.

All these civil servants receiving “personal salaries” fall under clause 3(3)(b) of the Bill.

7. We have not so far identified any civil servant who will fall under clauses 3(3)(a) and 3(3)(c) of the Bill. But in the interest of comprehensive coverage and to avoid any possible omissions, we propose that clauses 3(3)(a) and 3(3)(c) should be retained.

Clause 4 on ICAC Officers

8. Clause 4 of the Bill covers ICAC officers, who are defined as officers of the Commission appointed under Section 8 of the Independent Commission Against Corruption Ordinance (Cap. 204). These ICAC officers are not civil servants. As mentioned in LC Paper No.CB(1)2056/01-02(04) issued by the Administration on 20 June 2002, the majority of these ICAC officers are remunerated in accordance with the ICAC Pay Scale (e.g. officers in the Commission Against Corruption Controller Grade (ICAC Pay Scale Point 22 – 27) and officers in the Assistant Commission Against Corruption Officer Grade (ICAC Pay Scale Point 1 – 12)). These ICAC officers fall under clause 4(2) of the Bill. There are also ICAC officers in the general grades and common grades (e.g. Executive Officer grade, Clerical Officer grade and Workman grade) whose pay is determined in accordance with pay points on the Master Pay Scale or the Model Scale One Pay Scale (MOD), both of which are civil service pay scales. Examples are Executive Officer I (CAC) (MPS point 28 – 33), Personal Secretary II (CAC) (MPS point 3 – 5) and Workman II (MOD point 0 – 8). These officers are covered by the revised clause 4(3)(a) or clause 4(3)(c) of the Bill as the case may be.

9. We have not so far identified any ICAC officers who will fall under the revised clause 4(3)(b) of the Bill. But in the interest of comprehensive coverage and to cater for new appointments to be made between the passage of the Bill and the intended implementation date of 1

October 2002 for the pay reduction, we propose that that clause should be retained.

Certain Public Officers who are not Civil Servants or ICAC Officers

10. Clause 5 covers certain specified public officers who are neither civil servants or ICAC officers but who will be subject to the pay reduction. Broadly speaking, these are non-civil service appointments made by the Government. Examples of the non-civil service appointments covered by clause 5(a), (b) or (c) respectively are set out at the Annex of the Administration's letter dated 21 June 2002 to the Clerk to the Bills Committee. A copy of the Annex is now attached for Members' easy reference.

Civil Service Bureau
June 2002

**Examples of non-civil service appointments
that will be subject to 2002 civil service pay reduction, if approved**

I. Examples of non-civil service posts with pay determined in accordance with or by reference to, directly or indirectly, a point on the civil service pay scales

<u>Posts/Category of staff</u>	<u>Relevant departments/bodies</u>
Members of the Auxiliary Police Force	Hong Kong Police Force
Graduate Trainees	Architectural Services Department, Buildings Department, Civil Engineering Department, Drainage Services Department, Electrical and Mechanical Services Department, Environmental Protection Department, Highways Department, Government Property Agency, Housing Department, Lands Department, Planning Department, Rating and Valuation Department, Transport Department, Territory Development Department, Water Supplies Department.
Legal Trainees (Solicitor)	Department of Justice
Temporary Teachers	Education Department
Departmental Contract Staff I in RTHK	Radio Television Hong Kong

II. Examples of non-civil service posts with pay adjusted in accordance with or by reference to, directly or indirectly, adjustments to civil service pay scales

<u>Posts/Category of staff</u>	<u>Relevant departments/bodies</u>
Contract Managers	Hong Kong Post
Undergraduate Trainees	Architectural Services Department, Civil Engineering Department, Electrical and Mechanical Services Department, Housing Department, Water Supplies Department,
Members of the Auxiliary Medical Service	Auxiliary Medical Service
Members of the Civil Aid Service	Civil Aid Service
Auxiliary members of the Government Flying Service	Government Flying Service
Ex-Council Contract staff	Food and Environmental Hygiene Department, Leisure and Cultural Services Department

III. Examples of non-civil service posts with pay determined and adjusted in accordance with or by reference to, directly or indirectly, a point on the civil service pay scales

<u>Posts/Category of staff</u>	<u>Relevant departments/bodies</u>
Full-time Members and Researchers of the Central Policy Unit	Central Policy Unit
An Assistant Director in the Office of the Telecommunications Authority	Office of the Telecommunications Authority
Conservation Advisor in Chief Secretary's Office / Financial Secretary's Office	Chief Secretary's Office/Financial Secretary's Office
Native English Teachers	Education Department
Chief Executive and Curriculum Officers in the Curriculum Development Institute	Education Department
Flight Operations Inspector (Consultant)	Civil Aviation Department