

## LEGISLATIVE COUNCIL BRIEF

Pension Benefits Ordinance  
(Chapter 99)

### **PENSION BENEFITS ORDINANCE (ESTABLISHED OFFICES) (AMENDMENT) ORDER 2017**

#### **INTRODUCTION**

A At the meeting of the Executive Council on 6 June 2017, the Council ADVISED and the Chief Executive ORDERED that the Pension Benefits Ordinance (Established Offices) (Amendment) Order 2017 (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 pension 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. The Pension Benefits Ordinance (Established Offices) Order (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 or deletion of obsolete ranks arise.

4. The EO Order was last amended in June 2014. Subsequent to the last amendment exercise, two new ranks have been created, including one shadow rank<sup>1</sup> for civil servants working in the Hospital Authority (HA). Besides, the Chinese title of one grade and rank requires updating. Details of the changes are set out at **Annex B**. The creation of the civil service rank has already been approved by the Finance Committee (FC) of the Legislative Council (LegCo), while the creation of the new shadow rank has 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 EO Order list the offices which are established offices for the purposes of the Pension Benefits Ordinance. This Amendment Order amends the Schedules by including newly established offices and updating the Chinese title of an established office since the last amendment order made in 2014. Details are at Annex A.

#### **LEGISLATIVE TIMETABLE**

6. The legislative timetable will be -

|   |              |
|---|--------------|
| Publication in the Gazette                | 16 June 2017 |
| Tabling at the LegCo for negative vetting | 21 June 2017 |

#### **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

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<sup>1</sup> Shadow ranks are created to accommodate officers who have been transferred to the 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.

staffing implications. It also has no family, economic, productivity, environmental or sustainability implications. There is no gender issue involved.

### **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 side of the civil service.

### **PUBLICITY**

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

### **ENQUIRIES**

10. Any enquiries on this brief may be addressed to Ms Shirley Kwan, Administrative Assistant to Secretary for the Civil Service at 2810 2358.

**Civil Service Bureau**  
**14 June 2017**

**Pension Benefits Ordinance (Established Offices)  
(Amendment) Order 2017**

“Cluster General Manager (Human  
Resources) (HA)

17.7.2014”.

(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.

Chief Executive

2017

**2. Schedule 1 amended**

(1) Schedule 1, entry relating to the grade of “Government Economist”, after the following—

“Government Economist 1.10.1987”

**Add**

“Deputy Government Economist 13.5.2016”.

(2) Schedule 1, Chinese text, entry relating to the grade of “土地審裁處審裁委員”—

**Repeal**

“審裁委員” (wherever appearing)

**Substitute**

“成員”.

**3. Schedule 2 amended**

Schedule 2, after the following—

“Clinical Psychologist (HA) 1.12.1991”

**Add**

### **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) Deputy Government Economist; and
  - (b) Cluster General Manager (Human Resources) (HA).
3. This Order also amends the Chinese text of Schedule 1 by substituting “土地審裁處成員” for “土地審裁處審裁委員”.

**Details on Creation of New Ranks and  
Change in Chinese Title of Grade and Rank in the  
Pension Benefits Ordinance (Established Offices)  
(Amendment) Order 2017**

**Creation of New Ranks (Total : 2)**

| <b>Rank</b>  | <b>Date of creation</b> |
|--|-------------------------|
| Deputy Government Economist (D3)   | 13.5.2016               |
| Cluster General Manager (Human Resources) (HA)<br>(HMPS Pt. 15-24/MPS Pt. 40-49) | 17.7.2014               |

**Change in Chinese Title of Grade and Rank (Total : 1 Grade and Rank)**

| <b>Grade and Rank</b>               | <b>Existing Chinese Title of Grade and Rank</b> | <b>New Chinese Title of Grade and Rank</b> |
|-------------------------------------|---|--|
| Member, Lands Tribunal<br>(JSPS 12) | 土地審裁處審裁委員                                       | 土地審裁處成員                                    |

Legend:

D: Directorate Pay Scale

HMPS: HA Management Pay Scale

JSPS: Judicial Service Pay Scale

MPS: Master Pay Scale