

---

STATUTORY INSTRUMENTS

---

**1996 No. 1138**

**The Hong Kong (Overseas Public Servants)  
(Retirement and Compensation) Order 1996**

**Calculation of compensation and repayment: officers appointed to United Kingdom service without a break of at least 90 days**

**10.**—(1) This article applies to entitled officers who retire in accordance with article 3 of this Order and are appointed to the pensionable establishment of the Home Civil Service or the Diplomatic Service without a break of at least ninety days between the last day of their pensionable service under the Government of Hong Kong and the first day of their pensionable service in the Home Civil Service or Diplomatic Service.

(2) In the case of an entitled officer to whom this article applies—

- (a) a calculation shall be made of the officer's notional emoluments in accordance with article 8(2)(a), (b) and (c);
- (b) if the salary of the post in the Home Civil Service or Diplomatic Service at the time of his appointment equals or is greater than the figure arrived at in accordance with paragraph (2)(a) of this article, no compensation is due under this Order; and the officer shall be required to repay any sum which he has previously received by way of compensation or interest on compensation under this Order;
- (c) if the salary of the post in the Home Civil Service or Diplomatic Service at that time is less than the figure arrived at in accordance with paragraph (2)(a) of this article, then, subject to article 11(1)(a), the compensation due is—
  - (i) the difference between the two multiplied by the appropriate factor set out in the relevant Table; or
  - (ii) the maximum sum,

whichever is the less, and the officer shall be required to repay any sum which he has previously received under this Order by way of compensation and interest on compensation which exceeds the sum calculated under this subparagraph.