
STATUTORY INSTRUMENTS

1996 No. 1139

HONG KONG

**The Hong Kong (Overseas Public Servants)
(Continuing Service: Compensation) Order 1996**

<i>Made</i>	- - - -	<i>24th April 1996</i>
<i>Laid before Parliament</i>		<i>7th May 1996</i>
<i>Coming into force</i>	- -	<i>30th June 1997</i>

At the Court at Windsor Castle, the 24th day of April 1996

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by section 2 of the Hong Kong (Overseas Public Servants) Act 1996(1) and all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Citation and commencement

1.—(1) This Order may be cited as the Hong Kong (Overseas Public Servants) (Continuing Service: Compensation) Order 1996.

(2) This Order shall come into force on 30th June 1997.

Interpretation

2. In this Order—

“appointed day” means 30th June 1997;

“discounted lump sum” has the meaning ascribed to it in article 6(5);

“entitled officer” means an officer, judge or magistrate who—

(a) is a member of Her Majesty's Overseas Civil Service (hereinafter referred to as “HMOCS”) or, in the case of a judge or magistrate, a member of HMOCS or Her Majesty's Overseas Judiciary (hereinafter referred to as “HMOJ”) or has been individually informed in writing by or on behalf of the Secretary of State that he would be treated in the same manner as a member of HMOCS; and

- (b) was on the pensionable establishment of the Government of Hong Kong on 1st May 1993 and remains so on the appointed day; and
- (c) remains in the employment of the Hong Kong Special Administrative Region on 1st July 1997,

other than a person referred to in article 5;

“judicial officer” has the meaning ascribed to it in the Pension Benefits Ordinance⁽²⁾;

“Limited Hong Kong Scheme” means the Compensation Scheme for certain pensionable officers promulgated by the Government of Hong Kong Civil Service Branch Circular No. 24/87 of 9th December 1987;

“maximum sum” has the meaning ascribed to it in article 6(4);

“normal retirement age” means:

- (a) in the case of an entitled officer (not being a Scheduled officer, a judge or a judicial officer):
 - (i) to whom the Pensions Ordinance⁽³⁾ applies, 55;
 - (ii) to whom the Pension Benefits Ordinance applies, 60;
- (b) in the case of a Scheduled officer:
 - (i) to whom the Pensions Ordinance applies, 55;
 - (ii) to whom the Pension Benefits Ordinance applies, the age specified under section 10(3) of that Ordinance or, if no age is so specified, 60;
- (c) in the case of a judge of the Supreme Court or of any court to which appeals lie from the Supreme Court, 65;
- (d) in the case of a judge of a District Court appointed as such before 1st January 1987, 60;
- (e) in the case of a judge of the District Court appointed as such on or after 1st January 1987, 65;
- (f) in the case of a registrar or deputy registrar of the Supreme Court to whom the Pension Benefits (Judicial Officers) Ordinance⁽⁴⁾ applies, 65;
- (g) in the case of any judicial officer (not being a judge or a registrar or deputy registrar of the Supreme Court):
 - (i) to whom the Pensions Ordinance applies, 55;
 - (ii) to whom the Pension Benefits (Judicial Officers) Ordinance applies, 60;

“Ordinance” means an Ordinance of Hong Kong;

“pensionable service” means the amount of service which may be taken into account in computing the pension of the entitled officer under the relevant pension law of Hong Kong, other than any service excluded by article 6(3) of this Order;

“salary” means annual salary;

“Scheduled officer” has the meaning ascribed to it in the Pension Benefits Ordinance;

“United Kingdom Pensions Increase (Review) Order” means an order made under section 59 of the Social Security Pensions Act 1975⁽⁵⁾.

(2) Laws of Hong Kong, Cap 99.
(3) Laws of Hong Kong, Cap 89.
(4) Laws of Hong Kong, Cap 401.
(5) 1975 c. 60.

Entitlement to compensation under this Order

3. Entitled officers shall be entitled to compensation under and in accordance with this Order.

Seconded Officers

4. Entitled officers who on the appointed day are seconded for service outside Hong Kong or to a non-Government organisation within Hong Kong shall be treated in the same way as other entitled officers.

Persons not entitled to compensation under this Order

5. The following are not entitled to compensation under this Order—
 - (a) persons who have reached normal retirement age on or before 30th June 1997;
 - (b) persons who, on 30th June 1997, are on leave pending retirement on, or in anticipation of, reaching normal retirement age;
 - (c) persons seconded or temporarily transferred to Hong Kong;
 - (d) persons who, in accordance with paragraph 2(b), (c), (d) or (e) of the Limited Hong Kong Scheme, were permitted or required to retire and have received compensation under that Scheme;
 - (e) persons who have been notified on or before the appointed day that they will be retired from the service of Hong Kong in accordance with the relevant pension law on abolition of office or compulsory retirement terms under which an additional pension is payable;
 - (f) persons who retire in accordance with the Hong Kong (Overseas Public Servants) (Retirement and Compensation) Order 1996(6).

Tables to be used for calculating compensation and calculation of the maximum sum

- 6.—(1) Compensation in respect of each entitled officer shall be calculated as a lump sum using the factors appropriate to the age and pensionable service of the officer in the relevant Table, as set out at the end of this Order, and the entitled officer shall be informed of the sum so assessed.

- (2) The relevant Table:

- (a) for officers and judicial officers to whom the Pensions Ordinance applies, is Table I;
- (b) for officers to whom the Pension Benefits Ordinance applies, is Table II;
- (c) for district judges or other judicial officers to whom the Pension Benefits (Judicial Officers) Ordinance applies, whose normal retirement age is 60, is Table II;
- (d) for judges, or the registrar or a deputy registrar of the Supreme Court, whose normal retirement age is 65, is Table III.

- (3) Notwithstanding any provision of the relevant pension law of Hong Kong or the repayment of any gratuity on or after the appointed day—

- (a) no period of service shall be counted as pensionable service for the purpose of calculating compensation under this Order:
 - (i) which, on the appointed day, would not be taken into account as pensionable service under the relevant pension law of Hong Kong; or
 - (ii) in respect of which a gratuity (or any part of a gratuity) has been paid, if the officer concerned—

- (A) had not on or before 30th April 1993, commenced the repayment of the gratuity or part thereof or, in the case of a judge, magistrate or other judicial officer, entered into an irrevocable undertaking to buy back the relevant period of contract service: and
 - (B) has not completed the repayment of such gratuity or the buying back of such service before the appointed day;
- (b) pensionable service does not include any period by which an officer's service is deemed to increase under such a law.
- (4) The maximum sum is £120,000 multiplied by the appropriate increase factors under those United Kingdom Pensions Increase (Review) Orders which have effect between the 1st January 1992 and the date taken for the calculation of the officer's compensation as if the sum of £120,000 were a pension beginning on the 8th April 1991:

Provided that where, under this Order—

- (a) the compensation due to an officer is to be recalculated, the maximum sum will also be recalculated on the dates taken for calculation of the compensation and the maximum sum in respect of that officer will be finally recalculated at the time of the final payment to him under this Order;
- (b) any officer elects to receive his compensation in a single sum under article 10(1) (a), the maximum sum as determined in accordance with this paragraph will be reduced in accordance with paragraph (5) of this article to produce a discounted maximum sum.
- (a) (5) (a) Subject to subparagraph (b) below, the discounted lump sum is the sum of the payments of instalments and interest which would be paid to the entitled officer if he had elected to receive his compensation in instalments, each payment having been reduced by the compounded rate of inflation between the appointed day and the date the instalment would have been due and further discounted at a compounded rate of 6 per cent per annum over the same period.
- (b) For the purpose of this paragraph:
 - (i) the calculation of the compensation due shall be made on the appointed day and no further calculation shall be made in accordance with article 7;
 - (ii) the number of instalments due shall take account of article 13, but articles 12 and 14 shall be ignored;
 - (iii) the inflation rate for the financial years 1997/98, 1998/99 and 1999/2000 shall be deemed to be the anticipated lower inflation rate for the United Kingdom for those years as published by Her Majesty's Treasury in the most recently published Financial Statement Budget Report (the "Red Book"), and for the financial years 2000/2001 and 2001/2002 shall be deemed to be the anticipated lower inflation rate for the United Kingdom for the financial year 1999/2000, as so published.

Calculation of compensation: general rule

7.—(1) This article applies to the calculation of the compensation due under this Order to entitled officers other than:

- (a) an entitled officer who has received compensation under the Limited Hong Kong Scheme on account of being superseded for promotion; or
- (b) an entitled officer who is appointed to the pensionable establishment of the Home Civil Service or Diplomatic Service without a break of at least ninety days between his last day of pensionable service under the Hong Kong Special Administrative Region and his first day of pensionable service in the Home Civil Service or Diplomatic Service.

- (2) The dates taken for calculation shall be:
- (a) for an entitled officer who elects to be paid his compensation as a single sum as provided in article 10(1)(a), the appointed day;
 - (b) for an entitled officer who elects to be paid his compensation in five instalments as provided in article 10(1)(b)—
 - (i) the appointed day; and
 - (ii) the first, second, third and fourth anniversaries of the appointed day, if he is on the pensionable establishment of the Hong Kong Special Administrative Region on the relevant anniversary; and
 - (iii) on the date of his retirement from such pensionable establishment if that falls before the fourth anniversary of the appointed day.

(3) The compensation due to an entitled officer referred to in paragraph (2) (b) of this article shall be recalculated on each date taken for calculation to take account of changes in age, salary, length of pensionable service and promotion. Where compensation is so recalculated, then, save to the extent that it exceeds the maximum sum, the compensation due shall not fall below the calculation that is most favourable to the officer.

(4) The compensation will be calculated as follows:

- (a) identify the entitled officer's salary point for the substantive grade held by him on the date taken for calculation and then determine the salary appropriate to that salary point of that grade at 1st January 1992 (herein referred to as "the notional 1992 salary");
- (b) convert the sum arrived at in paragraph (4) (a) into sterling using the average rate of exchange between the HK dollar and the £ sterling during 1991 (i.e. £1=HK \$13.7609);
- (c) multiply the sterling value of the notional 1992 salary by the appropriate increase factors under those United Kingdom Pensions Increase (Review) Orders which had effect between the 1st January 1992 and the date taken for calculation as though the notional 1992 salary were a pension beginning on 8th April 1991; this will produce the notional emoluments of the officer concerned based on the movement of the United Kingdom Retail Price Index from 1992 to the date taken for calculation;
- (d) multiply the notional emoluments by the appropriate factor taken from the relevant Table.

(5) Subject to paragraph (3) of this article and article 10 (1) (a), the sum arrived at in paragraph (4) (d) in sterling or the maximum sum, whichever is the less, is the compensation due.

(6) In this article and article 9, "the appropriate factor" in relation to an entitled officer means the factor obtained in accordance with the rules set out in Table IV that is appropriate to the age and pensionable service of that officer on the date taken for calculation in completed years and months or, if it is more favourable to the officer, in completed years without regard to months.

Calculation of compensation: superseded officers

8.—(1) This article applies to the calculation of compensation under this Order for entitled officers who have received compensation under the Limited Hong Kong Scheme on being superseded for promotion.

(2) In order to determine whether such an entitled officer is eligible for compensation under this Order, and, if so, the amount of compensation due:

- (a) the same calculations shall be made in respect of the entitled officer as are directed in article 7(2), (3) — first sentence only — (4) and (6) to produce a sterling figure;
- (b) the lump sum paid to the entitled officer as compensation under the Limited Hong Kong Scheme shall be converted into sterling at the rate of exchange between the HK dollar and the £ sterling at the date the lump sum was paid to the officer and the sum in sterling shall

be increased at the rate of five per cent per annum from the date of payment of the lump sum to the date taken for the calculation under article 7(2) (a); this produces the figure to be used for the purposes of paragraphs (3) or (4) of this article.

(3) No compensation shall be payable to such an entitled officer under this Order if, having made the calculations referred to in paragraph (2) in respect of the appointed day, the figure arrived at in accordance with paragraph (2) (b) equals or is greater than the figure arrived at in accordance with paragraph (2) (a); and no recalculation shall be made in respect of any such officer in respect of any other date.

(4) Where, having made the calculations referred to in paragraph (2) in respect of the appointed day, the figure arrived at in accordance with paragraph (2) (a) is greater than the figure arrived at in accordance with paragraph (2) (b), compensation is payable; and where a recalculation or recalculations are made on later dates in accordance with article 7(2), the figure to be taken for the purposes of this article shall be the highest sum produced by such recalculations. Subject to article 10(1) (a), the amount of compensation shall be the difference between the sums arrived at in accordance with paragraph (2) or the maximum sum, whichever is the less.

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

9.—(1) This article applies to entitled officers who are appointed after 30th June 1997 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 Hong Kong Special Administrative Region 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 7(4) (a), (b) and (c) and the date taken for calculation shall be the last day of service under the Hong Kong Special Administrative Region;
- (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), 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), then, subject to article 10(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.

Payment of compensation

10.—(1) Subject to paragraph (4) of this article and articles 12, 13 and 14, the compensation due to an entitled officer under this Order shall be paid at his election either—

- (a) as a single sum, in which case the sum payable will be the discounted lump sum calculated in accordance with article 6(5) or, as the case may be, the discounted maximum sum;

(b) in five instalments.

(2) Where the entitled officer elects to be paid the compensation due—

(a) as a single sum, the sum shall be paid on the appointed day or as soon as possible thereafter;

(b) in five instalments, the first instalment of one fifth of the compensation due shall be paid on the appointed day or as soon as possible thereafter.

(3) Subject as aforesaid, the remaining instalments of compensation shall be paid as follows:

— one fourth of the compensation outstanding shall be paid on the first anniversary of the appointed day;

— one third of the compensation outstanding shall be paid on the second anniversary of the appointed day;

— one half of the compensation outstanding shall be paid on the third anniversary of the appointed day;

— the balance of the compensation shall be paid on the fourth anniversary of the appointed day.

(4) If the amount of any compensation, or the balance of any compensation outstanding, on any date a payment is due is, without counting any sum payable in respect of interest under article 11, less than £10,000, the whole of that compensation or balance (without any reduction or discount) together with the interest shall be paid on that date and no further calculation or payment shall be made in respect of the officer concerned.

(5) An election under this article shall be irrevocable.

Interest

11.—(1) Where compensation is paid in instalments, interest at the rate of five per cent per annum, based on the previously assessed balance of compensation due, shall be paid at the time of the next instalment. Where a recalculation of the entitlement to compensation is made on an anniversary of the appointed day, interest shall become payable on the reassessed balance from the date when the recalculation is made.

(2) Where a recalculation is made on the occasion of an entitled officer's retirement, interest shall be paid at the time the next instalment, or balance, of compensation is to be paid, calculated as follows—

five per cent per annum on the balance of compensation due at the previous anniversary of the appointed day for the period between the anniversary of the appointed day and the day of retirement

plus

five per cent per annum on the balance of compensation due on recalculation at the date of retirement from the date of retirement to the next anniversary of the appointed day.

(3) In the event that the first or any other instalment, or the balance, of any compensation is not paid within three months of the due day, interest shall be paid on the amount of compensation then due at the rate of five per cent per annum for each completed month of delay:

Provided that no such interest shall be payable in respect of any sum where the failure to make a payment in respect of that sum is a consequence of the failure of the officer concerned or his dependants or personal representatives, or any overseas authority, to provide the Secretary of State with information necessary to enable him to make such payment.

Entitled officers who leave the service of the Hong Kong Special Administrative Region in certain circumstances

12.—(1) Save as provided in paragraph (2), an officer who satisfies the Secretary of State that he has been required to retire from the service of the Government of the Hong Kong Special Administrative Region for the purpose of facilitating improvements in the organisation of the department in which he was serving by which greater efficiency or economy may be effected, or on medical or other grounds not involving his own misconduct or default, shall be entitled to receive the outstanding balance of compensation and any interest due to him as soon as possible after his retirement.

(2) Where any entitled officer (other than an officer referred to in article 5(e)) retires on abolition of office or compulsory retirement terms during the period starting on 1st July 1997 and ending on 30th June 2001—

- (a) a calculation shall be made of the capital value at the time he retires of the additional pension awarded to him by reason of such abolition of office or compulsory retirement under the relevant pension law of Hong Kong; and
- (b) if the capital value of such additional pension is equal to, or greater than, the compensation to which the officer would otherwise have been entitled under this Order, the officer shall not be entitled to any compensation under this Order and any sum previously paid to him hereunder, and any interest paid thereon, shall be repaid by him to the Secretary of State and, if not so repaid, may be recovered at the suit of the Secretary of State;
- (c) if the capital value of such additional pension is less than the compensation to which the officer would otherwise have been entitled under this Order, the compensation due to the officer under this Order shall be a sum equal to the difference between the two and any sum previously paid to him hereunder in excess thereof (otherwise than by way of interest) shall be repaid by him to the Secretary of State and, if not so repaid, may be recovered at the suit of the Secretary of State.

Entitled officers who reach normal retirement age or retire on pension

13. When an entitled officer—

- (a) reaches normal retirement age; or
- (b) retires on pension before reaching normal retirement age on attaining the maximum pension as provided under the relevant pension law,

he shall be entitled to receive the outstanding balance of any compensation and interest due to him as soon as possible thereafter.

Death

14. When an entitled officer dies, his dependants or personal representatives shall be entitled to receive as soon as possible the outstanding balance of compensation due to the entitled officer and the interest thereon.

Place of payment

15. Any payment under this Order to an entitled officer or to his dependants or personal representatives shall be paid in accordance with any request made from time to time by the officer or his dependants or personal representatives, as the case may be, in any of the following places:

- (a) the United Kingdom;

or, with the concurrence of the Secretary of State,

- (b) Hong Kong;
 - (c) in the country from which the officer was recruited or where he intends to reside;
 - (d) in the case of payment to the dependants or personal representatives of an officer, in the country in which they reside;
 - (e) in such country as the officer or his dependants or personal representatives may select;
- and, wherever paid, the payment shall be made in sterling.

Entitled officers and others to provide Secretary of State with necessary information

16. Any person claiming to be an entitled officer, and the dependants and personal representatives of an entitled officer, shall provide the Secretary of State with such information as the latter may reasonably require to enable him to ascertain and verify any entitlement or continued entitlement to the payment of compensation under this Order, the amount of such compensation and the circumstances in which any part of compensation or interest is payable.

Payment of tax

17. In addition to the payments to entitled officers in accordance with and at the rate provided for in the foregoing provisions of this Order, the Secretary of State may pay direct to the Inland Revenue such sums as may be necessary to discharge the liability of entitled officers to United Kingdom income tax on any payment made under this Order (including a payment under this article) to, or in respect of, an entitled officer.

Secretary of State to decide all questions of interpretation

18. Any question relating to the interpretation of this Order, including any question as to who is a member of HMOCS or HMOJ or otherwise an entitled officer and what shall be deemed to be the salary point and grade as at 1st January 1992 of the salary point and grade of any officer at any later date, may be determined by the Secretary of State.

Table I

Factor where length of pensionable service is

Age of Officer	3 years	4 years	5 years	6 years	7 years	8 years	9 years	10+ years	Age of Officer
31	0.79	1.05	1.31	1.58	1.84	2.10	2.36	2.63	31
32	0.84	1.12	1.40	1.68	1.96	2.24	2.52	2.80	32
33	0.88	1.18	1.47	1.76	2.06	2.35	2.65	2.94	33
34	0.92	1.22	1.53	1.84	2.14	2.45	2.75	3.06	34
35	0.95	1.26	1.58	1.89	2.21	2.53	2.84	3.16	35
36	0.97	1.29	1.61	1.93	2.25	2.57	2.90	3.22	36
37	0.97	1.29	1.61	1.94	2.26	2.58	2.90	3.23	37
38	0.96	1.28	1.61	1.93	2.25	2.57	2.89	3.21	38
39	0.95	1.26	1.58	1.89	2.21	2.52	2.84	3.15	39
40	0.92	1.22	1.53	1.84	2.14	2.45	2.75	3.06	40

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Age of Officer	3 years	4 years	5 years	6 years	7 years	8 years	9 years	10+ years	Age of Officer
41	0.89	1.18	1.48	1.77	2.07	2.36	2.66	2.96	41
42	0.85	1.13	1.41	1.69	1.97	2.26	2.54	2.82	42
43	0.79	1.06	1.32	1.58	1.85	2.11	2.38	2.64	43
44	0.73	0.98	1.22	1.46	1.71	1.95	2.19	2.44	44
45	0.66	0.89	1.11	1.33	1.55	1.77	1.99	2.21	45
46	0.60	0.80	1.00	1.20	1.40	1.60	1.80	2.00	46
47	0.54	0.73	0.91	1.09	1.27	1.45	1.63	1.82	47
48	0.49	0.65	0.82	0.98	1.14	1.31	1.47	1.64	48
49	0.44	0.59	0.73	0.88	1.02	1.17	1.32	1.46	49
50	0.38	0.51	0.64	0.77	0.89	1.02	1.15	1.28	50
51	0.32	0.42	0.53	0.63	0.74	0.84	0.95	1.05	51
52	0.25	0.33	0.41	0.50	0.58	0.66	0.74	0.83	52
53	0.17	0.23	0.28	0.34	0.39	0.45	0.51	0.56	53
54	0.09	0.12	0.15	0.18	0.21	0.24	0.27	0.30	54
55	—	—	—	—	—	—	—	—	55

Table II

Factor where length of pensionable service is

Age of Officer	3 years	4 years	5 years	6 years	7 years	8 years	9 years	10+ years	Age of Officer
31	0.78	1.04	1.31	1.57	1.83	2.09	2.35	2.61	31
32	0.83	1.11	1.39	1.67	1.94	2.22	2.50	2.78	32
33	0.92	1.23	1.54	1.85	2.15	2.46	2.77	3.08	33
34	0.98	1.30	1.63	1.95	2.28	2.60	2.93	3.26	34
35	1.01	1.35	1.68	2.02	2.36	2.69	3.03	3.37	35
36	1.04	1.39	1.74	2.08	2.43	2.78	3.13	3.47	36
37	1.06	1.41	1.77	2.12	2.47	2.83	3.18	3.53	37
38	1.07	1.43	1.79	2.14	2.50	2.86	3.21	3.57	38
39	1.07	1.43	1.78	2.14	2.49	2.85	3.21	3.56	39
40	1.06	1.41	1.76	2.12	2.47	2.82	3.17	3.53	40
41	1.04	1.39	1.74	2.09	2.44	2.78	3.13	3.48	41
42	1.03	1.38	1.72	2.07	2.41	2.75	3.10	3.44	42
43	1.00	1.34	1.67	2.00	2.34	2.67	3.00	3.34	43
44	0.94	1.26	1.57	1.89	2.20	2.51	2.83	3.14	44

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Age of Officer	3 years	4 years	5 years	6 years	7 years	8 years	9 years	10+ years	Age of Officer
45	0.88	1.17	1.46	1.76	2.05	2.34	2.63	2.93	45
46	0.82	1.10	1.37	1.65	1.92	2.20	2.47	2.75	46
47	0.77	1.02	1.28	1.53	1.79	2.04	2.30	2.55	47
48	0.71	0.94	1.18	1.41	1.65	1.88	2.12	2.36	48
49	0.65	0.87	1.08	1.30	1.52	1.73	1.95	2.17	49
50	0.59	0.78	0.98	1.17	1.37	1.56	1.76	1.95	50
51	0.54	0.71	0.89	1.07	1.25	1.43	1.61	1.79	51
52	0.50	0.67	0.84	1.01	1.18	1.34	1.51	1.68	52
53	0.49	0.65	0.82	0.98	1.14	1.31	1.47	1.64	53
54	0.48	0.64	0.80	0.95	1.11	1.27	1.43	1.59	54
55	0.45	0.60	0.75	0.90	1.05	1.20	1.35	1.50	55
56	0.40	0.54	0.67	0.81	0.94	1.07	1.21	1.34	56
57	0.32	0.43	0.54	0.64	0.75	0.86	0.97	1.07	57
58	0.22	0.29	0.37	0.44	0.51	0.59	0.66	0.74	58
59	0.12	0.16	0.20	0.24	0.28	0.32	0.36	0.40	59
60	—	—	—	—	—	—	—	—	60

Table III:

Factor where length of pensionable service is

Age of Officer	3 years	4 years	5 years	6 years	7 years	8 years	9 years	10+ years	Age of Officer
44	1.04	1.38	1.73	2.07	2.41	2.76	3.11	3.45	44
45	1.01	1.35	1.69	2.03	2.37	2.71	3.04	3.38	45
46	0.99	1.33	1.66	1.99	2.32	2.65	2.98	3.32	46
47	0.97	1.30	1.62	1.95	2.27	2.60	2.92	3.25	47
48	0.95	1.27	1.59	1.90	2.22	2.54	2.86	3.17	48
49	0.93	1.24	1.55	1.86	2.17	2.48	2.79	3.11	49
50	0.91	1.21	1.52	1.82	2.12	2.42	2.73	3.03	50
51	0.89	1.18	1.48	1.77	2.07	2.36	2.66	2.96	51
52	0.86	1.15	1.44	1.73	2.02	2.30	2.59	2.88	52
53	0.84	1.12	1.40	1.68	1.96	2.24	2.52	2.81	53
54	0.82	1.09	1.37	1.64	1.91	2.18	2.46	2.73	54
55	0.80	1.06	1.33	1.59	1.86	2.12	2.39	2.66	55
56	0.74	0.99	1.24	1.49	1.73	1.98	2.23	2.48	56

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Age of Officer	3 years	4 years	5 years	6 years	7 years	8 years	9 years	10+ years	Age of Officer
57	0.68	0.91	1.14	1.37	1.60	1.82	2.05	2.28	57
58	0.62	0.83	1.04	1.24	1.45	1.66	1.86	2.07	58
59	0.55	0.73	0.92	1.10	1.28	1.46	1.65	1.83	59
60	0.47	0.62	0.78	0.94	1.09	1.25	1.40	1.56	60
61	0.38	0.51	0.63	0.76	0.89	1.01	1.14	1.27	61
62	0.29	0.39	0.48	0.58	0.68	0.77	0.87	0.97	62
63	0.19	0.26	0.32	0.39	0.45	0.52	0.58	0.65	63
64	0.09	0.13	0.16	0.19	0.22	0.25	0.28	0.32	64
65	—	—	—	—	—	—	—	—	65

Table IV:

Instructions for obtaining the appropriate factor from Tables I to III

i.	Read off from the table the factors for officer's age at his last birthday and his: (a) completed years of service; (b) completed years of service plus one year.
ii.	Subtract i(a) from i(b), divide the difference by 12 and multiply the result by the number of completed months of service, if any, in excess of the completed years of service.
iii.	Add i(a) and ii.
iv.	Repeat steps to iii for the officer's age at his next birthday.
v.	Divide the difference between iii and iv by 12 and multiply by the number of completed months of age, if any, since the officer's last birthday.
vi.	If iv is greater than iii, add v to iii, if iv is less than iii subtract v from iii, vi is the factor required.

The result of step vi will be rounded to two decimal places, rounding up if the result ends in .005.

N. H. Nicholls
Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision for the payment of compensation to members of Her Majesty's Overseas Civil Service and Her Majesty's Overseas Judiciary in the pensionable service of the government of Hong Kong who remain in the service of the Hong Kong Special Administrative Region after 30th June 1997.

Articles 2, 4 and 5 define the persons ("entitled officers") who are eligible to benefit under the Order.

The amount of compensation to which an entitled officer is entitled is determined (subject to a maximum of £120,000 increased annually in line with United Kingdom Retail Price Index) by his notional emoluments, as calculated in accordance with article 7, and factors relevant to his age and length of service as set out in Tables at the end of the Order. Under article 10, compensation may be paid, at the entitled officer's election, in one discounted lump sum (article 6(5)) or in five annual instalments; if paid in instalments, the compensation is recalculated during the payment period to take account of changes in notional emoluments and other factors where that is to the officer's advantage. Special rules apply to officers who have already received compensation under an administrative Hong Kong Government Scheme (article 8) or if an officer transfers to the Home Civil or Diplomatic Services (article 9). Outstanding balances of instalments are payable when an officer retires on pension or is retired otherwise than for misconduct or default (articles 13 and 12) and to his dependants on death (article 14).

The Order provides for the payment of interest (article 11) and for the Secretary of State to satisfy entitled officers' tax liability on their compensation (article 17).