
STATUTORY INSTRUMENTS

1998 No. 1066

HONG KONG

**The Hong Kong (Overseas Public Servants)
(Pension Supplements) (Amendment) Order 1998**

<i>Made</i>	- - - -	<i>22nd April 1998</i>
<i>Laid before Parliament</i>		<i>5th May 1998</i>
<i>Coming into force</i>	- -	<i>1st July 1998</i>

At the Court at Windsor Castle, the 22nd day of April 1998

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by section 4 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, construction and commencement

1.—(1) This Order may be cited as the Hong Kong (Overseas Public Servants) (Pension Supplements) (Amendment) Order 1998 and shall be read as one with the Hong Kong (Overseas Public Servants) (Pension Supplements) Order 1996⁽²⁾ (hereinafter referred to as the “principal Order”).

(2) This Order shall come into force on 1st July 1998.

Amendment of article 2 of the principal Order

2. The definition “relevant law” in article 2(1) of the principal Order shall be amended by adding to the Ordinances specified therein the Pensions (Special Provisions) (Hong Kong Polytechnic) Ordinance⁽³⁾.

Amendment of the Schedule to the principal Order

3. The Schedule to the principal Order shall be amended as follows—

⁽¹⁾ 1996 c. 2.

⁽²⁾ S.I.1996/1294.

⁽³⁾ Laws of Hong Kong, Cap 90.

- (a) by deleting Head G and substituting the Head G as set out in the Schedule to this Order;
- (b) in Head I1(c)—

- (i) by deleting the equation

$$\text{“ } \frac{A \times B}{C} = \frac{D}{2} \text{ ”}$$

and substituting the equation

$$\text{“ } \frac{A \times B}{C \times 2} = D \text{ ; and”}$$

- (ii) by deleting the last line and substituting the following—

“D is the sum to be taken for the remainder of the calculation.”

- (c) in Head I.2, by deleting the sub-paragraph “*Interpretation of Head H2*” and substituting the following:

“*Interpretation of Head I.2*: In this paragraph,

“basic rate” means the sum obtained at D in paragraph 1(c) above multiplied by 2.”.

N. H. Nicholls
Clerk of the Privy Council

THE SCHEDULE

Head G: Specified officers who:

- (a) *were transferred officers within the meaning of the Pensions (Special Provisions) (Hong Kong Polytechnic) Ordinance; and*
- (b) *retired before the coming into force of this Order from public service in Hong Kong; and*
- (c) *on retirement, were awarded a pension, or were entitled to a deferred pension, under a relevant law in respect of their service in Hong Kong.*

To calculate the sterling value of an officer's notional Hong Kong pension:

- (a) Identify the officer's salary point and allowances appropriate to his substantive grade at the date taken into account to determine his basic Hong Kong pension under the relevant law;
- (b) Determine the salary point and allowances appropriate to the salary point of that grade on 1st January 1992; this will produce the officer's notional pensionable emoluments in respect of his service under both the Government of Hong Kong and the Hong Kong Polytechnic;
- (c) Calculate in months the total reckonable pensionable service of the officer under the Government of Hong Kong and under the Hong Kong Polytechnic;
- (d) Determine the pension earning rate under the relevant law;
- (e) Multiply the figures obtained at paragraphs (b) and (c) and divide by the figure obtained at paragraph (d):

$$\frac{(b) \times (c)}{(d)} = (e)$$

- (f) If the figure obtained at paragraph (e) exceeds two thirds of the figure obtained at paragraph (b), reduce it to two thirds of the latter figure;
- (g) Convert the sum obtained at paragraph (e) or paragraph (f), as the case may be, into sterling at the rate of Hong Kong dollars 21 to the pound sterling;
- (h) If the officer commuted any part of his actual Hong Kong pension, or his pension has been or is reduced by an appropriate authority under the relevant law, the figure established at paragraph (g) is reduced to the like extent;
- (i) Save as provided in paragraph 2 of Part I of this Schedule, increase the sum obtained at paragraph (g) or paragraph (h) of this Head, as appropriate, as if that sum were a pension of the same amount beginning on the same date as that used to determine the entitlement of the officer to a pension supplement under regulations made under section 11 of the Pensions (Increase) Act 1971, or such date as would have been used as if the officer had been entitled to a pension supplement, as follows:
 - (i) in respect of any period to which section 1 or section 2 of that Act applies, in accordance, as appropriate, with the provisions of the said section 1 or any order to give effect to the said section 2; and
 - (ii) in April of each year up to the date on which a calculation is to be made to determine whether a supplementary payment is to be made under paragraph 5 of this Order, by the appropriate percentage increase rate obtained from the relevant Pensions Increase (Review) Order;
- (j) The sum obtained at paragraph (g) or paragraph (h), as the case may be, as increased in accordance with paragraph (i), so far as the latter is applicable, is the sterling value of the officer's notional Hong Kong pension;
- (k) Divide the sterling value of the officer's notional Hong Kong pension by 12 to obtain the monthly rate of such sterling value.

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

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the 1996 Order in two respects. The original provision for calculating the protected pension of an orphan did not adequately reflect the provisions of the relevant Hong Kong law; this is corrected in article 3(b) and (c).

Article 3(a) and the Schedule (Head G) replace the provision for certain pensioners who had both government and other public service in Hong Kong (under the Hong Kong Polytechnic) to reflect more adequately the periods in government service, and to provide a more appropriate safeguard in respect of pensions granted for such service.