

**EXECUTIVE COUNCIL.**

No. 688.

**Hong Kong.**

ORDINANCE No. 37 of 1932. (POLICE FORCE).

In exercise of the powers conferred by section 9 (1) of the Police Force Ordinance, 1932, the Governor in Council makes the following regulations:—

*Police Pensions Regulations.*

1. These regulations are subject in all respects to the provisions of the Police Force Ordinance, 1932, and shall apply to all members of the Police Force not excluded from such application by the said Ordinance.

2. In these regulations

“Officer” means a member of the Police Force to whom these regulations apply.

“Pensioner” means a person who, having ceased to serve as an officer is or except for forfeiture would be in receipt of a pension, or a periodical or deferred gratuity or allowance, under these regulations.

3. These regulations shall apply to all pensions granted on or after the 1st day of January, 1933.

4. The following Parts of these regulations have application as follows:—

Part I applies generally to all officers;

Part II applies to officers of the European Contingent only;

Part III applies to officers of the Asiatic Contingents only; and

Part IV applies to the Russian Contingent only.

**PART I.**

*General Regulations.*

5. No officer shall have an absolute right to compensation for past services or to any pension, gratuity or other allowance under these regulations, nor shall anything in these regulations contained limit the right of the Crown or the Government to dismiss any officer without compensation. Pension, &c., not of right.

6. Except as provided in regulation 13, no pension, gratuity or other allowance shall be granted under these regulations to any officer who has retired from the Police Force unless he has retired— Cases in which pension, etc., may be granted.

(a) on or after attaining the age of forty-five years and completing fifteen years service; or

(b) on a certificate from the Inspector General of Police and from three Government medical officers that he is incapable, by reason of some infirmity of mind or body, of discharging the duties of his office and that such infirmity is likely to be permanent: Provided that in the case of an officer retiring while on leave of absence, a certificate from any medical practitioner authorised by the Secretary of State to make an examination, and to the like effect, will be accepted in lieu of the before mentioned certificate; or

(c) on abolition of his office.

Pensionable service.

7.—(1) Service in respect of which a pension, gratuity or other allowance may be granted must be unbroken, except in cases in which the service has been interrupted by temporary suspension of employment not arising from misconduct or voluntary resignation: Provided that service prior to a break of service may be allowed to count together with service subsequent thereto if the whole of the intervening period has, with the previous sanction of the Governor, been spent in some other employment under the Crown.

(2) Only service in the Police Force, and service declared by the Governor, in each case, to be deemed to be service in such force will be taken into account.

(3) Absence on leave without salary shall not count as service.

Transfer to other department, &c.

8. If an officer is transferred to some other civil employment under the Government of Hong Kong, or to any other public employment with the sanction of the Governor, he will not, in the absence of any special arrangement to the contrary, retain any expectation or claim under these regulations, but will be dealt with under the pension regulations (if any) applicable to his service subsequent to such transfer, or under such special arrangements (if any) as may be made at the time of transfer.

Salary on which pension to be computed.

9.—(1) Pensions, gratuities and other allowances shall be computed—

(a) where an officer has held one office, the salary of which is not based on a scale of increments, for a period of not less than three years immediately preceding the date of his retirement, on the salary payable to him at that date in respect of that office;

(b) where an officer has at any time during the period of three years immediately preceding the date of his retirement been transferred from one such office to another, but his salary has not been changed by reason of such transfer or transfers, on the salary payable to him at the date of his retirement in respect of the office then held by him;

(c) where an officer has held an office or has served as an officer of a class, the salary of which is based on a scale of increments, for a period of not less than three years immediately preceding the date of his retirement, on the salary payable to him at that date in respect of that office, or as an officer of that class: Provided that where two or more classes are subject to one time scale, they shall be treated for this purpose as one class;

(d) in all other cases, on the average amount of the salary payable to the officer during a period of three years immediately preceding the date of his retirement:

Provided that in the case of an officer who has received promotion within three years of the date of his retirement any service in an office or class in which such officer served for a period of not less than three years shall, for the purpose of computation under this regulation, be deemed to be service on the highest pensionable salary paid to such officer in that office or class; and provided further that when an officer has received promotion within three years of the date of his retirement his pension may be calculated as if he had not been so promoted, if this should be to his advantage.

(2) Acting pay, medal allowance, and any other allowances, will not be included in salary for the purpose of computation of pension, gratuity or other allowance unless the Governor shall otherwise order, in each case.

10.—(1) Full pension, gratuity or other allowance will only be granted on the officer's conduct having been good. Conduct.

(2) The conduct of an officer will be deemed to be good if the officer has not obtained during his term of service in the Police Force an average of six black marks, net, per annum under the Police Regulations for the time being in force. In ascertaining the average, one red mark shall cancel one black mark.

(3) If an officer has obtained during his term of service in the Police Force an average of six or more black marks, net, per annum but shall not have obtained an average of fifteen or more black marks, net, per annum, then, unless the Governor in Council shall in any particular case otherwise determine, his conduct will be estimated and his pension or gratuity will be subject to deductions upon the following scale:—

SCALE.

Black Marks Average.	Conduct.	Deductions from full pension.
Six and under eight black marks, net, per annum.....	Very fair.	5 per cent.
Eight and under ten black marks, net, per annum.....	Fair.	10 per cent.
Ten and under twelve black marks, net, per annum.....	Indifferent.	15 per cent.
Twelve and under fifteen black marks, net, per annum.....	Very Indifferent.	25 per cent.

(4) If an officer has obtained during his term of service in the Police Force an average of fifteen or more black marks, net, per annum his conduct will be deemed to be bad and, unless the Governor in Council shall in any particular case otherwise determine, no pension, gratuity, or other allowance will be granted.

11.—(1) An officer to whom a pension is granted under these regulations shall, if he has exercised his option as herein-after provided, but not otherwise, be paid in lieu of such pension, a pension at the rate of three-fourths of such pension together with a gratuity equal to ten times the amount of the annual reduction so made in the pension. Gratuity and reduced pension.

(2) The option referred to in paragraph (1) shall be exercisable by an officer at any time on or before the date or day applicable to his case as herein mentioned, but not thereafter unless on special grounds the Governor in Council allows an extension of time, that is to say,—

(a) In the case of an officer who has attained pensionable status—the 30th day of June, 1934.

(b) In the case of any other officer—the 30th day after he first attains pensionable status, or the 30th day of June, 1934, whichever shall be the later :

Provided that an officer who has previously had the opportunity of exercising the option but has not done so, and who is still performing pensionable service as specified in regulation 7, or is on leave of absence, may apply within one month (or within such extended period as the Governor in Council may allow) of his subsequent marriage for permission to exercise the option, which permission may be granted at the discretion of the Governor after examination of the officer by three Government medical officers, or if the officer marries while on leave of absence after examination by any medical practitioner authorised by the Secretary of State to make the examination.

(3) The date of the exercise of the option by an officer shall be deemed to be the date of the receipt of his written notification addressed either to the Colonial Secretary in the Colony or to the Crown Agents for the Colonies; or, in any case falling under the proviso in paragraph (2) of this regulation, the date on which the Governor grants permission to exercise the option.

(4) If an officer has exercised the option, his decision shall be irrevocable so far as concerns any pension ultimately to be granted to him under these regulations, except where such officer is retiring, before reaching the age at which he could ordinarily be permitted to retire, upon abolition of office or in accordance with provisions of a scheme for accelerated retirement.

(5) An officer shall be deemed to attain pensionable status at the time when he might, if permitted to retire on the ground of infirmity of mind or body, be granted a pension.

Retirement  
due to  
infirmity  
through  
fault of  
officer.

**12.** If an officer retires on account of infirmity of mind or body certified by three Government medical officers to have been brought about by the officer's own default or vicious habits, the pension or gratuity, or reduced pension or gratuity, may be reduced or further reduced by an amount not exceeding one-half of the pension or gratuity, or reduced pension or gratuity, which he otherwise would receive.

Retirement  
for  
inefficiency.

**13.** Where an officer is removed from his office on the ground of his inability to discharge efficiently the duties thereof, and a pension, gratuity, other allowance cannot otherwise be granted to him under the provisions of these regulations, the Governor in Council, with the approval of the Secretary of State, may if he considers it justifiable, having regard to all the circumstances of the case, grant such a pension, gratuity or other allowance as he thinks just and proper, but in no case exceeding in amount that for which the officer would be qualified if he were suffering from some infirmity of mind or body likely to be permanent.

**14.**—(1) It shall be lawful for the Governor in Council to award to the widow and orphans of an officer who has been killed in the discharge of his duty, or who dies as a direct result of injuries received while on duty, or who dies of illness the contraction of which was specifically attributable to the nature of his duties, a pension not exceeding 10/60ths of the deceased officer's salary or \$100 a year, whichever sum is greater: Provided that this maximum may be exceeded in exceptional cases.

Pension to widow, &c., of officer killed in discharge of duty.

(2) If the widow of any such officer marries again, her pension under this regulation shall cease on such remarriage: Provided that the pension may, in the discretion of the Governor in Council, be revived upon re-widowhood.

(3) The pension to an orphan under this regulation shall cease in the case of a female on marriage or at the age of twenty-one years, whichever is the earlier, and in the case of a male at the age of eighteen years.

**15.** If an officer dies while serving in the Police Force and before the date of his death has completed five years service in such force, it shall be lawful for the Governor in Council to grant to his legal personal representative, or in case the gratuity does not exceed \$1,000 to such person as the Governor in Council shall name as the recipient, a gratuity of an amount not exceeding one year's pensionable salary of the officer so dying. Provided that no such gratuity shall be granted concurrently with or in addition to a grant under regulation 14.

Gratuity to estate where officer dies in the service.

**16.** Every pension and every periodical or deferred gratuity or allowance is and shall be deemed to have been granted only on the condition that the Governor in Council may order that the same be forfeited and withdrawn in any of the following cases:—

Forfeiture of pension.

(1) on the conviction of the grantee before any court in His Majesty's dominions or elsewhere for any crime or offence for which he is sentenced to death, or penal servitude, or any term of imprisonment with hard labour, or any term of imprisonment of any other kind exceeding twelve months.

(2) on the grantee becoming bankrupt;

(3) on the grantee knowingly associating with thieves or suspected persons;

(4) on the grantee refusing to give information and assistance to the police, whenever in his power, for the detection and apprehension of criminals, and for the suppression of any disturbance of the public peace; or

(5) if the grantee enters or engages in or continues to carry on any business, occupation or employment, which shall be, in the opinion of the Governor, disgraceful in itself or injurious to the public, or in which he shall make use of the fact of his former employment in the Police Force in a manner which the Governor considers to be discreditable and improper.

Any pension or periodical or deferred gratuity or allowance ordered to be forfeited and withdrawn as aforesaid shall cease as from the date of the cause of such forfeiture: Provided that if any question shall arise as to the competency of any court or as to whether any sentence imposed comes within

the intendment of the first paragraph of this regulation then the decision of the Governor in Council thereon shall be final and conclusive :

Provided further that any pension, gratuity or allowance ceasing as aforesaid shall be restored with retrospective effect in the case of a person who, after conviction, at any time receives a free pardon. For the purpose of this regulation the enduring of the punishment to which any person has been or may be sentenced shall not be deemed to be or to have the effect of a free pardon :

And provided further that where a pension, gratuity or allowance ceases for any reason aforesaid the Secretary of State for the Colonies or, if the grantee is resident in the Colony then the Governor in Council with the approval of the Secretary of State, may cause all or any part of the moneys to which the grantee would have been entitled by way of pension, gratuity or allowance during the remainder of the grantee's life or during any shorter period or periods, either continuous or discontinuous, to be paid to or applied for the benefit of all or any exclusive of the others of the following persons, that is to say, the dependents of the grantee, and the grantee himself if and when his sentence, if any as aforesaid, shall have expired, in such proportions, if there be more than one recipient or beneficiary, and manner and subject to such conditions, qualifications and restrictions as the Secretary of State or the Governor in Council with such approval as aforesaid, as the case may be, may see fit to direct and impose. Any such directions, conditions, qualifications and restrictions may in like manner be revised, altered, added to or withdrawn at any time and from time to time.

Auditor to be supplied with particulars.

17. The Colonial Treasurer shall furnish the Auditor with the usual paper of particulars of every pension granted under these regulations, as soon as possible after the pension has been awarded, in support of the first payment of such pension.

## PART II.

### *Europeans.*

Place where pension payable.

18. All pensions shall, subject to the discretion of the Governor, be payable in London.

To whom and at what rates pensions to be granted.

19. Subject to these regulations, every officer who has served in the Police Force for ten years or upwards may be awarded on his retirement a pension at the rate of 14/50ths of his salary with an addition of 1/600th in respect of each complete month of service in excess of ten years and with a further addition of 1/600th in respect of each complete month of service beyond 20 years until the maximum pension of two-thirds of his salary is reached.

Officer invalidated with under ten years service.

20. An officer who retires on account of infirmity of mind or body and who has not completed the minimum period of service in the Police Force qualifying for a pension may be granted a gratuity not exceeding five times the annual amount of the pension which might have been granted had there been no qualifying period.

**21.** When an officer has been permanently injured— Injury.

- (1) in the actual discharge of his duty; and
- (2) without his own default; and
- (3) by some injury specifically attributable to the nature of his duties,

and his retirement is thereby necessitated or materially accelerated, he may receive in respect of such injury an addition to service for calculating his pension as follows:—

When his capacity to contribute to his support is certified by three Government medical officers to be—

- slightly impaired, not exceeding five years;
- impaired, not exceeding ten years;
- materially impaired, not exceeding fifteen years;
- totally destroyed, not exceeding twenty years;

Provided that no pension thus increased shall exceed the salary, including pensionable allowances, of his permanent rank at the time of injury.

**22.** When an officer so injured has less than ten years service and is not entitled to an ordinary pension he may receive in lieu of a gratuity an annual allowance of so many 1/600ths of his salary as the months he has actually served in addition to the number of 1/600ths that may be awarded to him under the preceding regulation. Injury before completion of 10 years service.

### PART III.

#### *Non-European.*

**23.** All pensions shall, subject to the discretion of the Governor, be payable in the case of Indians in the principal towns of India, in the case of Cantonese in Hong Kong, and in the case of Northern Chinese in Wei-Hai-Wei or in such other place as the Governor may determine. Places where pensions payable.

**24.** Subject to the provisions of these regulations every officer who has served in the Police Force for ten years or upwards may be awarded on his retirement a pension at a rate not exceeding 15/60ths of his salary with an addition of 1/720th for each complete month's service in excess of ten years until the maximum pension of two-thirds of his salary is reached. To whom and at what rates pensions to be granted.

**25.** A commuted payment, calculated at five times the amount of the annual pension, may be granted in lieu of a pension, if the pensioner should be unable to draw his pension at any of the places above mentioned, or, on the application of the grantee, at the discretion of the Governor, but no such capital sum shall ordinarily be paid in any case of retirement on the ground of ill-health: Provided that any commutation made under this regulation shall have the effect of cancelling any option previously made under regulation 11. Commutation of pension.

Officer  
invalided  
with under  
ten years  
service.

26. An officer who retires on account of infirmity of mind or body and who has not completed the minimum period of service in the Police Force qualifying for a pension, may be granted a gratuity not exceeding five times the annual amount of the pension which might have been granted had there been no qualifying period.

27. When an officer has been permanently injured—

- (1) in the actual discharge of his duty; and
- (2) without his own default; and
- (3) by some injury specifically attributable to the nature of his duties,

and his retirement is thereby necessitated or materially accelerated, he may receive in respect of such injury an addition to service for calculating his pension as follows:—

When his capacity to contribute to his support is certified by three Government medical officers to be—

slightly impaired, not exceeding six years;

impaired, not exceeding twelve years;

materially impaired, not exceeding eighteen years;

totally destroyed, not exceeding twenty four years:

Provided that no pension thus increased shall exceed the salary, including pensionable allowances, of his permanent rank at the time of injury.

Injury  
before  
completion  
of 10 years  
service.

28. When an officer so injured has less than ten years service and is not entitled to an ordinary pension he may receive in lieu of a gratuity an annual allowance of so many 1/720ths of his salary as the months he has actually served in addition to the number of 1/720ths that may be awarded to him under the preceding regulation.

#### PART IV.

##### *Russians.*

Places  
where  
pensions  
payable.

29. All pensions shall, subject to the discretion of the Governor, be payable in Shanghai, or in such other place as the Governor may determine.

To whom  
and at  
what rates  
pensions to  
be granted.

30. Subject to the provisions of these regulations every officer who has served in the Police Force for ten years or upwards may be awarded on his retirement a pension at a rate not exceeding 15/60ths of his salary with an addition of 1/720th for each complete month's service in excess of ten years until the maximum pension of two-thirds of his salary is reached.

Commutation  
of pension.

31. A commuted payment, calculated at five times the amount of the annual pension, may be granted in lieu of a pension, if the pensioner should be unable to draw his pension at any of the places above mentioned, or, on the application of the grantee, at the discretion of the Governor, but no such capital sum shall ordinarily be paid in any case of retirement on the ground of ill-health. Provided that any commutation made under this regulation shall have the effect of cancelling any option previously made under regulation 11.



**32.** An officer who retires on account of infirmity of mind or body and who has not completed the minimum period of service in the Police Force qualifying for a pension, may be granted a gratuity not exceeding five times the annual amount of the pension which might have been granted had there been no qualifying period.

Officer  
invalided  
with under  
ten years  
service.

**33.** When an officer has been permanently injured— Injury.

- (1) in the actual discharge of his duty; and
- (2) without his own default; and
- (3) by some injury specifically attributable to the nature of his duties,

and his retirement is thereby necessitated or materially accelerated, he may receive in respect of such injury an addition to service for calculating his pension as follows :—

When his capacity to contribute to his support is certified by three Government medical officers to be—

- slightly impaired, not exceeding six years;
- impaired, not exceeding twelve years;
- materially impaired, not exceeding eighteen years;
- totally destroyed, not exceeding twenty four years :

Provided that no pension thus increased shall exceed the salary, including pensionable allowances, of his permanent rank at the time of injury.

**34.** When an officer so injured has less than ten years service and is not entitled to an ordinary pension he may receive in lieu of a gratuity an annual allowance of so many 1/720ths of his salary as the months he has actually served in addition to the number of 1/720ths that may be awarded to him under the preceding regulation.

Injury  
before  
completion  
of 10 years  
service.

R. A. C. NORTH,  
Clerk of Councils.

COUNCIL CHAMBER,  
12th October, 1933.