
EXECUTIVE COUNCIL.

No. 761

Hong Kong.

ORDINANCE No. 21 of 1932. (PENSIONS).

In exercise of the powers conferred by section 3 (1) of the Pensions Ordinance, 1932, as enacted by the Pensions Amendment Ordinance, 1934, and with the sanction of the Secretary of State, the Governor in Council amends Pension Regulations A and Pension Regulations B, set forth respectively in Government Notifications Nos. 774 and 775, published in the Gazette of the 9th December, 1932, as appears hereunder, and makes the Pension Regulations C hereunder set forth.

Amendments.

In Pension Regulations A,—

1. Regulation No. 1 is rescinded and the following regulation is substituted therefor :—

Application
of Pension
Regulations
A.

1.—(1) These Regulations, which may be cited as Pension Regulations A, shall be subject in all respects to the provisions of the Pensions Ordinance, 1932, and shall apply

(a) to all officers who at the commencement of the said Ordinance were in the service of this Colony, or in other public service following transfer from the service of this Colony, and were confirmed as permanent officers in the service as aforesaid in which they then were, and who shall not have elected, by written notification addressed to and received by either the Colonial Secretary in this Colony or the Crown Agents for the Colonies, on or before the thirtieth day of June, 1933, or in special cases approved by the Governor, on or before some later date determined by him in and for each such case, to be bound by Pension Regulations B instead of by these Regulations; and

(b) to any officer who was in the service of this Colony at the commencement of the said Ordinance to whom, notwithstanding the date of his confirmation to the permanent establishment, the Governor may grant special permission for their application.

(2) Any election made by an officer in accordance with paragraph (1) (a) of this regulation shall be irrevocable.

(3) These Regulations do not apply to non-pensionable officers and offices.

2. The following paragraph is added to regulation No. 4 :—

(f) any period during which an officer shall have served in the Police Force of this Colony without having earned a police pension in respect thereof, immediately preceding service in a pensionable office or service in a non-pensionable office immediately followed by service in a pensionable office, which period, if he had continued to serve in the Police Force and had subsequently been granted a police pension, might have been taken into account in the computation of such police pension.

3. Regulation No. 16 (1) is amended by the substitution of the words “, or in consequence of a reorganization designed to effect greater efficiency and economy,” for the words “or of facilitating improvement in the organization of the department to which he belongs by which greater efficiency or economy can be effected,”.

4. Regulations Nos. 18 and 21 are rescinded.

5. The following proviso is added to regulation No. 19 :—

Provided that where a transfer from a pensionable to a non-pensionable office is made to provide continued employment for an officer who, on the ground of physical infirmity, has become incapable of retaining his pensionable office, then the whole of his service shall be deemed to be service in a non-pensionable office unless, by his subsequent retransfer to a pensionable office, his case is brought within the provisions of regulation 8.

6. Regulation No. 25, in Part II, is amended by the deletion of the figures and word “8, 14, 15 and 18” and by the substitution therefor of the figures and word “14 and 15”.

7. Regulation No. 26, in Part II, is rescinded and the following regulation is substituted therefor :—

26.—(1) Where the other public service of an officer has been wholly under one or more of the scheduled Governments, and he has held a pensionable office in this Colony for a period of at least twelve months, and his aggregate service would have qualified him, had it been wholly in this Colony, for a pension under the Ordinance, he may, on his retirement from the public service in circumstances in which he is permitted by the law or regulations of the service in which he is last employed to retire on pension or gratuity, be granted a pension from the funds of this Colony of such an amount as shall bear the same proportion to the amount of pension for which he would have been eligible had his service been wholly in this Colony as the aggregate amount of his pensionable emoluments during his service in this Colony shall bear to the aggregate amount of his pensionable emoluments throughout his service in the group.

Pension for
service
wholly
within the
group.

(2) In determining for the purposes of this regulation the pension for which an officer would have been eligible if his service had been wholly in this Colony,

(a) the final pensionable emoluments taken shall be those of his last period of service in the group;

(b) no regard shall be had to regulations 16 and 17;

(c) regard shall be had to the condition that pension may not exceed two-thirds of the final pensionable emoluments;

(d) no period of other public service under any scheduled Government which does not grant a pension or gratuity to the officer shall be taken into account.

(3) For the purposes of this regulation the aggregate amount of his pensionable emoluments shall be taken as the total amount of salary which the officer would have drawn and the total amount of the other pensionable emoluments which he would have enjoyed had he been on duty on full pay in his substantive office or offices throughout his period of service in the group subsequent to the attainment of the age applicable to his case as prescribed in section 6 of the Ordinance.

Provided that in calculating the aggregate amount of his pensionable emoluments no account shall be taken of any service under any scheduled Government which does not grant the officer a pension or gratuity, or of any period of leave without salary or with salary at a special rate which was granted to him in order to make continuous service interrupted either by abolition of office or in consequence of a reorganization designed to effect greater efficiency and economy.

Provided further that where an officer entered the public service prior to the first day of January, 1930, his pension in respect of his service in this Colony may be calculated as though any scheduled Government under which he has served had not been included in the Schedule to these regulations, if this should be to his advantage.

8. In the Schedule,—

- (a) the words "Solomon Islands." are deleted;
 (b) the items or words

The Crown Agents for the Colonies.

The Colonial Audit Department (Home Establishment).

The Kenya and Uganda Railways and Harbours Administration.

Service which is pensionable under the Teachers (Superannuation) Act, 1925.

are substituted for the items or words

The Board of Education for England and Wales.

The Crown Agents for the Colonies.

The Colonial Audit Department (Home Establishment).

The Kenya and Uganda Railways and Harbour Administration.

In Pension Regulations B,—

(1) Regulation No. 1 is amended by the insertion after the figures "1933," of the following words:—

"or in special cases approved by the Governor, on or before some later date determined by him in and for each such case,"

(2) The words "These Regulations do not apply to non-pensionable officers and offices." are added to regulation No. 1.

(3) The following paragraph is added to regulation No. 4:—

(f) any period during which an officer shall have served in the Police Force of this Colony without having earned a police pension in respect thereof, immediately preceding service in a pensionable office or service in a non-pensionable office immediately followed by service in a pensionable office, which period, if he had continued to serve in the Police Force and had subsequently been granted a police pension, might have been taken into account in the computation of such police pension.

(4) Regulation No. 16 (1) is amended by the substitution of the words “, or in consequence of a reorganization designed to effect greater efficiency and economy,” for the words “or of facilitating improvement in the organization of the department to which he belongs by which greater efficiency or economy can be effected,”.

(5) Regulations Nos. 18 and 21 are rescinded.

(6) The following proviso is added to regulation No. 19 :—

Provided that where a transfer from a pensionable to a non-pensionable office is made to provide continued employment for an officer who, on the ground of physical infirmity, has become incapable of retaining his pensionable office, then the whole of his service shall be deemed to be service in a non-pensionable office unless, by his subsequent retransfer to a pensionable office, his case is brought within the provisions of regulation 8.

(7) Regulation No. 25, in Part II, is amended by the deletion of the figures and word “8, 14, 15 and 18” and by the substitution therefor of the figures and word “14 and 15”.

(8) Regulation No. 26, in Part II, is rescinded and the following regulation is substituted therefor :—

26.—(1) Where the other public service of an officer has been wholly under one or more of the scheduled Governments, and he has held a pensionable office in this Colony for a period of at least twelve months, and his aggregate service would have qualified him, had it been wholly in this Colony, for a pension under the Ordinance, he may, on his retirement from the public service in circumstances in which he is permitted by the law or regulations of the service in which he is last employed to retire on pension or gratuity, be granted a pension from the funds of this Colony of such an amount as shall bear the same proportion to the amount of pension for which he would have been eligible had his service been wholly in this Colony as the aggregate amount of his pensionable emoluments during his service in this Colony shall bear to the aggregate amount of his pensionable emoluments throughout his service in the group.

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(2) In determining for the purposes of this regulation the pension for which an officer would have been eligible if his service had been wholly in this Colony,

(a) the final pensionable emoluments taken shall be those of his last period of service in the group;

(b) no regard shall be had to regulations 16 and 17;

(c) regard shall be had to the condition that pension may not exceed two-thirds of the final pensionable emoluments;

(d) no period of other public service under any scheduled Government which does not grant a pension or gratuity to the officer shall be taken into account.

(3) For the purposes of this regulation the aggregate amount of his pensionable emoluments shall be taken as the total amount of salary which the officer would have drawn and the total amount of the other pensionable emoluments which he would have enjoyed had he been on duty on full pay

in his substantive office or offices throughout his period of service in the group subsequent to the attainment of the age applicable to his case as prescribed in section 6 of the Ordinance.

Provided that in calculating the aggregate amount of his pensionable emoluments no account shall be taken of any service under any scheduled Government which does not grant the officer a pension or gratuity, or of any period of leave without salary or with salary at a special rate which was granted to him in order to make continuous service interrupted either by abolition of office or in consequence of a reorganization designed to effect greater efficiency and economy.

Provided further that where an officer entered the public service prior to the first day of January, 1930, his pension in respect of his service in this Colony may be calculated as though any scheduled Government under which he has served had not been included in the Schedule to these regulations, if this should be to his advantage.

9. In the Schedule,—

the items or words

The Crown Agents for the Colonies.

The Colonial Audit Department (Home Establishment).

The Kenya and Uganda Railways and Harbours Administration.

Service which is pensionable under the Teachers (Superannuation) Act, 1925.

are substituted for the items or words

The Board of Education for England and Wales.

The Crown Agents for the Colonies.

The Colonial Audit Department (Home Establishment).

The Kenya and Uganda Railways and Harbour Administration.

Regulations.

PENSION REGULATIONS C.

Short title,
etc.

1. These Regulations, which may be cited as Pension Regulations C, shall be subject in all respects to the provisions of the Pensions Ordinance, 1932.

service.
Allowances,
etc., to non-
pensionable
officers with
not less than
15 years'

2.—(1) Every non-pensionable officer serving in the Colony on or after the commencement of the Pensions Ordinance, 1932, in respect of whom the conditions set forth in paragraph (2) of this regulation and not inapplicable to his case are found to have been fulfilled, may on his retirement be granted an annual allowance not exceeding three-fourths of the pension which he might have been granted had he been pensionable. The pension to be calculated for the purpose of ascertaining such annual allowance shall be in accordance with regulations Nos. 3 and 11 of the Pension Regulations B, and

in and for such calculation the salary of the officer and any other emoluments enjoyed by him which would have been pensionable had he been pensionable shall be regarded.

(2) The conditions to be fulfilled, as mentioned in paragraph (1) of this regulation, are,—

(a) the officer's service must be unbroken; and

(b) such service must be not less than fifteen years; and

(c) either the age of the officer upon his retirement must be not less than 55 years, or his retirement must be on a certificate from the head of his department 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 the foregoing condition (c) shall not apply in the case of an officer who retires because his services are no longer required by the Government.

(3) In lieu of the grant of such annual allowance there may be granted to such officer, with the approval of the Governor, a capital sum equal to the amount of five of the annual payments, but no such capital sum shall ordinarily be paid in any case of retirement on the ground of ill-health.

Commuta-
tion.

Provided that any such officer whose salary scale has a minimum of less than \$420 per annum may in lieu of such allowance be granted, if he so desires, an annual allowance at the rate of three-fourths of such allowance together with a gratuity equal to ten times the amount of the annual reduction so made in the allowance.

3. The provisions of regulation No. 2 of these Regulations shall apply to every non-pensionable officer serving in this Colony at or after the commencement of the Pensions Ordinance, 1932, whose service is found to be not less than ten years but less than fifteen years, with the following modifications,—

Allowances,
etc., to non-
pensionable
officers with
not less than
10 years but
less than 15
years service.

(a) the limit of "one-half" shall be substituted for the limit of "three-fourths" in paragraph (1); and

(b) "ten years" shall be substituted for "fifteen years" in paragraph (2) (b).

4. Every non-pensionable officer serving in the Colony at or after the commencement of the Pensions Ordinance, 1932, whose case is not otherwise provided for by these Regulations, and every person so serving and paid at daily rates or out of an open vote who is found to have completed not less than ten years unbroken and faithful service, may on termination of his service be granted a gratuity of an amount determined by the Governor in Council in each case.

Gratuity
where service
does not
qualify for
allowance.

5.—(1) A gratuity of an amount determined by the Governor in Council in each case, which except in special circumstances will not exceed one month's salary in respect of each complete period of three years' service, may be granted to the dependants of

Gratuity to
dependants
in certain
cases.

(a) any pensionable or non-pensionable officer, other than a person paid at daily rates or out of an open vote, serving in the Colony at or after the commencement of the Pensions Ordinance, 1932, who is found to have completed not less than three years' unbroken service terminated by his death;

(b) any person serving as aforesaid and paid at daily rates or out of an open vote who is found to have completed not less than ten years' unbroken service terminated by his death.

(2) The recipient or recipients of any gratuity granted under this regulation shall be such as may be named by the Governor in each case.

(3) This regulation shall only be applied to cases where the provisions of section 16 of the Pensions Ordinance, 1932, are inapplicable and where no other death gratuity or benefit is grantable under the said Ordinance or any regulation made thereunder.

D. W. TRATMAN,
Clerk of Councils.

COUNCIL CHAMBER,
28th September, 1934.