



Hong Kong (Overseas Public Servants) Act 1996

1996 CHAPTER 2

An Act to confer power to make provision for the making of payments to, and to permit early retirement by, certain Hong Kong overseas public servants; to authorise the provision of resettlement services to certain Hong Kong overseas public servants who retire early; and to confer power to make provision for the making in certain circumstances of payments to supplement pensions and gratuities paid to or in respect of retired overseas public servants in respect of service in Hong Kong.
[29th February 1996]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Hong Kong overseas public servants

For the purposes of this Act a person is a Hong Kong overseas public servant at any time if at that time—

- (a) he is, or is treated by the Secretary of State as being, a member of Her Majesty's Overseas Civil Service or Her Majesty's Overseas Judiciary, and
- (b) he is on the pensionable establishment of the government of the colony of Hong Kong.

2 Payments on entering service of Hong Kong SAR

Her Majesty may by Order in Council make provision for the making by the Secretary of State of payments to persons who—

- (a) are Hong Kong overseas public servants throughout the period beginning with 1st May 1993 and ending with 30th June 1997, and

- (b) enter the service of the government of the Hong Kong Special Administrative Region on the ending of Her Majesty's sovereignty and jurisdiction over Hong Kong on 1st July 1997.

3 Early retirement before 1st July 1997

- (1) Her Majesty may by Order in Council make provision—
 - (a) permitting early retirement during the relevant period by persons who are Hong Kong overseas public servants throughout the period beginning with 1st May 1993 and ending with their retirement, and
 - (b) for the making by the Secretary of State of payments to persons who retire in accordance with the Order in Council.
- (2) The Secretary of State may provide—
 - (a) advice about suitable alternative employment, and
 - (b) other resettlement services,to persons who, having been Hong Kong overseas public servants throughout the period beginning with 1st May 1993 and ending with their retirement, retire early during the relevant period (whether or not in accordance with an Order in Council under subsection (1)).
- (3) In this section “the relevant period” means the period beginning with 1st July 1996 and ending with 30th June 1997.

4 Pension supplements

- (1) Her Majesty may by Order in Council make provision for the making by the Secretary of State, in specified circumstances, of payments to supplement pensions and gratuities paid under any specified provision of the law of Hong Kong to or in respect of persons who—
 - (a) have at any time been Hong Kong overseas public servants, or
 - (b) have been on the pensionable establishment of the government of the colony of Hong Kong either as members of any of the relevant colonial Services or in specified circumstances.
- (2) In subsection (1)(b) “the relevant colonial Services” means the Services listed in the Schedule to the Special Regulations constituting Her Majesty's Overseas Civil Service which were appended to Colonial No. 306 (1954).

5 Payments under Orders in Council

- (1) An Order in Council under this Act may make provision for the amount of payments under the Order in Council to be determined in any specified manner.
- (2) The manner of determining the amount of payments under such an Order in Council need not be similar to the manner of determining the amount of other overseas public service payments.
- (3) The circumstances specified in an Order in Council under section 4 for the making of payments need not be similar to those for the making of other overseas public service payments.

- (4) The references in subsections (2) and (3) to other overseas public service payments are to payments to public servants in connection with the ending of Her Majesty's sovereignty or jurisdiction over any colony or other territory apart from Hong Kong.
- (5) An Order in Council under section 2 or 3 may include provision authorising the Secretary of State to satisfy any liability to United Kingdom tax incurred by any person in respect of the making to him of a payment under the Order in Council.

6 Supplementary

- (1) An Order in Council under this Act—
 - (a) may make different provision in relation to different cases,
 - (b) may except specified cases from any of its provisions, and
 - (c) may contain provisions which are incidental or supplementary.
- (2) An Order in Council under section 3 may provide that any specified provision of the Order in Council shall form part of the law of the colony of Hong Kong.
- (3) In this Act “specified”, in relation to an Order in Council, means specified in the Order in Council.
- (4) A statutory instrument containing an Order in Council under this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.

7 Financial provision

Any expenditure incurred by the Secretary of State under or by virtue of this Act shall be met out of money provided by Parliament.

8 Short title

This Act may be cited as the Hong Kong (Overseas Public Servants) Act 1996.