

《孤寡撫恤金 (適用) 規例》
(第 94 章，附屬法例 A)

Widows and Orphans Pension (Application) Regulations
(Cap. 94 sub. leg. A)

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制定史

本為 1952 年 A192 號政府公告 —— 1955 年 A73 號政府公告，1957 年 A92 號政府公告，1963 年第 17 號，1970 年第 191 號法律公告，1972 年第 6 號法律公告，1973 年第 87 號法律公告，1976 年第 232 號法律公告，1977 年第 16 號法律公告，1987 年第 36 號，1987 年編正版，1988 年第 85 號，1993 年第 3 號，1996 年第 (C)121 號法律公告 (中文真確本)，1997 年第 192 號法律公告，1997 年第 219 號法律公告，1999 年第 63 號，2021 年第 5 號編輯修訂紀錄

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(第 94 章，附屬法例 A)

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Widows and Orphans Pension (Application)
Regulations

(Cap. 94 sub. leg. A)

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《孤寡撫恤金 (適用) 規例》

(第 94 章第 3 條)

[1952 年 11 月 28 日]

(格式變更——2021 年第 5 號編輯修訂紀錄)

1. 引稱

本規例可引稱為《孤寡撫恤金 (適用) 規例》。

2. 釋義

在本規例中，除文意另有所指外——

合約人員 (agreement officer) 指憑藉第 3(e) 條所述合約而曾經或正在擔任公職的人員；

設定職位 (established office) 就任何人員而言——

- (a) 如《退休金條例》(第 89 章) 適用於該人員，則具有該條例第 2 條給予該詞的涵義；(1987 年第 36 號第 50 條)
- (b) 如《退休金利益條例》(第 99 章) 或《退休金利益 (司法人員) 條例》(第 401 章) 適用，則具有《退休金利益條例》(第 99 章) 第 2 條給予該詞的涵義；(1988 年第 85 號第 47 條；1997 年第 192 號法律公告；1997 年第 219 號法律公告)

設定職位擔任者 (holder of an established office) 指正在擔任某個設定職位、並已實任該職位的常額編制人員的人；(1987 年第 36 號第 50 條)

薪金 (salary) 不包括外地僱員津貼或生活津貼或其他津貼；

Widows and Orphans Pension (Application) Regulations

(Cap. 94, section 3)

[28 November 1952]

(Format changes—E.R. 5 of 2021)

1. Citation

These regulations may be cited as the Widows and Orphans Pension (Application) Regulations.

2. Interpretation

In these regulations, unless the context otherwise requires—

agreement officer (合約人員) means an officer who was or is in the public service by virtue of such an agreement as is mentioned in regulation 3(e);

established office (設定職位), in relation to an officer, has—

- (a) in case the Pensions Ordinance (Cap. 89) applies to the officer, the meaning assigned to it by section 2 of that Ordinance; (36 of 1987 s. 50)
- (b) in case the Pension Benefits Ordinance (Cap. 99) or the Pension Benefits (Judicial Officers) Ordinance (Cap. 401) applies, the meaning assigned to it by section 2 of the Pension Benefits Ordinance (Cap. 99); (85 of 1988 s. 47)

holder of an established office (設定職位擔任者) means a person who is serving in an established office having been confirmed to the permanent establishment therein; (36 of 1987 s. 50)

關鍵日期 (material date) 指本規例實施的日期*。

編輯附註：

* 實施日期：1952 年 11 月 28 日。

3. “人員”一詞所適用的各類人士

自關鍵日期起，除第 4 及 5 條另有規定外，本條例中“人員”一詞適用於下列人士——(1976 年第 232 號法律公告；1993 年第 3 號第 44 條)

- (a) 行政長官(如在緊接獲委任為行政長官前他是本條例所指的供款人者)；(1999 年第 63 號第 3 條)
- (b) 行政長官的私人秘書及副官(如在緊接擔任該等職位前他們是本條例所指的供款人，或如他們亦是設定職位擔任者，而該等設定職位使他們有權供款)；(1987 年第 36 號第 50 條；1999 年第 63 號第 3 條)
- (c) 每名男性的設定職位擔任者；(1987 年第 36 號第 50 條)
- (d) 每名擔任設定職位並在試用期內的男士；及 (1987 年第 36 號第 50 條)
- (e) 每名按合約而在政府擔任任何公職為期達 2 1/2 年或更長期間的男士；(1973 年第 87 號法律公告)

但——

- (i) 該詞不適用於 (c)、(d) 或 (e) 段所指明而又正在收取每年少於 \$4,440 薪金的人，亦不適用於在受聘擔任該職位時已年滿 49 歲的人；(1963 年第 17 號第 7(a) 條)
- (ii) 本條不適用於擔任下列職位的任何人，即警員、小販管理隊隊員、消防員、二級懲教助理、團防隊探

material date (關鍵日期) means the date when these regulations come into operation*;

salary (薪金) does not include expatriation pay or cost of living or other allowance.

Editorial Note:

* Operation date: 28 November 1952.

3. Categories of persons to whom the term “officer” applies

As from the material date the term “officer” in the Ordinance shall apply, subject to regulations 4 and 5, to the following— (L.N. 232 of 1976; 3 of 1993 s. 44)

- (a) the Chief Executive if he was a contributor under the Ordinance immediately before his appointment as Chief Executive; (63 of 1999 s. 3)
- (b) the Chief Executive’s private secretaries and aides-de-camp if they were contributors under the Ordinance immediately before they held these positions or if they are also the holders of established offices entitling them to contribute; (36 of 1987 s. 50; 63 of 1999 s. 3)
- (c) every male holder of an established office; (36 of 1987 s. 50)
- (d) every male person serving on probation in an established office; and (36 of 1987 s. 50)
- (e) every male person serving on agreement in any office in the public service under the Government for a period of 2 1/2 years or more: (L.N. 87 of 1973)

Provided that—

- (i) the said term shall not apply to any person specified in paragraph (c), (d) or (e) who is in receipt of a salary of less than \$4,440 per annum, or if at the time of his

- 員、團防員、救護員及助理緝私員；(1963 年第 17 號第 7(b) 條；1970 年第 191 號法律公告；1972 年第 6 號法律公告；1973 年第 87 號法律公告)
- (iii) 本條不適用於在關鍵日期擔任公職而其薪金沒有根據本條例受到扣減的任何警務人員，除非與直至該人員獲得晉升，或他在關鍵日期起計的 1 個月內以書面通知庫務署署長，表明選擇自關鍵日期起成為供款人；及 (1977 年第 16 號法律公告)
- (iv) 於關鍵日期正在擔任公職或於該日期後會擔任公職的合約人員，只有在他沒有向庫務署署長作出書面通知，表明他不意欲本條對他適用，才須受本條約束。該項通知須在下述日期起計 3 個月內作出——(1957 年 A92 號政府公告；1973 年第 87 號法律公告；1977 年第 16 號法律公告)
- (x) 關鍵日期；或
- (y) 就職日期；或
- (z) 如屬僱用為合約人員的要約，而該項僱用的開始日期已過去，則接受該項要約的日期，以最後者為準。

- appointment to such office he has attained the age of 49 years; (17 of 1963 s. 7(a))
- (ii) this regulation shall not apply to any person in any of the following posts, that is to say, police constable, constable Hawker Control Force, fireman, assistant officer Class II, detective district watchman, district watchman, ambulanceman and assistant revenue officer; (17 of 1963 s. 7(b); L.N. 191 of 1970; L.N. 6 of 1972; L.N. 87 of 1973)
- (iii) this regulation shall not apply to any police officer who was in the public service at the material date and whose salary did not suffer abatement under the Ordinance unless and until such officer is promoted, or elects to become a contributor as from the material date by written notice to that effect given to the Director of Accounting Services within 1 month from the material date; and (L.N. 16 of 1977)
- (iv) an agreement officer who is at the material date in the public service or shall thereafter join it shall be bound by this regulation only if he fails to give written notice to the Director of Accounting Services that he does not desire this regulation apply to him. Such notice shall be given within 3 months—(G.N.A. 92 of 1957; L.N. 87 of 1973; L.N. 16 of 1977)
- (x) from the material date; or
- (y) from the date of assumption of duty; or
- (z) in the case of an offer of employment as an agreement officer where such employment is to begin from a date which has already passed, from the date of acceptance of such offer,
- whichever is the latest.

4. 合約人員

- (1) 儘管第 3 條但書第 (iv) 段另有規定，本條例中“人員”一詞不適用於《1976 年孤寡撫恤金(適用)(修訂)規例》*(1976 年第 232 號法律公告)生效日期[#]後才擔任公職的合約人員，除非該人員按照本條向庫務署署長作出書面通知(該通知不得撤回)，表明意欲“人員”一詞對他適用。(1977 年第 16 號法律公告)
- (2) 第 (1) 款所指的通知須於下述日期起計 3 個月內或委員就某宗個案而容許的較長期間內作出——
- 就職日期；或
 - 如屬僱用為合約人員的要約，而該項僱用的開始日期已過去，則接受該項要約的日期，
以較後者為準。
- (3) 已根據第 (1) 款作出通知的人員須自下述日期起根據本條例作出供款——
- 就職日期；或
 - 如屬僱用為合約人員的要約，而該項僱用的開始日期已過去，則接受該項要約的日期，
以較後者為準。

(1976 年第 232 號法律公告)

編輯附註：

* “《1976 年孤寡撫恤金(適用)(修訂)規例》”乃“Widows and Orphans Pension (Application) (Amendment) Regulations 1976”之譯名。

[#] 生效日期：1976 年 9 月 3 日。

4. Agreement officers

- (1) Notwithstanding paragraph (iv) of the proviso to regulation 3, the term “officer” in the Ordinance shall not apply to an agreement officer who joins the public service after the commencement[#] of the Widows and Orphans Pension (Application) (Amendment) Regulations 1976 (L.N. 232 of 1976) unless, in accordance with this regulation, he gives written notice (which shall be irrevocable) to the Director of Accounting Services that he desires the term “officer” to apply to him. (L.N. 16 of 1977)
- (2) Notice under paragraph (1) shall be given within 3 months, or such greater period as the directors may in any particular case allow— (E.R. 5 of 2021)
- from the date of assumption of duty; or
 - in the case of an offer of employment as an agreement officer where such employment is to begin from a date which has already passed, from the date of acceptance of such offer,
- whichever is the later.
- (3) An officer who has given notice under paragraph (1) shall be required to contribute under the Ordinance—
- from the date of assumption of duty; or
 - in the case of an offer of employment as an agreement officer where such employment is to begin from a date which has already passed, from the date of acceptance of such offer,
- whichever is the later.

(L.N. 232 of 1976)

Editorial Note:

5. 選擇停止作出供款的人員

本條例中“人員”一詞，自某人員根據本條例第 15A(1) 條作出的選擇的生效日期起，不適用於該人員。

(1993 年第 3 號第 45 條)

Commencement date: 3 September 1976.

5. Officers elected to cease to make contribution

The term “officer” in the Ordinance shall not apply to an officer who makes an election under section 15A(1) of the Ordinance as from the date on which his election becomes effective.

(3 of 1993 s. 45)