

立法會
Legislative Council

LC Paper No. CB(1)2412/01-02
(These minutes have been seen
by the Administration)

Ref : CB1/BC/12/01

**Bills Committee on
Public Officers Pay Adjustment Bill**

**Minutes of sixth meeting held on
Saturday, 22 June 2002 at 11:00 am
in Conference Room A of the Legislative Council Building**

Members present : Hon Mrs Selina CHOW LIANG Shuk-ye, JP (Chairman)
Hon James TIEN Pei-chun, GBS, JP
Hon Albert HO Chun-yan
Ir Dr Hon Raymond HO Chung-tai, JP
Hon LEE Cheuk-yan
Dr Hon LUI Ming-wah, JP
Hon NG Leung-sing, JP
Hon Margaret NG
Hon HUI Cheung-ching, JP
Hon Bernard CHAN
Hon CHAN Kam-lam
Hon Mrs Sophie LEUNG LAU Yau-fun, SBS, JP
Hon Andrew WONG Wang-fat, JP
Dr Hon Philip WONG Yu-hong
Hon Jasper TSANG Yok-sing, JP
Hon Howard YOUNG, JP
Hon YEUNG Yiu-chung, BBS
Hon LAU Chin-shek, JP
Hon Emily LAU Wai-hing, JP
Hon CHOY So-yuk
Hon TAM Yiu-chung, GBS, JP
Hon Abraham SHEK Lai-him, JP
Hon LI Fung-ying, JP
Hon Michael MAK Kwok-fung
Dr Hon LO Wing-lok
Hon Audrey EU Yuet-mee, SC, JP
Hon MA Fung-kwok

Member attending : Hon CHAN Yuen-han, JP

Members absent : Dr Hon David CHU Yu-lin, JP
Hon Cyd HO Sau-lan
Hon Eric LI Ka-cheung, JP
Hon CHEUNG Man-kwong
Hon CHAN Kwok-keung
Hon LEUNG Yiu-chung
Hon IP Kwok-him, JP

Public officers attending : Mrs Jessie TING
Deputy Secretary for the Civil Service (2)

Mr Ian WINGFIELD
Law Officer (Civil Law)
Department of Justice

Mr David MORRIS
Deputy Law Draftsman
Department of Justice

Mrs Carrie LAM
Director of Social Welfare

Ms Bernadette LINN
Principal Assistant Secretary for the Treasury (B)

Ms Monica LAW
Senior Assistant Law Draftsman
Department of Justice

Ms Angelina FUNG
Principal Assistant Secretary for the Civil Service (2)

Attendance by invitation : **Fighting for Social Welfare Alliance**

Mr CHEUNG Chi-wai
Representative

Clerk in attendance : Miss Salumi CHAN
Chief Assistant Secretary (1)5

Staff in attendance : Mr Jimmy MA
Legal Adviser

Miss Kitty CHENG
Assistant Legal Adviser 5

Ms Rosalind MA
Senior Assistant Secretary (1)9

I. Meeting with deputations and the Administration

- (LC Paper No. CB(1)2086/01-02(03) — Committee Stage amendment to clause 9 proposed by the Administration
- LC Paper No. LS 109/01-02 (Annex) — Letter dated 5 June 2002 from the Assistant Legal Adviser to the Administration
- LC Paper No. CB(1)1964/01-02(02) — The Administration's reply dated 10 June 2002 to the Assistant Legal Adviser
- LC Paper No. CB(1)2080/01-02(01) — Letter dated 20 June 2002 from the Assistant Legal Adviser to the Administration
- LC Paper No. CB(1)2086/01-02(02) — The Administration's reply dated 21 June 2002 to the Assistant Legal Adviser
- LC Paper No. CB(1)2056/01-02(04) — Committee Stage amendment to clause 4 proposed by the Administration
- LC Paper No. CB(1)2086/01-02(01) — Submission from Fighting for Social Welfare Alliance)

The Bills Committee deliberated (Index of proceedings attached at **Appendix**).

Follow-up actions to be taken by the Administration

2. The Administration undertook to provide the Bills Committee with the following information:

Purpose and scope of the Bill

- (a) According to the Administration, the Bill was a piece of one-off legislation for reducing the pay and amounts of allowances payable to certain categories of public officers with effect on and from 1 October 2002. The Administration should consider setting out clearly in the long title of the Bill this purpose and the categories of public officers covered by the Bill.
- (b) To consider adding a clause on “Application” in the main body of the Bill, setting out clearly the categories of public officers covered by the Bill.
- (c) To consider providing a definition of “civil servants” in clause 2 of the Bill.
- (d) On clauses 3(3), 4(3) and 5 of the Bill, to provide information on the following:
 - (i) A list showing the categories of civil servants referred to in clause 3(3)(a), (b) and (c) of the Bill, with examples of the grades covered under these three subclauses;
 - (ii) A list showing the categories of ICAC officers referred to in clause 4(3)(a), (b) and (c) of the Bill, with examples of the grades covered under these three subclauses;
 - (iii) A list showing the categories of public officers referred to in clause 5(a), (b) and (c) of the Bill, with examples of the grades covered under these three subclauses;
 - (iv) The difference between “determined” and “adjusted”; and
 - (v) The difference between “in accordance with” and “by reference to”.

Judges and judicial officers

- (e) To amend clause 10 (Exempted public officers and allowances) and Schedule 3 (Exempted public officers and allowances) of the Bill to reflect the policy intent that the Bill did not apply to judges and judicial

officers, e.g. to remove the reference to “Exempted” from the heading of clause 10 and Schedule 3.

- (f) To provide information on the existing mechanism for determining and adjusting the pay and conditions of service for judges and judicial officers.

Statutory bodies, publicly funded bodies and subvented organizations

- (g) To provide a list of statutory bodies and publicly funded bodies which were not covered by the Bill.
- (h) To provide a list of statutory bodies, publicly funded bodies and subvented organizations which were required to comply with the principle that the terms of service for their staff should be no better than those of comparable civil service ranks.
- (i) To provide a copy of the letter issued by the Administration to publicly-funded bodies and subvented organizations on the implications of the proposed civil service pay reduction on them.
- (j) To provide information on the Administration's review of the remuneration packages of the senior executives of the selected statutory bodies and publicly funded bodies.
- (k) To explain the impact of the Bill on the staff of the Office of The Ombudsman.

(Post-meeting note: The Administration's response to paragraph 2(a) to (k) was circulated to members vide LC Paper Nos. CB(1)2121/01-02(01) to (05) on 26 June 2002.)

Date of next meeting

- 3. Members agreed that the seventh meeting of the Bills Committee would be held on Tuesday, 25 June 2002 at 4:30 pm.

IV. Any other business

- 4. There being no other business, the meeting ended at 1:15 pm.

Legislative Council Secretariat
8 August 2002

Appendix

**Proceedings of the sixth meeting of the
Bills Committee on Public Officers Pay Adjustment Bill
Meeting on Saturday, 22 June 2002 at 11:00 am
in Conference Room A of the Legislative Council Building**

Time	Speaker	Subject(s)	Action required
<i>Agenda Item I—Meeting with deputation and the Administration</i>			
000000 - 000127	Chairman	(a) Welcoming and introductory remarks (b) Administration's response on clause 9 of the Bill	
000127 - 000150	Administration	Clause 9	
000150 - 000411	Chairman	Long title	
000411 - 000436	Mr Albert HO	-ditto-	
000436 - 000546	Administration	-ditto-	
000546 - 000611	Mr Albert HO	Categories of public officers covered by the Bill	
000611 - 000715	Administration	-ditto-	
000715 - 000734	Mr Albert HO	-ditto-	
000734 - 000750	Administration	-ditto-	
000750 - 000802	Mr Albert HO	-ditto-	
000802 - 000912	Administration	-ditto-	
000912 - 001045	Miss Margaret NG	(a) Long title (b) Exclusion of judges and judicial officers from application of the Bill and information on the existing mechanism for determining and adjusting the pay and conditions of service for judges and judicial officers	Admin
001045 - 001257	Administration	-ditto-	
001257 - 001346	Legal Adviser	Long title	
001346 - 001518	Miss Margaret NG	-ditto-	
001518 - 001543	Administration	-ditto-	

Time	Speaker	Subject(s)	Action required
001543 - 001556	Chairman	Long title	
001556 - 001715	Miss Margaret NG	Exclusion of judges and judicial officers from application of the Bill	
001715 - 001850	Administration	-ditto-	
001850 - 001902	Chairman	-ditto-	
001902 - 001914	Legal Adviser	Long title	
001914 - 001942	Miss Margaret NG	-ditto-	
001942 - 002043	Ms Audrey EU	To set out clearly in the long title of the Bill the categories of public officers covered by the Bill	
002043 - 002129	Administration	-ditto-	
002129 - 002156	Chairman	-ditto-	
002156 - 002218	Miss Margaret NG	To set out clearly in the main body of the Bill the categories of public officers covered by the Bill	
002218 - 002329	Administration	-ditto-	
002329 - 002601	Ms Audrey EU	To set out clearly the scope of application of the Bill in the long title and the main body of the Bill	
002601 - 002645	Administration	-ditto-	
002645 - 002657	Chairman	-ditto-	Admin
002657 - 002713	Ms Audrey EU	-ditto-	
002713 - 002841	Legal Adviser	-ditto-	
002841 - 002923	Chairman	Clause 2	
002923 - 003008	Miss Margaret NG	To consider providing a definition of “civil servants” in clause 2 of the Bill	
003008 - 003017	Chairman	-ditto-	
003017 - 003151	Administration	-ditto-	
003151 - 003238	Miss Margaret NG	-ditto-	
003238 - 003328	Administration	-ditto-	
003328 - 003408	Miss Margaret NG	-ditto-	
003408 - 003500	Administration	-ditto-	
003500 - 003637	Legal Adviser	-ditto-	

Time	Speaker	Subject(s)	Action required
003637 - 003642	Administration	-ditto-	
003642 - 003815	Chairman	Invited representative of deputation to present his views	
003815 - 004326	Fighting for Social Welfare Alliance (FSWA)	Impact of the civil service pay reduction on the remuneration packages of subvented staff	
004326 - 005122	Administration	-ditto-	
005122 - 005330	Mr LEE Cheuk-yan	-ditto-	
005330 - 005602	Administration	-ditto-	
005602 - 005655	Mr LEE Cheuk-yan	-ditto-	
005655 - 005755	Administration	-ditto-	
005755 - 005925	Mr James TIEN	Financial arrangements for subvented organizations to pay compensation to staff who disagreed with the pay reduction and their employment contracts were terminated	
005925 - 010248	Administration	-ditto-	
010248 - 010255	Mr James TIEN	Concerns of subvented staff on the implementation of civil service pay reduction	
010255 - 010433	FSWA	-ditto-	
010433 - 010530	Mr James TIEN	-ditto-	
010530 - 010725	FSWA	-ditto-	
010725 - 010743	Mr James TIEN	Whether subvented organizations had the authority to alter terms of the employment contracts unilaterally	
010743 - 010818	Administration	-ditto-	
010818 - 011129	Miss Margaret NG	Impact of the civil service pay reduction on the remuneration packages of subvented staff	
011129 - 011234	FSWA	-ditto-	
011234 - 011451	Administration	Whether subvented organizations had the authority to alter terms of the employment contracts unilaterally	
011451 - 011526	Miss Margaret NG	-ditto-	

Time	Speaker	Subject(s)	Action required
011526 - 011532	Chairman	-ditto-	
011532 - 011818	Administration	Whether subvented organizations had the authority to alter terms of the employment contracts unilaterally	
011818 - 012041	Mr LEE Cheuk-yan	-ditto-	
012041 - 012158	Administration	-ditto-	
012158 - 012231	Miss Margaret NG	Lump-sum grant arrangements for subvented organizations	
012231 - 012259	Chairman	-ditto-	
012259 - 012319	Miss CHAN Yuen-han	-ditto-	
012319 - 012416	Chairman	-ditto-	
012416 - 012438	Miss Margaret NG	Clause 3	
012438 - 012653	Administration	-ditto-	
012653 - 012736	Miss Margaret NG	Difference between “in accordance with” and “by reference to” in clause 3(3)	
012736 - 013218	Administration	-ditto-	
013218 - 013306	Miss Margaret NG	Clauses 3(3), 4(3) and 5	
013306 - 013320	Administration	-ditto-	Admin
013320 - 013428	Mr Albert HO	To consider providing a definition of “civil servants” in clause 2 of the Bill	
013428 - 013740	Administration	-ditto-	Admin
013740 - 013834	Mr Albert HO	Application of clause 3	
013834 - 013902	Chairman	-ditto-	
013902 - 014012	Administration	-ditto-	
014012 - 014040	Mr Albert HO	Monitoring the remuneration packages of public officers in statutory bodies and publicly funded bodies	
014040 - 014058	Administration	-ditto-	
014058 - 014112	Mr Albert HO	Review of the remuneration packages of the senior executives of the selected statutory bodies and other bodies	
014112 - 014225	Administration	-ditto-	Admin

Time	Speaker	Subject(s)	Action required
014225 - 014300	Mr NG Leung-sing	List of statutory bodies and publicly funded bodies which were not covered by the Bill	Admin
014300 - 014327	Mr LEE Cheuk-yan	Impact of the civil service pay reduction on the remuneration packages of subvented staff	Admin
014327 - 014349	Chairman	-ditto-	
014349 - 014526	Mr LEE Cheuk-yan	-ditto-	
014526 - 014644	Administration	-ditto-	
014644 - 014703	Mr LEE Cheuk-yan	-ditto-	
014703 - 014731	Administration	-ditto-	
014731 - 015148	Miss Margaret NG	Clause 3(3) and impact of the Bill on the staff of the Office of The Ombudsman	Admin
015148 - 015623	Administration	-ditto-	
015623 - 015716	Miss Margaret NG	-ditto-	
015716 - 015738	Administration	-ditto-	
015738 - 015802	Mr Albert HO	Impact of the civil service pay reduction on the staff of the Legislative Council Secretariat	
015802 - 015814	Administration	-ditto-	
015814 - 020021	Legal Adviser	-ditto-	
020021 - 020155	Mr NG Leung-sing	List of statutory bodies and publicly funded bodies covered by the Bill	
020155 - 020242	Chairman	-ditto-	
020242 - 020321	Administration	-ditto-	
020321 - 020347	Chairman	-ditto-	
020347 - 020415	Administration	-ditto-	
020415 - 020437	Mr NG Leung-sing	-ditto-	
020437 - 020555	Chairman	-ditto-	
020555 - 020621	Administration	-ditto-	
020621 - 020742	Chairman	Date of next meeting	

Note: The audio records of the above proceedings are kept at the Legislative Council Library

Legislative Council Secretariat

8 August 2002