

立法會
Legislative Council

LC Paper No. CB(1)2413/01-02
(These minutes have been seen
by the Administration)

Ref : CB1/BC/12/01

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

**Minutes of seventh meeting held on
Tuesday, 25 June 2002 at 4:30 pm
in the Chamber of the Legislative Council Building**

Members present : Hon Mrs Selina CHOW LIANG Shuk-ye, JP (Chairman)
Hon Cyd HO Sau-lan
Hon Albert HO Chun-yan
Ir Dr Hon Raymond HO Chung-tai, JP
Hon LEE Cheuk-yan
Hon Eric LI Ka-cheung, JP
Dr Hon LUI Ming-wah, JP
Hon NG Leung-sing, JP
Hon Margaret NG
Hon HUI Cheung-ching, JP
Hon CHAN Kwok-keung
Hon Bernard CHAN
Hon CHAN Kam-lam
Hon Mrs Sophie LEUNG LAU Yau-fun, SBS, JP
Hon Andrew WONG Wang-fat, JP
Hon Jasper TSANG Yok-sing, JP
Hon Howard YOUNG, JP
Hon YEUNG Yiu-chung, BBS
Hon TAM Yiu-chung, GBS, JP
Hon LI Fung-ying, JP
Hon Michael MAK Kwok-fung
Dr Hon LO Wing-lok
Hon IP Kwok-him, JP
Hon Audrey EU Yuet-mee, SC, JP
Hon MA Fung-kwok

Member attending : Hon CHAN Yuen-han, JP

Members absent : Hon James TIEN Pei-chun, GBS, JP
Dr Hon David CHU Yu-lin, JP
Hon CHEUNG Man-kwong
Hon LEUNG Yiu-chung
Dr Hon Philip WONG Yu-hong
Hon LAU Chin-shek, JP
Hon Emily LAU Wai-hing, JP
Hon CHOY So-yuk
Hon Abraham SHEK Lai-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

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

Ms Monica LAW
Senior Assistant Law Draftsman
Department of Justice

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 the Administration

- (LC Paper No. CB(1)2095/01-02(01) — “Follow-up to the fifth meeting on 21 June 2002” prepared by the Legislative Council Secretariat
- LC Paper No. CB(1)2095/01-02(02) — “Follow-up to the sixth meeting on 22 June 2002” prepared by the Legislative Council Secretariat
- LC Paper No. CB(1)2095/01-02(03) — Information on “Public Sector Pay Reduction Act (1994), Prince Edward Island, Canada” prepared by the Assistant Legal Adviser
- LC Paper No. CB(1)2095/01-02(04) — Information on “The State Government Leaders’ Salary Reduction Act (2002), Illinois, USA” prepared by the Assistant Legal Adviser
- LC Paper No. CB(1)2106/01-02(01) — Letter dated 24 June 2002 from the Secretary for the Civil Service to all Members
- 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(03) — Committee Stage amendment to clause 9 proposed by the Administration)

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

Notice for resumption of Second Reading debate on the Bill

2. Members noted that the Administration had given notice on 24 June 2002 for resumption of the Second Reading debate on the Bill at the Council meeting on 10 July 2002. Miss Margaret NG considered it improper for the Administration to do so, as the Bills Committee had not yet completed scrutiny of the Bill. Referring to the same concern raised by some members of the Bills Committee on United Nations (Anti-Terrorism Measures) Bill, the Chairman advised that the matter would be discussed at the House Committee meeting on 28 June 2002.

Follow-up actions to be taken by the Administration

3. At the request of members, the Administration undertook to provide the Bills Committee with the following information by 26 June 2002:

- (a) In view of the policy intent that the Bill catered specifically for this year's civil service pay adjustment which would take effect from 1 October 2002 and the Administration's advice that it did not envisage that the Chief Executive in Council would exercise the power under Schedule 3 of the Bill after 30 September 2002, the Administration was requested to consider:
 - (i) deleting clause 11 (Amendment of Schedule 3);
 - (ii) deleting Schedule 3 (Exempted Public Officers and Allowances);
and
 - (iii) if clause 11 and Schedule 3 were to be deleted, amending the proposed new clause on "Application" as appropriate.
- (b) According to the Administration, in reducing subventions as a result of a civil service pay reduction, the Administration would not require the subvented sector to make similar adjustments to the pay of their staff, and the question of pay for subvented staff was generally a matter between the subvented organizations and their employees. In this connection, the Administration was requested to advise whether it had conducted any impact analysis on the services provided by the subvented organizations in case a substantial number of staff of these organizations did not accept the proposed pay reduction and their employment contracts were terminated, and to provide information on the impact analysis if this had been conducted.

(Post-meeting note: The English version of the draft Committee Stage amendments (CSAs) proposed by the Administration and the Administration's response to paragraph 3 above were circulated to members vide LC Paper Nos. CB(1)2129/01-02(01) to (03) on 26 June 2002. The Chinese version of the CSAs proposed by the Administration was circulated to members vide LC Paper No. CB(1)2142/01-02 on 27 June 2002.)

Follow-up action to be taken by the Legal Adviser

4. The Chairman invited the Legal Adviser (LA) to provide the Bills Committee with his views on the Administration's proposed definition of "civil servants" after the meeting.

(Post-meeting note: The information note prepared by LA was circulated to members vide LC Paper No. LS 129/01-02 on 26 June 2002.)

Way forward

5. As the Bills Committee had completed clause-by-clause examination of the Bill, members agreed that the meeting scheduled for Wednesday, 26 June 2002 at 10:45 am should be cancelled.

6. In response to the Chairman's enquiry, no member indicated that he would move CSAs to the Bill.

7. Members noted that the Bills Committee would present its report to the House Committee for consideration at its meeting on 28 June 2002.

(Post-meeting note: Notice for cancellation of the meeting scheduled for 26 June 2002 was issued to members vide LC Paper No. CB(1)2126/01-02 on 25 June 2002. The report of the Bills Committee (LC Paper No. CB(1)2116/01-02) was presented to the House Committee for consideration at its meeting on 28 June 2002.)

II. Any other business

8. There being no other business, the meeting ended at 6:20 pm.

8 August 2002

**Proceedings of the seventh meeting of the
Bills Committee on Public Officers Pay Adjustment Bill
on Tuesday, 25 June 2002 at 4:30 pm
in the Chamber of the Legislative Council Building**

Time	Speaker	Subject(s)	Action required
<i>Agenda Item I — Meeting with the Administration</i>			
000000 - 001335	Chairman	Welcoming and introductory remarks	
001335 - 001428	Miss Margaret NG	The Administration's notice for resumption of the Second Reading debate on the Bill before the Bills Committee completed scrutiny of the Bill	
001428 - 001544	Administration	-ditto-	
001544 - 001644	Chairman	-ditto-	
001644 - 001708	Miss Margaret NG	-ditto-	
001708 - 001742	Chairman	Committee Stage amendments proposed by the Administration	
001742 - 002205	Administration	-ditto-	
002205 - 002250	Miss Margaret NG	-ditto-	
002250 - 002302	Chairman	-ditto-	
002302 - 002444	Miss Margaret NG	Clause 11 "Amendment of Schedule 3"	
002444 - 002706	Administration	-ditto-	
002706 - 002822	Miss Margaret NG	-ditto-	
002822 - 002920	Administration	-ditto-	
002920 - 002942	Miss Margaret NG	-ditto-	
002942 - 002948	Administration	-ditto-	
002948 - 003028	Chairman	-ditto-	
003028 - 003122	Administration	-ditto-	
003122 - 003132	Chairman	Categories of public officers who would be subject to the pay reduction specified in the Bill	
003132 - 004825	Administration	-ditto-	
004825 - 004956	Mr LEE Cheuk-yan	Non-civil service appointments that would be subject to the pay reduction specified in the Bill	

Time	Speaker	Subject(s)	Action required
004956 - 005356	Administration	Non-civil service appointments that would be subject to the pay reduction specified in the Bill	
005356 - 005422	Mr LEE Cheuk-yan	-ditto-	
005422 - 005522	Administration	-ditto-	
005522 - 005544	Chairman	-ditto-	
005544 - 005634	Administration	-ditto-	
005634 - 005658	Mr LEE Cheuk-yan	-ditto-	
005658 - 005738	Administration	-ditto-	
005738 - 005820	Miss Margaret NG	-ditto-	
005820 - 005928	Administration	-ditto-	
005928 - 005940	Chairman	-ditto-	
005940 - 005955	Administration	-ditto-	
005955 - 010020	Chairman	Committee Stage amendments proposed by the Administration	
010020 - 010400	LA	-ditto-	
010400 - 010448	Chairman	-ditto-	
010448 - 010544	LA	-ditto-	
010544 - 010618	Chairman	Clause 11 "Amendment of Schedule 3"	
010618 - 010700	LA	-ditto-	
010700 - 010748	Administration	-ditto-	
010748 - 010808	Chairman	-ditto-	
010808 - 010854	Mr Albert HO	-ditto-	
010854 - 011050	Miss Margaret NG	-ditto-	
011050 - 011120	Chairman	-ditto-	
011120 - 011142	Administration	To consider deleting clause 11 and Schedule 3 of the Bill	Admin
011142 - 011202	Mr LEE Cheuk-yan	-ditto-	
011202 - 011242	Chairman	Pay adjustment for judges and judicial officers	
011242 - 011304	Miss Margaret NG	-ditto-	
011304 - 011322	Mr LEE Cheuk-yan	-ditto-	
011322 - 011425	Chairman	Impact of the civil service pay reduction on the subvented sector	
011425 - 011804	Administration	-ditto-	

Time	Speaker	Subject(s)	Action required
011804 - 011855	Chairman	(a) Impact of the civil service pay reduction on the staff of the Office of The Ombudsman (b) Review of the remuneration packages of senior executives of selected statutory bodies and other publicly-funded bodies	
011855 - 012015	LA	-ditto-	
012015 - 012053	Administration	-ditto-	
012053 - 012120	Chairman	-ditto-	
012120 - 012225	Mr Albert HO	-ditto-	
012225 - 012326	Chairman	Clause 6 “Adjustment of rate salary of Director of Audit”	
012326 - 012340	Administration	-ditto-	
012340 - 012351	Mr IP Kwok-him	-ditto-	
012351 - 012400	Administration	-ditto-	
012400 - 012432	Ms Audrey EU	-ditto-	
012432 - 012505	Administration	-ditto-	
012505 - 012556	Mr Albert HO	Impact of the civil service pay reduction on staff of statutory bodies and other publicly-funded bodies	
012556 - 012654	Administration	-ditto-	
012654 - 012738	Chairman	-ditto-	
012738 - 012752	Administration	-ditto-	
012752 - 012852	Mr Albert HO	Impact of the civil service pay reduction on the subvented sector	
012852 - 012935	Chairman	-ditto-	
012935 - 012985	Mr Albert HO	The Administration’s analysis on the impact of the civil service pay reduction on the subvented sector	
012985 - 013018	Chairman	-ditto-	Admin
013018 - 013135	LA	Impact of the civil service pay reduction on staff of statutory	

Time	Speaker	Subject(s)	Action required
		bodies and other publicly-funded bodies	
013135 - 013202	Chairman	Impact of the civil service pay reduction on staff of statutory bodies and other publicly-funded bodies	
013202 - 013225	Administration	-ditto-	
013225 - 013244	Chairman	Clause 7 "Adjustment of allowances"	
013244 - 013254	Mr Albert HO	-ditto-	
013254 - 013532	Administration	-ditto-	
013532 - 013610	Chairman	-ditto-	
013610 - 013634	Mr Albert HO	Clause 8 "Future adjustments"	
013634 - 013710	Administration	-ditto-	
013710 - 013715	Mr Albert HO	-ditto-	
013715 - 013802	Administration	-ditto-	
013802 - 013820	Mr Albert HO	-ditto-	
013820 - 013852	Administration	-ditto-	
013852 - 013922	Mr Albert HO	-ditto-	
013922 - 013946	Administration	-ditto-	
013946 - 014002	Chairman	-ditto-	
014002 - 014055	LA	-ditto-	
014055 - 014124	Chairman	-ditto-	
014124 - 014158	Administration	Committee Stage amendment to clause 9 proposed by the Administration	
014158 - 014352	Chairman	Committee Stage amendments to clause 11 and Schedule 3 to be considered by the Administration	
014352 - 014416	Miss Cyd HO	Explanatory Memorandum	
014416 - 014446	LA	-ditto-	
014446 - 014501	Miss Cyd HO	-ditto-	
014501 - 014506	LA	-ditto-	
014506 - 014556	Chairman	Cancellation of meeting scheduled for 26 June 2002	
014556 - 014638	Mr CHAN Kam-lam	-ditto-	
014638 - 014752	Chairman	(a) The Administration to provide the required information by 26 June	Admin

Time	Speaker	Subject(s)	Action required
		2002 (b) LA to provide views on the Administration's proposed definition of "civil servants"	LA
014752 - 014814	Administration	Thanked members for their efforts in the scrutiny of the Bill	
014814 - 014954	Chairman	Concluding remarks	

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

Legislative Council Secretariat
8 August 2002