

立法會
Legislative Council

LC Paper No. CB(1)2280/02-03
(These minutes have been seen
by the Administration)

Ref : CB1/PL/PS/1

Panel on Public Service

Minutes of meeting
held on Monday, 16 June 2003 at 10:45 am
in Conference Room A of the Legislative Council Building

Members present : Hon TAM Yiu-chung, GBS, JP (Chairman)
Hon LI Fung-ying, JP (Deputy Chairman)
Hon Kenneth TING Woo-shou, JP
Hon CHEUNG Man-kwong
Hon HUI Cheung-ching, JP
Hon CHAN Kwok-keung
Hon Bernard CHAN, JP
Hon Mrs Sophie LEUNG LAU Yau-fun, SBS, JP
Hon Howard YOUNG, JP
Hon Tommy CHEUNG Yu-yan, JP
Hon Michael MAK Kwok-fung
Hon LEUNG Fu-wah, MH, JP

Members absent : Hon LEE Cheuk-yan
Hon Andrew WONG Wang-fat, JP
Hon Albert CHAN Wai-yip

Public officers attending : **Agenda Item III**

Mrs Rebecca LAI, JP
Permanent Secretary for the Civil Service

Mrs Alice CHEUNG
Principal Assistant Secretary for the Civil Service
(Conditions of Service)

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

Staff in attendance : Ms Rosalind MA
Senior Assistant Secretary (1)9

Ms May LEUNG
Legislative Assistant

Action

I. Confirmation of minutes of meeting and items for discussion

(LC Paper No. CB(1)1910/02-03 — Minutes of meeting on 19 May 2003

LC Paper No. CB(1)1909/02-03(01) — List of outstanding items for discussion

LC Paper No. CB(1)1909/02-03(02) — List of follow-up actions)

The minutes of the meeting held on 19 May 2003 were confirmed.

II. Draft Report of the Panel on Public Service for submission to the Legislative Council in July 2003

(LC Paper No. CB(1)1909/02-03(03))

2. The Chairman invited members' comments on the draft report of the Panel for submission to the Legislative Council on 2 July 2003.

3. Members endorsed the draft report. They also authorized the Clerk, in consultation with the Chairman, to incorporate into the report the Panel's major deliberations made at the meeting.

III. Review of Job-related Allowances for Civilian Grades

(LC Paper No. CB(1)1909/02-03(04) — Paper provided by the Administration

LC Paper No. CB(1)1688/02-03(01) — Information paper on “Review of Job-related Allowances for Civilian Grades”)

Briefing by the Administration

4. At the Chairman’s invitation, the Permanent Secretary for the Civil Service (PSCS) briefed members on the outcome of the review of the job-related allowances (JRAs) for civilian grades. She advised that at the last Panel meeting held on 19 May 2003, the Administration had informed members that the review period of Hardship Allowance (HA) payable for performing duties such as cleansing, drainage/sewer cleaning, waste/blood/dead bodies handling, etc. had been deferred for six months because of circumstances relating to the outbreak of Severe Acute Respiratory Syndrome (SARS). The Administration had then completed the review on the remaining JRAs subject to review. Certain allowances were considered no longer justified and had been/would be ceased. For the remaining allowances which were justified and would continue to be payable, improvement measures were introduced where appropriate. Taken together, of all the allowances reviewed involving an estimated annual expenditure of \$46 million, the full-year estimated savings was around \$17 million (37%).

Declaration of interests

5. Mr Bernard CHAN declared interest as member of the Task Force on Review of Civil Service Pay Policy and System (the Task Force). The Task Force’s Phase One Final Report issued in September 2002 contained a recommendation related to JRAs. Mr Michael MAK declared interest as a Registered Nurse (Psychiatric).

Discussion

JRAs to cease

6. Ms LI Fung-ying pointed out that she had received complaints from the Chauffeur grade that despite their objection during the consultation stage, the Civil Service Bureau (CSB) had decided to cease payment of HA to the Chauffeur grade for working long and irregular hours. Mr CHAN Kwok-keung expressed the same concern. Mr LEUNG Fu-wah asked for the reason for the differential treatment in payment of JRA for the Chauffeur grade and the Motor Driver and Special Driver grades. As far as he knew, the Chauffeur grade would cease to receive any JRA while the latter two grades would continue to be eligible for the allowance.

7. PSCS responded that CSB had received submissions from the staff unions of driver and Chauffeur grades on their concern about cessation of certain JRAs and would follow up the issue with the unions concerned. She explained that there were two groups of drivers affected by the cessation, one being Chauffeurs who had been paid an HA and the other being Special Drivers operating tractor/electro-hydraulic compaction trailers who had been paid an Extraneous Duties Allowances (EDA). As Chauffeurs were already given a consolidated Overtime Allowance on a monthly basis, it was considered that the requirement to work long hours had largely been compensated. Under present day circumstances, it was considered not appropriate to continue to separately compensate similar elements of the same duty. As for Special Drivers operating tractor/electro-hydraulic trailers, since it was the inherent duties of Special Driver to drive all types of special purpose vehicles, it was considered that they should not be eligible for the EDA in question. As regards HA payable to other officers of the Motor Driver and Special Driver grades for performing specified duties in specified dangerous environment, the review conclusion was that payment of HA might continue having regard to factors including that the officers concerned were undertaking duties performed in a work environment which might render staff liable to bodily harm or physical impairment of a degree not normally expected of staff in the same grade/rank.

8. On PSCS's reply that CSB would follow up the issue with the staff unions concerned, Mr LEUNG Fu-wah asked whether the decisions on the review of JRAs would be subject to change in the event that there were strong oppositions from the affected officers. PSCS advised that CSB had thoroughly consulted the staff side on the broad direction of the JRA review exercise and had twice briefed the Panel on the progress at the Panel meetings on 15 April and 23 October 2002. As regards review of individual allowances payable to civilian grades during the moratorium, the review conclusion had taken into account views from departmental management and staff feedback obtained through departmental management's staff consultation. No strong views had so far been received from staff except for the concerns raised by the driver and Chauffeur grades mentioned earlier on.

9. Mr Michael MAK considered that payment of HA to the Enrolled Nurses and Registered Nurses working in mental institutions should not be ceased. He pointed out that owing to the lack of properly trained nurses in this aspect, nurses who had not been given any special training were deployed to work in mental institutions and they should be eligible for HA. In response, PSCS pointed out with more understanding of mental illness, such work should no longer be considered as "hardship" requiring a Hardship Allowance.

10. Mr Michael MAK also expressed disagreement with the cease of payment of EDA for nurses operating electro-encephalograph machines in hospitals. He pointed out that as the operation of such machines required specific skill of which six-month prior training was needed, it should not be considered as a duty inherent to the nursing grades concerned. In reply, PSCS said that the recommendation on the payment of EDA for nursing staff was made by the Director of Health having regard to the present

day circumstances. The payment of EDA for nurses operating electro-encephalograph machines was considered no longer justified in present day circumstances where the duties were now regarded as inherent to the grades concerned and the skills were now normally expected of the grades and obtained through training. Indeed, with the advance of medical technology, the need for medical and nursing professionals to use new medical equipment and drugs had become a normal part of their duties. At Mr MAK's request, PSCS undertook to confirm the number of civil servants involved in the operation of electro-encephalograph machines in hospitals and whether adequate prior training had been provided to the officers concerned.

11. Mrs Sophie LEUNG supported the Administration's proposal of ceasing payment of JRAs which were considered to be no longer justified under the present day circumstances, such as the payment of EDA to nurses for operating certain types of medical equipment.

JRAs which might continue to be paid

12. Mr Bernard CHAN supported the Administration's proposal to identify areas for improvements to achieve more rationalized payment of JRAs. Mr CHAN also pointed out that the need for the continued payment of JRAs could be considered in the context of the Task Force's recommendation that the feasibility of consolidating JRAs into base pay should be examined as a medium-term target. Referring to Part II of Annex C to the paper on JRAs which might continue to be paid, Mr CHAN enquired about the reason for the payment of EDA to officers undertaking responsibilities at a higher level.

13. In response, PSCS explained that EDA was payable to compensate officers for performing duties which were extraneous to what were normally expected of the grades and ranks concerned, and the discharge of such duties required extra skill or imposed new responsibilities (e.g. an Environmental Protection Officer taking up duties as the head of section; a teacher assuming the duties of the head/deputy head in a small school). She shared Mr Bernard CHAN's view on the need for making improvement to the payment of JRAs where appropriate. She assured members that the outcome of the current review of JRAs payable to civilian grades would not impose any constraint on the comprehensive review of civil service pay policy and system. She also pointed out that decisions for the continued payment of JRAs in the current exercise would be subject to review within two years.

14. In response to Mrs Sophie LEUNG's enquiry, PSCS explained that for schools in which there were no head/deputy head posts because of their small size of establishment, teachers required to assume duties of head/deputy head were eligible for the payment of EDA. As for the payment of JRA to artisan/workmen undertaking fire fighting duties, PSCS said that this allowance was payable to fire fighting teams of the Agriculture, Fisheries and Conservation Department who had to perform shift, overtime, and fire fighting duties during dry seasons.

Application of principles governing JRA payment

15. Mr CHEUNG Man-kwong supported the review of JRAs to ensure that only justified allowances would be paid and to improve the administration of JRA payment. Referring to Point (8) of Annex A to the paper, however, Mr CHEUNG pointed out that there were problems in the application of one of the principles governing JRAs payable to civilian grades, i.e. “*Multiple allowances should not be paid unless each of the individual allowances can be independently justified as being in accordance with the principles and criteria applicable to that allowance*”. The application of this principle had resulted in a situation where the head of an aided special school with a boarding section was only eligible for either the allowance for engagement in special education or the responsibility allowance for the head of an aided special school with a boarding section, but not both. Mr CHEUNG considered the arrangement unfair to the head concerned, as he had undertaken duties of different nature and should be eligible for payment of both types of allowances.

16. PSCS advised that the purpose of the governing principle referred to by Mr CHEUNG Man-kwong was to avoid the payment of multiple allowances for duties of the same nature. She also pointed out that the governing principles of JRA were for application in the civil service. As regards the quoted case, it was related to the payment of allowances in aided schools. It was for the relevant policy bureau to consider and decide whether any of the governing principles on JRA in the civil service should apply to JRA payment in the aided sector. At the request of Mr CHEUNG, PSCS undertook to elaborate on the meaning of the above-mentioned principle and the applicability of JRA governing principles in subvented organizations and aided schools; and to ask the relevant bureau to look into the above-quoted case.

(Post-meeting note: The Administration's response to members' request at paragraphs 10 and 16 above was circulated to members vide LC Paper No. CB(1)2221/02-03(01) on 15 July 2003.)

Impact of the JRAs review on staff

17. In response to Ms LI Fung-ying's enquiry on the impact of the review of JRAs on the income of civilian grades, PSCS quoted an example that a Clerical Assistant at Master Pay Scale (MPS) Point 9 working at a shroff office would no longer be granted Extraneous Duties Allowance (EDA) for cash handling duties. It was estimated that his income would be reduced by about \$500 (around 3.8% of his monthly salary). Ms LI considered that a 3.8% reduction in income was rather substantial for lower rank staff. The situation would be even worse after the implementation of civil service pay reduction in January 2004 and January 2005. She urged the Administration to conduct adequate and thorough staff consultation before recommending any cease or reduction in payment of JRAs, and fully consider the hardship of affected staff in making any decision for change. PSCS noted Ms LI's views.

18. Mr LEUNG Fu-wah was concerned whether departmental management would be inclined to reduce payment for JRA for cutting down their operating expenditure under the “financial envelope” approach. In reply, PSCS said that Heads of Department (HoDs) were requested to review during the six-month moratorium, whether payment of the relevant allowances under their purview should continue or cease, having regard to the revised JRA governing principles and other relevant circumstances. She stressed that the purpose of the review was to ensure that only JRAs considered justified under the present day circumstances would continue to be payable to eligible staff. Reduction in JRAs payment was not the only means for HoDs to achieve savings in operating expenditure. HoDs should explore other means, such as re-engineering.

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19. In concluding the discussion, the Chairman invited the Administration to brief the Panel on any further progress of the review of JRAs in due course.

IV. Any other business

Motion proposed by Mr Michael MAK

20. Mr Michael MAK said that as this meeting was probably the last meeting of the Panel in the current session, he would like to take this opportunity to propose the following motion for the Panel to commend frontline public officers for their high professionalism demonstrated in dealing with the outbreak of SARS:

“本事務委員會就前線公職人員在處理SARS事件中發揮的崇高專業精神給予高度評價。”

(“This Panel highly commends frontline public officers for their high professionalism demonstrated in dealing with the outbreak of Severe Acute Respiratory Syndrome.”)

21. The Chairman drew members’ attention to House Rule (HR) 22(p) which provided that “*During a Panel meeting, a motion may be proposed if it is considered by the chairman of the Panel as directly related to an agenda item of that meeting. The motion will be proceeded with if agreed by a majority of the members voting*”. As the motion was not related to any agenda item of the meeting, the Chairman sought members’ views on how they would like the motion to be proceeded with.

22. Mr Michael MAK pointed out that since there was an item on “Any other business” under Agenda Item IV, it might be appropriate for any issue relevant to the terms of reference of the Panel to be raised under this item. He was therefore of the view that dealing with the proposed motion under “Any other business” would not contravene HR 22(p). Mr CHEUNG Man-kwong shared his view.

23. Mrs Sophie LEUNG held different views and pointed out that the key requirement of HR 22(p) was that a motion might be proposed during a Panel meeting if it was directly related to an agenda item of the meeting. It seemed to imply that a motion might be proposed if it was directly related to an item under discussion, but not “Any other business”. Mr Michael MAK considered this interpretation too narrow. To address Mrs LEUNG’s concern, Mr CHEUNG Man-kwong suggested that an item on the performance of public officers in dealing with the outbreak of SARS be added under Agenda Item IV — “Any other business” and that the proposed motion be dealt with under the newly added item. Mr MAK supported Mr CHEUNG’s suggestion.

24. Mrs Sophie LEUNG considered that Mr CHEUNG’s suggestion would make HR 22(p) meaningless, as it would allow members to raise any issues for discussion at a Panel meeting without prior notice and then to move a motion related to the issue at the meeting. In view of the different interpretation of HR 22(p), she suggested that the problem be referred to the Committee on Rules of Procedure (CRoP) for consideration. Whilst appreciating the efforts made by frontline public officers in dealing with the outbreak of SARS, Mrs LEUNG considered that the efforts made by other parts of the community should not be neglected. It might be more appropriate to adopt a comprehensive approach to commend the efforts made by all persons concerned. As the Panel on Health Services (HS) convened weekly meetings to closely monitor the SARS incident, she considered that the proposed motion should better be dealt with by the HS Panel. She therefore suggested to Mr Michael MAK that his motion could be proposed at the meeting of the HS Panel. Mr MAK disagreed and considered it appropriate for the Panel on Public Service to deal with his proposed motion at this meeting.

25. Whilst supporting the content of the proposed motion, Ms LI Fung-ying considered that the Panel should adopt a prudent approach in dealing with motions at its meetings. As it was not clear whether members were allowed under HR 22(p) to propose motions under “Any other business” of the agenda for a Panel meeting or under a newly added discussion item under “Any other business”, she suggested that the issue be referred to CRoP for consideration. Meanwhile, the Panel might record in the minutes of this meeting that it highly commended frontline public officers for their high professionalism demonstrated in dealing with the outbreak of SARS. Mr Michael MAK and other members agreed to Ms LI’s suggestions.

Concluding remarks of the Chairman

26. As this was the last regular Panel meeting for the 2002-03 session, the Chairman took the opportunity to thank members for their contribution in the session. He also thanked the Secretariat for their support to the work of the Panel.

27. There being no other business, the meeting ended at 12:10 pm.

Council Business Division 1
Legislative Council Secretariat
25 July 2003