

For discussion
on 15 November 2004

LEGISLATIVE COUNCIL PANEL ON PUBLIC SERVICE

Special Unpaid Leave

Purpose

This paper briefs Members on a proposal to introduce a new type of special unpaid leave (SUL) for civil servants and invites comments on the proposal.

Background

2. Under the existing policy, subject to the exigencies of service, unpaid vacation leave can be granted to various categories of officers on adequate personal grounds under CSR 1109. No-pay study leave without training assistance may also be granted to officers to pursue self-arranged full-time study under CSR 1004 if the study is relevant to their duties or the work of the departments.

3. To provide an additional measure for managing manpower within the civil service establishment, we propose to introduce a new type of SUL. The scheme will be applicable to grades/ranks with identified or anticipated surplus staff up to 2006-07 such that the release of staff would provide Heads of Departments/Grades (HoDs/HoGs) with added flexibility for operations to be streamlined or the mode of service delivery to be changed. With the proposed scheme, eligible staff in these grades/ranks are afforded with an opportunity to apply for unpaid leave for such purposes as undertaking personal development / training programmes to enhance their capabilities and versatility in meeting new work challenges and opportunities, or for taking care of family/personal matters for a lengthy period.

4. The proposed arrangements for SUL are set out in the ensuing paragraphs.

Eligibility

5. We propose that only officers of grades/ranks that have identified or

anticipated surplus staff up to 2006/07 may apply for SUL¹, excluding the following categories:

- a) Agreement officers;
- b) Officers on probation;
- c) Officers, other than MOD I officers, who are appointed on short-term employment (i.e. on month-to-month and day-to-day terms);
- d) Officers who have been promoted to their present ranks for less than 12 months prior to commencement of the intended special leave period; and
- e) Officers who have tendered notice to retire or resign, applied for early retirement or notified the Government in any other manner of their intention to leave the service prior to the introduction of the special leave arrangement.

6. The lists of eligible grades/ranks will be determined and announced by Heads of Departments / Grades (HoDs / HoGs) after assessing the manpower situation up to 2006/07 in their respective departments and grades. They may change the lists from time to time, having regard to the operational need and manpower situation in consultation with Secretary for the Civil Service (SCS). However, any change in the list will not affect applications already approved.

Arrangements for the officers during SUL period

7. During the SUL period officers will not receive any salary nor benefits in general other than medical/dental benefits.

8. Officers will be required to use up part of their vacation leave balance before proceeding on SUL. They may retain the number of days of vacation leave (including sinking balance, if any) up to their annual entitlement before the SUL period starts. If the officer's leave balance is less than his annual entitlement immediately before the commencement of the special leave period, SUL will be granted to him/her for the whole period.

9. We propose that an officer on special leave will not be considered in any promotion exercise held during the special leave period. If an officer is

¹ In this paper, "SUL period" refers to the period during which the officer does not receive any salary. "Special leave period" refers to the whole period of SUL and any paid vacation leave taken immediately before the SUL period (paragraph 8 refers).

recommended for promotion by a promotion board after his submission of special leave application, the promotion will not be effected despite the board's recommendation unless the application for special leave is withdrawn.

Approving authority and criteria

10. For departmental and common grades, the respective Permanent Secretaries (PS)/HoDs of the bureaux/departments in which the applicants work will be the approving authority. For general grades, the respective HoGs will be the approving authority.

11. Approving authorities will only approve the special leave applications if the operation of the departments and grades will not be affected. Applications from officers subject to disciplinary proceedings or other actions being taken or contemplated to be taken which may lead to removal from the service normally will not be approved.

Application

12. It is proposed that PS/HoDs/HoGs invite applications for special leave to be submitted to them within one year from the launch of the new SUL arrangement. The special leave period must start within one year from the date of application.

Duration of leave

13. The duration of special leave that may be approved will be determined based on individual circumstances of the applicants and operational exigencies of the bureaux/departments/grades. However, to enable departments to achieve reasonable savings during the special leave period and to minimize the possible difficulties in manpower planning, it is proposed that the special leave period should at least last for one year and should not normally exceed three years except with reasonable justifications and after consulting SCS.

Retirement after expiry of special leave period

14. Under the special leave arrangement, officers may take special leave before proceeding immediately on pre-retirement leave. To facilitate manpower planning, approving authorities, with the agreement of the officers concerned and SCS, may extend the special leave period so that there will not be a gap between the end of the

special leave period and the commencement date of pre-retirement leave, if any, or the retirement date.

Conduct and discipline

15. During the special leave period, an officer will continue to be subject to regulations, directions and departmental instructions and to any Ordinances or Regulations which apply to the office or to the department to which he is appointed.

16. If subsequent to the approval of special leave application, the officer is subject to disciplinary investigation or proceedings, the approval may be rescinded if considered warranted.

Undertaking training or outside work during special leave period

17. Officers on special leave are encouraged to pursue study to enhance their qualifications or competencies so that they can perform their duties in a more effective and efficient manner. In this regard, we propose to provide training assistance to facilitate officers on special leave to undertake training programmes. Details are set out in **Annex A**.

18. As officers taking special leave do not receive any salary during the SUL period, they may also submit and the approving authorities may approve applications for outside work. Prevailing regulations governing outside work should continue to be adhered to. However, officers on special leave will not be re-employed as Non-Civil Service Contract (NCSC) staff.

Replacement of officer on special leave

19. Since an officer should only be granted special leave where it is operationally feasible to release him/her, no acting appointment will be allowed to fill his/her post during the special leave period, nor should bureaux/departments employ NCSC staff to do the same or similar job. The post will be frozen during the special leave period. Operational needs should be satisfied by re-deployment within the same rank, but there should not be any consequential acting appointments. Should approving authorities consider that there are strong justifications to deviate from these restrictions, exceptional approval has to be sought from SCS.

20. For applications from general grades officers where the HoD is prepared to release the officer but requires a replacement for the post, the respective HoGs may approve such applications if they are able to identify from another bureau/department an officer who can be operationally released for redeployment to fill the applicant's post. The post originally held by the redeployed officer will be frozen as a consequence.

Managing the civil service establishment

21. In cases where an officer on special leave decides to retire immediately at the end of the leave period, or where it is clear that the officer can be accommodated in a vacancy arising from natural wastage or other reasons at the end of his / her leave period, there will be scope for the bureau / department concerned to consider whether the post vacated by the officer on special leave can be deleted as a means to facilitate its manpower management of that specific grade.

Review

22. We propose to conduct a review one year after the implementation of the new arrangement to ascertain whether there is a further need to continue with its implementation or to make any adjustments to the scheme.

Staff consultation

23. We have issued a consultation paper to the staff sides and departmental/grade management inviting them to express their views on the proposed special leave arrangement. We shall take into account the views received from all parties and refine our proposal where necessary before implementation.

Advice sought

24. Members' views are invited on the proposal as set out above.

Training during special leave period

Reimbursement of course and examination fees

Officers who wish to pursue training during the special leave period may apply for reimbursement of tuition and examination fees of courses (local, overseas or correspondence) before the courses start. Fees will be reimbursed upon production of receipt and evidence of passing the end of course examination, or if no examination is needed, at least 80% attendance of the course. For modular courses or courses that span over one year, the officer can claim reimbursement of the fees after successful completion of each module or each year of study. All other expenses such as registration fee, textbook costs, transportation expenses, etc. are not reimbursable.

2. The maximum amount that an officer may claim is \$30,000 per year. For short courses that last for less than one normal academic year (10 months), the maximum amount reimbursed will be calculated on pro-rata basis with reference to the duration of the course, i.e. \$3,000 per month, rounding up to the nearest month (e.g. the maximum amount that can be reimbursed for a course lasting for 3.3 months is \$12,000, i.e. \$3,000 x 4 months).

Eligibility

3. All officers who have been approved to take special leave, except those who can retire with pension immediately under prevailing regulations at the time of submitting application for special leave, may apply for training assistance.

Eligible courses

4. Officers on special leave may enroll in study programmes, including distance learning and e-learning, which suit their personal development needs, such as courses that aim at enhancing qualifications, personal skills and abilities, improving language proficiency, etc. General interest courses, like Tai Chi, will normally not qualify as such courses and enrollment will not be sponsored.

5. Courses that are reimbursable should be offered by the following institutions –

- any university, university college or technical college either in Hong Kong or overseas;
- any technical institute, industrial training center, vocational training center or skills center in Hong Kong;
- any Government school or other school registered or exempted from registration under the Education Ordinance or the Post Secondary Colleges Ordinance;
- any institutes with courses registered or exempted under the Non-local Higher and Professional Education (Regulation) Ordinance;
- any statutory bodies or any trade, professional or business association providing a training or development course for either members of the public or its members only; and
- any institution approved by SCS, the Head of Department or Director of General Grades as Head of Grade, having regard to the nature of the continuing and development course to be undertaken by the officer concerned.