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9 August 2005

Clerk to Panel,
(Attn: Ms Rosalind Ma)
Legislative Council,
Legislative Council Building,
8 Jackson Road, Central,
Hong Kong

Dear Ms Ma,

Panel on Public Service

Submission from a non-civil service contract staff of Leisure & Cultural Services Department

I refer to your letter of 21 June 2005 inviting the Administration's response to the letter of 13 June 2005 from a non-civil service contract (NCSC) staff of Leisure & Cultural Services Department to Members of the Panel. The response from the department on the particular issues raised in the letter is provided at Annex. We would also like to take the opportunity to respond to the staff's views on our policy on the NCSC Scheme.

The NCSC Scheme is a standing scheme introduced in 1999 to provide Heads of Department (HoDs) with a flexible means to employ staff on fixed term contracts outside the civil service establishment to meet service needs which are short-term, part-time or under review. NCSC staff do not occupy posts on the civil service establishment and the employment relationship with the NCSC staff ends upon expiry of the contract. As such, NCSC staff are not eligible for posting, promotion or transfer to any posts in the civil service. The remuneration offered to NCSC staff is an all-inclusive pay having regard to the situation of the employment market, and the

management and operational considerations of the department. While no increment would be granted for NCSC staff, HoDs may offer pay adjustment according to the change in cost of living, the need to facilitate staff retention, and the market conditions for the jobs concerned.

Civil service and NCSC appointments are two distinct types of employment. The purposes and circumstances of employment are entirely different. As explained above, the NCSC Scheme is meant to provide HoDs with the flexibility to employ staff to meet service needs which are short-term, part-time or under review. NCSC appointment is not a measure to replace civil service appointment. Although there is a recruitment freeze, when there is a genuine case for permanent staffing by civil servants, department may apply for exceptional recruitment of civil servants. We have in fact approved a number of applications for exceptional recruitment in 18 departments/grades.

Since the introduction of the NCSC Scheme in 1999, we have regularly reviewed it in the light of experience and feedback received and introduced appropriate measures to facilitate HoDs in the employment of NCSC staff and to ensure proper utilization of the Scheme. On the remuneration package, in 2001, we raised the ceiling of the NCSC pay level from the minimum salary point to the mid-point salaries of comparable civil service ranks so as to provide further flexibility for HoDs in deciding the pay packages. HoDs are also provided with the flexibility to offer benefits including statutory holidays, annual leave with pay, sick leave and sickness allowance, and pay for maternity leave above the provision of Employment Ordinance. In 2004, we introduced a provision to ensure that the pay offered to non-skilled NCSC staff (e.g. workmen, property attendants, security guards) should be no less than the average monthly wages for the relevant industry/occupation as published in the Census and Statistics Department's Quarterly Report of Wage and Payroll Statistics in the corresponding period at the time of appointment.

On management and control of the Scheme, apart from putting in place different control measures at departmental, bureau and central level, we have introduced in 2004 a central clearing house mechanism to re-deploy surplus clerical and secretarial civil service staff to departments/bureaux to take on time-limited projects which would otherwise be performed by new NCSC staff. In addition, we will introduce further administrative measures to enhance good management practices for the employment of NCSC staff, including encouraging HoDs to avoid offering short contracts (e.g. half year or less) if the operational needs justifies a longer term employment, providing adequate notice to NCSC staff in case of non-renewal, etc.

We will remain vigilant on the utilization of the scheme and continue to introduce appropriate measures to ensure the optimal use of human resources in the civil service and good employment practice for NCSC staff.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Sharon Yip', written in a cursive style.

(Mrs Sharon Yip)
for Secretary for the Civil Service

c.c. Director of Leisure & Cultural Services (Attn : Mr Tony LEUNG)

Leisure and Cultural Services Department's Response to the LegCo Panel on Public Service's letter of 21 June 2005

Purpose

This paper sets out Leisure and Cultural Services Department's response to the written submission dated 13 June 2005 from a non-civil service contract (NCSC) staff of the department and to the issues raised in the letter from Chairman of the Panel dated 21 June 2005.

Contract Duration of NCSC staff

2. In view of the changing operational needs, in general the department has been offering one-year contracts to its NCSC staff. However, there may be certain circumstances under which we may consider a deviation from this general arrangement should be made:

- when there is a confirmed service need for a job up to a certain date beyond which its further need is subject to review;
- when the performance of the staff concerned has been unsatisfactory and a shortened contract will serve as a period for further observation on his/her suitability for future employment; or
- when there is an anticipated possibility of making pay adjustment to the NCSC staff, for example, to take into account the pay reduction for civil servants.

The department is currently actively reviewing its practice of offering one-year contract.

Cancellation of the provision of increments to NCSC staff

3. Under the current NCSC policy, there is no provision for payment of increments. Prior to mid-2003, the department used to offer salaries at the

same levels of the pay of the comparable civil service ranks to NCSC staff and adjust the salaries of NCSC staff upon contract renewal. In determining the adjusted pay levels, the department would make reference to the market conditions and other relevant factors including civil service pay levels, availability of resources, and satisfactory performance and conduct of the officers concerned. With the economic downturn during the past few years, the then market pay levels did not support a pay rise. Notwithstanding the cessation of pay increase in 2003 and 2004, the department has maintained the prevailing salaries of the serving NCSC staff upon renewal of contracts, except the pay adjustment in line with the civil service pay reduction. This adjustment was made against the background of the financial situation of the Government as a whole and having regard to the fact that the pay of the then serving NCSC staff was determined with direct reference to the civil service pay levels. Prior to implementing these changes, the department had informed all the serving NCSC staff in writing and also held a series of staff briefings to explain the rationales behind.

4. It is the department's objective to pay its NCSC staff at competitive market rates so as to recruit and retain the right persons to meet the service needs. The department will closely monitor the market conditions, the recruitment and retention situation in determining the pay of its NCSC staff.

Departure of NCSC Resident Stage Managers

5. The department has employed a number of NCSC Resident Stage Managers (RSMs) to deal with the day-to-day operation and management of stage services in the indoor stadia and performing arts venues, and to liaise with hirers regarding their technical requirements. Due to the nature of the NCSC staff scheme and the personal plans of individual staff, a certain amount of staff turnover is expected. In the recent months, the department has noted a higher turnover rate in NCSC Resident Stage Managers, possibly due to keen competition for stage managers in the market. In the meantime, the department has been engaging freelance stage managers and service contractors to provide the necessary service and internally re-deployed other staff to strengthen the support to the concerned venues to ensure the high quality of service to the public is maintained. The annual pay review for NCSC staff of the Department has just been completed and recruitment for NCSC RSMs would soon commence. This annual exercise ensures our pay offer remains competitive in the market.

Departure of NCSC Assistant Managers, Cultural Services

6. The submission from the NCSC staff commented that a large number of NCSC Assistant Managers, Cultural Services had left the department. Due to the nature of the NCSC scheme, certain amount of staff turnover is expected. Regarding the NCSC Assistant Managers, Cultural Services, there is not an unusually high staff turnover rate. The annual pay review for NCSC staff of the Department has just been completed and recruitment for NCSC AMs would soon commence. This annual exercise ensures our pay offer remains competitive in the market.

Leisure and Cultural Services Department
August 2005