

Agenda for Finance Committee Meeting  
To be held on Wednesday 24th March 1982

SUMMARY OF PART II

<u>Item No.</u>	<u>Head of Expenditure</u>	<u>Purpose</u>	<u>Supplementary provision required</u>
A.147 (p.1) IN E3/38	RECOMMENDATION OF THE ESTABLISHMENT SUB-COMMITTEE	To seek approval of the recommendation at Encl. <u>4</u> .	-
B.221 (p.2) N 75/2/ 2 II	HEAD 160 - RADIO TELEVISION HONG KONG Subhead 100 Freelance staff	To seek approval of - (a) basic conditions of employment for departmental contract staff; and (b) the change in title of Subhead 100 "Freelance staff" in the 1982-83 draft Estimates to "Departmental contract staff".	-

Item B.221 HEAD 160 - RADIO TELEVISION HONG KONG  
(FIN 75/2/2 Subhead 100 Freelance staff  
11)

Members are invited to approve -

- (a) basic conditions of employment for departmental contract staff for Radio Television Hong Kong (RTHK), as set out in this agenda item; and
- (b) the change in title of Subhead 100 "Freelance staff" under Head 160 Radio Television Hong Kong in the 1982-83 draft Estimates to "Departmental contract staff".

#### Introduction

On 23rd December 1981, Members considered agenda item A.98 which sought approval for supplementary provision of \$3,178,000 to -

- (a) enable the fees payable to certain freelance staff to be increased with effect from 1st August 1981; and
- (b) meet an increase in expenditure arising from the temporary employment of freelance staff for programme production.

2. Arising from that agenda item Members raised a number of questions and did not approve the item. Members requested -

- (a) a full explanation as to why the 214 new posts mentioned in the agenda item were created;
- (b) details of a sample contract for freelance staff with a full statement of the terms and conditions;

/ (c) a ...

- (c) a full explanation of the increased workload referred to in the agenda item;
- (d) an examination of the present staffing level with a view to identifying possible economies; and
- (e) an explanation of why it is considered necessary to maintain parity between the freelance fees and equivalent civil service salaries, and why it is necessary to consider backdating any adjustment.

3. Questions (a) and (c) in paragraph 2 above are related. The new posts were created between April 1980 and December 1981, mainly to enable the weekly output of television public affairs programmes to be increased; a significant increase in television public affairs output was not feasible without additional staff. The 1979-80 output was four hours 43 minutes, and this rose to nine hours 12 minutes in 1981-82 - an increase of 95%. The Government's policy substantially to increase output also meant a commitment to greater variety and higher quality of programmes, without which RTHK's consistently high ratings could not be achieved or maintained. In addition to discussion and drama programmes and documentaries, RTHK has recently produced a series of competition/variety shows to publicise industrial safety, services for the handicapped and the District Administration Scheme. Compared to programmes in the past which were mainly studio-based, these new programmes require more research and consultations, more sophisticated camera and lighting techniques, frequent changes of cast, props and background and more location filming, requiring a higher use of manpower.

4. An increase in posts for the Radio Division was also necessary, to enable RTHK to -

- (a) reshape its five radio channels to give each a distinct purpose - Radio 1 (Chinese) and Radio 3 (English) for news and current affairs, Radio 2 (Chinese) for popular music and government messages, Radio 4 for arts and fine music, and Radio 5 for minority programmes and the BBC World Service;

/(b) increase ...

- (b) increase the range and improve the quality of public affairs programmes on both English and Chinese channels; and
- (c) strengthen editorial supervision of news and public affairs.

Encl. 5

5. As regards paragraph 2(b), a sample contract for freelance staff is at Enclosure 5. This contract was approved by Civil Service Branch in July 1978. RTHK is currently reviewing the wording of this sample contract in consultation with the Legal Department and the Civil Service Branch. Members will note that employment is offered on month to month terms and there are provisions to cover copyrights and outside work. Freelance staff do not receive fringe benefits.

6. As regards paragraph 2(d), a full scale establishment review of RTHK started on 8th March 1982 and a report will be presented to the Establishment Sub-Committee of Finance Committee in June or July 1982.

7. As regards paragraph 2(e), the problem of setting appropriate fees for freelance staff is considered fully in later paragraphs.

8. As a result of Members' questions, a full review of the arrangements for engaging freelance staff has been carried out, and certain proposals are now made in this agenda item.

#### Definition of freelance staff

9. There is some confusion as to what is meant by "freelance staff". Strictly speaking, the term should be applied only to casual artists, disc jockeys, script-writers, contributors and researchers whose services are engaged for a specific purpose in the production of particular programmes. Such freelance staff are paid a fee for their services and not a salary. Their cost is a proper charge on the Programmes vote (Head 160 Subhead 101 in the 1982-83 draft Estimates). It is intended that the term should, in future, be applied only to such staff.

10. The engagement of freelance staff so defined should be left to the discretion of the Director of Broadcasting. Within the funds available in the Programme vote, he should be in a position to engage freelance staff as and when required, and to pay the going market rate necessary to obtain their services.

/11. The ...

11. The problem which was the subject of the agenda item on 23rd December 1981, and which gave rise to Members' questions, had to do with staff employed on contract because of vacancies in the approved establishment. These are not freelance staff, and it is intended that in future they should be referred to as "departmental contract staff". In the 1982-83 draft Estimates a new subhead has been included to meet the expenses of employing departmental contract staff - this subhead has been incorrectly entitled "Freelance staff" (Head 160 Subhead 100 in the 1982-83 draft Estimates), and it is proposed that this title should now be changed to "Departmental contract staff".

#### Need for departmental contract staff

12. RTHK is in the competitive broadcasting business, and has an operational need to recruit staff at short notice faster than government procedures ordinarily allow. It is therefore necessary for RTHK to be able to employ staff before they can be actually appointed to posts in the civil service. This also has the advantage of enabling the person concerned to be better assessed as to his or her suitability for appointment to a post, and thus helps in the process of normal civil service selection procedures.

13. Having regard to this, it is proposed that in future the employment of departmental contract staff should be strictly related to the number of vacancies in the approved establishment of posts in the Programme Officer grade. It will be necessary, therefore, before departmental contract staff are engaged, to justify the creation of a post in the Programme Officer grade in the normal way.

14. In effect, the employment of departmental contract staff will normally be temporary pending the completion of formal appointment procedures to the vacant post. There may exceptionally be instances where someone is employed as departmental contract staff but, for valid reasons, is not suitable for eventual appointment to the post, and in these cases the employment on departmental contract staff terms will tend to be of longer duration.

15. Departmental contract staff will be restricted to those employed to perform the duties normally appropriate to ranks in the Programme Officer grade, and their numbers in each rank will not exceed the number of vacancies in that rank.

/Conditions ...

Conditions of employment

16. It is proposed that the Director of Broadcasting should have the authority to employ departmental contract staff on any point in the pay scale for the appropriate rank in the Programme Officer grade. The contract will stipulate the fixed point, and will be on month to month terms. There will be no scale as such, and no annual increments.

17. In normal circumstances, it is not envisaged that departmental contract staff will remain on contract for more than a year in any individual case. Should this happen, however, the Director of Broadcasting should have the authority to review the fixed point of salary, and to move it up or down on the appropriate pay scale, having regard to his updated assessment of the value of the person concerned - this review would be carried out on the anniversary of the person's first employment.

18. The contract will not provide for any fringe benefits such as quarters, housing allowances, education allowances, medical and dental benefits or passages. In effect, therefore, the cost of contract staff will be less than for a civil servant appointed to a post.

19. As the fixed point salary in any individual case will be determined by reference to the Master Pay Scale, it is proposed that it should be automatically revised when the Master Pay Scale is revised - for example as a result of a pay trend survey adjustment. These arrangements would start with effect from 1st April 1982.

20. Members are invited to approve the proposed arrangements set out in paragraphs 13 to 19.

21. This item has been placed on Part II of the Agenda because of the need to introduce the proposed new arrangements with effect from 1st April 1982. The inconvenience caused to Members is regretted.

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**RADIO TELEVISION HONG KONG**

To:

Date:

Sir/Madam,

Radio Television Hong Kong has the pleasure of offering you employment. Details are as follows:—

- Position: .....
- Section: .....
- Effective date of Service: .....
- Duty hours per week: .....
- Salary per month: .....

2. You will be responsible to the head of the above-mentioned Section for the performance of such duties as are assigned to you from time to time. Your Section Head will provide you with a detailed description of duties.
3. This appointment is terminable at one month's notice, or on payment of one month's salary in lieu of notice, by either party.
4. I should be grateful if you would confirm your acceptance of the offer by completing and returning the lower portion together with the original letter within 7 days as from the date of this letter. This offer will lapse on the expiry of the 7 days in question unless the time for acceptance is extended by me.

Yours faithfully,

(  
for Director of Broadcasting

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**ACCEPTANCE**

Date:

The Director of Broadcasting,  
Broadcasting House,  
Broadcast Drive,  
Kowloon.  
Dear Sir,

I refer to your letter of ..... offering employment to me as a freelance contract staff and have pleasure in accepting it. I agree to abide by the terms and conditions stated in your said letter of offer and also hereunder:—

- \* 1. All copyright that may subsist in the work i.e. subject to the assignment shall vest with the Crown.
- \* 2. RTHK is entitled to use or rebroadcast recorded programmes without payment of a repeat fee.
- \* 3. During the validity of this contract I shall not undertake any other employment which could give rise to a conflict of interest, without first obtaining the written approval of the Director of Broadcasting.
- \* 4. The appointment is terminable at one month's notice, or on payment of one month's salary in lieu of notice, by either party.

Signed .....

Name in Capitals .....

Address .....

\* Delete whichever is inappropriate

香港電台

敬啓者：茲擬聘請 台端在本台任職，詳情如下：

職位：

部門：

就任日期：

每週工作時間：

每月薪金：

台端須向上述部門之主管負責，執行所指派之職務。職務範圍，該主管將有詳細指示。

任何一方辭職或解僱，須預先一個月通知，或以一個月薪金代替通知。

倘 台端接納聘請，請於本函發出日期之七日內將「接納聘請書」部份填妥，與本函正本一同交回。除非本人延長期限，否則七日過後，此聘請即告無效。

此致

廣播處長

謹啓

( 代行 )

一九 年 月 日

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接納聘請書

敬啓者：

來函敬悉。本人願意接受聘請為香港電台之合約職員，並

同意遵照 台端所列及以下所載之條件：

- \* (一)有關電台所指派之工作之一切版權，全屬政府所有。
- \* (二)香港電台有權使用或重播錄音或錄影節目而毋須繳付任何費用。
- \* (三)在本合約之有效期間內，本人未獲得廣播處長之書面許可前，決不兼任其他任何會引致利益衝突之工作。
- \* (四)任何一方辭職或解僱，須預先一個月通知或以一個月薪金代替通知。

( \* 刪去不適用者 )

簽 名：

姓名正楷：

地 址：

一九 年 月 日