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30 August 2006

Secretary for the Civil Service
(Attn: Mr P H LI)
Government Secretariat
10th Floor, West Wing
Central Government Offices
Hong Kong

Dear PH,

Panel on Public Service

Follow-up to meeting on 19 June 2006

Thank you for the paper provided on 25 August 2006 responding to members' concerns raised at the above meeting. As directed by Hon TAM Yiu-chung, Chairman of the Panel, I write to invite the Administration to provide further written response to address members' concerns.

The Administration may recall that during the discussion at the above meeting, members have expressed concerns about the non-application of the Employment Ordinance (EO) (Cap. 57) to the Government and the employment protection of non-civil service contract (NCSC) staff. To address members' concerns, the Administration was requested to take the following actions (Item 4(a) and (b) of the list forwarded to the Administration on 21 June 2006):

- (a) To consider application of EO to the Government, taking into account members' views, as follows –
 - (i) Employees of the Government and those of private companies should be subject to the same statutory employment protection under EO. While administrative arrangements were in place to help ensure that the spirit of EO was upheld with regard to civil servants and NCSC staff, such administrative arrangements did not enjoy the same status as legislation. It was unjustified for the Government, being the biggest employer in Hong Kong, to deprive its employees of the statutory protection provided under EO; and

- (ii) A consistent approach should be adopted by the Government in considering whether a piece of legislation should be applied to the Government. Given that some relevant ordinances, such as Employees' Compensation Ordinance (Cap. 282), Disability Discrimination Ordinance (Cap. 487), and the Family Status Discrimination Ordinance (Cap. 527) were applicable to the Government, it was unjustified that EO was not applicable to the Government;
- (b) On members' concern about the employment protection of NCSC staff, the Administration undertook to provide in writing –
- (i) Existing administrative guidelines issued to Heads of Departments governing the protection of the right of NCSC staff to join trade unions and take part in trade union activities, in particular, whether and how NCSC staff would be protected from termination of employment, penalty or discrimination because of their participation in a trade union and its activities;
 - (ii) Whether the protection provided to NCSC staff under the administrative guidelines in (i) above were comparable with and not lower than the statutory requirements stipulated in EO; and
 - (iii) Whether and how NCSC staff were provided with information about the content of the guidelines in (i) above.

Having noted the paper provided by the Administration, the Chairman considers that the paper has not fully addressed members' concerns. The Chairman would like to invite the Administration to provide a more detailed written response to address members' concerns mentioned in item (a)(i) and (ii) above, and to provide the information mentioned in item (b)(i) above.

I should be grateful if you would provide the Panel with the requested information (in both Chinese and English) **on or before 20 September 2006**. Please forward the softcopy of the information to Ms May LEUNG at mleung@legco.gov.hk.

Yours sincerely,

(Miss Salumi CHAN)
Clerk to Panel

c.c. Hon TAM Yiu-chung, GBS, JP (Chairman)