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6 October 2006

Miss Salumi Chan
Clerk to LegCo Panel on Public Service
3/F, Citibank Tower
3 Garden Road
Central
Hong Kong

Dear Miss Chan,

**Panel on Public Service
Follow-up to meeting on 19 June 2006**

I refer to your letter of 30 August 2006 seeking some additional information further to the information note sent to you on 25 August 2006.

The Government's policy of employing non-civil service contract (NCSC) staff on terms and conditions no less favourable than those provided for under the Employment Ordinance was promulgated to all bureaux and departments through a Civil Service Bureau Circular in January 2001. The Circular specifically states that: "The first guiding principle of the employment package for NCSC staff is that the terms and conditions must be no less favourable than those provided for under the Employment Ordinance (Cap.57) and must fully meet the provisions of other employment legislation which binds the Government, including the Employees' Compensation Ordinance (Cap.282)."

The Government's policy has been and continues to be implemented faithfully by all bureaux and departments. We therefore do not consider there is a need to extend the scope of the Employment Ordinance to include NCSC staff

employed by the Government or to apply the Employment Ordinance to the Government.

We wish to reiterate that the Government's policy is that criminal liability should not be imposed on the Government. The considerations underlying this policy have already been explained to the LegCo Panel on Administration of Justice and Legal Services at its meeting in February 2006.

The above quoted CSB Circular also requires bureaux and departments to always refer to the relevant employment legislation and related reference materials published by the Labour Department from time to time. Such reference materials include a Concise Guide to the Employment Ordinance, which covers essential information on employment protection including provisions on protection against discrimination on account of union participation or activity.

Yours sincerely



(Ms Adeline CHAN)
for Secretary for the Civil Service