

立法會
Legislative Council

LC Paper No. CB(1)2118/07-08
(These minutes have been seen
by the Administration)

Ref: CB1/SS/9/07

**Subcommittee on Pension Benefits Ordinance
(Established Offices) (Amendment) (No. 2) Order 2008**

**Minutes of second meeting on
Monday, 26 May 2008, at 2:30 pm
in the Chamber of the Legislative Council Building**

Members present : Hon KWONG Chi-kin (Chairman)
Hon LEE Cheuk-yan
Hon CHAN Yuen-han, SBS, JP
Hon SIN Chung-kai, SBS, JP
Hon TAM Yiu-chung, GBS, JP
Hon LI Fung-ying, BBS, JP

Member absent : Hon Audrey EU Yuet-mee, SC, JP

**Public Officers
attending** : **Agenda item I**

Mr K S SO, JP
Deputy Secretary for the Civil Service 2

Mr Patrick CHAN Nim-tak, JP
Director of General Grades

Ms Maggie WONG
Principal Assistant Secretary for the Civil Service
(Conditions of Service)

Ms Rayne CHAI
Senior Government Counsel
Department of Justice

**Attendance by
Invitation**

: Agenda item I

The Federation of Hong Kong & Kowloon Labour Unions

Mr FUNG Siu-ming
Consultant

Government Employees Association

Mr WONG Chit-man
General Secretary

Miss CHAN Sin-ming
Assistant General Secretary

Hong Kong Leisure Services Staff General Union

Mr CHEUNG Siu-wing
Chairman

LAM Siu-lan
公關

Hong Kong Civil Servants General Union Negotiation
Committee

Mr CHUNG Tak-cheung
Chairman

Government Park and Playground Keepers Union

Mr YIP Chi-shing
Chairman

Model Scale 1 Staff Consultative Council (Staff Side)

Mr CHAN Hin-cheong
Chairman

Mr LEUNG Tat-wah
Vice-chairman

Government Staff Union

Mr LAI Fong
Member Representative

Hong Kong Police Force Model Scale 1 Staff Association

Ms LEE Wai-ching
Chairman

Hong Kong Food and Environmental Hygiene Department Employees Association

Ms LEE Wai-yee
Vice Chairman

Ms LAI Sau-shan
Secretary

Hong Kong Government Water Supplies Department Employees Union

Mr SUEN Ming-fung
Chairman

Agriculture, Fisheries and Conservation Department Staff Association

Mr LEE Wai
Secretary

Hong Kong Federation of Civil Service Unions

Mr LEUNG Chau-ting
Chairman

Government Municipal Staff General Union

Mr LAU Tan-yuen
Committee Member

Government Mod 1 Staff General Union

Mr IP Yum-tak
Chairman

Mr TAM Moon-hoi
Office Bearer

Government, Craftsmen & Mechanical Works
Supervisors, Craftsmen & Workmen Association

Mr NG Yue-hin
Chairman

Clerk in attendance : Mr Andy LAU
Chief Council Secretary (1)2

Staff in attendance : Miss Winnie LO
Assistant Legal Adviser 7

Mr Noel SUNG
Senior Council Secretary (1)4

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I Meeting with deputations/the Administration

Submissions from the following organizations not attending the meeting

- (LC Paper No. CB(1)1523/07-08(04) - Submission from Hong Kong Leisure and Cultural Services Department Employees General Union
- LC Paper No. CB(1)1523/07-08(05) - Submission from Government Property Attendants Association)

Meeting with the Administration

- (LC Paper No. CB(1)1624/07-08(10) - Administration's response to issues raised at the meeting on 15 May 2008
- LC Paper No. CB(1)1523/07-08(01) - LN 104 of 2008 — Pension Benefits Ordinance (Established Offices) (Amendment) (No. 2) Order 2008
- File Ref: CSBCR/PG/4-085-001/24 - Legislative Council Brief
Pt. 12
- LC Paper No. LS 78/07-08 - Legal Service Division Report
- LC Paper No. CB(1)1524/07-08 - Paper on Pension Benefits Ordinance (Established Offices) (Amendment) (No. 2) Order 2008 prepared by the Legislative Council

Secretariat (Background brief))

The Subcommittee deliberated (index of proceedings attached at **Annex**).

2. The Chairman invited the staff associations/unions to present their views in turn.
3. The Subcommittee noted that the request of the Staff Side of the Model Scale 1 (MOD1) Staff Consultative Council for conversion to Category A status stemmed from a desire for greater security in employment and better safeguard in terms of disciplinary and related procedures. Compared with a Category B officer, a Category A officer enjoyed greater job security, more favourable arrangements upon in-service appointment to another grade, and better safeguard in respect of disciplinary and related procedures in the sense that the Public Service Commission should be consulted before a decision is made on the punishment of a Category A officer or before requiring a Category A officer to retire in the public interest. As such, the majority of the staff associations/unions giving views to the Subcommittee had indicated support for the proposed conversion of MOD1 staff to Category A status and expressed the wish for its early implementation.
4. Whilst expressing support in principle of the conversion proposal, the staff associations/unions considered that the proposal could not fully satisfy the demands of all serving MOD 1 staff. Some staff associations/unions had requested that for equity reason, the leave earning rate of serving MOD 1 staff converted to Category A status should be enhanced to align with that applicable to junior civil servants remunerated on the Master Pay Scale. Some staff associations/unions also requested that the period of time allowed for all serving MOD 1 staff to opt to convert from Category B to Category A status should be lengthened to one year.
5. The staff associations/unions expressed strong view regarding the inter-departmental posting arrangement. Under the Administration's proposal, MOD 1 staff who opted for and are converted to Category A status would be subject to inter-departmental posting at the discretion of the management. The staff associations/unions were worried that the Government might make use of this flexibility to speed up the outsourcing of government services. Due to variation in organization culture and job requirements and skills among different departments, the affected staff might find it difficult to adapt, thus affecting their performance. In the worst case, they might be treated like "human ball" and kicked between different departments or forced to retire. Some staff associations/unions therefore requested that the inter-departmental posting arrangements be deleted from the conversion proposal. Individual staff associations/unions also expressed the view that the consultation conducted by the management was not adequate and requested that another round of consultation be conducted to gauge the views of all affected MOD 1 staff before the conversion proposal was considered by the Legislative Council.
6. Considering the strong views expressed by the staff side on the Administration's proposal for introducing the inter-departmental posting arrangement, members were mostly concerned that if the Administration took forward the outsourcing programme,

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MOD1 staff who opted to change to Category A status would be seriously affected as they might be forced to resign in the end. The Subcommittee therefore examined in detail the impact of outsourcing on junior staff, the arrangements for effecting inter-departmental posting in the event of staff/post mis-match, the manpower situation of MOD1 grades including anticipated staff surplus situation in bureaux and departments and the deployment of existing MDO 1 staff by work streams.

7. The Administration advised that inter-departmental posting was part and parcel of the conversion proposal, which aimed to enhance staff deployment flexibility within the Government. Inter-departmental posting would only be arranged when there was a mis-match between MOD 1 common grade posts and staff. To deal with such mis-match, the Administration further advised that the Civil Service Bureau (CSB) would operate a clearing house mechanism and centrally co-ordinate the inter-departmental posting as and when the need arose. Further details were set out in LC Paper No. CB(1) 1624/07-08(10) and the guiding principles would be promulgated in a CSB circular.

8. The Administration said that staff posted from one bureau or department (B/D) to another under the central clearing house mechanism would not normally be allowed to revert to the original department following the inter-departmental posting as a matter of principle. Suitable training would be arranged by the receiving B/D to facilitate the affected staff to adapt to the new working environment. If there was a case which warranted exceptional consideration, it would be dealt with on its own merits.

9. On the duration of the option period, the Administration explained that the option period would be extended from three months to around six months to allow more time for MOD1 staff to consider before making a decision. To cater for the need of staff who wished to convert to Category A status early, conversion would take effect on 1 October 2008 for those who returned their option forms on or before 30 September 2008; and on 1 January 2009 for those who returned their option forms from 1 October 2008 to 31 December 2008. The Staff Side of the MOD1 Staff Consultative Council was consulted on and expressed support for the extended option period.

10. On staff consultation, the Administration advised that the Government had consulted the Staff Side of MOD1 Staff Consultative Committee through the established consultative machinery. CSB took the initiative to issue a letter to individual MOD1 staff which explained the details and implications of the conversion proposal. Departments which employed a large number of MOD1 staff were also requested to brief the affected staff.

11. After deliberation, the Administration was requested to provide further information on the following:

Admin

- (a) to confirm whether outsourcing of government services would lead to mismatch in demand and supply of MOD1 common grade staff at the departmental level, if so, whether staff would be treated like "human ball"

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and kicked between different departments or forced to retire; and whether the medical conditions of staff would be taken into account in arranging inter-departmental posting;

- (b) to set out the recruitment policy of MOD1 staff; and
- (c) to provide a breakdown of the estimated number of MOD1 staff who would be subject to the inter-departmental posting arrangements in various B/Ds.

II Any other business

12. There being no other business, the meeting ended at 4:35 pm.

Council Business Division 1
Legislative Council Secretariat
4 July 2008

**Subcommittee on Pension Benefits Ordinance
(Established Offices) (Amendment) (No. 2) Order 2008**

**Proceedings of the second meeting
on Monday, 26 May 2008, at 2:30 pm
in the Chamber of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action required
<i>Agenda Item I – Meeting with deputations/the Administration</i>			
000000 - 000244	Chairman	Opening remarks.	
000245 - 000621	The Federation of Hong Kong & Kowloon Labour Unions	The Union supported the conversion proposal. However, the Union was concerned about the inter-departmental posting arrangements especially when the Government speed up its outsourcing arrangements. The Union requested for withdrawal of the inter-departmental posting requirement. A longer option period, say for one year should be allowed. The Union also queried the setting of the proposed leave accumulation limit for MOD1 staff on local terms and converting to Category A status.	
000622 - 000824	Government Employees Association	The Association did not object to the conversion proposal although members were concerned about the involuntary postings under the inter-departmental posting arrangement which might arise as a result of outsourcing of services. The Association sought clarification whether only the 1 915 MOD 1 staff listed in the Administration's written response (LC Paper No. CB(1)1624/07-08(10)) were subject to inter-departmental posting.	
000825 - 000957	Hong Kong Leisure Services Staff General Union	While supporting the conversion proposal, the Union was concerned about the inter-departmental posting arrangement as MOD 1 staff might be posted to an office far away from their homes which would incur extra traveling time and expenses for the staff.	
000958 - 001047	Hong Kong Civil Servants General Union Negotiation Committee	The Union supported the stance of the staff side at the MOD 1 Staff Consultative Council (MOD 1 SCC).	
001048 - 001137	Government Park and Playground Keepers Union	The Union supported the conversion proposal but objected to the inter-departmental posting arrangement.	
001138 - 001527	Model Scale 1 Staff Consultative Council (Staff Side)	Representatives of the Staff Side stressed the advantages brought about by the conversion proposal and pointed out that	

Time marker	Speaker	Subject(s)	Action required
		MOD 1 staff might opt for the conversion on a voluntary basis.	
001528 - 001637	Government Staff Union	The Union supported the conversion proposal but was concerned about the inter-departmental posting arrangement.	
001638 - 001812	Hong Kong Police Force Model Scale 1 Staff Association	In supporting the conversion proposal, the Association was gravely concerned about the inter-departmental posting arrangement and requested that the Administration should provide written confirmation that MOD 1 staff would not be subject to inter-departmental posting as a result of outsourcing of services. The Association requested that an adaptation period should be given to MOD 1 staff being posted to a new department, and serving MOD 1 staff should not be subject to inter-departmental posting.	
001813 - 002022	Hong Kong Food and Environmental Hygiene Department Employees Association	The Association supported the conversion proposal and asked for further staff consultation on the implementation details on the proposal.	
002023 - 002201	Hong Kong Government Water Supplies Department Employees Union	The Union supported the conversion proposal as staff might opt for the conversion on a voluntary basis. The Union, however, was concerned about the inter-departmental posting arrangement. The Union requested the Government to make a written undertaking not to arrange inter-department posting because of outsourcing of services.	
001729 - 001820	Agriculture, Fisheries and Conservation Department Staff Association	While supporting the conversion proposal, the Association requested the Government to withdraw the requirement for inter-departmental posting.	
002255 - 002740	Hong Kong Federation of Civil Service Unions	The Federation objected to the conversion proposal as it had not satisfied all the demands of the MOD 1 staff. The Federation pointed out that many MOD 1 staff were worried about the inter-departmental posting arrangement as it would only facilitate the Government to outsource its services. The Federation queried why the other central consultative councils and the major service-wide staff unions were not consulted on the issue.	
002741 - 002916	Government Municipal	The Union supported the conversion	

Time marker	Speaker	Subject(s)	Action required
	Staff General Union	proposal although it had not met all the demands of MOD 1 staff.	
002917 - 003054	Government Mod 1 Staff General Union	The Union queried about the need of imposing the inter-departmental posting condition as the Government pointed out that in the next two years there would not be any mismatch of MOD 1 staff in any department. The Union would not accept the conversion proposal if the Government did not increase the leave earning rate by 9 days, and waive the inter-departmental posting arrangement for MOD 1 staff.	
003055 - 003257	Government, Craftsmen & Mechanical Works Supervisors, Craftsmen & Workmen Association	The Association was concerned about the inter-departmental posting arrangement. The Association requested that inter-departmental posting should only be arranged on a voluntary basis, and the option period should be extended to one year.	
003258 - 004001	Administration	Briefing by the Administration on LC Paper No. CB(1)1624/07-08(10).	
004002 - 004130	Administration	Further explanation of the inter-departmental posting arrangement, and the revised option period.	
004131 - 004238	Government Mod 1 Staff General Union Administration Chairman	Queries and explanations of the rationale behind the introduction of the inter-departmental posting arrangement.	
004239 - 004720	Hong Kong Government Water Supplies Department Employees Union Administration	Discussion on the inter-departmental posting arrangement, including the granting of an adaptation period.	
004721 -005011	Hong Kong Leisure Services Staff General Union Chairman	Discussion on the inter-departmental posting.	
005012 -005329	Hong Kong Federation of Civil Service Unions Administration Chairman	Discussion on staff consultation on the conversion proposal.	
005330 - 005433	The Federation of Hong Kong & Kowloon Labour Unions Administration	Discussion on withdrawal of the inter-departmental posting arrangement.	

Time marker	Speaker	Subject(s)	Action required
005434 - 010305	Miss CHAN Yuen-han Administration	Discussion on inter-departmental posting and staff consultation arrangements.	The Administration was requested to confirm whether the medical conditions of staff would be taken into account in arranging inter-departmental posting.
010306 - 011329	Ms LI Fung-ying Administration	Discussion on the number of MOD 1 staff who would be subject to inter-departmental posting and the length of the option period.	The Administration was requested to provide a breakdown of the estimated number of MOD1 staff who would be subject to the inter-departmental posting arrangements in various departments.
011330 - 012419	Mr LEE Cheuk-yan Administration Hong Kong Federation of Civil Service Unions	Discussion on the number of MOD 1 staff who would be subject to inter-departmental posting; and the recruitment policy for MOD 1 staff.	The Administration was requested to confirm whether outsourcing of government services would lead to mismatch in demand and supply of MOD1 common grade staff at the departmental level, if so, whether staff would be treated like "human ball" and kicked between different departments or forced to retire; and to set out the recruitment policy of MOD1 staff.
012420 - 012533	Hong Kong Food and Environmental Hygiene Department Employees Association Administration	Discussion on withdrawal of the inter-departmental posting arrangement for serving MOD 1 staff.	
012534 - 013030	Hong Kong Food and Environmental Hygiene Department Employees Association	Discussion on withdrawal of the inter-departmental posting arrangement for serving MOD 1 staff.	
013031 - 013312	Hong Kong Federation of Civil Service Unions	Discussion on the inter-departmental posting arrangement, including its impact	

Time marker	Speaker	Subject(s)	Action required
		on Supplies Attendants.	
013313 - 013804	Government Mod 1 Staff General Union Administration	Discussion on inter-departmental posting arrangement.	
013805 - 014318	Hong Kong Federation of Civil Service Unions	The Federation was dissatisfied with the conversion arrangements, e.g. lack of an improved leave earning rate.	
014319 - 014711	Government Employees Association Administration Chairman	Discussion on inter-departmental posting, e.g. provision of an adaptation period.	
014712 - 015133	Hong Kong Leisure Services Staff General Union Administration	Discussion on the inter-departmental posting arrangement.	
015134 - 015409	Hong Kong Government Water Supplies Department Employees Union Administration Chairman	Discussion on inter-departmental posting arrangement.	
<i>Agenda Item II – Any other business</i>			
015410 - 015541	Chairman	Meeting Schedule.	
015542 - 015636	Chairman	Matters to be discussed at the next meeting.	
015637 - 015807	Miss CHAN Yuen-han	Discussion on inter-departmental posting arrangement.	
015808 - 015823	Chairman	Schedule of next meeting.	
015824 - 015941	Mr LEE Cheuk-yan	Discussion on recruitment policy for MOD 1 staff, and further staff consultation.	
015942 - 020041	Chairman	Schedule of next meeting.	
020042 - 020110	Hong Kong Federation of Civil Service Unions	Discussion on the inter-departmental posting arrangement.	
020111 - 020140	Mr LEE Cheuk-yan	Discussion on the inter-departmental posting arrangement.	
020141 - 020200	Miss CHAN Yuen-han	Discussion on the inter-departmental posting arrangement and Government's staff redundancy policy.	

Time marker	Speaker	Subject(s)	Action required
020201 - 020236	Hong Kong Federation of Civil Service Unions Mr LEE Cheuk-yan Miss CHAN Yuen-han Hong Kong Government Water Supplies Department Employees Union	Discussion on the inter-departmental posting arrangement.	
020237 - 020333	CCS(1)2	Time schedule for reporting to the House Committee.	
020334 - 020409	Miss CHAN Yuen-han	Schedule of meeting.	
020410 - 020435	Hong Kong Leisure Services Staff General Union	Discussion on the option period.	
020436 - 020453	Chairman	Schedule of meeting.	
020454 - 020514	CCS(1)2	Schedule of meeting.	
020515- 020541	Hong Kong Civil Servants General Union Negotiation Committee Chairman	Discussion on circulation of information on follow-up actions.	
020542 - 020548	Chairman	There are being no other business, the meeting at 4:35 pm.	