

立法會
Legislative Council

LC Paper No. CB(1)1298/09-10
(These minutes have been seen
by the Administration)

Ref : CB1/BC/9/08

Bills Committee on Public Officers Pay Adjustment Bill

**Minutes of fifth meeting held on
Tuesday, 10 November 2009, at 8:30 am
in Conference Room A of the Legislative Council Building**

Members present : Hon IP Kwok-him, GBS, JP (Chairman)
Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP
Dr Hon Margaret NG
Hon James TO Kun-sun
Hon CHEUNG Man-kwong
Hon LI Fung-ying, BBS, JP
Prof Hon Patrick LAU Sau-shing, SBS, JP
Dr Hon PAN Pey-chyou

Member attending : Hon CHEUNG Kwok-che

Members absent : Hon LEE Cheuk-yan
Hon TAM Yiu-chung, GBS, JP
Hon LEUNG Kwok-hung
Hon Mrs Regina IP LAU Suk-yea, GBS, JP

Public Officers attending : **Agenda item I**

Mr Andrew H Y WONG, JP
Permanent Secretary for the Civil Service

Mr Brian LO
Deputy Secretary for the Civil Service 2

Mr Chris SUN
Principal Assistant Secretary
for the Civil Service (Pay and Leave)

Mr Eamonn MORAN, JP
Law Draftsman
Department of Justice

Ms Frances HUI
Senior Government Counsel
Department of Justice

Miss Ann HON
Assistant Director of Social Welfare (Subventions)
Social Welfare Department

Ms Lily NG
Chief Social Work Officer (Subventions)
Social Welfare Department

**Attendance by
invitation**

: **Agenda item I**

Hospital Authority

Mr David ROSSITER
Head of Human Resources

Ms Iris HO Wai-ngor
Chief Manager (Human Resources)

The Hong Kong Council of Social Service

Mr Joseph WONG
Business Director (Corporate Management)

Clerk in attendance

: Ms Joanne MAK
Chief Council Secretary (1)2

Staff in attendance

Ms Connie FUNG
Senior Assistant Legal Adviser 1

Ms Sarah YUEN
Senior Council Secretary (1)6

Mr Ken WOO
Council Secretary (1)2

Action

I Meeting with the Administration

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

Meeting with representatives of Hospital Authority, The Hong Kong Council of Social Service and the Administration

- (LC Paper No. CB(1)286/09-10(01) - Administration's response to issues raised at the meeting on 27 October 2009
- LC Paper No. LS9/09-10 - Paper on proposed amendment to lower the percentage of pay reduction prepared by Legal Service Division
- LC Paper No. CB(1)234/09-10(01) - Letter from The Hong Kong Institute of Education
- LC Paper No. CB(1)250/09-10(01) - Letter from the Lingnan University
- LC Paper No. CB(1)250/09-10(02) - Letter from the City University of Hong Kong
- LC Paper No. CB(1)250/09-10(03) - Letter from The Hong Kong University of Science and Technology
- LC Paper No. CB(1)250/09-10(04) - Letter from The Chinese University of Hong Kong
- LC Paper No. CB(1)250/09-10(05) - Letter from The University of Hong Kong
- LC Paper No. CB(1)250/09-10(06) - Letter from Hong Kong Baptist University
- LC Paper No. CB(1)250/09-10(07) - Letter from The Hong Kong Polytechnic University
- LC Paper No. CB(1)286/09-10(02) - Summary of responses of the eight institutions funded by the University Grants Committee prepared by the Legislative Council Secretariat)

2. The Bills Committee met with the Hospital Authority (HA) and The Hong Kong Council of Social Service (HKCSS) to understand how HA and HKCSS's member organizations would adjust the salaries of their staff if the proposed civil service pay adjustments were implemented (consequential pay adjustments).

Admin 3. To facilitate deliberation on the Bill, the Administration was requested to -

- (a) Explain how the Government would adjust the subventions for subvented bodies including HA and those in the social welfare sector

following a civil service pay adjustment, including the formulae applied; and

- (b) Provide the number of staff members of the Social Welfare Department (SWD) who would be affected by the proposed civil service pay cut.

Clause-by-clause examination of the Bill

(LC Paper No. CB(3)748/08-09	-	The Bill
File Ref: CSB/CR/PG/4-085-001/62	-	The Legislative Council Brief issued by the Civil Service Bureau
File Ref.: CSBCR/PG/4-085-001/62	-	The Legislative Council Brief issued by the Civil Service Bureau
LC Paper No. LS 99/08-09	-	Legal Service Division Report on the Bill
LC Paper No. CB(1)2708/08-09(01)	-	Senior Assistant Legal Adviser's letter dated 15 September 2009 to the Administration and the Administration's reply letter dated 18 September 2009)

- 4. The Bills Committee examined clauses 1 to 5 of the Bill.
- 5. Members agreed that additional meetings would be held on the following dates –
 - (a) Friday, 20 November 2009, at 8:30 am;
 - (b) Monday, 23 November 2009, at 4:30 pm; and
 - (c) Monday, 30 November 2009, at 4:30 pm.

II Any other business

- 6. There being no other business, the meeting ended at 9:50 am.

**Proceedings of the fifth meeting of
the Bills Committee on Public Officers Pay Adjustment Bill
on Tuesday, 10 November 2009, at 8:30 am
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action required
Agenda Item I –Meeting with the Administration			
<i>Meeting with representatives of Hospital Authority, Hong Kong Council of Social Service and the Administration</i>			
000000– 001138	Chairman	- Opening remarks	
001139– 001326	HA	- Presentation of views that HA would adjust the salaries of its staff in accordance with the pay adjustments of civil servants at comparable levels (consequential pay adjustments) although for contractual reasons, consent of the HA staff concerned would have to be secured beforehand	
001327– 001513	HKCSS	- Presentation of views that HKCSS's member organizations would implement the consequential pay adjustments according to their past practices; that if HKCSS's Executive Committee agreed, guidelines would be issued to ensure consistency, and there would be sufficient communication and transparency when making the consequential pay adjustments; and that the major concerns of the employees of subvented social welfare bodies about the likely consequential pay adjustments were whether they would apply to staff receiving pay at the lower segment of a salary scale whose pay points at the upper segment fell within the upper salary band, and whether they would apply to staff employed on projects not funded by Government subventions	

Time marker	Speaker	Subject(s)	Action required
001514– 001644	Chairman Administration	<ul style="list-style-type: none"> - SWD's explanation of the established procedures to be followed if the subventions of the subvented bodies in the social welfare sector were reduced as a result of civil service pay adjustments 	
001645– 002244	Ms LI Fung-ying HA HKCSS	<ul style="list-style-type: none"> - Discussion on how HA would introduce the consequential pay adjustments, and handle cases where the staff concerned did not consent to the adjustments - Discussion on Ms LI's concern that subvented social welfare bodies might pass the reduction in their subventions onto junior staff , and on whether HKCSS would issue guidelines to remind its member organizations that consequential pay adjustments should apply to staff in the relevant salary band(s) only 	
002245– 002730	Mr CHEUNG Kwok-che HKCSS Administration	<ul style="list-style-type: none"> - Discussion on whether consequential pay adjustments should be applied to employees in subvented social welfare bodies according to salary band or actual monthly pay - Discussion on whether measures were available to ensure the proper implementation of consequential pay adjustments 	
002731– 003400	Dr PAN Pey-chyou Administration	<ul style="list-style-type: none"> - Discussion on the read-across implications of the proposed civil service pay cut, the unfairness of applying similar pay cuts to staff of subvented bodies to whom the benefits of the civil service might not apply, and the risk that the introduction of legislation to implement the proposed civil service pay cut might be susceptible to judicial review 	

Time marker	Speaker	Subject(s)	Action required
003401– 003737	Chairman Mr CHEUNG Man-kwong HKCSS Administration	<ul style="list-style-type: none"> - Administration's clarification in response to Mr CHEUNG that the proposed pay reduction in the upper salary band and above was subject to the proviso that no pay point in the upper salary band should be less than \$48,700 (i.e. \$300 above the upper limit of \$48,400 of the middle salary band) and such proviso was necessary to ensure the dollar value of those pay points in the lower bound of the upper salary band after reduction would not be lower than the pay points in the upper bound of the middle salary band - Discussion on whether the proposed civil service pay cut would affect staff of subvented bodies whose employment was not funded by Government subvention 	
003738– 004048	Ms LI Fung-ying HA HKCSS	<ul style="list-style-type: none"> - Discussion on how HA would handle cases where its staff did not consent to the likely consequential pay adjustments - Discussion on whether HKCSS would issue to its member organizations guidelines on the implementation of consequential pay adjustments 	
004049– 005001	Chairman Mr CHEUNG Kwok-che Administration	<ul style="list-style-type: none"> - Administration's clarification in response to Mr CHEUNG that the pay trend survey only tracked the year-on-year pay adjustment in the private sector and that the fringe benefits of employees in the private sector were not taken into account - Discussion on whether staff employed on service contract basis would be affected by the proposed civil service pay cut 	

Time marker	Speaker	Subject(s)	Action required
		<ul style="list-style-type: none"> - Discussion on how the subventions for subvented bodies in the social welfare sector would be adjusted - Discussion on whether measures, including complaint channels and penalties, were available to ensure the proper implementation of consequential pay adjustments 	
005002– 005826	Dr PAN Pey-chyou HA Administration	<ul style="list-style-type: none"> - Request for details on how the subventions for subvented bodies including HA and most of those in the social welfare sector would be adjusted - Discussion on the differences in the employment terms of HA staff employed at different times of HA's development, and the perceived unfairness of applying similar pay cuts to them notwithstanding the above differences 	<p>Administration to provide information (paragraph 3 of minutes)</p> <p>Administration to provide information (paragraph 3 of minutes)</p>
005827– 011029	Chairman Mr CHEUNG Kwok-che Administration	<ul style="list-style-type: none"> - Request for details on how the subventions for subvented bodies in the social welfare sector would be adjusted - Request for the number of SWD staff members who would be affected by the proposed civil service pay cut - Discussion on whether staff employed on service contract basis would be affected by the proposed civil service pay cut if their monthly salary exceeded \$48,400 - Administration's explanation in response to Mr CHEUNG of the rationale for imposing pay cut on only those civil servants with a monthly salary exceeding \$48,400 	<p>Administration to provide information (paragraph 3 of minutes)</p> <p>Administration to provide information (paragraph 3 of minutes)</p>

Time marker	Speaker	Subject(s)	Action required
<i>Clause-by-clause examination of the Bill</i>			
011030– 011243	Chairman Administration	- Examination of clause 1	
011244– 011540	Administration Senior Assistant Legal Adviser 1 (SALA1)	- Discussion on clause 2 (LC Paper No. CB(1)2708/08-09(01))	
011541– 011840	Chairman Administration	- Examination of clauses 3 to 4	
011841- 012309	Chairman Administration SALA1 Mr CHEUNG Man-kwong Mr James TO	- Discussion on clause 5 (LC Paper No. LS9/09-10) - Discussion on the need to further examine clause 5 again together with the other clauses thereafter when more members were present in recognition of the clause's importance	
012310– 012350	Chairman	- Meeting schedule of the Bills Committee	