

立法會
Legislative Council

LC Paper No. CB(1)769/09-10
(These minutes have been
seen by the Administration)

Ref : CB1/BC/9/08

Bills Committee on Public Officers Pay Adjustment Bill

**Minutes of the sixth meeting held on
Friday, 20 November 2009, at 8:30 am
in Conference Room A of the Legislative Council Building**

- Members present** : Hon IP Kwok-him, GBS, JP (Chairman)
Hon LEE Cheuk-yan
Dr Hon Margaret NG
Hon TAM Yiu-chung, GBS, JP
Hon LI Fung-ying, BBS, JP
Prof Hon Patrick LAU Sau-shing, SBS, JP
Hon Mrs Regina IP LAU Suk-yee, GBS, JP
- Members absent** : Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J.,JP
Hon James TO Kun-sun
Hon CHEUNG Man-kwong
Hon LEUNG Kwok-hung
Dr Hon PAN Pey-chyou
- Public officers attending** : 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)

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Mr Eamonn MORAN, JP
Law Draftsman
Department of Justice

Ms Frances HUI
Senior Government Counsel
Department of Justice

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

I Meeting with the Administration

- (LC Paper No. CB(1)415/09-10(01) — Administration's response to issues raised at the meeting on 10 November 2009
- LC Paper No. CB(1)415/09-10(02) — Proposed Committee Stage amendments by the Administration
- 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. LS9/09-10 — Paper on proposed amendment to lower the percentage of pay reduction prepared by Legal Service Division

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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)

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

Clause-by-clause examination of the Bill

2. The Bills Committee continued to examine the Bill clause by clause from clause 5 onwards.

3. Members noted that clause 12 varied the contracts of employment of public officers so that those contracts expressly authorized the adjustments to pay or the amount of any allowance made by the Bill. In response to the enquiry of Senior Assistant Legal Adviser 1, the Administration explained that it appreciated that this clause was not absolutely necessary given the Court of Final Appeal's judgment in *Secretary for Justice v. Lau Kwok Fai & Another* (2005)8 HKCFAR 304. It was, nevertheless, included for the avoidance of doubt and for consistency with the Public Officers Pay Adjustment Ordinance (Cap. 574) and Public Officers Pay Adjustments (2004/2005) Ordinance (Cap. 580). Mr LEE Cheuk-yan expressed the view that this clause was unseemly as it expressly authorized the Government to vary the contracts of employment of public officers. The Administration explained that the clause was included for the sake of clarity. Members had no other comments.

Proposed Committee Stage amendments (CSAs)

4. Members noted the draft CSAs proposed by the Administration to Part 1 of the Schedule to the Bill as detailed in the Administration's paper (LC Paper No. CB(1)415/09-10(02)).

5. The Administration explained that the purposes of the proposed CSAs were to ensure that the salary point 39 to be created under the General Disciplined Services (Officer) Pay Scale would be subject to a reduction of 5.38% as other pay points falling within the upper salary band and above, and that there would be no reference to the obsolete pay points on the Directorate Pay Scale and the Directorate (Legal) Pay Scale. The proposed amendments were necessitated by the Chief Executive(CE)-in-Council's decision on 20 October 2009 to accept and refine, as appropriate, the salary and increment-related recommendations in the Grade Structure Review reports on the civilian directorate and the disciplined services. According to the

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Administration, the proposed CSAs were technical in nature, and were in full compliance with the CE-in-Council's decision on the civil service pay adjustment for 2009-2010 made on 23 June 2009.

Motion

6. After the completion of the scrutiny process, members had no further queries on the Bill. The Administration proposed to resume the Second Reading debate on the Bill on 16 December 2009.

7. Mrs Regina IP moved the following motion –

"本會(法案委員會)反對《公職人員薪酬調整條例草案》恢復二讀(辯論)。”

(Translation)

"This Committee (Bills Committee) is opposed to the resumption of the Second Reading (debate) on the Public Officers Pay Adjustment Bill."

The Chairman put the motion to vote. The motion was passed by the Bills Committee with three members voted for and one member voted against the motion. The Chairman requested the Administration to take into consideration the motion passed by the Bills Committee.

Legislative timetable and cancellation of meetings

Clerk

8. As the Bills Committee had completed scrutiny of the Bill, members agreed that the Bills Committee would report its deliberations to the House Committee at its meeting on 4 December 2009. The Chairman reminded members that the deadline for giving notice of CSAs was 7 December 2009.

9. Members agreed to cancel meetings earlier scheduled for the following dates –

- (a) 23 November 2009 at 4:30 pm; and
- (b) 30 November 2009 at 4:30 pm.

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II Any other business

10. There being no other business, the meeting ended at 9:15 am.

Council Business Division 1
Legislative Council Secretariat
3 February 2010

**Proceedings of the sixth meeting of
the Bills Committee on Public Officers Pay Adjustment Bill
on Friday, 20 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			
001048 – 001243	Chairman	- Opening remarks	
001244– 001634	Chairman Administration Mr LEE Cheuk-yan	- Continuation of the clause-by-clause examination of the Bill from clause 5 onwards - Administration's explanation that civil service pay for the upper salary band and above would be reduced by 5.38% 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) (clause 3(2))	
001635 – 002004	Chairman Administration	- Examination of clauses 6 to 8	
002005 – 002323	Chairman Administration	- Examination of clause 9 - Administration's citation of examples to explain what allowances were determinable in accordance with or by reference to pay point or points	
002324 – 002459	Chairman Administration	- Examination of clause 10 and clause 11	
002460 – 002838	Chairman Administration Senior Assistant Legal Adviser 1 Mr LEE Cheuk-yan	- Examination of clause 12 and discussion	
002839 – 003441	Chairman Administration	- Examination of clause 13 and the Schedule to the Bill - Administration's briefing on its proposed Committee Stage amendments (LC Paper No.	

Action

Time marker	Speaker	Subject(s)	Action required
		CB(1)415/09-10(02))	
003442– 003900	Chairman Mrs Regina IP Administration	- Voting on the motion moved by Mrs Regina IP	
003901 – 004259	Chairman Mrs Regina IP Administration Mr TAM Yiu-chung	- The legislative timetable - Discussion on the need to hold further meetings - The Chairman's conclusion that the Bills Committee would report its deliberations to the House Committee on 4 December 2009	The Clerk to prepare a report of the Bills Committee for submission to the House Committee

Council Business Division 1
Legislative Council Secretariat
3 February 2010