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協會檔號 OUR REF: (1) IN SS/C 1/12 Pt.15

來件編號 YOUR REF: CE/PET/

24<sup>th</sup> July 2009

The Honourable Donald Tsang, GBM  
The Chief Executive  
Hong Kong SAR.

Dear Sir,

### **2008 and 2009 Pay Trend Survey**

We write further to our previous petition of 19<sup>th</sup> June 2009 for an independent review of the 2008 and 2009 Pay Trend Surveys (PTS) and your subsequent rejection on 23<sup>rd</sup> June of that request.

As you are no doubt aware, a number of new issues came to light during the meeting to discuss the 2009-10 civil service pay adjustment held on 7<sup>th</sup> July 2009 by the Legislative Panel on Public Service (PS). These issues, raised by various staff representatives, Legislators, the Alternative Chairman of the Pay Trend Survey Committee (PTSC) and the Secretary for Civil Service (SCS), have raised our concerns that your decision to reject our earlier petition was not based upon a full and frank disclosure of the facts. In particular, we highlight the following issues:-

- (a) The SCS admitted that, contrary to her version given to the PS Panel on 29<sup>th</sup> June, there was in fact NO meeting held by the PTSC in March 2009 to endorse the survey field of the 2009 PTS. The Secretary claimed this endorsement was made in January but a simple reading of the minutes of the 72<sup>nd</sup> PTSC meeting held on 7<sup>th</sup> January 2009 will show that only 139 companies were endorsed and NOT the two companies in question;
- (b) It became apparent that the Chairman PTSC did NOT honour her promise to make available to your good self the full minutes of the 75<sup>th</sup> PTSC Meeting so that you could base your decision on the 2009 pay adjustment for the civil service upon full and frank disclosure of the diverging views and comments made in the so called “validation” of the 2009 PTS results;
- (c) The Alternative Chairman of the PTSC admitted that there was in fact NO formal validation of the 2009 PTS results at the meeting on 8<sup>th</sup> June and so your decision to impose pay cuts according to the Pay Trend Indicators published after that meeting was not based upon any validated findings;

- (d) It was confirmed that the PTS has never been validated by way of “majority” since its inception in 1974 and that the only way to validate the PTS is by unanimous consensus. As the Vice Chair of the panel noted the “validation” this year is therefore “unprecedented”, and yet you have based your decision to cut the upper band civil servants by a percentage directly related to these invalid PTS results; and
- (e) Panel members expressed grave concerns about the lack of proper disclosure by the PTSC in the course of their conduct of the 2008 and 2009 PTS as well as the need for proper arbitration of the dispute surrounding this issue.

Notwithstanding the above, and the fact that we may yet seek recourse to a judicial review if proper arbitration of the dispute is not forthcoming, we continue to seek a solution to this impasse through proper dialogue. We maintain that the PFC SS will validate the 2009 PTS in respect of the 119 companies that were properly endorsed for the 2009 PTS and met the agreed methodology criteria. We maintain that the valid Pay Trend Indicators as confirmed by these 119 surveyed companies should be strictly applied to the three pay bands. Based upon the factors outlined above and the need to maintain stability in Hong Kong, we hereby petition for formal arbitration. We would hope for a rectification of your earlier decision on the 2009-10 civil service pay adjustment, and for such decision to be replaced by strict application of the results of the 2009 PTS that can be validated by the PFC SS and other unions (the 119 properly endorsed companies).

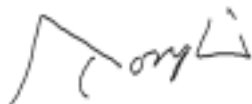
We look forward to your early reply and favourable consideration of our petition.

Yours faithfully,



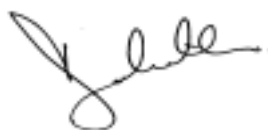
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SHAM Wai-kin  
Chairman  
SPA



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LIU Kit-ming  
Chairman  
HKPIA



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David WILLIAMS  
Chairman  
OIA



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CHUNG Kam-wa  
Chairman  
JPOA

c.c.  
Secretary for the Civil Service  
Secretary for the Security  
Chairman, LegCo Panel on Public Service  
Members of LegCo  
Commissioner of Police