

警察評議會職方協會
香港軍器廠街一號警察總部
警政大樓三十九樓
電話 Telephone: 2860 2645
傳真 Fax: 2200 4355



**POLICE FORCE COUNCIL
STAFF ASSOCIATIONS**
39/F, ARSENAL HOUSE
POLICE HEADQUARTERS
1 ARSENAL STREET HONG KONG

協會檔號 OUR REF: (1) IN SS/C 1/12 Pt.15

來件編號 YOUR REF: CE/PET/

24th 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 19th June 2009 for an independent review of the 2008 and 2009 Pay Trend Surveys (PTS) and your subsequent rejection on 23rd 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 7th 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 29th 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 72nd PTSC meeting held on 7th 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 75th 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 8th 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.

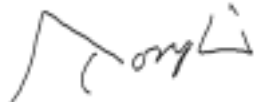
Notwithstanding the above, and the fact that we may yet seek recourse to a judicial review if proper arbitration of the dispute is not forthcoming, we continue to seek a solution to this impasse through proper dialogue. We maintain that the PFC SS will validate the 2009 PTS in respect of the 119 companies 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.

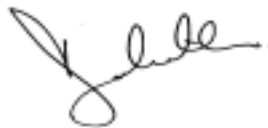
Yours faithfully,



SHAM Wai-kin
Chairman
SPA



LIU Kit-ming
Chairman
HKPIA



David WILLIAMS
Chairman
OIA



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