

**Replies to supplementary questions raised by Finance Committee Members in
examining the Estimates of Expenditure 2010-11**

**Director of Bureau : Secretary for the Civil Service
Session No. : 2**

Reply Serial No.	Question Serial No.	Name of Member	Head	Programme
S-CSB01	SV005	CHAN Mo-po, Paul	143	Human Resource Management
S-CSB02	SV006	PAN Pey-chyou	143	Human Resource Management

Examination of Estimates of Expenditure 2010-11
**CONTROLLING OFFICER'S REPLY TO
SUPPLEMENTARY QUESTION**

Reply Serial No.

S-CSB01

Question Serial No.

SV005

Head: 143 – Government Secretariat: Civil Service Bureau Subhead (No. & title):

Programme: (2) Human Resource Management

Controlling Officer: Permanent Secretary for the Civil Service

Director of Bureau: Secretary for the Civil Service

Question:

In response to Hon. Paul CHAN Mo-po's call to consider the introduction of a general enabling legislation to provide the legal framework for implementing upward and downward civil service pay adjustments so as to, *inter alia*, facilitate resolution of disputes regarding the date such adjustments should take effect to prevent delays in this regard, the Administration agreed to seek legal advice on whether, notwithstanding Article 103 of the Basic Law, the enabling legislation could provide that civil service pay adjustment, if any, should be implemented with retrospective effect from 1 April of the financial year concerned. The Administration would then provide a paper on when and how the study on the introduction of the enabling legislation would be conducted, in particular on when and how parties other than civil servants would be consulted.

Asked by: Hon. CHAN Mo-po, Paul

Reply:

The Administration has been in discussion with the staff side representatives over the last three years on issues pertaining to the development of an effective means for implementing both upward and downward pay adjustments. So far, the staff side representatives are of a consensual view that a mechanism to reduce civil service pay should *not* and need *not* be implemented in the form of an enabling legislation. If civil service pay is to be reduced, they opine that enacting a piece of one-off legislation may be more appropriate. They also consider that the long-established mechanism for adjusting civil service pay upwards should continue.

The Administration will continue to consult with the staff sides on these issues. As and when consultations are concluded, we will seek the advice of the three advisory bodies on civil service salaries and conditions of service, i.e. the Standing Commission on Civil Service Salaries and Conditions of Service, the Standing Committee on Disciplined Services Salaries and Conditions of Service and the Standing Committee on Directorate Salaries and Conditions of Service. We will also seek the views of the Legislative Council and other stakeholders, including other staff unions/associations.

With respect to implementing a civil service pay reduction with retrospective effect, our legal advice is that it is not lawful to backdate a pay reduction. Under Article 105 of the Basic Law, the right of individuals to the acquisition, use, disposal and inheritance of property is protected. Specifically, once the right to receive pay has accrued through services performed, it is "property" for the purposes of Article 105 of the Basic Law, and it is legally and constitutionally impossible to recover the pay to which an officer was entitled when it was paid, which has become his/her "property", retrospectively through pay reduction legislation.

Signature _____

Name in block letters Andrew HY WONG

Post Title Permanent Secretary for the Civil Service

Date 30 March 2010

Examination of Estimates of Expenditure 2010-11
**CONTROLLING OFFICER'S REPLY TO
SUPPLEMENTARY QUESTION**

Reply Serial No.

S-CSB02

Question Serial No.

SV006

Head: 143 – Government Secretariat: Civil Service Bureau Subhead (No. & title):

Programme: (2) Human Resource Management

Controlling Officer: Permanent Secretary for the Civil Service

Director of Bureau: Secretary for the Civil Service

Question:

In response to Dr Hon PAN Pey-chyou, the Administration agreed to explain the reasons for the projected reduction of 63 posts in the establishment of the Education Bureau, namely, from 5 750 posts in the 2010 Revised Estimate to 5 687 posts in the 2011 Estimate as shown in the Annex to the Administration's reply (CSB 008) to question 2016.

Asked by: Hon. PAN Pey-chyou

Reply:

The establishment of the Education Bureau (EDB) is projected to have a net reduction of 63 posts in 2010-11. This is the net result of the creation of 70 non-directorate posts, the deletion of 131 non-directorate posts and the lapse of two supernumerary directorate posts. The 70 additional posts are planned to be created mainly for the purpose of enhancing the provision of services in various areas including meeting the staffing requirement in government schools, as well as enhancing school-based educational psychology service, anti-drug education and national education. The 131 posts are planned to be reduced mainly due to the replacement of non-graduate by graduate teacher posts in government secondary schools, reduction in teaching posts arising from the drop in the number of operating classes in government schools, and contracting out of janitor services following the departure of Workshop Attendants and Workmen II through natural wastage in government schools. The Reply Serial No. EDB215 made by the Permanent Secretary for Education, which sets out details of the non-directorate posts planned for creation or deletion, is attached at Annex for reference. As regards the two supernumerary directorate posts, they are responsible for ensuring the smooth implementation of the New Academic Structure for Senior Secondary Education and Higher Education and will lapse on 1 July 2010.

Signature _____

Name in block letters _____ Andrew HY WONG

Post Title _____ Permanent Secretary for the Civil Service

Date _____ 30 March 2010

Reply Serial No. EDB 215

The net deletion of 61 non-directorate posts in 2010-11 is the net result of the creation of 70 posts and reduction of 131 posts. The 70 additional posts are planned to be created mainly for the purpose of enhancing the provision of services in various areas including meeting the staffing requirement in government schools, as well as enhancing school-based educational psychology service, anti-drug education and national education. The 131 posts are planned to be reduced mainly due to the replacement of non-graduate by graduate teacher posts in government secondary schools, reduction in teaching posts arising from the drop in the number of operating classes in government schools, and contracting out of janitor services following the departure of Workshop Attendants and Workmen II through natural wastage in government schools. The estimated salary provision involved for the reduction of posts is around \$13.4 million per annum in terms of notional annual mid-point salary value.

The breakdown of the above posts by programme area, rank and mid-point salary is as follows -

Programme (2) Primary Education

<u>Rank</u>	<u>Posts to be created</u>	<u>Mid-point Salary</u>
Headmaster / Headmistress I	1	\$62,510
Senior Primary School Master / Mistress	1	\$49,975
Primary School Master / Mistress	12	\$46,230
Assistant Master / Mistress	17	\$36,740

<u>Rank</u>	<u>Posts to be deleted</u>	<u>Mid-point Salary</u>
Headmaster / Headmistress II	- 1	\$54,765
Primary School Master / Mistress	- 2	\$46,230
Assistant Primary School Master / Mistress	- 12	\$32,055
Assistant Master / Mistress	- 1	\$36,740
Certificated Master / Mistress	- 18	\$25,320
Workman II	- 11	\$9,785
Subtotal:	- 14	

Programme (3) Secondary Education

<u>Rank</u>	<u>Post to be created</u>	<u>Mid-point Salary</u>
Principal II	4	\$68,015
Education Officer	11	\$54,765

<u>Rank</u>	<u>Posts to be deleted</u>	<u>Mid-point Salary</u>
Principal I	- 4	\$81,750
Senior Education Officer	- 1	\$62,510
Education Officer	- 18	\$54,765
Assistant Education Officer	- 27	\$35,095
Principal Assistant Master / Mistress	- 11	\$54,765
Senior Assistant Master / Mistress	- 1	\$46,230
Assistant Master / Mistress	- 2	\$36,740
Certificated Master / Mistress	- 7	\$25,320
Artisan	- 1	\$13,120
Workshop Attendant	- 3	\$10,595
Workman II	- 11	\$9,785
Subtotal:	- 71	

Programme (5) Other Educational Services and Subsidies

<u>Rank</u>	<u>Posts to be created</u>	<u>Mid-point Salary</u>
Senior Specialist (Education Services)	1	\$81,750
Specialist (Education Services) I	10	\$59,930
Subtotal:	11	

Programme (7) Policy and Support

<u>Rank</u>	<u>Posts to be created</u>	<u>Mid-point Salary</u>
Senior Education Officer (Administration)	1	\$81,750
Education Officer (Administration)	1	\$59,930
Assistant Education Officer (Administration)	5	\$40,290
Assistant Inspector (Graduate)	4	\$40,290
Assistant Supplies Officer	1	\$24,120
Supplies Supervisor II	1	\$15,785
Subtotal:	13	
Net Total:	- 61	