

立法會
Legislative Council

LC Paper No. CB(1)1132/09-10
(These minutes have been seen
by the Administration)

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Panel on Public Service

**Minutes of meeting held on
Monday, 2 November 2009, at 4:30 pm
in the Chamber of the Legislative Council Building**

Members present : Hon LEE Cheuk-yan (Chairman)
Dr Hon PAN Pey-chyou (Deputy Chairman)
Dr Hon Margaret NG
Hon CHEUNG Man-kwong
Hon TAM Yiu-chung, GBS, JP
Hon LI Fung-ying, BBS, JP
Hon LEUNG Kwok-hung
Dr Hon LEUNG Ka-lau
Hon WONG Sing-chi
Hon IP Wai-ming, MH
Hon Mrs Regina IP LAU Suk-ye, GBS, JP

Members attending : Hon James TO Kun-sun
Hon WONG Kwok-hing, MH

Public officers attending : **Agenda item IV**

Miss Denise YUE, GBS, JP
Secretary for the Civil Service

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

Mr Brian LO
Deputy Secretary for the Civil Service 2

**Attendance by
invitation**

: Agenda item IV

Government Disciplined Services General
Union

Mr LAM Kwok-ho
Chairman

Mr MOK Wai-sang
Committee Member

Hong Kong Correctional Services General Union

Ms Maxim WANG Mei-hsin
Secretary

Mr LEE Siu-kai
Assistant Secretary

Disciplined Services Consultative Council
(Staff Side)

Mr SO Chau-ming
Chairman

Mr NGAI Sik-shui
Committee Member

Immigration Service Officers Association

Mr William LEE Hok-Lim
Chairman

Hong Kong Fire Services Department
Ambulancemen's Union

Mr BUI Sing-lee
Chairman

Mr WAT Ki-on
Vice Chairman

Hong Kong Chinese Civil Servants' Association

Ms LI Kwai-yin
Vice President

Clerk in attendance : Ms Joanne MAK
Chief Council Secretary (1)2

Staff in attendance : Ms Sarah YUEN
Senior Council Secretary (1)6

Miss Winnie CHENG
Legislative Assistant (1)5

Action

I Confirmation of minutes of meeting

(LC Paper No. CB(1)175/09-10 — Minutes of meeting on
15 October 2009)

The minutes of the meeting held on 15 October 2009 were confirmed.

II Information papers issued since last meeting

2. Members noted that no information paper had been issued since the last meeting.

III Items for discussion at the next meeting scheduled for 21 December 2009

(LC Paper No. CB(1)189/09-10(01) — List of outstanding items
for discussion

LC Paper No. CB(1)189/09-10(02) — List of follow-up actions)

3. Members agreed to discuss the following items at the next regular meeting on 21 December 2009 –

(a) Employment of non-civil service contract (NCSC) staff; and

(b) Civil Service Outstanding Service Award Scheme 2009.

4. Members agreed not to discuss the use of agency workers under the item "Employment of NCSC staff", as the Administration's information paper on the engagement of agency workers by bureaux and departments would not be available by the next meeting.

5. Members noted the letter from Mrs Regina IP requesting the Panel to discuss the request from the Hong Kong Government Lifeguards General Union for the conduct of a grade structure review (GSR) for the lifeguard

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grade. Members agreed to consider the request in the wider context of the GSR triggering mechanism. In this connection, members agreed to add "Requests for the conduct of GSR for specific non-directorate civilian grades: assessment criteria" to the Panel's list of outstanding items for discussion.

IV Grade Structure Review reports on the directorate, the disciplined services and specific civilian grades

- (LC Paper No. CB(1)189/09-10(03) — Administration's paper on Grade Structure Review of the Disciplined Services: Job-related Allowances
- CSBCR/PG4-085-001/57-58 — Administration's paper on the two grade structure review reports on the civilian directorate and the disciplined services (Legislative Council Brief)
- CSBCR/PG4-085-001/59 — Administration's paper on the grade structure review report on specific civilian grades (Legislative Council Brief)
- LC Paper No. CB(1)352/08-09 — Background brief on grade structure reviews prepared by the Legislative Council Secretariat)

Briefing by the Administration

6. The Secretary for the Civil Service (SCS) briefed members on the Chief Executive (CE)-in-Council's decisions on the GSR reports on the directorate, the seven disciplined services, and specific civilian grades as set out below –

- (a) The recommendations of the Standing Committee on Directorate Salaries and Conditions of Service in its GSR report on the civilian directorate should be accepted, subject to a refinement of the recommendation on the frequency of future comprehensive reviews;
- (b) The recommendations of the Standing Committee on Disciplined Services Salaries and Conditions of Service (SCDS) in its GSR report on the disciplined services should be accepted, subject to refinement of the recommendations on the frequency of future comprehensive reviews, the maximum pay point of the first promotional ranks of the

Junior Police Officer/Rank and File (JPO/R&F) grades, and the nomenclature of the Detective Allowance;

- (c) The recommendations of the Standing Commission on Civil Service Salaries and Conditions of Service in its GSR report on the Veterinary Officer grade and the non-directorate ranks of the legal grades should be accepted in full;
- (d) Subject to the approval of the Finance Committee (FC), the recommendations on salary and increment in the above reports, as well as the associated conversion arrangement for serving staff in the affected ranks, should be implemented with retrospective effect from 1 April 2009;
- (e) Subject to the approval of FC, a special arrangement should be put in place for calculating the pension benefits of those directorate and disciplined services civil servants who retired/resigned or who passed away with death gratuity with their last day of service (pre-retirement leave included) falling between 27 November 2008 and 31 March 2009, or who were injured/died on duty with additional/dependant pension during the aforesaid period of time; and
- (f) The recommendations on job-related allowances and restructuring of the 'through scale arrangement' should take effect from the first day of the month immediately following approval by the relevant authority, and the recommendations on conditioned hours of work and creation of new grade/rank should be implemented when the necessary administrative arrangements were put in place.

Presentation of views by deputations

Government Disciplined Services General Union (GDSGU)

7. Mr LAM Kwok-ho, Chairman of GDSGU, briefed members on GDSGU's views. Members noted that GDSGU had the following comments -

- (a) GDSGU supported the special arrangement in paragraph 6(e) above and the introduction of additional increments to motivate staff of the disciplined services;
- (b) GDSGU would continue to pursue its three demands (hereafter referred to as "the three demands") below, which regrettably had not been acceded to in the above 2008 GSR exercise:

- (i) to standardize the pay and grade structure across the disciplined services;
 - (ii) to extend the through scale arrangement to the Correctional Services, the Customs and Excise, the Immigration, the Government Flying Service and the Fire Services' Ambulance Stream; and
 - (iii) to shorten the conditioned hours of work in respect of all disciplined services without requiring compliance with the three pre-requisites of cost neutrality, manpower neutrality and maintaining the same level of service to the public (the three pre-requisites); and
- (c) GDSGU called for the early implementation of the CE-in-Council's decisions above in recognition of the 20-year gap between the last comprehensive GSR for the disciplined services conducted in 1988 by the Rennie Committee (the 1988 Rennie Review) and the 2008 GSR.

*Hong Kong Correctional Services General Union
(LC Paper No. CB(1)259/09-10(01))*

8. Mr LEE Siu-kai, Assistant Secretary of the Union, briefed members on the Union's submission, which questioned the need to achieve the three pre-requisites before the conditioned hours of work in respect of all disciplined services could be shortened. The Union also found it undesirable that the CE-in-Council –

- (a) had not clearly defined the frequency of conducting GSRs;
- (b) had not acceded to the request of the staff of the Correctional Services Department (CSD) for improvements to their working conditions; and
- (c) had not recorded in detail requests that had not been acceded to and the reasons concerned. In particular, the CE-in-Council had not explained why it had not acceded to CSD staff's request to raise the maximum pay point for the Correctional Services Officer Grade.

Disciplined Services Consultative Council (Staff side) (DSCCSS)

9. Mr SO Chau-ming, Chairman of DSCCSS, briefed members on DSCCSS's views as follows –

- (a) DSCCSS welcomed the CE-in-Council's decision in paragraph 6(b) above and supported its early implementation;
- (b) the implementation of the CE-in-Council's GSR decision would help enhance morale of the disciplined services;
- (c) DSCCSS appreciated the introduction of the special arrangement in paragraph 6(e) above; and
- (d) DSCCSS would continue to pursue the three demands with SCDS and the Civil Service Bureau (CSB) through the existing mechanism, and would call upon all its member associations to express their views.

10. Mr NGAI Sik-shui, member of DSCCSS, echoed Mr SO Chau-ming's points. He then called upon SCDS to fairly monitor changes in the job nature and salary structure of individual disciplined services grades and conduct GSRs as necessary to ensure their pay was reasonable; and to impartially handle different disciplined services' requests and grievances. He said that SCDS's recommendations as well as the CE-in-Council's decisions above were not accepted by all of the seven disciplined services. However, he called for their early implementation notwithstanding that there were problems that remained unresolved.

Immigration Service Officers Association

11. Mr William LEE, Chairman of the Association, briefed members on the views of the Association as well as other staff of the Immigration Department (ImmD), including those in the R&F grade. Members noted that while accepting SCDS's report, ImmD staff found it regretful that it had rejected literally all their requests, including those seeking to raise -

- (a) the entry points for the Immigration Assistant Grade (R&F) and the Immigration Officer Grade (Officer Cadre) to bring them in line with comparable ranks in other disciplined services; and
- (b) the maximum points for the Immigration Assistant Grade (R&F) to bring them in line with comparable ranks in other disciplined services.

12. Mr William LEE further quoted cases to explain how the work of ImmD staff had become more dangerous and demanding over the past 20 years, and how ImmD staff had risen to the challenges efficiently and professionally notwithstanding the additional workload. As such, although ImmD staff would also benefit from certain recommendations of SCDS, they were disappointed at SCDS's denial of their requests in paragraph 11 above, which meant ImmD staff would regrettably remain the lowest-paid disciplined staff when compared to their counterparts in other disciplined services. He considered it necessary for CSB to clearly explain the criteria for aligning ImmD staff's pay with those of other disciplined services.

*Hong Kong Fire Services Department Ambulancemen's Union
(LC Paper No. CB(1)210/09-10(01))*

13. Mr WAT Ki-on, Vice Chairman of the Ambulancemen's Union, briefed members on the submission of the Ambulancemen's Union, which highlighted certain problems with the 2008 GSR for the disciplined services, such as SCDS had refused to meet with the Ambulancemen's Union but it had acceded to meeting the management side. The Ambulancemen's Union was also concerned that the ambulance stream had not been fairly remunerated according to the increase in ambulancemen's job requirements and responsibilities. In particular, the Ambulancemen's Union was discontented that the Paramedic Allowance presently payable to qualified staff in the Principal Ambulanceman and Senior Ambulanceman ranks in recognition of their higher qualifications, special skills and greater responsibilities in performing paramedic duties had not been made a part of their basic salary although more than 75% of the staff in these ranks were already drawing the allowance.

*Hong Kong Chinese Civil Servants' Association
(LC Paper No. CB(1)210/09-10(02))*

14. Ms LI Kwai-yin, Vice President of the Association, briefed members on the Association's submission. In gist, though welcoming the CE-in-Council's decisions, the Association had the following concerns –

- (a) The Administration had discriminated against non-directorate civilian grades. Despite the many requests from various civilian grades for GSR, the Administration had, in the 2008 GSR exercise, only reviewed the Veterinary Officer grade and the non-directorate ranks of the legal grades, instead of conducting a comprehensive review as in the case of the civilian directorate and the disciplined services. Since many civilian grades had also undergone many changes in their operating environment during the 20-year gap between the 1988 Rennie Review

and the 2008 GSR and hence met the criteria for conducting GSR, the above selective approach was unfair and divisive, and would affect the morale of the civilian grades as well as the internal relativity among the directorate, disciplined services and civilian grades;

- (b) The Administration's failure to properly communicate with staff when handling the above three GSR reports had given rise to concern on the part of the staff sides over the deferred implementation of recommendations of the 2008 GSRs. The Administration should adhere to the established mechanism in handling civil service pay issues and maintain good communication with staff sides; and
- (c) There was a lack of "market comparators" for some 40% of civilian grades but no separate GSRs had been conducted for them. As a result of such unfair treatment, the career progression of the staff concerned had been greatly affected. To prevent industrial actions taken by these grades, CSB should also review whether these grades had undergone significant changes in operation in the past 20 years, and to initiate GSRs for civilian grades as necessary.

15. Members noted that the Police Force Council Staff Side, which did not send representatives to the meeting, had provided a submission (LC Paper No. CB(1)189/09-10(04)) for members' reference.

The Administration's initial response to the deputations' concerns

16. In response to the concerns expressed by the deputations, SCS made the following points –

- (a) Regarding complaints that SCDS had not heeded the requests of certain grades, it should be noted that in conducting the 2008 GSR, SCDS had in fact spent nearly a year carefully listening to the views and requests of the departmental management and staff of each disciplined service, and had set out in its report its recommendations on the requests, whether acceded to or not, together with clear explanation of SCDS's position. For example, the reasons for not acceding to the request to extend the through scale arrangement had been given in paragraphs 3.29 to 3.38 of the report. SCDS had indeed seriously considered all the requests received in conducting the 2008 GSR having regard to changes in the work nature and workload of individual disciplined services. Regard had also been

given to the relevant job factors and special factors, and to the recruitment, retention and career progression situation in each of the disciplined services. On the basis of its meetings with the staff sides and departmental management concerned as well as examination and deliberation of the submissions made to it and the information it gathered, SCDS recommended, among others, various improvements to the pay structure of individual grades and ranks in the disciplined services;

- (b) As to the frequency of GSRs, SCDS had in fact recommended that "the grade structure and pay levels of the disciplined services should be reviewed on a regular basis, say, on a six-yearly basis". The CE-in-Council had decided that, for greater flexibility, GSRs should be conducted as and when necessary in the light of significant changes in the job nature, responsibilities, proven recruitment and retention problems, etc. of the disciplined services. The CE-in-Council had further decided that the Administration, or departmental management concerned, or the staff side of each disciplined services could request the conduct of a GSR with justifications. The request should be put to SCDS for advice and then submitted to the CE-in-Council for decision;
- (c) Concerning the three demands in paragraph 7(b) above, SCDS had not agreed to standardize the pay scales in respect of all disciplined services because direct comparison among the disciplined services was neither possible nor appropriate, since situations and circumstances, including recruitment, retention and career progression, varied across the disciplined service grades. As for the reasons for not acceding to the demands to extend the through scale arrangement and to shorten the conditioned hours of work in respect of all disciplined services, they had already been elaborated in Chapter 3 of SCDS's report;
- (d) On the comments made by the Hong Kong Chinese Civil Servants' Association that the 2008 GSR had been conducted for the disciplined services but not for the civilian grades, it should be noted that direct comparison between the disciplined services and their civilian counterparts was neither possible nor appropriate. For example, the disciplined services were different in that they had no "market comparators" in the private sector;

- (e) The existing internal pay relativity among civil service grades and ranks were, among others, derived from the qualification group system, under which grades with a similar qualification requirement for appointment were broadbanded. The entry pay of civil service grades in the same qualification group was determined having regard to both the entry pay for private sector jobs requiring similar qualifications for appointment as determined through the Starting Salaries Survey (SSS) and other factors relating to the job nature of the grades concerned. Under the broadbanding principle, grades and ranks within the same qualification group usually shared a common or similar pay scale (for both the entry pay and pay for promotional ranks). Thus, it was not necessary for all civilian grades to have market comparators in the pay level survey. However, as the qualification group system did not apply to the disciplined services, and considering that the disciplined services were unique without any private sector comparators, the conduct of GSR for the disciplined services was necessary to take into account changes in their operating environment;
- (f) Instead of conducting a comprehensive review on the civilian grades, only the Veterinary Officer grade and the non-directorate ranks of the legal grades had been reviewed under the 2008 GSR exercise because the Administration had already conducted a Pay Level Survey (PLS) in 2006 for the civil service using the broadly-defined job family and job level method. The Administration did not see any need to review the grade structures of other non-directorate civilian grades unless there were proven serious recruitment and retention difficulties which could not be addressed through the service-wide PLS;
- (g) SCDS did not recommend abolition of the Paramedic Allowance. It recommended that the Paramedic Allowance should continue to be granted pending further review by the management; and
- (h) Long Service Increments were a unique feature in the disciplined services designed to recognize the service of capable, loyal and long-serving 'JPO/R&F' staff at the basic rank, many of whom retired at this rank for want of promotion opportunities because of the special command structure in the disciplined services. SCDS had therefore recommended the enhancement of the existing Long Service

Increments in the R&F basic ranks from two increments to a total of four increments.

Discussion

17. Ms LI Fung-ying requested the Administration to respond to the Ambulancemen's Union's claims that SCDS had listened to the views of only the management but not the staff sides. SCS said that, as she understood it, during the period from late 2007 to November 2008, SCDS had extensively consulted DSCCSS, the representatives of GDSGU, the Police Force Council Staff Side, and the staff associations in every disciplined service. In fact, SCDS met with GDSGU and the staff associations under the Fire Services Department (FSD) on 25 January, 23 February, 18 June, 24 July and 13 September 2008. After release of its report, SCDS met with DSCCSS and GDSGU again on 17 February 2009 and the Ambulancemen's Union was one of their constituent associations.

18. Ms LI Fung-ying questioned why although more than 75% of the staff in the ranks of Senior Ambulanceman and Principal Ambulanceman were drawing the Paramedic Allowance, the allowance had not been made a part of their basic salary according to relevant established practices. SCS responded that as reported in paragraph 6.50 of SCDS's report, SCDS had recommended continuation of the allowance for the time being "pending further review by the management on an appropriate continuous professional development framework with a robust accreditation to sustain and enhance the quality of paramedic ambulance service in Hong Kong, having regard to the interface of various providers of pre-hospital care and other paramedic services in Hong Kong". Pending completion of the above review, SCDS had yet to make any recommendation in relation to the allowance for the Administration's consideration. SCS added that CSB had already written to the Ambulancemen's Union to explain the above on 20 October 2009.

19. Ms LI Fung-ying enquired about the timetable for the review of the Paramedic Allowance, and whether it would cover other proposals from the ambulance stream such as the re-titling of the Ambulanceman grade as the "Paramedic grade" and restructuring it to a four-tier grade with new pay scales comparable to the nursing grade. SCS responded that the Administration would discuss with relevant departments the way forward on issues requiring follow-up action under the relevant GSR report after securing the approval of FC. The staff associations concerned would be consulted as and when appropriate .

20. Referring to the GSR triggering mechanism described in paragraph 16 (b) above, Ms LI Fung-ying opined that the Administration and staff might have different interpretation of what constituted "significant changes in the job nature, responsibilities...". Moreover, the new requirement that requests for

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the conduct of a GSR had to be put to SCDS for advice and then submitted to the CE-in-Council for decision was too demanding. SCS responded that the Administration considered it fairer to place the decision to conduct a GSR in the hands of the CE-in-Council. Under the new GSR triggering mechanism, departmental management concerned or the staff side of each disciplined service could request the conduct of a GSR. She also considered it appropriate to seek SCDS's advice because any GSR on the disciplined services would be conducted by SCDS.

21. The Chairman enquired whether the Administration would counter propose that SCDS, instead of the Executive Council (ExCo), should be authorized to consider and approve requests for the conduct of a GSR from the disciplined services. SCS responded that since SCDS's advice on the requests would be sought in any case, and that all GSR reports were at the end subject to ExCo's approval, the Administration considered the GSR triggering mechanism in paragraph 16(b) above fair and proper. She believed that ExCo would decide whether to accede to requests for the conduct of a GSR in the light of SCDS's advice.

22. The Deputy Chairman shared some deputations' view that the 2008 GRS had failed to effect equitable adjustment of grade structure and/or pay scales in the light of increase in work complexity and workload of each disciplined service since the 1988 Rennie Review. He considered that no attempt had been made in the 2008 GSR on the disciplined services to conduct a quantitative evaluation of such changes by applying the value-for-money criterion.

23. Mr LEUNG Kwok-hung and Mr IP Kwok-him opined that it was necessary to devise a consistent and fair set of screening criteria for the vetting of requests for the conduct of a GSR. Mr LEUNG also considered it undesirable to subject such requests to the approval by ExCo, which as he perceived represented the interests of employers rather than employees.

24. SCS pointed out that ExCo had endorsed and, where appropriate, refined the recommendations in the GSR reports. As to SCDS, it was an independent advisory body established in 1989 to advise on issues concerning salaries and conditions of service of the disciplined services. To ensure its independence, SCDS did not have government representatives on its membership and it was supported by an independent secretariat.

25. Mr LEUNG Kwok-hung suggested that instead of conducting a GSR for the disciplined services, the Administration might consider comparing the pay of the disciplined services with that of their overseas counterparts in future reviews. SCS responded that it would be difficult to make any direct comparison with other jurisdictions given the differences, for example, in the tax system, which would affect the take-home pay of employees.

26. Ms LI Fung-ying highlighted the request for the conduct of a GSR from the Liaison Officer grade, whose work had undergone significant changes as a result of the expansion of the purview of the Home Affairs Department over the years. In response, SCS said that such a request would be examined having regard to the criteria applicable to other non-directorate civilian grades.

Supplementary remarks from deputations

27. At the Chairman' invitation, the following representatives of deputations supplemented views as follows –

- (a) Mr LEE Siu-kai pointed out that SCDS had only met with the two Departmental Consultative Committees of CSD, which were official consultative set-ups. Moreover, no formal minutes of the meeting had been provided to the staff and SCDS had declined to meet with the Hong Kong Correctional Services General Union. SCDS's report had also failed to address the view that CSD staff's pay was in general lower than that of comparable ranks in other disciplined services by 18%. Nor had it explained why increments of the staff of the disciplined services in the R&F grade had since 1979 been cut from 6% to only some 3% each;
- (b) Mr NGAI Sik-shui emphasized that DSCCSS had always adopted a sensible and practical approach in reflecting staff sides' views, and would not query SCDS's credibility. DSCCSS, however, considered the requirement of the CE-in-Council's approval for triggering GSRs too demanding;
- (c) Mr William LEE echoed Mr LEE Siu-kai's view on the need for formal minutes of staff associations' meetings with SCDS. He considered it a political decision for SCDS not to accede to requests for pay improvement for certain ranks of the Immigration Assistant grade notwithstanding support from the departmental management and staff sides concerned. He said that the incumbent Chairman of SCDS had never visited ImmD to understand the situation;
- (d) Mr WAT Ki-on expressed the following concerns:
 - (i) Since SCDS met with staff associations of FSD collectively, the Ambulancemen's Union had no opportunity to express its views. It was also unacceptable and unfair that the departmental

management and certain grades had been given more opportunities to meet SCDS during the conduct of the 2008 GSR;

- (ii) There was difficulty for the ambulance stream to trigger a GSR because the management of FSD would not support the stream's GSR request; and
- (iii) As SCDS stated in its report that "With the proposed improved pay scales of these two ranks, the allowance may no longer be required", it was concerned that the Paramedic Allowance would be abolished in the long term.

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28. In response, SCS agreed to convey to SCDS for consideration the deputations' views on the consultation process, such as complaints about the inadequacy of discussion time and non-provision of minutes. She added that the clarifications she had earlier made should have addressed the above concerns raised by deputations. In response to Mr William LEE's concern, SCS said that the incumbent Chairman of SCDS was previously a member of SCDS and had been involved in the 2008 GSR of the disciplined services from the start.

29. The Chairman considered it too stringent that the new job-related allowance for undercover duties would be paid only when the duties were performed for a period of not less than 30 days. SCS explained that the specified period was the shortest qualifying period and, considering the importance of maintaining the confidentiality of undercover operations and protecting the safety of the officers concerned, special arrangements had to be worked out with the Treasury and the Inland Revenue Department regarding payment.

30. Summing up, the Chairman said that the Panel supported submission of the relevant funding proposal to the Establishment Subcommittee for further consideration.

V Any other business

31. There being no other business, the meeting ended at 6:50 pm.