

For information**LEGISLATIVE COUNCIL PANEL ON PUBLIC SERVICE****Conditioned Hours of Work of the Civil Service - Disciplined Services**

At the meeting of the Legislative Council Panel on Public Service on 15 November 2010, Members requested the Administration to respond to the submission from the “48 策劃小組” of the Hong Kong Fire Services Department Staffs’ General Association. Members also requested the Administration to, with reference to the papers and reports of relevant advisory bodies on civil service salaries and conditions of service, provide details on the changes in the conditioned hours of work of civil servants (in particular the operational firemen of the Fire Services Department (FSD)) since the 1960s. Moreover, at the Panel meeting on 17 January 2011, some Members considered it unfair to have different arrangements of conditioned hours of work for civil servants (including civilian grades and disciplined services staff) and requested a comprehensive review on the situation in order to set standard conditioned hours of work across the civil service. Meal break arrangements for the disciplined services should also be reviewed. This paper aims at providing information on the conditioned hours of work of the disciplined services and their meal break arrangements.

Conditioned hours of work

2. “Conditioned hours of work” means hours of duty which salary is calculated to cover and the hours which must be worked before overtime work is counted for. Conditioned hours of work are expressed as gross (i.e. including meal breaks) or net (i.e. excluding meal breaks). In general, conditioned hours of work vary to suit the nature and operational requirements of different grades in the civil service (including civilian and disciplined services staff). In the employment contracts between the Administration and the civil servants, the terms of employment (including conditioned hours of work of civil servants) are set out in detail in the Memorandum on Conditions of Service of the Government of the Hong Kong Special Administrative Region. In determining the pay of various civil service grades, the Administration has already considered their conditioned hours of work.

3. In accordance with the Civil Service Regulations, the conditioned hours of work for members of disciplined services are governed by their operational needs and determined in relation to the total responsibilities of each service, its complement and the actual manpower situation.

4. Under the existing arrangement, the Standing Committee on Disciplined Services Salaries and Conditions of Service (SCDS) is responsible for advising and making recommendations to the Chief Executive on matters concerning the pay and conditions of service of the disciplined services. Prior to the establishment of the SCDS, the Salaries Commission, the Rennie Committee and the Standing Commission on Civil Service Salaries and Conditions of Service (the Standing Commission) were responsible for advising and making recommendations to the Government on these issues. Having regard to the discussion of those advisory bodies concerning the conditioned hours of work of disciplined services, we have set out below the salient points extracted from the relevant reports and the changes in the conditioned hours of work of individual disciplined services.

Salaries Commission Report (1971)

5. While the conditioned hours of work of individual disciplined services had not been specifically discussed, the Salaries Commission had considered their conditioned hours of work when making recommendations on the salaries of individual disciplined services.

6. The Salaries Commission noted that the conditioned hours of work of operational firemen in the FSD was 72 hours per week¹ at that time and on a “24 hours on, 24 hours off” shift system. The Salaries Commission considered that 72 working hours per week was not as arduous as it might seem, as the staff were not required to work round-the-clock and there were times (though irregular times) for rest and meal breaks. The “24 hours off” arrangement was not without its attractiveness. After consideration, the Salaries Commission decided to take account of the conditioned hours of work of 72 hours gross per week when recommending an increase in the salary of operational firemen.²

1980

7. In 1980, the conditioned hours of work of operational firemen in the FSD were reduced from 72 hours gross to 60 hours gross per week. The information was retrieved from a SCDS’ letter to the Administration in 1990. However, the reasons for their reduction of conditioned hours of work were not found in the Administration’s file record.

¹ According to a letter from the SCDS to the Administration in 1990, the conditioned hours of work of operational firemen in the FSD were reduced from 84 hours gross to 72 hours gross per week in 1965. However, the reasons for their reduction of conditioned hours of work were not found in the Administration’s file record.

² The Salaries Commission also recommended in its report an increase in the salary for the rank and file of other disciplined services.

Standing Commission Report No. 16 (1986)

8. In 1986, the Standing Commission conducted a pay level survey covering all non-directorate civil servants to assess whether the total packages (including both salary and fringe benefits) of those civil servants at that time were broadly in line with those of employees in the private sector doing comparable jobs. When considering whether hours of work and leave should be included in the calculation of the total packages, the Standing Commission pointed out that staff on the Disciplined Services Pay Scales had varied conditioned hours of work, ranging from 44 hours gross per week for the Immigration Department to 60 hours gross per week for the FSD.

Rennie Committee's Final Report (1988)

9. After conducting an in-depth study on the work of the disciplined services, the Rennie Committee noted that the disciplined services staff had relatively long conditioned hours of work when compared with the rest of the civil service. Disciplined services staff also had to perform shift, on-call and stand-by duties. They were frequently required to work irregular hours at short or no notice. Such significant work feature was one of the major factors in determining the pay and conditions of service of the disciplined services staff.

10. Information on the conditioned hours of work provided by the five disciplined services to the Rennie Committee at that time was as follows –

Disciplined services	Conditioned hours of work per week	
Royal Hong Kong Police Force (now known as the Hong Kong Police Force (Police Force))	51 hours gross	
FSD	Ambulance Officer Grade	44 hours gross
	Staff in the Control Stream and Rank and File in the Ambulance Stream	48 hours gross
	Staff in the Operational/Marine Stream	60 hours gross
Correctional Services Department	49 hours gross	
Customs and Excise Department	51 hours gross	
Immigration Department	44 hours gross	

11. Having regard to the work nature and the conditioned hours of work of the disciplined services, the Rennie Committee recommended that then prevailing Disciplined Services Pay Scale (Officer) and (Rank and File) be abolished, and replaced by the Police Pay Scale and the General Disciplined Services (GDS) Pay Scale established for police officers and other disciplined services staff respectively. It was recommended that the GDS Pay Scale be further divided into GDS(Commander) Pay Scale, GDS(Officer) Pay Scale and GDS(Rank and File) Pay Scale. All newly established pay scales had increased the pay for various disciplined services staff to reflect their work nature, including the conditioned hours of work.

The SCDS's First Report (1991)

12. The Director of Fire Services made a submission to the SCDS in 1990, proposing that the conditioned hours of work of its operational firemen should be set at 48 hours gross per week, and that the arrangement should be implemented as soon as circumstances permitted. In the interim, the conditioned hours of work of operational firemen should be reduced to 54 hours gross per week, with the introduction of a "24 hours on, 48 hours off" shift system (which would result in a 56-hour week according to the proposed roster system at that time). During the transitional period, the two extra hours worked per week should be compensated by the payment of Disciplined Services Overtime Allowance (DSOA).

13. The SCDS agreed that the conditioned hours of work of operational firemen in the FSD were long when compared with other disciplined services staff, but noted that the arrangement was related to the inherent nature of the work which required firemen to stand-by for emergencies. Besides, the "24 hours on, 24 hours off" shift system had included time for rest and meal breaks. The conditioned hours of work of operational firemen, therefore, included a significant number of inactive hours. After considering the nature of their work and then prevailing shift system, the SCDS was of the view that the proposal to reduce the conditioned hours of work of operational firemen in the FSD from 60 hours gross to 48 hours gross per week unjustified. The SCDS also considered the FSD's interim proposal unjustified because it would only serve to provide a half-way point and enable the operational firemen in the FSD to be paid two hours DSOA each week. The SCDS opined that the proposal might be seen by the public at large as paying more money for less work.

14. However, the SCDS considered that there was a case for a limited reduction in operational firemen's conditioned hours of work in order to bring them more into line with those of the other disciplined services. The SCDS decided that a limited reduction in the working hours of not more than six hours should not alter the existing pay of the operational firemen. The SCDS

therefore recommended that the conditioned hours of work of operational firemen in the FSD should be reduced by up to a maximum of six hours per week (i.e. from 60 hours gross to 54 hours gross per week) without any reduction in pay, provided that the shift system should be changed to reduce the number of inactive hours, and there should be no automatic overtime inherent in the new shift system. The SCDS considered that the new shift system should enable the FSD to provide the best possible service to the community and be responsive to demand, and be as cost-effective as, or more cost-effective than, the shift systems adopted elsewhere in the world.

15. With effect from 25 August 1990, the Administration reduced the conditioned hours of work of operational firemen in the FSD to 54 hours gross per week. FSD subsequently implemented a “24 hours on, 48 hours off” shift system from April 1992 onwards. The shift system would not result in the payment of DSOA to the concerned staff each week.

SCDS’s letter to the Administration regarding the reduction of conditioned hours of work of Police Officers (2001)

16. In 1996, the Police Force proposed to reduce the conditioned hours of work of Police Officers (disciplined services staff) and Traffic Wardens (civilian staff) from 51 hours gross to 48 hours gross per week. With the approval of the Civil Service Bureau, a trial scheme was launched by the Police Force in 1997, on the understanding that the proposal would be cost-neutral, requiring no additional resources, and that the service to the public would not be adversely affected. During the trial period, only work undertaken over and beyond the conditioned hours of 51 hours gross per week would be counted for overtime compensation.

17. In 2001, the Administration sought the SCDS’ advice on whether the proposed reduction of conditioned hours of work of Police Officers should be formalised without a change to their pay scales. The SCDS was also invited to advise on the implications of the proposal for other disciplined services.

18. After considering the proposal in detail, the SCDS was of the view that the reduction in conditioned hours of work of Police Officers from 51 hours gross to 48 hours gross per week was justified in principle. The SCDS had therefore advised that the proposed reduction in the conditioned hours of work of Police Officers should be formalised and implemented without a change to their pay scales. The SCDS noted that the proposal would certainly have implications for other disciplined services staff. While there was no direct linkage between the treatment of Police Officers and staff of the general disciplined services, the SCDS considered it necessary to maintain a broad

comparability. The new conditioned hours of work of Police Officers had been implemented with effect from 10 June 2001.

SCDS's Report on the Grade Structure Review of the Disciplined Services (2008)

19. The SCDS pointed out that there were no standard conditioned hours of work across the civil service. Any direct comparison of conditioned hours of work was inappropriate, as it was necessary to take into account the operational nature of different grades, including the intensity of efforts during the conditioned hours. The conditioned hours of work for members of the disciplined services were governed by their operational needs and were determined in relation to the total responsibilities of each Service, its complement, and the actual manpower situation. The conditioned hours of work for the disciplined services therefore varied. The conditioned hours of work of the disciplined services at that time were set out as follows –

Disciplined services	Conditioned hours of work per week	
Police Force	48 hours gross	
FSD	Ambulance Officer grade	44 hours gross
	Fireman / Station Officer grades (Control Stream) and Ambulanceman grade	48 hours gross
	Fireman / Station Officer grades (Operational / Marine Stream)	54 hours gross
Correctional Services Department	49 hours gross	
Customs and Excise Department	51 hours gross	
Immigration Department	44 hours gross	
Government Flying Service	44 hours gross	
Independent Commission Against Corruption	44 hours gross	

20. The SCDS considered that a reduction in the conditioned hours of work without corresponding downward pay adjustment was in effect an improvement

to pay and conditions of service. It was also mindful of the possible implications to other disciplined services if the conditioned hours of work of individual disciplined services were reduced. Nonetheless, the SCDS maintained the stance that it was open to proposals for reducing the conditioned hours of work for the disciplined services, subject to the three pre-requisites of being cost-neutral, not involving additional manpower and maintaining the same level of service to the public.

21. The SCDS noted that the Customs and Excise Department had been discussing with the Administration for quite some time for a reduction of its conditioned hours of work from 51 hours gross to 48 hours gross per week. Whilst a mutually agreed and practicable solution had yet to be reached, the department had implemented on a trial basis new shift patterns and rosters for its disciplined services staff in selected sections based on 48 hours gross per week. The arrangement was achieved by efficiency measures, process re-engineering and wider use of technology. Eligibility for overtime allowance continued to be based on work in excess of conditioned hours of 51 hours gross per week. On the clear understanding that the department could meet the three conditions mentioned in paragraph 20 above, the SCDS supported reducing the conditioned hours of work of the Customs and Excise Department from 51 hours gross to 48 hours gross per week. The new conditioned hours of work of the disciplined services staff in the Customs and Excise Department had been implemented with effect from 1 December 2009.

22. The SCDS noted that the management of the Correctional Services Department was, having consulted its staff, not ready to further pursue at that juncture the proposal of reducing the conditioned hours of work of its staff from 49 hours gross to 48 hours gross per week under the three conditions stated in paragraph 20 above.

23. The SCDS mentioned that the Police Force had already reduced its conditioned hours of work from 51 hours gross to 48 hours gross per week in 2001 subject to the three conditions stated in paragraph 20 above. In light of that and since there were practical difficulties in implementing further reduction under the three conditions, the SCDS did not consider the time was ripe for considering further reduction in the conditioned hours of work of Police Officers at that juncture.

24. The SCDS noted that the conditioned hours of work of 44 hours gross per week for the Immigration Department were the lowest among the disciplined services. Hence, it did not support the proposal from its staff for a general reduction in their conditioned hours of work.

25. The SCDS was open to the proposals to reduce the conditioned hours of work of the operational firemen in the FSD, subject to the fulfilment of the three conditions stated in paragraph 20 above. The SCDS noted that their working hours involved standby and rest time. Their unique shift pattern of “24 hours on, 48 hours off” also had the incidental benefits of incurring less travelling time and cost, and reducing the total number of working days. Noting that the FSD had difficulties in reducing the conditioned hours of work of its operational firemen under the above three conditions at that juncture, the SCDS urged the department to explore further with the staff and the Administration on the feasibility of reducing the conditioned hours of work of those staff under the above three conditions, and starting with a pilot scheme where appropriate.

Conditioned Hours of Work of the Operational Firemen in the FSD

26. Changes in the conditioned hours of work for the operational firemen in the FSD since the 1960s are set out in paragraphs 6 to 15 above. Considerations of the SCDS concerning the reduction of the conditioned hours of work of those staff from 60 hours gross to 54 hours gross per week in 1990 are also detailed in paragraphs 12 to 15 above. In fact, the conditioned hours of work for different grades or streams in the FSD vary with their operational needs (please refer to paragraphs 10 and 19 above for details). The conditioned hours of work of the operational firemen in the FSD (including the Station Officer/Divisional Officer grades and the Fireman grade) are 54 hours gross per week with a unique shift system of “24 hours on, 48 hours off” implemented. Under the existing shift arrangement and based on 24 hours per shift, operational firemen have to perform 9.75 shifts of round-the-clock duties per month. During the period of “24 hours on”, operational firemen need to respond to emergency call-out. In general, the 24 working hours involve 11 hours with duties arranged (including fire fighting and rescue drills, district visits, fire safety inspections and station routines etc.). The remaining 13 hours are for standby, physical training, meal breaks and rest time. Currently, about 98% of the staff in the FSD work five days or less than five days/shifts per week.

27. If the conditioned hours of work of the operational firemen in the FSD are reduced to 48 hours gross per week, based on the total number of staff on duty and the manning ratio³, a ballpark estimate indicates that around 690 additional firemen will be needed, incurring an additional annual expenditure of HK\$270 million⁴. If the department continues to adopt the shift system of “24

³ The number of additional posts is calculated based on the total number of staff on duty and the manning ratio. The total number of staff on duty is the number of staff required for manning a fire appliance while the manning ratio has already taken into account the impact of public holidays and leave arrangements.

⁴ The figure is the total annual average staff cost (including salary and fringe benefits).

hours on, 48 hours off”, the number of shifts that operational firemen have to perform round-the-clock duties will be reduced to about 8.67 shifts per month.

Meal break arrangements for disciplined services staff

28. Given the need to perform shift duties, the adoption of different shift arrangements and the need to handle emergent incidents, disciplined services have different conditioned hours of work and meal break arrangements to suit the operational needs of individual services. The meal break arrangements are made known to the disciplined services staff through the standing orders, general orders or daily operation arrangements. The meal break arrangements are based on the basic principle of meeting operational needs and service requirements. Disciplined services staff may be called out during normal meal breaks due to actual operational needs. In such circumstances, departmental management will arrange meal breaks for those staff after their call out as appropriate.

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