

**立法會**  
**Legislative Council**

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**Panel on Public Service**  
**Meeting on 15 November 2010**

**Updated background brief on**  
**employment of non-civil service contract staff**

**Purpose**

This paper provides background information on the policy on employment of non-civil service contract staff (NCSC) and summarizes the major concerns expressed by the Panel on Public Service (the Panel) on the subject in past discussions.

**Background**

2. The NCSC Staff Scheme was introduced in January 1999. According to the Administration, the Scheme provides Heads of Bureaux, Departments and Offices (hereafter referred to as HoDs) with a flexible means to employ staff on fixed term contracts outside the civil service establishment to meet service needs which are short-term, time-limited, seasonal or subject to market fluctuations; or which require staff to work on a part-time basis (i.e. less than the conditioned hours required of civil servants); or which require tapping the latest expertise in a given area in the market; or where the mode of delivery of the service is under review or likely to be changed through, e.g. contracting out. The Scheme is intended to enable HoDs to respond more promptly to changing operational and service needs.

Terms and conditions of employment

3. HoDs have full discretion in determining the appropriate employment package for their NCSC staff, including the pay level, the offer of an end-of-contract gratuity, and any pay adjustment during the contract period. In setting the employment terms for NCSC staff, HoDs have to comply with the guiding principles that the terms and conditions of services for NCSC staff should be no less favourable than those provided for under the Employment Ordinance (Cap. 57) (EO), and no more favourable than those applicable to civil servants in comparable civil service ranks or levels of responsibilities. NCSC staff are employed on fixed term contracts of up to

three years.

### Statistics on NCSC staff

4. The numbers of full-time NCSC staff employed from 2001 to 2009 as provided by the Administration are as follows:

<u>Year</u> (as at 1 November)	<u>Number of full-time NCSC staff</u>
2001	11 244
2002	13 701
2003	16 147
2004	14 807
2005	15 687
2006	16 488
2007	16 960
2008*	14 608
(*as at 31 December 2008)	
2009^	16 186
(^as at 30 June 2009)	

### **Members' views and concerns**

#### 2006 review of the NCSC staff situation

5. At the Panel meeting on 20 March 2006, the Administration informed members that it would conduct a review of the NCSC staff situation on a department-by-department basis to better understand individual departments' manpower situation. Where it was established that civil servants instead of NCSC staff should be employed to meet specific service needs, the Administration would devise feasible measures with the HoDs concerned while ensuring that the size of the overall civil service establishment would remain under control.

6. The Administration briefed the Panel on 18 December 2006 on the review findings. As at 31 March 2006, there were 16 488 full-time NCSC staff employed in 68 bureaux/departments (B/Ds), but the Administration intended to convert only some 4 000 NCSC positions to civil service posts. Members were disappointed at the outcome of the review. Some members considered that NCSC staff should be given priority for consideration in the selection of appointees for filling these 4 000 odd civil service posts, and suggested that the Administration should consider stipulating in the relevant recruitment advertisements that priority would be given to those applicants who had previous relevant working experience in the Government.

7. At the meeting on 18 December 2006, the Panel passed a motion expressing dissatisfaction that the findings of the review had failed to treat the NCSC staff who had been employed for a long period of time fairly, and requested that NCSC staff being employed to fill posts created to meet long-term needs should be converted to civil servants by "through train" arrangement.

8. In February 2009, the Administration informed the Panel that as at 31 December 2008, about 2 330 out of the 4 000-odd NCSC positions mentioned in paragraph 6 above had already been phased out upon the end-dates of the employment contracts of the NCSC staff concerned. The work involved was then undertaken by civil servants. The remaining NCSC positions were expected to be phased out in the coming two financial years, having regard to the end-dates of the existing employment contracts of the NCSC staff concerned and the lead-time for filling the replacement civil service posts.

#### The guiding principles and basic framework for the employment of NCSC staff

9. On 15 January 2007, the Panel met with representatives from the management of the eight main user B/Ds<sup>1</sup> of the NCSC Staff Scheme and staff associations concerned so as to better understand the employment situation of NCSC staff in these B/Ds. The Panel discussed the guiding principles and basic framework for the employment of NCSC staff as well as their employment package. The Panel further discussed the review of the employment situation of NCSC staff on 15 March 2007. Some members criticized the Administration for being unfair to NCSC staff as they could not be directly converted to civil servants and were not given the opportunity to apply for civil service posts through internal recruitment exercise. Instead, NCSC staff, including those who had been employed by the Government on contract terms for a long time, had to apply for civil service vacancies through open recruitment. The Panel passed a motion urging the Administration to accord priority to NCSC staff with relevant working experience in conducting open recruitment for civil service posts.

10. During discussion on "Civil service-related issues featuring in the 2008 Budget Speech" at the Panel meeting on 11 March 2008, some members expressed concern about the prospect of contract renewal of a group of NCSC staff working in public libraries. They raised concern that this group of staff might lose their jobs if they were not allowed to be transferred to the civil service by the "through train" arrangement. The Panel further passed a motion urging that, given the huge fiscal surplus, the Administration should make its best endeavour to offer appointment to NCSC staff who had not been converted to civil servants so as to prevent them from becoming jobless.

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<sup>1</sup> The eight main user B/Ds of the NCSC Staff Scheme are the Leisure and Cultural Services Department, Hongkong Post, Education Bureau, Electrical and Mechanical Services Department, Department of Health, Food and Environmental Hygiene Department, Buildings Department and Social Welfare Department.

11. The Administration responded that NCSC staff were employed on a time-specific contract basis. When the work a NCSC staff member was employed to do was completed or phased out, or was to be undertaken by a civil servant, his employment contract would not be renewed. When new work of a temporary nature needed to be undertaken, the B/D concerned would recruit staff on NCSC terms and on a time-specific contract basis. Where necessary, B/Ds would endeavour to provide outgoing NCSC staff with appropriate employment assistance.

12. At the Panel meeting on 20 October 2008, a member pointed out that even when NCSC staff could successfully apply for civil service posts, their periods of employment with the Government on contract terms were not taken into account for the provision of incremental credits, and they would only receive pay at the starting salary point of the relevant ranks. Members considered the arrangement unfair and demoralizing, and requested the Administration to review the employment of NCSC staff, including their terms and conditions of employment, arrangements for recruitment of NCSC staff to fill civil service posts, and the applicability of employment protection provisions under EO to NCSC staff.

#### Pay adjustments for NCSC staff

13. On 12 June 2007, the Chief Executive in Council ordered that the pay adjustment offer, i.e. a pay increase of 4.96% for the directorate and civil servants in the upper salary band and 4.62% for civil servants in the middle and the lower salary band with effect from 1 April 2007, should be adopted. Some Panel members asked whether the same pay increase rates would apply to NCSC staff. The Administration pointed out that NCSC staff were not civil servants and their terms and conditions of employment were different from those of civil servants as explained above. Pay increases for civil servants did not apply automatically to NCSC staff.

14. The Panel discussed the "Employment of NCSC staff" on 17 December 2007. Some members expressed concern that the rates of pay adjustment for NCSC staff and civil servants were different. The Administration explained that it was inappropriate to mechanically apply the pay adjustment mechanism for the civil service to NCSC staff. By adjusting the pay of NCSC staff according to the market situation, the pay increases for some NCSC staff in the Food and Environmental Hygiene Department, the Department of Health and the Leisure and Cultural Services Department in 2007 even exceeded that of the civil service. The pay level of NCSC staff in Hongkong Post also kept up with the market level. The Administration considered that the current mechanism provided HoDs with the necessary flexibility to set, and where appropriate adjust, the pay of their NCSC staff.

#### Need for enhancement of the communication with NCSC staff

15. At the Panel meeting on 17 December 2007, some members expressed concern that NCSC staff were not provided with an official platform to collectively negotiate with the management in respect of their employment terms and conditions.

They were also not provided with a redress channel for handling their grievances. At the meeting, the Panel passed a motion urging the Government to consider setting up an inter-departmental platform to enhance the communication with NCSC staff, so as to improve employee-employer and staff-management relations and to boost the morale of NCSC staff.

16. The Administration responded that an established consultative machinery was in place within the civil service which was built on three levels: central, departmental and individual. Through this machinery, the management communicated with individual staff members (including NCSC staff), as well as staff unions/associations and staff consultative bodies in which NCSC staff were also represented, on a wide range of subjects.

17. The Administration further pointed out that members of the Staff Sides in the two Central Consultative Councils, namely, the Model Scale 1 Staff Consultative Council (MOD 1 Council) and the Senior Civil Service Council (SCSC), were all nominated by recognized staff associations/unions in accordance with the constitutions of the respective Councils. All the eight constituent staff associations/unions of the MOD 1 Council open their membership to NCSC staff. The largest of the three constituent staff associations of SCSC, namely, the Hong Kong Chinese Civil Servants' Association, (the other two being the Hong Kong Senior Government Officers Association and the Association of Expatriate Civil Servants of Hong Kong), also opens its membership to NCSC staff. Issues relating to the engagement of NCSC staff had also been raised by the Staff Sides for discussion in both Councils. At the departmental level, all staff, including NCSC staff, were represented on the Departmental Consultative Committees.

#### Position on employment of NCSC staff as at 30 June 2009

18. The Panel again discussed the employment of NCSC staff at its meeting on 21 December 2009. It was noted that as at 30 June 2009, there were 16 186 full-time NCSC staff employed by B/Ds and most of them were employed for less than five years, and received monthly pay in the range of \$8,000 to \$15,999. The relevant details, including contract duration, salary range, and a breakdown of the NCSC staff engaged by the eight largest NCSC-user B/Ds by reasons of employment provided by the Administration, are given in **Appendix I**.

19. Some members repeatedly called for the introduction of a system whereby NCSC staff with proven satisfactory performance and relevant working experience would be accorded priority for consideration in the selection of appointees for filling civil service posts. The Administration advised that to enable the civil service to attract good calibre candidates, appointment of civil servants should be through open recruitment, and NCSC staff would be considered alongside other candidates in filling civil service posts. The Administration also advised that a mechanism was in place to inform serving NCSC staff of any civil service openings. The Administration considered that since NCSC staff had working experience in the Government, they

should enjoy a competitive edge over other applicants for civil service jobs.

20. Some members expressed concern about the low success rate for NCSC staff appointed to fill civil service posts. They suggested that the Administration should review the recruitment arrangements, such as adjusting the weightings accorded to "relevant work experience" so that NCSC staff with relevant working experience would have a competitive edge over other candidates in open recruitment exercises. The Administration explained that different departments set different entry requirements for different posts in their departments in the light of the relevant operational needs. As such, no general marking scheme for selection of candidates was available. That notwithstanding, CSB had already required B/Ds to give due regard to relevant working experience when selecting candidates for filling civil service posts.

### **Council questions**

21. Dr Hon PAN pay-chyou asked a question on part-time NCSC staff and a question on protection for NCSC staff injured or died while on duty at the Council meetings on 3 February 2010 and 6 January 2010 respectively. The questions and the Administration's replies are attached at **Appendix II** for members' reference.

### **Latest developments**

22. Panel members remained concerned about the difficulty encountered by NCSC staff in securing civil service appointment and concerns expressed by NCSC staff about the employment arrangements applicable to them. The Panel has agreed to further discuss the subject matter on 15 November 2010.

### **Relevant papers**

23. A list of relevant papers is in **Appendix III**.

**Annex A**

**Employment of Non-Civil Service Contract Staff  
by Bureau/Department/Office  
(Position as at 30.6.2009)**

<b>Bureau/Department/Office</b>	<b>Number of NCSC Staff</b>
Agriculture, Fisheries and Conservation Department	342
Auxiliary Medical Service	1
Architectural Services Department	33
Buildings Department	738
Customs and Excise Department	29
Census and Statistics Department	202
Civil Aviation Department	12
Commerce and Economic Development Bureau	33
Civil Engineering and Development Department	113
Chief Executive's Office	5
Constitutional and Mainland Affairs Bureau	13
Companies Registry	54
Chief Secretary and Financial Secretary's Office	325
Civil Service Bureau	2
Correctional Services Department	12
Development Bureau	20
Department of Health	1 468
Department of Justice	38
Drainage Services Department	82
Education Bureau	1 150
Electrical and Mechanical Services Department	1 433
Environment Bureau	8
Environmental Protection Department	140
Food and Environmental Hygiene Department	615
Food and Health Bureau	16
Fire Services Department	27
Financial Services and the Treasury Bureau	19
Government Flying Service	13
Government Laboratory	24
Government Logistics Department	59
Government Property Agency	7
Home Affairs Bureau	22
Home Affairs Department	417
Hong Kong Observatory	22
Hong Kong Police Force	158
Highways Department	68
Invest Hong Kong	58
Immigration Department	223
Intellectual Property Department	22

<b>Bureau/Department/Office</b>	<b>Number of NCSC Staff</b>
Inland Revenue Department	166
Information Services Department	20
Innovation and Technology Commission	31
Joint Secretariat for the Advisory Bodies on Civil Service and Judicial Salaries and Conditions of Service	1
Judiciary	143
Labour Department	196
Legal Aid Department	5
Lands Department	226
Leisure and Cultural Services Department	2 715
Land Registry	144
Labour and Welfare Bureau	25
Marine Department	15
Office of the Telecommunications Authority	94
Office of Government Chief Information Officer	14
Official Receiver's Office	43
Planning Department	23
Post Office	2 223
Registration and Electoral Office	53
Radio Television Hong Kong	328
Rating and Valuation Department	76
Security Bureau	20
Student Financial Assistance Agency	637
Social Welfare Department	418
Transport Department	212
Television and Entertainment Licensing Authority	40
Transport and Housing Bureau	5
Trade and Industry Department	83
Treasury	75
University Grants Committee Secretariat	24
Water Supplies Department	108
<b>Total</b>	<b>16 186</b>

**Employment of Non-Civil Service Contract (NCSC) Staff  
(Position as at 30.6.2009)**

**Length of Continuous Service\***

<b>Length of continuous service</b>	<b>No. of NCSC Staff (and percentage to total)</b>	
Less than 3 years	9 608	(59.4%)
3 years to less than 5 years	2 483	(15.3%)
5 years or more	4 095	(25.3%)
<b>Total</b>	<b>16 186</b>	<b>(100%)</b>

\* "Continuous service" , as used in this Annex and Annex E, includes service in the same NCSC position, as well as service in different NCSC positions in the same department but without a break in service.

**Employment of Non-Civil Service Contract (NCSC) Staff  
(Position as at 30.6.2009)**

**Contract Duration**

<b>Length of current contract</b>	<b>No. of NCSC Staff (and percentage to total)</b>	
< 1 year	4 540	(28.0%)
1 - < 2 years	9 505	(58.7%)
2 - 3 years	2 141	(13.3%)
<b>Total</b>	<b>16 186</b>	<b>(100%)</b>

**Employment of Non-Civil Service Contract (NCSC) Staff  
(Position as at 30.6.2009)**

**Salary Range**

<b>Monthly Salary</b>	<b>No. of NCSC Staff (and percentage to total)</b>	
\$30,000 or above	1 290	(8.0%)
\$16,000 - \$29,999	2 310	(14.3%)
\$8,000 - \$15,999	10 273	(63.5%)
\$5,000 - \$7,999	1 216	(7.5%)
Others*	1 097	(6.7%)
<b>Total</b>	<b>16 186</b>	<b>(100%)</b>

\* Including (1) trainees and summer student helpers; and (2) staff paid on hourly rate according to the hours of work done. For staff in group (1), their monthly salary is below \$5,000. For staff in group (2), they are paid on an hourly rate and hence their monthly salary varies according to the number of hours actually worked.

## Leisure and Cultural Services Department

Reasons of employment		No. of NCSC staff as at 30.6.2009 with length of continuous service		Total
		Less than five years	Five years or more	
(1)	To meet service needs that are time-limited or seasonal in nature	1587	121	1708
(2)	To meet service needs where the mode of delivery of the service is under review or likely to be changed	444	431	875
(3)	To tap the latest expertise in the market	14	14	28
(4)	NCSC staff engaged in work that should more appropriately be performed by civil servants as identified in the 2006 Special Review <sup>(Note)</sup>	33	71	104
Total :		2078	637	2715

Note: The NCSC positions concerned will be phased out having regard to the end-date of the existing employment contracts and the lead-time for filling the replacement civil service posts.

## Hongkong Post

Reasons of employment		No. of NCSC staff as at 30.6.2009 with length of continuous service		Total
		Less than five years	Five years or more	
(1)	To meet service needs that require staff to work less than the conditioned hours required of civil servants	561	449	1010
(2)	To meet service needs that are subject to market fluctuation	843	370	1213
Total :		1404	819	2223

## Department of Health

Reasons of employment		No. of NCSC staff as at 30.6.2009 with length of continuous service		Total
		Less than five years	Five years or more	
(1)	To meet service needs that are time-limited or seasonal in nature	1117	53	1170
(2)	To meet service needs that require staff to work less than the conditioned hours required of civil servants	13	-	13
(3)	To meet service needs where the mode of delivery of the service is under review or likely to be changed	61	14	75
(4)	NCSC staff engaged in work that should more appropriately be performed by civil servants as identified in the 2006 Special Review <sup>(Note)</sup>	112	98	210
Total :		1303	165	1468

Note: The NCSC positions concerned will be phased out having regard to the end-date of the existing employment contracts and the lead-time for filling the replacement civil service posts.

**Electrical and Mechanical Services Department**

<b>Reasons of employment</b>		<b>No. of NCSC staff as at 30.6.2009 with length of continuous service</b>		<b>Total</b>
		<b>Less than five years</b>	<b>Five years or more</b>	
(1)	To meet service needs that are time-limited or seasonal in nature	195	4	199
(2)	To meet service needs that are subject to market fluctuation	677	553	1230
(3)	To tap the latest expertise in the market	3	1	4
Total :		875	558	1433

## Education Bureau

Reasons of employment		No. of NCSC staff as at 30.6.2009 with length of continuous service		Total
		Less than five years	Five years or more	
(1)	To meet service needs that are time-limited or seasonal in nature	253	39	292
(2)	To meet service needs that require staff to work less than the conditioned hours required of civil servants	2	4	6
(3)	To meet service needs where the mode of delivery of the service is under review or likely to be changed	22	6	28
(4)	To tap the latest expertise in the market	6	1	7
(5)	To meet the unique operational needs in government schools under school-based management initiatives	634	151	785
(6)	NCSC staff engaged in work that should more appropriately be performed by civil servants as identified in the 2006 Special Review <sup>(Note)</sup>	24	8	32
Total :		941	209	1150

Note: The NCSC positions concerned will be phased out having regard to the end-date of the existing employment contracts and the lead-time for filling the replacement civil service posts.

**Buildings Department**

<b>Reasons of employment</b>		<b>No. of NCSC staff as at 30.6.2009 with length of continuous service</b>		<b>Total</b>
		<b>Less than five years</b>	<b>Five years or more</b>	
(1)	To meet service needs that are time-limited or seasonal in nature	574	164	738
Total :		574	164	738

**Student Financial Assistance Agency**

<b>Reasons of employment</b>		<b>No. of NCSC staff as at 30.6.2009 with length of continuous service</b>		<b>Total</b>
		<b>Less than five years</b>	<b>Five years or more</b>	
(1)	To meet service needs that are time-limited or seasonal in nature	200	12	212
(2)	To meet service needs where the mode of delivery of the service is under review or likely to be changed	309	89	398
(3)	NCSC staff engaged in work that should more appropriately be performed by civil servants as identified in the 2006 Special Review <sup>(Note)</sup>	25	2	27
Total :		534	103	637

Note: The NCSC positions concerned will be phased out having regard to the end-date of the existing employment contracts and the lead-time for filling the replacement civil service posts.

**Food and Environmental Hygiene Department**

<b>Reasons of employment</b>		<b>No. of NCSC staff as at 30.6.2009 with length of continuous service</b>		<b>Total</b>
		<b>Less than five years</b>	<b>Five years or more</b>	
(1)	To meet service needs that are time-limited or seasonal in nature	129	19	148
(2)	To meet service needs that require staff to work less than the conditioned hours required of civil servants	2	-	2
(3)	To meet service needs where the mode of delivery of the service is under review or likely to be changed	79	151	230
(4)	To tap the latest expertise in the market	2	-	2
(5)	NCSC staff engaged in work that should more appropriately be performed by civil servants as identified in the 2006 Special Review <sup>(Note)</sup>	177	56	233
Total :		389	226	615

Note: The NCSC positions concerned will be phased out having regard to the end-date of the existing employment contracts and the lead-time for filling the replacement civil service posts.



Information and news

### **LCQ7: Part-time Non-Civil Service Contract staff**

Following is a question by the Dr Hon Pan Pey-Chyou and a written reply by the Secretary for the Civil Service, Miss Denise Yue, in the Legislative Council today (February 3):

#### **Question:**

Some organisations have relayed to me earlier that the Government currently employs a group of staff who work for less than 18 hours per week, and their terms of employment in the aspects of salary, benefits, holidays and number of working days, etc. are worse than those for non-civil service contract staff. Regarding the terms of employment of the aforesaid staff, will the Government inform this Council:

- (a) of the current number of the aforesaid staff employed by the Government, with a breakdown by government department and post;
- (b) among the staff mentioned in paragraph (a):
  - (i) of the number of those continuously employed on contract terms, with a breakdown by year of continuous service (i.e. less than one year, and groups of three years each thereafter up to seven years or above); and
  - (ii) of the number of those employed on an hourly rate basis, with a breakdown by hourly rate (i.e. less than \$18, and groups of five dollars each thereafter up to \$33 or above); and
- (c) whether the Government has, apart from the Mandatory Provident Fund Scheme, provided any employee benefit to the aforesaid staff at present; if it has, of the details; if not, the reasons for that?

#### **Reply:**

President,

At present, as civil servants are subject to conditioned hours of work, Permanent Secretaries and Heads of Departments (hereafter shortened as 'HoDs') may employ part-time staff under the Non-Civil Service Contract (NCSC) Staff Scheme to attend to irregular or ad-hoc service needs which can be met by engaging staff working for less than the conditioned hours of work (including those working for less than 18 hours per week). Such an arrangement allows more flexibility in the operation of bureaux/departments (B/Ds) and enables them to respond more promptly to changing service needs.

B/Ds currently employ NCSC staff who work for less than 18 hours per week

(hereafter shortened as 'part-time NCSC staff') mainly to meet service needs which entail irregular work pattern and/or work hours. While part-time NCSC staff are employed under a "fixed term contract", B/Ds will only call upon their services as and when the need arises.

NCSC staff are employed with an all-inclusive pay package which does not offer any fringe benefits. HoDs may determine the employment package for their NCSC staff having regard to the job nature, condition of the employment market, as well as their management and operational considerations. The terms and conditions of service for NCSC staff are overall speaking no less favourable than those provided for under the Employment Ordinance (EO) (Cap.57) and no more favourable than those applicable to civil servants in comparable civil service ranks or with comparable levels of responsibilities where they exist.

With the above brief explanation on the situation of part-time NCSC staff, my reply to the specific questions is set out below:

(a) As at December 31, 2009, there were a total of 7,550 part-time NCSC staff who had contractual relationship with various B/Ds. The breakdown of these staff by B/Ds is at Annex. The Civil Service Bureau does not keep statistics of these staff positions.

The majority of these staff (6,271 or around 83%) were employed by the Leisure and Cultural Services Department to provide services to the public at the cultural and leisure venues. They were mostly part-time instructors/coaches for recreational and sports courses, ushers at cultural venues and camp counsellors overseeing the conduct of activities at camp sites.

(b)(i) As explained at the beginning of my reply, part-time NCSC staff are engaged mainly to meet service needs which entail irregular work pattern and/or work hours. During the contract period, they will be called upon only when service needs arise and B/Ds will liaise and agree with them on the number of working hours required for the concerned services. Thus, the services provided by part-time NCSC staff are not continuous in nature.

(ii) As at December 31, 2009, the average hourly rate of all part-time NCSC staff who had contractual relationship with B/Ds was \$33 or above.

(c) Currently, all employees covered by the EO, irrespective of their period of employment and number of working hours per week, are entitled to certain employees' rights and benefits such as payment of wages, restriction on deductions from wages, statutory holidays, protection against unreasonable and unlawful dismissal, etc. While the EO is not binding on the Government, as explained at the beginning of my reply, the Government, as a good employer, adheres to the guiding principle that the terms of employment of NCSC staff are overall speaking no less favourable than those provided for under the EO.

Also, Government employees, including NCSC staff, irrespective of their period of employment and number of working hours per week, are covered by the Employees' Compensation Ordinance (Cap.282). Part-time NCSC staff are thus already protected by the relevant laws, including provisions in relation to paid sick leave for injury on duty and compensation for death caused by accident arising out of and in the course of the employment.

Wednesday, February 3, 2010

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**Civil Service Bureau**

The Government of the Hong Kong Special Administrative Region

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Information and news

## **LCQ12: Protection for Non-Civil Service Contract staff injured or died while on duty**

Following is a question by Dr Hon Pan Pey-Chyou and a written reply by the Secretary for the Civil Service, Miss Denise Yue, in the Legislative Council today (January 6):

### **Question:**

A staff member who had been employed on non-civil service contract (NCSC) and worked for Radio Television Hong Kong for 21 years earlier died at work due to cerebral hemorrhages but the Government adamantly refused to grant death gratuity to his dependents on grounds that the employee was not a civil servant, and eventually only long service payment and mandatory provident fund (MPF) were granted. I have learnt that the incident has aroused public concern about the support for NCSC staff and their families. In this connection, will the Government inform this Council:

- (a) of the current number of NCSC staff employed by the Government, with a breakdown by department and grade;
- (b) of the respective numbers of staff continuously employed at present by the Government on NCSC and other forms of contract, with a breakdown by year of continuous service (i.e. those below five years, and groups of five years each thereafter to 20 years and above);
- (c) of the respective numbers of cases reported to the Commissioner for Labour in the past five years which involved NCSC staff sustaining injuries at work and those in which such employees died at work; and
- (d) apart from granting long service payments and MPF to the dependents of those NCSC staff who died at work, whether the Government at present provides any substantive support to the dependents or NCSC staff who sustained injuries at work; if so, how such support compares with that provided to civil servants and their dependents?

### **Reply:**

President,

The Non-Civil Service Contract (NCSC) Staff Scheme, introduced in 1999, aims at providing Permanent Secretaries and Heads of Departments (hereafter shortened as 'HoDs') with a flexible means of employment to respond more promptly to changing operational and service needs of Bureaux/Departments (B/Ds) which may be time-limited, seasonal, or subject to market fluctuations; or which require staff to work

less than conditioned hours; or which require tapping the latest expertise in a given area in the market; or where the mode of delivery of the service is under review or likely to be changed.

NCSC staff are employed on a fixed term contract basis with an all-inclusive pay package which does not offer any fringe benefits. HoDs may determine the employment package of their NCSC staff having regard to the job nature, condition of the employment market, as well as their management and operational considerations. The terms and conditions of service for NCSC staff are overall speaking no less favourable than those provided for under the Employment Ordinance (EO) (Cap. 57) and no more favourable than those applicable to civil servants in comparable civil service ranks or with comparable levels of responsibilities where they exist.

Moreover, Government employees, including NCSC staff, are covered by the Employees' Compensation Ordinance (ECO) (Cap. 282). They are thus already protected by the relevant laws, including provisions in relation to paid sick leave for injury on duty and compensation for death caused by accident arising out of and in the course of the employment.

Given the nature of the NCSC Scheme, the Civil Service Bureau (CSB) only collects general information (such as the number of NCSC staff employed, the monthly salary range and the duration of contracts) twice a year from B/Ds.

With the above brief explanation on the NCSC Staff Scheme, my reply to the specific questions is set out below:

(a) Having regard to the scope of the NCSC Staff Scheme, the number of NCSC staff employed by B/Ds varies from time to time in the light of changing service and operational requirements. As at June 30, 2009, there were 16,186 full-time(Note 1) NCSC staff employed by B/Ds. A breakdown of these full-time NCSC staff by B/Ds is at Annex. There is no classification of NCSC staff by "grades" as such since they are employed outside the civil service establishment. We are therefore unable to provide a breakdown of the number of NCSC staff by grades.

(b) As at June 30, 2009, the majority (12,091 or about 75%) of the 16,186 full-time NCSC staff had continuous service(Note 2) of less than five years. Of the remaining NCSC staff, 3,551 had continuous service of five years or more to less than 10 years, and 554 had 10 years or more. The CSB does not keep information on the breakdown by other years of continuous service as mentioned in part (b) of the question. Neither do we have the information on the years of continuous service of staff employed on other forms of contract.

(c) The respective numbers of cases reported to the Commissioner for Labour in the past five financial years which involved full-time NCSC staff sustaining injuries at work are as follows:

Financial year	Number of cases involving full-time NCSC staff sustaining injuries at work
2004-05	343
2005-06	350
2006-07	424
2007-08	344
2008-09	329

In the past five financial years, no NCSC staff died arising out of and in the course of the employment.

(d) As civil servants and NCSC staff have their distinctive nature of appointment, it is inappropriate to compare the employment terms and conditions of service of civil servants with those of NCSC staff.

As far as the arrangements for staff who sustain injuries or die on duty are concerned, Government employees, including NCSC staff, are covered by the ECO, NCSC staff are thus already protected by the relevant laws. Generally speaking, Government employees (be they civil servants or NCSC staff) who sustain injuries on duty are entitled to paid sick leave for a maximum period of 24 months. Free medical services by the Government or Hospital Authority will also be provided. If the staff opts for medical treatment by registered Chinese medicine practitioners, he may apply to the Government for reimbursement of the fees subject to the maximum amount as provided for under the ECO.

As for compensation for staff who die as a result of injuries while on duty, the dependants of an NCSC staff are entitled to statutory compensation under the ECO and the staff's accrued mandatory provident fund (MPF) benefits. For a civil servant appointed under the new terms on or after June 1, 2000, on top of the statutory compensation under the ECO and his accrued MPF/civil service provident fund benefits, a death payment of 36 months' final salary will be payable to his dependants if he dies arising out of and in the course of the employment.

Note 1: "Full-time" means the employment is on a "continuous contract" under the definition of the EO. According to the EO, an employee who works continuously for the same employer for four weeks or more, with at least 18 hours in each week, is regarded as working under a continuous contract.

Note 2: "Continuous service" includes service in the same NCSC position, as well as service in different NCSC positions in the same department but without a break in service.

Wednesday, January 6, 2010

## Employment of non-civil service contract staff

## List of relevant papers

Date of meeting of Panel on Public Service	Minutes/ Paper	LC Paper No.
18.1.1999	Administration's paper on "Employment of NCSC Staff"  Minutes of meeting	CB(2)924/98-99  <a href="http://www.legco.gov.hk/yr98-99/english/panels/ps/papers/ps1801_5.htm">http://www.legco.gov.hk/yr98-99/english/panels/ps/papers/ps1801_5.htm</a>  CB(2)1466/98-99  <a href="http://www.legco.gov.hk/yr98-99/english/panels/ps/minutes/ps180199.htm">http://www.legco.gov.hk/yr98-99/english/panels/ps/minutes/ps180199.htm</a>
18.3.2002	Administration's paper on "Civil Service-relating issues featuring in the 2002-03 Budget"  Supplementary information provided by the Administration	CB(1)1284/01-02(03)  <a href="http://www.legco.gov.hk/yr01-02/english/panels/ps/papers/ps0318cb1-1284-3e.pdf">http://www.legco.gov.hk/yr01-02/english/panels/ps/papers/ps0318cb1-1284-3e.pdf</a>  CB(1)1474/01-02  <a href="http://www.legco.gov.hk/yr01-02/english/panels/ps/papers/ps0318cb1-1474-e.pdf">http://www.legco.gov.hk/yr01-02/english/panels/ps/papers/ps0318cb1-1474-e.pdf</a>
	Minutes of meeting	CB(1)1445/01-02  <a href="http://www.legco.gov.hk/yr01-02/english/panels/ps/minutes/ps020318.pdf">http://www.legco.gov.hk/yr01-02/english/panels/ps/minutes/ps020318.pdf</a>
19.4.2004	Administration's paper on "Employment of NCSC Staff"  Administration's paper on "Employment of NCSC Staff"	CB(1)1505/03-04(04)  <a href="http://www.legco.gov.hk/yr03-04/english/panels/ps/papers/ps0419cb1-1505-4e.pdf">http://www.legco.gov.hk/yr03-04/english/panels/ps/papers/ps0419cb1-1505-4e.pdf</a>  CB(1)1568/03-04(02)  <a href="http://www.legco.gov.hk/yr03-04/english/panels/ps/papers/ps0419cb1-1568-2e.pdf">http://www.legco.gov.hk/yr03-04/english/panels/ps/papers/ps0419cb1-1568-2e.pdf</a>

Date of meeting of Panel on Public Service	Minutes/ Paper	LC Paper No.
	<p>Administration's paper on "Employment of NCSC Staff"</p> <p>Administration's paper on "Employment of NCSC Staff"</p> <p>Administration's paper on "Employment of NCSC Staff"</p>	<p>CB(1)1813/03-04(01) <a href="http://www.legco.gov.hk/yr03-04/english/panels/ps/papers/ps0419cb1-1813-1e.pdf">http://www.legco.gov.hk/yr03-04/english/panels/ps/papers/ps0419cb1-1813-1e.pdf</a></p> <p>CB(1)2346/03-04(01) <a href="http://www.legco.gov.hk/yr03-04/english/panels/ps/papers/pscb1-2346-1e.pdf">http://www.legco.gov.hk/yr03-04/english/panels/ps/papers/pscb1-2346-1e.pdf</a></p> <p>CB(1)93/04-05(01) <a href="http://www.legco.gov.hk/yr03-04/english/panels/ps/papers/ps0419cb1-93-1e.pdf">http://www.legco.gov.hk/yr03-04/english/panels/ps/papers/ps0419cb1-93-1e.pdf</a></p>
	Minutes of meeting	<p>CB(1)1787/03-04 <a href="http://www.legco.gov.hk/yr03-04/english/panels/ps/minutes/ps040419.pdf">http://www.legco.gov.hk/yr03-04/english/panels/ps/minutes/ps040419.pdf</a></p>
17.1.2005	<p>Administration's paper on "Policy Initiatives of the Civil Service Bureau"</p> <p>Minutes of meeting</p>	<p>CB(1)684/04-05(03) <a href="http://www.legco.gov.hk/yr04-05/english/panels/ps/papers/ps0117cb1-684-3e.pdf">http://www.legco.gov.hk/yr04-05/english/panels/ps/papers/ps0117cb1-684-3e.pdf</a></p> <p>CB(1)901/04-05 <a href="http://www.legco.gov.hk/yr04-05/english/panels/ps/minutes/ps050117.pdf">http://www.legco.gov.hk/yr04-05/english/panels/ps/minutes/ps050117.pdf</a></p>
18.4.2005	<p>Administration's paper on "Employment of NCSC Staff"</p> <p>The Administration's response to the motion passed at the Panel meeting</p> <p>Minutes of meeting</p>	<p>CB(1)1248/04-05(03) <a href="http://www.legco.gov.hk/yr04-05/english/panels/ps/papers/ps0418cb1-1248-3e.pdf">http://www.legco.gov.hk/yr04-05/english/panels/ps/papers/ps0418cb1-1248-3e.pdf</a></p> <p>CB(1)1976/04-05(01) <a href="http://www.legco.gov.hk/yr04-05/english/panels/ps/papers/ps0418cb1-1976-1e.pdf">http://www.legco.gov.hk/yr04-05/english/panels/ps/papers/ps0418cb1-1976-1e.pdf</a></p> <p>CB(1)1521/04-05 <a href="http://www.legco.gov.hk/yr04-05/english/panels/ps/minutes/ps050418.pdf">http://www.legco.gov.hk/yr04-05/english/panels/ps/minutes/ps050418.pdf</a></p>

Date of meeting of Panel on Public Service	Minutes/ Paper	LC Paper No.
	Administration's paper on "Employment of NCSC Staff"	CB(1)2316/04-05(01)  <a href="http://www.legco.gov.hk/yr04-05/english/panels/ps/papers/ps0418cb1-2316-1e.pdf">http://www.legco.gov.hk/yr04-05/english/panels/ps/papers/ps0418cb1-2316-1e.pdf</a>
20.3.2006	Administration's paper on "Employment of NCSC Staff"  Minutes of meeting	CB(1)1067/05-06(03)  <a href="http://www.legco.gov.hk/yr05-06/english/panels/ps/papers/ps0320cb1-1067-3e.pdf">http://www.legco.gov.hk/yr05-06/english/panels/ps/papers/ps0320cb1-1067-3e.pdf</a>  CB(1)1745/05-06  <a href="http://www.legco.gov.hk/yr05-06/english/panels/ps/minutes/ps060320.pdf">http://www.legco.gov.hk/yr05-06/english/panels/ps/minutes/ps060320.pdf</a>
18.12.2006	Administration's paper on "Review of Employment Situation of NCSC Staff"  Minutes of meeting	CB(1)471/06-07(03)  <a href="http://www.legco.gov.hk/yr06-07/english/panels/ps/papers/ps1218cb1-471-3-e.pdf">http://www.legco.gov.hk/yr06-07/english/panels/ps/papers/ps1218cb1-471-3-e.pdf</a>  CB(1)621/06-07  <a href="http://www.legco.gov.hk/yr06-07/english/panels/ps/minutes/ps061218.pdf">http://www.legco.gov.hk/yr06-07/english/panels/ps/minutes/ps061218.pdf</a>
15.1.2007	Administration's paper on "Follow-up on Review of Employment Situation of NCSC Staff"  Minutes of meeting	CB(1)623/06-07(03)  <a href="http://www.legco.gov.hk/yr06-07/english/panels/ps/papers/ps0115cb1-623-3-e.pdf">http://www.legco.gov.hk/yr06-07/english/panels/ps/papers/ps0115cb1-623-3-e.pdf</a>  CB(1)876/06-07  <a href="http://www.legco.gov.hk/yr06-07/english/panels/ps/minutes/ps070115.pdf">http://www.legco.gov.hk/yr06-07/english/panels/ps/minutes/ps070115.pdf</a>
8.2.2007	Administration's paper on "Follow-up on Review of Employment Situation of NCSC Staff"  Minutes of meeting	CB(1)843/06-07(03)  <a href="http://www.legco.gov.hk/yr06-07/english/panels/ps/papers/ps0208cb1-843-3-e.pdf">http://www.legco.gov.hk/yr06-07/english/panels/ps/papers/ps0208cb1-843-3-e.pdf</a>  CB(1)1245/06-07  <a href="http://www.legco.gov.hk/yr06-07/english/panels/ps/minutes/ps070208.pdf">http://www.legco.gov.hk/yr06-07/english/panels/ps/minutes/ps070208.pdf</a>

Date of meeting of Panel on Public Service	Minutes/ Paper	LC Paper No.
15.3.2007	<p>Administration's paper on "Follow-up on Review of Employment Situation of NCSC Staff"</p> <p>Administration's paper responding to the motion on "Employment Situation of NCSC Staff"</p> <p>Minutes of meeting</p>	<p>CB(1)1108/06-07(01)</p> <p><a href="http://www.legco.gov.hk/yr06-07/english/panels/ps/papers/ps0208cb1-1108-1-e.pdf">http://www.legco.gov.hk/yr06-07/english/panels/ps/papers/ps0208cb1-1108-1-e.pdf</a></p> <p>CB(1)1321/06-07(01)</p> <p><a href="http://www.legco.gov.hk/yr06-07/english/panels/ps/papers/ps0315cb1-1321-1-e.pdf">http://www.legco.gov.hk/yr06-07/english/panels/ps/papers/ps0315cb1-1321-1-e.pdf</a></p> <p>CB(1)1322/06-07</p> <p><a href="http://www.legco.gov.hk/yr06-07/english/panels/ps/minutes/ps070315.pdf">http://www.legco.gov.hk/yr06-07/english/panels/ps/minutes/ps070315.pdf</a></p>
17.12.2007	<p>Administration's paper on "Employment of NCSC Staff"</p> <p>Administration's paper on "Employment of NCSC Staff"</p> <p>Administration's paper on "Employment of NCSC Staff"</p> <p>Minutes of meeting</p>	<p>CB(1)377/07-08(03)</p> <p><a href="http://www.legco.gov.hk/yr07-08/english/panels/ps/papers/ps1217cb1-377-3-e.pdf">http://www.legco.gov.hk/yr07-08/english/panels/ps/papers/ps1217cb1-377-3-e.pdf</a></p> <p>CB(1)597/07-08(01)</p> <p><a href="http://www.legco.gov.hk/yr07-08/english/panels/ps/papers/ps1217cb1-597-1-e.pdf">http://www.legco.gov.hk/yr07-08/english/panels/ps/papers/ps1217cb1-597-1-e.pdf</a></p> <p>CB(1)794/07-08(01)</p> <p><a href="http://www.legco.gov.hk/yr07-08/english/panels/ps/papers/ps1217cb1-794-1-e.pdf">http://www.legco.gov.hk/yr07-08/english/panels/ps/papers/ps1217cb1-794-1-e.pdf</a></p> <p>CB(1)565/07-08</p> <p><a href="http://www.legco.gov.hk/yr07-08/english/panels/ps/minutes/ps071217.pdf">http://www.legco.gov.hk/yr07-08/english/panels/ps/minutes/ps071217.pdf</a></p>
11.3.2008	<p>Administration's paper responding to the motion on the employment opportunities for NCSC staff</p> <p>Minutes of meeting</p>	<p>CB(1)1262/07-08(01)</p> <p><a href="http://www.legco.gov.hk/yr07-08/english/panels/ps/papers/ps0311cb1-1262-1-e.pdf">http://www.legco.gov.hk/yr07-08/english/panels/ps/papers/ps0311cb1-1262-1-e.pdf</a></p> <p>CB(1)1239/07-08</p> <p><a href="http://www.legco.gov.hk/yr07-08/english/panels/ps/minutes/ps080311.pdf">http://www.legco.gov.hk/yr07-08/english/panels/ps/minutes/ps080311.pdf</a></p>

Date of meeting of Panel on Public Service	Minutes/ Paper	LC Paper No.
16.2.2009	<p>Administration's paper on "Employment of NCSC Staff"</p> <p>Submission on employment of NCSC staff (Chinese version only)</p> <p>Paper on Employment of NCSC Staff prepared by the Legislative Council Secretariat (Background brief)</p> <p>Hon LEE Cheuk-yan's questions on employment of NCSC staff (Chinese version only)</p> <p>The Administration's reply to Hon LEE Cheuk-yan's questions</p> <p>Minutes of meeting</p> <p>Administration's paper on "Employment of NCSC Staff"</p>	<p>CB(1) 747/08-09(06)</p> <p><a href="http://www.legco.gov.hk/yr08-09/english/panels/ps/papers/ps0216cb1-747-6-e.pdf">http://www.legco.gov.hk/yr08-09/english/panels/ps/papers/ps0216cb1-747-6-e.pdf</a></p> <p>CB(1)781/08-09(03)</p> <p>CB(1)748/08-09</p> <p><a href="http://www.legco.gov.hk/yr08-09/english/panels/ps/papers/ps0216cb1-748-e.pdf">http://www.legco.gov.hk/yr08-09/english/panels/ps/papers/ps0216cb1-748-e.pdf</a></p> <p>CB(1)815/08-09(01)</p> <p>CB(1)815/08-09(02)</p> <p><a href="http://www.legco.gov.hk/yr08-09/english/panels/ps/papers/ps0216cb1-815-2-e.pdf">http://www.legco.gov.hk/yr08-09/english/panels/ps/papers/ps0216cb1-815-2-e.pdf</a></p> <p>CB(1)1647/08-09</p> <p><a href="http://www.legco.gov.hk/yr08-09/english/panels/ps/minutes/ps20090216.pdf">http://www.legco.gov.hk/yr08-09/english/panels/ps/minutes/ps20090216.pdf</a></p> <p>CB(1)2235/08-09(01)</p> <p><a href="http://www.legco.gov.hk/yr08-09/english/panels/ps/papers/pscb1-2235-1-e.pdf">http://www.legco.gov.hk/yr08-09/english/panels/ps/papers/pscb1-2235-1-e.pdf</a></p>
21.12.2009	<p>Administration's paper on "Employment of NCSC Staff"</p> <p>Paper on employment of non-civil service contract staff prepared by the Legislative Council Secretariat (updated background</p>	<p>CB(1)597/09-10(03)</p> <p><a href="http://www.legco.gov.hk/yr09-10/english/panels/ps/papers/ps1221cb1-597-3-e.pdf">http://www.legco.gov.hk/yr09-10/english/panels/ps/papers/ps1221cb1-597-3-e.pdf</a></p> <p>CB(1)674/09-10</p> <p><a href="http://www.legco.gov.hk/yr09-10/english/panels/ps/papers/ps1221cb1-674-e.pdf">http://www.legco.gov.hk/yr09-10/english/panels/ps/papers/ps1221cb1-674-e.pdf</a></p>

Date of meeting of Panel on Public Service	Minutes/ Paper	LC Paper No.
	<p>brief)</p> <p>Submission from Hong Kong Civil Servants General Union (Chinese version only)</p> <p>Submission from Government Employees Association (Chinese version only)</p> <p>Submission from Hong Kong Leisure Services Staff General Union (Chinese version only)</p> <p>Submission from Rights Association of Hongkong Post Contract Staff (Chinese version only)</p> <p>Submission from the Civil Servants &amp; Subsidized Organizations Committee of The Federation of Hong Kong &amp; Kowloon Labour Unions (Chinese version only)</p> <p>Submission from 屋宇署合約僱員代表 (Chinese version only)</p> <p>Minutes of meeting</p>	<p>CB(1)661/09-10(01)</p> <p>CB(1)727/09-10(01)</p> <p>CB(1)612/09-10(01)</p> <p>CB(1)682/09-10(01)</p> <p>CB(1)597/09-10(04)</p> <p>CB(1)727/09-10(02)</p> <p>CB(1)1329/09-10</p> <p><a href="http://www.legco.gov.hk/yr09-10/english/panels/ps/minutes/ps20091221.pdf">http://www.legco.gov.hk/yr09-10/english/panels/ps/minutes/ps20091221.pdf</a></p>