

**For discussion on
21 May 2012**

LEGISLATIVE COUNCIL PANEL ON PUBLIC SERVICE
CONDITIONED HOURS OF WORK OF THE CIVIL SERVICE

PURPOSE

This paper sets out the Administration's response with respect to the views expressed by staff unions/associations on the conditioned hours of work of different civil service grades at the Public Service Panel meeting on 16 January 2012.

BACKGROUND

2. The Administration set out its policy governing the conditioned hours of work of the civil service vide LC Paper No. CB(1)788/11-12(03) in January 2012. At the Panel meeting on 16 January 2012, a total of 35 staff unions/associations of different civil service grades attended the meeting to express their views on the subject.

CONDITIONED HOURS OF WORK

3. Specific conditioned hours of work are laid down for different grades of civil servants (including civilian and disciplined services staff) according to the nature and operational requirements of the respective grades and other relevant considerations. The stipulated conditioned hours of work have been taken into account when the Administration determined the pay of different civil service grades. There is no uniform conditioned hours of work in the civil service and the Administration considers it inappropriate to introduce a uniform conditioned hours of work across the board for all civil servants.

4. The policy on civil service pay is to offer remuneration sufficient to attract, retain and motivate staff of a suitable calibre to serve in the civil service, and such remuneration should be regarded as fair by both civil servants and the general public by maintaining broad comparability with the private sector pay. As the conditioned hours of work have been taken into account in determining the overall remuneration package offered to civil servants, a reduction in the stipulated conditioned hours of work of a civil service grade without any change to its pay scale will be an improvement to the pay and conditions of service of the specific grade.

5. Hence, any proposal to reduce the conditioned hours of work of a civil service grade must be carefully considered. The Administration is open to proposals for reduction of conditioned hours of work provided that they are supported by reasonable grounds and justifications. The Administration will consider any proposal to reduce the conditioned hours of work of a particular grade against the three pre-requisites of cost-neutrality, no additional manpower, and maintaining the same level of service to the public. It will also consider the duties and responsibilities of the concerned grade, the operational requirements, the manpower situation, the implications of reduction on other civil service grades, and other relevant factors. Each proposal will be considered on its own merits and the advice of the relevant advisory bodies¹ will be sought and taken into account in the Administration's decision.

6. The Administration's response on the views raised by the staff unions/associations at the Panel meeting on 16 January 2012 is set out at **Annex**.

Civil Service Bureau
May 2012

¹ The Standing Commission on Civil Service Salaries and Conditions of Service and the Standing Committee on Disciplined Services Salaries and Conditions of Service are responsible for advising and making recommendations to the Chief Executive on matters concerning the pay and conditions of service of non-directorate civil service grades, including the conditioned hours of work of individual grades.

**The Administration's Response on the
Views of Deputations Given in their Submissions and at the Public Service Panel Meeting on 16 January 2012
on Conditioned Hours of Work of the Civil Service**

I. General views on conditioned hours of work		
Organization/individual	Major views and concerns	Administration's response
Buildings Department Non-Civil Service Contract Staff Association Food and Environmental Hygiene Department Law Enforcement Staff Union Government Electrical & Mechanical Works Supervisors, Craftsmen & Workmen Association Government Disciplined Services General Union Government Employee	<ul style="list-style-type: none"> • The Administration should standardize the conditioned hours of work at 44 hours gross per week across the board for all civil servants. The Administration should migrate those civil servants currently required to work more than 44 hours per week to the 44 hours gross per week system. Views in support of this are: <ul style="list-style-type: none"> - with the increasing demand of the public, the work of civil servants has become more complicated and the workload is heavier than before. The increase in work pressure has strained the physical and mental health of civil servants, which in turn impacted on the work efficiency and quality of the 	<p>General policy</p> <ul style="list-style-type: none"> • Specific conditioned hours of work are laid down for different grades of civil servants (including civilian and disciplined services staff) according to the nature and operational requirements of the respective grades and other relevant considerations. The stipulated conditioned hours of work have been taken into account when the Administration determined the pay of different civil service grades. The Administration considers it inappropriate to introduce a uniform conditioned hours of work across the board for all civil servants. • The policy on civil service pay is to offer remuneration sufficient to attract, retain and motivate staff of a suitable calibre to serve in the civil service, and such remuneration should

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Solidarity Union Government Employees Association Government Frontline Employees Union Government Mod 1 Staff General Union Government Overseers and Hawker Control Officers Union Government Park & Playground Keepers Union Hawker Control Officers Union HKSAR Government Employees General Union	services provided to the public; - the presence of different arrangements for conditioned hours of work has caused difficulties in the administration of the civil service and intensified the disparity between the grades and thereby damaged morale of the civil service; - after the introduction of five-day week initiative, civil servants on the 45 hours net per week system have to work for 10 hours a day (inclusive of meal break). The 10-hour work plus one to two hours of travelling time will leave the civil servants little time for family and social life, not to mention continuing education. The long working hours not only defeat the purpose of the five-day week initiative, but also have a negative impact on the work efficiency,	be regarded as fair by both civil servants and the general public by maintaining broad comparability with the private sector pay. • As the conditioned hours of work have been taken into account in determining the overall remuneration package offered to civil servants, a reduction in the stipulated conditioned hours of work of a civil service grade without any change to its pay scale will be an improvement to the pay and conditions of service of the specific grade. • The integrity of the terms and conditions of service of different grades is of paramount importance in the administration of the civil service. It is therefore inappropriate to make simplistic comparison between individual employment terms of civil servants in Hong Kong and those of employees in other jurisdictions.

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<p>Hong Kong Chinese Civil Servants' Association</p> <p>Hong Kong Chinese Civil Servants' Association, Food and Environmental Hygiene Department Foreman Grade Branch</p>	<p>making good judgement at work and occupational safety;</p> <ul style="list-style-type: none"> - it is unfair to have different arrangements for conditioned hours of work for civil servants, NCSC staff and agency workers. It is also unfair for staff members from the same department to be subject to different arrangements for conditioned hours of work; 	<ul style="list-style-type: none"> • The Administration will consider any proposal to reduce the conditioned hours of work of a particular grade against the three pre-requisites of cost-neutrality, no additional manpower, and maintaining the same level of service to the public. It will also consider the duties and responsibilities of the concerned grade, the operational requirements, the manpower situation, the implications of reduction on other civil service grades, and other relevant factors.
<p>Hong Kong Civil Servants General Union</p> <p>Hong Kong Environmental Hygiene Staff Union (Supervisor and Workman)</p>	<ul style="list-style-type: none"> - reduction of conditioned hours of work will be in line with the Administration's pledge to foster a family-friendly working environment; - there is a trend in developed economies to reduce working hours to protect the health of employees. 	<ul style="list-style-type: none"> • Each proposal will be considered on its own merits and the advice of the relevant advisory bodies¹ will be sought and taken into account in the Administration's decision.

¹ The Standing Commission on Civil Service Salaries and Conditions of Service and the Standing Committee on Disciplined Services Salaries and Conditions of Service are responsible for advising and making recommendations to the Chief Executive on matters concerning the pay and conditions of service of non-directorate civil service grades, including the conditioned hours of work of individual grades.

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<p>Hong Kong Food and Environmental Hygiene Department Staff Rights Union</p> <p>Hong Kong Food and Environmental Hygiene Supervisory Staff Union</p> <p>Hong Kong Hospital Staff Rights Union</p> <p>Hong Kong Junior Civil Servants Association</p> <p>Hong Kong Leisure Services Staff General Union</p> <p>Hong Kong Life Saving Staff General Union</p> <p>Hong Kong Municipal</p>	<p>The civil servants in many European and American countries, Mainland, Taiwan and Macau are required to work 40 hours per week or less. Hong Kong is lagging behind other jurisdictions and should catch up with the world trend;</p> <p>- given that some employers in the private sector have been criticized for not providing paid meal breaks to their employees upon the implementation of Minimum Wage Ordinance, the Administration should abolish the 45 hours net system which does not regard meal breaks as working hours if it does not want to be called "unscrupulous employers";</p> <p>- the conditioned hours of work should be reviewed in accordance</p>	<p>Five-day week</p> <ul style="list-style-type: none"> • The five-day week initiative is implemented in the Government with the objective of improving the quality of civil servants' family life but without affecting the overall level and efficiency of public services or incurring additional costs to the taxpayer. • Under these parameters, bureaux and departments (B/Ds) have to abide by the following four basic principles in their implementation of the five-day week initiative – <ul style="list-style-type: none"> (a) no additional staffing resources; (b) no reduction in the conditioned hours of service of individual staff; (c) no reduction in emergency services; and (d) continued provision of some essential counter services on Saturdays.

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<p>Services Staff Association</p> <p>Neighbourhood and Worker's Service Centre</p> <p>Police Force Council Staff Side</p> <p>Rights Association of Hong Kong Post Contract Staff</p> <p>Staff Association of Hong Kong Food and Environmental Hygiene Department</p> <p>Union of Food and Environmental Hygiene Department Market</p>	<p>with the principles of (a) spirit of equality; (b) alleviation of disparity amongst different grades; (c) adoption of good occupational safety and health practices; and (d) promotion of good staff relations policies and welfare measures;</p> <p>- there is no need to adhere strictly to the three pre-requisites i.e. cost-neutrality, no additional manpower and maintaining the same level of service to the public. More resources should be allocated to enhance the quality of service delivery to the public. The change from 45 hours net to 44 hours gross per week requires only limited additional resources. The Administration has the resources to provide a better working</p>	<ul style="list-style-type: none"> • As at 31 December 2010², around 104 500 civil servants³ (i.e. around 70% of the civil service strength) worked on five-day week. • Whether five-day week can be implemented is based on the operational needs of different B/Ds, the job nature of different posts, and occupational safety considerations etc. B/Ds are encouraged to explore possible ways to migrate more staff to five-day week, subject to the four basic principles stated above and after staff consultation. B/Ds are also encouraged to arrange staff to work in five-day week posts by rotation, where operational and other circumstances permit.

² The next survey is tentatively scheduled to be completed in 2013.

³ This figure did not include civil servants who worked in government schools, the Judiciary, the Independent Commission Against Corruption, the Hospital Authority, the Vocational Training Council, the Hong Kong Monetary Authority, etc.

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Assistant	<p>environment for civil servants;</p> <ul style="list-style-type: none">- the system of different conditioned hours of work for different civil service grades has been implemented since 1950s and is now outdated;- many civil servants on the 45 hours net system were lower rank staff performing physically demanding and/or outdoor duties. They were victims of class discrimination practised in the colonial era, which was against the core values of modern society. They should be provided with sufficient rest time to prevent fatigue and enhance occupational safety;- as the study on standard working hours is underway, the Administration should introduce standard working hours to set a good example for public bodies,	

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	<p>government contractors and the private sector;</p> <ul style="list-style-type: none">- while the Administration claims that it will take into account the stipulated conditioned hours of work when determining the salaries and conditions of service of different civil service grades, there have been cases in the past that the conditioned hours of work were reduced for certain departments without concomitant reduction in salaries; and- the Administration should align the conditioned hours of work in phases.	

II. Views relating to the conditioned hours of work of certain grades		
Organization/individual	Major views and concerns	Administration's response
Association of Customs & Excise Service Officers	<ul style="list-style-type: none"> The Administration should reduce the working hours of disciplinary services staff to 44 hours gross per week, and fully implement the five-day week initiative in the Customs & Excise Department. 	<ul style="list-style-type: none"> Specific conditioned hours of work are laid down for different grades of civil servants (including civilian and disciplined services staff) according to the nature and operational requirements of the respective grades and other relevant considerations. The stipulated conditioned hours of work have been taken into account in determining the pay of different civil service grades. The Administration considers it inappropriate to introduce a uniform conditioned hours of work across the board for all civil servants. B/Ds are encouraged to explore possible ways to migrate more staff to five-day week, subject to the following four basic principles and after staff consultation – <ol style="list-style-type: none"> no additional staffing resources; no reduction in the conditioned hours of service of individual staff; no reduction in emergency services; and continued provision of some essential counter services on Saturdays.

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Hong Kong Correctional Services General Union	<ul style="list-style-type: none"> Although the conditioned hours of work of staff of Correctional Services Department had been increased over the years to 49 hours gross per week, there was no corresponding adjustment to their pay and conditions of service. The conditioned hours of work of civil servants should be considered on equal footing in a fair and impartial manner. 	<ul style="list-style-type: none"> Specific conditioned hours of work are laid down for different grades of civil servants (including civilian and disciplined services staff) according to the nature and operational requirements of the respective grades and other relevant considerations. According to available records, the conditioned hours of work of disciplined services staff in the Correctional Services Department (CSD) have been set at 49 hours gross per week since at least 1980. CSD commenced a 12-month trial scheme for reducing the working hours of its disciplined services staff from 49 to 48 hours per week on 1 July 2011 to assess the viability of a permanent reduction of the conditioned hours for CSD's disciplined services staff. The trial scheme will be assessed against the three pre-requisites of cost-neutrality, no additional manpower, and maintaining the same level of service to the public; and against

II. Views relating to the conditioned hours of work of certain grades		
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		other relevant considerations. Upon completion of the trial, advice of the relevant advisory body will be sought and taken into account when the Administration decides on the way forward.
Hong Kong Fire Services Department Staffs General Association	<ul style="list-style-type: none"> The Association has been demanding for the reduction of the conditioned hours of work for staff of Fire Stream of the Fire Services Department from 54 to 48 hours per week. 	<ul style="list-style-type: none"> Specific conditioned hours of work are laid down for different grades of civil servants (including civilian and disciplined services staff) according to the nature and operational requirements of the respective grades and other relevant considerations. The stipulated conditioned hours of work have been taken into account in determining the pay of different civil service grades. The Administration considers it inappropriate to introduce a uniform conditioned hours of work across the board for all civil servants.
Hong Kong Fire Services Officers Association	<ul style="list-style-type: none"> The Administration should standardize the conditioned hours of work among the disciplinary services, and reduce the working hours of operational firemen in phases so as to bring them in line with those of other disciplinary services. 	<ul style="list-style-type: none"> The Administration will consider any proposal to reduce the conditioned hours of work of a particular grade against the three pre-requisites of cost-neutrality, no additional manpower, and maintaining the same level of service to the

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		<p>public. It will also consider the duties and responsibilities of the concerned grade, the operational requirements, the manpower situation, the implications of reduction on other civil service grades, and other relevant factors.</p> <ul style="list-style-type: none"> • Each proposal will be considered on its own merits and the advice of the relevant advisory body will be sought and taken into account in the Administration's decision. • We understand that the management of the Fire Services Department is in discussion with staff on possible ways to reduce the conditioned hours of work of operational firemen against the three pre-requisites and other relevant considerations.
Hong Kong Fire Services Department Ambulancemen's Union	<ul style="list-style-type: none"> • Ambulancemen are frequently deprived of an uninterrupted 30-minute meal break due to emergency calls for duty. The Administration had treated the Ambulanceman grade unfairly by making use of the grey 	<ul style="list-style-type: none"> • Given the inherent nature of the work of the disciplined services which involves the performance of emergency duties and various call-out operations, individual disciplined services have formulated their own meal break arrangements having regard to specific

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	<p>area of Civil Service Regulation 544 where meal break arrangements for disciplinary services staff were not clearly spelled out. The Administration should review the meal break arrangement so that the ambulancemen can enjoy a one-hour uninterrupted meal break.</p>	<p>operational needs.</p> <ul style="list-style-type: none"> To address the concerns of Ambulanceman grade staff over frequently disrupted meal breaks, the FSD management has put in place flexible meal break arrangements for them, taking into account the emergency nature of ambulance service. According to FSD, around 85% and 98% of the day and night shift ambulance crews respectively were able to take an uninterrupted 30-minute meal break within the relevant specified periods on average between January and March 2012. We understand that the FSD management will continue to exchange views on the matter with staff representatives.
<p>Union of Government School Teachers</p>	<ul style="list-style-type: none"> Government school teachers are required to work far more than 44 hours per week and assume heavy responsibilities in caring for the well-being of the students. With the changing nature of work and increased responsibilities, the 	<ul style="list-style-type: none"> Each government school draws up its own school calendar according to guidelines issued by the Education Bureau, having regard to its unique operational requirements. Given that the manpower deployment and operational needs of each school varies, each individual school will decide the work arrangement of its

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	Administration should set standard conditioned hours of work for teaching staff and conduct a comprehensive review on the work of government school teachers.	staff.
Education Employees General Union	<ul style="list-style-type: none"> • A survey has found that most teachers have to work over 60 hours per week. The Administration should investigate the actual working hours per week of teachers of government secondary and primary schools, and introduce a cap on the working hours of the teaching profession. 	<ul style="list-style-type: none"> • In light of the special operational circumstances in the school setting, the conditioned hours system does not apply to civil servants working in government schools who follow the school calendar. • As stipulated in the Civil Service Regulations, teaching staff, heads of schools and any other officers who enjoy school holidays may have to perform duty during the holidays if operationally required.
Government Educational Staff Union	<ul style="list-style-type: none"> • The Administration should undertake a comprehensive review on the working hours of teachers and consider setting an upper limit on teaching hours. 	

III. Other views		
Organization/individual	Major views and concerns	Administration's response
Hong Kong Immigration Assistants Union	<ul style="list-style-type: none"> • Instead of fixing the conditioned hours of work at 44 hours gross per week across the board, the Administration should take into account the working environment, operational nature and work intensity of the grade in determining whether the stipulated conditioned hours of work of a particular grade was optimal. 	<ul style="list-style-type: none"> • Specific conditioned hours of work are laid down for different grades of civil servants (including civilian and disciplined services staff) according to the nature and operational requirements of the respective grades and other relevant considerations. The stipulated conditioned hours of work have been taken into account in determining the pay of different civil service grades. The Administration considers it inappropriate to introduce a uniform conditioned hours of work across the board for all civil servants. • The Administration will consider any proposal to reduce the conditioned hours of work of a particular grade against the three pre-requisites of cost-neutrality, no additional manpower, and maintaining the same level of service to the public. It will also consider the duties and responsibilities of the concerned grade, the operational requirements, the manpower situation, the implications of reduction on other civil service grades, and other relevant factors.

III. Other views		
Organization/individual	Major views and concerns	Administration's response
		<ul style="list-style-type: none"> Each proposal will be considered on its own merits and the advice of the relevant advisory body will be sought and taken into account in the Administration's decision.
Hong Kong Chinese Civil Servants' Association, Food and Environmental Hygiene Department Foreman Grade Branch	<ul style="list-style-type: none"> The Administration should delegate its power to approve the proposals on working hours of different grades/ranks to respective Heads of bureaux/ departments who were most knowledgeable of the manpower situation and operational needs of their bureaux and departments. 	<ul style="list-style-type: none"> Any proposal to reduce the conditioned hours of work of a grade has to be carefully considered and approved by the Secretary for the Civil Service before implementation. The Administration is open to proposals for reduction of conditioned hours of work provided that they are supported by reasonable grounds and justifications. The Administration will consider any proposal to reduce the conditioned hours of work of a particular grade against the three pre-requisites of cost-neutrality, no additional manpower, and maintaining the same level of service to the public. It will also consider the duties and responsibilities of the concerned grade, the operational requirements, the manpower situation, the implications of reduction on other civil service grades, and other relevant factors.

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Organization/individual	Major views and concerns	Administration's response
		<ul style="list-style-type: none">• Each proposal will be considered on its own merits and the advice of the relevant advisory body will be sought and taken into account in the Administration's decision.

Note : The information under the two sub-headings of "Organization / individual" and "Major views and concerns" are provided by the Legislative Council Secretariat to the Public Service Panel; and no amendments have been made thereto.