

立法會
Legislative Council

LC Paper No. CB(4)312/12-13
(These minutes have been seen
by the Administration)

Ref : CB4/PL/PS

Panel on Public Service

**Minutes of meeting held on
Monday, 19 November 2012, at 9:00 am
in Conference Room 2 of the Legislative Council Complex**

Members present : Hon Mrs Regina IP LAU Suk-ye, GBS, JP (Chairman)
Hon POON Siu-ping, BBS, MH (Deputy Chairman)
Hon LEE Cheuk-yan
Hon Emily LAU Wai-hing, JP
Dr Hon LEUNG Ka-lau
Hon LEUNG Kwok-hung
Hon Claudia MO
Hon LEUNG Che-cheung, BBS, MH, JP
Hon KWOK Wai-keung
Hon SIN Chung-kai, SBS, JP
Hon IP Kin-yuen
Hon Martin LIAO Cheung-kong, JP
Hon TANG Ka-piu
Hon Tony TSE Wai-chuen

Member absent : Hon TAM Yiu-chung, GBS, JP

**Public Officers
attending** : **Agenda item IV**

Mr SHIU Sin-por, SBS, JP
Head
Central Policy Unit

Mr Stanley WONG
Research Director
Central Policy Unit

Agenda item V

Mr SHIU Sin-por, SBS, JP
Head
Central Policy Unit

Mr Raymond FAN, JP
Secretary to the Commission on Strategic
Development
Central Policy Unit

Agenda item VI

Mr Paul TANG, JP
Secretary for the Civil Service

Mr Raymond H C WONG, JP
Permanent Secretary for the Civil Service

Mr Eddie MAK, JP
Deputy Secretary for the Civil Service 1

Agenda item VII

Mr Paul TANG, JP
Secretary for the Civil Service

Mr Raymond H C WONG, JP
Permanent Secretary for the Civil Service

Ms May CHAN, JP
Deputy Secretary for the Civil Service 2

Miss Shirley YUNG
Deputy Secretary for Security 2

Mr Andy CHAN Chor-kam
Director of Fire Services

Mr LAI Man-hin
Deputy Director of Fire Services

Mr James NG Kuen-chi
Assistant Director (Fire Safety)
Fire Services Department

Attendance by invitation : Agenda item VII

香港消防處工時關注組

Mr LOK Ping-yin
Chairman

Mr LO Shik-chung
Vice-Chairman

Hong Kong Fire Services Department Staffs
General Association

Mr LEE Tak-kei
Chairman

Mr TSE Sau-lung
Deputy Chairman

Hong Kong Fire Services Officers Association

Mr MAN Siu-fung
Chairman

Mr YANG Kin-sang
Executive Committee Member

Hong Kong Fire Services Control Staff's Union

Mr Kenneth CHAN Kin-lun
Chairman

Mr TSANG Wai-ming
Vice-Chairman

Clerk in attendance : Ms Anita SIT
Chief Council Secretary (4)1

Staff in attendance : Ms Shirley CHAN
Senior Council Secretary (4)1

Ms Linda MA
Legislative Assistant (4)1

Action

I. Confirmation of minutes

(LC Paper No. CB(4)83/12-13 -- Minutes of meeting on 16 October 2012)

The minutes of the meeting held on 16 October 2012 were confirmed.

II. Information paper issued since the last meeting

(LC Paper No. CB(4)144/12-13(01) -- Submission from the Hong Kong Fire Services Officers Association (for members only))

2. Members noted that the above paper had been issued since the last meeting.

III. Items for discussion at the next meeting

(LC Paper No. CB(4)133/11-12(01) -- List of outstanding items for discussion)

3. Members noted that the next regular Panel meeting would be held on 17 December 2012 to discuss the following items as proposed by the Administration –

- (a) Employment situation of non-civil service contract staff; and
- (b) Creation of a supernumerary post of Principal Economist in the Economic Analysis Division of the Economic Analysis and Business Facilitation Unit.

Action

IV. Creation of a non-civil service position of Full-time Member in Central Policy Unit

(LC Paper No. CB(4)133/12-13(02) -- Paper provided by the Administration

LC Paper No. CB(4)133/12-13(03) -- Background brief on the proposal to create a non-civil service position of full-time Member in the Central Policy Unit prepared by the Secretariat)

4. At the invitation of the Chairman, the Head, Central Policy Unit (H/CPU) briefed members on the proposal to create a non-civil service (NCS) position of Full-time Member (4) at the equivalent rank of D3 as Full-time Member in CPU with effect from 1 April 2013. He advised that the major function of CPU was to provide advice on policy matters to the Chief Executive ("CE"), the Chief Secretary for Administration ("CS") and the Financial Secretary. There were two Full-time Members when CPU was established in 1989. One additional Full-time Member post was created in 1990 to enable CPU to achieve its primary objective as well as to respond to ad hoc requests. The current term Government had conducted a comprehensive review of the work of CPU, and had made modifications mainly on two areas. The first area was on cultivation of a reserve of talents. Currently, there were more than 3 000 non-official member posts in some 400 advisory and statutory bodies. The Administration maintained a database of persons for appointment to these advisory and statutory bodies. The current term Government considered that there was a need to enhance the management of the talents reserve, so as to recruit more talents from different backgrounds and develop their participation in public policy formulation. CPU, being a government unit endowed with relative flexibility, had been asked to provide advisory service systematically in the process, and a Full-time Member had been deployed to take up this work. While CPU had always played its part in cultivating talents as part of the Government, doing it systematically was new to CPU.

5. H/CPU further advised that the new media had played an increasingly important role in the Government's formulation and implementation of policies. While some years ago, CPU had started to keep track of public opinions expressed in various media and had been collecting public opinions through opinion surveys, the current term

Action

Government considered that CPU should deepen this area of work, particularly in respect of the new media, so as to enable the Government to attain a good grasp of community sentiments in a timely manner. On account of the aforesaid changes and hence the need to strengthen the research capacity of CPU, CPU proposed to create an additional NCS position of Full-time Member (4) in CPU.

Role and functions of CPU

6. Ms Emily LAU said that the Democratic Party objected to the staffing proposal. She considered that CPU was taking up new functions deviated from CPU's main role of providing advice to the top government officials. She opined that CPU should first consult the relevant Panel of the Legislative Council ("LegCo") on the changes to its functions before submitting a staffing proposal arising from such changes. Mr LEE Cheuk-yan also commented that it was unacceptable for CPU to expand its functions without consulting LegCo. Ms Claudia MO said that according to her understanding, when CPU was established in 1989, its role was to serve as a "think tank" to the Governor of Hong Kong and provide advice on long-term policies.

7. H/CPU clarified that there was no significant change to the functions of CPU. He said that collecting public opinions and providing both long-term and short-term policy advice to principal Government officials had always been part of the major functions of CPU since its inception in 1989. Furthermore, CPU had been involved in identifying suitable talents from different backgrounds to be involved in public policy affairs since the tenure of office of the former H/CPU, Professor LAU Siu-kai. In order to help take forward initiatives of the current term Government, he stressed that CPU needed to strengthen its capability in policy research in the areas of public opinion and cultivation of a reserve of talents.

Collecting public opinions

8. Hon Emily LAU expressed grave concern about the remark made by H/CPU at a recent television programme that CPU was a "political tool" of the Government and that CPU would launch public opinion campaigns to lobby for public support for government policies. She criticized that the Government had recently spent a lot of resources, which were taxpayers' money, in promoting its policies through the mass media, despite that the policies had not yet been approved by LegCo. She was concerned that

Action

CPU's new work approach would politicize the society and subvert the proven systems in Hong Kong.

9. H/CPU clarified that what he had said at the television programme regarding public opinion campaigns was that the Government, not CPU, had the responsibility to explain its policies and clarify its stance by participating in community discussions through various channels. It was not CPU's responsibility to publicize government policies or clarify Government stance. H/CPU also clarified that he had mentioned in the television programme that CPU was a "government tool", not "political tool", on account that CPU was one of the government organizations. CPU had never engaged in any political activities initiated by political parties.

10. Ms Claudia MO said that H/CPU's remark that CPU was a "government tool" had left the public with the impression that CPU would serve as "government's fighter" to shape public opinion. She further said that the Government's failure to win public support for its policies should not be attributed to the media or opinion polls conducted by universities, but to the Government's misreading of public opinions. She queried whether the new post proposed to be created in CPU with the duty of monitoring public opinion would merely work to rally support for the Government through the mass media. She was concerned that this would further divide the society and "mainlandize" Hong Kong.

11. Mr LEE Cheuk-yan queried the purported need for CPU to strengthen its research capacity in relation to public opinion. He asked whether H/CPU had implied in his remarks made at the television programme that CPU would be ready to strike back by resorting to the use of propaganda when it considered that Government policies were misinterpreted in the media. If that was the case, the role of CPU would be akin to that of the Propaganda Department of the Mainland Government.

12. H/CPU responded that as part of the Government establishment, he considered that CPU was rightly a "government tool" and should carry out duties as assigned by the three top Government officials, including explaining Government policies if so required and if CPU had been involved in the formulation process. It was however the duty of Government bureaux to promote their policies and the duty of the Information Services Department to serve as the major link between the Government and the media. H/CPU stated that CPU's role was to collect

Action

and analyze public opinions for the Government's reference in making decisions. CPU had not made any use of propaganda.

13. The Chairman said that when CPU was formed in 1989, the establishment of the Government was relatively small compared to the current establishment. It was understandable that the work dimension of CPU had extended to new areas over the years. According to her understanding, in the previous term of the Government, there was a Full-time Member in CPU deployed to the Chief Executive's Office to provide advice on public relations tactics, serving as the "heart and mind" (心戰室) of the ruling team. She asked whether CPU was playing such role at present. H/CPU responded that CPU had not been invited to take on such role and was not playing such role. Besides, CPU had not deployed the tactic of sounding out ideas to the mass media.

14. Ms Emily LAU disagreed with H/CPU's view that CPU was a "government tool". She opined that CPU should act as a professional, objective and impartial organization to provide advice to the Government. She also emphasized the importance of safeguarding the core values of the civil service on objectivity, impartiality and political neutrality. She urged civil servants to voice out the problem if they were pressurized to depart from these core values. She also objected to the view that CPU should act as a psychological warfare unit of the Government.

15. H/CPU said that while he agreed that all civil servants should remain politically neutral in executing their duties, under the political appointment system, the politically appointed officials especially the principal officials were not politically neutral; they had their views and beliefs about the governance of Hong Kong and its future development. As for CPU, he said that since its inception in 1989, most of the senior officials of CPU were appointed on NCS terms and recruited from different sectors. As part of the ruling team, CPU's structure was similar to a policy bureau in that it was led by core staff appointed on NCS terms and supported by civil servants who were politically neutral.

Staff composition and establishment of CPU

16. In response to members' enquiries on the number of NCS and civil service positions in CPU, H/CPU said that at present, CPU's establishment comprised about 50 full-time staff, more than 20 of whom were on NCS contract terms.

Action

17. On Mr TANG Ka-piu's question regarding the criteria for selecting and appointing the Full-time Members of CPU, H/CPU said that all the Full-time Members were appointed according to their expertise and capability, regardless of their political stance and whether they were well-known to the public. There were currently three permanent Full-time Member posts in CPU, and the incumbents were Ms HO Yin-fee, Professor WONG Chack-kie and Ms KAO Ching-chi. They were experienced professionals in the areas of finance, social and welfare, and human resources respectively. Given the need for additional manpower since 1 July 2012, CPU had created an additional six-month NCS position of Full-time Member (4) in October 2012 as an interim measure. Mr KWAN Wing-kei, an experienced professional in the publishing industry with rich media experience, had been appointed to fill the post.

18. Mr Martin LIAO referred to the justification set out in paragraph 16 of the Administration's paper for not being able to task the three existing Full-time Members to take on the role expected of the new post, and asked about the qualifications required of the candidate for the new post. H/CPU replied that the candidate should be knowledgeable in the areas of public opinion and politics and be conversant with the operation of the mass media and new media. In reply to Mr LIAO's enquiry about the division of work between CPU and the Commission on Strategic Development ("CSD") Secretariat, H/CPU advised that in order to strengthen the overall research capacity of CPU and enhance the support service for CSD, the manpower and resources of the CSD Secretariat with those of the other units of CPU had been deployed for common use.

19. Noting that there was a large number of directorate NCS staff in CPU, Mr IP Kin-yuen asked whether this was in proportion compared to other policy bureaux. Moreover, given that the major duty of the new position was to collect public opinions from the new media which he considered was technical in nature and did not involve decision-making, he queried the need for creating a directorate post for the purpose. In reply, H/CPU explained that the CPU's establishment was different from and far smaller than that of a policy bureau. The proposed new post would not only be responsible for research in relation to the new media. CPU needed to strengthen its research work in relation to public opinion and the new media to better understand and attain a good grasp of public opinions. This was a major factor contributing to substantial increase in the workload of CPU.

Action

Cultivation of a reserve of talents

20. Pointing out that the CPU's new function in cultivating a reserve of talents had not yet been deliberated and approved by LegCo, Mr LEE Cheuk-yan queried whether CPU had jumped the gun in the appointment of Ms KAO Ching-chi as one of its Full-time Members for this new function. He also queried whether this new function of CPU would be akin to that of the Organization Department of the Mainland Government. He requested H/CPU to explain Ms KAO's role in the appointment of non-official members to advisory and statutory bodies. Citing the Nolan Principles, Ms Emily LAU stressed the importance for the Government to ensure objectivity in making public appointments.

21. H/CPU said that cultivating talents was not a new function of CPU, and had always been part of the work of all B/Ds, including CPU. In fact, in the past, CPU had deployed an officer in identifying Part-time Members from different sectors. Over the years, CPU had built up a reserve of talents in various policy areas and had recommended talents to the Government. Ms KAO Ching-chi was tasked to strengthen this area of work and assist in providing more systematic advice to the relevant B/Ds on candidates suitable for appointment to statutory and advisory bodies. To this end, the Government had informed B/Ds that they should notify Ms KAO of their nominated candidates for her co-ordination. H/CPU stressed that although Ms KAO could render her advice to B/Ds, she did not have the authority to approve or veto appointments. All chairpersons and members of advisory and statutory bodies had to be appointed in accordance with the relevant legislation and administrative procedures. B/Ds would continue to be responsible for the appointment procedures for the advisory and statutory bodies under their purview. Since Ms KAO's post was one of the three existing Full-time Member posts, her appointment did not require the approval of LegCo.

22. Mr LEE Cheuk-yan was not convinced that Ms KAO did not have power in the appointment of non-official members to advisory and statutory bodies. He commented that the arrangements of requiring all B/Ds to notify Ms KAO of their nominated candidates and the fact that Ms KAO could render advice on the nominations implied that Ms KAO could exert great influence on the appointment process. The Chairman said that although it was not a direct power, it was a kind of soft power. Mr LEE said that soft power could be even more powerful than direct power.

Action

23. In response to the Chairman's enquiry on whether various B/Ds were previously required to seek advice from CPU on the appointments of non-official members to advisory and statutory bodies, H/CPU said that CPU had no authority to approve the appointments of members to advisory and statutory bodies. The new arrangement was made on the instruction from CE and was aimed at providing a more systematic way of appointment to avoid appointing the same candidate to a number of bodies at the same time. He disagreed with the view that by offering advice, CPU had power over the appointments.

Whether there were overlaps in functions between CPU and policy bureaux

24. Given that research on economic development and social and welfare issues were also the major focus areas of CPU, Mr SIN Chung-kai expressed concern on whether there were overlaps in functions between CPU and those policy bureaux or public organizations responsible for the same policy areas. Mr TANG Ka-piu also expressed similar concern. He said that he was particularly concerned about the work on poverty alleviation and he understood that CS would seek funding for additional manpower to support the work of the Commission on Poverty ("CoP"). He requested H/CPU to explain the division of work between CPU and CoP, and provide a list of research studies conducted by CPU in the area of poverty alleviation.

25. H/CPU explained that there was no overlap in functions between CPU and policy bureaux. Since the research capacity of individual policy bureaux was relatively limited, they welcomed CPU's input in providing research support and policy advice especially in the early formulation stage of the policy. As a lot of policies straddled different bureaux, CPU could play a co-ordinating role in the research for these policies. He noted members' concern in this regard and would take steps to avoid any overlap between CPU and policy bureaux in their research work. Regarding the work of CoP, H/CPU said that CoP was an advisory body without executive power. CPU had been actively involved in the preparatory work for the formation of CoP and was also involved in providing research support to CoP at present. There was a good working relationship between CPU and CoP.

Action

Release of research reports conducted by CPU

26. Mr LEE Cheuk-yan commented that CPU's work lacked transparency and many LegCo Members had, in the past, requested CPU to publicize its research reports. Mr IP Kin-yuen expressed a similar view. He opined that the research reports of CPU should not be restricted for the use of senior Government officials. H/CPU explained that as a unit tasked to provide advice to the top Government officials, the opinion surveys conducted or commissioned by CPU needed to be kept confidential and low profile. However, he agreed that some research reports which were less sensitive could be made public, and he would actively consider whether some research reports could be made public.

27. Pointing out that a lot of overseas countries had put in place a declassification system for systematic release of secret and confidential documents, Mr SIN Chung-kai asked if CPU would devise a similar system to make public its research reports in a systematic way. H/CPU replied that the Government had a policy on the release of confidential documents although the policy might tend to be conservative. He agreed with the direction that CPU should make public its research reports which were not sensitive or of beneficial use to academia or private sector.

Conclusion

28. After deliberation, the Chairman invited members to indicate whether they agreed that the Administration could submit a relevant funding proposal to the Establishment Subcommittee for consideration. The Chairman put the question to vote. Five members voted for and three against the question. The Chairman concluded that based on the voting result, the Panel agreed that the Administration could submit a relevant funding proposal to the Establishment Subcommittee for consideration.

V. Creation of a supernumerary post of Administrative Officer Staff Grade C in the Secretariat to the Commission on Strategic Development

(LC Paper No. CB(4)133/12-13(04) -- Paper provided by the Administration

Action

LC Paper No. CB(4)133/12-13(05) -- Background brief on the proposal to create a supernumerary directorate post in the Secretariat to the Commission on Strategic Development prepared by the Secretariat)

29. H/CPU briefed members on the proposal to create a supernumerary post of Assistant Secretary to the Commission on Strategic Development ("CSD") in the CSD Secretariat within the CPU from 1 April 2013 to 30 June 2017. H/CPU said that CSD was established in 1998 by the then Chief Executive ("CE") with a view to providing a platform for Government officials and members from various sectors of the community to discuss issues pertaining to the long-term development of Hong Kong. Throughout the years, CSD had undergone changes in its operation. The membership size of CSD had once been expanded to over 100, but later on had been reduced to around 60. The current term Government considered that CSD would remain an important advisory body to CE in promoting in-depth discussions on Hong Kong's long-term vision and other macro issues. The Government planned to introduce changes to enhance the effectiveness of CSD and would appoint members to the new term CSD.

30. The Chairman commented that in the past CSD meetings, due to CSD's large membership size, there was a lack of thorough discussions, and recommendations made by CSD members had not been actively followed up. Besides, as many CSD members were prominent figures with busy schedules, the attendance of CSD meetings had not been very satisfactory.

31. In response, H/CPU said that some enhancement measures would be introduced. Firstly, the membership size of CSD would be contained at a manageable level, so that each member would have more time to give views, thereby enabling more in-depth discussions at CSD meetings. In making appointments to CSD, consideration would be given to the capacity of the persons concerned to attend CSD meetings. Secondly, each CSD meeting would focus on one discussion topic and the meeting duration would be longer. Before each meeting, the CSD Secretariat would provide relevant background information to CSD members. After each meeting, the CSD Secretariat would publish a paper summarizing the views expressed by members at the meeting, supplemented by research findings and analyses where necessary, to stimulate further discussions in the community and facilitate follow-up actions. H/CPU remarked that the

Action

proposed changes would facilitate the Government to canvass constructive views for the long-term development of Hong Kong.

32. H/CPU further advised that CSD members would be appointed according to their expertise and capabilities, regardless of whether they were well-known to the public or not. In addition to attending meetings, CSD members would also be invited to attend focused discussions in smaller groups according to their area of expertise.

33. Ms Emily LAU said that it was a waste of public money for sustaining the operation of CSD, as evidenced by the futile outcome of a number of key policy initiatives which CSD had taken part in the formulation process. She urged the Administration to listen to the views of LegCo Members, and to fully consult LegCo in formulating government policies. H/CPU responded that the Administration had paid due respect to the role of LegCo, and constantly consulted and collected feedback from LegCo Members on policy suggestions. LegCo's role would not be sidelined by CSD.

34. The Chairman suggested that the Administration might bring up the subjects studied by CSD to relevant Panels of LegCo for discussion. H/CPU agreed to consider.

35. Mr LEE Cheuk-yan said that the Administration had already set up a number of advisory bodies to discuss long-term issues of Hong Kong, and CSD's work would overlap that of other advisory bodies. CSD's work should more appropriately be undertaken by CPU. Ms Claudia MO queried whether there was a genuine need for the existence of CSD. She expressed concern that CSD would be over-expanded and its work would overlap with other advisory bodies.

36. H/CPU responded that the meetings of CSD were convened by CE, and the discussions were conducted from a macro, long-term and strategic perspective, while other advisory bodies mainly focused on a particular policy area. To optimize the use of resources, findings of research work conducted by CPU could also be used for CSD's discussion where appropriate.

37. Mr LEUNG Che-cheung asked about the need for the Assistant Secretary post given the planned reduction in the membership size of the new term CSD.

Action

38. H/CPU advised that although the number of CSD members would be reduced, the amount of work to be undertaken by CSD would increase with the introduction of various measures to enhance CSD's effectiveness. H/CPU remarked that the current proposal did not seek additional manpower to cope with the increase in the workload of the CSD Secretariat, but sought to reinstate the supernumerary post of Assistant Secretary to CSD, which had expired together with the tenure of the last term CSD.

39. After deliberation, the Chairman invited members to indicate whether they agreed that the Administration might submit the staffing proposal to the Establishment Subcommittee for consideration. Ms Emily LAU expressed objection. No other member indicated objection. The Chairman concluded that the Panel generally agreed that the Administration might submit the staffing proposal to the Establishment Subcommittee for consideration.

VI. Overview of the responsibilities and objectives of the Civil Service Bureau

(LC Paper No. CB(4)133/12-13(06) -- Paper provided by the Administration)

40. Secretary for the Civil Service ("SCS") briefed members on the salient points in the Administration's paper on the overview of the responsibilities and objectives of the Civil Service Bureau.

Political neutrality of civil servants

41. Ms Emily LAU said that at all times, civil servants should not serve as the Government's political tools, and enquired whether there was any mechanism in place to safeguard the core values of the civil service which included, inter alia, political neutrality. Ms Claudia MO shared the same concern. SCS responded that the need to uphold civil servants' political neutrality was clearly stipulated in the Civil Service Code and the Code for Officials under the Political Appointment System. While politically appointed officials were to assume responsibilities for various policy decisions, civil servants had the administrative responsibilities to tender impartial and objective advice and to implement the policies of the Government of the day.

Action

42. Ms Emily LAU asked who would be responsible for ensuring the political neutrality of civil servants under the political appointment system, and to whom civil servants should channel their grievances if they were pressurized to undertake tasks that would compromise their political neutrality. SCS advised that being the Head of the Civil Service Bureau, albeit a politically appointed official, he had the responsibility to safeguard the political neutrality of the civil service. If any civil servants felt being pressurized to carry out duties originated from a direction or action taken by a Bureau Secretary (other than SCS) that would compromise their political neutrality, they should approach the relevant Permanent Secretary who could refer the case to SCS if warranted. Where necessary, SCS could bring the case to the Chief Secretary for Administration or the Financial Secretary for resolution.

Non-Civil Service Contract ("NCSC") Staff

43. Mr LEE Cheuk-yan said that at the 2006 special review, the Administration had reviewed the engagement of NCSC staff and concluded that NCSC staff employed by the trading funds departments should not be converted to civil servants. He considered these arrangements unfair to NCSC staff and urged the Administration to conduct a fresh review on the conversion of NCSC positions to civil service posts. Mr IP Kin-yuen said that many NCSC staff had been employed in government schools for a long period of time, but the Administration had no plan to convert the relevant NCSC positions to civil service positions.

44. SCS replied that following a comprehensive review on the employment situation of NCSC staff conducted in 2006, B/Ds were given the flexibility to employ NCSC staff when the engagement met one of the three pre-requisites, i.e. the service need was time-limited; there was a need to tap market expertise; or the engagement of NCSC staff was transitional in nature. NCSC positions which involved work with permanent service needs would be gradually phased out and be replaced by civil service posts. The conversion process would take time as CSB needed to deploy resources to enable B/Ds to create civil service posts for the conversion. For those service areas which were not of a permanent nature, B/Ds were allowed flexibility to recruit and maintain NCSC staff to respond to changing operational needs.

Action

Succession plan and the recruitment and retention of high calibre civil servants

45. Ms Emily LAU quoted a recent case of re-appointment of a retired official to the Independent Commission Against Corruption, and asked if succession problem was becoming an issue within the civil service. SCS said that open recruitment exercises were conducted to fill vacancies and bring in new blood for facilitating succession in the long term. Also, there was a well-established mechanism in place under which SCS would meet with Permanent Secretaries and Heads of Department regularly to examine the succession situation, particularly that at the directorate level, with a view to making early planning for succession. Only under exceptional circumstances would further employment of civil servants beyond their retirement age be allowed to help B/Ds meet their specific operational/succession needs.

46. The Chairman expressed concern about the shortage of manpower in the Administrative Officers ("AO") grade, and the rising trend of the outflow of high calibre senior AOs to other organizations. She asked if the Administration would consider enhancing the remuneration package so as to retain high calibre persons, especially for those AOs who were appointed after year 2000 under relatively less attractive employment terms.

47. Mr Tony TSE expressed concern about the manpower situation of professional grades, and whether senior government officials such as Bureau Secretaries and Permanent Secretaries possessed relevant professional knowledge when dealing with complex and technical issues. He also asked whether incremental credits would be granted to candidates with relevant working experience to attract talents.

48. SCS replied that the turnover of civil servants in recent years had been relatively stable, and there was no significant brain-drain problem. Response to AO recruitment exercise also remained stable. He further advised that it was not essential for senior government officials to possess relevant professional knowledge as they were supported by professional staff within the relevant B/Ds who rendered advice on issues that required professional knowledge. While Bureau Secretaries were politically appointed officials, Permanent Secretaries were civil servants from the AO grade and they were well versed with various policies and administrative practices. On the issue of granting incremental credits to new recruits, SCS advised that under the existing policy, when there was recruitment

Action

difficulty and there was a specific need for relevant working experience, incremental credits for experience could be granted to newly recruited civil servants.

Morale of civil servants

49. Mr LEUNG Che-cheung commented that civil servants, especially the middle-level officials who were responsible for implementing public policies, were constantly under pressure in face of increasing public demands. Mr LEE Cheuk-yan also enquired whether there was a decline in the morale of civil servants. Citing the recent statements made by the Head of the Central Policy Unit ("CPU") on the role and functions of CPU, he was worried that CPU was sidelining policy bureaux or government departments in the policy formulation process. In response, SCS said that the work of civil service was becoming more challenging in face of high public expectations, but civil servants' morale had not been adversely affected. Under the political appointment system, the civil service and the politically appointed officials played different roles, and civil servants were aware of their administrative responsibilities. In situations where civil servants were being unfairly criticized in the course of policy implementation, the Administration had the responsibility to make clarifications and render full support to civil servants. To enable B/Ds to cope with the ever-increasing workload, the Administration was planning to increase the manpower provision for B/Ds and would strengthen the training for civil servants to enhance their job knowledge and skills.

50. Mr TANG Ka-piu said that the low morale of civil servants was attributable to the shortfall of manpower in the civil service. He said that at present, there were still 7 000 vacancies to be filled, and the shortage of manpower had adversely affected the work of civil servants. SCS replied that the establishment of the civil service had been growing by about one percent each year, and the Administration recognized the need to increase manpower for B/Ds to cope with the increasing workload. At the same time, CSB would ask B/Ds to prioritize works and streamline work procedures so as to better utilize existing manpower resources. On the issue of manpower shortfall, CSB was working with B/Ds on ways to speed up the recruitment process.

Action

Language proficiency requirements for civil service appointments

51. Ms Emily LAU enquired whether the language proficiency requirements for ethnic minorities to apply civil service posts could be relaxed. Permanent Secretary for the Civil Service replied that language proficiency requirements for individual grades had been set having regard to their operational requirements. Some B/Ds (e.g. the Hong Kong Police Force and Correctional Services Department) had, after review, made adjustments to the language proficiency requirements/selection process, which would, as a result, facilitate ethnic minorities in applying for the relevant civil service posts. CSB would continue to work with B/Ds to see whether suitable relaxation of the language proficiency requirements of other grades could be made so as to meet their operational needs on one hand, and facilitate ethnic minorities in joining the civil service on the other. Ms Emily LAU suggested that the Panel discuss this issue at a future Panel meeting.

VII. Conditioned hours of work of the operational staff in the Fire Stream of the Fire Services Department

(LC Paper No. CB(4)133/12-13(07) -- Paper provided by the Administration

LC Paper No. CB(4)133/12-13(08) -- Background brief on conditioned hours of work of the operational staff in the Fire Stream of the Fire Services Department prepared by the Secretariat

LC Paper No. CB(4)156/12-13(01) -- Submission from Disciplined Services Consultative Council (Staff Side))

52. Secretary for the Civil Service ("SCS") briefed members on the policy governing the conditioned hours of work of the civil service. He said that there was no uniform conditioned hours of work in the civil service. Specific conditioned hours of work were laid down for different civil service grades according to operational requirements. As the conditioned hours of work had been taken into account in determining the

Action

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 would be an improvement to the pay and conditions of service of the grade. Any proposal to reduce the conditioned hours of work of a grade should be carefully considered against the three pre-requisites of cost-neutrality, no additional manpower and maintaining the same level of service to the public ("the three pre-requisites"), and other relevant factors. He understood that in response to staff's request, the Fire Services Department ("FSD") had formulated a new proposal to reduce the conditioned hours of work of the operational staff in the Fire Stream from 54 hours to 51 hours per week, and the department had been actively following up the matter.

53. Director of Fire Services ("DFS") briefed members on FSD's new proposal to reduce the conditioned hours of work of operational staff in the Fire Stream from 54 hours to 51 hours per week ("the new 51 proposal"). He said that pursuant to the recommendations of the Standing Committee on Disciplined Services Salaries and Conditions of Service in its 2008 Report, FSD had been in discussion with the relevant staff associations on possible ways to reduce the conditioned hours of work of operational staff in the Fire Stream within the constraints of the three pre-requisites. Having regard to the operational needs, manpower situation and views of the staff associations, FSD had recently formulated the new 51 proposal, under which the conditioned hours of work could be reduced to 51 hours through process re-engineering and the adoption of efficiency measures.

54. DFS explained that with technological advancement in fire appliances and equipment which alleviated laborious operations, the standard manning of certain fire appliances, such as major pumps and light rescue units, could be slightly scaled down by one fireman. Such arrangement would not compromise the service standard and the level of safety of frontline staff. Besides, FSD would adopt a flexible strategy on deploying fire appliances to ensure sufficient manpower at the scene, in that if more than two calls were received for a building fire or when defective major fire service installations (FSIs) of the concerned building were known to FSD, one additional fire appliance would be turned out. To further alleviate the concerns of some frontline staff on the reduction of manpower at scene, FSD would consider deploying an additional fire appliance to the scene in response to all No.1 alarm building fire calls (even when only one call was received or no defective FSIs were involved) during the trial scheme of the new 51 proposal. In addition, FSD would strengthen training for staff to enrich their professional knowledge and enhance

Action

co-operation.

55. DFS further said that a comprehensive opinion survey was conducted in August 2012 to gauge the views of all 6 335 operational staff of the Fire Stream on the new 51 proposal. The response rate was about 91.4%. Over 55.9% of the respondents indicated support for the proposal and about 29.6% did not support. About 12.9% indicated "no comment" on the proposal and 1.6% of the questionnaires returned were invalid. Moreover, two out of the three staff associations concerned together with a related concern group had indicated their support to the new 51 proposal. FSD gathered from the results of the survey that the majority of the staff concerned wished to take forward the new 51 proposal. As such, FSD had maintained close contact with all the staff associations concerned to refine the proposal and thereafter seek the agreement of the relevant bureaux to implement the trial scheme. FSD would closely monitor the situation and staff feedback during the trial, and would ensure that the level of service provided to the public would be maintained. Upon successful completion of the trial scheme and subject to the final approval for FSD to reduce the conditioned hours of work of operational staff in the Fire Stream to 51 hours per week, FSD would proceed to study the feasibility of further reducing their weekly conditioned hours of work to 48 hours.

Presentation of views by deputations

香港消防處工時關注組

(*LC Paper No. CB(4)66/12-13(01) and LC Paper No. CB(4)133/12-13(09)*)

56. Mr LOK Ping-yin, Chairman of 香港消防處工時關注組, said that although a number of meetings had been held in the past, due to different views, the management and staff sides of FSD could not reach consensus on the reduction of conditioned hours of work of operational staff in the Fire Stream. Some of the frontline staff took industrial actions to express their frustration and dissatisfaction with the management. Given the constraints of the three pre-requisites, FSD had been working hard to formulate two proposals for the purpose. The first proposal was rejected because it was not supported by staff. As the new 51 proposal were supported by a majority of the staff who responded to the opinion survey, FSD should put to trial the new proposal as the first step to the goal of standardizing the conditioned hours of work of all disciplined services grades. The management and staff sides of FSD should maintain close communication so that difficulties arising from the trial could be resolved.

Action

Hong Kong Fire Services Department Staffs General Association ("HKFSDSGA")

(LC Paper No. CB(4)48/12-13(01) and LC Paper No. CB(4)133/12-13(10))

57. Mr LEE Tak-kei, Chairman of HKFSDSGA, said that it was regretful that the matter could not be resolved at the departmental level and that the matter had to be escalated to the attention of the Panel. Over the past 24 years, HKFSDSGA had pursued with FSD on reduction of the weekly conditioned hours of work of operational staff in the Fire Stream from 54 hours to 48 hours based on the principle of equality between the operational staff in the Fire Stream and other disciplined services grades. However, FSD had not even provided a timetable and roadmap for achieving the goal. HKFSDSGA which represented 5 043 operational staff in the Fire Stream did not support the new 51 proposal. The proposal was controversial and one-sided as FSD had rejected suggestions made by HKFSDSGA. FSD had misled the public by stating that two out of the three staff associations concerned were in support of the proposal. In fact, the other two associations only represented 498 staff in officer grade and 87 staff in the control grade. HKFSDSGA was dissatisfied with the reduction in the number of the frontline staff under the new 51 proposal. FSD should not use the three pre-requisites as an excuse for refusing the increase in manpower and mix up the conditioned hours of work with the shift system in formulating the proposal. HKFSDSGA called on the Panel to assist in achieving as early as possible the goal of reducing the conditioned hours of work of operational staff in the Fire Stream to 48 hours per week.

Hong Kong Fire Services Officers Association ("HKFSOA")

(LC Paper No. CB(4)133/12-13(11))

58. Mr MAN Siu-fung, Chairman of HKFSOA, said that the conditioned hours of work of operational staff in the Fire Stream were the longest among all disciplined services grades. While HKFSOA agreed that the conditioned hours of work of the firemen should be reduced to 48 hours, under the requirement of the three pre-requisites, the reduction process should be gradual and could not be achieved in one step. Although the new 51 proposal was only an interim measure, given that it was supported by a majority of the affected staff according to the result of the opinion survey conducted by FSD, it should be taken forward as the first step to achieve the ultimate goal of reducing the conditioned hours of work of operational staff in the Fire Stream to 48 hours. As there would be a reduction in the number of frontline staff deployed to man certain fire

Action

appliances under the new 51 proposal, FSD should review the operational procedures and enhance professional training for staff concerned. HKFSOA did not agree that staff should go on strike to pressurize the Administration as such action would have negative impact on public safety. The Administration should continue to review other related policies to improve the conditions of service of operational staff in the Fire Stream.

*Hong Kong Fire Services Control Staff's Union ("HKFSCSU")
(LC Paper No. CB(4)133/12-13(12))*

59. Mr Kenneth CHAN Kin-lun, Chairman of HKFSCSU, said that HKFSCSU represented more than 210 uniformed staff in the Mobilising and Communications Stream of FSD, among whom 87 would be affected by the new 51 proposal. The 87 staff were mainly in charge of the mobile command units or being deployed to the two rescue control rooms at the airport fire station. HKFSCSU supported the reduction of conditioned hours of work of the operational staff in FSD since they had the longest working hours compared to their overseas counterparts and other local disciplined services grades. There were two rescue control rooms at the airport and each control room was currently manned by two duty officers. Under the new 51 proposal, one of the control rooms would be manned by one duty officer only. HKFSCSU had sent a questionnaire to all the 87 affected staff under the Mobilising and Communications Stream to gauge their views on the new 51 proposal. The result was similar to that of the survey conducted by FSD. He commented that although over half of the respondents supported the new 51 proposal, the difference between the number of respondents who supported and objected to the proposal was not significant. It implied that a lot of staff still worried about the feasibility of the proposal, especially whether one of the two rescue control rooms could still function effectively with the cut of manpower. HKFSCSU held an open attitude towards the new 51 proposal and called on FSD to strengthen training for the affected staff and streamline the work of the two rescue control rooms at the airport.

Discussion

Relaxation of the three pre-requisites

60. Ms Emily LAU noticed that deputations had expressed divergent views on the new 51 proposal and asked the deputations how they would like the Panel to assist in the matter. Noting that HKFSDSGA had requested the Administration to relax the three pre-requisites, she enquired

Action

whether HKFSDSGA would like the Administration to relax the three pre-requisites applying to FSD only or the civil service across-the-board. In reply, Mr LEE Tak-kei of HKFSDSGA said that it was impossible to achieve the reduction of the conditioned hours of work of operational staff in the Fire Stream to 48 hours without increasing manpower. FSD should not insist on fulfilling the three pre-requisites, which were rigid and inflexible, and should explore other possible ways to solve the problem.

61. Mr LEE Cheuk-yan shared HKFSDSGA's view that the reduction of conditioned hours of work would inevitably require additional manpower. The Administration should abolish the three pre-requisites and increase the manpower of FSD. Mr LEUNG Kwok-hung cited the creation of senior government posts in the Central Policy Unit and other Government Bureaux/Departments since the commencement of the current term Government, and criticized that the refusal to increase manpower in FSD was a typical example of the current Government's practice of "fatten the top and thin the bottom". He said that the firemen were forced to go on strike.

62. Mr TANG Ka-piu said that the failure of FSD to reduce the conditioned hours of work of the operational staff in the Fire Stream due to the three restrictive pre-requisites had damaged the firemen's morale. He did not support firemen going on strike as they had a very high status among members of the public. Mr KWOK Wai-keung highlighted the great danger of the work of firemen and stressed the need to ensure reasonable conditions of service for them. He said that since last term of the Legislative Council, members of Panel on Security and Panel on Public Service had unanimously requested the Administration to relax the three pre-requisites. He queried why the situation had remained unchanged.

63. SCS reiterated the Administration's policy on conditioned hours of work in the civil service. As the conditioned hours of work of individual grades had already been reflected in their relevant pay scales, a reduction in the conditioned hours of work of a civil service grade without a substantive change in job duties would be an improvement to the conditions of service of the specific grade. There were no good grounds for the Administration to exempt FSD from observing the three pre-requisites, which was a major policy applicable to the whole civil service. The Administration did not see any need to change the policy given that there had been successful cases in the past where the conditioned hours of work of certain civil service grades had been reduced while meeting the three pre-requisites. If FSD was exempted from observing the three pre-requisites, it would be unfair to

Action

the other civil service grades who had worked hard to reduce their conditioned hours of work under the three pre-requisites. Besides, FSD had already formulated a new 51 proposal which aimed at reducing the conditioned hours of work of the operational staff in the Fire Stream.

Shift system of operational staff in the Fire Stream

64. Members generally considered it unfair that the operational staff in the Fire Stream had the longest working hours compared to other disciplined services grades. DFS explained that under the current shift system of "24 hours on, 48 hours off", the operational staff in the Fire Stream had to respond to emergency call-outs any time during their 24-hour shift. Generally speaking, each 24-hour shift comprised 11 hours of arranged duties and 13 hours of physical training, meal breaks, standby and rest time. The unique shift arrangement offered the benefits of incurring less travelling time and reducing the total number of working days. It also reduced the number of handovers between staff of different shifts during fire-fighting operations.

65. The Chairman asked whether FSD had mixed up the conditioned hours of work with the shift system in the process of formulating the new 51 proposal as mentioned by HKFSDSGA. DFS said that the arrangement of shifts and reduction of conditioned hours of work were two different subjects which FSD had handled separately. In the new 51 proposal, FSD did not suggest a change in the current shift system.

66. Mr TANG Ka-piu was concerned whether FSD was in full strength of manpower. DFS said that FSD had been conducting recruitment continually to fill vacancies. The number of persons being recruited was very close to the number of vacancies.

The new 51 proposal

67. Mr LEE Cheuk-yan expressed grave concern about the service impact of the new 51 proposal, under which the number of firemen deployed to the fire appliances would be one man less than the standard manning level. DFS explained that at the moment, FSD sent four fire appliances and one ambulance to the scene if No.1 alarm fire broke out in a building. The standard manning level of four fire appliances was 22 firemen. According to the professional assessment on the manning level of the fire appliances and taking into account the enhanced functionalities of the fire appliances and the technological advancement in

Action

the equipment, the number of firemen deployed to each of the major pumps and light rescue units could be reduced from six to five. Such arrangement would not affect the quality of service. Based on this arrangement, the manning of four fire appliances would be reduced from currently 22 to 20 firemen under the new 51 proposal. To allay staff's concerns, FSD proposed to deploy one additional fire appliance with five firemen to the scene if more than two calls were received for the same incident. Consequently, the total number of firemen deployed to the scene would be increased to 25.

68. Mr LEE Cheuk-yan was not convinced that the quality of service would not be adversely affected with a reduction in the number of operational staff from 22 to 20 persons during fire-fighting operations, unless FSD deployed five fire appliances to the scene in every No.1 alarm fire case, which meant an increase of manpower to 25 firemen. He was of the view that in order to reduce the conditioned hours of work, the Administration should increase manpower accordingly. Reduction of conditioned hours of work should not be achieved at the expense of lowering the quality of service. In reply, SCS stressed that the Administration attached great importance to the quality of service provided to and the safety of the public. As explained by DFS, the new 51 proposal would not have any adverse effect on the quality of service provided by FSD.

69. Mr LEUNG Kwok-hung queried the logic and rationale behind FSD's arrangement; while FSD considered that 20 firemen could provide sufficient service to handle the No.1 fire alarm, FSD also decided to deploy 25 firemen to the scene. The arrangement would also compromise the three pre-requisites.

70. DFS explained that the arrangement on the deployment of firemen to the fire appliances was based on professional assessment. The proposed deployment of one additional fire appliance to the scene in response to all No.1 alarm building fire calls was mainly a temporary measure to address the concerns of some staff at the beginning of the trial. The additional fire appliance would be deployed from another fire station.

71. Mr LEE Tak-kei and Mr TSE Sau-lung of HKFSDSGA clarified that they did not oppose to any proposal for reduction of conditioned hours of work. They only opposed to the arrangements of reducing the manpower of the operational staff in the Fire Stream. Mr TSE stressed that HKFSDSGA had not threatened to go on strike. He criticized that

Action

FSD had confused the operational staff by providing a number of 51 proposals in the past few months and had not clearly explained to them the new arrangements arising from the new 51 proposal. He queried whether the manpower cut was in compliance with the Occupational Safety and Health Ordinance (Cap. 509) and the operational procedures for entering fire scene. He said that with the reduction of a staff member in the light rescue unit, the fire rescue team would not be able to effectively perform its duties.

72. Regarding the manning of light rescue units, DFS said that it would not be appropriate to assume that the drivers of the units, who were well-trained firemen and were paid an additional allowance for driving the units, would not need to perform the rescue duties. He assured members that the measures in the new 51 proposal were fully compliant with the Occupational Safety and Health Ordinance and the operational procedures for entering fire scene.

73. Regarding Mr LEE Cheuk-yan's and HKFSCSU's concern about the reduction in manpower at one of the rescue control rooms in the airport, DFS explained that, at present, there were two rescue control rooms at the airport which were located at the midfield of south runway and north runway respectively. Each rescue control room was manned by two duty officers. Under the new 51 proposal, the rescue control room at the south runway would be manned by one duty officer while that at the north runway would continue to be manned by two duty officers. In case of an aircraft incident at the airport, the rescue control room at the north runway would be responsible for duties relating to the dispatching of appropriate resources to the scene, whereas the rescue control room at the south runway would provide backup service. The new arrangement was devised after extensive discussion with staff in the Mobilising and Communications Stream. FSD would provide suitable training to the officers concerned before implementation of the new arrangement.

74. Mr KWOK Wai-keung queried the design of the staff opinion survey conducted by FSD. He suspected that a majority of the affected staff supported the new 51 proposal because they did not realize that they could have the option of reducing the conditioned hours of work to 48 hours. He suggested that FSD should also gauge the views of the affected staff on the reduction of the conditioned hours of work to 48 hours in the opinion survey. DFS said that having regard to the manpower situation, it was not possible to reduce conditioned hours of work of the operational staff in the Fire Stream to 48 hours at the moment. FSD had taken appropriate

Action

measures to ensure that all staff concerned were fully briefed on the new 51 proposal before the opinion survey was conducted. To this end, Divisional Commanders had met with their operational staff in the Fire Stream personally to explain to them the management's initial ideas about the new 51 proposal and that FSD's goal was to reduce the conditioned hours of work of the operational staff in the Fire Stream to 48 hours in the long run. The Divisional Commanders also collected views from the staff concerned. A questionnaire was sent to all affected staff in August 2012 after the formulation of the new 51 proposal. All completed questionnaires were handled in a strictly confidential manner.

75. In response to the enquiry of Mr TANG Ka-piu, DFS confirmed that FSD would not put the new 51 proposal on trial in December 2012 as FSD would further refine the operational details of the proposal after listening to the views of staff and deputations.

Further reduction of conditioned hours of work to 48 hours

76. Mr LEE Cheuk-yan asked FSD to provide the timetable and roadmap for the reduction of conditioned hours of work to 48 hours as requested by HKFSDSGA. DFS replied that FSD had held 28 meetings with HKFSDSGA over the past two years including 17 special meetings. FSD would work towards the goal of reducing the conditioned hours of work of the operational staff in the Fire Stream to 48 hours in six years' time after the trial scheme of the new 51 proposal was put in place.

77. Mr LEE Cheuk-yan and Mr TANG Ka-piu enquired whether the reduction of conditioned hours of work to 48 hours could be attained within a period shorter than six years. DFS said that it would be difficult to further shorten the period as a number of trials and reviews to fine tune the schemes would need to be carried out.

78. Ms Emily LAU requested the Administration to take heed of the views of the deputations and continued to discuss with them details of the new 51 proposal and report the progress to the Panel in due course. SCS and DFS agreed. DFS added that FSD hoped to put the new 51 proposal to trial as soon as possible in the light of the majority staff support.

Admin

Action

VIII. Any other business

79. There being no other business, the meeting ended at 12:48 pm.

Council Business Division 4
Legislative Council Secretariat
16 January 2013