

立法會
Legislative Council

LC Paper No. CB(4)474/12-13
(These minutes have been seen
by the Administration)

Ref : CB4/PL/PS

Panel on Public Service

**Minutes of meeting held on
Monday, 21 January 2013, at 9:00 am
in Conference Room 1 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
Hon TAM Yiu-chung, GBS, 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 attending : Hon WONG Kwok-hing, MH

**Public Officers
attending**

: Agenda item IV

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

Ms Shirley LAM, JP
Deputy Secretary for the Civil Service 3

Mr Peter CHAN, JP
Director of General Grades
Civil Service Bureau

Agenda item V

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

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 Peter CHAN, JP
Director of General Grades
Civil Service Bureau

**Attendance by
invitation**

: Agenda item VI

Government Employees Association

Mr CHEUNG Wai-kuen
Rights Secretary

HKSAR Government Employees General Union

Mr KONG Ming-chung
Vice-Chairman

合約郵政員工關注組

Mr MAN Shu-kwan
Representative

Government Electrical & Mechanical Works
Supervisors, Craftsmen & Workmen Association

Mr HUI Chi-fai
會務主任

Hong Kong Civil Servants General Union

Mr CHUNG Tak-cheung
Vice-Chairman

Hong Kong Post Contract Staff Union

Mr YUEN Chiu-ming
Chairman

社署合約員工關注組

梁志滿先生
召集人

Hong Kong Leisure Services Staff General Union

Mr CHEUNG Siu-wing
Chairman

Police Force Council Staff Side

Mr CHAN Cho-kwong
Chairman, JPOA

Rights Association of Hong Kong Post Contract Staff

Mr LEUNG Siu-yee
Director

Government Frontline Employees Union - Health
Surveillance Assistant of Department of Health Branch

Mr KWAN Tse-kit
Representative

社署非公務員員工關注組

張炳樂先生
主席

政府僱員團結工會康文署圖書館員工分會

Mr CHAN Wang-sang
Chairman

Union of Hong Kong Post Office Employees

林寶鎮先生
第一副主席

Union of Food and Environmental Hygiene
Department Market Assistant

Mr KWOK Kin-ben
Chairperson

Hong Kong Hospital Staff Rights Union

Ms CHAN Choi-chun
Chairperson

Neighbourhood and Workers' Service Centre

Ms LEUNG Ching-shan
Organizer

Working Group for TO(A) in Housing Department

Mr Raymond LAU
Chairman

HK Food and Environmental Hygiene Department
Staff Rights Union

Ms LI Mei-siu
Chairperson

Buildings Department Non-Civil Service Contract
Staff Association

Mr CHEUNG Kwok-wai
Chairman

Food and Environmental Hygiene Department
MOD I Staff Branch

陳博賢先生
Representative

Hong Kong Chinese Civil Servants' Association

Ms LI Kwai-yin
Vice-President

Hong Kong Government Lifeguards General Union

Mr CHOI Wan
Member

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

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

Ms Angela CHU
Council Secretary (4)1

Ms Linda MA
Legislative Assistant (4)1

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I. Confirmation of minutes

LC Paper No. CB(4)312/12-13 -- Minutes of meeting on
19 November 2012

The minutes of the meeting held on 19 November 2012 were confirmed.

II. Information paper issued since the last meeting

(LC Paper No. CB(4)282/12-13(01) -- Letter from Hon TANG
Ka-piu and Hon KWOK
Wai-keung)

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

III. Date of next meeting and items for discussion

(LC Paper No. CB(4)303/12-13(01) -- List of outstanding items
for discussion

LC Paper No. CB(4)303/12-13(02) -- List of follow-up actions)

3. Members agreed to discuss the following items proposed by the Administration at the next regular Panel meeting to be held on 18 February 2013 at 10:45 am –

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- (a) An overview of training and development for civil servants; and
- (b) An update on the provision of paternity leave to government employees.

IV. Briefing by the Secretary for Civil Service on the policy initiatives of Civil Service Bureau featuring in the 2013 Policy Address

(LC Paper No. CB(4)303/12-13(03) -- Paper provided by the Administration)

4. Secretary for Civil Service ("SCS") briefed members on the policy initiatives of Civil Service Bureau ("CSB") featuring in the 2013 Policy Address by highlighting the salient points of the discussion paper. These initiatives included strengthening the civil service establishment for taking forward the implementation of new policy initiatives, enriching the variety of training programmes offered to civil servants thereby enhancing their competence in serving the public, as well as encouraging communication between the management and the staff sides for enhancing the civil service morale.

Non-civil service contract ("NCSC") staff

5. Mr TANG Ka-piu expressed disappointment that issues relating to NCSC staff were not addressed in the Administration's paper. He opined that given that there was a need to increase the manpower provision for bureaux and departments (B/Ds) to take forward new initiatives announced in the Policy Address and there were adequate fiscal reserves, there should be room to convert NCSC positions into civil service posts. Mr WONG Kwok-hing said that the last term Government had clear indicator each year on the number of NCSC positions that could be converted to civil service posts. He requested the Administration to provide the Panel with this year's figure before the Legislative Council debated on the Motion of Thanks in respect of the Chief Executive's Policy Address at end of January 2013.

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6. SCS replied that the Administration accorded great importance to the issues relating to the employment of NCSC staff in the Government. Since the 2006 review on the employment situation of NCSC staff, some 5 080 NCSC positions had already been converted to civil service posts as at 30 June 2012. CSB would conduct on-going review with B/Ds to suitably replace NCSC positions by civil service posts if the services involved were of a permanent nature and could be performed by civil servants. CSB would report to the Panel the number of NCSC positions that could be replaced by civil service posts in the context of the 2013-14 Budget. He added that the civil service establishment had increased by roughly 1% annually over the past few years, and it was not possible to create a large number of civil service posts within a short period of time given the need to ensure prudent use of public funds.

7. Mr LEE Cheuk-yan expressed concern that a number of B/Ds were hiring NCSC staff to perform work that had permanent service needs, especially those B/Ds that were operating as trading funds. He highlighted that there were over 4 700 NCSC staff having been employed continuously for five years or more, and the number of NCSC staff had stood at a high level and had not been significantly reduced since the NCSC Staff Scheme was launched in 1999. Ms Claudia MO cited an example of a staff member who had worked in the Radio Television Hong Kong on NCSC terms for more than 21 years, and urged the Administration to expedite the conversion of those long-term NCSC positions into civil service posts.

8. Mr TSE Wai-chuen and Ms Claudia MO expressed concern that the NCSC Staff Scheme was unfair as NCSC staff were receiving less favourable remunerations for discharging the same duties as civil servants. Mr KWOK Wai-keung pointed out that such disparity affected staff morale and undermined the working relationships between NCSC staff and civil servants. The members requested the Administration to review the terms and conditions of service of NCSC staff so that their remuneration packages were on a par with their civil servant counterparts.

9. SCS replied that given the unique operational needs of some B/Ds, including B/Ds operating as trading funds, the employment of NCSC staff was necessary to provide B/Ds with the flexibility in manpower deployment to cope with service needs that were seasonal or time-limited, or in situations where there was a need to tap the market expertise, or where there were no civil service grades performing the required tasks. CSB would continue to review with individual B/Ds and seek to replace NCSC

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positions with civil service posts where appropriate. Regarding the remuneration of NCSC staff, SCS said that B/Ds had the discretion to determine the remuneration packages for their NCSC staff, taking into consideration the conditions of the employment market and the need to recruit or retain persons of suitable calibre. It was not appropriate to directly compare the remuneration of NCSC staff with that of the civil servants counterparts as their employment terms were completely different.

10. Mr KWOK Wai-keung raised the issue of the non-renewal of contracts of some 80 Community Work Organizers ("CWOs") who had been employed by the Social Welfare Department ("SWD") on NCSC terms for 13 years, due to SWD's decision to outsource the Community Work Programme of the Support for Self-reliance Scheme to non-governmental organizations ("NGOs"). He criticized SWD of evading from converting those NCSC positions to civil service posts by outsourcing the long-term service. Mr LEUNG kwok-hung expressed dissatisfaction that CSB had not effectively monitored the implementation of the NCSC Staff Scheme to prevent abuse of the scheme by some B/Ds. Mr IP Kin-yuen sought clarification on the policy of the scheme and enquired how CSB would ensure policy consistency among different B/Ds in the implementation of the scheme.

11. SCS replied that B/Ds had the discretion to determine whether or not to outsource their services to NGOs or other service providers, having regard to their respective service needs. Given that the objective of the NCSC Staff Scheme was to provide B/Ds with a flexible means of employment to meet their operational needs, it was not the bureau's policy to micro-manage B/Ds in the employment of NCSC staff. Nevertheless, CSB had promulgated guidelines on employment of NCSC staff and guiding principles of the scheme for B/Ds to follow and had been monitoring the implementation of the scheme by reviewing with B/Ds the employment situation of NCSC staff from time to time.

Morale of civil servants

12. Mr SIN Chung-kai noted that the Administration had organized award schemes to recognize meritorious performance of civil servants, and commented that the effect of those schemes on enhancing the overall civil service morale was minimal. He enquired whether the Administration had conducted any survey among civil servants to understand what factors were affecting the civil service morale, and to formulate benchmarks for comparison with the private sector.

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13. The Deputy Chairman enquired about the concrete measures that the Administration would take to enhance communication between the management and the staff sides, and whether the Administration would consider broadening the composition of the existing central and departmental staff consultative bodies.

14. SCS pointed out that the various award schemes mentioned in the discussion paper were only a few examples of the mechanisms to recognize meritorious performance of civil servants. Individual B/Ds had been organizing different programmes at the departmental level to motivate staff and recognize their meritorious performance. Also, the Administration had been actively consulting and engaging staff through the central and departmental staff consultative machinery to enhance communication and in gauging their views. The existing mechanism had proved to be effective and the Administration did not see the need to introduce changes to the consultative machinery. With regard to the conduct of surveys, SCS said that the Administration conducted pay level surveys periodically to ensure broad comparability between the civil service and private sector pay, and it had no plan to conduct surveys on civil service morale. However, CSB had regular discussions with B/Ds to keep abreast of matters affecting civil service morale.

15. Ms Emily LAU said that some civil servants might be pressurized to undertake tasks that would compromise the core values of the civil service, including, inter alia, integrity, probity, impartiality and political neutrality. She commented that the recent case of fabrication of survey responses by census officers of the Census and Statistics Department and the allegation in the media against the Buildings Department ("BD") for departing from the prevailing enforcement policy in handling the unauthorized building works ("UBW") found in the residence of the incumbent Chief Executive ("CE") had undermined the public image of civil servants. She enquired whether there was any mechanism in place to safeguard the core values of the civil service. She further asked whether the aforesaid case of fabrication of survey responses involved misconduct in public office, and if so, whether the case should be investigated by the Independent Commission Against Corruption.

16. SCS responded that the core values of the civil service were the cornerstone of good governance that the Administration would strive to safeguard. The need to uphold the core values was clearly stipulated in the Civil Service Code and the Code for Officials under the Political

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Appointment System. If any civil servant felt being pressurized to carry out duties that would compromise those core values, he or she should approach the relevant Permanent Secretary who could refer the case to SCS if warranted. With regard to the case involving census officers referred to by Ms Emily LAU, SCS said that the Administration had set up an independent task force to investigate the matter comprehensively, and whether the case involved misconduct in public office had yet to be determined. SCS further said that he had attended to the matter concerning BD's handling of the UBW found in CE's residence, and could confirm that the BD had been handling the matter impartially according to the prevailing enforcement policy.

17. Ms Claudia MO said that civil servants were facing greater pressure at work, thus affecting the quality of service provided to the public. She also observed that there was a growing flattering culture in the civil service, where subordinates would succumb to any decisions made by the management with complete obedience. In this connection, she asked in what ways the Administration would address the problem.

18. SCS replied that the Administration was committed to fostering a partnership culture in the civil servants under which the management and the staff sides could communicate openly and frankly. Also, CSB had plans to strengthen the training provided to civil servants in areas of public engagement and innovative thinking to enhance the competence of civil servants in serving the public. The public could also bring forward their suggestions on how to improve the quality of public services through the various established platforms.

Succession planning for the civil service

19. Mr TANG Ka-piu was worried that a large number of civil servants would be due to retire in the next five years. He enquired about the situation of succession in the civil service and whether the Administration had any particular planning in this regard. The Chairman asked if the Administration would consider extending the retirement age of civil servants so as to tackle possible succession problems and to lessen the Government's burden in providing retirement benefits for retired civil servants. Given that extending the retirement age of civil servants might involve many complicated issues, she suggested that a pilot scheme be rolled out in some B/Ds before such arrangement was fully implemented in the civil service.

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20. SCS said that open recruitment exercises were conducted to bring in new blood for facilitating succession in the civil service. In some circumstances, the employment of civil servants beyond their retirement age was allowed to help B/Ds to meet their specific succession/operational needs. Regarding the idea of extending the retirement age of civil servants, SCS advised that the suggestion would need to be carefully considered taking into account all relevant factors and diverse views. The Administration presently had no plan to introduce changes to the existing policy regarding the retirement age of civil servants, but would keep in view suggestions and views civil servants might have on the matter.

V. 2012 Starting Salaries Survey: findings and recommendations of the Standing Commission on Civil Service Salaries and Conditions of Service

(LC Paper No. CB(4)303/12-13(04) -- Paper provided by the Administration

LC Paper No. CB(4)303/12-13(05) -- Updated background brief on Starting Salaries Surveys for the civil service prepared by the Secretariat)

21. SCS briefed members on the approach and findings of the 2012 Starting Salaries Survey ("SSS") conducted by the Standing Commission on Civil Service Salaries and Conditions of Service ("the Standing Commission"). He said that in order to ensure that civil service pay and private sector pay were broadly comparable, a SSS was conducted every three years to compare the starting salaries of non-directorate civilian civil service grades with the entry pay of jobs in the private sector requiring similar qualifications. In general, basic ranks in the civil service were broadly divided into Qualification Groups ("QGs"), each with one or two benchmark(s) set having regard to the entry pay in the private sector for jobs requiring similar educational qualifications and/or experiences as determined through previous SSSs. The upper quartile ("P75") level of private sector pay was used as the basis for comparison with the civil service benchmark pay for individual QGs. The findings of the 2012 SSS showed that existing civil service benchmark pay of most QGs with sufficient data for analysis purpose closely reflected the P75 pay levels. The only two exceptions were QG9 (Degree and Related Grades) and QG10

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(Model Scale 1 Grades) whose benchmark pay were higher than the respective P75 pay levels by 8.8% and 5.7% respectively. Having considered the need to maintain a stable and permanent civil service and the inherent differences between the civil service and private sector, the Standing Commission had recommended that the status quo be maintained for the benchmark pay for all QGs, including QGs 9 and 10.

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22. SCS further said that the Administration would consider how to take forward the Standing Commission's findings and recommendations in the 2012 SSS after consultation with parties concerned. The Chairman requested and SCS agreed to report to the Panel on the final decision on the way forward when available.

23. Noting that the market P75 pay level for QG9 was \$20,432 per month, the Chairman enquired about the methodology for getting this figure as she understood that a lot of enterprises in the private sector offered less favourable salaries as entry pay for degree holders. The Deputy Secretary for the Civil Service 2 explained that in conducting the 2012 SSS, a series of criteria were adopted to select private sector organizations for participation in the survey. The criteria included the organizations' steadiness, reputation, number of employees, number of jobs that were reasonable counterparts to the QGs covered in the survey, etc. A total of 136 private sector organizations which satisfied the selection criteria had provided valid data for the survey. Furthermore, having regard to the past practices and the consideration that the Government should be a good employer, the Standing Commission had adopted the P75 pay level, i.e. the market upper quartile, as the basis for comparison with the civil service benchmark pay for individual QGs. The Permanent Secretary for the Civil Service ("PSCS") supplemented that the market P75 pay level for QG9 of \$20,432 per month included other cash payments (e.g. variable bonus, etc.) in addition to the basic salary.

Employment of ethnic minorities and persons with disabilities

24. Ms Emily LAU expressed concern about the difficulties encountered by the ethnic minorities and persons with disabilities ("PwDs") in applying for civil service posts. She was worried that these two disadvantaged groups might be discriminated against when being considered for civil service posts. She enquired about the relevant government policies.

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25. SCS explained that the situations with regard to ethnic minorities and PwDs in applying for civil service jobs were different. The main problem faced by some ethnic minorities was related to their Chinese language proficiency. In respect of some disciplined services grades, the Administration had introduced measures such as adjustments to the selection process to facilitate ethnic minorities in applying for related job vacancies. Apart from the disciplined services grades, the Chinese language proficiency requirements for government drivers had been relaxed having regard to the operational needs of the grade. Regarding the employment of PwDs, SCS said that appropriate measures were in place to ensure that job applicants with disabilities could compete with other able-bodied applicants on equal grounds. Among other things, under the prevailing guidelines, if these candidates were considered suitable by the selection board to carry out the duties of a particular post, they would be recommended for appointment even though they might not be able, due to their disabilities, to perform the duties of every post in the same rank.

26. Ms Emily LAU suggested and members agreed that the related issues be discussed at a future meeting.

VI. Employment situation of non-civil service contract staff

(LC Paper No. CB(4)209/12-13(03) -- Paper provided by the Administration

LC Paper No. CB(4)337/12-13(01) -- Administration's paper on "Follow-up to the Meeting on 17 December 2012"

LC Paper No. CB(4)209/12-13(04) -- Updated background brief on the employment situation of non-civil service contract staff prepared by the Secretariat

LC Paper No. CB(4)330/12-13(05) -- Submission from Association of Government Technical and Survey Officers)

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27. Members noted the following eight submissions tabled at the meeting –

- (a) submission from Hong Kong Post Contract Staff Union;
- (b) submission from Government Frontline Employees Union;
- (c) submission from Union of Hong Kong Post Office Employees;
- (d) submission from Union of Food and Environmental Hygiene Department Market Assistant;
- (e) submission from Neighbourhood and Worker's Service Centre;
- (f) submission from Hong Kong Food and Environmental Hygiene Department Staff Rights Union;
- (g) submission from Hong Kong Chinese Civil Servants' Association; and
- (h) submission from Hong Kong Government Lifeguards General Union.

(Post-meeting note: The above submissions were issued to members on 21 January 2013 after the meeting via a Lotus Notes email.)

Presentation of views by deputations

*Government Employees Association
(LC Paper No. CB(4)303/12-13(06))*

28. Mr CHEUNG Wai-kuen presented the Association's views. He highlighted that the NCSC Staff Scheme was originally designed as a contingency scheme to meet the short-term operational needs of B/Ds. The Association was given to understand that the Administration would convert those long-term NCSC positions which had existed over three years to civil service posts. However, the current situation was that a lot of NCSC staff had been working in the same positions for over 10 years. He was of the view that these NCSC positions should be converted to civil service posts and internal recruitment exercises should be conducted to fill the newly created civil service posts. The Administration should ensure that no NCSC staff would lose their jobs in the conversion process.

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*HKSAR Government Employees General Union
(LC Paper No. CB(4)330/12-13(01))*

29. Mr KONG Ming-chung presented the Union's views. He said that some B/Ds had abused the use of the NCSC Staff Scheme by hiring temporary staff to meet long-term service needs so as to save costs. He called on the Administration to review the operation of the scheme so that the policy intent of engaging NCSC staff could be strictly enforced. He suggested that the Administration should offer civil service posts to those NCSC staff who had been working in the same positions for more than three years as their suitability for the concerned jobs had already been proven.

*合約郵政員工關注組
(LC Paper No. CB(4)303/12-13(07))*

30. Mr MAN Shu-kwan presented the Concern Group's views. He said that it was unfair to the NCSC staff working at the Airport Post Office of the Hongkong Post ("PO") that they could not enjoy the same level of benefits as their counterparts in the civil service in terms of home-to-office travelling allowance and overtime payment. The difference in treatment had given rise to grievances among NCSC staff and their civil service counterparts. He urged the NCSC staff of PO to voice out their dissatisfaction to safeguard their own benefits.

*Government Electrical & Mechanical Works Supervisors, Craftsmen & Workmen Association
(LC Paper No. CB(4)330/12-13(02))*

31. Mr HUI Chi-fai presented the Association's views. He said that the Electrical and Mechanical Services Department ("EMSD"), which operated as a trading fund, had employed a large number of long-term NCSC staff who had worked in the same positions for over five years. The situation of "different pay for the same job" had caused management problems which had affected staff morale and the quality of public services. He pointed out that same as their civil service counterparts, the NCSC staff of EMSD were also well-trained professional personnel. In order to retain staff of suitable calibre, the Administration should increase the number of civil service posts in EMSD and offer such posts to the NCSC staff of EMSD.

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*Hong Kong Civil Servants General Union
(LC Paper No. CB(4)250/12-13(02))*

32. Mr CHUNG Tak-cheung presented the Union's views. He said that in the past, the Administration had put forward a number of measures to reduce the size of the civil service, notwithstanding the implementation of numerous new policies and measures. The Union was opposed to any form of recruitment of non-civil servants to perform the work of civil servants and outsourcing of government services under the policy of "big market, small Government". In order to ensure quality public services and maintain a healthy civil service establishment, the Administration should convert the positions presently filled by NCSC staff to civil service posts.

*Hong Kong Post Contract Staff Union
(LC Paper No. CB(4)340/12-13(01))*

33. Mr YUEN Chiu-ming presented the Union's views. He said that in order to avoid further conflicts and to narrow the gap between NCSC staff and their civil service counterparts in PO, the Administration should improve the salaries and fringe benefits of NCSC staff, in particular, the provision of medical benefits. The Union called on the Administration to increase the employer's Mandatory Provident Fund contribution so as to improve the retirement protection for NCSC staff. The Administration should put in place a proper mechanism for direct conversion of NCSC staff to civil servants, and a timetable should be drawn up for implementation of the mechanism.

*社署合約員工關注組
(LC Paper No. CB(4)303/12-13(08))*

34. 梁志滿先生 presented the Concern Group's views. He said that since 1999, SWD had employed CWOs on NCSC terms to assist recipients of the Comprehensive Social Security Assistance in securing employment under the Community Work Programme of the Support for Self-reliance Scheme. As NGOs had been commissioned to implement the Community Work Programme as from 1 January 2013, the current CWOs would lose their jobs upon expiry of their contracts on 31 March 2013. For more than 14 years, SWD had continuously renewed the contracts of CWOs, and this gave CWOs the hope that their posts could be converted to civil service positions. It was most ironic that CWOs whose job was to assist people to find jobs would become unemployed. Having regard to CWOs' long years

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of service, experience, sense of belonging and commitment to work, the Concern Group urged SWD to give priority to CWOs in considering their applications for positions in SWD. Furthermore, as SWD would need to monitor the performance of NGOs in the Community Work Programme at the inception of the commissioning of service, he requested SWD to consider employing the current CWOs to perform such role.

Hong Kong Leisure Services Staff General Union

35. Mr CHEUNG Siu-wing said that the employment of NCSC staff in large number in the Leisure and Cultural Services Department ("LCSD") had created many management problems, such as deterioration of service quality, labour exploitation, experience retention and succession problems etc. Quoting the cases of unsatisfactory water quality and bloodworm found in public swimming pools and the tree collapse incidents happened in recent years as illustrations of deterioration of service quality, he urged the Administration to scrap the NCSC Staff Scheme and increase the number of civil service posts in LCSD. Furthermore, he called on the Panel to look into the employment situation of the part-time instructors of LCSD's recreation and sports training programmes. These instructors were employed by LCSD on NCSC terms for long periods.

Police Force Council - Staff Side

36. Mr CHAN Cho-kwong said that his organization did not support the employment of NCSC staff to carry out work which should be performed by civil servants. However, in view of the possible retirement wave in the civil service in the years ahead, if there was a genuine need to employ NCSC staff to meet short-term or seasonal service needs, the Administration should consider according priority to retired civil servants in considering applications for NCSC positions. This group of people had suitable experience and they were conversant with civil service practices.

*Rights Association of Hong Kong Post Contract Staff
(LC Paper No. CB(4)303/12-13(09))*

37. Mr LEUNG Siu-ye presented the Association's views. He said that as revealed by the findings of a recent survey conducted by the Association, a majority of NCSC staff of PO considered that their salaries were insufficient to support the living of their families. Most of these staff had actually worked for many years in PO but had not been granted any salary increments and did not have promotion prospect. At the moment the

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NCSC staff of PO were paid on a monthly, daily or hourly basis. Those NCSC staff paid on a monthly basis could not receive overtime payment like their civil service counterparts. The Administration should review the current policy and consider offering overtime payment to this group of NCSC staff of PO, rather than compensating them by time-off in lieu.

*Government Frontline Employees Union - Health Surveillance Assistant of Department of Health Branch
(LC Paper No. CB(4)340/12-13(02))*

38. Mr KWAN Tze-kit briefed members on the Union's submission which highlighted the importance of the job of Health Surveillance Assistants ("HSAs"), who were the frontline medical staff employed by the Department of Health ("DH") on NCSC terms to station at the border control points to conduct border health check for travellers. He pointed out that according to the International Health Regulations (2005) of the World Health Organization, measures should be taken to prevent various infectious diseases from being introduced into or carried from the territory. As such, the job of HSAs was long-term in nature and thus DH should convert all HSAs to civil servants. Moreover, being frontline medical staff who might have immediate contact with infectious diseases, HSAs had not even been provided with facilities to change their uniforms at the border control points. This situation was unsatisfactory as they had to wear their unhygienic uniforms back home after work, thereby increasing the risk of passing germs to their family members.

*社署非公務員員工關注組
(LC Paper No. CB(4)330/12-13(03))*

39. 張炳樂先生 presented the Concern Group's views. He said that in the past 14 years, SWD had continuously renewed the contracts of CWOs and recognized the contribution of CWOs. CWOs were given the false hope that their posts would be converted to civil service positions. The Concern Group was dissatisfied that SWD had failed to convert CWOs to civil servants in the past 14 years and that SWD had not explained clearly to CWOs of its plan for commissioning NGOs to provide the employment assistance services under the Community Work Programme. He appealed for the Panel's assistance in reviewing whether SWD had abused the NCSC Staff Scheme.

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政府僱員團結工會康文署圖書館員工分會

40. Mr CHAN Wang-sang said that the NCSC staff working in the public libraries of LCSO had always performed well. The NCSC staff, especially those who had worked in the same positions for a long period of time, should be given priority when they applied and were being considered for the relevant civil service posts. He urged the Administration to render assistance to those NCSC staff to secure permanent employment in the Government. Besides, he considered it unfair that relevant working experience of NCSC staff was normally not counted towards the provision of incremental credits when civil service appointments were offered to them, and that they had all along been remunerated at the starting salary point only.

*Union of Hong Kong Post Office Employees
(LC Paper No. CB(4)340/12-13(03))*

41. 林寶鎮先生 presented the Union's views. He said that NCSC staff should be granted the same salaries and fringe benefits as their civil service counterparts. The Administration should set up a committee to review the NCSC Staff Scheme, study the feasibility of converting the NCSC staff to permanent staff and establish regular communications between NCSC staff and the Administration. Moreover, priority should be given to the NCSC staff with relevant working experience in applying for civil service posts, and incremental credits should also be given to those NCSC staff who succeeded in applying civil service posts to recognize their years of service in the Government.

*Union of Food and Environmental Hygiene Department Market Assistant
(LC Paper No. CB(4)340/12-13(04))*

42. Mr KWOK Kin-ben presented the Union's views. In gist, he urged the Administration to review the NCSC Staff Scheme in a people-oriented approach and convert NCSC staff to permanent staff as far as possible. In order to achieve a win-win situation, he suggested that the Administration should improve the terms and conditions of service for NCSC staff so as to bring their remuneration packages on a par with their civil service counterparts.

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Hong Kong Hospital Staff Rights Union

43. Ms CHAN Choi-chun said that under the current arrangement, the supporting staff of the Hospital Authority ("HA") employed on contract terms could be converted to permanent staff, subject to good performance and at least six years of service in HA. As three years should be sufficient to prove the capability of the staff in performing their jobs, HA should abolish the existing six-year contract entry system for supporting staff and replace it with a three-year contract, which upon expiry, should be renewed for further appointment on permanent terms. This arrangement would help retain and motivate staff. As a result, resources would not be wasted for training new staff and unnecessary recruitment exercises.

*Neighbourhood and Workers' Service Centre
(LC Paper No. CB(4)340/12-13(05))*

44. Ms LEUNG Ching-shan presented the Centre's views. In gist, the Centre urged the Administration to review the NCSC Staff Scheme and convert all the NCSC staff with three years of continued service to civil servants. Furthermore, all NCSC staff applicants with relevant working experience and qualifications should be accorded priority in the open recruitment for civil service posts.

*Working Group for TO(A) in Housing Department
(LC Paper No. CB(4)303/12-13(10))*

45. Mr Raymond LAU presented the Working Group's views. He said that it was unreasonable for the Housing Department ("HD") to employ Technical Assistants ("TAs") on NCSC terms to tackle the problem of shortage of Technical Officers ("TOs"). The employment of NCSC TAs would actually increase the construction cost of public housing and lead to leakage of confidential information. In anticipation of the increasingly great demand for public housing, the Working Group called on the Administration to increase the number of TOs on civil service terms in HD.

*Hong Kong Food and Environmental Hygiene Department Staff Rights Union
(LC Paper No. CB(4)340/12-13(06))*

46. Ms LI Mei-siu presented the Union's views. Pointing out that the NCSC Staff Scheme had created a lot of management problems arising from the "different pay for the same job" situation, she urged the

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Administration to review the scheme and examine whether individual B/Ds had abused the scheme by recruiting NCSC staff to meet the long-term service needs.

*Buildings Department Non-Civil Service Contract Staff Association
(LC Paper No. CB(4)330/12-13(04))*

47. Mr CHEUNG Kwok-wai presented the Association's views. He expressed regret that whilst the Administration claimed that NCSC staff with suitable working experience in the Government would have advantage over other applicants in applying for civil service posts, many NCSC staff of BD in fact had not been successful in applying for the newly created civil service posts in BD. He urged the Administration to increase the number of civil service posts in BD and offer such posts to the NCSC staff of BD according to their years of service in BD. He also urged the Administration to set up a committee to review the NCSC Staff Scheme and consider improving the salaries with annual increments for NCSC staff.

Food and Environmental Hygiene Department MOD I Staff Branch

48. 陳博賢先生 said that his organization was concerned about the increase of NCSC positions and continued outsourcing of services in the Food and Environmental Hygiene Department. He suggested that those NCSC staff who had served in the same positions for a long period be directly converted to civil servants, as it would be difficult for them to apply for civil service posts because of fierce competition. He further opined that it was both discriminatory and divisive that the terms and conditions of employment of NCSC staff were much worse than those of their civil service counterparts.

*Hong Kong Chinese Civil Servants' Association
(LC Paper No. CB(4)340/12-13(07))*

49. Ms LI Kwai-yin presented the Association's views. In gist, the Association considered that the NCSC Staff Scheme had been abused as many NCSC staff had been in continuous employment for a long time and had their contracts renewed regularly. Pointing out that the NCSC Staff Scheme was divisive and damaging to staff relations and Government's image, she called on the new term Government to rectify the problems to ensure the unity and stability of the civil service. In the short term, the Administration should adopt a more humanized approach to improve the terms and conditions of employment of NCSC staff, such as providing free

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medical benefits and according priority to NCSC staff with relevant working experience in applying for civil service positions.

*Hong Kong Government Lifeguards General Union
(LC Paper No. CB(4)340/12-13(08))*

50. Mr CHOI Wan presented the Union's views. He said that although LCSD had already increased the number of lifeguards on civil service terms, owing to the opening of new public swimming pools and beaches in recent years and the fact that the demand for lifeguards during the summer season far exceeded that during winter, there was a need for LCSD to continue to employ NCSC lifeguards to complement the civil service workforce to meet seasonal service needs. Moreover, as the market demand for lifeguards was on the increase, in order to retain and motivate staff, LCSD should consider converting the NCSC lifeguards to civil servants.

Discussion

Policy on NCSC Staff Scheme

51. In response to the deputations' concerns, SCS explained that it was the Administration's aim to replace those NCSC positions with long-term service needs and the services could be performed by civil servants gradually and a mechanism had already been in place to deal with the situation. Regarding the freeze of civil service recruitment as mentioned by some of the deputations, he said that the Government had already resumed the recruitment of civil servants a few years ago. However, it was not appropriate to create civil service posts to cover some specific service needs which were short-term, time-limited or seasonal in nature, and in some cases, there were no comparable jobs in the civil service. On recruitment to fill the replacement civil service posts, SCS advised that the Government's recruitment policy was to select the most suitable persons for civil service vacancies through an open, fair and competitive process. Since relevant working experience was one of the factors to be taken into account in the recruitment process, NCSC staff who met the entry requirements of specific civil service ranks should generally enjoy a competitive edge over other applicants.

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52. Mr TANG Ka-piu expressed dissatisfaction with the Administration's response. He said that according to the depositions, a lot of B/Ds did not observe the rules in hiring NCSC staff or might have even abused the scheme. Quoting the example of PO which had the highest number of NCSC staff among B/Ds but none of its NCSC positions had been phased out and replaced by civil service posts as at 30 June 2012, he considered this situation unacceptable and urged CSB to seriously review the case.

53. Mr WONG Kwok-hing recapitulated the views of the depositions and concluded that the NCSC Staff Scheme had given rise to the discriminatory treatment of "different pay for the same job" against the NCSC staff. The situation could be further summarized as "seven unfair treatments", viz. lower pay and lack of fringe benefits, salary increments, medical provisions, promotion prospects, retirement protection and job security. The unfair treatment had created seven adverse impacts to the Government which included abuse of the NCSC Staff Scheme by B/Ds, exploitation of staff, deterioration of service quality, possible dangers to the public due to the poor service quality, damage of the Government's image as a good employer, succession problems in civil service, and grievances and division among NCSC staff and civil servants. Mr WONG opined that in order to solve the problems at root, the Administration should reduce the number of NCSC positions with corresponding increase in the number of civil service posts. Given that NCSC staff constituted about one-tenth of government employees, Mr WONG enquired about the Administration's plan to further reduce the number of NCSC staff.

54. SCS replied that CSB regularly reviewed with B/Ds their employment of NCSC staff having regard to their actual operational needs and, where appropriate, asked B/Ds to replace NCSC positions by civil service posts. CSB would in principle support the creation of new civil service posts to replace NCSC positions as proposed by B/Ds. However, the final results would be subject to the decisions of the Administration in the context of the annual resource allocation exercise. As regards the case of PO, he explained that since B/Ds operating as trading funds had to ensure that their operations were commercially viable, these B/Ds should be provided with greater flexibility in the appointment of staff to cope with business fluctuations. Compared with the number of full-time NCSC staff in 2006 when a special review was conducted by CSB, the total number of full-time NCSC staff employed by B/Ds had reduced from 16 488 to 14 535 as at 30 June 2012. CSB would continue to work towards further reducing

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Admin the number. He undertook to report the employment situation of NCSC staff to the Panel annually.

Admin 55. In response to Mr WONG Kwok-hing's request for the provision of the number of NCSC positions which would be converted to civil service posts in 2013, SCS replied that this would be subject to the approval of the 2013-14 Draft Estimates. He agreed to report the relevant information to the Panel in due course.

56. The Chairman opined that while there was a need for the Government to employ NCSC staff to complement the civil service workforce to meet service needs which were short-term or seasonal in nature, the current situation that some of the NCSC staff had been working in the same positions for more than 10 years was undesirable.

57. In response, SCS explained that it was not appropriate to create civil service posts to cover some specific service needs which might be long-term but were seasonal in nature or which only required staff to work on a part-time basis. In some cases, there were some NCSC positions which were not suitable for conversion to civil service post. For example, there were no comparable jobs in the civil service or the mode of delivery of the service was under review or likely to be changed. One example was the Customer Service Officers who were employed to handle calls and emails at the 1823 Call Centre under the Efficiency Unit. He further advised that for those NCSC positions which were suitable to be replaced by civil service posts, the pace of conversion was subject to the availability of resources to the relevant B/Ds as determined in the resources allocation exercise conducted each year.

58. Noting that there were 4 741 NCSC staff who had worked continuously over five years in B/Ds but could not be or had not been converted to civil servants, Mr LEE Cheuk-yan requested the Administration to devise a policy of converting those NCSC staff with continuous service of four years or more to civil servants, excluding those NCSC staff who were working on a part-time or seasonal basis. With regard to the NCSC positions which could not be converted to civil service posts, Mr LEE requested the Administration to provide the number and a breakdown of these posts by B/Ds and justifications for non-conversion.

59. SCS said that the duration of the NCSC positions was not the most important consideration for conversion to civil service posts. The Administration needed to consider other factors such as the stability and

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long-term need of the service. Furthermore those B/Ds operating under trading funds would need to have more flexibility in employing NCSC staff to cope with business fluctuations. Regarding the information requested by Mr LEE Cheuk-yan, PSCS said that CSB would liaise with individual B/Ds with a view to providing relevant information to members.

60. Mr KWOK Wai-keung opined that it was not satisfactory for individual B/Ds to manage their own NCSC staff, as they might overlook the protection of labour rights. He suggested that CSB should take over the management of NCSC staff from individual B/Ds. He pointed out that in the private sector, due to the lack of employment benefits and promotion prospects, the salaries of part-time or temporary employees were usually higher than those of their full-time or permanent counterparts. He thus requested the Administration to consider relaxing the existing rule that the salaries of NCSC staff should not exceed the salary mid-point of comparable civil service ranks.

61. SCS responded that the objective of the NCSC Staff Scheme was to provide greater flexibility for B/Ds to deploy their manpower resources and to better enable them to meet the changing operational and service needs. To ensure the proper implementation of the NCSC Staff Scheme, CSB had promulgated guidelines to B/Ds on the engagement and management of NCSC staff. Overall speaking, the terms and conditions of employment for NCSC staff should be no less favourable than those prescribed under the Employment Ordinance (Cap. 57) and no more favourable than those applicable to civil servants in comparable civil service ranks. As the civil service and NCSC appointments were two different types of employment, it was inappropriate to make direct comparison between them. Apart from complying with the Employment Ordinance and the guiding principles for employing NCSC staff, B/Ds were also required to ensure the competitiveness and attractiveness of the terms and conditions of employment of the NCSC positions, so as to be able to recruit adequate persons of suitable calibre from the labour market and retain the NCSC staff. Since each B/D had its own specific operational and service needs, it would be more appropriate for B/Ds to manage their own NCSC staff. CSB would regularly review with B/Ds their engagement of NCSC staff. This included setting a ceiling of the number of NCSC staff for each B/D having regard to its specific operational needs.

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Improving the terms and conditions of service for NCSC staff

62. In consideration of the many concerns and problems highlighted by the deputations, the Chairman requested the Administration to consider improving the terms and conditions of service of NCSC staff by increasing their salaries, and providing home-to-office travelling allowances and overtime payment to them. The Deputy Chairman expressed similar concerns. Pointing out that the Chief Executive had promised in his manifesto for the Chief Executive election 2012 that he would narrow the remuneration gap between civil servants and NCSC staff and allow those NCSC staff fit for respective civil service posts to join the civil service, the Deputy Chairman requested the Administration to improve the remuneration packages for NCSC staff and expedite the pace for converting long-term NCSC positions to civil service posts.

63. SCS advised that the remuneration offered to NCSC staff was an all-inclusive pay package and therefore NCSC staff were not entitled to overtime payment. The pay package and gratuity had already reflected the job nature of the NCSC positions. Under the guiding principle that the terms and conditions of employment for NCSC staff should be, overall speaking, no more favourable than those of the civil servants in comparable civil service ranks, there was room for B/Ds to offer a better remuneration package to their NCSC staff. Regarding the concern raised by the "Government Frontline Employees Union - Health Surveillance Assistant of Department of Health Branch" that HSAs had not even been provided with facilities to change their uniforms after work at the border control points, SCS said he would request DH to follow up the matter.

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64. Mr LEUNG Kwok-hung was dissatisfied with the Administration's response. He was of the view that the Administration did not realize the seriousness of the situation in that NCSC staff were underpaid and did not receive travelling allowance and overtime payment. He suggested CSB conduct a survey to obtain a full picture of the problem. Mr LEE Cheuk-yan said that no improvements had been made to improve the situation of NCSC staff over the past years. He urged NCSC staff to voice out their dissatisfaction by joining the forthcoming demonstration.

Commissioning of employment assistance services to NGOs by SWD

65. Mr TANG Ka-piu said that Mr KWOK Wai-keung and he were particularly concerned about the prospect of the 68 NCSC CWOs who would become unemployed upon expiry of their contracts on 31 March

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2013. He pointed out that the CWOs had been working as NCSC staff in SWD for more than 10 years, and it was undesirable that SWD had failed to convert their NCSC positions to permanent posts during such a long period of time. In order to provide suitable assistance to the CWOs, he called on CSB to intervene in this matter and provide suitable assistance to CWOs.

66. In reply, SCS said that the decision to commission the employment assistance services under the Community Work Programme to NGOs was made by the Labour and Welfare Bureau and SWD, and he trusted that the concerned B/D would be able to handle the case. As far as he knew, over the past years, SWD had converted some similar NCSC positions to civil service posts, and the department had provided various kinds of assistance including employment assistance to the affected NCSC staff.

VII. Any other business

67. There being no other business, the meeting ended at 12:50 pm.

Council Business Division 4
Legislative Council Secretariat
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