

**立法會**  
**Legislative Council**

LC Paper No. CB(4)50/13-14  
(These minutes have been  
seen by the Administration)

Ref : CB4/PL/PS

**Panel on Public Service**

**Minutes of meeting held on  
Monday, 15 July 2013, at 9 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  
Hon TAM Yiu-chung, GBS, JP  
Dr Hon LEUNG Ka-lau  
Hon LEUNG Kwok-hung  
Hon Claudia MO  
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

**Members attending** : Hon WONG Kwok-hing, MH  
Hon Charles Peter MOK  
Dr Hon KWOK Ka-ki  
Dr Hon Fernando CHEUNG Chiu-hung

**Member absent** : Hon LEUNG Che-cheung, BBS, MH, JP

**Public Officers  
attending**

**: Agenda item II**

Mr Paul TANG, JP  
Secretary for the Civil Service

Mr Eddie MAK, JP  
Acting Permanent Secretary for the Civil Service

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

Dr Cindy LAI, JP  
Deputy Director of Health

**Agenda item III**

Mr Paul TANG, JP  
Secretary for the Civil Service

Mr Eddie MAK, JP  
Acting Permanent Secretary for the Civil Service

Ms Ivy LAW  
Acting Deputy Secretary for the Civil Service 3

Mr Anthony MAK  
Principal Assistant Secretary for Civil Service  
(Training and Development)

Miss Janice TSE, JP  
Deputy Secretary for Food & Health  
(Health) 1

Dr Cindy LAI, JP  
Deputy Director of Health

**Agenda item IV**

Mr Paul TANG, JP  
Secretary for the Civil Service

Mr Eddie MAK, JP  
Acting Permanent Secretary for the Civil Service

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

Miss Winnie CHUI  
Principal Assistant Secretary (Pay & Leave)  
Civil Service Bureau

Mrs HONG CHAN Tsui-wah  
Principal Education Officer  
(Professional Development & Training)  
Education Bureau

Miss Alice LAU  
Principal Assistant Secretary (Administration)  
Education Bureau

Ms Lisa LAI  
Chief Executive Officer (Appointments and  
Personnel)  
Education Bureau

**Agenda item V**

Mr Paul TANG, JP  
Secretary for the Civil Service

Mr Eddie MAK, JP  
Acting Permanent Secretary for the Civil Service

Miss Fanny CHEUNG  
Acting Commissioner for Rehabilitation  
Labour and Welfare Bureau

Ms LAM Sau-ching  
Senior Labour Officer (Selective Placement)  
Labour Department

**Attendance by  
invitation**

**: Agenda item IV**

Government Educational Staff Union

Mr CHEUNG Kam-fai  
President

Union of Government School Teachers

Mr WONG Hon-kam  
Vice-Chairman

Ms WONG Heung-lin  
Liaison Officer

Education Employees General Union

Ms YU Yi-wah  
President

Mr YUNG Shek-shing  
Director

**Agenda item V**

Hong Kong Federation of the Blind

Mr NG Ka-lun  
Rehabilitation & Education Specialist

Hong Kong Association of the Deaf

Mr WONG Chun-man  
Representative

長期病患者就業關注組

Mr WONG Wai-hon  
Representative

Labour Party

Mr YIP Wing  
Representative

The Hong Kong Council of Social Service

Ms Maureen TAM  
Convenor of Network on Services for Persons  
with Visual Impairment

Rehabilitation Alliance Hong Kong

Mr MOK Yuen-kwan, Marcus  
General Secretary

Concord Mutual-Aid Club Alliance

Mr LI Chi-on, Johnny  
Vice-Chairman

The Hong Kong Society for the Blind

Mr Danny CHAN  
Supervisor  
Career Support and Development Centre

Individual

Dr Robert HANSON

「爭取殘疾人士就業機會及就業配額制  
度」聯盟

Mr CHONG Chan-yau  
Convenor

Hong Kong Joint Council for People with  
Disability

Miss Deborah WAN  
Vice-Chairperson

香港地中海貧血病協會

Mr CHIU Ho-lam, Andy  
Representative

殘疾人士就業關注聯席

Mr CHAN Chun-yiu  
Representative

殘疾及長期病患者就業高峰會

Mr HAN Yung-sheng  
Representative

The Hong Kong Society for the Deaf

Miss Sarah LEE  
Employment Officer

Individual

Miss LAM Ka-yan

Individual

Mr AU YEUNG Siu-leung, Alan

Hong Kong Blind Union

Mr WONG Chun-hang  
Vice-President

The Forthright Caucus

Mr SIU Yat-chan  
Committee Member

VTV Disabled Web TV

Mr KWONG Chun-on  
Host

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

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

Ms LAM Yuen-kwan  
Legislative Assistant (4)1

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**I. Information paper issued since the last meeting**

(LC Paper No. CB(4)862/12-13(01) -- Joint letter from Hon SIN Chung-kai, Hon Charles Peter MOK and Ir Dr Hon LO Wai-kwok on the creation of the Regulatory Affairs Manager grade and its impact on the Telecommunications Engineer grade in the Office of the Communications Authority

LC Paper No. CB(4)889/12-13 -- Administration's response to the joint letter from Hon SIN Chung-kai, Hon Charles Peter MOK and Ir Dr Hon LO Wai-kwok)

Members noted that the above papers have been issued since the last meeting.

2. Mr Charles Peter MOK said that while the review of the functions of the Telecommunications Engineer grade in the Office of the Communications Authority ("OFCA") was discussed by the Panel on Information Technology and Broadcasting at its meeting on 8 July 2013, there was a need for the Panel on Public Service to follow up the related matters from a wider policy perspective. He was worried that the creation

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of the Regulatory Affairs Manager grade in OFCA would set a precedent for the Administration to disregard professional qualifications and gradually replace existing professional grades with new grades not requiring professional qualifications. Mr Sin Chung-kai echoed Mr MOK's concern. Members agreed that the Panel would follow up this issue in the next session.

*(Post-meeting note: The Administration subsequently clarified in its letter dated 5 August 2013 that there was no general policy to disregard professional qualifications or replace professional grades in the civil service. The Administration's letter was circulated to members vide LC Paper No. CB(4) 956/12-13(01) on 21 August 2013.)*

**II. Conditioned hours of work and leave deduction arrangement for civil servants working 45 hours net per week in the Hospital Authority**

(LC Paper No. CB(4)561/12-13(01) -- Submission from the Federation of Hong Kong & Kowloon Labour Unions on conditioned hours of work and leave deduction arrangement for Model Scale 1 civil servants working in the Hospital Authority

LC Paper No. CB(4)616/12-13(01) -- Administration's response to the submission from the Federation of Hong Kong & Kowloon Labour Unions

LC Paper No. CB(4)698/12-13(01) -- Letter dated 24 May 2013 from Hon POON Siu-ping requesting discussion on conditioned hours of work and leave deduction arrangement for Model Scale 1 civil servants working in the Hospital



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Authority

LC Paper No. CB(4)870/12-13(01) -- Paper provided by the Administration

LC Paper No. CB(4)890/12-13(01) -- Further submission from the Federation of Hong Kong & Kowloon Labour Unions

LC Paper No. CB(4)893/12-13(01) -- Joint submission from the Government Employees Association and Hong Kong Medical and Health Care General Union

3. The Secretary for the Civil Service ("SCS") briefed members on the conditioned hours of work and leave deduction arrangement for civil servants working 45 hours net per week in the Hospital Authority ("HA") by highlighting the salient points of the Administration's discussion paper. He said that HA was an independent statutory body which operated autonomously in accordance with its own management framework. HA could formulate manpower initiatives, including the conditioned hours of work and leave arrangement, that should be applicable to its staff in the light of factors such as its operation, the needs of its clients and the views of its staff, etc. Whilst civil servants working in HA undertook duties as assigned by their supervisors in HA, their status remained that of civil servants and they continued to be subject to the remuneration and conditions of the civil service in accordance with the protections and constraints set out in the Civil Service Regulations, including requirements in relation to leave arrangement and conditioned hours of work. Civil servants working in HA and staff employed by the HA had all along been subject to different terms of employment and conditions of service.

4. SCS said that there was no uniform conditioned hours of work in the civil service and different civil service grades had different conditioned hours and were under different conditioned hours systems having regard to the work nature and requirements of each grade. The new arrangement which took effect from 1 May 2013 regarding the reduction in the conditioned hours of work from 45 hours net per week to 44 hours gross per week for supporting grades staff employed by HA ("the New

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Arrangement") would not apply to some 560 civil servants who were currently working 45 hours net per week in HA. In order to ensure parity treatment and effective management of the civil service, civil servants working in HA should continue to follow the conditioned hours of work of their respective civil service grades. Furthermore, since the stipulated conditioned hours of work had been taken into account in determining the pay of different civil service grades, a reduction in the conditioned hours of work of a particular grade without any corresponding change to its pay would be in effect an improvement to the pay and conditions of service of that grade. Nevertheless, the Administration had embarked on a review and invited all Bureaux/Departments ("B/Ds") to carefully assess and explore options for reduction of the conditioned hours of work of Model Scale ("MOD") 1 grades and, if possible, formulate trial proposals for reduction of conditioned hours from 45 hours net to 45 hours gross per week, subject to the three pre-requisites of cost neutrality, no additional manpower and maintaining the same level of service to the public ("the Three Prerequisites"). For parity reasons, any trial scheme should apply to all members of the same grade. The review was expected to complete by the end of 2013. SCS also supplemented that the Department of Health ("DH") had been in discussion with HA to ensure that civil servants working in HA would not shoulder additional work due to the New Arrangement.

5. With regard to leave deduction arrangement, SCS said that civil servants and HA staff were subject to different terms of employment and leave systems. The "one-to-one" leave deduction basis, i.e. one-day vacation leave to cover absence from duty on a working day, was generally adopted throughout the civil service, including civil servants working in HA. HA's revised leave deduction arrangement, if applied to the civil service, would be tantamount to an increase in leave entitlement. The Administration considered it appropriate to maintain the long standing leave deduction arrangement for civil servants working in HA.

6. Mr WONG Kwok-hing and Mr TANG Ka-piu expressed support to the New Arrangement, and opined that civil servants working 45 hours net per week in HA ("the civil servants in HA") should also be covered by the New Arrangement. They said that it was unfair for the civil servants in HA to have longer working hours than their HA counterparts, and such disparity would lead to problems of low staff morale and division between the two groups of employees. Mr WONG said that the Administration was discriminating against the civil servants in HA and neglecting their well-being. Both Mr WONG and Mr TANG enquired what measures

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could be taken to reduce the conditioned hours of work of the civil servants in HA, so that they would be treated the same as their HA counterparts.

7. SCS responded that the civil servants in HA and staff employed by HA had all along been subject to different terms of employment and conditions of service. Having retained their civil service status, civil servants working in HA would be subject to the conditioned hours of work of their respective civil service grades. Any proposal to reduce the conditioned hours of work of these civil servants should apply to all staff in the same grade, and such proposal should be carefully considered having regard to the Three Prerequisites and other relevant factors such as operational requirements and the implications on other civil service grades. SCS added that the Administration had embarked upon a review on the conditioned hours of work of MOD 1 grades, and was exploring the feasibility of formulating proposals for the reduction of conditioned hours of work of these grades from 45 hours net per week to 45 hours gross per week under the Three Prerequisites.

8. The Deputy Chairman expressed concern that management problems would likely arise when the supporting grade staff in HA were subject to two different systems of conditioned hours of work. He enquired whether HA had consulted the Civil Service Bureau and Food and Health Bureau on the New Arrangement. Noting from the submission of the Hong Kong Chinese Civil Servants Association that similar cases in the past had been resolved successfully through the adoption of special administrative arrangements, he asked if the Administration had discussed with the relevant associations to work out possible arrangements to address the issue.

9. Deputy Director of Health ("DD of H") replied that DH had been in liaison with HA regarding the implementation of the New Arrangement. HA would make appropriate adjustments to the work schedule of staff in order to ensure that the workload of the civil servants in HA would not be increased because of the New Arrangement. If necessary, HA would increase manpower to cope with the changes in workload arising from the New Arrangement. DD of H added that according to her understanding, HA had all long been managing staff of different terms of employment. Hence, the need to re-deploy staff with different conditioned hours of work should not pose insurmountable management problems to HA.

10. On the suggestion of adopting administrative measures to address the disparity in conditioned hours of work between civil servants working

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in HA and staff employed by HA, SCS said that since any proposed measures to reduce the conditioned hours of work of civil servants would involve changing the conditions of service and terms of appointment of the concerned staff, such proposed measures would need to be carefully considered, and the advice of the relevant advisory body would also need to be sought. The Administration held an open mind to any proposals for reduction of conditioned hours of work of civil service grades, subject to the Three Prerequisites and other relevant considerations.

11. Noting that the civil servants in HA and the employees of HA had different remuneration packages, Mr SIN Chung-kai enquired whether it was feasible for the civil servants in HA to opt for the terms of appointment of HA. Mr TANG Ka-piu also enquired whether the civil servants in HA could be posted to work in DH or other government departments. SCS replied that the civil servants had been allowed to opt for HA's terms of appointment or retain their civil service status during the 3-year option period from 1 December 1991 to 30 November 1994. It was not possible for the civil servants to opt for HA's terms of appointment after the option period. Civil servants who wished to pursue HA's terms of appointment would need to resign from their civil service appointment, and apply for the respective posts in HA through HA's open recruitment exercises. As to whether the civil servants in HA could be posted to work in DH or other government departments, DD of H replied that it depended on the operational needs of DH and other government departments and the availability of suitable vacancies to absorb those civil servants.

12. Mr Martin LIAO enquired about the arrangement for civil servants seconded to work in other public organizations, which offered different conditions of service. SCS replied that normally, the secondment of civil servants to other public organizations would last for a limited period of time. The civil servants would continue to be subject to the conditions of service and terms of appointment of civil service during the secondment period. DD of H added that while civil servants in HA were subject to the relevant conditions of services on account of their civil service status, they generally received the same work-related arrangements as their HA counterparts, such as assignment of duties, promotion and training opportunities, etc.

## Motion

13. Mr TANG Ka-piu expressed disappointment that the Administration failed to heed the request of the civil servants in HA for them to be treated

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on a par with their HA counterparts by reducing their conditioned hours of work. The Chairman read out the following motion proposed by Mr TANG -

"本事務委員會促請政府着手全面落實'每周44小時總工時(包括用膳時間)'的政府員工服務條件,並優先為在醫院管理局工作的衛生署公務員即時落實'每周44小時總工時(包括用膳時間)'。"

(Translation)

"That this Panel urges the Government to take forward the full implementation of '44 hours of work gross per week (inclusive of meal breaks)' as a condition of service for Government employees and give priority to the immediate implementation of '44 hours of work gross per week (inclusive of meal breaks)' for civil servants under the Department of Health working in the Hospital Authority."

14. The Chairman ruled that the motion proposed was directly related to the agenda item under discussion, and members agreed to proceed with the motion.

15. The Deputy Chairman and Mr WONG Kwok-hing expressed support for the motion, and requested the Administration to follow up with HA on the feasibility of addressing the concern raised by the civil servants in HA through the adoption of special administrative arrangements.

16. Mr TAM Yiu-chung said that he supported the implementation of "44 gross working hours per week" for the civil servants in HA. However, he appreciated that the Administration needed to carefully assess the possible impact of such a measure on other members of the same civil service grade. The Chairman opined that reduction in the conditioned hours of work of civil servants was a complicated matter, as it involved many civil service grades whose conditioned hours of work were different. She said that it was not possible to adopt a single system of conditioned hours of work to all civil service grades, given that different grades had different operational needs. Mr SIN Chung-kai considered that the Administration should undertake a comprehensive review on the reduction of the conditioned hours of work of different grades in the civil service. Mr LIAO said that he had reservation on a full implementation of

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"44 gross working hours per week" in the civil service before a comprehensive review on the matter had been completed.

17. The Chairman put the motion to vote. Four members voted for the motion, one member voted against the motion and two members abstained from voting. The Chairman declared that the motion was carried.

18. The Chairman requested the Administration to follow up on the issue and provide a written response on the motion to the Panel

*(Post-meeting note: The Administration's response to the issues raised at the meeting and the motion was issued to members via LC Paper Nos. CB(4)1011/12-13(01) and (02) on 3 October 2013).*

**III. Policy of granting paid study leave to civil servants**

(LC Paper No. CB(4)791/12-13(01) -- Letter dated 14 June 2013 from Hon IP Kin-yuen requesting discussion on policy of granting paid study leave to civil servants

LC Paper No. CB(4)870/12-13(02) -- Paper provided by the Administration)

19. SCS briefed members on the policy of granting paid study leave to civil servants.

Granting of full-pay study leave to serve pupillage

20. Referring to a recent public concern about the granting of full-pay study leave to an Assistant Director of Health to undertake barrister pupillage which involved a public funding of about \$1.6 million, being salary of the officer concerned during the full-pay study leave period, Mr WONG Kwok-hing requested the Administration to explain the justifications for granting such leave to the officer concerned.

21. DD of H explained that as the Government's health adviser and agency to implement health care policies and statutory functions to protect public health, DH had to enforce more than 10 pieces of legislation and

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carry out many of its responsibilities through legislation, law enforcement and other statutory functions. Knowledge and experience in the practical application of the relevant public health law was crucial to the success of the department in safeguarding and promoting public health. The ability of public health officers to interpret the statutory and regulatory requirements as well as to understand other medico-legal concerns of the healthcare sector was essential in public health planning, administration and regulation as well as in the control and prevention of diseases and health hazards. As such, it had long been the policy of DH to arrange training activities for staff of various grades to enhance the department's capacity and capability to handle legislation, regulation and medico-legal matters. Full-pay study leave was an option under the current training and development arrangements for DH's staff. DH had followed the relevant civil service regulations and guidelines issued by the Civil Service Bureau ("CSB") in granting the full-pay study leave to the officer concerned.

22. The Chairman said that there was no dispute over the need to provide legal training to civil servants to enhance their work capability. She queried the need of and justifications for granting full-pay study leave to the concerned officer to serve pupillage which was a qualifying step to become a barrister. Mr Martin LIAO remarked that whilst he supported the provision of job-related legal training to civil servants, he saw no good reason to grant full-pay study leave to civil servants to serve pupillage as the sole purpose of pupillage was to facilitate the officer concerned to be admitted as a barrister.

23. Mr IP Kin-yuen expressed concern whether there was any secret dealing behind the present case. He enquired whether DH had a policy of nominating staff to serve pupillage and, if so, the related nomination mechanism and selection criteria. Mr SIN Chung-kai said that the crux of the case was whether it was appropriate to grant full-pay study leave to an officer to serve pupillage, and whether the relevant nomination exercise was tailor-made for a particular officer.

24. DD of H clarified that DH did not have a policy of nominating staff to serve pupillage. She reiterated that interpretation and application of the relevant public health law was crucial to the success of the department in safeguarding and promoting public health. In fact, DH had, in the past 10 years, looked into the feasibility of establishing a prosecution unit within the department with a view to expediting and stepping up law enforcement activities through direct involvement in the investigation and prosecution processes. It was the consensus of the senior management that there was a

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need to arrange legal training activities for staff of various grades to enhance their capability to handle legislation, regulation and medico-legal matters. As to why the concerned officer was nominated to serve pupillage, DD of H explained that over the years, the concerned officer had been engaged in legal related duties in DH. As the concerned officer was the only officer in DH who possessed a Postgraduate Certificate in Laws ("PCLL") qualification for pupillage, the then Controller of the Centre for Health Protection, after considering the operational needs of the department, the benefits of having an in-house officer who had knowledge and experience in practical application of the relevant public health law, and the abilities and aspiration of the concerned officer, had decided to make the nomination. The nomination was supported by the then Director of Health and subsequently approved by the then Deputy Director of Health. DD of H understood that during the pupillage, the officer concerned would focus on public health, personal injuries, medical negligence, etc. so that her practicing experience would be related to the work of DH. The concerned officer would also witness judicial review cases on public health to widen her knowledge and experience in this area.

25. The Chairman queried whether there was a policy to grant full-pay study leave to civil servants to serve pupillage, and whether the Administration was prepared to accept similar applications from other law enforcement departments in the Government. SCS said that there was no such policy as to allow or disallow nomination for full-pay study leave to serve pupillage. Each case had to be considered on its own merits and justified by the concerned Departments/Grades ("HoD/Gs"). CSB was not in a position to comment on the operational needs of individual departments.

26. Dr KWOK ka-ki asked whether DH had sought the views of CSB before approving the full pay study leave. SCS replied that as the authority to approve such leave had been delegated to HoD/Gs, there was no need for DH to seek views from CSB in approving the leave.

27. Mr SIN Chung-kai asked whether CSB was in support of the granting of full-pay study leave to the concerned officer to serve pupillage. SCS admitted that the present case was not a common case but the HoD concerned was in a better position to assess its merit. As a measure to refine the current approval mechanism, the Administration was considering whether HoD/Gs should seek the views of their respective policy bureaux when considering special cases.



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28. The Chairman and Mr Martin LIAO considered that DH's explanation was untenable. The Chairman remarked that if the explanation given by DH was accepted, other law enforcement departments would need to set up their own legal units and arrange their staff to serve pupillage to act on behalf of the department in legal proceedings. At the request of the Chairman and other members, the Administration agreed to provide information on whether there was any previous case of granting full-pay study leave for civil servants to serve pupillage.

29. Dr LEUNG Ka-lau remarked that it was not uncommon that medical officers with five years' experience or more in the Hospital Authority would be granted with full-pay study leave for six months or a year to receive job-related training. The crux of the present case was whether the training attachment had a strong relevance to the work of DH, and whether regular legal advice needed to be sought by DH from DoJ, hence the need for DH to have an in-house staff to possess dual professional qualifications to discharge legal related duties. Dr LEUNG also remarked that in the medical field, clinical attachment would enable medical professionals to gain valuable experience and knowledge which was not only intended for meeting the licensing requirements.

30. The Chairman said that as far as she knew, the Hong Kong Bar Association would not normally allow persons in another profession to serve pupillage. She read out a written reply from the Chairman of the Special Committee on Pupillage and Limited Practice of the Hong Kong Bar Association to an applicant who wished to serve pupillage but was rejected on the ground that he had engaged in a supplementary occupation. The Chairman further said that she had received complaints from civil servants against the preferential treatment given to the concerned officer, and opined that it was important to ensure that all civil servants were treated fairly

31. Mr WONG Kwok-hing and Dr KWOK Ka-ki enquired whether the Department of Justice ("DoJ") had failed to meet the legal service requests of DH, thereby necessitating the latter to nominate its own staff to serve pupillage. The Chairman also remarked that if necessary, additional posts should be created in DoJ to meet the service needs.

32. DD of H said that there was no intention for DH staff to take up the role played by DoJ in the legal proceedings of the Government. She explained that the officer concerned had pursued a law degree and PCLL on a self-financing basis. Over the years, the officer concerned had applied her legal knowledge in carrying out her duties very effectively. It was

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considered that if this officer could be equipped with some practising experience, she could offer instant advice to frontline staff in DH on the proper way of conducting investigation and collecting evidence on site, and this would further enhance the effectiveness and efficiency of DH to perform its role as a health regulator. It was under these circumstances and considerations that the then Controller of the Centre for Health Protection had decided to nominate the concerned officer to serve pupillage.

33. SCS pointed out that DoJ was the principal legal adviser to the Government and it represented the Government in all legal proceedings. Its position could not be replaced. He further said that for individual departments, due to operational needs, they might prefer to have in-house lawyers to support their work. Separately, arrangements could also be made for departmental staff to receive legal training to facilitate them to discharge duties. He understood from DH that the officer concerned would be required to undertake duties related to public health legislation and regulation.

34. Mr WONG Kwok-hing was concerned that the concerned officer would resign from the civil service after taking the full-pay study leave. DD of H replied that in accordance with the prevailing regulations issued by CSB, the officer concerned was required to work for at least three years for DH after her study leave. An undertaking had been signed to this effect. She understood that it was the intention of the officer concerned to continue to serve the public in the civil service.

35. Dr LEUNG Ka-lau said that as the officer concerned had already attained a high degree of achievement in the public health sector, it was doubtful whether she would give up her existing profession and start practising as a barrister.

36. The Chairman enquired whether the concerned officer would take up the post of Controller of the Centre for Health Protection after her study leave. DD of H clarified that the officer concerned was holding the position of Assistant Director of Health. Upon completion of her study leave, she would be posted to handle public health legislation, regulation and medico-legal matters in accordance with the established staff deployment mechanism.

37. Mr LEUNG Kwok-hung commented that in the absence of an established policy on the nomination of a civil servant to serve pupillage and given the fact that DoJ could deploy lawyers to work in DH, there was

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already a perceived conflict of interest in the present case. To facilitate the Panel to further investigate the case, he requested that all relevant documents concerning the case, including internal e-mails and memorandums, should be forwarded to the Panel.

38. The Chairman was of the view that it would be more appropriate for CSB to look into this incident so that remedial actions could be taken if maladministration was identified.

### Improvement of guidelines on granting study leave

39. While agreeing that some form of legal training should be provided to departmental staff, Mr TAM Yiu-chung opined that it might not be necessary to nominate staff to serve pupillage. After all, it was DoJ, not individual departments, to represent the Government in legal proceedings. In the present case, there was worry that the arrangement would pave the way for the concerned officer to quit the civil service and practise as a barrister in the end. To avoid recurrence of similar incidents, he considered that there was a need to review the existing approval mechanism. Mr WONG Kwok-hing also urged the Administration to speed up the review of the relevant guidelines.

40. SCS said that CSB would strengthen the existing guidelines for HoD/Gs by stipulating that HoD/Gs should seek the views of their respective policy bureaux when considering special cases. CSB would consult HoD/Gs on under what circumstances they should seek the views of their respective policy bureaux when considering full-pay study leave with a view to striking a fine balance between proper monitoring and efficiency of the approval process. It was expected that the revised guidelines could be issued to HoD/Gs within one to two months.

## Motion

41. The Chairman moved the following motion -

"本事務委員會促請公務員事務局認真調查衛生署批准蔡美儀醫生帶薪實習大律師的決定，以澄清有關政策及程序，以及如有察覺行政不當之處，予以譴責及採取適當補救行動。"

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(Translation)

"That this Panel urges the Civil Service Bureau to look critically into the decision of the Department of Health whereby Dr Sarah CHOI was granted paid leave to serve pupillage, with a view to clarifying the relevant policy and procedure, and to make a reprimand and take remedial actions where appropriate if maladministration has been identified."

42. The Deputy Chairman seconded the motion. The Chairman put the motion to vote. She indicated that as the Chairman of the Panel, she would not exercise her original vote. Three members voted for and none against the motion. The Chairman declared that the motion was carried.

*(Post-meeting note: The Administration's response to the issues raised at the meeting and the motion was issued to members vide LC Paper No. CB(4)1011/12-13(03).*

**IV. Policy of the Government in the calculation of salaries of government school teachers**

(LC Paper No. CB(4)638/12-13(01) -- Letter dated 7 May 2013 from Hon TANG Ka-piu and Hon KWOK Wai-keung requesting discussion on policy of the Government in the calculation of salaries of government school teachers

LC Paper No. CB(4)870/12-13(03) -- Paper provided by the Administration

LC Paper No. CB(4)870/12-13(04) -- Background brief on policy of the Government in the calculation of salaries of government school teachers prepared by the Legislative Council Secretariat)

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Presentation of views by deputations

*Government Educational Staff Union  
(LC Paper No. CB(4)893/12-13(02))*

43. Mr CHEUNG Kam-fai presented the Association's views. He said that under the "no better than" principle of the civil service pay policy, the pay and conditions of service for staff in the subvented sector should be no better than their counterparts in the civil service. However, the current practice of calculating teachers' salaries, which had resulted in the salaries of some Government school teachers being lower than those of aided school teachers with the same years of experience, had breached the "no better than" principle. He did not agree to the Administration's explanation that the basis for comparison under the "no better than" principle should be the remuneration package of the civil service, and not the remuneration package of teachers in the aided sector. He appealed for the Panel's assistance in reviewing the policy of the Government in the calculation of salaries of Government school teachers.

*Union of Government School Teachers  
(LC Paper Nos. CB(4)893/12-13(02) and CB(4)893/12-13(03))*

44. Mr WONG Hon-kam and Ms WONG Heung-lin presented the Union's views. They said that in order to encourage the movement of teachers between schools in the public sector, the Administration had introduced a policy of "healthy turnover" of teachers under the 1999 Starting Salaries Review ("SSR"). It was mentioned clearly in the Administration's paper on the 1999 SSR (CSB CR/PG/4-085-001/2/99C) issued in December 1999 that there were two fundamental principles behind the policy. Firstly, teachers would not be made worse off when they moved between Government and aided schools. Secondly, no distinction would be drawn among transfer between schools, be they aided schools or Government schools. They were dissatisfied that the Administration did not implement this policy in accordance with the second principle. They found that the Administration had changed the spirit of the "healthy turnover" policy in the 2006 Starting Salaries Survey ("SSS") by removing the second principle without consulting relevant stakeholders and the Legislative Council. Quoting her case in re-grading from the Certificated Master/Mistress rank to the Assistant Education Officer rank in a Government school as an example, Ms WONG said that her salary entry pay was six points below that of her counterparts with similar re-grading and the same number of years of service in the aided schools. The fact

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that Government school teachers were paid less than their counterparts in aided schools with the same number of years of service contravened the second principle of the "healthy turnover" policy. She called on the Panel to seriously look into the matter.

*Education Employees General Union  
(LC Paper No. CB(4)902/12-13(02))*

45. Ms YU Yi-wah presented the Union's views. She said that the Union supported the views of the other two deputations. She criticized the Administration for deliberately evading the problems over the past years and maintaining its view that no mistakes had been made in this regard.

46. The Chairman and members thanked the deputations for attending the meeting to express their views.

The Administration's response to the concerns of deputations

47. At the Chairman's invitation, SCS made the following points in response to the deputations' views -

- (a) Although both Government school teachers and aided school teachers belonged to the education profession and were remunerated according to the same pay scale, they were employed under two different operational and management systems. For example, Government school teachers were civil servants and subject to Civil Service Regulations ("CSRs"). Their salaries and other employment terms and conditions were determined according to CSRs and other rules and regulations as promulgated by the Civil Service Bureau. Aided school teachers were not civil servants. They were employed by the respective school under a separate and different employment system. Given the two different employment systems, not all of the the employment terms and conditions applicable to Government school teachers and aided school teachers were entirely the same. It was not appropriate to make direct comparison between individual terms or arrangements under the two different systems.
- (b) Government school teachers appointed at different points in time would be subject to the employment terms and conditions prevailing at the time of appointment. For example,

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Government school teachers recruited before and after 2000 were entitled to different types of retirement benefits. It was therefore not appropriate to make a simple comparison between the employment terms of individual teachers appointed at different times.

- (c) The "no better than" principle prescribed that the remuneration package of staff in the subvented sector should use the remuneration package of the civil service as the benchmark, and should not be better than that of comparable staff in the civil service. In the context of teachers in the public education sector, the benchmark was the remuneration package of Government school teachers, and not the remuneration package of teachers in the aided sector. It did not imply that the remuneration package of Government school teachers should be aligned with that of teachers in the aided sector when the latter was "better".
- (d) The "healthy turnover" arrangement was aimed to ensure that teachers would not be made worse off when they moved between Government and aided schools. The measure did not guarantee or require that two different teachers with the same qualification and teaching experience would receive the same salary upon appointment to a Government school and an aided school respectively. Hence, for ascertaining whether the arrangement had been followed, the correct comparison was one between the respective pay of the teacher concerned before and after the transfer;
- (e) Although some Government school teachers might feel that they had been unfairly treated, the most important thing was that relevant pay determination rules and principles then prevailing had been consistently applied when determining the pay of the teachers concerned. In this regard, the Administration was of the view that the differences in employment terms should not be interpreted as maladministration. The allegation that Government school teachers had suffered from "loss of income" arising from previous mistakes of the Administration was not substantiated.

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### Discussion

48. Mr TANG KA-piu and Mr IP Kin-yuen asked whether there were cases where Government school teachers were paid less than their counterparts in the aided sector with the same number of years of service. In response, the Principal Assistant Secretary (Administration) of Education Bureau ("PAS(Adm(/EDB)") reiterated the points made by SCS as set out above. She explained that the salary differential between Government schools and aided schools could be attributed mainly to the practice of granting Incremental Credits for Experience ("ICEs"). While the prevailing arrangement in the civil service was that ICEs would only be granted to an appointee when there was recruitment difficulty and when there was a specific need for the experience possessed by the appointee, the aided school sector was allowed greater flexibility. The different arrangements on the grant of ICEs had been permitted in recognition of the special operational considerations of aided schools. In fact, the salary differential between Government schools and aided schools had already existed before the 1999 SSR. She added that in considering the remuneration of teachers under the two different systems, other fringe benefits, such as the retirement and medical benefits, provided to teachers in addition to their salaries should also be taken into account.

49. Mr IP Kin-yuen expressed concern that the presence of two different employment systems in the public education sector had already caused many grievances among Government school teachers and administrative complications. He urged the Administration to strengthen its communication with the affected teachers and consider reviewing the existing pay determination rules. Mr TANG Ka-piu expressed similar concerns. He said that in view of the negative effects of the pay differentials on staff morale, the Administration should actively address the problem regardless of whether there was maladministration. Mr LEUNG Kwok-hung questioned why the Administration had ignored the passage of a motion on the issue by the panel in 2011 and maintained the view that there was no need to review the related policies.

50. SCS pointed out that the grievances of the teachers concerned might have arisen from misunderstanding of the relevant pay policies and principles. Since the pay determination methods had been consistently applied in the respective systems, the Administration had no plans to revise the existing arrangements.

51. Mr TANG Ka-piu expressed concern about the adverse effect on the



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recruitment and retention of the Government school teachers under the present pay policy, and asked what measures the Administration would take to address the problem. SCS responded that given the need to set civil service remuneration at sufficiently attractive levels in order to attract officers of good calibre, the Administration would suitably review the related rules and arrangements if there were proven recruitment and retention difficulties encountered. PAS(Adm)/EDB advised that no difficulties had been encountered in recruiting Government school teachers in the last two recruitment exercises conducted in 2009/10 and 2011/12 school years.

52. Noting that the Union of Government School Teachers had mentioned that the Administration had changed one of the major principles of the "healthy turnover" without prior consultation, Mr TAM Yiu-chung requested the Administration to respond on this point. The Principal Assistant Secretary (Pay & Leave) of Civil Service Bureau clarified that the Administration did not change its policy on "healthy turnover" in the 2006 SSS. This could be reflected in paragraphs 19 to 22 of the LegCo Brief on the 2006 SSS (CSBCR/PG/4-085-001/46-2) issued on 15 May 2007, which detailed the special arrangements for calculating Government school and aided school teachers' salaries upon the implementation of the higher starting salaries. She added that the salary differential between Government schools and aided schools had already existed before the 2006 SSS due to the different terms of employment, including the pay determination rules, adopted by the Government schools and aided schools for their teachers.

53. Noting the deputations and the Administration held strong and different views on the issue, Mr TANG Ka-piu urged the Administration to resolve the differences through arbitration. He understood that the deputations were willing to accept such an arrangement. SCS responded that since there was no maladministration or non-compliance with any relevant policies and principles on the part of the Administration, he could not see any case for arbitration.

## **V. Employment of persons with disabilities in the civil service and public service organizations**

(LC Paper No. CB(4)771/12-13(04) -- Paper provided by the Civil Service Bureau

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- LC Paper No. CB(4)782/12-13(01) -- Letter from the Administration on employment of persons with disabilities by government-funded public bodies
- LC Paper No. CB(4)771/12-13(05) -- Background brief on the employment of persons with disabilities in the civil service prepared by the Legislative Council Secretariat
- LC Paper No. CB(4)791/12-13(04) -- Figures provided by the Civil Service Bureau on the employment of persons with disabilities in the civil service
- LC Paper No. CB(4)791/12-13(05) -- Joint letter from Hon Emily LAU and Hon Fernando CHEUNG to the Secretary for the Civil Service on employment of persons with disabilities in the civil service
- LC Paper No. CB(4)870/12-13(05) -- Paper provided by the Labour and Welfare Bureau
- LC Paper No. CB(4)883/12-13(04) -- Administration's response to the submission from Hong Kong Blind Union)

Presentation of views by deputations

*Hong Kong Federation of the Blind  
(LC Paper No. CB(4)870/12-13(06))*

54. Mr NG Ka-lun presented the Federation's views by highlighting the salient points of the Federation's submission to the meeting. He said that

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as the largest employer, the Government had the responsibility and obligation to employ more persons with disability ("PwDs"). He requested the Administration, public bodies and subvented organizations to fully disclose information regarding their employment of PwDs, in order to assess their efforts made in this regard.

*Hong Kong Association of the Deaf  
(LC Paper No. CB(4)902/12-13(05))*

55. Mr WONG Chun-man presented the Association's views by highlighting the salient points of the Association's submission to the meeting. He said that PwDs were facing the problems of unemployment, low job variety and discrimination at workplace. He suggested that the Administration providing subsidies to non-governmental organizations and self-help groups for the creation of at least 1 000 job vacancies for PwDs, so that PwDs could accumulate relevant work experience and job knowledge, and hence increase their competitiveness in the labour market.

*長期病患者就業關注組  
(LC Paper No. CB(4)902/12-13(04))*

56. Mr WONG Wai-hon presented the Group's views by highlighting the salient points of the Group's submission. He said that it was unfair to require disabled candidates to compete with able-bodied candidates for civil service posts on an equal footing, as disabled candidates, due to their disability, were in a less advantaged position. He urged the Administration to provide job vacancies that were suitable for PwDs to perform, and to maintain the ratio of PwDs employed in the Government at not less than 2% of the strength of the civil service.

*Labour Party*

57. Mr YIP Wing presented the Party's views. He said that according to the information provided by the Administration, the number of disabled new recruits in the civil service in 2011-12 was only 50. He took the view that of the 3 391 PwDs employed in the civil service, many of whom became disabled after joining the civil service. He urged the Administration to take the lead in the employment of PwDs and to set a minimum quota on the number of PwDs employed each year. He also suggested providing incentives, such as tax concessions, to private enterprises who offered employment to PwDs.

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*The Hong Kong Council of Social Service  
(LC Paper No. CB(4)893/12-13(04))*

58. Ms Maureen TAM presented the Council's views by highlighting the salient points of the Council's submission. Noting from the information provided by the Administration that the number of visually impaired persons recruited to the civil service had been on a continuous decline since 2006, she urged the Administration to formulate measures for promoting the employment of visually impaired persons, and to offer on-the-job assistance to visually impaired civil servants working in the Government so as to facilitate them in performing their duties.

*Rehabilitation Alliance Hong Kong  
(LC Paper No. CB(4)870/12-13(07))*

59. Mr Marcus MOK presented the Alliance's views by highlighting the salient points of the Alliance's submission. He opined that the Government should take the lead in formulating a quota system in the employment of PwDs in the civil service, and that the quota should be set at 5% of the strength of the civil service. The Government should encourage the private sector to follow suit by offering incentives like tax concessions.

*Concord Mutual-Aid Club Alliance  
(LC Paper No. CB(4)902/12-13(06))*

60. Mr Johnny LI presented the Alliance's views by highlighting the salient points of the Alliance's submission. He said that ex-mentally ill persons faced great difficulties in securing a long-term job, and the remuneration they received was often less favourable. He suggested that the Administration implement a quota system in the employment of PwDs in the civil service, use the services and products provided by social enterprises of the rehabilitation sector, and include in the Government's tenders and procurement contracts provisions regarding employees' minimum salary and working hours, so that PwDs employed in the organizations concerned could receive more favourable remuneration.

*The Hong Kong Society for the Blind  
(LC Paper No. CB(4)870/12-13(08))*

61. Mr Danny CHAN presented the Society's views by highlighting the salient points of the Society's submission. He expressed support to the suggestion that the Administration should take the lead in the

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implementation of a quota system for the employment of PwDs in the civil service, and suggested that job attachment opportunities in different B/Ds could be arranged for PwDs so as to enhance their knowledge and understanding of working in the Government.

*Dr Robert HANSON*  
(LC Paper No. CB(4)870/12-13(09))

62. Mr Robert Hanson presented the salient points of his submission. He said that medical research conducted overseas had proven that energy-saving lighting, such as compact florescent lighting ("CFL") and light-emitting diodes ("LED") lighting was the cause of increasing visual disability in the workplace. He suggested that the Administration inform the public of the harm that CFL and LED lighting might bring to people's health, and that employees should be given the right to choose which types of lighting to be used in the workplace.

「爭取殘疾人士就業機會及就業配額制度」聯盟  
(LC Paper No. CB(4)870/12-13(10))

63. Mr CHONG Chan-yau presented the Alliance's views by highlighting the salient points of the Alliance's submission. He said that the Equal Opportunities Commission supported the adoption of a quota system for the employment of PwDs. He opined that the employment situation of PwDs in the Government, public bodies and government schools were far from satisfactory, and urged the Administration to step up measures to promote the employment of PwDs, such as including in the Government's tenders, service and procurement agreements relevant provisions regarding the employment of PwDs, using services and products provided by the rehabilitation sector and publishing information on the employment situations of PwDs.

*Hong Kong Joint Council for People with Disability*  
(LC Paper No. CB(4)890/12-13(02))

64. Miss Deborah WAN presented the Council's views by highlighting the salient points of the Council's submission. She said that the unemployment rate for PwDs was consistently high, and the salaries they received were lower than those of able-bodied persons. She commented that the existing policy and measures adopted by the Administration in promoting the employment of PwDs were ineffective. Quoting the successful case of an overseas jurisdiction in the implementation of a

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mandatory quota system for the employment of PwDs, she opined that the adoption of such a quota system would be the solution to the unemployment problems faced by PwDs.

*香港地中海貧血病協會*

*(LC Paper No. CB(4)902/12-13(07))*

65. Mr Andy CHIU presented the salient points of his submission. He said that many PwDs were engaged in low skilled jobs in the civil service on a short-term basis, and the entry requirements for many long-term civil service posts were too high for PwDs to apply. He urged the Administration to provide suitable job vacancies for PwDs to improve their employment situation, and to strengthen the employment assistance offered to them.

*殘疾人士就業關注聯席*

*(LC Paper No. CB4(902/12-13(08))*

66. Mr CHAN Chun-yiu presented the salient points of his submission. He said that many PwDs possessed comparable competence and abilities as able-bodied persons, but they were denied equal employment opportunities. He urged the Administration to devise and implement measures that could effectively help PwDs to seek long-term employment.

*殘疾及長期病患者就業高峰會*

*(LC Paper No. CB(4)893/12-13(03))*

67. Mr HAN Yung-sheng presented the Group's views by highlighting the salient points of the Group's submission. He said that PwDs faced great difficulties in applying government jobs, as the stipulated entry requirements of many civil service posts were too high. He urged the Administration to offer suitable long-term jobs for PwDs, and to maintain the ratio of PwDs employed in the civil service at not less than 2% of the strength of civil service.

*The Hong Kong Society for the Deaf*

*(LC Paper No. CB(4)870/12-13(11))*

68. Miss Sarah LEE presented the Society's views by highlighting the salient points of the Society's submission. She said that enhancing the employment opportunities for PwDs not only would help PwDs to achieve

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self-reliance, but also would lessen the Administration's expenditure on the welfare assistance offered to PwDs. The adoption of a mandatory quota system on the employment of PwDs had proven successful in many overseas jurisdictions. In this regard, she suggested the Administration consider implementing the quota system on a progressive basis, to be rolled out first in the Government and gradually in public organizations and the private sector.

*Miss LAM Ka-yan*

69. Miss LAM presented her views. She said that the measures put forward by the Administration in promoting the employment of PwDs were ineffective. The Selective Placement Division ("SPD") of the Labour Department failed to help PwDs to find suitable jobs by matching, disabled job seekers' qualifications and job preferences, with employers' expectations and job requirements. Most of the PwDs assisted by SPD were hired under consecutive short-term contracts, instead of being offered long-term positions. She urged the Administration to improve the placement services provided by SPD, and to encourage public bodies and the business sector to provide more long-term job opportunities to PwDs.

*Mr AU YEUNG Siu-leung, Alan*

70. Mr Alan AU YEUNG presented his views. He said that in terms of listening and articulation ability, persons with hearing impairment would not be as good as able-bodied persons, but their capability and qualifications could be comparable to their counterparts. Job seekers with hearing impairment were, however, in a disadvantaged position when attending selection interviews for government jobs because of their relatively poor articulation skills. He said that it was unfair that the Administration had adopted the same assessment criteria for evaluating candidates with hearing impairment and able-bodied candidates for civil service posts. He also expressed concern that many of the civil servants with disabilities were facing promotion blockage.

*Hong Kong Blind Union  
(LC Paper No. CB(4)804/12-13(01))*

71. Mr WONG Chun-hang presented the Union's views. He expressed concern over the continual decrease in the number of new recruits with visual impairment in civil service in the past five years. He said that many of these PwDs had attained university level of education, but still faced the

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problem of unemployment. With the assistance of simple technical aids, these PwDs could perform as well as their counterparts. He urged the Administration to devise measures to improve the employment situation of persons with visual impairment in the civil service.

### *The Forthright Caucus*

72. Mr SIU Yat-chan presented the Society's views. He said that the employment situation of PwDs in the civil service was regressing. In addition, both the number and the success rate of referrals made by SPD of LD for civil service posts had decreased tremendously from 2004 to 2012. He was doubtful about the efforts made by the Government in promoting equal employment opportunities for PwDs.

### *VTV Disabled Web TV*

73. Mr KWONG Chun-on presented the Society's views. He said that by making appropriate adjustments to the work setting, many civil service jobs could be made suitable for PwDs to perform. He urged the Administration to offer suitable long-term jobs for PwDs, such as the "telephone operator" posts in the Efficiency Unit which were very suitable for persons with visual impairment to perform. He also urged the Administration to oversee the hiring of PwDs by subvented organizations and public bodies to ensure that they were committing efforts in promoting the employment of PwDs.

## Discussions

74. Members noted the Administration's response to the issues raised by the Panel at the meeting on 17 June 2013 regarding the employment of PwDs in the civil service, which was tabled at the meeting. The Administration's response was issued to members on 16 July 2013 vide LC Paper No. CB(4)902/12-13(03).

75. Mr TANG Ka-piu shared the deputations' views that the Government was not making enough efforts in promoting the employment of PwDs in the civil service. Quoting the supplementary information provided by the Administration regarding the number of disabled new recruits in the civil service in the past five years, he said that the appointments offered to new recruits with disabilities accounted for only 0.58% of total number of appointments offered. He was alarmed by the



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fact that the ratio of "2%" of PwDs in the civil service comprised a large portion of civil servants who became disabled after joining the civil service.

76. Echoing Mr TANG's concern, Mr LEE Cheuk-yan said that in the past 10 years, the total number of new recruits with disabilities was much lower than that of civil servants with disabilities leaving the civil service. The number of PwDs employed in the civil service had remained stable at about 3 300 in the past 10 years was due to the fact that more civil servants became disabled while serving in the Government. He criticized the Administration of playing a "number game" and distorted the real picture of the employment situation of PwDs in the civil service. Dr Fernando CHEUNG said that it was ironic for the Administration in saying that they had been promoting the employment of PwDs, but the ratio of appointments offered to PwDs in the civil service was less than 1% in the past 10 years.

77. Ms Emily LAU shared the same view of the deputations that the Administration had the obligation to take the lead in employing more PwDs. She said that Hong Kong was lagging behind many of the overseas jurisdiction in this regard. She asked what concrete measures the Administration would take to help PwDs in securing employment. Mr TANG Ka-piu enquired whether the Administration would consider giving a suitable degree of preference for disabled candidates during selection interviews, if the disability concerned would not affect their work performance in the concerned posts.

*(To allow sufficient time for discussion, the Chairman directed that the meeting be extended for 15 minutes.)*

78. Mr LEUNG Kwok-hung opined that many PwDs possessed abilities and competence similar to able-bodied persons. They should be given the opportunities to develop and realize their potentials. He suggested that the Administration allocate additional financial funding for B/Ds to employ PwDs. Dr Fernando CHEUNG urged the Administration to offer PwDs with long-term positions, instead of employing them under consecutive short-term contracts. He also enquired about the reasons for the drop in both the number and success rate of referrals made by SPD of LD for PwDs applying government jobs.

79. SCS made the following remarks in response to the enquiries and comments made by Panel members and deputations -

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- (a) The Administration had provided statistics regarding the employment of PwDs in the Government after the Panel meeting on 17 June 2013 to give Panel members and the public a clearer picture of the employment situation of PwDs in the civil service. There was no question of the Administration playing a “number game”. He remarked that consideration could be given to improving the provision and presentation of the relevant information, if so required, to the Panel in future.
- (b) As revealed by some overseas experience, a mandatory employment quota for PwDs was not successful in helping them secure genuine employment and reduce discrimination. The prevailing trend was to formulate anti-discrimination legislation and enhance support measures for PwDs so as to help them find suitable jobs based on their abilities rather than disabilities.
- (c) The Administration had been implementing suitable facilitating measures to facilitate PwDs in applying for civil service posts. For example, candidates with disabilities meeting the entry requirements for the concerned posts would be invited to attend selection test/interviews without being subject to any shortlisting criteria, and depending on the circumstances, they might be given an appropriate degree of preference for appointment.
- (d) The said facilitating measures had proven useful in enabling PwDs to compete with able-bodied candidates for civil service posts on an equal footing. It was noted that the ratio of appointments offered to qualified disabled candidates was 3% in the past two years, whereas the overall ratio of appointments offered to qualified applicants was 1.9%. On the former, it would be useful to note that the actual number of appointments offered to candidates with disabilities would depend on a number of factors, including the number of qualified applications submitted by PwDs, their suitability for appointments, etc.
- (e) The decline in the number of new recruits with visual impairment in the civil service in the past 10 years might be attributable to natural wastage and the impact of recruitment freeze. With the lifting of the open recruitment freeze in

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2007, the number of new recruits with visual impairment had been picking up steadily.

- (f) There was no mandatory requirement for applicants for government jobs and serving officers to disclose their disability, if any. The statistics compiled by the Administration were based on information available to the management of B/Ds and served mainly general reference purpose rather than providing an accurate picture of the employment of PwDs in the civil service.
- (g) Under the Non-Civil Service Contract Staff Scheme, B/Ds had the discretion to determine the contract duration, having regard to relevant considerations including operational needs. Disability of individual employees, if any, was not a pertinent factor in determining the duration of the contract.
- (h) The Administration would continue its efforts in promoting the employment of PwDs in the civil service. In this connection, CSB would remind B/Ds of the policy and guidelines on the employment of PwDs when conducting recruitment exercises, and continue to promote an inclusive and appreciating culture in the Government. CSB would also work closely with LD to encourage more job seekers with disabilities to apply for government jobs, and liaise with Social Welfare Department to explore further room to provide more job attachments in B/Ds for trainees with disabilities. The latter would be useful for preparing PwDs in their subsequent application for government jobs, if they so wished.

80. Acting Commissioner for Rehabilitation ("C for R (Acting)") of Labour and Welfare Bureau ("LWB") and Senior Labour Officer (Selective Placement) ("SLO") of LD briefed members regarding the referrals made by SPD for PwDs applying for government posts, and the measures implemented by LWB to promote the employment of PwDs. C for R (Acting) said that the number and success rate of referrals made by SPD of LD for disabled job seekers applying for government posts hinged on a host of factors, such as the number of government vacancies available, entry requirements of the concerned posts, the number of successful referrals to private corporations, as well as the preference of disabled job seekers to apply government jobs through SPD or to submit job applications to the recruiting B/Ds directly. The decrease in the number of disabled job

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seekers to apply government jobs through SPD might be attributable to the fact that more disabled job applicants chose to submit their job applications through the internet.

81. With regard to measures undertaken by LWB to promote the employment of PwDs, SLO said that LWB had all along been requesting B/Ds to encourage the public bodies and subvented organizations under their purview to adopt measures for promote employment opportunities for PwDs, including formulating policies and procedures regarding the employment of PwDs, using the services and products provided by social enterprises of the rehabilitation sector, etc. LWB was also actively encouraging the private sector to employ more PwDs, and SPD of LD would make suitable job referrals to corporations wherever possible. In addition, subsidies would be given to employers hiring PwDs for purchasing technical aids or making appropriate accommodation to disabled employees.

82. The Chairman suggested that if Members so wished, they might follow up the general employment situation of PwDs at the Panel on Manpower.

**VII. Any other business**

83. There being no other business, the meeting ended at 1:30 pm.