

LEGISLATIVE COUNCIL PANEL ON PUBLIC SERVICE

Policy of Granting Paid Study Leave to Civil Servants

Purpose

This paper provides an overview of the policy of granting paid study leave to civil servants and, in response to recent public concerns, an explanation on the granting of full-pay study leave in the Department of Health (DH).

Training in the Civil Service

2. The Administration is committed to providing civil servants with learning opportunities that would equip them with the skills, knowledge and mindset necessary for providing quality service to the public. The Civil Service Bureau (CSB) oversees the civil service training policy, and the policy, including paid study leave, is set out in the Civil Service Regulations (CSRs) and supplemented by the Guide on Training in the Civil Service (the Guide). The Guide facilitates bureaux/departments' interpretation and application of the relevant training regulations.

3. The authority for approving full-pay study leave has been devolved from the Secretary for the Civil Service to Heads of Department/Grade (HoD/Gs) since 1994. Given the size of the civil service and the diversity of duties of civil servants, the devolution aims to enhance the effectiveness and efficiency of the approval process for staff training.

Policy of Granting Full-Pay Study Leave

4. According to CSR 1001, HoD/Gs have the authority to grant full-pay study leave to officers nominated to undertake full-time training which

is relevant to their duties. The Guide sets out a number of conditions for HoD/Gs to refer to when considering full-pay study leave. The major conditions are :

- (a) the training is required to confirm the officers to their existing rank; or
- (b) the training is essential for the effective performance of existing duties; or
- (c) the training is essential for promotion; or
- (d) the training is useful for improving work efficiency.

5. The Guide also prescribes the eligibility of officers to be granted full-pay study leave, which includes :

- (a) the officers concerned should be civil servants who have passed the probation period; and
- (b) the officers concerned should have a good record of service.

6. HoD/Gs may also grant staff full-pay study leave to prepare and sit for examinations in accordance with CSR 1002 and the Guide, if the examination will lead to qualifications which are :

- (a) directly relevant to the work of the staff or of the Department; and
- (b) required for the staff's confirmation or promotion.

Granting Full-Pay Study Leave in DH

7. DH is the Government's health adviser and agency to implement health care policies and statutory functions to protect the public health. As with other government departments, DH encourages staff to undertake training with the objective of broadening their knowledge and experience, improving the efficiency of the department and providing quality service to the public through

developing the potential of staff and enhancing their performance. Full-pay study leave is an option under DH's training and development arrangements for its staff. In granting full-pay study leave, DH has been following the relevant civil service regulations and guidelines as set out above.

8. DH has been addressing the training and development needs of staff members of its professional grades with consideration to their role in executing health care policies and statutory functions. Professional grades in DH include Medical and Health Officer (M&HO), Dental Officer, Nursing and Nursing Allied Health, Pharmacist, Scientific Officer (Medical) and other supplementary medical grades.

Law in Public Health Practice

9. As the Government's health adviser and agency to implement health care policies and statutory functions to protect the public health, DH has to carry out many of its responsibilities through legislation, legal enforcement and other statutory functions, including amongst others licensing, registration, regulation and control of drugs, healthcare professionals, medical institutions and practices. To that end, knowledge and experience in the practical application of the relevant public health law is crucial to the success of DH in safeguarding and promoting public health. Ability of public health officers to interpret the legislative and regulatory requirements as well as to understand other medico-legal concerns of the healthcare sector is essential in public health planning, administration and regulation as well as in the control and prevention of diseases and health hazards.

10. DH officers such as doctors, nurses and pharmacists are thus required to have good understanding and appropriate legal training in carrying out their duties to safeguard the public's health.

11. Application of public health law is equally important at the international level. To comply with the International Health Regulations of the World Health Organization, DH needs to apply the relevant international conventions and regulatory requirements governing communicable (e.g. global surveillance and border control) and non-communicable diseases (e.g. occupational health and narcotics) to Hong Kong. DH has to take into account

the local legislation as well as other international health obligations and conventions in handling any public health issues or concern beyond our border. Hence, working experience and training in the application of public health law in a wider context will broaden the horizon of DH and greatly enhance its effectiveness and efficiency as a public health regulator.

12. Given the above, DH arranges training activities for staff of various grades to enhance the department's capacity and capability to handle legislation, regulation and medico-legal matters. These include :

- (a) training sponsorship provided for selected officers (e.g. courses of various lengths on public health law, expert witness and criminal justice) , and
- (b) in-service training arranged by units responsible for statutory functions and law enforcement (e.g. collection of evidence and giving evidence in courts, investigation skills and enforcement of relevant public health law).

13. As regards professional training of doctors, there are 11 Streams in the M&HO Grade. For example, M&HOs in the Health Stream have to attain the status of Fellowship in Community Medicine of the Hong Kong Academy of Medicine (HKAM) before they could be eligible for promotion to Senior Medical and Health Officer and above ranks. The Hong Kong College of Community Medicine stipulates that one of the core competencies in the sub-specialty in Public Health Medicine is the ability to interpret the legislative, regulatory and medico-legal aspects of health service planning, administration, control of diseases and health hazards, and be able to apply these in practice. Hence, understanding in law and its application to public health are of great importance among M&HOs in the Health Stream. In addition, M&HOs of the Forensic Pathology Stream also need to be equipped with knowledge in law as they work closely with other law enforcement agencies while performing their clinical duties and advise on the related medico-legal matters.

Way Forward

14. CSB will strengthen the existing guidelines to HoD/Gs with a view

to highlighting that when granting full-pay study leave, it is important to establish a strong relevance of the training concerned with the work of the department. CSB will also consider whether HoD/Gs should seek the views of their respective policy bureaux when considering full-pay study leave and, if so, under what conditions should this be done.

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