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公務員事務局

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CIVIL SERVICE BUREAU
GOVERNMENT SECRETARIAT

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(Translation)

31 July 2014

Clerk to the Legislative Council Panel on Public Service
Legislative Council Complex
1 Legislative Council Road
Central, Hong Kong
(Attn.: Ms Shirley CHAN)

Dear Ms CHAN,

Employment Situation of Non-Civil Service Contract Staff

I refer to the joint letter from the Hon TANG Ka-piu and the Hon KWOK Wai-keung referred to us for reply on 30 December 2013. We have already provided the breakdown of the numbers of non-civil service contract (NCSC) staff by end-of-contract gratuity percentage rates vide our letter dated 21 February 2014. As to the other request for information on the amounts of accrued benefit derived from employer's contributions to the Mandatory Provident Fund (MPF) and end-of-contract gratuity granted which were used for offsetting severance payment and long service payment, please find our reply below:

NCSC staff are granted severance payment or long service payment if it is payable under the Employment Ordinance (Cap. 57). According to sections 31I and 31Y of the Ordinance, if an employee becomes entitled to severance payment or long service payment and:

- (i) gratuities based on length of service or occupational retirement scheme benefits (excluding any part attributable to employee's contributions) have been paid to the employee; or
- (ii) accrued benefit (excluding any part attributable to employee's contributions) is being held in an MPF scheme in respect of the employee, or has been paid to the employee,

the severance payment or long service payment is to be offset against the aforementioned amount of gratuities and benefits to the extent that they relate to the employee's years of service for which the severance payment or long service payment is payable. If the total amount of end-of-contract gratuity granted and accrued benefits derived from the Government's MPF contributions is insufficient to offset the severance payment or long service payment, the difference will then be paid to the NCSC staff.

Under the NCSC Staff Scheme, Heads of Bureaux/Departments (B/Ds) are responsible for the employment and management of their NCSC staff which includes, among other things, the calculation and disbursement of severance payment and long service payment. We understand that the amounts of accrued benefits derived from employer's MPF contributions made by B/Ds which were used for offsetting the severance payment or long service payment each year can vary considerably, depending on the number of outgoing NCSC staff and their years of service, as well as the amounts of end-of-contract gratuity granted and accrued benefits derived from the MPF contributions made by the Government in respect of the years of service for which the severance payment or long service payment is payable. The Civil Service Bureau therefore does not collect information on the amounts of severance payment and long service payment disbursed to NCSC staff nor the amounts of accrued benefits derived from employer's contributions made by the employing B/Ds to the MPF in respect of their NCSC staff and end-of-contract gratuity granted which were used for offsetting the severance payment and long service payment.

Yours sincerely,

(Miss Katharine CHOI)
for Secretary for the Civil Service