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Panel on Public Service

Meeting on 15 December 2014

**Background brief on the review on the conditioned hours of work
for Model Scale 1 grades**

Purpose

This paper gives an account of the past discussions by the Panel on Public Service ("the Panel") on the review on the conditioned hours of work for Model Scale 1 ("MOD 1") grades.

Background

Policy on conditioned hours of work of civil service

2. The existing conditioned hours of work¹ for different civil service grades have evolved over the years and are determined having regard to the proposals made by the relevant advisory bodies². Whilst all civil servants are paid on a monthly basis, there are two different systems of conditioned hours of work in the civil service, namely, gross (i.e. inclusive of meal breaks) and net (i.e. exclusive of meal breaks). Specific conditioned hours of work are laid down for different grades in the civil service according to operational requirements and other relevant considerations.

3. According to the Administration, there is no uniform conditioned hours of work in the civil service. As the stipulated conditioned hours of work has been taken into account when the Administration determines 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 is an improvement to the pay and conditions of service of that grade.

1 According to the Administration, "conditioned hours of work" means the hours of duty which salary is calculated to cover and the hours which must be worked before overtime work is counted.

2 The Standing Commission on Civil Service Salaries and Conditions of Service and the Standing Committee on Disciplined Services Salaries and Conditions of Service are responsible for advising and making recommendations to the Chief Executive on matters concerning the pay and conditions of service of non-directorate civil service grades, including the conditioned hours of work of individual grades.

4. To ensure prudent use of public funds and the upkeep of the level of service to the public, it is an established policy that the Administration will only consider a proposal to reduce the conditioned hours of work of a particular civil service grade if the proposal complies with the three pre-requisites of (i) cost-neutrality; (ii) non additional manpower; and (iii) maintaining the same level of service to the public ("the three pre-requisites"). For parity consideration and proper management of the civil service, the conditioned hours of work for all members of the same grade/rank should be the same ("same grade, same conditioned hours of work" principle).

Review on the conditioned hours of work for MOD 1 grades

5. There are 11 MOD 1 grades, namely, Barber, Car Park Attendant II, Explosives Depot Attendant, Ganger, Gardener, Property Attendant, Supplies Attendant, Ward Attendant, Workman I, Workman II and Workshop Attendant³. The conditioned hours of work of MOD 1 grades are 45 hours net per week. According to the Civil Service Regulations, for officers whose conditioned hours of work are 45 hours net per week, the normal hours of attendance are from 8:30 am to 12 noon and from 1:00 pm to 5:00 pm from Monday to Saturday, both days inclusive. Where it is operationally feasible and no additional cost is involved, Heads of Department may vary the hours of attendance of staff in such a way as to enable them to work five or five and a half days a week.

6. In response to a call of the MOD 1 staff for the adoption of 44 or 45 gross conditioned hours of work per week, the Administration embarked on a review in June 2013 to assess whether it would be feasible to reduce the conditioned hours of work of the MOD 1 grades to 45 hours gross per week, subject to the full compliance with the three pre-requisites and the "same grade, same conditioned hours of work" principle.

Past discussions

7. At the meeting of the Panel held on 17 March 2014, members were briefed by the Administration on the progress of the review on the conditioned hours of work for MOD 1 grades ("the review"). Representatives from eight Government staff associations also attended the meeting to give views on the review. Major views/concerns expressed by members and the deputations and the Administration's responses are set out in the ensuing paragraphs.

³ As at 30 September 2014, there were around 7 090 MOD 1 staff working in 63 Bureaux/Departments ("B/Ds").

8. Members noted that the review covered all MOD 1 staff working in 63 B/Ds. As the first step, B/Ds with MOD 1 staff were invited to carefully examine the work pattern, job nature and workload of the MOD 1 staff with a view to assessing the feasibility of reducing their conditioned hours of work to 45 hours gross per week. Upon receiving the returns from all B/Ds in late 2013, the Civil Service Bureau studied the findings and met with individual B/Ds to conduct in-depth assessment. The findings of the first stage review revealed that the conditioned hours of work of around 1 500 of the some 7 450 MOD 1 staff could be reduced to 45 hours gross per week without compromising the three pre-requisites. As it was necessary to uphold the "same grade, same conditioned hours of work" principle for parity consideration and proper management of the civil service, only four MOD 1 grades, namely, Barber, Explosives Depot Attendant, Gardener and Supplies Attendant, involving a total of 40 staff, were presently considered feasible to reduce their conditioned hours of work to 45 hours gross per week. The Administration reported the aforesaid initial findings to the MOD 1 Staff Consultative Council at its meeting on 21 February 2014, and proposed to proceed with the second stage of the review by setting up tripartite meetings to provide a platform for B/D management and MOD 1 staff representatives to exchange views on reduction proposals. Details of the initial stage findings are in **Appendix I**.

9. Members further noted that the main reasons leading to the limited number of MOD 1 staff being considered as feasible to reduce their conditioned hours of work were as follows:

- (a) there was not much room for B/Ds to streamline or reprioritize the work procedures of MOD 1 staff so as to reduce their conditioned hours of work, as the work of MOD 1 staff was mainly manually intensive and standardized; and
- (b) whilst some B/Ds considered it feasible for their MOD 1 staff to reduce the conditioned hours of work, the conditioned hours of work of the grade as a whole could not be reduced under the principle of "same grade, same conditioned hours of work".

10. The deputations generally opined that the Administration's policy of maintaining two systems of conditioned hours of work was divisive, outdated and unfair to those civil servants subject to the net conditioned hours system, as the majority of civil servants were only required to work 44 hours gross per week. In view of the limited number of MOD 1 staff being considered as feasible to reduce their conditioned hours of work, these deputations raised doubt on the Administration's sincerity to reduce the conditioned hours of work for MOD 1 grades. In view of the successful example of the Hospital Authority

("HA") in reducing the conditioned hours of work of its supporting grade staff from 45 hours net to 44 hours gross per week in May 2013, the deputations urged the Administration to migrate those MOD 1 staff currently required to work under the net conditioned hours system to the gross conditioned hours system. To facilitate such migration, the Administration should either abolish or relax the three pre-requisites and the "same grade, same conditioned hours of work" principle.

11. The Administration advised that given the large number of staff and B/Ds involved and the importance of upholding the three pre-requisites and the "same grade, same conditioned hours of work" principle, the Administration had made clear to the staff side that a full-fledged reduction proposal for all the MOD 1 grades would not be easy to achieve. The Administration would proceed with the second stage of the review by setting up tripartite meetings to provide a platform for B/D management and MOD 1 staff representatives to exchange views with a view to identifying feasible reduction proposals based on mutual understanding. The Administration would continue to update the staff side of the overall progress.

12. The Administration further advised that HA was a statutory body which operated autonomously with its own management framework. Civil servants in HA and staff employed by HA had all along been subject to different terms of employment and conditions⁴. HA was well aware of the concern of the civil servants working in HA towards the reduced conditioned hours of work of HA's supporting staff. In this regard, HA management had confirmed that civil servants working in HA would not shoulder additional work as result of HA's initiative to reduce the conditioned hours of work of its supporting grades staff.

13. Noting that the conditioned hours of work of around 1 500 MOD 1 staff could be reduced without compromising the three pre-requisites if not for deviating from the "same grade, same conditioned hours of work" principle, some members enquired whether the aforesaid principle could be relaxed or abolished.

14. The Administration advised that it was always the policy of the Government to apply the same conditioned hours of work to all staff of the same grade/rank for effective management of the civil service and to ensure parity treatment. It was on this premise that the Administration had embarked on the review to assess and explore options for reduction of the conditioned hours of MOD 1 staff under the three pre-requisites.

4 When HA took over the management of all public hospitals in 1991, some civil servants working in the now dissolved Hospital Services Department had chosen to retain their civil servant status and continued to work in HA under civil service terms of appointment.

15. A member considered that amongst the three pre-requisites, "maintaining the level of service to the public" was the most important pre-requisite which should be strictly adhered to. In order to work out a feasible solution, question was raised as to whether the Administration would consider relaxing the other two pre-requisites of "cost-neutrality" and "no additional manpower" in the second stage of the review.

16. The Administration stressed that it was important to uphold the aforesaid pre-requisites and principle in the consideration of any proposal to reduce conditioned hours of work for MOD 1 grades, as other civil service grades might also ask for a similar reduction. This would invariably incur additional costs, as any reduction in the conditioned hours of work of a particular grade without any corresponding change to its pay was an improvement to the pay and conditions of that grade.

17. Responding to the criticism that the long working hours of MOD 1 staff was the result of the Administration's long term practice of "fattening the top and thinning the bottom", the Administration said that there was no question of discrimination in the civil service. Specific conditioned hours of work were laid down for different grades in the civil service, having regard to their job nature, operational requirements and other relevant considerations.

18. On the question as to whether the adoption of the net conditioned hours of work for MOD 1 grades had undermined the recruitment and retention of MOD 1 staff, the Administration replied that there were many factors affecting the attractiveness of civil service jobs and retention of quality staff. Currently, there was no difficulty in the recruitment and retention of MOD 1 staff.

19. In closing, the Administration was urged to seriously look into the situation of the around 1 500 MOD 1 staff whose conditioned hours of work could be reduced under the three pre-requisites but could not under the principle of "same grade, same conditioned hours of work". The Administration was also urged to explore ways to reduce the conditioned hours of work of the other 6 000 MOD 1 staff.

20. The Administration explained that as the existing conditioned hours of work of different grades in the civil service had evolved over time, any proposal to change the conditioned hours of work of any particular grade would require a comprehensive review involving thorough discussions between the management and staff sides. At the moment, the Administration did not have a timetable on the completion of the second stage of the review which would involve staff representatives. Nevertheless, the Administration agreed to brief the Panel on the progress of the review in about six months' time.

Latest position

21. The Administration will brief the Panel on the progress of the review at the meeting on 15 December 2014.

Relevant papers

22. A list of relevant papers is in **Appendix II**.

Council Business Division 4
Legislative Council Secretariat
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**Initial Stage Findings
of the
Review on the Conditioned Hours of Work
for Model Scale 1 Grades**

- (a) Grades which are feasible to reduce the conditioned hours of work at this stage

Grade	Number of Staff*	Number of Departments involved
Barber	1	1 Department
Explosives Depot Attendant	2	1 Department
Gardener	1	1 Department
Supplies Attendant	36	18 Departments
Total number of staff	40	

- (b) Grades which are not feasible to reduce the conditioned hours of work at this stage

Grade	Number of staff*	Number of Bureaux/Departments involved
Car Park Attendant II	8	3 Bureaux/Departments
Ganger	84	4 Bureaux/Departments
Property Attendant	95	19 Bureaux/Departments
Ward Attendant	116	2 Departments
Workshop Attendant	24	1 Department
Workman I	1 860	21 Bureaux/Departments
Workman II	5 224	63 Bureaux/Departments
Total number of staff	7 411	

*Number as at 30 June 2013

Review on conditioned hours of work for Model Scale 1 grades

List of relevant papers

Meeting	Date of meeting	Paper
Panel on Public Service	17 March 2014	<p>Administration's paper on "Review on the conditioned hours of work for Model Scale 1 grades" LC Paper No. CB(4)462/13-14(03)</p> <p>Background brief on "Conditioned hours of work for Model Scale 1 grades" prepared by the Legislative Council Secretariat LC Paper No. CB(4)462/13-14(04)</p> <p>Minutes of the meeting LC Paper No. CB(4)665/13-14</p> <p>Administration's response to issues raised at the meeting on 17 March 2014 LC Paper No. CB(4)1056/13-14(01)</p>
Council meeting	16 October 2013	<p>Oral question raised by Hon TANG Ka-piu Official Record of Proceedings: pages - 45 – 54</p>