

立法會
Legislative Council

LC Paper No. CB(4)819/15-16
(These minutes have been seen
by the Administration)

Ref : CB4/PL/PS

Panel on Public Service

**Minutes of meeting held on
Monday, 15 February 2016, at 10:45 am
in Conference Room 3 of the Legislative Council Complex**

Members present : Hon POON Siu-ping, BBS, MH (Chairman)
Hon WONG Kwok-hing, BBS, MH (Deputy Chairman)
Dr Hon LEUNG Ka-lau
Hon Mrs Regina IP LAU Suk-ye, GBS, JP
Hon LEUNG Kwok-hung
Hon Claudia MO
Hon KWOK Wai-keung
Hon IP Kin-yuen
Hon TANG Ka-piu, JP
Dr Hon CHIANG Lai-wan, JP
Hon Tony TSE Wai-chuen, BBS

Members absent : Hon LEE Cheuk-yan
Hon Emily LAU Wai-hing, JP

**Public officers
attending** : Item III

Mr Clement CHEUNG, JP
Secretary for the Civil Service

Mr Thomas CHOW, JP
Permanent Secretary for the Civil Service

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

Item IV

Mr Clement CHEUNG, JP
Secretary for the Civil Service

Mr Thomas CHOW, JP
Permanent Secretary for the Civil Service

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

Clerk in attendance : Miss Mary SO
Chief Council Secretary (4)2

Staff in attendance : Mr Joey LO
Senior Council Secretary (4)8

Miss Joyce CHING
Senior Council Secretary (4)2

Ms Jacqueline LAW
Council Secretary (4)2

Miss Vivian YUEN
Legislative Assistant (4)2

Action

I. Information paper(s) issued since the last meeting

There was no information paper issued since the last meeting.

II. Items for discussion at the next meeting

LC Paper No. CB(4)568/15-16(01) -- List of outstanding items
for discussion

LC Paper No. CB(4)568/15-16(02) -- List of follow-up actions

2. Members agreed to discuss the following items proposed by the Administration at the next regular meeting scheduled for 21 March 2016 at 10:45 am:

- (a) Civil service-related matters featured in the 2016-2017 Budget; and
- (b) Starting Salaries Survey: findings and recommendations of the Standing Commission on Civil Service Salaries and Conditions of Service

III. Use of agency workers

LC Paper No. CB(4)568/15-16(03) -- Administration's paper on the "Use of Agency Workers"

LC Paper No. CB(4)568/15-16(04) -- Updated background brief on "Use of agency workers" prepared by the Legislative Council ("LegCo") Secretariat

Briefing by the Administration

3. Secretary for the Civil Service ("SCS") briefed members on the use of agency workers by Bureaux/Departments ("B/Ds") and the measures taken to address the concerns that members had previously raised, details of which were set out in the Administration's paper (LC Paper No. CB(4)568/15-16(03)).

Discussion

Need of using agency workers

4. As most of the agency workers were involved in providing general clerical and support work which did not require any special skill or expertise and having regard to the fact that the number of agency workers used by B/Ds as at 30 September 2015 only stood at 979 which was not high, Dr CHIANG Lai-wan asked why services provided by agency workers could not be absorbed by existing staff of the procuring B/Ds through internal re-deployment.

5. SCS responded that to re-deploy existing staff of the B/Ds concerned to meet urgent/unforeseen service needs or short-term surge in demands would affect the quality of their services to the public while such temporary manpower requirements could hardly be met in a timely manner by other means, such as employment of civil servants or non-civil service contract ("NCSC") staff. SCS further said that the financial costs involved in procuring agency workers were affordable and could be absorbed from within the existing resources of the B/Ds concerned.

Admin

6. At the request of Dr CHIANG Lai-wan, SCS undertook to provide information on the contract sum paid to employment agencies regarding the 979 agency workers as at 30 September 2015 after the meeting.

Setting up of a government department to supply staff to B/Ds to meet service needs that entail an irregular work pattern or where the nature of work involved renders it difficult to recruit and retain staff

7. Mr WONG Kwok-hing welcomed the reduction of agency workers in B/Ds from 2 398 as at 30 September 2009 to 979 as at 30 September 2015. Noting that 17% (163) of the agency workers in B/Ds as at 30 September 2015 were deployed to meet service needs that entailed an irregular work pattern or where the nature of work involved rendered it difficult to recruit and retain staff, such as provision of customer services for hotlines operating round the clock, Mr WONG asked whether consideration would be given to the setting up of a dedicated department to meet such service needs.

8. SCS responded that 24-hour hotlines operated by some B/Ds were manned by a mix of civil servants, NCSC staff and agency workers. Civil Service Bureau ("CSB") would discuss with the B/Ds concerned and explore possible ways to achieve greater stability in service delivery.

Renewal or re-letting of service contracts

9. Mr KWOK Wai-keung noted from paragraph 5 of the Administration's paper that the duration of a contract for the supply of agency workers should generally be no more than nine months, except to meet service needs which entailed irregular work pattern or where the nature of work involved rendered it difficult to recruit and retain staff. In the light of this, Mr KWOK asked why the procuring B/Ds were only required to seek approval from CSB if they wished to renew/re-let an existing contract for the supply of agency workers where the aggregated

period of service under the existing and renewed/re-let contracts was expected to exceed 15 months as set out in paragraph 16 of the Administration's paper.

10. SCS responded that it was necessary to provide the procuring B/Ds with flexibility to extend an existing contract for the supply of agency workers without CSB's approval so long as the aggregated period of service under the existing and renewed/re-let contracts was not expected to exceed 15 months, as the period of service required was sometimes difficult to predict. SCS however pointed out that the arrangement on renewal or re-letting of service contracts for the supply of agency workers, as set out in paragraph 16 of the Administration's paper, did not apply to term contracts under which agency workers were not required on a continuous basis throughout the contract period but were supplied only as and when needed by the procuring B/Ds. Examples of the use of agency workers sourced from term contracts were those used by the Rating and Valuation Department for annual rates assessment exercise and by the Buildings Department for water seepage complaints received in summer.

Protecting the interests of agency workers and government outsourced workers

11. To prevent incidents similar to the case where a contractor engaged by the Leisure and Cultural Services Department ("LCSD") failed to pay wages to its employees for providing public libraries services from happening to agency workers used by B/Ds, Mr KWOK Wai-keung said that there should be provisions in the contracts entered between the procuring B/Ds and the employment agencies and outsourced service contractors (hereafter referred to as "outsourced service providers") that enabled the procuring B/Ds to use outstanding payments and deduct contract deposits to settle any defaults on payment of wages by outsourced service providers to their employees assigned to work in the procuring B/Ds, so that these employees did not have to apply for ex-gratia payment from the Protection of Wages on Insolvency Fund or seek the court's assistance to recover arrears of wages.

12. SCS reiterated that public libraries service involved outsourcing that fell outside the purview of CSB, and that the case in question had been taken up by the Panel on Manpower. SCS also noted that CSB did not see the need to change the existing contractual provisions on wage payments for the following reasons. First, the incident where the outsourced contractor of LCSD failed to pay wages to its employees for

providing public libraries services was an isolated one mainly due to the financial conditions of the contractor. LCSD had since deployed more civil servants and NCSC staff to provide public libraries services. Second, based on past records, the risk that employment agencies failed to pay wages to their employees assigned to work in the procuring B/Ds was relatively low. Due consideration should also be given to the impact of implementing the suggestions made by Mr KWOK Wai-keung in paragraph 11 above on potential bidders for the supply of agency workers.

Wage requirement

13. Mr KWOK Wai-keung said that for fairness, the wages of agency workers assigned to work in the procuring B/Ds should be comparable to those of civil servants with similar responsibilities. Responding to Mr KWOK's enquiry about the wages of agency workers and how their wages compared to those of civil servants with similar responsibilities, SCS said that the wages of agency workers varied greatly due to the different types of work they were assigned to undertake in the procuring B/Ds. That said, the wages of some agency workers were much higher than the pay benchmarks set out in paragraph 12 of the Administration's paper.

Monitoring the performance of employment agencies

14. Mr Tony TSE expressed support for the use of agency workers by B/Ds to respond to urgent, ad hoc and temporary operational needs or to tide over short-term manpower gap, so as to avoid creating additional workload to the existing staff. Mr TSE then asked whether there was any mechanism to evaluate the performance of employment agencies in supplying their employees to work in the procuring B/Ds.

15. SCS responded that the main criteria used by the procuring B/Ds to evaluate the performance of employment agencies were how swiftly agency workers could be supplied as needed and how suitable the agency workers supplied were for carrying out the work assigned, and that under the demerit point system, service contractors in breach of contractual obligations might be barred from bidding for further supply of agency workers.

Non-compliance of contractual conditions

16. Dr CHIANG Lai-wan asked, apart from termination of contract for non-compliance with the wage requirement, whether there was other sanction(s) that could be imposed on employment agencies for not complying with contractual conditions.

17. SCS responded that if an employment agency accumulated certain number of demerit points over a specified time period, its bid for further supply of agency workers would not be considered for a period of five years. Other sanctions included withholding service fee and no or partial refunding of contract deposit.

Admin

18. At the request of Dr CHIANG Lai-wan, SCS agreed to check whether the procuring B/Ds had imposed sanctions on employment agencies for non-compliance with the wage requirement in the past three years and supply relevant information.

Other issue

19. Responding to Mr LEUNG Kwok-hung's comments that the use of agency workers by B/Ds was to save money, SCS stressed that the use of agency workers by B/Ds was to alleviate the workload of their existing staff and to ensure the quality of services provided to the public. There was no question of B/Ds using agency workers to save money.

Conclusion

20. In closing, the Chairman said that the Panel would continue to monitor the use of agency workers by B/Ds.

IV. An overview of medical and dental benefits for civil servants, pensioners and eligible dependants

LC Paper No. CB(4)568/15-16(05) -- Administration's paper on "Overview of medical and dental benefits for civil servants, pensioners and eligible dependants"

LC Paper No. CB(4)568/15-16(06) -- Updated background brief on "Medical and dental benefits for civil servants, pensioners and eligible dependants" prepared by LegCo Secretariat

Briefing by the Administration

21. SCS briefed members on the latest overview of the provision of medical and dental benefits (hereafter referred to as "civil service medical benefits") available to civil service eligible persons ("CSEPs"), details of which were set out in the Administration's paper (LC Paper No. CB(4)568/15-16(05)).

22. In respect of the civil service medical services, SCS supplemented that the total number of consultation rooms would increase from the existing 32 to 44 after the service commencement of the Families Clinic in Fanling in early 2016 and the Families Clinic in Sai Kung in 2018-2019 with 10 and two consultation rooms respectively. Upon the full operation of these two new Families Clinics, the overall service capacity would increase from 160 000 consultations in 2009 to 352 000 consultations in 2018-2019.

23. As regards dental services, SCS supplemented that the number of general surgeries would increase from 167 involving 323 000 service hours annually in 2009 to 235 involving 395 000 service hours annually by 2017. The number of specialized surgeries which were intended to provide prosthodontic services for referral cases, such as restoration of the teeth, would also increase from the existing five to 12 in 2018. Upon the full operation of the additional seven specialized surgeries, the average waiting time for receiving prosthodontic services would be significantly reduced from the existing 26 to 42 months to 20 to 30 months. SCS pointed out that dental services available to CSEPs were more comprehensive than those available to the general public who could only receive emergency dental services through the government dental clinics or oral maxillofacial surgery and dental units operated by the Department of Health (DH).

24. Lastly, SCS said that CSB would continue to explore measures to enhance civil service medical services for CSEPs in tandem with the

'Ten-year Blueprint for Hospital Development' announced in the 2016 Policy Address.

Discussion

Families Clinics for CSEPs

25. Dr CHIANG Lai-wan said that the existing service hours of Families Clinics for CSEPs were during normal office hours. To obviate the need of civil servants and other working CSEPs to take leave from their work to receive treatment at these clinics, Dr CHIANG asked whether consideration could be given to extending the service hours of Families Clinics for CSEPs to the evening.

26. SCS responded that it might not be feasible for DH to extend the service hours of Families Clinics to the evening for the time being due to the recruitment difficulties of healthcare professionals. Due consideration would also need to be given to the cost-effectiveness of extending the service hours of the aforesaid clinics to the evening. Hence, the Government would strive to improve the geographical coverage of Families Clinics, which in turn would increase their accessibility so as to better meet the needs of CSEPs.

27. Dr CHIANG Lai-wan urged the Administration to consider adjusting the service hours of Families Clinics for CSEPs from normal office hours to, say, from 10 am to 6 pm or from 11 am to 7 pm, so long as such adjustment would not increase the existing service hours of these clinics.

28. SCS responded that civil servants welcomed the current arrangement, under which they could seek medical treatment from Families Clinics during office hours without having to apply for leave to do so. SCS further said that CSEPs were also entitled to free medical services provided by general outpatient clinics under the management of Hospital Authority ("HA"), 23 of which had evening sessions.

29. Dr CHIANG Lai-wan noted from paragraph 9 of the Administration's paper that an automated telephone booking system ("ATBS") for all Families Clinics had been launched by DH since mid-September 2015. Dr CHIANG enquired about the usage of the ATBS and whether any publicity had been launched to inform CSEPs of this new facility.

30. SCS responded that the ATBS was warmly received by CSEPs who could call at any time to make an appointment within the next seven working days. Furthermore, CSEPs who had secured an appointment could make enquiries of or cancel the appointment through the system. SCS further said that a review on the ATBS would be conducted by DH, and Members would be informed of the outcome.

31. In view of the tight supply of doctors in Hong Kong, the Chairman asked whether the new Families Clinic in Fanling could commence service on schedule in March 2016 as planned.

32. SCS responded that only three of the planned 10 consultation rooms of the new Families Clinic in Fanling would commence service in March 2016. Based on past experience, patronage of new families clinics would not be high during the early stage of their opening when CSEPs would tend to stay with the families clinics they had been using. Depending on the usage of the three consultation rooms at the new Families Clinic in Fanling, the remaining seven consultation rooms would commence service as and when required. SCS further said that recruitment of doctors for the new Families Clinic in Fanling was still ongoing, as the number of candidates employed from each round of recruitment exercise was not high. DH had embarked on another round of recruitment exercise of doctors at the end of 2015. Suitable candidates had been shortlisted and interviews of them were being arranged. SCS further said that should there be manpower shortfall for the opening of the new Families Clinic in Fanling in March 2016, DH would deploy its existing staff to fill such manpower gap.

Chinese medicine services

33. Mr KWOK Wai-keung asked, if general surgeries provided by government dental clinics were available to CSEPs and not to the general public, why Chinese medicine services could not be made part of civil service medical benefits. As it had been announced in the 2016 Policy Address that the Government had reserved a site in Tseung Kwan O for the development of a Chinese medicine hospital, Mr KWOK urged the Administration to start preparatory work for the inclusion of Chinese medicine services as part of civil service medical benefits.

34. SCS explained that Chinese medicine services currently were not provided by DH and HA as standard services and hence fell outside the scope of civil service medical benefits under the prevailing policy. SCS further said that the Government was examining the role of Chinese

medicine in the public healthcare system, including integration of Chinese and western medicine. Once policy decision was reached on this matter, CSB would look into how civil service medical benefits would be affected.

35. Mr TANG Ka-piu asked whether, prior to the Government's decision on the role of Chinese medicine in the public healthcare system, the Administration would consider purchasing services from the private sector for use by CSEPs.

36. SCS responded that the scope of medical benefits for CSEPs, as defined in the relevant Civil Service Regulations ("CSRs"), and CSB Circulars/Circular Memoranda, was confined to those provided by DH or HA.

Reimbursement of medical expenses

37. Noting from paragraph 5 of the Administration's paper that a provision of \$460 million was earmarked in the Original Estimate for 2015-2016 to meet the applications for reimbursement of medical expenses from CSEPs, Dr CHIANG Lai-wan enquired about the application of such reimbursement.

38. SCS responded that CSEPs were entitled to medical and dental treatment and services that were provided by DH or HA free of charge, save for the charges applicable to hospital maintenance, dentures and dental appliances as provided for in the relevant CSRs. If the attending HA/DH doctors certified that the drugs, equipment and services concerned were prescribed according to medical necessity and were not available in HA/DH, CSEPs might apply to DH for reimbursement of the medical expenses incurred. For drugs on HA's list of self-financed items and some common self-financed equipment/services that were available in HA as chargeable items, CSEPs were not required to pay for them out-of-pocket, as DH would reimburse HA direct with the medical expenses incurred under a direct payment arrangement upon receiving reimbursement applications from CSEPs. SCS further said that reimbursement of medical expenses from CSEPs rose from some \$220 million in 2009-2010 to some \$400 million in 2014-2015, representing an increase of 82%, showing that it had become an important part of civil service medical benefits.

Extending civil service medical benefits to NCSC staff

39. Mr KWOK Wai-keung said that for fairness and to boost morale, civil service medical benefits should be extended to all NCSC staff.

40. SCS responded that it was not appropriate to compare the pay and conditions of NCSC staff with those of civil servants, as they were two distinct types of employment. That said, the Government was reviewing with B/Ds on replacing NCSC positions with civil service posts where justified. Relevant working experience was one of the factors taken into account in the recruitment of civil servants.

Conclusion

41. In closing, the Chairman said that the Panel would continue to monitor the provision of civil service medical benefits for CSEPs.

V. Any other business

42. There being no other business, the meeting ended at 12:19 pm.

Council Business Division 4
Legislative Council Secretariat
6 April 2016