

立法會
Legislative Council

LC Paper No. CB(1) 1143/99-00
(These minutes have been seen
by the Administration)

Ref : CB1/PL/PS/1

Legislative Council
Panel on Public Service

Minutes of meeting
held on Monday, 21 June 1999 at 10:45 am
in Conference Room A of the Legislative Council Building

Members present : Hon TAM Yiu-chung, JP (Chairman)
Hon Mrs Sophie LEUNG LAU Yau-fun, JP (Deputy Chairman)
Hon LEE Cheuk-yan
Hon LEE Kai-ming, JP
Hon CHEUNG Man-kwong
Hon CHAN Kwok-keung
Hon CHAN Wing-chan
Hon Andrew WONG Wang-fat, JP
Hon Howard YOUNG, JP
Hon Ambrose LAU Hon-chuen, JP

Members attending : Hon NG Leung-sing
Hon CHAN Yuen-han
Hon Emily LAU Wai-hing, JP

Public officers attending : Ms Anissa WONG
Secretary for the Civil Service (Atg)

Mr D W PESCOD
Deputy Secretary for the Civil Service (2)

Mrs Susan MAK
Deputy Secretary for the Civil Service (3)

Clerk in attendance : Miss Salumi CHAN
Chief Assistant Secretary (1)5

Staff in attendance : Mr Matthew LOO
Senior Assistant Secretary (1)7

Action

I. Confirmation of minutes of meeting
(LC Paper No. CB(1)1417/98-99)

The minutes of meeting on 19 April 1999 were confirmed.

II. Date of next meeting and items for discussion
(LC Paper No. CB(1)1515/98-99(01))

2. The Panel noted the list of outstanding items for discussion and agreed to discuss the following items at its next regular meeting on 19 July 1999:

- (a) Briefing by the Administration on the results of the Civil Service Starting Salaries Review 1999; and
- (b) Fringe benefits for staff employed by subvented organizations.

(Post-meeting note : At the request of the Administration and with the concurrence of the Panel Chairman, the meeting on 19 July 1999 was rescheduled to 22 July 1999.)

III. Draft Report of the Panel on Public Service for submission to the Legislative Council on 7 July 1999
(LC Paper No. CB(1)1515/98-99(02))

3. Members endorsed the draft report of the Panel for submission to the Legislative Council on 7 July 1999. They also authorized the Clerk, in consultation with the Chairman, to incorporate into the report the Panel's major deliberations made at the meeting.

IV. Briefing by the Administration on the result of the consultation exercise on Civil Service Reform
(LC Paper No. CB(1)1515/98-99(03))

Briefing by the Administration

4. Deputy Secretary for the Civil Service (2) (DSCS2) briefed members on the result of the consultation exercise on the Civil Service Reform. He advised that the three-month consultation period had ended on 8 June 1999 and that around 750 submissions had been received from individual civil servants, civil service unions, academics and other interest groups. The Administration was pleased to note that the need for the Civil Service Reform was generally accepted and recognized. The question was how to take the reform forward in a sensible and pragmatic manner. The Administration was still in the process of analyzing the submissions received and would work together with departmental management and the Staff Sides to develop specific proposals in each of the main areas set out in the Consultation Document on Civil Service Reform.

Proposal on the employment of new recruits at basic ranks on agreement terms

5. Mr LEE Cheuk-yan pointed out that while civil servants had no objection to implementing reforms to improve the effectiveness of the civil service, they were strongly against those proposals that would undermine the stability of the civil service. Mr LEE asked whether the Administration would consider withdrawing the proposals such as offering agreement terms to new recruits appointed to basic ranks. In response, Acting Secretary for the Civil Service (SCS(Atg)) advised that one of the basic principles of the Civil Service Reform was to introduce "change amidst stability". The Administration was fully aware of the importance of maintaining stability in the overall operation of the civil service. Under the proposal, basic rank civil servants employed on agreement terms and had their proven ability and potential could be offered permanent terms when appointed to supervisory ranks. The Administration had noted various comments on the proposal and would further discuss it with the departmental management and the Staff Sides. DSCS2 added that the proposal would not affect existing civil servants.

6. Mr LEE Cheuk-yan said that he was not only concerned about existing civil servants, but also the new recruits and the implication of the proposal on the civil service as a whole. In this connection, Mr CHAN Wing-chan pointed out that the proposal would result in a situation where two-thirds of the civil servants would be employed on agreement terms and that such a fundamental change to the civil service appointment system had caused grave concern. He asked whether the Administration would modify the proposal so that the number of basic rank staff to be employed on agreement terms would be reduced. Mr Andrew WONG was concerned that civil servants employed on agreement terms would be more inclined to appease their bosses in order to secure their tenures. SCS(Atg) pointed out that it was an existing practice for some of the civil

servants to be employed on agreement terms. The current proposal was only to extend the arrangement to all new recruits appointed to basic ranks. The details of the proposal would be worked out after further consultation.

7. Responding to Mr LEE Kai-ming, SCS(Atg) confirmed that the terms of employment of the serving pensionable officers would remain unchanged upon promotion or transfer unless the posts in question were short-term posts.

New retirement protection system

8. Responding to Mr CHAN Wing-chan, SCS(Atg) advised that the proposal on introducing a Civil Service Provident Fund scheme as a new retirement benefit system would allow for compatibility of retirement protection between the civil service and the private sector. The new scheme would allow employees to carry their retirement protection with them when switching jobs between the civil service and the private sector. SCS(Atg) assured members that serving officers would not be forced to switch to the new scheme.

Review of starting salaries

9. Referring to paragraph 12 of the information paper provided by the Administration, Mr NG Leung-sing requested the Administration to respond to some civil servants' comment that civil service salaries should be set a level above that of the private sector to ensure a clean civil service. DSCS2 advised that the basic policy of the Administration was to offer sufficient remuneration to recruit people of suitable calibre, and to motivate and retain them through incremental pay and promotion. The review of civil service starting salaries was being conducted by the Standing Commission on Civil Service Salaries and Conditions of Service and the outcome was expected to be available soon.

Performance-based pay system

10. Mr NG Leung-sing expressed concern about the implication of the proposed performance-based pay system on public expenditures. DSCS2 advised that the Administration's intention was to work within its existing expenditure pattern. The Administration would study carefully before taking the proposal forward.

Accountability of senior civil servants

11. Mr CHEUNG Man-kwong was of the view that the Civil Service Reform was targeted at junior civil servants. He queried why the Administration had not addressed in its information paper Members' concerns about the accountability of senior civil servants expressed in the motion debate on Civil Service Reform at the Council meeting on 9 June 1999. He urged the Administration to address the issue as dereliction of duty of senior civil servants might cause economic loss or great damage to the community.

DSCS2 clarified that the reform was not targeted at junior civil servants or any one sector in the civil service. The Administration was trying to work out a package of reform proposals that would apply across the board. In developing the proposals, the Administration would take into account all the comments received during the consultation period, including Members' views expressed in the motion debate and at Panel meetings.

Management-initiated retirement and removal of sub-standard performers

12. Responding to Ms Emily LAU, DSCS2 advised that the proposal on management-initiated retirement was mainly targeted at directorate staff. The Administration's intention was to provide a mechanism to allow the management to direct people, for example, people who might be working to an acceptable standard in their current posts but had little potential for further advancement and thus might be blocking the advancement of other more able officers, to retire early, in order to cater for human resource management needs. As regards the proposal to strengthen and streamline the procedures under current regulations for directing civil servants with persistent sub-standard performance to retire in the public interest, DSCS2 pointed out that the proposal would apply throughout the civil service at all levels. The Administration's intention was to make the existing mechanism to deter slack performance more effective.

13. Ms Emily LAU stressed the need to establish a fair and open mechanism for management-initiated retirement as the civil servants concerned were performing well in their current posts. DSCS2 shared her view and advised that an appeal channel against the management's decision might be provided under the proposed mechanism.

Privatization and the proposal on redundancy arrangements

14. Some members expressed concern about the impact of privatization/corporatization of government services on civil servants. DSCS2 advised that proposals on privatization/corporatization were external to the Civil Service Reform and should be dealt with in a wider context of public sector reform. Mr LEE Cheuk-yan was worried that the proposal on redundancy arrangements under the Civil Service Reform was paving the way for more privatization/corporatization exercises. At the request of Miss CHAN Yuen-han, the Clerk would prepare verbatim transcripts for the part of the meeting on corporatization of HD.

(Post-meeting note: As the discussion on corporatization of HD intertwined with that on the proposal on redundancy arrangements, verbatim transcripts were prepared to cover these two subjects. The draft verbatim transcripts were issued to members vide LC Paper No. CB(1)1682/98-99 on 7 July 1999 and the Administration on the same day for comments. The cleared version is attached in Annex.)

Way forward

15. In response to members' enquiry on the way forward, DSCS2 said that the Administration would work with departmental management and the Staff Sides to develop specific proposals in each area in the next few months and would brief the Panel on the development of each area in due course. In conducting the second-round consultation, the Administration would maintain its positive, co-operative and understanding attitude.

Admin

16. Miss CHAN Yuen-han suggested the Administration to set up task forces to discuss with civil servants on those controversial reform proposals such as performance-based pay system. In response, DSCS2 advised that he would not rule out the possibility of setting up of task forces. Nevertheless, the Administration would be meeting with civil service unions again on the details of reform proposals.

V. Briefing by the Administration on Civil Service Pay Adjustment 1999

(Legislative Council Brief issued by Civil Service Bureau on 8 June 1999
(Ref: CSBCR/PG/4-085-001/10 Pt.2/99))

17. Responding to Mr LEE Kai-ming, DSCS2 advised that an additional expenditure of HK\$395.87 million would be incurred if the pay trend indicators (PTIs) for the three non-directorate pay bands were adopted. Mr LEE had no objection to the freezing of civil service pay for 1999/2000 as civil service unions had already accepted it. Nevertheless, Mr LEE considered that the Administration should make it clear to the public that the PTI for the middle pay band had shown a positive growth. The civil servants concerned, i.e. those who had a monthly salary between \$15,160 and \$46,485, would therefore suffer a financial loss because of the pay freeze.

18. In view of the financial loss suffered by some of the civil servants, Miss CHAN Yuen-han asked whether the Administration would consider the Model Scale 1 Staff Consultative Council's request for higher salary adjustment when the economy recovered. DSCS2 pointed out that the Government's policy on civil service pay adjustments was that the adjustment should be considered annually.

VI. Any other business

19. At the Panel's request, the Administration undertook to provide an information paper to brief members on the case of Mr WONG Ho-sang, Commissioner of Inland Revenue, concerning some media reports alleging that Mr WONG could have been involved in serious conflict of interest situations in his wife's business.

(Post-meeting note : Two special meetings were held on 29 June and 20 August 1999 to review the system of declaration of investment/interests by civil servants with reference to the case of Mr WONG Ho-sang.)

20. The meeting ended at 12:50 pm.

Legislative Council Secretariat

10 March 2000

立法會 *Legislative Council*

檔號：CB1/PL/PS/1

立法會 公務員及資助機構員工事務委員會

1999年6月21日會議

有關房屋署公司化的討論及 有關公務員體制改革中「遣散安排」的討論的 逐字記錄本

*

*

*

陳國強議員：

我相信公務員對改革的恐慌是在於外判，私營化及公司化等問題。政府現在公務員改革問題上承諾對現職公務員保留不變是沒有用的，因為一旦推行私營化和公司化，實質上已改變。雖然政府表示有些部門不會進行私營化和公私化，但公務員實在非常害怕。舉例而言，政府現在雖然表示不會將警隊私營化或公司化，日後亦難保警察會變保鏢。我希望政府可否在現階段將公司化暫時擱置，例如擱置數年，在經濟環境好轉後才考慮這問題，我相信這樣定可消除公務員的憂慮。

主席：

栢志高先生。

公務員事務局副局長栢志高先生：

I certainly can't give that assurance. It is very clearly stated that it is our policy to look at the better ways to provide services that we provide. I keep that criticism and I am sure Members heard in LegCo from the academics why do we provide certain services and why do we arrange tax costs. We ought to look at these things. That does not mean automatically that by looking at it, it would necessarily be doing it. But we certainly have to look at it. I don't think I can give such assurance.

主席：

陳議員，其實公務員事務局是答不到你的問題。早前在立法會動議辯論有關問題時，都是由財政司司長回應的，所以栢志高先生未能就擱置的問題給你一個確切答案。

* * *

李卓人議員：

我相信有關的問題應透過集體談判來解決。我想問的問題是關於文件第9段提及的遣散安排。職工盟強烈要求大機構儘量不要裁員，我相信政府經過今次諮詢後，應該知道有很多人反對精簡遣散程序，恐怕這是政府為日後的私營化鋪路。現有的遣散程序最少也會為有關員工安排調職，以維持職業的穩定性。就此，我想了解政府在今次諮詢後對精簡遣散程序的想法。我亦相信大部份人對自願退休並無異議，但政府會否只停留於推行自願退休這一步？另一方面，我想知道政府在第二輪諮詢中，有沒有優先次序，例如先解決一些大家都同意而市民亦有期望的事項，如紀律處分程序等。

主席：

栢志高先生。

公務員事務局副局長栢志高先生：

I can answer the second part first. Yes, there of course must be priorities and we can't do everything all at once and I'll probably give some indications of those issues which we like to go forward. The issue of training must go on. It is an on-going process and it will continue. I think other things such as performance pay will take a lot longer. We will be setting priorities. This is one of the issues being looked at now when we analyze all the submissions and feedback received.

主席：

麥駱雪玲女士。

公務員事務局副局長麥駱雪玲女士：

政府在諮詢期間收到不少有關遣散安排的意見，有部份亦贊成簡化遣散程序，我想他們的理由是容易理解的。但是，有部份公務員擔心簡化遣散程序是為未來鋪路，我們在不同場合向他們解釋，簡化程序本身不會導致有遣散情況的出現。主要的問題是，當有需要遣散時，應如何作出安排。我們希望保留以往的做法，盡量安排被遣散的員工轉職到其他部門。但公務員都明白，在現時的經濟環境下，這些轉職的機會是減少了。我們的想法是希望將遣散所需的時間減短，同時有關遣散程序包括法律規定如 AOO Terms (Abolition of Office Terms) 的賠償等，維持不變。

主席：

李議員，是否已解答了你的問題？

李卓人議員：

主席，是可以的，但答案令我更加擔心。這證明政府仍未聽到公務員的意見，就是希望政府，如其他大機構一樣，儘量避免裁員。雖然說精簡遣散程序不會導致遣散，但私營化會導致遣散。如果不簡化遣散程序，而安排受影響員工內部調職，有經驗的員工便可繼續在政府工作。這才是公務員最大的憂慮。政府剛才的回覆正好証實公務員的憂慮是有根據的。我希望政府能重新考慮這問題。你的答覆引起很大的憂慮和不安。

主席：

議員擔心精簡程序導致大量裁員出現。麥太是否有補充？

公務員事務局副局長麥駱雪玲女士：

我想強調一點，就是經常提到要安排其他部門吸納受影響員工，我想這是同事的願望，我們亦會向有關部門提出這點。但問題是實際可以吸納多少員工，大家都需要明白這點。

主席：

陳婉嫻議員。

陳婉嫻議員：

雖然栢志高先生說有些問題他不能回答，但無論房署或水務署的員工都是公務員，因此，就你的職位而言，你是應該回答這個問題。現在有關私營化或公司化，房署明顯地已經率先推行，隨之而來的可能是水務署。請問政府，如房署的員工不同意你們提出的改革，你們會怎樣給機會他們發表意見呢？現在明顯地房署的態度是很強硬的，不讓員工代表發表意見，這與栢志高先生剛才回答時說，將來會與員工攜手合作有不同。很明顯這些是你們的同事，房署的這些員工是政府公務員，現在你可以看到一個不負責任的管方，不讓房署職員攜手，請問政府能否透過公務員事務局迫房署讓員工參與相應的改革小組？我認為這是你能夠回答的問題。如果你認為需要穩定公務員隊伍，這便是你要進行滅火的一項重要工作。

主席：

栢志高先生。

公務員事務局副局長栢志高先生：

I think, it is, I'm afraid, difficult for us to comment on this, because I understand that, this is not an area where I'm particularly familiar. The working groups that have been set up are under the Housing Authority, not the Housing Department. And there is an important distinction here. The Housing Authority has set up working groups to look at how they would implement their proposals. Clearly the issue is, at what stage will the staff be involved and consulted properly on how they take forward those conclusions that come out of the Housing Authority working groups. And certainly, at that stage I would fully expect the staff to be properly consulted, properly involved. But to say that we can influence the Housing Authority, I'm afraid that's outside our remit.

主席：

陳議員。

陳婉嫻議員：

主席，我完全明白那批員工是屬於房署的，你完全可以要求房屋署署長苗學禮先生與員工進行對話，我認為這是你可以做得到的事，因為苗學禮先生是歸房屋局管轄的，你不要告訴我政府管不到苗學禮。我認為房屋署這件事是一個“火頭”，亦是這次公務員(改革)的一個源頭，我們說的“暗渡陳倉”便是這個意思。所以我很希望栢志高先生告訴他，房屋署署長

苗學禮先生是由你管轄的嘛，你可以告訴他，正如你剛才最後一句話，要與員工攜手共同面對困難。希望你回答我的問題，我並非要求你和房委會說這些話，只是房署吧了。

主席：

我建議可否請公務員事務局把陳議員這個強烈的意見向房署表達？栢志高先生，你可否做到？

公務員事務局副局長栢志高先生：

Mr Chairman, we'll certainly take up that, but I can't add to that. But in fact, Mr Miller is very very well aware of the importance of keeping his staff informed, and has set up ambassador teams, has set up newsletters, has written to each staff individually. He's very well aware of the importance of bringing staff informed, and I certainly don't think there is any dispute. But the issue is, how and at what stage does that process happen on a formal basis. But I can certainly assure members that informally it is certainly the intention. As I understand it from the Housing Department, to keep them as well informed of the process as possible. But I'll take that point back.

主席：

黃宏發議員。

黃宏發議員：

主席，張文光議員提出討論高官問責、劉慧卿議員又提出指令離職、表現欠佳等問題，我恐怕問題更加嚴重，因為更加政治化。在一個有政客被政治任命成為部長體制下，公務員體制的高官除非犯了嚴重過失才會被革職，但命令革職人並非部長，而是公務員首長，並非政客可以指令他離職，現在我們在這個階段裏討論是否實行部長制來說，高官問責是一件很危險的事情。

主席：

黃議員，我建議把這項議題交由政制事務委員會討論可能更適合。

黃宏發議員：

主席，我不同意，這是屬於公務員體制問題，若你認為公務員體制也可以政治化，那麼這個會議也不用召開，可以全部留待政制事務委員會討論，我反而正提出這個委員會要討論的問題。有關私營化的問題，我同意栢志高先生說，正如李卓人議員提及簡化遣散程序一事，剛才麥太已回應公務員事務局只是負責制定精簡程序的方法，事實上當時答辯的是財政司司長，這點我也同意，但問題是，栢志高先生指私營化是房屋委員會的決定，不是房署，因而政府沒有責任，那麼房署和房屋委員會的關係究竟是怎樣？例如房屋委員會可否指令擢升哪個職員，還是公務員內部的升級體制完全是政府的內部體制？你弄清楚此點後，便會發現房屋署署長苗學禮先生與員工討論的地位是很不同的，亦表示政府的責任所在，不能把責任完全推卸給房屋委員會。

公務員事務局有沒有考慮精簡遣散程序，最後可能不是由公務員事務局或政府來決定，可能需要立法廢除某些條文，這些條文一旦廢除後，那些須解僱的公務員，可否在其他未廢除的機構內容納他們？在這個過程中，可否讓他們有機會發表意見？例如某項事物不應被廢除等，而不需要政治化，讓他們可以直接向上司表達，為甚麼他們值得繼續存在；又例如“AOT-Abolition of Office Terms”，究竟在某種情況下，是否全部、半點不變地依從那些“terms”來行事；例如屠房，我們看到一些特殊情況，因而可以再加一些還可以。這些都是公務員事務局應該可以考慮的問題，而不只是考慮精簡架構和程序那麼簡單。

主席：

哪位想回應？王女士。

署理公務員事務局局長王倩儀女士：

主席，我希望就精簡程序方面再作一點補充。事實上，我們在考慮是否需要作出遣散安排時，我們一向的做法，將來也是這樣的做法，都是會先研究內部的調派，不只從其所屬部門本身來調配，亦會考慮同類的職系和職級，即使是不同的職系，假如這位同事能擔當另外一些職位，我們都會盡量安排；但如果用盡一切方法仍然無法吸納該位員工，不幸地，我們仍需要作出遣散的安排。

第二點，關於賠償的問題，剛才黃議員提出的問題絕對正確。事實上根據我們現在退休金的條例，如果有同事需要受到遣散的安排，我們在法例上有既定的、法例上的賠償；除此以外，在多宗個案中，亦有特別的恩恤賠償，而每宗個案都需要提交財務委員會批准的。即是說，當政府或社會都同意某項公營服務需要進行私有化，因而引致需要作出遣散安排，

這項政策決定後，公務員事務局會盡量照顧員工的意見，亦會在現有的基礎下盡量作出安排，以期減輕員工的痛苦。

主席：

黃議員。

黃宏發議員：

主席，但現在的問題更大，例如政府把“KCR”公司化時，是真正的公司化，因為是公營機構，當時的“terms”相當好，但比不上後來的醫院管理局，兩者中間有“VTC”，是關乎以前教育署的某些人員。我們可以看到有很多不同的安排，今次“slaughterhouse”又好了一些。政府若按長俸條例的法定賠償公式來計算是很不妥當的。正如李卓人議員剛才說“集體談判”，政府若願意以集體談判的方式來與他們討論可能會較佳。栢志高先生亦說得對，應該合作，因為集體談判可能會拖延得很久，但也有可能並非如此，可能很快便解決，所以精簡程序，可能集體談判，但大家要有合作精神；如果雙方沒有合作精神時，可否採用“compulsory arbitration”強制性的仲裁這是具權威性，雙方都必須接受的，可否這樣立例制定這便最簡單，政府有沒有考慮？

主席：

栢志高先生。

公務員事務局副局長栢志高先生：

Mr Chairman, we are talking about very detailed proposals, which, I honestly, can't say that we are at the point of being able to talk about the detail. I think all I can say is that, the examples that you've quoted, each one is looked at under the circumstances of the time, the staffing situation, the policy objective of the Government, the costs involved. We certainly do not expect the policy considerations to change. What we are talking about, from our perspective is how we deal with the process once that policy decision is changed, and how we deal with the staff. The important thing is that, the staff are always involved as early as we can do so. They are told of the ideas and they are told what the options are. As to whether there are opportunities for arbitration and negotiation, it varies from circumstances to circumstances. We will look at these ideas.

*

*

*

立法會秘書處
2000年3月8日