

Legislative Council Panel on Public Service

Common Terms of Appointment and Conditions of Service for the Civil Service

Purpose

This paper briefs Members on the Administration's modified proposals to implement a set of common terms of appointment and conditions of service ("Common Terms") for new appointments to the Civil Service.

Background

2. We first proposed the introduction of Common Terms in October 1993 with the issue of the "Consultation Document on Civil Service Terms of Appointment and Conditions of Service" on 25 October 1993. The key objective was to introduce a unified set of modernised terms of appointment and conditions of service for general application to remove the existing variations between 'local' and 'overseas' terms and conditions.
3. After extensive consultation with the Staff Sides of the central staff consultative councils, departmental management and relevant advisory bodies on civil service matters, the proposals were revised in late 1994. During the 1994 consultation, Members of the then LegCo Panel on Public Service considered that a unified set of terms of appointment and conditions of service should be introduced as soon as possible. The proposals were put forward to the Joint Liaison Group but no substantive discussion took place. This is now a matter for the Hong Kong Special Administrative Region Government.
4. A summary of the 1994 proposals is at *Annex*. We have already implemented some of the 1994 proposals in the past few years-
 - (a) since 1 August 1995, new appointees on local permanent and pensionable (P&P) terms are required to fulfil specified Chinese language proficiency requirements;
 - (b) since 1 August 1996, new appointees are no longer eligible for Overseas Education Allowance; and
 - (c) since 15 November 1997 agreement officers on local terms are subject to revised arrangements and criteria featuring a Chinese language requirement for transfer to local P&P terms.

5. It is our policy commitment to implement Common Terms in 1998. We have reviewed the rest of the 1994 proposals with a view to taking them forward.

Modified Proposals

6. We **do not propose any change to the terms and conditions** recommended under the 1994 Common Terms proposals. These terms and conditions, which are largely based on the current local terms and conditions, received wide support in 1994 as a positive step to remove variations between local and overseas conditions.

7. The only change we now recommend is to **apply the proposed Common Terms only to new recruits with effect from a current date**. This means that existing terms and conditions would continue to apply to all serving officers on P&P terms and agreement terms who remain in employment without a break in service. All serving officers would **not** have an option to change to Common Terms.

8. Our recommendation in paragraph 7 above would simplify the administration of terms and conditions in the Civil Service. This is because transfer of serving officers from their existing terms to Common Terms would entail considerable administrative arrangements, especially with the various concessions which we proposed in 1994 for officers transferring to Common Terms to retain some of their existing benefits. It also addresses the concerns of serving agreement officers over our 1994 proposal to apply Common Terms to them.

Staff Consultation

9. We have the endorsement of the various civil service advisory bodies to consult the Staff Sides of the four central staff consultative councils. The Staff Sides have no objection to the proposal to revise the application of Common Terms.

Way Forward

10. We are now reverting back to the various advisory bodies on civil service matters on the result of the staff consultation to seek their views to implement the Common Terms as proposed in paragraphs 6 and 7 above. If approved, we shall also seek the approval of the Finance Committee to create a new sub-head for the proposed rent allowance for agreement officers serving on Common Terms. It remains our aim to implement Common Terms in 1998 for new appointments to the Civil Service.

Civil Service Bureau

21 August 1998

Summary of 1994 Common Terms Proposals

1. Terms of Appointment

- 1.1 New definition of 'local' for recruits appointed on Common Terms: A new recruit appointed on Common Terms will be considered as a "local" for the purposes of the localisation policy if he is a permanent resident (PR) of Hong Kong.
- 1.2 Unified terms of appointment: One set of common permanent and pensionable (P&P) terms and one set of common agreement terms for all future appointments-
- (a) for appointment on common P&P terms, an appointee must be a 'local', i.e. a PR, and should meet a specified level of Chinese language proficiency. For appointment on common agreement terms, Chinese language proficiency is not mandatory across the board, but may be specified when required for the efficient discharge of duties during the agreement period;
 - (b) preference will be given to 'locals' in appointment; non-locals will be appointed only on common agreement terms;
 - (c) an officer appointed on common agreement terms who wishes to apply for transfer to common P&P terms will need to qualify as a 'local' and to meet specified Chinese language requirements, plus other prevailing arrangements for transfer to P&P terms; and
 - (d) application for renewal of agreement by an officer on common agreement terms who is a non-local will be subject to no suitable and qualified local replacement (local replacements include all officers serving on existing local terms, plus those recruits on the new Common Terms and are PRs).

2. Conditions of Service

Leave

- 2.1 Revised leave calculation basis: Change the calculation basis of leave from calendar days to working days.

2.2 Standardised leave earning rates and accumulation limits:

	<i>Leave earning rates</i>		<i>Accumulation limits</i>	
	<i>Less than 10 years of service</i>	<i>10 or more years of service</i>	<i>Less than 10 years of service</i>	<i>10 or more years of service</i>
MOD I	14	21	28	42
MPS 1-13	21	27	42	54
MPS 14-D10	27	34	54	68

Leave passage allowance

2.3 Standardised leave passage allowance: The provisions will be based on those offered under the existing local terms and conditions.

2.4 Appointment passage: Passages and baggage allowance would be provided for officers recruited directly from outside Hong Kong on taking up appointment, but not on completion or termination of employment.

Housing

2.5 Entitlement to housing benefits would start at MPS 34 and would be limited to a maximum of 10 years for all new recruits.

2.6 Officers on common P&P terms on MPS 34 or above will be eligible for the Home Financing Scheme.

2.7 Officers on common agreement terms on MPS 34 or above will be eligible for the Rent Allowance Scheme. Under the Scheme, officers may draw a fully accountable Rent Allowance time-limited to 10 years to lease accommodation. The rate of allowance will be pegged to the prevailing Home Financing Allowance (HFA) rates. It will be fixed for an agreement officer during the period of his agreement. If the officer is offered another agreement on completion of one agreement, his Rent Allowance would be adjusted according to the prevailing HFA rates for his salary point. Those who wish to purchase a property may opt (irreversibly) to join the Home Financing Scheme instead of drawing Rent Allowance for the remainder of the 10-year period.

- 2.8 Officers below MPS 34 appointed on common P&P terms or common agreement terms may apply for the discretionary benefit of Home Purchase Scheme or Civil Service Public Housing Quota.
- 2.9 Hotel accommodation may be provided to officers recruited directly from outside Hong Kong for the first 30 nights. Additional assistance in the form of interest-free loan could be considered on application to cover rent deposits and other settlement costs.

Education Allowance

- 2.10 Cessation of overseas education allowance: No overseas education allowance and school passage would be provided.

3. Arrangements for serving officers (under previous proposals in 1994) (proposed to be modified-see para 7 of paper)

- 3.1 Serving P&P officers would not be subject to common terms, but may apply to switch over to new terms.
- 3.2 Serving agreement officers would be required to change to Common Terms in respect of their further employment, either on renewal of agreement or transfer to P&P terms. They would be allowed to retain certain existing benefits under various concessionary arrangements.

Civil Service Bureau
21 August 1998