

**For Information on
15 November 1999**

**Practices of employees of subvented organizations
in the welfare sector and
of the Hospital Authority taking up public offices**

Background

This paper provides Members with information on the practices of employees of subvented organizations in the welfare sector and of the Hospital Authority in taking up public offices.

Subvented Organization in the Welfare Sector

2. There are a total of 186 subvented organizations in the welfare sector. The Hong Kong Council of Social Services (HKCSS) which is the main co-ordinating body of non-government organizations (NGOs) in the welfare sector issued a set of guidelines, i.e. “Administrative Pointers for the Reference of Member Agencies in respect of Staff taking up Public Offices” (“Administrative Pointers”) to its member agencies (Annex).

3. The HKCSS “Administrative Pointers” is an administrative guideline for the reference of member agencies in relation to staff taking up public offices. The “Administrative Pointers” set out certain broad principles, such as agencies should specify whether permission will be given to full-time and/or part-time staff to take up public office.

4. According to the “Administrative Pointers”, welfare agencies would encourage the staff concerned to consult his/her immediate supervisor and agency head before accepting public service. The agency, if thinks fit, may require the staff to sign an undertaking regarding the obligations, performance and fulfillment of his/her normal duties towards the agency during his/her term of public office. The “Administrative Pointers” also suggest possible areas to be negotiated between agency and staff which includes leave of absence and permission to use agency premises to conduct the affairs of the public office.

5. At present, the broad of directors of a subvented organisation has the flexibility to make arrangement with their staff regarding engagement in public service. A number of the large organisations have set out guidelines in this regard. As far as adjustment of salary/benefits is concerned, the subvented

organisations including the Hong Kong Federation of Youth Group¹, do not normally deduct the salary/benefits of staff taking up public services.

6. Under the Service Performance Management System introduced by the Social Welfare Department to the welfare sector, early this year every subvented NGO is required to have a set of complaint procedures open to all staff members and service users. Staff of subvented welfare organizations can follow these complaint procedures to raise their complaints concerning engagement in public services to the board of directors. The Social Welfare Department will also look into and follow up on any complaints raised by staff of subvented organizations.

7. The Social Welfare Department agrees in principle that guidelines should be drawn up by the Department for subvented organizations in respect of the staff of these organizations taking up public offices. As the implementation of such arrangements rests with the management of individual NGOs, it is intended that the guidelines would set out broad principles which could be translated into detailed arrangements by individual organizations to best suit their needs. The Social Welfare Department will take account of the guidelines promulgated by the Hospital Authority and UGC-funded institutions when drawing up the guidelines for the welfare sector.

Hospital Authority

8. The Hospital Authority has a set of guidelines on arrangement concerning its staff who take up public services. The details of the guidelines, which applies to all Hospital Authority staff, are set out in the Human Resources Policy Manual of the Hospital Authority issued to its staff.

9. Hospital Authority employees who take up public office are required to declare the proportion of normal working hours to be spent in taking up the office. He/she is also required to obtain agreement from the Hospital Chief Executive or the Chief Executive of the Hospital Authority as appropriate, regarding the arrangement of his working hours, any corresponding changes in his salary, or if necessary, the need to take no pay leave or change the nature of his appointment with the Hospital Authority according to the current policy of the Authority.

10. If the amount of normal working hours to be taken up by the employee due to his engagement in public office is considered as substantially restraining the employees from fulfilling his/her roles and responsibilities, the employee –

(i) may have to apply for no pay leave of up to his/her tenure of public

¹ Ms Rosanna Wong is the Executive Director of the Hong Kong Federation of Youth Groups.

office; or

- (ii) may be required by Hospital Authority (if circumstances allow) to change the nature of appointment during the tenure of public office to an appropriate type of employment available under the current policy including contract employment (part-time) terms.

11. If the work of the public office is expected to take up fewer than 12 working days of official release per calendar year (subject to operational requirement), the employee may be permitted to retain 100% of the remuneration received from public services. If the work is expected to take up more than 12 working days of official release per calendar year but the amount of time involved is still considered as acceptable, in terms of the extent of which the employees is able to fulfill his/her roles and responsibility, the employee may be permitted to retain 100% of the remuneration received from public office, and his/her wages may be deducted on a pro-rated basis in accordance with the declared proportion of time to be spent in taking up public services.

12. In each hospital, staff members have the right of appeal to their supervisor's manager through to the Hospital Chief Executive. There are hence existing channels to handle complaints arising from Hospital Authority staff in relation to engagement in public services. Hospital Authority staff members who are aggrieved by management decision affecting them can bring their grievances to their supervisor or to the Head of Department or the Human Resources Section for resolution.

13 Where staff members are still aggrieved after having reached the Hospital Chief Executive, they may refer their case to the Chief Executive in the Hospital Authority Head Office. As a final resort, staff aggrieved may also lodge their appeal to the Hospital Authority Staff Appeals Subcommittee of the Human Resources Committee, an independent body outside the normal Hospital Authority operation. The Sub-committee's decision represents the Hospital Authority's decision and is final.

Health and Welfare Bureau
November 1999

THE HONG KONG COUNCIL OF SOCIAL SERVICE

Administrative Pointers for the Reference of
Member Agencies in respect of Staff Taking Public Offices

(1) Background

At the Council's 2nd Quarterly Meeting and a subsequent Agency Heads Meeting in 1988, the topic of social workers' participation in politics was discussed. There was general support for the Council to develop an administrative guideline for the reference of member agencies in regard to staff taking public offices. The main objective is to facilitate mutual understanding, expectations and obligations. Having considered the available guidelines in some of the member agencies, the Council has developed a set of administrative pointers for general reference of those concerned.

(2) Preamble

2.1 Staff of voluntary agencies, as any other citizens of Hong Kong, should be allowed to exercise their civic rights to stand for election or being nominated for appointment by Government to hold public offices as members of the District Board, the Urban or Regional Council, or the Legislative Council.

2.2 On application by an agency staff elected or appointed to serve as a member of a District Board, the Urban or Regional Council, or the Legislative Council, an agency may grant to him/her special permission to serve in those capacities. Agency policy should specify whether permission will be given to full-time and/or part-time staff and whether years of service in the agency is a factor for consideration.

(3) The Agency should encourage the staff concerned to observe the following

3.1 To consult his/her immediate superior and agency head before accepting nomination for appointment by Government.

3.2 To notify in writing his/her immediate superior and agency head before any public announcement of his/her candidacy. Any member of staff who intends to participate in any Public Elections will be required to give prior written notice to the agency head.

3.3 He/she must get prior consent of the agency before using the name of the agency in his/her election campaign.

3.4 Not to raise campaign funds from his/her own agency clients.

3.5 Not to campaign when he/she is on duty in his/her agency post.

3.6 Not to carry out his/her elected tasks and obligations while he/she is on duty in his/her agency posts.

(4) Possible Areas to be negotiated between Agency and Staff

4.1 Leave of absence, e.g. the type of leave for the purpose of

- election
- attending meetings and other duties of the Public Office during agency duty hours

4.2 Permission to use Agency premises to conduct the affairs of the Public Office.

(5) Undertaking

The Agency, if thinks fit, may require the staff to sign an undertaking regarding the obligations, performance and fulfillment of his/her normal duties towards the agency during his/her term of Public Office.