

立法會
Legislative Council

LC Paper No. CB(1)2398/01-02
(These minutes have been seen
by the Administration)

Ref : CB1/BC/12/01

**Bills Committee on
Public Officers Pay Adjustment Bill**

**Minutes of second meeting held on
Thursday, 13 June 2002 at 4:30 pm
in Conference Room A of the Legislative Council Building**

Members present : Hon Mrs Selina CHOW LIANG Shuk-ye, JP (Chairman)
Hon James TIEN Pei-chun, GBS, JP
Dr Hon David CHU Yu-lin, JP
Ir Dr Hon Raymond HO Chung-tai, JP
Hon Eric LI Ka-cheung, JP
Hon NG Leung-sing, JP
Hon Margaret NG
Hon HUI Cheung-ching, JP
Hon CHAN Kwok-keung
Hon Bernard CHAN
Hon CHAN Kam-lam
Hon LEUNG Yiu-chung
Hon Andrew WONG Wang-fat, JP
Hon Jasper TSANG Yok-sing, JP
Hon Howard YOUNG, JP
Hon YEUNG Yiu-chung, BBS
Hon LAU Chin-shek, JP
Hon Emily LAU Wai-hing, JP
Hon CHOY So-yuk
Hon TAM Yiu-chung, GBS, JP
Hon LI Fung-ying, JP
Hon Michael MAK Kwok-fung
Hon IP Kwok-him, JP
Hon Audrey EU Yuet-mee, SC, JP

Member attending : Hon CHAN Yuen-han, JP

Members absent : Hon Cyd HO Sau-lan
Hon Albert HO Chun-yan
Hon LEE Cheuk-yan
Dr Hon LUI Ming-wah, JP
Hon CHEUNG Man-kwong
Hon Mrs Sophie LEUNG LAU Yau-fun, SBS, JP
Dr Hon Philip WONG Yu-hong
Hon Abraham SHEK Lai-him, JP
Dr Hon LO Wing-lok
Hon MA Fung-kwok

Public officers attending : Mrs Jessie TING
Deputy Secretary for the Civil Service (2)

Mr Ian WINGFIELD
Law Officer (Civil Law)
Department of Justice

Mr David MORRIS
Deputy Law Draftsman
Department of Justice

Ms Angelina FUNG
Principal Assistant Secretary for the Civil Service (2)

Ms Monica LAW
Senior Assistant Law Draftsman
Department of Justice

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

Staff in attendance : Mr Jimmy MA
Legal Adviser

Miss Kitty CHENG
Assistant Legal Adviser 5

Ms Rosalind MA
Senior Assistant Secretary (1)9

I. Meeting with the Administration

The Bills Committee deliberated (Index of proceedings attached at **Appendix**).

Follow-up actions to be taken by the Administration

2. The Administration undertook to provide the following information to the Bills Committee:

- (a) To provide a paper to explain the implications of the Bill on the subvented sector with respect to the following issues:
 - (i) The subvention policy and the “no better than” principle;
 - (ii) The different categories of subvented organizations;
 - (iii) The number of subvented organizations, by category, affected by the Bill;
 - (iv) The implications of the Bill on each category of subvented organizations;
 - (v) On the Administration’s claim that the question of pay for subvented staff was generally a matter between the subvented organizations and their employees, to explain why, in previous years where there was an upward adjustment of civil service pay, the Administration sought supplementary provisions from the Legislative Council for adjusting upward the subventions accordingly; and
 - (vi) After the passage of the Bill, if some subvented organizations decided not to reduce pay of their staff, whether the Administration would recover the amount of subventions involved from the subvented organizations.
- (b) To provide an updated copy of the circular on subvention policy and principle in relation to 2(a) (i) above.

3. The Administration was requested to invite representatives of the Finance Bureau, the Education and Manpower Bureau, and the University Grants Committee Secretariat to attend the third Bills Committee meeting on Monday, 17 June 2002.

(Post-meeting note: The Administration's response was circulated to members vide LC Paper No. CB(1)2004/01-02(04) on 19 June 2002. Representatives of the Finance Bureau and the Education and Manpower Bureau attended the third and fourth Bills Committee meetings on 17 and 18 June 2002.)

Meeting schedule

4. Members noted the following meeting schedule of the Bills Committee:

Third meeting

17 June 2002 (Monday) 4:30 pm

Fourth meeting

18 June 2002 (Tuesday) 4:30 pm (meeting with deputations)

Fifth meeting

21 June 2002 (Friday) about 5:30 pm (immediately following the House Committee meeting)

Sixth meeting

22 June 2002 (Saturday) 11:00 am

(Post-meeting note: The seventh meeting of the Bills Committee was scheduled for 25 June 2002 at 4:30 pm.)

II. Any other business

5. There being no other business, the meeting ended at 7:00 pm.

Legislative Council Secretariat

2 August 2002

**Proceedings of the second meeting of the
Bills Committee on Public Officers Pay Adjustment Bill
Meeting on Thursday, 13 June 2002 at 4:30 pm
in Conference Room A of the Legislative Council Building**

Time	Speaker	Subject(s)	Action required
<i>Agenda Item I — Meeting with the Administration</i>			
000000 - 000245	Chairman	Welcoming and introductory remarks	
000245 - 000332	Mr LAU Chin-shek	Impact of the civil service pay reduction on the remuneration packages of subvented staff	
000332 - 000411	Administration	-ditto-	
000411 - 000523	Ms Audrey EU	-ditto-	
000523 - 000600	Administration	-ditto-	
000600 - 000713	Ms Audrey EU	-ditto-	
000713 - 000832	Administration	-ditto-	
000832 - 000939	Chairman	-ditto-	
000939 - 001011	Ms Audrey EU	-ditto-	
001011 - 001153	Chairman	-ditto-	
001153 - 001401	Mr Andrew WONG	-ditto-	
001401 - 001505	Chairman	-ditto-	
001505 - 001523	Miss Margaret NG	-ditto-	
001523 - 001553	Chairman	-ditto-	
001553 - 001613	Administration	To convey members' concern about the impact of the Bill on university staff to the Education and Manpower Bureau	Admin
001613 - 001956	Mr Andrew WONG	Impact of the civil service pay reduction on the remuneration packages of subvented staff	
001956 - 002253	Administration	-ditto-	
002253 - 002351	Mr Andrew WONG	-ditto-	
002351 - 002442	Administration	-ditto-	
002442 - 002513	Mr Andrew WONG	-ditto-	
002513 - 002538	Chairman	Request the Administration to provide information in response to members' concern about impact of the Bill on the	Admin

Time	Speaker	Subject(s)	Action required
		subvented sector	
002538 - 002750	Miss Margaret NG	Impact of the civil service pay reduction on the remuneration packages of subvented staff	
002750 - 003006	Administration	-ditto-	
003006 - 003140	Miss Margaret NG	-ditto-	
003140 - 003325	Administration	To provide an updated copy of the circular on subvention policy and principle	Admin
003325 - 003433	Chairman	Impact of the civil service pay reduction on the remuneration packages of subvented staff	
003433 - 003452	Miss Margaret NG	-ditto-	
003452 - 003500	Administration	-ditto-	
003500 - 003532	Miss Margaret NG	-ditto-	
003532 - 003601	Administration	-ditto-	
003601 - 003620	Miss Margaret NG	-ditto-	
003620 - 003715	Chairman	-ditto-	
003715 - 003830	Mr Andrew WONG	Justifications for implementing pay reduction through legislation	
003830 - 004554	Administration	-ditto-	
004554 - 004752	Mr LEUNG Yiu-chung	Whether the implementation of civil service pay reduction by legislation would deprive civil servants' right under their employment contracts	
004752 - 004949	Administration	-ditto-	
004949 - 005201	Mr Howard YOUNG	Impact of the civil service pay reduction on the remuneration packages of subvented staff	
005201 - 005419	Administration	-ditto-	
005419 - 005449	Mr Howard YOUNG	-ditto-	
005449 - 005538	Administration	-ditto-	
005538 - 005825	Mr IP Kwok-him	Inclusion of an express provision in the Memorandum on Conditions of Service (MOCS) to enable the Administration to implement pay reduction	
005825 - 010031	Administration	-ditto-	

Time	Speaker	Subject(s)	Action required
010031 - 010202	Mr IP Kwok-him	Inclusion of an express provision in MOCS to enable the Administration to implement pay reduction	
010202 - 010316	Administration	-ditto-	
010316 - 010333	Chairman	-ditto-	
010333 - 010445	Mr IP Kwok-him	Legal basis for the Administration to implement pay reduction unilaterally	
010445 - 010529	Administration	-ditto-	
010529 - 010555	Miss CHAN Yuen-han	Whether the implementation of civil service pay reduction by legislation would deprive civil servants of the right to claim for compensation, damages or other relief	
010555 - 010621	Administration	-ditto-	
010621 - 010637	Miss CHAN Yuen-han	-ditto-	
010637 - 010753	Administration	-ditto-	
010753 - 010813	Miss CHAN Yuen-han	-ditto-	
010813 - 010842	Administration	-ditto-	
010842 - 010945	Miss CHAN Yuen-han	-ditto-	
010945 - 011000	Administration	-ditto-	
011000 - 011018	Miss CHAN Yuen-han	-ditto-	
011018 - 011048	Administration	-ditto-	
011048 - 011057	Chairman	-ditto-	
011057 - 011114	Administration	-ditto-	
011114 - 011157	Miss CHAN Yuen-han	-ditto-	
011157 - 011321	Administration	-ditto-	
011321 - 011411	Miss CHAN Yuen-han	Whether the decision of pay reduction was made in accordance with the existing pay adjustment mechanism	
011411 - 011805	Administration	-ditto-	
011805 - 011904	Mr HUI Cheung-ching	Justifications for implementing pay reduction through legislation and reasons for excluding judges and judicial officers from the application of the Bill	

Time	Speaker	Subject(s)	Action required
011904 - 012203	Administration	Justifications for implementing pay reduction through legislation and reasons for excluding judges and judicial officers from the application of the Bill	
012203 - 012239	Mr HUI Cheung-ching	Reasons for excluding judges and judicial officers from the application of the Bill	
012239 - 012322	Administration	-ditto-	
012322 - 012352	Chairman	-ditto-	
012352 - 012415	Administration	-ditto-	
012415 - 012427	Miss Margaret NG	-ditto-	
012427 - 012630	Mr Eric LI	Impact of the civil service pay reduction on the remuneration packages of subvented staff	
012630 - 012721	Chairman	-ditto-	
012721 - 012859	Administration	-ditto-	
012859 - 012939	Chairman	-ditto-	
012939 - 013145	Mr James TIEN	Proposal to introduce a general enabling legislation on civil service pay adjustment mechanism to provide the legal framework for implementing upward and downward pay adjustments	
013145 - 013237	Administration	-ditto-	
013237 - 013308	Mr James TIEN	-ditto-	
013308 - 013344	Ms Emily LAU	Justifications for implementing pay reduction through legislation	
013344 - 013414	Administration	-ditto-	
013414 - 013604	Ms Emily LAU	Legal basis for the Administration to implement pay reduction unilaterally	
013604 - 013708	Administration	-ditto-	
013708 - 013927	Ms Emily LAU	Other means to implement pay reduction	
013927 - 014019	Administration	-ditto-	
014019 - 014120	Ms Emily LAU	-ditto-	

Time	Speaker	Subject(s)	Action required
014120 - 014239	Administration	Other means to implement pay reduction	
014239 - 014408	Ms Emily LAU	Legal basis for the Administration to implement pay reduction unilaterally	
014408 - 014722	Administration	-ditto-	
014722 - 014744	Ms Emily LAU	-ditto-	
014744 - 015107	LA	-ditto-	
015107 - 015127	Ms Emily LAU	-ditto-	
015127 - 015208	Administration	-ditto-	
015208 - 015436	Dr Raymond HO	Pay disputes to be settled through existing or improved pay adjustment mechanism and impact of unilateral pay reduction on staff morale	
015436 - 015650	Administration	-ditto-	
015650 - 015842	Dr Raymond HO	Legal advice on implementation of pay reduction and impact of unilateral pay reduction on staff morale	
015842 - 020143	Administration	-ditto-	
020143 - 020205	Chairman	-ditto-	
020205 - 020954	Mr Andrew WONG	(a) Proposal to introduce a general enabling legislation on civil service pay adjustment mechanism to provide the legal framework for implementing upward and downward pay adjustments (b) Impact of civil service pay reduction on subvented organizations	
020954 - 021137	Miss Margaret NG	Legal basis for the Administration to implement pay reduction unilaterally	
021137 - 021432	Mr Eric LI	Justifications for implementing pay reduction through legislation	

Time	Speaker	Subject(s)	Action required
021432 - 021938	Administration	(a) Proposal to introduce a general enabling legislation on civil service pay adjustment mechanism to provide the legal framework for implementing upward and downward pay adjustments (b) Impact of civil service pay reduction on subvented organizations	
021938 - 022005	Chairman	Whether the decision of pay reduction was made in accordance with the existing pay adjustment mechanism	
022005 - 022613	Administration	-ditto-	
022613 - 022626	Chairman	-ditto-	
022626 - 022653	Mr Andrew WONG	Role of the Legislature	
022653 - 022817	Chairman	Meeting schedule	

Note: The audio records of the above proceedings are kept at the Legislative Council Library

Legislative Council Secretariat

2 August 2002