

立法會
Legislative Council

LC Paper No. CB(1)2528/02-03
(These minutes have been seen
by the Administration)

Ref : CB1/BC/13/02

**Bills Committee on
Public Officers Pay Adjustments (2004/2005) Bill**

**Minutes of second meeting held on
Wednesday, 17 September 2003 at 2:30 pm
in the Chamber of the Legislative Council Building**

Members present : Hon TAM Yiu-chung, GBS, JP (Chairman)
Hon Cyd HO Sau-lan
Ir Dr Hon Raymond HO Chung-tai, JP
Hon LEE Cheuk-yan
Hon NG Leung-sing, JP
Hon Margaret NG
Hon CHEUNG Man-kwong
Hon HUI Cheung-ching, JP
Hon CHAN Kwok-keung, JP
Hon Andrew WONG Wang-fat, JP
Hon Howard YOUNG, SBS, JP
Hon YEUNG Yiu-chung, BBS
Hon LI Fung-ying, JP
Hon Michael MAK Kwok-fung
Hon LEUNG Fu-wah, MH, JP
Dr Hon LO Wing-lok, JP
Hon Audrey EU Yuet-mee, SC, JP

Members absent : Dr Hon David CHU Yu-lin, JP
Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP
Hon Bernard CHAN, JP
Hon Jasper TSANG Yok-sing, GBS, JP
Hon Emily LAU Wai-hing, JP

**Public officers
attending**

: Mrs Jessie TING, JP
Deputy Secretary for the Civil Service (2)

Mr Ian WINGFIELD, GBS, JP
Law Officer
Department of Justice

Mr Eddie MAK
Principal Assistant Secretary for the Civil Service
(Pay & Leave)

Ms Betty CHEUNG
Senior Government Counsel
Department of Justice

**Attendance by
invitation**

: Disciplined Services Consultative Council (Staff Side)

Mr KWAN Leung-wah
Chairman

Mr NGAI Sik-shui
Representative

Police Force Council (Staff Side)

Mr LIU Kit-ming
Chairman
Local Inspectors' Association

Mr LAU Kam-wah
Chairman
Junior Police Officers' Association

Hong Kong Civil Servants General Union

Mr Felix CHEUNG
Chairman

Mr YAU Yan-hung
Vice-Chairman

Government Model Scale I Staff General Union

Mr IP Yum-tak
Chairman

Mr WONG Wah-hing
Vice-Chairman

Government Disciplined Services General Union

Mr CHIU See-wai
Chairman

Mr LAM Kwok-ho
Vice-Chairman

Hong Kong Federation of Civil Service Unions

Mr LEUNG Chau-ting
Chairman

Hong Kong Confederation of Trade Unions

Mr KWOK Kam-lam
Organizing Secretary

Mr MAN Yui-kwong
Exco-member

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

Staff in attendance : Miss Kitty CHENG
Assistant Legal Adviser 5

Ms Rosalind MA
Senior Assistant Secretary (1)8

I. Meeting with deputations and the Administration

- (LC Paper No. CB(1)2427/02-03(01) — Submission from Disciplined Services Consultative Council (Staff Side)
- LC Paper No. CB(1)2427/02-03(02) — Submission from Hong Kong Civil Servants General Union
- LC Paper No. CB(1)2474/02-03(02) — Written views of Hong Kong Civil Servants General Union on the response of the Administration to its written submission
- LC Paper No. CB(1)2474/02-03(03) — Statement dated 21 February 2003 issued by Hong Kong Civil Servants General Union
- LC Paper No. CB(1)2474/02-03(04) — Submission from Government Model Scale I Staff General Union
- LC Paper No. CB(1)2427/02-03(03) — Submission from Government Disciplined Services General Union
- LC Paper No. CB(1)2427/02-03(04) — Submission from Hong Kong Confederation of Trade Unions
- LC Paper No. CB(1)2427/02-03(05) — Submission from Hong Kong Bar Association
- LC Paper No. CB(1)2427/02-03(06) — Submission from Senior Non-expatriate Officers Association
- LC Paper No. CB(1)980/02-03(01) — Submission dated 21 February 2003 from Hong Kong Chinese Civil Servants' Association on 2003 Civil Service Pay Adjustment
- LC Paper No. CB(1)999/02-03(01) — Press release dated 25 February 2003 by Hong Kong Chinese Civil Servants' Association on 2003 Civil Service Pay

Action

- 5 -

Adjustment

- LC Paper No. CB(1)2455/02-03(01) — Response of the Administration to the written submission from Hong Kong Bar Association
- LC Paper No. CB(1)2455/02-03(02) — Response of the Administration to the written submission from Government Disciplined Services General Union
- LC Paper No. CB(1)2455/02-03(03) — Response of the Administration to the written submission from Disciplined Services Consultative Council (Staff Side)
- LC Paper No. CB(1)2455/02-03(04) — Response of the Administration to the written submission from Hong Kong Civil Servants General Union
- LC Paper No. CB(1)2474/02-03(01) — Response of the Administration to the written submission from Hong Kong Confederation of Trade Unions
- LC Paper No. CB(1)2427/02-03(07) — “Summary of submissions” prepared by the Legislative Council Secretariat
- LC Paper No. CB(1)2427/02-03(11) — Letter dated 22 August 2003 from the Assistant Legal Adviser to the Administration
- LC Paper No. CB(1)2427/02-03(12) — Reply dated 4 September 2003 from the Administration to the Assistant Legal Adviser
- LC Paper No. CB(1)2455/02-03(05) — Paper prepared by the Assistant Legal Adviser on “Clause 14 of the Public Officers Pay Adjustments (2004/2005) Bill”)

The Bills Committee noted the following papers tabled at the meeting:

- (a) Replacement sheet to rectify a typing error in paragraph 10 of the “Response of the Administration to the written submission from Hong Kong Civil Servants General Union (HKCSGU)”;
- (b) Response of the Administration to the written submission from the Hong Kong Confederation of Trade Unions;
- (c) Written views of HKCSGU on the response of the Administration to its written submission;
- (d) Statement dated 21 February 2003 issued by HKCSGU; and
- (e) Written submission from the Government Model Scale I Staff General Union.

(Post-meeting note: The papers tabled at the meeting were issued to members vide LC Paper No. CB(1)2474/02-03 on 18 September 2003.)

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

Follow-up actions to be taken by the Administration

- Admin 3. At the request of the Bills Committee, the Administration agreed to take the following actions:

- (a) To consider how the drafting of clauses 14 and 15 could be improved to address the concerns of civil service unions on the implications of these two clauses on future pay adjustments;
- (b) In relation to the judgement handed down by the Court of First Instance on 10 June 2003, which ruled in favour of the Administration by dismissing the two applications for judicial review launched against it in respect of the Public Officers Pay Adjustment Ordinance (Cap. 574), to provide a paper to brief the Bills Committee on the following issues:
 - (i) the gist of the court judgement, including the court’s interpretation of the restriction imposed by the Basic Law on civil service pay reduction;
 - (ii) the implications of the court judgement on civil service pay adjustments; and
 - (iii) the need for the current Bill in the light of the court judgement;and
- (c) To provide information on the number of civil servants who had been

serving since before 1 July 1997. The HKCSGU opined that the pay levels of this category of civil servants should not be further reduced after the proposed pay reductions in 2004 and 2005 in view of Article 100 of the Basic Law.

Follow-up actions to be taken by the Assistant Legal Adviser

- ALA5 4. At the request of the Bills Committee, Assistant Legal Adviser 5 agreed to provide analysis on the issues in paragraph 3(b) above.

Dates of next two meetings

5. The Bills Committee agreed on the dates of the third and fourth meetings as follows:
- (a) Third meeting to be held on Friday, 10 October 2003 at 8:30 am; and
 - (b) Fourth meeting to be held on Friday, 24 October 2003 at 8:30 am.

II. Any other business

6. There being no other business, the meeting ended at 4:40 pm.

Council Business Division 1
Legislative Council Secretariat
30 September 2003

**Proceedings of the second meeting of the
Bills Committee on Public Officers Pay Adjustments (2004/2005) Bill
on Wednesday, 17 September 2003 at 2:30 pm
in the Chamber of the Legislative Council Building**

Time	Speaker	Subject(s)	Action required
000000-000422	Chairman	Welcoming and introductory remarks	
000423-000510	Disciplined Services Consultative Council (Staff Side) (DSCC(SS))	Presentation by Mr KWAN Leung-wah	
000511-000640	Police Force Council (Staff Side) (PFC (SS))	Presentation by Mr LIU Kit-ming	
000641-001513	Hong Kong Civil Servants General Union (HKCSGU)	Presentation by Mr Felix CHEUNG	
001514-001557	Chairman	Written submission from Government Model Scale I Staff General Union tabled at the meeting	
001558-001933	Government Disciplined Services General Union (GDSGU)	Presentation by Mr CHIU See-wai	
001934-002348	Hong Kong Federation of Civil Service Unions (HKFCSU)	Presentation by Mr LEUNG Chau-ting	
002349-002823	Hong Kong Confederation of Trade Unions (HKCTU)	Presentation by Mr KWOK Kam-lam	
002824-005040	Administration	Brief response by the Administration	

Time	Speaker	Subject(s)	Action required
005041-005537	Mr Howard YOUNG HKCSGU	(a) Implications of clauses 14 and 15 on future civil service pay adjustments (b) Alternative means to the legislative approach to implement future civil service pay adjustments	
005538-010637	Mr LEE Cheuk-yan Administration	(a) Justifications for introducing a piece of one-off legislation to implement the pay reduction decision instead of a general enabling legislation on civil service pay adjustment mechanism, providing the legal framework for implementing upward and downward pay adjustments (b) Progress of the establishment of an improved civil service pay adjustment mechanism (c) Implications of clauses 14 and 15 on future civil service pay adjustments	
010638-011437	Mr LEE Cheuk-yan HKCSGU HKFCSU Administration	(a) Progress of the establishment of an improved civil service pay adjustment mechanism (b) The need and appropriateness of implementing civil service	

Time	Speaker	Subject(s)	Action required
		pay reduction by legislation	
011438-011620	Chairman Administration	Amendments to clauses 14 and 15 proposed by HKCSGU	
011621-012550	Ms LI Fung-ying Chairman Administration	(a) How the drafting of clauses 14 and 15 could be improved to address the concerns of civil service unions on the implications of these two clauses on future pay adjustments (b) Justifications for excluding judicial officers from the application of the Bill	Administration to take follow up action as requested under paragraph 3(a) of the minutes
012551-013055	Mr CHEUNG Man-kwong Assistant Legal Adviser	(a) Implications of clauses 14 and 15 on future civil service pay adjustments (b) Amendments to clauses 14 and 15 proposed by HKCSGU	
013056-013627	Mr CHEUNG Man-kwong Administration	Establishment of an improved civil service pay adjustment mechanism and schedule for completion of the related work	
013628-014415	Mr Michael MAK HKCSGU	(a) How the drafting of clauses 14 and 15 could be improved to address the concerns of civil service unions on the implications of these two clauses on future pay adjustments	

Time	Speaker	Subject(s)	Action required
		<p>(b) Impacts of excluding judicial officers from the application of the Bill on cooperation between judicial officers and other civil servants</p> <p>(c) Alternative means to the legislative approach to implement civil service pay adjustments</p>	
014416-015023	Mr HUI Cheung-ching Administration	Implementation of future pay adjustments for civil servants who had been in service since before 1 July 1997 under the improved civil service pay adjustment mechanism and the number of civil servants under this category	Administration to provide the requested information under paragraph 3(c) of the minutes
015024-015655	Ms Cyd HO PCF(SS) Administration	<p>(a) Need for timely establishment of an improved civil service pay adjustment mechanism and schedule for establishment of the mechanism</p> <p>(b) Protection afforded by the Basic Law with regard to the pay and fringe benefits of civil servants to be considered in terms of purchasing power in addition to dollar value</p> <p>(c) Legal implications of deleting clauses 14 and 15 from the Bill</p>	

Time	Speaker	Subject(s)	Action required
015656-015720	Ms Margaret NG	Declared interest for having provided legal advice to civil service unions on issues involved in the Bill	
015721-020008	Ms Margaret NG Chairman	(a) Need for implementing civil service pay reduction by legislation (b) Implications of the judgement by the Court of First Instance on Cap. 574 on civil service pay adjustments	Assistant Legal Adviser 5 to provide the required information under paragraph 4 of the minutes
020009-020303	HKCTU	(a) Magnitude of pay reduction under the Bill (b) Proposed deletion of clause 14 to address concerns of civil service unions on its implications on future pay adjustments (c) Alternative means to the legislative approach to implement civil service pay adjustments	
020304-020506	PFC(SS)	(a) Exclusion of judicial officers from the application of the Bill and impacts of the exclusion on cooperation between judicial officers and other civil servants (b) Alternative means to the legislative approach to implement civil service pay adjustments	

Time	Speaker	Subject(s)	Action required
020507-020535	HKCSGU	Number of civil servants who had been in service since before 1 July 1997	
020536-020552	Ms Margaret NG	Implications of the judgement by the Court of First Instance on Cap. 574 on civil service pay adjustments	Administration to provide the required information under paragraph 3(b) of the minutes
020553-020818	Chairman	Dates of the third and fourth meetings	

Council Business Division 1
Legislative Council Secretariat
30 September 2003