

立法會
Legislative Council

LC Paper No. CB(1)355/03-04
(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 fifth meeting held on
Friday, 7 November 2003 at 8:30 am
in Conference Room A of the Legislative Council Building**

Members present : Hon TAM Yiu-chung, GBS, JP (Chairman)
Hon LEE Cheuk-yan
Hon NG Leung-sing, JP
Hon Margaret NG
Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP
Hon CHEUNG Man-kwong
Hon HUI Cheung-ching, JP
Hon CHAN Kwok-keung, JP
Hon Bernard CHAN, JP
Hon Jasper TSANG Yok-sing, GBS, JP
Hon Howard YOUNG, SBS, JP
Hon LI Fung-ying, JP
Hon Michael MAK Kwok-fung
Hon LEUNG Fu-wah, MH, JP
Hon Audrey EU Yuet-mee, SC, JP

Members absent : Dr Hon David CHU Yu-lin, JP
Hon Cyd HO Sau-lan
Ir Dr Hon Raymond HO Chung-tai, JP
Hon Andrew WONG Wang-fat, JP
Hon YEUNG Yiu-chung, BBS
Hon Emily LAU Wai-hing, JP
Dr Hon LO Wing-lok, 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 David MORRIS
Deputy Law Draftsman
Department of Justice

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

Ms Betty CHEUNG
Senior Government Counsel
Department of Justice

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. Confirmation of minutes of meeting
(LC Paper No. CB(1)248/03-04 — Minutes of fourth meeting held
on 24 October 2003)

The minutes of the meeting held on 24 October 2003 were confirmed.

II. Meeting with the Administration

- (LC Paper No. CB(1)247/03-04(01) — “Follow-up to the fourth meeting on 24 October 2003” prepared by the Legislative Council Secretariat
- LC Paper No. CB(1)247/03-04(02) — Letter dated 4 November 2003 from the Administration on “Follow-up to the meeting on 24 October 2003”
- LC Paper No. CB(1)180/03-04(01) — Submission dated 24 October 2003 from the Hong Kong Bar Association
- LC Paper No. CB(1)247/03-04(03) — Response of the Administration to the further submission dated 24 October 2003 from the Hong Kong Bar Association
- LC Paper No. CB(1)247/03-04(04) — Letter dated 4 November 2003 from Hon Margaret NG on Clause 3(1)(b)(i)(A)
- LC Paper No. CB(1)247/03-04(07) — Response of the Administration to the letter dated 4 November 2003 from Hon Margaret NG on Clause 3(1)(b)(i)(A)
- LC Paper No. CB(1)247/03-04(08) — Letter dated 5 November 2003 from Hon Michael MAK Kwok-fung on Clause 6
- LC Paper No. CB(3)648/02-03 — The Bill
- LC Paper No. CB(1)2116/02-03(03) — A comparison table on the provisions of the Bill and the provisions of the Public Officers Pay Adjustment Ordinance (Cap. 574) provided by the Administration
- LC Paper No. CB(1)125/03-04(03) — Letter dated 21 October 2003 from the Assistant Legal Adviser to the Administration

LC Paper No. CB(1)247/03-04(05) — Reply dated 3 November 2003 from the Administration to the Assistant Legal Adviser

LC Paper No. CB(1)247/03-04(06) — Proposed Committee Stage amendments provided by the Administration)

2. The Bills Committee noted the following paper tabled at the meeting:

- Response of the Administration to the letter dated 5 November 2003 from Hon Michael MAK on clause 6

(Post-meeting note: The paper tabled at the meeting was issued to members vide LC Paper No. CB(1)290/03-04(01) on 7 November 2003.)

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

4. The Bills Committee completed examination of the Bill clause-by-clause and the draft Committee Stage Amendments (CSAs) proposed by the Administration. Members had no comments on the proposed CSAs to clauses 3(1)(b)(i), 14, 15 and schedules 1 and 6. As regards the proposed CSA to clause 3(1)(b)(ii), the Bills Committee noted that it was made by the Administration in response to the concerns of the Hong Kong Bar Association (the Bar) and Miss Margaret NG in their submissions dated 24 October 2003 and 4 November 2003 respectively (LC Paper Nos. CB(1)180/03-03(01) and 247/03-04(04)). Miss Margaret NG said that she would examine the propriety of the proposed CSA further and consider whether she would move CSAs to the subclause. The Chairman also directed the Clerk to seek the views of the Bar on the proposed CSA.

(Post-meeting note: A letter was issued to the Hong Kong Bar Association on 7 November 2003 to seek its views on the proposed CSA to clause 3(1)(b)(ii).)

Way forward

5. The Bills Committee agreed that subject to any further views from Miss Margaret NG or the Bar on the proposed CSA to clause 3(1)(b)(ii), a report be presented to the House Committee by the end of November 2003. In this connection, members noted the following key dates:

Date for Bills Committee to report to House Committee	Date of resumption of Second Reading Debate on the Bill
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21 November 2003	3 December 2003
28 November 2003	10 December 2003

III. Any other business

6. There being no other business, the meeting ended at 10:15 am.

Council Business Division 1
Legislative Council Secretariat
18 November 2003

**Proceedings of the fifth meeting of the
Bills Committee on Public Officers Pay Adjustments (2004/2005) Bill
on Friday, 7 November 2003 at 8:30 am
in Conference Room A of the Legislative Council Building**

Time	Speaker	Subject(s)	Action required
Agenda Item I - Confirmation of minutes of meeting			
000000-000039	Chairman	Confirmation of minutes of meeting on 24 October 2003	
Agenda Item II - Meeting with the Administration			
<i>Part A: Matters arising from the fourth meeting on 24 October 2003</i>			
000039-001317	Chairman Miss Margaret NG Administration	(a) Proposed CSA to clause 3(1)(b)(ii) (LC Paper No. CB(1)247/03-04(06)) (b) Whether provisions of the Bill served to exclude all judicial officers from the application of the Bill	Clerk to take follow-up action as required under paragraph 4 of minutes
001318-002631	Chairman Administration	Briefing by the Administration on the following issues: (a) List of Judicial Officers specified in schedule 1 of the Judicial Officers Recommendation Commission Ordinance (Cap. 92) (Annex A to LC Paper No. CB(1)247/03-04(02)) (b) Information on the	

Time	Speaker	Subject(s)	Action required
		adjustment of the Hospital Authority (HA) pay scales applicable to civil servants serving in HA (clause 6 and schedule 3) (Annex B to LC Paper No. CB(1)247/03-04(02))	
002632-002745	Chairman Administration	Source of authority for the Government to create and adjust the HA pay scales applicable to civil servants serving in HA (Annex B to LC Paper No. CB(1)247/03-04(02))	
002746-003214	Chairman Mr Michael MAK Assistant Legal Adviser Administration	(a) Response of the Administration to the letter dated 5 November 2003 from Hon Michael MAK on clause 6 (LC Paper No. CB(1)290/03-04(01)) (b) Administration's confirmation that there was clear provision in the Bill for the pay adjustments of civil servants serving in HA on civil service pay scales (clause 4 provided for the adjustment of pay of these civil servants)	
003215-004141	Chairman Administration	Briefing by the Administration on its response to members' concern about the adjustment of pay of certain public	

Time	Speaker	Subject(s)	Action required
		officers who were not civil servants or ICAC officers (clause 11) (Annex C to LC Paper No. CB(1)247/03-04(02))	
004142-004458	Mr CHEUNG Man-kwong Administration	Adjustment of pay of public officers who were outside the scope of application of the Bill	
004459-004805	Ms LI Fung-ying Chairman Administration	Propriety of examples of public officers who were not subject to the pay reduction decision to be implemented through the Bill (Paragraph 4(b) of Annex C to LC Paper No. CB(1)247/03-04(02))	
004806-004950	Chairman Administration	Briefing by the Administration on the adjustment of salary of the Director of Audit (clause 12) (Item 4 of LC Paper No. CB(1)247/03-04(02))	
<i>Part B: Clause-by-clause examination of the Bill</i>			
004951-005512	Chairman Administration	Briefing by the Administration on clause 13	
005513-005817	Chairman Administration Assistant Legal Adviser	Proposed CSAs to clause 14 (LC Paper No. CB(1)247/03-04(06))	
005818-005933	Chairman Administration Assistant Legal Adviser	Proposed CSA to clause 15 (LC Paper No. CB(1)247/03-04(06))	
005934-010219	Chairman Administration	Briefing by the Administration on the	

Time	Speaker	Subject(s)	Action required
		proposed CSAs to schedule 1 (LC Paper No. CB(1)247/03-04(06))	
010220-011006	Chairman Administration	Briefing by the Administration on schedules 2, 3 and 4	
011007-011600	Mr CHEUNG Man-kwong Administration Chairman	Adjustment of pay of civil servants on delinked starting salary (clause 7 and schedule 4)	
011601-012835	Mr CHEUNG Man-kwong Chairman Administration	<p>(a) Administration's assurance that the Bill was able to cover all different categories of relevant public officers, and that various bureaux and departments had been consulted</p> <p>(b) In connection with (a) above, whether there was a need to add a provision to the Bill to cater for any omissions</p> <p>(c) Administration's view that the addition of the proposed provision mentioned in (b) above might give rise to ambiguity in the scope of the Bill and staff concern</p>	
012836-013000	Chairman Administration	Briefing by the Administration on schedule 5	

Time	Speaker	Subject(s)	Action required
013001-013120	Chairman Administration	Briefing by the Administration on proposed CSAs to schedule 6 (LC Paper No. CB(1)247/03-04(06))	
013121-013901	Chairman Administration Assistant Legal Adviser	Response of the Administration to comments of the Assistant Legal Adviser on the Chinese text of clause 3 (LC Paper No. CB(1)247/03-04(05))	
013902-014145	Chairman	Tentative dates for the Bills Committee to report to the House Committee and for resumption of the Second Reading debate on the Bill	