

二零零六年一月十六日會議  
參考資料

## 立法會公務員及資助機構員工事務委員會

### 附帶福利性質的公務員津貼檢討

#### 目的

本文件向委員簡介當局檢討附帶福利性質的公務員津貼的最新進展。

#### 背景

2. 現時，公務員制度中存在不同的津貼項目，該等津貼推出的時間各異，適用於按不同條款受聘的公務員。其中，部分津貼屬附帶福利性質的津貼，部分則屬與執行職務有關的津貼。二零零四至零五年度，政府在發放上述津貼方面的實際開支為 54.11 億元，其中約有 80% (42.73 億元)為發放各項附帶福利性質津貼的開支。

3. 經多年實施後，部分向公務員提供的津貼已不合時宜，與現代化的公務員隊伍格格不入。儘管我們已大幅收緊提供予新入職人員的各項附帶福利，但政府繼續向現職公務員提供一些不合時宜的附帶福利，已引起公眾、傳媒和立法會的批評。近年來，鑑於政府財政緊絀，相關的批評也愈加尖銳。

4. 鑑於各界的關注，我們承諾全面檢討公務員附帶福利性質津貼。是項檢討的目標，旨在尋求方法進一步改善發放津貼的安排；加強控制政府在這些津貼方面的開支，並達至實質減省；以及研究如何提高管理這些津貼的效率。在推展有關檢討工作時，我們會恪守合法、合情、合理的原則。

5. 二零零五年九月二十二日，政府發表諮詢文件，就經修訂的修改建議徵詢員工意見，並在同日把諮詢文件的副本送交委員備考（詳見立法會 CB(1)2298/04-05 號文件）。在制定有關的修訂建議時，我們已考慮了所有相關因素，包括終審法院就薪酬調整條例案件所作判決而確立的法律原則、第一階段諮詢所得的員工意見，以及檢討的政策目標。在檢討有關津貼時，我們已力求在各方面取得平衡，既顧及公務員的利益，又令公務員的管理與時並進，同時達至政府開支有所減省。

6. 有關諮詢在二零零五年十一月二十一日結束。其間，我們接獲由個別員工和員工協會提交共 28 份意見書。意見書概覽載於**附件 I**。

## **員工及公眾意見**

### **員工的普遍意見**

7. 根據我們的評估，除個別意見外，公務員一般都認為最新一套修改建議溫和可取。員工大多認為當前的建議回應了他們在第一階段諮詢所表達的關注。公務員尤其歡迎當局保留教育津貼及房屋津貼等主要福利。

8. 中央評議會方面，高級公務員評議會屬下的員工協會普遍認為有關建議溫和及可以接受。香港高級公務員協會對於當局在最新一套建議中採納了職方在第一階段諮詢所表達的多項意見，表示歡迎。該會並同意當局已在確保公務員管理與時並進及保障公務員在《基本法》下可享的合法權益之間，謹慎地取得平衡。香港政府華員會認為當局的方案吻合該會的建議，可予接納。香港海外公務員協會認為雖然目前的修改建議較原先的方案已有所改善，但它們仍有損公務員受合約保障的福利，因而屬不合法及不可接受。紀律部隊評議會要求當局進一步闡釋修改方案的法律理據以釋除員工的疑慮。警察評議會職方指建議大幅減低警務人員的現有服務條件，是不合法、不公平及不恰當的。儘管其中一個員工協會認為目前的建議較原先的方案溫和，警察評議會職方對於各項建議仍持反對立場。第一標準薪級公務員評議會至今都未有就我們的建議提出任何書面意見。從傳媒報道可知，其他各個員工組織對建議方案的評價一般均屬正面。

### **公眾意見**

9. 我們的修改建議引起了傳媒廣泛報道及評論。11 份報章均在其社論中評述了我們的修改建議。大體上，傳媒如實報道了有關建議的內容和各項津貼的歷史背景，以及是次檢討在法律上所受的限制。不少社論均指出，從公務員的角度來看，建議的方案屬溫和可取；其中一些認為這套方案是公務員體制改革向前邁進了一步。雖然有意見要求進一步改善津貼的發放或予以削減，但從報章的報道可見，大部分的意見均屬正面，認為是次檢討能確保公務員隊伍與時並進，減省公共開支。

### **員工意見書所提出的法律考慮因素**

10. 提交意見的員工中，許多均對修改建議的法律依據表示關注。我們再次強調，政府在進行津貼檢討時會恪守合法、合情、合理的原則。律政司認為，在《基本法》(包括第一百條)及政府與公務員的合約安排下，公務員(包括一九九七年七月一日前任職政府的人員)的服務條件是可予更改的，儘管修改的範圍並非沒有限制。值得留意的，

是所有公務員(包括一九九七年七月一日前任職政府的人員)在受聘時，均獲當局發出一份《服務條件說明書》(說明書)。這些說明書內均載有一項標準的更改條款，政府藉該條款保留權利在其認為有需要時，修改有關人員的聘用條款及／或服務條件。(實際上，我們的任何修改建議，均是在廣泛諮詢員工後才提出的，並在充分考慮員工意見後，方作出最終決定。)因此，在考慮《基本法》第一百條中“不低於原來標準”這字眼時，亦須考慮所有在一九九七年七月一日前訂立的聘用條款，包括說明書所載的單方面更改條款。

11. 根據終審法院就薪酬調整條例案件所作判決而確立的法律原則，《基本法》第一百條並未禁止或限制修改在一九九七年七月一日前受聘的公職人員的薪酬、津貼、福利或服務條件，除非修改後的待遇低於在該日前可享的待遇。換言之，在一九九七年七月一日前根據法規或單方面更改條款所容許作出的修改，只要符合“不低於原來標準”的準則，便可予以實施。

12. 我們在已確立的法律原則下，考慮附帶福利可供修改的範圍，並認為當局是次檢討提出的一套修改建議是合法的。

13. 部分員工認為，是次檢討所涵蓋的津貼應稱為“服務條件”而非附帶福利。我們強調，政府無意透過是次檢討，改變向個別公務員提供的津貼的性質，不論該等津貼的性質屬服務條件或酌情發放的福利。舉例來說，船費是合資格人員可享的服務條件，這是無庸置疑的。度假旅費津貼和部分其他津貼都同屬此類別。使用“附帶福利”這字眼，乃指是次檢討所涵蓋的各項津貼，其發放準則一般包括個別人員的聘用條款、職級、薪點和其他申領資格等。事實上，“附帶福利”一詞亦見於不同版本的《服務條件說明書》內，而《服務條件說明書》屬於政府與公務員之間的合約安排的一部分。這些津貼有別於一般按工作要求發放的津貼(例如各項工作相關津貼及與執行職務有關的津貼，如輪班工作津貼和逾時工作津貼等)。

### ***對個別建議所提出的意見***

14. 就個別的修改建議而言，直接受建議影響的部分員工，特別關注有關修改建議對他們可能產生的影響，這是可以理解的。然而，大部分意見都涉及修改建議的技術細則(例如學生旅費津貼應容許每年兩次還是三次旅程)，這些意見不應影響津貼檢討的基本理據。

15. 我們擬備了就個別建議接獲的意見摘要和當局的初步回應(載於**附件 II**)，方便委員參考。當局所收到並經有關員工或公務員協會同意披露的意見書，載於**附件 III**。

## 未來工作

16. 我們已將在諮詢期內接獲的意見書及當局對這些意見書的初步回應提交各個公務員薪俸及服務條件諮詢組織，徵詢他們的意見。經考慮所接獲的意見、諮詢組織的看法，以及所有相關因素後，我們會制定最終的建議方案，並在取得所需的立法會財務委員會的許可後，予以實施。我們的目標是在二零零六年盡早實施有關的修改措施。

公務員事務局  
二零零六年一月

## 員工意見書概覽

### (A) 接獲的意見書數目：28<sup>1</sup>份

- (i) 團體意見書：12份
- (ii) 個人意見書：15份(包括11名公務員和4份不具名意見書<sup>2</sup>)

### (B) 團體意見書

- (i) 公務員團體
  - 1. 香港高級公務員協會
  - 2. 香港政府華員會
  - 3. 香港海外公務員協會
  - 4. 紀律部隊評議會(職方)
  - 5. 警司協會
  - 6. 香港警務督察協會
  - 7. 海外督察協會
  - 8. 警察員佐級協會
  - 9. 香港特區政府文書職系人員協會
- (ii) 部門管理層
  - 1. 香港警務處
  - 2. 影視及娛樂事務管理處
  - 3. 渠務署

### (C) 公務員的個人意見書

11名公務員的資料：

- (i) 10名具名及1名不具名
- (ii) 聘用條款
  - 1名 海外合約公務員
  - 2名 按海外條款受聘的常額編制公務員
  - 7名 按本地條款受聘的常額編制公務員
  - 1名 不具名
  - (總數：11名)
- (iii) 部門
  - 5 香港警務處
  - 1 渠務署
  - 1 創新科技署
  - 1 香港金融管理局
  - 1 影視及娛樂事務管理處
  - 1 公務員事務局

<sup>1</sup> 同一單位遞交的兩份意見書，作兩份計算。

<sup>2</sup> 我們不能確定遞交不具名意見書的人士是公務員或是市民。

## 附帶福利性質的公務員津貼檢討

I.	<b>教育津貼</b>	
	<b>海外教育津貼及本地教育津貼</b>	
(A)	<b>現有申領者</b>	
	<ul style="list-style-type: none"> <li>• 把海外教育津貼的上限凍結在現時水平(以外幣計算)，津貼額日後不再調整。</li> <li>• 把本地教育津貼的上限凍結在現時水平，津貼額日後不再調整。</li> </ul>	
	<b>員工意見</b>	<b>公務員事務局的意見</b>
	<ul style="list-style-type: none"> <li>• 一直以來，設立津貼的目的，是協助公務員支付某些開支或其中部分開支。建議凍結海外教育津貼及本地教育津貼的上限，即表示資助的比率會下降，一旦通脹回復，津貼額便會落後於學費，並很快會失去價值。有關津貼將因而不能發揮原有的資助作用，導致申領者的服務條件比一九九七年為差，因此違反了《基本法》的規定。根據英基學校所訂學費調整本地教育津貼的機制，是在八十年代初期與員方商定的，一直沿用多時，當局背離這個機制的建議缺乏充分理據。</li> </ul>	<ul style="list-style-type: none"> <li>• 法律意見認為，本地教育津貼及海外教育津貼的修改建議符合《基本法》的規定。應注意的是，根據終審法院就薪酬調整條例案件所作判決而確立的其中一項法律原則，如果津貼額並未調整至低於一九九七年六月三十日的現金水平，或令福利條款低於該日適用的標準，有關的修改亦符合《基本法》第一百條。在薪酬方面，終審法院是指“薪酬水平”而非“購買力”。</li> </ul>

員工意見	公務員事務局的意見
<ul style="list-style-type: none"> <li>不贊成永久凍結海外教育津貼額及本地教育津貼額，特別是有許多公務員申領的本地教育津貼。凍結現有申領者的海外教育津貼額的建議，可能會迫使部分公務員在學費增加或外幣大幅升值的情況下，把子女從海外學校撤回本港就讀，他們須嘗試重新融入本地的教育制度，加重了父母和子女雙方的壓力。員工建議，在維持下調津貼上限的建議之時，即使不擬就海外教育津貼設立一個調整機制，亦應就本地教育津貼設立調整機制，使津貼額可按學費的更改予以調整。</li> </ul>	<ul style="list-style-type: none"> <li>經考慮所有因素，包括政府的財政緊絀，我們建議凍結現有申領者的海外教育津貼及本地教育津貼的津貼額，這對他們所造成的影響應微不足道。鑑於近年非華語兒童在本地接受教育的機會大增，我們相信有關人員能夠為子女定出最理想的教育安排。</li> <li>此外，現行的海外教育津貼額及本地教育津貼額已由一九九七至九八學年起凍結。根據我們的建議，現有申領者的海外教育津貼上限會繼續以外幣計算，因此不會受幣值波動所影響。</li> <li>我們需要強調，合資格人員仍可繼續申領教育津貼。一直以來，是否修訂和何時修訂津貼額，均是由公務員事務局全權決定。</li> </ul>
<ul style="list-style-type: none"> <li>教育津貼實際上是一項人力資源投資，不應視作開支項目。此外，由於政府已停止為新入職人員提供海外教育津貼及本地教育津貼，而本港的出生率亦不斷下降，有關開支長遠來說將有所減少。凍結本地教育津貼額的建議，對海外人員有欠公平，他們只可把母語為英語的子女送往英基學校就讀，並無其他選擇。</li> </ul>	<ul style="list-style-type: none"> <li>提供教育津貼作為一種員工福利，已不合時宜。基於這個原因，政府決定分別在一九九六年及二零零零年，停止發放海外教育津貼和本地教育津貼予新入職人員。另一方面，我們也明白，如大幅修改津貼條款，對正在領取津貼的合資格家屬會造成重大影響。經衡量所有相關因素，包括政府的財政狀況、法律考慮因素、公眾的期望和員工意見後，我們認為現時的修改建議合理。</li> <li>我們認為，給予按海外條款聘用的人員優惠的做法並不合理。</li> </ul>

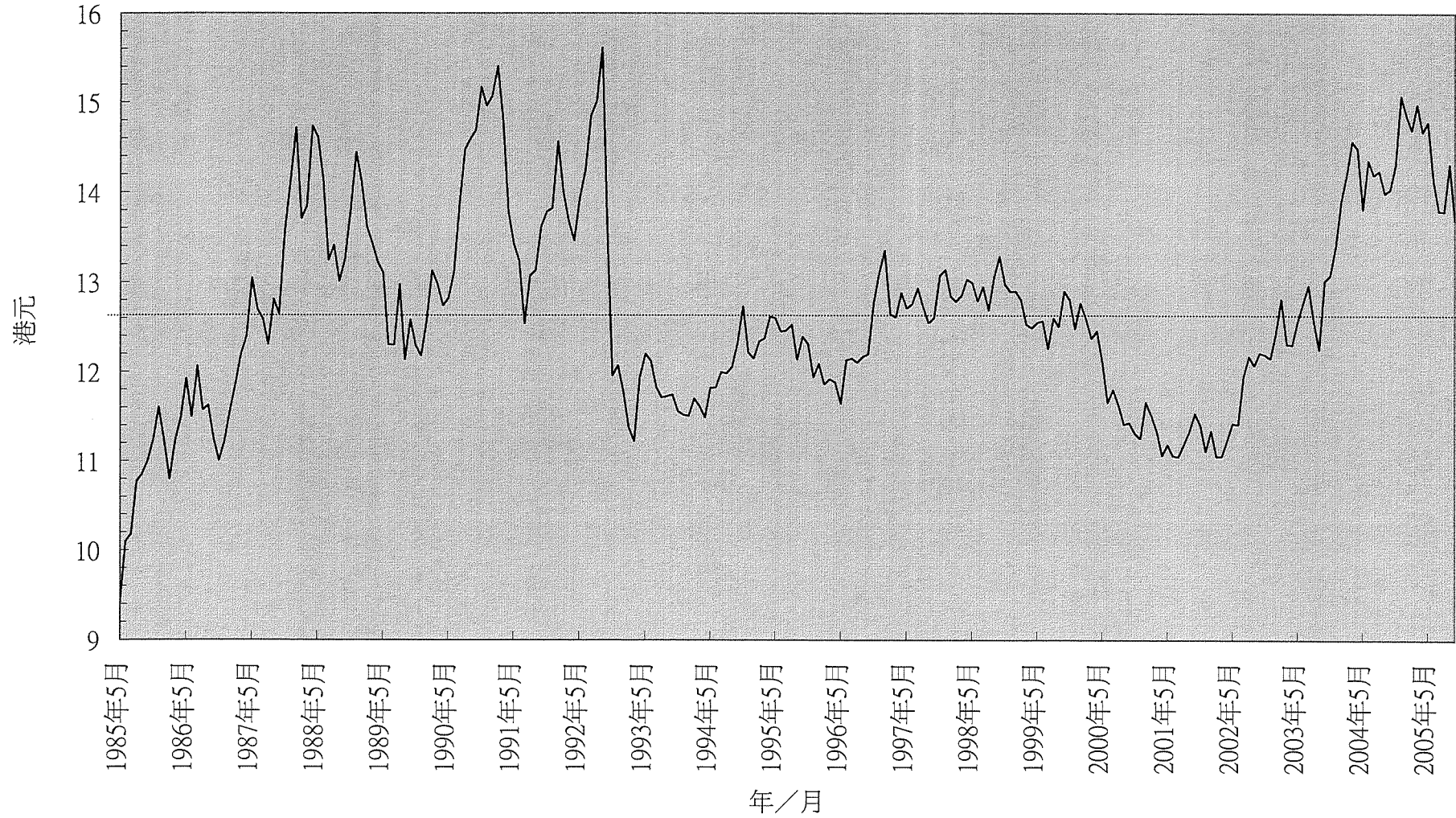
(B)	<p><b>由二零零六至零七學年／二零零七學年起申領津貼的新申領者</b></p> <ul style="list-style-type: none"> <li>把海外教育津貼的上限調低至一九九七年六月三十日的水平，津貼額日後不再調整。津貼額上限按截至一九九七年六月三十日為止的一九九六至九七學年或一九九七學年(視情況而定)的每日平均匯率，以港元計算。</li> <li>把本地教育津貼的上限調低至一九九七年六月三十日的水平(即小學 29,925 元；中一至中三 49,650 元；中四及以上 46,313 元)，津貼額日後不再調整。</li> </ul>	
	<b>員工意見</b>	<b>公務員事務局的意見</b>
	<ul style="list-style-type: none"> <li>由於政府較個別公務員更有能力承受匯率波動的影響，海外教育津貼應以外幣發放。</li> </ul>	<ul style="list-style-type: none"> <li>根據現行做法，津貼實際上是以港幣發放，我們認為把津貼上限以港幣計算較為適當，這樣可以節省就每宗申請把外幣兌換為港幣的行政費用。長遠來說，匯率的風險會互相抵銷。事實上，根據以往的匯率趨勢(見附錄)，一九九七年的匯率大致上接近平均匯率。</li> <li>不過，對於新申領者的津貼額上限應繼續以外幣計算的意見，我們持開放態度，惟有關安排必須合法。</li> </ul>



員工意見	公務員事務局的意思
<ul style="list-style-type: none"> <li>設定兩套津貼額會引起分化，嚴重損害士氣，並會造成同一家庭的子女接受教育的機會有所不同的情況。有關調低新申領者海外教育津貼額及本地教育津貼額的建議，對於新申領者不公平並屬歧視。他們的職級和地位與現有申領者相若，應該享有同等的待遇和獲得公平合理的對待。建議調低擁有較年幼子女的人員的津貼額，令他們因為子女較遲入學而處於不利處境，實屬歧視。對於一些初級人員來說，調低津貼額的建議可能令他們根本無法參加海外教育津貼計劃，因而實際上只有高級公務員才可享有該項福利。</li> </ul>	<ul style="list-style-type: none"> <li>當局認為海外教育津貼／本地教育津貼已不合時宜，因此分別由一九九六年八月及二零零零年六月起停止向新入職人員提供該兩項津貼。但由於合資格申領海外教育津貼／本地教育津貼的人員數目仍然處於 122 000 人及 152 000 人的高水平，我們必須制定措施控制這方面的政府開支。鑑於終審法院的判決，我們曾考慮把所有申領者(現有及新申領者)的海外教育津貼／本地教育津貼上限一律調低至一九九七年的水平。雖然這個做法在法律上可行，但是由於現有申領者已根據現時在海外教育津貼／本地教育津貼上限為子女作出入學安排，我們認為較寬鬆地處理現有申領者的做法，實屬合理。我們亦理解現有申領者有較少彈性為子女另作教育安排，尤其是現已在海外就讀的子女，因此，我們建議凍結現有申領者的津貼額，以減輕對他們的負面影響。我們認為不論在合理期望或員工關係的角度來看，這項較寬鬆的安排也屬恰當。</li> </ul>
<ul style="list-style-type: none"> <li>有員工希望當局可以延遲至二零零七至零八學年才落實調低海外教育津貼額的建議，以便他們有更充裕的時間安排子女到海外升學。由明年開始調低津貼額的建議並不合理，要作出如此重大的決定，時間過於倉卒。有些受影響的人員可能會為趕及在新措施實施前取得享有現行津貼額的資格，而在時機未成熟或無需要的情况下急於把子女送往外國升學。此舉可能對有關人員及其家人有不良影響。</li> </ul>	<ul style="list-style-type: none"> <li>視乎檢討結果，建議如獲立法會財務委員會(如有需要)通過，我們預計會在二零零六年年中公布落實海外教育津貼及本地教育津貼的修改措施。由於我們在諮詢文件中已清楚說明打算由二零零六至零七學年開始實施修改建議，員工安排子女接受海外或本地教育時應已考慮這項因素。</li> <li>此外，由二零零五年九月二十二日(諮詢文件發出日期)起，庫務署已通知所有提交海外教育津貼初步申請的人員，政府正在進行有關檢討，津貼上限可能會由二零零六至零七學年開始調低至一九九七年的水平。因此，計劃在下一學年把子女送往外國升學的人員應清楚知道津貼上限可能會被調低，並在作出決定時考慮此因素。</li> </ul>

	<b>員工意見</b>	<b>公務員事務局意見</b>
	<ul style="list-style-type: none"> <li>• 申領海外教育津貼的範圍應擴展至包括澳洲、新西蘭、新加坡或中國內地等其他地區的學校。許多國家的學費和其他相關開支都較英國為低。</li> </ul>	<ul style="list-style-type: none"> <li>• 由於提供海外教育津貼已不合時宜，我們認為沒有理據擴大計劃的涵蓋範圍。必須指出的是，如我們放寬學校所在國家的限制而不同時採取措施控制海外教育津貼的總開支，海外教育津貼的申請定會增加，即使我們建議調低／凍結其津貼額，有關的總開支亦可能會上升。這項建議與檢討的目標不乎，我們認為並不可行。</li> </ul>
	<ul style="list-style-type: none"> <li>• 當局有充足理據保留外籍僱員的海外教育津貼，以維持他們與家鄉的聯繫。教育相關津貼的開支龐大，主要是由於大量本地人員選擇把子女送往海外升學或英基學校、香港的國際學校和直接資助計劃學校就讀。</li> </ul>	<ul style="list-style-type: none"> <li>• 我們認為向任何類別的人員提供優惠待遇都不合理。香港有多所英基學校和國際學校，為非華語兒童提供優質教育，因此提供資助供子女往海外接受教育已不合時宜。</li> </ul>
	<ul style="list-style-type: none"> <li>• 這類津貼在私營機構十分常見。若不參照近期私營機構有關津貼的檢討，無法作出有效的檢討。</li> </ul>	<ul style="list-style-type: none"> <li>• 根據二零零二年就私人市場提供的附帶福利作出的調查，子女教育福利在私營機構並不常見。少於三成接受調查的公司提供這項福利。很少公司向本地僱員提供海外教育福利，在大部分情況下，該項福利亦只限於高級僱員享有。即使是外籍僱員，亦只有少於半數的公司為他們提供子女教育福利。在為外籍僱員提供教育福利的公司之中，只有六成同時提供本地及海外教育津貼。二零零一年的調查結果亦大致相若。</li> <li>• 雖然當局近年沒有進行同類調查，我們相信私營機構在這方面的安排沒有重大改變。</li> </ul>
	<ul style="list-style-type: none"> <li>• 調低海外教育津貼額及本地教育津貼額的建議，違反《基本法》條文。</li> </ul>	<ul style="list-style-type: none"> <li>• 法律意見認為海外教育津貼及本地教育津貼的修改建議，符合《基本法》的規定。</li> </ul>

### 1985至2005年間英鎊匯率



註

1. 1996年起，數字以香港銀行公會每月首日的中期市場匯率為根據。
2. 虛線（1英鎊兌12.59港元）為1996/97學年至1997年6月30日期間的每日平均匯率，亦為2006至07學年或之後(就讀於英國和愛爾蘭者)開始領取海外教育津貼的合資格新申領者的建議匯率。
3. 整段期間的平均匯率為1英鎊兌12.67港元。

## 附帶福利性質的公務員津貼檢討

<b>II</b>	<b>旅費及相關津貼</b>	
<b>(A)</b>	<b>船費</b>	
	<p>由二零零七年航程起，各航程等級的船費津貼額以一九九七年航行至英國的核准船費津貼額為限。津貼上限會以等值的港元訂定，並按政府實際支付一九九七年航程費用的匯率計算(即可享有頭等(乙級)客艙航程的人員為 67,570 港元；可享有頭等(丙級)客艙航程的人員為 58,290 港元)。</p>	
	<b>員工意見</b>	<b>公務員事務局的意見</b>
	<ul style="list-style-type: none"> <li>• 船費屬一九八五年以前入職人員的服務條件之一，因此不應限制／調低發放予有權申領船費人員的津貼額。</li> <li>• 有關建議使員工無法申領等同一九九七年七月一日前所享有的福利，違反《基本法》。</li> </ul>	<ul style="list-style-type: none"> <li>• 這項修改建議是在考慮是次檢討的政策目標和法律考慮因素後才擬訂的。我們認為，按政府實際支付一九九七年航程費用的款額去釐定政府船費開支的上限，是合理的做法。</li> </ul>
	<ul style="list-style-type: none"> <li>• 船費不是一般旅費津貼，而是對準備返回英國的海外僱員的“獎勵”，以答謝他們長期及忠誠地為香港服務。</li> </ul>	<ul style="list-style-type: none"> <li>• 政府從來沒有把船費視為對按海外條款受聘人員的長期及忠誠服務的獎勵。如果船費屬長期服務獎勵而非返回祖國的旅費，則本地人員理應同樣享有；而且只給予海外人員獎勵的做法，暗示海外人員的服務較本地人員的服務更具價值。這觀念，是不能接受的。</li> </ul>

<b>(B)</b>	<b>學生旅費津貼</b>	
<p>把學生旅費津貼的上限調低至一九九八年七月一日的水平(即學生旅費津貼首次以現金津貼形式代替經濟客位機票發放的日子)，津貼額日後不再調整。</p> <p>經修訂的津貼額為：津貼等級 3：11,800 元；津貼等級 2：23,600 元；津貼等級 1：17,700 元。</p>		
<b>員工意見</b>		<b>公務員事務局的意見</b>
<ul style="list-style-type: none"> <li>由於學生旅費津貼額的建議減幅不大，只要現時發放學生旅費津貼的條款(下調津貼額的建議除外)維持不變，員工並不反對修訂學生旅費津貼的建議。</li> </ul>		
<ul style="list-style-type: none"> <li>基於合約和法律上的考慮，當局有責任繼續對按海外條款受聘的人員發放這項津貼。</li> </ul>		<ul style="list-style-type: none"> <li>學生旅費津貼已不合時宜，當局並已停止向在一九九六年八月起入職的人員提供這項福利。我們建議繼續向合資格人員發放這項津貼，但把津貼額調低至一九九八年七月一日的水平，並收緊發放規則，以符合該福利在一九九八年七月一日改為現金津貼前的原來政策目的。</li> <li>經調低後的學生旅費津貼額，應仍足以購買在旺季往來的機票。</li> <li>法律意見認為，有關學生旅費津貼的建議在法律上理據充分。公務員的合約權利並不涵蓋在一九九七年七月一日後引入的津貼額調整機制的實施。</li> </ul>
<p>把在就讀地方支付的交通費納入學生旅費津貼範圍，不再另行發放。</p>		
<ul style="list-style-type: none"> <li>(見下文(C)部分“原籍國或就讀地方的交通費”)</li> </ul>	<ul style="list-style-type: none"> <li>(見下文(C)部分“原籍國或就讀地方的交通費”)</li> </ul>	

(B)	學生旅費津貼(續)	
	收緊發放規則，以符合學生旅費福利在一九九八年七月一日改為現金津貼前的原來目的。收緊規則後，學生旅費津貼不可結轉至下個周期；在每個為期 12 個月的周期內，年滿 19 及 20 歲的子女不可分期享用津貼(即以一次來回旅程為限)；而未滿 19 歲的子女，只可分兩期(即兩次來回旅程)享用津貼；使用津貼的子女／家長只可乘坐經濟客位。各項措施適用於所有申領者，由生效當日或之後開始的下一個津貼周期起適用。	
	員工意見	公務員事務局的意見
	<ul style="list-style-type: none"> <li>由於英國學年通常分三個學期，未滿 19 歲的子女只可分兩期享用津貼不合理。申領者可能會按津貼上限選用較昂貴的航班服務。</li> </ul>	<ul style="list-style-type: none"> <li>我們建議收緊發放規則，以符合學生旅費福利在一九九八年七月一日改為現金津貼前的原來目的。在該日前，學生旅費以經濟客位機票形式發放。未滿 19 歲的合資格子女每年可享用兩次來回旅程<sup>1</sup>。</li> </ul>
	<ul style="list-style-type: none"> <li>如當局的目的省金錢，制訂可發還津貼額的上限已足夠。建議的“收緊”措施，例如限制來回旅程的次數，未必能減少開支，卻必然會招致員工不滿。</li> </ul>	<ul style="list-style-type: none"> <li>我們知悉員工對收緊發放規則建議的意見，並會加以考慮後才作最後決定。</li> </ul>
	<ul style="list-style-type: none"> <li>限制每年兩次旅程、只可乘坐經濟客位、積存未用的津貼不能結轉的措施一併推行後，每名申領者每年可動用的款項最多應不超逾港幣 18,000 元。雖然在面值上津貼額最多只調低港幣 1,500 元，但實際所調低的款項可能接近港幣 7,000 元。</li> </ul>	<ul style="list-style-type: none"> <li>我們知悉學生旅費津貼申領者現時每個周期可以購買多於一張來回機票(為年滿 19 及 20 歲的子女)或兩張來回(為未滿 19 歲的子女)。調低後的學生旅費津貼額，應仍足以購買在旺季往來的機票。員工可利用剩餘的款項支付在就讀地方的交通費(我們已建議把交通費納入學生旅費津貼範圍)。</li> </ul>

<sup>1</sup> 一九九八年採用的學生旅費津貼額按當時所核准的來回機票的數目(即未滿 19 歲的子女每年兩張來回機票、年滿 19 及 20 歲的子女一張來回機票)釐訂，並已計及正價機票與市價機票在價格上的差異，以及大部分學生需要在旺季往來兩地的因素。

員工意見	公務員事務局的意見
<ul style="list-style-type: none"> <li>既然建議收緊發放規則是為反映一九九八年以現金津貼代替機票的“原來目的”，則當局應提供支持這“原來目的”和這目的當時為員方所接納的證據。即使所述的“原來目的”成立，一九九八年的修訂其實是削減人員的福利至低於他們在一九九七年前可享的水平／待遇，有違《基本法》。</li> </ul>	<ul style="list-style-type: none"> <li>收緊發放規則，是為符合一九九八年改為現金津貼前的原來政策目的。一九九八年七月一日前，學生旅費福利是以實物形式提供，即政府每個周期為未滿 19 歲的合資格子女提供兩張來回機票，以及為 19 歲或以上的子女提供一張來回機票。我們現時的建議並無削減人員在一九九七年時可享的福利。</li> </ul>
<ul style="list-style-type: none"> <li>由於航空公司的客位等級名稱各有不同，限制乘坐“經濟客位”的規定會引致頗多爭拗。</li> </ul>	<ul style="list-style-type: none"> <li>雖然不同航空公司採用的客位等級名稱可能有別，但據我們了解，“經濟客位”一般指最基本的等級，因此，我們預期執行這項規定不會有太大困難。</li> </ul>
<ul style="list-style-type: none"> <li>“原來政策目的”假設申領海外教育津貼的人員是按海外條款受聘，在夏季返回家鄉與在當地就讀的子女團聚，而其子女亦可用兩次來回旅程，讓他們在兩個學期間的聖誕節及復活節假期前來香港。當局如引用“原來政策目的”，應考慮只向按海外條件受聘的人員發放學生旅費津貼（及海外教育津貼）。</li> </ul>	<ul style="list-style-type: none"> <li>學生旅費津貼原本是發放予按海外條款受聘的人員，以資助他們把子女送往海外就讀的旅費。其後，基於公平原則，按本地條款受聘的所有人員也可享有這項津貼。我們認為並無充分理由，在現時合資格人員中，選擇性地按其聘用條款實施建議的修改措施(或中止提供有關福利)。</li> </ul>
<ul style="list-style-type: none"> <li>二零零三至零四年度前領取的學生旅費津貼不納入應課稅入息。如果建議的學生旅費津貼額將調整至一九九八年的水平，而有關津貼仍納入應評稅的範圍，則其實際價值會低於一九九七年前的水平，亦即人員的福利低於他們在一九九七年七月可享的水平，有違《基本法》。</li> </ul>	<ul style="list-style-type: none"> <li>《2003 年收入(第 2 號)條例》實施後，旅遊費用由二零零三年四月一日起不再為豁免課稅項目。這項規定適用於所有納稅人而非限於公務員。此外，學生旅費福利於一九九七年是以實物形式提供。調低後的津貼額仍足以購買兩張來回機票，故人員實際所享的福利並不遜於一九九七年的水平。</li> </ul>

(C)	原籍國或就讀地方的交通費	
	按海外條款受聘而現正領取度假旅費津貼的人員，可獲發還的交通費津貼額將會凍結在現時水平(即成人(包括16歲或以上的子女)每公里 2.19 元；子女每公里 1.10 元)。停止向申領學生旅費津貼的人員發還交通費，並把交通費納入學生旅費津貼範圍。	
	<b>員工意見</b>	<b>公務員事務局的意見</b>
	<ul style="list-style-type: none"> <li>• 不可訂定津貼額上限，因為對按海外條款和本地條款聘用的人員來說，設定上限會失卻提供這項津貼的實際用意。</li> <li>• 有關建議違反《基本法》，因為員工不可享有在一九九七年七月一日前可享有的相同福利。</li> <li>• 當局沒有就有關建議提供任何理據。</li> </ul>	<ul style="list-style-type: none"> <li>• 正如諮詢文件所載，另行向申領度假旅費津貼和學生旅費津貼的人員發還交通費的安排，可追溯至政府以機票形式提供旅費福利的年代。既然政府現已改以現金津貼形式提供旅費福利，實有合理的空間停止另行發放交通費這項安排。由於部分按海外條款受聘的人員在特定情況下<sup>2</sup>，有資格向政府申領以機票形式提供旅費福利，因此我們認為在建議保留向合資格人員發還其在原籍國支付的交通費這項安排同時，把有關款額凍結在現時水平，是合理的安排。</li> <li>• 至於學生旅費津貼，大部分人員表示以購買兩張來回機票計算，建議的津貼額綽綽有餘。餘下津貼可用於支付在就讀地方的交通費。</li> </ul>
	<ul style="list-style-type: none"> <li>• 員工欲知就本項目可節省的款額，以及所節省的款額能否符合有實質減省的準則。</li> </ul>	<ul style="list-style-type: none"> <li>• 正如諮詢文件所載，有關建議預計全年可節省約 560 萬元，五年合共節省約 2,850 萬元。除致力達至實質減省外，我們進行津貼檢討的目標也包括尋求方法進一步改善發放津貼的安排。由於旅費福利是以現金津貼形式提供，我們認為保留另行發放交通費安排的理據不足。</li> </ul>
	<ul style="list-style-type: none"> <li>• 當局應闡釋如何把學生旅費津貼範圍擴大至涵蓋發還交通費的申請。</li> </ul>	<ul style="list-style-type: none"> <li>• 申領學生旅費津貼的人員可利用學生旅費津貼上限內任何剩餘款項，支付在就讀地方的交通費。</li> </ul>

<sup>2</sup> 在一九九八年一月一日前按海外條款受聘的人員，如所得的度假旅費津貼不足以購買可享航程等級的機票，則可要求提供機票。



<b>(D)</b>	<b>度假旅費津貼(不變)</b>	
	保留發放度假旅費津貼的現行條款	
	<b>員工意見</b>	<b>公務員事務局的意見</b>
	<ul style="list-style-type: none"> <li>• 員工詢問為何原有把津貼改為悉數非實報實銷的建議未獲跟進。假如當局將悉數非實報實銷的度假旅費津貼供個別員工選擇（即與過往修訂年假方案的安排相若），則許多人員都會選擇悉數非實報實銷的度假旅費津貼。</li> </ul>	<ul style="list-style-type: none"> <li>• 當局在二零零四年六月徵詢員工意見時所提出的原有建議，是把度假旅費津貼全面改為悉數非實報實銷津貼，並向下調整 15%，以反映在運用該津貼方面會有更大靈活性。此外，對於按本地條款／劃一條款受聘，並在將來某日期以後獲聘任／晉升為首長級人員者，停止就其家屬發放度假旅費津貼。在現行實報實銷度假旅費津貼與非實報實銷度假旅費津貼這兩者間提供選擇的建議，是一項新建議，並會改變提供這項福利的性質。由於我們現建議保留度假旅費津貼的現行條款，我們認為既無必要，也無充分理據向申領者提供額外的現金選擇。</li> </ul>

## 附帶福利性質的公務員津貼檢討

<b>III.</b>	<b>房屋及相關津貼和福利</b>	
<b>(A)</b>	<b>非實報實銷現金津貼計劃</b>	
	<p><b>新申領者</b></p> <ul style="list-style-type: none"> <li>• 把非實報實銷現金津貼額調低至較對應的居所資助津貼額／自置居所津貼額少 5%，以回復非實報實銷現金津貼額與居所資助津貼額／自置居所津貼額之間原有的差距；經調低的津貼額適用於所有新加入非實報實銷現金津貼計劃的人員和中斷服務後重行受聘並重新加入計劃的人員。根據現時的津貼額計算，經調低的非實報實銷現金津貼額如下：             <ul style="list-style-type: none"> <li>(i) 由總薪級表第 34 點或以上（或同等薪點）開始領取非實報實銷現金津貼的人員：每月 11,120 元至 30,790 元；以及</li> <li>(ii) 由總薪級表第 34 點以下（或同等薪點）開始領取非實報實銷現金津貼的人員：每月 1,360 元至 14,020 元。</li> </ul> </li> <li>• 中斷服務後重行受聘並重新加入計劃的人員，其津貼額會按他們重新加入計劃時適用的津貼表計算，或按他們首次申領這項津貼時適用的津貼表計算，兩者以較低者為準。</li> <li>• 非實報實銷現金津貼額日後會按居所資助津貼額／自置居所津貼額每年的調整幅度作出調整。</li> <li>• 規定總薪級表第 22 至 33 點（或同等薪點）的人員必須服務滿三年才可輪候配額，這項安排與二零零零年六月一日前獲發聘書的相同薪點人員必須在實任常額職位或完成一份合約後始可輪候配額的現行安排一致。</li> <li>• 對於原先領取住所津貼但轉而選擇領取非實報實銷現金津貼的人員，實施防止享用雙重房屋福利的所有規則。</li> </ul>	
	<b>員工意見</b>	<b>公務員事務局意見</b>
	<ul style="list-style-type: none"> <li>• 請參閱當局有關讓住所津貼申領者選擇轉為領取非實報實銷現金津貼的建議；以及員工建議同時容許自行租屋津貼申領者選擇轉為領取非實報實銷現金津貼的意見。</li> </ul>	<ul style="list-style-type: none"> <li>• 我們留意到，除就讓住所津貼申領者選擇領取非實報實銷現金津貼這建議所提出的意見（當局的回應見下文(B)及(C)項）外，員工沒有就非實報實銷現金津貼的有關修改建議提出任何意見。</li> </ul>

<b>(B)</b>	<b>住所津貼計劃</b>	
	<p><b>現申領者</b></p> <ul style="list-style-type: none"> <li>• 由個別人員新訂租約／續訂租約起，在整段租約期內向該員發放的津貼，將按租約開始時適用的津貼表計算，即使津貼額在租約期內向上或向下調整，均不會影響適用的津貼表。在租約期內，申領者如獲發遞增薪點或晉升，可依照計劃的條款按所屬津貼表支取較高的津貼額。</li> <li>• 根據差餉物業估價署編製的全港租金趨勢而非選定地區租金趨勢來調整津貼額。</li> <li>• 可按下列條款選擇轉為領取非實報實銷現金津貼： <ul style="list-style-type: none"> <li>(i) 非實報實銷現金津貼計劃按建議予以修訂；</li> <li>(ii) 當有關人員開始領取非實報實銷現金津貼時，發放的津貼額不得高於適用於該員的住所津貼的津貼額；以及</li> <li>(iii) 有關人員獲發非實報實銷現金津貼的最長期限為 120 個月或至其住所津貼享用期屆滿為止，兩者以到期日較早者為準。</li> </ul> </li> </ul>	
	<b>員工意見</b>	<b>公務員事務局意見</b>
	<ul style="list-style-type: none"> <li>• 部分員工認為有關固定津貼表的建議合理，而部分其他員工則認為他們在現行安排下只享有些微得益，而當住所津貼的津貼額在租約期內調高時，他們實際上會蒙受損失。</li> <li>• 員工拒絕接受有關固定津貼表的建議，因為該做法有損申領者部分彌補因住屋開支上升而不斷搬遷的支出的唯一辦法。</li> </ul>	<ul style="list-style-type: none"> <li>• 該方案是公平的，能確保在津貼額上調與下調的情況下作出貫徹一致的安排。目前，有關人員不會因為租約期內津貼額下調而受影響，以免申領者在簽訂現租約時因不知道其後津貼額會下調而出現經濟困難。同樣，申領者在簽訂租約時亦不知道津貼額其後會上調。把該項安排擴展至上調津貼額的情況是合理的。</li> </ul>

員工意見	公務員事務局意見
<ul style="list-style-type: none"> <li>建議的非實報實銷現金津貼方案是正確路向，但非實報實銷現金津貼的津貼額遠遠不及申領者在住所津貼計劃下可合法享有的資助，從財務角度來看並不是可行的選擇。</li> <li>該方案從財務角度來看，並不可行，因為非實報實銷現金津貼的津貼額不合實情，而且有限期。</li> <li>實施有關防止享用雙重房屋福利的規則，令非實報實銷現金津貼更不可取，因為這削奪了有關人員藉配偶可享的津貼改善生活的機會。</li> <li>鑑於物業市場時有波動，該方案欠缺吸引力。</li> </ul>	<ul style="list-style-type: none"> <li>政府一貫的政策是鼓勵公務員自置居所。考慮到符合資格領取住所津貼的人員是公務員隊伍中唯一沒有資格藉房屋福利購置居所的類別，我們建議讓有關人員選擇轉為領取非實報實銷現金津貼。非實報實銷現金津貼作為最近期引進公務員體制的一項房屋福利，是合適的選擇。合資格人員可視乎個人情況，按其意願自行作出選擇。</li> </ul>
<ul style="list-style-type: none"> <li>住所津貼申領者不滿當局在九十年代中拒絕他們加入居所資助計劃而現在又提出讓有關人員選擇轉為領取非實報實銷現金津貼這項方案。當局可把現時空置的高級公務員宿舍編配給住所津貼申領者，作為住所津貼的另一選擇。</li> </ul>	<ul style="list-style-type: none"> <li>各種公務員房屋福利的資格細則已在個別人員的聘用條款內訂明。對領取住所津貼的人員來說，該項津貼是他們唯一合資格享有的房屋福利。由於當局已由一九九零年起停止向新入職者提供高級公務員宿舍，讓領取住所津貼的人員入住高級公務員宿舍，有違政策方針。</li> </ul>
<ul style="list-style-type: none"> <li>建議為領取住所津貼的人員推出一項單一而富靈活性的非實報實銷居所津貼(按全港租金指數每年調整)。</li> </ul>	<ul style="list-style-type: none"> <li>在各項租金資助計劃下，租金津貼及自行租屋津貼均為 100% 實報實銷，而住所津貼則為 75% 實報實銷。在住所津貼中，非實報實銷部分佔 25%，實已提供靈活性，讓申領者應付各項有關開支。由於各項公務員房屋福利是為不同目的而設計及提供的，把住所津貼改為 100% 非實報實銷並不符合原本的政策目的。這項建議，亦會對自行租屋津貼計劃及租金津貼計劃構成影響。</li> </ul>

	員工意見	公務員事務局意見
		<ul style="list-style-type: none"> <li>至於調整機制，我們建議根據全港租金趨勢調整住所津貼的津貼額。在這方面，職方早前建議採用涵蓋各類物業（即 A 至 E 類）的全港指數，而我們則建議繼續根據目前對應的物業類別調整不同薪金級別人員的住所津貼額，亦即總薪級表第 34 點以下或同等薪點的人員，其對應物業類別為 B 類（40 至 69.9 平方米），總薪級表第 34 至 44 點或同等薪點的人員，其對應物業類別為 C 類（70 至 99.9 平方米）與 D 類（100 至 159.9 平方米）的平均數，而總薪級表第 45 點或以上或同等薪點的人員，其對應的物業類別為 D 類（100 至 159.9 平方米）。我們認為上述建議合理，符合公務員附帶福利應與薪金級別相符的原則。</li> </ul>
	<p><u>其他意見</u></p> <ul style="list-style-type: none"> <li>住所津貼的津貼額調整機制應予修訂。儘管租金上漲，津貼額卻從一九九七年高峯下調 45%。</li> </ul>	<ul style="list-style-type: none"> <li>財務委員會在一九九二年通過，住所津貼計劃作為一項租金資助計劃，調整機制應跟隨自行租屋津貼計劃。目前自行租屋津貼的津貼額是根據對上一年選定地區的全年租金趨勢而調整的。有關地區是根據自行租屋津貼申領者的地區分佈而選定的。津貼額在一九九七至二零零五年間下調約 40%，反映了有關期間的物業租賃市場情況。我們現建議根據全港租金趨勢調整津貼額，目的是令調整基礎更臻合理。</li> </ul>

<b>(C)</b>	<b>自行租屋津貼</b>	
<p><b>現申領者及新申領者</b></p> <ul style="list-style-type: none"> <li>由個別人員新訂租約／續訂租約起，在整段租約期內向該員發放的津貼，將按租約開始時適用的津貼表計算，即使津貼額在租約期內向上或向下調整，均不會影響適用的津貼表。在租約期內，申領者如獲發遞增薪點或晉升，可依照計劃的條款按所屬津貼表支取較高的津貼額。</li> <li>根據差餉物業估價署編製的全港租金趨勢而非選定地區租金趨勢來調整津貼額。</li> </ul>		
<b>員工意見</b>		<b>公務員事務局意見</b>
<ul style="list-style-type: none"> <li>自行租屋津貼申領者如在財政年度將近終結時開始新租約，應獲准在新一年領取新津貼額（如上調的話）。</li> <li>部分員工認為有關固定津貼表的建議合理，而部分其他員工則認為他們在現行安排下只享有些微得益，而當自行租屋津貼的津貼額在租約期內調高時，他們實際上會蒙受損失。</li> </ul>		<ul style="list-style-type: none"> <li>該方案是公平的，能確保在津貼額上調與下調的情況下作出貫徹一致的安排。目前，有關人員不會因為租約期內津貼額下調而受影響，以免申請人在簽訂現租約時因不知道其後津貼額會下調而出現經濟困難。同樣，申請人在簽訂租約時亦不知道津貼額其後會上調。把該項安排擴展至上調津貼額的情況是合理的。</li> </ul>
<p><b>其他意見</b></p> <ul style="list-style-type: none"> <li>一如住所津貼計劃，應讓自行租屋津貼申領者選擇轉為參加非實報實銷現金津貼計劃（或其他計劃），以期為政府節省開支。</li> </ul>		<ul style="list-style-type: none"> <li>目前，符合資格領取自行租屋津貼的人員已可選擇改為參加居所資助計劃，享用購置居所的資助。</li> </ul>

<b>(D)</b> <b>(E)</b>	<b>提供家具及用具 家具及用具津貼</b>	
<ul style="list-style-type: none"> <li>在撥款／存貨可供使用的情況下，按經簡化的行政程序繼續向入住政府宿舍的人員提供家具及用具。</li> <li>取消家具及用具津貼。</li> </ul>		
<b>員工意見</b>		<b>公務員事務局意見</b>
<ul style="list-style-type: none"> <li>對待合資格人員應一視同仁，即同時取消提供家具及用具和家具及用具津貼，或繼續提供家具及用具和家具及用具津貼。</li> <li>取消家具及用具津貼的建議引起強烈反應。不少人員寧保留家具及用具津貼而放棄政府所提供的家具及用具，因為這些家具及用具大多款式舊而且笨重。</li> <li>員工普遍認為建議的新安排只應適用於新近晉升及／或取得獲提供家具及用具資格的人員。現職人員所享有的福利應維持不變。</li> </ul>		<ul style="list-style-type: none"> <li>我們檢討過是否有需要繼續向入住政府宿舍的人員提供家具及用具，不論該些人員所入住的宿舍是否受宿舍處理計劃影響。經考慮第一階段檢討所得的員工意見，我們同意在撥款／存貨可供使用的情況下繼續向入住政府宿舍的人員提供家具及用具。修訂建議已充分顧及按海外條款受聘人員（該些人員未必長居香港，如自購家具的話，當返回原籍國時便會遇到處理家具的難題）及基於工作需要入住政府宿舍的人員的關注。</li> <li>至於發放家具及用具津貼，則已相當不合時宜。早前進行檢討後，除入住為職位需要而設的政府宿舍的人員外，我們已停止向一九九九年五月一日或之後獲發聘書的人員、以及一九九九年五月一日前獲發聘書但並非入住政府宿舍及在二零零零年七月一日或之後支取總薪級表第 34 至 44 點（或同等薪點）實職薪金的人員發放家具及用具津貼。此外，由於我們會繼續向入住政府宿舍的合資格人員提供家具及用具，我們認為應已照顧到入住宿舍人員這方面的需要，因此有充分理由取消家具及用具津貼。</li> </ul>

員工意見	公務員事務局意見
<ul style="list-style-type: none"> <li>由於政府擬取消向所有人員發放家具及用具津貼，當局應為政府宿舍提供款式較時尚的家具及用具，以切合現今的居住環境。</li> </ul>	<ul style="list-style-type: none"> <li>除入住為職位需要而設的政府宿舍的人員外，當局已逐步取消提供家具及用具。我們認為在現時更改家具及用具的款式是不適當的。</li> </ul>
<ul style="list-style-type: none"> <li>當局應提供更多關於實際領取家具及用具津貼的人員的資料。</li> </ul>	<ul style="list-style-type: none"> <li>我們不太清楚員工實際上要求哪方面的資料。《公務員事務規例》第 864 條實已清楚列明領取家具及用具津貼的資格細則。</li> </ul>
<ul style="list-style-type: none"> <li>貿然取消家具及用具津貼[而不作出補償]是違法的。</li> </ul>	<ul style="list-style-type: none"> <li>在提出修改建議時，我們一直恪守合情、合理、合法的原則。鑑於家具及用具津貼大體上已不合時宜，我們認為應該取消。</li> </ul>
<ul style="list-style-type: none"> <li>員工支持有關家具及用具的方案，只要存貨不絕，而且維修得宜、狀況良好。</li> </ul>	<ul style="list-style-type: none"> <li>意見備悉。一如現行安排，家具及用具的提供，會繼續視乎是否有足夠撥款及存貨而定。</li> <li>在行政安排方面，我們現建議所有遷出的人員，均可在調遷政府宿舍時保留已發給他們的家具及用具（固定裝置（如熱水器）及按有關部門意見通常提供給每個宿舍的物品（如雪櫃）則除外）。如有關部門認為維修已提供予有關人員的物品不合乎經濟原則，則該員可在調遷宿舍後獲提供替換物品。入住宿舍的人員可按規定的上限及在有存貨可供使用的情況下，要求額外的家具及用具。當局在進一步考慮後認為，部分人員為省去搬運家具及用具的麻煩和支出，或傾向於在調遷宿舍後重新申請家具及用具，儘管有可能因此須等候一段時間才可獲提供。在此情況下，可考慮採取以下靈活安排：</li> </ul>



	員工意見	公務員事務局意見
		<ul style="list-style-type: none"> <li>➤ 我們維持現有安排，讓遷出政府宿舍的人員把家具及用具留在原宿舍內。在調遷宿舍後，有關人員可接收已發給替換宿舍的物品（如有的話），並可視乎《政府產業管理及有關事務規例》所訂明的上限及在有撥款／存貨可供使用的情況下，為替換宿舍申請額外家具及用具；</li> <li>➤ 遷出宿舍的人員可視乎《政府產業管理及有關事務規例》所訂明的上限，按其意願選擇在調遷宿舍後保留家具及用具（固定及不能拆除的裝置除外）；</li> <li>➤ 合資格人員申領家具及用具的優先次序如下： <ul style="list-style-type: none"> <li>— 按指示入住為職位需要而設的政府宿舍的人員；</li> <li>— 基於運作需要按指示入住政府宿舍的人員；</li> <li>— 按指示遷出政府宿舍（如宿舍受宿舍處理計劃影響）並會入住替換宿舍的人員；以及</li> <li>— 其他入住政府宿舍的人員。</li> </ul> </li> </ul> <p>屬同一類別的人員如同時提出要求，則按先到先得原則處理，但前提是必須符合《政府產業管理及有關事務規例》所訂明的上限及有足夠撥款／存貨可供使用。</p>

<b>(F)</b>	<b>搬遷津貼</b>	
	<ul style="list-style-type: none"> <li>把搬遷津貼改為悉數非實報實銷津貼，並把現有實報實銷部分的津貼額調低 5%。津貼額按現行做法，不時按甲類消費物價指數調整。</li> <li>維持現行安排，即合資格人員一般會在遷出期限前十二個月內可獲發搬遷津貼。</li> </ul>	
	<b>員工意見</b>	<b>公務員事務局意見</b>
	<ul style="list-style-type: none"> <li>員工歡迎把該項津貼改為悉數非實報實銷，但並不贊成／強烈反對貿然下調 5% 的方案。</li> <li>員工意見指出若是當局指令他們調遷，則當局應承擔有關開支。</li> <li>反對調低津貼額的方案，因為會影響許多已因減薪及修訂服務條件而受損的警務人員。</li> </ul>	<ul style="list-style-type: none"> <li>經研究在第一階段所集得的員工意見後，我們已修訂原建議，並建議實報實銷部分由原先調低 25% 改為調低 5%。作出該項修訂，是考慮到當搬遷津貼變為悉數非實報實銷時，便可運用得更為靈活。我們留意到根據過往的申領情況，把津貼額的實報實銷部分調低 5% 後，新津貼額普遍仍可應付最基層薪金級別（即總薪級表第 16 點或以下）人員的基本搬遷開支。為求一致，我們建議所有四個薪金級別搬遷津貼的實報實銷部分均相應下調。</li> </ul>
	<ul style="list-style-type: none"> <li>諮詢文件中“一般會在遷出期限前十二個月內可獲發搬遷津貼”一句有必要澄清或修訂。</li> </ul>	<ul style="list-style-type: none"> <li>我們現建議維持現行安排，在有關遷出通知發出後，受宿舍處理計劃影響的合資格人員可獲發搬遷津貼。根據調遷高級公務員宿舍的經驗，遷出通知一般在遷出期限前十二個月發出。因此，我們在諮詢文件中載明“維持現行安排，即合資格人員一般會在遷出期限前十二個月內可獲發搬遷津貼”。</li> <li>不過，合資格人員仍須在實際搬遷後提出申請，因為搬遷津貼的實際發放要視乎實際搬遷時的津貼額及條款而定。</li> </ul>

<b>(G)</b>	<b>冷氣機津貼</b>	
	<ul style="list-style-type: none"> <li>取消冷氣機津貼。</li> </ul>	
	<p style="text-align: center;"><b>員工意見</b></p> <ul style="list-style-type: none"> <li>貿然取消該項津貼而不作出補償是不恰當及違法的。</li> <li>如沒有適當的補償安排，取消該項津貼的方案是違法的。</li> <li>雖然員工沒有表示強烈反對，當局宜採取審慎做法，與個別合資格員工接觸。</li> </ul>	<p style="text-align: center;"><b>公務員事務局意見</b></p> <ul style="list-style-type: none"> <li>在提出修改建議時，我們一直恪守合情、合理、合法的原則。鑑於冷氣機津貼已不合時宜，我們認為應予取消。</li> </ul>

<b>(H)</b>	<b>提供酒店住宿</b>	
	<ul style="list-style-type: none"> <li>按海外條款受聘的合資格人員，在放取離職前休假時，一律可獲提供最多三晚短期酒店住宿。</li> <li>取消向按海外條款受聘的合資格人員在休假前後各提供一晚酒店住宿的安排。</li> </ul>	
	<p style="text-align: center;"><b>員工意見</b></p> <ul style="list-style-type: none"> <li>鑑於可節省的款項不多，員工強烈反對把行將退休人員可享的七晚酒店住宿縮短為三晚。</li> <li>當局應為縮短酒店住宿提供合理解釋。最少七晚是基本所需，以便收拾行李、清理宿舍及終斷公用設施。</li> </ul>	<p style="text-align: center;"><b>公務員事務局意見</b></p> <ul style="list-style-type: none"> <li>合資格人員一般獲准在停止政府職務後繼續在其宿舍內居住 60 天，因此應有足夠時間作出遷出準備。</li> <li>鑑於有關人員一般不會獲准同時在其宿舍及酒店內居住或留宿，他們在遷出宿舍入住酒店前，已須收拾行李和清理宿舍。因此，執拾、搬遷及打掃所需的時間與入住酒店時間的長短無關。有關人員應先計劃何時能完成上述工作，並在終斷公用設施前與公用事業公司商定確實日期。</li> <li>在終斷公用設施方面，據我們所知，公用事業公司一般會在終斷公用設施一兩天內安排發還按金，除非須發還的金額相對龐大以致發還程序需時兩周。</li> </ul>
	<ul style="list-style-type: none"> <li>預計可節省的款項微不足道，不符合“實質減省開支”的目標。</li> </ul>	<ul style="list-style-type: none"> <li>雖然檢討的目的之一是減省開支，但使各項福利的提供更臻合理，同樣是今次檢討的重要目標。由於提供最多三晚酒店住宿已能達到為遷出宿舍並離港返國的人員安排短暫住宿的目的，我們認為該方案是合理的。</li> </ul>

	<b>員工意見</b>	<b>公務員事務局意見</b>
	<ul style="list-style-type: none"> <li>• 該方案等同削減福利，有違《基本法》。</li> <li>• 提供七晚酒店住宿並不過多，貿然縮短至三晚，是不切實際、苛刻及違法的，且有損員工士氣。</li> <li>• 取消外籍員工一晚酒店住宿，必須以其他方式作補償。</li> </ul>	<ul style="list-style-type: none"> <li>• 在提出修改建議時，我們一直恪守合情、合理、合法的原則。</li> <li>• 由於香港的公共交通網絡日益完善，為按海外條款受聘人員在年假或縮短例假前後提供一晚酒店住宿，已屬不必要。我們認為取消這項福利的建議，符合合情、合理及合法的原則。</li> </ul>
	<ul style="list-style-type: none"> <li>• 員工對取消為合資格人員在休假前後提供一晚酒店住宿的建議，沒有強烈反應。</li> </ul>	<ul style="list-style-type: none"> <li>• 意見備悉。</li> </ul>

<b>(I)</b>	<b>酒店膳宿津貼</b>	
	<ul style="list-style-type: none"> <li>取消酒店膳宿津貼。</li> </ul>	
	<b>員工意見</b>	<b>公務員事務局意見</b>
	<ul style="list-style-type: none"> <li>員工認為較審慎的做法，是保留此項津貼，以便將來高級公務員宿舍受宿舍處理計劃影響而須發放類似津貼。</li> </ul>	<ul style="list-style-type: none"> <li>我們無法理解此論點。根據現行規例（即《公務員事務規例》第 846 條），按海外條款受聘的合資格人員，在沒有政府宿舍的情況下獲提供酒店住宿，可獲發此項津貼。在高級公務員宿舍有餘額的情況下，按海外條款受聘人員如受宿舍處理計劃影響，應可獲提供替換宿舍，因此符合資格領取酒店膳宿津貼的情況應不會發生。</li> <li>即使合資格人員一旦因為宿舍不足而獲提供酒店住宿，由於酒店附近通常食肆林立，我們認為以現今情況來看，發放這項津貼已沒有充足理據。</li> </ul>
<b>(J)</b>	<b>其他：自置居所資助計劃／居所資助計劃</b>	
	<b>員工意見</b>	<b>公務員事務局意見</b>
	<ul style="list-style-type: none"> <li>當局不應提及考慮削減配額，因為許多人員須輪候 26 至 27 年才獲配額。削減配額會令輪候時間延長。</li> </ul>	<ul style="list-style-type: none"> <li>我們是按人員的實際數據提出這點的。如諮詢文件所載，估計在一九九零年十月至二零零五年六月間，總薪級表第 34 點以下（或同等薪點）而尚未參加自置居所資助／非實報實銷現金津貼計劃的合資格人員，會由 159 000 人減至 121 000 人。我們會繼續監察有關情況，包括輪候時間的改變及今後合資格人數的增減。居所資助計劃是不設限額的。</li> </ul>

**Submissions on the Review of Fringe Benefit Type of Civil Service Allowances**

**(A) Submissions from groups**

**(i) Staff bodies**

1. Hong Kong Senior Government Officers Association
2. Hong Kong Chinese Civil Servants' Association
3. Association of Expatriate Civil Servants of Hong Kong
4. Disciplined Services Consultative Council (Staff Side)
5. Superintendents' Association
6. Hong Kong Police Inspectors' Association
7. Overseas Inspectors' Association
8. Junior Police Officers' Association
9. HKSARG Clerical Grades Staff Association

**(ii) Departmental management**

1. Hong Kong Police Force
2. Television and Entertainment Licensing Authority
3. Drainage Services Department

**(B) Submissions from individuals : 15 in total**

## **(A) Submissions from groups**

### **(i) Staff bodies**





香港高級公務員協會

Hong Kong Senior Government Officers Association

香港下亞厘基道政府合署東翼地下G13室 Rm. G13, Central Government Offices, East Wing, G/F, Lower Albert Road, H.K.  
Tel : 2522 4267 Fax : 2523 3319

18<sup>th</sup> November 2005

Mr. Joseph WP Wong  
The Secretary for the Civil Service  
Central Government Offices  
Central, Hong Kong

Dear Mr. Wong,

**Review of Fringe Benefit Type of Civil Service Allowances**

The Association has carefully studied your latest proposal on the captioned subject. In general, we found the proposal moderate and acceptable. We're also pleased to find that many suggestions raised by the staff side in the last round of consultation have been incorporated into the revised proposal. A careful balance has been achieved between the need to modernize the administration of Civil Service Allowances and the need to protect the legitimate rights of civil servants under the Basic Law.

However, after wide consultation with our members, some areas of the proposal have been identified as inadequate and required further refinement. Our comments and suggestions for improvement on those areas are as follows:

1) Excessive currency risks borne by new claimants of Overseas Education Allowance

Under the new proposal, the ceiling rates to new claimants joining the scheme will be reduced to levels as at 30.6.1997 and the new OEA ceiling rates will be set at Hong Kong dollar. Many of our colleagues expressed their concern on possible wide fluctuations of exchange rates leading to unpredictable financial burdens, as tuition fees are set in foreign currencies. They prefer the allowance to be disbursed in foreign currencies. The Government as a whole, however, has a greater capacity to absorb the effects of exchange rate fluctuations than individual civil servants. They prefer the allowance to be disbursed in foreign currencies. We therefore propose that while the new OEA ceiling rates could be reduced to the levels as at 30.6.1997 in Hong Kong dollar terms, new claimants should be given the options to receive



香港高級公務員協會

Hong Kong Senior Government Officers Association

香港下亞厘畢道政府合署東座地下G13室 Rm. G13, Central Government Offices, East Wing, G/F, Lower Albert Road, H.K.  
Tel : 2522 4267 Fax : 2523 3319

the allowance in Hong Kong dollar or in currencies of their countries of destination, with the exchange rates fixed at those prevailing at their time of application for the allowance. Our proposal would enable civil servants to have a more reliable estimation of their financial commitment before deciding on sending their children to overseas studies. As exchange rate fluctuations tend to average out in the long run, our proposal will not increase the financial burden to the Administration, unless it is the intention of the Administration to use currency risk as a means to discourage civil servants from claiming the allowance.

## 2) The lack of rate adjustment mechanisms for OEA and LEA

While we do not oppose to the cutting of OEA and LEA ceiling rates to levels prevailing at 30.6.1997, we cannot agree to the freezing of these rates permanently, more so for the LEA, which is claimed by a substantial number of officers and has a large pool of eligible officers who may claim the allowance in the years ahead.

Although we have gone through a long period of deflation since the Asian financial crisis in the late 1990s, there are abundant signs to indicate that inflation is going to pick up in the coming years. As the educational allowances, especially the LEA, are going to be claimed over the next 30 years, rising tuition fees in the ensuing years would render the allowances meager after a decade or so. It is also unfair to new claimants who will find their allowances worth much less in real term compared with colleagues who claimed the allowances well before them. As such, we **propose that** while maintaining the proposed cuts in the ceiling rates, an adjustment mechanism should be put in place, for LEA if not for OEA, so that the allowance rates will move in tandem with changes in tuition fees.

## 3) Lack of flexibility of the proposed changes in School Passage Allowance (SPA)

As a Senior School in United Kingdom usually has three terms when students normally return to Hong Kong for family reunion. Limiting to two trips per school year has therefore no rational basis and pays no regard to the real life. The limitation to "economy class" will also cause a lot of dispute because different airlines have different naming of classes. If the Administration's intention were to save money, a cap on the maximum



香港高級公務員協會

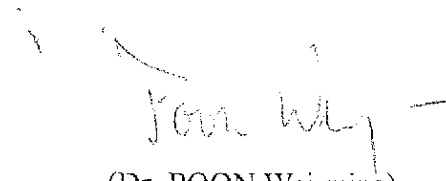
Hong Kong Senior Government Officers Association

香港下亞厘畢道政府合署東座地下G13室 Rm. G13, Central Government Offices, East Wing, G/F, Lower Albert Road, H.K.  
Tel : 2522 4267 Fax : 2523 3319

reimbursable allowance would suffice, saving all the administrative effort to find out whether this "economy class" rule has been breached. The SPA rate, after the proposed cut, can still marginally covers three "well-planned" (e.g. bookings during promotion) trips. If the number of trips is capped at two annually, the claim can still be close to the ceiling for two less "well planned" (e.g. greater flexibility in flight date changes) trips. Therefore, such "tightening up" measures will not necessarily achieve reduction in expenditure but surely attract staff grievances.

From a practical point of view, since the proposed reduction is not very significant, we have no objection to the proposal if the present SPA terms (except for the proposed reduction) are maintained. This will be a win-win situation: the Administration saves money and civil servants can still enjoy the flexibility under the current arrangement.

Yours Sincerely,



(Dr. POON Wai-ming)

Chairman



香港政府華員會

HONG KONG CHINESE CIVIL SERVANTS' ASSOCIATION

中國香港九龍彌敦道238號 8 Wylie Road, King's Park, Kowloon, Hong Kong, China

電話 Tel: (852) 2300 1066 圖文傳真 Fax: (852) 2771 1139

網址 Web Site: <http://www.hkccsa.org.hk>

### TELEX FACT SHEET

## 圖文傳真

TO: 收件人	公務員事務局 李太	FROM: 發件人	香港政府華員會 黃河會長
ADDRESSES TELEFAX NO: 致 貴戶圖文傳真號碼		DATE: 日期	23-9-05
TOTAL NO. OF PAGES: (INCLUDING THIS PAGE) 頁數連同本頁共	2	OUR REF: 檔案編號	—
ANY ENQUIRY PLEASE CONTACT: 若有查詢，請致電			



香港政府華員會

HONG KONG CHINESE CIVIL SERVANTS' ASSOCIATION

中國香港九龍京士柏衛理道8號 8 Wylie Road, King's Park, Kowloon, Hong Kong, China

電話 Tel: (852) 23001066 圖文傳真 Fax: (852) 2771 1139 網址 Website: <http://www.hkccsa.org.hk>

## PRESS RELEASE 新聞稿

由 : 香港政府華員會

日期 : 2005年9月22日

From : Hong Kong Chinese Civil Servants'  
Association

Date : 22 September 2005

致 : 各大傳媒新聞部  
編輯先生/女士

To : News Editor

### 關於公務員附帶福利津貼最新建議

就公務員事務局今天(2005年9月22日)下午公佈有關公務員附帶福利津貼最新建議，香港政府華員會初步認為：當局是次處理基本上吻合了華員會的建議，符合尊重歷史、減少紛爭的精神，可予接納。但華員會對新申請人未來可以享用的某些津貼額被削減，因可能增加公務員的負擔，表示遺憾，希望當局能重新考慮。

華員會認為，有關福利津貼，不少為歷史遺留下來的問題。例如海外教育津貼、旅費津貼是當年實施本地與海外公務員同工同福利政策的結果；房屋津貼是照顧公務員房屋問題的結果，兩者皆體現政府承諾作為良好僱主的形象及政策，又事涉合約精神及《基本法》問題，一向十分複雜。為此，本會希望當局及社會各界採包容、體諒態度，以利於公務員與社會各界共同努力構建和諧社會。與此同時，華員會亦呼籲全體會員、公務員同事齊心協力，支持特區政府全方位發展經濟，與社會各界構築社會夥伴合作關係。

\*\*\*\*\*

# **A ECS**



Mr Joseph W. P. Wong  
 Secretary for the Civil Service  
 West Wing  
 Central Government Offices  
 11 Ice House Street  
 Central

21st November 2005

Dear Mr Wong,

### **Consultation Note on Review of Fringe Benefit Type of Allowances**

I refer to the consultation note received via Lotus Notes on 22nd September containing the latest proposals by your bureau for changes to allowances. The proposals are a definite improvement on the proposals made formally during 2004 on the "first phase" and informally in early 2005 on the "second phase". However, having consulted the members of my association, the majority opinion is that they still devalue the contractual entitlements of civil servants and are therefore unacceptable.

#### General principles

##### *Basic Law considerations*

It is clear that for several of your proposals the concept being pursued is that the allowances in question may be reduced to the relevant cash value as at 1 July 1997, presumably on the premise that this is permitted under the Basic Law. AECS does not agree with this interpretation of the Basic Law provisions. The allowances under consideration formed part of the contractual terms and conditions of serving civil servants as at 1st July 1997 and they were so constructed as to ensure a certain level of financial support for civil servants relative to the actual cost of the benefit. Thus, the contractual entitlement of civil servants is not to the cash allowance as it was at 1st July 1997, but rather to a sum of money sufficient to purchase, or meet the cost of a pre-defined portion of, a specified service or product. In certain cases you propose simply to abolish an allowance, not even attempting to retain the 1997 cash value. This is clearly unlawful.

AECS and other Staff Associations cannot, on behalf of their general membership, agree to the unilateral removal of the contractual rights of individual officers that are guaranteed and protected under or by virtue of the Basis Law. **The AECS does not support any changes which run contrary to the Basic Law provisions without an appropriate compensatory arrangement.** Your proposals offer no offsetting compensation for the proposed erosion of statutorily protected benefits.

##### *Modernising and Rationalising Allowances*

The AECS is, in principle, very much in favour of modernizing conditions of service in general. We are, however, opposed to one-sided proposals that would leave our

members worse off than before 1st July 97. Private sector practice is often quoted when the executive or the administration wants to criticise civil service allowances. Yet private sector practice allows the recipient much more flexibility in use and less bureaucracy in obtaining the benefits.

**The administration should be making proposals which reduce the bureaucracy and increase the flexibility of allowances but these proposals do little to achieve that.** In particular, the proposals for SPA do quite the opposite.

The covering paper summarizing the proposals states that one of the objectives is to rationalise the payment of the allowances and another is to achieve substantive savings in the next few years. The AECS would welcome an explanation as to exactly how the new proposals represent a rationalisation when, in most cases, they appear to be entirely arbitrary.

Likewise, the AECS would welcome a definition of "substantive savings". As pointed out in our response to previous proposals, the changes other than to education and housing allowances will deliver only minimal savings and hence do not meet your own criteria.

#### *Alternatives - Compensation*

Our understanding of court judgements to date is that if the Administration wishes to change employment conditions some form of *quid pro quo* should be offered and we would be willing to consider the proposals on that basis. Appropriate compensating amendments to terms and conditions could include:

- moving to a five-day week;
- abolishing the "12-day" rule governing leave;
- allowing multiple splitting of annual leave (instead of only two)
- making the LPA available as a non-accountable cash allowance, subject to a reasonable arrangement to maintain it at a reasonable level (eg. a 5% reduction from current levels).

The last option is clearly a win-win option since the Administration could reduce administration costs and AECS members would gain some flexibility. We are surprised to find that a proposal to implement such a non-accountable allowance no longer appears in the package.

#### Specifics

##### *Education allowances*

The proposed reductions in both the overseas and local education allowances are contrary to Basic Law provisions, since AECS members would be in a lessfavourable position when purchasing such services, in comparison to the position immediately before 1 July 1997.

For the OEA it is argued that there is an adequate free or heavily subsidized local education system and that the existence of this means the OEA is no longer justified. This may be true for children of Chinese-speaking officers on local terms, but it is not true for children of English-speaking officers on overseas terms or locally-modelled terms, who cannot use the local system. Their only viable local alternatives are the English Schools Foundation or other international schools. Furthermore, it is reasonable for such officers to be allowed to provide their children with the opportunity to study in their home country to maintain their cultural links. Therefore, the OEA should continue to be available for AECS members according to the existing system. Any diminution of this benefit should be subject to proper compensation.

OEA should be paid as an allowance in the currency of the country of study, not converted to HK\$ at the 1997 exchange rate, since the fees are payable in that currency, not HK\$. We understand the Administration's wish to limit its exchange risk but see no reason why our members should be forced to assume the risk.

Similar arguments apply to the LEA. English-speaking children of English-speaking officers on overseas terms or locally-modelled terms cannot access the local system and must use either the ESF schools or one of the international schools that provide an English language education. It is noted from paragraph 5 of Annex C that the ESF fees are used as one of the benchmarks for adjustments of the LEA. For AECS members, this is certainly as it should be. Long-serving civil servants recruited from overseas can point to the documents describing their terms and conditions of service when first they were appointed. These make it clear that the ESF is considered the government-funded public education system available for expatriates.

Clearly, we cannot countenance a de-linking of the LEA for expatriate children from the level of ESF fees as this would make our terms and conditions substantially worse than before 1<sup>st</sup> July 97. (The current debate over the future of the ESF is also relevant here. If the Government should remove or reduce the subsidy to the ESF, and fees were to rise as a result, it would clearly be equitable for the LEA for English-speaking officers on overseas terms or locally-modelled terms to be adjusted upwards so as to ensure they are not disadvantaged, and that their children can continue to have access to the public English language education system on terms no less favourable than before).

AECS also questions whether the savings projected from your proposal concerning LEA can be considered substantive. \$8.6m over five years is less than \$2m per year, barely enough to fund one directorate post. It appears therefore that, again, the proposal for this item does not meet your own criteria.

#### *Sea passage*

The proposals for the sea passage are contrary to the Basic Law provisions, as they would not allow AECS members to enjoy the same benefit to which they were entitled before 1<sup>st</sup> July 97, without having to incur additional cost. The projected savings of only \$0.4m over five years cannot be considered substantive and therefore do not meet your criteria.

You persist in your erroneous assertions regarding the reasons why this passage is available to long-serving expatriates. We have pointed out that in reality it was re-



introduced several years after its original deletion, simply as a reward to long-serving expatriates. In our previous comments on these proposals we asked you to explain various features of the allowance that clearly did not support your assertion as to its purpose. You have not responded to such requests, and we can only presume it is because either you have no adequate answers or you do not wish to disclose the truth.

The AECS awaits an appropriate proposal that would compensate potential recipients for the loss of benefit. Alternatively the proposal to reduce the value of this allowance should be deleted.

#### *School Passage Allowance*

You say that the rules will be tightened to reflect the original policy intentions but those rules were based on the assumption that an officer in receipt of OEA was on overseas terms and returned to his/her home country in the summer and was reunited with his/her children where they attended school. The children were entitled to two return trips to Hong Kong to coincide with the Christmas and Easter breaks between school terms. The benefit was later extended to officers on local terms. Now the majority of recipients are not in receipt of passage allowance and need to fund three flights per year.

To limit the passage to two trips per year is ridiculous. It will not lead to savings; it will simply lead to recipients using more expensive flights to the limit of the allowance, instead of using cheaper, indirect or less flexible fares.

If you really want to invoke "original policy intentions" then perhaps you should consider limiting OEA and SPA to officers recruited on overseas terms.

#### *Travelling expenses in country of origin*

The proposal to freeze the rates is contrary to the provisions of the Basic Law as the value of the benefit is reduced and consequently AECS members' terms will become less favourable than before 1<sup>st</sup> July 97 and we therefore oppose it. You have not offered any rationale for the proposal. We would like to know the amount of money you expect to save for this item alone (i.e. excluding the irrational proposal to abolish the same benefit for those drawing SPA). We would like to know whether the sum so saved meets your criterion of achieving substantive savings.

#### *Air-conditioning and furniture allowances*

The proposal to abolish these allowances, no matter how insignificant and outdated that they may seem to you, are plainly unlawful in the absence of appropriate compensatory arrangements. We oppose the proposal.

#### *Provision of hotel accommodation*

The proposal to reduce the maximum permitted number of nights in a hotel to three represents a diminution of benefits leaving AECS members' terms less favourable than before 1<sup>st</sup> July 97. It therefore breaches the Basic Law. Moreover the projected savings are trifling and do not meet your own criterion of achieving "substantive savings".

You seek to justify this reduction in benefits on the grounds that (a) it is possible to plan ahead to make shipping arrangements and (b) that utility companies can arrange for refund of deposits within one or two days following the disconnection of services.

From feedback from officers who have made preparations to proceed on final leave in recent months, we believe two days are needed to properly pack and remove the contents of a government quarter accumulated over 20 to 30 years of service. During this time it is essential that utilities remain connected. A further day needs to be allowed for the flat to be cleaned and tidied up into a condition fit for returning to the GPA, during which time the utilities are still needed. A further day has to be allowed for officers to be at the flat for utilities to be disconnected and, by your own admission, up to two further days allowed for deposits to be refunded. Thus six full days are required in total, requiring families to be accommodated in a hotel for a minimum of seven nights. Thus there is clearly no basis for reducing the existing provision.

### Conclusions


All of your proposals represent a diminution of benefits compared to those to which AECS members are contractually entitled and compared to the statutory protection provided by the Basic Law.

In seeking to "rationalise" the allowances, for expatriate officers the appropriate "rationale" would be to arrive at a proposed system of benefits based on what is provided to expatriates in the private sector. The "rationale" you have applied in arriving at your proposals simply cannot be discerned. Several of the proposals do not meet your own criterion of needing to deliver "substantive savings".

Should you wish to pursue these proposals I suggest you devise a meaningful package of compensation that I may put to AECS members. These could include measures as summarised under "*Alternatives*" above.

If, on the other hand, you choose to pursue your proposals by referring them to the relevant Standing Commissions; for advice, I should be grateful if the viewpoint and comments from the AECS in both this, and the AECS response to the initial proposals, could be conveyed to the members of the Commissions so that they can be fully appraised of the arguments on all sides.

Yours sincerely,



A J Cooper

紀律部隊評議會(職方)  
Disciplined Services Consultative Council  
(Staff Side)

本函檔號：SS/DSCC/A-1-1 Pt.1  
來函檔號：CSB/CR/PG/4-030-002/4-1

Room 139  
Central Government Offices  
East Wing  
Lower Albert Road  
Hong Kong  
Tel. No. 2810 2703  
Fax No. 2537 6937

中環下亞厘畢道  
中區政府合署西座十樓  
公務員事務局局長  
王永平先生

王局長：

公務員津貼檢討

多謝你 9 月 22 日的來信。

職方的意見詳列如下：

原則

1. 貴局稱，在進行檢討時，貴局一直恪守合法、合情和合理的原則。諮詢文件卻沒有詳細交代有關的法津觀點。按現時建議，貴局除調低部份津貼項目津貼額外，更把部份津貼項目取消。政府單方面對服務條件作重大修改，可能已抵觸了基本法有關保障現職公務員薪酬、待遇的條文。職方希望貴局詳細闡釋各項建議的法理基礎，以釋除眾多公務員的疑慮。

海外教育津貼

2. 職方建議，不論是新申領者或現有申領者，他們的海外教育津貼均應按現行安排繼續以外幣計算。若按 1997 年的平均匯率計算，偏離了現有機制，對新申領者不公平。

政府飛行服务队機師工會  
Government Flying Service  
Pilots' Union

政府飛行服务队空勤主任協會  
Government Flying Service  
Aircrew Officers' Association

政府飛行服务队飛機工程師工會  
Government Flying Service  
Aircraft Engineers' Association

政府飛行服务队飛機技術員工會  
Government Flying Service  
Aircraft Technicians' Union

懲戒部職員協會(高級組)  
Correctional Services  
Officers' Association  
(Senior Section)

懲戒部職員協會(初級組)  
Correctional Services  
Officers' Association  
(Junior Section)

香港海關官員協會  
Association of Customs &  
Excise Service Officers

香港海關職員工會  
Hong Kong Customs  
Officers' Union

香港消防處制服員協會  
Hong Kong Fire Services  
Central Staff's Union

香港消防處救護員協會  
Hong Kong Fire  
Services Department  
Ambulancemen's Union

香港消防處救護主任協會  
Hong Kong Fire Services  
Department Ambulance  
Officers' Association

香港消防處消防員協會  
Hong Kong Fire Services  
Officers' Association

香港消防處員工總會  
Hong Kong Fire Services Department  
Staffs' General Association

香港入境事務處助理員工會  
Hong Kong Immigration  
Assistant's Union

入境事務處主任協會  
Immigration Services  
Officers' Association

### 學生旅費津貼

3. 貴局既建議調低津貼額的上限，則無須額外限制旅程次數。貴局建議收緊發放津貼規則，使員工可享福利時卻受雙重壓制，進一步打擊公務員士氣。

### 家具及用具津貼

4. 貴局既建議取消家具及用具津貼，理應配合現今宿舍居住環境，面積大小由政府宿舍住客提供適當的家具及用具。

### 搬遷津貼

5. 按現行規定，員工須於搬遷後才可申領搬遷津貼。諮詢文件載述「即合資格人員一般會在遷出期限前 12 個月內可獲發搬遷津貼」意義不清晰，應予以修訂，或作澄清。據理解，上文應指人員一般會在遷出期限前 12 個月內搬遷，可獲發搬遷津貼。

紀律部隊評議會職方主席倪錫水



副本送：紀律人員薪俸及服務條件常務委員會主席

二〇〇五年十一月二十一日



警察評議會職方協會  
 香港軍器廠街一號警察總部  
 警政大樓三十九樓  
 電話 Telephone: 2860 2645  
 傳真 Fax: 2200 4355



POLICE FORCE COUNCIL  
 STAFF ASSOCIATIONS  
 39/F, ARSENAL HOUSE  
 POLICE HEADQUARTERS  
 1 ARSENAL STREET  
 HONG KONG

協會檔號 OUR REF: (26) in SS/C 1/13 Pt. 10

來件編號 YOUR REF: CSB/CR/PG/4-030-002/4-1

**BY FAX (2868 5069) & POST**

21 November 2005

Mr. Joseph W.P. WONG, G.B.S., JP,  
 Secretary for the Civil Service,  
 West Wing, Central Government Offices,  
 11 Ice House Street, Central  
 Hong Kong.

Dear Mr. WONG,

Review of Fringe Benefit Type of Civil Service Allowances

I refer to your letter of 22<sup>nd</sup> September 2005 on the above Review.

I attach the submissions from the Superintendents' Association (Annex A), Hong Kong Police Inspectors' Association (Annex B), Overseas Inspectors' Association (Annex C) and Junior Police officers' Association (Annex D) for your consideration.

Yours sincerely,

(Ms. Jessica LEUNG)  
 Staff Side Secretary

for Police Force Council Staff Associations

c.c.

Commissioner of Police (Attn.: SSP SR)

External

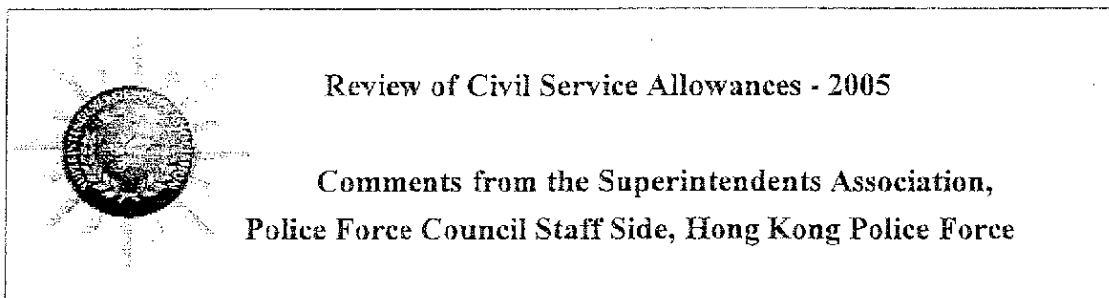
The Hon FAN Hung-ling, ExCo Member, c/o ExCo Secretariat  
 The Hon CHEUNG Bing-leung, ExCo Member, c/o ExCo Secretariat  
 The Hon Ronald ARCULLI, ExCo Member, c/o ExCo Secretariat  
 The Hon CHENG Yiu-tong, ExCo Member, c/o ExCo Secretariat  
 Members of the LegCo Public Service Panel, c/o LegCo Secretariat  
 Chairman, Standing Committee on Disciplined Services Salaries  
 and Conditions of Service

SUPERINTENDENTS'  
 ASSOCIATION  
 警司協會

HONG KONG  
 POLICE INSPECTORS'  
 ASSOCIATION  
 香港警務督察協會

OVERSEAS INSPECTORS'  
 ASSOCIATION  
 海外督察協會

JUNIOR POLICE OFFICERS'  
 ASSOCIATION  
 警察員佐級協會



(29) in SPA 2

This paper addresses the latest set of proposals from the administration to unilaterally vary the conditions of service offered to police officers.

### General Comments

2. As per Civil Service Regulations and the Memorandum on Recruitment and Conditions of Service we would like to reiterate that this so called 'Review of Fringe Benefit Type Civil Service Allowances' is erroneous. These allowances are in fact Conditions of Service offered on employment to police officers under differing grades and dates of appointment. In this regard the Secretary is asked to peruse CSR 1, which clearly states, "Government Regulations (CSR's) regulate matters related to the ... terms of appointment and conditions of service for Government servants".

3. Therefore as these are conditions of service offered on appointment these cannot be altered without specific recourse to all affected officers personally and directly. The offer of employment and such linked conditions of service are contractual matters between the individual and the administration as the employer. Officers will need to be individually addressed and definitive agreement or otherwise achieved from them. Force Management, Staff Associations and others cannot enter into negotiations on behalf of individual police officers as regards their employment contracts and conditions of service by virtue of the Police Force Ordinance (Cap 232, Section 8 – prohibition on the formation of trades unions and associated collective bargaining ability), the laws of contract and the Basic Law of Hong Kong. To do so would be illegal.

4. Whilst the revised proposals are less onerous than the original proposals the fact remains that these are suggested changes to conditions of service that affect many police officers both on local and overseas terms of service. All involve a reduction in condition of service type allowances. All involve seriously altered and reduced allowances for officers who through no fault of their own are presently not drawing these allowances. We fail to see what is 'lawful, reasonable nor fair' if conditions of service are altered unilaterally as regards sets of officers recruited under the same CSR and employment provisions. We fail to see any fairness in allowing serious disparity in conditions of service occurring between two individual officers recruited at the same time or indeed as regards, for example, one officer with children entering the same school either in HK or overseas at different times. The condition of service relates to the officer not to an arbitrary future date in time. We suggest that the 'proposals' are unjust, inequitable and illegal.

5. As stated these are contractual terms and conditions of service relating to police officers as at the 1<sup>st</sup> of July 1997 and they were stipulated and constructed under Civil Service Regulations to ensure a certain level of benefit was bestowed to individual officers to allow for a level of financial support relative to the actual fiscal cost of the benefit. Therefore, these benefits cannot equate to an arbitrary 'cash allowance' given for the 1<sup>st</sup> of July 1997 but rather are a viable subsidy for a specified benefit offered to employed police officers working in the service of Hong Kong. This viable subsidy component must remain in its original form or a like replacement offered. To allow these conditions of service to be replaced by a 'cash allowance' will not achieve this requirement and represents a diminution of the condition of service.

6. Under the Basic Law it is once again reiterated that these conditions of service need to be kept in the form of their original intent and design in order to ensure that entitled police officers continue to enjoy the benefit; as it existed on the 1<sup>st</sup> July 1997. These therefore cannot be equated to a cash cost. To do so would be in direct breach of the Basic Law and the decision of the Court of Appeal following the Judicial Reviews into the variation of civil service pay.

7. In the original judicial decision into the Judicial Review on civil service pay and as supported by the Court of Final Appeal, Justice Michael Hartmann referred to "moribund allowances" and suggested that, as the government must be able to adjust the individual allowances whilst maintaining the overall level of benefit or offering compensation for allowances that are deleted. If this legal course of action is ignored then the present 'trimming' exercise is fatally flawed. It is therefore contended that following this judicial decision that if the administration has decided certain allowances are out of date and need capping, refinement or deletion then the employee must be offered either compensation or alternative more viable allowances. This present exercise offers no such legal or fair alternatives.

8. The letter from the SCS makes many references to cessation of certain allowances for new recruits on key recruitment dates such as the new recruits taken into service in the year 2000. He then uses these examples of reduced terms and conditions of service to somehow 'justify' a reduction in terms of service for officers already serving and recruited on different terms. In actuality this issue bears no reference to terms of service offered to recruits prior to these dates. Recruits on their recruitment, either accept or do not, the terms of appointment offered by the administration as the employer. There can be no retrospective changes to these. The same argument relates to any suggested capping of allowances. If the officer was offered the allowance on appointment then he is entitled to that allowance remaining as a viable condition of service or being offered a revision to the allowance. Capping in effect kills the allowance at root level and allows the allowance to gradually wither and die. This is unacceptable and a serious breach of an employers contractual obligations to its employee and is probably in breach of recent judicial decisions.

9. The tone and content of the proposals also alludes to the decision of the Court of Final Appeal in June of this year in that pay can be reduced to the 'cash terms' as in operation in July 1997. It is felt that should allowances be removed, capped or varied invokes changes to the detriment of these allowances and as such reduces their value in both terms of fiscal benefit and staff benefits to the concerned officers and they are therefore in breach of the decisions made by the judiciary in the Court of Final Appeal. "Cash terms" therefore cannot be contemplated.



10. It is also noted that the proposal papers do not use the same criteria and structure in reviewing all the identified allowances in a like 'across the board' manner. Some are kept, others capped, and others pegged at a cash value whilst others are unilaterally removed. This piecemeal approach to the process lacks credibility and appears to highlight that the exercise is nothing other than a concession to assuage the wishes of a small number of badly informed legislators and commentators. It is not in any way, shape or form a rational, legal nor useful review of these allowances. Whilst the original proposals were under examination they at least offered alternative proposals to the allowances under review. This latest set of papers offers no alternatives.

11. Lastly, under previous administrations prior to the TUNG years' the Pay Survey and Research Unit working to the Standing Commission on Civil Service Salaries and Conditions of Service commissioned an annual review of 'allowances and fringe benefits' on offer to the private sector titled 'Fringe Benefit Survey'. This exercise was a dynamic one to gauge the ongoing packages offered to both local and expatriate staff in comparable private companies in Hong Kong. This then allowed the administration to oversee changes and fluctuations in these allowances. This exercise was unilaterally halted by the TUNG administration several years ago in 2002. It is suggested that without this type of review that no genuine exercise to review police officers allowances can be accomplished. It is also suggested that by diverging from this established protocol that the administration broke with established civil service procedures and therefore problems will emerge if such protocols are not re-established. To do otherwise would clearly highlight that the administration is not acting in a lawful, reasonable nor fair manner. In this regard we note that the results of this 'consultation' will be forwarded to the Standing Commission on Civil Service Salaries and Conditions of Service, which in itself is a clear indication that the TSANG administration intends to revert to proper protocols as regards, established civil service procedures and rules.

## Specific Comments

12. The following comments and feedback is given regarding all the individual allowances targeted for review.

### **(I). Education Allowances**

#### **(A). Overseas Education Allowance (OEA)**

- Please note that this is called an Allowance and governed by Civil Service Regulations - it is not a fringe benefit.
- This allowance is offered to both eligible overseas and local officers. This allowance should be retained for such eligible officers and it should also remain viable as per the judicial decision of Justice Michael Hartmann. If it is to be altered then a reasonable alternative proposal should be suggested.
- The present condition of service was constructed to allow variations in accordance to the average primary and secondary school fees for UK independent boarding schools in the London area. Officers so entitled should continue to be so unless they personally agreed to a change.
- The fact that this allowance was not offered to new recruits in 2000 is of no relevance to officers presently entitled. It is also argued that education and school passage allowances are fully justified. Employees working in Hong Kong on expatriate terms are routinely offered similar job related benefits. These are gauged to ensure the allowance serves the needs of the employee and his or her family.
- Previously the Standing Commission on Civil Service Pay and Conditions of Service commissioned an annual review of employment related benefits offered to the private sector - both to local and expatriate employees. Without recourse to any recent review into these benefits - the contention is that the administration cannot make any reasonable decision on this and similar allowances.

- This allowance was originally only offered to expatriate officers but in the 1980's extended, by the administration, to local term officers. Expatriate term officers had these terms on recruitment and are therefore, under the rules of natural justice, in possession of a strong expectation to maintain them. In Hong Kong police officers on overseas terms are severely limited as to where they can send their children to receive an international education linked to the English language. There are also strong justification arguments under the issue of retaining ties with their home countries as regards family, education and culture.

#### **(B). Local Education Allowance (LEA)**

- Please note that this is called an Allowance and governed by Civil Service Regulations - it is not a fringe benefit.
- Similar to the comments as regards OEA this type of allowance is also common in the private sector. Without recourse to recent reviews of private sector allowances in this regard no valid review can be made.
- It is contended that no freezing of this allowance can be made, as this is contrary to the decision of the CFA and to the Basic Law. It must remain a valid and flexible allowance with regard to the fee levels as dictated by the English Schools Foundation. As an official post handover language English remains an official SAR language and enhances the international aspect of the territory. To provide for English based education remains a paramount requirement for employees and this was actually the reasoning behind the original provision of this condition of service.
- The proposal offers no viable alternative. It is also divisive and ill thought through as siblings can attract different levels of allowance in the same family, as can brother officers recruited on the same day. This is divisive and contrary to the laws of natural justice as regards the legitimate expectations of serving police officers affected.

#### **(II) Passages**

##### **(A). Sea Passage**

- Please note that this is called an Allowance and governed by Civil Service Regulations - it is not a fringe benefit.

- This condition of service relates to overseas officers recruited before 1985. It is not outdated in that context. As a condition of service it should remain for entitled officers who actually relate to a very small number of police officers, around 158, of whom usually less than half actually take up the scheme. In terms of fiscal savings the savings are derisory. It is also noted that previous attempts to remove this provision were dropped on the grounds of legality and rationality. Again no alternative proposals are offered, it is suggested that if such were, certain individuals would negotiate on this allowance provided a reasonable counter proposal was put to them.
- As stated it is noted that the envisaged savings on this proposal equate to \$0.1 million per year and \$0.4 million over five years – some \$400,000 only. This is a pitiful amount and on a cost/benefit/outcome basis clearly not worth the unnecessary harm in both fiscal terms and on a morale basis caused to long serving expatriate police officers.
- Lastly the administration is reminded that this passage was offered as a 'reward' for long and loyal service in Hong Kong to expatriates returning to the UK and is not a general passage allowance.

**(B). School Passage Allowance (SPA)**

- Please note that this is called an Allowance and governed by Civil Service Regulations - it is not a fringe benefit.
- Similar to our arguments above and specifically as regards OEA this condition of service was offered to allow expatriate officers to send their children to home countries to be educated and maintain family ties. The fact that the administration later extended this provision to local term officers on a parity basis is hardly the fault of the employees and instead the responsibility of the administration. The administration is bound contractually and legally to continue this provision.

**(C). Traveling Expenses in Country of Origin or Place of Study**

- Please note that this is called an Allowance and governed by Civil Service Regulations - it is not a fringe benefit.
- As per our arguments above this allowance cannot be unilaterally stopped for SPA claimants.
- Likewise it cannot be capped, as this will denude the actual construction and intent of this allowance both for expatriate and local term officers. In effect this action will make the employment terms of officers so affected less favourable than the level they received in July 1997.

### **(III). Housing**

#### **(A). Non Accountable Cash Allowance Scheme**

- Please note that this is called an Allowance and governed by Civil Service Regulations - it is not a fringe benefit.
- Officers affected by these proposals should be approached directly.

#### **(B). Accommodation Allowance (AA) Scheme**

- Please note that this is called an Allowance and governed by Civil Service Regulations - it is not a fringe benefit.
- Officers affected by these proposals should be approached directly.
- It is of note here that certain provisions appear to be improvements in the rationality and applicability of this allowance. It is a pity that this cannot be said for most of the other proposals.

#### **(C). Private Tenancy Allowance (PTA)**

- Please note that this is called an Allowance and governed by Civil Service Regulations - it is not a fringe benefit.
- Officers affected by these proposals should be approached directly.

#### **(D). Provision of Furniture and Domestic Appliances**

- Please note that this is called an Allowance and governed by Civil Service Regulations - it is not a fringe benefit.
- Again no alternative proposals are offered. It is our contention that if individual offers were approached and offered a reasonable and modern alternative to this allowance that many would happily take up on such an offer.

#### **(E). Furniture and Domestic Appliances Allowances**

- Please note that this is called an Allowance and governed by Civil Service Regulations - it is not a fringe benefit.
- As this is stated to be \$15.7 million per annum and about \$78.5 million over five years, a substantial sum, staff wonder as to who actually receives this allowance. Further information should be provided.

- In view of the amount involved arbitrary removal of this allowance is deemed to be unlawful.

**(F). Removal Allowance**

- Please note that this is called an Allowance and governed by Civil Service Regulations - it is not a fringe benefit.
- The rationale to reduce administrative costs and turn this into a non-accountable allowance is welcomed. What is not welcomed is the arbitrary reduction by 5%, a figure somehow picked from thin air with no rational neither suggested nor advanced.
- The saving is a paltry \$200,000 (not \$0.2 million this time) and over \$1 million over five years. In comparison with the latest communication from the SCS to create twelve new directorate posts this is derisory and opposed on the grounds it will affect many police officers already suffering under reduced pay and conditions of service.

**(G). Air Conditioning Allowance**

- Please note that this is called an Allowance and governed by Civil Service Regulations - it is not a fringe benefit.
- Arbitrary abolition without compensation is considered inappropriate and probably unlawful. Again as this allowance relates to a few officers only, common sense dictates that if they were approached and offered alternative compensation then changes could be made to future provision of this allowance.
- The amounts saved are \$300,000 per annum and a mere \$1.5 million over five years. It is unfortunate that no statistics are provided on officers claiming this allowance and we suggest that most probably do not. It is suggested that this allowance will fade away as those entitled move from public service. In the greater scheme of allowances this particular one, whilst great to parade in public to pander to uninformed legislative councillors or politicians, is not considered a serious drain on the public purse.

**(H). Provision of Hotel Accommodation**

- Please note that this is called an Allowance and governed by Civil Service Regulations - it is not a fringe benefit.

### (I). Hotel Subsistence Allowance

- Please note that this is called an Allowance and governed by Civil Service Regulations - it is not a fringe benefit.
- The provision of seven days hotel accommodation given to expatriate staff prior to them retiring or leaving government service is not considered excessive. The arbitrary slashing of this to three nights is considered, impractical, mean, unlawful and on the basis of cost against benefit a measure guaranteed to engender poor morale. Senior police officers looking at the savings of \$100,000 over one year and of \$500,000 over five years as derisory.
- The linked removal of the one nights accommodation for expatriate staff must benefit from some sort of compensation. The legal judgment as handed down by Justice Michael Hartmann regarding 'moribund' allowances must be followed.

### Conclusion

13. In short these proposals represent a major reduction on present conditions of service secured by serving police officers on their appointment. These are therefore considered unlawful, unfair and wholly inappropriate.

14. The overall content of the review is questioned on two main grounds. Firstly no comparison with the private sector has been sought. Second, the arbitrary reduction, removal or capping of conditions of service regarding serving police officers is opposed on the grounds of judicial decision and the Basic Law.

15. We would also like to point out that the Government's intention to make "substantive savings" would not be achieved through an overly aggressive and public attack on the minor civil service funding arrangements contained in this review.

Chairman and Executive Committee,  
Superintendents Association,  
Police Force Council

Ref: (2) in AR HKPIA EC2005

Your Ref: CSB/CR/PG/4-030-002/4-1

Tel: 8108 6501

Fax: 31865692

email: [hkpia@police.gov.hk](mailto:hkpia@police.gov.hk)

[info@hkpia.org](mailto:info@hkpia.org)

Website: [www.hkpia.org](http://www.hkpia.org)



香港警務督察協會

香港 軍器廠街壹號 警察總部轉

Hong Kong Police Inspectors' Association

c/o PHQ, No.1 Arsenal Street, Hong Kong.

Mr. WONG Wing-ping, Joseph, GBS, JP  
Secretary for Civil Service

18<sup>th</sup> November 2005

Dear Sir,

**Review of "Fringe Benefit Type of Civil Service Allowances"**

I refer to your letter of 22<sup>nd</sup> September 2005 under the above reference concerning the 2<sup>nd</sup> Phase consultation on the above subject and wish to provide comments of our Association as follows: -

*It is proposed to reduce the numbers of 'School Passage Allowance' entitlement (a) for children over 19 years to only one round-trip claim, and (b) for children below 19 years to two round-trip claims per academic year.*

I note the consultation paper has provided no reason for the proposed reduction. I would envisage the Administration will probably say that the proposed reduction is realistic because of the consistently high fare of air-ticket at present will anyway prevent officers from making three round-trip claims a year (These days officers are usually claiming two round-trips only). I believe also that the Administration will try to argue that there is no change of the monetary value (i.e. maximum amount) of School Passage Allowance officers were entitled in 1997. In relation to the proposed reduction, I have however the following observations that must not be hastily overlooked: -

An academic year (using UK as an example) consists of three academic terms, the proposed reduction would in effect deprive the students' entitlement to the number of



opportunities for family reunion as they are entitled, particularly before 1997.

The proposed change includes forbidding the carrying forward to the next year of the unspent portion of the School Passage Allowance. Although the air-ticket fare is high at present, officers nowadays are still able to make a total of five round-trip claims for two consecutive academic years. Under the proposed change however, they could no longer do the same. In addition, even if the air-ticket fares go down again in the future making the purchasing of three round-trip tickets in one year with the School Passage Allowance possible, officers will in future be prevented from enjoying such benefit they are entitled because they will be permitted to make two claims only. In theory officers are given the same amount of School Passage Allowance as in 1997, but in fact they are only allowed to enjoy 2/3 of the amount and must surrender the remaining 1/3 to the Treasury. I fail to see any logic in the proposed 'change'.

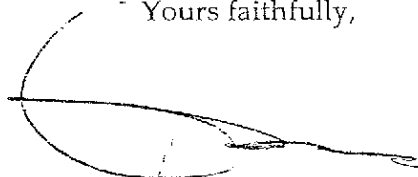
It was said in the consultation paper that 'School Passage Allowance' must be tightened up to reflect the 'original purpose' of the revision of the student passage benefit on 1998-07-01.

I do not believe the 'original purpose' of the **1998 revision** was 'to tighten up' student passage benefit. To the contrary, I believe the 'original purpose' of the **1998 revision** as announced at the time was just to 'provide flexibility for the benefit of the officers and their students'. The Administration is obliged to produce proof of the alleged 'original purpose' and proof that the said 'original purpose' was accepted by the staff side at the time.

Even if the said 'original purpose' could be established, the **1998 revision** would amount to a reduction of officers' benefit to a level / in a manner less favourable than what they were entitled to enjoy before 1997. The **1998 revision** is therefore inconsistent with the Basic Law.

Hoping that the above will receive your serious consideration in the 2<sup>nd</sup> Phase Review of Civil Service Allowances.

Yours faithfully,



(Peter P.L. CHAN)

for the Chairman

Hong Kong Police Inspectors' Association

**Revised Proposals on Civil Service Allowances**  
**Comments of the Overseas Inspectors' Association**  
**Hong Kong Police**

With reference to the consultation on revised proposals on Civil Service Allowances, issued by the Secretary for the Civil Service (SCS) on 22nd September 2005, the Overseas Inspectors' Association (OIA) of the Hong Kong Police has the following comments.

**General Matters of Principle**

2. From the outset let it be clear that the OIA *strongly objects* to any unilaterally change in contractual conditions of service, which is exactly what the proposals made by SCS amount to. The continued use of the phrase "fringe benefit type allowances" serves as a focal point for the feelings of anger and resentment that most civil servants hold towards the current administration and SCS in particular. It is particularly galling for police officers to be faced with a constant attack on our conditions of service given that we have specifically sought out, and received, assurances on these conditions from Chinese officials prior to the handover of sovereignty. Attached in hard copy to this submission are copies of newspaper articles reflecting promises made in 1991 and 1994, by Mr. ZHOU Nan and Mr. LU Ping respectively, that police conditions of service would not be changed.

3. It was promises such as these from the Mainland authorities, and their counterparts in Hong Kong itself, that persuaded many officers to serve on in Hong Kong and start families. Our loyalty has not been repaid and the broken promises will long remain the legacy of this administration. All hopes for a new order with the removal of Mr. TUNG have been dashed, leaving the current SCS free to continue his attack on honest, hardworking police officers across Hong Kong.

4. Once again, we must reiterate that we are not talking about "fringe benefits". As noted at paragraph 8 of the CSB note dated 22nd September, the administration's final proposals will be put to the **Standing Commission on Disciplined Services Salaries and Conditions of Service (SCDS)** for advice. The SCDS does not have anything to do with fringe benefits - it is concerned with *Salaries and Conditions of Service*, as its title clearly suggests.

5. The Administration yet again intends to unilaterally implement these proposals despite the tremendous ill feeling caused by the imposition of pay cuts in similar fashion. Agreement or otherwise to cuts in contractual conditions of service is a matter for individual officers in consultation with the employer.

6. The proposed savings in no way justify the exercise, especially given that the allowances can only be claimed by an ever shrinking pool of officers. The justification given by CSB is statistically unsound and contradictory. In addition CSB have refused to adopt staff suggestions that would actually increase savings, calling into question the whole rationale of the exercise.

7. The OIA is of the opinion that the proposals yet again breach Article 100 of the Basic Law. The Basic Law issue apart, we are dealing here with benefits that have accrued to individuals as a matter of contract over many years of service. Therefore, we cannot agree on members' behalves to the reduction of any benefits, that as a matter of law have accrued to them as individuals. For example, in the case of Accommodation Allowance, surely it would be a more productive, and potentially less painful for Government, to negotiate directly with the very small number of individuals who are currently entitled to this allowance, instead of varying their contracts unilaterally?

8. The existence of a clause in the standard MOCS, reserving the Government's "right" to vary terms and conditions of service needs to be viewed in the context of compliance with Basic Law and contractual requirements. We consider that the way in which the Administration is seeking to apply the clause is in no way lawful. If applied to that extent it would effectively nullify the contract between the Government and its employees because it would mean that the Government could change any condition of the contract at any time. Clearly such a provision could not stand under a modern interpretation of the common law relating to contracts. Nor is there any offer of fair or reasonable compensation in the proposals.

9. The OIA also takes issue (yet again) with the justification put forward in support of these proposals. Where are the "present day circumstances" described and what are they? According to all recent media reports the economy is recovering and pay rises abound outside Government, and have apparently done so since 2002, when police pay was first cut!

10. The proposals put forward are being presented with a lack of good faith. The Government has already made up its mind to unilaterally deprive its qualifying staff of their legitimate entitlement. An example of this is the lack of a willingness to support suggestions from the OIA in respect of Accommodation Allowance, suggestions that would actually save the Government more money. We question whether this is a reasonable way for the Government to treat its loyal and long-serving police officers, and whether it is of any concern to the Government that such actions are bound to have a long-term effect on loyalty and service culture.

11. What possible justification can be put forward for further aggravating and alienating police officers by the unilateral erosion of their accrued benefits and terms and conditions of service? How can this blatant attack on police officers possibly benefit Hong Kong? None of the measures proposed will have any significant effect on Government expenditure.

12. The Administration would do well to remember the special role of the Hong Kong Police in maintaining the social order and stable economic environment that all of us enjoy. When deciding to become a police officer, staff do so on the basis of receiving a salary and contractual conditions of service. Serving as a police officer is a non-transferrable profession and so we cannot simply skip across and join another company, unlike other civil servants. We are stuck with our decision to serve the public of Hong Kong, a decision for which we should not be penalised by a Government that consistently kowtows to big business and changes makes unilateral changes to contractual conditions of service.

### **Comments on Individual Proposals**

#### **Leave Passage Allowance**

13. The OIA generally agrees that the provision of LPA must be retained on existing terms. We note also that the CSB stance that "*provision of LPA to officers on overseas terms and directorate officers, is broadly in line with private sector practice, and the number of eligible officers on overseas terms will gradually reduce*" and that "*the estimated savings ...are not significant*". This reasoning applies equally to ALL other proposed cuts, given that most allowances ceased to be offered to recruits since 1996, or 2000 at the latest.

14. However, the OIA questions why the proposal to make the allowance fully non-accountable has not been pursued, as mooted in the initial proposals last year. As the Administration itself noted last year, this would provide extra flexibility and save money on administration costs by up to 15%. *Why has the Administration ignored a valid suggestion to cut costs and reduce bureaucracy?* The OIA believes many officers would be prepared to accept a fully <sup>fully</sup> accountable LPA if negotiated on an individual basis, or offered as an option in a similar fashion to the Modified Annual Leave option.

#### Accommodation Allowance Scheme

15. The problems with AAS have been known to the administration for some time and, despite repeated requests by the OIA, the Administration has failed to address any of our members' concerns. On the contrary, the revised proposals serve to exacerbate the dire situation already facing members on the AAS. As a basic indicator, the current AAS rate represents a drop of 45% from its peak 1997 value. However, rentals prices are fast rising to previous levels, leaving AAS claimants floundering financially. In order to understand the problems faced by many of these officers, a single example is described below.

16. Officer A has over 14 years service in the Force and is on the AAS. He has now moved house four times in 8 years, the latest after his landlord increased his rent by HK\$10,000- per month. The financial burden has forced family upheaval every two years as the officer seeks new (and vastly inferior) accommodation. Nothing in the Government's proposals seeks to resolve these fundamental problems with the AAS and those problems will be exacerbated when the officer's child moves into full time education, as the child will be forced to move school every two years. This in addition to the poor child having to continually make new friends in a new environment. The officer may well have no option but to resign, taking with him 14 years of training and expertise. It is a disgraceful state of affairs.

17. The recalculation of rates is a superficial attempt to make the scheme more "user friendly" but fails to take into account that regardless the claimant is at the mercy of unscrupulous landlords. The proposed "locking-in" of a tenancy to the current rate is also scandalous given that claimants have suffered for many years, and can currently enjoy a higher rate if it rises and keep the starting rate if it falls, but will now be locked-in as the market rises!

18. By CSB's own admission the prevailing rates for the AAS are 12 months behind the rental market. Reliance on figures calculated by the Rating and Valuation Department for the previous year render the prevailing AAS rate obsolete by anywhere between 12 and 23 months, depending on the date of tenancy. CSB also appear to view any new tenancy agreements taken out before the completion of original agreements as suspicious. As mentioned, officers do not want to move continually - apart from the emotional upheaval, the costs associated with these moves are prohibitive, including removal expenses, agents fees and other associated expenses.

19. It is apparent that CSB are going out of their way to make the AAS scheme as untenable as possible. However, if they want officers off this scheme then they must provide suitable and financially viable alternatives. They have failed to do and this brings us to the proposed Non-Accountable Cash Allowance Scheme, which is discussed below.

#### Non-Accountable Cash Allowance

20. Some officers have indicated that the option of a non-accountable cash allowance is a small step in the right direction, albeit the amount being offered is totally unrealistic. CSB has confirmed that the majority of OIA members opting out of AAS to take up this proposal would draw NCA at a rate of HK\$12,830- per month. Under the proposal this rate would be fixed at 5% below HFS levels and would expire after 10 years. The current rate of AAS being claimed by officers is HK\$20,500- per month, and eligible officers can receive this contractual condition of service until such time as they leave the police force. What possible incentive is there to join the NCA scheme, particularly in a rising property market? What sort of "responsible" employer forces this situation onto employees?

21. Officers are particularly disappointed that a non-accountable cash option (albeit totally unviable) is being opened up now when those same officers were refused the option of HFS or something similar in the mid-1990s. Previous suggestions by the OIA to move these officers back into quarters (another cost saving proposal) have been totally ignored by CSB. There are, after all, only about 40 officers who are claiming under the AAS. Again we question the true motivation behind the proposals.

## Overseas Education Allowance

22. This allowance affects many officers and all are aggrieved about the revised proposals on reductions to this allowance, for which any recruits after 1 August 1996 (9 years ago) are in any event ineligible. When quoting the increase in costs for the provision of this allowance, the Administration has attempted to address why those costs have increased. The reasons quoted include rising number of claimants, increased school fees and appreciation of foreign currencies. What the Administration has failed to mention is *why* there are an increased number of claimants. The answers of course lie with the Administration itself, "hoist by its own petard".

23. If the Administration provided a suitable education system for children in Hong Kong there would be no need for more and more parents to send children abroad. As the quality of education in Hong Kong declines because of ill advised Government policies, so more and more parents look elsewhere for suitable options for their children. If the Administration had not been threatening since 1999 to cut education allowances, no doubt fewer claimants would have felt the need to take advantage of this condition of service. Which civil servant, having been treated as shabbily as this Government has treated civil servants since 1999, would not want to claim every available benefit before they disappear altogether? None, the OIA would submit.

24. Whilst it may be politically expedient now to paint this condition of service as "anachronistic and a throwback to the colonial era", for those with children going through the UK education system, or intending to do so, this is an issue of great concern. The allowance at present levels is already insufficient to keep pace with the rapid increase in school fees and associated costs (guardian fees etc).

25. The allowance is subject to taxation and currency fluctuations, with many officers already struggling to make ends meet. The proposed freeze for current claimants can only serve to exacerbate the situation. Officers are going to face severe financial hardship and possibly will have to withdraw children from overseas schools, with the added stress (for parent and child) of trying to reintegrate into the local school system.

26. Given the problems described above with existing rates, the reduction of OEA to 1997 levels for new claimants will obviously dissuade any parent from sending children overseas. It is fatuous to expect any parent to enter into overseas education at today's prices when only receiving 80% of the allowance available to existing claimants. And what of the situation where one child is already studying overseas but a sibling cannot because of the decrease in allowance? What responsible employer would attempt to divide the children of its employees in this way?

#### Local Education Allowance

27. At first glance the proposals on LEA appear to be relatively innocuous. However, this is another significant issue with implications on staff retention and staff morale. There is no doubt that local school fees will increase, especially those in the English Schools Federation (ESF), to which most members are sending their children. The problems facing the ESF have been widely reported, and an increase in school fees is inevitable if the standard of tuition is to be maintained. This again, is as a result of cuts enforced by the Administration.

28. The freeze in LEA will mean the allowance will quickly lag behind school fees, thereby reducing any perception of "assistance" being provided to eligible claimants. For many officers this is simply a "backdoor" pay cut. Most officers staying on after 1997 did so in the belief that the LEA was a significant contribution to the costs of educating any newly born or planned children. That will no longer be the case. Reducing the allowance for claimants who have been eligible for many years but only now planned a family is frankly outrageous. The Government's assertion that fees have not risen in the last 10 years is ridiculous and has no meaning given that we have been in a recession for most of that period. The same cannot be predicted for the next 10 years!

#### School Passage Allowance

29. This is another area of concern in which the Administration has been extremely devious in drafting its proposals. Although the amount does not appear to be reduced dramatically (\$25,100 to \$23,600), the proposals indicate a change to allow the SPA to be split over only 2 trips. Any remaining passage cannot be carried forward and only economy class tickets can be bought.



30. Given the price range of economy class tickets, only about HK\$18,000- of the allowance will be able to be spent, meaning the actual amount lost by claimants is in the region of HK\$7,000- or about 30%. The UK school system has three long holidays a year. Where are children supposed to stay when they can't return to Hong Kong on the third trip? *What sort of employer deliberately sets out to split employees' children from their parents during a school holiday.* The OIA objects in the strongest terms to the proposals that SPA can only be split over two trips. What possible justification is there for this proposal?

### Conclusion

31. The administration will purportedly now "consider" our formal response to the proposals and consult the various advisory bodies before making a final decision. Let it be clear that any agreement to the cuts proposed to our contractual conditions of service will obviously open the door for this Administration to inflict further cuts on police officers. The Government intention to 'divide and conquer' the police force is there for all to see.

32. We would urge that instead of applying a "top down" approach, the Administration negotiates properly with staff on the appropriate compensation to be offered in return for the reduction of benefits proposed. However, experience tells us that the current SCS cannot be trusted to engage in negotiation on a basis of mutual respect. We need only look at the pay cut legislation to see the low regard in which how this SCS views his "colleagues". We express our total and utter lack of trust in Mr. Joseph WONG Wing-ping.

33. When seeking advice from the SCDS on Salaries and Conditions of Service, we expect the Administration to fully and frankly reflect our stance, which is that we steadfastly oppose the proposals because:

- (a) the proposals breach the Basic Law;
- (b) the proposals breach Hong Kong contractual law;
- (c) the proposals have been presented in bad faith, taking no account of promises made to police officers by senior Mainland officials before the change of sovereignty, upon which many of our members chose to stay and serve Hong Kong; and
- (d) the proposals are mean spirited, unreasonable and unfair.

34. Overall we believe the one-sided implementation of these proposals will generate considerable ill will. We question whether the miniscule monetary savings could possibly be worth the ill will generated. The unilateral implementation of the proposals will also send a signal to the international community that the Hong Kong Government is yet again failing to respect contracts and the rule of law. We urge the Hong Kong Government to honour the promises made by the Government of the Peoples Republic of China to police officers prior to the change of sovereignty.

**Executive Committee  
Overseas' Inspectors Association  
Hong Kong Police  
October 2005**



Overseas Inspectors' Association  
Hong Kong Police Force

39/F, Arsenal House  
Police Headquarters,  
1 Arsenal Street,  
Wanchai,  
Hong Kong

OUR REF: (15) in SS/A 13 Pt. 2  
YOUR REF:

17<sup>th</sup> November 2005

Miss Leonia Tai  
Principle Assistant Secretary for the Civil Service  
(Housing And Establishment)  
Central Government Offices  
Lower Albert Road  
HONG KONG

Fax: 2521 2045

Dear Miss Tai,

Accommodation Allowance Scheme  
Proposals for Improvement

Thank you for your response dated 12 October 2005. We have considered in some detail the proposals issued for consultation on 22 September 2005. We have the following comments.

We cannot emphasize enough the fact that in terms of employer-employee relations, motivation, goodwill and practical livelihood, no other subject is of such serious concern for these officers.

The solution should reflect these officer's reasonable accommodation rights and expectations, and take account the fact that all recipients were employed before 1997 and have continued to do so on the moral and legal understanding that their conditions of service are to be no less favourable than before. In practical terms, with the Hong Kong housing market now strong again and interest rates increasing, this means it is imperative that recipients are given a fair and reasonable solution which

maintains their standard of living in Hong Kong. The mechanism of the scheme should seek to achieve this aim without financial detriment to the recipient.

We therefore reject locking the scale of allowance because this undermines the only way in which recipients can partially compensate for the cost of continually moving house as a result of the rising costs in the housing market.

In terms of the option to switch to the NCA, maintaining the existing inflexibility of the AAS alongside an option of a non-accountable scheme whose rate is so low (12,839) as to be financially unviable for recipients, does not offer a realistic solution.

The proposal to offer an option of a non-accountable allowance is a step in the right direction in terms of acknowledging the need for greater flexibility. But to offer a NCA with a rate of 12,839<sup>0</sup>HKD, falls seriously short of providing a viable financial alternative to the AAS to which we are legally entitled. This creates a situation seriously less favourable for the claimant than before. It also has cumulative negative financial implications coming on the back of the series of imposed cuts in salary. Our research among recipients has shown that no-one in practice could now afford the option of the NCA at the proposed rate. In addition, applying the rules of double housing benefits kills the NCA further because it removes the opportunity for an officer to use a spouse's allowance to improve his livelihood.

As has been previously explained, the existing AAS mechanism's value has been undeniably eroded in practice and a new solution is vital to provide these civil servants the flexibility they need. We propose that a single, flexible, non-accountable accommodation allowance (adjusted annually in line with the territory wide rental indices) for the limited class of AAS recipients, is the easiest, fairest and most acceptable solution which would go a long way to showing that the administration understands the practical problems of this unique group of recipients. Adoption of such is without any additional cost incurred by the administration and, in fact, may result in savings with respect to the administration involved in overseeing the current mechanism.

In addition, as another option, we again propose that existing vacant NDQs are offered to AAS recipients as an alternative to AAS for as long as supply remains available.

We would ask you to reconsider the proposals in the light of this feedback.

Yours Sincerely,



Paul Hobson  
Overseas Inspector's Association

香港警察隊  
員佐級協會  
香港灣仔軍器廠街1號  
警察總部警政大樓39樓  
電話 Tel: 2711 5183-4  
傳真 Fax: 2715 8158

電郵地址: info@jpoa.com.hk



The Junior Police Officers' Association  
of  
The Hong Kong Police Force  
39/F, Arsenal House, Police Headquarters,  
1, Arsenal Street, Wanchai,  
Hong Kong  
web site: [www.jpoa.com.hk](http://www.jpoa.com.hk)

Ref.: (208) in JPOA 202/1 Pt. II

香港中環政府合署西翼政府總部  
公務員事務局  
王永平局長

王局長：

### 附帶福利性質的公務員津貼檢討

本會對 貴局於 2005 年 9 月 22 日就有關問題的諮詢文件有意見如下:-

- (i) 雖然政府在『單方面立法減薪』的訴訟得到最終的勝訴裁決，這並不代表政府可以將這次裁決的結果作為今次津貼檢討的藍本或有相提並論的關係。
- (ii) 公務員各項津貼的調整，一貫以來都是有根據通脹、消費物價指數及市場因素作為調整機制，所以相對在 1997 年前或後的津貼比率數額應當是沒有相連的因素或關係。
- (iii) 就今次文件內所提出的各項調整建議，本會絕對不予支持及不希望有任何基本上的變更。而且內文提及的凍結金額情況，本會認為是絕對影響 1997 年前入職的部份人員行使其服務條件的權利，亦可能有人員提出司法覆核。

(二) 一向以來，公務員中尤其是前線警務人員都信任政府是一個良好的僱主。1997年前，經濟好景，越南船民引起的社會問題及國內偷渡潮所衍生到的大量嚴重暴力罪案問題等等，我們都沒有放棄自己的職責去選擇離開公務員隊伍，亦繼續緊守崗位。更且1997年後金融風暴，經濟不景及沙士肆虐，影響民生，許多人員及家人的經濟收入亦都受到影響。而政府亦因財赤嚴重所提出0-3-3的減薪方案，本會會員本著同心同德的精神去接受減薪的安排，承擔財赤的社會責任，默默承受各種壓力。而較早前貴局提出調整各項津貼的時間上，有關財赤問題仍然存在，但是現時經濟環境有所改善，市面上出現加薪及通脹的氣氛，而政府亦大量投放資源去建設社會，改善民生，改組架構及增加職位等等。本會難以理解在本地及海外的教育費用年年增加的情況下，政府還要作出大幅度下調的建議，這是一個絕對影響大部份現職1997年前入職的公務員所享有的權利，真的令人失望與費解。

(三) 本會執行委員會全體人員一致反對政府在這種情況下檢討建議文件內的各項津貼額。希望政府三思此問題的嚴重性，否則雙方的關係必然受到不能估計的衝擊及損害我們對政府的信心。



劉錦華

香港警察隊員佐級協會主席

二零零五年十一月十八日

副本送：總警司(人事服務及職員關係)



# 香港特區政府 文書職系人員協會

九龍長沙灣道 21-25 號長豐大廈 3 字樓  
電郵：hksarg\_cgsa@yahoo.com.hk  
網址：http://hk.geocities.com/hksarg\_cgsa

致：公務員事務局局長王永平先生

## 附帶福利性質的公務員津貼檢討

一直以來，當局一再強調公務員的薪津檢討，目的不是要削減公務員的福利，並且在進行檢討時，一直恪守「合法、合情和合理」的原則。

但現時，香港政府只著重回應社會上的政治壓力和滿足部分商界和政界無理的要求，硬要將公務員按服務條件所享有的薪津大幅削減，而忽略公務員隊伍的穩定性及整體的長遠利益；更漠視過往的歷史背景、高薪養廉政策背後的真正意義，以及公務員對社會的貢獻。再者，在目前社會貧富極其懸殊的情況下，政府更不應助紂為虐，落井下石，反之應以良好僱主的典範，善待僱員，藉以抑制剝削之風持續惡化，造成社會不穩定的局面。

當局在方案中建議：

### I. 海外及本地教育津貼

#### 現有申請者

把津貼的上限凍結在現時水平，津貼額日後不再調整。

#### 由 2006/07 學年起申領津貼的新申領者

把津貼的上限調低至 1997 年 6 月 30 日的水平，津貼額日後不再調整。

### II. 居所資助計劃和自置居所資助計劃

由於計劃的津貼額調整機制剛於 2001 年予以修訂，無需作出任何修改。

同時，當局估計合資格參加自置居所資助計劃／現金津貼計劃的人員數目，已由 1990 年 10 月的大約 159 000 人，減至 2005 年 6 月的大約 121 000 人... 已決定暫不削減配額，並會密切留意有關情況。

首先就教育津貼而言，當局只著眼在政府的「支出」，從來沒有以其他角度作出審研。要知道，政府與公務員是僱主與僱員的關係，提供福利津貼是人力市場增加僱員歸屬感及提升士氣的工具。對公務員而言，基於固定的薪酬和局限的晉升機會，再加上百物騰貴，子女教育開支不斷增加，政府所給予的子女教育津貼在某程度上減輕了他們的負擔。對某些同事來說，間接幫助了他們渡過了入不敷支的困

境，解決了子女教育的問題，從而可以安份守己，專心工作。誠然在公務員子女當中，有不少藉著有關津貼的補助，而學有所成，成為政府官員或商界的精英。從另一角度來看，這實在是對政府及社會人才的一項投資。削減教育津貼無疑會使一些有潛質的公務員子女未能得到適當培育，本會希望當局能夠向前看而不是向錢看。行政長官曾蔭權先生曾經說過，公務員應該要以穩定為原則，特區要成功，必須有穩定政策，不輕易更改既定原則。希望當局能夠將特首的說話，於今次的檢討中加入考慮之列。

況且，在 1996 年 8 月後受聘的人員已不再享有海外教育津貼和學生旅費津貼，而於 2000 年 6 月後受聘的人員亦不再享有本地教育津貼。既然當局已經「截龍」，加上本港的出生率不斷下降，可想而知，往後的日子，申請教育津貼的人數只有減無增。一時的財政問題，經濟復甦後自然有所改善，希望當局不要因噎廢食，作出不利公務員士氣的決定！

此外，令人費解的是，當局要將教育津貼額回復到 1997 年 6 月 30 日的現金水平，因為現時的教育津貼額比當時高；然而卻認為居所資助計劃和自置居所資助計劃的津貼額無需作出任何修改。這項安排表面上並無不妥當之處，但當深入了解，現時居所資助計劃和自置居所資助計劃的津貼額遠遠低於 1998 年 4 月 1 日的津貼額，大約是 1998 年的 57%。（註：在 1997 年 6 月 30 日當日，政府並沒有調整有關津貼額）由是觀之，當局是採取雙重標準。

再者，當局估計合資格參加居所資助計劃和自置居所資助計劃的人員數目大約有 121,000 人。但公務員隊伍當中有不少是夫妻，或是配偶的另一方在其任職的公司內已享有房屋福利。假如其中一人參加了有關計劃，其配偶已失去資格。所以，有關公務人員可領取房屋津貼的實際數字會低於當局的估計，希望當局不要輕言削減配額。現時，需要有 26 至 27 年年資的同事才可申請到有關津貼，削減配額只會令他們輪候的時間更長。

最後，我們希望當局在檢討相關津貼時，要有劃一的準則，慎思細度，以創立一個雙贏的局面。

謹祝 工作順利！

香港特區政府文書職系人員協會  
執行委員會主席 鄺漢泉

2005 年 11 月 19 日

副本交：

立法會「公務員及資助機構員工事務委員會」李鳳英議員  
一般職系處長 卓永興先生



**(A) Submissions from groups**

**(ii) Departmental management**



divisive and create disparity among eligible officers, which is bound to affect morale.

6. There is also a widespread resentment that changes in allowances are targetted principally at achieving a reduction in expenditure. In the past changes have been effected so that, additionally, the administration of an allowance is simplified, or greater flexibility given with regard to how it can be utilised.

7. The proposals have heightened staff anxiety about reductions in their terms of service and possible future developments with pay. The stance of CSB over the appointment of consultants for the review of the civil service pay adjustment mechanism is cited as another cause for concern by staff, that their views and opinions will continue to be neglected by the Administration despite the efforts of their Staff Associations.

8. Staff have a very strong and negative feeling regarding the continued use of the phrase "fringe benefit type allowances" by the Administration despite repeated requests to cease referring them as such. They feel aggrieved at this approach by the Administration, do not accept that the allowances under review are "fringe benefits", and reiterate that they are part and parcel of their conditions of service, which are integral terms of contract that a civil servant has entered into with the Government when he/she joined the civil service.

9. The fact that the Administration has to pass final proposals to the advisory bodies on civil service salaries and conditions of service for deliberation is cited as the best indication of the nature of the allowances. It is noted that for the disciplined services, including the Police, the Administration's final measures of the review will be put to the Standing Committee on Disciplined Services Salaries and Conditions of Service (SCDS) for advice.

10. Additionally staff are greatly concerned with the proposals in respect of the freezing and/or reduction of certain allowances in that long established rate adjustment mechanisms previously agreed with the Staff Side have been unilaterally set aside by the Administration, including:

(a) Overseas Education Allowance (OEA)

The ceiling rates were previously adjusted having regard to the rates payable by the U.K. Government to its civil servants working overseas, which were set based on the average primary and secondary school fees for the U.K. independent boarding schools in the London area.

(b) Local Education Allowance (LEA)

The ceiling rates are revised with reference to the school fees of the English

Schools Foundation (ESF) and the basic charge in line with the standard fee for Form 4 and Form 5 in Government and aided schools set by the Education and Manpower Bureau.

(c) School Passage Allowance (SPA)

The allowance rates are subject to annual adjustments on 1 April in accordance with movements in the air fare prices as reflected in the Composite Consumer Price Index for the 12-month period ending February of the year.

(d) Travelling Expenses in the Country of Origin or Place of Study

The allowance rates are adjusted from time to time based on known increases in British Rail fares.

(e) Removal Allowance (RA)

The maximum rates are revised from time to time in response to the change in Consumer Price Index (A).

Staff have also commented that this does not bode well for future reviews of other allowances.

## **I. Education Allowances**

### **General Comments**

11. Paragraph 7(a) of the consultation paper commences with the phrase "*Education allowances and school passage allowance (SPA) are no longer justified under present day circumstances...*". This is seen by many staff as a somewhat ironic statement, since for many claimants the current Government education system failed to cater for the needs of their children. As there are only some 250 serving overseas officers in the Force, who might as a matter of necessity send their children to fee paying ESF or international schools in Hong Kong, and perhaps later to boarding schools, the bulk of the expenditure on education related allowances is attributable to local officers.

12. It has been widely noted that apart from officers choosing to send children overseas, or ESF schools and international schools in Hong Kong, Government policy in allowing former general subsidy schools to convert to fee paying Direct Subsidy Scheme (DSS) schools is a major contributor to the increase in expenditure on Local

Education Allowance. There are currently a total of 59 schools within the DSS system, and 8 more will join this scheme in FY 2006/07. [For example, the popular Diocesan Girls' School and St. Paul's Co-educational College will charge school fees of HK\$38,000 and HK\$48,000 per annum respectively in the 2006-07 school year.]

### Specific Comments on Individual Proposals

#### (A) Overseas Education Allowance (OEA)

##### *Proposals*

- *To freeze the OEA ceiling rates for existing claimants at the current levels in foreign currencies with no further rate adjustment in future.*
- *To reduce the OEA ceiling rates set in Hong Kong dollars for new claimants from the 2006-07 school year (in the case of the U.K. and Ireland) or the 2007 school year (in the case of Australia, New Zealand and South Africa) to the cash levels as of 30 June 1997 with no further rate adjustment in future.*

##### Note:

*The OEA ceiling rates for existing claimants and the reduced OEA rates for new claimants in the case of the U.K. are shown below for the purpose of illustration:*

<u>Type of Allowances</u>	<u>Existing Ceiling Rates</u>	<u>Reduced Ceiling Rates</u> <i>(To be set in HK Dollars at the exchange rate GBP 1 : HK\$12.59)</i>
<i>Boarding School</i>	<i>Junior: GBP 7,434</i> <i>Senior: GBP 9,138</i>	<i>Junior: GBP 6,450 (= HK\$81,206)</i> <i>Senior: GBP 7,437 (= HK\$93,632)</i>
<i>Day School</i>	<i>GBP 1,289</i>	<i>GBP 1,241 (= HK\$15,624)</i>

##### *Eligible Officers*

13. This allowance is offered to both eligible local and overseas officers. The provision ceased for new recruits offered appointment on or after 1 August 1996. Currently, there are about 2,000 officers claiming the allowance and over 99% of the students for whom OEA is claimed study in the U.K. There are approximately 21,000 police officers and 4,400 civilian staff serving in the Force who entered the service before 1 August 1996 and are therefore eligible for OEA. On average, about 90% of them are aged below 50. As far as the Force is concerned, only about 8% of eligible Force members are now claiming OEA, which is at a relatively low level in view of the

large pool of eligible officers.

14. The increasing number of students claiming OEA and the increase in school fees as a pretext to reduce the allowance is not seen by staff as convincing. Given the rapid expansion of the civil service in the 1980s, the increase of OEA expenditure in recent years could have been anticipated. Staff feel that the Administration should have planned for this situation.

#### *Allowance Adjustment Mechanism*

15. In many officers' view, the proposal abandons the established adjustment mechanism for the allowance i.e. based on the allowance provided by the U.K. Government to its civil servants posted overseas, with no other adjustment mechanism being introduced as replacement.

16. The consultation papers also do not spell out the rationale as to why it is necessary to freeze these allowances, which is considered arbitrary.

#### *Amount of Reduction*

17. Taking Boarding School Allowance for education in the U.K. as reference, the maximum allowance rates per academic year are now GBP 7,434 for Junior School and GBP 9,138 for Senior School i.e. HK\$93,594 and HK\$115,047 respectively. (Note: The average daily exchange rate GBP 1 : HK\$12.59 for the 1996-97 school year up to 30 June 1997 is similarly taken for comparison purpose.) The proposed ceiling rates for new claimants are HK\$81,206 for Junior School and HK\$93,632 for Senior School. The allowance rates would therefore be reduced by HK\$12,388 (about 13%) for Junior School and HK\$21,415 (about 19%) for Senior School.

18. In respect of Day School Allowance, the proposed reduction for new claimants would be about HK\$600 (i.e. about 4%) per academic year (again using the average daily exchange rate GBP 1 : HK\$12.59).

19. As can be seen from the calculations above, there are considerable differences in the proposed allowance for those presently claiming the allowance and those not claiming until the 2006-07 school year.

20. It should be noted that OEA is taxable and subject to currency fluctuations. The proposed freeze for existing claimants may force some officers to withdraw their children from overseas schools in the event of increase in school fees or strong appreciation of currency, with the additional stress for both parent and child in trying to reintegrate into the local school system.

### *Differential Treatment*

21. Staff are adamant that all officers employed prior to 1 August 1996 were employed with the same eligibility for education allowances and should be eligible for the same rates of allowance. Those officers, who although eligible but have not yet commenced to claim, have a legitimate and reasonable expectation that they would receive the education allowance, if applied, at the same rate as other claimants. It is also commented that the proposed arrangements could result in disparity of education opportunities for children within the same family.

22. For some junior officers the proposed prospective cut (e.g. from HK\$12,388 for Junior School to HK\$21,415 for Senior School in the U.K.) may preclude them from joining the scheme, restricting this benefit practically to the enjoyment of senior civil servants. It is also possible that some affected officers may rush to send their children prematurely or unnecessarily to study abroad in order to qualify for the entitlement of the existing rate of OEA and other related allowances before the implementation of the new measures, a move which may be detrimental to the officers and their family members.

23. Force Management shares the view that having two separate rates is divisive and would seriously dampen morale.

### *Alternative Places of Study*

24. To meet individual needs and allow for flexibility, some officers think that the Administration should permit officers to use their allowances to send their children to other countries of their choice such as Mainland China instead of the U.K., offering more affordable school fees and consequently a lower level of allowance. This is also, in the long run, conducive to the good relationship between Mainland China and Hong Kong.

25. Force Management supports this proposal, which appears to be worthy of more detailed examination.

### (B) Local Education Allowance (LEA)

#### *Proposals*

- *To freeze the LEA ceiling rates for existing claimants at the current levels (i.e. Primary: \$31,950, F1 to F3: \$53,025, and F4 & above: \$49,238) with no further rate adjustment in future.*
- *To reduce the LEA ceiling rates to the levels prevailing on 30 June 1997*

(i.e. Primary: \$29,925, F1 to F3: \$49,650, and F4 & above: \$46,313) for new claimants joining the scheme from the 2006-07 school year with no further rate adjustment in the future.

### *Eligible Officers*

26. Currently, about 24,500 police officers and about 4,900 civilian staff who were appointed before 1 June 2000 are eligible for LEA, of whom more than 3,700 officers (i.e. about 13%) are claiming the allowance.

27. To many officers, the pretext of the increase in the number of claimants and the availability of nine years of education are not convincing enough to reduce LEA for new claimants. Similar to OEA, all eligible officers have an expectation of being eligible for the same rates of allowance (for all of their eligible children).

### *Allowance Adjustment Mechanism*

28. The rate adjustment mechanism for LEA is linked to ESF school fees, and is a long-standing mechanism agreed with the Staff Side in the early 1980s. Staff have commented that there is no valid ground for a departure from this.

### *Amount of Reduction*

29. The June 1997 rate is about 6% less than the current rate. In dollar terms, the average reduction for students of primary and secondary schools will be about HK\$2,800 per academic year.

### *Local Education*

30. Due to their concerns over the quality of public education, many officers are sending their children to local international schools, ESF schools or DSS schools for education in preference to the general subsidy schools. Officers have expressed the view that they do not support the proposal of freezing the existing levels as this will essentially mean that the allowance will quickly lag behind school fees when inflationary pressures return, and will quickly become valueless.

31. Provision of a realistic level of LEA encourages staff to have their children educated in Hong Kong and the levels should be adjusted as necessary to account for rises in school fees. Staff therefore strongly object to the proposed freeze at the current level with no further rate adjustment to be made in the future.



## II. Passage and Related Allowances

### General Comments

32. It has been noted that the Administration's previous proposals in respect of Leave Passage Allowance (LPA) have been withdrawn. Staff generally consider that passage and related allowances should be retained in their entirety and the allowances should become fully non-accountable to reduce administration costs and provide flexibility.

### Specific Comments on Individual Proposals

#### (A) Sea Passage

##### *Proposals*

- *To retain the provision of sea passage at an officer's entitled class of travel until it is phased out in the normal course.*
- *Starting from the 2007 sailing, the allowance rates for sea passage will be capped at the maximum rates for the respective class of travel approved for the 1997 sailing to the U.K. The ceiling rates will be fixed in Hong Kong dollar equivalents, based on the exchange rate at the time of actual payment made by the Government for the 1997 sailing i.e. HK\$67,570 for those entitled to First Class (Higher) and HK\$58,290 for those entitled to First Class (Lower).*

33. Sea passage is provided to retiring officers (over the age of 50) on overseas permanent terms appointed on or before 1 December 1984, and to overseas agreement officers (over the age of 50) recruited before 1 December 1984, who have 15 or more years service before 1 July 1997. Currently, there are 127 overseas officers eligible for sea passage. The average take-up rate annually is around 45%. The amount of anticipated savings is minimal i.e. \$0.1 million per year.

34. Officers eligible for the allowance feel that it is part of their conditions of service and as it is to be retained it should be paid in full, according to the established mechanism.

#### (B) School Passage Allowance (SPA)

##### *Proposals*

- *To reduce the ceiling rates of SPA to the rates as of 1 July 1998 with no further rate adjustment in future.*

<u>SPA Level</u>	<u>Current Rate (HK)</u>	<u>Proposed Rate (HK)</u>
Level 3 (for children aged 19 and 20)	\$12,550	\$11,800
Level 2 (for children aged 12 to 18)	\$25,100	\$23,600
Level 1 (for children aged below 12)	\$18,830	17,700

- *To cease the carrying forward of SPA to the next cycle and the splitting of SPA i.e. only one return trip is allowed for children aged 19 and 20 and two return trips for those aged below 19 in each 12-month cycle.*
- *Children/parents using SPA may only travel by economy class.*
- *To subsume travelling expenses in place of study under SPA without separate provision and extend the scope of SPA.*
- *The above measures will apply to all claimants from their next SPA cycle commencing on or after the effective date. A one year grace period counting from the effective date of the new measures will be imposed for clearing any SPA accumulated from the previous cycle.*

35. This allowance ceased for new recruits offered appointment on or after 1 August 1996. The July 1998 rate is about 6% less than the current rate. In dollar terms, the reduction will range from HK\$750 to HK\$1,500 in each 12-month period, with an average reduction of about HK\$1,100 in respect of the three SPA levels.

36. Many officers have held the view that as a matter of principle the proposal abandons the established adjustment mechanism for the allowance i.e. based on an index of air fares. This has attracted severe criticism from staff.

37. For many officers the effect of the proposals is more significant than suggested in the consultation paper. The combined effects of restricting the allowance to two trips per year, flying economy class only and not carrying forward of unspent allowances, mean that the maximum amount any one claimant can expend should probably not exceed HK\$18,000 per year. Although the maximum reduction at face value is only HK\$1,500, the actual reduction will probably be closer to HK\$7,000.

38. The U.K. school system has three long holidays a year; confining the trips to two per annum will inevitably result in extra expenses, either to bring children back to

Hong Kong, or to arrange proper care by guardians during one of the holidays. Officers, particularly for existing and potential claimants with young children, object in the strongest terms to the restrictions to only two return trips and consider this a bar to family re-union.

39. Staff have also commented that SPA received before the year of assessment 2003-04 is not a taxable income. If the proposed SPA rate is reverted to that of the 1998 level and remains assessable, its real value will actually be lower than the level before 1997, and is thus in violation of the Basic Law i.e. less favourable than the level they received in July 1997.

### (C) Travelling Expenses in the Country of Origin or Place of Study

#### *Proposals*

- *To freeze the allowance rates at the current levels for existing leave passage allowance claimants on overseas terms.*
- *To cease the allowance for all SPA claimants and extend the scope of SPA to cover reimbursement claims in this regard.*

40. The provision of travelling expenses ceased in conjunction with SPA and LPA to officers offered appointment on or after 1 August 1996 and 1 January 1999 respectively.

41. In respect of SPA claimants, the local travelling expenses are calculated according to the distance between the school and the airport. Children of eligible officers under the age of 19 are entitled to two round trip claims. Those aged 19 to 21 are entitled to only one round trip claim. At present, the rates for reimbursing travelling expenses are HK\$2.19 per km for children aged 16 and above, and HK\$1.1 per km for children aged below 16.

42. Some officers wish to clarify how the scope of SPA will be extended to cover claims for reimbursement. There is also sentiment that the Government has contractual obligations to continue to provide these expenses.

### III. Housing and Related Allowances and Benefits

#### General Comments

43. Although there are no major changes to the administration of housing benefits, officers are concerned with adjustment and cessation of certain allowances.

## Specific Comments on Individual Proposals

### (A) Non-accountable Cash Allowance (NCA) Scheme

#### *Proposals*

- *To reduce and restore the NCA rates for new joiners and re-joiners on re-appointment with a break in service to 5% below the corresponding allowances under Home Financing Scheme (HFS) and Home Purchase Scheme (HPS).*
- *To adjust the future NCA rates in line with the annual percentage adjustment to the allowance rates under HFS/HPS so as to maintain the 5% differential.*
- *To impose a 3-year service requirement on officers on MPS 22-23 (or equivalent) before they may queue for a quota place.*
- *To apply the rules on prevention of double housing benefits only to Accommodation Allowance Scheme (AAS) claimants opting for NCA.*

44. The NCA Scheme is provided to eligible recruits offered appointment on new terms on or after 1 June 2000 for up to 120 months to assist them in acquiring home ownership. Currently, there are 14 officers on this scheme. It is now intended, however, to permit officers currently eligible for the Accommodation Allowance Scheme (AAS) to opt for NCA.

45. The existing monthly NCA rates are from \$12,720 to \$35,250 for officers who commence to draw NCA on or above MPS 34 (or equivalent), and \$1,560 to \$16,050 for officers who commence to draw NCA below MPS 34 (or equivalent).

46. Officers currently eligible for AAS have indicated that although this option is a small step in the right direction, it is not financially viable, as the amount of non-accountable cash allowance being offered is not realistic. For example, if a Police Senior Inspector on maximum increment (i.e. at PPS 41) opts out of AAS to take up this proposal, he would draw NCA at a rate of HK\$12,830 per month. Under this proposal this rate would be fixed and would expire after 10 years when the current rate of AAS being claimed by this officer is HK\$20,580 per month and there is no time limit.

47. This proposal is unlikely to be attractive to most AAS claimants and the chance of persuading officers to switch across will be slim in the light of the fluctuating property market in the last few years.

48. AAS claimants are dissatisfied that this scheme has now been proposed after they were refused the option of Home Financing Scheme in mid-1990s. They have also commented that their previous suggestion to move back into quarters, which was another cost saving proposal, was not taken any further by the Administration.

(B) Accommodation Allowance Scheme (AAS)

*Proposals*

- *To lock the scale of allowance rates payable throughout the term of tenancy for all the existing claimants.*
- *To adjust the allowance rates according to the territory-wide rental movements compiled by the Rating and Valuation Department.*
- *To allow an option for claimants to switch to the NCA Scheme subject to prevailing rules and conditions with a maximum of 120 months allowance.*

49. The AAS is provided to eligible officers offered appointment on overseas terms from 1 October 1990 to 31 December 1998 (the last eligible officers in the Force were recruited in 1994). All officers eligible for the AAS have already joined this scheme, which contains a 75% accountable portion to be used for renting accommodation, and a 25% non-accountable portion that may be used for accommodation related expenses. The prevailing AA rates are from \$11,120 (for staff with pay points below MPS 34 or equivalent) to \$40,130 (for staff with pay points at D6 – D10 or equivalent) a month. Currently, there are 37 overseas officers on this scheme.

50. To assist with the reduction of administration costs and to enhance flexibility, the Overseas Inspectors Association has previously submitted written improvement proposals for this scheme to CSB, including the utilisation of vacant NDQs by AA recipients, making the AA rates fully non-accountable, etc. They are disappointed that CSB has failed to address their concerns, and note that AAS claimants with families have particular difficulties with regard to frequent relocation and schooling.

51. Staff have also commented that the problems with the adjustment mechanism have been known for some time and its revision is long overdue given rising rental prices in recent years and the current 45% drop of AAS rate from its peak 1997 value.

52. In respect of the 'locking-in' mechanism in the proposal, there are mixed views from staff. Some officers regard this to be reasonable and fair while others think that they are only entitled to the slight advantage under present arrangement, and will in fact lose out when AAS rates are increased during a tenancy.

(C) Private Tenancy Allowance (PTA)

*Proposals*

- *To lock the scale of allowance rates payable to existing and new claimants throughout the term of tenancy, starting from a new tenancy/upon renewal of tenancy.*
- *To adjust the allowance rates according to the territory-wide rental movements compiled by the Rating and Valuation Department.*

53. The PTA is provided to eligible officers on local terms on or above MPS 34 (or equivalent) and officers on overseas terms who were offered appointment before 1 October 1990. Presently, there are 28 local officers on the scheme. The current PTA rates are from \$10,380 to \$23,850 a month.

54. Similar comments regarding the “locking-in mechanism” for AAS rates apply to the proposed PTA arrangements.

(D) Provision of Furniture and Domestic Appliances

*Proposal*

- *To continue the provision of furniture and domestic appliances to eligible occupants of Government quarters subject to the availability of funds and stock and streamlined administrative arrangements.*

55. There is some staff concern that the continued provision of furniture and domestic appliances will be subject to the availability of funds/stock. Broadly speaking, staff are in support of the proposal as long as the stock continues to be issued and it is maintained in a good state of repair.

(E) Furniture and Domestic Appliances Allowances (FDAA)

*Proposal*

- *To abolish the FDAA for all eligible officers.*

56. Currently, about 7,900 officers (including about 7,800 Junior Police Officers) are claiming the Furniture Allowance (i.e. HK\$100 per month) and 67 officers are receiving the full FDAA (i.e. HK\$150 per month with HK\$100 from the Furniture Allowance and \$50 from the Domestic Appliances Allowance). Other officers (on PPS 36 and above) who joined the HPS before October 1990 are also eligible to claim the

allowances.

57. The number of Junior Police Officers eligible to claim FDAA is more than 9,900. There is strong aversion to this proposal. Many officers wish to retain the allowance, and forego the Government's furniture and domestic appliances, the majority of which are bulky and old-fashioned and as a matter of fact, out of step with present day designs in terms of comfort and appearance. Most Government furniture is also seen as too bulky to fit the quarters of Junior Police Officers.

(F) Removal Allowance (RA)

*Proposals*

- *To turn the RA into a fully non-accountable allowance and reduce the existing accountable component of the allowance by 5%.*

<u>Pay Point</u>	<u>Existing Rates (HK)</u>	<u>Proposed Rates (HK)</u>
<i>D2 and above (or equivalent)</i>	<i>\$22,110</i>	<i>\$21,535</i>
<i>MPS 38-49 and D1 (or equivalent)</i>	<i>\$16,795</i>	<i>\$16,400</i>
<i>MPS 17-37 (or equivalent)</i>	<i>\$10,985</i>	<i>\$10,770</i>
<i>MPS 16 and below (or equivalent)</i>	<i>\$5,170</i>	<i>\$5,060</i>

58. Removal allowance is available to officers in very specific circumstances, including when an officer has been directed to move quarters, and also for officers moving from Departmental Quarters into public housing under the Civil Service Public Housing Quota.

59. The maximum amounts of removal allowance currently range from HK\$5,170 to HK\$22,110. The reduction for each claim will range from HK\$110 for officers in the lowest salary band (i.e. MPS 16 and below or equivalent) to HK\$575 for officers in the highest salary band (i.e. D2 and above or equivalent). On average, the proposed reduction for each claim in respect of the four salary bands is about \$320 (i.e. 2.4%).

60. Claims are processed via Police Quartering Division, which checks the accountable portion of the allowance. During FY 2004/05, 431 officers claimed the

allowance and during FY 2005/06 (up to end of October), 1,152 officers claimed the allowance.

61. Staff welcome to streamlining of the allowance administration but not at a cost to affected officers. The 5% reduction is considered arbitrary and is not welcomed by staff. Staff feel that if the Government directs them to relocate they should expect to pay. The proposed reduction is strongly opposed.

#### (G) Air-conditioning Allowance

##### *Proposal*

- *To cease this allowance from a prospective date without substitute.*

62. This allowance is payable to officers occupying substantively a post in the Directorate prior to 1 May 1999. The allowance is fully accountable and is payable on a re-imbursment basis subject to a ceiling of \$3,135 per air-conditioner.

63. Although no strong objection has been received regarding the abolition of this allowance from the small number of eligible officers, it is considered prudent and appropriate for the Government to address these officers individually.

#### (H) Provision of Hotel Accommodation

##### *Proposals*

- *To standardise the maximum period for which short-term hotel accommodation is provided to eligible officers on overseas terms on final leave at three nights.*
- *To remove the provision of one night hotel accommodation to eligible officers on overseas terms before and after taking leave.*

64. This benefit is available for overseas officers vacating NDQs who are proceeding on pre-retirement leave. Currently, there are 151 overseas officers occupying NDQs.

65. Whilst staff reaction to the proposed abolition of the one night stay for officers proceeding on or returning from annual leave has not been strong, they object to the reduction from seven nights to three nights for officers proceeding on retirement. It is noted that the potential savings are negligible.



(I) Hotel Subsistence Allowance

*Proposal*

- *To abolish this allowance.*

66. The allowance is paid to officers who live in hotels when NDQs are not available. The current rates are HK\$85 per night for an adult and a child aged four or above, and \$35 per night for a child aged below four.

67. Staff have noted the minimal take-up of this allowance. However, it may be prudent to keep this allowance available in the event that any future NDQ disposal plans necessitate its use.

**Overall Comments**

68. Force Management has noted that a number of items, including; reduction of leave passage allowance, withdrawal of leave passages for the families of local Directorate officers, total withdrawal of final sea passage, and withdrawal of provision of furniture and domestic appliances for quarters, have now been removed from the revised proposals. Staff find that this withdrawal is reasonable and welcome such move.

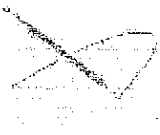
69. While it appears that the revised proposals have addressed some of the concerns earlier expressed by staff, in particular those from overseas terms officers, the fact remains that the change proposals encompass alteration or diminution to the well-established allowances without specific recourse offered for officers both on local and overseas terms of service. This will attract sentiment and affect morale, which may in turn lead to strong staff reaction.

70. It is apparent that staff reaction and responses have been particularly negative concerning the reduced rates proposed for education and related allowances, the reduced ceiling rates proposed for the SPA and the tightening up of the SPA payment rules as well as the suggested cessation of furniture and domestic appliances allowances.

71. Force Management is fully aware of the deep concern that all staff have in relation to the current review of civil service allowances and will continue to closely monitor developments. It is imperative that the Administration should take full account of the staff sentiment and comments and make accurate assessment regarding the significant impacts on staff morale and motivation when drawing up the final proposals.

  
( TSANG Cho-on )

for Commissioner of Police



Fiona SY YEUNG@TELA

18.11.2005 09:26 AM

Urgent

Return Receipt

To: Louis SL LEUNG/CSB/HKSARG@CSB  
cc: Sammy LI/TELA/HKSARG@TELA  
Doreen MY TANG/TELA/HKSARG@TELA  
Subject: Allowance review - Concerns about SPA

Dear Mr Leung,

In response to SCS's letter dated 22.9.05 to colleagues regarding the review of fringe benefit type of civil service allowances, I append below the views of our staff members on the change proposals for your consideration, please:

**"Some staff are of the view that boarding schools in UK have three term breaks in a school year, as long as there is a fixed amount of school passage allowance for reimbursement, it is bureaucratic and unreasonable to limit the passage for children under 19 to only two return journeys."**

Regards,  
Fiona Yeung  
ADS(A&P), TELA  
Tel: 2594 5891



M E M O

*From* Director of Drainage Services

*To* Secretary for the Civil Service

(Attn: Mrs Fiona Chak)

*Ref.* (1) or DSD P-30/05

*Tel. No.* \_\_\_\_\_ *Fax No.* 3103 0024

*Your Ref.* (24) or L/M 31/2005 in O/O 12/1/05-C

*Date* 8 November 2005

*Dated* 25.10.05

**Review of Fringe Benefit Type of Civil Service Allowances  
Provision of F&DA and F&DAA**

I refer to your MUR.

2. Comments of existing occupants of government quarters are sought and they are in general of the view that the proposed new arrangement should apply to new officers newly promoted and/or becoming eligible to F&DA. The entitlement of existing officers should not be changed.

3. Referring to para. 6(a) of your MUR, I confirm that there is no post-tied quarters in the Department. As regards para. 6(b), all DSD's departmental quarters are at "B" grade and below. And officers at MPS Pt. 44 or below are eligible to apply. At present, only one quarters occupant meets the eligibility criteria for F&DAA, i.e. receiving a substantive salary ranges from MPS Pt. 17 - 44. Nevertheless, he has not applied for such allowance. It is thus anticipated that the impact to the Department will be small if your proposals as stated in your para. 3 are implemented.

( Matthew W H Lo )  
for Director of Drainage Services

**(B) Submissions from individuals**

Central Police Station  
11/F, 1 Arsenal Street,  
Hong Kong.

23<sup>rd</sup> September 2005

Secretary for Civil Service  
(Attn: Conditions of Service Division)  
Central Government Officers,  
11/F, West Wing,  
11, Ice House Street,  
Hong Kong.

Dear Sir,

**Review of Fringe Benefit Type of Civil Service Allowances**

I find it absurd that you claim to follow the guiding principles of lawfulness, reasonableness and fairness in this arbitrary assault on Civil Servants' allowances, which are not fringe benefits as claimed in your heading. These allowances are part of the conditions of service outlined in your own Civil Service Regulations and are part of the contract between each Civil Servant and the Government. Any non-consensual change of that contract is a breach of that contract. Surely as a responsible employer the Government, represented by you and your staff, should set the example in abiding by employee contracts. If you are not prepared to honour contracts, how can all other employees in Hong Kong expect protection from unscrupulous bosses and corporations.

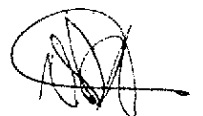
Regarding the detail of your proposals there has been no attempt by your office to review what allowances are paid nor how much is paid in the private sector to justify the level at which you are proposing to pay these allowances. You have merely taken the least that you can pay in the knowledge that if you pay less than the level paid on 1<sup>st</sup> July 1997 you will

surely lose a judicial challenge. That is again setting the worst kind of example to other employers and smacks of political expediency to placate critics. Many employers in Hong Kong do pay various allowances for such things as education, passages and housing and those allowances are paid at market rates, not some arbitrarily selected rate which will avoid judicial review. All the civil service allowances were introduced and offered to civil servants for good reasons. You have the right to offer different packages and contracts to new recruits who can then decide whether they wish to enter such a contract. But you should not make the value of allowances for which you have a contractual obligation to pay so meager that they no longer fulfill the purpose for which they were introduced. Inflation abated temporarily in Hong Kong, but not elsewhere. The value of allowances, both monetarily and altruistically, should be maintained by a responsible employer.

One last point that I would make is that CSR 1356 gives entitlement to a sea passage, not a sea passage at 1997 rates, or a percentage of a sea passage fare. Officers entitled to a sea passage have the right to that passage at the class specified in the CSR.

I would point out that I make these comments as an officer about to retire and who will not be affected by any of your proposals at present. These are matters of principle. It is desperately sad to see a previously honorable and benevolent government cowering in the face of criticism from the private sector which has always had ways of paying extra to employees while complaining against open and transparent government practices. Shame on you sir.

Yours faithfully,



(Noel D. Howcroft)

20<sup>th</sup> October 2005

Mr. Joseph Wong  
Secretary for the Civil Service  
(Attn:- Conditions of Service Division)  
Central Government Offices,  
11/F, West Wing,  
11, Ice House Street,  
Hong Kong.

Dear Mr. Wong,

**Review of Conditions of Service**

I am writing to you concerning your recent letter regarding your review of some of the civil service's conditions of service. I am a superintendent in the HK Police Force.

I would like to comment on your proposals:-

(a) Overseas Education Allowance

I do not claim this allowance but I am concerned that should I decide, or need to educate my children overseas in future, I will receive less favourable rates than my colleagues who are already claiming, despite the fact that our conditions of service are similar in other respects and were the same on joining. I cannot agree to this.

Secondly, I cannot agree to a freezing of the allowance. The whole purpose of the allowance was that a percentage of the overseas education costs would be met by the Government. I believe the percentage was taken at about 75%, but you can correct me if I am wrong. As you say at Annex B of your letter, payments will increase in coming years due to "an anticipated increase in school fees" and possibly an appreciation of foreign currencies. Consequently if I should take up this allowance the percentage of the fees I must take up will be considerably higher than before. Clearly by freezing this allowance you will potentially be making my conditions of service considerably less favourable than they were in 1997 and as such I believe such a freeze is in breach of the Basic Law.

Cont'd . . . /2



(b) Local Education Allowance

Firstly let me say that I am in receipt of this allowance and secondly as an overseas officer whose children only speak English (one of the SARs three official languages) I am limited in my choice of available schools. I cannot enroll my children in the local school system.

Ever since I joined the Civil Service some 29 years ago the LEA has been set at 75% of the ESF fees. It has never been given a monetary value other than this. You are now suggesting freezing the rate at the current level. Should the ESF fees rise, as would seem inevitable, then I will be required to pay a larger percentage of the fees. Again this would I believe (potentially) make my conditions of service far less favourable than they were in 1997 and therefore I believe any such freeze would be in breach of the Basic Law.

For colleagues who might claim in the future your suggestions are even more draconian.

I would stress to you here that the most important thing in my life is my children and the most important thing to my children is a decent education. As such anything you do which might damage that will be resisted by me most strongly.

(c) Sea Passage

I would point out that I am one of the 177 eligible civil servants for this allowance and in all honesty I doubt very much that I will ever claim it, but that of course is not the point. Should I wish to claim it the allowance is such that it will pay for the class of travel to which I am entitled. By freezing it at the 1997 level, given the inevitable inflation and price increases (nothing ever seems to go down in price these days), I will have to pay out of my own pocket or take a lower class of travel. This again would in my view (potentially) make my conditions of service less favourable than they were in 1997 and as such I believe this freeze is in breach of the Basic Law.

(d) School Passage Allowance

I am not claiming this allowance and my only comment here is that I believe a freeze in the allowance potentially means that the allowance will not cover what it was intended for and as such trips to and from school will have to be paid for by the parents. Again this is I believe in breach of the Basic Law as it makes the conditions of services less favourable than they were in 1997.

(e) Traveling expenses in the country of origin or place of study

I note that you are suggesting freezing this allowance at current levels. Such a freeze, given inflation, potentially will mean that my conditions of service will be less favourable than they were in 1997 and in breach of the Basic Law.

(f) LPA, SBA and UAB

No comment, other than to say I am pleased these allowances will not be affected.

(g) Housing Allowances (NCA, AAS and PTA)

These allowances do not apply to me and I have no comment.

(h) Provision and Furniture and Domestic Appliances

This applies to me as I occupy quarters, but I have no comment.

(i) Furniture and Domestic Appliances Allowance

I have no comment on this, as I do not claim it and have no intention of doing so.

(j) Removal Allowance

I have no objection to this proposal.

(k) Air-conditioning Allowance

This does not apply to me.

(l) Provision of Hotel Accommodation

Regarding the proposal to cut the hotel accommodation from seven nights to three on leaving the civil service I strongly object. I will have served the HK Government for 34 years when I retire in 2010 and if the Government cannot supply me with seven days in a hotel in order to wind up my affairs before leaving HK I think it is a very poor show. In theory three nights might seem OK but invariably things go wrong and seven is not unreasonable. I do not believe any member of the public, other than the most unreasonable, could object to this. This again would reduce my conditions of service and make them less favourable than they were in 1997. This is, therefore in breach of the Basic Law and I cannot agree to it.

The proposal to scrap the provision of accommodation before and after leave is a hangover from the days of long leave every 2 ½ / 3 years and as such I have no objection to this.

(m) Hotel Subsistence Allowance

I have no objection to this proposal.

(n) HFS and HPS

I have no comment on this as it does not apply to me.

I would like point out that when I was employed back in 1976 many of these allowances were the norm in the private sector and to this day people who have worked for the same large organization for so long will either still be in receipt of such allowances or will have received a financial compensation for giving them up. I would also add that unlike the private sector I received some guarantees about my conditions of service in the Basic Law , which have been upheld in the recent CFA decision. Despite that case going against us, the civil servants, it did re-iterate the point that you cannot make our conditions of service less favourable that they were in 1997. I believe that any proposal to freeze allowances at current levels or 1997 level will make the conditions of service less favourable as the allowance will not be able to pay for what was intended. To say that because the allowance is the same or better than the 1997 level and therefore does not breach the Basic Law is wrong. Allowances are and were always meant to cover the cost of a specific expense or a percentage thereof.

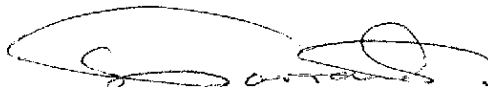
Finally I would add that when I joined the Civil Service back in 1976 I agreed to accept the Conditions of Service under which I am employed. I stress the "I". If you wish to change or alter my conditions of service you must negotiate with me and my staff association can only recommend your proposals to me one way or the other, they cannot agree to them on my behalf. I do not want to hear a repeat of the ridiculous claim you made about pay when you said that we, the civil service, agreed to the cut when I most certainly did not.

In the private sector, which you love to quote, if an individual employee's conditions of service are changed then the employer sits down with the employee and makes an offer. I remember some years back when I was offered annual leave instead of long leave by the Government and thereby my conditions of service were altered I was given the opportunity to either accept or decline and I see no reason for you not to repeat the procedure here. I do not believe you have the right to change my conditions of service, without my agreement.

Page - 5 -

Could you please acknowledge receipt of this submission.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'S.B. Tarrant', with a large, sweeping flourish at the end.

(S.B. Tarrant)

c.c. Commissioner of Police  
Chairman of the SPA

致公務員事務局

本人是現職公務員，在政府部門內已工作二十三年多。對政府最近削減福利的建議方案有以下的意見：

一個負責任的政府，除了提供穩定的薪金給公務員外，維持附帶的福利條件亦是非重要。此乃穩定公務員士氣及提高工作效率的重要基本原素之一。

記憶猶新，零三三削減薪金方案已經實行，現在又再次建議削減公務員福利的方案，真是令到所有公務員無所適從，十分氣餒。

尤其是在削減 OEA 及學生旅費津貼方面入手，在新的削減建議中，收緊發放規則的學生旅費津貼等級 2 減至 23,600 元（一年只提供兩套來回機票）；我對此項削減建議心感不滿，因為本人曾經向各大航空公司作出詢問有關票價，得到以下的回覆：如果購買一年兩套學生來回機票，價錢大概是 23,600 元，剛剛好用完整筆學生旅費津貼，而第 3 張來回機票便被迫要自己用正價購買，價錢大約要一萬多元，而得不到學生優惠票價，這不只是削減一千五百元（\$25,100-\$23,600），而是令本人增加了萬多元的負擔，公務員現在已減薪，正在領取 OEA 及學生旅費津貼將會削減，在收入減少而支出增加，會令到公務員增加財政壓力。眾所週知，在英國讀書有三個學期，身為父母都一定希望子女每一個學期都會回港與家人相聚，以藉此增進家庭溫暖，和諧親切。相信政府絕對贊同此說法，所以一向都提供一年三套來回機票給海外學生，這是正確的做法，但是政府現在提議更改條款，只提供一年兩套來回機票津貼！為何削減津貼而變相強迫航空公司增加豐厚的利潤呢？（因為 3 套來回機票都必須用正價購買，而不是購買學生機票），試細想想，如果真是為政方節省開支，削減學生旅費津貼是無可口非，但請勿把旅費津貼由三套降至兩套，應該照舊的方案比較合理，提供一筆款項分三個學期申請，我們便可以選擇些比較便宜的航空公司的機票，而提議削減的學生旅費津貼一年 \$23,600 絕對足夠購買三套來回票，為何政府要強迫公員用此筆旅費津貼去購買一年兩套的貴機票呢？為政府節省開支，身為公務員的一分子都會支持，但條款要合情合理，希望政府能體恤公務員的情況，取消收緊發放規則，換句話說即是維持現狀不變——學生旅費津貼一年可分三次申請。

如有任何問題可與我洽談，電話是 \_\_\_\_\_。

陳國經

香港警察-水警東區總部

SGT17865

陳國經

CSBCOS

---

寄件者: "Thomas CW OR" <tor@itc.gov.hk>  
收件者: <csbcos@csb.gov.hk>  
傳送日期: 2005年11月17日 下午 02:20  
主旨: Review of Fringe Benefit Type of Civil Service Allowances

Dear Sirs,

I would like to comment on the proposed changes to the following civil service allowances set out in the latest package of change proposals:

education allowances  
furniture and domestic appliances allowances

#### Education Allowances

It is noted that the Civil Services Bureau (CSB) proposes that different rates are to be applicable to the existing and new claimants of both the Overseas Education Allowance (OEA) and Local Education Allowance (LEA), with the effect that the OEA and LEA rates for the new claimants would be reduced by as much as around 27% for the OEA and 6% for the LEA.

Given that the new claimants and existing claimants should be of equal or comparable rank and status in the civil service, they should be accorded the same and equal treatment in respect of the education allowances. The current proposal would be unfair and discriminatory to the new claimants who should enjoy the same treatment, and be equitably treated, as the existing claimants of the OEA and LEA.

#### Furniture and Domestic Appliances Allowances

CSB proposes to continue the provision of furniture and domestic appliances to occupants of Government quarters, but that the furniture and domestic appliances allowances (for eligible officers not provided with furniture and domestic appliances) are to be abolished.

It is less than convincing, and also unfair, that on one hand, the Government would continue the provision of furniture and domestic appliances to one group of eligible officers, while on the other hand abolish the furniture and domestic appliances allowances to another group of eligible officers. The eligible officers should be treated equitably, by either abolishing both the provision of furniture and domestic appliances and also the relevant allowances, or continuing with both the provision of furniture and domestic appliances and the relevant allowances.

The current CSB's proposals on the allowances are less than fair and equitable, and is tantamount to the creation of two classes of citizens among the eligible officers, with one class being better treated than the other. It is on the unequal treatments that I find the proposals objectionable. I hope the CSB would base on the principles of fairness and

b頁 2 - 2(B)

equity in drawing up the Administration's final proposals for further consideration before implementation of the changes to the allowances.

Thomas Or

CSBCOS

---

寄件者: < >  
收件者: <csbcos@csb.gov.hk>  
傳送日期: 2005年9月23日 上午 09:40  
主旨: Review of fringe benefit type of civil service allowance

I refer to the captioned review and would like to propose the following for your consideration-

Overseas Educatuion allowance

The management proposes to "reduce the OEA ceiling rates for new claimants to the levels as at 30.6.1997 and no further rate adjustment in future". It represents a significant reduction in the level of the benefit. To compensate or to enhance the value of the lowered monetary value, may I suggest that the choice of school under OEA for officers on local terms be extended from approved schools in UK to those in other countries like Australia, New Zealand, Singapore or Mainland China etc? The school fees and other related expenses in many countries are lower than that in UK. Now that HK is no longer a colony of UK, it is unreasonable to restrict the benefit of OEA to education in UK only. I understand that there is no such restriction on the use of OEA for employees in organizations like Universities etc.

Thank you for your attention. I look forward to your reply.





2005/09/23 03:32 PM

To: csbts@csb.gov.hk  
cc:  
Subject: Local Education Allowance  
 Urgent  Return Receipt

Mr. Joseph W P WONG,

I am a civil servant who is currently receiving the local education allowance for my son. I have been receiving the allowance since he was in primary one, now he is in year 10.

However, after your announcement of the revised allowances. I just realized that the local education allowance for upper secondary school is less than lower secondary school. I am at all surprised and amazed. Just on what basis is the allowance being calculated? And why is it so that the allowance for upper secondary school is less than lower secondary school? Shouldn't the education fees together with books, writing materials, costs of public examinations be more expensive in the upper secondary than lower secondary?

As stated, the allowance for lower secondary is 53025 and for upper secondary is 49238 (less 3787).

Looking forward to your earliest reply.

---

想即時收到新 email 通知?

下載 Yahoo! Messenger <http://messenger.yahoo.com.hk>

Mr. Joseph W.P. Wong, G.B.S., J.P.,  
Secretary for the Civil Service,  
Government Secretariat,  
Lower Albert Road,  
Hong Kong.

2005-09-30

Dear Mr. Wong,

I respond to an invitation for comment on the latest round of proposals to further cut Civil Servants' conditions of service.

I note the objectives of the current review and am surprised at the apparent failure to improve efficiency in the administration of these allowances. The second round consultations alluded to unnecessary costs associated with the administration of some allowances. I would hope that where nugatory cost is involved the Administration would have taken steps to remove them.

I note with considerable concern the proposal to freeze the LEA. The consultation document is based on an unqualified bold statement that: 'these allowances are no longer justified under present day circumstances'. I would like to know how this, on the face of it, completely presumptuous statement was arrived at?

What your proposals effectively mean, for myself and some of my colleagues whose children can only be educated in the English language, is that you are further diluting funding to this disenfranchised minority of students. The absurd suggestion that has been put into the public arena is that in so sending my children to the ESF, I am exercising a choice. This cannot further from the truth. My children cannot access government schools because they are selective and have Chinese language entry requirements.

Previous correspondence I have had with EMB has suggested that my children could be accommodated within the EMI sector. As I explained, my wife who has taught in an EMI school, believes that this is simply not realistic for native English speakers. English within the EMI sector is appropriately pitched for second language students. The Permanent Secretary has recently publicly expressed concern of language delivery in the classroom in so called EMI schools. This is clearly a sensitive issue but the irony between your claimed government education capacity and actual delivery, when viewed in the context of the past results in the Language Proficiency Assessment for Teachers, will not escape parents attention. I have in the past invited EMB to provide me with an alternative to the ESF that could cater for myself and colleagues in similar circumstances, to date no school has been suggested.

It is government policy to disassociate itself from its historical responsibilities to meet the subvention of the English Schools' Foundation under the parity of subsidy principle. The deafening silence exhibited by the Government in the current debacle between employees and the management of the organisation is disappointing. Having representation on the supreme governing body of the organisation I would have hoped that the Administration

would have taken the opportunity to publicly declare its long term funding intentions. If it wishes to abrogate its responsibilities to this sector of the community at least this should be publicly aired and stakeholders will no feel longer beholden to the government or LegCo as to how the Foundation chooses to conduct its business.

The LEA is linked to the ESF fee levels and what you are now proposing, for officers whose children can only be educated in the English language, is that their allowances will continue to be diluted year on year as fees will inevitably grow, that they can continue to expect uncertainty in the funding commitment for their children's education and that they can continue to expect to be discriminated against: they receive less funding than other children given the government's continued non-commitment to the principle of parity of subsidy. This is a wholly unsatisfactory future that I can look forward to in the provisioning of education for my children.

My observations are not confined to my own personal circumstances and I find the proposal to further reduce the LEA for officers who are in the unfortunate position of having children younger than my own unpalatable. This parsimony is without foundation. It is discriminatory and will sow the seeds of discord for the future.

If I may now turn to the OEA to what historically might have been a viable alternative to the ESF. This allowance has been diluted to such an extent that it simply is not an option for officers. Junior Police Officers are struggling to meet existing bills, with fees averaging 10% increases each year, the purchasing weakness of the Hong Kong dollar - I feel desperately sorry for their circumstances. The OEA is simply beyond my reach and effectively by grandfathering the allowance at ludicrously low levels you perpetuate the myth that this is a huge perk in the eyes of the public.

I remain, Sir,

CSBCOS

---

寄件者: < >  
收件者: <csbcos@csb.gov.hk>  
傳送日期: 2005年11月17日 上午 11:09  
主旨: Comments on Review of Fringe Benefit Type of Civil Service Allowances

I have the following views on the Private Tenancy Allowance review:

(a) Similar to AAS, option shall be given to the PTA claimants to switch to the NCA Scheme (or other schemes) to achieve saving to the Government.

(b) PTA claimants starting a new tenancy towards the end of a financial year will receive their entitlement fixed in the preceding 1 April. If the rental market is on the upward trend, the allowance received if locked throughout the term of tenancy may not be able to reflect the prevailing rent. It is preferable to allow claimant to receive the new upward rates in the following year under such circumstances.

Regards,

香港特別行政區政府  
公務員事務局局長

王局長：

本人欲就閣下今年九月二十二日發給各同事之信件中關於學生旅費津貼一事提出意見。

建議之學生旅費津貼除將上限調低至一九九八年七月一日之水平外，並收緊發放規則（以符合學生旅費福利在一九九八年七月一日前之原來目的），其中一個措施是未滿19歲之子女只可分兩期（即兩次來回旅程）享用津貼。

本人相信現時英國大多數之中學實行一學年有三個學期之制度，換言之，每一學年有三個「學期休息」，即聖誕新年假期、復活節假期及暑假，平均每個「學期休息」歷時大約五個星期。因此，家長利用學生旅費津貼，俾子女一年內可回港團聚三次。是故，一九九八年七月一日更改後之政策切合家長需要，是為德政。

現時政府急於節流，將學生旅費津貼上限調至更改前之水平，屬無可厚非。然而，既已設有定額津貼，為何不准許同事繼續分三期（即三次來回旅程）享用津貼？需知道，政府未必可藉限制兩次來回旅程而不用支付津貼之上限；若容許同事繼續以下調後之金額津貼三次來回旅程，雖不能減少庫務署處理學生旅費津貼之三份一工作量，卻可情理兼備，以德服人。

請閣下考慮上述意見。謝謝。

( )

二零零五年十一月十九日

CSBCOS

---

寄件者: < >  
收件者: <csbcos@csb.gov.hk>  
傳送日期: 2005年11月21日 下午 04:56  
主旨: Review of Civil Service Fringe Benefit Type of Allowances


Dear Sir,

As civil service fringe benefit type of allowances is being reviewed, I propose that overseas education allowance be extended to developed countries other than the United Kingdom. The arguments are:

- education allowances attract civil servants to increase fertility, which helps to prevent the dropping of birth rates
- overseas education at developed countries at tertiary level has its merits
- education costs in the United Kingdom are too high; lower-rank staff are not easy to benefit from it without shouldering heavier financial burden
- extension to other lower-cost countries benefits eligible civil servants in general. This serves the purpose of the scheme
- the government budget will not be increased because the allowance rates in other countries are not higher than the UK
- if the government thinks that the budget will still increase, it may reduce assistance given to pre-University studies. Living with parents during adolescence fosters strong family relationship. Important values are so better taught at home. The youth would become better persons. Long term harmony of the society will result.

Proposed countries include: Australia, New Zealand and the United States.

Yours faithfully,



---

This e-mail and any files transmitted with it are confidential and are intended solely for the addressee.

If you are not the intended recipient, you are hereby notified that any use, disclosure, copying, printing, forwarding or dissemination of this e-mail is strictly prohibited. If you have received this e-mail in error, please notify the sender by reply e-mail, and immediately delete it from your system.

Recipients are advised to apply their own virus checks to this message.

---

CSBCOS

---

寄件者: <csbcos@csb.gov.hk>  
收件者: <csbcos@csb.gov.hk>  
傳送日期: 2005年11月24日 下午 11:00  
主旨: Regarding the reduction of OEA

Dear Sir/Madam,

I am writing to express my opinion on the reduction of Overseas Education School Allowance. I am working in the police force and am planning to send my daughter to study abroad next year. I think it is very unreasonable to reduce the rates to the 1997 level for children of eligible officers who start to claim the allowance from next year. It is extremely unfair for the people who were planning to send their children to study overseas next year. It is too quick to make an important decision. It left us no time to prepare. My daughter is a F.5 student and she is planning to go to UK to continue her studies next year. However, with the reduction of subsidies, this would not be possible. Thus, she can not study in UK this academic year as we are not prepared and, it would be nonsensical for her to leave before HKCEE after spending 2 years preparing for the exams.

Civil servants already had their salaries cut about to 6 % two years ago and now if our benefits is also cut, our financial burden would be greatly increased. The schools in UK however will still raise the school fees every year. The exchange rate of HK dollar to UK pounds is so high that many of us are no longer able to afford such huge expenses.

Education allowances have already been ceased for new recruits since 1996. It is almost 10 years since then. It would not be long before the OEA come to an end. HK is now enjoying economic recovery, so I can not see it will create a big burden for the government. Therefore, I strongly oppose that we should have our benefits cut next year.

This would certainly have great impact on people who want to send their children to study overseas. Now, the society and the government always stress the importance of education. Instead, we should support the OEA. It is a golden chance for many students to study overseas. It is a very valuable experience and to broaden one's horizon. After graduation, they can use their knowledge to pay back to HK.

I hope that you can consider our situation and delay the dates for the reduction of subsidies of OEA. It is rather prompt to come to this decision. Thank you for your kind attention.

Yours faithfully,

24 SEP 2005

致 行政長官 曾蔭權 先生

特首你好！

我是第一次寫信給你，雖然我知道特首公務繁忙，但真的希望你本人可看此信而不是他人代勞。

關於近期政府調整『公務員子女海外教育津貼』一事，我認為政府應勇敢地大幅下調甚至中止這類不合時宜的殖民地福利。假設一名公務員申領兩名子女海外教育津貼，每名子女每年可申領的海外教育連機票等津貼接近二十萬港元，一年已使用公帑接近四十萬港元！其實，等到子女海外升學已是十多二十年後的事，作為父母，早應有所準備，津貼只是錦上添花。既得利益，當然不會說不。據報有關津貼的開支，已超過六億！我認識的非公務員的人，都感到不公平，愈來愈看不起公務員，給市民大眾的印象是『貪心的公務員』。

香港出生率偏低，加上人口逐漸老化，特首呼籲港人多生育，但沒有實際措施配合，反而讓『公務員子女海外教育津貼』這類不合時宜的福利開支繼續下去，怎令人信服？

最近，法國為鼓勵國民生育，建議給予生育第三個嬰兒的家庭一年津貼，又以新加坡為例，推出『嬰兒紅利』等獎勵生育措施等……假如，香港政府可把『公務員子女海外教育津貼』的開支轉為『港人生育津貼』，鼓勵港人生育，每一對夫婦從生第一胎起即可獲得現金津貼，我相信香港的生育率應可大幅上升。

以去年四萬八千名新生嬰兒計，假設給予每一名新生嬰兒一年津貼，每月二千元，（每月二千元的津貼，對於新婚夫婦來說是楊枝甘露）總計有關開支都只不過是十二億港元。雖是雙倍於公務員子女海外教育津貼，但是用以延續香港生命，長遠來說，有價值得多。至於解決公務員子女海外教育津貼，我建議政府把『公務員子女海外教育津貼』改為『公務員子女海外教育低息貸款』，閣下認為如何？

我的女兒是輕度智障，再生小孩已是極渺茫的事，寫信的出發點全因為我是愛港市民，只是希望說出給我們香港一點點有建設性的看法。

二零零五年九月二十三日



From:

To: <[csbspo@esp.gov.hk](mailto:csbspo@esp.gov.hk)>

Sent: Thursday, September 22, 2005 9:03 PM

Subject: 致公務員事務局所發放新聞稿是關於現職公務員所享有的福利被削減

> 向特區政府現職公務員的福利和津貼都有大受影響：

>

> 現職公務員都享用福利和津貼都被削減，就連子女海外升學、傢具和冷氣津貼通過被政府開刀，現職公務員的子女教育津貼被政府減2成，現職公務員所住的政府宿舍會不會影響日常生活所開支。

>

> 公務員事務局局長王永平解釋，現職公務員都享用福利和津貼都被削減，我很批評王局長所發表的報告是很不公平對待公務員的現有福利和津貼都令公務員的經濟和日常生活所經常性開支的負擔各項的稅收百上加斤。我建議政府現在香港經濟開始逐步復甦的現象，將政府削減福利和津貼高達5.4萬元。令公務員所享用的福利和津貼都沒有，將公務員的薪酬水平並加以提高，不想令公務員將退休的強積金或長俸一定有良好的退休的生活。

> 反映提出者

>

>

>

> 想即時收到新 email 通知？

> 下載 Yahoo! Messenger <http://messenger.yahoo.com.hk>

26/9/2005



To: csbts@csb.gov.hk

cc:

Subject: 公務員削減福利實在太離譜

Urgent Return Receipt

2005/10/17 04:11 PM

Please respond to

致公務員事務局所發放新聞稿是關於現職公務員所享有的福利被削減  
向特區政府現職公務員的福利和津貼都有大受影響：

現職公務員都享用福利和津貼都被削減，就連子女海外升學、傢具和冷氣津貼通過被政府開刀，現職公務員的子女教育津貼被政府減2成，現職公務員所住的政府宿舍會不會影響日常生活所開支。

公務員事務局局長王永平解釋，現職公務員都享用福利和津貼都被削減，我很批評王局長所發表的報告是很不公平對待公務員的現有福利和津貼都令公務員的經濟和日常生活所經常性開支的負擔各項的稅收百上加斤。我建議政府現在香港經濟開始逐步復甦的現象，將政府削減福利和津貼高達5.4萬元。令公務員所享用的福利和津貼都沒有，將公務員的新酬水平並加以提高，不想令公務員將退休的強積金或長俸一定有良好的退休的生活。

反映提出者

---

想即時收到新 email 通知？

下載 Yahoo! Messenger <http://messenger.yahoo.com.hk>

From:  
To: [csbspo@csb.gov.hk](mailto:csbspo@csb.gov.hk)  
Sent: Friday, September 23, 2005 9:30 AM  
Subject: 津貼

公務員的津貼太多, 爲何不減?

26/9/2005

親：香港特別行政區新公務員事務局局長李永平先生  
香港中環皇后大道中區政府秘書處10/F  
日期：27/9/05  
PCCS

H.K. I. D. Paid No.

姓名：喻燦明 Jacky Lau

Address

住址：

En (c)

手提：

本頁主題：Jacky Lau 喻燦明 先生於 2005 年 9 月 27 日新晉在  
此新公務員事務局局長李永平先生回顧 Jacky Lau  
先生於之精看港特別行政區政府對政府之個別部門提  
出架構及運作上之精簡及改良使之見效及成效。

4) 由 Jacky Lau 策劃之對整體公務員架構精簡及對整體  
公務員之新津貼裁減之建議，在推動到迄今 2005 年  
9 月初之成果為在整體公務員之總人數已由最高峰  
時之 190000 萬數總人數下削至迄今之 160000 萬人。  
Jacky Lau 在此削減人數策略上之最佳指標為 9%。  
在此策略上，整個最佳之公務員淨存之總人數應  
120000 萬至 130000 萬人 (這包括是波總人數)。

迄今馬灣總人口為 244 萬萬人而總公務員人數為  
160000 萬人，而另一比對之國家地方如英國，香港迄今之  
公務員總人數係約為英國 2 倍。在此對照上，香港  
迄今 2005 年 9 月初時之總公務員人數仍屬十分極高。

在削減公務員之入數後為對其新津貼上之削減  
後在迄今 2005 年 9 月初，事實上在對削減之 30000 萬公務  
員入數後，在長遠上，對香港特別行政區政府產房上之既濟及  
其在結構上每年都有 100 億至 150 億圓之撥款上之既  
濟濟。

而在 2005 年之香港特別行政區政府對公務員削減薪  
酬上之勝訴更已精看香港特別行政區政府獲佐 91 億  
圓之數。

在對 2005 年 9 月初之對香港特別行政區政府之整體公  
務員架構及新津貼上更深化精簡行動，Jacky Lau  
更部望能協助香港特別行政區政府盡早進行，原因係  
將省省撥款之省之有極任期 2 年在整體政府  
架構及新津貼之筆總免成任務係十分重要！

喻燦明 Jacky Lau  
27/9/05

總：香港特区政府行政局局長王承平先生 此信係寄交  
香港中環皇后大道中政府總部 10/F 郵：9000

H.K.-I.D. Card NO.

姓名：蕭煥明 Jacky Lau

蕭煥明 Jacky Lau / 住址：

27-9-2005

手機：

本頁主題 = Jacky Lau 蕭煥明 在迄今 2005 年 9 月 27 日寄發在  
此頁之公務員事務局局長王承平先生，回顧 Jacky Lau  
在過去之精看港特区政府對社會之個別部門之  
提出架構及運作上之精簡及改善後之不見其化為成效

27. Jacky Lau 對策勸 醫管局改醫生二級制 及推動  
醫管局藥房部改列入本地及國內生產之藥物及醫  
療用品。再者 Jacky Lau 亦成功推動醫管局藥房部  
自設一般藥物這包括一般外科藥物之中央藥物  
生產中心，以便能以極低廉成本以自強自給。

基本上，Jacky Lau 在醫管局之多項推動這包括  
將醫管局之藥房架構作更深化之精簡在管理上如  
配合得好做到好好啱話，在醫管局最近銷員  
担上應可備減 50% 為基本 銷員數，而在長遠  
銷員策略上應以精簡 醫生職系以外之員工為  
消力目標這特別係護士職系及文職員工。

37. Jacky Lau 策勸之「輸入國內專才政策，到迄今為止  
看港特区政府之一般工商界在聘用專才上之成本已作  
大幅度降低，唯迄今看港特区政府之聘用  
專才上成本仍未有大幅度整頓修正迄今如机电  
工程師、地產之工程師業入仕、看港特区政府之  
各部門資訊科專才在此等工程之看港特区政府  
所新制以月薪 \$6000 為基薪再加約 \$2000 圓房  
屋津貼，在總括政府銷員上，每個政府聘用  
之專才銷員上，便要 U.S. \$10000 圓。

Jacky Lau 在對看港特区政府在對聘用各  
部門之專才長遠標準頂新策略上應以 \$3000 月  
薪為頂新數。

Jacky Lau 在對整體公務員在 1997 年檢所  
有這前之超前新頂點作長遠點作下削，在總  
括上，在對專才以月薪 \$3000 為頂點之預算係極  
後啱也。

總署香港特別行政區政府工務局局長王永年先生 此函件係由  
香港中環皇后大道中11號中區政府后署西樓10樓  
Tappin

H.K.-1-D-Paid No.

姓名 = 潘煥明 Jacky Lau

住址 =

手提 =

來函主題 = Jacky Lau 潘煥明 在2005年9月27日奉  
在比身工務局局長王王永年先生回覆 = Jacky  
Lau 在過去之香港特別行政區政府對政府之個別  
部門採行架構及運作上之精簡及改良後之已見效  
化及成效。

47. Jacky Lau 策動之對「中區重建局」倡議修改以前  
在極短期之不足收購買樓作收購為區樓身重建  
以目前2005年9月初之 Jacky Lau 實際上條題未有  
「越位」，在收購樓上如處理得好，更可做到「先  
收購樓上做到中區」，在總結上，「中區重建局」在  
未來在對「所有為區重建收購上應盡量採運在  
樓價及地價走向大暢度回跌時才進行作區  
區為樓收購行動！ Jacky Lau 所有精看港特  
區所說之策略和特別係功及具才務負擔策略  
上精看港特區政府層面在簡化上作大暢度部  
派！

457. Jacky Lau 策動之對「社會福利署」推行積極  
性杜絕「低薪兼職個案」及大暢度縮減在對  
是類社會服務半津貼之開銷，在對2005年9  
月份之檢討上已獲得最基礎節縮成果，如  
在2005年後之對整體社會福利署之更深化階  
正行動將可在現存之社工人數上作更深層次  
既削減這包括在社會福利署杜絕之社工  
在內。

潘煥明 Jacky Lau  
27. 9. 2005

敬啟者：香港特別行政區公務員事務局局長王永平先生此函  
香港中環荷李活道11號香港特別行政區政府秘書處

H.K. I.D. Card No.

姓名：詹煥明 Judy Lau

住址：

手機：

本報主編 = 此函於2005年9月份之「香港特別行政區公務員事務局之特許房屋津貼及子女英國通學津貼之總檢討」作採錄。

回顧過往之七年數十年，Judy Lau 伙效「藍加坡總理李光耀」精「香港特別行政區」之「歷史時刻」精「香港整體政府及社會」作精「編解反」，在整個「編解反」的生涯歷程上文輝「Judy Lau 教頭」得效「好」。

事實上，「精·準·練」係從各個政府部門之對 Judy Lau 讚識之公務員口中聽到！

對2005年9月份由貴「公務員事務局局長王永平先生」所「檢」之「特許房屋津貼政策及子女英國通學津貼政策」之總檢討以目前謹以「輕預削減公務員子女英國通學津貼」為「路」，Judy Lau 對此作「同」貴「公務員事務局局長王永平先生」作「高」採錄「既」採錄，在此「方」案「在」未「作」編「%」拍「板」情「況」下「想」對「此」方「案」再「作」更「慎」重「既」思「考」原因係「維」氏「時」代「所」遺「留」之「特許房屋津貼」為「子女」之「英國通學津貼」在「當年」時「代」係「英國」佬「有」心「益」自「己」英「國」佬「既」公務員「福利」。

事實上，此等「等」回「時」既「公務員福利」到「迄今」之「香港特別行政區」接「手」後「都」盡「快」為「一」清「條」，以「始」使「整」個「香港」社會「中」氏「無」再「接」受「不」平「等」福利「既」得「益」分「化」，「整」體「上」，對「全」個「特許房屋津貼及子女英國通學津貼」作「在」面「性」編「%」即「時」廢「條」，Judy Lau 對此係「極」度「關注」，故「且」曾「與」Judy Lau 同「審」計「署」署「長」Patrick Leung 係「力」竭「心」盡「快」廢「條」此「極」不「平」等「之」公務員「津貼」之「熱」心「人」仕！

在「虛」面「性」即「時」廢「條」後，「香港特別行政區」身「身」在「此」每「年」開「銷」上「已」可「節」省「數」億「國」幣「款」項「計」更「係」天「文」數「字」！

詹煥明 Judy Lau  
27-9-2005

姓=香港特区政府  
公務員事務局服務條件事務局黃淑芬小姐  
香港中環荷李活道11號中区政府合署新座11樓1139室

姓名= 譚焯明 Jacky Lau

H.K.I.D. Card No.

住址=

Mobile=

(本人譚焯明 Jacky Lau 個人簡介)

本附件前徵求員  
Page ②

本人始自1996年底移拍前立法局議員葉國謙，由本人提出多項政府及香港經濟之獻策，而始自1996年到迄今本人仍仍為香港特区政府之幕後智囊，而本人到迄今之精力香港特区政府之事項已被捲納且在政府部門及整體香港及中國變遷政府在進行中之獻策如下：

1) 由 Jacky Lau 策動「香港特区政府策動全面性公務員架構及薪津奉上之改革整頓。在整體公務員架構及薪津奉上之削減幅度是以1992年之最高水平向千縮減30%為最終修正目標」。(諮詢人=公務員事務局長王永生先生)

2) 由 Jacky Lau 策動對「醫管局架構之精簡及對醫管局轄下均為採購部引入向本地及國內採購醫療物業之物資及醫療用品。期間 Jacky Lau 亦嘗試推動醫管局自設中央藥物室查錄以便自核自結。Jacky Lau 亦推動醫管局改醫生職級由二級制及將醫護人員職級簡化即將高級職銜刪除」。(諮詢人=前醫管局主席梁智鴻醫生)

3) 由 Jacky Lau 策動令「港島區小販管理隊改變傳統之地王工作文化」。(諮詢人=港島區小販管理隊主任管耀森、廖志祥及廖漢明)

4) 由 Jacky Lau 策動「香港警隊新逐漸將輔警淘汰。Jacky Lau 嘗試推動將警隊全面精簡架構而將刑在職警員之中高層階級。Jacky Lau 推動警隊改換警服制服及佩帶襟頭飾物。Jacky Lau 亦推動警隊作全面性清除害群之馬」。(諮詢人=警務處長李明達)

譚焯明

20-12-2005



香港特別行政區  
公務員事務局服務條件事務部黃淑芬小姐  
香港中環皇后大道中11號中區政府石禧西座11樓1139室

姓名: 劉焯明 Jacky Lau

H.K. I.D. Card No.

住址:

Mobile:

《本人劉焯明 Jacky Lau 個人簡介》 本附件有徵求信 P. 2 (3)

157 由 Jacky Lau 策劃對「香港社會福利署作全面積極性在抱假離婚及假失業之訛騙綜援案件」。  
(諮詢人 = 前社會福利署總社會保障主任李覺銘)

167 由 Jacky Lau 在 1994 年推動前地政規劃處副處長雅尼淑芬施行壓抑不旺樓價措施。  
(諮詢人 = 現教育統籌局雅尼淑芬女佐)

177 由 Jacky Lau 推動「前公務員事務局副局長麥皓明」推行輸入國內專才計劃。  
(諮詢人 = 現 ICAC 麥皓明)

187 由 Jacky Lau 推動「前土地發展有限公司及現中區重建局」改以前用極不旺之超高收購樓收購舊樓重建。  
(諮詢人 = 現中區重建局主席劉華霖)

197 由 Jacky Lau 替「前財政司梁釗松先生」推更積極緊迫性改革公務員架構及薪津俸上之縮減政策。Jacky Lau 更替前財政司梁釗松先生度西之 CEPA 中港更緊密經濟合作安排策略。  
(諮詢人 = 前特首董建華先生, 現特首曾蔭培先生, 前財政司梁釗松先生及現財政司唐英年先生)

207 由 Jacky Lau 向「現審計署副署長 Patrick Leung」推動全面性刪除前政府遺留之各項公務員津貼, 而特別係公務員房屋津貼及公務員子女出國留學津貼。  
(諮詢人 = 現審計署副署長 Patrick Leung)

劉焯明  
30.12.2005

致：香港特區政府  
公務員事務局服務條件事務部 黃淑芬小姐 Page 4  
香港中環皇后大道中政府合署西座11樓1139室

本人於2004年於政府之新檔案  
編號：(1) IN PROJ CR/2496/2004/5 FL 姓名：劉煥明 Judy Lau  
H. K. L. D. Lau 住址：  
於2005年之檔號 (10) IN PROJ CR/2496/5 FL Mobile: 劉煥明  
20-12-2003

本頁主題：對 Judy Lau 劉煥明 寄向香港特區政府  
公務員事務局查詢對香港特區政府之全職性公務  
員附帶之福利性津貼檢討之意見書之有關現存香  
港特區政府之公務員事務局服務條件事務部之負  
責人黃淑芬向本人劉煥明 提出對有關意見書之獻  
策人之身份及記名發表意見及是否作出保密等之詢  
黃公務員事務局之公務員事務局服務條件事務部  
黃淑芬小姐提出以答覆：

1) 本人劉煥明 Judy Lau 之寄向黃公務員事務局提出  
對公務員附帶之福利津貼提出全職性修正及刪  
除所有公務員不合時宜之房屋津貼及子女出國留  
學津貼之意見書。此意見書在黃公務員事務局在  
處理上包括轉交政府各部門人仕、立法局議員、各  
本地及世界各地傳媒及本港及海外團體都覽在內  
可以將本人之姓名及身份之背景公開。此意見乃本人意  
願。

2) 敬函件附帶對本人之「述明垂求」一項，本人在此不  
甚完全理解。如此重點上是提及「過往7年至8年  
之有關 Judy Lau 劉煥明 之已被香港特區政府  
知悉之有關公務員事項之獻策上已被高度  
採納並獲意向 Judy Lau 劉煥明 之成功獻  
策被採納之賞賜酬金，對此本人十分寄望  
黃香港特區政府為特別是公務員事務局能對  
敬啟獻策成功賞賜酬金一事給予清楚之  
之處理。事實上，Judy Lau 過往因移居台灣  
故租而移居在香港塔橋期間，大部份時間  
是靠本人積蓄而生活，唯今年54歲囉  
Judy Lau 已步入中老年時，能夠獲香港特  
區政府在成功獻策上給與賞賜酬金，那本  
人在人生路上，政府授事應該可以十分謝明！