

立法會
Legislative Council

LC Paper No. CB(1)1588/06-07
(These minutes have been seen
by the Administration)

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Panel on Public Service

Minutes of meeting
held on Monday, 16 April 2007 at 10:45 am
in Conference Room A of the Legislative Council Building

Members present : Hon Howard YOUNG, SBS, JP (Chairman)
Hon LI Fung-ying, BBS, JP (Deputy Chairman)
Hon LEE Cheuk-yan
Hon Margaret NG
Hon James TO Kun-sun
Hon CHEUNG Man-kwong
Hon TAM Yiu-chung, GBS, JP
Hon WONG Kwok-hing, MH
Hon KWONG Chi-kin

Member absent : Hon Mrs Sophie LEUNG LAU Yau-fun, SBS, JP

Public officers attending : **Agenda item IV**

Mr Robin IP
Deputy Head of the Central Policy Unit

Mr Raymond TAM
Secretary to the Commission on Strategic Development
Central Policy Unit

Agenda item V

Miss Denise YUE, GBS, JP
Secretary for the Civil Service

Mr K S SO
Deputy Secretary for the Civil Service 2

Agenda item VI

Miss Denise YUE, GBS, JP
Secretary for the Civil Service

Mrs Rosanna URE
Deputy Secretary for the Civil Service 3

Clerk in attendance : Mr Andy LAU
Chief Council Secretary (1)2

Staff in attendance : Mr Noel SUNG
Senior Council Secretary (1)4

Miss Winnie CHENG
Legislative Assistant (1)5

Action

I Confirmation of minutes of meeting

- (LC Paper No. CB(1)1245/06-07 — Minutes of meeting on 8 February 2007
LC Paper No. CB(1)1322/06-07 — Minutes of meeting on 15 March 2007)

The minutes of the meetings held on 8 February and 15 March 2007 were confirmed.

II Information paper issued since last meeting

2. Members noted that no information paper had been issued since last meeting.

III Items for discussion at the next meeting scheduled for 21 May 2007

- (LC Paper No. CB(1)1255/06-07(01) — List of outstanding items for discussion
LC Paper No. CB(1)1255/06-07(02) — List of follow-up actions)

3. Members agreed that the following items proposed by the Administration would be discussed at the next meeting scheduled for 21 May 2007 –

- (a) Implementation of five-day week in the Government (Final Phase); and

(b) Updated overview of civil service conduct and discipline.

IV Retention of One Supernumerary Post of Administrative Officer Staff Grade C in the Secretariat to the Commission on Strategic Development
(LC Paper No. CB(1)1255/06-07(03) — Information paper provided by the Administration)

Briefing by the Administration

4. The Deputy Head of the Central Policy Unit (DH/CPU) briefed the meeting on the justifications for retention of the supernumerary post of Administrative Officer Staff Grade C (hereafter referred to as "the Supernumerary Post") as Assistant Secretary to the Commission on Strategic Development (CSD) for two years with effect from 1 July 2007 to 30 June 2009 in the CSD Secretariat by highlighting the salient points in the paper.

Discussion

5. Ms Margaret NG said that she had strong reservation on the need to maintain the CSD on a long term basis, and hence, the staffing proposal. She opined that the policy issues discussed at the CSD should more appropriately be handled by the Legislative Council (LegCo). It was not a desirable arrangement for the Chief Executive (CE) to assign the CSD to consider issues which fell within the purview of the LegCo. Ms NG was of the view that the LegCo was an open and democratic forum where elected members representing the public gave advice on policy issues based on public opinion, whereas the CSD was a body comprising members who were appointed in a closed and undemocratic system. The Administration had by-passed the LegCo in assigning policy issues to the CSD for discussion. Whether it was necessary to maintain, on a long term basis, an advisory body on major policy issues like the CSD should first be considered by the LegCo. As far as "China's 11th Five-Year Plan and the Development of Hong Kong" was concerned, the CE had repeatedly said that the issues were not raised by the Government and they were suggestions made by the commercial and industrial sectors, who would be responsible for the implementation of the recommendations. As such, Ms NG queried why the Government should provide the logistic support for the CSD.

6. DH/CPU explained that the CSD was instrumental to the Administration in collecting public opinion in the initial stage of the formulation of public policies. At the CSD, representatives from different sectors of the community could convey their opinions to the Government on major policy issues. The CSD comprised a wide spectrum of community leaders and experts, including professionals, academics, businessmen, politicians, and prominent labour and media personalities. Through the CSD the Government collected public opinion and consolidated the views. The input from the CSD would facilitate the formulation and implementation of public policies. In formulating public policy, the relevant policy bureau would follow the established

procedures and consult LegCo as and when necessary. DH/CPU stressed that the operation of the CSD was highly open and transparent. For instance, the documents of CSD, including the discussion papers and the summaries of views, were provided to the LegCo and uploaded on the Internet. A press briefing was conducted after each meeting of the CSD. The Secretary to the Commission on Strategic Development, Central Policy Unit (S/CSD) supplemented that the functions of the LegCo, whose constitutional status was recognized under the Basic Law, and the CSD, which was a purely advisory body, were very different. S/CSD said that in addition to servicing the CSD, the CSD Secretariat organized the Economic Summit on "China's 11th Five-Year Plan and the Development of Hong Kong". The CE had indicated in his address to the LegCo in May 2006 that the objective of the Economic Summit was to provide a platform for the Government, the industrial and business, professional, labour and academic sectors to discuss how Hong Kong should actively respond to the challenges and opportunities arising from the 11th Five-Year Plan and to come up with a set of strategic proposals. The Government considered that the Economic Summit and the proposed Action Agenda were of great significance to the future economic development of Hong Kong. The relevant Government bureaux and departments were responsible for the formulation of policy and implementation of the majority of the 207 recommendations in the Action Agenda. For example, the relevant financial services bureau and departments would be responsible for discussion of the relevant recommendations with the financial authorities in the Mainland.

7. Mr TAM Yiu-chung was of the view that the CSD provided a platform and avenue for different sectors of the community to offer advice to the Government on political, economic and social development and governance issues of strategic importance. Members of the CSD were prominent representatives in the relevant fields. It was desirable for the Government to collect more opinions from the public in formulating its policies. He opined that the CSD could not replace the LegCo, District Councils and other advisory bodies. The CSD had achieved its aims in the past years and as the CSD continued to function, it was necessary to provide supporting staff to the Commission. The Action Agenda drawn up at the Economic Summit on "China's 11th Five-Year Plan and the Development of Hong Kong" was of great significance to the future economic development of Hong Kong, and the private sector could not be totally relied on in implementing the recommendations. The Government needed to play a pivotal role in coordinating and facilitating the discussion and implementation of the recommendations. Mr TAM said that he supported the staffing proposal in view of the need to provide secretariat services to the CSD.

8. Mr CHEUNG Man-kwong said that the view of the Democratic Party was that the CSD was a platform formed on the basis of an appointment system to replace the LegCo which was a platform comprising elected members to reflect public opinion. The CSD was under the control of the CE who appointed its members. The Administration might put up very conservative proposals or proposals to counterpoise public opinion for discussion at the CSD. The aim of setting up the CSD was to counter-balance, through an advisory body appointed by the CE, the views of the elected bodies. For instance, the CSD had taken up the role of the LegCo in the discussion and formulation of proposals for constitutional reforms. The proposals

drawn up by the appointed members were anti-democratic, e.g. the proposal that members of the nominating committee for the CE election should be subject to screening and political vetting. The CSD, as an appointed body, was in conflict with a democratic institution. As a matter of principle, the Democratic Party had reservation on the proposed retention of the supernumerary post for the Secretariat to the CSD as the CSD was set up aiming at replacing the LegCo. He opined that major political, economic and social issues should be discussed at the LegCo.

9. DH/CPU reiterated that there was no conflict between the LegCo and the CSD. The duties of LegCo were set out in the Basic Law, whilst the CSD served as the most important advisory body for the CE. The main function of the CSD was to enable the Government to gauge the views of different sectors and strata in the community in the initial stage of formulating public policies, with a view to drawing up policies which met the aspirations of the public. Members of the CSD came from different fields and strata of the community, including LegCo members from the Democratic Party. S/CSD supplemented that as far as the constitutional reforms were concerned, the CSD only provided a platform to collect public opinion and narrow down the differences in opinions. According to Annexes I and II to the Basic Law, any changes to the two electoral methods had to be passed by two-third of the members of LegCo. The role and status of LegCo in the Basic Law could not be replaced. As mentioned in the paper, the workload of the Secretariat serving the expanded CSD had increased more than what was originally envisaged, and hence the need for retention of the supernumerary post.

10. Mr KWONG Chi-kin remarked that he was surprised that the discussion for the retention of a supernumerary post in the CSD Secretariat had been elevated to the discussion on whether the CSD should exist, which was outside the terms of reference of the Panel on Public Service. Any discussion on the abolition or retention of the CSD should more appropriately be discussed in other forums. If there was a CSD, the discussion should focus on whether there was a need to provide suitable secretariat support to CSD. The LegCo and the Administration were performing different functions, and if the Government considered that it was necessary to set up advisory bodies for formulation of public policies, the Government should have the discretion to do so. On the basis that there was a need to provide secretariat support to the CSD, Mr KWONG said that he would support the staffing proposal. He said that while the constitutional role and status of the LegCo was irreplaceable, the CSD provided another channel for the public to air their views. He opined that the Administration should review whether it had kept the Constitutional Affairs Panel abreast of the most up-to-date constitutional issues vis-à-vis those being deliberated at the CSD.

11. S/CSD responded that the LegCo Constitutional Affairs Panel had full discretion in deciding on its discussion items. Apart from constitutional affairs, the CSD also discussed issues of strategic significance for the development of Hong Kong, such as economic development, environmental protection and related issues like conservation of heritage.

12. Mr James TO said that he was surprised to note from the paper that the CSD was the most important advisory body to the CE, as the Executive Council (ExCo) should be the most important advisory body to the CE. He opined that as far as constitutional reforms were concerned, the CSD was a body to delay the development of democracy in Hong Kong. On that basis, Mr TO said that he could not accept a staffing proposal to support a body which delayed the development of democracy in Hong Kong.

13. DH/CPU said that there was no delay on the development of democracy since the CSD had discussed about universal suffrage. The Government had planned to issue a green paper on constitutional development in mid-2007. S/CSD added that the ExCo had its constitutional role and status under the Basic Law, and statutory authority as stated in the laws of Hong Kong. He reiterated that the CSD was only an advisory body responsible for collecting and reflecting public opinion on major policy issues of strategic importance. CSD's functions were totally different from those of the ExCo. The CSD had not delayed the development of democracy in Hong Kong. Instead it had considered constitutional reform issues like the bicameral system which was held in abeyance.

14. Mr James TO queried whether the CSD had the authority to hold in abeyance the proposal of a bicameral system. He opined that the proposal of the bicameral system was a delaying tactic. The bicameral system should not have appeared on the agenda for discussion of a democratic political system because of the lack of public support. Mr TO opined that by discussing the bicameral system the CSD had delayed, for several months, useful discussions on other practicable democratic political systems which would otherwise be focused on earlier by all parties concerned. By putting forward numerous impracticable proposals, the Administration only caused confusion and delay to the development of a democratic political system.

15. Ms Margaret NG said that if the existence of the CSD was justified, it would be reasonable to support the staffing proposal; otherwise the staffing proposal could not be accepted. She was concerned that the tenure of some supernumerary posts was extended for several times and in this way a supernumerary post became a long term post. Extension of the tenure of supernumerary posts should be justified by stating the time required for the officer to complete his work, and whether further extension of the tenure would be required. Given that the various Panels of the LegCo were giving advice and reflecting public opinion on public policy issues, the transparency of the discussions at LegCo was much higher than any other advisory bodies, and there were already many advisory and consultative bodies for different policy issues, Ms NG opined that the Administration should review the need, the status, the functions, effectiveness and length of tenure of the CSD, vis-à-vis other advisory bodies. She queried whether the roles and functions of the CSD had overlapped with those of policy bureaux, other advisory bodies, as well as Panels of LegCo; and whether the setting up of CSD had contravened the Basic Law. In this connection, Ms NG asked whether the Administration would conduct a comprehensive review on the CSD; and when the review would be conducted. She pointed out that the appointment of members to the

CSD was made on a personal basis and appointees did not represent any political parties. Ms NG also requested that the Administration should provide detailed information on the annual expenditure of the CSD and its Secretariat. She opined that only after all the above information was available would it be worthwhile to consider whether the extension of the supernumerary post should be supported.

16. DH/CPD responded that the Administration had reviewed the work of the CSD and considered that the Commission should continue to function, before making the proposal for retention of the supernumerary post until 30 June 2009.

17. Ms Margaret NG pointed out that the review should examine the status, function, effectiveness and length of tenure of the CSD in relation to other Government advisory bodies; and the justifications for maintaining the CSD.

18. S/CSD responded that as mentioned in paragraphs 12 to 14 of the paper, the CSD would have to consider many major strategic issues pertaining to the long term development of Hong Kong.

19. Ms Margaret NG said that if the Administration submitted the staffing proposal to the Establishment Subcommittee, it should provide information on the justifications for the need to retain the supernumerary post until 30 June 2009, and the reasons for not requiring the post after that date. If the tenure of the supernumerary post was envisaged to be further extended after 30 June 2009, the Administration should state it clearly in the paper, and the reasons for the anticipated extension. Ms NG requested that the Administration should provide details of the annual expenditure of the CSD and its Secretariat.

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20. Mr CHEUNG Man-kwong opined that the status and importance of a Government advisory body should be dependent on the extent of public opinion it could represent. Since the CSD was not an elected body, its status as a public advisory body was questionable. Since the members of the CSD were appointed by the CE, it was surprising to note in the paper that the CSD was the most important advisory body to the CE. By making such a statement, the Administration had totally ignored the existence and importance of elected bodies which gave advice on public policies. The Administration had not clarified why the initial work for formulation of public policies was not undertaken by an elected body, i.e. the LegCo, but was handled by an appointed body. The reason for members of the Democratic Party joining the CSD was that the Party would not forgo any opportunity to object to any conservative proposals on public policies, and the Party aimed to foster the development of democracy. The fact that Democratic Party members had joined the CSD did not mean that the Party recognized the CSD as the most important advisory body to the Administration. Only an elected advisory body deserved to be regarded as the most important advisory body to the Administration. Hence the Democratic Party would not support the staffing proposal.

The Chairman and the Deputy Chairman's remarks

21. The Chairman said that members of the Panel held divergent views on the staffing proposal in the paper, and some members had strong reservation on the staffing proposal. Some members also had reservation on the retention of the CSD. He said that the questions about the existence of the CSD did not fall within the terms of reference of the Panel on Public Service, and the issues relating to the CSD should be discussed at an appropriate Panel.

22. The Deputy Chairman remarked and Members agreed that members of the Panel had expressed their views on the staffing proposal. The Administration should decide, after taking into account members' divergent views, whether it should put forward the staffing proposal to the Establishment Subcommittee for consideration.

V Progress update on an improved Civil Service Pay Adjustment Mechanism

(LC Paper No. CB(1)1255/06-07(04) — Information paper provided by the Administration)

Briefing by the Administration

23. SCS apprised the meeting on the progress of the development of an improved civil service pay adjustment mechanism by highlighting the salient points in the paper.

24. Having noted that the outcome of the Pay Trend Survey (PTS) would be known by the second or third quarter of the year, Mr WONG Kwok-hing was concerned about the general expectation among civil servants of a pay increase in 2007-2008.

25. SCS responded that the Administration was considering how the findings of the Pay Level Survey (PLS) should be implemented, through consultation with the staff sides, the Standing Commission on Civil Service Salaries and Conditions of Service, the Standing Committee on Disciplined Services Salaries and Conditions of Service, and the Standing Committee on Directorate Salaries and Conditions of Service. A finalized general framework for the application of the PLS results to the civil service should be available in April/May 2007, which would determine whether the civil service pay scales as at 1 April 2006 would be adjusted. Based on the application of the findings of the PLS and the outcome of the PTS, consideration would be given to whether there should be a pay adjustment for the civil service in 2007-08 and, if so, a submission would be made to the Finance Committee in the second half of this year. The Panel would be briefed on the finalized general framework for the application of the PLS results to the civil service.

26. Mr LEE Cheuk-yan was worried that, based on the findings of the PLS, only the high ranking officers in the civil service would receive a pay increase as recently there was a general trend in the private sector that the salary for personnel in the higher management level had increased whereas the low-ranking staff received minimal

wages. Mr LEE enquired how the PLS findings would be applied, and whether, if there were any changes to the civil service pay scales as a result of the PLS, the new pay scales would be applied to existing civil servants.

27. SCS responded that the Administration had yet to finalize the general framework for application of the findings of the PLS. She stressed that the PLS findings would not be "mechanically" applied to the civil service as any civil service pay adjustment had to take into account factors such as those set out in paragraph 13 of the paper. The civil service remuneration should be regarded as fair both by civil servants and the public. If the pay indicator of a particular civil service job level was found to be higher than that in the private sector, such a gap would need to be closed up over a period of time, as the existing civil service pay was already at the level as at 30 June 1997. According to the Basic Law, the salaries of serving civil servants should not be lower than the levels as at 30 June 1997.

28. Ms LI Fung-ying was concerned that if the pay indicator of a particular job level was found to be higher than that of the private sector, civil servants belonging to that job level might not receive any pay increase over a period a time resulting in low staff morale. She enquired whether officers on probation would be affected if there was any adjustment to the starting salary point arising from the Starting Salaries Survey.

29. SCS stated that the Administration was still considering the detailed arrangements for application of the results of the PLS and the Starting Salaries Survey, and had yet to come up with a finalized proposal. Based on the arrangement for the 2000 Starting Salaries Survey, serving civil servants were not affected when the starting salary of an entry rank was adjusted downward. Since no upward adjustment on the starting salary points for civil service grades was made in the 2000 survey, no precedent case could be drawn from that exercise. The Panel would be briefed on the proposed application of the results of the just completed Starting Salaries Survey before they were submitted to the Establishment Subcommittee for endorsement and the Finance Committee for approval.

30. Mr CHEUNG Man-kwong said that some sources said that a plus/minus 5% difference between the civil service and private sector pay indicators was considered by the Administration and the staff sides as acceptable in relation to the application of the PLS results. As a result, the pay adjustment for the civil service in the current year might solely depend on the outcome of the PTS. He enquired whether the Administration would brief the Panel on the latest proposal arising from the PLS.

31. SCS responded that she was not in a position to comment on speculations on the finalized arrangements for application of the PLS findings. The Administration had discussed with the staff sides and the staff associations on various options for the application of the PLS findings, and all parties concerned were bound by the rule of confidentiality in the discussions. The Panel would be briefed on the finalized proposal once it was available.

32. Mr KWONG Chi-kin opined that the findings of the PLS should not be strictly applied to the civil service, having regard to the factors detailed in paragraph 13 of the paper. He enquired whether more emphasis could be placed on the findings of the PTS in considering the civil service pay adjustment for 2007-2008. He reiterated that there were high expectations among civil servants for a pay increase in 2007-2008.

33. SCS pointed out that the results of the annual PTS was only one of the factors being considered for any adjustment of annual civil service pay. The Administration would take into account other factors like the state of the economy of Hong Kong, the fiscal position of the Government, changes in the cost of living, the staff sides' pay claims and civil service morale in considering the annual civil service pay adjustment. She said that the PTS findings should, to some extent, reflect inflation. The Administration was also considering conducting a PLS periodically having regard to the time and resource implications etc.

34. Mr LEE Cheuk-yan opined that since the PLS results would not be applied mechanically, and other factors, e.g. staff morale, would be taken into account, the Administration should discuss with the Panel on how the findings of the PLS should be implemented, instead of just briefing the Panel on the implementation details. Mr LEE was concerned that the implementation of the PTS findings might create a divisive effect if only the high ranking civil servants received a pay increase, and not civil servants at the lower ranks, or if there was a large disparity on the rate of salary increase between high-ranking and low-ranking civil servants.

35. SCS responded that the Administration would seek the support of the Panel and take into consideration members' views on implementation of the PLS findings before submitting the proposal to the Establishment Subcommittee and the Finance Committee for approval as necessary.

VI An overview of training and development for civil servants

(LC Paper No. CB(1)1255/06-07(05) — Information paper provided by the Administration)

Briefing by the Administration

36. SCS apprised the meeting that the Government was committed to providing civil servants with training opportunities that would equip them with the skills, knowledge and mindset necessary for providing quality service to the public. In general, vocational training for meeting work requirements and job-specific needs was provided by departments. The Civil Service Bureau (CSB), through the Civil Service Training and Development Institute (CSTDI), focused on meeting the common training needs of all civil servants. The training programmes were regularly reviewed and updated to meet the changing needs, and the rising expectations from the public.

Discussion

37. With reference to paragraph 18 of the paper and having noted that about 600 frontline staff had joined the training sponsorship scheme, Mr KWONG Chi-kin enquired whether the relatively small number of frontline staff participating in the scheme was a result of the lack of encouragement from the management side and/or the lack of support from the departments to facilitate the frontline staff to pursue further training.

38. The Deputy Secretary for the Civil Service 3 (DSCS3) responded that the CSB had publicized, through the departments and the staff associations, the training sponsorship schemes, and civil servants were invited to join the schemes. The number of participants might vary each year as civil servants might or might not join the schemes for one reason or another, e.g. family and/or work commitments. CSB had not conducted a formal survey on the reasons for civil servants not joining the schemes. Efforts were made to encourage more civil servants to apply for the training sponsorships, e.g. the scope of the schemes had been broadened to cover more types of training courses, the financial provision for the schemes in 2007-2008 had been increased, and more publicity was made about the schemes in the departments.

39. Mr KWONG Chi-kin asked whether the Government would provide any material incentives, e.g. training leave or more flexible working time, to encourage civil servants to apply for training sponsorships.

40. SCS responded that some civil servants might make special requests regarding their working hours in order to meet their personal or family needs, e.g. permission for not attending night shifts, etc. Whilst departments would consider such requests sympathetically, there were practical constraints for individual departments to entertain such requests to the satisfaction of all parties concerned. She said that there was no plan to provide training leaves to civil servants.

41. Ms LI Fung-ying was concerned that the financial provision for the training sponsorship schemes had not been used up in the current year. She said that apart from publicizing the schemes, a survey should be conducted to find out the reasons for the small number of civil servants participating in the training sponsorship schemes. She was of the view that many civil servants could not join the schemes mainly because of the heavy workload and long working hours. She said that the departments should explore more training opportunities for their staff and facilitate the staff to attend training courses through more flexible arrangements of duties. In view of some adverse publicity about the brainstorming sessions held by some departments, Ms LI opined that the Government should enhance its publicity about the training needs of civil servants, and their training activities.

42. DSCS3 stressed that the two training sponsorship schemes were provided to the civil servants in addition to the regular training programmes offered by the CSTDI and the departments. As far as the two training sponsorship schemes were concerned, the number of participants had increased from about 200 applicants in 2005-2006, to close

to 400 participants in 2006-2007. Eligibility for sponsorship had also been extended from officers in the Model Scale I Pay Scale and those earning a salary between Point 0 and 10 in the Master Pay Scale to officers at Point 16 or below. SCS added that CSB and the departments also organized many work-specific and work-related courses for civil servants to update and enhance their work knowledge and skills, with a view to providing better service to the public.

43. Mr LEE Cheuk-yan opined that officers who faced a heavy workload and family commitment would not have the time to pursue further studies. The Government should set a good example to the private sector and allow more time and flexibility for civil servants to attend training courses.

44. SCS responded that through the sponsorship schemes and the introduction of the five-day week, the Government aimed at providing more time and financial support to civil servants to attend courses to enhance their knowledge, personal effectiveness and qualifications.

45. Referring to paragraph 18 of the paper, and having noted that frontline staff might obtain a reimbursement of up to 75% of the course fee, Mr KWONG Chi-kin enquired whether, in order to encourage more staff to join the training sponsorship schemes, the Government would consider reimbursing to the staff the total amount, or at least 90% of the course fees, given that the financial provision for the schemes had been increased, and that the staff involved were earning a relatively low salary and they had to take leave to attend the courses.

46. SCS responded that the participants' personal commitment was integral to the success of the training sponsorship schemes. Based on her contacts with the staff sides, civil servants were more concerned about widening the coverage of the two sponsorship schemes than increasing the financial support from Government.

VII Any other business

47. There being no other business, the meeting ended at 12:35 pm.