

LegCo Panel on Public Service

List of follow-up actions

(Position as at 6 October 2006)

Subject	Date of meeting	Follow-up actions required	Administration's response
1. <u>Employment of non-civil service contract (NCSC) staff</u>	18.4.2005	(a) The Administration was requested to provide the Panel with a regular update on the employment of NCSC staff once every six months.	For (a), an update on the employment of NCSC staff as at 31 December 2005 was included in the discussion paper provided by the Administration for the Panel meeting on 20 March 2006 (LC Paper No. CB(1)1067/06-06(03)). For (b), the required information was provided in the discussion paper for the Panel meeting on 20 March 2006 and the supplementary information tabled at that meeting. For (c), please refer to
	13.10.2005	(b) The Administration was requested to provide the number of NCSC staff currently employed by various bureaux/departments and the duration of contracts offered to the staff concerned.	
	28.2.2006	(c) The Administration was requested to provide a breakdown of NCSC posts by bureau/department, showing the duration of the posts and whether the posts were created for any of the following purposes: (i) To meet service need that was short-term or did not require keeping staff on a long-term basis; (ii) To meet service need that required staff on a part-time basis; (iii) To meet service need where the mode of delivery of the service was under review or likely to be changed; and	

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	20.3.2006	<p>(iv) To meet service need on a long-term basis.</p> <p>(d) In connection with item (c)(iv) above, the Administration was requested to consider converting the NCSC posts concerned to civil service posts.</p> <p>(e) On (c) above, members were advised by the Secretary for the Civil Service (SCS) at the Panel meeting on 20 March 2006 that the Civil Service Bureau (CSB) did not have the required information and it needed to concentrate its efforts in the following six months to conduct a special review of the NCSC staff situation on a department-by-department basis. However, SCS was requested to take the following actions to address members' concerns:</p> <p>(i) To review whether there was an abuse of the NCSC Staff Scheme by ascertaining whether the NCSC posts were created for any of the five purposes set out in paragraph 3(a) to (e) of the discussion paper for the Panel meeting on 20 March 2006 (LC Paper No. CB(1)1067/05-06(03)). In this connection:</p> <ul style="list-style-type: none"> ● Priority should be given to the 10 124 NCSC posts in the following eight bureaux/departments which had employed 5% or more of the total number of NCSC staff (as at 31 December 2005): 	<p>(e).</p> <p>The Administration's response to (d) and (e) awaited.</p>

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		<ol style="list-style-type: none"> 1. Buildings Department (800 posts) (5.1%) 2. Department of Health (1 060 posts) (6.8%) 3. Education and Manpower Bureau (1 339 posts) (8.5%) 4. Electrical and Mechanical Services Department (1 036 posts) (6.6%) 5. Food and Environmental Hygiene Department (1 006 posts) (6.4%) 6. Leisure and Cultural Services Department (LCSD) (1 995 posts) (12.7%) 7. Post Office (1 952 posts) (12.4%) 8. Social Welfare Department (936 posts) (6%) <ul style="list-style-type: none"> ● Priority should also be given to the posts filled by the 2 318 NCSC staff who had been continuously employed for five years or more (as at 31 December 2005). <p>(ii) In connection with (i) above, to confirm whether the NCSC posts (such as Library Assistant and Assistant Librarian posts) in public libraries of LCSD were created for any of the five purposes set out in paragraph 3(a) to (e) of the discussion paper for the Panel meeting on 20 March 2006. For details of the posts involved, please refer to the information sheet tabled by Hon LEE Cheuk-yan at</p>	

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		<p>the Panel meeting on 20 March 2006 (LC Paper No. CB(1)1123/05-06(02));</p> <p>(iii) To review whether the terms and conditions of employment offered to the NCSC staff were reasonable, and in this connection, to provide a breakdown of the 1 995 NCSC positions of LCSD, i.e. the department which had employed the greatest number of NCSC staff, showing the pay level, any pay adjustments and fringe benefits offered to each of the staff concerned since the positions were first created;</p> <p>(iv) To review whether the NCSC Staff Scheme had any adverse impact on bureaux/departments, e.g. whether it had given rise to any imbalances in manpower situation, any succession problems, and any adverse impact on quality of service;</p> <p>(v) To consider, after the review, whether some of the NCSC posts, in particular those created to meet service need on a long-term basis or those filled by NCSC staff continuously for five years or more, should be converted to civil service posts. If some of the NCSC posts were subsequently converted to civil service posts and NCSC staff who had been continuously employed for five years or more were selected to fill the posts, consideration should be given to waive the requirement for the staff concerned to complete the</p>	

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		<p>three-year probationary period and three-year agreement period (i.e. the "3 + 3" period) before they were considered for appointment on permanent terms; and</p> <p>(vi) To report to the Panel on the outcome of the review and provide the information requested by members in due course.</p>	
<p>2. <u>Resumption of open recruitment for selected grades included in the Second Voluntary Retirement Scheme (VR II Scheme)</u></p>	<p>20.4.2006</p>	<p>(a) The Administration undertook to provide the Panel with regular updates (the first update to be provided at the end of 2006) on approval granted by the panel co-chaired by the Chief Secretary for Administration and the Financial Secretary for exemption from the recruitment freeze imposed on VR II grades, with relevant information including the number of posts approved for open recruitment and the grades involved.</p> <p>(b) To address a member's concern that some VR-takers were employed by government bureaux/departments on non-civil service contract terms after they had left the civil service, the Administration undertook to provide, as far as practicable, the number of such cases by bureau/department and by grade.</p> <p>(c) The Administration undertook to provide a list of the 30 VR grades the entry ranks of which were not included in the VR II Scheme but were originally subject to the five-year open recruitment freeze for VR grades because one or more of the higher ranks in these grades were</p>	<p>The first update provided by the Administration as required in (a) was circulated to members vide LC Paper No. CB(1)2016/05-06 on 19 July 2006.</p> <p>The Administration's response on (b) to (d) was circulated to members vide LC Paper No. CB(1)1487/05-06(01) on 12 May 2006.</p>

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		<p>included in the Scheme.</p> <p>(d) In response to members' concern about the gap between the civil service establishment and strength, the Administration undertook to provide figures on the total civil service establishment and strength as at a specified date, with breakdown by bureau/department.</p>	
<p>3. <u>Mechanism for handling staff complaints</u></p>	<p>15.5.2006</p>	<p>CSB undertook to update the Panel on the outcome of its examination of the account provided by the Social Welfare Department on how the department had handled the complaint from the Medical Social Worker in relation to the case quoted in the Ombudsman's report (paragraph 12 of LC Paper No. CB(1)1440/05-06(05)), including whether any improvement measures would be introduced to enhance the effectiveness of the existing mechanism for handling staff complaints.</p>	<p>The Administration's response was circulated to members vide LC Paper No. CB(1)2014/05-06(01) on 18 July 2006.</p>
<p>4. <u>Civil servants' freedom and right to join trade unions and take part in trade union activities</u></p>	<p>19.6.2006</p>	<p>To address members' concern about the non-application of the Employment Ordinance (EO) (Cap. 57) to the Government, the Administration was requested to take the following actions:</p> <p>(a) To consider application of EO to the Government, taking into account members' views, as follows:</p> <p>(i) Employees of the Government and those of private companies should be subject to the same statutory</p>	<p>The Administration's response awaited.</p>

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		<p>employment protection under EO. While administrative arrangements were in place to help ensure that the spirit of EO was upheld with regard to civil servants and NCSC staff, such administrative arrangements did not enjoy the same status as legislation. It was unjustified for the Government, being the biggest employer in Hong Kong, to deprive its employees of the statutory protection provided under EO;</p> <p>(ii) A consistent approach should be adopted by the Government in considering whether a piece of legislation should be applied to the Government. Given that some relevant ordinances, such as Employees' Compensation Ordinance (Cap. 282), Disability Discrimination Ordinance (Cap. 487), and the Family Status Discrimination Ordinance (Cap. 527) were applicable to the Government, it was unjustified that EO was not applicable to the Government;</p> <p>(b) On members' concern about the employment protection of NCSC staff, the Administration undertook to provide in writing –</p> <p>(i) Existing administrative guidelines issued to Heads of Departments governing the protection of the right of NCSC staff to join trade unions and take part in trade union activities, in particular, whether and how NCSC staff would be protected from</p>	

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		<p>termination of employment, penalty or discrimination because of their participation in a trade union and its activities;</p> <p>(ii) Whether the protection provided to NCSC staff under the administrative guidelines in (i) above were comparable with and not lower than the statutory requirements stipulated in EO; and</p> <p>(iii) Whether and how NCSC staff were provided with information about the content of the guidelines in (i) above.</p>	
<p>5. <u>Policy on earth burial at Gallant Garden</u></p>	<p>19.6.2006</p>	<p>The Administration was requested to take the following actions:</p> <p>(a) To provide information on the number of civil servants who died on duty in 2001, 2002, 2003, 2004 and 2005; and</p> <p>(b) To consider some members' views that the Administration should re-examine the issue of whether permanent earth burial at Gallant Garden (or at other burial grounds designated for the purpose) should be granted to civil servants died on duty so as to commemorate their contribution, taking into account the views of the staff sides and the controversy over the current definition of "exceptional act of bravery".</p>	<p>The Administration's response was circulated to members vide LC Paper No. CB(1)1961/05-06(01) on 11 July 2006.</p>

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6. Consultancy study on private certification of building submissions	17.7.2006 (Joint meeting with the Panel on Planning, Lands and Works (PLW Panel))	<p>The Provisional Construction Industry Co-ordination Board's Task Force to Review the Construction Stage of the Development Process and the consultant conducting a study on private certification of building submissions were requested to take the following actions:</p> <p>(a) To take into consideration the views expressed by LegCo Members and deputations at the joint meeting on 17 July 2006, as well as those set out in the deputations' written submissions, in preparing the final report on the consultancy study and formulating recommendations on private certification; and</p> <p>(b) To provide the PS Panel and PLW Panel with the final report, and brief the two Panels on the final report in due course.</p>	