

**立法會**  
**Legislative Council**

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**Panel on Public Service**  
**Meeting on 18 December 2006**

**An update on the background of**  
**the Employment of Non-civil Service Contract Staff**

**Purpose**

This paper provides an update on the employment situation of non-civil service contract (NCSC) staff in the Government. The background of the NCSC staff Scheme and the major views and concerns expressed by Members at meetings of the Legislative Council (LegCo) and its committees have been provided in the Background Brief issued to Members for the meeting of the Panel on Public Service (PS Panel) on 20 March 2006 (LC Paper No. CB(1)1067/05-06(04)).

**Background**

2. The NCSC Staff Scheme was introduced in January 1999 to provide greater flexibility for Heads of Bureaux, Departments and Offices (hereafter shortened as HoDs) to employ temporary or short-term contract staff for the following purposes -

- (a) to meet service needs which are short-term, time-limited or seasonal in nature;
- (b) to meet service needs that require staff to work on a part-time basis, i.e. less than the conditioned hours required of civil servants;
- (c) to meet service needs that are under review or likely to be changed;
- (d) to meet service needs that are subject to market fluctuations; and
- (e) to meet service needs of those departments (such as Invest Hong Kong, Radio Television Hong Kong) which need to tap the latest expertise in the market to meet their special and changing operational needs.

3. The Scheme supplements the civil service appointment system but does not replace the making of civil service appointments.

#### Terms and conditions of employment

4. The HoDs have full discretion in determining the appropriate employment package for their NCSC staff, including the pay level, the offer of an end-of-contract gratuity, and any pay adjustment during the contract period. In setting the employment terms for NCSC staff, the HoDs have to comply with the guiding principles that the terms and conditions of services for NCSC staff should be no less favourable than those provided for under the Employment Ordinance (EO) (Cap. 57) and no more favourable than those applicable to civil servants in comparable civil service ranks or levels of responsibilities. NCSC staff are employed on fixed term contracts of up to three years.

#### Statistics on NCSC staff

5. The numbers of full-time NCSC staff employed in the past five years are as follows -

<u>Date (as at 31 December)</u>	<u>Number of full-time NCSC staff</u>
2001	11 244
2002	13 701
2003	16 147
2004	14 807
2005	15 687

#### Length of contract and salary range

6. The length of the NCSC staff's current contract and their salary range (as at 31 December 2005) are set out in **Appendix I**.

#### **Major views and concerns expressed by Members**

7. When the Administration advised the PS Panel at its meeting on 20 March 2006 that a special review of the NCSC Staff Scheme would be conducted on a department-by-department basis, Members requested that the special review should, among other things, address their concerns regarding the NCSC Staff Scheme, including -

- (a) As 2 318 NCSC staff (i.e. 14.8% of the total number of NCSC staff employed as at 31 December 2005) had been continuously employed through renewal of contracts for more than five years, it was doubtful

whether these posts were created for meeting service needs which were short-term or under review, as the long-term need of these posts should have been established;

- (b) In view of the Government's target of reducing the size of the civil service and the general recruitment freeze since 2003, some departments might have used the NCSC posts to replace some of the civil service posts in order to meet their service needs, which had led to a large increase in NCSC posts. The special review should aim to find out, among other things, whether the NCSC Staff Scheme had been abused by ascertaining whether the creation of the NCSC posts was in line with the purposes of the Scheme;
- (c) NCSC staff were unfairly treated, as they performed duties similar to those of their civil service counterparts, but they were offered less favourable terms and conditions of employment; and
- (d) The NCSC Staff Scheme might have an adverse impact on bureaux/departments, e.g. it might cause imbalances in the manpower situation, succession problems, and lower quality of service.

8. Members were of the view that the Administration should consider, after the review, whether NCSC posts which had been filled by NCSC staff continuously for five years or created to meet long-term service needs should be converted to civil service posts. And if NCSC staff were selected to fill such posts, consideration should be given to waiving the probation period for the staff.

9. At the Council meetings on 10 May and 18 October 2006, Hon LEUNG Yiu-chung raised questions regarding the NCSC Staff Scheme, as follows -

- (a) A comparison of the numbers of NCSC staff and civil servants, and their remuneration and fringe benefits should be provided. The Administration advised that there was no classification of NCSC staff by "NCSC grades" as they were employed outside the civil service establishment to meet time-limited or part-time service. It was therefore not possible to compare the terms of employment of different "NCSC grades" with those of civil servants (10 May 2006);
- (b) A question was raised as to whether NCSC staff or their representatives would be consulted during the special review of the NCSC Staff Scheme. The Administration advised that given the scale of the review and the undertaking to complete it within six months, it was not possible for the Civil Service Bureau to meet NCSC staff or the staff unions of individual bureaux/departments for the review (10 May 2006); and
- (c) As the Hospital Authority (HA) had launched a scheme which allowed

full-time contract staff who had worked for the HA for six years or more to apply for transfer to the permanent establishment, the Administration was asked whether the Government would follow the arrangement of the HA and allow NCSC staff with certain years of service in the civil service to apply for transfer to the permanent establishment. The Administration indicated that the Government would not introduce any scheme to enable NCSC staff with certain years of service in the Government to transfer to the permanent establishment. Any civil service vacancies would be filled by open recruitment (18 October 2006).

### **Relevant papers**

10. A list of relevant papers is in **Appendix II**.

Council Business Division 1  
Legislative Council Secretariat  
12 December 2006

**Employment of Non-Civil Service Contract (NCSC) Staff****Contract Duration**

<b>Length of current contract</b>	<b>No. of NCSC Staff as at 31.12.2005 (and percentage to total)</b>
< 1 year	3 851 (24.5%)
1 - < 2 years	9 628 (61.4%)
2 - ≤ 3 years	2 208 (14.1%)
<b>Total</b>	<b>15 687 (100%)</b>

(Source: Annex 2 to the paper provided by the Administration for the Panel on Public Service in March 2006 (LC Paper No. CB(1)1067/05-06(03))

## Employment of Non-Civil Service Contract (NCSC) Staff

### Salary Range

Monthly Salary	No. of NCSC Staff as at 31.12.2005 (and percentage to total)
\$30,000 or above	1 038 (6.6%)
\$16,000 - \$29,999	1 685 (10.8%)
\$8,000 - \$15,999	7 801 (49.7%)
\$5,000 - \$7,999	4 393 (28.0%)
Others*	770 (4.9%)
<b>Total</b>	<b>15 687 (100%)</b>

- \* (1) Trainees/youth ambassadors under youth job creation programmes, summer student helpers and (2) staff paid on hourly rate according to the hours of work done. For staff in group (1), their monthly salary is below \$5,000. For staff in group (2), they are paid on an hourly rate and hence their monthly salary varies depending on the hours of work done.

(Source: Annex 3 to the paper provided by the Administration for the Panel on Public Service in March 2006 (LC Paper No. CB(1)1067/05-06(03))

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**List of relevant meetings and papers  
(Position as at 12 December 2006)**

Meeting	Paper
Meeting of Panel on Public Service (PS Panel) on 18 January 1999	<p>Paper provided by the Administration on “Employment of Non-Civil Service Contract Staff” (<i>LC Paper No. CB(2)924/98-99</i>)</p> <p>Minutes of meeting (<i>LC Paper No. CB(2)1466/98-99 — Agenda Item V</i>)</p>
Special Finance Committee (FC) meeting on 23 March 2001 (session on Civil Service)	<p>Minutes of the meeting (<i>Chapter XVIII of the FC’s Report on the examination of the Estimates of Expenditure 2001-02 issued in June 2001</i>)</p>
PS Panel meeting on 18 March 2002	<p>Paper provided by the Administration on “Civil Service-relating issues featuring in the 2002-03 Budget” (<i>LC Paper No. CB(1)1284/01-02(03)</i>)</p> <p>Supplementary information provided by the Administration (<i>LC Paper No. CB(1)1474/01-02 issued in April 2002</i>)</p> <p>Minutes of meeting (<i>LC Paper No. CB(1)1445/01-02 — Agenda Item III</i>)</p>
Special FC meeting on 26 March 2002 (session on Civil Service)	<p>Minutes of the meeting (<i>Chapter XVIII of the FC’s Report on the examination of the Estimates of Expenditure 2002-03 issued in June 2002</i>)</p>

Meeting	Paper
PS Panel meeting on 9 October 2003	Minutes of meeting ( <i>LC Paper No. CB(1)205/03-04 — Agenda Item III</i> )
Special FC meeting on 29 March 2004 (session on Civil Service)	Minutes of the meeting ( <i>Chapter XVIII of the FC's Report on the examination of the Estimates of Expenditure 2004-05 issued in June 2004</i> )
PS Panel meeting on 19 April 2004	<p>Paper provided by the Administration on "Employment of Non-Civil Service Contract Staff" (<i>LC Paper No. CB(1)1505/03-04(04)</i>)</p> <p>Supplementary information provided by the Administration upon a member's request before the Panel meeting (<i>LC Paper No. CB(1)1568/03-04(02)</i>)</p> <p>Supplementary information provided by the Administration (<i>LC Paper No. CB(1)1813/03-04(01) issued in May 2004</i>)</p> <p>Supplementary information provided by the Administration (<i>LC Paper No. CB(1)93/04-05(01) issued in October 2004</i>)</p> <p>Minutes of the meeting (<i>LC Paper No. CB(1)1787/03-04 — Agenda Item IV</i>)</p>
<p><u>Council meeting on 5 May 2004</u> Written question raised by Hon CHAN Yuen-han on remuneration and benefits for Non-civil Service Contract Staff</p>	Hansard — <i>Question number 9</i>

Meeting	Paper
<p><u>Council meeting on 2 June 2004</u>            Motion moved by Hon LEUNG Fu-wah as amended by Hon Andrew CHENG on safeguarding the rights and benefits of public servants and staff of outsourced government services</p>	<p>Hansard — <i>Second motion</i></p>
<p><u>Council meeting on 15 December 2004</u>            Written question raised by Hon KWONG Chi-kin on Non-civil Service Contract Staff</p>	<p>Hansard — <i>Question number 15</i></p>
<p>PS Panel meeting on 17 January 2005</p>	<p>Paper provided by the Administration on “Policy Initiatives of the Civil Service Bureau” (<i>LC Paper No. CB(1)684/04-05(03)</i>)</p> <p>Minutes of meeting (<i>LC Paper No. CB(1)901/04-05 — Agenda Item III</i>)</p>
<p>Special FC meeting on 11 April 2005 (session on Civil Service)</p>	<p>Minutes of the meeting (<i>Chapter VI of the FC’s Report on the examination of the Estimates of Expenditure 2005-06 issued in June 2005</i>)</p>
<p>PS Panel meeting on 18 April 2005</p>	<p>Paper provided by the Administration on “Employment of Non-Civil Service Contract Staff” (<i>LC Paper No. CB(1)1248/04-05(03)</i>)</p> <p>The Administration’s response to the motion passed at the Panel meeting (<i>LC Paper No. CB(1)1976/04-05(01) issued in June 2005</i>)</p> <p>Minutes of meeting (<i>LC Paper No. CB(1)1521/04-05 — Agenda Item III</i>)</p>

Meeting	Paper
	Regular update on employment of NCSC staff as at 30 June 2005 provided by the Administration ( <i>LC Paper No. CB(1)2316/04-05(01) issued in September 2005</i> )
PS Panel meeting on 13 October 2005	Minutes of meeting ( <i>LC Paper No. CB(1)121/05-06 — Agenda Item III</i> )
<u>Council meeting on 14 December 2005</u> Oral question raised by Hon LAU Chin-shek on the government's control and management measures at different levels regarding Non-civil Service Contract Staff Scheme	Hansard — <i>Question number 2</i>
PS Panel meeting on 20 March 2006	Paper provided by Administration on "Employment of Non-civil Service Contract Staff" (LC Paper No. CB(1)1067/05-06(03))  Minutes of meeting ( <i>LC Paper No. CB(1)1745/05-06 -- Agenda Item II</i> )
<u>Council meeting on 10 May 2006</u> Hon Leung Yiu-chung raised a question relating to NCSC staff	Hansard – <i>Question number 16</i>
<u>Council meeting on 18 October 2006</u> Hon Leung Yiu-chung raised a question relating to NCSC staff	Hansard – <i>Question number 3</i>