

**立法會**  
*Legislative Council*

LC Paper No. CB(1)1524/07-08

Ref. : CB1/SS/9/07

**Subcommittee on Pension Benefits Ordinance (Established Offices)  
(Amendment) (No. 2) Order 2008**

**Background Brief**

This paper sets out the background to the Administration's proposal to allow serving Model Scale 1 (MOD 1) staff to opt to become Category A officers, with improvement in leave accumulation limit; and to grant the same status to new recruits to the MOD 1 grades. It also summarizes the discussions by the Panel on Public Service (the Panel) on the related matters.

**Conversion of MOD 1 staff to Category A status**

2. According to the Public Service (Administration) Order, a civil servant appointed to and confirmed in an established office is classified as a Category A officer. A civil servant who holds a non-established office, or an established office on month-to-month or probationary terms, or an office on agreement terms, is classified as a Category B officer. MOD 1 grades<sup>1</sup> are non-established offices. Therefore, all serving MOD 1 civil servants are Category B officers.

3. Compared with a Category B officer, a Category A officer enjoys greater job security, more favourable arrangements upon in-service appointment to another grade<sup>2</sup>, and better safeguard in respect of disciplinary and related procedures in the sense that the Public Service Commission should be consulted before a decision is made on the punishment of a Category A officer or before requiring a Category A officer to retire in the public interest.

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<sup>1</sup> There are 11 MOD 1 grades, comprising six common grades (i.e. Car Park Attendant II, Ganger, Property Attendant, Ward Attendant, Workman I and Workman II), four departmental grades (i.e. Explosives Depot Attendant, Gardener, Workshop Attendant and Barber) and one general grade of Supplies Attendant.

<sup>2</sup> Category A officers are appointed on trial terms upon in-service transfer. They may revert to the parent grade if they fail to pass the trial bar. Category B officers are appointed on probationary terms upon in-service transfer. They have to leave the civil service altogether in the event they fail to pass the probation bar.

4. In May 2006, the staff side requested that MOD 1 staff should be converted from Category B to Category A status without changing their pay or conditions of service. The Administration undertook to consider the staff side's request after completion of the 2006 Pay Level Survey and implementation of its findings. In January and February 2008, the staff side further requested that the leave earning rate of serving MOD 1 staff converted to Category A status should be enhanced by phases to align with that applicable to junior civil servants remunerated on the Master Pay Scale and that such staff's leave accumulation limit should also be increased.

5. Having regard to the long-term service needs for a core workforce of MOD 1 staff and the staff side of the MOD 1 Staff Consultative Council's request for conversion to Category A status, the Administration considers it reasonable to give an option to serving MOD 1 staff to decide whether or not to convert from Category B to Category A status on condition that the conversion should not lead to any substantial change in the pay and conditions of service of MOD 1 staff, having regard to the fact that the change in status would not give rise to any major change to their duties and skills.

6. The Administration's proposed conversion arrangements are summarized below  
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- (a) all serving MOD 1 staff would be allowed to opt, within a specified period of time and on an irrevocable basis, to convert from Category B to Category A status, subject to no change to their salary, pay scale, leave earning rate, conditioned hours and education benefits, with those belonging to the MOD 1 common grades being subject to the inter-departmental posting condition<sup>3</sup> (inter-departmental posting condition);
- (b) serving MOD 1 staff on local terms who opt for and are converted to Category A would have their leave accumulation limit increased from 45 days to 50 days (for staff with less than ten years' service) or from 90 days to 100 days (for staff with ten years' service or more) as appropriate; and
- (c) new outside recruits to the MOD 1 grades would be subject to the prevailing terms of appointment for Category A officers appointed to basic ranks and be subject to the inter-departmental posting condition.

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<sup>3</sup> To address an anticipated mismatch in demand and supply of MOD 1 common grade staff in the departmental level, staff belonging to the MOD 1 common grades who opt for and are converted to Category A status will be subject to inter-departmental posting at the discretion of the Administration to fill posts in the same grades. The Administration will give due regard to factors including the work experience, skills and qualifications of the serving MOD 1 staff when arranging inter-departmental transfer.

**Pension Benefits Ordinance (Established Offices) (Amendment) (No. 2) Order 2008 (L.N. 104)**

7. Implementation of the conversion proposal requires an order by the Chief Executive to amend the schedules to the Pension Benefits Ordinance (Established Offices) Order (Cap. 99J) to declare MOD 1 grades as established offices so as to enable MOD 1 staff to become Category A officers. The Pension Benefits Ordinance (Established Offices) (Amendment) (No. 2) Order 2008 is made for this purpose.

**Consultation with the Panel**

8. On 21 April 2008, the Panel on Public Service was consulted on the conversion arrangements *vide* LC Paper No. CB(1)1129/07-08(04) (Appendix A). At the same meeting, the Panel also received oral views from the Staff Side of the MOD 1 Staff Consultative Council and five other staff associations and trade unions. The Panel noted that the Staff Side of the MOD 1 Staff Consultative Council had indicated acceptance of the conversion arrangements and expressed the wish for their early implementation. However, some staff associations and trade unions would like to continue to seek improvement to the employment terms and conditions of MOD 1 staff. They also commented that the existing consultation machinery through the MOD 1 Staff Consultative Council might not be able to gauge the views of all affected staff. They were also worried about the inter-departmental posting condition as it would lead to uncertainty among serving staff. Written submissions from the staff associations/trade unions are in **Appendix B**.

9. The Panel took note of the views expressed by the staff associations and called on the Administration to continue to liaise with the staff side on the conversion conditions and introduce appropriate measures to address their concern.

Council Business Division 1  
Legislative Council Secretariat  
14 May 2008

**For discussion on  
21 April 2008**

## **LEGISLATIVE COUNCIL PANEL ON PUBLIC SERVICE**

### **STATUS OF MODEL SCALE 1 STAFF**

#### **PURPOSE**

This paper informs Members of the Administration's proposal to allow serving Model Scale 1 (MOD 1) staff to opt to become Category A officers, with improvement in leave accumulation limit; and to grant the same status to new recruits to the MOD 1 grades.

#### **BACKGROUND**

##### **Staff Side Request**

2. In May 2006, the staff side requested that MOD 1 staff should be converted from Category B to Category A status without changing their pay or conditions of service. The Administration undertook to consider the staff side's request after completion of the 2006 Pay Level Survey and implementation of its findings. In January and February 2008, the staff side further requested that the leave earning rate of serving MOD 1 staff converted to Category A status should be enhanced by phases to align with that applicable to junior civil servants remunerated on the Master Pay Scale and that such staff's leave accumulation limit should also be increased.

##### **Current Arrangement**

3. According to the Public Service (Administration) Order, a civil servant appointed to and confirmed in an established office<sup>1</sup> is classified as a Category A officer. A civil servant who holds a non-established office, or an established

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<sup>1</sup> An established office means an office declared to be such by an Order made by the Chief Executive and published in the Gazette, as defined under section 2 of the Pensions Ordinance (Cap. 89) and the Pension Benefits Ordinance (Cap. 99). An office which has been declared an established office under section 2 of Cap. 99 is an established office for the purpose of both Cap. 89 and Cap. 99.

office on month-to-month or probationary terms, or an office on agreement terms, is classified as a Category B officer. MOD 1 grades<sup>2</sup> are non-established offices. Therefore all serving MOD 1 civil servants are Category B officers.

4. Compared with a Category B officer, a Category A officer enjoys greater job security, more favourable arrangements upon in-service appointment to another grade<sup>3</sup>, and better safeguard in respect of disciplinary and related procedures in the sense that the Public Service Commission (PSC) should be consulted before a decision is made on the punishment of a Category A officer or before requiring a Category A officer to retire in the public interest<sup>4</sup>.

5. Due to the open recruitment freeze and outsourcing of various government services in recent years, the establishment of MOD 1 grades has reduced from 24 838 on 31 December 1996 to 11 601 on 31 December 2007. The number of serving MOD 1 staff on 31 December 2007 was 10 715.

### **Future Manpower Requirements of MOD 1 Grades**

6. We have assessed the long-term manpower requirements for MOD 1 grades in consultation with bureaux and departments. We believe there is a need to retain a core civil service MOD 1 workforce to perform duties containing law enforcement or security elements and meet service needs during crises and emergencies. While we assess that the longer-term service-wide manpower requirement would fit well with the scheduled retirement of serving MOD 1 staff, we think there would be a mis-match between demand and supply of staff at the individual departmental level. This is because under the existing terms of employment, MOD 1 staff (being appointed and managed by individual Heads of Department) are not subject to inter-departmental posting except the MOD 1 general grade of Supplies Attendant. So the Administration cannot post surplus staff in the MOD 1 common grades (e.g. Workman I and Workman II) in a department to fill vacant posts in the same grades in other departments.

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<sup>2</sup> There are 11 MOD 1 grades, comprising six common grades (i.e. Car Park Attendant II, Ganger, Property Attendant, Ward Attendant, Workman I and Workman II), four departmental grades (i.e. Explosives Depot Attendant, Gardener, Workshop Attendant and Barber) and one general grade of Supplies Attendant.

<sup>3</sup> Category A officers are appointed on trial terms upon in-service transfer. They may revert to the parent grade if they fail to pass the trial bar. Category B officers are appointed on probation terms upon in-service transfer. They have to leave the civil service altogether in the event they fail to pass the probation bar.

<sup>4</sup> In accordance with section 18 of the Public Service (Administration) Order, the Chief Executive shall not inflict any punishment upon a Category A officer under sections 9 to 11 of the Order or require an officer to retire under section 12 of the Order without first consulting the PSC. Pursuant to section 6(2)(d) of the Public Service Commission Ordinance (Cap. 93), this requirement to consult the PSC does not apply to cases of disciplinary punishment / retirement in the public interest involving Police officers in the rank of Chief Inspector of Police and below.

## Assessment of the Staff Side Request

7. The request of the staff side for conversion to Category A status stems from a desire for greater security in employment and better safeguard in terms of disciplinary and related procedures. We understand this standpoint, even though the Administration has never in practice treated MOD 1 staff – who are appointed on month-to-month terms – as temporary staff. Other than the oversight of the PSC, the disciplinary mechanism applicable to MOD 1 staff are generally the same as for Category A officers. In view of the *de facto* situation and having regard to the long-term service needs for a core workforce of MOD 1 staff, we are in favour of granting Category A status to MOD 1 staff.

8. As the grant of Category A status will involve a change in the conditions of employment (i.e. from month-to-month to permanent appointment), we consider it reasonable to give an option to serving MOD 1 staff to decide whether or not to convert from Category B to Category A status.

9. We have assessed the request of the staff side as stated in paragraph 2 above. Our considered view is that, in principle, the conversion proposal should not lead to any substantial change in the pay and conditions of service of MOD 1 staff, having regard to the fact that the change in status would not give rise to any major change to their duties and skills.

10. However, we agree that the leave accumulation limit of serving MOD 1 staff on local terms<sup>5</sup> and converted to Category A status should be increased by around 10% to 50 days (for staff with less than 10 years' service) or 100 days (for staff with 10 years' service or more) in order to encourage more staff to opt for conversion, which would in turn provide more flexibility to the Administration to deal with an anticipated mismatch of supply and demand at the departmental level in the medium term. The proposed moderate increase to the leave accumulation limit has no financial implication as there is no enhancement to the leave earning rate. For background information, the existing leave accumulation limit for staff on various terms of appointment is summarised at **Annex A**.

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11. The impact of conversion from Category B to Category A status for serving MOD 1 staff in respect of appointment and disciplinary matters, as well as eligibility for fringe benefits, is summarised at **Annex B**.

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<sup>5</sup> 99.6% of serving MOD 1 staff are on local terms and some 21% of them have accumulated leave of 80 days or more as at 31 March 2007 according to our sample survey.

## **PROPOSAL**

### **Serving Staff**

12. We propose that all serving MOD 1 staff (including those mentioned in paragraph 14 below) will be given a one-off irrevocable option within a specified period of time to convert from Category B to Category A status, subject to no change to their salary, pay scale, leave earning rate, conditioned hours of work<sup>6</sup> and education benefit. The leave accumulation limit for MOD 1 staff on local terms and converted to Category A status will be increased to 50 days (for staff with less than 10 years' service) or 100 days (for staff with 10 years' service or more) as appropriate. Staff belonging to the MOD 1 common grades who opt for and are converted to Category A status will be subject to inter-departmental posting at the discretion of the Administration to fill posts in the same grades. Staff allowed to convert to Category A status will be offered permanent terms of appointment from a uniform specified date, without being subject to the probation requirement.

13. Staff who do not take up the conversion option within the specified period of time will remain on Category B status, even if they are later recruited to fill another MOD 1 post of either the same or a different grade through an in-service recruitment exercise.

14. MOD 1 staff who are undergoing invaliding procedures (or against whom relevant procedures have been initiated), or have been given a disciplinary punishment of which the debarring effect is still in force, or are under disciplinary/criminal investigation or proceedings, or are being considered for retirement in the public interest, or are being considered for termination of appointment under existing rules will not be allowed to convert to Category A status until the relevant procedures are disposed of or the relevant debarring period expires and the staff concerned are allowed to remain in the service.

### **New Outside Recruits**

15. For new outside recruits to the MOD 1 grades, we propose to include the inter-departmental posting condition (see paragraph 12 above) in their terms of appointment without increasing the leave accumulation limit. The new outside recruits will be subject to the prevailing terms of appointment for Category A officers appointed to basic ranks, i.e. three-year probation followed by three-year agreement before being considered for appointment on permanent terms.

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<sup>6</sup> MOD 1 staff are required to work 45 hours net per week. The same conditioned hours of work also apply to some 16 000 staff paid on the Master Pay Scale.

### **Views of the Standing Commission**

16. We have consulted the Standing Commission on Civil Service Salaries and Conditions of Service (Standing Commission) on the Administration's proposal. Noting that the proposal would give the Administration greater flexibility in staff deployment and facilitate aspiring staff in maximising their potential through in-service transfer, the Standing Commission supports it as being a step in the right direction in improving human resource management in the civil service.

### **Views of the Staff Side**

17. We have consulted the staff side on our proposals in January and February 2008. Whilst the staff side has indicated acceptance of the conversion proposal and expressed the wish for its early implementation, they continue to seek improvement to the leave benefits of MOD 1 staff who convert to Category A status and remain concerned about the inter-departmental posting condition.

18. We have impressed upon the staff side that in the absence of any major change in the duties and skills required of MOD 1 staff, we are not in a position to support any proposal that would increase their leave earning rate. We have also explained that the Administration will give due regard to the work experience, skills and qualifications of the serving MOD 1 staff when arranging inter-departmental transfer to address mismatch in demand and supply of MOD 1 common grade staff at the departmental level. We believe the staff side will welcome the Administration's proposal, which provides for an increase in the leave accumulation limit of MOD 1 staff on local terms converted to Category A status.

### **LEGISLATIVE AMENDMENT**

19. Implementation of the conversion proposal requires an order by the Chief Executive to amend the schedules to the Pension Benefits Ordinance (Established Offices) Order (Cap. 99J) to declare MOD 1 grades as established offices. We aim to table the amendment order before this Council within the current legislative session for approval. Subject to the approval of this Council, our target is to implement the proposal in the last quarter of 2008.



**ADVICE SOUGHT**

20. Members are invited to note our plan to seek this Council's approval for the necessary amendment order to implement the conversion proposal set out above.

Civil Service Bureau  
March 2008

### Leave Accumulation Limit for Civil Servants

At present, civil servants are provided with full-pay vacation leave which can be accumulated up to a stipulated limit depending on their rank, terms of appointment and years of service. The leave earning rate and leave accumulation limit for different categories of officers are set out below –

<b>Terms of Appointment</b>	<b>Leave earning rate per year (rates in brackets are for those with 10 or more years of service)</b>		<b>Leave accumulation limit (rates in brackets are for those with 10 or more years of service)</b>	
Local terms (officers offered appointment before 1 January 1999)	MOD 1	14 (22)	MOD 1	45 (90)
	Below MPS 14	22 (31)	Below MPS 14	60 (120)*
	MPS 14 to D3	31 (40.5)	MPS 14 to D3	120 (180)*
Common terms (officers offered appointment between 1 January 1999 and 31 May 2000)	MOD 1	14 (21)	MOD 1	28 (42)
	Below MPS 14	21 (27)	Below MPS 14	42 (54)
	On or above MPS 14	27 (34)	On or above MPS 14	54 (68)
New terms (officers offered appointment on or after 1 June 2000)	Below MPS 14 (including MOD 1)	14 (18)	Below MPS 14 (including MOD 1)	28 (36)
	MPS 14 to 49	18 (22)	MPS 14 to 49	36 (44)
	Directorate	22 (26)	Directorate	44 (52)

\* Officers appointed before 1 August 1987 may put aside up to 30 days of leave balance as at 1 August 1987 into a sinking balance.

2. Leave accumulation limits for different categories of civil servants are set with reference to their respective leave earning rates. For local terms officers on D3 and below, the leave accumulation limit represents around 2½ to 4½ years of an officer's leave entitlement. Under the common terms and new terms introduced on 1 January 1999 and 1 June 2000 respectively, leave accumulation limits were reduced and standardised to allow for accumulation of two years of leave entitlement only, to be more in line with the provision in the private sector.

**Implications of Model Scale 1 Staff Converting from  
Category B to Category A Status**

*Appointment matters*

- (a) Model Scale 1 (MOD 1) staff who are converted to Category A status will be appointed on permanent and pensionable terms, and occupy an established office in a similar manner as other Category A officers, subject to the relevant MOD 1 grades being declared as established offices in an order made by the Chief Executive under the Pension Benefits Ordinance (Cap. 99) and published in the Gazette.
- (b) Termination of service by a Head of Department (HoD) by giving one month's notice without the need to consult the Public Service Commission (PSC) will no longer be applicable to MOD 1 staff who are converted to Category A status.
- (c) Three months' notice (instead of one month's) or one month's salary in lieu is required for resignation tendered by MOD 1 staff on Category A status.
- (d) Upon conversion to Category A status and appointment on permanent and pensionable terms, if these MOD 1 staff wish to transfer to established posts in other grades by in-service appointment, they would be engaged on trial terms under the existing policy. In other words, they may, as with other permanent staff, revert to their original grade (rather than leave the civil service) if they fail to pass the trial bar.

*Disciplinary and related matters*

- (e) On the staff discipline front, MOD 1 staff who are converted to Category A status will be subject to the prevailing disciplinary mechanism for Category A officers. For those who have opted to remain as Category B officers, they will continue to be subject to the prevailing disciplinary mechanism for Category B MOD 1 staff. Specifically, the following should be noted -
  - (i) Section 17 of the Public Service (Disciplinary) Regulation stipulates that Category B officers on the MOD 1 Pay Scale are subject to a summary fine for unpunctuality and absence without reasonable excuse. The same punishment is not applicable to MOD 1 staff converted to Category A status.

- (ii) Pursuant to section 18 of the Public Service (Administration) Order (PS(A)O) and as a matter of established practice, the PSC is consulted before a decision is made to punish a Category A officer or to require him/her to retire in the public interest, but no such consultation has been undertaken in respect of a Category B officer.
- (iii) To dismiss (under sections 10 and 11 of the PS(A)O) a MOD 1 staff converted to Category A status requires the approval of the Secretary for the Civil Service (SCS)/Permanent Secretary for the Civil Service (PSCS) but to award the same punishment to one remaining on Category B status requires the concerned HoD's approval.
- (iv) To compulsorily retire (in the public interest under section 12(2) and (3) of the PS(A)O) a MOD 1 staff converted to Category A status requires SCS's approval but to similarly remove one remaining on Category B status requires PSCS's approval.

***Fringe benefits***

- (f) The leave accumulation limit of serving MOD 1 staff on local terms converted to Category A status will be increased to 50 days (for staff with less than 10 years' service) or 100 days (for staff with 10 years' service or more) as appropriate.
- (g) For those MOD 1 staff on the Old Pension Scheme (OPS) who have been converted to Category A status, the pension factor for service up to 25 years will be increased from 1/800 to 1/600 whilst the pension factor for service beyond 25 years will remain unchanged at 1/600. However, only three-quarters of their pensionable service in a non-established office would be taken into account for the calculation of pensions. As a result, only MOD 1 staff on the OPS with service of less than 25 years may stand to gain upon conversion to Category A status. MOD 1 staff on the OPS with more than 25 years of service will suffer reduction in pension benefits upon conversion. For MOD 1 staff on the New Pension Scheme (NPS) converted to Category A status, the pension factor for service on or after 1 April 1987 will remain unchanged at 1/675. For service before 1 April 1987, the pension factor will be increased from 1/800 to 1/675 but only 675/800 of their pensionable service in a non-established office before 1 April 1987 would be taken into account for the calculation of pension. As a result, the pension benefits of MOD 1 staff on the NPS will not be affected upon conversion to Category A status.

- (h) Depending on their years of service at the time of conversion and/or death, the death gratuity payable to MOD 1 staff on the OPS who have been converted to Category A status may be higher or lower than before.
  
- (i) Upon conversion to Category A status, MOD 1 staff will be eligible for housing benefits under the Co-operative Building Society Scheme in a similar manner as other Category A officers, subject to their meeting all other eligibility criteria for the scheme. Such MOD 1 staff will, however, need to forego their eligibility for Overseas Education Allowance even if they joined the civil service in response to an offer dated before 1 August 1996, because the Government considers this is an outdated allowance and is being phased out.

# 環境衛生康樂文化人員協會

Environmental Hygiene, Leisure and Cultural Services Staff Association

荃灣美環街 23 號 B 座 電話 Tel : 24241456 傳真 Fax: 24264618

附錄 B

Appendix B

立法會公務員及資助機構事務委員會

諸位尊敬的議員鈞鑒：

本會於本年三月二十八日，收一份「公務員事務局」提交給「立法會公務員及資助機構員工事務委員會」名為《第一標準薪級公務員的身份》的討論文件，於四月二十一日之會議中討論。該文件顯示，政府建議將新入職的第一標準薪級員工轉變為甲類公務員，而現職的第一標準薪級員工可選擇轉變與否。

文件亦顯示，現職的第一標準薪級員工，一旦選擇了轉變為甲類人員，便不可撤回，「轉制後，薪酬、薪級表、假期賺取率、規定工作時數及教育福利維持不變」；「須接受由當局安排的部門間調職。」（見討論文件第 12 段）上述轉制的建議若獲立法會通過，將於本年最後一季實施。

現時甲類初級公務員的福利，最基本每年有大假 31 天和海外子女教育津貼。然而第一標準薪級員工轉制為甲類人員，大假仍是 22 天，也沒有海外子女教育津貼的權利，福利沒有增加，但卻要由以往不能跨部門調職，變成可以任意跨部門調職的公務員（見討論文件第十段）。

對照約於一九八九/九零年時，技工職系同事由第一標準薪級轉為甲類人員，他們並無保留第一標準薪級身份，而是直接轉入總薪級表內，他們的大假由每年 22 日遞增至 31 日，同時亦可以領取海外子女教育津貼。他們獲得這些福利，政府是沒有要求他們在學歷和技能上有所提高。現在政府在討論文件中，竟然以第一標準薪級員工的工作技能和學歷並沒有提升為理由（見討論文件第 9 段），而剝奪他們轉為甲類人員的應有福利，這樣公平嗎！？

選擇轉制的第一標準薪級員工「須接受由當局安排的部門間調職。」需知道，第一標準薪級職系的工種龐雜，各個工種所需的工作技巧絕不相同，並不如文書職系的員工一樣，調到不同部門都是從事文書工作。具體而言，第一標準薪級所包含的工種，在食環署有從事小販管理、亦有管帶二級工人作的工目、執屍、街道清掃等；魚農署的第一標準薪級職系，包括上山種樹、撲滅山火、維修燒烤場地等等，這些工種所包含的工作經驗和技巧是完全不同，試問如何可以直接調配！

轉制後，當局一聲令下，就可打亂員工原來的工作生活習慣，令員工本來擁有的工作技能在其他部門不能發揮，嚴重影響員工的工作表現，若然管理層有心針對這些員工時，那麼還有什麼「職業保障」可言？

討論文件提到，雖然政府估計第一標準薪級職系的長遠整體人手需求，大體上與預計中的退休情況配合，但「在個別部門層面上，將會出現人手供求錯配的情況。」然而，何謂在個別部門層面上，將會出現人手供求錯配的情況？討論文件並無具體說明。

很多員工都擔心，這是加快推行外判隨意調動員工的說詞。我們認同公務員應獲得較大的職業保障，而職業保障除了討論文件中提到的，當局在決定懲罰，或著令甲類人員退休之前，必須諮詢公務員敍用委員會的部份外，亦應包括員工工作職位穩定，不會時刻面對被調職的權利。祈各位議員及部門首長明察第一標準薪級員工的處境，作出合乎情理的決定。

本會認為：

- 1) 政府理應給予轉制的第一標準薪級員工，作為甲類人員的應有福利。
- 2) 為了保持第一標準薪級員工有良好的工作效率和表現，故不接受轉制的第一標準薪級員工，須接受由當局安排的部門間調職的條款

聯絡電話：黃華興 92059065 梁靜珊 24241456

環境衛生康樂文化人員協會  
2008 年 4 月 14 日

Rm. 137, 1/F,  
Central Government Offices,  
East Wing,  
20 Lower Albert Road,  
Hong Kong.

第一標準薪級公務員評議會(職方)  
MODEL SCALE 1 STAFF CONSULTATIVE COUNCIL  
(STAFF SIDE)

Tel No.: 2810 2209  
Fax No.: 2537 8630  
E-mail: crystal\_yk\_lee@csb.gov.hk

香港中環下亞厘街二十號  
中國政府合署東區一二七室  
電話：二八一零二二零九  
傳真：二五三七八六三零

致：立法會公務員及資助機構員工事務委員會委員

第一標準薪級公務員由乙類轉為甲類人員  
立場書

政府內一般公務員都是長期聘用的僱員，而第一標準薪級人員則是以按月聘用形式受僱。自第一標準薪級公務員評議會(一評)於1982年成立以來，作為正式的諮詢渠道，一評職方不時與公務員事務局商討，爭取把第一標準薪級公務員由按月聘用的乙類人員轉為長期聘用的甲類人員，以確立第一標準薪級公務員應有的身份。

公務員事務局多年來清楚表示若轉制涉及額外的財政負擔，需要審慎考慮。經過多年的商討，進展不大，在權衡輕重，充分諮詢及考慮一評職方成員工會會員及第一標準薪級同事的意見後，一評職方於2006年5月去信公務員事務局，提出按現有的薪酬及服務條件轉制，促請局方盡快落實轉制的安排。

自2007年年底，公務員事務局及一評職方就轉制的建議，透過正式會議及非正式會晤作出詳細協商，努力尋求共識。期間，我們透過一評職方成員工會(包括香港政府華員會、香港公務員總工會、政府人員協會、政府僱員工會、政府市政職工總會、漁農自然護理署職工會、政府產業看管人員協會、香港政府水務署職工會)及

其他渠道與同事討論交流，收集他們對轉制建議的意見。此外，一評職方每年均會舉辦年度研討會，於本年1月7日所舉辦的研討會上，邀請了30多個第一標準薪級公務員工會出席，徵詢了百多名出席的工會代表及員工就轉制建議的意見。

一評職方經廣泛諮詢後，向局方反映了員工對轉制建議的意見，特別是對部門間調職安排的關注，要求局方慎重考慮中央人手配對機制的安排細節。我們也向局方爭取把轉為甲類人員員工的假期賺取率及假期積存限額提高。

現時，第一標準薪級員工透過內部聘任按《試任條款》擔任其他職系的設定職位時，如未能通過試任關限，須終止聘用，不能調回原先所屬的職系，即須離開公務員隊伍，同時不會獲發退休金。相對於長期聘用的甲類人員，他們則可調回原先所屬的職系，而無須離開公務員隊伍。因此，一評職方以員工的職業保障及工作前景為大前題，爭取盡快透過轉制安排，好讓有志投考更佳職位的同事無後顧之憂。

此外，局方在不涉及額外財政負擔的情況下，答應提高按本地條款受聘並轉為甲類人員的第一標準薪級公務員的假期積存限額，亦承諾只在有確切需要時，即部門間的第一標準薪級共通職系人手出現錯配的情況時，才啟動中央人手調配機制。在有需要作出共通職系人手調配時，會顧及有關人員的工作經驗、技能及服務年資等多方面因素。

一評職方希望透過轉制，讓員工享有更佳的職業保障及工作前景。我們清楚理解若轉制涉及額外的財政負擔，並不可行。經過二十多年的努力爭取，在權衡輕重後，一評職方接受政府提出的轉制建議。



第一標準薪級公務員評議會(職方)強烈要求各委員支持轉制方案。我們殷切期望方案能盡快推出，讓員工因應個人的情況而自行決定是否選擇轉制，讓第一標準薪級公務員員工的貢獻及應有的長期聘用身份獲得肯定，讓一評職方一直為同事爭取轉制的努力能開花結果、不致付諸東流。

第一標準薪級公務員評議會  
職方主席



二〇〇八年四月十七日

香港公務員總工會  
談判委員會

電郵: ctcsaa@yahoo.com.hk  
電話: 2963 9472 傳真: 2856 5587



HONG KONG CIVIL SERVANTS  
GENERAL UNION  
NEGOTIATION COMMITTEE  
E-MAIL: ctcsaa@yahoo.com.hk  
Tel.: 2963 9472 Fax.: 2856 5587

CB(1)1305/07-08(01)

致：立法會公務員及資助機構員工事務委員會全體委員

香港公務員總工會  
就第一標準薪級公務員由乙類人員轉甲類人員之聲明

總工會就第一標準薪級公務員轉制事宜，對政府提出轉制的建議，與本會所要求及理想有一段差距。但總工會本著求同存異的團結精神，尊重最具代表性第一標準薪級公務員評議會職方，經過廿多年努力爭取下，接受政府轉制的建議，因此，總工會不提出任何反對；同時，對轉制建議中最可取是，第一標準薪級公務員同事可自由作出轉制的選擇；不過，總工會重點關注不選擇之同事，要確保他們現時所擁有全部合法的權益不變。

承執委會命

主席鍾德長



謹啟

2008年4月18日

副本交

公務員事務局局長  
俞宗怡女士

第一標準薪級公務員評議會(職方)  
全體委員

全體第一標準薪級公務員同事



致立法會公務員及資助機構員工事務委員會委員：  
各位尊敬的立法會議員：

## 關於第一標準薪級人員由乙類人員轉為甲類人員 立場書

本會對於「公務員及資助機構員工事務委員會」在2008年4月21日會議中討論的文件(第一標準薪級公務員身分)，所持的主要觀點如下：

### 正面之處

1. 身分轉換的建議(簡稱「建議」)，並沒有強制性執行，有關員工可自由選擇。
2. 「建議」落實了第一標準薪級員工廿多來一直爭取的「真正公務員長期僱用身分」，以達致較大的職業保障。如：
  - 2.1 紀律處分程序較為嚴謹，與甲類公務員相同。見討論文件的附件B(e)提及的數點。
  - 2.2 可享有「試任條款」受聘。乙類公務員是「試用條款」受聘，見討論文件附件B(d)。
3. 「建議」令員工有較佳的職業前景。能讓有志投考其它部門或職系的員工得到職業保障。
  - 3.1 員工透過內部招聘轉任其他職系或部門方面，可享有一年的「試任期」。若試任期間，管職雙方不協調，員工可調回原先所屬的職系或部門。乙類公務員則須離職及不會獲發退休金(雙重損失)。見討論文件第4段及附件B(d)內容。

不足之處

4. 「建議」提出的附帶福利是較弱。工會在爭取的過程中，要求在「假期賺取率」及「假期積存限額」與總薪級表第14點以下的員工看齊或接近，但「建議」只是酌量提高「假期積存限額」。見討論文件附件B(f)內容。
5. 工會普遍憂慮，「建議」中提及第一標準薪級的6個共通職系(見討論文件第一頁附註2)，如選擇轉為甲類公務員，需接受「中央調配」機制。我們要求政府審慎執行，並應繼續透過「第一標準薪級公務員評議會」各成員商討推行的細節，以保障員工的利益。

結論

6. 基於以上五點，本會認為「建議」可取性很高。
7. 「建議」令現有第一標準薪級的員工有較大的職業保障，讓大部分員工有較佳的職業前景，鼓勵有志投考其他部門或職系的同事，提高他們的自信心。
8. 由於「建議」的推行是自由選擇，不帶強制性，不認同「建議」所提出的附帶福利或「退休金受影響(約160名)」的同事可以自由選擇。
9. 本會尊重「第一標準薪級公務員評議會」廿多年的努力，各成員在權衡輕重下達成共識，一致同意接受「建議」內容。
10. 本會支持這個「建議」。

政府人員協會  
主席：劉信通

二零零八年四月十八日

港九勞工社團聯會

THE FEDERATION OF HONG KONG & KOWLOON LABOUR UNIONS



CB(1)1336/07-08(01)  
公務員及資助機構事務委員會  
CIVIL SERVANTS & SUBSIDIZED ORGANIZATIONS COMMITTEE

本會檔號 OUR REF.: Letter\_to\_LEGCO\_2008-04-18.doc

來信檔號 YOUR REF.:

香港中區皇后大道八號  
立法會大樓立法會秘書處  
立法會公務員及資助機構員工事務委員會主席楊孝華議員  
楊主席：

**關注第一標準薪級公務員的身分轉變問題**

本委員會就第一標準薪級員工轉制由乙類公務員轉為甲類公務員的建議表示支持，但對本委會會員所提出以下的幾點疑慮表示關注：

- (1) 考慮是否轉制的時限只有三個月是比較逼切，本委員會建議延長至一年。
- (2) 本會會員希望在轉為甲類公務員後，能够盡量保留在原地工作。這樣對他們工作環境的適應性及細微至如上班交通費開支等問題都可以得到適當的照顧；尤其是對於一些基層及較年長的員工，這樣的顧慮是可以理解的。假若當局能在這方面作出較明確的指引和給予合理的保障，相信大部份的第一標準薪級員工都樂意接受轉制的安排。
- (3) 一直以來，第一標準薪級員工的晉升機會都較其他職系的公務員為低；為加強員工的士氣，當局應考慮改善他們的晉升機會。
- (4) 據聞部分屬舊退休金計劃的第一標準薪級員工在轉制後可能遭扣減部份退休金福利，如這樣的情況屬實，當局應提供足夠的資料給予有關的員工去參考。
- (5) 當局應考慮提高第一標準薪級員工的假期賺取率，給予他們較多的休息時間，方便他們與家人相聚，藉此提高員工的士氣。據了解上一次技工及高級技工在轉制時亦可以分期賺取較高的假期率。

勞聯公務員及資助機構事務委員會

副召集人

副本交：  
公務員事務局局長俞宗怡女士

二零零八年四月十八日

**勞聯公務員及資助機構事務委員會 成員會名單：**

市區重建局職員協會、政府司機安全會、政府司機職工總會、政府特別攝影師協會、政府高級文書主任協會、政府貨車司機工會、政府機電監工技工職員協會、香港大學職工會、香港非緊急救護服務員工協會、香港特區政府一般職系人員協會、香港特區政府文書職系人員協會、香港醫院職工協會、健康服務從業員協會、教統局官津補私學校職工會、職業訓練局非教職人員工會、醫院診所護士協會

香港公務員總工會  
談判委員會

電郵: ctcgsaa@yahoo.com.hk  
電話: 2963 9472 傳真: 2856 5587



HONG KONG CIVIL SERVANTS  
GENERAL UNION  
NEGOTIATION COMMITTEE  
E-MAIL: ctcgsaa@yahoo.com.hk  
Tel.: 2963 9472 Fax.: 2856 5587

CB(1)1528/07-08(01)

致：立法會公務員及資助機構員工事務委員會全體委員

香港公務員總工會  
就第一標準薪級公務員由乙類人員轉甲類人員最新意見

在四月廿一日會議中，其他與會者向貴委員會訴說：政府就第一標準薪級公務員由乙類人員轉甲類人員相關資訊及諮詢不足；總工會向相關同事了解情況，得悉他們在接收相關資訊是較遲，及後在部門層面工作上，已看到相關資訊廣泛傳達給第一標準薪級同事，並已安排簡介會詳述轉制事宜。

總工會在四月十八日向貴委員會提交聲明現作出補充：經深入與相關同事探討及了解，他們目標不是轉制內涵，而竟然是放在有權自己作出轉制的權利上，因此，總工會完全支持第一標準薪級公務員同事，作出自己轉制的選擇權利。

承執委會命

主席鍾德長



謹啟

2008年5月13日

副本交

公務員事務局局長  
俞宗怡女士

第一標準薪級公務員評議會(職方)  
全體委員

全體第一標準薪級公務員同事