

立法會
Legislative Council

LC Paper No. CB(1)212/07-08
(These minutes have been seen
by the Administration)

Ref : CB1/PL/PS/1

Panel on Public Service

**Minutes of meeting held on
Monday, 15 October 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 CHEUNG Man-kwong
Hon WONG Kwok-hing, MH
Hon KWONG Chi-kin
- Member attending** : Hon Emily LAU Wai-hing, JP
- Members absent** : Hon James TO Kun-sun
Hon Mrs Sophie LEUNG LAU Yau-fun, GBS, JP
Hon TAM Yiu-chung, GBS, JP
- Public officers attending** : Miss Denise YUE, GBS, JP
Secretary for the Civil Service
- Mr Andrew H Y WONG, JP
Permanent Secretary for the Civil Service
- Miss Jennifer MAK
Deputy Secretary for the Civil Service 1
- Mr Chris SUN
Acting Deputy Secretary for the Civil Service 2

Mrs Rosanna URE
Deputy Secretary for the Civil Service 3

Mr Patrick CHAN Nim-tak
Director of General Grades
Civil Service Bureau

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

Staff in attendance : Ms Pauline NG
Assistant Secretary General 1

Mr Noel SUNG
Senior Council Secretary (1)5

Miss Winnie CHENG
Legislative Assistant (1)5

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I Briefing by the Secretary for the Civil Service on the policy initiatives of the Civil Service Bureau featuring in the Chief Executive's 2007-2008 Policy Address

(LC Paper No. CB(1)21/07-08(01) - Administration's paper on policy initiatives of the Civil Service Bureau under the 2007-2008 Policy Address and Policy Agenda)

- Address by the Chief Executive at the Legislative Council meeting on 10 October 2007 - "A New Direction for Hong Kong"
- The 2007-2008 Policy Address - "Policy Agenda"

Questioning time

The Chairman suggested and members agreed that in line with the practice in the previous session, the questioning and answering time for queries raised by a member should normally be confined to five minutes.

Briefing by the Administration

2. The Secretary for the Civil Service (SCS) apprised the meeting on the new and on-going initiatives of the Civil Service Bureau (CSB) featuring in the 2007-2008 Policy Address and Policy Agenda, by highlighting the salient points of the paper.

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Discussion

Pay adjustment for non-civil service contract (NCSC) staff

3. Mr WONG Kwok-hing enquired whether there would be a pay adjustment for NCSC staff in 2007-2008 as there was an upward pay adjustment of about 5% for civil servants. Mr WONG was concerned that the morale of the 16 000 odd NCSC staff, who represented about 10% of the overall civil service establishment, would be adversely affected if their salaries were not adjusted upward resulting in a widening gap between the salaries of NCSC staff and civil servants performing similar jobs. He opined that the Government should set a good example to other employers and grant an increase of salaries to NCSC staff.

4. SCS responded that the pay adjustment mechanisms for civil servants and NCSC staff were two completely different systems. Heads of government departments/bureaux/offices (hereafter referred to as HoDs) had the discretion to determine and adjust the salaries of NCSC staff by taking into consideration a number of factors, including the pay level of the civil servants in the comparable grades/ranks or with comparable responsibilities, the change in cost of living, the remuneration for similar jobs in the market, the recruitment and/or retention situation, and the financial situation of the department/bureau/office concerned, etc. Following the 2007 civil service pay adjustment exercise, CSB had issued a circular to HoDs reiterating the basis for determination and adjustment of the salaries of NCSC staff. SCS stressed that the employment terms and conditions of service, including the pay adjustment mechanisms, for civil servants and NCSC staff were two distinct systems which were extremely transparent. NCSC staff should have fully understood their terms and conditions of service when they took up the appointments.

5. Mr LEE Cheuk-yan pointed out that many NCSC staff, e.g. the 2 000 odd NCSC staff working in the Hongkong Post, did not receive any pay increase despite the pay adjustment for the civil service in 2007-2008. He opined that the Government had ignored the importance of staff morale as NCSC staff were not granted a pay adjustment.

6. Mr KWONG Chi-kin was concerned that HoDs might not be given the financial resources to adjust the salaries of NCSC staff, even if they wanted to do so. HoDs might be forced to withhold any plan for pay adjustment for NCSC staff owing to resource constraints. He opined that it was unfair to the NCSC staff in different government departments/bureaux/offices if HoDs were given the full discretion in determining whether there should be a pay adjustment or the level of pay increase for NCSC staff, especially when the civil servants received a pay adjustment of about 5% in 2007-2008. Mr KWONG was of the view that CSB should issue guidelines to HoDs indicating that the salaries of NCSC staff should be adjusted upward, at a level not lower than the inflation rate; and HoDs should be given the additional financial resources to meet the expenses. Mr KWONG opined that it would be a dereliction of duty on the part of CSB

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if it did not issue guidelines to HoDs regarding the arrangement for an upward pay adjustment for NCSC staff in 2007-2008.

7. SCS responded that HoDs had to make use of their existing financial provisions if they decided to increase the salaries of NCSC staff in their departments. Over the years, CSB had not received any feedback from HoDs indicating that they had encountered financial difficulties in meeting the pay adjustment expenses for NCSC staff under the existing arrangement. The annual expenditure accounts of departments also showed that HoDs had the financial resources to adjust the salaries of NCSC staff if they wished to do so. SCS remarked that CSB had no intention of issuing a circular compelling HoDs to grant a salary increase to NCSC staff. She reiterated that the inflation rate was only one of the factors to be considered in determining the pay adjustment levels of NCSC staff.

8. Mr WONG Kwok-hing remarked that after the pay adjustment of the civil service, NCSC staff in the various government departments expected that their salaries would similarly be adjusted. However, NCSC staff dared not voice their expectation as they feared that their contracts might not be renewed if they pressed for a pay adjustment. Mr WONG requested that CSB should review whether HoDs had adjusted the salaries of their NCSC staff after the recent civil service pay adjustment, the level of pay adjustment, if any, for NCSC staff, and whether the HoDs could meet the expenses of the pay adjustment from their existing financial provisions. Mr WONG reiterated that it would be unfair to NCSC staff if they did not receive a pay adjustment as their civil service counterparts.

9. Mr LEE Cheuk-yan reiterated that staff morale should be a major consideration in deciding any pay adjustment for NCSC staff, and HoDs, who did not adjust the salaries of NCSC staff in spite of the pay adjustment for the civil service, should be required to give full justifications for their decisions.

10. SCS responded that the morale of NCSC staff, which could be reflected through the recruitment and retention of NCSC staff, would be taken into consideration by HoDs in determining whether a pay adjustment for NCSC staff should be made. In response to members' request, she said that she would provide additional information on the pay adjustment mechanism and the details of various pay adjustments for NCSC staff in previous years by December 2007.

Employment situation of NCSC staff

11. Mr WONG Kwok-hing was concerned that when the 4 004 NCSC staff positions were converted into civil service posts, the incumbent NCSC staff might not be selected to fill the posts. He said that the Government should offer further opportunities to the affected NCSC staff to work in the civil service so that they would not become jobless.

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12. SCS replied that when the 4 004 NCSC staff positions were converted into civil service posts, the incumbent NCSC staff would not be offered a new contract on expiry of their existing contract. However, these NCSC staff might apply for the civil service posts or other NCSC staff positions.

Inclusion of an assessment on knowledge of the Basic Law in the civil service recruitment process and implementation of an action plan to enhance understanding of the Basic Law by serving civil servants

13. Mr LEE Cheuk-yan doubted the need to include an assessment of the knowledge of the Basic Law in the civil service recruitment process. He said that whilst he supported the provision of training on the Basic Law for civil servants, the knowledge of the Basic Law had no bearing on the duty performance of the operation staff, e.g. life-guards and Health Inspectors. He was of the view that the assessment should only be required for candidates applying for jobs which involved political considerations, and should not be applied to posts in the professional, clerical and operation grades/ranks.

14. SCS responded that it was imperative that civil servants had a good understanding of the Basic Law, although the level of understanding might vary among different grades/ranks of civil servants, e.g. a better understanding of the Basic Law was necessary for some professional and graduate posts. As such, different requirements would be set for the assessment of the Basic Law knowledge for candidates wishing to join different grades and ranks, e.g. candidates wishing to join the civil service as life-guards should only be required to have a general knowledge of the Basic Law such as freedom of speech and freedom of association, etc.

15. Ms Margaret NG opined that the public should have learned about the Basic Law through civic education. She worried that the inclusion of tests of the Basic Law in civil service recruitment examinations would become an assessment of the candidates' political inclination. Ms NG pointed out that the selection of speakers for training programmes on the Basic Law for civil servants should be careful as they might influence the trainees in respect of their political aspirations. Ms NG opined that persons holding different views on the interpretation of the Basic Law should be invited to conduct the Basic Law training courses for civil servants.

16. Mr LEE Cheuk-yan opined that representatives from trade unions should also be invited to conduct training on the Basic Law for civil servants.

17. SCS responded that whilst she agreed that the public should be encouraged to understand the Basic Law through civic education, it was imperative that civil servants had a good understanding of the Basic Law as they had to abide by the laws of Hong Kong in carrying out their duties. She further noted that there had been a number of Government decisions which had been subject to judicial reviews initiated by members of the public. As far as speakers for the civil service training programmes on the Basic Law were concerned, experts and scholars from different fields, such as academics from

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the local and Mainland universities, and the Secretary for Justice, had been involved in the conduct of such programmes.

18. Mr Cheung Man-kwong commented that if the Principal Officials appointed under the Political Appointment System were not required to be assessed of their understanding of the Basic Law, it was unreasonable to include an assessment of the candidates' knowledge of the Basic Law in civil service examinations. Even if the Administration proceeded to conduct such an assessment, the test should not be undertaken across the board. It should only be applicable to candidates applying for posts such as Administrative Officers and other posts where the work involved political considerations. Candidates for civil service openings in the professional and civilian grades and for operational level jobs, such as postmen, gardeners and clerical officers, should not be required to undertake the test. Mr CHEUNG stressed that the assessment should not be used as a means to test the political inclination of the candidates.

19. SCS reiterated that the tests on the understanding of the Basic Law would be designed based on the grades and ranks of the posts involved. She said that the Basic Law was the constitutional law of Hong Kong which spelt out, among other things, the rights of Hong Kong citizens (including civil servants), and it was reasonable to expect candidates of civil service jobs to possess a basic knowledge of the Basic Law.

20. Mr CHEUNG Man-kwong reiterated that candidates applying for posts in the operational grades/ranks should not be required to undertake the test, especially when the candidates did not know the extent and level of the knowledge on the Basic Law required. The understanding of the Basic Law did not seem to have any direct relation to the duties performed by operation staff.

21. SCS stressed that the selection of candidates for appointment as civil servants was mainly based on their qualifications, relevant working experience and/or technical knowledge. The test on the understanding of the Basic Law was only one factor, and not necessarily a major factor, in the selection of suitable candidates for appointment. She reiterated that the level of understanding of the Basic Law expected of candidates would be different taking into account the grades and ranks of the posts.

22. Mr LEE Cheuk-yan opined that as the candidates were uncertain about the level of understanding of the Basic Law required, they would face unjustified pressure in meeting the requirement of CSB, say by reciting the articles of the Basic Law which contravened the current trend of human resources development when emphasis was put on creativity.

23. Ms Emily LAU asked whether CSB could provide a set of sample question papers on the test of Basic Law for members' reference.

24. SCS responded that it would not be appropriate for CSB to disclose the questions of civil service examinations.

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Issue of a Civil Service Code

25. Mr LEE Cheuk-yan asked whether the proposed Civil Service Code would stress the importance of political impartiality on the part of civil servants. He pointed out that political neutrality in the civil service was particularly necessary during election time as he had observed that some officials had entertained the requests of certain candidates to visit the districts but turned down similar requests from some incumbent District Council members.

26. SCS responded that the Civil Service Code would set out the principles and values which civil servants were required to uphold, including the need to maintain a high standard of integrity and political impartiality in the civil service.

27. Given that civil servants should be politically impartial, Ms Emily LAU enquired about the Government's policy and guidelines on civil service political impartiality, including the guidelines for senior officers to meet candidates of District Council elections and the Legislative Council By-election. Ms LAU asked whether CSB had received any complaints about officials failing to maintain political neutrality. Ms LAU was concerned that the selection of civil servants for appointment as Under Secretaries and/or Political Assistants in the policy bureaux would affect the political impartiality of the civil service.

28. SCS responded that CSB had not received any complaint from civil servants about receiving requests from officials appointed under the Political Appointment System which might breach civil servants' political impartiality, or any complaint from the public about civil servants failing to maintain political neutrality. SCS said that where a civil servant had any concern regarding a request from an official appointed under the Political Appointment System, he could discuss the concern, in the first instance, with his supervisor, and escalating to his Permanent Secretary as necessary. The Permanent Secretary should discuss the matter with the concerned Principal Official. If the matter remained unresolved, the Permanent Secretary should bring it to the personal attention of SCS for resolution. The SCS might, as necessary, bring the matter to the attention of the Chief Secretary for Administration, or the Financial Secretary or the Secretary for Justice, and ultimately the Chief Executive. SCS said that a CSB circular on the relevant procedures had been issued for the information of all civil servants. CSB had issued a reminder to all civil servants concerning the need to maintain political impartiality during the coming District Council elections and the Legislative Council By-election. As for the proposed creation of Under Secretary posts and Political Assistant posts in policy bureaux, she explained such posts were not required for CSB for various reasons. One of them was in the absence of SCS, this Principal Official would be deputised by the Permanent Secretary for the Civil Service (PSCS) in order to underline the political impartiality of the civil service. Based on the Report on Further Development of the Political Appointment System, civil servants who were selected for appointment as Under Secretary or Political Assistant would first have to resign or retire from the civil service before taking up the political appointment.

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In other words, a political appointee who was an ex-civil servant would not be permitted to return to his former civil service rank and position automatically upon completion or termination of his political appointment. Should he wish to serve in the civil service again, he would have to go through an open and competitive recruitment process in the usual way. This mechanism was to strike a right balance between developing political leadership for Hong Kong on the one hand, and safeguarding the political impartiality of the civil service.

29. Ms Margaret NG enquired whether there would be any measure to enhance the political impartiality, professionalism and integrity of civil servants, as they had to serve the officials under the Political Appointment System, and some civil servants might be selected by the Chief Executive to take up political appointments.

30. SCS replied that the Civil Service Code under preparation would set out the principles and values, including political impartiality, which civil servants were required to uphold and the framework within which they were expected to work with appointees under the Political Appointment System. The Code would also delineate the roles and responsibilities of civil servants under the Political Appointment System and safeguard the integrity and political impartiality of the civil service. The political neutrality, professionalism and integrity of the civil service would also be enhanced through the various training programmes and initiatives undertaken by CSB. Recently, in collaboration with the Independent Commission Against Corruption (ICAC), each government department had appointed a directorate officer to act as the Ethics Officer with a view to enhancing the integrity of the civil service.

31. Ms Emily LAU enquired about the role of the Ethics Officer, and the officers responsible for the promotion of integrity and political impartiality in government departments.

32. PSCS explained that as part of the integrity entrenchment programme initiated by CSB in collaboration with the ICAC last year, a directorate officer in each government department/bureau/office (usually the deputy head) was designated as the Ethics Officer to co-ordinate the corruption prevention and ethics enhancement initiatives, liaise with the ICAC, and disseminate relevant information in the department/bureau/office concerned. As far as the integrity and political impartiality of the civil service was concerned, government departments/bureaux/offices were required to re-circulate the relevant CSB circulars to individual officers on a half-yearly basis and before District Council and Legislative Council elections.

33. Ms Emily LAU reiterated that civil servants should be reminded to maintain their political impartiality since some senior officers were selective in attending functions organized by different political parties. She pointed out that some District Council members did not complain against some senior civil servants mainly because the members wanted to maintain a good working relationship with the senior officers and complaints would only make worse the situation. Ms LAU requested that CSB should draw up clear guidelines for civil servants for meeting with candidates in District

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Council elections and the Legislative Council By-election, so that senior officers did not have the sole discretion in determining whether they should or should not meet certain candidates. She pointed out that the incumbent District Council members would enjoy a more favourable edge over other candidates if government officers only met the parties with an on-going working relationship.

34. SCS responded that it was difficult, if not at all impossible, to spell out all the scenarios under which government officers should or should not meet the candidates of the elections. Under certain circumstances, such as in the case of an emergency like the flooding in Sheung Wan last year, it was inevitable for concerned government officers to discuss the issue with the Central District Council members, even during election time. CSB had issued a circular to remind officers to maintain their political impartiality and to be more sensitive to political approaches and issues during election time. It would be impracticable to restrict government officers from meeting local parties or incumbent District Council members simply in view of the forthcoming elections.

35. Ms Emily LAU remarked that an alternative was to ask government officers to meet all interested parties if necessary. She further asked when the Civil Service Code would be available.

36. SCS responded that she intended to brief the Panel on the Civil Service Code, which would emphasize, among other things, the upholding of political impartiality in the civil service, in the first quarter of 2008. CSB would also consult the staff sides on the Code.

Invitation to the relevant advisory bodies on civil service salaries and conditions of service to conduct grade structure reviews for selected grades

37. Ms LI Fung-ying enquired whether there was a time-table for conducting the grade structure reviews.

38. SCS responded that CSB was still making preparations for the exercise, and would shortly invite the relevant advisory bodies on civil service salaries and conditions of service to conduct the reviews. A discussion paper on the grade structure reviews would be provided to the Panel for consideration at the November meeting.

Control of the size of the civil service

39. Ms LI Fung-ying was concerned that the fact that government departments consisted of staff employed on different terms and conditions, including civil servants on permanent and pensionable terms, NCSC staff, staff on civil service agreement terms, and staff employed by service contractors, might affect the morale and efficiency of the civil service. She asked whether CSB would conduct an overall comprehensive review so as to improve the situation. Ms LI was also concerned that the arrangement for a new recruit to undergo a three-year probation period and to be employed on agreement terms for another three years before confirmation to the permanent

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establishment of the civil service might give rise to recruitment and retention difficulties in the civil service. She opined that the existing arrangement would adversely affect staff morale and was not conducive to promoting a sense of belonging among the new recruits.

40. SCS responded that the terms and conditions of service for civil servants had been reviewed and revised on an on-going basis over the years so as to keep abreast of changing times, and officers joining the civil service at different times might be employed on different terms and conditions. NCSC staff were employed to meet service or operation needs under certain specified conditions. Based on the "Big market, small government" principle, the Government had to provide public services through the most cost-effective means, including the outsourcing of services. The so called "3+3" appointment system for new recruits was to allow the Government, as an employer, to carefully assess the suitability of an officer before appointment to the permanent establishment of the civil service. Since the "3+3" appointment system was introduced about six to seven years ago, the arrangement had not caused any recruitment or retention problems to the relevant grades, and CSB would continue to closely monitor the situation especially when more civil service grades would conduct open recruitments in the coming years. SCS considered that staff morale had not been affected by the existing recruitment and employment arrangements.

II Any other business

41. There being no other business, the meeting ended at 12:15 pm.