

立法會
Legislative Council

LC Paper No. CB(1)953/10-11
(These minutes have been seen
by the Administration)

Ref : CB1/PL/ PS/1

Panel on Public Service

**Minutes of meeting held on
Monday, 15 November 2010, at 10:45 am
in Conference Room A of the Legislative Council Building**

Members present : Hon Mrs Regina IP LAU Suk-ye, GBS, JP (Chairman)
Hon IP Wai-ming, MH (Deputy Chairman)
Hon LEE Cheuk-yan
Dr Hon Margaret NG
Hon CHEUNG Man-kwong
Hon TAM Yiu-chung, GBS, JP
Hon LI Fung-ying, SBS, JP
Dr Hon LEUNG Ka-lau
Hon WONG Sing-chi
Dr Hon PAN Pey-chyou
Hon LEUNG Kwok-hung

Member attending : Hon WONG Kwok-hing, MH

Public officers attending : **Agenda item IV**
Miss Denise YUE, GBS, JP
Secretary for the Civil Service

Ms Jenny CHOI
Director of General Grades (Ag)
Civil Service Bureau

Agenda item V

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

Mr Brian LO, JP
Deputy Secretary for the Civil Service 2
Civil Service Bureau

Clerk in attendance: Ms Joanne MAK
Chief Council Secretary (1)2

Staff in attendance : Ms Sarah YUEN
Senior Council Secretary (1)6

Miss Pauline NG
Legislative Assistant (1)5

Action

- I Confirmation of minutes of meeting**
(LC Paper No. CB(1)133/10-11 —Minutes of meeting on
14 October 2010)

The minutes of the meeting held on 14 October 2010 were confirmed.

- II Information papers issued since last meeting**
(LC Paper No. —Correspondence between the
CB(1)137/10-11(01) and (02) Association of Government
Technical and Survey
Officers and the Audit
Commission on a complaint
about waste of public
resources)

2. Members noted the above paper issued since the last meeting.

III Items for discussion at the next meeting scheduled for 20 December 2010

(LC Paper No. —List of outstanding items for
CB(1)338/10-11(01) discussion

LC Paper No. —List of follow-up actions)
CB(1)338/10-11(02)

3. Members agreed to discuss the following items at the next regular meeting on 20 December 2010 –

(a) Progress update on proposed amendments to subsidiary regulations on discipline to the disciplined services legislation; and

(b) Use of agency workers.

4. Members noted that the Panel's list of outstanding items for discussion had been updated after the work plan meeting of the Chairman and the Deputy Chairman with the Administration on 8 November 2010.

IV Employment of non-civil service contract staff

(LC Paper No. —Administration's paper on
CB(1)338/10-11(03) employment of non-civil
service contract staff

LC Paper No. CB(1)379/10-11 —Paper on "Employment of
non-civil service contract
staff" prepared by the
Legislative Council
Secretariat (Updated
background brief)

LC Paper No. Submission from RTHK
CB(1)438/10-11(02) Programme Staff Union)

5. The Secretary for the Civil Service (SCS) briefed members on the salient points of the Administration's paper on the updated position on the employment of non-civil service contract (NCSC) staff.

The employment situation

The overall situation

6. Noting that there were still 15 867 full-time NCSC staff (as at 30 June 2010), Mr WONG Kwok-hing considered the progress in replacing NCSC positions by civil service posts too slow. He pointed out that many of these NCSC staff (4 091) had been in continuous service for five years or more, showing that there was a justified long-term need for the services concerned. SCS responded that the large number of NCSC staff with continuous service for five years or more was attributed to two reasons. Firstly, "continuous service" as used in the Administration's paper for this item (LC Paper No. CB(1)338/10-11(03)) included service in the same NCSC position, as well as service in different NCSC positions in the same department but without a break in service. Secondly, the number included NCSC staff employed by the Buildings Department (BD) in connection with the removal of unauthorized building works (UBWs) and improvement of the safety standards of existing buildings under a ten-year programme (the ten-year programme) ending in March 2011. Since this programme was time-limited, the employment of NCSC staff for its implementation was justified even though they could stay in their positions for up to ten years. If civil servants instead of NCSC staff were employed for this time-limited, large-scale programme, when the programme ended, there might be difficulty in redeploying the many civil service staff concerned.

7. Ms LI Fung-ying pointed out that the Panel had discussed the issue of NCSC staff many a time because members strongly felt the need for an overhaul of the NCSC Staff Scheme, and because the progress in replacing NCSC positions by civil service posts had been slow, with the number of the former always ranging from some 13 000 to some 16 000. She said that notwithstanding the conduct of the special review on the employment situation of NCSC staff in 2006 (the 2006 review), BD, the Leisure and Cultural Services Department (LCSD), the Hongkong Post (PO), and the Electrical and Mechanical Services Department (EMSD) each still employed a few hundred to over 1 000 NCSC staff. The ratio of civil servants to NCSC staff was also high in BD and Radio Television Hong Kong (RTHK). In particular, RTHK employed 341 of its some 500 staff on NCSC terms and had not recruited any civil servants since 2009. She therefore called upon the Administration to conduct a comprehensive review on the employment situation of NCSC staff again, and enquired about the overall policy in this regard.

8. In response, SCS stated that she had different views from members on the basic principles behind the NCSC Staff Scheme, and made the following points –

- (a) For some grades such as lifeguards, problems might arise from recruiting civil servants to meet service needs that were seasonal in nature because the number of lifeguards required during the summer season far exceeded that during winter. As such, if lifeguards were all employed on civil service terms, some of them would be left idle in winter. There was therefore a need for the Government to employ NCSC staff to complement the civil service workforce to meet seasonal service needs;
- (b) Some services were under review by bureaux/departments (B/Ds) and NCSC staff were employed pending the completion of the reviews. The Civil Service Bureau (CSB) had already been closely following up such reviews, particularly the reviews of services involving a large number of NCSC staff, such as those employed to provide services in public museums and public libraries under LCSD;
- (c) As to BD, although there were at present around 500 NCSC staff as against some 1 000 civil servants in BD, some 80% of the NCSC staff were in fact engaged under the ten-year programme. As the enhancement of building safety was one important policy initiative included in the 2010-2011 Policy Address, BD might introduce additional measures in this regard and recruit more civil servants for the work. As a result, the ratio of NCSC staff in BD would go down in the near future;
- (d) PO and EMSD were both operating under the Trading Fund arrangement, and therefore had to employ NCSC staff to ensure flexibility in adjusting the staff mix in response to fluctuating service needs and business volume. Both departments were maintaining their civil service establishment at over a few thousands at all times, and would only employ NCSC staff to meet service needs subject to business fluctuations. For example, where PO was concerned, part-time NCSC staff were employed to cope with the daily peak hours during which large quantities of mails collected from street posting boxes were handled; and
- (e) Since the Government had decided to retain RTHK as a

government department for provision of public service broadcasting, CSB had been actively working with the relevant bureau and the management of RTHK on the latter's manpower plan for the coming five years. When this plan was ready, open recruitment of civil servants suspended some ten years before would be resumed to fill vacancies in grades such as the Programme Officer. In recognition that the above freeze on the open recruitment of civil servants for RTHK might give rise to potential succession problem, CSB would work with RTHK closely to take forward the open recruitment exercises expeditiously. That notwithstanding, there was still a need for RTHK to retain certain NCSC staff for, for example, the development of new services where market expertise had to be tapped.

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9. Pointing out that the employment of staff on NCSC terms could be easily abused to suppress their pay, Ms LI Fung-ying maintained the view that it was undesirable for the Government, as the largest employer in Hong Kong, to take the lead in employing NCSC staff. The Deputy Chairman shared her views, and highlighted public grievances so arising. He referred to the some 4 000 NCSC positions identified in the 2006 review for gradual replacement by civil service posts, and requested a breakdown of the figure by job titles and departments. SCS agreed to provide the breakdown. She added that as at 30 June 2010, about 3 390 of these NCSC positions had already been phased out.

10. Mr WONG Sing-chi asked whether there were specific cases of "different pay for the same job" arising from the employment of NCSC staff and civil servants to perform similar work and if so, whether in the long run the Administration would replace the former by civil service posts. In response, SCS made the following points –

- (a) Under the present policy, there was no "through train" arrangement for NCSC staff to become civil servants. Instead, they had to apply for civil service vacancies through an open and fair recruitment process;
- (b) The guiding principles for the employment of NCSC staff were set out in paragraph 2 of the Administration's paper for this item (LC Paper No. CB(1)338/10-11(03)) and B/Ds were required to observe these principles in considering whether to employ NCSC staff to meet service needs.

Notwithstanding that, since there were open recruitment freezes from 2000 to 2007, some B/Ds could only employ NCSC staff to meet service needs during the period. As a result of the 2006 review, the Administration had since been progressively replacing some 4 000 NCSC positions identified for conversion by civil service posts. In fact, only some 600 such NCSC positions were still awaiting replacement and the Administration would continue such efforts; and

- (c) If any B/D was of the view that any of its work presently performed by NCSC staff should more appropriately be performed by civil servants, it could propose to the relevant authorities to create civil service posts to replace such NCSC positions. In fact, since the 2006 review, another 780 such NCSC positions had been identified and so far about 460 of them had been phased out and replaced by civil service posts.

11. Mr WONG Kwok-hing opined that NCSC staff with a length of continuous service of five years or more should be considered for employment as civil servants in order to keep up the staff morale. He proposed that all existing NCSC staff with a length of continuous service of five years or more be converted to civil servants and put under the central management of CSB for deployment to different departments as service needs arose, and urged the Administration to seriously consider his proposal.

The situation in the Leisure and Cultural Services Department

12. Mr WONG Kwok-hing expressed concern about the employment situation of NCSC staff in LCSD, which employed the largest number of NCSC staff among all Government departments. In particular, noting that 48 of the 60 staff of its Information Technology (IT) Office, including the head of the Office, were NCSC staff, he considered LCSD's heavy reliance on NCSC staff undesirable.

13. SCS responded that the establishment and strength of civil servants in LCSD were 7 947 and 7 367 respectively as at late September 2010. Both figures far exceeded that of its NCSC staff at 2 753 as at 30 June 2010. Moreover, with the completion of the review on the mode of delivery of its public museum service in early 2010 and the Administration's decision that LCSD should continue to manage and

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provide the services, LCSD had resumed recruiting civil servants so that the NCSC positions concerned could be phased out upon expiry of the relevant employment contracts. The review on the mode of delivery of LCSD's public library services was also near completion. Once the way forward was determined, whether and how the NCSC positions concerned would be replaced by civil service posts would become clear. As to LCSD's IT Office, the need to employ NCSC staff for the Office might be attributable to additional professional staff required for designing and developing new computer systems. SCS undertook to seek details from LCSD on the reasons for having a relatively high proportion of NCSC staff in its IT Office, so as to address Mr WONG Kwok-hing's concerns in this regard.

14. The Deputy Chairman noted that as at 30 June 2010, 859 full-time NCSC staff were still employed by LCSD to meet service needs where the mode of delivery was under review or likely to be changed. Of them, 422 were with a length of continuous service of five years or more. He requested SCS to provide further information on the situation. In response, SCS said that these 422 NCSC staff of LCSD had a length of continuous service of five years because most of them worked in public libraries and undertook duties comparable to the civil service grades which had been included in the First and Second Voluntary Retirement (VR) Schemes. Open recruitment of VR grades under the Second VR Scheme had been frozen for three years until 2007-2008. By then, the review of the mode of delivery of services in public libraries had commenced, necessitating further freezing of open recruitment. However, as understood from LCSD, the review was near completion. Once the way forward in the provision of public library services was determined, the Administration would follow up on the conversion of the relevant NCSC positions into civil service posts where justified.

15. SCS further explained that "continuous service" included service in the same NCSC position, as well as service in different NCSC positions in the same department but without a break in service. As such, the NCSC staff concerned might not have worked in the same NCSC position for five years or more. SCS further said that NCSC positions in public museums were gradually being replaced by civil service posts with the completion of the relevant review.

16. Mr LEE Cheuk-yan requested the Administration to confirm whether the review on public library services was really near completion. The Deputy Chairman expressed regrets that many NCSC staff whose performance was satisfactory enough to justify their continued

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employment in different NCSC positions were not converted to civil servants. He considered it necessary for the Administration to provide a breakdown of the 859 NCSC staff of LCSD by post, in particular those 422 staff, to show how many of these staff were staff of public libraries. In response, SCS said that she would provide the requested information based on the situation as at 30 June 2010.

The situation in Radio Television Hong Kong and other departments

17. Dr Margaret NG requested SCS to note the submission from the RTHK Programme Staff Union tabled at the meeting (LC Paper No. CB(1)438/10-11(02)), which stated that of the 553 programme officers currently working in RTHK, 46.75% were NCSC staff. Moreover, while the number of civil servants in the department was decreasing with the retirement of the civil servants concerned, no vacancy so arising had ever been filled. She therefore sought to ascertain whether the recruitment of civil servants for RTHK had in fact really resumed and if not, when it would resume and whether there had been proper communication between the staff and the management of RTHK on the matter. In response, SCS assured members that in a few weeks' time RTHK would communicate with its staff on the RTHK's manpower plan which was near completion. Open recruitment of civil servants for RTHK would then resume.

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18. Mr WONG Sing-chi enquired whether apart from RTHK, open recruitment of civil servants would be conducted for other B/Ds. SCS responded that other departments had as early as 2008 been progressively conducting open recruitment and NCSC positions were being replaced by civil service posts as appropriate. Similarly, RTHK could conduct open recruitment of civil servants after the relevant bureau and RTHK had finalized the manpower plan for the next five years.

Concerns about the terms of employment and conversion of non-civil service contract staff

No pay for meal breaks

19. Mr WONG Kwok-hing referred to recent press reports on three Government posts advertised on the website of the Interactive Employment Service of the Labour Department, which offered no pay for meal breaks, and criticized the Government for exploiting staff. In response, SCS provided supplementary information on the three positions concerned –

- (a) One was a part-time Contract Official Languages Officer II for the Fire Services Department, who would be required to work for no more than 17.5 hours a week, and remunerated at an hourly rate of some \$147;
- (b) One was a part-time Geopark Park Warden for the Agriculture, Fisheries & Conservation Department, who would be required to work for two days a week, and remunerated at an hourly rate of around \$77; and
- (c) One was for a part-time Worker for the Education Bureau, who would be required to work from 8:00 am to 6:00 pm daily for 13 days only, and remunerated at an hourly rate of some \$38.

20. SCS pointed out that the above quoted hourly rates were well above the statutory minimum wage of \$28 per hour. She dismissed any allegation that the pay for meal breaks for these NCSC positions had been denied to offset costs arising from the minimum wage requirement.

Years of service not taken into account for provision of incremental credits

21. Dr Margaret NG opined that despite the justifications given by various departments for the employment of NCSC staff, in reality the problem of unreasonable treatment of NCSC staff remained to be solved. For example, NCSC staff's experience was normally not taken into account and not counted towards the provision of incremental credits when they successfully applied for civil service posts, as a result of that they only received pay at the starting salary point. In this regard, she enquired whether in the open recruitment exercise for RTHK, civil servants would be recruited to fill promotional ranks of the grades concerned in recognition that many of RTHK's NCSC staff presently working in positions comparable to these ranks had been employed for some 20 years. She opined that it would be unfair and lead to brain drain if no such arrangement was made, and the quality of RTHK's programmes would also be affected.

22. Mr LEE Cheuk-yan shared Dr Margaret NG's views above, and opined that the long working experience of NCSC staff with the Government should be valued. Mr LEE further pointed out that similar problems had been found in the Highways Department, where many experienced NCSC staff members had declined offers for appointment as

civil servants because the department had failed to secure CSB's approval to offer them with incremental credits notwithstanding retention problems. Mr LEUNG Kwok-hung echoed Mr LEE's views and concerns.

23. SCS responded that under the overall civil service recruitment policy, civil servants were normally recruited to the basic ranks of concerned grades in recognition of the need to provide promotion prospect to serving civil servants. However, where there were no suitable candidates from a lower rank of a particular grade for promotion to a higher rank of the same grade, the Heads of Department (HoDs)/Heads of Grade concerned could, depending on the rank of the grade concerned, seek approval from CSB and/or Public Service Commission for direct recruitment of outside candidates or civil servants of other grades to the promotion rank concerned. She added that there was a general policy that the appointment authority could grant incremental credits when serious recruitment difficulties were encountered and when there was a specific operational need to recruit persons with relevant working experience. Under such circumstances, the appointment authority concerned could exercise discretion and provide incremental credits up to five incremental points. CSB's approval would be required if the provision of more incremental points was required.

Other unfair arrangements

24. Mr LEE Cheuk-yan expressed regrets that the Administration was oblivious to the plight of NCSC staff, many of whom were being exploited. In particular, he opined that it was most unfair to them by denying them annual increments and, even if such were available for certain ranks, their pay was subject to a ceiling not exceeding the salary mid-point of comparable civil service ranks. Moreover, they could only enjoy 12 statutory holidays. SCS responded that NCSC staff, unlike civil servants employed to meet long-term service needs, were not part of the permanent civil service establishment. It was therefore inappropriate to compare the employment terms and conditions of service of the NCSC staff with those of civil servants. She added that NCSC staff had in fact been clearly informed of their employment terms when offers were made to them.

Views and concerns about the reasons for employing non-civil service contract staff

25. Mr LEE Cheuk-yan considered that the NCSC Staff Scheme should be scrapped as NCSC positions offered no job security, and NCSC staff did not have medical benefits, promotion prospect or incremental credits. The Government, which introduced such a scheme, was taking the lead to undermine job security and suppress the salary level of the labour market. He further highlighted the large number of NCSC staff with length of continuous service of five years or more employed by the seven largest NCSC-user B/Ds, particularly the 1 010 NCSC staff purportedly employed to meet service needs that were subject to market fluctuation. Mr LEE considered that if over 1 000 staff were required all year round to meet fluctuating service needs, such needs should be met by recruiting civil servants.

26. The Chairman recalled that NCSC staff had been employed since 1999, when in the midst of fiscal deficits certain political parties called for measures to reduce public expenditure such as by trimming the civil service establishment. Noting that the sum total of NCSC staff and civil servants was in fact similar to the civil service establishment before down-sizing, the Chairman enquired whether the above political factor was affecting the pace of the replacement of NCSC positions by civil service posts.

27. SCS responded that employment of NCSC staff had not arisen from political consideration but the need to ensure prudent use of public funds. The Administration considered that civil service was a life-long career, and there was a need to ensure only suitable candidates were employed on civil service terms. In fact, since trimming of the civil service establishment to some 160 000 in 2006, no ceiling had been imposed on the establishment. Since 2007, both the establishment and strength of the civil service had increased by some 1 500 to 1 600 every year, culminating in a growth of around 6 000 as compared to 2006. Moreover, the number of additional civil servants and the B/Ds for which they were recruited were both determined according to actual operational and service needs with no predetermined targets or ceilings.

28. Mr LEUNG Kwok-hung maintained the view that political considerations were behind the decisions to reduce the civil service establishment, employ NCSC staff and resort to outsourcing notwithstanding their significant implications on the civil service as well as on the labour market. Noting that the Administration had begun to replace certain NCSC positions by civil service posts since 2006, he pointed out that this meant the NCSC Staff Scheme was a mistake, and enquired why the Administration had not abolished the relevant policy.

In response, SCS pointed out that none of the criteria for employment of NCSC staff as spelled out in paragraph 2 of the Administration's paper for this item (LC Paper No. CB(1)338/10-11(03)) was related to political considerations.

29. Dr PAN Pey-chyou opined that the Administration could always find justifications for employing NCSC staff if it wanted to. For example, in the case of the Food and Environmental Hygiene Department (FEHD), some 56% of its NCSC staff were employed to undertake cleansing and market management duties and to handle water seepage complaints because FEHD had decided that the cleansing duties should be delivered through a mixed mode, i.e. outsourcing supplemented by a core team of civil servants. He said that the above justification was unacceptable and, as a result of outsourcing, the pay of workers had been suppressed. He questioned whether cost savings were really so important as to justify the above, especially as there were at present fiscal surplus. Mr LEUNG Kwok-hung shared his views, and considered it unfair that services directly affecting the public such as services of FEHD, LCSD and PO were outsourced. SCS explained that it was an established policy that the private sector should be engaged in the delivery of public services where appropriate.

30. Dr PAN Pey-chyou pointed out that if the services concerned were really time-limited or seasonal, no one would object to employment of NCSC staff to provide the services to ensure prudent use of public funds. He, however, noted that many of the services concerned such as cleansing and market management duties under the purview of FEHD were indeed long-term in nature, and NCSC staff had been employed to save costs at their expense. He urged the Administration to review the employment of NCSC staff.

31. Mr WONG Sing-chi opined that the various reasons given for employing NCSC staff were not convincing. Using the Lifeguard grade as an example, Mr WONG asked whether it was possible to employ them all on civil service terms and provide them with appropriate training so that they could be redeployed to perform other duties during winter. SCS responded that the Administration would determine employment terms in accordance with actual service needs. As such, if the Administration was certain that a lifeguard would be fully occupied with lifeguard duties as well as other duties such as swimming pool maintenance and beach management throughout the year, the positions concerned would be filled by civil servants. However, since the number of additional lifeguards required during the swimming season stood at

some 1 000, there would be difficulty in redeploying such a large number of staff to perform all duties during the cold months.

V Policy on overtime work compensation

(LC CB(1)338/10-11(04)	Paper	No. —Administration's paper on policy on overtime work compensation
LC CB(1)2863/09-10(01)	Paper	No. —Memo from the Secretariat's Complaints Division referring to the Panel a complaint letter from the Association of Liaison Officers, Home Affairs Department
LC CB(1)2863/09-10(02)	Paper	No. —Administration's response to the submission from the Association of Liaison Officers, Home Affairs Department
LC CB(1)438/10-11(01)	Paper	No. Submission from the Hong Kong Fire Services Department Staff's General Association)

32. SCS briefed members on the salient points of the Administration's paper on the policy on granting compensation for overtime work.

33. Mr LEE Cheuk-yan enquired whether there were standard hours of work for the civil service and if so, whether 44 hours were the standard. If no, he would like to know whether as the head of the civil service SCS had any plan to standardize the hours of work across the board, and to align the hours of work of the civil service with the 44 hours generally applicable in the private market, so as to facilitate the implementation of five-day week. SCS responded that there were no standard hours of work in the civil service. The conditioned hours of work of different grades were set having regard to a host of factors including the job nature and requirements of the grades, as well as the advice of the three relevant advisory bodies on civil service salaries and conditions of service (the three relevant advisory bodies). The conditioned hours of individual grades had already been reflected in their relevant pay scales.

34. Dr LEUNG Ka-lau pointed out that the conditioned hours of work of a civil servant were in fact the standard hours of work because, according to civil service regulations, a civil servant should be compensated for work undertaken over and beyond his conditioned hours. He further opined that the determination of the conditioned hours of work according to operational nature was undesirable. In particular, the conditioned hours should not be increased as a result of changes in this regard because working hours were a condition of service specified in the relevant employment contracts.

35. SCS responded that the term "standard" was not used to describe working hours in the civil service as it would give rise to misunderstanding that the working hours of all grades of the civil service were the same. The three relevant advisory bodies would take a basket of factors into consideration when reviewing the conditioned hours of work of individual grades. The job nature of a particular grade was only one of the factors.

36. Mr LEUNG Kwok-hung highlighted complaints by the disciplined services, in particular Fire Services Department (FSD) staff, about long hours of work and about the management discouraging staff to claim overtime compensation unless the overtime work undertaken was excessive, lest CSB would query the relevant department's high expenditure on overtime. In this regard, he enquired whether the extent of overtime work required had been taken into account when working out the remuneration of the grades concerned and if so, the relevant statistics, and whether any other factors such as promotion prospect had also been taken into account.

37. SCS responded that the conditioned hours of work of individual grades had been clearly explained to the staff concerned. The conditioned hours had been carefully worked out taking into account a basket of factors including the job nature and requirements and reflected in the remuneration of the grades concerned. The Government would also seek advice from the three relevant advisory bodies.

The conditioned hours of work of fire officers

38. Mr LEE Cheuk-yan referred to the submission from the Hong Kong Fire Services Department Staff's General Association tabled at the meeting (LC Paper No. CB(1)438/10-11(01)), which put forward requests to reduce the conditioned hours of work for staff of FSD's Fire Stream from 54 to 48 hours per week. Mr LEE enquired about the hours of

work generally applicable to the disciplined services departments, and said that if they were 48 hours, it was only fair that the Fire Stream's request be acceded to. SCS responded that the Standing Committee on Disciplined Services Salaries and Conditions of Service (SCDS) had in November 2008 reviewed the Fire Stream's request. SCDS indicated that it was open to proposals to reduce the conditioned hours of the staff concerned subject to the fulfillment of three pre-requisites: namely cost neutrality, no additional staffing requirement and no reduction of service to the community.

39. Mr LEE Cheuk-yan, however, opined that the three pre-requisites were impossible to fulfil, and urged the Administration to review and abolish them. He also highlighted the need to inject more resources to provide better support to fire officers, whose work and hence well-being were very important. SCS responded that the Administration presently had no plan to review the three pre-requisites. She explained that under FSD's unique shift pattern of "24 hours on, 48 hours off", active duties usually accounted for around 11 hours, with the remaining being standby and rest time. The unique shift pattern also had the incidental benefits of incurring less travelling time and cost, reducing the total number of working days and in turn, enabling over 90% of FSD's Fire Stream staff to enjoy five-day week, which was one of the highest among the disciplined services.

40. Ms LI Fung-ying shared Mr LEE Cheuk-yan's view on the difficulty in fulfilling the three pre-requisites, and urged the Administration to note concerns about the inadequacy of front-line staff, and its implications on service quality and staff's health and safety. SCS responded that the Police Force and the disciplined service staff in the Customs and Excise Department had successfully reduced their conditioned hours of work under the same three prerequisites. She therefore did not agree that the three prerequisites were impossible to fulfil, although it would be necessary for the management and staff sides of the department(s) concerned to fully discuss and communicate on any proposal to reduce the conditioned hours. She further recalled that FSD had implemented changes to its shift system in the early nineties. However, such changes were scrapped after two years having regard to the adverse comments from staff.

41. The Chairman opined that the Police Force could successfully shorten their conditioned hours of work to 48 under the three prerequisites because their operating expenditure envelope was so large that cost incurred from reduction of the conditioned hours could be met

with proper internal redeployment. The Customs and Excise Department could also reduce the conditioned hours of its disciplined services staff because it could flexibly adjust the number of random checks. Pointing out that FSD's case was different, she asked whether the Fire Stream's conditioned hours could be reduced without affecting fire-fighting work and training. She also enquired about the resources required for reducing the Fire Stream's conditioned hours from 54 to 48 hours per week, without affecting plans to improve fire-fighting work and training, and facilitate the deployment of six firemen for each fire appliance.

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42. SCS responded that FSD had earlier advised that the Fire Stream's conditioned hours of work could not be reduced under the three pre-requisites. She however agreed to provide a response to the submission from the Hong Kong Fire Services Department Staff's General Association and to provide an estimate on the additional manpower and resources incurred if the conditioned hours were to be reduced.

43. The Chairman said that to allow sufficient time for discussion, she would extend the meeting by 15 minutes.

44. Dr PAN Pey-chyou highlighted the great danger of the work of a fire officer requiring fitness similar to that of a police officer, and stressed the need to ensure reasonable conditions of service for fire officers, who were at present working longer hours but receiving less pay than police officers. In his view, the conditioned hours of work of fire officers at 54 hours per week could hardly be described as reasonable, having regard that there were only 112 hours a week after discounting the daily eight hours of sleep, and that although fire officers did not have to work during standby time, they could not do the things they wanted to do or meet people they wanted to see or leave the fire stations, and they had to remain highly focused to prepare for any fire that might break out during the period. SCS agreed with Dr PAN on the danger and importance of the Fire Stream's work but explained that after reviewing their conditioned hours, SCDS's advice was that it did not see a need to reduce the conditioned hours of the staff working in the Fire Stream although it was open to proposals, subject to the fulfillment of the three pre-requisites.

45. The Deputy Chairman took over the chair at this juncture at the request of the Chairman who had to leave at 12:45 pm.

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46. Dr LEUNG Ka-lau recalled that in the sixties and seventies, there were only two sets of conditioned hours of work, namely, 44 hours for senior staff and 45 hours for junior staff with no pay for meal breaks. Suspecting that the Fire Stream's conditioned hours of work were also 44 or 45 hours in the past but subsequently increased, he considered it necessary for the Administration to make reference to papers/reports of the three relevant advisory bodies, including their predecessor, the Salaries Commission, and provide details on the changes since the sixties in the conditioned hours of work of civil servants, in particular FSD's Fire Stream.

47. In response, SCS made the following points –

- (a) While agreeing to collate the above requested information, SCS considered that CSB would need time to research into the relevant papers/reports. She stated that the conditioned hours of work of the civil service in the seventies were not standardized as 44 or 45 hours. In fact, speaking from memory, she recalled that the conditioned hours of the Fire Stream before the nineties were 60 hours per week; and
- (b) The Fire Stream's work was broadly reactive in nature. Under a “24 hours on, 48 hours off” system, active duties usually accounted for around 11 hours. The remaining 13 to 14 hours were mainly standby, rest and meal time but were counted as conditioned hours of work. Such arrangement was different from that of Police Constables, many of whom were required to patrol the streets at all times when on duty.

48. Dr LEUNG Ka-lau expressed disagreement that the requested information would take a long time to collate, as large-scale reviews of conditioned hours of work were only conducted every ten years. Considering paragraph 47(b) above unconvincing, Dr PAN Pey-chyau and the Deputy Chairman said that there might be a need to further consider whether standby hours should be counted as working hours.

Overtime work undertaken by Liaison Officers

49. Mr LEE Cheuk-yan noted the complaint letter from the Association of Liaison Officers (LOs), Home Affairs Department (HAD) (LC Paper No. CB(1)2863/09-10(01)), and stressed the need to exercise

flexibility in handling overtime work by LOs who worked irregular hours. In his view, the split of LOs' 44-hour conditioned hours of work into 11 four-hour slots could provide them the flexibility required to make up for work undertaken outside office hours through shift adjustments. SCS responded that HAD had already been conducting a trial scheme to implement varied hours of attendance at work for LOs who performed building management related duties. Although LOs' conditioned hours would not be reduced under the scheme, flexibility was allowed in adjusting shift arrangements to make up for duties performed outside normal office hours.

50. Ms LI Fung-ying enquired about the duration of the above trial scheme for LOs, and stressed the need to note that LOs' concerns involved not only overtime work but also their frequent need to work during weekends and outside office hours, such as during rural committee elections, which also incurred additional travelling cost. To ensure fairness and guard against abuse of the overtime system, she considered it necessary to make special arrangements to cater for the special circumstances of different grades.

51. SCS responded that the trial scheme would span 12 months starting from September 2010. She agreed with Ms LI Fung-ying on the need to guard against abuse and make special arrangements where necessary, and explained that the following measures were already being taken –

- (a) CSB would examine the Government's overall expenditure on overtime and related allowances annually and seek clarifications from individual HoDs where necessary;
- (b) Where special occasions such as rural committee elections or hosting of major events had necessitated the undertaking of substantial overtime work during a certain period, an honorarium would be made to the staff concerned where appropriate; and
- (c) Should there be a need to undertake excessive overtime work in performing routine duties, the cases could be sorted out through the departmental consultative committee meetings of individual departments. CSB would also actively follow up any abuse complaints.

VI Any other business

52. There being no other business, the meeting ended at 1:00 pm.

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Legislative Council Secretariat
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