

立法會

Legislative Council

LC Paper No. CB(1)1637/11-12
(These minutes have been seen
by the Administration)

Ref : CB1/PL/ PS/1

Panel on Public Service

**Minutes of meeting held on
Monday, 16 January 2012, at 10:45 am
in Conference Room 1 of the Legislative Council Complex**

- Members present** : Hon Mrs Regina IP LAU Suk-ye, GBS, JP (Chairman)
Dr Hon PAN Pey-chyou (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
- Member attending** : Hon LEUNG Yiu-chung
Hon WONG Kwok-hing, MH
- Members absent** : Hon Mrs Sophie LEUNG LAU Yau-fun, GBS, JP
Hon IP Wai-ming, MH
Hon LEUNG Kwok-hung
- Public officers attending** : **Agenda item IV**
Miss Denise YUE, GBS, JP
Secretary for the Civil Service

Mr Raymond H C WONG, JP
Permanent Secretary for the Civil Service

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

Attendance by invitation : **Agenda item IV**

Hong Kong Fire Services Department
Ambulancemen's Union

Mr CHAN Shi-ki
Chairman

Hong Kong Leisure Services Staff General Union

Mr CHEUNG Siu-wing
Chairman

Government Employee Solidarity Union

Mr TONG Wai-kai
Chairman

Hawker Control Officers Union

Mr WONG Ka-yau
President

Government Disciplined Services General Union

Mr LEE Siu-kai
Vice-Chairman

Hong Kong Environmental Hygiene Staff Union
(Supervisor and Workman)

Mr YUEN Chi-chuen
Councillor

HKSAR Government Employees General Union

Mr KONG Ming-chung
Vice-Chairman

Government Park & Playground Keepers Union

Mr YIP Chi-shing
Chairman

Staff Association of Hong Kong Food and
Environmental Hygiene Department

Mr CHOI Chun-wah
Chairman

Hong Kong Correctional Services General Union

Miss WANG Mei-hsin, Maxim
Chairperson

Hong Kong Municipal Services Staff General
Association

Mr NG Chung-kong, Simon
Welfare Officer

Hong Kong Fire Services Department Staffs
General Association

Mr TSE Sau-lung
Deputy Chairman

Hong Kong Food and Environmental Hygiene
Department Staff Rights Union

Ms LI Mei-siu
Vice-Chairperson

Hong Kong Hospital Staff Rights Union

Ms CHAN Choi-chun
Chairperson

Union of Food and Environmental Hygiene
Department Market Assistant

Mr KWOK Kin-bun
Chairperson

Hong Kong Food and Environmental Hygiene
Supervisory Staffs Union

Mr HO Wai-ming
Chairman

Hong Kong Civil Servants General Union

Mr CHUNG Tak-cheung
Vice-Chairman

Hong Kong Immigration Assistants Union

Mr LAU Yuk-fai, Daniel
Chairman

Rights Association of Hong Kong Post Contract
Staff

Mr CHU Kwai-wing
Union Member

Neighbourhood and Worker's Service Centre

Mr LOONG Tsz-wai
Organizer

Hong Kong Junior Civil Servants Association

Mr LAU Man-kit
Chairman

Buildings Department Non-Civil Service Contract
Staff Association

Mr LAM Kin-ching
Chairman

Union of Government School Teachers

Mr KWONG Kam-tong
Academic Officer

Education Employees General Union

Ms WONG Heung-lin
Vice General Officer

Government Overseers and Hawker Control
Officers Union

Mr CHEUNG Wai-shing
Chairman

Government Employees Association

Mr Steven TSE
Rights Affairs Officer

Hong Kong Fire Services Officers Association

Mr LAU Hon-wa
Chairman

Government Educational Staff Union

Mr CHEUNG Kam-fai
Organization Officer

Food and Environmental Hygiene Department
Foreman Grade Branch, Hong Kong Chinese Civil
Servants' Association

Mr SUEN Chung-leung
Chairman

Government Frontline Employees Union

Mr WONG Wa-hing
Director

Government Mod 1 Staff General Union

Mr TSUI Yat-keung
Executive Committee Member

Association of Customs & Excise Service Officers

Mr LEE Kwan-kit
Vice-Chairman (External)

Hong Kong Life Saving Staff General Union

Mr CHAN Wai-ming
Chairman

Hong Kong Chinese Civil Servants' Association

Ms LI Kwan-yin
Vice-President

Food and Environmental Hygiene Department
Law Enforcement Staff Union

Mr NGAN Yuk-fu
Chairman

Clerk in attendance : Ms Annette LAM
Chief Council Secretary (1)7

Staff in attendance : Miss Lilian MOK
Council Secretary (1)7

Miss Iris CHEUNG
Legislative Assistant (1)7

Miss May KWONG
Clerical Assistant (1)7

Action

I Confirmation of minutes of meeting

(LC Paper No. CB(1)727/11-12 -- Minutes of meeting on
17 October 2011)

The minutes of the meeting held on 17 October 2011 were confirmed.

II Information papers issued since last meeting

(LC Paper No. CB(1)689/11-12(01) -- Submission from the Hong Kong
(*Chinese version only*) Food and Environmental
Hygiene Supervisory Staffs
Union regarding the provision of
paternity leave to government
employees

LC Paper No. CB(1)704/11-12(01) -- Referral from the Complaints
(*Chinese version only*) Division regarding concern
expressed by a member of the
public about the exclusion of
Chinese medicine from the scope
of civil service medical benefits
(Restricted to members)

LC Paper No. CB(1)704/11-12(02) -- Referral from the Complaints
(*Chinese version only*) Division regarding requests from
香港各紀律部隊退休人員協會
暨香港各退休公務員協會 and
the Hong Kong Retired Civil
Servants Association Limited to
review the Pensions (Increase)
Ordinance (Chapter 305)
(Restricted to members)

LC Paper No. CB(1)786/11-12(01) -- Administration's response to the
submission from the H.K. Fire
Services Department
Ambulancemen's Union issued
vide LC Paper No.
CB(1)48/11-12(02) on
13 October 2011

(Restricted to members)

LC Paper No. CB(1)801/11-12(01) -- Administration's paper on supplementary provision for pension payments in 2011-2012
(Restricted to members)

LC Paper No. CB(1)811/11-12(01) -- Email from a member of the public regarding the Implementation of Five-day Week in the Government
(*Chinese version only*)
(Restricted to members)

LC Paper No. CB(1)812/11-12(01) -- Referral from the Complaints Division regarding the use of agency workers by the Government
(*Chinese version only*)
(Restricted to members))

2. Members noted that the above papers had been issued since the last meeting.

III Date of next meeting and items for discussion

(LC Paper No. CB(1)788/11-12(01) -- List of outstanding items for discussion

LC Paper No. CB(1)788/11-12(02) -- List of follow-up actions)

3. Members noted that the next regular Panel meeting would be held on 20 February 2012 at 10:45 am to discuss the following items –

- (a) 2012 Starting Salaries Survey and 2012 Pay Level Survey; and
- (b) Civil service-related issues featuring in the 2012-2013 Budget.

Implementation of five-day week in the Government

4. The Chairman referred to an email received from a member of the public requesting a full implementation of five-day week in the Government (LC Paper No. CB(1)811/11-12(01)). At the request of the Deputy Chairman, members agreed to revisit the issue at a future Panel meeting. On the instruction of the

Chairman, the item was included in the Panel's List of Outstanding Items for Discussion.

IV Conditioned hours of work of the civil service

(LC Paper No. CB(1)788/11-12(03) -- Administration's paper on the conditioned hours of work of the civil service)

Other relevant papers issued previously

(LC Paper No. CB(1)2978/10-11(01) -- Administration's supplementary information paper on the conditioned hours of work for civilian grades services staff

LC Paper No. CB(1)2978/10-11(02) -- Administration's supplementary information paper on the conditioned hours of work for disciplined services staff)

Meeting with deputations and the Administration

5. The Secretary for the Civil Service (SCS) briefed members on the Administration's paper which set out the policy governing the conditioned hours of work of the civil service. It was noted that while all civil servants were paid on a monthly basis, specific conditioned hours of work were laid down for different civil service grades. The Administration would take into account the stipulated conditioned hours of work when determining the salaries and conditions of service of different civil service grades. Any proposal to reduce the conditioned hours of work of a particular civil service grade would be considered against three pre-requisites i.e. cost-neutrality, no additional manpower, and maintaining the same level of service to the public; and other relevant factors.

Hong Kong Fire Services Department Ambulancemen's Union
(LC Paper No. CB(1)788/11-12(04))

6. Mr CHAN Shi-ki, Chairman of the Ambulancemen's Union, briefed members on the salient points of the Ambulancemen's Union's submission. He criticized the meal break arrangements for ambulance crews and said that they had been frequently deprived of an uninterrupted 30-minute meal break due to the

emergency nature of ambulance service. He queried whether the Administration had unfairly treated staff of the Ambulanceman grade by exploiting the grey area of Civil Service Regulation 544 where meal break arrangements for disciplined services staff were not explicitly stipulated. He called on the Administration to review the existing meal break arrangement so that staff of the Ambulanceman grade who were subject to 48 gross conditioned hours of work per week (i.e. including the time for meal breaks) could have 1-hour uninterrupted meal break during the specified period.

Hong Kong Leisure Services Staff General Union
(LC Paper No. CB(1)788/11-12(05))

7. Mr CHEUNG Siu-wing, Chairman of the Hong Kong Leisure Services Staff General Union (General Union), briefed members on the General Union's submission and pointed out that the Amenities Assistant grade, which was responsible for managing recreational facilities and landscaping matters, and other outdoor frontline staff of the Leisure and Cultural Services Department had to perform shift duties and were subject to 45 net hours per week (i.e. excluding the time for meal breaks). As the staff concerned were not working on a five-day week work mode as most of their civilian counterparts, Mr CHEUNG appealed for the Panel's support to migrate them to a five-day week work mode and to reduce their hours of work to 44 gross conditioned hours per week (i.e. including 1-hour meal break each working day) on the grounds that no additional manpower/resources would be required and the level of service to the public would not be affected.

Government Employee Solidarity Union
(LC Paper No. CB(1)880/11-12(01))

8. Mr TONG Wai-kai, Chairman of the Solidarity Union, briefed members on the views of the Solidarity Union requesting a reduction in the conditioned hours of work for staff on the Model Scale I (MOD 1 staff) from 45 hours net to 44 hours gross per week with a view to relieving their work pressure and improving the quality of family life.

Hawker Control Officers Union
(LC Paper No. CB(1)788/11-12(06))

9. Mr WONG Ka-yau, President of the Hawker Control Officers Union, briefed members on the Union's submission, highlighting that civil servants who were on a net conditioned hours system (i.e. 45 hours net per week) had in fact been working for over 10 hours a day if the time for meal breaks and transportation was taken into account. The Union was of the view that the long

hours of work had undermined the objective of the five-day week initiative, and the Government, as a good employer, should carry out a comprehensive review of the conditioned hours of work for the civil service taking into account occupational and safety concerns and present day circumstances. Whilst the changes might have manpower implications, the Government should have the resources to provide a better working environment for all civilian grades staff.

*Government Disciplined Services General Union
(LC Paper No. CB(1)788/11-12(07))*

10. Mr LEE Siu-kai, Vice Chairman of the Government Disciplined Services General Union, briefed members on the General Union's submission which proposed that in the long run, the conditioned hours of work of all disciplined services staff should be standardized and fixed at 44 hours gross per week. As a first step, starting from 1 April 2012, the conditioned hours of work of disciplined services staff in the Correctional Services Department (CSD) and the Customs and Excise (C&E) Department together with the ambulance crews should, on a trial basis, be reduced from 48 hours to 46 hours gross per week, while the conditioned hours of work of operational firemen in Fire Services Department (FSD) should be reduced by three hours per week. Referring to the experience in the implementation of the Enhanced Productivity Programme and the five-day week initiative, Mr LEE strongly urged the Civil Service Bureau (CSB) to take forward the proposal, saying that it would comply with the three prerequisites of cost-neutrality, no additional manpower and maintaining the same level of service to the public.

Hong Kong Environmental Hygiene Staff Union (Supervisor and Workman)

11. Mr YUEN Chi-chuen, Councillor of the Staff Union, said that over 3 000 staff of the Food and Environmental Hygiene Department (FEHD) had retired from the civil service under the Voluntary Retirement Scheme, leading to a number of internal re-organizations in FEHD to ensure more effective deployment of limited resources to maintain the delivery of public services. At present, among the 9 000 civil servants working in FEHD, 7000 (mainly frontline staff) worked 50 to 51 hours per week. Whilst many advanced economies had taken on board the initiative to reduce the hours of work of their working population to improve the quality of life, Mr YUEN pointed out that around 25 000 civil servants, of whom frontline staff of FEHD accounted for over 25%, were on a net conditioned hours system, and subject to more than 44 hours of work per week. He commented that the Government policy of not setting a standard conditioned hours of work across the civil service, which was established in 1950s, was out-dated and was unfair to certain civil service grades. He called upon the Administration to introduce a uniform conditioned hours of work at 44 hours gross

per week for all civil servants which he considered would not give rise to any consequential manpower or service delivery implications.

*HKSAR Government Employees General Union
(LC Paper No. CB(1)851/11-12(01))*

12. Mr KONG Ming-chung, Vice-Chairman of the General Union, presented the General Union's submission, expressing concern that the absence of a uniform conditioned hours of work for the civil service would create a divide amongst different civil service grades and would hamper the administration of the civil service especially after the implementation of the five-day week initiative. He considered it unfair that civil servants subject to the gross conditioned hours of work system (i.e. including the time for meal breaks) were eligible for compensation for work injuries which happened during meal breaks while those under the net conditioned hours of work system (i.e. excluding the time for meal breaks) were not. To facilitate the introduction of family-friendly practices in the civil service, Mr KONG said that the Government should consider flexibly any proposal to reduce the conditioned hours of work of a particular civil service grade instead of adhering strictly to the three pre-requisites, and allocate more resources to enhance the quality of service delivery to the public.

*Government Park & Playground Keepers Union
(LC Paper No. CB(1)788/11-12(08))*

13. Mr YIP Chi-shing, Chairman of the Union, briefed members on the Union's submission. He pointed out that many frontline civil servants, who were subject to the net conditioned hours system, were required to perform duties of other civilian grades, such as conveyance of documents. He called on the Administration to set standard conditioned hours of work across the civil service.

*Staff Association of Hong Kong Food and Environmental Hygiene Department
(LC Paper No. CB(1)788/11-12(09))*

14. Mr CHOI Chun-wah, Chairman of the Staff Association, briefed members on the Staff Association's submission. He recalled that the working hours of pest control staff of FEHD had changed from 44 hours gross (including the time for meal breaks) to 45 hours net (excluding the time for meal breaks) per week around three years ago. He was also of the view that the increase in the staff establishment of the Pest Control Teams over the years had not enhanced operational efficiency and the deployment of resources. In view of the global trend in the reduction of working hours, Mr CHOI said that CSB should consider introducing a uniform conditioned hours of work for indoor and outdoor staff of civilian grades, thereby fostering a sense of belonging amongst civil servants.

Hong Kong Correctional Services General Union

15. Referring to paragraph 7 of the Administration's paper which stated that a reduction in the stipulated conditioned hours of work of a grade without any change to its pay scale was an improvement to the pay and conditions of service of the specific grade, Miss Maxim WANG, Chairperson of the General Union, said that an increase in the stipulated conditioned hours of work of a grade without an upward revision in salaries as in the case of CSD staff was exploitative and unfair. She pointed out that although the conditioned hours of work of staff of CSD was increased from 42 hours to 45 hours and then to 49 hours gross per week, i.e. an accumulated increase of 16.67% over the past 30 years, there was no corresponding adjustment to their pay and conditions of service. She considered it unfair that while the Administration had increased the conditioned hours of work of CSD staff in the past, the reduction of conditioned hours of work proposed by the Staff Side could only be implemented on a trial basis. Noting that the length of trial period of reduction in conditioned hours of work varied for different disciplined services, Miss WANG opined that the conditioned hours of work of civil servants (including civilian and disciplined services staff) should be considered on equal footing in a fair and impartial manner.

*Hong Kong Municipal Services Staff General Association
(LC Paper No. CB(1)788/11-12(10))*

16. Mr Simon NG, Welfare Officer of the General Association, briefed members on the General Association's submission. In gist, the General Association proposed to implement a uniform conditioned hours of work across the civil service, and adjust the working hours of FEHD staff to 44 hours gross per week (including the time for meal breaks).

*Hong Kong Fire Services Department Staffs General Association
(LC Paper No. CB(1)788/11-12(11))*

17. Mr TSE Sau-lung, Deputy Chairman of the General Association, briefed members on the submission of the General Association. He shared the difficulties encountered by the General Association in taking forward its proposal to reduce the conditioned hours of work of operational firemen from 54 hours gross to 48 hours gross per week. It was noted that the General Association had declined the pilot scheme recommended by FSD management to reduce the conditioned hours of work of its Fire Stream to 51 hours gross per week in 2008. Mr TSE appealed to other staff representatives attending the meeting to put aside different interests of different civil service grades and pursue the reduction of the conditioned hours of work with the Administration in accordance with the

principle of equality. He said the General Association stood ready to continue to explore the feasibility of reducing the conditioned hours of work of FSD staff in the Fire Stream with the Administration.

Hong Kong Food and Environmental Hygiene Department Staff Rights Union

18. Ms LI Mei-siu, Vice-Chairperson of the Union, pointed out that the working hours of Foreman grade staff of FEHD had been changed from 44 hours (including the time for meal breaks) to 45 hours per week (excluding the time for meal breaks) upon the implementation of the five-day week initiative in 2006. She considered it unreasonable for the staff concerned to revert back to longer working hours when they could work less hours while conforming with the three pre-requisites. Taking note that over 7 000 frontline staff of FEHD were subject to the net conditioned hours system, Ms LI strongly requested the Administration to consider including the time for meal breaks into the calculation of conditioned hours of work of the staff concerned.

Hong Kong Hospital Staff Rights Union
(LC Paper No. CB(1)880/11-12(02))

19. Ms CHAN Choi-chun, Chairperson of the Union, briefed members on the Union's submission. Pointing out that the staff of the Hospital Authority (HA) were appointed on non-civil service contract (NCSC) terms, Ms CHAN considered it unfair that medical staff of HA were subject to 44 working hours gross (including the time for meal breaks) per week while supporting staff were subject to 45 hours net (excluding the time for meal breaks) per week. She urged the Government to take the lead in aligning the conditioned hours of work of NCSC staff in subvented organizations.

Union of Food and Environmental Hygiene Department Market Assistant
(LC Paper No. CB(1)880 /11-12(03))

20. Mr KWOK Kin-bun, Chairperson of the Union, briefed members on the Union's submission. He requested the Government to follow other major cities in introducing a uniform conditioned hours of work for the entire civil service. Noting that around 25 000 civil servants, many of whom were lower rank staff performing physically demanding duties outdoor, were still subject to 45 conditioned hours net (excluding the time for meal breaks) per week, Mr KWOK strongly urged the Administration to set standard conditioned hours of work at 44 hours gross (including the time for meal breaks) per week for all grades of civil servants, thereby setting a good example for Government contractors and service providers to follow suit.

*Hong Kong Food and Environmental Hygiene Supervisory Staffs Union
(LC Paper No. CB(1)788/11-12(12))*

21. Mr HO Wai-ming, Chairman of the Union, briefed members on the Union's submission, calling upon CSB to conduct a review on the conditioned hours of work of civil servants and make improvement proactively where necessary in order to set an example of good employer for the community. He pointed out that while CSB had not carried out any review on the working hours of the civil service in the past ten years, many European and Asian countries including the Mainland had already legislated for standard working hours. Making reference to the work hour patterns adopted by other countries, Mr HO proposed to standardize the conditioned hours of work at 44 hours gross (including the time for meal breaks) per week across the civil service. He also queried why the conditioned hours of work of Hong Kong civil servants were generally higher than the working hours of their Mainland counterparts as stipulated in the Labour Law of the People's Republic of China.

Hong Kong Civil Servants General Union

22. Having regard to the implementation of the Statutory Minimum Wage in May 2011 and the study on standard working hours that was in progress, Mr CHUNG Tak-cheung, Vice-Chairman of the General Union, said that consideration should be given to setting a uniform conditioned hours of work at 44 hours per week (including the time for meal breaks) across the civil service. In his view, the Government, being the employer of more than 160 000 civil servants, should introduce standard working hours to set a good example for public bodies and the private sector. The Administration should also consider the proposal on the reduction of conditioned hours of work empathetically from the perspective of occupational safety.

Hong Kong Immigration Assistants Union

23. Mr Daniel LAU, Chairman of the Union, presented the views of the Union, namely that the Administration should take into account the working environment and workload of a civil service grade in determining whether the stipulated conditioned hours of work of that particular grade was optimal. In view of the double-digit year-on-year percentage increases in the number of tourists visiting Hong Kong, Mr LAU maintained that the Administration, instead of fixing the conditioned hours of work at 44 hours gross per week across the civil service, should consider the proposal from the staff of the Immigration Department for a review of their conditioned hours of work having regard to the operational nature of the grade and the work intensity required during the specified conditioned hours of work.

*Rights Association of Hong Kong Post Contract Staff
(LC Paper No. CB(1)788/11-12(13))*

24. Mr CHU Kwai-wing, Union Member of the Rights Association, briefed members on the Rights Association's submission, proposing to fix the conditioned hours of work of employees of subvented organizations/public bodies at a maximum of 44 hours per week (including the time for meal breaks). Mr CHU criticized the Administration for exploiting NCSC staff by engaging them in meeting the growing demand for public services in a bid to contain the size of the civil service establishment in recent years. He urged the Administration to increase the provision of manpower to maintain the overall efficiency of services to the public as well as to review the terms and service conditions of NCSC staff, making their employment packages comparable to similar civil service ranks.

Neighbourhood and Worker's Service Centre

25. Mr LOONG Tsz-wai, Organizer of the Service Centre, opined that it was unfair to have different arrangements of conditioned hours of work for civil servants, NCSC staff and agency workers who were all Government employees. Referring to the Administration's paper that around 25 000 civil servants were on a net conditioned hours system (excluding the time for meal breaks), Mr LOONG said that the Government should take the lead in setting standard working hours at 44 hours per week (including the time for meal breaks) across-the-board for its employees. In his view, there was no reason for the Government to delay the formulation of standard working hours while the Mainland and other overseas countries had already taken on board the initiative.

Hong Kong Junior Civil Servants Association

26. Mr LAU Man-kit, Chairman of the Association, criticized the net conditioned hours system which excluded the time for meal breaks. He shared his observation that when NCSC staff were taking their meal breaks, civil servants were required to perform the duties of NCSC staff and were unable to take their meal break within specified periods. Expressing dissatisfaction that the employment conditions of NCSC staff seemed more favourable than those of civil servants, Mr LAU urged CSB to expedite the replacement of NCSC positions with civil service posts.

*Buildings Department Non-Civil Service Contract Staff Association
(LC Paper No. CB(1)788/11-12(14))*

27. Mr LAM Kin-ching, Chairman of the Association, expressed concern about the lack of platform for NCSC staff to express their views and protect their rights.

As a NCSC staff in the Buildings Department (BD), Mr LAM observed that inadequate manpower support to cope with the huge demand for professional building services had led to heavy workload and long working hours of BD staff. Whilst the Administration claimed that NCSC staff were engaged to complement the civil service workforce to meet seasonal and time-limited service needs, he expressed regret that many NCSC staff of BD had in fact been providing services that were long-term in nature, and yet were treated and exploited unfairly. In anticipation of the increasingly heavy workload of BD's NCSC staff, Mr LAM urged the Administration to review the working hours and remuneration package of NCSC staff.

Union of Government School Teachers (UGST)
(LC Paper No. CB(1)880/11-12(04))

28. Mr KWONG Kam-tong, Academic Officer of UGST, briefed members on the UGST's submission. He pointed out that government school teachers had to work long hours, far more than 44 conditioned hours of work per week, and assumed heavy responsibilities in caring for the general well-being of students. Many teachers had to continue working, mostly marking students' works and preparing for lessons, at home after school. In recent years, there had also been an increase in non-teaching activities such as administrative work and writing reports for performance review and quality assurance. For example, teachers were required to attend various workshops/seminars relating to the education reform, organize academic activities and overseas visits for students, counsel students and assist ethnic minority students and students with special educational needs in learning. With the changing nature of work and proliferation of tasks for teachers, Mr KWONG urged the Administration to set standard conditioned hours of work for the teaching staff, and to conduct a comprehensive review of the work of government school teachers and the following arrangements –

- (a) the continued employment of contract teachers in government schools;
- (b) the compulsory arrangement for primary school teachers to stay in school for lunch;
- (c) the inappropriate comparison between government school teachers and aided school teachers in terms of employment conditions; and
- (d) the compulsory requirement for government school teachers to retire from service once they reached the retirement age.

Education Employees General Union (EEGU)
(LC Paper No. CB(1)880/11-12(05))

29. Ms WONG Heung-lin, Vice General Officer of EEGU, briefed members on the submission of EEGU, highlighting that it was very common for teachers to work overtime without compensation. She said that according to a survey conducted by an education group, the average working hours of a teacher was over 60 hours per week. Due to the growing complexity of school operations in the past ten years, teachers were required to work beyond school hours and during the holidays. The uncompensated overtime work and prolonged working hours had become the main source of work stress of teachers. In this connection, Ms WONG urged the Administration to investigate the actual working hours per week of teachers of government secondary and primary schools, and introduce a cap on the maximum number of actual working hours per week for the profession.

Government Overseers and Hawker Control Officers Union
(LC Paper No. CB(1)788/11-12(15))

30. Mr CHEUNG Wai-shing, Chairman of the Union, said that the Union was of the view that different ranks of the same civil service grade should be subject to a uniform conditioned hours of work and meal break arrangements. He criticized the Administration for exploiting its employees by excluding the time for meal breaks from their stipulated conditioned hours of work. He opined that civil servants performing physically demanding duties should be provided with sufficient rest time to prevent fatigue and enhance occupational safety. Considering that different arrangements of conditioned hours of work was divisive and would undermine harmony in the civil service, Mr CHEUNG said that the Government should harmonize the conditioned hours of work for civil servants to set an example of a good employer.

Government Employees Association
(LC Paper No. CB(1)788/11-12(16))

31. Mr Steven TSE, Rights Affairs Officer, presented the views of the Government Employees Association as detailed in its submission. He said that the Association was in support of including the time for meal breaks in the conditioned hours of work of the civil service. In his view, having different arrangements of conditioned hours of work would lead to inequality amongst civil servants of different grades and ranks. The Government, as a good employer, should undertake timely review on the pay and conditions of service of civil servants and put forth improvement measures as appropriate. He urged the Administration to consider including the time for meal breaks in the stipulated conditioned hours of work for other sectors to follow.

Hong Kong Fire Services Officers Association

32. Noting that there was no standard conditioned hours of work for civil servants of disciplined services, Mr LAU Hon-wah, Chairman of the Association, strongly requested the Government to standardize the working hours of the disciplined services and reduce the conditioned hours of work of operational firemen in phases so as to bring them more in line with those of other disciplined services. Although the working hours of operational firemen included standby and rest time and a significant number of inactive hours, Mr LAU highlighted that operational firemen needed to respond to emergency call-outs any time during their 24-hour shift. He further pointed out that the conditioned hours of work of the Station Officer/Divisional Officer grades responsible for administration and fire prevention duties, which were different from those of operational firemen, did not involve any inactive hours and these staff were required to be on-call and subject to emergency call-outs. Mr LAU remarked that the conditioned hours of work of operational firemen were the longest when compared with other disciplined services staff. He called upon the Administration to consider adopting the following proposals to address the situation –

- (a) increasing the provision of resources/manpower to support the efficient operation of FSD;
- (b) reducing the working hours of operational firemen to 51 hours gross per week;
- (c) granting one more rest day to operational firemen every eight weeks; and
- (d) exploring further with the management of FSD the possible ways to reduce the conditioned hours of work of its non-operational staff.

*Government Educational Staff Union
(LC Paper No. CB(1)906/11-12(01))*

33. Mr CHEUNG Kam-fai, Organization Officer of the Union, urged CSB to undertake a comprehensive review on the working hours of teachers and consider setting an upper limit on teaching hours. He highlighted the following major views as set out in the Union's submission –

- (a) given the unique work nature of the teaching profession, the working hours of teachers were not clearly specified but determined upon discussion between school management and teachers. To meet the

hectic teaching schedule, teachers needed to work beyond school hours;

- (b) in recent years, teachers were required to take turns to have lunch at schools in order to take care of their students. However, they would not be compensated by another lunch break if they were deployed to handle emergency tasks during lunch hours;
- (c) despite the provision of an annual recurrent cash grant under the Teacher Relief Grant by the Education Bureau (EDB) to enable schools to hire supply teachers to cover approved leave of eligible teachers, the amount of grant was often insufficient to hire sufficient supply teachers to meet the actual needs. As a result, teachers were required to cover each other at times of approved leave. Seen in this light, teachers were being deprived of their entitlement of paid sick leave; and
- (d) whilst there were 90 days of school holidays in a school year, teachers actually enjoyed around 30 days of leave after discounting public holidays and days involved in organizing summer activities for students. As such, their actual leave could not compensate the overtime work after school.

*Hong Kong Chinese Civil Servants' Association, Food and Environmental Hygiene Department Foreman Grade Branch
(LC Paper No. CB(1)851/11-12(02))*

34. Mr SUEN Chung-leung, Chairman of the Foreman Grade Branch, considered the existing arrangement of having two different systems of conditioned hours of work for civil servants of civilian grades unfair. He called on CSB to delegate its power to approve any proposal concerning the working hours of different grades/ranks to the respective Heads of bureaux/departments who were more knowledgeable of the manpower situation and operational needs of their own bureaux/departments. He further pointed out that the conditioned hours of work for Foreman grade staff of FEHD, who were civilian civil servants, were not the same as other departmental civilian colleagues, i.e. 44 hours gross (including the time for meal breaks) per week and they had longer working hours. As the reduction of working hours had become a worldwide trend, Mr SUEN hoped that while the Government had been promoting family-friendly employment practices and lifelong learning in the private sector, it would seek to promote the same within the civil service and take the first step to harmonize the conditioned hours of work at 44 hours gross per week for all civil servants.

*Government Frontline Employees Union
(LC Paper No. CB(1)880/11-12(06))*

35. Mr WONG Wa-hing, Director of the Union, briefed members on the Union's submission. He considered it inequitable that civil servants of lower ranks performing physically demanding outdoor duties (e.g. the Hawker Control Officer grades, Foreman grades, different technical grades and frontline staff) were subject to 45 conditioned hours net (excluding the time for meal breaks) per week while their civilian counterparts only worked 44 hours gross per week (including the time for meal breaks). In his view, the Government, as a good employer, should set the conditioned hours of work at 44 hours gross (including the time for meal breaks) per week for all civil servants.

*Government Mod 1 Staff General Union
(LC Paper No. CB(1)880/11-12(07))*

36. Mr TSUI Yat-keung, Executive Committee Member of the General Union, briefed members on the General Union's views as summarized below –

- (a) having different arrangements of conditioned hours of work for different civil service grades was tantamount to class discrimination and went against the core values of modern society;
- (b) the proposal of changing the conditioned hours of work of those 25 000 civil servants (or 16% of the whole civil service) who were presently on a net conditioned hours system from 45 hours net (excluding the time for meal breaks) to 44 hours gross (including the time for meal breaks) per week would only require limited additional resources;
- (c) while the terms of employment (including the conditioned hours of work) were set out in the employment contracts between the Administration and individual civil servants, reviewing the terms therein should not be considered as not respecting the spirit of a contract; and
- (d) the Government should follow the world trend and take the lead in reducing the working hours of civil servants thereby influencing the private sector in the same direction.

*Association of Customs & Excise Service Officers
(LC Paper No. CB(1)851/11-12(03))*

37. Mr LEE Kwan-kit, Vice-Chairman (External) of the Association, presented the views of the Association, requesting the Administration to further reduce the conditioned hours of work of the disciplined services staff in the C&E Department to 44 hours gross per week and fully implement the five-day week initiative in the Department. He hoped both the Management Side and the Staff Side of different civil service grades could collaborate closely and be committed to settling the long-standing disputes over the different arrangements of conditioned hours of work for civil servants.

Hong Kong Life Saving Staff General Union
(LC Paper No. CB(1)851/11-12(04))

38. Mr CHAN Wai-ming, Chairman of the General Union, briefed members on the General Union's submission. He opined that government lifeguards had been facing excessive workload and heavy work pressure since the reduction in the conditioned hours of work for the grade without any additional manpower in the late 1980s. In his view, the lifeguard grade should be upgraded from Qualification Group (QG) 6 (Technician, Supervisory and Related Grades Group II: Craft and skill plus experience, or apprenticeship plus experience) to QG5 (Technician, Supervisory and Related Grades Group I: Certificate or apprenticeship plus experience) in recognition of the professional standard and the importance of the life saving duties of lifeguards. Noting that a number of temporary lifeguards would be recruited annually to meet high service demand in peak season, Mr CHAN urged the Administration to conduct a review on the manpower and structure of the grade as well as to maintain communication with the staff side.

Hong Kong Chinese Civil Servants' Association
(LC Paper No. CB(1)851/11-12(05))

39. Ms LI Kwan-yin, Vice-President of the Association, presented the views of the Association. She pointed out that the different arrangements of conditioned hours of work for civil servants had caused difficulties in the administration of the civil service and intensified the disparity amongst different civil service grades, thereby damaging the morale of the civil service as a whole. In view of the world trend towards good employment and family-friendly practices, Ms LI said that the Government should review the two existing systems of conditioned hours of work from a wider perspective in accordance with the following principles –

- (a) the spirit of equality;
- (b) the alleviation of disparity amongst different grades for maintaining a stable civil service;

- (c) the adoption of good occupational safety and health practices; and
- (d) the promotion of good staff relations policies and staff welfare measures.

She also suggested that the Government should align the conditioned hours of work across the civil service at 44 hours gross per week and implement this in phases.

*Food and Environmental Hygiene Department Law Enforcement Staff Union
(LC Paper No. CB(1)880/11-12(08))*

40. Mr NGAN Yuk-fu, Chairman of the Union, briefed members on the Union's submission. He said that Hong Kong had lagged behind other overseas countries in the reduction in working hours, and urged the Administration to undertake a comprehensive review on the two different systems of conditioned hours of work currently adopted by the Government. Pointing out that the conditioned hours of work of the Foreman grade staff of FEHD had been changed from 44 hours (including the time for meal breaks) to 45 hours per week (excluding the time for meal breaks) since the five-day week initiative was implemented in 2006, Mr NGAN appealed to the Administration to adopt the gross conditioned hours system (including the time for meal breaks) across the board for all civil servants.

41. The Chairman and members thanked the deputations for attending the meeting to express their views. It was noted that the following organizations which did not arrange representatives to attend the meeting had provided submissions for members' reference –

- (a) Police Force Council Staff Side (LC Paper No. CB(1)788/11-12(17));
and
- (b) Government Electrical & Mechanical Works Supervisors, Craftsmen & Workmen Association (LC Paper No. CB(1)851/11-12(06)).

The Administrations' initial response to the concerns of deputations

42. At the Chairman's invitation, SCS made the following points in response to the deputations' views on the policy governing the conditioned hours of work of the civil service –

- (a) in general, conditioned hours of work varied to suit the nature and

operational requirements of different grades in the civil service and hence, specific conditioned hours of work were laid down for different grades of civil servants (including civilian and disciplined services staff). In this connection, the Administration considered it inappropriate to introduce a uniform conditioned hours of work across the board for all civil servants as the working hours of a particular grade were determined having regard to that grade's operational needs and other relevant considerations;

- (b) there was no uniform conditioned hours of work in the civil service. The respective stipulated conditioned hours of work had been taken into account in determining the pay of different civil service grades. The present arrangements had evolved over the years having regard to the recommendations of relevant advisory bodies and other relevant considerations. The evolution of the conditioned hours of work and salaries of MOD 1 staff was cited as an example to illustrate the observation of the relevant advisory bodies that a reduction in the conditioned hours of work of a grade without any change to its pay scale was in effect an improvement to the pay and conditions of service of that particular grade;
- (c) civil service pay policy was to offer remuneration sufficient to attract, retain and motivate staff of a suitable calibre to join and remain in the civil service, and such remuneration should be regarded as fair by both civil servants and the general public through maintaining broad comparability with the private sector pay. Any proposal to reduce the conditioned hours of work of a particular civil service grade would be considered against the three pre-requisites (i.e. cost-neutrality, no additional manpower, and maintaining the same level of service to the public), the duties and responsibilities of the concerned grade, the operational requirements, the manpower situation as well as the implications of the reduction on other civil service grades. Each proposal would be considered on its own merits having regard to the advice of the relevant advisory body;
- (d) the five-day week initiative was implemented under the primary consideration of maintaining the overall level and efficiency of government services and was subject to some basic principles, including no reduction in the conditioned hours of service of individual staff. HoDs were responsible for ensuring compliance with the stipulated conditioned hours of work of different civil service grades under their purview. Any unilateral alteration of the conditioned hours of work of a particular civil service grade by the

departmental management without CSB's prior approval was not permitted;

- (e) the overall remuneration package offered to civil servants included not only the conditioned hours of work, but also other terms of employment. It was inappropriate to make simplistic comparison between the employment terms of Hong Kong civil servants and those of employees in other overseas countries. As employment terms were closely interrelated with each other, the integrity of the terms and conditions of service of the different grades was of paramount importance in the administration of the civil service; and
- (f) the conditioned hours of work should be governed by the nature and operational requirements of different civil service grades as well as other relevant considerations. For example, the leave arrangements for government school teachers were different from those for civil servants of civilian grades and disciplined services given their different nature of work and operational requirements.

Discussion

Conduct of a comprehensive review to set a uniform conditioned hours of work for the civil service

43. Mr LEE Cheuk-yan supported the views of UGST and other deputations on the introduction of a uniform conditioned hours of work, preferably at 44 hours gross per week, across the board for all civil servants. He criticized that the Administration had not paid heed to the views of the deputations and that the results of the reviews on the conditioned hours of work conducted years ago were outdated and no longer reflected the prevailing manpower situation of the civil service. To keep pace with the time, he opined that the Administration should increase its manpower to cope with the greater demand for quality public services such that civil servants could have a better balance between work and leisure through reducing their working hours and the full implementation of the five-day week initiative. To avoid unhealthy and unnecessary comparison of the conditioned hours of work amongst different civil service grades, Mr LEE strongly urged the Administration to migrate those 25 000 civil servants, who were currently subject to 45 hours net per week, to the gross conditioned hours system without any corresponding downward adjustment of their salaries.

44. SCS responded that broad comparability with the private sector was regarded as an important factor in setting the pay and conditions of service of civil servants. On the five-day week initiative, she highlighted that under the primary

consideration of maintaining the overall level and efficiency of government services, the initiative was implemented subject to the basic principles of not incurring additional staffing resources and no reduction in the conditioned hours of work of individual staff. Specified conditioned hours of work had been laid down for different civil service grades having regard to operational needs, work nature and duties and responsibilities of the concerned grades. The Administration, at this stage, had no plan to conduct a comprehensive review with a view to introducing a uniform conditioned hours of work across the civil service. Nevertheless, the Administration would consider any proposal to reduce the conditioned hours of work of a particular grade on the merits of each case against the three pre-requisites as well as other relevant factors, and taking into account the advice of the relevant advisory bodies.

45. Ms LI Fung-ying expressed disappointment that despite the repeated requests of the deputations and staff side representatives over the years, the Administration had been oblivious to the need to carry out a comprehensive review on the conditioned hours of work of the civil service. She criticized the Administration for being complacent about the prevailing arrangements and had no intention to try novel approaches to tie in with the changes of the civil service. She cautioned that if the concerns of different civil service grades over the two disparate conditioned hours systems were not addressed, staff would be forced to taking industrial actions or stage public protests to express their dissatisfaction.

46. Sharing a similar view, Mr LEUNG Yiu-chung commented that the Government had failed to give due regard to factors such as the need for maintaining a stable civil service and the importance of boosting staff morale for the efficient administration of the civil service. In his view, the current different conditioned hours systems had resulted in class discrimination amongst different civil service grades, was divisive and had impaired the stability of the civil service. He opined that such disputes could be resolved by the introduction of a uniform conditioned hours of work for all civil servants and the provision of additional manpower to cope with the increasing workload.

47. SCS disagreed that there was class discrimination within the civil service. She re-affirmed that the conditioned hours of work were laid down to suit the operational needs and job nature of different civil service grades. While the Administration valued the morale of its employees, it would also take into account other relevant factors and uphold the basic principle of maintaining a broad comparability with the private sector in setting the pay and conditions of service of civil servants.

48. On the manpower front, SCS advised that the civil service establishment had increased annually since 2007. A mechanism had been put in place whereby

B/Ds could seek the provision of additional civil service posts to meet their operational needs and new service demand from a high-level committee chaired by the Chief Secretary. Nevertheless, requests from B/Ds might not necessarily be met in full as the Administration strived to achieve an appropriate balance between the prudent use of public funds and the provision of additional manpower.

49. The Deputy Chairman criticized the current arrangements of conditioned hours of work to be too rigid, saying that the Administration had unjustly ignored the concerns raised by the deputations and failed to address their needs. He said that the different meal break arrangements for the net/gross conditioned hours systems, the different working hours for different disciplined services, the uncompensated overtime work undertaken by government teachers, the frequently disrupted meal breaks of the ambulance crews, and the long working hours of the operational firemen in the disciplined services were some of the typical examples showing that the Administration was callous to its employees, inflexible and bureaucratic. The Deputy Chairman was of the view that the problem of manpower shortage in the civil service could be alleviated by the provision of overtime allowance and compensatory holidays to government employees for performing extra duties. In this connection, he strongly urged the Administration to relax the three pre-requisites when considering proposals for a reduction of the conditioned hours of work of a grade. He also called for the introduction of a uniform conditioned hours of work across the civil service.

50. Citing the new initiative of providing paternity leave to government employees as an example, SCS said that the Administration was neither inflexible nor bureaucratic. On the contrary, it was open to any proposal to reduce the conditioned hours of work of a grade if reasonable grounds and justifications were provided. As recommended by the Standing Committee on Disciplined Services Salaries and Conditions of Service (SCDS) and the Standing Commission on Civil Service Salaries and Conditions of Service, the fulfillment of the three pre-requisites was required for a reduction in the conditioned hours of work of civil servants. SCS restated that the Administration had no plan to introduce a uniform conditioned hours of work in the civil service and considered it more appropriate that the conditioned hours of work of different civil service grades should be determined in relation to the work nature and operational requirements of the respective grades. Since the stipulated conditioned hours of work had been taken into account when the Administration determined the respective pay of different civil service grades, the salaries and conditions of service of the concerned grades might need to be reviewed in the event of a change in their conditioned hours of work.

Meal break arrangements

51. Referring to the concerns raised by the Hong Kong Fire Services Department Ambulancemen's Union about the meal break arrangements for the Ambulanceman grade, Mr LEE Cheuk-yan expressed grave concern that only 90% of the ambulance crews were able to take an uninterrupted 30-minute meal break within each of their normal working days. He enquired whether CSR 541 concerning luncheon interval applied to disciplined services staff.

52. In reply, SCS clarified that CSR 541 applied to civil servants whose conditioned hours of work were 44 hours gross per week while CSR 544 was applicable to disciplined services staff. As the ambulance crews were members of the disciplined services, CSR 544, instead of CSR 541, was applicable. SCS said that according to her understanding, the FSD management had been working closely with the Staff Side to put in place flexible meal break arrangements for the ambulance crews. At present, around 90% and 99% of the day and night shift ambulance crews respectively were able to take an uninterrupted 30-minute meal break within the relevant specified period between January and November 2011. The FSD management would continue to exchange views on the matter with its staff.

53. Ms LI Fung-ying was unconvinced. She said that despite the long-standing request of the Ambulanceman grade for an uninterrupted meal break, the Administration had been making slow progress in addressing the concerns of the ambulance crews. Noting that the Ambulanceman grade was on a gross conditioned hours system (i.e. the time for meal breaks was part of the conditioned hours), Ms LI asked the Administration whether depriving staff of this grade of their entitlement to the official luncheon interval constituted a contravention of the employment contract. The Deputy Chairman also called on the Administration to facilitate all ambulance crews to have at least an uninterrupted 30-minute meal break within the relevant specified period.

54. SCS repeated that to address staff concerns over frequently disrupted meal breaks, the FSD management had put in place flexible meal break arrangements. According to FSD, around 90% and 99% of the day and night shift ambulance crews respectively were able to take at least an uninterrupted 30-minute meal break within the relevant specified period. However, it should not be taken that staff of this grade could only have 30-minute meal break. She had personally looked into the matter and considered that the existing arrangement was not in breach of the employment contract.

55. SCS further advised that no CSR stipulated any standard luncheon interval across the board for all civil servants. Under CSR 541, the official luncheon

interval for civil servants whose conditioned hours were 44 hours gross per week was one hour. As the time of meal breaks was not included in the net conditioned hours system, CSR 542 did not spell out the luncheon interval for civil servants who worked 45 hours net per week. As regards disciplined services staff, CSR 544 stated that their conditioned hours of work were governed by operational needs and were determined in relation to the total responsibilities of each service, its complement, and the actual manpower situation at any time. Given the inherent nature of the work of the disciplined services which required their staff to perform emergency duties or participate in various call-out operations, the Administration considered it appropriate for the conditioned hours of work of these staff to be determined on the basis of operational needs. For instance, there was a special arrangement for ambulance crews to have a 15-minute tea break each in the morning and afternoon session.

Conditioned hours of work of operational firemen

56. Mr LEE Cheuk-yan was in support of the proposal to reduce the conditioned hours of work of the operational firemen from 54 hours gross to 48 hours gross per week so as to provide the operational firemen with sufficient rest time to ensure they were physically fit to perform duties of a dangerous nature. Ms LI Fung-ying also considered it unfair that the operational firemen were subject to longer working hours when compared with their counterparts of other disciplined services grades. The Deputy Chairman expressed a similar view and called for a reduction in the working hours of the operational firemen.

57. Referring to paragraph 8 of the Administration's paper, SCS stressed that the Administration would consider any proposal to reduce the conditioned hours of work of individual civil service grades against the three pre-requisites. She advised that the current conditioned hours of work stipulated for the operational firemen had been reviewed by the SCDS in the context of the Grade Structure Review (GSR) of the Disciplined Services in 2008. The SCDS maintained that any reduction in the existing conditioned hours of work for this group of staff should be considered under the three pre-requisites. Relevant observations and considerations of the SCDS about the working hours and unique shift pattern of the operational firemen were set out in detail in the 2008 Report.

Compensation for work injuries

58. Ms LI Fung-ying noted that most of the frontline civil servants, who were on a net conditioned hours system (i.e. excluding the time for meal breaks) and subject to 45 hours of work per week, were required to perform law enforcement duties. She expressed concern about whether these frontline staff would be eligible for compensation if they were injured whilst performing duties during

meal breaks. She criticized the Government for acting like unscrupulous employers if frontline staff on a net conditioned hours system were not qualified for injury-on-duty compensation.

59. SCS assured members that government employees, regardless of whether they were on a net or gross conditioned hours system, were eligible to make a claim for compensation for injuries sustained whilst performing duties.

Breakdown of civil servants on the net/gross conditioned hours system

60. In response to an enquiry of Ms LI Fung-ying about the respective breakdown of civil servants on the net/gross conditioned hours system, SCS explained that of the total 160 000 civil servants, around 133 000 civil servants, including all those in the disciplined service grades, were presently on a gross conditioned hours system. Within this group, around 82 000 were subject to 44 gross conditioned hours of work per week while the rest (i.e. around 51 000) was subject to 48 to 54 gross conditioned hours of work per week. Around 25 000 civil servants were on a net conditioned hours system and were subject to 45 hours of work per week.

61. At the request of the Deputy Chairman, the Chairman agreed to consider holding further discussion on the issue with the concerned stakeholders and the Administration.

V Any other business

62. There being no other business, the meeting ended at 1:45 pm.