

**For discussion on
16 January 2012**

**LEGISLATIVE COUNCIL PANEL ON PUBLIC SERVICE
CONDITIONED HOURS OF WORK OF THE CIVIL SERVICE**

PURPOSE

This paper informs Members of the policy governing the conditioned hours of work of the civil service; and sets out the Administration's response with respect to the conditioned hours of work of operational firemen in the Fire Services Department (FSD) and the meal break arrangements for the disciplined services.

BACKGROUND

2. At the Panel meeting on 15 November 2010, Members requested the Administration to respond to a submission from “48 策劃小組” of the Hong Kong Fire Services Department Staffs General Association (HKFSDSGA). Members also requested the Administration to provide information on changes in the conditioned hours of work of civil servants since the 1960s, with reference to papers and reports of relevant advisory bodies on civil service salaries and conditions of service. At the Panel meeting on 17 January 2011, Members requested the Administration to carry out a comprehensive review of the conditioned hours of work for the civil service with a view to setting a uniform conditioned hours of work for all civil servants. They also suggested that the meal break arrangements for the disciplined services should be reviewed.

3. In response, the Administration provided two information papers, one (LC Paper No. CB(1)2978/10-11(01)) on the conditioned hours of work for the civilian grades, and one (LC Paper No. CB(1)2978/10-11(02)) on the conditioned hours of work and meal break arrangements for the disciplined services.

4. At the Panel meeting on 17 October 2011, Members noted a letter from the Hong Kong Fire Services Department Ambulancemen's Union (HKFSDAU) dated 12 October 2011 on meal break arrangements for ambulancemen; and agreed to discuss various issues relating to conditioned hours of work of the civil service at a future meeting.

POLICY ON CONDITIONED HOURS OF WORK

5. Conditioned hours of work means the hours of duty which salary is calculated to cover and the hours which must be worked before overtime work is counted. There is no uniform conditioned hours of work in the civil service. Specific conditioned hours of work are laid down for different grades of civil servants (including civilian and disciplined services staff) according to operational requirements and other relevant considerations. The stipulated conditioned hours of work is taken into account when the Administration determines the pay of different civil service grades.

6. The Standing Commission on Civil Service Salaries and Conditions of Service and the Standing Committee on Disciplined Services Salaries and Conditions of Service (the SCDS) are responsible for advising and making recommendations to the Chief Executive on matters concerning the pay and conditions of service of non-directorate civil service grades, including the conditioned hours of work of individual grades. We have reported the past discussions and recommendations on conditioned hours of work by these two advisory bodies in the two LC Papers quoted in paragraph 3 above.

7. A reduction in the stipulated conditioned hours of work of a grade without any change to its pay scale is an improvement to the pay and conditions of service of the specific grade. A reduction in the stipulated conditioned hours of work of a grade may also – but not necessarily – lead to a demand for additional manpower or a reduction in the level or quality of service provided to the public. Therefore, any proposal to reduce the conditioned hours of work of a grade has to be carefully considered. Over the years, there have been examples of reduction in the conditioned hours of work of particular civil service grades without any consequential manpower or service delivery implications.

8. The Administration will consider any proposal to reduce the conditioned hours of work of a particular grade against the three prerequisites of cost-neutrality, no additional manpower, and maintaining the same level of service to the public. It will also consider the duties and responsibilities of the concerned grade, the operational requirements, the manpower situation, the implications of reduction on other civil service grades, and other relevant factors. Each proposal will be considered on its own merits and the advice of the relevant advisory body will be sought and taken into account in the Administration's decision.

NET AND GROSS CONDITIONED HOURS OF WORK

9. While all civil servants are paid on a monthly (rather than hourly) basis, there are two different systems of conditioned hours of work : gross and net. The gross conditioned hours system incorporates the time for meal breaks in the stipulated conditioned hours of work; the net system excludes the time for meal breaks in the stipulated conditioned hours of work. As hours of work under the net system are exclusive of the time for meal breaks, a civil servant subject to this system is regarded as performing overtime work if he/she is required to perform duties during his/her meal breaks and, subject to meeting the prescribed requirements, is eligible for overtime compensation. This is not the case for a civil servant subject to the gross conditioned hours of work system.

10. Around 133 000 civil servants¹ (or 84%) including all those in the disciplined services grades², are presently on a gross conditioned hours system. Within this group, around 82 000 are subject to 44 conditioned hours of work per week, while the rest is subject to 48 to 54 conditioned hours of work per week. Around 25 000 civil servants (or 16%) are on a net conditioned hours system and are subject to 45 hours of work per week. The present position has evolved over the years and has taken into account recommendations of the relevant advisory bodies as well as the considerations set out in paragraph 8 above. We have no plan to introduce a uniform conditioned hours of work across the board for all civil servants.

CONDITIONED HOURS OF WORK OF DISCIPLINED SERVICES GRADES

General

11. The conditioned hours of work of the various disciplined services grades have evolved over the years as explained in LC Paper No. CB(1)2978/10-11(02). The existing position is set out at **Annex A**. In its latest report on the pay and conditions of service of the disciplined services grades (i.e. the 2008 Report on the Grade Structure Review (GSR) of the Disciplined Services), the SCDS noted that the conditioned hours of work of the disciplined services varied, and that any direct comparison of conditioned hours of work was inappropriate as it was necessary to take into account the operational nature of different grades, including the intensity of efforts during the conditioned hours of work. It also reaffirmed that proposals for reduction in conditioned hours of work would be considered having regard to the three prerequisites described in paragraph 8 above.

¹ Figures quoted in this paragraph reflected the position as at 30 September 2011 and did not include officers in the Independent Commission Against Corruption (ICAC) who are not civil servants.

² There were around 53,000 civil servants in various disciplined services grades (excluding those grades in ICAC) as at 30 September 2011.

Operational Firemen in the FSD

12. As explained in LC Paper No. CB(1)2978/10-11(02), the conditioned hours of work of operational firemen in FSD have evolved over time, namely from 84 hours per week prior to 1965 to 54 hours per week since 1990; and different shift patterns have been implemented to complement the changes in conditioned hours of work. A summary showing the changes in the conditioned hours of work and shift patterns of operational firemen is set out at **Annex B**.

13. The current arrangement of 54 hours gross conditioned hours of work per week with a unique shift system of “24 hours on, 48 hours off” was reviewed by the SCDS in the context of the GSR undertaken in 2007-08. In its 2008 Report, the SCDS noted that the working hours of operational firemen involved standby and rest time; and the unique shift pattern also offered the incidental benefits of incurring less travelling time and cost and reducing the total number of working days. It advised that any reduction in the existing conditioned hours of work for this group of staff should be considered against the three prerequisites set out in paragraph 8 above.

14. We note that operational firemen have to respond to emergency call-outs any time during their 24-hour shift. Generally speaking, apart from being on standby, each 24-hour shift comprises 11 hours of arranged duties (including drills for fire fighting and rescue, district visits, fire safety inspections and station routines etc.) and 13 hours of physical training, meal breaks, standby and rest time. Under the existing shift arrangement, operational firemen perform 9.75 shifts of 24-hours duty per month (or working for around 10 whole days a month or 120 days a year).

15. If the conditioned hours of work of operational firemen were to be reduced from 54 to 48 hours gross per week without changing the “24 hours on, 48 hours off” shift pattern as proposed by HKFSDGA, the number of 24-hour-shifts to be performed by the concerned officers would be reduced to about 8.67 shifts per month (or working around 9 whole days a month or 108 days a year). A ballpark estimate indicates that around 690 additional firemen³ and HK\$270 million additional annual expenditure⁴ would be needed unless other more cost-effective ways could be found to maintain the current level of service rendered to the public.

³ The number of additional posts is calculated based on the total number of staff on duty and the manning ratio. The total number of staff on duty is the number of staff required for manning a fire appliance while the manning ratio has factored in the impact of public holidays and leave arrangements.

⁴ The ballpark estimate is the full staff cost (i.e. including salary and fringe benefits).

16. We understand the FSD management is in discussion with staff representatives of the Fireman grade on possible ways to reduce the conditioned hours of work of operational firemen against the three prerequisites described in paragraph 8 above.

MEAL BREAK ARRANGEMENTS FOR THE DISCIPLINED SERVICES

General

17. As explained in LC Paper No. CB(1)2978/10-11(02), different disciplined services have different conditioned hours of work, shift arrangements and meal break arrangements to suit their particular operational needs. The requirement to perform shift duties on a regular basis has been taken into consideration by the SCDS and the Administration when determining the pay scales of the disciplined services grades. The arrangement for meal breaks is promulgated by the management of individual disciplined services to their respective staff, having regard to their respective operational needs, service requirements and other relevant considerations. Staff of different disciplined services may be called out during normal meal breaks due to operational needs, and the concerned departmental management is responsible for arranging time for their meal breaks after their call out.

Arrangements for the Ambulanceman Grade

18. HKFSDAU, in its letter to the Panel dated 12 October 2011, raised concerns about the meal break arrangements for the Ambulanceman grade. Staff of this grade are subject to conditioned hours of work of 48 hours gross per week and, in normal circumstances, work a 12-hour shift on a cycle of “two day shifts, one night shift and two days off”.

19. To address the concerns of concerned staff over frequently disrupted meal breaks, the FSD management has put in place flexible meal break arrangements for them, taking into account the emergency nature of ambulance service. In gist, ambulance crews take turn for a meal break during the relevant specified period⁵. If they are called out during the relevant specified period before they have taken an uninterrupted 30-minute meal break, they may be compensated by another 30-minute meal break within that period. According to FSD, around 90% and 99% of the day and night shift ambulance crews respectively were able to take an uninterrupted 30-

⁵ Most ambulance crews are on either day (8:30am to 8:30pm) or night (8:30pm to 8:30am the next day) shift. The specified periods for meal breaks for day shift and night shift ambulance crews are between 11:30am to 1:30pm and between 12 midnight to 3am respectively. A small number of ambulance crews is on staggered shift (11:00am to 11:00pm) for whom the specified period is between 6:15pm and 8:15pm.

minute meal break within the relevant specified period between January and November 2011. In the event that a crew is unable to take an uninterrupted 30-minute meal break during the relevant specified period, arrangements would be made for the crew to take a 30-minute meal break afterwards, of which 20 minutes will be free from attending ambulance calls. We understand that the FSD management will continue to exchange views on the matter with staff representatives.

Civil Service Bureau
January 2012

Existing Conditioned Hours of Work of the Disciplined Services

Disciplined services	Conditioned hours of work per week	
Hong Kong Police Force	48 hours gross	
Fire Services Department	Ambulance Officer grade	44 hours gross
	Fireman / Station Officer grades (Control Stream) and Ambulanceman grade	48 hours gross
	Fireman / Station Officer grades (Operational / Marine Stream)	54 hours gross
Correctional Services Department	49 hours gross (undergoing a one-year trial scheme from 1 July 2011 on the feasibility of reducing the conditioned hours of work of its disciplined services staff from 49 to 48 hours gross)	
Customs and Excise Department	48 hours gross	
Immigration Department	44 hours gross	
Government Flying Service	44 hours gross	

**Changes in Conditioned Hours of Work and Shift Patterns of
Operational Firemen**

Year	Conditioned hours of work per week	Shift pattern
Before 1965	84 hours gross	Information not available
1965	72 hours gross	“24 hours on, 24 hours off”
1980	60 hours gross	“24 hours on, 24 hours off”
1990	54 hours gross	“12 hours on, 12 hours off” (from August 1990 to March 1992) “24 hours on, 48 hours off” (from April 1992 onwards)