

**立法會**  
***Legislative Council***

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**Panel on Public Service**  
**Meeting on 21 November 2011**

**Updated background brief on**  
**employment situation of non-civil service contract staff**

**Purpose**

This paper provides background information on the policy on employment of non-civil service contract (NCSC) staff and summarizes the major concerns expressed by the Panel on Public Service (the Panel) on the subject in past discussions.

**Background**

2. Introduced in January 2009, the NCSC Staff Scheme (the Scheme) aims to provide Heads of Government Bureaux/Departments (HoDs) with a flexible means to employ staff on fixed term contracts outside the civil service establishment to meet service needs which are short-term, time-limited, seasonal or subject to market fluctuations; or which require staff to work on a part-time basis (i.e. less than the conditioned hours required of civil servants); or which require tapping the latest expertise in a given area in the market; or where the mode of delivery of the service is under review or likely to be changed through, e.g. contracting out. The Scheme is intended to enable Government Bureau/Departments (B/Ds) to respond more promptly to changing operational and service needs.

Terms and conditions of employment of NCSC staff

3. HoDs have full discretion in determining the appropriate employment package for their NCSC staff, including the pay level, the offer of an end-of-contract gratuity, and any pay adjustment during the contract period. In setting the employment terms for NCSC staff, HoDs have to comply with the

guiding principles that the terms and conditions of services for NCSC staff should be no less favourable than those prescribed under the Employment Ordinance (Cap. 57) (EO), and no more favourable than those applicable to civil servants in comparable civil service ranks or with comparable levels of responsibilities. NCSC staff are employed on fixed term contracts of up to three years.

#### Statistics on NCSC staff

4. The numbers of full-time NCSC staff employed from 2001 to 2011 as provided by the Administration are as follows:

<u>Year</u> (as at 1 November)	<u>Number of full-time NCSC staff</u>
2001	11 244
2002	13 701
2003	16 147
2004	14 807
2005	15 687
2006	16 488
2007	16 960
2008	14 608
(as at 31 December 2008)	
2009	16 186
(as at 30 June 2009)	
2010	15 867
(as at 30 June 2010)	
2011	14 818
(as at 30 June 2011)	

#### Review on the employment situation of NCSC staff

5. In 2006, the Civil Service Bureau (CSB), jointly with B/Ds, conducted a review on the employment situation of NCSC staff on a department by department basis. The review identified about 4 000 NCSC positions involving work that should be more appropriately be performed by civil servants and replaced by civil service posts gradually. Since then, B/Ds have kept their employment of NCSC staff under review from time to time to determine whether there are any other NCSC positions that should be replaced by civil service posts.

6. To ensure that the employment of NCSC staff by B/Ds fully complies with the ambit of the Scheme, improvement measures for the engagement and management of NCSC staff were also introduced in November 2006. These measures include setting a ceiling for the number of NCSC staff for each B/D in the light of specific operational needs, and requiring a B/D to seek approval from CSB for the employment of NCSC staff over and above the prescribed ceiling.

## **Members' views and concerns**

### Conversion of NCSC positions to civil service posts

#### *Introduction of "through train" arrangement/internal recruitment*

7. At the Panel meeting on 18 December 2006, members expressed disappointment at the outcome of the 2006 review in which out of the 16 488 full-time NCSC staff employed in 68 B/Ds, only some 4 000 NCSC positions would be converted to civil service posts. Some members were of the view that NCSC staff should be given priority for consideration in the selection of appointees for filling these 4 000 odd civil service posts, and suggested the Administration to consider stipulating in the relevant recruitment advertisements that priority would be given to those applicants who had previous relevant working experience in the Government. A motion expressing dissatisfaction that the findings of the review had failed to treat the NCSC staff who had been employed for a long period of time fairly was passed at the meeting. The Panel requested that NCSC staff being employed to fill posts created to meet long-term needs should be converted to civil servants by "through train" arrangement.

8. On 15 March 2007, the Panel further discussed the issue. Some members criticized the Administration for being unfair to NCSC staff as they could not be directly converted to civil servants and were not given the opportunity to apply for civil service posts through internal recruitment exercise. A motion urging the Administration to accord priority to NCSC staff with relevant working experience in open recruitment for civil service posts was passed at the meeting. The Panel further passed a motion at its meeting on 11 March 2008 calling on the Administration to make its best endeavour to offer appointment to NCSC staff who had not been converted to civil servants so as to prevent them from becoming jobless.

9. The Administration explained that NCSC staff were employed on a time-specific contract basis and their employment contracts would not be

renewed if their work was completed or phased out, or was to be undertaken by a civil servant. Individual B/Ds would recruit staff on NCSC terms and on a time-specific contract basis when new work of a temporary nature needed to be undertaken. Nevertheless, B/Ds would endeavour to provide outgoing NCSC staff with appropriate employment assistance where necessary.

10. On members' suggestion of "through train" arrangement or internal recruitment, the Administration advised that there was no "through train" arrangement for NCSC staff to become civil servants under the current policy. The Government's recruitment policy was fair competition and meritocracy. B/Ds would select the most suitable persons to fill civil service vacancies through open recruitment process. A mechanism was also in place to inform serving NCSC staff of any civil service openings. NCSC staff were welcome to submit applications through open recruitment if they meet the academic qualifications, experience and other basic entry requirements of the civil service posts concerned. Since relevant working experience would be one of the factors to be taken into account in B/Ds' assessment of job applicants, it was considered that NCSC staff who met the basic entry requirements of various civil service ranks should generally enjoy a competitive edge over other applicants because of their working experience in the Government.

#### *Long lead time for conversion*

11. At the Panel meeting held on 15 November 2010, some members expressed grave concern at the slow progress in replacing NCSC positions by civil service posts. Noting that 4 091 NCSC staff had been in continuous service for five years or more, members considered that there was a justified long-term need for the services concerned. They further pointed out that the ratio of NCSC staff was high in certain departments such as the Buildings Department (BD), Leisure and Cultural Services Department (LCSD), Hongkong Post (PO) and Electrical and Mechanical Services Department (EMSD) etc. Members called upon the Administration to conduct another comprehensive review on the employment situation of NCSC staff, and to convert all serving NCSC staff with a length of continuous service of five years or more to civil servants in order to boost staff morale.

12. The Administration explained that the large number of NCSC staff with continuous service of five years or more included staff serving in the same NCSC position as well as those in different NCSC positions in the same department but without a break in service. Also, the number included NCSC staff employed for time-limited programmes such as the building safety programmes under BD which could straddle up to ten years. The Administration stressed the need to employ NCSC staff to complement the civil

service workforce to meet seasonal service needs. While review on some Government services was underway, some NCSC positions were retained in the interim pending the completion of the review. The Administration had been progressively converting NCSC positions into civil service posts. Individual B/Ds could also propose to create civil service posts to replace NCSC posts according to its operational need. It was expected that in some B/Ds, the ratio of NCSC staff would go down when more civil servants were recruited in the near future. As for those B/Ds operating under the Trading Fund arrangement such as PO and EMSD, NCSC staff would be employed subject to fluctuating service needs and business volume.

### Terms of employment and conditions of service of NCSC staff

#### *Provision of incremental credits*

13. Some members considered it unreasonable not to take into account the years of service of NCSC staff for the provision of incremental credits when one successfully applied for civil service posts. The Administration was requested to review the employment of NCSC staff, including their terms and conditions of employment, arrangements for recruitment of NCSC staff to fill civil service posts, and the applicability of employment protection provisions under EO to NCSC staff.

14. The Administration explained that under the overall civil service recruitment policy, civil servants were normally recruited to the basic ranks of the concerned grades. Where there were no suitable candidates from a lower rank for promotion to a higher rank of the same grade, HoDs / Heads of Grade concerned could 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. There was a general policy for the appointment authority to grant incremental credits up to five incremental points at its discretion when serious recruitment difficulties were encountered and when there was a specific operational need to recruit persons with relevant working experience.

#### *Different pay adjustments for NCSC staff*

15. At the Panel meetings on 17 December 2007 and 15 November 2010, some members expressed concern over the different rates of pay adjustment for NCSC staff and civil servants. They considered it unfair to deny NCSC staff 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. The Administration explained that it was inappropriate to

mechanically apply the pay adjustment mechanism for the civil service to NCSC staff as NCSC staff were not civil servants and their terms and conditions of employment were different from those of civil servants. It considered that the current mechanism provided individual B/Ds with the necessary flexibility to set, and where appropriate adjust, the pay of their NCSC staff.

*Meal breaks arrangement and other miscellaneous employment terms*

16. Some members criticized the Administration of exploiting NCSC staff without paying them meal breaks, and considered it unfair to offer them 12 statutory holidays only. The Administration highlighted that NCSC staff were not civil servants. The terms of employment and conditions of service of NCSC staff were entirely different from those of civil servants and hence, it was inappropriate to compare the two. The Administration also dismissed the allegation that NCSC staff were denied pay for meal breaks to offset the costs arising from the statutory minimum wage requirement.

*Outsourcing of public services*

17. Some members considered it unfair that long-term services directly affecting the public, such as services of PO, LCSD and cleansing and market management duties of the Food and Environmental Hygiene Department were outsourced, and urged the Administration to review the employment of NCSC staff. The Administration explained that it was an established policy that the private sector should be engaged in the delivery of public services where appropriate.

Enhancement of communication with NCSC staff

18. At the Panel meeting on 17 December 2007, some members expressed concern that NCSC staff were neither provided with an official platform to collectively negotiate with the management in respect of their employment terms and conditions nor a redress channel for handling their grievances. The Panel passed a motion urging the Government to consider setting up an inter-departmental platform to enhance communication with NCSC staff, so as to improve employee-employer and staff-management relations and to boost the morale of NCSC staff.

19. The Administration responded that an established consultative machinery built on three levels was in place within the civil service: central, departmental and individual. Through this machinery, the management could communicate with individual staff members (including NCSC staff), as well as staff unions/associations and staff consultative bodies in which NCSC staff were

also represented, on a wide range of subjects.

20. The Administration further pointed out that members of the Staff Sides in the two Central Consultative Councils, namely, the Model Scale 1 Staff Consultative Council (MOD 1 Council) and the Senior Civil Service Council (SCSC), were all nominated by recognized staff associations/unions in accordance with the constitutions of the respective Councils. All the eight constituent staff associations/unions of the MOD 1 Council open their membership to NCSC staff. The largest of the three constituent staff associations of SCSC, namely, the Hong Kong Chinese Civil Servants' Association, (the other two being the Hong Kong Senior Government Officers Association and the Association of Expatriate Civil Servants of Hong Kong), also opens its membership to NCSC staff. Issues relating to the engagement of NCSC staff had also been raised by the Staff Sides for discussion in both Councils. At the departmental level, all staff, including NCSC staff, were represented on the Departmental Consultative Committees.

#### Suggestion to abolish the NCSC Staff Scheme

21. Some members criticized the Government for taking the lead in employing NCSC staff which had given rise to the problem of "difference pay for the same job". In view of the lack of job security, medical benefits, promotion prospect and incremental credits for NCSC positions, some members were of the view that the Scheme should be abolished. Some members questioned whether political considerations were behind the decisions to reduce the civil service establishment, employ NCSC staff and resort to outsourcing, thereby affecting the pace of replacing NCSC positions by civil service posts. The Administration clarified that the employment of NCSC staff had not arisen from political consideration but the need to ensure prudent use of public funds. The number of additional civil servants and NCSC staff employed by B/Ds were determined on the basis of actual operational and service needs.

#### **Council questions**

22. Dr Hon PAN Pey-chyou asked a question on NCSC staff in respect of the conversion of NCSC positions to civil service posts, internal recruitment of NCSC staff to become civil servants and centralizing the recruitment of NCSC staff by CSB at the Council meeting on 22 June 2011. Dr PAN also raised questions pertaining to the employment of NCSC staff at the Council meetings on 6 January and 3 February 2010. The questions and respective Administration's replies are attached at **Appendix I** for members' reference.

### **Latest development**

23. Panel members remained concerned about the difficulty encountered by NCSC staff in securing civil service appointment and expressed concern about the employment arrangements applicable to NCSC staff. The Panel has agreed to further discuss the subject matter on 21 November 2011.

### **Relevant papers**

24. A list of relevant papers is set out in **Appendix II**.

Council Business Division 1  
Legislative Council Secretariat  
17 November 2011





Information and news

**LCQ4: Non-Civil Service Contract Staff**

Following is a question by the Dr Hon Pan Pey-chyou and an oral reply by the Secretary for the Civil Service, Miss Denise Yue, in the Legislative Council today (June 22):

**Question:**

Since the Government began to implement the Non-Civil Service Contract (NCSC) Staff Scheme in 1999, various bureaux and government departments (B/Ds) have employed additional staff on contract terms to meet their service needs which are short-term, time-limited, seasonal or subject to market fluctuations. At present, there are a total of about 16,000 full-time NCSC staff employed by various B/Ds. In this connection, will the Government inform this Council:

(a) of the total number of NCSC posts converted to civil service posts by various B/Ds in the past five years, the number of NCSC staff employed to take up these posts and converted to permanent establishment, as well as the average length of service of these staff before such conversion;

(b) given that quite a number of long-serving NCSC staff have been rejected when their posts were converted to civil service posts because they were not qualified to apply for such posts, whether the authorities can consider afresh establishing a flexible mechanism which allows NCSC staff to become civil servants through "internal recruitment" or enables NCSC staff with experience to remain in office, so as to avoid succession problems; if they will, of the details; if not, the reasons for that; and

(c) whether the Civil Service Bureau (CSB) will review the employment of NCSC staff by various B/Ds annually and cap the number of these staff in various B/Ds; if it will, when the relevant plan will be implemented; if not, of the reasons for that; given that various B/Ds have employed NCSC staff to carry out departmental administration and support duties with different remuneration packages, whether CSB will consider setting up "a central administration and support unit" with CSB conducting recruitment exercises centrally for the provision of temporary support services, such as administrative, clerical and information technology services, etc. for various B/Ds?

**Reply:**

President,

The NCSC Staff Scheme, introduced in 1999, aims at providing B/Ds with a flexible means of employment to meet service needs which do not require or are not appropriate to be delivered by civil servants, e.g. some service needs which are time-limited, seasonal, or

subject to market fluctuations; or require staff to work less than conditioned hours of civil servants; or require tapping the latest expertise in a particular area; or where the mode of delivery of some public services is under review or likely to be changed. NCSC staff are not permanent staff, while civil servants are employed on permanent terms to meet service needs which are long-term and should be delivered by civil servants. Therefore, the terms of employment and conditions of service of NCSC staff are entirely different from those of civil servants and it is inappropriate to compare the two. B/Ds may determine the employment package of their NCSC staff having regard to the job nature, the labour market and the administrative and operational considerations, provided that the terms offered are, overall speaking, no less favourable than those prescribed under the Employment Ordinance (Cap. 57) and no more favourable than those applicable to civil servants in comparable civil service ranks or with comparable levels of responsibilities.

After briefly explaining the NCSC Staff Scheme, I proceed to reply to different parts of the question.

With regard to the first part of the question, the Civil Service Bureau (CSB), jointly with B/Ds, conducted a special review on the employment situation of NCSC staff in 2006. The review had then identified 4,004 NCSC positions which involved work that should more appropriately be performed by civil servants and should be replaced by civil service posts gradually. As at end last year (i.e. December 31, 2010), about 3,470 of such positions had been phased out upon expiry of the employment contracts of the concerned NCSC staff and the recruitment of the replacement civil servants. For the remaining 530 NCSC positions, most of them will be gradually phased out upon expiry of the employment contracts of the concerned NCSC staff and the recruitment of the replacement civil servants within this year.

Moreover, after completion of the 2006 review, B/Ds have kept their employment of NCSC staff under review from time to time to determine whether there are any other NCSC positions that should be replaced by civil service posts. Since 2006, B/Ds had identified another 1,100 NCSC positions which involved work that should more appropriately be carried out by civil servants. About half of these positions had been replaced by civil service posts on or before September 30, 2010.

CSB does not have complete information on the number of NCSC staff employed as civil servants in the past five years. Based on our available record in the past three and a half years, i.e. from August 2007 to February 2011, applications were received from NCSC staff performing duties comparable to the civil service posts under recruitment in some recruitment exercises conducted. In these recruitment exercises, the number of successful candidates who accepted offers of appointment and reported duty totalled 9,774. Among them, 3,075 were former NCSC staff performing duties comparable to the civil service posts under recruitment. CSB does not have information on the average length of NCSC service of these former NCSC staff prior to their employment as civil servants.

Regarding the second part of the question, to put it simply, the Government's recruitment policy is fair competition and meritocracy. Generally speaking, B/Ds will select the most suitable persons to fill civil service vacancies through open recruitment process. We welcome NCSC staff to apply for civil service jobs they are interested in through open recruitment. Nevertheless, they must meet the academic qualifications, experience and other basic entry requirements which are set according to operational needs of the civil

service posts concerned. Since relevant working experience is one of the factors to be taken into account in B/Ds' assessment of job applicants, we consider that NCSC staff who meet the basic entry requirements of various civil service ranks should generally enjoy a competitive edge over other applicants because of their working experience in the Government.

B/Ds may conduct "in-service" recruitment where appropriate to select suitable persons from serving civil servants to fill a small number of civil service vacancies, e.g. where the required skills and experience render some civil service posts more appropriately to be taken up by serving civil servants. As NCSC staff are not civil servants, and that their situation and nature of employment are different from that of civil servants, "in-service" recruitment is not applicable to them.

Besides, all along the Government has a mechanism in place for succession planning of the civil service. The Government has also provided systematic training and development opportunities for civil servants so that they may have wider exposure and acquire the necessary knowledge and skills for discharging their duties and getting prepared for greater responsibilities. All B/Ds will continue to provide training to new recruits and serving civil servants at various ranks.

With regard to the third part of the question, to ensure the proper operation of the NCSC Staff Scheme, we introduced improvement measures in November 2006 for the engagement and management of NCSC staff to ensure that employment of NCSC staff by B/Ds fully complies with the ambit of the Scheme. These measures included setting a ceiling for the number of NCSC staff for each B/D in the light of specific operational needs, and requiring a B/D to seek approval from the CSB for the employment of NCSC staff over and above the prescribed ceiling.

In the recruitment of NCSC staff, having regard to the job nature of NCSC positions, B/Ds will flexibly set entry requirements, employment period, working hours, etc. to meet specific service needs. As such, the job contents and entry requirements for NCSC staff who provide temporary administrative, clerical or information technology services may vary. It will be more flexible and efficient and better cater for different situations and needs of various B/Ds if individual B/Ds employ their NCSC staff and determine the terms and conditions of employment for their staff according to the criteria I just mentioned in paragraph one above. In this connection, the proposal to set up a "central administration and support unit" and centralise the recruitment of NCSC staff whose employment is temporary in nature is not practical.

Thank you, President.

Wednesday, June 22, 2011

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Last Revision Date : 22 June 2011



## Information and news

### **LCQ7: Part-time Non-Civil Service Contract staff**

Following is a question by the Dr Hon Pan Pey-Chyou and a written reply by the Secretary for the Civil Service, Miss Denise Yue, in the Legislative Council today (February 3):

#### **Question:**

Some organisations have relayed to me earlier that the Government currently employs a group of staff who work for less than 18 hours per week, and their terms of employment in the aspects of salary, benefits, holidays and number of working days, etc. are worse than those for non-civil service contract staff. Regarding the terms of employment of the aforesaid staff, will the Government inform this Council:

- (a) of the current number of the aforesaid staff employed by the Government, with a breakdown by government department and post;
- (b) among the staff mentioned in paragraph (a):
  - (i) of the number of those continuously employed on contract terms, with a breakdown by year of continuous service (i.e. less than one year, and groups of three years each thereafter up to seven years or above); and
  - (ii) of the number of those employed on an hourly rate basis, with a breakdown by hourly rate (i.e. less than \$18, and groups of five dollars each thereafter up to \$33 or above); and
- (c) whether the Government has, apart from the Mandatory Provident Fund Scheme, provided any employee benefit to the aforesaid staff at present; if it has, of the details; if not, the reasons for that?

#### **Reply:**

President,

At present, as civil servants are subject to conditioned hours of work, Permanent Secretaries and Heads of Departments (hereafter shortened as 'HoDs') may employ part-time staff under the Non-Civil Service Contract (NCSC) Staff Scheme to attend to irregular or ad-hoc service needs which can be met by engaging staff working for less than the conditioned hours of work (including those working for less than 18 hours per week). Such an arrangement allows more flexibility in the operation of bureaux/departments (B/Ds) and enables them to respond more promptly to changing service needs.

B/Ds currently employ NCSC staff who work for less than 18 hours per week (hereafter

shortened as 'part-time NCSC staff') mainly to meet service needs which entail irregular work pattern and/or work hours. While part-time NCSC staff are employed under a "fixed term contract", B/Ds will only call upon their services as and when the need arises.

NCSC staff are employed with an all-inclusive pay package which does not offer any fringe benefits. HoDs may determine the employment package for their NCSC staff having regard to the job nature, condition of the employment market, as well as their management and operational considerations. The terms and conditions of service for NCSC staff are overall speaking no less favourable than those provided for under the Employment Ordinance (EO) (Cap.57) and no more favourable than those applicable to civil servants in comparable civil service ranks or with comparable levels of responsibilities where they exist.

With the above brief explanation on the situation of part-time NCSC staff, my reply to the specific questions is set out below:

(a) As at December 31, 2009, there were a total of 7,550 part-time NCSC staff who had contractual relationship with various B/Ds. The breakdown of these staff by B/Ds is at Annex. The Civil Service Bureau does not keep statistics of these staff positions.

The majority of these staff (6,271 or around 83%) were employed by the Leisure and Cultural Services Department to provide services to the public at the cultural and leisure venues. They were mostly part-time instructors/coaches for recreational and sports courses, ushers at cultural venues and camp counsellors overseeing the conduct of activities at camp sites.

(b)(i) As explained at the beginning of my reply, part-time NCSC staff are engaged mainly to meet service needs which entail irregular work pattern and/or work hours. During the contract period, they will be called upon only when service needs arise and B/Ds will liaise and agree with them on the number of working hours required for the concerned services. Thus, the services provided by part-time NCSC staff are not continuous in nature.

(ii) As at December 31, 2009, the average hourly rate of all part-time NCSC staff who had contractual relationship with B/Ds was \$33 or above.

(c) Currently, all employees covered by the EO, irrespective of their period of employment and number of working hours per week, are entitled to certain employees' rights and benefits such as payment of wages, restriction on deductions from wages, statutory holidays, protection against unreasonable and unlawful dismissal, etc. While the EO is not binding on the Government, as explained at the beginning of my reply, the Government, as a good employer, adheres to the guiding principle that the terms of employment of NCSC staff are overall speaking no less favourable than those provided for under the EO.

Also, Government employees, including NCSC staff, irrespective of their period of employment and number of working hours per week, are covered by the Employees' Compensation Ordinance (Cap.282). Part-time NCSC staff are thus already protected by the relevant laws, including provisions in relation to paid sick leave for injury on duty and compensation for death caused by accident arising out of and in the course of the employment.

Wednesday, February 3, 2010

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Last Revision Date : 03 February 2010



#### Information and news

#### **LCQ12: Protection for Non-Civil Service Contract staff injured or died while on duty**

Following is a question by Dr Hon Pan Pey-Chyou and a written reply by the Secretary for the Civil Service, Miss Denise Yue, in the Legislative Council today (January 6):

#### **Question:**

A staff member who had been employed on non-civil service contract (NCSC) and worked for Radio Television Hong Kong for 21 years earlier died at work due to cerebral hemorrhages but the Government adamantly refused to grant death gratuity to his dependents on grounds that the employee was not a civil servant, and eventually only long service payment and mandatory provident fund (MPF) were granted. I have learnt that the incident has aroused public concern about the support for NCSC staff and their families. In this connection, will the Government inform this Council:

- (a) of the current number of NCSC staff employed by the Government, with a breakdown by department and grade;
- (b) of the respective numbers of staff continuously employed at present by the Government on NCSC and other forms of contract, with a breakdown by year of continuous service (i.e. those below five years, and groups of five years each thereafter to 20 years and above);
- (c) of the respective numbers of cases reported to the Commissioner for Labour in the past five years which involved NCSC staff sustaining injuries at work and those in which such employees died at work; and
- (d) apart from granting long service payments and MPF to the dependents of those NCSC staff who died at work, whether the Government at present provides any substantive support to the dependents or NCSC staff who sustained injuries at work; if so, how such support compares with that provided to civil servants and their dependents?

#### **Reply:**

President,

The Non-Civil Service Contract (NCSC) Staff Scheme, introduced in 1999, aims at providing Permanent Secretaries and Heads of Departments (hereafter shortened as 'HoDs') with a flexible means of employment to respond more promptly to changing operational and service needs of Bureaux/Departments (B/Ds) which may be time-limited, seasonal, or subject to market fluctuations; or which require staff to work less than conditioned hours; or which require tapping the latest expertise in a given area in the

market; or where the mode of delivery of the service is under review or likely to be changed.

NCSC staff are employed on a fixed term contract basis with an all-inclusive pay package which does not offer any fringe benefits. HoDs may determine the employment package of their NCSC staff having regard to the job nature, condition of the employment market, as well as their management and operational considerations. The terms and conditions of service for NCSC staff are overall speaking no less favourable than those provided for under the Employment Ordinance (EO) (Cap. 57) and no more favourable than those applicable to civil servants in comparable civil service ranks or with comparable levels of responsibilities where they exist.

Moreover, Government employees, including NCSC staff, are covered by the Employees' Compensation Ordinance (ECO) (Cap. 282). They are thus already protected by the relevant laws, including provisions in relation to paid sick leave for injury on duty and compensation for death caused by accident arising out of and in the course of the employment.

Given the nature of the NCSC Scheme, the Civil Service Bureau (CSB) only collects general information (such as the number of NCSC staff employed, the monthly salary range and the duration of contracts) twice a year from B/Ds.

With the above brief explanation on the NCSC Staff Scheme, my reply to the specific questions is set out below:

(a) Having regard to the scope of the NCSC Staff Scheme, the number of NCSC staff employed by B/Ds varies from time to time in the light of changing service and operational requirements. As at June 30, 2009, there were 16,186 full-time(Note 1) NCSC staff employed by B/Ds. A breakdown of these full-time NCSC staff by B/Ds is at Annex. There is no classification of NCSC staff by "grades" as such since they are employed outside the civil service establishment. We are therefore unable to provide a breakdown of the number of NCSC staff by grades.

(b) As at June 30, 2009, the majority (12,091 or about 75%) of the 16,186 full-time NCSC staff had continuous service(Note 2) of less than five years. Of the remaining NCSC staff, 3,551 had continuous service of five years or more to less than 10 years, and 554 had 10 years or more. The CSB does not keep information on the breakdown by other years of continuous service as mentioned in part (b) of the question. Neither do we have the information on the years of continuous service of staff employed on other forms of contract.

(c) The respective numbers of cases reported to the Commissioner for Labour in the past five financial years which involved full-time NCSC staff sustaining injuries at work are as follows:

Financial year	Number of cases involving full-time NCSC staff sustaining injuries at work
2004-05	343
2005-06	350
2006-07	424
2007-08	344



In the past five financial years, no NCSC staff died arising out of and in the course of the employment.

(d) As civil servants and NCSC staff have their distinctive nature of appointment, it is inappropriate to compare the employment terms and conditions of service of civil servants with those of NCSC staff.

As far as the arrangements for staff who sustain injuries or die on duty are concerned, Government employees, including NCSC staff, are covered by the ECO, NCSC staff are thus already protected by the relevant laws. Generally speaking, Government employees (be they civil servants or NCSC staff) who sustain injuries on duty are entitled to paid sick leave for a maximum period of 24 months. Free medical services by the Government or Hospital Authority will also be provided. If the staff opts for medical treatment by registered Chinese medicine practitioners, he may apply to the Government for reimbursement of the fees subject to the maximum amount as provided for under the ECO.

As for compensation for staff who die as a result of injuries while on duty, the dependants of an NCSC staff are entitled to statutory compensation under the ECO and the staff's accrued mandatory provident fund (MPF) benefits. For a civil servant appointed under the new terms on or after June 1, 2000, on top of the statutory compensation under the ECO and his accrued MPF/civil service provident fund benefits, a death payment of 36 months' final salary will be payable to his dependants if he dies arising out of and in the course of the employment.

Note 1: "Full-time" means the employment is on a "continuous contract" under the definition of the EO. According to the EO, an employee who works continuously for the same employer for four weeks or more, with at least 18 hours in each week, is regarded as working under a continuous contract.

Note 2: "Continuous service" includes service in the same NCSC position, as well as service in different NCSC positions in the same department but without a break in service.

Wednesday, January 6, 2010

## Appendix II

### Employment of non-civil service contract staff

#### List of relevant papers

Date of meeting of Panel on Public Service	Minutes/ Paper	LC Paper No.
18.1.1999	<p>Administration's paper on "Employment of NCSC Staff"</p> <p>Minutes of meeting</p>	<p>CB(2)924/98-99</p> <p><a href="http://www.legco.gov.hk/yr98-99/english/panels/ps/papers/ps1801_5.htm">http://www.legco.gov.hk/yr98-99/english/panels/ps/papers/ps1801_5.htm</a></p> <p>CB(2)1466/98-99</p> <p><a href="http://www.legco.gov.hk/yr98-99/english/panels/ps/minutes/ps180199.htm">http://www.legco.gov.hk/yr98-99/english/panels/ps/minutes/ps180199.htm</a></p>
18.3.2002	<p>Administration's paper on "Civil Service-relating issues featuring in the 2002-03 Budget"</p> <p>Supplementary information provided by the Administration</p> <p>Minutes of meeting</p>	<p>CB(1)1284/01-02(03)</p> <p><a href="http://www.legco.gov.hk/yr01-02/english/panels/ps/papers/ps0318cb1-1284-3e.pdf">http://www.legco.gov.hk/yr01-02/english/panels/ps/papers/ps0318cb1-1284-3e.pdf</a></p> <p>CB(1)1474/01-02</p> <p><a href="http://www.legco.gov.hk/yr01-02/english/panels/ps/papers/ps0318cb1-1474-e.pdf">http://www.legco.gov.hk/yr01-02/english/panels/ps/papers/ps0318cb1-1474-e.pdf</a></p> <p>CB(1)1445/01-02</p> <p><a href="http://www.legco.gov.hk/yr01-02/english/panels/ps/minutes/ps020318.pdf">http://www.legco.gov.hk/yr01-02/english/panels/ps/minutes/ps020318.pdf</a></p>

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19.4.2004	<p>Administration's paper on "Employment of NCSC Staff"</p> <p>Administration's paper on "Employment of NCSC Staff"</p> <p>Administration's paper on "Employment of NCSC Staff"</p> <p>Administration's paper on "Employment of NCSC Staff"</p> <p>Administration's paper on "Employment of NCSC Staff"</p> <p>Minutes of meeting</p>	<p>CB(1)1505/03-04(04)</p> <p><a href="http://www.legco.gov.hk/yr03-04/english/panels/ps/papers/ps0419cb1-1505-4e.pdf">http://www.legco.gov.hk/yr03-04/english/panels/ps/papers/ps0419cb1-1505-4e.pdf</a></p> <p>CB(1)1568/03-04(02)</p> <p><a href="http://www.legco.gov.hk/yr03-04/english/panels/ps/papers/ps0419cb1-1568-2e.pdf">http://www.legco.gov.hk/yr03-04/english/panels/ps/papers/ps0419cb1-1568-2e.pdf</a></p> <p>CB(1)1813/03-04(01)</p> <p><a href="http://www.legco.gov.hk/yr03-04/english/panels/ps/papers/ps0419cb1-1813-1e.pdf">http://www.legco.gov.hk/yr03-04/english/panels/ps/papers/ps0419cb1-1813-1e.pdf</a></p> <p>CB(1)2346/03-04(01)</p> <p><a href="http://www.legco.gov.hk/yr03-04/english/panels/ps/papers/pscb1-2346-1e.pdf">http://www.legco.gov.hk/yr03-04/english/panels/ps/papers/pscb1-2346-1e.pdf</a></p> <p>CB(1)93/04-05(01)</p> <p><a href="http://www.legco.gov.hk/yr03-04/english/panels/ps/papers/ps0419cb1-93-1e.pdf">http://www.legco.gov.hk/yr03-04/english/panels/ps/papers/ps0419cb1-93-1e.pdf</a></p> <p>CB(1)1787/03-04</p> <p><a href="http://www.legco.gov.hk/yr03-04/english/panels/ps/minutes/ps040419.pdf">http://www.legco.gov.hk/yr03-04/english/panels/ps/minutes/ps040419.pdf</a></p>
17.1.2005	Administration's paper on "Policy Initiatives of the Civil Service Bureau"	<p>CB(1)684/04-05(03)</p> <p><a href="http://www.legco.gov.hk/yr04-05/english/panels/ps/papers/ps0117cb1-684-3e.pdf">http://www.legco.gov.hk/yr04-05/english/panels/ps/papers/ps0117cb1-684-3e.pdf</a></p>

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	Minutes of meeting	CB(1)901/04-05  <a href="http://www.legco.gov.hk/yr04-05/english/panels/ps/minutes/ps050117.pdf">http://www.legco.gov.hk/yr04-05/english/panels/ps/minutes/ps050117.pdf</a>
18.4.2005	Administration's paper on "Employment of NCSC Staff"  The Administration's response to the motion passed at the Panel meeting  Minutes of meeting  Administration's paper on "Employment of NCSC Staff"	CB(1)1248/04-05(03)  <a href="http://www.legco.gov.hk/yr04-05/english/panels/ps/papers/ps0418cb1-1248-3e.pdf">http://www.legco.gov.hk/yr04-05/english/panels/ps/papers/ps0418cb1-1248-3e.pdf</a>  CB(1)1976/04-05(01)  <a href="http://www.legco.gov.hk/yr04-05/english/panels/ps/papers/ps0418cb1-1976-1e.pdf">http://www.legco.gov.hk/yr04-05/english/panels/ps/papers/ps0418cb1-1976-1e.pdf</a>  CB(1)1521/04-05  <a href="http://www.legco.gov.hk/yr04-05/english/panels/ps/minutes/ps050418.pdf">http://www.legco.gov.hk/yr04-05/english/panels/ps/minutes/ps050418.pdf</a>  CB(1)2316/04-05(01)  <a href="http://www.legco.gov.hk/yr04-05/english/panels/ps/papers/ps0418cb1-2316-1e.pdf">http://www.legco.gov.hk/yr04-05/english/panels/ps/papers/ps0418cb1-2316-1e.pdf</a>
20.3.2006	Administration's paper on "Employment of NCSC Staff"  Minutes of meeting	CB(1)1067/05-06(03)  <a href="http://www.legco.gov.hk/yr05-06/english/panels/ps/papers/ps0320cb1-1067-3e.pdf">http://www.legco.gov.hk/yr05-06/english/panels/ps/papers/ps0320cb1-1067-3e.pdf</a>  CB(1)1745/05-06  <a href="http://www.legco.gov.hk/yr05-06/english/panels/ps/minutes/ps060320.pdf">http://www.legco.gov.hk/yr05-06/english/panels/ps/minutes/ps060320.pdf</a>

<b>Date of meeting of Panel on Public Service</b>	<b>Minutes/ Paper</b>	<b>LC Paper No.</b>
18.12.2006	Administration's paper on "Review of Employment Situation of NCSC Staff"  Minutes of meeting	CB(1)471/06-07(03)  <a href="http://www.legco.gov.hk/yr06-07/english/panels/ps/papers/ps1218cb1-471-3-e.pdf">http://www.legco.gov.hk/yr06-07/english/panels/ps/papers/ps1218cb1-471-3-e.pdf</a>  CB(1)621/06-07  <a href="http://www.legco.gov.hk/yr06-07/english/panels/ps/minutes/ps061218.pdf">http://www.legco.gov.hk/yr06-07/english/panels/ps/minutes/ps061218.pdf</a>
15.1.2007	Administration's paper on "Follow-up on Review of Employment Situation of NCSC Staff"  Minutes of meeting	CB(1)623/06-07(03)  <a href="http://www.legco.gov.hk/yr06-07/english/panels/ps/papers/ps0115cb1-623-3-e.pdf">http://www.legco.gov.hk/yr06-07/english/panels/ps/papers/ps0115cb1-623-3-e.pdf</a>  CB(1)876/06-07  <a href="http://www.legco.gov.hk/yr06-07/english/panels/ps/minutes/ps070115.pdf">http://www.legco.gov.hk/yr06-07/english/panels/ps/minutes/ps070115.pdf</a>
8.2.2007	Administration's paper on "Follow-up on Review of Employment Situation of NCSC Staff"  Minutes of meeting	CB(1)843/06-07(03)  <a href="http://www.legco.gov.hk/yr06-07/english/panels/ps/papers/ps0208cb1-843-3-e.pdf">http://www.legco.gov.hk/yr06-07/english/panels/ps/papers/ps0208cb1-843-3-e.pdf</a>  CB(1)1245/06-07  <a href="http://www.legco.gov.hk/yr06-07/english/panels/ps/minutes/ps070208.pdf">http://www.legco.gov.hk/yr06-07/english/panels/ps/minutes/ps070208.pdf</a>

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15.3.2007	<p>Administration's paper on "Follow-up on Review of Employment Situation of NCSC Staff"</p> <p>Administration's paper responding to the motion on "Employment Situation of NCSC Staff"</p> <p>Minutes of meeting</p>	<p>CB(1)1108/06-07(01)</p> <p><a href="http://www.legco.gov.hk/yr06-07/english/panels/ps/papers/ps0208cb1-1108-1-e.pdf">http://www.legco.gov.hk/yr06-07/english/panels/ps/papers/ps0208cb1-1108-1-e.pdf</a></p> <p>CB(1)1321/06-07(01)</p> <p><a href="http://www.legco.gov.hk/yr06-07/english/panels/ps/papers/ps0315cb1-1321-1-e.pdf">http://www.legco.gov.hk/yr06-07/english/panels/ps/papers/ps0315cb1-1321-1-e.pdf</a></p> <p>CB(1)1322/06-07</p> <p><a href="http://www.legco.gov.hk/yr06-07/english/panels/ps/minutes/ps070315.pdf">http://www.legco.gov.hk/yr06-07/english/panels/ps/minutes/ps070315.pdf</a></p>
17.12.2007	<p>Administration's paper on "Employment of NCSC Staff"</p> <p>Administration's paper on "Employment of NCSC Staff"</p> <p>Administration's paper on "Employment of NCSC Staff"</p> <p>Minutes of meeting</p>	<p>CB(1)377/07-08(03)</p> <p><a href="http://www.legco.gov.hk/yr07-08/english/panels/ps/papers/ps1217cb1-377-3-e.pdf">http://www.legco.gov.hk/yr07-08/english/panels/ps/papers/ps1217cb1-377-3-e.pdf</a></p> <p>CB(1)597/07-08(01)</p> <p><a href="http://www.legco.gov.hk/yr07-08/english/panels/ps/papers/ps1217cb1-597-1-e.pdf">http://www.legco.gov.hk/yr07-08/english/panels/ps/papers/ps1217cb1-597-1-e.pdf</a></p> <p>CB(1)794/07-08(01)</p> <p><a href="http://www.legco.gov.hk/yr07-08/english/panels/ps/papers/ps1217cb1-794-1-e.pdf">http://www.legco.gov.hk/yr07-08/english/panels/ps/papers/ps1217cb1-794-1-e.pdf</a></p> <p>CB(1)565/07-08</p> <p><a href="http://www.legco.gov.hk/yr07-08/english/panels/ps/minutes/ps071217.pdf">http://www.legco.gov.hk/yr07-08/english/panels/ps/minutes/ps071217.pdf</a></p>

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11.3.2008	<p>Administration's paper responding to the motion on the employment opportunities for NCSC staff</p> <p>Minutes of meeting</p>	<p>CB(1)1262/07-08(01)</p> <p><a href="http://www.legco.gov.hk/yr07-08/english/panels/ps/papers/ps0311cb1-1262-1-e.pdf">http://www.legco.gov.hk/yr07-08/english/panels/ps/papers/ps0311cb1-1262-1-e.pdf</a></p> <p>CB(1)1239/07-08</p> <p><a href="http://www.legco.gov.hk/yr07-08/english/panels/ps/minutes/ps080311.pdf">http://www.legco.gov.hk/yr07-08/english/panels/ps/minutes/ps080311.pdf</a></p>
16.2.2009	<p>Administration's paper on "Employment of NCSC Staff"</p> <p>Submission on employment of NCSC staff (Chinese version only)</p> <p>Paper on "Employment of NCSC Staff" prepared by the Legislative Council Secretariat (Background brief)</p> <p>Hon LEE Cheuk-yan's questions on employment of NCSC staff (Chinese version only)</p>	<p>CB(1) 747/08-09(06)</p> <p><a href="http://www.legco.gov.hk/yr08-09/english/panels/ps/papers/ps0216cb1-747-6-e.pdf">http://www.legco.gov.hk/yr08-09/english/panels/ps/papers/ps0216cb1-747-6-e.pdf</a></p> <p>CB(1)781/08-09(03)</p> <p><a href="http://www.legco.gov.hk/yr08-09/chinese/panels/ps/papers/ps0216cb1-781-3-c.pdf">http://www.legco.gov.hk/yr08-09/chinese/panels/ps/papers/ps0216cb1-781-3-c.pdf</a></p> <p>CB(1)748/08-09</p> <p><a href="http://www.legco.gov.hk/yr08-09/english/panels/ps/papers/ps0216cb1-748-e.pdf">http://www.legco.gov.hk/yr08-09/english/panels/ps/papers/ps0216cb1-748-e.pdf</a></p> <p>CB(1)815/08-09(01)</p> <p><a href="http://www.legco.gov.hk/yr08-09/chinese/panels/ps/papers/ps0216cb1-815-1-c.pdf">http://www.legco.gov.hk/yr08-09/chinese/panels/ps/papers/ps0216cb1-815-1-c.pdf</a></p>

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	<p>The Administration's reply to Hon LEE Cheuk-yan's questions</p> <p>Minutes of meeting</p> <p>Administration's paper on "Employment of NCSC Staff"</p>	<p>CB(1)815/08-09(02)</p> <p><a href="http://www.legco.gov.hk/yr08-09/english/panels/ps/papers/ps0216cb1-815-2-e.pdf">http://www.legco.gov.hk/yr08-09/english/panels/ps/papers/ps0216cb1-815-2-e.pdf</a></p> <p>CB(1)1647/08-09</p> <p><a href="http://www.legco.gov.hk/yr08-09/english/panels/ps/minutes/ps20090216.pdf">http://www.legco.gov.hk/yr08-09/english/panels/ps/minutes/ps20090216.pdf</a></p> <p>CB(1)2235/08-09(01)</p> <p><a href="http://www.legco.gov.hk/yr08-09/english/panels/ps/papers/pscb1-2235-1-e.pdf">http://www.legco.gov.hk/yr08-09/english/panels/ps/papers/pscb1-2235-1-e.pdf</a></p>
21.12.2009	<p>Administration's paper on "Employment of NCSC Staff"</p> <p>Paper on "Employment of non-civil service contract staff" prepared by the Legislative Council Secretariat (updated background brief)</p>	<p>CB(1)597/09-10(03)</p> <p><a href="http://www.legco.gov.hk/yr09-10/english/panels/ps/papers/ps1221cb1-597-3-e.pdf">http://www.legco.gov.hk/yr09-10/english/panels/ps/papers/ps1221cb1-597-3-e.pdf</a></p> <p>CB(1)674/09-10</p> <p><a href="http://www.legco.gov.hk/yr09-10/english/panels/ps/papers/ps1221cb1-674-e.pdf">http://www.legco.gov.hk/yr09-10/english/panels/ps/papers/ps1221cb1-674-e.pdf</a></p>



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	<p>Submission from Hong Kong Civil Servants General Union (Chinese version only)</p> <p>Submission from Government Employees Association (Chinese version only)</p> <p>Submission from Hong Kong Leisure Services Staff General Union (Chinese version only)</p> <p>Submission from Rights Association of Hongkong Post Contract Staff (Chinese version only)</p> <p>Submission from the Civil Servants &amp; Subsidized Organizations Committee of The Federation of Hong Kong &amp; Kowloon Labour Unions (Chinese version only)</p>	<p>CB(1)661/09-10(01)</p> <p><a href="http://www.legco.gov.hk/yr09-10/chinese/panels/ps/papers/ps1221cb1-661-1-c.pdf">http://www.legco.gov.hk/yr09-10/chinese/panels/ps/papers/ps1221cb1-661-1-c.pdf</a></p> <p>CB(1)727/09-10(01)</p> <p><a href="http://www.legco.gov.hk/yr09-10/chinese/panels/ps/papers/ps1221cb1-727-1-c.pdf">http://www.legco.gov.hk/yr09-10/chinese/panels/ps/papers/ps1221cb1-727-1-c.pdf</a></p> <p>CB(1)612/09-10(01)</p> <p><a href="http://www.legco.gov.hk/yr09-10/chinese/panels/ps/papers/ps1221cb1-612-1-c.pdf">http://www.legco.gov.hk/yr09-10/chinese/panels/ps/papers/ps1221cb1-612-1-c.pdf</a></p> <p>CB(1)682/09-10(01)</p> <p><a href="http://www.legco.gov.hk/yr09-10/chinese/panels/ps/papers/ps1221cb1-682-1-c.pdf">http://www.legco.gov.hk/yr09-10/chinese/panels/ps/papers/ps1221cb1-682-1-c.pdf</a></p> <p>CB(1)597/09-10(04)</p> <p><a href="http://www.legco.gov.hk/yr09-10/chinese/panels/ps/papers/ps1221cb1-597-4-c.pdf">http://www.legco.gov.hk/yr09-10/chinese/panels/ps/papers/ps1221cb1-597-4-c.pdf</a></p>

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	<p>Submission from屋宇署合約僱員代表 (Chinese version only)</p> <p>Minutes of meeting</p>	<p>CB(1)727/09-10(02)</p> <p><a href="http://www.legco.gov.hk/yr09-10/chinese/panels/ps/papers/ps1221cb1-727-2-c.pdf">http://www.legco.gov.hk/yr09-10/chinese/panels/ps/papers/ps1221cb1-727-2-c.pdf</a></p> <p>CB(1)1329/09-10</p> <p><a href="http://www.legco.gov.hk/yr09-10/english/panels/ps/minutes/ps20091221.pdf">http://www.legco.gov.hk/yr09-10/english/panels/ps/minutes/ps20091221.pdf</a></p>
15.11.2010	<p>Administration's paper on employment situation of non-civil service contract staff</p> <p>Paper on "Employment situation of non-civil service contract staff" prepared by the Legislative Council Secretariat (Updated background brief)</p> <p>Administration's response to the HKSAR Government Employees General Union's submission on Employment of non-civil service contract staff (Chinese version only)</p>	<p>CB(1)338/10-11(03)</p> <p><a href="http://www.legco.gov.hk/yr10-11/english/panels/ps/papers/ps1115cb1-338-3-e.pdf">http://www.legco.gov.hk/yr10-11/english/panels/ps/papers/ps1115cb1-338-3-e.pdf</a></p> <p>CB(1)379/10-11</p> <p><a href="http://www.legco.gov.hk/yr10-11/english/panels/ps/papers/ps1115cb1-379-e.pdf">http://www.legco.gov.hk/yr10-11/english/panels/ps/papers/ps1115cb1-379-e.pdf</a></p> <p>CB(1)2140/10-11(01)</p> <p><a href="http://www.legco.gov.hk/yr10-11/chinese/panels/ps/papers/ps1115cb1-2140-1-c.pdf">http://www.legco.gov.hk/yr10-11/chinese/panels/ps/papers/ps1115cb1-2140-1-c.pdf</a></p>

<b>Date of meeting of Panel on Public Service</b>	<b>Minutes/ Paper</b>	<b>LC Paper No.</b>
	Administration's supplementary information paper on "Employment of non-civil service contract (NCSC) staff"	CB(1)3004/10-11(01)  <a href="http://www.legco.gov.hk/yr10-11/english/panels/ps/papers/ps1115cb1-3004-1-e.pdf">http://www.legco.gov.hk/yr10-11/english/panels/ps/papers/ps1115cb1-3004-1-e.pdf</a>

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