

For Information

**Legislative Council Panel on Public Service
Follow-up to the Meeting on 21 November 2016**

This paper provides information in response to follow-up actions raised at the meeting of the Legislative Council Panel on Public Service on 21 November 2016.

Non-civil service contract staff

2. The Government was requested to provide the following information as at 30 June 2016 –

- (a) a breakdown of full-time non-civil service contract (“NCSC”) staff employed by Bureaux/Departments (B/Ds) by length of continuous service;
- (b) a breakdown of full-time NCSC staff employed by B/Ds by salary range;
- (c) percentage of full-time NCSC staff over the civil service establishment by B/Ds; and
- (d) a breakdown of full-time NCSC staff employed by the Education Bureau in government schools by reasons of employment.

The relevant information is set out at **Annexes A to D**.

Overview of the responsibilities and objectives of the Civil Service Bureau (“CSB”)

3. At the meeting, the Government was requested to provide the following information –

- (a) statistics of complaints lodged by whistleblowers to Bureaux/Departments (“B/Ds”) and CSB respectively for the past two years;

(b) a breakdown by the punishments imposed on civil servants after completion of disciplinary proceedings for the past five years; and

(c) guidelines relating to maintaining the political neutrality of civil servants as available on CSB's website.

4. Regarding paragraph 3(a) above, a breakdown by nature of complaints received by CSB internally (i.e. from government employees, ex-government employees and staff unions) in 2014 and 2015 is at **Annex E**. CSB does not have the statistics of complaints raised internally in other B/Ds and is therefore not able to provide any information in this regard.

5. With respect to paragraph 3(b) above, a breakdown by the punishments imposed on civil servants after completion of disciplinary proceedings for the past five years (from 2011/12 to 2015/16) is at **Annex F**.

6. As regards paragraph 3(c) above, paragraphs 3.7 to 3.10 of the Civil Service Code provide guidelines on political neutrality of civil servants, which are extracted at **Annex G**.

Civil Service Bureau
April 2017

Breakdown of full-time NCSC staff by length of continuous service ^{Note}

(Position as at 30 June 2016)

Bureau/Department/Office	Number of NCSC staff			Total
	with less than three years of continuous service	with three years to less than five years of continuous service	with five years or more of continuous service	
Agriculture, Fisheries and Conservation Department	136	36	39	211
Architectural Services Department	40	2	0	42
Buildings Department	91	64	67	222
Census and Statistics Department	300	9	3	312
Chief Executive's Office	3	1	2	6
Chief Secretary and Financial Secretary's Offices	21	8	7	36
Civil Aviation Department	8	2	6	16
Civil Engineering and Development Department	29	10	16	55
Civil Service Bureau	1	0	0	1
Commerce and Economic Development Bureau	14	7	12	33
Companies Registry	46	11	8	65
Constitutional and Mainland Affairs Bureau	2	0	1	3
Correctional Services Department	6	0	0	6
Customs and Excise Department	2	5	0	7
Department of Health	105	51	357	513
Department of Justice	44	8	5	57
Development Bureau	25	15	7	47
Drainage Services Department	73	9	12	94
Education Bureau	802	161	194	1 157
Efficiency Unit	258	36	134	428
Electrical and Mechanical Services Department	42	155	587	784
Environment Bureau	0	2	1	3
Environmental Protection Department	66	6	8	80
Financial Services and the Treasury Bureau	38	25	20	83
Fire Services Department	11	2	8	21
Food and Environmental Hygiene Department	133	21	87	241
Food and Health Bureau	8	2	3	13
Government Flying Service	5	0	4	9
Government Laboratory	5	4	5	14
Government Logistics Department	22	7	11	40
Government Property Agency	4	0	0	4
Highways Department	61	8	2	71
Home Affairs Bureau	41	9	9	59
Home Affairs Department	321	57	64	442
Hong Kong Observatory	16	3	0	19
Hong Kong Police Force	42	7	1	50
Hongkong Post	565	200	1 111	1 876
Immigration Department	5	2	25	32
Information Services Department	13	2	7	22
Inland Revenue Department	238	5	15	258
Innovation and Technology Commission	13	4	15	32
Intellectual Property Department	4	5	3	12

Bureau/Department/Office	Number of NCSC staff			Total
	with less than three years of continuous service	with three years to less than five years of continuous service	with five years or more of continuous service	
Invest Hong Kong	9	8	41	58
Judiciary	51	7	31	89
Labour and Welfare Bureau	18	5	3	26
Labour Department	30	30	59	119
Land Registry	27	12	59	98
Lands Department	158	27	5	190
Legal Aid Department	5	1	1	7
Leisure and Cultural Services Department	1 023	47	377	1 447
Marine Department	22	2	3	27
Office of the Communications Authority	55	17	51	123
Office of the Government Chief Information Officer	5	6	4	15
Official Receiver's Office	25	3	7	35
Planning Department	23	7	8	38
Radio Television Hong Kong	125	38	75	238
Rating and Valuation Department	25	2	12	39
Registration and Electoral Office	929	5	15	949
Security Bureau	12	3	6	21
Social Welfare Department	95	14	19	128
Trade and Industry Department	21	13	24	58
Transport and Housing Bureau	7	0	0	7
Transport Department	18	11	26	55
Treasury	15	3	3	21
University Grants Committee Secretariat	6	3	7	16
Water Supplies Department	36	7	46	89
Working Family and Student Financial Assistance Agency	396	12	146	554
Total	6 795	1 244	3 884	11 923

Note: "Continuous service", as used in this Annex, refers to employment in the same NCSC position, as well as employment in different NCSC positions of the same department but without a break in service.

Breakdown of full-time NCSC staff by salary range

(Position as at 30 June 2016)

Bureau/Department/Office	Number of NCSC staff with monthly salary				Total
	below \$8,000*	\$8,000 - \$15,999	\$16,000 - \$29,999	\$30,000 or above	
Agriculture, Fisheries and Conservation Department	0	163	12	36	211
Architectural Services Department	0	0	2	40	42
Buildings Department	0	76	103	43	222
Census and Statistics Department	0	127	167	18	312
Chief Executive's Office	0	2	1	3	6
Chief Secretary and Financial Secretary's Offices	0	4	4	28	36
Civil Aviation Department	0	0	0	16	16
Civil Engineering and Development Department	0	13	17	25	55
Civil Service Bureau	0	0	0	1	1
Commerce and Economic Development Bureau	0	5	5	23	33
Companies Registry	0	27	36	2	65
Constitutional and Mainland Affairs Bureau	0	0	2	1	3
Correctional Services Department	0	0	0	6	6
Customs and Excise Department	0	0	7	0	7
Department of Health	0	362	73	78	513
Department of Justice	0	24	0	33	57
Development Bureau	0	5	10	32	47
Drainage Services Department	0	21	36	37	94
Education Bureau	0	947	76	134	1 157
Efficiency Unit	0	235	154	39	428
Electrical and Mechanical Services Department	0	117	479	188	784
Environment Bureau	0	0	2	1	3
Environmental Protection Department	0	23	25	32	80
Financial Services and the Treasury Bureau	0	6	40	37	83
Fire Services Department	0	0	2	19	21
Food and Environmental Hygiene Department	0	90	136	15	241
Food and Health Bureau	0	2	4	7	13
Government Flying Service	0	0	1	8	9
Government Laboratory	0	8	4	2	14
Government Logistics Department	3	31	5	1	40
Government Property Agency	0	0	2	2	4
Highways Department	0	9	11	51	71
Home Affairs Bureau	0	1	44	14	59
Home Affairs Department	0	189	205	48	442
Hong Kong Observatory	0	0	10	9	19
Hong Kong Police Force	0	40	6	4	50
Hongkong Post	554	1 248	26	48	1 876
Immigration Department	0	20	2	10	32
Information Services Department	0	0	2	20	22
Inland Revenue Department	0	239	19	0	258
Innovation and Technology Commission	0	1	3	28	32
Intellectual Property Department	0	0	7	5	12
Invest Hong Kong	0	1	8	49	58
Judiciary	0	49	20	20	89
Labour and Welfare Bureau	0	0	5	21	26
Labour Department	0	69	46	4	119
Land Registry	0	79	8	11	98

Bureau/Department/Office	Number of NCSC staff with monthly salary				Total
	below \$8,000*	\$8,000 - \$15,999	\$16,000 - \$29,999	\$30,000 or above	
Lands Department	0	20	106	64	190
Legal Aid Department	0	3	4	0	7
Leisure and Cultural Services Department	0	1 120	214	113	1 447
Marine Department	0	0	4	23	27
Office of the Communications Authority	0	52	42	29	123
Office of the Government Chief Information Officer	0	3	2	10	15
Official Receiver's Office	0	13	19	3	35
Planning Department	0	3	19	16	38
Radio Television Hong Kong	0	48	115	75	238
Rating and Valuation Department	0	4	30	5	39
Registration and Electoral Office	0	587	351	11	949
Security Bureau	0	11	5	5	21
Social Welfare Department	0	71	34	23	128
Trade and Industry Department	0	16	14	28	58
Transport and Housing Bureau	0	0	2	5	7
Transport Department	0	13	36	6	55
Treasury	0	4	12	5	21
University Grants Committee Secretariat	0	4	2	10	16
Water Supplies Department	0	42	26	21	89
Working Family and Student Financial Assistance Agency	0	338	170	46	554
Total	557	6 585	3 034	1 747	11 923

* They were NCSC staff (mainly in Hongkong Post) remunerated on an hourly rate. Their monthly salaries varied according to the number of hours actually worked.

**Percentage of full-time NCSC staff over the total manpower of
bureaux/departments/offices**

Bureau/Department/Office	Percentage of NCSC staff (Note)
Agriculture, Fisheries and Conservation Department	9%
Architectural Services Department	2%
Buildings Department	12%
Census and Statistics Department	19%
Chief Executive's Office	5%
Chief Secretary and Financial Secretary's Offices	7%
Civil Aviation Department	2%
Civil Engineering and Development Department	3%
Civil Service Bureau	0.2%
Commerce and Economic Development Bureau	9%
Companies Registry	17%
Constitutional and Mainland Affairs Bureau	2%
Correctional Services Department	0.1%
Customs and Excise Department	0.1%
Department of Health	8%
Department of Justice	4%
Development Bureau	11%
Drainage Services Department	5%
Education Bureau	17%
Efficiency Unit	83%
Electrical and Mechanical Services Department	17%
Environment Bureau	6%
Environmental Protection Department	4%
Financial Services and the Treasury Bureau	19%
Fire Services Department	0.2%
Food and Environmental Hygiene Department	2%
Food and Health Bureau	7%
Government Flying Service	4%
Government Laboratory	3%
Government Logistics Department	5%
Government Property Agency	2%
Highways Department	3%

Bureau/Department/Office	Percentage of NCSC staff (Note)
Home Affairs Bureau	18%
Home Affairs Department	18%
Hong Kong Observatory	6%
Hong Kong Police Force	0.1%
Hongkong Post	27%
Immigration Department	0.4%
Information Services Department	5%
Inland Revenue Department	8%
Innovation and Technology Commission	14%
Intellectual Property Department	8%
Invest Hong Kong	62%
Judiciary	5%
Labour and Welfare Bureau	18%
Labour Department	5%
Land Registry	16%
Lands Department	4%
Legal Aid Department	1%
Leisure and Cultural Services Department	13%
Marine Department	2%
Office of the Communications Authority	24%
Office of the Government Chief Information Officer	2%
Official Receiver's Office	13%
Planning Department	4%
Radio Television Hong Kong	25%
Rating and Valuation Department	4%
Registration and Electoral Office	79%
Security Bureau	10%
Social Welfare Department	2%
Trade and Industry Department	10%
Transport and Housing Bureau	4%
Transport Department	3%
Treasury	4%
University Grants Committee Secretariat	19%
Water Supplies Department	2%
Working Family and Student Financial Assistance Agency	33%

Note: In most of the Bureaux/Departments/Offices with a higher NCSC staff ratio, their NCSC staff were mainly engaged to meet service needs that are time-limited in nature or subject to market fluctuation, for example:

- (a) **Companies Registry, Electrical and Mechanical Services Department, Land Registry, Office of the Communications Authority:** NCSC staff were mainly engaged to meet service needs that are subject to market fluctuation;
- (b) **Census and Statistics Department:** NCSC staff were mainly engaged for various time-limited projects and surveys, such as the 2016 Population By-census and the 2014/15 Household Expenditure Survey;
- (c) **Education Bureau:** Most of the NCSC staff were employed in government schools and the remaining ones engaged by its headquarters. They were mainly for time-limited service needs;
- (d) **Efficiency Unit:** NCSC staff were mainly engaged to provide 1823 telephone enquiry service;
- (e) **Financial Services and the Treasury Bureau:** NCSC staff were mainly employed by the Office of the Commissioner of Insurance to meet service needs pending the establishment of Insurance Authority;
- (f) **Home Affairs Bureau:** NCSC staff were mainly engaged to meet time-limited service needs, such as supporting the Community Care Fund;
- (g) **Home Affairs Department:** NCSC staff were mainly engaged to meet time-limited service needs, such as supporting District Councils in undertaking community involvement activities as well as promoting recreational and cultural activities;
- (h) **Hongkong Post:** About half of the NCSC staff worked less than the conditioned hours required of civil servants and the remaining half were mainly engaged to meet service needs that were subject to market fluctuation;
- (i) **Labour and Welfare Bureau:** NCSC staff were mainly engaged to meet various time-limited service needs, such as supporting the Community Investment and Inclusion Fund;
- (j) **Radio Television Hong Kong (RTHK):** NCSC staff were mainly engaged to meet service needs that were under review or likely to be changed. As a media organisation, RTHK has to engage a number of contract staff to meet changing community needs and audience tastes, and maintain a certain degree of turnover of talents engaged in creative work;
- (k) **Registration and Electoral Office:** NCSC staff were engaged to meet time-limited service needs relating to elections, such as the Legislative Council General Election and Election Committee Subsector Elections held in 2016;
- (l) **University Grants Committee Secretariat:** NCSC staff were mainly engaged for time-limited service needs in relation to various grant schemes and research work; and
- (m) **Working Family and Student Financial Assistance Agency:** NCSC staff were mainly engaged to cope with the application peaks of various student financial assistance schemes, provide support in connection with the upcoming Integrated Student Financial Assistance System which will be fully implemented in the Student Finance Office, and implement the Low-income Working Family Allowance Scheme.

**Breakdown of full-time NCSC staff
employed by the Education Bureau in government schools
by reasons of employment
(position as at 30 June 2016)**

Reason of employment	Number of full-time NCSC staff
To meet service needs that are time-limited or seasonal in nature (e.g. NCSC staff employed under various funds or grants to meet different short-term service needs in government schools)	463
To meet service needs where the mode of delivery of the service is under review or likely to be changed (e.g. NCSC staff employed under the Funding Flexibility Scheme ¹ , whereby government schools are given the flexibility to use such funding to hire the right mix of supporting staff to meet their operational needs for clerical and janitor services)	472
Total	935

¹ It was recommended by the Education Commission in its Report No. 7 published in 1997 that “government schools should be provided with the same degree of funding and management flexibility as aided schools”. The Funding Flexibility Scheme was introduced, inter alia, to take forward this recommendation.

**Statistics of Complaint Cases
received by Civil Service Bureau in 2014 and 2015
from Government Employees, Ex-government Employees and Staff Unions**

Nature of Complaint		Number of cases	
		2014	2015
1.	Government services (e.g. matters relating to application for public housing units and public medical services, etc.)	3	6
2.	Appointments and conditions of service (e.g. matters relating to posting arrangements / results and overtime work arrangement, etc.)	75	51
3.	Staff conduct and discipline (e.g. matters relating to suspected abuse of sick leave and neglect of duties, etc.)	37	29
4.	Staff performance management (e.g. matters relating to performance assessments and the conduct of appraisal interview, etc.)	33	42
5.	General office administration / staff management (e.g. matters relating to assignment of jobs and heavy workload, etc.)	217	169
Total:		365	297

**Punishments imposed on civil servants
after completion of disciplinary proceedings under the
Public Service (Administration) Order or
the Disciplined Services Legislation (“DSL”)
(2011/12 – 2015/16)**

Financial year Type of punishment	2011/12	2012/13	2013/14	2014/15	2015/16	Total
Dismissal	10	10	14	12	18	64
Compulsory retirement	12	13	27	21	16	89
Reduction in rank	1	1	0	1	1	4
Severe reprimand plus financial penalty	25	36	31	31	21	144
Severe reprimand	48	44	76	42	37	247
Reprimand plus financial penalty	11	10	5	9	8	43
Reprimand	66	45	44	35	21	211
Warning/caution/admonition	89	56	92	89	72	398
Others (e.g. extra duties under DSL)	12	17	17	24	15	85
Total	274	232	306	264	209	1285

CIVIL SERVICE CODE

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3.7 ***Political neutrality:*** Civil servants shall serve the Chief Executive and the Government of the day with total loyalty and to the best of their ability, no matter what their own political beliefs are. They shall not allow their own personal party political affiliation or party political beliefs to determine or influence the discharge of their official duties and responsibilities, including the advice they give and the decisions or actions they take. In their official capacity, they shall not engage in party political activities² or use public resources for party political purposes such as electioneering or fund-raising activities for political parties.

3.8 In joining political parties or participating in political party activities in their private capacity, civil servants shall comply with the relevant prevailing regulations, rules and guidelines applicable to the Civil Service. They shall refrain from political party activities that might lead to any actual, perceived or potential conflict of interest or bias with their official positions or with the discharge of their duties and responsibilities. They shall also ensure that their private participation in political party activities would not compromise, or might not reasonably be seen to compromise, their impartiality and political neutrality in their official capacity; or cause any embarrassment to the Government. They shall comply with any restrictions that have been laid down on participation in political party and/or electioneering activities.

3.9 Civil servants are disqualified from being nominated as a candidate at an election of the Chief Executive, of the Legislative Council or of a District Council under the Chief Executive Election Ordinance (Chapter 569 of the Laws of Hong Kong), the Legislative Council Ordinance (Chapter 542 of the Laws of Hong Kong) and the District Councils Ordinance (Chapter 547 of the Laws of Hong Kong) respectively. They are also disqualified from being elected as an elected member of the Legislative Council or a District Council under the relevant ordinances. Civil servants who wish to stand for election of the Chief Executive, the Legislative

² For the avoidance of doubt, civil servants attending social functions of political parties upon invitation on a purely goodwill basis would not be regarded as engaging in party political activities. They shall observe the principle of impartiality when handling such invitations from political parties. They shall also observe the prevailing rules and regulations governing civil servants' participation in political activities.

Council or a District Council must retire – age permitting – or resign from the Civil Service.

3.10 Civil servants must retire – age permitting – or resign from the Civil Service before becoming a politically appointed official. The only exception to this is the civil servant appointed to serve as the Secretary for the Civil Service³.

³ Under the present arrangement, the person filling the position of the Secretary for the Civil Service under the political appointment system is to be drawn from the body of serving civil servants. He is not obligated to resign or retire from the Civil Service before taking up the position. Age permitting, he may return to the Civil Service after leaving the position of the Secretary for the Civil Service.