

立法會

Legislative Council

LC Paper No. CB(4)1120/18-19
(These minutes have been seen
by the Administration)

Ref : CB4/PL/PS

Panel on Public Service

**Minutes of meeting held on
Monday, 15 April 2019, at 10:45 am
in Conference Room 3 of the Legislative Council Complex**

- Members present** : Hon Gary FAN Kwok-wai (Chairman)
Hon WONG Ting-kwong, GBS, JP
Hon Mrs Regina IP LAU Suk-ye, GBS, JP
Hon Charles Peter MOK, JP
Hon KWOK Wai-keung, JP
Hon IP Kin-yuen
Dr Hon Elizabeth QUAT, BBS, JP
Hon POON Siu-ping, BBS, MH
Dr Hon CHIANG Lai-wan, SBS, JP
Hon CHU Hoi-dick
Hon LAM Cheuk-ting
Hon SHIU Ka-fai
Dr Hon Pierre CHAN
Hon Jeremy TAM Man-ho
Hon Tony TSE Wai-chuen, BBS
Hon CHAN Hoi-yan
- Members absent** : Hon Martin LIAO Cheung-kong, SBS, JP (Deputy Chairman)
Hon HO Kai-ming
- Public Officers attending** : **Agenda item III**
Mr Joshua LAW, GBS, JP
Secretary for the Civil Service

Mr Thomas CHOW, JP
Permanent Secretary for the Civil Service

Mr Brian LO, JP
Deputy Secretary for the Civil Service 1

Agenda item IV

Mr Joshua LAW, GBS, JP
Secretary for the Civil Service

Mr Thomas CHOW, JP
Permanent Secretary for the Civil Service

Ms Amy WONG
Deputy Secretary for the Civil Service 2

Clerk in attendance : Mr Anthony CHU
Chief Council Secretary (4)1

Staff in attendance : Miss Shirley HAU
Senior Council Secretary (4)1

Ms Maggie CHUNG
Council Secretary (4)1

Mr Griffin FUNG
Legislative Assistant (4)7

Mr Terry HON
Clerical Assistant (4)1

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I. Information papers issued since the last regular meeting on 18 March 2019

(LC Paper No. CB(4)672/18-19(01) -- Letter dated 18 March 2019 from Hon HO Kai-ming requesting the Panel on Public Service

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("the Panel") to discuss as soon as possible issues relating to the employment and benefits of non-civil service contract staff (Chinese version only)

LC Paper No. CB(4)733/18-19(01) -- Letter dated 4 April 2019 from Hon Jeremy TAM Man-ho requesting the Panel to discuss as soon as possible issues relating to the grade structure review of disciplined services (Chinese version only)

LC Paper No. CB(4)749/18-19(01) -- Administration's response to the letter dated 18 March 2019 from Hon HO Kai-ming requesting the Panel to discuss as soon as possible issues relating to the employment and benefits of non-civil service contract staff)

Members noted that the above papers had been issued since the last regular meeting on 18 March 2019.

2. The Chairman drew members' attention to the letter from Mr Jeremy TAM conveying the views of the Disciplined Services Consultative Council (Staff Side) on the grade structure review of disciplined services ("the grade structure review") and requesting the Panel to discuss the subject matter as soon as possible. He informed the meeting that the subject matter had been included in the Panel's "List of outstanding items for discussion" and the Administration had been requested to update the Panel on the progress of the grade structure review at the regular Panel meeting in July 2019. Considering that a special meeting might be organized to receive views from relevant staff unions/associations on the grade structure review before the July Panel

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meeting, the Chairman invited views of members and the Secretary for the Civil Service ("SCS") on the proposed arrangement.

3. SCS advised that at the invitation of the Administration, the Standing Committee on Disciplined Services Salaries and Conditions of Service and the Standing Committee on Directorate Salaries and Conditions of Service ("the two Committees") were conducting a grade structure review for the disciplined services grades and had invited the views of the management and staff side of the disciplined services. In order that the two Committees could conduct the grade structure review independently, it would not be appropriate for the Administration to respond to the views of the relevant staff unions/associations at the proposed special meeting before the two Committees had made their recommendations and submitted their reports.

4. Mr Tony TSE declared that he was a member of the Standing Commission on Civil Service Salaries and Conditions of Service. He said that he had no objection to holding a special meeting to receive the staff side's views on the grade structure review, but the Panel should be mindful of the timing of the meeting. Under a well-established mechanism, the two Committees would conduct grade structure reviews independently and submit their reports to the Administration. The Administration would then consult the Panel on the reports and seek the approval of the relevant Committees of the Legislative Council ("LegCo") on any proposed changes, if any, to the grade structure. As such, he was of the view that the Panel could express views at a later time instead of being perceived as exerting pressure on the two Committees at the present stage when the grade structure review was underway.

5. Mr Jeremy TAM and Mr LAM Cheuk-ting supported holding a special meeting to gauge views from relevant staff unions/associations at an early stage, so as to identify issues of concerns for the two Committees' consideration before they had finalized their recommendations on the grade structure review in their reports. Mr TAM and Mr LAM also opined that it would be more effective for members to express views at this stage as there would be little room for amendments when the two Committees' reports were discussed by LegCo. Mr TAM further suggested that the Panel might consider sending a summary of members' views and deputations' views expressed at the special meeting on the grade structure review to the two Committees for consideration.

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6. In concluding, the Chairman said that the Panel had no objection to holding a special meeting. The Chairman instructed the Clerk to liaise with the Administration on the arrangements.

(Post-meeting note: As instructed by the Chairman, the Secretariat invited written submissions from relevant staff unions/associations, and received a total of 18 submissions which were circulated to members vide LC Paper Nos. CB(4)846/18-19(01) to (06), CB(4)867/18-19(01) to (07), CB(4)868/18-19(01) to (04) and CB(4)885/18-19(01) on 7, 14 and 16 May 2019 respectively.)

II. Date of next meeting and items for discussion

(LC Paper No. CB(4)728/18-19(01) -- List of outstanding items for discussion

LC Paper No. CB(4)728/18-19(02) -- List of follow-up actions)

7. Members agreed that the next regular Panel meeting would be held on 20 May 2019 to discuss the following items proposed by the Administration:

- (a) An overview of the civil service establishment, strength, retirement, resignation, age profile and gender profile; and
- (b) An overview of training and development for civil servants.

8. Mr Jeremy TAM pointed out that at previous Panel meetings, members usually could speak for several rounds on one agenda item and most Panel meetings could end well before the appointed ending time. As such, he suggested arranging three discussion items in each regular Panel meeting in the future where possible in order to complete the discussion of more outstanding items to be discussed by the Panel. The Chairman said that he would consider this request in consultation with the Administration.

III. Employment of non-ethnic Chinese in the civil service

(LC Paper No. CB(4)728/18-19(03) -- Administration's paper on the employment of

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non-ethnic Chinese in
the civil service

LC Paper No. CB(4)728/18-19(04) -- Paper on the
employment of
non-ethnic Chinese in
the civil service
prepared by the LegCo
Secretariat (updated
background brief)

9. At the invitation of the Chairman, SCS briefed members on the employment of non-ethnic Chinese ("NEC") in the civil service, details of which were set out in the Administration's paper (LC Paper No. CB(4)728/18-19(03)).

Racial profile of the civil service

10. In response to Mr Jeremy TAM's enquiry about a breakdown of the number of serving NEC civil servants by bureaux/departments ("B/Ds"), SCS pointed out that the Administration did not have such records as race was not a relevant consideration in the civil service recruitment process, and neither job applicants nor serving civil servants were required to declare their ethnic origins. That said, based on the information available through informal channels such as direct contacts, the Administration noted that NECs were recruited to fill vacancies in various grades such as Administrative Officer, Police Constable, Fireman and Artisan, etc. in the past two years.

11. Pointing out that the Administration had conducted surveys to collect statistics on the ethnic origins of civil servants in 2011 and 2013, Mr Jeremy TAM enquired whether any similar survey had been conducted after 2013. SCS said that the Administration conducted those surveys on a voluntary and anonymous basis. Taking into account the low response rates and that the information so collected might not be able to reflect the true picture, the Administration had not conducted such surveys after 2013. SCS added that there was no justification for the Administration to require job applicants or serving officers to provide information on their race, as that was not relevant to the performance of their duties.

12. Mr Jeremy TAM queried whether any concern over discrimination was justified, as the Administration would, for example, collect job applicants' gender information during the recruitment process.

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The applicants of the internship programme for NEC university students proposed in 2018 Policy Address ("the Programme") also had to declare their ethnic origins.

13. SCS explained that according to the current statutory provisions, the Administration should only obtain personal data required for recruitment and appointment from its staff and job applicants. The Administration could therefore not ask for excessive personal data. SCS also pointed out that it might not be appropriate to compare the practice of collection of gender information with the proposed collection of race information, since it was no doubt essential to collect basic information (such as gender) of a job applicant as already stated on one's Hong Kong Identity Card. As regards the Programme, SCS highlighted the fact that it was specifically launched for NEC university students to gain work experience and strengthen their competitiveness in job seeking. Besides, the eight universities funded by the University Grants Committee would nominate NEC students to participate in the Programme, and the Administration would not have to further verify the ethnic origins of the nominees.

14. With a view to evaluating the effectiveness of the initiatives in facilitating employment of NECs in the civil service, Mr Jeremy TAM and the Chairman called on the Administration to, after the newly appointed civil servants had taken office, collect information on their ethnicity on a regular and voluntary basis. Mr TAM suggested that advice from the Equal Opportunities Commission should be sought in this regard. SCS said that it would take time to collect sufficient data from new recruits before a meaningful picture would become available, especially if staff would only be invited to provide the information on a voluntary basis. The Administration needed to further explore in detail the suggestion.

15. The Chairman opined that being the largest employer in Hong Kong, the Administration should take the lead to formulate policy with the target of providing sufficient employment opportunities in the civil service to NECs to help foster a cohesive multicultural society. In this connection, he called on the Administration to take heed of the motion passed at the Panel meeting held on 26 February 2018, i.e. set up for departments closely related to NECs some ratios in respect of employing NECs with designated language competencies as holders of civil service posts and take necessary follow-up actions.

16. SCS emphasized that appointment to the civil service was based on the principle of open and fair competition. All candidates in an open

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recruitment exercise were assessed on the basis of their ability, performance and character, and having regard to the stipulated entry requirements set according to the job requirements of the grade concerned. Race was not a relevant consideration in the selection process. As such, setting a target ratio of NEC civil servants might go against the above principle. Given that Chinese language proficiency was a major hurdle for NECs in applying for government jobs, the Administration aimed to ensure the Chinese language proficiency requirements ("LPRs") set for all the grades of the civil service were no more than necessary for performance of the job, so that NECs had equal access to government job opportunities like other applicants.

17. Noting that the Administration had completed in February 2018 a review on the Chinese LPRs set for all civil service grades and accordingly increased the number of grades with lowered Chinese LPRs by 22 to 53, Mr WONG Ting-kwong commended the Administration for tapping the talent pool of NECs for public service, and sought details of the grades and B/Ds involved and the adjusted Chinese LPRs. Mr POON Siu-ping enquired about the recruitment situation of NECs in these grades upon the implementation of the above initiative and whether the Administration would further review and relax the Chinese LPRs of other grades.

18. SCS advised that the Administration had been making efforts to facilitate NEC's employment in the civil service. Heads of department/grade were encouraged to review the Chinese LPRs of all civil service grades from time to time to see if the Chinese LPRs could be adjusted having regard to the operational needs of the grades concerned. As NECs' Chinese writing skills might not be as proficient as their listening and oral skills, in conducting the review, the Administration had also paid attention to whether the proficiency requirements for written Chinese of individual grades were commensurate with the job requirements. Regarding whether grades with lowered Chinese LPRs successfully recruited NECs, SCS explained that whether recruitment exercises would be conducted depended on the vacancy position of individual grades. The Administration would keep in view the recruitment situation in these grades and report to the Panel as appropriate. Deputy Secretary for the Civil Service 1 ("DSCS1") added that the 53 grades included those involving technical or operative duties as well as degree/professional grades, and their Chinese LPRs varied depending on their respective job natures and operational needs.

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Dissemination of recruitment information to NECs

19. Mr POON Siu-ping asked how information on recruitment for civil service posts with lowered Chinese LPRs could be effectively disseminated to NECs. DSCS1 advised that since late 2018, CSB had regularly publicized the information through the Support Service Centres for Ethnic Minorities of the Home Affairs Department. Since early 2019, CSB had also started providing such information to NEC job seekers at the Labour Department's job centres. As at late March 2019, recruitment information of over 40 civil service posts with lowered Chinese LPRs, including posts in degree/professional/technical grades, had been disseminated to NECs via the above channels.

Internship programme for NEC university students

20. In response to the enquiries raised by Mr POON Siu-ping and the Chairman on the implementation details of the Programme, SCS advised that interns would be assigned to work in B/Ds which provided direct services to NECs. As the Programme was implemented on a pilot basis, the plan was to offer 10 internship placements but the number might be increased depending on the response from universities. The internship period would be eight weeks. CSB would review the effectiveness of the Programme and decide on the scale of next year's run.

Other concerns

21. Mr WONG Ting-kwong enquired whether there was any nationality requirement for applying civil service positions. SCS advised that in accordance with Article 99 of the Basic Law, new recruits appointed to the civil service on or after 1 July 1997 must be permanent residents of the Hong Kong Special Administrative Region, save for exceptions provided under Article 101 of the Basic Law.

22. Concluding the discussion, the Chairman requested the Administration to seriously consider members' views and concerns when drawing up measures to facilitate the employment of NECs in the civil service.

(At 11:41 am, the Chairman ordered that the meeting be suspended. The meeting resumed at 11:52 am.)

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IV. Implementation of five-day week in the Government

(LC Paper No. CB(4)728/18-19(05) -- Administration's paper on the implementation of five-day week in the Government

LC Paper No. CB(4)728/18-19(06) -- Paper on the implementation of five-day week in the Government prepared by the LegCo Secretariat (updated background brief)

LC Paper No. CB(4)754/18-19(01) -- Submission from the Government Amenity Management Supervisors General Union (Chinese version only) (Restricted to members only))

23. At the invitation of the Chairman, SCS briefed members on the progress made in implementing five-day week ("FDW") in the Government, details of which were set out in the Administration's paper (LC Paper No. CB(4)728/18-19(05)).

Five-day week in the Leisure and Cultural Services Department

24. Noting that over 40 000 civil servants were yet to enjoy FDW since its implementation in 2006, and only about 2% more civil servants had migrated to FDW between September 2016 and September 2018, Mr POON Siu-ping expressed concern on the slow progress of FDW implementation in the Government. He was of the view that the Administration might consider allocating more resources to create more civil service posts in order to shift all civil servants to a FDW work pattern. He conveyed the dissatisfaction of some civil service unions such as the Government Amenity Management Supervisors General Union that although the staff side had demanded working on a FDW pattern, the management of the relevant B/Ds had rejected all proposals sent to them without even conducting a trial scheme. Considering that this was unfair to the staff side and their morale would be adversely affected, Mr POON enquired whether CSB would seriously follow up

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with the B/Ds concerned and request them to try out the FDW proposals made by the staff side to test their feasibility before rejecting the proposals.

25. SCS responded that during his meetings with the Heads of Department and visits to departments, he always gauged views from both the departmental management and the staff side on the issue and encouraged the management to explore feasible measures to migrate more civil servants to FDW. He assured members that CSB would continue its efforts in this regard. Since the management was most familiar with the operations of their respective departments, they were in the best position to consider further migrating their staff to FDW having regard to their operational requirements. As for the case of the Leisure and Cultural Services Department ("LCSD"), CSB had all along been keeping close liaison with the management and encouraging them to engage the staff side with a view to identifying feasible proposals to extend the FDW arrangement. In recent years, some Amenities Assistants in LCSD had been migrated to FDW.

26. Deputy Secretary for the Civil Service 2 supplemented that CSB would communicate with the departmental management upon receipt of views on FDW from the staff side. As far as she knew, the management and staff side of LCSD had exchanged views on the issue on different occasions. Given that LCSD managed a variety of venues with varying sizes, facilities and opening hours, each FDW proposal raised by the staff side would be considered carefully by the management having regard to individual circumstances. She shared with members a recent case referred by CSB to the LCSD management which had looked into the feasibility of implementing FDW in a sports centre in response to staff's request. After taking into account the need to maintain the level of public services and the actual operational difficulties, FDW could not be implemented in the venue concerned.

27. In response to Mr POON Siu-ping's enquiry, SCS advised that upon the successful completion of the FDW trial schemes in the Correctional Services Department ("CSD"), the Hong Kong Police Force ("HKPF"), the Food and Environmental Hygiene Department and LCSD, CSB would request the departments concerned to migrate other staff in the same units/with the same job nature to FDW as far as practicable.

Five-day week in disciplined services departments

28. Dr Elizabeth QUAT opined that as FDW was conducive to staff morale and it was a policy implemented by the Government for its

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employees with a view to helping them balance their work and family life, it should be enjoyed by all civil servants as far as possible. She sought information on the implementation progress of FDW in disciplined services departments and CSB's plan to assist those departments facing difficulties in migrating to a FDW work pattern, especially when the solutions would necessitate additional staffing resources.

29. SCS advised that the implementation of FDW differed for individual disciplined services departments. While the Fire Services Department and the Government Flying Service had respectively migrated over 97% and 100% of their staff to FDW, the Immigration Department, HKPF, the Customs and Excise Department and CSD had lower implementation rates of FDW at about 64%, 54%, 43%, and 22% respectively. These departments had been actively pursuing initiatives to migrate more staff to FDW where possible. For instance, CSD had been undergoing FDW trial schemes in different correctional institutions, and using different FDW work patterns for staff of different grades within the same correctional institution. As many disciplined services departments were required to provide round-the-clock services and their operational and services needs differed, SCS opined that their respective Heads of Department, being the ones most familiar with their departmental operations, were in the best position to work out the most suitable FDW arrangements for their staff. He believed that upon completion of various trial schemes, more staff would be migrated to FDW.

30. Dr Elizabeth QUAT asked whether the Administration would consider providing some kinds of special allowances to those non-FDW staff as compensation if it was confirmed impracticable to fully implement FDW in their departments for the time being in order to maintain their morale. SCS responded that some disciplined services departments were conducting their respective pilot schemes on revised leave deduction arrangements for their non-FDW staff, so that they could enjoy the same leave deduction arrangement as their counterparts who worked under a FDW pattern.

31. Noting that HKPF had started a one-year trial scheme for about 900 police officers in its Emergency Units since January 2019, Ms CHAN Hoi-yan enquired whether HKPF had sufficient manpower to facilitate work scheduling and shift arrangements in order to migrate all its staff to a FDW work pattern.

32. SCS said that he understood that some departments were utilizing information technology systems to assist them in working out

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complicated work scheduling in FDW trial schemes with a view to migrating more staff to FDW.

Working hours of civilian grades staff

33. Noting that the migration from 5.5 day week to FDW for civilian grades staff had led to longer working hours on each working day, Ms CHAN Hoi-yan sought information about the calculation basis for the daily working hours of civil servants in general.

34. SCS explained that the migration was based on the principle that the total conditioned hours of work of an individual staff of a week were allocated to five working days of a week, such that there would be no reduction in the conditioned hours of work of individual staff as well as the total number of service hours provided to the public after the implementation of FDW.

V. Any other business

Travelling allowances for eligible civil servants

35. Mrs Regina IP expressed concern that although some civil servants, especially civilian grades staff, needed to use their own vehicles in performing official duties and drive to and from offices situated in relatively inaccessible locations, they could no longer claim the Home-to-Office Mileage Allowance ("HOMA"). She thus sought the reasons for the cancellation of the allowance. Having regard to the increasing running costs for fuel and vehicle maintenance borne by these civil servants for their own vehicles, Mrs IP suggested that the Administration should consider providing some sort of travelling allowances to the staff concerned.

36. SCS advised that an officer's place of residence was normally a matter of his own choice and that, generally speaking, he was expected to travel at his own expense to work. With the urbanization of Hong Kong and substantial improvements to the public transport system in the past decades, HOMA and the Home-to-Office Travelling Expenses were replaced by a new Supplementary Travel Allowance in April 2000 following a relevant review. At the request of Mrs Regina IP, SCS undertook to consider the feasibility of her suggestion of providing a travelling allowance to staff working in offices in relatively inaccessible locations or using their own vehicles for performing duties. Information

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on the types of travelling allowances for eligible civil servants such as eligibility and the rates would also be provided.

37. There being no other business, the meeting ended at 12:22 pm.

Council Business Division 4
Legislative Council Secretariat
18 July 2019