

立法會
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Finance Committee of the Legislative Council

Minutes of the 11th meeting
held at Conference Room 1 of the Legislative Council Complex
on Friday, 17 January 2020, from 8:46 am to 10:46 am and
from 2:30 pm to 6:58 pm

Members present:

Hon CHAN Kin-por, GBS, JP (Chairman)
Hon CHAN Chun-ying, JP (Deputy Chairman)
Hon James TO Kun-sun
Hon LEUNG Yiu-chung
Hon Abraham SHEK Lai-him, GBS, JP
Hon Tommy CHEUNG Yu-yan, GBS, JP
Prof Hon Joseph LEE Kok-long, SBS, JP
Hon Jeffrey LAM Kin-fung, GBS, JP
Hon WONG Ting-kwong, GBS, JP
Hon Starry LEE Wai-king, SBS, JP
Hon CHAN Hak-kan, BBS, JP
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP
Hon WONG Kwok-kin, SBS, JP
Hon Mrs Regina IP LAU Suk-yee, GBS, JP
Hon Claudia MO
Hon Michael TIEN Puk-sun, BBS, JP
Hon Steven HO Chun-yin, BBS
Hon Frankie YICK Chi-ming, SBS, JP
Hon WU Chi-wai, MH
Hon YIU Si-wing, BBS
Hon MA Fung-kwok, SBS, JP
Hon Charles Peter MOK, JP
Hon CHAN Chi-chuen

Hon CHAN Han-pan, BBS, JP
Hon LEUNG Che-cheung, SBS, MH, JP
Hon Kenneth LEUNG
Hon Alice MAK Mei-kuen, BBS, JP
Dr Hon KWOK Ka-ki
Hon KWOK Wai-keung, JP
Hon Dennis KWOK Wing-hang
Dr Hon Fernando CHEUNG Chiu-hung
Dr Hon Helena WONG Pik-wan
Hon IP Kin-yuen
Hon Elizabeth QUAT, BBS, JP
Hon Martin LIAO Cheung-kong, GBS, JP
Hon POON Siu-ping, BBS, MH
Dr Hon CHIANG Lai-wan, SBS, JP
Ir Dr Hon LO Wai-kwok, SBS, MH, JP
Hon CHUNG Kwok-pan
Hon Alvin YEUNG
Hon Andrew WAN Siu-kin
Hon CHU Hoi-dick
Hon Jimmy NG Wing-ka, BBS, JP
Dr Hon Junius HO Kwan-yiu, JP
Hon HO Kai-ming
Hon LAM Cheuk-ting
Hon Holden CHOW Ho-ding
Hon SHIU Ka-fai, JP
Hon SHIU Ka-chun
Hon Wilson OR Chong-shing, MH
Hon YUNG Hoi-yan, JP
Dr Hon Pierre CHAN
Hon Tanya CHAN
Hon CHEUNG Kwok-kwan, JP
Hon HUI Chi-fung
Hon LUK Chung-hung, JP
Hon LAU Kwok-fan, MH
Hon Kenneth LAU Ip-keung, BBS, MH, JP
Dr Hon CHENG Chung-tai
Hon KWONG Chun-yu
Hon Jeremy TAM Man-ho
Hon Vincent CHENG Wing-shun, MH, JP
Hon Tony TSE Wai-chuen, BBS
Hon CHAN Hoi-yan

Members absent:

Hon Paul TSE Wai-chun, JP
Hon Christopher CHEUNG Wah-fung, SBS, JP

Public officers attending:

Ms Alice LAU Yim, JP	Permanent Secretary for Financial Services and the Treasury (Treasury)
Mr Raistlin LAU Chun, JP	Deputy Secretary for Financial Services and the Treasury (Treasury) 1
Mr Mike CHENG Wai-man	Principal Executive Officer (General), Financial Services and the Treasury Bureau (The Treasury Branch)
Mr Joshua LAW Chi-kong, GBS, JP	Secretary for the Civil Service
Mr Thomas CHOW Tat-ming, JP	Permanent Secretary for the Civil Service
Ms Amy WONG Pui-man, JP	Deputy Secretary for the Civil Service (2)
Mr Benjamin MOK Kwan-yu	Principal Assistant Secretary for the Civil Service (Pay and Leave)

Clerk in attendance:

Ms Anita SIT	Assistant Secretary General 1
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Staff in attendance:

Ms Angel SHEK	Chief Council Secretary (1)1
Mr Jason KONG	Senior Council Secretary (1)1
Miss Bowie LAM	Council Secretary (1)1
Miss Queenie LAM	Senior Legislative Assistant (1)2
Mr Frankie WOO	Senior Legislative Assistant (1)3
Miss Yannes HO	Legislative Assistant (1)7

Action

Item 1 — FCR(2019-20)33
2019-20 CIVIL SERVICE PAY ADJUSTMENT

The Finance Committee ("FC") continued with the discussion on item FCR(2019-20)33. The Chairman reminded members of the

requirements under Rule 83A and Rule 84 of the Rules of Procedure ("RoP").

2. The Chairman advised that FC had spent 3 hours and 2 minutes on discussing the contents of the agenda item at the last four meetings, while a total of 17 hours had been spent on the discussion of this item.

Issues concerning points of order

3. Mr SHIU Ka-fai said that members should provide, in the context of discussing this item, relevant evidence in support of their allegations against the Police. Mr Tony TSE stated that members should allow some time for government officials to answer their enquiries. Mr YIU Si-wing considered that FC meeting was not an appropriate forum for discussing government policies or making comments and expressing views on the performance of individual civil servants. Mr HUI Chi-fung said that the performance of civil servants was directly related to civil service pay adjustment, as the views and concerns expressed by members would affect members' decisions on supporting this item or otherwise.

4. The Chairman advised that pursuant to paragraph 43 of the Finance Committee Procedure ("FCP"), members' questions on a proposal must relate directly to the contents of the agenda item. On wider questions of policy, members should raise them either in the full Council or at an appropriate Legislative Council ("LegCo") Panel. The FC Chairman would determine whether the relevant questions were in order and directly related to the contents of the agenda item. Members could pursue follow-up discussion at meetings of the Panel on Security should they have any views on and evidence relating to the law enforcement actions taken by the Police. Meanwhile, more than 10 hours had been spent on handling the summoning requests made by members at FC meetings.

5. Mr LAM Cheuk-ting held that the Chairman should not express political views at FC meetings. Mr WU Chi-wai considered that members' discussion on the contents of the agenda item had just begun since the Chairman had spent more than 10 hours to go through the summoning procedures at previous meetings. Dr KWOK Ka-ki opined that if the Commissioner of Police ("CP"), Hong Kong Police Force ("HKPF") had agreed to attend FC meeting(s) to respond to members' enquiries, much time would have been saved for processing the request for summoning his attendance at FC meeting(s). The Chairman said that he only aimed to give members a gentle reminder that at FC meetings, members should discuss issues relating to financial proposals.

6. Mr CHU Hoi-dick remarked that under FCP 43, members' questions must "relate directly to the contents of the agenda item". The questions raised by members so far related to paragraph 17 of item FCR(2019-20)33, which stated that a reasonable pay rise could retain experienced talents and ensure the delivery of quality services to the general public. As members' questions centred on whether civil servants had provided the general public with quality services, the questions were relevant to the contents of this item.

7. In reply, Secretary for the Civil Service ("SCS") said that he hoped that members could handle the item in accordance with the Administration's established mechanism. In determining the annual civil service pay adjustment proposal, the Chief Executive-in-Council would consider the civil service as a whole and take into account six relevant factors, namely the net pay trend indicators ("PTIs"), the state of Hong Kong's economy, changes in the cost of living, the Government's fiscal position, the pay claims of the staff side and civil service morale. The staff performance of individual departments or grades was not one of the factors. As stated in paragraph 17 of item FCR(2019-20)33, the staff side considered that a reasonable pay rise would help maintain civil service morale, retain experienced talents and ensure the delivery of quality services to the general public.

8. Noting that CP had attended meetings of District Councils ("DCs"), Mr James TO asked whether the Chairman could request CP to appear before FC and answer questions on the performance of police officers. The Chairman advised that according to the Administration's reply to his earlier enquiry, the civil service pay adjustment proposal was made under the established mechanism having regard to the aforesaid factors. The staff performance of individual departments or grades was not one of the considerations. As such, the Administration would not single out the pay adjustment for police officers from the agenda item and CP would not attend FC meeting(s) to respond to questions concerning police officers. Having spent more than 10 hours to handle members' requests for summoning CP to attend relevant FC meeting(s), FC had negated such requests.

9. Dr CHIANG Lai-wan enquired about the number of outstanding items pending FC's approval within the current LegCo session. The Chairman advised that at least 40-odd financial proposals were awaiting FC's consideration within the current LegCo session and the average time required for scrutinizing an item was around four hours. As such, if no additional meeting was scheduled, it would be impossible for FC to scrutinize all the items within the current session. Dr CHIANG hoped

that the Chairman would confine the discussion to issues directly related to financial proposals only since other issues had already been discussed at meetings of relevant Panels, the Public Works Subcommittee and the Establishment Subcommittee. Citing FCP 32, she stated that if a member persisted in irrelevance or tedious repetition of his own or other members' arguments in the discussion, the Chairman might direct him to discontinue his speech. She understood that some members hoped that CP could explain the performance of police officers at FC meeting(s). However, the civil service pay adjustment mechanism was considered on the basis of the entire civil service, which fell under the purview of the Civil Service Bureau ("CSB"). It would be time-consuming and improper for FC to invite the relevant Directors of Bureaux or Departments to attend FC meeting(s) and explain their cases whenever members had any views on individual civil servants or departments. Members should instead express their views at meetings of relevant Panel(s).

10. Ms Alice MAK said that the Chairman should chair FC meetings in accordance with the rules of speaking under FCP 38 and should not allow members to make interruptions and shout in their seats while other members were speaking. Such behaviour was unfair to Members who were speaking and to members of the public who were watching the live broadcast of meetings.

11. Mr CHAN Chi-chuen, Mr Alvin YEUNG and Ms Tanya CHAN asked why the Chairman required members to cite the relevant FCP provisions before raising points of order. The Chairman said that only in doing so would members give more focused consideration to their points before raising a point of order, and that points of order must be of a serious nature as raising a point of order would interrupt members' speeches and disturb the proceedings of the meeting.

12. Quoting RoP 39 and FCP 33, Ms Tanya CHAN said that a member should not interrupt another member except on a point of order which he wished to bring to notice. Citing RoP 41(4) and RoP 41(5), Ms Claudia MO stated that it should be out of order to use offensive and insulting language about Members of the Council, and that a Member should not impute improper motives to another Member. She considered it out of order for the Chairman to accuse some members of employing every means to delay the meetings.

13. Dr Junius HO remarked that pursuant to RoP 44 and RoP 45, the Chairman's decision on a point of order should be final, and the Chairman, after having called the attention of the Committee to the conduct of a member who persisted in irrelevance or tedious repetition of his own or

other members' arguments in the discussion, might direct him to discontinue his speech. RoP 45(2) also stipulated that the Chairman should order a Member whose conduct was grossly disorderly to withdraw immediately from the Committee for the remainder of that meeting.

14. Mr Alvin YEUNG, Mr Jeremy TAM and Mr Andrew WAN considered that the Chairman should not request members to return to their seats since they needed to maintain timely communication with other members. The Chairman advised that he would request members to return to their seats only when members were found to engage in acts which would possibly impede the proceedings of the meeting. Mr HO Kai-ming pointed out that pursuant to RoP 42(b), no Member should cross the floor of the Council unnecessarily. In response to Mr Jeremy TAM's enquiry as to whether RoP 42(b) was applicable to LegCo meetings only, the Clerk said that while RoP 42(b) was applicable to LegCo meetings, RoP 43 also provided that Part H of RoP (i.e. RoPs 36 to 43) should apply to the proceedings in a committee unless the chairman of the committee ordered otherwise.

Continuation of the discussion on item FCR(2019-20)33

15. The Chairman advised that this item invited FC to approve:

- (A) with effect from 1 April 2019, the following adjustments to the civil service pay scales arising from the 2019-2020 civil service pay adjustment:
 - (a) an increase of 4.75% in the dollar value of the pay points in the directorate and upper salary band subject to the pay points referred to in (i) and (ii) below the dollar values of which should be as specified:
 - (i) Master Pay Scale ("MPS") 34 at \$74,515 and MPS 35 at \$75,265; and
 - (ii) General Disciplined Services (Officer) Pay Scale ("GDS(O)") 20 and Police Pay Scale ("PPS") 36 at \$74,390, and GDS(O) 21 and PPS 37 at \$75,135; and
 - (b) an increase of 5.26% in the dollar value of the pay points in the middle and lower salary bands;

- (B) corresponding adjustments to the provisions for aided schools;
- (C) corresponding adjustments to the provisions for the Independent Commission Against Corruption; and
- (D) corresponding adjustments to subventions which were price-adjusted on the basis of formulae that included a factor on civil service pay adjustment.

Civil service performance

16. Ms Tanya CHAN enquired whether civil servants were required to maintain political neutrality. She also sought the Administration's explanation on the incident in which the District Officer (Central and Western) ("DO(C&W)") refused to handle a motion moved by members of the Central and Western District Council ("C&WDC") at its meeting held on 16 January 2020 and led a group of civil servants to leave the meeting midway. Given that civil servants were required to maintain political neutrality, Mr CHAN Chi-chuen asked why civil servants could leave the DC meeting halfway and refuse to provide services for the DC concerned, as well as whether this implied that civil servants should not be remunerated and the Government should not create new posts. Mr CHU Hoi-dick enquired whether civil servants had honoured the pledge of delivering quality services to the general public as stated in paragraph 17 of item FCR(2019-20)33 when they left the meeting on 16 January 2020 midway. In the same vein, he asked whether public officers were allowed to leave an FC meeting halfway on the ground that they disagreed with FC's practices or the stance expressed in a motion.

17. Mr HUI Chi-fung enquired whether civil servants were allowed to openly express their views and leave a meeting midway in the course of discharging their duties; and whether civil servants had provided members of the public with an effective and efficient service commensurate with the civil service pay policy as stated in paragraph 4 of item FCR(2019-20)33. Dr Fernando CHEUNG, Ms Claudia MO and Dr Helena WONG questioned how civil servants could live up to the principles of political neutrality and impartiality if they were allowed to leave a meeting midway or to be absent from meetings whenever they disagreed with the DC's position. Given that DC members were elected by members of the public on a "one man, one vote" basis, they asked whether civil servants were positioning themselves as the enemy of the people by behaving like this; whether this was the conduct expected of a civil servant; and whether civil servants could adopt the same practice when attending LegCo meetings.

Ms MO also stated that while the Civil Service Code ("the Code") provided that civil servants should serve the Chief Executive and the Government of the day with total loyalty, the premise was that the CE of the day aimed to promote the people's well-being and serve the public. Right now, it was simply not the case.

18. Dr KWOK Ka-ki expressed dissatisfaction that CE had turned a blind eye to police brutality. He considered that all the violent acts originated from the Government's proposal to amend the Fugitive Offenders Ordinance (Cap. 503) in 2019. In his view, under the shield of CE, CSB had passed judgments on civil servants before trial, thereby subjecting them to interdiction or having their pay withheld. He also expressed dissatisfaction towards CP's performance at the C&WDC meeting, as well as the alleged acts of some police officers planting evidence to frame demonstrators. He enquired how the Administration would be accountable to the community, as well as the objective arguments based on which civil servants were required to be loyal to CE rather than to members of the public. He also asked whether any established policy was in place specifying the motions moved by LegCo Members/DC members in respect of which civil servants attending the meetings concerned might leave the meetings midway. Mr Jeremy TAM enquired whether the Administration found it acceptable that LegCo had previously moved a motion to condemn CE; if not, why the then Chief Secretary for Administration ("CS") did not leave the LegCo meeting midway back then.

19. SCS advised that as provided in the Code, civil servants had the constitutional role to maintain political neutrality and give their best in discharging their duties and serving the CE and the Government of the day. The Code also required civil servants to carry out their duties and responsibilities in accordance with the policies and decisions of the Government of the day. Civil servants would appropriately handle individual cases in the light of the prevailing situation. Judging from the DC incident that took place on 16 January 2020, he did not consider that the civil servants concerned had breached the principle of political neutrality or requirements under the Code. Moreover, he did not subscribe to the practices adopted by the DC concerned and its stance on the motion in which criticisms against the Police not based on facts were stated.

20. SCS further said that the political neutrality of the civil service should build on their responsibility to the Government as set out in the Code. As provided under paragraph 3.7 of the Code, civil servants should serve the CE and the Government of the day with total loyalty and to the best of their ability, no matter what their own political beliefs were. In

this connection, the Government had not made any changes to the requirements under the Code. Under the guidance of the Code, civil servants would decide the actions to be taken under different scenarios in the light of the prevailing circumstances and conditions. Moreover, CE was dedicated to promoting people's well-being and serving the public. Regarding the motion previously moved by LegCo Members to condemn CE, the Government would not comment on the rules of order adopted by LegCo. As stated in paragraph 17 of item FCR (2019-20)33, "the staff side" considered that a reasonable pay rise could maintain civil service morale and ensure the delivery of quality services to the general public.

21. SCS supplemented that the civil service had all along been considered as a whole in the context of civil service pay adjustment without giving regard to the performance of individual civil servants or departments. He hoped that members would not make use of the Police's use of force during law enforcement operations as an excuse to smear the Police. It was the duty of the Police to maintain public order and safety. In handling public order events, the Police would not have resorted to law enforcement actions if there had been no breach of the law. The Police must also act in accordance with the law when discharging their duties. Given that the Police had been sparing no effort in handling public order events and social instability, he did not subscribe to the lopsided accusations made by individual members against the Police.

22. Ms Tanya CHAN said that under paragraph 3.12 of the Code, civil servants should have dedication and should perform with professionalism and diligence, and should act with a spirit of service to the community and in a professional manner. They should conduct themselves in a way that instilled and retained the confidence of all those whom they had official dealings with. Civil servants should fulfil their duties and obligations responsibly. They should deal with the public and their affairs fairly, efficiently, promptly, effectively and sensibly, to the best of their ability. She enquired how civil servants could retain the confidence of DC members after they left DC meetings midway and whether the civil servants concerned had responsibly fulfilled their duties in this case. Mr Dennis KWOK enquired whether those civil servants who left the DC meeting midway had dedication and performed with professionalism and diligence, as well as the criteria based on which the judgment was made. Dr KWOK Ka-ki enquired about the circumstances under which civil servants were advised to leave a meeting midway, as well as the objective criteria based on which such advices were made.

23. SCS replied that the Government would neither comment on nor openly discuss the performance of individual civil servants. As to

whether civil servants could retain the confidence of the parties with whom they had official dealings, at times, it was not something that civil servants could unilaterally control. As far as the Government understood, regarding the meeting mentioned by members, after the end of the relevant discussion, the public officers concerned left the meeting before the motion was put to vote. While civil servants would act in accordance with the Code and departmental guidelines in handling various situations in their daily work, the specific handling approach depended on the circumstances of individual cases. Given that the motion concerned contained unfounded allegations against the Police, the public officers involved in the DC incident sought to make clear the Government's position by leaving the meeting. In the event that similar scenarios arose at future DC meetings, public officers would need to handle the situations in the light of the particular circumstances of each case.

24. Mr Dennis KWOK asked whether DO(C&W) leaving the DC meeting held on 16 January 2020 midway implied that the stance of civil servants must be consistent with the Government's position, and that they must concur that there was no police brutality and no abuse of power by the Police. SCS replied that the Government would not comment on the performance of individual civil servants, but would focus on the nature of the incident per se. As District Officers attended DC meetings on behalf of the Government, they should adhere to the Government's position and policies.

25. Ms Claudia MO criticized the Administration for accusing DC of making unfounded allegations against the Government without presenting any evidential support. As there was no objective criteria based on which civil servants might determine whether they should leave a meeting midway, they simply act according to their own subjective judgment. The former SCS, Mr Joseph WONG Wing-ping, had pointed out in a civil servants assembly held in August 2019 that the requirement for civil servants serving the CE and the Government of the day with total loyalty provided under paragraph 3.7 of the Code was built on the overriding provision in paragraph 1.1 of the Code. The term "loyalty" mentioned therein did not refer to being loyal to CE personally but to the system including the core values and the institution, i.e. the civil service should be loyal to the people of Hong Kong in serving the community.

26. SCS replied that the former SCS, Mr Joseph WONG Wing-ping, had also elaborated in his reply to a question raised by a Member at a LegCo meeting held in June 2004 that the political neutrality of the civil service was built on its allegiance to the Government. It was every civil servant's duty to be loyal to the CE and the principal officials of the day.

The aforesaid statements spelt out the consistent stance upheld by all previous SCSs.

27. Noting that some members had accused civil servants of violating the law and the Government of condoning the illegal acts committed by civil servants, Mr Vincent CHENG stated that there was no substantive evidence to support such allegations. He considered that such comments were unfair for the majority of civil servants who upheld the principle of political neutrality and abided by the law when performing their duties. Regarding the aforesaid C&WDC meeting, he expressed strong dissatisfaction that some DC members merely kept chanting slogans during the meeting and forbade members of the public to speak. He considered that the DC members concerned had failed to abide by the rules and practices of DCs. He hoped that CSB could express support for the performance of the civil servants.

28. SCS replied that the civil service had all along been dedicated to their duties. He found it unacceptable that some members had ignored the facts, disregarded the contributions made by civil servants, and wantonly criticized civil servants. If any individuals would like to comment on or lodge complaints against individual civil servants, established channels were in place to follow up on such cases. The Government fully recognized the contributions made by civil servants in various departments amid the complex challenges over the past period of time. All civil servants hoped that our society could soon restore to peace, and they were obliged to defend the Government's position and policies. He believed that all civil servants would uphold such principles when performing their daily duties.

29. Mr HO Kai-ming enquired whether civil servants had the power to handle cases of ultra vires involving advisory bodies such as DCs and how such cases should be handled (including whether civil servants should continue to provide services for the said advisory bodies). SCS replied that civil servants should act in accordance with the law and safeguard the Government's policies and position. In the event of ultra vires involving the relevant bodies, civil servants should elaborate their stances through various means. In a statement issued on 16 January 2020 in response to the aforesaid DC incident, the Government disagreed with the practice or the stance of the DC concerned, and therefore all members of the Government in attendance walked out of the meeting.

30. Mr CHU Hoi-dick said that representatives from the Urban Renewal Authority had also attended the aforesaid C&WDC meeting and joined the discussion of the relevant agenda. He stated that statutory

bodies shared the view that public officers should attend DC meetings. He said that under paragraph 3.6 of the Code, civil servants should be impartial and carry out their duties and responsibilities in a way that was fair, just and equitable. He held that civil servants should not merely pledge allegiance to the CE and principal officials of the day while ignoring this principle set out in the Code. SCS replied that under paragraph 3.6 of the Code, civil servants should carry out their duties and responsibilities in accordance with the policies and decisions of the Government of the day and in a way that was fair, just and equitable. They should also act according to the merits of the case.

31. Dr Fernando CHEUNG considered that the requirements that civil servants should maintain political neutrality and defend the political stance of the Government, and the act of leaving a meeting midway and refusing to provide services for meetings of Councils were two totally different matters. The principles of political neutrality and impartiality would not be achievable as long as the Police were unjust in enforcing the law and performing their duties. If the Administration supported the act of public officers who were led by political stance to leave a meeting midway, the entire civil service system in Hong Kong and the core values of our society would be jeopardized. Dr CHEUNG and Mr LEUNG Yiu-chung asked whether unauthorized absence from duty was allowed, and civil servants did not need to provide services to Councils dutifully. Mr LEUNG enquired whether consideration would be given to adding a requirement in the civil service pay adjustment mechanism that unauthorized absence from duty was not allowed.

32. SCS replied that to his knowledge, the aforesaid DC meeting was serviced by Secretariat staff, and the services provided by the Secretariat had not been affected albeit members of the Government in attendance having walked out of the meeting. The civil service pay adjustment was made having regard to factors under the established mechanism, which did not include the performance of individual civil servants. As such, the Government would not incorporate any requirement relating to the performance of individual civil servants into the mechanism.

33. Mr James TO was concerned that if government officials' non-attendance at meetings of Councils was established as a general principle, it would symbolize the total collapse and breakdown of the relationship between the entire civil service system and Councils, constituting a serious political issue. He said that even if LegCo Members moved motions to condemn public officers at LegCo meetings, public officers would still attend the meetings to state their stance. He asked whether there was still a need for members to approve the civil service pay

adjustment proposal if civil servants no longer intended to service meetings of Councils. SCS replied that the aforesaid incident took place at a DC meeting and that DCs had their own internal mode of operation under the coordination of the Home Affairs Bureau ("HAB"). He would relay members' concerns to HAB.

34. Mr Alvin YEUNG enquired whether government officials would walk out of a meeting if a DC intended to endorse a motion that sought to "support the Police's efforts in stopping violence, curbing disorder and smacking cockroaches". Regarding the public officers concerned leaving the aforesaid C&WDC meeting midway, Mr YEUNG and Mr IP Kin-yuen also asked whether it was decided by principal officials or individual frontline civil servants. Mr Dennis KWOK enquired whether CP had made the impromptu decision of leaving the meeting midway, and whether SCS considered it a right decision.

35. SCS replied that public officers in attendance would make extemporaneous decisions in the light of the prevailing circumstances surrounding individual meetings and cases. It was impossible for the Government to devise all-embracing guidelines in advance that could cater to all circumstances. He had no information in hand regarding the person(s) who made the decision on leaving the meeting midway, neither was there any information showing whether public officers in attendance had discussed among themselves before the walkout. He would relay members' concerns to HAB. As stated in its official statement, the Government disagreed with the practice or the stance of the DC concerned, and therefore members of the Government in attendance walked out of the meeting. The Government concurred with the decision of leaving the meeting. Civil servants could seek instructions from their superiors in case they had doubts about the handling of the situation.

36. Dr Junius HO remarked that the Code was formulated on the basis of the principles set out in the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China ("the Basic Law"). Article 99 of the Basic Law stipulated that public servants must be dedicated to their duties and be responsible to the Government of the Hong Kong Special Administrative Region ("HKSAR"). The Police were duty-bound to stop violence and curb disorder. At DC meetings, CP would definitely listen to any motions which called for actions to stop violence and curb disorder. However, the impromptu motion moved at the aforesaid DC meeting requested the stepping down of CP and the disbandment of the Police Force. This had not only gone beyond the powers of DCs, but had also run against the functions of the Police Force.

In this regard, there was no point for CP to stay at the meeting and his action was fully justifiable.

37. Mr YIU Si-wing considered that DCs and LegCo shouldered different duties and public officers should differentiate the functions and duties of Councils while attending relevant meetings. DCs were tasked to undertake environmental improvements, the promotion of recreational and cultural activities and community activities within the District. If DCs attempted to override LegCo by moving motions that sought to condemn public officers or Police operations, such motions did not fall within the scope of community affairs. CP was not in a position to deal with a motion that sought to condemn CP or police brutality moved at the DC meeting held yesterday since the motion fell outside the scope of community affairs. He enquired how civil servants would handle such incidents if similar incidents recurred in future.

38. In reply, SCS said that as HAB was responsible for liaising with DCs and coordinating DC business, he would relay members' questions and concerns to HAB. The Government concurred with the decision made by the public officers concerned at yesterday's DC meeting. It had already issued a press release to expound the justifications for the actions taken by the public officers concerned.

39. Citing section 61 of the District Councils Ordinance (Cap. 547), Ms Tanya CHAN said that one of the functions of DCs was to advise the Government on matters affecting the well-being of the people in the District. She also quoted paragraph 6.1 of the Code stating that civil servants should provide politically appointed officials their full, honest and impartial advice, without fear or favour, and whether or not the advice accorded with the views of politically appointed officials. To uphold their integrity and professionalism, civil servants should endeavour to provide politically appointed officials with the best advice they believed they could give and all relevant information they had access to. She considered that CSB's current remarks had done injustice to civil servants.

40. Mr YIU Si-wing enquired whether the term "District" as defined in the District Councils Ordinance referred to the 18 districts across the territory. He considered that LegCo should deal with territory-wide issues whereas DCs were responsible for local affairs within their Districts. CP had listened to DC members' views on affairs within the District at the aforesaid DC meeting, and any issues that went beyond the aforesaid scope were not local affairs. He also asked how the District Officers concerned should handle DCs' requests for dealing with issues which fell outside the scope of their authority. Mr LEUNG Yiu-chung and Mr Kenneth

LEUNG enquired why DCs were consulted on some territory-wide issues. They asked about the definition of local affairs within the Districts and whether there were any security affairs within the Districts.

41. SCS replied that the term "District" as defined in the District Councils Ordinance referred to the 18 districts across the territory. The Government would seek DCs' views on and support for territory-wide issues, if necessary. All Districts had law and order problems, but it should be noted that CP left the aforesaid meeting after the discussion session had ended. DCs' operation was subject to the District Councils Ordinance, and he would relay members' concerns to the relevant policy bureaux. District Officers would perform their duties in accordance with the requirements under the District Councils Ordinance.

42. Mr IP Kin-yuen enquired whether the provision in the Code that required civil servants to serve the CE and the Government of the day with total loyalty prevailed over other important core values in the Code such as commitment to the rule of law. He also enquired whether civil servants were required to embrace all values as set out in the Code or they were merely required to serve the CE and the Government of the day with total loyalty. He asked how civil servants should handle a situation where CE's decision ran counter to or was in conflict with other core values as stated in the Code.

43. In reply, SCS stated that the requirement in paragraph 3.7 of the Code that civil servants should serve the CE and the Government of the day with total loyalty was set out under the item of "political neutrality". According to the Basic Law, civil servants must be dedicated to their duties and be responsible to the HKSAR Government. Civil servants were required to adhere to all requirements in the Code and handle individual cases in the light of the specific circumstances. He also stated that appointed by the Central Government, CE exercised his or her powers and functions according to the law. As CE was the head of the HKSAR Government, CE's decisions were decisions made by the HKSAR Government instead of CE's personal decisions. Although civil servants might have their own political beliefs, the Code required civil servants to serve the CE and the Government of the day with total loyalty and to the best of their ability.

44. Dr Junius HO said that according to Article 43 of the Basic Law, CE should be the head of HKSAR and should represent HKSAR. CE should be accountable to the Central People's Government and the HKSAR in accordance with the provisions of the Basic Law. CE's powers and functions were set out in Article 48 of the Basic Law. The Basic Law was

a constitutional document whereas the Code merely served as guidelines. As such, civil servants should act in accordance with CE's decisions in the event that discrepancies arose between CE's decisions and other requirements in the Code.

45. Mr IP Kin-yuen queried Dr Junius HO's remarks by quoting Article 99 and Article 103 of the Basic Law. He did not subscribe to the statement that civil servants should act in accordance with all the decisions made by CE. Instead, civil servants should serve members of the public in accordance with the core values set out in the Code. SCS advised that CE led the HKSAR Government in accordance with the Basic Law and exercised his or her powers and functions according to the law. As such, under the Code, civil servants were required to carry out their duties and responsibilities in accordance with the policies and decisions of the Government of the day and to exercise executive powers in compliance with the Basic Law and the Laws of Hong Kong. There was no contradiction or conflict between the two.

46. Mr Charles Peter MOK argued that civil servants might have been forced to deviate from the principle of political neutrality in recent years while CE had been politicizing the Police Force in recent days. He said that some C&WDC members had recently been planning to organize a community bazaar in the District on the eve of the Lunar New Year, but the plan was procrastinated through various administrative means employed by government departments, resulting in their failure to obtain the relevant licences in time. He considered that the Administration was suppressing civil servants of the relevant departments as well as the local residents.

47. Mr Andrew WAN was dissatisfied with the Administration's reply in which double standards were adopted while justifications were not given. He said that the political neutrality of the civil service implied that individual civil servants should display complete political impartiality in performing their duties, instead of taking on board the Government's position in the course of discharging duties. For instance, the act of leaving the DC meeting midway was improper. The conduct of a former CE had once been investigated by public officers. He considered that it was incumbent upon civil servants to faithfully safeguard public interests instead of pledging allegiance to individual CEs. Dr CHENG Chung-tai considered that all attendees at yesterday's DC meeting should make self-reflection. Police officers' failure in bringing along their warrant cards to the said meeting had aroused discontent among DC members, while civil servants serving the District should not have left the meeting midway.

48. At 10:46 am, the Chairman directed that the meeting be suspended. FC continued with the scrutiny of this item at 2:30 pm on the same day.

49. At 2:30 pm, FC continued with the scrutiny of item FCR(2019-20)33.

Civil service morale

50. Mr LAM Cheuk-ting questioned why the Administration still insisted that there was no such case as police brutality in the face of cases where arrestees with no ability to resist were assaulted by police officers during the social movements. To his knowledge, some experienced police officers had left or planned to leave the Police Force due to the social incidents. Civil servants who expressed dissenting views against the Government were subject to disciplinary investigation and interdiction. On the contrary, civil servants who flagrantly denigrated demonstrators were not subject to investigation or interdiction. He enquired whether the Administration had adopted double standards and how the Administration could unite all civil servants and maintain civil service morale.

51. In reply, SCS disagreed with the allegations made by the member. Civil servants should abide by the law and the Government had put in place an established mechanism to handle disciplinary cases involving civil servants. In the event that civil servants violated the law and were convicted of criminal offences, they would not only be subject to legal sanctions, but also disciplinary punishment in accordance with the existing mechanism. Public interest was the foremost consideration in deciding whether a civil servant should be interdicted from duty.

52. Mr LEUNG Yiu-chung enquired whether the Administration considered the civil service pay adjustment as the sole factor affecting civil service morale. He also enquired how the Administration would have handled the scenario where civil servants attending the DC meeting yesterday disagreed with the act of the public officers leaving the meeting midway and felt pressurized. SCS replied that civil service morale was influenced by various factors and pay adjustment was merely one of them. Other factors affecting civil service morale included whether assistance was made available to civil servants to ease their stress, handle external criticisms and attacks, as well as whether civil service welfare was enhanced, etc. Regarding the incident in which the government officials left the DC meeting midway yesterday, he reiterated that the Government concurred with the decision made by the public officers concerned at yesterday's DC meeting, and that it had already issued a press release to

expound the justifications for the actions taken by the public officers concerned.

53. At 3:07 pm, the Chairman said that members intending to propose motions under FCP 37A should expeditiously submit the wording of their proposed motions, and members intending to speak on the item should return to the conference room as soon as possible.

Salary of and performance appraisal for police officers

54. Ms Tanya CHAN said that the Police were paid far better than other disciplined services because in the Rennie Committee's Final Report (1988), having regard to the job nature of the Police, several major principles were set out to justify the establishment of an independent pay mechanism for the Police Force, including police officers being statutorily prohibited from forming trade unions and being required to uphold political neutrality, etc. She enquired whether the Administration had taken note of the said report. Under paragraph (b) of Chapter 6 of the Police General Orders, the definition of "political activities" included speaking publicly on matters of a political nature other than in the course of official duties. However, recently some police officers had publicly made political remarks, but they were not subject to interdiction or punishment. This had undermined the public's confidence in the Police which had dampened the entire civil service system. She asked whether the Administration had taken follow-up actions in this respect.

55. Noting the said report, SCS replied that the pay reviews for the Police and other disciplined services were actually carried out by different independent advisory bodies over the years. Apart from the review undertaken by the Rennie Committee in 1988, the pay levels of the Police had been examined in the Grade Structure Review for the Disciplined Services Grades in 2008. The Government would not comment on civil servants' performance in individual cases during the discussion on the civil service pay adjustment.

56. Pointing out that CS had earlier said that the Police's performance in the incident that took place on 21 July 2019 might have fallen short of the public's expectation, Mr WU Chi-wai said that President LAM Chi-wai of the Junior Police Officers' Association of the Hong Kong Police Force argued that CS's remarks did not represent the Police's stance. He enquired whether or not the Administration had issued a warning letter to the civil servant concerned and told him that such acts might have run against the announced position of the Government and contravened the Code. Mr WU also asked whether police officers had breached the Code

by using derogatory terms (i.e. cockroaches) to describe members of the public and whether the Administration would issue any circular, statement or warning to the civil servants concerned in this regard.

57. In reply, SCS said that all civil servants should act in accordance with the Code. The Government would treat all civil servants on an equal footing since the principles enshrined in the Code applied to all civil servants, including members of staff associations. The Administration had put in place an established mechanism to handle civil service disciplinary matters. The Administration neither subscribed to nor encouraged the use of derogatory terms by civil servants in addressing members of the public. In case individual officers were found to have possibly contravened the Code, heads of departments would follow up on such cases according to the relevant procedures and mechanisms.

58. Mr Kenneth LEUNG enquired whether members of the seven disciplined services under the Security Bureau ("SB") were required to complete annual performance appraisal reports for their staff; whether there were standard formats for such reports; whether job performance would affect the rate of pay rise for individual staff; the person(s) who was/were responsible for completing the performance appraisal reports of CP; and whether the Administration could make public the performance appraisal reports of CP in the past three years.

59. SCS replied that as with other service grades, staff of disciplined services were subject to regular performance appraisals, while the formats of appraisal reports differed for staff of different grades. If deficiencies were reflected in the appraisal reports, the Government could determine whether there was a need to take management actions in accordance with the established mechanism (including stoppage or deferment of increment). Regarding civil servants who had breached the law and discipline, the Government could immediately take disciplinary actions. Under the stringent performance appraisal system for the civil service, CE would assess CP's work performance but the performance appraisal reports of individual civil servants would not be made public.

Separate handling of pay adjustment for police officers

60. Mr Andrew WAN considered that CE and government officials were harbouring the Police by not holding police officers accountable for their suspected illegal acts. In his view, the entire civil service pay adjustment exercise would not be delayed if the Government had singled out the pay adjustment for police officers from the entire civil service pay adjustment. He asked what technical difficulties were involved in

separating the two items. Mr KWONG Chun-yu considered that the Police's law enforcement was problematic in the past six months. SCS could not give satisfactory responses to various questions raised by members, such as why an independent salary structure was established for the Police, why the Police were better paid than other disciplined services and whether the Government could single out the pay adjustment for police officers. Dr Helena WONG attributed the delay in granting approval for civil service pay adjustment to the Administration's refusal to single out the pay adjustment for police officers. She also expressed dissatisfaction with the Police's approach in handling public processions.

61. In reply, SCS said that he had, on a number of occasions, explained that the Government considered the civil service as a whole when deciding the annual civil service pay adjustment. The pay adjustment for staff of individual departments or grades would not be singled out for separate handling. An established channel was in place to follow up on any public views raised on individual departments.

Job-related allowances of the Hong Kong Police Force

62. Dr CHENG Chung-tai noted that, during the period from June to November 2019, the Disciplined Services Overtime Allowance ("DSOA") expenditure incurred by HKPF was around \$950 million in total. Calculated on the basis that the average number of DSOA recipients was around 11 000 per month, the monthly DSOA received by an officer was about \$14,000 on average. He enquired whether the Administration could provide the latest figures available. In the context of HKPF, he said that each police officer might work overtime ("OT") for a maximum of 60 hours in a month and earn allowances therefrom. According to the Administration, HKPF had, in December 2019, adjusted the ceiling for OT hours in accordance with its internal regulations, but the new ceiling for OT hours would not be disclosed. He asked about the reasons for not disclosing the adjusted ceiling for OT hours and the validity period of the said adjustment.

63. SCS replied that the DSOA-related expenditure was still being calculated and the latest figures were not yet available. The Administration would provide members with the statistics once ready. He supplemented that the DSOA expenditure mentioned by Dr CHENG Chung-tai comprised not only the DSOA arising from the Police's handling of social incidents but also that arising from other operational needs. Permanent Secretary for the Civil Service supplemented that in respect of the adjustment of the maximum monthly OT hours that police officers might undertake and earn allowances therefrom, SB and HKPF had already

stated in its earlier reply that the number of officers on duty was part of the operational details and such information could not be disclosed. The validity period of the adjusted ceiling for monthly OT hours would depend on the development of social incidents.

64. Noting the amount of DSOA claimed by HKPF from June to November 2019, Mr SHIU Ka-chun quoted media reports that HKPF invoked section 21 of the Police Force Ordinance (Cap. 232) in September 2019 to authorize the use of extendable batons by police officers when discharging duties during off-duty hours. He asked whether off-duty police officers who performed duties would be deemed to be discharging police duties during off-duty hours. He also enquired about the definition of "discharging police duties during off-duty hours", how the Administration monitored the OT hours claimed by police officers for the purpose of receipt of DSOA, as well as the approval mechanism adopted by HKPF.

65. SCS replied that the Police had put in place a stringent mechanism to monitor OT hours and the relevant compensation claimed by police officers. To his knowledge, police officers, regardless of whether they were on or off duty, would be deemed to be discharging police duties so long as they exercised the powers conferred by the law. Against the aforesaid benchmarks, the Police determined whether a police officer had discharged police duties beyond their conditioned hours of work, as such work would be deemed to be OT work. The Police would properly record the number of hours and other details of the OT work undertaken by police officers.

66. Mr SHIU Ka-chun said that the Administration announced in a press release issued on 19 November 2019 that a group of not more than 100 officers from the Correctional Services Department would be temporarily on loan to HKPF on a part-time basis to serve as special constables. Given that more than 300 correctional staff had left service in the past five years, he enquired about the legal basis and justifications for the secondment of correctional staff to HKPF; whether the correctional staff concerned would be granted time-off-in-lieu ("TOIL") or DSOA for the OT work performed by them; if DSOA would be granted to them, whether the rate would be calculated based on the conditions of service for general disciplined services or those for police officers.

67. SCS replied that according to the prevailing overtime work compensation mechanism, when it was, or was likely to be, impractical to arrange TOIL within one month from the date when OT work was performed, an overtime allowance might be payable to eligible officers.

The OT compensation for correctional staff who were appointed as special constables would continue to be dealt with according to the conditions of service for correctional staff.

Civil service pay policy and pay adjustment mechanism

68. Mr CHAN Chun-ying declared that his tenure as a member of the Standing Commission on Civil Service Salaries and Conditions of Service had started from January 2020. Therefore, he had not joined the discussion of this item and did not have any pecuniary interest, whether direct or indirect, in any such matter. He enquired whether civil servants who had reached the maximum pay point of the pay scale of their ranks could be exempted from the deduction of payroll cost of increments ("PCIs") during the annual pay adjustment exercise. Noting that almost eight months had lapsed and civil servants still had not received the back-payments of the salary differences arising from the pay adjustment, he asked whether the Administration would disburse the interests derived from the financial implications of more than \$12 billion (more than \$200 million) to civil servants, so that each civil servant would receive an additional sum of interests of about \$1,000.

69. SCS replied that the deduction of PCIs aimed to offset the special merit pay that should not have been included in gross PTIs. As such, the deduction of PCIs should apply to all civil servants, otherwise it would give rise to unfairness. Regarding the interests derived from the back-payments of salary differences arising from the pay adjustment, the annual civil service pay adjustment proposals would be submitted to FC as soon as practicable for scrutiny and expeditious approval. The relevant interests mentioned by members were not included in the established pay adjustment mechanism. The proposal put forward by Mr CHAN Chun-ying could be discussed further in future.

70. Mr YIU Si-wing enquired whether, after the granting of approval for the proposed 2019-2020 civil service pay adjustment, the back-payments payable to all civil servants would be adjusted according to the same pay increase percentages applicable to their corresponding pay points, or whether the back-payments would be subject to a deduction based on the performance of individual civil servants. SCS replied that following the granting of approval for the pay adjustment proposal, the back-payments payable to all civil servant would be adjusted according to the same pay increase percentages applicable to their corresponding pay points, with the exception of individual civil servants who were subject to the disciplinary action of salary deduction on account of their work performance. The civil service pay adjustment mechanism and the

disciplinary action of salary deduction imposed on civil servants were two separate mechanisms.

71. At 4:27 pm, the Chairman said that members intending to propose motions under FCP 37A should submit the wording of their proposed motions by 4:45 pm.

72. Dr Pierre CHAN declared that he was a half-time doctor in a hospital under the Hospital Authority ("HA"). He drew the Administration's attention to the fact that civil service pay adjustment would also affect many subvented sector staff members who were paid according to the civil service pay scales and were therefore subject to the annual pay adjustment exercise. Several years ago, HA staff members were initially not offered a 3% pay rise as what their counterparts in the corresponding civil service ranks enjoyed following the release of the civil service pay level survey. Although the dispute was eventually settled, he still hoped that the Administration would take note of the impact of the civil service pay adjustment on subvented sector staff.

73. Quoting paragraph 4 of item FCR(2019-20)33, Mr SHIU Ka-chun pointed out that the civil service pay policy aimed to offer sufficient remuneration to attract, retain and motivate staff of suitable calibre to provide the public with an effective and efficient service. He asked why the Administration had raised the point that civil servants were required to provide members of the public with an effective and efficient service and whether the Administration had conducted surveys for the purpose of gaining a better understanding of public expectations. In addition, he pointed out that it was incumbent upon CSB to provide quality services to and maintain good communication with members of the public for the purpose of fostering the public's goodwill and trust towards the Government. He also enquired what communication had taken place between CSB and members of the public since June 2019; whether CSB grasped the public's expectations of the Police; whether CSB was aware of the demand for the disbandment of the Police raised by some members of the public; as well as the justifications for the pay adjustment for the Police.

74. SCS replied that the civil service pay policy had been long established and the Government would examine, through various surveys conducted by independent advisory bodies, including the surveys mentioned in paragraph 4 of item FCR(2019-20)33, whether the remuneration was sufficient to attract, retain and motivate staff of suitable calibre to provide an effective and efficient service to the public. The established annual civil service pay adjustment mechanism would not give

particular consideration to the performance of individual departments, including HKPF, or grade officers. He had personally visited all 18 DCs and listened to public views on the work of various government departments. He had also collected public views on the services provided by civil servants during his visits to various departments and non-governmental organizations.

75. Noting that the total provision for the proposed pay adjustment was about \$12.3 billion in July-2019 prices, Dr Junius HO enquired whether there was a time lag in the proposed estimates having regard to changes in the Gross Domestic Product and other economic data for the whole year of 2019, and whether corresponding adjustments would be made.

76. In reply, SCS advised that the proposed civil service pay adjustment was determined with reference to such factors as the pay trend of private organizations in Hong Kong and the economic data during the 12-month period preceding 1 April 2019. All these consideration factors were part of the established pay adjustment mechanism. Any economic changes that took place after 1 April 2019 would be reflected in the pay adjustment in the next financial year, and thus the financial implications involved under the proposal would not reflect such changes.

77. Prof Joseph LEE enquired about the objective criteria for assessing the state of civil service morale; whether the reasonable pay claims of the staff side should be offered; how the Administration derived the net PTIs for the civil service; whether a pay rise should be offered to police officers; and whether the Administration had taken into account the state of Hong Kong's economy and the Government's fiscal position when determining the rate of civil service pay adjustment. SCS invited members to note that the relevant consideration factors of the civil service pay adjustment were detailed in paragraphs 5 to 21 in item FCR(2019-20)33.

78. Given that the pay differential between the upper and lower salary bands currently stood at about 22 times, Dr Fernando CHEUNG urged the Administration to narrow the pay disparity among various civil service grades. SCS replied that the pay structure and conditions of service for all civil service grades had evolved over the years and involved a set of relatively complex internal relativities which would also change in the course of time. Under the annual pay adjustment mechanism, depending on the circumstances, the rate of pay adjustment for civil servants in the lower salary band could be aligned with that of civil servants in the middle salary band based on the "bring-up" arrangement. The pay disparity between high-ranking and low-ranking civil servants was largely maintained at about 22 times in the past decade.

Views of members on the Chairman

79. At 4:37 pm, the Chairman said that FC had spent more than 20 hours on this item, and the time spent on discussing the specific contents of this item had also reached seven hours. Given that members had begun to repeat their questions and make irrelevant remarks, he declared that he now drew a line on members' requests for raising questions. Motions proposed under FCP 37A would be handled after all members on the wait-to-speak list had spoken.

80. At 4:40 pm, Dr KWOK Ka-ki and Mr HUI Chi-fung approached the Chairman's podium. The Chairman requested them to return to their seats. Mr HUI Chi-fung, Mr IP Kin-yuen, Mr Jeremy TAM, Mr Alvin YEUNG, Dr KWOK Ka-ki, Dr Helena WONG, Mr KWONG Chun-yu, Dr Fernando CHEUNG, Mr Andrew WAN, Mr CHAN Chi-chuen, Prof Joseph LEE and Mr IP Kin-yuen said that the Chairman had drawn a line on members' questions without notice and his abrupt decision of drawing a line would make many members unable to return to the conference room in time to press the "Request-to-speak" button and wait for their turn to ask questions. Members who had not raised any questions and those who wished to raise follow-up questions would also be deprived of their rights and opportunities to raise questions. Furthermore, the Chairman did not offer members the chance to ask five rounds of questions. Given that the item was controversial, they considered that the Chairman should allow members to continue to wait for their turn to ask questions.

81. The Chairman advised that a number of members had already raised three to four rounds of questions and many of their questions were already repetitive. Hence, he decided to draw a line on members' requests for raising questions. Given that there were a total of more than 40 outstanding items involving a total provision of more than \$100 billion awaiting FC's scrutiny within the current legislative session, and most of the meeting time today had been spent on discussing the DC incident which was clearly irrelevant to the item, coupled with the fact that he had already called on members to return to the conference room to raise questions more than one hour ago, the Chairman considered that he had already given sufficient time and opportunities for members to raise questions, having regard to the prevailing circumstances of the meeting and various factors.

82. The meeting was suspended at 5:28 pm and resumed at 5:40 pm.

Interdiction of civil servants

83. Mr KWONG Chun-yu considered that CSB had passed judgments on civil servants before trial by suspending the officers concerned from duty before conviction. By contrast, CSB supported the civil servants who left yesterday's DC meeting midway. In both cases, SCS had acted improperly. He considered that SCS should safeguard the dignity of the civil service, instead of merely handling the civil service pay adjustment. Mr Jeremy TAM enquired whether civil servants arrested for participating in illegal activities would be subject to interdiction automatically. He also asked whether HKPF would, after arresting a civil servant, pass the information of the arrestee to CSB. SCS replied that civil servants would not be interdicted automatically after their arrest and the Administration would, after taking into account the circumstances of the case, determine if there was a need to suspend individual civil servants from duty on a case-by-case basis. Under the existing notification mechanism between CSB and HKPF, the Police would provide the information of the arrested civil servants in compliance with the requirements under the Personal Data (Privacy) Ordinance (Cap. 486).

84. At the request of Mr Jeremy TAM, the Administration was required to provide information on the notification mechanism between HKPF and CSB when a civil servant was arrested and/or prosecuted by the Police, including the case information that HKPF would pass to CSB, and whether such case information would be provided to CSB after the arrest but prior to prosecution; whether and how CSB would consider interdicting the civil servants concerned upon being informed of the arrest and/or prosecution.

[Post-meeting note: The supplementary information provided by the Administration was issued to members vide LC Paper No. FC158/19-20(02) on 21 April 2020.]

Motion to adjourn the discussion on item FCR(2019-20)33

85. At 5:54 pm, Mr HUI Chi-fung, when speaking on the item, moved without notice under FCP 39 that discussion on item FCR(2019-20)33 be adjourned. The Chairman proposed the question and directed that each member might speak once on the motion for not more than three minutes.

86. Mr HUI Chi-fung briefed the meeting on his motion. Mr HUI pointed out that police brutality was a genuine problem which aroused widespread public discontent. He considered that SCS had condoned and harboured the Police, which had in turn crippled the entire civil service system. Yesterday, there was even a case where some civil servants had

failed to maintain political neutrality by leaving a DC meeting midway. He also pointed out that despite the moving of a motion to condemn the Police at another C&WDC meeting held on 18 July 2019, none of the public officers in attendance walked out of the meeting.

87. Ms Claudia MO, Mr CHAN Chi-chuen, Mr Dennis KWOK, Mr Alvin YEUNG, Dr Fernando CHEUNG, Mr LEUNG Yiu-chung, Ms Tanya CHAN, Mr WU Chi-wai, Mr SHIU Ka-chun, Mr Andrew WAN, Mr CHU Hoi-dick, Dr CHENG Chung-tai, Mr Jeremy TAM, Mr Charles Peter MOK, Mr James TO, Dr Helena WONG and Mr LAM Cheuk-ting spoke in support of the motion that the discussion on item FCR(2019-20)33 be adjourned. In gist, they considered that CE and CSB had turned a blind eye to police brutality and harboured the Police by refusing to single out the pay adjustment for police officers for separate handling. SCS had, while refraining from punishing those police officers and civil servants who contravened the Code, supported those civil servants who left a DC meeting midway and ran against the requirement for civil service political neutrality as enshrined in the Code. They also protested against the Chairman for restricting and depriving of members' opportunities and rights to raise questions.

88. Speaking against Mr HUI Chi-fung's motion, Dr CHIANG Lai-wan held that some members were irrational and unfair. The annual civil service pay adjustment exercise adjusted the salaries of civil servants having regard to inflation and other related factors, rather than based on the performance of individual civil servants or departments.

89. The meeting ended at 6:58 pm.