

Legislative Council Finance Committee
Follow-up Questions Raised at the Meeting on 6 December 2019

The information requested by Members and the responses from the Administration are as follows -

FCR(2019-20)33

- (a) If the proposed 2019-20 civil service pay adjustment is approved by the Finance Committee (FC), what will be the additional expenditure incurred in the current financial year? What is the percentage of the additional expenditure accounted for by the Hong Kong Police Force (HKPF)? Regarding the back-payment arrangement for civil servants since 1 April 2019, will the overtime allowance claimed by police officers after 1 April 2019 be calculated and back-paid according to the adjusted salary points? (*Raised by the Hon Chan Chi-chuen; 18:35:26*)**

Reply: Subject to the FC's approval of the 2019-20 civil service pay adjustment, the total financial implications for the Government in 2019-20 are about \$12.4 billion, of which about 8.1% (or around \$1 billion) is accounted for by HKPF.

As regards overtime allowance, once the 2019-20 civil service pay adjustment is approved by the FC, the dollar value of the respective pay points of the civil service pay scales will be adjusted, and the amount of overtime allowance will be adjusted accordingly. The overtime allowance paid to civil servants (including police officers) after 1 April 2019 will be calculated and back-paid according to the dollar value of the adjusted pay points, but the principle of calculation will not change.

- (b) From June 2019 up to now, what is the expenditure of overtime allowance for police officers? Is there adequate provision for HKPF to cover the related expenditure? The Commissioner of Police appointed a number of Correctional Services Department (CSD) staff members as special constables in November 2019. Is the salary (including overtime allowance) of these special constables charged under the expenditure head of HKPF or CSD? (*Raised by the Hon Au Nok-hin; 18:40:40 and 18:42:39*)**

Reply: Security Bureau (SB) has responded to this question through the information note attached.

- (c) It is requested that representative(s) from SB and HKPF be invited to attend the FC meeting on 13 December 2019 for the item “2019-20 Civil Service Pay Adjustment” and give responses to Members’ concern on issues relating to the pay adjustment of police officers. (*Raised by the Hon Chan Chi-chuen; 18:33:24*)**

Reply: This item seeks to invite the FC to approve adjustments to the civil service pay scales arising from the 2019-20 civil service pay adjustment, but not for any funding proposal for individual departments. That being the case, the Civil Service Bureau has referred to SB Members’ request for the attendance of representative(s) of SB and HKPF at the FC meeting. In view of Members’ concern on issues relating to the pay adjustment of police officers under the 2019-20 civil service pay adjustment, SB has provided their response through the information note attached.

**Finance Committee
Government's response to the action items of
the meeting on 6 December 2019**

At the Legislative Council Finance Committee ("LegCo FC") meeting on 6 December 2019, Members requested the Government to provide information about the overtime ("OT") work of police officers and Special Constables when scrutinising the 2019-20 Civil Service Pay Adjustment (FCR(2019-20)33). Relevant information is now provided below for reference.

OT work of police officers

General principles of claiming OT allowance

2. OT work is work undertaken over and beyond a civil servant's conditioned hours. It should be undertaken only when it is unavoidable, which means the duties to be performed by the civil servant at the time are essential and the duties must be performed at that time and cannot be deferred. OT work of police officers is subject to the Civil Service Regulations ("CSR"), Civil Service Bureau Circular No.18/2000 ("the Circular") as well as the stringent control under the relevant internal regulations of the Police. (Details please see para. 6 below)

3. Heads of Department ("HoDs") are required to ensure that OT work is kept to the absolute minimum as justified by operational requirements, and that at all times OT work is strictly controlled and properly supervised. Apart from unforeseen circumstances, OT work must be authorised in advance by HoDs or officers nominated by HoDs personally.

4. Time off in lieu ("TOIL") is the normal recompense for OT work performed. It may be granted by HoDs subject to exigencies of service. Monetary compensation for OT work performed by officers up to certain specified salary levels and in prescribed ranks may be approved by HoDs only when it is, or is likely to be, impracticable to arrange TOIL within a reasonable period of time from the date when OT work is performed.

Arrangement of HKPF's OT allowance

5. Since early June this year, more than 900 protests, processions and public meetings have been staged in Hong Kong, many of which eventually

turned into illegal acts of violence. During the ongoing conflicts in the past few months, frontline police officers had to handle massive and unlawful violent acts in various districts on the one hand, and to maintain regular police duties and public services in the territory on the other. The Police have flexibly deployed internal manpower and resources to cope with operational needs in a timely manner.

6. As mentioned before, OT work of police officers may only be undertaken when it is strictly unavoidable, and is subject to the CSR, the Circular as well as the stringent control under the relevant internal regulations of the Police. According to CSR, OT work will normally be compensated by TOIL. Where the granting of time off is, or is likely to be, impracticable within 30 days of the date on which OT work is performed, payment of Disciplined Services Overtime Allowance (“DSOA”) to eligible officers may be approved. Under CSR, HoDs should set a ceiling for the OT hours which an officer may undertake within a month. The ceiling is normally set at 60 hours in a month. The Circular also stipulates that departments have the flexibility to exceed the ceiling in exceptional or emergency situations or circumstances of genuine need.

7. HKPF has put in place stringent control and approval procedures regarding OT work. Supervisors will follow the requirements of relevant internal orders and criteria in considering OT work applications. According to the existing CSR, only those in ranks whose scale maxima are on or below Point 48 of the Police Pay Scale (i.e. the maximum pay point of Chief Inspector of Police) are eligible for DSOA. The Police will, having regard to operational needs, deploy manpower as appropriate, and permit officers to take time off or receive OT allowance according to individual needs and work situation. In view of the prevailing operational needs, HKPF has adjusted the ceiling for the OT hours which the police officer concerned may undertake within a month according to the established procedures of the Circular.

Expenditure on OT allowance

8. In general, the personal emoluments including salaries, allowances and job-related allowances of staff in government departments will be charged to Subhead 000 (Operational expenses). For disciplined services, personal emoluments include OT allowance.

9. LegCo FC has delegated to the Financial Secretary the authority to approve supplementary provisions without limit in personal emoluments,

provided that the supplementary provisions are used for the salaries and allowances of approved posts calculated in accordance with approved pay scales and rates of allowances. Therefore, if necessary, the Financial Secretary may approve, under delegated authority, the supplementary provisions required for DSOA. The Government will submit quarterly reports to FC on changes made to the approved estimates of expenditure under delegated authority.

10. In 2019-20, a provision of about \$20.2 billion was made under Subhead 000 (Operational expenses) for the salaries, allowances and other operating expenses of HKPF. In the past half year (June to November), the average number of DSOA recipients in HKPF was around 11 000 per month. The relevant expenditure in total was approximately \$950 million.

OT work of Special Constables

11. The ongoing riots over the past few months, with their massive scale, simultaneous occurrence in various districts and grave severity of violence, make it necessary to strengthen the support for the Police's front-line officers. The Government has therefore made use of the appointment mechanism under section 40 of the Public Order Ordinance to arrange for appropriate officers of other disciplined services to share or participate in part of the Police's work to strengthen the manpower and strength of the Police. The Commissioner of Police appointed a batch of officers of the Correctional Services Department ("CSD") as Special Constables in mid-November and appointed another batch of officers of the Customs and Excise Department ("C&ED") and Immigration Department ("ImmD") as Special Constables in end-November. During their appointment as Special Constables, the relevant CSD, C&ED and ImmD officers are temporarily on loan to the Police from their own departments on a part-time basis to discharge the duties of Special Constables. Salary (including OT allowance) of the relevant officers is charged to their own departments' expenditure heads.

Security Bureau
December 2019