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22 January 2020

Clerk to Panel on Public Service
Legislative Council Secretariat
Legislative Council Complex
1 Legislative Council Road
Central, Hong Kong
(Attn: Ms Carol WONG)

Dear Ms WONG,

Compensation of Overtime in the Civil Service

Thank you for your letter of 24 December 2019 referring the email enquiry from the Government Amenity Management Supervisors General Union (“the Union”) on meal break arrangement and compensation of overtime for staff of the Leisure and Cultural Services Department (“LCSD”). The Government’s response is set out below.

General principles

The arrangement and compensation of overtime for civil servants is governed by the Civil Service Regulations (“CSRs”) and the relevant Civil Service Bureau Circular (“Circular”). Bureaux and departments may, having regard to their special circumstances and operational needs, draw up internal guidelines for the administration and control of overtime within the confines of the CSRs and the relevant Circular.

According to the CSRs, overtime should normally be compensated by time off in lieu (“TOIL”). Only when it is, or is likely to be, impractical to arrange TOIL within one month from the date when overtime is

performed that an overtime allowance may be payable to eligible officers. The relevant Circular also sets out that the granting of TOIL is subject to the exigencies of service. As a general rule, Heads of Department will arrange their staff to take TOIL within one month subject to the exigencies of service. However, Heads of Department may, having regard to their specific operational needs, service requirement and manpower deployment, etc. specify a longer period of time for which overtime would be compensated by way of TOIL

Overtime compensation and meal break arrangement for LCSD staff

We have approached LCSD regarding the Union's concerns as raised in its email. According to the information provided by LCSD, the department will arrange staff to work overtime in light of operational needs of individual venues, while compensation of overtime will be arranged in accordance with the CSRs and the department's Administrative Circular on "Guidelines on Control and Administration of Overtime". In general, the department will arrange staff to take TOIL within one month as far as practicable having regard to the exigencies of service. The one-month rule, however, is not a rigid one and a certain degree of flexibility in the arrangement of TOIL may be exercised taking into account actual circumstances. Venue management may, having regard to the operation, service requirement and manpower deployment of individual venues / sections, specify a longer yet reasonable period of time during which overtime would be compensated by way of TOIL¹. Notwithstanding the above, the arrangement of TOIL should not be procrastinated indefinitely. If it is impracticable to arrange TOIL for the staff concerned, the department will consider granting an overtime allowance to eligible staff.

Since the workload in LCSD's aquatic venues varies with seasons², the venue management will take stock of the accumulated uncompensated overtime hours of staff at the end of the swimming season and, taking into

¹ For example, when swimming pools are closed for annual maintenance, apart from deploying Amenities Assistant grade staff to perform operational duties, LCSD will also arrange them to take TOIL to clear their accumulated uncompensated overtime hours. Having regard to actual operational requirement, LCSD's district management will also flexibly deploy staff from closed swimming pools to provide support for swimming pools that are still in operation, and provide additional manpower such that more staff may be arranged to take TOIL.

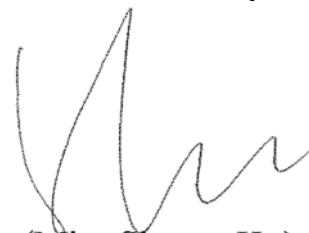
² Amongst the public swimming pools managed by LCSD, 44 are open during the swimming season (i.e. from April to October), whereas 26 with heated swimming pool facilities will remain open during the winter season (i.e. from November to March of the following year). Those without heated swimming pool facilities (18 in total) will be temporarily closed during the winter season for annual maintenance.

account the exigencies of service, remind and arrange the staff concerned to take TOIL during the off-season as far as practicable.

As regards the arrangement of meal break for Amenities Assistant grade staff, public swimming pools managed by LCSD are temporarily closed for one hour during noontime and in the evening respectively. According to LCSD's established guidelines on the management of swimming pools, only when there is actual operational need (e.g. when the swimming pool or some of the swimming lanes are booked by group(s)), will lifeguards be arranged to be on duty under the supervision of a senior lifeguard or an Amenities Assistant to ensure smooth operation and user safety. The aforementioned guidelines also stipulate that staff who are required to be on duty during the temporary one-hour closure should be arranged to take staggered meal breaks. If the meal break is less than one hour, the staff concerned will be provided with TOIL. Pool management will make flexible manpower deployment having regard to operational need and manpower requirement, such as arranging staff to take meal before or after the temporary closure.

All along, LCSD encourages venue / section management to arrange overtime for staff in a prudent and reasonable manner, and to arrange TOIL for staff as soon as practicable having regard to the exigencies of service. LCSD will continue to keep in view the operational need and manpower situation of individual venues / sections in order to make suitable arrangement.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Sharon Ko', written in a cursive style.

(Miss Sharon Ko)
for Secretary for the Civil Service