

立法會

Legislative Council

LC Paper No. CB(4)123/20-21
(These minutes have been
cleared by the Chairman)

Ref : CB4/PL/PS

Panel on Public Service

**Minutes of meeting held on
Monday 19 October 2020, at 10:45 am
in Conference Room 2 of the Legislative Council Complex**

Members present : Hon KWOK Wai-keung, JP (Chairman)
Hon POON Siu-ping, BBS, MH (Deputy Chairman)
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
Hon Mrs Regina IP LAU Suk-ye, GBS, JP
Hon Claudia MO
Hon Steven HO Chun-yin, BBS
Hon MA Fung-kwok, GBS, JP
Hon Charles Peter MOK, JP
Hon CHAN Han-pan, BBS, JP
Hon LEUNG Che-cheung, SBS, MH, JP
Dr Hon KWOK Ka-ki
Hon Christopher CHEUNG Wah-fung, SBS, JP
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
Dr Hon CHIANG Lai-wan, SBS, JP
Hon Alvin YEUNG
Hon Andrew WAN Siu-kin
Hon Jimmy NG Wing-ka, BBS, JP

Hon LAM Cheuk-ting
Hon Holden CHOW Ho-ding
Hon SHIU Ka-fai, JP
Hon SHIU Ka-chun
Dr Hon Pierre CHAN
Hon CHAN Chun-ying, JP
Hon CHEUNG Kwok-kwan, JP
Hon LUK Chung-hung, JP
Hon LAU Kwok-fan, MH
Hon KWONG Chun-yu
Hon Jeremy TAM Man-ho
Hon Vincent CHENG Wing-shun, MH, JP
Hon Tony TSE Wai-chuen, BBS

Members absent : Hon James TO Kun-sun
Hon WU Chi-wai, MH
Hon Kenneth LEUNG
Hon Dennis KWOK Wing-hang
Hon HUI Chi-fung

[According to the announcement made by the Hong Kong Special Administrative Region Government on 11 November 2020 pursuant to the Decision of the Standing Committee of the National People's Congress on Issues Relating to the Qualification of the Members of the Legislative Council of the Hong Kong Special Administrative Region, Kenneth LEUNG, KWOK Ka-ki, Dennis KWOK Wing-hang and Alvin YEUNG were disqualified from being a member of the Legislative Council on 30 July 2020.]

Clerk in attendance : Mr Colin CHUI
Chief Council Secretary (4)3

Staff in attendance : Mr Matthew LOO
Assistant Secretary General 4

Ms Maggie CHUNG
Senior Council Secretary (4)1

Ms Peggy CHUNG
Council Secretary (4)3

Miss Winnie CHENG
Senior Legislative Assistant (4)1

Ms Carmen HO
Senior Legislative Assistant (4)2

Miss Emma CHEUNG
Senior Legislative Assistant (4)3

Mr Griffin FUNG
Legislative Assistant (4)7

Miss Ariel SHUM
Legislative Assistant (4)3

Ms Denise LAU
Clerical Assistant (4)3

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I. Election of Deputy Chairman

The Chairman briefed members on the relevant provisions of the Rules of Procedures and House Rules regarding the election of Deputy Chairman of the Panel on Public Service ("the Panel"). He reminded members that 23 members had sent letters (circulated to all Members through email vide LC Paper No. CB(1)15/20-21 on 15 October 2020) to the Secretariat indicating that they would not accept nominations for deputy chairmanship. The relevant information was also tabled at the meeting for members' reference. The Chairman then invited nominations for the deputy chairmanship.

2. Mr CHAN Chun-ying nominated Mr POON Siu-ping and the nomination was seconded by Mr LEUNG Che-cheung. Mr POON Siu-ping accepted the nomination.

3. Dr KWOK Ka-ki nominated Dr Fernando CHEUNG and the nomination was seconded by Mr Alvin YEUNG. Dr Fernando CHEUNG accepted the nomination.

4. Ms Claudia MO nominated Mr LAM Cheuk-ting and the nomination was seconded by Mr Alvin YEUNG. Mr LAM Cheuk-ting accepted the nomination.

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5. Mr LAM Cheuk-ting nominated Prof Joseph LEE and the nomination was seconded by Mr Alvin YEUNG. Prof Joseph LEE accepted the nomination.

6. Mr Andrew WAN nominated Mr SHIU Ka-chun and the nomination was seconded by Mr Alvin YEUNG. Mr SHIU Ka-chun accepted the nomination. Mr SHIU subsequently withdrew such acceptance.

7. Mr Andrew WAN nominated Mr Jeremy TAM and the nomination was seconded by Mr Alvin YEUNG. Mr Jeremy TAM accepted the nomination.

8. Dr Helena WONG nominated Mr IP Kin-yuen and the nomination was seconded by Mr Alvin YEUNG. Mr IP Kin-yuen accepted the nomination.

9. Mr Andrew WAN nominated Mr KWONG Chun-yu and the nomination was seconded by Mr Alvin YEUNG. Mr KWONG Chun-yu accepted the nomination.

10. Dr KWOK Ka-ki nominated Mr Charles Peter MOK and the nomination was seconded by Mr Alvin YEUNG. Mr Charles Peter MOK accepted the nomination.

11. Mr Andrew WAN nominated Ms Claudia MO and the nomination was seconded by Mr Alvin YEUNG. Ms Claudia MO accepted the nomination.

12. Dr Helena WONG nominated Mr WU Chi-wai and the nomination was seconded by Mr Alvin YEUNG. As Mr WU Chi-wai was absent, Dr Helena WONG confirmed that the nomination was accepted by Mr WU Chi-wai.

13. Mr Andrew WAN nominated Dr KWOK Ka-ki and the nomination was seconded by Mr Alvin YEUNG. Dr KWOK Ka-ki accepted the nomination.

14. At 10:54 am, the Chairman said that the time for making nominations was up and such making of nominations therefore stopped. He announced that a total of 11 valid nominations were made. He then announced a vote by secret ballot.

15. After all members had cast their votes, the Chairman invited the nominators of the nominees, who were not running for the deputy

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chairmanship to monitor the counting of votes. Mr CHAN Chun-ying and Mr Andrew WAN came forward to the Chairman's podium to monitor the counting of votes.

16. The Chairman announced that Mr POON Siu-ping received 25 votes; Mr Jeremy TAM received 11 votes; and Dr Fernando CHEUNG, Mr LAM Cheuk-ting, Prof Joseph LEE, Mr IP Kin-yuen, Mr KWONG Chun-yu, Mr Charles Peter MOK, Ms Claudia MO, Mr WU Chi-wai and Dr KWOK Ka-ki did not receive any vote. The Chairman declared that Mr POON Siu-ing was elected Deputy Chairman of the Panel for the 2020-2021 session.

II. Items for discussion at the next meeting and the remaining regular meetings of the current session

(Appendix V to LC Paper No. — List of outstanding items
CB(4)4/20-21 for discussion)

Appendix VI to LC Paper No. — List of follow-up
CB(4)4/20-21 actions)

Items for next regular meeting

17. Members agreed to discuss the following items proposed by the Administration at the next regular meeting scheduled for 16 November 2020:

(a) An overview of medical and dental benefits for civil servants, pensioners and eligible persons; and

(b) Non-civil service contract staff.

(Post-meeting note: Notice and agenda of the meeting were issued to members vide LC Paper No. CB(4)36/20-21 on 21 October 2020.)

Items for future meetings

18. The Chairman referred members to the Legislative Council Brief issued by the Administration to all Members on 23 September 2020 regarding "Grade structure review for Veterinary Laboratory Technician and Medical Laboratory Technician grades" (item 5 of the "List of outstanding items for discussion" ("the List") of the Panel). Given that

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the Chief Executive-in-Council's decisions set out in the Legislative Council Brief did not entail in principle any changes to the Standing Commission on Civil Service Salaries and Conditions of Service's recommendations on the subject matter and such recommendations were considered by members at the Panel meeting on 4 November 2019, the Administration suggested that the item should not be discussed by the Panel again. Members agreed to delete the item from the List.

19. The Chairman drew members' attention to a letter dated 16 October 2020 from Ms Elizabeth QUAT, which was tabled at the meeting, requesting an early discussion on the following issues:

- (a) Enactment of legislation to prohibit acts of insulting public officers;
- (b) Progress of the study on the proposal on oath-taking by civil servants;
- (c) Civil service disciplinary matters, in particular those relating to civil servants breaching the Civil Service Code and breaking the law;
- (d) Fringe benefits under the terms of appointment to the civil service;
- (e) Progress of the grade structure review for the disciplined services grades;
- (f) Update on extension of service of civil servants, in particular matters relating to the retirement age of civil servants; and
- (g) Implementation of five-day week in the Government.

(Post-meeting notes: Ms Elizabeth QUAT's letter was circulated to members vide LC Paper No. CB(4)23/20-21(01) on 19 October 2020.)

20. For item (a) of paragraph 19, Ms Claudia MO, Dr Fernando CHEUNG, Mr LAM Cheuk-ting and Mr KWONG Chun-yu proposed that the applicability of the proposed legislation to prohibit acts of insulting public officers should be elucidated. They also considered that enactment of legislation to prohibit acts of insulting members of the public by public officers should be discussed.

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21. For item (b) of paragraph 19, Mr LAM Cheuk-ting and Dr Fernando CHEUNG suggested that the Administration should elucidate the details of and the implementation plan for the proposal on oath-taking by civil servants, including details of the requirements in relation to the taking of the oath, acts and behaviours that would constitute a breach of the oath, as well as the mechanism for handling non-compliance with the oath-taking requirements and the penalty therefor etc. Mr IP Kin-yuen, Mr Andrew WAN and Dr Helena WONG considered that the Administration should also elucidate measures on ensuring the political neutrality of civil servants and how the Administration would protect civil servants' freedom of speech, of assembly, of demonstration and their right to strike. Mr Steven HO suggested that the scope of the subject matter should also cover staff of Government-funded public bodies.

22. For item (c) of paragraph 19, Mr Andrew WAN and Mr KWONG Chun-yu requested for a briefing on disciplinary regulation of staff of disciplined services. Dr CHIANG Lai-wan suggested the introduction of a performance-based merit and demerit system in addition to the current civil service disciplinary mechanism.

23. Ms Claudia MO proposed that the Panel should discuss matters relating to the roles and functions of civil servants working at the Radio Television Hong Kong, as well as measures to ensure that they could strike a balance between pledging allegiance to the Hong Kong Special Administrative Region and the Hong Kong Special Administrative Region Government whilst achieving editorial independence. Mr Steven HO suggested that a joint meeting be held with the Panel on Information Technology and Broadcasting to discuss the way forward for the Radio Television Hong Kong.

24. Mr LUK Chung-hung proposed that the Panel should discuss the grade structure review for lifeguards of the Leisure and Cultural Services Department and the regulation of the outsourcing regime of subvented organizations so as to protect the rights of the employees concerned.

25. Dr Fernando CHEUNG suggested that when the Administration briefed the Panel on the civil service pay adjustment for 2021-2022, matters relating to the income disparity between civil servants in the directorate and upper salary bands and those in the lower salary band should also be discussed.

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26. Dr CHIANG Lai-wan suggested that when the Administration briefed the Panel on the provision of training and development for civil servants by the Civil Service Bureau, measures to strengthen civil servants' understanding of the Basic Law and the Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region should also be covered.

27. Dr Helena WONG urged for an early discussion on "Spousal benefits to same-sex partners of civil servants" (item 8 of the List).

28. The Chairman indicated that he and the Deputy Chairman would meet with the Secretary for the Civil Service to discuss the work plan of the Panel for the 2020-2021 session. Members might put forward their written suggestions on items to be discussed for consideration.

III. Any other business

29. There being no other business, the meeting ended at 11:33 am.

Council Business Division 4
Legislative Council Secretariat
17 November 2020