

立法會

Legislative Council

LC Paper No. CB(4)361/19-20
(These minutes have been seen
by the Administration)

Ref : CB4/PL/PS

Panel on Public Service

Minutes of policy briefing-cum-meeting held on Monday, 4 November 2019, at 10:45 am in Conference Room 3 of the Legislative Council Complex

Members present : Hon KWOK Wai-keung, JP (Chairman)
Hon POON Siu-ping, BBS, MH (Deputy Chairman)
Hon WONG Ting-kwong, GBS, JP
Hon Starry LEE Wai-king, SBS, JP
Hon Mrs Regina IP LAU Suk-ye, GBS, JP
Hon Steven HO Chun-yin, BBS
Hon Charles Peter MOK, JP
Hon Alice MAK Mei-ken, BBS, JP
Hon IP Kin-yuen
Hon Elizabeth QUAT, BBS, JP
Hon Martin LIAO Cheung-kong, GBS, JP
Dr Hon CHIANG Lai-wan, SBS, JP
Hon CHU Hoi-dick
Hon HO Kai-ming
Hon LAM Cheuk-ting
Hon SHIU Ka-fai, JP
Hon Wilson OR Chong-shing, MH
Hon YUNG Hoi-yan, JP
Dr Hon Pierre CHAN
Hon CHAN Chun-ying, JP
Hon Jeremy TAM Man-ho
Hon Gary FAN Kwok-wai
Hon Tony TSE Wai-chuen, BBS

Members absent : Hon Abraham SHEK Lai-him, GBS, JP
Hon WONG Kwok-kin, SBS, JP
Hon LEUNG Che-cheung, SBS, MH, JP
Hon Christopher CHEUNG Wah-fung, SBS, JP
Hon CHEUNG Kwok-kwan, JP

Members attending : Hon CHAN Han-pan, BBS, JP
Hon Holden CHOW Ho-ding

Public Officers attending : **Agenda item III**

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

Mr Thomas CHOW, JP
Permanent Secretary for the Civil Service

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

Ms Amy WONG, JP
Deputy Secretary for the Civil Service 2

Mr Eric CHAN, JP
Deputy Secretary for the Civil Service 3

Mr Hermes CHAN
Director of General Grades
Civil Service Bureau

Agenda item IV

Ms Amy WONG, JP
Deputy Secretary for the Civil Service 2

Mr Benjamin MOK
Principal Assistant Secretary for the Civil
Service (Pay & Leave)

Miss Yandy CHAN
Assistant Secretary for Food and Health
(Food)1

Miss Iris MA
Principal Executive Officer (Health)
Food and Health Bureau

Dr Thomas SIT
Assistant Director of Agriculture, Fisheries and
Conservation (Inspection & Quarantine)

Dr Christopher John BRACKMAN
Senior Veterinary Officer
(Veterinary Laboratory)
Agriculture, Fisheries and Conservation
Department

Miss Winky WONG
Assistant Director of Health
(Administration & Policy)

Dr JONG Kwok-kwan
Head, Public Health Laboratory Services
Branch
Department of Health

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

Staff in attendance : Ms Maggie CHUNG
Senior Council Secretary (4)1

Ms Mina CHAN
Senior Council Secretary (4)7

Miss Carol WONG
Council Secretary (4)1

Mr Griffin FUNG
Legislative Assistant (4)7

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I. Information papers issued since the last regular meeting on 21 June 2019

(LC CB(4)1101/18-19(01)	Paper	No. -- Administration's further response to the letter dated 5 June 2019 from Hon LAM Cheuk-ting on issues relating to the integrity management policy of the Correctional Services Department
LC CB(4)1244/18-19(01)	Paper	No. -- Administration's response to the submissions from related staff unions/associations expressing views on the issue of "Grade Structure Review of the disciplined services")

[When the meeting commenced, the Deputy Chairman took the chair in the absence of the Chairman.]

Members noted that the above papers had been issued since the last regular meeting on 21 June 2019.

2. Having regard that the meeting with related staff unions/associations to discuss the issue of "Grade Structure Review of the disciplined services" originally scheduled for 15 July 2019 was cancelled due to safety and security reasons in the Legislative Council Complex, the Deputy Chairman sought members' views on the rescheduling arrangements.

3. Mr Jeremy TAM recalled that the Panel had previously agreed that the meeting with related staff unions/associations on the issue of "Grade Structure Review of the disciplined services" should be held before the Standing Committee on Disciplined Services Salaries and Conditions of Service and the Standing Committee on Directorate Salaries and Conditions of Service had finalized their recommendations on the subject in their reports, or there would be little room for amendments when the Administration briefed the Panel on the reports. Members raised no objection to the above arrangement.

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4. The Deputy Chairman instructed the Clerk to liaise with the Administration on the meeting arrangements.

(Post-meeting note: The meeting with related staff unions/associations on the issue of "Grade Structure Review of the disciplined services" was subsequently scheduled for the regular meeting held on 20 January 2020. Notice of meeting was issued to members vide LC Paper No. CB(4)205/19-20 on 18 December 2019.)

II. Date of next meeting and items for discussion

(LC Paper No. CB(4)52/19-20(01) -- List of outstanding items for discussion)

Items for next regular meeting

5. The Deputy Chairman suggested and members agreed to cancel the regular meeting originally scheduled for 18 November 2019. The next regular Panel meeting would be held on 16 December 2019 to discuss the following items proposed by the Administration:

- (a) An overview of medical and dental benefits for civil servants, pensioners and eligible dependants; and
- (b) Non-civil service contract staff.

Items for future meetings

Political neutrality of civil servants and staff of Government-funded public bodies

6. Concerning that the Administration had adopted a double standard in handling officers of the Hong Kong Police Force ("the Police") and some civil servants who had participated in political assemblies or made political remarks in the public or on social networking platforms in relation to recent social incidents, Mr LAM Cheuk-ting urged the Administration to elucidate to the Panel the principle of political neutrality of the civil service as early as possible.

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7. Dr CHIANG Lai-wan was of the view that it was crucial for civil servants to maintain political neutrality, so that they would discharge their duties impartially and professionally. Noting that some medical staff of public hospitals had expressed hostile views against police officers who were admitted into the hospitals, she suggested that political neutrality of staff of Government-funded public bodies should also be covered.

Enactment of legislation to prohibit acts of insulting public officers

8. Dr CHIANG Lai-wan and Ms Elizabeth QUAT expressed concern that the frequent occurrence of members of the public insulting and provoking frontline public officers had not only exerted immense work pressure on the latter, but also adversely affected their performance of duties. Hence, they called on the Administration to discuss item 6 "Enactment of legislation to prohibit acts of insulting public officers" of the "List of outstanding items for discussion" as soon as possible.

9. Having regard that the current social situation had given rise to conflicts between police officers and members of the public, Mr LAM Cheuk-ting was worried that the discussion of the enactment of legislation to prohibit acts of insulting public officers might provoke further conflicts in the community. Meanwhile, he opined that with the interim Injunction Orders granted by the Court of First Instance and the enforcement power conferred by the existing law, the police officers were well protected from nuisance caused by protesters.

10. Mr Gary FAN expressed concern that the enactment of legislation to prohibit acts of insulting public officers might give excessive powers to the Police. He further questioned whether Dr CHIANG Lai-wan and Ms Elizabeth QUAT had shifted the focus of legislation from public officers to police officers, as he remembered that Dr CHIANG and Ms QUAT had written a joint letter to the Panel in this regard.

11. Mr Holden CHOW raised a point of order that Mr Gary FAN had violated Rule 41(5) of the Rules of Procedure ("RoP") by imputing improper motives to Dr CHIANG Lai-wan and Ms Elizabeth QUAT, and that Mr FAN should withdraw his remarks. Mr LAM Cheuk-ting disagreed with Mr CHOW's views, pointing out that Mr FAN was referring to the content of the joint letter from Dr CHIANG and Ms QUAT mentioned in paragraph 10.

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12. Ms Elizabeth QUAT and Dr CHIANG Lai-wan pinpointed that it was clearly stated in the "List of outstanding items for discussion" that they proposed to discuss the enactment of legislation to prohibit acts of insulting public officers. Ms QUAT stressed that she had repeatedly enquired about the progress of introducing legislation to prohibit acts of insulting public officers in Panel meetings, and she had urged the Administration to make reference to the general offence of "insult" adopted in Macau, so that legislation would also be enacted against public officers who insulted citizens. Dr CHIANG criticized Mr FAN for not telling the truth and presenting false information to the public. She clarified that the issue had been discussed in panels of the Legislative Council, and she and Ms QUAT had taken into account views from the public that extending the scope of legislation to cover public officers could better facilitate frontline civil servants in performing their duties.

13. Mr Gary FAN raised a point of order. He considered that Dr CHIANG Lai-wan's comments on him were offensive and had violated Rule 41(4) of RoP, which stipulated that a member should not use offensive and insulting language about other Members. He requested Dr CHIANG to withdraw her comments. At the invitation of the Deputy Chairman, Dr CHIANG responded that she was making a statement based on the fact.

14. The Deputy Chairman reminded members to be mindful of and respectful in their language. Given that Dr CHIANG Lai-wan had already made clarification on her remarks, the Deputy Chairman ruled that her remarks were not offensive.

15. In conclusion, the Deputy Chairman said that the Chairman and he would meet with Secretary for the Civil Service ("SCS") to discuss the annual work plan of the Panel for the 2019-2020 session on 11 November 2019, and members' views expressed at the meeting would be conveyed to SCS at this meeting.

III. Briefing by the Secretary for the Civil Service on the Chief Executive's 2019 Policy Address

(LC Paper No. CB(4)8/19-20(01) -- Administration's paper on the Policy Measures of the Civil Service Bureau in the 2019 Policy Address)

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16. At the invitation of the Deputy Chairman, SCS briefed members on the policy measures relating to the Civil Service Bureau ("CSB") featured in the Chief Executive ("CE")'s 2019 Policy Address and Policy Address Supplement as set out in the Administration's paper (LC Paper No. CB(4)8/19-20(01)).

Political neutrality of civil servants and staff of Government-funded public bodies

Principle of political neutrality

17. Mr Wilson OR sought elaboration on the principle of political neutrality as stated in the Civil Service Code ("the Code"), and how the Administration would ensure civil servants' compliance with the principle. Mr Steven HO enquired about the Administration's views on the interpretation of political neutrality of the civil service as raised by a former SCS at a public assembly held in August 2019.

18. SCS advised that the Administration issued a press release on the subject on 3 August 2019. He recapitulated that according to the Code, civil servants should uphold core values of the civil service as set out in the Code, including commitment to the rule of law, impartiality, dedication and political neutrality etc. Civil servants should serve 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. Civil servants should ensure that their views and behaviour would not give rise to any conflict of interest with their official duties, or might not be seen to compromise the important principle of maintaining impartiality and political neutrality when discharging their duties. Apart from the Code, Heads of Departments might, in light of their operational needs, lay down further regulations for compliance by their staff, so as to serve the same purpose.

Indication of political stance of civil servants

19. Mr Steven HO, Mrs Regina IP, Ms Elizabeth QUAT, Dr CHIANG Lai-wan, Mr Holden CHOW and Mr SHIU Ka-fai expressed concern about instances of civil servants posting slogans at workplaces, making remarks on social network platforms and organizing and participating in activities to indicate their anti-government stance, and that some civil servants were arrested for suspected involvement in unlawful public activities. They enquired whether these civil servants had violated the principle of political neutrality and about follow-up actions taken by the Administration on these cases. Mr HO Kai-ming

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asked whether sanctions which should be comparable to other misconducts would be imposed on the abovesaid civil servants.

20. Mr Gary FAN raised concern about the number of civil servants who had been arrested for participating in public activities since June 2019, and out of which the number who were interdicted from duty. Quoting the actual prosecution figures as reported in the media, he believed that many protesters were arrested arbitrarily, hence it would be unfair to interdict civil servants who were arrested and/or undergoing judicial proceedings.

21. SCS clarified that except certain groups of officers, for example directorate officers, there was no objection to individual civil servants participating in peaceful and lawful public order events in their personal capacity, as long as that did not give rise to any conflict of interest with their official duties, or might not be seen to compromise the important principle of maintaining impartiality and political neutrality when discharging their duties.

22. In response to members' concern about civil servants who were suspected to be involved in illegal activities, SCS stressed that the Administration attached great importance to the conduct of civil servants and adopted a zero-tolerance attitude towards civil servants who violated the law. In accordance with the established civil service disciplinary mechanism, the Administration would, upon completion of judicial proceedings, take disciplinary actions against civil servants who had been convicted of criminal offence. If the civil servants concerned had been convicted of criminal offence by the Court, or there was evidence that civil servants concerned had misconduct upon investigation, the Administration would institute disciplinary actions. In determining the appropriate punishment, the Administration would examine the court judgement and sentence and take into account factors such as the nature and gravity of the misconduct or criminal offence. He highlighted that the cases mentioned in paragraph 19 were only a few isolated incidents, and the longstanding hard work and dedication of a vast majority of civil servants in serving the public should be acknowledged.

23. Pointing out that some civil servants were subject to disciplinary proceedings for criticizing the Police's enforcement actions and the way CE handled issues in relation to the Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation (Amendment) Bill 2019, Mr LAM Cheuk-ting queried whether the Administration would also adopt the same yardsticks in following up the cases of civil servants who had made hate speeches and dehumanizing expressions against protesters.

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Mr LAM urged the Administration to remind civil servants that they should not make discriminatory remarks against people with different political beliefs. Mr IP Kin-yuen called on the Administration to treat all these cases with impartiality and should not take side with either party.

24. SCS reiterated that the Code and relevant civil service regulations/guidelines had clearly set out the standards of conduct of civil servants. Civil servants were well aware that their behaviour should not impede their performance of official duties in a fair and professional manner. As regards complaints against civil servants, they would be referred to the relevant Bureaux/Departments ("B/Ds") for follow up, and he would not comment on individual cases.

25. Ms Elizabeth QUAT considered that civil servants should uphold the Basic Law ("BL") and support Government policies and decisions. Mr HO Kai-ming and Ms Starry LEE respectively enquired whether the Administration had, since the social disturbances erupted in June 2019, reiterated to civil servants the importance of upholding the principles of political neutrality and not participating in unlawful public activities.

26. SCS pointed out that the Administration had, from time to time, restated the core values of the civil service via training or re-circulation of relevant regulations/guidelines. Taking into account the recent social situation in Hong Kong, the Administration had reiterated to all civil servants the importance to maintain political neutrality through different channels, such as press conferences and internal meetings.

27. The Chairman and Mr SHIU Ka-fai suggested the Administration clarifying whether civil servants were allowed to express their political viewpoints at workplaces. SCS said that as posting slogans at workplaces might create division and conflicts within the Administration, the senior management of B/Ds would keep in view the situation and take appropriate actions when deemed necessary.

28. Mr Holden CHOW asked whether the Administration had received any complaints about government school teachers, who were also appointed on civil service terms, making hostile remarks against the Police or/and seditious remarks since June 2019. He and Mr Steven HO further enquired about the disciplinary mechanism established for those complaints substantiated.

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29. SCS explained that the Education Bureau was responsible for handling complaints against government school teachers, and the Bureau would take appropriate follow-up actions in accordance with the established mechanism.

30. Mr IP Kin-yuen called on the Administration to strike a reasonable balance between requiring civil servants to uphold the principle of political neutrality and not undermining their freedoms of speech, of association, of assembly, of procession and of demonstration provided under BL and depriving them of their political rights.

Political neutrality of staff of subvented organizations

31. Mr Steven HO pointed out that the Administration should look into the cases of some staff of subvented social welfare organizations supporting protesters, having regard that part of the subventions were used for the remuneration of subvented staff. In response to Dr CHIANG Lai-wan's enquiry on whether staff of subvented organizations were required to maintain political neutrality, SCS advised that CSB was responsible for, among others, the overall management of civil servants within the Government. The Civil Service Regulations, the Code and other relevant regulations/guidelines were only applicable to civil servants. As subvented organizations were independent of the Government, they had the autonomy to formulate their own policies on human resources management.

32. Given that subvented organizations were funded by public money, Dr CHIANG Lai-wan considered that staff of subvented organizations should have the obligation to adhere to the principle of political neutrality, and CSB should formulate guidelines to regulate their compliance. She indicated that she would move a motion to this effect.

33. At the request of Dr CHIANG Lai-wan and Mr Steven HO, SCS undertook to provide further information regarding the issue of political neutrality of civil servants, government school teachers and staff of Government-funded public bodies.

(*Post-meeting note:* The Administration's response was issued to members vide LC Paper No. CB(4)191/19-20(01) on 12 December 2019.)

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Solidarity of the civil service

34. Citing various confrontations between frontline officers of the Police and other departments happened in the past few months, Mrs Regina IP and Mr Steven HO criticized the Administration for its poor management of the civil service and the lack of coordination between frontline staff in executing their respective duties. Mr HO opined that it would undermine the Government's authority and credibility and hamper the Government's objective in "stopping violence and curbing disorder". Mrs IP cast doubt on the solidarity of the civil service and enquired whether Heads of Departments/Heads of Grades had explained to civil servants the Government's policies and decisions. Ms Starry LEE asked whether all civil servants were committed to supporting the Administration's work in restoring stability in Hong Kong.

35. SCS said that under an established consultative machinery within the civil service, the management would explain to staff the background and rationale behind the Administration's initiatives, and staff could exchange views with the management accordingly. Regarding the incidents happened between the Police and the Fire Services Department as mentioned by Mrs Regina IP, he pointed out that both Departments had issued joint statements to clarify the incident and reiterate their continued support for cooperation with each other. He assured members that B/Ds would strive to restore social peace and order in Hong Kong, and he would convey members' views to relevant B/Ds.

[At 11:35 am, the Chairman resumed the chair.]

Fringe benefits for civil servants

Medical and dental benefits

36. Mrs Regina IP commended the Administration for its efforts in improving the medical and dental benefits for civil service eligible persons ("CSEPs"), in particular the inclusion of Chinese medicine services under the scope of civil service medical benefits. Noting that two Chinese Medicine Clinics would be set up in two Chinese Medicine Centres for Teaching and Research located respectively in Hong Kong East and New Territories West to provide free Chinese medicine general consultation and acupuncture services to CSEPs, Ms YUNG Hoi-yan enquired when such services could be launched in the Chinese Medicine Centres for Teaching and Research located in New Territories East.

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37. SCS replied that the abovesaid two Chinese Medicine Clinics would be operated on a pilot basis. CSB would review the pilot scheme after one-year operation with a view to formulating the long-term arrangement of provision of Chinese medicine services to CSEPs.

38. Concerning that the ongoing political turmoil had created increasing work pressure on civil servants, Ms YUNG Hoi-yan asked whether any additional measures had been introduced, such as clinical psychology and counselling services, to help civil servants in need.

39. SCS advised that CSB had commissioned a non-governmental organization to provide hotline counselling service on stress management to civil servants. In addition, some government departments had their in-house clinical psychology units or procured related services from counselling agencies to provide professional assistance to frontline enforcement officers. B/Ds would closely monitor the workload and stress level of their staff.

Housing benefits for disciplined forces

40. Ms Elizabeth QUAT and Mr Wilson OR sought information about the progress of the departmental quarters ("DQs") construction projects for disciplined forces as stated in the 2014 Policy Address.

41. SCS replied that eight DQ projects for disciplined services were in progress to provide more than 3 000 units in total. To address the shortage of DQs for disciplined services departments, the Security Bureau was examining the possibility of redeveloping existing DQ sites and identifying more sites for construction of DQs. The Administration would maintain close communication with disciplined services departments in this regard.

42. At the request of Mr Wilson OR, SCS undertook to provide details on the provision and redevelopment of disciplined services DQs in the coming three years, including the timeline and number of units to be provided.

(Post-meeting note: The Administration's response was issued to members vide LC Paper No. CB(4)155/19-20(01) on 29 November 2019.)

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Training facilities and programmes for civil servants

43. Whilst expressing support for the establishment of the civil service college in Kwun Tong, Mr Wilson OR drew the Administration's attention to the fact that the Kwun Tong MTR Station was already overcrowded during peak hours. He called on the Administration to ensure the provision of adequate transport infrastructure in the vicinity and work closely with the MTR Corporation Limited in exploring the feasibility of extending the Kwun Tong Station concourse and platform to ease passenger flow. SCS said that the Transport and Housing Bureau and the Development Bureau would continue to liaise with relevant stakeholders and the MTR Corporation Limited on tackling the matter.

44. Mr Wilson OR enquired about training programmes on web technology usage, innovation and technology application and national studies provided for civil servants, as well as the measures to assess their effectiveness. SCS advised that the Administration would evaluate from time to time whether adequate training programmes were provided to civil servants to equip them with the skills, knowledge and mind-set necessary for providing quality services to the public. CSB would brief members on the overview of the training and development for civil servants at a future Panel meeting in the 2019-2020 legislative session.

Other concerns

Assistance for shops damaged by protesters

45. Ms Starry LEE expressed disappointment that the Lands Department had issued a demolition order to a bank which had erected structures outside its branch to prevent vandalism by protesters. She considered that the Lands Department should take into account the security needs of industries which had been seriously affected by the social unrest, and treat the above case with more flexibility. SCS advised that to his understanding, members of the public had lodged complaints to the Lands Department against the abovesaid structures, and the Department had suspended enforcement actions after communicating with the bank branch concerned.

Legal assistance for civil servants

46. In response to Ms YUNG Hoi-yan's concern on the legal support provided to police officers who were subject to prosecutions as a result of discharging their duties, SCS advised that under the service-wide legal assistance scheme operated by CSB, civil servants might be provided

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with legal assistance when they were involved in non-corruption related criminal/civil proceedings arising from the performance of their official duties.

Overtime allowance for the Hong Kong Police Force

47. At the request of Mr CHU Hoi-dick, the Administration undertook to provide the following information for the period from June to October 2019:

- (i) the Police's actual expenditure on Disciplined Services Overtime Allowance;
- (ii) the number of police officers received Disciplined Services Overtime Allowance; and
- (iii) how much of the above allowance was covered by the Police Welfare Fund.

(*Post-meeting note:* The Administration's response was issued to members vide LC Paper No. CB(4)155/19-20(01) on 29 November 2019.)

Motions proposed by members

48. The Chairman referred members to the two motions put forth by Mrs Regina IP and Dr CHIANG Lai-wan respectively and an amendment motion put forth by Mr Gary FAN to the motion moved by Mrs Regina IP. The Chairman ruled that the two motions and the amendment motion were directly related to the agenda item.

49. Mr CHU Hoi-dick and Mr IP Kin-yuen raised a point of order. They questioned whether Mrs Regina IP's motion requiring all civil servants to swear to uphold BL and swear allegiance to the Hong Kong Special Administrative Region ("HKSAR") was inconsistent with BL Article 104, which stated that only CE, principal officials, members of the Executive Council and of the Legislative Council, judges of the courts at all levels and other members of the judiciary in HKSAR were required to swear to uphold BL and swear allegiance to HKSAR. Mr IP added that since the Oaths and Declarations Ordinance (Cap. 11) was enacted to consolidate the law and provide for matters relating to oaths and declarations, he questioned the legality and appropriateness of requiring civil servants to take oath by the issuance of an executive order under BL Article 48(4).

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50. Mr LAM Cheuk-ting considered it pointless to require civil servants to swear to uphold BL and swear allegiance to HKSAR, having regard that it was already stipulated in the Code that civil servants should comply with BL and the Laws of Hong Kong, and serve 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.

51. Mr HO Kai-ming said that BL Article 99 had stated that public servants must be dedicated to their duties and be responsible to HKSAR, the oath taking requirement should be regarded as a way to prove their dedication and loyalty. Mrs Regina IP stressed that as an employer, the Government could include upholding BL and being allegiance to HKSAR as core values and entry requirements of civil servants.

52. Mrs Regina IP and Mr Martin LIAO considered that BL Article 48(4) had conferred CE the executive power to issue an executive order. As such, an executive order could be issued requiring all civil servants to swear to uphold BL and swear allegiance to HKSAR. In addition, they reminded the meeting that a motion passed by a committee was not binding on the Administration. Dr CHIANG Lai-wan added that if the motion was passed in the Panel, the Administration would study the legality and feasibility of the motion.

53. Taking into account that a motion passed by a committee was not binding on the Administration, the Chairman ruled that the motion moved by Mrs Regina IP was in order.

54. The Chairman invited members present to consider whether the motion moved by Mrs Regina IP should be proceeded with and put this matter to vote. At the request of Mr LAM Cheuk-ting, the Chairman ordered a division. 12 members agreed to deal with the motion, five members disagreed and none abstained from stating the stance. The votes of individual members were as follows:

For:

Mr POON Siu-ping
Ms Starry LEE
Mrs Regina IP
Mr Steven HO
Ms Alice MAK
Ms Elizabeth QUAT
(12 members)

Mr Martin LIAO
Dr CHIANG Lai-wan
Mr HO Kai-ming
Mr SHIU Ka-fai
Mr Wilson OR
Ms YUNG Hoi-yan

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Against:

Mr Charles Peter MOK

Mr IP Kin-yuen

Mr CHU Hoi-dick

(Five members)

Mr LAM Cheuk-ting

Mr Gary FAN

Amendment motion moved by Mr Gary FAN and seconded by Mr IP Kin-yuen

55. The Chairman informed the meeting that the motion would be proceeded with and the Panel would first vote on the amendment moved by Mr Gary FAN.

56. Mr Gary FAN read out his proposed motion:

"本會促請行政長官，根據《基本法》第四十八條第(四)項，發布行政命令，要求所有公務員，包括新入職公務員，宣誓擁護《基本法》及效忠中華人民共和國香港特別行政區，**和全體香港市民**。"

(Translation)

"This Panel urges the Chief Executive to issue an executive order under Article 48(4) of the Basic Law to require all civil servants, including new appointees, to swear to uphold the Basic Law and swear allegiance to the Hong Kong Special Administrative Region of the People's Republic of China **and the Hong Kong people.**"

(Note: The amendment is marked in bold type)

57. The Chairman put the amendment motion to vote. Three members voted for the motion, 12 members voted against it and two members abstained from voting. The Chairman declared that the amendment motion was negated.

58. The Chairman and Mr SHIU Ka-fai remarked that Mr Gary FAN's amendment was illogical. Mr SHIU said that if civil servants were required to swear allegiance to the Hong Kong people, they would be considered as breaching the oath if they had to implement controversial policies/initiatives with divisive views among the public.

Original motion moved by Mrs Regina IP and seconded by Ms Starry LEE

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59. Mrs Regina IP read out her proposed motion:

"本會促請行政長官，根據《基本法》第四十八條第(四)項，發布行政命令，要求所有公務員，包括新入職公務員，宣誓擁護《基本法》及效忠中華人民共和國香港特別行政區。"

(Translation)

"This Panel urges the Chief Executive to issue an executive order under Article 48(4) of the Basic Law to require all civil servants, including new appointees, to swear to uphold the Basic Law and swear allegiance to the Hong Kong Special Administrative Region of the People's Republic of China."

60. The Chairman put to vote the original motion moved by Mrs Regina IP. 12 members voted for the motion, five members voted against it and no member abstained from voting. The Chairman declared that the motion was carried.

The motion moved by Dr CHIANG Lai-wan and seconded by Ms Elizabeth QUAT

61. The Chairman invited members present to consider whether the motion moved by Dr CHIANG Lai-wan should be proceeded with. 12 members agreed to deal with the motion, five members disagreed and none abstained from stating the stance. The Chairman informed the meeting that the motion would be proceeded with.

62. Dr CHIANG Lai-wan read out her proposed motion:

"近月有公務員及資助機構員工在工作場所張貼政治標語及示威，明顯違反《公務員守則》的「政治中立」原則，並對使用服務的市民造成不安。就此，本事務委員會促請：

公務員事務局設立、加強及清晰作出指引，明確所有公務員及資助機構員工不得在工作處所及範圍內作出政治性的示威或集會，亦不得以其公務員或資助機構員工的身份出席任何政治性的示威或集會或發表相關政治言論。"

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(Translation)

"In recent months, some staff members of the civil service and subvented organizations have posted political slogans and staged demonstrations at their workplaces in apparent violation of the principle of "political neutrality" of the Civil Service Code and causing anxiety to members of the public using their services. In this connection, this Panel urges:

the Civil Service Bureau to enhance their guidelines or formulate clear guidelines to specify that staff members of the civil service and subvented organizations must not stage any demonstrations or political rallies at or within the area of their workplaces, or take part in any demonstrations or political rallies or make any political remarks in their capacity as staff members of the civil service and subvented organizations."

63. The Chairman put the motion to vote. 12 members voted for the motion, five members voted against it and no member abstained from voting. The Chairman declared that the motion was carried.

64. Mr IP Kin-yuen opined that every person had a right to take his/her own political stance, hence he considered it acceptable for staff of subvented organizations to display materials of a political nature in personal working space, as long as they would serve the public in a professional and equitable manner, no matter what their own political beliefs were.

65. The Administration was requested to provide written responses to the motions passed at the meeting.

(Post-meeting note: The Administration's response to the motions was circulated to members vide LC Paper No. CB(4)181/19-20(01) on 10 December 2019.)

(At 12:41 pm, the Chairman decided to extend the meeting for 15 minutes beyond the appointed end-time to allow sufficient time for discussion.)

IV. Grade Structure Review for Veterinary Laboratory Technician and Medical Laboratory Technician Grades

(LC	Paper	Nos.--	Letter dated 26 July
CB(4)1152/18-19(01) and (02)			2019 from the
			Administration to the
			Chairman regarding the
			grade structure review

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for Veterinary Laboratory Technician and Medical Laboratory Technician grades and Standing Commission on Civil Service Salaries and Conditions of Service Report No. 61: Grade Structure Review for Veterinary Laboratory Technician and Medical Laboratory Technician Grades

LC Paper No. CB(4)29/19-20(01)

Administration's paper on grade structure review for Veterinary Laboratory Technician and Medical Laboratory Technician grades)

66. The Chairman reminded members that in accordance with Rule 83A of RoP, they should disclose the nature of any direct or indirect pecuniary interests relating to the subject under discussion at the meeting before they spoke on the subject.

67. At the invitation of the Chairman, Deputy Secretary for the Civil Service 2 ("DSCS") briefed members on the findings and recommendations of the grade structure review ("GSR") for Veterinary Laboratory Technician ("VLT") grade of the Agriculture, Fisheries and Conservation Department ("AFCD") and Medical Laboratory Technician ("MLT") grade of the Department of Health ("DH") as conducted by the Standing Commission on Civil Service Salaries and Conditions of Services ("the Commission"). Details were set out in the Administration's paper (LC Paper No. CB(4)29/19-20(01)) and the Commission's Report No. 61 (LC Paper No. CB(4)1152/18-19(02)). DSCS added that the endorsement of the Establishment Subcommittee and the approval of the Finance Committee would be sought for effecting changes to the pay and grade structure of the VLT and MLT grades.

Difficulties in recruitment of Veterinary Laboratory Technician and Medical Laboratory Technician grades

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68. While supporting the new measures to improve the recruitment of the VLT and MLT grades as recommended in the Commission's Report, the Deputy Chairman enquired about AFCD's ways to cope with current shortage of manpower, and when the recruitment exercises for the new Associate Veterinary Technologist ("AVT") rank would be launched to alleviate the manpower shortage problem, given that the average vacancy rate of the VLT grade in the past three years stood high at 26%. Mr SHIU Ka-fai also supported the measures and enquired about the proposed pay increase to attract people of a high calibre.

69. DSCS replied that the Administration would implement the new measures as soon as possible after securing necessary approval from the Establishment Subcommittee and the Finance Committee. The proposed starting pay of the two new entry ranks, namely, AVT and Associate Medical Technologist ("AMT"), would be raised from Point 8 to Point 14 of the Master Pay Scale, making it comparable with the starting pay of the similar Medical Laboratory Technologist grade in the Hospital Authority ("HA"). It was believed that the proposed increase in the starting pay of the VLT and MLT grades would help attract more talents to join the grades.

70. Assistant Director of Agriculture, Fisheries and Conservation (Inspection and Quarantine) ("ADAFQC") added that, at present, the Administration was accepting applications for VLT II all year round. However, as the starting pay was not attractive enough, the Administration continued to face persistent recruitment difficulties. Also, the existing staff was facing heavier work pressure since they needed to share out the workload of those vacant positions.

Grade structure review

71. Dr CHIANG Lai-wan was concerned that apart from the VLT and MLT grades, many other civil service grades also encountered similar recruitment difficulty. As it would take a long time to establish a case of "proven and persistent recruitment and retention difficulties" for a grade and the existing staff was already facing immense work pressure, she enquired whether CSB would consider initiating GSRs for civil service grades prior to receiving requests from B/Ds.

72. DSCS replied that the Administration had established an Improved Civil Service Pay Adjustment Mechanism since 2007. Regular pay-related surveys would be conducted under the Mechanism to ensure broad comparability between civil service pay and private sector pay, and that sufficient remuneration would be offered to attract

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candidates of a suitable calibre to join the civil service. In case there were any proven and persistent manpower difficulties in a civil service grade which could not be tackled by those surveys, the Administration would consider carrying out a GSR for the grade concerned. All requests for GSR by B/Ds would be carefully assessed by CSB having regard to relevant considerations including the manpower situation of the grade(s) concerned.

Manpower requirements and planning

73. Citing the example of training of local nurses, Dr CHIANG Lai-wan opined that it was incumbent on the Administration to assess manpower requirements and prepare manpower planning well in advance to ensure sufficient provision of technical staff to meet the needs. She further enquired if a GSR would be conducted for doctors in view of its high turnover rate.

74. Mr SHIU Ka-fai shared Dr CHIANG Lai-wan's concern about the need for manpower planning and asked if the Administration would consider recruiting candidates from overseas for the VLT grade.

75. DSCS replied that the Food and Health Bureau had conducted a review on the manpower supply for the relevant profession of the VLT and MLT grades. The findings indicated that there would be a slight but not severe shortage in the short to medium term. On the other hand, the Administration had invited the Commission to conduct a GSR for the Medical and Health Officer grade, and was awaiting the Commission's reply.

76. ADAF advised that candidates with non-local qualifications could also apply for positions in AFCD.

(At 12:59 pm, with the consent of all members present, the Chairman further extended the meeting for five more minutes to allow sufficient time to complete the discussion.)

Job titles of the grades

77. In reply to Mr Jeremy TAM's enquiry, Principal Assistant Secretary for the Civil Service (Pay & Leave) said that the job title of the position in HA with similar entry requirements as the VLT and MLT grades in the civil service was the Medical Laboratory Technologist grade.

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78. Mr Jeremy TAM commented that the job title in HA sounded more attractive than the grades in AFCD and DH. He suggested that the Administration should amend the job titles to increase the attractiveness of the positions.

79. DSCS replied that, as to increase attractiveness of the job titles, as stated in paragraph 10(b) of the Administration's paper, VLT II and VLT I ranks would be merged to form a new entry rank of AVT, while MLT II and MLT I would also be merged to form a new entry rank of AMT.

Conclusion

80. The Chairman concluded that members supported in principle the recommendations of GSR for VLT and MLT grades of AFCD and DH.

V. Any other business

81. There being no other business, the meeting ended at 1:03 pm.

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