

立法會

Legislative Council

LC Paper No. CB(4)740/19-20
(These minutes have been seen
by the Administration)

Ref : CB4/PL/PS

Panel on Public Service

**Minutes of meeting held on
Monday, 20 April 2020, 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 Mrs Regina IP LAU Suk-yee, GBS, JP
Hon Steven HO Chun-yin, BBS
Hon Charles Peter MOK, JP
Hon IP Kin-yuen
Hon Elizabeth QUAT, BBS, JP
Dr Hon CHIANG Lai-wan, SBS, JP
Hon CHU Hoi-dick
Hon LAM Cheuk-ting
Hon SHIU Ka-fai, JP
Dr Hon Pierre CHAN
Hon CHAN Chun-ying, JP
Hon LUK Chung-hung, JP
Hon Jeremy TAM Man-ho
Hon Tony TSE Wai-chuen, BBS

Members absent : Hon Christopher CHEUNG Wah-fung, SBS, JP
Hon HO Kai-ming

Member attending : Hon KWONG Chun-yu

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

Agenda item IV

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

Mr Thomas CHOW, JP
Permanent Secretary for the Civil Service

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

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

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

Miss Carol WONG
Council Secretary (4)1

Mr Griffin FUNG
Legislative Assistant (4)7

Ms Karin TSOI
Clerical Assistant (4)1

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I. Information papers issued since the last regular meeting on 16 March 2020

(LC Paper No. CB(4)458/19-20(01) -- Information paper from the Administration on review of the structure of operations inspector post in the Civil Aviation Department

LC Paper No. CB(4)482/19-20(01) -- Administration's response to the joint letter dated 6 November 2019 from Dr Hon CHIANG Lai-wan and Hon Elizabeth QUAT requesting to discuss "Enactment of legislation to prohibit acts of insulting public officers" at a future meeting in 2019-2020 session

LC Paper No. CB(4)483/19-20(01) -- Letter dated 17 January 2020 from Hon LAM Cheuk-ting regarding the interdiction arrangements in the civil service (Chinese version only)

LC Paper No. CB(4)483/19-20(02) -- Administration's response to the letter dated 3 December 2019 from Hon LAM Cheuk-ting on the Civil Service Bureau's policy relating to the expression of political stance of civil servants and another letter dated 17 January 2020 from Hon LAM Cheuk-ting regarding the interdiction arrangements in the civil service)

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The Chairman drew members' attention to the information paper provided by the Administration regarding the review of the structure of operations inspector post in the Civil Aviation Department. Taking into account that the subject matter was raised by Mr Jeremy TAM and listed as item 11 in the "List of outstanding items for discussion" of the Panel on Public Service ("the Panel"), the Chairman proposed and members agreed that upon seeking the consent from Mr TAM, the item would be deleted from the List.

(Post-meeting note: With the concurrence of Mr Jeremy TAM, the item was subsequently deleted from the "List of outstanding items for discussion".)

2. As regards the Administration's response to the joint letter dated 6 November 2019 from Dr CHIANG Lai-wan and Ms Elizabeth QUAT relating to the item of "Enactment of legislation to prohibit acts of insulting public officers", given that the Security Bureau had looked into the relevant legislation enacted in overseas jurisdictions and was seeking the Department of Justice's opinion on the matter, Dr CHIANG proposed and members agreed to refer the above joint letter and the Administration's reply to the Panel on Security for follow up.

(Post-meeting note: The Panel on Security issued the referral memorandum to its members vide LC Paper No. CB(2)907/19-20(01) on 4 May 2020.)

II. Date of next meeting and items for discussion

(LC Paper No. CB(4)462/19-20(01) -- List of outstanding items
for discussion

LC Paper No. CB(4)462/19-20(02) -- List of follow-up actions)

Items and meeting arrangements for the meeting in May 2020

3. The Chairman informed members that pursuant to the decision at the Panel meeting on 16 March 2020, a special meeting would be scheduled to be held on 4 May 2020 at 10:45 am ("the special meeting"). The Administration proposed to discuss the following items at the special meeting:

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- (a) Employment of non-ethnic Chinese in the civil service; and
- (b) An overview of training and development for civil servants.

4. At the request of Dr CHIANG Lai-wan for more information on the establishment of a Civil Service College and the training provided to the Government's short-term interns, Secretary for the Civil Service ("SCS") undertook to provide the information in the paper for the item "An overview of training and development for civil servants".

5. In addition, the Chairman informed the meeting that the Secretariat had proposed to reschedule the regular meeting on 18 May 2020 to 25 May 2020 so as to cater for meeting with deputations and individual members of the public on "Employment of persons with disabilities in the civil service". The Administration had also proposed to discuss "Commendation schemes for civil servants" at the same meeting. However, with a view to reducing the risk of the spread of Coronavirus Disease 2019 through public gathering, the Chairman proposed and members agreed to postpone the meeting with deputations and individual members of the public to the regular meeting to be held in June 2020.

6. Dr CHIANG Lai-wan proposed that if there were no any other new items for discussion at the regular meeting, consideration could be given to including the item "Commendation schemes for civil servants" for discussion at the special meeting. The Chairman said that he would liaise with the Administration to confirm whether the item was ready for discussion at the special meeting and whether there were any other discussion items for the regular meeting.

(Post-meeting note: With the concurrence of the Chairman, "Commendation schemes for civil servants" was included for discussion at the special meeting, and the end time of the meeting was extended to 1:15 pm. The regular meeting scheduled for 18 May 2020 was cancelled. Circular on the above meeting arrangements was issued to members vide LC Paper No. CB(4)506/19-20 on 25 April 2020.)

Items for future meetings

7. Pointing out that political neutrality of civil servants and staff of Government-funded public bodies was an issue of cross-party concern, Mr LAM Cheuk-ting considered it necessary for the Administration to explain at a meeting in detail the principle of political neutrality of the

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civil service and relevant guidelines as soon as practicable instead of just setting out its explanation through a letter.

8. Mr Steven HO said that some civil servants had violated the principle of political neutrality and were not familiar with the Basic Law ("BL"). He was worried that the above situation might inadvertently help spread the idea of "Hong Kong independence" in the civil service and called on the Administration to come up with measures to address the problems and report to the Panel accordingly. Mr SHIU Ka-fai remarked that the Administration should raise civil servants' awareness of the requirement of political neutrality and their knowledge of BL.

9. Citing cases of some civil servants participating in anti-government activities and the recent incidents of Government officials wrongly interpreting Article 22 of BL, Mrs Regina IP opined that it was essential to enhance civil servants' understanding of BL and it was necessary to require them to uphold BL and serve the Government of the day with total loyalty. In this connection, she recalled that her motion requiring all civil servants to swear to uphold BL and swear allegiance to the Hong Kong Special Administrative Region was passed at the Panel meeting on 4 November 2019. As the Administration responded that it was studying the issues of oath-taking by civil servants, she enquired about the progress of the study.

10. SCS assured members that the Civil Service Bureau ("CSB") had been enhancing the BL training for civil servants, and it would provide more details on BL training when briefing members on training for civil servants at the special meeting. As regards Mrs Regina IP's concern about the study on the issues of oath-taking by civil servants, CSB aimed to report the progress to the Panel before the end of the 2019-2020 session.

III. Update on extension of the service of civil servants

(LC Paper No. CB(4)462/19-20(03) -- Administration's paper on the update on extension of the service of civil servants

LC Paper No. CB(4)462/19-20(04) -- Paper on the update on extension of the service of civil servants prepared by the

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Legislative Council
Secretariat (updated
background brief))

11. At the invitation of the Chairman, SCS briefed members on the update on extension of the service of civil servants as set out in the Administration's paper (LC Paper No. CB(4) 462/19-20(03)).

The option for serving civil servants who joined the Government between 1 June 2000 and 31 May 2015 to choose to retire at the age of 65 (for civilian grades) or 60 (for disciplined services grades, regardless of ranks)

12. Pointing out that as at 16 February 2020, about 27 400 (49%) out of some 56 000 serving civil servants who joined the Government between 1 June 2000 and 31 May 2015 ("the eligible civil servants") had already taken the option to retire at the age of 65 (for civilian grades) or 60 (for disciplined services grades, regardless of ranks) ("the Option"), the Deputy Chairman asked whether the Administration had assessed the promotion blockage if a substantial number of eligible civil servants eventually chose to extend their service by taking the Option.

13. SCS replied that as most of the eligible civil servants would only reach their original retirement age 15 to 25 years later, Bureaux/Departments ("B/Ds") should have sufficient time to make succession planning in a systematic manner.

14. Given that only 16 (11%) out of 142 eligible civil servants on Directorate/Directorate (Legal) Pay Scale had taken the Option as at 16 February 2020, Mr CHAN Chun-ying asked about the reasons and whether the Administration would consider measures to encourage more eligible directorate officers to take the Option.

15. SCS advised that as there were still a few months before the end of the Option period, the available statistics on the number of eligible civil servants who had taken the Option were only tentative and some civil servants might only take the Option nearer the time. He added that eligible civil servants could decide whether or not to take the Option, and the Administration would not set a prescribed target number of eligible civil servants taking the Option.

16. Mr SHIU Ka-fai reminded the Administration that as the current social situation and economic downturn would cause a growing wave of layoffs in the private sector, more people might be attracted to join the civil service. The Administration should keep in view whether the

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Option might create an adverse impact on the employment opportunities available to the general public.

17. SCS pointed out that the Option was put forward based on the long-term population projections and labour force of Hong Kong. According to the projections, the labour force in Hong Kong would become relatively critical from 2030. Taking into account that the majority of the eligible civil servants would reach their normal retirement age starting around 2030, the Administration launched the Option in July 2018 so as to expand the labour force. The Administration would keep in view the implementation of the flexible measures for extending the service of civil servants and adjust the civil service establishment as necessary in accordance with the operational needs of individual B/Ds.

Retirement age of serving civil servants who joined the Government before 1 June 2000

18. Mrs Regina IP pointed out that many heads of the disciplined services were still healthy and capable of working when they had reached the prescribed retirement age, but they had to retire to avoid promotion blockage. She therefore asked whether the Administration would, for the retention of expertise and experience, consider extending the Option to disciplined services officers who joined the Government before 1 June 2000, in particular those at commissioner rank. Ms Elizabeth QUAT echoed Mrs IP's views and remarked that Hong Kong was in need of dedicated and experienced disciplined services officers to handle the social unrest. The Administration should therefore give all serving disciplined services staff the Option without going through any selection by the management.

19. SCS said that since the majority of civil servants who joined the Government before 1 June 2000 would reach their retirement age in the next decade or so, B/Ds would not have sufficient time to tackle the promotion blockage issue if they were allowed to extend their service by five years. Notwithstanding this, B/Ds could make use of the flexible measures (i.e. the Post-retirement Service Contract ("PRSC") Scheme, the final extension of service and further employment ("FE") mechanism) to extend the service of retiring/retired civil servants to meet the operational needs of B/Ds, and the responses towards the measures were in general positive. For example, disciplined services departments had engaged some 770 disciplined services grades PRSC staff as at 30 June 2019.

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Flexible measures for extending the service of civil servants

20. Both Mr SHIU Ka-fai and Dr CHIANG Lai-wan expressed support for the Administration's flexible measures for extending the service of civil servants to retain talents in the civil service. Mr SHIU was of the view that the flexible measures allowed civil servants to stay longer in the labour force and eventually help ease the financial pressure of some civil servants, in particular those in the lower and middle salary bands.

21. In response to Dr CHIANG Lai-wan's suggestion that the Administration should tap the talent pool of retiring/retired civil servants to facilitate the transfer of expertise and experience to younger officers, SCS advised that the flexible measures served to, among others, allow civil servants to continue to make contributions beyond their retirement age.

Post-retirement Service Contract Scheme

22. Mr Tony TSE enquired about the number and percentage of approved applications under the PRSC Scheme as at 31 December 2019. Having regard that over 10 000 civil service job openings would be available in 2020-2021 for replacing retirees and filling new posts and there would be about 5 000 short-term internship placements in the same year, he was gravely concerned about the additional workload on serving civil servants arising from coaching new recruits/interns before the latter could work independently. Worrying that the work from home arrangement during the outbreak of the Coronavirus Disease 2019 might also result in backlog of work in B/Ds, he suggested the Administration employing more full-time PRSC staff to help ease the work burden of serving civil servants.

23. SCS pointed out that under the PRSC Scheme, B/Ds could engage retiring/retired civil servants to work on contract terms to undertake ad hoc, time-limited, seasonal or part-time tasks that required specific civil service expertise/experience. Retiring/retired staff who met the required qualification and experience would be invited to apply for the PRSC positions. Given that the number of PRSC positions was subject to the manpower demand and actual operational needs of B/Ds, the Administration considered the information on the percentage of approved PRSC applications was of little use. As regards the number of full-time PRSC staff employed by B/Ds, the Administration would collect the updated data in mid 2020.

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24. In response to the question raised by the Deputy Chairman on whether a retired civil servant could work for more than one contract under the PRSC Scheme, SCS replied that under the PRSC Scheme, the aggregate employment period of a retiring/retired civil servant under the PRSC Scheme should not exceed five years. Prior approval of CSB should be sought in case of deviation from this rule.

Final extension of service of serving civil servants beyond retirement age

25. Noting that as at 24 February 2020, around 2 200 (21%) out of some 10 500 processed applications for final extension of service were not approved, the Deputy Chairman, Ms Elizabeth QUAT and Mr CHAN Chun-ying sought the reasons for rejection. Mr CHAN further enquired whether allowing applicants to work in a lower rank during the extension period would help avoid causing promotion blockage.

26. SCS explained that there were different criteria when considering an application for final extension of service, including the performance, conduct and physical fitness of the officers concerned and no undue promotion blockage, hence the reasons for the rejection varied from case to case. Permanent Secretary for the Civil Service ("PSCS") added that the approval rates of applications for final extension of service varied amongst different B/Ds according to their operational needs. For example, some 600 applications were received by the Fire Services Department as at 24 February 2020, and the approval rate was 93%.

27. In reply to the questions raised by Mr CHAN Chun-ying and Ms Elizabeth QUAT on whether any appeal channels were in place, PSCS advised that unsuccessful applicants might approach the management for application review.

28. Pointing out that some civil servants had expressed concern that their relationship with supervisors might have affected the results of their applications under various flexible measures to extend their services, Ms Elizabeth QUAT asked whether the Administration would, for fairness sake, consider setting up more formal appeal channels. SCS stressed that rigorous mechanisms were in place to process applications for final extension of service and FE. Appeals lodged by applicants of final extension of service and FE would be handled in accordance with the established mechanism.

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Further employment beyond retirement age

29. Dr CHIANG Lai-wan sought details of the adjusted FE mechanism, including a breakdown on the posts approved and their duration. Ms Elizabeth QUAT enquired about the shortest and longest approved duration of FE.

30. SCS advised that individual B/Ds might, in the light of their operational needs, succession planning and recruitment situation of individual ranks etc., invite all eligible officers to apply for FE to fill vacancies identified in the relevant ranks for a longer duration of up to five years. For promotion ranks, a promotion exercise would normally be conducted in the first place to ascertain whether any vacancies could not be filled by promotion. Selection boards would be convened to consider applications for FE, and comments from CSB and advice from the Public Service Commission (for ranks under its purview) had to be sought before approving FE. While the maximum period for FE might be up to five years, each application would be approved for a fixed period (not more than 12 months in general) initially and might be renewed upon application. Given that the posts and engagement period for each FE vacancy would vary depending on the actual operational needs of B/Ds, the Administration did not collate statistics regarding the posts involved and duration for individual FE applications. The expenditure involved for FE vacancies would be met by the existing resources of B/Ds.

Other concerns

31. In response to the questions raised by Mr Tony TSE regarding the job openings to be created under the Anti-epidemic Fund, SCS advised that the Government had launched series of job retention and job creation measures under the Anti-epidemic Fund to ease the worsening unemployment situation due to the outbreak of Coronavirus Disease 2019. Around 30 000 time-limited jobs would be created in both the public and private sectors in the coming two years. Each job placement would last up to 12 months, any extension would be considered on an exceptional basis. The Administration was working on the details of the measures and would announce to the public in due course.

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IV. Implementation of five-day week in the Government

(LC Paper No. CB(4)462/19-20(05) -- Administration's paper on the implementation of five-day week in the Government

LC Paper No. CB(4)462/19-20(06) -- Paper on the implementation of five-day week in the Government prepared by the Legislative Council Secretariat (updated background brief)

Other relevant paper

LC Paper No. CB(4)462/19-20(07) -- Submission from the Government Amenity Management Supervisors General Union (Chinese version only))

32. At the invitation of the Chairman, SCS briefed members on the implementation of five-day week ("FDW") in the Government, as set out in the Administration's paper (LC Paper No. CB(4) 462/19-20(05)).

33. The Chairman drew members' attention to the letter from the Government Amenity Management Supervisors General Union conveying views on the implementation of FDW for Amenities Assistants in the Leisure and Cultural Services Department ("LCSD").

Implementation of five-day week

34. The Deputy Chairman was dissatisfied that around 25% of the then civil service strength was not working on an FDW pattern as at 30 September 2018 and most of these civil servants were frontline staff in the lower salary bands. The Chairman, the Deputy Chairman and Ms Elizabeth QUAT expressed concern on the slow progress of implementation of FDW in the Government, with only around 200 civil servants successfully migrated to FDW in 2019.

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35. Mr LUK Chung-hung enquired whether the Administration had assessed the estimated additional financial resources required for full implementation of FDW in the civil service if the four basic principles set out in paragraph 2 of the Administration's paper (LC Paper No. CB(4)462/19-20(05)) were relaxed. The Chairman and Mr LUK asked if the Administration would consider allowing some flexibility for B/Ds to employ additional staff for the implementation of FDW.

36. SCS replied that as at 30 September 2018, there was a 2% increase (i.e. around 8 000 civil servants) in the number of civil servants working on an FDW pattern as compared with the statistics in 2016. The next biennial survey would capture the position of the implementation of FDW in the Government as at 30 September 2020 and the Administration would update the Panel on the findings of the survey in due course. Comparing the number in July 2007 and September 2018, there was a 30% increase (i.e. 94 300 in 2007 to 123 500 in 2018) in the total number of civil servants working on an FDW pattern while there was only a 13% increase in the total number of civil servants during the same period.

37. SCS further advised that there was no public consensus on providing additional resources only for fully implementing FDW in the civil service without enhancement to public services at the same time. From his meetings with the 22 departments which had not fully implemented FDW, he noted that achieving FDW for all staff would compromise the four basic principles as substantial additional resources would be required. He informed the meeting that some B/Ds had used information technology or adopted other measures, such as providing drop boxes to replace counter services on Saturdays, to facilitate the implementation of FDW.

38. The Chairman and Mr LUK Chung-hung requested the Administration to proactively approach the 22 departments which had not fully implemented FDW to explore options for migrating more staff to FDW pattern. Mr LUK and Ms Elizabeth QUAT suggested that the Administration conducted surveys among civil servants to collect their views on FDW migration, and gauge public sentiment on providing additional resources for the full implementation of FDW in the civil service.

39. SCS responded that he had been taking the opportunity of his annual meetings with the Heads of Department to encourage the management to explore feasible options or trial schemes to migrate more

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civil servants to FDW. For the 22 departments which had not fully implemented FDW, over 80% of staff worked on an irregular pattern and most of these departments provided round-the-clock services. CSB would continue liaising with these 22 departments to explore ways to tackle the difficulties encountered for further implementation of FDW.

40. Mr CHAN Chun-ying commented that the Administration lacked a specific target in implementing FDW in the past 14 years. He enquired if the Administration would set any specific target, e.g. a specified percentage of civil servants to eventually migrate to FDW. Ms Elizabeth QUAT also raised a similar question.

41. SCS explained that with a view to maintaining the level of public services and adhering to the four basic principles, it was unavoidable that some civil servants might not be able to migrate to FDW. It was impractical for the Administration to provide a timetable to migrate all civil servants to FDW eventually. The Government needed to be prudent in balancing utilization of resources and public expectation in the implementation of FDW as it might incur additional cost to taxpayers. Therefore, B/Ds were encouraged to explore the feasibility of trial schemes in a pragmatic manner in order to facilitate the migration of more staff to FDW.

42. Mr CHAN Chun-ying suggested that the Administration should identify those positions which could not be migrated to FDW as non-FDW positions. He believed that as non-FDW positions sounded relatively less attractive to job seekers, the Government might have to adjust the remuneration package to increase the competitiveness of these positions.

43. SCS said that it was possible for staff working on shifts or irregular pattern to migrate to FDW, and quoted the percentages of civil servants working on an FDW pattern in the Fire Services Department (97%) and the Government Flying Service (100%) as examples. He considered that there was no need to designate any positions as non-FDW as there would still be a possibility to migrate these positions to FDW in the future.

44. Replying to the Chairman and Mr CHAN Chun-ying's question on whether there were any other measures to be implemented apart from the revised leave deduction arrangement ("LDA") (i.e. 10 days, instead of 10.5/11/12 days, of vacation leave being deducted for a continuous absence of 14 calendar days) for non-FDW officers, SCS said that CSB had shared the information about the successful pilot schemes of LDA in the Correctional Services Department, the Hong Kong Police Force and

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the Customs & Excise Department with other departments which had not fully implemented FDW for reference, and encouraged them to consider conducting their own revised LDA pilot schemes as far as practicable.

45. Pointing out that some multinational enterprises and large local companies had followed suit the Government's introduction of FDW, Mr LUK Chung-hung pointed out that the Administration had the responsibility to take the lead in promoting FDW in the whole community, especially for frontline and grassroots workers, in the wake of society's increasing awareness on the importance of a work-life balance.

46. Noting the difference between the establishment and strength of the civil service, the imminent retirement wave and the wastage in the civil service, the Chairman expressed concern that the manpower shortage might hinder further implementation of FDW in the civil service. SCS advised that due to the lead time required for conducting recruitment exercises, it was unavoidable that there was a gap between the establishment and the strength of the civil service. The Administration assured members that CSB would continue to monitor the implementation of FDW in the civil service and facilitate individual departments on their implementation of FDW.

Trial schemes

47. Responding to the enquiry from the Deputy Chairman on whether the concerned staff under the trial schemes on FDW in the Correctional Services Department and the Hong Kong Police Force would be converted back to six-day week if these trial schemes were found unsuccessful, SCS explained that if the outcome of the trial schemes were unsatisfactory, CSB and the management side of these departments would explore alternative measures or carry out another round of trial schemes as appropriate.

Amenities Assistants in the Leisure and Cultural Services Department

48. Ms Elizabeth QUAT expressed serious concern that only around 30% of Amenities Assistants in LCSD were working on an FDW pattern despite that FDW had already been implemented for some 14 years. She considered it (i.e. same job, different working conditions) unfair to the staff side and their morale would be adversely affected. The Deputy Chairman was dissatisfied that although the staff side had demanded to work on an FDW pattern, LCSD management had rejected FDW proposals without conducting trials. As the criteria for migrating

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staff to FDW varied from one venue to another, Amenities Assistants had different work patterns in the offices or venues at different districts. Individual district management even imposed additional requirements in addition to the four basic principles.

49. SCS replied that since the management was most familiar with the operations of their respective offices or venues, they were in the best position to consider whether further migrating their staff to FDW was feasible having regard to their operational requirements. The Administration had all along been keeping close liaison with the LCSD management, and encouraging them to engage the staff side with a view to identifying feasible proposals to extend the FDW arrangement. In recent years, it was noted that some Amenities Assistants in LCSD had been migrated to FDW.

50. SCS further emphasized that FDW was a family-friendly initiative adopted by the Administration instead of a condition of service. The total conditioned hours of work remained the same for staff irrespective of their work pattern i.e. FDW or a six-day-week. He added that some staff unions had expressed their preference of working on a six-day-week pattern because they did not want to work longer hours on weekdays to make up the shortfall for not working on Saturdays.

V. Any other business

51. There being no other business, the meeting ended at 12:44 pm.

Council Business Division 4
Legislative Council Secretariat
22 June 2020