

## CHAPTER 4

### CENTRAL CONSULTATIVE MACHINERY

#### The Senior Civil Service Council

4.1 The existing machinery for consultation at the central level is in the form of the Senior Civil Service Council which was established in 1968 and was based upon an Agreement (hereinafter referred to as "the 1968 Agreement") between the Government and the three main Staff Associations, namely, the Hong Kong Chinese Civil Servants' Association, the Association of Expatriate Civil Servants and the Senior Non-Expatriate Officers' Association. These Associations together constitute the Staff Side of the Senior Civil Service Council, while the Official Side consists of the Secretary for the Civil Service as Chairman, and senior officials of the Finance and Civil Service Branches as members. Matters affecting the civil service as a whole, such as pay and housing, are discussed in the Senior Civil Service Council, but questions concerning individual officers are not. Discussion of matters such as promotion and discipline are restricted to general principles only.

4.2 Certain categories of staff are not covered by the terms of the 1968 Agreement, i.e. Model Scale 1 staff, Directorate staff, police officers, and agreement officers. Therefore, matters affecting these staff are not referable to the Senior Civil Service Council. These categories of staff are discussed below.

#### Model Scale 1 Staff

4.3 A recurrent theme in the representations received by us is that the Senior Civil Service Council as presently constituted is not sufficiently representative, and that its composition should be restructured to accommodate a wider representation. One often quoted example is the lack of Model Scale 1 staff representation on the Senior Civil Service Council - a significant omission when one considers that there are some 40,000 staff in this category, constituting nearly a third of the entire civil service.

4.4 Two solutions have been suggested to us : divide the existing Senior Civil Service Council into two levels so that Model Scale 1 staff can be covered at the junior level; or create a separate consultative council for Model Scale 1 staff. To expand the present Council to accommodate Model Scale 1 staff could result in its becoming too large and unmanageable. More representatives on the Council would mean more views and ideas which are not necessarily compatible with one another. Because of their different needs and aspirations, the various groups of

staff may also find it more difficult to come to an agreement on any particular issue. Furthermore, by virtue of our Term of Reference V, the Commission may not prejudice the 1968 Agreement between the Government and the three main Staff Associations. In the circumstances, we consider that we should not recommend the expansion of the existing Senior Civil Service Council to include Model Scale 1 representation.

4.5 Thus the creation of a separate council seems a more acceptable solution. In Chapter 3 we put forward the idea of establishing formal consultative councils at the departmental level which will accommodate Model Scale 1 staff. The same concept can be further extended to central consultative machinery, and we recommend that a "Junior Civil Service Consultative Council" should be established to provide a forum for central consultation for junior civil servants.

4.6 We suggest the following guidelines for further consideration :-

- (a) The purpose of this "Junior Civil Service Consultative Council" is to provide a channel for junior civil servants to voice their opinions to central management, and to provide a forum for the Administration to consult its junior staff on matters affecting them.
- (b) One possible method of defining the scope of membership of this junior Council would be by reference to salary points.
- (c) The staff side of this Council should be drawn from elected representatives serving on departmental councils. Care should be taken to ensure a proper balance of representation between different grades and departments.

We realize that the implementation of this proposal will present practical problems but we believe the problems are not insuperable. Our primary objective in making this proposal is that the voice of junior civil servants who constitute a substantial proportion of the civil service is heard at the central level.

#### Directorate Staff

4.7 The pay and conditions of service of Directorate staff are matters which fall within the terms of reference of the Standing Committee on Directorate Salaries and Conditions of Service. We also understand that Directorate officers are free to join their own professional or grade associations, and/or one of the three main Staff Associations on the Senior Civil Service Council, and generally benefit from service-wide improvements to conditions of service. Thus, despite their

exclusion from the 1968 Agreement, we are of the opinion that Directorate staff (with the exception of police officers) do already have some form of indirect representation under the present consultative arrangements.

#### Police Officers

4.8 By virtue of the Police Force Ordinance, police officers are prohibited from joining any staff union, including the three main Staff Associations, and are not therefore represented on the Senior Civil Service Council. However, we are aware of the established consultative machinery in the Police Force in the form of "consultative councils", one for Senior staff and another for juniors, whose meetings are attended by representatives of the Civil Service Branch. There is thus contact with the Administration.

4.9 In the course of our consultations with the Commissioner of Police and various police associations a number of suggestions have been put to us to improve the present arrangements for central consultation. Two main ways in which this can be done have been suggested, bearing in mind the limitations imposed by the Police Force Ordinance referred to in paragraph 4.8 above. Firstly, the Commissioner of Police or the Police councils could send an "observer" to attend all meetings held by the Senior Civil Service Council, and secondly, the present arrangement whereby the Administration establishes a close liaison with the two Police councils could be improved.

4.10 The suggestion to nominate an observer has advantages in that he would have direct access to the background to all matters raised. There would however be undesirable consequences : the observer by definition would not be able to participate or express criticism or approval in debate, and this could easily lead to frustration. Furthermore, notwithstanding the fact that police officers cannot join any one of the three main Staff Associations, the granting of observer status to a police representative at the Senior Civil Service Council could still cause resentment among other groups of civil servants who would feel that they were disadvantaged thereby.

4.11 Rather than recommend such an arrangement, we consider that the best step is to improve the existing arrangements. We therefore recommend that existing arrangements should be extended to ensure that the Senior Police Consultative Council should be consulted on all matters which the Official Side of the Senior Civil Service Council puts to the Staff Side, and on all matters referred from the Staff Side once it is decided to pursue those matters.

4.12 As for the Junior Police Consultative Council, a similar procedure could be adopted in relation to matters referred to either of the civil service councils which are relevant to its terms of reference.

4.13 We suggest that the working relationship between the Police councils and the Administration should be defined in their terms of reference.

#### Agreement Officers

4.14 As far as agreement officers are concerned, their pay and conditions of service are determined by their individual agreement of service with the Government. Furthermore, there is no restriction on these officers (except police officers) joining one of the three main Staff Associations if they wish to do so. We therefore see no reason to recommend any change.

#### The 1968 Agreement

4.15 In response to our Consultative Document on Civil Service Consultative Machinery, we received a number of suggestions from both staff and management for the improvement of the Senior Civil Service Council. One point made is that it is not representative of Model Scale 1 staff, for which we propose a solution in paragraphs 4.3 to 4.6 above.

4.16 Another general comment is that the 1968 Agreement which provides the basis for the operation of the Senior Civil Service Council has now become somewhat out-dated, and that its provisions no longer adequately meet the full needs of a growing and more sophisticated civil service. In this connection, our attention was drawn to a number of amendments to the Agreement proposed by the Staff Side of the Council in 1978, which were discussed briefly in the Council but not pursued at that time.

4.17 We recommend that both the Official Side and Staff Side of the Council should jointly review the existing arrangements drawn up in 1968 to see if they are still adequate for present-day circumstances and needs, and if not, to consider what improvements might be introduced.

#### Procedure and Publicity

4.18 Another general remark about the Senior Civil Service Council made by staff and some heads of department is that it does not keep staff and departments informed of its proceedings. Minutes of the Council's meetings are kept in confidence, and as a result there is a wide communication gap between the Council and

the staff it represents. We recommend that immediate steps should be taken by the Council to improve the situation, for example, by the circulation of minutes, the publication of newsletters, the issue of information papers or any other means considered suitable.

#### Resource Support for Staff Side Activities

4.19 It has been brought to our attention that the Staff Side of the Senior Civil Service Council is provided with very limited resources, although we are aware that the Government already provides a full-time Staff Side secretary and an office for him. In the light of the increase in the load and complexity of issues which the Council now has to handle, we consider that it is reasonable for the Government to give the Staff Side additional support in terms of manpower and facilities to assist them with, for example, research, preparation of papers, liaison with staff, and the greater publicity effort suggested in paragraph 4.18. We recommend that this be looked into by the Government and that similar arrangements be made for the proposed Junior Civil Service Consultative Council.

#### Consultation undertaken by the Government

4.20 In our work so far, the Standing Commission has sought views on specific subjects from staff, management and other interested bodies through the issue of consultative documents and meetings with them. We have found our efforts in communication and consultation with staff and management most rewarding. We understand that on the issue of civil service housing, the Government has also engaged in extensive consultations with the civil service. Individual staff associations and staff groups, including the various police associations, as well as departmental management have been consulted separately, and their views taken into account in formulating the new policies on civil service housing. We consider that this new approach goes some way towards overcoming the inadequacies of the present consultative machinery, and recommend that it should be adopted more frequently by the Government especially in dealing with issues which are of wide general interest to the civil service.