

CHAPTER 3

REVIEW OF CIVIL SERVICE CONSULTATIVE MACHINERY

3.1 We mentioned in Chapter 3 of last year's progress report that our review of civil service consultative machinery would continue into 1988. The Consultative Document we issued in 1987 generated excellent responses from individual members of staff, staff associations and departmental management. We received 107 written submissions expressing diverse views on how the existing civil service consultative machinery could be improved. In view of the complexity of the subject, we decided, in March 1988, to set up an ad hoc committee to look into the matter in depth.

3.2 As mentioned in the previous chapter, while the review of consultative machinery was under way, we were asked by the Government to commission an independent review of the pay and conditions of service of all the disciplined services. In view of this, we considered it appropriate that our recommendations regarding consultative machinery for the disciplined services be made early in order to synchronize them with this separate review. Thus this issue was dealt with separately as our first task. We concluded our deliberations on this particular subject in June 1988. Our recommendations, including the establishment of a council at the central level for the non-Police disciplined services, were conveyed in our letter to His Excellency the Governor on 16 June 1988 (Appendix VI).

3.3 We then began a comprehensive study of the different channels of consultation within the existing system. During the exercise, we took into account views expressed by individual members of staff, staff associations and departmental management in response to our Consultative Document issued in January 1987, as well as comments made by representatives of 13 major staff associations during our meetings with them in September 1988.

3.4 We completed the entire review in November 1988, and submitted our findings and recommendations in a report to the Governor in December 1988, which was subsequently published as our Report No. 21 - Consultative Machinery in

the Civil Service. The major conclusions and recommendations made in this report are summarized in the following paragraphs.

Consultative Machinery for the Disciplined Services

3.5 One of the major issues raised by respondents to our Consultative Document was the need for the views of the disciplined services, other than, and in addition to those of the Royal Hong Kong Police Force, to be better reflected at the central level. We noted the high degree of support of such a proposal from both the disciplined services and others and we agreed with them. We had considered whether the existing Police Force Council should be expanded to include representation from the other disciplined services. We were, however, conscious of the unique legal restriction on members of the Police Force regarding their participation in trade union activities. On balance, we recommended the establishment of a Non-Police Disciplined Services Council in order to provide full central-level representation to all the disciplined services.

Senior Civil Service Council

3.6 We considered that the Senior Civil Service Council had provided a suitable forum for dialogue between management and staff that had operated successfully, and with a high degree of stability, since its inception in 1968. In our opinion, there was no guarantee that a radical change to the present system would improve its existing degree of representativeness. We also considered that such a change would inevitably lead to enormous upheaval within the civil service and totally undermine the existing stability of the system. We therefore recommended that no major changes should be made to the existing structure and admission system of the Senior Civil Service Council.

3.7 Nevertheless, we had recommended that the criteria for admission to the Senior Civil Service Council should be made more precise and well publicized. This would, in our view, ensure the openness of the present system to any serious and creditable candidate which met the entry criteria, and an increase in representativeness as and when more associations succeeded in meeting the specified entry criteria and were subsequently admitted to the Council. To avoid the misconception that the Senior Civil Service Council was primarily for senior officers, we also recommended that the name of the Council be changed. Such names as "Civil

Service Central Council" or, should the proposed Non-Police Disciplined Services Council be established, "Master Pay Scale Staff Consultative Council" could be considered.

Model Scale 1 Staff Consultative Council

3.8 We noted, from the responses to our Consultative Document, that there was general satisfaction with the functioning of the existing Model Scale 1 Staff Consultative Council. In our opinion, the major problem confronting the Council was not its representativeness but its manageability. While we considered that no major changes should be made to the existing structure of the Council, we recommended that the Government should develop, in consultation with the Staff Side of the Council, a set of comprehensive admission criteria applicable to both existing and potential new members along the lines recommended for the Senior Civil Service Council. These criteria would replace the existing simple requirement that a union should have at least 1,000 paid-up members on Model 1 pay scale in order to become a member of the Council.

3.9 In our Consultative Document, we considered the problem of some individuals holding membership of more than one union and solicited views on whether such duplication should be eliminated before determining whether a union seeking entry into the Council had met the prescribed membership requirement. In the light of the comments received, and in view of the practical difficulties in devising an equitable method to discount multiple membership, we proposed that no immediate action be taken to tackle the problem but that the Administration should keep the matter under regular review.

Departmental Consultative Machinery

3.10 We considered the existing departmental consultative channels effective for management and staff to discuss departmental matters affecting the well-being of staff. We agreed that the departmental consultative committee should primarily focus on departmental matters. But we also considered that any service-wide matters which would affect the well-being of staff in the department, with the exception of those concerned with pay level and adjustment, could be discussed at meetings of the departmental consultative committee.

3.11 We recommended that the minimum membership required of a staff association for obtaining representation on the departmental consultative committee be suitably lowered. An association having at least 25 percent (or a minimum of 500, whichever was the less) of the officers of the particular grade(s) in a department as members should be admitted. Provision should also be made to waive an election if a significant majority of the members of any grade in a department were members of a staff association which had been represented on the departmental consultative committee.

3.12 We took the view that, since departmental consultative committees should mainly focus on departmental affairs and the central councils should deal only with service-wide matters, there was no strong justification for a representational link between the two types of bodies. The existing relationship between them should therefore remain unchanged. We also made recommendations to improve communications between staff side representatives and their constituents, publicity on the functions and role of the departmental consultative committee and other operational arrangements.

Consultation at the Personal Level

3.13 On the whole, we were satisfied with the other channels of communication available to facilitate the exchange of views between management and staff groups or individual civil servants. Nonetheless, in the light of the responses to our Consultative Document, we made suggestions for further improvement in some areas. We recommended that the Government should encourage more departments to establish a staff relations-welfare unit and that officers responsible for staff relations matters should preferably have received appropriate training in personnel management. We considered that informal consultative arrangements at the departmental level should be widely promoted. The Guidelines for Staff Complaints Procedure issued by the Civil Service Branch should stipulate arrangements for departments to designate appropriate officers as staff complaints officers for different ranks of staff. It should also incorporate a section on publicising the departmental staff complaints procedure. Moreover, we felt that the existing Staff Suggestions Scheme was over-centralized, and recommended that the Government should examine the feasibility of devolving the administration of this Scheme to departmental level. We also recommended that the Civil Service Newsletter should be published more frequently and its editorial policy be reviewed.

The Standing Commission in the Consultative System

3.14 We also examined the role, composition and consultative procedures of the Standing Commission as part of the consultative system. We concluded that the role of the Standing Commission should remain unchanged, i.e. as an independent advisory body to the Governor. We would continue to tender our advice after taking full account of the views expressed by concerned parties, and having regard to the civil service as a whole and to wider community interests. We also came to the conclusion that the considerations on the basis of which the composition and the consultative procedures of the Standing Commission were formulated were still valid and we did not recommend any change.

Implementation

3.15 We recommended that the Government should work out a programme for phased implementation of the recommendations made in the report as soon as possible. We also stated that any consultative machinery must necessarily evolve with the changing needs of the civil service and therefore we would make further recommendations on the subject from time to time.