

21 June 1993

The Right Honourable Christopher Patten  
Governor of Hong Kong  
Government House  
Hong Kong

Dear Sir,

Proposed Merger of Registrar of  
Trade Unions Grade with Labour Officer Grade

We have been invited by the Administration to advise, under clause 1(b) of our Terms of Reference, on its proposal to merge the Registrar of Trade Unions (RTU) grade with the Labour Officer (LO) grade.

Background

2. The Registry of Trade Unions is a small department responsible for enforcement of the Trade Unions Ordinance, provision of advice on trade union rules and the formation of trade unions, and collection of views on labour and trade union matters. The department is headed by the Registrar of Trade Unions (D1) who is supported by 26 staff. As the department's core grade, the RTU grade comprises the ranks of Assistant Registrar of Trade Unions (MPS 27-33), Deputy Registrar of Trade Unions (MPS 34-44) and Registrar of Trade Unions (D1).

3. The Administration has informed us that historically there was a close link between the Registry and the Labour Department. The Commissioner for Labour was appointed Registrar of Trade Unions when the Trade Unions and Trade Disputes Ordinance was enacted in 1948. To ensure that the Labour Department would deal with labour disputes impartially, an independent Registry of Trade Unions was set up in 1954. Its main functions then were inspection and registration of trade unions, and examination of union accounts. However, over the years, its functions have been expanded to include advice on trade union rules and the formation of trade unions; courses for trade unionists on trade union administration, bookkeeping and auditing; and collecting views of trade union members on labour matters, trade union issues and current affairs.

Appendix D(i) (Cont'd)

The Administration's proposals

4. The Administration now considers that the rationale for separating the Registry from the Labour Department no longer stands and that for operational efficiency, the two departments should be merged. More specifically, the amalgamation of the RTU grade and the LO grade will have the following advantages:

- (a) it will pool staff resources to provide better services to trade unions;
- (b) it will help to resolve career development and succession problems and therefore improve staff management in the Registry; and
- (c) it will enable members of the RTU grade to widen their exposure, develop their potential and gain more job satisfaction through job rotation and enrichment in a bigger department. It will also enhance their promotion prospects.

5. The Administration has further pointed out that the levels of responsibilities of Assistant and Deputy Registrars of Trade Unions were comparable to those of the second and third tiers of the LO grade. A comparison of the two grade structures and pay scales is set out below:

<u>Registrar of Trade Unions Grade</u>		<u>Labour Officer Grade</u>	
<u>Rank</u>	<u>MPS</u>	<u>Rank</u>	<u>MPS</u>
-	-	Assistant Labour Officer II	16-27
Assistant Registrar of Trade Unions	27-33	Assistant Labour Officer I	28-33
Deputy Registrar of Trade Unions	34-44	Labour Officer	34-44
-	-	Senior Labour Officer	45-49
Registrar of Trade Unions	D1	Chief Labour Officer	D1

The merger is in line with the established principle that, wherever possible, small grades should be merged with larger ones to improve staff management and promotion opportunities.

Commission's views and recommendation

Amalgamation of Registry of Trade Unions and Labour Department

6. The Administration has informed us that the proposed amalgamation of the two departments would not lead to any changes in the organisation and mode of operation of the Registry of Trade Unions and that the Registrar would continue to exercise his powers under the Trade Unions Ordinance independently. Administratively he will work to the Commissioner for Labour, and not the Secretary for Education and Manpower as at present. The Administration has also confirmed that there was no legal objection to placing the Registry of Trade Unions under the Labour Department as the Trade Unions Ordinance did not require the Registry to be an independent body. It does not wish to appoint the Commissioner for Labour as Registrar of Trade Unions because this will go against the original intention of minimising changes to the existing system, and even if the Commissioner were to become Registrar, she would still have to delegate her powers under the Trade Unions Ordinance to a senior officer. The proposal is supported by trade unions through the Labour Advisory Board.

7. The amalgamation of the Registry of Trade Unions and the Labour Department is a policy issue which does not fall within our Terms of Reference. We note the Administration's proposal.

Merger of RTU and LO grades

8. We agree with the Administration that in a small establishment consisting of one Registrar, two Deputy Registrar and six Assistant Registrar posts, members of the RTU grade have limited opportunities for promotion and career development. Their experience and outlook are restricted by their narrow scope of work. We have also been informed that the filling of the Registrar post by secondment from the Labour Department since 1984 had caused much resentment among members of the RTU grade. The merger of the two grades will resolve these problems as members of the RTU grade will then have the opportunity to widen their exposure, develop their potential and secure greater job satisfaction.

9. We understand that the scope of work and level of responsibility of the RTU grade have increased. When it was established in 1954, the Registry took up the responsibilities of registration and inspection of trade unions and examination of their accounts, while the Labour

Appendix D(i) (Cont'd)

Department continued to deal with trade disputes, provide educational courses for trade unionists, maintain contacts with trade union officials and advise on trade union rules and the formation of trade unions. In 1965, the advisory responsibility of the Labour Department was transferred to the Registry. In 1983, the Registry started organising training courses for trade unionists and collecting views of union members on labour matters, trade union issues and current affairs. It now acts as the focal point for union officers to obtain advice and assistance. In addition, it has been asked to organise advanced courses on union administration and seminars for trade unionists to exchange views on labour and union matters. However, owing to the limited exposure of existing staff and their small number, the Registry has not been able to meet these demands fully. We agree that the merger would enable the Registry to function more effectively and provide better services for trade unions.

10. The RTU grade is a Matriculation grade while the LO grade is a Degree grade. We have been assured by the Administration that as existing members of the RTU grade were either matriculants or degree holders with more than ten years experience and most of them had attended the Assistant Labour Officer induction courses, they should be able to cope with the duties of Assistant Labour Officer I and Labour Officer, given sufficient in-service training after the merger. We understand that serving officers will be given an option to join the LO grade at any time, and that supernumerary posts in the obsolescent grade will be created to accommodate those who do not wish to exercise the option. The Administration has confirmed that the merger of the two grades would not create a precedent for other Matriculation grades to raise their entry qualifications, since the circumstances of this case were unique.

11. We support the Administration's proposal to merge the Registrar of Trade Unions grade with the Labour Officer grade for the reasons stated in paragraphs 8 and 9 of this letter.

Yours faithfully,

(Sidney Gordon)  
Chairman  
For and on behalf of  
Members of the Standing Commission