

Appendix N

21 December 1994

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

Dear Sir,

**Proposed Allowance for  
'On Call' Duty**

We have been invited by the Administration to advise, under Clause 1(e) of our Terms of Reference, on a proposal to introduce an allowance for 'on call' duty.

**BACKGROUND**

2. 'On call' is defined in the Civil Service Regulation as any period beyond an officer's conditioned hours when he is expected to be immediately available for duty if called upon to do so. An officer may be on call either at home or in another location where he may be reached through a pager or telephone. Under existing regulations, 'on call' is not treated as duty and is not subject to any recompense.

3. In our Report No. 23 published in October 1989, we expressed sympathy to suggestions from staff that officers 'on call' should be granted an allowance on grounds that the requirement disrupted their normal life and imposed a psychological burden on them. We did not, however, think that the severity of the requirement was comparable to that of, say, dangerous duty or shift duty. Our recommendation was that a suitable form of recognition, probably a flat-rate allowance, should be awarded to staff assuming regular 'on call' duty exceeding a stipulated period of time. Our recommendation was accepted by Government.

4. The Administration has since conducted a survey among 64 departments and policy branches to find out the extent of 'on call' requirements and existing practices. The survey revealed that about 5300 officers in 39 departments were required to be on call for a variety of reasons and at varying frequencies depending on operational needs and staffing situation. The consensus of both departmental management and staff was that they supported the payment of an 'on call' allowance although their views were divided as to the appropriate amount of the allowance. They also agreed that there was a need to stipulate a minimum qualifying period, and that only officers currently eligible for overtime allowance or honoraria would be eligible for the allowance.

5. On the basis of the survey findings, the Administration came to the preliminary view that a flat-rate allowance should be granted to staff engaged in regular 'on call' duty exceeding a stipulated period of time. The Administration subsequently proposed that subject to the payment criteria being met, staff on first call duty for no less than 100 hours per month would be eligible for an 'on call' duty allowance at rates roughly equivalent to either half or a quarter of the higher rate of the Shift Duty Allowance, depending on the length of the 'on call' period. The allowance would not be payable to staff rostered on second and subsequent calls. The Administration's proposal was then put to the Heads of Department, the Senior Civil Service Council and the Model Scale 1 Staff Consultative Council for consultation in February 1991. Of the 71 respondents, 17 departments (24%) supported the proposed payment criteria and rates, 32 departments and four staff groups (51%) considered the proposed payment criteria restrictive and the rates low, while 18 departments (25%) submitted nil returns.

#### THE ADMINISTRATION'S PROPOSAL

6. In the light of feedback from the consultation exercise, the Administration has modified some of its original proposals. It now seeks our advice on the introduction of an 'on call' duty allowance having regard to the following payment criteria and rates -

##### 6.1 Payment criteria

(a) An officer is required to be on call regularly, either as a continuous commitment or a regularly recurrent commitment in accordance with a pre-determined pattern of work. The officer should normally be on the first call. An officer on the second call will only be eligible for the allowance provided that -

(i) he is obliged to make himself available at any time during the call period; or

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(ii) he is required to carry a pager.

Departments will be required to identify the essential 'on call' services and draw up the appropriate duty rosters.

(b) An officer must be on call for no less than 96 hours a month to be eligible for the allowance.

(c) In line with established policy governing the payment of most job-related allowances, officers on or below MPS 33 are eligible for the allowance, except -

(i) officers in the administrative and professional grades regardless of rank or pay point;

(ii) officers whose pay scales have already reflected the element to perform 'on call' duty;

(iii) officers who are already receiving an allowance for the purpose; and

(iv) officers provided with quarters at or near their place of work.

(d) In the case of an acting appointment, eligibility will be determined by reference to the rank in which an officer carries out his 'on call' duty.

**6.2 Rates**

(a) A flat-rate allowance linked to the Shift Duty Allowance will be paid at two levels as follows -

(i) Higher rate (for 251 or more hours of 'on call' duty a month)	\$324 per month (half of the higher rate of the Shift Duty Allowance)
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(ii) Lower rate (for 96-250 hours of 'on call' duty a month)	\$162 per month (a quarter of the higher rate of the Shift Duty Allowance)
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(b) The rates will be adjusted annually in accordance with the civil service pay adjustment; and

(c) Officers called out for duty whilst 'on call' will, in addition, be

paid the standard overtime allowance subject to the normal rules governing its payment.

**IMPLEMENTATION**

7. The Administration advises us that the cost for the above proposal is about \$5 million per annum. As additional funding for the proposal is not available, the Administration has decided that the financial requirement in connection with the payment for 'on call' duty should be absorbed by the departments concerned within their own approved allocations. So far, 27 departments have accepted this arrangement while the remaining four are still assessing their financial position. The estimated number of eligible staff in the 31 departments totals 1,500.

8. As 27 of the 31 departments concerned can absorb the expenditure, the Administration considers that the problems of the remaining departments should not hold up the introduction of this allowance. The Administration therefore proposes that the allowance be introduced as soon as possible, subject to the availability of funds in the respective departments. The Administration is of the view that given the small amount of expenditure involved, departments should eventually be able to absorb the extra cost if they accord due priority to the interests of staff. The Administration advises us that the Staff Side of the Senior Civil Service Council has indicated support for the proposed course of action.

**COMMISSION'S VIEWS AND RECOMMENDATIONS**

9. The Administration's current proposal is a follow up on our recommendation in Report No. 23. It has been formulated following extensive consultation with staff and departmental management. This being the case, we strongly support the Administration's proposal.

10. The payment criteria proposed by the Administration in paragraph 6.1 above are, in our view, reasonable and in line with the existing practice for the payment of most job-related allowances. We appreciate that it was the wish of staff during the consultation exercise to have as low a minimum qualifying period as possible. We do not, however, consider it appropriate to lower it further than the 96 hours as currently proposed. As regards the proposal to extend the allowance to cover officers on second call, we are in agreement with the Administration provided the Administration is satisfied that such staff are subjected to the same degree of personal inconvenience as those on first call.

11. We also support the Administration's proposal to introduce a flat-rate

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for the allowance which is intended to serve as a token recognition for staff on 'on call' duty, during which they are not required to work but for which they will incur personal inconvenience in the form of disruption to their social life. This proposal is also in line with our recommendation in Report No. 23 referred to in paragraph 3 above. We note that on account of disruption to social life, the Administration proposes that the rates of the new allowance be linked to the Shift Duty Allowance which also compensates staff for disruption to their social life due to working irregular hours. Furthermore, having regard to the longer minimum qualifying period stipulated for the new allowance, the Administration considers it appropriate that the rates of the new allowance be set by reference to the higher rate of the Shift Duty Allowance. We share the Administration's views.

**CONCLUSION**

12. In conclusion, we support the Administration's proposal to introduce the 'on call' duty allowance with the proposed payment criteria and rates as set out in paragraph 6 above.

Yours faithfully,

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

The Commission has considered the Administration's proposal to introduce an 'on call' duty allowance for staff who are not required to work but for whom they will incur personal inconvenience in the form of disruption to their social life. The Commission notes that the Administration proposes that the rates of the new allowance be linked to the Shift Duty Allowance which also compensates staff for disruption to their social life due to working irregular hours. Furthermore, having regard to the longer minimum qualifying period stipulated for the new allowance, the Administration considers it appropriate that the rates of the new allowance be set by reference to the higher rate of the Shift Duty Allowance. The Commission shares the Administration's views and supports the proposal.