

2 May 2001

The Honourable TUNG Chee Hwa  
The Chief Executive of the  
Hong Kong Special Administrative Region  
of the People's Republic of China  
Chief Executive's Office  
Hong Kong

Dear Sir,

**Reduction of Conditioned Hours of Work  
of Police Officers and Traffic Wardens**

We have been invited by the Administration to advise, under Clause 1(b) of our Terms of Reference, on its proposal to reduce the conditioned hours of the Traffic Warden grade from 51 gross to 48 gross per week without adjusting its pay scales accordingly.

**Background**

*The Traffic Warden (TW) grade*

2. The TW grade is a civilian grade in the Hong Kong Police Force. Staff of the grade are responsible for the enforcement of traffic legislation in relation to the parking of vehicles, including issue of fixed penalty tickets; control and regulation of vehicular traffic; and other duties related to road safety operations.

3. The TW grade was created in 1974. Prior to that, its duties were assumed by Constables and Sergeants in the Police Force. Appointment to the grade requires completion of Form 3 education. The grade consists of two ranks : the Senior Traffic Warden (MPS 13 – 16); and Traffic Warden (MPS 5 - 12). Since TWs are required to perform law

enforcement duties, they are subjected to controls under the Traffic Wardens (Discipline) Regulations and are required to wear uniforms on duty. They are required to work irregular hours and their conditioned hours of 51 gross per week is the same as that for Constables and Sergeants in the Police Force with whom they work closely.

*Review of Conditioned Hours*

4. The Commissioner of Police (CP) proposed in 1996 to reduce the conditioned hours of police officers (POs) and TWs from 51 gross to 48 gross per week. A Trial Scheme to test the viability of the CP's proposal was approved by the Civil Service Bureau (CSB) in February 1997 on the understanding that the proposal would be cost neutral, requiring no additional resources and the service to the public would not be adversely affected. The Trial Scheme was subsequently assessed by the CP to be a complete success and in early 1999 he submitted a proposal to CSB to formalise the arrangement.

5. In November 1999, the Administration sought the views of the Secretary General of the Standing Commission and the Standing Committee on Disciplined Services Salaries and Conditions of Service (Standing Committee) respectively on the appropriate time to submit the proposal. In view of the fact that the Standing Commission would be preoccupied with the review of Job-Related Allowances for civilian grades as well as the simplification of Qualification Groupings exercise up till April 2000, the Secretary General of the Standing Commission suggested that it would be preferable to deal with this case after April 2000. Similar views were expressed by the Standing Committee. In the circumstances, the Administration decided that the formalisation proposal should not be taken forward, however, approval was given for the CP to vary the conditioned hours of POs and TWs from 51 gross to 48 gross per week for an unspecified period.

6. With the completion of the Job-Related Allowances Review and the recent improvement of the general economic situation, the Administration has revisited the formalisation proposal and concluded that the CP's proposal to reduce the conditioned hours for both the POs and TWs should be supported.

*The CP's proposal revisited*

7. In his submission to the Administration in February 1999, CP concluded that the Trial Scheme was a success and recommended that the formalisation proposal should be fully implemented for the following reasons –

- (a) the Force has met the three pre-determined requirements of no additional cost, no additional manpower requirements and no reduction of service to the public; and
- (b) the reduction in conditioned hours will raise staff morale and operational efficiency.

**The Administration's Proposal**

8. Having carefully examined the justifications provided by CP, the financial and pay implications of the proposal and its implications for other grades, the Administration proposes that the conditioned hours for POs and TWs should be formally reduced from 51 gross to 48 gross per week based on the following considerations –

- (a) CP has confirmed that there will be no requirement for additional manpower to implement the proposal;
- (b) the Secretary for the Treasury has confirmed that the proposal does not involve additional financial implications for the Government. Time-off-in-lieu is the normal compensation for TWs for overtime worked and the level of unrecompensed overtime figures for TWs has remained stable for the past three

years. No overtime allowance has been claimed by TWs since the implementation of the Trial Scheme. CP does not see any reason for this to change if the conditioned hours are formally reduced;

- (c) the pay implications of the proposal is minimal in view that conditioned hours of work is just one of the factors affecting pay, and the fact demonstrated in the Trial Scheme that a reduction of three working hours per week will not reduce services to the public. Since the productivity of the TWs will not be affected and their new conditioned working hours of 48 gross per week is still longer than the normal 44 hours gross for other civilian grades, it is not necessary to adjust the pay scales of the TWs;
- (d) in view of the close working relationship of the disciplined grade and the TWs, there is an operational need that the conditioned hours of the TWs should correspond with their colleagues in the disciplined grade;
- (e) the proposal has been tested for more than three years and the staff have a natural expectation that the proposal will be formalised. Formalising the proposal will boost the morale of the Force. A motivated workforce with an efficient supporting framework will enhance productivity; and
- (f) while there may be a knock-on effect if this proposal is accepted, any request from other disciplined services/civilian grades for similar reduction in conditioned hours will be considered on their individual merits.

### **Commission's Views and Recommendations**

9. The Commission has been invited to advise specifically on three issues viz. –

- (a) whether the proposed reduction of TW's conditioned hours should be formalised;

- (b) whether the proposal should be implemented without a change to the TW's pay scales; and
- (c) whether the proposal has any implications for other civilian grades.

10. Our views and recommendations are set out below.

*Formalisation*

11. The CP's proposal to reduce the conditioned hours of POs and TWs has been well tested during the Trial Scheme which commenced in February 1997. The Administration is fully satisfied that a reduction of three working hours per week from the conditioned hours of these officers will not reduce services to the public and that this new arrangement can be implemented without additional manpower or financial resources. On account of this, we see no reason not to agree with the Administration that the proposed reduction of the conditioned hours for the TW grade should be formalised.

*Pay Implications*

12. The pay of civil service grades is determined by a number of factors which include, inter alia, academic qualification, job requirements, nature/scope/complexity of work and conditioned hours. All of them are important factors accounting in individual grades for specific pay increases due to changes in these factors.

13. On hours of work, it is particularly relevant to bear in mind past comments by the Commission, for example, it said in Report No. 23 (First Report on 1989 Salary Structure Review) –

*“where there is a clear operational need for staff in a grade or rank to work longer hours in comparison with the group norm, consideration should be given to making suitable adjustment to the pay scale of the grade concerned”* (para 4.75)

and in Report No. 26 (Third and Final Report on 1989 Salary Structure Review) –

*“to increase the scale by one point for ranks which are conditioned to work more than 44 hours gross per week, except where this factor has already been taken into account in setting their existing pay scales”* (para 2.6)

14. In the case of the TW grade, it is worth noting that its pay scales were adjusted upwards by 3 MPS points in the 1989 Salary Structure Review in recognition of the unpleasant and dangerous elements of the TW's job, the requirement to work irregular hours and the longer conditioned hours and increasing recruitment and retention problems confronting the grade at that time.

15. Given the above situation, it is fair to say that any change in conditioned hours or any other factors which have been taken into account in pay determination would have an implication on civil service pay. The extent of the implication, however, would depend on the relative weight the relevant factor plays in the overall job weight at the time of the change. In the case of the TW grade, we note the Administration's view that the implication on pay arising from its proposal to reduce the TW's conditioned hours would be minimal.

### *Precedents*

16. In proposing to reduce the PO's conditioned hours without at the same time reducing its pay, the Administration cited the precedent case of the operational firemen whose conditioned hours were reduced in 1990 from 60 to 54 per week without any reduction in pay. There is, however, no such precedent in the civilian grades under the jurisdiction of the Standing Commission. The Administration's proposal for the TW grade, if endorsed, will create a precedent with implications amongst the civilian grades.

*Morale*

17. While the TW is a civilian grade, it operates solely within the Police Force. For operational reasons, TWs are integrated closely with Constables and Sergeants in terms of shift pattern and working hours and are subjected to the command of Station Sergeants. In view of the close working relationship of the disciplined grade and the TWs, the Administration is of the view that there is an operational need that the conditioned hours of the TWs should correspond with their colleagues in the disciplined grade. The Administration further considers that if the conditioned hours of the TWs do not match with the POs, the TW grade will be demoralised and consider that they have been unfairly treated and the cordial working relationship of the two grades will be adversely affected. For the same reason, the morale of the TW grade will also be adversely affected if the formalisation of the new conditioned hours for the POs is effected without any reduction of pay, whereas the pay of the TWs is reduced upon formalisation.

18. We need to decide between upholding the morale of the TW grade (which is an important consideration from the staff management perspective) and thus creating a precedent for the civilian grades or rejecting the proposal. After careful consideration, having regard in particular to the uniquely close working relationship between the TW grade and their disciplined counterparts, we think that we are persuaded, on balance, by the Administration's argument on morale and agree that it would not be a fair management practice not to extend the same treatment to both grades of staff.

19. We must emphasize that our view is heavily affected by the close working relationship between the TWs and the POs which, as far as we can ascertain, is a situation applicable only to the TW grade and rarely found in any other civilian grade. We think that an exception could be made in the circumstances. We support, therefore, the Administration's proposal to reduce the TW's conditioned hours without a change to their pay scales, provided that the Administration's similar proposal for the POs is supported by the Standing Committee.

20. However, bearing in mind the pay implications of the proposed arrangement, we recommend that, in implementing the new arrangement, the

Administration should promulgate to all concerned that the case of the TW grade, in particular the exceptional arrangement to maintain its pay while reducing its conditioned hours, would not be applied as a general rule to other civilian grades, except where their circumstances bear close resemblance to that of the TW grade.

*Implications on other civilian grades*

21. To reduce the conditioned hours of the TW grade without reducing its pay will create a knock-on effect on other civilian grades conditioned to work more than 44 hours gross per week. We understand that a number of grades have, over the years, lobbied the Administration for a reduction of their conditioned hours. So far, none, with the exception of the TW grade, has been successful. In addition, the Model Scale 1 staff (who work 45 hours net per week) have, since 1989, requested for a reduction of their conditioned hours. On account of these developments, we think that the formalization proposal, if endorsed, will likely revive or precipitate similar requests from such grades. The Administration is aware of this possibility but holds the view that it is difficult to take a general position on such requests so each will have to be considered on its merits. The Administration will be prepared to take any request forward if the case is well justified and the departments or grades concerned can confirm and prove that the three criteria of cost neutrality, no additional manpower requirements and no reduction in service to the public can be met. We see no objection to this approach but recommend that the Administration should bear in mind the caveat we have entered in paragraph 20 above in considering the pay implications arising from any such requests.

**Conclusion**

22. In conclusion, we support the Administration's proposal subject to the following observations –

- (a) in view of the success of the Trial Scheme, the proposed reduction of the conditioned hours for the TW grade from 51 gross to 48 gross per week should be formalised;



- (b) given that the pay of civil service grades is determined by a number of factors which include, inter alia, academic qualification, job requirements, nature/scope/complexity of work and conditioned hours, it is fair to say that change in any one of these factors would have an implication on pay, the extent of which, however, would depend on the relative weight the relevant factor plays in the overall job weight at the time of the change;
- (c) as an exceptional case, however, the formalisation of the TW's conditioned hours should not result in any change to the TW's pay scales;
- (d) in implementing the new arrangement, the Administration should promulgate to all concerned that the case of the TW grade, in particular the exceptional arrangement to maintain its pay while reducing its conditioned hours, would not be applied as a general rule to all other civilian grades, except where their circumstances bear close resemblance to that of the TW grade; and
- (e) any requests from other civilian grades for reduction of conditioned hours should be dealt with by the Administration on their individual merits.

Yours faithfully,

( Yeung Ka-sing )  
Chairman  
for and on behalf of  
Members of the Standing Commission  
on Civil Service Salaries and Conditions of Service