

## CHAPTER 4

### CATEGORIES OF JOB-RELATED ALLOWANCES

4.1 This Chapter deals with our views and recommendations on the individual categories of JRAs as set out in Chapter 5 of the Commission's 1986 Review Report (i.e. Report No. 15).

#### **Background**

4.2 Under the current JRA system, there are four principal categories of JRAs with two of them divided into sub-categories. The principal categories / sub-categories at present are as follows –

- (a) Extraneous Duties Allowance (EDA)
  - (i) EDA (Supplementary Duties : Level 1)
  - (ii) EDA (Supplementary Duties : Level 2)
  - (iii) EDA (Supplementary Duties : Level 2 Variations)
  - (iv) EDA (Responsibility)
  
- (b) Hardship Allowance (HA)
  - (i) HA (Obnoxious Duties)
  - (ii) HA (Dangerous Duties)
  - (iii) HA (Management Considerations)
  
- (c) Shift Duty Allowance
  
- (d) Special Allowance

The distribution of these four principal categories of JRAs in terms of civil  
---- service expenditure for 1998/99 is shown in Chart 1.

4.3 The JRA categories set out above evolved largely from the 1986 Review, with minor amendments made in 1991. A number of problems have emerged which would need to be addressed. First, ambiguity. This is caused by the use of such terms as “supplementary duties”, “obnoxious duties” and “management considerations” in the sub-categories which either duplicate the meaning of the principal categories or render the meaning of such terms as “extraneous” and “hardship” in the principal categories ambiguous. Secondly, arbitrariness. The lack of a clear cut definition of “Extraneous Duties Allowances” and “Hardship Allowances” in the principal categories and the segregation of the former into different levels with no clear measurable standards have rendered the system arbitrary, creating problems of administration. Thirdly, subjectivity. The existence of such sub-category as Hardship Allowance (Management Considerations) and principal category as “Special Allowance” suggests the exercise of subjective judgment in deciding whether any activity undertaken by a civil servant would qualify for an allowance under the JRA system. This tends to weaken the objectivity of the administration of the JRA system, encouraging in turn ambiguity and arbitrariness.

### **The present review**

4.4 In the present review, we have looked at the question of definition again to see if it is possible to re-define the purposes for which JRAs are paid so as to remove the ambiguity from the JRA system and to streamline and simplify administration by abolishing the sub-categories.

### **Definition**

4.5 In the 1986 Review, the Commission concluded that it would be impracticable to come to any precise definition of EDA and HA.

4.6 In the case of EDA, the Commission said that “it would be impracticable to draw up precise job descriptions or guides to appointment for posts and then define extraneous duties on this basis without loss of flexibility and efficiency” (para 5.3 of Report No. 15). The Commission did not recommend any formal definition for extraneous duties but urged that “HoDs should regularly update the duties and responsibilities of posts for which they are responsible and ensure that their staff understand and accept the most up-to-date requirements of their jobs.”

4.7 In the case of HA, the Commission noted that although there was a definition under the Civil Service Regulations (viz. that HAs were granted to officers who were required to perform duties of a particularly obnoxious nature or to perform those duties in dangerous or particularly unpleasant conditions), whether or not a particular duty contained elements of hardship had, hitherto, been determined subjectively, having regard to the circumstances of each case. On this account, the Commission recommended that “no formal definition of hardship should be laid down” but that “whether or not a particular duty should be regarded as involving hardship should continue to be determined by reference to the circumstances of each case” (para 5.17 of Report No. 15).

4.8 We agree that it may be difficult to come up with a precise definition to cover all situations. Such a definition will either be too inflexible as to inhibit claims or too broad as to invite them. But that should not be the reason for leaving EDA and HA undefined. The fact that EDA is sub-categorised according to skill and responsibility and HA split into the obnoxious, dangerous and management considerations sub-categories implies, up to an extent, the existence of a definition. Without a clear cut definition of the principal categories, the current system which relies on subjective judgment is liable to give rise to ambiguities and, in the absence of regular and rigorous reviews, encourages their proliferation. From the administrative point of view, this is unsatisfactory.

4.9 A more practicable approach, in the circumstances, is not to come up with a definition from scratch but to re-state the purposes of EDA and HA on the basis of the reasons for which EDAs and HAs are currently paid. An examination of the list of EDAs and HAs compiled by CSB at Appendices II and III indicates that EDAs are paid in recognition of “extra duties” and HA of “work environment” not normally expected of staff in the same grade or rank. The proper measure for which must be the precise job descriptions of the officer concerned and the actual environment in which the officer is required to work. These are objective states which can be evaluated against evidence.

4.10 Based on an examination of the reasons for which EDAs and HAs are currently paid, we think that the purposes of EDA and HA could be re-stated as follows –

## Extraneous Duties Allowances

Extraneous Duties Allowances (EDAs) are allowances granted to officers who are regularly required to perform duties outside the scope of those normally performed by staff in the same grade or rank. The extraneousness of such duties is established by HoDs against the up-to-date job descriptions for the officers concerned. Under the existing system, EDAs are paid in recognition of new skill or new responsibility imposed on the officers by the extra duty. The emphasis here is on extraneousness and new skill or responsibility not normally expected of staff in the same grade or rank.

## Hardship Allowances

Hardship Allowances (HAs) are allowances granted to officers who are subjected to work environment which would render them liable to bodily harm or physical impairment of a degree not normally expected by staff in the same grade or rank. The emphasis here is on bodily harm or physical impairment and the degree of such liability not normally expected of staff in the same grade or rank.

### **Sub-categorisation**

4.11 Extraneous Duties Allowances are currently sub-categorised into EDA (Supplementary Duties) and EDA (Responsibility) according to skill and responsibility respectively. A list of payments under these two sub-categories is at Appendix II. Distribution of the sub-categories of EDA in terms of civil service expenditure for 1998/99 is shown in Chart 2. In the case of skill, it is sub-divided mainly into two levels with a third level termed as “Level 2 Variations”. Such sub-divisions appear to be arbitrary. For instance, EDA(SD) Level 1 is currently paid to officers required to drive a government vehicle in the course of carrying out normal duties, while EDA(SD) Level 2 is paid to officers working in laboratory for frequent and close contact with blood, urine, decomposed material etc. It is arguable that driving a government vehicle requires “some skill” (for which it is classified as Level 1 with a lower rate) while handling blood, urine etc. in the laboratory requires “specialized skill” (for which it is classified as Level 2 with a higher rate). According to information from CSB, some departments/bureaux had difficulty distinguishing the difference between the two levels.

4.12 For EDA(R), they are paid to officers who are required to perform additional responsibilities belonging to another post. The allowance is assessed in the same manner as acting allowance and is payable in circumstances where acting pay is inappropriate. This raises the doubt of whether EDA(R) has been properly administered. With the recent tightening up of acting allowance payments by the Administration, we think that CSB, in consultation with HoDs, should critically re-examine all EDA(R) cases in the light of the new criteria for granting acting allowance to ensure that EDA(R) payments would not become a loophole in the Administration's control of acting allowance.

4.13 With the purposes of EDA re-stated as in paragraph 4.10 above, it does not appear necessary to differentiate extraneous duties into supplementary duties and responsibility. To sub-divide supplementary duties into three levels would further complicate the system, particularly when the basis for differentiation is not clear enough. We recommend that the administration of the system should be simplified by abolishing the sub-categories so that there will only be one single category of EDA to incorporate both skill and responsibility.

4.14 Hardship Allowances are currently sub-divided into (a) HA (Obnoxious Duties); (b) HA (Dangerous Duties); and (c) HA (Management Considerations). A list of the payments under these three sub-categories is at Appendix III. Distribution of the sub-categories of HA in terms of civil service expenditure for 1998/99 is shown in Chart 3.

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4.15 The term "obnoxious" is an imprecise term. It denotes, amongst other things, a state of mind of dislikes which is difficult to quantify and may not necessarily result in any physical harm to the officer concerned. It is debatable whether an employer should compensate an employee for the discharge of duties not to his/her liking. Despite the use of the term, an examination of the "obnoxious duties" for which HAs are currently paid indicates that the allowances, in general, are paid not to compensate the dislikes of staff, but to recognise the bodily harm that may be caused to staff for the contract of disease via the handling of animal excrement, dead bodies, dirt and waste, etc.

4.16 The concern for physical impairment and bodily harm is as obvious in these payments as in the HA payments for dangerous duties. The same can be said for the sub-category of HA (Management Considerations) and the individual payments under this sub-category are no different in nature from those under the other two sub-categories, except in degree of harm and impairment.

4.17 We recommend that these three sub-categories should be abolished so that there will only be one single category for HA. The inclusion of Typhoon/Rainstorm Black Warning Allowances under the HA (Management Considerations) sub-category looks rather incongruous. We propose that a new principal category be created to accommodate Typhoon/Rainstorm Black Warning Allowances to cater for civil servants working under specific weather conditions involving the hoisting of typhoon signal No. 8 or above or the rainstorm black warning signal.

### **Shift Duty Allowance & Special Allowance**

4.18 As regards the other two principal categories viz. Shift Duty Allowance and Special Allowance (vide Appendices IV and V), our view is that the former, which is related to the pattern of work, should remain as an independent category but that the latter, which is related either to duties or work environment, should be abolished and the individual payments therein redistributed under the principal category of EDA or HA, as appropriate.

### **The new JRA system**

4.19 The key features of the new JRA system, as we have described above, will consist of the following –

(a) **Re-stated purpose**

The purpose of JRAs in the civil service is to provide extra reward for staff performance under four specific situations which relate to either duties, work environment, weather conditions or pattern of work in compliance with the following conditions –

(i) Duties

The duties in question must be extraneous to the job descriptions for the officers concerned and the discharge of such duties requires extra skill or imposes new responsibility not normally expected of staff in the same grade or rank;

(ii) Work environment

The work environment, to which staff are subjected, must be such as to render them liable to bodily harm or physical impairment of a degree not normally expected of staff in the same grade or rank;

(iii) Weather conditions

These are specific weather conditions involving the hoisting of typhoon signal No. 8 or above or the rainstorm black warning signal; and

(iv) Pattern of work

This refers specifically to shift duties not normally expected of staff in the same grade or rank.

(b) **Simplified system**

There will only be four principal categories of JRAs covering respectively : Extraneous Duties Allowance; Hardship Allowance; Typhoon/Rainstorm Black Warning Allowances and Shift Duty Allowance. No sub-categories will be required.

4.20 Re-stating the purposes of EDA and HA based on an examination of the purposes for which the individual payments are made at present should not create any problems for the Administration or the current recipients. What we have done so far is no more than rationalising the current system. However, since the pre-condition for eligibility must be that the extraneousness of the duty has to be established against evidence of the most up-to-date job descriptions for

the officers concerned, we recommend that HoDs should undertake an immediate review of all current JRA payments under their jurisdiction against the job descriptions of their staff and the new principles recommended by the Commission in Chapter 3 to ensure that only payments which meet with these criteria will be allowed to continue. Thereafter, HoDs should undertake regular reviews of job descriptions to ensure that they are brought up-to-date in tandem with changes in skill requirement and improvement in working environment as a result of office automation, technological changes, new human resource management concepts, etc.

4.21 To cater for the time required for HoDs to undertake the immediate review, we propose the imposition of a moratorium during which no new payment items should be approved, unless with the special approval of the SCS. We will deal with the moratorium proposal in greater detail in Chapter 6.