

Paragraph 2.12

4. Insert under "Fire Services" :

"Any member commits an offence against discipline who when on or off duty acts in a disorderly manner, or in any manner prejudicial to discipline, or likely to bring discredit upon the Fire Services Department or the public services. (Cap 95, First schedule, paragraph 12)."

Fire Services management have told us that they may consider any off duty officer who fails to take appropriate action when circumstances require it as having committed an offence against discipline under this provision.

Paragraph 2.16

5. Add, at end :

"Punishment for desertion and failure to carry out statutory duties in emergencies is provided for in Section 27(2) of the Fire Services Ordinance (Cap 95)

'Any member who -

(a) deserts;

(b) on the occasion of a fire or other calamity wilfully disobeys a lawful command of a member whom it is his duty to obey,

shall be guilty of an offence and shall be liable to a fine of \$1,000 and to imprisonment for 6 months.'

and in Section 28 of the Police Force Ordinance (Cap 232) -

'Any police officer who deserts shall be liable on summary conviction to imprisonment for 12 months and all arrears of pay due to him shall be forfeited.'

New paragraph 2.16A

6. Insert between paragraphs 2.16 and 2.17 :

"In the event of industrial action, a person taking action for the purpose of causing a Fire Services member to withdraw his service may be penalised under section 27(1) of the Fire Services Ordinance (Cap 95), which states -

'Any person who resists or obstructs any member acting in the execution of his duty shall be guilty of an offence and shall be liable to a fine of \$2000 and to imprisonment for 6 months.'

In the Customs and Excise Service, the restriction on freedom of action e.g. to go on strike, is built into the Customs and Excise Service Orders, made under Section 20 of the Customs and Excise Service Ordinance (Cap 342), which have the force of law."

Paragraph 3.18

7. In paragraph 3.18, we stated :

"The Final Report on the 1986 Pay Level Survey was subsequently submitted by the Standing Commission in February 1987. The Staff Side of the Police Force Council maintained that the survey was incomplete and had no application to the police force and that the unique nature of police duties had not been taken into account. The Standing Commission expressed the same view in its Report No. 18."

8. It has been drawn to our attention that the final sentence in this passage is not correct. Report No. 18 of the Standing Commission simply records the fact that it had not been possible for the consultants (Hay Management Consultants (Hong Kong) Ltd.) to obtain information which would have enabled them to comment on the special features of disciplined service work by reference to the way in which private sector employees were paid for them. That was because no positions could be found in the private sector which embodied those special features, such as danger, stress etc., which affected not only the Police Force but also all the other disciplined services and to a lesser degree the rest of the civil service. It was in that respect that the Standing Commission considered the results of the survey to be incomplete. The Standing Commission did not express the view that the survey had no application to the Police Force and that the unique nature of police duties had not been taken into account. The final sentence of paragraph 3.18 should be amended therefore, to read -

"In its Report No. 18, the Standing Commission recorded that as the consultants could find no positions in the private sector which embodied the special features such as danger, stress etc. affecting the disciplined services, they could not comment on how this aspect of the work was reflected in private sector pay. In this respect the Standing Commission considered that the results of the survey were incomplete."

Paragraphs 4.4-4.8

9. In line 13 of paragraph 4.4, change "direct-entry" to "force entry".

10. The use of Clerical Officer II (CO II) and Executive Officer II (EO II) as comparators to police entry ranks in paragraphs 4.4-4.8 has been misinterpreted by many readers who have been under the impression that it was our intention to use the pay of CO II and EO II as a basis of pay determination for the Police Constable and Inspector of Police respectively. That was not our intention. In order to illustrate the movement of pay levels in respect of all the disciplined services between 1962 and 1987 we had to select a common yardstick. The method we adopted was to set the pay levels (the arithmetic mean of the dollar value of the minimum and maximum points) of CO II and EO II in each year at an index of 100. The relative pay levels of all disciplined services ranks in the same year were thus weighted against the common comparators. The yardsticks were chosen from grades paid on the MPS scale, because our terms of reference ask us to look at pay in relation to the rest of the civil service; but we did not suggest that the work, responsibility or pay of any disciplined service ranks should be compared with those of the CO II or EO II for the purposes of pay determination.

Paragraph 4.22

11. Add, at end :

"This comparison shows the average career timetables of individual officers who have reached higher ranks, but cannot be considered as a comparison of promotion opportunities because it takes into account only those officers who have been promoted to the ranks shown and not those who have not been promoted. There are only two SPEO (D2) posts and 19 PEO (D1) posts in the EO grade which has a total of 1,786 posts against the police force's 14 ACP (D2) posts and 51 CSP (D1) posts, and a total of 2,773 in the Officer grades (including 74 in higher posts at the Directorate level). A higher proportion of Executive Officers than Police Officers is therefore, likely to retire before reaching the D1 or D2 ranks."

Paragraph 4.24

12. Add (at the beginning) :

"The objective of the 1986 Pay Level Survey was to assess whether or not the present remuneration (i.e. in 1986) of the civil service below the Directorate level, including both salary and fringe benefits, was broadly in line with that of employees in the private sector doing comparable work."

Paragraph 4.30

13. The use of the word "allow" in line 11 of paragraph 4.30 has led to some misinterpretation. We should have said that the design of the 1986 pay level survey was such that it did not provide for the differences in working hours to be addressed. To have made this comparison would, we understand, have been contrary to the objective of the pay level survey which was to address the civil service as a whole and not compare individual sections or grades. The sentence starting in line 9 should therefore read :

"We also understand that the methodology of the pay level survey as agreed by the Standing Commission did not provide for the differences in contracted annual hours worked between the various sections of the civil service to be taken into account as the objective of the survey (see paragraph 4.24) did not call for this."

Paragraph 5.2

14. We received responses suggesting that we should consider most carefully the effect of totally disregarding allowances and benefits which were common to the entire civil service. One of the respondents quoted the Home Purchase Allowance as an example. We did take the point on board and appraise the claim made by the disciplined services staff that they suffered a reduction of Home Purchase Allowance as a result of their having to retire at the age of 55.

Paragraph 5.12(a)

15. Add at end :

"A special arrangement exists for certain Customs & Excise Service staff who are required to wear blue overalls for work in particularly dirty circumstances such as ship rummaging. They do not receive laundry allowance but are reimbursed laundry expenses at not more than \$6 per pair of overalls up to a maximum of \$120 a month."

Paragraph 5.20

16. In the table under paragraph 5.20 of the Preliminary Report, amend the number of departmental quarters for Correctional Services Department from "1,642" to "1,639".

Paragraph 7.4

17. Line 19, amend :

"10%" to "15%".

18. In the last sentence in paragraph 7.4 of the Preliminary Report, we said :

".... We have been told that the majority of disciplined services staff do not consider that the general staff associations are so constituted as to represent their interests effectively, and that the majority of those who joined did so to obtain benefits other than representation in the consultation process."

19. We have been told that in addition to providing welfare benefits to members, the Hong Kong Chinese Civil Servants' Association, through its internal consultative machinery and the Association's quarterly bulletin (the Wah Yuen Po), informs and consults all its members, branches and affiliated unions on general and service-wide issues. The Association also handles many grievances, complaints and queries relating to the conditions of service disciplinary matters and conflicts with management etc. from disciplined services members and as a result many of those issues have subsequently been referred to the Administration through the Senior Civil Service Council.

Paragraph 7.5

20. Add, at end :

"However, the main objective of the Model Scale 1 Council is to achieve better understanding and cooperation between the Government and Model Scale 1 staff. Although the Staff Side Representatives of the Council may come from a staff association or union which comprises a number of affiliated unions, including the disciplined services unions, the subjects discussed in that Council will normally be restricted to matters relating to the Model Scale 1 staff and the Staff Side Representatives generally will only speak on behalf of the Model Scale 1 staff."

Paragraph 7.14

21. See paragraph 6 above for additional provisions drawn to our attention in this context.

Paragraph 8.43

22. Add at end of paragraph :

"Our attention was also drawn to a policy memorandum issued by the then Secretary of State for the Colonies in 1957 regarding non-gazetted ranks. By virtue of a decision taken in 1949 regarding colonial police forces, policemen could not become members of civil servants' associations but were allowed to join a Police Association or Federation. The 1957 policy statement read :-

'This arrangement recognises that there are reasons of public policy why the police force should be treated and regarded as separate from the ordinary civil service. In view of this, police scales of pay and conditions of service should not be formally or rigidly tied to civil service scales. This does not however mean that the actual terms of service which are decided upon for the police must bear no relation to those given to men recruited from the same sources and employed in comparable work elsewhere in Government service. For the reasons given, the considerations which will influence a decision about police salary scales will be distinct and separate from those which influence civil service scales, although civil service scales will be not without relevance to police scales. The relationship between the two should therefore not be a direct or formal one.'

Paragraph 8.77

23. Line 10, delete :

"and ambulancemen".

Paragraph 8.86

24. Line 9, delete :

"medical benefits".

Paragraph 8.164

25. Add at end :

"(We have been informed the practice is for the canteen van to be despatched only in the event of a prolonged major incident, e.g. No. 3 alarm fire and above and, to provide only basic refreshments, primarily for the replacement of essential body fluid lost in fire fighting, except when personnel are committed to an incident for a period of more than 4 hours. We are also told that there are similar facilities in the police force.)"

Paragraph 8.165

26. Line 2, amend :

"48 hours a week" to "51 hours per week".

Annex 4.7

27. In Annex 4.7, the pay level of Ambulance Officer was not shown in the chart for comparison with those of the other basic officer ranks. The pay of the Ambulance Officer and the Senior Ambulance Officer was at the same level as the pay of the Station Officer and Senior Station Officer but they were not on a combined pay scale.

Annex 4.8

28. In Annex 4.8, no reference was made to the regrading in 1971 of the Senior Inspector rank, which was a promotion rank at the time, to Chief Inspector. The former Chief Inspector rank was not part of the normal promotion chain i.e. Senior Inspectors were then promoted to Assistant Superintendents. The current Senior Inspector rank was introduced in the same restructuring exercise to provide early advancement for those Inspectors who pass the qualifying examinations for promotion to Chief Inspector. The level of pay for CIP at 1971 as displayed in Annex 4.8 is nonetheless correct.