

## CHAPTER FOUR

### **POLICE PAY SCALE**

#### **A separate scale for the police**

4.1 A major point pressed in several of the submissions we received from police management and staff associations was that the police should be placed on a pay scale which is separate from that of the other services. The arguments put forward related primarily to the statutory requirement, and the considerations underlying the requirement, that police staff are not free to form trade unions, whereas the staff of the other four services are free to do so and many of them have exercised this right. We understand the considerations underlying this restriction on the police to be the nature and comprehensive range of their law-enforcement functions, including in particular their function as the Government's agency of last resort, and their special relations with the Crown and with the public, including the need for them to be apolitical and clearly seen to be so.

4.2 As part of the background to this question our attention was drawn to a policy memorandum issued by the then Secretary of State for the Colonies in 1957 concerning non-gazetted officers in the police force (**Annex 1.2**, paragraph 22). This said that the police should be treated and regarded as separate from the ordinary civil service, and that though civil service pay scales would not be without relevance to police scales the relationship between the two should not be a direct or formal one.

4.3 We reviewed and discussed with witnesses from other services the possibility that the other services could be brought within the same statutory restriction, but for the reasons discussed in paragraph 8.12 we decided that our recommendations had to be based on the present statutory position. We accepted that if the police were placed on the same pay scale as other services it would be impossible for their staff associations to represent their members effectively without from time to time being required to make common cause with staff groups represented by trade unions, and we consider that this is not acceptable. We concluded therefore that the police should be placed on a separate pay scale.

#### **Relationship to other services**

4.4 These considerations highlighted for us the distinction made in our terms of reference between the police and the rest of the disciplined services. As the preceding Chapter shows, we did not find it possible to review the factors which we consider relevant to pay without making

comparisons between services; but once we had reviewed the factors and established how we should recommend the services should be broadly grouped for pay purposes, we were able, in the matter of determining what new pay levels we should recommend, to consider the police separately from the other services, against the background of their own facts and circumstances, and always bearing in mind that our recommendations had to be framed "in relation to the rest of the civil service".

4.5 In considering the question of the relationship to pay elsewhere in the civil service we took note of the emphasis which police management and staff associations place on what the Edmund-Davies Committee said, which is worth quoting here in full.

"We have considered carefully whether it is possible to equate the work of the police force with that of any other group of workers for pay purposes, but, like other committees and commissions before us, we have concluded that the unique nature of the police service and the work they do makes this impossible. No doubt individuals make their own comparisons in deciding whether or not to enter or remain in the police force; but these comparisons are with a wide range of alternative occupations that vary in attractiveness, and no one of them or combination of them can serve as a reliable and fixed standard of reference for the police. In our view, therefore, the correct level of police pay cannot be determined by any precise formula based on comparability and pay linkages. The only satisfactory way to proceed seems to us to be to review all the relevant factors and then make the best judgement we can."

4.6 This passage would clearly rule out the equation of police pay with that of any other group, whether in the civil service or elsewhere; it would also rule out the determination of the correct level of police pay by any precise formula based on comparability and pay linkages. As we have gone on with our review we have found no reason to propose that either an equation or a formula should be used here.

4.7 Accepting the special position of the police, however, we still have to regard policemen as members of the public service discharging public functions and as members of society with needs and wants which have much in common with those of other members of society. In free communities under the rule of law the police function cannot be successfully performed without the moral and material support of the great mass of society, and to separate the police too far from the rest of the public service and from society at large would not be in the long-term interests either of them or of the community they serve. We do not believe that that is what police representatives want; we believe they wish to be fairly remunerated for the unique task which they perform. In our endeavours to determine what that remuneration should be we

have tried to keep the long-term general public interest clearly in mind.

#### **The basis for determining pay**

4.8 Before recommending levels of pay we were asked to consider what the basis for determining pay should be. As already indicated, we accept the Edmund-Davies conclusion that this cannot be an equation or formula, but has to be a matter of judgment based on an examination of all the relevant factors. That in itself does not however provide a base from which to start.

4.9 Despite the strong support expressed for the Edmund-Davies view, we have been pressed in some police representations to determine police pay essentially on a basis of comparisons with specific ranks in the general civil service, and as part of that comparison to set out in clearly quantified terms how much we have allowed in the pay scale we propose for each of the special factors we have taken into account. This seems to us to be precisely the kind of formula that Edmund-Davies rejected so comprehensively, and we reject it (and other strictly comparative approaches) for the same reasons.

4.10 That effectively left us with two possibilities. One was to seek to build a complete new police pay scale de novo on the basis of valuable suggestions made to us by the Commissioner of Police in his submission. The other was to make a thorough review of the existing scales, which had the merit of being in place and therefore being subject to continuous testing in the real world, to see what changes were necessary in the light of the matters to which our attention was directed by our terms of reference, the wide range of information and representations we had collected, and the factors we had reviewed. It is the latter course we have adopted, and in it we have had a good deal of help through considering at the same time the fresh perspective offered by the Commissioner's submission.

4.11 In addition to building upon the pay scales on which police are at present paid, we have taken cross-bearings using the existing relationships between the police points on these scales and the Master Pay Scale (MPS), and comparing them with the new relationships between the scales we propose and the MPS, to satisfy ourselves in a broad way that these new relationships are appropriate, having regard to our assessment of the various pay factors in relation to the police. This means that in the interpretation of our terms of reference we have taken the current MPS as our yardstick for the remuneration of the rest of the civil service, in knowledge of the positions on the MPS of the many grades and ranks in the non-disciplined services that have been mentioned to us in evidence from the various services.

4.12 Against that background, **we recommend** that the Disciplined Services Pay Scale should be abolished and, for the police, replaced by a separate Police Pay Scale (PPS). The following paragraphs give a brief account of the changes we propose for the different police ranks in our recommended police pay scale, which is set out in detail in **Annex 4**.

**Police pay scale**

4.13 We propose a Police Pay Scale (PPS) consisting of 62 points from bottom to top. PPS 1-30 are points for the Junior Police Officers, PPS 27-49 for the Inspectorate Officers and PPS 50-62 for Gazetted Officers including those currently on the Directorate pay scale. Having regard to all the factors set out in Chapter 3, the earnings and allowances which we propose should be incorporated in basic pay and the proposed modified overtime pay arrangements for officers up to CIP level discussed in Chapter 7, **we recommend** the following Police Pay Scale (PPS) in terms of salaries per month :-

<u>Rank</u>	<u>PPS points</u>	<u>₹</u>	<u>Remarks</u>
PC	1-14 (15,16)	4750- 7205	(a) Entry at PPS 1, 2, 3 or 4 depending on qualifications;  (b) one incremental jump to be awarded on completion of first year of service;  (c) a second incremental jump to be awarded not earlier than the end of the fifth year of service on passing the qualifying law examination for promotion to sergeant;  (d) long service increment at PPS 15 on completion of 18 years' service;  (e) long service increment at PPS 16 on completion of 25 years' service.
Sgt	15-22	7425- 9105	-
S/Sgt	23-30	9360-11405	-

IP	27-43	10415-19925	(a)	Entry at PPS 27, 29, 30 or 31 depending on qualifications;
			(b)	one incremental jump to be awarded on completion of first year of service;
			(c)	advancement to Senior Inspector on passing the promotion examination as at present.
SIP	39-43	17150-19925		-
CIP	44-49	20675-24880		-
SP	50-53	25810-28780*		-
SSP	54-57	29850-33550*		-
CSP	58	37000*		-
ACP	59	41750*		No change in dollar value
SACP	60	48500*		- ditto -
DCP	61	55100*		- ditto -
CP	62	64800*		- ditto -

\* Subject to further review, see paragraphs 4.18-4.23

4.14 The incremental jumps for the two recruitment ranks (PC and IP) are included on grounds of recruitment, retention and motivation.

4.15 Statistics on wastage show that the number of PCs leaving before being confirmed has been increasing and almost doubled in 1987-88 compared with 1986-87. Several factors are at work here, but we believe that an incremental jump on completion of the first year will act as an incentive not only for potential leavers to remain, but also as an attraction to others to join. The second incremental jump after five years is directed at helping to retain experienced officers who have qualified for promotion. We have found that the number of PCs with 5-10 years' experience resigning has been increasing, most noticeably in 1988 when 119 such PCs have already left, around 50% up on losses in the whole of each of the past two years.

4.16 For Officer ranks, we propose an incremental jump on completion of first year of service as Inspector (IP) in recognition of the Probationary Inspector's development into an officer with formal knowledge of the law and police duties and skills after 36 weeks of induction training and experience in an initial posting. As with PCs, we regard this as an incentive for continuing in the career and as an attraction to recruits. A powerful incentive to pass the qualifying examinations for promotion already exists in early advancement to SIP for those who pass.

4.17 To ensure that an officer who joined before the introduction of incremental jumps will not lose out when compared with a recruit joining after implementation of the measure, **we recommend** special conversion arrangements for serving officers, details of which are set out in Chapter 6. **We recommend** that long service increments should continue as part of the PC pay scale as recognition for the capable, loyal and long serving Junior Police Officer who is unable to progress beyond his entry rank. We do not propose to alter the length of the existing scales, except for the IP scale which is extended by one step.

### **Senior posts**

4.18 In our review we gathered a great deal of information about the work of the senior staff in the Directorate grades, and we have received many representations that substantial increases in salary are required at various levels in the different services. We have received specific representations in respect of other services as well as the police, that certain ranks, or some posts in certain ranks, were undergraded in Directorate terms.

4.19 The grading of particular posts is not within our terms of reference; but we have formed the view that the grading of posts at senior levels in the services is uneven, and this has made it extremely difficult for us to make sensible judgments about pay levels. An even more important factor, however, is that despite the representations made to us and the information laid before us we do not feel we have been able to inform ourselves well enough to make a proper judgment about salary scales at these levels "in relation to the rest of the civil service" as our terms of reference require us to do.

4.20 Our review has satisfied us that at one Directorate level, the D1 posts of Chief Superintendent of Police, some increase is justified; but we have not been able to make a close assessment. At this level, therefore, we are doing no more than propose an increase of about 5% which will, provide headroom for the limited increases we propose for the present for the ranks immediately below. However, we consider that

further work should be undertaken to establish what the appropriate rate of pay should be for this rank, and the higher ranks in the RHKPF. When these ranks have been reviewed, **we recommend** that the proposed Standing Committee (see Chapter 8) should look again at the pay scales for the Superintendent and Senior Superintendent ranks, for which we have proposed only limited increases to avoid prejudicing the detailed review we consider necessary for the more senior posts.

4.21 We are aware that when the Edmund-Davies Committee considered police pay in the United Kingdom it took the view that for chief officers of police a defined local government link was no longer relevant :-

".... we considered that the integration of chief officers of police into a unified pay structure meant that a defined local government link was no longer relevant, bearing in mind our earlier conclusion that it was impossible to compare the police with any other group of workers for pay purposes .... We therefore recommended that the pay of chief officers of police should no longer have an 'appropriate relationship' with that of chief officers of local government."

4.22 In the light of that recommendation, we have considered whether we should recommend that the salaries in the senior levels of the Directorate elsewhere in the civil service should be regarded as irrelevant to salaries in the police, and possibly also in the other disciplined services. We are satisfied that there are substantial differences in the nature of the work done, as well as substantial similarities. An important difference between Hong Kong and the UK is that we are not here dealing with many police authorities but with a single police force which is part of the Government service. We conclude that, at least for the most senior posts, i.e. the Heads of services, a defined relationship with other very senior posts in Government is inescapable. Below that level, we consider the salary levels for senior ranks can be set appropriately in the frame defined by the salary at the top level and the salaries of the senior ranks below the Directorate level in each service. We see no need for the steps in between to be equated to steps in the general civil service. They should be determined by the needs and circumstances of the disciplined services.

4.23 To achieve the right levels and the correct relationships in the first place, we believe a substantial but not inordinately large job evaluation exercise is needed, which would cover all the higher posts in the five services, with the exceptions of the Heads of the services. **We recommend** that such a study should be conducted under the direction of the proposed Standing Committee on Disciplined

Services Salaries and Conditions of Service. At this level we believe job evaluation could properly look at the posts in the five services together, and that this would help the Standing Committee to get the senior levels right across the board, although we would expect the results to be expressed in placings on a police scale for police officers and placings for officers of the other services on the separate scale we propose for them.