

(a) meal breaks which the staff have not actually worked; hence meal breaks cannot be considered as part of working hours for payment of DSOA; and

- (b) meal breaks which occur during a period of not less than seven hours of overtime work are counted for DSOA because the staff concerned are not expected to be able to return home for a meal during this period; there is no such restriction if the meal break occurs immediately before or after the overtime duties.

5.35. We considered carefully the Commissioner's arguments and those from the Administration. Whilst the Administration's position, strictly speaking, was understandable, we were sympathetic to the Commissioner's request. We noted that the Commissioner would have to recruit additional staff in order to introduce relief arrangements to allow his staff to take meal breaks in the middle of a shift and that this would be more expensive. We considered that the staff concerned should not take their meals on duty as this would undermine their authority over the inmates and also compromise security. We, therefore, concluded that the Commissioner's request was reasonable and should be supported. Where similar circumstances arise in other disciplined services, we recommended that the Administration should consider them with flexibility.

5.36. We concluded that -

- (a) the requests of the Commissioner of Police, the Commissioner of Correctional Services and the Commissioner of Customs and Excise for an increase in the rate of DSOA from 1/175 to 1/140 of monthly salary should not be supported;
- (b) the requests of the Commissioner of Correctional Services and the Commissioner of Customs and Excise to extend eligibility for payment of DSOA to the ranks of Chief Officer (Correctional Services) and Assistant Superintendent (Customs and Excise) should not be supported. However, the two Commissioners, in consultation with the Administration, should identify posts whose incumbents are deployed in detention centres and on anti-smuggling and anti-narcotics duties, who are required to work overtime regularly but cannot be given time-off due to operational reasons. These officers should be eligible, exceptionally, for DSOA;
- (c) the Commissioner of Correctional Services' request to include the meal break in a normal shift of overtime duties for the purpose of claiming DSOA should be supported and that similar requests from other disciplined services should be considered with flexibility; and
- (d) the backlog hours relating to Police officers should be cleared by a combination of time-off and payment of DSOA and that an early announcement of the arrangements to clear the backlog should be made.

5.37. We advised the Governor along these lines in February 1992. The Commissioner of Police, the Commissioner of Correctional Services and the Commissioner of Customs and Excise were informed of our advice to the Governor in July 1992.

**Disciplined Services Overtime Allowance for  
Assistant Divisional Officers at  
Airport Fire Contingent**

5.38. In January 1993, the Director of Fire Services submitted a proposal to us to extend the eligibility for payment of Disciplined Services Overtime Allowance (DSOA) to Assistant Divisional Officers (ADO) posted to the Airport Fire Contingent (AFC).

5.39. We were informed that there are seven ADOs working on a "24-hour on and 48-hour off" shift system and covering two functional posts on a round-the-clock basis in the AFC. The Director pointed out that since the introduction of the general holiday and leave arrangements in April 1992, there was a shortfall of 0.384 ADO post and as a result these seven ADOs were regularly required to work overtime. The Director estimated that the overtime accumulated by each ADO after a 3-year posting in AFC would be about 390 hours. To compensate these ADOs for their overtime work, the Director proposed that they should be granted DSOA.

5.40. We learnt from the submission and from representations made by the Fire Services departmental management that it is impracticable to arrange redeployment of ADOs from other fire stations to relieve the airport ADOs, because such redeployment would be frequent and disruptive. Also, as ADOs must complete a course in the United Kingdom and an attachment programme at the airport before they can be deployed to AFC, and given the limited number of ADOs in the department who have received such training, redeployment would be difficult to arrange. The department, however, had reservations on expanding such training for ADOs as such duties are not regarded as the mainstream tasks and the training would not be conducive to career development.

5.41. We also learnt from representations made by the staff representatives that although the staff were in support of the department's proposal to extend eligibility for payment of DSOA to the airport ADOs, they preferred, if practicable, taking their days off to working overtime and receiving an allowance.

5.42. We understood that general disciplined services staff in ranks equivalent to, or above, the rank of ADO are not eligible for payment of DSOA. Although eligibility for DSOA has been exceptionally extended to a limited number of Chief Officers (Correctional Services) deployed on duties in detention centres and a few Assistant Superintendents (Customs and Excise) deployed on anti-smuggling and anti-narcotics duties, we did not consider the situation of the airport ADOs comparable to the aforesaid staff of the two departments who are subject to special circumstances. These include unpredictability of the commencement and duration of overtime, which could be prolonged, demanding strenuous efforts of the officers

in adverse, or potentially sensitive work situations. On the other hand, the situation of airport ADOs arose from a slight shortfall in establishment, with the consequence of them not being allowed to regularly take their days off, in accordance with their shift roster. In the case of the airport ADOs, the dates and duration of overtime could be pre-determined; the shortfall of manpower could be calculated and tackled as an establishment issue.

5.43. We noted from statistics provided by the Director that 1224 hours of overtime were worked by the airport ADOs between April 1992 and the end of February 1993. Time-off granted during the same period totalled 864 hours, or 70% of the overtime hours worked. The backlog of overtime hours accumulated during the same period amounted to 360 hours, or an average of about 51 hours for each officer which was slightly more than two 24-hour duty shifts in terms of duration. In the light of these statistics, we did not consider that the overtime problem was of such a magnitude as to warrant the making of an exception to the eligibility criteria for DSOA.

5.44. We noted that these officers being officers-in-charge of the first attending crew and appliances at the airport are ranked at a higher level than the officers-in-charge in other fire stations, and that it is the established practice that overtime worked by officers of such a senior level is compensated not by an overtime allowance, but by time-off-in-lieu, although the granting of time-off is subject to office exigency and possible deferment on operational grounds.

5.45. We considered that since the issue was basically a manning problem, it should more appropriately be tackled by such administrative measures as flexible redeployment of staff from other fire stations, the granting of time-off and leave in between postings, etc. With regard to the alternative of redeployment, we noted that there are seven other ADOs in the department who are qualified for airport duties and that there had been a precedent of redeployment of an ADO from outside the airport as relief in AFC. We considered that with good, advance staff planning, disruptions caused by redeployment could be minimized. Moreover, redeployment of staff to relieve officers on leave is a common practice in the civil service and in other fire stations. We considered that the practicability of this alternative should be further explored.

5.46. We were aware that when the general holiday and leave arrangements were implemented in April 1992, additional posts were provided to allow staff to take their days off. Although a majority of these additional posts were rank and file posts, some officer posts were also included. Should DSOA be granted to the airport ADOs for the purpose of implementing the general holiday arrangements, there would be the criticism of inconsistency of approach. In addition, the situation where the ADOs could not take their days off might perpetuate. Such undesirable development would be against the interest of the ADOs concerned, who preferred taking their days off to working overtime with DSOA.

5.47. With regard to the department's reservation about training up more officers for airport duties, we considered that the purpose of training would primarily be to provide the department with sufficient qualified officers to discharge its functions. As the specialized training would take several months to complete, it is advisable that a pool of qualified officers should be maintained to cope with situations such

as resignations, retirements or leave of absence. If there is difficulty in deploying qualified staff to the airport as relief, consideration should be given to training more officers to take up airport duties.

5.48. We concluded that the Director's request to extend eligibility for DSOA to ADOs in AFC should not be supported. We considered that since the problem was basically an establishment issue, it should be resolved in accordance with the established practices, i.e. either by redeployment of staff from elsewhere to relieve the ADOs in the airport or, if not practicable, by seeking to redress the slight shortfall in establishment.

5.49. We advised the Governor along the above lines in July 1993, and the Director was informed of our advice to the Governor in September 1993.

#### **Extra Duties Allowance for the Disciplined Services (Diving) Level 2 for Fire Services Divers**

5.50. In September 1992, the Director of Fire Services submitted a proposal to us to revise the rate of Extra Duties Allowance for the Disciplined Services (Diving), EDADS(Diving) payable to the Fire Services divers from Level 1 to Level 2.

5.51. We noted that EDADS(Diving) was then payable at the following two levels -

- (a) Level 1 for rank and file officers who have passed the Fire Services Department course in Scuba diving (or equivalent courses approved by the Administration), and are engaged regularly in diving duties, at a rate of 5% of GDS(R) point 1 per month; and
- (b) Level 2 for advanced divers who, in addition to the diving course using compressed air, have passed a higher-standard diving course using pure oxygen, and are engaged regularly in diving duties, at a rate of 10% of GDS(R) point 1 per month.

5.52. In his submission, the Director of Fire Services explained that, in preparation for taking over deep water rescue diving from the Royal Navy which would withdraw from Hong Kong in the near future, he had since July 1989 revised his divers' diving target from 15 metres in water depth to 30 metres because about 90% of all parts of Hong Kong waters is within such depth. To meet the new diving target, he had arranged for all his divers to undergo a 4-week advanced diving course to acquire the knowledge and technique for deep water rescue operations, which involved the use of service demand diving equipment (SDDE) and heavy hand held powered break-in cutting tools. Despite setting the new diving target at 30 metres in depth, his divers had been trained to work, should the situation so require, at a depth of 42 metres. In view of the higher skill required and greater danger involved in deep water diving, the Director proposed that his divers should be paid EDADS (Diving) Level 2.



*A Fire Services diver explaining to Committee Members the diving duties performed by the Fire Services diving team*

5.53. We were aware that EDADS(Diving) had been set at two levels because the diving duties performed by the disciplined services staff were of different levels in terms of technique or skills required, danger involved and level of training. In order to ascertain whether the Director's proposal was justified, we examined the present standard of the Fire Services divers against these criteria.

5.54. In terms of training, we noted that the Fire Services divers engaged in deep water diving are required to complete an initial 3-week course in Scuba diving. On completion of this course, they are required to obtain one year diving experience before advancement to a 4-week advanced course in SDDE diving involving the use of powered tools and equipment.

5.55. In terms of technique, we noted that the Fire Services divers engaged in SDDE diving have to exercise great skill and

physical strength in adapting to increased water density, pressure and the pulling effect of the "umbilical", which would become greater as the diver goes deeper. In making deep penetrations into sunken vessels, they are required to carry and operate break-in equipment with powered hoses of up to 74 kgs in weight. They must, therefore, possess a high diving skill to keep themselves and the powered hoses from trapping or entanglement, and to maintain balance of their bodies while working. They must also keep a clear mind on the diving depth, the duration of leaving surface and the time required for decompression while working, as failing to do so may lead to incomplete decompression and hence decompression sickness.

5.56. In terms of danger, SDDE diving up to 42 metres involving the use of powered tools is dangerous because it is generally accepted that the deeper the dive, the greater is the potential for danger. Diving below 15 metres is more susceptible to decompression sickness which is potentially fatal. Moreover, as a continuous supply of air is available for SDDE diving, divers at work would tend to stay longer under water; they are therefore more susceptible to diving sickness/gas poisoning, in particular nitrogen narcosis, which is appreciable at a depth of 30 metres or more.

5.57. We also noted that based on an interpretation of the United Kingdom Diving Operations at Work Regulations, competence in using SDDE in addition to Scuba is classified as a higher standard than competence in using Scuba only. Moreover, SDDE diving involving the use of hand held powered tools/equipment is classified as a higher standard than the use of SDDE diving equipment only.

5.58. We were informed that EDADS (Diving) Level 2 is paid to Police divers who are trained to use pure oxygen Scuba diving. In order to assess whether the Fire Services divers should receive the higher rate of diving allowance, the

Administration carried out a survey on the level of skill, training and danger of various types of diving. The survey results indicated that both pure oxygen Scuba diving and SDDE diving involving the use of powered tools are dangerous and require great skill, and in terms of job complexity, both types of diving are broadly comparable.

5.59. Taking into account all relevant factors, we considered that the present standard of the Fire Services divers has exceeded that recognised by EDADS(Diving) at the rate of Level 1. We recommended that they should receive a higher rate of allowance i.e. EDADS(Diving) Level 2, with effect from a current date.

5.60. We also recommended that the payment criteria for EDADS(Diving) Level 2 should be amended as follows -

“Level 2 for advanced divers -

- (i) who, in addition to the Fire Services Department course in Scuba diving, have passed an advanced course in SDDE diving involving the use of hand held powered equipment and dive up to a depth of 42 metres; or  
who, in addition to the diving course using compressed air, have passed a higher - standard diving course using pure oxygen; and
- (ii) are engaged regularly in diving duties.”

5.61. We tendered our advice to the Governor in July 1993, and the Director was informed of our advice to the Governor in September 1993.

#### **Overnight On-Call Allowance for Correctional Services Staff**

5.62. In July 1992, the Commissioner of Correctional Services proposed to us to revise the rate of the Overnight On-call Allowance for Correctional Services Staff from \$50 to \$81 per night. In support of his proposal, the Commissioner pointed out that the rate of \$50 had not been revised since it was first introduced in 1989, and that on the basis of the cumulative increase in salary in the civil service, which amounted to 62.7% between 1989 and 1992, the proposed increase of the allowance to \$81 per night was barely adequate to maintain its monetary value. The Commissioner further proposed to review the rate of the allowance biennially.

5.63. We noted that all penal institutions of the Correctional Services Department are operated on a four-shift system daily and that staff on the second shift from 1.15 p.m. to 8.15 p.m. are required to remain on-call in the area of the institution for about 10 1/2 hours before they perform the first shift from 6.45 a.m. to 1.45 p.m. the following day. We also noted that the maximum number of posts allowed to claim the Overnight On-call Allowance in the department is 700, while the actual number of claimants is about 600, and that each eligible officer would be required to be on-call for a maximum of twelve nights per month. The Commissioner confirmed that the on-call arrangement is both cost-effective and essential in the interest of the security of the

penal institutions because the strength of the overnight shift has been kept to a minimum and overnight on-call staff should be instantly available for mobilization in case of major incidents such as fire, mass disturbance, escape, riot etc.

5.64. In September 1989, we reviewed the criteria for payment of the allowance. As a result of our review, we advised that staff required to be on-call overnight should be eligible for the allowance even if they were provided with barrack accommodation. However, we considered that staff who were provided with quarters adjacent to the area of the institution should continue to be ineligible for the allowance.



*Committee Members' visit to Pik Uk Prison and Correctional Institution, Correctional Services Department*

5.65. In processing the Commissioner's proposal, we sought the Administration's views on this issue. The Administration confirmed the continuous need to pay the allowance and supported the Commissioner's proposal to adjust the rate of the allowance to \$80 per night, rounded off from \$81. The Administration also agreed that the rate of the allowance should be reviewed biennially and that such reviews should be initiated by the Correctional Services Department.

5.66. Before arriving at our conclusion, we took into account the following factors -

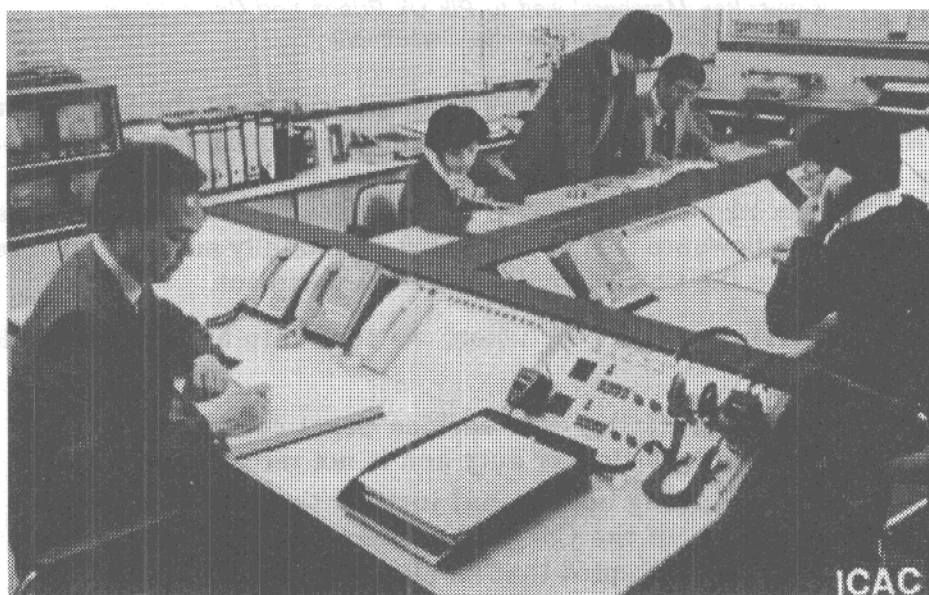
- (a) under the existing civil service practice, on-call is not regarded as overtime or duty and is not recompensed;
- (b) there are strong operational justifications for the on-call commitment of the Correctional Services staff and it has already been accepted that an allowance should be paid;
- (c) the extent of hardship and disturbance experienced by the Correctional Services staff is greater than that experienced by other staff because the Correctional Services staff have to

- remain within the area of their institution while they are on-call, and thus have no choice as to the fixed location, e.g. their home, where they may be contacted; and
- (d) the commitment of being on-call with Correctional Services staff is more regular, and imposes greater restriction on mobility, than is generally the case with civil service staff required to be on-call.

5.67. In the light of the above considerations, we concluded that we should support the proposal to revise the rate of the allowance on the basis of the cumulative salary increase since 1989. We did not consider it logical to revise the allowance on the basis of changes in the Consumer Price Index as this allowance is not expense-related; nor did we consider it appropriate to link the rate of the allowance to a certain pay point of the General Disciplined Services Pay Scale as such linkage would normally only apply to allowances involving the actual performance of duty, while the on-call commitment does not so involve. In the event that staff on-call were called out for duty, they would be regarded as working overtime and eligible for the Disciplined Services Overtime Allowance, which is linked to a salary point.

5.68. We concluded that the rate of the Overnight On-Call Allowance should be revised from \$50 to \$80 per night and that, in line with established practice, the revision should take effect from a current date. We also agreed that the rate should be reviewed biennially.

5.69. We advised the Governor along the above lines in July 1993, and the Commissioner was informed of our advice to the Governor in September 1993.



ICAC officers handling telephone reports on alleged corruption at the Report Centre