

For information

LEGISLATIVE COUNCIL PANEL ON PUBLIC SERVICE

CONVERSION OF MODEL SCALE 1 CIVIL SERVANTS FROM CATEGORY B TO CATEGORY A STATUS

PURPOSE

This paper informs Members of the outcome of the conversion of serving Model Scale 1 (MOD 1) civil servants from Category B to Category A status.

BACKGROUND

2. According to the Public Service (Administration) Order, a civil servant appointed to and confirmed in an established office¹ is classified as a Category A officer. A civil servant who holds a non-established office, or an established office on month-to-month or probationary terms, or an office on agreement terms, is classified as a Category B officer. Compared with a Category B officer, a Category A officer enjoys greater job security, more favourable arrangements upon in-service appointment to another grade², and better safeguard in respect of disciplinary and related procedures in the sense that the Public Service Commission has to be consulted before a decision is made on the punishment of a Category A officer or before requiring a Category A officer to retire in the public interest.

¹ An established office means an office declared to be such by an Order made by the Chief Executive and published in the Gazette, as defined under section 2 of the Pensions Ordinance (Cap. 89) and the Pension Benefits Ordinance (Cap. 99). An office which has been declared an established office under section 2 of Cap. 99 is an established office for the purpose of both Cap. 89 and Cap. 99.

² Category A officers are appointed on trial terms upon in-service transfer. They may revert to the parent grade if they fail to pass the trial bar. Category B officers are appointed on probation terms upon in-service transfer. They have to leave the civil service altogether in the event they fail to pass the probation bar.

3. Before 1 October 2008, MOD 1 grades³ were non-established offices and all serving MOD 1 civil servants then were Category B officers. Having regard to the long-term service needs for a core workforce of MOD 1 civil servants, we agreed to allow serving MOD 1 officers a one-off irrevocable option to convert from Category B to Category A status. We consulted this Panel on the conversion proposal vide LC Paper No. CB(1)1129/07-08(04).

4. The Chief Executive made the Pension Benefits Ordinance (Established Offices) (Amendment) (No.2) Order 2008, which declared MOD 1 grades as established offices with effect from 1 October 2008. Following the scrutiny by a subcommittee, the Legislative Council approved the legislative amendment on 26 June 2008.

IMPLEMENTATION OF THE CONVERSION

5. To ensure the staff had a thorough understanding of the conditions and implications of the conversion before they were required to consider whether or not to exercise the option, all serving MOD 1 staff were provided with a copy of the Civil Service Bureau circular detailing the conversion arrangements. In addition, for every MOD 1 staff on the Old Pension Scheme whose pension benefits might be affected by the conversion, a statement on the calculation of his/her pension benefits was provided. The Civil Service Bureau also briefed the management of bureaux and departments concerned on the conversion arrangements, which in turn organised briefings for all MOD 1 staff under their purview.

6. Serving MOD 1 civil servants were given an option period from 14 July to 31 December 2008 to decide whether or not to opt to convert to Category A status. They were advised that except for those who were under special circumstances⁴, conversion would take effect on 1 October 2008 for staff

³ There are 11 MOD 1 grades, comprising six common grades (i.e. Car Park Attendant II, Ganger, Property Attendant, Ward Attendant, Workman I and Workman II), four departmental grades (i.e. Explosives Depot Attendant, Gardener, Workshop Attendant and Barber) and one general grade of Supplies Attendant.

⁴ These include:

- (i) staff who are undergoing invaliding procedures or against whom the appointment authority has already initiated such procedures;
- (ii) staff who have been given disciplinary punishment of which the debarring effect is still in force, unless the relevant authority is prepared to allow the concerned staff to convert to Category A status on an exceptional basis, in line with the established control mechanism in respect of the lifting of appointment bar imposed on discipline grounds;
- (iii) staff who are under disciplinary/criminal investigation or proceedings;
- (iv) staff who are being considered for retirement in the public interest under section 12 of the Public Service (Administration) Order; and
- (v) staff who are being considered for termination of appointment under existing rules.

who returned their option forms on or before 30 September 2008; and on 1 January 2009 for staff who returned their option forms from 1 October to 31 December 2008. Staff under special circumstances would not be allowed to convert to Category A status until the relevant procedures are disposed of or until the expiry of the relevant debarring period and the staff concerned are allowed to remain in the service.

7. Within the option period, 5 301 serving MOD 1 civil servants (52% of the strength as at 1 October 2008) opted for conversion to Category A status. Among them⁵, 4 217 (42% of strength) were converted to Category A status with effect from 1 October 2008 and 761 (7% of strength) were converted to Category A status with effect from 1 January 2009. Of the remainder, 238 (2% of strength) did not respond to the appointment letter and the Memorandum on Conditions of Service which set out the terms and conditions of appointment on permanent terms although they had opted for conversion, hence they remain on Category B status; and 84 (1% of strength) were under special circumstances and their conversion applications were put on hold. Of the latter group, 20 have been converted to Category A status by 30 April 2009; and the remainder will be processed when the relevant procedures are disposed of or the relevant debarring period expires and the staff concerned are allowed to remain in the service.

CONCLUSION

8. In conclusion, a total of 4 998 MOD 1 civil servants (49% of strength) have been converted to Category A status as at 30 April 2009. Staff who have not taken up the conversion option remain on Category B status. With effect from 1 October 2008, any new outside recruits to the MOD 1 grades will be appointed as Category A officers when they are appointed on permanent terms.

Civil Service Bureau
June 2009

⁵ One staff passed away after submitting the option form.