

**Paper for the LegCo Panel on Public Service
to be held on 17 April 2000**

CENTRAL CONSULTATIVE MACHINERY IN THE CIVIL SERVICE

PURPOSE

This paper reports development of a review on the central consultative machinery in the Civil Service.

BACKGROUND

2. At the meeting of the LegCo Panel on Public Service (the Panel) on 20 December 1999, members discussed the existing consultative machinery in the Civil Service. While it was noted that there was a well-established consultative machinery within the Civil Service, some members suggested to review the existing central consultative machinery to see if there is room to improve the consultative network further. Some members asked that the admission criteria of SCSC be examined and further suggested that a joint meeting among SCSC Staff Side, Civil Service Bureau (CSB) and major cross-service unions which had shown interest to join the SCSC (potential applicant unions) be held to discuss the matter.

3. So far, a meeting was held with the SCSC Staff Side in February. Two further joint meetings were held in March with Senior Non-Expatriate Officers Association (SNEOA), Association of Expatriate Civil Servants (AECS) of the SCSC Staff Side, Government Employees Association (GEA), Federation of Civil Service Union (FCSU) and Hong Kong Civil Servants General Union (HKCSGU) to discuss how to enhance the scope of the central staff consultative machinery in the Civil Service.

4. It is worth pointing out at the outset that under the 1968 Agreement, the SCSC represented all civil servants except the Directorate, the Police Force and the Model Scale 1 staff. The membership composition of the three constituent associations is comprised of officers from different salary bands (upper, middle and lower), different pay scales (except the Police Pay Scale), different employment terms, expatriate and local, as well as general disciplined services and civilian staff. A Staff Side Association also pointed out that although

many civil service unions had been formed after the establishment of the SCSC in 1968, nearly all, with the exception of very few, of these unions were small departmental/grade associations. Besides, the membership of the SCSC Staff Side, in particular the HKCCSA, has also been expanding significantly during the period.

5. The following is a summary of the salient points of the discussions held so far.

I. ESTABLISHMENT OF AN ADDITIONAL CENTRAL COUNCIL

6. Two potential applicant unions supported the establishment of an additional central council. Their reasons are, firstly, the admission criteria of SCSC were too stringent and secondly, increasing the membership of SCSC was very difficult.

7. After thorough discussion, the SCSC Staff Side, another potential applicant union and CSB did not consider it appropriate to set up an additional central council. The reasons are :-

- (a) the existing consultative machinery was functioning effectively;
- (b) all MPS staff including those on middle and lower pay bands were represented by the SCSC;
- (c) SCSC adopted an open mind on the admission criteria of other service-wide staff unions so long as they could help broaden the representativeness of the SCSC;
- (d) the arrangement would split up the issues for discussion at different central councils. This will affect discussion in the overall interest of the civil service and will undermine the solidarity of the civil service.

II. SCSC ADMISSION CRITERIA

A. Legal Status

8. The current SCSC admission criteria stipulate that SCSC Staff Side Associations must be civil service unions registered under the Trade Unions Ordinance. Both SCSC Staff

Side and CSB considered it necessary to retain this requirement. As the consultation target of the government was unions, it would not be appropriate to allow any associations not registered under the Trade Unions Ordinance to join the Senior Civil Service Council because the consultative machinery would then become unwieldy. Besides, this also involves the issue of trade union's right.

9. It was further noted that the Trade Unions Ordinance was amended in 1997 allowing the registration of trade union federations. The operation of a trade union federation is different from that of a trade union with affiliated unions in that –

- (a) A trade union federation is wholly an association or combination of other registered trade unions. It cannot directly admit individual persons as its members. On the other hand, a trade union consists of individual members and affiliated unions.
- (b) If a trade union wishes to be a member of a trade union federation, a resolution must be passed by a majority of voting members by secret ballot at a general meeting of the trade union. On the other hand, a union may affiliate itself to another union with the consent of its executive committee members only.

As a trade union federation and a trade union with affiliated unions are different set-ups, it was considered necessary to make appropriate amendments to the admission criteria.

B. Membership size and composition

Trade Union Federation

10. The existing SCSC admission criteria require the majority of an applicant union's members to be paid-up members. However, a trade union federation cannot admit individuals as members. There appears no alternative but to count the total membership size of the component unions of a trade union federation in calculating its membership size. Members of the joint meetings considered this arrangement reasonable. As a trade union which joins as a component union of a trade union federation must obtain majority members' consent at its general meeting, this indicates that most of its members identify with the work of the trade union federation.

11. As regards trade unions with affiliated union members, it was considered appropriate to retain the existing requirement that only individual paid-up members of these trade unions should be counted in calculating the membership size of the applicant trade unions. The reason being that the relationship established under affiliation between an affiliated union and its main union is relatively loose. A union may affiliate to a main union with the consent of its executive committee members. It is difficult to demonstrate that the individual members of the affiliated union have loyalty and commitment towards the main union under this arrangement. Most of the members of the joint meetings accepted that unless individual members of an affiliated union applied individually and went through the required admission process to become individual paid-up members of the main union, they should not be included in the calculation of the membership size of the main union.

Duplicated membership

12. At present, members of an applicant union who are found to belong to the existing SCSC Staff Side Associations would not be counted. The reason being that double counting will inflate the representativeness of the SCSC. On the other hand, it appears unfair to the applicant union if all the duplicated members are excluded from counting since civil servants can join more than one union and these members have also paid membership fee to the applicant union. Members of the joint meetings considered it worthwhile to explore the option that when there was membership duplication among SCSC Staff Side Associations, an applicant union and other applicant unions, a discount ratio based on the number of times of duplication be applied. For example, if three persons have joined both a SCSC Staff Side Association and two applicant unions, each of these two applicant unions will be regarded as having one member only in calculating their membership size for the purpose of vetting their

application to join the SCSC.

13. There was also concern over the duplicated membership within an applicant trade union/trade union federation. All members who attended the joint meeting agreed to conduct a survey to look further into the issue.

Membership size

14. The existing admission criteria require that the number of due paying members should be sufficiently large. A potential applicant union considered it necessary to specify clearly the membership size required for an applicant union to be eligible for joining the SCSC. Other members of the joint meetings and CSB did not see the need to come up with a 'magic number' which was bound to be arbitrary. Since the ambit of the SCSC covers matters relating to service wide interests and concerns, it is more important to focus on the mix of the members of the applicant union to ensure that its membership is cross-service and cross-grade, and whether or not it can increase the representativeness of the SCSC.

C. Financial position

15. The existing admission criteria require that the applicant union should be financially sound as confirmed by the Registry of Trade Unions (RTU). Besides, income of the applicant union should come primarily from membership subscription and other proper sources such as advertisement in union publications. A potential applicant union considered that the requirement on financial position should be more clearly specified. We explained that in assessing the financial position of an applicant union, the RTU would take into account the cash and bank balances and property held by the union. We had no objection to informing the applicant union how the assessment was made.

WAY FORWARD

16. It is agreed that we shall continue the dialogue with the potential applicant unions and work with them on the feasibility of a survey to find out the extent of membership duplication within a trade union/trade union federation in the next few months. At the same time, we will also discuss with SCSC Staff Side on how to draw up revised admission criteria based on the discussion at the joint meetings and pending the results of the above-mentioned survey.

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[AdmissionSCSC\LegCo-17.4]