

LCQ17: Paid meal breaks for government employees

Following is a question by the Hon Kwok Wai-keung and a written reply by the Secretary for the Civil Service, Mr Patrick Nip, in the Legislative Council today (May 18):

Question:

Regarding the arrangements for the provision of paid meal breaks by the Government for its employees, will the Government inform this Council:

(1) of the current number and percentage of government employees (including civil servants and full-time or part-time staff employed on non-civil service contract terms) who are not entitled to paid meal breaks, together with a breakdown by government department, mode of employment, grade, salary group, conditioned hours of work per week, and length of service;

(2) of the respective numbers of Model Scale 1 (MOD 1) staff who were entitled and not entitled to paid meal breaks in each year since the completion of the review on the conditioned hours of work for MOD 1 Grades by the Civil Service Bureau in 2014, as well as the relevant percentages, together with a breakdown by government department; and

(3) whether it has plans to review the conditioned hours of work of various grades, and provide paid meal breaks for all government employees, so as to resolve the problem of different pay for the same work; if so, of the details; if not, the reasons for that?

Reply:

President,

There is no uniform conditioned hours of work per week in the civil service. Two different systems of conditioned hours of work per week have been established, which are "gross" (i.e. the conditioned hours are inclusive of meal breaks) and "net" (i.e. the conditioned hours does not include meal breaks) respectively. Specific conditioned hours of work per week are laid down for different grades of civil servants, including civilian and disciplined services staff, according to operational requirements and other relevant considerations. For civilian grades, the more common gross conditioned hours of work is 44 hours per week, while for net conditioned hours of work is 45 hours per week.

The conditioned hours of work per week and the manner in which they are prescribed are not necessarily related to whether staff have meal breaks. Except in rare situations where operations do not allow, departments would as far as possible arrange formal meal breaks for their staff under the net

conditioned hours system if they so wish. In fact, the vast majority of staff in this category have formal meal breaks, but a small number of them (e.g. Motor Driver, Workman II, Foreman, etc, of individual departments who are required to work shifts and whose working hours do not span the traditional meal times) may choose to have rest breaks/light refreshments during their day's work when necessary, so as to avoid getting off work late.

My reply to the question raised by the Hon Kwok Wai-keung is as follows:

(1) As at December 31, 2021, about 24 130 civil servants (i.e. around 13.7 per cent of the serving civil service strength) were on a net conditioned hours system. The distribution of the relevant civil servants by grade/rank is at Annex 1. The Civil Service Bureau does not maintain figures on other categories as requested in the question. We also do not have information on meal breaks of full-time or part-time staff engaged under the Non-Civil Service Contract Staff Scheme.

(2) As at December 31, 2021, there were about 7 190 Model Scale 1 civil servants, including about 40 of them (i.e. around 0.6 per cent of the total strength of the grade) who were on a gross conditioned hours system and about 7 150 of them (i.e. around 99.4 per cent of the total strength of the grade) were on a net conditioned hours system. The distribution of the relevant civil servants by grade and their respective departments is at Annex 2.

(3) The Government is open to proposals on reduction of conditioned hours of work for individual grades. However, as the stipulated conditioned hours of work has been taken into account in determining the overall remuneration package offered to different civil service grades, a change from the net to gross conditioned hours system means a reduction in conditioned hours. A reduction in the conditioned hours of a particular grade without any corresponding change to its pay is in effect an improvement to the pay and conditions of service of that grade. Therefore, such proposals should be subject to their fulfilment of the three pre-requisites (i.e. cost neutrality, no additional manpower and maintaining the same level of service to the public) as well as the "same grade, same conditioned hours of work" principle. There were cases where the conditioned hours of various grades had been successfully reduced from the net to gross system, with the most recent example being the reduction of the conditioned hours of work of the Car Park Attendant II grade from 45 hours net per week to 45 hours gross per week with effect from June 1, 2019.

The present position of conditioned hours of work has evolved over the years and has taken into account recommendations of the relevant advisory bodies as well as other considerations. We have no plan to review the conditioned hours of work for different grades/ranks. In considering the conditions of service for civil servants, the Government must ensure the prudent use of public funds by taking into account the overall level and efficiency of public services and the burden on taxpayers.