

Legislative Council

**Panel on Public Service
Meeting on 15 January 2001**

**Creation of Supernumerary Directorate Posts for not More than Six
Months under Delegated Authority**

Introduction

The Establishment Sub-committee (ESC) has asked that the practice whereby a supernumerary directorate post is created under delegated authority and then subsequently put up for further or permanent retention should be examined by the Panel on Public Service. This paper is to brief Members on the existing mechanism governing the creation of supernumerary directorate posts for not more than six months under delegated authority.

Background

2. The authority to create posts in this manner was first delegated by Finance Committee (FC) of the then Legislative Council on 9 March 1983. In accordance with Section 8 of the Public Finance Ordinance, the Financial Secretary (FS) may create additional supernumerary directorate posts to meet a temporary need lasting not longer than six months. The authority was further delegated to Controlling Officers subject to the prior approval of the Secretary for the Civil Service (SCS) being obtained before the delegation is exercised. It was also made clear in the delegation that the supernumerary directorate posts so created should be for a temporary purpose and should be non-renewable after six months. In addition, the powers should not be used to create a supernumerary post in anticipation of approval by FC of a permanent post where it was apparent that the requirement would be for longer than six months. At its meeting on 8 July 1994, Finance Committee modified the delegated authority to create supernumerary directorate posts for six months : this now covers temporary **and other purposes**.

Existing Mechanism

3. At present, Controlling Officers exercise delegated power to create additional supernumerary directorate posts vide Financial Circular No. 4/94. The Financial Circular stipulates that, before exercising the delegated authority to create supernumerary directorate posts, Controlling Officers must obtain prior approval from the SCS and relevant policy Secretary and ranking support from the relevant head of grade. They must also confirm the availability of necessary funds to the satisfaction of the Secretary for the Treasury (S for Tsy). In addition, the posts created should be for a period not exceeding six months and for temporary and other purposes (i.e. the posts may be renewed under certain circumstances with the approval of the ESC/FC).

4. Where a Controlling Officer has created a supernumerary directorate post for six months under delegated authority as set out in paragraph 3 above, he must review the continued need for the post at least three months before the expected expiry date of the post and report to the relevant policy Secretary, the SCS and the S for Tsy whether there is a need to retain the post beyond the six-month period. If the Controlling Officer does not see a need to retain the supernumerary post, the post will lapse automatically at the end of the six months (or earlier if the supernumerary post is created for a shorter period).

5. If the Controlling Officer considers it necessary to retain the supernumerary directorate post beyond the six-month period, he must give full justification to the satisfaction of both the relevant policy Secretary and the SCS. He must also confirm to the satisfaction of the S for Tsy that he has the necessary funds for the proposed retention. If any of the Secretariat Bureaux concerned is not satisfied with the justification or funding for the proposed retention of the supernumerary post, the post will lapse automatically on expiry of the six-month period. The Controlling Officer may not re-create the post under delegated authority.

6. If all the Secretariat Bureaux concerned are satisfied with the justification and funding for the retention of the post, the Controlling Officer and the relevant policy Secretary will make a submission to the ESC. If ESC/FC does not approve retention of the post, or if for any reason the submission cannot be made to ESC/FC in time, the post will lapse automatically after six months. The Controlling Officer may not then re-create the post under delegated authority.

Supernumerary Directorate Posts Created in the Recent Three Years

7. The table below shows the number of supernumerary directorate posts created under delegated authority from 1998-99 to 2000-01 (up to December 2000), and the number of such posts that were subsequently put up to ESC/FC for further or permanent retention :

	1998-1999	1999-2000	2000-2001 (up to December 2000)
(a) Number of supernumerary directorate posts created under delegated authority	56	73	29
(b) Number of supernumerary directorate posts created under delegated authority and subsequently put up to ESC/FC for further retention	2	9	1
(c) Number of supernumerary directorate posts created under delegated authority and subsequently put up to ESC/FC for permanent retention	-	-	-

Benefits of the Existing Mechanism

8. The existing arrangement whereby Controlling Officers are given delegated powers to create additional supernumerary directorate posts for a period not more than six months has provided bureaux/departments with the necessary flexibility to respond swiftly and effectively to operational needs, such as creation of a directorate post to handle an ad-hoc or short-term project. The delegated authority has all along been exercised with great care and prudence. Where further retention of a directorate post created under delegated authority is considered necessary, the bureau/department concerned has to fully justify the longer-term operational requirements and process the staffing proposal in the normal manner.

9. Each proposal to create directorate post lasting for more than six months is subject to the scrutiny by the policy bureau, FB and CSB before it is put up to the ESC and FC. In considering the proposal, the Administration examines very carefully the grading and ranking of the proposed post by comparing the level of responsibilities and the nature of duties of the post with those of other posts at the same level in other bureaux/departments. The support for the grading and ranking of the proposed post from appropriate advisory bodies, such as the Standing Committee on Directorate Salaries and Conditions of Service or the Standing Committee on Disciplined Services Salaries and Conditions of Service, has to be sought where creation of a permanent directorate post is proposed. The checks and balances provided in the present system rule out any possible abuse of the delegated authority by Controlling Officers. As can be seen from the table in paragraph 7 above, very few of the supernumerary directorate posts created under delegated authority were subsequently put up to ESC/FC for further retention and none for permanent retention.

Way Forward

10. In the light of the past experience in the exercise of the delegated authority in creating supernumerary directorate posts, we see a need to maintain the existing flexibility under the current system. The Administration will continue to be vigilant in the scrutiny of such staffing proposals to ensure that the grading, ranking and the duration of any proposed directorate posts are fully justified on a functional basis.