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Establishment Subcommittee of the Finance Committee

Minutes of the 5th meeting
held on Wednesday, 18 May 2005, at 9:30 am
at the Conference Room A of the Legislative Council Building

Members present:

Hon LI Fung-ying, BBS, JP (Chairman)
Hon KWONG Chi-kin (Deputy Chairman)
Hon James TIEN Pei-chun, GBS, JP
Ir Dr Hon Raymond HO Chung-tai, S.B.St.J., JP
Hon Margaret NG
Hon CHEUNG Man-kwong
Hon Bernard CHAN, JP
Hon SIN Chung-kai, JP
Hon WONG Yung-kan, JP
Hon Howard YOUNG, SBS, JP
Hon Abraham SHEK Lai-him, JP
Hon WONG Kwok-hing, MH
Hon MA Lik, JP
Hon WONG Ting-kwong, BBS

Members absent:

Dr Hon David LI Kwok-po, GBS, JP
Dr Hon KWOK Ka-ki
Hon Patrick LAU Sau-shing, SBS, JP

Non-Subcommittee Member attending:

Hon Frederick FUNG Kin-kee, JP

Public Officers attending:

Miss Elizabeth TSE, JP	Deputy Secretary for Financial Services and the Treasury (Treasury)
Miss Jennifer MAK, JP	Deputy Secretary for the Civil Service
Mr Alfred FOK	Principal Executive Officer (General), Financial Services and the Treasury Bureau (The Treasury Branch)
Mr Sidney CHAN	Assistant Director of Administration
Mr MOK Yun-chuen	Chief Executive Officer of the Office of The Ombudsman
Mrs Susan MAK, JP	Deputy Director of Administration
Mrs Cherry TSE, JP	Secretary to the Commission on Poverty
Ms Edna WONG	Assistant Secretary to the Commission on Poverty

Clerk in attendance:

Ms Rosalind MA	Senior Council Secretary (1)8
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Staff in attendance:

Ms Pauline NG	Assistant Secretary General 1
Ms Caris CHAN	Senior Legislative Assistant (1)1
Mr Frankie WOO	Legislative Assistant (1)2

Action

The Chairman drew members' attention to ECI(2005-06)1 which set out the latest changes in directorate establishment approved since 2002. According to the Administration, the changes arising from the two proposals to be considered at the current meeting would result in a net decrease in the permanent directorate establishment in the civil service by one post. The additional two supernumerary posts were time-limited and would lapse upon completion of the defined task.

EC(2005-06)1 Proposed deletion of one permanent post of Principal Executive Officer (D1) in the Office of The Ombudsman with immediate effect

2. The Chairman informed members that the Administration provided an information paper on the proposal to the Panel on Administration of Justice and Legal Services (AJLS Panel) on 7 January 2005.

3. Mr James TIEN noted from paragraph 3 of EC(2005-06)1 that the Office of The Ombudsman (the Office) had been phasing out civil service posts and appointing contract staff upon its delinking from the Government. In this connection, Mr TIEN was concerned whether the deletion of the Principal Executive Officer (PEO) post on the permanent establishment would be followed by the appointment of a contract staff and whether the proposal would bring about any real savings in staff costs.

4. In response, the Chief Executive Officer of the Office of The Ombudsman explained that The Ombudsman (Amendment) Ordinance 2001 was enacted in 2001 to, inter alia, ensure the full independence of the Office in terms of its staff and financial management. Upon delinking, The Ombudsman had been phasing out civil service posts in the Office and appointing her own contract staff. The PEO post proposed to be deleted was the only remaining civil service post in the Office. The last civil servant occupying the PEO post retired in April 2004. The Ombudsman completed a review of the directorate establishment before the retirement of the officer and implemented an organizational restructuring immediately after her retirement to assign the duties of the PEO to other staff of the Office. As such, the PEO post would be deleted from the civil service establishment and no contract staff would be appointed to replace the PEO.

5. Ms Margaret NG said that the AJLS Panel discussed the proposal of delinking the Office of The Ombudsman from the Government under the proposed amendment to The Ombudsman Ordinance in 2001. The Panel noted that the current staffing proposal was a formality for the delinking and had not made any comments on the proposal.

6. The item was voted on and endorsed.

EC(2005-06)2 Proposed creation of two supernumerary posts of one Administrative Officer Staff Grade B1 (D4) and one Administrative Officer Staff Grade C (D2) in the Financial Secretary's Office for a period of two years, from 1 September 2005 to 31 August 2007, to provide directorate support to the work of the Commission on Poverty

7. The Chairman, Mr Frederick FUNG and Mr James TIEN declared interest as members of the Commission on Poverty (CoP).

8. The Chairman informed members that the Subcommittee to Study the Subject of Combating Poverty (the Subcommittee on Combating Poverty) was consulted on the proposal at its meeting on 28 April 2005.

9. Mr Frederick FUNG, Chairman of the Subcommittee on Combating Poverty, said that members had divided views on the proposal. Some members supported the creation of the supernumerary posts to facilitate the work of CoP while others

had reservation on the proposal as it was not envisaged that CoP, being an advisory body, would be engaged in the assessment and coordination of government policies or in conducting public consultation. Given the scope and complexity of work involved in alleviating poverty, it might not be possible for CoP to complete its work within a short period of time. If the Administration considered it necessary to provide directorate support on a longer term to support the work of CoP, it should propose permanent posts within the ceiling of 1 488 directorate posts on permanent establishment of the civil service, instead of creating time-limited supernumerary posts.

10. Mr WONG Kwok-hing referred to the schedule of duties of the Secretary to CoP (Secy to CoP) which included assisting the Commission in coordinating the efforts of different policy bureaux/departments in preventing and alleviating poverty. He stressed that such coordination work required very good knowledge of the subject matter. He enquired how the Administration selected the candidate with the competence and experience required for taking up the job.

11. In response, Secy to CoP said that given the breadth, depth and complexity of the issues involved in the work programme of CoP, the Commission needed the support of an experienced directorate officer to head its Secretariat. As such, the Administration proposed to rank the post at Administrative Officer Staff Grade B1 (AOSGB1) (D4) to ensure that the post-holder was at a sufficiently senior level within the Government to assist the Commission to conduct its work according to its terms of reference (ToR) and to liaise with relevant bureaux, departments, the private sector, non-governmental organizations (NGOs) and various community groups. The Deputy Secretary for the Civil Service (DS(CS)) explained that Administrative Officers belonged to the General Grades of which officers were subject to posting to different bureaux/departments. In making arrangements for deployment, the Civil Service Bureau (CSB) would take into account the operational requirements of the posts concerned and identify officers with the necessary experience within the service to take up the posts. DS(CS) advised that CSB would make deployment arrangements for the proposed supernumerary AOSGB1 post in accordance with the existing mechanism.

12. Ms Margaret NG recalled that as she had pointed out during the discussion of the staffing proposal at the meeting of the Subcommittee on Combating Poverty held on 28 April 2005, her support to the staffing proposal for the CoP Secretariat would be predicated on the assumption that intensive and dedicated work aimed at deliverables susceptible to objective evaluation in regard to combating poverty would be undertaken. In this connection, she had written to the Financial Secretary (FS) to seek the Administration's clarification on how the work of CoP would be taken forward. Ms NG was disappointed that FS had asked the Secy to CoP to reply on his behalf instead of taking on the responsibility in person to give her a reply. Ms NG was concerned that by creating the AOSGB1 post, FS would delegate the responsibilities which should be undertaken by himself to Secy to CoP, thereby reducing the effectiveness of the work of CoP.

13. In response, Secy to CoP assured Ms NG that FS had personally attended to Ms NG's letter and her concern. The reply to Ms NG was endorsed by FS before she issued it on his behalf. Given the breadth of the policy issues involved in tackling the problem of poverty, it would be inevitable for FS to rely on the support of officers in different policy bureaux/departments for undertaking different aspects of work, but it did not mean that FS's commitment to the work of CoP had diminished.

14. Ms Margaret NG commented that the ToR of CoP had not provided a clear indication of whether the Administration would conduct a review of present policies for alleviating poverty before formulating policy recommendations to address the problems.

15. Secy to CoP pointed out that one of the duties of the Secy to CoP was to assist the Commission in its study of the needs of the poor and formulation of policy recommendations. In so doing, the Administration would have to examine and evaluate existing policies. These specific functions of the CoP were not included in the ToR as the Administration considered it more appropriate to describe the ToR from a broader perspective.

16. Ms Margaret NG said that given the high staff cost involved in creating the two proposed supernumerary posts, she could not support the staffing proposal if the Administration could not provide its blue print for tackling the problems of poverty, such as undertaking a review of the present policies for alleviating poverty and drawing up a set of objective indicators of poverty to be used to measure the present state of poverty in Hong Kong as well as the effect of new policy initiatives. Ms NG was of the view that the findings of the review and the set of indicators drawn up by CoP should be made available to the public to facilitate objective evaluation of the effect of its work at a later stage.

17. Secy to CoP pointed out that members of CoP had agreed at its first meeting that indicators reflecting the poverty situation of key social groups and the community at large should be developed. The Government Economist had then compiled a set of indicators of poverty for CoP's information at its second meeting held on 11 April 2005. The relevant information, as well as other papers and documents of the Commission, were made available to the public through the Commission's website. Secy to CoP explained that compilation of the relevant indicators was developmental and involved continuous refinement. In monitoring the poverty situation in Hong Kong, the indicators could be supplemented, where appropriate, by more detailed analysis and other district-specific information and statistics. Moreover, work on poverty alleviation would be carried out in parallel with work on the compilation and refinement of the indicators.

18. Mr James TIEN recapped the views expressed by Members from cross parties during the recent informal discussion on principles for considering proposals for the creation of directorate posts and pointed out that Members were of the view that the permanent directorate establishment in the civil service should be capped at the level of 1 488 posts. Staffing proposals involving the creation and retention of

supernumerary posts should be considered case by case on their own merits. Mr TIEN also pointed out that given the complexity and breadth of issues involved in alleviating poverty, Members of the Liberal Party (LP Members) doubted the feasibility for CoP to complete its tasks within two years and were therefore of the view that creation of permanent directorate posts should be more appropriate. The creation of addition permanent posts however should be subject to the capping at 1 488 posts and posts for offsetting should be identified for the purpose. In the circumstances, LP Members would not give support to the proposal unless the Administration would provide explanation on how it anticipated that CoP could complete its tasks within two years.

19. In response, Secy to CoP said that while the work for alleviating poverty would take time, CoP would focus its work in identifying the needs of the poor and setting strategies as well as policy recommendations to prevent and alleviate poverty. The implementation of the new policies and measures would be undertaken by relevant policy bureaux/departments. For example, if CoP had identified the need to review the administration and payment of Comprehensive Social Security Assistance, the Social Welfare Department would conduct the review and put in place appropriate improvement measures subject to the findings of the review. As CoP would not be taking up executive responsibilities in executing or implementing the policy recommendations it had formulated, the Administration anticipated that CoP would be able to complete its tasks within the current term of two years if everything went smoothly. Secy to CoP advised that the majority of members of CoP were positive in this regard although a few members considered that longer time might be required in completing the tasks of the Commission.

20. Mr James TIEN further enquired whether the Administration would undertake not to seek extension of the supernumerary posts upon the expiry of the two-year period. In reply, Secy to CoP explained that the Secretariat's role was to provide the necessary secretariat support to members of CoP and liaise with policy bureaux, departments, NGOs and academics in collating information on issues relating to poverty. It would be up to members of CoP to decide on the way forward for the Commission and the Administration was not in a position to set a definite time limit for the operation of the Commission. Nevertheless, Secy to CoP assured members that under the established mechanism for approval of staffing proposals on directorate posts, the Administration would have to seek the Finance Committee's approval for extension of the proposed supernumerary posts, where necessary.

21. In response to Mr WONG Kwok-hing's question on the tasks to be completed by the end of the two-year term of the proposed posts, i.e. 31 August 2007, which was seven months after the end of the current term of CoP on 31 January 2007, Secy to CoP said that the period was to facilitate the transition to the long term way forward for poverty alleviation as well as to follow up any outstanding work of the Commission, including referrals to relevant bureaux/departments and NGOs for implementation of the agreed policies and measures.

22. Mr WONG Yung-kan supported the staffing proposal in principle. He was nevertheless concerned that given the wide scope of work stipulated in the ToR of CoP, it might not be feasible to conclude its work within the two-year term. He opined that the Administration should give a realistic estimate of the period required for the two supernumerary posts and should not seek repeated extensions of the posts. Mr WONG also enquired in what ways the CoP Secretariat would monitor the implementation of the policy recommendations of CoP by policy bureaux/departments and gauge the views of different sectors of the community in this regard.

23. Secy to CoP advised that apart from the implementation of policies and measures through government bureaux/departments, CoP would also encourage community engagement in alleviating poverty. The CoP Secretariat would actively follow-up the recommendations of CoP through means such as liaising with relevant bureaux/departments, studying overseas experience and seeking expert views from academics to discuss policies and measures to address the needs of the poor. Secy to CoP pointed out that as the four Principal Officials responsible for health and welfare, home affairs, employment and education were members of CoP, they participated in the discussion of the Commission and would be supportive to its work as a result. As such, the Principal Officials were expected to take appropriate actions to implement the recommendations of CoP. She assured members that there were established channels for CoP to gauge views from different sectors of the community. The implementation of policy recommendations by bureaux/departments would also be put under public scrutiny, including the LegCo Subcommittee on Combating Poverty and the NGOs. She also pointed out that it might not be the best option to set up a standing commission to monitor and coordinate the implementation of social policies as new policy initiatives under different policy areas would need time to integrate and adjust before their effects could be seen.

24. Mr MA Lik sought information on the long-term strategies to alleviate poverty formulated by CoP and the set targets to be achieved in this regard. In reply, Secy to CoP said that CoP had been working along the direction of formulating long-term strategies. While it would still be premature to draw any conclusion on the strategies at this stage, Secy to CoP advised that having reviewed the reports on overseas experience, it appeared that measures for alleviating poverty should be formulated under the general principle of promoting self-reliance. In this connection, recommendations might be made for putting in place a balanced and reasonable mechanism with “push and pull” elements so that all beneficiaries under the social assistance schemes would be prepared and encouraged to rejoin the work force. She said that the CoP Secretariat would collate and consolidate information in this regard for the consideration of CoP at its later meetings.

25. Mr Abraham SHEK said that Members of the Alliance supported the staffing proposal and anticipated that the provision of additional manpower would facilitate the Government’s work in alleviating poverty. As to the period of the supernumerary posts, Mr SHEK opined that proposal to extend the posts, if any, should be considered on its own merits when such proposal was put forward for

consideration of the Establishment Subcommittee.

26. Mr KWONG Chi-kin expressed support to the staffing proposal. He agreed with the proposed ranking of the supernumerary post of Secy to CoP as an officer at the senior level would be necessary to ensure effective coordination of efforts among relevant bureaux/departments. He had high expectation towards the work of CoP and hoped that the staffing support for its Secretariat would facilitate its work.

27. Mr Howard YOUNG reiterated LP Members' reservation towards the proposed creation of supernumerary posts to take up the work of the CoP Secretariat which they considered should be on-going for a longer period of time.

28. The item was voted on and endorsed.

29. The Subcommittee was adjourned at 10:20 am.

Council Business Division 1
Legislative Council Secretariat
9 June 2005