

**For information
on 21 November 2005**

**LEGISLATIVE COUNCIL PANEL ON PUBLIC SERVICE
AND PANEL ON CONSTITUTIONAL AFFAIRS**

**Proposal to Provide Flexibility for
Filling Existing Directorate Civil Service Posts
in the Private Offices of the Chief Secretary for Administration,
Financial Secretary and Secretary for Justice
under the Accountability System**

Purpose

This paper informs Members of the proposal to provide flexibility for filling existing directorate civil service posts in the private offices of the Chief Secretary for Administration (CS), Financial Secretary (FS), and Secretary for Justice (SJ) by civil servants on posting or direct appointment of non-civil servants, in line with the arrangement for Directors of Bureaux under the Accountability System.

Background

2. Under the Accountability System introduced on 1 July 2002, each Director of Bureau is provided with a small team of supporting staff to work in his/her private office, comprising -

- (a) an administrative assistant [equivalent to Administrative Officer Staff Grade C (AOSGC) (D2)];
- (b) a press secretary [equivalent to Chief Information Officer (MPS 45-49)];
- (c) a personal assistant [equivalent to Personal Assistant (MPS 28-33)]; and
- (d) a driver [equivalent to Chauffeur (MPS 5-10)].

3. These positions can be filled by either civil servants on posting or by way of direct appointment on non-civil service terms. In case a position is taken up by a non-civil servant, the officer will receive salary, fringe benefits and gratuity similar to but no better than those prevailing for the equivalent

rank in the civil service. The non-civil service officers will be subject to the Civil Service Regulations and requirements on conduct and avoidance of conflict of interest. Their tenure will coincide with that of their Principal Officials (POs). In other words, the appointment will end as and when the concerned PO leaves the Government. Members of the Legislative Council (LegCo) were informed of these arrangements via the LegCo paper entitled "Accountability System for Principal Officials" issued by the Constitutional Affairs Bureau on 17 April 2002. The Establishment Subcommittee (ESC) of the Finance Committee (FC) also discussed and noted the proposal via EC(2002-03)2 at its meeting on 6 June 2002.

4. At the directorate level, individual bureaux had obtained the endorsement of ESC and approval of FC by July 2003 to create an Administrative Assistant post ranked at AOSGC (D2) or non-civil service position at D2-equivalent. However, similar flexibility was not sought in respect of the directorate supporting staff posts in the private offices of CS, FS and SJ at the time as the relevant civil service posts were already created and filled prior to the introduction of the Accountability System.

Flexibility in the Appointment of Supporting Staff in the Private Offices of CS/FS/SJ

5. In line with the Administration's policy that the supporting staff posts for Directors of Bureaux can either be filled by civil servants on posting or by way of direct appointment of non-civil servants if the POs consider it more appropriate to do so, similar flexibility should apply to the filling of the private office posts for CS, FS and SJ under the Accountability System. The corresponding posts in the private offices of CS, FS and SJ are :

- (a) CS's private office -
 - (i) an administrative assistant at AOSGC (D2);
 - (ii) a press secretary at AOSGC (D2);
 - (iii) a personal assistant at Senior Personal Assistant (MPS 34-39);
 - (iv) a driver at Personal Chauffeur (MPS 11-12);

- (b) FS's private office -
 - (i) an administrative assistant at AOSGC (D2);
 - (ii) a press secretary at AOSGC (D2);
 - (iii) a personal assistant at Senior Personal Assistant (MPS 34-39);
 - (iv) a driver at Personal Chauffeur (MPS 11-12);

- (c) SJ's private office -
 - (i) an administrative assistant at AOSGC (D2);
 - (ii) a press secretary at Chief Information Officer (MPS 45-49);
 - (iii) a personal assistant at Senior Personal Assistant (MPS 34-39);
 - (iv) a driver at Personal Chauffeur (MPS 11-12).

The Proposal

6. In order to give effect to the prevailing policy, the Administration will seek the endorsement of ESC at the meeting on 7 December 2005 to provide flexibility in filling the supporting staff posts at the directorate level in the private offices of CS, FS and SJ by civil servants on posting or direct appointment of non-civil servants if the POs consider it more appropriate to do so. The submission will seek the creation of five AOSGC (D2) posts or non-civil service positions at D2-equivalent for the administrative assistants to CS, FS and SJ as well as the press secretaries to CS and FS, and the corresponding deletion of the five existing AOSGC (D2) posts having the same job responsibilities.

Financial Implications

7. The total remuneration of any non-civil service directorate positions to be created in the private offices of CS, FS and SJ as set out in paragraph 6 above will not exceed the staff cost required for the equivalent number of AOSGC(D2) posts filled by civil servants on posting. The proposal will therefore not incur any additional expenditure for the Government.

Non-civil service appointment of Press Secretary to the CS

8. The incumbent CS has assumed office in June 2005. It is considered appropriate to appoint the Press Secretary to the CS on non-civil service terms to render him the necessary support under the Accountability System. Pending the endorsement of ESC and approval of FC to the proposal in paragraph 6 above, the Controlling Officer concerned has created a non-civil service position at D2-equivalent in August 2005 for a period of 12 months to accommodate the Press Secretary to the CS appointed on non-civil service terms in order that the latter may start providing the necessary support to the CS in the interim. The AOSGC (D2) post of Press Secretary to the CS is left

vacant for the time being. Following the endorsement of ESC and approval of FC to the proposal in paragraph 6 above, the post of Press Secretary in CS's private office may be filled by the non-civil service appointee.

Advice Sought

9. Members are invited to note the Administration's proposal to provide flexibility for filling the directorate supporting staff posts in the private offices of CS, FS and SJ under the Accountability System.

Offices of the Chief Secretary for Administration and the Financial Secretary
Department of Justice
November 2005