

立法會
Legislative Council

LC Paper No. AS 142/10-11

Ref : AM 12/01/19 (08-12)

**Subcommittee on Members' Remuneration and
Operating Expenses Reimbursement**

**Minutes of meeting
held on Monday, 4 October 2010 at 2:30 pm
in the Chamber of the Legislative Council Building**

Members present : Hon Emily LAU Wai-hing, JP (Chairman)
Hon Albert HO Chun-yan
Hon LEE Cheuk-yan
Hon CHEUNG Man-kwong
Hon Abraham SHEK Lai-him, SBS, JP
Hon WONG Ting-kwong, BBS, JP
Hon Ronny TONG Ka-wah, SC
Prof Hon Patrick LAU Sau-shing, SBS, JP
Hon Mrs Regina IP LAU Suk-ye, GBS, JP

Members attending : Hon Cyd HO Sau-lan
Hon IP Wai-ming, MH
Dr Hon PAN Pey-chyou

Members absent : Hon IP Kwok-him, GBS, JP

**Deputations
by invitation** : **Agenda item I**

Councillors' Workers Association

Mr Jonathan HO
Chairman

Mr Steve CHEUNG
Vice-chairman

Individuals

Mr LAM Lap-chi
Community Advisor

Miss Canny LUI

Miss Lilian HO

Mr Billy WONG

Mr CHAN Ka-wai

Miss Ivy CHAN

Mr Steve CHAN

Mr CHOI Yuk-ming

Clerk in attendance : Mr Andy LAU
Principal Council Secretary (Administration)

Staff in attendance : Ms Pauline NG
Secretary General

Ms Connie FUNG
Senior Assistant Legal Adviser 1

Mr Joseph KWONG
Accountant

Ms Macy NG
Senior Council Secretary (Special Duties)² (Atg)

Ms Ivy CHENG
Research Officer 6

I. Members' Operating Expenses Reimbursement

[LC Paper Nos. AS 307/09-10, AS 322/09-10, AS 333/09-10, AS 340/09-10, AS 343/09-10, AS 344/09-10]

Members noted the submission from 鄧徐中先生 which was tabled at the meeting and issued to members after the meeting vide LC Paper No. AS 348/09-10.

Presentation of views

Councillors' Workers Association

2. Mr Jonathan HO of Councillors' Workers Association ("CWA") said that Members' personal assistants faced a number of difficulties in their job, namely, long working hours, low salaries and poor prospects. Due to the shortage of the resources for salary increment as an incentive to their personal assistants, Members were often unable to retain experienced staff thereby affecting the quality of their services to the public. He requested that annual salary increment for personal assistants should be factored in the calculation of Members' Operating Expenses Reimbursement ("OER") entitlements. Mr HO also noted the wide difference in the manpower needs for personal assistants, and hence salary expenses, between Members from functional constituencies and Members from geographical constituencies. Mr HO opined that the key of the issue of personal assistants' pay was the number of personal assistants that the Independent Commission on Remuneration for Members of the Executive Council and the Legislature, and Officials under the Political Appointment System of the Hong Kong Special Administrative Region ("Independent Commission") considered Members should have in their offices. The current resources for Members from geographical constituencies were insufficient for running their district offices in serving his constituents. Mr HO proposed that the OER amounts of Members from functional constituencies and Members from geographical constituencies should be separately dealt with. As regards the potential risk of abuse of resources, Mr HO said that Members could not profit from a higher OER ceiling as their claims of expenses were reimbursed on the basis of expenses actually incurred and could be monitored by the public

which would be critical of any excessive expenditure. The views of CWA were detailed in its submission (LC Paper No. AS 333/09-10).

3. Mr Steve CHEUNG of CWA pointed out that while his job as personal assistant had given him satisfaction, it could not provide an income with which he could afford to buy a home nor security for one to build a life-long career. Mr CHUENG noted that Members' personal assistants were receiving remuneration much inferior to those received by their counterparts in the LegCo Secretariat who were employed on renewable contract terms and civil servants who were on pensionable terms. Mr CHEUNG expressed his hope for improvement in the terms and conditions of employment as a Member's personal assistant.

Individuals

4. Mr LAM Lap-chi said that the duties of a Member's personal assistant included policy research, administration and financial control of the Member's office, management of the Member's schedule with a workload heavier than that of an Executive Officer, and as such should be paid around \$38,000. In reality, a personal assistant got a fraction of that figure. In the light of the complexity, workload and contribution of the job, personal assistants were grossly underpaid. Mr LAM said that the unfairness in the level of pay of personal assistants was blatantly evident when comparison was made to the pay of Under Secretaries and Political Assistants in the Government. Mr LAM expressed concern that personal assistants might not be able to benefit from an increased OER entitlement as Members might make use of the OER increase to pay for the higher rent for an office at a better location. He remarked that notwithstanding the low pay, personal assistants who continued with their job were driven by a passion to strive for democracy and to serve the community of Hong Kong.

5. Miss Canny LUI elaborated on the scope of duties of a Member's personal assistant which included office administration, and organizing seminars and press conferences. While she performed such a range of duties and had 10 years of service as personal assistant, Miss LUI was only paid a salary around \$10,000 plus. She pointed out that university graduates who took up personal assistant as their first job were generally passionate for their work in the initial one to two years, but would soon find their salaries lagging behind those of

their classmates who graduated in the same year and took up jobs in other fields. Such a prospect in remuneration posed great difficulty in the recruitment of personal assistants. She proposed that a system of pay scales be established for different positions in a Member's office in order to provide an objective standard for the hiring of staff required for providing support to a Member. Miss LUI commented that the adjustment of the pay of Members' staff according to Consumer Price Index (C) resulting in annual pay increases of merely around 2% had made it very difficult for Members' offices to attract or retain experienced staff.

6. Miss Lilian HO observed that a personal assistant performed a wide range of roles such as accounting assistant, community relations executive and office administrator. Notwithstanding this, a new entrant to the job could only fetch a monthly salary of \$9,000 with which he/she even had difficulty repaying the university study loan. Miss HO supported the idea of providing Members with a pay scale as reference for determining the pay levels of their staff on the bases of the staff members' academic qualifications, work experience and scope of work. She pointed out that the current portion of OER for paying staff salaries was inadequate making it practically impossible to increase the pay of one staff member without cutting the pay of others in the same office. She proposed that in determining the OER ceiling, the Member's expenses in staff salary should be separated from other recurrent expenses of the Member's office.

7. Mr Billy WONG said that in the light of rising public expectations in respect of Members' services in recent years, personal assistants were required to handle a wide range of requests for help from the public. The scope of public policy issues requiring Members' attention was vast as there were as many as 18 panels under LegCo for Members to deliberate on various public policies. He pointed out that unlike large political parties, independent Members or Members of small political parties in particular faced shortage in resources. In order to monitor the performance of the Government effectively, and to meet the expectations of the public, Members have a strong practical need for the research support provided by their personal assistants to help them raise pertinent questions in the deliberation on those policies. Mr WONG said that Members from geographical constituencies had already devoted a large proportion of their resources to organizing activities in their district offices, leaving very limited resources to hire adequate staff to cope with the heavy

workload, not to mention hiring staff with a professional background and good understanding of public policy. The views of Mr WONG were detailed in his submission (LC Paper No. AS 344/09-10).

8. Mr CHAN Ka-wai said that personal assistants of Members from geographical constituencies were on average paid a monthly salary of \$8,000 to \$12,000 with those undertaking policy research duties around \$20,000. He said that personal assistants of Members knew full well about the remuneration they could get before they accepted the appointment. He opined that a Member from geographical constituency basically required three district offices each of which having a staff complement of at least three staff members which could either be two full-time staff members plus one part-timer or one full-time staff member plus two part-timers. There should also be two staff members in the central office of the Member for carrying out policy research or administrative duties. Mr CHAN found that Members who encountered problems in resources currently were Members in geographical constituencies in the New Territories. They needed to have more offices than other Members because they served a constituency of a larger geographical area. He opined that the current problem could be solved if the boundary of a geographical constituency could be redrawn to make the geographical area smaller.

9. Miss Ivy CHAN said that it was not practical to compare personal assistants of Members with Political Assistants and Under Secretaries in the Government. Comparison in respect of the terms and conditions of employment should be made with the ranks of staff in the Government and the Secretariat who performed functions similar to those undertaken by Members' personal assistants. She hoped that the Subcommittee could put forward a proposal on staffing complement which should include staff with legal background and experience of handling community affairs and cases, policy research, etc.

10. Mr Steve CHAN said that Member's personal assistants assisted their Members to draft questions for the Government, draft amendments to bills, conduct public policy search, etc. and that the comparable ranks in the Government would be those in grades performing similar duties such as the Administrative Officer or grades requiring legal background. He opined that in order for LegCo to effectively fulfil one of its functions as stipulated in the Basic Law, i.e. to monitor the performance of the Government, LegCo Members

should have adequate resources to hire well qualified people in the labour market. Hence, in determining the resources for Members, reference should be made to the salary levels of ranks in the Government that were comparable with Members' personal assistants. Mr CHAN did not subscribe to the recommendation of pitching the job of personal assistant at the Executive Officer ("EO") I rank as the two jobs were not comparable. He commented that the current Survey of the Secretariat had not taken into account the inherent limitations imposed on the scope of work of Members' offices by the lack of resources. Mr CHAN also requested that in its review of the pay for staff, the Subcommittee should not just focus on salary trends but also salary levels.

11. Mr CHOI Yuk-ming supported the view that a Member's expenses on salaries of his personal assistants be separated from Member's other expenses in calculating the annual OER entitlement of Member's office. Noting the high turnover rates among Members' personal assistants, Mr CHOI opined that there should be some form of differentiation of ranks in the job of personal assistant whereby new entrants to the job could have an idea about their career prospects.

Discussion with members

Offset of employer's MPF contributions in severance payment

12. In response to members, Miss Canny LUI said that the practice of offsetting the severance payment payable upon the cessation of the employment of a personal assistant by the accrued benefits attributable to the employer's contribution made to the employee under the Mandatory Provident Fund ("MPF") scheme further aggravated the already unattractive remuneration package of a personal assistant. She requested the Subcommittee to consider whether this practice could be waived for personal assistants when they left employment involuntarily or upon the completion of their employment contracts which were typically for 4 years. Mr IP Wai-ming also pointed out that such a practice of offsetting accrued MPF benefits in effect diminished the value of MPF benefits as retirement protection for personal assistants and made it difficult for them to accumulate their wealth.

13. Senior Assistant Legal Adviser 1 (SALA1) said that under section 12A of the MPF Schemes Ordinance (Cap. 485), if an

employer had paid to an employee a severance payment ("SP") or long service payment ("LSP") in accordance with the Employment Ordinance (Cap. 57) and accrued benefits were held in a registered scheme in respect of the employee, the employer might offset the SP and LSP by the accrued benefits attributable to the employer's contribution made to the employee in the MPF scheme. The employer might make an application in writing to the approved trustee of the scheme for payment of the relevant amount to him for the purpose. SALA1 added that in the case of personal assistants to Members, since their SP and the employer's MPF contributions were paid out of public money, the suggestion that the SP payable to Members' personal assistants be paid out of the LegCo fund instead of being offset by their employers' MPF contributions would have policy and financial implications.

14. Mr CHAN Ka-wai pointed out the proposal to exempt personal assistants from the application of offsetting SP by the accrued benefits of employer's MPF contribution would invite queries and criticisms as to why personal assistants could receive a special treatment under the MPF Schemes Ordinance. Noting that there might be contrasting views about granting the exemption, the Chairman requested the Secretariat to study the issue.

End-of-service gratuity

15. Ms Cyd HO said that ways should be explored to give proper recognition to the value of the work of personal assistants to remove the temporariness and poor prospects of their jobs. In this vein, Ms HO was highly supportive of the proposal in the paper for an end-of-service gratuity for staff retention purposes which could at least provide personal assistants with an incentive for serving out the four year contract. She urged the Secretariat to explore whether this proposal could be implemented for personal assistants in the current term.

Comparison of posts

16. Mrs Regina IP said that it was inappropriate to compare Members' personal assistants with Political Assistants in the Government on the ground that Political Assistants were widely regarded by the public as overpaid. She said that it was not necessary to hire an external pay consultant to conduct studies for

recommendations on personal assistants' pay. Instead, the Secretariat should take into account the pay of personal assistants of Members of Executive Council ("ExCo") who were on average paid about \$20,000 a month for a narrower scope of work than that of LegCo Members' personal assistants.

17. Referring to the use of entry pay of comparable ranks in the Government as the basis for determining the resources for paying Members' staff as proposed in the paper, Mr LEE Cheuk-yan observed that such an approach was inferior to that adopted by social welfare organizations which used the mid point of the pay scales of comparable ranks in the Government. Mr LEE proposed that pay levels be determined for different ranks of staff (e.g. ranks performing research functions) using the mid point pay of comparable ranks in the Government. Funding for Members could then be determined accordingly.

18. In response to the Chairman's enquiry, SG said that the rationale for comparing Members' personal assistants with EO I, EO II and Assistant Clerical Officer posts was based on the similarity of the duties of these posts with those of personal assistants. In response to the enquiry of Mr IP Wai-ming about the reason for pitching the pay of personal assistants at the starting pay of EO in the Government, SG said that pitching the pay of a post with one in the structure of the civil service facilitated the understanding of the Administration. In the Survey, the duties and job requirements of personal assistant were found to be broadly similar to those of EO. On this basis, the paper thus proposed that the pay of personal assistants be pitched at the starting pay of EO.

Bases for determining staff's pay

19. Mr CHEUNG Man-kwong said that the first step in assessing Members' resource needs was to calculate the standard baseline expenses Members incurred in running a district office. In determining the pay of the staff of a Member's office, there should be a mechanism to recognize personal assistants' accumulative years of service under the same, or different, Members.

20. Prof Patrick LAU said that there should be a structure of pay scales for different ranks in the personal assistant job classified on the bases of academic qualifications, relevant work experience as such a

structure would provide a good reference for Members, who could determine the suitable mix of staff in their offices to serve their constituents. A structure of pay scales would provide a reasonable means for remunerating personal assistants and help boost their morale.

21. Mr CHEUNG Man-kwong shared Prof LAU's view on pay scales for staff and added that the resource funding mechanism should recognize the number of years of service of staff. Mr CHEUNG suggested that the funding model in the direct subsidy school system might be used as a reference. In calculating resource funding for staff salaries under that system, the mid point of pay scales would be adopted for schools with a short history whereas the maximum point would be used for schools with a longer history. The funding for the latter would be based on the number of staff members who met the requirements for receiving the maximum point of the pay scale.

22. Mrs Regina IP pointed out that a key expense in maintaining a Member's district office was the rental expenses of the office. The insufficiency of the OER amounts was evident as some Members, like her, had to subsidize part of the expenses for maintaining district offices out of her pocket in the light of the high rents in Hong Kong. She said that the Secretariat should look into the ways in which Members' offices actually operated as there were great variations among different offices. Citing her office as an example, she said that she assigned different policy areas to each of her personal assistants and preferred not to contract out policy research work. Referring to the Secretariat's proposal on staffing complement (paragraph 27 in the paper), her office would not pay staff members a salary \$38,685 for performing what were essentially administrative duties. Mrs IP supported the suggestion made at the meeting that in calculating OER, expenses in personal assistants' salaries should be separated from other expenses incurred by the office.

Differences in needs between Members from functional constituencies and those from geographical constituencies

23. Mr LEE Cheuk-yan suggested that Members of functional constituencies and of geographical constituencies be separately treated as the needs of the two types of Members were different. The staffing requirements and hence basis for funding for a Member's office with staff focusing on policy research and monitoring the

Government were also different from a district office with staff performing services to the community. Mr LEE proposed that a standard staff complement of different categories of posts in a Member's office be determined and that salary levels be formulated according to the qualifications and working experience requirements of these posts.

24. Mr Ronny TONG said that using the average of data collected for the two categories of Members, namely those from functional constituencies and those from geographical constituencies, was untenable on the ground that in reality, members of the former type might face a constituency of 50 voters whereas those of the latter type had to serve a population of 900 000, and hence, there was a large gap in the nature of the work of the two types of Members. The two types of Members should be separately dealt with. He agreed with the view of Mr LEE Cheuk-yan that there was no need for hiring an independent external consultant to conduct studies as long as the Secretariat could find ways to get the extra resources needed.

25. Mr Ronny TONG said that with his OER entitlement, he was still unable to afford giving his staff pay increases they deserved, nor could he afford engaging experienced professionals to conduct higher level policy research. The manpower for his offices had to be kept tight meaning that when a staff member took sick leave, all other staff in the office had to work overtime to cover the staff member on leave. Mr TONG said that in short, he had to subsidize the expenses of his offices out of his pocket in order to keep these offices running.

26. In response to Mr Ronny TONG's remarks, the Chairman explained that there was a need for a more comprehensive study on Members' remuneration package for the Members returned for the next term, i.e. 2012-2016. Mr TONG stressed that he was not asking for a more generous provision of resources for Members from geographical constituencies at the expense of the interests of Members from functional constituencies.

Ceiling of Members' OER entitlements

27. Prof Patrick LAU expressed support for the proposals as set out in the paper. Recalling the last exercise of reviewing Members' remuneration package in 2006, Prof LAU opined that the Independent Commission had not taken heed of Members' resource needs and

request for a 20% increase of the OER ceiling and simply reacted by slashing the request by half to 10% without any convincing grounds. He commented that the Subcommittee should remain undeterred and propose an OER ceiling it considered justifiable and sufficient for meeting Members' resource needs. He opined that the Administration should not over-react to it unnecessarily as the OER operated on an actual reimbursement basis.

28. Prof Patrick LAU opined that Members from geographical constituencies needed, and should be allowed to have, a greater number of offices to serve their constituencies. The OER ceiling should be raised sufficiently to enable them to do so. Members' expenses as a public expenditure would not shoot up unrestrained since the ceiling of Members' OER entitlement itself served as a form of control. Moreover, there was little chance for abuse since such expenditure claims by Members were always subject to public scrutiny.

29. Referring to suggestion on the ceiling proposed by Prof Patrick LAU, Mr LEE Cheuk-yan commented that for the sake of transparency and Members' reference in determining the pay of their staff, a system of pay scales of posts should be formulated for Members' staff. Mr CHAN Ka-wai expressed his support for a system of pay scales for determining funding for Members' staff on the ground that without the capping effect of the maximum point of a pay scale, Members would tend to hire more staff than necessary. Referring to the Chairman's comment on the number of Members' offices to cater for the needs of Members' constituents, Mr CHAN pointed out that the number of Member seats in a constituency had already reflected the size of the population in that constituency, and increasing the number of offices for each Member in the constituency meant duplication of resources for that constituency.

30. The Chairman said that in the past, Members did not subscribe to the view of making different provisions of resources for Members from functional constituencies and geographical constituencies as they had concerns that this might create different classes of Members within LegCo with some getting a greater entitlement than others. Echoing the suggestion of Prof LAU, the Chairman said if the OER ceiling was set at a sufficiently high level but made applicable to all Members, who would be free to decide the extent of expenditure within that limit, then it should not bring about the unwanted effect of

creating different classes among Members. The Chairman also requested SG to consider the possibility of determining the number of offices of Members from geographical constituencies on the basis of the number of District Councils within the Member's geographical constituency.

Nature of LegCo Member's work

31. Mr LEE Cheuk-yan opined that the crux of current resource problems encountered by Members was persistence of the outdated, pre-1997 notion that the work of a legislative councilor was a public service. He pointed out that in the context of the separation of powers in democracy, the Legislature played the important role of monitoring the work of the Executive, and it would be a big disappointment to the public if legislators could not receive a sufficient amount of resources to enable them to perform their parliamentary duties. Given the resource constraints, Mr LEE questioned how Members could attract and retain people to provide support for them if the job they could offer was one with a low pay devoid of any chance for increment, long working hours, uncertainty in employment, and a dim prospect for development. Mr LEE cautioned that if the existing undesirable situation was allowed to drag on, the services of Members' offices to the public would be adversely affected.

Number of Members' offices

32. Ms Cyd HO suggested that the Secretariat should research into the number of regional offices run by members of parliaments overseas. In the context of Hong Kong, a Member from a geographical constituency might find a total of three offices insufficient for his district work. If the Member devoted all the three offices for district work, he would be left with little resources for central policy research. Ms HO further pointed out that using the current situation of the number of Members' offices as a basis for assessing resource needs of Members was faulty in that the current situation was precisely the outcome of an insufficient provision of resources which was not justifiable in the first place. Hence, she urged that an objective yardstick such as the geographical location or the size of electoral population be used as the basis for determining the number of offices that a Member is entitled to have.

One-line vote approach

33. In respect of the basis for determining Members' OER entitlements, Dr PAN Pey-chyou did not subscribe to the adoption of the one-line vote approach commonly used by the Government in determining the funding for social welfare organizations as it mechanically used the mid point of the pay range of posts in the organization structure, glossing over the special needs of some organizations which might require a complement of staff with above-average work experience and capabilities. Dr PAN opined that recommendations on the OER funding mechanism should allow these needs to be factored in. SG said that Dr PAN's suggestion was one of the ways which would be considered.

34. Referring to the comment of Dr PAN on one line vote, Mr LEE Cheuk-yan said that for a given amount of resources calculated on the basis of reasonable staff pay, some Members might hire more staff but at lower rates. To avoid such a drawback, Mr LEE suggested that the payment of staff according to an open and standardized pay scale should be strictly and consistently enforced.

35. Mr IP Wai-ming said that he did not have strong views with the use of the mid point of pay scales of posts as a basis for resource funding but he observed from the past experience of organizations using this approach that it had the effect of dragging down the pay levels of staff by being unable to give full recognition to the organization's need for substantially experienced staff.

36. Mr IP Wai-ming shared the view of Ms Cyd HO that Members should be allowed to retain the surplus from the funding for their annual OER entitlements for roll-over to the next year.

Consequences of under-resourcing

37. Mr CHEUNG Man-kwong said that as a Member, he faced less severe resource difficulties than independent Members or Members with district offices as he had the resource support from the Hong Kong Professional Teachers' Union. He said that even though the starting pay for personal assistants could barely attract new recruits, it could not in the long term retain experienced staff resulting in high turnover of these staff. A shortage of experienced support staff would make it difficult for Members to play an effective role in

monitoring the performance of the Government. Mr CHEUNG opined that the Legislature was provided with a disproportionately small amount of resources in comparison with the Government, which, for instance, could pay its Political Assistants at a salary so high that it appeared ridiculously large when compared with Members' personal assistants. He cautioned that if Legislators were not given sufficient resources for hiring experienced staff, the Executive was in effect allowed to exercise its power unchecked, amounting to a situation of indulgence of power.

Development of political talents

38. Dr PAN Pey-chyou said that the resource and pay issues of Members' personal assistants should be seen in the light of the political development of Hong Kong. He said that in the light of the recent passage of the constitutional reform package for 2012 which would facilitate the progression towards universal suffrage for the selection of the Chief Executive and the formation of LegCo, the society of Hong Kong was in need of political talents. The job of Members' personal assistant could serve as a starting point for fostering political talents for Hong Kong as many former and current LegCo Members had begun their political careers as Member's personal assistants before they participated in District Council or LegCo elections, etc. Dr PAN said that review was required for not just the pay matters for personal assistants, but also the prospects of personal assistants as a profession in the light that it was part of the structure for grooming political talents.

39. Making reference to the experience of the development of political talents overseas, Mr IP Wai-ming said that the role of Members' personal assistants would provide an ideal opportunity for young people with an interest and passion in public policy and administration to understand the operations of the Legislature and to work their way up for a career in politics. Such a pool of political talents would also benefit the development of the political system, and help the Administration in its governance and implementation of public policies. The remuneration for personal assistants should be able to reflect the value and importance of the career of personal assistants.

40. Ms Cyd HO said that the presence of a team of experienced personal assistants providing Members with the needed support was in

fact a valuable asset to the public in exercising their right in monitoring the performance of the Government. Experienced personal assistants who understood Council business and operations were not only of great assistance to Members newly elected to the Legislature, but their service would also benefit the Administration and Secretariat at work.

Practices in overseas parliaments

41. Referring to Members' comments on the practices of parliaments overseas, Miss Ivy CHAN said that her office had conducted such research and the findings of the research could be made available to the Secretariat but cautioned that it would be difficult to obtain a standard from the findings as parliaments overseas were different from LegCo in terms of status, structures, problems to tackle and so on. She suggested that the Subcommittee give consideration to commissioning a study by an independent consultant.

Study by independent consultant

42. Miss Ivy CHAN opined that the Subcommittee should request the LegCo Commission to fund an independent research on Members' remuneration package with a view to making an objective and comprehensive assessment of Members' resource needs. Prof Patrick LAU said that for a fair assessment of members' resource needs, consideration should be given to engaging an independent consultant to conduct a study during which the views and expectations of the public might be collected. Such an exercise should not be limited to merely dealing with the welfare of personal assistants but should be used as an opportunity to strengthen the capabilities of the Legislature to perform its functions.

43. Mr CHEUNG Man-kwong said that as a way to obtain solutions for the short term, it was appropriate for the Secretariat to undertake the Survey. However, for funding solutions in the long term, a consultant study should be conducted for providing the basis for negotiating with the Administration for Members' resources. In that respect, Mr CHEUNG opined that the crux of the issues was the basis for determining the minimum number of personal assistants required by a Member, particularly a Member from a geographical constituency, for serving his constituency and for providing policy research. For the sake of independence and impartiality, Mr CHEUNG suggested that

former retired LegCo Members could be engaged to conduct research or provide opinions on Members' resource needs.

44. Noting the survey on Members' remuneration package which was planned to be completed before 2012, Mr LEE Cheuk-yan said that he would welcome whatever appropriate ways to achieve the purpose of raising Members' remuneration package. He expressed concern that study by an independent consultant would be a time-consuming exercise. Echoing the views of Mr LEE, Ms Cyd HO said that there was no need to hire an independent consultant to study the remuneration of personal assistants as long as it could be shown to the public that the proposals were fair and reasonable.

45. SG said that it would be a matter for the Subcommittee to decide whether an independent external consultant should be engaged to conduct more sophisticated studies. If so decided, the data collected through the survey currently conducted by the Secretariat would be useful for setting out a detailed brief for the external consultant.

Secretariat's response

46. In respect of the comments and enquiries given by members, individuals and deputations at the meeting, SG gave her response as summarized below:

- (a) The findings set out in LC Paper No. AS 322/09-10 reflected the current situation and the Secretariat's recommendations in respect of the staffing requirements of Members, which was the first part of the Survey on Members' OER. The second part of the Survey would focus on the number of offices which Members were operating and other requirements to facilitate Members in carrying out their LegCo duties. The purpose of the Survey was to analyze the financial needs of Members in a scientific manner and to establish a justifiable case if additional resources were required. After all, any increases in financial resources to support the work of Members involved public money and Members should be accountable for the use of public funds.
- (b) One important finding in this Survey was that there was a gap in the resource needs between Members from

functional constituencies and those from geographical constituencies. It was unsound to average out the actual expenditure of all Members for assessing Members' needs as some Members from functional constituencies did not claim up to the full amount whereas some Members from geographical constituencies actually had to pay out of their own pockets to support their LegCo work. With the averaged out expenditure data, the Subcommittee was therefore unable to convince the Independent Commission that a higher increase in the ceiling of OER was justified.

- (c) The recommended staffing complement of 7 full-time staff per Member (as stated in paragraph 26 of the paper) was based on an overall average of 3 offices now actually operated and was intended to serve as a starting point for members' discussion. The number of offices Members wished to operate in order to fulfil their duties would be ascertained in the second part of the Survey. If the findings suggested a desired number of offices greater than 3, then the ultimately proposed staffing complement would be increased proportionately.
- (d) The rationale for pitching the salaries of different posts proposed for a Member's office with the starting salaries of comparable ranks in the Government (in paragraph 27 of the paper) was to facilitate easy understanding by the Administration of the financial implications of the proposal and that the mid point of the pay scales of the comparable ranks could be adopted for pitching the proposed posts if the Subcommittee considered it to be a more appropriate benchmark than the starting pay.
- (e) Apart from assessing the expenses for employing staff, the Survey would also study other expenses for maintaining Members' offices including rental expenses and expenses for hiring consultants. It was noted in the first part of the survey that some Members hired experienced professional researchers (such as those with doctoral degrees) on a part-time basis. At present, Members could claim reimbursements for expenses for

such a purpose. Part 2 of the Survey would collect more data on these aspects.

- (f) The issue of the long-term career development of personal assistants as a profession required a well-conceived study and that priority of the Secretariat's work at present was given to Members' OER. The Secretariat would advise the Subcommittee on the salient aspects of such a study, for example, objectives to be achieved and the approach to be adopted, when an appropriate time to commence the relevant work could be determined.
- (g) The pay level of a post in the Secretariat's staffing complement was determined on the basis of the duties and responsibilities of the post, as well as the academic qualifications and relevant work experience required for the post. The adoption of the pay scales of the EO grade was to provide benchmark for staff performing duties with comparable qualifications and experience. For example, the Research Officer rank in the Secretariat had all along been pitched at the Senior EO rank in the Government.

Way forward and work plan

47. In response to the enquiry of the Chairman, SG said that the present rule for the implementation of Members' revised remuneration was that if the revision was decided in the current LegCo term, it would take effect in the next term, i.e. 2012-2016. For adjustments in Members' OER, if the adjustments were decided in the current session, it could take effect in the following session. In the circumstances, if the present proposed increase in the OER ceiling could have the support of the Independent Commission in the current session, the adjustment could take place in the 2011-2012 session. A comprehensive study of the entire remuneration package of Members by an outside consultant might take about one and a half years. She therefore proposed that it might be more realistic to proceed with the second part of the Survey and aim at putting forward a proposal on OER to the Administration within the current session. According to her present plan, the second part of the Survey could be completed in January or February 2011. If the findings and recommendations could

be submitted to the Subcommittee by February 2011 and a submission was made to Director of Administration in March 2011, it was likely that the Subcommittee could have a meeting with the Independent Commission in April 2011, in time for a funding proposal to be put to the Finance Committee for its consideration before the end of the 2010-2011 session.

48. SG said that the Secretariat's next immediate task was to commence part two of the Survey by considering points and suggestions raised at the meeting for incorporation in the design of questionnaires soon to be sent out for collecting other aspects of expenditure items under OER. The Chairman said that she accepted that the review of Members' remuneration package should be kept separate from the OER review. Observing that some Members did not respond to the questionnaires last sent out to them for the first part of the Survey, the Chairman appealed to Members for their cooperation in responding to the questionnaires.

Services of Legal Service Division ("LSD")

49. Ms Cyd HO said that Members' resources were not sufficient for them to engage legal professionals to assist them in vetting bills, which was a difficult task for people without any legal background or training. She said that at present, if Members wished to introduce amendments to bills, legal advisers of the Secretariat provided help by giving comments on the draft amendments prepared by the Members concerned. Ms HO enquired if it could officially be made a policy for legal advisers of the Secretariat to assist Members in their drafting of Committee Stage amendments to bills. SG said that she would consult LSD on this request.

50. There being no other business, the meeting ended at 4:40 pm.

Administration Division

Legislative Council Secretariat

February 2011