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Establishment Subcommittee of the Finance Committee

Minutes of the 3rd meeting
held in Conference Room A of Legislative Council Building
on Wednesday, 9 December 2009, at 9:00 am

Members present:

Hon WONG Yung-kan, SBS, JP (Chairman)
Dr Hon Margaret NG (Deputy Chairman)
Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP
Dr Hon David LI Kwok-po, GBM, GBS, JP
Hon CHEUNG Man-kwong
Hon LAU Kong-wah, JP
Hon LI Fung-ying, BBS, JP
Hon WONG Ting-kwong, BBS, JP
Prof Hon Patrick LAU Sau-shing, SBS, JP
Hon WONG Sing-chi
Hon IP Wai-ming, MH
Hon Mrs Regina IP LAU Suk-ye, GBS, JP
Dr Hon PAN Pey-chyou

Member absent:

Hon WONG Yuk-man

Public Officers attending:

Ms Bernadette LINN, JP	Deputy Secretary for Financial Services and the Treasury (Treasury)
Mrs Ingrid YEUNG, JP	Deputy Secretary for the Civil Service
Mr LAI Tung-kwok, SBS, IDSM, JP	Under Secretary for Security
Ms Sally WONG Pik-ye, JP	Commissioner for Narcotics, Security Bureau

Mr David WONG Fuk-loi	Principal Assistant Secretary for Security (Narcotics)
Mrs Jessie TING YIP Yin-mei, JP	Deputy Secretary for Development (Works)1
Mr Alan AU Yuk-lun	Principal Assistant Secretary for Development (Special Duties)1 (Acting)

Clerk in attendance:

Ms Rosalind MA	Chief Council Secretary (1)5
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Staff in attendance:

Mr Noel SUNG	Senior Council Secretary (1)4
Mr S Y WONG	Senior Council Secretary (1)7
Ms Alice CHEUNG	Senior Legislative Assistant (1)1
Ms Clara LO	Legislative Assistant (1)3

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The Chairman drew members' attention to an information paper ECI(2009-10)9 provided by the Administration, which set out the latest changes in the directorate establishment approved since 2002.

EC(2009-10)11 Proposed creation of one supernumerary post of Administrative Officer Staff Grade C (D2) in the Narcotics Division of Government Secretariat: Security Bureau for a period of three years with effect from 17 February 2010 to support escalated efforts in the combat against drug abuse, in particular to take forward initiatives on drug testing and the provision of downstream support services in drug treatment and rehabilitation for young drug abusers

2. The Chairman informed the meeting that the Panel on Security (SP) was consulted on the staffing proposal at its meeting on 3 November 2009. Mr LAU Kong-wah, Chairman of SP, advised that Panel members agreed that the proposal be submitted to the Establishment Subcommittee (ESC) for consideration.

3. Mr WONG Sing-chi said that Members belonging to the Democratic Party (DP) supported the Administration's escalated efforts in the combat against drug abuse, in particular the initiatives to provide support services for drug abusing youngsters. Pointing out that the merits of rolling out voluntary school drug testing to all secondary schools had yet to be examined pending the review and evaluation of the pilot scheme in Tai Po District, Mr WONG was concerned whether the Narcotics Division of the Security Bureau (ND) needed to increase its directorate manpower support at this stage.

4. Under Secretary for Security (US for S) advised that ND would press ahead major initiatives to combat the youth drug problem under five strategic directions, i.e. community mobilization, community support, drug testing, rehabilitation and law enforcement. The holder of the proposed supernumerary Administrative Officer Staff Grade C (AOSGC) post would help take forward initiatives on drug testing, treatment and rehabilitation, although the work in relation to the pilot scheme on voluntary school drug testing had recently become the focus of attention of the community due to media coverage. US for S pointed out that in parallel to the pilot scheme in Tai Po District, ND would oversee a research study on the effectiveness of the pilot scheme and appropriate refinements for further rolling out the scheme to other schools and districts in several phases starting from the 2010/2011 school year. Apart from voluntary school drug testing, ND planned to launch a public consultation on mandatory drug testing at the community level in 2010. Depending on public views, ND intended to embark on a legislative exercise in 2011-2012. Given the complexity and number of initiatives to be taken forward by ND, additional manpower support at the directorate level was considered necessary.

5. Mr WONG Sing-chi questioned the need for additional manpower support if the pilot scheme for voluntary school drug testing was not effective and hence would not be expanded to other districts and schools after the review. In response, Commissioner for Narcotics (C for N) advised that it was necessary to create an additional AOSGC post to deal with the additional work arising from the escalated and expedited anti-drug campaign, which involved a number of initiatives to facilitate early intervention to help drug abusing youngsters. C for N pointed out that in overseeing the planning and implementation of the voluntary school drug testing scheme, ND had to work with relevant bureaux, departments and stakeholders and provide information and support for the conduct of the research study. In addition to voluntary school drug testing and consultation on the mandatory drug testing, ND would also play an enabling and coordinating role in the introduction of hair testing service in Hong Kong. The holder of the proposed post would also help take forward initiatives on the provision of downstream support services for drug treatment and rehabilitation.

6. Mr WONG Sing-chi said that Members belonging to DP would abstain from voting for this proposal. They were of the view that it was not an appropriate time for implementing mandatory drug testing at the community level. Mr WONG considered that support services should be strengthened to help youth drug abusers and their families. He therefore requested the Administration to provide, before the relevant meeting of the Finance Committee (FC), supplementary information on how the holder of the proposed AOSGC post would coordinate the provision of downstream support services to meet the needs of youth drug abusers and their families.

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7. Mrs Regina IP supported in principle the escalated efforts in combating drug abuse. Pointing out that the deteriorating youth drug abuse problem in recent years was attributable to the frustrations faced by the youth in their families and studies, Mrs IP was of the view that assistance should be provided to the youth and

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their parents by allocating more resources to frontline anti-drug work, instead of merely providing additional directorate support to ND. She enquired whether the holder of the proposed post would be tasked to examine the resources requirements and allocation for downstream support services, in order to facilitate the provision of these services to cater for the needs of drug abusing youngsters.

8. US for S said that the Administration appreciated the range of complex issues involved in cases of youth drug abuse and was committed to taking forward various initiatives to address these issues along the five strategic directions. The comprehensive anti-drug programme would include initiatives to enhance the provision of support services and additional resources would be allocated for the purpose. C for N supplemented that ND collaborated with Home Affairs Department in providing resources and enabling the provision of services for the youth in need in various districts, engaging them in healthy activities, providing body check up, motivational interview and other follow up services.

9. Dr Margaret NG said that Members belonging to the Civic Party had reservation on voluntary school drug testing due to legal and human rights considerations. She also noted that the Law Society of Hong Kong and the Hong Kong Bar Association had expressed objection to the voluntary school drug testing scheme. Dr NG stated that she could not support the current staffing proposal in the absence of detailed information on other areas of work of the proposed AOSGC post. She therefore requested the Administration to provide, before the relevant FC meeting, supplementary information regarding the percentage of work on the pilot scheme for voluntary school drug testing that would be undertaken by the post-holder, among the performance targets in Enclosure 2 to EC(2009-10)11. She indicated her abstention to the current proposal and pointed out that she would decide whether the proposal was worth supporting having regard to the supplementary information provided by the Administration.

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10. Dr PAN Pey-chyou opined that in light of the deteriorating problem of drug abuse among young people, the Administration's escalated efforts in the implementation of anti-drug programme should be supported by the community at large. Noting the limited staffing support for the proposed AOSGC post (only one AO and one Personal Secretary), Dr PAN was concerned whether there would be adequate manpower support to facilitate the effective performance of the relevant duties. He said that the Administration should review the effectiveness of the work of the supernumerary directorate post before the expiry of the proposed three year period.

11. C for N said that ND would play a central role in coordinating efforts of bureaux, departments, public agencies and non-governmental organizations (NGOs) in the anti-drug work. In the provision of downstream support services, the majority of the manpower resources lay with different NGOs and the relevant departments. Responding from Dr PAN Pey-chyou's further enquiry on the coordination of efforts and deployment of manpower resources among different organizations, Principal Assistant Secretary for Security (Narcotics) advised that given the large number of stakeholders involved, directorate leadership was critical

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to spearhead the anti-drug programme and coordinate efforts of parties concerned. The staffing support to the proposed AOSGC post was similar to those of other policy bureaux.

12. Noting that holder of the proposed post would be responsible for preparing the necessary draft legislation for implementation of mandatory drug testing, Prof Patrick LAU asked whether the proposed duration of three years for the supernumerary post would be adequate for completing the public consultation and legislative exercise for the proposal. In reply, US for S recapped the Administration's plan to launch the public consultation on mandatory drug testing in 2010 and embarkation of the legislative exercise in 2011-2012.

13. Ms LI Fung-ying supported in principle the provision of more manpower resources to escalate the efforts in combating the problem of youth drug abuse. In this connection, Ms LI recalled that another supernumerary AOSGC post had been created in ND in early 2009 for a period of three years to take forward anti-drug work and the recommendations of the Task Force on Youth Drug Abuse (the Task Force). To provide for the necessary manpower to take forward the various anti-drug measures, Ms LI called on the Administration to review the need for the two supernumerary posts in 2012, i.e. upon the expiry of the earlier supernumerary post, so as to work out the long-term manpower requirements in ND.

14. Mr LAU Kong-wah supported the staffing proposal. He shared Ms LI's view that the long-term requirements for additional directorate support for ND should be reviewed, having regard to the effectiveness of the anti-drug work after the creation of the supernumerary posts.

15. C for N advised that ND had originally planned to propose the creation of a permanent AOSGC post to take forward the anti-drug work in 2008-2009 but had revised its proposal to a time-limited one in response to some Members' concern about the forecast total number of directorate posts to be created across the Administration in the session. The Administration had planned to examine the effectiveness and continued need for the supernumerary post upon the end of the three year period, i.e. around end of 2011, and would submit proposals to SP and ESC accordingly if the continued need for the post was established. US for S appreciated that formulation and implementation of anti-drug policies and programmes would be a long-term task. He said that the Administration would review the continued need for the post having regard to the progress of the various anti-drug initiatives and the prevailing drug trend.

16. While supporting the staffing proposal and appreciating that the work to combat drug abuse would be a long-term task, Ir Dr Raymond HO was concerned about the effective coordination and collaboration among the various bureaux/departments concerned in taking forward the task. He stressed the importance of ascertaining the effectiveness of the work undertaken by the holder of the proposed post.

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17. US for S assured members that the Administration was firmly committed to the vigorous implementation of the comprehensive anti-drug programme promulgated by the Task Force on a sustained and long-term basis and addressing the many complex issues involved. He said that given the various bureaux/departments, NGOs and stakeholders involved in taking forward the initiatives, ND assumed an important leading and central coordinating role and C for N would endeavour to take forward this mammoth task in an effective manner.

18. The item was voted on and endorsed. Dr Margaret NG requested that this item be voted on separately at the relevant FC meeting.

EC(2009-10)12 Proposal for setting up a new Greening, Landscape and Tree Management Section in the Works Branch of Government Secretariat: Development Bureau

19. The Chairman informed the meeting that the Panel on Development (Dev Panel) was consulted on the staffing proposal at its meeting on 28 July 2009.

20. Prof Patrick LAU, Deputy Chairman of the Dev Panel, advised that some Panel members supported the staffing proposal while some expressed reservation. Concerns raised by Panel members included: delineation of duties and coordination of work between the proposed Tree Management Office (TMO) and the executive departments; measures to ensure that the same standards would be applied for tree risk assessments carried out by different departments; allocation of manpower resources; staff training and morale; delineation of duties for the proposed directorate posts; propriety of putting tree management under the purview of the Development Bureau; and talents available for and ranking of the proposed post of Head of TMO (H/TMO). Prof Patrick LAU advised that the Administration had provided supplementary information on the number of staff possessing certified arborist status in various departments in response to the request of Panel members.

21. Mrs Regina IP remarked that she had expressed reservation on the staffing proposal at the meeting of the Dev Panel. Mrs IP was of the view that the absence of a coordinated approach for greening, landscape and tree management work had in fact resulted from the abolition of the two municipal councils and the municipal services departments. Pointing out that the proposal of setting up a new Greening, Landscape and Tree Management Section (GLTM Section) mainly aimed to address concerns about public safety aspects of tree management relating to a fatal tree collapse case in Stanley last year, Mrs IP queried the justification of the staffing proposal. She doubted why the Administration had not attached equal importance to other public safety issues, such as increasing the number of lifeguards to improve the safety of swimmers. Given that the frontline tree management work would be undertaken by non-civil service contract (NCSC) staff and through outsourcing, Mrs IP was concerned whether the proposed creation of directorate posts in the policy bureau could effectively enhance the standard of tree management and resolve the existing problem in the tree management work.

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22. Deputy Secretary for Development (Works)1 (DS(W)) responded that the current proposal sought to provide the needed directorate support at the bureau level for policy formulation and effective implementation across departments. Additional manpower resources would also be provided at the departmental level, which would be incorporated in the 2010-11 Estimates of Expenditure under the relevant departments. Training for frontline staff in tree management and greening would be provided to enhance the standard of work. Directorate staff in the new GLTM Section would help the formulation of a holistic policy on greening, landscape and tree management across departments, including the introduction of a risk management approach for tree care, compilation of standards and best practices for compliance by frontline staff (including those employed on contract terms). She took note of Mrs IP's view on the provision of manpower resources to enhance the safety of swimmers and undertook to relay this to the relevant bureau/department.

23. Mrs Regina IP stressed that adequate manpower resources should be provided for frontline tree management work. She asked whether the Administration would critically review the existing mode of operation for frontline tree management, notably the outsourcing arrangement, which had in fact resulted in large number of tree felling.

24. DS(W) reiterated that consideration would be given to allocating additional manpower resources to the executive departments for undertaking greening and tree management work. Regarding Mrs IP's concern about the quality of outsourcing services, DS(W) advised that the Works Branch of the Development Bureau maintained a list of approved landscape contractors. The new GLTM Section would review the technical requirements for outsourcing services in collaboration with the executive departments and would take into account appropriate arrangements for performance management for contractors during the review.

25. Mrs Regina IP and Dr PAN Pey-chyou expressed concern about employing two arborists on NCSC terms in the new GLTM Section. Mrs IP pointed out that civil servants had expressed similar concerns as they found that NCSC staff often had difficulties in running-in with civil servants. Noting that over 80 staff in various departments had acquired the certified arborist status, Mrs IP asked whether the Administration would consider creating a new Arborist grade in the civil service to employ staff with the needed expertise at non-directorate level in the executive departments (such as the Leisure and Cultural Services Department), instead of only engaging arborists on NCSC terms. Dr PAN opined that given the long-term requirement for the two arborist posts, consideration should be to including the posts in the civil service establishment.

26. In response, DS(W) said that to facilitate an assessment of the long-term need for a dedicated Arborist grade and to tap on external expertise in arboriculture in the meantime, the Administration would engage arborists on NCSC terms in the first instance. The Administration would review the situation and the need for creating a new Arborist grade in the civil service in three years' time. DS(W) also advised that about 40 more staff within the Government had acquired certified

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arborist status in recent months, increasing the total number to about 120. This demonstrated the commitment of staff to quality tree management work. Responding to Dr PAN's concern about the provision of adequate manpower and training to improve frontline tree management work, DS(W) said that necessary manpower would be provided for frontline work. To facilitate performance of duties to a good standard at different levels, the Administration would provide training in tree management for managerial, supervisory and frontline staff, and work in collaboration with relevant institutions to enhance the provision of related education and training courses.

27. Mr WONG Sing-chi remarked that while Members belonging to DP supported the staffing proposal, they were of the view that holders of the proposed directorate posts should work in collaboration with local organizations at the district level, such as the District Councils, so that the actual circumstances and views of the local community could be given due consideration in the formulation of effective tree management policies and strategies. This could facilitate the promotion of an integrated and coordinated approach in tree management, and rectify the current problem of an unclear demarcation of responsibilities among the executive departments. Mr WONG was also concerned about the propriety for the Development Bureau to coordinate and oversee the policy on tree management. Dr PAN Pey-chyau expressed similar concern.

28. DS(W) appreciated the need to engage the local community and organizations in the planning and design work for greening and landscape. Take the example of the Greening Master Plans (GMPs), the Administration had been conducting extensive consultation and public engagement with the District Councils concerned in the course of formulating and implementing the GMPs so as to incorporate the views of the local community on the plan details (such as selection of vegetation species and the planting locations). DS(W) added that the establishment of the new GLTM Section in the Development Bureau would facilitate the identification and incorporation of more greening opportunities in the land use planning and urban design process, as well as in the implementation of works projects. Responding to Mr WONG Sing-chi's concern about handling of public complaints, DS(W) advised that TMO would enhance the existing mechanism for handling complaints via the "1823" hotline to ensure the complaints were assigned to the responsible department under the "integrated approach" for necessary follow-up in a timely manner.

29. Dr Margaret NG remarked that the prevailing tree management policies and strategies were far from satisfactory, as a number of valuable old trees were felled due to ill-health or safety reasons despite the policy objective to preserve trees. Pointing out her personal reservation on the effectiveness of creating directorate posts in improving the management and preservation of trees, Dr NG said that she would support the current proposal on behalf of Members belonging to the Civic Party.

30. Prof Patrick LAU referred to the written submissions from professional organizations, which had expressed support to the proposed establishment of the

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new GLTM Section. Prof LAU highlighted that close coordination among the relevant departments should be improved for the proper planning and implementation of greening and tree management work in the territory. He was of the view that in addition to the GMPs, efforts should be made to facilitate tree planting and landscaping work in developed urban areas, by say, tasking the proposed directorate posts in the new GLTM Section to put in place necessary statutory requirements for private developers to incorporate tree planting proposals in their developments.

31. DS(W) took note of Prof LAU's views and said that the Administration had sought to achieve a greener and more sustainable urban environment for the enjoyment of the entire community through sustained efforts in greening, landscape planning and tree management. Under the GMPs, the Administration had been focusing on the short-term measures to achieve immediate visible results. The new GLTM Section would be able to seek new greening opportunities in the medium and long term through early involvement in the land use planning and urban design processes as well as the planning and design stages for major capital works projects and large-scale comprehensive new development/urban renewal initiatives. Examples would include planting and landscaping works in the central divider of carriageways and along widened pavements.

32. Mr IP Wai-ming said that Members belonging to the Hong Kong Federation of Trade Unions supported the staffing proposal. Mr IP noted with concern the Administration's practice of creating dedicated directorate posts to oversee policies or initiatives arising from incidents which had attracted wide public concerns or invited strong criticisms. Mr IP queried whether the directorate staffing proposals had been put forward after thorough examination of the existing workflow and distribution of responsibilities, with a view to identifying alternatives to absorb the additional workload arising from the new initiatives. Mr IP was of the view that instead of creating two directorate posts to head the new GLTM Section and the TMO, the responsibilities of the posts should be reshuffled and the organizational structure simplified so that only one directorate post would be created.

33. The Deputy Secretary for the Civil Service (DS(CS)) stressed that the Administration had all along exercised prudence in monitoring the size of the directorate establishment. The total directorate establishment had been reduced compared with the level in 2002. A rigorous vetting system was in place to scrutinize proposals relating to the directorate establishment. The relevant bureaux and departments had to explore alternatives such as redeployment of existing staff and/or re-organization of work before seeking additional manpower. Each proposal for the creation of directorate posts had to be vetted by the relevant policy bureau, and also the Civil Service Bureau and the Financial Services and the Treasury Bureau, before being submitted to the Legislative Council for consideration. Independent advisory bodies on civil service salaries and conditions of service were also consulted on the appropriate grading and ranking of the proposed posts where necessary. Due to the new and unique tasks to be handled by the proposed posts and the diverse expertise required which was not necessarily confined to existing civil service grades, the Administration considered

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the creation of new grades and ranks for Principal Assistant Secretary of GLTM Section (PAS/GLTMS) and H/TMO appropriate. At the request of Mr IP Wai-ming, DS(CS) undertook to provide information on the number of permanent and supernumerary directorate posts created in the past year before the relevant FC meeting.

34. DS(W) supplemented that PAS/GLTM and H/TMO would be responsible for greening, landscape and tree management work at different levels. PAS/GLTM would spearhead the formulation and implementation of policies and initiatives on greening, landscape and tree management and ensure seamless integration in those areas of work through effective coordination among relevant departments. H/TMO would focus on the implementation of tree risk assessment, formulation and promulgation of standards and guidelines as well as staff training, so as to improve the quality of tree management.

35. The item was voted on and endorsed. Mrs Regina IP requested that this item be voted on separately at the relevant FC meeting.

36. The Subcommittee was adjourned at 10:34 am.

Council Business Division 1
Legislative Council Secretariat
6 January 2010