

立法會
Legislative Council

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seen by the Administration)

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Establishment Subcommittee of the Finance Committee

Minutes of the 5th meeting
held in Conference Room A of Legislative Council Building
on Wednesday, 28 April 2010, at 8:30 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 Mrs Regina IP LAU Suk-yee, GBS, JP
Dr Hon PAN Pey-chyou

Member absent:

Hon IP Wai-ming, MH

Public Officers attending:

Ms Alice LAU, JP

Mrs Ingrid YEUNG, JP

Mr John C Y LEUNG, JP

Deputy Secretary for Financial Services and
the Treasury (Treasury)

Deputy Secretary for the Civil Service

Deputy Secretary for Financial Services and
the Treasury (Financial Services)³

Ms Ada CHUNG, JP Ms Selene TSOI	Registrar of Companies Principal Assistant Secretary for Financial Services and the Treasury (Financial Services) 4
Mr YAU Shing-mu, JP Ms Maisie CHENG Mei-sze, JP	Under Secretary for Transport and Housing Deputy Secretary for Transport and Housing (Transport)1
Mr WAI Chi-sing, JP Mr Raymond YOUNG Lap-moon, JP Miss Cathy CHU Man-ling, JP	Director of Highways Permanent Secretary for Home Affairs Deputy Secretary for Home Affairs (West Kowloon Cultural District)
Mr Danny LAU Kam-chuen	Principal Assistant Secretary for Home Affairs (West Kowloon Cultural District)
Mr Joseph LAI Yee-tak, JP Ms Carolina YIP Lai-ching, JP	Commissioner for Transport Deputy Commissioner for Transport (Transport Services and Management)

Clerk in attendance:

Mr WONG Siu-yee	Chief Council Secretary (1)4 (Acting)
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Staff in attendance:

Mr Simon CHEUNG Ms Alice CHEUNG Ms Clara LO	Council Secretary (1)7 Senior Legislative Assistant (1)1 Legislative Assistant (1)3
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The Chairman drew members' attention to an information paper (ECI(2010-11)1) provided by the Administration, which set out the latest changes in respect of the directorate establishment approved since 2002.

EC(2010-11)1 **Proposed retention of three supernumerary posts of one Administrative Officer Staff Grade B (D3) from 1 April 2011 to 31 July 2012 and one Administrative Officer Staff Grade C (D2) from 9 October 2010 to 30 June 2013 in the Financial Services Branch of Government Secretariat: Financial Services and the Treasury Bureau and one Deputy Principal Solicitor (DL2)/non-civil service position at DL2-equivalent from 16 October 2010 to 30 June 2013 in the Companies Registry to cope with the additional workload arising from the rewrite of the Companies Ordinance and other reviews**

2. The Chairman informed the meeting that the Panel on Financial Affairs had been consulted on the staffing proposals at its meeting on 8 April 2010. While the

Panel generally supported the Administration's proposals, some Panel members queried the need to retain these supernumerary posts, since the busiest period for the Companies Ordinance rewrite exercise should have already passed. Some Panel members also enquired about the reasons for a consultant to be engaged for the rewrite of the Companies Ordinance. The Administration advised the Panel that the workload arising from the preparation of the Companies Bill would continue to be heavy. Besides, the two directorate grade officers of the Financial Services and Treasury Bureau would also be engaged in reviewing the Trustee Ordinance as well as the legislative proposals on the corporate rescue procedure. Panel members urged the Administration to speed up the preparation of the Companies Bill so that the legislative process could be completed before the end of the current term of the Legislative Council (LegCo) in mid-2012.

Tight work schedule of the Companies Bill

3. Dr Margaret NG expressed grave concern about the Administration's slow progress in the rewrite of the Companies Ordinance, and enquired whether the Administration had a time-table for preparing the Companies Bill. She urged the Administration to be mindful of the tight schedule given the length and complexity of the Companies Bill.

4. Deputy Secretary for Financial Services and the Treasury (Financial Services)3 (DS(FS)3) advised that the Administration's plan was to introduce the Companies Bill into LegCo before the end of 2010. To this end, the Administration was conducting public consultation on the draft provisions in two phases. The first phase, launched in December 2009, had been completed in March 2010. At present, the Administration was studying the views collected. The second phase, which would last for three months, would be launched in May 2010. He noted members' concerns about the tight schedule and assured that the Administration would make all possible efforts to introduce the Companies Bill into LegCo in time after collating the responses from different sectors in the public consultation exercise.

Corporate rescue

5. Ms LI Fung-ying said that when the corporate rescue proposal was put forward in the past, there were controversies over the proposal especially among the labour sector. She had doubts about the feasibility of the proposal in Hong Kong given that many local enterprises were of small and medium size. If the Administration eventually decided not to pursue the corporate rescue procedure, the Administration should immediately delete the relevant posts to avoid wasting public money.

6. DS(FS)3 advised that the Administration's plan was to introduce a statutory corporate rescue procedure. It would complete analysis of the responses collected from the public consultation exercise by June/July 2010, and then revert to the Panel on Financial Affairs with the legislative proposal. The Administration aimed to introduce the bill into LegCo in mid-2011 for enactment before July 2012. He

clarified that the work on the corporate rescue procedure only accounted for 10% to 20% of the workload of one of the three posts, namely, the Administrative Officer Staff Grade B post. The post had a very heavy workload even without the corporate rescue work.

7. The item was voted on. Ms LI Fung-ying abstained from voting. The Subcommittee agreed to recommend the item to the Finance Committee (FC) for approval.

EC(2010-11)2 Proposed retention of two supernumerary posts of one Principal Government Engineer (D3) and one Chief Engineer (D1); and extension of the redeployment of one permanent post of Chief Engineer (D1) of the Major Works Project Management Office; for a period of four years from 1 July 2010 to 30 June 2014 in the Hong Kong-Zhuhai-Macao Bridge Hong Kong Project Management Office of the Highways Department to sustain the implementation of the Hong Kong-Zhuhai-Macao Bridge and related highway infrastructure projects

8. The Chairman informed the meeting that the Panel on Transport was consulted on the staffing proposals at its meeting on 30 March 2010, and agreed that the staffing proposals should be considered by the Establishment Subcommittee. Some Panel members requested the Administration to provide details concerning the division of labour between the three Chief Engineers in the Hong Kong-Zhuhai-Macao Bridge Hong Kong Management Office. Some other Panel members invited the Administration to provide additional information on how the posts, if retained, could help step up public consultation so that the concerns of the general public and environmental groups could be better attended to.

9. Ir Dr Raymond HO enquired about the Administration's staffing plan if the Hong Kong-Zhuhai-Macao Bridge and related highway infrastructure projects could not be completed within the four-year time frame. Under Secretary for Transport and Housing advised that the Bridge was planned for completion in 2016, and the Administration would review the staffing position in three years' time to ascertain whether there was a need to further extend these supernumerary posts.

10. The item was voted on. The Subcommittee agreed to recommend the item to FC for approval.

EC(2010-11)3 Proposed creation of two supernumerary posts of one Principal Government Engineer (D3) and one Administrative Officer Staff Grade C (D2) in Home Affairs Bureau of the Government Secretariat with effect from 1 July 2010 up to 31 March 2015 to monitor the implementation of the West Kowloon Cultural District project and coordinate the related interface issues

11. The Chairman informed the meeting that the Administration had consulted the Panel on Home Affairs on the staffing proposal on 17 March 2010. Panel members in general supported the proposal and believed that these posts could help to better coordinate the hardware and software development of the West Kowloon Cultural District (WKCD). As regards the concerns of some Panel members about the appointment of officers to the posts, the Administration assured the Panel that in filling these posts, due consideration would be given to the candidates' ability and competence, such as whether they possessed relevant experience in coordinating large-scale capital works projects and public administration.

The post of Principal Government Engineer

12. Given the extensive scope of the engineering discipline, Mrs Regina IP enquired about the professional qualifications of the candidates required for filling the post of Principal Government Engineer (PGE). Since WKCD was intended to be a world-class arts and cultural district, she shared the view of the information technology (IT) sector that WKCD should be backed up by the latest IT technologies such as Radio Frequency Identification (RFID), so that WKCD could operate in a highly creative, interesting and interactive manner, providing each visitor to WKCD with an enlightening experience. She asked whether the Administration could identify suitable candidates within the civil service for this important post, and how it would respond to the views of the IT sector. Prof Patrick LAU suggested that candidates for this position should not be confined to those with engineering backgrounds and existing Government staff. Other candidates with relevant experience, such as architects, should also be considered.

13. Permanent Secretary for Home Affairs (PSHA) advised that the Administration intended to deploy from within the Government an experienced civil engineer with rich experience in coordinating large scale public works projects for the post. The Administration considered such an arrangement appropriate, given that WKCD involved a large number of civil engineering works. He assured that the West Kowloon Cultural District Authority (WKCDA) would duly consult the arts and cultural and the engineering sectors, as well as the general public, for their views on WKCD development and the application of the latest IT and other technologies in WKCD's facilities like museums and theatres. Deputy Secretary for Home Affairs (West Kowloon Cultural District) supplemented that the Project Delivery Executive Director of the WKCDA, who would be in post in May 2010, would work closely with the PGE in overseeing the planning, construction, and management of the WKCD project including IT developments. WKCDA was aware of the importance of applying cutting-edge IT technologies in the

development as voiced out by the public during the Stage 1 Public Engagement exercise. As regards Prof LAU's enquiry on whether the Administration should consider engaging someone outside of the civil service for the PGE post, PSHA explained that the PGE would be required to work closely with various government bureaux and departments in managing and coordinating complicated engineering and infrastructure works in WKCD and their interface with government infrastructure projects in the vicinity. The Administration therefore considered that an engineering professional from the civil service with abundant experience in monitoring public works projects would be more suitable. Ir Dr Raymond HO said that while he had no strong views on whether the PGE should be recruited from outside of the civil service, the appointment procedure should be fair and transparent. It was a common practice to assign a civil engineer to steer the development of major infrastructure projects and handle the huge number of project contracts. In this respect, he urged the Administration to exercise utmost care to minimise possible claims for compensation from contractors.

The post of Administrative Officer Staff Grade C

14. Noting that WKCD would employ its own staff to oversee the planning, development and management of WKCD, Mrs Regina IP opined that it would not be necessary to create the Administrative Officer Staff Grade C post to avoid duplicating the work of WKCD. She asked whether the post-holder would also be responsible for resources allocation. Prof Patrick LAU also asked whether there would be open recruitment for filling the post.

15. PSHA advised that in view of the strong public interest in WKCD, it was necessary for the Administration to deploy an experienced officer with good public administration experience to monitor the work of WKCD in areas such as programme development, implementation of mode of governance, venue hiring policies, accessibility to the public, collaboration with the arts and cultural sectors and public consultation. The proposed supernumerary post would also coordinate WKCD's work in software development, such as building audience, training of manpower, etc. for better interface with the work done by the Government and concerned arts and cultural organizations to avoid duplication of resources and unhealthy competition. As a statutory body, WKCD would gradually develop its own governance and operate under autonomy. The proposed supernumerary post would therefore only last for five years. He assured members that the office bearer would not interfere with the creative work of artists and artistic and programming directions of WKCD. While expressing support for the creation of the post, Prof Patrick LAU said that he objected to the method of filling the posts.

16. The item was voted on. Mrs Regina IP and Prof Patrick LAU abstained from voting. The Subcommittee agreed to recommend the item to FC for approval.

EC(2010-11)4 Proposed creation of one permanent post of Principal Transport Officer (D1) in the Bus and Railway Branch of the Transport Department to cope with the increasing complexity of inter-modal coordination

17. The Chairman advised that the Administration had consulted the Panel on Transport on the staffing proposal at its meeting on 26 February 2010. In general, Panel members were concerned about the diminishing workload of the proposed post given the gradual completion of the existing railway projects, and one member suggested that the proposed post should be created on a supernumerary basis. The Administration had advised that the proposed Principal Transport Officer (PTO) post was required to relieve the heavy workload of the Bus and Railway Branch of the Transport Department (TD) in overseeing railway operations. As the focus of work gradually shifted from railway planning to monitoring, the workload of the proposed post would continue to be heavy. In this connection, Panel members requested the Administration to provide a detailed job description for the proposed PTO post.

18. Ms LI Fung-ying expressed concern that the responsibilities of the new PTO, i.e. PTO/Railway Planning and Service Monitoring in the Railway Planning Division, might overlap with those of the existing PTO in the Railway Monitoring Division. She was also concerned how the new PTO could help step up communication with the staff side of the transport companies, so as to better regulate the working hours and rest intervals of drivers and other frontline workers.

19. Commissioner for Transport advised that there would be different schedules of responsibilities for the two PTOs. The existing PTO of the Railway Monitoring Division would look after railways completed before 2014 and non-railway services such as the franchised bus services of Long Win, Citybus (Airport Network) and New Lantao bus companies. The new PTO would undertake the planning, construction and monitoring of the railway services coming on stream after 2014. He further explained that chief engineers of TD's Planning Branch would only be engaged in technical areas, and could not therefore be deployed to ease the burden of the proposed PTO in railway planning. Deputy Commissioner for Transport assured members that TD would continue to consult frontline workers of transport companies on the relevant issues. TD would meet trade unions regularly to exchange views with them on subjects including the working hours and rest intervals of drivers. As recently reported to the Panel on Transport, TD had been discussing with the bus companies the working hours of drivers. The existing post of PTO/Bus and Railway 1 was the subject officer in this area of work. As for the consultation work arising from new railways, the office bearer of the proposed post of PTO/Railway Planning and Service Monitoring would be the subject officer.

20. The item was voted on. The Subcommittee agreed to recommend the item to FC for approval.

Action

21. The meeting was adjourned at 9:25 am.

Council Business Division 1
Legislative Council Secretariat
13 May 2010