

**立法會**  
***Legislative Council***

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**Establishment Subcommittee of the Finance Committee  
of the Legislative Council**

**Minutes of the 10<sup>th</sup> meeting  
held at the Legislative Council Chamber  
on Wednesday, 10 May 2000, at 10:45 am**

**Members present:**

Dr Hon Philip WONG Yu-hong (Chairman)  
Hon NG Leung-sing (Deputy Chairman)  
Ir Dr Hon Raymond HO Chung-tai, JP  
Hon Margaret NG  
Hon Mrs Selina CHOW LIANG Shuk-ye, JP  
Hon MA Fung-kwok  
Hon CHEUNG Man-kwong  
Dr Hon LEONG Che-hung, JP  
Hon Jasper TSANG Yok-sing, JP  
Hon Howard YOUNG, JP  
Hon Emily LAU Wai-hing, JP  
Hon CHOY So-yuk  
Hon SZETO Wah

**Members absent:**

Hon Michael HO Mun-ka  
Dr Hon David LI Kwok-po, JP  
Hon CHAN Kwok-keung  
Hon Bernard CHAN  
Hon CHAN Wing-chan  
Hon Andrew WONG Wang-fat, JP  
Hon YEUNG Yiu-chung

**Public officers attending:**

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|-------------------------|---|
| Mrs Carrie LAM, JP      | Deputy Secretary for the Treasury (1)   |
| Mr D W PESCOD, JP       | Deputy Secretary for the Civil Service  |
| Mr CHAU Tak-hay, JP     | Secretary for Trade and Industry  |
| Miss Yvonne CHOI, JP    | Deputy Secretary for Trade and Industry (1)   |
| Mr Kenneth MAK          | Deputy Secretary for Trade and Industry (2)   |
| Mr Francis HO, JP       | Director-General of Industry  |
| Mr Joshua LAW, JP       | Director-General of Trade   |
| Mr M J T ROWSE, JP      | Commissioner for Tourism/<br>Director, Business and Services<br>Promotion Unit          |
| Miss Rachel CHAN        | Principal Assistant Secretary for Economic<br>Services                                  |
| Mr Allan CHIANG, JP     | Deputy Postmaster General   |
| Mr Steve BARCLAY        | Principal Assistant Secretary for the<br>Environment and Food                           |
| Mr LEUNG Cham-tim, JP   | Director of Electrical and Mechanical<br>Services                                       |
| Mr LAM Kam-kuen         | Chief Engineer (Energy Efficiency),<br>Electrical and Mechanical Services<br>Department |
| Mr Patrick HO           | Principal Assistant Secretary for Transport   |
| Dr Dorothy CHAN, JP     | Deputy Commissioner for Transport   |
| Mr Robert ALLCOCK, BBS  | Solicitor General   |
| Mrs Pamela TAN, JP      | Director of Administration and Development,<br>Department of Justice                    |
| Mr Peter H K CHEUNG, JP | Deputy Director (Administration),<br>Department of Justice                              |
| Mr Martin GLASS, JP     | Deputy Secretary for the Treasury (2)   |
| Miss Angela LUK         | Principal Assistant Secretary for Health and<br>Welfare                                 |
| Dr Paul SAW, JP         | Deputy Director of Health   |
| Mrs Kathryn WONG        | Assistant Director of Health  |

**Clerk in attendance:**

|             |                                |
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| Mr Andy LAU | Chief Assistant Secretary (1)2 |
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**Staff in attendance:**

Ms Pauline NG  
Mrs Eleanor LAM

Assistant Secretary General 1  
Senior Assistant Secretary (1)2

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**EC(2000-01)3 Proposed reorganization of trade and industry group of departments with effect from 1 July 2000 in order to establish an institutional framework for promoting innovation and technology, attracting external direct investment and improving services to industry and commerce**

The item was voted on and endorsed by the Subcommittee.

**EC(2000-01)1 Proposed creation of one Chief Controller of Posts (D1) in the Hong Kong Post Office to be offset by the deletion of one permanent post of Senior Controller of Posts (MPS 45 - 49) to oversee liaison with the Mainland and international postal authorities and be responsible for developing and promoting the international letter and parcel services**

2. The item was voted on and endorsed by the Subcommittee.

**EC(2000-01)2 Proposed creation of one permanent post of Chief Building Services Engineer (D1) in the Electrical and Mechanical Services Department to head a new division under the Energy Efficiency Office to promote the wider use of Water-cooled Air Conditioning Systems**

3. The item was voted on and endorsed by the Subcommittee.

4. Miss Emily LAU informed the Chairman that due to the overrunning of a meeting of the Public Accounts Committee, she was not able to put her questions on item EC(2000-01)3 regarding the proposed reorganization of trade and industry group of departments. As she was not a member of the Trade and Industry Panel, she was not able to ask questions on the paper when the proposal was discussed at the Panel meeting on 3 April 2000. She therefore would forward her questions in writing to the Administration after the meeting and

requested the Administration to provide the answers before the proposal was considered by the Finance Committee.

*(Post meeting note : Miss Emily LAU requested that the item on EC(2000-01)3 be voted on separately from other ESC items at the relevant Finance Committee meeting).*

5. As the proceeding of the meeting was well ahead of schedule, the Chairman suspended the meeting at 10:50 a.m. to wait for the arrival of the second batch of public officers to answer questions for the remaining items.

6. The meeting resumed at 11:00 a.m. Upon resumption of the meeting, Dr Hon LEONG Che-hung raised a general question in respect of the staffing proposals from the Administration. He commented that the Administration had put in place a series of measures to reduce the size of the Civil Service but, at the same time, proposed the creation of new posts at the directorate level. He questioned the inconsistency of Government's policies and asked how a balance could be achieved in this regard.

7. The Deputy Secretary for the Civil Service (DS(CS)) assured members that all the posts put before the Establishment Subcommittee had been carefully scrutinized by the Finance Bureau and the Civil Service Bureau to ensure that they were fully justified. These proposal also had the support of the Standing Committee on Directorate Salaries and Conditions of Service which reviewed the need of the posts and the appropriateness of the proposed ranking. Regarding Government's commitment to contain the size of the Civil Service, DS(CS) assured members that steps were being taken progressively to address this issue in the most appropriate manner, including the implementation of the Civil Service Voluntary Retirement Scheme.

**EC(2000-01)4 Proposed creation of one supernumerary post of Principal Transport Officer (D1) in the Ferry and Paratransit Branch of the Transport Department for a period of three years to strengthen the directorate support in view of the increasing complexity and volume of works relating particularly to taxis and ferries**

8. The item was voted on and endorsed by the Subcommittee.

**EC(2000-01)5 Proposed creation of one consultancy position at DL4 level in the Secretary for Justice's Office for a period of two years from 7 September 2000 to 6 September 2002 and redeployment of one permanent post of Principal Government Counsel (DL3) from the Secretary for Justice's Office to Legal Policy Division and revision of the responsibilities of one permanent post of Principal Government Counsel (DL3) in the Legal Policy Division to cope with the constitutional and legislative issues faced by the Department of Justice**

9. Miss Margaret NG advised that the staffing proposal was discussed at a meeting of the Panel on Administration of Justice and Legal Services held in April but the Panel had not taken a position on the paper.

10. On the proposed creation of a consultancy position at DL4 level in the Secretary for Justice's Office (SJO), Miss Margaret NG remarked that whilst she agreed that the level of remuneration for the legal profession should be comparable with seniority and experience, she considered it unacceptable to link the level of remuneration of the consultancy position with that of the Legal Adviser of the Legislative Council (LegCo).

11. The Solicitor General (SG) said that although the paper did refer to the post of Legal Adviser of LegCo, which was pitched at DL5 level, the Administration had no intention whatsoever to suggest that the consultancy position should be pitched at the same level. He also agreed with the member that the tasks of the two posts were not identical, and the Legal Adviser of LegCo was only quoted as a reference.

12. Miss Emily LAU also enquired whether the comparison as set out in the paper in terms of variation in remuneration and similarity in job nature between the two posts was intended to create the impression that the consultancy position would be required to perform duties which were less onerous and the level of responsibility not as heavy as the Legal Adviser of LegCo.

13. In reply, SG clarified that it was not the intention of the Administration to create any impression on the relative responsibilities of the two posts but accepted that there were differences between the two. In response to Miss Margaret NG's request, he agreed to withdraw all references in the paper to the linkage between the two positions but stressed that their functions had some similarity, as both were involved in advising on legislative procedures and the Basic Law.

14. Miss Emily LAU commented that the justification put forward by the Administration for extending the consultancy position to work on issues relating

to the working relationship between the executive and the legislature seemed to suggest that the issue could be dragged on for another two years. In this respect, she expressed her dissatisfaction over the slow progress in addressing the difference in opinions over the implementation of Articles 48(10) and 74 of the Basic Law. She also considered it unacceptable to allow the issue to drag on and extend the consultancy position just on the grounds that the issue had not been resolved.

15. SG said that it would take at least two years for issues relating to the proper roles of the legislature and executive under the New Constitutional Order to be thoroughly explored and researched. In this connection, the consultant would make every effort to resolve the matter within two years' time. He stressed that the incumbent was not simply given the task to resolve conflicts between the executive and the legislature but also to handle other Basic Law issues such as the amendment mechanism which needed to be taken forward in a constructive and a co-operative manner.

16. Noting the Administration's reply, Miss LAU remarked that the Administration had already spent over one year on the mechanism for amending the Basic Law. She found it unacceptable that another two years had to be spent on the subject. This gave the impression the Administration had no sincerity to resolve the problem which had been dragging on for far too long. Given that the Administration had failed to achieve progress in these areas of work, she had reservation on the proposed extension of the consultancy position.

17. SG rebutted the accusation of the lack of sincerity and reiterated the consultant had in fact assisted in resolving some of the issues. However, given the scope of the issues, at least two years would be needed to consider all the issues which included, but were not limited to, the implementation of Article 74 and the mechanism for amending the Basic Law.

18. Regarding the proposed creation of a permanent Deputy Solicitor General post, Miss Margaret NG enquired whether the proposal was related to the prolonged vacancy position of the Solicitor General (SG) post. The Deputy Director (Administration), Department of Justice advised that the proposed redeployment of a DL3 post from SJO to the Legal Policy Division would not affect the SG post. Presently, the vacant post of SG was filled by a DL3 officer on an acting basis which was the normal arrangement for post not filled substantively.

19. Noting that the vacant post of SG was filled by acting appointment since 1998, Miss Margaret NG and Miss Emily LAU opined that the arrangement was highly unsatisfactory. They enquired about the steps taken or to be taken by the Administration to fill the post substantively. In response, the Director of Administration and Development, Department of Justice (DAD, D of J) said that the acting appointment was intended to be a temporary arrangement

and that active actions were in hand to filling the post on a substantive basis.

20. As regards the steps normally taken to fill a vacant post, DS(CS) briefly outlined the mechanisms by which vacancies could be filled: by promotion or by recruitment. The decision as to which approach should be used would have regard to all relevant factors. In the former case, a promotion exercise would be conducted to consider all eligible candidates both within the Department and if applicable outside the Department. The result would then be submitted to the Public Service Commission for consideration. In the latter case, the post could either be recruited internally or externally. The two could be carried out jointly or separately, followed by a submission to the Public Service Commission. He said that irrespective of which method was taken, there were established procedures to follow which would take time to complete. Hence before a substantive appointment was made, the normal arrangement was to allow the vacant post to be filled on an acting basis. The duration of the acting period could vary from a few days to months depending on the situation of the particular post. If the recruitment exercise was unsuccessful, it might be necessary to go through the whole process again. As to whether the SG post would be filled by internal promotion, in-house or external recruitment, DAD, D of J advised that the Administration was still working on the subject matter and a decision would be made.

21. Members were not convinced by the Administration's reply and opined that the issue had been dragged on for too long. In view of members' concern about how the SG post would be filled substantively, Miss Margaret NG, Chairman of the Panel on Administration of Justice and Legal Services, said that she would follow up the issue at the Panel.

22. On the work of Deputy Solicitor General (Constitutional)(DSG( C)), Miss Margaret NG noted that part of the work was in relation to Article 23 of the Basic Law. She enquired about the progress and the work expected to do in the future. SG said that a lot of work had been done in the past on comparative law materials in relation to offences listed in Article 23. DSG(C) was currently working actively with the Security Bureau with a view to issuing a public consultation paper on the subject matter.

23. As to whether the related work arising from Article 23 of the Basic Law would be entrusted to the Law Reform Commission, SG advised that the Administration had considered the matter, and concluded that as the subject matter might involve a number of policy issues, the Security Bureau should take the lead in the process. On the time-table of the public consultation, SG said that it was difficult to give a specific time-frame as the Security Bureau had only started work recently. He assured members that the issues were being actively discussed.

24. The item was voted on and endorsed by the Subcommittee. Miss Emily LAU recorded her reservation on this item.

**EC(2000-01)6 Proposed creation of one supernumerary post of Administrative Officer Staff Grade C(D2) in the Finance Bureau of Government Secretariat for a period of two years to head a dedicated secretariat to service both the Task Force to review Public Finances and the Advisory Committee on New Broad-based Taxes**

25. The item was voted on and endorsed by the Subcommittee.

**EC(2000-01)7 Proposed creation of two permanent posts of one Consultant (D4/D3/D2) and one Principal Medical and Health Officer (D1) in the Department of Health to provide necessary directorate support to enhance its disease surveillance and control programmes**

26. Mr CHEUNG Man-kwong raised a question on behalf of Mr Michael HO Man-ka. He asked if it was appropriate from a financial point of view for the Department of Health to seek additional funds to create a Consultant Post at D4 level and a Principal Medical Officer post at D1 level when the Department also had the responsibility to reduce public expenditure. The Deputy Director of Health (DD of Health) said that the Department had tried to manage their resources prudently and would introduce various measures to achieve its targets under the Enhanced Productivity Programme. The two proposed posts however were required for undertaking specific functions and responsibilities.

27. Miss Emily LAU noted that the work of the new posts were related to health education and prevention of diseases, but she did not find any specific functions on their duty lists which were related to education of children. She enquired how the new posts would contribute towards the implementation of the related programmes. DD of Health confirmed that the Department had all along been involved in the education of children in school in terms of their living habits as that would have an impact on non-communicable diseases such as heart disease. He agreed with Miss LAU that preventive work should start at schools. Children needed be educated in terms of their diet, nutrition and activities. At present, this education work was done during children's attendances at the annual examination under the school health scheme and with the schools and parents through information letters. The proposed Consultant post for non-communicable disease would give priority to activities in enhancing the prevention of heart disease.

28. Miss Emily LAU pointed out that there was nothing in the paper about the specific work which the Consultant should do in this respect, in particular whether the health education could also be done through the design of the curriculum. DD of Health advised that not all detailed work could be set out in the paper, but he reassured the member that the Department of Health had always been involved in health education for children and was also sitting on the Curriculum Committee of the Education Department. Miss LAU requested the Administration to provide the detail on the work which the Department of Health had done or would do after the meeting.

29. The item was voted on and endorsed by the Subcommittee.

30. The Subcommittee was adjourned at 11:30 am.

Legislative Council Secretariat

7 June 2000