

Bureau Serial No.

CSO 001

Question Serial No.

0458

Examination of draft Estimates of Expenditure 2000-01
**CONTROLLING OFFICER'S REPLY TO
WRITTEN/SUPPLEMENTARY WRITTEN QUESTION**

Head : 142 – Government Secretariat: Offices of the Chief Secretary for Administration and the Financial Secretary

Subhead (No. & title) : 108 Remuneration for special appointments
110 Honoraria for members of committees

Programme : (3) CSO –Administration Wing

Controlling Officer : Director of Administration

Bureau Secretary : Director of Administration

Question :

Please provide the following information concerning the Central Policy Unit:

- (a) regarding the provision of \$13,320,000 for the remuneration of non-civil service appointments, the amount payable for each individual appointment;
- (b) regarding the provision of \$1,376,000 partly for the payment of honoraria to part-time members, the amount payable to each individual member; and
- (c) how the above levels of remuneration are determined.

Asked by : Hon Cheung Man-kwong

Reply :

- (a) The provision of \$13,320,000 is for the remuneration of six non civil-service staff of the Central Policy Unit (CPU). In 2000-01, the provision for the Head, three full-time Members and two Researchers of CPU are \$2,900,000, \$8,330,000 and \$2,090,000 respectively. The provision for the full-time Members for the year has included the requirement for payment of

\$1,900,000 in respect of gratuity.

- (b) A monthly honorarium of \$2,000 is paid to each part-time member of CPU.
- (c) The remuneration of the Head and full-time Members of CPU are comparable to those of D8 and D3 officers in the civil service respectively while the Researchers are drawing remuneration equivalent to Administrative Officers/Senior Administrative Officers at MPS27-49. In addition to salary, the remuneration of these non-civil service appointments also covers the fringe benefits and allowances applicable to comparable ranks in the civil service. Details of the packages are subject to negotiation. As for the part-time members, their appointment is honorary in nature. The monthly honorarium of \$2,000 is offered as a token of appreciation.

Signature _____

Name in block letters Mrs Carrie Yau

Post Title Director of Administration

Date 15 March 2000

Bureau Serial No.

CSO 004

Question Serial No.

0687

Examination of draft Estimates of Expenditure 2000-01
CONTROLLING OFFICER'S REPLY TO
WRITTEN/SUPPLEMENTARY WRITTEN QUESTION

Head 94 Legal Aid Department Sub-head (No. & title) :

Programme : (3) Support Services

Controlling Officer : Director of Legal Aid

Bureau Secretary : Director of Administration

Question : With the introduction of "*Payment to Aided Persons*" as a new indicator in the *Targets* for measuring the department's support services performance, and the considerable rise of cases estimated to be handled by the department in other areas such as Insolvency and Probate services in 2000, how can the department still project that expenditures on support services would be reduced in the coming year?

Asked by : The Honourable Jasper TSANG Yok-shing

Reply : The figure on Insolvency cases for 1999 only covers a period of six months. The estimated rise in this area in 2000 is actually only about 2%. As regards Probate work, it is estimated that there will also be a slight increase.

Further, the procedures for processing Insolvency applications and the payment procedure have been streamlined in recent years. This has made it possible for a Law Clerk post to be deleted through natural wastage under the Enhanced Productivity Program, resulting in a savings of \$200,000.

Therefore, despite an estimate of slight increase in the services in these areas in 2000-01, the expenditures on support services can be reduced for the coming year.

Signature _____

Name in block letters S.Y. CHAN

Post Title Director of Legal Aid

Date 20 March 2000

Bureau Serial No.

CSO 007

Question Serial No.

0745

Examination of draft Estimates of Expenditure 2000-01
**CONTROLLING OFFICER'S REPLY TO
WRITTEN/SUPPLEMENTARY WRITTEN QUESTION**

Head: 176 Subventions: Miscellaneous Subhead 446 Duty Lawyer Service

Programme : -

Controlling Officer : Director of Administration

Bureau Secretary : Director of Administration

Question : What is the provision for the Duty Lawyer Service in 2000-01? Compared with the provisions in 1998-99 and 1999-2000, how much has the amount been increased or decreased? In addition, please provide the number of cases heard in Magistrate's Courts in 1998 and 1999 that were provided with duty lawyer service, along with their classification by nature of cases (e.g. immigration-related offences, thefts, etc.).

Asked by : Hon Cyd HO Sau-lan

Reply : The estimate for the Duty lawyer Service (DLS) in 2000-01 is \$ 104,988,000, which represents an increase of 4.42% over the revised estimate for 1999-2000, i.e. \$100,540,000. Actual expenditure for 1998-99 is \$ 91,877,000, and the revised estimate for 1999 –2000 represents a 9.43% increase over this amount.

The numbers of cases heard in Magistrate's Courts that were provided with duty lawyer service in 1998 and 1999 are 32,154 and 32,973 respectively.

Of the 32,154 cases handled by DLS in 1998, 3,415 cases are immigration-related. The corresponding number for 1999 is 4,900. The rest of the cases handled by the DLS include:-

- (1) Prosecution brought by the Police for the following offences :-
 triad offences,
 assault and wounding,
 theft, burglary, robbery,
 assault/resist police officer,
 indecent assault and sexual offences,
 possession and trafficking of dangerous drugs,
 forgery and coinage offences,
 perverting the course of justice;
- (2) Prosecution brought by the Custom and Excise Department for the following offences:-
 making or dealing with infringing articles,
 possession of sale goods to which a forged trade mark was applied,
 importing or exporting unmanifested cargoes; and
- (3) Prosecution brought by the Independent Commission Against Corruption for bribery and deception offences.

At present, the DLS only keeps statistics on immigration cases. It does not keep statistics on other types of cases by the nature of offences. However, new software is being installed on the computer system of the Service. More detailed statistics on cases will be kept when the new system comes into operation in mid-2000.

Signature _____

Name in block letters MRS. CARRIE YAU

Post Title Director of Administration

Date 18 March 2000

Bureau Serial No.

CSO 002

Question Serial No.

0746

Examination of draft Estimates of Expenditure 2000-01
**CONTROLLING OFFICER'S REPLY TO
WRITTEN/SUPPLEMENTARY WRITTEN QUESTION**

Head: 142 – GS: Offices of the Chief Secretary for Administration and the
Financial Secretary

Subhead (No. & title) :

Programme : (3) CSO –Administration Wing

Controlling Officer : Director of Administration

Bureau Secretary : Director of Administration

Question :

Please provide details of the expenditure on administering and co-ordinating the Justices of the Peace (JP) system in 2000-01. What was the expenditure in this area in 1998 and 1999 respectively?

Asked by : Hon Cyd Ho Sau-lan

Reply :

The administrative support to the JP Scheme is currently provided, on a part-time basis, by 2 Directorate staff at Administrative Officer Staff Grade B and Administrative Officer Staff Grade C levels, 1 Senior Executive Officer, 1 Executive Officer I and 1 Senior Clerical Officer; and, on a full-time basis, by 1 Clerical Officer and 1 Assistant Clerical Officer. The salary cost for these staff for administering and co-ordinating the JP Scheme in 2000-01, 1999-2000 and 1998-99 is estimated at \$1.26 million, \$1.24 million and \$0.97 million respectively. The increase in salary cost over the years is due to the creation of an additional Clerical Officer post in 1999-2000 to strengthen clerical support for administering the JP Scheme. In addition to salary cost, we have also incurred transport cost (about \$0.9 million per year) for the provision of Government transport for JP visits to institutions under the JP visit programme. Furthermore, as a special initiative, we are currently working on a JP Web-site to

facilitate communications between JPs and the Administration. This will amount to an additional one-off expenditure of \$0.15 million in 2000-01.

Signature _____

Name in block letters Mrs Carrie Yau

Post Title Director of Administration

Date 15 March 2000

Bureau Serial No.

CSO 005

Question Serial No.

0878

Examination of draft Estimates of Expenditure 2000-01
CONTROLLING OFFICER'S REPLY TO
WRITTEN/SUPPLEMENTARY WRITTEN QUESTION

Head 94 Legal Aid Department Sub-head (No. & title) :

Programme : (1) Processing of Legal Aid Applications

Controlling Officer : Director of Legal Aid

Bureau Secretary : Director of Administration

Question :

(a) Why did the department estimate that the number of civil and criminal legal aid applications to be processed in 2000 would be less than the actual number of applications processed in 1999 by 10% and what are the reasons?

(b) What assumption has been made by the department in making estimates for the number of legal aid refusals on the grounds of means and merits respectively in 2000?

Asked by : The Honourable Jasper TSANG Yok-shing

Reply :

(a) The year of 1999 saw an exceptional upsurge of legal aid applications. Among the 31578 applications for civil legal aid received in the year, 8130 were made by right of abode claimants. Due to the abnormal growth in the number of applications under that category and the anticipated decrease in the number of applications under that category following the disposal of the right of abode cases now pending in Court, the department has accordingly adopted the figure of 23448 (31578 – 8130) instead of the total number of applications for civil legal aid received in 1999 as the base for preparing the 2000 estimates.

Taking into consideration of the average increase in applications for civil legal aid in the past few years and the possible increase in applications subsequent to the implementation of the proposals under the Legal Aid Policy Review, it is estimated that the number of applications for civil legal aid will be increased to 28000

in 2000.

As for applications for criminal legal aid, there is no decrease in the number of applications estimated to be received in 2000.

- (b) In preparing our forecast of the number of applications to be refused on means and on merits in 2000, the department has assumed, on the basis of experience from previous years, that the growth rate will be similar to that of applications, i.e. around 10%.

Similarly to (a) above, in preparing the forecast of the number of applications to be refused in 2000, the department has not included the figure with regard to right-of-abode related applications in the estimates for the coming year.

Signature _____

Name in block letters S.Y. CHAN

Post Title Director of Legal Aid

Date 20 March 2000

Bureau Serial No.

CSO 003

Question Serial No.

1259

Examination of draft Estimates of Expenditure 2000-01
CONTROLLING OFFICER'S REPLY TO
WRITTEN/SUPPLEMENTARY WRITTEN QUESTION

Head : 142 – Government Secretariat: Offices of the Chief Secretary for Administration and the Financial Secretary

Subhead (No. & title) :

Programme : (3) CSO –Administration Wing

Controlling Officer : Director of Administration

Bureau Secretary : Director of Administration

Question :

In prior years, responses to questions regarding expenditures on consultants and outside contractors have resulted in vague responses such as:

“while we do not anticipate any immediate savings through contracting out services, the employment of contractors permits greater flexibility in varying the number of staff employed on the various types of services according to demand. We anticipate that this will result in savings in costs in the longer term, though it is difficult to quantify these savings.” (11 March 1999 response by the Director of Lands to question on consultants and contractors, Bureau Serial Number PEL173).

This year, there has been \$18,735,000 included in the approved commitments and estimated 1999-2000 expenditures for various consultations by just Government Secretariat: Offices of the Chief Secretary for Administration and the Financial Secretary alone.

In light of the stated difficulty in quantifying savings through contracting out services, what criteria are established to ensure that the government and taxpayers are getting value for money?

<u>Subhead (Code)</u>	<u>Item (Code)</u>	<u>Approved commitment</u> \$'000
700	026	8,735
	028	10,000

Asked by : Hon Christine Loh

Reply :

Rigorous measures are in place to ensure that departments and bureaux engage consultants only where necessary and that the consultancies are conducted in a cost-effective manner. For example, the originating department must satisfy the relevant Policy Secretary that it has a genuine need to engage consultants by confirming that required expertise for the assignment is not available in the department or that qualified staff cannot be made available within the required time frame. For most consultancies, the selection and appointment of the consulting firms must go through open and competitive tendering procedures and be vetted by one of three consultants selection boards. To ensure that the Government obtains value for money, we assess the qualitative as well as price aspects of all bids before selecting a consulting firm.

To facilitate monitoring, bureaux and departments are required to submit reports to the relevant consultants selection board on the performance of the selected consulting firms on a regular basis (i.e. every three or six months) and at the end of the consultancy agreements. Each performance report should comprise an overall assessment of the consultant's performance, together with detailed assessment of each stage or aspect of the assignment. In particular, departments should assess the consultant's performance in relation to the undertakings contained in the proposal submitted by the consultant upon which the selection was based or any performance criteria set at the beginning of the consultancy. Departments should consider issuing warning letters to consultants whose performance has been found unsatisfactory. The consultants selection boards may also consider suspending a consulting firm with repeated adverse reports from bidding for consultancy agreements of similar nature.

As regards the approved commitments of \$18,735,000 for Central Policy Unit to undertake consultancies on social-economic-political development trends in South East Asia and the Mainland, the above guidelines also apply in the monitoring of the concerned consultants' performance. External consultants were commissioned mainly because we did not have the required expertise to undertake the projects.

Signature _____

Name in block letters Mrs Carrie Yau

Post Title Director of Administration

Date 17 March 2000

Bureau Serial No.

CSO 006

Question Serial No.

1340

Examination of draft Estimates of Expenditure 2000-01
CONTROLLING OFFICER'S REPLY TO
WRITTEN/SUPPLEMENTARY WRITTEN QUESTION

Head 94 Legal Aid Department Sub-head (No. & title) :

Programme : (1) Processing of Legal Aid Applications

Controlling Officer : Director of Legal Aid

Bureau Secretary : Director of Administration

Question : Among the applications for civil legal aid, those refused on merits surged by 113%, namely: from 6678 in 1998 to 14231 in 1999. What were the reasons? What categories did these cases belong to? What were the reasons for refusing legal aid on merits?

Asked by : The Honourable Albert HO Chun-yan

Reply : There was a substantial increase in the number of applications for civil legal aid in 1999 as compared to 1998. Accordingly, there was also a corresponding increase in the number of refusals. If the 6700 refusals on merits relating to the right of abode issue were deducted from a total of 14231 in 1999, the actual increase was only 13%.

Figures in the previous year show that the applications for civil legal aid refused on merits accounted for about 30% of the total number of applications. If figures relating to the right of abode cases were excluded, the ratio of refusals on merits in 1999 to the total number of applications in that year was similar to that of the previous year.

The majority of cases were refused for the reason that the applications did not have reasonable grounds for proceedings.

Signature _____

Name in block letters S.Y. CHAN

Post Title Director of Legal Aid

Date 20 March 2000