

津政司的信頭

Letterhead of DEPARTMENT OF JUSTICE

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The Honourable Margaret Ng
Room 116, New Henry House
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Hong Kong

Re-organisation of Municipal Services

With the passage of the Provision of Municipal Services (Re-organisation) Bill yesterday, the Administration will submit to the Establishment Sub-committee (ESC) on Wednesday, 8 December 1999 a staff proposal on the setting up of a new institutional framework to deliver the services hitherto provided by the Provisional Municipal Councils (PMCs).

At present, legal advisory services to the PMCs and USD/RSD are provided in-house by two teams of staff seconded from this Department, each headed by a Deputy Principal Government Counsel (DPGC) (DL2). Following the dissolution of the PMCs and to cope with the demand of the new departments (the proposed Food and Environmental Hygiene Department and Leisure and Cultural Services Department) for legal services, there is a functional need to create one post of DPGC in the Civil Division of this Department to head a legal team. To this end, the staffing proposal to be submitted to the ESC will include a proposal from this Department to create one DPGC post which will be offset by the deletion of the existing two DPGC posts in USD and RSD.

The justification for the proposed DPGC post, together with its duties and responsibilities and the proposed organisation chart of the new team are attached for your information.

You may wish to note that of the two directorate posts to be deleted without replacement in the re-organisation exercise as a whole, one is one of our two DPGC posts. However, no staff surplus is envisaged as the officer who is now occupying the DPGC post to be deleted will be assigned to fill an existing vacancy in the Civil Division.

I hope you will find the above information to be of value. I am copying this letter to Members of the Administration of Justice & Legal Services Panel for their information.

Yours sincerely,

(Mrs Pamela Tan)
Director of Administration and Development
Department of Justice

cc Members of the Administration of Justice & Legal Services Panel

Job Description

Post Title: Senior Assistant Law Officer (Civil Law)(Advisory)

Rank: Deputy Principal Government Counsel (DPGC), DL2

Responsible to: Deputy Law Officer (Civil Law)(Advisory),
Principal Government Counsel (PGC), DL3

Justification:

There is a need for a Senior Assistant Law Officer at DL2 level to be created in the Department of Justice-

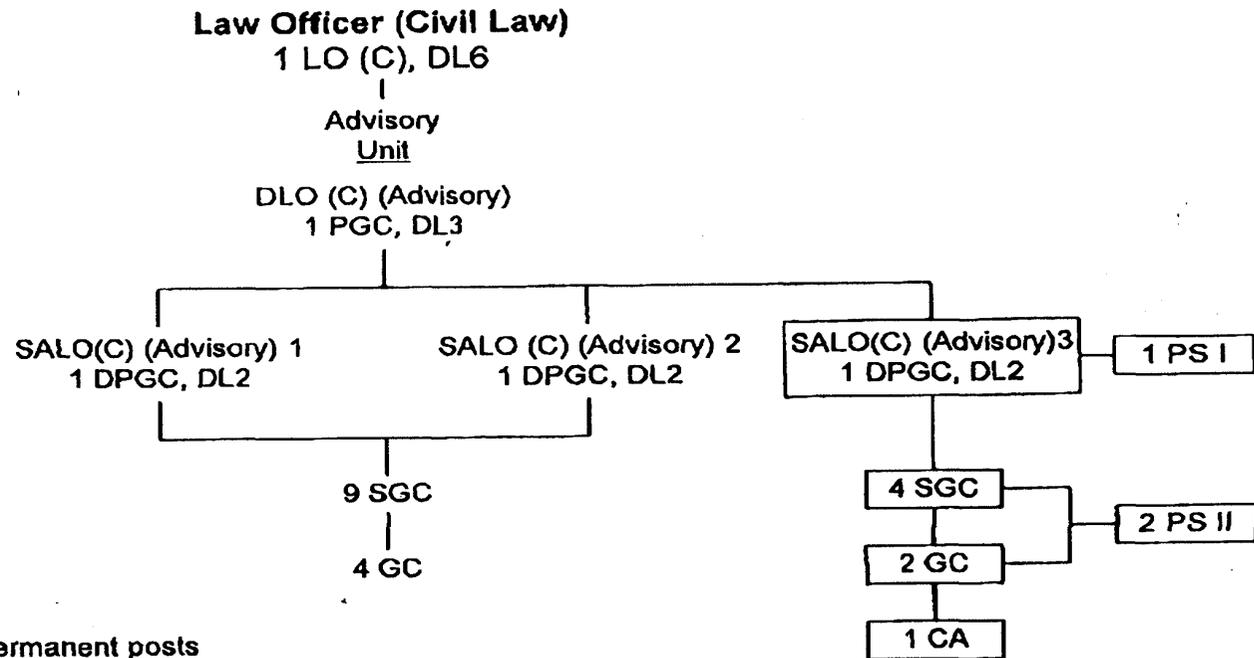
- (a) to head a team comprising four Senior Government Counsel and two Government Counsel, to advise on the preparation of tender documents, commercial contracts, tenancy and licence agreements, entrustment agreements, donation agreements and capital works contracts of the new Leisure and Cultural Services Department (LCSD). Many of these contracts are complicated and involve millions of dollars; and
- (b) to advise on any legal issue on food business licences, Hawker licences and other areas under the purview of the new Food and Environmental Hygiene Department (FEHD).

Duties and Responsibilities:

- (1) To act as legal adviser to the Environment and Food Bureau (EFB), the FEHD and the LCSD and to provide legal input to policy formulation and law enforcement of relevant law under the purview of the bureau and departments.
- (2) To prepare and scrutinize drafting instructions for new legislation and legislative amendment sent to the Law Draftsman and to liaise with the Law Draftsman for final engrossment.

- (3) To give legal advice and support to the EFB, FEHD and LCSD on all matters including -
 - (a) advising on legal issue in connection with food business licences, hawker licences and place of public entertainment licences;
 - (b) advising on preparation of tender documents, commercial contracts, tenancy and licence agreements, entrustment agreements, donation agreements, and capital works contracts;
 - (c) advising on preparation of performance contracts by artists and performance groups from foreign countries;
 - (d) advising on contract negotiations and settling of disputes relating to those contracts mentioned in (b) and (c) above;
 - (e) advising on contract enforcement and litigation concerning contracts in dispute, in particular that of the Hong Kong Stadium; and
 - (f) advising on disciplinary matters, employment contracts and employment disputes.
- (4) To serve as legal adviser to the Liquor Licensing Board in conducting public hearings and to legally represent the department before the Licencing Appeals Board and the Municipal Services Appeals Board.
- (5) To advise on civil claims lodged by or against the departments and to represent the departments in legal proceedings.
- (6) To supervise the professional officers working in the Legal Advisory Unit and to perform any other duties as assigned from time to time by the Law Officer (Civil Law) and the Deputy Law Officer (Civil Law)(Advisory).

Existing and Proposed Organisation Chart of the Advisory Unit Civil Division Department of Justice



Legend : proposed creation of permanent posts

- LO(C) Law Officer (Civil Law)
- PGC Principal Government Counsel
- DPGC Deputy Principal Government Counsel
- SGC Senior Government Counsel
- GC Government Counsel
- PS I/II Personal Secretary I/II
- CA Clerical Assistant
- DLO Deputy Law Officer
- SALO Senior Assistant Law Officer